

118TH CONGRESS
1ST SESSION

S. 37

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

IN THE SENATE OF THE UNITED STATES

JANUARY 24 (legislative day, JANUARY 3), 2023

Mr. CARDIN introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To require the Attorney General to make competitive grants to State, tribal, and local governments to establish and maintain witness protection and 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 2023”.

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

7 (a) DEFINITIONS.—In this section—

1 (1) the term “applicant” means a State, tribal,
2 or local government that applies for a grant under
3 this section; and

4 (2) the terms “serious drug offense” and “seri-
5 ous violent felony” have the meanings given the
6 terms in section 3559(c) of title 18, United States
7 Code.

8 (b) GRANTS REQUIRED.—Subject to subsection (j),
9 the Attorney General shall make competitive grants to
10 State, tribal, and local governments to establish or main-
11 tain programs that provide protection or assistance to wit-
12 nesses in court proceedings involving—

13 (1) a homicide, serious violent felony, or serious
14 drug offense; or

15 (2) gangs or organized crime.

16 (c) CRITERIA.—In making grants under this section,
17 the Attorney General shall evaluate applicants based upon
18 the following:

19 (1) The extent to which the applicant lacks in-
20 frastructure to support programs that provide pro-
21 tection or assistance to witnesses.

22 (2) The prevalence of witness intimidation in
23 the jurisdiction of the applicant.

24 (3) The percentage of cases not prosecuted by
25 the applicant due to witness intimidation.

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

3 (5) The number of serious violent felonies or se-
4 rious drug offenses per capita committed in the ju-
5 risdiction of the applicant.

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

8 (7) Any other criteria that the Attorney Gen-
9 eral determines appropriate.

10 (d) TECHNICAL ASSISTANCE.—From amounts made
11 available under subsection (j) to carry out this section, the
12 Attorney General, upon request of a recipient of a grant
13 under this section, shall direct the appropriate offices
14 within the Department of Justice to provide technical as-
15 sistance to the recipient to the extent the Attorney General
16 determines technical assistance is needed to establish or
17 maintain a program that provides protection or assistance
18 to witnesses.

19 (e) BEST PRACTICES.—

20 (1) REPORT.—A recipient of a grant under this
21 section shall submit to the Attorney General a re-
22 port, in such form and manner and containing such
23 information as specified by the Attorney General,
24 that evaluates each program established or main-

1 tained pursuant to the grant, including policies and
2 procedures under the program.

3 (2) DEVELOPMENT OF BEST PRACTICES.—

4 Based on the reports submitted under paragraph
5 (1), the Attorney General shall develop best practice
6 models to assist State, tribal, and local governments
7 in addressing—

8 (A) witness safety;

9 (B) short-term and permanent witness re-
10 location;

11 (C) financial and housing assistance; and

12 (D) any other services related to witness
13 protection or assistance that the Attorney Gen-
14 eral determines necessary.

15 (3) DISSEMINATION TO STATES.—Not later
16 than 1 year after developing best practice models
17 under paragraph (2), the Attorney General shall dis-
18 seminate the models to State, tribal, and local gov-
19 ernments.

20 (4) SENSE OF CONGRESS.—It is the sense of
21 Congress that State, tribal, and local governments
22 should use the best practice models developed and
23 disseminated under this subsection to evaluate, im-
24 prove, and develop witness protection or witness as-
25 sistance programs as appropriate.

1 (5) RULE OF CONSTRUCTION RELATING TO
2 SENSITIVE INFORMATION.—Nothing in this section
3 shall be construed to require the dissemination of
4 any information that the Attorney General deter-
5 mines—

6 (A) is law enforcement sensitive and
7 should only be disclosed within the law enforce-
8 ment community; or

9 (B) poses a threat to national security.

10 (f) FEDERAL SHARE.—

11 (1) IN GENERAL.—The Federal share of the
12 cost of a program carried out using a grant made
13 under this section shall be not more than 75 per-
14 cent.

15 (2) IN-KIND CONTRIBUTIONS.—

16 (A) IN GENERAL.—Subject to subpara-
17 graph (B), the non-Federal share for a program
18 carried out using a grant made under this sec-
19 tion may be in the form of in-kind contributions
20 that are directly related to the purpose for
21 which the grant was made.

22 (B) MAXIMUM PERCENTAGE.—Not more
23 than 50 percent of the non-Federal share for a
24 program carried out using a grant made under

1 this section may be in the form of in-kind con-
2 tributions.

3 (g) ADMINISTRATIVE COSTS.—Of amounts made
4 available to carry out this section for a fiscal year, the
5 Attorney General may use not more than 5 percent for
6 administrative costs.

7 (h) GEOGRAPHIC DISTRIBUTION.—In making grants
8 under this section, the Attorney General shall—

9 (1) to the extent reasonable and practical, en-
10 sure an equitable geographical distribution through-
11 out the United States of programs that provide pro-
12 tection or assistance to witnesses; and

13 (2) give due consideration to applicants from
14 both urban and rural areas.

15 (i) REPORT TO CONGRESS.—The Attorney General
16 shall submit a report to Congress—

17 (1) not later than 1 year after the date of en-
18 actment of this Act, on the implementation of this
19 section, including any information on programs
20 funded by grants made under this section; and

21 (2) not later than 5 years after the date of en-
22 actment of this Act, on the programs funded by
23 grants made under this section, including on best
24 practice models developed under subsection (e)(2).

1 (j) AUTHORIZATION OF APPROPRIATIONS.—There is
2 authorized to be appropriated to carry out this section
3 \$30,000,000 for each of fiscal years 2023 through 2027.

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