

**RENEWING AND STRENGTHENING
THE VIOLENCE AGAINST WOMEN ACT**

HEARING
BEFORE THE
COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE
ONE HUNDRED SEVENTEENTH CONGRESS

FIRST SESSION

OCTOBER 5, 2021

Serial No. J-117-39

Printed for the use of the Committee on the Judiciary



www.judiciary.senate.gov
www.govinfo.gov

U.S. GOVERNMENT PUBLISHING OFFICE

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RENEWING AND STRENGTHENING THE VIOLENCE AGAINST WOMEN ACT

TUESDAY, OCTOBER 5, 2021

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY
Washington, DC.

The Committee met, pursuant to notice, at 10:01 a.m., in Room 226, Dirksen Senate Office Building, Hon. Richard J. Durbin, Chair of the Committee, presiding.

Present: Senators Durbin [presiding], Leahy, Whitehouse, Klobuchar, Coons, Hirono, Padilla, Ossoff, Grassley, Cornyn, Hawley, Cotton, and Tillis.

Also present: Senators Capito, Ernst, and Hyde-Smith.

OPENING STATEMENT OF HON. RICHARD J. DURBIN, A U.S. SENATOR FROM THE STATE OF ILLINOIS

Chair DURBIN. This hearing will come to order.

Today, the Senate Judiciary Committee is holding a hearing on the reauthorization of the Violence Against Women Act, a game-changing bipartisan piece of legislation that has provided lifesaving assistance to women across America for nearly three decades.

I'd like to start things off with a video that provides an overview of the legacy of this law.

[Video presentation.]

For more than 30 years, October has been recognized as Domestic Violence Awareness Month. It's a reminder that all of us have an obligation to stand up and support survivors of sexual and domestic violence, many of whom had to nurse their wounds, both physical and emotional, in silence. Over the past 18 months, many survivors have been forced into the most vulnerable position of all, isolated at home with an abuser.

During this pandemic, nearly four in ten rape crisis centers and nearly half of the YMCA's domestic violence programs have reported an increase in demand for services. Police departments throughout the country have also reported a spike in arrest and calls related to domestic violence.

In my home State of Illinois, our domestic violence hotline experienced a 16 percent increase in calls in 2020, sometimes fielding 150 calls on a single day. A friend of mine and vocal advocate for survivors of domestic violence, the late Sheila Wellstone, used to say, and I quote her, "I find it absolutely intolerable to think that a woman's home can be the most violent, most dangerous, and often times the most deadly place she can be." This is unacceptable reality for far too many women in America. That's why the Senate

must, must reauthorize and strengthen the law that for nearly 30 years has transformed the way we address sexual and domestic violence in America, the Violence Against Women Act.

In the years since it was first signed into law, VAWA, as it's often referred to, has changed and even saved countless lives. It has opened up new avenues of support and relief for survivors including domestic abuse hotlines. It has helped establish protocols for doctors, police officers, judges, and others to spot the subtle signs of domestic violence and provide help once they observe those signs. It has funded resources that allow victims to escape abusive environments.

Unfortunately, in the last Congress, the Senate failed to reauthorize the Violence Against Women Act. While appropriations to VAWA programs have continued, which is good news, much needed efforts to improve the law stalled. Thankfully, in this Congress, there is a strong bipartisan commitment to join our colleagues in the House and pass VAWA of 2021.

Today, the Committee will have a chance to hear from the junior senator from Iowa, Senator Ernst. She's been working closely with Senator Feinstein and me to prepare the Senate's own version of the VAWA Reauthorization Act of 2021 for introduction. Senator Ernst, thank you so much.

We'll also hear from Senators Leahy, Hyde-Smith, and Capito. We're then going to have a chance to hear from the Deputy Attorney General Lisa Monaco, a law enforcement leader who has voiced strong support for this legislation as well. Had a conversation on the phone last night with Lisa, and she mentioned that she started her career on the Hill as an intern in this Committee working on the original VAWA. It inspired her to go to law school and to embark on a career of public service which has been remarkable. Lisa, I'm glad you're back home again.

I want to personally thank Senators Ernst and Feinstein for their tireless effort. Senator Feinstein, because of a serious illness in the family, could not join us this morning. She is here in spirit, and we salute all of her leadership.

A number of our colleagues on this measure have included Senator Leahy, who we expect to be here momentarily and make a statement, and Senator Amy Klobuchar who has also been an invaluable contributor to this effort. I'm grateful for the shared commitment to produce a strong bipartisan bill.

In March, the House once again passed a VAWA reauthorization with strong bipartisan support from the indomitable Congresswoman Sheila Jackson Lee, House Judiciary Committee Chair Nadler, and Congressman Brian Fitzpatrick. Like the House-passed bill, our legislation will modernize and improve this vital law, and it won't roll back the progress that we've made.

This new version of Violence Against Women Act will not only provide funding to organizations and resources that support survivors, it will invest in critical prevention and education. It will improve access to services for survivors in rural areas and those who require culturally specific services. It will enhance protections for Native American women and children. It will help keep dangerous weapons out of the hands of abusers, and it will provide survivors

with the support they need by expanding access to legal services and other crucial programs.

Once we join the House in passing this legislation, we know we're going to send it to the desk of a leader who is sympathetic, not just sympathetic, but wildly supportive of this measure, the man who originally sponsored the first Violence Against Women Act, President Joe Biden.

I can think of no better way for us to do our part in honoring Domestic Violence Awareness Month. I turn to Ranking Member Grassley.

**OPENING STATEMENT OF HON. CHARLES E. GRASSLEY,
A U.S. SENATOR FROM THE STATE OF IOWA**

Senator GRASSLEY. Thank you, Mr. Chairman, and I welcome all the witnesses and guests to our hearing on VAWA today.

I supported enactment of the original VAWA Act that was in 1994 and have voted to reauthorize the grant programs authorized by VAWA multiple times. When I wasn't able to support a Democrat-led effort to reauthorize, I introduced my own proposal that would have protected and enhanced the program.

This year, I again led my colleagues in sending a letter to the Senate Appropriators urging that Congress continue to prioritize funding of the VAWA programs. In previous years, when I sent similar letters to Appropriators, Senator Shelby and Leahy, leaders of the Appropriators, were incredibly responsive to my requests and supportive of these programs. I want to thank them for working with me to champion the funding.

As a member of this Committee, I've made it a top priority to champion related measures to expand the rights and services for victims of intimate partner violence. This year, for example, I joined a number of committee members in cosponsoring legislation to ensure that the Crime Victims Fund will receive an additional \$1 billion in deposits each and every year. Services to the victims and survivors of intimate partner violence, sexual assault, and child abuse are accorded priority funding under the Victims of Crime Act which created this important fund.

In 2016 and again this year, I also worked closely with young sexual survivor—assault survivor Amanda Nguyen and the organization she founded on bills to enhance the right of sexual violence survivors in criminal justice system.

In early 2018, I led this Committee's effort to press the FBI for information in response to allegations of sexual abuse lodged against Olympic athletes against their former team doctor. I've been seeking justice for victims of Larry Nassar's abuse, and I have some timely questions for DOJ who refused to attend our hearing last month about accountability for those who failed these victims.

As former Chairman of the Committee, I also worked closely with Senator Feinstein on legislation to impose mandatory reporting requirements on coaches and instructors who witness abuse when working with young athletes.

I also sponsored and led this Committee in approving legislation to renew and update the Trafficking Victims Protection Act as many of the victims of sexual trafficking also are victims of intimate partner violence. I worked with Senator Cornyn on the Jus-

tice of Victims of Trafficking Act shepherding it through this Committee in the Senate and led our Committee in approving a measure sponsored by former Senator Hatch to make more resources available for the victims of child pornography.

Renewing and extending VAWA is our next priority, and that's why we've concern—convened this hearing today. Before we begin, I want to take this opportunity to mention now that it's Domestic Violence Awareness Month, that it's important that we adopt an extension of VAWA. A Senate-passed reauthorization could include the language on which we've reached consensus. And meanwhile, we could continue to engage in negotiations on additional important reforms and updates of VAWA.

I also want to recognize several of my Republican colleagues who are not members of our Committee but have joined us here to testify today. Senator Ernst, Hyde-Smith, Capito, I thank you for being here, and I'd like to thank Ms. Monaco for attending today's hearing on behalf of the Department of Justice.

Chair DURBIN. Thanks, Senator Grassley. Let me lay out the mechanics of the hearing. We'll begin with a member panel, and each Senator will have 3 minutes of opening statements. After that, Deputy Attorney General Monaco will testify, and she will have 5 minutes. We'll turn to questions from Senators, and each Senator will have 5 minutes for questioning.

Before we begin, I also want to note again that Senator Feinstein is unable to be here but has submitted a statement from the record which will be included without objection.

[The information appears as a submission for the record.]

We are all on both sides of the aisle grateful for her amazing leadership on this bill and hearing as Chair of the Subcommittee on Humans Rights and the Law.

We'll first begin with a statement from Senator Ernst who I mentioned earlier has worked closely with Senator Feinstein and myself to get this bill introduced, enacted into law. We're glad you're here today, Senator Ernst. Please proceed.

**STATEMENT OF HON. JONI ERNST,
A U.S. SENATOR FROM THE STATE OF IOWA**

Senator ERNST. Thank you very much, Chairman Durbin, Ranking Member Grassley, Members of the Senate Judiciary Committee.

The Violence Against Women Act is now over 25 years old. As many of us are aware, this law provides desperately needed resources to tackle domestic and sexual abuse in our communities. As too often the case with programs like VAWA, authorization has lapsed. Despite that reality, year after year, VAWA programs continue to be funded by Congress.

I am a survivor myself. I know firsthand the paralyzing fear that comes when someone you trust abuses you. You don't have to be a survivor to understand just how awful violence against women can be in terms of physical and mental well-being, in terms of self-image, in terms of our families, and in terms of the security of our society as a whole.

I wasn't in the Senate in 2013 the last time Congress authorized VAWA. Since I've been here, I've had a vested interest in being

part of the process and getting this vitally important bill modernized and reauthorized because I believe we can always improve the Violence Against Women Act for our survivors.

For months, I've worked closely with Chairman Durbin and Senator Feinstein along with Senators Cornyn, Murkowski, Klobuchar, and Ranking Member Grassley on a bipartisan bill that would not only reauthorize VAWA but truly modernize it. We are not there yet, but good things in the Senate often take time. We will keep working until we come to a bill that won't just be a talking point for one side or the other but a bill that can pass the Senate and the House, become a law, and truly deliver for my fellow survivors.

A modernized Violence Against Women Act that will pass the Senate must present a renewed focus on rural survivors and invest in proven programs that reduce violence. When you live in an area like mine, rural Montgomery County, Iowa, with a population of just over 10,000 people, the nearest shelter is an hour away in Council Bluffs. We've got to fix that. We must provide better resources for survivors in their own communities. We must also extend critical housing protections to rural communities allowing survivors protection and security. It's a critical lifeline and a way out of these abusive situations.

We also have to focus on successful efforts to prevent sexual violence like the Rape Prevention and Education Program. Instead of reacting to these horrific crimes, this program works to prevent them from happening in the first place. Not only that, we must ensure not just that survivors are empowered but that offenders are punished.

My goal has always been to empower survivors, punish abusers, and enhance the overall purpose behind this important law. I will continue working with my Democratic partners, folks on this Committee, and stakeholders to reach a bill that will help prevent what happened to me from ever happening to another woman.

It's a lofty goal, but why else are we here? Thank you very much.

Chair DURBIN. Thanks, Senator Ernst. I see Senator Hyde-Smith has arrived. But Senator Capito, would you like to start and then we'll recognize—

Senator CAPITO. Thank you, Mr. Chairman.

Chair DURBIN [continuing]. Your colleague.

**STATEMENT OF HON. SHELLEY MOORE CAPITO,
A U.S. SENATOR FROM THE STATE OF WEST VIRGINIA**

Senator CAPITO. I appreciate Chairman Durbin, Ranking Member Grassley for having this hearing today. I'm proud to be here for this important hearing strengthening the Violence Against Women Act or VAWA.

I'd like to begin by thanking all of the people that work in this area across our country. This is tough work. It's so important, and I want to make sure that and thanking our survivors for their ability to fight back against this scourge.

Ending domestic violence and other VAWA-related crimes has been a priority of mine since I became a Senator but also as a Congresswoman. As a matter of fact, the first time I ever came over to the Senate was to join with then Senator Biden to celebrate one of the reauthorizations in the early 2000's.

I've also previously served as the chairman of the board of a local organization that worked to combat domestic violence. That's the YWCA in Charleston, West Virginia. This work would not be possible without the funding and support that VAWA provides and why it's critical that this bill be reauthorized. I was told by a leader in West Virginia that these funds are a lifeline to their work. As a member of the Appropriations Committee, I'm proud that we've consistently championed and, in many case, increased the amounts of money available for services for survivors of domestic and sexual violence in a bipartisan fashion.

Now that the Office of Violence Against Women has announced the most recent round of grant funding, I am a bit concerned about how the Department of Justice is allocating some resources. Senator Ernst alluded to this a bit. Specifically, my State of West Virginia, while we have great challenges, we are accorded—I want to make sure we are accorded sufficient priority under existing statutory funding. As the only State that lost population, the population-based metrics are not helpful to meet those demands. One of my concerns, that VAWA formulas may require updating to better reflect the needs of our Nation's rural populations.

I'm also concerned about the plight of service providers that are struggling to recover economically post-COVID. They need our help now more than ever. I urge the Department of Justice to update to the maximum extent possible its allocation methods to better reflect the needs of rural and remote areas where many victims have unique challenges to reporting these crimes and seeking assistance.

VAWA reauthorization has historically been a bipartisan effort as it had been discussed today, and I'm happy to see many of my colleagues present with us today demonstrating that willingness to work together to get survivors of domestic violence the resources they need.

We can pass this bill which encompasses the provisions on which already there is widespread bipartisan consensus. Doing so would not end our conversation or our work on behalf of victims and survivors because we know there are things we must continually improve to meet the needs and challenges.

I would also like to thank Senators Feinstein and Ernst for their dedicated—dedicated movement to get this passed. For example, a few weeks ago or a few years ago, human trafficking was not a great concern in my State. Sadly, now it is. In addition to the challenges presented by COVID, we continue to be overwhelmed by the impact of an opioid epidemic.

We are all here today with a shared goal because I've heard from individuals and organizations that need our help. We can provide that help. I'm ready to work together during Domestic Violence Awareness Month and beyond to see this goal accomplished so that we can continue to empower victims, support our survivors, and protect families in every single one of our states. Thank you.

Chair DURBIN. Thank you, Senator Capito. Senator Leahy has dispensed with his responsibilities on the floor of the Senate and is able to join us, and he'll be followed by Cindy Hyde-Smith, Senator from Mississippi.

**OPENING STATEMENT OF HON. PATRICK J. LEAHY,
A U.S. SENATOR FROM THE STATE OF VERMONT**

Senator LEAHY. Thank you very much, Mr. Chairman. I had to open the Senate this morning and had a little bit of delay in my replacement getting there. We're here, and I want to thank you and Ranking Member Grassley for holding this hearing.

The Violence Against Women Act's been a bedrock of the Federal Government's response to domestic violence and sexual assault since it was enacted in 1994. As one who was here at that time, I know that it's one of the most consequential pieces of legislation within our Committee's jurisdiction. With our evolving world, there came a need to not only reauthorize the law but update and strengthen it as well.

In 2013, we passed a strong bipartisan Violence Against Women Act reauthorization. I was Chairman of the Committee, and it was a top priority of mine. I proudly partnered with Senator Crapo, and we did just that. We put together a bipartisan bill that's cosponsored by 62 senators. It passed the Senate overwhelmingly with 78 votes. Some thought that we should water it down to make it easier to pass. Senator Crapo and I stood with the survivors and victim service professionals who called for legislation to protect all victims regardless of their immigration status, their sexual orientation, or their membership in an Indian Tribe. Unfortunately, I am far less satisfied with how the Senate's failed to reauthorize the Violence Against Women Act since 2013.

Nearly 2 years have already passed since I joined my friend Senator Feinstein in introducing the last reauthorization, which also passed the House with a strong vote of Republicans and Democrats. I'm glad that under the new Senate leadership we seem to be working in a more diligent bipartisan matter, and we're set to introducing a broadly supported Senate VAWA bill very soon.

This is not about politics. It's about listening to survivors and ensuring that those on the front lines working to prevent domestic and sexual violence have all the tools we need. There's incredible dangers and stressors with COVID.

As one who's gone to crime scenes when I was a prosecutor and seen women who had been beaten to death and then we find that this has been going on for some time but there's no place to report it, nothing to do, now, that was nearly 50 years ago. We can do a lot better, and we do. I still remember those—every one of those scenes like it was yesterday. Social distancing pushed many survivors living with their abusers further into isolation during COVID.

Victim service providers are struggling to meet increasing housing and economic needs. The programs that VAWA supports make a real difference to these survivors and to their families. We owe it to work with them and introduce a strong bipartisan bill without delay.

Mr. Chairman, I thank you for the courtesy and letting me go forward.

Chair DURBIN. Thanks, Senator Leahy, for your leadership over the years for this important legislation. Senator Hyde-Smith.

**STATEMENT OF HON. CINDY HYDE-SMITH,
A U.S. SENATOR FROM THE STATE OF MISSISSIPPI**

Senator HYDE-SMITH. Thank you, Chairman Durbin and Ranking Member Grassley. I certainly appreciate the opportunity to be here today to speak for the women who are experiencing these situations.

My concerns are a lot like Senator Capito's. As we consider this reauthorization, I certainly want us to look at what I feel like is an overlooked population, the survivors of intimate partner violence who reside in rural areas. It's a lot harder to get access to things. These are the particular challenges faced by so many victims and survivors of domestic violence in my State of Mississippi.

