

109TH CONGRESS
1ST SESSION

H. R. 3402

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

IN THE HOUSE OF REPRESENTATIVES

JULY 22, 2005

Mr. SENSENBRENNER (for himself, Mr. CONYERS, Ms. GINNY BROWN-WAITE of Florida, Mr. GREEN of Wisconsin, Mr. SCHIFF, Mr. WEINER, and Mr. COBLE) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

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

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

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

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

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

Sec. 1. Short title; table of contents.

- Sec. 101. Authorization of appropriations for fiscal year 2006.
- Sec. 102. Authorization of appropriations for fiscal year 2007.
- Sec. 103. Authorization of appropriations for fiscal year 2008.
- Sec. 104. Authorization of appropriations for fiscal year 2009.

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

Subtitle A—Assisting Law Enforcement and Criminal Justice Agencies

- Sec. 201. Merger of Byrne grant program and Local Law Enforcement Block Grant program.
- Sec. 202. Clarification of number of recipients who may be selected in a given year to receive Public Safety Officer Medal of Valor.
- Sec. 203. Congressional medal and plaque for public safety officers who responded to the attacks on the United States on September 11, 2001.
- Sec. 204. Clarification of official to be consulted by Attorney General in considering application for emergency Federal law enforcement assistance.
- Sec. 205. Clarification of uses for regional information sharing system grants.
- Sec. 206. Integrity and enhancement of national criminal record databases.
- Sec. 207. Extension of matching grant program for law enforcement armor vests.

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

- Sec. 211. Office of Weed and Seed Strategies.

Subtitle C—Assisting Victims of Crime

- Sec. 221. Grants to local nonprofit organizations to improve outreach services to victims of crime.
- Sec. 222. Clarification and enhancement of certain authorities relating to Crime Victims Fund.
- Sec. 223. Amounts received under crime victim grants may be used by State for training purposes.
- Sec. 224. Clarification of authorities relating to Violence Against Women formula and discretionary grant programs.
- Sec. 225. Expansion of grant programs assisting enforcement of domestic violence cases to also assist enforcement of sexual assault cases.
- Sec. 226. Change of certain reports from annual to biennial.
- Sec. 227. Clarification of recipients and programs eligible for grants under Rural Domestic Violence and Child Abuse Enforcement Assistance program.

Subtitle D—Preventing Crime

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

Subtitle E—Other Matters

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

TITLE III—MISCELLANEOUS PROVISIONS

- Sec. 301. Technical amendments relating to Public Law 107–56.
- Sec. 302. Miscellaneous technical amendments.
- Sec. 303. Minor substantive amendment relating to contents of FBI annual report.
- Sec. 304. Use of Federal training facilities.
- Sec. 305. Privacy officer.
- Sec. 306. Bankruptcy crimes.
- Sec. 307. Report to Congress on status of United States persons or residents detained on suspicion of terrorism.
- Sec. 308. Technical correction relating to definition used in “terrorism transcending national boundaries” statute.
- Sec. 309. Increased penalties and expanded jurisdiction for sexual abuse offenses in correctional facilities.
- Sec. 310. Expanded jurisdiction for contraband offenses in correctional facilities.
- Sec. 311. Magistrate judge’s authority to continue preliminary hearing.
- Sec. 312. Technical corrections relating to steroids.
- Sec. 313. Prison Rape Commission extension.
- Sec. 314. Longer statute of limitation for human trafficking-related offenses.
- Sec. 315. Use of Center for Criminal Justice Technology.
- Sec. 316. SEARCH grants.

TITLE IV—VIOLENCE AGAINST WOMEN REAUTHORIZATION ACT
OF 2005

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

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

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

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

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

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

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

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

- Sec. 801. Preventing violence in the home.

TITLE IX—PROTECTION FOR IMMIGRANT VICTIMS OF VIOLENCE

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

Subtitle A—Victims of Crime

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

Subtitle B—VAWA Petitioners

- Sec. 911. Definition of VAWA petitioner.
- Sec. 912. Self-petitioning for children.

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

Subtitle C—Miscellaneous Provisions

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

TITLE X—SAFETY ON TRIBAL LANDS

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

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:
14 \$216,286,000 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: \$72,828,000, 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: \$679,661,000, 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 \$15,000,000 for the in-
4 vestigation and prosecution of violations of title
5 17 of the United States Code; and

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

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

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

12 (7) FEDERAL BUREAU OF INVESTIGATION.—
13 For the Federal Bureau of Investigation:
14 \$5,761,237,000, which shall include not to exceed
15 \$70,000 to meet unforeseen emergencies of a con-
16 fidential character.

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

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

22 (10) DRUG ENFORCEMENT ADMINISTRATION.—
23 For the Drug Enforcement Administration:
24 \$1,716,173,000, which shall include not to exceed

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

3 (11) BUREAU OF ALCOHOL, TOBACCO, FIRE-
4 ARMS AND EXPLOSIVES.—For the Bureau of Alco-
5 hol, Tobacco, Firearms and Explosives:
6 \$923,613,000.

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

11 (13) INTERAGENCY CRIME AND DRUG EN-
12 FORCEMENT.—For Interagency Crime and Drug
13 Enforcement: \$661,940,000 for expenses not other-
14 wise provided for, for the investigation and prosecu-
15 tion of persons involved in organized crime drug
16 trafficking, except that any funds obligated from ap-
17 propriations authorized by this paragraph may be
18 used under authorities available to the organizations
19 reimbursed from such funds.

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

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

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

5 (17) UNITED STATES PAROLE COMMISSION.—
6 For the United States Parole Commission:
7 \$11,300,000.

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

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

15 (20) NARROW BAND COMMUNICATIONS.—For
16 the costs of conversion to narrowband communica-
17 tions, including the cost for operation and mainte-
18 nance of Land Mobile Radio legacy systems:
19 \$128,701,000.

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

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

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

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

7 **SEC. 102. AUTHORIZATION OF APPROPRIATIONS FOR FIS-**
8 **CAL YEAR 2007.**

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

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

16 (2) ADMINISTRATIVE REVIEW AND APPEALS.—
17 For Administrative Review and Appeals:
18 \$224,937,000 for administration of pardon and
19 clemency petitions and for immigration-related ac-
20 tivities.

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

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

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

8 (B) not less than \$15,600,000 for the in-
9 vestigation and prosecution of violations of title
10 17 of the United States Code; and

11 (C) not to exceed \$20,000 to meet unfore-
12 seen emergencies of a confidential character.

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

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

17 (7) FEDERAL BUREAU OF INVESTIGATION.—
18 For the Federal Bureau of Investigation:
19 \$5,991,686,000, which shall include not to exceed
20 \$70,000 to meet unforeseen emergencies of a con-
21 fidential character.

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

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

4 (10) DRUG ENFORCEMENT ADMINISTRATION.—
5 For the Drug Enforcement Administration:
6 \$1,784,820,000, which shall include not to exceed
7 \$70,000 to meet unforeseen emergencies of a con-
8 fidential character.

9 (11) BUREAU OF ALCOHOL, TOBACCO, FIRE-
10 ARMS AND EXPLOSIVES.—For the Bureau of Alco-
11 hol, Tobacco, Firearms and Explosives:
12 \$960,558,000.

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

17 (13) INTERAGENCY CRIME AND DRUG EN-
18 FORCEMENT.—For Interagency Crime and Drug
19 Enforcement: \$688,418,000, for expenses not other-
20 wise provided for, for the investigation and prosecu-
21 tion of persons involved in organized crime drug
22 trafficking, except that any funds obligated from ap-
23 propriations authorized by this paragraph may be
24 used under authorities available to the organizations
25 reimbursed from such funds.

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

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

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

10 (17) UNITED STATES PAROLE COMMISSION.—
11 For the United States Parole Commission:
12 \$11,752,000.

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

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

20 (20) NARROWBAND COMMUNICATIONS.—For
21 the costs of conversion to narrowband communica-
22 tions, including the cost for operation and mainte-
23 nance of Land Mobile Radio legacy systems:
24 \$133,849,000.

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

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

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

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

12 **SEC. 103. AUTHORIZATION OF APPROPRIATIONS FOR FIS-**
13 **CAL YEAR 2008.**

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

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

21 (2) ADMINISTRATIVE REVIEW AND APPEALS.—
22 For Administrative Review and Appeals:
23 \$233,934,000 for administration of pardon and
24 clemency petitions and for immigration-related ac-
25 tivities.

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

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

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

12 (B) not less than \$16,224,000 for the in-
13 vestigation and prosecution of violations of title
14 17 of the United States Code; and

15 (C) not to exceed \$20,000 to meet unfore-
16 seen emergencies of a confidential character.

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

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

21 (7) FEDERAL BUREAU OF INVESTIGATION.—
22 For the Federal Bureau of Investigation:
23 \$6,231,354,000, which shall include not to exceed
24 \$70,000 to meet unforeseen emergencies of a con-
25 fidential character.

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

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

6 (10) DRUG ENFORCEMENT ADMINISTRATION.—
7 For the Drug Enforcement Administration:
8 \$1,856,213,000, which shall include not to exceed
9 \$70,000 to meet unforeseen emergencies of a con-
10 fidential character.

11 (11) BUREAU OF ALCOHOL, TOBACCO, FIRE-
12 ARMS AND EXPLOSIVES.—For the Bureau of Alco-
13 hol, Tobacco, Firearms and Explosives:
14 \$998,980,000.

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

19 (13) INTERAGENCY CRIME AND DRUG EN-
20 FORCEMENT.—For Interagency Crime and Drug
21 Enforcement: \$715,955,000, for expenses not other-
22 wise provided for, for the investigation and prosecu-
23 tion of persons involved in organized crime drug
24 trafficking, except that any funds obligated from ap-
25 propriations authorized by this paragraph may be

1 used under authorities available to the organizations
2 reimbursed from such funds.

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

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

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

12 (17) UNITED STATES PAROLE COMMISSION.—
13 For the United States Parole Commission:
14 \$12,222,000.

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

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

22 (20) NARROWBAND COMMUNICATIONS.—For
23 the costs of conversion to narrowband communica-
24 tions, including the cost for operation and mainte-

1 nance of Land Mobile Radio legacy systems:
2 \$139,203,000.

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

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

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

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

14 **SEC. 104. AUTHORIZATION OF APPROPRIATIONS FOR FIS-**
15 **CAL YEAR 2009.**

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

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

23 (2) ADMINISTRATIVE REVIEW AND APPEALS.—
24 For Administrative Review and Appeals:
25 \$243,291,000 for administration of pardon and

1 clemency petitions and for immigration-related ac-
2 tivities.

3 (3) OFFICE OF INSPECTOR GENERAL.—For the
4 Office of Inspector General: \$81,922,000, 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: \$764,526,000, 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 \$16,872,000 for the in-
15 vestigation and prosecution of violations of title
16 17 of the United States Code; and

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

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.

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

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

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

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

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

15 (2) Such part is further amended—

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

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

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

22 **“SEC. 500. NAME OF PROGRAM.**

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

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

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

10 **“SEC. 501. DESCRIPTION.**

11 “(a) GRANTS AUTHORIZED.—

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

22 “(A) Law enforcement programs.

23 “(B) Prosecution and court programs.

24 “(C) Prevention and education programs.

1 “(D) Corrections and community correc-
2 tions programs.

3 “(E) Drug treatment and enforcement pro-
4 grams.

5 “(F) Planning, evaluation, and technology
6 improvement programs.

7 “(G) Crime victim and witness programs
8 (other than compensation).

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

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

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

23 “(2) units of local government; or

24 “(3) tribal governments.

1 “(c) PROGRAM ASSESSMENT COMPONENT; WAIV-
2 ER.—

3 “(1) Each program funded under this subpart
4 shall contain a program assessment component, de-
5 veloped pursuant to guidelines established by the At-
6 torney General, in coordination with the National
7 Institute of Justice.

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

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

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

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

25 “(A) vehicles, vessels, or aircraft;

1 “(B) luxury items;

2 “(C) real estate;

3 “(D) construction projects (other than
4 penal or correctional institutions); or

5 “(E) any similar matters.

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

9 “(f) PERIOD.—The period of a grant made under this
10 subpart shall be four years, except that renewals and ex-
11 tensions beyond that period may be granted at the discre-
12 tion of the Attorney General.

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

19 **“SEC. 502. APPLICATIONS.**

20 “To request a grant under this subpart, the chief ex-
21 ecutive officer of a State or unit of local government shall
22 submit an application to the Attorney General within 90
23 days after the date on which funds to carry out this sub-
24 part are appropriated for a fiscal year, in such form as

1 the Attorney General may require. Such application shall
2 include the following:

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

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

16 “(3) An assurance that, before the application
17 (or any amendment to the application) was sub-
18 mitted to the Attorney General—

19 “(A) the application (or amendment) was
20 made public; and

21 “(B) an opportunity to comment on the
22 application (or amendment) was provided to
23 citizens and to neighborhood or community-
24 based organizations, to the extent applicable

1 law or established procedure makes such an op-
2 portunity available.

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

8 “(5) A certification, made in a form acceptable
9 to the Attorney General and executed by the chief
10 executive officer of the applicant (or by another offi-
11 cer of the applicant, if qualified under regulations
12 promulgated by the Attorney General), that—

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

15 “(B) all the information contained in the
16 application is correct;

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

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

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

23 “The Attorney General shall not finally disapprove
24 any application (or any amendment to that application)
25 submitted under this subpart without first affording the

1 applicant reasonable notice of any deficiencies in the appli-
2 cation and opportunity for correction and reconsideration.

3 **“SEC. 504. RULES.**

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

8 **“SEC. 505. FORMULA.**

9 “(a) ALLOCATION AMONG STATES.—

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

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

16 “(i) the total population of a State
17 to—

18 “(ii) the total population of the
19 United States; and

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

23 “(i) the average annual number of
24 part 1 violent crimes of the Uniform Crime
25 Reports of the Federal Bureau of Inves-

1 tigation reported by such State for the
2 three most recent years reported by such
3 State to—

4 “(ii) the average annual number of
5 such crimes reported by all States for such
6 years.

7 “(2) MINIMUM ALLOCATION.—If carrying out
8 paragraph (1) would result in any State receiving an
9 allocation less than 0.25 percent of the total amount
10 (in this paragraph referred to as a “minimum allo-
11 cation State”), then paragraph (1), as so carried
12 out, shall not apply, and the Attorney General shall
13 instead—

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

16 “(B) using the amount remaining after
17 carrying out subparagraph (A), carry out para-
18 graph (1) in a manner that excludes each min-
19 imum allocation State, including the population
20 of and the crimes reported by such State.

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

24 “(1) 60 percent shall be for direct grants to
25 States, to be allocated under subsection (c); and

1 “(2) 40 percent shall be for grants to be allo-
2 cated under subsection (d).

3 “(c) ALLOCATION FOR STATE GOVERNMENTS.—

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

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

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

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

19 “(d) ALLOCATIONS TO LOCAL GOVERNMENTS.—

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

25 “(2) ALLOCATION.—

1 “(A) IN GENERAL.—From the amounts re-
2 ferred to in paragraph (1) with respect to a
3 State (in this subsection referred to as the
4 ‘local amount’), the Attorney General shall allo-
5 cate to each unit of local government an
6 amount which bears the same ratio to such
7 share as the average annual number of part 1
8 violent crimes reported by such unit to the Fed-
9 eral Bureau of Investigation for the 3 most re-
10 cent calendar years for which such data is avail-
11 able bears to the number of part 1 violent
12 crimes reported by all units of local government
13 in the State in which the unit is located to the
14 Federal Bureau of Investigation for such years.

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

1 “(3) ANNEXED UNITS.—If a unit of local gov-
2 ernment in the State has been annexed since the
3 date of the collection of the data used by the Attor-
4 ney General in making allocations pursuant to this
5 section, the Attorney General shall pay the amount
6 that would have been allocated to such unit of local
7 government to the unit of local government that an-
8 nexed it.

9 “(4) RESOLUTION OF DISPARATE ALLOCA-
10 TIONS.—(A) Notwithstanding any other provision of
11 this subpart, if—

12 “(i) the Attorney General certifies that a
13 unit of local government bears more than 50
14 percent of the costs of prosecution or incarcer-
15 ation that arise with respect to part 1 violent
16 crimes reported by a specified geographically
17 constituent unit of local government; and

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

20 “(I) any one such specified geographi-
21 cally constituent unit of local government
22 exceeds 150 percent of the amount allo-
23 cated to the unit of local government cer-
24 tified pursuant to clause (i); or

1 “(II) more than one such specified
2 geographically constituent unit of local
3 government exceeds 400 percent of the
4 amount allocated to the unit of local gov-
5 ernment certified pursuant to clause (i),
6 then in order to qualify for payment under this sub-
7 section, the unit of local government certified pursu-
8 ant to clause (i), together with any such specified
9 geographically constituent units of local government
10 described in clause (ii), shall submit to the Attorney
11 General a joint application for the aggregate of
12 funds allocated to such units of local government.
13 Such application shall specify the amount of such
14 funds that are to be distributed to each of the units
15 of local government and the purposes for which such
16 funds are to be used. The units of local government
17 involved may establish a joint local advisory board
18 for the purposes of carrying out this paragraph.

19 “(B) In this paragraph, the term ‘geographi-
20 cally constituent unit of local government’ means a
21 unit of local government that has jurisdiction over
22 areas located within the boundaries of an area over
23 which a unit of local government certified pursuant
24 to clause (i) has jurisdiction.

1 “(e) LIMITATION ON ALLOCATIONS TO UNITS OF
2 LOCAL GOVERNMENT.—

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

12 “(2) ALLOCATIONS UNDER \$10,000.—If the allo-
13 cation under this section to a unit of local govern-
14 ment is less than \$10,000 for any fiscal year, the di-
15 rect grant to the State under subsection (c) shall be
16 increased by the amount of such allocation, to be
17 distributed (for the purposes described in section
18 501) among State police departments that provide
19 criminal justice services to units of local government
20 and units of local government whose allocation under
21 this section is less than \$10,000.

22 “(3) NON-REPORTING UNITS.—No allocation
23 under this section shall be made to a unit of local
24 government that has not reported at least three
25 years of data on part 1 violent crimes of the Uni-

1 form Crime Reports to the Federal Bureau of Inves-
2 tigation within the immediately preceding 10 years.

3 “(f) FUNDS NOT USED BY THE STATE.—If the At-
4 torney General determines, on the basis of information
5 available during any grant period, that any allocation (or
6 portion thereof) under this section to a State for such
7 grant period will not be required, or that a State will be
8 unable to qualify or receive funds under this subpart, or
9 that a State chooses not to participate in the program es-
10 tablished under this subpart, then such State’s allocation
11 (or portion thereof) shall be awarded by the Attorney Gen-
12 eral to units of local government, or combinations thereof,
13 within such State, giving priority to those jurisdictions
14 with the highest annual number of part 1 violent crimes
15 of the Uniform Crime Reports reported by the unit of local
16 government to the Federal Bureau of Investigation for the
17 three most recent calendar years for which such data are
18 available.

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

20 “(1) ALL FUNDS SET ASIDE FOR COMMON-
21 WEALTH GOVERNMENT.—Notwithstanding any other
22 provision of this subpart, the amounts allocated
23 under subsection (a) to Puerto Rico, 100 percent
24 shall be for direct grants to the Commonwealth gov-
25 ernment of Puerto Rico.

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

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

7 **“SEC. 506. RESERVED FUNDS.**

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

11 “(1) \$20,000,000, for use by the National In-
12 stitute of Justice in assisting units of local govern-
13 ment to identify, select, develop, modernize, and pur-
14 chase new technologies for use by law enforcement,
15 of which \$1,000,000 shall be for use by the Bureau
16 of Justice Statistics to collect data necessary for car-
17 rying out this subpart; and

18 “(2) \$20,000,000, to be granted by the Attor-
19 ney General to States and units of local government
20 to develop and implement antiterrorism training pro-
21 grams.

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

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

1 “(b) EXPENDITURES.—

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

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

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

17 “(c) REPAID AMOUNTS.—Amounts received as repay-
18 ments under this section shall be subject to section 108
19 of this title as if such amounts had not been granted and
20 repaid. Such amounts shall be deposited in the Treasury
21 in a dedicated fund for use by the Attorney General to
22 carry out this subpart. Such funds are hereby made avail-
23 able to carry out this subpart.

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

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

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

8 (1) **DISCRETIONARY GRANTS TO PUBLIC AND**
9 **PRIVATE ENTITIES.—**Chapter A of subpart 2 of Part
10 **E** of title I of the Omnibus Crime Control and Safe
11 **Streets Act of 1968 (42 U.S.C. 3760–3762)** is re-
12 **pealed.**

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

17 (c) **CONFORMING AMENDMENTS.—**

18 (1) **CRIME IDENTIFICATION TECHNOLOGY**
19 **ACT.—**Subsection (c)(2)(G) of section 102 of the
20 **Crime Identification Technology Act of 1998 (42**
21 **U.S.C. 14601)** is amended by striking “such as”
22 and all that follows through “the M.O.R.E. pro-
23 gram” and inserting “such as the Edward Byrne
24 Justice Assistance Grant Program and the M.O.R.E.
25 program”.

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

4 (A) in section 517 (42 U.S.C. 3763), in
5 subsection (a)(1), by striking “pursuant to sec-
6 tion 511 or 515” and inserting “pursuant to
7 section 515”;

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

9 (i) in subsection (a)(1), by striking
10 “the program evaluations as required by
11 section 501(c) of this part” and inserting
12 “program evaluations”;

13 (ii) in subsection (a)(2), by striking
14 “evaluations of programs funded under
15 section 506 (formula grants) and sections
16 511 and 515 (discretionary grants) of this
17 part” and inserting “evaluations of pro-
18 grams funded under section 505 (formula
19 grants) and section 515 (discretionary
20 grants) of this part”; and

21 (iii) in subsection (b)(2), by striking
22 “programs funded under section 506 (for-
23 mula grants) and section 511 (discre-
24 tionary grants)” and inserting “programs

1 funded under section 505 (formula
2 grants)”;

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

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

7 (ii) in subsection (a)(1), by striking
8 “an assessment of the impact of such ac-
9 tivities on meeting the needs identified in
10 the State strategy submitted under section
11 503” and inserting “an assessment of the
12 impact of such activities on meeting the
13 purposes of subpart 1”;

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

16 (i) by striking “the purposes of sec-
17 tion 501 of this title” and inserting “the
18 purposes of such subpart 1”; and

19 (ii) by striking “the application sub-
20 mitted pursuant to section 503 of this
21 title” and inserting “the application sub-
22 mitted pursuant to section 502 of this
23 title”;

24 (E) in section 808 (42 U.S.C. 3789), by
25 striking “the State office described in section

1 507 or 1408” and inserting “the State office
2 responsible for the trust fund required by sec-
3 tion 507, or the State office described in section
4 1408,”;

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

9 (G) in section 1502 (42 U.S.C. 3796bb-
10 1)—

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

14 (ii) in paragraph (2)—

15 (I) by striking “section 503(a)”
16 and inserting “section 502”; and

17 (II) by striking “section 506”
18 and inserting “section 505”;

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

24 (I) in section 1702 (42 U.S.C. 3796dd-1),
25 in subsection (c)(1), by striking “and reflects

1 consideration of the statewide strategy under
2 section 503(a)(1)”; and

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

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

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

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

20 **SEC. 203. CONGRESSIONAL MEDAL AND PLAQUE FOR PUB-**
21 **LIC SAFETY OFFICERS WHO RESPONDED TO**
22 **THE ATTACKS ON THE UNITED STATES ON**
23 **SEPTEMBER 11, 2001.**

24 (a) PURPOSE.—It is the purpose of this section—

1 (1) to commemorate the sacrifices made and
2 service rendered to the United States by those public
3 safety officers who responded to the attacks on the
4 United States on September 11, 2001; and

5 (2) to honor those public safety officers on the
6 third anniversary of those attacks.

7 (b) PRESENTATION AUTHORIZED.—

8 (1) IN GENERAL.—The Speaker of the House of
9 Representatives and the President pro tempore of
10 the Senate are authorized jointly to present, on be-
11 half of the Congress—

12 (A) to individuals certified by the Attorney
13 General pursuant to subsection (e), a bronze
14 medal 1½ inches in diameter commemorating
15 the service to the United States of those indi-
16 viduals; and

17 (B) to public agencies certified by the At-
18 torney General pursuant to subsection (e), a
19 plaque commemorating the service to the
20 United States of the officers, employees, or
21 agents of those agencies.

22 (2) DATE.—The presentation shall be made as
23 close as feasible to the third anniversary of the at-
24 tacks on the United States on September 11, 2001.

1 (3) NEXT OF KIN.—In the case of an individual
2 certified by the Attorney General pursuant to sub-
3 section (e), the medal may be accepted by the next
4 of kin of any such individual.

5 (c) DESIGN AND STRIKING.—

6 (1) CONSULTATION.—The Attorney General
7 shall consult with the Institute of Heraldry of the
8 Department of Defense regarding the design and ar-
9 tistry of the medal and the plaque authorized by this
10 section. The Attorney General may also consider
11 suggestions received by the Department of Justice
12 regarding the design and artistry of the medal and
13 the plaque, including suggestions made by persons
14 not employed by the Department of Justice.

15 (2) STRIKING.—After such consultation, the At-
16 torney General shall strike such medals and produce
17 such plaques as may be required to carry out this
18 section.

19 (d) ELIGIBILITY REQUIREMENTS.—

20 (1) INDIVIDUALS.—

21 (A) IN GENERAL.—To be eligible to be
22 presented the medal referred to in subsection
23 (b), an individual must have been a public safe-
24 ty officer (as defined in section 5 of the Public

1 Safety Officer Medal of Valor Act of 2001 (42
2 U.S.C. 15204))—

3 (i) who was present in New York, Vir-
4 ginia, or Pennsylvania on September 11,
5 2001;

6 (ii) who participated in the response
7 that day to the terrorist attacks on the
8 World Trade Center, the terrorist attack
9 on the Pentagon, or the terrorist attack
10 that resulted in the crash of the fourth air-
11 plane in Pennsylvania; and

12 (iii) who died as a result of such par-
13 ticipation.

14 (B) RULE OF CONSTRUCTION.—An indi-
15 vidual who was killed in one of the attacks re-
16 ferred to in subparagraph (A)(ii) shall be
17 deemed, for purposes of that subparagraph, to
18 have participated in the response.

19 (2) AGENCIES.—To be eligible to be presented
20 the plaque referred to in subsection (b), a public
21 agency must have had at least one officer, employee,
22 or agent who is eligible under paragraph (1) or who
23 would be so eligible but for the requirement of sub-
24 paragraph (A)(iii) of that paragraph.

1 (3) APPLICATION; DETERMINATION.—To estab-
2 lish the eligibility required by paragraphs (1) or (2),
3 the head of a public agency must present to the At-
4 torney General an application with such supporting
5 documentation as the Attorney General may require
6 to support such eligibility and, in the case of the eli-
7 gibility of an individual, with information on next of
8 kin. The Attorney General shall determine, through
9 the documentation provided and, if necessary, inde-
10 pendent investigation, whether the requirements of
11 paragraphs (1) or (2) have been established.

12 (e) CERTIFICATION.—The Attorney General shall,
13 within 12 months after the date of the enactment of this
14 Act, certify to the Speaker of the House of Representa-
15 tives and the President pro tempore of the Senate the
16 names of individuals eligible to receive the medal and pub-
17 lic agencies eligible to receive the plaque.

18 (f) AUTHORIZATION OF APPROPRIATIONS.—There is
19 authorized to be appropriated such sums as may be nec-
20 essary to carry out this section.

1 **SEC. 204. 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. 205. 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, and local law en-
23 forcement agencies;”; and

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

1 **SEC. 206. 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 Criminal History
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. 207. 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 “2004” 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 (b) ABOLISHMENT OF EXECUTIVE OFFICE OF WEED
19 AND SEED; TRANSFERS OF FUNCTIONS.—

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

22 (2) TRANSFER.—There are hereby transferred
23 to the Office of Weed and Seed Strategies all func-
24 tions and activities performed immediately before

1 the date of the enactment of this Act by the Execu-
2 tive Office of Weed and Seed Strategies.

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

6 **Subtitle C—Assisting Victims of** 7 **Crime**

8 **SEC. 221. GRANTS TO LOCAL NONPROFIT ORGANIZATIONS** 9 **TO IMPROVE OUTREACH SERVICES TO VIC-** 10 **TIMS OF CRIME.**

11 Section 1404(c) of the Victims of Crime Act of 1984
12 (42 U.S.C. 10603(c)), as most recently amended by sec-
13 tion 623 of the USA PATRIOT Act (Public Law 107–
14 56; 115 Stat. 372), is amended—

15 (1) in paragraph (1)—

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

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

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

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

24 “(C) for nonprofit neighborhood and commu-
25 nity-based victim service organizations and coalitions

1 to improve outreach and services to victims of
2 crime.”;

3 (2) in paragraph (2)—

4 (A) in subparagraph (A)—

5 (i) by striking “paragraph (1)(A)”
6 and inserting “paragraphs (1)(A) and
7 (1)(C)”;

8 (ii) by striking “and” at the end;

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

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

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

15 **SEC. 222. CLARIFICATION AND ENHANCEMENT OF CERTAIN**
16 **AUTHORITIES RELATING TO CRIME VICTIMS**
17 **FUND.**

18 Section 1402 of the Victims of Crime Act of 1984
19 (42 U.S.C. 10601) is amended as follows:

20 (1) **AUTHORITY TO ACCEPT GIFTS.**—Subsection
21 (b)(5) of such section is amended by striking the pe-
22 riod at the end and inserting the following: “, which
23 the Director is hereby authorized to accept for de-
24 posit into the Fund, except that the Director is not

1 hereby authorized to accept any such gift, bequest,
2 or donation that—

3 “(A) attaches conditions inconsistent with
4 applicable laws or regulations; or

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

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

13 (3) AUTHORITY TO MAKE GRANTS TO INDIAN
14 TRIBES FOR VICTIM ASSISTANCE PROGRAMS.—Sub-
15 section (g) of such section is amended—

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

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

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

22 “(2) The Attorney General may use 5 percent of the
23 funds available under subsection (d)(2) (prior to distribu-
24 tion) for grants to Indian tribes to establish victim assist-
25 ance programs, as appropriate.”.

1 **SEC. 223. AMOUNTS RECEIVED UNDER CRIME VICTIM**
2 **GRANTS MAY BE USED BY STATE FOR TRAIN-**
3 **ING PURPOSES.**

4 (a) CRIME VICTIM COMPENSATION.—Section
5 1403(a)(3) of the Victims of Crime Act of 1984 (42
6 U.S.C. 10602(a)(3)) is amended by inserting after “may
7 be used for” the following: “training purposes and”.

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

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

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

22 (b) CLARIFICATION OF STATE GRANTS.—Section
23 2007 of the Omnibus Crime Control and Safe Streets Act
24 of 1968 (42 U.S.C. 3796gg–1) is amended—

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

1 (2) in subsection (b)—

2 (A) in each of paragraphs (2) and (3), by
3 striking “ $\frac{1}{54}$ ” and inserting “ $\frac{1}{53}$ ”; and

4 (B) in paragraph (4), by striking “in In-
5 dian country”;

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

8 (4) 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”.

23 (d) AVAILABILITY OF FORENSIC MEDICAL EXAMS.—
24 Section 2010 of such Act (42 U.S.C. 3796gg-4) is amend-
25 ed by adding at the end the following new subsections:

1 “(c) USE OF FUNDS.—A State or Indian tribal gov-
2 ernment may use Federal grant funds under this part to
3 pay for forensic medical exams performed by trained ex-
4 aminers for victims of sexual assault, except that such
5 funds may not be used to pay for forensic medical exams
6 by any State or Indian tribal government that requires
7 victims of sexual assault to seek reimbursement for such
8 exams from their insurance carriers.

9 “(d) RULE OF CONSTRUCTION.—Nothing in this sec-
10 tion shall be construed to require a victim of sexual assault
11 to participate in the criminal justice system or cooperate
12 with law enforcement in order to be provided with a foren-
13 sic medical exam, reimbursement for charges incurred on
14 account of such an exam, or both.”.

15 (e) TECHNICAL AMENDMENT.—The heading for Part
16 T of title I of the Omnibus Crime Control and Safe Streets
17 Act of 1968 (42 U.S.C. 3796gg et seq.) is amended to
18 read as follows:

1 **“PART T—GRANTS TO COMBAT VIOLENT CRIMES**
2 **AGAINST WOMEN”.**

3 **SEC. 225. EXPANSION OF GRANT PROGRAMS ASSISTING EN-**
4 **FORCEMENT OF DOMESTIC VIOLENCE CASES**
5 **TO ALSO ASSIST ENFORCEMENT OF SEXUAL**
6 **ASSAULT CASES.**

7 (a) GRANTS TO ENCOURAGE DOMESTIC VIOLENCE
8 ARREST POLICIES.—Section 2101 of the Omnibus Crime
9 Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh)
10 is amended—

11 (1) in subsection (a), by striking “to treat do-
12 mestic violence as a serious violation” and inserting
13 “to treat domestic violence and sexual assault as se-
14 rious violations”;

15 (2) in subsection (b)—

16 (A) in each of paragraphs (2) and (5), by
17 striking “domestic violence and dating violence”
18 and inserting “domestic violence, sexual assault,
19 and dating violence”;

20 (B) in paragraph (3), by striking “domes-
21 tic violence cases” and inserting “domestic vio-
22 lence and sexual assault cases”; and

23 (C) in paragraph (6), by striking “about
24 domestic violence” and inserting “about domes-
25 tic violence and sexual assault”; and

1 (3) in subsection (d), by striking “In this sec-
2 tion, the term” and inserting “In this part—

3 “(1) the term ‘sexual assault’ has the meaning
4 given the term in section 2008; and

5 “(2) the term”.

6 (b) APPLICATIONS.—Section 2102(b) of such Act (42
7 U.S.C. 3796hh–1(b)) is amended in each of paragraphs
8 (1) and (2) by inserting after “involving domestic vio-
9 lence” the following: “or sexual assault”.

10 (c) RURAL DOMESTIC VIOLENCE AND CHILD ABUSE
11 ENFORCEMENT ASSISTANCE.—Section 40295(a) of the
12 Violence Against Women Act of 1994 (title IV of the Vio-
13 lent Crime Control and Law Enforcement Act of 1994;
14 42 U.S.C. 13971(a)) is amended in each of paragraphs
15 (1) and (2) by striking “domestic violence and dating vio-
16 lence (as defined in section 2003” and inserting “domestic
17 violence, sexual assault, and dating violence (as such
18 terms are defined in section 2008”.

19 **SEC. 226. CHANGE OF CERTAIN REPORTS FROM ANNUAL**
20 **TO BIENNIAL.**

21 (a) STALKING AND DOMESTIC VIOLENCE.—Section
22 40610 of the Violence Against Women Act of 1994 (title
23 IV of the Violent Crime Control and Law Enforcement
24 Act of 1994; 42 U.S.C. 14039) is amended by striking
25 “The Attorney General shall submit to the Congress an

1 annual report, beginning one year after the date of the
2 enactment of this Act, that provides” and inserting “Each
3 even-numbered fiscal year, the Attorney General shall sub-
4 mit to the Congress a biennial report that provides”.

5 (b) SAFE HAVENS FOR CHILDREN.—Section
6 1301(d)(1) of the Victims of Trafficking and Violence
7 Protection Act of 2000 (42 U.S.C. 10420(d)(1)) is amend-
8 ed in the matter preceding subparagraph (A) by striking
9 “Not later than 1 year after the last day of the first fiscal
10 year commencing on or after the date of the enactment
11 of this Act, and not later than 180 days after the last
12 day of each fiscal year thereafter,” and inserting “Not
13 later than one month after the end of each even-numbered
14 fiscal year,”.

