

PROVIDING FOR CONSIDERATION OF H.R. 3402, DEPARTMENT OF JUSTICE APPROPRIATIONS AUTHORIZATION ACT, FISCAL YEARS 2006 THROUGH 2009

SEPTEMBER 27, 2005.—Referred to the House Calendar and ordered to be printed

Mr. GINGREY, from the Committee on Rules,
submitted the following

R E P O R T

[To accompany H. Res. 462]

The Committee on Rules, having had under consideration House Resolution 462, by a nonrecord vote, report the same to the House with the recommendation that the resolution be adopted.

SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for consideration of H.R. 3402, the Department of Justice Appropriations Authorization Act, Fiscal Years 2006 through 2009, under a structured rule. The rule provides one hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. The rule waives all points of order against consideration of the bill.

The rule provides that the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill shall be considered as an original bill for the purpose of amendment. The rule waives all points of order against the amendment in the nature of a substitute recommended by the Committee on the Judiciary.

The rule makes in order only those amendments printed in this report. The rule provides that the amendments printed in this report may be considered only in the order printed in this report, may be offered only by a Member designated in this report, shall be considered as read, shall be debatable for the time specified in this report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole. The rule waives all points of order

against the amendments printed in this report. The rule provides one motion to recommit with or without instructions.

EXPLANATION OF WAIVERS

The waivers of all points of order are necessary because the bill as reported by the Committee on the Judiciary contains appropriations on an authorizing bill in violation of clause 4, rule XXI (which provides a point of order on a bill or joint resolution carrying an appropriation when that measure is reported by a committee not having jurisdiction to report appropriations).

COMMITTEE VOTES

Pursuant to clause 3(b) of House rule XIII the results of each record vote on an amendment or motion to report, together with the names of those voting for and against, are printed below:

Rules Committee Record Vote No. 122

Date: September 27, 2005.

Measure: H.R. 3402, Department of Justice Appropriations Authorization Act, Fiscal Years 2006 through 2009.

Motion by: Mrs. Slaughter.

Summary of motion: To make in order and provide the appropriate waivers for the amendment offered by Representative Maloney which requires that the recommended National Protocol for Sexual Assault Medical Forensic Examinations include a recommendation that rape victims be offered information about emergency contraceptives to prevent pregnancy.

Results: Defeated 3 to 9.

Vote by Members: Diaz-Balart—Nay; Hastings (WA)—Nay; Sessions—Nay; Putnam—Nay; Capito—Nay; Cole—Nay; Bishop—Nay; Gingrey—Nay; Slaughter—Yea; McGovern—Yea; Matsui—Yea; Dreier—Nay.

Rules Committee Record Vote No. 123

Date: September 27, 2005.

Measure: H.R. 3402, Department of Justice Appropriations Authorization Act, Fiscal Years 2006 through 2009.

Motion by: Mrs. Slaughter.

Summary of motion: To make in order and provide the appropriate waivers for the amendment offered by Representative Stupak which increases the COPS authorization from \$1.047 billion to \$1.547 billion, and authorizes \$500 million to be appropriated each of the fiscal Years for first responder interoperability communications grants.

Results: Defeated 3 to 9.

Vote by Members: Diaz-Balart—Nay; Hastings (WA)—Nay; Sessions—Nay; Putnam—Nay; Capito—Nay; Cole—Nay; Bishop—Nay; Gingrey—Nay; Slaughter—Yea; McGovern—Yea; Matsui—Yea; Dreier—Nay.

Rules Committee Record Vote No. 124

Date: September 27, 2005.

Measure: H.R. 3402, Department of Justice Appropriations Authorization Act, Fiscal Years 2006 through 2009.

Motion by: Mr. McGovern.

Summary of motion: To make in order and provide the appropriate waivers for the amendment offered by Representative Bartlett of Maryland which establishes felony-level jail time (up to 2 Years) for violators of the federal animal fighting law. Also prohibits interstate and foreign commerce in knives and gaffes designed specifically for cockfighting.

Results: Defeated 3 to 9.

Vote by Members: Diaz-Balart—Nay; Hastings (WA)—Nay; Sessions—Nay; Putnam—Nay; Capito—Nay; Cole—Nay; Bishop—Nay; Gingrey—Nay; Slaughter—Yea; McGovern—Yea; Matsui—Yea; Dreier—Nay.

Rules Committee Record Vote No. 125

Date: September 27, 2005.

Measure: H.R. 3402, Department of Justice Appropriations Authorization Act, Fiscal Years 2006 through 2009.

Motion by: Mrs. Matsui.

Summary of motion: To make in order and provide the appropriate waivers for the amendment offered by Representative Holt which increases the authorization for Bureau of Justice Assistance's Gang Resistance Education and Training (GREAT) program to \$50 million for each fiscal Year 2006–2010.

Results: Defeated 3 to 9.

Vote by Members: Diaz-Balart—Nay; Hastings (WA)—Nay; Sessions—Nay; Putnam—Nay; Capito—Nay; Cole—Nay; Bishop—Nay; Gingrey—Nay; Slaughter—Yea; McGovern—Yea; Matsui—Yea; Dreier—Nay.