Before even making the decision to seek help, these survivors, most often women, have to come—overcome cultural norms which prioritize family privacy, which is very important in rural areas, traditional gender roles, and keeping their families together. When they do decide to get help, they'll have to travel long distances to receive it and will have fewer transportation options to get there in many instances.

By one account, more than 25 percent of the women in rural settings reside at least 40 miles from the closest service provider compared to less than 1 percent in rural—in urban areas. Perhaps the most daunting, due to geographic isolation, these survivors, they don't have the ability to remain anonymous that they wish that they would have when they're seeking their help and they're so concerned of what the community would think of them.

All of us in Congress can agree that our goals should be to ensure that these women in rural areas and indeed all victims of sexual abuse, domestic violence, and stalking are protected, and they receive the services that they need.

To this end, these programs are funded generously each and every year by the Appropriations Committee, which I serve on. Earlier this year, we also came together as a Chamber and unanimously adopted a measure to significantly increase deposits into the Crime Victims Fund. This cooperative achievement will go a long way to sustaining the fund over time, but we need to harness that same cooperative spirit now.

October is Domestic Violence Awareness Month, a time when we should come together to develop bipartisan relationships to address this and have meaningful chances that this would be signed into law by the President. We're not yet there, and that's extremely frustrating. The other Chamber this year passed a reauthorization bill that has little chance of reaching 60 votes in this Chamber.

That bill is yet to overcome objectives from prosecutors who fear it will limit their abilities to successfully pursue repeat offenders of domestic violence. It is yet to address concerns that it could destabilize some states' unemployment systems. It has yet to address provisions that may reduce grant eligibility for providers serving victims of elder abuse or commercial sexual exploitation. Ironically, the bill's gender identity provisions can make it more challenging for grant recipients to best serve the rape victims and sex trafficking victims for whom they provide space to heal emotionally and physically.

Therefore, I call on this Committee and Senate leadership to adopt the reauthorization bill this month that embodies language on which we agree, including a greater emphasis on serving victims and rural areas. In the meantime, I believe we should continue to work together in good faith to resolve the remaining areas where we've yet to reach consensus. We need to do it for the sake of survivors, of victims of domestic and sexual violence everywhere.

Thank you for allowing me to be here to speak on such an important issue. I certainly appreciate it.

Chair DURBIN. Thank you, Senator Hyde-Smith. Senator Capito, before you leave, I want to make a shameless plug for our RISE from Trauma Act bill that you joined me in introducing to effectively treat the root causes of violence by focusing on the impact that exposure to trauma has on our children and providing them the services they need to help heal. Thank you so much for being cosponsor. Thank you for joining us this morning.

We now are going to call before us, Lisa Monaco. Let me get to the appropriate page here so I don't say the wrong thing at this moment. As the witness table is being prepared, I welcome Deputy Attorney General Lisa Monaco. Before you sit down, let's—let me administer the oath if I might.

[Witness is sworn in.]

Thank you very much. Note that the Deputy Attorney General answered in the affirmative. She serves as the Justice Department's second ranking official. She's responsible for the overall supervision of the Department. In this role, Deputy Attorney General Monaco advises and assists the Attorney General in formulating and implementing the Department's policies and programs. She was confirmed by the Senate with bipartisan support in April, previously served as a career Federal prosecutor and several leadership positions across the Department, served as Homeland Security and Counterterrorism Advisor of President Obama. Born and raised in Massachusetts, graduate of Harvard and the University of Chicago Law School. Deputy General, please proceed.

**STATEMENT OF HON. LISA O. MONACO,
DEPUTY ATTORNEY GENERAL, DEPARTMENT OF JUSTICE,
WASHINGTON, DC**

Deputy Attorney General MONACO. Thank you very much, Mr. Chairman, Ranking Member Grassley, Members of the Committee.

I appreciate very much this opportunity to speak to you today. The Violence Against Women Act has had an enormous impact in combating domestic violence, dating violence, sexual assault, and stalking. I'm here to urge Congress to reauthorize and to strengthen it.

Before we get started though, Mr. Chairman, with your indulgence, I would like to recognize several tragedies that the Department of Justice has suffered in recent days. Yesterday, in Tucson, Arizona, a DEA agent was shot and killed, and a second DEA agent and a taskforce officer were shot and wounded. Separately, last Friday, a Deputy U.S. Marshal succumbed to injuries from a vehicle accident that occurred while he was assisting with a law enforcement operation. These sacrifices remind all of us of the risks law enforcement takes every day to protect the communities that

they serve. My thoughts and prayers are with their families and the men and the women of the DEA and the U.S. Marshals Service.

Mr. Chairman, Ranking Member Grassley, the original passage of the Violence Against Women Act in 1994, as you have noted, Mr. Chairman, had a major impact on my own life. At the time, I was a young staff member on this Committee working for then Chairman Biden. One of my responsibilities included responding to letters from people who wrote to the Committee. Time and again, I read firsthand accounts not only about the violence that too many people, mostly women, suffered at the hands of their intimate partners but also about the lack of accountability for these crimes.

Statistics the Committee reported during that period painted a very grim picture: 98 percent of rape victims never saw their attacker caught, tried, and imprisoned meaning almost all of the perpetrators of rape walked free. Fewer than half of the people arrested for rape were convicted, and almost half of convicted rapists could expect to serve only a year or less in jail.

My conversations with individual survivors, rape crisis centers, domestic violence shelters, emergency rooms and police stations put a human face on those statistics. And that experience led me to want to go to law school, Mr. Chairman. It led me into public service, and it drew me to a career in law enforcement and criminal justice.

With the passage of VAWA, I saw how a law could make a real difference in people's lives, and I saw what Congress could accomplish through thoughtful policy driven by courageous voices, experts, and bipartisan leadership. Congress reauthorized VAWA in 2000, 2005, 2013, each time with bipartisan support. Over the years, we've made substantial progress. The need for VAWA's programs and protections is as critical as ever. I'd like to highlight just a few of the items the Department of Justice sees as priorities for the reauthorization bill.

First, reauthorizing VAWA's vitally important grant programs at the \$1 billion funding levels included in the President's fiscal year 2022 request. This will ensure communities can provide critical services to survivors as well as the right tools and training to make sure that responses to these crimes are survivor-centered and trauma-informed.

I'm pleased to announce today that the Office of Violence Against Women has issued this year more than \$476 million in grants to help State, local, and Tribal organizations support survivors as they heal, promote victim access to justice, and train professionals to respond to domestic violence, dating violence, sexual assault, and stalking.

Second, we need to find ways—new ways to reach and improve services for underserved populations including culturally specific communities.

Third, expanding the ability of Tribes to protect their communities from domestic and sexual violence through expanded jurisdiction.

Fourth, reducing homicides through Federal firearms laws including by closing the so-called boyfriend loophole that leaves countless victims at risk.

Before I take your questions, Mr. Chairman, I want to speak to two recent issues that have received considerable national attention and which I think underscore the continued importance of VAWA.

The tragic murder of Gabby Petito has been at the forefront of many people's minds. While I won't speak to the ongoing investigation regarding her death, I am struck by two critical lessons we should take away from the publicly reported information, not just in this case, but in the thousands of other cases that don't receive public attention.

First is the importance of the bystander's 911 call which prompted law enforcement to respond to reports of violence between Ms. Petito and her boyfriend.

The second, as we learned from watching the public video footage of interviews conducted by those officers, is the vital importance of having trained law enforcement who understand the dynamics of domestic violence when responding to such incidents.

We should not forget that Gabby Petito is not alone. There are more than 89,000 missing persons' cases in this country. Roughly 45 percent of them involve people of color including too many missing and murdered indigenous persons. Gender-based violence is too often a precursor to these cases. While these cases often don't receive public attention, the Department of Justice will continue its work to prevent these crimes and to bring perpetrators to justice.

Finally, I want to recognize the many courageous women athletes who have spoken out and testified on behalf of the hundreds of survivors of Larry Nassar's horrific sexual abuse and, most recently, the four brave women athletes who came before this Committee last month.

I also want to thank this Committee for its work and that of the Inspector General in bringing to light a system that inexcusably failed them and the scores of other survivors. As the Deputy Attorney General, as a lawyer, as a former FBI official, and as a woman, I was outraged by the Inspector General's findings, and I was horrified at the experiences Simone Biles, McKayla Maroney, Maggie Nichols, and Aly Raisman recounted in their powerful testimony.

I am deeply sorry that in this case the victims did not receive the response or the protection that they deserved. I've discussed with the FBI Director the full scope of the changes he's instituting to ensure this never happens again. I've also directed additional measures inside the Department of Justice to ensure that where there is an ongoing threat, violence, or abuse, especially when that involves vulnerable victims, that our prosecutors understand that they have a duty to coordinate with other local law enforcement partners to address it. I've made clear that it is a priority of the Department of Justice to provide victims and witnesses of crime the support that they need.

My experience working on VAWA for this Committee many years ago taught me a key principle that guides me still today. Our government has a moral obligation to protect its citizens and, when it falls short in that effort, we must listen to those who we have let down to better understand where we can improve.

Survivors who come forward to report abuse must be met with competent and compassionate professionals who have the re-

sources, training, and institutional support to do their jobs. That's the promise of VAWA and one the Department of Justice is committed to carrying out in our own organization and in VAWA-funded programs and work throughout the country.

I appreciate the time and attention of the many Members of Congress who have contributed to this important legislation, many for decades. I look forward to continuing that work with this Committee and to answering your questions today. Thank you.

[The prepared statement of Deputy Attorney General Monaco appears as a submission for the record.]

Chair DURBIN. Thank you, Deputy Attorney General. It's been my honor to serve on this Committee for over 20 years. Three weeks ago, we heard, as you recounted, the incredibly compelling and heartbreaking testimony from four survivors of sexual violence who were abused by disgraced USA Gymnastics team doctor Larry Nassar. The reaction across the Nation to that testimony was incredible, resounding, powerful. The American people want child predators like Larry Nassar and anyone who aids in their crimes held accountable.

The Department of Justice has a special responsibility in this regard. We had the Director of the FBI present during the entire testimony of the gymnasts, and he testified later I think making no excuses for what they experienced when they finally summoned the courage to bring their grievance to the proper legal authorities. The FBI failed them. Our government failed them. We failed them. It was very clear.

In addition to managing millions of dollars in funds earmarked for survivors of abuse, the Department of Justice oversees individual prosecutions of predators and their abettors. Many people, including myself and my colleagues, and the gymnasts who testified expressed shock and dissatisfaction with the Department's decision to decline prosecution of the FBI agents who not only mishandled the Nassar investigation but clearly lied to the Inspector General's Office. People who are charged with the crime of lying to the Government are held accountable and some are in prison for the very acts which appear to have taken place here. Yet the decision not to prosecute is one which most of us clearly don't understand.

What is your response to the criticism over the Department's decision not to prosecute these FBI agents? If the Department is committed to bringing justice to survivors of sexual violence, what is your plan to better demonstrate that commitment going forward?

Deputy Attorney General MONACO. Thank you, Mr. Chairman. First, let me reiterate. The survivors who testified so bravely last month deserved better than they got from the FBI and from the Justice Department. The IG documented inexcusable, unacceptable failures, some of them quite fundamental failures, a lack of urgency, a lack of care for the victims who we have a duty to protect. It is a core mission of the Department to protect those victims. As you know, the FBI Director testified about a number of measures he's putting in place from strengthened policy, strengthened training, mandatory reporting when such abuse comes to light in the future. I've also put in place the measures I referenced in my opening statement.

With regard to the understandable interest and frustration with regard to the Department's long-standing policy to protect appropriate decision-making and not commenting on declination decisions, I can inform the Committee today that the recently confirmed Assistant Attorney General for the Criminal Division is currently reviewing this matter, including new information that has come to light.

In light of that review, I think you'll understand, Mr. Chairman, that I am constrained in what more I can say about it. I do want the Committee and, frankly, I want the survivors to understand how exceptionally seriously we take this issue and believe that this deserves a thorough and full review.

Chair DURBIN. I might ask you this. Is there any sense of urgency or timetable to this new criminal review about the wrongdoing by the FBI agents?

Deputy Attorney General MONACO. We take exceptionally seriously our duty to protect victims. Yes. I think you can be assured there is a sense of urgency and gravity with the work that needs to be done.

Chair DURBIN. I'd like to ask you about one other issue in the remaining minute. I mentioned while she was still here that Senator Capito and I have cosponsored legislation, the RISE from Trauma Act. When you read the statistics of the number not only of spouses but children of those spouses who are either victims of violence or exposed to violence in their lifetime, it is a showstopper.

As a parent, you think back on the experiences of your own youth and those memorable events. Hopefully, God willing, they are positive memories. In many cases, they're not. There's a scar on the souls and minds of these children that has to be addressed or we see terrible outcomes.

We're going through a spate of gun violence across America and in the city of Chicago, which I dearly love, which is just incredible. You wonder who are these kids that get so mixed up with the gangs and turn to guns and violence, the fight or flight syndrome, and everything that follows. What can you tell me about your announcement this morning, the additional resources that are going toward the issue of dealing with trauma?

Deputy Attorney General MONACO. Mr. Chairman, as you know, one of the founding principles of the Violence Against Women Act when it was first enacted in 1994 and continuing on for 25 years has been to ensure that prosecutors, court systems, victim advocates on all who encounter children who were exposed to violence in the home, victims themselves of domestic violence, sexual assault, stalking, dating violence, to ensure that when they encounter the system in all of its myriad forms that those individuals receive, the service that they are due, meaning that service providers, the prosecutors, the judges have been trained to understand the unique experience that a survivor of domestic violence or children exposed to violence in the home, what that trauma is like and how that should impact their movement, if you will, and what they get in the system. They shouldn't be retraumatized, Mr. Chairman, by coming forward and by seeking to hold their perpetrator accountable.

Chair DURBIN. I've gone over my time, and I'm sorry. Just to close by saying but resources have to be available for analysis, for counseling, for remediation, for mentorship to put these—give these kids a second chance. Otherwise, I'm sorry to say the results are going to be terrible. I'm glad to work with you and the Attorney General and the President in that issue. Senator Grassley.

Senator GRASSLEY. Yes. Before I start my questions, I want to emphasize what's been said here. You've already responded to it as positively and updated as you could about reconsidering prosecution of these people that weren't doing their job and taking action appropriate. I sent a letter to Attorney General Garland along the same line the very same day I think that we had this hearing.

To my first question, it starts out with the fact that VAWA's passed the House of Representatives. On that bill, certain prosecutor groups have flagged for us something concerning with that. The business community has raised questions about unemployment benefits that are in that program can undermine the stability of the unemployment system. I hope that we can reach at a bipartisan agreement to move a bill forward. Short of that, I hope we can continue to do what we've done to reauthorize VAWA because it's a very important program that must be continued.

My question is based on the fact that I believe 90 to 95 percent of what's on the table in regard to VAWA is agreed to. Then there's certain outstanding things. Is the Department supportive of ensuring that the existing VAWA programs are extended, for example, through the end of the year so that the bipartisan negotiations can continue on a longer-term reauthorization message?

Deputy Attorney General MONACO. Mr. Ranking Member, first, I want to thank you for your support in the past of the reauthorization of VAWA and the exceptionally important provisions not only the—the major funding and the formula grant programs and important grant programs that provide services to victims but also the rural grant programs which I know is exceptionally important to you.

I thank you for your work and your support in the past, and we look forward to continuing to work with you and the other bipartisan Senators who were before. I think it's very important that we move urgently to reauthorize the Violence Against Women Act. Of course, we are grateful that Congress—when the Violence Against Women Act lapsed, that the funding programs were continued to be funded because they, as we know, provide urgent services.

As Senator Ernst and others said, it is very important that we strengthen, improve, and indeed modernize the Violence Against Women Act. We stand ready to work with you, Senator, and others to make sure we can get that done.

Senator GRASSLEY. Okay. Some years ago, this Committee approved the Survivors' Bill of Rights for Sexual Assault. This year, I'm working with colleagues on related legislation that would provide states with additional funding under the STOP Formula Grant Program authorized by VAWA. If they adopt legislation to implement these same rights at the State level, I remain concerned however that only a minority of sexual assault victims come forward and report the crime. Other than adopting the Survivors' Bill of Rights, what additional steps might Federal, State, local authori-

ties take to encourage more victims of sexual assault to report the crime and cooperate in its investigation?

Deputy Attorney General MONACO. First, Senator, thank you for your leadership on ensuring survivors, regardless whether in the State system or the Federal system, receive the services and the rights that they deserve. I think the simple answer to your question, Senator, is reauthorization of VAWA, and it is at the levels that the President has sought because that will expand the much needed, indeed urgently needed, services.

I spent some time with a number of advocates last week, and I heard from them that frankly, and unfortunately, the demand for services is far outpacing the availability of those services. We have waiting lines at places like rape trauma and rape crisis centers, critical rape crisis centers that VAWA funds. I think the simple answer, Senator, is reauthorization and the increased funding that the President is seeking.

Senator GRASSLEY. Okay. My last question will have to be about the Federal courts having authority to award restitution for certain losses incurred by victims of crime in Federal cases, and the Governmental—Government Accountability Office recommended several years ago that the Department of Justice implement performance measures and goals for the collection of restitution. To what extent has DOJ implemented those reforms, and what can you tell us about the subject?

Deputy Attorney General MONACO. Senator, I'll have to go back and look at that specific report and our responses, although I know that we take very seriously reports from whether it's the GAO or the IG and particularly when it comes to stewardship of Federal dollars.

Senator GRASSLEY. Could you respond to that in writing then?

Deputy Attorney General MONACO. I'd be happy to, sir.

Senator GRASSLEY. Okay. Thank you.

