



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, DC 20530

The Honorable Jim Jordan
Chairman
Committee on the Judiciary
U.S. House of Representatives
Washington, DC 20515

Dear Chairman Jordan:

This responds to your letters to the Department of Justice's (Department) Office on Violence Against Women (OVW), dated June 30, 2023, and August 15, 2023, requesting information about OVW's grantmaking process. We appreciate the Committee's interest in the administration of grants by OVW and have enclosed documents responsive to your requests, Bates numbered HJC-OVW-0000001 to HJC-OVW-0000569. In addition to producing these documents, we are providing further responsive information below.

Funds distributed by the Department's grantmaking components, including OVW, impact almost every community in the country. These funds support many of the Department's key priorities, including reducing violent crime and gun violence, preventing overdose deaths, and upholding the rule of law. The Department works diligently across its components to ensure we continue to support our state, local, territorial, and Tribal law enforcement counterparts in promoting safer and healthier communities; provide vital resources and support to victims of crimes and individuals impacted by the justice system; reduce and prevent domestic and sexual violence; improve our juvenile justice system; enhance our data collection efforts; and elevate evidence-based policies to improve the way we structure our programs and respond to the needs of law enforcement and communities across the country.

OVW administers grant programs authorized by the Violence Against Women Act (VAWA) of 1994 and subsequent legislation. These grant programs are designed to develop the nation's capacity to reduce domestic violence, dating violence, sexual assault, and stalking, by strengthening services to victims and holding offenders accountable. Since its inception in 1995, OVW has awarded over \$9.5 billion in grants and cooperative agreements and has launched a multifaceted approach to implementing VAWA, which Congress reauthorized last year. For fiscal year (FY) 2022 alone, OVW awarded 750 grants equaling approximately \$488 million. By forging state, local, and Tribal partnerships among police, prosecutors, judges, victim advocates, health care providers, faith leaders, and organizations that serve culturally specific and underserved communities, OVW grant programs help provide victims with the protection and services they need to pursue safe and healthy lives, while enabling communities to hold

offenders accountable for their violence. These programs fund victim service providers, law enforcement agencies, prosecutors' offices, courts, schools, hospitals, legal assistance providers, culturally specific and faith-based organizations, and more. OVW grants also support specialized policing and prosecution units so that crimes involving sexual assault and domestic violence are given the focus and skill these complex cases require.

As you note in your letter, during the last fiscal year, OVW received \$700 million in funding. OVW's FY 2024 request would increase OVW's budget to \$1 billion. The FY 2024 budget request includes \$300 million in additional program funding, along with several new programs. OVW's FY 2024 budget request aims to sustain this lifesaving work while ensuring there is adequate funding to launch new programs and expand existing programs in accordance with the 2022 reauthorization of VAWA. Regarding your request for information about expenses for the Offices of the Director and Deputy Director, the Department publishes its budget requests at <https://www.justice.gov/doj/budget-and-performance>. The FY 2024 President's Budget Appendix includes actual prior year obligations, current year estimates, and the FY 2024 request for the Department, including OVW and is available at https://www.whitehouse.gov/wp-content/uploads/2023/03/jus_fy2024.pdf. Every fiscal year, the Department submits its requests for both its budget and allocated number of personnel per component pursuant to the Congressional Budget Act of 1974, as amended. This information is sent to Congress and made public. In addition, annual appropriations bills generally require that the Department submit a "Spend Plan" to its appropriators of jurisdiction. This document describes the Department's plans for spending appropriated funds and is provided annually to the Appropriations Committees.

OVW Structure and Management

You requested an accounting and breakdown of OVW's staffing. OVW is led by a Senate-confirmed Director whose responsibilities are set forth in the Violence Against Women Office Act.¹ The OVW Director or her designee approves all OVW grant awards. OVW has 113 federal employees (both full-time and part-time).

The Office of the Director, which includes the Director, the Principal Deputy Director, and a Senior Policy Advisor for Culturally Specific Communities (a position established by VAWA 2022), is responsible for the management and administration of OVW. The Office of the Director currently has four full-time employees.

