

# TRACKING THE FUNDS:

## Specific Fiscal Year 2022 Provisions for Department of Justice

### Accessible Version

GAO-23-105893 · October 2022  
Report to Congressional Committees



The Consolidated Appropriations Act, 2022 appropriated approximately \$296.5 million to the Department of Justice (DOJ) for 368 projects at the request of Members of Congress. The act includes specific provisions that designate an amount of funds for a particular recipient, such as a nonprofit organization or a local government, to use for a specific project. These provisions are called “Congressionally Directed Spending” in the U.S. Senate and “Community Project Funding” in the House of Representatives. Members of Congress had to meet certain requirements under Senate and House rules in order to have their requests included as provisions in the act. Such requirements included that Members post requests online and certify that they had no financial interest in the projects. The House also required Members to demonstrate community support for requests.

This report examines how DOJ intends to identify the provisions, distribute the funds made available through these provisions, and ensure the funds are spent for the purposes Congress intended. For more information on this report and others in this series, including background and methodology, visit <https://www.gao.gov/tracking-funds>.

### What are the intended uses of these funds?

The \$296.5 million is intended mainly for policing services and justice programs. Examples of projects include radio system upgrades and body-worn cameras.

### Department of Justice: Fiscal Year 2022 Community Project Funding/Congressionally Directed Spending Provisions

	Subunit	Budget account	Number of fiscal year 2022 provisions	Percentage of budget account designated for fiscal year 2022 provisions <sup>a</sup>	Examples of projects
\$111.7 million	Office of Community Oriented Policing Services (COPS)	COPS Programs	121	22%	Technology upgrades, including radio systems, for law enforcement and public safety agencies
\$184.7 million	Office of Justice Programs	State and Local Law Enforcement Assistance	247 <sup>b</sup>	8%	Training and equipment, such as body-worn cameras, for law enforcement agencies

Source: GAO analysis of Consolidated Appropriations Act, 2022 and accompanying joint explanatory statement; and information provided by the Department of Justice. | GAO-23-105893

### Data Table for Department of Justice: Fiscal Year 2022 Community Project Funding/Congressionally Directed Spending Provisions

\$ in millions	Subunit	Budget account	Number of FY 2022 provisions	Percentage of budget account designated for FY 2022 provisions <sup>a</sup>	Examples of projects
111.7	Office of Community Oriented Policing Services (COPS)	COPS Program Account	121	22	Technology upgrades, including radio systems, for law enforcement and public safety agencies

\$ in millions	Subunit	Budget account	Number of FY 2022 provisions	Percentage of budget account designated for FY 2022 provisions <sup>a</sup>	Examples of projects
184.7	Office of Justice Programs	State and Local Law Enforcement Assistance	247 <sup>b</sup>	8	Training and equipment, such as body-worn cameras, for law enforcement agencies

Source: GAO analysis of Consolidated Appropriations Act, 2022 and accompanying joint explanatory statement; and information provided by the Department of Justice. | GAO-23-105893

<sup>a</sup>Based on total amount appropriated for each budget account for fiscal year 2022.

<sup>b</sup>The number of identified fiscal year 2022 provisions for the Office of Justice Programs reflects the total number of provisions for the State and Local Law Enforcement Assistance budget account, including a provision that did not designate an amount of money for the identified project.

Note: The total dollar value above does not add up to \$296.5 million due to rounding.