Chair DURBIN. Thanks, Senator Grassley. Senator Leahy.

Senator LEAHY. Thank you, Chairman. Deputy Attorney General, it's great to see you here. I've had the pleasure working with you over the years. You talked about being a junior staff member here. You were a very vital staff member right from day one, and I appreciate—

Deputy Attorney General MONACO. Thank you.

Senator LEAHY [continuing]. You being here on this. I can't think of anybody better to be talking about Violence Against Women Act. It's one of the most consequential pieces of legislation within our Committee's jurisdiction unfortunately last time successfully reauthorized in 2013. I was glad in that one when Senator Crapo and I brought the bill through. We had students, immigrants, LGBTQ individuals, those in Tribal lands, and it passed overwhelmingly.

Those—those of us who, our days as prosecutors, saw what happened in violence against women, not a statistic but actually saw the victims and talked with the victims, those who were still alive and could talk. I'm glad you're here. I think you would agree that it's important to not only reauthorize but improve and strengthen the law. Would you agree with that?

Deputy Attorney General MONACO. I do, Senator.

Senator LEAHY. I—you know, I think back often to my own experience. Many of us have experience as prosecutors. We see the impacts of domestic and sexual violence on individuals, on their communities. We also know that one size doesn't fit all in the criminal justice system. I've been looking at things like restorative justice principles and practices. Maybe they can help. Those empower survivors to have a voice in shaping the response to harm. It gives them and the communities an opportunity to make sure that those who cause the harm be accountable for their actions.

I've been working with your Justice Department to establish the federally backed National Center on Restorative Justice. I'm familiar with it because it's housed within the Vermont Law School. The Center receives initial funding from the Office of Justice Programs, received another Justice Department grant earlier this year to continue. I appreciate that. Both the House of Representatives and the White House have expressed support for continuing and expanding it as needed.

My—a long way round to come to the question. We have to reauthorize. We have to improve the existing law. I think utilizing restorative justice approaches is one of those necessary improvements. Deputy Attorney General Monaco, we're working to put finalized restorative justice language within the Senate VAWA legislation. Will you support exploring restorative justice as another approach to reducing domestic and sexual violence in our communities?

Deputy Attorney General MONACO. Yes, Senator. Just to give you a sense of my thinking on this, I start from the premise that the original Violence Against Women Act at its core was about improving responses as we've talked about, improving responses to domestic violence, dating violence, stalking, sexual assault, and improving the response of law enforcement and the courts.

It had been treated as a private matter, and we had to innovate. We had to change our thinking. As has been noted before earlier this morning, the hallmark of reauthorizations of VAWA in the past has been filling gaps and innovating and improving and modernizing our services.

What I have heard from advocates and from experts is that some survivors are reticent to seek help from the criminal justice system. They need other options. I think those options need to be evidence-based. They need to be voluntary. I think a hallmark of violence against women in the past and in the future ought to be being willing to study and innovate and be responsive to what we're seeing on the ground.

Yes, Senator. I'm very pleased that OJP and the Bureau of Justice Assistance has been able to fund the Restorative Justice Center you mentioned in Vermont.

Senator LEAHY. I appreciate that. I have a feeling that at least the Senate Appropriations Committee will make sure the money is there that you may need on this.

I—and just—and you alluded to this. I'll close with this. I think back and with a distressed memory on a number of cases when I was a prosecutor when a victim of violence against women sometimes is no longer alive and come forward, we find this had been going on for some time. That person never felt they had a place

they could go to report it. I have often said I was distressed in my office of the State attorney to hear about it for the first time as we're ordering the autopsy. Thank you.

Chair DURBIN. Thank you, Senator Leahy. Senator Cornyn.

Senator CORNYN. Deputy Attorney General Monaco, thank you for being here today.

I'm actually a little surprised to see you given the fact that you refused to attend the hearing where the heinous conduct of Larry Nassar was exposed again and where even the FBI Director personally apologized saying he was deeply and profoundly sorry to the victims of these repeated sexual assaults while they were Olympic athletes.

Let me just ask you to respond to a statement that was reported in The Hill. This is by one of the witnesses there, former U.S. Olympic gymnast Aly Raisman. She attended a news conference that Senator Blumenthal and Senator Grassley held. As you know, Senator Blumenthal, Senator Feinstein had both written a letter to you and the Attorney General asking serious questions, asking for you to appear at the hearing that we held 3 weeks ago.

Ms. Raisman, one of the victims of repeated sexual assault by the Olympic team doctor, said, "The message by them not showing up sends that child abuse doesn't matter." She's talking about the Department of Justice, talking about you. "I think it's completely shocking and disturbing that they didn't think it was important." What's your response?

Deputy Attorney General MONACO. Senator, I think that the women who came and testified here last month are exceptionally brave. Their voices were powerful. Their voices——

Senator CORNYN. They're talking about you not showing up.

Deputy Attorney General MONACO. I——

Senator CORNYN. That that was essentially a disrespectful act which did not view the allegations that they have made against Mr. Nassar as sufficiently significant for the Department of Justice to actually show up for the hearing.

Deputy Attorney General MONACO. I am deeply and profoundly sorry for the fact that the victims and courageous survivors, both the women who testified last month, and the scores—unfortunately, scores of other survivors of Larry Nassar did not receive——

Senator CORNYN. Why didn't you or the Attorney General show up at the hearing?

Deputy Attorney General MONACO. Senator, I think the Committee—and I thank the Committee for its work—was able to hear from Director Wray and the Inspector General.

Senator CORNYN. Don't you know that you——

Deputy Attorney General MONACO. I also——

Senator CORNYN [continuing]. Demonstrated profound disrespect for these victims of sexual assault by your refusal to respond to Senator Blumenthal, Senator Feinstein's letter or to even show and express your personal apology as the public official responsible for supervising the FBI at the Department of Justice. Don't you think you showed them disrespect by refusal to show?

Deputy Attorney General MONACO. I mean no disrespect, Senator. I am here to answer whatever questions the Committee has

with regard to the steps the Department is taking to ensure that the failures, the inexcusable failures, fundamental failures, do not happen again. I welcome the Committee's questions here today on that subject.

Senator CORNYN. You're about 3 weeks too late by my count. A lot of the initial failures of the FBI occurred in 2015. We're now in 2021. Despite the Department of Justice's refusal to act on the criminal referral by the Inspector General, now you tell us 6 years later that the Department of Justice is reviewing new information and has a sense of urgency and gravity over these—over these potential criminal prosecutions.

You know, I've been in Washington long enough to know there's a difference between what people say and what they do. When you're talking about a 6-year delay between the time that the outcry of these victims of sexual assault is made and 6-year delay between then and now, it's pretty hard to understand or to believe that there is any sense of urgency or gravity on the part of the Department of Justice.

What is the statute of limitations for lying to the FBI or from some of the other potential criminal activities that have been charged by the Inspector General in this case?

Deputy Attorney General MONACO. I believe the statute of limitations, want to confirm for 1001 which I think is the statute we're referencing, is 5 years.

Senator CORNYN. Here we are 6 years later. Isn't it likely that any criminal charges for lying to the FBI would be barred by the statute of limitations?

Deputy Attorney General MONACO. Senator—Senator Cornyn, I really don't want to get into the specifics about what legal theories could be pursued, what evidence may—

Senator CORNYN. No. I'm asking—

Deputy Attorney General MONACO [continuing]. Be pursued.

Senator CORNYN [continuing]. About the statute of limitations. You said it's 5 years for lying to the FBI. Here we are 6 years later, and the Department of Justice has done nothing. You have the audacity to tell us that you are experiencing a sense of urgency and gravity over this. It's simply not credible.

Chair DURBIN. Senator Whitehouse.

Senator WHITEHOUSE. Thank you. Welcome, Ms. Monaco. Good to have you back in the Committee again.

Deputy Attorney General MONACO. Thank you, Senator.

Senator WHITEHOUSE. We had another exceptionally brave and powerful witness with allegations of sexual assault in this Committee before the Olympic athletes, and that was Dr. Christine Blasey Ford. In response to that testimony, the Republicans hired a prosecutor to try to punch holes in her testimony. When that failed, it appears that the FBI tanked the background investigation.

Just for starters, is there any reason that sexual assault allegations should be taken less seriously in the context of a background investigation than in the context of a criminal investigation?

Deputy Attorney General MONACO. Sexual assault allegations should always be taken seriously, Senator.

Senator WHITEHOUSE. Let me thank you for the trickle of information that has begun to flow about the FBI's conduct in that matter. As you know, Director Wray maintained a complete stone wall on information about that investigation during the Trump administration while at the same time maintaining a fast lane for FBI information related to the Crossfire Hurricane investigation. Why there should be two different gates at the FBI for information related to these two investigations is something that we'd like to try to understand further, and I'll hope you'll continue to cooperate in extracting from the FBI the information that we need to understand what took place. Will you?

Deputy Attorney General MONACO. We will, Senator. I'm pleased that the FBI's responded to, I think, your most recent letter on this matter, has offered a briefing on the matter, and you have my commitment. We will continue to make sure that we do our very best to answer your questions.

Senator WHITEHOUSE. More generally, I have a letter that I'd like to put into the record, Mr. Chairman, from——

Chair DURBIN. Without objection.

[The information appears as a submission for the record.]

Senator WHITEHOUSE. It's been anonymized, which I think is appropriate from a victim of domestic violence, related to her experience with the Rhode Island group called Sojourner House, which among its other services provides transitional housing so that the victim of violence can go and find a place to live while she or he works through all the changes in their lives that dealing with that violence threat requires. I'd like to put that in the record without objection.

Chair DURBIN. Without objection.

Senator WHITEHOUSE. Relatedly, years ago, the last time I guess we reauthorized the VAWA Act, we got my SMART Prevention Act into it which provides funding to help kids, right? The woman is often the direct victim of domestic violence. A child witnessing that violence has been through a terrible ordeal also that can affect them for a long time.

Could you speak please to the role of housing in providing adequate support for victims of domestic violence and the support that children, particularly very young children, need when they may not be the subject of the violence itself, but they are nevertheless witness to it and traumatized by that experience in their family?

Deputy Attorney General MONACO. Thank you, Senator. I'm glad you highlighted this issue, because I think too often it's overlooked, the ripple effect from domestic violence. As you rightly point out, the woman is often the direct victim, but it does ripple out. Unfortunately, the most vulnerable, the children, are often in that wake and feeling those effects as acutely as the primary victim.

Toward that end, the Violence Against Women Act and its transitional housing program funds much needed, frankly, refuge for people fleeing domestic violence and violent situations. I think the latest figure I saw, Senator, is some two million housing nights a year that the Violence Against Women Act's transitional housing program funds through its grant recipients. The President's budget request seeks additional funding, an increase in that. It's much needed.

As I said, I've heard directly from advocates in the last week just how much demand is outpacing supply. I think you've hit on a very critical issue, and I look forward to working with the Members of this Committee to really making sure we address that issue of transitional housing and having a refuge for women and their children who are too often in the line of fire so to speak when it comes to domestic violence.

Senator WHITEHOUSE. Last point in my 15 seconds remaining. The—I hope the administration will support the proposed increase in the SMART Prevention funding related to child witnesses of domestic violence from 15 million to 45 million dollars. It's a bit hard when we're talking about 2 trillion here and 3.5 trillion there to imagine that for this population, we're at 15 million. I hope the administration will support increasing that.

Chair DURBIN. Thanks, Senator Whitehouse. Senator Hawley.

Senator HAWLEY. Mr. Chairman, I'll let Senator Cotton go next. He was here before me.

Chair DURBIN. Senator Cotton.

Senator COTTON. Ms. Monaco, last week, the National School Board Association wrote to President Biden asking the administration to bring the full force and weight of the Feds down onto parents who are protesting various school policies at school board meetings including the indoctrination of children with an anti-American doctrine known as Critical Race Theory or protesting the requirement that children as young as two be required to wear masks. I think we can all agree that violence is not an acceptable form of political protest and violence can never be used to achieve policy or political goals.

That's not what the School Board Association letter focuses on. In fact, in one example of what the association thinks warrants Federal criminal charges, they cite—and this is a direct quote—“An individual who prompted a school board to call a recess because of opposition to Critical Race Theory.” A recess.

The association is asking the administration to use the Patriot Act, a law that this Congress passed and has repeatedly reauthorized primarily to stop the threat of Islamic jihadists, to bring criminal charges for domestic terrorism against parents who attend school boards to oppose things like Critical Race Theory or mask mandates resulting in a recess being called.

Ms. Monaco, is it domestic extremism for a parent to advocate for their child's best interests?

Deputy Attorney General MONACO. Senator, as you readily point out that violence is not the answer. There can be very spirited public debate, and there should be very spirited public debate on a whole host of issues. When that tips over into violence or threats, there is a role for law enforcement.

Senator COTTON. Ms. Monaco, I'm sorry. My time is limited here. I asked a simple yes or no question, and I have several of them that I want to ask. I'd like a yes or no answer. Is it domestic extremism for a parent to advocate for their child's best interests?

Deputy Attorney General MONACO. I think the—what you have described, no, I would not describe as domestic extremism.

Senator COTTON. Is it domestic extremism for a parent to want to have a say in what their child is taught at school?

Deputy Attorney General MONACO. I think it's important—although obviously not my field in the Justice Department to opine on education policy, it's important for parents' voices to be heard. Senator, I want to talk about what the Attorney General did do in response to that.

Senator COTTON. I want to go to——

Deputy Attorney General MONACO. The issue of threats——

Senator COTTON. Ms. Monaco, I want to go through my question. I grant you that no one should ever threaten violence or use violence to try to achieve political or policy goals. They shouldn't, for instance, follow Democratic Senators into the bathroom violating State laws. No one should ever use threats of violence or violence to achieve political goals. I'm asking very simple questions here and trying to get the bottom of what was on the Attorney General's mind or the Department's mind. Is it domestic extremism for parents to oppose their children being taught to treat people differently because of race?

Deputy Attorney General MONACO. The Justice Departments' job, Senator, is to apply facts to law, not to opine on letters that are put forward or—you know, I think it's very important for the Justice Department to——

Senator COTTON. Ms. Monaco, it's a fact that the School Board Association just sent this letter to President Biden. Then conveniently the Attorney General released his letter yesterday describing his series of measures to confront this grave and growing threat of parents protesting their kids being indoctrinated and the school board having to call recess. Is there any connection between those two things?

Deputy Attorney General MONACO. I want to be very clear. In the memorandum that's publicly available the Attorney General issued, it talks about the importance of bringing Federal, State, local law enforcement to make sure that there is awareness of how to report threats that may occur and to ensure that there is an open line of communication to address threats, to address violence, and to address law enforcement issues in that context, which is the job of the Justice Department, nothing more.

Senator COTTON. The United States just saw the largest single-year increase in murders on record. Has the Attorney General issued a memorandum describing a special series of measures that the Department of Justice should take to try to address this record increase in murders?

Deputy Attorney General MONACO. Yes, indeed, Senator. In fact, I issued a directive to the field——

Senator COTTON. You did?

Deputy Attorney General MONACO [continuing]. Earlier this year——

Senator COTTON. Has the Attorney General?

Deputy Attorney General MONACO. It was on behalf of the Attorney General and the rest of the leadership of the Justice Department to address the alarming rise in violent crime and to lay out a strategy for violent crime reduction, which includes going after and using Federal resources to target the most violent offenders including those operating with guns, including those responsible for murders and violence in our communities.

Absolutely. We take the alarming rise in violent crime exceptionally seriously. Indeed, I've heard from the many hours I have spent with law enforcement leaders across this country how urgently they feel it is to address this rise in violent crime. We are working every day—

Senator COTTON. Sorry, Ms. Monaco. My time is almost—

Deputy Attorney General MONACO [continuing]. To address that challenge.

Senator COTTON [continuing]. Up. I just want to finish with one final question. Did anyone at the FBI express disagreement or any reticence at all about investigating disagreements between parents and school boards over curriculums and school policies?

Deputy Attorney General MONACO. I don't understand that to have been the—absolutely it was not the subject of the Attorney General's memorandum. The answer to your question is no.

Senator COTTON. Nobody at the FBI expressed any reticence?

Deputy Attorney General MONACO. I'm sorry, Senator. If you are asking me what was the response to the Attorney General's memorandum, I've heard no reticence, no concern. The job of U.S. Attorneys and FBI special agents in charge to be conveners in their community, to address violent issues in their community, is the core job of the Justice Department.

Chair DURBIN. Thank you, Senator Cotton. Senator Klobuchar, prior to your arrival, we said good things about you and your work on VAWA.

Senator KLOBUCHAR. Better than bad things. Thank you very much, Mr. Chairman. Thank you for your leadership. I apologize for being late. We're having a incredible hearing over in the Commerce—Commerce Committee on the whistleblower's allegations and statements about Facebook.

I was thinking as I sat there despite all of the hearings that we've had in this Committee, it may be that one person is going to be the catalyst to finally passing bills not just in the privacy area which she herself said isn't enough but in transparency for algorithms and also consolidation which was specifically mentioned with the dominant platforms.

Ms. Monaco, I know we're going to have a confirmation hearing on your new nominee for antitrust. I only lead with that because the violent content is part of this story as well.

I would start with the fact that this has always been a bipartisan reauthorization so many times in the past. This bill is so important. In your view, has the pandemic where we saw in my own State intimate partner violence rose for more than 40 percent—rose more than 40 percent in 2020. Has the pandemic increased the urgency to reauthorize VAWA?

Deputy Attorney General MONACO. Absolutely. It has, Senator. I have been remarking this morning on my discussions with advocates and service providers, the people on the ground doing the work that is so urgently funded by the Violence Against Women Act. They have told me that the demand for services is outpacing the ability to provide those services. It's only become more so as a result of the COVID-19 pandemic which stands to reason. People are at home and really with their abuser in many respects. That is a horrible situation that we need to rectify.

