**Attachment: Management Response to Recommendations
Contained in OIG- 16-048-AUD-CBP, FEMA**

Cash on Hand Analysis – In conjunction with the Regions, GPD has implemented a multi-layered quarterly review of each HSGP grant which includes OPSG which by law is a portion of the SHSP award. The Regions conduct a quarterly Cash on Hand Analysis, which includes reviewing SF-425s and Integrated Financial Management Information System (IFMIS) drawdown activity. GPD GMS staff review the details of the FEMA Regions' assessments and conduct a secondary review to resolve issues, address payment related matters, and educate recipients on proper payment and reporting requirements.

Annual Improper Payments Review per the Improper Payments Elimination and Recovery Improvement Act of 2012, Pub. L. No. 112-248 – The HSGP, which includes OPSG awards, annually undergoes an improper payment assessment, which includes testing a sample population of payments made in the previous fiscal year. Recipients are required to provide all documentation associated with the selected payments and transactions. Documentation must support the allowability of the drawdown and validate that the payment was utilized in a "proper" manner.

We request that the OIG consider this recommendation resolved and closed.

The OIG also recommended that the FEMA Assistant Administrator for the Grant Programs Directorate coordinate, consistent with the responsibilities outlined in the March 2012 Stonegarden Memorandum of Agreement with the Chief, U.S. Border Protection to:

Recommendation 4: improve and enforce program guidance by addressing the risk of supplantation for overtime and equipment costs.

Response: Concur. FEMA and CBP established and continue to augment the implementation of a framework to better mitigate the risk in OPSG grant management of waste, fraud, abuse, and supplanting – as that term is applied by section 2008(b)(1)(A) of the Homeland Security Act of 2002, Pub. L. No. 107-296, as amended (6 U.S.C. § 609(b)(1)(A)). OPSG funds support existing law enforcement agencies in securing the nation's border. These funds exclusively support the sustainment of existing law enforcement capabilities or add to the existing capabilities with new, updated, or innovative equipment.

- FEMA and CBP have collaborated to update and revise OPSG grant guidance in subsequent Notices of Funding Opportunity (NOFO) since FY 2015. The implementation of this updated and revised NOFO guidance provides more prescriptive requirements for SAAs and OPSG subrecipients. Specific documentation and reporting requirements assist FEMA and CBP in accomplishing detailed reviews and closer scrutiny, therefore addressing and reducing the risk of supplanting.
  - Updated and revised NOFO guidance includes: requiring a minimum of two Integrated Planning Team (IPTs) meetings between the U.S. Border Protection (USBP), SAAs, and subrecipients to ensure strategic operational collaboration takes place in order to reconcile USBP Sector operational requirements to the resource capabilities of the state, local, and tribal agency capabilities.

In light of the actions described, FEMA believes the intent of this recommendation has been met

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and requests that the OIG consider this recommendation resolved and closed.

Recommendation 5: improve and enforce program guidance by establishing a restriction on the number of total hours (regular and Stonegarden overtime) that may be worked within a 24-hour period.

Response: Concur. FEMA-GPD will incorporate revision in the FY 2018 NOFO to create a new overtime policy. This policy revision would look to limit overtime for each officer/deputy/dispatcher/agent to 8 hours in any 24 hour period when the officer works an 8 hour shift. If the officer is not working an 8 hour shift in any 24 hour period, the officer may receive 16 hours overtime from the OPSG award funds. This new requirement will limit OPSG subrecipients to a double shift, of no more than 16 hours in a contiguous 24 hour day. ECD: June 30, 2018

Recommendation 6: improve program performance reporting and measurement by designing, implementing, and enforcing procedures to capture standardized performance data regarding program output.

Response: Concur. U.S. Border Patrol identified the need for improved performance reporting and measurement prior to the OPSG FY 2015 grant cycle. Since 2015, CBP implemented an OPSG specific data management platform, user-friendly interfaces, data system training, and streamlined operating procedures that capture standardized performance data regarding program output, as well as facilitates and demands the regular review of OPSG operations by analysis of outcomes.

