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 theoretical to me. It's personal to me.

While I support the Violence Against Women Act because it is personal, I support this amendment because it's principled. Our Constitution in its genius guarantees due process due process 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 risk giving up the moral high ground for a political slogan that does nothing to protect the victims of violence.

□ 0930

Even if you are willing to rationalize trading justice through due process guaranteed in the 5th and 14th Amendments of our Constitution we pledged to uphold, please consider the damage we will have done if a court overturns this act and its protections because we wanted a good 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 body 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 are not here, the native women 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 protections. And we talk about the constitutional rights. Don't women on tribal lands deserve the constitutional right of equal protection and not to 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 stands poised to choose between the Republican "alternative" to the Violence Against Women Reauthorization Act and the bipartisan, comprehensive Senate bill.

We can choose the real VAWA which is the Senate bill that will take positive steps towards ensuring the safety of all women. Or we can choose the House GOP VAWA bill. Now this bill may look good on the surface, bearing the same 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 winning the support of all Democrats, all female Senators, and a majority of Republicans and transformed it into something nearly 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 experts 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 is simply heart-breaking 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, rape survivors waiting for justice, and human trafficking victims.

The Republican alternative, on the other hand, is a shadow of the bill these 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'm 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 students on college campuses, though we know that college campuses which are supposed to be the site of learning and transformation and personal growth are all too often the site of horrifying assaults against vulnerable young women. Are our young college women students not worthy of protection?

The House bill removes the human trafficking legislation that passed with the support of a whopping 93 Senators. Are we 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 every group of victims. They even pared down the pieces that have not gained much attention, perhaps assuming we wouldn't notice like the housing protections that allow victims of violence to quickly get out of dangerous homes and into homes that will 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:

Renews successful programs such as STOP Grants and Transitional Housing 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 homicide 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 or so, I have felt like I was in the Twilight 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 bipartisan 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. 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.

WHY SECTION 904 OF S. 47 IS CONSTITUTIONAL UNDER THE SUPREME COURT'S PRECEDENT IN UNITED STATES V. LARA

BASED UPON HEARING BEFORE THE SENATE COMMITTEE ON INDIAN AFFAIRS, S. HRG. 112 489, AT 129 34(2011) (RESPONSES TO QUESTIONS FOR THE RECORD OF THOMAS J. PERRELLI, 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. Lara, 541 U.S. 193 (2004). In Lara, 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 Indians who are not members of the prosecuting tribe (i.e., "nonmember Indians"). Id. at 210 (appendix, quoting the statute). The Court held generally that Congress has the constitutional power to relax restrictions on the exercise of tribes' inherent legal authority, id. at 196, and more specifically that "the Constitution authorizes Congress to permit tribes, as an exercise of their inherent tribal authority, to prosecute nonmember Indians," id. at 210.

The Senate VAWA reauthorization bill, S. 47, uses language that is nearly identical to the statutory language at issue in Lara: Specifically, Section 904 of the Senate bill provides that a tribe's governmental powers

"include 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. As Lara strongly suggests, Congress has the constitutional authority to enact this statute.

The central question raised in Lara was whether Congress has the constitutional power to recognize Indian tribes' "inherent" authority to prosecute nonmembers. The Court's conclusion that Congress did indeed have this power under the Federal Constitution rested on six considerations, all of which apply to Section 904 of the Senate bill as well:

(1) "the Constitution grants Congress broad general powers to legislate in respect to Indian tribes," id. at 200;

(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, relaxes 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 suggesting a limitation on Congress' institutional authority to relax restrictions on tribal sovereignty previously imposed by the political branches," id. at 204;

(5) "the change at issue here is a limited one, . . . [largely concerning] a tribe's authority to control events that occur upon 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 904 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 Lara, Section 904 of the Senate bill would effectuate only a limited change. Section 904 would touch only those criminal acts that occur in the Indian country of the prosecuting tribe and therefore would not cover off-reservation crimes. Section 904 would affect only those crimes that have Indian victims. Tribal courts could not try cases involving only non-Indians. Unlike the statute at issue in Lara, which covered all types of crimes, Section 904 is narrowly focused on a particular subset of crimes: those involving domestic violence, crimes of dating violence, and criminal violations of protection orders. The term "domestic violence" is expressly defined in Section 904 to deal with violence committed by the victim's current or former spouse, by a person with whom the victim shares a child in common, or by a person who is cohabiting or has cohabited with the victim as a spouse. Similarly, Section 904 expressly defines the term "dating violence" to mean violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim, as determined by the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. Likewise, protection orders typically involve spouses or intimate partners.

In combination, these three features of Section 904 being limited to narrow categories of crimes such as domestic violence and dating violence, the requirement that the crime occurred in the prosecuting tribe's Indian country, and the requirement that the victim be an Indian will confine prosecutions to conduct that seriously threatens Indians' health and welfare and is committed by persons who, though non-Indian, have entered into consensual relationships with the tribe or its members. The paradigmatic example of a crime covered by Section 904 would be an assault by a non-Indian husband against his Indian wife in their home on the reservation. Section 904 would not cover crimes involving two non-Indians, two strangers, or two persons who lack ties to the Indian tribe.

