

*Section-by-Section Summary of H.R. 3402, the  
Violence Against Women and Department of Justice Appropriations  
Reauthorization Act of 2005*

**Sec. 1. Short Title.**

**Sec. 2. Table of Contents.**

**Sec. 3. Universal Definitions and Grant Conditions.** This section aggregates existing and new definitions of terms applicable to the Act. (Previously, relevant definitions were scattered in various Code provisions.) The section also sets forth universal conditions that apply to the Act's new and existing grant programs.

**Title I: Enhancing Judicial and Law Enforcement Tools to Combat Violence Against Women**

**Sec. 101. STOP (Services and Training for Officers and Prosecutors) Grants Improvements.** This section reauthorizes the cornerstone of the Act, the STOP program, at \$225,000,000 annually for 2007 through 2011 (it is currently authorized at \$185 million annually). This program provides state formula grants that bring police and prosecutors in close collaboration with victim services providers. Technical amendments increase the focus on appropriate services for underserved communities and ensure victim confidentiality.

**Sec. 102. Grants to Encourage Arrest and Enforcement of Protection Order Improvements.** This fundamental Department of Justice program is reauthorized at \$75,000,000 annually for 2007 through 2011 (it is currently authorized at \$65 million annually). States and localities use this funding to develop and strengthen programs and policies that encourage police officers to arrest abusers who commit acts of violence or violate protection orders. Amendments will provide technical assistance to improve tracking of cases in a manner that preserves confidentiality and privacy protections for victims. Purposes are amended to encourage victim service programs to collaborate with law enforcement to assist pro-arrest and protection order enforcement policies. In addition, this section authorizes family justice centers and extends pro-arrest policies to sexual assault cases.

**Sec. 103. Legal Assistance for Victims Improvement.** This section reauthorizes the grant program for legal services for protection orders and related family, criminal, immigration, administrative agency, and housing matters. It allows victims of domestic violence, dating violence, stalking, and sexual assault to obtain access to trained attorneys and lay advocacy services, particularly pro bono legal services, when they require legal assistance as a consequence of violence. This program has been expanded to provide services to both adult and youth victims. Previously authorized at \$40,000,000 annually, funding is set at \$65,000,000 annually for 2007 through 2011, to be administered by the Attorney General.

This provision also includes an amendment to ensure that all legal services organizations can assist any victim of domestic violence, sexual assault and trafficking without regard to the victim's immigration status. The organizations can use any source of funding they receive to

provide legal assistance that is directly related to overcoming the victimization, and preventing or obtaining relief for the crime perpetrated against them that is often critical to promoting victim safety.

**Sec. 104. Ensuring Crime Victim Access to Legal Services.** This section eases access to legal services for immigrant victims of violent crimes.

**Sec. 105. The Violence Against Women Act Court Training and Improvements.** This section creates a new program to educate the courts and court-related personnel in the areas of domestic violence, dating violence, sexual abuse and stalking. The goal of this education will be to improve internal civil and criminal court functions, responses, practices and procedures, including the development of dedicated domestic violence dockets. This section will also authorize one or more grants to create general educational curricula for state and tribal judiciaries to ensure that all states have access to consistent and appropriate information. This section is authorized at \$5,000,000 for each fiscal year 2007 through 2011 and it is administered by the Department of Justice.

**Sec. 106. Full Faith and Credit Improvements.** Technical amendments are made to the criminal code to clarify that courts should enforce the protection orders issued by civil and criminal courts in other jurisdictions. Orders to be enforced include those issued to both adult and youth victims, including the custody and child support provisions of protection orders. Amendment also requires protection order registries to safeguard the confidentiality and privacy of victims.

**Section 107. Privacy Protections For Victims Of Domestic Violence, Sexual Violence, Stalking, And Dating Violence.** This section creates new and badly-needed protections for victim information collected by federal agencies and included in national databases by prohibiting grantees from disclosing such information. It creates grant programs and specialized funding for federal programs to develop “best practices” for ensuring victim confidentiality and safety when law enforcement information (such as protection order issuance) is included in federal and state databases. It also provides technical assistance to aid states and other entities in reviewing their laws to ensure that privacy protections and technology issues are covered, such as electronic stalking, and training for law enforcement on high tech electronic crimes against women. It authorizes \$5,000,000 per year for 2007 through 2011 to be administered by the Department of Justice.

**Section 108. Sex Offender Training.** Under this section, the Attorney General will consult with victim advocates and experts in the area of sex offender training. The Attorney General will develop criteria and training programs to assist probation officers, parole officers, and others who work with released sex offenders. This section reauthorizes the program at \$3,000,000 annually for 2007 through 2011.

**Sec. 109. National Stalker Database and Domestic Violence Reduction.** Under this section, the Attorney General may issue grants to states and units of local governments to improve data entry into local, state, and national crime information databases for cases of stalking and domestic violence. This section reauthorizes the program at \$3,000,000 annually for 2007

through 2011.

**Sec. 110. Federal Victim Assistants.** This section authorizes funding for U.S. Attorney offices to hire counselors to assist victims and witnesses in prosecution of domestic violence and sexual assault cases. This section is reauthorized for \$1,000,000 annually for 2007 through 2011.

**Sec. 111. Grants for Law Enforcement Training Programs.** This section would authorize a Department of Justice grant program to help train State and local law enforcement to identify and protect trafficking victims, to investigate and prosecute trafficking cases and to develop State and local laws to prohibit acts of trafficking. It proposes \$10,000,000 in grants annually from 2006 to 2010.

**Sec. 112. Reauthorization of the Court-Appointed Special Advocate Program.** This section reauthorizes the widely-used Court-Appointed Special Advocate Program (CASA). CASA is a nationwide volunteer program that helps represent children who are in the family and/or juvenile justice system due to neglect or abuse. This provision also allows the program to request the FBI conduct background checks of prospective volunteers. This program is reauthorized at \$12,000,000 annually for 2007 through 2011.

**Sec. 113. Preventing Cyberstalking.** To strengthen stalking prosecution tools, this section amends the Communications Act of 1934 (47 U.S.C. 223(h)(1)) to expand the definition of a telecommunications device to include any device or software that uses the Internet and possible Internet technologies such as voice over internet services. This amendment will allow federal prosecutors more discretion in charging stalking cases that occur entirely over the internet.

**Sec. 114. Updating the Federal Stalking Law.** Section 114 improves the existing federal stalking law by borrowing state stalking law language to (1) criminalize stalking surveillance (this would include surveillance by new technology devices such as Global Positioning Systems (GPS)); and (2) to expand the accountable harm to include substantial emotional harm to the victim. The provision also enhances minimum penalties if the stalking occurred in violation of an existing protection order.

**Sec. 115. Repeat Offender Provision.** This section updates the criminal code to permit doubling the applicable penalty for repeat federal domestic violence offender – a sentencing consequence already permissible for repeat federal sexual assault offenders.

**Sec. 116. Prohibiting Dating Violence.** Utilizing the Act's existing definition of dating violence, section 115 amends the federal interstate domestic violence prohibition to include interstate dating violence.

**Sec. 117. Prohibiting Violence in Special Maritime and Territorial Jurisdiction.** This section tightens the interstate domestic violence criminal provision to include special maritime and territories within the scope of federal jurisdiction.

**Sec. 118. Updating Protection Order Definition in 28 U.S.C. § 534(e)(3)(B).**

**Sec. 119. GAO Study and Report.** This section directs the General Accounting Office to study the extent to which men, women, youth and children are victims of domestic violence and the availability of services to address the needs of these individual groups.

