

GAO

January 2000

GAO's Congressional Protocols



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**Comptroller General
of the United States**

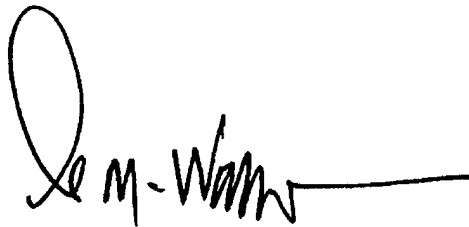
January 24, 2000

This document contains the General Accounting Office's (GAO) Congressional Protocols governing GAO's work for the Congress. The need for these protocols was consistently voiced to me by Members and staff since my nomination as Comptroller General. I firmly believe they will enable GAO to better serve the Congress, improve satisfaction with our work, and ensure equitable treatment of all requesters.

These protocols are intended to provide clearly defined and transparent policies and practices relating to GAO's work. They also 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 developing these protocols, we sought to maintain and build upon past policies and practices that were working well, as well as address gaps and provide needed clarification. In doing so, we obtained input from Members of Congress and staff, including those representing the senior leaders of the Senate and the House and GAO's appropriations and oversight committees. To further ensure the broadest practical exposure to these protocols throughout the Congress, we will conduct an initial implementation phase beginning January 24, 2000, with the start of the second session of the 106th Congress, through August 2000. After this phase, we will make any needed refinements based on feedback received from Members and staff and finalize the protocols in October 2000, well in advance of the start of the 107th Congress.

I, along with all members of the GAO team, look forward to using these protocols to continue to serve the Congress for the benefit of the American people.

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

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GAO's Congressional Protocols

The following protocols are general principles governing GAO's work for the Congress.

GAO's Approach

To effectively support the Congress, GAO must be professional, objective, fact-based, nonpartisan, nonideological, fair, and balanced in all its work. All GAO products and services should conform to generally accepted and applicable auditing, accounting, investigative, and evaluation principles and standards. GAO will only undertake work that is within its scope of authority and competency. GAO will strive to meet the Congress' needs within available resources and exercise the independence necessary to guarantee that its products and work conform to the agency's core values of accountability, integrity, and reliability.

Sources of GAO Work

GAO undertakes work through three primary means: (1) congressional mandates, (2) congressional requests, and (3) legal authority allowing GAO to undertake work intended to support the Congress.

Setting Priorities

GAO has a statutory obligation to fulfill requests from the Congress and its committees. To effectively accomplish this obligation, GAO senior officials consult regularly with committee Members and their staff to ensure that GAO's work is prioritized consistent with the committees' needs and GAO's resources by subject matter. To ensure adherence to GAO's core values, effective management practices, and efficient use of available resources, GAO will prioritize its work in this order: (1) congressional mandates, senior leader requests, and committee leader requests, (2) committee Member requests, and (3) individual Member requests. Congressional mandates include requirements specifically directed

by statute, conference reports, or committee reports. Senior leader requests include requests from the President Pro Tempore, Senate Majority Leader, Senate Minority Leader, Speaker of the House, House Majority Leader, or House Minority Leader. Committee leader requests are requests from the committee or subcommittee Chair, Ranking Minority Member (Ranking Member), or both, on a program or activity within the committee's jurisdiction. Committee Member requests are those involving a program or activity within the jurisdiction of the Member's assigned committees. Individual Member requests are requests for work where the program or activity is not within the jurisdiction of the Member's assigned committees.

GAO devotes a limited portion of its resources for research and development that enables GAO to: (1) invest in issues the Congress may need to address in the future and (2) provide products of broad institutional interest to the Congress. This work includes compendiums such as periodic reports on high-risk areas and other governmentwide major management challenges.

