



H.R. 1585 – Violence Against Women Reauthorization of 2019 (Rep. Bass, D-CA)

FLOOR SCHEDULE:

Expected to begin consideration on April 3, 2019 under a structured [rule](#).

The rule provides for a [manager's amendment](#) offered by Rep. Nadler (D-NY) making technical changes and other minor revisions that are integrated into the analysis below.

TOPLINE SUMMARY:

[H.R. 1585](#) would reauthorize the Violence Against Women Act (VAWA) and the numerous grant programs falling under it. Congress enacted the Violence Against Women Act in 1994 during the Clinton era, and it has been reauthorized three times: in 2000, 2005, and 2013. The programs authorized under the reauthorization expired with the partial shutdown in December of 2018, though the last Continuing Resolution continued the programs through February 15, 2019.

COST:

A complete Congressional Budget Office (CBO) estimate is not available.

According to a CBO estimate looking only at mandatory and revenue effects of the bill, enacting the bill would increase mandatory spending by \$16 million and increase revenues by \$7 million over the course of FY 2019 – 2029.

The bill also reauthorizes and expands dozens and dozens of programs funded through the appropriations process that have not been analyzed by a CBO cost estimate. For specific items, see the analysis below.

CONSERVATIVE CONCERNS:

Conservatives may be concerned that this reauthorization was introduced mere weeks ago, has been referred to 7 committees, and only the Judiciary committee has marked up the legislation. This abuse of regular order appears to be common process for Democrats this Congress as they attempt to rush their priorities through the legislative process without adequate chance to amend or consider legislation.

Conservatives may be concerned the bill reauthorizes and expands many programs funded through the appropriations process that have not been analyzed by a CBO cost estimate.

Some conservatives may be concerned that VAWA may be ineffective at reducing intimate partner violence. A past Bureau of Justice [report](#) shows that intimate partner violence from 1994-2010 has declined by 64%, much of this may be attributed to the overall decline in violent crime. Some [past reports](#) also indicate that there is little evidence of its success in decreasing domestic violence. Other [past reports](#) suggest that VAWA programs have been detrimental to victims.

Other conservatives may feel that domestic violence crimes and associated support services should be handled at the state and local level pursuant to their Constitutional state police power. This "[police power](#)," deriving from the Tenth Amendment, establishes the states as the proper entity to create and oversee laws protecting the welfare, safety, and health of citizens within their jurisdiction.

Conservatives may be concerned that past [Office on Violence Against Women \(OVW\) grantees](#) have practiced improper allocation of funds, untimely financial and progress reports, weaknesses in budget management, and other compliance issues.

Conservatives may be concerned that many of the grant programs funded under VAWA are being reauthorized at drastically higher levels, authorizing added uses for grants, often without justification for the added cost.

Conservatives may be concerned that this legislation expands the definition of "domestic relationship" to include "former dating partners," a subjective term. In the 1990s, the Gun Control Act's provisions relating to the prohibition of possession of firearms for those convicted of crimes punishable by imprisonment of a year or more were expanded to include individuals convicted of misdemeanor crimes of domestic violence. This legislation would create a new lifetime prohibition on owning a firearm for those convicted of misdemeanor stalking, even if the offense did not involve violent, threatening, or in person contact. It would further challenge due process protections by prohibiting the ability to possess a firearm for individuals under ex parte restraining orders. These provisions would apply retroactively.

Conservatives may be concerned, [as they were with the last reauthorization of VAWA](#), that this legislation expands tribal jurisdiction significantly over what is currently allowable. According to the Judiciary Committee, in 2013, the VAWA reauthorization expanded tribal jurisdiction over non-tribal individuals for cases of domestic violence. This legislation would further expand that jurisdiction over non-tribal individuals to include crimes of domestic violence, dating violence, obstruction of justice, sexual violence, sex trafficking, stalking, and assault of a law enforcement officer or corrections officer. This [could mean](#) that a tribal judge would have the ability to enter final judgments for convictions of non-tribal individuals in certain criminal cases, despite the fact that they are not appointed by the President, the head of a department, or a court of law, as Article II requires; and it grants tribal courts that authority even though tribal judges lack the life tenure and salary requirements required by Article III.

Conservatives may be concerned that this title would legally mandate gender identity ([SOGI](#)) protections by stating a transgender prisoner's sex is that with which they identify.

Conservatives may be concerned that this legislation would permit the usage of grant funds for “alternative justice responses” to sexual assault – in this circumstance a victim could be put in the same room as their abuser, despite the lack of evidence that this tactic is effective.

Conservatives may be concerned that state grant eligibility is tied to the use of policies that discourage the compelling of victim testimony, which could have an impact on prosecutorial discretion. Compelling victim testimony is already generally used as a last resort. Conservatives may also view this aspect of the bill as running contradictory to the notion of federalism, particularly as it relates to a state’s inherent police power.

Conservatives may be concerned that this legislation ties grant money to requiring states to discourage the use of bench warrants – bench warrants are used as a tool to protect domestic violence victims. Again, conservatives may also view this aspect of the bill as running contradictory to the notion of federalism, particularly as it relates to a state’s inherent police power.

Some conservatives may be concerned that this legislation, which is geared at protecting women, expands many protections and provisions to all adults, regardless of gender.

