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Comptroller General
of the United States

May 29, 2024

The Honorable Merrick B. Garland
Attorney General
The Honorable Lisa O. Monaco
Deputy Attorney General
Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530

Priority Open Recommendations: Department of Justice

Dear Attorney General Garland and Deputy Attorney General Monaco:

The purpose of this letter is to update you on the overall status of the Department of Justice’s (DOJ) implementation of GAO’s recommendations and to call your continued personal attention to areas where open recommendations should be given high priority.¹ In November 2023, we reported that, on a government-wide basis, 75 percent of our recommendations made 4 years ago were implemented.² DOJ’s recommendation implementation rate was 88 percent. As of April 2024, DOJ had 96 open recommendations. Fully implementing these open recommendations could significantly improve agency operations.

Since our May 2023 letter, DOJ has implemented two of our 13 open priority recommendations.

- In February 2024, DOJ clarified across its guidance that Federal Bureau of Investigation (FBI) whistleblowers may make disclosures of wrongdoing to supervisors in their direct chain of command, as we recommended in 2015.³ Issuing a final rule amending its regulations helps ensure FBI whistleblowers are aware that they are protected and that DOJ personnel will address retaliation claims if FBI whistleblowers make disclosures to supervisors.
- As of February 2024, FBI collaborated with federal and state agency stakeholders to further align its Criminal Justice Information Services Security Policy with National Institute of Standards and Technology guidance that other federal agencies impose as

¹Priority recommendations are those that GAO believes warrant priority attention from heads of key departments or agencies. They are highlighted because, upon implementation, they may significantly improve government operations, for example, by realizing large dollar savings; eliminating mismanagement, fraud, and abuse; or making progress toward addressing a high-risk or duplication issue.

²GAO, *Performance and Accountability Report: Fiscal Year 2023*, [GAO-24-900483](#) (Washington, D.C.: Nov. 15, 2023).

³GAO, *Whistleblower Protection: Additional Actions Needed to Improve DOJ’s Handling of FBI Retaliation Complaints*, [GAO-15-112](#) (Washington, D.C.: January 23, 2015).

requirements for state agencies, as we recommended in 2020.⁴ By taking these steps, FBI has helped reduce unnecessary burdens on state officials' time and resources in responding to variances in federal cybersecurity requirements.

We ask for your continued attention to the 11 remaining priority recommendations. We are also adding four new recommendations related to internal oversight of Bureau of Prisons' (BOP) facilities, federal software licenses, and collaborative efforts to counter domestic terrorism. This brings the total number of priority recommendations to 15. (See the Enclosure for the list of recommendations.)

The 15 priority recommendations fall into the following five areas.

Efforts to Combat Illicit Opioid Use. Drug misuse—the use of illicit drugs and the misuse of prescription drugs—has been a persistent public health issue in the United States. GAO added it to our [High-Risk List](#) in 2021.⁵ In this area, we recommended that the Drug Enforcement Administration (DEA) solicit input from distributors of controlled substances and develop additional guidance regarding their roles and responsibilities for monitoring and reporting suspicious prescription drug orders. This priority recommendation will assist DEA in strengthening its guidance and improve communication with these distributors. This is intended to support its Office of Diversion Control's mission of preventing diversion while ensuring an adequate and uninterrupted supply of controlled substances for legitimate medical needs.

Management of the Federal Prison System. BOP has faced challenges fully staffing its institutions, implementing certain requirements from the First Step Act, and overseeing its restrictive housing use. These shortfalls affect the custody and care of incarcerated people and efforts to assist them in a successful reintegration to the community after incarceration. GAO added the management of the federal prison system to its [High-Risk List](#) in 2023.⁶

We have identified 10 priority recommendations in this area. Related to staffing, we recommended that BOP implement a reliable method for calculating staffing levels at BOP institutions; conduct a risk assessment of its overtime and augmentation use; and assess the outcomes of the staffing incentives it uses. Taking these actions would better position BOP to address its staffing needs and ensure institutions are fully staffed. Related to First Step Act implementation, we recommended, for example, that BOP monitor if it is offering a sufficient amount of evidence-based recidivism reduction programs and productive activities. This would better position BOP to meet the needs of its incarcerated population and implement key First Step Act requirements.

