women safe to be well funded. I want the advocates of change to have the resources to turn victims into victors. I want law enforcement officers and prosecutors to have the tools to impose justice on behalf of my son and other women and children. It is not just theory, it is personal to me.

While I support the Violence Against Women Act because it is personal, I support this amendment because it is principled. Our Constitution in its genius established a due process devices to the accused. The concept of "innocent until proven guilty" is known as the cornerstone of American justice. It is what gives moral authority to our system of justice.

By codifying the language acknowledging "inherent sovereignty," I fear we are giving the moral high ground for a political slogan that does nothing to protect the victims of violence.

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Even if you are willing to rationalize trading justice through due process guaranteed by the 5th and 14th Amendment that we are asked to uphold, please consider the damage we will have done if a court overturns this Act and its protections because we waters down political slogan more than a good law.

Friends, let's vote for the Violence Against Women Act that not only protects the vulnerable in our society, but also protects the civil liberties upon which our system of justice is built.

Ms. PELOSI. Madam Speaker, I yield 1 minute to the gentlewoman from Wisconsin, the champion on fighting violence against women, Congresswoman MOORE.

Ms. MOORE. Madam Speaker, as I stand under the E pluribus Unum, I pray that this bill will do as the Senate has done and come together as one to protect all women from violence.

As I think about the LGBT victims that we have had in tribal lands that are not here, the immigrants who are not included in this bill, I would say, as Sojourner Truth would say, Ain't they women? They deserve protection. Let's talk about the constitutional rights. Don't women on tribal lands deserve the constitutional right of equal protection and not be raped and battered and beaten and dragged back onto native lands because they know they can be raped with impunity? Ain't they women?

Once again we stand at an important moment in history, when the House is poised to choose between the Republican "alternative" to the Violence Against Women Reauthorization Act and the bipartisan, comprehensive Senate bill.

We are faced with the reality that VAWA is the Senate bill that will take positive steps towards ensuring the safety of all women. We can choose the House GOP VAWS bill. Now this bill may look good on the House of Representatives and the Senate bill number as the Senate bill. But it is really a wolf in sheep's clothing and would exclude victims and weaken the strong bipartisan Senate bill.

The choice is ours to make, and the choice is clear. It pains me to say that House Republicans took the Senate bill, which received such a strong bipartisan vote supporting the winner of all Democrats, all female Senators, and a majority of Republicans and transformed it into something near unrecognizable.

I have been a proud sponsor of the House version of the Senate bill H.R. 11 and it has truly been rewarding to work to advance this legislation in the House. This bill reflects years upon years of analysis and best practices, and input from law enforcement, victims, service providers, and many more.

But beyond the updates that have been recommended by the executive, the Senate bill is meaningful to me because of the people it will allow us to reach. I know how it feels to survive a traumatic experience and not have access to services. It's simply heartbreaking to think that every day we delay, there are women, and men, across this country who have nowhere to turn.

The Senate version of the VAWA bill, which we will thankfully have the opportunity to consider on the House floor today, would be the one that actually offers hope to LGBT victims, tribal victims, women on college campuses, immigrants, and trafficking victims.

The Republican alternative, on the other hand, is a shadow of the bill those victims need.

I have a number of concerns about the House alternative. Several of the advocacy groups have determined that this legislation rolls back existing protections for victims, much like the bill we considered last year here in the House.

But I am also concerned about the reality that this House bill further marginalizes the most vulnerable populations of victims, it amazes me, that my Republican colleagues would rather be exclusive than inclusive.

The House bill removes protections for LGBT victims, who face domestic and sexual violence at rates equal to or greater than the rest of us, but who often face barriers to receiving services. Are LGBT women not worthy of protection?

The House bill fails to offer meaningful protections for tribal victims, though domestic violence in tribal communities is an epidemic. Are tribal women not worthy of protection?

The House bill does not include protections for our university campuses. Though we know that college campuses are supposed to be the site of learning and transformation and personal growth are all too often the scene of horrifying assaults against vulnerable women on our nation's college campuses. Women students not worthy of protection?

The House bill removes the human trafficking legislation that passed with the support of a wide coalition of advocates, though we are unwilling to protect our women who are being sold throughout this country and abroad like chattel? Are they not worthy of protection?

The House bill is weaker in almost every way, for tribal victims, women on our campuses. They were pared down the pieces that have not garnered much attention, perhaps assuming we wouldn't notice like the housing protections that allow victims of violence to quickly get out of mandatory no-evictions that keep them safe from further abuse and harm.

Implementing the House GOP VAWA bill would set the plight of women and our country as a whole back indefinitely. But we have a choice and the right choice would be to support the strong, bipartisan Senate version of VAWA S. 47.

S. 47, the Senate bill. The Senate bill.

Rewrites successful programs such as STOP Violence to Grant and Transitional Living Assistance Grants, legal assistance for victims, and many others that have helped law enforcement, prosecutors, and victim service providers assist women in need and hold perpetrators accountable.