Some conservatives may be concerned that this legislation may encourage public housing fraud. Individuals who have been evicted from housing due to criminal activity may in turn claim they are victims of domestic violence to protect their housing placement. Conservatives may be concerned that this legislation includes inconsistent resident screening procedures for HUD, that conflict with current HUD guidance. Others may be concerned that this legislation generally fails to take into account the different state housing laws that have HUD protections, and the various different public and private housing rules and regulations. Others may be concerned that the housing provisions are vast, and would require resources beyond what HUD is capable of providing, to implement. Conservatives may believe that the reauthorization should instead focus on portable housing vouchers to help domestic violence and sexual assault victims.

Conservatives may be concerned that this legislation does not contain an exemption for religious hiring for faith-based institutions.

Conservatives may be concerned that the bill will expand eligibility to the unemployment compensation program and perhaps incentivize workplace sexual harassment or assault claims that may or may not be substantiated by making people that quit on account of such harassment or assault eligible for benefits. Conservatives may be concerned that the bill would force states to “deem sufficient” as evidence of workplace sexual harassment or assault a sworn statement and a form of identification, a police or court record, documentation from a survivor services organization, an attorney, a police officer, a medical professional, a social worker, an antiviolence counselor, a member of the clergy, or another professional, or an attestation that such voluntary separation is attributable to such harassment, violence, assault, or stalking.

Some conservatives may be concerned that the bill does not ensure that victim service providers such as domestic violence shelters would not be compelled to place a woman or child into a circumstance where the victim has grounds to fear for their privacy or safety. An amendment offered by Rep. Lesko would have fixed this problem with the bill.

DETAILED SUMMARY AND ANALYSIS:

Congress enacted the Violence Against Women Act in 1994 during the Clinton era, and it has been reauthorized three times: in 2000, 2005, and 2013. The programs authorized under the reauthorization expired with the partial shutdown in December of 2018, but though the last continuing resolution continued the programs through February 15, 2019. Programs under VAWA have on occasion continued to draw funds despite an expired authorization.

VAWA established the Violence Against Women Office (OVW) in the Department of Justice (DOJ) and created many new grant funding programs to states, localities, Indian Tribes, nonprofit victims' entities, and Universities that address domestic violence, provide services for victims, and revise how the criminal justice system responds to domestic violence, dating violence, stalking, sexual assault, and trafficking of persons.

A Committee Report, including Dissenting Views, can be found [here](#). A section-by-section from House Judiciary Republicans can be found [here](#).

Sec. 2 – Would expand the prohibition of the use of funds for conference expenditures for more than \$20,000, *increasing the amount to \$100,000*.

Sec. 3 – Would classify female genital mutilation, cutting, or circumcision as a Part II crime in [Uniform Crime Reports](#).

Title I – Enhancing Legal Tools to Combat Domestic Violence, Dating Violence, Sexual Assault, and Stalking.

Conservatives may be concerned that under this title, state grant eligibility is tied to the use of policies that discourage the compelling of victim testimony, which could have an impact on prosecutorial discretion. Compelling victim testimony is already generally used as a last resort.

Conservatives may be concerned that this title ties grant money to requiring states to discourage the use of bench warrants – bench warrants are used as a tool to protect domestic violence victims.

- **STOP Grants** – *Section 101 of this title would reauthorize the STOP grant program (Services-Training-Officers-Prosecutors) at \$222 million for each of fiscal years 2020 through 2024.* The STOP grant is the primary VAWA grant program to state and local governments to address domestic violence, sexual assault, dating violence, and stalking crimes. All 50 states, U.S. Territories, and the District of Columbia can receive grants according to a statutory formula, which can then be subgranted to state agencies, state and local courts, local governments, tribal governments, and nonprofit victim service providers.

This provision expands the allowed uses to include developing and implementing laws and procedures to promote the recovery of “dangerous weapons” used by perpetrators of domestic or dating violence or sexual assault if a court has issued a protective or restraining order, the perpetrator has been found guilty, and ordered to relinquish their weapons. It also expands use to developing and strengthening culturally specific victim services pertaining to the prevention of female genital mutilation.

This provision would also expand the demographic characteristics that states are required to reference in their implementation plan when applying for a grant, to include sexual orientation and gender identity.

This provision would require reviews for compliance with nondiscrimination requirements and would require the Attorney General to establish a rule delineating the process for review. It would require an annual report to Congress.

This provision would, to be eligible for a grant, require eligible entities to certify that they will use a detailed protocol to discourage the use of bench warrants, material witness warrants, perjury charges, or other means of compelling victim-witness testimony when investigating or prosecuting a crime related to domestic violence, sexual assault, stalking or dating violence.

- **Grants to Improve Criminal Justice Response** – *Reauthorizes at \$73 million each year, grants for FY2020-FY2024* to encourage the arrest of abusers who commit acts of violence or violate protection orders. It changes the title of the grant to “grants to improve criminal justice response.” **This provision would authorize the use of grant funds to be used to develop “alternative justice responses” in response to sexual assault, dating violence and domestic violence cases. Under this methodology, a victim and abuser could be put in the same room – though there is little proof to the efficacy of these tactics, which also serve to re-victimize victims. Though victim participation is voluntary, the power dynamics associated with domestic violence and sexual assault might make victims feel compelled to participate.**

This provision expands the allowed uses of grant funds to include developing and implementing laws and procedures for the recovery of “dangerous weapons” used by perpetrators of domestic or dating violence, sexual assault, or stalking if a court has issued a protective or restraining order, the perpetrator has been found guilty, and ordered to relinquish their weapons.

