



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, DC 20530

The Honorable Jim Jordan
Chairman
Committee on the Judiciary
U.S. House of Representatives
Washington, DC 20515

Dear Chairman Jordan:

This responds to your letters to the Department of Justice's (Department) Office of Justice Programs (OJP) dated June 30, 2023, and August 15, 2023, requesting information about OJP's grantmaking process. We appreciate the Committee's interest in the administration of grants by OJP and have enclosed documents responsive to your requests, Bates numbered HJC-OJP-0000001 to HJC-OJP-0001074. In addition to producing these documents, we are providing further responsive information below.

Funds distributed by the Department's grantmaking components, including OJP, impact thousands of communities throughout the country. These funds support many of the Department's key priorities, including reducing violent crime and gun violence, preventing overdose deaths, and upholding the rule of law. The Department works diligently across its components to ensure we continue to support our state, local, territorial, and Tribal law enforcement counterparts in promoting safer and healthier communities; provide vital resources and support to victims of crimes across the country; reduce and prevent domestic and sexual violence; improve our juvenile justice system; enhance our data collection efforts; and elevate evidence-based policies to improve the way we structure our programs and respond to needs of law enforcement and communities across the country.

OJP, established by the Justice Assistance Act of 1984 and reauthorized in 1988, is the Department's largest grantmaking component and houses the Department's criminal and juvenile justice-related science and statistics agencies. OJP provides federal leadership, funding, training and technical assistance, research and statistics, and other critical resources to advance work that strengthens community safety and promotes civil rights, among other things. In fiscal year (FY) 2022 alone, OJP made 3,540 awards totaling over \$4 billion.

As you note in your letter, in FY 2023, OJP received nearly \$5 billion in funding and was authorized for 859 full-time and part-time employees. For FY 2024, the Department requests over \$5.6 billion, which is \$688 million over the FY 2023 enacted level. OJP's budget requests are published at: <https://www.justice.gov/doj/budget-and-performance>. The FY 2024 President's

Budget Appendix includes actual prior year obligations, current year estimates, and the FY 2024 request for the Department, including the Office of Justice Programs and is available at: https://www.whitehouse.gov/wp-content/uploads/2023/03/jus_fy2024.pdf. Every fiscal year, the Department submits its requests for both its budget and allocated number of personnel per component pursuant to the Congressional Budget Act of 1974, as amended. This information is sent to Congress and made public. In addition, annual appropriations bills generally require that the Department submit a “Spend Plan” to its appropriators of jurisdiction. This document describes the Department’s plans for spending its appropriated funds and is provided annually to the Appropriations Committees.

OJP Structure and Management

You requested an accounting and breakdown of OJP’s staffing. OJP is led by a Senate-confirmed Assistant Attorney General who is responsible for setting the programmatic priorities of the component and ensuring that the priorities and programs are aligned with the goals of the Department. Additionally, Office of the Assistant Attorney General (OAAG) leadership includes, among others, the Principal Deputy Assistant Attorney General, appointed by the Attorney General, and the Deputy Assistant Attorney General for Operations and Management, a career senior executive. OAAG has a total of 14 employees.

OJP has six program offices described in more detail below. The Office of the Assistant Attorney General (OAAG) and the six program offices are supported by the following business offices: the Office of Administration; the Office of Audit, Assessment, and Management; the Office of the Chief Financial Officer; the Office of the Chief Information Officer; the Office of the General Counsel; the Office of Communications; the Office of Civil Rights and the Office of Equal Employment Opportunities.

OJP Program Offices

OJP’s six program offices are the: Bureau of Justice Assistance (BJA); Bureau of Justice Statistics (BJS); National Institute of Justice (NIJ); Office of Juvenile Justice and Delinquency Prevention (OJJDP); Office for Victims of Crime (OVC); and Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART Office). All OJP program office heads are Presidentially appointed. As of August 22, 2023, OJP has 689 federal employees (both full-time and part-time) and is actively recruiting and hiring the additional positions received in the FY 2023 appropriation.¹ OJP’s business and program offices are all represented in the signed copy of the Organizational Chart included in the accompanying production.