Lastly, related to restrictive housing, one of our recommendations was for BOP to develop a process for overseeing that facilities correct problems that BOP reviewers had previously identified. For example, our work showed that BOP reviewers found that staff at facilities were not fully completing Special Housing Unit record forms, which are used to record information on individuals placed in this unit, such as when they received meals, showers, and exercise. Such

⁴GAO, *Cybersecurity: Selected Federal Agencies Need to Coordinate on Requirements and Assessments of States*, [GAO-20-123](#) (Washington, D.C.: May 27, 2020).

⁵GAO, *High-Risk Series: Dedicated Leadership Needed to Address Limited Progress in Most High-Risk Areas*, [GAO-21-119SP](#) (Washington, D.C.: Mar. 2, 2021).

⁶GAO, *High-Risk Series: Efforts Made to Achieve Progress Need to be Maintained and Expanded to Fully Address All Areas*, [GAO-23-106203](#) (Washington, D.C.: Apr. 20, 2023).

findings were repeated over time, yet BOP did not have an oversight process to verify that the wardens corrected the identified deficiencies. By verifying and documenting that facilities have implemented corrective actions that fully address all deficiencies, BOP would be in a better position to ensure that identified deficiencies are not repeated, which would enhance overall restrictive housing oversight.

Countering Domestic Terrorism. Domestic terrorism investigations have more than doubled since 2020, according to the FBI. The Department of Homeland Security (DHS) and FBI are the main federal entities charged with preventing terrorist attacks in the U.S. FBI has lead responsibility for federal domestic terrorism investigations and domestic intelligence efforts, and DHS is responsible for producing terrorist threat information in coordination with federal, state and local government agencies, and private entities. We recommended that FBI and DHS assess their existing formal agreements to determine if they fully articulate a joint process for working together and sharing information to counter domestic terrorism threats and update and revise accordingly. Fully implementing this priority recommendation would enhance their efforts to counter these threats.

Information Technology and Cybersecurity. Federal and state government agencies face a growing number of cyber threats to their systems and data, as illustrated by recent high profile cyberattacks. GAO has been monitoring cybersecurity and information technology operations and management as high-risk areas.⁷ Additionally, federal agencies spend more than \$100 billion annually for IT and cyber-related investments, including the purchase of software licenses to fulfill their vast and complex missions.

We have identified two priority recommendations in this area. The first focuses on DOJ incorporating privacy into an agency-wide risk management strategy. The second recommendation is to ensure that the department consistently compares the inventories of software licenses that are currently in use with information on purchased licenses for its widely used licenses on a regular basis. At a minimum, it should develop and implement procedures for comparing the inventories of licenses in use to purchase records.

By fully implementing these recommendations, DOJ could ensure it is managing privacy risks within acceptable thresholds, reduce costs on duplicative or unnecessary software licenses and better inform investment decision making for its widely used licenses.

Immigration Courts. Each year, immigration judges within DOJ's Executive Office for Immigration Review (EOIR) issue decisions for hundreds of thousands of cases of foreign nationals charged as removable under U.S. immigration law. Our priority recommendation to develop and implement a strategic workforce plan would help EOIR address current and future needs of the immigration court system, which had a backlog of about 2.5 million cases at the end of fiscal year 2023.

As the auditor of the consolidated financial statements of the U.S. government, I have noticed that the Department of Justice had one material weakness in its internal control over financial reporting for fiscal year 2023, including deficiencies related to risk assessment and monitoring.

⁷GAO, *High-Risk Series: An Overview*, [HR-97-1](#) (Washington, D.C.: February 1, 1997).

This weakness, as well as related auditor recommendations, is an important issue and I encourage you to address it.

