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## **Department of Justice Reauthorization: Provisions to Improve Program Management, Compliance, and Evaluation of Justice Assistance Grants**

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# Department of Justice Reauthorization: Provisions to Improve Program Management, Compliance, and Evaluation of Justice Assistance Grants

## Summary

Since 1999, Congress has expressed an interest in the organizational structure of the Department of Justice's (DOJ's) Office of Justice Programs (OJP). The 109<sup>th</sup> Congress is considering legislation (H.R. 3402) that would restructure OJP and create a new Office of Audit, Assessment and Management to more closely monitor grantee compliance with grant programs, among other things. On September 28, 2005, the House passed an amended H.R. 3402.

OJP is the main agency within DOJ that awards grants to states, local, and tribal governments, as well as nonprofit organizations to help develop the country's capacity to prevent and control crime, improve criminal justice systems, increase knowledge about crime, and assist victims of crime. Since the 1990s, both the Government Accountability Office (GAO) and DOJ's Office of Inspector General (OIG) have reported on issues facing OJP with respect to managing and conducting sufficient evaluations of its grant programs. At issue is whether the current organizational structure of OJP is capable of properly managing its grant programs and monitoring grantee compliance with program requirements.

The Department of Justice Appropriations Authorization Act, FY2006-FY2009 (H.R. 3402; H.Rept. 109-233), would authorize appropriations for DOJ for FY2006 through FY2009. The bill would also codify the Edward Byrne Memorial Justice Assistance Grant (JAG) program and the Community Capacity Development Office (CCDO). Furthermore, the bill would reauthorize and restructure grant programs under the Community Oriented Policing Service (COPS) office as well as grant programs under the Violence Against Women Office (VAWO).

One of the more controversial provisions in the bill would seek to make DOJ grant programs more efficient by creating an Office of Audit, Assessment and Management. DOJ currently has two components that are tasked with monitoring the effectiveness and efficiency of its grant programs: grant managers and OIG. OJP grant managers, who are located in each of its bureaus and program offices, are charged with monitoring the grants made by their office; the OIG is charged with promoting economy, efficiency and effectiveness within the department.

The congressional proposal seeks to address reported shortcomings at OJP; however, several questions are raised with respect to the proposal. For example, while the bill would not restructure audit and performance measure activities under OJP's National Institute of Justice (NIJ) or the OIG, how would a newly created audit and performance office compliment the oversight functions of NIJ and OIG? Moreover, what would the role of OJP's grant managers be under the newly created office? This report will be updated as legislation warrants.

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# Department of Justice Reauthorization: Provisions to Improve Program Management, Compliance, and Evaluation of Justice Assistance Grants

## Current Legislative Developments

The House passed the Department of Justice Appropriations Authorization Act, FY2006-FY2009 (H.R. 3402; H.Rept. 109-322), amended, on September 28, 2005. This bill would reauthorize many of the agencies and programs under the Department of Justice's (DOJ's) jurisdiction. It also includes several provisions that would build upon previous efforts to restructure the Office of Justice Programs (OJP) and improve its administration of numerous grant programs to assist state, local, and tribal governments, as well as nonprofit organizations with preventing and controlling crime.

## Introduction

Since 1999, Congress has expressed an interest in the organizational structure of the DOJ's OJP. For example, in the Omnibus Appropriations Act for FY1999,<sup>1</sup> Congress noted the "dramatic growth" of OJP and questioned its responsiveness to the needs of state, local, and tribal governments. At issue was the apparent duplication of efforts between OJP's grant programs (as well as grant programs administered by other offices in DOJ) and the various bureaus within OJP that were charged with administering grants. Congress stressed the need for a management structure that would allow "for greater centralization of accountability and responsibility for obligation of all OJP funds."<sup>2</sup> To achieve this goal, Congress required OJP to develop a plan that would streamline the various grant programs under its jurisdiction.<sup>3</sup> A subsequent appropriations act further required OJP to submit a restructuring plan.<sup>4</sup>

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<sup>1</sup> P.L. 105-277; H.Rept. 105-825 (and language concerning the restructure of OJP in H.Rept. 105-636, which was adopted in H.Rept. 105-825).

