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# **STOPPING VIOLENCE AGAINST WOMEN STILL TAKES A FIGHT: IF IN DOUBT, JUST LOOK AT THE 104TH CONGRESS**

*Patricia Schroeder\**

Women's issues fared poorly during the first session of the 104th Congress, now under Republican control. From abortion to welfare reform, women saw few victories and many defeats.

Case in point: The Violence Against Women Act ("VAWA").<sup>1</sup> At the end of the 1994 congressional session, the U.S. House of Representatives unanimously passed VAWA, as we familiarly call it. Certainly, every member seeking reelection wanted to be seen as taking a strong stand against the insidious problem of violence against women.

But with the 1994 elections, a dark shadow fell over VAWA: When it came to funding this landmark legislation, the new Congress wanted none of it. And the budget battle that ensued was so complicated that most observers had a hard time knowing who to hold accountable.

The arduous path VAWA took in this Congress is illustrative of the intricate politics of funding in Washington. It's all well and good to change the substance of the law in Congress, but the real issue is funding. It used to be the law was only as good as you wrote it. In this Congress, it's only as good as you fund it.

What follows is a detailed account of a struggle to assure adequate funding for a widely popular program—a struggle that should never have taken place.

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\* Harvard University, J.D.; University of Minnesota, B.A. Representative Patricia Schroeder (D-CO) was the author of the original Violence Against Women Act ("VAWA"). She is indebted to Women's Policy Inc. for details on the VAWA budget battle.

<sup>1</sup> Violence Against Women Act of 1994, Pub. L. No. 103-322, Title IV, 108 Stat. 1902 (codified as amended in scattered sections of 8, 18 and 42 U.S.C. (1994)).

VAWA was enacted as part of the 1994 omnibus crime bill,<sup>2</sup> which authorized \$1.67 billion in funding over six years for a variety of programs that included women's shelters,<sup>3</sup> a domestic abuse hotline,<sup>4</sup> rape education and prevention programs,<sup>5</sup> and training for federal judges.<sup>6</sup> These programs are administered under both the Departments of Justice and Health and Human Services ("HHS").

On the justice side, the first version of the bill approved by the House Appropriations Subcommittee on Commerce, Justice, State and Judiciary ("Commerce-Justice-State") underfunded VAWA programs by \$100 million less than authorized in the crime bill. When the co-chairwoman of the Congressional Women's Caucus offered an amendment in the full Appropriations Committee to fully fund the programs at \$175 million, it failed on a voice vote.

As reality set in, a bipartisan group of congresswomen, myself included, and various women's groups mobilized, embarking on what would become a fight for every scrap of funding for VAWA. The commitment to ending violence against women apparently only ran as deep as the 1994 elections.

Unhappy with the committee funding levels, the congresswomen made it clear to the House leadership that they would revisit the funding issue on the House floor, thus providing an opportunity for the public at large to note Congress' lack of support for VAWA programs. To prevent a fight, the chairman of the Commerce-Justice-State Subcommittee offered a compromise amendment to increase funding by \$50 million to \$125 million, still \$50 million less than what was authorized. The House agreed to that by a voice vote.

Meanwhile, in the Senate, the Appropriations Committee approved an even more austere bill for the Departments of Commerce, Justice and State that allocated only \$100 million for

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<sup>2</sup> Violent Crime Control and Law Enforcement Act of 1994, Pub. L. No. 103-322, 108 Stat. 1796 (codified as amended in scattered sections of 18 and 42 U.S.C. (1994)).

<sup>3</sup> 8 U.S.C. § 1154(a) (1994).

<sup>4</sup> 42 U.S.C. § 10416(e)(2)(E) (1994).

<sup>5</sup> 42 U.S.C. § 10418 (1994).

<sup>6</sup> See, e.g., 42 U.S.C. §§ 13701, 13991, 13992, 14036 (1994).

VAWA. This drew a lot of criticism from senators during floor debate. So, to win broader support, the Appropriations Committee chairman increased funding by \$500 million. This action paved the way for a Democratic senator to offer an amendment to increase funding to \$175 million, the full amount authorized. The Senate unanimously passed that amendment.

