Dissenting Views

For nearly 20 years, Democrats have firmly supported the Violence Against Women Act (VAWA or the Act) and the critical lifesaving assistance it has provided for women, men, and children. On two occasions since its enactment, we have joined with our colleagues from across the aisle and the other Chamber to extend VAWA's protections to make necessary improvements. H.R. 4970, however, constitutes a drastic departure from this bipartisan history and declares that only certain victims of violence are now deserving of protection.

Under the veil of reauthorizing certain grant programs, H.R. 4970 undermines the safety of some of our Nation's most vulnerable victims of violence. The bill rolls back important protections for immigrant victims, putting them in a worse position than under current law, and it fails to adequately protect other vulnerable populations such as tribal women, and lesbian, gay, bisexual, and transgender (LGBT) individuals. In short, any small improvements made by this bill to victim protection are outweighed by the overwhelming harm it will cause.

For these reasons, more than 170 organizations that have steadfastly supported VAWA in the past now vociferously oppose H.R. 4970 or key provisions in the bill.[1] These organizations represent the interests of millions of victims of domestic violence, dating violence, sexual assault and stalking, and the professionals who serve and protect them throughout the United States and its territories. Other important stakeholders have also expressed strong concerns, including faith groups, civil rights organizations, tribal coalitions, and law enforcement agencies.

Democrats attempted to offer an amendment in the nature of a substitute to H.R. 4970 at the Committee's markup. Offered by Ranking Member John Conyers, Jr. (D-MI), the amendment was nearly identical to S. 1925, a bipartisan measure that the Senate passed by a vote of 68 to 31. The Democratic substitute was a distillation of the best programs and recommended improvements based on months of consultation with our colleagues in the Senate, law enforcement officers, survivors, advocates, and other experts. The Majority blocked consideration of our alternative and instead advanced a regressive bill that amounts to an assault on women.

For these reasons, and those described below, we respectfully dissent and urge our colleagues to reject this dangerously flawed legislation.

[1] A list of these organizations appears as an Appendix to our dissenting views.

BACKGROUND

A. General Background

Since 1994, VAWA has provided life-saving assistance to hundreds of thousands of women, men, and children. Originally passed as part of the Violent Crime Control and Law Enforcement Act of 1994, this landmark bipartisan legislation was enacted in response to the prevalence of domestic and sexual violence and the significant impact that such violence has on the lives of women. The legislation's comprehensive approach to domestic violence combined tough new penalties to prosecute offenders with programs to provide services for the victims of such violence.

Championed by then-Senator Joseph Biden and Representative John Conyers, Jr., the original Act was supported by a broad coalition of experts and advocates including law enforcement officers, prosecutors, judges, victim service providers, faith leaders, health care professionals, and survivors. VAWA has since been reauthorized two times—in 2000 and 2005—with strong bipartisan approval in Congress and with overwhelming support from states and local communities.

With each reauthorization, VAWA improved in meaningful ways to reflect a growing understanding of how best to meet the varied and changing needs of survivors. Among other significant changes, the reauthorization of VAWA in 2000 improved the law with respect to the needs of battered immigrants, older victims, and victims with disabilities. In 2005, the reauthorization included a new title to address the epidemic of violence experienced by Native American and Alaska Native women. Both reauthorizations created new programs and extended protections to additional victims. They also strengthened victim services and enhanced judicial and law enforcement tools to combat domestic violence, dating violence, sexual assault, and stalking.

The impact of VAWA has been remarkable. The law's emphasis on a coordinated community response—which brings together law enforcement, the courts, and victim services—resulted in a paradigm shift in the way communities address violence against women. The Act improved the criminal justice system's ability to keep victims safe and hold perpetrators accountable. It has provided victims with critical services such as transitional housing, legal assistance, and supervised visitation services. As a result of this historic legislation, every state now has enacted laws to make stalking a crime and to strengthen criminal rape statutes. Most importantly, the annual incidence of domestic violence has decreased by 53 percent.[2]

Even with this progress, however, domestic and sexual violence remain significant, widespread problems. According to a recent National Intimate Partner and Sexual Violence Survey conducted by the Centers for Disease Control and Prevention, 24 people become victims of rape, physical violence, or stalking by an intimate part-

[2] Shannan Catalano, *et al., Female Victims of Violence*, U.S. Department of Justice, Bureau of Justice Statistics (Sep. 2009), *available at* http://www.ojp.usdoj.gov/bjs/intimate/ipv.htm (decrease is based on data collected between 1993 and 2008).

ner in the United States every minute.[3] Over the course of a year, that adds up to more than 12 million women and men. Approximately one in five women and one in 71 men have been raped in their lifetime.[4] In addition, approximately one in four women and one in seven men report experiencing severe physical violence by an intimate partner.[5] And 45 percent of the women killed in the United States die at the hands of an intimate partner.[6]

Certain racial and ethnic minority communities experience much higher rates of violence than the general population, particularly women who identify as multiracial non-Hispanic or American Indian/Alaska Native. Approximately half of all women who identified as multiracial or Native American have been victims of domestic violence, compared to one-third of white women. One in three Native American and multiracial women has been raped, compared to one in four white women.[7] In 2007, black women were four times more likely than white women to be murdered by an intimate partner and twice as likely to be killed by a spouse.[8]

Authorized funding for VAWA ended as of September 30, 2011. Although its programs have continued to be funded through appropriations, it is imperative that VAWA be reauthorized, and that such reauthorization expand on the progress made in the fight against domestic violence.

B. VAWA Protections for Immigrant Victims

Since it was first enacted in 1994, VAWA has incorporated provisions to protect battered immigrants whose noncitizen status can make them particularly vulnerable to crimes of domestic and sexual violence. The abusers of such immigrants often exploit the victims' lack of permanent immigration status, which causes them to not report abuse to law enforcement and to refuse to assist with the investigation and prosecution of associated crimes.

As originally enacted in 1994, VAWA created a self-petition process to allow individuals subjected to battery and extreme cruelty to obtain immigration status without having to rely on their abusive family member as a sponsor. In the first reauthorization of VAWA in 2000, Congress created a new "U" visa for crime victims who agree to cooperate with law enforcement in investigating and prosecuting serious crimes. These protections were expanded in the 2005 reauthorization of the bill. All of these provisions were adopted with strong bipartisan support and are widely credited with having protected victims of domestic and sexual violence and supported law enforcement in getting dangerous criminals off of our streets.

Against this noble backdrop, H.R. 4970 eliminates protections for noncitizen victims of domestic and sexual abuse, leaving them less protected and more vulnerable to further abuse than they are

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[3] National Intimate Partner and Sexual Violence Survey, Centers for Disease Control and Prevention (Dec. 2011), *at* http://www.cdc.gov/ViolencePrevention/pdf/NISVSl Report2010-a.pdf [hereinafter NISVS survey].
[4] *Id.*
[5] *Id.*
[6] Catalano, *et al, Female Victims of Violence.*
[7] NISVS survey.
[8] Catalano, *et al., Female Victims of Violence.*

under current law. H.R. 4970 represents a giant step backward and, accordingly, we must oppose it.

1. VAWA Self-Petition

In 1994, Congress created the "self-petition" process to protect, among others, the battered spouses of citizens and lawful permanent residents (LPRs). Such spouses are eligible for permanent residency under existing law, but they are typically dependent on their spouses to sponsor them by filing an "immigrant petition" on their behalf. The VAWA self-petition essentially allows a victim of battery or extreme cruelty to file that petition herself, rather than rely on the abuser (who often uses the victim's lack of permanent status to control her). By providing such victims with the ability to gain independence, leave their abusers if they are still living with them, provide for their children, and assist law enforcement, VAWA has for more than 18 years helped to remove a key tool of control for abusers.

In 1996, Congress created strong confidentiality provisions pertaining to the VAWA self-petition process. Section 384 of the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA), legislation sponsored by Chairman Lamar Smith (R-TX), prohibits, with certain exceptions, government officials from disclosing any information about a request for VAWA relief—including the very existence of the request—to anyone.[9] This provision bars immigration personnel from initiating contact with abusers or calling abusers as witnesses. Section 384 also prohibits immigration officials from relying upon information furnished solely by abusers.

In the 2000 and 2005 reauthorizations of VAWA, Congress extended these confidentiality protections to cover victims of trafficking and other crime victims eligible for immigration relief under VAWA. In reporting the 2005 reauthorization of VAWA, the House Judiciary Committee, which was at the time chaired by Rep. James Sensenbrenner (R-WI), stated:

> This Committee wants to ensure that immigration agents and government officials covered by this section do not initiate contact with abusers, call abusers as witnesses or relying (sic) upon information furnished by or derived from abusers to apprehend, detain and attempt to remove victims of domestic violence, sexual assault and trafficking, as prohibited by section 384 of IIRIRA.[10]

The confidentiality provisions are designed to ensure that abusers and criminals cannot use the immigration system against their victims. According to the 2005 Committee Report:

> Examples include abusers using DHS to obtain information about their victims, including the existence of a VAWA immigration petition, interfering with or undermining their victims' immigration cases, and encouraging

[9] Illegal Immigration Reform and Immigrant Responsibility Act of 1996, § 384 (enacted as Division C of Omnibus Consolidated Appropriations Act, 1997, Pub. L. No. 104–208, 110 Stat. 3009).

