

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

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<http://oversight.house.gov>

January 27, 2017

Mr. Michael Dempsey
Acting Director
Office of the Director of National Intelligence
Washington, D.C. 20511

Dear Mr. Dempsey:

We write to request the Office of the Director of National Intelligence (ODNI) provide its comments and the sensitivity review for the Government Accountability Office's (GAO) draft report on the use of the "originator controlled" dissemination control. As we understand it, GAO transmitted the draft report to ODNI for agency comment on October 26, 2016. As a general rule, GAO allows seven to thirty days for an agency to return comments. To date, ODNI has not returned the draft, nor the standard sensitivity review, despite numerous attempts at follow-up by GAO and the Committee.¹ This has resulted in at least a two month delay in GAO's release of the report.²

GAO's work is essential to congressional oversight, especially with issues that are complex or involve sensitive programs and information such as those involving the Intelligence Community. To that end, it is critical that agencies provide timely and accurate responses to GAO's requests for comments and sensitivity reviews. To permit delayed comments on GAO reports or their over-classification would put agencies in a position to delay or prevent public dissemination of unfavorable or embarrassing findings and recommendations.

Therefore, the Committee requests ODNI provide its comments and completed sensitivity review to GAO as soon as possible, but no later than 5:00 p.m. on February 8, 2017. In addition, the Committee requests that your staff provide Committee staff with a briefing on how your office will ensure timely compliance with oversight of the Intelligence Community going forward.

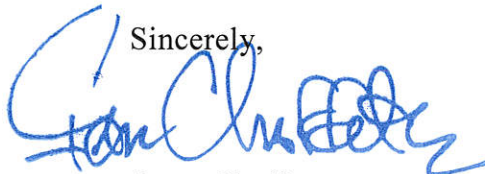
¹ Email from Diana Maurer, Director, Justice and Law Enforcement Issues, Homeland Security and Justice Team, U.S. Government Accountability Office to H. Comm. on Oversight & Gov't Reform (Jan. 23, 2017, 4:41 p.m.) (on file with Committee); Email from H. Comm. on Oversight & Gov't Reform to Deirdre Walsh, Dir. of Legislative Affairs, Office of the Dir. of Nat'l Intelligence (Jan. 9, 2017, 6:02 p.m.) (on file with Committee); Email from H. Comm. on Oversight & Gov't Reform to Deirdre Walsh, Dir. of Legislative Affairs, Office of the Dir. of Nat'l Intelligence (Jan. 12, 2017, 8:27 a.m.) (on file with Committee).

² Email from Diana Maurer, Director, Justice and Law Enforcement Issues, Homeland Security and Justice Team, U.S. Government Accountability Office to H. Comm. on Oversight & Gov't Reform (Dec. 20, 2016, 10:59 a.m.) (on file with Committee).

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The Committee on Oversight and Government Reform is the principal investigative committee in the U.S. House of Representatives. Pursuant to House Rule X, the Committee has authority to investigate “any matter” at “any time.”³ House Rule X also assigns legislative jurisdiction over GAO to the Committee and charges the Committee with “receiv[ing] and examin[ing] reports of the Comptroller General of the United States and submit[ting] to the House such recommendations as it considers necessary or desirable in connection with the subject matter of the reports. . . .”

Please contact Mike Howell of the majority staff at (202) 225-5074 with any questions about this request. Thank you for your attention to this matter.

Sincerely,

Jason Chaffetz
Chairman

cc: The Honorable Elijah E. Cummings, Ranking Minority Member

The Honorable Gene L. Dodaro, Comptroller General of the United States
U.S. Government Accountability Office

The Honorable Ron Johnson, Chairman
Senate Homeland Security and Governmental Affairs Committee

The Honorable Claire McCaskill, Ranking Minority Member
Senate Homeland Security and Governmental Affairs Committee

The Honorable Devin Nunes, Chairman
House Permanent Select Committee on Intelligence

The Honorable Adam B. Schiff, Ranking Minority Member
House Permanent Select Committee on Intelligence

The Honorable Kay Granger, Chairwoman
Subcommittee on Defense of the House Committee on Appropriations

The Honorable Peter J. Visclosky, Ranking Minority Member
Subcommittee on Defense of the House Committee on Appropriations

The Honorable Dan Coats, United States Senator

³ H. Rule X, clause 4 (c)(1)(2).