

109TH CONGRESS
1ST SESSION

H. R. 3402

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 30, 2005

Received

OCTOBER 7 (legislative day, OCTOBER 6), 2005

Read twice and referred to the Committee on the Judiciary

AN ACT

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,*

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

2 (a) **SHORT TITLE.**—This Act may be cited as the
 3 “Department of Justice Appropriations Authorization Act,
 4 Fiscal Years 2006 through 2009”.

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

Sec. 1. Short title; table of contents.

TITLE I—AUTHORIZATION OF APPROPRIATIONS

- Sec. 101. Authorization of appropriations for fiscal year 2006.
- Sec. 102. Authorization of appropriations for fiscal year 2007.
- Sec. 103. Authorization of appropriations for fiscal year 2008.
- Sec. 104. Authorization of appropriations for fiscal year 2009.
- Sec. 105. Organized retail theft.
- Sec. 106. United States-Mexico Border Violence Task Force.
- Sec. 107. National Gang Intelligence Center.

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.
- Sec. 226. Grants for young witness assistance.

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.
- Sec. 235. Enhanced residential substance abuse treatment program for State prisoners.

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.
- Sec. 259. Reauthorization of matching grant program for school security.

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. Public employee uniforms.
- Sec. 322. Officially approved postage.
- Sec. 323. Authorization of additional appropriations.
- Sec. 324. Assistance to courts.
- Sec. 325. Study and report on correlation between substance abuse and domestic violence at domestic violence shelters.
- Sec. 326. Reauthorization of State criminal alien assistance program.

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. Prohibiting abusers from sponsoring family immigrants.
- Sec. 941. 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 XI—PUBLIC AWARENESS CAMPAIGN REGARDING DOMESTIC VIOLENCE AGAINST PREGNANT WOMEN

- Sec. 1101. Public awareness campaign.

1 **TITLE I—AUTHORIZATION OF** 2 **APPROPRIATIONS**

3 **SEC. 101. AUTHORIZATION OF APPROPRIATIONS FOR FIS-** 4 **CAL YEAR 2006.**

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

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

12 (2) ADMINISTRATIVE REVIEW AND APPEALS.—
13 For Administrative Review and Appeals:

1 \$216,286,000 for administration of clemency peti-
2 tions and for immigration-related activities.

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

7 (4) GENERAL LEGAL ACTIVITIES.—For General
8 Legal Activities: \$679,661,000, which shall in-
9 clude—

10 (A) not less than \$4,000,000 for the inves-
11 tigation and prosecution of denaturalization and
12 deportation cases involving alleged Nazi war
13 criminals;

14 (B) not less than \$15,000,000 for the in-
15 vestigation and prosecution of violations of title
16 17 of the United States Code;

17 (C) not to exceed \$20,000 to meet unfore-
18 seen emergencies of a confidential character;
19 and

20 (D) \$5,000,000 for the investigation and
21 prosecution of violations of chapter 77 of title
22 18 of the United States Code.

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

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

3 (7) FEDERAL BUREAU OF INVESTIGATION.—
4 For the Federal Bureau of Investigation:
5 \$5,761,237,000, which shall include not to exceed
6 \$70,000 to meet unforeseen emergencies of a con-
7 fidential character.

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

10 (9) FEDERAL PRISON SYSTEM.—For the Fed-
11 eral Prison System, including the National Institute
12 of Corrections: \$5,065,761,000.

13 (10) DRUG ENFORCEMENT ADMINISTRATION.—
14 For the Drug Enforcement Administration:
15 \$1,716,173,000, which shall include not to exceed
16 \$70,000 to meet unforeseen emergencies of a con-
17 fidential character.

18 (11) BUREAU OF ALCOHOL, TOBACCO, FIRE-
19 ARMS AND EXPLOSIVES.—For the Bureau of Alco-
20 hol, Tobacco, Firearms and Explosives:
21 \$923,613,000.

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

1 (13) INTERAGENCY CRIME AND DRUG EN-
2 FORCEMENT.—For Interagency Crime and Drug
3 Enforcement: \$661,940,000 for expenses not other-
4 wise provided for, for the investigation and prosecu-
5 tion of persons involved in organized crime drug
6 trafficking, except that any funds obligated from ap-
7 propriations authorized by this paragraph may be
8 used under authorities available to the organizations
9 reimbursed from such funds.

10 (14) FOREIGN CLAIMS SETTLEMENT COMMIS-
11 SION.—For the Foreign Claims Settlement Commis-
12 sion: \$1,270,000.

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

15 (16) ASSETS FORFEITURE FUND.—For the As-
16 sets Forfeiture Fund: \$21,468,000 for expenses au-
17 thorized by section 524 of title 28, United States
18 Code.

19 (17) UNITED STATES PAROLE COMMISSION.—
20 For the United States Parole Commission:
21 \$11,300,000.

22 (18) FEDERAL DETENTION TRUSTEE.—For the
23 necessary expenses of the Federal Detention Trust-
24 ee: \$1,222,000,000.

1 (19) JUSTICE INFORMATION SHARING TECH-
2 NOLOGY.—For necessary expenses for information
3 sharing technology, including planning, development,
4 and deployment: \$181,490,000.

5 (20) NARROW BAND COMMUNICATIONS.—For
6 the costs of conversion to narrowband communica-
7 tions, including the cost for operation and mainte-
8 nance of Land Mobile Radio legacy systems:
9 \$128,701,000.

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

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

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

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

21 **SEC. 102. AUTHORIZATION OF APPROPRIATIONS FOR FIS-**
22 **CAL YEAR 2007.**

23 There are authorized to be appropriated for fiscal
24 year 2007, to carry out the activities of the Department
25 of Justice (including any bureau, office, board, division,

1 commission, subdivision, unit, or other component there-
2 of), the following sums:

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

5 (2) ADMINISTRATIVE REVIEW AND APPEALS.—
6 For Administrative Review and Appeals:
7 \$224,937,000 for administration of clemency peti-
8 tions and for immigration-related activities.

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

13 (4) GENERAL LEGAL ACTIVITIES.—For General
14 Legal Activities: \$706,847,000, which shall in-
15 clude—

16 (A) not less than \$4,000,000 for the inves-
17 tigation and prosecution of denaturalization and
18 deportation cases involving alleged Nazi war
19 criminals;

20 (B) not less than \$15,600,000 for the in-
21 vestigation and prosecution of violations of title
22 17 of the United States Code;

23 (C) not to exceed \$20,000 to meet unfore-
24 seen emergencies of a confidential character;
25 and

1 (D) \$5,000,000 for the investigation and
2 prosecution of violations of chapter 77 of title
3 18 of the United States Code.

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

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

8 (7) FEDERAL BUREAU OF INVESTIGATION.—
9 For the Federal Bureau of Investigation:
10 \$5,991,686,000, which shall include not to exceed
11 \$70,000 to meet unforeseen emergencies of a con-
12 fidential character.

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

15 (9) FEDERAL PRISON SYSTEM.—For the Fed-
16 eral Prison System, including the National Institute
17 of Corrections: \$5,268,391,000.

18 (10) DRUG ENFORCEMENT ADMINISTRATION.—
19 For the Drug Enforcement Administration:
20 \$1,784,820,000, which shall include not to exceed
21 \$70,000 to meet unforeseen emergencies of a con-
22 fidential character.

23 (11) BUREAU OF ALCOHOL, TOBACCO, FIRE-
24 ARMS AND EXPLOSIVES.—For the Bureau of Alco-

1 hol, Tobacco, Firearms and Explosives:
2 \$960,558,000.

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

7 (13) INTERAGENCY CRIME AND DRUG EN-
8 FORCEMENT.—For Interagency Crime and Drug
9 Enforcement: \$688,418,000, for expenses not other-
10 wise provided for, for the investigation and prosecu-
11 tion of persons involved in organized crime drug
12 trafficking, except that any funds obligated from ap-
13 propriations authorized by this paragraph may be
14 used under authorities available to the organizations
15 reimbursed from such funds.

16 (14) FOREIGN CLAIMS SETTLEMENT COMMIS-
17 SION.—For the Foreign Claims Settlement Commis-
18 sion: \$1,321,000.

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

21 (16) ASSETS FORFEITURE FUND.—For the As-
22 sets Forfeiture Fund: \$22,000,000 for expenses au-
23 thorized by section 524 of title 28, United States
24 Code.

1 (17) UNITED STATES PAROLE COMMISSION.—
2 For the United States Parole Commission:
3 \$11,752,000.

4 (18) FEDERAL DETENTION TRUSTEE.—For the
5 necessary expenses of the Federal Detention Trust-
6 ee: \$1,405,300,000.

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

11 (20) NARROWBAND COMMUNICATIONS.—For
12 the costs of conversion to narrowband communica-
13 tions, including the cost for operation and mainte-
14 nance of Land Mobile Radio legacy systems:
15 \$133,849,000.

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

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

23 (B) \$15,600,000 for the Office on Violence
24 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
6 year 2008, to carry out the activities of the Department
7 of Justice (including any bureau, office, board, division,
8 commission, subdivision, unit, or other component there-
9 of), the following 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
15 clemency petitions and for immigration-related ac-
16 tivities.

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

21 (4) GENERAL LEGAL ACTIVITIES.—For General
22 Legal Activities: \$735,121,000, which shall in-
23 clude—

24 (A) not less than \$4,000,000 for the inves-
25 tigation and prosecution of denaturalization and

1 deportation cases involving alleged Nazi war
2 criminals;

3 (B) not less than \$16,224,000 for the in-
4 vestigation and prosecution of violations of title
5 17 of the United States Code;

6 (C) not to exceed \$20,000 to meet unfore-
7 seen emergencies of a confidential character;
8 and

9 (D) \$5,000,000 for the investigation and
10 prosecution of violations of chapter 77 of title
11 18 of the United States Code.

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

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

16 (7) FEDERAL BUREAU OF INVESTIGATION.—
17 For the Federal Bureau of Investigation:
18 \$6,231,354,000, which shall include not to exceed
19 \$70,000 to meet unforeseen emergencies of a con-
20 fidential character.

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

23 (9) FEDERAL PRISON SYSTEM.—For the Fed-
24 eral Prison System, including the National Institute
25 of Corrections: \$5,479,127,000.

1 (10) DRUG ENFORCEMENT ADMINISTRATION.—
2 For the Drug Enforcement Administration:
3 \$1,856,213,000, which shall include not to exceed
4 \$70,000 to meet unforeseen emergencies of a con-
5 fidential character.

6 (11) BUREAU OF ALCOHOL, TOBACCO, FIRE-
7 ARMS AND EXPLOSIVES.—For the Bureau of Alco-
8 hol, Tobacco, Firearms and Explosives:
9 \$998,980,000.

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

14 (13) INTERAGENCY CRIME AND DRUG EN-
15 FORCEMENT.—For Interagency Crime and Drug
16 Enforcement: \$715,955,000, for expenses not other-
17 wise provided for, for the investigation and prosecu-
18 tion of persons involved in organized crime drug
19 trafficking, except that any funds obligated from ap-
20 propriations authorized by this paragraph may be
21 used under authorities available to the organizations
22 reimbursed from such funds.

23 (14) FOREIGN CLAIMS SETTLEMENT COMMIS-
24 SION.—For the Foreign Claims Settlement Commis-
25 sion: \$1,374,000.

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

3 (16) ASSETS FORFEITURE FUND.—For the As-
4 sets Forfeiture Fund: \$22,000,000 for expenses au-
5 thORIZED by section 524 of title 28, United States
6 Code.

7 (17) UNITED STATES PAROLE COMMISSION.—
8 For the United States Parole Commission:
9 \$12,222,000.

10 (18) FEDERAL DETENTION TRUSTEE.—For the
11 necessary expenses of the Federal Detention Trust-
12 ee: \$1,616,095,000.

13 (19) JUSTICE INFORMATION SHARING TECH-
14 NOLOGY.—For necessary expenses for information
15 sharing technology, including planning, development,
16 and deployment: \$196,300,000.

17 (20) NARROWBAND COMMUNICATIONS.—For
18 the costs of conversion to narrowband communica-
19 tions, including the cost for operation and mainte-
20 nance of Land Mobile Radio legacy systems:
21 \$139,203,000.

22 (21) ADMINISTRATIVE EXPENSES FOR CERTAIN
23 ACTIVITIES.—For the administrative expenses of the
24 Office of Justice Programs, the Office on Violence

1 Against Women, and the Office of Community Ori-
2 ented Policing Services:

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

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

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

9 **SEC. 104. AUTHORIZATION OF APPROPRIATIONS FOR FIS-**
10 **CAL YEAR 2009.**

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

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

18 (2) ADMINISTRATIVE REVIEW AND APPEALS.—
19 For Administrative Review and Appeals:
20 \$243,291,000 for administration of pardon and
21 clemency petitions and for immigration-related ac-
22 tivities.

23 (3) OFFICE OF INSPECTOR GENERAL.—For the
24 Office of Inspector General: \$81,922,000, which

1 shall include not to exceed \$10,000 to meet unfore-
2 seen emergencies of a confidential character.

3 (4) GENERAL LEGAL ACTIVITIES.—For General
4 Legal Activities: \$764,526,000, which shall in-
5 clude—

6 (A) not less than \$4,000,000 for the inves-
7 tigation and prosecution of denaturalization and
8 deportation cases involving alleged Nazi war
9 criminals;

10 (B) not less than \$16,872,000 for the in-
11 vestigation and prosecution of violations of title
12 17 of the United States Code;

13 (C) not to exceed \$20,000 to meet unfore-
14 seen emergencies of a confidential character;
15 and

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

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

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

23 (7) FEDERAL BUREAU OF INVESTIGATION.—
24 For the Federal Bureau of Investigation:
25 \$6,480,608,000, which shall include not to exceed

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

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

5 (9) FEDERAL PRISON SYSTEM.—For the Fed-
6 eral Prison System, including the National Institute
7 of Corrections: \$5,698,292,000.

8 (10) DRUG ENFORCEMENT ADMINISTRATION.—
9 For the Drug Enforcement Administration:
10 \$1,930,462,000, which shall include not to exceed
11 \$70,000 to meet unforeseen emergencies of a con-
12 fidential character.

13 (11) BUREAU OF ALCOHOL, TOBACCO, FIRE-
14 ARMS AND EXPLOSIVES.—For the Bureau of Alco-
15 hol, Tobacco, Firearms and Explosives:
16 \$1,038,939,000.

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

21 (13) INTERAGENCY CRIME AND DRUG EN-
22 FORCEMENT.—For Interagency Crime and Drug
23 Enforcement: \$744,593,000, for expenses not other-
24 wise provided for, for the investigation and prosecu-
25 tion of persons involved in organized crime drug

1 trafficking, except that any funds obligated from ap-
2 propriations authorized by this paragraph may be
3 used under authorities available to the organizations
4 reimbursed from such funds.

5 (14) FOREIGN CLAIMS SETTLEMENT COMMIS-
6 SION.—For the Foreign Claims Settlement Commis-
7 sion: \$1,429,000.

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

10 (16) ASSETS FORFEITURE FUND.—For the As-
11 sets Forfeiture Fund: \$22,000,000 for expenses au-
12 thorized by section 524 of title 28, United States
13 Code.

14 (17) UNITED STATES PAROLE COMMISSION.—
15 For the United States Parole Commission:
16 \$12,711,000.

17 (18) FEDERAL DETENTION TRUSTEE.—For the
18 necessary expenses of the Federal Detention Trust-
19 ee: \$1,858,509,000.

20 (19) JUSTICE INFORMATION SHARING TECH-
21 NOLOGY.—For necessary expenses for information
22 sharing technology, including planning, development,
23 and deployment: \$204,152,000.

24 (20) NARROWBAND COMMUNICATIONS.—For
25 the costs of conversion to narrowband communica-

1 tions, including the cost for operation and mainte-
2 nance of Land Mobile Radio legacy systems:
3 \$144,771,000.

4 (21) ADMINISTRATIVE EXPENSES FOR CERTAIN
5 ACTIVITIES.—For the administrative expenses of the
6 Office of Justice Programs, the Office on Violence
7 Against Women, and the Office of Community Ori-
8 ented Policing Services:

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

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

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

15 **SEC. 105. ORGANIZED RETAIL THEFT.**

16 (a) NATIONAL DATA.—(1) The Attorney General and
17 the Federal Bureau of Investigation shall establish a task
18 force to combat organized retail theft and provide exper-
19 tise to the retail community for the establishment of a na-
20 tional database or clearinghouse housed and maintained
21 in the private sector to track and identify where organized
22 retail theft type crimes are being committed in the United
23 States. The national database shall allow Federal, State,
24 and local law enforcement officials as well as authorized
25 retail companies (and authorized associated retail data-

1 bases) to transmit information into the database electroni-
2 cally and to review information that has been submitted
3 electronically.

4 (2) The Attorney General shall make available funds
5 to provide for the ongoing administrative and techno-
6 logical costs to federal law enforcement agencies partici-
7 pating in the database project.

8 (3) The Attorney General through the Bureau of Jus-
9 tice Assistance in the Office of Justice may make grants
10 to help provide for the administrative and technological
11 costs to State and local law enforcement agencies partici-
12 pating in the data base project.

13 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
14 authorized to be appropriated for each of fiscal years 2006
15 through 2009, \$5,000,000 for educating and training fed-
16 eral law enforcement regarding organized retail theft, for
17 investigating, apprehending and prosecuting individuals
18 engaged in organized retail theft, and for working with
19 the private sector to establish and utilize the database de-
20 scribed in subsection (a).

21 (c) DEFINITION OF ORGANIZED RETAIL THEFT.—
22 For purposes of this section, “organized retail theft”
23 means—

24 (1) the violation of a State prohibition on retail
25 merchandise theft or shoplifting, if the violation con-

1 sists of the theft of quantities of items that would
2 not normally be purchased for personal use or con-
3 sumption and for the purpose of reselling the items
4 or for reentering the items into commerce;

5 (2) the receipt, possession, concealment, bar-
6 tering, sale, transport, or disposal of any property
7 that is know or should be known to have been taken
8 in violation of paragraph (1); or

9 (3) the coordination, organization, or recruit-
10 ment of persons to undertake the conduct described
11 in paragraph (1) or (2).

12 **SEC. 106. UNITED STATES-MEXICO BORDER VIOLENCE**
13 **TASK FORCE.**

14 (a) **TASK FORCE.**—(1) The Attorney General shall
15 establish the United States-Mexico Border Violence Task
16 Force in Laredo, Texas, to combat drug trafficking, vio-
17 lence, and kidnapping along the border between the
18 United States and Mexico and to provide expertise to the
19 law enforcement and homeland security agencies along the
20 border between the United States and Mexico. The Task
21 Force shall include personnel from the Bureau of Alcohol,
22 Tobacco, Firearms, and Explosives, Immigration and Cus-
23 toms Enforcement, the Drug Enforcement Administra-
24 tion, Customs and Border Protection, other Federal agen-

1 cies (as appropriate), the Texas Department of Public
2 Safety, and local law enforcement agencies.

3 (2) The Attorney General shall make available funds
4 to provide for the ongoing administrative and techno-
5 logical costs to Federal, State, and local law enforcement
6 agencies participating in the Task Force.

7 (b) AUTHORIZATION OF APPROPRIATIONS.—There
8 are authorized to be appropriated \$10,000,000 for each
9 of the fiscal years 2006 through 2009, for—

10 (1) the establishment and operation of the
11 United States-Mexico Border Violence Task Force;
12 and

13 (2) the investigation, apprehension, and pros-
14 ecution of individuals engaged in drug trafficking,
15 violence, and kidnapping along the border between
16 the United States and Mexico.

17 **SEC. 107. NATIONAL GANG INTELLIGENCE CENTER.**

18 (a) ESTABLISHMENT.—The Attorney General shall
19 establish a National Gang Intelligence Center and gang
20 information database to be housed at and administered
21 by the Federal Bureau of Investigation to collect, analyze,
22 and disseminate gang activity information from—

23 (1) the Federal Bureau of Investigation;

24 (2) the Bureau of Alcohol, Tobacco, Firearms,
25 and Explosives;

1 (3) the Drug Enforcement Administration;

2 (4) the Bureau of Prisons;

3 (5) the United States Marshals Service;

4 (6) the Directorate of Border and Transpor-
5 tation Security of the Department of Homeland Se-
6 curity;

7 (7) the Department of Housing and Urban De-
8 velopment;

9 (8) State and local law enforcement;

10 (9) Federal, State, and local prosecutors;

11 (10) Federal, State, and local probation and pa-
12 role offices;

13 (11) Federal, State, and local prisons and jails;

14 and

15 (12) any other entity as appropriate.

16 (b) INFORMATION.—The Center established under
17 subsection (a) shall make available the information re-
18 ferred to in subsection (a) to—

19 (1) Federal, State, and local law enforcement
20 agencies;

21 (2) Federal, State, and local corrections agen-
22 cies and penal institutions;

23 (3) Federal, State, and local prosecutorial agen-
24 cies; and

25 (4) any other entity as appropriate.

1 (c) ANNUAL REPORT.—The Center established under
2 subsection (a) shall annually submit to Congress a report
3 on gang activity.

4 (d) AUTHORIZATION OF APPROPRIATIONS.—There
5 are authorized to be appropriated to carry out this section
6 \$10,000,000 for fiscal year 2006 and for each fiscal year
7 thereafter.

8 **TITLE II—IMPROVING THE DE-**
9 **PARTMENT OF JUSTICE’S**
10 **GRANT PROGRAMS**

11 **Subtitle A—Assisting Law Enforce-**
12 **ment and Criminal Justice**
13 **Agencies**

14 **SEC. 201. MERGER OF BYRNE GRANT PROGRAM AND LOCAL**
15 **LAW ENFORCEMENT BLOCK GRANT PRO-**
16 **GRAM.**

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

20 (1) Subpart 1 of such part (42 U.S.C. 3751–
21 3759) is repealed.

22 (2) Such part is further amended—

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

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

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

5 **“SEC. 500. NAME OF PROGRAM.**

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

9 “(b) REFERENCES TO FORMER PROGRAMS.—(1) Any
10 reference in a law, regulation, document, paper, or other
11 record of the United States to the Edward Byrne Memo-
12 rial State and Local Law Enforcement Assistance Pro-
13 grams, or to the Local Government Law Enforcement
14 Block Grants program, shall be deemed to be a reference
15 to the grant program referred to in subsection (a).

16 “(2) Any reference in a law, regulation, document,
17 paper, or other record of the United States to section 506
18 of this Act as such section was in effect on the date of
19 the enactment of the Department of Justice Appropria-
20 tions Authorization Act, Fiscal Years 2006 through 2009,
21 shall be deemed to be a reference to section 505(a) of this
22 Act as amended by the Department of Justice Appropria-
23 tions Authorization Act, Fiscal Years 2006 through
24 2009.”; and

25 (C) by inserting after section 500 the fol-
26 lowing new sections:

1 **“SEC. 501. DESCRIPTION.**

2 “(a) GRANTS AUTHORIZED.—

3 “(1) IN GENERAL.—From amounts made avail-
4 able to carry out this subpart, the Attorney General
5 may, in accordance with the formula established
6 under section 505, make grants to States and units
7 of local government, for use by the State or unit of
8 local government to provide additional personnel,
9 equipment, supplies, contractual support, training,
10 technical assistance, and information systems for
11 criminal justice, including for any one or more of the
12 following programs:

13 “(A) Law enforcement programs.

14 “(B) Prosecution and court programs.

15 “(C) Prevention and education programs.

16 “(D) Corrections and community correc-
17 tions programs.

18 “(E) Drug treatment and enforcement pro-
19 grams.

20 “(F) Planning, evaluation, and technology
21 improvement programs.

22 “(G) Crime victim and witness programs
23 (other than compensation).

24 “(2) RULE OF CONSTRUCTION.—Paragraph (1)
25 shall be construed to ensure that a grant under that
26 paragraph may be used for any purpose for which

1 a grant was authorized to be used under either or
2 both of the programs specified in section 500(b), as
3 those programs were in effect immediately before the
4 enactment of this paragraph.

5 “(b) CONTRACTS AND SUBAWARDS.—A State or unit
6 of local government may, in using a grant under this sub-
7 part for purposes authorized by subsection (a), use all or
8 a portion of that grant to contract with or make one or
9 more subawards to one or more—

10 “(1) neighborhood or community-based organi-
11 zations that are private and nonprofit;

12 “(2) units of local government; or

13 “(3) tribal governments.

14 “(c) PROGRAM ASSESSMENT COMPONENT; WAIV-
15 ER.—

16 “(1) Each program funded under this subpart
17 shall contain a program assessment component, de-
18 veloped pursuant to guidelines established by the At-
19 torney General, in coordination with the National
20 Institute of Justice.

21 “(2) The Attorney General may waive the re-
22 quirement of paragraph (1) with respect to a pro-
23 gram if, in the opinion of the Attorney General, the
24 program is not of sufficient size to justify a full pro-
25 gram assessment.

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

5 “(1) Any security enhancements or any equip-
6 ment to any nongovernmental entity that is not en-
7 gaged in criminal justice or public safety.

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

13 “(A) vehicles (excluding police cruisers),
14 vessels (excluding police boats), or aircraft (ex-
15 cluding police helicopters);

16 “(B) luxury items;

17 “(C) real estate;

18 “(D) construction projects (other than
19 penal or correctional institutions); or

20 “(E) any similar matters.

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

24 “(f) PERIOD.—The period of a grant made under this
25 subpart shall be four years, except that renewals and ex-

1 tensions beyond that period may be granted at the discre-
2 tion of the Attorney General.

3 “(g) **RULE OF CONSTRUCTION.**—Subparagraph
4 (d)(1) shall not be construed to prohibit the use, directly
5 or indirectly, of funds provided under this subpart to pro-
6 vide security at a public event, such as a political conven-
7 tion or major sports event, so long as such security is pro-
8 vided under applicable laws and procedures.

9 **“SEC. 502. APPLICATIONS.**

10 “To request a grant under this subpart, the chief ex-
11 ecutive officer of a State or unit of local government shall
12 submit an application to the Attorney General within 90
13 days after the date on which funds to carry out this sub-
14 part are appropriated for a fiscal year, in such form as
15 the Attorney General may require. Such application shall
16 include the following:

17 “(1) A certification that Federal funds made
18 available under this subpart will not be used to sup-
19 plant State or local funds, but will be used to in-
20 crease the amounts of such funds that would, in the
21 absence of Federal funds, be made available for law
22 enforcement activities.

23 “(2) An assurance that, not fewer than 30 days
24 before the application (or any amendment to the ap-
25 plication) was submitted to the Attorney General,

1 the application (or amendment) was submitted for
2 review to the governing body of the State or unit of
3 local government (or to an organization designated
4 by that governing body).

5 “(3) An assurance that, before the application
6 (or any amendment to the application) was sub-
7 mitted to the Attorney General—

8 “(A) the application (or amendment) was
9 made public; and

10 “(B) an opportunity to comment on the
11 application (or amendment) was provided to
12 citizens and to neighborhood or community-
13 based organizations, to the extent applicable
14 law or established procedure makes such an op-
15 portunity available.

16 “(4) An assurance that, for each fiscal year
17 covered by an application, the applicant shall main-
18 tain and report such data, records, and information
19 (programmatic and financial) as the Attorney Gen-
20 eral may reasonably require.

21 “(5) A certification, made in a form acceptable
22 to the Attorney General and executed by the chief
23 executive officer of the applicant (or by another offi-
24 cer of the applicant, if qualified under regulations
25 promulgated by the Attorney General), that—

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

3 “(B) all the information contained in the
4 application is correct;

5 “(C) there has been appropriate coordina-
6 tion with affected agencies; and

7 “(D) the applicant will comply with all
8 provisions of this subpart and all other applica-
9 ble Federal laws.

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

11 “The Attorney General shall not finally disapprove
12 any application (or any amendment to that application)
13 submitted under this subpart without first affording the
14 applicant reasonable notice of any deficiencies in the appli-
15 cation and opportunity for correction and reconsideration.

16 **“SEC. 504. RULES.**

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

21 **“SEC. 505. FORMULA.**

22 “(a) ALLOCATION AMONG STATES.—

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

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

4 “(i) the total population of a State
5 to—

6 “(ii) the total population of the
7 United States; and

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

11 “(i) the average annual number of
12 part 1 violent crimes of the Uniform Crime
13 Reports of the Federal Bureau of Inves-
14 tigation reported by such State for the
15 three most recent years reported by such
16 State to—

17 “(ii) the average annual number of
18 such crimes reported by all States for such
19 years.

20 “(2) MINIMUM ALLOCATION.—If carrying out
21 paragraph (1) would result in any State receiving an
22 allocation less than 0.25 percent of the total amount
23 (in this paragraph referred to as a ‘minimum alloca-
24 tion State’), then paragraph (1), as so carried out,

1 shall not apply, and the Attorney General shall in-
2 stead—

3 “(A) allocate 0.25 percent of the total
4 amount to each State; and

5 “(B) using the amount remaining after
6 carrying out subparagraph (A), carry out para-
7 graph (1) in a manner that excludes each min-
8 imum allocation State, including the population
9 of and the crimes reported by such State.

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

13 “(1) 60 percent shall be for direct grants to
14 States, to be allocated under subsection (c); and

15 “(2) 40 percent shall be for grants to be allo-
16 cated under subsection (d).

17 “(c) ALLOCATION FOR STATE GOVERNMENTS.—

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

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

1 “(B) the total expenditure on criminal jus-
2 tice by the State government and units of local
3 government within the State in such year.

4 “(2) REMAINING AMOUNTS.—Except as pro-
5 vided in subsection (e)(1), any amounts remaining
6 after the allocation required by paragraph (1) shall
7 be made available to units of local government by
8 the State for the purposes described in section 501.

9 “(d) ALLOCATIONS TO LOCAL GOVERNMENTS.—

10 “(1) IN GENERAL.—Of the amounts allocated
11 under subsection (b)(2), grants for the purposes de-
12 scribed in section 501 shall be made directly to units
13 of local government within each State in accordance
14 with this subsection, subject to subsection (e).

15 “(2) ALLOCATION.—

16 “(A) IN GENERAL.—From the amounts re-
17 ferred to in paragraph (1) with respect to a
18 State (in this subsection referred to as the
19 ‘local amount’), the Attorney General shall allo-
20 cate to each unit of local government an
21 amount which bears the same ratio to such
22 share as the average annual number of part 1
23 violent crimes reported by such unit to the Fed-
24 eral Bureau of Investigation for the 3 most re-
25 cent calendar years for which such data is avail-

1 able bears to the number of part 1 violent
2 crimes reported by all units of local government
3 in the State in which the unit is located to the
4 Federal Bureau of Investigation for such years.

5 “(B) TRANSITIONAL RULE.—Notwith-
6 standing subparagraph (A), for fiscal years
7 2006, 2007, and 2008, the Attorney General
8 shall allocate the local amount to units of local
9 government in the same manner that, under the
10 Local Government Law Enforcement Block
11 Grants program in effect immediately before
12 the date of the enactment of this section, the
13 reserved amount was allocated among reporting
14 and nonreporting units of local government.

15 “(3) ANNEXED UNITS.—If a unit of local gov-
16 ernment in the State has been annexed since the
17 date of the collection of the data used by the Attor-
18 ney General in making allocations pursuant to this
19 section, the Attorney General shall pay the amount
20 that would have been allocated to such unit of local
21 government to the unit of local government that an-
22 nexed it.

23 “(4) RESOLUTION OF DISPARATE ALLOCA-
24 TIONS.—(A) Notwithstanding any other provision of
25 this subpart, if—

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

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

9 “(I) any one such specified geographi-
10 cally constituent unit of local government
11 exceeds 150 percent of the amount allo-
12 cated to the unit of local government cer-
13 tified pursuant to clause (i); or

14 “(II) more than one such specified
15 geographically constituent unit of local
16 government exceeds 400 percent of the
17 amount allocated to the unit of local gov-
18 ernment certified pursuant to clause (i),

19 then in order to qualify for payment under this sub-
20 section, the unit of local government certified pursu-
21 ant to clause (i), together with any such specified
22 geographically constituent units of local government
23 described in clause (ii), shall submit to the Attorney
24 General a joint application for the aggregate of
25 funds allocated to such units of local government.

1 Such application shall specify the amount of such
2 funds that are to be distributed to each of the units
3 of local government and the purposes for which such
4 funds are to be used. The units of local government
5 involved may establish a joint local advisory board
6 for the purposes of carrying out this paragraph.

7 “(B) In this paragraph, the term ‘geographi-
8 cally constituent unit of local government’ means a
9 unit of local government that has jurisdiction over
10 areas located within the boundaries of an area over
11 which a unit of local government certified pursuant
12 to clause (i) has jurisdiction.

13 “(e) LIMITATION ON ALLOCATIONS TO UNITS OF
14 LOCAL GOVERNMENT.—

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

24 “(2) ALLOCATIONS UNDER \$10,000.—If the allo-
25 cation under this section to a unit of local govern-

1 ment is less than \$10,000 for any fiscal year, the di-
2 rect grant to the State under subsection (c) shall be
3 increased by the amount of such allocation, to be
4 distributed (for the purposes described in section
5 501) among State police departments that provide
6 criminal justice services to units of local government
7 and units of local government whose allocation under
8 this section is less than \$10,000.

9 “(3) NON-REPORTING UNITS.—No allocation
10 under this section shall be made to a unit of local
11 government that has not reported at least three
12 years of data on part 1 violent crimes of the Uni-
13 form Crime Reports to the Federal Bureau of Inves-
14 tigation within the immediately preceding 10 years.

15 “(f) FUNDS NOT USED BY THE STATE.—If the At-
16 torney General determines, on the basis of information
17 available during any grant period, that any allocation (or
18 portion thereof) under this section to a State for such
19 grant period will not be required, or that a State will be
20 unable to qualify or receive funds under this subpart, or
21 that a State chooses not to participate in the program es-
22 tablished under this subpart, then such State’s allocation
23 (or portion thereof) shall be awarded by the Attorney Gen-
24 eral to units of local government, or combinations thereof,
25 within such State, giving priority to those jurisdictions

1 with the highest annual number of part 1 violent crimes
2 of the Uniform Crime Reports reported by the unit of local
3 government to the Federal Bureau of Investigation for the
4 three most recent calendar years for which such data are
5 available.

6 “(g) SPECIAL RULES FOR PUERTO RICO.—

7 “(1) ALL FUNDS SET ASIDE FOR COMMON-
8 WEALTH GOVERNMENT.—Notwithstanding any other
9 provision of this subpart, the amounts allocated
10 under subsection (a) to Puerto Rico, 100 percent
11 shall be for direct grants to the Commonwealth gov-
12 ernment of Puerto Rico.

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

15 “(h) UNITS OF LOCAL GOVERNMENT IN LOU-
16 ISIANA.—In carrying out this section with respect to the
17 State of Louisiana, the term ‘unit of local government’
18 means a district attorney or a parish sheriff.

19 **“SEC. 506. RESERVED FUNDS.**

20 “Of the total amount made available to carry out this
21 subpart for a fiscal year, the Attorney General shall re-
22 serve not more than—

23 “(1) \$20,000,000, for use by the National In-
24 stitute of Justice in assisting units of local govern-
25 ment to identify, select, develop, modernize, and pur-

1 chase new technologies for use by law enforcement,
2 of which \$1,000,000 shall be for use by the Bureau
3 of Justice Statistics to collect data necessary for car-
4 rying out this subpart; and

5 “(2) \$20,000,000, to be granted by the Attor-
6 ney General to States and units of local government
7 to develop and implement antiterrorism training pro-
8 grams.

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

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

13 “(b) EXPENDITURES.—

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

18 “(2) REPAYMENT.—A State or unit of local
19 government that fails to expend an entire amount
20 (including interest on such amount) as required by
21 paragraph (1) shall repay the unexpended portion to
22 the Attorney General not later than 3 months after
23 the date on which the grant period expires.

24 “(3) REDUCTION OF FUTURE AMOUNTS.—If a
25 State or unit of local government fails to comply

1 with paragraphs (1) and (2), the Attorney General
2 shall reduce amounts to be provided to that State or
3 unit of local government accordingly.

4 “(c) REPAID AMOUNTS.—Amounts received as repay-
5 ments under this section shall be subject to section 108
6 of this title as if such amounts had not been granted and
7 repaid. Such amounts shall be deposited in the Treasury
8 in a dedicated fund for use by the Attorney General to
9 carry out this subpart. Such funds are hereby made avail-
10 able to carry out this subpart.

11 **“SEC. 508. INCLUSION OF INDIAN TRIBES.**

12 “In this subpart, the term ‘State’ includes an Indian
13 tribal government.

14 **“SEC. 509. AUTHORIZATION OF APPROPRIATIONS.**

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

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

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

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

5 (c) CONFORMING AMENDMENTS.—

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

14 (2) SAFE STREETS ACT.—Title I of the Omni-
15 bus Crime Control and Safe Streets Act of 1968 is
16 amended—

17 (A) in section 517 (42 U.S.C. 3763), in
18 subsection (a)(1), by striking “pursuant to sec-
19 tion 511 or 515” and inserting “pursuant to
20 section 515”;

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

22 (i) in subsection (a)(1), by striking
23 “the program evaluations as required by
24 section 501(c) of this part” and inserting
25 “program evaluations”;

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

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

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

16 (i) in subsection (a), in the matter
17 preceding paragraph (1), by striking “sec-
18 tion 506” and inserting “section 505”; and

19 (ii) in subsection (a)(1), by striking
20 “an assessment of the impact of such ac-
21 tivities on meeting the needs identified in
22 the State strategy submitted under section
23 503” and inserting “an assessment of the
24 impact of such activities on meeting the
25 purposes of subpart 1”;

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

3 (i) by striking “the purposes of sec-
4 tion 501 of this title” and inserting “the
5 purposes of such subpart 1”; and

6 (ii) by striking “the application sub-
7 mitted pursuant to section 503 of this
8 title.” and inserting “the application sub-
9 mitted pursuant to section 502 of this
10 title. Such report shall include details iden-
11 tifying each applicant that used any funds
12 to purchase any cruiser, boat, or helicopter
13 and, with respect to such applicant, speci-
14 fying both the amount of funds used by
15 such applicant for each purchase of any
16 cruiser, boat, or helicopter and a justifica-
17 tion of each such purchase (and the Bu-
18 reau of Justice Assistance shall submit to
19 the Committee of the Judiciary of the
20 House of Representatives and the Com-
21 mittee of the Judiciary of the Senate,
22 promptly after preparation of such report
23 a written copy of the portion of such re-
24 port containing the information required
25 by this sentence).”;

1 (E) in section 808 (42 U.S.C. 3789), by
2 striking “the State office described in section
3 507 or 1408” and inserting “the State office
4 responsible for the trust fund required by sec-
5 tion 507, or the State office described in section
6 1408,”;

7 (F) in section 901 (42 U.S.C. 3791), in
8 subsection (a)(2), by striking “for the purposes
9 of section 506(a)” and inserting “for the pur-
10 poses of section 505(a)”;

11 (G) in section 1502 (42 U.S.C. 3796bb-
12 1)—

13 (i) in paragraph (1), by striking “sec-
14 tion 506(a)” and inserting “section
15 505(a)”;

16 (ii) in paragraph (2)—

17 (I) by striking “section 503(a)”
18 and inserting “section 502”; and

19 (II) by striking “section 506”
20 and inserting “section 505”;

21 (H) in section 1602 (42 U.S.C. 3796cc-1),
22 in subsection (b), by striking “The office des-
23 ignated under section 507 of title I” and insert-
24 ing “The office responsible for the trust fund
25 required by section 507”;

1 (I) in section 1702 (42 U.S.C. 3796dd–1),
2 in subsection (e)(1), by striking “and reflects
3 consideration of the statewide strategy under
4 section 503(a)(1)”;

5 (J) in section 1902 (42 U.S.C. 3796ff–1),
6 in subsection (e), by striking “The Office des-
7 igned under section 507” and inserting “The
8 office responsible for the trust fund required by
9 section 507”.

10 (d) **APPLICABILITY.**—The amendments made by this
11 section shall apply with respect to the first fiscal year be-
12 ginning after the date of the enactment of this Act and
13 each fiscal year thereafter.

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

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

1 **SEC. 203. CLARIFICATION OF OFFICIAL TO BE CONSULTED**
2 **BY ATTORNEY GENERAL IN CONSIDERING AP-**
3 **PLICATION FOR EMERGENCY FEDERAL LAW**
4 **ENFORCEMENT ASSISTANCE.**

5 Section 609M(b) of the Justice Assistance Act of
6 1984 (42 U.S.C. 10501(b)) is amended by striking “the
7 Director of the Office of Justice Assistance” and inserting
8 “the Assistant Attorney General for the Office of Justice
9 Programs”.

10 **SEC. 204. CLARIFICATION OF USES FOR REGIONAL INFOR-**
11 **MATION SHARING SYSTEM GRANTS.**

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

16 (1) in paragraph (1), by inserting “regional”
17 before “information sharing systems”;

18 (2) by amending paragraph (3) to read as fol-
19 lows:

20 “(3) establishing and maintaining a secure tele-
21 communications system for regional information
22 sharing between Federal, State, tribal, and local law
23 enforcement agencies;”; and

24 (3) by striking “(5)” at the end of paragraph
25 (4).

