



July
2004

GAO's CONGRESSIONAL PROTOCOLS



GAO's Mission

GAO exists to support the Congress in meeting its constitutional responsibilities and to help improve the performance and ensure the accountability of the federal government for the benefit of the American people.

Scope of Work

GAO performs a range of oversight, insight- and foresight-related work to support the Congress, including the following:

- evaluations of federal programs, policies, operations, and performance;
- management and financial audits to determine whether public funds are spent efficiently, effectively, and in accordance with applicable laws;
- investigations to assess whether illegal or improper activities are occurring;
- analyses of the financing for government activities;
- constructive engagements in which GAO works proactively with agencies, when appropriate, to help guide their efforts towards transformation and achieving positive results;
- legal opinions to determine whether agencies are in compliance with applicable laws;
- policy analyses to assess needed actions and the implications of proposed actions; and
- additional assistance to the Congress in support of its oversight, appropriations, legislative, and other responsibilities.

Core Values

Accountability

Integrity

Reliability

July 16, 2004

This document contains updated protocols governing GAO's work for the Congress. Since we implemented the original protocols in November 2000, we have monitored their application, and several areas were identified as needing additional clarity to enhance our ability to better serve the Congress. The refinements in this edition reflect feedback from Members of Congress and their staffs since the original implementation and, more specifically, comments received between November 2003 and June 2004 on proposed revisions to the protocols. These protocols continue to provide a means of holding GAO accountable for commitments made to the Congress and ensuring that GAO is consistent in dealing with all committees and Members.

In order to address existing and growing workload imbalances and provide more transparency about our decision-making criteria, these revised protocols clarify our authority to conduct work, delineate our priorities for initiating work, and identify the factors we consider before accepting congressional requests for work. These revisions and other important aspects of our protocols are highlighted on the following pages.

Along with all members of the GAO team, I look forward to continuing our mission of supporting the Congress in meeting its constitutional responsibilities and helping improve the performance and ensure the accountability of the federal government for the benefit of the American people. We will continue to monitor the application of these protocols and will consider what, if

any, additional refinements should be made in the future. Any future revisions will also be made in consultation with the Congress. I encourage you to contact our Congressional Relations office on (202) 512-4400 if you have any questions or comments on these protocols.

A handwritten signature in black ink, appearing to read "D. M. Walker", with a long horizontal line extending to the right.

David M. Walker
Comptroller General
of the United States

Highlights of GAO's

1.

GAO has broad authority to

- investigate all matters related to the receipt, disbursement, and expenditure of federal funds; and
- evaluate the results of a program carried out under existing law
 - when ordered by either house of Congress,
 - when requested by a committee of jurisdiction, or
 - on the initiative of the Comptroller General.

GAO has broad rights of access to a wide range of agency information, but has finite resources and can only perform work that is within its scope of authority and competency.

3.

Before accepting requests, GAO considers

- the subject matter of the request;
- GAO's statutory audit and access authority, including whether the entity or program to be evaluated receives federal funds or is carried out under existing federal law;
- GAO's professional standards and core values;
- the amount of resources involved, including any related cost-benefit considerations;
- the extent of backlog within the GAO team that would be responsible for the work;
- other ongoing work being conducted for the requester(s);
- whether any related audit or investigation, including a criminal investigation, is ongoing or imminent by another governmental entity, including, but not limited to, agency Inspectors General; and
- whether the issue is pending before administrative or judicial forums.

Source: GAO.

Congressional Protocols

2.

GAO will initiate its work based on the following priorities.

- Congressional mandates.
- Requests from senior congressional leaders and committee/subcommittee Chairs and/or Ranking Minority Members of committees of jurisdiction.
- Requests from individual Members, with additional consideration given to requests from Members who are on committees of jurisdiction.

GAO also reserves a limited portion of its resources for work initiated under the Comptroller General's authority.

4.

GAO makes the following commitments to requesters.

- GAO will notify the requester(s) of its decision to accept or decline work generally within 10 days of receipt of a request and, if a request is accepted, GAO will keep them informed of work progress and results.
- GAO will notify the requester(s) before a draft product is sent to the agency for comment and offer them an opportunity to receive a copy of the draft when the agency receives it.
- GAO will generally accommodate requests to restrict the public release of a product responding to a congressional request for up to 30 calendar days. Products based on mandates will be released publicly when completed. In some instances, GAO may brief committees on products requested by individual Members.
- After consulting with the requester(s), GAO may make its results generally available regardless of a restriction when the results are relevant to pending legislation.

