

**Calendar No. 59**111<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION**S. 327**

To amend the Violence Against Women Act of 1994 and the Omnibus Crime Control and Safe Streets Act of 1968 to improve assistance to domestic and sexual violence victims and provide for technical corrections.

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**IN THE SENATE OF THE UNITED STATES**

JANUARY 26, 2009

Mr. LEAHY (for himself, Mr. HATCH, Mr. KAUFMAN, and Ms. KLOBUCHAR) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

MAY 7, 2009

Reported by Mr. LEAHY, with an amendment

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

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**A BILL**

To amend the Violence Against Women Act of 1994 and the Omnibus Crime Control and Safe Streets Act of 1968 to improve assistance to domestic and sexual violence victims and provide for technical corrections.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Improving Assistance  
3 to Domestic and Sexual Violence Victims Act of 2009”.

4 **SEC. 2. DEFINITIONS AND UNIVERSAL GRANT CONDITIONS**  
5 **UNDER VAWA.**

6 (a) **YOUTH DEFINITION.**—Section 40002(a)(37) of  
7 the Violence Against Women Act of 1994 (42 U.S.C.  
8 13925(a)(37)) is amended to read as follows:

9 “(37) **YOUTH.**—The term ‘youth’ means indi-  
10 viduals who are between the ages of 12 and 24.”.

11 (b) **EXPERTISE REQUIREMENT.**—Section  
12 40002(b)(11) of the Violence Against Women Act of 1994  
13 (42 U.S.C. 13925(b)(11)) is amended by adding at the  
14 end the following: “The Director of the Office on Violence  
15 Against Women shall ensure that training or technical as-  
16 sistance will be developed and provided by entities having  
17 demonstrated expertise in the purposes, uses of funds, and  
18 other aspects of the grant program for which such training  
19 or technical assistance is provided.”.

20 (c) **MATCHING REQUIREMENT.**—Section 40002(b)(1)  
21 of the Violence Against Women Act of 1994 (42 U.S.C.  
22 13925(b)(1)) is amended to read as follows:

23 “(1) **MATCH.**—No matching funds shall be re-  
24 quired for a grant or subgrant made under this title  
25 for—

1           “(A) any tribe, territory, or victim service  
2 provider; or

3           “(B) any other entity, including a State,  
4 that the Attorney General determines has ade-  
5 quately demonstrated financial need.”.

6           (d) TREATMENT OF CONFIDENTIAL INFORMATION.—

7 Section 40002(b)(2) of the Violence Against Women Act  
8 of 1994 (42 U.S.C. 13925(b)(2)) is amended—

9           (1) in subparagraph (A), by inserting “privacy  
10 and” before “safety”;

11           (2) in subparagraph (B)—

12           (A) by striking “and (D)” and inserting “,  
13 (D), (E), (F), (G), and (H)”;

14           (B) in clause (i)—

15           (i) by inserting “, reveal, or release”  
16 after “disclose”; and

17           (ii) by inserting “, regardless of  
18 whether the information is encoded,  
19 encrypted, hashed, or otherwise protected,”  
20 after “individual information”; and

21           (C) in clause (ii)—

22           (i) by striking “reveal” and inserting  
23 “disclose, reveal, or release”;

1 (ii) by striking each place it appears  
2 “consent” and inserting “consent or au-  
3 thorization”;

4 (iii) by striking “persons with disabil-  
5 ities” and inserting “a person with a  
6 court-appointed guardian”; and

7 (iv) by striking “person with disabil-  
8 ities” and inserting “person with a court-  
9 appointed guardian”;

10 (3) in subparagraph (C)—

11 (A) by inserting “disclosure, revelation, or”  
12 after “If”;

13 (B) in clause (i), by inserting “, revelation,  
14 or release” after “disclosure”; and

15 (C) in clause (ii), by inserting “disclosure,  
16 revelation, or” after “affected by the”; and

17 (4) by designating subparagraph (E) as sub-  
18 paragraph (H) and inserting after subparagraph (D)  
19 the following:

20 “(E) STATUTORILY PERMITTED REPORTS  
21 OF ABUSE OR NEGLECT.—Nothing in this para-  
22 graph shall prohibit a grantee or subgrantee  
23 from reporting abuse and neglect, as those  
24 terms are defined by law, and where mandated

1 or expressly permitted by the State, tribe, or  
2 territory involved.

3 “(F) PREEMPTION.—The provisions of this  
4 paragraph shall not supersede any other provi-  
5 sion of Federal, State, tribal, territorial, or local  
6 law relating to the privacy or confidentiality of  
7 information to the extent to which such other  
8 provision provides greater privacy or confiden-  
9 tiality protection than this paragraph for vic-  
10 tims of domestic violence, dating violence, sex-  
11 ual assault, or stalking.

12 “(G) CERTAIN MINORS AND PERSONS  
13 WITH GUARDIANS.—If a minor or a person with  
14 a court-appointed guardian is permitted by law  
15 to receive services without the parent’s or  
16 guardian’s consent or authorization, the minor  
17 or person with a court-appointed guardian may  
18 consent to a disclosure, revelation, or release of  
19 information. In no case may consent or author-  
20 ization for release of information be given by  
21 the abuser of the minor, or person with a court-  
22 appointed guardian, or the abuser of the other  
23 parent of the minor.”.

1       (e) EFFECTIVE DATE.—The amendments made by  
 2 this section shall apply to grants awarded for periods be-  
 3 ginning on or after October 1, 2009.

4 **SEC. 3. CRIMINAL JUSTICE.**

5       (a) APPLICATION REQUIREMENTS.—

6           (1) IN GENERAL.—Section 2007(d) of the Om-  
 7 nibus Crime Control and Safe Streets Act of 1968  
 8 (42 U.S.C. 3796gg-1(d)) is amended—

9           (A) in paragraph (3) by striking “and”  
 10 after the semicolon;

11           (B) in paragraph (4), by striking the pe-  
 12 riod and inserting “and”; and

13           (C) by inserting at the end the following:

14           “~~(5)~~ proof of compliance with the requirements  
 15 prohibiting the publication of protection order infor-  
 16 mation on the Internet provided in section 2013A.”.

17           (2) EFFECTIVE DATE.—The amendments made  
 18 by paragraph (1) shall apply to grants awarded for  
 19 periods beginning on or after October 1, 2009.

20       (b) STATE AND FEDERAL OBLIGATIONS.—Section  
 21 2007(f) of the Omnibus Crime Control and Safe Streets  
 22 Act of 1968 (42 U.S.C. 3796gg-1(f)) is amended to read  
 23 as follows:

24           “(f) FEDERAL SHARE.—

1           “(1) ~~IN GENERAL.~~—Except as provided under  
2           paragraph (2), the Federal share of a grant made  
3           under this subtitle may not exceed 75 percent of the  
4           total costs of the projects described in the applica-  
5           tion submitted.

6           “(2) ~~EXEMPTION FROM MATCHING FUNDS.~~—No  
7           matching funds shall be required for that portion of  
8           a grant that is subgranted to any tribe or for victims  
9           services.”.

10          ~~(c) LIMITS ON INTERNET PUBLICATION OF PROTEC-~~  
11 ~~TION ORDER INFORMATION.~~—Section 2265(d) of title 18,  
12 United States Code, is amended by striking paragraph (3).

13          ~~(d) STATE CERTIFICATION.~~—Part T of the Omnibus  
14 Crime Control and Safe Streets Act of 1968 (42 U.S.C.  
15 3796gg et seq.) is amended by inserting after section 2013  
16 the following:

17           **“SEC. 2013A. LIMITS ON INTERNET PUBLICATION OF PRO-**  
18   **TECTION ORDER INFORMATION.**

19           “(a) ~~IN GENERAL.~~—A State, Indian tribal govern-  
20 ment, or unit of local government shall not be eligible to  
21 receive funds under this part unless the State, Indian trib-  
22 al government, or unit of local government certifies that  
23 it does not make available publicly on the Internet any  
24 information regarding the filing for or issuance, modifica-  
25 tion, registration, extension, or enforcement of a protec-

1 tion order, restraining order, or injunction in either the  
 2 issuing or enforcing State, tribal, or territorial jurisdic-  
 3 tion, if such publication would be likely to publicly reveal  
 4 the identity or location of the party protected under such  
 5 order.