Senator KLOBUCHAR. Okay. For many years, I've worked with Senator Cornyn on the Abby Honold Act, something that Senator Franken was originally involved in introducing. This bill would encourage law enforcement's use of trauma-informed techniques when responding to sexual assault crimes to avoid retraumatizing the victim. Can you speak to why it's important that law enforcement uses these types of techniques? This bill was actually included in the House-passed reauthorization of VAWA.

Deputy Attorney General MONACO. Thank you, Senator. Thank you for your leadership on that issue. It is such an exceptionally important part of the Violence Against Women Act and our approach to these issues understanding from the survivors' perspective what they are going through when they are interviewed by law enforcement, when they interact with the court system, when they go to get their medical exam as a result of a sexual assault that they have suffered, making sure that at every step along the way the individuals they are encountering understand the trauma that the victim and survivor has encountered so that they can take appropriate steps, so they can recognize and have their services be, as we say, trauma-informed where the victim's experience is at the center of the training that service providers provide.

Senator KLOBUCHAR. Thank you. I'm going to—I want to move on—

Deputy Attorney General MONACO. Please.

Senator KLOBUCHAR [continuing]. To something really important to me, and that is the fact that every year more than 600 American women are killed with a gun by intimate partners and half of the women killed by intimate partners are killed by dating partners. Under—when Senator Leahy was chairing this Committee, we had a hearing on what's called the “boyfriend loophole”, which always sounds too positive to me actually for what it means.

A conservative witness—actually, all the Republican witnesses, I remember Senator Grassley being at this hearing as well, supported changing this situation. The—they said, “Dangerous boyfriends can be just as scary,” the sheriff from Racine County, Wisconsin said, “as dangerous husbands. They hit just as hard, and they fire their guns with the same deadly force.” Yet Federal law only prohibits domestic abusers from buying a gun if they are currently or formerly married, if they have ever lived together, if they had a child with the victim. Do you agree that we should update the law—and I know you addressed this earlier—in order to protect dating partners in the same way we protect married partners?

Deputy Attorney General MONACO. Absolutely, Senator. The danger and the violence and the risk to the women who are suffering and who are killed—we know that women are more likely to be killed if the abuser has a gun. It's no different if that abuser is in a dating relationship than if they are a spouse.

Senator KLOBUCHAR. I also note when the Congress first took action to prohibit convicted domestic abusers—this was on a bipartisan basis—from buying or owning a gun, the restriction applied to people who, of course, already had convictions on the books. They didn't wipe the slate clean. Do you agree that fully addressing the threat means that abusive dating partners with prior domestic violence convictions should be prohibited from buying a gun? That's

what in the bill now, the bill that by the way passed the House with dozens of Republican votes.

Deputy Attorney General MONACO. I think it's exceptionally important that we address this loophole. The individuals, as you said, are people who would be affected by this, are people who have been adjudicated, who have been convicted and found to be a threat by a court. That's the issue that we have to address and—because failure to close this loophole is resulting in too many women dying.

Senator KLOBUCHAR. Really appreciate your leadership and your testimony today. Thank you very much.

Deputy Attorney General MONACO. Thank you, Senator.

Chair DURBIN. Thank you, Senator Klobuchar. Senator Hawley.

Senator HAWLEY. Thank you, Mr. Chairman. Ms. Monaco, I want to come back to this extraordinary letter and memorandum that the Attorney General of the United States issued yesterday. Practically every day brings new reports about this administration weaponizing the Federal bureaucracy to go after political opponents. Frankly, I don't think we've seen anything like it in American history. I mean, for those of us who missed the McCarthy era, I guess this President is intent on bringing it to us but with new force and new power and new urgency unlike anything we've ever seen.

Are you aware of any time in American history when an attorney general has directed the FBI to begin to intervene in school board meetings? Local school board meetings?

Deputy Attorney General MONACO. I'm not aware, and I'm not aware that that—and that is not going on. Let me be very, very clear.

Senator HAWLEY. Really? This isn't about local school board meetings? That's not the subject of the memorandum. I thought that was in the memorandum.

Deputy Attorney General MONACO. The memorandum is quite clear. It's one page, and it asks the U.S. Attorney community and the FBI special agents in charge to convene State and local law enforcement partners to ensure that there's an open line of communication to address threats, to address violence, and that's the appropriate role of the Department of Justice to make sure that we are addressing criminal conduct and violence.

Senator HAWLEY. At local school board meetings. Let me just ask you this. Is parents waiting sometimes for hours, to speak at a local school board meeting to express concerns about Critical Race Theory or the masking of their students, particularly young children, is that in and of itself—is that harassment and intimidation? Is waiting to express one's view at a school board meeting harassment and intimidation?

Deputy Attorney General MONACO. As the Attorney General's memorandum made quite clear, spirited debate is welcome, is a hallmark of this country. It's something we all should engage in and be free to engage in.

Senator HAWLEY. No. I don't think so, Ms. Monaco. With all due respect, it didn't make it quite clear. It doesn't define those terms, nor does it define harassment or intimidation. It talks about violence. I think we can agree that violence shouldn't be condoned or looked aside from in any way swept under the rug at all. Harass-

ment and intimidation, what do those terms mean in the context of a local school board meeting?

I mean, this seems to—in the First Amendment context, we talk about the “chill,” the “chill to speech.” If this isn’t a deliberate attempt to chill parents from showing up at school board meetings for their elected school boards, I don’t know what is. I mean, I’m not aware of anything like this in American history. We’re talking about the FBI. You’re using the FBI to intervene in school board meetings. That’s extraordinary.

Deputy Attorney General MONACO. Senator, I have to respectfully disagree. That is not what—

Senator HAWLEY. Point me to an instance.

Deputy Attorney General MONACO. The—the Attorney General’s memorandum made quite clear that violence is not appropriate. Spirited public debate on a whole range of issues is absolutely what this country is all about. If—

Senator HAWLEY. Then why is it being investigated by the FBI?

Deputy Attorney General MONACO. When and if—it is not. When and if any situation turns to violence, then that is the appropriate role of law enforcement to address it. What—

Senator HAWLEY. The memorandum covers more than violence. It talks about intimidation. It talks about harassment. I’m asking you to draw some lines. We do this all the time in the First Amendment context. This is the sum and substance of First Amendment law, so I expect that you’ll be available and willing to do it now.

Tell me where the line is with parents expressing their concerns, waiting for hours in these school board meetings. We’ve all seen the videos. This happened to my State. Parents have waited for hours. Sometimes the school board meetings had been ended before they can speak because the school board doesn’t want to hear it. Now, parents are told that if they wait and they express their views that they may be investigated for intimidation?

Deputy Attorney General MONACO. I don’t know who’s telling them that, Senator. The job of the Justice Department is to investigate crimes when a situation turns to violent—when and if a situation turns to violence, it’s the job of the Justice Department and local law enforcement to address that.

The Attorney General’s memorandum simply asked the U.S. Attorney community, the FBI, and their counterparts to ensure that State and local law enforcement has an open line of communication to report threats, whether they happen in the context of election officials being threatened, whether they happen in the context of Members of Congress being threatened, which the FBI responds to on a regular basis as is appropriate. The job of the Justice Department is to address criminal conduct.

Senator HAWLEY. You know, all I can say is this is truly extraordinary. I think you know it is. It’s unprecedented. You can’t point to a single instance where anything like this has happened before.

I think parents across this country are going to be stunned to learn, stunned, that if they show up at a local school board meeting, by the way, where they have the right to appear and be heard, where they have the right to say something about their children’s education, where they have the right to vote. You are attempting to intimidate them. You are attempting to silence them. You are

attempting to interfere with their rights as parents, and, yes, with their rights as voters.

This is wrong. This is dangerous, and I cannot believe that an Attorney General of the United States is engaging in this kind of conduct. Frankly, I can't believe that you are sitting here today defending it. I intend to get answers to these questions. You won't answer my questions. I'm going to get answers to these questions.

Mr. Chairman, we need to have a hearing on this subject. We need to hear from the Attorney General himself. He needs to come here, take the oath, sit there, and answer questions. We have never seen anything like this before in our country's history. Frankly, I want to say I think it is a dangerous, dangerous precedent.

Chair DURBIN. This hearing on Violence Against Women Act will continue. Senator Coons.

Senator COONS. Thank you, Chairman Durbin. Great to be with you, Deputy Attorney General Monaco, and I appreciate your appearing before us on a hearing that is about the reauthorization and strengthening of the Violence Against Women Act, a tremendously positive and important law that you helped shape when it was first brought forward by then Senator Biden in this Committee.

It's one of the most important pieces of legislation Congress has passed in recent memory. It's improved and protected the lives of millions of Americans and transformed the way that our country and law enforcement advocates, victims think about and respond to domestic violence.

It's also in my view a testament to President Biden's vision and character, someone who has always had an intense opposition to those who abuse their power over others. It still remains far too pervasive in our country, and domestic violence, in many ways, has been worsened by the COVID-19 pandemic. I've gotten calls from the Delaware nonprofit organizations that are both advocates and service providers. I think it's more critical than ever that Congress strengthen and reauthorize this bill.

Let me ask you a few questions on that topic if I might. Gun violence is a pervasive and tragic, brutal part of domestic violence and gender-based violence. Studies show domestic violence is five times more likely to be deadly if a—if an abuser has access to a firearm. I was glad to see that the bipartisan House-passed VAWA reauthorization would require the Federal Government to tell State and local authorities when a person with a domestic abuse conviction has failed a background check.

Similarly, Senator Cornyn and I introduced in this Chamber the NICS Denial Notification Act which would require information sharing between Federal, State, and local law enforcement when a person prohibited tries to purchase a firearm and fails a background check. Would you agree that giving State and local authorities timely information about individuals who've lied and tried and been denied a firearm can help make our communities safer?

Deputy Attorney General MONACO. Absolutely, Senator. What we need to make sure is we've got the requisite information in the systems to ensure that those who pose a risk, those who pose a lethal risk, cannot possess a firearm and do deadly damage in our communities.

Senator COONS. One of the roles I play here is as a member of the Appropriations Committee and, in particular, the Subcommittee that provides funding for Federal law enforcement and for the implementation of VAWA. The authorization levels haven't gone up as rapidly as the need. I've heard from providers like the YWCA, CHILD, Inc., community legal aid in my home State about how this makes a daily difference, the resources that they receive through VAWA. How can we continue to support nonprofit organizations all over the country, an established network of providers and advocates, and account for the extra need that the COVID-19 pandemic has placed on them?

Deputy Attorney General MONACO. Senator, you've hit at the heart of the matter which is the really dangerous increase and the need that survivors of domestic violence, dating violence, stalking, sexual assault have. It's increased during the pandemic as we've observed. Those who are stuck at home housed with their abuser are suffering and suffering sometimes in silence. The simple answer to your question, Senator, is reauthoring—reauthorizing—excuse me—the Violence Against Women Act and doing so at the \$1 billion levels that the President has requested in his fiscal year 2022 budget request.

It will provide much needed, indeed urgent, services to survivors, training to law enforcement so they respond and when they do so they've got the tools, the training they need not to retraumatize the survivors who they're encountering. And it will do the same with regard to court systems, increased rural funding for these same services. Senator Ernst rightly pointed out that we need to make sure that rural communities get these services as well, and the Office of Violence Against Women's rural program does that. We need to increase those funds as well. So reauthorizing the critical and frankly landmark programs of the Violence Against Women Act is really what we need to be doing.

Senator COONS. I was glad this hearing began with a panel of three Republican Senators here testifying to the significance of VAWA and, in particular, Senator Ernst talking about her own experiences and now her engagement and advocacy.

Let me ask a last question on this if I might. Many survivors of domestic violence struggle to find rental housing. Often, they have poor credit or employment or rental histories directly as a result of their abuse. How can Congress ensure survivors don't face needless barriers to accessing affordable housing, which is one of the main reasons those who are abused stay with their abusers is they don't see a path forward toward being able to house their family free from abuse?

Deputy Attorney General MONACO. You're quite right, Senator. We need to make sure that there is a refuge, there is a safe haven, if you will, for people, women and their children oftentimes, fleeing an abuser. There needs to be a place for them to go. The transitional housing program that the Violence Against Women Act funds and has funded historically provides millions of housing nights a year for just that exact purpose, to give that safe haven. We need to reauthorize it and we need to increase the funding to it.

Senator COONS. Thank you, Deputy Attorney General. Mr. Chairman, can I ask for 1 minute of forbearance?

Chair DURBIN. I guess. Yes. Of course.

Senator COONS. The Senator who preceded me in questioning you accused the Attorney General and the administration of an unprecedented level of FBI harassment and intimidation of citizens at school board meetings. Is there any foundation to this?

Deputy Attorney General MONACO. No, sir.

Senator COONS. Just thought I'd give you a chance to answer that. Thank you, Mr. Chairman.

Chair DURBIN. Thank you, Senator Coons. Senator Tillis.

Senator TILLIS. Thank you, Mr. Chairman. Thank you for holding this hearing. Also thanks to Ranking Member Grassley. I look forward to us moving ahead and providing more resources and more support to families and victims of domestic violence. I think over the last 18 or 20 months COVID has not only taken lives as a result of the disease, but we've seen an increase in domestic violence and child abuse. It's very timely that we have this hearing and very important that we make progress.

I want to talk, Ms. Monaco, about some of the plumbing that we should look at. You know, we installed the plumbing back in 1994. We had a GAO report in 2012 that talked about the DOJ lacking visibility over the extent to which the programs overlap. I think in 2018 we had another Inspector General report that 42 percent of VAWA grants had not been closed on a timely basis.

As we're looking ahead at maybe well-intentioned programs but maybe they need to be repurposed, modernized, consolidated, do you have any thoughts about what we should focus on in terms of the plumbing of VAWA so that we can get maximum resources to those who need it and free it up to address and rural and other concerns that were expressed in the hearing today?

Deputy Attorney General MONACO. Thanks very much, Senator. I think you're quite right to focus on the specifics of how we are making sure we're getting that funding out to the people who need it and how we make sure that we're using that—those dollars to their best effect. As you know, the Violence Against Women Act funds these critical programs. Then recipients of those grants have to file regular financial reports and reports on the services they are providing. The fact that I could tell Senator Whitehouse that there are two million transitional housing nights a year with those grant recipient fundings is because of those reports.

I think we have to be exceptionally diligent in how we are monitoring the use of those funds, and I'm confident that we have the capability to do that. I'm also pleased that we have been able to get out the funds for the Violence Against Women Act for the Office of Violence Against Women's 2021 funding that would have expired on September 30th of this year had we not gotten it all out the door to the people who need it. We've been able to do that and nearly half a billion dollars in those funds as of September 30th.

Senator TILLIS. Thank you. The—I think as we go through this process it would be very important just to see how the administration of the program and the future oversight can be improved and modernized. We would appreciate that feedback.

Deputy Attorney General MONACO. Happy to work with you, Senator, on that. I know this is an area of particular focus for you.

Senator TILLIS. Thank you. Also just kind of curious about DOJ audits on grantees and victims. Can you give me an update on the audit process and generally speaking how the outcomes—or generally speaking to the outcomes?

Deputy Attorney General MONACO. Senator, as I said, the VAWA programs themselves and the Office of Violence Against Women does require regular reporting on the use of the funds, how those funds are being distributed, what services are happening as a result. That's a very, very important part of the success of VAWA, being able to see where dollars are effective and add to those and, where they're not, to look at other innovative ways to expand and to provide services.

Senator TILLIS. What about things that could help us as we move forward with reauthorization and modernization in the area of best practices? I went to a facility that just recently opened in western North Carolina which is extraordinary. Their safe transition, their employment outcomes are—they have to be in the top quartile if not the top decile.

How could we better understand programs that seem to be working and really try to set that bar high—everybody's trying to do good. I understand that. Some programs are clearly producing better results than others. What information can we get from the DOJ to really instruct us on the kinds of things that we believe are leading edge and making sure that our resources are going to the ones that are producing the best results?

Deputy Attorney General MONACO. First, I'd say that I'd be happy to give you a more in-depth briefing about how we identify the best programs and best practices. I view it as the job of the Department of Justice to Office of Justice Programs, Violence Against Women Office, the COPS Office to basically be a force multiplier and an identifier of best practices to lift those up, see where great innovative work is being done in the States and local communities because that's what it's all about. The Federal Government absolutely doesn't have the best information on this. We need to identify the great work that is going on locally, fund it, and then expand it and give it a broader audience.

Senator TILLIS. Thank you very much. Thank you, Mr. Chair.

Chair DURBIN. Thanks, Senator Tillis. Before I recognize Senator Hirono, since it has been a recurring theme from some members about the memorandum that was issued yesterday by the Attorney General, I now have a copy of it in hand, as well as a press release from the Department of Justice, which without objection I'm going to enter into the record so everyone can read the actual words printed.

It is worth noting that the opening of the memo is quote, "In recent months, there has been disturbing spike in harassment, intimidation, and threats of violence against school administrators, board members, teachers, staff who participate in the vital work of running our Nation's public schools." It goes on to—and with more specifics how the Attorney General is seeking to coordinate with local and State law enforcement for the protection of all school personnel. That is clearly the intent of this.

Those who believe that somehow or another violence or something close to it is a valid use of constitutional right, I couldn't disagree more. There are many who describe the January 6th occurrence here on the Capitol as just a visit by ordinary tourists. For those of us who lived through it, we know better. Anyone who wants to characterize that as an ordinary constitutional process wasn't here and isn't being honest, whether they have said that publicly or outside cheering the group on. I want to make a record of that, and I'm going to add the press release as well from the Department of Justice which goes into more detail on the subject.

[The information appears as a submission for the record.]