1 **SEC. 205. INTEGRITY AND ENHANCEMENT OF NATIONAL**
2 **CRIMINAL RECORD DATABASES.**

3 (a) DUTIES OF DIRECTOR.—Section 302 of the Om-
4 nibus Crime Control and Safe Streets Act of 1968 (42
5 U.S.C. 3732) is amended—

6 (1) in subsection (b), by inserting after the
7 third sentence the following new sentence: “The Di-
8 rector shall be responsible for the integrity of data
9 and statistics and shall protect against improper or
10 illegal use or disclosure.”;

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

13 “(19) provide for improvements in the accuracy,
14 quality, timeliness, immediate accessibility, and inte-
15 gration of State criminal history and related records,
16 support the development and enhancement of na-
17 tional systems of criminal history and related
18 records including the National Instant Criminal
19 Background Check System, the National Incident-
20 Based Reporting System, and the records of the Na-
21 tional Crime Information Center, facilitate State
22 participation in national records and information
23 systems, and support statistical research for critical
24 analysis of the improvement and utilization of crimi-
25 nal history records;” and

26 (3) in subsection (d)—

1 (A) by striking “and” at the end of para-
2 graph (4);

3 (B) by striking the period at the end of
4 paragraph (5) and inserting “; and”; and

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

6 “(6) confer and cooperate with Federal statis-
7 tical agencies as needed to carry out the purposes of
8 this part, including by entering into cooperative data
9 sharing agreements in conformity with all laws and
10 regulations applicable to the disclosure and use of
11 data.”.

12 (b) USE OF DATA.—Section 304 of such Act (42
13 U.S.C. 3735) is amended by striking “particular indi-
14 vidual” and inserting “private person or public agency”.

15 (c) CONFIDENTIALITY OF INFORMATION.—Section
16 812(a) of such Act (42 U.S.C. 3789g(a)) is amended by
17 striking “Except as provided by Federal law other than
18 this title, no” and inserting “No”.

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

21 Section 1001(a)(23) of title I of the Omnibus Crime
22 Control and Safe Streets Act of 1968 (42 U.S.C.
23 3793(a)(23)) is amended by striking “2007” and inserting
24 “2009”.

1 **Subtitle B—Building Community**
2 **Capacity to Prevent, Reduce,**
3 **and Control Crime**

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

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

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

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

13 “(b) ASSISTANCE.—The Director may assist States,
14 units of local government, and neighborhood and commu-
15 nity-based organizations in developing Weed and Seed
16 strategies, as provided in section 104.

17 “(c) AUTHORIZATION OF APPROPRIATIONS.—There
18 is authorized to be appropriated to carry out this section
19 \$60,000,000 for fiscal year 2006, and such sums as may
20 be necessary for each of fiscal years 2007, 2008, and
21 2009, to remain available until expended.

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

23 “(a) IN GENERAL.—From amounts made available
24 under section 103(c), the Director of the Office of Weed
25 and Seed Strategies may implement strategies, to be

1 known as Weed and Seed strategies, to prevent, control,
2 and reduce violent crime, criminal drug-related activity,
3 and gang activity in designated Weed-and-Seed commu-
4 nities. Each such strategy shall involve both of the fol-
5 lowing activities:

6 “(1) WEEDING.—Activities, to be known as
7 Weeding activities, which shall include promoting
8 and coordinating a broad spectrum of community ef-
9 forts (especially those of law enforcement agencies
10 and prosecutors) to arrest, and to sanction or incar-
11 cerate, persons in that community who participate or
12 engage in violent crime, criminal drug-related activ-
13 ity, and other crimes that threaten the quality of life
14 in that community.

15 “(2) SEEDING.—Activities, to be known as
16 Seeding activities, which shall include promoting and
17 coordinating a broad spectrum of community efforts
18 (such as drug abuse education, mentoring, and em-
19 ployment counseling) to provide—

20 “(A) human services, relating to preven-
21 tion, intervention, or treatment, for at-risk indi-
22 viduals and families; and

23 “(B) community revitalization efforts, in-
24 cluding enforcement of building codes and de-
25 velopment of the economy.

1 “(b) GUIDELINES.—The Director shall issue guide-
2 lines for the development and implementation of Weed and
3 Seed strategies under this section. The guidelines shall en-
4 sure that the Weed and Seed strategy for a community
5 referred to in subsection (a) shall—

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

9 “(A) in a voting capacity, representatives
10 of—

11 “(i) appropriate law enforcement
12 agencies; and

13 “(ii) other public and private agencies,
14 and neighborhood and community-based
15 organizations, interested in criminal justice
16 and community-based development and re-
17 vivalization in the community; and

18 “(B) in a voting capacity, both—

19 “(i) the Drug Enforcement Adminis-
20 tration’s special agent in charge for the ju-
21 risdiction encompassing the community;
22 and

23 “(ii) the United States Attorney for
24 the District encompassing the community;

1 “(2) describe how law enforcement agencies,
2 other public and private agencies, neighborhood and
3 community-based organizations, and interested citi-
4 zens are to cooperate in implementing the strategy;
5 and

6 “(3) incorporate a community-policing compo-
7 nent that shall serve as a bridge between the Weed-
8 ing activities under subsection (a)(1) and the Seed-
9 ing activities under subsection (a)(2).

10 “(c) DESIGNATION.—For a community to be des-
11 ignated as a Weed-and-Seed community for purposes of
12 subsection (a)—

13 “(1) the United States Attorney for the District
14 encompassing the community must certify to the Di-
15 rector that—

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

19 “(B) the Weed and Seed strategy pro-
20 posed, adopted, or implemented by the steering
21 committee has a high probability of improving
22 the criminal justice system within the commu-
23 nity and contains all the elements required by
24 the Director; and

1 “(C) the steering committee is capable of
2 implementing the strategy appropriately; and

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

8 “(d) APPLICATION.—An application for designation
9 as a Weed-and-Seed community for purposes of subsection
10 (a) shall be submitted to the Director by the steering com-
11 mittee of the community in such form, and containing
12 such information and assurances, as the Director may re-
13 quire. The application shall propose—

14 “(1) a sustainable Weed and Seed strategy that
15 includes—

16 “(A) the active involvement of the United
17 States Attorney for the District encompassing
18 the community, the Drug Enforcement Admin-
19 istration’s special agent in charge for the juris-
20 diction encompassing the community, and other
21 Federal law enforcement agencies operating in
22 the vicinity;

23 “(B) a significant community-oriented po-
24 licing component; and

1 “(C) demonstrated coordination with com-
2 plementary neighborhood and community-based
3 programs and initiatives; and

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

7 “(e) GRANTS.—

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

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

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

16 “(B) may not use any of the grant
17 amounts for construction, except that the As-
18 sistant Attorney General may authorize use of
19 grant amounts for incidental or minor construc-
20 tion, renovation, or remodeling.

21 “(3) LIMITATIONS.—A community may not re-
22 ceive grants under this subsection (or fall within
23 such a community)—

24 “(A) for a period of more than 10 fiscal
25 years;

1 “(B) for more than 5 separate fiscal years,
2 except that the Assistant Attorney General
3 may, in single increments and only upon a
4 showing of extraordinary circumstances, author-
5 ize grants for not more than 3 additional sepa-
6 rate fiscal years; or

7 “(C) in an aggregate amount of more than
8 \$1,000,000, except that the Assistant Attorney
9 General may, upon a showing of extraordinary
10 circumstances, authorize grants for not more
11 than an additional \$500,000.

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

14 “(A) to the extent practicable, the distribu-
15 tion of such grants is geographically equitable
16 and includes both urban and rural areas of
17 varying population and area; and

18 “(B) priority is given to communities that
19 clearly and effectively coordinate crime preven-
20 tion programs with other Federal programs in
21 a manner that addresses the overall needs of
22 such communities.

23 “(5) FEDERAL SHARE.—(A) Subject to sub-
24 paragraph (B), the Federal share of a grant under
25 this subsection may not exceed 75 percent of the

1 total costs of the projects described in the applica-
2 tion for which the grant was made.

3 “(B) The requirement of subparagraph (A)—

4 “(i) may be satisfied in cash or in kind;
5 and

6 “(ii) may be waived by the Assistant Attor-
7 ney General upon a determination that the fi-
8 nancial circumstances affecting the applicant
9 warrant a finding that such a waiver is equi-
10 table.

11 “(6) SUPPLEMENT, NOT SUPPLANT.—To re-
12 ceive a grant under this subsection, the applicant
13 must provide assurances that the amounts received
14 under the grant shall be used to supplement, not
15 supplant, non-Federal funds that would otherwise be
16 available for programs or services provided in the
17 community.

18 **“SEC. 105. INCLUSION OF INDIAN TRIBES.**

19 “For purposes of sections 103 and 104, the term
20 ‘State’ includes an Indian tribal government.”.

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

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

1 (2) TRANSFER.—There are hereby transferred
2 to the Office of Weed and Seed Strategies all func-
3 tions and activities performed immediately before
4 the date of the enactment of this Act by the Execu-
5 tive Office of Weed and Seed Strategies.

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

9 **Subtitle C—Assisting Victims of**
10 **Crime**

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

14 Section 1404(c) of the Victims of Crime Act of 1984
15 (42 U.S.C. 10603(c)), as most recently amended by sec-
16 tion 623 of the USA PATRIOT Act (Public Law 107–
17 56; 115 Stat. 372), is amended—

18 (1) in paragraph (1)—

19 (A) in the matter preceding subparagraph
20 (A), by striking the comma after “Director”;

21 (B) in subparagraph (A), by striking
22 “and” at the end;

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

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

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

7 (2) in paragraph (2)—

8 (A) in subparagraph (A)—

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

12 (ii) by striking “and” at the end;

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

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

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

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

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

24 (1) **AUTHORITY TO ACCEPT GIFTS.**—Subsection
25 (b)(5) of such section is amended by striking the pe-

1 riod at the end and inserting the following: “, which
2 the Director is hereby authorized to accept for de-
3 posit into the Fund, except that the Director is not
4 hereby authorized to accept any such gift, bequest,
5 or donation that—

6 “(A) attaches conditions inconsistent with
7 applicable laws or regulations; or

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

12 (2) AUTHORITY TO REPLENISH ANTITERRORISM
13 EMERGENCY RESERVE.—Subsection (d)(5)(A) of
14 such section is amended by striking “expended” and
15 inserting “obligated”.

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

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

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

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

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

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

8 (a) CRIME VICTIM COMPENSATION.—Section
9 1403(a)(3) of the Victims of Crime Act of 1984 (42
10 U.S.C. 10602(a)(3)) is amended by inserting after “may
11 be used for” the following: “training purposes and”.

12 (b) CRIME VICTIM ASSISTANCE.—Section 1404(b)(3)
13 of such Act (42 U.S.C. 10603(b)(3)) is amended by insert-
14 ing after “may be used for” the following: “training pur-
15 poses and”.

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

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

1 (b) CLARIFICATION OF STATE GRANTS.—Section
2 2007 of the Omnibus Crime Control and Safe Streets Act
3 of 1968 (42 U.S.C. 3796gg–1) is amended—

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

6 (2) in subsection (c)(3)(A), by striking “police”
7 and inserting “law enforcement”; and

8 (3) in subsection (d)—

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

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

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

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

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

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

22 **SEC. 226. GRANTS FOR YOUNG WITNESS ASSISTANCE.**

23 (a) **IN GENERAL.**—The Attorney General, acting
24 through the Bureau of Justice Assistance, may make
25 grants to State and local prosecutors and law enforcement

1 agencies in support of juvenile and young adult witness
2 assistance programs.

3 (b) USE OF FUNDS.—Grants made available under
4 this section may be used—

5 (1) to assess the needs of juvenile and young
6 adult witnesses;

7 (2) to develop appropriate program goals and
8 objectives; and

9 (3) to develop and administer a variety of wit-
10 ness assistance services, which includes—

11 (A) counseling services to young witnesses
12 dealing with trauma associated in witnessing a
13 violent crime;

14 (B) pre- and post-trial assistance for the
15 youth and their family;

16 (C) providing education services if the
17 child is removed from or changes their school
18 for safety concerns;

19 (D) protective services for young witnesses
20 and their families when a serious threat of
21 harm from the perpetrators or their associates
22 is made; and

23 (E) community outreach and school-based
24 initiatives that stimulate and maintain public
25 awareness and support.

1 (c) DEFINITIONS.—In this section:

2 (1) The term “juvenile” means an individual
3 who is age 17 or younger.

4 (2) The term “young adult” means an indi-
5 vidual who is age 21 or younger but not a juvenile.

6 (3) The term “State” includes the District of
7 Columbia, the Commonwealth of Puerto Rico, the
8 Virgin Islands, American Samoa, Guam, and the
9 Northern Mariana Islands.

10 (d) AUTHORIZATION OF APPROPRIATIONS.—There
11 are authorized to be appropriated to carry out this section
12 \$3,000,000 for each of fiscal years 2006 through 2009.

13 **Subtitle D—Preventing Crime**

14 **SEC. 231. CLARIFICATION OF DEFINITION OF VIOLENT OF-** 15 **FENDER FOR PURPOSES OF JUVENILE DRUG** 16 **COURTS.**

17 Section 2953(b) of the Omnibus Crime Control and
18 Safe Streets Act of 1968 (42 U.S.C. 3797u–2(b)) is
19 amended in the matter preceding paragraph (1) by strik-
20 ing “an offense that” and inserting “a felony-level offense
21 that”.

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

3 (a) **MINIMUM ALLOCATION REPEALED.**—Section
4 2957 of such Act (42 U.S.C. 3797u–6) is amended by
5 striking subsection (b).

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

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

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

23 Section 2951(a)(1) of such Act (42 U.S.C.
24 3797u(a)(1)) is amended by striking “offenders with sub-
25 stance abuse problems” and inserting “offenders, and

1 other individuals under the jurisdiction of the court, with
2 substance abuse problems”.

3 **SEC. 234. TERM OF RESIDENTIAL SUBSTANCE ABUSE**
4 **TREATMENT PROGRAM FOR LOCAL FACILI-**
5 **TIES.**

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

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

15 “(1) directed at the substance abuse problems
16 of the prisoners; and

17 “(2) intended to develop the cognitive, behav-
18 ioral, and other skills of prisoners in order to ad-
19 dress the substance abuse and related problems of
20 prisoners.”.

21 **SEC. 235. ENHANCED RESIDENTIAL SUBSTANCE ABUSE**
22 **TREATMENT PROGRAM FOR STATE PRIS-**
23 **ONERS.**

24 (a) ENHANCED DRUG SCREENINGS REQUIRE-
25 MENT.—Subsection (b) of section 1902 of the Omnibus

1 Crime Control and Safe Streets Act of 1968 (42 U.S.C.
2 3796ff—1(b)) is amended to read as follows:

3 “(b) SUBSTANCE ABUSE TESTING REQUIREMENT.—
4 To be eligible to receive funds under this part, a State
5 must agree—

6 “(1) to implement or continue to require urinal-
7 ysis or other proven reliable forms of testing, includ-
8 ing both periodic and random testing—

9 “(A) of an individual before the individual
10 enters a residential substance abuse treatment
11 program and during the period in which the in-
12 dividual participates in the treatment program;
13 and

14 “(B) of an individual released from a resi-
15 dential substance abuse treatment program if
16 the individual remains in the custody of the
17 State; and

18 “(2) to require, as a condition of participation
19 in the treatment program, that such testing indicate
20 that the individual has not used a controlled sub-
21 stance for at least the three-month period prior to
22 the date the individual receives such testing to enter
23 the treatment program.”.

24 (b) AFTERCARE SERVICES REQUIREMENT.—Sub-
25 section (c) of such section is amended—

1 (1) in the matter preceding paragraph (1), by
2 striking “ELIGIBILITY FOR PREFERENCE WITH
3 AFTER CARE COMPONENT” and inserting
4 “AFTERCARE SERVICES REQUIREMENT”; and

5 (2) in paragraph (1), by striking “To be eligible
6 for a preference under this part” and inserting “To
7 be eligible to receive funds under this part”.

8 (c) PRIORITY FOR PARTNERSHIPS WITH COMMU-
9 NITY-BASED DRUG TREATMENT PROGRAMS.—Section
10 1903 of such Act (42 U.S.C. 3796ff—2) is amended by
11 adding at the end the following new subsection:

12 “(e) PRIORITY FOR PARTNERSHIPS WITH COMMU-
13 NITY-BASED DRUG TREATMENT PROGRAMS.—In consid-
14 ering an application submitted by a State under section
15 1902, the Attorney General shall give priority to an appli-
16 cation that involves a partnership between the State and
17 a community-based drug treatment program within the
18 State.”.

19 **Subtitle E—Other Matters**

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

21 (a) CERTAIN PROGRAMS THAT ARE EXEMPT FROM
22 PAYING STATES INTEREST ON LATE DISBURSEMENTS
23 ALSO EXEMPTED FROM PAYING CHARGE TO TREASURY
24 FOR UNTIMELY DISBURSEMENTS.—Section 204(f) of

1 Public Law 107–273 (116 Stat. 1776; 31 U.S.C. 6503
2 note) is amended—

3 (1) by striking “section 6503(d)” and inserting
4 “sections 3335(b) or 6503(d)”; and

5 (2) by striking “section 6503” and inserting
6 “sections 3335(b) or 6503”.

7 (b) SOUTHWEST BORDER PROSECUTOR INITIATIVE
8 INCLUDED AMONG SUCH EXEMPTED PROGRAMS.—Sec-
9 tion 204(f) of such Act is further amended by striking
10 “pursuant to section 501(a)” and inserting “pursuant to
11 the Southwest Border Prosecutor Initiative (as carried out
12 pursuant to paragraph (3) (117 Stat. 64) under the head-
13 ing relating to Community Oriented Policing Services of
14 the Department of Justice Appropriations Act, 2003 (title
15 I of division B of Public Law 108–7), or as carried out
16 pursuant to any subsequent authority) or section 501(a)”.

17 (c) AUDITS AND REPORTS ON ATFE UNDERCOVER
18 INVESTIGATIVE OPERATIONS.—Section 102(b) of the De-
19 partment of Justice and Related Agencies Appropriations
20 Act, 1993 (28 U.S.C. 533 note), as in effect pursuant to
21 section 815(d) of the Antiterrorism and Effective Death
22 Penalty Act of 1996 (28 U.S.C. 533 note) shall apply with
23 respect to the Bureau of Alcohol, Tobacco, Firearms, and
24 Explosives and the undercover investigative operations of
25 the Bureau on the same basis as such section applies with

1 respect to any other agency and the undercover investiga-
2 tive operations of such agency.

3 **SEC. 242. COORDINATION DUTIES OF ASSISTANT ATTOR-**
4 **NEY GENERAL.**

5 (a) COORDINATE AND SUPPORT OFFICE FOR VIC-
6 TIMS OF CRIME.—Section 102 of the Omnibus Crime Con-
7 trol and Safe Streets Act of 1968 (42 U.S.C. 3712) is
8 amended in subsection (a)(5) by inserting after “the Bu-
9 reau of Justice Statistics,” the following: “the Office for
10 Victims of Crime,”.

11 (b) SETTING GRANT CONDITIONS AND PRIOR-
12 ITIES.—Such section is further amended in subsection
13 (a)(6) by inserting “, including placing special conditions
14 on all grants, and determining priority purposes for for-
15 mula grants” before the period at the end.

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

18 (a) COMPLIANCE PERIOD.—A State shall not be
19 treated, for purposes of any provision of law, as having
20 failed to comply with section 170101 (42 U.S.C. 14071)
21 or 170102 (42 U.S.C. 14072) of the Violent Crime Con-
22 trol and Law Enforcement Act of 1994 until 36 months
23 after the date of the enactment of this Act, except that
24 the Attorney General may grant an additional 24 months

1 to a State that is making good faith efforts to comply with
2 such sections.

3 (b) TIME FOR REGISTRATION OF CURRENT AD-
4 DRESS.—Subsection (a)(1)(B) of such section 170101 is
5 amended by striking “unless such requirement is termi-
6 nated under” and inserting “for the time period specified
7 in”.

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

9 (a) SAFE STREETS ACT PROGRAM.—The Criminal
10 Justice Facility Construction Pilot program (part F; 42
11 U.S.C. 3769–3769d) of title I of the Omnibus Crime Con-
12 trol and Safe Streets Act of 1968 is repealed.

13 (b) VIOLENT CRIME CONTROL AND LAW ENFORCE-
14 MENT ACT PROGRAMS.—The following provisions of the
15 Violent Crime Control and Law Enforcement Act of 1994
16 are repealed:

17 (1) LOCAL CRIME PREVENTION BLOCK GRANT
18 PROGRAM.—Subtitle B of title III (42 U.S.C.
19 13751–13758).

20 (2) ASSISTANCE FOR DELINQUENT AND AT-
21 RISK YOUTH.—Subtitle G of title III (42 U.S.C.
22 13801–13802).

23 (3) IMPROVED TRAINING AND TECHNICAL AU-
24 TOMATION.—Subtitle E of title XXI (42 U.S.C.
25 14151).

1 **SEC. 246. AMENDED DEFINITIONS FOR PURPOSES OF OMNI-**
2 **BUS CRIME CONTROL AND SAFE STREETS**
3 **ACT OF 1968.**

4 Section 901 of title I of the Omnibus Crime Control
5 and Safe Streets Act of 1968 (42 U.S.C. 3791) is amend-
6 ed as follows:

7 (1) INDIAN TRIBE.—Subsection (a)(3)(C) of
8 such section is amended by striking “(as that term
9 is defined in section 103 of the Juvenile Justice and
10 Delinquency Prevention Act of 1974 (42 U.S.C.
11 5603))”.

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

15 (3) NEIGHBORHOOD OR COMMUNITY-BASED OR-
16 GANIZATIONS.—Subsection (a)(11) of such section is
17 amended by striking “which” and inserting “, in-
18 cluding faith-based, that”.

19 (4) INDIAN TRIBE; PRIVATE PERSON.—Sub-
20 section (a) of such section is further amended—

21 (A) in paragraph (24) by striking “and” at
22 the end;

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

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

1 “(26) the term ‘Indian Tribe’ has the meaning
2 given the term ‘Indian tribe’ in section 4(e) of the
3 Indian Self-Determination and Education Assistance
4 Act (25 U.S.C. 450b(e)); and

5 “(27) the term ‘private person’ means any indi-
6 vidual (including an individual acting in his official
7 capacity) and any private partnership, corporation,
8 association, organization, or entity (or any combina-
9 tion thereof).”.

10 **SEC. 247. CLARIFICATION OF AUTHORITY TO PAY SUBSIST-**
11 **ENCE PAYMENTS TO PRISONERS FOR**
12 **HEALTH CARE ITEMS AND SERVICES.**

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

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

18 (2) in subsection (b)(1)—

19 (A) by striking “the Immigration and Nat-
20 uralization Service” and inserting “the Depart-
21 ment of Homeland Security”;

22 (B) by striking “shall not exceed the lesser
23 of the amount” and inserting “shall be the
24 amount billed, not to exceed the amount”;

1 (C) by striking “items and services” and
2 all that follows through “the Medicare pro-
3 gram” and inserting “items and services under
4 the Medicare program”; and

5 (D) by striking “; or” and all that follows
6 through the period at the end and inserting a
7 period.

8 **SEC. 248. OFFICE OF AUDIT, ASSESSMENT, AND MANAGE-**
9 **MENT.**

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

14 **“SEC. 105. OFFICE OF AUDIT, ASSESSMENT, AND MANAGE-**
15 **MENT.**

16 “(a) ESTABLISHMENT.—

17 “(1) IN GENERAL.—There is established within
18 the Office an Office of Audit, Assessment, and Man-
19 agement, headed by a Director appointed by the At-
20 torney General. In carrying out the functions of the
21 Office, the Director shall be subject to the authority,
22 direction, and control of the Attorney General. Such
23 authority, direction, and control may be delegated
24 only to the Assistant Attorney General, without re-
25 delegation.

1 “(2) PURPOSE.—The purpose of the Office
2 shall be to carry out and coordinate performance au-
3 dits of, take actions to ensure compliance with the
4 terms of, and manage information with respect to,
5 grants under programs covered by subsection (b).
6 The Director shall take special conditions of the
7 grant into account and consult with the office that
8 issued those conditions to ensure appropriate compli-
9 ance.

10 “(3) EXCLUSIVITY.—The Office shall be the ex-
11 clusive element of the Department of Justice, other
12 than the Inspector General, performing functions
13 and activities for the purpose specified in paragraph
14 (2). There are hereby transferred to the Office all
15 functions and activities, other than functions and ac-
16 tivities of the Inspector General, for such purpose
17 performed immediately before the date of the enact-
18 ment of this Act by any other element of the De-
19 partment.

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

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

23 “(2) Any grant program carried out by the Of-
24 fice of Justice Programs.

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

4 “(c) PERFORMANCE AUDITS REQUIRED.—

5 “(1) IN GENERAL.—The Director shall select
6 grants awarded under the programs covered by sub-
7 section (b) and carry out performance audits on
8 such grants. In selecting such grants, the Director
9 shall ensure that the aggregate amount awarded
10 under the grants so selected represent not less than
11 10 percent of the aggregate amount of money
12 awarded under all such grant programs.

13 “(2) RELATIONSHIP TO NIJ EVALUATIONS.—

14 This subsection does not affect the authority or duty
15 of the Director of the National Institute of Justice
16 to carry out overall evaluations of programs covered
17 by subsection (b), except that such Director shall
18 consult with the Director of the Office in carrying
19 out such evaluations.

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

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

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

6 “(d) COMPLIANCE ACTIONS REQUIRED.—The Direc-
7 tor shall take such actions to ensure compliance with the
8 terms of a grant as the Director considers appropriate
9 with respect to each grant that the Director determines
10 (in consultation with the head of the element of the De-
11 partment of Justice concerned), through a performance
12 audit under subsection (a) or other means, is not in com-
13 pliance with such terms. In the case of a misuse of more
14 than 1 percent of the grant amount concerned, the Direc-
15 tor shall, in addition to any other action to ensure compli-
16 ance that the Director considers appropriate, ensure that
17 the entity responsible for such misuse ceases to receive any
18 funds under any program covered by subsection (b) until
19 such entity repays to the Attorney General an amount
20 equal to the amounts misused. The Director may, in un-
21 usual circumstances, grant relief from this requirement to
22 ensure that an innocent party is not punished.

23 “(e) GRANT MANAGEMENT SYSTEM.—The Director
24 shall establish and maintain, in consultation with the chief
25 information officer of the Office, a modern, automated

1 system for managing all information relating to the grants
2 made under the programs covered by subsection (b).

3 “(f) AVAILABILITY OF FUNDS.—Not to exceed 3 per-
4 cent of all funding made available for a fiscal year for the
5 programs covered by subsection (b) shall be reserved for
6 the activities of the Office of Audit, Assessment, and Man-
7 agement as authorized by this section.”.

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

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

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

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

17 “(a) ESTABLISHMENT.—

18 “(1) IN GENERAL.—There is established within
19 the Office a Community Capacity Development Of-
20 fice, headed by a Director appointed by the Attorney
21 General. In carrying out the functions of the Office,
22 the Director shall be subject to the authority, direc-
23 tion, and control of the Attorney General. Such au-
24 thority, direction, and control may be delegated only

1 to the Assistant Attorney General, without redelega-
2 tion.

3 “(2) PURPOSE.—The purpose of the Office
4 shall be to provide training to actual and prospective
5 participants under programs covered by section
6 105(b) to assist such participants in understanding
7 the substantive and procedural requirements for par-
8 ticipating in such programs.

9 “(3) EXCLUSIVITY.—The Office shall be the ex-
10 clusive element of the Department of Justice per-
11 forming functions and activities for the purpose
12 specified in paragraph (2). There are hereby trans-
13 ferred to the Office all functions and activities for
14 such purpose performed immediately before the date
15 of the enactment of this Act by any other element
16 of the Department. This does not preclude a grant-
17 making office from providing specialized training
18 and technical assistance in its area of expertise.

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

23 “(1) Promoting coordination of public and pri-
24 vate efforts and resources within or available to

1 States, units of local government, and neighborhood
2 and community-based organizations.

3 “(2) Providing information, training, and tech-
4 nical assistance.

5 “(3) Providing support for inter- and intra-
6 agency task forces and other agreements and for as-
7 sessment of the effectiveness of programs, projects,
8 approaches, or practices.

9 “(4) Providing in the assessment of the effec-
10 tiveness of neighborhood and community-based law
11 enforcement and crime prevention strategies and
12 techniques, in coordination with the National Insti-
13 tute of Justice.

14 “(5) Any other similar means.

15 “(c) LOCATIONS.—Training referred to in subsection
16 (a) shall be provided on a regional basis to groups of such
17 participants. In a case in which remedial training is appro-
18 priate, as recommended by the Director or the head of
19 any element of the Department, such training may be pro-
20 vided on a local basis to a single such participant.

21 “(d) BEST PRACTICES.—The Director shall—

22 “(1) identify grants under which clearly bene-
23 ficial outcomes were obtained, and the characteris-
24 tics of those grants that were responsible for obtain-
25 ing those outcomes; and

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

3 “(e) AVAILABILITY OF FUNDS.—Not to exceed 5 per-
4 cent of all funding made available for a fiscal year for the
5 programs covered by section 105(b) shall be reserved for
6 the activities of the Community Capacity Development Of-
7 fice as authorized by this section.”.

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

11 **SEC. 250. OFFICE OF APPLIED LAW ENFORCEMENT TECH-**
12 **NOLOGY.**

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 adding after section 106, as added by section 249 of
16 this Act, the following new section:

17 **“SEC. 107. DIVISION OF APPLIED LAW ENFORCEMENT**
18 **TECHNOLOGY.**

19 “(a) ESTABLISHMENT.—There is established within
20 the Office of Science and Technology, the Division of Ap-
21 plied Law Enforcement Technology, headed by an indi-
22 vidual appointed by the Attorney General. The purpose of
23 the Division shall be to provide leadership and focus to
24 those grants of the Department of Justice that are made

1 for the purpose of using or improving law enforcement
2 computer systems.

3 “(b) DUTIES.—In carrying out the purpose of the Di-
4 vision, the head of the Division shall—

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

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

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

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

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

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

20 “(a) PERIOD FOR AWARDING GRANT FUNDS.—

21 “(1) IN GENERAL.—Unless otherwise specifi-
22 cally provided in an authorization, DOJ grant funds
23 for a fiscal year shall remain available to be awarded
24 and distributed to a grantee only in that fiscal year
25 and the three succeeding fiscal years, subject to

1 paragraphs (2) and (3). DOJ grant funds not so
2 awarded and distributed shall revert to the Treas-
3 ury.

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

9 “(3) TREATMENT OF DEOBLIGATED FUNDS.—If
10 DOJ grant funds were obligated and then
11 deobligated, the period of availability that applies to
12 those grant funds under paragraph (1) shall be ex-
13 tended by a number of days equal to the number of
14 days from the date on which those grant funds were
15 obligated to the date on which those grant funds
16 were deobligated.

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

23 “(c) DEFINITION.—In this section, the term ‘DOJ
24 grant funds’ means, for a fiscal year, amounts appro-

1 priated for activities of the Department of Justice in car-
2 rying out grant programs for that fiscal year.

3 “(d) **APPLICABILITY.**—This section applies to DOJ
4 grant funds for fiscal years beginning with fiscal year
5 2006.”.

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

9 **SEC. 252. CONSOLIDATION OF FINANCIAL MANAGEMENT**
10 **SYSTEMS OF OFFICE OF JUSTICE PROGRAMS.**

11 (a) **CONSOLIDATION OF ACCOUNTING ACTIVITIES**
12 **AND PROCUREMENT ACTIVITIES.**—The Assistant Attor-
13 ney General of the Office of Justice Programs, in coordi-
14 nation with the Chief Information Officer and Chief Fi-
15 nancial Officer of the Department of Justice, shall ensure
16 that—

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

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

24 (b) **FURTHER CONSOLIDATION OF PROCUREMENT**
25 **ACTIVITIES.**—The Assistant Attorney General, in coordi-

1 nation with the Chief Information Officer and Chief Fi-
2 nancial Officer of the Department of Justice, 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
11 SYSTEMS.—The Assistant Attorney General, in coordina-
12 tion with the Chief Information Officer and Chief Finan-
13 cial Officer of the Department of Justice, shall ensure
14 that, on and after September 30, 2010, all financial man-
15 agement activities (including human resources, payroll,
16 and accounting activities, as well as procurement activi-
17 ties) of all elements of the Office are carried out through
18 a single financial management system.

19 (d) ACHIEVING COMPLIANCE.—

20 (1) SCHEDULE.—The Assistant Attorney Gen-
21 eral shall undertake a scheduled consolidation of op-
22 erations to achieve compliance with the requirements
23 of this section.

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

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

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

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

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

17 (1) by amending subsection (a) to read as fol-
18 lows:

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

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

1 (3) by redesignating subsection (d) as sub-
2 section (b), and in that subsection—

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

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

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

15 “(1) rehire law enforcement officers who have
16 been laid off as a result of State and local budget
17 reductions for deployment in community-oriented po-
18 licing;

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

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

1 “(4) award grants to pay for offices hired to
2 perform intelligence, anti-terror, or homeland secu-
3 rity duties;”; and

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

6 “(9) develop new technologies, including inter-
7 operable communications technologies, modernized
8 criminal record technology, and forensic technology,
9 to assist State and local law enforcement agencies in
10 reorienting the emphasis of their activities from re-
11 acting to crime to preventing crime and to train law
12 enforcement officers to use such technologies;”;

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

15 (5) in subsection (c) (as so redesignated) by
16 striking “subsection (i)” and inserting “subsection
17 (g)”.

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

22 (c) AUTHORIZATION OF APPROPRIATIONS.—Section
23 1001(a)(11) of title I of such Act (42 U.S.C. 3793(a)(11))
24 is amended—

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

5 (2) in subparagraph (B)—

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

8 (B) by striking the third sentence.

9 **SEC. 254. CLARIFICATION OF PERSONS ELIGIBLE FOR BEN-**
10 **EFITS UNDER PUBLIC SAFETY OFFICERS’**
11 **DEATH BENEFITS PROGRAMS.**

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

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

20 (2) by inserting after paragraph (6) the fol-
21 lowing new paragraph:

22 “(7) ‘member of a rescue squad or ambulance
23 crew’ means an officially recognized or designated
24 public employee member of a rescue squad or ambu-
25 lance crew;” and

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

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

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

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

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

16 “(2) by reason of the retroactive effective date
17 of that law is no longer entitled to receive that ben-
18 efit,

19 the Bureau may suspend or end activities to collect that
20 benefit if the Bureau determines that collecting that ben-
21 efit is impractical or would cause undue hardship to that
22 individual.”.

23 (d) DESIGNATION OF BENEFICIARY.—Section
24 1201(a)(4) of such Act (42 U.S.C. 3796(a)(4)) is amend-
25 ed to read as follows:

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

3 “(A) in the case of a claim made on or
4 after the date that is 90 days after the date of
5 the enactment of this subparagraph, to the indi-
6 vidual designated by such officer as beneficiary
7 under this section in such officer’s most re-
8 cently executed designation of beneficiary on
9 file at the time of death with such officer’s pub-
10 lic safety agency, organization, or unit, provided
11 that such individual survived such officer; or

12 “(B) if there is no individual qualifying
13 under subparagraph (A), to the individual des-
14 ignated by such officer as beneficiary under
15 such officer’s most recently executed life insur-
16 ance policy, provided that such individual sur-
17 vived such officer; or”.

18 **SEC. 255. PRE-RELEASE AND POST-RELEASE PROGRAMS**

19 **FOR JUVENILE OFFENDERS.**

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

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

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

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

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

8 **SEC. 256. REAUTHORIZATION OF JUVENILE ACCOUNT-**
9 **ABILITY BLOCK GRANTS.**

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

14 **SEC. 257. SEX OFFENDER MANAGEMENT.**

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

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

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

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

1 (1) in subsection (a)(1)(B) by inserting “, in-
 2 cluding the extent to which evidence-based ap-
 3 proaches are utilized” after “part”; and

4 (2) in subsection (b)(1)(A)(ii) by inserting “,
 5 including the extent to which evidence-based ap-
 6 proaches are utilized” after “part”.

7 **SEC. 259. REAUTHORIZATION OF MATCHING GRANT PRO-**
 8 **GRAM FOR SCHOOL SECURITY.**

9 (a) IN GENERAL.—Section 2705 of the Omnibus
 10 Crime Control and Safe Streets Act of 1968 (42 U.S.C.
 11 3797e) is amended by striking “2003” and inserting
 12 “2009”.

13 (b) PROGRAM TO REMAIN UNDER COPS OFFICE.—
 14 Section 2701 of the Omnibus Crime Control and Safe
 15 Streets Act of 1968 (42 U.S.C. 3797a) is amended in sub-
 16 section (a) by inserting after “The Attorney General” the
 17 following: “, acting through the Office of Community Ori-
 18 ented Policing Services,”.

19 **TITLE III—MISCELLANEOUS**
 20 **PROVISIONS**

21 **SEC. 301. TECHNICAL AMENDMENTS RELATING TO PUBLIC**
 22 **LAW 107-56.**

23 (a) STRIKING SURPLUS WORDS.—

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

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

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

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

12 (2) by striking “sections” and inserting “sec-
13 tion”.

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

18 **SEC. 302. MISCELLANEOUS TECHNICAL AMENDMENTS.**

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

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

23 (b) REPEAL OF DUPLICATIVE PROGRAM.—Section
24 316 of Part A of the Runaway and Homeless Youth Act

1 (42 U.S.C. 5712d), as added by section 40155 of the Vio-
2 lent Crime Control and Law Enforcement Act of 1994
3 (Public Law 103–322; 108 Stat. 1922), is repealed.

4 (c) REPEAL OF PROVISION RELATING TO UNAU-
5 THORIZED PROGRAM.—Section 20301 of Public Law 103–
6 322 is amended by striking subsection (c).

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

8 (a) FEDERAL TRAINING FACILITIES.—Unless specifi-
9 cally authorized in writing by the Attorney General, the
10 Department of Justice (and each entity within it) shall
11 use for any predominantly internal training or conference
12 meeting only a facility that does not require a payment
13 to a private entity for use of the facility.

14 (b) ANNUAL REPORT.—The Attorney General shall
15 prepare an annual report to the Chairmen and ranking
16 minority members of the Committees on the Judiciary of
17 the Senate and of the House of Representatives that de-
18 tails each training and conference meeting that requires
19 specific authorization under subsection (a). The report
20 shall include an explanation of why the facility was chosen,
21 and a breakdown of any expenditures incurred in excess
22 of the cost of conducting the training or meeting at a facil-
23 ity that did not require such authorization.

1 **SEC. 304. PRIVACY OFFICER.**

2 (a) IN GENERAL.—The Attorney General shall des-
3 ignate a senior official in the Department of Justice to
4 assume primary responsibility for privacy policy.

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

7 (1) assuring that the use of technologies sus-
8 tain, and do not erode, privacy protections relating
9 to the use, collection, and disclosure of personally
10 identifiable information;

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

15 (3) evaluating legislative and regulatory pro-
16 posals involving collection, use, and disclosure of
17 personally identifiable information by the Federal
18 Government;

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

24 (5) preparing a report to Congress on an an-
25 nual basis on activities of the Department that af-
26 fect privacy, including complaints of privacy viola-

1 tions, implementation of section 552a of title 5,
2 United States Code, internal controls, and other rel-
3 evant matters;

4 (6) ensuring that the Department protects per-
5 sonally identifiable information and information sys-
6 tems from unauthorized access, use, disclosure, dis-
7 ruption, modification, or destruction in order to pro-
8 vide—

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

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

17 (C) availability, which means ensuring
18 timely and reliable access to and use of that in-
19 formation; and

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

23 (7) advising the Attorney General and the Di-
24 rector of the Office of Management and Budget on

1 information security and privacy issues pertaining to
2 Federal Government information systems.

3 (c) REVIEW.—The Department of Justice shall re-
4 view its policies to assure that the Department treats per-
5 sonally identifiable information in its databases in a man-
6 ner that complies with applicable Federal law on privacy.

7 **SEC. 305. BANKRUPTCY CRIMES.**

8 The Director of the Executive Office for United
9 States Trustees shall prepare an annual report to the Con-
10 gress detailing—

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

13 (2) the outcomes of each criminal referral;

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

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

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

4 Not less often than once every 12 months, the Attor-
5 ney General shall submit to Congress a report on the sta-
6 tus of United States persons or residents detained, as of
7 the date of the report, on suspicion of terrorism. The re-
8 port shall—

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

11 (2) specify the standards developed by the De-
12 partment of Justice for recommending or deter-
13 mining that a person should be tried as a criminal
14 defendant or should be designated as an enemy com-
15 batant.

16 **SEC. 307. INCREASED PENALTIES AND EXPANDED JURIS-**
17 **DICTION FOR SEXUAL ABUSE OFFENSES IN**
18 **CORRECTIONAL FACILITIES.**

19 (a) **EXPANDED JURISDICTION.**—The following provi-
20 sions of title 18, United States Code, are each amended
21 by inserting “or in any prison, institution, or facility in
22 which persons are held in custody by direction of or pursu-
23 ant to a contract or agreement with the Attorney General”
24 after “in a Federal prison,”:

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

1 (2) The first sentence of subsection (c) of sec-
2 tion 2241.

3 (3) Section 2242.

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

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

6 (b) INCREASED PENALTIES.—

7 (1) SEXUAL ABUSE OF A WARD.—Section
8 2243(b) of such title is amended by striking “one
9 year” and inserting “five years”.

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

14 **SEC. 308. EXPANDED JURISDICTION FOR CONTRABAND OF-**
15 **FENSES IN CORRECTIONAL FACILITIES.**

16 Section 1791(d)(4) of title 18, United States Code,
17 is amended by inserting “or any prison, institution, or fa-
18 cility in which persons are held in custody by direction
19 of or pursuant to a contract or agreement with the Attor-
20 ney General” after “penal facility”.