**Sec. 120. Grants for Outreach to Underserved Populations.** This grant program authorizes \$2 million annually for local, national, and regional information campaigns on services and law enforcement resources available to victims of domestic violence, dating violence, sexual assault and stalking.

**Sec. 121. Enhancing Culturally and Linguistically Specific Services.** This provision will authorize the Attorney General to pool 5% of each funding stream to the various VAWA programs and devote them to a new program to enhance culturally and linguistically specific services for victims of domestic violence, dating violence, sexual assault and stalking.

## **Title II. Improving Services for Victims of Domestic Violence, Dating Violence, Sexual Assault and Stalking**

### **Sec. 201. Findings**

**Sec. 202. Sexual Assault Services Provision.** This section creates a separate and direct funding stream dedicated to sexual assault services. Currently, the Act funds rape prevention programs, but does not provide sufficient resources for direct services dedicated solely to sexual assault victims, primarily rape crisis centers. Under this new program funding will be distributed by the Department of Justice to states and their sexual violence coalitions. The formula grant funds will assist States and Tribes in their efforts to provide services to adult, youth and child sexual assault victims and their family, including intervention, advocacy, accompaniment in medical, criminal justice, and social support systems, support services, and related assistance. Funding is also provided for training and technical assistance. This section authorizes \$50,000,000 annually for 2007-2011.

**Sec. 203. Amendments to the Rural Domestic Violence and Child Abuse Enforcement Assistance Program.** This section reauthorizes and expands the existing education, training and services grant programs that address violence against women in rural areas. This provision renews the rural VAWA program, extends direct grants to state and local governments for services in rural areas and expands purpose areas to include community collaboration projects in rural areas and the creation or expansion of additional victim services. New language expands the program coverage to sexual assault, child sexual assault and stalking. It also expands eligibility from rural states to rural communities, increasing access to rural sections of otherwise highly populated states. This section authorizes \$55,000,000 annually for 2007 through 2011 (it is currently authorized at \$40 million a year).

**Sec. 204. Education, Training and Enhanced Services to End Violence Against Women with Disabilities.** This section reauthorizes and expands the existing education, training and services grant programs that address violence against women with disabilities. New purpose areas include facility modifications and personnel costs for shelters to better serve victims with disabilities, the development of collaborative partnerships between victim service organizations

and organizations serving individuals with disabilities and the development of model programs that situate advocacy and intervention services for victims within organizations serving individuals with disabilities. The program is authorized at \$10,000,000 for each fiscal year 2007 through 2011.

**Sec. 205. Education, Training and Services to End Violence Against and Abuse of Women Later in Life.** This section reauthorizes and expands the existing education, training and services grant programs that address violence against elderly women. Grants will be distributed by the Department of Justice to States, local government, nonprofit and nongovernmental organizations for providing training and services for domestic violence, dating violence, sexual assault and stalking victims age 60 and older. The program is authorized at \$10,000,000 annually for 2007 through 2011.

**Sec. 206. Strengthening the National Domestic Violence Hotline .** Section 206 eliminates a current funding requirement that any funds appropriated to the Hotline in excess of \$3,000,000 be devoted entirely to a non-existent Internet program.

### **Title III. Services, Protection and Justice for Young Victims of Violence**

#### **Sec. 301. Findings**

**Sec. 302. Rape Prevention and Education.** This section reauthorizes the Rape Prevention and Education Program. It appropriates \$80,000,000 annually (its current authorization level) for 2007 through 2011. Of the total funds made available under this subsection in each fiscal year, a minimum of \$1,500,000 will be allotted to the National Sexual Violence Resource Center.

**Sec. 303. Services, Education, Protection and Justice for Young Victims of Violence.** This section establishes a new subtitle that would create four new grant programs designed to address dating violence committed by and against youth.

(1) The Services to Advocate for and Respond to Teens program authorizes grants to nonprofit, nongovernmental and community based organizations that provide services to teens and young adult victims of domestic violence, dating violence, sexual assault or stalking. This section is authorized for \$15,000,000 annually for 2007 through 2011 and will be administered by the Department of Health and Human Services.

(2) The Access to Justice for Teens program is a demonstration grant program to promote collaboration between courts (including tribal courts), domestic violence and sexual assault service providers, youth organizations and service providers, violence prevention programs, and law enforcement agencies. The purposes of the collaborative projects are to identify and respond to domestic violence, dating violence, sexual assault and stalking committed by or against teens; to recognize the need to hold the perpetrators accountable; to establish and implement procedures to protect teens; and to increase cooperation among community organizations. This section is authorized at \$5,000,000 annually for 2007 through 2011 to be administered by Department of Justice.

(3) The third program established under Sec. 303 is the Grants for Training and Collaboration on the Intersection between Domestic Violence and Child Maltreatment program. It provides grants to child welfare agencies, courts, domestic or dating violence service providers, law enforcement and other related community organizations. Grant recipients are to develop collaborative responses, services and cross-training to enhance responses to families where there is both child abuse and neglect and domestic violence or dating violence. This section authorized at \$5,000,000 annually 2007 through 2011 to be administered by the Department of Justice.

(4) The final program established under 303 is the Supporting Teens through Education and Protection program. It will be administered by the Department of Justice to train school personnel to recognize signs of domestic violence and establish policies for prevention.

**Sec. 304. Reauthorization of Grants to Reduce Violence Against Women on Campus.** This amends the existing campus program to be administered by the Department of Justice on a three-year grant cycle, provides more money and sets parameters for training of campus law enforcement and campus judicial boards. This section is authorized at \$12,000,000 for 2007 and \$15,000,000 for 2008 through 2011 (it is currently authorized at \$10 million).

**Sec. 305. Juvenile Justice.** The overwhelming majority of girls entering the juvenile justice system are victims of abuse and violence, and the system must provide adequate services that are tailored to girls' gender-specific needs and to their experiences of abuse. These provisions amend the Juvenile Justice and Delinquency Prevention Act to permit States to detail their gender-specific services.

**Sec. 306. Safe Havens for Children.** This section continues and expands a pilot Justice Department grant program aimed at reducing domestic violence and child abuse during parental visitation or the transfer of children for visitation by expanding the availability of supervised visitation centers. It reauthorizes the program for \$20,000,000 annually for 2007 through 2011.

Title IV. Strengthening America's Families by Preventing Violence

**Sec. 401. Findings, Purpose and Authorization for three new, child-focused programs.** This section creates the Grants to Assist Children and Youth Exposed to Violence that authorizes new, collaborative programs, administered by the Office on Violence Against Women in the Department of Justice in collaboration with the Administration for Children, Youth and Families in the Department of Health and Human Services, to provide services for children who have been exposed to domestic violence, dating violence, sexual assault or stalking for the purpose of mitigating the effects of such violence. Programs authorized under this section include both direct services for children and their non-abusing parent or caretaker, and training/coordination for programs that serve children and youth (such as Head Start, child care, and after-school programs). It is authorized at \$20,000,000 annually from 2007 through 2011.

This section also establishes the Development of Curricula and Pilot Programs for Home Visitation Projects. Home visitation services are offered in many states and on some military bases to provide assistance to new parents or families in crisis. Home visitation services, in addition to providing assistance to the parents, look for signs of child abuse or neglect in the home. This provision, administered by the Office on Violence Against Women in the

Department of Justice in collaboration with the Administration for Children, Youth and Families in the Department of Health and Human Services, creates model training curricula and provides home visitation services to help families to develop strong parenting skills and ensure the safety of all family members. The program is authorized at \$7,000 per year for 2007-2011.