15 **SEC. 227. CLARIFICATION OF RECIPIENTS AND PROGRAMS**
16 **ELIGIBLE FOR GRANTS UNDER RURAL DO-**
17 **MESTIC VIOLENCE AND CHILD ABUSE EN-**
18 **FORCEMENT ASSISTANCE PROGRAM.**

19 Section 40295 of the Violence Against Women Act
20 of 1994 (title IV of the Violent Crime Control and Law
21 Enforcement Act of 1994; 42 U.S.C. 13971) is amended
22 as follows:

23 (1) in subsection (a), in the matter preceding
24 paragraph (1), by striking “to States, Indian tribal
25 governments, and local governments of rural States,

1 and to other public or private entities of rural
 2 States” and inserting “to States, Indian tribal gov-
 3 ernments, local governments, and public or private
 4 entities, for programs serving rural areas or rural
 5 communities”; and

6 (2) in subsection (b)—

7 (A) by inserting “(1) the term” before
 8 “‘Indian tribe’ means”;

9 (B) by striking “Indians.” and all that fol-
 10 lows through the period at the end and insert-
 11 ing “Indians; and

12 “(2) the terms ‘rural area’ and ‘rural commu-
 13 nity’ have the meanings given those terms in section
 14 491(k)(2) of the McKinney-Vento Homeless Assist-
 15 ance Act (42 U.S.C. 11408(k)(2)).”.

16 **Subtitle D—Preventing Crime**

17 **SEC. 231. CLARIFICATION OF DEFINITION OF VIOLENT OF-** 18 **FENDER FOR PURPOSES OF JUVENILE DRUG** 19 **COURTS.**

20 Section 2953(b) of the Omnibus Crime Control and
 21 Safe Streets Act of 1968 (42 U.S.C. 3797u–2(b)) is
 22 amended in the matter preceding paragraph (1) by strik-
 23 ing “an offense that” and inserting “a felony-level offense
 24 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 **Subtitle E—Other Matters**

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

23 (a) CERTAIN PROGRAMS THAT ARE EXEMPT FROM
 24 PAYING STATES INTEREST ON LATE DISBURSEMENTS
 25 ALSO EXEMPTED FROM PAYING CHARGE TO TREASURY

1 FOR UNTIMELY DISBURSEMENTS.—Section 204(f) of
2 such Act (116 Stat. 1776; 31 U.S.C. 6503 note) is amend-
3 ed—

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

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

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

18 (c) FUNDS AVAILABLE FOR ATFE MAY BE USED
19 FOR AIRCRAFT, BOATS, AMMUNITION, FIREARMS, FIRE-
20 ARMS COMPETITIONS, AND ANY AUTHORIZED ACTIV-
21 ITY.—Section 530C(b) of title 28, United States Code, is
22 amended—

23 (1) in paragraph (2), in each of subparagraphs
24 (A) and (B), by inserting “for the Bureau of Alco-

1 hol, Tobacco, Firearms, and Explosives,” before “for
2 the Drug Enforcement Administration,”; and

3 (2) by adding at the end the following new
4 paragraph:

5 “(8) BUREAU OF ALCOHOL, TOBACCO, FIRE-
6 ARMS, AND EXPLOSIVES.—Funds available to the
7 Attorney General for the Bureau of Alcohol, To-
8 bacco, Firearms, and Explosives may be used for the
9 conduct of all its authorized activities.”.

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

21 **SEC. 242. COORDINATION DUTIES OF ASSISTANT ATTOR-**
22 **NEY GENERAL.**

23 (a) COORDINATE AND SUPPORT OFFICE FOR VIC-
24 TIMS OF CRIME.—Section 102 of the Omnibus Crime Con-
25 trol and Safe Streets Act of 1968 (42 U.S.C. 3712) is

1 amended in subsection (a)(5) by inserting after “the Bu-
2 reau of Justice Statistics,” the following: “the Office for
3 Victims of Crime,”.

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

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

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

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

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

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

5 (1) CRIMINAL JUSTICE FACILITY CONSTRU-
6 TION PILOT PROGRAM.—Part F (42 U.S.C. 3769–
7 3769d).

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

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

14 (1) LOCAL CRIME PREVENTION BLOCK GRANT
15 PROGRAM.—Subtitle B of title III (42 U.S.C.
16 13751–13758).

17 (2) ASSISTANCE FOR DELINQUENT AND AT-
18 RISK YOUTH.—Subtitle G of title III (42 U.S.C.
19 13801–13802).

20 (3) IMPROVED TRAINING AND TECHNICAL AU-
21 TOMATION.—Subtitle E of title XXI (42 U.S.C.
22 14151).

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

1 **SEC. 245. ELIMINATION OF CERTAIN NOTICE AND HEARING**
2 **REQUIREMENTS.**

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

5 (1) NOTICE AND HEARING ON DENIAL OR TER-
6 MINATION OF GRANT.—Section 802 (42 U.S.C.
7 3783) of such part is amended—

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

10 (B) by striking “(a)” before “Whenever,”.

11 (2) FINALITY OF DETERMINATIONS.—Section
12 803 (42 U.S.C. 3784) of such part is amended—

13 (A) by striking “, after reasonable notice
14 and opportunity for a hearing,”; and

15 (B) by striking “, except as otherwise pro-
16 vided herein”.

17 (3) REPEAL OF APPELLATE COURT REVIEW.—
18 Section 804 (42 U.S.C. 3785) of such part is re-
19 pealed.

20 **SEC. 246. AMENDED DEFINITIONS FOR PURPOSES OF OMNI-**
21 **BUS CRIME CONTROL AND SAFE STREETS**
22 **ACT OF 1968.**

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

1 (1) INDIAN TRIBE.—Subsection (a)(3)(C) of
2 such section is amended by striking “(as that term
3 is defined in section 103 of the Juvenile Justice and
4 Delinquency Prevention Act of 1974 (42 U.S.C.
5 5603))”.

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

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

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

15 (A) in paragraph (24) by striking “and” at
16 the end;

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

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

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

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

6 **SEC. 247. CLARIFICATION OF AUTHORITY TO PAY SUBSIST-**
7 **ENCE PAYMENTS TO PRISONERS FOR**
8 **HEALTH CARE ITEMS AND SERVICES.**

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

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

14 (2) in subsection (b)(1)—

15 (A) by striking “the Immigration and Nat-
16 uralization Service” and inserting “the Depart-
17 ment of Homeland Security”;

18 (B) by striking “shall not exceed the lesser
19 of the amount” and inserting “shall be the
20 amount billed, not to exceed the amount”;

21 (C) by striking “items and services” and
22 all that follows through “the Medicare pro-
23 gram” and inserting “items and services under
24 the Medicare program”; and

1 (D) by striking “; or” and all that follows
2 through the period at the end and inserting a
3 period.

4 **SEC. 248. OFFICE OF AUDIT, ASSESSMENT, AND MANAGE-**
5 **MENT.**

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

10 **“SEC. 105. OFFICE OF AUDIT, ASSESSMENT, AND MANAGE-**
11 **MENT.**

12 “(a) ESTABLISHMENT.—

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

22 “(2) PURPOSE.—The purpose of the Office
23 shall be to carry out and coordinate performance au-
24 dits of, take actions to ensure compliance with the
25 terms of, and manage information with respect to,

1 grants under programs covered by subsection (b).
2 The Director shall take special conditions of the
3 grant into account and consult with the office that
4 issued those conditions to ensure appropriate compli-
5 ance.

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

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

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

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

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

24 “(c) PERFORMANCE AUDITS REQUIRED.—

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

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

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

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

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

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

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

23 “(f) AVAILABILITY OF FUNDS.—Not to exceed 5 per-
24 cent of all funding made available for a fiscal year for the
25 programs covered by subsection (b) shall be reserved for

1 the activities of the Office of Audit, Assessment, and Man-
2 agement as authorized by this section.”.

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

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

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

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

12 “(a) ESTABLISHMENT.—

13 “(1) IN GENERAL.—There is established within
14 the Office a Community Capacity Development Of-
15 fice, headed by a Director appointed by the Attorney
16 General. In carrying out the functions of the Office,
17 the Director shall be subject to the authority, direc-
18 tion, and control of the Attorney General. Such au-
19 thority, direction, and control may be delegated only
20 to the Assistant Attorney General, without redelega-
21 tion.

22 “(2) PURPOSE.—The purpose of the Office
23 shall be to provide training to actual and prospective
24 participants under programs covered by section
25 105(b) to assist such participants in understanding

1 the substantive and procedural requirements for par-
2 ticipating in such programs.

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

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

17 “(1) Promoting coordination of public and pri-
18 vate efforts and resources within or available to
19 States, units of local government, and neighborhood
20 and community-based organizations.

21 “(2) Providing information, training, and tech-
22 nical assistance.

23 “(3) Providing support for inter- and intra-
24 agency task forces and other agreements and for as-

1 assessment of the effectiveness of programs, projects,
2 approaches, or practices.

3 “(4) Providing in the assessment of the effec-
4 tiveness of neighborhood and community-based law
5 enforcement and crime prevention strategies and
6 techniques, in coordination with the National Insti-
7 tute of Justice.

8 “(5) Any other similar means.

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

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

16 “(1) identify grants under which clearly bene-
17 ficial outcomes were obtained, and the characteris-
18 tics of those grants that were responsible for obtain-
19 ing those outcomes; and

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

22 “(e) AVAILABILITY OF FUNDS.—Not to exceed 5 per-
23 cent of all funding made available for a fiscal year for the
24 programs covered by section 105(b) shall be reserved for

1 the activities of the Community Capacity Development Of-
 2 fice as authorized by this section.”.

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

6 **SEC. 250. OFFICE OF APPLIED LAW ENFORCEMENT TECH-**
 7 **NOLOGY.**

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

12 **“SEC. 107. OFFICE OF APPLIED LAW ENFORCEMENT TECH-**
 13 **NOLOGY.**

14 “(a) ESTABLISHMENT.—There is established within
 15 the Office an Office of Applied Law Enforcement Tech-
 16 nology, headed by a Director appointed by the Attorney
 17 General. The purpose of the Office shall be to provide
 18 leadership and focus to those grants of the Department
 19 of Justice that are made for the purpose of using or im-
 20 proving law enforcement computer systems.

21 “(b) DUTIES.—In carrying out the purpose of the Of-
 22 fice, the Director shall—

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

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

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

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

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

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

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

14 “(1) IN GENERAL.—Unless otherwise specifi-
15 cally provided in an authorization, DOJ grant funds
16 for a fiscal year shall remain available to be awarded
17 and distributed to a grantee only in that fiscal year
18 and the three succeeding fiscal years, subject to
19 paragraphs (2) and (3). DOJ grant funds not so
20 awarded and distributed shall revert to the Treas-
21 ury.

22 “(2) TREATMENT OF REPROGRAMMED
23 FUNDS.—DOJ grant funds for a fiscal year that are
24 reprogrammed in a later fiscal year shall be treated

1 for purposes of paragraph (1) as DOJ grant funds
2 for such later fiscal year.

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

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

17 “(c) DEFINITION.—In this section, the term ‘DOJ
18 grant funds’ means, for a fiscal year, amounts appro-
19 priated for activities of the Department of Justice in car-
20 rying out grant programs for that fiscal year.

21 “(d) APPLICABILITY.—This section applies to DOJ
22 grant funds for fiscal years beginning with fiscal year
23 2004.”.

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

4 **SEC. 252. CONSOLIDATION OF FINANCIAL MANAGEMENT**
5 **SYSTEMS OF OFFICE OF JUSTICE PROGRAMS.**

6 (a) CONSOLIDATION OF ACCOUNTING ACTIVITIES
7 AND PROCUREMENT ACTIVITIES.—The Assistant Attor-
8 ney General of the Office of Justice Programs shall ensure
9 that—

10 (1) all accounting activities for all elements of
11 the Office of Justice Programs are carried out under
12 the direct management of the Office of the Comp-
13 troller; and

14 (2) all procurement activities for all elements of
15 the Office are carried out under the direct manage-
16 ment of the Office of Administration.

17 (b) FURTHER CONSOLIDATION OF PROCUREMENT
18 ACTIVITIES.—The Assistant Attorney General shall en-
19 sure that, on and after September 30, 2008—

20 (1) all procurement activities for all elements of
21 the Office are carried out through a single manage-
22 ment office; and

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

1 (c) CONSOLIDATION OF FINANCIAL MANAGEMENT
2 SYSTEMS.—The Assistant Attorney General shall ensure
3 that, on and after September 30, 2010, all financial man-
4 agement activities (including human resources, payroll,
5 and accounting activities, as well as procurement activi-
6 ties) of all elements of the Office are carried out through
7 a single financial management system.

8 (d) ACHIEVING COMPLIANCE.—

9 (1) SCHEDULE.—The Assistant Attorney Gen-
10 eral shall undertake a scheduled consolidation of op-
11 erations to achieve compliance with the requirements
12 of this section.

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

15 (A) subsection (a), the consolidation of op-
16 erations shall be initiated not later than 90
17 days after the date of the enactment of this
18 Act; and

19 (B) subsections (b) and (c), the consolida-
20 tion of operations shall be initiated not later
21 than September 30, 2005, and shall be carried
22 out by the Office of Administration, in con-
23 sultation with the Chief Information Officer
24 and the Office of Audit, Assessment, and Man-
25 agement.

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

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

6 (1) by amending subsection (a) to read as fol-
7 lows:

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

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

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

17 (A) by striking “ADDITIONAL GRANT
18 PROJECTS.—Grants made under subsection (a)
19 may include programs, projects, and other ac-
20 tivities to—” and inserting “USES OF GRANT
21 AMOUNTS.—The purposes for which grants
22 made under subsection (a) may be made
23 are—”;

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

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

3 “(1) rehire law enforcement officers who have
4 been laid off as a result of State and local budget
5 reductions for deployment in community-oriented po-
6 licing;

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

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

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

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

17 “(B) security assessments;

18 “(C) security training of personnel and
19 students;

20 “(D) coordination with local law enforce-
21 ment; and

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

1 “(5) 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;

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

18 (6) by adding at the end the following new sub-
19 section:

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

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

1 “(2) any funds appropriated by Congress for
2 the activities of any agency of an Indian tribal gov-
3 ernment or the Bureau of Indian Affairs performing
4 law enforcement functions on any Indian lands may
5 be used to provide the non-Federal share of a
6 matching requirement funded under this subsection;
7 and

8 “(3) the Attorney General may provide, in the
9 guidelines implementing this section, for the require-
10 ment of paragraph (1) to be waived or altered in the
11 case of a recipient with a financial need for such a
12 waiver or alteration.”.

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

17 (c) AUTHORIZATION OF APPROPRIATIONS.—Section
18 1001(a)(11) of title I of such Act (42 U.S.C. 3793(a)(11))
19 is amended—

20 (1) in subparagraph (A) by striking clause (i)
21 and all that follows through the period at the end
22 and inserting the following:

23 “(i) \$1,047,119,000 for each of fiscal years
24 2006 through 2009.”; and

25 (2) in subparagraph (B)—

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

3 (B) by striking the third sentence.

4 **SEC. 254. CLARIFICATION OF PERSONS ELIGIBLE FOR BEN-**
 5 **EFITS UNDER PUBLIC SAFETY OFFICERS’**
 6 **DEATH BENEFITS PROGRAMS.**

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

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

15 (2) by inserting after paragraph (6) the fol-
 16 lowing new paragraph:

17 “(7) ‘member of a rescue squad or ambulance
 18 crew’ means an officially recognized or designated
 19 public employee member of a rescue squad or ambu-
 20 lance crew;”; and

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

24 (b) CLARIFICATION OF LIMITATION ON PAYMENTS IN
 25 NON-CIVILIAN CASES.—Section 1202(5) of such Act (42

1 U.S.C. 3796a(5)) is amended by inserting “with respect”
2 before “to any individual”.

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

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

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

11 “(2) by reason of the retroactive effective date
12 of that law is no longer entitled to receive that ben-
13 efit,

14 “the Bureau may suspend or end activities to collect that
15 benefit if the Bureau determines that collecting that ben-
16 efit is impractical or would cause undue hardship to that
17 individual.”.

18 (d) DESIGNATION OF BENEFICIARY.—Section
19 1201(a)(4) of such Act (42 U.S.C. 3796(a)(4)) is amend-
20 ed to read as follows:

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

23 “(A) in the case of a claim made on or
24 after the date that is 90 days after the date of
25 the enactment of this subparagraph, to the indi-

1 vidual designated by such officer as beneficiary
2 under this section in such officer’s most re-
3 cently executed designation of beneficiary on
4 file at the time of death with such officer’s pub-
5 lic safety agency, organization, or unit, provided
6 that such individual survived such officer; or

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

13 **SEC. 255. RESEARCH-BASED BULLYING PREVENTION PRO-**
14 **GRAMS.**

15 Paragraph (13) of section 1801(b) of the Omnibus
16 Crime Control and Safe Streets Act of 1968 (42 U.S.C.
17 3796ee(b)) is amended by inserting before the semicolon
18 at the end the following: “, which may include research-
19 based bullying prevention programs”.

20 **SEC. 256. REAUTHORIZATION OF JUVENILE ACCOUNT-**
21 **ABILITY BLOCK GRANTS.**

22 Section 1810(a) of the Omnibus Crime Control and
23 Safe Streets Act of 1968 (42 U.S.C. 3796gg–10(a)) is
24 amended by striking “2002 through 2005” and inserting
25 “2006 through 2009”.

1 **SEC. 257. SEX OFFENDER MANAGEMENT.**

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

5 “(c) AUTHORIZATION OF APPROPRIATIONS.—There
6 are authorized to be appropriated to carry out this section
7 \$5,000,000 for each of fiscal years 2006 through 2010.”.

8 **TITLE III—MISCELLANEOUS**
9 **PROVISIONS**

10 **SEC. 301. TECHNICAL AMENDMENTS RELATING TO PUBLIC**
11 **LAW 107-56.**

12 (a) STRIKING SURPLUS WORDS.—

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

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

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

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

24 (2) by striking “sections” and inserting “sec-
25 tion”.

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

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

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

11 (a) PUNCTUATION CORRECTIONS.—The heading for
12 section 1591 of title 18, United States Code, is amended
13 by inserting a comma after “**fraud**”.

14 (b) DUPLICATE SECTION NUMBERS.—The second
15 section 540C in chapter 33 of title 28, United States Code,
16 is redesignated as section 540D, and the item relating to
17 that section in the table of sections at the beginning of
18 that chapter is redesignated accordingly and transferred
19 so as to be placed after the item relating to section 540C.

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

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

1 (d) REPEAL OF DUPLICATIVE PROGRAM.—Section
2 316 of Part A of the Runaway and Homeless Youth Act
3 (42 U.S.C. 5712d), as added by section 40155 of the Vio-
4 lent Crime Control and Law Enforcement Act of 1994
5 (Public Law 103–322; 108 Stat. 1922), is repealed.

6 **SEC. 303. MINOR SUBSTANTIVE AMENDMENT RELATING TO**
7 **CONTENTS OF FBI ANNUAL REPORT.**

8 Section 540D(b)(1)(A) of title 28, United States
9 Code, as redesignated by section 302(b), is further amend-
10 ed by inserting “and the number of such personnel who
11 receive danger pay under section 151 of the Foreign Rela-
12 tions Authorization Act, Fiscal Years 1990 and 1991 (5
13 U.S.C. 5928 note)” after “year”.

14 **SEC. 304. USE OF FEDERAL TRAINING FACILITIES.**

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

21 (b) ANNUAL REPORT.—The Attorney General shall
22 prepare an annual report to the Chairmen and ranking
23 minority members of the Committees on the Judiciary of
24 the Senate and of the House of Representatives that de-
25 tails each training and conference meeting that requires

1 specific authorization under subsection (a). The report
2 shall include an explanation of why the facility was chosen,
3 and a breakdown of any expenditures incurred in excess
4 of the cost of conducting the training or meeting at a facil-
5 ity that did not require such authorization.

6 **SEC. 305. PRIVACY OFFICER.**

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

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

12 (1) assuring that the use of technologies sus-
13 tain, and do not erode, privacy protections relating
14 to the use, collection, and disclosure of personally
15 identifiable information;

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

20 (3) evaluating legislative and regulatory pro-
21 posals involving collection, use, and disclosure of
22 personally identifiable information by the Federal
23 Government;

24 (4) conducting a privacy impact assessment of
25 proposed rules of the Department on the privacy of

1 personally identifiable information, including the
2 type of personally identifiable information collected
3 and the number of people affected;

4 (5) preparing a report to Congress on an an-
5 nual basis on activities of the Department that af-
6 fect privacy, including complaints of privacy viola-
7 tions, implementation of section 552a of title 5,
8 United States Code, internal controls, and other rel-
9 evant matters;

10 (6) ensuring that the Department protects per-
11 sonally identifiable information and information sys-
12 tems from unauthorized access, use, disclosure, dis-
13 ruption, modification, or destruction in order to pro-
14 vide—

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

19 (B) confidentiality, which means preserving
20 authorized restrictions on access and disclosure,
21 including means for protecting personal privacy
22 and proprietary information;

23 (C) availability, which means ensuring
24 timely and reliable access to and use of that in-
25 formation; and

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

4 (7) advising the Attorney General and the Di-
5 rector of the Office of Management and Budget on
6 information security and privacy issues pertaining to
7 Federal Government information systems.

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

12 **SEC. 306. BANKRUPTCY CRIMES.**

13 The Director of the Executive Office for United
14 States Trustees shall prepare an annual report to the Con-
15 gress detailing—

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

18 (2) the outcomes of each criminal referral;

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

22 (4) the United States Trustee Program's efforts
23 to prevent bankruptcy fraud and abuse, particularly
24 with respect to the establishment of uniform internal

1 controls to detect common, higher risk frauds, such
2 as a debtor's failure to disclose all assets.

3 **SEC. 307. REPORT TO CONGRESS ON STATUS OF UNITED**
4 **STATES PERSONS OR RESIDENTS DETAINED**
5 **ON SUSPICION OF TERRORISM.**

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

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

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

18 **SEC. 308. TECHNICAL CORRECTION RELATING TO DEFINI-**
19 **TION USED IN “TERRORISM TRANSCENDING**
20 **NATIONAL BOUNDARIES” STATUTE.**

21 Section 1958 of title 18, United States Code, is
22 amended—

23 (1) in subsection (a), by striking “facility in”
24 and inserting “facility of”; and

1 (2) in subsection (b)(2), by inserting “or for-
2 eign” after “interstate”.

3 **SEC. 309. INCREASED PENALTIES AND EXPANDED JURIS-**
4 **DICTION FOR SEXUAL ABUSE OFFENSES IN**
5 **CORRECTIONAL FACILITIES.**

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

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

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

15 (3) Section 2242.

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

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

18 (b) **INCREASED PENALTIES.**—

19 (1) **SEXUAL ABUSE OF A WARD.**—Section
20 2243(b) of such title is amended by striking “one
21 year” and inserting “five years”.

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

1 **SEC. 310. EXPANDED JURISDICTION FOR CONTRABAND OF-**
2 **FENSES IN CORRECTIONAL FACILITIES.**

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

9 **SEC. 311. MAGISTRATE JUDGE’S AUTHORITY TO CONTINUE**
10 **PRELIMINARY HEARING.**

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

17 **SEC. 312. TECHNICAL CORRECTIONS RELATING TO**
18 **STEROIDS.**

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

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

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

26 and

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

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

5 **SEC. 313. PRISON RAPE COMMISSION EXTENSION.**

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

9 **SEC. 314. LONGER STATUTE OF LIMITATION FOR HUMAN**
10 **TRAFFICKING-RELATED OFFENSES.**

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

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

15 “No person shall be prosecuted, tried, or punished
16 for any non-capital offense or conspiracy to commit a non-
17 capital offense under section 1581 (Peonage; Obstructing
18 Enforcement), 1583 (Enticement into Slavery), 1584
19 (Sale into Involuntary Servitude), 1589 (Forced Labor),
20 1590 (Trafficking with Respect to Peonage, Slavery, In-
21 voluntary Servitude, or Forced Labor), 1591 (Sex Traf-
22 ficking of Children or by Force, Fraud), or 1592 (Unlaw-
23 ful Conduct with Respect to Documents in furtherance of
24 Trafficking, Peonage, Slavery, Involuntary Servitude, or
25 Forced Labor) of this title or under section 274(a) of the

1 Immigration and Nationality Act unless the indictment is
2 found or the information is instituted not later than 10
3 years after the commission of the offense.”.

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

“3298. Trafficking-related offenses.”.

7 **SEC. 315. USE OF CENTER FOR CRIMINAL JUSTICE TECH-**
8 **NOLOGY.**

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

14 (b) AUTHORIZATION OF APPROPRIATIONS.—There
15 are authorized to be appropriated to the Attorney General
16 to carr out this section the following amounts, to remai
17 available until expended:

- 18 (1) \$7,500,000 for fiscal year 2006;
19 (2) \$7,500,000 for fiscal year 2007; and
20 (3) \$10,000,000 for fiscal year 2008.

21 **SEC. 316. SEARCH GRANTS.**

22 (a) IN GENERAL.—Pursuant to subpart 1 of part E
23 of title I of the Omnibus Crime Control and Safe Streets
24 Act of 1968, the Attorney General may make grants to
25 SEARCH, the National Consortium for Justice Informa-

1 tion and Statistics, to carry out the operations of the Na-
2 tional Technical Assistance and Training Program.

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

7 **TITLE IV—VIOLENCE AGAINST**
8 **WOMEN REAUTHORIZATION**
9 **ACT OF 2005**

10 **SEC. 401. SHORT TITLE.**

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

13 **SEC. 402. DEFINITIONS AND REQUIREMENTS FOR PRO-**
14 **GRAMS RELATING TO VIOLENCE AGAINST**
15 **WOMEN.**

16 Part T of the Omnibus Crime Control and Safe
17 Streets Act of 1968 is amended by inserting before section
18 2001 (42 U.S.C. 3796gg) the following new sections:

19 **“SEC. 2000A. CLARIFICATION THAT PROGRAMS RELATING**
20 **TO VIOLENCE AGAINST WOMEN ARE GENDER-**
21 **NEUTRAL.**

22 “In this part, and in any other Act of Congress, un-
23 less the context unequivocally requires otherwise, a provi-
24 sion authorizing or requiring the Department of Justice
25 to make grants, or to carry out other activities, for assist-

1 ance to victims of domestic violence, dating violence, stalk-
2 ing, sexual assault, or trafficking in persons, shall be con-
3 strued to cover grants that provide assistance to female
4 victims, male victims, or both.

5 **“SEC. 2000B. DEFINITIONS THAT APPLY TO ANY PROVISION**
6 **CARRIED OUT BY VIOLENCE AGAINST**
7 **WOMEN OFFICE.**

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

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

21 “(2) CHILD MALTREATMENT.—The term ‘child
22 maltreatment’ means the physical or psychological
23 abuse or neglect of a child or youth, including sexual
24 assault and abuse.

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

4 “(A) focuses primarily on domestic vio-
5 lence, dating violence, sexual assault, or stalk-
6 ing;

7 “(B) has established a specialized cul-
8 turally specific program that addresses domestic
9 violence, dating violence, sexual assault, or
10 stalking;

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

15 “(D) obtains expertise, or shows dem-
16 onstrated capacity to work effectively, on do-
17 mestic violence, dating violence, sexual assault,
18 and stalking through collaboration.

19 “(4) COURT-BASED AND COURT-RELATED PER-
20 SONNEL.—The term ‘court-based’ and ‘court-related
21 personnel’ mean persons working in the court,
22 whether paid or volunteer, including—

23 “(A) clerks, special masters, domestic rela-
24 tions officers, administrators, mediators, cus-
25 tody evaluators, guardians ad litem, lawyers,

1 negotiators, probation, parole, interpreters, vic-
2 tim assistants, victim advocates, and judicial,
3 administrative, or any other professionals or
4 personnel similarly involved in the legal process;

5 “(B) court security personnel;

6 “(C) personnel working in related, supple-
7 mentary offices or programs (such as child sup-
8 port enforcement); and

9 “(D) any other court-based or community-
10 based personnel having responsibilities or au-
11 thority to address domestic violence, dating vio-
12 lence, sexual assault, or stalking in the court
13 system.

14 “(5) DOMESTIC VIOLENCE.—The term ‘domes-
15 tic violence’ includes felony or misdemeanor crimes
16 of violence committed by a current or former spouse
17 of the victim, by a person with whom the victim
18 shares a child in common, by a person who is co-
19 habitating with or has cohabitated with the victim as
20 a spouse, by a person similarly situated to a spouse
21 of the victim under the domestic or family violence
22 laws of the jurisdiction receiving grant monies, or by
23 any other person against an adult, youth, or minor
24 victim who is protected from that person’s acts

1 under the domestic or family violence laws of the ju-
2 risdiction receiving grant monies.

3 “(6) DATING PARTNER.—The term ‘dating
4 partner’ refers to a person who is or has been in an
5 ongoing social relationship of a romantic or intimate
6 nature with the abuser, and existence of such a rela-
7 tionship based on a consideration of—

8 “(A) the length of the relationship;

9 “(B) the type of relationship; and

10 “(C) the frequency of interaction between
11 the persons involved in the relationship.

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

14 “(A) who is or has been in an ongoing so-
15 cial relationship of a romantic or intimate na-
16 ture with the victim; and

17 “(B) where the existence of such a rela-
18 tionship shall be determined based on a consid-
19 eration of the following factors:

20 “(i) The length of the relationship.

21 “(ii) The type of relationship.

22 “(iii) The frequency of interaction be-
23 tween the persons involved in the relation-
24 ship.

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

4 “(A) infliction of injury, unreasonable con-
5 finement, intimidation, or cruel punishment
6 with resulting physical harm, pain, or mental
7 anguish; or

8 “(B) deprivation by a person, including a
9 caregiver, of goods or services that are nec-
10 essary to avoid physical harm, mental anguish,
11 or mental illness.

12 “(9) INDIAN.—The term ‘Indian’ means a
13 member of an Indian tribe.

14 “(10) INDIAN HOUSING.—The term ‘Indian
15 housing’ means housing assistance described in the
16 Native American Assistance and Self-Determination
17 Act of (25 U.S.C. 4101 et seq., as amended).

18 “(11) INDIAN TRIBE.—The term ‘Indian tribe’
19 means a tribe, band, pueblo, nation, or other orga-
20 nized group or community of Indians, including any
21 Alaska Native village or regional or village corpora-
22 tion (as defined in, or established pursuant to, the
23 Alaska Native Claims Settlement Act (43 U.S.C.
24 1601 et seq.)), that is recognized as eligible for the
25 special programs and services provided by the

1 United States to Indians because of their status as
2 Indians.

3 “(12) INDIAN LAW ENFORCEMENT.—The term
4 ‘Indian law enforcement’ means the departments or
5 individuals under the direction of the Indian tribe
6 that maintain public order.

7 “(13) LAW ENFORCEMENT.—The term ‘law en-
8 forcement’ means a public agency charged with po-
9 licing functions, including any of its component bu-
10 reaus (such as governmental victim services pro-
11 grams), including those referred to in section 3 of
12 the Indian Enforcement Reform Act (25 U.S.C.
13 2802).

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

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

19 “(i) family, tribal, territorial, immi-
20 gration, employment, administrative agen-
21 cy, housing matters, campus administrative
22 or protection or stay away order pro-
23 ceedings, and other similar matters; and

24 “(ii) criminal justice investigations,
25 prosecutions and post-trial matters (includ-

1 ing sentencing, parole, and probation) that
2 impact the victim’s safety and privacy,
3 subject to subparagraph (B); and

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

6 “(15) LINGUISTICALLY AND CULTURALLY SPE-
7 CIFIC SERVICES.—The term ‘linguistically and cul-
8 turally specific services’ means community-based
9 services that offer full linguistic access and cul-
10 turally specific services and resources, including out-
11 reach, collaboration, and support mechanisms pri-
12 marily directed toward racial and ethnic populations
13 and other underserved communities.

14 “(16) PERSONALLY IDENTIFYING INFORMATION
15 OR PERSONAL INFORMATION.—The term ‘personally
16 identifying information’ or ‘personal information’
17 means individually identifying information for or
18 about an individual including information likely to
19 disclose the location of a victim of domestic violence,
20 dating violence, sexual assault, or stalking, includ-
21 ing—

22 “(A) a first and last name;

23 “(B) a home or other physical address;

1 “(C) contact information (including a post-
2 al, e-mail or Internet protocol address, or tele-
3 phone or facsimile number);

4 “(D) a social security number; and

5 “(E) any other information, including date
6 of birth, racial or ethnic background, or reli-
7 gious affiliation, that, in combination with any
8 of subparagraphs (A) through (D), would serve
9 to identify any individual.

10 “(17) PROSECUTION.—The term ‘prosecution’
11 means any public agency charged with direct respon-
12 sibility for prosecuting criminal offenders, including
13 such agency’s component bureaus (such as govern-
14 mental victim services programs).

15 “(18) PROTECTION ORDER OR RESTRAINING
16 ORDER.—The term ‘protection order’ or ‘restraining
17 order’ includes—

18 “(A) any injunction, restraining order, or
19 any other order issued by a civil or criminal
20 court for the purpose of preventing violent or
21 threatening acts or harassment against, sexual
22 violence or contact or communication with or
23 physical proximity to, another person, including
24 any temporary or final orders issued by civil or
25 criminal courts whether obtained by filing an

1 independent action or as a pendente lite order
2 in another proceeding so long as any civil 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
8 issued as part of a protection order, restraining
9 order, or stay away injunction pursuant to
10 State, tribal, territorial, or local law authorizing
11 the issuance of protection orders, restraining
12 orders, or injunctions for the protection of vic-
13 tims of domestic violence, dating violence, sex-
14 ual assault, or stalking.

15 “(19) RURAL AREA AND RURAL COMMUNITY.—

16 The terms ‘rural area’ and ‘rural community’
17 mean—

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

22 “(B) any area or community, respectively,
23 that is—

24 “(i) within an area designated as a
25 metropolitan statistical area or considered

1 as part of a metropolitan statistical area;
2 and

3 “(ii) located in a rural census tract.

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

9 “(21) SEXUAL ASSAULT.—The term ‘sexual as-
10 sault’ means any conduct prescribed by chapter
11 109A of title 18, United States Code, whether or not
12 the conduct occurs in the special maritime and terri-
13 torial jurisdiction of the United States or in a Fed-
14 eral prison and includes both assaults committed by
15 offenders who are strangers to the victim and as-
16 saults committed by offenders who are known or re-
17 lated by blood or marriage to the victim.

18 “(22) STALKING.—The term ‘stalking’ means
19 engaging in a course of conduct directed at a spe-
20 cific person that would cause a reasonable person
21 to—

22 “(A) fear for his or her safety or the safety
23 of others; or

24 “(B) suffer substantial emotional distress.

1 “(23) STATE.—The term ‘State’ means each of
2 the several States, the District of Columbia, the
3 Commonwealth of Puerto Rico, and except as other-
4 wise provided, Guam, American Samoa, the Virgin
5 Islands, and the Northern Mariana Islands.

6 “(24) STATE DOMESTIC VIOLENCE COALI-
7 TION.—The term ‘State domestic violence coalition’
8 means a program determined by the Administration
9 for Children and Families under the Family Violence
10 Prevention and Services Act (42 U.S.C. 10410(b)).

11 “(25) STATE SEXUAL ASSAULT COALITION.—
12 The term ‘State sexual assault coalition’ means a
13 program determined by the Center for Injury Pre-
14 vention and Control of the Centers for Disease Con-
15 trol and Prevention under the Public Health Service
16 Act (42 U.S.C. 280b et seq.).