Actions Already Taken-
FEMA-GPD and CBP collaborated on the:

- Development, testing, and socialization of the MAX.gov OPSG data management platform as well as providing improved oversight and accountability of the OPSG grant process.
- Training of over 700 OPSG MAX.gov participants at the Federal, state, local, territorial, and tribal levels of government and law enforcement,
- Transfer of the previous OPSG administrative submission and operational review process functions into the implementation of the OPSG FEMA administrative submission and CBP operational review process to provide for greater transparency, oversight, accountability and the administration of Federal grant funds in a manner consistent with underlying agreements, program objectives, and the terms and conditions of the award which include:
  - Clearly defining the roles and responsibilities of FEMA, CBP, the SAA, and the subrecipients as well as requiring submission of Daily Activity Reports (DARs) within 48 hours of completing the OPSG shift.
  - Requiring Monthly Activity Reports (MARs) submission at the Sector and HQ levels on the 10th and 15th of the month, respectively, to document the operational activity and collect data for performance measurement.

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- o Requiring After Action Reports (AARs) within 10 days of the closing of the operational period of performance.
- o Providing Sectors the ability and authority to conduct random on-site operational verification of OPSG shift.
- CBP developed and implemented the USBP Self Inspection Program (SIP), including requirements that target USBP Sector Chiefs to monitor and ensure compliance with required OPSG operational documentation and report submissions. SIP charges Sector Chiefs to verify the completion of IPTs, authorize the monitoring of random subrecipient operational performance verification, requires them to facilitate the timely submission of operational AARs, and requires them to facilitate the timely and accurate submission of DARs.
- FEMA and CBP developed and implemented the MAX.gov OPSG data management platform managed by OMB. MAX.gov replaced the previous OPSG grant administrative and operational review process with a singular platform providing transparency, visibility, and increasing accountability and oversight between FEMA, CBP, SAAs, and subrecipients. The advent of MAX.gov reduced the review and processing time for OOs and FRAGOs by approximately 70 percent. MAX.gov also provides access and visibility of the OPSG grant administrative and operational review process to all levels of grant stakeholders behind a secure firewall that is accessible nationwide.

Actions Ongoing-
- CBP continues to employ the OPSG Self Inspection Program (SIP) that targets USBP Sector Chiefs to monitor and ensure compliance with required OPSG operational documentation and report submissions, facilitate the timely submission of Operational After-Action Reports (AARs), and facilitate the timely and accurate submission of Daily Activity Reports.

Actions Planned-
- CBP will reduce the OPSG MAX.gov Management and Administration costs by transferring the MAX.gov OPSG data management platform (used for administrative submission and operational review process functions) to a DHS Homeland Security Information Network (HSIN) web-based platform to provide for greater transparency, oversight, accountability, and the administering of Federal grant funds in a manner consistent with FEMA underlying agreements, program objectives, and the terms and conditions of the award. The transfer of the OPSG data management platform will provide more efficient submission and review of all required documentation, including OOs, AARs, and DARs. The DHS HSIN-based platform removes the cost-related constraints on the quantity of user accounts, facilitating even greater accountability and oversight; and allows for better analysis and improved review of the collected data, providing better operational direction and increasing accountability and oversight.

ECD: December 31, 2018

Recommendation 7: improve program performance reporting and measurement by developing performance measures based on the standardized data aligned with the program's objectives and

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measure performance in terms of Stonegarden outputs or law enforcement activities. This should include reporting, tracking, and comparing such performance data over time.