OVW staff has six divisions: Grant Development and Management; Tribal Affairs; Administration; Budget and Financial Management; Legal Counsel; and Policy, Communication and Evaluation.

Grant Development and Management Division

The Grant Development and Management Division, which is headed by a Deputy Director, has primary responsibility for the development, oversight, and day-to-day management

¹ Pub. L. No. 107-173, tit. IV (2002) (codified as amended by the Violence Against Women Act Reauthorization Act of 2022 (VAWA 2022), Pub. L. No. 117-103, tit. IX, at 34 U.S.C. 10442, et seq.).

of all non-Tribal grant programs and the approximately 2,300 grant awards administered by OVW (a figure expected to rise with the completion of the FY 2023 award cycle). The Division's functions include, but are not limited to: developing new grant programs and annual program plans for existing programs; drafting solicitations; responding to programmatic inquiries; conducting peer review and programmatic review; making grant award recommendations; drafting and processing all necessary grant award documents; monitoring grantee progress in meeting their goals and objectives; developing, implementing, and managing substantive technical assistance for grant recipients; developing and overseeing national demonstration initiatives to evaluate promising practices; and administering OVW's performance, assessment, and research and evaluation activities. This Division currently has 67 full-time employees and one part-time employee across seven units.

The Grant Development and Management Division contains a Grants Financial Management Unit, which provides an array of grants financial management services, including reviewing and approving all grant application budgets; processing grant awards and grant adjustments; providing technical assistance to OVW staff, applicants, and recipients on financial matters related to grants; providing financial management training; providing assistance with grant award close-outs; and providing liaison services for grantee audit findings. Of the 68 employees in the overall Division, 11 are in this unit.

Tribal Affairs Division

OVW's Tribal Affairs Division (TAD) is headed by a Deputy Director for Tribal Affairs, a position established by the 2005 reauthorization of VAWA.² The Tribal Deputy Director, with the support of TAD staff, is responsible for implementing VAWA's Tribal provisions, including coordinating intergovernmental activities related to preventing and addressing violence against American Indian and Alaska Native women, serving as a point of contact with federal and Tribal officials on VAWA implementation, and administering OVW's Tribal grant programs and initiatives. TAD is also responsible for managing the Department's annual consultation with Tribal leaders regarding violence against American Indian and Alaska Native women, as mandated by VAWA 2005. This Division currently has 12 full-time employees.

Administration Division

The Administration Division, which is headed by OVW's Executive Officer, is responsible for OVW's administrative management services. In collaboration with the Department's Justice Management Division, responsibilities of the Administration Division include human resources recruitment and management; labor relations; contracting and procurement; records management; property, safety, space management and maintenance; and personnel and facilities security. This Division currently has 10 full-time employees.

² Pub. L. No. 109-162, § 907 (codified at 34 U.S.C. § 10453).

Budget and Financial Management Division

OVW's Budget and Financial Management Division, which is headed by OVW's Budget Officer, manages OVW's budget and finance functions related to OVW as a whole (as opposed to grants financial management). The Division is responsible for formulating and executing OVW's budget; providing guidance and advice on policies related to budget and financial management; performing accounting, financial management, and fiscal operations; providing liaison services for organizational and financial audits; and establishing, monitoring, and assessing OVW internal controls. This Division currently has seven full-time employees.

Legal Counsel Division

The Legal Counsel Division, which is headed by OVW's General Counsel, is responsible for providing legal support to the Office's management and staff. The Legal Division's responsibilities include ensuring that OVW grantmaking and administration comply with VAWA, its subsequent reauthorizations, and other federal statutes and regulations. This Division currently has six full-time employees and two part-time employees, all of whom are attorneys.