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GAO's Congressional Protocols

The following protocols are general principles governing GAO's audits, program reviews and evaluations, policy analyses, and investigations for the Congress.

GAO's Approach

To effectively support the Congress, GAO must be professional, objective, fact-based, nonpartisan, and nonideological in all its work. All GAO products and services must also conform to generally accepted and applicable auditing, accounting, investigative, and evaluation principles and standards. GAO will efficiently use available resources to maximize its ability to meet the Congress' needs and exercise the independence necessary to ensure that its products and work conform to applicable professional standards and the agency's core values of accountability, integrity, and reliability.

GAO's Statutory Authority and Responsibilities

GAO, under various statutory authorities, examines the use of federal funds; evaluates federal programs and activities; and provides information, analyses, options, recommendations, and other assistance to help the Congress make effective policy, funding, and oversight decisions. GAO frequently relies on two general statutory authorities to support its work. The Budget and Accounting Act of 1921 authorized GAO to "investigate all matters related to the receipt, disbursement and expenditure of public funds."¹ The Legislative Reorganization Act of 1970 authorized GAO "to evaluate the results of a program or activity the Government carries out under existing law" when ordered by either house of Congress, when requested by a committee of jurisdiction, or on the initiative of the Comptroller General.² To assist GAO in performing its

¹31 U.S.C. §712 (1).

²31 U.S.C. §717 (b).

work, the Congress provided GAO broad rights of access to a wide range of agency information. Specifically, the Budget and Accounting Act of 1921 directs each agency to give GAO the information the Comptroller General requires about the duties, powers, activities, organizations, and financial transactions of the agency.³

Priorities for Undertaking Work

In striving to meet the Congress's needs, GAO senior officials consult regularly with senior congressional leaders and committees to ensure that GAO's work is prioritized in accordance with their informational and timing needs. GAO also consults with these congressional leaders regarding demands on GAO's resources by subject matter to help manage and minimize supply and demand imbalances.

To ensure adherence to GAO's core values, effective management practices, and efficient use of resources, GAO will initiate work according to the following priorities:

1. Congressional mandates.
2. Senior congressional leader and committee leader requests.
3. Individual Member requests, with additional consideration given to requests from Members who are on a committee of jurisdiction.

Congressional mandates include requirements directed by statutes, congressional resolutions, conference reports, and committee reports. Senior congressional leaders include the President Pro Tempore, Senate Majority Leader, Senate Minority Leader, Speaker of the

³31 U.S.C. §716 (a).

House, House Majority Leader, and House Minority Leader. Committee leaders include the Chair and Ranking Minority Member of a committee or subcommittee with jurisdiction over a program or activity.

GAO reserves a limited portion of its resources for work initiated under the Comptroller General's authority to: (1) invest in significant current or emerging issues that may affect the nation's future and (2) address issues of broad interest to the Congress, with an emphasis on longer-range, crosscutting, and transformational issues.

With respect to setting priorities, GAO also considers the subject matter of the requested work in light of Senate and House rules governing the committees' jurisdiction over a program or activity, including their authorization, appropriation, budgetary, and oversight jurisdiction. When jurisdictional issues arise, GAO will encourage Members and staff to consult with each other to resolve any related issues through established Senate or House procedures.

Considerations for Accepting Requests

GAO can only undertake work that is within the scope of its authority and competency. In determining whether to accept congressional requests, along with the scope and timing of any related work, a range of factors will be considered, including but not limited to

- the subject matter of the request;
- GAO's statutory audit and access authority, including but not limited to, whether the entity, program, or activity to be evaluated receives federal funds or is carried out under existing federal law;
- GAO's professional standards and core values;

- the amount of resources involved, including any related cost-benefit considerations;
- the extent of backlog within any applicable GAO team that would be responsible for the work;
- other work being conducted for the requester(s);
- whether any related audit or investigation, including a criminal investigation, is ongoing or imminent by another governmental entity including, but not limited to, agency Inspectors General; and
- whether the matter is pending before administrative or judicial forums.

