

111TH CONGRESS  
1ST SESSION

# H. R. 1741

To require the Attorney General to make competitive grants to eligible State, tribal, and local prosecutors to establish and maintain certain protection and witness assistance programs.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 26, 2009

Mr. CUMMINGS (for himself, Ms. LEE of California, Mr. McDERMOTT, Mr. VAN HOLLEN, Mr. SESTAK, and Ms. BORDALLO) introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To require the Attorney General to make competitive grants to eligible State, tribal, and local prosecutors to establish and maintain certain protection and witness assistance programs.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Witness Security and  
5 Protection Grant Program Act of 2009”.

1 **SEC. 2. ESTABLISHMENT OF WITNESS PROTECTION GRANT**  
2 **PROGRAM.**

3 (a) IN GENERAL.—The Attorney General shall make  
4 competitive grants to eligible State, tribal, and local pros-  
5 ecutors to establish or maintain programs that provide  
6 protection or assistance to witnesses in court proceedings  
7 involving homicide, or involving a serious violent felony or  
8 serious drug offense as defined in section 3559(c)(2) of  
9 title 18, United States Code. The Attorney General shall  
10 ensure that, to the extent reasonable and practical, such  
11 grants are made to achieve an equitable geographical dis-  
12 tribution of such programs throughout the United States.

13 (b) STATE, TRIBAL, AND LOCAL PROSECUTORS DE-  
14 FINED.—For purposes of this Act, the term “State, tribal,  
15 or local prosecutor” means any district attorney, county  
16 attorney, tribal attorney, or attorney general of a State  
17 or territory, or the United States attorney for the District  
18 of Columbia.

19 **SEC. 3. USE OF GRANTS.**

20 A grant made under section 2 may be used only to  
21 pay all or part of the cost of the program for which such  
22 grant is made.

23 **SEC. 4. PRIORITY.**

24 In making grants under section 2, the Attorney Gen-  
25 eral shall give priority to applications submitted under sec-  
26 tion 5 involving programs in the District of Columbia or

1 in States with an average of not less than 100 murders  
2 per year during the most recent 5-year period, as cal-  
3 culated using the latest available crime statistics from the  
4 Federal Bureau of Investigation.

5 **SEC. 5. APPLICATION.**

6 To be eligible for a grant under section 2, a State,  
7 tribal, or local prosecutor shall submit to the Office of Jus-  
8 tice Programs an application in such form and manner,  
9 at such time, and accompanied by such information as the  
10 Attorney General specifies.

11 **SEC. 6. TECHNICAL ASSISTANCE.**

12 (a) IN GENERAL.—From amounts made available to  
13 carry out this Act, the United States Marshals Service  
14 shall, upon request of the Attorney General, provide tech-  
15 nical assistance to an entity receiving a grant under this  
16 Act for a program to the extent such technical assistance  
17 is needed to carry out such program.

18 (b) GRANTEE REQUESTS.—For purposes of sub-  
19 section (a), the Attorney General shall submit to the  
20 United States Marshals Service a request for technical as-  
21 sistance, with respect to an entity receiving a grant under  
22 this Act, if such entity submits to the Attorney General  
23 a request for such assistance. The Attorney General shall  
24 submit such request to the United States Marshals Serv-  
25 ice, with respect to such entity, not later than 45 days

1 after the date on which the Attorney General receives a  
2 request from such entity for such technical assistance.

3 **SEC. 7. BEST PRACTICES.**

4 (a) REPORT.—Each recipient of a grant under sec-  
5 tion 2 shall submit to the Attorney General a report, in  
6 such form and manner and containing such information  
7 as specified by the Attorney General, that evaluates each  
8 program established or maintained pursuant to such  
9 grant, including policies and procedures under the pro-  
10 gram.

11 (b) DEVELOPMENT OF BEST PRACTICES.—Based on  
12 the reports submitted under subsection (a), the Attorney  
13 General shall develop best practice models to assist States  
14 and other relevant entities in addressing—

15 (1) witness safety;

16 (2) short-term and permanent witness reloca-  
17 tion;

18 (3) financial and housing assistance; and

19 (4) any other services related to witness protec-  
20 tion or assistance that are determined by the Attor-  
21 ney General to be necessary.

22 (c) DISSEMINATION TO STATES.—Not later than 1  
23 year after the development of best practice models under  
24 subsection (b), the Attorney General shall disseminate to  
25 States and other relevant entities such models.

1 (d) SENSE OF CONGRESS.—It is the sense of Con-  
2 gress that States and other relevant entities should use  
3 the best practice models developed and disseminated in ac-  
4 cordance with this Act to evaluate, improve, and develop  
5 witness protection or witness assistance as appropriate.

6 (e) CLARIFICATION.—Nothing in this Act requires  
7 the dissemination of any information deemed by the Attor-  
8 ney General to be a security risk.

9 **SEC. 8. REPORT TO CONGRESS.**

10 Not later than December 31, 2014, the Attorney  
11 General shall submit a report to Congress on the programs  
12 funded by grants awarded under section 2, including on  
13 matters specified under section 7(b).

14 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

15 There is authorized to be appropriated to carry out  
16 this Act such sums as are necessary for each of the fiscal  
17 years 2009 through 2013.

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