Also, in April 2023, we issued our biennial update to our [High-Risk List](#). This list identifies government operations with greater vulnerabilities to fraud, waste, abuse, and mismanagement. It also identifies the need for transformation to address economy, efficiency, or effectiveness challenges.⁸ One of our high-risk areas—[national efforts to prevent, respond to, and recover from drug misuse](#)—focuses directly on DOJ and other agencies. In addition, we added a new area in 2023, [strengthening management of the federal prison system](#), which is directly under DOJ's purview.

Several other government-wide high-risk areas also have direct implications for DOJ and its operations. These include (1) [improving the management of IT acquisitions and operations](#), (2) [improving strategic human capital management](#), (3) [managing federal real property](#), (4) [ensuring the cybersecurity of the nation](#), and (5) [managing the government-wide personnel security clearance process](#).

In addition to DOJ's high-risk area, we urge your continued attention to the other government-wide high-risk issues as they relate to DOJ. Progress on high-risk issues has been possible through the concerted actions and efforts of Congress, the Office of Management and Budget (OMB), and the leadership and staff in agencies, including within DOJ. In March 2022, we issued a report on key practices to successfully address high-risk areas, which can be a helpful resource as your agency continues to make progress to address high-risk issues.⁹

We also recognize the key role Congress plays in providing oversight and maintaining focus on our recommendations to ensure they are implemented and produce their desired results. Legislation enacted in December 2022 includes a provision for GAO to identify any additional congressional oversight actions that can help agencies implement priority recommendations and address any underlying issues relating to such implementation.¹⁰

Congress can use various strategies to address our recommendations, such as incorporating them into legislation. Congress can also use its budget, appropriations, and oversight processes to incentivize executive branch agencies to act on our recommendations and monitor their progress. For example, Congress can hold hearings focused on DOJ's progress in implementing GAO's priority recommendations, withhold funds when appropriate, or take other actions to provide incentives for agencies to act. Moreover, Congress could follow up during the appropriations process and request periodic updates.

Congress also plays a key role in addressing any underlying issues related to the implementation of these recommendations. For example, Congress could pass legislation providing an agency explicit authority to implement a recommendation or requiring an agency to take certain actions to implement a recommendation.

⁸[GAO-23-106203](#).

⁹GAO, *High-Risk Series: Key Practices to Successfully Address High-Risk Areas and Remove Them from the List*, [GAO-22-105184](#) (Washington, D.C.: Mar. 3, 2022).

¹⁰James M. Inhofe National Defense Authorization Act for Fiscal Year 2023, Pub. L. No. 117-263, § 7211(a)(2), 136 Stat. 2395, 3668 (2022); H.R. Rep. No. 117-389 (2022) (accompanying Legislative Branch Appropriations Act, H.R. 8237, 117th Cong. (2022)).

Copies of this report are being sent to the Director of OMB and the appropriate congressional committees. In addition, the report will be available on the GAO website at [Priority Open Recommendation Letters | U.S. GAO](#).

I appreciate DOJ's continued commitment to these important issues. If you have any questions or would like to discuss any of the issues outlined in this letter, please do not hesitate to contact me or Jason L. Bair, Managing Director, Homeland Security and Justice Team at BairJ@gao.gov or (202) 512-6881. Contact points for our offices of Congressional Relations and Public Affairs may be found on the last page of this report. Our teams will continue to coordinate with your staff on all the 96 open recommendations, as well as those additional recommendations in the high-risk areas for which DOJ has a leading role. Thank you for your attention to these matters.

Sincerely,

A handwritten signature in black ink, reading "Gene L. Dodaro". The signature is fluid and cursive, with a long horizontal stroke extending from the end of the name.

