



November 2022

# DEPARTMENT OF JUSTICE

## Actions Needed to Better Track and Monitor Responses to Congressional Correspondence

# GAO Highlights

Highlights of [GAO-23-105231](#), a report to congressional committees

## Why GAO Did This Study

As a part of their oversight function, congressional committees and members of Congress hold hearings and send hundreds of information requests to DOJ and its components each year.

The Office of Legislative Affairs has primary responsibility for communications between Congress and DOJ. Five DOJ law enforcement components, including the FBI, also develop responses to Congress. However, Members of Congress have raised questions about DOJ's responsiveness to their requests.

GAO was asked to review DOJ and FBI procedures for responding to congressional requests for information. This report examines the extent to which DOJ has processes and information to effectively track and monitor responses to congressional correspondence and the timeliness of its responses.

GAO analyzed policies and processes of DOJ and five of its components; assessed available congressional correspondence data from calendar years 2012 to 2021; and interviewed DOJ officials.

## What GAO Recommends

GAO recommends that DOJ (1) maintain readily available, accurate and complete data on congressional correspondence, (2) develop guidance on tracking system data quality, and (3) develop timeliness performance measures. DOJ generally concurred with our recommendations and said it has already begun to implement them.

View [GAO-23-105231](#). For more information, contact Gretta L. Goodwin at (202) 512-8777 or [GoodwinG@gao.gov](mailto:GoodwinG@gao.gov) or Triana McNeil at (202) 512-8777 or [McNeilT@gao.gov](mailto:McNeilT@gao.gov).

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### Actions Needed to Better Track and Monitor Responses to Congressional Correspondence

## What GAO Found

The Department of Justice (DOJ) lacks some key information that is preventing it from effectively tracking and monitoring responses to congressional correspondence. Specifically, DOJ does not systematically maintain quality data to track and monitor the status of responses, lacks guidance to ensure tracking system data quality, and has limited efforts to measure timeliness performance.

- **Quality data to track and monitor responses.** DOJ does not systematically maintain readily available, accurate, and complete data on the universe of responses to congressional requests in DOJ's department-wide correspondence management system. For example, GAO analysis of available DOJ congressional correspondence data found that there are records with hundreds or over a thousand days between the date on the letter and the date DOJ documented receipt of the letter. However, certain components have taken steps to help ensure data quality. For example, the FBI has developed a data system tool that displays infographics of aggregate data with the status of pending letters to Congress that it uses to track and monitor response times and assess which stages of the process are potentially contributing to delays.
- **Guidance on data quality.** DOJ has not established guidance on data quality to ensure the department and its components maintain reliable data on congressional correspondence from receipt to disposition. For example, DOJ's *Correspondence Manual* does not address how to maintain the data in its department-wide tracking system. However, the manual establishes policies and procedures for managing correspondence. GAO found that certain components also have inaccurate or incomplete congressional correspondence data. For example, GAO analysis of Federal Bureau of Prisons data found variation in the accuracy and completeness of date fields related to the receipt and disposition of congressional correspondence.
- **Timeliness performance measures.** DOJ's Office of Legislative Affairs and three of the five components GAO reviewed have not yet developed performance measures to monitor the timeliness of their responses to Congress, but two have such measures. For example, the FBI has a performance goal of responding to certain oversight correspondence within 90 days. Federal internal control standards call for agencies, as part of program management, to develop and monitor performance measures to compare actual performance to expected results.

Ensuring its congressional correspondence tracking data are readily available, accurate, and complete, and developing guidance on data quality would help ensure that DOJ has the ability to systematically track and monitor efforts to develop timely responses and make any needed process improvements. Further, developing timeliness performance measures would better position DOJ to systematically identify the components or types of responses that are taking longer than expected and help DOJ and its components better manage the timeliness of responses to Congress.

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## Abbreviations

ATF	Bureau of Alcohol, Tobacco, Firearms and Explosives
BOP	Federal Bureau of Prisons
DEA	Drug Enforcement Administration
DOJ	Department of Justice
ExecSec	Departmental Executive Secretariat
FBI	Federal Bureau of Investigation
GPRA	Government Performance and Results Act
GPRAMA	GPRA Modernization Act of 2010
OLA	Office of Legislative Affairs
USMS	U.S. Marshals Service

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November 2, 2022

The Honorable Richard J. Durbin  
Chair  
The Honorable Charles E. Grassley  
Ranking Member  
Committee on the Judiciary  
United States Senate

The Honorable Sheldon Whitehouse  
Chair  
The Honorable John Kennedy  
Ranking Member  
Subcommittee on Federal Courts, Oversight, Agency Action, and Federal Rights  
Committee on the Judiciary  
United States Senate

In conducting oversight of the Department of Justice (DOJ), congressional committees as well as individual members of Congress send hundreds of correspondence letters to DOJ and its components, including the FBI, each year. Some of these correspondence seek information on topics ranging from specific constituent concerns to broad issues regarding U.S. law enforcement and justice-related matters.

The Comptroller General of the United States has reported that diligent congressional oversight can greatly enhance program operations by focusing on program and policy implementation.<sup>1</sup> In recent years, certain Members of Congress and Committee leaders have raised questions, including during congressional hearings, about DOJ's and the FBI's responsiveness to congressional requests for information. For example, in a June 2021 committee meeting, Members of Congress raised concerns about DOJ's and FBI's failure to fully respond to congressional oversight inquiries in a timely manner.<sup>2</sup> A Member of Congress expressed

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<sup>1</sup>GAO, *High-Risk Series: Dedicated Leadership Needed to Address Limited Progress in Most High-Risk Areas*, Statement of Gene L. Dodaro, Comptroller General of the United States, [GAO-21-383T](#) (Washington, D.C.: March 2, 2021).

<sup>2</sup>*Executive Business Meeting*, Comm. on the Judiciary, 117<sup>th</sup> Cong. (June 17, 2021).

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similar concerns in an October 2021 hearing.<sup>3</sup> Further, Members of Congress questioned the FBI's responsiveness to congressional correspondence in an August 2022 hearing, stating that the FBI had not responded to certain letters and, in certain instances, provided a response that the FBI would not answer the questions.<sup>4</sup>

Various U.S. Attorneys General have emphasized great respect for and belief in the oversight role of Congress. In responses to Questions for the Record following his February 2021 confirmation hearing, the current Attorney General stated that the oversight responsibility of Congress is a vital duty imposed by the Constitution. He also stated the department would be as responsive to congressional oversight as it can be under his leadership.<sup>5</sup> Similarly, the FBI Director acknowledged during a March 2021 Senate hearing that Congress needs answers to its oversight questions. He noted that the FBI has significantly reduced the backlog and turnaround time for responses to congressional correspondence, but said more work still needs to be done.<sup>6</sup>

You asked us to review DOJ's practices and procedures for processing congressional requests for information. This report examines the extent to which DOJ has processes and information to effectively track and monitor congressional correspondence and the timeliness of its responses. You also specifically asked us to provide information on the timeliness of FBI's

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<sup>3</sup>*Oversight of the Department of Justice*, Before the H. Comm. on the Judiciary, 117<sup>th</sup> Cong. (Oct. 21, 2021).

<sup>4</sup>*Oversight of the Federal Bureau of Investigation*, Before the S. Comm. on the Judiciary, 117<sup>th</sup> Cong. (Aug. 4, 2022).

<sup>5</sup>*The Nomination of the Honorable Merrick Brian Garland to be Attorney General of the United States, Day One*, Before S. Comm. on the Judiciary, 117<sup>th</sup> Cong. (Feb. 22, 2021) (responses to Questions for the Record by Merrick Garland, Attorney General of the United States).

<sup>6</sup>*Oversight of the Federal Bureau of Investigation: the January 6 Insurrection, Domestic Terrorism, and Other Threats*, Before S. Comm. on the Judiciary, 117<sup>th</sup> Cong. (March 2, 2021).

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response to congressional correspondence; we provide this information in appendix I.<sup>7</sup>

The scope of our review includes all congressional correspondence (e.g., signed letters) provided to DOJ or its components from 2012 through 2021. Our focus was on DOJ's efforts to track its responses and its timeliness in doing so; we did not evaluate the substance of DOJ's responses to congressional correspondence.