Includes a new focus on sexual assault due to the ongoing reality of inadequate reporting, enforcement, and services for victims. Including a requirement that STOP Grant recipients set aside 20 percent of their funds for sexual assault-related programs.

Includes new tools and best practices for reducing homicides by training law enforcement, victims service providers, and court personnel to intervene more effectively and quickly when they connect with higher-risk victims.

And, of course, the bill improves protections for immigrant survivors. Native American women, and LGBT victims.

As we have debated this bill over the past year, so I have felt the reality that life is hard in the red zone. Some alternate reality, where the passage of a bill; a bill that is supposed to protect all women; a bill that not too long ago would just seem like common sense, a bill that has previously enjoyed broad support would be held up and watered down for purely partisan reasons. I found myself asking, when will it end?

The answer to that question is that it ends today. Right now. It is time to put up or shut up. On behalf of all victims and survivors of sexual or domestic assault, I challenge all of my colleagues to make the right choice, to do all that we all know that the Senate bill is the real comprehensive Violence Against Women Legislation that will protect all women. And we must vote against the House GOP VAWA and pass the Senate version of VAWA now. Women won't wait any longer. Now is the time to show the people of this country that we value the lives of all women.

Section 904 of S. 47 is constitutional under the Supreme Court's precedent in United States v. Laka.

Based upon hearing before the Senate Committee on Indian Affairs for 1998 responses to questions for the record of Thomas J. Ferrelli, Associate Attorney General.

Section 904 of S. 47, the Senate-passed version of the Violence Against Women Reauthorization Act of 2013. Is constitutional under the U.S. Supreme Court's precedent in United States v. Laka, 541 U.S. 193 (2004). In Laka, the Supreme Court addressed a Federal statute providing that Indian tribes' governmental powers include the inherent power of Indian tribes, hereby recognized and affirmed, to exercise criminal jurisdiction over all Indians, including all Indians who are members of the tribe exercising such jurisdiction, and to exercise such criminal jurisdiction over all nonmembers of the tribe exercising such jurisdiction.

Specifically, Section 904 of the Senate bill provides that a 'tribe's governmental powers

- Congressional Record H737
- February 28, 2013
"Inclined the inherent power of that tribe, which is hereby recognized and affirmed, to exercise special domestic violence criminal jurisdiction over all persons, including non-indians, who have entered into consensual relationships with the tribe or its members, and who reside in the tribe's land." 

The Court's conclusion that Congress did indeed have this power under the Federal Constitution rested on five considerations, all of which applied to Section 404 of the Senate bill as well:

(1) The Constitution grants Congress broad general powers to legislate in respect to Indian tribes." id. at 201.

(2) Congress, with this Court's approval, has interpreted the Constitution's "plenary" grants of power as authorizing it to enact legislation that both restricts and, in turn, releases those restrictions on tribal sovereign authority." id. at 202.

(3) "Congress' statutory goal to modify the degree of autonomy enjoyed by a dependent sovereign that is not a State is not an 'unusual legislative objective,'" id. at 203.

(4) "There is no explicit language in the Constitution that prevents Congress' institutional authority to relax restrictions on tribal sovereignty previously imposed by the political branches," id. at 201.

(5) "The change at issue here is a limited one concerning a tribe's authority to control events that occur on the tribe's own land," id. and

(6) The Court's conclusion that Congress has the power to relax the restrictions imposed by the political branches on the tribes' inherent prosecutorial authority is consistent with the Supreme Court's earlier cases," id. at 205.

Each of these six considerations also applies to Section 404 of the Senate bill. That is self-evident for the first four of those six considerations.

As to the fifth consideration, like the statute at issue in Loya, Section 404 of the Senate bill would effectively limit a tribe's criminal jurisdiction in a manner that would not affect its power to exercise and enforce its laws over non-Indians. Unlike in Loya, where the words of the statute were not constrained to those of the tribe's inherent powers, this section would not deprive the tribe of its inherent power of self-government, but it would limit the tribe's power to exercise criminal jurisdiction over non-Indians. See United States v. Loya, 54 U.S. 191 (1851).

In federal criminal law, the inherent power of a tribe to exercise criminal jurisdiction over non-Indians, however, is not unlimited. Congress has the power to modify or adjust the tribe's inherent power of self-government. The Court, therefore, has the power to relax the restrictions imposed by the political branches on the tribes' inherent prosecutorial authority.

As the Court has explained, the Tribe Act "does not set forth constitutional limits that prohibit Congress from changing the relevant legal circumstances, i.e., from taking actions that modify or adjust the inherent powers of the tribes." 54 U.S. at 205 (citing Oliphant v. Suquamish Tribe, 435 U.S. 191 (1978)).