Gene L. Dodaro
Comptroller General
of the United States
Enclosure

cc: Christopher Wray, Director, FBI
Jolene Ann Lauria, Assistant Attorney General for Administration, Justice Management Division
David Neil, Director, Executive Office for Immigration Review
Anne Milgram, Administrator, Drug Enforcement Administration (DEA)
George S. Papadopoulos, Principal Deputy Administrator, DEA
Jon C. DeLena, Associate Administrator, DEA
Marsha D. Ikner, Acting Deputy Assistant Administrator, Office of Diversion Control Regulatory Division, Diversion Control Division, DEA
Elizabeth R. Dorsey, Acting Deputy Assistant Administrator, Office of Diversion Control Operations, Diversion Control Division, DEA
Matthew J. Strait, Acting Deputy Assistant Administrator, Office of Diversion Control Policy, Diversion Control Division, DEA
Thomas W. Prevoznik, Acting Deputy Assistant Administrator, Office of Diversion Control Policy, Diversion Control Division, DEA
Melinda Rogers, Deputy Assistant Attorney General for Information Resource Management/Chief Information Officer
Colette Peters, Director, Federal Bureau of Prisons
The Honorable Shalanda Young, Director, Office of Management and Budget

Enclosure

Priority Open Recommendations to the Department of Justice

Efforts to Combat Illicit Opioid Use

Prescription Drugs: More DEA Information about Registrants' Controlled Substances Roles Could Improve Their Understanding and Help Ensure Access. [GAO-15-471](#). Washington, D.C.: June 25, 2015.

Year Recommendation Made: 2015

Recommendation: In order to strengthen the Drug Enforcement Administration's (DEA) communication with and guidance for registrants and associations representing registrants, as well as supporting the Office of Diversion Control's mission of preventing diversion while ensuring an adequate and uninterrupted supply of controlled substances for legitimate medical needs, the Deputy Assistant Administrator for the Office of Diversion Control should solicit input from distributors, or associations representing distributors, and develop additional guidance for distributors regarding their roles and responsibilities for suspicious orders monitoring and reporting.

Action Needed: DEA did not agree or disagree with this recommendation. DEA raised concerns, stating that "short of providing arbitrary thresholds to distributors, it cannot provide more specific suspicious orders guidance because the variables that indicate a suspicious order differ among distributors and their customers." In September 2019, DEA told us that the agency had refocused its efforts on revising draft regulations in line with the Substance Use-Disorder Prevention that Promotes Opioid Recovery and Treatment for Patients and Communities Act.¹¹ On November 2, 2020, DEA published a notice of proposed rulemaking entitled *Suspicious Orders of Controlled Substances*.¹² DEA reports that the proposed rule (1) codifies existing legal obligations related to due diligence and suspicious order monitoring and reporting; and (2) provides additional guidance regarding the nature and timing of the reporting requirement. The proposed rule provided an opportunity for the public, including distributors, to submit comments to DEA.

As of February 2024, DEA reported that the suspicious orders regulation remained in the internal deliberative process, as DEA was addressing questions from DOJ's Office of Legal Policy. DEA provided a goal date of July 31, 2024 for publishing the final rule. To fully implement this recommendation, DEA needs to publish the final rule and ensure that it includes additional guidance for distributors regarding their roles and responsibilities for suspicious orders monitoring and reporting. Improved DEA guidance and communication with registrants may address some of the concerns from these registrants about their roles and responsibilities. It will also help registrants make business decisions that balance ensuring access for patients with legitimate needs with controlling abuse and diversion.

¹¹Pub. L. No. 115-271, § 3292, 132 Stat. 3894, 3956-58 (2018).

¹²Drug Enforcement Administration, *Suspicious Orders of Controlled Substances*, 85 Fed. Reg. 69282 (proposed November 2, 2020) (to be codified at 21 C.F.R. pt. 1300 and 1301).

High Risk Area: [National Efforts to Prevent, Respond to, and Recover from Drug Misuse](#)

Director: Alyssa M. Hundrup, Health Care

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Director: Triana McNeil, Homeland Security and Justice

Contact information: McNeilT@gao.gov, (202) 512-8777

Management of the Federal Prison System

Bureau of Prisons: Opportunities Exist to Better Analyze Staffing Data and Improve Employee Wellness Programs. [GAO-21-123](#). Washington, D.C.: February 24, 2021.

Year Recommendation Made: 2021

Recommendation: The Director of the Bureau of Prisons (BOP) should develop and implement a reliable method, or amend existing methods, for calculating staffing levels at BOP institutions.