21 **SEC. 309. MAGISTRATE JUDGE’S AUTHORITY TO CONTINUE**
22 **PRELIMINARY HEARING.**

23 The second sentence of section 3060(e) of title 18,
24 United States Code, is amended to read as follows: “In
25 the absence of such consent of the accused, the judge or

1 magistrate judge may extend the time limits only on a
2 showing that extraordinary circumstances exist and justice
3 requires the delay.”.

4 **SEC. 310. TECHNICAL CORRECTIONS RELATING TO**
5 **STEROIDS.**

6 Section 102(41)(A) of the Controlled Substances Act
7 (21 U.S.C. 802(41)(A)), as amended by the Anabolic Ster-
8 oid Control Act of 2004 (Public law 108–358), is amended
9 by—

10 (1) striking clause (xvii) and inserting the fol-
11 lowing:

12 “(xvii) 13 β -ethyl-17 β -hydroxygon-4-en-3-one;”;

13 and

14 (2) striking clause (xliv) and inserting the fol-
15 lowing:

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

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

19 Section 7 of the Prison Rape Elimination Act of 2003
20 (42 U.S.C. 15606) is amended in subsection (d)(3)(A) by
21 striking “2 years” and inserting “3 years”.

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

3 (a) IN GENERAL.—Chapter 213 of title 18, United
4 States Code, is amended by adding at the end the fol-
5 lowing new section:

6 **“§ 3298. Trafficking-related offenses**

7 “No person shall be prosecuted, tried, or punished
8 for any non-capital offense or conspiracy to commit a non-
9 capital offense under section 1581 (Peonage; Obstructing
10 Enforcement), 1583 (Enticement into Slavery), 1584
11 (Sale into Involuntary Servitude), 1589 (Forced Labor),
12 1590 (Trafficking with Respect to Peonage, Slavery, In-
13 voluntary Servitude, or Forced Labor), or 1592 (Unlawful
14 Conduct with Respect to Documents in furtherance of
15 Trafficking, Peonage, Slavery, Involuntary Servitude, or
16 Forced Labor) of this title or under section 274(a) of the
17 Immigration and Nationality Act unless the indictment is
18 found or the information is instituted not later than 10
19 years after the commission of the offense.”.

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

“3298. Trafficking-related offenses.”.

23 (c) MODIFICATION OF STATUTE APPLICABLE TO OF-
24 FENSE AGAINST CHILDREN.—Section 3283 of title 18,
25 United States Code, is amended by inserting “, or for ten

1 years after the offense, whichever is longer” after “of the
2 child”.

3 **SEC. 313. USE OF CENTER FOR CRIMINAL JUSTICE TECH-**
4 **NOLOGY.**

5 (a) IN GENERAL.—The Attorney General may use
6 the services of the Center for Criminal Justice Technology,
7 a nonprofit “center of excellence” that provides technology
8 assistance and expertise to the criminal justice commu-
9 nity.

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

- 14 (1) \$7,500,000 for fiscal year 2006;
15 (2) \$7,500,000 for fiscal year 2007; and
16 (3) \$10,000,000 for fiscal year 2008.

17 **SEC. 314. SEARCH GRANTS.**

18 (a) IN GENERAL.—Pursuant to subpart 1 of part E
19 of title I of the Omnibus Crime Control and Safe Streets
20 Act of 1968, the Attorney General may make grants to
21 SEARCH, the National Consortium for Justice Informa-
22 tion and Statistics, to carry out the operations of the Na-
23 tional Technical Assistance and Training Program.

24 (b) AUTHORIZATION OF APPROPRIATIONS.—There
25 are authorized to be appropriated to the Attorney General

1 to carry out this section \$2,000,000 for each of fiscal
2 years 2006 through 2009.

3 **SEC. 315. REAUTHORIZATION OF LAW ENFORCEMENT TRIB-**
4 **UTE ACT.**

5 Section 11001 of Public Law 107–273 (42 U.S.C.
6 15208; 116 Stat. 1816) is amended in subsection (i) by
7 striking “2006” and inserting “2009”.

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

9 Paragraph (13) of section 1801(b) of the Omnibus
10 Crime Control and Safe Streets Act of 1968 (42 U.S.C.
11 3796ee(b)) is amended to read as follows:

12 “(13) establishing and maintaining account-
13 ability-based programs that are designed to enhance
14 school safety, which programs may include reseach-
15 based bullying, cyberbullying, and gang prevention
16 programs;”.

17 **SEC. 317. TRANSFER OF PROVISIONS RELATING TO THE BU-**
18 **REAU OF ALCOHOL, TOBACCO, FIREARMS,**
19 **AND EXPLOSIVES.**

20 (a) ORGANIZATIONAL PROVISION.—Part II of title
21 28, United States Code, is amended by adding at the end
22 the following new chapter:

23 **“CHAPTER 40A—BUREAU OF ALCOHOL,**
24 **TOBACCO, FIREARMS, AND EXPLOSIVES**

“Sec.

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

“599B. Personnel management demonstration project.”.

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

8 (c) CONFORMING AMENDMENTS.—

9 (1) Such section 1111 is amended—

10 (A) by striking the section heading and in-
11 sserting the following:

12 “§ 599A. **Bureau of Alcohol, Tobacco, Firearms, and**
13 **Explosives”;**

14 and

15 (B) in subsection (b)(2), by inserting “of
16 section 1111 of the Homeland Security Act of
17 2002 (as enacted on the date of the enactment
18 of such Act)” after “subsection (c)”,

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

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

1 **“§ 599B. Personnel management demonstration**
 2 **project”,**

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

5 (d) CLERICAL AMENDMENT.—The chapter analysis
 6 for such part is amended by adding at the end the fol-
 7 lowing new item:

**“40A. Bureau of Alcohol, Tobacco, Firearms, and Explo-
 sives 599A”.**

8 **SEC. 318. REAUTHORIZE THE GANG RESISTANCE EDU-
 9 CATION AND TRAINING PROJECTS PROGRAM.**

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

13 “(1) \$20,000,000 for fiscal year 2006;

14 “(2) \$20,000,000 for fiscal year 2007;

15 “(3) \$20,000,000 for fiscal year 2008;

16 “(4) \$20,000,000 for fiscal year 2009; and

17 “(5) \$20,000,000 for fiscal year 2010.”.

18 **SEC. 319. NATIONAL TRAINING CENTER.**

19 (a) IN GENERAL.—The Attorney General may use
 20 the services of the National Training Center in Sioux City,
 21 Iowa, to utilize a national approach to bring communities
 22 and criminal justice agencies together to receive training
 23 to control the growing national problem of methamphet-
 24 amine, poly drugs and their associated crimes. The Na-

1 tional Training Center in Sioux City, Iowa, seeks a com-
2 prehensive approach to control and reduce methamphet-
3 amine trafficking, production and usage through training.

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

8 (1) \$2,500,000 for fiscal year 2006.

9 (2) \$3,000,000 for fiscal year 2007.

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

11 (4) \$3,000,000 for fiscal year 2009.

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

13 **RELEASE.**

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

18 **SEC. 321. PUBLIC EMPLOYEE UNIFORMS.**

19 (a) IN GENERAL.—Section 716 of title 18, United
20 States Code, is amended—

21 (1) by striking “police badge” each place it ap-
22 pears in subsections (a) and (b) and inserting “offi-
23 cial insignia or article of clothing”;

1 (2) in each of paragraphs (2) and (4) of sub-
2 section (a), by striking “badge of the police” and in-
3 serting “official insignia or article of clothing”;

4 (3) in subsection (b)—

5 (A) by striking “the badge” and inserting
6 “the insignia or article of clothing”; and

7 (B) by inserting “is other than a counter-
8 feit police badge and” before “is used or is in-
9 tended to be used”;

10 (4) in subsection (c)—

11 (A) by striking “and” at the end of para-
12 graph (1);

13 (B) by striking the period at the end of
14 paragraph (2) and inserting “; and”;

15 (C) by adding at the end the following:

16 “(3) the term ‘official insignia or article of
17 clothing’ means an article of distinctive clothing or
18 insignia, including a badge, emblem or identification
19 card, that is an indicium of the authority of a public
20 employee; and

21 “(4) the term ‘public employee’ means any offi-
22 cer or employee of the Federal Government or of a
23 State or local government.”;

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

1 “(d) It is a defense to a prosecution under this sec-
2 tion that the official insignia or article of clothing is a
3 counterfeit police badge and is used or is intended to be
4 used exclusively—

5 “(1) for a dramatic presentation, such as a the-
6 atrical, film, or television production; or

7 “(2) for legitimate law enforcement purposes.”;
8 and

9 (6) in the heading for the section, by striking
10 **“Police badges”** and inserting **“Public em-
11 ployee insignia and clothing”**.

12 (b) CONFORMING AMENDMENT TO TABLE OF SEC-
13 TIONS.—The item in the table of sections at the beginning
14 of chapter 33 of title 18, United States Code, relating to
15 section 716 is amended by striking “Police badges” and
16 inserting “Public employee insignia and clothing”.

17 (c) DIRECTION TO SENTENCING COMMISSION.—The
18 United States Sentencing Commission is directed to make
19 appropriate amendments to sentencing guidelines, policy
20 statements, and official commentary to assure that the
21 sentence imposed on a defendant who is convicted of a
22 Federal offense while wearing or displaying insignia and
23 clothing received in violation of section 716 of title 18,
24 United States Code, reflects the gravity of this aggra-
25 vating factor.

1 **SEC. 322. OFFICIALLY APPROVED POSTAGE.**

2 Section 475 of title 18, United States Code, is
3 amended by adding at the end the following: “Nothing in
4 this section applies to evidence of postage payment ap-
5 proved by the United States Postal Service.”.

6 **SEC. 323. AUTHORIZATION OF ADDITIONAL APPROPRIA-**
7 **TIONS.**

8 In addition to any other amounts authorized by law,
9 there are authorized to be appropriated for grants to the
10 American Prosecutors Research Institute under section
11 214A of the Victims of Child Abuse Act of 1990 (42
12 U.S.C. 13003) \$7,500,000 for each of fiscal years 2006
13 through 2010.

14 **SEC. 324. ASSISTANCE TO COURTS.**

15 The chief judge of each United States district court
16 is encouraged to cooperate with requests from State and
17 local authorities whose operations have been significantly
18 disrupted as a result of Hurricane Katrina or Hurricane
19 Rita to provide accommodations in Federal facilities for
20 State and local courts to conduct their proceedings.

21 **SEC. 325. STUDY AND REPORT ON CORRELATION BETWEEN**
22 **SUBSTANCE ABUSE AND DOMESTIC VIO-**
23 **LENCE AT DOMESTIC VIOLENCE SHELTERS.**

24 The Secretary of Health and Human Services shall
25 carry out a study on the correlation between a perpetra-
26 tor’s drug and alcohol abuse and the reported incidence

1 of domestic violence at domestic violence shelters. The
2 study shall cover fiscal years 2006 through 2008. Not
3 later than February 2009, the Secretary shall submit to
4 Congress a report on the results of the study.

5 **SEC. 326. REAUTHORIZATION OF STATE CRIMINAL ALIEN**
6 **ASSISTANCE PROGRAM.**

7 (a) AUTHORIZATION OF APPROPRIATIONS.—Section
8 241(i)(5) of the Immigration and Nationality Act (8
9 U.S.C. 1231(i)(5)) is amended by striking “appropriated”
10 and all that follows through the period and inserting the
11 following: “appropriated to carry out this subsection—

12 “(A) such sums as may be necessary for
13 fiscal year 2005;

14 “(B) \$750,000,000 for fiscal year 2006;

15 “(C) \$850,000,000 for fiscal year 2007;

16 and

17 “(D) \$950,000,000 for each of the fiscal
18 years 2008 through 2011.”.

19 (b) LIMITATION ON USE OF FUNDS.—Section
20 241(i)(6) of the Immigration and Nationality Act (8
21 U.S.C. 1231(i)(6)) is amended to read as follows:

22 “(6) Amounts appropriated pursuant to the au-
23 thorization of appropriations in paragraph (5) that
24 are distributed to a State or political subdivision of

1 a State, including a municipality, may be used only
2 for correctional purposes.”.

3 (c) STUDY AND REPORT ON STATE AND LOCAL AS-
4 SISTANCE IN INCARCERATING UNDOCUMENTED CRIMINAL
5 ALIENS.—

6 (1) IN GENERAL.—Not later than 1 year after
7 the date of the enactment of this Act, the Inspector
8 General of the United States Department of Justice
9 shall perform a study, and report to the Committee
10 on the Judiciary of the United States House of Rep-
11 resentatives and the Committee on the Judiciary of
12 the United States Senate on the following:

13 (A) Whether there are States, or political
14 subdivisions of a State, that have received com-
15 pensation under section 241(i) of the Immigra-
16 tion and Nationality Act (8 U.S.C. 1231(i)) and
17 are not fully cooperating in the Department of
18 Homeland Security’s efforts to remove from the
19 United States undocumented criminal aliens (as
20 defined in paragraph (3) of such section).

21 (B) Whether there are States, or political
22 subdivisions of a State, that have received com-
23 pensation under section 241(i) of the Immigra-
24 tion and Nationality Act (8 U.S.C. 1231(i)) and
25 that have in effect a policy that violates section

1 642 of the Illegal Immigration Reform and Im-
2 migrant Responsibility Act of 1996 (8 U.S.C.
3 1373).

4 (C) The number of criminal offenses that
5 have been committed by aliens unlawfully
6 present in the United States after having been
7 apprehended by States or local law enforcement
8 officials for a criminal offense and subsequently
9 being released without being referred to the De-
10 partment of Homeland Security for removal
11 from the United States.

12 (D) The number of aliens described in sub-
13 paragraph (C) who were released because the
14 State or political subdivision lacked space or
15 funds for detention of the alien.

16 (2) IDENTIFICATION.—In the report submitted
17 under paragraph (1), the Inspector General of the
18 United States Department of Justice—

19 (A) shall include a list identifying each
20 State or political subdivision of a State that is
21 determined to be described in subparagraph (A)
22 or (B) of paragraph (1); and

23 (B) shall include a copy of any written pol-
24 icy determined to be described in subparagraph
25 (B).

1 **TITLE IV—VIOLENCE AGAINST**
2 **WOMEN REAUTHORIZATION**
3 **ACT OF 2005**

4 **SEC. 401. SHORT TITLE.**

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

7 **SEC. 402. DEFINITIONS AND REQUIREMENTS FOR PRO-**
8 **GRAMS RELATING TO VIOLENCE AGAINST**
9 **WOMEN.**

10 Part T of the Omnibus Crime Control and Safe
11 Streets Act of 1968 is amended by inserting before section
12 2001 (42 U.S.C. 3796gg) the following new sections:

13 **“SEC. 2000A. CLARIFICATION THAT PROGRAMS RELATING**
14 **TO VIOLENCE AGAINST WOMEN ARE GENDER-**
15 **NEUTRAL.**

16 “In this part, and in any other Act of Congress, un-
17 less the context unequivocally requires otherwise, a provi-
18 sion authorizing or requiring the Department of Justice
19 to make grants, or to carry out other activities, for assist-
20 ance to victims of domestic violence, dating violence, stalk-
21 ing, sexual assault, or trafficking in persons, shall be con-
22 strued to cover grants that provide assistance to female
23 victims, male victims, or both.

1 **“SEC. 2000B. DEFINITIONS THAT APPLY TO ANY PROVISION**
2 **CARRIED OUT BY VIOLENCE AGAINST**
3 **WOMEN OFFICE.**

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

7 “(1) COURTS.—The term ‘courts’ means any
8 civil or criminal, tribal, and Alaskan Village, Fed-
9 eral, State, local or territorial court having jurisdic-
10 tion to address domestic violence, dating violence,
11 sexual assault or stalking, including immigration,
12 family, juvenile, and dependency courts, and the ju-
13 dicial officers serving in those courts, including
14 judges, magistrate judges, commissioners, justices of
15 the peace, or any other person with decisionmaking
16 authority.

17 “(2) CHILD MALTREATMENT.—The term ‘child
18 maltreatment’ means the physical or psychological
19 abuse or neglect of a child or youth, including sexual
20 assault and abuse.

21 “(3) COMMUNITY-BASED ORGANIZATION.—The
22 term ‘community-based organization’ means an or-
23 ganization that—

24 “(A) focuses primarily on domestic vio-
25 lence, dating violence, sexual assault, or stalk-
26 ing;

1 “(B) has established a specialized cul-
2 turally specific program that addresses domestic
3 violence, dating violence, sexual assault, or
4 stalking;

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

9 “(D) obtains expertise, or shows dem-
10 onstrated capacity to work effectively, on do-
11 mestic violence, dating violence, sexual assault,
12 and stalking through collaboration.

13 “(4) COURT-BASED AND COURT-RELATED PER-
14 SONNEL.—The term ‘court-based’ and ‘court-related
15 personnel’ mean persons working in the court,
16 whether paid or volunteer, including—

17 “(A) clerks, special masters, domestic rela-
18 tions officers, administrators, mediators, cus-
19 tody evaluators, guardians ad litem, lawyers,
20 negotiators, probation, parole, interpreters, vic-
21 tim assistants, victim advocates, and judicial,
22 administrative, or any other professionals or
23 personnel similarly involved in the legal process;

24 “(B) court security personnel;

1 “(C) personnel working in related, supple-
2 mentary offices or programs (such as child sup-
3 port enforcement); and

4 “(D) any other court-based or community-
5 based personnel having responsibilities or au-
6 thority to address domestic violence, dating vio-
7 lence, sexual assault, or stalking in the court
8 system.

9 “(5) DOMESTIC VIOLENCE.—The term ‘domes-
10 tic violence’ includes felony or misdemeanor crimes
11 of violence committed by a current or former spouse
12 of the victim, by a person with whom the victim
13 shares a child in common, by a person who is co-
14 habitating with or has cohabitated with the victim as
15 a spouse, by a person similarly situated to a spouse
16 of the victim under the domestic or family violence
17 laws of the jurisdiction receiving grant monies, or by
18 any other person against an adult, youth, or minor
19 victim who is protected from that person’s acts
20 under the domestic or family violence laws of the ju-
21 risdiction receiving grant monies.

22 “(6) DATING PARTNER.—The term ‘dating
23 partner’ refers to a person who is or has been in an
24 ongoing social relationship of a romantic or intimate

1 nature with the abuser, and existence of such a rela-
2 tionship based on a consideration of—

3 “(A) the length of the relationship;

4 “(B) the type of relationship; and

5 “(C) the frequency of interaction between
6 the persons involved in the relationship.

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

9 “(A) who is or has been in an ongoing so-
10 cial relationship of a romantic or intimate na-
11 ture with the victim; and

12 “(B) where the existence of such a rela-
13 tionship shall be determined based on a consid-
14 eration of the following factors:

15 “(i) The length of the relationship.

16 “(ii) The type of relationship.

17 “(iii) The frequency of interaction be-
18 tween the persons involved in the relation-
19 ship.

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

23 “(A) infliction of injury, unreasonable con-
24 finement, intimidation, or cruel punishment

1 with resulting physical harm, pain, or mental
2 anguish; or

3 “(B) deprivation by a person, including a
4 caregiver, of goods or services that are nec-
5 essary to avoid physical harm, mental anguish,
6 or mental illness.

7 “(9) INDIAN.—The term ‘Indian’ means a
8 member of an Indian tribe.

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

13 “(11) INDIAN TRIBE.—The term ‘Indian tribe’
14 means a tribe, band, pueblo, nation, or other orga-
15 nized group or community of Indians, including any
16 Alaska Native village or regional or village corpora-
17 tion (as defined in, or established pursuant to, the
18 Alaska Native Claims Settlement Act (43 U.S.C.
19 1601 et seq.)), that is recognized as eligible for the
20 special programs and services provided by the
21 United States to Indians because of their status as
22 Indians.

23 “(12) INDIAN LAW ENFORCEMENT.—The term
24 ‘Indian law enforcement’ means the departments or

1 individuals under the direction of the Indian tribe
2 that maintain public order.

3 “(13) LAW ENFORCEMENT.—The term ‘law en-
4 forcement’ means a public agency charged with po-
5 licing functions, including any of its component bu-
6 reaus (such as governmental victim services pro-
7 grams), including those referred to in section 3 of
8 the Indian Enforcement Reform Act (25 U.S.C.
9 2802).

10 “(14) LEGAL ASSISTANCE.—The term ‘legal as-
11 sistance’—

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

15 “(i) family, tribal, territorial, immi-
16 gration, employment, administrative agen-
17 cy, housing matters, campus administrative
18 or protection or stay away order pro-
19 ceedings, and other similar matters; and

20 “(ii) criminal justice investigations,
21 prosecutions and post-trial matters (includ-
22 ing sentencing, parole, and probation) that
23 impact the victim’s safety and privacy,
24 subject to subparagraph (B); and

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

3 “(15) LINGUISTICALLY AND CULTURALLY SPE-
4 CIFIC SERVICES.—The term ‘linguistically and cul-
5 turally specific services’ means community-based
6 services that offer full linguistic access and cul-
7 turally specific services and resources, including out-
8 reach, collaboration, and support mechanisms pri-
9 marily directed toward racial and ethnic populations
10 and other underserved communities.

11 “(16) PERSONALLY IDENTIFYING INFORMATION
12 OR PERSONAL INFORMATION.—The term ‘personally
13 identifying information’ or ‘personal information’
14 means individually identifying information for or
15 about an individual including information likely to
16 disclose the location of a victim of domestic violence,
17 dating violence, sexual assault, or stalking, includ-
18 ing—

19 “(A) a first and last name;

20 “(B) a home or other physical address;

21 “(C) contact information (including a post-
22 al, e-mail or Internet protocol address, or tele-
23 phone or facsimile number);

24 “(D) a social security number; and

1 “(E) any other information, including date
2 of birth, racial or ethnic background, or reli-
3 gious affiliation, that, in combination with any
4 of subparagraphs (A) through (D), would serve
5 to identify any individual.

6 “(17) PROSECUTION.—The term ‘prosecution’
7 means any public agency charged with direct respon-
8 sibility for prosecuting criminal offenders, including
9 such agency’s component bureaus (such as govern-
10 mental victim services programs).

11 “(18) PROTECTION ORDER OR RESTRAINING
12 ORDER.—The term ‘protection order’ or ‘restraining
13 order’ includes—

14 “(A) any injunction, restraining order, or
15 any other order issued by a civil or criminal
16 court for the purpose of preventing violent or
17 threatening acts or harassment against, sexual
18 violence or contact or communication with or
19 physical proximity to, another person, including
20 any temporary or final orders issued by civil or
21 criminal courts whether obtained by filing an
22 independent action or as a pendente lite order
23 in another proceeding so long as any civil order
24 was issued in response to a complaint, petition,

1 or motion filed by or on behalf of a person seek-
2 ing protection; and

3 “(B) any support, child custody or visita-
4 tion provisions, orders, remedies, or relief
5 issued as part of a protection order, restraining
6 order, or stay away injunction pursuant to
7 State, tribal, territorial, or local law authorizing
8 the issuance of protection orders, restraining
9 orders, or injunctions for the protection of vic-
10 tims of domestic violence, dating violence, sex-
11 ual assault, or stalking.

12 “(19) RURAL AREA AND RURAL COMMUNITY.—
13 The terms ‘rural area’ and ‘rural community’
14 mean—

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

19 “(B) any area or community, respectively,
20 that is—

21 “(i) within an area designated as a
22 metropolitan statistical area or considered
23 as part of a metropolitan statistical area;
24 and

25 “(ii) located in a rural census tract.

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

6 “(21) SEXUAL ASSAULT.—The term ‘sexual as-
7 sault’ means any conduct prescribed by chapter
8 109A of title 18, United States Code, whether or not
9 the conduct occurs in the special maritime and terri-
10 torial jurisdiction of the United States or in a Fed-
11 eral prison and includes both assaults committed by
12 offenders who are strangers to the victim and as-
13 saults committed by offenders who are known or re-
14 lated by blood or marriage to the victim.

15 “(22) STALKING.—The term ‘stalking’ means
16 engaging in a course of conduct directed at a spe-
17 cific person that would cause a reasonable person
18 to—

19 “(A) fear for his or her safety or the safety
20 of others; or

21 “(B) suffer substantial emotional distress.

22 “(23) STATE.—The term ‘State’ means each of
23 the several States, the District of Columbia, the
24 Commonwealth of Puerto Rico, and except as other-

1 wise provided, Guam, American Samoa, the Virgin
2 Islands, and the Northern Mariana Islands.

3 “(24) STATE DOMESTIC VIOLENCE COALI-
4 TION.—The term ‘State domestic violence coalition’
5 means a program determined by the Administration
6 for Children and Families under the Family Violence
7 Prevention and Services Act (42 U.S.C. 10410(b)).

8 “(25) STATE SEXUAL ASSAULT COALITION.—
9 The term ‘State sexual assault coalition’ means a
10 program determined by the Center for Injury Pre-
11 vention and Control of the Centers for Disease Con-
12 trol and Prevention under the Public Health Service
13 Act (42 U.S.C. 280b et seq.).

14 “(26) TERRITORIAL DOMESTIC VIOLENCE OR
15 SEXUAL ASSAULT COALITION.—The term ‘territorial
16 domestic violence or sexual assault coalition’ means
17 a program addressing domestic violence or sexual as-
18 sult that is—

19 “(A) an established nonprofit, nongovern-
20 mental territorial coalition addressing domestic
21 violence or sexual assault within the territory;
22 or

23 “(B) a nongovernmental organization with
24 a demonstrated history of addressing domestic
25 violence or sexual assault within the territory

1 that proposes to incorporate as a nonprofit,
2 nongovernmental territorial coalition.

3 “(27) TRIBAL COALITION.—The term ‘tribal co-
4 alition’ means—

5 “(A) an established nonprofit, nongovern-
6 mental tribal coalition addressing domestic vio-
7 lence and sexual assault against American In-
8 dian and Alaskan Native women; or

9 “(B) individuals or organizations that pro-
10 pose to incorporate as nonprofit, nongovern-
11 mental tribal coalitions to address domestic vio-
12 lence and sexual assault against American In-
13 dian and Alaskan Native women.

14 “(28) TRIBAL GOVERNMENT.—The term ‘tribal
15 government’ means—

16 “(A) the governing body of an Indian
17 tribe; or

18 “(B) a tribe, band, pueblo, nation, or other
19 organized group or community of Indians, in-
20 cluding any Alaska Native village or regional or
21 village corporation (as defined in, or established
22 pursuant to, the Alaska Native Claims Settle-
23 ment Act (43 U.S.C. 1601 et seq.)), that is rec-
24 ognized as eligible for the special programs and

1 services provided by the United States to Indi-
2 ans because of their status as Indians.

3 “(29) TRIBAL ORGANIZATION.—The term ‘trib-
4 al organization’ means—

5 “(A) the governing body of any Indian
6 tribe;

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

15 “(C) any tribal nonprofit organization.

16 “(30) UNDERSERVED POPULATIONS.—The
17 term ‘underserved populations’ includes populations
18 underserved because of geographic location, under-
19 served racial and ethnic populations, populations un-
20 derserved because of special needs (such as language
21 barriers, disabilities, alienage status, or age), and
22 any other population determined to be underserved
23 by the Attorney General.

24 “(31) VICTIM ADVOCATE.—The term ‘victim
25 advocate’ means a person, whether paid or serving

1 as a volunteer, who provides services to victims of
2 domestic violence, sexual assault, stalking, or dating
3 violence under the auspices or supervision of a vic-
4 tim services program.

5 “(32) VICTIM ASSISTANT.—The term ‘victim
6 assistant’ means a person, whether paid or serving
7 as a volunteer, who provides services to victims of
8 domestic violence, sexual assault, stalking, or dating
9 violence under the auspices or supervision of a court
10 or a law enforcement or prosecution agency.

11 “(33) VICTIM SERVICES OR VICTIM SERVICE
12 PROVIDER.—The term ‘victim services’ or ‘victim
13 service provider’ means a nonprofit, nongovern-
14 mental organization that assists domestic violence,
15 dating violence, sexual assault, or stalking victims,
16 including rape crisis centers, domestic violence shel-
17 ters, faith-based organizations, and other organiza-
18 tions, with a documented history of effective work,
19 or a demonstrated capacity to work effectively in col-
20 laboration with an organization with a documented
21 history of effective work, concerning domestic vio-
22 lence, dating violence, sexual assault, or stalking.

23 “(34) YOUTH.—The term ‘youth’ means teen
24 and young adult victims of domestic violence, dating
25 violence, sexual assault, or stalking.

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

5 **“SEC. 2000C. REQUIREMENTS THAT APPLY TO ANY GRANT**
6 **PROGRAM CARRIED OUT BY VIOLENCE**
7 **AGAINST WOMEN OFFICE.**

8 “(a) IN GENERAL.—In carrying out grants under
9 this part, and in carrying out grants under any other vio-
10 lence against women grant program, the Director of the
11 Violence Against Women Office shall ensure each of the
12 following:

13 “(1) NONDISCLOSURE OF CONFIDENTIAL OR
14 PRIVATE INFORMATION.—

15 “(A) IN GENERAL.—In order to ensure the
16 safety of adult, youth, and minor victims of do-
17 mestic violence, dating violence, sexual assault,
18 or stalking, and their families, each grantee and
19 subgrantee shall reasonably protect the con-
20 fidentiality and privacy of persons receiving
21 services.

22 “(B) NONDISCLOSURE.—Subject to sub-
23 paragraphs (C) and (D), grantees and sub-
24 grantees shall not—

1 “(i) disclose any personally identifying
2 information or individual information col-
3 lected in connection with services re-
4 quested, utilized, or denied through grant-
5 ees’ and subgrantees’ programs; or

6 “(ii) reveal individual client informa-
7 tion without the informed, written, reason-
8 ably time-limited consent of the person (or
9 in the case of an unemancipated minor, the
10 minor and the parent or guardian or in the
11 case of persons with disabilities, the guard-
12 ian) about whom information is sought,
13 whether for this program or any other
14 Federal, State, tribal, or territorial grant
15 program, except that consent for release
16 may not be given by the abuser of the
17 minor or person with disabilities, or the
18 abuser of the other parent of the minor.

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

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

1 to victims affected by the disclosure of in-
2 formation; and

3 “(ii) grantees and subgrantees shall
4 take steps necessary to protect the privacy
5 and safety of the persons affected by the
6 release 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
11 clients and nonpersonally identifying demo-
12 graphic information in order to comply
13 with Federal, State, tribal, or territorial
14 reporting, evaluation, or data collection re-
15 quirements;

16 “(ii) court-generated information and
17 law-enforcement generated information
18 contained in secure, governmental protec-
19 tion order registries for investigation, pros-
20 ecution, and enforcement purposes; and

21 “(iii) law enforcement- and prosecu-
22 tion-generated information necessary for
23 law enforcement and prosecution purposes.

24 “(2) APPROVED ACTIVITIES.—In carrying out
25 activities under the grant program, grantees and

1 subgrantees may collaborate with and provide infor-
2 mation to Federal, State, local, tribal, and territorial
3 public officials and agencies to develop and imple-
4 ment policies to reduce or eliminate domestic vio-
5 lence, dating violence, sexual assault, and stalking.

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

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

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

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

24 “(7) PROHIBITION ON TORT LITIGATION.—
25 Funds appropriated for the grant program may not

1 be used to fund civil representation in a lawsuit
2 based on a tort claim. This paragraph shall not be
3 construed as a prohibition on providing assistance to
4 obtain restitution in a protection order or criminal
5 case.

6 “(b) VIOLENCE AGAINST WOMEN GRANT PRO-
7 GRAM.—In this section, the term ‘violence against women
8 grant program’ means any grant program required by law
9 to be carried out by or through the Violence Against
10 Women Office.”.

11 **TITLE V—ENHANCING JUDICIAL**
12 **AND LAW ENFORCEMENT**
13 **TOOLS TO COMBAT VIOLENCE**

14 **SEC. 501. STOP GRANTS IMPROVEMENTS.**

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

21 (b) PURPOSE AREA ENHANCEMENTS.—Section
22 2001(b) of title I of the Omnibus Crime Control and Safe
23 Streets Act of 1968 (42 U.S.C. 3796gg(b)) is amended—

24 (1) by striking “, and specifically, for the pur-
25 poses of—” and inserting “, including collaborating

1 with and informing public officials and agencies in
2 order to develop and implement policies to reduce or
3 eliminate domestic violence, dating violence, sexual
4 assault, and stalking, and specifically only for the
5 purposes of—”;

6 (2) in paragraph (5), by inserting after “protec-
7 tion orders are granted,” the following: “supporting
8 nonprofit nongovernmental victim services programs
9 and tribal organizations in working with public offi-
10 cials and agencies to develop and implement policies,
11 rules, and procedures in order to reduce or eliminate
12 domestic violence, dating violence, sexual assault,
13 and stalking,”;

14 (3) in paragraph (10), by striking “and” after
15 the semicolon; and

16 (4) by adding at the end the following:

17 “(12) maintaining core victim services and
18 criminal justice initiatives, while supporting com-
19plementary new initiatives and emergency services
20 for victims and their families; and

21 “(13) supporting the placement of special vic-
22 tim assistants (to be known as ‘Jessica Gonzales
23 Victim Assistants’) in local law enforcement agencies
24 to serve as liaisons between victims of domestic vio-
25 lence, dating violence, sexual assault, and stalking

1 and personnel in local law enforcement agencies in
2 order to improve the enforcement of protection or-
3 ders. Jessica Gonzales Victim Assistants shall have
4 expertise in domestic violence, dating violence, sexual
5 assault, or stalking and may undertake the following
6 activities—

7 “(A) developing, in collaboration with pros-
8 ecutors, courts, and victim service providers,
9 standardized response policies for local law en-
10 forcement agencies, including triage protocols to
11 ensure that dangerous or potentially lethal
12 cases are identified and prioritized;

13 “(B) notifying persons seeking enforce-
14 ment of protection orders as to what responses
15 will be provided by the relevant law enforcement
16 agency;

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

21 “(D) taking other appropriate action to as-
22 sist or secure the safety of the person seeking
23 enforcement of a protection order.”.

24 (c) CLARIFICATION OF ACTIVITIES REGARDING UN-
25 DESERVED POPULATIONS.—Section 2007 of the Omni-

1 bus Crime Control and Safe Streets Act of 1968 (42
2 U.S.C. 3796gg-1) is amended—

3 (1) in subsection (c)(2), by inserting before the
4 semicolon the following: “and describe how the State
5 will address the needs of populations underserved
6 because of geographic location, underserved racial
7 and ethnic populations, populations underserved be-
8 cause of special needs (such as language barriers,
9 disabilities, alienage status, or age), and any other
10 population determined to be underserved by the At-
11 torney General”; and

12 (2) in subsection (e)(2), by striking subpara-
13 graph (D) and inserting the following:

14 “(D) recognize and meaningfully respond
15 to the needs of populations underserved because
16 of geographic location, underserved racial and
17 ethnic populations, populations underserved be-
18 cause of special needs (such as language bar-
19 riers, disabilities, alienage status, or age), and
20 any other population determined to be under-
21 served by the Attorney General, and ensure
22 that monies set aside to fund services and ac-
23 tivities for those populations are distributed eq-
24 uitably among those populations.”.

1 (d) TRIBAL AND TERRITORIAL SETASIDES.—Section
2 2007 of the Omnibus Crime Control and Safe Streets Act
3 of 1968 (42 U.S.C. 3796gg–1), as amended by subsection
4 (c), is further amended—

5 (1) in subsection (b)—

6 (A) in paragraph (1), by striking “5 per-
7 cent” and inserting “10 percent”;

8 (B) in paragraph (2), by striking “ $\frac{1}{54}$ ”
9 and inserting “ $\frac{1}{56}$ ”;

10 (C) in paragraph (3), by striking “and the
11 coalition for the combined Territories of the
12 United States, each receiving an amount equal
13 to $\frac{1}{54}$ ” and inserting “coalitions for Guam,
14 American Samoa, the United States Virgin Is-
15 lands, and the Commonwealth of the Northern
16 Mariana Islands, each receiving an amount
17 equal to $\frac{1}{56}$ ”;

18 (D) in paragraph (4), by striking “ $\frac{1}{54}$ ”
19 and inserting “ $\frac{1}{56}$ ”;

20 (E) in paragraph (5), by striking “and”
21 after the semicolon;

22 (F) in paragraph (6), by striking the pe-
23 riod and inserting “; and”; and

24 (G) by adding at the end:

1 “(7) such funds shall remain available until ex-
2 pended.”;

3 (2) in subsection (c)(3)(B), by inserting after
4 “victim services” the following: “, of which at least
5 10 percent shall be distributed to culturally specific
6 community-based organizations”; and

7 (3) in subsection (d)—

8 (A) in paragraph (2), by striking “and”
9 after the semicolon;

10 (B) in paragraph (3), by striking the pe-
11 riod and inserting “; and”; and

12 (C) by adding at the end the following:

13 “(4) a memorandum of understanding showing
14 that tribal, territorial, State, or local prosecution,
15 law enforcement, and court and victim service pro-
16 vider subgrantees have consulted with tribal, terri-
17 torial, State, or local victim services programs dur-
18 ing the course of developing their grant applications
19 in order to ensure that proposed services, activities
20 and equipment acquisitions are designed to promote
21 the safety, confidentiality, and economic independ-
22 ence of victims of domestic violence, sexual assault,
23 stalking, and dating violence.”.

24 (e) TRAINING, TECHNICAL ASSISTANCE, AND DATA
25 COLLECTION.—Section 2007 of the Omnibus Crime Con-

1 trol and Safe Streets Act of 1968 (42 U.S.C. 3796gg–
2 1), as amended by this section, is further amended by add-
3 ing at the end the following:

4 “(i) TRAINING, TECHNICAL ASSISTANCE, AND DATA
5 COLLECTION.—

6 “(1) IN GENERAL.—Of the total amounts ap-
7 propriated under this part, not less than 3 percent
8 and up to 8 percent shall be available for providing
9 training, technical assistance, and data collection re-
10 lating to the purpose areas of this part to improve
11 the capacity of grantees, subgrantees, and other en-
12 tities to offer services and assistance to victims of
13 domestic violence, sexual assault, stalking, and dat-
14 ing violence.

15 “(2) INDIAN TRAINING.—The Director of the
16 Violence Against Women Office shall ensure that
17 training, technical assistance, and data collection re-
18 garding violence against Indian women will be devel-
19 oped and provided by entities having expertise in
20 tribal law and culture.

21 “(j) LIMITS ON INTERNET PUBLICATION OF REG-
22 ISTRATION INFORMATION.—As a condition of receiving
23 grant amounts under this part, the recipient shall not
24 make available publicly on the Internet any information
25 regarding the registration or filing of a protection order,

1 restraining order, or injunction in either the issuing or en-
2 forcing State, tribal, or territorial jurisdiction, if such pub-
3 lication would be likely to publicly reveal the identity or
4 location of the party protected under such order. A State,
5 Indian tribe, or territory may share court-generated law
6 enforcement generated information contained in secure,
7 governmental registries for protection order enforcement
8 purposes.”.

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

13 “(c) USE OF FUNDS.—A State or Indian tribal gov-
14 ernment may use Federal grant funds under this part to
15 pay for forensic medical exams performed by trained ex-
16 aminers for victims of sexual assault, except that such
17 funds may not be used to pay for forensic medical exams
18 by any State or Indian tribal government that requires
19 victims of sexual assault to seek reimbursement for such
20 exams from their insurance carriers.

21 “(d) RULE OF CONSTRUCTION.—Nothing in this sec-
22 tion shall be construed to permit a State or Indian Tribal
23 government to require a victim of sexual assault to partici-
24 pate in the criminal justice system or cooperate with law
25 enforcement in order to be provided with a forensic med-

1 ical exam, reimbursement for charges incurred on account
2 of such an exam, or both.”.

3 (g) POLYGRAPH TESTING PROHIBITION.—(1) Part T
4 of the Omnibus Crime Control and Safe Streets Act of
5 1968 (42 U.S.C. 3796gg et seq.) is amended by adding
6 at the end the following new section:

7 **“SEC. 2012. POLYGRAPH TESTING PROHIBITION.**

8 “In order to be eligible for grants under this part,
9 a State, Indian tribal government, or unit of local govern-
10 ment must certify within three years of enactment of the
11 Violence Against Women Reauthorization Act of 2005
12 must certify their laws, policies, or practices will ensure
13 that no law enforcement officer, prosecuting officer, or
14 other government official shall ask or require an adult,
15 youth, or minor victim of a sex offense as defined under
16 Federal, tribal, State, territorial or local law to submit to
17 a polygraph examination or similar truth-telling device or
18 method as a condition for proceeding with the investiga-
19 tion, charging or prosecution of such an offense. A victim’s
20 refusal to submit to the aforementioned shall not prevent
21 the investigation, charging or prosecution of the pending
22 case.”.

23 (2) COMPLIANCE.—Section 2007(d) of the Omnibus
24 Crime Control and Safe Streets Act of 1968 (42 U.S.C.
25 3796gg-l(d)) is amended—

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

3 (a) AUTHORIZATION OF APPROPRIATIONS.—Section
4 1001(a)(19) of the Omnibus Crime Control and Safe
5 Streets Act of 1968 (42 U.S.C. 3793(a)(19)) is amended
6 by striking “\$65,000,000 for each of fiscal years 2001
7 through 2005.” and inserting “\$65,000,000 for each of
8 fiscal years 2006 through 2010. Funds appropriated
9 under this paragraph shall remain available until ex-
10 pended.”.