We obtained and analyzed DOJ policies and processes for responding to congressional correspondence. Specifically, we reviewed the *Justice Manual*, *DOJ Correspondence Manual*, component guidance, and various memoranda detailing DOJ processes for managing responses.<sup>8</sup> DOJ's Office of Legislative Affairs (OLA) has primary responsibility for communications between Congress and DOJ, including tracking and managing DOJ's responses to correspondence.<sup>9</sup> OLA and the DOJ Executive Secretariat (ExecSec), which is primarily responsible for controlling and managing executive-level correspondence for DOJ leadership and specific correspondence addressed to or from OLA, confirmed that these documents guide DOJ processes and information management related to its response to congressional correspondence.

We discussed the processes for managing correspondence with OLA and officials from the five DOJ law enforcement components that also manage some of their respective responses, sometimes in coordination with OLA. These components include the FBI, the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), the Federal Bureau of Prisons (BOP), the

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<sup>7</sup>We have previously reported on the importance of tracking accurate and complete data on congressional correspondence. For example, in 2014 we found that the Department of State, which receives thousands of congressional correspondence each year, could improve how it tracked responses and made recommendations for which the State Department addressed in the same year. See GAO, *State Department: Process to Track Responses to Congressional Correspondence Can Be Improved*, [GAO-14-424](#) (Washington, D.C.: May 20, 2014).

<sup>8</sup>DOJ, Justice Management Division, *DOJ Correspondence Manual* (Washington, D.C.: Nov. 22, 2019) and DOJ, *Justice Manual*, (Washington, D.C.). In May 2022, OLA officials told us that OLA has begun updating the *DOJ Correspondence Manual* but no further details of the changes were provided.

<sup>9</sup>OLA also articulates the department's position on legislation proposed by Congress, facilitates the appearance of department witnesses at congressional hearings, and manages the interagency clearance process led by the Office of Management and Budget. Additionally, OLA coordinates the department's responses to congressional committee oversight requests and other requests for information from individual members and congressional staff.

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Drug Enforcement Administration (DEA), and the U.S. Marshals Service (USMS).

We examined information DOJ uses to track its responses to congressional correspondence, such as the number of correspondence received and the number of responses submitted in return. We requested available internal correspondence management system data from OLA, FBI, ATF, BOP, DEA, and USMS regarding congressional correspondence received during calendar years 2012 through 2021.

To assess the reliability of the data we received, we conducted manual and electronic data testing for missing data, outliers, and obvious errors, and spoke with knowledgeable agency officials about their quality assurance processes. We found significant data quality issues—including information deemed inaccurate and incomplete—limiting the usefulness of the information in certain DOJ and component correspondence management systems, which we discuss later in this report.<sup>10</sup> We concluded that the FBI data were sufficiently reliable to report the number of congressional correspondence received and the number of FBI responses returned in each year as well as the approximate number of incoming correspondence that pertained to constituent versus oversight requests.

In addition, we analyzed data extracted from a separate FBI database that the FBI Office of Congressional Affairs used specifically to track and monitor the FBI's progress toward responding to oversight correspondence received and responded to from November 2020 to June 2022—all of the available data at the time of our review.<sup>11</sup> To assess the data's reliability, we conducted manual and electronic data testing for missing data, outliers, and obvious errors and spoke with knowledgeable

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<sup>10</sup>Completeness refers to the extent to which relevant data records and fields are present and sufficiently populated. Accuracy refers to the extent that recorded data reflect the actual underlying information. Other quality considerations may affect completeness and accuracy. In particular, consistency refers to whether data are sufficiently clear and well defined to yield comparable results in similar analyses. For example, inconsistent interpretation of data entry rules can lead to data that, taken as a whole, are unreliable. See, *GAO: Assessing Data Reliability*, [GAO-20-283G](#) (Washington, D.C.: Dec. 16, 2019).

<sup>11</sup>For example, within the FBI, the Office of Congressional Affairs is principally responsible for interacting directly with individual members and oversight committees to manage congressional correspondence, which may include formal oversight letters and hearing requests. The database extract included responses to oversight correspondence that the FBI considered completed or finalized; the extract did not include data related to correspondence associated with responses the FBI determined were under development and not fully completed at the time of our data request.



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agency officials about their quality assurance process. We also observed a demonstration of the database. We found the data to be sufficiently reliable to report the number of oversight correspondence the FBI received and considered closed or marked as completed, as well as the number of days it took to develop a response or otherwise close the response. For information on FBI efforts to track and respond to congressional correspondence, see appendix I.

We were unable to report on how DOJ prioritized different types of congressional requests, the variation in timeliness among components, and response rates for congressional Questions for the Record and letters over time due to DOJ, in some cases, not maintaining certain data elements or omitting certain data elements from DOJ components' responses to our request for information. For example, DOJ did not have complete data on the universe of congressional correspondence that DOJ indicated it received and responded to from 2012 through 2021. Further, DOJ did not provide DEA data for 2020 or 2021 because of concerns about sensitive information maintained with the records, particularly those concerning pending matters, according to OLA officials. In addition, we did not receive all of the data fields we requested (e.g., the type of congressional correspondence). For example, some data fields that FBI officials told us exist in their system were initially compiled in response to our request but were subsequently removed during DOJ's internal review process. For these reasons, we were unable to accurately report the universe or types of DOJ congressional correspondence.<sup>12</sup>

In addition, we reviewed transcripts of congressional testimony related to DOJ from calendar years 2012 through 2021—the 10 most recent years available—to obtain anecdotal evidence on DOJ's responsiveness to congressional correspondence. Although the results of this review of transcripts are not generalizable, they provide insights on congressional views of DOJ's responsiveness to their requests.

Finally, we compared the results of our analyses with various criteria, including DOJ guidance outlined in the *Justice Manual*, the *DOJ Correspondence Manual*, and *Standards for Internal Control in the*

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<sup>12</sup>We describe deficiencies related to DOJ's recordkeeping and our recommendations to address them later in this report.

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*Federal Government*, which provides that agencies should use quality information to achieve their objectives.<sup>13</sup>

We conducted this performance audit from May 2021 to November 2022 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

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## Background

DOJ and its components routinely receive correspondence from congressional oversight committees and members of Congress. These can include requests about DOJ policies or positions on certain issues, requests made as part of congressional hearings for a subsequent written response (e.g., Questions for the Record), and constituent requests for information (e.g., updates on criminal investigations or cases involving individual constituents).<sup>14</sup>

Within DOJ, the Office of Legislative Affairs (OLA) is primarily responsible for managing and directing all legislative functions between Congress and DOJ. OLA serves as the Attorney General's focal point for dealing with congressional oversight, congressional correspondence, and congressional requests for documents and access to department employees.<sup>15</sup> The *Justice Manual*, *DOJ Correspondence Manual*, component guidance, and various memoranda establish OLA as a central node in assessing which components may have relevant information to develop an appropriate response to address each incoming

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<sup>13</sup>See DOJ, Justice Management Division, *DOJ Correspondence Manual* and DOJ, *Justice Manual*. According to internal control standards, agencies should design control activities to achieve its objectives. Specifically, agencies should ensure the accuracy of information, and develop and monitor performance measures to compare actual performance to planned or expected results. GAO, *Standards for Internal Control in the Federal Government*, [GAO-14-704G](#) (Washington D.C.: Sept 10, 2014).

<sup>14</sup>In addition to responding to congressional correspondence, DOJ reported that it also engages with dozens of individual members and staff on any given day by phone or email. DOJ also addresses congressional information requests by offering briefings and participating in hearings.

<sup>15</sup>DOJ policy and regulation states that the Assistant Attorney General for OLA is responsible for communications between Congress and DOJ. See 28 C.F.R. § 0.27(a). DOJ describes its processes in the *Justice Manual*, *DOJ Correspondence Manual*, component guidance, and various memoranda.