6 “(b) EXCEPTION.—A State, Indian tribe, or territory  
 7 may share court-generated and law enforcement-generated  
 8 information about an order or injunction described in sub-  
 9 section (a) if such information is contained in secure, gov-  
 10 ernmental registries for purposes of enforcing orders and  
 11 injunctions described in subsection (a).

12 “(c) EFFECTIVE DATE.—A State, Indian tribal gov-  
 13 ernment, or unit of local government must meet the re-  
 14 quirements of subsection (a) and (b) by the later of—

15 “(1) 2 years from the date of enactment of the  
 16 Improving Assistance to Domestic and Sexual Vio-  
 17 lence Victims Act of 2009; or

18 “(2) the period ending on the date on which the  
 19 next session of the State legislature ends.”

20 (e) HEALTH CARE PROFESSIONALS.—Section  
 21 2010(e) of the Omnibus Crime Control and Safe Streets  
 22 Act of 1968 (42 U.S.C. 3796gg-4) is amended by striking  
 23 “trained examiners for” and inserting “health care profes-  
 24 sionals for adult and youth”.



1           (f) **RURAL STATE.**—Section 40002 (a)(22) of the Vi-  
 2   olence Against Women Act of 1994 (42 U.S.C.  
 3   13925(a)(22)) is amended by striking “150,000 people,  
 4   based on the most recent decennial census” and inserting  
 5   “200,000 people, based on the decennial census of 2000”.

6           (g) **COSTS FOR CRIMINAL CHARGES AND PROTEC-**  
 7   **TION ORDERS.**—Section 2011(a)(1) of the Omnibus  
 8   Crime Control and Safe Streets Act of 1968 (42 U.S.C.  
 9   3796gg-5(a)(1)) is amended by inserting “dating vio-  
 10   lence,” before “stalking”.

11          (h) **GRANTS TO ENCOURAGE ARREST POLICIES AND**  
 12   **ENFORCEMENT OF PROTECTION ORDERS.**—Section  
 13   2101(e)(4) of the Omnibus Crime Control and Safe  
 14   Streets Act of 1968 (42 U.S.C. 3796hh(e)(4)) is amended  
 15   by inserting “dating violence,” before “stalking”.

16   **SEC. 4. FAMILIES.**

17          (a) **IN GENERAL.**—Section 41304 of the Violence  
 18   Against Women Act of 1994 (42 U.S.C. 14043d-3) is  
 19   amended—

20               (1) in subsection (a)—

21                       (A) in paragraph (1), by striking “Attor-  
 22                       ney General, acting through the Director of the  
 23                       Office on Violence Against Women, and in col-  
 24                       laboration with the Department of Health and  
 25                       Human Services” and inserting “Secretary of

1 Health and Human Services (in this section re-  
 2 ferred to as the ‘Secretary’), through the Ad-  
 3 ministration for Children, Youth and Families’;

4 (B) in paragraph (2), by striking “Direc-  
 5 tor” and inserting “Secretary”; and

6 (C) in paragraph (3), by striking “Direc-  
 7 tor” and inserting “Secretary”; and

8 (2) in subsection (d)(1), by striking both places  
 9 it appears “Director” and inserting “Secretary”.

10 (b) EFFECTIVE DATE.—The amendments made by  
 11 subsection (a) shall apply to grants issued on or after Oc-  
 12 tober 1, 2009.

13 **SEC. 5. HOUSING.**

14 (a) SECTION 6.—Section 6(u)(1)(A) of the United  
 15 States Housing Act of 1937 (42 U.S.C. 1437d) is amend-  
 16 ed by inserting “, as described in subparagraph (C),” after  
 17 “HUD approved certification form”.

18 (b) SECTION 8.—Section 8(cc)(1)(A) of the United  
 19 States Housing Act of 1937 (42 U.S.C. 1437f) is amended  
 20 by inserting “, as described in subparagraph (C),” after  
 21 “HUD approved certification form”.

22 **SEC. 6. ECONOMIC SECURITY.**

23 (a) AUTHORITY.—Section 41501(a) of the Violence  
 24 Against Women Act of 1994 (42 U.S.C. 14043f(a)) is  
 25 amended—

1           (1) by striking “The Attorney General” and in-  
2           serting the following:

3           “~~(1) IN GENERAL.—~~The Attorney General”;  
4           and

5           (2) by striking the last sentence and inserting  
6           the following:

7           “~~(2) INFORMATION AND ASSISTANCE.—~~The re-  
8           source center shall provide information and assist-  
9           ance to—

10           “~~(A) employers and labor organizations to~~  
11           aid in their efforts to develop and implement re-  
12           sponses to such violence; and

13           “~~(B) victim service providers, including~~  
14           community-based organizations, State domestic  
15           violence coalitions, State sexual assault coali-  
16           tions, and tribal coalitions, to enable to them to  
17           provide resource materials or other assistance  
18           to employers, labor organizations, or employ-  
19           ees.”.

20           (b) ENTITIES PROVIDING ASSISTANCE.—Section  
21           41501 (c)(1) of the Violence Against Women Act of 1994  
22           (42 U.S.C. 14043f(c)(1)) is amended by striking “and  
23           labor organizations” and inserting “, labor organizations,  
24           victim service providers, community-based organizations,

1 State domestic violence coalitions, State sexual assault  
2 coalitions, and tribal coalitions”.

3 **SEC. 7. TRIBAL ISSUES.**

4 (a) CONSULTATION.—Section 903 of the Violence  
5 Against Women and Department of Justice Reauthoriza-  
6 tion Act of 2005 is amended by inserting at the end the  
7 following:

8 “(c) REPORTS TO CONGRESS.—Not later than 3  
9 months after the date of each of the annual consultations,  
10 beginning with the first consultation following the date of  
11 the enactment of this subsection, the Attorney General  
12 shall submit to the Committee on Indian Affairs and the  
13 Committee on the Judiciary of the Senate and the Com-  
14 mittee on the Judiciary and the Committee on Natural  
15 Resources of the House of Representatives a report sum-  
16 marizing the annual consultations involved, any request of  
17 Indian tribes made pursuant to such consultations for en-  
18 hancing the safety of Indian women, and the investigative  
19 efforts of the Federal Bureau of Investigation and pros-  
20 ecutorial efforts of the United States Attorneys on cases  
21 of domestic violence, sexual assault, dating violence, and  
22 stalking, involving adult Indian women. The first of such  
23 reports shall include the total number of investigations,  
24 indictments, declinations, and convictions of cases de-  
25 scribed in the previous sentence for the 3 years preceding

1 the annual consultation involved and each subsequent re-  
 2 port shall include the total number of investigations, in-  
 3 dictments, declination, and convictions of such cases for  
 4 the year preceding the annual consultation involved.”.

5 (b) GRANTS TO INDIAN TRIBAL GOVERNMENTS.—

6 (1) IN GENERAL.—Section 2015 of the Omni-  
 7 bus Crime Control and Safe Streets Act of 1968 (42  
 8 U.S.C. 3796gg-10) is amended by adding at the end  
 9 the following:

10 “(c) AVAILABILITY.—Funds appropriated under this  
 11 section shall remain available until expended and may only  
 12 be used for the activities described in this section.

13 “(d) DURATION.—Grants made under this section  
 14 shall be for a period of 24 months. Upon request of a  
 15 grantee, the tribal deputy director may extend the grant  
 16 period involved for purposes of enabling the grantee to  
 17 complete the activities agreed to under the terms of the  
 18 grant provided that no additional funds may be provided  
 19 under this section pursuant to such extension.