The final new program engages men and youth in preventing domestic violence, dating violence, sexual assault and stalking. It authorizes the development, testing and implementation of programs to help youth and children develop respectful, non-violent relationships. The grant is administered by the Office on Violence Against Women at the Department of Justice in collaboration with the Department of Health and Human Services, and eligible entities include community-based youth service organizations and state and local governmental entities. It is authorized at \$10,000,000 annually for 2007 through 2011.

**Sec. 402. Study Conducted by the Centers for Disease Control and Prevention.** This provision authorizes \$2 million to the Centers for Disease Control to study the best practices for reducing and preventing violence against women and children and an evaluation of programs funded under this Title.

**Sec. 403. Public Awareness Campaign.** This section mandates the Attorney General to award grants to States for carrying out public awareness campaigns.

Title V: Strengthening the Health Care System's Response To Domestic Violence, Dating Violence, Sexual Assault and Stalking

**Sec. 501. Findings.**

**Sec. 502. Purposes.**

**Sec. 503: Training and Education of Health Professionals.** This section provides new grants to train health care providers and students in health professional schools on recognizing and appropriately responding to domestic and sexual violence. The provision authorizes \$3,000,000 each year from 2007 through 2011 to be administered by the Department of Health and Human Services.

**Sec. 504: Grants to Foster Public Health Responses to Domestic Violence, Dating Violence, Sexual Assault and Stalking.** Section 504 provides grants for statewide and local collaborations between domestic and sexual violence services providers and health care providers including state hospitals and public health departments. These programs would provide training and education to health care providers and would develop policies and procedures that enhance screening of women for exposure to domestic and sexual violence, and encourage proper identification, documentation and referral for services when appropriate. This section is authorized at \$5,000,000 annually from 2007 through 2011.

**Section 506: Research on Effective Interventions in the Health Care Setting to Address Domestic Violence.** Includes funding for the Centers for Disease Control and Prevention and Administration for Healthcare Research and Quality to evaluate effective interventions within the health care setting to improve abused women's health and safety and prevent further

victimization. This section is authorized at \$5,000,000 annually from 2007 through 2011.

## **Title VI. Housing Opportunities and Safety for Battered Women and Children**

**Sec. 601. Amends the Violence Against Women Act to include a title addressing housing needs of victims of domestic violence, dating violence, sexual assault and stalking.**

**Sec. 41401. Findings.**

**Sec. 41402. Purposes.**

**Sec. 41403. Definitions.**

**Sec. 41404. Collaborative Grants to Increase the Long-term Stability of Victims.** Modeled after successful affordable housing, community development, and “housing first” programs across the nation, this section would provide \$10,000,000 for the Department of Health and Human Services in partnership with the Department of Housing and Urban Development to fund collaborative efforts to: place domestic violence survivors into long-term housing solutions as soon as reasonable and safe; provide services to help individuals or families find long-term housing; provide financial assistance to attain long-term housing (including funds for security deposits, first month’s rent, utilities, down payments, short-term rental assistance); provide services to help individuals or families remain housed (including advocacy, transportation, child care, financial assistance, counseling, case management, and other supportive services); and create partnerships to purchase, build, renovate, repair, convert and operate affordable housing units. Funds may not be directly spent on construction, modernization, or renovations.

**Sec. 41405. Grants to Combat Violence Against Women in Public and Assisted Housing.** This section establishes grants to assist public and Indian housing authorities, landlords, property management companies and other housing providers and agencies in responding appropriately to domestic and sexual violence. Grants would provide education and training, development of policies and practices, enhancement of collaboration with victim organizations, protection of victims residing in public, Indian and assisted housing, and reduction of evictions and denial of housing to victims for crimes and lease violations committed or directly caused by the perpetrators of violence against them. The program is authorized at \$10,000,000 and will be administered by the Office on Violence Against Women in the Department of Justice.

**Sec. 602. Transitional Housing Assistance Grants for Victims of Domestic Violence, Dating Violence, Sexual Assault or Stalking.** Section 602 amends the existing transitional housing program created by the PROTECT Act and administered by the Office on Violence Against Women in the Department of Justice. This section expands the current direct-assistance grants to include funds for operational, capital and renovation costs. Other changes include providing services to victims of dating violence, sexual assault and stalking; extending the length of time for receipt of benefits to match that used by HUD transitional housing programs; and updating the existing program to reflect the concerns of victim service providers. The provision would increase the authorized funding for the grant from \$30,000,000 to \$40,000,000.

**Sec. 603. Public and Indian Housing Authority Plans Reporting Requirement.**

**Sec. 604. Housing Strategies.** Sections 603 and 604 amend the Housing and Urban Development (HUD) Agency reporting requirements imposed on public housing applicants. Pursuant to the amendment, HUD applicants must include any plans to address domestic violence, dating violence, sexual assault and stalking in their application.

**Sec. 605. Amendment to the McKinney-Vento Homeless Assistance Act.** This provision amends the Homeless Management Information Systems (HMIS) statute in the McKinney-Vento Homelessness Assistance Act to protect the confidentiality of victims of domestic violence, dating violence, sexual assault and stalking receiving assistance from HUD-funded victim service programs. It requires that these programs refrain from disclosing personally identifying information to the HMIS.

**Sec. 606. Amendments to the Low Income Housing Assistance Voucher Program.**

**Sec. 607. Amendments to the Public Housing Program.** Sections 606 and 607 amend the Low Income Housing Assistance Voucher program (also known as the Section 8 or Housing Choice Voucher program) and the Public Housing program to state that an individual's status as a victim of domestic violence, dating violence, or stalking is not an appropriate basis for denial of program assistance by a public housing authority. It also states that incidents of domestic violence, dating violence and stalking shall not be good cause for terminating a lease held by the victim. The amendments specify that the authority of an owner or PHA to evict or terminate perpetrators of abuse shall not be limited and gives landlords and PHAs the ability to bifurcate a lease to maintain the victim's tenancy while evicting the perpetrator. Victims must certify their status as victims by presenting appropriate documentation to the PHA or owner, and the language clarifies that victims can be evicted for lease violations or if their tenancy poses a threat to the community.

**Title VIII – Protection of Battered and Trafficked Immigrant Women**

**Sec. 801. Treatment of Spouse and Children of Victims.** For some trafficking victims, providing assistance in the investigation or prosecution of the trafficking case can endanger or traumatize the victim or her family members. The ability to ensure safety of family members living abroad is crucial to trafficking victims' or crime victims' well being and ability to effectively assist in prosecutions. This section allows T and U visa holders' spouse, children, parents, and unmarried siblings under 18 to join them in the United States.

**Sec. 802. Permitted Presence of Victims of Severe Trafficking.** This section permits trafficking victims' unlawful presence in the United States only if the trafficking is at least one central reason for the unlawful presence. The limited exception to the unlawful presence provision is identical to that afforded to non-citizen survivors of domestic abuse.

**Sec. 803. Adjustment of Status for Victims of Trafficking.** This section shortens the adjustment time and allows trafficking victims to apply for lawful permanent residency 2 years after receiving a T visa.

**Sec. 804. Protection and Assistance for Victims of Trafficking.** This section clarifies the roles and responsibilities accorded to the Department of Justice and the Department of Homeland Security in addressing trafficking and supporting victims. Furthermore, this section clarifies that “assistance” by trafficking victims includes responding to and cooperating with requests for evidence and information.

**Sec 805. Protecting Victims of Child Abuse and Incest.** This section clarifies language to ensure that children of VAWA self-petitioners abused by lawful permanent residents receive the VAWA immigration protection and lawful permanent residency along with their abused parent. It also assures that children eligible for VAWA immigration relief are not excluded from Child Status Protection Act protection. This section enhances protection for incest victims by permitting VAWA self-petitions to be filed until age 25 by individuals who qualified for VAWA relief before they were 21 but did not file a petition before that time if the abuse is at least one central reason for the delayed filing.

