



DEPARTMENT OF JUSTICE | OFFICE OF THE INSPECTOR GENERAL

PANDEMIC RESPONSE REPORT

20-074

JUNE 2020

Status of CARES Act Funding as of
June 12, 2020 (Unaudited)

AUDIT DIVISION



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DOJ's CARES Act Appropriation

\$1.007 billion

- **\$850 million** for the Office of Justice programs (OJP)
- **\$100 million** for the Federal Bureau of Prisons (BOP)
- **\$20 million** for the Federal Bureau of Investigation (FBI)
- **\$15 million** for the United States Marshals Service (USMS)
- **\$15 million** for the Drug Enforcement Administration (DEA)
- **\$3 million** for the United States Attorneys (USA)
- **\$2 million** for Justice Information Sharing Technology (JIST)
- **\$2 million** for the Office of the Inspector General (OIG)

Background

The Coronavirus Aid, Relief, and Economic Security Act (CARES Act) was signed into law on March 27, 2020 by the President of the United States. The Department of Justice (DOJ) received \$1.007 billion in the CARES Act supplemental appropriation to prevent, prepare for, and respond to coronavirus, domestically or internationally, including the impact of coronavirus on the work of the Department of Justice.

Status

According to DOJ components, as of June 12, 2020, DOJ has obligated over \$959 million, or 95 percent, of the total appropriated funds received, as shown below. An obligation is a legally binding agreement that will result in an expenditure, immediately or in the future.

| | CARES Act Funding | Net Obligations (in millions) | Percent Obligated |
|--------------|-------------------|----------------------------------|-------------------|
| OJP | \$ 850 | \$ 841.5 | 99% |
| BOP | 100 | 100.0 | 100% |
| FBI | 20 | 3.3 | 17% |
| USMS | 15 | 3.4 | 23% |
| DEA | 15 | 6.5 | 43% |
| USA | 3 | 3.0 | 100% |
| JIST | 2 | 0.6 | 32% |
| OIG | 2 | 1.0 | 50% |
| Total | \$ 1.007 | \$ 959.3 | 95% |

Source: DOJ Components

Examples of How the Money is Being Used

- Grants to states, local governments, and tribes
- Residential Reentry Center expenses
- Information technology services and equipment to support increased telework
- Free telephone usage for inmates during the pandemic
- Outside medical expenses for inmates
- Salaries and benefits
- Personal protective equipment and cleaning supplies
- Safe Haven travel for overseas personnel
- Food items and paper products used in Federal prisons

DOJ Requirements Pursuant to the CARES Act and OMB Guidance

The CARES Act requires the DOJ, along with several other federal departments and agencies, to satisfy certain reporting requirements related to their allocated CARES Act funding. On April 10, 2020, the Office of Management and Budget (OMB) released a memorandum to these reporting agencies that provided additional direction, including a mandate that they leverage and continue to employ existing financial transparency and accountability mechanisms while considering the core principles of mission achievement, expediency, and transparency and accountability.

CARES Act and OMB Guidance - DOJ Reporting Requirements

| Summary of Reporting Requirement | Reference | Due Date |
|--|-----------------------------|---------------|
| On a monthly basis until September 30, 2021, DOJ shall report to the Director of OMB, the Bureau of Fiscal Service in the Department of the Treasury, the PRAC, and the appropriate congressional committees on any obligation or expenditure of large covered funds, including loans and awards.¹ | CARES Act, § 15011(b)(1)(A) | Not Specified |
| Not later than 90 days after the date of enactment of this Act, DOJ shall submit to the PRAC a plan describing how it will use covered funds.² | CARES Act, § 15011(b)(1)(B) | June 25, 2020 |
| Not later than 10 days after the end of each calendar quarter, each covered recipient shall submit to DOJ and the PRAC a report that contains—(A) the total amount of large covered funds received from DOJ; (B) the amount of large covered funds received that were expended or obligated for each project or activity; (C) a detailed list of all projects or activities for which large covered funds were expended or obligated (including the name, a description, and the number of jobs created or retained as a result of the project or activity, and (D) detailed information on any level of subcontracts or subgrants awarded by the covered recipient or its subcontractors or subgrantees.³ | CARES Act, § 15011(b)(2) | July 10, 2020 |

¹ The term “large covered funds” means covered funds that amount to more than \$150,000. CARES Act, Pub. L. 116-136 §15011(a)(3).