<sup>2</sup> Ibid.

<sup>3</sup> Ibid.

<sup>4</sup> In the FY2000 Consolidated Appropriations Act, Congress required OJP to submit a "formal reorganization proposal" by Feb. 1, 2000 (P.L. 106-113; H.Rept. 106-398). OJP had previously submitted a restructuring proposal.

In addition, both the Government Accountability Office (GAO) and DOJ's Office of Inspector General (OIG) have reported on issues facing OJP and the management of its grant programs. Both GAO and OIG found that the current organizational structure of OJP may not be adequate to ensure its grant monitoring problems are resolved (see discussion below).

At issue for Congress is whether there needs to be an independent office that has oversight authority over OJP's grant programs and the degree to which that office would enhance or duplicate the efforts that are currently being performed by OJP's grant managers, the National Institute of Justice and the OIG. Additionally, should a stand-alone office be responsible for providing state, local, and tribal governments, as well as nonprofit organizations with training on OJP and other DOJ grant programs compliance? And would such an office be duplicative of other functions already existing within DOJ?

This report opens with a description of the current makeup of OJP. It then discusses some of the issues facing OJP that have been identified by GAO and the OIG that have led to the current congressional proposal to restructure the Office. A description of the legislation that has been reported by the House Judiciary Committee is discussed and analyzed within the context of restructuring OJP. The report concludes with a discussion of possible issues and questions that could be raised with respect to the legislative proposal to restructure OJP.

## Office of Justice Programs

In 1984, Congress created OJP by passing the Justice Assistance Act of 1984.<sup>5</sup> The Assistant Attorney General (AAG) for Justice Programs oversees OJP, which has approximately 700 employees.<sup>6</sup> OJP is the main agency within DOJ that awards grants to states, local government, and nonprofit organizations to help develop the country's capacity to prevent and control crime, improve criminal justice systems, increase knowledge about crime and assist victims of crime.<sup>7</sup> (There are other offices within DOJ that also award grants, specifically the Violence Against Women Office and the Community Oriented Police Office.)

The AAG assures that OJP's policies reflect those of the President, the Attorney General, and Congress.<sup>8</sup> The AAG coordinates the efforts of OJP's five bureaus and two program offices, ensuring OJP's mission is met. OJP's five bureaus are the Bureau of Justice Assistance (BJA), the National Institute of Justice (NIJ), the Office of Juvenile Justice and Delinquency Prevention, the Bureau of Justice Statistics

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<sup>5</sup> Title II, §603(a) of P.L. 98-473, 98 Stat. 2077.

<sup>6</sup> U.S. Department of Justice, Office of the Inspector General, *Semiannual Report to Congress Apr. 1, 2004-Sept. 30, 2004*, p. 18.

<sup>7</sup> See [<http://www.ojp.usdoj.gov/about.htm>] for a complete description of the role of OJP within the DOJ. The site also provides a links to OJP's bureaus and program offices.

<sup>8</sup> See [<http://www.ojp.usdoj.gov/aag/>] for a complete description of the AAG's office and the role of the AAG at OJP.

(BJS), and the Office of Victims of Crime (OVC). OJP's two program offices are the Community Capacity Development Office (CCDO) and the Office of the Police Corps and Law Enforcement Education.

## **Bureau of Justice Assistance<sup>9</sup>**

The Bureau of Justice Assistance (BJA) provides leadership and assistance to state, local, and tribal governments in support of local criminal justice strategies to achieve safe communities. BJA's purpose is to provide "funding, training, and technical assistance to state and local governments, Indian tribes, and public and private organizations to combat violent and drug-related crime and help improve the criminal justice system."<sup>10</sup> BJA awards formula grants to state and local governments (including U.S. territories and the District of Columbia) through its Justice Assistance Grant (JAG) program. BJA also administers a variety of discretionary grant programs as well as payment and benefit programs such as the Public Safety Officers' Benefits Program.<sup>11</sup> BJA also makes a variety of competitive awards through open solicitations for applications.<sup>12</sup>

## **National Institute of Justice<sup>13</sup>**

The National Institute of Justice (NIJ) is the research, evaluation, and development agency for the DOJ.<sup>14</sup> The mission of NIJ is to "advance scientific research, development and evaluation to enhance the administration of justice and public safety."<sup>15</sup> Major NIJ programs include

- social science research and evaluation;
- technology development;
- forensic laboratory capacity development;
- technology assistance for state and local public safety agencies; and
- dissemination of information through publications, websites and conferences.