20 “(e) TECHNICAL ASSISTANCE.—

21 “(1) IN GENERAL.—Not later than 6 months  
 22 after the date of receipt of funding for this program,  
 23 the Director of the Office on Violence Against  
 24 Women shall set aside and disperse not less than 6  
 25 percent of the total amount of the funds made avail-

1 able under this section for the purpose of entering  
2 into cooperative agreements with qualified tribal or-  
3 ganizations to provide technical assistance and train-  
4 ing to Indian tribes to address violence against In-  
5 dian women. Such training and technical experience  
6 shall be specifically designed to address the unique  
7 legal status and geographic circumstances of the In-  
8 dian tribes receiving funds under this section.

9 ~~“(2) QUALIFIED TRIBAL ORGANIZATION.—For~~  
10 ~~purposes of paragraph (1), a qualified tribal organi-~~  
11 ~~zation is a tribal organization with demonstrated ex-~~  
12 ~~perience in providing training and technical experi-~~  
13 ~~ence to Indian tribes in addressing violence against~~  
14 ~~Indian women.”.~~

15 ~~(2) EFFECTIVE DATE.—The amendment made~~  
16 ~~by paragraph (1) shall apply to grants made on or~~  
17 ~~after October 1, 2009.~~

18 **SEC. 8. POLYGRAPH PROCEDURES.**

19 (a) ~~STOP GRANTS.—Section 2013(a) of the Omni-~~  
20 ~~bus Crime Control and Safe Streets Act of 1968 (42~~  
21 ~~U.S.C. 3796gg–8(a)) is amended by striking “as a condi-~~  
22 ~~tion for proceeding with the investigation of such an of-~~  
23 ~~fense”.~~

24 (b) ~~GRANTS TO ENCOURAGE ARREST.—Section~~  
25 ~~2101(c)(5)(A) of the Omnibus Crime Control and Safe~~

1 Streets Act of 1968 (42 U.S.C. 3796hh(c)(5)(A)) is  
 2 amended by striking “as a condition for proceeding with  
 3 the investigation of such an offense”.

4 (c) EFFECTIVE DATE.—The amendments made by  
 5 subsections (a) and (b) shall apply to grants made on or  
 6 after the latter of the following dates:

7 (1) The date that is 2 years after the date of  
 8 the enactment of this Act.

9 (2) The date on which the next session of the  
 10 State legislature of the State involved ends.

11 **SEC. 9. SEXUAL ASSAULT NURSE EXAMINERS.**

12 Section 2101(b) of the Omnibus Crime Control and  
 13 Safe Streets Act of 1968 (42 U.S.C. 3796hh(b)) is amend-  
 14 ed by adding at the end the following new paragraph:

15 “(14) To provide for sexual assault forensic  
 16 medical personnel examiners in the collection and  
 17 preservation of evidence, expert testimony, and  
 18 treatment of trauma related to sexual assault.”.

19 **SEC. 10. SEXUALLY TRANSMITTED INFECTION TESTING**  
 20 **AND TREATMENT.**

21 Section 2101 of the Omnibus Crime Control and Safe  
 22 Streets Act of 1968 (42 U.S.C. 3796hh) is amended—

23 (1) in subsection (b), as amended by section 9,  
 24 by adding at the end the following new paragraph:

1           “(15) To develop human immunodeficiency  
2 virus (HIV), Hepatitis B, Hepatitis C, and sexually  
3 transmitted infection testing and treatment pro-  
4 grams for sexual assault victims that include notifi-  
5 cation, treatment, counseling, and confidentiality  
6 protocols.”; and

7           (2) in subsection (d)—

8           (A) by inserting “OR TREATMENT” after  
9 “NOTICE”; and

10           (B) by striking paragraph (2) and insert-  
11 ing the following:

12           “(2) certifies it has a law that requires the  
13 State or unit of local government, respectively, to  
14 provide at the request of a victim or the parent or  
15 guardian of a victim—

16           “(A) anonymous and confidential free test-  
17 ing for the victim for the human immuno-  
18 deficiency virus (HIV), Hepatitis B, Hepatitis  
19 C, and other sexually transmitted infections as  
20 medically appropriate;

21           “(B) as soon as practicable, notification to  
22 the victim, or parent or guardian of a victim, of  
23 the testing results;



1           ~~“(C) anonymous and confidential free fol-~~  
2           ~~low-up testing for the victim as medically ap-~~  
3           ~~propriate;~~

4           ~~“(D) free prophylaxis and treatment as~~  
5           ~~necessary for the victim;~~

6           ~~“(E) free counseling and support to the~~  
7           ~~victim regarding any health care concerns of~~  
8           ~~the victim with respect to the human immuno-~~  
9           ~~deficiency virus (HIV), Hepatitis B, Hepatitis~~  
10          ~~C, and other sexually transmitted infections;~~  
11          ~~and~~

12          ~~“(F) assurances that the test results of the~~  
13          ~~victim shall remain confidential unless other-~~  
14          ~~wise provided by law; and~~

15          ~~“(3) provides assurances to the satisfaction of~~  
16          ~~the Attorney General that its laws will be in compli-~~  
17          ~~ance with the requirements of paragraph (1) or (2)~~  
18          ~~by a date that is not later than the latter of the fol-~~  
19          ~~lowing dates:~~

20                 ~~“(A) The date that is 2 years after the~~  
21                 ~~date of the enactment of the Improving Assist-~~  
22                 ~~ance to Domestic and Sexual Violence Victims~~  
23                 ~~Act of 2009.~~

24                 ~~“(B) The date on which the next session of~~  
25                 ~~the State legislature ends.”.~~

1 **SEC. 11. CLARIFICATION OF THE TERM CULTURALLY AND**  
 2 **LINGUISTICALLY SPECIFIC.**

3 (a) **DEFINITIONS.**—Section 40002(a) of the Violence  
 4 Against Women Act of 1994 (42 U.S.C. 13925(a)) is  
 5 amended—

6 (1) by striking paragraph (17) and redesignating the subsequent paragraphs accordingly; and

7 (2) by inserting after paragraph (5) the following new paragraphs and redesignating the subsequent paragraphs (as redesignated by paragraph (1)) accordingly:

12 “(6) **CULTURALLY SPECIFIC.**—The terms ‘culturally specific’ and ‘culturally and linguistically specific’ mean specific to racial and ethnic minority groups (as defined in section 1707(g) of the Public Health Service Act (42 U.S.C. 300a–6(g))).

17 “(7) **CULTURALLY AND LINGUISTICALLY SPECIFIC SERVICES.**—The terms ‘culturally and linguistically specific services’ and ‘culturally specific services’ mean community-based services that offer full linguistic access and culturally specific services and resources, including outreach, collaboration, and support mechanisms primarily directed toward culturally specific communities.”

25 (b) **COLLABORATIVE GRANTS TO INCREASE THE**  
 26 **LONG-TERM STABILITY OF VICTIMS.**—Section 41404 of

1 the Violence Against Women Act of 1994 (42 U.S.C.  
 2 13701 et seq.) is amended in subsection (f)(1) by striking  
 3 “linguistically and culturally” and inserting “culturally  
 4 and linguistically”.

5 (e) GRANTS TO COMBAT VIOLENCE AGAINST WOMEN  
 6 IN PUBLIC AND ASSISTED HOUSING.—Section 41405 of  
 7 the Violence Against Women Act of 1994 (42 U.S.C.  
 8 13701 et seq.) is amended in subsection (e)(2)(D) by  
 9 striking “linguistically and culturally” and inserting “cul-  
 10 turally and linguistically”.

11 (d) STATE GRANTS.—Section 2007(e)(2)(D) of the  
 12 Omnibus Crime Control and Safe Streets Act of 1968 (42  
 13 U.S.C. 3796gg-1(e)(2)(D)) is amended by striking “lin-  
 14 guistically and culturally” and inserting “culturally and  
 15 linguistically”.