With differences remaining between the two houses, the funding went to a conference committee, which adopted the Senate level of \$175 million (the House had provided \$150 million in the final tally). But the conference committee chipped away at some other areas. The House wanted to eliminate the State Justice Institute ("SJI"), which provides grants to state courts and works to improve judicial response to family and domestic violence. The SJI was authorized under VAWA to administer a training program on child abuse and domestic violence for state judges.

The conference committee cut the SJI's funding from \$13.5 million in fiscal year 1995 ("FY95") to \$5 million in fiscal year 1996. And the conference report failed to set aside funds for the SJI training program.

Also missing from the conference report was an earmark for gender and race bias studies in the federal judiciary. And in a series of exchanges on the Senate floor in the Fall, two Republican senators sought to discourage the judiciary from conducting these studies.

After all this, the President vetoed the Commerce-Justice-State bill on December 19th—for good reasons that had nothing to do with VAWA. However, this action left VAWA funding in peril.

That's just the story for the justice side of appropriations. The rest of VAWA funding is contained in the Labor, Health and Human Services, and Education appropriations bill.

On that front, a bipartisan group of congresswomen again succeeded in restoring \$40 million to VAWA programs in the House bill.

The fight here began after the Labor-HHS-Education Subcommittee put a meager \$400 million into the bill, far short of the \$62 million originally authorized for FY95. When the House Appropriations Committee took up the bill, it rejected by voice vote an amendment again offered by the co-chair of the Congressional Caucus for Women's Issues to transfer \$62 million of unallocated

funds from the Crime Trust Fund, the source from which all VAWA programs are funded, to HHS. The full committee approved the bill in July by a 30-23 vote.

Later, bowing to pressure from the congresswomen, the committee agreed to transfer \$40 million of unappropriated funds from the Departments of Commerce, Justice and State to HHS for VAWA programs.

In the Senate, the committee bill went even further, providing full funding (\$62 million) for VAWA. In addition, the bill allocated another \$32 million to domestic violence programs funded through the Centers for Disease Control and Prevention ("CDC").

Here again we are at a standstill because while the House has passed its appropriations bill, the Senate cannot seem to move off point, despite several efforts. So, for now, VAWA programs administered through the CDC have received funding through the end of the fiscal year, and one is funded under a temporary spending measure known as a continuing resolution.

Which brings me to the continuing resolution. Despite the veto of the Commerce-Justice-State spending bill, ten VAWA programs at the Department of Justice have been funded under a continuing resolution.

Meanwhile, the final funding levels for most VAWA programs within HHS remain unclear. A targeted appropriations bill enacted in January provided funding through the end of the fiscal year (October 31) for three programs administered through CDC.

All other programs were funded under a continuing resolution, which sets funding at the lowest of the House, Senate or FY95 level. Since funding for the rest of the programs, with the exception of the domestic violence hotline, was not authorized in FY95, money is not appropriated under the continuing resolution.

Let me emphasize that this funding battle was not a one time ordeal. The fight for VAWA will continue year after year. Meanwhile, the problems VAWA addresses worsen. According to the Department of Justice:

- \* Women were attacked about six times more often by offenders with whom they had an intimate relationship than were male violence victims during 1992 and 1993.

- \* During 1992 and 1993, women were the victims of more than 4.5 million violence crimes, including about 500,000 rapes or other sexual assaults.
- \* In twenty-nine percent of the violent crimes against women by lone offenders, the perpetrators were intimates—husbands, former husbands, boyfriends or former boyfriends.

The 104th Congress disbanded the Congressional Caucus for Women's Issues, which I founded, along with other legislative service organizations. This means there is no longer a permanent staff to coordinate and shepherd women's and family issues through Congress. Instead, the caucus has been informally reconstituted through members' offices, using their personal staff. But it's not the same.

Many of women's gains, including VAWA, are now in jeopardy. That's why women must be vigilant in monitoring Congress and calling it to account.

The bottom line is that Congress funds what it fears. Apparently, it just doesn't fear violence against women.

