

**Questions for the Record  
From Senator Thom Tillis for  
Deputy Attorney General Lisa Monaco**

- 1. As you know, President Biden worked on the initial passage of the Violence Against Women’s Act (VAWA) in 1994. Have you spoken to the President about what urgent updates he believes VAWA needs?**

Response: The President has made clear his commitment to reauthorization of the Violence Against Women Act (VAWA). In his address to a joint session of Congress this past April, he highlighted the need for VAWA reauthorization to close the “boyfriend loophole” in the Gun Control Act to keep guns out of the hands of adjudicated abusers. The Statement of Administration Policy (SAP) on H.R. 1620, the Violence Against Women Reauthorization Act of 2021, issued on March 17, 2021, available at <https://www.whitehouse.gov/wp-content/uploads/2021/03/HR-1620-Final-3.17.pdf>, also emphasizes other Administration priorities for VAWA reauthorization, including provisions that (1) expand tribal “special domestic violence criminal jurisdiction” to hold accountable non-Native perpetrators of sexual violence, sex trafficking, domestic violence against child victims, stalking, elder abuse, and assault against law enforcement officers when they commit such crimes on tribal territory; (2) authorize increased funding for culturally specific services for victims; (3) provide important housing protections for survivors in federally assisted housing; (4) expand economic security protections for survivors; (5) improve the health care system’s response to domestic violence, sexual assault, dating violence, and stalking; (6) authorize higher levels of funding for prevention both through the Centers for Disease Control and Prevention’s Rape Prevention & Education formula grants and DOJ grant programs focused on youth; and (7) expand grants to support implementation of training programs to improve the capacity of early childhood programs to address domestic violence, dating violence, sexual assault, and stalking among the families they serve.

- 2. Deputy Attorney General Monaco-what do you believe is the biggest problem that should be addressed in the next VAWA reauthorization?**

Response: VAWA reauthorization should build on prior successes of this legislation and include new provisions that will enhance our efforts to respond to domestic violence, dating violence, sexual assault, and stalking, as well as address gaps and barriers to helping all victims find safety and justice. In my testimony before the Committee, I emphasized the Department’s most significant priorities for VAWA reauthorization: (1) continuing to equip police and prosecutors with the knowledge, skills, and resources needed to hold offenders accountable and provide survivor-centered and trauma-informed responses to victims who seek help from the criminal justice system; (2) finding new ways to reach and improve services for underserved populations; (3) supporting tribes in their efforts to protect women in their communities from epidemic levels of domestic and sexual violence through an expansion of tribal criminal jurisdiction; (4) strengthening our capacity to reduce homicides through federal firearms laws, including addressing gaps in the current system that prevent holding some offenders accountable; and (5) enhancing the Department’s ability to identify and study innovative approaches to meeting survivors’ needs and promoting justice.

**3. In 2012, the U.S. Government Accountability Office (GAO) reported that DOJ lacked visibility over the extent to which its grant programs overlap. Can you give me an update on what DOJ has done or is doing to manage the VAWA grant programs and ensure victims get the necessary resources?**

Response: Although this report predated my current tenure at the Department, it is my understanding that, since 2016, the Department of Justice annually examines the extent of overlap within and across the Office of Justice Programs, Office on Violence Against Women (OVW), and the Office of Community Oriented Policing Services (COPS) to better understand the areas in which the program offices may be awarding funds for similar purposes or targeting the same beneficiaries. Information from this annual review assists the Department in identifying areas of overlap, enhancing coordination among complementary programs, and channeling funds to priority funding areas. It also enables the Department to mitigate the risks associated with unintended or impermissible duplication resulting from existing overlap.

In connection with the Department's ongoing efforts to streamline its management of grants, the Department has been transitioning over the past year to a unified grants management system for its grant-making offices. The Department began carrying out grants management work using the new system in October 2020, and it has invested substantial time and resources in improving its technological capabilities.