16 (e) SEXUAL ASSAULT SERVICES.—Section 2014 of  
 17 the Omnibus Crime Control and Safe Streets Act of 1968  
 18 (42 U.S.C. 14043g) is amended—

19 (1) in subsection (b)—

20 (A) in paragraph (1), by striking “and  
 21 other programs and projects”;

22 (B) in paragraph (2)(B)—

23 (i) by striking “and other nonprofit,  
 24 nongovernmental organizations for pro-  
 25 grams and activities”; and

1 (ii) by inserting “to sexual assault vic-  
2 tims” after “that provide direct interven-  
3 tion and related assistance”; and

4 (C) in paragraph (2)(C)(v), by striking  
5 “linguistically and culturally” and inserting  
6 “culturally and linguistically”;

7 (2) in subsection (e)(2)(A) by striking “that fo-  
8 cuses primarily on” and inserting “whose primary  
9 mission is to address one or more”;

10 (3) in subsection (e)(2)(C) by striking “linguis-  
11 tically and culturally” and inserting “culturally and  
12 linguistically”; and

13 (4) in subsection (e)(4)(B) by deleting “under-  
14 served”.

15 (f) ~~ENHANCING CULTURALLY AND LINGUISTICALLY~~  
16 ~~SPECIFIC SERVICES FOR VICTIMS OF DOMESTIC VIO-~~  
17 ~~LENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND~~  
18 ~~STALKING.~~—Section 121 of the Violence Against Women  
19 and Department of Justice Reauthorization Act of 2005  
20 (42 U.S.C. 14045a) is amended—

21 (1) in subsection (b)(1)(A) by inserting “for  
22 culturally and linguistically specific populations”  
23 after “resources”;

1           (2) in subsection (b)(1)(B) by inserting “cul-  
2           turally and linguistically specific” before “resources  
3           for”; and

4           (3) in subsection (g) by striking “linguistic and  
5           culturally” and inserting “culturally and linguis-  
6           tically”.

7   **SEC. 12. NATIONAL RESOURCE CENTER GRANTS TECH-**  
8                                   **NICAL AMENDMENT.**

9           Section 41501(b)(3) of the Violence Against Women  
10 Act of 1994 (42 U.S.C. 14043f(b)(3)) is amended by  
11 striking “for materials”.

12 **SEC. 13. ANALYSIS AND RESEARCH ON VIOLENCE AGAINST**  
13                                   **INDIAN WOMEN.**

14           Section 904(a)(1) of the Violence Against Women  
15 and Department of Justice Reauthorization Act of 2005  
16 (42 U.S.C. 3796gg-10(a)(1) note) is amended by striking  
17 “in Indian country” and inserting “on land owned or held  
18 in trust for the benefit of an Indian tribe included on the  
19 list published under section 104 of the Federally Recog-  
20 nized Indian Tribe List Act of 1994 (25 U.S.C. 479a-  
21 1)”.

22 **SEC. 14. MOTIONS TO REOPEN.**

23           (a) IN GENERAL.—Section 240(e)(7)(C)(iv)(I) of the  
24 Immigration and Nationality Act (8 U.S.C.  
25 1229a(e)(7)(C)(iv)(I)) is amended to read as follows:

1                   “~~(I)~~ if the basis for the motion is  
 2                   to apply for relief under subparagraph  
 3                   ~~(T)~~ or ~~(U)~~ of section 101(a)(15);  
 4                   clause ~~(iii)~~ or ~~(iv)~~ of section  
 5                   204(a)(1)(A); clause ~~(ii)~~ or ~~(iii)~~ of sec-  
 6                   tion 204(a)(1)(B); section 240A(b)(2);  
 7                   section 244(a)(3) (as in effect on  
 8                   March 31, 1997); or subsection ~~(l)~~ or  
 9                   ~~(m)~~ of section 245;”.

10           (b) **EFFECTIVE DATE.**—The amendment made by  
 11 subsection (a) shall take effect on the date of the enact-  
 12 ment of this Act and shall apply to applications filed be-  
 13 fore, on, or after such date.

14 **SEC. 15. EXTENSION OF T NONIMMIGRANT STATUS.**

15           (a) **IN GENERAL.**—Section 214(o)(7) of the Immigra-  
 16 tion and Nationality Act (8 U.S.C. 1184(o)(7)) is amend-  
 17 ed by adding at the end the following:

18           “~~(D)~~ An alien may apply for extension of status  
 19 under subparagraph ~~(B)~~ retroactively after the expiration  
 20 of nonimmigrant status under subparagraph  
 21 101(a)(15)~~(T)~~.”.

22           (b) **EFFECTIVE DATE.**—The amendments made by  
 23 under subsection (a) shall take effect on the date of the  
 24 enactment of this Act and shall apply to applications filed  
 25 before, on, or after such date.

1 **SEC. 16. T AND U NONIMMIGRANT PROTECTIONS.**

2 (a) **IN GENERAL.**—Section 107(b)(1)(E)(i)(II)(aa) of  
3 the Trafficking Victims Protection Act of 2000 (22 U.S.C.  
4 7105(b)(1)(E)(i)(II)(aa)) is amended by striking “bona  
5 fide” and inserting “prima facie”.

6 (b) **CONFORMING AMENDMENT.**—Section 214(p)(6)  
7 of the Immigration and Nationality Act (8 U.S.C.  
8 1184(p)(6)) is amended by striking “bona fide” and in-  
9 serting “prima facie”.

10 (c) **EFFECTIVE DATE.**—The amendments made by  
11 this section shall take effect on the date of the enactment  
12 of this Act and shall apply to applications filed before, on,  
13 or after such date.

14 **SEC. 17. U NONIMMIGRANT ADJUSTMENT OF STATUS.**

15 (a) **IN GENERAL.**—Section 245(m)(3) of the Immi-  
16 gration and Nationality Act (8 U.S.C. 1255(m)(3)) is  
17 amended by inserting “or an unmarried sibling under 18  
18 years of age on the date of such application for adjustment  
19 of status under paragraph (1),” after “a parent”.

20 (b) **EFFECTIVE DATE.**—The amendment made by  
21 this section shall take effect on the date of the enactment  
22 of this Act and shall apply to applications filed before, on,  
23 or after such date.

1 **SEC. 18. CONFORMING AMENDMENT CONFIRMING HOUS-**  
2 **ING ASSISTANCE FOR QUALIFIED ALIENS.**

3 (a) **IN GENERAL.**—Section 214 of the Housing and  
4 Community Development Act of 1980 (42 U.S.C. 1436a)  
5 is amended—

6 (1) in subsection (a)—

7 (A) in paragraph (6), by striking “or” at  
8 the end;

9 (B) by redesignating paragraph (7) as  
10 paragraph (8); and

11 (C) by inserting after paragraph (6) the  
12 following:

13 “(7) a qualified alien described in section 431  
14 of the Personal Responsibility and Work Oppor-  
15 tunity Reconciliation Act of 1996 (8 U.S.C. 1641);  
16 or”; and

17 (2) in subsection (c)—

18 (A) in paragraph (1)(A), by striking “(6)”  
19 and inserting “(7)”; and

20 (B) in paragraph (2)(A), in the matter  
21 preceding clause (i), by inserting “(other than  
22 a qualified alien described in section 431 of the  
23 Personal Responsibility and Work Opportunity  
24 Reconciliation Act of 1996 (8 U.S.C. 1641)”  
25 after “any alien”.



1           (b) **EFFECTIVE DATE.**—The amendments made by  
2 subsection (a) shall apply to applications for public bene-  
3 fits and public benefits provided on or after the date of  
4 the enactment of this Act without regard to whether regu-  
5 lations to carry out such amendments have been imple-  
6 mented.