Under current law, adopted foreign-born children must reside with their adoptive parents for two years to gain legal immigration status through their adoptive parents. This section allows adopted children who were battered or subjected to extreme cruelty by their adoptive parent or the adoptive parent’s family member residing in the household to attain legal immigration status without having to reside for two years with the abusive adoptive family member.

**Sec. 811. Definition of VAWA Self-Petitioner.** This section creates a term “VAWA self-petitioner” which covers all forms of VAWA self-petitions created in VAWA 2000 including VAWA Cuban Adjustment, VAWA HRIFA and VAWA NACARA applicants.

**Sec. 812. Application in Cases of Voluntary Departure.** Under current law, people who fail to comply with voluntary departure orders are barred for 10 years from receiving lawful permanent residency through adjustment of status, cancellation of removal (including VAWA cancellation), change of status, and registry. Denying lawful permanent residency to immigrant victims of domestic violence, sexual assault and trafficking undermines Congressional intent to provide immigration relief crucial to supporting crime victims cooperating with law enforcement and offering protection for battered immigrant spouses and children. This section exempts victims eligible for VAWA, T or U relief from the harsh consequences of failing to comply with voluntary departure orders as long as the extreme cruelty or battery is at least one of the central reasons for the overstay.

**Sec. 813. Removal Proceedings.** This section adds domestic abuse to the list of exceptional circumstances that allow immigrants to file motions to reopen in removal proceedings. VAWA 2000 allowed immigration judges in cancellation of removal and adjustment of status proceedings to waive ineligibility grounds for some VAWA eligible battered petitioners, who acted in self defense, violated their own protection order, or were involved in a crime that didn’t result in serious bodily injury or where there was a connection between the crime and their own abuse. This section corrects drafting errors that have made these waivers procedurally unavailable to battered immigrant victims.

**Sec. 814. Eliminating Abusers’ Control Over Applications and Limitation on Petitioning**

**for Abusers.** The Violence Against Women Act enabled battered Haitian Refugee Immigration Fairness Act and Cuban Adjustment Act applicants to apply for VAWA immigration relief. In order for these applicants to access the relief, they need to file motions to reopen. However, due to a drafting oversight, the deadline for filing motions to reopen had already passed when VAWA 2000 became law. This amendment corrects the drafting and allows these battered immigrants to file motions to reopen and thereby access the relief that was created for them in VAWA- 2000.

This section also makes approved VAWA self-petitioners and their spouses eligible for employment authorization. Providing employment authorization earlier in the application process gives battered immigrant self-petitioners the means to sever economic dependence on their abusers, promoting their safety and the safety of their children. Section 814 also prohibits a VAWA self-petitioner or a T or U-visa holder from petitioning for immigrant status for their abuser.

**Sec. 815. Application for VAWA-Related Relief.** This amendment clarifies that certain battered spouses and children can access relief under the Nicaraguan Adjustment and Central American Relief Act that was specifically created for those groups in VAWA 2000. This amendment ensures relief even in cases where an abusive spouse or parent failed to apply to adjust the survivor’s status to lawful permanent residency by the statutory deadline or failed to follow through with applications after filing. Thus, this amendment prevents abusers from controlling their non-citizen victims by blocking their ability to successfully access the relief that was intended under VAWA 2000.

**Sec 816. Self Petitioning Parents.** This section expands the scope of VAWA immigration relief to include intergenerational abuse, allowing non-citizen parents who are abused by their adult U.S. citizen son or daughter to seek VAWA relief.

**Sec. 817. Enhanced VAWA Confidentiality Non-disclosure Protections.** This section amends VAWA’s confidentiality protections so that they cover a range of immigrant victims eligible for the various forms of VAWA or crime victim related immigration relief including T visa victims, VAWA Cubans, VAWA HRIFAs, VAWA NACARAs and VAWA suspension applicants. This section also ensures that VAWA confidentiality rules apply to each relevant federal agency including the Department of Homeland Security and the Department of State.

**Sec 821. Duration of T and U visas.** This provision would authorize issuance of T and U visas for a period of not more than 4 years.

**Sec. 822. Technical Correction to References in Application of Special Physical Presence and Good Moral Character Rules.** This section corrects two technical drafting errors. First it ensures that the provisions on physical presence and on good moral character apply to all VAWA cancellation applicants. Second it corrects an incorrectly cited section so that the “good moral character” bar applies to bigamy, not unlawful presence.

**Sec. 823. Petitioning Rights of Certain Former Spouses Under Cuban Adjustment.** This section would ensure that battered immigrants are still able to adjust under VAWA Cuban

adjustment relief even if they are divorced from the abuser. This provision is necessary to prevent abusers from cutting their spouses off from potential immigration status adjustment by divorcing them.

**Sec. 824. Self-Petitioning Rights of HRIFA Applicants.** This amendment clarifies that Haitian abused applicants can access relief that was specifically created for them in VAWA 2000. Abusers could control battered immigrants by not adjusting their own status to lawful permanent residency pursuant to the Haitian Refugee Immigration Fairness Act (“HRIFA”). The abuser may not follow through with the lawful permanent residency application or fail to file an application at all. This technical correction remedies the problem to ensure that all abused spouses and children otherwise eligible for VAWA HRIFA are able to access this relief.

**Sec 825: Motion to Reopen.** This section, a correction to VAWA 2000, gives domestic abuse victims the opportunity to file one motion to reopen to pursue VAWA relief, and exempts them from the special motion to reopen filing deadlines.

**Sec 826. Protecting Abused Juveniles.** This section assures that immigration authorities are not required to contact abusive parents or family members in connection with the abused, neglected, or abandoned juvenile’s application for special immigrant juvenile status. This prevents abusive parents from keeping their children from accessing help and support in the United States.

**Sec. 827. Exceptions for the Protection of Domestic Violence and Crime Victims.** This section carves out an exception to the current requirements regarding driver’s license or identification cards for victims of domestic violence to ensure their safety.

**Sec. 831. Short Title for the International Marriage Broker Regulation Act of 2005.**

**Sec. 832. International Marriage Broker Information Requirements.** This section provides that a U.S. citizen filing a petition for a K visa for a fiancée from another country must provide information on criminal convictions for specified crimes. These include a list of violent crimes, including assault and battery as well as crimes relating to substance or alcohol abuse. The Department of Homeland Security will provide this criminal history information, along with results of their search for any criminal convictions to the foreign national beneficiary. The Department of State is prohibited from approving a fiancée visa if the petitioner has petitioned for more than 2 K visas in the past, or less than 2 years have passed since the petitioner filed for a K visa and that visa was approved. DHS can waive this bar, but if person has history of violent crimes, the bar cannot be waived unless DHS determined that there are extraordinary circumstances, or the individual's crimes were a result of domestic violence, the individual was not the primary perpetrator of the violence, and the crime did not result in serious bodily injury. DHS is directed to create a database to track repeated K applications and notify petitioner and spouse when second K is applied for in 10 year period. All future K applications will trigger similar notice, with domestic violence pamphlet being sent to K beneficiary. The fact that an individual was provided with this information and the domestic violence pamphlet for immigrants cannot be used to deny their eligibility for relief under VAWA.

**Section 833. Domestic Violence Information and Resources for Immigrants and Regulation of International Marriage Brokers.** This section directs DOS, DHS and DOJ to create a

pamphlet on domestic violence rights and resources for immigrants as well as a summary of that pamphlet for use by Federal officials in the interview process. The pamphlet is to be translated into at least 14 languages and the required list of translations is to review and revised every 2 years based on the language spoken by the greatest concentration of K nonimmigrant visa applicants. The pamphlet is to be mailed to all K applicants with their visa application process instruction packet as well as a copy of the petition submitted by the petitioner. The pamphlet is to be made available to the public at all consular posts, and posted on the DOS, DHS, and consular post websites. The pamphlet will also be provided to any international marriage broker, government agency or non-governmental advocacy organization.