17 “(26) TERRITORIAL DOMESTIC VIOLENCE OR
18 SEXUAL ASSAULT COALITION.—The term ‘territorial
19 domestic violence or sexual assault coalition’ means
20 a program addressing domestic violence that is—

21 “(A) an established nonprofit, nongovern-
22 mental territorial coalition addressing domestic
23 violence or sexual assault within the territory;
24 or

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

6 “(27) TRIBAL COALITION.—The term ‘tribal co-
7 alition’ means—

8 “(A) an established nonprofit, nongovern-
9 mental tribal coalition addressing domestic vio-
10 lence and sexual assault against American In-
11 dian and Alaskan Native women; or

12 “(B) individuals or organizations that pro-
13 pose to incorporate as nonprofit, nongovern-
14 mental tribal coalitions to address domestic vio-
15 lence and sexual assault against American In-
16 dian and Alaskan Native women.

17 “(28) TRIBAL GOVERNMENT.—The term ‘tribal
18 government’ means—

19 “(A) the governing body of an Indian
20 tribe; or

21 “(B) a tribe, band, pueblo, nation, or other
22 organized group or community of Indians, in-
23 cluding any Alaska Native village or regional or
24 village corporation (as defined in, or established
25 pursuant to, the Alaska Native Claims Settle-

1 ment Act (43 U.S.C. 1601 et seq.)), that is rec-
2 ognized as eligible for the special programs and
3 services provided by the United States to Indi-
4 ans because of their status as Indians.

5 “(29) TRIBAL ORGANIZATION.—The term ‘trib-
6 al organization’ means—

7 “(A) the governing body of any Indian
8 tribe;

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

17 “(C) any tribal nonprofit organization.

18 “(30) UNDERSERVED POPULATIONS.—The
19 term ‘underserved populations’ includes populations
20 underserved because of geographic location, under-
21 served racial and ethnic populations, populations un-
22 derserved because of special needs (such as language
23 barriers, disabilities, alienage status, or age), and
24 any other population determined to be underserved
25 by the Attorney General.

1 “(31) VICTIM ADVOCATE.—The term ‘victim
2 advocate’ means a person, whether paid or serving
3 as a volunteer, who provides services to victims of
4 domestic violence, sexual assault, stalking, or dating
5 violence under the auspices or supervision of a vic-
6 tim services program.

7 “(32) VICTIM ASSISTANT.—The term ‘victim
8 assistant’ means a person, whether paid or serving
9 as a volunteer, who provides services to victims of
10 domestic violence, sexual assault, stalking, or dating
11 violence under the auspices or supervision of a court
12 or a law enforcement or prosecution agency.

13 “(33) VICTIM SERVICES OR VICTIM SERVICE
14 PROVIDER.—The term ‘victim services’ or ‘victim
15 service provider’ means a nonprofit, nongovern-
16 mental organization that assists domestic violence,
17 dating violence, sexual assault, or stalking victims,
18 including rape crisis centers, domestic violence shel-
19 ters, faith-based organizations, and other organiza-
20 tions, with a documented history of effective work,
21 or a demonstrated capacity to work effectively, con-
22 cerning domestic violence, dating violence, sexual as-
23 sult, or stalking.

1 “(34) YOUTH.—The term ‘youth’ means teen
2 and young adult victims of domestic violence, dating
3 violence, sexual assault, or stalking.

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

8 **“SEC. 2000C. REQUIREMENTS THAT APPLY TO ANY GRANT**
9 **PROGRAM CARRIED OUT BY VIOLENCE**
10 **AGAINST WOMEN OFFICE.**

11 “(a) IN GENERAL.—In carrying out grants under
12 this part, and in carrying out grants under any other vio-
13 lence against women grant program, the Director of the
14 Violence Against Women Office shall ensure each of the
15 following:

16 “(1) NONDISCLOSURE OF CONFIDENTIAL OR
17 PRIVATE INFORMATION.—

18 “(A) IN GENERAL.—In order to ensure the
19 safety of adult, youth, and minor victims of do-
20 mestic violence, dating violence, sexual assault,
21 or stalking, and their families, each grantee and
22 subgrantee shall reasonably protect the con-
23 fidentiality and privacy of persons receiving
24 services.

1 “(B) NONDISCLOSURE.—Subject to sub-
2 paragraph (C), grantees and subgrantees shall
3 not—

4 “(i) disclose any personally identifying
5 information or individual information col-
6 lected in connection with services re-
7 quested, utilized, or denied through grant-
8 ees’ and subgrantees’ programs; or

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

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

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

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; and

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

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

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

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

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

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

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

21 “(7) PROHIBITION ON TORT LITIGATION.—
22 Funds appropriated for the grant program may not
23 be used to fund civil representation in a lawsuit
24 based on a tort claim. This paragraph shall not be
25 construed as a prohibition on providing assistance to

1 obtain restitution in a protection order or criminal
2 case.

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

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

11 **SEC. 501. STOP GRANTS IMPROVEMENTS.**

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

18 (b) PURPOSE AREA ENHANCEMENTS.—Section
19 2001(b) of title I of the Omnibus Crime Control and Safe
20 Streets Act of 1968 (42 U.S.C. 3796gg(b)) is amended—

21 (1) by striking “, and specifically, for the pur-
22 poses of—” and inserting “, including collaborating
23 with and informing public officials and agencies in
24 order to develop and implement policies to reduce or
25 eliminate domestic violence, dating violence, sexual

1 assault, and stalking, and specifically only for the
2 purposes of—”;

3 (2) in paragraph (5), by inserting after “protec-
4 tion orders are granted,” the following: “supporting
5 nonprofit nongovernmental victim services programs
6 and tribal organizations in working with public offi-
7 cials and agencies to develop and implement policies,
8 rules, and procedures in order to reduce or eliminate
9 domestic violence, dating violence, sexual assault,
10 and stalking.”;

11 (3) in paragraph (10), by striking “and” after
12 the semicolon;

13 (4) in paragraph (11), by striking the period
14 and inserting “; and”; and

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

16 “(12) maintaining core victim services and
17 criminal justice initiatives, while supporting com-
18plementary new initiatives and emergency services
19 for victims and their families.”.

20 (c) CLARIFICATION OF ACTIVITIES REGARDING UN-
21 DERSERVED POPULATIONS.—Section 2007 of the Omni-
22 bus Crime Control and Safe Streets Act of 1968 (42
23 U.S.C. 3796gg–1) is amended—

24 (1) in subsection (c)(2), by inserting before the
25 semicolon the following: “and describe how the State

1 will address the needs of racial and ethnic minorities
2 and other underserved populations”; and

3 (2) in subsection (e)(2), by striking subpara-
4 graph (D) and inserting the following:

5 “(D) recognize and meaningfully respond
6 to the needs of racial and ethnic and other un-
7 derserved populations and ensure that monies
8 set aside to fund services and activities for ra-
9 cial and ethnic and other underserved popu-
10 lations are distributed equitably among those
11 populations.”.

12 (d) TRIBAL AND TERRITORIAL SETASIDES.—Section
13 2007 of the Omnibus Crime Control and Safe Streets Act
14 of 1968 (42 U.S.C. 3796gg–1), as amended by subsection
15 (c), is further amended—

16 (1) in subsection (b)—

17 (A) in paragraph (1), by striking “5 per-
18 cent” and inserting “10 percent”;

19 (B) in paragraph (2), by striking “ $\frac{1}{54}$ ”
20 and inserting “ $\frac{1}{56}$ ”;

21 (C) in paragraph (3), by striking “and the
22 coalition for the combined Territories of the
23 United States, each receiving an amount equal
24 to $\frac{1}{54}$ ” and inserting “Guam, American Samoa,
25 the United States Virgin Islands, and the Com-

1 monwealth of the Northern Mariana Islands,
2 each receiving an amount equal to $\frac{1}{56}$ ”;

3 (D) in paragraph (4), by striking “ $\frac{1}{54}$ ”
4 and inserting “ $\frac{1}{56}$ ”;

5 (E) in paragraph (5), by striking “and”
6 after the semicolon;

7 (F) in paragraph (6), by striking the pe-
8 riod and inserting “; and”; and

9 (G) by adding at the end:

10 “(7) such funds shall remain available until ex-
11 pended.”;

12 (2) in subsection (c)(3)(B), by inserting after
13 “victim services” the following: “, of which at least
14 10 percent shall be distributed to culturally specific
15 community-based organizations”; and

16 (3) in subsection (d)—

17 (A) in paragraph (2), by striking “and”
18 after the semicolon;

19 (B) in paragraph (3), by striking the pe-
20 riod and inserting “; and”; and

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

22 “(4) a memorandum of understanding showing
23 that tribal, territorial, State, or local prosecution,
24 law enforcement, and court and victim service pro-
25 vider subgrantees have consulted with tribal, terri-

1 torial, State, or local victim services programs dur-
2 ing the course of developing their grant applications
3 in order to ensure that proposed services, activities
4 and equipment acquisitions are designed to promote
5 the safety, confidentiality, and economic independ-
6 ence of victims of domestic violence, sexual assault,
7 stalking, and dating violence.”.

8 (e) TRAINING, TECHNICAL ASSISTANCE, AND DATA
9 COLLECTION.—Section 2007 of the Omnibus Crime Con-
10 trol and Safe Streets Act of 1968 (42 U.S.C. 3796gg–
11 1), as amended by this section, is further amended by add-
12 ing at the end the following:

13 “(i) TRAINING, TECHNICAL ASSISTANCE, AND DATA
14 COLLECTION.—

15 “(1) IN GENERAL.—Of the total amounts ap-
16 propriated under this part, not less than 3 percent
17 and up to 8 percent shall be available for providing
18 training, technical assistance, and data collection re-
19 lating to the purpose areas of this part to improve
20 the capacity of grantees, subgrantees, and other en-
21 tities to offer services and assistance to victims of
22 domestic violence, sexual assault, stalking, and dat-
23 ing violence.

24 “(2) INDIAN TRAINING.—The Director of the
25 Violence Against Women Office shall ensure that

1 training, technical assistance, and data collection re-
2 garding violence against Indian women will be devel-
3 oped and provided by entities having expertise in
4 tribal law and culture.

5 “(j) LIMITS ON INTERNET PUBLICATION OF
6 REGISTRATION INFORMATION.—As a condition of
7 receiving grant amounts under this part, the recipi-
8 ent shall not make available publicly on the Internet
9 any information regarding the registration or filing
10 of a protection order, restraining order, or injunction
11 in either the issuing or enforcing State, tribal, or
12 territorial jurisdiction, if such publication would be
13 likely to publicly reveal the identity or location of the
14 party protected under such order. A State, Indian
15 tribe, or territory may share court-generated law en-
16 forcement generated information contained in se-
17 cure, governmental registries for protection order en-
18 forcement purposes.”.

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

23 “(c) USE OF FUNDS.—A State or Indian tribal gov-
24 ernment may use Federal grant funds under this part to
25 pay for forensic medical exams performed by trained ex-

1 aminers for victims of sexual assault, except that such
2 funds may not be used to pay for forensic medical exams
3 by any State or Indian tribal government that requires
4 victims of sexual assault to seek reimbursement for such
5 exams from their insurance carriers.

6 “(d) **RULE OF CONSTRUCTION.**—Nothing in this sec-
7 tion shall be construed to permit a State to require a vic-
8 tim of sexual assault to participate in the criminal justice
9 system or cooperate with law enforcement in order to be
10 provided with a forensic medical exam, reimbursement for
11 charges incurred on account of such an exam, or both.”.

12 (g) **POLYGRAPH TESTING PROHIBITION.**—Part T of
13 the Omnibus Crime Control and Safe Streets Act of 1968
14 (42 U.S.C. 3796gg et seq.) is amended by adding at the
15 end the following new section:

16 **“SEC. 2012. POLYGRAPH TESTING PROHIBITION.**

17 “In order to be eligible for grants under this part,
18 a State, Indian tribal government, or unit of local govern-
19 ment must certify within three years of enactment of the
20 Violence Against Women Reauthorization Act of 2005
21 that their laws, policies, or practices ensure that no law
22 enforcement officer, prosecuting officer, or other govern-
23 ment official shall ask or require an adult, youth, or minor
24 victim of a sex offense as defined under Federal, tribal,
25 State, territorial or local law to submit to a polygraph ex-

1 amination or similar truth-telling device or method as a
2 condition for proceeding with the investigation, charging
3 or prosecution of such an offense. A victim's refusal to
4 submit to the aforementioned shall not prevent the inves-
5 tigation, charging or prosecution of the pending case.”.

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

10 **“SEC. 2013. NO MATCHING REQUIREMENT FOR CERTAIN**
11 **GRANTEES.**

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

14 “(1) to a law enforcement agency having fewer
15 than 20 officers;

16 “(2) to a victim service provider having an an-
17 nual operating budget of less than \$5,000,000; or

18 “(3) to any entity that the Attorney General de-
19 termines has adequately demonstrated financial
20 need.”.

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

23 (a) AUTHORIZATION OF APPROPRIATIONS.—Section
24 1001(a)(19) of the Omnibus Crime Control and Safe
25 Streets Act of 1968 (42 U.S.C. 3793(a)(19)) is amended

1 by striking “\$65,000,000 for each of fiscal years 2001
2 through 2005.” and inserting “\$75,000,000 for each of
3 fiscal years 2006 through 2010. Funds appropriated
4 under this paragraph shall remain available until ex-
5 pended.”.

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

9 (1) in subsection (a), by striking “to treat do-
10 mestic violence as a serious violation” and inserting
11 “to treat domestic violence, dating violence, sexual
12 assault, and stalking as serious violations”;

13 (2) in subsection (b)—

14 (A) in the matter before paragraph (1), by
15 inserting after “State” the following: “, tribal,
16 territorial,”;

17 (B) in paragraph (1), by striking “manda-
18 tory arrest or”;

19 (C) in paragraph (2), by—

20 (i) inserting after “educational pro-
21 grams,” the following: “protection order
22 registries,”;

23 (ii) striking “domestic violence and
24 dating violence.” and inserting “domestic
25 violence, dating violence, sexual assault,

1 and stalking. Such policies, educational
2 programs, registries, and training shall in-
3 corporate confidentiality and privacy pro-
4 tectations for victims of domestic violence,
5 dating violence, sexual assault, and stalk-
6 ing.”;

7 (D) in paragraph (3), by—

8 (i) striking “domestic violence cases”
9 and inserting “domestic violence, dating vi-
10 olence, sexual assault, and stalking cases”;
11 and

12 (ii) striking “groups” and inserting
13 “teams”;

14 (E) in paragraph (5), by striking “domes-
15 tic violence and dating violence” and inserting
16 “domestic violence, dating violence, sexual as-
17 sult, and stalking”;

18 (F) in paragraph (6), by—

19 (i) striking “other” and inserting
20 “civil”; and

21 (ii) inserting after “domestic violence”
22 the following: “, dating violence, sexual as-
23 sult, and stalking”; and

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

1 “(9) To enhance and support the capacity of
2 victims services programs to collaborate with and in-
3 form efforts by State and local jurisdictions and
4 public officials and agencies to develop best practices
5 and policies regarding arrest of domestic violence,
6 dating violence, sexual assault, and stalking offend-
7 ers and to strengthen protection order enforcement
8 and to reduce or eliminate domestic violence, dating
9 violence, sexual assault, and stalking.

10 “(10) To develop State, tribal, territorial, or
11 local policies, procedures, and protocols for pre-
12 venting dual arrests and prosecutions in cases of do-
13 mestic violence, dating violence, sexual assault, and
14 stalking and to develop effective methods for identi-
15 fying the pattern and history of abuse that indicates
16 which party is the actual perpetrator of abuse.

17 “(11) To plan, develop and establish com-
18 prehensive victim service and support centers, such
19 as family justice centers, designed to bring together
20 victim advocates from non-profit, non-governmental
21 victim services organizations, law enforcement offi-
22 cers, prosecutors, probation officers, governmental
23 victim assistants, forensic medical professionals, civil
24 legal attorneys, chaplains, legal advocates, represent-
25 atives from community-based organizations and

1 other relevant public or private agencies or organiza-
2 tions into one centralized location, in order to im-
3 prove safety, access to services, and confidentiality
4 for victims and families.

5 “(12) To develop and implement policies and
6 training for police, prosecutors, and the judiciary in
7 recognizing, investigating, and prosecuting instances
8 of sexual assault, with an emphasis on recognizing
9 the threat to the community for repeat crime per-
10 petration by such individuals.”;

11 (3) in subsection (c)—

12 (A) in paragraph (3), by striking “and”
13 after the semicolon;

14 (B) in paragraph (4), by striking the pe-
15 riod and inserting “; and”; and

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

17 “(5) certify within three years of enactment of
18 the Violence Against Women Reauthorization Act of
19 2005 that their laws, policies, or practices ensure
20 that—

21 “(A) no law enforcement officer, pros-
22 ecuting officer or other government official shall
23 ask or require an adult, youth, or minor victim
24 of a sex offense as defined under Federal, trib-
25 al, State, territorial, or local law to submit to

1 a polygraph examination or other truth telling
2 device as a condition for proceeding with the in-
3 vestigation, charging or prosecution of such an
4 offense; and

5 “(B) the refusal of a victim to submit to
6 an examination described in subparagraph (A)
7 shall not prevent the investigation, charging or
8 prosecution of the offense.”; and

9 (4) by striking subsections (d) and (e) and in-
10 serting the following:

11 “(d) ALLOTMENT FOR INDIAN TRIBES.—Not less
12 than 10 percent of the total amount made available for
13 grants under this section for each fiscal year shall be avail-
14 able for grants to Indian tribe governments.”.

15 (c) APPLICATIONS.—Section 2102(b) of the Omnibus
16 Crime Control and Safe Streets Act of 1968 (42 U.S.C.
17 3796hh–1(b)) is amended in each of paragraphs (1) and
18 (2) by inserting after “involving domestic violence” the fol-
19 lowing: “, dating violence, sexual assault, or stalking”.

20 (d) TRAINING, TECHNICAL ASSISTANCE, AND DATA
21 COLLECTION.—Part U of title I of the Omnibus Crime
22 Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh
23 et seq.) is amended by adding at the end the following:

1 **“SEC. 2106. TRAINING, TECHNICAL ASSISTANCE, AND DATA**
2 **COLLECTION.**

3 “Of the total amounts appropriated under this part,
4 not less than 5 percent and up to 8 percent shall be avail-
5 able for providing training, technical assistance, and data
6 collection relating to the purpose areas of this part to im-
7 prove the capacity of grantees, subgrantees, and other en-
8 tities to offer services and assistance to victims of domes-
9 tic violence and dating violence.”.

10 **SEC. 503. LEGAL ASSISTANCE FOR VICTIMS IMPROVE-**
11 **MENTS.**

12 Section 1201 of the Violence Against Women Act of
13 2000 (42 U.S.C. 3796gg-6) is amended—

14 (1) in subsection (a), by—

15 (A) inserting before “legal assistance” the
16 following: “civil and criminal”;

17 (B) inserting after “effective aid to” the
18 following: “adult, youth, and minor”; and

19 (C) striking “domestic violence, stalking,
20 or sexual assault” and inserting “domestic vio-
21 lence, dating violence, sexual assault, or stalk-
22 ing”;

23 (2) in subsection (c), by striking “private non-
24 profit entities, Indian tribal governments,” and in-
25 serting “nonprofit, nongovernmental organizations,

1 Indian tribal governments and tribal organizations,
2 territorial organizations,”;

3 (3) in each of paragraphs (1), (2), and (3) of
4 subsection (c), by striking “victims of domestic vio-
5 lence, stalking, and sexual assault” and inserting
6 “victims of domestic violence, dating violence, sexual
7 assault, and stalking”;

8 (4) in subsection (d)—

9 (A) in paragraph (1), by striking “domes-
10 tic violence or sexual assault” and inserting
11 “domestic violence, dating violence, sexual as-
12 sault, or stalking”;

13 (B) by striking paragraphs (2) and (3) and
14 inserting the following:

15 “(2) any training program conducted in satis-
16 faction of the requirement of paragraph (1) has been
17 or will be developed with input from and in collabo-
18 ration with a tribal, State, territorial, or local do-
19 mestic violence, dating violence, sexual assault or
20 stalking organization or coalition, as well as appro-
21 priate tribal, State, territorial, and local law enforce-
22 ment officials;

23 “(3) any person or organization providing legal
24 assistance through a program funded under sub-
25 section (c) has informed and will continue to inform

1 tribal, State, territorial, or local domestic violence,
2 dating violence, sexual assault or stalking organiza-
3 tions and coalitions, as well as appropriate tribal,
4 State, territorial, and local law enforcement officials
5 of their work; and”;

6 (C) in paragraph (4), by inserting “dating
7 violence,” after “domestic violence,”;

8 (5) in subsection (e), by inserting “dating vio-
9 lence,” after “domestic violence,”; and

10 (6) in subsection (f)—

11 (A) by striking paragraph (1) and insert-
12 ing the following:

13 “(1) IN GENERAL.—There is authorized to be
14 appropriated to carry out this section \$60,000,000
15 for each of fiscal years 2006 through 2010. Funds
16 appropriated under this section shall remain avail-
17 able until expended and may be used only for the
18 specific programs and activities described in this sec-
19 tion. Funds appropriated under this section may not
20 be used for advocacy.”; and

21 (B) in paragraph (2)—

22 (i) in subparagraph (A), by—

23 (I) striking “5 percent” and in-
24 serting “10 percent”;

1 (II) striking “programs” and in-
2 serting “tribal governments or tribal
3 organizations”;

4 (III) inserting “adult, youth, and
5 minor” after “that assist”; and

6 (IV) striking “domestic violence,
7 stalking, and sexual assault” and in-
8 serting “domestic violence, dating vio-
9 lence, sexual assault, and stalking”;
10 and

11 (ii) in subparagraph (B), by striking
12 “technical assistance to support projects
13 focused solely or primarily on providing
14 legal assistance to victims of sexual as-
15 sault” and inserting “technical assistance
16 in civil and crime victim matters to adult,
17 youth, and minor victims of sexual as-
18 sault”.

19 **SEC. 504. COURT TRAINING AND IMPROVEMENTS.**

20 The Violence Against Women Act of 1994 is amended
21 by adding after subtitle I (42 U.S.C. 14042) the following:

1 **“Subtitle J—Violence Against**
2 **Women Act Court Training and**
3 **Improvements**

4 **“SEC. 41001. SHORT TITLE.**

5 “This subtitle may be cited as the ‘Violence Against
6 Women Act Court Training and Improvements Act of
7 2005’.

8 **“SEC. 41002. GRANTS FOR COURT TRAINING AND IMPROVE-**
9 **MENTS.**

10 “(a) PURPOSE.—The purpose of this section is to en-
11 able the Attorney General, through the Director of the Of-
12 fice on Violence Against Women, to award grants to im-
13 prove court responses to adult, youth, and minor domestic
14 violence, dating violence, sexual assault, and stalking to
15 be used for the following purposes—

16 “(1) improved internal civil and criminal court
17 functions, responses, practices, and procedures;

18 “(2) education for court-based and court-related
19 personnel on issues relating to victims’ needs, in-
20 cluding safety, security, privacy, confidentiality and
21 economic independence, as well as information about
22 perpetrator behavior and best practices for holding
23 perpetrators accountable;

24 “(3) collaboration and training with Federal,
25 State, and local public agencies and officials and

1 nonprofit, non-governmental organizations to im-
2 prove implementation and enforcement of relevant
3 Federal, State, tribal, territorial and local law;

4 “(4) to enable courts or court-based or court-re-
5 lated programs to develop new or enhance current—

6 “(A) court infrastructure (such as special-
7 ized courts, dockets, intake centers, or inter-
8 preter services and linguistically and culturally
9 specific services);

10 “(B) community-based initiatives within
11 the court system (such as court watch pro-
12 grams, victim advocates, or community-based
13 supplementary services);

14 “(C) offender management, monitoring,
15 and accountability programs;

16 “(D) safe and confidential information-
17 storage and -sharing databases within and be-
18 tween court systems;

19 “(E) education and outreach programs
20 (such as interpreters) to improve community
21 access, including enhanced access for racial and
22 ethnic communities and racial and ethnic and
23 other underserved populations (as defined in
24 section 2000B of the Omnibus Crime Control
25 and Safe Streets Act of 1968); and

1 “(F) other projects likely to improve court
2 responses to domestic violence, dating violence,
3 sexual assault, and stalking; and

4 “(5) to provide training, technical assistance,
5 and data collection to tribal, Federal, State, terri-
6 torial or local courts wishing to improve their prac-
7 tices and procedures or to develop new programs.

8 “(b) GRANT REQUIREMENTS.—Grants awarded
9 under this section shall be subject to the following condi-
10 tions:

11 “(1) ELIGIBLE GRANTEES.—Eligible grantees
12 may include—

13 “(A) tribal, Federal, State, territorial or
14 local courts or court-based programs, provided
15 that the court’s internal organizational policies,
16 procedures, or rules do not require mediation or
17 counseling between offenders and victims phys-
18 ically together in cases where domestic violence,
19 dating violence, sexual assault, or stalking is an
20 issue; and

21 “(B) national, tribal, State, or local pri-
22 vate, nonprofit organizations with demonstrated
23 expertise in developing and providing judicial
24 education about domestic violence, dating vio-
25 lence, sexual assault, or stalking.

1 “(2) CONDITIONS OF ELIGIBILITY FOR CERTAIN
2 GRANTS.—

3 “(A) COURT PROGRAMS.—To be eligible
4 for a grant under subsection (a)(4), applicants
5 shall certify in writing that any courts or court-
6 based personnel working directly with or mak-
7 ing decisions about adult, youth, or minor par-
8 ties experiencing domestic violence, dating vio-
9 lence, sexual assault, and stalking have com-
10 pleted or will complete education about domes-
11 tic violence, dating violence, sexual assault, and
12 stalking.

13 “(B) EDUCATION PROGRAMS.—To be eligi-
14 ble for a grant under subsection (a)(2), appli-
15 cants shall certify in writing that any education
16 program developed under subsection (a)(2) has
17 been or will be developed with significant input
18 from and in collaboration with a national, trib-
19 al, State, territorial, or local victim services pro-
20 vider or coalition.

21 “(c) EVALUATION.—

22 “(1) IN GENERAL.—The Attorney General,
23 through the Director of the Office on Violence
24 Against Women, may evaluate the grants funded
25 under this section.

1 “(2) TRIBAL GRANTEES.—Evaluation of tribal
2 grantees under this section shall be conducted by en-
3 tities with expertise in Federal Indian law and tribal
4 court practice.

5 “(d) AUTHORIZATION OF APPROPRIATIONS.—

6 “(1) IN GENERAL.—There is authorized to be
7 appropriated to carry out this section \$4,000,000 for
8 each of fiscal years 2006 to 2010.

9 “(2) SET ASIDE.—Of the amounts made avail-
10 able under this section in each fiscal year, not less
11 than 10 percent shall be used for grants to tribes.

12 **“SEC. 41003. NATIONAL AND TRIBAL EDUCATIONAL CUR-**
13 **RICULA.**

14 “(a) NATIONAL CURRICULA.—

15 “(1) IN GENERAL.—The Attorney General,
16 through the Director of the Office on Violence
17 Against Women, shall fund efforts to develop a na-
18 tional education curriculum for use by State and na-
19 tional judicial educators to ensure that all courts
20 and court personnel have access to information
21 about relevant Federal, State, territorial, or local
22 law, promising practices, procedures, and policies re-
23 garding court responses to adult, youth, and minor
24 domestic violence, dating violence, sexual assault,
25 and stalking.

1 “(2) ELIGIBLE ENTITIES.—Any curricula devel-
2 oped under this subsection—

3 “(A) shall be developed by an entity or en-
4 tities having demonstrated expertise in devel-
5 oping judicial education curricula on issues re-
6 lating to domestic violence, dating violence, sex-
7 ual assault, and stalking; or

8 “(B) if the primary grantee does not have
9 demonstrated expertise such issues, the cur-
10 ricula shall be developed by the primary grantee
11 in partnership with an organization having such
12 expertise.

13 “(b) TRIBAL CURRICULA.—

14 “(1) IN GENERAL.—The Attorney General,
15 through the Office on Violence Against Women,
16 shall fund efforts to develop education curricula for
17 tribal court judges to ensure that all tribal courts
18 have relevant information about promising practices,
19 procedures, policies, and law regarding tribal court
20 responses to adult, youth, and minor domestic vio-
21 lence, dating violence, sexual assault, and stalking.

22 “(2) ELIGIBLE ENTITIES.—Any curricula devel-
23 oped under this subsection—

24 “(A) shall be developed by a tribal organi-
25 zation having demonstrated expertise in devel-

1 oping judicial education curricula on issues re-
2 lating to domestic violence, dating violence, sex-
3 ual assault, and stalking; and

4 “(B) if the primary grantee does not have
5 such expertise, the curricula shall be developed
6 by the primary grantee through partnership
7 with organizations having such expertise.

8 “(c) AUTHORIZATION OF APPROPRIATIONS.—

9 “(1) IN GENERAL.—There is authorized to be
10 appropriated to carry out this section \$1,000,000 for
11 each of fiscal years 2006 to 2010.

12 “(2) AVAILABILITY.—Funds appropriated
13 under this section shall remain available until ex-
14 pended and may only be used for the specific pro-
15 grams and activities described in this section.

16 “(3) SET ASIDE.—Of the amounts made avail-
17 able under this section in each fiscal year, not less
18 than 10 percent shall be used for grants to tribes.

19 **“SEC. 41004. ACCESS TO JUSTICE FOR TEENS.**

20 “(a) PURPOSE.—It is the purpose of this section to
21 encourage cross training and collaboration between the
22 courts, domestic violence and sexual assault service pro-
23 viders, youth organizations and service providers, violence
24 prevention programs, and law enforcement agencies, so
25 that communities can establish and implement policies,

1 procedures, and practices to protect and more comprehen-
2 sively and effectively serve youth victims of dating vio-
3 lence, domestic violence, sexual assault, and stalking be-
4 tween the ages of 12 and 24, and to engage, where nec-
5 essary, other entities addressing the safety, health, mental
6 health, social service, housing, and economic needs of
7 youth victims of domestic violence, dating violence, sexual
8 assault, and stalking.

9 “(b) GRANT AUTHORITY.—

10 “(1) IN GENERAL.—The Attorney General,
11 through the Director of the Office on Violence
12 Against Women (in this section referred to as the
13 ‘Director’), shall make grants to eligible entities to
14 enable entities to jointly carry out cross training and
15 other collaborative initiatives that seek to carry out
16 the purposes of this section. Amounts appropriated
17 under this section may only be used for programs
18 and activities described under subsection (c).

19 “(2) GRANT PERIODS.—Grants shall be award-
20 ed under this section for a period of 3 fiscal years.

21 “(3) ELIGIBLE ENTITIES.—To be eligible for a
22 grant under this section, a grant applicant shall es-
23 tablish a collaboration that shall include—

24 “(A) a Tribal, State, Territorial or local
25 juvenile, family, civil, criminal or other trial

1 court with jurisdiction over domestic violence,
2 dating violence, sexual assault or stalking cases
3 (hereinafter referred to as “courts”); and

4 “(B) a victim service provider that has ex-
5 perience in working on domestic violence, dating
6 violence, sexual assault, or stalking and the ef-
7 fect that those forms of abuse have on young
8 people.

9 “(c) USES OF FUNDS.—An entity that receives a
10 grant under this section shall use the funds made available
11 through the grant for cross-training and collaborative ef-
12 forts to—

13 “(1) assess and analyze currently available serv-
14 ices for youth victims of domestic violence, dating vi-
15 olence, sexual assault, and stalking, determine rel-
16 evant barriers to such services in a particular local-
17 ity;

18 “(2) establish and enhance linkages and col-
19 laboration between courts, domestic violence or sex-
20 ual assault service providers, and, where applicable,
21 law enforcement agencies, and other entities ad-
22 dressing the safety, health, mental health, social
23 service, housing, and economic needs of youth vic-
24 tims of domestic violence, dating violence, sexual as-
25 sult or stalking, including community-based sup-

1 ports such as schools, local health centers, commu-
2 nity action groups, and neighborhood coalitions to
3 identify, assess, and respond appropriately to the
4 varying needs of youth victims of dating violence,
5 domestic violence, sexual assault or stalking;

6 “(3) educate the staff of courts, domestic vio-
7 lence and sexual assault service providers, and, as
8 applicable, the staff of law enforcement agencies,
9 youth organizations, schools, healthcare providers
10 and other community prevention and intervention
11 programs to responsibly address youth victims and
12 perpetrators of domestic violence, dating violence,
13 sexual assault and stalking, and to understand rel-
14 evant laws, court procedures and policies; and

15 “(4) provide appropriate resources in juvenile
16 court matters to respond to dating violence, domestic
17 violence, sexual assault and stalking and assure nec-
18 essary services dealing with the health and mental
19 health of youth victims are available.

20 “(d) GRANT APPLICATIONS.—To be eligible for a
21 grant under this section, the entities that are members
22 of the applicant collaboration described in subsection
23 (b)(3) shall jointly submit an application to the Director
24 at such time, in such manner, and containing such infor-
25 mation as the Director may require.

1 “(e) PRIORITY.—In awarding grants under this sec-
2 tion, the Director shall give priority to entities that have
3 submitted applications in partnership with law enforce-
4 ment agencies and religious and community organizations
5 and service providers that work primarily with youth, es-
6 pecially teens, and who have demonstrated a commitment
7 to coalition building and cooperative problem solving in
8 dealing with problems of dating violence, domestic vio-
9 lence, sexual assault, and stalking in teen populations.

10 “(f) DISTRIBUTION.—In awarding grants under this
11 section—

12 “(1) not less than 10 percent of funds appro-
13 priated under this section in any year shall be avail-
14 able for grants to collaborations involving tribal
15 courts, tribal coalitions, tribal organizations, or do-
16 mestic violence or sexual assault service providers
17 the primary purpose of which is to provide culturally
18 relevant services to American Indian or Alaska Na-
19 tive women or youth;

20 “(2) the Attorney General shall not use more
21 than 2.5 percent of funds appropriated under this
22 section in any year for monitoring and evaluation of
23 grants made available under this section;

24 “(3) the Attorney General shall not use more
25 than 2.5 percent of funds appropriated under this

1 section in any year for administration of grants
2 made available under this section; and

3 “(4) up to 8 percent of funds appropriated
4 under this section in any year shall be available to
5 provide training, technical assistance, and data col-
6 lection for programs funded under this section.

7 “(g) REPORTS.—

8 “(1) REPORTS.—Each of the entities that are
9 members of the applicant collaboration described in
10 subsection (b)(3) and that receive a grant under this
11 section shall jointly prepare and submit a report to
12 the Attorney General every 18 months detailing the
13 activities that the entities have undertaken under
14 the grant and such additional information as the At-
15 torney General may require. Each such report shall
16 contain information on—

17 “(A) the activities implemented by the re-
18 cipients of the grants awarded under this sec-
19 tion; and

20 “(B) related initiatives undertaken by the
21 Director to promote attention to dating vio-
22 lence, domestic violence, sexual assault, and
23 stalking and their impact on young victims
24 by—

25 “(i) the staffs of courts;

1 “(ii) domestic violence, dating vio-
2 lence, sexual assault, and stalking service
3 providers; and

4 “(iii) law enforcement agencies and
5 community organizations.

6 “(h) AUTHORIZATION OF APPROPRIATIONS.—There
7 are authorized to be appropriated to carry out this section,
8 \$5,000,000 for each of fiscal years 2006 through 2010.”.