This provision would also, to be eligible for a grant, require eligible entities to certify that they will use a detailed protocol to discourage the use of bench warrants, material witness warrants, perjury charges, or other means of compelling victim-witness testimony when investigating or prosecuting a crime related to domestic violence, sexual assault, stalking or dating violence.

- **Legal Assistance for Victims Program** – *Reauthorizes at \$57 million each year, the Legal Assistance for Victims program for FY2020-FY2024.* This program permits VAWA grantees to recruit, train, and mentor pro bono attorneys and law students in providing legal services to adult and youth victims of domestic violence, dating violence, stalking, and sexual assault. This provision would add the ability to provide legal assistance for dependents of victims when such assistance is necessary for the safety of the victim.
- **Grants to Support Families in the Justice System** – *This provision reauthorizes at \$22 million each year for FY2020-FY2024, the grant program that allows states, local governments, courts, tribal governments, nonprofits, and others, to improve the response of the civil and criminal justice system to families with a history of domestic violence or sexual assault.*

- **Outreach and Services to Underserved Populations Grants** – Reauthorizes at \$2 million each year for FY2020-FY2024, grants pertaining to outreach and services to underserved populations and requires the development or strengthening of programs providing services pertaining to female genital mutilation. Also continues to permit the 2% increase from funds appropriated from the STOP and Arrest programs described above.
- **Criminal Provisions** – This provision would amend limits on internet publication of registration information for protection orders so that the prohibition applies to all protection orders, regardless of their issue location. It would also provide Alaskan tribes the same civil jurisdiction as other courts in issuing and enforcing protection orders.
- **Rape Survivor Child Custody** – Reauthorizes grants pertaining to custody of children resulting from rape at a level of \$5 million for each fiscal year from FY2020-FY2024.

Title II – Improving Services for Victims

- **Sexual Assault Services Program** - Reauthorizes at \$40 million for each fiscal year from FY 2020-FY2024, the Sexual Assault Services Program. This program funds grants for assistance to sexual assault victims.
- **Rural Domestic Violence, Dating Violence, Sexual Assault, Stalking, and Child abuse Enforcement Assistance Program** – Reauthorizes at \$50 million for each fiscal year from FY 2020-FY2024. This funding seeks to enhance the safety of victims of domestic violence, dating violence, sexual assault, and stalking by supporting projects designed to address and prevent these crimes in rural jurisdictions. This program also provides for legal assistance, other victim services, and programs to reduce rape kit backlogs.

This provision would also make this program apply to not only women and children as had been previously passed in the 2013 reauthorization, but all adults and youth.

- **Training and Services to End Violence Against People with Disabilities** – This program was previously directed at protecting women with disabilities. **This provision is amended to expand the program to apply to all individuals with disabilities, regardless of gender.** Reauthorizes the program at \$9 million each year for FY2020-FY2024. This grant program addresses abuse suffered by domestic violence, dating violence, sexual assault, and stalking victims with disabilities.
- **Training and Services to End Abuse in Later Life** – This program was established under the last VAWA reauthorization, replacing the elder abuse grant program. *This provision reauthorizes the program at \$9 million each year for FY2020-FY2024.* The program is geared at training law enforcement and prosecutors in recognizing and responding to elder abuse/abuse later in life and provide services for victims of elder abuse.

Title III – Services, Protection, and Justice for Young Victims

- **Rape Prevention and Education Grant** – Reauthorizes at \$150 million each year for FY2020-FY2024 the Rape Prevention Education Grant administered through the CDC that supports activities of rape crisis centers, sexual assault coalitions, and other nonprofit organizations to increase efforts on how to prevent sexual assaults. **The previous reauthorization level was \$50 million each year.**

- **CHOOSE for Children and Youth** – Reauthorizes the grant program that had previously consolidated 8 different grant programs under 2013’s VAWA reauthorization. *Funding is authorized at \$25 million per year for fiscal years FY2020-FY2024.* This program provides counseling, mentoring, and legal assistance to youth victims as well as assistance to middle and high school personnel to help youth victims. This provision removes trafficking as a primary purpose for the CHOOSE grants. The program would be expanded to incorporate female genital mutilation concerns. **This program was previously authorized at \$15 million per year.**
- **Grants to Combat Violent Crimes on Campuses** – *Reauthorizes at \$16 million per year, grants to Combat Violent Crimes on Campuses for FY2020-FY2024.* Permits the provision of grants for providing prevention and education programming about sexual assault, dating violence, stalking, and domestic violence and for campus health center training. **This program was previously authorized at \$12 million per year.**
- **Combat Online Predators** – This provision provides enhanced penalties for the stalking of children under 18, with certain exceptions. The maximum term of imprisonment is 5 years greater than the maximum term otherwise provided for stalking under [Title 18, Chapter 1110A, section 2261A](#). It would also require a report on best practices relating to the enforcement of anti-stalking laws.

