



Violence Against Women Act

Why This Reauthorization Would Perpetuate Abuse

Congress passed the Violence Against Women Act (VAWA) in 1994 in an effort to improve the criminal justice response to domestic violence, sexual assault, and stalking and increase the availability of victims' services. Unfortunately, when VAWA was last reauthorized in 2013, language was added that severely undercut these important goals. The current reauthorization text of S. 3623 continues and exacerbates these problems by inserting gender identity ideology, maintaining Planned Parenthood's ability to obtain VAWA grants, and cordoning off certain grant funds to be used for only limited purposes and limited pools of victims without justification. In short, S. 3623 would harm the very women VAWA should be protecting.

Women who have been victims of rape, sexual assault, sexual molestation, sex trafficking, and the worst imaginable abuses deserve a safe place to heal emotionally and physically. They should not be forced to share private spaces with biological men, sleep next to biological men, or disrobe in front of biological men—requiring women who were abused by biological men to do such things compounds their trauma.

These women deserve as much access to victims' services as possible. However, the mandates contained in this reauthorization will surely lead to some facilities closing, other facilities either ending or forgoing partnership with the government, and lawsuits against facilities. All these outcomes would limit facilities' ability to help victims of abuse. S. 3623 also inserts and perpetuates stipulations on what grants funds can be used for and who they can help, which prevents the most efficient use of funds to serve the maximum number of women.

Furthermore, if there is any appropriate mandate that VAWA should have, it is that VAWA grantees do not perpetuate or cover up the victimization of those they serve. Yet, Planned Parenthood is allowed to be a VAWA grantee despite its coverup of sexual abuse and sex trafficking.

This Reauthorization Further Traumatizes Battered Women

- Carried over from 2013 is a “nondiscrimination” clause that includes sexual orientation and gender identity as protected classes.
- Also carried over is the “exception” section on sex-segregated programs and facilities, which indicates that they are only allowed if comparable services are provided to individuals who cannot be placed in these sex-segregated programs or facilities.
 - Grantees are essentially forced to either end sex-specific programs or provide additional programming they might not have the resources to facilitate. Even if the grantees provided additional programming, it is unclear how this is supposed to solve the problem of forcing battered women to be housed with biological males.
 - The U.S. Department of Justice (DOJ) under the Biden administration is likely to perpetuate the Obama-era [mandate](#) that disallowed grantees to segregate victims based strictly on their biological sex and required grantees to ask trans-identified individuals which group or service they wish to join (while disallowing grantees from asking about anatomy or medical history, which could help determine the authenticity of the claim). Furthermore, grantees aren’t allowed to make a services determination for a beneficiary based on other beneficiaries’ complaints when the complaints are based on gender identity.
 - President Biden issued an [executive order](#) directing all agencies to apply the *Bostock v. Clayton County* decision’s redefinition of “sex” (to include “sexual orientation and gender identity”) to other areas of law. The DOJ issued a [memorandum](#) doing exactly that.

Therefore, the word sex in sex-segregated and sex-specific may not even be interpreted in terms of biological sex.

- Allowing biological males into female domestic violence shelters has caused further trauma to biological women who have been abused.
 - A shelter in [Fresno, California](#), housed trans-identified individuals alongside biological women. Nine women filed a lawsuit because they had to endure sexual harassment that included “sexually inappropriate comments” and being stared and leered at while naked.
 - The shelter did nothing about this further victimization within its walls, and the defendant’s attorney in the case acknowledged that the shelter received federal grants (in this case from the U.S. Department of Housing and Urban Development) and was therefore required to accept biological men who identify as female.
 - These women never received justice for their re-victimization because of procedural legal hurdles they couldn’t overcome. Additionally, a RFRA claim was denied.
- These sexual orientation and gender identity (SOGI) mandates are explicitly added to the STOP (Services, Training, Officers, and Prosecutors) grants to states, and states have to certify that they are complying with the grant conditions, which include this SOGI mandate.

This Reauthorization Reduces Resources for Battered Women

- As already noted, grantees are essentially forced to either end sex-specific programs or provide additional programming they might not have the resources to facilitate.
- Mandates to accept gender identity ideology have caused even non-federally funded shelters to face legal attacks. These attacks inhibit shelters’ ability to help women in need, as they must focus their resources on litigation.