NIJ sponsors research and development and technology assistance by awarding grants to external organizations. NIJ also conducts internal evaluations of programs, policies and technologies for the DOJ. NIJ actively solicits the views of criminal

<sup>9</sup> 42 U.S.C. §3741.

<sup>10</sup> OJP's Grant Manager's Manual, §2.1.1.1.

<sup>11</sup> See *Office of Justice Programs Resource Guide*, FY2005 edition., p. 1, available at [<http://www.ojp.usdoj.gov/ocom/docs/OJPResourceGuide05.pdf>].

<sup>12</sup> See [<http://www.ojp.usdoj.gov/BJA/grant/index.html>] for a list of the programs BJA funds.

<sup>13</sup> 42 U.S.C. §3722.

<sup>14</sup> See [<http://www.ojp.usdoj.gov/nij/about.htm>] for a complete description of NIJ's mission, information about each of NIJ's organizational components and information about NIJ's restructuring.

<sup>15</sup> See [<http://www.ojp.usdoj.gov/nij/about.htm>].

justice professionals and researchers in its efforts to develop knowledge and tools that can inform policy and practice. In so doing, NIJ often awards grants to evaluate the effectiveness of OJP grant programs.

## **Office of Juvenile Justice and Delinquency Prevention<sup>16</sup>**

The Office of Juvenile Justice and Delinquency Prevention (OJJDP)<sup>17</sup> awards grants to states and localities to help them improve their juvenile justice system through programs that seek to incorporate proven prevention strategies, provide treatment and rehabilitation and hold juvenile offenders accountable. OJJDP awards formula grants to states, U.S. territories and the District of Columbia through the Juvenile Accountability Block Grant (JABG) program and through its Title V grant program. OJJDP also makes awards through open solicitations for applications. In addition, OJJDP sponsors innovative research, demonstration, evaluation, statistics, replication, technical assistance and training programs to promote delinquency prevention and response to juvenile violence and delinquency.<sup>18</sup>

## **Bureau of Justice Statistics<sup>19</sup>**

The Bureau of Justice Statistics (BJS) collects, analyzes, publishes, and disseminates data on crime, criminal offenders, victims of crime, and the operation of the criminal justice system at all levels of government.<sup>20</sup> The data are made available to federal, state, and local government as well as the public to assist in combating crime and to ensure the efficient administration of justice throughout the country. BJS also provides technical assistance to state, local, and tribal governments to help them develop their criminal justice statistical capabilities. While BJS does administer grant programs, like the National Criminal History Improvement Program (NCHIP), the administration of grants is not the primary function of this bureau.<sup>21</sup>

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<sup>16</sup> For additional information on OJJDP, see CRS Report RS22070, *Juvenile Justice: Overview of Legislative History and Funding Trends*, by Blas Nuñez-Neto.

<sup>17</sup> 42 U.S.C. §5611.

<sup>18</sup> OJP's Grant Manager's Manual, §2.1.1.1.

<sup>19</sup> 42 U.S.C. §3732.

<sup>20</sup> See [<http://www.ojp.usdoj.gov/bjs/aboutbjs.htm>] for a complete description of BJS's mission statement, organizational chart, programs, strategic plan and forthcoming publications.

<sup>21</sup> See [<http://www.ojp.usdoj.gov/bjs/aboutbjs.htm>] for a list of programs funded by BJS.

## Office for Victims of Crime<sup>22</sup>

The Office for Victims of Crime (OVC)<sup>23</sup> provides federal funds for victim compensation and assistance programs across the country. OVC also provides training for professionals working with victims, developing and disseminating publications, supporting projects to enhance victims' rights and services, and educating the public about victim issues.<sup>24</sup> Funds for OVC programs come from the Crime Victims Fund established by the Victims of Crime Act (VOCA).<sup>25</sup> The Crime Victims Fund is authorized to use donations from private entities, bequests, or private gifts by P.L. 107-56.<sup>26</sup> OVC uses discretionary funds for training and technical assistance and demonstration initiatives to enhance the knowledge, skills, and abilities of victim service providers.