**Section 834. Sharing of Certain Information.** This section provides that there is no bar to the sharing of information between the relevant departments for the purpose of fulfilling the disclosure requirements of the U.S. petition.

## **Title IX – Safety for Indian Women**

### **Sec. 901 and 902. Findings and Purposes.**

**Sec. 903. Consultation Requirement.** This section requires the Secretary of the Interior and the Attorney General to consult with and seek recommendations from tribal governments concerning the administration of tribal VAWA funds and programs.

**Sec. 904. Analysis and Research of Violence Against Indian Women.** This provision requests that the National Institute of Justice conduct a national baseline study to examine violence against Indian women and the effectiveness of Federal, State, local and tribal responses. It also requires the Attorney General to establish a task force to assist in the development and implementation of the study and report to Congress. Members of the study shall include tribal governments and national tribal organizations. The violence study is authorized at \$1,000,000 for fiscal years 2007 and 2008. In addition, this section requires the Secretary of Health and Human Services to conduct a study of injuries to Indian women from incidents of domestic violence, dating violence, sexual assault and stalking and the costs associated with these injuries. The injury report shall be reported to Congress and is authorized at \$500,000 for fiscal years 2007 and 2008.

**Sec. 905. Tracking of Violence Against Indian Women.** In cases of domestic violence, dating violence, sexual assault and stalking, the provision authorizes tribal law enforcement to access and enter information on to Federal criminal information databases (set out in 28 U.S.C. § 534). Second, it permits tribes to develop and maintain national tribal sex offender registries and tribal protection order registries. To undertake the latter, the provision authorizes \$1,000,000 for fiscal years 2007 through 2011.

**Sec. 906. Safety for Indian Women Formula Grants.** To better administer grants to Indian Country and enhance the responses of Indian tribal governments, this measure authorizes the Office on Violence Against Women to combine all Native American set asides appropriated under this Act and create a single grant source.

**Sec. 907. Deputy Director in the Office on Violence Against Women.** To coordinate and guide Federal, State, local and tribal responses to violence against Indian women, this provision establishes a Deputy Director of Tribal Affairs in the Office on Violence Against Women. The Deputy Director is charged with several duties, including, but not limited to, oversight of tribal grant programs and developing federal policies and protocols on matters relating to violence against Indian women. In addition, the Deputy Director is authorized to ensure that some portion of tribal funds distributed through VAWA programs will be devoted to enhancing tribal resources such as legal services or shelters for Indian women victimized by domestic violence or sexual assault.

**Sec. 908 and 909. Enhanced Criminal Law Resources and Domestic Assault by Habitual Offender** – Sections 908 and 909 make several changes to existing criminal law. Under current law persons who have been convicted of a qualifying misdemeanor crime of domestic violence under federal or state law are prohibited from possessing firearms. This amendment would expand that prohibition to those persons convicted of a qualifying misdemeanor crime of domestic violence under tribal law.

Under current law, federal courts have exclusive jurisdiction over domestic violence crimes committed in Indian country where the perpetrator is a non-Indian and the victim is an Indian, and concurrent jurisdiction with the tribal courts where the perpetrator is an Indian and the victim is a non-Indian. Under this scheme, federal officers can only arrest for misdemeanors that occur in the presence of the arresting officer. Most domestic violence offenses are misdemeanors not committed in the presence of a federal officer. Accordingly, this amendment will eliminate that requirement and allow a federal arrest if there is reasonable grounds that the offense was committed. Finally, the provision creates a repeat offender provision.

## **Title X – DNA Fingerprinting**

### **Sec. 1001. Short Title**

**Sec. 1002. Use of Opt-Out Procedure to Remove Samples from National DNA Index.** Because this title expands the scope of the national DNA database to include DNA samples from arrestees, this particular section amends the current expungement protocols and directs the FBI to remove samples in the event of an overturned conviction, acquittal, or the charge was dismissed.

**Sec. 1003. Expanded Use of COIS Grants.** To reduce the extraordinary backlog of rape kits and other crime scene evidence waiting for DNA testing, the federal government makes available to States a targeted DNA grant program. Specifically, States may seek funding to reduce the backlog in crime scene evidence, to reduce the backlog in DNA samples of offenders convicted of qualifying state offenses, or to enhance the State's DNA laboratory capabilities. This section would expand the grant purpose regarding offender DNA samples to include all samples collected under applicable state law; accordingly, States could use federal funding to test samples collected from arrestees or voluntary elimination samples.

**Sec. 1004. Authorization to Conduct DNA Sample Collection From Persons Arrested or Detained Under Federal Authority.** Current law allows federal authorities to collect DNA

samples from individuals upon indictment. This provision would expand that authority to permit the Attorney General to collect DNA at arrest or detention of non-United States persons.

**Sec. 1005. Tolling of Statute of Limitations for Sexual Abuse Offenses.** This amendment strikes a carve-out authorizing John Doe indictments in sexual assault crimes and makes uniform the federal law that tolls the statute of limitations for all federal crimes where DNA evidence is collected (§ 3297).

## **Title XI—Department of Justice Reauthorization**

**Secs. 1101-1104. Authorization of Appropriations for Fiscal Years 2006-2009.** Sections 1101-1104 set forth specific sums authorized to be appropriated to carry out the activities of the Department of Justice for Fiscal Years 2006 through 2009.

**Section 1105. Organized Retail Theft Task Force.** Section 1105 requires the Department of Justice and the Federal Bureau of Investigation to establish, in consultation with the retail community, an Organized Retail Theft Task Force. The task force will provide expertise to the retail community for the establishment of a national database or clearinghouse maintained by the private sector to identify and track organized retail theft throughout the United States. Authorizes \$5 million per year from FY06-09 for the activities of the task force.

**Section 1106. United States-Mexico Border Violence Task Force.** Section 1106 requires the Attorney General to establish a task force in Laredo, Texas to combat drug and firearms trafficking, violence and kidnapping along the U.S.-Mexico border. Authorizes \$10 million per year from FY06-09 for the establishment and operation of the task force and associated law enforcement activities.

**Section 1107. National Gang Intelligence Center.** Section 1107 requires the Attorney General to establish a National Gang Intelligence Center and database administered by the FBI to collect, analyze and disseminate gang activity information from federal, state and local law enforcement and other officials. Authorizes \$10 million per year from FY06-09 for the activities of the Center.

## **Subtitle B—Improving the Department of Justice’s Grant Programs**

### **Chapter 1—Assisting Law Enforcement and Criminal Justice Agencies**

**Section 1111. Merger of Byrne Grant and Local Law Enforcement Block Grant Programs.** Section 1111 merges the current Byrne Grant Program (both formula and discretionary) and the Local Law Enforcement Block Grant Programs into one new Edward Byrne Memorial Justice Assistance Grant Program. This will allow states and local governments to make one application for these funds annually for a four-year term.

The formula for distributing these grants combines elements of the current Byrne and LLEBG formulas. For allocating funds to the states, each state automatically receives 0.25% of the total. Of the remaining amount, 50% is divided among the states according to population (the method

currently used under Byrne) and 50% is divided up based on the violent crime rate (the method currently used under LLEBG). Each state's allocation is then divided among state and local governments in the following manner: sixty percent of the allocation goes to the state. Then, that 60% is divided between state and local governments based on their relative percentages of overall criminal justice spending within the state. The state keeps its portion of the 60% and administers the local portion at its discretion.