Congressional Mandates

GAO treats work that is directed by congressional mandates differently from congressional requests. Because congressional mandates are established by either the entire Congress or one or more committees, it is GAO's policy that products prepared in response to congressional mandates are issued without any restrictions (i.e., immediately available to the entire Congress and the public). When mandates direct GAO to report to a specific committee, GAO will work with those designated in the mandate to clarify our reporting objectives and timeframes. 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. GAO will (1) meet with committees and Members regarding the scope and timing of work in response to a mandate, (2) provide periodic status reports on GAO's work, and (3) brief committees and Members on the preliminary and final results of the work.

Congressional Requests

Congressional requests for GAO work must be made in writing by a Member, addressed to the Comptroller General. Members or their staff are encouraged to consult informally with GAO staff in developing requests for GAO work. GAO will do work without a written request if the work involves limited technical assistance (i.e., a few days) or provision of readily available information. GAO will treat Members who submit independent requests on the same or similar issues as original requesters, provided that GAO receives their requests within 14 calendar days of the original request. GAO will refer any person who wants a copy of a request letter to the Member who submitted it.

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 support for such requests. If the request affects both Houses of Congress, GAO will work with the requester to seek bicameral support for such requests from either (1) the senior leaders of the Senate and House or (2) the Chairs and Ranking Members of the Senate and House committee(s) of jurisdiction over the congressional program or activity. If the request affects only one House, GAO will work with the requester to seek support for such requests from either (1) the senior leaders of the affected House or

(2) the Chair and Ranking Member of the 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 GAO commits itself to do the work.

Commitment to Congressional Requesters

GAO will provide the following to all Members who request work:

- A written communication to the requester within 10 calendar days of receipt, which can be augmented by a verbal communication, acknowledging the receipt of the request. Consistent with 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 Member submitted the request), or the Ranking Member (if the Chair submitted the request), of those committees. This policy applies only to GAO's oversight committees.
- Initiation of a meeting with the requester's staff within 30 calendar days of receiving the request to gain a better understanding of the requester's need for information and the nature of the research questions, and to discuss GAO's ability to respond.
- A verbal estimate of the staff days required (i.e., less than 50, 50 to 200, 201 to 500, 501 to 1,000, more than 1,000) before committing to undertake work to ensure that a requester is aware of the investment associated with a work request.
- An option for any Member who makes the original request to approve an unlimited number of co-requesters. If the Member exercises this option, GAO will send a letter to the Member and co-requester(s) documenting this agreement.

The requester should not expect GAO to proceed with the request or provide additional services until:

(1) GAO has informed the requester that it will accept the request and (2) the requester has agreed that GAO should proceed with the request. Once the requester and GAO have agreed to proceed with the request, GAO will provide the requester:

- A letter confirming the terms of agreement for the work within 14 calendar days after GAO and the requester agree on the terms.
- Periodic status reports; notification of any significant changed circumstances affecting the work (e.g., availability, reliability, or access to agency records, data or sources of information); and briefing(s) on the preliminary and final results of the work.
- The option to withdraw at any time sponsorship of work that is not intended to result in a written product (e.g., report).

If GAO has agreed to produce a written product, GAO will provide the requester:

- A copy of the draft report for informational purposes, if requested, when it is sent to the agency for comment. By law, the Senate Governmental Affairs and House Government Reform committees may request a copy of any draft report generated under GAO's legislative authority (research and development work) when it is sent to the agency for comment.
- An option to restrict the release of a product for up to 30 calendar days after the date the product is issued.
- The option to withdraw sponsorship at any time before the product is submitted for printing. GAO reserves the right to issue the product without reference to the requester when sponsorship is withdrawn.

Commitment to Co-Requesters

If any Member is interested in becoming a co-requester of GAO work, GAO will explain its policy on co-requests and refer the Member to the original requester. If the original requester 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 requester (see Commitment to Congressional Requesters). However, co-requesters cannot approve additional Members as co-requesters or restrict the timing of the release of the product after it is issued.