Action Needed: BOP concurred with this recommendation. In June 2021, BOP hired a contractor to address this recommendation. According to BOP, the contractor is responsible for developing a tool to calculate and forecast staffing levels across the bureau. In March 2023, BOP reported that the contractor was testing the tool in three of BOP's six regions, primarily focusing on correctional officer positions. In March 2024, BOP reported that it anticipates the tool will be fully implemented by October 2024, and will cover all regions and all position disciplines. The implementation of this tool could better position BOP to take corrective action to address staffing shortfalls.

Recommendation: The Director of BOP should conduct a risk assessment of its overtime and augmentation use, including identifying risks to staff, inmates, and institution security; and determining actions to respond, as appropriate.

Action Needed: BOP concurred with this recommendation. It reported in February 2022 that the aforementioned contractor was finalizing a risk analysis of the agency's current use of overtime and augmentation. In March 2023, BOP reported that the contractor had finished the analysis, which allowed BOP to track overtime and augmentation usage more easily. The report also included the contractors' results from its study related to the risks of overtime and augmentation. The study, based on limited data, did not find a strong correlation between overtime and augmentation with the risks it analyzed. In March 2024, BOP officials acknowledged the limitations of the study and said that other evidence suggested there are negative impacts from relying on overtime and augmentation. However, BOP does not have plans to pursue an additional study on the risks of overtime and augmentation. BOP officials also reported in March 2024 that they track overtime and augmentation usage monthly and acknowledged that BOP needs to reduce its reliance on overtime and augmentation. To fully implement the recommendation, BOP needs to continue to track the drivers and trends of overtime and augmentation usage. This will help BOP identify risks and invest in short and long-term solutions to mitigate associated risks.

Potential Financial Benefit if Implemented: Millions

Recommendation: The Director of BOP should assess the outcomes of the staffing incentives it utilizes by developing performance measures and goals, measuring outcomes against them, and adjusting incentives, as appropriate.

Action Needed: BOP concurred with this recommendation. It reported in February 2022 that the same contractor was finalizing a risk analysis of the agency's current use of staffing incentives. In June 2023, BOP released its *Incentives Playbook*, with the intended purpose of standardizing BOP's approach to staffing incentives. The *Incentives Playbook* also includes performance metrics to evaluate the effectiveness of the incentives. In March 2024, BOP reported that it will have sufficient data to be able to measure the outcomes of performance metrics in 2025. Completing this ongoing work should help BOP determine the effectiveness of staffing incentives.

High Risk Area: [Strengthening Management of the Federal Prison System](#)

Director: Gretta L. Goodwin, Homeland Security and Justice
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Federal Prisons: Bureau of Prisons Should Improve Efforts to Implement its Risk and Needs Assessment System. [GAO-23-105139](#). Washington, D.C.: March 20, 2023.

Year Recommendation Made: 2023

Recommendation: The Director of BOP should use and document the results of its ongoing monitoring of the frequency at which it conducts risk and needs assessments, and take appropriate corrective actions, as needed.

Action Needed: BOP concurred with this recommendation. BOP officials stated they planned to enhance their auto-calculation time credits application to integrate risk, needs, and time credits assessments into a single, monthly automated process. According to BOP, this application will automate and independently generate these assessments and will more clearly document completion at the intervals prescribed by the First Step Act of 2018 (First Step Act) and BOP internal timeframes.¹³ BOP officials stated they anticipate all enhancements to be completed by September 2024.

In February 2024, BOP officials stated that it will take at least one year after implementation of the changes to generate data necessary to evaluate the need for corrective actions, as these assessments occur every 180-days. Fully implementing these actions would better position BOP to ensure it is conducting assessments in accordance with First Step Act requirements and BOP internal time frames, and take corrective actions as needed.

Recommendation: The Director of BOP should ensure its plan for evaluating evidence-based recidivism reduction programs has pre-established, quantifiable goals that align with the First Step Act, and includes clear milestone dates.