Response: Concur. The use of standardized data will assist in validating the performance of obligated resources and the application of equipment to provide enhanced capabilities. U.S. Border Patrol has standardized and implemented electronic submission of both the OO Form and the DAR Form. The forms can be submitted electronically by the subrecipients via the MAX.gov OPSG data management platform. Standardization of the forms and the data input mechanism provide for reliable and consistent data collection. The OPSG data sets extrapolated from the subrecipient submissions provide FEMA and CBP with the empirical collected data of OPSG funded law enforcement activities. The MAX.gov data management platform allows accurate reporting, tracking, analysis, and progress toward successful trends or the informing of deficits affecting OPSG grant program operational objectives.

Actions Already Taken-
- FEMA and CBP developed and designed a DAR Form for accurate, uniform capture of programmatic performance data.
- FEMA adopted the use of "Percentage of OPSG funding used to sustain a core capability" as a performance measure in FY 2014. FEMA accomplished this by modifying BSIR requirements to more accurately assess the allocation of grant funds towards activities that sustain existing or build a new capability.
- OPSG funds support existing law enforcement agencies in securing the nation's border, exclusively supporting the sustainment of existing law enforcement capabilities, or adding to the existing capabilities with new, updated, or innovative equipment capabilities.
- As required by section 2023 of the Homeland Security Act of 2002, Pub. L. No. 107-296, as added by the Redundancy Elimination and Enhanced Performance for Preparedness Grants Act (REEPPG), Pub. L. No. 111-271 (2010) (6 U.S.C. § 613), since 2014, FEMA and CBP have completed efforts to reduce recipient reporting burden, refine grant performance measures to assess grant effectiveness, and assess performance of the grant programs authorized under the Homeland Security Act of 2002.
- FEMA and CBP adopted the use of specific performance measures, gathered from data already captured in DARs and other required reports, in order to mitigate the administrative burden on subrecipients.

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Measure	2013	2014	Context
OPSG			
Percentage of OPSG funding used to sustain a core capability	100%	100%	In FY 2014, FEMA modified BSIR requirements to more accurately assess the allocation of grant funds towards activities that sustain existing or build a new capability. OPSG funds support existing law enforcement agencies in securing the nation's border, exclusively supporting the sustainment of existing capabilities. FEMA will continue to track these metrics in subsequent FYs.
Percentage of OPSG funding used to build a new core capability	0%	0%	
Number of man hours worked supported by OPSG funds	1,217,344	1,229,064	CBP tracks multiple indicators to assess the enhanced law enforcement presence along the border enabled by OPSG funds. The number of hours worked, miles patrolled, and patrols conducted are key indicators used to assess increased security enhancement as a result of OPSG-funded operations. FEMA allocates OPSG funds based on risk-based prioritization; length of the border in miles is one of these risk-based factors.
Number of miles of border patrols supported by OPSG funds	4,642,999	5,691,690	
Number of border security patrols supported by OPSG funds	152,168	153,633	
Number of penal code arrests	8,969	11,542	The number of arrests and the number of those turned over to Border Patrol provide third-party indicators of involvement in OPSG Operations. The metrics reflect the enhanced presence of joint state, local, and tribal law enforcement operations along the border.
Number of arrests turned over to Border Patrol	5,589	6,806	

Figure 1: Operation Stonegarden Performance Measures

Actions On-going-

- FEMA: Pending OMB Final Approval of OPSG Operation Order and Daily Activity Report Forms. ECD: October 31, 2017.

Actions Planned-

- For the 2018 biennial REEPPG report required by section 2023(c) of the Homeland Security Act (6 U.S.C. § 613(c), FEMA and CBP have continued the refinement of existing performance measures and developed and proposed the addition of two new performance measures:
  - The proposed measures are in the review process for adaptation in the 2018 REEPPG report. ECD: December 31, 2018.

