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House Votes to Reauthorize VAWA

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September 28, the House voted, 415-4, to reauthorize the Department of Justice (DOJ) through FY2009. The measure (H.R. 3402) also would reauthorize and expand the Violence Against Women Act (VAWA) (P.L. 103-322), which was first enacted in 1994. VAWA was subsequently reauthorized in 2000 (P.L. 106-386) and is set to expire on September 30, 2005. The House Judiciary Committee approved H.R. 3402 on July 27 (see *The Source*, 9/29/05). The Senate Judiciary Committee approved its version of the bill (S. 1197) on September 8 (see *The Source*, 9/9/05).

Rep. Mark Green (R-WI) praised the VAWA reauthorization. “Every step we take in fighting domestic violence helps not only save the immediate victim but it can help break the cycle of abuse that lasts, sadly, all too often generation after generation after generation. In this bill we are building on the successes of the Violence Against Women Act not only by reauthorizing effective programs but also by including innovative, cost-effective new programs that will continue the great work of those who have come before me and others, work that will help the criminal justice and legal systems better help and protect victims,” he said.

Highlighting the need to address youth victims, Rep. Judy Biggert (R-IL) stated, “Law enforcement officers report that domestic violence calls are among their most frequent. Judges find that children first seen in their courts as victims of domestic violence return later as adult criminal defendants. Schools report that children with emotional problems often come from environments where violence is the norm. This is why, while it is extremely important to combat violence against women, it is just as important to combat domestic violence involving the youngest of victims. This year's VAWA reauthorization bill takes that necessary step by clarifying that programs contained in VAWA can serve youth as well. It also adds programs that specifically target children and youth and their unique needs. Among these are the authorization of grants for services designed for young people who are victims of domestic and dating violence, sexual assault and stalking, and prevention programs that work with children and teens to stop the cycle of violence.

Calling the bill “a good start,” Rep. Jan Schakowsky (D-IL) highlighted provisions aimed at assisting battered immigrant women. “It would help immigrant women who need to leave their abusive spouses by preventing their deportation while their application is being considered. It would provide them access to work permits, so that they can get a job on their own and gain economic security independent of their abusers. In addition to spouses, this bill would also

protect battered children, as well as parents, from abusive family members,” she said. “However, we can do more. For example, this bill does not include provisions which would allow battered victims access to health insurance, food and other benefits required to escape their abuser. I will work hard to include these provisions in the final bill enacted.”

Rep. Hilda Solis (D-CA), co-chair of the Congressional Caucus for Women’s Issues, focused her comments on provisions affecting women of color. “Women of color are less likely to report incidents of domestic violence, which means that studies of domestic violence among communities of color do not reflect the reality of these women's lives. Women of color who are victims of violence are at even greater risk when their spouses control their immigration status. Women of color also face institutional barriers to reporting abuse and seeking help, partly because they do not have access to individuals who understand their language. It is important to have translators available. It is important to have outreach literature available to them in their native language. By addressing domestic violence in these communities in a way that understands their culture and honors their values, we greatly increase the chances of making a difference for women of color who are being abused. It is my hope that the reauthorization of the Violence Against Women Act is comprehensive and meets the needs of all women.”

During consideration of the bill, the House approved, 255-191, a manager’s amendment offered by Judiciary Committee Chair James Sensenbrenner (R-WI) that made a number of technical changes to the bill. One of the changes, however, was the subject of controversy. As approved by the Judiciary Committee, the bill included language that would have specified that the needs of racial and ethnic minorities and other underserved populations should be taken into account throughout all VAWA programs. Proponents of the language argued that although current law includes racial and ethnic minorities in the definition of underserved populations, communities of color are being overlooked in the grant process. The manager’s amendment returned the definition of underserved populations to that of current law, citing constitutional concerns with the committee-approved language.

“In its current form, a provision in the legislation could be viewed to prescribe race-based VAWA grant awards by conditioning certain grants upon an applicant's ability to address the needs of ethnic and racial minorities. The amendment addresses this issue by clarifying existing VAWA grant criteria that require applicants to indicate how they intend to meet the needs of populations that are currently underserved by existing VAWA programs,” stated Rep. Sensenbrenner, adding: “Specifically, the manager's amendment clarifies that such funding should be based on an applicant's ability to address the needs of ‘populations underserved by geographic locations, underserved racial and ethnic populations, populations underserved because of special needs, such as language barriers, disabilities, alienage status, or age, and any other population determined to be underserved by the Attorney General.’”

Judiciary Ranking Member John Conyers (D-MI) expressed his disappointment with the change. “I think the manager's amendment has to be called into account because it would significantly weaken the bill's emphasis on domestic violence grant funding for communities of color... The bill that passed the House and Senate Committees on the Judiciary contains language ensuring that the minorities who are victims of domestic and sexual assault would receive adequate services... This language was necessary because the bureaucrats at the Department of Justice

were ignoring communities of color when considering grants from domestic violence, rape prevention and other organizations. Now this was unfortunately removed, but under current law since the Supreme Court's decision in Adarand and its decision in Grutter, specific set-asides that are race-based have been subject to strict scrutiny. There are no such set asides or quotas in the bill that passed the Committee on the Judiciary. The same provision has passed in the Senate, and we have lists of constitutional scholars to attest to the fact that this language does not require the distribution of money on the basis of race or ethnicity.”

The House also approved several other amendments by voice vote, including:

- an amendment by Rep. Ginny Brown-Waite (R-FL), co-chair of the Congressional Caucus for Women’s Issues, that would require the Department of Health and Human Services to report to Congress on the correlation between drug and alcohol abuse and the incidences of violence reported at domestic violence shelters;
- an amendment by Rep. Michael Capuano (D-MA) that would authorize \$3 million in each of FY2006 through FY2009 for the Bureau of Justice Assistance to award grants to state and local prosecutors and law enforcement agencies to support witness assistance programs for juveniles and young adults. The grants would be used for counseling services for witnesses of violent crimes, and for protective services for young witnesses and their families when perpetrators make a serious threat of harm against witnesses or their families;
- an amendment by Rep. Steve King (R-IA) that would prohibit individuals convicted of domestic violence from sponsoring a visa applicant in the future; and
- an amendment by Rep. Tim Ryan (D-OH) that would require the Violence Against Women Office to provide grants to states for carrying out a campaign to increase public awareness of issues regarding domestic violence against pregnant women.

A motion to recommit, offered by Rep. Bart Stupak (D-MI), that would have added language to the bill with respect to gas price gouging failed by a vote of 195-226.

The Senate may consider its version of the bill (S. 1197) next week.