

Reject the Republican VAWA Substitute

Partisan Substitute Deletes Critical Protections for Victims of Domestic Violence and Weakens Strong Bipartisan Senate-Passed Bill

Dear Democratic Colleague:

Tomorrow, the House will consider a partisan House GOP substitute to S. 47, the Violence Against Women Reauthorization Act of 2013. The GOP substitute makes significant changes to the bipartisan Senate-passed legislation, which passed the Senate by a vote of 78 to 22 and with the support of all Democrats, all female Senators, and a majority of Senate Republicans. The Senate-passed bill incorporates years of analysis of the problem, and solutions proposed by law enforcement, victims, and victim service providers. The House GOP substitute does not.

The GOP substitute will pick and choose which victims of domestic violence are deserving of protection and is a Washington-based solution created without participation from people who work with victims in the field and without any input from House Democrats. Notably, the House substitute omits protections for LGBT victims and significantly weakens the protections for Native American women and immigrants. The House Republican substitute is opposed by the National Congress of American Indians, the Human Rights Campaign, the Leadership Conference on Civil and Human Rights, and the National Task Force to End Sexual and Domestic Violence Against Women which consists of 1300 organizations.

Under the rule, the House will proceed to a vote on the bipartisan Senate-passed version of S. 47 only if the GOP substitute is defeated. The House, and victims of domestic violence and sexual assault, deserve a straight up or down vote on the comprehensive Senate-passed bill. **We urge you to stand up for all victims and VOTE NO on the partisan GOP substitute and VOTE YES on the Senate-passed S. 47.**

The Republican substitute strips out protections for LGBT victims.

- The GOP substitute removes all references to “gender identity” and “sexual orientation,” despite clear evidence revealing that domestic and sexual violence affects LGBT victims at equal or greater levels than the rest of the population. The modifications to the Senate bill’s civil rights protections would no longer ensure that victims receive the services they need regardless of gender identity or sexual orientation.

The Republican substitute fails to adequately protect tribal victims.

- Domestic violence in tribal communities is an epidemic. Studies have found that three out of five American Indian women will experience domestic violence, and a majority of Indian women are married to or in a relationship with non-Indian men. When non-Indian men perpetrate domestic violence, they cannot be prosecuted by tribal governments, and state and federal law enforcement is usually unable to act. S. 47 protects Indian women by recognizing tribes’ authority to prosecute non-Indians who commit domestic violence against their Indian spouses or dating partners. More than 50 constitutional law professors have stated that this tribal jurisdiction provision is constitutional.

- Rather than give tribes the authority they need to protect Indian women, the GOP substitute limits tribes to charging an abuser with misdemeanors punishable by no more than one year in prison, even if the abuser has committed rape, a vicious assault, or another serious violent crime. Furthermore, the substitute would allow abusers to easily evade justice by granting defendants the right to remove cases from Tribal court into Federal court. Federal and state law enforcement and prosecutors have limited resources and may be located hours away.
- The GOP substitute omits provisions that would expand jurisdiction to include the Metlakatla Indian Community and Annette Island Reserve in the State of Alaska, and it neglects to specifically retain existing jurisdiction and authority of each Indian Tribe in the State of Alaska.

The Republican substitute omits important protections for immigrant victims.

- The Republican substitute fails to include key Senate amendments to the International Marriage Broker Regulation Act (IMBRA) that would ensure effective enforcement of IMBRA's rules. The Senate-passed bill, for example, includes new criminal provisions for marriage brokers who fail to follow IMBRA and for persons who commit fraud on their applications to sponsor foreign fiancés.
- The Republican substitute includes language from the Senate bill that prevents the children of U visa holders from "aging out," but the House bill fails to include a Senate provision that would retroactively apply the age-out fix to previously-filed applications.
- The Republican substitute fails to include a Senate provision making "stalking" one of the crimes that would allow a victim to get a U visa.
- Unlike the Senate bill, the GOP substitute jeopardizes domestic abuse survivors by including a provision that would allow immigration judges to use unreliable evidence to deport persons who have been convicted of domestic violence charges. Victims of domestic violence are frequently arrested along with abusers, who often falsely accuse their victims to avoid prosecution. Such victims have been known to plead guilty to domestic violence charges, even in the absence of any prohibited conduct, in order to avoid the trauma associated with testifying in open court. Rolling back evidentiary requirements to allow immigration judges to consider unreliable evidence in such cases will lead to cases where legitimate victims of domestic violence are inappropriately deported.

The Republican substitute makes campuses less safe.

- Recent studies show that 1 in 5 women will be sexually assaulted during her college years. Yet the GOP substitute significantly weakens important provisions in S. 47 that would increase the obligations of colleges to keep students safe and informed about policies on sexual assault and strengthening programs that help combat and prevent violent sexual crimes on college campuses.

The Republican substitute eliminates key provisions to help solve rape cases.

- The House Republican substitute completely eliminates the SAFER Act, which would provide law enforcement with the critical resources it needs to ensure that perpetrators of sexual violence are brought to justice.

- S. 47, as passed by the Senate, includes the bipartisan SAFER Act, which expanded the Debbie Smith grant program by authorizing two new types of grants for State and local governments: one to conduct audits of their rape kit backlogs and one to ensure that law enforcement can process DNA evidence in an appropriate and timely manner. These provisions will help address the backlog of untested DNA evidence which currently keeps rape victims living in fear when their attackers could be identified and caught.

The Republican substitute abandons victims of human trafficking.

- The GOP substitute removes the bipartisan reauthorization of the Trafficking Victims Protection Reauthorization Act (TVPRA) which provides essential protections for victims, as well as tools and resources for victim service providers and law enforcement.
- The TVPRA reauthorization was added to S. 47 by an overwhelmingly bipartisan vote of 93-5 in the Senate, but the GOP substitute completely omits it.

For more information, please contact the House Judiciary Democratic staff at ext. 5-6906.

Sincerely,

/s/

John Conyers, Jr.
Ranking Member
House Committee on the Judiciary

/s/

Gwen Moore
Member of Congress