Performance Measure Overview		Performance Measure Overview	
Proposed Measure Name	Percent of Operation Stonegarden (OPSG) funds that provide intelligence-based operational support	Proposed Measure Name	Percent of Operation Stonegarden (OPSG) funds that contributed to force multiplier activities across two or more State, local, or tribal law enforcement agencies
Grant Program(s)	OPSG	Grant Program(s)	OPSG
Numerator	Total Funds That Provided Intelligence-Based Operational Support	Numerator	Total OPSG funds that contributed to Force Multiplier Activities Across Two or More State, Local, or Tribal Law Enforcement Agencies
Denominator	Total OPSG Funding	Denominator	Total OPSG Funding
Define Key Terms	No key terms to identify	Define Key Terms	• Force Multiplier Activities: Multiple law enforcement agencies assisting jurisdictions to meet OPSG goals
Objective Alignment	• FY 2016 Homeland Security Grant Program (HSGP), Appendix B, Supplemental OPSG Guidance: Provide intelligence-based operations through USBP Sector Level experts to ensure safety and operational oversight of Federal, state, local, tribal, and territorial law enforcement agencies participating in OPSG operational activities	Objective Alignment	• FY 2016 Homeland Security Grant Program (HSGP), Appendix B, Supplemental OPSG Guidance: Increase coordination and collaboration among Federal, state, local, tribal, and territorial law enforcement agencies

Figure 2: Proposed New Operation Stonegarden Performance Measures

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Attachment: Management Response to Recommendations
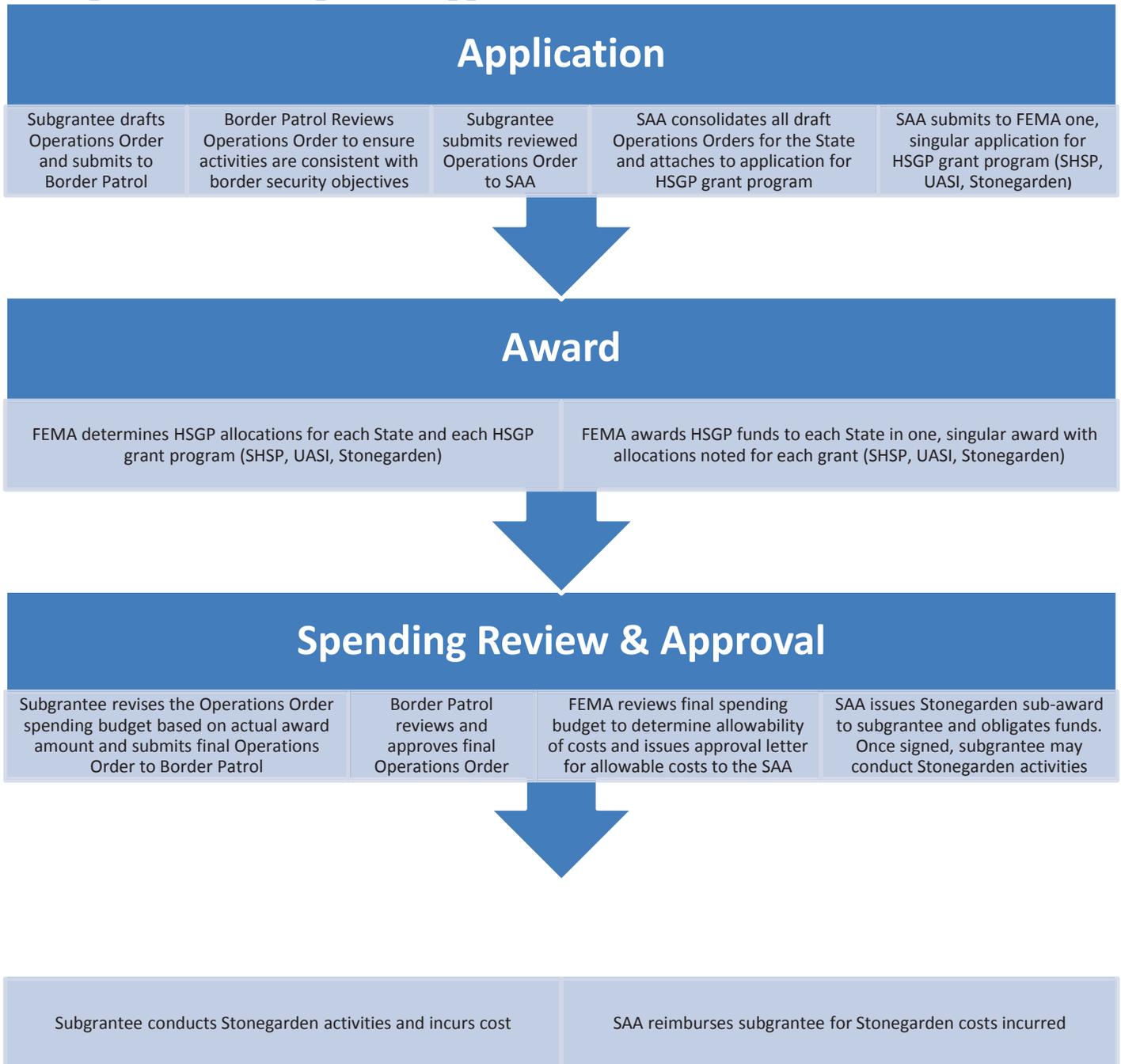**Contained in OIG- 16-048-AUD-CBP, FEMA**