Action Needed: BOP concurred with this recommendation. BOP updated its evaluation plan in August 2023 and January 2024. As a result of these changes, its evaluation plan includes milestone dates (i.e., initiation and anticipated completion dates for its evaluations) through

¹³18 U.S.C. § 3632(d)(5).

fiscal year 2026. The evaluation plan also states that BOP will revise it in 2026 to include the evaluation of programs not currently included and that future evaluations are dependent upon the availability of resources and funding. In addition, the revised evaluation plan will include goals and research questions for evaluations that have been initiated.

However, the updated plan does not include pre-established, quantifiable goals that align with the requirements in the First Step Act. Specifically, the Attorney General is required to conduct ongoing research on which evidence-based recidivism reduction programs are the most effective at reducing recidivism, and the type, amount, and intensity of programming that most effectively reduces the risk of recidivism.¹⁴ While the evaluation plan references the First Step Act requirements, it does not indicate how BOP will determine which programs are the most effective at reducing recidivism, and the type, amount, and intensity of programming that most effectively reduces the risk of recidivism. By including these elements in its evaluation plan, BOP will be better positioned to ensure its evaluations fully align with requirements in the First Step Act.

Recommendation: The Director of BOP should develop a mechanism to monitor, on an ongoing basis, if it is offering a sufficient amount of evidence-based recidivism reduction programs and productive activities to meet the needs of its incarcerated population.

Action Needed: BOP concurred with this recommendation. BOP officials stated they were in the process of developing a First Step Act Dashboard, which would display the level of needs and the amount of programming available to meet those needs at each facility. According to these officials, the First Step Act Dashboard would allow BOP to monitor trends, increase areas of emphasis, and shift focus and resources.

In February 2024, BOP officials stated the initial construction of the dashboard was completed in the first quarter of fiscal year 2024, and they are working with the contractor to troubleshoot data access limitations. By fully implementing the dashboard, BOP will be better positioned to determine if it is offering a sufficient amount of evidence-based recidivism reduction programs and productive activities to address the needs of its population.

Recommendation: The Director of BOP should document a complete list of all the unstructured productive activities that incarcerated people are able to participate in and earn First Step Act time credits.

Action Needed: BOP did not concur with this recommendation. BOP stated that it was not statutorily required to document such a list, and such action would not be useful or feasible. While the First Step Act and implementing regulations do not explicitly require BOP to document a complete list, the Act and regulations do provide an opportunity for eligible incarcerated people to earn First Step Act time credits if they successfully participate in programs or productive activities recommended based on their risk and needs assessment.¹⁵ Documenting a list of all programs and activities would help ensure that BOP is transparent on how incarcerated people can earn time credits.

¹⁴18 U.S.C. § 3631(b)(3)(C).

¹⁵18 U.S.C. § 3632(a)(5), (d)(4), 28 C.F.R. § 523.40(b); see also Department of Justice, Bureau of Prisons, *First Step Act of 2018 - Time Credits: Procedures for Implementation of 18 U.S.C. § 3632(d)(4)*, 5410.01 (Washington, D.C.: Nov. 18, 2022)(Change Notice – Feb. 6, 2023).

BOP officials stated that they revised the First Step Act Approved Programs Guide in September 2023 to clarify that incarcerated people earn time credits based on their “opt-in status.” According to the guide, incarcerated people may begin opt-in status upon completion of all needs assessment surveys. Further, the guide clarifies the conditions that would result in an opt-out status (e.g., the person declines recommended programming that correspond to an identified need). In February 2024, BOP officials stated that unstructured productive activities do not have an impact on opt-in status, and that opt-in status is how BOP defines “successful participation.” However, this is not consistent with BOP’s program statement, which generally states that eligible incarcerated people who successfully participate in evidence-based recidivism reduction programs or productive activities, including unstructured productive activities, may earn time credits. It further states that successful participation requires a determination by BOP staff that an eligible person has participated in the evidence-based recidivism reduction programs or productive activities that BOP has recommended based on the person’s needs assessment and the person has complied with the requirements of each program or productive activity.