Chair DURBIN. Senator Hirono, thank you so much for your patience.

Senator HIRONO. Thank you, Mr. Chairman. Thank you for clarifying what's actually in the letter or memorandum that was issued by the Attorney General yesterday. It's always surprising to me that lawyers on this Committee don't seem to understand the legitimate exercise of First Amendment rights and people who are threatening violence, and, in fact, who engaged in assaults on people.

You would think that we would all be able to come together to pass VAWA. I thank you, Ms. Monaco, for your testimony and your responses to the urgent need to reauthorize VAWA and at an increased level because the need is definitely there.

One group that I wanted to call your attention to is that there is an unfortunately high instance of intimate partner violence within the Native Hawaiian community, which as an indigenous community parallel the high instances of domestic violence experienced by and exhibited within American Indian and Alaskan Native communities. As we move forward with combating domestic violence, I'd like to get your commitment to work with my office to address this disparity and better serve Native communities because we can do a far better job—

Deputy Attorney General MONACO. I absolutely—

Senator HIRONO [continuing]. For these communities.

Deputy Attorney General MONACO. I absolutely agree, Senator. It's one of the priorities I laid out in my opening testimony is exactly this, making sure that we are addressing the underserved to include—

Senator HIRONO. Yes.

Deputy Attorney General MONACO [continuing]. Indigenous communities.

Senator HIRONO. Thank you. In particular, we need to fix VAWA to ensure that Native Hawaiian organizations are eligible for funding from the Office of Violence Against Women's Tribal Coalitions Program. I hope that you'll give your support to that change.

There was some discussion already about how women in these situations often do not have options. Often, they will leave their job not because they're fired but because of domestic violence. We want to make sure that these victims and survivors have access to unemployment insurance benefits. I think that that is an important aspect of what we need to do with the VAWA reauthorization. Would you agree?

Deputy Attorney General MONACO. Thank you, Senator. I know that the Office of Justice Programs is exploring how we can ensure that individuals have the assistance they need to kind of be a bridge to the services they need to get to.

Senator HIRONO. You know, so I think that we need to view UI benefits as more than just in the circumstances where someone loses a job or is fired. We know that protecting immigrant survivors of domestic violence, sexual assault, dating violence, and stalking is particularly a concern for the immigrant community. Can you talk about how important it is for VAWA to be there for all survivors and also how it's been able to assist immigrant victims of violence?

Deputy Attorney General MONACO. I think what's really important, Senator, and you rightly point out that an individual shouldn't be kind of held hostage by their abuser and be able—they need to be able to seek immigration relief as it were on their own. I think some of that we'll see where the Senate bill—what that yields. I think it's something that we very much want to be supportive of making sure that an individual who—not have to rely on their abuser to file a petition for immigration status.

Senator HIRONO. Yes. I think immigrant women are particularly vulnerable, those who are undocumented. Immigration has become a very divisive issue, and it is really important that we continue to provide these protections and services for immigrant women and for undocumented women in VAWA. I'd ask for your continuous support in that. Mr. Chairman, those are the questions that I have for the moment.

Chair DURBIN. Thanks, Senator Hirono. Once again, thanks for your patience in waiting—

Senator HIRONO. Sure.

Chair DURBIN [continuing]. During this hearing. I want to thank Deputy Attorney General Monaco as well as Senators Ernst, Hyde-Smith, and Capito for joining us today.

Statistics suggest that an average of nearly 20 people per minute are physically abused by an intimate partner in the United States. 20 per minute. That means that over the course of this hearing hundreds of Americans experienced domestic violence. With the passage of VAWA in 1994, we reduced incidents of domestic violence and significantly improved support services, but there's still much more to do.

I couldn't start to list the number or names of the organizations that provide services in support to survivors of domestic violence and sexual assault. Many of them have submitted testimony for the record today. Without objection, their statements will be not only entered in the record but valued for their content.

[The information appears as a submission for the record.]

I look forward to introducing the Violence Against Women Act Reauthorization Act with Senators Ernst and Feinstein and many of our colleagues quickly. We want to move on this. We need to get this bill to a President who's anxious to receive it as well and sign into law for reauthorization. Welcome back to the Judiciary Committee, and I really value your presence and testimony today. The Committee will stand adjourned.

Deputy Attorney General MONACO. Thank you, Mr. Chairman.
[Whereupon, at 11:44 a.m., the hearing was adjourned.]
[Additional material submitted for the record follows.]

Witness List
Hearing before the
Senate Committee on the Judiciary

“Renewing and Strengthening the Violence Against Women Act”

Tuesday, October 5, 2021
Dirksen Senate Office Building Room 226
10:00 a.m.

The Honorable Lisa O. Monaco
Deputy Attorney General
Department of Justice
Washington D.C.



Department of Justice

STATEMENT OF

**LISA O. MONACO
DEPUTY ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

BEFORE THE

SENATE JUDICIARY COMMITTEE

AT A HEARING ENTITLED

**"RENEWING AND STRENGTHENING THE VIOLENCE AGAINST WOMEN
ACT"**

PRESENTED

October 5, 2021

Testimony of Lisa O. Monaco
Deputy Attorney General
U.S. Department of Justice

Before the Senate Judiciary Committee
October 5, 2021

Introduction

Thank you, Chairman Durbin, Ranking Member Grassley, and members of the Committee for the opportunity to speak to you today about the Violence Against Women Act (VAWA), and the enormous impact it has had in combatting domestic violence, dating violence, sexual assault, and stalking. This important piece of legislation remains vital to ensuring the safety of American communities, and we urge Congress to reauthorize it.

The opportunity to support VAWA's reauthorization is particularly significant for me, as I began my career as a staff member of this Committee, led by then-Chairman Joseph Biden. My job included responding to letters from people who wrote to this body about a variety of issues. One issue that came up again and again was the violence that too many people—mostly women—suffered at the hands of their intimate partners, the epidemic of sexual assault and stalking throughout this country, and the lack of accountability for these crimes. The statistics this Committee documented in its 1993 report were deeply troubling: over 60 percent of rape reports did not result in arrests; a rape case was more than twice as likely to be dismissed as a murder case and nearly 40 percent more likely to be dismissed than a robbery case; less than half of the individuals arrested for rape were convicted of that offense. And over one-half of all convicted rapists served an average of only 1 year or less in prison.¹

Long before VAWA, survivors and advocates worked tirelessly to form a nationwide movement to end violence against women and to support the rights and dignity of survivors. They started domestic violence shelters and rape crisis centers; lobbied state legislatures to outlaw marital rape and allow victims of domestic violence to obtain orders of protection against their abusers; fought against common rape myths and stereotypes; urged local law enforcement to take violence against women seriously; organized on college campuses for safety for survivors and accountability for offenders; and formed dynamic victim-centered service organizations, many of which still exist today. In many ways, these local grassroots efforts brought the reality of violence against women into the country's consciousness and paved the way for federal action.

It was against this backdrop that Congress passed the landmark Violence Against Women Act in 1994, the first comprehensive federal legislation to address violence against women, including domestic violence, sexual assault, and stalking. Through this action, Congress signaled that ending violence against women is a national priority, and the crisis deserves the weight of the federal government's leadership and resources.

VAWA, and the programs supported through its funding, are as critical as ever. Based on the most recent available data, as many as one in three women are subjected to domestic violence,

¹ Senate Report No. 103-138, at 42 (Sept. 10, 1993).

dating violence, sexual assault, or stalking at some point in their lives, and the rate is even higher for women of color, lesbian and bisexual women, and transgender people.² And while COVID-19 created an extraordinary emergency for all Americans, it laid bare the particular vulnerabilities of a number of communities, including survivors of domestic and sexual violence, and challenged us to redouble our efforts to support their safety. During the pandemic, VAWA-funded programs have been a lifeline to victims whose other support disappeared and provided much needed assistance to overburdened communities.

Congress's continued appropriations over the past several years have enabled this important work to continue. A reauthorized VAWA must address gaps in the current statutory structure, and it must continue to invest in, and expand, strategies that advance access to safety, justice, and economic stability for victims and survivors. Coming full circle from where VAWA began, now-President Biden and his Administration strongly support reauthorization of VAWA, and the President's FY 2022 budget has requested a historic investment of \$1 billion in total funding for VAWA programs. The Department of Justice (the Department) urges Congress to build upon the bipartisan previous VAWA authorizations of 2000, 2005, and 2013, and fully fund the President's request.

About the Office on Violence Against Women

The Department's Office on Violence Against Women (OVW) assumes the day-to-day work of implementing VAWA, and I am proud to represent those dedicated employees here today. OVW was created to administer VAWA and subsequent legislation. Today, the office leads the federal government's efforts to reduce violence against women and administer justice for and strengthen services to victims of domestic violence, dating violence, sexual assault, and stalking.

Currently, OVW administers four formula grant programs and 15 discretionary grant programs. These programs provide funding to support and improve victim services, legal assistance, law enforcement and prosecution services, and court practices, as well as training and technical assistance to an array of professionals and organizations. OVW maintains close relationships

² Black, M.C., Basile, K.C., Breiding, M.J., Smith, S.G., Walters, M.L., Merrick, M.T., Chen, J., & Stevens, M.R., National Center for Injury Prevention and Control, Centers for Disease Control and Prevention, *The National Intimate Partner and Sexual Violence Survey (NISVS): 2010 Summary Report* (2011), available at https://www.cdc.gov/violenceprevention/pdf/NISVS_Executive_Summary-a.pdf; see also Smith, S.G., Zhang, X., Basile, K.C., Merrick, M.T., Wang, J., Kresnow, M., Chen, J., National Center for Injury Prevention and Control, Centers for Disease Control and Prevention, *The National Intimate Partner and Sexual Violence Survey (NISVS): 2015 Data Brief – Updated Release* (2018) at 2, 8, available at <https://www.cdc.gov/violenceprevention/pdf/2015data-brief508.pdf> (43.6% of women experience sexual violence victimization in their lifetime; over 1 in 3 are subjected to sexual victimization, physical assault or stalking by an intimate partner in their lifetime); National Center for Injury Prevention and Control, Centers for Disease Control and Prevention, *NISVS: An Overview of 2010 Findings on Victimization by Sexual Orientation*, available at https://www.cdc.gov/violenceprevention/pdf/cdc_nisvs_victimization_final-a.pdf; Sandy E. James, Jody L. Herman, Susan Rankin, Mara Keisling, Lisa Mottet, & Ma'ayan Anafi, The National Center for Transgender Equality, *The Report of the 2015 U.S. Transgender Survey*, (2016), available at <https://transequality.org/sites/default/files/docs/usts/USTS-Full-Report-Dec17.pdf>; Brown, T. N. T., & Herman, J. L. (2015). *Intimate partner violence and sexual abuse among LGBT people: a review of existing research*. Los Angeles, CA: The Williams Institute, available at: <https://williamsinstitute.law.ucla.edu/wp-content/uploads/IPV-Sexual-Abuse-Among-LGBT-Nov-2015.pdf>.

with grantees, assessing their needs and challenges in real time, learning from their successes and struggles, supporting training and technical assistance to maximize the effectiveness of their activities, and designing new initiatives to address emerging issues in the field. As the research demonstrates, VAWA funding supports evidence-based practices that save lives and help communities across America respond to domestic and sexual violence.

The Department of Justice's VAWA 2021 Priorities

Through this reauthorization, we must build upon what we have learned in the years since VAWA was first enacted and address areas of continuing challenge in our communities. VAWA was originally conceived as a bill to improve the way that law enforcement, prosecutors, and courts respond to violence against women, with an emphasis on supporting a coordinated community response. Before VAWA, far too often, law enforcement officers routinely treated domestic violence as a private family matter and viewed sexual assault victims with skepticism. VAWA marked a commitment to listen to survivors when we make changes to criminal justice responses, so that these changes reinforce, rather than undermine, their safety, autonomy, and healing. We must take a holistic view and seek to improve the training and the tools available in each step in the process—from the investigators and their forensic tools to the interactions with prosecutors, victim advocates, and the court system.

We must continue to equip police and prosecutors with the knowledge, skills, and resources needed to provide survivor-centered and trauma-informed responses to victims who seek help from the criminal justice system.

We must find new ways to reach and improve services for underserved populations, including culturally specific communities, LGBTQ victims, individuals with disabilities, immigrant survivors, older adults, and victims in rural communities, among others.

We must support tribes in their efforts to protect women in their communities from epidemic levels of domestic and sexual violence.

We must renew our efforts to reduce homicides through federal firearms laws, including addressing gaps in the current system that allow some offenders to slip through the cracks.

And, as with each VAWA reauthorization, Congress should enhance the Department's ability to identify and study innovative approaches to meeting survivors' needs and promoting justice.

VAWA Funds Lifesaving Services and Promotes Justice for Survivors and Their Families

Perhaps VAWA's widest influence is felt through its multiple grant programs that provide federal financial assistance to a broad range of nonprofits and government agencies that respond to domestic and sexual violence. In every state and territory, VAWA recipients are delivering lifesaving services to victims and their families, holding offenders accountable through criminal justice responses, improving the response of the civil and criminal justice systems, and training their community partners on evidence-based practices. Funding for VAWA programs allows grantees to serve hundreds of thousands of victims annually, providing critical services like

hotlines and victim advocates, temporary housing for victims and their children, and legal assistance that improves survivors' access to and experience with court procedures like custody arrangements and protection orders. Each reauthorization of VAWA has added new programs and initiatives supporting evidence-based practices that save lives and help communities across America respond to domestic and sexual violence.

Since VAWA was reauthorized in 2005, however, funding for its grant programs has not kept pace with demand from applicants. Funding for many of VAWA's flagship programs has remained stagnant over the past decade, and the pandemic has only heightened the need for additional funding across these programs. President Biden's FY 2022 Budget thus includes a historic investment of \$1 billion in total funding for VAWA programs, nearly double the FY 2021 level. The Department strongly supports this request, and this infusion of funding will be critical to meeting today's needs and enabling a comprehensive approach to combating the scourge of domestic and sexual violence.

For example, the President requested an additional \$185 million for the *STOP (Services*Training*Officers*Prosecutors) Violence Against Women Formula Grant Program*. This program is the cornerstone of VAWA, reaching every state and territory with its coordinated, multidisciplinary approach to developing effective law enforcement and prosecution strategies as well as victim advocacy and services in cases involving domestic violence, sexual assault, dating violence and stalking. By requiring that 30% of funds be allocated for victim services, of which at least 10% must be distributed to culturally specific, community-based organizations, the STOP Program serves as a model for supporting coordinated community responses. Allocating STOP funds for law enforcement agencies, prosecutors, courts, and victim services ensures collaboration among community agencies and elevates survivors' voices in the criminal justice system. Funding through STOP grants is also available to improve the technology that investigators can use to identify and document evidence of these crimes.

The President also requested an additional \$27 million for the *Improving Criminal Justice Responses to Sexual Assault, Domestic Violence, Dating Violence, and Stalking Grant (ICJR) Program*, which similarly provides funding for a coordinated community response to these crimes. The program supports a combination of victim services and specialized law enforcement and prosecution units, training and policy development focused on criminal justice agencies and courts, and multi-disciplinary teams, such as Sexual Assault Response Teams.

Likewise, the President requested an additional \$30.4 million for VAWA's *Grants to Indian Tribal Governments Program*, which promotes justice for American Indian and Alaska Native women by providing funding to Indian tribal governments to strengthen tribal justice interventions, including law enforcement, prosecution, courts, probation, and correctional facilities, as well as services for victims.

Commitment to Civil Rights and Supporting Population-Specific Organizations

The Department strongly supports the 2021 VAWA Reauthorization retaining one of the most groundbreaking provisions of the 2013 VAWA Reauthorization—the addition of a non-discrimination provision that prohibits discrimination in VAWA-funded programs on the basis of

race, color, national origin, sex, disability, religion, sexual orientation, or gender identity.³ Women of color, people with disabilities, and LGBTQ people are disproportionately impacted by domestic violence and sexual assault,⁴ and these groups face unique barriers in finding services that are accessible and culturally appropriate for their needs. With the addition of a non-discrimination provision, Congress took a leap forward in our efforts to ensure that victims everywhere can access services at VAWA-funded programs, and sent a clear message that the federal government expects VAWA-funded organizations to be a safe haven for all victims and survivors.

This non-discrimination provision applies to all VAWA-funded recipients—states, tribal governments and organizations, units of local governments, and non-profits, including faith-based organizations. And since the non-discrimination provision went into effect, faith-based organizations that serve victims of domestic and sexual violence have continued to provide lifesaving services to victims, alongside their secular counterparts. OVW has funded training and technical assistance projects designed to help grantees build partnerships with faith-based leaders and organizations to address domestic violence and sexual assault, and to provide training to domestic violence and sexual assault organizations to better serve victims of faith.

The Department is committed to ensuring that all victims can access services free from discrimination. This commitment was echoed in the President's FY 2022 budget with increases to population-specific programs, including \$20 million for historically Black colleges and universities (HBCUs), Hispanic-serving institutions, and tribal colleges and universities through the Campus Program; \$10 million to establish a National Deaf Services Line; \$2 million to support transgender survivors; separate appropriations of \$20 million for the Culturally Specific Services Program and \$6 million for the Underserved Populations Program; and \$5 million to build the capacity of community-based organizations to successfully manage federal grants. We look forward to working with Congress to address discrimination against vulnerable and protected groups and ensure meaningful access to services that meet their needs.

Expanding Special Domestic Violence Criminal Jurisdiction for Tribes

Recognizing tribal criminal jurisdiction over a broader range of crimes committed by non-Indians in Indian country is a crucial step in ensuring that all victims of crime have access to justice and perpetrators are held accountable. Prior to the reauthorization of VAWA in 2013, tribes could not prosecute domestic and dating violence committed by non-Indians against Native American victims on tribal lands. In part because of this gap in tribal jurisdiction, Native American women have suffered some of the highest rates of violence at the hands of intimate partners in the United States. A leading National Institute of Justice analysis of 2010 survey data collected by the Centers for Disease Control and Prevention found that more than half (55.5%) of

³ Codified at 34 U.S.C. 12291(b)(13).

