

## Union Calendar No. 70

111<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 1741

[Report No. 111-138]

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

JUNE 8, 2009

Additional sponsors: Mr. CONYERS, Ms. JACKSON-LEE of Texas, Mr. PAYNE, Mr. FATTAH, Mr. COHEN, Mr. GRIJALVA, Mr. PIERLUISI, and Mr. POE of Texas

JUNE 8, 2009

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

[For text of introduced bill, see copy of bill as introduced on March 26, 2009]

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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”.*

6 **SEC. 2. ESTABLISHMENT OF WITNESS PROTECTION GRANT**  
7 **PROGRAM.**

8        (a) *IN GENERAL.*—*The Attorney General shall make*  
9 *competitive grants to eligible State, tribal, and local govern-*  
10 *ments to establish or maintain programs that provide pro-*  
11 *tection or assistance to witnesses in court proceedings in-*  
12 *volving homicide, or involving a serious violent felony or*  
13 *serious drug offense as defined in section 3559(c)(2) of title*  
14 *18, United States Code. The Attorney General shall ensure*  
15 *that, to the extent reasonable and practical, such grants are*  
16 *made to achieve an equitable geographical distribution of*  
17 *such programs throughout the United States.*

18        (b) *STATE DEFINED.*—*For purposes of this Act, the*  
19 *term “State” means any State of the United States, the Dis-*  
20 *trict of Columbia, the Commonwealth of Puerto Rico, the*  
21 *Virgin Islands, American Samoa, Guam, and the Common-*  
22 *wealth of the Northern Mariana Islands.*

1 **SEC. 3. USE OF GRANTS.**

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

5 **SEC. 4. PRIORITY.**

6 *In making grants under section 2, the Attorney Gen-*  
7 *eral shall give priority to applications submitted under sec-*  
8 *tion 5 involving programs in States with an average of not*  
9 *less than 100 murders per year during the most recent 5-*  
10 *year period, as calculated using the latest available crime*  
11 *statistics from the Federal Bureau of Investigation.*

12 **SEC. 5. APPLICATION.**

13 *To be eligible for a grant under section 2, a State, trib-*  
14 *al, or local government shall submit to the Office of Justice*  
15 *Programs an application in such form and manner, at such*  
16 *time, and accompanied by such information as the Attorney*  
17 *General specifies.*

18 **SEC. 6. TECHNICAL ASSISTANCE.**

19 *From amounts made available to carry out this Act,*  
20 *the Attorney General, upon request of a recipient of a grant*  
21 *under section 2, shall provide technical assistance to such*  
22 *recipient to the extent the Attorney General determines such*  
23 *technical assistance is needed to establish or maintain a*  
24 *program described in such section.*

1 **SEC. 7. BEST PRACTICES.**

2       (a) *REPORT.*—Each recipient of a grant under section  
3 2 shall submit to the Attorney General a report, in such  
4 form and manner and containing such information as spec-  
5 ified by the Attorney General, that evaluates each program  
6 established or maintained pursuant to such grant, includ-  
7 ing policies and procedures under the program.

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

- 12           (1) *witness safety;*  
13           (2) *short-term and permanent witness relocation;*  
14           (3) *financial and housing assistance; and*  
15           (4) *any other services related to witness protec-*  
16           *tion or assistance that are determined by the Attorney*  
17           *General to be necessary.*

18       (c) *DISSEMINATION TO STATES.*—Not later than 1  
19 year after the development of best practice models under  
20 subsection (b), the Attorney General shall disseminate to  
21 States and other relevant entities such models.

22       (d) *SENSE OF CONGRESS.*—It is the sense of Congress  
23 that States and other relevant entities should use the best  
24 practice models developed and disseminated in accordance  
25 with this Act to evaluate, improve, and develop witness pro-  
26 tection or witness assistance as appropriate.

1           (e) *CLARIFICATION.*—*Nothing in this Act requires the*  
2 *dissemination of any information if the Attorney General*  
3 *determines such information is law enforcement sensitive*  
4 *and should only be disclosed within the law enforcement*  
5 *community or that such information poses a threat to na-*  
6 *tional security.*

7 **SEC. 8. REPORT TO CONGRESS.**

8           *Not later than December 31, 2015, the Attorney Gen-*  
9 *eral shall submit a report to Congress on the programs*  
10 *funded by grants awarded under section 2, including on*  
11 *matters specified under section 7(b).*

12 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

13           *There is authorized to be appropriated to carry out*  
14 *this Act \$30,000,000 for each of the fiscal years 2010*  
15 *through 2014.*

Amend the title so as to read: “A bill to require the Attorney General to make competitive grants to eligible State, tribal, and local governments to establish and maintain certain protection and witness assistance programs.”.

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