## Community Capacity Development Office

The Community Capacity Development Office (CCDO) is responsible for overseeing and managing the Weed and Seed Program.<sup>27</sup> Until 2004, CCDO was known as the Executive Office of Weed and Seed. CCDO was created in March 2004 to work with local communities to develop programs that deter crime and promote neighborhood revitalization.<sup>28</sup> CCDO's current mission is to develop, evaluate, and implement policies that serve as models for community capacity development efforts by providing counseling for federal, state, and local governments and the private sector on a variety of justice-related community issues.<sup>29</sup> CCDO also hosts OJP's American Indian and Alaska Native Affairs Desk, which was created to enhance access to information about funding opportunities for federally recognized tribes, the availability of training and technical assistance and other information.<sup>30</sup>

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<sup>22</sup> For additional information, see CRS Report RL32579, *Victims of Crime Compensation and Assistance: Background and Funding*, by Celinda Franco.

<sup>23</sup> 42 U.S.C. §10605.

<sup>24</sup> See [[http://www.ojp.usdoj.gov/ovc/publications/factshts/what\\_is\\_ovc/fs\\_000307.html#1](http://www.ojp.usdoj.gov/ovc/publications/factshts/what_is_ovc/fs_000307.html#1)] for a complete description of OVC's mission, a listing and description of its divisions and links to recent publications.

<sup>25</sup> P.L. 98-473, as amended.

<sup>26</sup> See P.L. 107-56, the USA PATRIOT Act.

<sup>27</sup> The Weed and Seed is a discretionary grant program designed to "weed out" crime in selected neighborhoods, and "seed" them with coordinated crime prevention and human service programs. See CRS Report RL32827, *Selected Federal Crime Control Assistance to State and Local Governments*, by Cindy Hill.

<sup>28</sup> See [<http://www.ojp.usdoj.gov/pressreleases/OJP04011.htm>] for the complete OJP press release announcing the restructuring of CCDO.

<sup>29</sup> See [<http://www.ojp.usdoj.gov/ccdo/about/faq.html>] for a complete listing of CCDO's frequently asked questions.

<sup>30</sup> See [[http://www.ojp.usdoj.gov/americanative/whats\\_new.htm](http://www.ojp.usdoj.gov/americanative/whats_new.htm)] for a brief description of the role of the American Indian/Alaska Native Affairs Desk along with links to funding for (continued...)

## Office of the Police Corps and Law Enforcement Education

The Office of the Police Corps and Law Enforcement Education funds state Police Corps programs to combat crime by providing state and local law enforcement with a greater pool of highly qualified candidates. To this end, the office awards competitive scholarships to students who agree to be law enforcement officers for four years after they complete a four-year degree.<sup>31</sup> Police Corps programs also award noncompetitive scholarships to dependent children of law enforcement officers killed in the line of duty who are enrolled in accredited universities.

The next section discusses the role of the DOJ's Office of the Inspector General (OIG) in auditing OJP and other DOJ offices' management of grant programs. Later in the report, the auditing functions of the OIG are discussed in the context of the legislative proposal to create an audit office.

## DOJ Office of the Inspector General

DOJ's OIG is responsible for oversight of DOJ activities and programs, including OJP's administration of several federal law enforcement assistance programs. The OIG Audit Division performs "financial and performance audits of organizations, programs and functions within the Department."<sup>32</sup> Performance audits conducted by OIG's Audit Division review economy, efficiency and programmatic issues. The OIG also has an Evaluation and Inspection Division that provides the Attorney General with an alternative method to the traditional audit for evaluating the effectiveness of DOJ programs and activities. The Evaluations and Inspection Division's work usually results in ways for DOJ to streamline operations, eliminate unnecessary regulations, and minimize inefficient and ineffective procedures.

## Assessments of OJP Grant Management and Program Evaluations

Since the 1990s, both GAO and OIG have reported on the following issues facing OJP with respect to the administration of its grant programs:

- lack of monitoring and grantee compliance;
- lack of outcome-based evaluations;
- failure to adequately review grant applications; and

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<sup>30</sup> (...continued)

tribal communities and links to publications on tribal issues.

