Congress of the United States
Washington, DC 20515

April 8, 2014

Via Electronic Transmission

The Honorable Eric Holder, Jr.
Attorney General
U.S. Department of Justice
Washington, DC 20530

Dear Attorney General Holder:

It has come to our attention that the Office on Violence Against Women (OVW) has decided on its own initiative to make several of its grants either noncompetitive or only partially competitive for Fiscal Year 2014 (FY 2014). OVW grants are a vital source of funding to countless victims of sexual and domestic assault and abuse across the United States. Today, you testified before the House Judiciary Committee and were not able to provide an adequate defense as to the reasoning behind this decision or the legal basis for it. Accordingly, we write today with questions about OVW's decision to suppress competition in the grant application process, as well as to request that the Department promptly provide us with a full explanation as to why OVW has made these changes to its grants programs and how it specifically selects those "invited" to participate.

For FY 2014, OVW has made either noncompetitive or only partially competitive at least three OVW grant programs that were fully competitive in FY 2013, despite OVW grant funding increasing since FY 2013. One of these grants, the Transitional Housing Program, provides grants in support of "projects that provide assistance to victims of sexual assault, domestic violence, dating violence, and/or stalking who are in need of transitional housing, short-term housing assistance, and related services."[1] Notwithstanding the importance of this grant program for the victims it assists, OVW decided to make applications to the program "invitation only" and to exclude from consideration all applicants except those who had already received Transitional Housing Program funding in FY 2011.[2] In other words, no new applicants are allowed to compete for grant funding that may empower them to provide innovative and more effective solutions for eligible victims.

Similarly, the Rural Sexual Assault, Domestic Violence, Dating Violence and Stalking Assistance (Rural) Program was created to "enhance the safety of rural victims of sexual assault, domestic violence, dating violence and stalking and support projects uniquely designed to address and prevent these crimes in rural areas."[3] According to the grant's application guidelines,

[1] See http://www.ovw.usdoj.gov/docs/fy-2014-transitional-housing-solicitation.pdf.
[2] *Id.*
[3] See http://www.ovw.usdoj.gov/docs/fy-2014-rural-solicitation.pdf.

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the Rural Program "welcomes applications that propose innovative solutions to achieving this goal."[4] Yet, despite this alleged openness to innovation, OVW has suddenly opted this year to make this important grant solely available to continuation applicants on an "invitation only" basis.[5] It is difficult to imagine how one could reasonably conclude that the best way to provide new and more efficient solutions to the problem of rural violence against women is by banning new grant applicants and further restricting the pool of possible innovators. Nevertheless, that is precisely the change that OVW has made to the Rural Program's application process.

The Justice for Families Program was authorized "to improve the response of all aspects of the civil and criminal justice system to families with a history of domestic violence, dating violence, sexual assault, and stalking, or in cases involving allegations of sexual abuse."[6] As with the Transitional Housing and Rural Programs, the Justice for Families program is also closed to new applicants. Without allowing new applicants to compete for these grants, it does not appear that OVW has a grant application process in place that serves to maximize the quality of the services for families in need that its grants were created to fund.

For a number of reasons, we are very concerned with the Department's decision to make these important grants anticompetitive and invitation-only. An anticompetitive grant application process by definition limits the number of applicants who may apply for these grants, which in turn is likely to prevent otherwise deserving programs from receiving funding that could more effectively curb violence against women and children.

In addition to potentially barring more deserving candidates from receiving grants to provide life-saving services for sexual and domestic violence victims, noncompetitive grants also have the unfortunate effect of displacing the incentives that current grant recipients have to efficiently manage and continually improve upon their grant services. The findings of a recent DOJ Inspector General (IG) audit of an OVW grant recipient vividly illustrate how pernicious grant mismanagement can be when grant recipients take their funding for granted.

In that audit, the IG was investigating whether the costs claimed under the OVW grant by Our Sister's Keeper Coalition, Durango Colorado (OSKC) were "allowable, reasonable, and in accordance with applicable laws, regulations, guidelines, and terms and conditions of the grant."[7] The audit's findings demonstrate the grant recipient's total disregard for the seriousness of the undertaking of protecting and serving victims of sexual and domestic violence. To note but a few examples cited in the report: of the $570,000 awarded to OSKC, over $200,000 was deemed "questioned costs"; OSKC commingled the funds with other sources and did not maintain separate accounting records; grant funds were used for non-grant expenditures; and of the four most recent Progress Reports, three were submitted late, one was not submitted at all, and none of the four were either accurate or verifiable by source documentation.[8] Because every grant dollar wasted by a grant recipient is a dollar that could have been used to protect and provide for individuals affected by sexual and domestic abuse, OSKC's actions are nothing short of

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[4] *Id.*
[5] *Id.*
[6] See http://www.ovw.usdoj.gov/docs/fy2014-justice-for-families-application-guidelines.pdf.
[7] See http://www.justice.gov/oig/reports/2014/g6014004.pdf.
[8] *Id.*

inexcusable. Unfortunately, mismanagement of grant funds is far too common, according to the IG report, and it can only be expected to increase when incentives to efficiently manage grant funds are eliminated due to a noncompetitive grant application process.

Finally, an additional concern with an invitation-only, anticompetitive grant application process is that it gives the appearance of an administrative earmark and raises concerns of improper favoritism in the process of picking who receives or does not receive funding. By greatly restricting the already limited pool of applicants for these grants, OVW is inviting allegations of rigging the grant application system in favor of the recipients it prefers, as opposed to those most meriting the awards. In short, it appears there is already a predetermined "winner" of the grant before the selection process even begins.

OVW's decision to make its grant programs anticompetitive appears at odds with practices that serve to ensure that taxpayer dollars are used both effectively and efficiently. Consequently, we request a full and immediate explanation as to the legal basis for the decision to alter the application basis for these grants, why OVW has altered the manner in which its grants are awarded in light of funding for OVW grants increasing from last fiscal year, and a detailed analysis of what criteria the Department used or will use to determine which entities are invited to participate. Please include in your response a detailed accounting of the number of applicants eligible for each grant program that OVW has rendered less than fully competitive, as well as any additional information, including any cost-benefit analysis calculations relied on by OVW that would be helpful in understanding the rationale behind your decision.

We look forward to a timely response.

Sincerely,

Charles E. Grassley, Ranking Member
Committee on the Judiciary
U.S. Senate

Robert W. Goodlatte, Chairman
Committee on the Judiciary
U.S. House of Representatives