BJA strengthens the nation’s criminal justice system and helps America’s state, local, and tribal jurisdictions reduce and prevent crime, reduce recidivism, and promote a fair and safe criminal justice system. BJA focuses its programmatic and policy efforts on providing a wide

¹ You also expressed an interest in what you characterize as “OJP’s Human Capital Planning Outlook.” To our knowledge, OJP does not maintain a document with this title. The Department follows a human capital operating plan consistent with 5 C.F.R. § 250.205, but individual Department components, including OJP, do not maintain their own such plans.

range of resources, including training and technical assistance, to law enforcement, courts, corrections, treatment, reentry, justice information sharing, and community-based partners to address chronic and emerging criminal justice challenges nationwide. BJA has a total of 148 employees.

BJS is the primary statistical agency of the Department. BJS collects, analyzes, publishes, and disseminates information on crime, individuals who commit crimes, crime victims, and criminal justice operations. BJS also provides financial and technical support to state, local, and tribal governments to improve their statistical capabilities and the quality and the utility of their criminal history records. BJS provides statistical information to the President, Congress, other officials, and the public with accurate, timely, and objective data about crime and the management of criminal justice. BJS has a total of 60 employees.

NIJ is the research, development and evaluation agency of the Department, dedicated to improving knowledge and understanding of crime and justice issues through science. NIJ provides objective and independent knowledge and tools to inform the decision-making of the criminal and juvenile justice communities to reduce crime and advance justice, particularly at the state and local levels. NIJ has a total of 54 employees.

OJJDP established in 1974 under the Juvenile Justice and Delinquency Prevention Act, provides national leadership, coordination, and resources to prevent and respond to juvenile delinquency and victimization. OJJDP supports the efforts of states, Tribes, and communities to develop and implement effective and equitable juvenile justice systems that enhance public safety, ensure youth are held appropriately accountable to both crime victims and communities, and empower youth to live productive, law-abiding lives. OJJDP has a total of 54 employees.

OVC administers the Crime Victims Fund, providing victims compensation and assistance to every U.S. State and territory to support programs and services that focus on helping victims in the immediate aftermath of crime and continuing to support them as they rebuild their lives. In addition, OVC supports efforts to build capacity in the victim services field, promote research and evaluation, and serve victims of all forms of victimization, including victims of human trafficking, child abuse, sexual assault, financial exploitation, and terrorism and mass violence. OVC has a total of 53 employees.

The SMART Office assists with implementation of the Sex Offender Registration and Notification Act and provides assistance to criminal justice professionals across the entire spectrum of sex offender management activities needed to ensure public safety. The SMART Office provides jurisdictions with guidance regarding the implementation of the Adam Walsh Act and provides technical assistance to states, territories, Tribes, local governments, and public and private organizations. SMART has a total of 15 employees.

Overview of OJP Grant Programs

You have also expressed an interest in OJP's current operations and processes. In FY 2023, OJP issued 12 formula solicitations and 166 competitive discretionary solicitations. OJP's funding plans for the fiscal year are made available for inclusion in the DOJ Program Plan,

which is a public online database that provides summary details of the funding opportunities each Department grantmaking component is expecting to release or has released in the current fiscal year. The DOJ Program Plan is available at <https://www.justice.gov/dojgrantsprogramplan>. The DOJ Program Plan assists applicants in identifying funding opportunities (i.e., solicitations) that address their criminal, juvenile, victim services, and civil justice needs.

OJP uses multiple strategies to broadly disseminate information about funding opportunities, posts resources for applicants, and provides webinars to educate interested stakeholders and jurisdictions. The solicitations for FYs 2021-2023 can be found on OJP's website at <https://www.ojp.gov/funding/explore/current-funding-opportunities>. More information about OJP's formula and discretionary grants is contained in the enclosed production. Additional information is available on OJP's website.

OJP Grant Award Process

All OJP solicitations and grant applications go through a rigorous development and review process. OJP's award process is governed by the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, 2 C.F.R. Part 200, as adopted by the Department at 2 C.F.R. § 2800.101.

OJP's award process for both formula and discretionary grants begins with issuance of a solicitation (known at some agencies as a "request for proposals" or "notice of funding opportunity"). A solicitation is a public announcement of the underlying funding opportunity and must comply with the requirements set forth in 2 C.F.R. § 200.204, Notice of Funding Opportunities, and Appendix I, Full Text of Notice of Funding Opportunity. These provisions require that, among other things, a solicitation include a full programmatic description of the funding opportunity, the amount and duration of awards, eligibility information, submission dates and times, and the criteria and process to be used to evaluate applications. OJP solicitations are made available on Grants.gov and the OJP website. Solicitations are typically posted for a minimum of 60 calendar days. All solicitations posted by OJP for fiscal years 2021 (<https://www.ojp.gov/archives/solicitations/fiscal-year-2021>), 2022 (<https://www.ojp.gov/archives/solicitations/fiscal-year-2022>), and 2023 (<https://www.ojp.gov/funding/explore/current-funding-opportunities>) are available on the OJP website and linked here.