<sup>31</sup> See [<http://www.ojp.usdoj.gov/opclee/about.html>] for a complete description of the Police Corps program.

<sup>32</sup> See [<http://www.usdoj.gov/oig/igintro.htm>].

- failure to undertake more aggressive and timely corrective action on audit findings.<sup>33</sup>

## GAO Reports and Findings

Since 1996, GAO has reported on issues pertaining to OJP's management and monitoring of its grant programs. Recent GAO congressional testimony revealed that OJP has encountered problems with respect to grants in the following programs: Byrne, OJJDP Discretionary, and Violence Against Women Office (VAWO).<sup>34</sup> After a review of several of OJP's grant files that were active in FY1999 and FY2000, GAO noted the following: (1) the grant files did not regularly document monitoring activities in accordance with the monitoring plan for the grantee; (2) a "substantial" number of the grant files did not include all of the progress and financial reports and many of these reports were submitted late; and (3) the grant files did not always include closeout documents.<sup>35</sup>

According to GAO, OJP has implemented some of the recommendations that resulted from the GAO's review of OJP's grant files. OJP created the Grants Management Manual (GMM) to ensure a consistent set of grant monitoring standards across OJP's bureaus. Additionally, OJP implemented "Operation Closeout," which resulted in an accelerated process for closing out grants by revising related guidelines. OJP also implemented an agency-wide grant management system.<sup>36</sup>

GAO has also raised issues pertaining to OJP evaluations of its grant programs. For example, in 2001, GAO issued a report that concluded that OJP evaluations of grant programs may be problematic.<sup>37</sup> GAO examined grant programs in OJP's OJJDP. After reviewing 10 OJJDP-funded evaluations, GAO expressed concerns about the methodology used in the evaluations.<sup>38</sup> GAO noted that five of the

<sup>33</sup> U.S. Congress, House Committee on the Judiciary, *Department of Justice Appropriations Authorization Act, Fiscal Years 2006 Through 2009*, report to accompany H.R. 3402, 109<sup>th</sup> Cong., 1<sup>st</sup> sess., H.Rept. 109-233 (Washington; GPO, 2005), p. 90.

<sup>34</sup> Testimony of Laurie E. Ekstrand, Director of the Justice Issues at the GAO, in U.S. Congress, House Committee on the Judiciary, Subcommittee on Crime, *Office of Justice Programs: Problems with Grant Monitoring and Concerns About Evaluation Studies*, hearings, 107<sup>th</sup> Cong., 2<sup>nd</sup> sess., Mar. 7, 2002, [<http://www.gao.gov/new.items/d02507t.pdf>].

<sup>35</sup> Reviews were conducted on the following bureaus' grant files: Bureau of Justice Assistance (BJA) Byrne grant program, the Violence Against Women Office's (VAWO) discretionary grant program and the Office of Juvenile Justice and Delinquency Prevention (OJJDP) grant programs.

<sup>36</sup> In addition to the OJP-wide reforms, BJA, OJJDP, and VAWO each implemented their own changes to ensure more efficient grant monitoring.

<sup>37</sup> U.S. Government Accountability Office, *Juvenile Justice: OJJDP Reporting Requirements for Discretionary and Formula Grantees and Concerns About Evaluation Studies*, GAO-02-23, Oct. 2001.

<sup>38</sup> The report, however, does note the difficulty of evaluating OJJDP's programs. The programs vary from grantee to grantee because the grant adjusts the program to meet the  
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evaluations were in the formative stage and five were being implemented. Three of the evaluations that were in the formative stage and two that were being implemented lacked comparison groups. In addition, three of the five evaluations that were in the implementation stage were experiencing problems with data collection.