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congressional request.<sup>16</sup> According to OLA, its longstanding practice has been to delegate certain aspects of responding to congressional requests to those components that have their own congressional affairs offices, which includes the FBI, ATF, BOP, DEA, and USMS. However, all component congressional affairs offices are to follow the direction of OLA.<sup>17</sup>

While OLA manages the development of certain responses to congressional correspondence, the DOJ Executive Secretariat (ExecSec) is primarily responsible for controlling and managing executive-level correspondence for DOJ leadership and specific correspondence addressed to or from OLA. As such, ExecSec is responsible for managing DOJ's correspondence management system, which includes congressional correspondence.<sup>18</sup>

OLA and component congressional affairs offices vary in size. According to DOJ officials, about 27 staff work in OLA, including 19 attorneys.<sup>19</sup> Each attorney is responsible for a portfolio related to specific topics, which dedicates them to a particular DOJ component. Meanwhile, the FBI Office of Congressional Affairs has approximately 25 staff, and roughly six or seven of these staff are tasked with facilitating the FBI's responses to congressional oversight correspondence along with various subject matter experts across FBI divisions, according to FBI officials. In comparison, the BOP Office of Legislative Affairs has six staff who, among other things, facilitate development of responses and coordinate with other BOP staff, according to BOP officials.

OLA reported receiving over 5,000 congressional correspondence letters from 2012 through 2021. According to our analysis of component correspondence management system data, over this period, the FBI

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<sup>16</sup>DOJ, *DOJ Correspondence Manual* and DOJ, *Justice Manual*.

<sup>17</sup>See *Justice Manual*, Sections 1-8.200, 1-8.210.

<sup>18</sup>For example, DOJ ExecSec establishes policies and procedures for executive correspondence and manages the flow of correspondence.

<sup>19</sup>According to OLA officials the President's fiscal year 2023 budget, currently pending before Congress, seeks a funding increase of \$1.1 million for OLA for twelve additional full time equivalent positions for the office. DOJ Fiscal Year 2023 budget documents state that this request is intended to support additional administrative and program staff for OLA to decrease delays in responsiveness and ensure timely response and effective correspondence with Congress..

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received over 12,000 correspondence letters, and BOP received over 9,000 correspondence letters. In addition, ATF, DEA, and USMS each received hundreds of correspondence letters from Congress from 2012 through 2021.<sup>20</sup> According to OLA and component officials, most of the correspondence pertain to constituent requests; others pertain to oversight or other requests (e.g., invitations to an event).

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## DOJ Does Not Effectively Track and Monitor the Timeliness of Its Responses to Congressional Correspondence

DOJ lacks some key information that is preventing it from effectively tracking and monitoring responses to congressional correspondence. DOJ has codified some processes for managing congressional correspondence in guidance documents, such as the *Justice Manual*, *DOJ Correspondence Manual*, and internal memoranda. However, DOJ does not systematically maintain quality data to track and monitor responses, lacks guidance to ensure data quality in its tracking systems, and has limited efforts to measure timeliness performance.

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## DOJ Has Some Steps in Place to Manage the Intake and Response to Congressional Correspondence

The *Justice Manual* sets out guidelines to govern all communications between representatives of the department and representatives of Congress, and procedures intended to implement those guidelines.<sup>21</sup> In particular, the manual outlines policies for responding to congressional requests. According to OLA officials, it is DOJ's policy to provide a response to congressional correspondence requests for information. This may include acknowledgement letters stating that DOJ is not able—because of legal, ethical, or other constraints such as ongoing law enforcement investigations, privacy interests, or the safety of an individual—to provide information related to, or publicly comment on, the type of information requested beyond information in the public record at that particular time. Managers from OLA told us they oversee certain DOJ congressional correspondence to ensure the department provides consistent responses.

According to our analysis of DOJ documents and interviews with officials, processes for managing congressional correspondence addressed to DOJ generally include the following stages:

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<sup>20</sup>We could not determine the full universe of requests or response rates because DOJ did not provide data on pending requests.

<sup>21</sup>See *Justice Manual*, Sections 1-8.200, 1-8.210.

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- **OLA and ExecSec each receive and process correspondence.** DOJ officials told us that when OLA or ExecSec receive correspondence from a member of Congress requesting information, ExecSec is to assign the request a workflow number and enter the request into its correspondence management system.
  - **Components with expertise develop a response.** OLA generally assigns responsibility for drafting initial responses to components with the relevant subject matter expertise. DOJ reported that OLA also drafts a significant number of responses itself depending on the incoming request, such as whether similar requests have been made, or if the matter relates to an OLA-specific inquiry.
  - **All DOJ responses to congressional correspondence undergo various levels of review.** DOJ reviews responses internally to ensure they are both accurate and aligned with the department's longstanding practices related to responding to congressional oversight requests, according to DOJ officials. For example, DOJ's stated policy is to satisfy legislative interests while protecting the executive branch's confidentiality interests.<sup>22</sup> According to DOJ officials, these confidentiality interests include, for example, national security information, information that might compromise ongoing investigations or pending litigation, and information related to DOJ internal deliberations, among other things.
  - **DOJ responds to Congress when deemed appropriate.** Following the review process, either OLA or the component responsible for developing the response provide the correspondence letter to the Member of Congress or congressional committee that requested the information.

Components with their own legislative affairs offices coordinate with OLA in some instances but not others. Specifically, components provide responses to less complex congressional correspondence without first consulting with OLA. For example, BOP may provide a response directly to a member of Congress concerning the status of an individual in its custody. For requests that are more complex or require input from multiple components, OLA officials told us they expect the components' legislative affairs offices to coordinate responses with them. For example, FBI officials told us that DOJ reviews about 25 percent of FBI

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<sup>22</sup>See, for example, Letter from Robert Raben, Assistant Attorney General, U.S. Dept. of Justice, Office of Legislative Affairs, to John Linder, Chairman, Subcommittee on Rules and Organization of the U.S. House of Representatives (Jan. 27, 2000).

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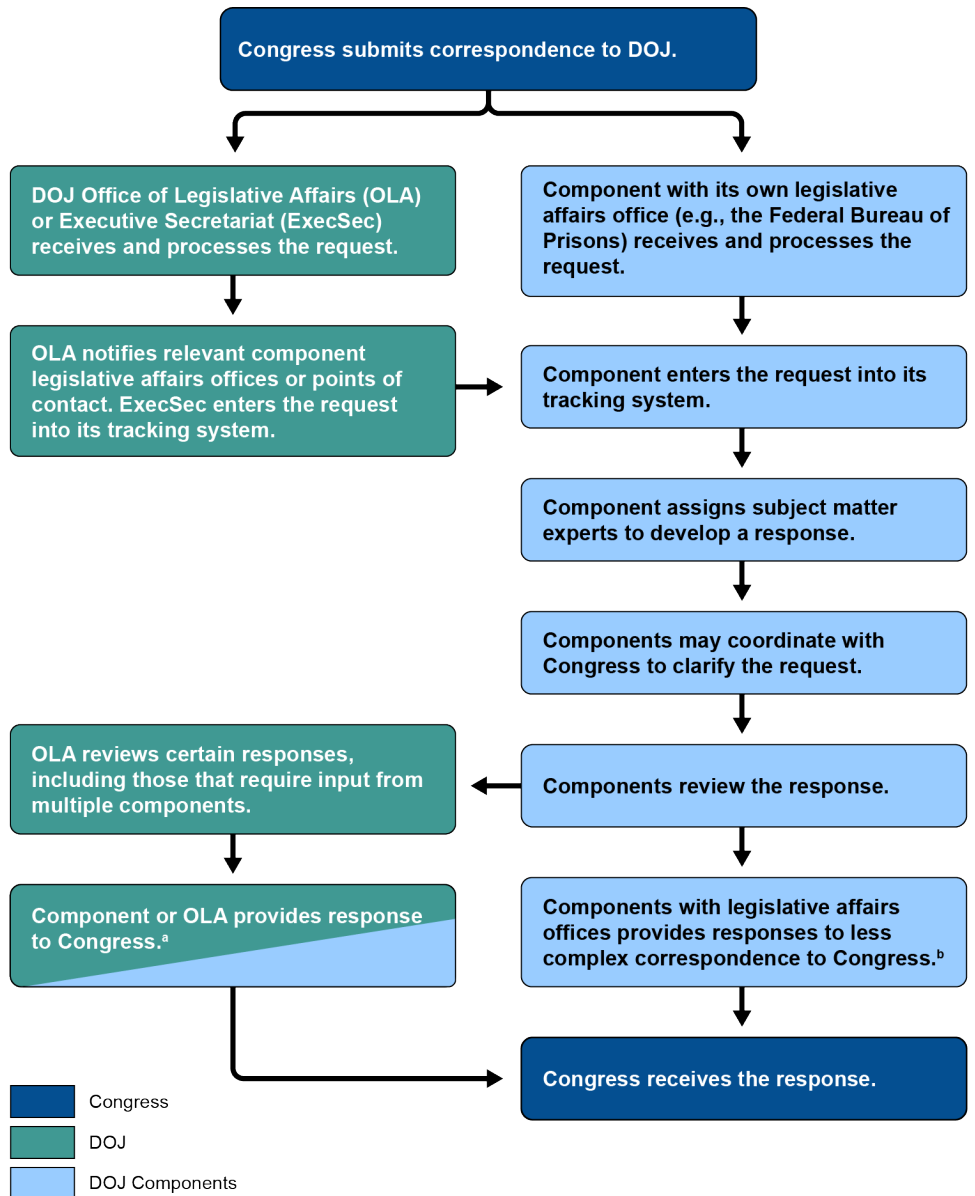
congressional correspondence, often because the topic is relevant to multiple components.

