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

The SPEAKER pro tempore. Pursuant to House Resolution 462 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 3402.

□ 1605

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 3402) to authorize appropriations for the Department of Justice for fiscal years 2006 through 2009, and for other purposes, with Mr. LAHOOD in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose earlier today, all time for general debate had expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 3402

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

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

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

TITLE I—AUTHORIZATION OF APPROPRIATIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 105. ORGANIZED RETAIL THEFT.

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

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

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

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for each of fiscal years 2006 through 2009, $5,000,000 for educating and training federal law enforcement

regarding organized retail theft, for investigating, apprehending and prosecuting individuals engaged in organized retail theft, and for working with the private sector to establish and utilize the database described in subsection (a).

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

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

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

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

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

Subtitle A—Assisting Law Enforcement and Criminal Justice Agencies

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

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

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

(2) Such part is further amended—

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

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

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

''SEC. 500. NAME OF PROGRAM.

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

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

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

''SEC. 501. DESCRIPTION.

''(a) GRANTS AUTHORIZED.—

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

''(A) Law enforcement programs.

''(B) Prosecution and court programs.

''(C) Prevention and education programs.

''(D) Corrections and community corrections programs.

''(E) Drug treatment and enforcement programs.

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

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

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

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

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

''(2) units of local government; or

''(3) tribal governments.

''(c) PROGRAM ASSESSMENT COMPONENT; WAIVER.—

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

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

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

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

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

''(A) vehicles, vessels, or aircraft;

''(B) luxury items;

''(C) real estate;

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

''(E) any similar matters.

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

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

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

''SEC. 502. APPLICATIONS.

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

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

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

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

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

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

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

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

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

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

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

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

''SEC. 503. REVIEW OF APPLICATIONS.

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

''SEC. 504. RULES.

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

''SEC. 505. FORMULA.

''(a) ALLOCATION AMONG STATES.—

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

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

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

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

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

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

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

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

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

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

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

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

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

''(c) ALLOCATION FOR STATE GOVERNMENTS.—

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

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

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

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

''(d) ALLOCATIONS TO LOCAL GOVERNMENTS.—

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

''(2) ALLOCATION.—

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

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

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

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

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

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

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

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

then in order to qualify for payment under this subsection, the unit of local government certified pursuant to clause (i), together with any such specified geographically constituent units of local government described in clause (ii), shall submit to the Attorney General a joint application for the aggregate of funds allocated to such units of local government. Such application shall specify the amount of such funds that are to be distributed to each of the units of local government and the purposes for which such funds are to be used. The units of local government involved may establish a joint local advisory board for the purposes of carrying out this paragraph.

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

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

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

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

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

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

''(g) SPECIAL RULES FOR PUERTO RICO.—

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

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

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

''SEC. 506. RESERVED FUNDS.

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

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

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

''SEC. 507. INTEREST-BEARING TRUST FUNDS.

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

''(b) EXPENDITURES.—

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

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

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

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

''SEC. 508. AUTHORIZATION OF APPROPRIATIONS.

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

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

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

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

(c) CONFORMING AMENDMENTS.—

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

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

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

(B) in section 520 (42 U.S.C. 3766)—

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

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

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

(C) in section 522 (42 U.S.C. 3766b)—

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

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

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

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

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

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

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

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

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

(ii) in paragraph (2)—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) in subsection (d)—

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

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

(C) by adding at the end the following:

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

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

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

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

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

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

SEC. 211. OFFICE OF WEED AND SEED STRATEGIES.

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

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

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

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

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

''SEC. 104. WEED AND SEED STRATEGIES.

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

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

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

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

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

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

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

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

''(i) appropriate law enforcement agencies; and

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

''(B) in a voting capacity, both—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

''(e) GRANTS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Subtitle C—Assisting Victims of Crime

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

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

(1) in paragraph (1)—

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

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

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

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

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

(2) in paragraph (2)—

(A) in subparagraph (A)—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) in subsection (d)—

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

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

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

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

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

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

Subtitle D—Preventing Crime

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

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

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

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

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

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

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

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

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

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

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

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

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

Subtitle E—Other Matters

SEC. 241. CHANGES TO CERTAIN FINANCIAL AUTHORITIES.

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

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

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

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

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

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

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

SEC. 242. COORDINATION DUTIES OF ASSISTANT ATTORNEY GENERAL.

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

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

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

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

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

SEC. 244. REPEAL OF CERTAIN PROGRAMS.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) in subsection (b)(1)—

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

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

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

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

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

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

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

''(a) ESTABLISHMENT.—

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

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

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

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

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

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

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

''(c) PERFORMANCE AUDITS REQUIRED.—

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

of money awarded under all such grant programs.

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

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

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

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

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

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

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

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

SEC. 249. COMMUNITY CAPACITY DEVELOPMENT OFFICE.

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

''SEC. 106. COMMUNITY CAPACITY DEVELOPMENT OFFICE.

''(a) ESTABLISHMENT.—

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

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

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

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

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

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

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

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

''(5) Any other similar means.

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

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

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

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

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

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

SEC. 250. OFFICE OF APPLIED LAW ENFORCEMENT TECHNOLOGY.

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

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

''(a) ESTABLISHMENT.—There is established within the Office an Office of Applied Law Enforcement Technology, headed by a Director appointed by the Attorney General. The purpose of the Office shall be to provide leadership and focus to those grants of the Department of Justice that are made for the purpose of using or improving law enforcement computer systems.

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

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

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

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

SEC. 251. AVAILABILITY OF FUNDS FOR GRANTS.

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

''SEC. 108. AVAILABILITY OF FUNDS.

''(a) PERIOD FOR AWARDING GRANT FUNDS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(d) ACHIEVING COMPLIANCE.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

''(B) security assessments;

''(C) security training of personnel and students;

''(D) coordination with local law enforcement; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) in subparagraph (B)—

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

(B) by striking the third sentence.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) by adding at the end the following:

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

SEC. 256. REAUTHORIZATION OF JUVENILE ACCOUNTABILITY BLOCK GRANTS.

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

SEC. 257. SEX OFFENDER MANAGEMENT.

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

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

SEC. 258. EVIDENCE-BASED APPROACHES.

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

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

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

TITLE III—MISCELLANEOUS PROVISIONS

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

(a) STRIKING SURPLUS WORDS.—

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

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

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

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

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

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

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

SEC. 302. MISCELLANEOUS TECHNICAL AMENDMENTS.

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

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

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

SEC. 303. USE OF FEDERAL TRAINING FACILITIES.

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

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

SEC. 304. PRIVACY OFFICER.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 305. BANKRUPTCY CRIMES.

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

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

(2) the outcomes of each criminal referral;

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

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

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

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

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

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

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

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

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

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

(3) Section 2242.

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

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

(b) INCREASED PENALTIES.—

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

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

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

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

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

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

SEC. 310. TECHNICAL CORRECTIONS RELATING TO STEROIDS.

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

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

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

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

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

SEC. 311. PRISON RAPE COMMISSION EXTENSION.

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

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

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

''§ 3298. Trafficking-related offenses

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

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

''3298. Trafficking-related offenses.''.

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

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

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

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

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

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

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

SEC. 314. SEARCH GRANTS.

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

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

SEC. 315. REAUTHORIZATION OF LAW ENFORCEMENT TRIBUTE ACT.

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

SEC. 316. AMENDMENT REGARDING BULLYING AND GANGS.

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

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

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

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

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

''Sec.

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

''599B. Personnel management demonstration project.''.

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

(c) CONFORMING AMENDMENTS.—

(1) Such section 1111 is amended—

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

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

and

(B) in subsection (b)(2), by inserting ''of section 1111 of the Homeland Security Act of 2002

(as enacted on the date of the enactment of such Act)'' after ''subsection (c)'',
and such section heading and such subsections (as so amended) shall constitute section 599A of such title.

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

''§ 599B. Personnel management demonstration project'',

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

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

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

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

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

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

SEC. 319. NATIONAL TRAINING CENTER.

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

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

(1) $2,500,000 for fiscal year 2006.
(2) $3,000,000 for fiscal year 2007.
(3) $3,000,000 for fiscal year 2008.
(4) $3,000,000 for fiscal year 2009.

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

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

SEC. 321. POLICE BADGES.

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

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

(2) by adding at the end the following:

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

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

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

SEC. 322. OFFICIALLY APPROVED POSTAGE.

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

TITLE IV—VIOLENCE AGAINST WOMEN REAUTHORIZATION ACT OF 2005

SEC. 401. SHORT TITLE.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

''(B) court security personnel;

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

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

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

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

''(A) the length of the relationship;

''(B) the type of relationship; and

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

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

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

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

''(i) The length of the relationship.

''(ii) The type of relationship.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

''(A) a first and last name;

''(B) a home or other physical address;

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

''(D) a social security number; and

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

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

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

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

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

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

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

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

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

''(ii) located in a rural census tract.

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

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

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

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

''(B) suffer substantial emotional distress.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

''(C) any tribal nonprofit organization.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 501. STOP GRANTS IMPROVEMENTS.

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

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

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

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

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

(4) by adding at the end the following:

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

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

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

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

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

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

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

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

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

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

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

(1) in subsection (b)—

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

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

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

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

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

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

(G) by adding at the end:

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

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

(3) in subsection (d)—

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

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

(C) by adding at the end the following:

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

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

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

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

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

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

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

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

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

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

''SEC. 2012. POLYGRAPH TESTING PROHIBITION.

''In order to be eligible for grants under this part, a State, Indian tribal government, or unit of local government must certify within three years of enactment of the Violence Against Women Reauthorization Act of 2005 that their laws, policies, or practices ensure that no law enforcement officer, prosecuting officer, or other government official shall ask or require an adult, youth, or minor victim of a sex offense as defined under Federal, tribal, State, territorial or local law to submit to a polygraph examination or similar truth-telling device or method as a condition for proceeding with the investigation, charging or prosecution of such an offense. A victim's refusal to submit to the aforementioned shall not prevent the investigation, charging or prosecution of the pending case.''.

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

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

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

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

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

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

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

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a)(19) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(19)) is amended by striking ''$65,000,000

for each of fiscal years 2001 through 2005.'' and inserting ''$65,000,000 for each of fiscal years 2006 through 2010. Funds appropriated under this paragraph shall remain available until expended.''.

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

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

(2) in subsection (b)—

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

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

(C) in paragraph (2), by—

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

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

(D) in paragraph (3), by—

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

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

(E) in paragraph (5), by striking ''domestic violence and dating violence'' and inserting ''domestic violence, dating violence, sexual assault, and stalking'';

(F) in paragraph (6), by—

(i) striking ''other'' and inserting ''civil''; and

(ii) inserting after ''domestic violence'' the following: '', dating violence, sexual assault, and stalking''; and

(G) by adding at the end the following:

''(9) To enhance and support the capacity of victims services programs to collaborate with and inform efforts by State and local jurisdictions and public officials and agencies to develop best practices and policies regarding arrest of domestic violence, dating violence, sexual assault, and stalking offenders and to strengthen protection order enforcement and to reduce or eliminate domestic violence, dating violence, sexual assault, and stalking.

''(10) To develop State, tribal, territorial, or local policies, procedures, and protocols for preventing dual arrests and prosecutions in cases of domestic violence, dating violence, sexual assault, and stalking and to develop effective methods for identifying the pattern and history of abuse that indicates which party is the actual perpetrator of abuse.

''(11) To plan, develop and establish comprehensive victim service and support centers, such as family justice centers, designed to bring together victim advocates from non-profit, nongovernmental victim services organizations, law enforcement officers, prosecutors, probation officers, governmental victim assistants, forensic medical professionals, civil legal attorneys, chaplains, legal advocates, representatives from community-based organizations and other relevant public or private agencies or organizations into one centralized location, in order to improve safety, access to services, and confidentiality for victims and families.

''(12) To develop and implement policies and training for police, prosecutors, and the judiciary in recognizing, investigating, and prosecuting instances of sexual assault, with an emphasis on recognizing the threat to the community for repeat crime perpetration by such individuals.'';

(3) in subsection (c)—

(A) in paragraph (3), by striking ''and'' after the semicolon;

(B) in paragraph (4), by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

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

''(A) no law enforcement officer, prosecuting officer or other government official shall ask or require an adult, youth, or minor victim of a sex offense as defined under Federal, tribal, State, territorial, or local law to submit to a polygraph examination or other truth telling device as a condition for proceeding with the investigation, charging or prosecution of such an offense; and

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

(4) by striking subsections (d) and (e) and inserting the following:

''(d) ALLOTMENT FOR INDIAN TRIBES.—Not less than 10 percent of the total amount made available for grants under this section for each fiscal year shall be available for grants to Indian tribal governments.''.

(c) APPLICATIONS.—Section 2102(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh–1(b)) is amended in each of paragraphs (1) and (2) by inserting after ''involving domestic violence'' the following: '', dating violence, sexual assault, or stalking''.

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

''SEC. 2106. TRAINING, TECHNICAL ASSISTANCE, AND DATA COLLECTION.

''Of the total amounts appropriated under this part, not less than 5 percent and up to 8 percent shall be available for providing training, technical assistance, and data collection relating to the purpose areas of this part to improve the capacity of grantees, subgrantees, and other entities to offer services and assistance to victims of domestic violence and dating violence.''.

SEC. 503. LEGAL ASSISTANCE FOR VICTIMS IMPROVEMENTS.

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

(1) in subsection (a), by—

(A) inserting before ''legal assistance'' the following: ''civil and criminal'';

(B) inserting after ''effective aid to'' the following: ''adult, youth, and minor''; and

(C) striking ''domestic violence, dating violence, stalking, or sexual assault'' and inserting ''domestic violence, dating violence, sexual assault, or stalking'';

(2) in subsection (c), by striking ''private nonprofit entities, Indian tribal governments,'' and inserting ''nonprofit, nongovernmental organizations, Indian tribal governments and tribal organizations, territorial organizations,'';

(3) in each of paragraphs (1), (2), and (3) of subsection (c), by striking ''victims of domestic violence, stalking, and sexual assault'' and inserting ''victims of domestic violence, dating violence, sexual assault, and stalking'';

(4) in subsection (d)—

(A) in paragraph (1), by striking ''domestic violence, dating violence, or sexual assault'' and inserting ''domestic violence, dating violence, sexual assault, or stalking''; and

(B) by striking paragraphs (2) and (3) and inserting the following:

''(2) any training program conducted in satisfaction of the requirement of paragraph (1) has been or will be developed with input from and in collaboration with a tribal, State, territorial, or local domestic violence, dating violence, sexual assault or stalking organization or coalition, as well as appropriate tribal, State, territorial, and local law enforcement officials;

''(3) any person or organization providing legal assistance through a program funded under subsection (c) has informed and will continue to inform tribal, State, territorial, or local domestic violence, dating violence, sexual assault or stalking organizations and coalitions, as well as appropriate tribal, State, territorial, and local law enforcement officials of their work; and''; and

(5) in subsection (f)—

(A) by striking paragraph (1) and inserting the following:

''(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $55,000,000 for each of fiscal years 2006 through 2010. Funds appropriated under this section shall remain available until expended and may be used only for the specific programs and activities described in this section. Funds appropriated under this section may not be used for advocacy.''; and

(B) in paragraph (2)—

(i) in subparagraph (A), by—

(I) striking ''5 percent'' and inserting ''10 percent'';

(II) striking ''programs'' and inserting ''tribal governments or tribal organizations'';

(III) inserting ''adult, youth, and minor'' after ''that assist''; and

(IV) striking ''domestic violence, dating violence, stalking, and sexual assault'' and inserting ''domestic violence, dating violence, sexual assault, and stalking''; and

(ii) in subparagraph (B), by striking ''technical assistance to support projects focused solely or primarily on providing legal assistance to victims of sexual assault'' and inserting ''technical assistance in civil and crime victim matters to adult, youth, and minor victims of sexual assault''.

SEC. 504. COURT TRAINING AND IMPROVEMENTS.

The Violence Against Women Act of 1994 is amended by adding after subtitle I (42 U.S.C. 14042) the following:

''Subtitle J—Violence Against Women Act Court Training and Improvements

''SEC. 41001. SHORT TITLE.

''This subtitle may be cited as the 'Violence Against Women Act Court Training and Improvements Act of 2005'.

''SEC. 41002. GRANTS FOR COURT TRAINING AND IMPROVEMENTS.

''(a) PURPOSE.—The purpose of this section is to enable the Attorney General, though the Director of the Office on Violence Against Women, to award grants to improve court responses to adult, youth, and minor domestic violence, dating violence, sexual assault, and stalking to be used for the following purposes—

''(1) improved internal civil and criminal court functions, responses, practices, and procedures;

''(2) education for court-based and court-related personnel on issues relating to victims' needs, including safety, security, privacy, confidentiality and economic independence, as well as information about perpetrator behavior and best practices for holding perpetrators accountable;

''(3) collaboration and training with Federal, State, and local public agencies and officials and nonprofit, non-governmental organizations to improve implementation and enforcement of relevant Federal, State, tribal, territorial and local law;

''(4) to enable courts or court-based or court-related programs to develop new or enhance current—

''(A) court infrastructure (such as specialized courts, dockets, intake centers, or interpreter services and linguistically and culturally specific services, or a court system dedicated to the adjudication of domestic violence cases);

''(B) community-based initiatives within the court system (such as court watch programs, victim advocates, or community-based supplementary services);

''(C) offender management, monitoring, and accountability programs;

''(D) safe and confidential information-storage and -sharing databases within and between court systems;

''(E) education and outreach programs (such as interpreters) to improve community access,

including enhanced access for racial and ethnic communities and racial and ethnic and other underserved populations (as defined in section 2000B of the Omnibus Crime Control and Safe Streets Act of 1968); and

''(F) other projects likely to improve court responses to domestic violence, dating violence, sexual assault, and stalking;

''(5) to provide training, technical assistance, and data collection to tribal, Federal, State, territorial or local courts wishing to improve their practices and procedures or to develop new programs; and

''(6) to provide training for specialized service providers, such as interpreters.

''(b) GRANT REQUIREMENTS.—Grants awarded under this section shall be subject to the following conditions:

''(1) ELIGIBLE GRANTEES.—Eligible grantees may include—

''(A) tribal, Federal, State, territorial or local courts or court-based programs, provided that the court's internal organizational policies, procedures, or rules do not require mediation or counseling between offenders and victims physically together in cases where domestic violence, dating violence, sexual assault, or stalking is an issue; and

''(B) national, tribal, State, or local private, nonprofit organizations with demonstrated expertise in developing and providing judicial education about domestic violence, dating violence, sexual assault, or stalking.

''(2) CONDITIONS OF ELIGIBILITY FOR CERTAIN GRANTS.—

''(A) COURT PROGRAMS.—To be eligible for a grant under subsection (a)(4), applicants shall certify in writing that any courts or court-based personnel working directly with or making decisions about adult, youth, or minor parties experiencing domestic violence, dating violence, sexual assault, and stalking have completed or will complete education about domestic violence, dating violence, sexual assault, and stalking.

''(B) EDUCATION PROGRAMS.—To be eligible for a grant under subsection (a)(2), applicants shall certify in writing that any education program developed under subsection (a)(2) has been or will be developed with significant input from and in collaboration with a national, tribal, State, territorial, or local victim services provider or coalition.

''(c) EVALUATION.—

''(1) IN GENERAL.—The Attorney General, through the Director of the Office on Violence Against Women, may evaluate the grants funded under this section.

''(2) TRIBAL GRANTEES.—Evaluation of tribal grantees under this section shall be conducted by entities with expertise in Federal Indian law and tribal court practice.

''(d) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $4,000,000 for each of fiscal years 2006 to 2010.

''(2) SET ASIDE.—Of the amounts made available under this section in each fiscal year, not less than 10 percent shall be used for grants to tribes.

''SEC. 41003. NATIONAL AND TRIBAL EDUCATIONAL CURRICULA.

''(a) NATIONAL CURRICULA.—

''(1) IN GENERAL.—The Attorney General, through the Director of the Office on Violence Against Women, shall fund efforts to develop a national education curriculum for use by State and national judicial educators to ensure that all courts and court personnel have access to information about relevant Federal, State, territorial, or local law, promising practices, procedures, and policies regarding court responses to adult, youth, and minor domestic violence, dating violence, sexual assault, and stalking.

''(2) ELIGIBLE ENTITIES.—Any curricula developed under this subsection—

''(A) shall be developed by an entity or entities having demonstrated expertise in developing judicial education curricula on issues relating to domestic violence, dating violence, sexual assault, and stalking; or

''(B) if the primary grantee does not have demonstrated expertise such issues, the curricula shall be developed by the primary grantee in partnership with an organization having such expertise.

''(b) TRIBAL CURRICULA.—

''(1) IN GENERAL.—The Attorney General, through the Office on Violence Against Women, shall fund efforts to develop education curricula for tribal court judges to ensure that all tribal courts have relevant information about promising practices, procedures, policies, and law regarding tribal court responses to adult, youth, and minor domestic violence, dating violence, sexual assault, and stalking.

''(2) ELIGIBLE ENTITIES.—Any curricula developed under this subsection—

''(A) shall be developed by a tribal organization having demonstrated expertise in developing judicial education curricula on issues relating to domestic violence, dating violence, sexual assault, and stalking; and

''(B) if the primary grantee does not have such expertise, the curricula shall be developed by the primary grantee through partnership with organizations having such expertise.

''(c) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $1,000,000 for each of fiscal years 2006 to 2010.

''(2) AVAILABILITY.—Funds appropriated under this section shall remain available until expended and may only be used for the specific programs and activities described in this section.

''(3) SET ASIDE.—Of the amounts made available under this section in each fiscal year, not less than 10 percent shall be used for grants to tribes.

''SEC. 41004. ACCESS TO JUSTICE FOR TEENS.

''(a) PURPOSE.—It is the purpose of this section to encourage cross training and collaboration between the courts, domestic violence and sexual assault service providers, youth organizations and service providers, violence prevention programs, and law enforcement agencies, so that communities can establish and implement policies, procedures, and practices to protect and more comprehensively and effectively serve youth victims of dating violence, domestic violence, sexual assault, and stalking between the ages of 12 and 24, and to engage, where necessary, other entities addressing the safety, health, mental health, social service, housing, and economic needs of youth victims of domestic violence, dating violence, sexual assault, and stalking.

''(b) GRANT AUTHORITY.—

''(1) IN GENERAL.—The Attorney General, through the Director of the Office on Violence Against Women (in this section referred to as the 'Director'), shall make grants to eligible entities to enable entities to jointly carry out cross training and other collaborative initiatives that seek to carry out the purposes of this section. Amounts appropriated under this section may only be used for programs and activities described under subsection (c).

''(2) GRANT PERIODS.—Grants shall be awarded under this section for a period of 3 fiscal years.

''(3) ELIGIBLE ENTITIES.—To be eligible for a grant under this section, a grant applicant shall establish a collaboration that shall include—

''(A) a Tribal, State, Territorial or local juvenile, family, civil, criminal or other trial court with jurisdiction over domestic violence, dating violence, sexual assault or stalking cases (hereinafter referred to as 'courts'); and

''(B) a victim service provider that has experience in working on domestic violence, dating violence, sexual assault, or stalking and the effect that those forms of abuse have on young people.

''(c) USES OF FUNDS.—An entity that receives a grant under this section shall use the funds made available through the grant for cross-training and collaborative efforts to—

''(1) assess and analyze currently available services for youth victims of domestic violence, dating violence, sexual assault, and stalking, determine relevant barriers to such services in a particular locality;

''(2) establish and enhance linkages and collaboration between courts, domestic violence or sexual assault service providers, and, where applicable, law enforcement agencies, and other entities addressing the safety, health, mental health, social service, housing, and economic needs of youth victims of domestic violence, dating violence, sexual assault or stalking, including community-based supports such as schools, local health centers, community action groups, and neighborhood coalitions to identify, assess, and respond appropriately to the varying needs of youth victims of dating violence, domestic violence, sexual assault or stalking;

''(3) educate the staff of courts, domestic violence and sexual assault service providers, and, as applicable, the staff of law enforcement agencies, youth organizations, schools, healthcare providers and other community prevention and intervention programs to responsibly address youth victims and perpetrators of domestic violence, dating violence, sexual assault and stalking, and to understand relevant laws, court procedures and policies; and

''(4) provide appropriate resources in juvenile court matters to respond to dating violence, domestic violence, sexual assault and stalking and assure necessary services dealing with the health and mental health of youth victims are available.

''(d) GRANT APPLICATIONS.—To be eligible for a grant under this section, the entities that are members of the applicant collaboration described in subsection (b)(3) shall jointly submit an application to the Director at such time, in such manner, and containing such information as the Director may require.

''(e) PRIORITY.—In awarding grants under this section, the Director shall give priority to entities that have submitted applications in partnership with law enforcement agencies and religious and community organizations and service providers that work primarily with youth, especially teens, and who have demonstrated a commitment to coalition building and cooperative problem solving in dealing with problems of dating violence, domestic violence, sexual assault, and stalking in teen populations.

''(f) DISTRIBUTION.—In awarding grants under this section—

''(1) not less than 10 percent of funds appropriated under this section in any year shall be available for grants to collaborations involving tribal courts, tribal coalitions, tribal organizations, or domestic violence or sexual assault service providers the primary purpose of which is to provide culturally relevant services to American Indian or Alaska Native women or youth;

''(2) the Attorney General shall not use more than 2.5 percent of funds appropriated under this section in any year for monitoring and evaluation of grants made available under this section;

''(3) the Attorney General shall not use more than 2.5 percent of funds appropriated under this section in any year for administration of grants made available under this section; and

''(4) up to 8 percent of funds appropriated under this section in any year shall be available to provide training, technical assistance, and data collection for programs funded under this section.

''(g) REPORTS.—

''(1) REPORTS.—Each of the entities that are members of the applicant collaboration described in subsection (b)(3) and that receive a grant under this section shall jointly prepare and submit a report to the Attorney General every 18 months detailing the activities that the entities have undertaken under the grant and such additional information as the Attorney General

may require. Each such report shall contain information on—

''(A) the activities implemented by the recipients of the grants awarded under this section; and

''(B) related initiatives undertaken by the Director to promote attention to dating violence, domestic violence, sexual assault, and stalking and their impact on young victims by—

''(i) the staffs of courts;

''(ii) domestic violence, dating violence, sexual assault, and stalking service providers; and

''(iii) law enforcement agencies and community organizations.

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

SEC. 505. FULL FAITH AND CREDIT IMPROVEMENTS.

(a) ENFORCEMENT OF PROTECTION ORDERS ISSUED BY TERRITORIES.—Section 2265 of title 18, United States Code, is amended—

(1) by striking ''State or Indian tribe'' each place it appears and inserting ''State, Indian tribe, or territory'';

(2) by striking ''State or tribal'' each place it appears and inserting ''State, tribal, or territorial''; and

(3) in subsection (a) by striking ''State or tribe'' and inserting ''State, Indian tribe, or territory''.

(b) CLARIFICATION OF ENTITIES HAVING ENFORCEMENT AUTHORITY AND RESPONSIBILITIES.—Section 2265(a) of title 18, United States Code, is amended by striking ''and enforced as if it were'' and inserting ''and enforced by the court and law enforcement personnel of the other State, Indian tribal government, or Territory as if it were''.

(c) PROTECTION ORDERS.—Sections 2265 and 2266 of title 18, United States Code, are both amended by striking ''protection order'' each place it appears and inserting ''protection order, restraining order, or injunction''.

(d) DEFINITIONS.—Section 2266 of title 18, United States Code, is amended by striking paragraph (5) and inserting the following:

''(5) PROTECTION ORDER, RESTRAINING ORDER, OR INJUNCTION.—The term 'protection order, restraining order, or injunction' includes—

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

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

SEC. 506. PRIVACY PROTECTIONS FOR VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL VIOLENCE, AND STALKING.

The Violence Against Women Act of 1994, as amended by this Act, is further amended by adding after subtitle J (as added by section 504) the following:

''Subtitle K—Privacy Protections for Victims of Domestic Violence, Dating Violence, Sexual Violence, and Stalking

''SEC. 41101. TASK FORCE.

''The Attorney General shall establish a task force to review and report on policies, procedures, and technological issues that may affect the privacy and confidentiality of victims of domestic violence, dating violence, stalking and sexual assault. The Attorney General shall include representatives from States, tribes, territories, law enforcement, court personnel, and private nonprofit organizations whose mission is to help develop a best practices model to prevent personally identifying information of adult, youth, and minor victims of domestic violence, dating violence, stalking and sexual assault from being released to the detriment of such victimized persons. The Attorney General shall designate one staff member to work with the task force. The Attorney General is authorized to make grants to develop a demonstration project to implement the best practices identified by the Task Force.

''SEC. 41102. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—There is authorized to be appropriated to carry out this subtitle $1,000,000 for each of fiscal years 2006 through 2010.

''(b) AVAILABILITY.—Amounts appropriated under this section shall remain available until expended and may only be used for the specific programs and activities described in this subtitle.''.

SEC. 507. STALKER DATABASE.

Section 40603 of the Violence Against Women Act of 1994 (42 U.S.C. 14032) is amended—

(1) by striking ''2001'' and inserting ''2006''; and

(2) by striking ''2005'' and inserting ''2010''.

SEC. 508. VICTIM ASSISTANTS FOR DISTRICT OF COLUMBIA.

Section 40114 of the Violence Against Women Act of 1994 is amended to read as follows:

''SEC. 40114. AUTHORIZATION FOR FEDERAL VICTIM ASSISTANTS.

''There are authorized to be appropriated to the Attorney General for the purpose of appointing victim assistants for the prosecution of sex crimes and domestic violence crimes where applicable (such as the District of Columbia), $1,000,000 for each of fiscal years 2006 through 2010.''.

SEC. 509. PREVENTING CYBERSTALKING.

Section 2261A of title 18, United States Code, is amended—

(1) in paragaph (1)—

(A) by inserting after ''intimidate'' the following: '', or places under surveillance with the intent to kill, injure, haras, or intimidate,''; and

(B) by inserting after ''or serious bodily injury to,'' the following: ''or causes substantial emotional harm to,'';

(2) in paragraph (2)(A), by striking ''to kill or injure'' and inserting ''to kill, injure, harass, or intimidate, or places under surveillance with the intent to kill, injure, harass, or intimidate, or to cause substantial emtional harm to,''; and

(3) in paragraph (2), in the matter following clause (iii) of subparagraph (B)—

(A) by inserting after ''uses the mail'' the following: '', any interactive computer service,''; and

(B) by inserting after ''course of conduct that'' the following: ''causes substantial emotional harm to that person or''.

SEC. 510. REPEAT OFFENDER PROVISION.

Chapter 110A of title 18, United States Code, is amended by adding after section 2265 the following:

''§ 2265A. Repeat offender provision

''The maximum term of imprisonment for a violation of this chapter after a prior interstate domestic violence offense (as defined in section 2261) or interstate violation of protection order (as defined in section 2262) or interstate stalking (as defined in sections 2261A(a) and 2261A(b)) shall be twice the term otherwise provided for the violation.''.

SEC. 511. PROHIBITING DATING VIOLENCE.

Section 2261(a) of title 18, United States Code, is amended—

(1) in paragraph (1), by striking ''or intimate partner'' both places such term appears and inserting '', intimate partner, or dating partner''; and

(2) in paragraph (2), by striking ''or intimate partner'' both places such term appears and inserting '', intimate partner, or dating partner''.

SEC. 512. GAO STUDY AND REPORT.

(a) STUDY REQUIRED.—The Comptroller General shall conduct a study to establish the extent to which men, women, youth, and children are victims of domestic violence, dating violence, sexual assault, and stalking and the availability to all victims of shelter, counseling, legal representation, and other services commonly provided to victims of domestic violence.

(b) ACTIVITIES UNDER STUDY.—In conducting the study, the following shall apply:

(1) CRIME STATISTICS.—The Comptroller General shall not rely only on crime statistics, but may also use existing research available, including public health studies and academic studies.

(2) SURVEY.—The Comptroller General shall survey the Department of Justice, as well as any recipients of Federal funding for any purpose or an appropriate sampling of recipients, to determine—

(A) what services are provided to victims of domestic violence, dating violence, sexual assault, and stalking;

(B) whether those services are made available to youth, child, female, and male victims; and

(C) the number, age, and gender of victims receiving each available service.

(c) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report on the activities carried out under this section.

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

SEC. 601. TECHNICAL AMENDMENT TO VIOLENCE AGAINST WOMEN ACT.

Section 2001 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg) is amended by adding at the end the following:

''(e) USE OF FUNDS.—Funds appropriated for grants under this part may be used only for the specific programs and activities expressly described in this part.''.

SEC. 602. SEXUAL ASSAULT SERVICES PROGRAM.

Part T of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg et seq.) is amended by adding after section 2013 (as added by section 501 of this Act) the following:

''SEC. 2014. SEXUAL ASSAULT SERVICES PROGRAM.

''(a) PURPOSE.—The purposes of this section are—

''(1) to assist States, Indian tribes, and territories in providing intervention, advocacy, accompaniment, support services, and related assistance for—

''(A) adult, youth, and minor victims of sexual assault;

''(B) family and household members of such victims; and

''(C) those collaterally affected by the victimization except for the perpetrator of such victimization; and

''(2) to provide training and technical assistance to, and to support data collection relating to sexual assault by—

''(A) Federal, State, tribal, territorial, and local governments, law enforcement agencies, and courts;

''(B) professionals working in legal, social service, and health care settings;

''(C) nonprofit organizations;

''(D) faith-based organizations; and

''(E) other individuals and organizations seeking such assistance.

''(b) GRANTS TO STATES, TERRITORIES AND TRIBAL ENTITIES.—

''(1) GRANTS AUTHORIZED.—The Attorney General shall award grants to States, territories and

Indian tribes, tribal organizations, and nonprofit tribal organizations within Indian country and Alaskan native villages for the establishment, maintenance and expansion of rape crisis centers or other programs and projects to assist those victimized by sexual assault.

''(2) SPECIAL EMPHASIS.—States, territories and tribal entities will give special emphasis to the support of community-based organizations with a demonstrated history of providing intervention and related assistance to victims of sexual assault.

''(c) GRANTS FOR CULTURALLY SPECIFIC PROGRAMS ADDRESSING SEXUAL ASSAULT.—

''(1) GRANTS AUTHORIZED.—The Attorney General shall award grants to any culturally specific community-based organization that—

''(A) is a private, nonprofit organization that focuses primarily on racial and ethnic communities;

''(B) must have documented organizational experience in the area of sexual assault intervention or have entered into partnership with an organization having such expertise;

''(C) has expertise in the development of community-based, linguistically and culturally specific outreach and intervention services relevant for the specific racial and ethnic communities to whom assistance would be provided or have the capacity to link to existing services in the community tailored to the needs of racial and ethnic populations; and

''(D) has an advisory board or steering committee and staffing which is reflective of the targeted racial and ethnic community.

