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GAO and Inspector General Recommendations to Agencies: An Introduction

Congress has established a number of institutions dedicated to monitoring and reporting on federal agencies and making recommendations to improve their integrity, efficiency, and effectiveness. These entities include dozens of statutory Offices of Inspector General (OIGs) and the Government Accountability Office (GAO), each of which has a mission focused on the economy, efficiency, and effectiveness of the federal government's operations.

One way these offices fulfill their missions is by making specific recommendations to agencies that are intended to improve their operations or to address specific issues of compliance with laws, regulations, or other criteria. Congress has empowered both GAO and OIGs to make and publish such recommendations.

OIG and GAO recommendations can be valuable tools to support Congress's oversight activities. The recommendations can help identify issues or programs in agencies that might warrant additional oversight by Congress, provide a trackable metric for monitoring agency compliance or progress, and provide ideas and data to inform legislation. These recommendations may also prompt agencies to address issues without further need for congressional intervention.

This In Focus introduces the topic of GAO and OIG recommendations, their underlying statutory frameworks, and how they might be relevant to Congress. While this In Focus covers both GAO and OIG recommendations because of their practical similarities, GAO and the OIGs are established by different statutes, have distinct missions and roles, and perform their duties in their own ways.

What Are GAO and OIG Recommendations?

A GAO and OIG recommendation is a formal suggestion—following careful study of agency activities—offered to agencies that is intended to resolve an identified issue at the agency.

Collectively, GAO and OIGs issue thousands of recommendations to agencies each year. Generally, both GAO and OIGs appear to take an inclusive view of the reasons they might issue recommendations. The OIG for the Environmental Protection Agency (EPA), for example, states that it makes recommendations to “promote effectiveness, efficiency, economy, and integrity in all EPA programs and operations, including those performed by its contractors and grantees.”

While recommendations might be crafted to address a wide variety of issues, the common thread is that, regardless of

the subject or scope, they are intended to reflect the considered judgment of these oversight bodies after careful review of available information.

Recommendations are typically offered as action items in written reports including audits, investigations, studies, and evaluations. These recommendations are generally short and directive and are a way for GAO and OIGs to distill key points and identify possible responses. However, a more thorough review of the underlying reporting may be needed to fully understand the purpose and potential benefit of each recommendation.

Not all observers will necessarily agree with GAO and OIG recommendations or their underlying premises. Agencies may disagree with some recommendations. In such cases, GAO and OIGs may include correspondence that addresses points of disagreement. Contrasting views may assist Congress in weighing the considerations or trade-offs at play in a given situation.

Tracking Recommendations

Both GAO and the interagency body of OIGs—the Council of the Inspectors General on Integrity and Efficiency (CIGIE)—track recommendations in a manner that may be useful to Congress and the public. GAO maintains a searchable database of its recommendations. GAO's list includes nearly 5,000 open recommendations. GAO has determined that about 400 of these recommendations would have a particularly significant impact and has classified them as “priority recommendations” (<https://www.gao.gov/reports-testimonies/recommendations-database>).

CIGIE maintains a similar webpage that collects recommendations from OIGs across the government, provides updates on their status, and includes statistical data that allow users to review open recommendations by agency, age, and other metrics. OIGs are currently tracking over 14,000 open recommendations (<https://www.oversight.gov/recommendations>).

Illustrative Recommendations

Recommendations come in a variety of forms with different levels of contextual detail and technical discussion. While all of those nuances cannot be parsed out here, the following two examples from a GAO report dated September 21, 2020, on the federal government's COVID-19 response illustrate certain differences between some recommendations:

The Director of the Office of Management and Budget, in consultation with the Department of the

Treasury, should issue the addendum to the 2020 Compliance Supplement as soon as possible to provide the necessary audit guidance.

And:

The Director of the Centers for Disease Control and Prevention should ensure that, as it makes updates to its federal guidance related to reassessing schools' operating status, the guidance is cogent, clear, and internally consistent.