Figure 1 illustrates OLA, ExecSec, and component processes and intended coordination with each other on managing responses to congressional correspondence.<sup>23</sup>

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<sup>23</sup>OLA manages responses to congressional correspondence pertaining to components that do not have their own legislative affairs offices (e.g., Office of Civil Liberties).

**Figure 1: Illustrative Example of Key Steps in the Department of Justice’s (DOJ) Processes for Managing Responses to Congressional Correspondence**



Source: GAO analysis of DOJ information. | GAO-23-105231

Note: DOJ’s process allows flexibility to assign and develop a response since each request for information is unique and requires its own consideration and handling based on subject matter and complexity, according to DOJ officials.

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<sup>a</sup>DOJ components with their own legislative affairs offices are the Federal Bureau of Investigation, the Drug Enforcement Administration, the Federal Bureau of Prisons, the U.S. Marshals Service, and the Bureau of Alcohol, Tobacco, Firearms, and Explosives.

<sup>b</sup>According to DOJ officials, OLA manages and generally signs responses to letters addressed to the Attorney General or other senior DOJ officials or component heads, while law enforcement components with their own congressional affairs offices generally manage and sign responses to letters addressed to their respective components.

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## DOJ Does Not Systematically Maintain Readily Available, Accurate, and Complete Data

As discussed above, OLA and DOJ components have guidance for managing congressional correspondence; however, the department lacks some key information necessary for effectively tracking and monitoring responses to congressional correspondence.<sup>24</sup> OLA and ExecSec do not systematically maintain readily available, accurate, and complete data on the universe of responses to congressional requests in DOJ's department-wide correspondence management system.

First, we found that DOJ does not have readily available data for systematically tracking congressional correspondence from receipt to disposition. When we requested data from 2012 to 2021, DOJ told us that it would be difficult as well as time consuming for them to compile the data for us. Alternatively, DOJ worked with a contractor to produce one year's (2012) worth of the data we requested.<sup>25</sup>

Second, our analysis of OLA's congressional correspondence data and discussions with DOJ officials identified significant data quality challenges with the accuracy of the data included in the department-wide correspondence management system. In reviewing OLA's 2012 data, we found that there are records with hundreds or thousands of days between the date on the letter and the date DOJ documented receipt of the letter. OLA officials also stated that the field documenting the date DOJ closed the correspondence is not necessarily the date that DOJ provided a response to Congress; it is the date that an OLA attorney marked the

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<sup>24</sup>Throughout this section, we discuss the information in DOJ's correspondence management system and not the content of DOJ's responses to congressional requests for information, which DOJ officials assert are accurate.

<sup>25</sup>Complete DOJ data on congressional correspondence are not readily available for 2012-2021. Therefore, we only analyzed OLA's 2012 congressional correspondence data and found them to be unreliable. OLA officials confirmed that certain fields in their congressional correspondence data were not reliable and told us that it would not be useful to analyze data for additional years. The 2012 data we received included data fields such as mail type (e.g., priority letter, hearing invitation, etc.), status of request (whether the correspondence has been closed), document date and component action (data reflecting some but not all of the exchanges between OLA and individual DOJ components), among others.



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inquiry as closed. For example, our analysis of 2012 OLA data identified records with a closed date more than 2 years after notes associated with the record stated that DOJ provided a response letter to Congress.

Third, the correspondence management system also does not capture all of the actions completed by OLA and individual DOJ components from receipt to disposition of congressional correspondence. For example, it does not always capture the movement of a draft response letter between components, according to OLA officials. Further, DOJ officials stated that a congressional inquiry may be marked closed, but DOJ may continue to provide additional information to the congressional requestor that is not captured in its system.

According to OLA officials, the correspondence management system is not intended to accurately capture and summarize the flow of correspondence from receipt to disposition—a task completed by individual OLA attorneys. OLA managers noted that there is variation in the mechanisms OLA attorneys use to track their receipt and disposition of congressional correspondence (e.g., spreadsheets) for their own purposes that exist outside of the correspondence management system.<sup>26</sup>

While there are challenges with OLA's congressional correspondence data, certain components have taken steps to help ensure data quality. For example, the FBI has step-by-step instructions for entering congressional request data into its correspondence management system, Sentinel.<sup>27</sup> Further, FBI officials stated that supervisors conduct quality assurance checks. ATF, DEA, and FBI officials stated that they have accurate data in their agency's correspondence management system, which we were, to a certain extent, able to corroborate. Officials from these components identified a number of controls in place to help ensure accurate data. For example, ATF officials told us that they have system

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<sup>26</sup>We did not evaluate individual spreadsheets, email, or phone records used by OLA managers to track individual attorney records of the receipt and disposition of congressional correspondence. Further, we did not evaluate the accuracy or completeness of the contents of DOJ responses to congressional correspondence.

<sup>27</sup>The primary purpose of Sentinel is to provide the FBI with a browser-based solution for case management. Through the Sentinel system, employees are able to perform all of the operations related to the creation and management of case-related work items, including action items, leads, collected item records, and the forms used for documenting investigations. Also, discovery of information contained in cases, both open and closed, is provided through search and display services.

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requirements to help ensure they enter dates accurately. In addition, DEA officials described controls they use to prevent duplicative data entries.

Moreover, the FBI has made it a priority to use its congressional correspondence data to track and monitor the development of responses. The FBI Correspondence Tracker SharePoint List (Tracker) tracks oversight correspondence from receipt to disposition and includes readily available, accurate, and complete information. FBI Congressional Affairs officials stated they began using the Tracker in 2018, but updated the Tracker to its current version in November 2020.

The Tracker maintains key data, including the date on the congressional correspondence, the FBI division responsible for developing the response, and the date the FBI finalized its response. This system has a “dashboard” feature capable of producing additional information to help FBI officials track their progress developing responses, including infographics of aggregate data with response times and the status of pending letters to Congress. According to officials, the FBI Office of Congressional Affairs uses the information in its dashboard to monitor response times, brief management on the status of pending responses, and assess which stages of the process are potentially contributing to delays. For example, using the dashboard, the FBI can identify where each request is and how long it takes responses to get through each stage of the development process. Appendix I provides additional information on FBI efforts to track and respond to congressional correspondence.