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

14 (1) in subsection (a), by striking “to treat do-
15 mestic violence as a serious violation” and inserting
16 “to treat domestic violence, dating violence, sexual
17 assault, and stalking as serious violations”;

18 (2) in subsection (b)—

19 (A) in the matter before paragraph (1), by
20 inserting after “State” the following: “, tribal,
21 territorial,”;

22 (B) in paragraph (1), by striking “manda-
23 tory arrest or”;

24 (C) in paragraph (2), by—

1 (i) inserting after “educational pro-
2 grams,” the following: “protection order
3 registries,”; and

4 (ii) striking “domestic violence and
5 dating violence.” and inserting “domestic
6 violence, dating violence, sexual assault,
7 and stalking. Such policies, educational
8 programs, registries, and training shall in-
9 corporate confidentiality and privacy pro-
10 tectations for victims of domestic violence,
11 dating violence, sexual assault, and stalk-
12 ing.”;

13 (D) in paragraph (3), by—

14 (i) striking “domestic violence cases”
15 and inserting “domestic violence, dating vi-
16 olence, sexual assault, and stalking cases”;
17 and

18 (ii) striking “groups” and inserting
19 “teams”;

20 (E) in paragraph (5), by striking “domes-
21 tic violence and dating violence” and inserting
22 “domestic violence, dating violence, sexual as-
23 sault, and stalking”;

24 (F) in paragraph (6), by—

1 (i) striking “other” and inserting
2 “civil”; and

3 (ii) inserting after “domestic violence”
4 the following: “, dating violence, sexual as-
5 sault, and stalking”; and

6 (G) by adding at the end the following:

7 “(9) To enhance and support the capacity of
8 victims services programs to collaborate with and in-
9 form efforts by State and local jurisdictions and
10 public officials and agencies to develop best practices
11 and policies regarding arrest of domestic violence,
12 dating violence, sexual assault, and stalking offend-
13 ers and to strengthen protection order enforcement
14 and to reduce or eliminate domestic violence, dating
15 violence, sexual assault, and stalking.

16 “(10) To develop State, tribal, territorial, or
17 local policies, procedures, and protocols for pre-
18 venting dual arrests and prosecutions in cases of do-
19 mestic violence, dating violence, sexual assault, and
20 stalking and to develop effective methods for identi-
21 fying the pattern and history of abuse that indicates
22 which party is the actual perpetrator of abuse.

23 “(11) To plan, develop and establish com-
24 prehensive victim service and support centers, such
25 as family justice centers, designed to bring together

1 victim advocates from non-profit, non-governmental
2 victim services organizations, law enforcement offi-
3 cers, prosecutors, probation officers, governmental
4 victim assistants, forensic medical professionals, civil
5 legal attorneys, chaplains, legal advocates, represent-
6 atives from community-based organizations and
7 other relevant public or private agencies or organiza-
8 tions into one centralized location, in order to im-
9 prove safety, access to services, and confidentiality
10 for victims and families. Although funds may be
11 used to support the co-location of project partners,
12 funds may not support construction or major ren-
13 ovation expenses or activities that fall outside of the
14 scope of the other statutory purpose areas.

15 “(12) To develop and implement policies and
16 training for police, prosecutors, probation and parole
17 officers, and the judiciary in recognizing, inves-
18 tigating, and prosecuting instances of sexual assault,
19 with an emphasis on recognizing the threat to the
20 community for repeat crime perpetration by such in-
21 dividuals.

22 “(13) To develop, to enhance, and to maintain
23 protection order registries.”;

24 (3) in subsection (c)—

1 (A) in paragraph (3), by striking “and”
2 after the semicolon;

3 (B) in paragraph (4), by striking the pe-
4 riod and inserting “; and”; and

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

6 “(5) certify that within three years of enact-
7 ment of the Violence Against Women Reauthoriza-
8 tion Act of 2005 their laws, policies, or practices will
9 ensure that—

10 “(A) no law enforcement officer, pros-
11 ecuting officer or other government official shall
12 ask or require an adult, youth, or minor victim
13 of a sex offense as defined under Federal, trib-
14 al, State, territorial, or local law to submit to
15 a polygraph examination or other truth telling
16 device as a condition for proceeding with the in-
17 vestigation, charging or prosecution of such an
18 offense; and

19 “(B) the refusal of a victim to submit to
20 an examination described in subparagraph (A)
21 shall not prevent the investigation, charging or
22 prosecution of the offense.”; and

23 (4) by striking subsections (d) and (e) and in-
24 serting the following:

1 “(d) ALLOTMENT FOR INDIAN TRIBES.—Not less
2 than 10 percent of the total amount made available for
3 grants under this section for each fiscal year shall be avail-
4 able for grants to Indian tribal governments.”.

5 (e) APPLICATIONS.—Section 2102(b) of the Omnibus
6 Crime Control and Safe Streets Act of 1968 (42 U.S.C.
7 3796hh–1(b)) is amended in each of paragraphs (1) and
8 (2) by inserting after “involving domestic violence” the fol-
9 lowing: “, dating violence, sexual assault, or stalking”.

10 (d) TRAINING, TECHNICAL ASSISTANCE, AND DATA
11 COLLECTION.—Part U of title I of the Omnibus Crime
12 Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh
13 et seq.) is amended by adding at the end the following:
14 **“SEC. 2106. TRAINING, TECHNICAL ASSISTANCE, AND DATA**
15 **COLLECTION.**

16 “Of the total amounts appropriated under this part,
17 not less than 5 percent and up to 8 percent shall be avail-
18 able for providing training, technical assistance, and data
19 collection relating to the purpose areas of this part to im-
20 prove the capacity of grantees, subgrantees, and other en-
21 tities.”.

22 **SEC. 503. LEGAL ASSISTANCE FOR VICTIMS IMPROVE-**
23 **MENTS.**

24 Section 1201 of the Violence Against Women Act of
25 2000 (42 U.S.C. 3796gg–6) is amended—

1 (1) in subsection (a), by—

2 (A) inserting before “legal assistance” the
3 following: “civil and criminal”;

4 (B) inserting after “effective aid to” the
5 following: “adult, youth, and minor”; and

6 (C) striking “domestic violence, dating vio-
7 lence, stalking, or sexual assault” and inserting
8 “domestic violence, dating violence, sexual as-
9 sult, or stalking”;

10 (2) in subsection (c), by striking “private non-
11 profit entities, Indian tribal governments,” and in-
12 serting “nonprofit, nongovernmental organizations,
13 Indian tribal governments and tribal organizations,
14 territorial organizations,”;

15 (3) in each of paragraphs (1), (2), and (3) of
16 subsection (c), by striking “victims of domestic vio-
17 lence, stalking, and sexual assault” and inserting
18 “victims of domestic violence, dating violence, sexual
19 assault, and stalking”;

20 (4) in subsection (d)—

21 (A) in paragraph (1), by striking “domes-
22 tic violence, dating violence, or sexual assault”
23 and inserting “domestic violence, dating vio-
24 lence, sexual assault, or stalking”; and

1 (B) by striking paragraphs (2) and (3) and
2 inserting the following:

3 “(2) any training program conducted in satis-
4 faction of the requirement of paragraph (1) has been
5 or will be developed with input from and in collabo-
6 ration with a tribal, State, territorial, or local do-
7 mestic violence, dating violence, sexual assault or
8 stalking organization or coalition, as well as appro-
9 priate tribal, State, territorial, and local law enforce-
10 ment officials;

11 “(3) any person or organization providing legal
12 assistance through a program funded under sub-
13 section (c) has informed and will continue to inform
14 tribal, State, territorial, or local domestic violence,
15 dating violence, sexual assault or stalking organiza-
16 tions and coalitions, as well as appropriate tribal,
17 State, territorial, and local law enforcement officials
18 of their work; and”;

19 (5) in subsection (f)—

20 (A) by striking paragraph (1) and insert-
21 ing the following:

22 “(1) IN GENERAL.—There is authorized to be
23 appropriated to carry out this section \$55,000,000
24 for each of fiscal years 2006 through 2010. Funds
25 appropriated under this section shall remain avail-

1 able until expended and may be used only for the
2 specific programs and activities described in this sec-
3 tion. Funds appropriated under this section may not
4 be used for advocacy.”; and

5 (B) in paragraph (2)—

6 (i) in subparagraph (A), by—

7 (I) striking “5 percent” and in-
8 serting “10 percent”;

9 (II) striking “programs” and in-
10 serting “tribal governments or tribal
11 organizations”;

12 (III) inserting “adult, youth, and
13 minor” after “that assist”; and

14 (IV) striking “domestic violence,
15 dating violence, stalking, and sexual
16 assault” and inserting “domestic vio-
17 lence, dating violence, sexual assault,
18 and stalking”; and

19 (ii) in subparagraph (B), by striking
20 “technical assistance to support projects
21 focused solely or primarily on providing
22 legal assistance to victims of sexual as-
23 sault” and inserting “technical assistance
24 in civil and crime victim matters to adult,

1 youth, and minor victims of sexual as-
2 sault”.

3 **SEC. 504. COURT TRAINING AND IMPROVEMENTS.**

4 The Violence Against Women Act of 1994 is amended
5 by adding after subtitle I (42 U.S.C. 14042) the following:

6 **“Subtitle J—Violence Against**
7 **Women Act Court Training and**
8 **Improvements**

9 **“SEC. 41001. SHORT TITLE.**

10 “This subtitle may be cited as the ‘Violence Against
11 Women Act Court Training and Improvements Act of
12 2005’.

13 **“SEC. 41002. GRANTS FOR COURT TRAINING AND IMPROVE-**
14 **MENTS.**

15 “(a) PURPOSE.—The purpose of this section is to en-
16 able the Attorney General, through the Director of the Of-
17 fice on Violence Against Women, to award grants to im-
18 prove court responses to adult, youth, and minor domestic
19 violence, dating violence, sexual assault, and stalking to
20 be used for the following purposes—

21 “(1) improved internal civil and criminal court
22 functions, responses, practices, and procedures;

23 “(2) education for court-based and court-related
24 personnel on issues relating to victims’ needs, in-
25 cluding safety, security, privacy, confidentiality and

1 economic independence, as well as information about
2 perpetrator behavior and best practices for holding
3 perpetrators accountable;

4 “(3) collaboration and training with Federal,
5 State, and local public agencies and officials and
6 nonprofit, non-governmental organizations to im-
7 prove implementation and enforcement of relevant
8 Federal, State, tribal, territorial and local law;

9 “(4) to enable courts or court-based or court-re-
10 lated programs to develop new or enhance current—

11 “(A) court infrastructure (such as special-
12 ized courts, dockets, intake centers, or inter-
13 preter services and linguistically and culturally
14 specific services, or a court system dedicated to
15 the adjudication of domestic violence cases);

16 “(B) community-based initiatives within
17 the court system (such as court watch pro-
18 grams, victim advocates, or community-based
19 supplementary services);

20 “(C) offender management, monitoring,
21 and accountability programs;

22 “(D) safe and confidential information-
23 storage and -sharing databases within and be-
24 tween court systems;

1 “(E) education and outreach programs
2 (such as interpreters) to improve community
3 access, including enhanced access for popu-
4 lations underserved because of geographic loca-
5 tion, underserved racial and ethnic populations,
6 populations underserved because of special
7 needs (such as language barriers, disabilities,
8 alienage status, or age), and any other popu-
9 lation determined to be underserved by the At-
10 torney General; and

11 “(F) other projects likely to improve court
12 responses to domestic violence, dating violence,
13 sexual assault, and stalking;

14 “(5) to provide training, technical assistance,
15 and data collection to tribal, Federal, State, terri-
16 torial or local courts wishing to improve their prac-
17 tices and procedures or to develop new programs;
18 and

19 “(6) to provide training for specialized service
20 providers, such as interpreters.

21 “(b) GRANT REQUIREMENTS.—Grants awarded
22 under this section shall be subject to the following condi-
23 tions:

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
17 for a grant under subsection (a)(4), applicants
18 shall certify in writing that any courts or court-
19 based personnel working directly with or mak-
20 ing decisions about adult, youth, or minor par-
21 ties experiencing domestic violence, dating vio-
22 lence, sexual assault, and stalking have com-
23 pleted or will complete education about domes-
24 tic violence, dating violence, sexual assault, and
25 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
12 Against Women, may evaluate the grants funded
13 under this section.

14 “(2) TRIBAL GRANTEEES.—Evaluation of tribal
15 grantees under this section shall be conducted by en-
16 tities 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
20 appropriated 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
6 Against Women, shall fund efforts to develop a na-
7 tional education curriculum for use by State and na-
8 tional judicial educators to ensure that all courts
9 and court personnel have access to information
10 about relevant Federal, State, territorial, or local
11 law, promising practices, procedures, and policies re-
12 garding court responses to adult, youth, and minor
13 domestic violence, dating violence, sexual assault,
14 and stalking.

15 “(2) ELIGIBLE ENTITIES.—Any curricula devel-
16 oped under this subsection—

17 “(A) shall be developed by an entity or en-
18 tities having demonstrated expertise in devel-
19 oping judicial education curricula on issues re-
20 lating to domestic violence, dating violence, sex-
21 ual assault, and stalking; or

22 “(B) if the primary grantee does not have
23 demonstrated expertise such issues, the cur-
24 ricula shall be developed by the primary grantee
25 in partnership with an organization having such
26 expertise.

1 “(b) TRIBAL CURRICULA.—

2 “(1) IN GENERAL.—The Attorney General,
3 through the Office on Violence Against Women,
4 shall fund efforts to develop education curricula for
5 tribal court judges to ensure that all tribal courts
6 have relevant information about promising practices,
7 procedures, policies, and law regarding tribal court
8 responses to adult, youth, and minor domestic vio-
9 lence, dating violence, sexual assault, and stalking.

10 “(2) ELIGIBLE ENTITIES.—Any curricula devel-
11 oped under this subsection—

12 “(A) shall be developed by a tribal organi-
13 zation having demonstrated expertise in devel-
14 oping judicial education curricula on issues re-
15 lating to domestic violence, dating violence, sex-
16 ual assault, and stalking; and

17 “(B) if the primary grantee does not have
18 such expertise, the curricula shall be developed
19 by the primary grantee through partnership
20 with organizations having such expertise.

21 “(c) AUTHORIZATION OF APPROPRIATIONS.—

22 “(1) IN GENERAL.—There is authorized to be
23 appropriated to carry out this section \$1,000,000 for
24 each of fiscal years 2006 to 2010.

1 “(2) AVAILABILITY.—Funds appropriated
2 under this section shall remain available until ex-
3 pended and may only be used for the specific pro-
4 grams and activities described in this section.

5 “(3) SET ASIDE.—Of the amounts made avail-
6 able under this section in each fiscal year, not less
7 than 10 percent shall be used for grants to tribes.

8 **“SEC. 41004. ACCESS TO JUSTICE FOR TEENS.**

9 “(a) PURPOSE.—It is the purpose of this section to
10 encourage cross training and collaboration between the
11 courts, domestic violence and sexual assault service pro-
12 viders, youth organizations and service providers, violence
13 prevention programs, and law enforcement agencies, so
14 that communities can establish and implement policies,
15 procedures, and practices to protect and more comprehen-
16 sively and effectively serve youth victims of dating vio-
17 lence, domestic violence, sexual assault, and stalking be-
18 tween the ages of 12 and 24, and to engage, where nec-
19 essary, other entities addressing the safety, health, mental
20 health, social service, housing, and economic needs of
21 youth victims of domestic violence, dating violence, sexual
22 assault, and stalking.

23 “(b) GRANT AUTHORITY.—

24 “(1) IN GENERAL.—The Attorney General,
25 through the Director of the Violence Against Women

1 Office (in this section referred to as the ‘Director’),
2 shall make grants to eligible entities to enable enti-
3 ties to jointly carry out cross training and other col-
4 laborative initiatives that seek to carry out the pur-
5 poses of this section. Amounts appropriated under
6 this section may only be used for programs and ac-
7 tivities described under subsection (c).

8 “(2) GRANT PERIODS.—Grants shall be award-
9 ed under this section for a period of 3 fiscal years.

10 “(3) ELIGIBLE ENTITIES.—To be eligible for a
11 grant under this section, a grant applicant shall es-
12 tablish a collaboration that shall include—

13 “(A) a Tribal, State, Territorial or local
14 juvenile, family, civil, criminal or other trial
15 court with jurisdiction over domestic violence,
16 dating violence, sexual assault or stalking cases
17 (hereinafter referred to as ‘courts’); and

18 “(B) a victim service provider that has ex-
19 perience in working on domestic violence, dating
20 violence, sexual assault, or stalking and the ef-
21 fect that those forms of abuse have on young
22 people.

23 “(c) USES OF FUNDS.—An entity that receives a
24 grant under this section shall use the funds made available

1 through the grant for cross-training and collaborative ef-
2 forts to—

3 “(1) assess and analyze currently available serv-
4 ices for youth victims of domestic violence, dating vi-
5 olence, sexual assault, and stalking, determine rel-
6 evant barriers to such services in a particular local-
7 ity;

8 “(2) establish and enhance linkages and col-
9 laboration between courts, domestic violence or sex-
10 ual assault service providers, and, where applicable,
11 law enforcement agencies, and other entities ad-
12 dressing the safety, health, mental health, social
13 service, housing, and economic needs of youth vic-
14 tims of domestic violence, dating violence, sexual as-
15 sault or stalking, including community-based sup-
16 ports such as schools, local health centers, commu-
17 nity action groups, and neighborhood coalitions to
18 identify, assess, and respond appropriately to the
19 varying needs of youth victims of dating violence,
20 domestic violence, sexual assault or stalking;

21 “(3) educate the staff of courts, domestic vio-
22 lence and sexual assault service providers, and, as
23 applicable, the staff of law enforcement agencies,
24 youth organizations, schools, healthcare providers
25 and other community prevention and intervention

1 programs to responsibly address youth victims and
2 perpetrators of domestic violence, dating violence,
3 sexual assault and stalking, and to understand rel-
4 evant laws, court procedures and policies; and

5 “(4) provide appropriate resources in juvenile
6 court matters to respond to dating violence, domestic
7 violence, sexual assault and stalking and ensure nec-
8 essary services dealing with the health and mental
9 health of youth victims are available.

10 “(d) GRANT APPLICATIONS.—To be eligible for a
11 grant under this section, the entities that are members
12 of the applicant collaboration described in subsection
13 (b)(3) shall jointly submit an application to the Director
14 at such time, in such manner, and containing such infor-
15 mation as the Director may require.

16 “(e) PRIORITY.—In awarding grants under this sec-
17 tion, the Director shall give priority to entities that have
18 submitted applications in partnership with law enforce-
19 ment agencies and religious and community organizations
20 and service providers that work primarily with youth, es-
21 pecially teens, and who have demonstrated a commitment
22 to coalition building and cooperative problem solving in
23 dealing with problems of dating violence, domestic vio-
24 lence, sexual assault, and stalking in teen populations.

1 “(f) DISTRIBUTION.—In awarding grants under this
2 section—

3 “(1) not less than 10 percent of funds appro-
4 priated under this section in any year shall be avail-
5 able for grants to collaborations involving tribal
6 courts, tribal coalitions, tribal organizations, or do-
7 mestic violence or sexual assault service providers
8 the primary purpose of which is to provide culturally
9 relevant services to American Indian or Alaska Na-
10 tive women or youth;

11 “(2) the Attorney General shall not use more
12 than 2.5 percent of funds appropriated under this
13 section in any year for monitoring and evaluation of
14 grants made available under this section;

15 “(3) the Attorney General shall not use more
16 than 2.5 percent of funds appropriated under this
17 section in any year for administration of grants
18 made available under this section; and

19 “(4) up to 8 percent of funds appropriated
20 under this section in any year shall be available to
21 provide training, technical assistance, and data col-
22 lection for programs funded under this section.

23 “(g) REPORTS.—

24 “(1) REPORTS.—Each of the entities that are
25 members of the applicant collaboration described in

1 subsection (b)(3) and that receive a grant under this
2 section shall jointly prepare and submit a report to
3 the Attorney General detailing the activities that the
4 entities have undertaken under the grant and such
5 additional information as the Attorney General may
6 require. Each such report shall contain information
7 on the activities implemented by the recipients of the
8 grants awarded under this section.

9 “(h) AUTHORIZATION OF APPROPRIATIONS.—There
10 are authorized to be appropriated to carry out this section,
11 \$5,000,000 for each of fiscal years 2006 through 2010.”.

12 **SEC. 505. FULL FAITH AND CREDIT IMPROVEMENTS.**

13 (a) ENFORCEMENT OF PROTECTION ORDERS ISSUED
14 BY TERRITORIES.—Section 2265 of title 18, United
15 States Code, is amended—

16 (1) by striking “State or Indian tribe” each
17 place it appears and inserting “State, Indian tribe,
18 or territory”;

19 (2) by striking “State or tribal” each place it
20 appears and inserting “State, tribal, or territorial”;
21 and

22 (3) in subsection (a) by striking “State or
23 tribe” and inserting “State, Indian tribe, or terri-
24 tory”.

1 (b) CLARIFICATION OF ENTITIES HAVING ENFORCE-
2 MENT AUTHORITY AND RESPONSIBILITIES.—Section
3 2265(a) of title 18, United States Code, is amended by
4 striking “and enforced as if it were” and inserting “and
5 enforced by the court and law enforcement personnel of
6 the other State, Indian tribal government, or Territory as
7 if it were”.

8 (c) PROTECTION ORDERS.—Sections 2265 and 2266
9 of title 18, United States Code, are both amended by strik-
10 ing “protection order” each place it appears and inserting
11 “protection order, restraining order, or injunction”.

12 (d) DEFINITIONS.—Section 2266 of title 18, United
13 States Code, is amended by striking paragraph (5) and
14 inserting the following:

15 “(5) PROTECTION ORDER, RESTRAINING
16 ORDER, OR INJUNCTION.—The term ‘protection
17 order, restraining order, or injunction’ includes—

18 “(A) any injunction or other order issued
19 by a civil or criminal court for the purpose of
20 preventing violent or threatening acts or har-
21 assment against, sexual violence, or contact or
22 communication with or physical proximity to,
23 another person, including any temporary or
24 final order issued by a civil or criminal court
25 whether obtained by filing an independent ac-

1 tion or as a pendente lite order in another pro-
2 ceeding so long as any civil or criminal order
3 was issued in response to a complaint, petition,
4 or motion filed by or on behalf of a person seek-
5 ing protection; and

6 “(B) any support, child custody or visita-
7 tion provisions, orders, remedies or relief issued
8 as part of a protection order, restraining order,
9 or injunction pursuant to State, tribal, terri-
10 torial, or local law authorizing the issuance of
11 protection orders, restraining orders, or injunc-
12 tions for the protection of victims of domestic
13 violence, sexual assault, dating violence, or
14 stalking.”.

15 **SEC. 506. PRIVACY PROTECTIONS FOR VICTIMS OF DOMES-**
16 **TIC VIOLENCE, DATING VIOLENCE, SEXUAL**
17 **VIOLENCE, AND STALKING.**

18 The Violence Against Women Act of 1994, as amend-
19 ed by this Act, is further amended by adding after subtitle
20 J (as added by section 504) the following:

1 **“Subtitle K—Privacy Protections**
2 **for Victims of Domestic Vio-**
3 **lence, Dating Violence, Sexual**
4 **Violence, and Stalking**

5 **“SEC. 41101. TASK FORCE.**

6 “The Attorney General shall establish a task force
7 to review and report on policies, procedures, and techno-
8 logical issues that may affect the privacy and confiden-
9 tiality of victims of domestic violence, dating violence,
10 stalking and sexual assault. The Attorney General shall
11 include representatives from States, tribes, territories, law
12 enforcement, court personnel, and private nonprofit orga-
13 nizations whose mission is to help develop a best practices
14 model to prevent personally identifying information of
15 adult, youth, and minor victims of domestic violence, dat-
16 ing violence, stalking and sexual assault from being re-
17 leased to the detriment of such victimized persons. The
18 Attorney General shall designate one staff member to
19 work with the task force. The Attorney General is author-
20 ized to make grants to develop a demonstration project
21 to implement the best practices identified by the Task
22 Force.

1 **“SEC. 41102. AUTHORIZATION OF APPROPRIATIONS.**

2 “(a) IN GENERAL.—There is authorized to be appro-
3 priated to carry out this subtitle \$1,000,000 for each of
4 fiscal years 2006 through 2010.

5 “(b) AVAILABILITY.—Amounts appropriated under
6 this section shall remain available until expended and may
7 only be used for the specific programs and activities de-
8 scribed in this subtitle.”.

9 **SEC. 507. STALKER DATABASE.**

10 Section 40603 of the Violence Against Women Act
11 of 1994 (42 U.S.C. 14032) is amended—

12 (1) by striking “2001” and inserting “2006”;

13 and

14 (2) by striking “2005” and inserting “2010”.

15 **SEC. 508. VICTIM ASSISTANTS FOR DISTRICT OF COLUMBIA.**

16 Section 40114 of the Violence Against Women Act
17 of 1994 is amended to read as follows:

18 **“SEC. 40114. AUTHORIZATION FOR FEDERAL VICTIM AS-**
19 **SISTANTS.**

20 “There are authorized to be appropriated to the At-
21 torney General for the purpose of appointing victim assist-
22 ants for the prosecution of sex crimes and domestic vio-
23 lence crimes where applicable (such as the District of Co-
24 lumbia), \$1,000,000 for each of fiscal years 2006 through
25 2010.”.

1 **SEC. 509. PREVENTING CYBERSTALKING.**

2 Section 2261A of title 18, United States Code, is
3 amended—

4 (1) in paragraph (1)—

5 (A) by inserting after “intimidate” the fol-
6 lowing: “, or places under surveillance with the
7 intent to kill, injure, harass, or intimidate,”; and

8 (B) by inserting after “or serious bodily in-
9 jury to,” the following: “or causes substantial
10 emotional harm to,”;

11 (2) in paragraph (2)(A), by striking “to kill or
12 injure” and inserting “to kill, injure, harass, or in-
13 timidate, or places under surveillance with the intent
14 to kill, injure, harass, or intimidate, or to cause sub-
15 stantial emotional harm to,”; and

16 (3) in paragraph (2), in the matter following
17 clause (iii) of subparagraph (B)—

18 (A) by inserting after “uses the mail” the
19 following: “, any interactive computer service,”;
20 and

21 (B) by inserting after “course of conduct
22 that” the following: “causes substantial emo-
23 tional harm to that person or”.

24 **SEC. 510. REPEAT OFFENDER PROVISION.**

25 Chapter 110A of title 18, United States Code, is
26 amended by adding after section 2265 the following:

1 **“§ 2265A. Repeat offender provision**

2 “The maximum term of imprisonment for a violation
3 of this chapter after a prior interstate domestic violence
4 offense (as defined in section 2261) or interstate violation
5 of protection order (as defined in section 2262) or inter-
6 state stalking (as defined in sections 2261A(a) and
7 2261A(b)) shall be twice the term otherwise provided for
8 the violation.”.

9 **SEC. 511. PROHIBITING DATING VIOLENCE.**

10 (a) OFFENSE.—Section 2261(a) of title 18, United
11 States Code, is amended—

12 (1) in paragraph (1), by striking “or intimate
13 partner” both places such term appears and insert-
14 ing “, intimate partner, or dating partner”; and

15 (2) in paragraph (2), by striking “or intimate
16 partner” both places such term appears and insert-
17 ing “, intimate partner, or dating partner”.

18 (b) DEFINITION.—Section 2216 of title 18, United
19 States Code, is amended by adding at the end the fol-
20 lowing:

21 “(c) DEFINITION.—The term ‘dating partner’ refers
22 to a person who is or has been in an ongoing relationship
23 of a romantic or intimate nature with the abuser. Factors
24 to consider in determining whether the relationship is or
25 was ongoing include, but are not limited to, the length

1 of the relationship and the frequency of interaction be-
2 tween the persons involved in the relationship.”.

3 **SEC. 512. GAO STUDY AND REPORT.**

4 (a) **STUDY REQUIRED.**—The Comptroller General
5 shall conduct a study to establish the extent to which men,
6 women, youth, and children are victims of domestic vio-
7 lence, dating violence, sexual assault, and stalking and the
8 availability to all victims of shelter, counseling, legal rep-
9 resentation, and other services commonly provided to vic-
10 tims of domestic violence.

11 (b) **ACTIVITIES UNDER STUDY.**—In conducting the
12 study, the following shall apply:

13 (1) **CRIME STATISTICS.**—The Comptroller Gen-
14 eral shall not rely only on crime statistics, but may
15 also use existing research available, including public
16 health studies and academic studies.

17 (2) **SURVEY.**—The Comptroller General shall
18 survey the Department of Justice, as well as any re-
19 cipients of Federal funding for any purpose or an
20 appropriate sampling of recipients, to determine—

21 (A) what services are provided to victims
22 of domestic violence, dating violence, sexual as-
23 sault, and stalking;

1 (B) whether those services are made avail-
2 able to youth, child, female, and male victims;
3 and

4 (C) the number, age, and gender of victims
5 receiving each available service.

6 (c) REPORT.—Not later than 1 year after the date
7 of the enactment of this Act, the Comptroller General shall
8 submit to Congress a report on the activities carried out
9 under this section.

10 **TITLE VI—IMPROVING SERVICES**
11 **FOR VICTIMS OF DOMESTIC**
12 **VIOLENCE, DATING VIO-**
13 **LENCE, SEXUAL ASSAULT,**
14 **AND STALKING**

15 **SEC. 601. TECHNICAL AMENDMENT TO VIOLENCE AGAINST**
16 **WOMEN ACT.**

17 Section 2001 of the Omnibus Crime Control and Safe
18 Streets Act of 1968 (42 U.S.C. 3796gg) is amended by
19 adding at the end the following:

20 “(e) USE OF FUNDS.—Funds appropriated for
21 grants under this part may be used only for the specific
22 programs and activities expressly described in this part.”.

23 **SEC. 602. SEXUAL ASSAULT SERVICES PROGRAM.**

24 Part T of the Omnibus Crime Control and Safe
25 Streets Act of 1968 (42 U.S.C. 3796gg et seq.) is amend-

1 ed by adding after section 2013 (as added by section 501
2 of this Act) the following:

3 **“SEC. 2014. SEXUAL ASSAULT SERVICES PROGRAM.**

4 “(a) PURPOSE.—The purposes of this section are—

5 “(1) to assist States, Indian tribes, and terri-
6 tories in providing intervention, advocacy, accom-
7 paniment, support services, and related assistance
8 for—

9 “(A) adult, youth, and minor victims of
10 sexual assault;

11 “(B) family and household members of
12 such victims; and

13 “(C) those collaterally affected by the vic-
14 timization except for the perpetrator of such
15 victimization;

16 “(2) to provide training and technical assist-
17 ance to, and to support data collection relating to
18 sexual assault by—

19 “(A) Federal, State, tribal, territorial, and
20 local governments, law enforcement agencies,
21 and courts;

22 “(B) professionals working in legal, social
23 service, and health care settings;

24 “(C) nonprofit organizations;

25 “(D) faith-based organizations; and

1 “(E) other individuals and organizations
2 seeking such assistance; and

3 “(3) to enhance coordinated community re-
4 sponses to sexual assault.

5 “(b) GRANTS TO STATES, TERRITORIES AND TRIBAL
6 ENTITIES.—

7 “(1) GRANTS AUTHORIZED.—The Attorney
8 General shall award grants to States, territories and
9 Indian tribes, tribal organizations, and non-profit
10 tribal organizations within Indian country and Alas-
11 kan native villages for the establishment, mainte-
12 nance and expansion of rape crisis centers or other
13 programs and projects to assist those victimized by
14 sexual assault.

15 “(2) SPECIAL EMPHASIS.—States, territories
16 and tribal entities will give special emphasis to the
17 support of community-based organizations with a
18 demonstrated history of providing intervention and
19 related assistance to victims of sexual assault and
20 support coordinated community responses to sexual
21 assault.

22 “(c) GRANTS FOR CULTURALLY SPECIFIC PROGRAMS
23 ADDRESSING SEXUAL ASSAULT.—

1 “(1) GRANTS AUTHORIZED.—The Attorney
2 General shall award grants to any culturally specific
3 community-based organization that—

4 “(A) is a private, nonprofit organization
5 that focuses primarily on racial and ethnic com-
6 munities;

7 “(B) must have documented organizational
8 experience in the area of sexual assault inter-
9 vention or have entered into partnership with
10 an organization having such expertise;

11 “(C) has expertise in the development of
12 community-based, linguistically and culturally
13 specific outreach and intervention services rel-
14 evant for the specific racial and ethnic commu-
15 nities to whom assistance would be provided or
16 have the capacity to link to existing services in
17 the community tailored to the needs of racial
18 and ethnic populations; and

19 “(D) has an advisory board or steering
20 committee and staffing which is reflective of the
21 targeted racial and ethnic community.

22 “(2) AWARD BASIS.—The Attorney General
23 shall award grants under this subsection on a com-
24 petitive basis for a period of no less than 3 fiscal
25 years.

1 “(d) SERVICES AUTHORIZED.—For grants under
2 subsection (b) and (c) the following services and activities
3 may include—

4 “(1) 24 hour hotline services providing crisis
5 intervention services and referrals;

6 “(2) accompaniment and advocacy through
7 medical, criminal justice, and social support systems,
8 including medical facilities, police, and court pro-
9 ceedings;

10 “(3) crisis intervention, short-term individual
11 and group support services, and comprehensive serv-
12 ice coordination, and supervision to assist sexual as-
13 sault victims and family or household members;

14 “(4) support mechanisms that are culturally
15 relevant to the community;

16 “(5) information and referral to assist the sex-
17 ual assault victim and family or household members;

18 “(6) community-based, linguistically and cul-
19 turally-specific services including outreach activities
20 for racial and ethnic and other underserved popu-
21 lations and linkages to existing services in these pop-
22 ulations;

23 “(7) collaborating with and informing public of-
24 ficials and agencies in order to develop and imple-
25 ment policies to reduce or eliminate sexual assault;

1 “(8) the development and distribution of edu-
2 cational materials on issues related to sexual assault
3 and the services described in paragraphs (1) through
4 (7);

5 “(9) sexual assault forensic examinations per-
6 formed by specially trained examiners, including co-
7 ordination of examiners with other responders and
8 testimony by examiners; and

9 “(10) developing and enhancing coordinated
10 community responses to sexual assault, including the
11 development and enhancement of sexual assault re-
12 sponse teams.

13 “(e) GRANTS TO STATE, TERRITORIAL, AND TRIBAL
14 SEXUAL ASSAULT COALITIONS.—

15 “(1) GRANTS AUTHORIZED.—

16 “(A) IN GENERAL.—The Attorney General
17 shall award grants to State, territorial and trib-
18 al sexual assault coalitions to assist in sup-
19 porting the establishment, maintenance and ex-
20 pansion of such coalitions as determined by the
21 National Center for Injury Prevention and Con-
22 trol Office in collaboration with the Violence
23 Against Women Office of the Department of
24 Justice.

1 “(B) FIRST-TIME APPLICANTS.—No entity
2 shall be prohibited from submitting an applica-
3 tion under this subsection because such entity
4 has not previously applied or received funding
5 under this subsection.

6 “(f) COALITION ACTIVITIES AUTHORIZED.—Grant
7 funds received under subsection (e) may be used to—

8 “(1) work with local sexual assault programs
9 and other providers of direct services to encourage
10 appropriate responses to sexual assault within the
11 State, territory, or Indian tribe;

12 “(2) work with judicial and law enforcement
13 agencies to encourage appropriate responses to sex-
14 ual assault cases;

15 “(3) work with courts, child protective services
16 agencies, and children’s advocates to develop appro-
17 priate responses to child custody and visitation
18 issues when sexual assault has been determined to
19 be a factor;

20 “(4) design and conduct public education cam-
21 paigns;

22 “(5) plan and monitor the distribution and use
23 of grants and grant funds to their State, territory,
24 or Indian tribe; and

1 “(6) collaborate with and inform Federal, State,
2 Tribal, or local public officials and agencies to de-
3 velop and implement policies to reduce or eliminate
4 sexual assault.

5 “(g) APPLICATION.—

6 “(1) Each eligible entity desiring a grant under
7 subsections (c) and (e) shall submit an application
8 to the Attorney General at such time, in such man-
9 ner and containing such information as the Attorney
10 General determines to be essential to carry out the
11 purposes of this section.

12 “(2) Each eligible entity desiring a grant under
13 subsection (b) shall include—

14 “(A) demonstration of meaningful involve-
15 ment of the State or territorial coalitions, or
16 Tribal coalition, where applicable, in the devel-
17 opment of the application and implementation
18 of the plans;

19 “(B) a plan for an equitable distribution of
20 grants and grant funds within the State, terri-
21 tory or tribal area and between urban and rural
22 areas within such State or territory;

23 “(C) the State, territorial or Tribal entity
24 that is responsible for the administration of
25 grants; and

1 “(D) any other information the Attorney
2 General reasonably determines to be necessary
3 to carry out the purposes and provisions of this
4 section.

5 “(h) REPORTING.—

6 “(1) Each entity receiving a grant under sub-
7 section (b), (c) and (e) shall submit a report to the
8 Attorney General that describes the activities carried
9 out with such grant funds.

10 “(i) AUTHORIZATION OF APPROPRIATIONS.—

11 “(1) IN GENERAL.—There is authorized to be
12 appropriated \$55,000,000 for each of the fiscal
13 years 2006 through 2010 to carry out this section.
14 Any amounts so appropriated shall remain available
15 until expended.

16 “(2) ALLOCATIONS.—Of the total amount ap-
17 propriated for each fiscal year to carry out this sec-
18 tion—

19 “(A) not more than 2.5 percent shall be
20 used by the Attorney General for evaluation,
21 monitoring and administrative costs under this
22 section;

23 “(B) not more than 2.5 percent shall be
24 used for the provision of technical assistance to
25 grantees and subgrantees under this section, ex-

1 cept that in subsection (c) up to 5 percent of
2 funds appropriated under that subsection may
3 be available for technical assistance to be pro-
4 vided by a national organization or organiza-
5 tions whose primary purpose and expertise is in
6 sexual assault within racial and ethnic commu-
7 nities;

8 “(C) not less than 75 percent shall be used
9 for making grants to states and territories and
10 tribal entities under subsection (b) of which not
11 less than 10 percent of this amount shall be al-
12 located for grants to tribal entities. State, terri-
13 torial and tribal governmental agencies shall
14 use no more than 5 percent for administrative
15 costs;

16 “(D) not less than 10 percent shall be used
17 for grants for culturally specific programs ad-
18 dressing sexual assault under subsection (c);
19 and

20 “(E) not less than 10 percent shall be used
21 for making grants to state, territorial and tribal
22 coalitions under subsection (e) of which not less
23 than 10 percent shall be allocated for grants to
24 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
 5 States, the District of Columbia, and the territories.

6 “(3) MINIMUM AMOUNT.—Of the amount ap-
 7 propriated under section (i)(2)(C), the Attorney
 8 General, not including the set aside for tribal enti-
 9 ties, shall allocate not less than 1.50 percent to each
 10 State and not less than 0.125 percent to each of the
 11 territories. The remaining funds shall be allotted to
 12 each State and each territory in an amount that
 13 bears the same ratio to such remaining funds as the
 14 population of such State bears to the population of
 15 the combined States, or for territories, the popu-
 16 lation of the combined territories.”.

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
 21 of 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 among—

5 “(A) domestic violence, dating violence,
6 sexual 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 vio-

1 lence, and stalking occurring in rural commu-
2 nities; 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
9 Against Women (referred to in this section as the ‘Direc-
10 tor’), may award 3-year grants, with a possible extension
11 for an additional 3 years, to States, Indian tribes, local
12 governments, and nonprofit, public or private entities, in-
13 cluding tribal nonprofit organizations, to carry out pro-
14 grams serving rural areas or rural communities (including
15 rural areas or rural communities in United States Terri-
16 tories) that address domestic violence, dating violence, sex-
17 ual assault, and stalking by—

18 “(1) implementing, expanding, and establishing
19 cooperative efforts and projects among law enforce-
20 ment officers, prosecutors, victim advocacy groups,
21 and other related parties to investigate and pros-
22 ecute incidents of domestic violence, dating violence,
23 sexual assault, and stalking;

24 “(2) providing treatment, counseling, and other
25 long- and short-term assistance to adult, youth, and

1 minor victims of domestic violence, dating violence,
2 sexual assault, and stalking in rural communities;
3 and

4 “(3) working in cooperation with the commu-
5 nity to develop education and prevention strategies
6 directed toward such issues.

7 “(c) USE OF FUNDS.—Funds appropriated pursuant
8 to this section shall be used only for specific programs and
9 activities expressly described in subsection (a).

10 “(d) ALLOTMENTS AND PRIORITIES.—

11 “(1) ALLOTMENT FOR INDIAN TRIBES.—Not
12 less than 10 percent of the total amount made avail-
13 able for each fiscal year to carry out this section
14 shall be allocated for grants to Indian tribes or trib-
15 al organizations.

16 “(2) ALLOTMENT FOR SEXUAL ASSAULT SERV-
17 ICES.—

18 “(A) IN GENERAL.—Not less than 25 per-
19 cent of the total amount made available for
20 each fiscal year to carry out this section shall
21 be allocated for grants that meaningfully ad-
22 dress sexual assault in rural communities, ex-
23 cept as provided in subparagraph (B).

24 “(B) ESCALATION.—The percentage re-
25 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
5 for which \$50,000,000 or more is made
6 available 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, sep-
14 arately or in combination, in the same applica-
15 tion.