7 **SEC. 19. PROCESSING OF CERTAIN VISAS.**

8           (a) **IN GENERAL.**—Section 238(b)(5) of the William  
9 Wilberforce Trafficking Victims Protection Reauthoriza-  
10 tion Act of 2008 (Public Law 110–457; 122 Stat 5085)  
11 is amended to read as follows:

12                   “(5) Measures taken to ensure that—

13                           “(A) the Office of Policy and Strategy at  
14 United States Citizenship and Immigration  
15 Services leads policy and program development  
16 with regard to Violence Against Women Act  
17 confidentiality-protected victims and their deriv-  
18 ative family members; and

19                           “(B) there is routine consultation with the  
20 Office on Policy and Strategy during the devel-  
21 opment of any other Department of Homeland  
22 Security regulation or operational policy that  
23 impacts Violence Against Women Act confiden-  
24 tiality-protected victims and their derivative  
25 family members.”.

1 (b) **EFFECTIVE DATE.**—The amendments made by  
 2 subsection (a) shall take effect on the date of the enact-  
 3 ment of this Act and shall apply to applications filed be-  
 4 fore, on, or after such date.

5 **TITLE I—IMPROVING ASSIST-**  
 6 **ANCE TO DOMESTIC AND SEX-**  
 7 **UAL VIOLENCE VICTIMS ACT**  
 8 **OF 2009**

9 **SEC. 101. SHORT TITLE.**

10 *This title may be cited as the “Improving Assistance*  
 11 *to Domestic and Sexual Violence Victims Act of 2009”.*

12 **SEC. 102. EFFECTIVE DATE.**

13 *Except as otherwise provided in this Act, this title and*  
 14 *the amendments made by this title shall take effect at the*  
 15 *beginning of fiscal year 2010.*

16 **SEC. 103. DEFINITIONS AND UNIVERSAL GRANT CONDI-**  
 17 **TIONS UNDER VAWA.**

18 (a) **YOUTH DEFINITION.**—*Section 40002(a)(37) of the*  
 19 *Violence Against Women Act of 1994 (42 U.S.C.*  
 20 *13925(a)(37)) is amended to read as follows:*

21 *“(37) YOUTH.—The term ‘youth’ means an indi-*  
 22 *vidual who is between 12 and 24 years of age.”.*

23 (b) **TRAINED EXAMINER DEFINITION.**—*Section*  
 24 *40002(a) of the Violence Against Women Act of 1994 (42*

1 *U.S.C. 13925(a)* is amended by inserting at the end the  
2 following:

3           “(38) *TRAINED EXAMINER*.—The term ‘trained  
4 examiner’ means a health care professional who has  
5 received specialized training specific to sexual assault  
6 victims which includes both gathering forensic evi-  
7 dence and medical needs.”.

8           (c) *PERSONAL INFORMATION*.—Section 40002(a)(18)  
9 of the *Violence Against Women Act of 1994* (42 U.S.C.  
10 13925(a)(18)) is amended by inserting after “stalking,” the  
11 following: “regardless of whether the information is encoded,  
12 encrypted, hashed, or otherwise protected,”.

13           (d) *EXPERTISE REQUIREMENT*.—Section 40002(b)(11)  
14 of the *Violence Against Women Act of 1994* (42 U.S.C.  
15 13925(b)(11)) is amended by adding at the end the fol-  
16 lowing: “The Director of the Office on Violence Against  
17 Women shall ensure that training or technical assistance  
18 will be developed and provided by entities having dem-  
19 onstrated expertise in the purposes, uses of funds, and other  
20 aspects of the grant program for which such training or  
21 technical assistance is provided.”.

22           (e) *MATCHING REQUIREMENT*.—Section 40002(b)(1)  
23 of the *Violence Against Women Act of 1994* (42 U.S.C.  
24 13925(b)(1)) is amended to read as follows:

1           “(1) *MATCH.*—No matching funds shall be re-  
2           quired for a grant or subgrant made under this title  
3           for—

4                     “(A) any tribe, territory, or victim service  
5           provider; or

6                     “(B) any other entity, including a State,  
7           that the Attorney General determines has ade-  
8           quately demonstrated financial need.”.

9           (f) *TREATMENT OF CONFIDENTIAL INFORMATION.*—  
10          Section 40002(b)(2) of the Violence Against Women Act of  
11          1994 (42 U.S.C. 13925(b)(2)) is amended—

12                    (1) in subparagraph (A), by inserting “privacy  
13          and” before “safety”;

14                    (2) in subparagraph (B)—

15                             (A) by striking “and (D)” and inserting “,  
16          (D), (E), (F), (G), and (H)”;

17                             (B) in clause (i)—

18                                     (i) by inserting “, reveal, or release”  
19          after “disclose”; and

20                                     (ii) by inserting “, regardless of wheth-  
21          er the information is encoded, encrypted,  
22          hashed, or otherwise protected,” after “indi-  
23          vidual information”; and

24                             (C) in clause (ii)—

1                   (i) by striking “reveal” and inserting  
2                   “disclose, reveal, or release”;

3                   (ii) by striking “consent” each place it  
4                   appears and inserting “consent or author-  
5                   ization”; and

6                   (iii) by striking “persons with disabil-  
7                   ities” and inserting “a person with a court-  
8                   appointed guardian”;

9                   (3) in subparagraph (C)—

10                   (A) by inserting “disclosure, revelation, or”  
11                   after “If”;

12                   (B) in clause (i), by inserting “, revelation,  
13                   or release” after “disclosure”; and

14                   (C) in clause (ii), by inserting “disclosure,  
15                   revelation, or” after “affected by the”;

16                   (4) by redesignating subparagraph (E) as sub-  
17                   paragraph (H); and

18                   (5) by inserting after subparagraph (D) the fol-  
19                   lowing:

20                   “(E) *STATUTORILY PERMITTED REPORTS OF*  
21                   *ABUSE OR NEGLIGENCE.*—Nothing in this para-  
22                   graph shall prohibit a grantee or subgrantee  
23                   from reporting abuse and neglect, as those terms  
24                   are defined by law, and where mandated or ex-

1           *pressly permitted by the State, tribe, or territory*  
2           *involved.*

3           “(F) *PREEMPTION.*—*This paragraph shall*  
4           *not supersede any other provision of Federal,*  
5           *State, tribal, territorial, or local law relating to*  
6           *the privacy or confidentiality of information to*  
7           *the extent to which such other provision provides*  
8           *greater privacy or confidentiality protection*  
9           *than this paragraph for victims of domestic vio-*  
10          *lence, dating violence, sexual assault, or stalking.*

11          “(G) *CERTAIN MINORS AND PERSONS WITH*  
12          *GUARDIANS.*—*If a minor or a person with a*  
13          *court-appointed guardian is permitted by law to*  
14          *receive services without the parent’s or guard-*  
15          *ian’s consent or authorization, the minor or per-*  
16          *son with a court-appointed guardian may con-*  
17          *sent to a disclosure, revelation, or release of in-*  
18          *formation. In no case may consent or authoriza-*  
19          *tion for release of information be given by the*  
20          *abuser of the minor, or person with a court-ap-*  
21          *pointed guardian, or the abuser of the other par-*  
22          *ent of the minor.”.*

23   **SEC. 104. CRIMINAL JUSTICE.**

24          (a) *APPLICATION REQUIREMENTS.*—

1           (1) *IN GENERAL.*—Section 2007(d) of the *Omnibus Crime Control and Safe Streets Act of 1968* (42  
2           *U.S.C. 3796gg–1(d)*) is amended—

3                   (A) in paragraph (3), by striking “and”  
4                   after the semicolon;

5                   (B) in paragraph (4), by striking the period  
6                   and inserting “; and”; and

7                   (C) by inserting at the end the following:

8                   “(5) proof of compliance with the requirements  
9                   prohibiting the publication of protection order infor-  
10                  mation on the Internet under section 2013A.”.

11           (2) *EFFECTIVE DATE.*—The amendments made  
12           by paragraph (1) shall apply to grants awarded for  
13           periods beginning on or after October 1, 2009.