The remaining 40% of the state's allocation goes directly to local governments from OJP. Each class of local governments (e.g., cities, counties, townships, etc.) gets a share based on its relative percentage of local criminal justice spending within the state. Within each class, the class's share is divided between the local governments in that class based on their crime rate. This is similar to how LLEBG grants are now done.

The authorization also makes an important change to allow the Attorney General in his discretion to reserve up to five percent of all funds for states experiencing a precipitous or extraordinary increase in crime, or to prevent, compensate or mitigate any significant harm resulting from the operation of the new formula.

The bill authorizes \$1.075 billion for the program in FY06 and such sums as necessary for FY07-FY09. A new feature of the program is that states will be allowed to keep grant funds in interest bearing accounts until spent and then keep the interest. However, all money must be spent during the four-year grant period. In addition, the new program consolidates the current 28 specific purposes for Byrne grants and 9 specific purposes for LLEBG grants into 6 broad purposes intended to cover the same ground while giving more flexibility to use the grants constructively.

**Section 1112. Clarification of Number of Recipients Who May Be Selected in a Given Year to Receive Public Safety Officer Medal of Valor.** Section 1112 amends the Public Safety Officer Medal of Valor Act of 2001. As enacted, the Act provided that no more than five medals may be awarded per year and that they may only be awarded to individuals. In some instances, the acts of valor are performed by teams of individuals rather than one person. To address this problem, section 1112 amends the Act to provide that the medal may be awarded to groups of individuals as well as single individuals.

**Section 1113. Clarification of Official to be Consulted by Attorney General in Considering Application for Emergency Federal Law Enforcement Assistance.** Section 1113 amends the Emergency Federal Law Enforcement Assistance program (42 U.S.C. § 10501 et seq.) to clarify that in awarding grants under this program, the Attorney General shall consult with the Assistant Attorney General for the Office of Justice Programs rather than the Director of the Office of Justice Assistance. This change simply brings the statute into conformity with the existing chain of command in the Department.

**Section 1114. Clarification of Uses for Regional Information Sharing System Grants.** Section 1114 amends the authorization for the Regional Information Sharing System (42 U.S.C. § 3796h) to clarify its regional character and its authority to establish and maintain a secure telecommunications backbone.

**Section 1115. Integrity and Enhancement of National Criminal Record Databases.** Section 1115 amends the authorizing statute for the Bureau of Justice Statistics (42 U.S.C. § 3732): (1) to clarify that the Director shall be responsible for the integrity of data and statistics and the prevention of improper or illegal use or disclosure; (2) to provide specific authorization for the already existing National Criminal History Background Check System, the National Incident-Based Reporting System, and the records of the National Crime Information Center and to facilitate state participation in these systems; and (3) to facilitate data-sharing agreements between the Bureau of Justice Statistics and other federal agencies.

**Section 1116. Extension of the Matching Grant Program for Law Enforcement Armor Vests.** This section extends the matching program for law enforcement bulletproof vests for FY 2009.

### **Chapter 2—Building Community Capacity to Prevent, Reduce, and Control Crime**

**Section 1121. Office of Weed and Seed Strategies.** Section 1121 creates a new Office of Weed and Seed Strategies. This office will replace the current Executive Office of Weed and Seed. Authorized \$60 million for this program in FY 2006, and such sums as are necessary thereafter.

### **Chapter 3—Assisting Victims of Crime**

**Section 1131. Grants to Local Nonprofit Organizations to Improve Outreach Services to Victims of Crime.** Section 1131 amends the crime victim assistance grants program to allow grants of less than \$10,000 to be made to smaller neighborhood and community-based victim service organizations. Currently, grants under this program tend to go to larger organizations, and this amendment simply emphasizes that some of the money spent in this program should go to smaller organizations as well.

**Section 1132. Clarification and Enhancement of Certain Authorities Relating to Crime Victims Fund.** Section 1132 makes several minor adjustments to the authorities relating to the Crime Victims Fund. Subsection 1132(1) clarifies that the fund may only accept gifts, donations, or bequests if they do not attach conditions inconsistent with applicable laws or regulations and if they do not require the expenditure of appropriated funds that are not available to the Office of Victims of Crime. Current law establishes a \$50 million antiterrorism reserve within the fund. Each year that reserve may be replenished by using up to 5% of the money in the fund that was not otherwise expended during that year. Subsection 1132(2) changes the word “expended” to “obligated” so that funds that have already been obligated for other purposes, but not yet spent will not be counted for this purpose.

Subsection 1132(3) allows the Assistant Attorney General to direct the use of the funds available for Indian child abuse program grants under 42 U.S.C. § 10601(g) and to use 5% of those funds for grants to Indian tribes to establish victim assistance programs.

**Section 1133. Amounts Received under Crime Victim Grants may be Used by State for**

**Training Purposes.** Section 1133 amends the grant programs for victim compensation and victim assistance to allow the states part of the 5% reserved for administrative costs for training purposes.

**Section 1134. Clarification of Authorities Relating to Violence Against Women Formula and Discretionary Grant Programs.** Section 1134 makes minor clarifications to the program to fund grants to combat violent crimes against women. Subsection 1134(a) clarifies that grants may be made to Indian tribal domestic violence coalitions and corrects other technical errors and makes conforming changes. Subsection 1134(b) changes the Attorney General's reporting requirement on the program from annual to biennial.

**Section 1135. Change of Certain Reports from Annual to Biennial.** Section 1135 amends the reporting provisions under five grant programs to change them from annual to biennial.

**Section 1136. Grants for Young Witness Assistance.** Section 1136 authorizes the Attorney General to make grants to State and local prosecutors and law enforcement agencies to support juvenile and young adult witness assistance programs. Grant funds may be used to develop witness counseling, pre- and post-trial assistance, educational services, protective services for witnesses and families in the instance of a serious threat of harm, and community outreach to encourage witness participation. Authorizes \$3 million per year during FY06-09 for the activities of the section.

#### **Chapter 4—Preventing Crime**

**Section 1141. Clarification of Definition of Violent Offender for Purposes of Juvenile Drug Courts.** Section 1141 amends the juvenile drug court grant program so that offenders who are convicted of a violent misdemeanor may participate in the program. Currently, only non-violent misdemeanor offenders may participate in the program.

**Section 1142. Changes to Distribution and Allocation of Grants for Drug Courts.** Section 1142(a) repeals the requirement that all states must receive a minimum allocation under the program. Section 1142(b) provides for training by the newly created Community Capacity Development Office to assist applicants in how to successfully pursue grants and strengthen existing programs, with special emphasis on rural states, areas and communities. Authorizes \$70 million per year for FY07-08 for the drug courts program.

**Section 1143. Eligibility for Grants under Drug Court Grants Program Extended to Courts that Supervise Non-Offenders with Substance Abuse Problems.** Section 1143 amends the drug court program to allow continuing supervision over non-violent offenders as well as other related persons who may be before the court. This will allow a drug court to consolidate the cases of related individuals who may be under its jurisdiction at one time and supervise them jointly.

**Section 1144. Terms of Residential Substance Abuse Treatment Program for Local Facilities.** Section 1144 amends the Residential Substance Abuse Treatment for State Prisoners program to clarify that the grants should go to local correctional facilities and detention facilities

where prisoners are held long enough to carry out a 6-12 month course of drug treatment.

**Section 1145. Enhanced Residential Substance Abuse Treatment for State Prisoners.**

Section 1145 requires that, as a condition of receiving funds under the program, States must implement or continue to require urinalysis or other drug testing of individuals before, during and after participation in the RSAT program. The section also requires States to implement aftercare services as a condition of receiving a grant.