16 “(D) REPORT TO CONGRESS.—The Attor-
17 ney General shall, on an annual basis, submit
18 to Congress a report on the effectiveness of the
19 set-aside for sexual assault services. The report
20 shall include any recommendations of the Attor-
21 ney General with respect to the rural grant pro-
22 gram.

23 “(3) ALLOTMENT FOR TRAINING, TECHNICAL
24 ASSISTANCE, AND DATA COLLECTION.—Of the
25 amounts appropriated for each fiscal year to carry

1 out this section, not more than 8 percent may be
2 used by the Director for training, technical assist-
3 ance, and data collection costs. Of the amounts so
4 used, not less than 25 percent shall be available to
5 nonprofit, nongovernmental organizations whose
6 focus and expertise is in addressing sexual assault to
7 provide training, technical assistance, and data col-
8 lection with respect to sexual assault grantees.

9 “(4) UNDERSERVED POPULATIONS.—In award-
10 ing grants under this section, the Director shall give
11 priority to the needs of populations underserved be-
12 cause of geographic location, underserved racial and
13 ethnic populations, populations underserved because
14 of special needs (such as language barriers, disabil-
15 ities, alienage status, or age), and any other popu-
16 lation determined to be underserved by the Attorney
17 General.

18 “(e) AUTHORIZATION OF APPROPRIATIONS.—

19 “(1) IN GENERAL.—There are authorized to be
20 appropriated \$50,000,000 for each of the fiscal
21 years 2006 through 2010 to carry out this section.

22 “(2) ADDITIONAL FUNDING.—In addition to
23 funds received through a grant under subsection (b),
24 a law enforcement agency may use funds received
25 through a grant under part Q of title I of the Omni-

1 bus Crime Control and Safe Streets Act of 1968 (42
2 U.S.C. 3796dd et seq.) to accomplish the objectives
3 of this section.”.

4 **SEC. 604. ASSISTANCE FOR VICTIMS OF ABUSE.**

5 Part T of the Omnibus Crime Control and Safe
6 Streets Act of 1968 (42 U.S.C. 3796gg et seq.) is amend-
7 ed by adding after section 2014 (as added by section 602
8 of this Act) the following:

9 **“SEC. 2015. ASSISTANCE FOR VICTIMS OF ABUSE.**

10 “(a) GRANTS AUTHORIZED.—The Attorney General
11 may award grants to appropriate entities—

12 “(1) to provide services for victims of domestic
13 violence, abuse by caregivers, and sexual assault who
14 are 50 years of age or older;

15 “(2) to improve the physical accessibility of ex-
16 isting buildings in which services are or will be ren-
17 dered for victims of domestic violence and sexual as-
18 sault who are 50 years of age or older;

19 “(3) to provide training, consultation, and in-
20 formation on abuse by caregivers, domestic violence,
21 dating violence, stalking, and sexual assault against
22 individuals with disabilities (as defined in section 3
23 of the Americans with Disabilities Act of 1990 (42
24 U.S.C. 12102)), and to enhance direct services to
25 such individuals;

1 “(4) for training programs to assist law en-
2 forcement officers, prosecutors, governmental agen-
3 cies, victim assistants, and relevant officers of Fed-
4 eral, State, tribal, territorial, and local courts in rec-
5 ognizing, addressing, investigating, and prosecuting
6 instances of adult, youth, or minor domestic vio-
7 lence, dating violence, sexual assault, stalking, elder
8 abuse, and violence against individuals with disabil-
9 ities, including domestic violence and sexual assault,
10 against older or disabled individuals; and

11 “(5) for multidisciplinary collaborative commu-
12 nity responses to victims.

13 “(b) USE OF FUNDS.—Grant funds under this sec-
14 tion may be used—

15 “(1) to implement or expand programs or serv-
16 ices to respond to the needs of persons 50 years of
17 age or older who are victims of domestic violence,
18 dating violence, sexual assault, stalking, or elder
19 abuse;

20 “(2) to provide personnel, training, technical
21 assistance, data collection, advocacy, intervention,
22 risk reduction and prevention of domestic violence,
23 dating violence, stalking, and sexual assault against
24 disabled individuals;

1 “(3) to conduct outreach activities to ensure
2 that disabled individuals who are victims of domestic
3 violence, dating violence, stalking, or sexual assault
4 receive appropriate assistance;

5 “(4) to conduct cross-training for victim service
6 organizations, governmental agencies, and nonprofit,
7 nongovernmental organizations serving individuals
8 with disabilities; about risk reduction, intervention,
9 prevention and the nature of dynamic of domestic vi-
10 olence, dating violence, stalking, and sexual assault
11 for disabled individuals;

12 “(5) to provide training, technical assistance,
13 and data collection to assist with modifications to
14 existing policies, protocols, and procedures to ensure
15 equal access to the services, programs, and activities
16 of victim service organizations for disabled individ-
17 uals;

18 “(6) to provide training, technical assistance,
19 and data collection on the requirements of shelters
20 and victim services organizations under Federal
21 antidiscrimination laws, including—

22 “(A) the Americans with Disabilities Act of
23 1990; and

24 “(B) section 504 of the Rehabilitation Act
25 of 1973;

1 “(7) to purchase equipment, and provide per-
2 sonnel so that shelters and victim service organiza-
3 tions can accommodate the needs of disabled individ-
4 uals;

5 “(8) to provide advocacy and intervention serv-
6 ices for disabled individuals who are victims of do-
7 mestic violence, dating violence, stalking, or sexual
8 assault through collaborative partnerships between—

9 “(A) nonprofit, nongovernmental agencies;

10 “(B) governmental agencies serving indi-
11 viduals with disabilities; and

12 “(C) victim service organizations; or

13 “(9) to develop model programs providing advo-
14 cacy and intervention services within organizations
15 serving disabled individuals who are victims of do-
16 mestic violence, dating violence, sexual assault, or
17 stalking.

18 “(c) ELIGIBLE ENTITIES.—

19 “(1) IN GENERAL.—An entity shall be eligible
20 to receive a grant under this section if the entity
21 is—

22 “(A) a State;

23 “(B) a unit of local government;

24 “(C) a nonprofit, nongovernmental organi-
25 zation such as a victim services organization, an

1 organization serving individuals with disabilities
2 or a community-based organization; and

3 “(D) a religious organization.

4 “(2) LIMITATION.—A grant awarded for the
5 purposes described in subsection (b)(9) shall be
6 awarded only to an eligible agency (as defined in
7 section 410 of the Rehabilitation Act of 1973 (29
8 U.S.C. 796f–5)).

9 “(d) APPLICATION.—An eligible entity desiring a
10 grant under this section shall submit an application to the
11 Attorney General at such time, in such manner, and con-
12 taining such information as the Attorney General may re-
13 quire.

14 “(e) REPORTING.—Not later than 1 year after the
15 last day of the first fiscal year commencing on or after
16 the date of enactment of this Act, and not later than 180
17 days after the last day of each fiscal year thereafter, the
18 Attorney General shall submit to Congress a report evalu-
19 ating the effectiveness of programs administered and oper-
20 ated pursuant to this section.

21 “(f) AUTHORIZATION OF APPROPRIATIONS.—There
22 are authorized to be appropriated \$20,500,000 for each
23 of the fiscal years 2006 through 2010 to carry out this
24 section.”.

1 **SEC. 605. GAO STUDY OF NATIONAL DOMESTIC VIOLENCE**
2 **HOTLINE.**

3 (a) **STUDY REQUIRED.**—Not later than 6 months
4 after the date of enactment of this Act, the Comptroller
5 General shall conduct a study of the National Domestic
6 Violence Hotline to determine the effectiveness of the Hot-
7 line in assisting victims of domestic violence.

8 (b) **ISSUES TO BE STUDIED.**—In conducting the
9 study under subsection (a), the Comptroller General
10 shall—

11 (1) compile statistical and substantive informa-
12 tion about calls received by the Hotline since its in-
13 ception, or a representative sample of such calls,
14 while maintaining the confidentiality of Hotline call-
15 ers;

16 (2) interpret the data compiled under para-
17 graph (1)—

18 (A) to determine the trends, gaps in serv-
19 ices, and geographical areas of need; and

20 (B) to assess the trends and gaps in serv-
21 ices to underserved populations and the military
22 community; and

23 (3) gather other important information about
24 domestic violence.

1 (c) REPORT.—Not later than 3 years after the date
2 of enactment of this Act, the Comptroller General shall
3 submit to Congress a report on the results of the study.

4 **SEC. 606. GRANTS FOR OUTREACH TO UNDERSERVED POP-**
5 **ULATIONS.**

6 (a) GRANTS AUTHORIZED.—

7 (1) IN GENERAL.—From amounts made avail-
8 able to carry out this section, the Attorney General,
9 acting through the Director of the Office on Violence
10 Against Women, shall award grants to eligible enti-
11 ties described in subsection (b) to carry out local, re-
12 gional, or national public information campaigns fo-
13 cused on addressing adult, youth, or minor domestic
14 violence, dating violence, sexual assault, stalking, or
15 trafficking within tribal, racial, and ethnic popu-
16 lations and immigrant communities, including infor-
17 mation on services available to victims and ways to
18 prevent or reduce domestic violence, dating violence,
19 sexual assault, and stalking.

20 (2) TERM.—The Attorney General shall award
21 grants under this section for a period of 1 fiscal
22 year.

23 (b) ELIGIBLE ENTITIES.—Eligible entities under this
24 section are—

1 (1) nonprofit, nongovernmental organizations or
2 coalitions that represent the targeted tribal, racial,
3 and ethnic populations or immigrant community
4 that—

5 (A) have a documented history of creating
6 and administering effective public awareness
7 campaigns addressing domestic violence, dating
8 violence, sexual assault, and stalking; or

9 (B) work in partnership with an organiza-
10 tion that has a documented history of creating
11 and administering effective public awareness
12 campaigns addressing domestic violence, dating
13 violence, sexual assault, and stalking; or

14 (2) a governmental entity that demonstrates a
15 partnership with organizations described in para-
16 graph (1).

17 (c) ALLOCATION OF FUNDS.—Of the amounts appro-
18 priated for grants under this section—

19 (1) not more than 20 percent shall be used for
20 national model campaign materials targeted to spe-
21 cific tribal, racial, or ethnic populations or immi-
22 grant community, including American Indian tribes
23 and Alaskan native villages for the purposes of re-
24 search, testing, message development, and prepara-
25 tion of materials; and

1 (2) the balance shall be used for not less than
2 10 State, regional, territorial, tribal, or local cam-
3 paigns targeting specific communities with informa-
4 tion and materials developed through the national
5 campaign or, if appropriate, new materials to reach
6 an underserved population or a particularly isolated
7 community.

8 (d) USE OF FUNDS.—Funds appropriated under this
9 section shall be used to conduct a public information cam-
10 paign and build the capacity and develop leadership of ra-
11 cial, ethnic populations, or immigrant community mem-
12 bers to address domestic violence, dating violence, sexual
13 assault, and stalking.

14 (e) APPLICATION.—An eligible entity desiring a grant
15 under this section shall submit an application to the Direc-
16 tor of the Violence Against Women Office at such time,
17 in such form, and in such manner as the Director may
18 prescribe.

19 (f) CRITERIA.—In awarding grants under this sec-
20 tion, the Attorney General shall ensure—

21 (1) reasonable distribution among eligible
22 grantees representing various racial, ethnic, and im-
23 migrant communities;

24 (2) reasonable distribution among State, re-
25 gional, territorial, tribal, and local campaigns; and

1 (3) that not more than 8 percent of the total
2 amount appropriated under this section for each fis-
3 cal year is set aside for training, technical assist-
4 ance, and data collection.

5 (g) REPORTS.—Each eligible entity receiving a grant
6 under this section shall submit to the Director of the Vio-
7 lence Against Women Office, every 18 months, a report
8 that describes the activities carried out with grant funds.

9 (h) AUTHORIZATION OF APPROPRIATIONS.—There
10 are authorized to be appropriated to carry out this section
11 \$2,000,000 for each of fiscal years 2006 through 2010.

12 **TITLE VII—SERVICES, PROTEC-**
13 **TION, AND JUSTICE FOR**
14 **YOUNG VICTIMS OF VIO-**
15 **LENCE**

16 **SEC. 701. SERVICES AND JUSTICE FOR YOUNG VICTIMS OF**
17 **VIOLENCE.**

18 The Violence Against Women Act of 1994 is amended
19 by adding after subtitle K (as added by section 506) the
20 following:

1 **“Subtitle L—Services, Education,**
2 **Protection and Justice for**
3 **Young Victims of Violence**

4 **“SEC. 41201. GRANTS FOR TRAINING AND COLLABORATION**
5 **ON THE INTERSECTION BETWEEN DOMESTIC**
6 **VIOLENCE AND CHILD MALTREATMENT.**

7 “(a) PURPOSE.—The purpose of this section is to
8 support efforts by domestic violence or dating violence vic-
9 tim services providers, courts, law enforcement, child wel-
10 fare agencies, and other related professionals and commu-
11 nity organizations to develop collaborative responses and
12 services and provide cross-training to enhance community
13 responses to families where there is both child maltreat-
14 ment and domestic violence.

15 “(b) GRANTS AUTHORIZED.—The Attorney General,
16 through the Violence Against Women Office, shall award
17 grants on a competitive basis to eligible entities for the
18 purposes and in the manner described in this section.

19 “(c) AUTHORIZATION OF APPROPRIATIONS.—There
20 are authorized to be appropriated to carry out this section
21 \$8,000,000 for each of fiscal years 2006 through 2010.
22 Funds appropriated under this section shall remain avail-
23 able until expended. Of the amounts appropriated to carry
24 out this section for each fiscal year, the Attorney General
25 shall—

1 “(1) use not more than 3 percent for evalua-
2 tion, monitoring, site visits, grantee conferences, and
3 other administrative costs associated with con-
4 ducting activities under this section;

5 “(2) set aside not more than 10 percent for
6 grants to programs addressing child maltreatment
7 and domestic violence or dating violence that are op-
8 erated by, or in partnership with, a tribal organiza-
9 tion; and

10 “(3) set aside up to 8 percent for training and
11 technical assistance, to be provided—

12 “(A) to organizations that are establishing
13 or have established collaborative responses and
14 services; and

15 “(B) by organizations having demonstrated
16 expertise in developing collaborative community
17 and system responses to families in which there
18 is both child maltreatment and domestic vio-
19 lence or dating violence, whether or not they
20 are receiving funds under this section.

21 “(d) **UNDERSERVED POPULATIONS.**—In awarding
22 grants under this section, the Attorney General shall con-
23 sider the needs of populations underserved because of geo-
24 graphic location, underserved racial and ethnic popu-
25 lations, populations underserved because of special needs

1 (such as language barriers, disabilities, alienage status, or
2 age), and any other population determined to be under-
3 served by the Attorney General.

4 “(e) GRANT AWARDS.—The Attorney General shall
5 award grants under this section for periods of not more
6 than 3 fiscal years.

7 “(f) USES OF FUNDS.—Entities receiving grants
8 under this section shall use amounts provided to develop
9 collaborative responses and services and provide cross-
10 training to enhance community responses to families
11 where there is both child maltreatment and domestic vio-
12 lence or dating violence. Amounts distributed under this
13 section may only be used for programs and activities de-
14 scribed in subsection (g).

15 “(g) PROGRAMS AND ACTIVITIES.—The programs
16 and activities developed under this section shall—

17 “(1) encourage cross training, education, serv-
18 ice development, and collaboration among child wel-
19 fare agencies, domestic violence victim service pro-
20 viders, and courts, law enforcement agencies, com-
21 munity-based programs, and other entities, in order
22 to ensure that such entities have the capacity to and
23 will identify, assess, and respond appropriately to—

1 “(A) domestic violence or dating violence
2 in homes where children are present and may
3 be exposed to the violence;

4 “(B) domestic violence or dating violence
5 in child protection cases; and

6 “(C) the needs of both the child and non-
7 abusing parent;

8 “(2) establish and implement policies, proce-
9 dures, programs, and practices for child welfare
10 agencies, domestic violence victim service providers,
11 courts, law enforcement agencies, and other entities,
12 that are consistent with the principles of protecting
13 and increasing the immediate and long-term safety
14 and well being of children and non-abusing parents
15 and caretakers by—

16 “(A) increasing the safety, autonomy, ca-
17 pacity, and financial security of non-abusing
18 parents or caretakers, including developing
19 service plans and utilizing community-based
20 services that provide resources and support to
21 non-abusing parents;

22 “(B) protecting the safety, security, and
23 well-being of children by preventing their un-
24 necessary removal from a non-abusing parent,
25 or, in cases where removal of the child is nec-

1 essary to protect the child’s safety, taking the
2 necessary steps to provide appropriate and com-
3 munity-based services to the child and the non-
4 abusing parent to promote the safe and appro-
5 priately prompt reunification of the child with
6 the non-abusing parent;

7 “(C) recognizing the relationship between
8 child maltreatment and domestic violence or
9 dating violence in a family, as well as the im-
10 pact of and danger posed by the perpetrators’
11 behavior on adult, youth, and minor victims;
12 and

13 “(D) holding adult, youth, and minor per-
14 petrators of domestic violence or dating vio-
15 lence, not adult, youth, and minor victims of
16 abuse or neglect, accountable for stopping the
17 perpetrators’ abusive behaviors, including the
18 development of separate service plans, court fil-
19 ings, or community-based interventions where
20 appropriate;

21 “(3) increase cooperation and enhance linkages
22 between child welfare agencies, domestic violence vic-
23 tim service providers, courts (including family, crimi-
24 nal, juvenile courts, or tribal courts), law enforce-
25 ment agencies, and other entities to provide more

1 comprehensive community-based services (including
2 health, mental health, social service, housing, and
3 neighborhood resources) to protect and to serve
4 adult, youth, and minor victims;

5 “(4) identify, assess, and respond appropriately
6 to domestic violence or dating violence in child pro-
7 tection cases and to child maltreatment when it co-
8 occurs with domestic violence or dating violence;

9 “(5) analyze and change policies, procedures,
10 and protocols that contribute to overrepresentation
11 of populations underserved because of geographic lo-
12 cation, underserved racial and ethnic populations,
13 populations underserved because of special needs
14 (such as language barriers, disabilities, alienage sta-
15 tus, or age), and any other population determined to
16 be underserved by the Attorney General, in the court
17 and child welfare system; and

18 “(6) provide appropriate referrals to commu-
19 nity-based programs and resources, such as health
20 and mental health services, shelter and housing as-
21 sistance for adult, youth, and minor victims and
22 their children, legal assistance and advocacy for
23 adult, youth, and minor victims, assistance for par-
24 ents to help their children cope with the impact of
25 exposure to domestic violence or dating violence and

1 child maltreatment, appropriate intervention and
2 treatment for adult perpetrators of domestic violence
3 or dating violence whose children are the subjects of
4 child protection cases, programs providing support
5 and assistance to populations underserved because of
6 geographic location, underserved racial and ethnic
7 populations, populations underserved because of spe-
8 cial needs (such as language barriers, disabilities,
9 alienage status, or age), and any other population
10 determined to be underserved by the Attorney Gen-
11 eral, and other necessary supportive services.

12 “(h) GRANTEE REQUIREMENTS.—

13 “(1) APPLICATIONS.—Under this section, an
14 entity shall prepare and submit to the Attorney Gen-
15 eral an application at such time, in such manner,
16 and containing such information as the Attorney
17 General may require, consistent with the require-
18 ments described herein. The application shall—

19 “(A) ensure that communities impacted by
20 these systems or organizations are adequately
21 represented in the development of the applica-
22 tion, the programs and activities to be under-
23 taken, and that they have a significant role in
24 evaluating the success of the project;

1 “(B) describe how the training and col-
2 laboration activities will enhance or ensure the
3 safety and economic security of families where
4 both child maltreatment and domestic violence
5 or dating violence occurs by providing appro-
6 priate resources, protection, and support to the
7 victimized parents of such children and to the
8 children themselves; and

9 “(C) outline methods and means partici-
10 pating entities will use to ensure that all serv-
11 ices are provided in a developmentally, linguis-
12 tically and culturally competent manner and
13 will utilize community-based supports and re-
14 sources.

15 “(2) ELIGIBLE ENTITIES.—To be eligible for a
16 grant under this section, an entity shall be a collabo-
17 ration that—

18 “(A) shall include a State or local child
19 welfare agency or Indian Tribe;

20 “(B) shall include a domestic violence or
21 dating violence victim service provider;

22 “(C) shall include a court;

23 “(D) may include a law enforcement agen-
24 cy, or Bureau of Indian Affairs providing tribal
25 law enforcement; and

1 “(E) may include any other such agencies
2 or private nonprofit organizations, including
3 community-based organizations, with the capac-
4 ity to provide effective help to the adult, youth,
5 and minor victims served by the collaboration.

6 “(3) REPORTS.—Each entity receiving a grant
7 under this section shall report to the Attorney Gen-
8 eral, detailing how the funds have been used.

9 **“SEC. 41202. SERVICES TO ADVOCATE FOR AND RESPOND**
10 **TO TEENS.**

11 “(a) GRANTS AUTHORIZED.—The Attorney General
12 shall award grants to eligible entities to conduct programs
13 to serve youth between the ages of 12 and 24 of domestic
14 violence, dating violence, sexual assault, and stalking.
15 Amounts appropriated under this section may only be used
16 for programs and activities described under subsection (c).

17 “(b) ELIGIBLE GRANTEEES.—To be eligible to receive
18 a grant under this section, an entity shall be—

19 “(1) a nonprofit, nongovernmental entity, the
20 primary purpose of which is to provide services to
21 victims of domestic violence, dating violence, sexual
22 assault, or stalking;

23 “(2) a religious or community-based organiza-
24 tion that specializes in working with youth victims of

1 domestic violence, dating violence, sexual assault, or
2 stalking;

3 “(3) an Indian Tribe or tribal organization pro-
4 viding services primarily to tribal youth or tribal vic-
5 tims of domestic violence, dating violence, sexual as-
6 sault or stalking; or

7 “(4) a nonprofit, nongovernmental entity pro-
8 viding services for runaway or homeless youth.

9 “(c) USE OF FUNDS.—

10 “(1) IN GENERAL.—An entity that receives a
11 grant under this section shall use amounts provided
12 under the grant to design or replicate, and imple-
13 ment, programs and services, using domestic vio-
14 lence, dating violence, sexual assault, and stalking
15 intervention models to respond to the needs of youth
16 who are victims of domestic violence, dating violence,
17 sexual assault or stalking.

18 “(2) TYPES OF PROGRAMS.—Such a program—

19 “(A) shall provide direct counseling and
20 advocacy for teens and young adults, who have
21 experienced domestic violence, dating violence,
22 sexual assault or stalking;

23 “(B) shall include linguistically, culturally,
24 and community relevant services for populations
25 underserved because of geographic location, un-

1 derserved racial and ethnic populations, popu-
2 lations underserved because of special needs
3 (such as language barriers, disabilities, alienage
4 status, or age), and any other population deter-
5 mined to be underserved by the Attorney Gen-
6 eral, or linkages to existing services in the com-
7 munity tailored to the needs of those popu-
8 lations;

9 “(C) may include mental health services;

10 “(D) may include legal advocacy efforts on
11 behalf of minors and young adults with respect
12 to domestic violence, dating violence, sexual as-
13 sault or stalking;

14 “(E) may work with public officials and
15 agencies to develop and implement policies,
16 rules, and procedures in order to reduce or
17 eliminate domestic violence, dating violence,
18 sexual assault, and stalking against youth and
19 young adults; and

20 “(F) may use not more than 25 percent of
21 the grant funds to provide additional services
22 and resources for youth, including childcare,
23 transportation, educational support, and respite
24 care.

25 “(d) AWARDS BASIS.—

1 “(1) GRANTS TO INDIAN TRIBES.—Not less
2 than 10 percent of funds appropriated under this
3 section in any year shall be available for grants to
4 Indian Tribes or tribal organizations.

5 “(2) ADMINISTRATION.—The Attorney General
6 shall not use more than 2.5 percent of funds appro-
7 priated under this section in any year for adminis-
8 tration, monitoring, and evaluation of grants made
9 available under this section.

10 “(3) TRAINING, TECHNICAL ASSISTANCE, AND
11 DATA COLLECTION.—Not less than 5 percent of
12 funds appropriated under this section in any year
13 shall be available to provide training, technical as-
14 sistance, and data collection for programs funded
15 under this section.

16 “(e) TERM.—The Attorney General shall make the
17 grants under this section for a period of 3 fiscal years.

18 “(f) REPORTS.—An entity receiving a grant under
19 this section shall submit to the Attorney General a report
20 of how grant funds have been used.

21 “(g) AUTHORIZATION OF APPROPRIATIONS.—There
22 is authorized to be appropriated to carry out this section,
23 \$10,000,000 for each of fiscal years 2006 through 2010.”.

1 **SEC. 702. GRANTS TO COMBAT VIOLENT CRIMES ON CAM-**
2 **PUSES.**

3 (a) GRANTS AUTHORIZED.—

4 (1) IN GENERAL.—The Attorney General is au-
5 thORIZED to make grants to institutions of higher
6 education, for use by such institutions or consortia
7 consisting of campus personnel, student organiza-
8 tions, campus administrators, security personnel,
9 and regional crisis centers affiliated with the institu-
10 tion, to develop and strengthen effective security and
11 investigation strategies to combat domestic violence,
12 dating violence, sexual assault, and stalking on cam-
13 puses, and to develop and strengthen victim services
14 in cases involving such crimes against women on
15 campuses, which may include partnerships with local
16 criminal justice authorities and community-based
17 victim services agencies.

18 (2) AWARD BASIS.—The Attorney General shall
19 award grants and contracts under this section on a
20 competitive basis for a period of 3 years. The Attor-
21 ney General, through the Director of the Office on
22 Violence Against Women, shall award the grants in
23 amounts of not more than \$500,000 for individual
24 institutions of higher education and not more than
25 \$1,000,000 for consortia of such institutions.

1 (3) **EQUITABLE PARTICIPATION.**—The Attorney
2 General shall make every effort to ensure—

3 (A) the equitable participation of private
4 and public institutions of higher education in
5 the activities assisted under this section;

6 (B) the equitable geographic distribution of
7 grants under this section among the various re-
8 gions of the United States; and

9 (C) the equitable distribution of grants
10 under this section to tribal colleges and univer-
11 sities and traditionally black colleges and uni-
12 versities.

13 (b) **USE OF GRANT FUNDS.**—Grant funds awarded
14 under this section may be used for the following purposes:

15 (1) To provide personnel, training, technical as-
16 sistance, data collection, and other equipment with
17 respect to the increased apprehension, investigation,
18 and adjudication of persons committing domestic vi-
19 olence, dating violence, sexual assault, and stalking
20 on campus.

21 (2) To train campus administrators, campus se-
22 curity personnel, and personnel serving on campus
23 disciplinary or judicial boards to develop and imple-
24 ment campus policies, protocols, and services that
25 more effectively identify and respond to the crimes

1 domestic violence, dating violence, sexual assault,
2 and stalking. Within 90 days after the date of enact-
3 ment of this Act, the Attorney General shall issue
4 and make available minimum standards of training
5 relating to domestic violence, dating violence, sexual
6 assault, and stalking on campus, for all campus se-
7 curity personnel and personnel serving on campus
8 disciplinary or judicial boards.

9 (3) To implement and operate education pro-
10 grams for the prevention of domestic violence, dating
11 violence, sexual assault and stalking.

12 (4) To develop, enlarge, or strengthen victim
13 services programs on the campuses of the institu-
14 tions involved, including programs providing legal,
15 medical, or psychological counseling, for victims of
16 domestic violence, dating violence, sexual assault,
17 and stalking, and to improve delivery of victim as-
18 sistance on campus. To the extent practicable, such
19 an institution shall collaborate with any entities car-
20 rying out nonprofit and other victim services pro-
21 grams, including domestic violence, dating violence,
22 sexual assault, and stalking victim services programs
23 in the community in which the institution is located.
24 If appropriate victim services programs are not
25 available in the community or are not accessible to

1 students, the institution shall, to the extent prac-
2 ticable, provide a victim services program on campus
3 or create a victim services program in collaboration
4 with a community-based organization. The institu-
5 tion shall use not less than 20 percent of the funds
6 made available through the grant for a victim serv-
7 ices program provided in accordance with this para-
8 graph.

9 (5) To create, disseminate, or otherwise provide
10 assistance and information about victims' options on
11 and off campus to bring disciplinary or other legal
12 action, including assistance to victims in immigra-
13 tion matters.

14 (6) To develop, install, or expand data collec-
15 tion and communication systems, including comput-
16 erized systems, linking campus security to the local
17 law enforcement for the purpose of identifying and
18 tracking arrests, protection orders, violations of pro-
19 tection orders, prosecutions, and convictions with re-
20 spect to the crimes of domestic violence, dating vio-
21 lence, sexual assault, and stalking on campus.

22 (7) To provide capital improvements (including
23 improved lighting and communications facilities but
24 not including the construction of buildings) on cam-

1 puses to address the crimes of domestic violence,
2 dating violence, sexual assault, and stalking.

3 (8) To support improved coordination among
4 campus administrators, campus security personnel,
5 and local law enforcement to reduce domestic vio-
6 lence, dating violence, sexual assault, and stalking
7 on campus.

8 (c) APPLICATIONS.—

9 (1) IN GENERAL.—In order to be eligible to be
10 awarded a grant under this section for any fiscal
11 year, an institution of higher education shall submit
12 an application to the Attorney General at such time
13 and in such manner as the Attorney General shall
14 prescribe.

15 (2) CONTENTS.—Each application submitted
16 under paragraph (1) shall—

17 (A) describe the need for grant funds and
18 the plan for implementation for any of the pur-
19 poses described in subsection (b);

20 (B) include proof that the institution of
21 higher education collaborated with any non-
22 profit, nongovernmental entities carrying out
23 other victim services programs, including do-
24 mestic violence, dating violence, sexual assault,

1 and stalking victim services programs in the
2 community in which the institution is located;

3 (C) describe the characteristics of the pop-
4 ulation being served, including type of campus,
5 demographics of the population, and number of
6 students;

7 (D) provide measurable goals and expected
8 results from the use of the grant funds;

9 (E) provide assurances that the Federal
10 funds made available under this section shall be
11 used to supplement and, to the extent practical,
12 increase the level of funds that would, in the
13 absence of Federal funds, be made available by
14 the institution for the purposes described in
15 subsection (b); and

16 (F) include such other information and as-
17 surances as the Attorney General reasonably
18 determines to be necessary.

19 (3) COMPLIANCE WITH CAMPUS CRIME REPORT-
20 ING REQUIRED.—No institution of higher education
21 shall be eligible for a grant under this section unless
22 such institution is in compliance with the require-
23 ments of section 485(f) of the Higher Education Act
24 of 1965 (20 U.S.C. 1092(f)). Up to \$200,000 of the
25 total amount of grant funds appropriated under this

1 section for fiscal years 2006 through 2010 may be
2 used to provide technical assistance in complying
3 with the mandatory reporting requirements of sec-
4 tion 485(f) of such Act.

5 (d) GENERAL TERMS AND CONDITIONS.—

6 (1) NONMONETARY ASSISTANCE.—In addition
7 to the assistance provided under this section, the At-
8 torney General may request any Federal agency to
9 use the agency’s authorities and the resources grant-
10 ed to the agency under Federal law (including per-
11 sonnel, equipment, supplies, facilities, and manage-
12 rial, technical, and advisory services) in support of
13 campus security, and investigation and victim service
14 efforts.

15 (2) CONFIDENTIALITY.—

16 (A) NONDISCLOSURE OF CONFIDENTIAL
17 OR PRIVATE INFORMATION.—In order to ensure
18 the safety of adult and minor victims of domes-
19 tic violence, dating violence, sexual assault, or
20 stalking and their families, grantees and sub-
21 grantees under this section shall reasonably—

22 (i) protect the confidentiality and pri-
23 vacy of persons receiving services under
24 the grants and subgrants; and

1 (ii) not disclose and personally identi-
2 fying information, or individual client in-
3 formation, collected in connection with
4 services requested, utilized, or denied
5 through programs provided by such grant-
6 ees and subgrantees under this section.

7 (B) CONSENT.—A grantee or subgrantee
8 under this section shall not reveal personally
9 any identifying information or individual client
10 information collected as described in subpara-
11 graph (A) without the informed, written, and
12 reasonably time-limited consent of the person
13 (or, in the case of an unemancipated minor, the
14 minor and the parent or guardian of the minor)
15 about whom information is sought, whether for
16 the program carried out under this section or
17 any other Federal, State, tribal, or territorial
18 assistance program.

19 (C) COMPELLED RELEASE AND NOTICE.—
20 If a grantee or subgrantee under this section is
21 compelled by statutory or court mandate to dis-
22 close information described in subparagraph
23 (A), the grantee or subgrantee—

1 (i) shall make reasonable attempts to
2 provide notice to individuals affected by
3 the disclosure of information; and

4 (ii) shall take steps necessary to pro-
5 tect the privacy and safety of the indi-
6 vidual affected by the disclosure.

7 (D) PERMISSIVE SHARING.—Grantees and
8 subgrantees under this section may share with
9 each other, in order to comply with Federal,
10 State, tribal, or territorial reporting, evaluation,
11 or data collection requirements—

12 (i) aggregate data, that is not person-
13 ally identifying information, regarding
14 services provided to their clients; and

15 (ii) demographic information that is
16 not personally identifying information.

17 (E) COURT-GENERATED AND LAW EN-
18 FORCEMENT-GENERATED INFORMATION.—
19 Grantees and subgrantees under this section
20 may share with each other—

21 (i) court-generated information con-
22 tained in secure, governmental registries
23 for protection order enforcement purposes;
24 and

1 (ii) law enforcement-generated infor-
2 mation.

3 (F) DEFINITION.—As used in this para-
4 graph, the term “personally identifying infor-
5 mation” means individually identifying informa-
6 tion from or about an individual, including—

7 (i) first and last name;

8 (ii) home or other physical address,
9 including street name and name of city or
10 town;

11 (iii) email address or other online con-
12 tact information, such as an instant-mes-
13 saging user identifier or a screen name
14 that reveals an individual’s email address;

15 (iv) telephone number;

16 (v) social security number;

17 (vi) Internet Protocol (“IP”) address
18 or host name that identifies an individual;

19 (vii) persistent identifier, such as a
20 customer number held in a “cookie” or
21 processor serial number, that is combined
22 with other available data that identifies an
23 individual; or

24 (viii) information that, in combination
25 with the information in any of the clauses

1 (i) through (vii), would serve to identify
2 any individual, including—

- 3 (I) grade point average;
4 (II) date of birth;
5 (III) academic or occupational in-
6 terests;
7 (IV) athletic or extracurricular
8 interests;
9 (V) racial or ethnic background;
10 or
11 (VI) religious affiliation.

12 (3) GRANTEE REPORTING.—

13 (A) PERFORMANCE REPORT.—Each insti-
14 tution of higher education receiving a grant
15 under this section shall report to the Attorney
16 General on activities conducted with grant
17 funds. The Attorney General shall suspend
18 funding under this section for an institution of
19 higher education if the institution fails to sub-
20 mit such a report.

21 (B) FINAL REPORT.—Upon completion of
22 the grant period under this section, the institu-
23 tion shall file a performance report with the At-
24 torney General and the Secretary of Education
25 explaining the activities carried out under this

1 section together with an assessment of the ef-
2 fectiveness of those activities in achieving the
3 purposes described in subsection (b).

4 (4) REPORT TO CONGRESS.—Not later than 30
5 days after the end of each even-numbered fiscal
6 year, the Attorney General shall submit to Congress
7 a report for the period of 2 fiscal years at any time
8 in which grants were made under this section and
9 ending in such even-numbered fiscal year, that in-
10 cludes—

11 (A) the number of grants, and the amount
12 of funds, distributed under this section;

13 (B) a summary of the purposes for which
14 the grants were provided and an evaluation of
15 the progress made under the grant;

16 (C) a statistical summary of the persons
17 served, detailing the nature of victimization,
18 and providing data on age, sex, race, ethnicity,
19 language, disability, relationship to offender, ge-
20 ographic distribution, and type of campus; and

21 (D) an evaluation of the effectiveness of
22 programs funded under this part.

23 (e) AUTHORIZATION OF APPROPRIATIONS.—For the
24 purpose of carrying out this section, there are authorized

1 to be appropriated \$15,000,000 for each of fiscal years
2 2006 through 2010.

3 **SEC. 703. SAFE HAVENS.**

4 Section 1301 of the Victims of Trafficking and Violence
5 Protection Act of 2000 (42 U.S.C. 10420) is amended—
6 ed—

7 (1) by striking the section heading and inserting
8 the following:

9 **“SEC. 1301. SAFE HAVENS FOR CHILDREN.”;**

10 (2) in subsection (a)—

11 (A) by inserting “, through the Director of
12 the Violence Against Women Office,” after “Attorney
13 General”;

14 (B) by inserting “public or nonprofit non-
15 governmental entities, and to” after “may
16 award grants to”;

17 (C) by inserting “dating violence,” after
18 “domestic violence,”;

19 (D) by striking “to provide” and inserting
20 the following:

21 “(1) to provide”;

22 (E) by striking the period at the end and
23 inserting a semicolon; and

24 (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
6 victims 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 ex-
10 periencing sexual assault or other forms of physical
11 assault or abuse during parent and child visitation
12 and 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
17 appropriated to carry out this section, \$20,000,000
18 for each of fiscal years 2006 through 2010. Funds
19 appropriated under this section shall remain avail-
20 able 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
3 organizations;

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
13 safe and secure supervised visitation programs
14 and visitation exchange of children in situations
15 involving domestic violence, dating violence, sex-
16 ual 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 vio-
7 lence, dating violence, sexual assault, or stalking,
8 and the impact of such violence on students;

9 (2) to develop and implement policies in middle
10 and high schools regarding appropriate, safe re-
11 sponses to, and identification and referral proce-
12 dures for, students who are experiencing or pepe-
13 trating domestic violence, dating violence, sexual as-
14 sault, or stalking, including procedures for handling
15 the requirements of court protective orders issued to
16 or against students or school personnel, in a manner
17 that ensures the safety of the victim and holds the
18 perpetrator accountable;

19 (3) to provide support services for students and
20 school personnel, such as a resource person who is
21 either on-site or on-call, and who is an expert de-
22 scribed in subsections (i)(2) and (i)(3), for the pur-
23 pose of developing and strengthening effective pre-
24 vention and intervention strategies for students and

1 school personnel experiencing domestic violence, dat-
2 ing violence, sexual assault or stalking;

3 (4) to provide developmentally appropriate edu-
4 cational programming to students regarding domes-
5 tic violence, dating violence, sexual assault, and
6 stalking, and the impact of experiencing domestic vi-
7 olence, dating violence, sexual assault, and stalking
8 on children and youth by adapting existing curricula
9 activities to the relevant student population;

10 (5) to work with existing mentoring programs
11 and develop strong mentoring programs for stu-
12 dents, including student athletes, to help them un-
13 derstand and recognize violence and violent behavior,
14 how to prevent it and how to appropriately address
15 their feelings; and

16 (6) to conduct evaluations to assess the impact
17 of programs and policies assisted under this section
18 in order to enhance the development of the pro-
19 grams.

20 (c) AWARD BASIS.—The Director shall award grants
21 and contracts under this section on a competitive basis.

22 (d) POLICY DISSEMINATION.—The Director shall dis-
23 seminate to middle and high schools any existing Depart-
24 ment of Justice, Department of Health and Human Serv-
25 ices, and Department of Education policy guidance and

1 curricula regarding the prevention of domestic violence,
2 dating violence, sexual assault, and stalking, and the im-
3 pact of the violence on children and youth.

4 (e) NONDISCLOSURE OF CONFIDENTIAL OR PRIVATE
5 INFORMATION.—In order to ensure the safety of adult,
6 youth, and minor victims of domestic violence, dating vio-
7 lence, sexual assault, or stalking and their families, grant-
8 ees and subgrantees shall protect the confidentiality and
9 privacy of persons receiving services. Grantees and sub-
10 grantees pursuant to this section shall not disclose any
11 personally identifying information or individual informa-
12 tion collected in connection with services requested, uti-
13 lized, or denied through grantees' and subgrantees' pro-
14 grams. Grantees and subgrantees shall not reveal indi-
15 vidual client information without the informed, written,
16 reasonably time-limited consent of the person (or in the
17 case of unemancipated minor, the minor and the parent
18 or guardian, except that consent for release may not be
19 given by the abuser of the minor or of the other parent
20 of the minor) about whom information is sought, whether
21 for this program or any other Tribal, Federal, State or
22 Territorial grant program. If release of such information
23 is compelled by statutory or court mandate, grantees and
24 subgrantees shall make reasonable attempts to provide no-
25 tice to victims affected by the disclosure of information.

1 If such personally identifying information is or will be re-
2 vealed, grantees and subgrantees shall take steps nec-
3 essary to protect the privacy and safety of the persons af-
4 fected by the release of the information. Grantees may
5 share non-personally identifying data in the aggregate re-
6 garding services to their clients and non-personally identi-
7 fying demographic information in order to comply with
8 Tribal, Federal, State or Territorial reporting, evaluation,
9 or data collection requirements. Grantees and subgrantees
10 may share court-generated information contained in se-
11 cure, governmental registries for protection order enforce-
12 ment purposes.

13 (f) GRANT TERM AND ALLOCATION.—

14 (1) TERM.—The Director shall make the grants
15 under this section for a period of 3 fiscal years.

16 (2) ALLOCATION.—Not more than 15 percent
17 of the funds available to a grantee in a given year
18 shall be used for the purposes described in sub-
19 section (b)(4)(D), (b),(5), and (b)(6).