''(2) AWARD BASIS.—The Attorney General shall award grants under this subsection on a competitive basis for a period of no less than 3 fiscal years.

''(d) SERVICES AUTHORIZED.—For grants under subsection (b) and (c) the following services and activities may include—

''(1) 24 hour hotline services providing crisis intervention services and referrals;

''(2) accompaniment and advocacy through medical, criminal justice, and social support systems, including medical facilities, police, and court proceedings;

''(3) crisis intervention, short-term individual and group support services, and comprehensive service coordination, and supervision to assist sexual assault victims and family or household members;

''(4) support mechanisms that are culturally relevant to the community;

''(5) information and referral to assist the sexual assault victim and family or household members;

''(6) community-based, linguistically and culturally-specific services including outreach activities for racial and ethnic and other underserved populations and linkages to existing services in these populations;

''(7) collaborating with and informing public officials and agencies in order to develop and implement policies to reduce or eliminate sexual assault; and

''(8) the development and distribution of educational materials on issues related to sexual assault and the services described in clauses (A) through (G).

''(e) GRANTS TO STATE, TERRITORIAL, AND TRIBAL SEXUAL ASSAULT COALITIONS.—

''(1) GRANTS AUTHORIZED.—

''(A) IN GENERAL.—The Attorney General shall award grants to State, territorial and tribal sexual assault coalitions to assist in supporting the establishment, maintenance and expansion of such coalitions as determined by the National Center for Injury Prevention and Control Office in collaboration with the Violence Against Women Office of the Department of Justice.

''(B) FIRST-TIME APPLICANTS.—No entity shall be prohibited from submitting an application under this subsection because such entity has not previously applied or received funding under this subsection.

''(f) COALITION ACTIVITIES AUTHORIZED.—Grant funds received under subsection (e) may be used to—

''(1) work with local sexual assault programs and other providers of direct services to encourage appropriate responses to sexual assault within the State, territory, or Indian tribe;

''(2) work with judicial and law enforcement agencies to encourage appropriate responses to sexual assault cases;

''(3) work with courts, child protective services agencies, and children's advocates to develop appropriate responses to child custody and visitation issues when sexual assault has been determined to be a factor;

''(4) design and conduct public education campaigns;

''(5) plan and monitor the distribution and use of grants and grant funds to their State, territory, or Indian tribe; and

''(6) collaborate with and inform Federal, State, Tribal, or local public officials and agencies to develop and implement policies to reduce or eliminate sexual assault.

''(g) APPLICATION.—

''(1) Each eligible entity desiring a grant under subsections (c) and (e) shall submit an application to the Attorney General at such time, in such manner and containing such information as the Attorney General determines to be essential to carry out the purposes of this section.

''(2) Each eligible entity desiring a grant under subsection (b) shall include—

''(A) demonstration of meaningful involvement of the State or territorial coalitions, or Tribal coalition, where applicable, in the development of the application and implementation of the plans;

''(B) a plan for an equitable distribution of grants and grant funds within the State, territory or tribal area and between urban and rural areas within such State or territory;

''(C) the State, territorial or Tribal entity that is responsible for the administration of grants; and

''(D) any other information the Attorney General reasonably determines to be necessary to carry out the purposes and provisions of this section.

''(h) REPORTING.—

''(1) Each entity receiving a grant under subsection (b), (c) and (e) shall submit a report to the Attorney General that describes the activities carried out with such grant funds.

''(i) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There is authorized to be appropriated $55,000,000 for each of the fiscal years 2006 through 2010 to carry out this section. Any amounts so appropriated shall remain available until expended.

''(2) ALLOCATIONS.—Of the total amount appropriated for each fiscal year to carry out this section—

''(A) not more than 2.5 percent shall be used by the Attorney General for evaluation, monitoring and administrative costs under this section;

''(B) not more than 2.5 percent shall be used for the provision of technical assistance to grantees and subgrantees under this section, except that in subsection (c) up to 5 percent of funds appropriated under that subsection may be available for technical assistance to be provided by a national organization or organizations whose primary purpose and expertise is in sexual assault within racial and ethnic communities;

''(C) not less than 75 percent shall be used for making grants to states and territories and tribal entities under subsection (b) of which not less than 10 percent of this amount shall be allocated for grants to tribal entities. State, territorial and tribal governmental agencies shall use no more than 5 percent for administrative costs;

''(D) not less than 10 percent shall be used for grants for culturally specific programs addressing sexual assault under subsection (c); and

''(E) not less than 10 percent shall be used for making grants to state, territorial and tribal coalitions under subsection (e) of which not less than 10 percent shall be allocated for grants to tribal coalitions.

The remaining funds shall be available for grants to State and territorial coalitions, and the Attorney General shall allocate an amount equal to 1/56 of the amounts so appropriated to each of the several States, the District of Columbia, and the territories.

''(3) MINIMUM AMOUNT.—Of the amount appropriated under section (i)(2)(C), the Attorney General, not including the set aside for tribal entities, shall allocate not less than 1.50 percent to each State and not less than 0.125 percent to each of the territories. The remaining funds shall be allotted to each State and each territory in an amount that bears the same ratio to such remaining funds as the population of such State bears to the population of the combined States, or for territories, the population of the combined territories.''.

SEC. 603. AMENDMENTS TO THE RURAL DOMESTIC VIOLENCE AND CHILD ABUSE ENFORCEMENT ASSISTANCE PROGRAM.

Section 40295 of the Violence Against Women Act of 1994 (42 U.S.C. 13971) is amended to read as follows:

''SEC. 40295. RURAL DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, STALKING, AND CHILD ABUSE ENFORCEMENT ASSISTANCE.

''(a) PURPOSES.—The purposes of this section are—

''(1) to identify, assess, and appropriately respond to adult, youth, and minor domestic violence, sexual assault, dating violence, and stalking in rural communities, by encouraging collaboration between—

''(A) domestic violence, dating violence, sexual assault, and stalking victim service providers;

''(B) law enforcement agencies;

''(C) prosecutors;

''(D) courts;

''(E) other criminal justice service providers;

''(F) human and community service providers;

''(G) educational institutions; and

''(H) health care providers;

''(2) to establish and expand nonprofit, nongovernmental, State, tribal, and local government services in rural communities to adult, youth, and minor victims; and

''(3) to increase the safety and well-being of women and children in rural communities, by—

''(A) dealing directly and immediately with domestic violence, sexual assault, dating violence, and stalking occurring in rural communities; and

''(B) creating and implementing strategies to increase awareness and prevent domestic violence, sexual assault, dating violence, and stalking.

''(b) GRANTS AUTHORIZED.—The Attorney General, acting through the Director of the Office on Violence Against Women (referred to in this section as the 'Director'), may award 3-year grants, with a possible extension for an additional 3 years, to States, Indian tribes, local governments, and nonprofit, public or private entities, including tribal nonprofit organizations, to carry out programs serving rural areas or rural communities that address domestic violence, dating violence, sexual assault, and stalking by—

''(1) implementing, expanding, and establishing cooperative efforts and projects between law enforcement officers, prosecutors, victim advocacy groups, and other related parties to investigate and prosecute incidents of domestic violence, dating violence, sexual assault, and stalking;

''(2) providing treatment, counseling, and other long- and short-term assistance to adult, youth, and minor victims of domestic violence, dating violence, sexual assault, and stalking in rural communities; and

''(3) working in cooperation with the community to develop education and prevention strategies directed toward such issues.

''(c) USE OF FUNDS.—Funds appropriated pursuant to this section shall be used only for specific programs and activities expressly described in subsection (a).

''(d) ALLOTMENTS AND PRIORITIES.—

''(1) ALLOTMENT FOR INDIAN TRIBES.—Not less than 10 percent of the total amount made available for each fiscal year to carry out this section shall be allocated for grants to Indian tribes or tribal organizations.

''(2) ALLOTMENT FOR SEXUAL ASSAULT SERVICES.—

''(A) IN GENERAL.—Not less than 25 percent of the total amount made available for each fiscal year to carry out this section shall be allocated for grants that meaningfully address sexual assault in rural communities, except as provided in subparagraph (B).

''(B) ESCALATION.—The percentage required by subparagraph (A) shall be—

''(i) 30 percent, for any fiscal year for which $45,000,000 or more is made available to carry out this section;

''(ii) 35 percent, for any fiscal year for which $50,000,000 or more is made available to carry out this section; or

''(iii) 40 percent, for any fiscal year for which $55,000,000 or more is made available to carry out this section.

''(C) SAVINGS CLAUSE.—Nothing in this paragraph shall prohibit an applicant from applying for funding to address domestic violence, dating violence, sexual assault, or stalking, separately or in combination, in the same application.

''(D) REPORT TO CONGRESS.—The Attorney General shall, on an annual basis, submit to Congress a report on the effectiveness of the set-aside for sexual assault services. The report shall include any recommendations of the Attorney General with respect to the rural grant program.

''(3) ALLOTMENT FOR TRAINING, TECHNICAL ASSISTANCE, AND DATA COLLECTION.—Of the amounts appropriated for each fiscal year to carry out this section, not more than 8 percent may be used by the Director for training, technical assistance, and data collection costs. Of the amounts so used, not less than 25 percent shall be available to nonprofit, nongovernmental organizations whose focus and expertise is in addressing sexual assault to provide training, technical assistance, and data collection with respect to sexual assault grantees.

''(4) UNDERSERVED POPULATIONS.—In awarding grants under this section, the Director shall give priority to the needs of racial and ethnic and other underserved populations (as defined in section 2000B of the Omnibus Crime Control and Safe Streets Act of 1968).

''(e) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There are authorized to be appropriated $50,000,000 for each of the fiscal years 2006 through 2010 to carry out this section.

''(2) ADDITIONAL FUNDING.—In addition to funds received through a grant under subsection (b), a law enforcement agency may use funds received through a grant under part Q of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd et seq.) to accomplish the objectives of this section.''.

SEC. 604. ASSISTANCE FOR VICTIMS OF ABUSE.

Part T of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg et seq.) is amended by adding after section 2014 (as added by section 602 of this Act) the following:

''SEC. 2015. ASSISTANCE FOR VICTIMS OF ABUSE.

''(a) GRANTS AUTHORIZED.—The Attorney General may award grants to appropriate entities—

''(1) to provide services for victims of domestic violence, abuse by caregivers, and sexual assault who are 50 years of age or older;

''(2) to improve the physical accessibility of existing buildings in which services are or will be rendered for victims of domestic violence and sexual assault who are 50 years of age or older;

''(3) to provide training, consultation, and information on abuse by caregivers, domestic violence, dating violence, stalking, and sexual assault against individuals with disabilities (as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102)), and to enhance direct services to such individuals;

''(4) for training programs to assist law enforcement officers, prosecutors, governmental agencies, victim assistants, and relevant officers of Federal, State, tribal, territorial, and local courts in recognizing, addressing, investigating, and prosecuting instances of adult, youth, or minor domestic violence, dating violence, sexual assault, stalking, elder abuse, and violence against individuals with disabilities, including domestic violence and sexual assault, against older or disabled individuals; and

''(5) for multidisciplinary collaborative community responses to victims.

''(b) USE OF FUNDS.—Grant funds under this section may be used—

''(1) to implement or expand programs or services to respond to the needs of persons 50 years of age or older who are victims of domestic violence, dating violence, sexual assault, stalking, or elder abuse;

''(2) to provide personnel, training, technical assistance, data collection, advocacy, intervention, risk reduction and prevention of domestic violence, dating violence, stalking, and sexual assault against disabled individuals;

''(3) to conduct outreach activities to ensure that disabled individuals who are victims of domestic violence, dating violence, stalking, or sexual assault receive appropriate assistance;

''(4) to conduct cross-training for victim service organizations, governmental agencies, and nonprofit, nongovernmental organizations serving individuals with disabilities; about risk reduction, intervention, prevention and the nature of dynamic of domestic violence, dating violence, stalking, and sexual assault for disabled individuals;

''(5) to provide training, technical assistance, and data collection to assist with modifications to existing policies, protocols, and procedures to ensure equal access to the services, programs, and activities of victim service organizations for disabled individuals;

''(6) to provide training, technical assistance, and data collection on the requirements of shelters and victim services organizations under Federal antidiscrimination laws, including—

''(A) the Americans with Disabilities Act of 1990; and

''(B) section 504 of the Rehabilitation Act of 1973;

''(7) to purchase equipment, and provide personnel so that shelters and victim service organizations can accommodate the needs of disabled individuals;

''(8) to provide advocacy and intervention services for disabled individuals who are victims of domestic violence, dating violence, stalking, or sexual assault through collaborative partnerships between—

''(A) nonprofit, nongovernmental agencies;

''(B) governmental agencies serving individuals with disabilities; and

''(C) victim service organizations; or

''(9) to develop model programs providing advocacy and intervention services within organizations serving disabled individuals who are victims of domestic violence, dating violence, sexual assault, or stalking.

''(c) ELIGIBLE ENTITIES.—

''(1) IN GENERAL.—An entity shall be eligible to receive a grant under this section if the entity is—

''(A) a State;

''(B) a unit of local government;

''(C) a nonprofit, nongovernmental organization such as a victim services organization, an organization serving individuals with disabilities or a community-based organization; and

''(D) a religious organization.

''(2) LIMITATION.—A grant awarded for the purposes described in subsection (b)(9) shall be awarded only to an eligible agency (as defined in section 410 of the Rehabilitation Act of 1973 (29 U.S.C. 796f–5)).

''(d) APPLICATION.—An eligible entity desiring a grant under this section shall submit an application to the Attorney General at such time, in such manner, and containing such information as the Attorney General may require.

''(e) REPORTING.—Not later than 1 year after the last day of the first fiscal year commencing on or after the date of enactment of this Act, and not later than 180 days after the last day of each fiscal year thereafter, the Attorney General shall submit to Congress a report evaluating the effectiveness of programs administered and operated pursuant to this section.

''(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $20,500,000 for each of the fiscal years 2006 through 2010 to carry out this section.''.

SEC. 605. GAO STUDY OF NATIONAL DOMESTIC VIOLENCE HOTLINE.

(a) STUDY REQUIRED.—Not later than 6 months after the date of enactment of this Act, the Comptroller General shall conduct a study of the National Domestic Violence Hotline to determine the effectiveness of the Hotline in assisting victims of domestic violence.

(b) ISSUES TO BE STUDIED.—In conducting the study under subsection (a), the Comptroller General shall—

(1) compile statistical and substantive information about calls received by the Hotline since its inception, or a representative sample of such calls, while maintaining the confidentiality of Hotline callers;

(2) interpret the data compiled under paragraph (1)—

(A) to determine the trends, gaps in services, and geographical areas of need; and

(B) to assess the trends and gaps in services to underserved populations and the military community; and

(3) gather other important information about domestic violence.

(c) REPORT.—Not later than 3 years after the date of enactment of this Act, the Comptroller General shall submit to Congress a report on the results of the study.

SEC. 606. GRANTS FOR OUTREACH TO UNDERSERVED POPULATIONS.

(a) GRANTS AUTHORIZED.—

(1) IN GENERAL.—From amounts made available to carry out this section, the Attorney General, acting through the Director of the Office on Violence Against Women, shall award grants to eligible entities described in subsection (b) to carry out local, regional, or national public information campaigns focused on addressing adult, youth, or minor domestic violence, dating violence, sexual assault, stalking, or trafficking within tribal, racial, and ethnic populations and immigrant communities, including information on services available to victims and ways to prevent or reduce domestic violence, dating violence, sexual assault, and stalking.

(2) TERM.—The Attorney General shall award grants under this section for a period of 1 fiscal year.

(b) ELIGIBLE ENTITIES.—Eligible entities under this section are—

(1) nonprofit, nongovernmental organizations or coalitions that represent the targeted tribal, racial, and ethnic populations or immigrant community that—

(A) have a documented history of creating and administering effective public awareness campaigns addressing domestic violence, dating violence, sexual assault, and stalking; or

(B) work in partnership with an organization that has a documented history of creating and administering effective public awareness campaigns addressing domestic violence, dating violence, sexual assault, and stalking; or

(2) a governmental entity that demonstrates a partnership with organizations described in paragraph (1).

(c) ALLOCATION OF FUNDS.—Of the amounts appropriated for grants under this section—

(1) not more than 20 percent shall be used for national model campaign materials targeted to specific tribal, racial, or ethnic populations or immigrant community, including American Indian tribes and Alaskan native villages for the purposes of research, testing, message development, and preparation of materials; and

(2) the balance shall be used for not less than 10 State, regional, territorial, tribal, or local campaigns targeting specific communities with information and materials developed through the national campaign or, if appropriate, new materials to reach an underserved population or a particularly isolated community.

(d) USE OF FUNDS.—Funds appropriated under this section shall be used to conduct a public information campaign and build the capacity and develop leadership of racial, ethnic populations, or immigrant community members to address domestic violence, dating violence, sexual assault, and stalking.

(e) APPLICATION.—An eligible entity desiring a grant under this section shall submit an application to the Director of the Office on Violence Against Women at such time, in such form, and in such manner as the Director may prescribe.

(f) CRITERIA.—In awarding grants under this section, the Attorney General shall ensure—

(1) reasonable distribution among eligible grantees representing various racial, ethnic, and immigrant communities;

(2) reasonable distribution among State, regional, territorial, tribal, and local campaigns; and

(3) that not more than 8 percent of the total amount appropriated under this section for each fiscal year is set aside for training, technical assistance, and data collection.

(g) REPORTS.—Each eligible entity receiving a grant under this section shall submit to the Director of the Office of Violence Against Women, every 18 months, a report that describes the activities carried out with grant funds.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $2,000,000 for each of fiscal years 2006 through 2010.

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

SEC. 701. SERVICES AND JUSTICE FOR YOUNG VICTIMS OF VIOLENCE.

The Violence Against Women Act of 1994 is amended by adding after subtitle K (as added by section 506) the following:

"Subtitle L—Services, Education, Protection and Justice for Young Victims of Violence

"SEC. 41201. GRANTS FOR TRAINING AND COLLABORATION ON THE INTERSECTION BETWEEN DOMESTIC VIOLENCE AND CHILD MALTREATMENT.

''(a) PURPOSE.—The purpose of this section is to support efforts by domestic violence or dating violence victim services providers, courts, law enforcement, child welfare agencies, and other related professionals and community organizations to develop collaborative responses and services and provide cross-training to enhance community responses to families where there is both child maltreatment and domestic violence.

''(b) GRANTS AUTHORIZED.—The Attorney General, through the Violence Against Women Office, shall award grants on a competitive basis to eligible entities for the purposes and in the manner described in this section.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $8,000,000 for each of fiscal years 2006 through 2010. Funds appropriated under this section shall remain available until expended. Of the amounts appropriated to carry out this section for each fiscal year, the Attorney General shall—

''(1) use not more than 3 percent for evaluation, monitoring, site visits, grantee conferences, and other administrative costs associated with conducting activities under this section;

''(2) set aside not more than 10 percent for grants to programs addressing child maltreatment and domestic violence or dating violence that are operated by, or in partnership with, a tribal organization; and

''(3) set aside up to 8 percent for training and technical assistance, to be provided—

''(A) to organizations that are establishing or have established collaborative responses and services; and

''(B) by organizations having demonstrated expertise in developing collaborative community and system responses to families in which there is both child maltreatment and domestic violence or dating violence, whether or not they are receiving funds under this section.

''(d) UNDERSERVED POPULATIONS.—In awarding grants under this section, the Attorney General shall consider the needs of racial and ethnic and other underserved populations (as defined in section 2000B of the Omnibus Crime Control and Safe Streets Act of 1968).

''(e) GRANT AWARDS.—The Attorney General shall award grants under this section for periods of not more than 3 fiscal years.

''(f) USES OF FUNDS.—Entities receiving grants under this section shall use amounts provided to develop collaborative responses and services and provide cross-training to enhance community responses to families where there is both child maltreatment and domestic violence or dating violence. Amounts distributed under this section may only be used for programs and activities described in subsection (g).

''(g) PROGRAMS AND ACTIVITIES.—The programs and activities developed under this section shall—

''(1) encourage cross training, education, service development, and collaboration among child welfare agencies, domestic violence victim service providers, and courts, law enforcement agencies, community-based programs, and other entities, in order to ensure that such entities have the capacity to and will identify, assess, and respond appropriately to—

''(A) domestic violence or dating violence in homes where children are present and may be exposed to the violence;

''(B) domestic violence or dating violence in child protection cases; and

''(C) the needs of both the child and non-abusing parent;

''(2) establish and implement policies, procedures, programs, and practices for child welfare agencies, domestic violence victim service providers, courts, law enforcement agencies, and other entities, that are consistent with the principles of protecting and increasing the immediate and long-term safety and well being of children and non-abusing parents and caretakers by—

''(A) increasing the safety, autonomy, capacity, and financial security of non-abusing parents or caretakers, including developing service plans and utilizing community-based services that provide resources and support to non-abusing parents;

''(B) protecting the safety, security, and well-being of children by preventing their unnecessary removal from a non-abusing parent, or, in cases where removal of the child is necessary to protect the child's safety, taking the necessary steps to provide appropriate and community-based services to the child and the non-abusing parent to promote the safe and appropriately prompt reunification of the child with the non-abusing parent;

''(C) recognizing the relationship between child maltreatment and domestic violence or dating violence in a family, as well as the impact of and danger posed by the perpetrators' behavior on adult, youth, and minor victims; and

''(D) holding adult, youth, and minor perpetrators of domestic violence or dating violence, not adult, youth, and minor victims of abuse or neglect, accountable for stopping the perpetrators' abusive behaviors, including the development of separate service plans, court filings, or community-based interventions where appropriate;

''(3) increase cooperation and enhance linkages between child welfare agencies, domestic violence victim service providers, courts (including family, criminal, juvenile courts, or tribal courts), law enforcement agencies, and other entities to provide more comprehensive community-based services (including health, mental health, social service, housing, and neighborhood resources) to protect and to serve adult, youth, and minor victims;

''(4) identify, assess, and respond appropriately to domestic violence or dating violence in child protection cases and to child maltreatment when it co-occurs with domestic violence or dating violence;

''(5) analyze and change policies, procedures, and protocols that contribute to overrepresentation of racial and ethnic minorities in the court and child welfare system; and

''(6) provide appropriate referrals to community-based programs and resources, such as health and mental health services, shelter and housing assistance for adult, youth, and minor victims and their children, legal assistance and advocacy for adult, youth, and minor victims, assistance for parents to help their children cope with the impact of exposure to domestic violence or dating violence and child maltreatment, appropriate intervention and treatment for adult perpetrators of domestic violence or dating violence whose children are the subjects of child protection cases, programs providing support and assistance to racial and ethnic populations, and other necessary supportive services.

''(h) GRANTEE REQUIREMENTS.—

''(1) APPLICATIONS.—Under this section, an entity shall prepare and submit to the Attorney General an application at such time, in such manner, and containing such information as the Attorney General may require, consistent with the requirements described herein. The application shall—

''(A) ensure that communities impacted by these systems or organizations are adequately represented in the development of the application, the programs and activities to be undertaken, and that they have a significant role in evaluating the success of the project;

''(B) describe how the training and collaboration activities will enhance or ensure the safety and economic security of families where both child maltreatment and domestic violence or dating violence occurs by providing appropriate resources, protection, and support to the victimized parents of such children and to the children themselves; and

''(C) outline methods and means participating entities will use to ensure that all services are provided in a developmentally, linguistically and culturally competent manner and will utilize community-based supports and resources.

''(2) ELIGIBLE ENTITIES.—To be eligible for a grant under this section, an entity shall be a collaboration that—

''(A) shall include a State or local child welfare agency or Indian Tribe;

''(B) shall include a domestic violence or dating violence victim service provider;

''(C) may include a court;

''(D) may include a law enforcement agency, or Bureau of Indian Affairs providing tribal law enforcement; and

''(E) may include any other such agencies or private nonprofit organizations, including community-based organizations, with the capacity to provide effective help to the adult, youth, and minor victims served by the collaboration.

''(3) REPORTS.—Each entity receiving a grant under this section shall report to the Attorney General every 18 months, detailing how the funds have been used.

"SEC. 41202. SERVICES TO ADVOCATE FOR AND RESPOND TO TEENS.

''(a) GRANTS AUTHORIZED.—The Attorney General shall award grants to eligible entities to conduct programs to serve youth between the ages of 12 and 24 of domestic violence, dating violence, sexual assault, and stalking. Amounts appropriated under this section may only be used for programs and activities described under subsection (c).

''(b) ELIGIBLE GRANTEES.—To be eligible to receive a grant under this section, an entity shall be—

''(1) a nonprofit, nongovernmental entity, the primary purpose of which is to provide services to victims of domestic violence, dating violence, sexual assault, or stalking;

''(2) a religious or community-based organization that specializes in working with youth victims of domestic violence, dating violence, sexual assault, or stalking;

''(3) an Indian Tribe or tribal organization providing services primarily to tribal youth or tribal victims of domestic violence, dating violence, sexual assault or stalking; or

''(4) a nonprofit, nongovernmental entity providing services for runaway or homeless youth.

''(c) USE OF FUNDS.—

''(1) IN GENERAL.—An entity that receives a grant under this section shall use amounts provided under the grant to design or replicate, and implement, programs and services, using domestic violence, dating violence, sexual assault, and stalking intervention models to respond to the needs of youth who are victims of domestic violence, dating violence, sexual assault or stalking.

''(2) TYPES OF PROGRAMS.—Such a program—

''(A) shall provide direct counseling and advocacy for teens and young adults, who have experienced domestic violence, dating violence, sexual assault or stalking;

''(B) shall include linguistically, culturally, and community relevant services for racial and ethnic and other underserved populations or linkages to existing services in the community tailored to the needs of racial and ethnic and other underserved populations;

''(C) may include mental health services;

''(D) may include legal advocacy efforts on behalf of minors and young adults with respect to domestic violence, dating violence, sexual assault or stalking;

''(E) may work with public officials and agencies to develop and implement policies, rules, and procedures in order to reduce or eliminate domestic violence, dating violence, sexual assault, and stalking against youth and young adults; and

''(F) may use not more than 25 percent of the grant funds to provide additional services and resources for youth, including childcare, transportation, educational support, and respite care.

''(d) AWARDS BASIS.—

''(1) GRANTS TO INDIAN TRIBES.—Not less than 10 percent of funds appropriated under this section in any year shall be available for grants to Indian Tribes or tribal organizations.

''(2) ADMINISTRATION.—The Attorney General shall not use more than 2.5 percent of funds appropriated under this section in any year for administration, monitoring, and evaluation of grants made available under this section.

''(3) TRAINING, TECHNICAL ASSISTANCE, AND DATA COLLECTION.—Not less than 5 percent of funds appropriated under this section in any year shall be available to provide training, technical assistance, and data collection for programs funded under this section.

''(e) TERM.—The Attorney General shall make the grants under this section for a period of 3 fiscal years.

''(f) REPORTS.—An entity receiving a grant under this section shall submit to the Attorney General every 18 months a report of how grant funds have been used.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $10,000,000 for each of fiscal years 2006 through 2010.''.

SEC. 702. GRANTS TO COMBAT VIOLENT CRIMES ON CAMPUSES.

(a) GRANTS AUTHORIZED.—

(1) IN GENERAL.—The Attorney General is authorized to make grants to institutions of higher education, for use by such institutions or consortia consisting of campus personnel, student organizations, campus administrators, security personnel, and regional crisis centers affiliated with the institution, to develop and strengthen effective security and investigation strategies to combat domestic violence, dating violence, sexual assault, and stalking on campuses, and to develop and strengthen victim services in cases involving such crimes against women on campuses, which may include partnerships with local criminal justice authorities and community-based victim services agencies.

(2) AWARD BASIS.—The Attorney General shall award grants and contracts under this section on a competitive basis for a period of 3 years. The Attorney General, through the Director of the Office on Violence Against Women, shall award the grants in amounts of not more than $500,000 for individual institutions of higher education and not more than $1,000,000 for consortia of such institutions.

(3) EQUITABLE PARTICIPATION.—The Attorney General shall make every effort to ensure—

(A) the equitable participation of private and public institutions of higher education in the activities assisted under this section;

(B) the equitable geographic distribution of grants under this section among the various regions of the United States; and

(C) the equitable distribution of grants under this section to tribal colleges and universities and traditionally black colleges and universities.

(b) USE OF GRANT FUNDS.—Grant funds awarded under this section may be used for the following purposes:

(1) To provide personnel, training, technical assistance, data collection, and other equipment with respect to the increased apprehension, investigation, and adjudication of persons committing domestic violence, dating violence, sexual assault, and stalking on campus.

(2) To train campus administrators, campus security personnel, and personnel serving on campus disciplinary or judicial boards to develop and implement campus policies, protocols, and services that more effectively identify and respond to the crimes domestic violence, dating violence, sexual assault, and stalking. Within 90 days after the date of enactment of this Act, the Attorney General shall issue and make available minimum standards of training relating to domestic violence, dating violence, sexual assault, and stalking on campus, for all campus security personnel and personnel serving on campus disciplinary or judicial boards.

(3) To implement and operate education programs for the prevention of domestic violence, dating violence, sexual assault and stalking.

(4) To develop, enlarge, or strengthen victim services programs on the campuses of the institutions involved, including programs providing legal, medical, or psychological counseling, for victims of domestic violence, dating violence, sexual assault, and stalking, and to improve delivery of victim assistance on campus. To the extent practicable, such an institution shall collaborate with any entities carrying out nonprofit and other victim services programs, including domestic violence, dating violence, sexual assault, and stalking victim services programs in the community in which the institution is located. If appropriate victim services programs are not available in the community or are not accessible to students, the institution shall, to the extent practicable, provide a victim services program on campus or create a victim services program in collaboration with a community-based organization. The institution shall use not less than 20 percent of the funds made available through the grant for a victim services program provided in accordance with this paragraph.

(5) To create, disseminate, or otherwise provide assistance and information about victims' options on and off campus to bring disciplinary or other legal action, including assistance to victims in immigration matters.

(6) To develop, install, or expand data collection and communication systems, including computerized systems, linking campus security to the local law enforcement for the purpose of identifying and tracking arrests, protection orders, violations of protection orders, prosecutions, and convictions with respect to the crimes of domestic violence, dating violence, sexual assault, and stalking on campus.

(7) To provide capital improvements (including improved lighting and communications facilities but not including the construction of buildings) on campuses to address the crimes of domestic violence, dating violence, sexual assault, and stalking.

(8) To support improved coordination among campus administrators, campus security personnel, and local law enforcement to reduce domestic violence, dating violence, sexual assault, and stalking on campus.

(c) APPLICATIONS.—

(1) IN GENERAL.—In order to be eligible to be awarded a grant under this section for any fiscal year, an institution of higher education shall submit an application to the Attorney General at such time and in such manner as the Attorney General shall prescribe.

(2) CONTENTS.—Each application submitted under paragraph (1) shall—

(A) describe the need for grant funds and the plan for implementation for any of the purposes described in subsection (b);

(B) include proof that the institution of higher education collaborated with any non-profit, nongovernmental entities carrying out other victim services programs, including domestic violence, dating violence, sexual assault, and stalking victim services programs in the community in which the institution is located;

(C) describe the characteristics of the population being served, including type of campus, demographics of the population, and number of students;

(D) provide measurable goals and expected results from the use of the grant funds;

(E) provide assurances that the Federal funds made available under this section shall be used to supplement and, to the extent practical, increase the level of funds that would, in the absence of Federal funds, be made available by the institution for the purposes described in subsection (b); and

(F) include such other information and assurances as the Attorney General reasonably determines to be necessary.

(3) COMPLIANCE WITH CAMPUS CRIME REPORTING REQUIRED.—No institution of higher education shall be eligible for a grant under this section unless such institution is in compliance with the requirements of section 485(f) of the Higher Education Act of 1965 (20 U.S.C. 1092(f)). Up to $200,000 of the total amount of grant funds appropriated under this section for fiscal years 2006 through 2010 may be used to provide technical assistance in complying with the mandatory reporting requirements of section 485(f) of such Act.

(d) GENERAL TERMS AND CONDITIONS.—

(1) NONMONETARY ASSISTANCE.—In addition to the assistance provided under this section, the Attorney General may request any Federal agency to use the agency's authorities and the resources granted to the agency under Federal law (including personnel, equipment, supplies, facilities, and managerial, technical, and advisory services) in support of campus security, and investigation and victim service efforts.

(2) CONFIDENTIALITY.—

(A) NONDISCLOSURE OF CONFIDENTIAL OR PRIVATE INFORMATION.—In order to ensure the

safety of adult and minor victims of domestic violence, dating violence, sexual assault, or stalking and their families, grantees and sub-grantees under this section shall reasonably—

(i) protect the confidentiality and privacy of persons receiving services under the grants and subgrants; and

(ii) not disclose and personally identifying information, or individual client information, collected in connection with services requested, utilized, or denied through programs provided by such grantees and subgrantees under this section.

(B) CONSENT.—A grantee or subgrantee under this section shall not reveal personally any identifying information or individual client information collected as described in subparagraph (A) without the informed, written, and reasonably time-limited consent of the person (or, in the case of an unemancipated minor, the minor and the parent or guardian of the minor) about whom information is sought, whether for the program carried out under this section or any other Federal, State, tribal, or territorial assistance program.

(C) COMPELLED RELEASE AND NOTICE.—If a grantee or subgrantee under this section is compelled by statutory or court mandate to disclose information described in subparagraph (A), the grantee or subgrantee—

(i) shall make reasonable attempts to provide notice to individuals affected by the disclosure of information; and

(ii) shall take steps necessary to protect the privacy and safety of the individual affected by the disclosure.

(D) PERMISSIVE SHARING.—Grantees and subgrantees under this section may share with each other, in order to comply with Federal, State, tribal, or territorial reporting, evaluation, or data collection requirements—

(i) aggregate data, that is not personally identifying information, regarding services provided to their clients; and

(ii) demographic information that is not personally identifying information.

(E) COURT-GENERATED AND LAW ENFORCEMENT-GENERATED INFORMATION.—Grantees and subgrantees under this section may share with each other—

(i) court-generated information contained in secure, governmental registries for protection order enforcement purposes; and

(ii) law enforcement-generated information.