*Standards for Internal Control in the Federal Government* call for agencies to collect data that they can use to help ensure they achieve their objectives.<sup>28</sup> Quality information should be accessible, complete, and accurate to help management make informed decisions and evaluate performance in achieving key objectives and address risks. FBI efforts to collect data about its congressional correspondence management processes, particularly those that are potentially contributing to delays, demonstrate the potential benefits that DOJ could achieve by monitoring these data department-wide. Maintaining readily available, accurate, and complete congressional correspondence data in DOJ’s department-wide correspondence management system would help ensure that DOJ has

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<sup>28</sup>Providing department-level guidance on congressional correspondence data quality is also consistent with internal controls, particularly through providing oversight to the entity’s control system and managing the development and performance of such control activities.

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the ability to systematically track and monitor efforts to develop responses and make any needed improvements.

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## DOJ Does Not Have Guidance on Tracking System Data Quality

According to the *DOJ Correspondence Manual*, ExecSec establishes policies and procedures for managing correspondence. The *Justice Manual* recognizes the importance of providing timely responses to congressional correspondence, instructs all components to follow the direction of OLA with any communications with Congress, and directs components to make it a priority to assist in responding to congressional inquiries.<sup>29</sup>

However, DOJ has not ensured that its components maintain accurate and complete data when managing congressional correspondence. DOJ does not have guidance that would help its components establish and maintain a systematic way to organize their congressional correspondence data. Having this type of guidance is especially important given the significant differences in the correspondence processes of various DOJ offices and components. Differences in the processes for ensuring accurate and complete data or lack of processes, among DOJ's offices and components, can result in fragmentation.<sup>30</sup> This fragmentation could lead to differences in response timeliness depending on which DOJ offices or components receive the correspondence. DOJ's correspondence manual does not address the accuracy of the data in DOJ's internal correspondence management systems or provide guidance to organize the data.

In addition to challenges we identified with OLA's correspondence management system data, we found that certain components also have inaccurate or incomplete congressional correspondence data. For example, our analysis of BOP data found variation in the accuracy and

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<sup>29</sup>See *Justice Manual*, Section 1-8.210, which describes the importance of DOJ providing timely responses to congressional inquiries, such as correspondence. In addition, the *DOJ Correspondence Manual* states that OLA is the liaison between DOJ and Congress, providing assistance in the formulation, coordination, and supervision of policies and programs involving the department's relationships with Congress.

<sup>30</sup>We have previously reported that agencies may be able to achieve greater efficiency and effectiveness by reducing or better managing overlap, duplication, and fragmentation. Using the framework established in our prior work on addressing fragmentation, overlap, and duplication, we use the following definition for the purpose of assessing DOJ offices and components responsiveness to congressional correspondence: Fragmentation occurs when more than one agency (or more than one organization within an agency) is involved in the same broad area of national interest and opportunities exist to improve customer service. See GAO's Duplication and Cost Savings web page for links to the 2011 to 2022 annual reports: <http://www.gao.gov/duplication/overview>.

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completeness of date fields related to both the receipt and disposition of congressional correspondence. Officials from BOP as well as USMS told us that some of the data in their respective correspondence management systems, such as the dates they received the request and sent the response, are not reliable. In addition, the FBI correspondence management system, Sentinel (which is different from the FBI Tracker), does not include the date the FBI provided a response to Congress or capture how long a response has been pending completion before it is finalized and sent to the requester.

Senior OLA leaders acknowledged that DOJ can improve its process for managing congressional correspondence data. At least one component, the FBI, is developing data quality guidance. Specifically, FBI Office of Congressional Affairs officials stated that they are in the process of developing a guidebook for their Tracker to help ensure staff consistently and reliably enter data into the system. DOJ officials stated that because certain DOJ components take steps to ensure the reliability of the data maintained in the internal correspondence management systems, OLA could provide guidance to its attorneys and various components to ensure the reliability and consistency of key data recorded in the department's correspondence management systems.<sup>31</sup> Developing guidance on correspondence management system data quality would help ensure that DOJ and its components are consistently entering accurate and complete tracking data. By consistently documenting information such as key dates, the department can reliably use the data it captures to better track and monitor efforts to develop responses to congressional correspondence department-wide.

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<sup>31</sup>For example, FBI officials told us they have processes in place to ensure the reliability of key information in their management of congressional correspondence.

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## DOJ Does Not Systematically Measure Its Performance in Providing Timely Responses

Agencies should develop and monitor performance measures to compare actual performance to planned or expected results, according to *Standards for Internal Control in the Federal Government*.<sup>32</sup> OLA and three of five DOJ components have not yet developed performance measures to monitor the timeliness of their responses to Congress. Though DOJ has policies that require timeliness, OLA and most DOJ components have not established length of time to respond to congressional correspondence as a performance measure and do not track the length of time it takes to respond to congressional correspondence; yet, this key information could be a useful metric to monitor their responsiveness to Congress.

According to OLA officials, they have not developed such performance measures because each congressional correspondence is unique, including in the amount of time needed to address the request. Further, officials from OLA told us they believe they are responsive to congressional requests, though they stated that responding to the hundreds of pieces of congressional correspondence each year is a challenge because of the limited resources in OLA. Given OLA managers' acknowledgement of resource challenges, maintaining accurate information and developing performance measures, such as response timeliness, could help OLA better determine its responsiveness and manage within its resource levels.

Members of Congress have also raised concerns about DOJ's timeliness. For example, one Senator stated in a 2021 hearing that, from 2017 to 2020, more than 20 DOJ and FBI witnesses failed to answer some or all of the Questions for the Record asked of them. The Senator further stated

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<sup>32</sup>In accordance with the Government Performance and Results Act (GPRA), as updated by the GPRA Modernization Act of 2010 (GPRAMA), performance measurement is the ongoing monitoring and reporting of program accomplishments, particularly towards pre-established goals, and agencies are to establish performance measures to assess progress towards goals. See generally Pub. L. No. 111-352, 124 Stat. 3866 (2011) (GPRAMA) (updating Pub. L. No. 103-62, 107 Stat. 285 (1993) (GPRA)). Such measures provide federal agencies with information on how resources and efforts should be allocated to ensure effectiveness. While GPRA is applicable to the department or agency level, (e.g., DOJ), we have previously reported that they can serve as leading practices at other organizational levels, such as component agencies, offices, programs, and projects. See GAO, *Coast Guard: Actions Needed to Enhance Performance Information Transparency and Monitoring*, [GAO-18-13](#) (Washington, D.C: October 27, 2017). See also, [GAO-14-704G](#).

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that, during that same time, the department had not answered 28 congressional correspondence requests the Senator sent to DOJ.<sup>33</sup>

#### **FBI's Efforts for Managing Responses to Congressional Oversight Correspondence**

The FBI has undertaken efforts, including developing a tracker and output performance measures, to monitor its progress toward responding to congressional oversight correspondence. For example, the FBI monitors the extent to which it meets a performance goal of responding to oversight correspondence within an average of 120 days (to accomplish its mission) or 90 days (to be considered high performing).

FBI data indicates that the FBI received and closed 194 oversight correspondence requests from November 2020 to June 2022 in an average of 2.5 months. FBI officials stated that these performance measures do not include correspondence involving complex requests that require a series of responses provided to Congress on a rolling basis. These requests can take many months to fully address, according to FBI officials.

Source: GAO analysis of FBI information | GAO-23-105231

Officials said that when DOJ is unable to answer questions posed by Members or Committees, they provide responses intended to communicate to the requesters the reasons why the department is not able to provide all requested information. However, according to DOJ officials, OLA does not systematically maintain information that can be used to measure performance, such as the timeliness of responses or whether they addressed the request.<sup>34</sup> Further, officials from OLA and certain components told us they use their professional judgment and relationships with congressional staff to gauge DOJ's responsiveness. While officials from OLA and certain components told us that they have not implemented timeliness performance measures, most federal agencies use performance measures to track progress toward goals, which requires accurate and reliable data.<sup>35</sup>

While OLA officials have stated that it would be difficult to develop performance measures pertaining to congressional correspondence, FBI and DEA officials told us that they have developed such measures.<sup>36</sup> For example, DEA's goal is to respond to congressional correspondence within 30 days and correspondence submitted through OLA within 20 days, according to DEA officials. These officials stated that they maintain an internal data system to track and measure these goals, meet every other week to make any needed course corrections, and assess progress towards meeting the goals quarterly. These performance measures indicate DOJ's capability to measure performance. Developing department-wide timeliness performance measures with goals for

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<sup>33</sup>*The Nomination of Merrick Garland to be Attorney General of the United States, Day One*, Before S. Comm. on the Judiciary, 117<sup>th</sup> Cong. (Feb. 22, 2021).