Policy Communications and Evaluation Division

The Policy, Communications, and Evaluation Division (PCE), which is headed by a Deputy Director, provides expertise on policy development, multimedia communications, community outreach, and stakeholder engagement. The PCE advises the Director, OVW staff, and stakeholders regarding policies and promising practices that promote both survivor safety and offender accountability. This Division currently has three full-time employees.³

Overview of OVW Grant Programs

You have also expressed an interest in OVW's current operations and processes. As of FY 2023, OVW administers four formula grant programs and 15 discretionary grant programs authorized by VAWA, its subsequent reauthorizations, and appropriations acts. In addition, OVW currently is developing new programs in FY 2023 that Congress authorized in VAWA 2022 or through appropriations acts. OVW's total appropriation in FY 2023 is \$700 million. OVW's funding plans for the fiscal year are made available for inclusion in the DOJ Program Plan, which is a public online database that provides summary details of the funding opportunities each Department grantmaking component is expecting to release or has released in the current fiscal year. The DOJ Program Plan is available at <https://www.justice.gov/dojgrantsprogramplan>. The DOJ Program Plan assists applicants in identifying funding opportunities (i.e., solicitations) that address their criminal, juvenile, victim services, and civil justice needs.

³ You also expressed an interest in what you characterize as "OVW's Human Capital Planning Outlook." To our knowledge, OVW does not maintain a document with this title. The Department follows a human capital operating plan consistent with 5 C.F.R. § 250.205, but individual Department components, including OVW, do not maintain their own such plans.

Formula Grant Programs

A formula grant program is a mandatory grant program for which the authorizing legislation establishes the recipients and formula for determining award amounts. OVW's four formula programs are the:

- Services, Training, Officers, and Prosecutors (STOP) Violence Against Women Formula Grant Program;
- Sexual Assault Services Formula Grant Program (SASP Formula);
- State and Territorial Domestic Violence and Sexual Assault Coalitions Program; and
- Grants to Tribal Domestic Violence and Sexual Assault Coalitions Program.

The solicitations for these programs for FYs 2021 to 2023 are included in the enclosed production.

Discretionary Grant Programs

A discretionary grant program is one where OVW is responsible for selecting award recipients based on merit and eligibility in accordance with authorizing legislation.⁴ For discretionary grant programs, OVW posts open, competitive solicitations, and applications are subject to peer review.⁵ OVW's fifteen discretionary grant programs with open awards are the:

- Improving Criminal Justice Responses (ICJR) Program,
- Rural Program,
- Legal Assistance for Victims Program,
- Transitional Housing Program,
- Campus Program,
- Justice for Families Program,
- Consolidated Youth Program (includes Engaging Men and Youth grants),
- Culturally Specific Services Program,
- Disabilities Program,
- Abuse in Later Life Program,
- Underserved Populations Program,
- Sexual Assault Services Culturally Specific Program,
- Tribal Governments Program,
- Tribal Sexual Assault Services Program, and
- Tribal Jurisdiction Grant Program.

The solicitations for these programs for FYs 2021–2023 are included in the enclosed production.

⁴ See 2 C.F.R. § 200.1 (a discretionary award “means an award in which the Federal awarding agency, in keeping with specific statutory authority that enables the agency to exercise judgment (‘discretion’), selects the recipient and/or the amount of Federal funding awarded through a competitive process or based on merit of proposals. A discretionary award may be selected on a non-competitive basis, as appropriate.”).

⁵ Although rare, competitive solicitations are not required in every instance pursuant to 2 C.F.R. § 200.1 (“A discretionary award may be selected on a non-competitive basis, as appropriate.”).

New Discretionary Grant Programs or Pilot Initiatives

The following new discretionary grant programs or initiatives, authorized by VAWA 2022 or appropriations acts, have been under development by OVW during FY 2023 the:

- Trauma-Informed, Victim-Centered Training for Law Enforcement Program (Abby Honold Act),
- Law Enforcement Grants for Enforcement of Cybercrimes Against Individuals,
- Tribal Special Assistant U.S. Attorney Program (formerly Violence Against Women TSAUSA Initiative),
- Pilot Program on Restorative Practices,
- LGBT Specific Services,
- Electronic Service of Protection Orders Pilot,
- Financial Assistance to Victims Initiative, and
- Campus Victim Services Pilot.