(F) DEFINITION.—As used in this paragraph, the term ''personally identifying information'' means individually identifying information from or about an individual, including—

(i) first and last name;

(ii) home or other physical address, including street name and name of city or town;

(iii) email address or other online contact information, such as an instant-messaging user identifier or a screen name that reveals an individual's email address;

(iv) telephone number;

(v) social security number;

(vi) Internet Protocol (''IP'') address or host name that identifies an individual;

(vii) persistent identifier, such as a customer number held in a ''cookie'' or processor serial number, that is combined with other available data that identifies an individual; or

(viii) information that, in combination with the information in any of the clauses (i) through (vii), would serve to identify any individual, including—

(I) grade point average;

(II) date of birth;

(III) academic or occupational interests;

(IV) athletic or extracurricular interests;

(V) racial or ethnic background; or

(VI) religious affiliation.

(3) GRANTEE REPORTING.—

(A) ANNUAL REPORT.—Each institution of higher education receiving a grant under this section shall submit a biennial performance report to the Attorney General. The Attorney General shall suspend funding under this section for an institution of higher education if the institution fails to submit such a report.

(B) FINAL REPORT.—Upon completion of the grant period under this section, the institution shall file a performance report with the Attorney General and the Secretary of Education explaining the activities carried out under this section together with an assessment of the effectiveness of those activities in achieving the purposes described in subsection (b).

(4) REPORT TO CONGRESS.—Not later than 180 days after the end of the fiscal year for which grants are awarded under this section, the Attorney General shall submit to Congress a report that includes—

(A) the number of grants, and the amount of funds, distributed under this section;

(B) a summary of the purposes for which the grants were provided and an evaluation of the progress made under the grant;

(C) a statistical summary of the persons served, detailing the nature of victimization, and providing data on age, sex, race, ethnicity, language, disability, relationship to offender, geographic distribution, and type of campus; and

(D) an evaluation of the effectiveness of programs funded under this part.

(e) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $15,000,000 for each of fiscal years 2006 through 2010.

SEC. 703. SAFE HAVENS.

Section 1301 of the Victims of Trafficking and Violence Protection Act of 2000 (42 U.S.C. 10420) is amended—

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

''SEC. 1301. SAFE HAVENS FOR CHILDREN.'';

(2) in subsection (a)—

(A) by inserting '', through the Director of the Office on Violence Against Women,'' after ''Attorney General'';

(B) by inserting ''public or nonprofit nongovernmental entities, and to'' after ''may award grants to'';

(C) by inserting ''dating violence,'' after ''domestic violence,'';

(D) by striking ''to provide'' and inserting the following:

''(1) to provide'';

(E) by striking the period at the end and inserting a semicolon; and

(F) by adding at the end the following:

''(2) to protect children from the trauma of witnessing domestic or dating violence or experiencing abduction, injury, or death during parent and child visitation exchanges;

''(3) to protect parents or caretakers who are victims of domestic and dating violence from experiencing further violence, abuse, and threats during child visitation exchanges; and

''(4) to protect children from the trauma of experiencing sexual assault or other forms of physical assault or abuse during parent and child visitation and visitation exchanges.''; and

(3) by striking subsection (e) and inserting the following:

''(e) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There is authorized to be appropriated to carry out this section, $20,000,000 for each of fiscal years 2006 through 2010. Funds appropriated under this section shall remain available until expended.

''(2) USE OF FUNDS.—Of the amounts appropriated to carry out this section for each fiscal year, the Attorney General shall—

''(A) set aside not less than 5 percent for grants to Indian tribal governments or tribal organizations;

''(B) use not more than 3 percent for evaluation, monitoring, site visits, grantee conferences, and other administrative costs associated with conducting activities under this section; and

''(C) set aside not more than 8 percent for training, technical assistance, and data collection to be provided by organizations having nationally recognized expertise in the design of safe and secure supervised visitation programs and visitation exchange of children in situations involving domestic violence, dating violence, sexual assault, or stalking.''.

SEC. 704. GRANTS TO COMBAT DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING IN MIDDLE AND HIGH SCHOOLS.

(a) SHORT TITLE.—This section may be cited as the ''Supporting Teens through Education and Protection Act of 2005'' or the ''STEP Act''.

(b) GRANTS AUTHORIZED.—The Attorney General, through the Director of the Office on Violence Against Women, is authorized to award grants to middle schools and high schools that work with domestic violence and sexual assault experts to enable the schools—

(1) to provide training to school administrators, faculty, counselors, coaches, healthcare providers, security personnel, and other staff on the needs and concerns of students who experience domestic violence, dating violence, sexual assault, or stalking, and the impact of such violence on students;

(2) to develop and implement policies in middle and high schools regarding appropriate, safe responses to, and identification and referral procedures for, students who are experiencing or perpetrating domestic violence, dating violence, sexual assault, or stalking, including procedures for handling the requirements of court protective orders issued to or against students or school personnel, in a manner that ensures the safety of the victim and holds the perpetrator accountable;

(3) to provide support services for students and school personnel, such as a resource person who is either on-site or on-call, and who is an expert described in subsections (i)(2) and (i)(3), for the purpose of developing and strengthening effective prevention and intervention strategies for students and school personnel experiencing domestic violence, dating violence, sexual assault or stalking;

(4) to provide developmentally appropriate educational programming to students regarding domestic violence, dating violence, sexual assault, and stalking, and the impact of experiencing domestic violence, dating violence, sexual assault, and stalking on children and youth by adapting existing curricula activities to the relevant student population;

(5) to work with existing mentoring programs and develop strong mentoring programs for students, including student athletes, to help them understand and recognize violence and violent behavior, how to prevent it and how to appropriately address their feelings; and

(6) to conduct evaluations to assess the impact of programs and policies assisted under this section in order to enhance the development of the programs.

(c) AWARD BASIS.—The Director shall award grants and contracts under this section on a competitive basis.

(d) POLICY DISSEMINATION.—The Director shall disseminate to middle and high schools any existing Department of Justice, Department of Health and Human Services, and Department of Education policy guidance and curricula regarding the prevention of domestic violence, dating violence, sexual assault, and stalking, and the impact of the violence on children and youth.

(e) NONDISCLOSURE OF CONFIDENTIAL OR PRIVATE INFORMATION.—In order to ensure the safety of adult, youth, and minor victims of domestic violence, dating violence, sexual assault, or stalking and their families, grantees and subgrantees shall protect the confidentiality and privacy of persons receiving services. Grantees and subgrantees pursuant to this section shall

not disclose any personally identifying information or individual information collected in connection with services requested, utilized, or denied through grantees' and subgrantees' programs. Grantees and subgrantees shall not reveal individual client information without the informed, written, reasonably time-limited consent of the person (or in the case of unemancipated minor, the minor and the parent or guardian) about whom information is sought, whether for this program or any other Tribal, Federal, State or Territorial grant program. If release of such information is compelled by statutory or court mandate, grantees and subgrantees shall make reasonable attempts to provide notice to victims affected by the disclosure of information. If such personally identifying information is or will be revealed, grantees and subgrantees shall take steps necessary to protect the privacy and safety of the persons affected by the release of the information. Grantees may share non-personally identifying data in the aggregate regarding services to their clients and non-personally identifying demographic information in order to comply with Tribal, Federal, State or Territorial reporting, evaluation, or data collection requirements. Grantees and subgrantees may share court-generated information contained in secure, governmental registries for protection order enforcement purposes.

(f) GRANT TERM AND ALLOCATION.—

(1) TERM.—The Director shall make the grants under this section for a period of 3 fiscal years.

(2) ALLOCATION.—Not more than 15 percent of the funds available to a grantee in a given year shall be used for the purposes described in subsection (b)(4)(D), (b),(5), and (b)(6).

(g) DISTRIBUTION.—

(1) IN GENERAL.—Not less than 5 percent of funds appropriated under subsection (l) in any year shall be available for grants to tribal schools, schools on tribal lands or schools whose student population is more than 25 percent native American.

(2) ADMINISTRATION.—The Director shall not use more than 5 percent of funds appropriated under subsection (l) in any year for administration, monitoring and evaluation of grants made available under this section.

(3) TRAINING, TECHNICAL ASSISTANCE, AND DATA COLLECTION.—Not less than 5 percent of funds appropriated under subsection (l) in any year shall be available to provide training, technical assistance, and data collection for programs funded under this section.

(h) APPLICATION.—To be eligible to be awarded a grant or contract under this section for any fiscal year, a middle or secondary school, in consultation with an expert as described in subsections (i)(2) and (i)(3), shall submit an application to the Director at such time and in such manner as the Director shall prescribe.

(i) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this section, an entity shall be a partnership that—

(1) shall include a public, charter, tribal, or nationally accredited private middle or high school, a school administered by the Department of Defense under 10 U.S.C. 2164 or 20 U.S.C. 921, a group of schools, or a school district;

(2) shall include a domestic violence victim service provider that has a history of working on domestic violence and the impact that domestic violence and dating violence have on children and youth;

(3) shall include a sexual assault victim service provider, such as a rape crisis center, program serving tribal victims of sexual assault, or coalition or other nonprofit nongovernmental organization carrying out a community-based sexual assault program, that has a history of effective work concerning sexual assault and the impact that sexual assault has on children and youth; and

(4) may include a law enforcement agency, the State, Tribal, Territorial or local court, nonprofit nongovernmental organizations and service providers addressing sexual harassment, bullying or gang-related violence in schools, and any other such agencies or nonprofit nongovernmental organizations with the capacity to provide effective assistance to the adult, youth, and minor victims served by the partnership.

(j) PRIORITY.—In awarding grants under this section, the Director shall give priority to entities that have submitted applications in partnership with relevant courts or law enforcement agencies.

(k) REPORTING AND DISSEMINATION OF INFORMATION.—

(1) REPORTING.—Each of the entities that are members of the applicant partnership described in subsection (i), that receive a grant under this section shall jointly prepare and submit to the Director every 18 months a report detailing the activities that the entities have undertaken under the grant and such additional information as the Director shall require.

(2) DISSEMINATION OF INFORMATION.—Within 9 months of the completion of the first full grant cycle, the Director shall publicly disseminate, including through electronic means, model policies and procedures developed and implemented in middle and high schools by the grantees, including information on the impact the policies have had on their respective schools and communities.

(l) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section, $5,000,000 for each of fiscal years 2006 through 2010.

(2) AVAILABILITY.—Funds appropriated under paragraph (1) shall remain available until expended.

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

SEC. 801. PREVENTING VIOLENCE IN THE HOME.

The Violence Against Women Act of 1994 is amended by adding after subtitle L (as added by section 701) the following:

"Subtitle M—Strengthening America's Families by Preventing Violence in the Home

"SEC. 41301. PURPOSE.

''The purpose of this subtitle is to—

''(1) prevent crimes involving domestic violence, dating violence, sexual assault, and stalking, including when committed against children and youth;

''(2) increase the resources and services available to prevent domestic violence, dating violence, sexual assault, and stalking, including when committed against children and youth;

''(3) reduce the impact of exposure to violence in the lives of children and youth so that the intergenerational cycle of violence is interrupted;

''(4) develop and implement education and services programs to prevent children in vulnerable families from becoming victims or perpetrators of domestic violence, dating violence, sexual assault, or stalking;

''(5) promote programs to ensure that children and youth receive the assistance they need to end the cycle of violence and develop mutually respectful, nonviolent relationships; and

''(6) encourage collaboration among community-based organizations and governmental agencies serving children and youth, providers of health and mental health services and providers of domestic violence, dating violence, sexual assault, and stalking victim services to prevent violence.

"SEC. 41302. GRANTS TO ASSIST CHILDREN AND YOUTH EXPOSED TO VIOLENCE.

''(a) GRANTS AUTHORIZED.—

''(1) IN GENERAL.—The Attorney General, acting through the Director of the Office on Violence Against Women, and in consultation with the Secretary of Health and Human Services, is authorized to award grants on a competitive basis to eligible entities for the purpose of mitigating the effects of domestic violence, dating violence, sexual assault, and stalking on children exposed to such violence, and reducing the risk of future victimization or perpetration of domestic violence, dating violence, sexual assault, and stalking.

''(2) TERM.—The Director shall make grants under this section for a period of 3 fiscal years.

''(3) AWARD BASIS.—The Director shall award grants—

''(A) considering the needs of racial and ethnic and other underserved populations, as defined in section 2000B of the Omnibus Crime Control and Safe Streets Act of 1968;

''(B) awarding not less than 10 percent of such amounts for the funding of tribal projects from the amounts made available under this section for a fiscal year;

''(C) awarding up to 8 percent for the funding of training, technical assistance, and data collection programs from the amounts made available under this section for a fiscal year; and

''(D) awarding not less than 66 percent to programs described in subsection (c)(1) from the amounts made available under this section for a fiscal year.

''(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $15,000,000 for each of fiscal years 2006 through 2010.

''(c) USE OF FUNDS.—The funds appropriated under this section shall be used for—

''(1) programs that provide services for children exposed to domestic violence, dating violence, sexual assault, or stalking, which may include direct counseling, advocacy, or mentoring, and must include support for the nonabusing parent or the child's caretaker;

''(2) training and coordination for programs that serve children and youth (such as Head Start, child care, and after-school programs) on how to safely and confidentially identify children and families experiencing domestic violence and properly refer them to programs that can provide direct services to the family and children, and coordination with other domestic violence or other programs serving children exposed to domestic violence, dating violence, sexual assault, or stalking that can provide the training and direct services referenced in this subsection; or

''(3) advocacy within the systems that serve children to improve the system's understanding of and response to children who have been exposed to domestic violence and the needs of the nonabusing parent.

''(d) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this section, an entity shall be—

''(1) a victim service provider, tribal nonprofit organization or community-based organization that has a documented history of effective work concerning children or youth exposed to domestic violence, dating violence, sexual assault, or stalking, including programs that provide culturally specific services, Head Start, child care, after school programs, and health and mental health providers; or

''(2) a State, territorial, tribal, or local unit of government agency that is partnered with an organization described in paragraph (1).

''(e) GRANTEE REQUIREMENTS.—Under this section, an entity shall—

''(1) prepare and submit to the Director an application at such time, in such manner, and containing such information as the Director may require; and

''(2) at a minimum, describe in the application the policies and procedures that the entity has or will adopt to—

''(A) enhance or ensure the safety and security of children who have been exposed to violence and their nonabusing parent, enhance or ensure the safety and security of children and their nonabusing parent in homes already experiencing domestic violence, dating violence, sexual assault, or stalking; and

''(B) ensure linguistically, culturally, and community relevant services for racial and ethnic and other underserved populations.

''(f) REPORTS.—An entity receiving a grant under this section shall prepare and submit to the Director every 18 months a report detailing the activities undertaken with grant funds, providing additional information as the Director shall require.

"SEC. 41303. BUILDING ALLIANCES AMONG MEN, WOMEN, AND YOUTH TO PREVENT DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING.

''(a) GRANTS AUTHORIZED.—

''(1) IN GENERAL.—The Attorney General, acting through the Director of the Office on Violence Against Women, and in collaboration with the Secretary of Health and Human Services, shall award grants on a competitive basis to eligible entities for the purpose of developing or enhancing programs related to building alliances among men, women, and youth to prevent domestic violence, dating violence, sexual assault, and stalking by helping them to develop mutually respectful, nonviolent relationships.

''(2) TERM.—The Director shall make grants under this section for a period of 3 fiscal years.

''(3) AWARD BASIS.—The Director shall award grants—

''(A) considering the needs of racial and ethnic and other underserved populations (as defined in section 2000B of the Omnibus Crime Control and Safe Streets Act of 1968);

''(B) with respect to gender-specific programs described under subsection (c)(1)(A), ensuring reasonable distribution of funds to programs for boys and programs for girls;

''(C) awarding not less than 10 percent of such amounts for the funding of tribal projects from the amounts made available under this section for a fiscal year; and

''(D) awarding up to 8 percent for the funding of training, technical assistance, and data collection for grantees and non-grantees working in this area and evaluation programs from the amounts made available under this section for a fiscal year.

''(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2006 through 2010.

''(c) USE OF FUNDS.—

''(1) PROGRAMS.—The funds appropriated under this section shall be used by eligible entities for—

''(A) public education and community based programs, including gender-specific programs in accordance with applicable laws—

''(i) to encourage children and youth to pursue only mutually respectful, nonviolent relationships and empower them to reduce their risk of becoming victims or perpetrators of domestic violence, dating violence, sexual assault, or stalking; and

''(ii) that include at a minimum—

''(I) information on domestic violence, dating violence, sexual assault, stalking, or child sexual abuse and how they affect children and youth; and

''(II) strategies to help participants be as safe as possible; or

''(B) public education campaigns and community organizing to encourage men and boys to work as allies with women and girls to prevent domestic violence, dating violence, stalking, and sexual assault conducted by entities that have experience in conducting public education campaigns that address domestic violence, dating violence, sexual assault, or stalking.

''(2) MEDIA LIMITS.—No more than 25 percent of funds received by a grantee under this section may be used to create and distribute media materials.

''(d) ELIGIBLE ENTITIES.—

''(1) RELATIONSHIPS.—Eligible entities under subsection (c)(1)(A) are—

''(A) nonprofit, nongovernmental domestic violence, dating violence, sexual assault, or stalking victim service providers or coalitions;

''(B) community-based child or youth services organizations with demonstrated experience and expertise in addressing the needs and concerns of young people;

''(C) a State, territorial, tribal, or unit of local governmental entity that is partnered with an organization described in subparagraph (A) or (B); or

''(D) a program that provides culturally specific services.

''(2) AWARENESS CAMPAIGN.—Eligible entities under subsection (c)(1)(B) are—

''(A) nonprofit, nongovernmental organizations or coalitions that have a documented history of creating and administering effective public education campaigns addressing the prevention of domestic violence, dating violence, sexual assault or stalking; or

''(B) a State, territorial, tribal, or unit of local governmental entity that is partnered with an organization described in subparagraph (A).

''(e) GRANTEE REQUIREMENTS.—Under this section, an entity shall—

''(1) prepare and submit to the Director an application at such time, in such manner, and containing such information as the Director may require; and

''(2) for a grant under subsection (c)(1)(A), describe in the application the policies and procedures that the entity has or will adopt to—

''(A) enhance or ensure the safety and security of children and youth already experiencing domestic violence, dating violence, sexual assault, or stalking in their lives;

''(B) provide, where appropriate, linguistically, culturally, and community relevant services for racial and ethnic and other underserved populations;

''(C) inform participants about laws, services, and resources in the community, and make referrals as appropriate; and

''(D) ensure that State and local domestic violence, dating violence, sexual assault, and stalking victim service providers and coalitions are aware of the efforts of organizations receiving grants under this section.

''(f) REPORTS.—An entity receiving a grant under this section shall prepare and submit to the Director every 18 months a report detailing the activities undertaken with grant funds, including an evaluation of funded programs and providing additional information as the Director shall require.

"SEC. 41304. DEVELOPMENT OF CURRICULA AND PILOT PROGRAMS FOR HOME VISITATION PROJECTS.

''(a) GRANTS AUTHORIZED.—

''(1) IN GENERAL.—The Attorney General, acting through the Director of the Office on Violence Against Women, shall award grants on a competitive basis to home visitation programs, in collaboration with law enforcement, victim service providers, for the purposes of developing and implementing model policies and procedures to train home visitation service providers on addressing domestic violence, dating violence, sexual assault, and stalking in families experiencing violence, or at risk of violence, to reduce the impact of that violence on children, maintain safety, improve parenting skills, and break intergenerational cycles of violence.

''(2) TERM.—The Director shall make the grants under this section for a period of 2 fiscal years.

''(3) AWARD BASIS.—The Director shall—

''(A) consider the needs of underserved populations;

''(B) award not less than 7 percent of such amounts for the funding of tribal projects from the amounts made available under this section for a fiscal year; and

''(C) award up to 8 percent for the funding of technical assistance programs from the amounts made available under this section for a fiscal year.

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

''(c) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this section, an entity shall be a national, Federal, State, local, territorial, or tribal—

''(1) home visitation program that provides services to pregnant women and to young children and their parent or primary caregiver that are provided in the permanent or temporary residence or in other familiar surroundings of the individual or family receiving such services; or

''(2) victim services organization or agency in collaboration with an organization or organizations listed in paragraph (1).

''(d) GRANTEE REQUIREMENTS.—Under this section, an entity shall—

''(1) prepare and submit to the Director an application at such time, in such manner, and containing such information as the Director may require; and

''(2) describe in the application the policies and procedures that the entity has or will adopt to—

''(A) enhance or ensure the safety and security of children and their nonabusing parent in homes already experiencing domestic violence, dating violence, sexual assault, or stalking;

''(B) ensure linguistically, culturally, and community relevant services for racial ethnic and other underserved communities;

''(C) ensure the adequate training by domestic violence, dating violence, sexual assault or stalking victim service providers of home visitation grantee program staff to—

''(i) safely screen for or recognize (or both) domestic violence, dating violence, sexual assault, and stalking;

''(ii) understand the impact of domestic violence or sexual assault on children and protective actions taken by a nonabusing parent or caretaker in response to violence against anyone in the household; and

''(iii) link new parents with existing community resources in communities where resources exist; and

''(D) ensure that relevant State and local domestic violence, dating violence, sexual assault, and stalking victim service providers and coalitions are aware of the efforts of organizations receiving grants under this section, and are included as training partners, where possible.''.

TITLE IX—PROTECTION FOR IMMIGRANT VICTIMS OF VIOLENCE

SEC. 900. SHORT TITLE; REFERENCES TO VAWA–2000; REGULATIONS.

(a) SHORT TITLE.—This title may be cited as ''Immigrant Victims of Violence Protection Act of 2005''.

(b) REFERENCES TO VAWA–2000.—In this title, the term ''VAWA–2000'' means the Violence Against Women Act of 2000 (division B of Public Law 106–386).

(c) REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the Attorney General, the Secretary of Homeland Security, and Secretary of State shall promulgate regulations to implement the provisions contained in the Battered Immigrant Women Protection Act of 2000 (title V of VAWA–2000) and the amendments made by (and the provisions of) this title. In applying such regulations, in the case of petitions, applications, or certifications filed on or before the effective date of publication of such regulations for relief covered by such regulations, there shall be no requirement to submit an additional petition, application, or certification and any priority or similar date with respect to such a petition or application shall relate back to the date of the filing of the petition or application.

Subtitle A—Victims of Crime

SEC. 901. CONDITIONS APPLICABLE TO U AND T VISAS.

(a) TREATMENT OF SPOUSE AND CHILDREN OF VICTIMS OF TRAFFICKING.—Clause (ii) of section 101(a)(15)(T) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(T)) is amended to read as follows:

''(ii) if accompanying, or following to join, the alien described in clause (i)—

''(I) in the case of an alien so described who is under 21 years of age, the spouse, children, unmarried siblings under 18 years of age on the date on which such alien applied for status under such clause, and parents of such alien; or

''(II) in the case of an alien described in clause (i) who is 21 years of age or older, the spouse and children of such alien;''.

(b) DURATION OF U AND T VISAS.—

(1) U VISAS.—Section 214(p) of such Act (8 U.S.C. 1184(p)) is amended by adding at the end the following new paragraph:

''(6) DURATION OF STATUS.—The authorized period of status of an alien as a nonimmigrant under section 101(a)(15)(U) shall be 4 years, but—

''(A) shall be extended on a year-by-year basis upon certification from a Federal, State or local law enforcement official, prosecutor, judge, or other Federal, State or local authority investigating or prosecuting criminal activity described in section 101(a)(15)(U)(iii) that the alien's ongoing presence in the United States is required to assist in the investigation or prosecution of such criminal activity; and

''(B) shall be extended if the alien files an application for adjustment of status under section 245(m), until final adjudication of such application.''.

(2) T VISAS.—Section 214(o) of such Act (8 U.S.C. 1184(o)), as redesignated by section 8(a)(3) of the Trafficking Victims Protection Reauthorization Act of 2003 (Public Law 108–193), is amended by adding at the end the following:

''(7) The authorized period of status of an alien as a nonimmigrant status under section 101(a)(15)(T) shall be 4 years, but—

''(A) shall be extended on a year-by-year basis upon certification from a Federal, State or local law enforcement official, prosecutor, judge, or other Federal, State or local authority investigating or prosecuting criminal activity relating to human trafficking that the alien's ongoing presence in the United States is required to assist in the investigation or prosecution of such criminal activity; and

''(B) shall be extended if the alien files an application for adjustment of status under section 245(l), until final adjudication of such application.''.

(c) PERMITTING CHANGE OF NONIMMIGRANT STATUS TO U AND T NONIMMIGRANT STATUS.—

(1) IN GENERAL.—Section 248 of such Act (8 U.S.C. 1258) is amended—

(A) by striking ''The Attorney General'' and inserting ''(a) The Secretary of Homeland Security'';

(B) by inserting ''(subject to subsection (b))'' after ''except''; and

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

''(b) The limitation based on inadmissibility under section 212(a)(9)(B) and the exceptions specified in numbered paragraphs of subsection (a) shall not apply to a change of nonimmigrant classification to that of a nonimmigrant under subparagraph (T) or (U) of section 101(a)(15), other than from such classification under subparagraph (C) or (D) of such section.''.

(2) CONFORMING AMENDMENT.—Section 214(l)(2)(A) of such Act (8 U.S.C. 1184(l)(2)(A)) is amended by striking ''248(2)'' and inserting ''248(a)(2)''.

(d) CERTIFICATION PROCESS FOR VICTIMS OF TRAFFICKING.—

(1) VICTIM ASSISTANCE IN INVESTIGATION OR PROSECUTION.—Section 107(b)(1)(E) of the Trafficking Victims Protection Act of 2000 (division A of Public Law 106–386; 22 U.S.C. 7105(b)(1)(E)) is amended—

(A) in clause (i)(I), by striking ''investigation and prosecution'' and inserting ''investigation or prosecution, by the United States or a State or local government''; and

(B) in clause (iii)—

(i) by striking ''INVESTIGATION AND PROSECUTION'' and ''investigation and prosecution'' and inserting ''INVESTIGATION OR PROSECUTION'' and ''investigation or prosecution'', respectively;

(ii) in subclause (II), by striking ''and'' at the end;

(iii) in subclause (III), by striking the period and inserting ''; or''; and

(iv) by adding at the end the following new subclause:

''(IV) responding to and cooperating with requests for evidence and information.''.

(2) CLARIFYING ROLES OF ATTORNEY GENERAL AND SECRETARY OF HOMELAND SECURITY.—

(A) Section 107 of the Trafficking Victims Protection Act of 2000 (division A of Public Law 106–386; 22 U.S.C. 7105) is amended—

(i) in subsections (b)(1)(E)(i)(II)(bb), (b)(1)(E)(ii), (e)(5), and (g), by striking ''Attorney General'' and inserting ''Secretary of Homeland Security'' each place it appears; and

(ii) in subsection (c), by inserting '', Secretary of Homeland Security,'' after ''Attorney General''.

(B) Section 101(a)(15)(T) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(T)) is amended by striking ''Attorney General'' and inserting ''Secretary of Homeland Security'' each place it appears.

(C) Section 212(d)(13) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(13)) is amended—

(i) in subparagraph (A), by striking ''Attorney General'' and inserting ''Secretary of Homeland Security'';

(ii) in subparagraph (B), by striking ''Attorney General'' the first place it appears and inserting ''Secretary of Homeland Security''; and

(iii) in subparagraph (B), by striking ''Attorney General, in the Attorney General's discretion'' and inserting ''Secretary, in the Secretary's discretion''.

(D) Section 101(i) of the Immigration and Nationality Act (8 U.S.C. 1101(i)) is amended—

(i) in paragraph (1), by striking ''Attorney General'' and inserting ''Secretary of Homeland Security, the Attorney General,''; and

(ii) in paragraph (2), by striking ''Attorney General'' and inserting ''Secretary of Homeland Security''.

(E) Section 245(l) of the Immigration and Nationality Act (8 U.S.C. 1255(l)) is amended—

(i) by striking ''Attorney General'' and inserting ''Secretary of Homeland Security'' the first place it appears in paragraphs (1) and (2) and in paragraph (5);

(ii) by striking ''Attorney General'' and inserting ''Secretary'' the second place it appears in paragraphs (1) and (2); and

(iii) in paragraph (2), by striking ''Attorney General's'' and inserting ''Secretary's''.

(3) REQUEST BY STATE AND LOCAL LAW ENFORCEMENT OFFICIALS.—Section 107(c)(3) of the Trafficking Victims Protection Act of 2000 (division A of Public Law 106–386; 22 U.S.C. 7105(c)(3)) is amended by adding at the end the following: ''State or local law enforcement officials may request that such Federal law enforcement officials permit the continued presence of trafficking victims. If such a request contains a certification that a trafficking victim is a victim of a severe form of trafficking, such Federal law enforcement officials may permit the continued presence of the trafficking victim in accordance with this paragraph.''.

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by subsections (a), (b)(1), (c), and (d)(3) shall take effect on the date of the enactment of this Act.

(2) TRANSITION FOR DURATION OF T VISAS.—In the case of an alien who is classified as a nonimmigrant under section 101(a)(15)(T) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(T)) before the the date of implementation of the amendment made by subsection (b)(2) and whose period of authorized stay was less than 4 years, the authorized period of status of the alien as such a nonimmigrant shall be extended to be 4 years and shall be further extended on a year-by-year basis as provided in section 214(o)(7) of such Act, as added by such amendment.

(3) CERTIFICATION PROCESS.—(A) The amendments made by subsection (d)(1) shall be effective as if included in the enactment of VAWA–2000.

(B) The amendments made by subsection (d)(2) shall be effective as of the applicable date of transfer of authority from the Attorney General to the Secretary of Homeland Security under the Homeland Security Act of 2002 (Public Law 107–296).

SEC. 902. CLARIFICATION OF BASIS FOR RELIEF UNDER HARDSHIP WAIVERS FOR CONDITIONAL PERMANENT RESIDENCE.

(a) IN GENERAL.—Section 216(c)(4) of the Immigration and Nationality Act (8 U.S.C. 1186a(c)(4)) is amended by adding at the end the following: ''An application for relief under this paragraph may be based on one or more grounds specified in subparagraphs (A) through (D) and may be amended at any time to change the ground or grounds for such relief without the application being resubmitted.''.

(b) APPEALS.—Such section is further amended by adding at the end the following: ''Such an application may not be considered if there is a final removal order in effect with respect to the alien.''.

(c) CONFORMING AMENDMENT.—Section 237(a)(1)(H)(ii) of such Act (8 U.S.C. 1227(a)(1)(H)(ii)) is amended by inserting before the period at the end the following: ''or qualifies for a waiver under section 216(c)(4)''.

(d) EFFECTIVE DATES.—

(1) The amendment made by subsection (a) shall apply to applications for relief pending or filed on or after April 10, 2003.

(2) The amendment made by subsection (b) shall apply to applications for relief filed on or after the date of the enactment of this Act.

SEC. 903. ADJUSTMENT OF STATUS FOR VICTIMS OF TRAFFICKING.

(a) REDUCTION IN REQUIRED PERIOD OF PRESENCE AUTHORIZED.—

(1) IN GENERAL.—Section 245(l) of the Immigration and Nationality Act (8 U.S.C. 1255(l)) is amended—

(A) in paragraph (1)(A), by inserting ''subject to paragraph (6),'' after ''(A)'';

(B) in paragraph (1)(A), by inserting after ''since'' the following: ''the earlier of (i) the date the alien was granted continued presence under section 107(c)(3) of the Trafficking Victims Protection Act of 2000, or (ii)''; and

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

''(6) The Secretary of Homeland Security may waive or reduce the period of physical presence required under paragraph (1)(A) for an alien's adjustment of status under this subsection if a Federal, State, or local law enforcement official investigating or prosecuting trafficking described in section 101(a)(15)(T)(i) in relation to the alien or the alien's spouse, child, parent, or sibling certifies that the official has no objection to such waiver or reduction.''.

(2) CONFORMING AMENDMENT.—Section 107(c) of the Trafficking Victims Protection Act of 2000 (division A of Public Law 106–386; 22 U.S.C. 7105(c)) is amended by adding at the end the following new paragraph:

''(5) CERTIFICATION OF NO OBJECTION FOR WAIVER OR REDUCTION OF PERIOD OF REQUIRED PHYSICAL PRESENCE FOR ADJUSTMENT OF STATUS.—In order for an alien to have the required period of physical presence under paragraph (1)(A) of section 245(l) of the Immigration and Nationality Act waived or reduced under paragraph (6) of such section, a Federal, State, and local law enforcement official investigating or prosecuting trafficking described in section 101(a)(15)(T)(i) in relation to the alien or the alien's spouse, child, parent, or sibling may provide for a certification of having no objection to such waiver or reduction.''.

(b) TREATMENT OF GOOD MORAL CHARACTER.—Section 245(l) of the Immigration and Nationality Act (8 U.S.C. 1255(l)), as amended by subsection (a)(1), is amended—

(1) in paragraph (1)(B), by inserting ''subject to paragraph (7),'' after ''(B)''; and

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

''(7) For purposes of paragraph (1)(B), the Secretary of Homeland Security, in the Secretary's sole unreviewable discretion, may waive consideration of a disqualification from good moral character described in section 101(f) with respect to an alien if there is a connection between the disqualification and the trafficking with respect to the alien described in section 101(a)(15)(T)(i).''.

(c) ANNUAL REPORT ON TRAINING OF LAW ENFORCEMENT.—

(1) IN GENERAL.—Section 107(g) of the Trafficking Victims Protection Act of 2000 (division A of Public Law 106–386; 22 U.S.C. 7105(g)) is amended by adding at the end the following: ''Each such report shall also include statistics regarding the number of law enforcement officials who have been trained in the identification and protection of trafficking victims and certification for assistance as nonimmigrants under section 101(a)(15)(T) of such Act.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to annual reports beginning with the report for fiscal year 2006.

Subtitle B—VAWA Petitioners

SEC. 911. DEFINITION OF VAWA PETITIONER.

(a) IN GENERAL.—Section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)) is amended by adding at the end the following new paragraph:

''(51) The term 'VAWA petitioner' means an alien whose application or petition for classification or relief under any of the following provisions (whether as a principal or as a derivative) has been filed and has not been denied after exhaustion of administrative appeals:

''(A) Clause (iii), (iv), or (vii) of section 204(a)(1)(A).

''(B) Clause (ii) or (iii) of section 204(a)(1)(B).

''(C) Subparagraph (C) or (D) of section 216(c)(4).