[10] H. Rep. No. 109–233, at 120 (2005).

immigration enforcement officers to pursue removal actions against their victims.[11]

Without these confidentiality provisions, immigrant victims would be far less likely to report domestic violence crimes and those who choose to report would be placed at significantly heightened risk of further abuse. As Rep. Trey Gowdy (R-SC) recognized at the Committee markup, for women who are subject to domestic abuse, "the most dangerous time . . . is when they leave and when they seek an order of protection or when they seek a restraining order."[12] This claim is supported by domestic violence and sexual assault researchers, who wrote to the Committee in opposition to H.R. 4970 and explained that "violence, abuse, and homicide increases when victims take steps to leave their abusers or get help from the criminal or civil justice systems."[13]

2. U Visas

In the 2000 reauthorization of VAWA, Congress created the U visa to "strengthen the ability of law enforcement agencies to detect, investigate, and prosecute cases of domestic violence, sexual assault, trafficking of aliens, and other crimes . . . committed against aliens, while offering protection to victims of such offenses in keeping with the humanitarian interests of the United States."[14] By a vote in the U.S. House of Representatives of 371–1, including 187 Republicans, Congress created the U visa to "facilitate the reporting of crimes to law enforcement officials by trafficked, exploited, victimized and abused aliens who are not in lawful immigration status."[15]

To obtain a U visa, a victim of a serious crime must first report the crime to law enforcement and obtain a certification from law enforcement attesting to the fact that the victim has been, is being, or is expected to be helpful in investigating and/or prosecuting that crime.[16] After 3 years, a U visa recipient who remains in the country may be permitted to adjust his or her status to that of an LPR if the immigrant did not unreasonably refuse to assist law enforcement and if doing so "is justified on humanitarian grounds, to ensure family unity, or is otherwise in the public interest.[17] The prospect of obtaining permanent immigration relief, rather than temporary relief, provides additional incentive for immigrant crime victims to cooperate fully with law enforcement personnel throughout criminal proceedings.

Since 2000, immigration law has capped the number of U visas at 10,000 per year. However, as a result of the George W. Bush Ad-

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[11] *Id.*

[12] *Unofficial Tr. of Markup of H.R. 4970, to Reauthorize the Violence Against Women Act of 1997, Before the House Comm. on Judiciary,* 112th Cong. 175 (2012) [hereinafter Markup Transcript] (statement of Rep. Gowdy), available at http://judiciary.house.gov/hearings/Markups%202012/PDF/HR%204970/5%208%2012%20HR%204970%20HR%204377%20HR%205512.pdf.

[13] Letter from Nawal Ammar, PhD, Professor and Dean of the Faculty of Social Science and Humanities at the University of Ontario Institute of Technology, and twelve others experts, to Rep. Lamar Smith and Rep. John Conyers, Jr., at 2 (May 8, 2012) (on file with the H. Comm. on the Judiciary, Democratic Staff).

[14] Victims of Trafficking and Violence Protection Act of 2000, Pub. L. No. 106–386, § 1513(a)(2)(A) (2000) [hereinafter VAWA 2000].

[15] *Id.* at § 1513(a)(2)(B).

[16] Immigration and Nationality Act (INA) § 101(a)(15)(U); 8 U.S.C. § 1101(a)(15)(U).

[17] INA § 245(m); 8 U.S.C. § 1255(m).

ministration's failure to timely issue regulations, U visas were not made available until fiscal year 2009. The annual cap has now been met in each of the past two fiscal years, and law enforcement strongly urges Congress to increase the number of U visas available. In support of an increase to the cap, the Federal Law Enforcement Officers Association writes that: "[b]y limiting the number of U Visas law enforcement can request, Congress is effectively amputating the long arm of the law." [18] Similarly, the National Fraternal Order of Police, writing on behalf of its 330,000 members, explains that:

> U visas are an invaluable tool that allow law enforcement to do its job more effectively and makes it easier to pursue prosecution of criminals. Furthermore, the expansion of the U visa will provide incalculable benefits to our citizens and our communities at a negligible cost.[19]

Perhaps most clearly, David Thomas, a 15-year veteran of the Montgomery County Police Department in Maryland and the founder of that Department's Domestic Violence Unit, states that "10,000 more visas translates into getting 10,000 more violent criminals out of our neighborhoods. Victims who are safe, away from their perpetrator, and self-sustaining make excellent witnesses." [20]

CONCERNS WITH H.R. 4970

I. H.R. 4970 WOULD WEAKEN CURRENT LAW WITH RESPECT TO IMMIGRANT VICTIMS OF CRIMES, INCLUDING DOMESTIC AND SEXUAL VIOLENCE

A. Section 801 of the Bill Undermines the VAWA Self-Petition Process that Has Offered Victims of Domestic and Sexual Abuse Protection Since the Original Violence Against Women Act of 1994.

Section 801 of the bill would, for the first time since its creation in 1994, weaken and eliminate critical protections in the VAWA self-petition process. Individually, each of the several measures discussed below is a severe impediment to victims seeking protection. Together, they form an almost insurmountable barricade, delaying and denying protection to victims and significantly increasing the risk of violence and death. Rolling back these longstanding protections will leave immigrant women at further risk of violence.

1. H.R. 4970 Eviscerates VAWA Confidentiality Requirements and Endangers the Lives of Domestic Violence Victims.

In 1996, a Republican-controlled Congress enacted strong confidentiality provisions designed to protect victims of domestic vio-

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[18] Letter from Jon Adler, National President, Federal Law Enforcement Officers Association, to Sen. Patrick Leahy and Sen. Charles Grassley, at 1 (Jan. 31, 2012) (on file with the H. Comm. on the Judiciary, Democratic Staff).

[19] Letter from Chuck Canterbury, National President, National Fraternal Order of Police, to Sen. Patrick Leahy, at 1 (Feb. 1, 2012) (on file with the H. Comm. on the Judiciary, Democratic Staff).

[20] Letter from David R. Thomas, Johns Hopkins University School of Professional Studies in Business and Education, Division of Public Safety Leadership, to Sen. Patrick Leahy and Sen. Charles Grassley, at 2 (Jan. 27, 2012) (on file with the H. Comm. on the Judiciary, Democratic Staff).

lence from further abuse and to encourage them to seek safety. In the 2000 and 2005 reauthorizations of VAWA, again under Republican-controlled Congresses, we extended and reaffirmed those confidentiality provisions with nearly unanimous support in both Chambers. In connection with the 2005 VAWA reauthorization bill, our Committee wrote without dissent in its report accompanying that bill that the Committee wanted "to ensure that immigration agents and government officials covered by this section do not initiate contact with abusers."[21]

Rather than keep those protections in law, section 801 of H.R. 4970 would essentially eliminate them by authorizing immigration agents to contact abusers, potentially tipping them off to the fact that their victims are taking steps to extricate themselves from the abusive relationship. This erosion of confidentiality would make victims who seek government protection more vulnerable to serious and escalating violence. Incredibly, even certain Members of the Majority acknowledged this fact during the markup. Rep. Gowdy affirmed that "[m]ost women, when they make the decision to leave and they act on it, that is when they are most vulnerable and they are going to get killed."[22] He further added that he knew of "12 women whose murderers . . . killed them in South Carolina because they decided to leave."[23] Despite his seeming understanding that eliminating existing confidentiality provisions may directly lead to violence and death, Rep. Gowdy opposed an amendment to retain current law in this area.

The Majority's newfound animus against VAWA's confidentiality provisions may stem from their fundamental misunderstanding of the VAWA self-petition process and the unique vulnerability of immigrant victims of domestic violence. In the section describing the provision in section 801 that would have government officials notify abusers of pending VAWA self-petitions, the Majority's Committee memorandum states: "Of course, the alien's whereabouts are protected."[24] This assurance, however, is meaningless if, as is frequently the case, the victim is still living with her abuser when she files the VAWA self-petition. As Rep. Zoe Lofgren (D-CA) explained during the markup:

> If you are an American being abused by an American spouse, you can escape and you can decide whether or not to call the police, whether or not to seek a restraining order, whether or not to prosecute. If you are an immigrant woman whose . . . American husband refuses to petition for you, you don't have a choice. You are under his thumb. And you can't escape because you can't get a job. You can't support yourself. You are in limbo. You came here marrying an American thinking you were going to be part of the American dream, and you are not. You are part of the nightmare.[25]

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[21] H. Rep. No. 109–233, at 120 (2005).
[22] Markup Transcript at 176 (statement of Rep. Gowdy).
[23] *Id.* at 175–76.
[24] Memorandum from Lamar Smith, Chairman, to Members, Committee on the Judiciary, 7 (May 7, 2012) (on file with the H. Comm. on the Judiciary, Democratic Staff).
[25] Markup Transcript at 178 (statement of Rep. Lofgren).

The end result of this provision, of course, is that fewer victims of domestic violence will actually seek protection. The very tool that their abusive spouses are already using to facilitate abuse—namely, control over their immigration status and the threat of deportation and permanent separation from the United States and any children they may have here—will be reinforced as a result of section 801 of this bill.

2. H.R. 4970 Limits Protection for Victims by Requiring the Consideration of Uncorroborated Abuser Statements and Raising the Standard of Proof for Battered Spouses in a Nearly Unprecedented Manner.

In 1996, at the same time that Congress adopted strong VAWA confidentiality protections in Section 384 of Chairman Smith's IIRIRA, Congress also adopted a provision prohibiting reliance on information obtained solely from an abuser. This provision requires that any evidence provided by an abuser be corroborated before it can be used to make a decision in the victim's case. As with the confidentiality provisions, the corroboration requirement was extended and reaffirmed in the 2000 and 2005 reauthorizations of VAWA.

In 2005, Members of this Committee appreciated the importance of this longstanding corroboration requirement, as evidenced by the Committee Report to the 2005 VAWA reauthorization. That report stated, without dissenting view, that these provisions "are designed to ensure that abusers and criminals cannot use the immigration system against their victims."[26] The report further observed that abusers are known for "interfering with or undermining their victims' immigration cases, and encouraging immigration enforcement officers to pursue removal actions against their victims."[27] The Committee understood that abuser-provided assertions are inherently unreliable, as abusers will say and do almost anything to prevent a victim from seeking protection or collaborating with law enforcement.