The first of these recommendations, while clearly stated, likely requires the reader to either have specific technical knowledge or do additional research to understand what the "2020 Compliance Supplement" is, what else GAO believes it should cover, and why this action is important. The second recommendation, on the other hand, while it requires some general knowledge about schools and the COVID-19 pandemic, can be broadly understood without additional explanation. Each of these recommendations would be supported with additional context and evidence in the underlying report in which they were issued.

Statutory Framework

Both GAO and OIGs are authorized by law to make recommendations to agencies in their mandated and discretionary reviews of agency activities. While GAO and OIGs have similar purposes and authorities, they operate under distinct statutes that treat agency recommendations differently.

Offices of Inspector General

Section 2 of the Inspector General Act of 1978 (IG Act) establishes that one purpose of IGs is to

recommend policies for activities designed (A) to promote economy, efficiency, and effectiveness in the administration of, and (B) to prevent and detect fraud and abuse in, such programs and operation.

Section 4 of the IG Act specifies that each OIG has a duty to make recommendations to agencies and to review proposed legislation and make recommendations on it as well. The IG Act also requires reporting to Congress when an OIG makes a recommendation.

The Inspector General Empowerment Act of 2015 added the requirement that OIGs must report to Congress every six months on their activities. In these semiannual reports OIGs are specifically required to identify "each significant recommendation" for which "corrective action has not been completed."

Government Accountability Office

GAO has broad authority to investigate and report on "all matters related to the receipt, disbursement, and use of public money" (31 U.S.C. § 712) and "evaluate the results of a program or activity the Government carries out under existing law" (31 U.S.C. § 717). Under these provisions, GAO may initiate an investigation or evaluation on its own initiative, at the direction of either House of Congress, or at the request of a committee of jurisdiction.

Under Title 31, Section 720, of the *U.S. Code*, when GAO issues a recommendation to an agency, the head of that agency is required to submit a "written statement on action taken or planned on the recommendation" and submit that recommendation to certain congressional committees.

In addition to this general statutory framework, Congress sometimes passes statutes with language requiring GAO to prepare a specified report or evaluation. For example, P.L. 116-187 directs the Comptroller General of the United States (who leads GAO) to study disability and pension benefits provided by the Department of Veterans Affairs to National Guard members and Armed Forces reservists. By passing legislation mandating the study, Congress was able to establish its scope, specify the contents, and set a reporting deadline for GAO's work.

Roles of Congress

Recommendations issued by GAO and OIGs can, and often do, serve as raw material for the oversight and legislative work of Congress. Specifically, there are at least three ways that Congress might use recommendations.

First, reviewing recommendations is one way that Congress can identify and learn about issues that may warrant additional oversight. GAO and OIGs have resources, access, and technical expertise that allow them to identify and analyze matters that Congress may find it difficult to uncover in hearings or through staff casework. Further, when recommendations and reports are the basis for oversight hearings, GAO and OIGs might be invited to testify on their findings along with related agencies.

Second, Congress might use its authority over agencies to encourage them to implement recommendations. While neither GAO nor OIGs can compel agencies to act, it is often the case that reporting on an issue to Congress is sufficient to encourage agency action.

In this context, tracking of unresolved recommendations by GAO and CIGIE may be useful. Congress might seek to monitor how quickly agencies act on recommendations and when recommendations remain unresolved. That knowledge may drive additional oversight by identifying less responsive agencies or highlighting especially challenging issues, both of which may warrant attention.

Third, a recommendation might inspire legislation. Congress has authority over many aspects of the jurisdiction, organization, and activities of executive branch agencies and may choose to take action based on a particular recommendation. Factors such as the seriousness of an issue, public awareness and concern, or the perceived effectiveness of an agency's response may influence Congress's course of action. For instance, Congress might not pass legislation to address a recommendation the first time it is presented but could become more likely to act if a recommendation remains unresolved over time.

Ben Wilhelm, Analyst in Government Organization and Management

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