More information about OVW's formula and discretionary grants is contained in the enclosed production. Additional information is available on OVW's website.

OVW's Grant Award Process

OVW subjects all grant applications to a rigorous review and approval process prior to award. OVW's award process is governed by the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, 2 C.F.R. Part 200, as adopted by the Department at 2 C.F.R. § 2800.101.

OVW's award process for both formula and discretionary grants begins with issuance of a solicitation. A solicitation is a public announcement of the underlying funding opportunity and must comply with the requirements set forth in 2 C.F.R. § 200.204, Notice of Funding Opportunities, and Appendix I, Full Text of Notice of Funding Opportunity. These provisions require that, among other things, a solicitation include a full programmatic description of the funding opportunity, the amount and duration of awards, eligibility information, submission dates and times, and the criteria and process to be used to evaluate applications. OVW solicitations are made available on Grants.gov and the OVW website.

OVW uses multiple strategies to widely disseminate information about open solicitations, and posts resources for applicants, including grant writing tips and an annual Solicitation Companion Guide, on its website. These resources are available at:

<https://www.justice.gov/ovw/resources-applicants>.

Competitive Grant Award Process

OVW has a structured, thorough, and objective review process for discretionary grant programs. Once the application period ends for a solicitation, OVW conducts a basic minimum requirements (BMR) review of each application to ensure that an applicant meets the grant program's eligibility requirements, and that the application is sufficiently complete to undergo

peer review. The requirements for applicant eligibility, application completeness, and late submission request approval are defined in each solicitation.

Applications passing the BMR review move on to the OVW peer review process. OVW's Peer Review Guidelines are enclosed within this production. For competitive solicitations, this includes a review of the application by a panel of three external subject-matter experts who assess the merits of an application against the criteria identified in the solicitation. Experts are active or recently retired law enforcement personnel, prosecutors, advocates, judges, civil attorneys, and others with demonstrated expertise in the field of domestic violence, dating violence, sexual assault, or stalking. OVW also uses "internal" peer review panels consisting of federal staff who are subject-matter experts, including OVW employees and employees from other Department components and federal agencies. All reviewers, whether internal or external, are trained to assign numeric scores consistently and impartially to, and provide comments on, each application. For each application reviewed, a peer reviewer must complete a "Disclosure of Conflict of Interest" form to ensure that the peer reviewer does not participate in the review of any application when they have a real or potential conflict of interest.

After peer review, OVW conducts a programmatic review of those applications that received peer review scores high enough to be recommended for funding. During this stage, OVW reviews the applications to ensure that each proposed project is reasonable, achievable, fiscally sound, within the program's statutory scope, and does not propose activities that compromise victim safety (as outlined in the solicitation and OVW Solicitation Companion Guide). Applicants seeking continuation funding are assessed for past performance based on criteria defined in the solicitation. OVW then drafts funding recommendations based on the results of peer and programmatic reviews, along with other relevant factors outlined in the solicitation. Discretionary award recommendations and decisions are documented in accordance with Departmental policy.⁶

Before an award can be issued, the Grants Financial Management Unit reviews the application to assess risk and evaluate the applicant's fiscal integrity and financial capability to administer federal funds. The pre-award risk assessment may result in an application being removed from consideration. In addition, the applicant's budget is reviewed to determine if the proposed budget accurately explains costs, and to determine whether costs are allowable, reasonable, necessary, and allocable under applicable federal cost principles and agency regulations. All budget issues for any grantee must be resolved before a recipient can draw down award funds.