In this case, the Tribe Act does not deprive the tribe of its inherent power to exercise criminal jurisdiction over non-Indians. The Tribe Act would not alter the Tribe's inherent power of self-government, but it would limit the tribe's power to exercise criminal jurisdiction over non-Indians.

Finally, as a matter of law, Congress has the power to limit a tribe's inherent power of self-government. The Court, therefore, has the power to relax the restrictions imposed by the political branches on the tribes' inherent prosecutorial authority.

In conclusion, Section 404 of the Senate bill does not deprive the tribe of its inherent power to exercise and enforce its laws over non-Indians. The Court, therefore, has the power to relax the restrictions imposed by the political branches on the tribes' inherent prosecutorial authority.
February 28, 2013

CONGRESSIONAL RECORD

HOUSE

entered into treaty with Indian tribes between 1785 and 1795 that is, both immediately before and immediately after the drafting and ratification of the Constitution expressly provided for tribal criminal jurisdiction over non-Indian crimes. For example, the very first Indian treaty ratified by the United States Senate under the Federal Constitution—Treaty with the Wyandot, Delawares, Ottawa, Chippewa, Potawatomis, and Sac Nations provided that, 'if any person or persons, citizens or subject of any state, or any other person not being an Indian, shall presume to settle upon the lands ceded to the said Indian tribal nations, he and they shall be out of the protection of the United States; and the said Nations may punish him or them in such manner as they see fit' (emphasis added). Similar language appeared in the last Indian treaty ratified before the Constitutional Convention the 1793 Treaty with the Shawnee Nation. It is difficult, then, to say that allowing non-Indian citizens of the United States to be tried and punished by Indian tribal courts in their states as domestic dependent nations does not present Congress with recognizing their inherent authority to prosecute non-Indian citizens as ensconced in our constitutional history. And with Congress's express authorization, an Indian tribe can prosecute a non-Indian citizen, regardless of whether he has consented to the tribe's jurisdiction.

It is important to note that while the elements of Section 904 discussed above are more than sufficient to address the considerations raised by the Lujan Court, we do not believe that each of these elements is required in order to address these considerations.

Mrs. McMorris Rodgers. Madam Speaker, I yield 2 minutes to the gentleman from Pennsylvania, Pat Meehan, a champion in prosecuting those in domestic violence situations.

Mr. Meehan. Madam Speaker, I rise to encourage my colleagues from both sides of the aisle to put aside this rhetoric and to find a way to work together to pass the Violence Against Women Act, to move this important legislation forward in a way in which we can reach a resolution.

I come to this as a former prosecutor who has seen firsthand the implications of this Act. I have seen the courage it takes for someone who do not have an opportunity to speak for themselves. Because one of the things that we realize is that a woman will be victimized 12 times before she has the courage to come forward to speak to somebody who needs to be there, to be able to help give them a sense of comfort and dignity in the context of the circumstances. The Violence Against Women Act enables the kinds of resources to be there to have the trained personnel who can make a difference.

I had a chance to visit SANE nurses, who work in emergency wards, giving victims of rape the dignity to be able to have an examination in the privacy of their home. I am pleased to bring you this bill, which is so long overdue and necessary. In West Virginia, every 9 minutes, a call is made about domestic violence on the domestic violence hotline. I'm really here, too, to talk about an incident that we never want to see happen again, and that's a little boy named Jahlil Clements, who was from my hometown of Charleston, West Virginia. He was in a car with his mother and his mother's boyfriend. And his mother's boyfriend began beating his mother. And he got so afraid, and the car stopped on the interstate, that Jahlil got out of that car and started running across the interstate to get help for his mother. He was hit and killed in the interstate because he was witnessing firsthand one of the most horrible acts of domestic violence. His mother was in danger and he wanted to help her.

If we don't intervene, if we don't find help, if we don't end this cycle of violence for the Jahlil Clements of this world, we're doing nothing for our country. So I'm going to vote 'no' on the House bill and 'yes' on the Senate bill for Jahlil Clements and all the Jahlil Clements throughout this great country.

Mrs. Pelosi. Madam Speaker, I yield 1 minute to the distinguished chair of the House Democratic Caucus, Mr. Becerra of California.

Mr. Becerra. I thank the leader for yielding.

In America, every single day in America, three women die at the hands of domestic violence. Yet this Congress allowed the Violence Against Women Act to expire more than 500 days ago, even as one of those 300 days three women were dying at the hands of domestic violence.

There's been a balanced bipartisan solution passed in the Senate by a vote of 88 to 3 that has been sitting on the table for almost a year to reenact the Violence Against Women Act. The failure of this Congress to pass a balanced bipartisan solution is a bias against the American people, and it is the American people who deserve it. Mr. Speaker, it is the American people who deserve a balanced bipartisan solution. As a result of this, I am voting 'no' on the House bill and 'yes' on the bipartisan Senate bill.

Mrs. McMorris Rodgers. Madam Speaker, I rise today to support the reauthorization of the Violence Against Women Act.