Another GAO report noted many of the same methodological problems.<sup>39</sup> GAO reviewed 10 evaluations sponsored by OJP's National Institute for Justice (NIJ); five evaluations of VAWO grant programs and five evaluations of BJA Byrne grant programs.<sup>40</sup> Of the four impact evaluations that had moved past the formative stage, only one, the Byrne Children At Risk Program, was found to be methodologically sound.<sup>41</sup>

## DOJ OIG Reports and Findings

The Inspector General's memorandums on the Top Management Challenges in DOJ for the years 2002-2004 note that OJP continues to have problems managing its grants.<sup>42</sup> According to the OIG, part of the problem stems from the large influx of grant funds into DOJ since the passage of the Violent Crime Control and Law Enforcement Act of 1994 (P.L. 103-322). Like GAO, the OIG found that many grantees were not submitting their progress reports or financial reports. In addition, OIG's audits found that site-visit reviews were not consistently addressing all of the grant conditions.<sup>43</sup>

In its FY2003 memorandum, the OIG found DOJ's grant programs to be fragmented, resulting in decreased efficiency and increased costs to award and

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<sup>38</sup> (...continued)

needs of the community it is serving.

<sup>39</sup> GAO, *Justice Impact Evaluations: One Byrne Evaluation was Rigorous, All Reviewed Violence Against Women Office Evaluations were Problematic*, GAO-02-309, Mar. 2002.

<sup>40</sup> All five of the VAWO evaluations were designed as both impact and process evaluations, only one of the five Byrne grant evaluations was designed as an impact evaluation.

<sup>41</sup> The other three evaluations, which were VAWO programs, had methodological issues that the GAO felt might impact the ability of the evaluation to produce definitive results. GAO presented these findings to the AAG who agreed with them. In the case of the Byrne grant and VAWO grant program evaluations, the AAG noted that NIJ had begun or planned to make changes based on GAO's recommendations. Both reports note that the AAG identifies problems with doing an impact evaluation on OJP grant programs. The AAG notes it is hard to evaluate OJP grant programs because each grantee implements its program to fit the needs of the community.

<sup>42</sup> The 2000 memorandum can be found at [<http://www.usdoj.gov/oig/challenges/2000.htm>]; the 2001 memorandum can be found at [<http://www.usdoj.gov/oig/challenges/2001.htm>]; the 2002 memorandum can be found at [<http://www.usdoj.gov/oig/challenges/2002.htm>]; the 2003 memorandum can be found at [<http://www.usdoj.gov/oig/challenges/2003.htm>]; the 2004 memorandum can be found at [<http://www.usdoj.gov/oig/challenges/2004.htm>].

<sup>43</sup> Ibid.

administer the grants.<sup>44</sup> OIG audits also discovered duplication in some of the grants under OJP's jurisdiction and grants under the Community Oriented Policing Service (COPS) program.<sup>45</sup> Additionally, OIG found some of DOJ's grant programs lacking an online application system for grantees. The OIG found, however, that OJP was working toward fully automating the entire grant process with an online system. Nonetheless, the 2004 memorandum<sup>46</sup> sheds light on some problems that continue to exist with OJP programs. An audit of OJP's training and technical assistance grants found that program offices making training and technical assistance awards did not consistently conduct regular programmatic and financial monitoring and grant managers did not always ensure that financial and progress reports were accurate and submitted on time.

A 2005 report from OIG on awards to tribal governments reviewed several OJP grant programs (and some COPS programs) found that of the 102 grant files reviewed, only 4% contained sight monitoring reports, 12% contained evidence of desk monitoring reviews and none contained evidence of telephone monitoring reviews.<sup>47</sup> The OIG found that 81% of the files reviewed did not contain one or more of the required financial reports and those reports were not submitted in a timely manner in 97% of the files reviewed.<sup>48</sup> In addition, 80% of the grant files reviewed were missing one or more of the required progress reports and those reports were not submitted in a timely manner in 88% of the files reviewed.<sup>49</sup> In addition to these findings, the OIG also found that the program offices were not closing out grants in a timely manner.<sup>50</sup> The OIG report on awards to tribal governments suggests OJP is still encountering problems with monitoring grants.

The OIG's and the GAO's findings seems to indicate that the current organizational structure of OJP may not be adequate to ensure that its grant monitoring problems are resolved; hence Congress has proposed the creation of an Office of Audit, Assessment and Management.

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<sup>44</sup> Ibid.

<sup>45</sup> The COPS office is an independent office within DOJ that awards and administers grants to state and localities.