<sup>34</sup>According to OLA, internal information about the substance and timeliness of any given response is available within DOJ for individual correspondence. We did not evaluate the substance of DOJ responses to congressional correspondence.

<sup>35</sup>Agencies use performance measures to track progress toward goals, which requires accurate and reliable data. See GAO, *Program Evaluation: Key Terms and Concepts*, [GAO-21-404SP](#) (Washington, D.C.: March 2021). Although the amount of time and effort required to respond to correspondence may vary, overall goals can be valuable for monitoring, and collecting accurate information can help agencies tailor goals to different types of requests. See GAO, *Designing Evaluations: 2012 Revision*, [GAO-12-208G](#) (Washington, D.C.: January 2012).

<sup>36</sup>ATF, BOP, and USMS officials told us that their legislative affairs offices have not developed any performance measures pertaining to congressional correspondence.

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responding to congressional correspondence would better position DOJ to systematically identify the components or types of responses that are taking longer than expected and help to ensure DOJ and its components better manage the timeliness of responses to Congress.

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## Conclusions

Variation in OLA's and DOJ components' processes for responding to congressional correspondence underscores a challenge and an opportunity, particularly given OLA's oversight role in directing and managing all legislative functions between Congress and DOJ. Certain components have prioritized the quality of the information used in their processes to manage responses to congressional correspondence, such as systematically recording accurate details on the receipt, disposition, and timeliness of responses. For example, the FBI uses this information to measure performance, and the DEA uses this information to assess its progress toward meeting goals and to make course corrections, as needed. DOJ ExecSec and OLA would benefit by implementing similar processes, including systematically maintaining readily available, accurate, and complete information in the DOJ department-wide correspondence management system, developing guidance on congressional correspondence data quality, and developing department-wide performance measures with goals. Taking these steps would better position DOJ and its components to systematically track and monitor efforts to develop responses and provide them in a timely manner, potentially identify the types of responses that take longer than expected to draft, and make any needed process improvements.

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## Recommendations for Executive Action

We are making the following three recommendations to DOJ:

The Attorney General should ensure that ExecSec and OLA maintain readily available, accurate, and complete congressional correspondence data to track responses in DOJ's department-wide correspondence management system. (Recommendation 1)

The Attorney General should ensure that ExecSec and OLA develop guidance on correspondence management system data quality. (Recommendation 2)

The Attorney General should ensure that OLA develops department-wide goals and related performance measures for timeliness in responding to congressional correspondence. (Recommendation 3)

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## Agency Comments

We provided a draft of this report to DOJ for comment. In its written comments, reproduced in appendix II, DOJ generally concurred with our recommendations and said it has already begun to implement them. DOJ also provided technical comments on the draft, which we incorporated as appropriate.

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We are sending copies of this report to the appropriate congressional committees and the Attorney General. In addition, this report is available at no charge on the GAO website at <http://www.gao.gov>.

If you or your staff have any questions about this report, please contact Gretta L. Goodwin at (202) 512-8777 or [GoodwinG@gao.gov](mailto:GoodwinG@gao.gov), or Triana McNeil at (202) 512-8777 or [McNeilT@gao.gov](mailto:McNeilT@gao.gov). Contact points for our Offices of Congressional Relations and Public Affairs may be found on the last page of this report. Key contributors to this report are listed in appendix III.



Gretta L. Goodwin  
Director  
Homeland Security and Justice



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Director  
Homeland Security and Justice



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# Appendix I: FBI Efforts to Track and Respond to Congressional Correspondence

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## FBI Uses a Multistage Process to Respond to Congressional Oversight Correspondence

The FBI receives correspondence from members of Congress (e.g., signed letters) that include a range of concerns from oversight matters (e.g., policies or the FBI's position on certain issues, and congressional hearings) to constituent requests for information (e.g., updates on criminal investigations or cases involving individual constituents). Several FBI offices as well as executive branch agencies play a role in responding to FBI-related congressional correspondence.

- The FBI's Office of Congressional Affairs (FBI Congressional Affairs) is principally responsible for communicating FBI activities and interests to Congress as well as coordinating FBI responses on oversight correspondence.<sup>1</sup>
- The FBI's Office of the Executive Secretariat is responsible for managing all other correspondence (e.g., constituent correspondence).
- FBI Congressional Affairs often works with the Department of Justice's (DOJ) Office of Legislative Affairs (OLA) to coordinate responses to congressional oversight correspondence, particularly if multiple DOJ components are involved. OLA is primarily responsible for managing and directing all legislative functions between Congress and the DOJ and serves as the Attorney General's focal point for dealing with congressional oversight.
- The Office of the Director of National Intelligence oversees the FBI's intelligence activities and coordinates responses to congressional correspondence with FBI Congressional Affairs.

FBI Congressional Affairs has developed standard operating procedures that outline a multistage process for managing oversight correspondence.<sup>2</sup> The guidance lays out steps staff should take to manage and reconcile incoming correspondence and congressional requests. Key steps in developing responses to congressional correspondence include:

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<sup>1</sup>FBI's Office of Congressional Affairs is the liaison between Congress and the FBI for all oversight issues except for appropriations, which the FBI Finance Division manages. In fiscal year 2021, the Office of Congressional Affairs had a budget of about \$4.2 million—approximately \$4 million in personnel funding and roughly \$63,000 in non-personnel funding.

<sup>2</sup>See FBI, *Office of Congressional Affairs: Correspondence Standard Operating Procedures*.

**Receive request.** The FBI receives most of its congressional correspondence directly, but DOJ OLA and the Office of the Director of National Intelligence also receive FBI-specific congressional correspondence that they route to FBI Congressional Affairs. No matter the source, FBI Congressional Affairs staff are responsible for forwarding all congressional correspondence to the Office of the Executive Secretariat—whose staff are to enter each request letter into the FBI’s official correspondence management system, Sentinel. FBI Congressional Affairs officials subsequently assign each request to subject matter experts in FBI units.

**FBI Correspondence Management System**

The FBI’s Office of the Executive Secretariat maintains data on all congressional correspondence FBI receives in its correspondence management system, Sentinel. The system includes constituent letters and oversight letters as well as other types of correspondence (e.g., emails members of Congress or their staff address to the FBI Director or other FBI executives).

FBI transitioned to Sentinel in 2021, which maintains information on, among other things, the source of the response, date the FBI initiated a response, and whether the response is marked complete. According to FBI officials, each record is checked three times for accuracy before moving forward in the correspondence management process.

Source: GAO analysis of FBI information | GAO-23-105231

In addition, FBI Congressional Affairs officials add correspondence they coordinate to its Correspondence Tracker SharePoint List (Tracker). According to the FBI, the Tracker is not used to coordinate responses to constituent correspondence. Other FBI divisions are responsible for developing such responses. We reviewed data confirming that the FBI enters information pertaining to congressional correspondence into both the correspondence management system and the Tracker. Officials gave us a demonstration of the Tracker, which showed that FBI Congressional Affairs had assigned certain correspondence to different FBI units.

**Develop response.** FBI Congressional Affairs staff, who each have been assigned congressional committees, are to work alongside FBI subject matter experts to draft a response. According to FBI officials, FBI Congressional Affairs has staff members called committee “account holders” for certain congressional committees (e.g., the Senate Judiciary Committee) who liaise with Congress on the FBI’s behalf. These officials stated that there are also account holders within FBI divisions (e.g., the Criminal Investigative Division) who are responsible for coordinating with the committee account holders to respond to congressional inquiries.

**FBI Correspondence Tracker SharePoint List (Tracker)**

The FBI’s Office of Congressional Affairs maintains oversight correspondence in the Tracker, which is separate from the FBI’s official correspondence management system, Sentinel. The Tracker maintains key data, including the date on the congressional correspondence, the FBI division responsible for developing the response, and when the FBI finalized its response.

