



Memorandum in Support

NYSBA Federal Memorandum #1

July 16, 2021

ISSUE: VIOLENCE AGAINST WOMEN ACT (“VAWA”) AND THE ABBY HONOLD ACT

COMMITTEE ON IMMIGRATION REPRESENTATION, CRIMINAL JUSTICE SECTION AND WOMEN IN LAW SECTION

VAWA Reauthorization Act of 2021, H.R.1620, introduced by Rep. Sheila Jackson Lee (D-TX), House Judiciary Chairman Jerry Nadler (D-NY) and Rep. Brian Fitzpatrick (R-PA) Abby Honold Act, S.171 and H.R.649, reintroduced in both chambers of Congress on January 28, 2021 by U.S. Senator Amy Klobuchar (D-MN) and Representative Tom Emmer (R-MN).

ACTS aimed at addressing domestic violence, sexual assault, stalking and dating violence. The Committee on Immigration Representation and the Women in Law Section jointly applaud and strongly support the bipartisan introduction of two critical pieces of federal legislation, the Violence Against Women Act (“VAWA”) Reauthorization Act of 2021 and the Abby Honold Act, aimed at addressing domestic violence, sexual assault, stalking and dating violence.

The VAWA Reauthorization Act of 2021, H.R.1620, introduced by Rep. Sheila Jackson Lee (D-Texas), House Judiciary Chairman Jerry Nadler (D-N.Y.) and Rep. Brian Fitzpatrick (R-Pa.), is an essential step forward in the fight against gender-based violence. The bill would increase funding for culturally-specific services for survivors, target youth in underserved communities, and advance services for survivors with disabilities. It would also increase safe housing options and eliminate impunity for non-Native perpetrators of sexual assault, child abuse, domestic violence, stalking, sex trafficking.

It comes on the heels of the Abby Honold Act, S.171 and H.R.649, reintroduced in both chambers of Congress on January 28, 2021 by U.S. Senator Amy Klobuchar (D-MN) and Representative Tom Emmer (R-MN). This bipartisan legislation, named after a former student of the University of Minnesota and rape survivor, would promote the use of trauma-informed techniques by law enforcement when responding to sexual assault crimes.

VAWA has long enjoyed bipartisan support in Congress. Initially enacted in 1994, this landmark bill has shaped and defined our nation’s views and response to domestic violence, stalking, and sexual assault. It established critical funding to address the issue of violence against women from various angles, including education and prevention, supportive services, safe housing, as well as

health care, criminal justice and community responses. Notably, it established the VAWA self-petitioning immigration provisions, recognizing the additional barriers faced by immigrant survivors and taking the control out of the abuser's hands.

VAWA has been reauthorized three times, each serving as an important opportunity for congress to expand and enhance the tools and initiatives combating these forms of gender-based violence. VAWA 2000 brought about additional protections for battered immigrations, including U visas, among other important modifications. It also increased existing programs and established new programs designed to protect elderly and disabled victims of domestic violence, dating violence, sexual assault, and stalking. VAWA 2005 built on these initiatives, adding further protections for battered and/or trafficked nonimmigrants, as well as programs for Native American victims and to improve public health response to domestic violence. The last reauthorization, VAWA 2013, enhanced measures to combat trafficking in persons, and to address sex trafficking.

The impact of VAWA legislation over a quarter of a century has been transformative, directly impacting the lives of countless survivors of domestic violence, sexual assault, stalking and dating violence. VAWA lapsed in 2018, and reauthorization efforts in 2019 failed, leaving many critical programs unfunded. Congress cannot repeat this missed opportunity to enhance protections for survivors of gender-based violence.

Our nation is in the midst of a global pandemic that has laid bare the inequities in our communities and how public policy shortcomings disproportionately affect low-income communities of color and immigrants. It has also led to soaring rates of domestic violence, reminding us again that while we have made great progress there is still so much work to be done to combat gender-based violence. Congress must act to pass the Abby Honold Act and reauthorize VAWA to ensure that that all victims have access to critical survivor-centered and trauma-informed protections from further violence.

Based on the foregoing, the NYSBA's Committee on Immigration Representation, Criminal Justice Section and Women in Law Section jointly **SUPPORT** these two pieces of legislation.