

STATEMENT OF SENATOR CHARLES E. GRASSLEY
SENATE JUDICIARY COMMITTEE
HEARING ON BULLETPROOF VEST PARTNERSHIP GRANT PROGRAM
MAY 14, 2014

Mr. Chairman, thank you for holding this hearing.

I appreciate the opportunity during National Police Week to highlight a program that has over the years saved so many lives.

One of those lives is that of one of our witnesses today. I welcome both our witnesses.

For all its benefits, in years past, this program has been administered in a way that did not foster accountability, allowed skirting of program requirements, and reduced effectiveness.

In 2012, I asked the Government Accountability Office to examine the operation of the program.

Following their investigation, they recommended that \$27 million of undisbursed funds from grants whose terms had ended be deobligated.

They asked the Justice Department to make sure grant recipients understand that they could not satisfy the 50% match requirement of the Bulletproof Vest Partnership program – the match is what makes it a partnership – by using other federal funds as the basis for the match.

GAO also proposed that DOJ do a better job to ensure that states and local governments that used Byrne/JAG funds for bullet proof vests adhere to the requirements of the BVP grant program.

GAO also made recommendations concerning DOJ enforcing compliance with document retention requirements and the tracking of grant recipients' use of the funds for stab-resistant vests.

Today, GAO has followed up on its earlier investigation and has concluded that the Department of Justice has implemented all of its recommendations.

GAO has sent me a letter outlining that compliance, which it has provided to you, Mr. Chairman, as well.

I ask consent that the GAO letter be included in the record.

GAO has found that DOJ has deobligated \$31 million in undisbursed funds from grant awards whose terms have ended.

Some of these undisbursed funds dated back to 2002.

Additionally, DOJ has implemented a process to review all undisbursed bulletproof vest funds.

As a result, DOJ has deobligated an additional \$7.8 million from more than 3000 grants whose award terms have ended.

And the new process will ensure that the problem of undisbursed funds does not reemerge.

Deobligation promotes accountability in the use of grant funds and is vital to effective grant management.

I am glad to see that this has finally occurred.

GAO also has concluded that DOJ now better publicizes the requirement that grantees retain documentation of their vest purchases.

The grant application now requires applicants to certify their acknowledgement and acceptance of the requirement.

DOJ has also adopted GAO's recommendation concerning tracking funds for stab-resistant vests.

More importantly, DOJ agreed with GAO's advice that it ensure that JAG recipients who use those funds for the purchase of body armor comply with crucial – in fact, life-saving -- requirements of the BVP grant program.

States can use JAG funds as well as BVP grant funds to purchase body armor.

Previously, JAG did not require that grantees only purchase vests that comply with the standards of effectiveness that the National Institutes of Justice have established.

Nor did JAG require that entities that used JAG funds for bullet proof vests have policies mandating that officers actually wear them.

Now, GAO reports that BJA has established requirements that JAG recipients certify that they have written mandatory use policies and that the body armor purchased complies with NIJ standards.

The last of GAO's recommendations was that the Bureau of Justice Assistance had not documented its procedures to ensure that JAG grantees

complied with the requirement not to use JAG funds as the basis to satisfy the match requirement of any BVP grant funds they might also receive.

GAO has found that BJA has issued new guidance for staff to improve compliance with the requirement that JAG funds not be misused as matching funds.

I consider the process of GAO investigating, making sound recommendations, and DOJ adopting new practices to be a textbook example of how oversight is supposed to work to benefit the taxpayer and, in this case, police officers as well.

I do encourage NIJ to issue soon the guidance and new standards that it led GAO in 2012 to believe would have been forthcoming by now.

Following up on GAO's initial recommendations, I requested that when the BVP grant program was authorized, that the legislation incorporate provisions that reflected the benefit of the oversight.

As a result, legislation to reauthorize this program now includes provisions that make all previously appropriated funds not expended by the end of FY 2015 be returned to the Treasury; that recipients of grants not use funds from another grant program to form the basis for satisfying the match requirement; that grantees adopt policies requiring patrol officers to wear bullet proof vests; and that authorization levels for the program be cut.

I appreciate the Chairman's backing for these efforts and I am pleased to support legislation to reauthorize this important program.

The Judiciary Committee reported the bill with a strong vote last year.

There are a small number of senators who have concerns with the bill and haven't consented to its passage.

All that would be needed for the bill to pass the full Senate would be for the Majority Leader, who of course has the power to decide what bills the Senate will consider, to bring this bill to the floor.

Votes for passage would be overwhelming.

Unfortunately, Senator Reid has made clear that he'd rather spend time on political votes than getting legislation like this passed.

I look forward to today's hearing.