FBI Congressional Affairs began using the Tracker in 2018 and transitioned to the current version of the Tracker in 2020. FBI officials stated that they complete checks to help ensure consistent data entry and are in the process of developing a manual to help ensure staff consistently and reliably enter data into the system.

Source: GAO analysis of FBI information | GAO-23-105231

**Review and return response.** All DOJ responses to oversight correspondence undergo various levels of review. According to FBI officials, in addition to their own internal reviews, DOJ Legislative Affairs selects about 25 percent of the FBI’s draft responses for review before the FBI sends them to the requester. According to FBI officials, DOJ Legislative Affairs judgmentally selects letters to review for consistency with department positions. These letters may involve national policy or multiple DOJ components. After review of the response, the FBI returns the response (generally a letter) to the requester.

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## FBI Receives Hundreds of Pieces of Congressional Correspondence Each Year but Provides Fewer Responses

The FBI has responded to almost 200 congressional oversight correspondence letters since November 2020, according to our analysis of Tracker data. These data show that the FBI responded to or otherwise closed out 194 congressional oversight correspondence received from November 23, 2020 through June 1, 2022. According to our analysis of these data, the FBI closed 182 of the 194 oversight correspondence with a formal response letter. However, we did not evaluate the substance of the FBI's responses. FBI officials told us that they may have closed the remaining 12 correspondence letters using a briefing, phone call, or other means. Tracker data also show that the FBI was in the process of developing an additional 27 letters in response to oversight correspondence, as of May 2022.

While the Office of Congressional Affairs uses the Tracker to monitor oversight correspondence, the Office of the Executive Secretariat uses Sentinel, to track all congressional correspondence, which includes constituent and oversight correspondence. Our analysis of data from Sentinel and FBI's legacy correspondence management system shows that Congress sent the FBI hundreds of correspondence each year from 2012 through 2021. The totals exceeded 1,000 correspondence letters every year except for 2020 (see fig. 2).<sup>3</sup> According to FBI correspondence management data, at least 72 percent (8,900 of 12,290) of the correspondence the FBI received from 2012 through 2021 were constituent letters, which are letters members of Congress send on behalf of a constituent. At least 19 percent (2,230 of 12,290) of the correspondence were oversight letters.<sup>4</sup>

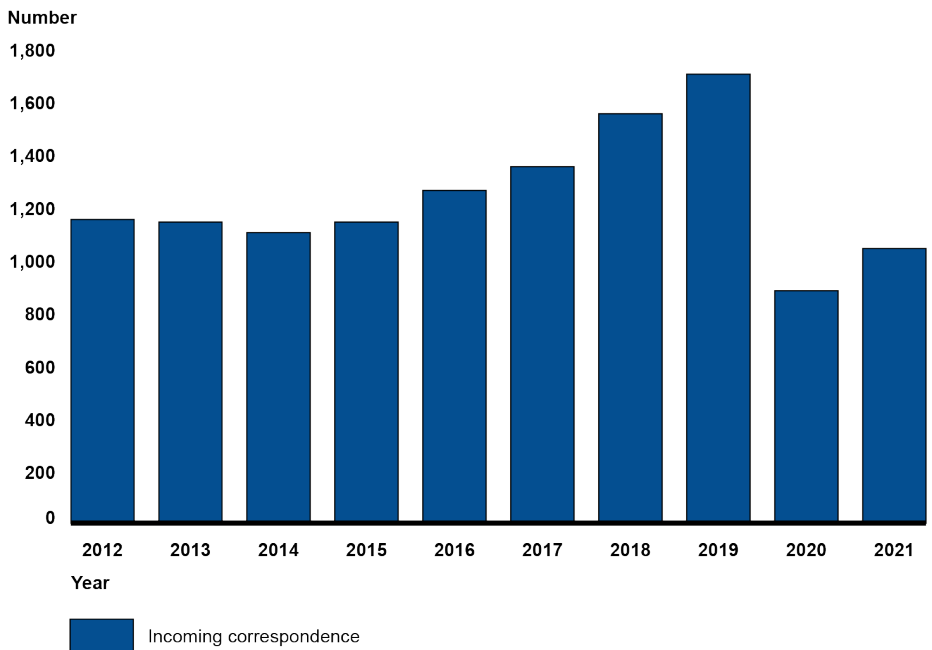
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<sup>3</sup>Officials said the amount of correspondence increased over the last several years before it declined in 2020 and 2021 due to the COVID-19 pandemic. According to FBI officials, the FBI correspondence management system includes signed letters from members of Congress and emails that members wrote to FBI offices that then forwarded them to the Office of Executive Secretariat. It does not include emails members wrote to FBI Congressional Affairs.

<sup>4</sup>The remaining nine percent of correspondence did not have a 'type' designation in the correspondence management system that could be used to categorize entries as either oversight or constituent correspondence. For example, we found the 'type' field for some congressional correspondence was blank.

Appendix I: FBI Efforts to Track and Respond to Congressional Correspondence

Figure 2: Congressional Correspondence the Federal Bureau of Investigation (FBI) Received, 2012 through 2021



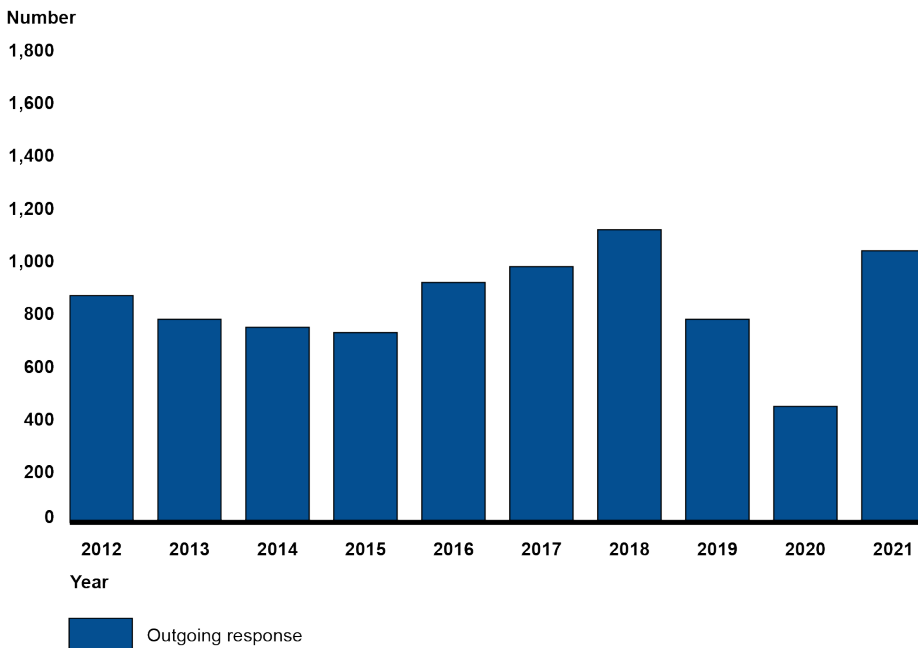
Source: GAO analysis of FBI correspondence management system data. | GAO-23-105231

Note: Data are rounded to the nearest ten. The figure does not include correspondence the FBI was in the process of responding to, as of January 2022 (about 25, according to FBI officials). The incoming correspondence data are not necessarily comparable to outgoing correspondence data because the correspondence management system that the FBI used until 2021 could not generate reports that link specific incoming correspondence to their responses.

Figure 3 shows the number of responses between 2012 and 2021 that the FBI returned to Congress.

Appendix I: FBI Efforts to Track and Respond to Congressional Correspondence

Figure 3: Federal Bureau of Investigation (FBI) Responses to Congressional Correspondence Received 2012 through 2021



Source: GAO analysis of FBI correspondence management system data. | GAO-23-105231

Note: Data are rounded to the nearest ten. The data includes responses to correspondence received and closed from 2012 through 2021. The response data are not necessarily comparable to incoming correspondence data because the correspondence management system that the FBI used until 2021 could not generate reports that link specific incoming correspondence to their responses. We did not evaluate the substance of the FBI's responses.