- The [Downtown Hope Center](#) in Anchorage, Alaska, does not seek grants from the government because of these mandates, yet was sued based on an [Anchorage statute](#) with the same mandate to accept gender identity ideology.
 - Alliance Defending Freedom [says](#): “The Hope Center serves everyone. Men and women alike, no matter how they identify, are welcome to receive meals, clothing, and job skill training at the center—and many have. But in order to provide a safe place for the women seeking to heal from sex trafficking and abusive situations, the Hope Center’s overnight facilities, showers, and changing rooms are open to biological women only.” Women sleep on the floor and are practically [elbow-to-elbow](#).
 - A biological man tried to enter the women-only facilities, and a lawsuit ensued. The complaint was dropped when a federal judge ruled that the law being used to target the Hope Center did not apply; however, the Hope Center was sued again under a different ordinance, and that case is still unresolved.
- The nondiscrimination language applies to VAWA grantee hiring practices. The practical implication is that a grantee could be sued for maintaining employee conduct standards, and/or the DOJ may not issue VAWA awards to faith-based organizations that maintain employee conduct standards.
 - The Biden administration [will surely follow](#) the Obama administration on this: “Faith-based organizations, like all other recipients of funding subject to the VAWA nondiscrimination grant condition, accept the obligation, as a condition of the grant award, not to discriminate in the delivery of services or benefits supported by covered grants, on the basis of actual or perceived race, color, religion, national origin, sex, gender identity, sexual orientation, or disability.”

- A religious exemption would not solve the problem for non-religious services and facilities for victimized women. They would all be forced to allow biological men into women's shelters, ignoring the harms to women who have already been traumatized.
- Nothing in VAWA prior to 2013 prevented victims who identify as LGBT from accessing services or the help they needed to escape their abuse. Funds were available to help all victims of all backgrounds. However, this current reauthorization prioritizes LGBT-identifying victims over others.
 - This reauthorization creates a new grant program solely for those who identify as LGBT and authorizes \$8 million annually for these grants. This means that these funds will not be available to serve the majority of victims.
 - This reauthorization perpetuates the labeling of certain groups as an “underserved population” on a national level. This means that certain grants will be inaccessible to help the vast majority of victims.
 - “Underserved populations” should be determined on a state or local level, not by federally-mandated labels. The victim population and the services needed are not the same across the country. Service providers need flexibility.
 - VAWA’s goal has and should remain to be prioritizing the protection of all women from violence and doing so in the most effective and efficient way. As the minority pointed out in the Senate Committee Report from 2012, “if every group is a priority, no group is a priority.”

This Reauthorization Allows Funding Access to Organizations Known to Cover Up Abuse and Sex Trafficking

- [Reports](#) have shown that Planned Parenthood is likely covering up sexual abuse and sex trafficking instead of reporting it. Since 1994, the Government Accountability Office (GAO)

[has published reports](#) at the request of Congress on the number and kind of each federal grant that Planned Parenthood, America's number one abortion provider, receives. Since 2010, Planned Parenthood has received federal funds from three different grant programs authorized through VAWA, having received grants from two new funding streams since the last reauthorization in 2013:

- Violence Against Women Act Grants – \$3.11 million in VAWA grants since 2010. Received \$240,000 in 2018, which was nearly double their total from the previous year.
 - Sexual Assault Services Program – \$140,000 in grants since 2014, with \$20,000 in 2018.
 - Education, Training, and Enhanced Services to end violence against women with disabilities – \$80,000 in grants since 2016, with \$20,000 in 2018.
- Additionally, while it is likely that these grant programs will be subject to the language in annual appropriations bills that prohibit federal funding for elective abortions, it is important to note that these appropriations riders do force taxpayers to pay for abortions due to rape or incest. (These grants, which can be used for responses to “gender based violence,” make it likely that this would be the case.) Providing new avenues to fund abortions with federal tax dollars is ill-advised given the [aggressive nature](#) the Biden administration has taken to push federally-funded abortions in pro-life states.