- CBP: Complete contract for services for 2018 MAX.gov platform usage. ECD: October 15, 2017
- FEMA: FEMA and CBP are collaborating on the development of a zero-sustainment costs or reduced sustainment cost, Homeland Security Information Network web-based OPSG data management platform.
  - Interim action include:
    - Define stakeholder governance
    - Sign HSIN Operation Stonegarden Charter
    - Define Operation Order form
    - Define Daily Activity Report form
    - Automate Operation Order process
    - Automate Daily Activity Report review process
    - Define standard reports
    - Create automated reports for standard reports
    - Provide access to data for ad hoc reporting
    - Implementation campaign, to include communications, outreach and training for new users
    - Establish feedback mechanism with all stakeholders

- CBP has established inclusion of a sector-by-sector risk analysis to establish OPSG operational priorities.
- The State of the Border Risk Analysis (SOBRA) is used for matching capabilities and assets in conjunction with analysis of OPSG resource operational profiles.
- The Effectiveness Feasibility Operational Performance (EFOP) matrix is utilized in order to create performance metrics that more closely align with the intent of the OPSG grant, allowing the continual effective application of OPSG operational resources, based on the greatest mitigation of border security gaps.

ECD: October 31, 2018

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Appendix C
High-Level Stonegarden Application and Award Process

Application

Subgrantee drafts Operations Order and submits to Border Patrol	Border Patrol Reviews Operations Order to ensure activities are consistent with border security objectives	Subgrantee submits reviewed Operations Order to SAA	SAA consolidates all draft Operations Orders for the State and attaches to application for HSGP grant program	SAA submits to FEMA one, singular application for HSGP grant program (SHSP, UASI, Stonegarden)

Award

FEMA determines HSGP allocations for each State and each HSGP grant program (SHSP, UASI, Stonegarden)	FEMA awards HSGP funds to each State in one, singular award with allocations noted for each grant (SHSP, UASI, Stonegarden)

Spending Review & Approval

Subgrantee revises the Operations Order spending budget based on actual award amount and submits final Operations Order to Border Patrol	Border Patrol reviews and approves final Operations Order	FEMA reviews final spending budget to determine allowability of costs and issues approval letter for allowable costs to the SAA	SAA issues Stonegarden sub-award to subgrantee and obligates funds. Once signed, subgrantee may conduct Stonegarden activities

Subgrantee conducts Stonegarden activities and incurs cost	SAA reimburses subgrantee for Stonegarden costs incurred

Source: OIG Analysis of FEMA & CBP Stonegarden guidance and program related documents and interviews with OPSG program officials

Appendix D
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