Title IV – Violence Reduction Practices

- **Study Conducted by the Centers for Disease Control and Prevention** – *Reauthorizes at \$1 million each year, funding for CDC grants for FY2020- FY2024 to academic institutions and organizations for research on best practices for reducing and preventing domestic violence, dating violence, sexual assault, and stalking.* **This provision is amended to address not just violence against women, as was included in the 2013 reauthorization, but to include violence against all adults and youth, regardless of gender.**
- **Saving Money and Reducing Tragedies (SMART) Through Prevention Grants** – *Reauthorizes at \$45 million for each year for FY2020-FY2024.* The purpose of this grant is to prevent “domestic violence, dating violence, sexual assault, and stalking by taking a comprehensive approach that focuses on youth, children exposed to violence, and men as leaders and influencers of social norms.” **The program was previously reauthorized at \$15 million per year.**

Title V – Strengthening the Healthcare Systems Response

- **Grants to Strengthen the Healthcare Systems Response to Domestic Violence, Dating Violence, Sexual Assault, and Stalking** – *Reauthorizes this program at \$10 million per year for FY2020-FY2024, pertaining to the health care system’s response to domestic violence, dating violence, sexual assault, and stalking using interdisciplinary training for health professionals and education programs for health students.* This provision adds an allowable use pertaining to training programs to improve the ability of early childhood programs to address domestic and dating violence and sexual assault. This provision would establish a state-level pilot program geared at responding to substance use disorder treatment and the ability of these treatment programs to serve survivors of domestic or dating violence or sexual assault.

Title VI – Safe Homes for Victims

- This title extends VAWA housing protections to certain federal programs, including the direct loan program for the elderly and housing assistance for homeless veterans. Covered housing programs would be prohibited from evicting tenants receiving housing assistance on the basis of criminal activity -- including domestic violence, dating violence, sexual assault, or stalking – having occurred in the home so long as the tenant was the victim. This provision provides for tenants to establish eligibility for assistance in the event a family breaks up due to domestic violence and the perpetrator was the eligible tenant. They also provide procedures for victims to terminate leases when needed and for emergency transfers of public housing. *Authorizes \$20 million for each year for FY2020-FY2024 to carry out emergency transfers.* This provision also provides for training of staff of covered housing programs and for compliance reviews in order to prevent retaliation against victims.
- The Manager’ amendment would require, for emergency transfer policies, each grantee under the Continuum of Care, to designate the entity within its geographic area that would coordinate and facilitate emergency transfers. It would then replace the term “local Continuum of Care” that follows, with “entities designated under paragraph (3).” It would further provide for a definition of domestic violence and other dangerous or life threatening conditions.
- This provision would require administering agencies to conduct annual compliance reviews.
- This provision establishes a Department of Housing and Urban Development Violence Against Women Director. Covered housing providers would be prohibited from discriminating against someone because they have opposed an act of practice made unlawful by this legislation, nor could they retaliate or coerce someone who has exercised rights or protections under this legislation.
- This legislation assures the right to report crimes and emergencies from one’s home on their own behalf or on behalf of someone in need, without penalization based on requests for assistance or based on criminal activity of which they are a victim.
- **This title provides for additional authorized uses of [Byrne JAG funds](#) including for programs for the development and implementation of alternative methods of reducing crime in communities, to supplant punitive programs. **It also provides for additional uses of COPS funds and grants to encourage arrest policies for the same purpose.****
- **Transitional Housing Assistance Grants for Victims of Domestic Assault, Dating Violence, Sexual Assault or Stalking** – *Reauthorizes at \$35 million each year, the Transitional Housing Assistance Program for FY2020-FY2024. Increases the cap for funding made available by the Attorney General for administrative expenses and evaluation to 8% (up from 5%). This provision would make funds available to population-specific organization.*
- **Addressing the Housing Needs of Victims of Domestic Violence, Dating Violence, Sexual Assault and Stalking** – *Reauthorizes two separate VAWA housing programs each at \$4 million per year for FY2020-FY2024 that addresses homeless victims as well as equal access to housing.*
- **United States Housing Act of 1937 Amendments** – This provision would require a public housing agency’s plan to include notices issued for housing protections, emergency transfer

plan, and memoranda of understanding regarding emergency transfers. The plan must also detail activities and services provided to victims of violence.

Title VII – Economic Security for Victims

This title includes a detailed findings section on the prevalence of sexual violence and women victims of homicide, including of gun violence. It further includes findings on economic insecurity amongst women and the economic costs of partner violence.

- **National Resource Center on Workplace Responses to Assist Victims of Domestic and Sexual Assault** – *Reauthorizes at \$2 million per year, from FY2020-2024 for the National Resource Center on Workplace Responses.* This center provides employers with information and assistance to aid in responses to domestic and sexual violence. This program is expanded to include assistance to victims of sexual harassment. **This provision was previously reauthorized at a level of \$1 million per year.**
- **Entitlement to Unemployment Compensation for victims of Sexual and Other Harassment and Survivors of Domestic Violence, Sexual Assault, or Stalking** – This provision prohibits the denial of unemployment compensation for voluntary separations due to sexual harassment, domestic violence, sexual assault or stalking. It further details documentation procedures for the assault or harassment. This provision requires various trainings, including TANF personnel training, so that victims are aware of their rights. **Conservatives may be concerned that this will expand eligibility to the unemployment compensation program and perhaps incentivize sexual harassment or assault claims that may or may not be substantiated.**

Further, conservatives may be concerned that the bill would force states to “deem sufficient” as evidence of workplace sexual harassment or assault a sworn statement and a form of identification, a police or court record, documentation from a survivor services organization, an attorney, a police officer, a medical professional, a social worker, an antiviolence counselor, a member of the clergy, or another professional, or an attestation that such voluntary separation is attributable to such harassment, violence, assault, or stalking.