9 **SEC. 505. FULL FAITH AND CREDIT IMPROVEMENTS.**

10 (a) ENFORCEMENT OF PROTECTION ORDERS ISSUED
11 BY TERRITORIES.—Section 2265 of title 18, United
12 States Code, is amended—

13 (1) by striking “State or Indian tribe” each
14 place it appears and inserting “State, Indian tribe,
15 or territory”;

16 (2) by striking “State or tribal” each place it
17 appears and inserting “State, tribal, or territorial”;
18 and

19 (3) in subsection (a) by striking “State or
20 tribe” and inserting “State, Indian tribe, or terri-
21 tory”.

22 (b) CLARIFICATION OF ENTITIES HAVING ENFORCE-
23 MENT AUTHORITY AND RESPONSIBILITIES.—Section
24 2265(a) of title 18, United States Code, is amended by
25 striking “and enforced as if it were” and inserting “and

1 enforced by the court and law enforcement personnel of
2 the other State, Indian tribal government, or Territory as
3 if it were”.

4 (c) PROTECTION ORDERS.—Sections 2265 and 2266
5 of title 18, United States Code, are both amended by strik-
6 ing “protection order” each place it appears and inserting
7 “protection order, restraining order, or injunction”.

8 (d) DEFINITIONS.—Section 2266 of title 18, United
9 States Code, is amended by striking paragraph (5) and
10 inserting the following:

11 “(5) PROTECTION ORDER, RESTRAINING
12 ORDER, OR INJUNCTION.—The term ‘protection
13 order, restraining order, or injunction’ includes—

14 “(A) any injunction or other order issued
15 by a civil or criminal court for the purpose of
16 preventing violent or threatening acts or har-
17 assment against, sexual violence, or contact or
18 communication with or physical proximity to,
19 another person, including any temporary or
20 final order issued by a civil or criminal court
21 whether obtained by filing an independent ac-
22 tion or as a pendente lite order in another pro-
23 ceeding so long as any civil or criminal order
24 was issued in response to a complaint, petition,

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 issued
5 as part of a protection order, restraining order,
6 or injunction pursuant to State, tribal, terri-
7 torial, or local law authorizing the issuance of
8 protection orders, restraining orders, or injunc-
9 tions for the protection of victims of domestic
10 violence, sexual assault, dating violence, or
11 stalking.”.

12 **SEC. 506. PRIVACY PROTECTIONS FOR VICTIMS OF DOMES-**
13 **TIC VIOLENCE, DATING VIOLENCE, SEXUAL**
14 **VIOLENCE, AND STALKING.**

15 The Violence Against Women Act of 1994, as amend-
16 ed by this Act, is further amended by adding after subtitle
17 J (as added by section 504) the following:

18 **“Subtitle K—Privacy Protections**
19 **for Victims of Domestic Vio-**
20 **lence, Dating Violence, Sexual**
21 **Violence, and Stalking**

22 **“SEC. 41101. TASK FORCE.**

23 “The Attorney General shall establish a task force
24 to review and report on policies, procedures, and techno-
25 logical issues that may affect the privacy and confiden-

1 tiality of victims of domestic violence, dating violence,
2 stalking and sexual assault. The Attorney General shall
3 include representatives from States, tribes, territories, law
4 enforcement, court personnel, and private nonprofit orga-
5 nizations whose mission is to help develop a best practices
6 model to prevent personally identifying information of
7 adult, youth, and minor victims of domestic violence, dat-
8 ing violence, stalking and sexual assault from being re-
9 leased to the detriment of such victimized persons. The
10 Attorney General shall designate one staff member to
11 work with the task force. The Attorney General is author-
12 ized to make grants to develop a demonstration project
13 to implement the best practices identified by the Task
14 Force.

15 **“SEC. 41102. AUTHORIZATION OF APPROPRIATIONS.**

16 “(a) IN GENERAL.—There is authorized to be appro-
17 priated to carry out this subtitle \$1,000,000 for each of
18 fiscal years 2006 through 2010.

19 “(b) AVAILABILITY.—Amounts appropriated under
20 this section shall remain available until expended and may
21 only be used for the specific programs and activities de-
22 scribed in this subtitle.”.

23 **SEC. 507. STALKER DATABASE.**

24 Section 40603 of the Violence Against Women Act
25 of 1994 (42 U.S.C. 14032) is amended—

1 (1) by striking “2001” and inserting “2006”;

2 and

3 (2) by striking “2006” and inserting “2010”.

4 **SEC. 508. VICTIM ASSISTANTS FOR DISTRICT OF COLUMBIA.**

5 Section 40114 of the Violence Against Women Act
6 of 1994 is amended to read as follows:

7 **“SEC. 40114. AUTHORIZATION FOR FEDERAL VICTIM AS-**
8 **SISTANTS.**

9 “There are authorized to be appropriated to the At-
10 torney General for the purpose of appointing victim assist-
11 ants for the prosecution of sex crimes and domestic vio-
12 lence crimes where applicable (such as the District of Co-
13 lumbia), \$1,000,000 for each of fiscal years 2006 through
14 2010.”.

15 **SEC. 509. PREVENTING CYBERSTALKING.**

16 Section 2261A of title 18, United States Code, is
17 amended—

18 (1) in paragraph (1)—

19 (A) by inserting after “intimidate” the fol-
20 lowing: “, or places under surveillance with the
21 intent to kill, injure, harass, or intimidate,”; and

22 (B) by inserting after “or serious bodily in-
23 jury to,” the following: “or causes substantial
24 emotional harm to,”;

1 (2) in paragraph (2)(A), by striking “to kill or
2 injure” and inserting “to kill, injure, harass, or in-
3 timidate, or places under surveillance with the intent
4 to kill, injure, harass, or intimidate, or to cause sub-
5 stantial emotional harm to,”; and

6 (3) in paragraph (2), in the matter following
7 clause (iii) of subparagraph (B)—

8 (A) by inserting after “uses the mail” the
9 following: “, any interactive computer service,”;
10 and

11 (B) by inserting after “course of conduct
12 that” the following: “causes substantial emo-
13 tional harm to that person or”.

14 **SEC. 510. REPEAT OFFENDER PROVISION.**

15 Chapter 110A of title 18, United States Code, is
16 amended by adding after section 2265 the following:

17 **“§ 2265A. Repeat offender provision**

18 “The maximum term of imprisonment for a violation
19 of this chapter after a prior interstate domestic violence
20 offense (as defined in section 2261) or interstate violation
21 of protection order (as defined in section 2262) or inter-
22 state stalking (as defined in sections 2261A(a) and
23 2261A(b)) shall be twice the term otherwise provided for
24 the violation.”.

1 **SEC. 511. PROHIBITING DATING VIOLENCE.**

2 Section 2261(a) of title 18, United States Code, is
3 amended—

4 (1) in paragraph (1), by striking “or intimate
5 partner” both places such term appears and insert-
6 ing “, intimate partner, or dating partner”; and

7 (2) in paragraph (2), by striking “or intimate
8 partner” both places such term appears and insert-
9 ing “, intimate partner, or dating partner”.

10 **SEC. 512. GAO STUDY AND REPORT.**

11 (a) **STUDY REQUIRED.**—The Comptroller General
12 shall conduct a study to establish the extent to which men,
13 women, youth, and children are victims of domestic vio-
14 lence, dating violence, sexual assault, and stalking and the
15 availability to all victims of shelter, counseling, legal rep-
16 resentation, and other services commonly provided to vic-
17 tims of domestic violence.

18 (b) **ACTIVITIES UNDER STUDY.**—In conducting the
19 study, the following shall apply:

20 (1) **CRIME STATISTICS.**—The Comptroller Gen-
21 eral shall not rely only on crime statistics, but may
22 also use existing research available, including public
23 health studies and academic studies.

24 (2) **SURVEY.**—The Comptroller General shall
25 survey the Department of Justice, as well as any re-

1 recipients of Federal funding for any purpose or an
2 appropriate sampling of recipients, to determine—

3 (A) what services are provided to victims
4 of domestic violence, dating violence, sexual as-
5 sault, and stalking;

6 (B) whether those services are made avail-
7 able to youth, child, female, and male victims;
8 and

9 (C) the number, age, and gender of victims
10 receiving each available service.

11 (c) REPORT.—Not later than 1 year after the date
12 of the enactment of this Act, the Comptroller General shall
13 submit to Congress a report on the activities carried out
14 under this section.

15 **TITLE VI—IMPROVING SERVICES**
16 **FOR VICTIMS OF DOMESTIC**
17 **VIOLENCE, DATING VIO-**
18 **LENCE, SEXUAL ASSAULT,**
19 **AND STALKING**

20 **SEC. 601. TECHNICAL AMENDMENT TO VIOLENCE AGAINST**
21 **WOMEN ACT.**

22 Section 2001 of the Omnibus Crime Control and Safe
23 Streets Act of 1968 (42 U.S.C. 3796gg) is amended by
24 adding at the end the following:

1 “(e) USE OF FUNDS.—Funds appropriated for
2 grants under this part may be used only for the specific
3 programs and activities expressly described in this part.”.

4 **SEC. 602. SEXUAL ASSAULT SERVICES PROGRAM.**

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 2013 (as added by section 501
8 of this Act) the following:

9 **“SEC. 2014. SEXUAL ASSAULT SERVICES PROGRAM.**

10 “(a) PURPOSES.—The purposes of this section are—

11 “(1) to assist States, tribes, and territories in
12 providing intervention, advocacy, accompaniment,
13 support services, and related assistance for—

14 “(A) adult, youth, and minor victims of
15 sexual assault;

16 “(B) family and household members of
17 such victims; and

18 “(C) those collaterally affected by the vic-
19 timization except for the perpetrator of such
20 victimization; and

21 “(2) to provide for training, technical assist-
22 ance, and data collection relating to sexual assault
23 to—

1 “(A) Federal, State, tribal, territorial and
2 local governments, law enforcement agencies,
3 and courts;

4 “(B) professionals working in legal, social
5 service, and health care settings;

6 “(C) nonprofit organizations;

7 “(D) faith-based organizations; and

8 “(E) other individuals and organizations
9 seeking such assistance.

10 “(b) GRANTS TO STATES AND TERRITORIES.—

11 “(1) GRANTS AUTHORIZED.—The Attorney
12 General shall award grants to States and territories
13 to support the establishment, maintenance, and ex-
14 pansion of rape crisis centers and other programs
15 and projects to assist those victimized by sexual as-
16 sault.

17 “(2) ALLOCATION AND USE OF FUNDS.—

18 “(A) ADMINISTRATIVE COSTS.—Not more
19 than 5 percent of the grant funds received by
20 a State or territory governmental agency under
21 this subsection for any fiscal year may be used
22 for administrative costs.

23 “(B) GRANT FUNDS.—Any funds received
24 by a State or territory under this subsection
25 that are not used for administrative costs shall

1 be used to provide grants to rape crisis centers
2 and other nonprofit, nongovernmental organiza-
3 tions for programs and activities within such
4 State or territory that provide direct interven-
5 tion and related assistance and that provide
6 training, technical assistance, and data collec-
7 tion.

8 “(C) INTERVENTION AND RELATED AS-
9 SISTANCE.—Intervention and related assistance
10 under subparagraph (B) may include—

11 “(i) 24 hour hotline services providing
12 crisis intervention services and referral;

13 “(ii) accompaniment and advocacy
14 through medical, criminal justice, and so-
15 cial support systems, including medical fa-
16 cilities, police, and court proceedings;

17 “(iii) crisis intervention, short-term
18 individual and group support services, and
19 comprehensive service coordination, and
20 supervision to assist sexual assault victims
21 and family or household members;

22 “(iv) support mechanisms that are
23 culturally relevant to the community;

1 “(v) information and referral to assist
2 the sexual assault victim and family or
3 household members;

4 “(vi) community-based, linguistically,
5 and culturally-specific service including
6 outreach activities for racial and ethnic
7 and other underserved populations and
8 linkages to existing services in these popu-
9 lations; and

10 “(vii) the development and distribu-
11 tion of educational materials on issues re-
12 lated to sexual assault and the services de-
13 scribed in clauses (i) through (vii).

14 “(3) APPLICATION.—

15 “(A) IN GENERAL.—Each eligible entity
16 desiring a grant under this subsection shall
17 submit an application to the Attorney General
18 at such time and in such manner as the Attor-
19 ney General may reasonably require.

20 “(B) CONTENTS.—Each application sub-
21 mitted under subparagraph (A) shall—

22 “(i) set forth procedures designed to
23 assure meaningful involvement of the State
24 or territorial sexual assault coalition and
25 representatives from racial and ethnic and

1 other underserved populations in the devel-
2 opment of the application and the imple-
3 mentation of the plans;

4 “(ii) set forth procedures designed to
5 ensure an equitable distribution of grants
6 and grant funds within the State or terri-
7 tory and between urban and rural areas
8 within such State or territory;

9 “(iii) identify the State or territorial
10 agency that is responsible for the adminis-
11 tration of programs and activities; and

12 “(iv) meet other such requirements as
13 the Attorney General reasonably deter-
14 mines are necessary to carry out the pur-
15 poses and provisions of this section.

16 “(4) REPORTING.—Each State and territory re-
17 ceiving a grant under this subsection shall submit an
18 annual report to the Attorney General that describes
19 the activities carried out with such grant funds.

20 “(5) ALLOCATION OF FUNDS.—The Attorney
21 General shall allocate to each State, to the District
22 of Columbia, and to the Commonwealth of Puerto
23 Rico not less than 0.50 percent of the total amount
24 so appropriated in a fiscal year for grants under this
25 section, except that the United States Virgin Is-

1 lands, American Samoa, Guam, and the Common-
2 wealth of the Northern Mariana Islands shall each
3 be allocated 0.125 percent of the total appropria-
4 tions.

5 “(c) GRANTS FOR CULTURALLY SPECIFIC PROGRAMS
6 ADDRESSING SEXUAL ASSAULT.—

7 “(1) GRANTS AUTHORIZED.—The Attorney
8 General shall award grants to eligible entities to
9 support the establishment, maintenance, and expan-
10 sion of culturally specific intervention and related
11 assistance for victims of sexual assault.

12 “(2) ELIGIBLE ENTITIES.—To be eligible to re-
13 ceive a grant under this section, an entity shall—

14 “(A) be a private nonprofit organization
15 that focuses primarily on racial and ethnic com-
16 munities;

17 “(B) must have documented organizational
18 experience in the area of sexual assault inter-
19 vention or have entered into a partnership with
20 an organization having such expertise;

21 “(C) have expertise in the development of
22 community-based, linguistically and culturally
23 specific outreach and intervention services rel-
24 evant for the specific racial and ethnic commu-
25 nities to whom assistance would be provided or

1 have the capacity to link to existing services in
2 the community tailored to the needs of racial
3 and ethnic populations; and

4 “(D) have an advisory board or steering
5 committee and staffing which is reflective of the
6 targeted racial and ethnic community.

7 “(3) USE OF FUNDS.—Funds appropriated
8 under this section may be used only for the purposes
9 described in this section.

10 “(4) AWARD BASIS.—The Attorney General
11 shall award grants under this section on a competi-
12 tive basis.

13 “(5) DISTRIBUTION.—

14 “(A) The Attorney General shall not use
15 more than the 2.5 percent of funds appro-
16 priated under this subsection in any year for
17 administration, monitoring, and evaluation of
18 grants made available under this subsection.

19 “(B) Up to 5 percent of funds appro-
20 priated under this section in any year shall be
21 available for training, technical assistance, and
22 data collection by a national organization or or-
23 ganizations whose primary focus and expertise
24 is in addressing sexual assault within racial and
25 ethnic communities.

1 “(6) TERM.—The Attorney General shall make
2 grants under this section for a period of no less than
3 3 fiscal years.

4 “(7) REPORTING.—Each entity receiving a
5 grant under this subsection shall submit a report to
6 the Attorney General that describes the activities out
7 with such grant funds.

8 “(d) GRANTS TO STATE, TERRITORIAL, AND TRIBAL
9 SEXUAL ASSAULT COALITIONS.—

10 “(1) GRANTS AUTHORIZED.—

11 “(A) IN GENERAL.—The Attorney General
12 shall award grants to State, territorial, and
13 tribal sexual assault coalitions to assist in sup-
14 porting the establishment, maintenance, and ex-
15 pansion of such coalitions.

16 “(B) MINIMUM AMOUNT.—Not less than
17 10 percent of the total amount appropriated to
18 carry out this section shall be used for grants
19 under subparagraph (A).

20 “(C) ELIGIBLE APPLICANTS.—Each of the
21 State, territorial, and tribal sexual assault coal-
22 tions as determined by the National Center for
23 Injury Prevention and Control in collaboration
24 with the Violence Against Women Office of the
25 Department of Justice.

1 “(2) USE OF FUNDS.—Grant funds received
2 under this subsection may be used to—

3 “(A) work with local sexual assault pro-
4 grams and other providers of direct services to
5 encourage appropriate responses to sexual as-
6 sault within the State, territory, or tribe;

7 “(B) work with judicial and law enforce-
8 ment agencies to encourage appropriate re-
9 sponses to sexual assault cases;

10 “(C) work with courts, child protective
11 services agencies, and children’s advocates to
12 develop appropriate responses to child custody
13 and visitation issues when sexual assault has
14 been determined to be a factor;

15 “(D) design and conduct public education
16 campaigns;

17 “(E) plan and monitor the distribution of
18 grants and grant funds to their State, territory,
19 or tribe; or

20 “(F) collaborate with and inform Federal,
21 State, or local public officials and agencies to
22 develop and implement policies to reduce or
23 eliminate sexual assault.

1 “(3) ALLOCATION AND USE OF FUNDS.—From
2 amounts appropriated for grants under this sub-
3 section for each fiscal year—

4 “(A) not less than 10 percent of the funds
5 shall be available for grants to tribal sexual as-
6 sault coalitions;

7 “(B) the remaining funds shall be available
8 for grants to State and territorial coalitions,
9 and the Attorney General shall allocate an
10 amount equal to $\frac{1}{56}$ of the amounts so appro-
11 priated to the Territories as defined in section
12 4002(a)(20) of this Act.

13 “(4) APPLICATION.—Each eligible entity desir-
14 ing a grant under this subsection shall submit an
15 application to the Attorney General at such time, in
16 such manner, and containing by such information as
17 the Attorney General determines to be essential to
18 carry out the purposes of this section.

19 “(5) REPORTING.—Each State or territorial
20 sexual assault coalition receiving a grant under this
21 subsection shall submit a report to the Attorney
22 General that describes activities carried out with
23 such grant funds.

24 “(6) FIRST-TIME APPLICANTS.—No entity shall
25 be prohibited from submitting an application under

1 this subsection during any fiscal year for which
2 funds are available under this subsection because
3 such entity has not previously applied or received
4 funding under this subsection.

5 “(e) GRANTS TO TRIBES.—

6 “(1) GRANTS AUTHORIZED.—The Attorney
7 General may award grants to Indian tribes, tribal
8 organizations, and nonprofit tribal organizations ap-
9 proved by an Indian tribe for the operation of a sex-
10 ual assault programs or projects in Indian country
11 and Alaskan native villages to support the establish-
12 ment, maintenance, and expansion of programs and
13 projects to assist those victimized by sexual assault.

14 “(2) ALLOCATION AND USE OF FUNDS.—

15 “(A) ADMINISTRATIVE COSTS.—Not more
16 than 5 percent of the grant funds received by
17 an Indian tribe, tribal organization, and non-
18 profit tribal organization under this subsection
19 for any fiscal year may be used for administra-
20 tive costs.

21 “(B) GRANT FUNDS.—Any funds received
22 under this subsection that are not used for ad-
23 ministrative costs shall be used to provide
24 grants to tribal organizations and nonprofit
25 tribal organizations for programs and activities

1 within Indian country and Alaskan native vil-
2 lages that provide direct intervention and re-
3 lated assistance.

4 “(C) INTERVENTION AND RELATED AS-
5 SISTANCE.—Intervention and related assistance
6 under subparagraph (B) may include—

7 “(i) 24-hour hotline services providing
8 crisis intervention services and referral;

9 “(ii) accompaniment and advocacy
10 through medical, criminal justice, and so-
11 cial support systems, including medical fa-
12 cilities, police, and court proceedings;

13 “(iii) crisis intervention, short-term
14 individual and group support services, and
15 case management and supervision to assist
16 sexual assault victims and family or house-
17 hold members;

18 “(iv) information and referral to as-
19 sist the sexual assault victim and family or
20 household members;

21 “(v) support mechanisms that are cul-
22 turally relevant to the community;

23 “(vi) collaborating with and informing
24 public officials and agencies in order to de-

1 velop and implement policies to reduce or
2 eliminate sexual assault; and

3 “(vii) the development and distribu-
4 tion of educational materials on issues re-
5 lated to sexual assault and the services de-
6 scribed in clauses (i) through (vi).

7 “(3) REPORTING.—Each tribe receiving a grant
8 under this subsection shall submit an annual report
9 to the Attorney General that describes the activities
10 carried out with such grant funds.

11 “(f) AUTHORIZATION OF APPROPRIATIONS.—

12 “(1) IN GENERAL.—There are authorized to be
13 appropriated \$60,000,000 for each of the fiscal
14 years 2006 through 2010 to carry out the provisions
15 of this section. Any amounts so appropriated shall
16 remain available until expended.

17 “(2) ALLOCATIONS.—Of the total amounts ap-
18 propriated for each fiscal year to carry out this sec-
19 tion—

20 “(A) not more than 2.5 percent shall be
21 used by the Attorney General for evaluation,
22 monitoring, and other administrative costs
23 under this section;

24 “(B) not more than 2.5 percent shall be
25 used for the provision of training, technical as-

1 sistance, and data collection to grantees and
2 subgrantees under this section;

3 “(C) not less than 65 percent shall be used
4 for grants to States and territories under sub-
5 section (b);

6 “(D) not less than 10 percent shall be used
7 for making grants to State, territorial, and trib-
8 al sexual assault coalitions under subsection (c);

9 “(E) not less than 10 percent shall be used
10 for grants to tribes under subsection (d); and

11 “(F) not less than 10 percent shall be used
12 for grants for culturally specific programs ad-
13 dressing sexual assault under subsection (c).”.

14 **SEC. 603. AMENDMENTS TO THE RURAL DOMESTIC VIO-**
15 **LENCE AND CHILD ABUSE ENFORCEMENT AS-**
16 **SISTANCE PROGRAM.**

17 Section 40295 of the Violence Against Women Act
18 of 1994 (42 U.S.C. 13971) is amended to read as follows:

19 **“SEC. 40295. RURAL DOMESTIC VIOLENCE, DATING VIO-**
20 **LENCE, SEXUAL ASSAULT, STALKING, AND**
21 **CHILD ABUSE ENFORCEMENT ASSISTANCE.**

22 “(a) PURPOSES.—The purposes of this section are—

23 “(1) to identify, assess, and appropriately re-
24 spond to adult, youth, and minor domestic violence,
25 sexual assault, dating violence, and stalking in rural

1 communities, by encouraging collaboration be-
2 tween—

3 “(A) domestic violence, dating violence,
4 sexual assault, and stalking victim service pro-
5 viders;

6 “(B) law enforcement agencies;

7 “(C) prosecutors;

8 “(D) courts;

9 “(E) other criminal justice service pro-
10 viders;

11 “(F) human and community service pro-
12 viders;

13 “(G) educational institutions; and

14 “(H) health care providers;

15 “(2) to establish and expand nonprofit, non-
16 governmental, State, tribal, and local government
17 services in rural communities to adult, youth, and
18 minor victims; and

19 “(3) to increase the safety and well-being of
20 women and children in rural communities, by—

21 “(A) dealing directly and immediately with
22 domestic violence, sexual assault, dating vio-
23 lence, and stalking occurring in rural commu-
24 nities; and

1 “(B) creating and implementing strategies
2 to increase awareness and prevent domestic vio-
3 lence, sexual assault, dating violence, and stalk-
4 ing.

5 “(b) GRANTS AUTHORIZED.—The Attorney General,
6 acting through the Director of the Office on Violence
7 Against Women (referred to in this section as the ‘Direc-
8 tor’), may award 3-year grants, with a possible extension
9 for an additional 3 years, to States, Indian tribes, local
10 governments, and nonprofit, public or private entities, in-
11 cluding tribal nonprofit organizations, to carry out pro-
12 grams serving rural areas or rural communities that ad-
13 dress domestic violence, dating violence, sexual assault,
14 and stalking by—

15 “(1) implementing, expanding, and establishing
16 cooperative efforts and projects between law enforce-
17 ment officers, prosecutors, victim advocacy groups,
18 and other related parties to investigate and pros-
19 ecute incidents of domestic violence, dating violence,
20 sexual assault, and stalking;

21 “(2) providing treatment, counseling, and other
22 long- and short-term assistance to adult, youth, and
23 minor victims of domestic violence, dating violence,
24 sexual assault, and stalking in rural communities;
25 and

1 “(3) working in cooperation with the commu-
2 nity to develop education and prevention strategies
3 directed toward such issues.

4 “(c) USE OF FUNDS.—Funds appropriated pursuant
5 to this section shall be used only for specific programs and
6 activities expressly described in subsection (a).

7 “(d) ALLOTMENTS AND PRIORITIES.—

8 “(1) ALLOTMENT FOR INDIAN TRIBES.—Not
9 less than 10 percent of the total amount made avail-
10 able for each fiscal year to carry out this section
11 shall be allocated for grants to Indian tribes or trib-
12 al organizations.

13 “(2) ALLOTMENT FOR SEXUAL ASSAULT SERV-
14 ICES.—

15 “(A) IN GENERAL.—Not less than 25 per-
16 cent of the total amount made available for
17 each fiscal year to carry out this section shall
18 be allocated for grants that meaningfully ad-
19 dress sexual assault in rural communities, ex-
20 cept as provided in subparagraph (B).

21 “(B) ESCALATION.—The percentage re-
22 quired by subparagraph (A) shall be—

23 “(i) 30 percent, for any fiscal year for
24 which \$45,000,000 or more is made avail-
25 able to carry out this section;

1 “(ii) 35 percent, for any fiscal year
2 for which \$50,000,000 or more is made
3 available to carry out this section; or

4 “(iii) 40 percent, for any fiscal year
5 for which \$55,000,000 or more is made
6 available to carry out this section.

7 “(C) SAVINGS CLAUSE.—Nothing in this
8 paragraph shall prohibit an applicant from ap-
9 plying for funding to address domestic violence,
10 dating violence, sexual assault, or stalking, sep-
11 arately or in combination, in the same applica-
12 tion.

13 “(D) REPORT TO CONGRESS.—The Attor-
14 ney General shall, on an annual basis, submit
15 to Congress a report on the effectiveness of the
16 set-aside for sexual assault services. The report
17 shall include any recommendations of the Attor-
18 ney General with respect to the rural grant pro-
19 gram.

20 “(3) ALLOTMENT FOR TRAINING, TECHNICAL
21 ASSISTANCE, AND DATA COLLECTION.—Of the
22 amounts appropriated for each fiscal year to carry
23 out this section, not more than 8 percent may be
24 used by the Director for training, technical assist-
25 ance, and data collection costs. Of the amounts so

1 used, not less than 25 percent shall be available to
2 nonprofit, nongovernmental organizations whose
3 focus and expertise is in addressing sexual assault to
4 provide training, technical assistance, and data col-
5 lection with respect to sexual assault grantees.

6 “(4) UNDERSERVED POPULATIONS.—In award-
7 ing grants under this section, the Director shall give
8 priority to the needs of racial and ethnic and other
9 underserved populations (as defined in section
10 2000B of the Omnibus Crime Control and Safe
11 Streets Act of 1968).

12 “(e) AUTHORIZATION OF APPROPRIATIONS.—

13 “(1) IN GENERAL.—There are authorized to be
14 appropriated \$55,000,000 for each of the fiscal
15 years 2006 through 2010 to carry out this section.

16 “(2) ADDITIONAL FUNDING.—In addition to
17 funds received through a grant under subsection (b),
18 a law enforcement agency may use funds received
19 through a grant under part Q of title I of the Omni-
20 bus Crime Control and Safe Streets Act of 1968 (42
21 U.S.C. 3796dd et seq.) to accomplish the objectives
22 of this section.”.

23 **SEC. 604. ASSISTANCE FOR VICTIMS OF ABUSE.**

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 2014 (as added by section 602
2 of this Act) the following:

3 **“SEC. 2015. ASSISTANCE FOR VICTIMS OF ABUSE.**

4 “(a) GRANTS AUTHORIZED.—The Attorney General
5 may award grants to appropriate entities—

6 “(1) to provide services for victims of domestic
7 violence, abuse by caregivers, and sexual assault who
8 are 50 years of age or older;

9 “(2) to improve the physical accessibility of ex-
10 isting buildings in which services are or will be ren-
11 dered for victims of domestic violence and sexual as-
12 sault who are 50 years of age or older;

13 “(3) to provide training, consultation, and in-
14 formation on abuse by caregivers, domestic violence,
15 dating violence, stalking, and sexual assault against
16 individuals with disabilities (as defined in section 3
17 of the Americans with Disabilities Act of 1990 (42
18 U.S.C. 12102)), and to enhance direct services to
19 such individuals;

20 “(4) for training programs to assist law en-
21 forcement officers, prosecutors, governmental agen-
22 cies, victim assistants, and relevant officers of Fed-
23 eral, State, tribal, territorial, and local courts in rec-
24 ognizing, addressing, investigating, and prosecuting
25 instances of adult, youth, or minor domestic vio-

1 lence, dating violence, sexual assault, stalking, elder
2 abuse, and violence against individuals with disabili-
3 ties, including domestic violence and sexual assault,
4 against older or disabled individuals; and

5 “(5) for multidisciplinary collaborative commu-
6 nity responses to victims.

7 “(b) USE OF FUNDS.—Grant funds under this sec-
8 tion may be used—

9 “(1) to implement or expand programs or serv-
10 ices to respond to the needs of persons 50 years of
11 age or older who are victims of domestic violence,
12 dating violence, sexual assault, stalking, or elder
13 abuse;

14 “(2) to provide personnel, training, technical
15 assistance, data collection, advocacy, intervention,
16 risk reduction and prevention of domestic violence,
17 dating violence, stalking, and sexual assault against
18 disabled individuals;

19 “(3) to conduct outreach activities to ensure
20 that disabled individuals who are victims of domestic
21 violence, dating violence, stalking, or sexual assault
22 receive appropriate assistance;

23 “(4) to conduct cross-training for victim service
24 organizations, governmental agencies, and nonprofit,
25 nongovernmental organizations serving individuals

1 with disabilities; about risk reduction, intervention,
2 prevention and the nature of dynamic of domestic vi-
3 olence, dating violence, stalking, and sexual assault
4 for disabled individuals;

5 “(5) to provide training, technical assistance,
6 and data collection to assist with modifications to
7 existing policies, protocols, and procedures to ensure
8 equal access to the services, programs, and activities
9 of victim service organizations for disabled individ-
10 uals;

11 “(6) to provide training, technical assistance,
12 and data collection on the requirements of shelters
13 and victim services organizations under Federal
14 antidiscrimination laws, including—

15 “(A) the Americans with Disabilities Act of
16 1990; and

17 “(B) section 504 of the Rehabilitation Act
18 of 1973;

19 “(7) to purchase equipment, and provide per-
20 sonnel so that shelters and victim service organiza-
21 tions can accommodate the needs of disabled individ-
22 uals;

23 “(8) to provide advocacy and intervention serv-
24 ices for disabled individuals who are victims of do-

1 mestic violence, dating violence, stalking, or sexual
2 assault through collaborative partnerships between—

3 “(A) nonprofit, nongovernmental agencies;

4 “(B) governmental agencies serving indi-
5 viduals with disabilities; and

6 “(C) victim service organizations; or

7 “(9) to develop model programs providing advo-
8 cacy and intervention services within organizations
9 serving disabled individuals who are victims of do-
10 mestic violence, dating violence, sexual assault, or
11 stalking.

12 “(c) ELIGIBLE ENTITIES.—

13 “(1) IN GENERAL.—An entity shall be eligible
14 to receive a grant under this section if the entity
15 is—

16 “(A) a State;

17 “(B) a unit of local government;

18 “(C) a nonprofit, nongovernmental organi-
19 zation such as a victim services organization, an
20 organization serving individuals with disabilities
21 or a community-based organization; and

22 “(D) a religious organization.

23 “(2) LIMITATION.—A grant awarded for the
24 purposes described in subsection (b) (9) shall be
25 awarded only to an eligible agency (as defined in

1 section 410 of the Rehabilitation Act of 1973 (29
2 U.S.C. 796f—5)).

3 “(d) APPLICATION.—An eligible entity desiring a
4 grant under this section shall submit an application to the
5 Attorney General at such time, in such manner, and con-
6 taining such information as the Attorney General may re-
7 quire.

8 “(e) REPORTING.—Not later than 1 year after the
9 last day of the first fiscal year commencing on or after
10 the date of enactment of this Act, and not later than 180
11 days after the last day of each fiscal year thereafter, the
12 Attorney General shall submit to Congress a report evalu-
13 ating the effectiveness of programs administered and oper-
14 ated pursuant to this section.

15 “(f) AUTHORIZATION OF APPROPRIATIONS.—There
16 are authorized to be appropriated \$20,500,000 for each
17 of the fiscal years 2006 through 2010 to carry out this
18 section.”.

19 **SEC. 605. GAO STUDY OF NATIONAL DOMESTIC VIOLENCE**
20 **HOTLINE.**

21 (a) STUDY REQUIRED.—Not later than 6 months
22 after the date of enactment of this Act, the Comptroller
23 General shall conduct a study of the National Domestic
24 Violence Hotline to determine the effectiveness of the Hot-
25 line in assisting victims of domestic violence.

1 (b) ISSUES TO BE STUDIED.—In conducting the
2 study under subsection (a), the Comptroller General
3 shall—

4 (1) compile statistical and substantive informa-
5 tion about calls received by the Hotline since its in-
6 ception, or a representative sample of such calls,
7 while maintaining the confidentiality of Hotline call-
8 ers;

9 (2) interpret the data compiled under para-
10 graph (1)—

11 (A) to determine the trends, gaps in serv-
12 ices, and geographical areas of need; and

13 (B) to assess the trends and gaps in serv-
14 ices to underserved populations and the military
15 community; and

16 (3) gather other important information about
17 domestic violence.

18 (c) REPORT.—Not later than 3 years after the date
19 of enactment of this Act, the Comptroller General shall
20 submit to Congress a report on the results of the study.

21 **SEC. 606. GRANTS FOR OUTREACH TO UNDERSERVED POP-**
22 **ULATIONS.**

23 (a) GRANTS AUTHORIZED.—

24 (1) IN GENERAL.—From amounts made avail-
25 able to carry out this section, the Attorney General,

1 acting through the Director of the Office on Violence
2 Against Women, shall award grants to eligible enti-
3 ties described in subsection (b) to carry out local, re-
4 gional, or national public information campaigns fo-
5 cused on addressing adult, youth, or minor domestic
6 violence, dating violence, sexual assault, stalking, or
7 trafficking within tribal, racial, and ethnic popu-
8 lations and immigrant communities, including infor-
9 mation on services available to victims and ways to
10 prevent or reduce domestic violence, dating violence,
11 sexual assault, and stalking.

12 (2) TERM.—The Attorney General shall award
13 grants under this section for a period of 1 fiscal
14 year.

15 (b) ELIGIBLE ENTITIES.—Eligible entities under this
16 section are—

17 (1) nonprofit, nongovernmental organizations or
18 coalitions that represent the targeted tribal, racial,
19 and ethnic populations or immigrant community
20 that—

21 (A) have a documented history of creating
22 and administering effective public awareness
23 campaigns addressing domestic violence, dating
24 violence, sexual assault, and stalking; or

1 (B) work in partnership with an organiza-
2 tion that has a documented history of creating
3 and administering effective public awareness
4 campaigns addressing domestic violence, dating
5 violence, sexual assault, and stalking; or

6 (2) a governmental entity that demonstrates a
7 partnership with organizations described in para-
8 graph (1).