20 (g) DISTRIBUTION.—

21 (1) IN GENERAL.—Not less than 5 percent of
22 funds appropriated under subsection (l) in any year
23 shall be available for grants to tribal schools, schools
24 on tribal lands or schools whose student population
25 is more than 25 percent Native American.

1 (2) ADMINISTRATION.—The Director shall not
2 use more than 5 percent of funds appropriated
3 under subsection (1) in any year for administration,
4 monitoring and evaluation of grants made available
5 under this section.

6 (3) TRAINING, TECHNICAL ASSISTANCE, AND
7 DATA COLLECTION.—Not less than 5 percent of
8 funds appropriated under subsection (1) in any year
9 shall be available to provide training, technical as-
10 sistance, and data collection for programs funded
11 under this section.

12 (h) APPLICATION.—To be eligible to be awarded a
13 grant or contract under this section for any fiscal year,
14 a middle or secondary school, in consultation with an ex-
15 pert as described in subsections (i)(2) and (i)(3), shall
16 submit an application to the Director at such time and
17 in such manner as the Director shall prescribe.

18 (i) ELIGIBLE ENTITIES.—To be eligible to receive a
19 grant under this section, an entity shall be a partnership
20 that—

21 (1) shall include a public, charter, tribal, or na-
22 tionally accredited private middle or high school, a
23 school administered by the Department of Defense
24 under 10 U.S.C. 2164 or 20 U.S.C. 921, a group of
25 schools, or a school district;

1 (2) shall include a domestic violence victim
2 service provider that has a history of working on do-
3 mestic violence and the impact that domestic vio-
4 lence and dating violence have on children and
5 youth;

6 (3) shall include a sexual assault victim service
7 provider, such as a rape crisis center, program serv-
8 ing tribal victims of sexual assault, or coalition or
9 other nonprofit nongovernmental organization car-
10 rying out a community-based sexual assault pro-
11 gram, that has a history of effective work concerning
12 sexual assault and the impact that sexual assault
13 has on children and youth; and

14 (4) may include a law enforcement agency, the
15 State, Tribal, Territorial or local court, nonprofit
16 nongovernmental organizations and service providers
17 addressing sexual harassment, bullying or gang-re-
18 lated violence in schools, and any other such agen-
19 cies or nonprofit nongovernmental organizations
20 with the capacity to provide effective assistance to
21 the adult, youth, and minor victims served by the
22 partnership.

23 (j) PRIORITY.—In awarding grants under this sec-
24 tion, the Director shall give priority to entities that have

1 submitted applications in partnership with relevant courts
2 or law enforcement agencies.

3 (k) REPORTING AND DISSEMINATION OF INFORMA-
4 TION.—

5 (1) REPORTING.—Each of the entities that are
6 members of the applicant partnership described in
7 subsection (i), that receive a grant under this section
8 shall jointly prepare and submit to the Director
9 every 18 months a report detailing the activities that
10 the entities have undertaken under the grant and
11 such additional information as the Director shall re-
12 quire.

13 (2) DISSEMINATION OF INFORMATION.—Within
14 9 months of the completion of the first full grant
15 cycle, the Director shall publicly disseminate, includ-
16 ing through electronic means, model policies and
17 procedures developed and implemented in middle
18 and high schools by the grantees, including informa-
19 tion on the impact the policies have had on their re-
20 spective schools and communities.

21 (l) AUTHORIZATION OF APPROPRIATIONS.—

22 (1) IN GENERAL.—There is authorized to be
23 appropriated to carry out this section, \$5,000,000
24 for each of fiscal years 2006 through 2010.

1 (2) AVAILABILITY.—Funds appropriated under
2 paragraph (1) shall remain available until expended.

3 **TITLE VIII—STRENGTHENING**
4 **AMERICA’S FAMILIES BY PRE-**
5 **VENTING VIOLENCE IN THE**
6 **HOME**

7 **SEC. 801. PREVENTING VIOLENCE IN THE HOME.**

8 The Violence Against Women Act of 1994 is amended
9 by adding after subtitle L (as added by section 701) the
10 following:

11 **“Subtitle M—Strengthening Amer-**
12 **ica’s Families by Preventing Vi-**
13 **olence in the Home**

14 **“SEC. 41301. PURPOSE.**

15 “The purpose of this subtitle is to—

16 “(1) prevent crimes involving domestic violence,
17 dating violence, sexual assault, and stalking, includ-
18 ing when committed against children and youth;

19 “(2) increase the resources and services avail-
20 able to prevent domestic violence, dating violence,
21 sexual assault, and stalking, including when com-
22 mitted against children and youth;

23 “(3) reduce the impact of exposure to violence
24 in the lives of children and youth so that the
25 intergenerational cycle of violence is interrupted;

1 “(4) develop and implement education and serv-
2 ices programs to prevent children in vulnerable fami-
3 lies from becoming victims or perpetrators of domes-
4 tic violence, dating violence, sexual assault, or stalk-
5 ing;

6 “(5) promote programs to ensure that children
7 and youth receive the assistance they need to end
8 the cycle of violence and develop mutually respectful,
9 nonviolent relationships; and

10 “(6) encourage collaboration among community-
11 based organizations and governmental agencies serv-
12 ing children and youth, providers of health and men-
13 tal health services and providers of domestic vio-
14 lence, dating violence, sexual assault, and stalking
15 victim services to prevent violence.

16 **“SEC. 41302. GRANTS TO ASSIST CHILDREN AND YOUTH EX-**
17 **POSED TO VIOLENCE.**

18 “(a) GRANTS AUTHORIZED.—

19 “(1) IN GENERAL.—The Attorney General, act-
20 ing through the Director of the Office on Violence
21 Against Women, and in consultation with the Sec-
22 retary of Health and Human Services, is authorized
23 to award grants on a competitive basis to eligible en-
24 tities for the purpose of mitigating the effects of do-
25 mestic violence, dating violence, sexual assault, and

1 stalking on children exposed to such violence, and
2 reducing the risk of future victimization or perpetra-
3 tion of domestic violence, dating violence, sexual as-
4 sault, and stalking.

5 “(2) TERM.—The Director shall make grants
6 under this section for a period of 3 fiscal years.

7 “(3) AWARD BASIS.—The Director shall award
8 grants—

9 “(A) considering the needs of populations
10 underserved because of geographic location, un-
11 derserved racial and ethnic populations, popu-
12 lations underserved because of special needs
13 (such as language barriers, disabilities, alienage
14 status, or age), and any other population deter-
15 mined to be underserved by the Attorney Gen-
16 eral;

17 “(B) awarding not less than 10 percent of
18 such amounts for the funding of tribal projects
19 from the amounts made available under this
20 section for a fiscal year;

21 “(C) awarding up to 8 percent for the
22 funding of training, technical assistance, and
23 data collection programs from the amounts
24 made available under this section for a fiscal
25 year; and

1 “(D) awarding not less than 66 percent to
2 programs described in subsection (e)(1) from
3 the amounts made available under this section
4 for a fiscal year.

5 “(b) AUTHORIZATION OF APPROPRIATIONS.—There
6 is authorized to be appropriated to carry out this section
7 \$15,000,000 for each of fiscal years 2006 through 2010.

8 “(c) USE OF FUNDS.—The funds appropriated under
9 this section shall be used for—

10 “(1) programs that provide services for children
11 exposed to domestic violence, dating violence, sexual
12 assault, or stalking, which may include direct coun-
13 seling, advocacy, or mentoring, and must include
14 support for the nonabusing parent or the child’s
15 caretaker;

16 “(2) training and coordination for programs
17 that serve children and youth (such as Head Start,
18 child care, and after-school programs) on how to
19 safely and confidentially identify children and fami-
20 lies experiencing domestic violence and properly refer
21 them to programs that can provide direct services to
22 the family and children, and coordination with other
23 domestic violence or other programs serving children
24 exposed to domestic violence, dating violence, sexual

1 assault, or stalking that can provide the training
2 and direct services referenced in this subsection; or

3 “(3) advocacy within the systems that serve
4 children to improve the system’s understanding of
5 and response to children who have been exposed to
6 domestic violence and the needs of the nonabusing
7 parent.

8 “(d) ELIGIBLE ENTITIES.—To be eligible to receive
9 a grant under this section, an entity shall be—

10 “(1) a victim service provider, tribal nonprofit
11 organization or community-based organization that
12 has a documented history of effective work con-
13 cerning children or youth exposed to domestic vio-
14 lence, dating violence, sexual assault, or stalking, in-
15 cluding programs that provide culturally specific
16 services, Head Start, child care, after school pro-
17 grams, and health and mental health providers; or

18 “(2) a State, territorial, tribal, or local unit of
19 government agency that is partnered with an organi-
20 zation described in paragraph (1).

21 “(e) GRANTEE REQUIREMENTS.—Under this section,
22 an entity shall—

23 “(1) prepare and submit to the Director an ap-
24 plication at such time, in such manner, and con-

1 taining such information as the Director may re-
2 quire; and

3 “(2) at a minimum, describe in the application
4 the policies and procedures that the entity has or
5 will adopt to—

6 “(A) enhance or ensure the safety and se-
7 curity of children who have been exposed to vio-
8 lence and their nonabusing parent, enhance or
9 ensure the safety and security of children and
10 their nonabusing parent in homes already expe-
11 riencing domestic violence, dating violence, sex-
12 ual assault, or stalking; and

13 “(B) ensure linguistically, culturally, and
14 community relevant services for populations un-
15 derserved because of geographic location, under-
16 served racial and ethnic populations, popu-
17 lations underserved because of special needs
18 (such as language barriers, disabilities, alienage
19 status, or age), and any other population deter-
20 mined to be underserved by the Attorney Gen-
21 eral.

22 “(f) REPORTS.—An entity receiving a grant under
23 this section shall prepare and submit to the Director a
24 report detailing the activities undertaken with grant

1 funds, providing additional information as the Director
2 shall require.

3 **“SEC. 41303. BUILDING ALLIANCES AMONG MEN, WOMEN,
4 AND YOUTH TO PREVENT DOMESTIC VIO-
5 LENCE, DATING VIOLENCE, SEXUAL ASSAULT,
6 AND STALKING.**

7 “(a) GRANTS AUTHORIZED.—

8 “(1) IN GENERAL.—The Attorney General, act-
9 ing through the Director of the Office on Violence
10 Against Women, and in collaboration with the Sec-
11 retary of Health and Human Services, shall award
12 grants on a competitive basis to eligible entities for
13 the purpose of developing or enhancing programs re-
14 lated to building alliances among men, women, and
15 youth to prevent domestic violence, dating violence,
16 sexual assault, and stalking by helping them to de-
17 velop mutually respectful, nonviolent relationships.

18 “(2) TERM.—The Director shall make grants
19 under this section for a period of 3 fiscal years.

20 “(3) AWARD BASIS.—The Director shall award
21 grants—

22 “(A) considering the needs of populations
23 underserved because of geographic location, un-
24 derserved racial and ethnic populations, popu-
25 lations underserved because of special needs

1 (such as language barriers, disabilities, alienage
2 status, or age), and any other population deter-
3 mined to be underserved by the Attorney Gen-
4 eral;

5 “(B) with respect to gender-specific pro-
6 grams described under subsection (c)(1)(A), en-
7 suring reasonable distribution of funds to pro-
8 grams for boys and programs for girls;

9 “(C) awarding not less than 10 percent of
10 such amounts for the funding of tribal projects
11 from the amounts made available under this
12 section for a fiscal year; and

13 “(D) awarding up to 8 percent for the
14 funding of training, technical assistance, and
15 data collection for grantees and non-grantees
16 working in this area and evaluation programs
17 from the amounts made available under this
18 section for a fiscal year.

19 “(b) AUTHORIZATION OF APPROPRIATIONS.—There
20 is authorized to be appropriated to carry out this section
21 \$10,000,000 for each of fiscal years 2006 through 2010.

22 “(c) USE OF FUNDS.—

23 “(1) PROGRAMS.—The funds appropriated
24 under this section shall be used by eligible entities
25 for—

1 “(A) public education and community
2 based programs, including gender-specific pro-
3 grams in accordance with applicable laws—

4 “(i) to encourage children and youth
5 to pursue only mutually respectful, non-
6 violent relationships and empower them to
7 reduce their risk of becoming victims or
8 perpetrators of domestic violence, dating
9 violence, sexual assault, or stalking; and

10 “(ii) that include at a minimum—

11 “(I) information on domestic vio-
12 lence, dating violence, sexual assault,
13 stalking, or child sexual abuse and
14 how they affect children and youth;
15 and

16 “(II) strategies to help partici-
17 pants be as safe as possible; or

18 “(B) public education campaigns and com-
19 munity organizing to encourage men and boys
20 to work as allies with women and girls to pre-
21 vent domestic violence, dating violence, stalking,
22 and sexual assault conducted by entities that
23 have experience in conducting public education
24 campaigns that address domestic violence, dat-
25 ing violence, sexual assault, or stalking.

1 “(2) MEDIA LIMITS.—No more than 25 percent
2 of funds received by a grantee under this section
3 may be used to create and distribute media mate-
4 rials.

5 “(d) ELIGIBLE ENTITIES.—

6 “(1) RELATIONSHIPS.—Eligible entities under
7 subsection (c)(1)(A) are—

8 “(A) nonprofit, nongovernmental domestic
9 violence, dating violence, sexual assault, or
10 stalking victim service providers or coalitions;

11 “(B) community-based child or youth serv-
12 ices organizations with demonstrated experience
13 and expertise in addressing the needs and con-
14 cerns of young people;

15 “(C) a State, territorial, tribal, or unit of
16 local governmental entity that is partnered with
17 an organization described in subparagraph (A)
18 or (B); or

19 “(D) a program that provides culturally
20 specific services.

21 “(2) AWARENESS CAMPAIGN.—Eligible entities
22 under subsection (c)(1)(B) are—

23 “(A) nonprofit, nongovernmental organiza-
24 tions or coalitions that have a documented his-
25 tory of creating and administering effective

1 public education campaigns addressing the pre-
2 vention of domestic violence, dating violence,
3 sexual assault or stalking; or

4 “(B) a State, territorial, tribal, or unit of
5 local governmental entity that is partnered with
6 an organization described in subparagraph (A).

7 “(e) GRANTEE REQUIREMENTS.—Under this section,
8 an entity shall—

9 “(1) prepare and submit to the Director an ap-
10 plication at such time, in such manner, and con-
11 taining such information as the Director may re-
12 quire; and

13 “(2) for a grant under subsection (c)(1)(A), de-
14 scribe in the application the policies and procedures
15 that the entity has or will adopt to—

16 “(A) enhance or ensure the safety and se-
17 curity of children and youth already experi-
18 encing domestic violence, dating violence, sexual
19 assault, or stalking in their lives;

20 “(B) provide, where appropriate, linguis-
21 tically, culturally, and community relevant serv-
22 ices for populations underserved because of geo-
23 graphic location, underserved racial and ethnic
24 populations, populations underserved because of
25 special needs (such as language barriers, dis-

1 abilities, alienage status, or age), and any other
2 population determined to be underserved by the
3 Attorney General;

4 “(C) inform participants about laws, serv-
5 ices, and resources in the community, and make
6 referrals as appropriate; and

7 “(D) ensure that State and local domestic
8 violence, dating violence, sexual assault, and
9 stalking victim service providers and coalitions
10 are aware of the efforts of organizations receiv-
11 ing grants under this section.

12 “(f) REPORTS.—An entity receiving a grant under
13 this section shall prepare and submit to the Director a
14 report detailing the activities undertaken with grant
15 funds, including an evaluation of funded programs and
16 providing additional information as the Director shall re-
17 quire.

18 **“SEC. 41304. DEVELOPMENT OF CURRICULA AND PILOT**
19 **PROGRAMS FOR HOME VISITATION**
20 **PROJECTS.**

21 “(a) GRANTS AUTHORIZED.—

22 “(1) IN GENERAL.—The Attorney General, act-
23 ing through the Director of the Office on Violence
24 Against Women, shall award grants on a competitive
25 basis to home visitation programs, in collaboration

1 with law enforcement, victim service providers, for
2 the purposes of developing and implementing model
3 policies and procedures to train home visitation serv-
4 ice providers on addressing domestic violence, dating
5 violence, sexual assault, and stalking in families ex-
6 periencing violence, or at risk of violence, to reduce
7 the impact of that violence on children, maintain
8 safety, improve parenting skills, and break
9 intergenerational cycles of violence.

10 “(2) TERM.—The Director shall make the
11 grants under this section for a period of 2 fiscal
12 years.

13 “(3) AWARD BASIS.—The Director shall—

14 “(A) consider the needs of underserved
15 populations;

16 “(B) award not less than 7 percent of such
17 amounts for the funding of tribal projects from
18 the amounts made available under this section
19 for a fiscal year; and

20 “(C) award up to 8 percent for the funding
21 of technical assistance programs from the
22 amounts made available under this section for
23 a fiscal year.

1 “(b) AUTHORIZATION OF APPROPRIATIONS.—There
2 is authorized to be appropriated to carry out this section
3 \$5,000,000 for each of fiscal years 2006 through 2010.

4 “(c) ELIGIBLE ENTITIES.—To be eligible to receive
5 a grant under this section, an entity shall be a national,
6 Federal, State, local, territorial, or tribal—

7 “(1) home visitation program that provides
8 services to pregnant women and to young children
9 and their parent or primary caregiver that are pro-
10 vided in the permanent or temporary residence or in
11 other familiar surroundings of the individual or fam-
12 ily receiving such services; or

13 “(2) victim services organization or agency in
14 collaboration with an organization or organizations
15 listed in paragraph (1).

16 “(d) GRANTEE REQUIREMENTS.—Under this section,
17 an entity shall—

18 “(1) prepare and submit to the Director an ap-
19 plication at such time, in such manner, and con-
20 taining such information as the Director may re-
21 quire; and

22 “(2) describe in the application the policies and
23 procedures that the entity has or will adopt to—

24 “(A) enhance or ensure the safety and se-
25 curity of children and their nonabusing parent

1 in homes already experiencing domestic vio-
2 lence, dating violence, sexual assault, or stalk-
3 ing;

4 “(B) ensure linguistically, culturally, and
5 community relevant services for populations un-
6 derserved because of geographic location, under-
7 served racial and ethnic populations, popu-
8 lations underserved because of special needs
9 (such as language barriers, disabilities, alienage
10 status, or age), and any other population deter-
11 mined to be underserved by the Attorney Gen-
12 eral;

13 “(C) ensure the adequate training by do-
14 mestic violence, dating violence, sexual assault
15 or stalking victim service providers of home visi-
16 tation grantee program staff to—

17 “(i) safely screen for or recognize (or
18 both) domestic violence, dating violence,
19 sexual assault, and stalking;

20 “(ii) understand the impact of domes-
21 tic violence or sexual assault on children
22 and protective actions taken by a non-
23 abusing parent or caretaker in response to
24 violence against anyone in the household;
25 and

1 “(iii) link new parents with existing
2 community resources in communities where
3 resources exist; and

4 “(D) ensure that relevant State and local
5 domestic violence, dating violence, sexual as-
6 sault, and stalking victim service providers and
7 coalitions are aware of the efforts of organiza-
8 tions receiving grants under this section, and
9 are included as training partners, where pos-
10 sible.”.

11 **TITLE IX—PROTECTION FOR IM-**
12 **MIGRANT VICTIMS OF VIO-**
13 **LENCE**

14 **SEC. 900. SHORT TITLE; REFERENCES TO VAWA-2000; REGU-**
15 **LATIONS.**

16 (a) **SHORT TITLE.**—This title may be cited as “Im-
17 migrant Victims of Violence Protection Act of 2005”.

18 (b) **REFERENCES TO VAWA-2000.**—In this title, the
19 term “VAWA-2000” means the Violence Against Women
20 Act of 2000 (division B of Public Law 106-386).

21 (c) **REGULATIONS.**—Not later than 180 days after
22 the date of the enactment of this Act, the Attorney Gen-
23 eral, the Secretary of Homeland Security, and Secretary
24 of State shall promulgate regulations to implement the
25 provisions contained in the Battered Immigrant Women

1 Protection Act of 2000 (title V of VAWA–2000) and the
2 amendments made by (and the provisions of) this title.
3 In applying such regulations, in the case of petitions, ap-
4 plications, or certifications filed on or before the effective
5 date of publication of such regulations for relief covered
6 by such regulations, there shall be no requirement to sub-
7 mit an additional petition, application, or certification and
8 any priority or similar date with respect to such a petition
9 or application shall relate back to the date of the filing
10 of the petition or application.

11 **Subtitle A—Victims of Crime**

12 **SEC. 901. CONDITIONS APPLICABLE TO U AND T VISAS.**

13 (a) TREATMENT OF SPOUSE AND CHILDREN OF VIC-
14 TIMS OF TRAFFICKING.—Clause (ii) of section
15 101(a)(15)(T) of the Immigration and Nationality Act (8
16 U.S.C. 1101(a)(15)(T)) is amended to read as follows:

17 “(ii) if accompanying, or following to join,
18 the alien described in clause (i)—

19 “(I) in the case of an alien so de-
20 scribed who is under 21 years of age, the
21 spouse, children, unmarried siblings under
22 18 years of age on the date on which such
23 alien applied for status under such clause,
24 and parents of such alien; or

1 “(II) in the case of an alien described
2 in clause (i) who is 21 years of age or
3 older, the spouse and children of such
4 alien;”.

5 (b) DURATION OF U AND T VISAS.—

6 (1) U VISAS.—Section 214(p) of such Act (8
7 U.S.C. 1184(p)) is amended by adding at the end
8 the following new paragraph:

9 “(6) DURATION OF STATUS.—The authorized
10 period of status of an alien as a nonimmigrant
11 under section 101(a)(15)(U) shall be 4 years, but—

12 “(A) shall be extended on a year-by-year
13 basis upon certification from a Federal, State
14 or local law enforcement official, prosecutor,
15 judge, or other Federal, State or local authority
16 investigating or prosecuting criminal activity
17 described in section 101(a)(15)(U)(iii) that the
18 alien’s ongoing presence in the United States is
19 required to assist in the investigation or pros-
20 ecution of such criminal activity; and

21 “(B) shall be extended if the alien files an
22 application for adjustment of status under sec-
23 tion 245(m), until final adjudication of such ap-
24 plication.”.

1 (2) T VISAS.—Section 214(o) of such Act (8
2 U.S.C. 1184(o)), as redesignated by section 8(a)(3)
3 of the Trafficking Victims Protection Reauthoriza-
4 tion Act of 2003 (Public Law 108–193), is amended
5 by adding at the end the following:

6 “(7) The authorized period of status of an alien as
7 a nonimmigrant status under section 101(a)(15)(T) shall
8 be 4 years, but—

9 “(A) shall be extended on a year-by-year basis
10 upon certification from a Federal, State or local law
11 enforcement official, prosecutor, judge, or other Fed-
12 eral, State or local authority investigating or pros-
13 ecuting criminal activity relating to human traf-
14 ficking that the alien’s ongoing presence in the
15 United States is required to assist in the investiga-
16 tion or prosecution of such criminal activity; and

17 “(B) shall be extended if the alien files an ap-
18 plication for adjustment of status under section
19 245(l), until final adjudication of such application.”.

20 (c) PERMITTING CHANGE OF NONIMMIGRANT STA-
21 TUS TO U AND T NONIMMIGRANT STATUS.—

22 (1) IN GENERAL.—Section 248 of such Act (8
23 U.S.C. 1258) is amended—

1 (A) by striking “The Attorney General”
2 and inserting “(a) The Secretary of Homeland
3 Security”;

4 (B) by inserting “(subject to subsection
5 (b))” after “except”; and

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

8 “(b) The limitation based on inadmissibility under
9 section 212(a)(9)(B) and the exceptions specified in num-
10 bered paragraphs of subsection (a) shall not apply to a
11 change of nonimmigrant classification to that of a non-
12 immigrant under subparagraph (T) or (U) of section
13 101(a)(15), other than from such classification under sub-
14 paragraph (C) or (D) of such section.”.

15 (2) CONFORMING AMENDMENT.—Section
16 214(l)(2)(A) of such Act (8 U.S.C. 1184(l)(2)(A)) is
17 amended by striking “248(2)” and inserting
18 “248(a)(2)”.

19 (d) CERTIFICATION PROCESS FOR VICTIMS OF TRAF-
20 FICKING.—

21 (1) VICTIM ASSISTANCE IN INVESTIGATION OR
22 PROSECUTION.—Section 107(b)(1)(E) of the Traf-
23 ficking Victims Protection Act of 2000 (division A of
24 Public Law 106–386; 22 U.S.C. 7105(b)(1)(E)) is
25 amended—

1 (A) in clause (i)(I), by striking “investiga-
2 tion and prosecution” and inserting “investiga-
3 tion or prosecution, by the United States or a
4 State or local government”; and

5 (B) in clause (iii)—

6 (i) by striking “INVESTIGATION AND
7 PROSECUTION” and “investigation and
8 prosecution” and inserting “INVESTIGA-
9 TION OR PROSECUTION” and “investigation
10 or prosecution”, respectively;

11 (ii) in subclause (II), by striking
12 “and” at the end;

13 (iii) in subclause (III), by striking the
14 period and inserting “; or”; and

15 (iv) by adding at the end the following
16 new subclause:

17 “(IV) responding to and cooper-
18 ating with requests for evidence and
19 information.”.

20 (2) CLARIFYING ROLES OF ATTORNEY GENERAL
21 AND SECRETARY OF HOMELAND SECURITY.—

22 (A) Section 107 of the Trafficking Victims
23 Protection Act of 2000 (division A of Public
24 Law 106–386; 22 U.S.C. 7105) is amended—

1 (i) in subsections (b)(1)(E)(i)(II)(bb),
2 (b)(1)(E)(ii), (e)(5), and (g), by striking
3 “Attorney General” and inserting “Sec-
4 retary of Homeland Security” each place it
5 appears; and

6 (ii) in subsection (e), by inserting “,
7 Secretary of Homeland Security,” after
8 “Attorney General”.

9 (B) Section 101(a)(15)(T) of the Immigra-
10 tion and Nationality Act (8 U.S.C.
11 1101(a)(15)(T)) is amended by striking “Attor-
12 ney General” and inserting “Secretary of
13 Homeland Security” each place it appears.

14 (C) Section 212(d)(13) of the Immigration
15 and Nationality Act (8 U.S.C. 1182(d)(13)) is
16 amended—

17 (i) in subparagraph (A), by striking
18 “Attorney General” and inserting “Sec-
19 retary of Homeland Security”;

20 (ii) in subparagraph (B), by striking
21 “Attorney General” the first place it ap-
22 pears and inserting “Secretary of Home-
23 land Security”; and

24 (iii) in subparagraph (B), by striking
25 “Attorney General, in the Attorney Gen-

1 eral’s discretion” and inserting “Secretary,
2 in the Secretary’s discretion”.

3 (D) Section 101(i) of the Immigration and
4 Nationality Act (8 U.S.C. 1101(i)) is amend-
5 ed—

6 (i) in paragraph (1), by striking “At-
7 torney General” and inserting “Secretary
8 of Homeland Security, the Attorney Gen-
9 eral,”; and

10 (ii) in paragraph (2), by striking “At-
11 torney General” and inserting “Secretary
12 of Homeland Security”.

13 (E) Section 245(l) of the Immigration and
14 Nationality Act (8 U.S.C. 1255(l)) is amend-
15 ed—

16 (i) by striking “Attorney General”
17 and inserting “Secretary of Homeland Se-
18 curity” the first place it appears in para-
19 graphs (1) and (2) and in paragraph (5);

20 (ii) by striking “Attorney General”
21 and inserting “Secretary” the second place
22 it appears in paragraphs (1) and (2); and

23 (iii) in paragraph (2), by striking “At-
24 torney General’s” and inserting “Sec-
25 retary’s”.

1 (3) REQUEST BY STATE AND LOCAL LAW EN-
2 FORCEMENT OFFICIALS.—Section 107(c)(3) of the
3 Trafficking Victims Protection Act of 2000 (division
4 A of Public Law 106–386; 22 U.S.C. 7105(c)(3)) is
5 amended by adding at the end the following: “State
6 or local law enforcement officials may request that
7 such Federal law enforcement officials permit the
8 continued presence of trafficking victims. If such a
9 request contains a certification that a trafficking vic-
10 tim is a victim of a severe form of trafficking, such
11 Federal law enforcement officials may permit the
12 continued presence of the trafficking victim in ac-
13 cordance with this paragraph.”.

14 (e) EFFECTIVE DATES.—

15 (1) IN GENERAL.—The amendments made by
16 subsections (a), (b)(1), (c), and (d)(3) shall take ef-
17 fect on the date of the enactment of this Act.

18 (2) TRANSITION FOR DURATION OF T VISAS.—
19 In the case of an alien who is classified as a non-
20 immigrant under section 101(a)(15)(T) of the Immi-
21 gration and Nationality Act (8 U.S.C.
22 1101(a)(15)(T)) before the the date of implementa-
23 tion of the amendment made by subsection (b)(2)
24 and whose period of authorized stay was less than
25 4 years, the authorized period of status of the alien

1 as such a nonimmigrant shall be extended to be 4
2 years and shall be further extended on a year-by-
3 year basis as provided in section 214(o)(7) of such
4 Act, as added by such amendment.

5 (3) CERTIFICATION PROCESS.—(A) The amend-
6 ments made by subsection (d)(1) shall be effective as
7 if included in the enactment of VAWA–2000.

8 (B) The amendments made by subsection (d)(2)
9 shall be effective as of the applicable date of transfer
10 of authority from the Attorney General to the Sec-
11 retary of Homeland Security under the Homeland
12 Security Act of 2002 (Public Law 107–296).

13 **SEC. 902. CLARIFICATION OF BASIS FOR RELIEF UNDER**
14 **HARDSHIP WAIVERS FOR CONDITIONAL PER-**
15 **MANENT RESIDENCE.**

16 (a) IN GENERAL.—Section 216(c)(4) of the Immigra-
17 tion and Nationality Act (8 U.S.C. 1186a(c)(4)) is amend-
18 ed by adding at the end the following: “An application
19 for relief under this paragraph may be based on one or
20 more grounds specified in subparagraphs (A) through (D)
21 and may be amended at any time to change the ground
22 or grounds for such relief without the application being
23 resubmitted.”.

24 (b) APPEALS.—Such section is further amended by
25 adding at the end the following: “Such an application may

1 not be considered if there is a final removal order in effect
2 with respect to the alien.”.

3 (c) CONFORMING AMENDMENT.—Section
4 237(a)(1)(H)(ii) of such Act (8 U.S.C. 1227(a)(1)(H)(ii))
5 is amended by inserting before the period at the end the
6 following: “or qualifies for a waiver under section
7 216(c)(4)”.

8 (d) EFFECTIVE DATES.—

9 (1) The amendment made by subsection (a)
10 shall apply to applications for relief pending or filed
11 on or after April 10, 2003.

12 (2) The amendment made by subsection (b)
13 shall apply to applications for relief filed on or after
14 the date of the enactment of this Act.

15 **SEC. 903. ADJUSTMENT OF STATUS FOR VICTIMS OF TRAF-**
16 **FICKING.**

17 (a) REDUCTION IN REQUIRED PERIOD OF PRESENCE
18 AUTHORIZED.—

19 (1) IN GENERAL.—Section 245(l) of the Immi-
20 gration and Nationality Act (8 U.S.C. 1255(l)) is
21 amended—

22 (A) in paragraph (1)(A), by inserting
23 “subject to paragraph (6),” after “(A)”;

24 (B) in paragraph (1)(A), by inserting after
25 “since” the following: “the earlier of (i) the

1 date the alien was granted continued presence
2 under section 107(c)(3) of the Trafficking Vic-
3 tims Protection Act of 2000, or (ii)”; and

4 (C) by adding at the end the following new
5 paragraph:

6 “(6) The Secretary of Homeland Security may waive
7 or reduce the period of physical presence required under
8 paragraph (1)(A) for an alien’s adjustment of status
9 under this subsection if a Federal, State, or local law en-
10 forcement official investigating or prosecuting trafficking
11 described in section 101(a)(15)(T)(i) in relation to the
12 alien or the alien’s spouse, child, parent, or sibling certifies
13 that the official has no objection to such waiver or reduc-
14 tion.”.

15 (2) CONFORMING AMENDMENT.—Section
16 107(c) of the Trafficking Victims Protection Act of
17 2000 (division A of Public Law 106–386; 22 U.S.C.
18 7105(c)) is amended by adding at the end the fol-
19 lowing new paragraph:

20 “(5) CERTIFICATION OF NO OBJECTION FOR
21 WAIVER OR REDUCTION OF PERIOD OF REQUIRED
22 PHYSICAL PRESENCE FOR ADJUSTMENT OF STA-
23 TUS.—In order for an alien to have the required pe-
24 riod of physical presence under paragraph (1)(A) of
25 section 245(l) of the Immigration and Nationality

1 Act waived or reduced under paragraph (6) of such
2 section, a Federal, State, and local law enforcement
3 official investigating or prosecuting trafficking de-
4 scribed in section 101(a)(15)(T)(i) in relation to the
5 alien or the alien’s spouse, child, parent, or sibling
6 may provide for a certification of having no objection
7 to such waiver or reduction.”.

8 (b) TREATMENT OF GOOD MORAL CHARACTER.—
9 Section 245(l) of the Immigration and Nationality Act (8
10 U.S.C. 1255(l)), as amended by subsection (a)(1), is
11 amended—

12 (1) in paragraph (1)(B), by inserting “subject
13 to paragraph (7),” after “(B)”; and

14 (2) by adding at the end the following new
15 paragraph:

16 “(7) For purposes of paragraph (1)(B), the Secretary
17 of Homeland Security, in the Secretary’s sole unreviewable
18 discretion, may waive consideration of a disqualification
19 from good moral character described in section 101(f) with
20 respect to an alien if there is a connection between the
21 disqualification and the trafficking with respect to the
22 alien described in section 101(a)(15)(T)(i).”.

23 (c) ANNUAL REPORT ON TRAINING OF LAW EN-
24 FORCEMENT.—

1 (1) IN GENERAL.—Section 107(g) of the Traf-
2 ficking Victims Protection Act of 2000 (division A of
3 Public Law 106–386; 22 U.S.C. 7105(g)) is amend-
4 ed by adding at the end the following: “Each such
5 report shall also include statistics regarding the
6 number of law enforcement officials who have been
7 trained in the identification and protection of traf-
8 ficking victims and certification for assistance as
9 nonimmigrants under section 101(a)(15)(T) of such
10 Act.”.

11 (2) EFFECTIVE DATE.—The amendment made
12 by paragraph (1) shall apply to annual reports be-
13 ginning with the report for fiscal year 2006.

14 **Subtitle B—VAWA Petitioners**

15 **SEC. 911. DEFINITION OF VAWA PETITIONER.**

16 (a) IN GENERAL.—Section 101(a) of the Immigra-
17 tion and Nationality Act (8 U.S.C. 1101(a)) is amended
18 by adding at the end the following new paragraph:

19 “(51) The term ‘VAWA petitioner’ means an alien
20 whose application or petition for classification or relief
21 under any of the following provisions (whether as a prin-
22 cipal or as a derivative) has been filed and has not been
23 denied after exhaustion of administrative appeals:

24 “(A) Clause (iii), (iv), or (vii) of section
25 204(a)(1)(A).

1 “(B) Clause (ii) or (iii) of section 204(a)(1)(B).

2 “(C) Subparagraph (C) or (D) of section
3 216(c)(4).

4 “(D) The first section of Public Law 89–732
5 (commonly known as the Cuban Adjustment Act) as
6 a child or spouse who has been battered or subjected
7 to extreme cruelty.

8 “(E) Section 902(d)(1)(B) of the Haitian Ref-
9 ugee Immigration Fairness Act of 1998 (division A
10 of section 101(h) of Public Law 105–277).

11 “(F) Section 202(d)(1) of the Nicaraguan Ad-
12 justment and Central American Relief Act (8 U.S.C.
13 1255 note; Public Law 105–100).

14 “(G) Section 309(e)(5) of the Illegal Immigra-
15 tion Reform and Immigrant Responsibility Act of
16 1996 (division C of Public Law 104–208; 8 U.S.C.
17 1101 note).”.

18 (b) CONFORMING AMENDMENTS.—

19 (1) Section 212(a)(6)(A)(ii)(I) of such Act (8
20 U.S.C. 1182(a)(6)(A)(ii)(I)) is amended by striking
21 “qualifies for immigrant status under subparagraph
22 (A)(iii), (A)(iv), (B)(ii), or (B)(iii) of section
23 204(a)(1)” and inserting “is a VAWA petitioner”.

24 (2) Section 212(a)(9)(C)(ii) of such Act (8
25 U.S.C. 1182(a)(9)(C)(ii)) is amended by striking “to

1 whom the Attorney General has granted classifica-
2 tion under clause (iii), (iv), or (v) of section
3 204(a)(1)(A), or classification under clause (ii), (iii),
4 or (iv) of section 204(a)(1)(B)” and inserting “is a
5 VAWA petitioner”.

6 (3) Subsections (h)(1)(C) and (g)(1)(C) of sec-
7 tion 212 (8 U.S.C. 1182) is amended by striking
8 “qualifies for classification under clause (iii) or (iv)
9 of section 204(a)(1)(A) or classification under clause
10 (ii) or (iii) of section 204(a)(1)(B)” and inserting
11 “is a VAWA petitioner”.

12 (4) Section 212(i)(1) of such Act (8 U.S.C.
13 1182(i)(1)) is amended by striking “an alien granted
14 classification under clause (iii) or (iv) of section
15 204(a)(1)(A) or clause (ii) or (iii) of section
16 204(a)(1)(B)” and inserting “a VAWA petitioner”.

17 (5) Section 237(a)(1)(H)(ii) of such Act (8
18 U.S.C. 1227(a)(1)(H)(ii)) is amended by striking “is
19 an alien who qualifies for classification under clause
20 (iii) or (iv) of section 204(a)(1)(A) or clause (ii) or
21 (iii) of section 204(a)(1)(B)” and inserting “is a
22 VAWA petitioner”.

23 (6) Section 240A(b)(4)(B) of such Act (8
24 U.S.C. 1229b(b)(4)(B)) is amended by striking
25 “they were applications filed under section 204(a)(1)

1 (A)(iii), (A)(iv), (B)(ii), or (B)(iii)” and inserting
2 “the applicants were VAWA petitioners”.

3 (7) Section 245(a) of such Act (8 U.S.C.
4 1255(a)) is amended by striking “under subpara-
5 graph (A)(iii), (A)(iv), (B)(ii), or (B)(iii) of section
6 204(a)(1) or” and inserting “as a VAWA peti-
7 tioner”.

8 (8) Section 245(c) of such Act (8 U.S.C.
9 1255(c)) is amended by striking “under subpara-
10 graph (A)(iii), (A)(iv), (A)(v), (A)(vi), (B)(ii),
11 (B)(iii), or (B)(iv) of section 204(a)(1)” and insert-
12 ing “as a VAWA petitioner”.

13 (9) For additional conforming amendments to
14 sections 212(a)(4)(C)(i) and 240(c)(7)(C)(iv)(I) of
15 the Immigration and Nationality Act, see sections
16 832(b)(2) and 817(a) of this Act.

17 **SEC. 912. SELF-PETITIONING FOR CHILDREN.**

18 (a) SELF-PETITIONING BY CHILDREN OF PARENT-
19 ABUSERS UPON DEATH OR OTHER TERMINATION OF
20 PARENT-CHILD RELATIONSHIP.—

21 (1) CITIZEN PARENTS.—Section
22 204(a)(1)(A)(iv) of the Immigration and Nationality
23 Act (8 U.S.C. 1154(a)(1)(A)(iv)) is amended—

24 (A) by striking “or who” and inserting
25 “who”; and

1 (B) by inserting after “domestic violence,”
2 the following: “or who was a child of a United
3 States citizen parent who within the past 2
4 years (or, if later, two years after the date the
5 child attains 18 years of age) died or otherwise
6 terminated the parent-child relationship (as de-
7 fined under section 101(b)),”.

8 (2) LAWFUL PERMANENT RESIDENT PAR-
9 ENTS.—

10 (A) IN GENERAL.—Section
11 204(a)(1)(B)(iii) of such Act (8 U.S.C.
12 1154(a)(1)(B)(iii)) is amended—

13 (i) by striking “or who” and inserting
14 “who”; and

15 (ii) by inserting after “domestic vio-
16 lence,” the following: “or who was a child
17 of a lawful permanent resident resident
18 who within the past 2 years (or, if later,
19 two years after the date the child attains
20 18 years of age) died or otherwise termi-
21 nated the parent-child relationship (as de-
22 fined under section 101(b)),”.

23 (B) CONFORMING TREATMENT OF DE-
24 CEASED SPOUSES.—Section
25 204(a)(1)(B)(ii)(II)(aa)(CC) of such Act (8

1 U.S.C. 1154(a)(1)(B)(ii)(II)(aa)(CC) is
2 amended—

3 (i) by redesignating subitems (aaa)
4 and (bbb) as subitems (bbb) and (ccc), re-
5 spectively; and

6 (ii) by inserting before subitem (bbb),
7 as so redesignated, the following:

8 “(aaa) whose spouse died within the past
9 2 years;”.

10 (3) EFFECTIVE DATES.—

11 (A) IN GENERAL.—Subject to subpara-
12 graph (B), the amendment made by paragraphs
13 (1) and (2) shall take effect on the date of the
14 enactment of this Act.