14           (b) *STATE AND FEDERAL OBLIGATIONS.*—Section  
15           2007(f) of the *Omnibus Crime Control and Safe Streets Act*  
16           of 1968 (42 *U.S.C. 3796gg–1(f)*) is amended to read as fol-  
17           lows:  
18

19                   “(f) *FEDERAL SHARE.*—

20                   “(1) *IN GENERAL.*—Except as provided under  
21                   paragraph (2), the Federal share of a grant made  
22                   under this part may not exceed 75 percent of the total  
23                   costs of the projects described in the application sub-  
24                   mitted.

1           “(2) *EXEMPTION FROM MATCHING FUNDS.*—No  
 2           *matching funds shall be required for that portion of*  
 3           *a grant under this part that is subgranted to any In-*  
 4           *Indian tribal government for victims services.”.*

5           *(c) LIMITS ON INTERNET PUBLICATION OF PROTEC-*  
 6           *TION ORDER INFORMATION.*—Section 2265(d) of title 18,  
 7           *United States Code, is amended by striking paragraph (3).*

8           *(d) STATE CERTIFICATION.*—Part T of the Omnibus  
 9           *Crime Control and Safe Streets Act of 1968 (42 U.S.C.*  
 10           *3796gg et seq.) is amended by inserting after section 2013*  
 11           *the following:*

12           **“SEC. 2013A. LIMITS ON INTERNET PUBLICATION OF PRO-**  
 13   **TECTION ORDER INFORMATION.**

14           “(a) *IN GENERAL.*—A State, Indian tribal govern-  
 15           *ment, or unit of local government shall not be eligible to*  
 16           *receive funds under this part unless the State, Indian tribal*  
 17           *government, or unit of local government certifies that it does*  
 18           *not make available publicly on the Internet any informa-*  
 19           *tion regarding the filing for or issuance, modification, reg-*  
 20           *istration, extension, or enforcement of a protection order,*  
 21           *restraining order, or injunction in the issuing or enforcing*  
 22           *State, tribal, or territorial jurisdiction, if such publication*  
 23           *would be likely to publicly reveal the identity or location*  
 24           *of the party protected under such order or injunction.*



1       “(b) *EXCEPTION.*—A State, Indian tribe, or territory  
 2 may share court-generated and law enforcement-generated  
 3 information about an order or injunction described in sub-  
 4 section (a) for purposes of enforcing such orders and injunc-  
 5 tions, if such information is contained in a secure, govern-  
 6 mental registry.

7       “(c) *EFFECTIVE DATE.*—A State, Indian tribal gov-  
 8 ernment, or unit of local government shall meet the require-  
 9 ments of subsections (a) and (b) by not later than the later  
 10 of—

11               “(1) 2 years after the date of enactment of the  
 12 *Improving Assistance to Domestic and Sexual Vio-*  
 13 *lence Victims Act of 2009; or*

14               “(2) the date on which the next session of the  
 15 *State legislature ends.*”

16       “(e) *TERRITORY.*—Section 2010 of the *Omnibus Crime*  
 17 *Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg-*  
 18 *4) is amended—*

19               (1) *in subsection (a)—*

20                       (A) *in paragraph (1), by inserting “Terri-*  
 21 *tory,” after “State,” both places it appears; and*

22                       (B) *in paragraph (2), by inserting “Terri-*  
 23 *tory,” after “State,” and “Territories,” after*  
 24 *“States,”;*

1           (2) in subsection (b), by inserting “Territory,”  
2 after “State,” both places it appears;

3           (3) in subsection (c), by inserting “Territory,”  
4 after “State,”; and

5           (4) in subsection (e), by inserting “Territory,”  
6 after “State,” both places it appears.

7           (f) *RURAL STATE*.—Section 40002 (a)(22) of the *Vio-*  
8 *lence Against Women Act of 1994 (42 U.S.C. 13925(a)(22))*  
9 *is amended by striking “150,000” and inserting “200,000”.*

10          (g) *COSTS FOR CRIMINAL CHARGES AND PROTECTION*  
11 *ORDERS*.—Section 2011(a)(1) of the *Omnibus Crime Con-*  
12 *trol and Safe Streets Act of 1968 (42 U.S.C. 3796gg-*  
13 *5(a)(1)) is amended by inserting “dating violence,” before*  
14 *“stalking”.*

15          (h) *GRANTS TO ENCOURAGE ARREST POLICIES AND*  
16 *ENFORCEMENT OF PROTECTION ORDERS*.—Section  
17 *2101(c)(4) of the Omnibus Crime Control and Safe Streets*  
18 *Act of 1968 (42 U.S.C. 3796hh(c)(4)) is amended by insert-*  
19 *ing “dating violence,” before “stalking”.*

20          (i) *EFFECTIVE DATE*.—The amendments made by sub-  
21 *sections (g) and (h) shall take effect 2 years after the date*  
22 *of enactment of this Act.*

1 **SEC. 105. FAMILIES.**

2 (a) *IN GENERAL.*—Section 41304 of the Violence  
3 Against Women Act of 1994 (42 U.S.C. 14043d–3) is  
4 amended—

5 (1) in subsection (a)—

6 (A) in paragraph (1), by striking “Attorney  
7 General, acting through the Director of the Office  
8 on Violence Against Women, and in collabora-  
9 tion with the Department of Health and Human  
10 Services” and inserting “Secretary of Health  
11 and Human Services (in this section referred to  
12 as the ‘Secretary’), acting through the Adminis-  
13 tration for Children, Youth and Families”;

14 (B) in paragraph (2), by striking “Direc-  
15 tor” and inserting “Secretary”; and

16 (C) in paragraph (3), by striking “Direc-  
17 tor” and inserting “Secretary”; and

18 (2) in subsection (d)(1), by striking both places  
19 it appears “Director” and inserting “Secretary”.

20 (b) *EFFECTIVE DATE.*—The amendments made by sub-  
21 section (a) shall apply to grants issued on or after October  
22 1, 2009.

23 **SEC. 106. HOUSING.**

24 (a) *SECTION 6.*—Section 6(u)(1)(A) of the United  
25 States Housing Act of 1937 (42 U.S.C. 1437d) is amended

1 by inserting “, as described in subparagraph (C),” after  
 2 “HUD approved certification form”.

3 (b) SECTION 8.—Section 8(ee)(1)(A) of the United  
 4 States Housing Act of 1937 (42 U.S.C. 1437f) is amended  
 5 by inserting “, as described in subparagraph (C),” after  
 6 “HUD approved certification form”.

7 **SEC. 107. ECONOMIC SECURITY.**

8 (a) AUTHORITY.—Section 41501(a) of the Violence  
 9 Against Women Act of 1994 (42 U.S.C. 14043f(a)) is  
 10 amended—

11 (1) by striking “The Attorney General” and in-  
 12 serting the following:

13 “(1) IN GENERAL.—The Attorney General”; and

14 (2) by striking the last sentence and inserting  
 15 the following:

16 “(2) INFORMATION AND ASSISTANCE.—The re-  
 17 source center established under paragraph (1) shall  
 18 provide information and assistance to—

19 “(A) employers and labor organizations to  
 20 aid in their efforts to develop and implement re-  
 21 sponses to such violence; and

22 “(B) victim service providers, including  
 23 community-based organizations, State domestic  
 24 violence coalitions, State sexual assault coal-  
 25 tions, and tribal coalitions, to enable to the pro-

1            *viders to provide resource materials or other as-*  
 2            *sistance to employers, labor organizations, or*  
 3            *employees.”.*

4            *(b) ENTITIES PROVIDING ASSISTANCE.—Section*  
 5            *41501(c)(1) of the Violence Against Women Act of 1994 (42*  
 6            *U.S.C. 14043f(c)(1)) is amended by striking “and labor or-*  
 7            *ganizations” and inserting “, labor organizations, victim*  
 8            *service providers, community-based organizations, State do-*  
 9            *mestic violence coalitions, State sexual assault coalitions,*  
 10           *and tribal coalitions,”.*