SUMMARY OF AMENDMENTS MADE IN ORDER

1. Sensenbrenner: Makes various technical changes to the bill requested by various members and the Department of Justice. It also includes a few miscellaneous fixes for grant programs to ensure Secure our Schools is preserved as a stand alone program and ensures that Native American Tribes are eligible for DOJ grants including the new Justice Assistance Grants programs and the Weed and Seed program grants.

The manager's amendment corrects a constitutional problem in the bill by making it clear that grant applicants should stress in their applications how they will try to meet the needs of populations that are currently underserved by existing Violence Against Women programs. The bill unintentionally would have allowed certain grant awards based solely on a grantee's ability to address the needs of racial and ethnic minorities.

The Department of Justice and others raised the question of whether such a requirement violated the constitutional prohibition against conditioning federal funding solely on the basis of race. To correct the problem, the Manager's Amendment clarifies that such funding should be based on the applicant's ability to address the needs of "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. This alleviates the constitutional concern, and effectuates the intent of the committee when drafting the bill.

The manager's amendment reauthorizes the Secure our Schools grant program and authorizes a program for training prosecutors for child abuse cases. Additionally, the manager's amendment also includes an amendment in the wake of Hurricanes Katrina and Rita which encourages cooperation between federal, state and local courts and communities to ensure that state and local courts will be able to continue to operate using available federal facilities. (10 minutes)

2. Cuellar: Authorizes appropriations for the newly-structured Border Violence Task Force in Laredo, Texas. Authorizes appropriations of \$10 million per Year for the duration of the bill to provide for equipment, personnel, administrative, and technological costs. Allows the Attorney General to designate the lead on the Border Violence Task Force that is currently being led by the Bureau of Alcohol, Tobacco, Firearms, and Explosives. (10 minutes)

3. Cuellar: Authorizes the FBI National Gang Intelligence Center. Adds \$10 million in authorization for the Center for each fiscal Year of the bill, mirroring the \$10 million appropriation given in FY 2005. (10 minutes)

4. Poe: Establishes a fixed annual allocation for State victim assistance grants and OVC discretionary grants equal to the average amount allocated over the previous three Years plus 5 percent. This means the VOCA funding that covers direct services to victims does not get trumped by VOCA funding that covers federal bureaucracy. (10 minutes)

5. Capuano: Authorizes the Attorney General, acting through the Bureau of Justice Assistance, to make grants to State and local prosecutors and law enforcement agencies in support of juvenile (17 Years of age or younger) and young adult (between 18 and 21 Years of age) witness assistance programs. Authorizes grant funds to be used, among other things, for: (1) counseling services to young witnesses of a violent crime; and (2) protective services for young witnesses and their families when a serious threat of harm is made from perpetrators or their associates. Authorizes \$3 million for each of fiscal Years 2006 through 2009. (10 minutes)

6. Kennedy (MN): Provides a requirement that treatment under the Residential Substance Abuse Treatment (RSAT) program 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. (10 minutes)

7. Brown-Waite: 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 violence at domestic violence shelters. (10 minutes)

8. Slaughter: Requires the Office of 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 even if the crime occurred outside of their jurisdiction. Furthermore, it requires OVC to coordinate, inform, and educate victims, service providers, and law enforcement officials of the process and mechanisms available for reporting violent crimes and gathering evidence during emergencies. (10 minutes)

9. Kolbe/Dreier/Lewis (CA): Amendment would reauthorize the State Criminal Alien Assistance Program (SCAAP) through FY2011 and would increase authorized funding to \$750 million for FY06, \$850 million for FY07, and \$950 million for FY08–11. Amendment also specifies that funds “may be used only for correctional purposes.” Amendment also requires the Department of Justice Inspector General submit a report on the state and local governments that receive SCAAP funding and whether they are cooperating with efforts to deport criminal aliens, whether they have policies in violation of current law, and in the case of illegal aliens released without being referred to the Department of Homeland Security, the number of subsequent offense committed and how many of these aliens were released because the state or local governments lack space or funds to detain them. (10 minutes)

10. King (IA): Prohibits a person convicted of domestic violence from sponsoring a visa applicant in the future. (10 minutes)

11. Ryan (OH): Provides additional federal funding for programs that have received grants by the Department of Justice (Office of Violence Against Women) for providing counseling and shelter for women and children in crisis pregnancies. (10 minutes)

12. Slaughter: Expands the current federal criminal ban on fake police badges and the misuse of authentic badges to include the uniforms, identification, and all other insignia of all public officials. The use of such badges, uniforms, and insignia would be permitted for dramatic, decorative, display, and recreational purposes. (10 minutes)

TEXT OF AMENDMENTS MADE IN ORDER

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SENSENBRENNER OF WISCONSIN, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

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 ra-

cial 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”.

2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CUELLAR OF TEXAS, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

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.

3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CUELLAR OF TEXAS, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

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.

4. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE POE OF TEXAS, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

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).”.

5. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CAPUANO OF MASSACHUSETTS, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

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.

6. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE KENNEDY OF MINNESOTA, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

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.”.

7. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BROWN-WAITE OF FLORIDA, OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

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.

8. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SLAUGHTER OF NEW YORK, OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

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.

9. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE KOLBE OF ARIZONA, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

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).

10. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE KING OF IOWA, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

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:

“(1) 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.”

11. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE RYAN OF OHIO, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

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.

12. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SLAUGHTER OF NEW YORK, OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

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 the official 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.