''(D) The first section of Public Law 89–732 (commonly known as the Cuban Adjustment Act) as a child or spouse who has been battered or subjected to extreme cruelty.

''(E) Section 902(d)(1)(B) of the Haitian Refugee Immigration Fairness Act of 1998 (division A of section 101(h) of Public Law 105–277).

''(F) Section 202(d)(1) of the Nicaraguan Adjustment and Central American Relief Act (8 U.S.C. 1255 note; Public Law 105–100).

''(G) Section 309(c)(5) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 8 U.S.C. 1101 note).''.

(b) CONFORMING AMENDMENTS.—

(1) Section 212(a)(6)(A)(ii)(I) of such Act (8 U.S.C. 1182(a)(6)(A)(ii)(I)) is amended by striking ''qualifies for immigrant status under subparagraph (A)(iii), (A)(iv), (B)(ii), or (B)(iii) of section 204(a)(1)'' and inserting ''is a VAWA petitioner''.

(2) Section 212(a)(9)(C)(ii) of such Act (8 U.S.C. 1182(a)(9)(C)(ii)) is amended by striking ''to whom the Attorney General has granted classification under clause (iii), (iv), or (v) of section 204(a)(1)(A), or classification under clause (ii), (iii), or (iv) of section 204(a)(1)(B)'' and inserting ''is a VAWA petitioner''.

(3) Subsections (h)(1)(C) and (g)(1)(C) of section 212 (8 U.S.C. 1182) is amended by striking ''qualifies for classification under clause (iii) or (iv) of section 204(a)(1)(A) or classification under clause (ii) or (iii) of section 204(a)(1)(B)'' and inserting ''is a VAWA petitioner''.

(4) Section 212(i)(1) of such Act (8 U.S.C. 1182(i)(1)) is amended by striking ''an alien granted classification under clause (iii) or (iv) of section 204(a)(1)(A) or clause (ii) or (iii) of section 204(a)(1)(B)'' and inserting ''a VAWA petitioner''.

(5) Section 237(a)(1)(H)(ii) of such Act (8 U.S.C. 1227(a)(1)(H)(ii)) is amended by striking ''is an alien who qualifies for classification under clause (iii) or (iv) of section 204(a)(1)(A) or clause (ii) or (iii) of section 204(a)(1)(B)'' and inserting ''is a VAWA petitioner''.

(6) Section 240A(b)(4)(B) of such Act (8 U.S.C. 1229b(b)(4)(B)) is amended by striking ''they were applications filed under section 204(a)(1)(A)(iii), (A)(iv), (B)(ii), or (B)(iii)'' and inserting ''the applicants were VAWA petitioners''.

(7) Section 245(a) of such Act (8 U.S.C. 1255(a)) is amended by striking ''under subparagraph (A)(iii), (A)(iv), (B)(ii), or (B)(iii) of section 204(a)(1) or'' and inserting ''as a VAWA petitioner''.

(8) Section 245(c) of such Act (8 U.S.C. 1255(c)) is amended by striking ''under subparagraph (A)(iii), (A)(iv), (A)(v), (A)(vi), (B)(ii), (B)(iii), or (B)(iv) of section 204(a)(1)'' and inserting ''as a VAWA petitioner''.

(9) For additional conforming amendments to sections 212(a)(4)(C)(i) and 240(c)(7)(C)(iv)(I) of the Immigration and Nationality Act, see sections 832(b)(2) and 817(a) of this Act.

SEC. 912. SELF-PETITIONING FOR CHILDREN.

(a) SELF-PETITIONING BY CHILDREN OF PARENT-ABUSERS UPON DEATH OR OTHER TERMINATION OF PARENT-CHILD RELATIONSHIP.—

(1) CITIZEN PARENTS.—Section 204(a)(1)(A)(iv) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(A)(iv)) is amended—

(A) by striking ''or who'' and inserting ''who''; and

(B) by inserting after ''domestic violence,'' the following: ''or who was a child of a United States citizen parent who within the past 2 years (or, if later, two years after the date the child attains 18 years of age) died or otherwise terminated the parent-child relationship (as defined under section 101(b)),''.

(2) LAWFUL PERMANENT RESIDENT PARENTS.—

(A) IN GENERAL.—Section 204(a)(1)(B)(iii) of such Act (8 U.S.C. 1154(a)(1)(B)(iii)) is amended—

(i) by striking ''or who'' and inserting ''who''; and

(ii) by inserting after ''domestic violence,'' the following: ''or who was a child of a lawful permanent resident resident who within the past 2 years (or, if later, two years after the date the child attains 18 years of age) died or otherwise terminated the parent-child relationship (as defined under section 101(b)),''.

(B) CONFORMING TREATMENT OF DECEASED SPOUSES.—Section 204(a)(1)(B)(ii)(II)(aa)(CC) of such Act (8 U.S.C. 1154(a)(1)(B)(ii)(II)(aa)(CC)) is amended—

(i) by redesignating subitems (aaa) and (bbb) as subitems (bbb) and (ccc), respectively; and

(ii) by inserting before subitem (bbb), as so redesignated, the following:

''(aaa) whose spouse died within the past 2 years;''.

(3) EFFECTIVE DATES.—

(A) IN GENERAL.—Subject to subparagraph (B), the amendment made by paragraphs (1) and (2) shall take effect on the date of the enactment of this Act.

(B) TRANSITION IN CASE OF CITIZEN PARENTS WHO DIED BEFORE ENACTMENT.—In applying the amendments made by paragraphs (1) and (2)(A) in the case of an alien whose citizen parent or lawful permanent resident parent died or whose parent-child relationship with such parent terminated during the period beginning on October 28, 1998, and ending on the date of the enactment of this Act, the following rules apply:

(i) The reference to ''within the past 2 years'' in section 204(a)(1)(A)(iv) or 204(a)(1)(B)(iii), respectively, of the Immigration and Nationality Act in the matter inserted by such paragraph is deemed to be a reference to such period.

(ii) The petition must be filed under such section within 2 years after the date of the enactment of this Act (or, if later, 2 years after the alien's 18th birthday).

(iii) The determination of eligibility for benefits as a child under such section (including under section 204(a)(1)(D) of the Immigration and Nationality Act by reason of a petition authorized under such section) shall be determined as of the date of the death of the citizen parent or lawful permanent resident parent or the termination of the parent-child relationship.

(b) PROTECTING VICTIMS OF CHILD ABUSE FROM AGING OUT.—

(1) CLARIFICATION REGARDING CONTINUATION OF IMMEDIATE RELATIVE STATUS FOR CHILDREN OF CITIZENS.—Section 204(a)(1)(D)(i)(I) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(D)(i)(I)) is amended—

(A) by striking ''clause (iv) of section 204(a)(1)(A)'' and inserting ''subparagraph (A)(iv)'' each place it appears; and

(B) by striking ''a petitioner for preference status under paragraph (1), (2), or (3) of section 203(a), whichever paragraph is applicable'' and inserting ''to continue to be treated as an immediate relative under section 201(b)(2)(A)(i), or a petitioner for preference status under section 203(a)(3) if subsequently married''.

(2) CLARIFICATION REGARDING APPLICATION TO CHILDREN OF LAWFUL PERMANENT RESIDENTS.—Section 204(a)(1)(D) of such Act (8 U.S.C. 1154(a)(1)(D)) is amended—

(A) in clause (i)(I)—

(i) by inserting after the first sentence the following new sentence: ''Any child who attains 21 years of age who has filed a petition under subparagraph (B)(iii) that was filed or approved before the date on which the child attained 21 year of age shall be considered (if the child has not been admitted or approved for lawful permanent residence by the date the child attained 21 years of age) a petitioner for preference status under section 203(a)(2)(A), with the same priority date assigned to the self-petition filed under such subparagraph.''; and

(ii) in the last sentence, by inserting ''in either such case'' after ''shall be required to be filed'';

(B) in clause (i)(III), by striking ''paragraph (1), (2), or (3) of section 203(a)'' and inserting ''section 203(a)(2)(A)''; and

(C) in clause (ii), by striking ''(A)(iii), (A)(iv),''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to applications filed before, on, or after the date of the enactment of VAWA–2000.

(c) CLARIFICATION OF NO SEPARATE ADJUSTMENT APPLICATION FOR DERIVATIVE CHILDREN.—

(1) IN GENERAL.—Section 245(a) of the Immigration and Nationality Act (8 U.S.C. 1255(a)) is amended by adding at the end the following: ''In the case of a petition under clause (ii), (iii), or (iv) of section 204(a)(1)(A) that includes an individual as a derivative child of a principal alien, no adjustment application other than the adjustment application of the principal alien shall be required for adjustment of status of the individual under this subsection or subsection (c).''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date of the enactment of this Act and shall apply to applications filed before, on, or after such date.

(d) LATE PETITION PERMITTED FOR ADULTS ABUSED AS CHILDREN.—

(1) IN GENERAL.—Section 204(a)(1)(D) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(D)), is amended by adding at the end the following new clause:

''(iv) In the case of an alien who qualified to petition under subparagraph (A)(iv) or (B)(iii) as of the date the individual attained 21 years of age, the alien may file a petition under such respective subparagraph notwithstanding that the alien has attained such age or been married so long as the petition is filed before the date the individual attains 25 years of age. In the case of such a petition, the alien shall remain eligible for adjustment of status as a child notwithstanding that the alien has attained 21 years of age or has married, or both.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date of

the enactment of this Act and shall apply to individuals who attain 21 years of age on or after the date of the enactment of VAWA–2000.

SEC. 913. SELF-PETITIONING PARENTS.

(a) IN GENERAL.—Section 204(a)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(A)) is amended by adding at the end the following new clause:

''(vii) An alien who—

''(I) is the parent of a citizen of the United States or was a parent of a citizen of the United States who within the past 2 years lost or renounced citizenship status related to battering or extreme cruelty by the United States citizen son or daughter or who within the past two years died;

''(II) is a person of good moral character;

''(III) is eligible to be classified as an immediate relative under section 201(b)(2)(A)(i) by virtue of the alien's relationship to the son or daughter referred to in subclause (I); and

''(IV) resides, or has resided in the past, with the citizen daughter or son;

may file a petition with the Secretary of Homeland Security under this subparagraph for classification of the alien under such section if the alien demonstrates that the alien has been battered by or has been the subject of extreme cruelty perpetrated by the alien's citizen son or daughter.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act.

SEC. 914. PROMOTING CONSISTENCY IN VAWA ADJUDICATIONS.

(a) IN GENERAL.—Section 204(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)) is amended—

(1) in subparagraph (A)(iii)(II)(aa)(CC)(bbb), by striking ''an incident of domestic violence'' and inserting ''battering or extreme cruelty by the United States citizen spouse'';

(2) in subparagraph (A)(iv), by striking ''an incident of domestic violence'' and inserting ''battering or extreme cruelty by such parent'';

(3) in subparagraph (B)(ii)(II)(aa)(CC)(bbb), as redesignated by section 912(a)(2)(B)(i), by striking ''due to an incident of domestic violence'' and inserting ''related to battering or extreme cruelty by the lawful permanent resident spouse''; and

(4) in subparagraph (B)(iii), by striking ''due to an incident of domestic violence'' and inserting ''related to battering or extreme cruelty by such parent''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if included in the enactment of VAWA–2000.

SEC. 915. RELIEF FOR CERTAIN VICTIMS PENDING ACTIONS ON PETITIONS AND APPLICATIONS FOR RELIEF.

(a) RELIEF.—

(1) LIMITATION ON REMOVAL OR DEPORTATION.—Section 237 of the Immigration and Nationality Act (8 U.S.C. 1227) is amended by adding at the end the following new subsection:

''(d)(1) In the case of an alien in the United States for whom a petition as a VAWA petitioner has been filed, if the petition sets forth a prima facie case for approval, the Secretary of Homeland Security, in the Secretary's sole unreviewable discretion, may grant the alien deferred action until the petition is approved or the petition is denied after exhaustion of administrative appeals. In the case of the approval of such petition, such deferred action may be extended until a final determination is made on an application for adjustment of status.

''(2) In the case of an alien in the United States for whom an application for nonimmigrant status (whether as a principal or derivative child) under subparagraph (T) or (U) of section 101(a)(15) has been filed, if the application sets forth a prima facie case for approval, the Secretary of Homeland Security, in the Secretary's sole unreviewable discretion, may grant the alien deferred action until the application is approved or the application is denied after exhaustion of administrative appeals.

''(3) During a period in which an alien is provided deferred action under this subsection, the alien shall not be removed or deported. ''.

(2) LIMITATION ON DETENTION.—Section 236 of such Act (8 U.S.C. 1226) is amended by adding at the end the following new subsection:

''(f) LIMITATION ON DETENTION OF CERTAIN VICTIMS OF VIOLENCE.—(1) An alien for whom a petition as a VAWA petitioner has been approved or for whom an application for nonimmigrant status (whether as a principal or derivative child) under subparagraph (T) or (U) of section 101(a)(15) has been approved, subject to paragraph (2), the alien shall not be detained if the only basis for detention is a ground for which—

''(A) a waiver is provided under section 212(h), 212(d)(13), 212(d)(14), 237(a)(7), or 237(a)(2)(a)(V); or

''(B) there is an exception under section 204(a)(1)(C).

''(2) Paragraph (1) shall not apply in the case of detention that is required under subsection (c) or section 236A.''.

(3) EMPLOYMENT AUTHORIZATION.—

(A) FOR VAWA PETITIONERS.—Section 204(a)(1) of such Act (8 U.S.C. 1154(a)(1)) is amended by adding at the end the following:

''(K)(i) In the case of an alien for whom a petition as a VAWA petitioner is approved, the alien is eligible for work authorization and shall be provided an 'employment authorized' endorsement or other appropriate work permit.''.

(B) FOR ALIENS WITH APPROVED T VISAS.—Section 214(o) of such Act (8 U.S.C. 1184(o)), as amended by section 901(b)(2), is amended by adding at the end the following new paragraph:

''(8) In the case of an alien for whom an application for nonimmigrant status (whether as a principal or derivative) under section 101(a)(15)(T) has been approved, the alien is eligible for work authorization and shall be provided an 'employment authorized' endorsement or other appropriate work permit.''.

(4) PROCESSING OF APPLICATIONS.—Section 204(a)(1)(K) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(K)), as added by paragraph (3)(A), is amended by adding at the end the following:

''(ii) A petition as a VAWA petitioner shall be processed without regard to whether a proceeding to remove or deport such alien is brought or pending.''.

(5) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date of the enactment of this Act and shall apply to petitions and applications filed before, on, or after such date.

(b) APPLICANTS FOR CANCELLATION OF REMOVAL OR SUSPENSION OF DEPORTATION.—

(1) IN GENERAL.—Section 240A(b)(2) of the Immigration and Nationality Act (8 U.S.C. 1229b(b)(2)) is amended by adding at the end the following new subparagraph:

''(E) RELIEF WHILE APPLICATION PENDING.—In the case of an alien who has applied for relief under this paragraph and whose application sets forth a prima facie case for such relief or who has filed an application for relief under section 244(a)(3) (as in effect on March 31, 1997) that sets forth a prima facie case for such relief—

''(i) the alien shall not be removed or deported until the application has been approved or, in the case it is denied, until all opportunities for appeal of the denial have been exhausted; and

''(ii) such an application shall be processed without regard to whether a proceeding to remove or deport such alien is brought or pending.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date of the enactment of this Act and shall apply to applications filed before, on, or after such date.

SEC. 916. ACCESS TO VAWA PROTECTION REGARDLESS OF MANNER OF ENTRY.

(a) FIANCEES.—

(1) SELF-PETITIONING.—Section 204(a)(1)(A)(iii) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(A)(iii)) is amended—

(A) in subclause (I)(bb), by inserting after ''during the marriage'' the following: ''or relationship intended by the alien to be legally a marriage or to conclude in a valid marriage'';

(B) in subclause (II)(aa)—

(i) by striking ''or'' at the end of subitem (BB);

(ii) by inserting ''or'' at the end of subitem (CC); and

(iii) by adding at the end the following new subitem:

''(DD) who entered the United States as an alien described in section 101(a)(15)(K) with the intent to enter into a valid marriage and the alien (or child of the alien) was battered or subject to extreme cruelty in the United States by the United States citizen who filed the petition to accord status under such section;'';

(C) in subclause (II)(cc), by striking ''or who'' and inserting '', who'' and by inserting before the semicolon at the end the following: '', or who is described in subitem (aa)(DD)''; and

(D) in subclause (II)(dd), by inserting ''or who is described in subitem (aa)(DD)'' before the period at the end.

(2) EXCEPTION FROM REQUIREMENT TO DEPART.—Section 214(d) of such Act (8 U.S.C. 1184(d)) is amended by inserting before the period at the end the following: ''unless the alien (and the child of the alien) entered the United States as an alien described in section 101(a)(15)(K) with the intent to enter into a valid marriage and the alien or child was battered or subject to extreme cruelty in the United States by the United States citizen who filed the petition to accord status under such section''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date of the enactment of this Act and shall apply to aliens admitted before, on, or after such date.

(b) SPOUSES WHO ARE CONDITIONAL PERMANENT RESIDENTS.—

(1) IN GENERAL.—Section 245(d) of the Immigration and Nationality Act (8 U.S.C. 1255(d)) is amended—

(A) by inserting ''(1)'' after ''(d)''; and

(B) by adding at the end the following new paragraph:

''(2) Paragraph (1) shall not apply to an alien who seeks adjustment of status on the basis of an approved petition for classification as a VAWA petitioner.''.

(2) CONFORMING APPLICATION IN CANCELLATION OF REMOVAL.—Section 240A(b)(2)(A)(i) of such Act (8 U.S.C. 1229b(b)(2)(A)(i)) is amended—

(A) by striking ''or'' at the end of subclause (II);

(B) by adding ''or'' at the end of subclause (III); and

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

''(IV) the alien entered the United States as an alien described in section 101(a)(15)(K) with the intent to enter into a valid marriage and the alien (or the child of the alien who is described in such section) was battered or subject to extreme cruelty in the United States by the United States citizen who filed the petition to accord status under such section;''.

(3) EXCEPTION TO RESTRICTION ON ADJUSTMENT OF STATUS.—The second sentence of section 245(d)(1) of such Act (8 U.S.C. 1255(d)(1)), as designated by paragraph (1)(A), is amended by inserting ''who is not described in section 204(a)(1)(A)(iii)(II)(aa)(DD)'' after ''alien described in section 101(a)(15)(K)''.

(4) APPLICATION UNDER SUSPENSION OF DEPORTATION.—Section 244(a)(3) of such Act (as in effect on March 31, 1997) shall be applied (as if in effect on such date) as if the phrase ''is described in section 240A(b)(2)(A)(i)(IV) or'' were inserted before ''has been battered'' the first place it appears.

(5) EFFECTIVE DATE.—The amendments made by this subsection, and the provisions of paragraph (4), shall take effect on the date of the enactment of this Act and shall apply to applications for adjustment of status, for cancellation of removal, or for suspension of deportation filed before, on, or after such date.

(c) INFORMATION ON CERTAIN CONVICTIONS AND LIMITATION ON PETITIONS FOR K NONIMMIGRANT PETITIONERS.—Section 214(d) of the Immigration and Nationality Act (8 U.S.C. 1184(d)) is amended—

(1) by striking ''(d)'' and inserting ''(d)(1)'';

(2) by inserting after the second sentence the following: ''Such information shall include information on any criminal convictions of the petitioner for domestic violence, sexual assault, or child abuse.''; and

(3) by adding at the end the following:

''(2)(A) Subject to subparagraph (B), a consular officer may not approve a petition under paragraph (1) unless the officer has verified that—

''(i) the petitioner has not, previous to the pending petition, petitioned under paragraph (1) with respect to more than 2 applying aliens; and

''(ii) if the petitioner has had such a petition previously approved, 2 years have elapsed since the filing of such previously approved petition.

''(B) The Secretary of Homeland Security may, in the discretion of the Secretary, waive the limitation in subparagraph (A), if justification exists for such a waiver.

''(3) For purposes of this subsection—

''(A) the term 'child abuse' means a felony or misdemeanor crime, as defined by Federal or State law, committed by an offender who is a stranger to the victim, or committed by an offender who is known by, or related by blood or marriage to, the victim, against a victim who has not attained the lesser of—

''(i) 18 years of age; or

''(ii) except in the case of sexual abuse, the age specified by the child protection law of the State in which the child resides; and

''(B) the terms 'domestic violence' and 'sexual assault' have the meaning given such terms in section 2003 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–2).''.

(d) SPOUSES AND CHILDREN OF ASYLUM APPLICANTS UNDER ADJUSTMENT PROVISIONS.—

(1) IN GENERAL.—Section 209(b)(3) of the Immigration and Nationality Act (8 U.S.C. 1159(b)(3)) is amended—

(A) by inserting ''(A)'' after ''(3)''; and

(B) by adding at the end the following:

''(B) was the spouse of a refugee within the meaning of section 101(a)(42)(A) at the time the asylum application was granted and who was battered or was the subject of extreme cruelty perpetrated by such refugee or whose child was battered or subjected to extreme cruelty by such refugee (without the active participation of such spouse in the battery or cruelty), or

''(C) was the child of a refugee within the meaning of section 101(a)(42)(A) at the time of the filing of the asylum application and who was battered or was the subject of extreme cruelty perpetrated by such refugee,''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on the date of the enactment of this Act and—

(A) section 209(b)(3)(B) of the Immigration and Nationality Act, as added by paragraph (1)(B), shall apply to spouses of refugees for whom an asylum application is granted before, on, or after such date; and

(B) section 209(b)(3)(C) of such Act, as so added, shall apply with respect to the child of a refugee for whom an asylum application is filed before, on, or after such date.

(e) VISA WAIVER ENTRANTS.—

(1) IN GENERAL.—Section 217(b)(2) of such Act (8 U.S.C. 1187(b)(2)) is amended by inserting after ''asylum,'' the following: ''as a VAWA petitioner, or for relief under subparagraph (T) or (U) of section 101(a)(15), under section 240A(b)(2), or under section 244(a)(3) (as in effect on March 31, 1997),''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date of the enactment of this Act and shall apply to waivers provided under section 217(b)(2) of the Immigration and Nationality Act before, on, or after such date as if it had been included in such waivers.

(f) EXCEPTION FROM FOREIGN RESIDENCE REQUIREMENT FOR EDUCATIONAL VISITORS.—

(1) IN GENERAL.—Section 212(e) of such Act (8 U.S.C. 1182(e)) is amended, in the matter before the first proviso, by inserting ''unless the alien is a VAWA petitioner or an applicant for nonimmigrant status under subparagraph (T) or (U) of section 101(a)(15)'' after ''for an aggregate of a least two years following departure from the United States''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date of the enactment of this Act and shall apply to aliens regardless of whether the foreign residence requirement under section 212(e) of the Immigration and Nationality Act arises out of an admission or acquisition of status under section 101(a)(15)(J) of such Act before, on, or after the date of the enactment of this Act.

SEC. 917. ELIMINATING ABUSERS' CONTROL OVER APPLICATIONS FOR ADJUSTMENTS OF STATUS.

(a) APPLICATION OF MOTIONS TO REOPEN FOR ALL VAWA PETITIONERS.—Section 240(c)(7)(C)(iv) of the Immigration and Nationality Act (8 U.S.C. 1230(c)(7)(C)(iv)), as redesignated by section 101(d)(1) of the REAL ID Act of 2005 (division B of Public Law 109–13), is amended—

(1) in subclause (I), by striking ''under clause (iii) or (iv) of section 204(a)(1)(A), clause (ii) or (iii) of section 204(a)(1)(B)'' and inserting ''as a VAWA petitioner''; and

(2) in subclause (II), by inserting ''or adjustment of status'' after ''cancellation of removal''.

(b) APPLICATION OF VAWA DEPORTATION PROTECTIONS FOR TRANSITIONAL RELIEF TO ALL VAWA PETITIONERS.—Section 1506(c)(2) of the Violence Against Women Act of 2000 (8 U.S.C. 1229a note) is amended—

(1) in subparagraph (A)—

(A) by amending clause (i) to read as follows:

''(i) if the basis of the motion is to apply for relief as a VAWA petitioner (as defined in section 101(a)(51) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(51)) or under section 244(a)(3) of such Act (8 U.S.C. 1254(a)(3)); and''; and

(B) in clause (ii), by inserting ''or adjustment of status'' after ''suspension of deportation''; and

(2) in subparagraph (B)(ii), by striking ''for relief'' and all that follows through ''1101 note))'' and inserting ''for relief described in subparagraph (A)(i)''.

(c) APPLICATION OF VAWA-RELATED RELIEF UNDER SECTION 202 OF NACARA.—Section 202(d)(1) of the Nicaraguan Adjustment and Central American Relief Act (8 U.S.C. 1255 note; Public Law 105–100) is amended—

(1) in subparagraph (B)(ii), by inserting '', or was eligible for adjustment,'' after ''whose status is adjusted''; and

(2) in subparagraph (E), by inserting after ''April 1, 2000'' the following: '', or, in the case of an alien who qualifies under subparagraph (B)(ii), applies for such adjustment during the 18-month period beginning on the date of enactment of the Violence Against Women Act of 2005'' .

(d) PETITIONING RIGHTS OF CERTAIN FORMER SPOUSES UNDER CUBAN ADJUSTMENT.—The first section of Public Law 89–732 (8 U.S.C. 1255 note) is amended by adding at the end the following: ''An alien who was the spouse of any Cuban alien described in this section and has resided with such spouse shall continue to be treated as such a spouse for 2 years after the date on which the Cuban alien dies (or, if later, 2 years after the date of enactment of Violence Against Women Act of 2005), or for 2 years after the date of termination of the marriage (or, if later, 2 years after the date of enactment of Violence Against Women Act of 2005) if the alien demonstrates a connection between the termination of the marriage and the battering or extreme cruelty by the Cuban alien.''.

(e) SELF-PETITIONING RIGHTS OF HRIFA APPLICANTS.—Section 902(d)(1)(B) of the Haitian Refugee Immigration Fairness Act of 1998 (division A of section 101(h) of Public Law 105–277; 112 Stat. 2681–538; 8 U.S.C. 1255 note), as amended by section 1511(a) of VAWA–2000, is amended—

(1) in clause (i), by striking ''whose status is adjusted to that of an alien lawfully admitted for permanent residence'' and inserting ''who is or was eligible for classification''; and

(2) in clause (ii), by striking ''whose status is adjusted to that of an alien lawfully admitted for permanent residence'' and inserting ''who is or was eligible for classification''.

(f) SELF-PETITIONING RIGHTS UNDER SECTION 203 OF NACARA.—Section 309 of the Illegal Immigration and Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 8 U.S.C. 1101 note), as amended by section 203(a) of the Nicaraguan Adjustment and Central American Relief Act (8 U.S.C. 1255 note; Public Law 105–100), is amended—

(1) in subsection (c)(5)(C)(i)(VII)(aa), as amended by section 1510(b) of VAWA–2000—

(A) by striking ''or'' at the end of subitem (BB);

(B) by striking ''and'' at the end of subitem (CC) and inserting ''or''; and

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

''(DD) at the time at which the spouse or child files an application for suspension of deportation or cancellation of removal; and''; and

(2) in subsection (g)—

(A) by inserting ''(1)'' before ''Notwithstanding'';

(B) by inserting ''subject to paragraph (2),'' after ''section 101(a) of the Immigration and Nationality Act)),''; and

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

''(2) There shall be no limitation on a motion to reopen removal or deportation proceedings in the case of an alien who is described in subclause (VI) or (VII) of subsection (c)(5)(C)(i). Motions to reopen removal or deportation proceedings in the case of such an alien shall be handled under the procedures that apply to aliens seeking relief under section 204(a)(1)(A)(iii) of the Immigration and Nationality Act.''.

(g) LIMITATION ON PETITIONING FOR ABUSER.—Section 204(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)), as amended by section 915(a)(3)(A), is amended by adding at the end the following new subparagraph:

''(L) Notwithstanding the previous provisions of this paragraph, an individual who was a VAWA petitioner or who had the status of a nonimmigrant under subparagraph (T) or (U) of section 101(a)(15) may not file a petition for classification under this section or section 214 to classify any person who committed the battery or extreme cruelty or trafficking against the individual (or the individual's child) which established the individual's (or individual's child's) eligibility as a VAWA petitioner or for such nonimmigrant status.''.

(h) EFFECTIVE DATE.—Except as otherwise provided in this section, the amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 918. PAROLE FOR VAWA PETITIONERS AND FOR DERIVATIVES OF TRAFFICKING VICTIMS.

(a) IN GENERAL.—Section 240A(b)(4) of the Immigration and Nationality Act (8 U.S.C. 1229b(b)(4)) is amended—

(1) in the heading, by striking ''CHILDREN OF BATTERED ALIENS'' and inserting ''BATTERED ALIENS, CHILDREN OF BATTERED ALIENS, AND DERIVATIVE FAMILY MEMBERS OF TRAFFICKING VICTIMS,'';

(2) in subparagraph (A)—

(A) by striking ''or'' at the end of clause (i);

(B) by striking the period at the end of clause (ii) and inserting a semicolon; and

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

''(iii) VAWA petitioner whose petition was approved based on having been battered or subjected to extreme cruelty by a United States citizen spouse, parent, or son or daughter and who is admissible and eligible for an immigrant visa;

''(iv) VAWA petitioner whose petition was approved based on having been battered or subjected to extreme cruelty by a lawful permanent resident spouse or parent, who is admissible and would be eligible for an immigrant visa but for the fact that an immigrant visa is not immediately available to the alien, and who filed a petition for classification under section 204(a)(1)(B), if at least 3 years has elapsed since the petitioner's priority date; or

''(v) an alien whom the Secretary of State determines would, but for an application or approval, meet the conditions for approval as a nonimmigrant described in section 101(a)(15)(T)(ii).''; and

(3) in subparagraph (B)—

(A) in the first sentence, by striking ''The grant of parole'' and inserting ''(i) The grant of parole under subparagraph (A)(i) or (A)(ii)'';

(B) in the second sentence, by striking ''covered under this paragraph'' and inserting ''covered under such subparagraphs'';

(C) in the last sentence, by inserting ''of subparagraph (A)'' after ''clause (i) or (ii)''; and

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

''(ii) The grant of parole under subparagraph (A)(iii) or (A)(iv) shall extend from the date of approval of the applicable petition to the time the application for adjustment of status filed by aliens covered under such subparagraphs has been finally adjudicated. Applications for adjustment of status filed by aliens covered under such subparagraphs shall be treated as if they were applications filed under section 204(a)(1)(A)(iii), (A)(iv), (B)(ii), or (B)(iii) for purposes of section 245 (a) and (c).

''(iii) The grant of parole under subparagraph (A)(v) shall extend from the date of the determination of the Secretary of State described in such subparagraph to the time the application for status under section 101(a)(15)(T)(ii) has been finally adjudicated. Failure by such an alien to exercise due diligence in filing a visa petition on the alien's behalf may result in revocation of parole.''.

(b) CONFORMING REFERENCE.—Section 212(d)(5) of such Act (8 U.S.C. 1182(d)(5)) is amended by adding at the end the following new subparagraph:

''(C) Parole is provided for certain battered aliens, children of battered aliens, and parents of battered alien children under section 240A(b)(4).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 919. EXEMPTION OF VICTIMS OF DOMESTIC VIOLENCE, SEXUAL ASSAULT AND TRAFFICKING FROM SANCTIONS FOR FAILURE TO DEPART VOLUNTARILY.

(a) IN GENERAL.—Section 240B(d) of the Immigration and Nationality Act (8 U.S.C. 1229c(d)) is amended—

(1) by striking ''If'' and inserting ''(1) Subject to paragraph (2), if''; and

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

''(2) The ineligibility for relief under paragraph (1) shall not apply to an alien who is a VAWA petitioner, who is seeking status as a nonimmigrant under subparagraph (T) or (U) of section 101(a)(15), or who is an applicant for relief under section 240A(b)(2) or under section 244(a)(3) (as in effect on March 31, 1997), if there is a connection between the failure to voluntarily depart and the battery or extreme cruelty, trafficking, or criminal activity, referred to in the respective provision.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply as if included in the enactment of the Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208) and shall apply to failures to depart voluntarily occurring before, on, or after the date of the enactment of this Act.

SEC. 920. CLARIFICATION OF ACCESS TO NATURALIZATION FOR VICTIMS OF DOMESTIC VIOLENCE.

(a) IN GENERAL.—Section 319(a) of the Immigration and Nationality Act (8 U.S.C. 1430(a)) is amended by inserting after ''extreme cruelty by a United States citizen spouse or parent'' the following: '', regardless of whether the lawful permanent resident status was obtained on the basis of such battery or cruelty''.

(b) USE OF CREDIBLE EVIDENCE.—Such section is further amended by adding at the end the following: ''The provisions of section 204(a)(1)(J) shall apply in acting on an application under this subsection in the same manner as they apply in acting on petitions referred to in such section.''

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply to applications for naturalization filed before, on, or after the date of the enactment of this Act.

SEC. 921. PROHIBITION OF ADVERSE DETERMINATIONS OF ADMISSIBILITY OR DEPORTABILITY BASED ON PROTECTED INFORMATION.

(a) APPLICATION OF RESTRICTIONS ON ADDITIONAL DEPARTMENTS.—Section 384 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 8 U.S.C. 1367) is amended—

(1) in subsection (a), as amended by section 1513(d) of VAWA–2000—

(A) in the matter before paragraph (1), by striking ''(including any bureau or agency of such Department)'' and inserting '', or the Secretary of Homeland Security, the Secretary of State, the Secretary of Health and Human Services, or the Secretary of Labor or any other official or employee of the Department of Homeland Security, the Department of State, the Department of Health and Human Services, or the Department of Labor (including any bureau or agency of any such Department)''; and

(B) in paragraph (2), by striking ''of the Department,'' and inserting ''of any such Department,''; and

(2) in subsection (b)—

(A) in paragraphs (1), by striking ''The Attorney General may provide, in the Attorney General's discretion'' and inserting ''The Attorney General, Secretary of Homeland Security, Secretary of State, Secretary of Health and Human Services, and Secretary of Labor may provide, in each's discretion'';

(B) in paragraph (2), by striking ''The Attorney General may provide in the discretion of the Attorney General'' and inserting ''The Attorney General, Secretary of Homeland Security, Secretary of State, Secretary of Health and Human Services, and the Secretary of Labor may provide, in each's discretion''; and

(C) in paragraph (5), by striking ''is authorized to disclose'' and inserting '', Secretary of Homeland Security, Secretary of State, Secretary of Health and Human Services, and Secretary of Labor, or Attorney General may disclose''.