⁴ See, e.g., Centers for Disease Control and Prevention. (n.d.). *An Overview of Intimate Partner Violence in the United States — 2010 Findings*, available at: <https://www.cdc.gov/violenceprevention/pdf/ipv-nisvs-factsheet-v5-a.pdf>; Harrell, E. (2017, July). *Crime Against Persons with Disabilities, 2009-2015 — Statistical Tables*. (NCJ 250632). Washington, DC: Bureau of Justice Statistics, U.S. Department of Justice, available at: <https://www.bjs.gov/content/pub/pdf/capd0915st.pdf>; Centers for Disease Control and Prevention. (n.d.). *NISVS: An Overview of 2010 Findings on Victimization by Sexual Orientation*, available at https://www.cdc.gov/violenceprevention/pdf/cdc_nisvs_victimization_final-a.pdf.

American Indian and Alaska Native women have experienced physical violence by an intimate partner in their lifetimes. Among these victims, 90% have experienced such violence by an intimate partner of a different race and ethnicity.⁵

In VAWA 2013, Congress recognized and affirmed tribes' inherent power to exercise "special domestic violence criminal jurisdiction," or SDVCJ, over certain defendants, regardless of their Indian or non-Indian status, who commit acts of domestic violence or dating violence or violate certain protection orders in Indian country.⁶ For the first time in decades, tribes therefore could prosecute non-Indian perpetrators of domestic violence and dating violence in tribal courts. In recognizing this tribal jurisdiction, Congress required that participating tribes provide protections for a criminal defendant's rights and civil liberties.

The Department moved swiftly to implement the law's initial pilot project structure in 2013. That pilot laid the foundation for the 28 tribes that voluntarily exercise SDVCJ today. The National Congress of American Indians has documented the impact of these implementing tribes and reports that, as of March 2021, there have been 130 convictions of SDVCJ defendants, many of which involved defendants with long histories of violence and abuse. This fact alone underscores how VAWA has helped empower tribal nations to obtain justice and address significant gaps that previously existed in access to justice for Native American victims.

Through our consultations with tribal leaders, however, we know that there is more work to do. Between the years 2016 and 2020, most of the tribes that testified about SDVCJ at the Department's annual Violence Against Women Government-to-Government Tribal Consultation advocated that SDVCJ be expanded to include non-Indian perpetrators of sexual assault, sex trafficking, and crimes against children and law enforcement officers, among other crimes. One common theme from tribal leaders has been that domestic violence incidents often involve attendant crimes that should be prosecuted concurrently. Of equal importance, many tribes have advocated for expanding SDVCJ to include non-Indian defendants who commit sexual assaults on tribal lands, including those who do not maintain "substantial ties" to the tribe.⁷ Finally, tribes have noted that prior reauthorizations of VAWA left a gap by failing to recognize tribal criminal jurisdiction over crimes committed by SDVCJ defendants during and after their arrests by tribal authorities.

The Department strongly supports measures to bridge these critical gaps in tribal criminal jurisdiction over non-Indian offenders. An expansion of SDVCJ would allow participating tribes to hold accountable non-Indian perpetrators of sexual violence, sex trafficking, domestic violence against child victims, stalking, elder abuse, and assault against law enforcement officers when they commit such crimes on tribal territory. We pledge to work with Congress to build on

⁵ Andre B. Rosay, U.S. Dept. of Justice, Nat'l Inst. of Justice, Violence Against American Indian and Alaska Native Women and Men: 2010 Findings from the National Intimate Partner and Sexual Violence Survey (May 2016) 21, 26, available at <https://www.ncjrs.gov/pdffiles1/nij/249736.pdf>.

⁶ Codified at 25 U.S.C. § 1304.

⁷ VAWA 2013 provides that a participating tribe may exercise SDVCJ over a non-Indian defendant only if the defendant resides in the tribe's Indian country, is employed in the tribe's Indian country, or is a spouse, intimate partner, or dating partner of a member of the tribe or an Indian who resides in the tribe's Indian country. See 25 U.S.C. § 1304(b)(4)(B). These requirements are commonly referred to as "substantial ties."

the tribes' effective implementation of SDVCJ, address significant co-occurring crimes, and expand access to justice for indigenous victims.

Reducing Homicides Through Enforcing Federal Firearms Laws

VAWA not only supports state, tribal, and local criminal justice initiatives through funding; VAWA and subsequent legislation also created federal offenses that prohibit interstate domestic violence, stalking, violations of protection orders, and possession of firearms by domestic abusers.⁸ Although domestic violence, dating violence, sexual assault, and stalking are ordinarily prosecuted at the state level, these federal tools allow United States Attorneys to prosecute abusers who cross state lines or use instrumentalities of interstate commerce. These tools are essential to enable the federal government to protect victims and hold offenders accountable as they travel in pursuit of their victims.

There are, however, gaps in the current system that limit federal prosecution for some offenders. For decades, the Gun Control Act has prohibited persons subject to certain protection orders or those convicted of qualifying misdemeanor crimes of domestic violence from possessing firearms.⁹ This provision is critically important to prevent domestic violence homicides by keeping firearms out of the hands of domestic abusers.¹⁰ Currently, however, those provisions apply only when the abuser is a spouse, former spouse, or similarly situated to a spouse, shares a child in common with the victim, or cohabitates or has cohabitated with the victim. We know that abuse in dating relationships is no less dangerous—allowing this “boyfriend loophole” to persist leaves countless numbers of victims unprotected, and we urge Congress to close this gap in the coming reauthorization.

The Department also urges Congress to resolve uncertainty around whether “misdemeanor crimes of domestic violence” include local and municipal misdemeanors. In recent years, several courts have issued adverse rulings preventing federal prosecutions based on misdemeanor domestic violence convictions under municipal ordinances—which are available in 33 states to prosecute domestic assault—based on the failure of the statute to specifically mention municipal ordinances.¹¹

We hope that Congress will act to allow many United States Attorneys' Offices to prosecute domestic violence offenders convicted under municipal ordinances that essentially mimic state offenses when those offenders violate the federal firearms prohibitions, which is particularly important in jurisdictions that use only municipal ordinances to prosecute domestic violence assault. The Department looks forward to working with Congress to correct these and other gaps in the federal response to domestic violence in order to prevent offenders from slipping through the cracks and provide U.S. Attorneys the tools they need to keep victims safe.

⁸ See 18 U.S.C. §§ 2261, 2261A, 2262, & 922(g)(8)-(9).

⁹ See 18 U.S.C. § 922(g)(8)-(9).

¹⁰ According to one study, in domestic violence situations, the risk of death is five times greater when a gun is present. Jacquelyn C. Campbell, et al., “Risk Factors for Femicide in Abusive Relationships: Results from a Multisite Case Control Study,” *American Journal of Public Health* 93 (7) (2003): 1089–1097, 1092, available at <https://ajph.aphapublications.org/doi/full/10.2105/AJPH.93.7.1089>.

¹¹ See, e.g., *United States v. Pauley*, 857 F.3d 1073 (10th Cir. 2017); *United States v. Enick*, No. 2:17-cr-00013-BLW, 2017 WL 2531943 (D. Idaho June 9, 2017).

New Approaches to Achieving Justice and Healing for Survivors

Although VAWA has succeeded in improving criminal justice responses, there is more work to do. Despite VAWA's focus on holding offenders accountable through the criminal justice system, many who experience domestic and sexual violence are reluctant to seek a criminal justice response. According to the Department's data, only 23% of victims of rape or sexual assault and 49% of victims of domestic violence report their assaults to the police.¹² Some victims of domestic violence have reported fearing that police intervention would make the situation worse by failing to hold the offender accountable, escalating their danger, or triggering retaliation from their partner.¹³ Some fear engagement with law enforcement and fail to report because of distrust of the criminal justice system.¹⁴ The Department takes this reticence very seriously and is committed to finding survivor-centered solutions that build on VAWA's quarter century of success in this area and on the Department's continuing efforts to help law enforcement agencies improve their policies, protocols, and training to promote bias-free and effective responses to domestic and sexual violence.

For example, in 2015, the Department issued *Identifying and Preventing Gender Bias in Law Enforcement Response to Sexual Assault and Domestic Violence*,¹⁵ a guidance document that was aimed at helping law enforcement agencies identify and prevent sex discrimination in their investigation of and response to these crimes. The leadership of the Department continues its commitment to helping law enforcement agencies improve their policies, protocols, and training to promote effective responses to domestic and sexual violence. The importance of having investigating agents and prosecutors trained on appropriate trauma-informed interactions with survivors cannot be overstated.

In recent years, there has been growing interest in expanding the response to gender-based violence to include restorative justice practices. As described in the Department's FY 2022 budget request, "[r]estorative justice is a growing practice in both the criminal and social justice fields that seeks to repair and address the harm experienced by victims, as well as any harm done to their community."¹⁶ In the context of gender-based violence, it is a "strategy for addressing underreporting of sexual assault, domestic violence, and dating violence, by offering victims an option for remedying harm while responding to their concerns about how they will be treated by the criminal justice system."¹⁷ OVW has been exploring how this framework could be effectively applied to domestic and sexual violence. While we continue to study the potential benefits of this approach and others, the Department is committed to continuing to incorporate the views and voices of diverse survivors, including what they say they need for justice, safety,

¹² U.S. Dept. of Justice, Bureau of Justice Statistics, *Criminal Victimization, 2016* (December 2017), available at https://bjs.ojp.gov/content/pub/pdf/cv16_sum.pdf.

¹³ National Domestic Violence Hotline, *Who Will Help Me? Domestic Violence Survivors Speak Out About Law Enforcement Responses*, Washington DC, (2015), available at <http://www.thehotline.org/wp-content/uploads/sites/3/2015/09/NDVH-2015-Law-Enforcement-Survey-Report.pdf>.

¹⁴ *Id.*

¹⁵ <https://www.justice.gov/opa/file/799366/download>.

¹⁶ U.S. Dept. of Justice, FY 2022 Budget Request: Addressing Inequities in the Criminal Justice System 3 (2021), available at <https://www.justice.gov/jmd/page/file/1398821/download>.

¹⁷ *Id.*

and healing, as we make progress in carrying out our commitment to eliminate domestic violence, sexual assault, dating violence, and stalking.

Conclusion

I appreciate the time and attention of the many members of Congress, current and former, who have contributed to this important legislation, and I look forward to continuing that work with this Committee and answering your questions today.

**Senate Judiciary Committee Hearing
“Renewing and Strengthening the Violence Against Women Act”
Questions for the Record
for Lisa Monaco, Deputy Attorney General
Submitted October 12, 2021**

1. In 2016, I asked Attorney General Loretta Lynch to look at whether the civil RICO fraud case against the tobacco industry could be a model for challenging ongoing climate denial. Somewhere in between then and the FBI’s October 5, 2017 update on this inquiry, something went off the rails. These are the indications that something went off the rails:
 - The team that won the tobacco case was never contacted.
 - The scientists that study climate denial were never contacted.
 - No document was ever sought per the pre-filing discovery procedures available to the Attorney General.
 - The FBI got the standard of proof wrong, importing a criminal standard to a civil matter.

What is the Department of Justice doing, per my March 11, 2021 letter to Attorney General Merrick Garland, to see that an honest and sincere investigation is undertaken?
2. At the hearing, we discussed the need for domestic violence victims to get swift access to transitional housing. What more should Congress do to increase access to housing for domestic violence victims?
3. In December 2016, IF was referred to Sojourner House, a Rhode Island nonprofit serving victims of domestic and sexual violence, by a court advocate after her abusive husband falsely accused her of domestic assault. She was immediately identified as a victim, but her U.S. citizen husband knew of her vulnerability. Forced by him, she had overstayed her visa and was now in unlawful status, and he used this to control her and intimidate her. When she got arrested, her biggest fear came true. She could be deported and separated from her two young U.S. citizen children. The Immigration Advocacy team at Sojourner House quickly intervened, assisted IF with filing a VAWA self-petition, and got her false assault charges dismissed. Within a few months, she received a work authorization document which allowed her financial stability; two years later she became a legal permanent resident. Her oldest daughter, who is still in Brazil, was just granted her immigrant visa and she will reunite with IF in December of this year. They were apart for five years. IF and her family received free and competent legal assistance because of Sojourner House’s work.
 - a. Why is it important to ensure that immigrants like IF get access to domestic violence services and legal assistance?
 - b. There is currently a backlog of over 160,000 applications for U visas, which are granted to victims of serious crimes like IF. Victims like IF often wait for five years on average to get a U visa. What steps is the administration taking to address this backlog?

**Senate Judiciary Committee - Questions for the Record from Senator John Kennedy
October 5, 2021**

Hearing entitled: "Renewing and Strengthening the Violence Against Women Act"

Questions for Lisa Monaco, Deputy Attorney General, Department of Justice

1. Deputy Attorney General, Justice Ruth Bader Ginsburg said "the physical differences between men and women . . . are enduring." She also said "the two sexes are not fungible." Landmark legislation, such as the Violence Against Women Act, seems to be more and more vulnerable to bills that obscure its initial premise that biological women are particularly susceptible to certain crimes and therefore we needed specific legislation to address that reality.

Do you have any data that suggests biological women no longer make up the majority of victims of the type of violence the Violence Against Women Act was intended to reduce? What is that data?

2. Deputy Attorney General, another way this House VAWA (H.R. 1620) bill has been politicized is by Democrats tying it to the issue of gun-control. The 2nd Amendment empowers individuals and allows them to be their own first responders. More women than ever bought guns last year and this year. According to the Harvard T.H. Chan School of Public Health, women accounted for about half of all gun purchases between 2019 and 2021, and October is Domestic Violence Awareness Month.

Please keep your answer limited to the following specific question: Do you believe women should be encouraged to exercise their 2nd Amendment rights to protect themselves from crimes that disproportionately affect them and that VAWA was meant to reduce?

**Questions for the Record from
Senator Thom Tillis for
Deputy Attorney General Lisa Monaco**

1. As you know, President Biden worked on the initial passage of the Violence Against Women's Act (VAWA) in 1994. Have you spoken to the President about what urgent updates he believes VAWA needs?
2. Deputy Attorney General Monaco-what do you believe is the biggest problem that should be addressed in the next VAWA reauthorization?
3. In 2012, the U.S. Government Accountability Office (GAO) reported that DOJ lacked visibility over the extent to which its grant programs overlap. Can you give me an update on what DOJ has done or is doing to manage the VAWA grant programs and ensure victims get the necessary resources?
4. Do you think Congress should combine VAWA grant programs to prevent overlap?
5. Can you give me an update on what DOJ has done or is doing to manage the VAWA grant programs and ensure victims get the necessary resources?
6. In 2018, the DOJ Office of Inspector General (OIG) reported that that 42 percent of VAWA grants had not been closed in a timely manner. What is DOJ doing to ensure that proper audits are conducted so grantees and victims get the necessary resources and funding in an adequate time?
7. Do you believe the lack of timely grant closures is an internal problem by DOJ? Or do you think there is a legislative remedy to address this?

Responses from Deputy Attorney General Lisa Monaco to Questions for the Record

**Questions for the Record
From Senator Thom Tillis for
Deputy Attorney General Lisa Monaco**

- 1. As you know, President Biden worked on the initial passage of the Violence Against Women's Act (VAWA) in 1994. Have you spoken to the President about what urgent updates he believes VAWA needs?**

Response: The President has made clear his commitment to reauthorization of the Violence Against Women Act (VAWA). In his address to a joint session of Congress this past April, he highlighted the need for VAWA reauthorization to close the “boyfriend loophole” in the Gun Control Act to keep guns out of the hands of adjudicated abusers. The Statement of Administration Policy (SAP) on H.R. 1620, the Violence Against Women Reauthorization Act of 2021, issued on March 17, 2021, available at <https://www.whitehouse.gov/wp-content/uploads/2021/03/HR-1620-Final-3.17.pdf>, also emphasizes other Administration priorities for VAWA reauthorization, including provisions that (1) expand tribal “special domestic violence criminal jurisdiction” to hold accountable non-Native perpetrators of sexual violence, sex trafficking, domestic violence against child victims, stalking, elder abuse, and assault against law enforcement officers when they commit such crimes on tribal territory; (2) authorize increased funding for culturally specific services for victims; (3) provide important housing protections for survivors in federally assisted housing; (4) expand economic security protections for survivors; (5) improve the health care system’s response to domestic violence, sexual assault, dating violence, and stalking; (6) authorize higher levels of funding for prevention both through the Centers for Disease Control and Prevention’s Rape Prevention & Education formula grants and DOJ grant programs focused on youth; and (7) expand grants to support implementation of training programs to improve the capacity of early childhood programs to address domestic violence, dating violence, sexual assault, and stalking among the families they serve.

- 2. Deputy Attorney General Monaco-what do you believe is the biggest problem that should be addressed in the next VAWA reauthorization?**

Response: VAWA reauthorization should build on prior successes of this legislation and include new provisions that will enhance our efforts to respond to domestic violence, dating violence, sexual assault, and stalking, as well as address gaps and barriers to helping all victims find safety and justice. In my testimony before the Committee, I emphasized the Department’s most significant priorities for VAWA reauthorization: (1) continuing to equip police and prosecutors with the knowledge, skills, and resources needed to hold offenders accountable and provide survivor-centered and trauma-informed responses to victims who seek help from the criminal justice system; (2) finding new ways to reach and improve services for underserved populations; (3) supporting tribes in their efforts to protect women in their communities from epidemic levels of domestic and sexual violence through an expansion of tribal criminal jurisdiction; (4) strengthening our capacity to reduce homicides through federal firearms laws, including addressing gaps in the current system that prevent holding some offenders accountable; and (5) enhancing the Department’s ability to identify and study innovative approaches to meeting survivors’ needs and promoting justice.