441 G St. N.W.
Washington, DC 20548

May 14, 2014

The Honorable Charles E. Grassley
Ranking Member
Committee on the Judiciary
United States Senate

Law Enforcement Body Armor: Status of DOJ's Efforts to Address GAO Recommendations

Dear Senator Grassley:

Since 1987, body armor—in the form of ballistic-resistant and stab-resistant vests—has reportedly saved the lives of over 3,000 law enforcement officers nationwide. Recognizing body armor's value, the Department of Justice (DOJ)—through its Bureau of Justice Assistance (BJA) and its National Institute of Justice (NIJ)—has implemented initiatives to support state and local law enforcement agencies' use of body armor. For example, two BJA grant programs provide grant funding to state and local law enforcement to assist with body armor purchases. On February 15, 2012, I testified before this committee on the key findings of a report we issued that same day, emphasizing (1) the body armor efforts DOJ had underway, (2) the extent to which DOJ had designed controls to manage and coordinate these efforts, and (3) the factors that had affected body armor's use and effectiveness and steps DOJ had taken to address them.¹ Our report contained five recommendations to the Director of BJA to improve grantee accountability in the use of federal funds, reduce the risk of grantee noncompliance with program requirements, and ensure consistency in the department's efforts to promote law enforcement officer safety. You asked us to report on the actions DOJ has taken to address each of the five recommendations.

To complete our February 2012 body armor report, we reviewed information on DOJ's body armor initiatives and interviewed officials from BJA, NIJ, 6 body armor manufacturers, 2 body armor-testing laboratories, 3 law enforcement associations, 10 state and local jurisdictions receiving body armor grants, and 12 stakeholders in and outside of government. We selected these organizations nonrandomly based in part on their size and location. We also examined body armor literature on key factors affecting body armor's use and effectiveness and reviewed DOJ's efforts to address these factors. Our published work provides more detail on our scope and methodology.² To identify actions DOJ has taken in addressing the recommendations we made in that report, from April 2012 through June 2013, we requested and reviewed evidence of the department's actions and assessed the degree to which they were consistent with our

¹See GAO, *Law Enforcement Body Armor: DOJ Supports Its Use and Enhancements, but Could Strengthen Management of Its Related Grant Programs*, GAO-12-448T (Washington, D.C.: Feb. 15, 2012) and *Law Enforcement Body Armor: DOJ Could Enhance Grant Management Controls and Better Ensure Consistency in Grant Program Requirements*, GAO-12-353 (Washington, D.C.: Feb. 15, 2012).

² GAO-12-353.

recommendations. In May 2014, we also contacted officials to determine the extent to which they had institutionalized these actions.

We conducted our work 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 objective.

Results

DOJ has taken actions that are consistent with the five recommendations we made in our February 2012 report, and we consider all the recommendations to be closed and implemented. These recommendations included: 1) deobligating undisbursed funds from grants whose terms have ended, (2) expanding information available to grantees on documentation retention requirements, (3) ensuring consistency in BJA grant program body armor requirements, (4) documenting pertinent monitoring procedures, and (5) tracking JAG grantees' stab-resistant body armor purchases.

Background

Two BJA grant programs provide funding to state and local law enforcement to facilitate their body armor purchases.

- The Bulletproof Vest Partnership (BVP) program offers 2-year grants on a reimbursable basis. As of February 2012, the BVP program had reimbursed grantees about \$247 million for their purchases of nearly 1 million vests.
- The Edward Byrne Memorial Justice Assistance Grant (JAG) program provides 4-year grant money up front that could be used to fund body armor procurement along with other criminal justice activities. The JAG program provided nearly \$4 billion from fiscal years 2006 through 2011, but BJA did not know how much of this amount grantees have spent on body armor because it was not required to track expenditures for specific purposes. BJA reported that from fiscal years 2006 through 2011, 357 grantees intended to use JAG funds for ballistic-resistant vest procurement, but it did not track how many grantees intended to purchase stab-resistant vests.

DOJ Has Taken Action to Address the Five Recommendations from Our February 2012 Report

Recommendation 1: Deobligate Undisbursed Funds

In February 2012, we found that BJA had not deobligated undisbursed funds from BVP program grant awards whose 2-year terms had ended, which is an important final point of accountability for grantees and allows agencies to identify and redirect funds to other priorities. To strengthen fund management, we recommended that BJA deobligate these undisbursed funds. DOJ agreed.

As of May 2013, BJA deobligated approximately \$31 million in undisbursed funding from BVP grants whose terms had ended. This total includes the undisbursed funding from BVP grants that were first awarded from fiscal years 2002 through 2009 that we identified in our February 2012 report, as well as undisbursed funds from fiscal year 2010 grants whose terms ended subsequent to the issuance of our report.