Competitive Grant Award Process

OJP has a structured, thorough, and objective review process for discretionary grant programs. Once an application is submitted, OJP reviews the application for completeness and to ensure that it meets eligibility and any other basic minimum requirements (BMR) defined in the solicitation. After this screening for BMR, OJP determines whether to move the application forward to the peer review process. In the case of a denial, OJP notifies the applicant of the reasons why their application did not pass.

OJP's competitive discretionary grant program applications and concept papers are peer reviewed.² Peer review involves subject matter experts, both internal and external, who assess the technical merits of an application or concept paper. For competitive solicitations, this includes a review of the application by a panel of three external subject-matter experts who assess the merits of an application against the criteria identified in the solicitation. Peer Reviewers are independent subject matter experts who are qualified by their education, training, and experience relevant to the solicitation goals and objectives to evaluate grant and cooperative agreement applications for OJP awards. OJP also uses "internal" peer review panels consisting of federal staff who are subject-matter experts, including OJP employees and employees from other Department components and federal agencies. All reviewers, whether internal or external, are trained to assign numeric scores consistently and impartially, and provide comments on each application. For each application reviewed, a peer reviewer must complete a "Disclosure of Conflict of Interest" form to ensure that the peer reviewer does not participate in the review of any application when he or she has a real or potential conflict of interest. OJP is continually working to increase and diversify the pool of peer experts.

After peer review is complete, OJP's program offices conduct a programmatic review of applications considering peer review scores and other factors outlined in the solicitation such as geographic diversity, strategic priorities, available funding, past performance, and whether applications are likely to meet the goals and objectives of the solicitation and to comply with applicable federal statutes, regulations, and executive orders. Pursuant to 2 C.F.R. § 200.206, before award decisions are made, OJP also conducts a pre-award risk assessment of each applicant. Each applicant must complete a Financial Management and System of Internal Controls Questionnaire. OJP also accesses data from the Federal Awardee Performance and Integrity Information System, Federal Audit Clearinghouse, and data from USAspending.gov when reviewing the application.

Before an award can be issued, OJP's Office of the Chief Financial Officer conducts a financial review of all recommended applications to evaluate the fiscal integrity and financial capability of applicants, examine proposed costs to determine if the budget and budget narrative accurately explain project costs and determine whether costs are reasonable, necessary, and allowable under applicable federal cost principles and agency regulations.

Program offices, after conducting the reviews described above, prepare a funding recommendation memorandum (FRM) (except for formula and congressionally directed community project awards). The FRM describes the applications being recommended for funding and other contextual information. The FRMs are reviewed and approved by the Assistant Attorney General (except in those cases of research and statistics solicitations where the Directors of BJS and NIJ make final award decisions).

² OJP also provides supplemental funding to previously competed grants for the same scope of work and programmatic purpose. Per OJP policy, discretionary funding must be re-competed every three fiscal years unless a waiver is requested. In rare circumstances, OJP may also make noncompetitive (sole source) discretionary awards that meet criteria established in federal regulation. The review and approval process of the funding recommendation and award of these grants is the same as outlined in this section.

The FRM documents information about the solicitation, the purpose of the program, the list of applications received and corresponding peer review scores, the list of applications being recommended, narrative justification for the recommendation, an overview of the review process, pre-award risk evaluation, a list of any planned subawards or award-funded procurement contracts, and disclosure of pending applications submitted in the last 12 months for federally funded grants.

Award processing begins after award recommendations have been approved. The award package is electronically routed through the granting program office and relevant business offices for review, analysis, and approval. The OAAG certifies and approves the award package as the final phase of the award process prior to recipient notification. OJP then sends email notifications to successful applicants informing them that they will receive grant awards. Unsuccessful applicants are also timely notified.

Formula Grant Award Process

Applications for formula grant programs are solicited through direct invitations to the applicants to apply. OJP completes a programmatic review (and pre-award risk review and financial review) to ensure the applications are responsive to the program requirements.