Congressional Mandates

GAO treats work that is directed by congressional mandates differently from congressional requests. Because congressional mandates are established by either the Congress or one or more committees, it is GAO's policy that products prepared in response to congressional mandates are immediately available to the Congress and the public. When mandates direct GAO to report to a specific committee, GAO will work with the majority and minority of the designated committee to clarify the scope of work, reporting objectives, and time frames. If the mandate does not specify a committee, GAO will work with the committees of jurisdiction (majority and minority) as set forth in Senate and House rules and any other committees and/or Members identified by the committees of jurisdiction. While the work is ongoing, GAO will provide the committees (1) periodic status briefings, (2) briefings on the preliminary and final results of the work, and (3) notification before the draft product is sent to the agency for comment. GAO will offer a copy of the draft for informational purposes.

Congressional Requests

Congressional requests for GAO work should be made in writing by a Member and addressed to the Comptroller General. Members and their staffs are encouraged to consult with GAO officials in developing requests for GAO work. GAO will do work without a written request only if the work involves limited technical assistance that can be completed within 5 staff days, such as providing briefings on prior work or readily available information. GAO does not generally provide others with copies of request letters. Rather, GAO will refer any person who wants a copy of a request letter to the Member who submitted the request. However, in cases where the request letter includes authorization for an agency to release to GAO otherwise restricted information, for example, taxpayer return information, GAO may provide the agency with a copy of the request letter.

For requests that involve work on programs or activities relating to the internal operations of the Congress—the Senate, House, or both—GAO will work with the requester to seek bipartisan and/or bicameral support for such requests from either (1) the senior leaders of the Senate and/or House or (2) the Chairs and Ranking Minority Members of the Senate and/or House committee(s) of jurisdiction over the congressional program or activity. When it is not possible to obtain bicameral or bipartisan support, GAO will work with the requester to notify the other House or party of the request before it commits to do the work.

Given relevant legal and other considerations often involved in work involving multilateral organizations, GAO may need the signatures of a Chair or Ranking Minority Member of a committee or subcommittee of jurisdiction. These organizations include the United Nations, the World Bank, and the International Monetary Fund.

GAO does not conduct studies, reviews, evaluations, or audits of state or local programs or activities that are solely within the purview of states or local governments where there is no connection to federal matters. GAO does review certain state and local activities and programs that are (1) carried out in furtherance of federal law, such as environmental programs or insurance regulation or (2) funded by federal programs, such as Medicaid, transportation, or education. In addition, to assist the Congress and its committees in developing federal legislation, reexamining the federal role, or gauging federal performance, GAO sometimes reviews the practices of the states to ascertain “best practices” or lessons learned in dealing with particular issues. Further, GAO partners with state and local auditors to examine national issues that cross geopolitical boundaries (e.g., transportation, homeland security, Medicaid).

When GAO receives a request from a Member of Congress that focuses on a major activity or program that is solely or largely centered in a specific geographic area that is represented by Members beyond those requesting the work, GAO may advise the Members representing that geographic area of the timing, scope, and methodology of the work. After advising the requester, GAO may brief such Members shortly before the final report is publicly released on the findings, conclusions, and recommendations, without providing a copy of the report before its public release.

GAO provides comments on legislative bills when (1) requested to do so by a committee or Member of Congress, (2) GAO's authority or responsibilities would be affected by the bill's passage, or (3) GAO has information that would be useful to committees or members in considering or modifying the bill. In commenting on proposed legislation, GAO's objective is to identify likely program changes if the bill is enacted and the impact of such changes on a specific program.

When GAO receives a request that covers a legislative proposal introduced by other Members, it may notify the key bill sponsors that it has been asked to comment on the bill. GAO may meet with the key sponsors during the fact-finding phase to obtain a better understanding of the purpose and objectives of the bill. After advising the requester, GAO may brief key sponsors shortly before the final report is publicly released on the results of its analysis, including its findings, conclusions, and recommendations as they relate to the legislative proposal. In these instances, GAO will not provide a copy of the report before it is publicly available.