In February 2024, BOP officials stated they are aware of the inaccuracies in the program statement, and they are in the process of revising it, with a goal of completing internal development of the revisions in 2024. To fully address this recommendation, BOP needs to either revise its policy to reflect these changes or document a list of unstructured productive activities. By implementing these actions, BOP will be able to be transparent about a process that it has established in policy.

Recommendation: The Director of BOP should collect and monitor participation data for unstructured productive activities that incarcerated people are able to participate in and earn First Step Act time credits.

Action Needed: BOP did not concur with this recommendation. BOP stated that it was not statutorily required, nor helpful, to monitor these activities. In February 2024, BOP officials stated that unstructured productive activities do not have an impact on opt-in status, and that opt-in status is how BOP defines “successful participation” for the purposes of time credits. However, this is not consistent with BOP’s program statement that states eligible incarcerated people who successfully participate in evidence-based recidivism reduction programs or productive activities, including unstructured productive activities, may earn time credits. We continue to believe that BOP should take steps to either revise its policy to reflect these changes or monitor participation data for unstructured productive activities. Taking these actions will better position BOP to know the status of each incarcerated person’s participation in activities for which they may earn time credits.

High Risk Area: [Strengthening Management of the Federal Prison System](#)

Director: Gretta L. Goodwin, Homeland Security and Justice

Contact information: GoodwinG@gao.gov, (202) 512-8777

Bureau of Prisons: Additional Actions Needed to Improve Restrictive Housing Practices. [GAO-24-105737](#). Washington, D.C.: February 6, 2024.

Year Recommendation Made: 2024

Recommendation: The Director of BOP should enhance oversight by developing and implementing a process to verify and document that facilities have implemented corrective actions that fully address all deficiencies.

Action Needed: BOP concurred with this recommendation. In January 2024, while reviewing a draft of our report, BOP stated that it will implement an internal audit process to verify and document that facilities have implemented corrective actions to address deficiencies identified during internal audits conducted by its Program Review Division. The actions BOP described, if implemented effectively, would address our recommendation and enhance oversight of its facilities.

Recommendation: The Director of BOP should develop and implement a mechanism to identify causes of common deficiencies that recur across multiple facilities and take steps to address those causes.

Action Needed: BOP concurred with this recommendation. In January 2024, while reviewing a draft of our report, BOP stated that the internal audit process it plans to implement will identify causes of common deficiencies that recur across multiple facilities. BOP also stated that this will include an internal audit follow-up process involving all levels (local, regional, and divisional leadership) of the agency to establish internal controls that mitigate the recurrence of deficiencies. The actions BOP described, if implemented effectively, would address our recommendation and enhance oversight across its facilities.

High Risk Area: [Strengthening Management of the Federal Prison System](#)

Director: Gretta L. Goodwin, Homeland Security and Justice

Contact information: GoodwinG@gao.gov, (202) 512-8777

Countering Domestic Terrorism

Domestic Terrorism: Further Actions Needed to Strengthen FBI and DHS Collaboration to Counter Threats. [GAO-23-104720](#). Washington, D.C.: February 22, 2023.

Year Recommendation Made: 2023

Recommendation: The Director of the FBI should, in collaboration with the DHS Under Secretary for Intelligence and Analysis, assess existing formal agreements to determine if they fully articulate a joint process for working together to counter domestic terrorism threats and sharing relevant domestic terrorism-related information and update and revise accordingly.

Action Needed: The FBI agreed with this recommendation. As of March 2024, the FBI has formed an internal working group to assess its existing agreements with DHS to counter domestic terrorism threats and share information. To fully implement this recommendation, FBI will need to complete its internal review and coordinate with DHS to make any needed updates or revisions to existing agreements. Doing so will better position FBI and DHS to work together to counter domestic terrorism threats.

Director: Triana McNeil, Homeland Security and Justice

Contact information: McNeilT@gao.gov, (202) 512-8777

Information Technology and Cybersecurity

Privacy: Dedicated Leadership Can Improve Programs and Address Challenges. [GAO-22-105065](#). Washington, D.C.: September 22, 2022.