11           **SEC. 108. TRIBAL ISSUES.**

12           *Section 2015 of the Omnibus Crime Control and Safe*  
 13           *Streets Act of 1968 (42 U.S.C. 3796gg–10) is amended by*  
 14           *adding at the end the following:*

15           *“(c) AVAILABILITY.—Funds available under this sec-*  
 16           *tion shall remain available until expended and may only*  
 17           *be used for the activities described in this section.*

18           *“(d) DURATION.—A grant made under this section*  
 19           *shall be for a period of 24 months.”.*

20           **SEC. 109. SEXUAL ASSAULT NURSE EXAMINERS.**

21           *Section 2101(b) of the Omnibus Crime Control and*  
 22           *Safe Streets Act of 1968 (42 U.S.C. 3796hh(b)) is amended*  
 23           *by adding at the end the following:*

24           *“(14) To provide for sexual assault forensic med-*  
 25           *ical personnel examiners in the collection and preser-*

1 *vation of evidence, expert testimony, and treatment of*  
 2 *trauma related to sexual assault.”.*

3 **SEC. 110. SEXUALLY TRANSMITTED INFECTION TESTING**  
 4 **AND TREATMENT.**

5 *Section 2101 of the Omnibus Crime Control and Safe*  
 6 *Streets Act of 1968 (42 U.S.C. 3796hh) is amended—*

7 *(1) in subsection (b), as amended by section 9 of*  
 8 *this Act, by adding at the end the following new*  
 9 *paragraph:*

10 *“(15) To develop human immunodeficiency*  
 11 *virus, Hepatitis B, Hepatitis C, and sexually trans-*  
 12 *mitted infection testing and treatment programs for*  
 13 *sexual assault victims that include notification, treat-*  
 14 *ment, counseling, and confidentiality protocols.”; and*

15 *(2) by striking subsection (d) and inserting the*  
 16 *following:*

17 *“(d) HIV TESTING AND PHOPHYLAXIS.—A State or*  
 18 *unit of local government shall not be entitled to 5 percent*  
 19 *of the funds allocated under this part unless the State or*  
 20 *unit of local government—*

21 *“(1) certifies that it has a law or regulation that*  
 22 *requires—*

23 *“(A) the State or unit of local government*  
 24 *to provide immediately and without charge, at*  
 25 *the request of a victim of a sexual assault that*

1 carries the risk of transmission of the human im-  
2 munodeficiency virus (in this subsection referred  
3 to as ‘HIV’), to the victim—

4 “(i) an HIV test;

5 “(ii) counseling regarding the risk of  
6 transmission of HIV and available treat-  
7 ments; and

8 “(iii) HIV prophylaxis, as described in  
9 guidance set forth by the Centers for Disease  
10 Control and Prevention;

11 “(B) notification as soon as practicable of  
12 the testing results of testing described in sub-  
13 paragraph (A) to the victim or parent and  
14 guardian of the victim, if the victim is a minor  
15 or has a court-appointed guardian; and

16 “(C) followup tests for HIV as may be  
17 medically appropriate and that, as soon as prac-  
18 ticable after each such test, the results be made  
19 available in accordance with subparagraph (B);

20 “(2) certifies that it has a law or regulation that  
21 requires—

22 “(A) the State or unit of local government  
23 to administer HIV testing to an offender not  
24 later than 48 hours after a request described in  
25 clause (i) if—

1                   “(i) requested by a victim of a sexual  
2 assault that carries the risk of transmission  
3 of HIV;

4                   “(ii) there has been a finding of prob-  
5 able cause that the offender committed the  
6 sexual assault; and

7                   “(iii) the offender is in custody or oth-  
8 erwise available for testing;

9                   “(B) notification as soon as practicable of  
10 the results of testing described in subparagraph  
11 (A) to the victim or parent and guardian of the  
12 victim, if the victim is a minor or has a court-  
13 appointed guardian, and offender; and

14                   “(C) followup tests for HIV as may be  
15 medically appropriate and that, as soon as prac-  
16 ticable after each such test, the results be made  
17 available in accordance with subparagraph (B);  
18 or

19                   “(3) gives the Attorney General assurances that  
20 its laws and regulations will be in compliance with  
21 the requirements of paragraph (1) or (2) not later  
22 than the later of—

23                   “(A) the date on which the next session of  
24 the State legislature ends; or



1                   “(B) 2 years after the date of enactment of  
2                   the Improving Assistance to Domestic and Sex-  
3                   ual Violence Victims Act of 2009.”.

4 **SEC. 111. CLARIFICATION OF THE TERM CULTURALLY AND**  
5 **LINGUISTICALLY SPECIFIC.**

6           (a) *DEFINITIONS.*—Section 40002(a) of the Violence  
7 *Against Women Act of 1994 (42 U.S.C. 13925(a))* is amend-  
8 *ed—*

9                   (1) *by striking paragraph (17);*

10                   (2) *by redesignating the paragraphs (18) through*  
11 *(38) as paragraphs (19) through (39), respectively;*

12                   (3) *by redesignating the paragraphs (6) through*  
13 *(16) as paragraphs (8) through (18), respectively; and*

14                   (4) *by inserting after paragraph (5) the fol-*  
15 *lowing new paragraphs and redesignating the subse-*  
16 *quent paragraphs (as redesignated by paragraph (1))*  
17 *accordingly:*

18                   “(6) *CULTURALLY SPECIFIC.*—The terms ‘cul-  
19 *turally specific*’ and ‘*culturally and linguistically*  
20 *specific*’ mean *specific to racial and ethnic minority*  
21 *groups (as defined in section 1707(g) of the Public*  
22 *Health Service Act (42 U.S.C. 300u–6(g))*).

23                   “(7) *CULTURALLY AND LINGUISTICALLY SPECIFIC*  
24 *SERVICES.*—The terms ‘*culturally and linguistically*  
25 *specific services*’ and ‘*culturally specific services*’

1        *mean community-based services that offer full lin-*  
2        *guistic access and culturally specific services and re-*  
3        *sources, including outreach, collaboration, and sup-*  
4        *port mechanisms primarily directed toward cul-*  
5        *turally specific communities.”.*

6        *(b) COLLABORATIVE GRANTS TO INCREASE THE LONG-*  
7        *TERM STABILITY OF VICTIMS.—Section 41404(f)(1) of the*  
8        *Violence Against Women Act of 1994 (42 U.S.C. 14043e–*  
9        *3(f)(1)) is amended by striking “linguistically and cul-*  
10       *turally” and inserting “culturally and linguistically”.*

11       *(c) GRANTS TO COMBAT VIOLENCE AGAINST WOMEN*  
12       *IN PUBLIC AND ASSISTED HOUSING.—Section*  
13       *41405(c)(2)(D) of the Violence Against Women Act of 1994*  
14       *(42 U.S.C. 14043e–4(c)(2)(D)) is amended by striking “lin-*  
15       *guistically and culturally” and inserting “culturally and*  
16       *linguistically”.*

17       *(d) STATE GRANTS.—Section 2007(e)(2)(D) of the*  
18       *Omnibus Crime Control and Safe Streets Act of 1968 (42*  
19       *U.S.C. 3796gg–1(e)(2)(D)) is amended by striking “linguis-*  
20       *tically and culturally” and inserting “culturally and lin-*  
21       *guistically”.*

22       *(e) SEXUAL ASSAULT SERVICES.—Section 2014 of the*  
23       *Omnibus Crime Control and Safe Streets Act of 1968 (42*  
24       *U.S.C. 3796gg–9) is amended—*

25                *(1) in subsection (b)—*

1           (A) in paragraph (1), by striking “and  
2           other programs and projects”;

3           (B) in paragraph (2)(B)—

4                 (i) by striking “and other nonprofit,  
5                 nongovernmental organizations for pro-  
6                 grams and activities”; and

7                 (ii) by inserting “to sexual assault vic-  
8                 tims” after “that provide direct intervention  
9                 and related assistance”; and

10           (C) in paragraph (2)(C)(v), by striking  
11           “linguistically and culturally” and inserting  
12           “culturally and linguistically”;

13           (2) in subsection (c)(2)(A) by striking “that fo-  
14           cuses primarily on” and inserting “whose primary  
15           mission is to address one or more”;

16           (3) in subsection (c)(2)(C) by striking “linguis-  
17           tically and culturally” and inserting “culturally and  
18           linguistically”; and

19           (4) in subsection (c)(4)(B) by deleting “under-  
20           served”.