**4. Do you think Congress should combine VAWA grant programs to prevent overlap?**

Response: I have not identified a current need to combine VAWA grant programs. As described in response 3 above, the Department has implemented an annual analysis to identify overlap in its grant program solicitations. In addition, OVW, which administers the Department's VAWA grant programs, has taken internal steps to minimize potential grant duplication. In particular, OVW has developed a Recommendation Management System, which includes a feature to identify applications to multiple OVW grant programs from the same applicant, allowing OVW program specialists to check during its application review process whether the applications seek to fund duplicative activities.

**5. Can you give me an update on what DOJ has done or is doing to manage the VAWA grant programs and ensure victims get the necessary resources?**

Response: Oversight and management of grant funds is critical to ensuring effective programs. OVW, which administers the Department's VAWA programs, uses four main strategies designed to ensure that VAWA grants provide victims with necessary and effective services: (1) careful assessment of grantees' progress toward goals and their use of funds; (2) implementation of meaningful performance measures; (3) deployment of training and technical assistance; and (4) research and evaluation to assess the impact and effectiveness of OVW-funded interventions.

OVW has in place structures, policies, and tools that are designed to ensure that grant funds are put to the best possible use in communities combating domestic and sexual violence, while

identifying grants that carry an increased risk for mismanagement, fraud, waste, or abuse. These include (1) a Grants Financial Management Unit, which reviews grantee budgets, conducts pre-award risk assessments, and provides financial grants management training; (2) reference manuals to ensure standardized grant processing, management, and monitoring; and (3) questions in OVW's program solicitations that enable OVW to assess applicants' financial and programmatic capacity.

OVW also uses a number of mechanisms to monitor its grant awards and identify grantees in need of training: (1) grantees submit quarterly federal financial reports documenting grant expenditures and obligations; (2) grantees submit detailed performance reports, every six months for discretionary programs and annually for two of OVW's formula programs, which are reviewed by OVW staff for accuracy, completeness, compliance with grant requirements, and progress toward project goals; (3) OVW staff assess each grant's risk for financial and programmatic mismanagement, and higher risk grantees are prioritized for onsite and office-based monitoring by OVW staff; and (4) OVW contracts with the Office of Justice Programs (OJP)'s Office of the Chief Financial Officer (OCFO) to conduct onsite and office-based financial monitoring of OVW grantees.

**6. In 2018, the DOJ Office of Inspector General (OIG) reported that that 42 percent of VAWA grants had not been closed in a timely manner. What is DOJ doing to ensure that proper audits are conducted so grantees and victims get the necessary resources and funding in an adequate time?**

Response: Although the referenced report predated my current tenure at the Department of Justice, I understand that each of the Department's grant-making components responded to the recommendations of the OIG, which are detailed in the appendices to the report, available at <https://oig.justice.gov/reports/2018/a1818.pdf>. The DOJ-OIG notified the Department on September 8, 2021 that the overall status of the report is now closed. With regard to OVW specifically, it is my understanding that OVW has remedied the findings regarding individual grant awards and has implemented the recommended policies, including a new policy that requires staff to review the general ledgers of 10% of closed awards.

I would also like to take this opportunity to clarify my testimony in which I referred to "...the Office of Violence Against Women's 2021 funding, that would have expired on September 30 of this year, had we not gotten it all out the door....". While OVW did in fact award 100% of its VAWA funding planned for release in FY 2021 by September 30, 2021, as a technical matter, those funds would not have expired on September 30, as these funds remain available until expended.

**7. Do you believe the lack of timely grant closures is an internal problem by DOJ? Or do you think there is a legislative remedy to address this?**

Response: The Department is committed to providing the grant making components the tools they need to effectively make, monitor, and close grant awards. Since the issuance of the OIG 2018 report, the Department has worked to improve its policies and procedures to address the backlog in grants closeouts. The Department assesses and prioritizes closeouts in order to

maintain compliance within the timeframe established by 2 C.F.R. 200. The Department is working to incorporate these and other enhancements into its new unified grants management system.