9 (c) ALLOCATION OF FUNDS.—Of the amounts appro-
10 priated for grants under this section—

11 (1) not more than 20 percent shall be used for
12 national model campaign materials targeted to spe-
13 cific tribal, racial, or ethnic populations or immi-
14 grant community, including American Indian tribes
15 and Alaskan native villages for the purposes of re-
16 search, testing, message development, and prepara-
17 tion of materials; and

18 (2) the balance shall be used for not less than
19 10 State, regional, territorial, tribal, or local cam-
20 paigns targeting specific communities with informa-
21 tion and materials developed through the national
22 campaign or, if appropriate, new materials to reach
23 an underserved population or a particularly isolated
24 community.

1 (d) USE OF FUNDS.—Funds appropriated under this
2 section shall be used to conduct a public information cam-
3 paign and build the capacity and develop leadership of ra-
4 cial, ethnic populations, or immigrant community mem-
5 bers to address domestic violence, dating violence, sexual
6 assault, and stalking.

7 (e) APPLICATION.—An eligible entity desiring a grant
8 under this section shall submit an application to the Direc-
9 tor of the Office on Violence Against Women at such time,
10 in such form, and in such manner as the Director may
11 prescribe.

12 (f) CRITERIA.—In awarding grants under this sec-
13 tion, the Attorney General shall ensure—

14 (1) reasonable distribution among eligible
15 grantees representing various racial, ethnic, and im-
16 migrant communities;

17 (2) reasonable distribution among State, re-
18 gional, territorial, tribal, and local campaigns;

19 (3) that not more than 8 percent of the total
20 amount appropriated under this section for each fis-
21 cal year is set aside for training, technical assist-
22 ance, and data collection.

23 (g) REPORTS.—Each eligible entity receiving a grant
24 under this section shall submit to the Director of the Of-

1 fice of Violence Against Women, every 18 months, a report
 2 that describes the activities carried out with grant funds.

3 (h) AUTHORIZATION OF APPROPRIATIONS.—There
 4 are authorized to be appropriated to carry out this section
 5 \$2,000,000 for each of fiscal years 2006 through 2010.

6 **TITLE VII—SERVICES, PROTEC-**
 7 **TION, AND JUSTICE FOR**
 8 **YOUNG VICTIMS OF VIO-**
 9 **LLENCE**

10 **SEC. 701. SERVICES AND JUSTICE FOR YOUNG VICTIMS OF**
 11 **VIOLENCE.**

12 The Violence Against Women Act of 1994 is amended
 13 by adding after subtitle K (as added by section 506) the
 14 following:

15 **“Subtitle L—Services, Education,**
 16 **Protection and Justice for**
 17 **Young Victims of Violence**

18 **“SEC. 41201. GRANTS FOR TRAINING AND COLLABORATION**
 19 **ON THE INTERSECTION BETWEEN DOMESTIC**
 20 **VIOLENCE AND CHILD MALTREATMENT.**

21 “(a) PURPOSE.—The purpose of this section is to
 22 support efforts by domestic violence or dating violence vic-
 23 tim services providers, courts, law enforcement, child wel-
 24 fare agencies, and other related professionals and commu-
 25 nity organizations to develop collaborative responses and

1 services and provide cross-training to enhance community
2 responses to families where there is both child maltreat-
3 ment and domestic violence.

4 “(b) GRANTS AUTHORIZED.—The Attorney General,
5 through the Violence Against Women Office, shall award
6 grants on a competitive basis to eligible entities for the
7 purposes and in the manner described in this section.

8 “(c) AUTHORIZATION OF APPROPRIATIONS.—There
9 are authorized to be appropriated to carry out this section
10 \$8,000,000 for each of fiscal years 2006 through 2010.
11 Funds appropriated under this section shall remain avail-
12 able until expended. Of the amounts appropriated to carry
13 out this section for each fiscal year, the Attorney General
14 shall—

15 “(1) use not more than 3 percent for evalua-
16 tion, monitoring, site visits, grantee conferences, and
17 other administrative costs associated with con-
18 ducting activities under this section;

19 “(2) set aside not more than 10 percent for
20 grants to programs addressing child maltreatment
21 and domestic violence or dating violence that are op-
22 erated by, or in partnership with, a tribal organiza-
23 tion; and

24 “(3) set aside up to 8 percent for training and
25 technical assistance, to be provided—

1 “(A) to organizations that are establishing
2 or have established collaborative responses and
3 services; and

4 “(B) by organizations having demonstrated
5 expertise in developing collaborative community
6 and system responses to families in which there
7 is both child maltreatment and domestic vio-
8 lence or dating violence, whether or not they
9 are receiving funds under this section.

10 “(d) **UNDERSERVED POPULATIONS.**—In awarding
11 grants under this section, the Attorney General shall con-
12 sider the needs of racial and ethnic and other underserved
13 populations (as defined in section 2000B of the Omnibus
14 Crime Control and Safe Streets Act of 1968).

15 “(e) **GRANT AWARDS.**—The Attorney General shall
16 award grants under this section for periods of not more
17 than 3 fiscal years.

18 “(f) **USES OF FUNDS.**—Entities receiving grants
19 under this section shall use amounts provided to develop
20 collaborative responses and services and provide cross-
21 training to enhance community responses to families
22 where there is both child maltreatment and domestic vio-
23 lence or dating violence. Amounts distributed under this
24 section may only be used for programs and activities de-
25 scribed in subsection (g).

1 “(g) PROGRAMS AND ACTIVITIES.—The programs
2 and activities developed under this section shall—

3 “(1) encourage cross training, education, serv-
4 ice development, and collaboration among child wel-
5 fare agencies, domestic violence victim service pro-
6 viders, and courts, law enforcement agencies, com-
7 munity-based programs, and other entities, in order
8 to ensure that such entities have the capacity to and
9 will identify, assess, and respond appropriately to—

10 “(A) domestic violence or dating violence
11 in homes where children are present and may
12 be exposed to the violence;

13 “(B) domestic violence or dating violence
14 in child protection cases; and

15 “(C) the needs of both the child and non-
16 abusing parent;

17 “(2) establish and implement policies, proce-
18 dures, programs, and practices for child welfare
19 agencies, domestic violence victim service providers,
20 courts, law enforcement agencies, and other entities,
21 that are consistent with the principles of protecting
22 and increasing the immediate and long-term safety
23 and well being of children and non-abusing parents
24 and caretakers by—

1 “(A) increasing the safety, autonomy, ca-
2 pacity, and financial security of non-abusing
3 parents or caretakers, including developing
4 service plans and utilizing community-based
5 services that provide resources and support to
6 non-abusing parents;

7 “(B) protecting the safety, security, and
8 well-being of children by preventing their un-
9 necessary removal from a non-abusing parent,
10 or, in cases where removal of the child is nec-
11 essary to protect the child’s safety, taking the
12 necessary steps to provide appropriate and com-
13 munity-based services to the child and the non-
14 abusing parent to promote the safe and appro-
15 priately prompt reunification of the child with
16 the non-abusing parent;

17 “(C) recognizing the relationship between
18 child maltreatment and domestic violence or
19 dating violence in a family, as well as the im-
20 pact of and danger posed by the perpetrators’
21 behavior on adult, youth, and minor victims;
22 and

23 “(D) holding adult, youth, and minor per-
24 petrators of domestic violence or dating vio-
25 lence, not adult, youth, and minor victims of

1 abuse or neglect, accountable for stopping the
2 perpetrators' abusive behaviors, including the
3 development of separate service plans, court fil-
4 ings, or community-based interventions where
5 appropriate;

6 “(3) increase cooperation and enhance linkages
7 between child welfare agencies, domestic violence vic-
8 tim service providers, courts (including family, crimi-
9 nal, juvenile courts, or tribal courts), law enforce-
10 ment agencies, and other entities to provide more
11 comprehensive community-based services (including
12 health, mental health, social service, housing, and
13 neighborhood resources) to protect and to serve
14 adult, youth, and minor victims;

15 “(4) identify, assess, and respond appropriately
16 to domestic violence or dating violence in child pro-
17 tection cases and to child maltreatment when it co-
18 occurs with domestic violence or dating violence;

19 “(5) analyze and change policies, procedures,
20 and protocols that contribute to overrepresentation
21 of racial and ethnic minorities in the court and child
22 welfare system; and

23 “(6) provide appropriate referrals to commu-
24 nity-based programs and resources, such as health
25 and mental health services, shelter and housing as-

1 sistance for adult, youth, and minor victims and
2 their children, legal assistance and advocacy for
3 adult, youth, and minor victims, assistance for par-
4 ents to help their children cope with the impact of
5 exposure to domestic violence or dating violence and
6 child maltreatment, appropriate intervention and
7 treatment for adult perpetrators of domestic violence
8 or dating violence whose children are the subjects of
9 child protection cases, programs providing support
10 and assistance to racial and ethnic populations, and
11 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) may include a court;

23 “(D) may include a law enforcement agen-
24 cy, or Bureau of Indian Affairs providing tribal
25 law enforcement; and

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 every 18 months, detailing how the funds have
9 been used.

10 **“SEC. 41202. SERVICES TO ADVOCATE FOR AND RESPOND**
11 **TO TEENS.**

12 “(a) GRANTS AUTHORIZED.—The Attorney General
13 shall award grants to eligible entities to conduct programs
14 to serve youth between the ages of 12 and 24 of domestic
15 violence, dating violence, sexual assault, and stalking.
16 Amounts appropriated under this section may only be used
17 for programs and activities described under subsection (c).

18 “(b) ELIGIBLE GRANTEEES.—To be eligible to receive
19 a grant under this section, an entity shall be—

20 “(1) a nonprofit, nongovernmental entity, the
21 primary purpose of which is to provide services to
22 victims of domestic violence, dating violence, sexual
23 assault, or stalking;

24 “(2) a religious or community-based organiza-
25 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 racial and
25 ethnic and other underserved populations or

1 linkages to existing services in the community
2 tailored to the needs of racial and ethnic and
3 other underserved populations;

4 “(C) may include mental health services;

5 “(D) may include legal advocacy efforts on
6 behalf of minors and young adults with respect
7 to domestic violence, dating violence, sexual as-
8 sault or stalking;

9 “(E) may work with public officials and
10 agencies to develop and implement policies,
11 rules, and procedures in order to reduce or
12 eliminate domestic violence, dating violence,
13 sexual assault, and stalking against youth and
14 young adults; and

15 “(F) may use not more than 25 percent of
16 the grant funds to provide additional services
17 and resources for youth, including childcare,
18 transportation, educational support, and respite
19 care.

20 “(d) AWARDS BASIS.—

21 “(1) GRANTS TO INDIAN TRIBES.—Not less
22 than 10 percent of funds appropriated under this
23 section in any year shall be available for grants to
24 Indian Tribes or tribal organizations.

1 “(2) ADMINISTRATION.—The Attorney General
2 shall not use more than 2.5 percent of funds appro-
3 priated under this section in any year for adminis-
4 tration, monitoring, and evaluation of grants made
5 available under this section.

6 “(3) TRAINING, TECHNICAL ASSISTANCE, AND
7 DATA COLLECTION.—Not less than 5 percent of
8 funds appropriated under this section 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 “(e) TERM.—The Attorney General shall make the
13 grants under this section for a period of 3 fiscal years.

14 “(f) REPORTS.—An entity receiving a grant under
15 this section shall submit to the Attorney General every 18
16 months a report of how grant funds have been used.

17 “(g) AUTHORIZATION OF APPROPRIATIONS.—There
18 is authorized to be appropriated to carry out this section,
19 \$15,000,000 for each of fiscal years 2006 through 2010.”.

20 **SEC. 702. GRANTS TO COMBAT VIOLENT CRIMES ON CAM-**
21 **PUSES.**

22 (a) GRANTS AUTHORIZED.—

23 (1) IN GENERAL.—The Attorney General is au-
24 thorized to make grants to institutions of higher
25 education, for use by such institutions or consortia

1 consisting of campus personnel, student organiza-
2 tions, campus administrators, security personnel,
3 and regional crisis centers affiliated with the institu-
4 tion, to develop and strengthen effective security and
5 investigation strategies to combat domestic violence,
6 dating violence, sexual assault, and stalking on cam-
7 puses, and to develop and strengthen victim services
8 in cases involving such crimes against women on
9 campuses, which may include partnerships with local
10 criminal justice authorities and community-based
11 victim services agencies.

12 (2) AWARD BASIS.—The Attorney General shall
13 award grants and contracts under this section on a
14 competitive basis for a period of 3 years. The Attor-
15 ney General, through the Director of the Office on
16 Violence Against Women, shall award the grants in
17 amounts of not more than \$500,000 for individual
18 institutions of higher education and not more than
19 \$1,000,000 for consortia of such institutions.

20 (3) EQUITABLE PARTICIPATION.—The Attorney
21 General shall make every effort to ensure—

22 (A) the equitable participation of private
23 and public institutions of higher education in
24 the activities assisted under this section;

1 (B) the equitable geographic distribution of
2 grants under this section among the various re-
3 gions of the United States; and

4 (C) the equitable distribution of grants
5 under this section to tribal colleges and univer-
6 sities and traditionally black colleges and uni-
7 versities.

8 (b) USE OF GRANT FUNDS.—Grant funds awarded
9 under this section may be used for the following purposes:

10 (1) To provide personnel, training, technical as-
11 sistance, data collection, and other equipment with
12 respect to the increased apprehension, investigation,
13 and adjudication of persons committing domestic vi-
14 olence, dating violence, sexual assault, and stalking
15 on campus.

16 (2) To train campus administrators, campus se-
17 curity personnel, and personnel serving on campus
18 disciplinary or judicial boards to develop and imple-
19 ment campus policies, protocols, and services that
20 more effectively identify and respond to the crimes
21 domestic violence, dating violence, sexual assault,
22 and stalking. Within 90 days after the date of enact-
23 ment of this Act, the Attorney General shall issue
24 and make available minimum standards of training
25 relating to domestic violence, dating violence, sexual

1 assault, and stalking on campus, for all campus se-
2 curity personnel and personnel serving on campus
3 disciplinary or judicial boards.

4 (3) To implement and operate education pro-
5 grams for the prevention of domestic violence, dating
6 violence, sexual assault and stalking.

7 (4) To develop, enlarge, or strengthen victim
8 services programs on the campuses of the institu-
9 tions involved, including programs providing legal,
10 medical, or psychological counseling, for victims of
11 domestic violence, dating violence, sexual assault,
12 and stalking, and to improve delivery of victim as-
13 sistance on campus. To the extent practicable, such
14 an institution shall collaborate with any entities car-
15 rying out nonprofit and other victim services pro-
16 grams, including domestic violence, dating violence,
17 sexual assault, and stalking victim services programs
18 in the community in which the institution is located.
19 If appropriate victim services programs are not
20 available in the community or are not accessible to
21 students, the institution shall, to the extent prac-
22 ticable, provide a victim services program on campus
23 or create a victim services program in collaboration
24 with a community-based organization. The institu-
25 tion shall use not less than 20 percent of the funds

1 made available through the grant for a victim serv-
2 ices program provided in accordance with this para-
3 graph.

4 (5) To create, disseminate, or otherwise provide
5 assistance and information about victims' options on
6 and off campus to bring disciplinary or other legal
7 action, including assistance to victims in immigra-
8 tion matters.

9 (6) To develop, install, or expand data collec-
10 tion and communication systems, including comput-
11 erized systems, linking campus security to the local
12 law enforcement for the purpose of identifying and
13 tracking arrests, protection orders, violations of pro-
14 tection orders, prosecutions, and convictions with re-
15 spect to the crimes of domestic violence, dating vio-
16 lence, sexual assault, and stalking on campus.

17 (7) To provide capital improvements (including
18 improved lighting and communications facilities but
19 not including the construction of buildings) on cam-
20 puses to address the crimes of domestic violence,
21 dating violence, sexual assault, and stalking.

22 (8) To support improved coordination among
23 campus administrators, campus security personnel,
24 and local law enforcement to reduce domestic vio-

1 lence, dating violence, sexual assault, and stalking
2 on campus.

3 (c) APPLICATIONS.—

4 (1) IN GENERAL.—In order to be eligible to be
5 awarded a grant under this section for any fiscal
6 year, an institution of higher education shall submit
7 an application to the Attorney General at such time
8 and in such manner as the Attorney General shall
9 prescribe.

10 (2) CONTENTS.—Each application submitted
11 under paragraph (1) shall—

12 (A) describe the need for grant funds and
13 the plan for implementation for any of the pur-
14 poses described in subsection (b);

15 (B) include proof that the institution of
16 higher education collaborated with any non-
17 profit, nongovernmental entities carrying out
18 other victim services programs, including do-
19 mestic violence, dating violence, sexual assault,
20 and stalking victim services programs in the
21 community in which the institution is located;

22 (C) describe the characteristics of the pop-
23 ulation being served, including type of campus,
24 demographics of the population, and number of
25 students;

1 (D) provide measurable goals and expected
2 results from the use of the grant funds;

3 (E) provide assurances that the Federal
4 funds made available under this section shall be
5 used to supplement and, to the extent practical,
6 increase the level of funds that would, in the
7 absence of Federal funds, be made available by
8 the institution for the purposes described in
9 subsection (b); and

10 (F) include such other information and as-
11 surances as the Attorney General reasonably
12 determines to be necessary.

13 (3) COMPLIANCE WITH CAMPUS CRIME REPORT-
14 ING REQUIRED.—No institution of higher education
15 shall be eligible for a grant under this section unless
16 such institution is in compliance with the require-
17 ments of section 485(f) of the Higher Education Act
18 of 1965 (20 U.S.C. 1092(f)). Up to \$200,000 of the
19 total amount of grant funds appropriated under this
20 section for fiscal years 2006 through 2010 may be
21 used to provide technical assistance in complying
22 with the mandatory reporting requirements of sec-
23 tion 485(f) of such Act.

24 (d) GENERAL TERMS AND CONDITIONS.—

1 (1) NONMONETARY ASSISTANCE.—In addition
2 to the assistance provided under this section, the At-
3 torney General may request any Federal agency to
4 use the agency’s authorities and the resources grant-
5 ed to the agency under Federal law (including per-
6 sonnel, equipment, supplies, facilities, and manage-
7 rial, technical, and advisory services) in support of
8 campus security, and investigation and victim service
9 efforts.

10 (2) CONFIDENTIALITY.—

11 (A) NONDISCLOSURE OF CONFIDENTIAL
12 OR PRIVATE INFORMATION.—In order to ensure
13 the safety of adult and minor victims of domes-
14 tic violence, dating violence, sexual assault, or
15 stalking and their families, grantees and sub-
16 grantees under this section shall reasonably—

17 (i) protect the confidentiality and pri-
18 vacy of persons receiving services under
19 the grants and subgrants; and

20 (ii) not disclose and personally identi-
21 fying information, or individual client in-
22 formation, collected in connection with
23 services requested, utilized, or denied
24 through programs provided by such grant-
25 ees and subgrantees under this section.

1 (B) CONSENT.—A grantee or subgrantee
2 under this section shall not reveal personally
3 any identifying information or individual client
4 information collected as described in subpara-
5 graph (A) without the informed, written, and
6 reasonably time-limited consent of the person
7 (or, in the case of an unemancipated minor, the
8 minor and the parent or guardian of the minor)
9 about whom information is sought, whether for
10 the program carried out under this section or
11 any other Federal, State, tribal, or territorial
12 assistance program.

13 (C) COMPELLED RELEASE AND NOTICE.—
14 If a grantee or subgrantee under this section is
15 compelled by statutory or court mandate to dis-
16 close information described in subparagraph
17 (A), the grantee or subgrantee—

18 (i) shall make reasonable attempts to
19 provide notice to individuals affected by
20 the disclosure of information; and

21 (ii) shall take steps necessary to pro-
22 tect the privacy and safety of the indi-
23 vidual affected by the disclosure.

24 (D) PERMISSIVE SHARING.—Grantees and
25 subgrantees under this section may share with

1 each other, in order to comply with Federal,
2 State, tribal, or territorial reporting, evaluation,
3 or data collection requirements—

4 (i) aggregate data, that is not person-
5 ally identifying information, regarding
6 services provided to their clients; and

7 (ii) demographic information that is
8 not personally identifying information.

9 (E) COURT-GENERATED AND LAW EN-
10 FORCEMENT-GENERATED INFORMATION.—

11 Grantees and subgrantees under this section
12 may share with each other—

13 (i) court-generated information con-
14 tained in secure, governmental registries
15 for protection order enforcement purposes;
16 and

17 (ii) law enforcement-generated infor-
18 mation.

19 (F) DEFINITION.—As used in this para-
20 graph, the term “personally identifying infor-
21 mation” means individually identifying informa-
22 tion from or about an individual, including—

23 (i) first and last name;

- 1 (ii) home or other physical address,
2 including street name and name of city or
3 town;
- 4 (iii) email address or other online con-
5 tact information, such as an instant- mes-
6 saging user identifier or a screen name
7 that reveals an individual’s email address;
- 8 (iv) telephone number;
- 9 (v) social security number;
- 10 (vi) Internet Protocol (“IP”) address
11 or host name that identifies an individual;
- 12 (vii) persistent identifier, such as a
13 customer number held in a “cookie” or
14 processor serial number, that is combined
15 with other available data that identifies an
16 individual; or
- 17 (viii) information that, in combination
18 with the information in any of the clauses
19 (i) through (vii), would serve to identify
20 any individual, including—
- 21 (I) grade point average;
- 22 (II) date of birth;
- 23 (III) academic or occupational in-
24 terests;

- 1 (IV) athletic or extracurricular
2 interests;
3 (V) racial or ethnic background;
4 or
5 (VI) religious affiliation.

6 (3) GRANTEE REPORTING.—

7 (A) ANNUAL REPORT.—Each institution of
8 higher education receiving a grant under this
9 section shall submit a biennial performance re-
10 port to the Attorney General. The Attorney
11 General shall suspend funding under this sec-
12 tion for an institution of higher education if the
13 institution fails to submit such a report.

14 (B) FINAL REPORT.—Upon completion of
15 the grant period under this section, the institu-
16 tion shall file a performance report with the At-
17 torney General and the Secretary of Education
18 explaining the activities carried out under this
19 section together with an assessment of the ef-
20 fectiveness of those activities in achieving the
21 purposes described in subsection (b).

22 (4) REPORT TO CONGRESS.—Not later than
23 180 days after the end of the fiscal year for which
24 grants are awarded under this section, the Attorney

1 General shall submit to Congress a report that in-
2 cludes—

3 (A) the number of grants, and the amount
4 of funds, distributed under this section;

5 (B) a summary of the purposes for which
6 the grants were provided and an evaluation of
7 the progress made under the grant;

8 (C) a statistical summary of the persons
9 served, detailing the nature of victimization,
10 and providing data on age, sex, race, ethnicity,
11 language, disability, relationship to offender, ge-
12 ographic distribution, and type of campus; and

13 (D) an evaluation of the effectiveness of
14 programs funded under this part.

15 (e) **AUTHORIZATION OF APPROPRIATIONS.**—For the
16 purpose of carrying out this section, there are authorized
17 to be appropriated \$15,000,000 for each of fiscal years
18 2006 through 2010.

19 **SEC. 703. SAFE HAVENS.**

20 Section 1301 of the Victims of Trafficking and Vio-
21 lence Protection Act of 2000 (42 U.S.C. 10420) is amend-
22 ed—

23 (1) by striking the section heading and insert-
24 ing the following:

1 **“SEC. 10402. SAFE HAVENS FOR CHILDREN.”;**

2 (2) in subsection (a)—

3 (A) by inserting “, through the Director of
4 the Office on Violence Against Women,” after
5 “Attorney General”;

6 (B) by inserting “public or nonprofit non-
7 governmental entities, and to” after “may
8 award grants to”;

9 (C) by inserting “dating violence,” after
10 “domestic violence,”;

11 (D) by striking “to provide” and inserting
12 the following:

13 “(1) to provide”;

14 (E) by striking the period at the end and
15 inserting a semicolon; and

16 (F) by adding at the end the following:

17 “(2) to protect children from the trauma of wit-
18 nessing domestic or dating violence or experiencing
19 abduction, injury, or death during parent and child
20 visitation exchanges;

21 “(3) to protect parents or caretakers who are
22 victims of domestic and dating violence from experi-
23 encing further violence, abuse, and threats during
24 child visitation exchanges; and

25 “(4) to protect children from the trauma of ex-
26periencing sexual assault or other forms of physical

1 assault or abuse during parent and child visitation
2 and visitation exchanges.”; and

3 (3) by striking subsection (e) and inserting the
4 following:

5 “(e) AUTHORIZATION OF APPROPRIATIONS.—

6 “(1) IN GENERAL.—There is authorized to be
7 appropriated to carry out this section, \$20,000,000
8 for each of fiscal years 2006 through 2010. Funds
9 appropriated under this section shall remain avail-
10 able until expended.

11 “(2) USE OF FUNDS.—Of the amounts appro-
12 priated to carry out this section for each fiscal year,
13 the Attorney General shall—

14 “(A) set aside not less than 5 percent for
15 grants to Indian tribal governments or tribal
16 organizations;

17 “(B) use not more than 3 percent for eval-
18 uation, monitoring, site visits, grantee con-
19 ferences, and other administrative costs associ-
20 ated with conducting activities under this sec-
21 tion; and

22 “(C) set aside not more than 8 percent for
23 training, technical assistance, and data collec-
24 tion to be provided by organizations having na-
25 tionally recognized expertise in the design of

1 safe and secure supervised visitation programs
2 and visitation exchange of children in situations
3 involving domestic violence, dating violence, sex-
4 ual assault, or stalking.”.

5 **SEC. 704. GRANTS TO COMBAT DOMESTIC VIOLENCE, DAT-**
6 **ING VIOLENCE, SEXUAL ASSAULT, AND**
7 **STALKING IN MIDDLE AND HIGH SCHOOLS.**

8 (a) **SHORT TITLE.**—This section may be cited as the
9 “Supporting Teens through Education and Protection Act
10 of 2005” or the “STEP Act”.

11 (b) **GRANTS AUTHORIZED.**—The Attorney General,
12 through the Director of the Office on Violence Against
13 Women, is authorized to award grants to middle schools
14 and high schools that work with domestic violence and sex-
15 ual assault experts to enable the schools—

16 (1) to provide training to school administrators,
17 faculty, counselors, coaches, healthcare providers, se-
18 curity personnel, and other staff on the needs and
19 concerns of students who experience domestic vio-
20 lence, dating violence, sexual assault, or stalking,
21 and the impact of such violence on students;

22 (2) to develop and implement policies in middle
23 and high schools regarding appropriate, safe re-
24 sponses to, and identification and referral proce-
25 dures for, students who are experiencing or pepe-

1 trating domestic violence, dating violence, sexual as-
2 sault, or stalking, including procedures for handling
3 the requirements of court protective orders issued to
4 or against students or school personnel, in a manner
5 that ensures the safety of the victim and holds the
6 perpetrator accountable;

7 (3) to provide support services for students and
8 school personnel, such as a resource person who is
9 either on-site or on-call, and who is an expert de-
10 scribed in subsections (i)(2) and (i)(3), for the pur-
11 pose of developing and strengthening effective pre-
12 vention and intervention strategies for students and
13 school personnel experiencing domestic violence, dat-
14 ing violence, sexual assault or stalking;

15 (4) to provide developmentally appropriate edu-
16 cational programming to students regarding domes-
17 tic violence, dating violence, sexual assault, and
18 stalking, and the impact of experiencing domestic vi-
19 olence, dating violence, sexual assault, and stalking
20 on children and youth by adapting existing curricula
21 activities to the relevant student population;

22 (5) to work with existing mentoring programs
23 and develop strong mentoring programs for stu-
24 dents, including student athletes, to help them un-
25 derstand and recognize violence and violent behavior,

1 how to prevent it and how to appropriately address
2 their feelings; and

3 (6) to conduct evaluations to assess the impact
4 of programs and policies assisted under this section
5 in order to enhance the development of the pro-
6 grams.

7 (c) AWARD BASIS.—The Director shall award grants
8 and contracts under this section on a competitive basis.

9 (d) POLICY DISSEMINATION.—The Director shall dis-
10 seminate to middle and high schools any existing Depart-
11 ment of Justice, Department of Health and Human Serv-
12 ices, and Department of Education policy guidance and
13 curricula regarding the prevention of domestic violence,
14 dating violence, sexual assault, and stalking, and the im-
15 pact of the violence on children and youth.

16 (e) NONDISCLOSURE OF CONFIDENTIAL OR PRIVATE
17 INFORMATION.—In order to ensure the safety of adult,
18 youth, and minor victims of domestic violence, dating vio-
19 lence, sexual assault, or stalking and their families, grant-
20 ees and subgrantees shall protect the confidentiality and
21 privacy of persons receiving services. Grantees and sub-
22 grantees pursuant to this section shall not disclose any
23 personally identifying information or individual informa-
24 tion collected in connection with services requested, uti-
25 lized, or denied through grantees' and subgrantees' pro-

1 grams. Grantees and subgrantees shall not reveal indi-
2 vidual client information without the informed, written,
3 reasonably time-limited consent of the person (or in the
4 case of unemancipated minor, the minor and the parent
5 or guardian) about whom information is sought, whether
6 for this program or any other Tribal, Federal, State or
7 Territorial grant program. If release of such information
8 is compelled by statutory or court mandate, grantees and
9 subgrantees shall make reasonable attempts to provide no-
10 tice to victims affected by the disclosure of information.
11 If such personally identifying information is or will be re-
12 vealed, grantees and subgrantees shall take steps nec-
13 essary to protect the privacy and safety of the persons af-
14 fected by the release of the information. Grantees may
15 share non-personally identifying data in the aggregate re-
16 garding services to their clients and non-personally identi-
17 fying demographic information in order to comply with
18 Tribal, Federal, State or Territorial reporting, evaluation,
19 or data collection requirements. Grantees and subgrantees
20 may share court-generated information contained in se-
21 cure, governmental registries for protection order enforce-
22 ment purposes.

23 (f) GRANT TERM AND ALLOCATION.—

24 (1) TERM.—The Director shall make the grants
25 under this section for a period of 3 fiscal years.

1 (2) ALLOCATION.—Not more than 15 percent
2 of the funds available to a grantee in a given year
3 shall be used for the purposes described in sub-
4 section (b)(4)(D), (b)(5), and (b)(6).

5 (g) DISTRIBUTION.—

6 (1) IN GENERAL.—Not less than 5 percent of
7 funds appropriated under subsection (l) in any year
8 shall be available for grants to tribal schools, schools
9 on tribal lands or schools whose student population
10 is more than 25 percent native American.

11 (2) ADMINISTRATION.—The Director shall not
12 use more than 5 percent of funds appropriated
13 under subsection (l) in any year for administration,
14 monitoring and evaluation of grants made available
15 under this section.

16 (3) TRAINING, TECHNICAL ASSISTANCE, AND
17 DATA COLLECTION.—Not less than 5 percent of
18 funds appropriated under subsection (l) in any year
19 shall be available to provide training, technical as-
20 sistance, and data collection for programs funded
21 under this section.

22 (h) APPLICATION.—To be eligible to be awarded a
23 grant or contract under this section for any fiscal year,
24 a middle or secondary school, in consultation with an ex-
25 pert as described in subsections (i)(2) and (i)(3), shall

1 submit an application to the Director at such time and
2 in such manner as the Director shall prescribe.

3 (i) ELIGIBLE ENTITIES.—To be eligible to receive a
4 grant under this section, an entity shall be a partnership
5 that—

6 (1) shall include a public, charter, tribal, or na-
7 tionally accredited private middle or high school, a
8 school administered by the Department of Defense
9 under 10 U.S.C. 2164 or 20 U.S.C. 921, a group of
10 schools, or a school district;

11 (2) shall include a domestic violence victim
12 service provider that has a history of working on do-
13 mestic violence and the impact that domestic vio-
14 lence and dating violence have on children and
15 youth;

16 (3) shall include a sexual assault victim service
17 provider, such as a rape crisis center, program serv-
18 ing tribal victims of sexual assault, or coalition or
19 other nonprofit nongovernmental organization car-
20 rying out a community-based sexual assault pro-
21 gram, that has a history of effective work concerning
22 sexual assault and the impact that sexual assault
23 has on children and youth; and

24 (4) may include a law enforcement agency, the
25 State, Tribal, Territorial or local court, nonprofit

1 nongovernmental organizations and service providers
2 addressing sexual harassment, bullying or gang-re-
3 lated violence in schools, and any other such agen-
4 cies or nonprofit nongovernmental organizations
5 with the capacity to provide effective assistance to
6 the adult, youth, and minor victims served by the
7 partnership.

8 (j) PRIORITY.—In awarding grants under this sec-
9 tion, the Director shall give priority to entities that have
10 submitted applications in partnership with relevant courts
11 or law enforcement agencies.

12 (k) REPORTING AND DISSEMINATION OF INFORMA-
13 TION.—

14 (1) REPORTING.—Each of the entities that are
15 members of the applicant partnership described in
16 subsection (i), that receive a grant under this section
17 shall jointly prepare and submit to the Director
18 every 18 months a report detailing the activities that
19 the entities have undertaken under the grant and
20 such additional information as the Director shall re-
21 quire.

22 (2) DISSEMINATION OF INFORMATION.—Within
23 9 months of the completion of the first full grant
24 cycle, the Director shall publicly disseminate, includ-
25 ing through electronic means, model policies and

1 procedures developed and implemented in middle
2 and high schools by the grantees, including informa-
3 tion on the impact the policies have had on their re-
4 spective schools and communities.

5 (l) AUTHORIZATION OF APPROPRIATIONS.—

6 (1) IN GENERAL.—There is authorized to be
7 appropriated to carry out this section, \$5,000,000
8 for each of fiscal years 2006 through 2010.

9 (2) AVAILABILITY.—Funds appropriated under
10 paragraph (1) shall remain available until expended.

11 **TITLE VIII—STRENGTHENING**
12 **AMERICA’S FAMILIES BY PRE-**
13 **VENTING VIOLENCE IN THE**
14 **HOME**

15 **SEC. 801. PREVENTING VIOLENCE IN THE HOME.**

16 The Violence Against Women Act of 1994 is amended
17 by adding after subtitle L (as added by section 701) the
18 following:

19 **“Subtitle M—Strengthening Amer-**
20 **ica’s Families by Preventing Vi-**
21 **olence in the Home**

22 **“SEC. 41301. PURPOSE.**

23 “The purpose of this subtitle is to—

1 “(1) prevent crimes involving domestic violence,
2 dating violence, sexual assault, and stalking, includ-
3 ing when committed against children and youth;

4 “(2) increase the resources and services avail-
5 able to prevent domestic violence, dating violence,
6 sexual assault, and stalking, including when com-
7 mitted against children and youth;

8 “(3) reduce the impact of exposure to violence
9 in the lives of children and youth so that the
10 intergenerational cycle of violence is interrupted;

11 “(4) develop and implement education and serv-
12 ices programs to prevent children in vulnerable fami-
13 lies from becoming victims or perpetrators of domes-
14 tic violence, dating violence, sexual assault, or stalk-
15 ing;

16 “(5) promote programs to ensure that children
17 and youth receive the assistance they need to end
18 the cycle of violence and develop mutually respectful,
19 nonviolent relationships; and

20 “(6) encourage collaboration among community-
21 based organizations and governmental agencies serv-
22 ing children and youth, providers of health and men-
23 tal health services and providers of domestic vio-
24 lence, dating violence, sexual assault, and stalking
25 victim services to prevent violence.