H.R. 4970 effectively eliminates the longstanding corroboration requirement by mandating in section 801 that "any credible evidence" be considered by an adjudicator, with no prohibition on uncorroborated evidence obtained from an abuser. The pernicious nature of this provision is made clearer when viewed together with the bill's language raising the standard of proof for domestic violence victims to "clear and convincing evidence." This new standard for battered spouses is nearly unprecedented in immigration law, where almost all immigration law matters are governed by the same "preponderance of the evidence" standard that governs most civil matters in the United States.

As a result, H.R. 4970 simultaneously raises the evidentiary burden for persons who have been subjected to battery and extreme cruelty by their spouses, while eliminating the existing provision preventing uncorroborated evidence presented by abusers from "interfering with or undermining their victims' immigration cases."[28] The combination of these two provisions will serve to un-

[26] H. Rep. No. 109–233, at 120 (2005).
[27] *Id.*
[28] *Id.*

duly delay, if not outright deny, protection to bona fide victims of domestic violence. As noted above, abusive spouses often stop at nothing to prevent a victim from seeking protection or collaborating with law enforcement. They are well-known to make statements or manufacture seemingly-credible evidence to cast doubt on their victim's cases. Considering the inability of victims to test evidence or cross-examine abusers in immigration proceedings, the consideration of such uncorroborated evidence will make it almost impossible for many actual victims to meet the heightened standard of proof created under H.R. 4970.

3. H.R. 4970 Forces Victims of Domestic and Sexual Abuse to Remain in Abusive Relationships Without Protection by Staying Adjudication of VAWA Self-Petitions During the Pendency of Investigations or Prosecutions.

Even though victims have no control over decisions by law enforcement agencies and prosecutors, H.R. 4970 would prevent the adjudication of VAWA self-petitions during a pending investigation or prosecution. This will delay protection to vulnerable victims, forcing them to remain in abusive relationships and thereby endure further violence and extreme cruelty. As long as victims prove they are in a valid marriage and were subject to battery or extreme cruelty, it should not matter what law enforcement agents do.

H.R. 4970 also directs adjudicators to take into consideration whether law enforcement declined to investigate a crime reported by the petitioner or whether prosecutors failed to pursue charges. Decisions about whether to investigate or prosecute particular offenses are based upon numerous factors, such as available resources, priorities, and departmental interest. Requiring adjudicators to essentially draw negative inferences based upon law enforcement decisions that are outside the control of victims will likely result in further harm to such victims. This will especially be the case in jurisdictions where domestic violence crimes are typically under-investigated and under-prosecuted.

B. Sections 802 and 806 of the Bill Eliminate Key Provisions of Current Law and Strip Crime Victims of Protection and Law Enforcement of an Important Crime-Fighting Tool.

H.R. 4970 weakens and eliminates longstanding protections for victims of serious crimes who may receive U visas if they cooperate with law enforcement. The bill also ignores the demands of law enforcement personnel who are calling for an increase in the number of U visas made available each year. Individually and together, the measures in the bill will result in fewer victims coming forward, more perpetrators on the street, and greater violence against women.

1. H.R. 4970 Will Reduce Cooperation with Law Enforcement and Increase Unreported Violent Crime by Eliminating the Ability for U Visa Holders to Apply for Permanent Residency.

Since the creation of the U visa in the 2000 reauthorization of VAWA, U visa holders have been authorized to seek permanent protection by applying for green cards if they continue to cooperate

with law enforcement.[29] In that law, Congress explained that one purpose behind the creation of the U visa was to "give[] the Attorney General discretion to convert the status of such nonimmigrants to that of permanent residents when doing so is justified on humanitarian grounds, for family unity, or is otherwise in the public interest."[30] While this provision originally won the overwhelming support of nearly all Members of the House and Senate, including many current Members of this Committee's Majority, H.R. 4970 would eliminate this protection. As such, the bill makes a radical retreat from current law.

The Majority's explanation for striking this provision in current law appears to be based, in part, on several fundamental misunderstandings about the U visa process and immigration law more generally. During the markup, Chairman Smith stated that:

> The U visa was created in order to allow illegal immigrant victims of crime to stay temporarily in the U.S. in order to assist with the apprehension, investigation and prosecution of their perpetrators. . . . For this purpose temporary U visas allow aliens to remain in the United States for 4 years or longer to assist law enforcement officials, which should be more than enough.[31]

But this account is incomplete. Although Congress did note, in section 1513(a)(2)(B) of the 2000 VAWA reauthorization bill, that one purpose behind the U visa was to assist law enforcement and provide "temporary legal status to aliens who have been severely victimized by criminal activity," Congress also wrote that another purpose was to grant the government discretion to "convert the status of such nonimmigrants to that of permanent residents when doing so is justified on humanitarian grounds, for family unity, or is otherwise in the public interest."[32]

The Majority also argued for the elimination of U visa holders' ability to obtain permanent residency by drawing a comparison to persons awarded so-called "S" visas for serving as informants or witnesses in criminal or terrorism cases:

> The temporary S visa program has long been available to immigrants who possess critical information needed by law enforcement officials to investigate crimes or prosecute criminals. There is no provision of permanent residence for S visa recipients. Neither should there be for U visa recipients.[33]

But this also is incorrect. Section 245(j) of the INA actually permits S visa recipients to adjust their status to that of a permanent resident if they contribute to criminal or terrorism investigations or prosecutions.[34]

The Majority also attempted to argue that the ability to obtain permanent residency somehow reduces the incentive of immigrants

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[29] VAWA 2000 § 1513(f).
[30] *Id.* at § 1513(a)(2)(C).
[31] Markup Transcript at 201–02 (statement of Rep. Smith).
[32] VAWA § 1513(a)(2)(C).
[33] Markup Transcript at 202 (statement of Rep. Smith).
[34] INA § 245(j); 8 U.S.C. § 1255(j).

to provide an actual benefit to law enforcement officials.[35] But the ability to obtain permanent residency actually increases the likelihood of cooperation. While the victim of a serious crime may receive a U visa based upon a law enforcement officer's certification that the victim is being or is likely to be helpful, the victim cannot subsequently apply for permanent residency if she unreasonably failed to assist law enforcement upon receiving the U visa.[36] Eliminating the ability of a U visa holder to obtain permanent status therefore eliminates the principal incentive that law enforcement maintains to ensure further cooperation.

Moreover, preventing U visa recipients from applying for permanent residency would significantly reduce the number of immigrants agreeing to cooperate in the first place. By eliminating the possibility of permanent status, this bill essentially turns the act of seeking protection into an act of self-deportation. Without the possibility of a permanent solution, we can expect to see a large reduction in the number of victims coming forward, seeking protection, and cooperating with law enforcement. This, in turn, will result in fewer prosecutions and more criminal conduct that endangers women and public safety.

2. H.R. 4970 Will Take Away a Critical Tool for Enhancing Public Safety by Tying the Hands of Law Enforcement in Issuing U Visa Certifications.

Although victims have no control over the actions of law enforcement officials or prosecutors, section 802 of the bill would condition the issuance of a U visa on the existence of an active investigation or the commencement of a prosecution. The section additionally requires that the victim assist law enforcement in identifying the perpetrator of the crime, even if the nature of the crime renders the victim unable to assist in this manner. The Majority claims these changes are necessary to obtain the cooperation of victims. According to the Majority, the "lack of an actual assistance requirement [in the U visa process] has significantly limited the ability of law enforcement officials and prosecutors to solve crimes and prosecute criminals."[37]

But law enforcement officials paint an entirely different picture of the U visa process and how it is functioning in practice. Eleven law enforcement officers wrote to the Committee to explain that "[c]urrent VAWA self-petitioning and U-visa protections work to protect immigrant victims, save police officers lives and reduce crimes in communities across the country by making arrests, criminal investigations, and prosecuting perpetrators for crimes against immigrant victims."[38] In contrast, the officers noted that section 802 of H.R. 4970 "makes no sense from a criminal justice perspective. It undermines our work and robs us of the tools we need to do our jobs."[39]

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[35] Markup Transcript at 201–02 (statement of Rep. Smith).
[36] *Compare* INA § 101(a)(15)(U)(i)(III) *with* INA § 245(m)(1).
[37] Markup Transcript at 202 (statement of Rep. Smith).
[38] Letter from Pete Helein, Chief, Appleton Wisconsin Police Department, *et al.,* to Rep. Lamar Smith and Rep. John Conyers, Jr., at 6 (May 7, 2012) (on file with the H. Comm. on the Judiciary, Democratic Staff).
[39] *Id.* at 3.

Law enforcement officials solidly support the U visa as a critically important tool for gaining the trust and confidence of immigrant communities and helping to get serious criminals off the streets. The following are statements entered into the record demonstrating law enforcement support for the U visa:

- "For law enforcement agencies across the country, U visas are an invaluable tool that allow law enforcement to do its job more effectively and makes it easier to pursue prosecution of criminals." *Chuck Canterbury, National President, National Fraternal Order of Police.* [40]
- "According to the Centers for Disease Control and Prevention, one in four women will experience domestic violence in their lifetime. In our proud Land of the Free and Home of the Brave, this is unacceptable. . . . U Visas are an essential tool carefully used by law enforcement and tempered with great scrutiny. . . . [O]ur unwavering priority is to do everything within our means to protect women who are victimized by violent criminals." *Jon Adler, National President, Federal Law Enforcement Officers Association.* [41]
- "The U-Visa must be seen as yet another avenue to helping us address some of the most violent criminals in our communities. We aren't talking petty crimes here like shoplifting or vandalism. We are talking about rape, murder and torture to name a few. . . . What must be understood is that when we don't address criminal behavior in our communities we enable criminal behavior to grow in those same communities." *David Thomas, 15-year veteran of the Montgomery County Police Department and founder of the Department's Domestic Violence Unit.* [42]
- "In 2000, the reauthorization of the Violence Against Women Act provided protection to immigrant victims of domestic violence, sexual assault, human trafficking and other dangerous crimes. VAWA 2000 strengthened law enforcement's ability to detect, investigate and prosecute violent crimes perpetrated against immigrants. Those of us working the front lines know this legislation as a powerful tool that gives us the opportunity to keep victims safe and hold violent offenders accountable." *Michael LaRiviere, 22-year veteran of the Salem (MA) Police Department, 6 years as its Domestic Violence Liaison Officer.* [43]
- "I believe in holding perpetrators accountable. The U-visa . . . and VAWA self-petitions are excellent crime-fighting

[40] Letter from Chuck Canterbury, National President, National Fraternal Order of Police, to Sen. Patrick Leahy, at 1 (Feb. 1, 2012) (on file with the H. Comm. on the Judiciary, Democratic Staff).