(b) INCREASING SCOPE OF ALIENS AND INFORMATION PROTECTED.—Subsection (a) of such section is amended—

(1) in paragraph (1)—

(A) in the matter before subparagraph (A), by striking ''furnished solely by'' and inserting ''furnished by or derived from information provided solely by'';

(B) by striking ''or'' at the end of subparagraph (D);

(C) by adding ''or'' at the end of subparagraph (E); and

(D) by inserting after subparagraph (E) the following new subparagraph:

''(F) in the case of an alien applying for continued presence as a victim of trafficking under section 107(b)(1)(E)(i)(II)(bb) of the Trafficking Protection Act of 2000 or status under section 101(a)(15)(T) of the Immigration and Nationality Act, the trafficker or perpetrator,''; and

(2) in paragraph (2)—

(A) by striking ''under clause (iii) or (iv) of section 204(a)(1)(A), clause (ii) or (iii) of section 204(a)(1)(B)'' and inserting ''as a VAWA petitioner (as defined in section 101(a)(51) of the Immigration and Nationality Act), or under''; and

(B) by striking ''or section 244(a)(3) of such Act as an alien (or the parent of a child) who has been battered or subjected to extreme cruelty.'' and inserting the following: '', section 101(a)(15)(T), section 214(c)(15), or section 240A(b)(2) of such Act, or section 244(a)(3) of such Act (as in effect on March 31, 1997), or for continued presence as a victim of trafficking under section 107(b)(1)(E)(i)(II)(bb) of the Trafficking Protection Act of 2000, or any derivative of the alien;''.

(c) PROVIDING FOR CONGRESSIONAL REVIEW.—Subsection (b) of such section is amended by adding at the end the following new paragraph:

''(6) Subsection (a) shall not apply to prevent the Attorney General and the Secretary of Homeland Security from disclosing to the chairmen and ranking members of the Judiciary Committees of the House of Representatives and of the Senate in the exercise of Congressional oversight authority information on closed cases under this section in a manner that protects the confidentiality of such information and that omits personally identifying information (including locational information about individuals).''.

(d) APPLICATION TO JUVENILE SPECIAL IMMIGRANTS.—Subsection (a) of such section, as amended by subsection (b)(2)(B), is amended—

(1) by striking ''or'' at the end of paragraph (1);

(2) by adding ''or'' at the end of paragraph (2); and

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

''(3) in the case of an alien described in section 101(a)(27)(J) of the Immigration and Nationality Act who has been abused, neglected, or abandoned, contact the alleged abuser (or family member of the alleged abuser) at any stage of applying for special immigrant juvenile status, including after a request for the consent of the Secretary of Homeland Security under clause (iii)(I) of such section.''.

(e) IMPROVED ENFORCEMENT.—Subsection (c) of such section is amended by adding at the end the following: ''The Office of Professional Responsibility in the Department of Justice shall be responsible for carrying out enforcement under the previous sentence.''.

(f) CERTIFICATION OF COMPLIANCE IN REMOVAL PROCEEDINGS.—

(1) IN GENERAL.—Section 239 of the Immigration and Nationality Act (8 U.S.C. 1229) is amended by adding at the end the following new subsection:

''(e) CERTIFICATION OF COMPLIANCE WITH RESTRICTIONS ON DISCLOSURE.—Removal proceedings shall not be initiated against an alien unless there is a certification of either of the following:

''(1) No enforcement action was taken leading to such proceedings against the alien—

''(A) at a domestic violence shelter, a victims services organization or program (as described in section 2003(8) of the Omnibus Crime Control and Safe Streets Act of 1968), a rape crisis center, a family justice center, or a supervised visitation center; or

''(B) at a courthouse (or in connection with the appearance of the alien at a courthouse) if the alien is appearing in connection with a protection order case, child custody case, or other civil or criminal case relating to domestic violence, sexual assault, trafficking, or stalking in which the alien has been battered or subject to extreme cruelty or if the alien is described in subparagraph (T) or (U) of section 101(a)(15).

''(2) Such an enforcement action was taken, but the provisions of section 384(a)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 have been complied with.''.

(2) COMPLIANCE.—Section 384(c) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 8 U.S.C. 1367(c)) is amended by inserting ''or who knowingly makes a false certification under section 239(e) of the Immigration and Nationality Act'' after ''in violation of this section''.

(g) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply to violations or disclosures made on or after such date.

SEC. 922. INFORMATION FOR K NONIMMIGRANTS ABOUT LEGAL RIGHTS AND RESOURCES FOR IMMIGRANT VICTIMS OF DOMESTIC VIOLENCE.

(a) IN GENERAL.—The Secretary of Homeland Security, in consultation with the Attorney General and the Secretary of State, shall develop consistent and accurate materials, including an information pamphlet described in subsection (b), on legal rights and resources for immigrant victims of domestic violence for dissemination to applicants for K nonimmigrant visas. In preparing such materials, the Secretary shall consult with non-governmental organizations with expertise on the legal rights of immigrant victims of battery, extreme cruelty, sexual assault and other crimes.

(b) INFORMATION PAMPHLET.—The information pamphlet developed under subsection (a) shall include information on the following:

(1) The K nonimmigrant visa application process and the marriage-based immigration process, including conditional residence and adjustment of status.

(2) The illegality of domestic violence, sexual assault, and child abuse in the United States and the dynamics of domestic violence.

(3) Domestic violence and sexual assault services in the United States, including the National Domestic Violence Hotline and the National Sexual Assault Hotline.

(4) The legal rights of immigrant victims of abuse and other crimes in immigration, criminal justice, family law, and other matters.

(5) The obligations of parents to provide child support for children.

(6) Marriage fraud under United States immigration laws and the penalties for committing such fraud.

(7) A warning concerning the potential use of K nonimmigrant visas by individuals who have a history of committing domestic violence, sexual assault, or child abuse.

(c) SUMMARIES.—The Secretary of Homeland Security, in consultation with the Attorney General and the Secretary of State, shall develop summaries of the pamphlet developed under subsection (a) that shall be used by consular officers when reviewing the pamphlet in interviews under section (e)(2).

(d) TRANSLATION.—

(1) IN GENERAL.—In order to best serve the language groups having the greatest concentration of K nonimmigrant visa applicants, the information pamphlet under subsection (b) shall, subject to paragraph (2), be translated by the Secretary of State into the following languages: Russian, Spanish, Tagalog, Vietnamese, Chinese, Ukrainian, Thai, Korean, Polish, Japanese, French, Arabic, Portuguese, and Hindi.

(2) REVISION.—Every two years, the Secretary of Homeland Security, in consultation with the Attorney General and the Secretary of State, shall determine the specific languages into which the information pamphlet is translated based on the languages spoken by the greatest concentrations of K nonimmigrant visa applicants.

(e) AVAILABILITY AND DISTRIBUTION.—The information pamphlet developed under subsection (a) shall be made available and distributed as follows:

(1) MAILINGS TO K NONIMMIGRANT VISA APPLICANTS.—

(A) The pamphlet shall be mailed by the Secretary of State to each applicant for a K nonimmigrant visa at the same time that the instruction packet regarding the visa application process is mailed to such applicant. The pamphlet so mailed shall be in the primary language of the applicant, or in English if no translation into the applicant's primary language is available.

(B) In addition, in the case of an applicant for a nonimmigrant visa under section 101(a)(15)(K)(i) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(K)(i)) the Secretary of Homeland Security shall provide to the Secretary of State, for inclusion in the mailing under subparagraph (A), a copy of the petition submitted by the petitioner for such applicant under section 214(d) of such Act (8 U.S.C. 1184(d)).

(C) The Secretary of Homeland Security shall provide to the Secretary of State any criminal background information the Secretary of Homeland Security possesses with respect to a petitioner under such section 214(d). The Secretary of State, in turn, shall share any such criminal background information that is in the public record with the nonimmigrant visa applicant who is the beneficiary of the petition. The visa applicant shall be informed that such criminal background information is based on available records and may not be complete. The Secretary of State also shall provide for the disclosure of such criminal background information to the visa applicant at the consular interview in the primary language of the visa applicant. Nothing in this subparagraph shall be construed to authorize the Secretary of Homeland Security to conduct any new or additional criminal background check that is not otherwise conducted in the course of adjudicating such petitions.

(2) CONSULAR INTERVIEWS.—The pamphlet shall be distributed directly to K nonimmigrant visa applicants at all consular interviews for such visas. The consular officer conducting the visa interview shall review the pamphlet and summary with the applicant orally in the applicant's primary language, in addition to distributing the pamphlet to the applicant in English.

(3) CONSULAR ACCESS.—The pamphlet shall be made available to the public at all consular posts. Summaries of the pamphlets under subsection (c) shall be made available to foreign service officers at all consular posts.

(4) POSTING ON STATE DEPARTMENT WEBSITE.—The pamphlet shall be posted on the website of the Department of State as well as on the websites of all consular posts processing K nonimmigrant visa applications.

(f) K NONIMMIGRANT DEFINED.—For purposes of this section, the term ''K nonimmigrant visa'' means a nonimmigrant visa under clause (i) or (ii) of section 101(a)(15)(K) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(K)).

SEC. 923. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of Homeland Security such sums as may be necessary to provide for adjudication of petitions and adjustment applications of VAWA petitioners (as defined in section 101(a)(51) of the Immigration and Nationality Act, as added by section 911(a)) and of aliens seeking status as nonimmigrants under subparagraph (T) or (U) of section 101(a)(15) of such Act.

Subtitle C—Miscellaneous Provisions

SEC. 931. REMOVING 2 YEAR CUSTODY AND RESIDENCY REQUIREMENT FOR BATTERED ADOPTED CHILDREN.

(a) IN GENERAL.—Section 101(b)(1)(E)(i) of the Immigration and Nationality Act (8 U.S.C. 1101(b)(1)(E)(i)) is amended by inserting after ''at least two years'' the following: ''or if the child has been battered or subject to extreme cruelty by the adopting parent or by a family member of the adopting parent residing in the same household''.

(b) CONFORMING NATURALIZATION AMENDMENT.—Section 320(a)(3) of such Act (8 U.S.C. 1431(a)(3)) is amended by inserting before the period at the end the following: ''or the child is residing in the United States pursuant to a lawful admission for permanent residence and has been battered or subject to extreme cruelty by the citizen parent or by a family member of the citizen parent residing in the same household ''

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply to applications pending or filed on or after such date.

SEC. 932. WAIVER OF CERTAIN GROUNDS OF INADMISSIBILITY FOR VAWA PETITIONERS.

(a) WAIVER OF FALSE CLAIM OF U.S. CITIZENSHIP.—

(1) IN GENERAL.—Section 212(i)(1) of such Act (8 U.S.C. 1182(i)(1)) is amended by inserting ''(and, in the case of a VAWA petitioner who demonstrates a connection between the false claim of United States citizenship and the petitioner being subjected to battery or extreme cruelty, clause (ii))'' after ''clause (i)''.

(2) CONFORMING REFERENCE.—Section 212(a)(6)(C)(iii) of such Act (8 U.S.C. 1182(a)(6)(C)(iii)) is amended by striking ''clause (i)'' and inserting ''clauses (i) and (ii)''.

(b) EXEMPTION FROM PUBLIC CHARGE GROUND.—

(1) IN GENERAL.—Section 212(a)(4) of such Act (8 U.S.C. 1182(a)(4)) is amended by adding at the end the following new subparagraph:

''(E) SPECIAL RULE FOR BATTERED ALIENS.—Subparagraphs (A) through (C) shall not apply to an alien who is a VAWA petitioner or is a qualified alien described in section 431(c) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.''.

(2) CONFORMING AMENDMENT.—Section 212(a)(4)(C)(i) of such Act (8 U.S.C. 1182(a)(4)(C)(i)) is amended to read as follows:

''(i) the alien is described in subparagraph (E); or''.

(c) EFFECTIVE DATE.—Except as provided in this section, the amendments made by this section shall take effect on the date of the enactment of this Act and shall apply regardless of whether the conviction was entered, crime, or disqualifying event occurred before, on, or after such date.

SEC. 933. EMPLOYMENT AUTHORIZATION FOR BATTERED SPOUSES OF CERTAIN NONIMMIGRANTS.

(a) IN GENERAL.—Section 214(c) of the Immigration and Nationality Act (8 U.S.C. 1184(c)), as amended by sections 403(a) and 404(a) of the REAL ID Act of 2005 (division B of Public Law 109–13), is amended by adding at the end the following new paragraph:

''(15) In the case of an alien spouse admitted under subparagraph (A), (E)(iii), (G), or (H) of section 101(a)(15) who is accompanying or following to join a principal alien admitted under subparagraph (A), (E)(iii), (G), or (H)(i) of such section, respectively, the Secretary of Homeland Security shall authorize the alien spouse to engage in employment in the United States and provide the spouse with an 'employment authorized' endorsement or other appropriate work permit if the alien spouse demonstrates that during the marriage the alien spouse or a child of the alien spouse has been battered or has been the subject to extreme cruelty perpetrated by the spouse of the alien spouse. Requests for

relief under this paragraph shall be handled under the procedures that apply to aliens seeking relief under section 204(a)(1)(A)(iii).''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply to aliens who obtained the status of an alien spouse before, on, or after such date.

SEC. 934. GROUNDS FOR HARDSHIP WAIVER FOR CONDITIONAL PERMANENT RESIDENCE FOR INTENDED SPOUSES.

(a) IN GENERAL.—Section 216(c)(4) of the Immigration and Nationality Act (8 U.S.C. 1186a(c)(4)) is amended—

(1) by striking ''or'' at the end of subparagraph (B);

(2) by striking the period at the end of subparagraph (C) and inserting '', or''; and

(3) by inserting after subparagraph (C) the following new subparagraph:

''(D) the alien meets the requirements under section 204(a)(1)(A)(iii)(II)(aa)(BB) and following the marriage ceremony has been battered by or was subject to extreme cruelty perpetrated by his or her intended spouse and was not at fault in failing to meet the requirements of paragraph (1).''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply as if included in the enactment of VAWA–2000.

SEC. 935. CANCELLATION OF REMOVAL.

(a) CLARIFYING APPLICATION OF DOMESTIC VIOLENCE WAIVER AUTHORITY IN CANCELLATION OF REMOVAL.—

(1) IN GENERAL.—Section 240A(b) of the Immigration and Nationality Act (8 U.S.C. 1229b(b)) is amended—

(A) in paragraph (1)(C)—

(i) by inserting ''subject to paragraph (5),'' after ''(C)''; and

(ii) by striking ''(except in a case described in section 237(a)(7) where the Attorney General exercises discretion to grant a waiver)'';

(B) in paragraph (2)(A), by amending clause (iv) to read as follows:

''(iv) subject to paragraph (5), the alien is not inadmissible under paragraph (2) or (3) of section 212(a), is not removable under paragraph (2), (3)(D), or (4) of section 237(a), and is not removable under section 237(a)(1)(G) (except if there was a connection between the marriage fraud described in such section and the battery or extreme cruelty described in clause (i)); and''; and

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

''(5) APPLICATION OF DOMESTIC VIOLENCE WAIVER AUTHORITY.—The provisions of section 237(a)(7) shall apply in the application of paragraphs (1)(C) and (2)(A)(iv) (including waiving grounds of deportability) in the same manner as they apply under section 237(a). In addition, for purposes of such paragraphs and in the case of an alien who has been battered or subjected to extreme cruelty and if there was a connection between the inadmissibility or deportability and such battery or cruelty with respect to the activity involved, the Attorney General may waive, in the sole unreviewable discretion of the Attorney General, any other ground of inadmissibility or deportability for which a waiver is authorized under section 212(h), 212(d)(13), 212(d)(14), or 237(a)(2)(A)(v), and the exception described in section 204(a)(1)(C) shall apply.''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply as if included in the enactment of section 1504(a) of VAWA–2000.

(b) CLARIFYING NONAPPLICATION OF CANCELLATION CAP.—

(1) IN GENERAL.—Section 240A(e)(3) of the Immigration and Nationality Act (8 U.S.C. 1229b(e)(3)) is amended by adding at the end the following new subparagraph:

''(C) Aliens with respect to their cancellation of removal under subsection (b)(2).''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to cancellations of removal occurring on or after October 1, 2004.

SEC. 936. MOTIONS TO REOPEN.

(a) REMOVAL PROCEEDINGS.—

(1) IN GENERAL.—Section 240(c)(7) of the Immigration and Nationality Act (8 U.S.C. 1230(c)(7)), as redesignated by section 101(d)(1) of the REAL ID Act of 2005 (division B of Public Law 109–13), is amended—

(A) in subparagraph (A), by inserting '', except that this limitation shall not apply so as to prevent the filing of one motion to reopen described in subparagraph (C)(iv)'' before the period at the end; and

(B) in subparagraph (C)—

(i) in the heading of clause (iv), by striking ''SPOUSES AND CHILDREN'' and inserting ''SPOUSES, CHILDREN, AND PARENTS'';

(ii) in the matter before subclause (I) of clause (iv), by striking ''The deadline specified in subsection (b)(5)(C) for filing a motion to reopen does not apply'' and inserting ''Any limitation under this section on the deadlines for filing such motions shall not apply'';

(iii) in clause (iv)(I), by inserting ''or section 244(a)(3) (as in effect on March 31, 1997)'' after ''section 240A(b)(2)'';

(iv) by striking ''and'' at the end of clause (iv)(II);

(v) by striking the period at the end of clause (iv)(III) and inserting ''; and''; and

(vi) by adding at the end the following:

''(IV) if the alien is physically present in the United States at the time of filing the motion.

The filing of a motion to reopen under this clause shall stay the removal of the alien pending final disposition of the motion including exhaustion of all appeals if the motion establishes a prima facie case for the relief applied for.''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on the date of the enactment of this Act.

(b) DEPORTATION AND EXCLUSION PROCEEDINGS.—

(1) IN GENERAL.—Section 1506(c)(2) of VAWA–2000 is amended—

(A) in the matter before clause (i) of subparagraph (A), by striking ''Notwithstanding any limitation imposed by law on motions to reopen or rescind deportation'' inserting ''Notwithstanding any limitation on the number of motions, or the deadlines for filing motions (including the deadline specified in section 242B(c)(3) of the Immigration and Nationality Act before the title III–A effective date), to reopen or rescind deportation or exclusion'';

(B) in the matter before clause (i) of subparagraph (A), by striking ''there is no time limit on the filing of a motion'' and all that follows through ''does not apply'' and inserting ''such limitations shall not apply to the filing of a single motion under this subparagraph to reopen such proceedings'';

(C) by adding at the end of subparagraph (A) the following:

''The filing of a motion under this subparagraph shall stay the removal of the alien pending a final disposition of the motion including the exhaustion of all appeals if the motion establishes a prima facie case for the relief applied for.'';

(D) in subparagraph (B), by inserting ''who are physically present in the United States and'' after ''filed by aliens''; and

(E) in subparagraph (B)(i), by inserting ''or exclusion'' after ''deportation''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on the date of the enactment of this Act.

SEC. 937. REMOVAL PROCEEDINGS.

(a) TREATMENT OF BATTERY OR EXTREME CRUELTY AS EXCEPTIONAL CIRCUMSTANCES.—Section 240(e)(1) of such Act (8 U.S.C. 1230(e)(1)) is amended by inserting ''battery or extreme cruelty of the alien or any child or parent of the alien or'' after ''exceptional circumstances (such as''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply to a failure to appear that occurs before, on, or after such date.

SEC. 938. CONFORMING RELIEF IN SUSPENSION OF DEPORTATION PARALLEL TO THE RELIEF AVAILABLE IN VAWA–2000 CANCELLATION FOR BIGAMY.

Section 244(a)(3) of the Immigration and Nationality Act (as in effect before the title III–A effective date in section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996) shall be applied as if ''or by a United States citizen or lawful permanent resident whom the alien intended to marry, but whose marriage is not legitimate because of that United States citizen's or permanent resident's bigamy'' were inserted after ''by a spouse or parent who is a United States citizen or lawful permanent resident''.

SEC. 939. CORRECTION OF CROSS-REFERENCE TO CREDIBLE EVIDENCE PROVISIONS.

(a) CUBAN ADJUSTMENT PROVISION.—The last sentence of the first section of Public Law 89–732 (November 2, 1966; 8 U.S.C. 1255 note), as amended by section 1509(a) of VAWA–2000, is amended by striking ''204(a)(1)(H)'' and inserting ''204(a)(1)(J)''.

(b) NACARA.—Section 202(d)(3) of the Nicaraguan Adjustment and Central American Relief Act (8 U.S.C. 1255 note; Public Law 105–100), as amended by section 1510(a)(2) of VAWA–2000, is amended by striking ''204(a)(1)(H)'' and inserting ''204(a)(1)(J)''.

(c) IIARAIRA.—Section 309(c)(5)(C)(iii) of the Illegal Immigration and Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 8 U.S.C. 1101 note), as amended by section 1510(b)(2) of VAWA–2000, is amended by striking ''204(a)(1)(H)'' and inserting ''204(a)(1)(J)''.

(d) HRIFA.—Section 902(d)(1)(B)(iii) of the Haitian Refugee Immigration Fairness Act of 1998 (division A of section 101(h) of Public Law 105–277; 112 Stat. 2681–538), as amended by section 1511(a) of VAWA–2000, is amended by striking ''204(a)(1)(H)'' and inserting ''204(a)(1)(J)''.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of VAWA–2000.

SEC. 940. TECHNICAL CORRECTIONS.

(a) TECHNICAL CORRECTIONS TO REFERENCES IN APPLICATION OF SPECIAL PHYSICAL PRESENCE AND GOOD MORAL CHARACTER RULES.—

(1) PHYSICAL PRESENCE RULES.—Section 240A(b)(2)(B) of the Immigration and Nationality Act (8 U.S.C. 1229b(b)(2)(B)) is amended—

(A) in the first sentence, by striking ''(A)(i)(II)'' and inserting ''(A)(ii)''; and

(B) in the fourth sentence, by striking ''section 240A(b)(2)(B)'' and inserting ''this subparagraph, subparagraph (A)(ii),''.

(2) MORAL CHARACTER RULES.—Section 240A(b)(2)(C) of such Act (8 U.S.C. 1229b(b)(2)(C)) is amended by striking ''(A)(i)(III)'' and inserting ''(A)(iii)''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall be effective as if included in the enactment of section 1504(a) of VAWA (114 Stat. 1522).

(b) CORRECTION OF CROSS-REFERENCE ERROR IN APPLYING GOOD MORAL CHARACTER.—

(1) IN GENERAL.—Section 101(f)(3) of the Immigration and Nationality Act (8 U.S.C. 1101(f)(3)) is amended by striking ''(9)(A)'' and inserting ''(10)(A)''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall be effective as if included in the enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104–208).

(c) PUNCTUATION CORRECTION.—Effective as if included in the enactment of section 5(c)(2) of VAWA–2000, section 237(a)(1)(H)(ii) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(1)(H)(ii)) is amended by striking the period at the end and inserting ''; or''.

(d) CORRECTION OF DESIGNATION AND INDENTATION.—The last sentence of section

212(a)(9)(C)(ii) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(9)(C)(ii)), as added by section 1505(a) of VAWA–2000, is amended—

(1) by striking ''section 212(a)(9)(C)(i)'' and inserting ''clause (i)'';

(2) by redesignating paragraphs (1) and (2), and subparagraphs (A) through (D) of paragraph (2), as subclauses (I) and (II), and items (aa) through (dd) of subclause (II), respectively; and

(3) by moving the margins of each of such paragraphs and subparagraphs 6 ems to the right.

(e) ADDITIONAL TECHNICAL CORRECTIONS.—(1) Section 237(a)(7)(A)(i)(I) of such Act (8 U.S.C. 1227(a)(7)(A)(i)(I)) is amended by striking ''is self-defense'' and inserting ''in self-defense''.

(2) Section 245(l)(2)(B) of such Act (8 U.S.C. 1255(l)(2)(B)) is amended by striking ''(10(E))'' and inserting ''(10)(E))''.

TITLE X—SAFETY ON TRIBAL LANDS

SEC. 1001. PURPOSES.

The purposes of this title are—

(1) to decrease the incidence of domestic violence, dating violence, sexual assault, and stalking on Tribal lands;

(2) to strengthen the capacity of Indian tribes to exercise their sovereign authority to respond to domestic violence, dating violence, sexual assault, and stalking on Tribal lands under their jurisdiction; and

(3) to ensure that perpetrators of domestic violence, dating violence, sexual assault, and stalking on Tribal lands are held accountable for their criminal behavior.

SEC. 1002. CONSULTATION.

(a) IN GENERAL.—The Secretary of the Interior and the Attorney General shall each conduct annual consultations with Indian tribal governments concerning the Federal administration of tribal funds and programs established under the Violence Against Women Act of 1994 (title IV of Public Law 103–322) and the Violence Against Women Act of 2000 (division B of Public Law 106–386), including consultation concerning—

(1) the timeliness of the Federal grant application and award processes;

(2) the amounts awarded under each program directly to tribal governments, tribal organizations, and tribal nonprofit organizations;

(3) determinations not to award grant funds;

(4) grant awards made in violation of the eligibility guidelines to a nontribal entity; and

(5) training, technical assistance, and data collection grants for tribal grant programs or programs addressing the safety of Indian women.

(b) RECOMMENDATIONS.—During consultations under subsection (a), the Secretary and the Attorney General shall solicit recommendations from Indian tribes concerning—

(1) administering tribal funds and programs;

(2) enhancing the safety of Indian women from domestic violence, dating violence, sexual assault, and stalking; and

(3) strengthening the Federal response to such violent crimes.

SEC. 1003. ANALYSIS AND RESEARCH ON VIOLENCE ON TRIBAL LANDS.

(a) NATIONAL BASELINE STUDY.—The Attorney General, acting through the Director of the Office on Violence Against Women, shall conduct a national baseline study to examine violence against Indian women.

(b) SCOPE.—

(1) IN GENERAL.—The study shall examine violence committed against Indian women, including—

(A) domestic violence;

(B) dating violence;

(C) sexual assault;

(D) stalking; and

(E) murder.

(2) EVALUATION.—The study shall evaluate the effectiveness of Federal, State, tribal, and local responses to the violations described in paragraph (1) committed against Indian women.

(c) TASK FORCE.—

(1) IN GENERAL.—The Attorney General, acting through the Director of the Office on Violence Against Women, shall establish a task force to assist in the development and implementation of the study under subsection (a).

(2) MEMBERS.—The Director shall appoint to the task force representatives from—

(A) national tribal domestic violence and sexual assault nonprofit organizations;

(B) tribal governments; and

(C) the National Congress of American Indians.

(d) REPORT.—Not later than 2 years after the date of enactment of this Act, the Attorney General shall submit to Congress a report that describes the findings made in the study.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,000,000 for each of fiscal years 2006 and 2007, to remain available until expended.

SEC. 1004. TRACKING OF VIOLENCE ON TRIBAL LANDS.

(a) ACCESS TO FEDERAL CRIMINAL INFORMATION DATABASES.—Section 534 of title 28, United States Code, is amended—

(1) by redesignating subsections (d) and (e) as subsection (e) and (f); and

(2) by inserting after subsection (c) the following:

''(d) INDIAN LAW ENFORCEMENT AGENCIES.—The Attorney General shall permit Indian law enforcement agencies, in cases of domestic violence, dating violence, sexual assault, and stalking, to enter information into Federal criminal information databases and to obtain information from the databases, including information relating to—

''(1) identification records;

''(2) criminal history records;

''(3) protection orders; and

''(4) wanted person records.''.

(b) TRIBAL REGISTRY.—

(1) ESTABLISHMENT.—The Attorney General shall contract with any interested Indian tribe, tribal organization, or tribal nonprofit organization to develop and maintain—

(A) a national tribal sex offender registry; and

(B) a tribal protection order registry containing civil and criminal orders of protection issued by Indian tribes and participating jurisdictions.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,000,000 for each of fiscal years 2006 through 2010, to remain available until expended.

SEC. 1005. TRIBAL DIVISION OF THE OFFICE ON VIOLENCE AGAINST WOMEN.

Part T of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding after section 2015 (as added by section 604 of this Act) the following:

''SEC. 2016. TRIBAL DIVISION.

''(a) IN GENERAL.—The Director of the Office on Violence Against Women shall designate one or more employees, each of whom shall have demonstrated expertise in tribal law and practice regarding domestic violence, dating violence, sexual assault, and stalking against members of Indian tribes, to be responsible for—

''(1) overseeing and managing the administration of grants to and contracts with Indian tribes, tribal courts, tribal organizations, tribal nonprofit organizations and the territories;

''(2) ensuring that, if a grant or a contract pursuant to such a grant is made to an organization to perform services that benefit more than one Indian tribe, the approval of each Indian tribe to be benefited shall be a prerequisite to the making of the grant or letting of the contract;

''(3) assisting in the development of Federal policy, protocols, and guidelines on matters relating to domestic violence, dating violence, sexual assault, and stalking against members of Indian tribes;

''(4) advising the Director of the Office on Violence Against Women concerning policies, legislation, implementation of laws, and other issues relating to domestic violence, dating violence, sexual assault, and stalking against members of Indian tribes;

''(5) representing the Office on Violence Against Women in the annual consultations under section 1002 of the Violence Against Women Reauthorization Act of 2005;

''(6) providing assistance to the Department of Justice to develop policy and to enforce Federal law relating to domestic violence, dating violence, sexual assault, and stalking against members of Indian tribes;

''(7) maintaining a liaison with the judicial branches of Federal, State and tribal governments on matters relating to domestic violence, dating violence, sexual assault, and stalking against members of Indian tribes; and

''(8) ensuring that adequate tribal training, technical assistance, and data collection is made available to Indian tribes, tribal courts, tribal organizations, and tribal nonprofit organizations for all programs relating to domestic violence, dating violence, sexual assault, and stalking against members of Indian tribes.

''(b) AUTHORITY.—

''(1) IN GENERAL.—The Director shall ensure that a portion of the tribal set-aside funds from any grant awarded under the Violence Against Women Act of 1994 (title IV of Public Law 103–322) or the Violence Against Women Act of 2000 (division B of Public Law 106–386) is used to enhance the capacity of Indian tribes to address the safety of members of Indian tribes.

''(2) ACCOUNTABILITY.—The Director shall ensure that some portion of the tribal set-aside funds from any grant made under this part is used to hold offenders accountable through—

''(A) enhancement to the response of Indian tribes to crimes of domestic violence, dating violence, sexual assault, and stalking against Indian women, including legal services for victims and Indian-specific offender programs;

''(B) development and maintenance of tribal domestic violence shelters or programs for battered members of Indian tribes, including sexual assault services, that are based upon the unique circumstances of the members of Indian tribes to be served;

''(C) development of tribal educational awareness programs and materials;

''(D) support for customary tribal activities to strengthen the intolerance of an Indian tribe to violence against memberes of Indian tribes; and

''(E) development, implementation, and maintenance of tribal electronic databases for tribal protection order registries.

''SEC. 2017. SAFETY FOR INDIAN WOMEN FORMULA GRANTS PROGRAM.

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—Of the amounts set aside for Indian tribes and tribal organizations in a program referred to in paragraph (2), the Attorney General, through the Director of the Office of Violence Against Women (referred to in this section as the ''Director''), shall take such setasides and combine them to establish the Safety for Indian Women Formula Grants Program, a single formula grant program to enhance the response of Indian tribal governments to address domestic violence, sexual assault, dating violence, and stalking. Grants made under this program shall be administered by the Tribal Division of the Office on Violence Against Women.

''(2) PROGRAMS COVERED.—The programs covered by paragraph (1) are the programs carried out under the following provisions:

''(A) Section 2007 (42 U.S.C. 3796gg–1), Grants to Combat Violent Crimes Against Women.

''(B) Section 2101 (42 U.S.C. 3796hh), Grants to Encourage Arrest Policies.

''(C) Section 1201 of the Violence Against Women Act of 2000 (42 U.S.C. 3796gg–6), Legal Assistance for Victims.

''(D) Section 1301 of the Violence Against Women Act of 2000 (42 U.S.C. 10420), Safe Havens for Children Pilot Program.

''(E) Section 40295 of the Violence Against Women Act of 1994 (42 U.S.C. 13971), Rural Domestic Violence and Child Abuser Enforcement Assistance.

''(F) Section 41002 of the Violence Against Women Act of 1994, Grants for Court Training and Improvements.

''(G) Section 2014(b), Sexual Assault Services Program, Grants to States, Territories and Indian Tribes.

''(H) Title VII, section 41201, Grants for Training and Collaboration on the Intersection Between Domestic Violence and Child Maltreatment. Section 41202, Services to Advocate For and Respond to Teens.

''(I) Section 704, Grants to Combat Domestic Violence, Dating Violence, Sexual Assault, and Stalking In Middle And High Schools.

''(b) PURPOSE OF PROGRAM AND GRANTS.—

''(1) GENERAL PROGRAM PURPOSE.—The purpose of the program required by this section is to assist Indian tribal governments to develop and enhance effective governmental strategies to curtail violent crimes against and increase the safety of members of Indian tribes consistent with tribal law and custom, specifically the following:

''(A) To increase tribal capacity to respond to domestic violence, dating violence, sexual assault, and stalking crimes against members of Indian tribes.

''(B) To strengthen tribal justice interventions including tribal law enforcement, prosecution, courts, probation, correctional facilities; and enhance services to members of Indian tribes victimized by domestic violence, dating violence, sexual assault, and stalking.

''(2) PURPOSES FOR WHICH GRANTS MAY BE USED.—The Director may make grants to Indian tribes for the purpose of enhancing participating tribes' capacity to address the safety of members of Indian tribes. Each participating tribe shall exercise its right of self-determination and self-governance in allocating and using funds made available under the program. Each participating tribe may use funds under the program to support its specific tribally based response to increasing the safety of members of Indian tribes. Grants under the program shall support the governmental efforts identified by the Indian tribe required according to its distinctive ways of life to increase the safety of members of Indian tribes from crimes of sexual assault, domestic violence, dating violence, stalking, kidnapping, and murder.

''(c) DISBURSEMENT.—Not later than 120 days after the receipt of an application under this section, the Attorney General, through the Director, shall—

''(1) disburse the appropriate sums provided for under this section; or

''(2) inform the Indian tribe why the application does not conform to the terms of the application requirements.