15 (B) TRANSITION IN CASE OF CITIZEN PAR-
16 ENTS WHO DIED BEFORE ENACTMENT.—In ap-
17 plying the amendments made by paragraphs (1)
18 and (2)(A) in the case of an alien whose citizen
19 parent or lawful permanent resident parent died
20 or whose parent-child relationship with such
21 parent terminated during the period beginning
22 on October 28, 1998, and ending on the date
23 of the enactment of this Act, the following rules
24 apply:

1 (i) The reference to “within the past
2 2 years” in section 204(a)(1)(A)(iv) or
3 204(a)(1)(B)(iii), respectively, of the Im-
4 migration and Nationality Act in the mat-
5 ter inserted by such paragraph is deemed
6 to be a reference to such period.

7 (ii) The petition must be filed under
8 such section within 2 years after the date
9 of the enactment of this Act (or, if later,
10 2 years after the alien’s 18th birthday).

11 (iii) The determination of eligibility
12 for benefits as a child under such section
13 (including under section 204(a)(1)(D) of
14 the Immigration and Nationality Act by
15 reason of a petition authorized under such
16 section) shall be determined as of the date
17 of the death of the citizen parent or lawful
18 permanent resident parent or the termi-
19 nation of the parent-child relationship.

20 (b) PROTECTING VICTIMS OF CHILD ABUSE FROM
21 AGING OUT.—

22 (1) CLARIFICATION REGARDING CONTINUATION
23 OF IMMEDIATE RELATIVE STATUS FOR CHILDREN OF
24 CITIZENS.—Section 204(a)(1)(D)(i)(I) of the Immi-

1 gration and Nationality Act (8 U.S.C.
2 1154(a)(1)(D)(i)(I)) is amended—

3 (A) by striking “clause (iv) of section
4 204(a)(1)(A)” and inserting “subparagraph
5 (A)(iv)” each place it appears; and

6 (B) by striking “a petitioner for preference
7 status under paragraph (1), (2), or (3) of sec-
8 tion 203(a), whichever paragraph is applicable”
9 and inserting “to continue to be treated as an
10 immediate relative under section
11 201(b)(2)(A)(i), or a petitioner for preference
12 status under section 203(a)(3) if subsequently
13 married”.

14 (2) CLARIFICATION REGARDING APPLICATION
15 TO CHILDREN OF LAWFUL PERMANENT RESI-
16 DENTS.—Section 204(a)(1)(D) of such Act (8
17 U.S.C. 1154(a)(1)(D)) is amended—

18 (A) in clause (i)(I)—

19 (i) by inserting after the first sentence
20 the following new sentence: “Any child who
21 attains 21 years of age who has filed a pe-
22 tition under subparagraph (B)(iii) that was
23 filed or approved before the date on which
24 the child attained 21 year of age shall be
25 considered (if the child has not been ad-

1 mitted or approved for lawful permanent
2 residence by the date the child attained 21
3 years of age) a petitioner for preference
4 status under section 203(a)(2)(A), with the
5 same priority date assigned to the self-peti-
6 tion filed under such subparagraph.”; and

7 (ii) in the last sentence, by inserting
8 “in either such case” after “shall be re-
9 quired to be filed”;

10 (B) in clause (i)(III), by striking “para-
11 graph (1), (2), or (3) of section 203(a)” and in-
12 serting “section 203(a)(2)(A)”;

13 (C) in clause (ii), by striking “(A)(iii),
14 (A)(iv),”.

15 (3) EFFECTIVE DATE.—The amendments made
16 by this subsection shall apply to applications filed
17 before, on, or after the date of the enactment of
18 VAWA–2000.

19 (c) CLARIFICATION OF NO SEPARATE ADJUSTMENT
20 APPLICATION FOR DERIVATIVE CHILDREN.—

21 (1) IN GENERAL.—Section 245(a) of the Immi-
22 gration and Nationality Act (8 U.S.C. 1255(a)) is
23 amended by adding at the end the following: “In the
24 case of a petition under clause (ii), (iii), or (iv) of
25 section 204(a)(1)(A) that includes an individual as

1 a derivative child of a principal alien, no adjustment
2 application other than the adjustment application of
3 the principal alien shall be required for adjustment
4 of status of the individual under this subsection or
5 subsection (c).”.

6 (2) EFFECTIVE DATE.—The amendment made
7 by paragraph (1) shall take effect on the date of the
8 enactment of this Act and shall apply to applications
9 filed before, on, or after such date.

10 (d) LATE PETITION PERMITTED FOR ADULTS
11 ABUSED AS CHILDREN.—

12 (1) IN GENERAL.—Section 204(a)(1)(D) of the
13 Immigration and Nationality Act (8 U.S.C.
14 1154(a)(1)(D)), is amended by adding at the end
15 the following new clause:

16 “(iv) In the case of an alien who qualified to petition
17 under subparagraph (A)(iv) or (B)(iii) as of the date the
18 individual attained 21 years of age, the alien may file a
19 petition under such respective subparagraph notwith-
20 standing that the alien has attained such age or been mar-
21 ried so long as the petition is filed before the date the
22 individual attains 25 years of age. In the case of such a
23 petition, the alien shall remain eligible for adjustment of
24 status as a child notwithstanding that the alien has at-
25 tained 21 years of age or has married, or both.”.

1 (2) EFFECTIVE DATE.—The amendment made
2 by paragraph (1) shall take effect on the date of the
3 enactment of this Act and shall apply to individuals
4 who attain 21 years of age on or after the date of
5 the enactment of VAWA–2000.

6 **SEC. 913. SELF-PETITIONING PARENTS.**

7 (a) IN GENERAL.—Section 204(a)(1)(A) of the Im-
8 migration and Nationality Act (8 U.S.C. 1154(a)(1)(A))
9 is amended by adding at the end the following new clause:

10 “(vii) An alien who—

11 “(I) is the parent of a citizen of the United
12 States or was a parent of a citizen of the United
13 States who within the past 2 years lost or renounced
14 citizenship status related to battering or extreme
15 cruelty by the United States citizen son or daughter
16 or who within the past two years died;

17 “(II) is a person of good moral character;

18 “(III) is eligible to be classified as an imme-
19 diate relative under section 201(b)(2)(A)(i) by virtue
20 of the alien’s relationship to the son or daughter re-
21 ferred to in subclause (I); and

22 “(IV) resides, or has resided in the past, with
23 the citizen daughter or son;

24 may file a petition with the Secretary of Homeland Secu-
25 rity under this subparagraph for classification of the alien

1 under such section if the alien demonstrates that the alien
2 has been battered by or has been the subject of extreme
3 cruelty perpetrated by the alien’s citizen son or daugh-
4 ter.”.

5 (b) EFFECTIVE DATE.—The amendment made by
6 subsection (a) shall take effect on the date of the enact-
7 ment of this Act.

8 **SEC. 914. PROMOTING CONSISTENCY IN VAWA ADJUDICA-**
9 **TIONS.**

10 (a) IN GENERAL.—Section 204(a)(1) of the Immi-
11 gration and Nationality Act (8 U.S.C. 1154(a)(1)) is
12 amended—

13 (1) in subparagraph (A)(iii)(II)(aa)(CC)(bbb),
14 by striking “an incident of domestic violence” and
15 inserting “battering or extreme cruelty by the
16 United States citizen spouse”;

17 (2) in subparagraph (A)(iv), by striking “an in-
18 cident of domestic violence” and inserting “battering
19 or extreme cruelty by such parent”;

20 (3) in subparagraph (B)(ii)(II)(aa)(CC)(bbb),
21 as redesignated by section 912(a)(2)(B)(i), by strik-
22 ing “due to an incident of domestic violence” and in-
23 sserting “related to battering or extreme cruelty by
24 the lawful permanent resident spouse”; and

1 “(2) In the case of an alien in the United States for
2 whom an application for nonimmigrant status (whether as
3 a principal or derivative child) under subparagraph (T)
4 or (U) of section 101(a)(15) has been filed, if the applica-
5 tion sets forth a prima facie case for approval, the Sec-
6 retary of Homeland Security, in the Secretary’s sole
7 unreviewable discretion, may grant the alien deferred ac-
8 tion until the application is approved or the application
9 is denied after exhaustion of administrative appeals.

10 “(3) During a period in which an alien is provided
11 deferred action under this subsection, the alien shall not
12 be removed or deported. ”.

13 (2) LIMITATION ON DETENTION.—Section 236
14 of such Act (8 U.S.C. 1226) is amended by adding
15 at the end the following new subsection:

16 “(f) LIMITATION ON DETENTION OF CERTAIN VIC-
17 TIMS OF VIOLENCE.—(1) An alien for whom a petition
18 as a VAWA petitioner has been approved or for whom an
19 application for nonimmigrant status (whether as a prin-
20 cipal or derivative child) under subparagraph (T) or (U)
21 of section 101(a)(15) has been approved, subject to para-
22 graph (2), the alien shall not be detained if the only basis
23 for detention is a ground for which—

1 “(A) a waiver is provided under section 212(h),
2 212(d)(13), 212(d)(14), 237(a)(7), or
3 237(a)(2)(a)(V); or

4 “(B) there is an exception under section
5 204(a)(1)(C).

6 “(2) Paragraph (1) shall not apply in the case of de-
7 tention that is required under subsection (e) or section
8 236A.”.

9 (3) EMPLOYMENT AUTHORIZATION.—

10 (A) FOR VAWA PETITIONERS.—Section
11 204(a)(1) of such Act (8 U.S.C. 1154(a)(1)) is
12 amended by adding at the end the following:

13 “(K)(i) In the case of an alien for whom a petition
14 as a VAWA petitioner is approved, the alien is eligible for
15 work authorization and shall be provided an ‘employment
16 authorized’ endorsement or other appropriate work per-
17 mit.”.

18 (B) FOR ALIENS WITH APPROVED T
19 VISAS.—Section 214(o) of such Act (8 U.S.C.
20 1184(o)), as amended by section 901(b)(2), is
21 amended by adding at the end the following
22 new paragraph:

23 “(8) In the case of an alien for whom an application
24 for nonimmigrant status (whether as a principal or deriva-
25 tive) under section 101(a)(15)(T) has been approved, the

1 alien is eligible for work authorization and shall be pro-
2 vided an ‘employment authorized’ endorsement or other
3 appropriate work permit.”.

4 (4) PROCESSING OF APPLICATIONS.—Section
5 204(a)(1)(K) of the Immigration and Nationality
6 Act (8 U.S.C. 1154(a)(1)(K)), as added by para-
7 graph (3)(A), is amended by adding at the end the
8 following:

9 “(ii) A petition as a VAWA petitioner shall be proc-
10 essed without regard to whether a proceeding to remove
11 or deport such alien is brought or pending.”.

12 (5) EFFECTIVE DATE.—The amendments made
13 by this subsection shall take effect on the date of the
14 enactment of this Act and shall apply to petitions
15 and applications filed before, on, or after such date.

16 (b) APPLICANTS FOR CANCELLATION OF REMOVAL
17 OR SUSPENSION OF DEPORTATION.—

18 (1) IN GENERAL.—Section 240A(b)(2) of the
19 Immigration and Nationality Act (8 U.S.C.
20 1229b(b)(2)) is amended by adding at the end the
21 following new subparagraph:

22 “(E) RELIEF WHILE APPLICATION PEND-
23 ING.—In the case of an alien who has applied
24 for relief under this paragraph and whose appli-
25 cation sets forth a prima facie case for such re-

1 lief or who has filed an application for relief
2 under section 244(a)(3) (as in effect on March
3 31, 1997) that sets forth a prima facie case for
4 such relief—

5 “(i) the alien shall not be removed or
6 deported until the application has been ap-
7 proved or, in the case it is denied, until all
8 opportunities for appeal of the denial have
9 been exhausted; and

10 “(ii) such an application shall be proc-
11 essed without regard to whether a pro-
12 ceeding to remove or deport such alien is
13 brought or pending.”.

14 (2) **EFFECTIVE DATE.**—The amendment made
15 by paragraph (1) shall take effect on the date of the
16 enactment of this Act and shall apply to applications
17 filed before, on, or after such date.

18 **SEC. 916. ACCESS TO VAWA PROTECTION REGARDLESS OF**
19 **MANNER OF ENTRY.**

20 (a) **FIANCEES.**—

21 (1) **SELF-PETITIONING.**—Section
22 204(a)(1)(A)(iii) of the Immigration and Nationality
23 Act (8 U.S.C. 1154(a)(1)(A)(iii)) is amended—

24 (A) in subclause (I)(bb), by inserting after
25 “during the marriage” the following: “or rela-

1 tationship intended by the alien to be legally a
2 marriage or to conclude in a valid marriage”;

3 (B) in subclause (II)(aa)—

4 (i) by striking “or” at the end of
5 subitem (BB);

6 (ii) by inserting “or” at the end of
7 subitem (CC); and

8 (iii) by adding at the end the fol-
9 lowing new subitem:

10 “(DD) who entered the United States as an
11 alien described in section 101(a)(15)(K) with the in-
12 tent to enter into a valid marriage and the alien (or
13 child of the alien) was battered or subject to extreme
14 cruelty in the United States by the United States
15 citizen who filed the petition to accord status under
16 such section;”;

17 (C) in subclause (II)(cc), by striking “or
18 who” and inserting “, who” and by inserting
19 before the semicolon at the end the following: “,
20 or who is described in subitem (aa)(DD)”;

21 (D) in subclause (II)(dd), by inserting “or
22 who is described in subitem (aa)(DD)” before
23 the period at the end.

24 (2) EXCEPTION FROM REQUIREMENT TO DE-
25 PART.—Section 214(d) of such Act (8 U.S.C.

1 1184(d)) is amended by inserting before the period
2 at the end the following: “unless the alien (and the
3 child of the alien) entered the United States as an
4 alien described in section 101(a)(15)(K) with the in-
5 tent to enter into a valid marriage and the alien or
6 child was battered or subject to extreme cruelty in
7 the United States by the United States citizen who
8 filed the petition to accord status under such sec-
9 tion”.

10 (3) EFFECTIVE DATE.—The amendments made
11 by this subsection shall take effect on the date of the
12 enactment of this Act and shall apply to aliens ad-
13 mitted before, on, or after such date.

14 (b) SPOUSES WHO ARE CONDITIONAL PERMANENT
15 RESIDENTS.—

16 (1) IN GENERAL.—Section 245(d) of the Immi-
17 gration and Nationality Act (8 U.S.C. 1255(d)) is
18 amended—

19 (A) by inserting “(1)” after “(d)”; and

20 (B) by adding at the end the following new
21 paragraph:

22 “(2) Paragraph (1) shall not apply to an alien who
23 seeks adjustment of status on the basis of an approved
24 petition for classification as a VAWA petitioner.”.

1 (2) CONFORMING APPLICATION IN CANCELLA-
2 TION OF REMOVAL.—Section 240A(b)(2)(A)(i) of
3 such Act (8 U.S.C. 1229b(b)(2)(A)(i)) is amended—

4 (A) by striking “or” at the end of sub-
5 clause (II);

6 (B) by adding “or” at the end of subclause
7 (III); and

8 (C) by adding at the end the following new
9 subclause:

10 “(IV) the alien entered the United
11 States as an alien described in section
12 101(a)(15)(K) with the intent to enter into
13 a valid marriage and the alien (or the child
14 of the alien who is described in such sec-
15 tion) was battered or subject to extreme
16 cruelty in the United States by the United
17 States citizen who filed the petition to ac-
18 cord status under such section;”.

19 (3) EXCEPTION TO RESTRICTION ON ADJUST-
20 MENT OF STATUS.—The second sentence of section
21 245(d)(1) of such Act (8 U.S.C. 1255(d)(1)), as des-
22 ignated by paragraph (1)(A), is amended by insert-
23 ing “who is not described in section
24 204(a)(1)(A)(iii)(II)(aa)(DD)” after “alien described
25 in section 101(a)(15)(K)”.

1 (4) APPLICATION UNDER SUSPENSION OF DE-
2 PORTATION.—Section 244(a)(3) of such Act (as in
3 effect on March 31, 1997) shall be applied (as if in
4 effect on such date) as if the phrase “is described
5 in section 240A(b)(2)(A)(i)(IV) or” were inserted
6 before “has been battered” the first place it appears.

7 (5) EFFECTIVE DATE.—The amendments made
8 by this subsection, and the provisions of paragraph
9 (4), shall take effect on the date of the enactment
10 of this Act and shall apply to applications for adjust-
11 ment of status, for cancellation of removal, or for
12 suspension of deportation filed before, on, or after
13 such date.

14 (c) INFORMATION ON CERTAIN CONVICTIONS AND
15 LIMITATION ON PETITIONS FOR K NONIMMIGRANT PETI-
16 TIONERS.—Section 214(d) of the Immigration and Na-
17 tionality Act (8 U.S.C. 1184(d)) is amended—

18 (1) by striking “(d)” and inserting “(d)(1)”;

19 (2) by inserting after the second sentence the
20 following: “Such information shall include informa-
21 tion on any criminal convictions of the petitioner for
22 domestic violence, sexual assault, or child abuse.”;
23 and

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

1 “(2)(A) Subject to subparagraph (B), a consular offi-
2 cer may not approve a petition under paragraph (1) unless
3 the officer has verified that—

4 “(i) the petitioner has not, previous to the
5 pending petition, petitioned under paragraph (1)
6 with respect to more than 2 applying aliens; and

7 “(ii) if the petitioner has had such a petition
8 previously approved, 2 years have elapsed since the
9 filing of such previously approved petition.

10 “(B) The Secretary of Homeland Security may, in
11 the discretion of the Secretary, waive the limitation in sub-
12 paragraph (A), if justification exists for such a waiver.

13 “(3) For purposes of this subsection—

14 “(A) the term ‘child abuse’ means a felony or
15 misdemeanor crime, as defined by Federal or State
16 law, committed by an offender who is a stranger to
17 the victim, or committed by an offender who is
18 known by, or related by blood or marriage to, the
19 victim, against a victim who has not attained the
20 lesser of—

21 “(i) 18 years of age; or

22 “(ii) except in the case of sexual abuse, the
23 age specified by the child protection law of the
24 State in which the child resides; and

1 “(B) the terms ‘domestic violence’ and ‘sexual
2 assault’ have the meaning given such terms in sec-
3 tion 2003 of title I of the Omnibus Crime Control
4 and Safe Streets Act of 1968 (42 U.S.C. 3796gg-
5 2).”.

6 (d) SPOUSES AND CHILDREN OF ASYLUM APPLI-
7 CANTS UNDER ADJUSTMENT PROVISIONS.—

8 (1) IN GENERAL.—Section 209(b)(3) of the Im-
9 migration and Nationality Act (8 U.S.C. 1159(b)(3))
10 is amended—

11 (A) by inserting “(A)” after “(3)”; and

12 (B) by adding at the end the following:

13 “(B) was the spouse of a refugee within the
14 meaning of section 101(a)(42)(A) at the time the
15 asylum application was granted and who was bat-
16 tered or was the subject of extreme cruelty per-
17 petrated by such refugee or whose child was battered
18 or subjected to extreme cruelty by such refugee
19 (without the active participation of such spouse in
20 the battery or cruelty), or

21 “(C) was the child of a refugee within the
22 meaning of section 101(a)(42)(A) at the time of the
23 filing of the asylum application and who was bat-
24 tered or was the subject of extreme cruelty per-
25 petrated by such refugee.”.

1 (2) EFFECTIVE DATE.—The amendments made
2 by paragraph (1) shall take effect on the date of the
3 enactment of this Act and—

4 (A) section 209(b)(3)(B) of the Immigra-
5 tion and Nationality Act, as added by para-
6 graph (1)(B), shall apply to spouses of refugees
7 for whom an asylum application is granted be-
8 fore, on, or after such date; and

9 (B) section 209(b)(3)(C) of such Act, as so
10 added, shall apply with respect to the child of
11 a refugee for whom an asylum application is
12 filed before, on, or after such date.

13 (e) VISA WAIVER ENTRANTS.—

14 (1) IN GENERAL.—Section 217(b)(2) of such
15 Act (8 U.S.C. 1187(b)(2)) is amended by inserting
16 after “asylum,” the following: “as a VAWA peti-
17 tioner, or for relief under subparagraph (T) or (U)
18 of section 101(a)(15), under section 240A(b)(2), or
19 under section 244(a)(3) (as in effect on March 31,
20 1997),”.

21 (2) EFFECTIVE DATE.—The amendment made
22 by paragraph (1) shall take effect on the date of the
23 enactment of this Act and shall apply to waivers
24 provided under section 217(b)(2) of the Immigration

1 and Nationality Act before, on, or after such date as
2 if it had been included in such waivers.

3 (f) EXCEPTION FROM FOREIGN RESIDENCE RE-
4 QUIREMENT FOR EDUCATIONAL VISITORS.—

5 (1) IN GENERAL.—Section 212(e) of such Act
6 (8 U.S.C. 1182(e)) is amended, in the matter before
7 the 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
13 by paragraph (1) shall take effect on the date of the
14 enactment of this Act and shall apply to aliens re-
15 gardless of whether the foreign residence require-
16 ment under section 212(e) of the Immigration and
17 Nationality Act arises out of an admission or acqui-
18 sition of status under section 101(a)(15)(J) of such
19 Act before, on, or after the date of the enactment
20 of this Act.

21 **SEC. 917. ELIMINATING ABUSERS’ CONTROL OVER APPLI-**
22 **CATIONS FOR ADJUSTMENTS OF STATUS.**

23 (a) APPLICATION OF MOTIONS TO REOPEN FOR ALL
24 VAWA PETITIONERS.—Section 240(c)(7)(C)(iv) of the
25 Immigration and Nationality Act (8 U.S.C.

1 1230(c)(7)(C)(iv)), as redesignated by section 101(d)(1)
2 of the REAL ID Act of 2005 (division B of Public Law
3 109–13), is amended—

4 (1) in subclause (I), by striking “under clause
5 (iii) or (iv) of section 204(a)(1)(A), clause (ii) or
6 (iii) of section 204(a)(1)(B)” and inserting “as a
7 VAWA petitioner”; and

8 (2) in subclause (II), by inserting “or adjust-
9 ment of status” after “cancellation of removal”.

10 (b) APPLICATION OF VAWA DEPORTATION PROTEC-
11 TIONS FOR TRANSITIONAL RELIEF TO ALL VAWA PETI-
12 TIONERS.—Section 1506(c)(2) of the Violence Against
13 Women Act of 2000 (8 U.S.C. 1229a note) is amended—

14 (1) in subparagraph (A)—

15 (A) by amending clause (i) to read as fol-
16 lows:

17 “(i) if the basis of the motion is to
18 apply for relief as a VAWA petitioner (as
19 defined in section 101(a)(51) of the Immi-
20 gration and Nationality Act (8 U.S.C.
21 1101(a)(51)) or under section 244(a)(3) of
22 such Act (8 U.S.C. 1254(a)(3)); and”;

23 (B) in clause (ii), by inserting “or adjust-
24 ment of status” after “suspension of deporta-
25 tion”; and

1 (2) in subparagraph (B)(ii), by striking “for re-
2 lief” 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
6 UNDER SECTION 202 OF NACARA.—Section 202(d)(1)
7 of the Nicaraguan Adjustment and Central American Re-
8 lief Act (8 U.S.C. 1255 note; Public Law 105–100) is
9 amended—

10 (1) in subparagraph (B)(ii), by inserting “, or
11 was eligible for adjustment,” after “whose status is
12 adjusted”; and

13 (2) in subparagraph (E), by inserting after
14 “April 1, 2000” the following: “, or, in the case of
15 an alien who qualifies under subparagraph (B)(ii),
16 applies for such adjustment during the 18-month pe-
17 riod beginning on the date of enactment of the Vio-
18 lence Against Women Act of 2005” .

19 (d) PETITIONING RIGHTS OF CERTAIN FORMER
20 SPOUSES UNDER CUBAN ADJUSTMENT.—The first sec-
21 tion of Public Law 89–732 (8 U.S.C. 1255 note) is
22 amended by adding at the end the following: “An alien
23 who was the spouse of any Cuban alien described in this
24 section and has resided with such spouse shall continue
25 to be treated as such a spouse for 2 years after the date

1 on which the Cuban alien dies (or, if later, 2 years after
2 the date of enactment of Violence Against Women Act of
3 2005), or for 2 years after the date of termination of the
4 marriage (or, if later, 2 years after the date of enactment
5 of Violence Against Women Act of 2005) if the alien dem-
6 onstrates a connection between the termination of the
7 marriage and the battering or extreme cruelty by the
8 Cuban alien.”.

9 (e) SELF-PETITIONING RIGHTS OF HRIFA APPLI-
10 CANTS.—Section 902(d)(1)(B) of the Haitian Refugee Im-
11 migration Fairness Act of 1998 (division A of section
12 101(h) of Public Law 105–277; 112 Stat. 2681–538; 8
13 U.S.C. 1255 note), as amended by section 1511(a) of
14 VAWA–2000, is amended—

15 (1) in clause (i), by striking “whose status is
16 adjusted to that of an alien lawfully admitted for
17 permanent residence” and inserting “who is or was
18 eligible for classification”; and

19 (2) in clause (ii), by striking “whose status is
20 adjusted to that of an alien lawfully admitted for
21 permanent residence” and inserting “who is or was
22 eligible for classification”.

23 (f) SELF-PETITIONING RIGHTS UNDER SECTION 203
24 OF NACARA.—Section 309 of the Illegal Immigration
25 and Reform and Immigrant Responsibility Act of 1996

1 (division C of Public Law 104–208; 8 U.S.C. 1101 note),
2 as amended by section 203(a) of the Nicaraguan Adjust-
3 ment and Central American Relief Act (8 U.S.C. 1255
4 note; Public Law 105–100), is amended—

5 (1) in subsection (c)(5)(C)(i)(VII)(aa), as
6 amended by section 1510(b) of VAWA–2000—

7 (A) by striking “or” at the end of subitem
8 (BB);

9 (B) by striking “and” at the end of
10 subitem (CC) and inserting “or”; and

11 (C) by adding at the end the following new
12 subitem:

13 “(DD) at the time at which
14 the spouse or child files an appli-
15 cation for suspension of deporta-
16 tion or cancellation of removal;
17 and”; and

18 (2) in subsection (g)—

19 (A) by inserting “(1)” before “Notwith-
20 standing”;

21 (B) by inserting “subject to paragraph
22 (2),” after “section 101(a) of the Immigration
23 and Nationality Act),”; and

24 (C) by adding at the end the following new
25 paragraph:

1 “(2) There shall be no limitation on a motion to re-
2 open removal or deportation proceedings in the case of an
3 alien who is described in subclause (VI) or (VII) of sub-
4 section (c)(5)(C)(i). Motions to reopen removal or deporta-
5 tion proceedings in the case of such an alien shall be han-
6 dled under the procedures that apply to aliens seeking re-
7 lief under section 204(a)(1)(A)(iii) of the Immigration and
8 Nationality Act.”.

9 (g) LIMITATION ON PETITIONING FOR ABUSER.—
10 Section 204(a)(1) of the Immigration and Nationality Act
11 (8 U.S.C. 1154(a)(1)), as amended by section
12 915(a)(3)(A), is amended by adding at the end the fol-
13 lowing new subparagraph:

14 “(L) Notwithstanding the previous provisions of this
15 paragraph, an individual who was a VAWA petitioner or
16 who had the status of a nonimmigrant under subpara-
17 graph (T) or (U) of section 101(a)(15) may not file a peti-
18 tion for classification under this section or section 214 to
19 classify any person who committed the battery or extreme
20 cruelty or trafficking against the individual (or the individ-
21 ual’s child) which established the individual’s (or individ-
22 ual’s child’s) eligibility as a VAWA petitioner or for such
23 nonimmigrant status.”.

1 (h) EFFECTIVE DATE.—Except as otherwise pro-
2 vided in this section, the amendments made by this section
3 shall take effect on the date of the enactment of this Act.

4 **SEC. 918. PAROLE FOR VAWA PETITIONERS AND FOR DE-**
5 **RIVATIVES OF TRAFFICKING VICTIMS.**

6 (a) IN GENERAL.—Section 240A(b)(4) of the Immi-
7 gration and Nationality Act (8 U.S.C. 1229b(b)(4)) is
8 amended—

9 (1) in the heading, by striking “CHILDREN OF
10 BATTERED ALIENS” and inserting “BATTERED
11 ALIENS, CHILDREN OF BATTERED ALIENS, AND DE-
12 RIVATIVE FAMILY MEMBERS OF TRAFFICKING VIC-
13 TIMS,”;

14 (2) in subparagraph (A)—

15 (A) by striking “or” at the end of clause
16 (i);

17 (B) by striking the period at the end of
18 clause (ii) and inserting a semicolon; and

19 (C) by adding at the end the following new
20 clauses:

21 “(iii) VAWA petitioner whose petition
22 was approved based on having been bat-
23 tered or subjected to extreme cruelty by a
24 United States citizen spouse, parent, or

1 son or daughter and who is admissible and
2 eligible for an immigrant visa;

3 “(iv) VAWA petitioner whose petition
4 was approved based on having been bat-
5 tered or subjected to extreme cruelty by a
6 lawful permanent resident spouse or par-
7 ent, who is admissible and would be eligi-
8 ble for an immigrant visa but for the fact
9 that an immigrant visa is not immediately
10 available to the alien, and who filed a peti-
11 tion for classification under section
12 204(a)(1)(B), if at least 3 years has
13 elapsed since the petitioner’s priority date;
14 or

15 “(v) an alien whom the Secretary of
16 State determines would, but for an applica-
17 tion or approval, meet the conditions for
18 approval as a nonimmigrant described in
19 section 101(a)(15)(T)(ii).”; and

20 (3) in subparagraph (B)—

21 (A) in the first sentence, by striking “The
22 grant of parole” and inserting “(i) The grant of
23 parole under subparagraph (A)(i) or (A)(ii)”;

1 (B) in the second sentence, by striking
2 “covered under this paragraph” and inserting
3 “covered under such subparagraphs”;

4 (C) in the last sentence, by inserting “of
5 subparagraph (A)” after “clause (i) or (ii)”;
6 and

7 (D) by adding at the end the following new
8 clauses:

9 “(ii) The grant of parole under subpara-
10 graph (A)(iii) or (A)(iv) shall extend from the
11 date of approval of the applicable petition to the
12 time the application for adjustment of status
13 filed by aliens covered under such subpara-
14 graphs has been finally adjudicated. Applica-
15 tions for adjustment of status filed by aliens
16 covered under such subparagraphs shall be
17 treated as if they were applications filed under
18 section 204(a)(1) (A)(iii), (A)(iv), (B)(ii), or
19 (B)(iii) for purposes of section 245 (a) and (c).

20 “(iii) The grant of parole under subpara-
21 graph (A)(v) shall extend from the date of the
22 determination of the Secretary of State de-
23 scribed in such subparagraph to the time the
24 application for status under section
25 101(a)(15)(T)(ii) has been finally adjudicated.

1 Failure by such an alien to exercise due dili-
2 gence in filing a visa petition on the alien's be-
3 half may result in revocation of parole.”.

4 (b) CONFORMING REFERENCE.—Section 212(d)(5)
5 of such Act (8 U.S.C. 1182(d)(5)) is amended by adding
6 at the end the following new subparagraph:

7 “(C) Parole is provided for certain battered aliens,
8 children of battered aliens, and parents of battered alien
9 children under section 240A(b)(4).”.

10 (c) EFFECTIVE DATE.—The amendments made by
11 this section shall take effect on the date of the enactment
12 of this Act.

13 **SEC. 919. EXEMPTION OF VICTIMS OF DOMESTIC VIO-**
14 **LENCE, SEXUAL ASSAULT AND TRAFFICKING**
15 **FROM SANCTIONS FOR FAILURE TO DEPART**
16 **VOLUNTARILY.**

17 (a) IN GENERAL.—Section 240B(d) of the Immigra-
18 tion and Nationality Act (8 U.S.C. 1229c(d)) is amend-
19 ed—

20 (1) by striking “If” and inserting “(1) Subject
21 to paragraph (2), if”; and

22 (2) by adding at the end the following new
23 paragraph:

24 “(2) The ineligibility for relief under paragraph (1)
25 shall not apply to an alien who is a VAWA petitioner, who

1 is seeking status as a nonimmigrant under subparagraph
2 (T) or (U) of section 101(a)(15), or who is an applicant
3 for relief under section 240A(b)(2) or under section
4 244(a)(3) (as in effect on March 31, 1997), if there is
5 a connection between the failure to voluntarily depart and
6 the battery or extreme cruelty, trafficking, or criminal ac-
7 tivity, referred to in the respective provision.”.

8 (b) **EFFECTIVE DATE.**—The amendments made by
9 subsection (a) shall apply as if included in the enactment
10 of the Immigration Reform and Immigrant Responsibility
11 Act of 1996 (division C of Public Law 104–208) and shall
12 apply to failures to depart voluntarily occurring before, on,
13 or after the date of the enactment of this Act.

14 **SEC. 920. CLARIFICATION OF ACCESS TO NATURALIZATION**
15 **FOR VICTIMS OF DOMESTIC VIOLENCE.**

16 (a) **IN GENERAL.**—Section 319(a) of the Immigra-
17 tion and Nationality Act (8 U.S.C. 1430(a)) is amended
18 by inserting after “extreme cruelty by a United States cit-
19 izen spouse or parent” the following: “, regardless of
20 whether the lawful permanent resident status was ob-
21 tained on the basis of such battery or cruelty”.

22 (b) **USE OF CREDIBLE EVIDENCE.**—Such section is
23 further amended by adding at the end the following: “The
24 provisions of section 204(a)(1)(J) shall apply in acting on
25 an application under this subsection in the same manner

1 as they apply in acting on petitions referred to in such
2 section.”

3 (c) EFFECTIVE DATE.—The amendments made by
4 this section shall take effect on the date of the enactment
5 of this Act and shall apply to applications for naturaliza-
6 tion filed before, on, or after the date of the enactment
7 of this Act.

8 **SEC. 921. PROHIBITION OF ADVERSE DETERMINATIONS OF**
9 **ADMISSIBILITY OR DEPORTABILITY BASED**
10 **ON PROTECTED INFORMATION.**

11 (a) APPLICATION OF RESTRICTIONS ON ADDITIONAL
12 DEPARTMENTS.—Section 384 of the Illegal Immigration
13 Reform and Immigrant Responsibility Act of 1996 (divi-
14 sion C of Public Law 104–208; 8 U.S.C. 1367) is amend-
15 ed—

16 (1) in subsection (a), as amended by section
17 1513(d) of VAWA–2000—

18 (A) in the matter before paragraph (1), by
19 striking “(including any bureau or agency of
20 such Department)” and inserting “, or the Sec-
21 retary of Homeland Security, the Secretary of
22 State, the Secretary of Health and Human
23 Services, or the Secretary of Labor or any other
24 official or employee of the Department of
25 Homeland Security, the Department of State,

1 the Department of Health and Human Services,
2 or the Department of Labor (including any bu-
3 reau or agency of any such Department)”; and

4 (B) in paragraph (2), by striking “of the
5 Department,” and inserting “of any such De-
6 partment,”; and

7 (2) in subsection (b)—

8 (A) in paragraphs (1), by striking “The
9 Attorney General may provide, in the Attorney
10 General’s discretion” and inserting “The Attor-
11 ney General, Secretary of Homeland Security,
12 Secretary of State, Secretary of Health and
13 Human Services, and Secretary of Labor may
14 provide, in each’s discretion”;

15 (B) in paragraph (2), by striking “The At-
16 torney General may provide in the discretion of
17 the Attorney General” and inserting “The At-
18 torney General, Secretary of Homeland Secu-
19 rity, Secretary of State, Secretary of Health
20 and Human Services, and the Secretary of
21 Labor may provide, in each’s discretion”; and

22 (C) in paragraph (5), by striking “is au-
23 thorized to disclose” and inserting “, Secretary
24 of Homeland Security, Secretary of State, Sec-
25 retary of Health and Human Services, and Sec-

1 retary of Labor, or Attorney General may dis-
2 close”.

3 (b) INCREASING SCOPE OF ALIENS AND INFORMA-
4 TION PROTECTED.—Subsection (a) of such section is
5 amended—

6 (1) in paragraph (1)—

7 (A) in the matter before subparagraph (A),
8 by striking “furnished solely by” and inserting
9 “furnished by or derived from information pro-
10 vided solely by”;

11 (B) by striking “or” at the end of subpara-
12 graph (D);

13 (C) by adding “or” at the end of subpara-
14 graph (E); and

15 (D) by inserting after subparagraph (E)
16 the following new subparagraph:

17 “(F) in the case of an alien applying for
18 continued presence as a victim of trafficking
19 under section 107(b)(1)(E)(i)(II)(bb) of the
20 Trafficking Protection Act of 2000 or status
21 under section 101(a)(15)(T) of the Immigration
22 and Nationality Act, the trafficker or pepe-
23 trator,”; and

24 (2) in paragraph (2)—

1 (A) by striking “under clause (iii) or (iv)
2 of section 204(a)(1)(A), clause (ii) or (iii) of
3 section 204(a)(1)(B)” and inserting “as a
4 VAWA petitioner (as defined in section
5 101(a)(51) of the Immigration and Nationality
6 Act), or under”; and

7 (B) by striking “or section 244(a)(3) of
8 such Act as an alien (or the parent of a child)
9 who has been battered or subjected to extreme
10 cruelty.” and inserting the following: “, section
11 101(a)(15)(T), section 214(c)(15), or section
12 240A(b)(2) of such Act, or section 244(a)(3) of
13 such Act (as in effect on March 31, 1997), or
14 for continued presence as a victim of trafficking
15 under section 107(b)(1)(E)(i)(II)(bb) of the
16 Trafficking Protection Act of 2000, or any de-
17 rivative of the alien;”.

18 (c) PROVIDING FOR CONGRESSIONAL REVIEW.—Sub-
19 section (b) of such section is amended by adding at the
20 end the following new paragraph:

21 “(6) Subsection (a) shall not apply to prevent
22 the Attorney General and the Secretary of Home-
23 land Security from disclosing to the chairmen and
24 ranking members of the Judiciary Committees of the
25 House of Representatives and of the Senate in the

1 exercise of Congressional oversight authority infor-
2 mation on closed cases under this section in a man-
3 ner that protects the confidentiality of such informa-
4 tion and that omits personally identifying informa-
5 tion (including locational information about individ-
6 uals).”.

7 (d) APPLICATION TO JUVENILE SPECIAL IMMI-
8 GRANTS.—Subsection (a) of such section, as amended by
9 subsection (b)(2)(B), is amended—

10 (1) by striking “or” at the end of paragraph

11 (1);

12 (2) by adding “or” at the end of paragraph (2);

13 and

14 (3) by inserting after paragraph (2) the fol-
15 lowing new paragraph:

16 “(3) in the case of an alien described in section
17 101(a)(27)(J) of the Immigration and Nationality
18 Act who has been abused, neglected, or abandoned,
19 contact the alleged abuser (or family member of the
20 alleged abuser) at any stage of applying for special
21 immigrant juvenile status, including after a request
22 for the consent of the Secretary of Homeland Secu-
23 rity under clause (iii)(I) of such section.”.

24 (e) IMPROVED ENFORCEMENT.—Subsection (c) of
25 such section is amended by adding at the end the fol-

1 lowing: “The Office of Professional Responsibility in the
2 Department of Justice shall be responsible for carrying
3 out enforcement under the previous sentence.”.

4 (f) CERTIFICATION OF COMPLIANCE IN REMOVAL
5 PROCEEDINGS.—

6 (1) IN GENERAL.—Section 239 of the Immigra-
7 tion and Nationality Act (8 U.S.C. 1229) is amend-
8 ed by adding at the end the following new sub-
9 section:

10 “(e) CERTIFICATION OF COMPLIANCE WITH RE-
11 STRICTIONS ON DISCLOSURE.—Removal proceedings shall
12 not be initiated against an alien unless there is a certifi-
13 cation of either of the following:

14 “(1) No enforcement action was taken leading
15 to such proceedings against the alien—

16 “(A) at a domestic violence shelter, a vic-
17 tims services organization or program (as de-
18 scribed in section 2003(8) of the Omnibus
19 Crime Control and Safe Streets Act of 1968),
20 a rape crisis center, a family justice center, or
21 a supervised visitation center; or

22 “(B) at a courthouse (or in connection
23 with the appearance of the alien at a court-
24 house) if the alien is appearing in connection
25 with a protection order case, child custody case,

1 or other civil or criminal case relating to domes-
2 tic violence, sexual assault, trafficking, or stalk-
3 ing in which the alien has been battered or sub-
4 ject to extreme cruelty or if the alien is de-
5 scribed in subparagraph (T) or (U) of section
6 101(a)(15).

7 “(2) Such an enforcement action was taken, but
8 the provisions of section 384(a)(1) of the Illegal Im-
9 migration Reform and Immigrant Responsibility Act
10 of 1996 have been complied with.”.

11 (2) COMPLIANCE.—Section 384(c) of the Illegal
12 Immigration Reform and Immigrant Responsibility
13 Act of 1996 (division C of Public Law 104–208; 8
14 U.S.C. 1367(c)) is amended by inserting “or who
15 knowingly makes a false certification under section
16 239(e) of the Immigration and Nationality Act”
17 after “in violation of this section”.

18 (g) EFFECTIVE DATE.—The amendments made by
19 this section shall take effect on the date of the enactment
20 of this Act and shall apply to violations or disclosures
21 made on or after such date.