[41] Letter from Jon Adler, National President, Federal Law Enforcement Officers Association, to Sen. Patrick Leahy and Sen. Charles Grassley, at 1–2 (Jan. 31, 2012) (on file with the H. Comm. on the Judiciary, Democratic Staff).

[42] Letter from David R. Thomas, Johns Hopkins University School of Professional Studies in Business and Education, Division of Public Safety Leadership, to Sen. Patrick Leahy and Sen. Charles Grassley, at 2 (Jan. 27, 2012) (on file with the H. Comm. on the Judiciary, Democratic Staff).

[43] Letter from Officer Michael P. LaRiviere, to Rep. Lamar Smith and Rep. John Conyers, Jr., at 1 (May 7, 2012) (on file with the H. Comm. on the Judiciary, Democratic Staff).

tools and resources that help to hold perpetrators accountable and assist victims and the community at large." *Sergeant Inspector Antonio Flores, 29-year veteran of San Francisco Police Department, 11 years in the Domestic Violence Response Unit.* [44]

- "Here is just one example of how we have used the U visa as a crime-fighting tool in our community. One night, officers were called to a report of a domestic assault within our city. A male subject had returned home in an intoxicated state. He soon became engaged in an argument with his wife and subsequently attacked her by grabbing her by the hair and dragging her across the bedroom. He then repeatedly slammed her head into the headboard of the bed causing injuries to her face and head area.

  "Responding officers found evidence of an assault and learned that like many cases of domestic violence, this was not the first time that the man attacked the woman. Such violence had occurred, before but the woman had never called the police. She was afraid that if she called that she might be arrested and deported. The only reason the police went to the home that night was because a third party had called. Officers on the scene arrested the suspect for domestic assault and removed him from the house.

  "Weeks later, I happened to be in the courtroom waiting to testify in a case when I saw the perpetrator strutting down the hallways laughing and grinning. It was evident; this man knew that his wife would not likely testify against him. The victim was clearly afraid. She was reluctant to testify against him. The prosecutor was familiar with the U-visa process and had built a relationship with the victim. Through this relationship came trust. That trust ultimately convinced the victim to take the stand and testify against her attacker. Use of the U-visa in this case allowed us to identify, arrest, and prosecute a violent offender that may otherwise have 'flown under the radar' of law enforcement." *Lieutenant Chris Cole, 17-year veteran of Storm Lake Iowa Police Department.* [45]

3. H.R. 4970 Ignores the Requests of Law Enforcement to Increase the Number of U Visas Available Annually to Help Investigate and Prosecute Dangerous Criminals.

When Congress created the U visa in the 2000 VAWA reauthorization bill, it capped the number of visas made available each year at 10,000.[46] But because of a delay in promulgating regulations implementing the statute, not a single visa was issued until fiscal year 2009. In each of the past two fiscal years, the 10,000 visa cap has been met prior to the end of the fiscal year. State, local, and

[44] Letter from Sergeant Inspector Antonio Florez, to Rep. Lamar Smith and Rep. John Conyers, Jr., at 1 (May 7, 2012) (on file with the H. Comm. on the Judiciary, Democratic Staff).
[45] Letter from Lieutenant Chris Cole, to Rep. Lamar Smith and Rep. John Conyers, Jr., at 2 (May 7, 2012) (on file with the H. Comm. on the Judiciary, Democratic Staff).
[46] VAWA 2000 § 1513(c).

national law enforcement organizations have asked Congress to increase the cap.

S. 1925, the bipartisan Senate-passed bill, contains a provision that "recaptures" U visas that were authorized by law in 2000 but never issued. Those recaptured visas are made available to victims who need protection but who cannot get it because the cap is currently being reached. The Senate proposal is a very modest change to current law and does not increase the overall visa numbers previously authorized by Congress. In fact, because the Senate proposes only to recapture visas dating back to fiscal year 2006, it would still leave unused tens of thousands of visas that were originally authorized in October 2000, but were not issued due to bureaucratic delay.

During the Committee's consideration of H.R. 4970, Rep. Pedro Pierluisi (D-PR) offered an amendment to insert the Senate's provision to recapture unused U visas into H.R. 4970. Reviewing the substantial law enforcement support for the provision, Rep. Pierluisi asked the Majority "whether they have any letters from law enforcement officials that oppose this recapture provision, and, if not, whether this gives them any pause about whether they are doing the right thing here."[47] Rep. Lofgren read into the record a portion of a letter from 11 law enforcement officials, who explained that:

> The U visa cap of 10,000 was reached in September of 2011. When the number of requests for certifications exceeds the cap of 10,000, immigrant crime victims are forced to wait. Waiting can be dangerous. The delay provides violent criminal offenders, and the friends and families of violent criminal offenders, with the opportunity to use physical violence and death threats to convince crime victims not to testify. When criminals have additional time to terrorize crime victims and convince them not to participate in a criminal investigation or prosecution, more and more violent offenders go free. We strongly urge an increase in the number of U-visa's (sic) granted on an annual basis so that more violent criminal offenders can be arrested and held accountable.[48]

In opposition to Mr. Pierluisi's amendment, the Majority proffered two arguments. First, Chairman Smith cited a Congressional Budget Office estimate concluding that the recapture provision could cost taxpayers over $100,000,000 in public benefits and other expenses.[49] As Rep. Lofgren noted at the markup, the Senate paid for the estimated cost of recapturing U visas by imposing a small fee on diversity visa applications.[50] As a result, the Senate bill would cost taxpayers nothing but would provide law enforcement with additional U visas to help get dangerous criminals off our streets.

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[47] Markup Transcript at 225 (statement of Rep. Pierluisi).

[48] Letter from Pete Helein, Chief, Appleton Wisconsin Police Department, *et al.*, to Rep. Lamar Smith and Rep. John Conyers, Jr. 1–2 (May 7, 2012) (on file with the H. Comm. on the Judiciary, Democratic Staff).

[49] Markup Transcript at 79, 225 (statements of Rep. Smith).

[50] *Id.* at 228–28 (statement of Rep. Lofgren).

Second, Chairman Smith argued that the "anti-fraud" provisions in H.R. 4970 "will actually reduce the demand for these types of visas," thus easing pressure on the 10,000 cap.[51] But the Majority provided no evidence of fraud in the U visa program. The Majority cited no studies, reports, or even anecdotal evidence of fraud during the markup, and a recent Congressional Research Service (CRS) report states that "Members of USCIS' Fraud Detection and National Security (FDNS) Directorate . . . had not seen cases of benefit fraud using the U visa."[52]

The changes in H.R. 4970 may well lead to a reduction in the demand for U visas each year, but not for the reasons suggested by the Chairman. Rather, any reduction will likely result from a decrease in the willingness of immigrant crime victims to assist law enforcement in the investigation and prosecution of serious offenses. Viewed in this light, the dissenting Members agree with the comments of Rep. Pierluisi at the markup that:

> It is difficult to avoid the conclusion that my colleagues on the other side of the aisle are so blinded by their anti-immigrant animus that they are willing to abandon what I know to be genuine commitment on their part to aiding victims of serious crimes and to giving law enforcement the tools they need to investigate and prosecute those crimes.[53]

C. The Majority's Claim that its Efforts to Weaken and Eliminate Existing VAWA Protections are Needed to Combat Fraud is Baseless.

According to the Majority, H.R. 4970's changes to the VAWA self-petition and U visa programs are necessary to combat "fraud and abuse."[54] But both programs already have robust anti-fraud protections, and there are no credible studies or reports indicating a significant fraud problem with either program. This should come as little surprise, as these immigration programs are among the most difficult to defraud. Moreover, despite the draconian changes to current VAWA protections made in this bill, the Committee has held no oversight hearings on VAWA programs, the existence of fraud in those programs, or the need for the measures proposed in H.R. 4970.

1. There is No Evidence of Fraud or Abuse in the U Visa Program.

The Majority's suggestion that immigrants are gaming the U visa program lacks any evidentiary basis. As noted above, the Majority has held no hearings on the U visa program, and it has not presented us with any evidence of fraud in this program. Moreover, in September 2011, the CRS conducted a wide-ranging search of press reports and legal proceedings and was able to locate only one

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[51] *Id.* at 225–26 (statement of Rep. Smith).
[52] William A. Kandel, *Immigration Provisions of the Violence Against Women Act (VAWA),* Congressional Research Service, Apr. 10, 2012 (R42477), at 11 n.66.
[53] Markup Transcript at 225 (statement of Rep. Pierluisi).
[54] *Id.* at 79 (statement of Rep. Smith).

press story of potential benefit fraud related to the U visa.[55] The CRS report also noted that "Members of USCIS' Fraud Detection and National Security (FDNS) Directorate . . . had not seen cases of benefit fraud using the U visa."[56]

That fraud is rare in the U visa program is due to the requirement for a law enforcement certification. This requirement serves as a significant deterrent to fraud as it necessitates contact with police officers who must vouch for the veracity of the victim and the need for the victim's cooperation. To obtain a U visa, a crime victim must:

- contact a law enforcement agency;
- cooperate with the agency in the investigation or prosecution of the offense;
- receive a written certification from a supervisor of the law enforcement agency stating that the petitioner has been the victim of a serious crime enumerated in statute and has been, is being, or is likely to be helpful to the agency; and
- file a U visa petition with DHS.