Sexual and Other Harassment, Domestic Violence, Sexual Assault, or Stalking Training Grant Program – This provision authorizes the Secretary of Labor to award grants to a national survivor services organization to develop a model training program and to states, local and tribal entities to contract with eligible entities to provide State, tribal, or local caseworkers and other State, tribal, or local agency personnel responsible for administering the temporary assistance for needy families program (TANF) with required training.

This provision authorizes appropriations of \$1 million for FY2020 to carry out training development and \$12 million for each fiscal year between FY2020-FY2024 for contracting with eligible entities.

- **Study and Reports on Barriers to Survivors’ Economic Security Access** – This provision would require HHS and the Department of Labor to conduct a study on barriers to economic security for victims. It would require a report to congress.

- **GAO Study** – This provision would require GAO to complete a study within 18 months following enactment regarding the inability of survivors to repay higher education loans. **Conservatives may feel this study is unnecessary as a myriad of options are available to those having difficulty repaying student loans.**
- **Education and Information Programs for Survivors** – This provision requires the departments of HHS, the Secretary of Labor and the Attorney General to conduct a national public outreach and education campaign on the workplace impact of domestic violence, dating violence, sexual assault and stalking. It would further require the departments of Labor and HHS to conduct a study on workplace responses to employees that are assaulted. *This section would authorize such sums as may be necessary to carry out this provision for FY2020-FY2024.* **Conservatives may be concerned that this study looks at non-occupational incidents and is beyond the scope of what the government should be involved in.**

Title VIII – Homicide Reduction Initiatives

- **Prohibiting Persons Convicted of Misdemeanor Crimes Against Dating Partners and Persons Subject to Protection Orders** – **This provision addresses federal firearms laws and who is prohibited from possessing a firearm under the Gun Control Act, to expand the definition of “domestic relationship” to include “former dating partners,” a subjective term. In the 1990s, the Gun Control Act’s provisions relating to the prohibition of possession of firearms for those convicted of crimes punishable by imprisonment of a year or more were expanded to include individuals convicted of misdemeanor crimes of domestic violence. This provision would create a new lifetime prohibition on owning a firearm for those convicted of misdemeanor stalking, even if the offense did not involve violent, threatening, or in person contact. It would further challenge due process protections by prohibiting the ability to possess a firearm for individuals under ex parte restraining orders. These provisions would apply retroactively.**

Title IX – Safety for Indian Women

Conservatives may be concerned, as they were with the last reauthorization of VAWA, that this legislation expands tribal jurisdiction significantly over what is currently allowable. According to the House Judiciary Committee, in 2013, the VAWA reauthorization expanded tribal jurisdiction over non-tribal individuals for cases of domestic violence. This legislation would further expand that jurisdiction over non-tribal individuals to include crimes of domestic violence, dating violence, obstruction of justice, sexual violence, sex trafficking, stalking, and assault of a law enforcement officer or corrections officer. This could mean that a tribal judge would have the ability to enter final judgments for convictions of non-tribal individuals in certain criminal cases, despite the fact that they are not appointed by the President, the head of a department, or a court of law, as Article II requires; and it grants tribal courts that authority even though tribal judges lack the life tenure and salary requirements required by Article III.

- **Authorizing Funding for the Tribal Access Program** – This provision *authorizes the appropriation of \$3 million for each of fiscal years 2020-2024*, so that tribal government entities can better access federal criminal information databases.

- **Tribal Jurisdiction over Crimes of Domestic Violence, Dating Violence, Obstruction of Justice, Sexual Violence, Sex Trafficking, Stalking, and Assault of a Law Enforcement Officer or Corrections Officer** – This provision would further expand tribal jurisdiction over non-tribal individuals to include crimes of domestic violence, dating violence, obstruction of justice, sexual violence, sex trafficking, stalking, and assault of a law enforcement officer or corrections officer. **This provision creates clear due process concerns.** Authorizes the Attorney General to provide grants to tribal governments through a pilot project for Alaskan tribes so that they may implement special tribal criminal jurisdiction. *Reauthorizes funding at \$5 million for each fiscal year from 2020-2024.*

Title X – Office on Violence Against Women

- **Establishment of Office on Violence Against Women** – This provision would require the appointment of a Director of the Office on Violence Against Women, confirmable by the Senate.

Title XI – Improving Conditions for Women in Federal Custody

Conservatives may be concerned that this title would legally mandate gender identity (SOGI) protections by stating a transgender prisoner's sex is that with which they identify.

