

Responses of Susan B. Carbon

November 30, 2009

To:

Written Questions of Senator Tom Coburn, M.D.

Susan B. Carbon to be Director of the Violence Against Women Office, Department of Justice

Senate Committee on the Judiciary

November 25, 2009

1. In 2005, the bipartisan Violence Against Women and Department of Justice Reauthorization Act ("VAWA Reauthorization Act") passed with an important provision intended to protect women who have already been victimized once by sexual assault from being assaulted again by either AIDS or the legal system which may deny them potentially life-saving information. This provision encouraged states and local governments to implement laws that provide victims of sexual assault and rape the ability to know if the person indicted for the attack is infected with HIV. It required the Attorney General to withhold 5% of the funding under the Grants to Encourage Arrest Policies and Enforcement of Protection Orders to a state or local government grantee that does not implement such laws. Such laws must require the defendant to undergo testing no later than 48 hours after the date on which the information or indictment is presented, and as soon thereafter as is practicable, the results of the test must be made available to the victim.
 - a. There has been recent legislation that would attempt to alter the HIV testing provision that was included in the VAWA Reauthorization Act such that, in order to receive 100% of funding under the aforementioned grant, states merely have to ensure they have a law that either requires HIV testing of the victim at the request of the victim or testing of the offender at the request of the victim. What are your views regarding HIV testing in cases of sexual assault?

Response: It is important for everyone, victims and offenders, to be tested as early as possible. This allows earlier treatment if needed. Waiting until the time of information or indictment for testing may not only cause unnecessary anxiety for a victim of assault, but also compromise the efficacy of treatment. Earlier testing may also help prevent the spread of the disease.

2. The American Medical Association (AMA) supports HIV testing of offenders because "early knowledge that a defendant is HIV infected would allow the victim to gain access to the ever growing arsenal of new HIV treatment options. In addition, knowing that the defendant was HIV infected would help the victim avoid contact which might put others at risk of infection."
 - a. Do you agree with the AMA's statement that it is valuable to provide the HIV status of an offender to a victim of sexual assault, especially with regard to prompt treatment? Why or why not?

Response: Yes. Earlier intervention may increase the likelihood of a successful treatment regimen.

3. When President Obama took office, he promised to usher in a new era of transparency and accountability in our government. In fact, in a January 21, 2009 Presidential Memo, the President stated, "[m]y Administration is committed to creating an unprecedented level of openness in Government. We will work together to ensure the public trust and establish a system of transparency,

public participation, and collaboration. Openness will strengthen our democracy and promote efficiency and effectiveness in Government.”¹

- a. In my estimation, the federal grant-making process, which awards billions of dollars in taxpayer money each year, has the greatest need for transparency and deserves the highest level of scrutiny. If confirmed, will you commit to upholding the same level of openness that President Obama has advocated? If so, how will you promote transparency at the Office of Violence Against Women?

Response: Yes. If confirmed, I will work with the Office to ensure that the application and award processes are open and transparent. Information will be made available to all applicants.

- b. If confirmed, will you be forthcoming with this Committee when you see grant programs or practices that aren’t working the way Congress intended?

Response: Yes.

- c. If confirmed, will you also commit to promptly providing this Committee and other Senators with any requests for information related to programs falling under your jurisdiction?

Response: I will work to respond to any and all requests from Members of Congress to the fullest extent possible.

4. Since 2000, the Office of the Inspector General has continuously ranked grant management as one of the DOJ’s top management challenges every year. Last week, the OIG released the 2009 challenges, which once again included grant management. In fact, at Attorney General Holder’s confirmation hearing, he recognized that this must be treated as a “consistent priority” to prevent problems.

- a. What specific steps do you plan to take to improve grant management at the Office of Violence Against Women?

Response: Using taxpayer funds wisely and appropriately is extremely important. If confirmed, I will follow Attorney General Holder’s lead in prioritizing grant management at the Office on Violence Against Women. I will review the reports and work with staff to identify areas of needed improvement.

- b. Are there any particular grants administered by the Office of Violence Against Women that you believe deserve particular attention and review?

Response: Since I am not currently serving at the Office on Violence Against Women, I do not have access to such information at this time. If confirmed, I plan to review the Office’s grants and work with staff to identify any areas needing improvements.

5. With our federal debt at \$11.8 trillion and skyrocketing by the day, coupled with Congress’ inability to control and reduce federal spending on lower priorities, grantees should be very concerned about availability of future federal funding. No doubt grantees want future funding to be consistent. Requiring grantees to match federal grant funds will ensure more fiscal stability for them in the future by relying less on the federal government so they can stand on their own. In addition, as a grantee invests additional funds into its services, it is more likely to remain truly committed to developing new and innovative strategies to help those who benefit from these grant programs. Do you agree? Why or

¹ *Transparency and Open Government*, Presidential Memorandum, January 21, 2009.

why not?

Response: Requiring matching funds has the advantage of expanding the reach of federal programs. However, the size of the required match may impact the ability of grantees to apply. Match requirements may be more appropriate for states and units of local government, which have independent sources of revenue, than for nonprofit, nongovernmental victim services providers.

6. What is your view of earmarks? Do you believe that funds earmarked in accounts you manage at the Office of Violence Against Women can and should receive the same scrutiny as funds that are competitively bid? Or are your hands tied by Congress, such that you are obligated to award them, regardless of their merit?

Response: Earmarks should be subject to the same monitoring and performance standards as any other grant. I am advised that the Department is bound by Executive Order #13457 with respect to earmarks.

- a. Will you commit to thoroughly vetting earmarked requests and reporting to Congress when your assessment shows they should not be awarded?

Response: If confirmed, I would be happy to respond to congressional requests to review individual earmarked requests.