As Rep. Lofgren explained at the markup, "The protection in the system is the certification by the law enforcement officials that [the victim] is helpful to the prosecution of crime. If the person is not helpful, the certification will not be made, and the U visa will not be issued."[57]

To believe that the U visa program is fraught with fraud and abuse, one would have to believe that either law enforcement personnel are involved in the fraud or that they lack the competence to discern whether a serious crime has been committed and whether the victim is of value in the investigation or prosecution of that crime. On behalf of its 26,000 members, the Federal Law Enforcement Officers Association observes: "Law enforcement officers and prosecutors don't hand out U visas like cotton candy. U visas are an essential tool carefully used by law enforcement and tempered with great scrutiny."[58] In the absence of any oversight hearings to explore the issue of fraud, Rep. Pierluisi was justified in asking at the markup whether the Majority believes law enforcement officers are incapable of handling the U visa certification process.[59]

2. Evidence of Fraud in the VAWA Self-Petition Program is Scant and Comes from Questionable Sources.

The Majority similarly has no evidence supporting its allegations that the VAWA self-petition process is rife with fraud. As with the U visa, this Committee held no hearings on the VAWA self-petition process and heard from no experts or other witnesses on the subject of fraud. There are no DHS, Government Accountability Office (GAO), or other government or credible third-party reports finding

[55] William A. Kandel, *Immigration Provisions of the Violence Against Women Act (VAWA),* Congressional Research Service, Apr. 10, 2012 (R42477), at 11 n.66.
[56] *Id.*
[57] Markup Transcript at 53 (statement of Rep. Lofgren).
[58] Letter from Jon Adler, National President, Federal Law Enforcement Officers Association, to Sen. Patrick Leahy and Sen. Charles Grassley, at 1 (Jan. 31, 2012) (on file with the H. Comm. on the Judiciary, Democratic Staff).
[59] Markup Transcript at 228 (statement of Rep. Pierluisi).

fraud in the VAWA self-petition process. The only accounts of fraud presented by the Majority were anecdotes based largely on statements made by advocates who represent the interests of persons found by the government to have abused their spouses.

Despite the absence of any reliable evidence of fraud in the VAWA self-petition process, section 801 of H.R. 4970 would dismantle the highly specialized VAWA Unit at the Vermont Service Center. Since 1997, this entity has handled all VAWA self-petitions filed nationwide. In lieu of adjudicating self-petitions at a single, centralized facility staffed by specially trained personnel, H.R. 4970 would have such petitions adjudicated at local offices scattered throughout the country. Ironically, such a proposal would likely lead more fraud, not less.

The VAWA Unit and members of their specialized Fraud Team work to reduce fraud and ensure consistency in the adjudication of VAWA self-petitions. Unit adjudicators receive specialized training and develop significant expertise in evaluating these cases. Because all VAWA self-petitions nationwide are handled by adjudicators at a single center, the VAWA Unit is able to identify evidence and patterns of fraud and abuse that would go unnoticed if the adjudication process was decentralized.

The Unit has its own Fraud Team, which works closely with FDNS fraud detection officers and ICE fraud investigators. Whenever fraud concerns arise, the Unit refers cases to FDNS and ICE officers for further investigation. The Unit already reviews and considers all available credible evidence—including the petitioner's immigration file and any previously filed petitions—and officers can and do review information provided directly or indirectly from alleged abusers, though such information must be corroborated if it is to be relied upon. The Unit is additionally barred from granting benefits if a previous petition was found to have involved marriage fraud.

The current VAWA self-petition process is exceptionally rigorous, rendering it more difficult to defraud than most other immigration benefit programs. In fiscal year 2011, VAWA Unit adjudicators issued Requests for Evidence (RFEs) in 114 percent of cases on average.[60] In other words, Unit adjudicators issued at least one RFE for every VAWA self-petition reviewed. During the same fiscal year, USCIS adjudicators processing regular marriage-based petitions issued RFEs only 17 percent of the time.[61]

The extra scrutiny paid to the statutory eligibility grounds for a VAWA self-petition—which far exceed the statutory eligibility grounds for a regular marriage-based petition—is also evident in the approval and denial rate for such petitions. Whereas VAWA Unit adjudicators deny, on average, 32 percent of all VAWA self-petitions filed nationwide, only 9 percent of regular marriage-based petitions are denied by USCIS adjudicators.[62] The suggestion that persons who seek to defraud the system choose to do so through the VAWA self-petition process is belied by basic facts.

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[60] Information provided by USCIS (Jan. 31, 2012) (on file with the H. Comm. on the Judiciary, Democratic Staff).

[61] *Id.*

[62] Information provided by USCIS (Jan. 6, 2012) (on file with the H. Comm. on the Judiciary, Democratic Staff).

D. The Changes to Section 802 Made During the Markup are Extremely Insignificant When Compared to the Remaining Problems with the Immigration Provisions in the Bill.

During the mark-up, Rep. Ted Poe (R-TX) offered to strike language in the bill that conditioned eligibility for U visa protections on a victim notifying law enforcement of the crime within 60 days. Rep. Poe's amendment would have replaced the 60-day requirement with a provision requiring victims to notify law enforcement prior to the expiration of the relevant statute of limitations. Rep. Melvin Watt (D-NC) offered a second degree amendment that would strike both time limitations and restore current law in this area. Members from both sides of the aisle joined together to accept the amendments and strike both provisions from the original bill.

The removal of those two provisions from the bill marked a small step in the right direction. Sections 801, 802, and 806 of H.R. 4970, however, still contain significant provisions that eviscerate longstanding protections for victims of domestic or sexual assault and other serious crimes. It is deeply troubling to the undersigned Members—many of whom served in Congress when VAWA protections were created and extended with strong bipartisan support—that one of the only improvements made to H.R. 4970 during an 8-hour markup was the removal of two small paragraphs that were themselves rollbacks of existing law.

II. H.R. 4970 FAILS TO ENSURE THAT VAWA PROTECTS VULNERABLE GROUPS

In addition to rolling back protections for immigrant victims, H.R. 4970 fails to protect tribal women and LGBT individuals. Protections for these groups were included in the Senate-passed bill, S. 1925, at the request of law enforcement agencies, domestic violence advocates, survivors, and service providers. Rep. Gwen Moore (D-WI) included similar provisions in her bill, H.R. 4271. H.R. 4970, however, fails to contain these protections, leaving gaps in service to many deserving victims.

A. H.R. 4970 excludes provisions that would make Indian women safer.

H.R. 4970 omits key tribal jurisdictional provisions, passed with overwhelming support as part of S. 1925, that would ensure equal access to justice for Indian women. In particular, H.R. 4970 strips sections 904, 905, and 906 of the Senate-passed bill, as well as critical changes to the Tribal Coalition Program that were contained in section 902. These provisions were the result of years of government consultations between the U.S. Department of Justice and tribal leaders, as well as meetings and coordination with federal prosecutors, FBI agents, tribal justice personnel, victim advocates, and other key stakeholders.

The crisis of violence against Native American women is well-documented.[63] Thirty four percent of Native women are raped during their lifetime and 39 percent suffer domestic violence. Addition-

[63] *See, e.g.,* Amnesty International, *Maze of Injustice: The Failure to Protect Indigenous Women from Sexual Violence in the USA* (2007) *available at* http://www.amnesty.org/en/library/asset/AMR51/035/2007/en/cbd28fa9-d3ad-11dd-a329-2146302a8cc6/amr510352007en.pdf.

ally, while violence against white and African American victims is primarily intra-racial, nearly four in five American Indian victims of rape and sexual assault described their offender as white.[64] Current law forces tribes to rely exclusively on distant federal or state government officials to investigate and prosecute misdemeanor crimes of domestic violence committed by non-Indians against Native women. As a result, many cases go uninvestigated and criminals go unpunished.

Responding to the crisis of violence against all victims, including Native women, has been a core principle of VAWA from its inception. While H.R. 4970 fails to address this issue, the Senate-passed bill and Rep. Moore's bill would bolster existing efforts by expanding Federal law enforcement tools and recognizing limited concurrent tribal jurisdiction to investigate, prosecute, convict, and sentence non-Indian persons who assault Indian spouses, intimate partners, or dating partners, or who violate protection orders, in Indian country. These new provisions further the community-coordinated response model which has been critical to VAWA's success by recognizing that tribal nations may be best able to address violence in their own communities. Neither the United States nor any State would lose any criminal jurisdiction as a result.

Section 904 of both the Senate-passed bill and the Moore bill builds on the groundwork laid by Congress in passing the Tribal Law and Order Act.[65] This Act is based on the premise that tribal nations with sufficient resources and authority will best be able to address violence in their own communities, and they should be allowed to do so when the necessary procedural protections are established. Extending this jurisdiction in a very narrow set of cases over non-Indians who voluntarily and knowingly established significant ties to the tribe is consistent with that approach, responsive to the epidemic of violence experienced by Native women, and within the authority of Congress to do.

Another important tool in reducing violence on tribal land is the use of protection orders. Section 905 of the Senate-passed bill and the Moore bill clarifies Congress' intent to recognize that tribal courts have full civil jurisdiction to issue and enforce protection orders involving any person, Indian or non-Indian. At least one Federal district court has misinterpreted 18 U.S.C. § 2265(e) and held that tribes lack civil jurisdiction to issue and enforce protection orders against certain non-Indians who reside within the reservation.[66] That decision erroneously undercuts tribal courts' ability to protect victims and maintain public safety within their communities. Section 905 of the Senate-passed bill and the Moore bill corrects this error and does not alter, diminish, or expand tribal criminal jurisdiction or existing tribal authority to exclude individuals from Indian land.