''(d) REQUIRED PROCEDURES.—

''(1) DEADLINE TO PROVIDE NOTICE.—No later than 60 days after receiving an appropriation of funds supporting the program required by this section, Director shall—

''(A) publish in the Federal Register notification of—

''(i) the availability of those funds to Indian tribes;

''(ii) the total amount of funds available; and

''(iii) the process by which tribes may participate in the program; and

''(B) mail each Indian tribe a notification of the matters required by subparagraph (A), together with instructions on the process, copies of application forms, and a notification of the deadline for submission of an application.

''(2) DEADLINE TO MAKE FUNDS AVAILABLE.—No later than 180 days after receiving an appropriation referred to in paragraph (1), the Director shall distribute and make accessible those funds to Indian tribes opting to participate in the program.

''(3) FORMULA.—The Director shall distribute those funds according to the following formula:

''(A) 60 percent of the available funds shall be allocated equally to all Indian tribes who exercise the option to access the funds.

''(B) The remaining 40 percent shall be allocated to the same Indian tribes on a per capita basis, according to the population residing in the respective Indian tribe's service area.

''(4) SET-ASIDE.—No later than 120 days after receiving an appropriation referred to in paragraph (1), the Director shall set aside not less than 5 percent and up to 7 percent of the total amount of those funds for the purpose of entering into a cooperative agreement or contract with one or more tribal organizations with demonstrated expertise in providing training and technical assistance to Indian tribes in addressing domestic violence, dating violence, sexual assault, and stalking against members of Indian tribes, tribal law, and customary pratices. At least one of the cooperative agreements or contracts shall be entered into with a single tribal organization to provide comprehensive technical assistance to participating tribal governments. Such training and technical assistance shall be specifically designed to address the unique legal unique legal status, distinct cultural ways of life, and geographic circumstances of the Indian tribes receiving funds under the program.

''(e) RECIPIENT REQUIREMENTS.—

''(1) IN GENERAL.—Indian tribes may receive funds under the program required by this section as individual tribes or as a consortium of tribes.

''(2) SUBGRANTS AND OTHER ARRANGEMENTS.—Participating tribes may make subgrants or enter into contracts or cooperative agreements with the funds under the program to enhance the safety of, and end domestic violence, dating violence, sexual assault, and stalking against, members of Indian tribes.

''(3) SET ASIDE.—Participating tribes must set aside no less than 50 percent of their total allocation under this section for tribally specific domestic violence, dating violence, sexual assault, or stalking victim services and advocacy for members of Indian tribes. The services supported with funds under the program must be designed to address the unique circumstances of the individuals to be served, including the customary practices and linguistic needs of the individuals within the tribal community to be served. Tribes shall give preference to tribal organizations or tribal nonprofit organizations providing advocacy services to members of Indian tribes within the community to be served such as a safety center or shelter program for members of Indian tribes. In the case where the above organizations do not exist within the participating tribe, the participation and support from members of Indian tribes in the community to be served is sufficient to meet this requirement.

''(f) ADMINISTRATION REQUIREMENTS.—

''(1) APPLICATION.—To reduce the administrative burden for Indian tribes, the Director shall prepare an expedited application process for Indian tribes participating in the program required by this section. The expedited process shall facilitate participating tribes' submission of information—

''(A) outlining project activities;

''(B) describing how the project activities will enhance the Indian tribe's response to domestic violence, dating violence, sexual assault, and stalking against members of Indian tribes; and

''(C) identifying the tribal partner providing advocacy and related services for members of Indian tribes who are victims of crimes of domestic violence, dating violence, sexual assault, and stalking.

''(2) REPORTING AND EVALUATION.—The Director shall alleviate administrative burdens upon participating Indian tribes by—

''(A) developing a reporting and evaluation process relevant to the distinct governance of Indian tribes;

''(B) requiring only essential data to be collected; and

''(C) limiting reporting to an annual basis.

''(3) GRANT PERIOD.—The Director shall award grants for a two-year period, with a possible extension of another two years to implement projects under the grant.

''(g) PRESUMPTION THAT MATCHING FUNDS NOT REQUIRED.—

''(1) IN GENERAL.—Given the unique political relationship between the United States and Indian tribes differentiates tribes from other entities that deal with or are affected by, the Federal Government, the Director shall not require an Indian tribe to match funds under this section, except as provided in paragraph (2).

''(2) EXCEPTION.—If the Director determines that an Indian tribe has adequate resources to comply with a matching requirement that would otherwise apply but for the operation of paragraph (1), the Director may waive the operation of paragraph (1) for that tribe.

''(h) EVALUATION.—The Director shall award a contract or cooperative agreement to evaluate programs under this section to an entity with the demonstrated expertise in domestic violence, dating violence, sexual assault, and stalking and knowledge and experience in—

''(1) the development and delivery of services to members of Indian tribes who are victimized;

''(2) the development and implementation of tribal governmental responses to such crimes; and

''(3) the traditional and customary practices of Indian tribes to such crimes.''.

SEC. 1006. GAO REPORT TO CONGRESS ON STATUS OF PROSECUTION OF SEXUAL ASSAULT AND DOMESTIC VIOLENCE ON TRIBAL LANDS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Comptroller General of the United States shall submit to the Congress a report on the prosecution of sexual assault and domestic violence committed against adult American Indians and Alaska Natives.

(b) CONTENTS OF REPORT.—The report required by subsection (a) shall include the following:

(1) An assessment of the effectiveness of prosecution of such cases by the United States district attorneys of such cases.

(2) For each district containing Indian country, a summary of the number of sexual assault and domestic violence related cases within Federal criminal jurisdiction and charged according to the following provisions of title 18, United States Code: Sections 1153, 1152, 113, 2261(a)(1)(2), 2261A(1), 2261A(2), and 922(g)(8).

(3) A summary of the number of—

(A) reports received;

(B) investigations conducted;

(C) declinations and basis for declination;

(D) prosecutions, including original charge and final disposition;

(E) sentences imposed upon conviction; and

(F) male victims, female victims, Indian defendants, and non-Indian defendants.

(4) The priority assigned by the district to the prosecution of such cases and the percentage of such cases prosecuted to total cases prosecuted.

(5) Any recommendations by the Comptroller General for improved Federal prosecution of such cases.

(c) YEARS COVERED.—The report required by this section shall cover the years 2000 through 2005.

The CHAIRMAN. No amendment to the committee amendment is in order except those printed in House Report 109–236. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified, equally divided and controlled by the

proponent and an opponent of the amendment, shall not be subject to amendment and shall not be subject to a demand for division of the question.

It is now in order to consider amendment No. 1 printed in House Report 109–236.

AMENDMENT NO. 1 OFFERED BY MR. SENSENBRENNER

Mr. SENSENBRENNER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. SENSENBRENNER:

Page 6, line 14, strike ''pardon and''.

Page 10, line 14, strike ''pardon and''.

Page 25, line 1, insert ''(1)'' before ''Any''.

Page 25, line 7, strike the close quotation marks and strike ''; and''.

Page 25, after line 7, insert the following:

''(2) Any reference in a law, regulation, document, paper, or other record of the United States to section 506 of this Act as such section was in effect on the date of the enactment of the Department of Justice Appropriations Authorization Act, Fiscal Years 2006 through 2009, shall be deemed to be a reference to section 505(a) of this Act as amended by the Department of Justice Appropriations Authorization Act, Fiscal Years 2006 through 2009.''.

Page 27, strike line 23, and insert the following:

''(A) vehicles (excluding police cruisers), vessels (excluding police boats), or aircraft (excluding police helicopters);''.

Page 40, after line 16, insert the following as quoted matter:

SEC. 508. INCLUSION OF INDIAN TRIBES.

In this subpart, the term ''State'' includes an Indian tribal government.

Page 40, line 17, redesignate section 508 as section 509.

Page 43, strike lines 8 through 11 and insert the following:

(ii) by striking ''the application submitted pursuant to section 503 of this title.'' and inserting ''the application submitted pursuant to section 502 of this title. Such report shall include details identifying each applicant that used any funds to purchase any cruiser, boat, or helicopter and, with respect to such applicant, specifying both the amount of funds used by such applicant for each purchase of any cruiser, boat, or helicopter and a justification of each such purchase (and the Bureau of Justice Assistance shall submit to the Committee of the Judiciary of the House of Representatives and the Committee of the Judiciary of the Senate, promptly after preparation of such report a written copy of the portion of such report containing the information required by this sentence).'';

Page 46, line 5, insert ''tribal,'' before ''and local''.

Page 47, beginning on line 1, strike ''National Criminal History Background Check System'' and insert ''National Instant Criminal Background Check System''.

Page 55, line 22, before the close quotation marks, insert the following as quoted matter:

SEC. 105. INCLUSION OF INDIAN TRIBES.

For purposes of sections 103 and 104, the term ''State'' includes an Indian tribal government.

Page 65, strike line 1 and all that follows through line 10.

Page 65, line 11, strike ''(d)'' and insert ''(c)''.

Page 67, line 3, strike ''provisions'' and insert ''provision''.

Page 67, line 4, strike ''are'' and insert ''is''.

Page 67, strike lines 7–8.

Page 74, line 12, strike ''5'' and insert ''3''.

Page 78, line 1, strike ''**OFFICE**'' and insert ''**DIVISION**''.

Page 78, line 4, strike ''an office'' and insert ''of Science and Technology, the Division''.

Page 78, line 5, strike ''a Director'' and insert ''an individual''.

Page 78, line 6, strike ''Office'' and insert ''Division''.

Page 78, beginning on line 10, strike ''Office, the Director'' and insert ''Division, the head of the Division''.

Page 80, line 17, insert '', in coordination with the Chief Information Officer and Chief Financial Officer of the Department of Justice,'' after ''Programs''.

Page 81, line 2, insert '', in coordination with the Chief Information Officer and Chief Financial Officer of the Department of Justice,'' after ''General''.

Page 81, line 11, insert '', in coordination with the Chief Information Officer and Chief Financial Officer of the Department of Justice,'' after ''General''.

Page 83, strike line 22 and all that follows through page 84, line 8.

Page 84, line 22, insert ''and'' at the end.

Page 84, line 25, strike the semicolon and all that follows through page 85, line 19, and insert a period.

Page 90, after line 6, insert the following new section:

SEC. 259. REAUTHORIZATION OF MATCHING GRANT PROGRAM FOR SCHOOL SECURITY.

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

(b) PROGRAM TO REMAIN UNDER COPS OFFICE.—Section 2701 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797a) is amended in subsection (a) by inserting after ''The Attorney General'' the following: '', acting through the Office of Community Oriented Policing Services,''.

Page 91, strike lines 5 through 9.

Page 91, after line 19, insert the following:

''(c) REPEAL OF PROVISION RELATING TO UNAUTHORIZED PROGRAM.—Section 20301 of Public Law 103–322 is amended by striking subsection (c).''.

Page 91, line 24, strike ''predominately'' and insert ''predominantly''.

Page 96, strike lines 6 through 9, and insert the following:

inserting ''or in any prison, institution, or facility in which persons are held in custody by direction of or pursuant to a contract or agreement with the Attorney General'' after ''in a Federal prison,'':

Page 97, strike lines 3 through 8, and insert the following:

Section 1791(d)(4) of title 18, United States Code, is amended by inserting ''or any prison, institution, or facility in which persons are held in custody by direction of or pursuant to a contract or agreement with the Attorney General'' after ''penal facility''.

Page 100, line 24, insert after ''bullying'' the following: '', cyberbullying,''.

Page 104, after line 14, insert the following (and conform the table of contents accordingly):

SEC. 323. AUTHORIZATION OF ADDITIONAL APPROPRIATIONS.

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

SEC. 324. ASSISTANCE TO COURTS.

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

Page 116, line 2, insert ''or sexual assault'' after ''violence''.

Page 120, beginning on line 3, strike ''subparagraph (C)'' and insert ''subparagraphs (C) and (D)''.

Page 120, line 19, insert '', except that consent for release may not be given by the abuser of the minor or person with disabilities, or the abuser of the other parent of the minor'' before the period.

Page 121, line 15, strike ''and'' at the end.

Page 121, line 18, insert ''protection order'' after ''governmental''.

Page 121, line 20, strike the period and insert ''; and''.

Page 121, after line 20, insert the following:

''(iii) law enforcement- and prosecution-generated information necessary for law enforcement and prosecution purposes.''.

Page 123, line 13, strike ''3793(a)(8)'' and insert ''3793(a)(18)''.

Page 126, lines 1–2, strike ''racial and ethnic minorities and other underserved populations'' and insert ''populations underserved because of geographic location, underserved racial and ethnic populations, populations underserved because of special needs (such as language barriers, disabilities, alienage status, or age), and any other population determined to be underserved by the Attorney General.'' .

Page 126, lines 6–7, strike ''racial and ethnic and other underserved populations'' and insert ''populations underserved because of geographic location, underserved racial and ethnic populations, populations underserved because of special needs (such as language barriers, disabilities, alienage status, or age), and any other population determined to be underserved by the Attorney General,'' .

Page 126, lines 8–9, strike ''racial and ethnic and other underserved'' and insert ''those''.

Page 126, line 24, insert ''coalitions for'' after the open quotation marks.

Page 130, line 4, insert ''or Indian Tribal government'' after ''State''.

Page 130, line 9, insert ''(1)'' before ''Part''.

Page 130, line 17, strike ''that'' and insert ''must certify''.

Page 130, line 18, insert ''will'' after ''practices''.

Page 131, after line 2, insert the following:

(2) COMPLIANCE.—Section 2007(d) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg-l(d)) is amended—

(1) in paragraph (2) by striking ''and'' at the end;

(2) in paragraph (3) by striking the period at the end and inserting ''; and''; and

(3) by inserting after paragraph (4) the following:

''(4) proof of compliance with the requirements regarding polygraph testing provided in section 2012.''.

Page 134, at the end of line 25, add the following: ''Although funds may be used to support the co-location of project partners, funds may not support construction or major renovation expenses or activities that fall outside of the scope of the other statutory purpose areas.''.

Page 135, line 2, insert ''probation and parole officers,'' after ''prosecutors,''.

Page 135, line 6, strike the close quotation marks and the semicolon at the end.

Page 135, after line 6, insert the following:

''(13) To develop, to enhance, and to maintain protection order registries.'';

Page 135, line 13, insert ''that'' after ''certify''.

Page 135, line 15, strike ''that''.

Page 135, line 15, insert ''will'' after ''practices''.

Page 137, beginning on line 2, strike ''to offer'' and all that follows through ''violence''.

Page 142, lines 8–12, strike ''racial and ethnic communities'' and all that follows through the semicolon on line 12 and insert ''populations underserved because of geographic location, underserved racial and ethnic populations, populations underserved because of special needs (such as language barriers, disabilities, alienage status, or age), and any other population determined to be underserved by the Attorney General;'' .

Page 147, lines 22–23, strike ''Office on Violence Against Women'' and insert ''Violence Against Women Office''.

Page 150, line 3, strike ''assure'' and insert ''ensure''.

Page 151, line 23, strike ''every 18 months''.

Page 152, strike lines 2 through 15, and insert the following:

''tain information on the activities implemented by the recipients of the grants awarded under this section.''.

Page 158, line 7, insert ''(a) OFFENSES.—'' before ''Section''.

Page 158, after line 14, insert the following:

(b) DEFINITION.—Section 2216 of title 18, United States Code, is amended by adding at the end the following:

''(c) DEFINITION.—The term 'dating partner' refers to a person who is or has been in an ongoing relationship of a romantic or intimate nature with the abuser. Factors to consider in determining whether the relationship is or was ongoing include, but are not limited to, the length of the relationship and the frequency of interaction between the persons involved in the relationship.''.

Page 161, line 7, strike ''and''.

Page 161, line 19, strike the period and insert ''; and''.

Page 161, after line 19, insert the following:

''(3) to enhance coordinated community responses to sexual assault.''.

Page 162, line 9, insert ''and support coordinated community responses to sexual assault'' before the period at the end.

Page 164, line 11, strike ''and'' at the end.

Page 164, line 14, strike ''clauses (A) through (G).'' insert ''paragraphs (1) through (7);''.

Page 164, after line 14, insert the following:

''(9) sexual assault forensic examinations performed by specially trained examiners, including coordination of examiners with other responders and testimony by examiners; and

''(10) developing and enhancing coordinated community responses to sexual assault, including the development and enhancement of sexual assault response teams.''.

Page 170, line 4, strike ''between'' and insert ''among''.

Page 171, line 14, insert ''(including rural areas or rural communities in United States Territories)'' after ''rural communities''.

Page 171, line 17, strike ''between'' and insert ''among''.

Page 174, lines 10–13, strike ''racial and ethnic and other'' and all that follows through the period on line 13 and insert ''populations underserved because of geographic location, underserved racial and ethnic populations, populations underserved because of special needs (such as language barriers, disabilities, alienage status, or age), and any other population determined to be underserved by the Attorney General.''.

Page 183, line 3, strike ''Office on Violence Against Women'' and insert ''Violence Against Women Office''.

Page 183, beginning on line 18, strike ''Office on Violence Against Women'' and insert ''Violence Against Women Office''.

Page 186, lines 7–9, strike ''racial and ethnic and other'' and all that follows through the period on line 9 and insert ''populations underserved because of geographic location, underserved racial and ethnic populations, populations underserved because of special needs (such as language barriers, disabilities, alienage status, or age), and any other population determined to be underserved by the Attorney General.''.

Page 189, line 14, strike ''racial and ethnic minorities'' and insert ''populations underserved because of geographic location, underserved racial and ethnic populations, populations underserved because of special needs (such as language barriers, disabilities, alienage status, or age), and any other population determined to be underserved by the Attorney General,''.

Page 190, line 3, strike ''racial and ethnic populations'' and insert ''populations underserved because of geographic location, underserved racial and ethnic populations, populations underserved because of special needs (such as language barriers, disabilities, alienage status, or age), and any other population determined to be underserved by the Attorney General,''.

Page 191, line 13, strike ''may'' and insert ''shall''.

Page 191, line 24, strike ''every 18 months''.

Page 193, lines 15–16, strike ''racial and ethnic and other underserved populations'' and insert ''populations underserved because of geographic location, underserved racial and ethnic populations, populations underserved because of special needs (such as language barriers, disabilities, alienage status, or age), and any other population determined to be underserved by the Attorney General,''.

Page 193, lines 18–19, strike ''racial and ethnic and other underserved populations'' and insert ''those populations''.

Page 195, beginning on line 6, strike ''every 18 months''.

Page 205, line 18, strike ''ANNUAL'' and insert ''PERFORMANCE''.

Page 205, line 20, strike ''submit a biennial performance''.

Page 205, line 21, insert ''on activities conducted with grant funds'' before the period.

Page 206, strike lines 9 through 12, and insert the following:

(4) REPORT TO CONGRESS.—Not later than 30 days after the end of each even-numbered fiscal year, the Attorney General shall submit to Congress a report for the period of 2 fiscal years at any time in which grants were made under this section and ending in such even-numbered fiscal year, that includes—

Page 207, line 13, strike ''Office on Violence Against Women'' and insert ''Violence Against Women Office''.

Page 212, line 16, insert '', except that consent for release may not be given by the abuser of the minor or of the other parent of the minor'' after ''guardian''.

Page 213, line 21 strike ''native'' and insert ''Native''.

Page 219, lines 7–10, strike ''racial and ethnic and other'' and all that follows through the semicolon on line 10 and insert ''populations underserved because of geographic location, underserved racial and ethnic populations, populations underserved because of special needs (such as language barriers, disabilities, alienage status, or age), and any other population determined to be underserved by the Attorney General;''.

Page 222, lines 4–5, strike ''racial and ethnic and other underserved populations'' and insert ''populations underserved because of geographic location, underserved racial and ethnic populations, populations underserved because of special needs (such as language barriers, disabilities, alienage status, or age), and any other population determined to be underserved by the Attorney General''.

Page 222, beginning on line 7, strike ''every 18 months''.

Page 223, lines 5–8, strike ''racial and ethnic and other'' and all that follows through the semicolon on line 8 and insert ''populations underserved because of geographic location, underserved racial and ethnic populations, populations underserved because of special needs (such as language barriers, disabilities, alienage status, or age), and any other population determined to be underserved by the Attorney General;''.

Page 226, lines 23–24, strike ''racial and ethnic and other underserved populations'' and insert ''populations underserved because of geographic location, underserved racial and ethnic populations, populations underserved because of special needs (such as language barriers, disabilities, alienage status, or age), and any other population determined to be underserved by the Attorney General''.

Page 227, beginning on line 10, strike ''every 18 months''.

Page 229, lines 23–24, strike ''racial ethnic and other underserved communities'' and insert ''populations underserved because of geographic location, underserved racial and ethnic populations, populations underserved because of special needs (such as language barriers, disabilities, alienage status, or age), and any other population determined to be underserved by the Attorney General''.

Page 306, line 9, insert ''National Institute of Justice in consultation with the'' after ''through the''.

Page 313, beginning on line 5, strike ''Office on Violence Against Women'' and insert ''Violence Against Women Office''.

The CHAIRMAN. Pursuant to House Resolution 462, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Michigan (Mr. CONYERS) each will control 5 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

Mr. SENSENBRENNER. Mr. Chairman, I yield myself 4 minutes.

This manager's amendment makes several technical and clarifying changes requested by the Department of Justice. Probably more importantly, because this is the issue of controversy, it clarifies a provision in the legislation that may have been vulnerable to a constitutional challenge.

In its current form, a provision in the legislation could be viewed to prescribe race-based VAWA grant awards by conditioning certain grants upon an applicant's ability to address the needs of ethnic and racial minorities. The amendment addresses this issue by clarifying existing VAWA grant criteria that require applicants to indicate how they intend to meet the needs of populations that are currently underserved by existing VAWA programs. Specifically, the manager's amendment clarifies that such funding should be based on an applicant's ability to address the needs of ''populations underserved by geographic locations, underserved racial and ethnic populations, populations underserved because of special needs, such as language barriers, disabilities, alienage status, or age, and any other population determined to be underserved by the Attorney General.''

The amendment remedies the possible constitutional concerns that effectuates the intent of the committee

when drafting the legislation. Additionally, the amendment reauthorizes the Secure Our Schools grant program and ensures that it is preserved as a stand-alone program; authorizes a program for training prosecutors for child abuse cases; and ensures that Native American Tribes are eligible for certain DOJ grants, including the new Justice Assistance Grants program and the Weed and Seed program grants.

Finally, the amendment includes a provision to encourage cooperation between Federal, State and local courts and communities to ensure that the State and local courts will be able to continue to operate utilizing available Federal facilities in the wake of Hurricane Katrina and Hurricane Rita. I urge my colleagues to support the amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. CONYERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, it is unfortunate that we on the committee can agree with everything, which should be being celebrated; but the one thing that is in disagreement creates the greatest amount of discussion. I regret that, but I think the manager's amendment has to be called into account because it would significantly weaken the bill's emphasis on domestic violence grant funding for communities of color, and I cannot allow this to happen without making the comments that I do.

Let us understand that constitutional law is not some secret body of intelligence that is in the power of the members of the Committee on the Judiciary. This amendment, which is being taken out because it is thought to cause constitutional problems, is the same amendment that is supported by the National Network to End Domestic Violence, the Family Violence Prevention Fund, the National Coalition to End Domestic Violence, Break the Cycle, Legal Momentum, the NAACP, the YWCA and the Sisters of Color Ending Sexual Abuse.

The bill that passed the House and Senate Committees on the Judiciary contain language ensuring that the minorities who are victims of domestic and sexual assault would receive adequate services. That the members of the Committee on the Judiciary agreed upon. This language was necessary because the bureaucrats at the Department of Justice were ignoring communities of color when considering grants from domestic violence, rape prevention and other organizations.

Now this was unfortunately removed, but under current law since the Supreme Court's decision in Adarand and its decision in Grutter, specific set-asides that are race-based have been subject to strict scrutiny. There are no such set asides or quotas in the bill that passed the Committee on the Judiciary. The same provision has passed in the Senate, and we have lists of constitutional scholars to attest to the fact that this language does not require the distribution of money on the basis of race or ethnicity.

I urge my colleagues in a sense of fairness, not making political points, that we reject the manager's amendment.

I rise in strong opposition to the Managers' amendment because it would significantly weaken the bill's emphasis on domestic violence grant funding for communities of color.

This is why the amendment is opposed by the groups that are working so hard to prevent rape and sexual assault—the National Network to End Domestic Violence; the Family Violence Prevention Fund; the National Coalition to End Domestic Violence; Legal Momentum; the NAACP; and the Sisters of Color Ending Sexual Assault.

The bill that passed both the House and Senate Judiciary Committees contains language ensuring that minorities who are victims of domestic violence and sexual assault would receive adequate services. The Members of the Judiciary Committee agreed—on a bipartisan basis—that this language was necessary because the bureaucrats at the Department of Justice were ignoring communities of color when considering grants from domestic violence, rape prevention and other organizations.

This is a serious problem because we know that people of color are far less likely than other groups to report incidents of rape and sexual assault. The only way we can reach out to these individuals is by supporting these non-traditional groups.

Unfortunately, between the Judiciary Committee and the floor, this provision—which has been in the bill since its introduction—suddenly became controversial. Out of the blue, the Administration has attempted to argue that there might, possibly be a constitutional problem with this provision.

Under current law, since the Supreme Court's decision in Adarand v. Pena and Grutter v. Bollinger, specific set asides that are race-based have been subject to strict scrutiny. Clearly, there are no such set asides or quotas in the bill that passed the Judiciary Committee.

The bill simply requires states to ''describe how they will address the needs of racial and ethnic minorities and other underserved populations'' and ''to recognize and meaningfully respond to the needs of racial and ethnic minorities and other underserved populations'' and to ensure that each gets their fair share.

There is no set aside. There is no quota. Considering the needs of certain communities in no way violates the Constitution's Equal Protection Clause, and I would hope that the Members of this body would agree with that very common sense notion.

We have consulted with outside and independent constitutional experts and have confirmed that the Administration's last minute arguments do not pass the legal laugh test. For example, an esteemed constitutional scholar at the University of Texas, Professor Douglas Laycock, said the language does not require distribution of money on the basis of race or ethnicity, but rather requires states to be alert and ensure that underserved racial and ethnic populations are not subject to discrimination. ''A state cannot be confident that funds are being administered and awarded in a non-discriminatory way unless it examines the treatment of racial and ethnic minorities. That is all these provisions require.''

We have also received a letter from several other law professors who are experts in the field, including Professor Joan Meier of the George Washington University Law School, Professor Julie Goldscheid of the City University of New York School of Law, Professor Sally Goldfarb of Rutgers University School of Law, and Professor Martha Davis of the Northeastern School of Law. These professors authoritatively state that ''referencing 'racial and ethnic minorities' meets the standard most recently laid out by the Supreme Court in Grutter v. Bollinger. [T]he Federal Government has a compelling interest in assuring that racial and ethnic minorities receive due consideration in the receipt of services, or grants flowing from the Violence Against Women Act. H.R. 3402 does not create quotas or unduly favor racial and ethnic minorities for government benefits. It simply urges that grantors give due consideration to their needs and interests.''

Let me close by noting that in the last several weeks, some have raised questions about the Administration's and Congress' sensitivity to issues of race. In the aftermath of Hurricane Katrina, many openly wondered whether it was the race of the victims of the Hurricane that led to a sluggish federal response. The Nation watched and asked why we had left so many people of color behind.

Today, we have a chance to respond to this issue, by telling people of color and other minorities that if you are raped or assaulted, we will do our best to make sure that you have support and counseling. We will do our best to make sure that you are not victimized twice—first by the assailant, and second by the federal bureaucracy.

I urge my colleagues on both sides of the aisle to join with me in supporting the common sense idea of supporting these victims of rape and violence and vote down the Manager's amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Chairman, I yield myself the balance of my time.

Let me say that the gentleman from Michigan correctly states the law that anything that has race-based quotas in it or set-asides is subject to strict scrutiny by the courts.

I am afraid that if the manager's amendment goes down, there will be a lawsuit and a temporary restraining order against disposing of any of these funds to underserved communities, and that would be a shame. What the manager's amendment does is err on the side of caution.

Now I point out that the bill, H.R. 357 of the 106th Congress, which the gentleman from Michigan himself introduced, does exactly what the manager's amendment proposes to do. And in section 651(c)(7), his bill from the 106th Congress says underserved populations include populations underserved because of race, ethnicity, age, disability, sexual orientation, religion, alienage status, geographic location, including rural isolation, language barriers, or any other populations determined to be underserved by the State planning process.

Now the gentleman from Michigan has changed his position. The manager's amendment keeps it the way it is because we know that the money will be flowing and cannot be enjoined as a result of a constitutional challenge irrespective of how that challenge ends up being finally decided by the courts. I urge adoption of the amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. CONYERS. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I would like to remind the gentleman that it is not me who changed my position. The gentleman from Wisconsin supported the amendment. The amendment that he is striking in the manager's amendment, the gentleman supported in committee, so how can I be changing my position, please?

I have enjoyed the friendly exchanges we have had over the years, and I look forward to them in the future, but to threaten the House with the fact that an injunction might hold up the entire bill, it should be realized that for an injunction, it must be shown that there is a reasonable chance of passage.

□ 1615

He and I and, I think, probably the court would realize that there is nothing, nothing, in here that would suggest that there would be set-asides or quotas. There is nothing race-based here. He knows it; I know it; the committee knew it. And yet last night we were beset by this last problem. And all of the civil rights groups are arguing the same position.

So I urge that the manager's amendment be turned back.

Ms. SOLIS. Mr. Chairman, I rise today to address the reauthorization of the Violence Against Women Act.

While I am supportive of the underlying bill, the manager's amendment that we will soon consider creates serious problems for women of color who are victims of domestic violence.

This manager's amendment weakens the definition of underserved communities so that groups that work specifically to help women of color who are victims of domestic violence would continue to be ignored by the grants process of the Department of Justice.

After all of the bipartisan work that has been done to produce a balanced VAWA reauthorization, it is an outrage that at the last minute, Republican Leadership is shortchanging women of color who are victims of domestic violence.

When considering VAWA, we must recognize the complex problems facing women of color, particularly immigrant women, who are victims of domestic violence.

Women of color are less likely to report incidents of domestic violence, which means that studies of domestic violence among communities of color do not reflect the reality of these women's lives.

Women of color who are victims of domestic violence are at an even greater risk when their spouses control the immigration status of their family members.

Women of color also face institutional barriers to reporting abuse or seeking help for domestic violence, because of restrictions on public assistance, limited access to immigration relief, lack of translators, scarce educational materials in the woman's native language, and other factors.

By addressing domestic violence in these communities in a way that understands their culture and values, we greatly increase the chance of making a difference for women of color who are being abused.

It is my hope that the reauthorization for the Violence Against Women Act (VAWA) is comprehensive and meets the needs of all women.

I urge my colleagues to oppose the Manager's Amendment.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I rise today in objection to the Manager's Amendment, which would weaken the Violence Against Women Act.

After months of bipartisan negations, H.R. 3402 came out of committee as a balanced bill that sought to help ALL women who are victims of violence.

With the removal of racial and ethnic minorities from the STOP grants section, we will be denying the significant problem of violence in our minority communities.

Unfortunately, domestic violence in our minority population is a substantial problem that is vastly under-reported. If we wish to eradicate violence in our communities we must proceed with policies that address cultural and language barriers.

Our government's commitment to minorities is being questioned by many. Passing this amendment sends a clear message that this Congress does not care about sexual assault and domestic violence in our communities of color.

I strongly urge my colleagues to vote ''no'' on this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin (Mr. SENSENBRENNER).

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. CONYERS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 225, noes 191, not voting 17, as follows:

[Roll No. 499]

AYES—225

Aderholt
Akin
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Cunningham
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Pearce
Pence
Peterson (PA)
Petri
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Rothman
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—191

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Bean
Becerra
Berman
Berry
Bishop (GA)
Bishop (NY)
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Castle
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver

Ortiz	Sánchez, Linda T.	Thompson (CA)
Owens	Sanchez, Loretta	Thompson (MS)
Pallone	Sanders	Tierney
Pascrell	Schakowsky	Towns
Pastor	Schiff	Udall (CO)
Paul	Schwartz (PA)	Udall (NM)
Payne	Scott (GA)	Van Hollen
Pelosi	Scott (VA)	Velázquez
Peterson (MN)	Serrano	Visclosky
Pomeroy	Sherman	Wasserman Schultz
Price (NC)	Slaughter	Waters
Rahall	Smith (WA)	Watson
Rangel	Snyder	Watt
Reyes	Solis	Waxman
Ross	Spratt	Weiner
Roybal-Allard	Stark	Wexler
Rush	Strickland	Woolsey
Ryan (OH)	Stupak	Wu
Sabo	Tanner	Wynn
Salazar		

NOT VOTING—17

Alexander	Culberson	Pickering
Berkley	Davis (FL)	Ruppersberger
Blumenauer	Gutierrez	Skelton
Boswell	Harman	Tancredo
Cleaver	Hunter	Tauscher
Costa	Melancon	

□ 1640

Ms. ESHOO and Mr. GRIJALVA changed their vote from ''aye'' to ''no.''

Mr. NUNES changed his vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated against:

Mr. SKELTON. Mr. Chairman, on rollcall No. 499, had I been present, I would have voted "no."

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 109–236.

AMENDMENT NO. 2 OFFERED BY MR. CUELLAR

Mr. CUELLAR. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. CUELLAR:

Page 23, after line 23, insert the following (and make such technical and conforming changes as may be appropriate):

SEC. 106. UNITED STATES-MEXICO BORDER VIOLENCE TASK FORCE.

(a) TASK FORCE.—(1) The Attorney General shall establish the United States-Mexico Border Violence Task Force in Laredo, Texas, to combat drug trafficking, violence, and kidnapping along the border between the United States and Mexico and to provide expertise to the law enforcement and homeland security agencies along the border between the United States and Mexico. The Task Force shall include personnel from the Bureau of Alcohol, Tobacco, Firearms, and Explosives, Immigration and Customs Enforcement, the Drug Enforcement Administration, Customs and Border Protection, other Federal agencies (as appropriate), the Texas Department of Public Safety, and local law enforcement agencies.

(2) The Attorney General shall make available funds to provide for the ongoing administrative and technological costs to Federal, State, and local law enforcement agencies participating in the Task Force.

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

(1) the establishment and operation of the United States-Mexico Border Violence Task Force, and

(2) the investigation, apprehension, and prosecution of individuals engaged in drug trafficking, violence, and kidnapping along the border between the United States and Mexico.