1 **SEC. 922. INFORMATION FOR K NONIMMIGRANTS ABOUT**
2 **LEGAL RIGHTS AND RESOURCES FOR IMMI-**
3 **GRANT VICTIMS OF DOMESTIC VIOLENCE.**

4 (a) IN GENERAL.—The Secretary of Homeland Secu-
5 rity, in consultation with the Attorney General and the
6 Secretary of State, shall develop consistent and accurate
7 materials, including an information pamphlet described in
8 subsection (b), on legal rights and resources for immigrant
9 victims of domestic violence for dissemination to appli-
10 cants for K nonimmigrant visas. In preparing such mate-
11 rials, the Secretary shall consult with non-governmental
12 organizations with expertise on the legal rights of immi-
13 grant victims of battery, extreme cruelty, sexual assault
14 and other crimes.

15 (b) INFORMATION PAMPHLET.—The information
16 pamphlet developed under subsection (a) shall include in-
17 formation on the following:

18 (1) The K nonimmigrant visa application proc-
19 ess and the marriage-based immigration process, in-
20 cluding conditional residence and adjustment of sta-
21 tus.

22 (2) The illegality of domestic violence, sexual
23 assault, and child abuse in the United States and
24 the dynamics of domestic violence.

25 (3) Domestic violence and sexual assault serv-
26 ices in the United States, including the National Do-

1 mestic Violence Hotline and the National Sexual As-
2 sault Hotline.

3 (4) The legal rights of immigrant victims of
4 abuse and other crimes in immigration, criminal jus-
5 tice, family law, and other matters.

6 (5) The obligations of parents to provide child
7 support for children.

8 (6) Marriage fraud under United States immi-
9 gration laws and the penalties for committing such
10 fraud.

11 (7) A warning concerning the potential use of
12 K nonimmigrant visas by individuals who have a his-
13 tory of committing domestic violence, sexual assault,
14 or child abuse.

15 (c) SUMMARIES.—The Secretary of Homeland Secu-
16 rity, in consultation with the Attorney General and the
17 Secretary of State, shall develop summaries of the pam-
18 phlet developed under subsection (a) that shall be used
19 by consular officers when reviewing the pamphlet in inter-
20 views under section (e)(2).

21 (d) TRANSLATION.—

22 (1) IN GENERAL.—In order to best serve the
23 language groups having the greatest concentration of
24 K nonimmigrant visa applicants, the information
25 pamphlet under subsection (b) shall, subject to para-

1 graph (2), be translated by the Secretary of State
2 into the following languages: Russian, Spanish, Ta-
3 galog, Vietnamese, Chinese, Ukrainian, Thai, Ko-
4 rean, Polish, Japanese, French, Arabic, Portuguese,
5 and Hindi.

6 (2) REVISION.—Every two years, the Secretary
7 of Homeland Security, in consultation with the At-
8 torney General and the Secretary of State, shall de-
9 termine the specific languages into which the infor-
10 mation pamphlet is translated based on the lan-
11 guages spoken by the greatest concentrations of K
12 nonimmigrant visa applicants.

13 (e) AVAILABILITY AND DISTRIBUTION.—The infor-
14 mation pamphlet developed under subsection (a) shall be
15 made available and distributed as follows:

16 (1) MAILINGS TO K NONIMMIGRANT VISA APPLI-
17 CANTS.—

18 (A) The pamphlet shall be mailed by the
19 Secretary of State to each applicant for a K
20 nonimmigrant visa at the same time that the
21 instruction packet regarding the visa applica-
22 tion process is mailed to such applicant. The
23 pamphlet so mailed shall be in the primary lan-
24 guage of the applicant, or in English if no

1 translation into the applicant's primary lan-
2 guage is available.

3 (B) In addition, in the case of an applicant
4 for a nonimmigrant visa under section
5 101(a)(15)(K)(i) of the Immigration and Na-
6 tionality Act (8 U.S.C. 1101(a)(15)(K)(i)) the
7 Secretary of Homeland Security shall provide to
8 the Secretary of State, for inclusion in the mail-
9 ing under subparagraph (A), a copy of the peti-
10 tion submitted by the petitioner for such appli-
11 cant under section 214(d) of such Act (8
12 U.S.C. 1184(d)).

13 (C) The Secretary of Homeland Security
14 shall provide to the Secretary of State any
15 criminal background information the Secretary
16 of Homeland Security possesses with respect to
17 a petitioner under such section 214(d). The
18 Secretary of State, in turn, shall share any such
19 criminal background information that is in the
20 public record with the nonimmigrant visa appli-
21 cant who is the beneficiary of the petition. The
22 visa applicant shall be informed that such
23 criminal background information is based on
24 available records and may not be complete. The
25 Secretary of State also shall provide for the dis-

1 closure of such criminal background informa-
2 tion to the visa applicant at the consular inter-
3 view in the primary language of the visa appli-
4 cant. Nothing in this subparagraph shall be
5 construed to authorize the Secretary of Home-
6 land Security to conduct any new or additional
7 criminal background check that is not otherwise
8 conducted in the course of adjudicating such
9 petitions.

10 (2) CONSULAR INTERVIEWS.—The pamphlet
11 shall be distributed directly to K nonimmigrant visa
12 applicants at all consular interviews for such visas.
13 The consular officer conducting the visa interview
14 shall review the pamphlet and summary with the ap-
15 plicant orally in the applicant’s primary language, in
16 addition to distributing the pamphlet to the appli-
17 cant in English.

18 (3) CONSULAR ACCESS.—The pamphlet shall be
19 made available to the public at all consular posts.
20 Summaries of the pamphlets under subsection (c)
21 shall be made available to foreign service officers at
22 all consular posts.

23 (4) POSTING ON STATE DEPARTMENT
24 WEBSITE.—The pamphlet shall be posted on the
25 website of the Department of State as well as on the

1 websites of all consular posts processing K non-
2 immigrant visa applications.

3 (f) **K NONIMMIGRANT DEFINED.**—For purposes of
4 this section, the term “K nonimmigrant visa” means a
5 nonimmigrant visa under clause (i) or (ii) of section
6 101(a)(15)(K) of the Immigration and Nationality Act (8
7 U.S.C. 1101(a)(15)(K)).

8 **SEC. 923. AUTHORIZATION OF APPROPRIATIONS.**

9 There are authorized to be appropriated to the Sec-
10 retary of Homeland Security such sums as may be nec-
11 essary to provide for adjudication of petitions and adjust-
12 ment applications of VAWA petitioners (as defined in sec-
13 tion 101(a)(51) of the Immigration and Nationality Act,
14 as added by section 911(a)) and of aliens seeking status
15 as nonimmigrants under subparagraph (T) or (U) of sec-
16 tion 101(a)(15) of such Act.

17 **Subtitle C—Miscellaneous**
18 **Provisions**

19 **SEC. 931. REMOVING 2 YEAR CUSTODY AND RESIDENCY RE-**
20 **QUIREMENT FOR BATTERED ADOPTED CHIL-**
21 **DREN.**

22 (a) **IN GENERAL.**—Section 101(b)(1)(E)(i) of the
23 Immigration and Nationality Act (8 U.S.C.
24 1101(b)(1)(E)(i)) is amended by inserting after “at least
25 two years” the following: “or if the child has been battered

1 or subject to extreme cruelty by the adopting parent or
2 by a family member of the adopting parent residing in
3 the same household”.

4 (b) CONFORMING NATURALIZATION AMENDMENT.—
5 Section 320(a)(3) of such Act (8 U.S.C. 1431(a)(3)) is
6 amended by inserting before the period at the end the fol-
7 lowing: “or the child is residing in the United States pur-
8 suant to a lawful admission for permanent residence and
9 has been battered or subject to extreme cruelty by the cit-
10 izen parent or by a family member of the citizen parent
11 residing in the same household ”

12 (c) EFFECTIVE DATE.—The amendments made by
13 this section shall take effect on the date of the enactment
14 of this Act and shall apply to applications pending or filed
15 on or after such date.

16 **SEC. 932. WAIVER OF CERTAIN GROUNDS OF INADMIS-**
17 **SIBILITY FOR VAWA PETITIONERS.**

18 (a) WAIVER OF FALSE CLAIM OF U.S. CITIZEN-
19 SHIP.—

20 (1) IN GENERAL.—Section 212(i)(1) of such
21 Act (8 U.S.C. 1182(i)(1)) is amended by inserting
22 “(and, in the case of a VAWA petitioner who dem-
23 onstrates a connection between the false claim of
24 United States citizenship and the petitioner being

1 subjected to battery or extreme cruelty, clause (ii))”
2 after “clause (i)”.

3 (2) CONFORMING REFERENCE.—Section
4 212(a)(6)(C)(iii) of such Act (8 U.S.C.
5 1182(a)(6)(C)(iii)) is amended by striking “clause
6 (i)” and inserting “clauses (i) and (ii)”.

7 (b) EXEMPTION FROM PUBLIC CHARGE GROUND.—

8 (1) IN GENERAL.—Section 212(a)(4) of such
9 Act (8 U.S.C. 1182(a)(4)) is amended by adding at
10 the end the following new subparagraph:

11 “(E) SPECIAL RULE FOR BATTERED
12 ALIENS.—Subparagraphs (A) through (C) shall
13 not apply to an alien who is a VAWA petitioner
14 or is a qualified alien described in section
15 431(c) of the Personal Responsibility and Work
16 Opportunity Reconciliation Act of 1996.”.

17 (2) CONFORMING AMENDMENT.—Section
18 212(a)(4)(C)(i) of such Act (8 U.S.C.
19 1182(a)(4)(C)(i)) is amended to read as follows:

20 “(i) the alien is described in subpara-
21 graph (E); or”.

22 (c) EFFECTIVE DATE.—Except as provided in this
23 section, the amendments made by this section shall take
24 effect on the date of the enactment of this Act and shall
25 apply regardless of whether the conviction was entered,

1 crime, or disqualifying event occurred before, on, or after
2 such date.

3 **SEC. 933. EMPLOYMENT AUTHORIZATION FOR BATTERED**
4 **SPOUSES OF CERTAIN NONIMMIGRANTS.**

5 (a) IN GENERAL.—Section 214(c) of the Immigration
6 and Nationality Act (8 U.S.C. 1184(c)), as amended by
7 sections 403(a) and 404(a) of the REAL ID Act of 2005
8 (division B of Public Law 109–13), is amended by adding
9 at the end the following new paragraph:

10 “(15) In the case of an alien spouse admitted under
11 subparagraph (A), (E)(iii), (G), or (H) of section
12 101(a)(15) who is accompanying or following to join a
13 principal alien admitted under subparagraph (A), (E)(iii),
14 (G), or (H)(i) of such section, respectively, the Secretary
15 of Homeland Security shall authorize the alien spouse to
16 engage in employment in the United States and provide
17 the spouse with an ‘employment authorized’ endorsement
18 or other appropriate work permit if the alien spouse dem-
19 onstrates that during the marriage the alien spouse or a
20 child of the alien spouse has been battered or has been
21 the subject to extreme cruelty perpetrated by the spouse
22 of the alien spouse. Requests for relief under this para-
23 graph shall be handled under the procedures that apply
24 to aliens seeking relief under section 204(a)(1)(A)(iii).”.

1 (b) EFFECTIVE DATE.—The amendment made by
2 subsection (a) shall take effect on the date of the enact-
3 ment of this Act and shall apply to aliens who obtained
4 the status of an alien spouse before, on, or after such date.

5 **SEC. 934. GROUNDS FOR HARDSHIP WAIVER FOR CONDI-**
6 **TIONAL PERMANENT RESIDENCE FOR IN-**
7 **TENDED SPOUSES.**

8 (a) IN GENERAL.—Section 216(c)(4) of the Immigra-
9 tion and Nationality Act (8 U.S.C. 1186a(c)(4)) is amend-
10 ed—

11 (1) by striking “or” at the end of subparagraph
12 (B);

13 (2) by striking the period at the end of sub-
14 paragraph (C) and inserting “, or”; and

15 (3) by inserting after subparagraph (C) the fol-
16 lowing new subparagraph:

17 “(D) the alien meets the requirements
18 under section 204(a)(1)(A)(iii)(II)(aa)(BB) and
19 following the marriage ceremony has been bat-
20 tered by or was subject to extreme cruelty per-
21 petrated by his or her intended spouse and was
22 not at fault in failing to meet the requirements
23 of paragraph (1).”.

1 (b) EFFECTIVE DATE.—The amendments made by
2 subsection (a) shall apply as if included in the enactment
3 of VAWA–2000.

4 **SEC. 935. CANCELLATION OF REMOVAL.**

5 (a) CLARIFYING APPLICATION OF DOMESTIC VIO-
6 LENCE WAIVER AUTHORITY IN CANCELLATION OF RE-
7 MOVAL.—

8 (1) IN GENERAL.—Section 240A(b) of the Im-
9 migration and Nationality Act (8 U.S.C. 1229b(b))
10 is amended—

11 (A) in paragraph (1)(C)—

12 (i) by inserting “subject to paragraph
13 (5),” after “(C)”; and

14 (ii) by striking “(except in a case de-
15 scribed in section 237(a)(7) where the At-
16 torney General exercises discretion to
17 grant a waiver)”; and

18 (B) in paragraph (2)(A), by amending
19 clause (iv) to read as follows:

20 “(iv) subject to paragraph (5), the
21 alien is not inadmissible under paragraph
22 (2) or (3) of section 212(a), is not remov-
23 able under paragraph (2), (3)(D), or (4) of
24 section 237(a), and is not removable under
25 section 237(a)(1)(G) (except if there was a

1 connection between the marriage fraud de-
2 scribed in such section and the battery or
3 extreme cruelty described in clause (i));
4 and”; and

5 (C) by adding at the end the following new
6 paragraph:

7 “(5) APPLICATION OF DOMESTIC VIOLENCE
8 WAIVER AUTHORITY.—The provisions of section
9 237(a)(7) shall apply in the application of para-
10 graphs (1)(C) and (2)(A)(iv) (including waiving
11 grounds of deportability) in the same manner as
12 they apply under section 237(a). In addition, for
13 purposes of such paragraphs and in the case of an
14 alien who has been battered or subjected to extreme
15 cruelty and if there was a connection between the in-
16 admissibility or deportability and such battery or
17 cruelty with respect to the activity involved, the At-
18 torney General may waive, in the sole unreviewable
19 discretion of the Attorney General, any other ground
20 of inadmissibility or deportability for which a waiver
21 is authorized under section 212(h), 212(d)(13),
22 212(d)(14), or 237(a)(2)(A)(v), and the exception
23 described in section 204(a)(1)(C) shall apply.”.

1 (2) EFFECTIVE DATE.—The amendments made
2 by paragraph (1) shall apply as if included in the
3 enactment of section 1504(a) of VAWA–2000.

4 (b) CLARIFYING NONAPPLICATION OF CANCELLA-
5 TION CAP.—

6 (1) IN GENERAL.—Section 240A(e)(3) of the
7 Immigration and Nationality Act (8 U.S.C.
8 1229b(e)(3)) is amended by adding at the end the
9 following new subparagraph:

10 “(C) Aliens with respect to their cancella-
11 tion of removal under subsection (b)(2).”.

12 (2) EFFECTIVE DATE.—The amendment made
13 by paragraph (1) shall apply to cancellations of re-
14 moval occurring on or after October 1, 2004.

15 **SEC. 936. MOTIONS TO REOPEN.**

16 (a) REMOVAL PROCEEDINGS.—

17 (1) IN GENERAL.—Section 240(c)(7) of the Im-
18 migration and Nationality Act (8 U.S.C.
19 1230(c)(7)), as redesignated by section 101(d)(1) of
20 the REAL ID Act of 2005 (division B of Public Law
21 109–13), is amended—

22 (A) in subparagraph (A), by inserting “,
23 except that this limitation shall not apply so as
24 to prevent the filing of one motion to reopen de-

1 scribed in subparagraph (C)(iv)” before the pe-
2 riod at the end; and

3 (B) in subparagraph (C)—

4 (i) in the heading of clause (iv), by
5 striking “SPOUSES AND CHILDREN” and
6 inserting “SPOUSES, CHILDREN, AND PAR-
7 ENTS”;

8 (ii) in the matter before subclause (I)
9 of clause (iv), by striking “The deadline
10 specified in subsection (b)(5)(C) for filing
11 a motion to reopen does not apply” and in-
12 serting “Any limitation under this section
13 on the deadlines for filing such motions
14 shall not apply”;

15 (iii) in clause (iv)(I), by inserting “or
16 section 244(a)(3) (as in effect on March
17 31, 1997)” after “section 240A(b)(2)”;

18 (iv) by striking “and” at the end of
19 clause (iv)(II);

20 (v) by striking the period at the end
21 of clause (iv)(III) and inserting “; and”;
22 and

23 (vi) by adding at the end the fol-
24 lowing:

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
15 VAWA–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 “Not-
20 withstanding any limitation on the number of
21 motions, or the deadlines for filing motions (in-
22 cluding the deadline specified in section
23 242B(c)(3) of the Immigration and Nationality
24 Act before the title III–A effective date), to re-
25 open or rescind deportation or exclusion”;

1 (B) in the matter before clause (i) of sub-
2 paragraph (A), by striking “there is no time
3 limit on the filing of a motion” and all that fol-
4 lows through “does not apply” and inserting
5 “such limitations shall not apply to the filing of
6 a single motion under this subparagraph to re-
7 open such proceedings”;

8 (C) by adding at the end of subparagraph
9 (A) the following:

10 “The filing of a motion under this subpara-
11 graph shall stay the removal of the alien pend-
12 ing a final disposition of the motion including
13 the exhaustion of all appeals if the motion es-
14 tablishes a prima facie case for the relief ap-
15 plied for.”;

16 (D) in subparagraph (B), by inserting
17 “who are physically present in the United
18 States and” after “filed by aliens”; and

19 (E) in subparagraph (B)(i), by inserting
20 “or exclusion” after “deportation”.

21 (2) EFFECTIVE DATE.—The amendments made
22 by paragraph (1) shall take effect on the date of the
23 enactment of this Act.

1 **SEC. 937. REMOVAL PROCEEDINGS.**

2 (a) TREATMENT OF BATTERY OR EXTREME CRU-
3 ELTY AS EXCEPTIONAL CIRCUMSTANCES.—Section
4 240(e)(1) of such Act (8 U.S.C. 1230(e)(1)) is amended
5 by inserting “battery or extreme cruelty of the alien or
6 any child or parent of the alien or” after “exceptional cir-
7 cumstances (such as”.

8 (b) EFFECTIVE DATE.—The amendment made by
9 subsection (a) shall take effect on the date of the enact-
10 ment of this Act and shall apply to a failure to appear
11 that occurs before, on, or after such date.

12 **SEC. 938. CONFORMING RELIEF IN SUSPENSION OF DEPOR-**
13 **TATION PARALLEL TO THE RELIEF AVAIL-**
14 **ABLE IN VAWA-2000 CANCELLATION FOR**
15 **BIGAMY.**

16 Section 244(a)(3) of the Immigration and Nationality
17 Act (as in effect before the title III–A effective date in
18 section 309 of the Illegal Immigration Reform and Immi-
19 grant Responsibility Act of 1996) shall be applied as if
20 “or by a United States citizen or lawful permanent resi-
21 dent whom the alien intended to marry, but whose mar-
22 riage is not legitimate because of that United States citi-
23 zen’s or permanent resident’s bigamy” were inserted after
24 “by a spouse or parent who is a United States citizen or
25 lawful permanent 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 Hai-
20 tian Refugee Immigration Fairness Act of 1998 (division
21 A of section 101(h) of Public Law 105–277; 112 Stat.
22 2681–538), as amended by section 1511(a) of VAWA–
23 2000, is amended by striking “204(a)(1)(H)” and insert-
24 ing “204(a)(1)(J)”.

1 (e) EFFECTIVE DATE.—The amendments made by
2 this section shall take effect as if included in the enact-
3 ment of VAWA–2000.

4 **SEC. 940. PROHIBITING ABUSERS FROM SPONSORING FAM-**
5 **ILY IMMIGRANTS.**

6 Section 204 of the Immigration and Nationality Act
7 (8 U.S.C. 1154) is amended by adding at the end the fol-
8 lowing:

9 “(l) Notwithstanding subsection (a), a petition may
10 not be approved under subparagraph (A) or (B) of such
11 subsection if the petition is submitted by a person con-
12 victed of a crime described in paragraph (5), (7), (8), (21),
13 or (22) of section 2000B of the Omnibus Crime Control
14 and Safe Streets Act of 1968.”.

15 **SEC. 941. TECHNICAL CORRECTIONS.**

16 (a) TECHNICAL CORRECTIONS TO REFERENCES IN
17 APPLICATION OF SPECIAL PHYSICAL PRESENCE AND
18 GOOD MORAL CHARACTER RULES.—

19 (1) PHYSICAL PRESENCE RULES.—Section
20 240A(b)(2)(B) of the Immigration and Nationality
21 Act (8 U.S.C. 1229b(b)(2)(B)) is amended—

22 (A) in the first sentence, by striking
23 “(A)(i)(II)” and inserting “(A)(ii)”; and

1 (B) in the fourth sentence, by striking
2 “section 240A(b)(2)(B)” and inserting “this
3 subparagraph, subparagraph (A)(ii),”.

4 (2) MORAL CHARACTER RULES.—Section
5 240A(b)(2)(C) of such Act (8 U.S.C.
6 1229b(b)(2)(C)) is amended by striking
7 “(A)(i)(III)” and inserting “(A)(iii)”.

8 (3) EFFECTIVE DATE.—The amendments made
9 by this subsection shall be effective as if included in
10 the enactment of section 1504(a) of VAWA (114
11 Stat. 1522).

12 (b) CORRECTION OF CROSS-REFERENCE ERROR IN
13 APPLYING GOOD MORAL CHARACTER.—

14 (1) IN GENERAL.—Section 101(f)(3) of the Im-
15 migration and Nationality Act (8 U.S.C. 1101(f)(3))
16 is amended by striking “(9)(A)” and inserting
17 “(10)(A)”.

18 (2) EFFECTIVE DATE.—The amendment made
19 by paragraph (1) shall be effective as if included in
20 the enactment of the Illegal Immigration Reform
21 and Immigrant Responsibility Act of 1996 (Public
22 Law 104–208).

23 (c) PUNCTUATION CORRECTION.—Effective as if in-
24 cluded in the enactment of section 5(c)(2) of VAWA–
25 2000, section 237(a)(1)(H)(ii) of the Immigration and

1 Nationality Act (8 U.S.C. 1227(a)(1)(H)(ii)) is amended
2 by striking the period at the end and inserting “; or”.

3 (d) CORRECTION OF DESIGNATION AND INDENTA-
4 TION.—The last sentence of section 212(a)(9)(C)(ii) of the
5 Immigration and Nationality Act (8 U.S.C.
6 1182(a)(9)(C)(ii)), as added by section 1505(a) of
7 VAWA–2000, is amended—

8 (1) by striking “section 212(a)(9)(C)(i)” and
9 inserting “clause (i)”;

10 (2) by redesignating paragraphs (1) and (2),
11 and subparagraphs (A) through (D) of paragraph
12 (2), as subclauses (I) and (II), and items (aa)
13 through (dd) of subclause (II), respectively; and

14 (3) by moving the margins of each of such
15 paragraphs and subparagraphs 6 ems to the right.

16 (e) ADDITIONAL TECHNICAL CORRECTIONS.—(1)
17 Section 237(a)(7)(A)(i)(I) of such Act (8 U.S.C.
18 1227(a)(7)(A)(i)(I)) is amended by striking “is self-de-
19 fense” and inserting “in self-defense”.

20 (2) Section 245(l)(2)(B) of such Act (8 U.S.C.
21 1255(l)(2)(B)) is amended by striking “(10(E))” and in-
22 serting “(10)(E)”.

1 (1) the timeliness of the Federal grant applica-
2 tion and award processes;

3 (2) the amounts awarded under each program
4 directly to tribal governments, tribal organizations,
5 and tribal nonprofit organizations;

6 (3) determinations not to award grant funds;

7 (4) grant awards made in violation of the eligi-
8 bility guidelines to a nontribal entity; and

9 (5) training, technical assistance, and data col-
10 lection grants for tribal grant programs or programs
11 addressing the safety of Indian women.

12 (b) **RECOMMENDATIONS.**—During consultations
13 under subsection (a), the Secretary and the Attorney Gen-
14 eral shall solicit recommendations from Indian tribes con-
15 cerning—

16 (1) administering tribal funds and programs;

17 (2) enhancing the safety of Indian women from
18 domestic violence, dating violence, sexual assault,
19 and stalking; and

20 (3) strengthening the Federal response to such
21 violent crimes.

22 **SEC. 1003. ANALYSIS AND RESEARCH ON VIOLENCE ON**
23 **TRIBAL LANDS.**

24 (a) **NATIONAL BASELINE STUDY.**—The Attorney
25 General, acting through the National Institute of Justice

1 in consultation with the Director of the Office on Violence
2 Against Women, shall conduct a national baseline study
3 to examine violence against Indian women.

4 (b) SCOPE.—

5 (1) IN GENERAL.—The study shall examine vio-
6 lence committed against Indian women, including—

7 (A) domestic violence;

8 (B) dating violence;

9 (C) sexual assault;

10 (D) stalking; and

11 (E) murder.

12 (2) EVALUATION.—The study shall evaluate the
13 effectiveness of Federal, State, tribal, and local re-
14 sponses to the violations described in paragraph (1)
15 committed against Indian women.

16 (c) TASK FORCE.—

17 (1) IN GENERAL.—The Attorney General, act-
18 ing through the Director of the Office on Violence
19 Against Women, shall establish a task force to assist
20 in the development and implementation of the study
21 under subsection (a).

22 (2) MEMBERS.—The Director shall appoint to
23 the task force representatives from—

24 (A) national tribal domestic violence and
25 sexual assault nonprofit organizations;

1 (B) tribal governments; and

2 (C) the National Congress of American In-
3 dians.

4 (d) REPORT.—Not later than 2 years after the date
5 of enactment of this Act, the Attorney General shall sub-
6 mit to Congress a report that describes the findings made
7 in the study.

8 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
9 authorized to be appropriated to carry out this section
10 \$1,000,000 for each of fiscal years 2006 and 2007, to re-
11 main available until expended.

12 **SEC. 1004. TRACKING OF VIOLENCE ON TRIBAL LANDS.**

13 (a) ACCESS TO FEDERAL CRIMINAL INFORMATION
14 DATABASES.—Section 534 of title 28, United States Code,
15 is amended—

16 (1) by redesignating subsections (d) and (e) as
17 subsection (e) and (f); and

18 (2) by inserting after subsection (c) the fol-
19 lowing:

20 “(d) INDIAN LAW ENFORCEMENT AGENCIES.—The
21 Attorney General shall permit Indian law enforcement
22 agencies, in cases of domestic violence, dating violence,
23 sexual assault, and stalking, to enter information into
24 Federal criminal information databases and to obtain in-

1 formation from the databases, including information relat-
2 ing to—

- 3 “(1) identification records;
4 “(2) criminal history records;
5 “(3) protection orders; and
6 “(4) wanted person records.”.

7 (b) TRIBAL REGISTRY.—

8 (1) ESTABLISHMENT.—The Attorney General
9 shall contract with any interested Indian tribe, tribal
10 organization, or tribal nonprofit organization to de-
11 velop and maintain—

12 (A) a national tribal sex offender registry;
13 and

14 (B) a tribal protection order registry con-
15 taining civil and criminal orders of protection
16 issued by Indian tribes and participating juris-
17 dictions.

18 (2) AUTHORIZATION OF APPROPRIATIONS.—

19 There is authorized to be appropriated to carry out
20 this section \$1,000,000 for each of fiscal years 2006
21 through 2010, to remain available until expended.

1 **SEC. 1005. TRIBAL DIVISION OF THE OFFICE ON VIOLENCE**
2 **AGAINST WOMEN.**

3 Part T of the Omnibus Crime Control and Safe
4 Streets Act of 1968 is amended by adding after section
5 2015 (as added by section 604 of this Act) the following:

6 **“SEC. 2016. TRIBAL DIVISION.**

7 “(a) IN GENERAL.—The Director of the Office on Vi-
8 olence Against Women shall designate one or more em-
9 ployees, each of whom shall have demonstrated expertise
10 in tribal law and practice regarding domestic violence, dat-
11 ing violence, sexual assault, and stalking against members
12 of Indian tribes, to be responsible for—

13 “(1) overseeing and managing the administra-
14 tion of grants to and contracts with Indian tribes,
15 tribal courts, tribal organizations, tribal nonprofit
16 organizations and the territories;

17 “(2) ensuring that, if a grant or a contract pur-
18 suant to such a grant is made to an organization to
19 perform services that benefit more than one Indian
20 tribe, the approval of each Indian tribe to be bene-
21 fited shall be a prerequisite to the making of the
22 grant or letting of the contract;

23 “(3) assisting in the development of Federal
24 policy, protocols, and guidelines on matters relating
25 to domestic violence, dating violence, sexual assault,
26 and stalking against members of Indian tribes;

1 “(4) advising the Director of the Office on Violence
2 Against Women concerning policies, legislation,
3 implementation of laws, and other issues relating to
4 domestic violence, dating violence, sexual assault,
5 and stalking against members of Indian tribes;

6 “(5) representing the Office on Violence
7 Against Women in the annual consultations under
8 section 1002 of the Violence Against Women Reau-
9 thorization Act of 2005;

10 “(6) providing assistance to the Department of
11 Justice to develop policy and to enforce Federal law
12 relating to domestic violence, dating violence, sexual
13 assault, and stalking against members of Indian
14 tribes;

15 “(7) maintaining a liaison with the judicial
16 branches of Federal, State and tribal governments
17 on matters relating to domestic violence, dating vio-
18 lence, sexual assault, and stalking against members
19 of Indian tribes; and

20 “(8) ensuring that adequate tribal training,
21 technical assistance, and data collection is made
22 available to Indian tribes, tribal courts, tribal orga-
23 nizations, and tribal nonprofit organizations for all
24 programs relating to domestic violence, dating vio-

1 lence, sexual assault, and stalking against members
2 of Indian tribes.

3 “(b) AUTHORITY.—

4 “(1) IN GENERAL.—The Director shall ensure
5 that a portion of the tribal set-aside funds from any
6 grant awarded under the Violence Against Women
7 Act of 1994 (title IV of Public Law 103–322) or the
8 Violence Against Women Act of 2000 (division B of
9 Public Law 106–386) is used to enhance the capac-
10 ity of Indian tribes to address the safety of members
11 of Indian tribes.

12 “(2) ACCOUNTABILITY.—The Director shall en-
13 sure that some portion of the tribal set-aside funds
14 from any grant made under this part is used to hold
15 offenders accountable through—

16 “(A) enhancement to the response of In-
17 dian tribes to crimes of domestic violence, dat-
18 ing violence, sexual assault, and stalking
19 against Indian women, including legal services
20 for victims and Indian-specific offender pro-
21 grams;

22 “(B) development and maintenance of trib-
23 al domestic violence shelters or programs for
24 battered members of Indian tribes, including
25 sexual assault services, that are based upon the

1 unique circumstances of the members of Indian
2 tribes to be served;

3 “(C) development of tribal educational
4 awareness programs and materials;

5 “(D) support for customary tribal activities
6 to strengthen the intolerance of an Indian tribe
7 to violence against members of Indian tribes;
8 and

9 “(E) development, implementation, and
10 maintenance of tribal electronic databases for
11 tribal protection order registries.

12 **“SEC. 2017. SAFETY FOR INDIAN WOMEN FORMULA GRANTS**
13 **PROGRAM.**

14 “(a) ESTABLISHMENT.—

15 “(1) IN GENERAL.—Of the amounts set aside
16 for Indian tribes and tribal organizations in a pro-
17 gram referred to in paragraph (2), the Attorney
18 General, through the Director of the Office of Vio-
19 lence Against Women (referred to in this section as
20 the “Director”), shall take such setasides and com-
21 bine them to establish the Safety for Indian Women
22 Formula Grants Program, a single formula grant
23 program to enhance the response of Indian tribal
24 governments to address domestic violence, sexual as-
25 sult, dating violence, and stalking. Grants made

1 under this program shall be administered by the
2 Tribal Division of the Violence Against Women Of-
3 fice.

4 “(2) PROGRAMS COVERED.—The programs cov-
5 ered by paragraph (1) are the programs carried out
6 under the following provisions:

7 “(A) Section 2007 (42 U.S.C. 3796gg–1),
8 Grants to Combat Violent Crimes Against
9 Women.

10 “(B) Section 2101 (42 U.S.C. 3796hh),
11 Grants to Encourage Arrest Policies.

12 “(C) Section 1201 of the Violence Against
13 Women Act of 2000 (42 U.S.C. 3796gg–6),
14 Legal Assistance for Victims.

15 “(D) Section 1301 of the Violence Against
16 Women Act of 2000 (42 U.S.C. 10420), Safe
17 Havens for Children Pilot Program.

18 “(E) Section 40295 of the Violence
19 Against Women Act of 1994 (42 U.S.C.
20 13971), Rural Domestic Violence and Child
21 Abuser Enforcement Assistance.

22 “(F) Section 41002 of the Violence
23 Against Women Act of 1994, Grants for Court
24 Training and Improvements.

1 “(G) Section 2014(b), Sexual Assault
2 Services Program, Grants to States, Territories
3 and Indian Tribes.

4 “(H) Title VII, section 41201, Grants for
5 Training and Collaboration on the Intersection
6 Between Domestic Violence and Child Maltreat-
7 ment. Section 41202, Services to Advocate For
8 and Respond to Teens.

9 “(I) Section 704, Grants to Combat Do-
10 mestic Violence, Dating Violence, Sexual As-
11 sault, and Stalking In Middle And High
12 Schools.

13 “(b) PURPOSE OF PROGRAM AND GRANTS.—

14 “(1) GENERAL PROGRAM PURPOSE.—The pur-
15 pose of the program required by this section is to as-
16 sist Indian tribal governments to develop and en-
17 hance effective governmental strategies to curtail
18 violent crimes against and increase the safety of
19 members of Indian tribes consistent with tribal law
20 and custom, specifically the following:

21 “(A) To increase tribal capacity to respond
22 to domestic violence, dating violence, sexual as-
23 sault, and stalking crimes against members of
24 Indian tribes.

1 “(B) To strengthen tribal justice interven-
2 tions including tribal law enforcement, prosecu-
3 tion, courts, probation, correctional facilities;
4 and enhance services to members of Indian
5 tribes victimized by domestic violence, dating vi-
6 olence, sexual assault, and stalking.

7 “(2) PURPOSES FOR WHICH GRANTS MAY BE
8 USED.—The Director may make grants to Indian
9 tribes for the purpose of enhancing participating
10 tribes’ capacity to address the safety of members of
11 Indian tribes. Each participating tribe shall exercise
12 its right of self-determination and self-governance in
13 allocating and using funds made available under the
14 program. Each participating tribe may use funds
15 under the program to support its specific tribally
16 based response to increasing the safety of members
17 of Indian tribes. Grants under the program shall
18 support the governmental efforts identified by the
19 Indian tribe required according to its distinctive
20 ways of life to increase the safety of members of In-
21 dian tribes from crimes of sexual assault, domestic
22 violence, dating violence, stalking, kidnapping, and
23 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 applica-
7 tion does not conform to the terms of the application
8 requirements.

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),
24 together with instructions on the process, copies

1 of 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
11 shall be allocated equally to all Indian tribes
12 who exercise 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 cap-
15 ita basis, according to the population residing
16 in the 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 per-
20 cent and up to 7 percent of the total amount of
21 those funds for the purpose of entering into a coop-
22 erative agreement or contract with one or more trib-
23 al organizations with demonstrated expertise in pro-
24 viding training and technical assistance to Indian
25 tribes in addressing domestic violence, dating vio-

1 lence, sexual assault, and stalking against members
2 of Indian tribes, tribal law, and customary practices.
3 At least one of the cooperative agreements or con-
4 tracts shall be entered into with a single tribal orga-
5 nization to provide comprehensive technical assist-
6 ance to participating tribal governments. Such train-
7 ing and technical assistance shall be specifically de-
8 signed to address the unique legal unique legal sta-
9 tus, distinct cultural ways of life, and geographic cir-
10 cumstances of the Indian tribes receiving funds
11 under the program.

12 “(e) RECIPIENT REQUIREMENTS.—

13 “(1) IN GENERAL.—Indian tribes may receive
14 funds under the program required by this section as
15 individual tribes or as a consortium of tribes.

16 “(2) SUBGRANTS AND OTHER ARRANGE-
17 MENTS.—Participating tribes may make subgrants
18 or enter into contracts or cooperative agreements
19 with the funds under the program to enhance the
20 safety of, and end domestic violence, dating violence,
21 sexual assault, and stalking against, members of In-
22 dian tribes.

23 “(3) SET ASIDE.—Participating tribes must set
24 aside no less than 50 percent of their total allocation
25 under this section for tribally specific domestic vio-

1 lence, dating violence, sexual assault, or stalking vic-
2 tim services and advocacy for members of Indian
3 tribes. The services supported with funds under the
4 program must be designed to address the unique cir-
5 cumstances of the individuals to be served, including
6 the customary practices and linguistic needs of the
7 individuals within the tribal community to be served.
8 Tribes shall give preference to tribal organizations
9 or tribal nonprofit organizations providing advocacy
10 services to members of Indian tribes within the com-
11 munity to be served such as a safety center or shel-
12 ter program for members of Indian tribes. In the
13 case where the above organizations do not exist
14 within the participating tribe, the participation and
15 support from members of Indian tribes in the com-
16 munity to be served is sufficient to meet this re-
17 quirement.

18 “(f) ADMINISTRATION REQUIREMENTS.—

19 “(1) APPLICATION.—To reduce the administra-
20 tive burden for Indian tribes, the Director shall pre-
21 pare an expedited application process for Indian
22 tribes participating in the program required by this
23 section. The expedited process shall facilitate partici-
24 pating tribes’ submission of information—

25 “(A) outlining project activities;

1 “(B) describing how the project activities
2 will enhance the Indian tribe’s response to do-
3 mestic violence, dating violence, sexual assault,
4 and stalking against members of Indian tribes;
5 and

6 “(C) identifying the tribal partner pro-
7 viding advocacy and related services for mem-
8 bers of Indian tribes who are victims of crimes
9 of domestic violence, dating violence, sexual as-
10 sult, and stalking.

11 “(2) REPORTING AND EVALUATION.—The Di-
12 rector shall alleviate administrative burdens upon
13 participating Indian tribes by—

14 “(A) developing a reporting and evaluation
15 process relevant to the distinct governance of
16 Indian tribes;

17 “(B) requiring only essential data to be
18 collected; and

19 “(C) limiting reporting to an annual basis.

20 “(3) GRANT PERIOD.—The Director shall
21 award grants for a two-year period, with a possible
22 extension of another two years to implement projects
23 under the grant.

24 “(g) PRESUMPTION THAT MATCHING FUNDS NOT
25 REQUIRED.—

1 “(1) IN GENERAL.—Given the unique political
2 relationship between the United States and Indian
3 tribes differentiates tribes from other entities that
4 deal with or are affected by, the Federal Govern-
5 ment, the Director shall not require an Indian tribe
6 to match funds under this section, except as pro-
7 vided in paragraph (2).

8 “(2) EXCEPTION.—If the Director determines
9 that an Indian tribe has adequate resources to com-
10 ply with a matching requirement that would other-
11 wise apply but for the operation of paragraph (1),
12 the Director may waive the operation of paragraph
13 (1) for that tribe.

14 “(h) EVALUATION.—The Director shall award a con-
15 tract or cooperative agreement to evaluate programs under
16 this section to an entity with the demonstrated expertise
17 in domestic violence, dating violence, sexual assault, and
18 stalking and knowledge and experience in—

19 “(1) the development and delivery of services to
20 members of Indian tribes who are victimized;

21 “(2) the development and implementation of
22 tribal governmental responses to such crimes; and

23 “(3) the traditional and customary practices of
24 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
5 date of enactment of this section, the Comptroller General
6 of the United States shall submit to the Congress a report
7 on the prosecution of sexual assault and domestic violence
8 committed against adult American Indians and Alaska
9 Natives.

10 (b) **CONTENTS OF REPORT.**—The report required by
11 subsection (a) shall include the following:

12 (1) An assessment of the effectiveness of pros-
13 ecution of such cases by the United States district
14 attorneys 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),
21 2261A(2), 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;
4 and

5 (F) male victims, female victims, Indian
6 defendants, and non-Indian defendants.

7 (4) The priority assigned by the district to the
8 prosecution of such cases and the percentage of such
9 cases prosecuted to total cases prosecuted.

10 (5) Any recommendations by the Comptroller
11 General for improved Federal prosecution of such
12 cases.

13 (c) YEARS COVERED.—The report required by this
14 section shall cover the years 2000 through 2005.

15 **TITLE XI—PUBLIC AWARENESS**
16 **CAMPAIGN REGARDING DO-**
17 **MESTIC VIOLENCE AGAINST**
18 **PREGNANT WOMEN**

19 **SEC. 1101. PUBLIC AWARENESS CAMPAIGN.**

20 (a) IN GENERAL.—The Attorney General, acting
21 through the Office on Violence Against Women], shall
22 make grants to States for carrying out a campaign to in-
23 crease public awareness of issues regarding domestic vio-
24 lence against pregnant women.

1 (b) AUTHORIZATION OF APPROPRIATIONS.—For the
2 purpose of carrying out this section, there are authorized
3 to be appropriated such sums as may be necessary for
4 each of the fiscal years 2006 through 2010.

Passed the House of Representatives September 28,
2005.

Attest:

JEFF TRANDAHL,
Clerk.

By GERASIMOS C. VANS,
Deputy Clerk.