**Section 1146. Residential Substance Abuse Treatment Program for Federal Facilities.**

Section 1146 reauthorizes the federal RSAT program found at 18 U.S.C. 3621(e).

**Chapter 5—Other Matters**

**Section 1151. Changes to Certain Financial Authorities.** Subsection 1151(a) exempts certain programs exempt from paying interest to the States on late disbursements from paying a charge to the Treasury for the same purpose.

Subsection 1151(b) exempts the Southwest Border Prosecutor Initiative from the requirement that it reimburse the Treasury when it makes untimely payments and the requirement that it pay interest to states for untimely payments.

Subsection 1151(c) clarifies that the Bureau of Alcohol, Tobacco and Firearms has the same undercover authority as other Department of Justice law enforcement agencies.

**Section 1152. Coordination Duties of Assistant Attorney General.** Section 1152(a) amends the authorizing statute for OJP to include the Office of Victims of Crime within the list of OJP bureaus. Subsection 1152(b) allows the Assistant Attorney General to place special conditions on all grants and to determine priority purposes for formula grants.

**Section 1153. Simplification of Compliance Deadlines Under Sex-Offender Registration**

**Laws.** Under current law, states are required to establish state registries of offenders who have committed crimes against minors or who have committed sexually violent crimes. They are also required to share this information with the FBI so that it can maintain a national database. States who do not comply by the deadline can lose 10% of their Byrne grant funding. Some states have made good faith efforts to comply with this requirement, but are still struggling to implement it.

Subsection 1153(a) gives these states an additional three years after the date of enactment to implement this requirement. It further allows the Attorney General to extend this deadline for an additional two years if the state is making a good faith effort to comply. Subsection 1153(b) corrects a drafting error in the language relating to the provisions relating to the length of registrations required by those who have committed offenses against minors and those who are sexually violent predators. This correction makes the two periods consistent and removes an erroneous implication that the period for sexually violent offenders could be terminated prematurely.

**Section 1154. Repeal of Certain Programs.** Section 1154 repeals grant programs that have

been authorized, but have largely not been funded in recent years: the Criminal Justice Facility Construction Pilot Program; the Local Crime Prevention Block Grant Program; the Assistance for Delinquent and At-Risk Youth Program; and the Improved Training and Technical Automation Program; and the Other State and Local Aid Program.

**Section 1155. Elimination of Certain Notice and Hearing Requirements.** Section 1155 eliminates the requirement that OJP must provide notice and a hearing for grant applicants whose applications are denied. It further eliminates the opportunity for appellate review of the decisions arising from such hearings.

**Section 1156. Amended Definitions for Purposes of Omnibus Crime Control and Safe Streets Act of 1968.** Section 1156 broadens the definition of the term “Indian Tribe” to allow more tribes to be treated as units of local government for purposes of OJP grants. It broadens the definition of the term “combination” of State and local governments to include those who jointly plan. It amends the definition of the term “neighborhood or community-based organizations” to clarify that it includes faith-based organizations.

**Section 1157. Clarification of Authority to Pay Subsistence Payments to Prisoners for Health Care Items and Services.** Under current law, the Attorney General is required to pay for health care items and services for certain prisoners in the custody of the United States. In every instance, he must not pay more than the lesser of what the Medicare or Medicaid program would pay. Section 1157 simplifies the Attorney General’s responsibilities by providing that he shall not pay more than the Medicare rate. It also substitutes the Department of Homeland Security for a reference to the now defunct Immigration and Naturalization Service.

**Section 1158. Office of Audit, Assessment, and Management.** Section 1158 creates a new Office of Audit, Assessment, and Management within OJP. This office is authorized to audit, exercise corrective actions with respect to, and manage information with respect to, the COPS programs, any grant program carried out by OJP, and any other grant program carried out by DOJ that the Attorney General considers appropriate. This will include establishing and maintaining an automated information management system to track all grants. The Office of Audit, Assessment, and Management will report directly to the Office of the Assistant Attorney General for Justice Programs.

**Section 1159. Community Capacity Development Office.** Section 1159 creates a new Community Capacity Development Office within OJP. This office is authorized to provide training on a regional and local basis to actual and prospective participants in the COPS programs, any grant program carried out by OJP, and any other grant program carried out by DOJ that the Attorney General considers appropriate. The Office will also identify best practices for grantees and incorporate such practices into its training. Not to exceed 5% of the funding for each program shall be reserved to fund the office.

**Section 1160. Division of Applied Law Enforcement Technology.** Section 1160 creates a Division of Applied Law Enforcement Technology within the Office of Science and Technology headed by an individual appointed by the Attorney General. This division will ensure that grant moneys provided to law enforcement for computer systems will be spent for equipment and

software that is of good quality and suitable to support. The division also will provide leadership and focus so that grants that are made for using or improving law enforcement computer systems and ensuring that recipients of such grants use such systems to participate in crime reporting programs administered by the Department.

**Section 1161. Availability of Funds for Grants.** Section 1161 provides that unless otherwise specifically provided by an authorizing statute, money appropriated for grants in fiscal year 2004 and any subsequent fiscal year shall remain available to be awarded and distributed to grantees for the year appropriated and three subsequent fiscal years. If the money is reprogrammed, the time period begins again. It further provides that money distributed to grantees must be spent within the time period provided by the grant. In either case, money not meeting the requirement shall revert to the Treasury.

**Section 1162. Consolidation of Financial Management Systems of Office of Justice Programs.** Section 1162 requires the Assistant Attorney General of the Office of Justice Programs to make two significant financial management reforms: (1) consolidate all accounting activities of OJP into a single financial management system under the direct management of the Office of the Comptroller by September 30, 2010, and (2) consolidate all procurement activities of OJP into a single procurement system under the direct management of the Office of Administration by September 30, 2008.

**Section 1163. Authorization and Change of COPS Program to Single Grant Program.** This section reauthorizes the Community Oriented Policing Program and consolidates the program into a single grant. States and local governments may continue to apply for the funds for a number of different purpose areas to allow flexibility in the use of grants.

**Section 1164. Clarification of Persons Eligible for Benefits Under Public Safety Officers' Benefits programs.** This section makes technical amendments to the PSOB program to ensure that it is properly applied and corrects a problem in current law that would allow payments to be made to multiple beneficiaries on behalf of one officer. The section also requires law enforcement agencies to keep confidential officer beneficiary and insurance information.

**Section 1165. Pre-Release and Post-Release Programs for Juvenile Offenders.** Section 1165 permits States to use Juvenile Justice Accountability Block Grant funds to establish, improve and coordinate pre- and post-release programs to facilitate successful juvenile re-entry into the local community.

**Section 1166. Reauthorization of the Juvenile Accountability Block Grants.** This section reauthorizes the JABG program through 2009.

**Section 1167. Sex Offender Management.** This section reauthorizes through 2010 a program to track sex offenders and encourage states to effectively monitor them upon release from prison.

**Section 1168. Evidence-Based Approaches.** Section 1168 permits the use of evidence-based approaches when utilizing certain grants under the Omnibus Crime Control and Safe Streets Act of 1968.

**Section 1169. Reauthorization of School Security Matching Grant.** Section 1169 reauthorizes until 2009 the School Security Matching Grant program and consolidates the program under the COPS Office.

**Section 1170. Technical Amendments to Aimee's Law.** Section 2420 makes certain corrections to Aimee's Law, including: 1) tying enforcement mechanisms to statistical national averages and actually-available data; 2) encouraging states to collect certain data to allow further implementation of the law; 3) clarifying that States will receive \$10,000 for prosecution and apprehension costs and \$11,500 per year for up to five years for incarceration costs; and 4) providing the Attorney General with regulatory flexibility to administer the law.