1 **“SEC. 41302. GRANTS TO ASSIST CHILDREN AND YOUTH EX-**
2 **POSED TO VIOLENCE.**

3 “(a) GRANTS AUTHORIZED.—

4 “(1) IN GENERAL.—The Attorney General, act-
5 ing through the Director of the Office on Violence
6 Against Women, and in consultation with the Sec-
7 retary of Health and Human Services, is authorized
8 to award grants on a competitive basis to eligible en-
9 tities for the purpose of mitigating the effects of do-
10 mestic violence, dating violence, sexual assault, and
11 stalking on children exposed to such violence, and
12 reducing the risk of future victimization or perpetra-
13 tion of domestic violence, dating violence, sexual as-
14 sault, and stalking.

15 “(2) TERM.—The Director shall make grants
16 under this section for a period of 3 fiscal years.

17 “(3) AWARD BASIS.—The Director shall award
18 grants—

19 “(A) considering the needs of racial and
20 ethnic and other underserved populations, as
21 defined in section 2000B of the Omnibus Crime
22 Control and Safe Streets Act of 1968;

23 “(B) awarding not less than 10 percent of
24 such amounts for the funding of tribal projects
25 from the amounts made available under this
26 section for a fiscal year;

1 “(C) awarding up to 8 percent for the
2 funding of training, technical assistance, and
3 data collection programs from the amounts
4 made available under this section for a fiscal
5 year; and

6 “(D) awarding not less than 66 percent to
7 programs described in subsection (c)(1) from
8 the amounts made available under this section
9 for a fiscal year.

10 “(b) AUTHORIZATION OF APPROPRIATIONS.—There
11 is authorized to be appropriated to carry out this section
12 \$20,000,000 for each of fiscal years 2006 through 2010.

13 “(c) USE OF FUNDS.—The funds appropriated under
14 this section shall be used for—

15 “(1) programs that provide services for children
16 exposed to domestic violence, dating violence, sexual
17 assault, or stalking, which may include direct coun-
18 seling, advocacy, or mentoring, and must include
19 support for the nonabusing parent or the child’s
20 caretaker;

21 “(2) training and coordination for programs
22 that serve children and youth (such as Head Start,
23 child care, and after-school programs) on how to
24 safely and confidentially identify children and fami-
25 lies experiencing domestic violence and properly refer

1 them to programs that can provide direct services to
2 the family and children, and coordination with other
3 domestic violence or other programs serving children
4 exposed to domestic violence, dating violence, sexual
5 assault, or stalking that can provide the training
6 and direct services referenced in this subsection; or

7 “(3) advocacy within the systems that serve
8 children to improve the system’s understanding of
9 and response to children who have been exposed to
10 domestic violence and the needs of the nonabusing
11 parent.

12 “(d) ELIGIBLE ENTITIES.—To be eligible to receive
13 a grant under this section, an entity shall be—

14 “(1) a victim service provider, tribal nonprofit
15 organization or community-based organization that
16 has a documented history of effective work con-
17 cerning children or youth exposed to domestic vio-
18 lence, dating violence, sexual assault, or stalking, in-
19 cluding programs that provide culturally specific
20 services, Head Start, child care, after school pro-
21 grams, and health and mental health providers; or

22 “(2) a State, territorial, or tribal, or local unit
23 of government agency that is partnered with an or-
24 ganization described in paragraph (1).

1 “(e) GRANTEE REQUIREMENTS.—Under this section,
2 an entity shall—

3 “(1) prepare and submit to the Director an ap-
4 plication at such time, in such manner, and con-
5 taining such information as the Director may re-
6 quire; and

7 “(2) at a minimum, describe in the application
8 the policies and procedures that the entity has or
9 will adopt to—

10 “(A) enhance or ensure the safety and se-
11 curity of children who have been exposed to vio-
12 lence and their nonabusing parent, enhance or
13 ensure the safety and security of children and
14 their nonabusing parent in homes already expe-
15 riencing domestic violence, dating violence, sex-
16 ual assault, or stalking; and

17 “(B) ensure linguistically, culturally, and
18 community relevant services for racial and eth-
19 nic and other underserved populations.

20 “(f) REPORTS.—An entity receiving a grant under
21 this section shall prepare and submit to the Director every
22 18 months a report detailing the activities undertaken
23 with grant funds, providing additional information as the
24 Director shall require.

1 **“SEC. 41303. BUILDING ALLIANCES AMONG MEN, WOMEN,**
2 **AND YOUTH TO PREVENT DOMESTIC VIO-**
3 **LENCE, DATING VIOLENCE, SEXUAL ASSAULT,**
4 **AND STALKING.**

5 “(a) GRANTS AUTHORIZED.—

6 “(1) IN GENERAL.—The Attorney General, act-
7 ing through the Director of the Office on Violence
8 Against Women, and in collaboration with the Sec-
9 retary of Health and Human Services, shall award
10 grants on a competitive basis to eligible entities for
11 the purpose of developing or enhancing programs re-
12 lated to building alliances among men, women, and
13 youth to prevent domestic violence, dating violence,
14 sexual assault, and stalking by helping them to de-
15 velop mutually respectful, nonviolent relationships.

16 “(2) TERM.—The Director shall make grants
17 under this section for a period of 3 fiscal years.

18 “(3) AWARD BASIS.—The Director shall award
19 grants—

20 “(A) considering the needs of racial and
21 ethnic and other underserved populations (as
22 defined in section 2000B of the Omnibus Crime
23 Control and Safe Streets Act of 1968);

24 “(B) with respect to gender-specific pro-
25 grams described under subsection (c)(1)(A), en-

1 suring reasonable distribution of funds to pro-
2 grams for boys and programs for girls;

3 “(C) awarding not less than 10 percent of
4 such amounts for the funding of tribal projects
5 from the amounts made available under this
6 section for a fiscal year; and

7 “(D) awarding up to 8 percent for the
8 funding of training, technical assistance, and
9 data collection for grantees and non-grantees
10 working in this area and evaluation programs
11 from the amounts made available under this
12 section for a fiscal year.

13 “(b) AUTHORIZATION OF APPROPRIATIONS.—There
14 is authorized to be appropriated to carry out this section
15 \$10,000,000 for each of fiscal years 2006 through 2010.

16 “(c) USE OF FUNDS.—

17 “(1) PROGRAMS.—The funds appropriated
18 under this section shall be used by eligible entities
19 for—

20 “(A) public education and community
21 based programs, including gender-specific pro-
22 grams in accordance with applicable laws—

23 “(i) to encourage children and youth
24 to pursue only mutually respectful, non-
25 violent relationships and empower them to

1 reduce their risk of becoming victims or
2 perpetrators of domestic violence, dating
3 violence, sexual assault, or stalking; and

4 “(ii) that include at a minimum—

5 “(I) information on domestic vio-
6 lence, dating violence, sexual assault,
7 stalking, or child sexual abuse and
8 how they affect children and youth;
9 and

10 “(II) strategies to help partici-
11 pants be as safe as possible; or

12 “(B) public education campaigns and com-
13 munity organizing to encourage men and boys
14 to work as allies with women and girls to pre-
15 vent domestic violence, dating violence, stalking,
16 and sexual assault conducted by entities that
17 have experience in conducting public education
18 campaigns that address domestic violence, dat-
19 ing violence, sexual assault, or stalking.

20 “(2) MEDIA LIMITS.—No more than 25 percent
21 of funds received by a grantee under this section
22 may be used to create and distribute media mate-
23 rials.

24 “(d) ELIGIBLE ENTITIES.—

1 “(1) RELATIONSHIPS.—Eligible entities under
2 subsection (c)(1)(A) are—

3 “(A) nonprofit, nongovernmental domestic
4 violence, dating violence, sexual assault, or
5 stalking victim service providers or coalitions;

6 “(B) community-based child or youth serv-
7 ices organizations with demonstrated experience
8 and expertise in addressing the needs and con-
9 cerns of young people;

10 “(C) a State, territorial, tribal, or unit of
11 local governmental entity that is partnered with
12 an organization described in subparagraph (A)
13 or (B); or

14 “(D) a program that provides culturally
15 specific services.

16 “(2) AWARENESS CAMPAIGN.—Eligible entities
17 under subsection (c)(1)(B) are—

18 “(A) nonprofit, nongovernmental organiza-
19 tions or coalitions that have a documented his-
20 tory of creating and administering effective
21 public education campaigns addressing the pre-
22 vention of domestic violence, dating violence,
23 sexual assault or stalking; or

1 “(B) a State, territorial, tribal, or unit of
2 local governmental entity that is partnered with
3 an organization described in subparagraph (A).

4 “(e) GRANTEE REQUIREMENTS.—Under this section,
5 an entity shall—

6 “(1) prepare and submit to the Director an ap-
7 plication at such time, in such manner, and con-
8 taining such information as the Director may re-
9 quire; and

10 “(2) for a grant under subsection (c)(1)(A), de-
11 scribe in the application the policies and procedures
12 that the entity has or will adopt to—

13 “(A) enhance or ensure the safety and se-
14 curity of children and youth already experi-
15 encing domestic violence, dating violence, sexual
16 assault, or stalking in their lives;

17 “(B) provide, where appropriate, linguis-
18 tically, culturally, and community relevant serv-
19 ices for racial and ethnic and other underserved
20 populations;

21 “(C) inform participants about laws, serv-
22 ices, and resources in the community, and make
23 referrals as appropriate; and

24 “(D) ensure that State and local domestic
25 violence, dating violence, sexual assault, and

1 stalking victim service providers and coalitions
2 are aware of the efforts of organizations receiv-
3 ing grants under this section.

4 “(f) REPORTS.—An entity receiving a grant under
5 this section shall prepare and submit to the Director every
6 18 months a report detailing the activities undertaken
7 with grant funds, including an evaluation of funded pro-
8 grams and providing additional information as the Direc-
9 tor shall require.

10 **“SEC. 41304. DEVELOPMENT OF CURRICULA AND PILOT**
11 **PROGRAMS FOR HOME VISITATION**
12 **PROJECTS.**

13 “(a) GRANTS AUTHORIZED.—

14 “(1) IN GENERAL.—The Attorney General, act-
15 ing through the Director of the Office on Violence
16 Against Women, shall award grants on a competitive
17 basis to home visitation programs, in collaboration
18 with law enforcement, victim service providers, for
19 the purposes of developing and implementing model
20 policies and procedures to train home visitation serv-
21 ice providers on addressing domestic violence, dating
22 violence, sexual assault, and stalking in families ex-
23 periencing violence, or at risk of violence, to reduce
24 the impact of that violence on children, maintain

1 safety, improve parenting skills, and break
2 intergenerational cycles of violence.

3 “(2) TERM.—The Director shall make the
4 grants under this section for a period of 2 fiscal
5 years.

6 “(3) AWARD BASIS.—The Director shall—

7 “(A) consider the needs of underserved
8 populations;

9 “(B) award not less than 7 percent of such
10 amounts for the funding of tribal projects from
11 the amounts made available under this section
12 for a fiscal year; and

13 “(C) award up to 8 percent for the funding
14 of technical assistance programs from the
15 amounts made available under this section for
16 a fiscal year.

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

20 “(c) ELIGIBLE ENTITIES.—To be eligible to receive
21 a grant under this section, an entity shall be a national,
22 Federal, State, local, territorial, or tribal—

23 “(1) home visitation program that provides
24 services to pregnant women and to young children
25 and their parent or primary caregiver that are pro-

1 vided in the permanent or temporary residence or in
2 other familiar surroundings of the individual or fam-
3 ily receiving such services; or

4 “(2) victim services organization or agency in
5 collaboration with an organization or organizations
6 listed in paragraph (1).

7 “(d) 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) describe in the application the policies and
14 procedures that the entity has or will adopt to—

15 “(A) enhance or ensure the safety and se-
16 curity of children and their nonabusing parent
17 in homes already experiencing domestic vio-
18 lence, dating violence, sexual assault, or stalk-
19 ing;

20 “(B) ensure linguistically, culturally, and
21 community relevant services for racial ethnic
22 and other underserved communities;

23 “(C) ensure the adequate training by do-
24 mestic violence, dating violence, sexual assault

1 or stalking victim service providers of home visi-
2 tation grantee program staff to—

3 “(i) safely screen for or recognize (or
4 both) domestic violence, dating violence,
5 sexual assault, and stalking;

6 “(ii) understand the impact of domes-
7 tic violence or sexual assault on children
8 and protective actions taken by a non-
9 abusing parent or caretaker in response to
10 violence against anyone in the household;
11 and

12 “(iii) link new parents with existing
13 community resources in communities where
14 resources exist; and

15 “(D) ensure that relevant State and local
16 domestic violence, dating violence, sexual as-
17 sault, and stalking victim service providers and
18 coalitions are aware of the efforts of organiza-
19 tions receiving grants under this section, and
20 are included as training partners, where pos-
21 sible.”.

1 **TITLE IX—PROTECTION FOR IM-**
2 **MIGRANT VICTIMS OF VIO-**
3 **LENCE**

4 **SECTION 900. SHORT TITLE OF TITLE; REFERENCES TO**
5 **VAWA-2000; REGULATIONS.**

6 (a) **SHORT TITLE OF TITLE.**—This title may be cited
7 as “Immigrant Victims of Violence Protection Act of
8 2005”.

9 (b) **REFERENCES TO VAWA-2000.**—In this title, the
10 term “VAWA-2000” means the Violence Against Women
11 Act of 2000 (division B of Public Law 106-386).

12 (c) **REGULATIONS.**— Not later than 180 days after
13 the date of the enactment of this Act, the Attorney Gen-
14 eral, the Secretary of Homeland Security, and Secretary
15 of State shall promulgate regulations to implement the
16 provisions contained in the Battered Immigrant Women
17 Protection Act of 2000 (title V of VAWA-2000) and the
18 amendments made by (and the provisions of) this title.
19 In applying such regulations, in the case of petitions or
20 applications filed on or before the effective date of publica-
21 tion of such regulations for relief covered by such regula-
22 tions, there shall be no requirement to submit an addi-
23 tional petition or application and any priority or similar
24 date with respect to such a petition or application shall

1 relate back to the date of the filing of the petition or appli-
2 cation.

3 **Subtitle A—Victims of Crime**

4 **SEC. 901. CONDITIONS APPLICABLE TO U AND T VISAS.**

5 (a) TREATMENT OF SPOUSE AND CHILDREN OF VIC-
6 TIMS OF TRAFFICKING.—Clause (ii) of section
7 101(a)(15)(T) of the Immigration and Nationality Act (8
8 U.S.C. 1101(a)(15)(T)) is amended to read as follows:

9 “(ii) if accompanying, or following to join,
10 the alien described in clause (i)—

11 “(I) in the case of an alien so de-
12 scribed who is under 21 years of age, the
13 spouse, children, unmarried siblings under
14 18 years of age on the date on which such
15 alien applied for status under such clause,
16 and parents of such alien; or

17 “(II) in the case of an alien described
18 in clause (i) who is 21 years of age or
19 older, the spouse and children of such
20 alien;”.

21 (b) DURATION OF U AND T VISAS.—

22 (1) U VISAS.—Section 214(p) of such Act (8
23 U.S.C. 1184(p)) is amended by adding at the end
24 the following new paragraph:

1 “(6) DURATION OF STATUS.—The authorized
2 period of status of an alien as a nonimmigrant
3 under section 101(a)(15)(U) shall be 4 years, but
4 shall be extended—

5 “(A) on a year-by-year basis upon certifi-
6 cation from a Federal, State or local law en-
7 forcement official, prosecutor, judge, or other
8 Federal, State or local authority investigating
9 or prosecuting criminal activity described in
10 section 101(a)(15)(U)(iii) that the alien’s con-
11 tinued presence in the United States is required
12 to assist in the investigation or prosecution of
13 such criminal activity; and

14 “(B) if the alien files an application for ad-
15 justment of status under section 245(m), until
16 final adjudication of such application.”.

17 (2) T VISAS.—Section 214(o) of such Act (8
18 U.S.C. 1184(o)), as redesignated by section 8(a)(3)
19 of the Trafficking Victims Protection Reauthoriza-
20 tion Act of 2003 (Public Law 108–193), is amended
21 by adding at the end the following:

22 “(7) The authorized period of status of an alien as
23 a nonimmigrant status under section 101(a)(15)(T) shall
24 be 4 years, but shall be extended—

1 “(A) on a year-by-year basis upon certification
2 from a Federal, State or local law enforcement offi-
3 cial, prosecutor, judge, or other Federal, State or
4 local authority investigating or prosecuting criminal
5 activity relating to human trafficking that the alien’s
6 continued presence in the United States is required
7 to assist in the investigation or prosecution of such
8 criminal activity; and

9 “(B) if the alien files an application for adjust-
10 ment of status under section 245(l), until final adju-
11 dication of such application.”.

12 (c) PERMITTING CHANGE OF NONIMMIGRANT STA-
13 TUS TO U AND T NONIMMIGRANT STATUS.—

14 (1) IN GENERAL.—Section 248 of such Act (8
15 U.S.C. 1258) is amended—

16 (A) by striking “The Attorney General”
17 and inserting “(a) The Secretary of Homeland
18 Security”;

19 (B) by inserting “(subject to subsection
20 (b))” after “except”; and

21 (C) by adding at the end the following new
22 subsection:

23 “(b) The limitation based on inadmissibility under
24 section 212(a)(9)(B) and the exceptions specified in num-
25 bered paragraphs of subsection (a) shall not apply to a

1 change of nonimmigrant classification to that of a non-
2 immigrant under subparagraph (T) or (U) of section
3 101(a)(15), other than from such classification under sub-
4 paragraph (C) or (D) of such section.”.

5 (2) CONFORMING AMENDMENT.—Section
6 214(l)(2)(A) of such Act (8 U.S.C. 1184(l)(2)(A)) is
7 amended by striking “248(2)” and inserting
8 “248(a)(2)”.

9 (d) CERTIFICATION PROCESS FOR VICTIMS OF TRAF-
10 FICKING.—

11 (1) VICTIM ASSISTANCE IN INVESTIGATION OR
12 PROSECUTION.—Section 107(b)(1)(E) of the Traf-
13 ficking Victims Protection Act of 2000 (division A of
14 Public Law 106–386; 22 U.S.C. 7105(b)(1)(E)) is
15 amended—

16 (A) in clause (i)(I), by striking “investiga-
17 tion and prosecution” and inserting “investiga-
18 tion or prosecution, by the United States or a
19 State or local government”; and

20 (B) in clause (iii)—

21 (i) by striking “INVESTIGATION AND
22 PROSECUTION” and “investigation and
23 prosecution” and inserting “INVESTIGA-
24 TION OR PROSECUTION” and “investigation
25 or prosecution”, respectively;

1 (ii) in subclause (II), by striking
2 “and” at the end;

3 (iii) in subclause (III), by striking the
4 period and inserting “; or”; and

5 (iv) by adding at the end the following
6 new subclause:

7 “(IV) responding to and cooper-
8 ating with requests for evidence and
9 information.”.

10 (2) CLARIFYING ROLES OF ATTORNEY GENERAL
11 AND SECRETARY OF HOMELAND SECURITY.—

12 (A) Section 107 of the Trafficking Victims
13 Protection Act of 2000 (division A of Public
14 Law 106–386; 22 U.S.C. 7105) is amended—

15 (i) in subsections (b)(1)(E)(i)(II)(bb),
16 (b)(1)(E)(ii), (e)(5), and (g), by striking
17 “Attorney General” and inserting “Sec-
18 retary of Homeland Security”; and

19 (ii) in subsection (c), by inserting “,
20 Secretary of Homeland Security,” after
21 “Attorney General”.

22 (B) Section 101(a)(15)(T) of the Immigra-
23 tion and Nationality Act (8 U.S.C.
24 1101(a)(15)(T)) is amended by striking “Attor-

1 ney General” and inserting “Secretary of
2 Homeland Security” each place it appears.

3 (C) Section 212(d)(13) of the Immigration
4 and Nationality Act (8 U.S.C. 1182(d)(13)) is
5 amended—

6 (i) in subparagraph (A), by striking
7 “Attorney General” and inserting “Sec-
8 retary of Homeland Security”;

9 (ii) in subparagraph (B), by striking
10 “Attorney General” the first place it ap-
11 pears and inserting “Secretary of Home-
12 land Security”; and

13 (iii) in subparagraph (B), by striking
14 “Attorney General, in the Attorney Gen-
15 eral’s discretion” and inserting “Secretary,
16 in the Secretary’s discretion”.

17 (D) Section 101(i) of the Immigration and
18 Nationality Act (8 U.S.C. 1101(i)) is amend-
19 ed—

20 (i) in paragraph (1), by striking “At-
21 torney General” and inserting “Secretary
22 of Homeland Security, the Attorney Gen-
23 eral,”; and

1 (ii) in paragraph (2), by striking “At-
2 torney General” and inserting “Secretary
3 of Homeland Security”.

4 (E) Section 245(l) of the Immigration and
5 Nationality Act (8 U.S.C. 1255(l)) is amend-
6 ed—

7 (i) by striking “Attorney General”
8 and inserting “Secretary of Homeland Se-
9 curity” the first place it appears in para-
10 graphs (1) and (2) and in paragraph (4);

11 (ii) by striking “Attorney General”
12 and inserting “Secretary ” the second
13 place it appears in paragraphs (1) and (2);
14 and

15 (iii) in paragraph (2), by striking “At-
16 torney General’s” and inserting “Sec-
17 retary’s”.

18 (3) REQUEST BY STATE AND LOCAL LAW EN-
19 FORCEMENT OFFICIALS.—Section 107(c)(3) of the
20 Trafficking Victims Protection Act of 2000 (division
21 A of Public Law 106–386; 22 U.S.C. 7105(c)(3)) is
22 amended by adding at the end the following: “State
23 or local law enforcement officials may request such
24 Federal law enforcement officials for the continued
25 presence of trafficking victims. If such a request

1 contains a certification that a trafficking victim is a
2 victim of a severe form of trafficking, such Federal
3 law enforcement officials may permit the continued
4 presence of the trafficking victim in accordance with
5 this paragraph.”.

6 (e) EFFECTIVE DATES.—

7 (1) IN GENERAL.—The amendments made by
8 subsections (a), (b)(1), (c), and (d)(3) shall take ef-
9 fect on the date of the enactment of this Act.

10 (2) TRANSITION FOR DURATION OF T VISAS.—

11 In the case of an alien who is classified as a non-
12 immigrant under section 101(a)(15)(T) of the Immi-
13 gration and Nationality Act (8 U.S.C.
14 1101(a)(15)(T)) before the the date of implementa-
15 tion of the amendment made by subsection (b)(2)
16 and whose period of authorized stay was less than
17 4 years, the authorized period of status of the alien
18 as such a nonimmigrant shall be extended to be 4
19 years and shall be further extended on a year-by-
20 year basis as provided in section 214(o)(7) of such
21 Act, as added by such amendment.

22 (3) CERTIFICATION PROCESS.—(A) The amend-
23 ments made by subsection (d)(1) shall be effective as
24 if included in the enactment of VAWA–2000.

1 (B) The amendments made by subsection (d)(2)
2 shall be effective as of the applicable date of transfer
3 of authority from the Attorney General to the Sec-
4 retary of Homeland Security under the Homeland
5 Security Act of 2002 (Public Law 107–296).

6 **SEC. 902. CLARIFICATION OF BASIS FOR RELIEF UNDER**
7 **HARDSHIP WAIVERS FOR CONDITIONAL PER-**
8 **MANENT RESIDENCE.**

9 (a) IN GENERAL.—Section 216(c)(4) of the Immigra-
10 tion and Nationality Act (8 U.S.C. 1186a(c)(4)) is amend-
11 ed by adding at the end the following: “An application
12 for relief under this paragraph may be based on one or
13 more grounds specified in subparagraphs (A) through (D)
14 and may be amended at any time to change the ground
15 or grounds for such relief without the application being
16 resubmitted.”.

17 (b) APPEALS.—Such section is further amended by
18 adding at the end the following: “Such an application may
19 not be considered if there is a final removal order in effect
20 with respect to the alien.”

21 (c) CONFORMING AMENDMENT.—Section
22 237(a)(1)(H)(ii) of such Act (8 U.S.C. 1227(a)(1)(H)(ii))
23 is amended by inserting before the period at the end the
24 following: “or qualifies for a waiver under section
25 216(c)(4)”.

1 (d) EFFECTIVE DATES.—

2 (1) The amendment made by subsection (a)
3 shall apply to applications for relief pending or filed
4 on or after April 10, 2003.

5 (2) The amendment made by subsection (b)
6 shall apply to applications for relief filed on or after
7 the date of the enactment of this Act.

8 **SEC. 903. ADJUSTMENT OF STATUS FOR VICTIMS OF TRAF-**
9 **FICKING.**

10 (a) REDUCTION IN REQUIRED PERIOD OF PRESENCE
11 AUTHORIZED.—

12 (1) IN GENERAL.—Section 245(l) of the Immi-
13 gration and Nationality Act (8 U.S.C. 1255(l)) is
14 amended—

15 (A) in paragraph (1)(A), by inserting
16 “subject to paragraph (6),” after “(A)”;

17 (B) in paragraph (1)(A), by inserting after
18 “since” the following: “the earlier of (i) the
19 date the alien was granted continued presence
20 under section 107(c)(3) of the Trafficking Vic-
21 tims Protection Act of 2000, or (ii)”;

22 (C) by adding at the end the following new
23 paragraph:

24 “(6) The Secretary of Homeland Security may waive
25 or reduce the period of physical presence required under

1 paragraph (1)(A) for an alien’s adjustment of status
2 under this subsection if a Federal, State, or local law en-
3 forcement official investigating or prosecuting trafficking
4 described in section 101(a)(15)(T)(i) in relation to the
5 alien or the alien’s spouse, child, parent, or sibling certifies
6 that the official has no objection to such waiver or reduc-
7 tion.”.

8 (2) CONFORMING AMENDMENT.—Section
9 107(c) of the Trafficking Victims Protection Act of
10 2000 (division A of Public Law 106–386; 22 U.S.C.
11 7105(e)) is amended by adding at the end the fol-
12 lowing new paragraph:

13 “(5) CERTIFICATION OF NO OBJECTION FOR
14 WAIVER OR REDUCTION OF PERIOD OF REQUIRED
15 PHYSICAL PRESENCE FOR ADJUSTMENT OF STA-
16 TUS.—In order for an alien to have the required pe-
17 riod of physical presence under paragraph (1)(A) of
18 section 245(l) of the Immigration and Nationality
19 Act waived or reduced under paragraph (6) of such
20 section, a Federal, State, and local law enforcement
21 official investigating or prosecuting trafficking de-
22 scribed in section 101(a)(15)(T)(i) in relation to the
23 alien or the alien’s spouse, child, parent, or sibling
24 may provide for a certification of having no objection
25 to such waiver or reduction.”.

1 (b) TREATMENT OF GOOD MORAL CHARACTER .—
2 Section 245(l) of the Immigration and Nationality Act (8
3 U.S.C. 1255(l)), as amended by subsection (a)(1), is
4 amended—

5 (1) in paragraph (1)(B), by inserting “subject
6 to paragraph (7),” after “(B)”; and

7 (2) by adding at the end the following new
8 paragraph:

9 “(7) For purposes of paragraph (1)(B), the Secretary
10 of Homeland Security, in the Secretary’s sole unreviewable
11 discretion, may waive consideration of a disqualification
12 from good moral character described in section 101(f) with
13 respect to an alien if there is a connection between the
14 disqualification and the trafficking with respect to the
15 alien described in section 101(a)(15)(T)(i).”.

16 (c) ANNUAL REPORT ON TRAINING OF LAW EN-
17 FORCEMENT.—

18 (1) IN GENERAL.—Section 107(g) of the Traf-
19 ficking Victims Protection Act of 2000 (division A of
20 Public Law 106–386; 22 U.S.C. 7105(g)) is amend-
21 ed by adding at the end the following: “Each such
22 report shall also include statistics regarding the
23 number of law enforcement officials who have been
24 trained in the identification and protection of traf-
25 ficking victims and certification for assistance as

1 nonimmigrants under section 101(a)(15)(T) of such
2 Act.”.

3 (2) EFFECTIVE DATE.—The amendment made
4 by paragraph (1) shall apply to annual reports be-
5 ginning with the report for fiscal year 2006.

6 **Subtitle B—VAWA Petitioners**

7 **SEC. 911. DEFINITION OF VAWA PETITIONER.**

8 (a) IN GENERAL.—Section 101(a) of the Immigra-
9 tion and Nationality Act (8 U.S.C. 1101(a)) is amended
10 by adding at the end the following new paragraph:

11 “(51) The term ‘VAWA petitioner’ means an alien
12 whose application or petition for classification or relief
13 under any of the following provisions (whether as a prin-
14 cipal or as a derivative) has been filed and has not been
15 denied after exhaustion of administrative appeals:

16 “(A) Clause (iii), (iv), or (vii) of section
17 204(a)(1)(A).

18 “(B) Clause (ii) or (iii) of section 204(a)(1)(B).

19 “(C) Subparagraph (C) or (D) of section
20 216(c)(4).

21 “(D) The first section of Public Law 89–732
22 (commonly known as the Cuban Adjustment Act) as
23 a child or spouse who has been battered or subjected
24 to extreme cruelty.

1 “(E) Section 902(d)(1)(B) of the Haitian Ref-
2 ugee Immigration Fairness Act of 1998 (division A
3 of section 101(h) of Public Law 105–277).

4 “(F) Section 202(d)(1) of the Nicaraguan Ad-
5 justment and Central American Relief Act (8 U.S.C.
6 1255 note; Public Law 105–100).

7 “(G) Section 309(e)(5) of the Illegal Immigra-
8 tion Reform and Immigrant Responsibility Act of
9 1996 (division C of Public Law 104–208; 8 U.S.C.
10 1101 note).”.

11 (b) CONFORMING AMENDMENTS.—

12 (1) Section 212(a)(6)(A)(ii)(I) of such Act (8
13 U.S.C. 1182(a)(6)(A)(ii)(I)) is amended by striking
14 “qualifies for immigrant status under subparagraph
15 (A)(iii), (A)(iv), (B)(ii), or (B)(iii) of section
16 204(a)(1)” and inserting “is a VAWA petitioner”.

17 (2) Section 212(a)(9)(C)(ii) of such Act (8
18 U.S.C. 1182(a)(9)(C)(ii)) is amended by striking “to
19 whom the Attorney General has granted classifica-
20 tion under clause (iii), (iv), or (v) of section
21 204(a)(1)(A), or classification under clause (ii), (iii),
22 or (iv) of section 204(a)(1)(B)” and inserting “is a
23 VAWA petitioner”.

24 (3) Subsections (h)(1)(C) and (g)(1)(C) of sec-
25 tion 212 (8 U.S.C. 1182) is amended by striking

1 “qualifies for classification under clause (iii) or (iv)
2 of section 204(a)(1)(A) or classification under clause
3 (ii) or (iii) of section 204(a)(1)(B)” and inserting
4 “is a VAWA petitioner”.

5 (4) Section 212(i)(1) of such Act (8 U.S.C.
6 1182(i)(1)) is amended by striking “an alien granted
7 classification under clause (iii) or (iv) of section
8 201(a)(1)(A) or clause (ii) or (iii) of section
9 204(a)(1)(B)” and inserting “a VAWA petitioner”.

10 (5) Section 237(a)(1)(H)(ii) of such Act (8
11 U.S.C. 1227(a)(1)(H)(ii)) is amended by striking “is
12 an alien who qualifies for classification under clause
13 (iii) or (iv) of section 204(a)(1)(A) or clause (ii) or
14 (iii) of section 204(a)(1)(B)” and inserting “is a
15 VAWA petitioner”.

16 (6) Section 240A(b)(4)(B) of such Act (8
17 U.S.C. 1229b(b)(4)(B)) is amended by striking
18 “they were applications filed under section 204(a)(1)
19 (A)(iii), (A)(iv), (B)(ii), or (B)(iii) of such Act” and
20 inserting “the applicants were VAWA petitioners”.

21 (7) Section 245(a) of such Act (8 U.S.C.
22 1255(a)) is amended by striking “under subpara-
23 graph (A)(iii), (A)(iv), (B)(ii), or (B)(iii) of section
24 204(a)(1) or” and inserting “as a VAWA peti-
25 tioner”.

1 (8) Section 245(c) of such Act (8 U.S.C.
2 1255(c)) is amended by striking “under subpara-
3 graph (A)(iii), (A)(iv), (A)(v), (A)(vi), (B)(ii),
4 (B)(iii), or (B)(iv) of section 204(a)(1)” and insert-
5 ing “as a VAWA petitioner”.

6 (9) For additional conforming amendments to
7 sections 212(a)(4)(C)(i) and 240(c)(7)(C)(iv)(I) of
8 the Immigration and Nationality Act, see sections
9 832(b)(2) and 817(a) of this Act.

10 **SEC. 912. SELF-PETITIONING FOR CHILDREN.**

11 (a) SELF-PETITIONING BY CHILDREN OF PARENT-
12 ABUSERS UPON DEATH OR OTHER TERMINATION OF
13 PARENT-CHILD RELATIONSHIP.—

14 (1) CITIZEN PARENTS.—Section
15 204(a)(1)(A)(iv) of the Immigration and Nationality
16 Act (8 U.S.C. 1154(a)(1)(A)(iv)) is amended—

17 (A) by striking “or who” and inserting
18 “who”; and

19 (B) by inserting after “domestic violence,”
20 the following: “or who was a child of a United
21 States citizen parent who within the past 2
22 years (or, if later, two years after the date the
23 child attains 18 years of age) died or otherwise
24 terminated the parent-child relationship (as de-
25 fined under section 101(b)),”.

1 “(aaa) whose spouse died within the past
2 2 years;”.

3 (3) EFFECTIVE DATES.—

4 (A) IN GENERAL.—Subject to subpara-
5 graph (B), the amendment made by paragraphs
6 (1) and (2) shall take effect on the date of the
7 enactment of this Act.

8 (B) TRANSITION IN CASE OF CITIZEN PAR-
9 ENTS WHO DIED BEFORE ENACTMENT.—In ap-
10 plying the amendments made by paragraphs (1)
11 and (2)(A) in the case of an alien whose citizen
12 parent or lawful permanent resident parent died
13 or whose parent-child relationship with such
14 parent terminated during the period beginning
15 on October 28, 1998, and ending on the date
16 of the enactment of this Act, the following rules
17 apply:

18 (i) The reference to “within the past
19 2 years” in section 204(a)(1)(A)(iv) or
20 204(a)(1)(B)(iii), respectively, of the Im-
21 migration and Nationality Act in the mat-
22 ter inserted by such paragraph is deemed
23 to be a reference to such period.

24 (ii) The petition must be filed under
25 such section within 2 years after the date

1 of the enactment of this Act (or, if later,
2 2 years after the alien’s 18th birthday).

3 (iii) The determination of eligibility
4 for benefits as a child under such section
5 (including under section 204(a)(1)(D) of
6 the Immigration and Nationality Act by
7 reason of a petition authorized under such
8 section) shall be determined as of the date
9 of the death of the citizen parent or lawful
10 permanent resident parent or the termi-
11 nation of the parent-child relationship.

12 (b) PROTECTING VICTIMS OF CHILD ABUSE FROM
13 AGING OUT.—

14 (1) CLARIFICATION REGARDING CONTINUATION
15 OF IMMEDIATE RELATIVE STATUS FOR CHILDREN OF
16 CITIZENS.—Section 204(a)(1)(D)(i)(I) of the Immi-
17 gration and Nationality Act (8 U.S.C.
18 1154(a)(1)(D)(i)(I)) is amended—

19 (A) by striking “clause (iv) of section
20 204(a)(1)(A)” and inserting “subparagraph
21 (A)(iv)”; and

22 (B) by striking “a petitioner for preference
23 status under paragraph (1), (2), or (3) of sec-
24 tion 203(a), whichever paragraph is applicable”
25 and inserting “to continue to be treated as an

1 immediate relative under section
2 201(b)(2)(A)(i), or a petitioner for preference
3 status under section 203(a)(3) if subsequently
4 married.”.