- This title would require the Director of the Bureau of Prisons (BoP) to establish a new office to determine the placement of prisoners and to take into certain factors, like whether a prisoner has children, whether an individual identifies as transgender or intersex, and other factors, when determining location placement.
- This title would prohibit the placement of pregnant or post-partum prisoners in segregated housing units, unless the prisoner presents an immediate risk of harm to themselves or others. Prisoners would be required to be provided with parenting classes if they are the primary caretaker parent of a child. It would also mandate training for corrections officers in trauma screening. It would further mandate access to adequate health care, including hygiene products and gynecologist access. This title would mandate the use of correctional officers of the same sex as the prisoner with respect to strip searches and entering rest rooms. It would require the gender identification of individuals that identify as transgender to be the sex with which they identify, and would prohibit corrections officers from searching or physically examining prisoners to determine a prisoner's genital status or sex.
- This title would prohibit the BoP from disallowing prisoners who are pregnant or primary caretaker parents from participating in residential substance abuse treatment even if they did not disclose the problem when they were committed to custody.
- **Public Health and Safety of Women** – This provision would require, not later than 270 days following enactment, the BoP to establish a pilot program, to permit women incarcerated in federal prisons and the children born to them in custody, to reside together in a separate housing wing, while the inmate serves their term of imprisonment. This provision would require the BoP director to perform an offender risk and needs assessment to the health needs of incarcerated pregnant women and mothers, perform research, and make recommendations regarding recidivism reduction for incarcerated pregnant women and mothers. Inmates could participate in the program if they are pregnant at the beginning or during imprisonment and in federal BoP custody. Inmates eligible to participate could do so

for a term of the earliest of: the date of the term of imprisonment terminates, the date the infant fails to meet established medical criteria, or 30 months. The provision would detail steps an inmate must take to participate in the program. It would require a report to Congress.

This provision authorizes \$10 million for each of fiscal years 2020-2024.

Title XII – Law Enforcement Tools to Enhance Public Safety

- **Notification to Law Enforcement Agencies of Prohibited Purchase or Attempted Purchase of a Firearm** – This provision would require notification to law enforcement agencies in the event a prohibited purchase or attempted purchase of a firearm is made, when the determination is made 3 business days after the licensee contacts the NICs system and the firearm has been transferred. **Some Conservatives may be concerned that this provision does not allow for ICE to be notified when an illegal immigrant, who is also a convicted domestic abuser, attempts to purchase a firearm.**
- **Reporting of Background Check Denials to State, Local, and Tribal Authorities** – This provision would require the reporting of denials to state, local, and tribal authorities within 24 hours of the provision of notice to an individual.
- **Special Assistant U.S. Attorneys and Cross-Deputized Attorneys** – This provision permits qualified state, tribal, territorial and local prosecutors and attorneys to serve as special assistant US attorneys to improve the enforcement of provisions regarding the unlawful [possession](#) or transport of firearms. It would also permit the deputizing of state, tribal, territorial and local law enforcement officers to enhance the capacity of the ATF in responding to violations, and to establish field divisions for ATF and district offices for the US Attorneys to process requests for assistance where agencies believe offenders have violated these gun prohibition laws.

This provision would require the Attorney General to identify a minimum of 75 jurisdictions where there are high rates of firearms violence and threats of firearms violence against intimate partners and other protected persons and where the local authorities do not have the resources to address the violence, and to make appointments in such jurisdictions where enhanced enforcement is necessary.

Title XIII – Closing the Law Enforcement Consent Loophole

This provision would prohibit any person from engaging in sexual conduct with an individual, including an individual in federal law enforcement custody, while acting under color of law.

This title would authorize the Attorney General to make grants to states that have laws that make it a criminal offense to do so. States receiving grants would be subject to reporting requirements. *This provision authorizes the appropriation of \$5 million for each fiscal year from 2020-2024.* It would require the Attorney General to submit a report to Congress as well as a GAO report.

Title XIV – Other Matters

- **National Stalker and Domestic Violence Reduction** - *This provision would authorize the appropriation of \$3 million for each of fiscal years 2020-2024 for the National Stalker and Domestic Violence Program.*
- **Federal Victim Assistants Reauthorization** - *This provision would authorize the appropriation of \$1 million for each of fiscal years 2020-2024 for US Attorneys for the purpose of appointing victim and witness counselors for the prosecution of sex and domestic violence crimes.*
- **Child Abuse Training for Judicial Personnel and Practitioners Reauthorization** - *This provision would reauthorize the appropriation of \$2.3 million for each of fiscal years 2020-2024 for the Child Abuse Training for Judicial Personnel and Practitioners Program.*
- **Sex Offender Management** - *This provision would reauthorize the appropriation of \$5 million for each of fiscal years 2020-2024 for grants to states regarding sex offender management.*
- **Court-Appointed Special Advocate Program** - *This provision would reauthorize the appropriation of \$12 million for each of fiscal years 2020-2024 for the Court-Appointed Special Advocate Program.*
- **Rape Kit Backlog** - *This provision would reauthorize the appropriation of \$151 million for each of fiscal years 2020-2024 for grants to eliminate the rape kit backlog.*
- **Sexual Assault Forensic Exam Program Grants** - *This provision would reauthorize the appropriation of \$30 million for each of fiscal years 2020-2024 for sexual assault forensic exam program grants.*

The legislative bulletin for the 2013 iteration of the VAWA reauthorization can be found [here](#). The House roll call vote for that bill can be found [here](#). 138 Republicans voted against the bill, and only 87 voted for it. Generally, the present bill is a significant expansion beyond the 2013 reauthorization.

A CRS report on providing a historical overview of VAWA can be found [here](#).

