

victim shares a child in common, by a person who is cohabitating with or has cohabited with the victim as a spouse, parent, or guardian, or by a person similarly situated to a spouse, parent or guardian of the victim, and the employee has reasonable grounds to believe that the person to be arrested has committed, or is committing the crime.”.

**SEC. 909. DOMESTIC ASSAULT BY AN HABITUAL OFFENDER.**

Chapter 7 of title 18, United States Code, is amended by adding at the end the following:

**“§ 117. Domestic assault by an habitual offender**

“(a) IN GENERAL.—Any person who commits a domestic assault within the special maritime and territorial jurisdiction of the United States or Indian country and who has a final conviction on at least 2 separate prior occasions in Federal, State, or Indian tribal court proceedings for offenses that would be, if subject to Federal jurisdiction—

“(1) any assault, sexual abuse, or serious violent felony against a spouse or intimate partner; or

“(2) an offense under chapter 110A,

shall be fined under this title, imprisoned for a term of not more than 5 years, or both, except that if substantial bodily injury results from violation under this section, the offender shall be imprisoned for a term of not more than 10 years.

“(b) DOMESTIC ASSAULT DEFINED.—In this section, the term ‘domestic assault’ means an assault committed by a current or former spouse, parent, child, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabited with the victim as a spouse, parent, child, or guardian, or by a person similarly situated to a spouse, parent, child, or guardian of the victim.”.

## **TITLE X—DNA FINGERPRINTING**

**SEC. 1001. SHORT TITLE.**

This title may be cited as the “DNA Fingerprint Act of 2005”.

**SEC. 1002. USE OF OPT-OUT PROCEDURE TO REMOVE SAMPLES FROM NATIONAL DNA INDEX.**

Section 210304 of the DNA Identification Act of 1994 (42 U.S.C. 14132) is amended—

(1) in subsection (a)(1)(C), by striking “DNA profiles” and all that follows through “; and”;

(2) in subsection (d)(1), by striking subparagraph (A), and inserting the following:

“(A) The Director of the Federal Bureau of Investigation shall promptly expunge from the index described in subsection (a) the DNA analysis of a person included in the index—

“(i) on the basis of conviction for a qualifying Federal offense or a qualifying District of Columbia offense (as determined under sections 3 and 4 of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135a, 14135b), respectively), if the Director receives, for each conviction of the person of a qualifying offense,

a certified copy of a final court order establishing that such conviction has been overturned; or

“(ii) on the basis of an arrest under the authority of the United States, if the Attorney General receives, for each charge against the person on the basis of which the analysis was or could have been included in the index, a certified copy of a final court order establishing that such charge has been dismissed or has resulted in an acquittal or that no charge was filed within the applicable time period.”;

(3) in subsection (d)(2)(A)(ii), by striking “all charges for” and all that follows, and inserting the following: “the responsible agency or official of that State receives, for each charge against the person on the basis of which the analysis was or could have been included in the index, a certified copy of a final court order establishing that such charge has been dismissed or has resulted in an acquittal or that no charge was filed within the applicable time period.”; and

(4) by striking subsection (e).

**SEC. 1003. EXPANDED USE OF CODIS GRANTS.**

Section 2(a)(1) of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135(a)(1)) is amended by striking “taken from individuals convicted of a qualifying State offense (as determined under subsection (b)(3))” and inserting “collected under applicable legal authority”.

**SEC. 1004. AUTHORIZATION TO CONDUCT DNA SAMPLE COLLECTION FROM PERSONS ARRESTED OR DETAINED UNDER FEDERAL AUTHORITY.**

(a) **IN GENERAL.**—Section 3 of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135a) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking “The Director” and inserting the following:

“(A) The Attorney General may, as prescribed by the Attorney General in regulation, collect DNA samples from individuals who are arrested or from non-United States persons who are detained under the authority of the United States. The Attorney General may delegate this function within the Department of Justice as provided in section 510 of title 28, United States Code, and may also authorize and direct any other agency of the United States that arrests or detains individuals or supervises individuals facing charges to carry out any function and exercise any power of the Attorney General under this section.

“(B) The Director”; and

(B) in paragraphs (3) and (4), by striking “Director of the Bureau of Prisons” each place it appears and inserting “Attorney General, the Director of the Bureau of Prisons,”; and

(2) in subsection (b), by striking “Director of the Bureau of Prisons” and inserting “Attorney General, the Director of the Bureau of Prisons,”.

(b) **CONFORMING AMENDMENTS.**—Subsections (b) and (c)(1)(A) of section 3142 of title 18, United States Code, are each amended by inserting “and subject to the condition that the person cooperate in the collection of a DNA sample from the person if the collection

of such a sample is authorized pursuant to section 3 of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135a) after “period of release”.

**SEC. 1005. TOLLING OF STATUTE OF LIMITATIONS FOR SEXUAL-ABUSE OFFENSES.**

Section 3297 of title 18, United States Code, is amended by striking “except for a felony offense under chapter 109A,”.

**TITLE XI—DEPARTMENT OF JUSTICE  
REAUTHORIZATION**

**Subtitle A—AUTHORIZATION OF  
APPROPRIATIONS**

**SEC. 1101. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR  
2006.**

There are authorized to be appropriated for fiscal year 2006, to carry out the activities of the Department of Justice (including any bureau, office, board, division, commission, subdivision, unit, or other component thereof), the following sums:

(1) GENERAL ADMINISTRATION.—For General Administration: \$161,407,000.

(2) ADMINISTRATIVE REVIEW AND APPEALS.—For Administrative Review and Appeals: \$216,286,000 for administration of clemency petitions and for immigration-related activities.

(3) OFFICE OF INSPECTOR GENERAL.—For the Office of Inspector General: \$72,828,000, which shall include not to exceed \$10,000 to meet unforeseen emergencies of a confidential character.

(4) GENERAL LEGAL ACTIVITIES.—For General Legal Activities: \$679,661,000, which shall include—

(A) not less than \$4,000,000 for the investigation and prosecution of denaturalization and deportation cases involving alleged Nazi war criminals;

(B) not less than \$15,000,000 for the investigation and prosecution of violations of title 17 of the United States Code;

(C) not to exceed \$20,000 to meet unforeseen emergencies of a confidential character; and

(D) \$5,000,000 for the investigation and prosecution of violations of chapter 77 of title 18 of the United States Code.

(5) ANTITRUST DIVISION.—For the Antitrust Division: \$144,451,000.

(6) UNITED STATES ATTORNEYS.—For United States Attorneys: \$1,626,146,000.

(7) FEDERAL BUREAU OF INVESTIGATION.—For the Federal Bureau of Investigation: \$5,761,237,000, which shall include not to exceed \$70,000 to meet unforeseen emergencies of a confidential character.

(8) UNITED STATES MARSHALS SERVICE.—For the United States Marshals Service: \$800,255,000.