<sup>46</sup> Memorandum to Reps. Sensenbrenner and Conyers from Glenn A. Fine, the Inspector General, entitled "The Top Management Challenges in the Department of Justice 2004," Sept. 22, 2004, available at [<http://www.usdoj.gov/oig/challenges/2004.htm>].

<sup>47</sup> See *Administration of Department of Justice Grants Awarded to Native American and Alaskan Native Tribal Governments*, Audit Report 05-18, Mar. 2005, p. V, available at [<http://www.usdoj.gov/oig/reports/OJP/a0518/final.pdf>].

<sup>48</sup> Ibid.

<sup>49</sup> Ibid, p. VI.

<sup>50</sup> Ibid, p. VIII.

## The Department of Justice Appropriations Authorization Act, FY2006-FY2009 (H.R. 3402)

The House-reported Department of Justice Appropriations Authorization Act, FY2006-FY2009 (H.Rept. 109-233), would authorize appropriations for DOJ for FY2006 through FY2009. Among other things, the bill would codify the authorization for the Edward Byrne Memorial Justice Assistance Grant (JAG) program and the Community Capacity Development Office (CCDO), which administers the Weed and Seed grant program. The bill would also reauthorize and restructure grant programs under COPS Office as well as grant programs under the VAWO.

One of the more controversial titles of the bill would seek to make DOJ grant programs more efficient by creating an Office of Audit, Assessment and Management. DOJ currently has two components that are supposed to monitor the effectiveness and efficiency of its programs: grant managers and the OIG. OJP grant managers, who are located in each of OJP's bureaus and program offices, are charged with monitoring the grants made by their office and the OIG is charged with promoting "economy, efficiency and effectiveness within the Department."<sup>51</sup> The role of OJP grant managers and the OIG in monitoring the effectiveness and efficiency of DOJ programs is discussed in greater detail below. In addition to creating a new audit office, the act would also codify and restructure the CCDO.

### The Office of Audit, Assessment and Management

H.R. 3402 would establish the Office of Audit, Assessment, and Management (hereafter referred to as "the Office"). The Director of the Office would be appointed by the Attorney General. The Office would be responsible for the following: (1) carrying out and coordinating performance audits; (2) taking actions to ensure the compliance with the terms of grants carried out by DOJ; and (3) managing information with respect to any grant carried out by OJP or any other grant program under DOJ that the Attorney General considers appropriate. This analysis centers on whether the oversight provided by the Office would be duplicative of the oversight of grant programs that is currently being provided by NIJ, OJP Grant Managers and DOJ's OIG.

**National Institute of Justice.** As stated above, NIJ is the agency in DOJ that coordinates and oversees evaluations of other agencies' programs. NIJ has an Evaluation Division within their Office of Evaluation and Research that focuses on the evaluation of other DOJ programs.<sup>52</sup> H.R. 3402 would require that the performance audits carried out by the Office not affect the authority or duty of the Director of NIJ to carry out evaluations of DOJ programs, namely OJP grant program effectiveness. The bill would also require, however, that the Director of NIJ consult with the Director of the Office when evaluating a DOJ program. While performance

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<sup>51</sup> See [<http://www.usdoj.gov/oig/igintro.htm>].

<sup>52</sup> See [<http://www.ojp.usdoj.gov/nij/about.htm>] for a NIJ organizational chart and a brief description of the Evaluation Division.

audits and evaluations are not the same thing, it is not clear whether the performance audits conducted by the Office would be completely exclusive of the evaluation of DOJ programs conducted by NIJ. NIJ evaluations seek to determine whether the program was effective as opposed to determining if the grantee was in compliance with the terms of the grant.