Section 904 is also limited in its impact on non-tribal jurisdictions. Under Section 904, tribes would exercise criminal jurisdiction concurrently, not exclusively. The Act would not create or eliminate any Federal or State criminal jurisdiction over Indian country. Nor would it affect the authority of the United States or any State to investigate and prosecute crimes in Indian country.

In most respects, then, Section 904 of the Senate bill is far narrower than the statute upheld by the Supreme Court in Lara.

As to the sixth consideration analyzed by the Lara Court, concerning the Supreme Court's precedents, it is noteworthy that in Oliphant v. Suquamish Indian Tribe, 435 U.S. 191 (1978), the key precedent here, the Court suggested that Congress has the constitutional authority to recognize and thus restore Indian tribes' inherent power to exercise criminal jurisdiction over non-Indians. Id. at 195 & n.6, 210-12. Indeed, the Oliphant Court expressly stated that the increasing sophistication of tribal court systems, the Indian Civil Rights Act's protection of defendants' procedural rights, and the prevalence of non-Indian crime in Indian country are all "considerations for Congress to weigh in deciding whether Indian tribes should finally be authorized to try non-Indians." Id. at 212.

As the Lara Court explained, the Oliphant decision "did not set forth constitutional limits that prohibit Congress from changing the relevant legal circumstances, i.e., from taking actions that modify or adjust the tribes' status." Lara, 541 U.S. at 205 (citing Oliphant, 435 U.S. at 209-10). Oliphant "make[s] clear that the Constitution does not dictate the metes and bounds of tribal autonomy," and the Federal courts should not "second-guess the political branches' own determinations" about those metes and bounds. Id. In short, under both Oliphant and Lara, it is constitutional for "Congress to change 'judicially made' federal Indian law through [the] kind of legislation" that the Senate is currently considering. Id. at 207.

After analyzing the six considerations listed above and concluding that Congress can recognize tribes' inherent authority to prosecute nonmembers, the Court responded to three ancillary arguments that Mr. Lara had raised. Each of those arguments is also well addressed by Section 904 of the Senate bill.

First, Mr. Lara argued that the Indian Civil Rights Act does not protect an indigent defendant's constitutional right to appointed counsel in cases imposing a term of imprisonment. Id. at 207. But under the Senate bill, in any case in which a term of imprisonment of any length may be imposed, the tribe must provide to an indigent defendant at the tribe's expense the effective assistance of a licensed defense attorney at least equal to that guaranteed by the United States Constitution.

Second, Mr. Lara argued that the statute at issue there made "all Indians" subject to tribal prosecution while excluding all non-Indians, which he claimed violated the Equal Protection Clause. The Court did not address the argument because it would not have altered the outcome of Mr. Lara's case. But in any event, no such argument could be made against Section 904 of the Senate bill, because Section 904 recognizes tribes' "inherent power . . . to exercise special domestic violence criminal jurisdiction over all persons" (emphasis added). So the plain text of this legislation, unlike the statute at issue in Lara, does not distinguish nonmember Indians from non-Indians.

Third, Mr. Lara argued that United States citizens cannot be tried and convicted by a political body that does not include them unless the citizens are provided all Federal constitutional safeguards. This, too, is addressed in the Senate bill. Under Section 904, a non-Indian citizen of the United States would effectively have at least the same rights in tribal court that he would have in state court. For example, in any case involving imprisonment, the following rights would all be protected:

The right not to be deprived of liberty or property without due process of law.

The right to the equal protection of the tribe's laws.

The right against unreasonable search and seizures.

The right not to be twice put in jeopardy for the same tribal offense.

The right not to be compelled to testify against oneself in a criminal case.

The right to a speedy and public trial.

The right to a trial by a jury of not fewer than six persons.

The right to a trial by an impartial jury that is drawn from sources that reflect a fair cross-section of the community and do not systematically exclude any distinctive group in the community, including non-Indians.

The right to be informed of the nature and cause of the accusation in a criminal case.

The right to be confronted with adverse witnesses.

The right to compulsory process for obtaining witnesses in one's favor.

The right to have the assistance of defense counsel.

The right to effective assistance of counsel at least equal to that guaranteed by the United States Constitution.

The right of an indigent defendant to the assistance of a licensed defense attorney at the tribe's expense.

The right to be tried before a judge with sufficient legal training and who is licensed to practice law.

The rights against excessive bail, excessive fines, and cruel and unusual punishments.

The right to access the tribe's criminal laws, rules of evidence, and rules of criminal procedure.

The right to an audio or other recording of the trial proceeding and a record of other criminal proceedings.

The right to petition a Federal court for a writ of habeas corpus, to challenge the legality of one's detention by the tribe.

The right to petition a Federal court to be released pending resolution of the habeas corpus petition.