5 (2) CLARIFICATION REGARDING APPLICATION
6 TO CHILDREN OF LAWFUL PERMANENT RESI-
7 DENTS.—Section 204(a)(1)(D) of such Act (8
8 U.S.C. 1154(a)(1)(D)) is amended——

9 (A) in clause (i)(I)—

10 (i) by inserting after the first sentence
11 the following new sentence: “Any child who
12 attains 21 years of age who has filed a pe-
13 tition under subparagraph (B)(iii) that was
14 filed or approved before the date on which
15 the child attained 21 year of age shall be
16 considered (if the child has not been ad-
17 mitted or approved for lawful permanent
18 residence by the date the child attained 21
19 years of age) a petitioner for preference
20 status under section 203(a)(2)(A), with the
21 same priority date assigned to the self-peti-
22 tion filed under such subparagraph.”; and
23 (ii) in the last sentence, by inserting
24 “in either such case” after “shall be re-
25 quired to be filed”;

1 (B) in clause (i)(III), by striking “para-
2 graph (1), (2), or (3) of section 203(a)” and in-
3 serting “section 203(a)(2)(A)”; and

4 (C) in clause (ii), by striking “(A)(iii),
5 (A)(iv),”.

6 (3) EFFECTIVE DATE.—The amendments made
7 by this subsection shall apply to applications filed
8 before, on, or after the date of the enactment of
9 VAWA–2000.

10 (c) CLARIFICATION OF NO SEPARATE ADJUSTMENT
11 APPLICATION FOR DERIVATIVE CHILDREN.—

12 (1) IN GENERAL.—Section 245(a) of the Immi-
13 gration and Nationality Act (8 U.S.C. 1255(a)) is
14 amended by adding at the end the following: “In the
15 case of a petition under clause (ii), (iii), or (iv) of
16 section 204(a)(1)(A) that includes an individual as
17 a derivative child of a principal alien, no adjustment
18 application other than the adjustment application of
19 the principal alien shall be required for adjustment
20 of status of the individual under this subsection or
21 subsection (c).”.

22 (2) EFFECTIVE DATE.—The amendment made
23 by paragraph (1) shall take effect on the date of the
24 enactment of this Act and shall apply to applications
25 filed before, on, or after such date.

1 (d) LATE PETITION PERMITTED FOR ADULTS
2 ABUSED AS CHILDREN.—

3 (1) IN GENERAL.—Section 204(a)(1)(D) of the
4 Immigration and Nationality Act (8 U.S.C.
5 1154(a)(1)(D)), as amended by subsection (b)(1), is
6 amended by adding at the end the following new
7 clause:

8 “(v) In the case of an alien who qualified to petition
9 under subparagraph (A)(iv) or (B)(iii) as of the date the
10 individual attained 21 years of age, the alien may file a
11 petition under such respective subparagraph notwith-
12 standing that the alien has attained such age or been mar-
13 ried so long as the petition is filed before the date the
14 individual attains 25 years of age. In the case of such a
15 petition, the alien shall remain eligible for adjustment of
16 status as a child notwithstanding that the alien has at-
17 tained 21 years of age or has married, or both.”

18 (2) EFFECTIVE DATE.—The amendment made
19 by paragraph (1) shall take effect on the date of the
20 enactment of this Act and shall apply to individuals
21 who attain 21 years of age on or after the date of
22 the enactment of VAWA–2000.

1 **SEC. 913. SELF-PETITIONING PARENTS.**

2 (a) IN GENERAL.—Section 204(a)(1)(A) of the Im-
3 migration and Nationality Act (8 U.S.C. 1154(a)(1)(A))
4 is amended by adding at the end the following new clause:

5 “(vii) An alien who—

6 “(I) is the parent of a citizen of the United
7 States or was a parent of a citizen of the United
8 States who within the past 2 years lost or renounced
9 citizenship status related to battering or extreme
10 cruelty by the United States citizen son or daughter
11 or who within the past two years died;

12 “(II) is a person of good moral character;

13 “(III) is eligible to be classified as an imme-
14 diate relative under section 201(b)(2)(A)(i); and

15 “(IV) resides, or has resided in the past, with
16 the citizen daughter or son;

17 may file a petition with the Secretary of Homeland Secu-
18 rity under this subparagraph for classification of the alien
19 under such section if the alien demonstrates that the alien
20 has been battered by or has been the subject of extreme
21 cruelty perpetrated by the alien’s citizen son or daugh-
22 ter.”.

23 (b) EFFECTIVE DATE.—The amendment made by
24 subsection (a) shall take effect on the date of the enact-
25 ment of this Act.

1 **SEC. 914. PROMOTING CONSISTENCY IN VAWA ADJUDICA-**
2 **TIONS.**

3 (a) **IN GENERAL.**—Section 204(a)(1) of the Immi-
4 gration and Nationality Act (8 U.S.C. 1154(a)(1)) is
5 amended—

6 (1) in subparagraph (A)(iii)(II)(aa)(CC)(bbb),
7 by striking “an incident of domestic violence” and
8 inserting “battering or extreme cruelty by the
9 United States citizen spouse”;

10 (2) in subparagraph (A)(iv), by striking “an in-
11 cident of domestic violence” and inserting “battering
12 or extreme cruelty by such parent”;

13 (3) in subparagraph (B)(ii)(II)(aa)(CC)(aaa),
14 by striking “due to an incident of domestic violence”
15 and inserting “related to battering or extreme cru-
16 elty by the lawful permanent resident spouse”; and

17 (4) in subparagraph (B)(iii), by striking “due
18 to an incident of domestic violence” and inserting
19 “related to battering or extreme cruelty by such par-
20 ent”.

21 (b) **EFFECTIVE DATE.**—The amendments made by
22 subsection (a) shall take effect as if included in the enact-
23 ment of VAWA–2000.

1 **SEC. 915. RELIEF FOR CERTAIN VICTIMS PENDING AC-**
2 **TIONS ON PETITIONS AND APPLICATIONS**
3 **FOR RELIEF.**

4 (a) RELIEF.—

5 (1) LIMITATION ON REMOVAL OR DEPORTA-
6 TION.—Section 237 of the Immigration and Nation-
7 ality Act (8 U.S.C. 1227) is amended by adding at
8 the end the following new subsection:

9 “(d)(1) In the case of an alien in the United States
10 for whom a petition as a VAWA petitioner has been filed,
11 if the petition sets forth a prima facie case for approval,
12 the Secretary of Homeland Security, in the Secretary’s
13 sole unreviewable discretion, may grant the alien deferred
14 action until the petition is approved or the petition is de-
15 nied after exhaustion of administrative appeals. In the
16 case of the approval of such petition, such deferred action
17 may be extended until a final determination is made on
18 an application for adjustment of status.

19 “(2) In the case of an alien in the United States for
20 whom an application for nonimmigrant status (whether as
21 a principal or derivative child) under subparagraph (T)
22 or (U) of section 101(a)(15) has been filed, if the applica-
23 tion sets forth a prima facie case for approval, the Sec-
24 retary of Homeland Security, in the Secretary’s sole
25 unreviewable discretion, may grant the alien deferred ac-

1 tion until the application is approved or the application
2 is denied after exhaustion of administrative appeals.

3 “(3) During a period in which an alien is provided
4 deferred action under this subsection, the alien shall not
5 be removed or deported.”.

6 (2) LIMITATION ON DETENTION.—Section 236
7 of such Act (8 U.S.C. 1226) is amended by adding
8 at the end the following new subsection:

9 “(f) LIMITATION ON DETENTION OF CERTAIN VIC-
10 TIMS OF VIOLENCE.—(1) An alien for whom a petition
11 as a VAWA petitioner has been approved or for whom an
12 application for nonimmigrant status (whether as a prin-
13 cipal or derivative child) under subparagraph (T) or (U)
14 of section 101(a)(15) has been approved, subject to para-
15 graph (2), the alien shall not be detained if the only basis
16 for detention is a ground for which—

17 “(A) a waiver is provided under section 212(h),
18 212(d)(13), 212(d)(14), 237(a)(7), or
19 237(a)(2)(a)(V); or

20 “(B) there is an exception under section
21 204(a)(1)(C).

22 “(2) Paragraph (1) shall not apply in the case of de-
23 tention that is required under subsection (e) or section
24 236A.”.

25 (3) EMPLOYMENT AUTHORIZATION.—

1 (A) FOR VAWA PETITIONERS.—Section
2 204(a)(1) of such Act (8 U.S.C. 1154(a)(1)) is
3 amended by adding at the end the following
4 new subparagraph:

5 “(K) In the case of an alien for whom a petition as
6 a VAWA petitioner is approved, the alien is eligible for
7 work authorization and shall be provided an ‘employment
8 authorized’ endorsement or other appropriate work per-
9 mit.”.

10 (B) FOR ALIENS WITH APPROVED T
11 VISAS.—Section 214(o) of such Act (8 U.S.C.
12 1184(o)) is amended by adding at the end the
13 following new paragraph:

14 “(7) In the case of an alien for whom an application
15 for nonimmigrant status (whether as a principal or deriva-
16 tive) under section 101(a)(15)(T) has been approved, the
17 alien is eligible for work authorization and shall be pro-
18 vided an ‘employment authorized’ endorsement or other
19 appropriate work permit.”.

20 (4) PROCESSING OF APPLICATIONS.—Section
21 204(a)(1) of the Immigration and Nationality Act (8
22 U.S.C. 1154(a)(1)) is amended by adding at the end
23 the following new subparagraph:

1 “(K) A petition as a VAWA petitioner shall be pro-
2 essed without regard to whether a proceeding to remove
3 or deport such alien is brought or pending.”.

4 (5) EFFECTIVE DATE.—The amendments made
5 by this subsection shall take effect on the date of the
6 enactment of this Act and shall apply to petitions
7 and applications filed before, on, or after such date.

8 (b) APPLICANTS FOR CANCELLATION OF REMOVAL
9 OR SUSPENSION OF DEPORTATION.—

10 (1) IN GENERAL.—Section 240A(b)(2) of the
11 Immigration and Nationality Act (8 U.S.C.
12 1229b(b)(2)) is amended by adding at the end the
13 following new subparagraph:

14 “(E) RELIEF WHILE APPLICATION PEND-
15 ING.—In the case of an alien who has applied
16 for relief under this paragraph and whose appli-
17 cation sets forth a prima facie case for such re-
18 lief or who has filed an application for relief
19 under section 244(a)(3) (as in effect on March
20 31, 1997) that sets forth a prima facie case for
21 such relief—

22 “(i) the alien shall not be removed or
23 deported until the application has been ap-
24 proved or, in the case it is denied, until all

1 opportunities for appeal of the denial have
2 been exhausted; and

3 “(ii) such an application shall be proc-
4 essed without regard to whether a pro-
5 ceeding to remove or deport such alien is
6 brought or pending.”.

7 (2) EFFECTIVE DATE.—The amendment made
8 by paragraph (1) shall take effect on the date of the
9 enactment of this Act and shall apply to applications
10 filed before, on, or after such date.

11 **SEC. 916. ACCESS TO VAWA PROTECTION REGARDLESS OF**
12 **MANNER OF ENTRY.**

13 (a) FIANCEES.—

14 (1) SELF-PETITIONING.—Section
15 204(a)(1)(A)(iii) of the Immigration and Nationality
16 Act (8 U.S.C. 1154(a)(1)(A)(iii)) is amended—

17 (A) in subclause (I)(bb), by inserting after
18 “during the marriage” the following: “or rela-
19 tionship intended by the alien to be legally a
20 marriage or to conclude in a valid marriage”;

21 (B) in subclause (II)(aa)—

22 (i) by striking “or” at the end of
23 subitem (BB);

24 (ii) by inserting “or” at the end of
25 subitem (CC); and

1 (iii) by adding at the end the fol-
2 lowing new subitem:

3 “(DD) who entered the
4 United States as an alien
5 described in section
6 101(a)(15)(K) with the in-
7 tent to enter into a valid
8 marriage and the alien (or
9 child of the alien) was bat-
10 tered or subject to extreme
11 cruelty in the United States
12 by the United States citizen
13 who filed the petition to ac-
14 cord status under such sec-
15 tion;”;

16 (C) in subclause (II)(cc), by striking “or
17 who” and inserting “, who” and by inserting
18 before the semicolon at the end the following: “,
19 or who is described in subitem (aa)(DD)”;

20 (D) in subclause (II)(dd), by inserting “or
21 who is described in subitem (aa)(DD)” before
22 the period at the end.

23 (2) EXCEPTION FROM REQUIREMENT TO DE-
24 PART.—Section 214(d) of such Act (8 U.S.C.
25 1184(d)) is amended by inserting before the period

1 at the end the following: “unless the alien (and the
2 child of the alien) entered the United States as an
3 alien described in section 101(a)(15)(K) with the in-
4 tent to enter into a valid marriage and the alien or
5 child was battered or subject to extreme cruelty in
6 the United States by the United States citizen who
7 filed the petition to accord status under such sec-
8 tion”.

9 (3) EFFECTIVE DATE.—The amendments made
10 by this subsection shall take effect on the date of the
11 enactment of this Act and shall apply to aliens ad-
12 mitted before, on, or after such date.

13 (b) SPOUSES WHO ARE CONDITIONAL PERMANENT
14 RESIDENTS.—

15 (1) IN GENERAL.—Section 245(d) of the Immi-
16 gration and Nationality Act (8 U.S.C. 1255(d)) is
17 amended—

18 (A) by inserting “(1)” after “(d)”; and

19 (B) by adding at the end the following new
20 paragraph:

21 “(2) Paragraph (1) shall not apply to an alien who
22 seeks adjustment of status on the basis of an approved
23 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) of such Act (8 U.S.C. 1255(d)) is amended
22 by inserting “who is not described in section
23 204(a)(1)(A)(iii)(II)(aa)(DD)” after “alien described
24 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 Attorney General may, in the discretion of
11 the Attorney General, waive the limitation in subpara-
12 graph (A), if justification exists for such a waiver.

13 “(3) For purposes of this subsection—

14 “(A) the term ‘child abuse’ means a felony or
15 misdemeanor crime, as defined by Federal or State
16 law, committed by an offender who is a stranger to
17 the victim, or committed by an offender who is
18 known by, or related by blood or marriage to, the
19 victim, against a victim who has not attained the
20 lesser of—

21 “(i) 18 years of age; or

22 “(ii) except in the case of sexual abuse, the
23 age specified by the child protection law of the
24 State in which the child resides;

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 a nonimmigrant under subpara-
9 graph (T) or (U) of section 101(a)(15)” after “fol-
10 lowing departure from the United States”.

11 (2) EFFECTIVE DATE.—The amendment made
12 by paragraph (1) shall take effect on the date of the
13 enactment of this Act and shall apply to aliens re-
14 gardless of whether the foreign residence require-
15 ment under section 212(e) of the Immigration and
16 Nationality Act arises out of an admission or acqui-
17 sition of status under section 101(a)(15)(J) of such
18 Act before, on, or after the date of the enactment
19 of this Act.

20 **SEC. 917. ELIMINATING ABUSERS’ CONTROL OVER APPLI-**
21 **CATIONS FOR ADJUSTMENTS OF STATUS.**

22 (a) APPLICATION OF MOTIONS TO REOPEN FOR ALL
23 VAWA PETITIONERS.—Section 240(c)(7)(C)(iv) of the
24 Immigration and Nationality Act (8 U.S.C.
25 1230(c)(7)(C)(iv)), as redesignated by section 101(d)(1)

1 of the REAL ID Act of 2005 (division B of Public Law
2 109–13), is amended —

3 (1) in subclause (I), by striking “under clause
4 (iii) or (iv) of section 204(a)(1)(A), clause (ii) or
5 (iii) of section 204(a)(1)(B)” and inserting “as a
6 VAWA petitioner”; and

7 (2) in subclause (II), by inserting “or adjust-
8 ment of status” after “cancellation of removal”.

9 (b) APPLICATION OF VAWA DEPORTATION PROTEC-
10 TIONS FOR TRANSITIONAL RELIEF TO ALL VAWA PETI-
11 TIONERS.—Section 1506(e)(2) of the Violence Against
12 Women Act of 2000 (8 U.S.C. 1229a note) is amended—

13 (1) in subparagraph (A)—

14 (A) by amending clause (i) to read as fol-
15 lows:

16 “(i) if the basis of the motion is to
17 apply for relief as a VAWA petitioner (as
18 defined in section 101(a)(51) of the Immi-
19 gration and Nationality Act (8 U.S.C.
20 1101(a)(51)) or under section 244(a)(3) of
21 such Act (8 U.S.C. 1254(a)(3)); and”;

22 (B) in clause (ii), by inserting “or adjust-
23 ment of status” after “suspension of deporta-
24 tion”; and

1 (2) in subparagraph (B)(ii), by striking “for re-
2 relief” and all that follows through “1101 note))” and
3 inserting “for relief described in subparagraph
4 (A)(i)”.

5 (c) APPLICATION OF VAWA-RELATED RELIEF
6 UNDER SECTION 202 OF NACARA.—

7 (1) IN GENERAL.—Section 202(d)(1) of the
8 Nicaraguan Adjustment and Central American Re-
9 lief Act (8 U.S.C. 1255 note; Public Law 105–100)
10 is amended—

11 (A) in subparagraph (B)(ii), by inserting
12 “, or was eligible for adjustment,” after “whose
13 status is adjusted”; and

14 (B) in subparagraph (E), by inserting
15 after “April 1, 2000” the following: “, or, in
16 the case of an alien who qualifies under sub-
17 paragraph (B)(ii), applies for such adjustment
18 during the 18-month period beginning on the
19 date of enactment of the Violence Against
20 Women Act of 2005” .

21 (2) TECHNICAL AMENDMENT.—Section
22 202(d)(3) of such Act (8 U.S.C. 1255 note; Public
23 Law 105–100) is amended by striking
24 “204(a)(1)(H)” and inserting “204(a)(1)(J)”.

1 (3) EFFECTIVE DATE.—The amendment made
2 by paragraph (2) shall take effect as if included in
3 the enactment of VAWA–2000.

4 (d) PETITIONING RIGHTS OF CERTAIN FORMER
5 SPOUSES UNDER CUBAN ADJUSTMENT.—

6 (1) IN GENERAL.—The first section of Public
7 Law 89–732 (8 U.S.C. 1255 note) is amended—

8 (A) in the last sentence, by striking
9 “204(a)(1)(H)” and inserting “204(a)(1)(J)”;
10 and

11 (B) by adding at the end the following:
12 “An alien who was the spouse of any Cuban
13 alien described in this section and has resided
14 with such spouse shall continue to be treated as
15 such a spouse for 2 years after the date on
16 which the Cuban alien dies (or, if later, 2 years
17 after the date of enactment of Violence Against
18 Women Act of 2005), or for 2 years after the
19 date of termination of the marriage (or, if later,
20 2 years after the date of enactment of Violence
21 Against Women Act of 2005) if the alien dem-
22 onstrates a connection between the termination
23 of the marriage and the battering or extreme
24 cruelty by the Cuban alien.”.

1 (2) EFFECTIVE DATE.—The amendment made
2 by paragraph (1)(A) shall take effect as if included
3 in the enactment of VAWA–2000.

4 (e) SELF-PETITIONING RIGHTS OF HRIFA APPLI-
5 CANTS.—

6 (1) IN GENERAL.—Section 902(d)(1)(B) of the
7 Haitian Refugee Immigration Fairness Act of 1998
8 (division A of section 101(h) of Public Law 105–
9 277; 112 Stat. 2681–538; 8 U.S.C. 1255 note), as
10 amended by section 1511(a) of VAWA–2000, is
11 amended—

12 (A) in clause (i), by striking “whose status
13 is adjusted to that of an alien lawfully admitted
14 for permanent residence” and inserting “who is
15 or was eligible for classification”;

16 (B) in clause (ii), by striking “whose sta-
17 tus is adjusted to that of an alien lawfully ad-
18 mitted for permanent residence” and inserting
19 “who is or was eligible for classification”; and

20 (C) in clause (iii), by striking
21 “204(a)(1)(H)” and inserting “204(a)(1)(J)” .

22 (2) EFFECTIVE DATE.—The amendments made
23 by paragraph (1)(C) shall take effect as if included
24 in the enactment of VAWA–2000.

1 (f) SELF-PETITIONING RIGHTS UNDER SECTION 203
2 OF NACARA.—Section 309 of the Illegal Immigration
3 and Reform and Immigrant Responsibility Act of 1996
4 (division C of Public Law 104–208; 8 U.S.C. 1101 note),
5 as amended by section 203(a) of the Nicaraguan Adjust-
6 ment and Central American Relief Act (8 U.S.C. 1255
7 note; Public Law 105–100), is amended—

8 (1) in subsection (c)(5)(C)(i)(VII)(aa), as
9 amended by section 1510(b) of VAWA–2000—

10 (A) by striking “or” at the end of subitem
11 (BB);

12 (B) by striking “and” at the end of
13 subitem (CC) and inserting “or”; and

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

16 “(DD) at the time at which
17 the spouse or child files an appli-
18 cation for suspension of deporta-
19 tion or cancellation of removal;
20 and”; and

21 (2) in subsection (g)—

22 (A) by inserting “(1)” before “Notwith-
23 standing”;

1 (B) by inserting “subject to paragraph
2 (2),” after “section 101(a) of the Immigration
3 and Nationality Act),”; and

4 (C) by adding at the end the following new
5 paragraph:

6 “(2) There shall be no limitation on a motion to re-
7 open removal or deportation proceedings in the case of an
8 alien who is described in subclause (VI) or (VII) of sub-
9 section (c)(5)(C)(i). Motions to reopen removal or deporta-
10 tion proceedings in the case of such an alien shall be han-
11 dled under the procedures that apply to aliens seeking re-
12 lief under section 204(a)(1)(A)(iii) of the Immigration and
13 Nationality Act.”.

14 (g) LIMITATION ON PETITIONING FOR ABUSER.—
15 Section 204(a)(1) of such Act (8 U.S.C. 1154(a)(1)) is
16 amended by adding at the end the following new subpara-
17 graph:

18 “(J) Notwithstanding the previous provisions of this
19 paragraph, an individual who was a VAWA petitioner or
20 who had the status of a nonimmigrant under subpara-
21 graph (T) or (U) of section 101(a)(15) may not file a peti-
22 tion for classification under this section or section 214 to
23 classify any person who committed the battery or extreme
24 cruelty or trafficking against the individual (or the individ-
25 ual’s child) which established the individual’s (or individ-

1 ual’s child’s) eligibility as a VAWA petitioner or for such
2 nonimmigrant status.”.

3 (h) EFFECTIVE DATE.—Except as otherwise pro-
4 vided in this section, the amendments made by this section
5 shall take effect on the date of the enactment of this Act.

6 **SEC. 918. PAROLE FOR VAWA PETITIONERS AND FOR DE-**
7 **RIVATIVES OF TRAFFICKING VICTIMS.**

8 (a) IN GENERAL.—Section 240A(b)(4) of the Immi-
9 gration and Nationality Act (8 U.S.C. 1229b(b)(4)) is
10 amended—

11 (1) in the heading, by striking “CHILDREN OF
12 BATTERED ALIENS” inserting “BATTERED ALIENS,
13 CHILDREN OF BATTERED ALIENS, AND DERIVATIVE
14 FAMILY MEMBERS OF TRAFFICKING VICTIMS,”;

15 (2) in subparagraph (A)—

16 (A) by striking “or” at the end of clause
17 (i);

18 (B) by striking the period at the end of
19 clause (ii) and inserting a semicolon; and

20 (C) by adding at the end the following new
21 clauses:

22 “(iii) VAWA petitioner whose petition
23 was approved based on having been bat-
24 tered or subjected to extreme cruelty by a
25 United States citizen spouse, parent, or

1 child and who is admissible and eligible for
2 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 sub-
10 paragraph (A)(iii) or (A)(iv) shall extend
11 from the date of approval of the applicable
12 petition to the time the application for ad-
13 justment of status filed by aliens covered
14 under such subparagraphs has been finally
15 adjudicated. Applications for adjustment of
16 status filed by aliens covered under such
17 subparagraphs shall be treated as if they
18 were applications filed under section
19 204(a)(1) (A)(iii), (A)(iv), (B)(ii), or
20 (B)(iii) for purposes of section 245 (a) and
21 (c).

22 “(iii) The grant of parole under sub-
23 paragraph (A)(v) shall extend from the
24 date of the determination of the Secretary
25 of State described in such subparagraph to

1 the time the application for status under
2 section 101(a)(15)(T)(ii) has been finally
3 adjudicated. Failure by such an alien to
4 exercise due diligence in filing a visa peti-
5 tion on the alien’s behalf may result in rev-
6 ocation of parole.”.

7 (b) CONFORMING REFERENCE.—Section 212(d)(5)
8 of such Act (8 U.S.C. 1182(d)(5)) is amended by adding
9 at the end the following new subparagraph:

10 “(C) Parole is provided for certain battered aliens,
11 children of battered aliens, and parents of battered alien
12 children under section 240A(b)(4).”.

13 (c) EFFECTIVE DATE.—The amendments made by
14 this section shall take effect on the date of the enactment
15 of this Act.

16 **SEC. 919. EXEMPTION OF VICTIMS OF DOMESTIC VIO-**
17 **LENCE, SEXUAL ASSAULT AND TRAFFICKING**
18 **FROM SANCTIONS FOR FAILURE TO DEPART**
19 **VOLUNTARILY.**

20 (a) IN GENERAL.—Section 240B(d) of the Immigra-
21 tion and Nationality Act (8 U.S.C. 1229c(d)) is amend-
22 ed—

23 (1) by striking “If” and inserting “(1) Subject
24 to paragraph (2), if”; and

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

3 “(2) The ineligibility for relief under paragraph (1)
4 shall not apply to an alien who is a VAWA petitioner, who
5 is seeking status as a nonimmigrant under subparagraph
6 (T) or (U) of section 101(a)(15), or who is an applicant
7 for relief under section 240A(b)(2) or under section
8 244(a)(3) (as in effect on March 31, 1997), if there is
9 a connection between the failure to voluntarily depart and
10 the battery or extreme cruelty, trafficking, or criminal ac-
11 tivity, referred to in the respective provision.”.

12 (b) EFFECTIVE DATE.—The amendments made by
13 subsection (a) shall apply as if included in the enactment
14 of the Immigration Reform and Immigrant Responsibility
15 Act of 1996 (division C of Public Law 104–208) and shall
16 apply to failures to depart voluntarily occurring before, on,
17 or after the date of the enactment of this Act.

18 **SEC. 920. CLARIFICATION OF ACCESS TO NATURALIZATION**

19 **FOR VICTIMS OF DOMESTIC VIOLENCE.**

20 (a) IN GENERAL.—Section 319(a) of the Immigra-
21 tion and Nationality Act (8 U.S.C. 1430(a)) is amended
22 by inserting after “extreme cruelty by a United States cit-
23 izen spouse or parent” the following: “, regardless of
24 whether the lawful permanent resident status was ob-
25 tained on the basis of such battery or cruelty”.

1 (b) USE OF CREDIBLE EVIDENCE.—Such section is
2 further amended by adding at the end the following: “The
3 provisions of section 204(a)(1)(J) shall apply in acting on
4 an application under this subsection in the same manner
5 as they apply in acting on petitions referred to in such
6 section.”

7 (c) EFFECTIVE DATE.—The amendments made by
8 this section shall take effect on the date of the enactment
9 of this Act and shall apply to applications for naturaliza-
10 tion filed before, on, or after the date of the enactment
11 of this Act.

12 **SEC. 921. PROHIBITION OF ADVERSE DETERMINATIONS OF**
13 **ADMISSIBILITY OR DEPORTABILITY BASED**
14 **ON PROTECTED INFORMATION.**

15 (a) APPLICATION OF RESTRICTIONS ON ADDITIONAL
16 DEPARTMENTS.—Section 384 of the Illegal Immigration
17 Reform and Immigrant Responsibility Act of 1996 (divi-
18 sion C of Public Law 104–208; 8 U.S.C. 1367) is amend-
19 ed—

20 (1) in subsection (a), as amended by section
21 1513(d) of VAWA–2000—

22 (A) in the matter before paragraph (1), by
23 striking “(including any bureau or agency of
24 such Department)” and inserting “, or the Sec-
25 retary of Homeland Security, the Secretary of

1 State, the Secretary of Health and Human
2 Services, or the Secretary of Labor or any other
3 official or employee of the Department of
4 Homeland Security, the Department of State,
5 the Department of Health and Human Services,
6 or the Department of Labor (including any bu-
7 reau or agency of any such Department)”; and

8 (B) in paragraph (2), by striking “of the
9 Department,” and inserting “of any such De-
10 partment,”; and

11 (2) in subsection (b)—

12 (A) in paragraphs (1), by striking “the At-
13 torney General may provide, in the Attorney
14 General’s discretion” and inserting “the Attor-
15 ney General, Secretary of Homeland Security,
16 Secretary of State, Secretary of Health and
17 Human Services, and Secretary of Labor may
18 provide, in each’s discretion”;

19 (B) in paragraph (2), by striking “the At-
20 torney General may provide in the discretion of
21 the Attorney General” and inserting “the Attor-
22 ney General, Secretary of Homeland Security,
23 Secretary of State, Secretary of Health and
24 Human Services, and the Secretary of Labor
25 may provide, in each’s discretion”; and

1 (C) in paragraph (5), by striking “is au-
2 thorized to disclose” and inserting “, Secretary
3 of Homeland Security, Secretary of State, Sec-
4 retary of Health and Human Services, and Sec-
5 retary of Labor, or Attorney General may dis-
6 close”.

7 (b) INCREASING SCOPE OF ALIENS AND INFORMA-
8 TION PROTECTED.—Subsection (a) of such section is
9 amended—

10 (1) in paragraph (1)—

11 (A) in the matter before subparagraph (A),
12 by striking “furnished solely by” and inserting
13 “furnished by or derived from information pro-
14 vided solely by”;

15 (B) by striking “or” at the end of subpara-
16 graph (D);

17 (C) by adding “or” at the end of subpara-
18 graph (E); and

19 (D) by inserting after subparagraph (E)
20 the following new subparagraph:

21 “(F) in the case of an alien applying for
22 continued presence as a victim of trafficking
23 under section 107(b)(1)(E)(i)(II)(bb) of the
24 Trafficking Protection Act of 2000 or status
25 under section 101(a)(15)(T) of the Immigration

1 and Nationality Act, the trafficker or perpe-
2 trator,”; and

3 (2) in paragraph (2)—

4 (A) by striking “under clause (iii) or (iv)
5 of section 204(a)(1)(A), clause (ii) or (iii) of
6 section 204(a)(1)(B)” and inserting “as a
7 VAWA petitioner (as defined in section
8 101(a)(51) of the Immigration and Nationality
9 Act), or under”; and

10 (B) by striking “or section 240A(a)(3) of
11 such Act as an alien (or the part of a child)
12 who has been battered or subjected to extreme
13 cruelty.” and inserting the following: “, section
14 101(a)(15)(T), or section 240A(b)(2) of such
15 Act, or section 244(a)(3) of such Act (as in ef-
16 fect on March 31, 1997), or for continued pres-
17 ence as a victim of trafficking under section
18 107(b)(1)(E)(i)(II)(bb) of the Trafficking Pro-
19 tection Act of 2000, or any derivative of the
20 alien;”.

21 (c) PROVIDING FOR CONGRESSIONAL REVIEW.—Sub-
22 section (b) of such section is amended by adding at the
23 end the following new paragraph:

24 “(6) Subsection (a) shall not apply to prevent
25 the Attorney General and the Secretary of Home-

1 land Security from disclosing to the chairmen and
2 ranking members of the Judiciary Committees of the
3 House of Representatives and of the Senate in the
4 exercise of Congressional oversight authority infor-
5 mation on closed cases under this section in a man-
6 ner that protects the confidentiality of such informa-
7 tion and that omits personally identifying informa-
8 tion (including locational information about individ-
9 uals).”.

10 (d) APPLICATION TO JUVENILE SPECIAL IMMI-
11 GRANTS.—Subsection (a) of such section is amended—

12 (1) by striking “or” at the end of paragraph
13 (1);

14 (2) by striking the period at the end of para-
15 graph (2) and inserting “; or”; and

16 (3) by inserting after paragraph (2) the fol-
17 lowing new paragraph:

18 “(3) in the case of an alien described in section
19 101(a)(27)(J) of the Immigration and Nationality
20 Act who has been abused, neglected, or abandoned,
21 contact the alleged abuser (or family member of the
22 alleged abuser) at any stage of applying for special
23 immigrant juvenile status, including after a request
24 for the consent of the Secretary of Homeland Secu-
25 rity under clause (iii)(I) of such section.”.

1 (e) IMPROVED ENFORCEMENT.—Subsection (c) of
2 such section is amended by adding at the end the fol-
3 lowing: “The Office of Professional Responsibility in the
4 Department of Justice shall be responsible for carrying
5 out enforcement under the previous sentence.”.

6 (f) CERTIFICATION OF COMPLIANCE IN REMOVAL
7 PROCEEDINGS.—

8 (1) IN GENERAL.—Section 239 of the Immigra-
9 tion and Nationality Act (8 U.S.C. 1229) is amend-
10 ed by adding at the end the following new sub-
11 section:

12 “(e) CERTIFICATION OF COMPLIANCE WITH RE-
13 STRICTIONS ON DISCLOSURE.—Removal proceedings shall
14 not be initiated against an alien unless there is a certifi-
15 cation of either of the following:

16 “(1) No enforcement action was taken leading
17 to such proceedings against the alien—

18 “(A) at a domestic violence shelter, a vic-
19 tims services organization or program (as de-
20 scribed in section 2003(8) of the Omnibus
21 Crime Control and Safe Streets Act of 1968),
22 a rape crisis center, a family justice center, or
23 a supervised visitation center; or

24 “(B) at a courthouse (or in connection
25 with the appearance of the alien at a court-

1 house) if the alien is appearing in connection
2 with a protection order case, child custody case,
3 or other civil or criminal case relating to domes-
4 tic violence, sexual assault, trafficking, or stalk-
5 ing in which the alien has been battered or sub-
6 ject to extreme cruelty or if the alien is de-
7 scribed in subparagraph (T) or (U) of section
8 101(a)(15).

9 “(2) Such an enforcement action was taken, but
10 the provisions of section 384(a)(1) of the Illegal Im-
11 migration Reform and Immigrant Responsibility Act
12 of 1996 have been complied with.”.

13 (2) COMPLIANCE.—Section 384(c) of the Illegal
14 Immigration Reform and Immigrant Responsibility
15 Act of 1996 (division C of Public Law 104–208; 8
16 U.S.C. 1367(c)) is amended by inserting “or who
17 knowingly makes a false certification under section
18 239(e) of the Immigration and Nationality Act”
19 after “in violation of this section”.

20 (g) EFFECTIVE DATE.—The amendments made by
21 this section shall take effect on the date of the enactment
22 of this Act and shall apply to violations or disclosures
23 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 of VAWA
12 petitioners (as defined in section 101(a)(51) of the Immi-
13 gration and Nationality Act, as added by section 911(a)),
14 of aliens seeking status as nonimmigrants under subpara-
15 graph (T) or (U) of section 101(a)(15) of such Act, and
16 of aliens seeking relief under section 240A(b)(2) of such
17 Act or under section 244(a)(3) of such Act (as in effect
18 on March 31, 1997).

19 **Subtitle C—Miscellaneous**
20 **Provisions**

21 **SEC. 931. REMOVING 2 YEAR CUSTODY AND RESIDENCY RE-**
22 **QUIREMENT FOR BATTERED ADOPTED CHIL-**
23 **DREN.**

24 (a) IN GENERAL.—Section 101(b)(1)(E)(i) of the
25 Immigration and Nationality Act (8 U.S.C.