The CHAIRMAN. Pursuant to House Resolution 462, the gentleman from Texas (Mr. CUELLAR) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas (Mr. CUELLAR).

□ 1645

Mr. CUELLAR. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to thank the chairman of the Committee on the Judiciary and also the ranking member. I believe this amendment is acceptable both to the chairman and the ranking member.

Mr. Chairman, I would like to thank Judiciary Chairman SENSENBRENNER and Ranking Member CONYERS for putting together a good bill that will benefit the justice system in the United States.

Mr. Chairman, my amendment—number 40—to this bill will authorize appropriations for the newly structured Border Violence Task Force in Laredo, Texas.

My amendment will authorize appropriations of $10 million per year for the duration of the bill to provide for equipment, personnel, administrative, and technological costs. This authorization is necessary to provide the Border Violence Task Force the resources it needs to combat border violence.

My amendment will allow the Attorney General to designate the lead on the Border Violence Task Force that is currently being lead by the Bureau of Alcohol, Tobacco, Firearms, and Explosives.

This task force is an inter-agency law enforcement effort on the Federal, State, and local level to combat escalating violence on the United States-Mexico border. As the largest land port of entry in the United States, Laredo is a critical component of our Nation's economy. I have been working with officials from both sides of the border to help establish a collaborative solution to the violence, and the Border Violence Task Force is the result of that effort.

Our shared border with Mexico is one of our Nation's greatest cultural and economic assets. Unfortunately, in the past year, the growth and security of the border region has been threatened by a wave of violence. This violence has affected communities on both sides of the border, and has resulted in the highly publicized kidnapping of over 35 American citizens. If we are to restore peace and prosperity to our border communities, we need to act now.

Last May, I organized a Border Violence Task Force in Laredo, TX, to deal with border violence. The group included experts from the FBI; the Alcohol, Tobacco, and Firearms; Customs and Border Protection; Immigration and Customs Enforcement; the U.S. Marshal; the U.S. Attorney, the DEA, the State Department, U.S. Consulate in Nuevo Laredo, the Department of Public Safety-Narcotics, the Department of Public Safety-Intelligence, the local Webb County Sheriff, and the Laredo Chief of Police.

This Task Force has met a few times and the Special Agents-in-Charge in the region have agreed to work in a joint effort to develop a plan of action to address the escalating violence along the Mexico-United States border in Laredo, TX.

The task force will develop initiatives and strategies dealing specifically with the problems in the border region. The group will work in partnership and cooperation with each other maximizing their strengths and expertise.

This authorization represents a critical step forward for law enforcement in the border region, and the increased security and growth it will bring to the border will benefit communities throughout the Nation. I urge you to support the law enforcement officers on the United States-Mexico border who are working to keep our border communities safe.

Mr. SENSENBRENNER. Mr. Chairman, will the gentleman yield?

Mr. CUELLAR. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, the gentleman from Texas has a great amendment, and we are happy to accept it.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. CUELLAR. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, we are delighted to accept the amendment on this side.

Mr. CUELLAR. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. CUELLAR).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 3 printed in House Report 109–236.

AMENDMENT NO. 3 OFFERED BY MR. CUELLAR

Mr. CUELLAR. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. CUELLAR:

Page 23, after line 23, insert the following (and conform the table of contents accordingly):

SECTION 106. NATIONAL GANG INTELLIGENCE CENTER.

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

(1) the Federal Bureau of Investigation;

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

(3) the Drug Enforcement Administration;

(4) the Bureau of Prisons;

(5) the United States Marshals Service;

(6) the Directorate of Border and Transportation Security of the Department of Homeland Security;

(7) the Department of Housing and Urban Development;

(8) State and local law enforcement;

(9) Federal, State, and local prosecutors;

(10) Federal, State, and local probation and parole offices;

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

(12) any other entity as appropriate.

(b) INFORMATION.—The Center established under subsection (a) shall make available

the information referred to in subsection (a) to—

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

(2) Federal, State, and local corrections agencies and penal institutions;

(3) Federal, State, and local prosecutorial agencies; and

(4) any other entity as appropriate.

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

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

The CHAIRMAN. Pursuant to House Resolution 462, the gentleman from Texas (Mr. CUELLAR) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas (Mr. CUELLAR).

Mr. CUELLAR. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my amendment to H.R. 3402—number 39—will authorize the Federal Bureau of Investigation National Gang Intelligence Center. This effort builds upon a $10 million appropriation given in fiscal year 2005 for the establishment of such a center, and will permanently ensure the presence and operation of this critical information network.

A version of this amendment was unanimously approved in H.R. 1279, the Gang Deterrence and Community Protection Act of 2005.

My amendment adds $10 million in authorization for the National Gang Intelligence Center for each fiscal year of the bill, which mirrors the $10 million appropriation given for fiscal year 2005.

In order to fully encompass the scope of gang intelligence collection and capabilities, my amendment not only includes collection and dissemination involving law enforcement from Federal, State, and local agencies, but also corrections agencies and penal institutions at the Federal, State and local levels.

The addition of these components will allow for intelligence gathering from entities involved in post-prosecution activities such as community-based corrections and incarceration.

My Congressional District, the 28th of Texas, is both rural and urban, and has the added concerns of the violence and drug trafficking along the U.S.-Mexico border. Along the border there is violence in Nuevo Laredo in Mexico that spills over into Laredo, in my district. For the pervasive gang problem, we definitely need a system of intelligence collection and sharing.

Increasingly, gangs operate on an interstate and even international level. Our law enforcement agencies are often handicapped in their gang enforcement efforts by a lack of clear communication and ready information. What is needed is a central clearinghouse, to coordinate the efforts of various law enforcement and corrections agencies to combat violent gang activity. An information-oriented approach to gang violence has been highly effective in my home State of Texas, and I am confident that it will be effective on a national level as well.

I urge passage of my amendment that will help our Nation's law enforcement professionals keep the tools they need to keep our communities safe.

Mr. SENSENBRENNER. Mr. Chairman, will the gentleman yield?

Mr. CUELLAR. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, this is also a very good amendment. The gentleman is batting 1.000 and ought to play for the Red Sox. We are happy to accept it.

Mr. CONYERS. Mr. Chairman, will the gentleman yield.

Mr. CUELLAR. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, is this the amendment that authorizes the FBI National Gang Intelligence Center?

Mr. CUELLAR. That is correct.

Mr. CONYERS. Mr. Chairman, I am happy to accept the amendment.

Mr. CUELLAR. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. CUELLAR).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 4 printed in House Report 109–236.

AMENDMENT NO. 4 OFFERED BY MR. POE

Mr. POE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. POE:

Page 57, line 23, insert ''(a) IN GENERAL.—''.

Page 59, after line 6, insert the following new subsections:

(b) ADDITIONAL AMENDMENTS.—

(1) Section 1402 (42 U.S.C. 10601) is amended—

(A) in subsection (b)—

(i) in paragraph (4), by striking ''and'' at the end;

(ii) in paragraph (5), by striking the period at the end and inserting ''; and''; and

(iii) by adding at the end the following new paragraph:

''(6) Amounts deposited pursuant to section 3612(c)(2), 3663(c)(3)(B), or 3663A(c)(3)(A) of title 18, United States Code.'';

(B) by amending subsection (c) to read as follows:

''(c)(1) Notwithstanding any other provision of law, the total amount to be distributed from the Fund in any fiscal year shall be an amount equal to the sum of the amounts required under subsection (d).

''(2) In each fiscal year, the Director shall distribute amounts from the Fund in accordance with subsection (d). All sums not distributed during a fiscal year shall remain in reserve in the Fund to be distributed during a subsequent fiscal year. Notwithstanding any other provision of law, all sums deposited in the Fund that are not distributed shall remain in reserve in the Fund for obligation in future fiscal years, without fiscal year limitation.'';

(C) in subsection (d), by amending paragraph (2) to read as follows:

''(2) $20,000,000 shall be available for grants under section 1404A.'';

(D) in subsection (d)(3), by striking ''Of the sums'' and all that follows through ''such sums'' and inserting ''Such sums'';

(E) in subsection (d)(4)(A), by striking ''47.5 percent shall be available'' and inserting ''such sums as may be necessary'';

(F) in subsection (d)(4)(B), by striking ''47.5 percent shall be available'' and inserting ''such sums as may be necessary'';

(G) in subsection (d)(4)(C), by striking ''5 percent shall be available'' and inserting ''such sums as may be necessary''; and

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

''(f) In any fiscal year in which the amount in the Fund is less than the total amount required under subsection (d), there shall be transferred into the Fund an amount equal to such additional sums as may be required to fully fund grants under subsection (d) from the following:

''(1) Civil or administrative fines, forfeitures or other monetary penalties or assessments collected from persons adjudged to have violated any of the laws or regulations of the United States.

''(2) Penalties and damages obtained and otherwise creditable to miscellaneous receipts of the general fund of the Treasury obtained under sections 3729 through 2722 of title 31 (known as the False Claims Act), other than funds awarded to a relator or for restitution.''.

(2) Section 1403 (42 U.S.C. 10602) is amended—

(A) in subsection (a)(1), by striking ''Except as provided in paragraph (2), the Director'' and inserting ''The Director''; and

(B) in subsection (a), by striking paragraph (2).

(3) Section 1404 (42 U.S.C. 10603) is amended—

(A) in subsection (a)(1) by striking ''Subject to'' and all that follows through the period at the end and inserting ''The Director shall make an annual grant from the Fund to the chief executive of each State for the financial support of eligible crime victim assistance programs. Each grant shall be the average amount of the grants made for this purpose during the previous three fiscal years plus 5 percent.''; and

(B) in subsection (c)(2) by inserting ''The total amount available for grants under this subsection shall be the average amount available for this purpose during the previous three fiscal years plus 5 percent.'' before ''Of the amount''.

(4) Section 1407 (42 U.S.C. 10604) is amended—

(A) in subsection (g), by inserting after ''effectiveness'' the following: '', including measurable results,''; and

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

''(i)(1) Every recipient of funds under this chapter shall submit an annual report to the Director in such fashion as the Director directs. The report shall include the amounts expended, quantitative data on the numbers of victims served, types of services provided and other supported activities, measurable results on the services and activities provided, and such other information as the Director may require. The Director may terminate or suspend current or future payments to recipients of funds under this chapter for failure to provide the Director with complete, accurate and timely information as required under this subsection.

''(2) The Director may request the cooperation and assistance of other Federal agencies in obtaining the information required under this subsection. The other agencies shall comply with all reasonable requests made by the Director, including the submission of information requested under paragraph (1).''.

(c) CONFORMING AMENDMENTS.—

(1) Section 3663 of title 18, United States Code, is amended—

(A) in subsection (c)(1), by striking ''described in'' and all that follows through ''863),'';

(B) in subsection (c)(3)—

(i) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), and indenting appropriately;

(ii) by inserting before clause (i) (as so redesignated) the following new paragraph:

''(A) If the defendant was convicted of an offense described in section 401, 408(a), 409, 416, 420, or 422(a) of the Controlled Substances Act (21 U.S.C. 841, 848 (a), 849, 856, 861, 863):''; and

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

''(B) For all other offenses, restitution shall be deposited into the fund established under section 1402 of the Victims of Crime Act of 1984 (42 U.S.C. 10601).''.

(2) Section 3663A of title 18, United States Code, is amended in subsection (c)(3)(A) by inserting before the semicolon the following: '', in which case the court may order restitution to be paid into the fund established under section 1402 of the Victims of Crime Act of 1984 (42 U.S.C. 10601)''.

(3) Section 3612 of title 18, United States Code, is amended in subsection (c)(2) by adding at the end the following: ''If, for any reason, the money received from a defendant cannot be disbursed to the person to whom the restitution is ordered to be paid, the amount collected shall be deposited into the fund established under section 1402 of the Victims of Crime Act of 1984 (42 U.S.C. 10601). If such person subsequently makes a valid claim for such payment, the payment shall be made from the fund established under section 1402 of the Victims of Crime Act of 1984 (42 U.S.C. 10601).''.

The CHAIRMAN. Pursuant to House Resolution 462, the gentleman from Texas (Mr. POE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas (Mr. POE).

Mr. POE. Mr. Chairman, I yield myself such time as I may consume.

(Mr. POE asked and was given permission to revise and extend his remarks.)

Mr. POE. Mr. Chairman, I am offering this amendment to bring much-needed reform to the Crime Victims Fund. The Crime Victims Fund was created as a result of the Victims of Crime Act, called VOCA, that was signed into law during the 1980s.

The purpose of this fund is to make criminals pay for their crime by funding direct services and compensations to victims of crime. This fund is completely paid for by criminal fees and forfeiture. Taxpayer money is not used. As time progressed, Congress began tinkering with VOCA and funding priorities started to shift away from helping victims and toward funding Federal bureaucracies.

All the money collected by the Federal Government from criminal fees goes into the Crime Victims Fund; and each year, that money is distributed to several funding streams to help the victims of crime. The fund sends money to the U.S. Attorney's Office, the FBI, a Federal victim notification system, State victim compensation programs, and direct victim assistance service providers.

Since 2000, the Appropriations Committees have been limiting how much of these funds can be used each year. The U.S. Attorney's, FBI and other bureaucratic programs are paid first, which means that direct victim assistance funding gets whatever is left over. At times, this has resulted in cuts to these critical victims assistance programs. This money pays for the salaries of victim advocates and counselors, domestic violence shelters, children's assessment centers, hospital and attorney fees for underprivileged victims, and other services directly impacting victims.

The Poe amendment seeks to strike a reasonable balance between the needs of the victims' field for stable, assured funding and the realities of the appropriations and budget processes. It seeks to guarantee the original, primary purpose of the Crime Victims Fund—to support state and local victim services. At the very least, this amendment assures we give victims' assistance and compensation programs the same budgeting priority as the federal agencies and bureaucracy.

Mr. Chairman, I want to thank you for your leadership in giving victims a higher priority in Congress. Your leadership helped pass the Child Safety Act that provides greater protections for America's children from Child Predators. You also committed to protecting VOCA from the Administration's plan for rescinding all of the money in the Crime Victims Fund and placing it in the general Treasury—balancing the budget on the backs of crime victims. And I appreciate your willingness to work with me to better prioritize the Crime Victims Fund. It is my goal to bring about reforms to the Victims of Crime Act that restores the original spirit of the law and puts victims ahead of bureaucracy.

Mr. Chairman, I am withdrawing my amendment and look forward to working with you as this bill moves towards Conference.

Mr. SENSENBRENNER. Mr. Chairman, will the gentleman yield?

Mr. POE. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, while I recognize the gentleman's amendment is well intentioned, I have concerns about changing the caps under VOCA, and I want to make sure that there is a reserve fund for victims of crime to ensure that their needs are met.

If the gentleman will withdraw his amendment, I think we can work on this issue down the road to address his concerns.

Mr. POE. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The CHAIRMAN. It is now in order to consider amendment No. 5 printed in House Report 109–236.

AMENDMENT NO. 5 OFFERED BY MR. CAPUANO

Mr. CAPUANO. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. CAPUANO:

Page 61, after line 20, insert the following (and conform the table of contents accordingly):

SEC. 226. GRANTS FOR YOUNG WITNESS ASSISTANCE.

(a) IN GENERAL.—The Attorney General, acting through the Bureau of Justice Assistance, may make grants to State and local prosecutors and law enforcement agencies in support of juvenile and young adult witness assistance programs.

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

(1) to assess the needs of juvenile and young adult witnesses;

(2) to develop appropriate program goals and objectives; and

(3) to develop and administer a variety of witness assistance services, which includes—

(A) counseling services to young witnesses dealing with trauma associated in witnessing a violent crime;

(B) pre- and post-trial assistance for the youth and their family;

(C) providing education services if the child is removed from or changes their school for safety concerns;

(D) protective services for young witnesses and their families when a serious threat of harm from the perpetrators or their associates is made; and

(E) community outreach and school-based initiatives that stimulate and maintain public awareness and support.

(c) DEFINITIONS.—In this section:

(1) The term ''juvenile'' means an individual who is age 17 or younger.

(2) The term ''young adult'' means an individual who is age 21 or younger but not a juvenile.

(3) The term ''State'' includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $3,000,000 for each of fiscal years 2006 through 2009.

The CHAIRMAN. Pursuant to House Resolution 462, the gentleman from Massachusetts (Mr. CAPUANO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts (Mr. CAPUANO).

Mr. CAPUANO. Mr. Chairman, I yield myself such time as I may consume.

This is a very simple amendment that will simply specifically authorize the Attorney General to make grants to State and local prosecutors and law enforcement agencies to help the young witnesses that have the courage and temerity to stand up to crime when they see it, to do the right thing in their community.

Mr. SENSENBRENNER. Mr. Chairman, will the gentleman yield?

Mr. CAPUANO. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, this is also a very good amendment. The gentleman from Massachusetts is also batting 1.000. We are happy to accept it, and he should play for the Red Sox, too.

Mr. CAPUANO. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. CAPUANO).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 6 printed in House Report 109–236.

AMENDMENT NO. 6 OFFERED BY MR. KENNEDY OF MINNESOTA

Mr. KENNEDY of Minnesota. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. KENNEDY of Minnesota:

Page 64, after line 2, insert the following new section (and conform the table of contents accordingly):

SEC. 235. ENHANCED RESIDENTIAL SUBSTANCE ABUSE TREATMENT PROGRAM FOR STATE PRISONERS.

(a) ENHANCED DRUG SCREENINGS REQUIREMENT.—Subsection (b) of section 1902 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ff—1(b)) is amended to read as follows:

''(b) SUBSTANCE ABUSE TESTING REQUIREMENT.—To be eligible to receive funds under this part, a State must agree—

''(1) to implement or continue to require urinalysis or other proven reliable forms of testing, including both periodic and random testing—

''(A) of an individual before the individual enters a residential substance abuse treatment program and during the period in which the individual participates in the treatment program; and

''(B) of an individual released from a residential substance abuse treatment program if the individual remains in the custody of the State; and

''(2) to require, as a condition of participation in the treatment program, that such testing indicate that the individual has not used a controlled substance for at least the three-month period prior to the date the individual receives such testing to enter the treatment program.''.

(b) AFTERCARE SERVICES REQUIREMENT.—Subsection (c) of such section is amended—

(1) in the matter preceding paragraph (1), by striking ''ELIGIBILITY FOR PREFERENCE WITH AFTER CARE COMPONENT'' and inserting ''AFTERCARE SERVICES REQUIREMENT''; and

(2) in paragraph (1), by striking ''To be eligible for a preference under this part'' and inserting ''To be eligible to receive funds under this part''.

(c) PRIORITY FOR PARTNERSHIPS WITH COMMUNITY-BASED DRUG TREATMENT PROGRAMS.—Section 1903 of such Act (42 U.S.C. 3796ff—2) is amended by adding at the end the following new subsection:

''(e) PRIORITY FOR PARTNERSHIPS WITH COMMUNITY-BASED DRUG TREATMENT PROGRAMS.—In considering an application submitted by a State under section 1902, the Attorney General shall give priority to an application that involves a partnership between the State and a community-based drug treatment program within the State.''.

The CHAIRMAN. Pursuant to House Resolution 462, the gentleman from Minnesota (Mr. KENNEDY) and the gentleman from Michigan (Mr. CONYERS) each will control 5 minutes.

The Chair recognizes the gentleman from Minnesota (Mr. KENNEDY).

Mr. KENNEDY of Minnesota. Mr. Chairman, I yield myself such time as I may consume.

I have often spoken about the tragic story of a young lady named Megan from a beautiful town in my home State of Minnesota. She got started on meth when she was in the seventh grade at the age of 13 and, like too many other female addicts, she was exploited into becoming a prostitute to pay for her meth that she craved every second of the day.

Megan is managing to pull her life back together now, after the 5 years that meth stole from her, with the help of her family, her friends, and through substance abuse treatment programs.

Mr. Chairman, about one in five of those in treatment for methamphetamine use in the State of Minnesota are 17 years old or younger.

That's a shocking statistic: one in five are younger than 17 years old. That means before they can vote, and just barely after they get their driver's licenses, 20 percent of those seeking help for substance abuse and addiction are our children.

Mr. Chairman, in some parts of Minnesota 80–90 percent of prisoners are meth users. This is a statistic illuminates the crushing pressures meth is putting on our state and local governments.

Mr. Chairman, many of my colleagues may not have heard of the Residential Substance Abuse Treatment for State Prisoners (RSAT) Grant program, but they should know that it is one of the most important tools in the toolbox to help the victims of substance abuse fight and beat their addiction.

But my amendment is important because it recognizes that our resources are limited. We need to make sure that individuals who are involved in substance abuse treatment want to be there. We can do that by making sure they are ''clean'' when they enter treatment.

The Kennedy amendment to the RSAT program provides a requirement that treatment be available to those individuals who have passed a regularly administered drug-screening test for three months. The Amendment also provides that aftercare be provided to prisoners enrolled in the RSAT program as a component of comprehensive substance abuse treatment.

Drug treatment will not work for those who are still addicted or who are still using, but it will help those who are ready to seek help and work to beat their addiction.

My amendment also recognizes that when a substance abuser finishes a treatment program, he or she isn't at the end of the recovery process, he or she is actually at the end of the beginning of it. Aftercare is a critical part of substance abuse treatment, and my amendment recognizes that.

These improvements are consistent with best practices for substance abuse and they respond to the important needs and nearly crippling demands on our drug treatment systems.

As Members of Congress, in the face of so much suffering, we have an obligation to act.

Mr. SENSENBRENNER. Mr. Chairman, will the gentleman yield?

Mr. KENNEDY of Minnesota. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, this is also a very good amendment, and I am pleased to accept it.

Mr. KENNEDY of Minnesota. Mr. Chairman, reclaiming my time, I appreciate the chairman's accepting the amendment. I also want to recognize that the gentlewoman from Oregon (Ms. HOOLEY) is here in support of the amendment as well.

Ms. HOOLEY. Mr. Chairman, will the gentleman yield?

Mr. KENNEDY of Minnesota. I yield to the gentlewoman from Oregon.

Ms. HOOLEY. Mr. Chairman, I rise in support of this amendment.

I was talking to a gentleman the other day, and he was talking about his daughter who was addicted to methamphetamine. She had six children, and all of the children are now living with someone else. The mother spent more time in prison than she had out on the streets.

It is important that we have this kind of a treatment program for those in prison. I thank the gentleman for yielding, and I thank him for the amendment.

Mr. CONYERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I support after-care to prisoners enrolled in the RSAT program, but the problem with the amendment is that it contains the irrational requirement that the individuals must be drug-free in order to be eligible for a substance abuse program. Please. If they are drug-free, they will not have to use a substance abuse program. So this requirement in the well-intended amendment defeats the very purpose of a substance abuse program, which is to help drug-addicted individuals overcome drug abuse. For that reason, I cannot join in the support of it.

Mr. Chairman, I yield back the balance of my time.

Mr. KENNEDY of Minnesota. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota (Mr. KENNEDY).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 7 printed in House Report 109–236.

AMENDMENT NO. 7 OFFERED BY MS. GINNY BROWN-WAITE OF FLORIDA

Ms. GINNY BROWN-WAITE of Florida. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Ms. GINNY BROWN-WAITE of Florida:

Page 104, after line 14, insert the following new section:

SECTION 323. STUDY AND REPORT ON CORRELATION BETWEEN SUBSTANCE ABUSE AND DOMESTIC VIOLENCE AT DOMESTIC VIOLENCE SHELTERS.

The Secretary of Health and Human Services shall carry out a study on the correlation between a perpetrator's drug and alcohol abuse and the reported incidence of domestic violence at domestic violence shelters. The study shall cover fiscal years 2006 through 2008. Not later than February 2009, The Secretary shall submit to Congress a report on the results of the study.

The CHAIRMAN. Pursuant to House Resolution 462, the gentlewoman from Florida (Ms. GINNY BROWN-WAITE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Florida (Ms. GINNY BROWN-WAITE).

Ms. GINNY BROWN-WAITE of Florida. Mr. Chairman, I yield myself such time as I may consume.

My amendment requires the Secretary of Health and Human Services to report to Congress on the correlation between a perpetrator's drug or alcohol abuse and the reported incidence of domestic violence.

I rise today to offer an amendment to the Department of Justice Authorization Act. As you know, this bill includes provision that reauthorize the successful Violence Against Women Act (VAWA).

As the Republican Co-Chair of the Congressional Caucus for Women's Issues, I wholeheartedly support VAWA 2005 because it faithfully reauthorizes existing programs that work and it sets forth new and innovative ideas. Since VAWA was first passed in 1994, the rate of domestic violence against females over the age of 12 in the U.S. has declined each year.

While great strides have been made in breaking the vicious cycle of domestic violence in this country, there is much more to be done. Too many people continue to be abused and victimized by family members whom they should be able to trust.

When VAWA 2005 was drafted, I was disturbed by the lack of information available to Members of Congress on the correlation between a perpetrator's drug and alcohol abuse and incidence of domestic violence. My amendment seeks to fill this gap in time for the next reauthorization of VAWA in 2010.

Intuitively, the connection between substance abuse and physical abuse of a spouse or family member seems obvious. While Congress can be guided by intuition, ultimately we need hard data to help shape future policy decisions. Currently, there is an absence of nationally complied data examining the strength of this connection.

My amendment requires the Secretary of Health and Human Services to report to Congress on the correlation between a perpetrator's drug and alcohol abuse and the reported incidence of domestic violence.

I urge support of my amendment to the 2005 Department of Justice Authorization Act.

Mr. SENSENBRENNER. Mr. Chairman, will the gentlewoman yield?

Ms. GINNY BROWN-WAITE of Florida. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, this is a very good amendment, and I am pleased to accept it.

Ms. GINNY BROWN-WAITE of Florida. Mr. Chairman, I appreciate the gentleman accepting the amendment.

Mr. CONYERS. Mr. Chairman, will the gentlewoman yield?

Ms. GINNY BROWN-WAITE of Florida. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, because this amendment supports the efforts to investigate domestic violence and collect data that will help define the next step for Congress to put an end to domestic violence entirely, I am happy to support the amendment.

Ms. GINNY BROWN-WAITE of Florida. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Florida (Ms. GINNY BROWN-WAITE).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 8 printed in House Report 109–236.

AMENDMENT NO. 8 OFFERED BY MS. SLAUGHTER

Ms. SLAUGHTER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Ms. SLAUGHTER:

Page 104, after line 14, insert the following new section:

SEC. 323. EMERGENCY AUTHORITY OF STATE OR LOCAL LAW ENFORCEMENT AGENCY TO GATHER OR RECEIVE EVIDENCE FOR LAW ENFORCEMENT PURPOSES OUTSIDE THE TERRITORIAL JURISDICTION OF THE AGENCY.

(a) IN GENERAL.—Notwithstanding any other State, local, or tribal law to the contrary, each State, local, or tribal law enforcement agency may, for law enforcement purposes, gather or receive evidence at any place within the United States as the nature of its mission may require, upon a finding by the head of the agency (or, if the head of the agency is unavailable, the person authorized by law to act as head) that, because of emergency conditions, the ability of that agency to carry out its mission, or the ability of victims within the territorial jurisdiction of that agency or of any other such agency to obtain justice, has been substantially impaired.

(b) COORDINATION.—The Office of Victims of Crime, working in consultation with national, State, and local domestic violence, sexual violence, and stalking non-profit, non-governmental organizations, and in collaboration with the Department of Health and Human Services and other appropriate Federal agencies, shall develop and implement a plan under which the Office—

(1) coordinates the activities of law enforcement agencies under subsection (a); and

(2) coordinates, and provides information and assistance to, victims, service providers, and law enforcement officials as contemplated by subsection (a).

(c) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Office of Victims of Crime shall submit to Congress a report on the plan required by subsection (b).

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary.

The CHAIRMAN. Pursuant to House Resolution 462, the gentlewoman from New York (Ms. SLAUGHTER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from New York (Ms. SLAUGHTER).

Ms. SLAUGHTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I intend to withdraw this amendment and ask to engage the chairman in a colloquy.

My amendment would require law enforcement authorities to be able to file reports and collect evidence when a violent crime has been committed during an emergency, even if the crime occurred outside their jurisdiction.

It would also require the Office for Victims of Crime working with national, State, and local authorities and in collaboration with other Federal agencies to develop and implement a plan that allows law enforcement officials to gather evidence of a crime during times of emergency and inform victims and law enforcement officials about these available mechanisms.

The intent of the amendment is to put systems in place to assist victims and law enforcement officials to better respond to crimes committed against vulnerable people during times of national crisis.

The chaos following Hurricane Katrina produced an especially fertile breeding ground for violent crime. At evacuation centers such as the Superdome and convention center, and on the streets of New Orleans, there were unofficial reports of sexual assaults, armed robbery, murder, child molestation, and looting.

While the true number of crimes that took place is unclear, we do know that many will not be subject to criminal prosecution because the victims and witnesses had no place to report the crime.

□ 1700

The problem was compounded by the fact that once evacuated they were no longer located in the jurisdiction where the crimes occurred. And most local law enforcement officials do not have the authority to take the crime report if it occurred outside their jurisdiction.

Mr. SENSENBRENNER. Mr. Chairman, will the gentlewoman yield?

Ms. SLAUGHTER. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. I appreciate the gentlewoman yielding, Mr. Chairman.

I think the gentlewoman's amendment is very well intentioned; however, there are both constitutional and practical problems that arise in the manner in which it has been drafted. If the gentlewoman will withdraw her amendment, I will work with her to try to put something that will pass constitutional muster and will not cause practical problems between jurisdiction in the final version of the bill.

Ms. SLAUGHTER. I thank the chairman for this colloquy, and I look forward to working with him in conference.

Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentlewoman from New York?

There was no objection.

The CHAIRMAN. It is now in order to consider amendment No. 9 printed in House Report 109–236.

AMENDMENT NO. 9 OFFERED BY MR. KOLBE

Mr. KOLBE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mr. KOLBE:

At the end of title III, add the following (and amend the table of contents accordingly):

SEC. ___. REAUTHORIZATION OF STATE CRIMINAL ALIEN ASSISTANCE PROGRAM.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 241(i)(5) of the Immigration and Nationality Act (8 U.S.C. 1231(i)(5)) is amended by striking ''appropriated'' and all that follows through the period and inserting the

following: ''appropriated to carry out this subsection—

''(A) such sums as may be necessary for fiscal year 2005;

''(B) $750,000,000 for fiscal year 2006;

''(C) $850,000,000 for fiscal year 2007; and

''(D) $950,000,000 for each of the fiscal years 2008 through 2011.''.

(b) LIMITATION ON USE OF FUNDS.—Section 241(i)(6) of the Immigration and Nationality Act (8 U.S.C. 1231(i)(6)) is amended to read as follows:

''(6) Amounts appropriated pursuant to the authorization of appropriations in paragraph (5) that are distributed to a State or political subdivision of a State, including a municipality, may be used only for correctional purposes.''.

(c) STUDY AND REPORT ON STATE AND LOCAL ASSISTANCE IN INCARCERATING UNDOCUMENTED CRIMINAL ALIENS.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Inspector General of the United States Department of Justice shall perform a study, and report to the Committee on the Judiciary of the United States House of Representatives and the Committee on the Judiciary of the United States Senate on the following:

(A) Whether there are States, or political subdivisions of a State, that have received compensation under section 241(i) of the Immigration and Nationality Act (8 U.S.C. 1231(i)) and are not fully cooperating in the Department of Homeland Security's efforts to remove from the United States undocumented criminal aliens (as defined in paragraph (3) of such section).

(B) Whether there are States, or political subdivisions of a State, that have received compensation under section 241(i) of the Immigration and Nationality Act (8 U.S.C. 1231(i)) and that have in effect a policy that violates section 642 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373).

(C) The number of criminal offenses that have been committed by aliens unlawfully present in the United States after having been apprehended by States or local law enforcement officials for a criminal offense and subsequently being released without being referred to the Department of Homeland Security for removal from the United States.

(D) The number of aliens described in subparagraph (C) who were released because the State or political subdivision lacked space or funds for detention of the alien.

(2) IDENTIFICATION.—In the report submitted under paragraph (1), the Inspector General of the United States Department of Justice—

(A) shall include a list identifying each State or political subdivision of a State that is determined to be described in subparagraph (A) or (B) of paragraph (1); and

(B) shall include a copy of any written policy determined to be described in subparagraph (B).

The CHAIRMAN. Pursuant to House Resolution 462, the gentleman from Arizona (Mr. KOLBE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona (Mr. KOLBE).

Mr. KOLBE. Mr. Chairman, I rise to urge Members to support this amendment. I want to thank the gentleman from California (Mr. DREIER) and the gentleman from California (Mr. LEWIS) for joining me in sponsoring this important amendment. I am glad we have been able to come to an agreement with the gentleman from Wisconsin (Mr. SENSENBRENNER) to craft an amendment that both ensures the Federal Government assumes more of its responsibility for incarcerating undocumented criminal aliens while also addressing concerns some Members have regarding the way these funds are spent.

My State of Arizona has been the doormat of the country for illegal immigration. The Federal Government has failed to secure our borders and reform our broken immigration system.

Mr. SENSENBRENNER. Mr. Chairman, will the gentleman yield?

Mr. KOLBE. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, I believe that the SCAAP program is a very important program in providing reimbursements to those States that do have to incarcerate criminal illegal aliens. I am pleased to support his amendment and would urge that we promptly adopt it.

Mr. KOLBE. Mr. Chairman, I will abbreviate my remarks. I just want to be able to say because Arizona has been at the forefront of this problem for so long and had more than 50 percent of all the apprehensions in our State that this is extraordinarily important.

The amendment does increase the authorizations through fiscal year 2011 from the current to $750 million in 2006 and $850 million in 2007 and $950 million in 2008. So I believe these provisions are extraordinarily important to us as well as the provisions which at the behest of the gentleman from Wisconsin we have added regarding how these funds are spent and to look at them.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. KOLBE. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, I join in supporting the amendment because it ensures full funding for the State Criminal Alien Assistance Program. I commend the gentleman on his amendment.

Mr. KOLBE. I thank the gentleman for his statement in support.

Mr. Chairman, I yield to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Chairman, we have been working in the State of California for a long time on this bill. I thank the gentleman from Wisconsin (Mr. SENSENBRENNER). It is a good bill. We appreciate the compromise that was made. I rise in strong support.

Mr. KOLBE. Mr. Chairman, I yield to the gentleman from California (Mr. LEWIS),the distinguished chairman of the Committee on Appropriations.

(Mr. LEWIS of California asked and was given permission to revise and extend his remarks.)