Formula Grant Award Process

OVW's review process for formula grant programs is similar to the process described above, except that award recipients are pre-determined by statute. Therefore, no peer review process is used for formula grants and funding recommendations do not involve any discretionary criteria. In addition, OVW's two population-based formula programs for the states

⁶ See Memorandum from Kevin J. O'Connor, Associate Attorney General, dated May 28, 2008, regarding Documentation of Discretionary Award Recommendations and Decisions. The accompanying production contains a copy of this memorandum.

and territories (STOP and SASP Formula) do not require budget submission, review, and approval.

Post-Award Requirements

Following the award-making process, OVW provides training and resources to grant recipients to help ensure compliance with federal statutes and regulations. OVW grantees are required as a condition of all awards to comply with the financial and administrative requirements contained in the Department of Justice Grants Financial Guide. Each OVW grant program also has “program specific” award conditions that are included with each award made under the relevant grant program. These conditions are designed to ensure that recipients comply with the program’s statutory scope and programmatic requirements. The FY 2022 General Terms and Conditions for award recipients are enclosed within this production. OVW explains all post-award requirements, including such topics as compliance with civil rights laws, reporting requirements, and appropriations restrictions through its annual Solicitation Companion Guide. OVW also provides trainings on topics, such as the proper use of pass-through and administrative funds, to help ensure proper grant management by recipients. Past training slides and the FY 2023 Solicitation Companion Guide are enclosed within this production. A list of awards made by OVW for FY 2022 is also enclosed.

You also requested information about all individuals ever employed by OVW who also worked at some point for an organization that receives grants from OVW. We are not aware of any existing OVW system or database that maintains comprehensive records of the employment history of all current and former OVW employees. OVW staff comply with federal ethics statutes and regulations designed to ensure that federal officials and employees avoid both actual conflicts of interest and the appearance of such conflicts. Accordingly, under 5 C.F.R. § 2635 Subparts D and E, once an actual conflict (or appearance of conflict) is identified, the individual is recused from participating in decisions or actions affecting the conflicted entity unless he or she receives an authorization under the regulations. This requirement applies to decisions, actions or recommendations regarding a grant application, grant award or contract or contract bid with which the individual has the conflict (actual or appearance thereof). OVW personnel also comply with applicable requirements to complete confidential or public financial disclosure reports and complete annual and topic-specific ethics training. Conflicts are addressed through recusals and delegations of authority or by changing the employee’s portfolio of work. If, for example, the Director is recused from making an award decision, the decision is typically delegated to the Principal Deputy Director or the Deputy Director for Grant Development and Management or Tribal Affairs. Likewise, if either Deputy Director is recused, she will identify an Associate Director to perform her function in the recommendation process regarding that applicant.

* * *

The Department has worked in good faith to address the Committee’s stated interest in the operations and processes of its grantmaking components, and we remain committed to doing

so.⁷ Based on your letter and our subsequent discussions, we understand the Committee to be broadly interested in OVW's operations and current processes, including its budgeting and grant evaluation and administration process. To that end, we would be pleased to arrange a briefing as soon as September 18, 2023, by appropriate OVW staff to answer questions about this response and address OVW's work more broadly. A briefing is the most efficient and productive way to address your questions given the general programmatic nature of the Committee's inquiry. We welcome the opportunity to discuss further accommodations if the Committee has additional questions following a briefing. We look forward to scheduling a briefing and to continued good-faith engagement with the Committee.

We hope this information is helpful. Please do not hesitate to contact this office if we may provide additional assistance regarding this or any other matter.

Sincerely,

CARLOS
URIARTE

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Carlos Felipe Uriarte
Assistant Attorney General

Enclosure

cc:

The Honorable Jerrold L. Nadler
Ranking Member
Committee on the Judiciary
U.S. House of Representatives
Washington, DC 20515

⁷ The Department conveyed its commitment to good-faith, voluntary cooperation during multiple discussions with the Committee, as noted in your letter dated August 15, 2023. We also emphasized the broad nature of your requests to three separate Department components and made clear that further guidance on your priorities was necessary to ensure a more efficient response. We indicated during a July 25, 2023, teleconference that we would follow up with a timeline for the Department's anticipated response, which we provided in an email three days later.