AMENDMENTS:

1. [Rep. Jeffries \(D-NY\)](#) - This amendment would require public outreach and education materials disseminated by the Secretary of Labor to be disseminated in “commonly encountered languages.”
2. [Rep. Scanlon \(D-PA\)](#) - This amendment would require a GAO report to Congress on return investment for legal assistance grants under VAWA.
3. [Rep. Escobar \(D-TX\)](#) - This amendment would require the National Institutes of Justice to report to Congress on the status of women in federal incarceration, including information like sexual orientation and gender identity. It would further require the Attorney General to develop a model for gender responsive transition for incarcerated women.
4. [Rep. Dean \(D-PA\)](#) - This amendment would authorize agency cooperation and coordination for preventing sexual assault and domestic violence.
5. [Rep. Torres \(D-CA\)](#) - This amendment would require the Centers for Disease Control and Prevention (CDC) to report on grant awardees under the Rape Prevention and Education Program.

6. [Rep. Burgess \(R-TX\)](#) – This amendment would require state and local recipients of Debbie Smith DNA Backlog grants to include best practices information on reducing backlogs in their annual reports.
7. [Rep. Waters \(D-CA\)](#) – This amendment would expand the authorized uses of grants to combat violent crime on campuses to include training campus personnel in using a victim-centered, trauma-informed interview technique. **Conservatives may be concerned that this amendment would expand a grant program.**
8. [Rep. Young \(R-AK\)](#) – This amendment would change the definition of eligible land for a tribe’s jurisdiction to include all land within any Alaska Native village, under the Alaska Tribal Jurisdiction Pilot Program. **Conservatives may be concerned that this amendment would effectively expand the program.**
9. [Rep. Johnson \(D-TX\)](#) – This amendment is intended to synchronize language in the bill related to internal and external housing unit transfers for which domestic violence victims can apply. It would clarify that a transferee has to apply for a transfer.
10. [Rep. Wagner \(R-MO\)](#), [Rep. Jackson Lee \(D-TX\)](#) – This amendment would ensure that the [CHOOSE grant program](#) can continue to include programs that target sex trafficking.
11. [Rep. Wagner \(R-MO\)](#) – This amendment would seek to improve VAWA transparency by requiring entities that are found to have misused funds to be rendered ineligible for VAWA grant funds for five years, following opportunity for a hearing.
12. [Rep. Grijalva \(D-AZ\)](#), [Rep. Cole \(R-OK\)](#) – This amendment would expand the definition of domestic violence under the Indian Civil Rights Act of 1968 to include violence witnessed by or against a child or an elder. **Conservatives may be concerned that this amendment would expand the definition of a particular crime.**
13. [Rep. Grijalva \(D-AZ\)](#), [Rep. Cole \(R-OK\)](#) – This amendment would authorize the Attorney General to reimburse tribal government authorities for expenses in exercising special tribal criminal jurisdiction. **Conservatives may be concerned that this amendment not only supports the expansion of tribal jurisdiction, but attempts to shift the costs for the expanded authority to the federal government.** It would also permit the Attorney General to award grants to Indian tribes for strengthening criminal justice systems and for providing indigent defendants with defense counsel, and other purposes.
14. [Rep. Emmer \(R-MN\)](#), [Rep. Jayapal \(D-WA\)](#) – This amendment would authorize a new demonstration grant program for the Office on Violence Against Women to award grants for law enforcement training to provide for trauma-informed approaches in the response and investigation of domestic violence, dating violence, stalking and sexual assault crimes. It would authorize use of funds otherwise available to the Attorney General. **Conservatives may be concerned that this amendment would create a new federal program.**
15. [Rep. Quigley \(D-IL\)](#) – This amendment would require the HHS Secretary to report on whether being a domestic violence victim increases the likelihood of having a substance abuse disorder.
16. [Rep. Kuster \(D-NH\)](#), [Rep. Turner \(R-OH\)](#) – This amendment would direct the DoJ to establish an interagency working group, looking at existing federal efforts to collect data on sexual violence and how to harmonize their data.
17. [Rep. Meng \(D-NY\)](#) – This amendment would provide for prisoner parenting classes to be made available to prisoners with limited English proficiency.
18. [Rep. Meng \(D-NY\)](#) – This amendment would require the Bureau of Prisons (BoP) to establish procedures for communicating the availability of the parenting program, and ensure that each pregnant inmate understands the available resources.
19. [Rep. Meng \(D-NY\)](#) – This amendment would require cultural competency training in BoP trauma screening trainings.