**Questions for the Record  
From Senator Sheldon Whitehouse for  
Deputy Attorney General Lisa Monaco**

**1. In 2016, I asked Attorney General Loretta Lynch to look at whether the civil RICO fraud case against the tobacco industry could be a model for challenging ongoing climate denial. Somewhere in between then and the FBI's October 5, 2017 update on this inquiry, something went off the rails. These are the indications that something went off the rails:**

- **The team that won the tobacco case was never contacted.**
- **The scientists that study climate denial were never contacted.**
- **No document was ever sought per the pre-filing discovery procedures available to the Attorney General.**
- **The FBI got the standard of proof wrong, importing a criminal standard to a civil matter.**

**What is the Department of Justice doing, per my March 11, 2021 letter to Attorney General Merrick Garland, to see that an honest and sincere investigation is undertaken?**

Response: I appreciate that this has been a long-standing issue of concern, and I understand the desire to receive additional responses. Longstanding Department practices preclude me from commenting on any potential investigations, but I appreciate having the benefit of your views. It is a priority for the Department's Environmental and Natural Resources Division to address greenhouse gas emissions and the impacts of climate change through its civil and criminal enforcement authorities, as appropriate based on the individual facts of a matter. As a general matter, evidence developed through congressional investigations can be referred to the Department for review, and I am aware that at least one House committee has announced an investigation and is holding hearings on issues relevant to the topics raised in your letters. The Department is committed to enforcing environmental laws when supported by the facts and evidence in an individual case.

**2. At the hearing, we discussed the need for domestic violence victims to get swift access to transitional housing. What more should Congress do to increase access to housing for domestic violence victims?**

Response: Congress can fully fund the President's FY 2022 Budget request for the Office on Violence Against Women (OVW), including increased funding levels for the STOP Violence Against Women Formula Grant Program and OVW's Transitional Housing Grant Program of \$400 million and \$80 million, respectively. The STOP Program funds both emergency shelter and transitional housing for victims of domestic violence and sexual assault at the state level. The Transitional Housing Program funds transitional housing in jurisdictions across the country

for victims of domestic violence and sexual assault facing homelessness due to the violence committed against them, as well as a range of supportive services that enable victims to find permanent housing and economic independence.

The Department also supports Congress enacting VAWA reauthorization legislation that includes critical provisions to enhance housing protections and economic security for survivors of domestic violence and sexual assault, as described in the Statement of Administration Policy on H.R. 1620.

During my testimony I referred to two million housing nights provided under the OVW Transitional Housing Program. This figure represents bed nights provided by OVW grantees and subgrantees each year, across OVW programs including, but not limited to, the Transitional Housing Program.

- 3. In December 2016, IF was referred to Sojourner House, a Rhode Island nonprofit serving victims of domestic and sexual violence, by a court advocate after her abusive husband falsely accused her of domestic assault. She was immediately identified as a victim, but her U.S. citizen husband knew of her vulnerability. Forced by him, she had overstayed her visa and was now in unlawful status, and he used this to control her and intimidate her. When she got arrested, her biggest fear came true. She could be deported and separated from her two young U.S. citizen children. The Immigration Advocacy team at Sojourner House quickly intervened, assisted IF with filing a VAWA self-petition, and got her false assault charges dismissed. Within a few months, she received a work authorization document which allowed her financial stability; two years later she became a legal permanent resident. Her oldest daughter, who is still in Brazil, was just granted her immigrant visa and she will reunite with IF in December of this year. They were apart for five years. IF and her family received free and competent legal assistance because of Sojourner House's work.**

- a. Why is it important to ensure that immigrants like IF get access to domestic violence services and legal assistance?**

Response: The VAWA self-petition process is essential to preventing abusers from avoiding accountability simply because they hold the keys to victims' lawful immigration status. Access to the self-petitioning process, through both services and legal assistance, is critically important to protecting victims and preventing abusers from weaponizing the immigration system to control their immigrant spouses, parents, or children.

- b. There is currently a backlog of over 160,000 applications for U visas, which are granted to victims of serious crimes like IF. Victims like IF often wait for five years on average to get a U visa. What steps is the administration taking to address this backlog?**

Response: The Department of Homeland Security’s U.S. Citizenship and Immigration Services (USCIS) is responsible for adjudicating U visas. The Department defers to USCIS as to any administrative steps they may be taking in this area, and I note that USCIS has issued a report entitled “Humanitarian Petitions: U Visa Processing Times,” available at <https://www.uscis.gov/sites/default/files/document/reports/USCIS-Humanitarian-Petitions.pdf>.