Supporting Congress' Institutional Interests

In limited circumstances, GAO may be unable to honor a Member's request. These circumstances involve situations in which the request: (1) addresses an issue of broad interest to multiple committees, (2) involves an issue that is a legislative priority or is on a fast legislative track, or (3) asks for a compilation of information which GAO has developed from a substantial body of prior work and/or work originally requested by others. In such cases, GAO will advise the requester before it commits itself to do the work that it cannot do the work as a request but will instead address the issue as part of GAO's research and development work.

On rare occasions, the results of ongoing congressionally requested work may be important and relevant to pending legislation (e.g., when GAO has information which could inform the legislative debate on the Senate or House floor) or other institutional interests. In such cases, GAO reserves the right to make the information or product generally available regardless of a restriction placed on its release. In these cases, GAO will promptly notify the requesters in advance to advise them why, when, and to whom the information or product will be released.

Notification of Ongoing Work

For any ongoing work, except for classified work or investigations, GAO will disclose, if asked (e.g., by Members, congressional staff, agencies, the press), the source of the request and the project's objectives, scope, and methodology. Additionally, GAO will provide senior leaders and committee leadership with periodic updates on all active work relating to issues under their jurisdiction, except for those cases where the reporting of such work would result in disclosing classified or other sensitive information. GAO will provide the updated information electronically to the Congress.

Obtaining Agency Comments

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

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 or (2) premature disclosure of information could compromise the results of the work. GAO prefers written comments, but will accept oral comments. Although GAO may legally give an agency up to 30 days to comment, GAO may attempt to obtain comments in shorter timeframes, depending on the product timing needs of the requester and the complexity of the issues involved. In rare cases, the Comptroller General may grant an extension beyond

30 days if the agency shows that an extension is necessary and will likely result in a more accurate product.

Termination of Work

If requesters or co-requesters decide to withdraw their support of GAO work that will not result in a written product (e.g., a report), 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 significant resources have been expended and/or the product is in the public interest. GAO will, under these circumstances, issue a product as if it were undertaken on its own authority. The product may be addressed to committees of jurisdiction or the head of 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 congressionally requested products will have a targeted issuance date. GAO will notify requesters approximately 30 calendar days before they are to receive a product and accommodate their requests for restrictions on the release of the products of up to 30 days after the issuance date. GAO will grant extensions beyond the 30 days only in limited cases (e.g., a change in the date of a hearing related to the report). GAO will release any product that has been issued but is under restriction if it is leaked or otherwise made publicly available. In addition, GAO reserves the right to release drafts of products that have been leaked or made publicly available. In such cases, GAO will advise requesters prior to the release.

Workpaper Access

GAO will grant Members, upon their written request, access to its workpapers at the GAO site, including copies of selected workpapers, only after a product has been issued. This is subject to legal and privacy considerations such as those concerning taxpayer return information, protected banking information, grand jury information, and credit card accounts listed in travel vouchers.

Requests for Testimony

Requests for GAO testimony should be made by a committee Chair in writing. GAO will strive to respond to all congressional requests for testimony. However, GAO will decline an invitation to testify when: (1) GAO cannot produce a testimony that conforms to its core values and standards or (2) the substance of the GAO testimony would be new information developed for another committee or Member who wants to hold 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 and will be available to testify at any subsequent hearings. GAO will distribute its written testimony in accordance with the rules of the committee. It is GAO's policy that the majority, the minority, and the affected agency should be made aware of material facts, major findings, and recommendations in advance of the hearing.

Detailees to the Congress

By law, GAO staff can be assigned on detail to congressional committees only, 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 one year. All detailees must be approved by the Comptroller General in a manner consistent with the applicable rules and policies of the Senate and 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 date of completion of ongoing work. Once a product is publicly released, GAO staff with expertise in the completed product will answer questions from the media when asked. 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. 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 GAO representatives are present only to answer questions about the specifics of released GAO products. GAO does not hold press conferences or issue press releases about products, but 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 which: (1) investigates referrals 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 knowledge, skills, and abilities to perform required 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 policies and protocols apply to all investigative work conducted by the Office of Special Investigations unless an exception is specified herein or noted in advance.