In limited circumstances, GAO may be unable to do the requested work solely on behalf of a single congressional requester. These circumstances involve situations in which the request addresses an important issue that has broad interest to multiple committees or the Congress as a whole.

Commitment to Congressional Requesters

GAO will provide to all Members who request work, generally within 10 business days of receipt, a letter acknowledging the receipt of the request and either accepting or declining it. This letter may be augmented by a verbal communication. When a request is accepted, GAO will provide the requester an estimate of when the job is likely to be staffed (e.g., immediately, within a few weeks, within several months, or at a future date to be determined). When a request is declined, GAO will provide the requester the rationale for declining the work (e.g., the requested work is outside GAO's scope of authority, GAO already has ongoing work requested by another Member addressing the issue, or resource constraints limit its ability to respond to a Member's request). GAO will, where appropriate, suggest alternatives to meet the requester's needs. In consideration of its past practice for requests from GAO's oversight committees—Senate Governmental

Affairs and House Government Reform—GAO will send a copy of the acknowledgement letter to either the Chair (if the Ranking Minority Member submitted the request), or the Ranking Minority Member (if the Chair submitted the request), of those committees.

Congressional requesters should not expect GAO to proceed with the request or provide additional services until GAO has informed each requester that it will accept the request. When Members submit independent requests on the same issue and GAO has not accepted the requests, GAO will consult with the Members and their staffs and will merge requests only if the requesters agree. Otherwise, GAO will conduct one body of work and issue separate products. In limited circumstances, however, GAO will work with the requesters to merge multiple requests it receives relating to a major event, such as a natural disaster or accident.

After accepting the request, GAO will initiate a meeting with the requester's staff generally within 20 business days to gain a better understanding of the requester's need for information and the nature of the research questions. During this meeting, GAO will (1) discuss its ability to respond within the desired time frame; (2) provide a verbal estimate of the level of GAO resources required; and (3) advise the requester that, as the original requester, only he or she can approve co-requesters. If this option is exercised, GAO will send a letter to the original requester and each co-requester documenting this agreement.

Once the requester and GAO have agreed to proceed with the request, GAO will provide the following to the requester:

- A letter confirming the agreements reached generally within 10 business days after GAO and the requester agree on the terms, including the need for a job

design phase or a preliminary expected completion date.

- Periodic status briefings; notification of any significant changed circumstances affecting the scope of work or related time frames for completing the work (e.g., availability, reliability, or access to records, data, or sources of information); and briefing(s) on the preliminary and final results of the work. GAO officials will make every effort to schedule its briefings to accommodate the schedules of both majority and minority Members of Congress and their staff. GAO prefers, but does not require, bipartisan briefings, whenever possible and practicable.

If GAO plans to produce a written product, it will do the following:

- Notify the requester(s) before a draft product is sent to the agency for comment and offer the requester(s) an opportunity to receive a copy of the draft for informational purposes when the agency receives the draft. For products that contain national security or sensitive information, GAO will also advise the requester when the agency has completed its classification or sensitivity review. By law, the Senate Governmental Affairs and House Government Reform committees may request, when a draft product is sent to the agency for comment, a copy of any draft product generated under GAO's legislative authority that was not conducted at the request of either House of Congress, a committee, or Member.⁴ GAO will advise these committees when such drafts are sent to the agency for comment.

⁴31 U.S.C. § 718 (b)(2)(B).

- Allow requesters an option to restrict the public release of a product for up to 30 calendar days after the date the product is issued. This restriction does not preclude the requester from sharing the product with other Members. For work based on a request from individual Members, GAO, after consulting with the requester(s), will reserve the right to brief interested committees and subcommittees on the thrust of the report, without providing a copy, if a committee is holding a hearing or marking up legislation relating to the subject matter of the report. GAO may release a restricted report, after consulting with the requester(s), if its contents are released or made available to the public or if either body of the Congress is considering related legislation. GAO may release draft products that have been leaked or made available to the public, after advising the requester(s).

Commitment to Co-Requesters

If any Member is interested in becoming a co-requester of GAO work, GAO will refer the Member to the original requester(s). If the original requester(s) agrees, the Member can then become a co-requester any time prior to a product's printing. GAO will extend the same commitments to co-requesters as the original requesters (see Commitment to Congressional Requesters). However, co-requesters cannot approve additional co-requesters or restrict the timing of the public release of the product.