## Who are the designated recipients?

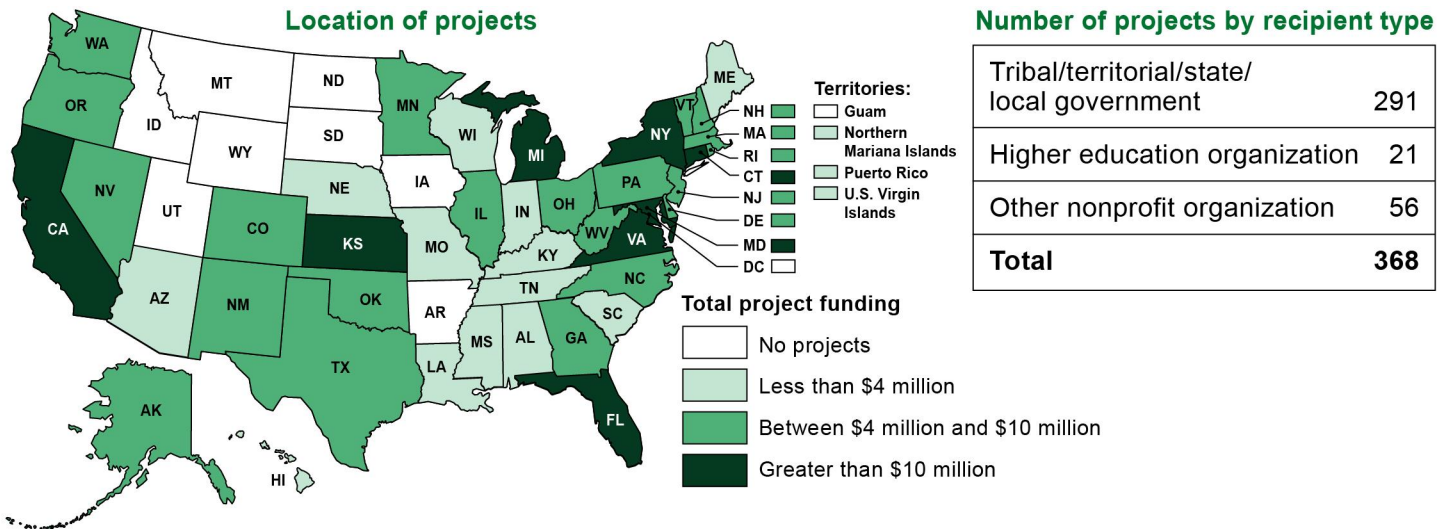
There are 345 designated recipients for these funds. Some recipients will receive funding for more than one project. The recipients of most of these funds are tribal, state, and local governments. Some recipients are higher education and other nonprofit organizations.

### Key Observations

Designated recipients will receive these funds through DOJ's Office of Community Oriented Policing Services or Office of Justice Programs. Specifically:

- Office of Community Oriented Policing Services grants range from \$25,000 to about \$8.2 million. The median amount of funds per grant is \$520,000. These funds are designated for a variety of purposes, including radio and emergency dispatch upgrades for cities and police departments. Office of Community Oriented Policing Services officials told us that 17 designated recipients—all of which are tribal, state, territorial, or local government entities—previously received funding through these programs.
- Office of Justice Programs grants are up to \$5 million. The median amount of funds per grant is \$500,000. These funds are designated for a variety of purposes, including purchasing body-worn cameras and supporting city and county mental health programs. Office of Justice Programs officials told us that 151 of the designated recipients previously received funding through these programs; of this number, 123 are tribal, state, territorial, or local government entities, nine are higher education organizations, and 19 are other nonprofit organizations.

## Department of Justice: Distribution of Fiscal Year 2022 Community Project Funding/Congressionally Directed Spending



Sources: GAO analysis of Consolidated Appropriations Act, 2022 and accompanying joint explanatory statement; and information provided by the Department of Justice; Map Resources (map). | GAO-23-105893

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## Who within the agency will be responsible for identifying and monitoring these funds?

Two DOJ components—the Office of Community Oriented Policing Services and the Office of Justice Programs—are responsible for distributing and monitoring these funds, as identified by Congress in the joint explanatory statement.

- **Office of Community Oriented Policing Services.** Officials said that Office of Community Oriented Policing Services grant management staff and financial management staff would distribute and monitor these funds as Community Oriented Policing Services Technology and Equipment Program grants. These grants are made only to designated recipients under these provisions.
- **Office of Justice Programs.** Office of Justice Programs grants management staff and financial management staff will distribute and monitor these funds as Byrne Discretionary Community Project Funding/Byrne Discretionary Grants Program grants. These grants are made only to designated recipients under these provisions. These grants will be made across the following Office of Justice Programs program offices: the Bureau of Justice Assistance, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, and the Office for Victims of Crime.

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## How does the agency intend to ensure recipients are ready to receive and are able to use these funds?

The Office of Community Oriented Policing Services and the Office of Justice Programs are responsible for ensuring recipients are ready to receive and able to use these funds, and the components are using their existing grant program processes to do so. For example, both components are requiring recipients to submit applications for these funds, as they do for other grant programs.

Office of Justice Programs officials told us that some designated recipients may not apply for these funds because, for example, the recipient may have limited staffing capacity to apply for and manage the funds. The officials said they were conducting additional outreach and offering assistance to ensure all designated recipients apply. However, the officials said they might need to take measures to identify legally available alternatives, consistent with applicable appropriations law, if designated recipients do not apply for these funds.