Responses from Deputy Attorney General Lisa Monaco to Questions for the Record

- 3. In 2012, the U.S. Government Accountability Office (GAO) reported that DOJ lacked visibility over the extent to which its grant programs overlap. Can you give me an update on what DOJ has done or is doing to manage the VAWA grant programs and ensure victims get the necessary resources?**

Response: Although this report predated my current tenure at the Department, it is my understanding that, since 2016, the Department of Justice annually examines the extent of overlap within and across the Office of Justice Programs, Office on Violence Against Women (OVW), and the Office of Community Oriented Policing Services (COPS) to better understand the areas in which the program offices may be awarding funds for similar purposes or targeting the same beneficiaries. Information from this annual review assists the Department in identifying areas of overlap, enhancing coordination among complementary programs, and channeling funds to priority funding areas. It also enables the Department to mitigate the risks associated with unintended or impermissible duplication resulting from existing overlap.

In connection with the Department's ongoing efforts to streamline its management of grants, the Department has been transitioning over the past year to a unified grants management system for its grant-making offices. The Department began carrying out grants management work using the new system in October 2020, and it has invested substantial time and resources in improving its technological capabilities.

- 4. Do you think Congress should combine VAWA grant programs to prevent overlap?**

Response: I have not identified a current need to combine VAWA grant programs. As described in response 3 above, the Department has implemented an annual analysis to identify overlap in its grant program solicitations. In addition, OVW, which administers the Department's VAWA grant programs, has taken internal steps to minimize potential grant duplication. In particular, OVW has developed a Recommendation Management System, which includes a feature to identify applications to multiple OVW grant programs from the same applicant, allowing OVW program specialists to check during its application review process whether the applications seek to fund duplicative activities.

- 5. Can you give me an update on what DOJ has done or is doing to manage the VAWA grant programs and ensure victims get the necessary resources?**

Response: Oversight and management of grant funds is critical to ensuring effective programs. OVW, which administers the Department's VAWA programs, uses four main strategies designed to ensure that VAWA grants provide victims with necessary and effective services: (1) careful assessment of grantees' progress toward goals and their use of funds; (2) implementation of meaningful performance measures; (3) deployment of training and technical assistance; and (4) research and evaluation to assess the impact and effectiveness of OVW-funded interventions.

OVW has in place structures, policies, and tools that are designed to ensure that grant funds are put to the best possible use in communities combating domestic and sexual violence, while

Responses from Deputy Attorney General Lisa Monaco to Questions for the Record

identifying grants that carry an increased risk for mismanagement, fraud, waste, or abuse. These include (1) a Grants Financial Management Unit, which reviews grantee budgets, conducts pre-award risk assessments, and provides financial grants management training; (2) reference manuals to ensure standardized grant processing, management, and monitoring; and (3) questions in OVW's program solicitations that enable OVW to assess applicants' financial and programmatic capacity.

OVW also uses a number of mechanisms to monitor its grant awards and identify grantees in need of training: (1) grantees submit quarterly federal financial reports documenting grant expenditures and obligations; (2) grantees submit detailed performance reports, every six months for discretionary programs and annually for two of OVW's formula programs, which are reviewed by OVW staff for accuracy, completeness, compliance with grant requirements, and progress toward project goals; (3) OVW staff assess each grant's risk for financial and programmatic mismanagement, and higher risk grantees are prioritized for onsite and office-based monitoring by OVW staff; and (4) OVW contracts with the Office of Justice Programs (OJP)'s Office of the Chief Financial Officer (OCFO) to conduct onsite and office-based financial monitoring of OVW grantees.

- 6. In 2018, the DOJ Office of Inspector General (OIG) reported that that 42 percent of VAWA grants had not been closed in a timely manner. What is DOJ doing to ensure that proper audits are conducted so grantees and victims get the necessary resources and funding in an adequate time?**

Response: Although the referenced report predated my current tenure at the Department of Justice, I understand that each of the Department's grant-making components responded to the recommendations of the OIG, which are detailed in the appendices to the report, available at <https://oig.justice.gov/reports/2018/a1818.pdf>. The DOJ-OIG notified the Department on September 8, 2021 that the overall status of the report is now closed. With regard to OVW specifically, it is my understanding that OVW has remedied the findings regarding individual grant awards and has implemented the recommended policies, including a new policy that requires staff to review the general ledgers of 10% of closed awards.

I would also like to take this opportunity to clarify my testimony in which I referred to "...the Office of Violence Against Women's 2021 funding, that would have expired on September 30 of this year, had we not gotten it all out the door....". While OVW did in fact award 100% of its VAWA funding planned for release in FY 2021 by September 30, 2021, as a technical matter, those funds would not have expired on September 30, as these funds remain available until expended.

- 7. Do you believe the lack of timely grant closures is an internal problem by DOJ? Or do you think there is a legislative remedy to address this?**

Response: The Department is committed to providing the grant making components the tools they need to effectively make, monitor, and close grant awards. Since the issuance of the OIG 2018 report, the Department has worked to improve its policies and procedures to address the backlog in grants closeouts. The Department assesses and prioritizes closeouts in order to

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maintain compliance within the timeframe established by 2 C.F.R. 200. The Department is working to incorporate these and other enhancements into its new unified grants management system.

**Questions for the Record
From Senator Sheldon Whitehouse for
Deputy Attorney General Lisa Monaco**

1. **In 2016, I asked Attorney General Loretta Lynch to look at whether the civil RICO fraud case against the tobacco industry could be a model for challenging ongoing climate denial. Somewhere in between then and the FBI's October 5, 2017 update on this inquiry, something went off the rails. These are the indications that something went off the rails:**
 - The team that won the tobacco case was never contacted.
 - The scientists that study climate denial were never contacted.
 - No document was ever sought per the pre-filing discovery procedures available to the Attorney General.
 - The FBI got the standard of proof wrong, importing a criminal standard to a civil matter.

What is the Department of Justice doing, per my March 11, 2021 letter to Attorney General Merrick Garland, to see that an honest and sincere investigation is undertaken?

Response: I appreciate that this has been a long-standing issue of concern, and I understand the desire to receive additional responses. Longstanding Department practices preclude me from commenting on any potential investigations, but I appreciate having the benefit of your views. It is a priority for the Department's Environmental and Natural Resources Division to address greenhouse gas emissions and the impacts of climate change through its civil and criminal enforcement authorities, as appropriate based on the individual facts of a matter. As a general matter, evidence developed through congressional investigations can be referred to the Department for review, and I am aware that at least one House committee has announced an investigation and is holding hearings on issues relevant to the topics raised in your letters. The Department is committed to enforcing environmental laws when supported by the facts and evidence in an individual case.

2. **At the hearing, we discussed the need for domestic violence victims to get swift access to transitional housing. What more should Congress do to increase access to housing for domestic violence victims?**

Response: Congress can fully fund the President's FY 2022 Budget request for the Office on Violence Against Women (OVW), including increased funding levels for the STOP Violence Against Women Formula Grant Program and OVW's Transitional Housing Grant Program of \$400 million and \$80 million, respectively. The STOP Program funds both emergency shelter and transitional housing for victims of domestic violence and sexual assault at the state level. The Transitional Housing Program funds transitional housing in jurisdictions across the country

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for victims of domestic violence and sexual assault facing homelessness due to the violence committed against them, as well as a range of supportive services that enable victims to find permanent housing and economic independence.

The Department also supports Congress enacting VAWA reauthorization legislation that includes critical provisions to enhance housing protections and economic security for survivors of domestic violence and sexual assault, as described in the Statement of Administration Policy on H.R. 1620.

During my testimony I referred to two million housing nights provided under the OVW Transitional Housing Program. This figure represents bed nights provided by OVW grantees and subgrantees each year, across OVW programs including, but not limited to, the Transitional Housing Program.

3. **In December 2016, IF was referred to Sojourner House, a Rhode Island nonprofit serving victims of domestic and sexual violence, by a court advocate after her abusive husband falsely accused her of domestic assault. She was immediately identified as a victim, but her U.S. citizen husband knew of her vulnerability. Forced by him, she had overstayed her visa and was now in unlawful status, and he used this to control her and intimidate her. When she got arrested, her biggest fear came true. She could be deported and separated from her two young U.S. citizen children. The Immigration Advocacy team at Sojourner House quickly intervened, assisted IF with filing a VAWA self-petition, and got her false assault charges dismissed. Within a few months, she received a work authorization document which allowed her financial stability; two years later she became a legal permanent resident. Her oldest daughter, who is still in Brazil, was just granted her immigrant visa and she will reunite with IF in December of this year. They were apart for five years. IF and her family received free and competent legal assistance because of Sojourner House's work.**

- a. **Why is it important to ensure that immigrants like IF get access to domestic violence services and legal assistance?**

Response: The VAWA self-petition process is essential to preventing abusers from avoiding accountability simply because they hold the keys to victims' lawful immigration status. Access to the self-petitioning process, through both services and legal assistance, is critically important to protecting victims and preventing abusers from weaponizing the immigration system to control their immigrant spouses, parents, or children.

- b. **There is currently a backlog of over 160,000 applications for U visas, which are granted to victims of serious crimes like IF. Victims like IF often wait for five years on average to get a U visa. What steps is the administration taking to address this backlog?**

Responses from Deputy Attorney General Lisa Monaco to Questions for the Record

Response: The Department of Homeland Security's U.S. Citizenship and Immigration Services (USCIS) is responsible for adjudicating U visas. The Department defers to USCIS as to any administrative steps they may be taking in this area, and I note that USCIS has issued a report entitled "Humanitarian Petitions: U Visa Processing Times," available at <https://www.uscis.gov/sites/default/files/document/reports/USCIS-Humanitarian-Petitions.pdf>

Questions for the Record
From Senator John Kennedy for
Deputy Attorney General Lisa Monaco

1. Deputy Attorney General, Justice Ruth Bader Ginsburg said "the physical differences between men and women . . . are enduring." She also said "the two sexes are not fungible." Landmark legislation, such as the Violence Against Women Act, seems to be more and more vulnerable to bills that obscure its initial premise that biological women are particularly susceptible to certain crimes and therefore we needed specific legislation to address that reality.

Do you have any data that suggests biological women no longer make up the majority of victims of the type of violence the Violence Against Women Act was intended to reduce? What is that data?

Response: Congress enacted VAWA based on an extensive record, which included the reports of some 20 state court task forces on gender bias, demonstrating that "crimes disproportionately affecting women," such as rape and domestic violence, were "often treated less seriously than comparable crimes against men." S. Rep. 102-197, at 43 (1991); *see also* S. Rep. No. 103-138, at 42 (1993). While VAWA acknowledges the disproportionate impact of these crimes on women, the statute itself is largely gender neutral, and VAWA-funded grantees provide services and support for all survivors of domestic violence, dating violence, sexual assault, and stalking. And, although recent research indicates that women continue to make up the majority of victims of domestic and sexual violence, it also shows that men suffer high rates of violence.¹ Moreover, rates of domestic violence, including sexual abuse by an intimate partner, are even higher for lesbian and bisexual women and transgender people.² The original purpose of VAWA is advanced by providing services to and achieving justice for all victims.

¹ Smith, S.G., Zhang, X., Basile, K.C., Merrick, M.T., Wang, J., Kresnow, M., Chen, J., National Center for Injury Prevention and Control, Centers for Disease Control and Prevention, *The National Intimate Partner and Sexual Violence Survey (NISVS): 2015 Data Brief – Updated Release* (2018), available at <https://www.cdc.gov/violenceprevention/pdf/2015data-brief508.pdf>

² National Center for Injury Prevention and Control, Centers for Disease Control and Prevention, *NISVS: An Overview of 2010 Findings on Victimization by Sexual Orientation*, available at https://www.cdc.gov/violenceprevention/pdf/edc_nisvs_victimization_final-a.pdf; Sandy E. James, Jody L. Herman, Susan Rankin, Mara Keisling, Lisa Mottet, & Ma'ayan Anafi, The National Center for Transgender Equality, *The Report of the 2015 U.S. Transgender Survey*, (2016), available at <https://transequality.org/sites/default/files/docs/usts/USTS-Full-Report-Dec17.pdf>; Brown, T. N. T., & Herman, J. L. (2015). *Intimate partner violence and sexual abuse among LGBT people: a review of existing research*. Los Angeles, CA: The Williams Institute, available at:

Responses from Deputy Attorney General Lisa Monaco to Questions for the Record

2. Deputy Attorney General, another way this House VAWA (H.R. 1620) bill has been politicized is by Democrats tying it to the issue of gun-control. The 2nd Amendment empowers individuals and allows them to be their own first responders. More women than ever bought guns last year and this year. According to the Harvard T.H. Chan School of Public Health, women accounted for about half of all gun purchases between 2019 and 2021, and October is Domestic Violence Awareness Month.

Please keep your answer limited to the following specific question: Do you believe women should be encouraged to exercise their 2nd Amendment rights to protect themselves from crimes that disproportionately affect them and that VAWA was meant to reduce?

Response: Women, like men, have an individual right that the Supreme Court has recognized is conferred by the Second Amendment to keep and bear arms, *see District of Columbia v. Heller*, 554 U.S. 570, 595 (2008), and they may lawfully exercise that right.

October 12, 2021

Chair Dick Durbin
Senate Judiciary Committee
Washington, DC 20515

Ranking Member Chuck Grassley
Senate Judiciary Committee
Washington, DC 20515

Regarding Hearing Entitled: "Renewing and Strengthening the Violence Against Women Act"

Dear Chair Durbin and Ranking Member Grassley:

Alianza Nacional de Campesinas (National Farmworker Women's Alliance, "Alianza de Campesinas" herein) submits this statement for the record for the Senate Judiciary Committee hearing entitled, "*Renewing and Strengthening the Violence Against Women Act*", held on October 5. On behalf of the immigrant and migrant rural communities we work with, we write to urge the Senate to introduce and pass a robust Violence Against Women Act (WAVA) reauthorization.

Alianza de Campesinas is the first national farmworker women's organization in the U.S. founded and led by farmworker women, and those who hail from farmworker families. A coalition of fifteen grassroots, farmworker organizations across eleven states and the District of Columbia, Alianza de Campesinas advocates for the civil, constitutional, and human rights of our nation's nearly 800k farmworker women, and other women workers who form the backbone of our farm and food systems.

Laboring throughout our country's fields, nurseries, packing houses, and other agricultural worksites, farmworker women and girls experience domestic and sexual violence at work, in their homes, and while migrating¹. In one study, eighty percent of farmworker women reported experiencing some form of sexual violence on the job², while another study revealed that nearly one third of women farmworkers experience domestic violence³. Farmworker survivors face systemic and structural vulnerabilities that heighten their risk for sexual violence and exploitation, including geographic and social isolation, poverty, language barriers, lack of

¹ Southern Poverty Law Center. Injustice On Our Plates. (2010). Available at <https://www.splcenter.org/20101107/injustice-our-plates>.

² Oxfam America. Working in Fear, Sexual Violence Against Women Farmworkers in the United States: A Literature Review. (2014) Available at http://dcchs.washington.edu/pnasl/sites/dcchs.washington.edu/pnasl/files/documents/SH_OXFAM_lit_review2014.pdf.

³ Runge, Robin R. Failing to Address Sexual and Domestic Violence at Work: The Case of Migrant Farmworker Women. (2012). *American University Journal of Gender Social Policy and Law* 20, no. 4: 871-897, at <https://digitalcommons.wcl.american.edu/cgi/viewcontent.cgi?referer=&httpsredir=1&article=1566&context=jgspl>.

workplace rights or legal status⁴, which have only worsened during the COVID-19 pandemic and ensuing social and economic crises⁵.

It is imperative that Congress strengthen protections and supports for farmworker survivors and their families. Accordingly, Alianza de Campesinas endorses and pushes for a robust reauthorization of WAVA with enhanced protections for immigrant survivors of gender-based violence⁶. We urge the Senate to act swiftly to ensure the safety, security, and wellbeing of immigrant and migrant survivors and their families, including farm and food system workers.

Thank you for your consideration of this statement. If you have any questions, please contact María De Luna, National Policy and Advocacy Coordinator, at mariadeluna@campesinasunite.org and Mily Trevino-Sauceda, Executive Director, at mily@campesinasunite.org.

⁴ Maria L. Ontiveros, *Lessons from the Fields: Female Farmworkers and the Law*, (2003), 55 *ME L. Rev.* 171. Available at <https://core.ac.uk/download/pdf/234111097.pdf>.

⁵ Alianza Nacional de Campesinas and Rural Coalition, "Pandemic Response to Protect and Increase Resilience in the Food and Farm System". Retrieved October 2021 from https://static1.squarespace.com/static/5b2c7bebcf3725e593fb2fe/5f57fc82112373f1ac33185/1599601923092/Final_Pandemic_Response_Letter.pdf.

⁶ Alliance for Immigrant Survivors, "Sign on: Strengthen Immigration Protections in VAWA 2021". Retrieved October 2021 from <https://static1.squarespace.com/static/5b9f1d48da02bc44473c36f1/60a29583e7df7d76477bf3a8/1621267844201/105+Organizations+Support+Strengthening+Immigration+Protections+in+VAWA+2021.pdf>.