1 1101(b)(1)(E)(i) is amended by inserting after “at least
2 two years” the following: “or if the child has been battered
3 or subject to extreme cruelty by the adopting parent or
4 by a family member of the adopting parent residing in
5 the same household”.

6 (b) CONFORMING NATURALIZATION AMENDMENT.—
7 Section 320(a)(3) of such Act (8 U.S.C. 1431(a)(3)) is
8 amended by inserting before the period at the end the fol-
9 lowing: “or the child is residing in the United States pur-
10 suant to a lawful admission for permanent residence and
11 has been battered or subject to extreme cruelty by the cit-
12 izen parent or by a family member of the citizen parent
13 residing in the same household ”

14 (c) EFFECTIVE DATE.—The amendments made by
15 this section shall take effect on the date of the enactment
16 of this Act and shall apply to applications pending or filed
17 on or after such date.

18 **SEC. 932. WAIVER OF CERTAIN GROUNDS OF INADMIS-**
19 **SIBILITY FOR VAWA PETITIONERS.**

20 (a) WAIVER OF FALSE CLAIM OF U.S. CITIZEN-
21 SHIP.—

22 (1) IN GENERAL.—Section 212(i)(1) of such
23 Act (8 U.S.C. 1182(i)(1)) is amended by inserting
24 “(and, in the case of a VAWA petitioner who dem-
25 onstrates a connection between the false claim of

1 United States citizenship and the petitioner being
2 subjected to battery or extreme cruelty, clause (ii))”
3 after “clause (i)”.

4 (2) CONFORMING REFERENCE.—Section
5 212(a)(6)(C)(iii) of such Act (8 U.S.C.
6 1182(a)(6)(C)(iii)) is amended by striking “clause
7 (i)”and inserting “clauses (i) and (ii)”.

8 (b) EXEMPTION FROM PUBLIC CHARGE GROUND.—

9 (1) IN GENERAL.—Section 212(a)(4) of such
10 Act (8 U.S.C. 1182(a)(4)) is amended by adding at
11 the end the following new subparagraph:

12 “(E) SPECIAL RULE FOR BATTERED
13 ALIENS.—Subparagraphs (A) through (C) shall
14 not apply to an alien who is a VAWA petitioner
15 or is a qualified alien described in section
16 431(c) of the Personal Responsibility and Work
17 Opportunity Reconciliation Act of 1996.”.

18 (2) CONFORMING AMENDMENT.—Section
19 212(a)(4)(C)(i) of such Act (8 U.S.C.
20 1182(a)(4)(C)(i)) is amended to read as follows:

21 “(i) the alien is described in subpara-
22 graph (E); or”.

23 (c) EFFECTIVE DATE.—Except as provided in this
24 section, the amendments made by this section shall take
25 effect on the date of the enactment of this Act and shall

1 apply regardless of whether the conviction was entered,
2 crime, or disqualifying event occurred before, on, or after
3 such date.

4 **SEC. 933. EMPLOYMENT AUTHORIZATION FOR BATTERED**
5 **SPOUSES OF CERTAIN NONIMMIGRANTS.**

6 (a) IN GENERAL.—Section 214(c) of the Immigration
7 and Nationality Act (8 U.S.C. 1184(c)), as amended by
8 sections 403(a) and 404(a) of the REAL ID Act of 2005
9 (division B of Public Law 109–13), is amended by adding
10 at the end the following new paragraph:

11 “(15) In the case of an alien spouse admitted under
12 subparagraph (A), (E)(iii), (G), or (H) of section
13 101(a)(15) who is accompanying or following to join a
14 principal alien admitted under subparagraph (A), (E)(iii),
15 (G), or (H)(i) of such section, respectively, the Secretary
16 of Homeland Security shall authorize the alien spouse to
17 engage in employment in the United States and provide
18 the spouse with an ‘employment authorized’ endorsement
19 or other appropriate work permit if the alien spouse dem-
20 onstrates that during the marriage the alien spouse or a
21 child of the alien spouse has been battered or has been
22 the subject to extreme cruelty perpetrated by the spouse
23 of the alien spouse.”.

24 (b) EFFECTIVE DATE.—The amendment made by
25 subsection (a) shall take effect on the date of the enact-

1 ment of this Act and shall apply to aliens who obtained
2 the status of an alien spouse before, on, or after such date.

3 **SEC. 934. GROUNDS FOR HARDSHIP WAIVER FOR CONDI-**
4 **TIONAL PERMANENT RESIDENCE FOR IN-**
5 **TENDED SPOUSES.**

6 (a) IN GENERAL.—Section 216(c)(4) of the Immigra-
7 tion and Nationality Act (8 U.S.C. 1186a(c)(4)) is amend-
8 ed—

9 (1) by striking “or” at the end of subparagraph
10 (B);

11 (2) by striking the period at the end of sub-
12 paragraph (C) and inserting “, or”; and

13 (3) by inserting after subparagraph (C) the fol-
14 lowing new subparagraph:

15 “(D) the alien meets the requirements
16 under section 204(a)(1)(A)(iii)(II)(aa)(BB) and
17 following the marriage ceremony has been bat-
18 tered by or was subject to extreme cruelty per-
19 petrated by his or her intended spouse and was
20 not at fault in failing to meet the requirements
21 of paragraph (1).”.

22 (b) EFFECTIVE DATE.—The amendments made by
23 subsection (a) shall apply as if included in the enactment
24 of VAWA–2000.

1 **SEC. 935. CANCELLATION OF REMOVAL.**

2 (a) CLARIFYING APPLICATION OF DOMESTIC VIO-
3 LENCE WAIVER AUTHORITY IN CANCELLATION OF RE-
4 MOVAL.—

5 (1) IN GENERAL.—Section 240A(b) of the Im-
6 migration and Nationality Act (8 U.S.C. 1229b(b))
7 is amended—

8 (A) in paragraph (1)(C)—

9 (i) by inserting “subject to paragraph
10 (5),” after “(C)”; and

11 (ii) by striking “(except in a case de-
12 scribed in section 237(a)(7) where the At-
13 torney General exercises discretion to
14 grant a waiver)”; and

15 (B) in paragraph (2)(A), by amending
16 clause (iv) to read as follows:

17 “(iv) subject to paragraph (5), the
18 alien is not inadmissible under paragraph
19 (2) or (3) of section 212(a), is not remov-
20 able under paragraph (2), (3)(D), or (4) of
21 section 237(a), and is not removable under
22 section 237(a)(1)(G) (except if there was a
23 connection between the marriage fraud de-
24 scribed in such section and the battery or
25 extreme cruelty described in clause (i));
26 and ”; and

1 (C) by adding at the end the following new
2 paragraph:

3 “(5) APPLICATION OF DOMESTIC VIOLENCE
4 WAIVER AUTHORITY.—The provisions of section
5 237(a)(7) shall apply in the application of para-
6 graphs (1)(C) and (2)(A)(iv) (including waiving
7 grounds of deportability) in the same manner as
8 they apply under section 237(a). In addition, for
9 purposes of such paragraphs and in the case of an
10 alien who has been battered or subjected to extreme
11 cruelty and if there was a connection between the in-
12 admissibility or deportability and such battery or
13 cruelty with respect to the activity involved, the At-
14 torney General may waive, in the sole unreviewable
15 discretion of the Attorney General, any other ground
16 of inadmissibility or deportability for which a waiver
17 is authorized under section 212(h), 212(d)(13),
18 212(d)(14), or 237(a)(2)(A)(v), and the exception
19 described in section 204(a)(1)(C) shall apply.”.

20 (2) EFFECTIVE DATE.—The amendments made
21 by paragraph (1) shall apply as if included in the
22 enactment of section 1504(a) of VAWA–2000.

23 (b) CLARIFYING NONAPPLICATION OF CANCELLA-
24 TION CAP.—

1 (1) IN GENERAL.—Section 240A(e)(3) of the
2 Immigration and Nationality Act (8 U.S.C.
3 1229b(e)(3)) is amended by adding at the end the
4 following new subparagraph:

5 “(C) Aliens with respect to their cancella-
6 tion of removal under subsection (b)(2).”.

7 (2) EFFECTIVE DATE.—The amendment made
8 by paragraph (1) shall apply to cancellations of re-
9 moval occurring on or after October 1, 2004.

10 **SEC. 936. MOTIONS TO REOPEN.**

11 (a) REMOVAL PROCEEDINGS.—

12 (1) IN GENERAL.—Section 240(e)(7) of the Im-
13 migration and Nationality Act (8 U.S.C.
14 1230(e)(7)), as redesignated by section 101(d)(1) of
15 the REAL ID Act of 2005 (division B of Public Law
16 109–13), is amended—

17 (A) in subparagraph (A), by inserting “,
18 except that this limitation shall not apply so as
19 to prevent the filing of one motion to reopen de-
20 scribed in clause (iv)” before the period at the
21 end; and

22 (B) in subparagraph (C)—

23 (i) in the heading of clause (iv), by
24 striking “SPOUSES AND CHILDREN” and

1 inserting “SPOUSES, CHILDREN, AND PAR-
2 ENTS,”;

3 (ii) in the matter before subclause (I)
4 of clause (iv), by striking “The deadline
5 specified in subsection (b)(5)(C) for filing
6 a motion to reopen does not apply” and in-
7 serting “Any limitation under this section
8 on the deadlines for filing such motions
9 shall not apply”;

10 (iii) in clause (iv)(I), by striking “or
11 (iv)” and inserting “, (iv), or (vii)”;

12 (iv) in clause (iv)(I), by inserting “or
13 section 244(a)(3) (as in effect on March
14 31, 1997)” after “section 240A(b)(2)”;

15 (v) by striking “and” at the end of
16 clause (iv)(II);

17 (vi) by striking the period at the end
18 of clause (iv)(III) and inserting “; and”;
19 and

20 (vii) by adding at the end the fol-
21 lowing:

22 “(IV) if the alien is physically
23 present in the United States at the
24 time of filing the motion.

1 The filing of a motion to reopen under this
2 clause shall stay the removal of the alien
3 pending final disposition of the motion in-
4 cluding exhaustion of all appeals if the mo-
5 tion establishes a prima facie case for the
6 relief applied for.”.

7 (2) EFFECTIVE DATE.—The amendments made
8 by paragraph (1) shall take effect on the date of the
9 enactment of this Act.

10 (b) DEPORTATION PROCEEDINGS.—

11 (1) IN GENERAL.—Section 1506(c)(2) of
12 VAWA–2000 is amended—

13 (A) in the matter before clause (i) of sub-
14 paragraph (A), by striking “Notwithstanding
15 any limitation imposed by law on motions” in-
16 serting “Notwithstanding any limitation on the
17 number of motions, or the deadlines for filing
18 motions (including the deadline specified in sec-
19 tion 242B(c)(3) of the Immigration and Na-
20 tionality Act before the title III–A effective
21 date),”;

22 (B) in the matter before clause (i) of sub-
23 paragraph (A), by striking “there is no time
24 limit on the filing of a motion” and all that fol-
25 lows through “does not apply” and inserting

1 “such limitations shall not apply to the filing of
2 a single motion under this subparagraph to re-
3 open such proceedings”; and

4 (C) by adding at the end of subparagraph
5 (A) the following:

6 “The filing of a motion under this subpara-
7 graph shall stay the removal of the alien pend-
8 ing a final disposition of the motion including
9 the exhaustion of all appeals if the motion es-
10 tablishes a prima facie case for the relief ap-
11 plied for. ”; and

12 (D) in subparagraph (B), by inserting
13 “who are physically present in the United
14 States and” after “filed by aliens”.

15 (2) EFFECTIVE DATE.—The amendments made
16 by paragraph (1) shall take effect on the date of the
17 enactment of this Act.

18 **SEC. 937. REMOVAL PROCEEDINGS.**

19 (a) TREATMENT OF BATTERY OR EXTREME CRU-
20 ELTY AS EXCEPTIONAL CIRCUMSTANCES.—Section
21 240(e)(1) of such Act (8 U.S.C. 1230(e)(1)) is amended
22 by inserting “battery or extreme cruelty of the alien or
23 any child or parent of the alien or” after “exceptional cir-
24 cumstances (such as”.

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 a failure to appear
4 that occurs before, on, or after such date.

5 **SEC. 938. CONFORMING RELIEF IN SUSPENSION OF DEPOR-**
6 **TATION PARALLEL TO THE RELIEF AVAIL-**
7 **ABLE IN VAWA-2000 CANCELLATION FOR**
8 **BIGAMY.**

9 Section 244(a)(3) of the Immigration and Nationality
10 Act (as in effect before the title III–A effective date in
11 section 309 of the Illegal Immigration Reform and Immig-
12 rant Responsibility Act of 1996) shall be applied as if
13 “or by a United States citizen or lawful permanent resi-
14 dent whom the alien intended to marry, but whose mar-
15 riage is not legitimate because of that United States citi-
16 zen’s or permanent resident’s bigamy” were inserted after
17 “by a spouse or parent who is a United States citizen or
18 lawful permanent resident”.

19 **SEC. 939. CORRECTION OF CROSS-REFERENCE TO CRED-**
20 **IBLE EVIDENCE PROVISIONS.**

21 (a) CUBAN ADJUSTMENT PROVISION.—The last sen-
22 tence of the first section of Public Law 89–732 (November
23 2, 1966; 8 U.S.C. 1255 note), as amended by section
24 1509(a) of VAWA–2000, is amended by striking
25 “204(a)(1)(H)” and inserting “204(a)(1)(J)”.

1 (b) NACARA.—Section 202(d)(3) of the Nicaraguan
2 Adjustment and Central American Relief Act (8 U.S.C.
3 1255 note; Public Law 105–100), as amended by section
4 1510(a)(2) of VAWA–2000, is amended by striking
5 “204(a)(1)(H)” and inserting “204(a)(1)(J)”.

6 (c) IIRAIRA.—Section 309(c)(5)(C)(iii) of the Ille-
7 gal Immigration and Reform and Immigrant Responsi-
8 bility Act of 1996 (division C of Public Law 104–208; 8
9 U.S.C. 1101 note), as amended by section 1510(b)(2) of
10 VAWA–2000, is amended by striking “204(a)(1)(H)” and
11 inserting “204(a)(1)(J)”.

12 (d) HRIFA.—Section 902(d)(1)(B)(iii) of the Hai-
13 tian Refugee Immigration Fairness Act of 1998 (division
14 A of section 101(h) of Public Law 105–277; 112 Stat.
15 2681–538), as amended by section 1511(a) of VAWA–
16 2000, is amended by striking “204(a)(1)(H)” and insert-
17 ing “204(a)(1)(J)”.

18 (e) EFFECTIVE DATE.—The amendments made by
19 this section shall take effect as if included in the enact-
20 ment of VAWA–2000.

21 **SEC. 940. TECHNICAL CORRECTIONS.**

22 (a) TECHNICAL CORRECTIONS TO REFERENCES IN
23 APPLICATION OF SPECIAL PHYSICAL PRESENCE AND
24 GOOD MORAL CHARACTER RULES.—

1 (1) PHYSICAL PRESENCE RULES.—Section
2 240A(b)(2)(B) of the Immigration and Nationality
3 Act (8 U.S.C. 1229b(b)(2)(B)) is amended—

4 (A) in the first sentence, by striking
5 “(A)(i)(II)” and inserting “(A)(ii)”; and

6 (B) in the fourth sentence, by striking
7 “section 240A(b)(2)(B)” and inserting “this
8 subparagraph, subparagraph (A)(ii),”.

9 (2) MORAL CHARACTER RULES.—Section
10 240A(b)(2)(C) of such Act (8 U.S.C.
11 1229b(b)(2)(C)) is amended by striking
12 “(A)(i)(III)” and inserting “(A)(iii)”.

13 (3) EFFECTIVE DATE.—The amendments made
14 by this subsection shall be effective as if included in
15 the enactment of section 1504(a) of VAWA (114
16 Stat. 1522).

17 (b) CORRECTION OF CROSS-REFERENCE ERROR IN
18 APPLYING GOOD MORAL CHARACTER.—

19 (1) IN GENERAL.—Section 101(f)(3) of the Im-
20 migration and Nationality Act (8 U.S.C. 1101(f)(3))
21 is amended by striking “(9)(A)” and inserting
22 “(10)(A)”.

23 (2) EFFECTIVE DATE.—The amendment made
24 by paragraph (1) shall be effective as if included in
25 the enactment of the Illegal Immigration Reform

1 and Immigrant Responsibility Act of 1996 (Public
2 Law 104–208).

3 (c) PUNCTUATION CORRECTION.—Effective as if in-
4 cluded in the enactment of section 5(c)(2) of VAWA–
5 2000, section 237(a)(1)(H)(ii) of such Act (8 U.S.C.
6 1227(a)(1)(H)(ii)) is amended by striking the period at
7 the end and inserting “; or”.

8 (d) CORRECTION OF DESIGNATION AND INDENTA-
9 TION.—The last sentence of section 212(a)(9)(C)(ii) of the
10 Immigration and Nationality Act (8 U.S.C.
11 1182(a)(9)(C)(ii)), as added by section 1505(a) of
12 VAWA–2000, is amended—

13 (1) by striking “section 212(a)(9)(C)(i)” and
14 inserting “clause (i)”;

15 (2) by redesignating paragraphs (1) and (2),
16 and subparagraphs (A) through (D) of paragraph
17 (2), as subclauses (I) and (II), and items (aa)
18 through (dd) of subclause (II), respectively; and

19 (3) by moving the margins of each of such
20 paragraphs and subparagraphs 6 ems to the right.

21 (e) ADDITIONAL TECHNICAL CORRECTIONS.—(1)
22 Section 237(a)(7)(A)(i)(I) of such Act (8 U.S.C.
23 1227(a)(7)(A)(i)(I)) is amended by striking “is self-de-
24 fense” and inserting “in self-defense”.

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 Director of the Office on Vio-

1 lence Against Women, shall conduct a national baseline
2 study to examine violence against Indian women.

3 (b) SCOPE.—

4 (1) IN GENERAL.—The study shall examine vio-
5 lence committed against Indian women, including—

6 (A) domestic violence;

7 (B) dating violence;

8 (C) sexual assault;

9 (D) stalking; and

10 (E) murder.

11 (2) EVALUATION.—The study shall evaluate the
12 effectiveness of Federal, State, tribal, and local re-
13 sponses to the violations described in paragraph (1)
14 committed against Indian women.

15 (c) TASK FORCE.—

16 (1) IN GENERAL.—The Attorney General, act-
17 ing through the Director of the Office on Violence
18 Against Women, shall establish a task force to assist
19 in the development and implementation of the study
20 under subsection (a).

21 (2) MEMBERS.—The Director shall appoint to
22 the task force representatives from—

23 (A) national tribal domestic violence and
24 sexual assault nonprofit organizations;

25 (B) tribal governments; and

1 (C) the National Congress of American In-
2 dians.

3 (d) REPORT.—Not later than 2 years after the date
4 of enactment of this Act, the Attorney General shall sub-
5 mit to Congress a report that describes the findings made
6 in the study.

7 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
8 authorized to be appropriated to carry out this section
9 \$1,000,000 for each of fiscal years 2006 and 2007, to re-
10 main available until expended.

11 **SEC. 1004. TRACKING OF VIOLENCE ON TRIBAL LANDS.**

12 (a) ACCESS TO FEDERAL CRIMINAL INFORMATION
13 DATABASES.—Section 534 of title 28, United States Code,
14 is amended—

15 (1) by redesignating subsection (d) as sub-
16 section (e); and

17 (2) by inserting after subsection (c) the fol-
18 lowing:

19 “(d) INDIAN LAW ENFORCEMENT AGENCIES.—The
20 Attorney General shall permit Indian law enforcement
21 agencies, in cases of domestic violence, dating violence,
22 sexual assault, and stalking, to enter information into
23 Federal criminal information databases and to obtain in-
24 formation from the databases, including information relat-
25 ing to—

- 1 “(1) identification records;
2 “(2) criminal history records;
3 “(3) protection orders; and
4 “(4) wanted person records.”.

5 (b) TRIBAL REGISTRY.—

6 (1) ESTABLISHMENT.—The Attorney General
7 shall contract with any interested Indian tribe, tribal
8 organization, or tribal nonprofit organization to de-
9 velop and maintain—

10 (A) a national tribal sex offender registry;

11 and

12 (B) a tribal protection order registry con-
13 taining civil and criminal orders of protection
14 issued by Indian tribes and participating juris-
15 dictions.

16 (2) AUTHORIZATION OF APPROPRIATIONS.—

17 There is authorized to be appropriated to carry out
18 this section \$1,000,000 for each of fiscal years 2006
19 through 2010, to remain available until expended.

20 **SEC. 1005. TRIBAL DIVISION OF THE OFFICE ON VIOLENCE**
21 **AGAINST WOMEN.**

22 Part T of the Omnibus Crime Control and Safe
23 Streets Act of 1968 is amended by adding after section
24 2015 (as added by section 604 of this Act) the following:

1 **“SEC. 2016. TRIBAL DIVISION.**

2 “(a) IN GENERAL.—The Director of the Office on Vi-
3 olence Against Women shall designate one or more em-
4 ployees, each of whom shall have demonstrated expertise
5 in tribal law and practice regarding domestic violence, dat-
6 ing violence, sexual assault, and stalking against members
7 of Indian tribes, to be responsible for—

8 “(1) overseeing and managing the administra-
9 tion of grants to and contracts with Indian tribes,
10 tribal courts, tribal organizations, tribal nonprofit
11 organizations and the territories;

12 “(2) ensuring that, if a grant or a contract pur-
13 suant to such a grant is made to an organization to
14 perform services that benefit more than one Indian
15 tribe, the approval of each Indian tribe to be bene-
16 fited shall be a prerequisite to the making of the
17 grant or letting of the contract;

18 “(3) assisting in the development of Federal
19 policy, protocols, and guidelines on matters relating
20 to domestic violence, dating violence, sexual assault,
21 and stalking against members of Indian tribes;

22 “(4) advising the Director of the Office on Vio-
23 lence Against Women concerning policies, legislation,
24 implementation of laws, and other issues relating to
25 domestic violence, dating violence, sexual assault,
26 and stalking against members of Indian tribes;

1 “(5) representing the Office on Violence
2 Against Women in the annual consultations under
3 section 1002 of the Violence Against Women Reau-
4 thorization Act of 2005;

5 “(6) providing assistance to the Department of
6 Justice to develop policy and to enforce Federal law
7 relating to domestic violence, dating violence, sexual
8 assault, and stalking against members of Indian
9 tribes;

10 “(7) maintaining a liaison with the judicial
11 branches of Federal, State and tribal governments
12 on matters relating to domestic violence, dating vio-
13 lence, sexual assault, and stalking against members
14 of Indian tribes; and

15 “(8) ensuring that adequate tribal training,
16 technical assistance, and data collection is made
17 available to Indian tribes, tribal courts, tribal orga-
18 nizations, and tribal nonprofit organizations for all
19 programs relating to domestic violence, dating vio-
20 lence, sexual assault, and stalking against members
21 of Indian tribes.

22 “(b) AUTHORITY.—

23 “(1) IN GENERAL.—The Director shall ensure
24 that a portion of the tribal set-aside funds from any
25 grant awarded under the Violence Against Women

1 Act of 1994 (title IV of Public Law 103–322) or the
2 Violence Against Women Act of 2000 (division B of
3 Public Law 106–386) is used to enhance the capac-
4 ity of Indian tribes to address the safety of members
5 of Indian tribes.

6 “(2) ACCOUNTABILITY.—The Director shall en-
7 sure that some portion of the tribal set-aside funds
8 from any grant made under this part is used to hold
9 offenders accountable through—

10 “(A) enhancement to the response of In-
11 dian tribes to crimes of domestic violence, dat-
12 ing violence, sexual assault, and stalking
13 against Indian women, including legal services
14 for victims and Indian-specific offender pro-
15 grams;

16 “(B) development and maintenance of trib-
17 al domestic violence shelters or programs for
18 battered members of Indian tribes, including
19 sexual assault services, that are based upon the
20 unique circumstances of the members of Indian
21 tribes to be served;

22 “(C) development of tribal educational
23 awareness programs and materials;

24 “(D) support for customary tribal activities
25 to strengthen the intolerance of an Indian tribe

1 to violence against members of Indian tribes;
2 and

3 “(E) development, implementation, and
4 maintenance of tribal electronic databases for
5 tribal protection order registries.

6 **“SEC. 2017. SAFETY FOR INDIAN WOMEN FORMULA GRANTS**
7 **PROGRAM.**

8 “(a) ESTABLISHMENT.—

9 “(1) IN GENERAL.—Of the amounts set aside
10 for Indian tribes and tribal organizations in a pro-
11 gram referred to in paragraph (2), the Attorney
12 General, through the Director of the Office of Vio-
13 lence Against Women (referred to in this section as
14 the “Director”), shall take such setasides and com-
15 bine them to establish the Safety for Indian Women
16 Formula Grants Program, a single formula grant
17 program to enhance the response of Indian tribal
18 governments to address the safety of members of In-
19 dian tribes. Grants made under this program shall
20 be administered by the Tribal Division of the Office
21 on Violence Against Women.

22 “(2) PROGRAMS COVERED.—The programs cov-
23 ered by paragraph (1) are the programs carried out
24 under the following provisions:

1 “(A) Section 2007 (42 U.S.C. 3796gg-1),
2 Grants to Combat Violent Crimes Against
3 Women.

4 “(B) Section 2101 (42 U.S.C. 3796hh),
5 Grants to Encourage Arrest Policies.

6 “(C) Section 1201 of the Violence Against
7 Women Act of 2000 (42 U.S.C. 3796gg-6),
8 Legal Assistance for Victims.

9 “(D) Section 1301 of the Violence Against
10 Women Act of 2000 (42 U.S.C. 10420), Safe
11 Havens for Children Pilot Program.

12 “(E) Section 40295 of the Violence
13 Against Women Act of 1994 (42 U.S.C.
14 13971), Rural Domestic Violence and Child
15 Abuser Enforcement Assistance.

16 “(F) Section 41002 of the Violence
17 Against Women Act of 1994, Grants for Court
18 Training and Improvements.

19 “(b) PURPOSE OF PROGRAM AND GRANTS.—

20 “(1) GENERAL PROGRAM PURPOSE.—The pur-
21 pose of the program required by this section is to as-
22 sist Indian tribal governments to develop and en-
23 hance effective governmental strategies to curtail
24 violent crimes against and increase the safety of

1 members of Indian tribes consistent with tribal law
2 and custom, specifically the following:

3 “(A) To increase tribal capacity to respond
4 to domestic violence, dating violence, sexual as-
5 sault, and stalking crimes against members of
6 Indian tribes.

7 “(B) To strengthen tribal justice interven-
8 tions including tribal law enforcement, prosecu-
9 tion, courts, probation, correctional facilities;
10 and enhance services to members of Indian
11 tribes victimized by domestic violence, dating vi-
12 olence, sexual assault, and stalking.

13 “(2) PURPOSES FOR WHICH GRANTS MAY BE
14 USED.—The Director may make grants to Indian
15 tribes for the purpose of enhancing participating
16 tribes’ capacity to address the safety of members of
17 Indian tribes. Each participating tribe shall exercise
18 its right of self-determination and self-governance in
19 allocating and using funds made available under the
20 program. Each participating tribe may use funds
21 under the program to support its specific tribally
22 based response to increasing the safety of members
23 of Indian tribes. Grants under the program shall
24 support the governmental efforts identified by the
25 Indian tribe required according to its distinctive

1 ways of life to increase the safety of members of In-
2 dian tribes from crimes of sexual assault, domestic
3 violence, dating violence, stalking, kidnapping, and
4 murder.

5 “(c) DISBURSEMENT.—Not later than 120 days after
6 the receipt of an application under this section, the Attor-
7 ney General, through the Director, shall—

8 “(1) disburse the appropriate sums provided for
9 under this section; or

10 “(2) inform the Indian tribe why the applica-
11 tion does not conform to the terms of the application
12 requirements.

13 “(d) REQUIRED PROCEDURES.—

14 “(1) DEADLINE TO PROVIDE NOTICE.—No later
15 than 60 days after receiving an appropriation of
16 funds supporting the program required by this sec-
17 tion, Director shall—

18 “(A) publish in the Federal Register notifi-
19 cation of—

20 “(i) the availability of those funds to
21 Indian tribes;

22 “(ii) the total amount of funds avail-
23 able; and

24 “(iii) the process by which tribes may
25 participate in the program; and

1 “(B) mail each Indian tribe a notification
2 of the matters required by subparagraph (A),
3 together with instructions on the process, copies
4 of application forms, and a notification of the
5 deadline for submission of an application.

6 “(2) DEADLINE TO MAKE FUNDS AVAILABLE.—
7 No later than 180 days after receiving an appropria-
8 tion referred to in paragraph (1), the Director shall
9 distribute and make accessible those funds to Indian
10 tribes opting to participate in the program.

11 “(3) FORMULA.—The Director shall distribute
12 those funds according to the following formula: —

13 “(A) 60 percent of the available funds
14 shall be allocated equally to all Indian tribes
15 who exercise the option to access the funds,

16 “(B) The remaining 40 percent shall be al-
17 located to the same Indian tribes on a per cap-
18 ita basis, according to the population residing
19 in the respective Indian tribe’s service area.

20 “(4) SET-ASIDE.—No later than 120 days after
21 receiving an appropriation referred to in paragraph
22 (1), the Director shall set aside not less than 5 per-
23 cent and up to 7 percent of the total amount of
24 those funds for the purpose of entering into a coop-
25 erative agreement or contract with one or more trib-

1 al organizations with demonstrated expertise in pro-
2 viding training and technical assistance to Indian
3 tribes in addressing domestic violence, dating vio-
4 lence, sexual assault, and stalking against members
5 of Indian tribes, tribal law, and customary practices.
6 At least one of the cooperative agreements or con-
7 tracts shall be entered into with a single tribal orga-
8 nization to provide comprehensive technical assist-
9 ance to participating tribal governments. Such train-
10 ing and technical assistance shall be specifically de-
11 signed to address the unique legal unique legal sta-
12 tus, distinct cultural ways of life, and geographic cir-
13 cumstances of the Indian tribes receiving funds
14 under the program.

15 “(e) RECIPIENT REQUIREMENTS.—

16 “(1) IN GENERAL.—Indian tribes may receive
17 funds under the program required by this section as
18 individual tribes or as a consortium of tribes.

19 “(2) SUBGRANTS AND OTHER ARRANGE-
20 MENTS.—Participating tribes may make subgrants
21 or enter into contracts or cooperative agreements
22 with the funds under the program to enhance the
23 safety of, and end domestic violence, dating violence,
24 sexual assault, and stalking against, members of In-
25 dian tribes.

1 “(3) SET ASIDE.—Participating tribes must set
2 aside no less than 40 percent of their total allocation
3 under this section for tribally specific domestic vio-
4 lence, dating violence, sexual assault, or stalking vic-
5 tim services and advocacy for members of Indian
6 tribes. The services supported with funds under the
7 program must be designed to address the unique cir-
8 cumstances of the individuals to be served, including
9 the customary practices and linguistic needs of the
10 individuals within the tribal community to be served.
11 Tribes shall give preference to tribal organizations
12 or tribal nonprofit organizations providing advocacy
13 services to members of Indian tribes within the com-
14 munity to be served such as a safety center or shel-
15 ter program for members of Indian tribes. In the
16 case where the above organizations do not exist
17 within the participating tribe, the participation and
18 support from members of Indian tribes in the com-
19 munity to be served is sufficient to meet this re-
20 quirement.

21 “(f) ADMINISTRATION REQUIREMENTS.—

22 “(1) APPLICATION.—To reduce the administra-
23 tive burden for Indian tribes, the Director shall pre-
24 pare an expedited application process for Indian
25 tribes participating in the program required by this

1 section. The expedited process shall facilitate partici-
2 pating tribes' submission of information—

3 “(A) outlining project activities;

4 “(B) describing how the project activities
5 will enhance the Indian tribe's response to do-
6 mestic violence, dating violence, sexual assault,
7 and stalking against members of Indian tribes;
8 and

9 “(C) identifying the tribal partner pro-
10 viding advocacy and related services for mem-
11 bers of Indian tribes who are victims of crimes
12 of domestic violence, dating violence, sexual as-
13 sult, and stalking.

14 “(2) REPORTING AND EVALUATION.—The Di-
15 rector shall alleviate administrative burdens upon
16 participating Indian tribes by—

17 “(A) developing a reporting and evaluation
18 process relevant to the distinct governance of
19 Indian tribes;

20 “(B) requiring only essential data to be
21 collected; and

22 “(C) limiting reporting to an annual basis.

23 “(3) GRANT PERIOD.—The Director shall
24 award grants for a two-year period, with a possible

1 extension of another two years to implement projects
2 under the grant.

3 “(g) PRESUMPTION THAT MATCHING FUNDS NOT
4 REQUIRED.—

5 “(1) IN GENERAL.—Given the unique political
6 relationship between the United States and Indian
7 tribes differentiates tribes from other entities that
8 deal with or are affected by, the Federal Govern-
9 ment, the Director shall not require an Indian tribe
10 to match funds under this section, except as pro-
11 vided in paragraph (2).

12 “(2) EXCEPTION.—If the Director determines
13 that an Indian tribe has adequate resources to com-
14 ply with a matching requirement that would other-
15 wise apply but for the operation of paragraph (1),
16 the Director may waive the operation of paragraph
17 (1) for that tribe.

18 “(h) EVALUATION.—The Director shall award a con-
19 tract or cooperative agreement to evaluate programs under
20 this section to an entity with the demonstrated expertise
21 in domestic violence, dating violence, sexual assault, and
22 stalking and knowledge and experience in—

23 “(1) the development and delivery of services to
24 members of Indian tribes who are victimized;

1 “(2) the development and implementation of
2 tribal governmental responses to such crimes; and

3 “(3) the traditional and customary practices of
4 Indian tribes to such crimes.”.

5 **SEC. 1006. GAO REPORT TO CONGRESS ON STATUS OF**
6 **PROSECUTION OF SEXUAL ASSAULT AND DO-**
7 **MESTIC VIOLENCE ON TRIBAL LANDS.**

8 (a) **IN GENERAL.**—Not later than 1 year after the
9 date of enactment of this section, the Comptroller General
10 of the United States shall submit to the Congress a report
11 on the prosecution of sexual assault and domestic violence
12 committed against adult American Indians and Alaska
13 Natives.

14 (b) **CONTENTS OF REPORT.**—The report required by
15 subsection (a) shall include the following:

16 (1) An assessment of the effectiveness of pros-
17 ecution of such cases by the United States district
18 attorneys of such cases.

19 (2) For each district containing Indian country,
20 a summary of the number of sexual assault and do-
21 mestic violence related cases within Federal criminal
22 jurisdiction and charged according to the following
23 provisions of title 18, United States Code: Sections
24 1153, 1152, 113, 2261(a)(1)(2), 2261A(1),
25 2261A(2), 2261(a)(1)(2), and 922(g)(8).

- 1 (3) A summary of the number of—
2 (A) reports received;
3 (B) investigations conducted;
4 (C) declinations and basis for declination;
5 (D) prosecutions, including original charge
6 and final disposition;
7 (E) sentences imposed upon conviction;
8 and
9 (F) male victims, female victims, Indian
10 defendants, and non-Indian defendants.
- 11 (3) The priority assigned by the district to the
12 prosecution of such cases and the percentage of such
13 cases prosecuted to total cases prosecuted.
- 14 (4) Any recommendations by the Comptroller
15 General for improved Federal prosecution of such
16 cases.
- 17 (c) YEARS COVERED.—The report required by this
18 section shall cover the years 2000 through 2005.

○