Year Recommendation Made: 2022

Recommendation: The Attorney General should incorporate privacy into an organization-wide risk management strategy that includes a determination of risk tolerance.

Action Needed: DOJ did not concur with this recommendation. DOJ stated that its existing strategy documents address how it manages privacy risk, including a determination of risk tolerance. However, documentation provided by DOJ did not explicitly discuss the department's approach to determining privacy risk tolerance, including, for example, factors to be considered and acceptable amounts of risk.

As of March 2024, DOJ had provided documents outlining its approach to managing privacy risks. However, they did not include key details such as a discussion of the department's approach to determining privacy risk tolerance, including, for example, factors to be considered and acceptable amounts of risk. According to DOJ officials, while discussions regarding risk thresholds, or the acceptable level of risk for a given activity, have occurred in a number of areas, the department is working toward developing a department-wide risk tolerance statement.

To fully address our recommendation, DOJ needs to include an explicit discussion of privacy, including its approach to risk tolerance, in its risk management strategy. Doing so would assist DOJ in ensuring that it is managing privacy risks within acceptable thresholds.

High Risk Area: [Ensuring the Cybersecurity of the Nation](#)

Director: Jennifer R. Franks, Information Technology and Cybersecurity

Contact Information: FranksJ@gao.gov, (404) 679-1831

Federal Software Licenses: Agencies Need to Take Action to Achieve Additional Savings. [GAO-24-105717](#). Washington, D.C.: January 29, 2024.

Year Recommendation Made: 2024

Recommendation: The Attorney General should ensure that DOJ consistently compares the inventories of software licenses that are currently in use with information on purchased licenses to identify opportunities to reduce costs and better inform investment decision making for its widely used licenses on a regular basis. At a minimum, it should develop and implement procedures for comparing the inventories of licenses in use to purchase records.

Action Needed: DOJ agreed with this recommendation. To implement this recommendation, DOJ needs to provide evidence that it has compared its inventory of software licenses with known purchases for its widely used licenses on a regular basis. Until doing so, the department is likely to miss opportunities to reduce costs on duplicative or unnecessary licenses.

High Risk Area: [Improving the Management of Information Technology \(IT\) Acquisitions and Operations](#)

Potential Financial Benefit if Implemented: Millions

Director: Carol Harris, Information Technology and Cybersecurity

Contact Information: HarrisCC@gao.gov, (202) 512-4456

Immigration Courts

Immigration Courts: Actions Needed to Reduce Case Backlog and Address Long-Standing Management and Operational Challenges. [GAO-17-438](#). Washington, D.C.: June 1, 2017.

Year Recommendation Made: 2017

Recommendation: To better address current and future staffing needs, the Director of the Executive Office for Immigration Review (EOIR) should develop and implement a strategic workforce plan that addresses, among other areas, key principles of effective strategic workforce planning, including (1) determining critical skills and competencies needed to achieve current and future programmatic results; (2) developing strategies that are tailored to address gaps in number, deployment, and alignment of human capital approaches for enabling and sustaining the contributions of all critical skills and competencies; and (3) monitoring and evaluation of the agency's progress toward its human capital goals and the contribution that human capital results have made toward achieving programmatic results.

Action Needed: EOIR agreed with this recommendation. In March 2024, EOIR released the EOIR Strategic Plan for fiscal years 2024 to 2028. This strategic plan includes four goals, two of which address workforce planning strategy. Further, EOIR stated that it plans to continue working to implement our recommendation in fiscal year 2024.

However, to fully address this recommendation, EOIR needs to develop, and then implement, a strategic workforce plan that addresses key principles of effective strategic workforce planning. Once this strategic workforce plan is completed, EOIR needs to monitor and evaluate the agency's progress toward its human capital goals. Doing so would better position EOIR to address current and future staffing needs.

Director: Rebecca S. Gambler, Homeland Security and Justice

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