Finally, one last constitutional concern was aired in Lara, although it was not discussed in the Court's majority opinion. Writing only for himself, Justice Kennedy suggested that the Constitution's structure, based as it is on "a theory of original, and continuing, consent of the governed," forbids a tribe from prosecuting any U.S. citizen who never consented to be subjected to the tribe's jurisdiction. Lara, 541 U.S. at 212 (Kennedy, J., concurring in the judgment). Of course, the majority of the Court in Lara, including Chief Justice Rehnquist, who wrote the Court's opinion in Oliphant, implicitly rejected Justice Kennedy's view, since Mr. Lara himself was a U.S. citizen who had never consented to be subjected to the jurisdiction of the tribe that prosecuted him. Id.

Moreover, the majority correctly rejected Justice Kennedy's originalist argument because most treaties that the United States

entered into 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-Indians residing in Indian country. For example, the very first Indian treaty ratified by the United States Senate under the Federal Constitution the 1789 Treaty with the Wyandot, Delaware, Ottawa, Chippewa, Potawatomi, and Sac Nations provided that, ''[i]f any person or persons, citizens or subjects of the United States, or any other person not being an Indian, shall presume to settle upon the lands confirmed 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 1786 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 tribes for crimes committed in Indian country is somehow contrary to the Framers' understanding of the Constitution's design. Thus, the Lara Court's holding that Indian tribes' status as domestic dependent nations does not prevent Congress from recognizing their inherent authority to prosecute nonmembers is solidly grounded in our constitutional history. And with Congress's express authorization, an Indian tribe can prosecute a non-Indian U.S. 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 Lara Court, we do not mean to suggest 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. I come to give a voice to people 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, beaten 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 to be able to retain control over 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 a room, as opposed to being violated a second time out in a public space in an emergency ward, to reduce the time they have to spend for that examination from 13 hours after a rape to 2 hours, to be able to collect the evidence and to help that victim to be able to make their case if they so choose in court.

I have had a chance to work with victims of violence on college campuses one in four women who have, in college campuses, reported that they have been victims of rape or attempted rape.

So, unquestionably, we must find a way to pass the Violence Against Women Act in the same way we must reduce the rhetoric and the misrepresentations and the shamefulness representations on both sides about the good intentions to try to do this. There are differences of opinion in small areas. We must find a way to get over those. I rise today to make sure that we give a voice to those victims, to work together to find a way to pass the Violence Against Women Act.

Ms PELOSI. Madam Speaker, I yield 1 minute to the gentlewoman from Washington State, Congresswoman DELBENE.

Ms. DELBENE. Madam Speaker, I rise in support of S. 47, the Senate-passed version of the Violence Against Women Reauthorization Act. I want to thank the Speaker for bringing this bill to the floor for debate.

In a time when we must resolve some real disagreements on how to move our country forward, I'm pleased that we're taking this important step towards the shared goal of reauthorizing the landmark Violence Against Women Act. However, I cannot support the House substitute amendment, because it fails to include critical improvements passed by a large bipartisan margin in the Senate that would strengthen our efforts to combat violence against women.

I'm particularly disappointed that this amendment omits provisions that would enable tribes to address domestic violence in Indian country. This is an issue that's critical in my district. The Lummi Nation, for example, which I visited just last week in Bellingham, Washington, has seen significant increases in violence against women over the past several years. The House substitute would continue to allow for disparate treatment of Indian and non-Indian offenders, while the bipartisan Senate bill includes key provisions that fill this legal gap.

There are many other ways in which the House substitute amendment unfortunately falls short.

For these reasons, I urge my colleagues to oppose the substitute amendment and support the Senate-passed reauthorization bill.

Mrs. MCMORRIS RODGERS. Madam Speaker, I am pleased to yield 2 minutes to the gentlelady from West Virginia (Mrs. CAPITO).

Mrs. CAPITO. Thank you, Madam Chair.

Madam Speaker, I rise today to support the reauthorization of VAWA, Violence Against Women Act. This is extremely important.

I was a past president of a YWCA that has a domestic violence shelter in my hometown of Charleston, West Virginia. I have witnessed firsthand the good work that they do and that other statewide advocates do in this area of sexual assault and violence against women, and I realize that this is way long overdue and necessary. In West Virginia, every 9 minutes a call is made about our 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 country, we're doing a great disservice to 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.

Ms. 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.

My friends, 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, every one of those 500 days three women dying at the hands of domestic violence.

There's been a balanced bipartisan solution passed in the Senate by a vote of 68 31 that has been sitting on the table for almost a year to reenact the Violence Against Women Act. The failure or reluctance of this House to do its work for the American people seems to have now become business as usual. This should not be the new normal.

The 113th Congress has now been in session for 56 days in 2013, and it is only now that a debate on an up or down vote on the bipartisan Senate bill will have an opportunity to be had.

Every woman in America deserves a clean bill to come before them to reenact the Violence Against Women Act, and those three women in America who today desperately seek to beat the odds and live to see another day deserve a vote. We must defeat the Republican substitute amendment and pass the Senate bipartisan bill.

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Mrs. MCMORRIS RODGERS. I reserve the balance of my time.