To ensure transparency and accountability all current and past formula awards can be found on OJP's website at <https://www.ojp.gov/funding/explore/ojp-award-data>. Awards made in FYs 2021 to 2023 are available here: <https://www.ojp.gov/funding/fy21-ojp-grant-awards>, <https://www.ojp.gov/funding/fy22-ojp-grant-awards>, <https://www.ojp.gov/funding/fy23-ojp-grant-awards>.

Post-Award Process

After the funding recipient accepts the award, the grant manager is responsible for managing the grant in accordance with programmatic, financial, and administrative requirements set forth in the *OJP Grants Management Manual*, the *DOJ Financial Guide*, Department regulations, and 2 C.F.R. Part 200 (Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards), among other applicable laws and policies. The *OJP Grants Management Manual* and *DOJ Financial Guide* are both enclosed.

Grants are monitored to verify project progress and that funds are being used for the purposes of the award. To do so, OJP has ongoing communications, annual desk reviews, review of submitted reports including financial and programmatic, in-depth programmatic and financial monitoring, and targeted outreach to grantees. Additionally, OJP has training requirements for recipients to help ensure that they understand the administrative, financial, and programmatic requirements of their awards, including grant misuse and fraud awareness. All new recipients, recipients that have had changes in key personnel, high-risk recipients, and recipients with significant monitoring and audit findings are required to take the Department financial management training. OJP also provides extensive technical assistance to its recipients to help address audit issues and establish adequate policies and procedures, particularly to small non-profit organizations and local and tribal agencies that may have limited administrative capacity.

The final stage of grant administration is the closeout, during which OJP determines that the recipient has completed all applicable administrative actions and all required work on the project. Upon expiration of the period of performance under an award, the grant manager and the OCFO are responsible for timely and proper closing of the grant.

You also requested information about all individuals ever employed by OJP who also worked at some point for an organization that receives grants from OJP. We are not aware of any existing OJP system or database that maintains comprehensive records of the employment history of all current and former OJP employees. OJP staff comply with federal ethics statutes and regulations designed to ensure that federal officials and employees avoid both actual conflicts of interest and the appearance of such conflicts. Accordingly, under 5 C.F.R. § 2635 Subparts D and E, once an actual conflict (or appearance of conflict) is identified, the individual is recused from participating in decisions or actions affecting the conflicted entity unless he or she receives an authorization under the regulations. This requirement applies to decisions, actions or recommendations regarding a grant application, grant award or contract or contract bid with which the individual has the conflict (actual or appearance thereof). OJP personnel also comply with applicable requirements to complete confidential or public financial disclosure reports, and complete annual and topic-specific ethics training. Conflicts are addressed through recusals and delegations of authority or by changing the employee's portfolio of work. If, for example, the Assistant Attorney General is recused from making an award decision, the decision is typically delegated to a Deputy Assistant Attorney General. Likewise, if the Program Office Director is recused, the decision is typically delegated to the Principal Deputy Director of the office. Finally, if a grant manager is recused from working on a specific grant, the grant manager's supervisor will ensure the grant manager's portfolio of work does not contain the conflicted grant award.

* * *

The Department has worked in good faith to address the Committee's stated interest in the operations and processes of its grantmaking components, and we remain committed to doing so.³ Based on your letter and our subsequent discussions, we understand the Committee to be broadly interested in OJP's operations and current processes, including its budgeting and grant evaluation and administration process. To that end, we would be pleased to arrange a briefing as soon as September 18, 2023, by appropriate OJP staff to answer questions about this response and address OJP's work more broadly. A briefing is the most efficient and productive way to address your questions given the general programmatic nature of the Committee's inquiry. We welcome the opportunity to discuss further accommodations if the Committee has additional questions following a briefing. We look forward to scheduling a briefing and to continued engagement with the Committee.

³ The Department conveyed its commitment to good-faith, voluntary cooperation during multiple discussions with the Committee, as noted in your letter dated August 15, 2023. We also emphasized the broad nature of your requests to three separate Department components and made clear that further guidance on your priorities was necessary to ensure a more efficient response. We indicated during a July 25, 2023, teleconference that we would follow up with a timeline for the Department's anticipated response, which we provided in an email three days later.

The Honorable Jim Jordan

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We hope this information is helpful. Please do not hesitate to contact this office if we may provide additional assistance regarding this or any other matter.

Sincerely,

CARLOS
URIARTE

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Carlos Felipe Uriarte
Assistant Attorney General

Enclosure

cc:

The Honorable Jerrold L. Nadler
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