Notification of Ongoing Work

For any ongoing work—except for classified work and investigations—GAO will disclose, if asked (e.g., by Members, congressional staff, agencies, or the press) the source of the request and the project's objectives, scope, and methodology. Additionally, all congressional offices have, through the Senate and House intranet connections to GAO, access to the background and key

research questions for active GAO assignments, except for those cases where the reporting of such work would result in disclosing classified or other sensitive information. Active assignments are those that have been staffed.

Agency Comments

As required by generally accepted government auditing standards, GAO will give agencies and other directly affected parties the opportunity to comment on a draft product to which they are a party. The substance of those comments will be published in the product along with GAO's assessment. Also, at the end of data collection and analysis, GAO will hold an exit conference with agency officials to (1) validate the factual accuracy of data gathered and (2) discuss the implications that flow from the data.

GAO prefers written comments on its products but will accept oral comments. Although GAO may give an agency or other affected party up to 30 calendar days to comment, GAO may attempt to obtain comments in shorter time frames, depending on the needs of the requester and the complexity of the issues involved. In rare cases, the Comptroller General may grant an extension beyond 30 calendar days if the agency shows that an extension is necessary and will likely result in a more accurate product.⁵

GAO will not provide an opportunity to comment in cases where: (1) disclosure of an investigation's results could pose risks to individuals and their confidentiality, (2) premature disclosure of information could compromise the results of the work, or (3) products largely reflect prior GAO work.

⁵31 U.S.C. §718 (b)(1).

Withdrawal of Requester Sponsorship

If requesters or co-requesters decide to withdraw their support of GAO work that will not result in a written product, they may do so at any time. If a written product has been planned, the requesters or co-requesters must advise GAO of their withdrawal before the product is submitted for printing. Their withdrawal will not result in the termination of a product if GAO has expended significant resources and/or the product is in the public interest. GAO will, under these circumstances, issue a product as if it were undertaken on the Comptroller General's initiative. The product may be addressed to committees of jurisdiction or the affected agency. Copies of such products will be sent to the committees of jurisdiction and will be available to other interested parties and the public.

Product Release

All products will have a targeted issuance date. GAO will notify requesters approximately 30 calendar days before they are to receive a product and generally accommodate their requests for restrictions on the release of the product of up to 30 calendar days after the issuance date. GAO will grant extensions beyond the agreed upon release date only in limited cases (e.g., a change in the date of a hearing related to the product). For work based on a request from individual Members, GAO, after consulting with the requester(s), will reserve the right to brief interested committees/subcommittees on the thrust of the report, without providing a copy, if they are holding a hearing or marking up legislation relating to the subject matter of the report. GAO may release a restricted report, after consulting with the requester(s), if the contents of the product are released or made available to the public or if either body of the Congress is considering related legislation. In addition, GAO may release drafts of products that have been leaked or made publicly available. In such cases, GAO will advise requesters prior to the release.

On rare occasions, the results of ongoing congressionally requested work may be relevant to pending legislation (e.g., when GAO has information that could inform the legislative debate on the Senate or House floor) or other institutional interests. In such cases, GAO, after consultation with the requester(s), may make the information or product generally available regardless of a restriction placed on its release. In these cases, GAO will promptly notify the requester(s) why, when, and to whom the information or product will be released.

Requests for Testimony

Requests for GAO testimony should be made by a committee or subcommittee Chair in writing. GAO will strive to respond to all congressional requests for testimony. However, GAO will decline an invitation to testify when (1) it cannot produce a testimony that conforms to its core values and professional standards or (2) the substance of the GAO testimony would be new information developed for another requester who wants to restrict the information until its public release. In cases of multiple requests for testimony involving the same subject matter, GAO will testify on the date of the first hearing held and will be available to testify at any subsequent hearings. For testimony based on new work, regardless of whether it is a preliminary or final product, GAO will, consistent with professional auditing standards, obtain the views of agency officials before the written testimony is completed to (1) validate the accuracy of data gathered and (2) discuss the implications that flow from the data. GAO will distribute its written testimony in accordance with the rules of the Senate or House, including the committees' rules, and be available to brief the majority and the minority on material facts, major findings, and recommendations included in the testimony.