Despite the acknowledged core principle and purpose of VAWA, the Majority refused to include even limited authorization of tribal jurisdiction over non-Indian perpetrators of domestic violence. Dur-

[64] Department of Justice, Bureau of Justice Statistics, a BJS Statistical Profile, 1992–2002, American Indians and Crime, 9 (2004), *available at* http://bjs.ojp.usdoj.gov/content/pub/pdf/aic02.pdf. This same study found that, on some reservations, Native American women are murdered at a rate more than ten times the national average.

[65] Tribal Law and Order Act of 2010, Pub. L. No. 111–211, 124 Stat. 2261 (2010).

[66] *Oliphant vs. Suquamish Indian Tribe,* 415 U.S. 191 (1978).

ing the markup of H.R. 4970, the Chairman refused to allow consideration of a substitute amendment offered by Ranking Member Conyers, which contained the same tribal provisions as the bipartisan Senate-passed bill. Rather than allow the Committee to work its will on this important issue, the Chairman ruled the amendment out of order because some of these provisions were in the jurisdiction of the Natural Resources Committee. While the Chair was within his authority under the House rules, he could have exercised his discretion to allow the amendment to proceed. Indeed, just moments before the Conyers substitute was considered, the Chairman allowed the managers amendment to proceed notwithstanding significant portions that were outside the Judiciary Committee's jurisdiction. The Chairman's discretion would have been particularly appropriate in this instance because the omission of the tribal provisions meant the Natural Resources Committee would not have an opportunity to take up the measure, effectively foreclosing any opportunity to consider these provisions at any point in the process.

Rep. Darrell Issa (R-CA) also attempted to offer an amendment that would have granted limited tribal criminal domestic violence jurisdiction over non-Indians, noting that "there is an important issue here about tribal sovereignty and perhaps what one might call race discrimination."[67] Again, the Chairman refused to exercise his discretion to allow consideration of the provisions. Before withdrawing his amendment, Rep. Issa took issue with the Chair's decision and asked:

> So when we are trying to create better opportunity to deal with domestic violence, greater sovereignty by Native Americans, we are also dealing with the most fundamental point, which I believe is well within this committee's jurisdiction, if we have protection against discrimination based on race, isn't the current law a clear discrimination between two residents of a reservation simply based on their race?[68]

The Chairman did not answer Rep. Issa's question, but instead acknowledged the "legitimate concern" and offered that the issues would be considered at "the appropriate time."[69]

In the meantime, the rate of domestic and dating violence perpetrated against Native women by non-Indians will go unabated despite the acknowledgment by tribal leaders, police officers and prosecutors that "violence that goes unaddressed with beating after beating, each more severe than the last—all too often leads to death or severe physical injury."[70]

B. H.R. 4970 Does Not Ensure VAWA Protections for LGBT Victims

While there have been significant advances in the fight to extend protections against discrimination and violence to LGBT Americans, there is still much work that needs to be done. Despite efforts by Democratic Members of the Committee to include express pro-

[67] Markup Transcript at 88 (statement of Rep. Issa).
[68] *Id.* at 90.
[69] *Id.* (statement of Rep. Smith).
[70] Letter from the Alaska Federation of Natives and the Leadership Conference on Civil and Human Rights to Rep. Don Young (D-AK) (May 7, 2012).

tections for this vulnerable and underserved population in this VAWA reauthorization, Republicans on the Committee consistently voted those improvements down. Their primary argument for refusing to ensure protection for the LGBT community is that everyone is equally protected under VAWA. This ignores the reality that victims have been denied services based on sexual orientation or gender identity and overlooks the reality that the LGBT community is an "underserved population" and should be expressly recognized as such under VAWA.

The National Task Force Coalition took great care to ensure that every weakness in past iterations of the VAWA were addressed in this year's reauthorization and their recommendations were adopted on a bipartisan basis by the Senate in S. 1925. Committee Republicans ignored the bipartisan agreements in the Senate. Thus, unlike the Senate bill, H.R. 4970 does not include clarifying language that would ensure that service providers, law enforcement officials, court personnel and others better serve and support victims who have had difficulty accessing traditional services because of their sexual orientation or gender identity. Just as they removed language to help minority women of linguistic and culturally specific populations, Committee Republicans similarly omitted Senate language protecting victims based on "sexual orientation or gender identity."

We know that discrimination and unequal treatment still abound, including with respect to issues of domestic violence and sexual assault. We know that LGBT Americans suffer from these crimes just like everyone else,[71] and recent studies show that LGBT victims face unjust discrimination when accessing services. For example, 45% of LGBT victims were turned away when they sought help from a domestic violence shelter, according to a 2010 survey, and nearly 55% were denied orders of protection.[72] Service providers have gathered numerous stories of LGBT victims who were denied assistance or services because of their sexual orientation or gender identity. Despite the clear evidence of the need for education, outreach, and basic services for the LGBT community with regard to domestic violence, Republicans chose to ignore all of these realities, instead suggesting more data is required, rather than acting to protect lives through inclusive clarifying language.[73]

There is evidence that victim assistant providers do not have adequate cultural competency to respond to LGBT victimization, and that LGBT-specific anti-violence programs are overburdened. Ensuring that law enforcement, victims' services, and anti-violence programs include and adequately address the needs of LGBT victims is drastically needed. Clarifying protection under VAWA for this underserved community is not affording inappropriate or special treatment to this community. The inclusive language passed on a bipartisan vote in the Senate would provide nothing more than education and focused outreach, the sorts of programs in place for

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[71] *Why It Matters: Rethinking Victim Assistance for Lesbian, Gay, Bisexual, Transgender, and Queer Victims of Hate Violence & Intimate Partner Violence, at* http://www.avp.org/documents/WhyItMatters.pdf.

[72] *Lesbian, Gay, Bisexual, Transgender, Queer and HIV-Affected Intimate Partner Violence,* National Coalition of Anti-Violence Programs (2010), *at* http://www.avp.org/documents/IPVReportfull-web.pdf, pp. 27–28.

[73] Markup Transcript at 117 (statement of Rep. Smith); at 256 (statement of Rep. King).

many other subgroups of Americans. For this reason, Democratic members filed several amendments in attempt to correct H.R. 4970's failure to include language to ensure the services and protections are extended to the LGBT community. All of these amendments failed on party-line votes.

First, because H.R. 4970 excludes language from S. 1925 that would include "sexual orientation and gender" identity to the services, training, officers, prosecutors, or STOP formula grant program under VAWA, Representatives Nadler, Polis, and Quigley offered an amendment to add this language. As Rep. Nadler (D-NY) recognized, "Targeting minority populations who may be being left out of traditional services, like LGBT Americans, makes a great deal of logical sense. No one should be left behind simply because of how they identify themselves or who they love."[74] Rep. Sandy Adams (R-FL), the bill's lead sponsor, questioned why Rep. Nadler felt the need to change the STOP grant program to ensure inclusion of LGBT-specific services, given the high number of women who are the victims of violence. The express inclusion of sexual orientation and gender identity would not remove or reduce protections for women. It would simply ensure that education and training are broadened to ensure that service providers have the background needed to serve the specific needs of LGBT victims as well as women and other underserved populations.

Second, Republicans excluded "sexual orientation and gender identity" in the definition of "underserved populations" that was included in S. 1925, claiming that if the number of groups identified as "underserved" continues to grow, then soon every American will be covered, defeating the purpose of identifying vulnerable populations. But extension of protections to a community with a proven history of exclusion from the services and protections of VAWA will not lead to the inclusion of other communities that have not been so excluded. Research and anecdotal evidence show that the LGBT community faces hurdles in accessing domestic and sexual violence services. The Senate recognized this in adding this community to VAWA's definition of "underserved populations." In recognition of the fact that the LGBT community has been underserved with regard to services and protections from discrimination and violence, Representatives Quigley, Polis, and Nadler offered an amendment to add them to this definition.

Committee Republicans objected, claiming that there is no need to include this language because there is nothing in current law that prevents lesbian, gay, or transgender victims from seeking and receiving federally-funded resources and services. This claim is not consistent with the evidence, which indicates that there is insufficient outreach to this community and services have been denied based on a victim's sexual orientation or gender identity. A 2-year nationwide assessment of providers, law enforcement, court personnel, and victims consistently revealed the need for more training and targeted services to effectively address the needs of the LGBT community.[75]

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[74] Markup Transcript at 95 (statement of Rep. Nadler).

[75] Letter from Sharon Stapel, Executive Director, New York City Anti-Violence Project, and Terra Slavin, Esq., DV Lead Staff, L.A. Gay & Lesbian Center, Attorney National Coalition of

Yet Committee Republicans consistently argued that expressly including sexual orientation and gender identity language is not necessary because the LGBT community is already fully served and protected under VAWA. In addition to the evidence showing that this is not the case, Rep. Watt also noted that it is:

> Better to be redundant so you repeat something that is unnecessary . . . we would rather be redundant if there is any doubt about it than not to have a clear statement in our law that all citizens should be treated appropriately by police, by prosecutors, by judges, regardless whoever in the criminal justice system. [76]

Democrats offered a third amendment to restore language that over two-thirds of the Senate had included in the nondiscrimination provision of S. 1925. H.R. 4970 prohibits discrimination against individuals based on a number of protected characteristics but not sexual orientation or gender identity. This leaves lesbian, gay, bisexual and transgender victims without the same assurance that they will be protected from discrimination in the provision of services under VAWA. Representatives Polis, Nadler, Quigley, Waters, and Chu offered an amendment that would have added sexual orientation and gender identity to the list of protected characteristics, which includes race, color, religion, national original, sex, and disability.