20. [Rep. Plaskett \(D-VI\)](#) – This amendment would double the amount of funds available to the territories under the Sexual Assault Services Program and the Transitional Housing Assistance Program, from .25% to .5%. **Conservatives may be concerned that this amendment could upset the balance of funding available under these programs between states (and DC and Puerto Rico) and the other territories.**
21. [Rep. Bera \(D-CA\)](#) – This amendment would increase funds for grants to enhance culturally specific services for victims to \$2 million. **Conservatives may be concerned that this amendment would expand the program's funding.**
22. [Rep. Gallego \(D-AZ\)](#), [Rep. Cole \(R-OK\)](#) – This amendment would require the GAO to submit a report to Congress on law enforcement agency response to reports of missing or murdered Indians and recommendations for legislative response.
23. [Rep. Clark \(D-MA\)](#) – This amendment would create another new grant program for training state and local law enforcement to prevent, and prosecute domestic violence crimes that occur online. *It would authorize the appropriation of \$20 million for each fiscal year between 2020-2024.* It would also create a national resource center to study the crimes. *It would authorize the appropriation of \$4 million for each fiscal year between 2020-2024.* It would require the FBI to update the Uniform Crime Reports and the National Incident-Based Reporting System to account for cybercrimes. **Conservatives may be concerned that this amendment would create new programs with new appropriations authorizations.**
24. [Rep. Krishnamoorthi \(D-IL\)](#), [Rep. Brooks \(R-IN\)](#) – This amendment specifies examples of components of economic security Americans are faced with in seeking economic stability.
25. [Rep. Krishnamoorthi \(D-IL\)](#), [Rep. Bacon \(R-NE\)](#) – This amendment would require the inclusion of guidelines and best practices for the creation of employee assistance programs.
26. [Rep. Brown \(D-MD\)](#) – This amendment would create a grant program for state, local and tribal governments for training in the operation or establishment of a lethality assessment program. *It would authorize the appropriation of \$5 million for each fiscal year between 2020-2024.* **Conservatives may be concerned that this amendment would create a new program with new appropriations authorization.**
27. [Rep. Haaland \(D-NM\)](#), [Rep. Cole \(R-OK\)](#) – This amendment would provide for victim advocates and resources in state courts for urban American Indians and Alaskan Natives. **Conservatives may be concerned that this amendment would expand the purposes for which the relevant grants may be used.**
28. [Rep. Haaland \(D-NM\)](#), [Rep. Cole \(R-OK\)](#) – This amendment would clarify that the federal criminal information database extends to entities designated by tribes as manifesting public safety in tribal jurisdiction that have no state or federal arrest authority. **Conservatives may be concerned that this amendment would extend access to federal criminal databases.**
29. [Rep. Rouda \(D-CA\)](#) – This amendment would add language highlighting violence against transgender and gender non-conforming people. **Conservatives will be concerned that this amendment is a further instance of democrats seeking to codify SOGI protections.**
30. [Rep. Rouda \(D-CA\)](#) – This amendment would give college campuses the ability to also offer primary prevention training as part of their use of grants to combat violent crimes on campus. **Conservatives may be concerned that this amendment would expand grant uses.**
31. [Rep. Rouda \(D-CA\)](#) – This amendment would give college campuses the ability to also offer alternative justice response programs. **Conservatives may be concerned that this amendment would expand grant uses.**
32. [Rep. Rouda \(D-CA\)](#) – This amendment would give college campuses the ability to include all resolution process members in training – This would also include the Title IX coordinator's office and the office of student conduct. **Conservatives may be concerned that this amendment would expand the program.**

33. [Rep. Craig \(D-MN\)](#) – This amendment would require the Secretary of Education to report to Congress on best practices in programs, events, and materials relating to domestic violence, dating violence, sexual assault, and stalking and an assessment of best practices and guidance. The report would be made publicly available online.
34. [Rep. Schrier \(D-WA\)](#) – This amendment would include trauma and behavioral health specialists in the term “health care professional.” It would also seek to increase the capacity of health care professionals to address child exposure to violence by making that a required use of grant funds. **Conservatives may be concerned that this amendment would expand required grant uses.**
35. [Rep. Underwood \(D-IL\)](#) – This amendment would require the DoJ to report to Congress on the effects of the partial shutdown on the DoJ’s ability to disperse funds for domestic violence.
36. [Rep. Casten \(D-IL\)](#) – This amendment would direct campus faculty members to be trained in recognizing sexual and domestic assault victims.
37. [Rep. Porter \(D-CA\)](#) – This amendment would not preclude the term “economic abuse” in considering the term “domestic violence.”
38. [Rep. Rose \(D-NY\)](#) – This amendment would expand the National Domestic Violence Hotline to include texting features.
39. [Rep. Axne \(D-IA\)](#) – This amendment would increase STOP grant funding from \$40 million per year to \$60 million. **Conservatives may be concerned that this amendment would increase funding for the grant program.**
40. [Rep. Torres \(D-NM\)](#) – This amendment would state that nothing in the act would affect the obligation to fully comply with applicable immigration laws.

GROUPS OPPOSED:

Family Research Council – [Key Vote No](#)
Fun Owners of America - [Key Vote No](#)
National Rifle Association – [Key Vote No](#)
American Principals Project
[Concerned Women for America](#)
[Council for Affordable and Rural Housing](#)
[Heritage Action](#)
[Institute of Real Estate Management](#)
[National Affordable Housing Management Association](#)
[National Apartment Association](#)
[National Association of Home Builders](#)
[National Association of Housing Cooperatives](#)
[National Association of REALTORS](#)
[National Leased Housing Association](#)
[National Multifamily Housing Council](#)
[Phyllis Schlafly Eagles](#)
[UWC – Strategic Services on Unemployment & Workers’ Compensation](#)

COMMITTEE ACTION:

H.R. 1585 was introduced on March 7, 2019 and was referred to the House Committees on the Judiciary, Energy and Commerce, Financial Services, Ways and Means, Education and Labor, Natural Resources, and Veterans' Affairs. It was marked up on March 13, 2019 and was reported by the yeas and nays by a vote of 22-11.

ADMINISTRATION POSITION:

A Statement of Administration Policy is not available.

CONSTITUTIONAL AUTHORITY:

According to the sponsor: Congress has the power to enact this legislation pursuant to the following: This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clauses 1, 3, and 18 of the United States Constitution.

NOTE: *RSC Legislative Bulletins are for informational purposes only and should not be taken as statements of support or opposition from the Republican Study Committee.*