Access to Audit Documentation

GAO will grant Members, upon their written request, access to its audit documentation at GAO offices or will provide copies of selected audit documentation after a product has been made publicly available. After a product has been issued to a requester but is not yet publicly available, GAO may grant access to specific, selected audit documentation after receiving a written request from the requesting Member(s). In this situation, copies of audit documentation will not be provided until the report has been made publicly available. This access is subject to legal and privacy considerations, such as those concerning taxpayer return information and protected banking information.

Detailees to the Congress

By law,⁶ GAO staff can be assigned on detail only to congressional committees, not to leadership or personal offices. GAO staff may not engage in partisan activities or discussions. Committee requests for GAO detailees should be in writing and be for specific purposes for a period not to exceed 1 year. All detailees must be approved by the Comptroller General in a manner consistent with the applicable rules and policies of the Senate or House.

Press Policy

In response to media inquiries about ongoing work, GAO will provide information only about the objectives, scope, and methodology of an assignment; the names of the requesters; and the expected completion date. GAO will refer inquiries for any additional information to the requesters. As a professional courtesy, GAO will inform requesters of substantive media inquiries during an ongoing assignment. Once a product is publicly released, GAO staff with expertise in the subject matter

⁶31 U.S.C. §734.

will answer questions from the media. On-camera interviews for television news programs are done only on request and only when GAO deems them appropriate for public understanding of the facts, findings, conclusions, and recommendations of GAO products. GAO's policy is that senior executives with the broadest knowledge of a completed assignment do such interviews. Before GAO agrees to do an on-camera interview, GAO will advise the requesters of the media source and the expected date and time. If asked to participate in press briefings sponsored by requesters, GAO will provide support if the press briefing is held in Washington, D.C. In such instances, GAO will provide knowledgeable staff with the understanding that they are present only to answer questions about the specifics of released GAO products. Although GAO does not generally hold press conferences or issue press releases about products, it does advise the media and the public of the release of GAO products via the World Wide Web and other venues.

Investigations

GAO has an Office of Special Investigations that (1) investigates referrals and congressional requests concerning specific allegations of federal fraud, waste, abuse, or misconduct and (2) conducts specific projects that require special investigative tactics. It is GAO's policy to conduct investigations according to standards established by the President's Council on Integrity and Efficiency (PCIE) as adapted for GAO's work. PCIE standards place upon GAO and its investigators the responsibility to ensure that (1) investigations are conducted by personnel who collectively possess the required knowledge, skills, and abilities to perform the investigations; (2) judgments made in collecting and analyzing evidence and communicating results are impartial; and (3) due professional care (e.g., thoroughness, appropriate use of investigative techniques, impartiality, objectivity, protection of individual rights, and timeliness) is exercised. GAO's

congressional protocols apply to all investigative work conducted by the Office of Special Investigations unless an exception is specified herein or noted in advance.

GAO's Mission

The General Accounting Office, the audit, evaluation and investigative arm of Congress, exists to support Congress in meeting its constitutional responsibilities and to help improve the performance and accountability of the federal government for the American people. GAO examines the use of public funds; evaluates federal programs and policies; and provides analyses, recommendations, and other assistance to help Congress make informed oversight, policy, and funding decisions. GAO's commitment to good government is reflected in its core values of accountability, integrity, and reliability.

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For Members of Congress and Congressional Staff

This document is available through the GAO Watchdog site, an intranet connection between Senate and House offices and GAO at the Senate's Webster and the House Net. Other pertinent information available through this intranet connection includes GAO's list of Active Assignments, the GAO Strategic Plan for Serving the Congress, GAO's Status of Open Recommendations, and links to recent GAO reports.

This document is available on GAO's public Web site at

www.gao.gov

Other Web pages of possible interest

Reports, Testimonies, and Legal Products: Download GAO's most recent products or search extensive archive of past products

www.gao.gov/audit.htm or
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FraudNet: Report allegations of fraud, waste, abuse, or mismanagement of federal funds

www.gao.gov/fraudnet/htm

For the Press: Check out the Reporter's Guide to GAO and other resources for the media

www.gao.gov/mainpress.html

Core Values

Accountability

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