In the simplest of senses, the amendment was a reminder that programs funded under VAWA must be provided in a non-discriminatory fashion. Rep. Steve King (R-IA) spoke against the amendment on the ground that "sexual orientation and gender identity" should not be within the list of groups protected through the Civil Rights Act because "sexual orientation and gender identity . . . are self-professed qualifications . . . and the inclusion under the Civil Rights Act is supposed to be a compact way, because they want to avoid self-professed claim to whatever the particular benefits or protection might have been." [77] This objection appears to be grounded in a concern that some individuals might falsely claim ("self-profess") to be gay, lesbian, bisexual, or transgender in order to bring themselves within the protection from discrimination. It is not apparent why this concern should extend only to sexual orientation or gender identity, as other protected grounds also may not be known to others until an individual self-identifies. Moreover, the protection extends to "actual *or perceived"* race, color, religion, national origin, and disability, with the proposal to amend and add sexual orientation and gender identity. By protecting individuals from discrimination based on someone else's perception of their race, sex, disability, or other protected characteristic, the law focuses on the reason why the service was denied. If the reason was an unlawful one, it is prohibited. There simply is no need for anyone to pass some objective (or not "self-professed") test as to their race, color, religion, national origin, sex, or disability. The same would be true for sexual orientation or gender identity.

Anti-Violence Programs, to Rep. Lamar Smith and Rep. John Conyers, Jr. (May 3, 2012) (on file with the H. Comm. on the Judiciary, Democratic Staff).

[76] Markup Transcript at 123–24 (statement of Rep. Watt).

[77] *Id.* at 255 (statement of Rep. King).

Throughout the history of the Violence Against Women Act, the LGBT community has been told they must wait for the right time before they can be assured inclusion in the protections afforded through this Act. While Republicans insist VAWA's protections are available to them, the language in H.R. 4970 fails to ensure that existing barriers and unjust discrimination based on sexual orientation and gender identity are addressed.

III. H.R. 4970 CREATES NEW CRIMINAL PENALTIES IMPOSING MANDATORY MINIMUMS AND FEDERAL DEATH PENALTIES WITHOUT ANY CONSIDERATION OF THE SERIOUSNESS OF THE OFFENSE

Section 1005 of the bill creates two new mandatory minimums: 1) a new 10-year mandatory minimum for aggravated sexual abuse "by force or threat" under 18 U.S.C. § 2241(a), and 2) a new 5-year mandatory minimum for sexual abuse "by other means" under 18 U.S.C. § 2241(b). Section 1001 also creates new mandatory minimums. Section 1001 provides that a person convicted of violating 18 U.S.C. § 2243 (sexual abuse of a minor or ward) would be subject to the penalties under section 2241 if the offense "would constitute" a violation of section 2241 "if committed in the special maritime and territorial jurisdiction of the United States." These penalties would include the new 5- and 10-year mandatory minimums under section 2241(a) and (b), the 30-year mandatory minimum under section 2241(c), and the "life" mandatory minimum for a repeat offender under section 2241(c).

Section 1001 also makes it unlawful, in the course of committing an offense under 18 U.S.C. §§ 241–249 (Civil Rights) or 42 U.S.C. § 3631 (Fair Housing Act), to engage in conduct that "would constitute" an offense under Chapter 109A if it had been "committed in the special maritime and territorial jurisdiction of the United States," subject to the penalties under the provision of Chapter 109A that "would have been violated." Again, these would include the new 5- and 10-year mandatory minimums under section 2241(a) and (b), the 30-year mandatory minimum under § 2241(c), and the "life" mandatory minimum for a repeat offender under § 2241(c).

Rep. Bobby Scott (D-VA) offered an amendment that would have removed the 5- and 10-year mandatory minimums for aggravated sexual abuse under section 1005 and the 30-year and life mandatory minimums for sexual abuse under section 1001 of the bill. Mandatory minimums transfer sentencing authority from judges to prosecutors and prevent appropriate individualized sentences.[78] As Rep. Scott stated at the markup, "Mandatory minimums are based solely on the code section violated, without any consideration for the seriousness of the offense, and they remove the sentencing discretion from the Sentencing Commission and the judge. Regardless of the role of the offender, the particular crime, the offender's record or lack thereof, or the facts and circumstances in the case,

[78] *See* Letter from ACLU, FAMM, *et al.,* to Rep. Lamar Smith & Rep. John Conyers, Jr. (May 7, 2012); Letter from National Association of Criminal Defense Lawyers and National Association of Federal Defenders to Reps. Smith, Conyers, Sensenbrenner, and Scott (May 3, 2012) (on file with H. Comm. on the Judiciary, Democratic Staff).

the judge has no discretion but to impose mandatory minimums set by legislators long before the crime was committed." [79]

In addition, Section 1001 of H.R. 4970 creates a new federal death penalty provision. As discussed above, Section 1001 would make it unlawful, in the course of committing an offense under 18 U.S.C. §§ 241–249 (Civil Rights) or 42 U.S.C. § 3631 (Fair Housing Act), to engage in conduct that "would constitute" an offense under Chapter 109A if it had been "committed in the special maritime and territorial jurisdiction of the United States," subject to the penalties under the provision of Chapter 109A that "would have been violated", which includes the death penalty under section 2245. H.R. 4970 therefore includes a new federal death penalty for committing a sexual abuse crime in the course of committing a civil rights or fair housing act offense.

The death penalty system in the United States is applied in an unfair and unjust manner. Whether or not a defendant gets the death penalty is largely dependent upon whether he or she is poor, the skill of his or her attorneys, the race of the victim, and the region of the country in which the crime took place.[80] Minorities are much more likely to be executed than white people, especially if the victim is white.[81] The death penalty is also exorbitantly expensive—far more expensive than alternative sentences—and has no public safety benefit.[82] Finally, innocent people are too often sentenced to death. Since 1973, 140 people have been released from death rows in the United States because of innocence.[83]

Rep. Scott offered an amendment that would have stricken the death penalty provision from the bill. This amendment, however, was defeated.

IV. THE MODEST ENHANCEMENTS IN H.R. 4970 HAVE LITTLE PRACTICAL EFFECT AND ARE SUBSTANTIALLY OUTWEIGHED BY THE BILL'S MANY HARMS

The Majority argues that H.R. 4970 makes important changes to VAWA that are not found in the Senate-passed bill or Rep. Moore's bill, H.R. 4271. As examples, they specifically cite the bill's provision increasing grant funding for DNA analysis of backlogged rape kits and certain other provisions intended to improve accountability. However, further scrutiny reveals that these modest changes do little to actually address any real or perceived problems.

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[79] Markup Transcript at 17–18 (statement of Rep. Scott).

[80] *See, e.g.,* http://www.deathpenaltyinfo.org/documents/FactSheet.pdf; http://takeaction.amnestyusa.org/atf/cf/%7B4abebe75-41bd-4160-91dd-a9e121f0eb0b%7D/DEATHPENALTY FACTS-FEBRUARY%202012.PDF; http://www.amnestyusa.org/our-work/issues/death-penalty/us-death-penalty-facts/death-penalty-and-arbitrariness.

[81] *See* Government Accountability Office, *Death Penalty Sentencing: Research Indicates Pattern of Racial Disparities,* GGD-90-57, Feb. 26, 1990.

[82] http://www.amnestyusa.org/our-work/issues/death-penalty/us-death-penalty-facts/death-penalty-cost; *see* Richard C. Dieter, *On the Front Line: Law Enforcement Views on the Death Penalty,* February 1995, available at http://www.deathpenaltyinfo.org/front-line-law-enforcement-views-death-penalty (surveying police chiefs nationwide and finding that fewer than two percent viewed the death penalty as an effective way to reduce violent crime).

[83] http://www.deathpenaltyinfo.org/innocence-list-those-freed-death-row.

A. Changes to Rape Kit Grant Funding Will Do Little To Address the Backlog

Although H.R. 4970 directs a greater percentage of funds provided by the Debbie Smith Grant program to be used for analyses of DNA rape kits, this reallocation will have very limited practical effect. The Debbie Smith Grant program (42 U.S.C. § 14135) currently authorizes grants to eligible states and units of local government to conduct DNA analyses of crime scene samples, including samples from rape kits. It also authorizes (among other things) grants to carry out (for inclusion in CODIS) DNA analyses of database samples, such as samples from convicted offenders, and grants to increase the capacity of state and local government laboratories to carry out DNA analyses. All three of these activities are important to DNA backlog reduction.

The relative priority of these three activities varies with the particular needs of a state or local government. If funds were to be appropriated for the Debbie Smith Grant program, the greater the percentage of funds required to be directed to carry out DNA analyses of crime scene samples, the smaller the percentage that could be awarded to enhance laboratory capacity to analyze DNA database samples or to fulfill certain other purposes of the program. This well could reduce the flexibility of States and local governments to develop solutions to jurisdiction-specific issues and direct resources where they may be needed most. Thus, the bill offers little to effectively address the burgeoning DNA backlog.

B. The Accountability Provisions Are a Solution in Search of Problem.

The Majority also claims that the bill's accountability provisions are significant improvements to current law. These provisions, however, are based on false assumptions. First, the requirement that the Justice Department's Office of Inspector General (OIG) audit ten percent of grantees assumes that the OIG has the capacity to handle such a caseload and ignores the likely variations of grantee cases and audit issues, some of which can be very time consuming. Instead, the OIG should be permitted to continue to identify grantees for audit based on a risk assessment rather than a flat percentage of total grants.

Second, the Majority makes certain unsubstantiated assumptions about the actual need for increased audit requirements. Since its enactment, VAWA has included important reporting and oversight requirements both for grantees and for the Justice Department. In separate letters addressed to Rep. Poe and Sen. Patrick Leahy (D-VT), the Justice Department reported that "VAWA grants are being used effectively for their intended purpose," that "grant management and grantee record keeping are generally sound," and that, when auditing problems arise, they are "not about waste, fraud or abuse, but rather about inadequate accounting and insufficient documentation" and are quickly resolved. In addition, where there is room for improvement, the Office on Violence Against Women has already taken several significant steps by improving training for grantees in accounting practices and creating a grant, and providing financial management assistance to grant recipients.