According to officials from both components, each component plans to use information provided through the designated recipients' applications to first assess each recipient's readiness against grant criteria. Both components also plan to use DOJ's existing pre-award risk rating process, which requires the components to assign each applicant a risk rating based on data related to its past performance and its financial capacity. If either component determines that an applicant poses a heightened risk, it plans to take steps to mitigate those risks, such as imposing additional conditions on these funds. For example, if an applicant has weak or missing financial controls, DOJ may require the applicant to complete financial management training before it can receive the funds.

Further, both components plan to regularly check their lists of designated recipients against the System for Award Management—through which entities must register to receive federal funds. Both components also plan to review the Department of the Treasury's Do Not Pay working system and the Federal Awardee Performance and Integrity Information System as part of their grantee risk assessment process. Neither component anticipates exemptions from or additions to DOJ's existing internal control requirements that apply to their other grant programs.

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## How does the agency intend to ensure these funds are spent properly?

Agency officials told us that DOJ intends to use the same monitoring processes it uses for other DOJ grant programs to ensure these funds are spent properly and to prevent fraud, waste, and abuse. For example, they said the Office of Community Oriented Policing Services and the Office of Justice Programs collect program and financial data through semi-annual performance reporting and quarterly financial reporting. Moreover, the officials said that grant managers review all performance reports.

According to agency officials, both components also conduct annual desk reviews of all recipients. During annual desk reviews, grant managers and financial managers review documentation submitted by the recipients, including performance and financial reports, and assess the overall performance of the recipients. They added that grant managers

use this information, in addition to an annual risk assessment, to determine whether a recipient's award should undergo in-depth monitoring during the fiscal year.

Officials told us that both components will also conduct in-depth monitoring activities—consisting of enhanced programmatic desk reviews or site visits—according to the components' monitoring plans. These monitoring plans are to be developed based on an annual risk assessment and updated periodically during the fiscal year. Officials told us both components conduct in-depth monitoring activities annually for at least 10 percent of their open award portfolios.

Additionally, officials said that the Office of Justice Programs' Office of the Chief Financial Officer selects its own samples of Office of Community Oriented Policing Services and Office of Justice Programs grants to financially monitor annually. They noted that the Office of the Chief Financial Officer uses the same risk assessment to select Office of Community Oriented Policing Services and Office of Justice Programs awards for in-depth financial monitoring. The Office of the Chief Financial Officer also conducts in-depth financial monitoring based on requests from both components, including the Office of Justice Programs' Office of Audit, Assessment, and Management. The Office of Audit, Assessment, and Management oversees monitoring of grantees' compliance and assesses grant programs to measure program effectiveness.

According to agency officials, the Office of Community Oriented Policing Services and the Office of Justice Programs will follow the same processes for preventing fraud, waste, and abuse for these funds as for other awards. They said grants management staff and financial monitoring teams would check for indications of misuse of funding during in-depth monitoring. For example, if a recipient reports no activity or performance during a period but reports significant financial activity, or if the recipient's budget proposal does not match the activities listed in its general ledger, agency officials said the relevant component would request an explanation or additional documentation. The actions DOJ plans to take to ensure funds are spent properly can help prevent improper payments. The DOJ Office of the Inspector General may also decide to review these funds or the programs that provide these funds, as part of its oversight responsibilities.

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### **When does the agency expect recipients will have access to these funds, and when might funds be spent?**

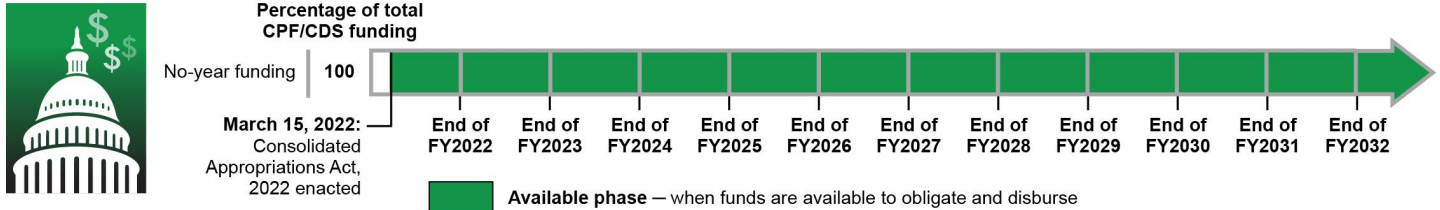
DOJ's expectations vary for when it will obligate these funds to designated recipients and when the funds might be spent. Specifically:

- The Office of Community Oriented Policing Services expects to obligate funds to recipients between September 2022 and December 2022 but may obligate funds sooner if it completes pre-award risk assessments earlier. Agency officials said the component would require recipients to spend these funds within a 2-year award period, per the timelines it decided for these awards. However, recipients may request an extension of up to 1 year if they face delays in spending the funds. The component will require recipients to liquidate these funds no later than 120 days after the performance period for the award ends.
- The Office of Justice Programs expects to obligate these funds to recipients on a rolling basis by September 30, 2022. Agency officials said the component generally would require recipients to spend these funds within 18 to 36 months, per the timelines decided for these awards. Recipients can request a performance period longer than 36 months, but not to exceed 60 months, if they justify the longer period in their applications. Additionally, during the performance period for the award, recipients may request an extension of up to 1 year if they face delays in spending the funds. The Office of Justice Programs will require recipients to liquidate these funds no later than 120 days after the performance period for the award ends.

Officials from both components provided examples of circumstances that could delay recipients' spending of these funds, such as supply chain issues and the need to accommodate legislative schedules to obtain local government approval to apply for and spend these funds.

As noted in the figure, all of the funds appropriated to DOJ through Community Project Funding/Congressionally Directed Spending provisions are no-year and will remain available to DOJ until fully expended by the designated recipients. However, as described above, DOJ has exercised its discretion to establish shorter time frames for these funds to be obligated and expended. We discuss issues related to the time availability of these funds in more detail in [GAO-22-105467](#).

## Department of Justice: Appropriations Life Cycle for Fiscal Year (FY) 2022 Community Project Funding/Congressionally Directed Spending (CPF/CDS) Provisions



Source: GAO analysis of Consolidated Appropriations Act, 2022 and accompanying joint explanatory statement; 31 U.S.C. § 1552; and information provided by the Department of Justice. | GAO-23-105893

Note: The Department of Justice may obligate or disburse funds at any point during the phase depicted in this figure. For more information about the obligation and expenditure of these funds, see [GAO-22-105467](#).

### What risks and challenges may the agency face distributing and monitoring these funds?

DOJ officials told us they did not anticipate substantial risks to identifying, distributing, or monitoring these funds. In addition, they said that distributing and monitoring these funds would not affect their capacity to distribute and monitor funds for other grant programs.

However, the Office of Justice Programs has not documented some of its risk management and quality assurance processes for its risk assessment system, which the component uses to develop a monitoring plan for all of its grant funding. In March 2021, we reported that the Office of Justice Programs assigned inaccurate priority levels for monitoring some Office of Juvenile Justice and Delinquency Prevention grants from fiscal years 2017 through 2019. We found that this inaccuracy might have affected whether these grants were selected for in-depth programmatic or financial monitoring. We made three recommendations, including that the Office of Justice Programs document its risk management and quality assurance processes. DOJ officials told us they were taking steps to address these recommendations. See [GAO-21-302](#).

The Office of the Inspector General has also identified ways in which the Office of Community Oriented Policing Services could improve its grant management policies. In May 2022, the Office of the Inspector General reported that the component did not have a written standard operating procedure that details divisional policies and procedures for administering one of its grant programs. The Office of the Inspector General made four recommendations for the component to improve its management of grant programs, including by establishing procedures to enhance the review process of grant recipients' progress reports. Officials from the Office of Community Oriented Policing Services told the Office of the Inspector General that the component would take steps to address these recommendations. See Office of the Inspector General report *Audit of the Office of Community Oriented Policing Services Anti-Heroin Task Force Program* (22-072).

### Why GAO did this study

The joint explanatory statement accompanying the Consolidated Appropriations Act, 2022 includes a provision for us to review agencies' implementation of Community Project Funding/Congressionally Directed Spending. In addition to issuing this and other reports in this series, we will follow and review agencies' efforts to distribute, monitor, and audit these funds by sampling agencies and recipients and examining whether funds were spent as intended.

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## Agency comments

We provided DOJ with a draft of this report. DOJ provided technical comments, which we incorporated as appropriate.

### GAO Contact

For more information, contact Gretta L. Goodwin at (202) 512-8777 or [goodwing@gao.gov](mailto:goodwing@gao.gov).

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We conducted this performance audit from April 2022 to October 2022 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

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