### **Subtitle C—Miscellaneous Amendments to Title 18 and Related Laws**

**Section 1171. Technical Amendments to Title 18.** Section 1171 makes a series of technical amendments to provisions in Title 18.

**Section 1172. Miscellaneous Technical Amendments.** Section 1172 makes a series of technical amendments to Title 18 and Title 28, and it also repeals a duplicative authorization of a sexual abuse prevention program for runaway children, which has recently been reauthorized in another statute.

**Section 1173. Use of Federal Training Facilities.** Section 1173 is intended to ensure that the Justice Department uses the most cost-effective training and meeting facilities for its employees. For any predominantly internal training or conference meeting, subsection (a) requires the Justice Department to use only a facility that does not require a payment to a private entity for the use of such facility, unless authorized in writing by the Attorney General, or if so delegated, the Assistant Attorney General for Administration. Subsection (b) requires the Attorney General to prepare an annual report to the Chairmen and Ranking Members of the House and Senate Judiciary Committees that details each training or conference meeting requiring authorization under subsection (a). The report must include an explanation of why the facility was chosen and a list of any expenditures incurred in excess of the cost of conducting the training or meeting at a facility that did not require such authorization.

**Section 1174. Privacy Officer.** Section 1174 is intended to ensure that the Justice Department safeguards personally identifiable information and complies with fair information practices pursuant to 5 U.S.C. § 552a. Subsection (a) requires the Attorney General to designate a senior official with primary responsibility for privacy policy. Subsection (b) specifies the responsibilities of such official. Subsection (c) requires the privacy official prepare a report to the Attorney General and House and Senate Judiciary Committees describing the privacy organization and resources of the Department and related information management functions. Subsection (d) requires the privacy official to report annually to the Committees on the Judiciary on certain matters.

**Section 1175. Bankruptcy Crimes.** Section 1175 requires the Director of the Executive Office for United States Trustees to prepare an annual report to the Congress detailing: (1) the number and types of criminal referrals made by the Program; (2) the outcomes of each criminal referral;

(3) any decrease in the number of criminal referrals from the previous year; and (4) the Program's efforts to prevent bankruptcy fraud and abuse, particularly with respect to a debtor's failure to disclose assets.

**Section 1176. Report to Congress on Status of United States Persons or Residents Detained on Suspicion of Terrorism.** Section 1176 requires the Attorney General to submit an annual report to Congress specifying the number of United States persons or residents detained on suspicion of terrorism.

**Section 1177. Increased Penalties and Expanded Jurisdiction for Sexual Abuse Offenses in Correctional Facilities.** This section increases penalties under Title 18 for sexual abuse by personnel of any individual in the custody of the Bureau of Prisons.

**Section 1178. Expanded Jurisdiction for Contraband Offenses in Correctional Facilities.** This section expands the prohibition and penalties in Title 18 for bringing contraband into a prison to include any detention facility or institution under the direction of the Attorney General.

**Section 1179. Magistrate Judge's Authority to Continue a Preliminary Hearing.** This section amends current law to clarify that either a district judge or a magistrate judge may extend the time limits for a preliminary hearing. It maintains the requirement that such extension may be granted only upon a showing of extraordinary circumstances and that justice requires delay.

**Section 1180. Technical Corrections Related to Steroids.** This section makes technical corrections to the names of two chemicals which were included in the "Anabolic Steroid Control Act of 2004."

**Section 1181. Prison Rape Commission Extension.** This section extends for one year the time for the Prison Rape Commission to provide a report to Congress on its findings.

**Section 1182. Longer Statute of Limitations for Human-Trafficking Related Offenses.** This section extends the statute of limitations for human trafficking related offenses under Title 18 to ten years after the commission of the offense.

**Section 1183. Use of Center for Criminal Justice Technology.** This section authorizes the Attorney general to make grants to the Center for Criminal Justice Technology to provide technology assistance and expertise to the criminal justice community.

**Section 1184. SEARCH Grants.** This section authorizes the Attorney General to make grants to the National Consortium for Justice Information and Statistics to carry out the operations of the National Technical Assistance and Training Program, and authorizes \$4 million per year from FY06-09.

**Section 1185. Reauthorization of Law Enforcement Tribute Act.** Section 1185 reauthorizes the Law Enforcement Tribute Act through 2009.

**Section 1186. Bullying and Gangs.** Section 1186 permits Juvenile Justice Accountability

Block Grant funds to be used for accountability-based programs to enhance school safety, including reduction of bullying, cyber-bullying and gang activity.

**Section 1187. Transfer of ATFE Provisions.** This section makes clerical changes to the Code and transfers certain provisions related to ATFE from the Homeland Security Act to authorities related to the Department of Justice.

**Section 1188. GREAT Program.** This section reauthorizes the Gang Resistance Education and Training (GREAT) Program at \$20 million per year through 2010.

**Section 1189. National Training Center.** This section authorizes the Attorney General to use the National Training Center in Sioux City, Iowa to utilize a national approach to bring communities and criminal justice agencies together to receive training to address and control the growing problem of methamphetamine, poly drugs and associated crimes.

**Section 1190. Sense of Congress Regarding Good Time Release.** Section 1190 expresses the sense of Congress that it is important to study the concept of implementing good time release policies in the federal prison system.

**Section 1191. Public Employee Uniforms.** Section 1191 amends 18 U.S.C. § 716 to include official uniforms and insignia (including police badges) in the prohibition on the purchase and use of such items for improper purposes. Provides several defenses, including that the uniform or insignia is not used or intended to be used to mislead or deceive.

**Section 1192. Officially-Approved Postage.** Amends 18 U.S.C. § 475 to clarify that nothing in the section applies to evidence of postage payment approved by the United States Postal Service.

**Section 1193. American Prosecutors Research Institute.** Section 1193 authorizes \$7.5 million per year from FY06-10 for the American Prosecutors Research Institute.

**Section 1194. Assistance to Courts.** Section 1194 encourages the Chief Judge of each United States district court to cooperate with requests from State and local authorities whose operations have been significantly disrupted as a result of Hurricanes Katrina and Rita.

**Section 1195. Study on Correlation Between Substance Abuse and Domestic Violence.** Section 1195 authorizes the Secretary of Health and Human Services to carry out a study and report to Congress to determine the correlation between drug and alcohol abuse and domestic violence.

**Section 1196. SCAAP Reauthorization.** Section 1196 reauthorizes the State Criminal Alien Assistance Program from FY06-11 at the following levels: FY06 \$750,000,000; FY07 \$850,000,000; FY08-11 \$950,000,000. This section also authorizes the Inspector General of the Department of Justice to conduct a study and report to the Judiciary Committees regarding State compliance with certain provisions of the Immigration and Nationality Act and IIRIRA of 1996.

**Section 1197. Extension of PROTECT Act Child Safety Program.** Section 1197 reauthorizes

the PROTECT Act's background check pilot project and expands the number of checks and entities eligible to participate in the program.

**Section 1198. Transportation and Subsistence for Special Sessions of District Court.**

Section 1198 authorizes the United States marshal of a district where a federal court is meeting in special session due to emergency as necessary to furnish transportation and subsistence to witnesses and defendants in the same manner as required to be provided to indigent defendants under title 18.

**Section 1199. Youth Violence Demonstration Projects.**

Section 1199 authorizes the Attorney General to make up to five competitive grants to units of local governments to carry out demonstration projects designed to reduce juvenile and young adult violence, homicides and recidivism among high-risk populations.