**Questions for the Record  
From Senator John Kennedy for  
Deputy Attorney General Lisa Monaco**

- 1. Deputy Attorney General, Justice Ruth Bader Ginsburg said “the physical differences between men and women . . . are enduring.” She also said “the two sexes are not fungible.” Landmark legislation, such as the Violence Against Women Act, seems to be more and more vulnerable to bills that obscure its initial premise that biological women are particularly susceptible to certain crimes and therefore we needed specific legislation to address that reality.**

**Do you have any data that suggests biological women no longer make up the majority of victims of the type of violence the Violence Against Women Act was intended to reduce? What is that data?**

Response: Congress enacted VAWA based on an extensive record, which included the reports of some 20 state court task forces on gender bias, demonstrating that “crimes disproportionately affecting women,” such as rape and domestic violence, were “often treated less seriously than comparable crimes against men.” S. Rep. 102-197, at 43 (1991); *see also* S. Rep. No. 103-138, at 42 (1993). While VAWA acknowledges the disproportionate impact of these crimes on women, the statute itself is largely gender neutral, and VAWA-funded grantees provide services and support for all survivors of domestic violence, dating violence, sexual assault, and stalking. And, although recent research indicates that women continue to make up the majority of victims of domestic and sexual violence, it also shows that men suffer high rates of violence.<sup>1</sup> Moreover, rates of domestic violence, including sexual abuse by an intimate partner, are even higher for lesbian and bisexual women and transgender people.<sup>2</sup> The original purpose of VAWA is advanced by providing services to and achieving justice for all victims.

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<sup>1</sup> Smith, S.G., Zhang, X., Basile, K.C., Merrick, M.T., Wang, J., Kresnow, M., Chen, J., National Center for Injury Prevention and Control, Centers for Disease Control and Prevention, *The National Intimate Partner and Sexual Violence Survey (NISVS): 2015 Data Brief – Updated Release* (2018), available at <https://www.cdc.gov/violenceprevention/pdf/2015data-brief508.pdf>

<sup>2</sup> National Center for Injury Prevention and Control, Centers for Disease Control and Prevention, *NISVS: An Overview of 2010 Findings on Victimization by Sexual Orientation*, available at [https://www.cdc.gov/violenceprevention/pdf/cdc\\_nisvs\\_victimization\\_final-a.pdf](https://www.cdc.gov/violenceprevention/pdf/cdc_nisvs_victimization_final-a.pdf); Sandy E. James, Jody L. Herman, Susan Rankin, Mara Keisling, Lisa Mottet, & Ma’ayan Anafi, The National Center for Transgender Equality, *The Report of the 2015 U.S. Transgender Survey*, (2016), available at <https://transequality.org/sites/default/files/docs/usts/USTS-Full-Report-Dec17.pdf>; Brown, T. N. T., & Herman, J. L. (2015). *Intimate partner violence and sexual abuse among LGBT people: a review of existing research*. Los Angeles, CA: The Williams Institute, available at:

- 2. Deputy Attorney General, another way this House VAWA (H.R. 1620) bill has been politicized is by Democrats tying it to the issue of gun-control. The 2<sup>nd</sup> Amendment empowers individuals and allows them to be their own first responders. More women than ever bought guns last year and this year. According to the Harvard T.H. Chan School of Public Health, women accounted for about half of all gun purchases between 2019 and 2021, and October is Domestic Violence Awareness Month.**

**Please keep your answer limited to the following specific question: Do you believe women should be encouraged to exercise their 2<sup>nd</sup> Amendment rights to protect themselves from crimes that disproportionately affect them and that VAWA was meant to reduce?**

Response: Women, like men, have an individual right that the Supreme Court has recognized is conferred by the Second Amendment to keep and bear arms, *see District of Columbia v. Heller*, 554 U.S. 570, 595 (2008), and they may lawfully exercise that right.