In May 2014, BJA officials told us that they have implemented a process to review all undisbursed funds on a yearly basis in order to routinely deobligate undisbursed BVP funds. These officials noted that, as a result of this process, in April 2014, BJA had deobligated an additional \$7.8 million in undisbursed funds from 3,283 awards whose terms had ended. Additionally, these officials told us that BJA had identified another approximately \$431,000 that may be eligible for deobligation. Specifically,

- About \$166,000 is from awards where BJA denied grantees' payment requests and the denial occurred after the term of the award period ended. These officials stated that BJA plans to deobligate these funds by the end of May 2014.
- Approximately \$265,000 is from awards where grantees had not yet completed payment requests. These officials stated that BJA is working to contact these grantees to complete the payment request; however, if the grantees take no action by May 23, 2014, BJA plans to deobligate the funds by mid-June 2014.

BJA's actions are consistent with our recommendation. Thus, we consider the recommendation closed and implemented.

Recommendation 2: Expand Information Available to Grantees on Documentation Retention Requirements

In February 2012, we found that the BVP program rule requiring that grantees maintain documentation of their vest purchases for 3 years was not as well publicized as it could be. This requirement appeared in "frequently asked questions" guides and was provided when grantees called for technical assistance in administering their grants. However, the requirement did not appear in the grantee instructional manual or in the online system that grantees and BJA use to manage the grant funds, thus increasing the risk that grantees would not be aware of it. As a result, we recommended that BJA expand the information available to grantees on this requirement. DOJ agreed.

In response, BJA began including information on the documentation retention requirement on the website for the BVP program and in the fiscal year 2012 BVP program application, which was issued in May 2012. In addition, the applications for fiscal years 2012, 2013, and 2014 required applicants to certify their acknowledgment and acceptance of the requirement. BJA's actions are consistent with our recommendation. Thus, we consider the recommendation closed and implemented.

Recommendation 3: Ensure Consistency in JAG and BVP Program Body Armor Requirements

In February 2012, we found that the JAG program and the BVP program had different policies for the use and purchase of DOJ-funded body armor. Unlike the BVP program, the JAG program did not require that grantees purchasing body armor have policies in place mandating that officers wear the armor or that the grantees purchase body armor that is NIJ compliant. As a result, we recommended that BJA establish requirements within the JAG program that

grantees using the money for body armor purchases have written mandatory wear policies in place and that they are permitted to purchase only body armor that is compliant with NIJ standards.

In March 2012, BJA established requirements for JAG recipients purchasing body armor with fiscal year 2012 awards to certify that (1) they had a written mandatory wear policy in effect and (2) the body armor complied with applicable NIJ ballistic- or stab-resistant standards. BJA's actions are consistent with our recommendation. Thus, we consider the recommendation closed and implemented.

Recommendation 4: Document Pertinent Monitoring Procedures

In February 2012, we found that BJA grant managers had performed desk reviews, in which officials reviewed grant documentation off-site, to assess grantees' compliance with general programmatic requirements. However, BJA had not documented its procedures to monitor JAG grantees' compliance with the requirement prohibiting recipients from using JAG funds toward the match portion of any BVP grants they might also receive. As a result, we recommended that BJA document pertinent monitoring procedures. DOJ agreed.

In April 2012, BJA began developing guidance for conducting and documenting desk review checks of compliance with JAG program requirements, and in October 2012, fully implemented these new procedures. At that time, BJA officials noted that the new guidance would aid BJA staff in completing their desk reviews for fiscal year 2013 and beyond. BJA's actions are consistent with our recommendation. Thus, we consider the recommendation closed and implemented.

Recommendation 5: Track the JAG Grantees' Stab-resistant Body Armor Purchases

In February 2012, we found that BJA had limited ability to see which JAG grantees intended to use their awards for body armor purchases. BJA, along with several other bureaus and offices within the department, used an online system, known as the Grants Management System (GMS), to track JAG spending across more than 150 specific categories. At the time of our report, each category was associated with a "project identifier." Although "bulletproof vest" was among the project identifiers, no project identifier existed that could be used for stab-resistant vests. As a result, we recommended that BJA establish a project identifier to track stab-resistant body armor. DOJ agreed.

In February 2012, BJA added a project identifier called "Body Armor-Stab-Resistant" within GMS. BJA's actions are consistent with our recommendation. Thus, we consider the recommendation closed and implemented.

Agency Comments

We requested comments on a draft of this report from the Department of Justice. The Department of Justice had no comments.

If you or your staff have any questions about our initial audit work or the actions that the Department of Justice took to close these recommendations, please contact me at (202) 512-9627 or MaurerD@gao.gov.

Sincerely yours,

A handwritten signature in black ink that reads "David C. Maurer". The signature is written in a cursive style with a long, sweeping tail on the final letter.

David C. Maurer
Director, Homeland Security and Justice Issues

(441227)

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