² “Covered funds” are any funds, including loans, that are made available in any form to any non-Federal entity, not including an individual, under— (A) this Act; (B) the Coronavirus Preparedness and Response Supplemental Appropriations Act, 2020 (Public Law 116-123); (C) the Families First Coronavirus Response Act (Public Law 116-127); or (D) any other Act primarily making appropriations for the Coronavirus response and related activities. CARES Act, Pub. L. 116-136 §15010(a)(6).

³ Each agency, in coordination with the PRAC and the Director of OMB shall provide user-friendly means for covered recipients to meet requirements of this subsection. Federal agencies may use existing mechanisms to ensure that information under this subsection is reported accurately.

| | | |
|---|--|----------------------|
| <p>Not later than 30 days after the end of each calendar quarter, the PRAC, in consultation with the agency that made large covered funds available to any covered recipient shall make the information in reports submitted under paragraph (2) publicly available by posting the information on the website established under CARES Act § 15010(g).</p> | <p>CARES Act, § 15011(b)(3)</p> | <p>July 30, 2020</p> |
| <p>Effective for the June 2020 reporting period, agencies with COVID-19 relief funding must submit DATA Act Files A, B and C on a monthly basis. Files B and C must include all Treasury accounts containing a COVID-19-related DEFC domain value in the agencies' GTAS submission for that period. These submissions must also include a running total of outlays for each award in File C for all records containing a DEFC domain value. Monthly submissions of Files A, B and C must be certified by the DATA Act Senior Accountable Official or financial representative designee for COVID-19 related funding.</p> | <p>OMB Memo M-20-21, Appendix A, Section III</p> | <p>July 2020</p> |
| <p>Effective with the issuance of this Memorandum, OMB hereby instructs agencies using the General Services Administration's SmartPay program to identify relevant transactions in their servicing bank's Electronic Access System (EAS) during the reconciliation process by adding "COVID" as the identifier for transactions. Agencies not using an EAS must apply the "COVID" identifier to appropriate transactions in internal systems in anticipation of providing such information as requested by OMB.</p> | <p>OMB Memo M-20-21, Appendix A, Section VII</p> | <p>Immediately</p> |

DOJ OIG Ongoing Efforts

The OMB memo specifically encouraged OIG's to develop plans to leverage their new surge of resources to prevent and detect waste, fraud, and abuse related to agency implementation of the relief legislation. OMB urged the OIG community and the newly created Pandemic Response Accountability Committee (PRAC) to work closely with OMB and their respective agencies to coordinate COVID-19-related oversight efforts, while leveraging available technology to minimize burden, avoid duplicative efforts, and to re-prioritize lower priority audit work to allow agencies and OIGs to better support higher priority COVID-19 work.

Upon passage of the CARES Act, the DOJ OIG moved swiftly to reassess its current workload to ensure robust oversight of the \$1.007 billion received by DOJ, which included a \$2 million supplement to the OIG. To date, the DOJ OIG has taken the following actions to support and provide robust oversight of the Department of Justice's COVID-19 responsibilities:

- Contributed to the development of the PRAC's Top COVID-19 challenges document, by establishing the [top COVID-19 challenges facing DOJ](#).

- Initiating a survey to the ATF, DEA, FBI, USAOs, and USMS to better understand the effects of COVID-19 on investigative operations.
- Initiated a series of remote inspections of facilities housing BOP inmates during the COVID-19 pandemic. These inspections will assess whether BOP-managed institutions, contract institutions, and contract Residential Reentry Centers are complying with available guidance and best practices regarding preventing, managing, and containing potential COVID-19 outbreaks in correctional and residential reentry settings. The OIG's objectives include providing information gathered during these inspections to assist BOP in mitigating the health risks arising from the pandemic. As part of this work, the OIG is examining the Department's and the BOP's use of home confinement and other early release authorities provided under the CARES Act to manage the spread of COVID-19 within BOP facilities.
- Initiated a review of the USMS response to the COVID-19 pandemic to assess whether the USMS is complying with available guidance and best practices regarding preventing, managing, and containing potential COVID-19 outbreaks in its detention settings. The preliminary objective is to provide information gathered during this review to assist the USMS in mitigating the health risks arising from the pandemic.
- Initiated an audit of OJP's oversight of the \$850 million of CARES Act funding intended to support state and local law enforcement efforts to respond to the pandemic.
- Initiated a limited scope review of the Executive Office for Immigration Review's (EOIR) handling of certain challenges presented in conducting operations during the COVID-19 pandemic. The OIG will assess EOIR's communication to staff, parties to proceedings, and the public about immigration court operations; its use of personal protective equipment; its use of worksite flexibilities; and its ability to mitigate health risks while maintaining operations during the COVID-19 pandemic.