**OJP Grant Managers.** H.R. 3402 would require the Director of the Office to take action to ensure a grantee comes into compliance with the terms of a grant if found to be in noncompliance. OJP's Grant Manager Manual (GMM) outlines the duties and responsibilities for an OJP grant manager; grant managers are currently responsible for ensuring grantees are in compliance with the terms of their grants.<sup>53</sup> In other words, they make sure that grantees are adhering to the special conditions, which the program office has established for the grant. Grant managers are also partly responsible for ensuring the program is meeting the goals and objectives as outlined in the grantee's application by making sure grantees submit their progress and financial reports in a timely manner.<sup>54</sup> Grant managers monitor compliance through desk reviews, telephone monitoring reviews with grantees, progress reports and site visits.<sup>55</sup> Grant managers are authorized to suspend or cease a grantee's funding if they find the grantee is noncompliant and the grantee is not taking the necessary actions to come into compliance with the terms of the grant.<sup>56</sup>

**Grant Management System.** H.R. 3402 would require the Director to establish and maintain a modern, automated system for managing all information relating to the grants made under covered programs. In many ways the system required by this provision mirrors OJP's Grant Management System (GMS), a web-accessible computer system capable of processing grant applications and awards. All grantees for FY2004 and FY2005 were required to submit their applications to OJP through GMS. The GMS contains all award documents along with the grantee's application. Grant managers can add notes to document actions taken during the application process and after the award has been made. Grantees are also required to submit progress reports through GMS. OJP also uses GMS to assist with program monitoring. Grant managers must review and approve a grantee's progress report in GMS. Grant managers are also required to enter their site visit reports into GMS. OJP is requesting that grant managers use GMS to record all actions they have taken on the grant. All data for each grantee are accessible to any grant manager through GMS.

## **The Community Capacity Development Office and the Weed and Seed Grant Program**

H.R. 3402 would change the structure and functions of the CCDO. The act would create an Office of Weed and Seed Strategies headed by a Director. The Office

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<sup>53</sup> OJP's GMM, §§8.1.1-8.1.3.

<sup>54</sup> *Ibid.*, §§7.3.1 and 7.3.2.

<sup>55</sup> *Ibid.*, §§8.2.2, 8.2.3 and 8.2.3.2.

<sup>56</sup> *Ibid.*, §§7.3.3, 7.4 and 7.5.1.

of Weed and Seed Strategies would administer the Weed and Seed Program. Currently, the Weed and Seed Program is administered by CCDO. In effect, the act would take the Weed and Seed program out of CCDO and reestablish an office responsible for administering the program, as it was under the Executive Office of Weed and Seed (the predecessor to CCDO). Under Section 249 of the bill, CCDO would be the exclusive provider of training for all OJP programs and any other programs under DOJ that the Attorney General considers appropriate. The training provided by CCDO would help grantees understand the procedural and substantive requirements of the program. The training provided by other offices in DOJ would transfer to CCDO.

## Possible Issues and Questions

While the Administration has previously taken steps to restructure OJP, there remain outstanding issues regarding OJP grant program evaluations and compliance monitoring. At issue for Congress is whether OJP has done enough to fully correct the identified deficiencies in its management and oversight of its grant programs or whether another level of oversight is necessary to streamline OJP grant programs and improve efficiency through greater monitoring of programs? The GAO and the OIG reports raise questions about whether the current organizational structure of OJP is capable of properly managing its grant programs. Are grant managers at OJP accountable for the performance of the grants they manage? Has OJP done enough to train grant managers to address the issues reported by the GAO and the OIG when monitoring their grants? Has the Administration taken the steps necessary to ensure that grantees are held accountable for submitting their reports and producing results?

In exercising its oversight role, Congress may want to explore how federal funds are overseen and the findings of the OIG and the GAO are addressed. The current congressional proposal to create the Office of Audit, Assessment and Management may raise questions about possible duplication of efforts. H.R. 3402 appears to give the Office of Audit, Assessment and Management many of the same oversight responsibilities that OJP's grant managers, NIJ and the OIG are already charged with. Congress may choose to consider the following:

- Could proper oversight of federal funds be achieved with improvements to OJP's current structure?
- How will the Office of Audit, Assessment and Management responsibilities be separate from those of OJP, the OIG and NIJ?
- Would the creation of an OAAM provide the program evaluations that would be the basis for a more fundamental realignment of OJP grant programs as well as improve compliance with grant program requirements?
- Would a stand-alone Community Capacity Development Office (CCDO) made responsible exclusively for providing state, local, and tribal governments, as well as non-profit organizations with training on OJP and other DOJ grant programs compliance be separate from those functions already being provided by other entities?