In December of 2016, IF was referred to Sojourner House by a court advocate after her abusive husband falsely accused her of domestic assault. She was immediately identified as a victim, but her U.S. citizen husband knew of her vulnerability. Forced by him, she had overstayed her visa and was now in unlawful status, and he used this to control her and intimidate her. When she got arrested, her biggest fear came true. She could be deported and separated from her two small U.S. citizen children. The Immigration Advocacy team at Sojourner House quickly intervened, assisted IF with filing a VAWA self-petition, and got her false assault charges dismissed. Within a few months, she received a work authorization document which allowed her financial stability; two years later she became a legal permanent resident. Her oldest daughter, who is still in Brazil, was just granted her immigrant visa and she will reunite with IF in December of this year. They were apart for 5 years. IF and her family received free and competent legal assistance because of Sojourner House's work.



Client Stories

The Advocacy Coordinator responded to a Helpline go out call this year. The client was the victim of a gang rape through drug facilitation. The Advocacy Coordinator was on the phone with the victim when she got a Sexual Assault Evidence Collection Kit (SAECK) done. After offering that initial support, the Advocacy Coordinator stayed in touch with the victim, as she was young and unsure of what she wanted to do (i.e., pursue criminal charges or not). Our Victim Advocacy program staff was able to connect the victim with a clinician at Day One who helped the young woman access support groups. When the Advocacy Coordinator touched base with the victim a month or so later, she stated that she had stopped going to support groups but wanted to start up again. Because of the positive rapport the Coordinator had developed with the young woman, the follow-up call encouraged the victim to go back to the groups, where she got the support she needed. Continuing to keep in touch with the victim after she submitted her SAECK helped notify the victim that one of the assailants had been arrested. After offering the victim emotional support, the Coordinator then accompanied the victim to a bail hearing just last month and was able to assist her in preparing for court should she have to speak in front of the perpetrator. The advocacy and clinical services the victim received have already made a huge difference in her healing and pursuit of justice and have kept her supported and in touch with resources that strengthened her ability to cope with her trauma and stay active with the legal case.

A teenage girl who recently came into the Human Trafficking program told the Multidisciplinary Team Coordinator how much she appreciates having her voice heard by ALL her providers and knowing she will be supported. If topics become "heated" with her father, she stated that she can count on the MDT Coordinator to help her keep in her "safe place" (during the meeting) as she talks about difficult things that have happened to her in her life. She is also comforted knowing this meeting is "for" her not just about her.

Clients come to the Law Enforcement Advocacy program in a variety of ways, but LEAs are always reaching out directly to survivors who have been victims of domestic violence and/or sexual assault and filed a report with police. LEAs are often the first voice of support victims hear after a traumatic event has occurred, reassuring them that they are safe and supported throughout the multi-faceted criminal justice process. LEAs work directly with police to support their clients during difficult statements and court appearances and to assist them in navigating an incredibly confusing and intimidating justice system that is often retraumatizing for them. Clients regularly express deep gratitude for information and resources that LEAs provide in each unique situation.



After experiencing the overwhelming feeling of having police investigating something so personal, victims will often state that without the LEA reaching out to them, they would have no idea where or who to turn to for information and resources to help them through such a difficult time in their life. The program provides a safe ear to listen, acknowledgement, and support the client needs in preparing to face challenges they are experiencing as a survivor of violence. LEAs are uniquely able to identify appropriate supports in a complex system with their specific knowledge of court processes, victim services, police procedure, criminal law statutes, and other resources available to assist victims in such varied situations.

An undocumented family came to Day One in tremendous fear of government systems. One of the children disclosed horrific sexual abuse and the other sibling witnessed the abuse. Both children came to the Children's Advocacy Center (CAC) for forensic interviews. They were terrified, deeply saddened, and confused about what was going to happen to them and their family. We conducted interviews for both children, allowing them to be seen and their voices heard by all members of our multidisciplinary team. One of our amazing Forensic Interviewers, who speaks four languages fluently, accompanied the children to their medical visit and assured them of their safety, all the while, providing constant support to the family. The same Forensic Interviewer also accompanied the police when they spoke with the parents. Keeping a consistent person as the family's point of contact, a best practice that follows our trauma-informed model of always putting the best interests of children and families first, helped to alleviate the concerns of all family members. In addition to providing advocacy, crisis intervention, and emotional support to the family, through our basic needs funding, we were able to secure resources for food and other items needed for this family. This allowed them to have some small sense of security in the immediate aftermath of the abuse. Our CAC team clinician immediately began working with both children, to allow them to fully process their many layers of trauma. Offering timely trauma-informed clinical treatment has proven to be one of the predicates for successful outcomes following disclosures of abuse. Through the CAC's swift multidisciplinary response, the perpetrator was arrested within days of the disclosure. This has protected both children and the wider community from abuse. Our collaboration with DCYF enabled us to ensure the children were safe. Our bilingual Day One clinician has provided the culturally appropriate supports the children need to begin their journey of healing. Also, key to healing and justice, the family was linked immediately to critical resources, accurate information, and updates that have allowed them to continue to keep themselves and their children safe. As told by one of our forensic interviewers, this is just one of many stories of resilience, strength, and empowerment that we are so fortunate to be a small part of a family's journey to healing and justice.

Letter from a Client of the Rhode Island Coalition Against Domestic Violence:

Dear Senator Whitehouse,

I am a single mom, an advocate and a survivor of domestic violence. As a child I also witnessed domestic violence in the home and it went undetected. In my most recent relationship I saw a lot of the same behaviors in my partner as I had from my childhood home; name calling, belittling, silent treatments and sexual abuse. While I wasn't able to recognize the abuse as it began, over time I learned that I was repeating the cycle of abuse. I knew in my heart that my children deserved a healthier version of me and I couldn't give that to them while enduring repetitive abuse.

I wasn't in a position to just walk away from my abuser, I needed help to leave. It took calling shelters for an extended period of time before finally being able to get out safely with my children. We were so fortunate to have access to the resources offered. Being in shelter allowed me time to begin finding myself, apply for housing and learn more about how to advocate for myself. Having the support from being in shelter was much more than having a roof over mine and my children's heads; it was regaining my independence, finding ways to reach out for additional support and learning about other resources available.

Before securing permanent housing my family was in transitional housing. This program allowed me to have the independence of living alone with the security of knowing we still had a direct support system. The transitional housing program gave me the stepping stone I really needed to feel secure in supporting my family on my own. Today my family is in permanent housing and continuing to grow stronger.

Each person along the way has made a lifelong impact on my family. The outpouring of support and encouragement along the way has been heartwarming. While finding a way to leave my abuser may have been achievable without the services provided, the road would have been significantly more challenging and I wouldn't have been able to access the support along the way. Not only did these services provide help for me and my children to safely leave my abuser, they also provided an added layer of security along the way. Having access to these services founded by VAWA helped me gain more strength than I would've on my own and also allowed me to not only meet the basic needs along the way, but to find myself and begin my journey to healing from the traumas I've endured.

Please do not hesitate to contact me if you have any questions.

Best,

**YWCA IS ON
A MISSION**

eliminating racism
empowering women
ywca

September 30, 2021

Dear Senator:

On behalf of YWCA USA, a network of over 200 local associations in 45 states and the District of Columbia, I write today to **urge you to swiftly introduce and pass the Violence Against Women Reauthorization Act (VAWA)**. YWCA and its network of grassroots advocates are committed and ready to support this critical reauthorization effort and look forward to working with you to strengthen support services for survivors and their children.

For over 160 years, YWCA has been on a mission to eliminate racism, empower women, and promote peace, justice, freedom, and dignity for all. In a typical year, we serve as many as 2 million women, girls and family members of all ages and backgrounds in more than 1,200 communities. As the largest network of domestic and sexual violence service providers, YWCAs remain on the front lines providing gender-based violence services — including safe and secure housing, crisis hotlines, counseling, court assistance, family justice centers, and other community and safety programs—to more than 500,000 women, children, and families each year.

Informed by our extensive history, the expertise of our nationwide network, and our collective commitment to meeting the needs of survivors and their families, we have seen first-hand the importance of maintaining protections for all survivors in the Violence Against Women Act (VAWA). During the pandemic, YWCAs who provided domestic violence shelter, sexual assault and domestic violence hotline services, and housing services have all seen increases in demand for services, many reaching maximum capacity. While we are grateful that COVID-19 legislation provided support for nonprofits, including domestic violence service providers like YWCAs, to address the urgent crisis from the field, reauthorization of VAWA coupled with financial support will be required to maintain long-term protections for survivors and their families.

We call on Congress to swiftly reauthorize VAWA to ensure the safety, resources, and protections critical to all survivors, particularly women of color and other marginalized communities. **Of particular importance, YWCA urges Members to maintain or strengthening the following areas within VAWA:**

- **Increase authorization levels for response and wrap-around services** including the Transitional Housing Assistance program, STOP Violence Against Women formula grant program, Family Justice Centers under the Improving Criminal Justice Response (ICJR) grant program, Rural Sexual Assault, Domestic Violence, Dating Violence and Stalking Assistance program, Legal Assistance for Victims (LAV) grant program, and the Sexual Assault Services Formula grant program. These are especially important during a period of increased strain on providers due to the COVID-19 pandemic;

YWCA.ORG

1400 Eye Street NW, Suite 325
Washington, DC 20005

- **Invest in prevention** through increased funding for programs such as the Consolidated Youth grants engaging men and boys as allies and addressing children exposed to violence and trauma with specialized services;
- **Close loopholes** by improving enforcement of current federal domestic violence-related firearms laws and close loopholes to reduce firearm-involved abuse and intimate partner homicide;
- **Increase funding for culturally-specific service providers** through set-asides in formula funding streams, such as the STOP program, and increase authorization levels to hold current providers harmless;
- **Improve the economic security of survivors** by improving eligibility for unemployment insurance, strengthening protections against discrimination in employment based on survivor status, and increase education on economic abuse and economic security related to survivors.

As identified in [YWCA's Legislative Priorities for the 117th Congress](#), YWCA is committed to the introduction and swift passage of the Violence Against Women Reauthorization Act. Immediate action is also needed as the COVID-19 pandemic prolongs the strain on resources and the demand for assistance continues to rise with this silent epidemic. We welcome the opportunity to work with you to maintain and strengthen critical protections for survivors in the Violence Against Women Act.

Thank you for your time and consideration. Please contact Pam Yuen, YWCA USA Director of Government Relations, at pyuen@ywca.org or 202-559-7022 if you have any questions.

Sincerely,



Elisha Rhodes
Interim CEO and Chief Operating Officer

Statement of Senator Dianne Feinstein
U.S. Senate Committee on the Judiciary
Hearing on “Renewing and Strengthening the *Violence Against Women Act*”
October 5, 2021

I’d like to thank Chairman Durbin for holding this Judiciary Committee hearing today to discuss a very important topic: renewing and strengthening the *Violence Against Women Act*. Reauthorizing the *Violence Against Women Act* is critically important to protecting and supporting the survivors of domestic violence.

Thanks to the leadership of Senator Ernst and Chair Durbin—with whom I have been working to negotiate a bipartisan agreement to reauthorize the *Violence Against Women Act*—we have made significant progress over the last Congress. I am hopeful that we will soon be able to introduce a strong, bipartisan *Violence Against Women Act* reauthorization that will have the votes needed to pass the Senate.

The *Violence Against Women Act* is not a Democratic bill or a Republican bill—it is a survivors’ bill. This bill has been crafted by survivors and their advocates who have dedicated their lives to supporting survivors and ending the heinous crime of domestic violence.

Over the last nearly 30 years, the *Violence Against Women Act* has played an important role in the federal response to domestic violence. The original *Violence Against Women Act* was signed into law in 1994, shortly after I joined the Senate. I have proudly supported every bipartisan reauthorization of the *Violence Against Women Act* since then, most recently in 2013 by a bipartisan vote of 78-22.

Despite the progress that has been made over the last three decades, sexual, emotional, and physical abuse are still painful realities for far too many Americans. More than one in three women experience rape, physical violence, or stalking by an intimate partner in their lifetime. Nationwide, an average of three women are killed each day by a current or former intimate partner—many of these crimes involving the use of a firearm. According to the National Network to End Domestic Violence, in a single day in 2020, 76,525 domestic violence survivors received the resources they needed thanks to programs funded and supported by the *Violence Against Women Act*.

These programs are necessary and they need to be continually updated to meet the need. On March 17, 2021, the House passed a bipartisan *Violence Against Women Act* bill by a vote of 244-172. This bipartisan passage included the votes of 29 Republican House members.

Now it is the Senate's turn to act. We must reauthorize the *Violence Against Women Act* to preserve the advancements made when the law was last reauthorized in 2013 and to make meaningful improvements to the law that reflect the impact domestic violence has on our communities.

Our bipartisan group in the Senate has been working since House passage in March to reach consensus on some of the needed updates to the law. These include the need to keep guns out of the hands of domestic abusers, the need to ensure that LGBT survivors of domestic violence receive the community-specific support they need, and the need to protect against domestic violence that occurs on tribal lands. I am optimistic that we will achieve a bipartisan consensus on each of these critical issues.

Survivors deserve action from this body. This week, I am introducing—along with my colleagues Senator Murkowski, Senator Durbin, and Senator Ernst—a resolution recognizing the month of October as National Domestic Violence Awareness Month. As this bipartisan resolution demonstrates, the prevention of domestic violence is not a partisan issue. And we must continue to work together in a bipartisan manner to reauthorize the *Violence Against Women Act*.

I want to thank Deputy Attorney General Lisa Monaco for joining the Committee today, and for the continued help of the Department of Justice as we have worked to draft a new reauthorization.

I thank Chair Durbin for holding this hearing and for his partnership in reauthorizing this important legislation.

PRESS RELEASE

Justice Department Addresses Violent Threats Against School Officials and Teachers

Monday, October 4, 2021

Share

For Immediate Release

Office of Public Affairs

Citing an increase in harassment, intimidation and threats of violence against school board members, teachers and workers in our nation's public schools, today Attorney General Merrick B. Garland directed the FBI and U.S. Attorneys' Offices to meet in the next 30 days with federal, state, Tribal, territorial and local law enforcement leaders to discuss strategies for addressing this disturbing trend. These sessions will open dedicated lines of communication for threat reporting, assessment and response by law enforcement.

"Threats against public servants are not only illegal, they run counter to our nation's core values," wrote Attorney General Garland. "Those who dedicate their time and energy to ensuring that our children receive a proper education in a safe environment deserve to be able to do their work without fear for their safety."

According to the Attorney General's [memorandum](#), the Justice Department will launch a series of additional efforts in the coming days designed to address the rise in criminal conduct directed toward school personnel. Those efforts are expected to include the creation of a task force, consisting of representatives from the department's Criminal Division, National Security Division, Civil Rights Division, the Executive Office for U.S. Attorneys, the FBI, the Community Relations Service and the Office of Justice Programs, to determine how federal enforcement tools can be used to prosecute these crimes, and ways to assist state, Tribal, territorial and local law enforcement where threats of violence may not constitute federal crimes.

The Justice Department will also create specialized training and guidance for local school boards and school administrators. This training will help school board members and other potential victims understand the type of behavior that constitutes threats, how to report threatening conduct to the appropriate law enforcement agencies, and

how to capture and preserve evidence of threatening conduct to aid in the investigation and prosecution of these crimes.

Threats of violence against school board members, officials, and workers in our nation's public schools can be reported by the public to the FBI's National Threat Operations Center (NTOC) via its national tip line (1-800-CALL-FBI) and online through the FBI website (<http://fbi.gov/tips>). To ensure that threats are communicated to the appropriate authorities, NTOC will direct credible threats to FBI field offices, for coordination with the U.S. Attorney's Office and law enforcement partners as appropriate. Reporting threats of violence through NTOC will help the federal government identify increased threats in specific jurisdictions as well as coordinated widespread efforts to intimidate educators and education workers.

Updated October 4, 2021

Component

[Office of the Attorney General](#)

Press Release Number: 21-960



Office of the Attorney General
Washington, D. C. 20530

October 4, 2021

MEMORANDUM FOR DIRECTOR, FEDERAL BUREAU OF INVESTIGATION
DIRECTOR, EXECUTIVE OFFICE FOR U.S. ATTORNEYS
ASSISTANT ATTORNEY GENERAL, CRIMINAL DIVISION
UNITED STATES ATTORNEYS

FROM: THE ATTORNEY GENERAL. *Memo Carlini*
SUBJECT: PARTNERSHIP AMONG FEDERAL, STATE, LOCAL, TRIBAL,
AND TERRITORIAL LAW ENFORCEMENT TO ADDRESS
THREATS AGAINST SCHOOL ADMINISTRATORS, BOARD
MEMBERS, TEACHERS, AND STAFF

In recent months, there has been a disturbing spike in harassment, intimidation, and threats of violence against school administrators, board members, teachers, and staff who participate in the vital work of running our nation's public schools. While spirited debate about policy matters is protected under our Constitution, that protection does not extend to threats of violence or efforts to intimidate individuals based on their views.

Threats against public servants are not only illegal, they run counter to our nation's core values. Those who dedicate their time and energy to ensuring that our children receive a proper education in a safe environment deserve to be able to do their work without fear for their safety.

The Department takes these incidents seriously and is committed to using its authority and resources to discourage these threats, identify them when they occur, and prosecute them when appropriate. In the coming days, the Department will announce a series of measures designed to address the rise in criminal conduct directed toward school personnel.

Coordination and partnership with local law enforcement is critical to implementing these measures for the benefit of our nation's nearly 14,000 public school districts. To this end, I am directing the Federal Bureau of Investigation, working with each United States Attorney, to convene meetings with federal, state, local, Tribal, and territorial leaders in each federal judicial district within 30 days of the issuance of this memorandum. These meetings will facilitate the discussion of strategies for addressing threats against school administrators, board members, teachers, and staff, and will open dedicated lines of communication for threat reporting, assessment, and response.

The Department is steadfast in its commitment to protect all people in the United States from violence, threats of violence, and other forms of intimidation and harassment.