The accountability provisions contained in H.R. 4970 are not improvements to current law and practice. Rather, they are largely a solution in search of a problem. The resources required to implement this substantial new audit requirement would be better spent on technical assistance and financial training for the hundreds of small police departments, courts, and non-profits that are VAWA grantees. Instead of criticizing these highly skilled victim service providers who may lack sophisticated accounting practices, the Majority should provide them with the means by which they can better serve those whom they assist.

CONCLUSION

In a departure from nearly 20 years of bipartisan cooperation, the Majority has put forward a bill that rolls back important protections for immigrant victims and fails to ensure protection for other vulnerable populations such as tribal women and LGBT individuals. While we strongly support reauthorizing the Violence Against Women Act, this legislation holds reauthorization hostage by including divisive, dangerous, and short-cited provisions that will make women less safe.

We urge our colleagues to join us in standing up for all victims of violence and to oppose H.R. 4970.

JOHN CONYERS, JR.
HOWARD L. BERMAN.
JERROLD NADLER.
ROBERT C. "BOBBY" SCOTT.
MELVIN L. WATT.
ZOE LOFGREN.
SHEILA JACKSON LEE.
MAXINE WATERS.
STEVE COHEN.
HENRY C. "HANK" JOHNSON, JR.
PEDRO R. PIERLUISI.
MIKE QUIGLEY.
JUDY CHU.
TED DEUTCH.
LINDA T. SÁNCHEZ.
JARED POLIS.

APPENDIX

ORGANIZATIONS AND INDIVIDUALS OPPOSED TO KEY PROVISIONS OF H.R. 4970

Advocates for Basic Legal Equality, Inc.
Advocates for Human Rights
African Services Committee
Alachua County Victim Services and Rape Crisis Center
Alaska Federation of Natives
American Bar Association
American Civil Liberties Union
American Federation of Labor
American Immigration Lawyers Association
American Jewish Committee
Americans for Immigrant Justice
America's Voice Education Fund
Anindita Dasgupta, MA. Doctoral Candidate at the University of California, San Diego
Anita Raj, Ph.D. Professor of Medicine and Global Public Health at the University of California, San Diego
Artemis Justice Center
ASHA for Women
Asian American Legal Defense and Education Fund
Asian & Pacific Islander Institute on Domestic Violence
Boston University Civil Litigation Program
Break the Cycle
Campaign for Community Change
Canal Alliance
Captain Maria Alvarenga Watkins, (Retired) Metropolitan Police Department, Washington, D.C.
Casa de Esperanza: National Latin@ Network for Healthy Families and Communities
Casa Esperanza
Central American Resource Center
Chief Brian Kyes, Chelsea Police Department, Massachusetts
Chief Pete Helein, Appleton Wisconsin Police Department
Christian Community Development Association
Church World Service
Clergy and Laity United for Economic Justice
Colorado Coalition Against Sexual Assault
Community Action and Human Services Department
Community Immigration Law Center
Connecticut Legal Services Inc.
Cris M. Sullivan, Ph.D., Professor, Ecological/Community Psychology, Associate Chair, Psychology Department

Detective Sergeant Robert Mahoney, Peabody Police Department, Massachusetts

Detective Shelli Sonnenberg, Boise Police Department, Idaho

Detective Stacey Ivie, Alexandria Police Department, Virginia

Domestic Violence in the African American Community

DREAM Activist Virginia

Education Not Deportation Project of the United We Dream Network

El Rescate Legal Services, Inc.

Empire Justice Center

Enlace Comunitario

Esperanza

Evangelical Lutheran Church in America

Evan Stark, Ph.D., MA, MSW, Professor and Director of Public Health, School of Public Affairs and Administration, Rutgers University-Newark & Chair, Department of Urban Health Administration, UMDNJ–School of Public Health

FaithAction International House

Families for Freedom

Families Against Mandatory Minimums

Feminist Majority

Florida Coastal Immigrant Rights Clinic

Franciscan Action Network

Fuerza Latina

Futures Without Violence

Georgia Latino Alliance for Human Rights

Giselle Hass, PsyD, Adjunct Professor of Law at Georgetown University Law Center, Center for Applied Legal Studies

Hebrew Immigrant Aid Society

Helene Berman, RN, Ph.D., President of the Nursing Network on Violence Against Women International

Human Rights Campaign

Human Rights Initiative of North Texas

Human Rights Watch

Immigrant Defense Project

Immigrant Law Center of Minnesota

Immigration Equality

inMotion, Inc.

InterCultural Advocacy Institute

Inter Tribal Council of Arizona

International Institute of the Bay Area

Intimate Partner Violence Assistance Clinic University of Florida, Levin College of Law

Jacquelyn Campbell, Ph.D., RN, FAAN, Anna D. Wolf Chair, The Johns Hopkins University School of Nursing and National Director, Robert Wood Johnson Foundation Nurse Faculty Scholars

Jay G. Silverman, Ph.D. Professor of Medicine and Global Health Division of Global Public Health Senior Fellow, Center on Global Justice University of California at San Diego, School of Medicine Adjunct Associate Professor of Society, Human Development and Health Harvard School of Public Health

Jewish Women International

Just Neighbors

Justice For Our Neighbors-Southeastern Michigan

Kentucky Coalition for Immigrant and Refugee Rights

La Fe Multi-Ethnic Ministries, Intervarsity Christian Fellowship/ USA

La Jolla Band of Luiseno Indians

Latin American Coalition

LatinoJustice PRLDEF

Leadership Conference of Women Religious

Legal Aid Society of the Orange County Bar Association, Inc.

Legal Momentum

Leslye E. Orloff, J.D. Director, National Immigrant Women's Advocacy Project, American University Washington College of Law

Lieutenant Carole Germano, Danvers Police Department, Massachusetts

Lutheran Immigration and Refugee Service

Massachusetts Immigrant and Refugee Advocacy Coalition

Mary Ann Dutton, Ph.D., Professor, Department of Psychiatry, Georgetown University Medical Center

Mennonite Central Committee U.S.

Minnesota Coalition for Battered Women

Mountain Crisis Services

Muslim Public Affairs Council

Nassau County Coalition Against Domestic Violence

NAACP Legal Defense and Educational Fund, Inc.

National Advocacy Center of the Sisters of the Good Shepherd

National Alliance to End Sexual Violence

National Asian Pacific American Women's Forum

National Association of Criminal Defense Lawyers

National Association of Evangelicals

National Association of Federal Defenders

National Center for Transgender Equality

National Coalition Against Domestic Violence

National Coalition of Anti-Violence Programs

National Coalition on Black Civic Participation

National Congress of American Indians

National Congress of American Indians Task Force on Violence Against Women

National Council of Jewish Women

National Council of Juvenile and Family Court Judges

National Council of La Raza

National Council of Negro Women, Inc.
National Employment Law Project
National Hispanic Christian Leadership Conference
National Immigrant Justice Center
National Immigration Forum
National Immigration Law Center
National Immigration Project of the National Lawyers Guild
National Latina Institute for Reproductive Health
National Latino Evangelical Coalition
National Legal Aid & Defender Association
National Network to End Domestic Violence
National Organization for Women Foundation
National Organization of Sisters of Color Ending Sexual Assault
National Resource Center on Domestic Violence and the Women of Color Network
National Task Force to End Sexual and Domestic Violence Against Women
Nawal Ammar, PhD, Professor and Dean of the Faculty of Social Science and Humanities at the University of Ontario Institute of Technology
NETWORK, A National Catholic Social Justice Lobby
New Sanctuary Coalition of NYC
NewBridges Immigrant Resource Center
Northwest Immigrant Rights Project
Officer Michael LaRiviere, Salem Police Department, Massachusetts
Paso del Norte Civil Rights Project
Pennsylvania Immigration Resource Center
Political Asylum Immigration Representation Project
Public Justice Center
Rachael Rodriguez, Ph.D., Associate Professor in the School of Nursing at Edgewood College
Rainbow Services, Ltd.
Refugio del Rio Grande
Rhonda Giger, Prosecutor–City of Bothell, WA
Rocky Mountain Immigrant Advocacy Network
Ross Silverman LLP
Rural Women's Health Project
Sargent Shriver National Center on Poverty Law
Sergeant Inspector Antonio Flores, San Francisco Police Department, California
Service Employees International Union
Sisters of Mercy of the Americas
Sisters of St. Francis of Philadelphia
Sojourners
South Asian Americans Leading Together

Stephanie J. Nawyn, Ph.D., Department of Sociology, Michigan State University
Supervising Deputy Sheriff Marcus Bruning, St. Louis County Sheriff's Office, Missouri
Tahirih Justice Center
Tapestri, Inc
The Bridge to Hope
The Episcopal Church
The Immigrant Legal Resource Center
The Kansas/Missouri Dream Alliance
The Leadership Conference for Civil and Human Rights
The Sentencing Project
The Violence Intervention Program
The William Kellibrew Foundation
TN Coalition to End Domestic and Sexual Violence
UC Davis Immigration Law Clinic
Unitarian Universalist Association of Congregations
United Methodist Church
United Migrant Opportunity Services
UnitedWomen.org
U.S. Conference of Catholic Bishops
VIDA Legal Assistance, Inc.
Virginia Organizing
Virginia Sexual & Domestic Violence Action Alliance
Voces Unidas for Justice
Voices of Men
Washington Immigration Defense Group
Washington State Coalition Against
Willow Creek Community Church
Women of Color Network
Women's Refugee Commission
Worker Justice Center of New York
World Evangelical Alliance
World Relief
YWCA USA