

112TH CONGRESS  
1ST SESSION

# H. R. 2647

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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## IN THE HOUSE OF REPRESENTATIVES

JULY 26, 2011

Mr. CUMMINGS (for himself, Mr. HASTINGS of Florida, Mr. RANGEL, Mr. STARK, Mr. PIERLUISI, and Mr. COHEN) 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 governments 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 2011”.

6 **SEC. 2. WITNESS PROTECTION GRANT PROGRAM.**

7 (a) IN GENERAL.—Subject to subsection (i), the At-  
8 torney General shall make competitive grants to eligible

1 State, tribal, and local governments to establish or main-  
2 tain programs that provide protection or assistance to wit-  
3 nesses in—

4 (1) court proceedings involving homicide, or in-  
5 volving a serious violent felony or serious drug of-  
6 fense as defined in section 3559(c)(2) of title 18,  
7 United States Code; and

8 (2) court proceedings involving gangs or orga-  
9 nized crime.

10 (b) CRITERIA.—In making grants under subsection  
11 (a), the Attorney General shall evaluate applicants based  
12 upon the following:

13 (1) The extent to which the applicant has a  
14 lack of infrastructure to support a witness assistance  
15 program.

16 (2) The extent to which witness intimidation is  
17 present with respect to the applicant.

18 (3) The level of cases not prosecuted by the ap-  
19 plicant due to witness intimidation.

20 (4) The number of homicides per capita com-  
21 mitted in the jurisdiction of the applicant.

22 (5) The number of serious violent felonies or se-  
23 rious drug offenses, as defined in section 3559(c)(2)  
24 of title 18, United States Code, per capita com-  
25 mitted in the jurisdiction of the applicant.

1           (6) The extent to which organized crime is  
2 present in the jurisdiction of the applicant.

3           (7) Other appropriate criteria as determined by  
4 the Attorney General.

5           (c) TECHNICAL ASSISTANCE.—From amounts made  
6 available under subsection (i) to carry out this section, the  
7 Attorney General, upon request of a recipient of a grant  
8 under this section, shall direct the appropriate offices  
9 within the Department of Justice to provide technical as-  
10 sistance to such recipient to the extent the Attorney Gen-  
11 eral determines such technical assistance is needed to es-  
12 tablish or maintain a program described in such section.

13           (d) BEST PRACTICES.—

14           (1) REPORT.—Each recipient of a grant under  
15 this section shall submit to the Attorney General a  
16 report, in such form and manner and containing  
17 such information as specified by the Attorney Gen-  
18 eral, that evaluates each program established or  
19 maintained pursuant to such grant, including poli-  
20 cies and procedures under the program.

21           (2) DEVELOPMENT OF BEST PRACTICES.—  
22 Based on the reports submitted under paragraph  
23 (1), the Attorney General shall develop best practice  
24 models to assist States and other relevant entities in  
25 addressing—

1 (A) witness safety;

2 (B) short-term and permanent witness re-  
3 location;

4 (C) financial and housing assistance; and

5 (D) any other services related to witness  
6 protection or assistance that are determined by  
7 the Attorney General to be necessary.

8 (3) DISSEMINATION TO STATES.—Not later  
9 than 1 year after the development of best practice  
10 models under paragraph (2), the Attorney General  
11 shall disseminate to States and other relevant enti-  
12 ties such models.

13 (4) SENSE OF CONGRESS.—It is the sense of  
14 Congress that States and other relevant entities  
15 should use the best practice models developed and  
16 disseminated in accordance with this section to  
17 evaluate, improve, and develop witness protection or  
18 witness assistance as appropriate.

19 (5) CLARIFICATION.—Nothing in this section  
20 requires the dissemination of any information if the  
21 Attorney General determines such information is law  
22 enforcement sensitive and should only be disclosed  
23 within the law enforcement community or that such  
24 information poses a threat to national security.

25 (e) FEDERAL SHARE.—

1           (1) IN GENERAL.—The Federal share of the  
2 cost of a project carried out using a grant made  
3 under this section shall not be more than 75 per-  
4 cent.

5           (2) IN-KIND CONTRIBUTIONS.—

6           (A) IN GENERAL.—Subject to subpara-  
7 graph (B), the non-Federal share for a project  
8 carried out using a grant made under this sec-  
9 tion may be made in the form of in-kind con-  
10 tributions that are directly related to the pur-  
11 pose for which the grant was made.

12           (B) MAXIMUM PERCENTAGE.—Not more  
13 than 50 percent of the non-Federal share for a  
14 project carried out using a grant made under  
15 this section may be in the form of in-kind con-  
16 tributions.

17           (f) ADMINISTRATIVE EXPENSES.—Federal adminis-  
18 trative costs to carry out this section for a fiscal year shall  
19 not exceed 5 percent of the funds appropriated pursuant  
20 to subsection (i) for such fiscal year.

21           (g) GEOGRAPHIC DISTRIBUTION.—The Attorney  
22 General shall ensure that, to the extent reasonable and  
23 practical, grants authorized by this section are made to  
24 achieve an equitable geographical distribution of such pro-  
25 grams throughout the United States and that due consid-

1 eration be given to applicants of rural and urban commu-  
2 nities.

3 (h) REPORT TO CONGRESS.—The Attorney General  
4 shall submit a report to Congress—

5 (1) not later than December 31, 2013, on the  
6 implementation of this section and any information  
7 on programs funded by grants made pursuant to  
8 this section; and

9 (2) not later than December 31, 2017, on the  
10 programs funded by grants awarded under this sec-  
11 tion, including on matters specified under subsection  
12 (d)(2).

13 (i) AUTHORIZATION OF APPROPRIATIONS.—There is  
14 authorized to be appropriated to carry out this section  
15 \$30,000,000 for each of the fiscal years 2012 through  
16 2016.

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