21           (f) *ENHANCING CULTURALLY AND LINGUISTICALLY*  
22           *SPECIFIC SERVICES FOR VICTIMS OF DOMESTIC VIOLENCE,*  
23           *DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING.—*  
24           *Section 121 of the Violence Against Women and Depart-*

1 *ment of Justice Reauthorization Act of 2005 (42 U.S.C.*  
2 *14045a) is amended—*

3 *(1) in subsection (b)(1)(A) by inserting “for cul-*  
4 *turally and linguistically specific populations” after*  
5 *“resources”;*

6 *(2) in subsection (b)(1)(B) by inserting “cul-*  
7 *turally and linguistically specific” before “resources*  
8 *for”; and*

9 *(3) in subsection (g) by striking “linguistic and*  
10 *culturally” and inserting “culturally and linguis-*  
11 *tically”.*

12 **SEC. 112. NATIONAL RESOURCE CENTER GRANTS TECH-**  
13 **NICAL AMENDMENT.**

14 *Section 41501(b)(3) of the Violence Against Women*  
15 *Act of 1994 (42 U.S.C. 14043f(b)(3)) is amended by striking*  
16 *“for materials”.*

17 **SEC. 113. ANALYSIS AND RESEARCH ON VIOLENCE AGAINST**  
18 **INDIAN WOMEN.**

19 *Section 904(a) of the Violence Against Women and De-*  
20 *partment of Justice Reauthorization Act of 2005 (42 U.S.C.*  
21 *3796gg–10 note) is amended—*

22 *(1) in paragraph (1), by striking all after “In-*  
23 *Indian women” and inserting a period; and*

24 *(2) by striking paragraph (4) and inserting the*  
25 *following:*

1           “(4) *REPORT.*—*Beginning not later than 2 years*  
2           *after the date of enactment of this Act, the Attorney*  
3           *General shall submit an annual report, and upon*  
4           *completion a final report, that describes the progress,*  
5           *results, and recommendations of the study under this*  
6           *subsection to the Committee on Indian Affairs of the*  
7           *Senate, the Committee on the Judiciary of the Senate,*  
8           *and the Committee on the Judiciary of the House of*  
9           *Representatives.”.*

10 **SEC. 114. EXTENSION OF T NONIMMIGRANT STATUS.**

11           *(a) IN GENERAL.*—*Section 214(o)(7) of the Immigra-*  
12           *tion and Nationality Act (8 U.S.C. 1184(o)(7)) is amended*  
13           *by adding at the end the following:*

14           “(D) *An alien may apply for extension of status under*  
15           *subparagraph (B) retroactively after the expiration of non-*  
16           *immigrant status under subparagraph 101(a)(15)(T).”.*

17           *(b) EFFECTIVE DATE.*—*The amendments made by*  
18           *under subsection (a) shall take effect on the date of the en-*  
19           *actment of this Act and shall apply to applications filed*  
20           *before, on, or after such date.*

21 **SEC. 115. T AND U NONIMMIGRANT PROTECTIONS.**

22           *(a) IN GENERAL.*—*Section 107(b)(1)(E)(i)(II)(aa) of*  
23           *the Trafficking Victims Protection Act of 2000 (22 U.S.C.*  
24           *7105(b)(1)(E)(i)(II)(aa)) is amended by striking “bona*  
25           *fide” and inserting “prima facie”.*

1           (b) *CONFORMING AMENDMENT.*—Section 214(p)(6) of  
 2 *the Immigration and Nationality Act (8 U.S.C. 1184(p)(6))*  
 3 *is amended by striking “bona fide” and inserting “prima*  
 4 *facie”.*

5           (c) *EFFECTIVE DATE.*—*The amendments made by this*  
 6 *section shall take effect on the date of the enactment of this*  
 7 *Act and shall apply to applications filed before, on, or after*  
 8 *such date.*

9   **SEC. 116. U NONIMMIGRANT ADJUSTMENT OF STATUS.**

10          (a) *IN GENERAL.*—Section 245(m)(3) of the *Immigra-*  
 11 *tion and Nationality Act (8 U.S.C. 1255(m)(3)) is amended*  
 12 *by inserting “or an unmarried sibling under 18 years of*  
 13 *age on the date of such application for adjustment of status*  
 14 *under paragraph (1),” after “a parent”.*

15          (b) *EFFECTIVE DATE.*—*The amendment made by this*  
 16 *section shall take effect on the date of the enactment of this*  
 17 *Act and shall apply to applications filed before, on, or after*  
 18 *such date.*

19   **SEC. 117. CONFORMING AMENDMENT CONFIRMING HOUS-**  
 20                                   **ING ASSISTANCE FOR QUALIFIED ALIENS.**

21          (a) *IN GENERAL.*—Section 214 of the *Housing and*  
 22 *Community Development Act of 1980 (42 U.S.C. 1436a)*  
 23 *is amended—*

24                           (1) *in subsection (a)—*

1           (A) in paragraph (6), by striking “or” at  
2           the end;

3           (B) by redesignating paragraph (7) as  
4           paragraph (8); and

5           (C) by inserting after paragraph (6) the fol-  
6           lowing:

7           “(7) a qualified alien described in section 431 of  
8           the *Personal Responsibility and Work Opportunity*  
9           *Reconciliation Act of 1996* (8 U.S.C. 1641); or”; and  
10          (2) in subsection (c)—

11          (A) in paragraph (1)(A), by striking “(6)”  
12          and inserting “(7)”; and

13          (B) in paragraph (2)(A), in the matter pre-  
14          ceding clause (i), by inserting “(other than a  
15          qualified alien described in section 431 of the  
16          *Personal Responsibility and Work Opportunity*  
17          *Reconciliation Act of 1996* (8 U.S.C. 1641))”  
18          after “any alien”.

19          (b) *EFFECTIVE DATE.*—The amendments made by sub-  
20          section (a) shall apply to applications for public benefits  
21          and public benefits provided on or after the date of the en-  
22          actment of this Act without regard to whether regulations  
23          to carry out such amendments have been implemented.

1 **SEC. 118. FUNDING CLARIFICATION FOR STOP GRANTS.**

2 *Section 2007(c)(3) of the Omnibus Crime Control and*  
 3 *Safe Streets Act of 1968 (42 U.S.C. 3796gg-1(c)(3)) is*  
 4 *amended—*

5 *(1) in subparagraph (C), by striking “and” after*  
 6 *the semicolon; and*

7 *(2) by inserting at the end the following:*

8 *“except that if funds allocated under subparagraph*  
 9 *(A) or (C) are not obligated within 18 months of re-*  
 10 *ceipt of the funds, the Attorney General may direct*  
 11 *the State to allocate those funds for victim services, as*  
 12 *provided by subparagraph (B); and”.*

13 **TITLE II—AGGRAVATED SEXUAL**  
 14 **ABUSE**

15 **SEC. 201. AGGRAVATED SEXUAL ABUSE.**

16 *Section 2241(a) of title 18, United States Code, is*  
 17 *amended by striking “this title, imprisoned for any term*  
 18 *of years or life, or both” and insert “this title and impris-*  
 19 *oned for any term of years not less than 5, or for life”.*





**Calendar No. 59**

11<sup>TH</sup> CONGRESS  
1<sup>ST</sup> Session  
**S. 327**

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**A BILL**

To amend the Violence Against Women Act of 1994 and the Omnibus Crime Control and Safe Streets Act of 1968 to improve assistance to domestic and sexual violence victims and provide for technical corrections.

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MAY 7, 2009

Reported with an amendment