Mr. LEWIS of California. Mr. Chairman, I rise to express my support of the work of both the gentleman from Arizona (Mr. KOLBE) and the gentleman from California (Mr. DREIER) on this very important matter. They have done great work together. I appreciate it.

Mr. Chairman, I want to thank my colleagues JIM KOLBE and DAVID DREIER for taking the lead on this extremely important measure. This amendment is about meeting federal responsibilities, about fairness to our states, and about making sure federal policies make our streets safer, not more dangerous.

There can be no debate that immigration is a federal responsibility. The Supreme Court has ruled again and again that the states cannot take the lead on immigration, even if they want to. Every President has insisted that the federal government must control, and be responsible for, immigration. And Congress throughout history has passed laws that ensure we will help states cover the costs of immigration.

I want my colleagues to understand this point: The SCAAP fund is not a grant program. We are reimbursing State and local governments for money they have already spent to arrest, process and incarcerate criminal aliens. These aliens should not be here, creating a burden on our society. We all agree that if the federal government was protecting our borders effectively, this would not be the problem it is.

Yet every year, more than $635 million is spent by California and our local governments to incarcerate criminal aliens. This is not an estimate—to qualify for SCAAP, the states must clearly document their costs and get federal verification that the convicts are aliens. Nationwide, the costs are nearly $2 billion a year to jail more than 200,000 criminal aliens in state and local lockups.

Let me be clear on this: This is $2 billion that has been spent on criminals who everyone agrees are federal responsibilities. This is $2 billion that is not being spent by states, counties and cities on more law enforcement officers, better courts and reducing the prison population.

This is not a partisan matter. When Mr. KOLBE and Mr. DREIER introduced an amendment to increase SCAAP reimbursements this year, it was passed easily in a bipartisan vote. The Senate has passed this reauthorization legislation unanimously. It is time for Congress to reaffirm this federal responsibility. Please vote for the Kolbe-Dreier-Lewis amendment.

Mr. KOLBE. Mr. Chairman, I appreciate the chairman of the Committee on Appropriations for co-sponsoring this amendment with me. It means a great deal.

Mr. Chairman, I yield to the gentleman from California (Mr. DREIER), the chairman of the Committee on Rules, who has been instrumental in helping to craft this amendment.

Mr. DREIER. Mr. Chairman, I thank my friend for yielding. I rise in very strong support of this amendment. I am proud to join with the gentleman from California (Mr. LEWIS) and the gentleman from Arizona (Mr. KOLBE) in co-sponsoring it. The gentleman from Arizona (Mr. KOLBE) and I had an amendment that increased by $50 million in the appropriations bill, having worked closely with the Committee on Appropriations, for the reimbursement to the States for the incarceration of illegal immigrant felons.

Obviously, this is a very pressing challenge. The sheriff of Los Angeles County has told me that it costs $150

million a year simply for the incarceration of criminals who are in this country illegally, and in light of that fact, is making sure that we realize that the States, the States have been shouldering this burden. Policing our borders is a Federal responsibility. It is not the responsibility of cities, counties, or States. And that is why I believe that ensuring that States that have already paid, already paid for this tremendous cost, should be reimbursed.

There are those who believe that this is somehow money that is moving ahead and it is fungible so they can spend it on something else. These are dollars that have already been expended. So that is why this amendment is very important, to make sure that as we proceed with this very difficult challenge of border security and immigration reform that we pass this. I thank my friends on both sides of the aisle for the strong support in this effort.

Mr. KOLBE. Mr. Chairman, I thank the gentleman for his comments, and I appreciate the support of all the Members who have risen today.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. KOLBE).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 10 printed in House Report 109–236.

AMENDMENT NO. 10 OFFERED BY MR. KING OF IOWA

Mr. KING of Iowa. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Mr. KING of Iowa:

Page 302, after line 3, insert the following (and amend the table of contents accordingly):

SEC. 940. PROHIBITING ABUSERS FROM SPONSORING FAMILY IMMIGRANTS.

Section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) is amended by adding at the end the following:

''(l) Notwithstanding subsection (a), a petition may not be approved under subparagraph (A) or (B) of such subsection if the petition is submitted by a person convicted of a crime described in paragraph (5), (7), (8), (21), or (22) of section 2000B of the Omnibus Crime Control and Safe Streets Act of 1968.''.

Page 302, line 4, strike ''**940.**.'' and insert ''**941.**''

The CHAIRMAN. Pursuant to House Resolution 462, the gentleman from Iowa (Mr. KING) and the gentleman from Michigan (Mr. CONYERS) each will control 5 minutes.

The Chair recognizes the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. Mr. Chairman, I yield myself such time as I may consume.

My amendment would prohibit any person convicted of crimes of domestic violence as defined by the Violence Against Women Act from sponsoring the visa application of a foreigner.

Mr. SENSENBRENNER. Mr. Chairman, will the gentleman yield?

Mr. KING of Iowa. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, I believe this amendment is a very constructive amendment, and I am happy to accept it.

Mr. KING of Iowa. Mr. Chairman, I reserve the balance of my time.

Mr. CONYERS. Mr. Chairman, I yield myself such time as I may consume.

The simple problem with the amendment, although well intended, is that it would also apply to some victims of domestic violence as well as the abusers. Victims sometimes have conviction records for minor domestic violence offenses because police who arrive at the scene of a dispute charge both parties with violent offenses, even though it may later become clear that one party is just a victim, not an abuser.

In addition, battered immigrant women who are arrested sometimes receive bad legal advice and are often likely to take a plea offer even when they did nothing wrong. These victims should be exempted from the effects of this amendment; and because they are not, I reluctantly oppose the amendment.

Mr. Chairman, I support the intent of the gentleman from Iowa's amendment, which is to ensure that persons who have been convicted of certain types of abuse be prevented from sponsoring the immigration of family members whom they may, in turn, abuse.

However, while noble in its intent, this amendment is overly broad and could have serious, negative, unintended consequences on innocent immigrants, as it is currently drafted.

First, the amendment makes no distinction as to the degree of the crime or rehabilitation of the offender. A person with a 30-year-old misdemeanor conviction of assault who has successfully completed a domestic violence rehabilitation program, has no further domestic violence convictions and has no other record of violent crime is barred from sponsoring family members just as an abuser with a string of domestic violence convictions culminating in the murder of his wife would be barred.

Second, the amendment does not specify where the crime must have been committed. It may well require DHS to ask foreign governments to investigate and reveal the criminal histories of U.S. legal permanent residents and citizens who have lived in other countries and are now trying to sponsor a family member. This could include countries with long histories of politically motivated persecution or human rights abuses—such as Cuba, Sudan, or Iran—and inquire about the criminal history of one of their citizens who has received asylum or refugee status here due to persecution they suffered in that country. Not only might this lead to inaccurate information from untrustworthy governments, but it also may lead to reprisals against the family members of refugees who fled persecution by the foreign government.

Third, this amendment will also apply to some victims of domestic violence as well as the abusers. Victims sometimes have conviction records for minor domestic violence offenses because police who arrive at the scene of a dispute charge both parties with violent offenses, even though it may later become clear that one party is just a victim, not an abuser. Furthermore, battered immigrant women who are arrested often receive bad legal advice and are often likely to take a plea offer, even when they did nothing wrong. These victims should be exempted from the effects of this amendment.

The safety of immigrant victims can be enhanced by expanding their support system to include close family members. We should not bar victims of domestic violence from sponsoring their children, siblings and other close relatives. If this amendment passes as it is, it will do just that.

Mr. Chairman, I am not encouraging opposition to the King amendment today. However, should the House adopt this amendment, I hope that the House Conferees will work with our colleagues in the other body to ensure that the unintended negative consequences of the amendment are mitigated, while still preserving the vision that is embodied within it.

Mr. Chairman, I yield back the balance of my time.

Mr. KING of Iowa. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would say in response to that that we have real victims in the cemeteries in America because they have been allowed, already having committed the crime of violence against women, to sponsor another woman to come into the country even though they have been convicted of a crime of violence and then murdered a second woman. I can give you an anecdote here; but rather than belabor that point, I think the point of protecting people from violent criminals is more important than protecting the latitude of someone who might also be a domestic criminal and their latitude to sponsor someone. If that is the case, they can find someone else to sponsor them, not someone who has committed a domestic crime.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I support the intent of the gentleman from Iowa's amendment, which is to ensure that persons who have been convicted of certain types of abuse be prevented from sponsoring the immigration of family members whom they may, in turn, abuse.

However, while noble in its intent, this amendment is overly broad and could have serious, negative, unintended consequences on innocent immigrants, as it is currently drafted.

First, it threatens the operation of the family reunification system. Every U.S. citizen or legal permanent resident who files a petition to bring a family member here to join them would become subject to criminal background checks. Not only does this raise privacy concerns, but it also raises constitutional concerns by limiting the rights of some U.S. citizens to live here with their immediate family members.

Second, the amendment makes no distinction as to the degree of the crime or rehabilitation of the offender. A person with a 30-year-old misdemeanor conviction of assault who has successfully completed a domestic violence rehabilitation program, has no further domestic violence convictions and has no other record of violent crime, is barred from

sponsoring family members, just as an abuser with a string of domestic violence convictions culminating in the murder of his wife would be barred.

Third, the amendment does not specify where the crime must have been committed. It is not limited to domestic violence crimes committed in the United States. It may well require DHS to ask foreign governments to investigate and reveal the criminal histories of U.S. legal permanent residents and citizens who have lived in other countries and are now trying to sponsor a family member. DHS may then go to countries with long histories of politically motivated persecution or human rights abuses—such as Cuba, Sudan, or Iran—and inquire about the criminal history of one of their citizens who has received asylum or refugee status here due to persecution they suffered in that country. Not only might this lead to inaccurate information from untrustworthy governments, but it also may lead to reprisals against the family members of refugees who fled persecution by the foreign government.

Fourth, this amendment will also keep some victims of domestic violence from bringing family members to join them in the U.S. Unfortunately, perpetrators of domestic violence are sometimes able to get their victims arrested for domestic violence offences, especially when the abuser has superior English-speaking skills to the victim. Furthermore, battered immigrant women who are arrested often receive bad legal advice and are often likely to take a plea offer, even when they did nothing wrong.

Among other changes, the amendment needs to include an exemption for victims of battering or extreme cruelty. Approved VAWA, T-visa trafficking victims and U-visa crime victims need to be exempt, as do immigrant victims with domestic violence convictions who already qualify for waivers under VAWA 2000 protections. The safety of immigrant victims can be enhanced by expanding their support system to include close family members. We should not bar victims of domestic violence from sponsoring their children, siblings and other close relatives. If this amendment passes as it is, it will do just that.

Mr. Chairman, I am not encouraging opposition to the King amendment today. However, should the House adopt this amendment, I hope that the House Conferees will work with our colleagues in the other body to ensure that the unintended negative consequences of the amendment are mitigated, while still preserving the vision that is embodied within it.

Mr. KING of Iowa. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa (Mr. KING).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 11 printed in House Report 109–236.

AMENDMENT NO. 11 OFFERED BY MR. RYAN OF OHIO

Mr. RYAN of Ohio. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 11 offered by Mr. RYAN of Ohio:

At the end of the bill, add the following title:

TITLE XI—PUBLIC AWARENESS CAMPAIGN REGARDING DOMESTIC VIOLENCE AGAINST PREGNANT WOMEN

SEC. 1101. PUBLIC AWARENESS CAMPAIGN.

(a) IN GENERAL.—The Attorney General, acting through the Office on Violence Against Women], shall make grants to States for carrying out a campaign to increase public awareness of issues regarding domestic violence against pregnant women.

(b) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2006 through 2010.

The CHAIRMAN. Pursuant to House Resolution 462, the gentleman from Ohio (Mr. RYAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio (Mr. RYAN).

Mr. RYAN of Ohio. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today in support of my amendment offered with the gentlewoman from Ohio (Ms. KAPTUR), the gentleman from Minnesota (Mr. OBERSTAR), and the gentleman from Michigan (Mr. STUPAK). I would like to thank the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Michigan (Mr. CONYERS) for their work on the reauthorization. I would also like to thank the gentleman from California (Mr. DREIER) and especially the gentlewoman from New York (Ms. SLAUGHTER) for allowing me to offer this very important amendment on domestic violence against pregnant women.

My amendment authorizes the Office on Violence Against Women to provide grants to States for carrying out a campaign to increase public awareness of issues regarding domestic violence against pregnant women.

Mr. SENSENBRENNER. Mr. Chairman, will the gentleman yield?

Mr. RYAN of Ohio. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, this is a very good amendment. I am pleased to accept it and commend him for drafting this amendment and persuading the Committee on Rules to make it in order.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. RYAN of Ohio. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, I am inclined to support the amendment as well, and I congratulate the gentleman.

Mr. RYAN of Ohio. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. RYAN).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 12 printed in House Report 109–236.

AMENDMENT NO. 12 OFFERED BY MS. SLAUGHTER

Ms. SLAUGHTER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 12 offered by Ms. SLAUGHTER:

Strike section 321, and insert the following:

SEC. 321. PUBLIC EMPLOYEE UNIFORMS.

(a) IN GENERAL.—Section 716 of title 18, United States Code, is amended—

(1) by striking ''police badge'' each place it appears in subsections (a) and (b) and inserting ''official insignia or article of clothing'';

(2) in each of paragraphs (2) and (4) of subsection (a), by striking ''badge of the police'' and inserting ''official insignia or article of clothing'';

(3) in subsection (b)—

(A) by striking ''the badge'' and inserting ''the insignia or article of clothing''; and

(B) by inserting ''is other than a counterfeit police badge and'' before ''is used or is intended to be used'';

(4) in subsection (c)—

(A) by striking ''and'' at the end of paragraph (1);

(B) by striking the period at the end of paragraph (2) and inserting ''; and'';

(C) by adding at the end the following:

''(3) the term 'official insignia or article of clothing' means an article of distinctive clothing or insignia, including a badge, emblem or identification card, that is an indicium of the authority of a public employee; and

''(4) the term 'public employee' means any officer or employee of the Federal Government or of a State or local government.'';

(5) by adding at the end the following:

''(d) It is a defense to a prosecution under this section that theofficial insignia or article of clothing is a counterfeit police badge and is used or is intended to be used exclusively—

''(1) for a dramatic presentation, such as a theatrical, film, or television production; or

''(2) for legitimate law enforcement purposes.''; and

(6) in the heading for the section, by striking ''**Police badges**'' and inserting ''**Public employee insignia and clothing**''.

(b) CONFORMING AMENDMENT TO TABLE OF SECTIONS.—The item in the table of sections at the beginning of chapter 33 of title 18, United States Code, relating to section 716 is amended by striking ''Police badges'' and inserting ''Public employee insignia and clothing''.

(c) DIRECTION TO SENTENCING COMMISSION.—The United States Sentencing Commission is directed to make appropriate amendments to sentencing guidelines, policy statements, and official commentary to assure that the sentence imposed on a defendant who is convicted of a Federal offense while wearing or displaying insignia and clothing received in violation of section 716 of title 18, United States Code, reflects the gravity of this aggravating factor.

The CHAIRMAN. Pursuant to House Resolution 462, the gentlewoman from New York (Ms. SLAUGHTER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from New York (Ms. SLAUGHTER).

Ms. SLAUGHTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today to offer an amendment that would implement legislation that expands the current Federal criminal ban on fake police badges to include the uniforms, identification, and all other insignia of public officials while preserving language in the bill that cracks down on the growing problem of counterfeit police badges.

Mr. SENSENBRENNER. Mr. Chairman, will the gentlewoman yield?

Ms. SLAUGHTER. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, I thank the gentlewoman for yielding. I will support the amendment at this time, but I believe that the language may need to be refined during conference and pledge that I will work with the gentlewoman from New York to refine the language if it is determined to be necessary.

Ms. SLAUGHTER. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New York (Ms. SLAUGHTER).

The amendment was agreed to.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SIMPSON) having assumed the chair, Mr. LAHOOD, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3402) to authorize appropriations for the Department of Justice for fiscal years 2006 through 2009, and for other purposes, pursuant to House Resolution 462, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. STUPAK

Mr. STUPAK. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. STUPAK. I am in its current form, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

MOTION TO RECOMMIT WITH INSTRUCTIONS

Mr. Stupak moves to recommit the bill H.R. 3402 to the Committee on the Judiciary with instructions to report the same back to the House forthwith with the following amendment:

Add at the end the following:

TITLE XI—GAS PRICE GOUGING

SEC. 1101. GAS PRICE GOUGING.

(a) OFFENSE.—Chapter 89 of title 18, United States Code, is amended by adding at the end the following:

''§ 1822. Gas price gouging

''(a) PROHIBITION.—During any time of national disaster, it shall be unlawful for any person to offer to sell crude oil, gasoline, natural gas, or petroleum distillates at a price that—

''(1) is unconscionably excessive; or

''(2) indicates the seller is taking unfair advantage of the circumstances to increase prices unreasonably.

''(b) FACTORS CONSIDERED.—In determining whether a violation of subsection (a) has occurred, there shall be taken into account, among other factors, whether—

''(1) the amount charged represents a gross disparity between the price of the crude oil, gasoline, natural gas, or petroleum distillate sold and the price at which it was offered for sale in the usual course of the seller's business immediately prior to the time of national disaster; or

''(2) the amount charged grossly exceeds the price at which the same or similar crude oil, gasoline, natural gas, or petroleum distillate was readily obtainable by other purchasers.

''(c) MITIGATING FACTORS.—In determining whether a violation of subsection (a) has occurred, there shall be taken into account, among other factors, whether the price at which the crude oil, gasoline, natural gas, or petroleum distillate was sold reasonably reflects additional costs, not within the control of the seller, that were paid or incurred by the seller.

''(d) DEFINITION.—As used in this section, the term 'time of national disaster' means the period during which there is in effect a declaration of a major disaster, or a declaration of an emergency, issued by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122 et seq.).

''(e) PENALTY.—The penalty for a violation of this section by an organization is a fine not more than $100,000,000. The penalty for a violation of this section by an individual is a fine not more than $1,000,000 or imprisonment not more than 10 years, or both.''.

(b) AMENDMENT TO TABLE OF SECTIONS.—The table of sections in chapter 89 of title 18, United States Code, is amended by adding after the item relating to section 1821 the following new item:

''1822. Gas price gouging.''.

Mr. STUPAK (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The SPEAKER pro tempore. The gentleman from Michigan (Mr. STUPAK) is recognized for 5 minutes in support of his motion.

Mr. STUPAK. Mr. Speaker, I am pleased to offer this motion to recommit with my friend and colleague from South Dakota (Ms. HERSETH).

Our motion instructs the Federal Government to crack down on price gouging and provides tough Federal penalties for those guilty of gas price gouging.

Even before the devastation caused by Hurricane Katrina, skyrocketing oil and gasoline prices were taxing American families and burdening our Nation's economy, with the notable exception of the oil industry, which continued to rack up record profits.

Following Katrina, gas prices in some areas of the Nation reached almost $6 per gallon, deepening suspicions of the oil and gas industry profiteering. We need a Federal standard to ensure adequate response to energy emergencies that prohibit price gouging with the priority on refineries and big oil companies. Currently, only 28 States have price gouging laws on the books and have enforcement mechanisms to go after those found ripping off consumers.

At the Federal level there is no oversight to protect consumers from this predatory pricing. No American should have to pay too much for gas because the oil companies are rigging prices.

Our motion to recommit will outlaw the selling of crude oil, gasoline, home heating oil, or natural gas at predatory or unconscionably excessive levels during such a crisis. It will provide new Federal authority to investigate and punish those who engage in predatory pricing from oil companies on down to local gas stations with an emphasis on those who profit most. And it will impose tough maximum penalties on companies that have cheated consumers.

In the wake of Hurricane Katrina, Americans are pulling together, donating to relief organizations, and giving their time to help the people of the gulf coast recover. That is how the American people react when they see their fellow citizens in need. Unfortunately, some have looked at Katrina not as a chance to give but an opportunity for excessive profit. Some have decided to take advantage of this terrible tragedy and line their own pockets by price gouging the American people at the pump.

As eight Governors wrote in a letter to the Congress urging passage of a Federal price gouging legislation, they stated: ''To price gouge consumers under normal circumstances is dishonest enough, but to make money off the severe misfortune of others is downright immoral.''

□ 1715

People are rightly angry and frustrated with high gas prices, and they deserve to have someone on their side fighting to ensure that they do not get mugged at the gas pump.

Sadly, the administration and the House majority's answer has been to sit on their hands while consumers get the shakedown from the oil companies.

It is obvious to me and many Americans that Congress needs to act to protect Americans from price gouging.

I urge a ''yes'' vote on the motion to recommit. A ''no'' vote denies the American people a law to stop energy and gasoline price gouging.

Ms. HERSETH. Mr. Speaker, will the gentleman yield?

Mr. STUPAK. I yield to the gentlewoman from South Dakota (Ms.

HERSETH), my friend and coauthor of this amendment.

Ms. HERSETH. Mr. Speaker, I want to thank the gentleman from Michigan for his hard work and do the same to urge my colleagues to support this motion to recommit so that this body will take an important step to addressing the concerns of all consumers in the country, particularly those in rural America.

We need to take steps to be able to define price gouging, with the FTC having the authority to do that, and then to investigate these thousands of complaints that have come into the Energy Department in the past many weeks.

As co-chair of the Rural Working Group for the House Democratic Caucus, we know what the impact of high fuel costs has been for rural Americans, those that drive many miles to get to their jobs, those that are trying to harvest crops this fall.

This is an important step because inaction is inexcusable, and accountability is absolutely necessary. It is no longer a sufficient answer to say, well, price gouging is difficult to define; it is hard to prove.

This is the importance of this motion to recommit, so that we can take a step to allow the FTC to promulgate a rule defining the price gouging and the market manipulation that we believe is taking place and to help overcome the skepticism, especially in rural America, about the role of multinational oil companies who are taking measures that are not allowing the market to operate fairly and efficiently and effectively.

Mr. STUPAK. Mr. Speaker, I would just like to underscore what the gentlewoman from South Dakota has said.

If you have a small business or are a farmer or just an American trying to heat your home, like in my district in northern Michigan, we are expecting snow. So the furnaces are going to be on. They are expecting home heating oil to be up 71 percent over last year, and when we look at the refiners, in 1 year, they have increased their profits by 255 percent. 255 percent in 1 year. That is excessive. That is price gouging. That is predatory pricing.

If my colleagues believe that we should put an end to this predatory gas pricing we see at the gas pump and we heat our home and run our businesses and our family farms, then vote for the motion to recommit. If my colleagues believe those prices, a 250 percent increase, is okay, then vote against the motion to recommit. It is time to end predatory pricing. Vote ''yes'' on the motion to recommit.

Mr. SENSENBRENNER. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from Wisconsin is recognized for 5 minutes.

Mr. SENSENBRENNER. Mr. Speaker, once again, we see games being played by the minority party. The gentleman from Michigan has stood up and said he is opposed to reauthorizing the Violence Against Women Act so he is qualified to introduce this motion to recommit, and the motion to recommit has to do with price gouging.

Nobody's for price gouging. There are laws on the books that have the Federal Trade Commission investigate price gouging. Every time there has been a spike in fuel prices, petroleum prices, the FTC has been on the case. They have investigated it according to law, and in most cases, they have found that no price gouging has occurred.

There are certain legislative provisions of the Violence Against Women Act that expire on Friday, September 30, 2005, and this amendment, once again, is a poison pill that is introduced at the last minute.

We have heard complaints from the other side of the aisle about legislation not receiving a hearing or formal committee consideration. We heard that earlier today, and what happens is there is a motion to recommit, introduced by an opponent of reauthorizing the Violence Against Women Act, that wants to put something that is completely unrelated into a Department of Justice reauthorization bill.

Whatever happened to State prerogatives, to allow State Attorneys General to investigate whether State law is violated? This motion to recommit blows the concept of federalism into little teeny pieces and will tie the hands of your State Attorney General and mine to look into price gouging.

It is a poorly drafted amendment. It does not relate to reauthorizing the Violence Against Women Act. It is something that is put in in an extremely hostile manner to try and get the job done in the Violence Against Women Act.

If my colleagues are for the Violence Against Women Act being reauthorized promptly, vote ''no'' on the motion to recommit. Vote ''yes'' on the bill.

Ms. PELOSI. Mr. Speaker, I thank the gentleman from Michigan, Mr. STUPAK, and the gentlewoman from South Dakota, Ms. HERSETH, for their extraordinary leadership in fighting price gouging at the gas pump.

Despite the American people's demand for action, the Bush administration and the Republican Congress are doing absolutely nothing.

Three weeks ago, the Bush administration even claimed that price gouging was not a Federal concern. Pressure from Democrats finally caused the Federal Trade Commission to start an investigation, an investigation that in true Bush cronyism style is led by a former ChevronTexaco lawyer. And in the House Energy Committee today, in a party-line vote, Republican committee Members voted unanimously against Mr. STUPAK's bill.

Instead of the bold action that the American people deserve, what we have seen from Republicans is more of the same: a culture of corruption, incompetence, and cronyism.

In contrast, Democrats have been working for months, long before Hurricane Katrina, to bring down the price of gas at the pump and home heating oil. Today, Democrats again stand ready to do something about price gouging. The Stupak-Herseth motion to recommit will give the Federal Government the tools to crack down on price gouging by the big oil and gas companies.

Mr. Speaker, Republicans have long been the handmaidens and apologists for big oil companies. It is long past time for the Republicans to act in the interests of the American people, not against them.

I urge my colleagues to vote for the Stupak-Herseth motion to recommit, so we can end price gouging and so we can lower oil prices. Our Nation is watching and expecting action now.

The SPEAKER pro tempore (Mr. SIMPSON). Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. STUPAK. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—yeas 195, nays 226, not voting 12, as follows:

[Roll No. 500]

YEAS—195

Abercrombie	Doggett	Lipinski
Ackerman	Doyle	Lofgren, Zoe
Allen	Edwards	Lowey
Andrews	Emanuel	Lynch
Baca	Engel	Maloney
Baird	Eshoo	Markey
Baldwin	Etheridge	Marshall
Barrow	Evans	Matheson
Bean	Farr	Matsui
Becerra	Fattah	McCarthy
Berkley	Filner	McCollum (MN)
Berman	Ford	McDermott
Berry	Frank (MA)	McGovern
Bishop (GA)	Gonzalez	McIntyre
Bishop (NY)	Gordon	McKinney
Boren	Green, Al	McNulty
Boucher	Green, Gene	Meehan
Boyd	Grijalva	Meek (FL)
Brady (PA)	Hastings (FL)	Meeks (NY)
Brown (OH)	Herseth	Menendez
Brown, Corrine	Higgins	Michaud
Butterfield	Hinchey	Millender-McDonald
Capps	Hinojosa	Miller (NC)
Capuano	Holden	Miller, George
Cardin	Holt	Mollohan
Cardoza	Honda	Moore (KS)
Carnahan	Hooley	Moore (WI)
Carson	Hoyer	Moran (VA)
Case	Inslee	Murtha
Chandler	Israel	Nadler
Clay	Jackson (IL)	Napolitano
Cleaver	Jackson-Lee (TX)	Neal (MA)
Clyburn	Jefferson	Oberstar
Conyers	Johnson, E. B.	Obey
Cooper	Jones (OH)	Olver
Costello	Kanjorski	Ortiz
Cramer	Kaptur	Owens
Crowley	Kennedy (RI)	Pallone
Cuellar	Kildee	Pascrell
Cummings	Kilpatrick (MI)	Pastor
Davis (AL)	Kind	Payne
Davis (CA)	Kucinich	Pelosi
Davis (IL)	Langevin	Peterson (MN)
Davis (TN)	Lantos	Pomeroy
DeFazio	Larsen (WA)	Price (NC)
DeGette	Larson (CT)	Rahall
Delahunt	Lee	Rangel
DeLauro	Levin	Reyes
Dicks	Lewis (GA)	Ross
Dingell		

Rothman
Roybal-Allard
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NAYS—226

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Cunningham
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOT VOTING—12

Blumenauer
Boswell
Costa
Culberson
Davis (FL)
Gutierrez
Harman
Hunter
Hyde
Melancon
Ruppersberger
Young (AK)

□ 1744

Messrs. FOLEY, BONILLA, BEAUPREZ, CRENSHAW and Ms. GRANGER changed their vote from ''yea'' to ''nay.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SENSENBRENNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 415, nays 4, not voting 14, as follows:

[Roll No. 501]

YEAS—415

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutknecht
Hall
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—4

Meehan
Paul
Tancredo
Watson

NOT VOTING—14

Blumenauer
Boswell
Costa
Culberson
Davis (FL)
Dicks
Gutierrez
Harman
Hunter
Hyde
Melancon
Ruppersberger
Visclosky
Waters

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in this vote.

□ 1752

Mrs. KELLY changed her vote from ''nay'' to ''yea.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. GUTIERREZ. Mr. Speaker, due to a family illness, I was absent from this Chamber today.

I would like the RECORD to show that, had I been present, I would have voted "nay" on rollcall vote 499. I would have also voted "yea" on rollcall 497, 498, 500, and 501.

PERSONAL EXPLANATION

Mr. RUPPERSBERGER. Mr. Speaker, on September 28, 2005 I was unavoidably detained dealing with district issues.

If I were present, on rollcall votes 499 through 500 I would have voted in the following manner:

On rollcall vote 499 I would have voted "no" on agreeing to the Sensenbrenner Amendment to H.R. 3402, Justice Department Authorization.

On rollcall vote 500 I would have voted "yes" on the Motion to Recommit for H.R. 3402, Justice Department Authorization Repression.

On rollcall vote 501 I would have voted "yes" on Final Passage for H.R. 3402, Justice Department Authorization.

RULES OF THE HOUSE

(Mr. SENSENBRENNER asked and was given permission to address the House for 1 minute.)

Mr. SENSENBRENNER. Mr. Speaker, I noticed in the last roll call that the author of the motion to recommit voted in favor of passage of H.R. 3402. At the time he rose to offer the motion to recommit, he stated clearly that he was opposed to the bill in its present form; and during my arguments against the motion to recommit, I reminded him and other Members that in order to make a motion to recommit, one must be opposed to the bill.

This is in direct contravention of House rules and the admonition of the Speaker several months ago when the author of another motion to recommit on another bill voted in favor of the passage of the bill.

I would hope that Members would be cognizant of the rules and precedents of the House and not repeat what has just happened.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 3402, DEPARTMENT OF JUSTICE APPROPRIATIONS AUTHORIZATION ACT, FISCAL YEARS 2006 THROUGH 2009

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that in the engrossment of H.R. 3402 that the Clerk be authorized to make technical and conforming changes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

MAJORITY LEADER

Ms. PRYCE of Ohio. Mr. Speaker, as chairman of the Republican Conference, I am directed by that conference to notify the House officially that the Republican Members have selected as majority leader the gentleman from Missouri, the Honorable ROY BLUNT.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on the remaining motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record vote on the postponed question and votes postponed earlier today will be taken tomorrow.

RECOGNIZING THE NEED TO PURSUE RESEARCH INTO CAUSES, TREATMENT AND CURE FOR IDIOPATHIC PULMONARY FIBROSIS

Mr. DEAL of Georgia. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 178) recognizing the need to pursue research into the causes, a treatment, and an eventual cure for idiopathic pulmonary fibrosis, supporting the goals and ideals of National Idiopathic Pulmonary Fibrosis Awareness Week, and for other purposes, as amended.

The Clerk read as follows:

H. CON. RES. 178

Whereas idiopathic pulmonary fibrosis is a serious lung disorder causing progressive, incurable lung scarring;

Whereas idiopathic pulmonary fibrosis is one of about 200 disorders called interstitial lung diseases;

Whereas idiopathic pulmonary fibrosis is the most common form of interstitial lung disease;

Whereas idiopathic pulmonary fibrosis is a debilitating and generally fatal disease marked by progressive scarring of the lungs, causing an irreversible loss of the lung tissue's ability to transport oxygen;

Whereas idiopathic pulmonary fibrosis progresses quickly, often causing disability or death within a few short years;

Whereas there is no proven cause of idiopathic pulmonary fibrosis;

Whereas approximately 83,000 United States citizens have idiopathic pulmonary fibrosis, and 31,000 new cases are diagnosed each year;

Whereas idiopathic pulmonary fibrosis is often misdiagnosed or underdiagnosed;

Whereas the median survival rate for idiopathic pulmonary fibrosis patients is 2 to 3 years, and about two thirds of idiopathic pulmonary fibrosis patients die within 5 years; and

Whereas a need has been identified to increase awareness and detection of this misdiagnosed and underdiagnosed disorder: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) recognizes the need to pursue research into the causes, a treatment, and an eventual cure for idiopathic pulmonary fibrosis;

(2) supports the work of advocates and organizations in educating, supporting, and providing hope for individuals who suffer from idiopathic pulmonary fibrosis, including efforts to organize a National Idiopathic Pulmonary Fibrosis Awareness Week;

(3) supports the designation of an appropriate week as National Idiopathic Pulmonary Fibrosis Awareness Week;

(4) encourages the President to issue a proclamation designating a National Idiopathic Pulmonary Fibrosis Awareness Week;

(5) congratulates advocates and organizations for their efforts to educate the public about idiopathic pulmonary fibrosis, while funding research to help find a cure for this disorder; and

(6) supports the goals and ideals of National Idiopathic Pulmonary Fibrosis Awareness Week.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. DEAL) and the gentleman from Ohio (Mr. BROWN) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia (Mr. DEAL).

GENERAL LEAVE

Mr. DEAL of Georgia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. DEAL of Georgia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, about 7 years ago, my good friend and a good friend of many Members in this Chamber, the gentleman from Georgia (Mr. NORWOOD) was diagnosed with a life-threatening disease that, despite his own lifetime experience in the medical care field, he said he had never heard of before. In fact, the vast majority of Americans have never heard of idiopathic pulmonary fibrosis, or IPF. That is why we are here today, to raise the awareness of the American public about this debilitating and fatal disease so one day we may seek and find a cure.

IPF is a serious lung disorder for which there is no known cause, and more importantly, at this time no known cure. IPF causes progressive scarring or fibrosis of the lungs, gradually interfering with a patient's ability to breathe and ultimately resulting in death.

Recent studies have identified that approximately 83,000 individuals suffer from IPF in the United States, and an estimated 30,000 new cases develop each year. The availability of a new treatment option for IPF is essential to improving overall patient care and further research will be required to develop these new therapies as well as assess their safety and efficacy.

Over the past 7 years, as I have watched my friend, the gentleman from Georgia (Mr. NORWOOD), I have seen