Our analysis of the correspondence and the response data found that the total number of constituent and oversight congressional correspondence the FBI received from 2012 through 2021 was substantially higher than the number of responses the FBI returned to Congress (see fig. 4).<sup>5</sup> FBI officials identified several reasons why the number of congressional correspondence the bureau received may not match the number of outgoing responses. The officials stated that they sometimes return multiple responses for a single incoming request or respond to multiple incoming correspondence with a single response. In addition, they stated that the FBI may not respond to certain types of incoming congressional correspondence. For example, officials told us that Members of Congress

<sup>5</sup>The FBI provided outgoing correspondence data related to congressional correspondence received from 2012 through 2021. The outgoing correspondence data does not include responses returned to Congress for requests received prior to 2012.

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**Appendix I: FBI Efforts to Track and Respond to Congressional Correspondence**

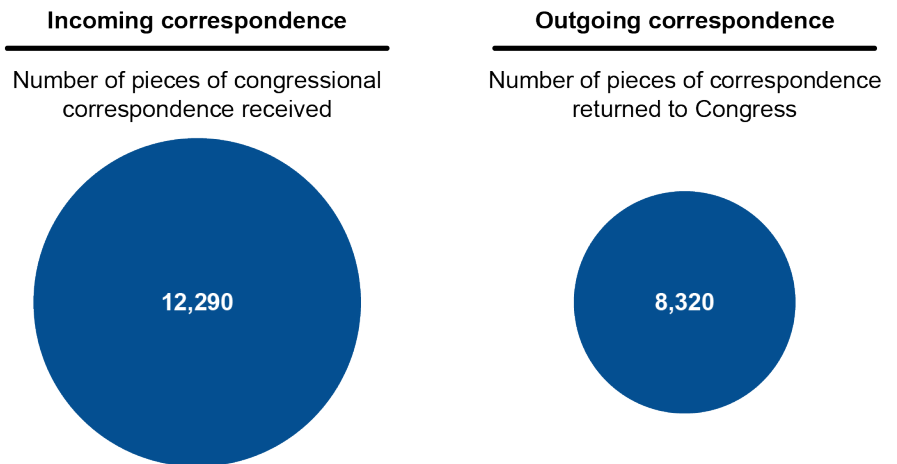
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send the FBI letters that are for information only (e.g., expressions of gratitude such as “thank you” letters).<sup>6</sup> Further, officials stated that they may not have responded because the requester was no longer a member of Congress by the time the FBI completed a response or because the FBI covered the topics of the letter in a hearing.

The FBI was not able to produce information from its legacy correspondence management system, TRIM, that linked incoming and outgoing correspondence data. Therefore, we were unable to determine FBI’s congressional correspondence response rate. The FBI transitioned to a new correspondence management system, Sentinel, in 2021—which does provide the FBI the capability to calculate response rates.

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**Figure 4: Number of Congressional Correspondence the Federal Bureau of Investigation (FBI) Received and Responded to, 2012 through 2021**



Source: GAO analysis of FBI correspondence management system data. | GAO-23-105231

Note: Data are rounded to the nearest ten. This figure includes correspondence such as constituent letters and oversight correspondence. FBI officials stated that they sometimes return multiple responses for a single incoming request, respond to multiple incoming correspondence with a single response, or do not respond if the correspondence is for information only (e.g., expressions of gratitude such as “thank you” letters). The figure does not include correspondence the FBI was in the process of responding to in January 2022 (about 25, according to FBI officials). The response data are not necessarily comparable to incoming correspondence data because the correspondence management system that the FBI used until 2021 could not generate reports that link specific incoming correspondence to their responses. We did not evaluate the substance of the FBI’s responses.

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<sup>6</sup>The congressional correspondence data that the FBI provided did not include information about the correspondence content or why the FBI determined a response was not necessary.

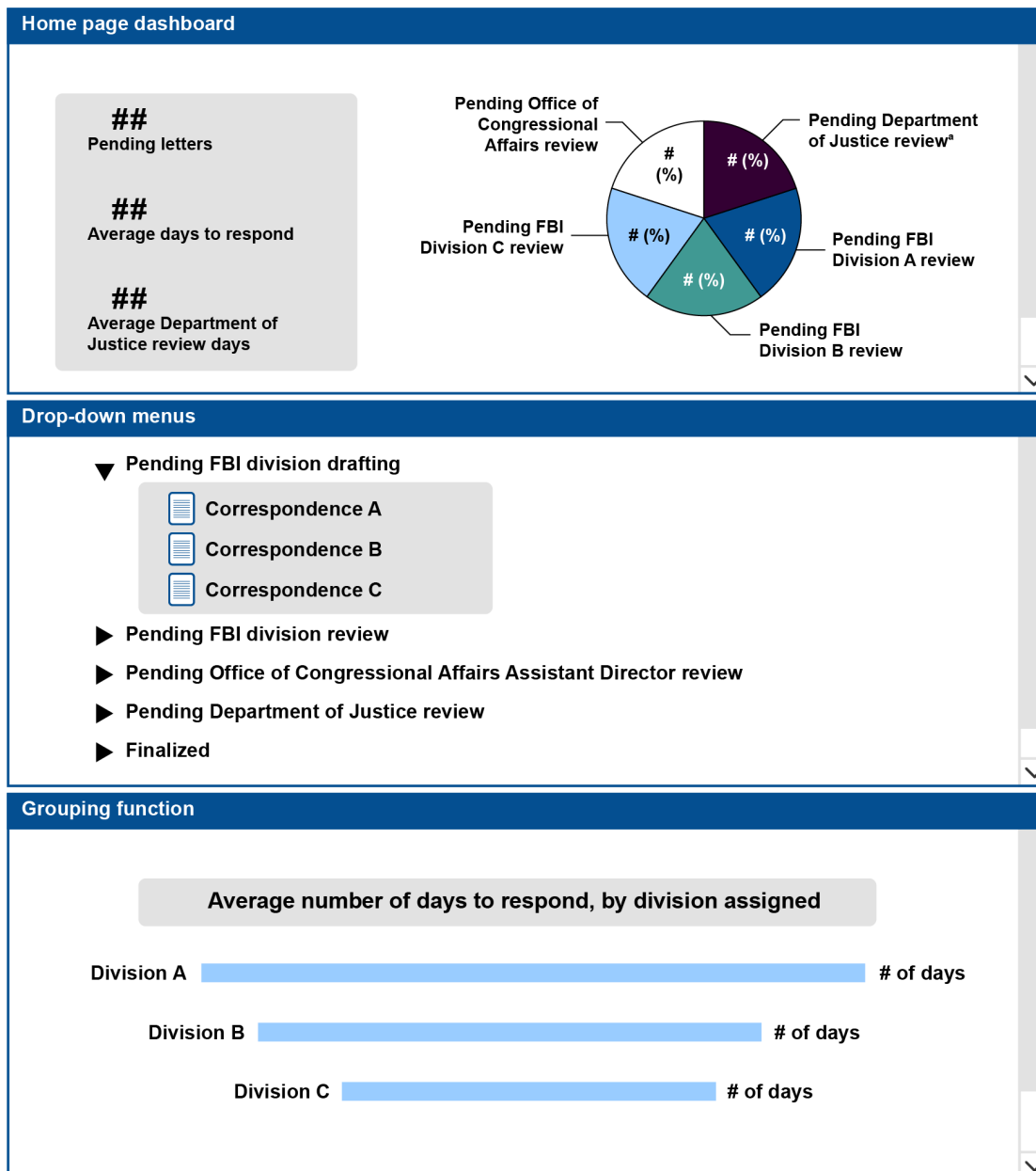
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**FBI Maintains Some  
Information on the  
Timeliness of  
Responses to  
Congressional  
Oversight  
Correspondence**

The FBI has undertaken efforts, including developing the FBI Office of Congressional Affairs Tracker, to monitor its progress toward responding to congressional oversight correspondence and output performance measures. As previously mentioned, FBI Congressional Affairs uses data in its Tracker to monitor the FBI's timeliness for responding to oversight correspondence, according to FBI Congressional Affairs officials and a demonstration of the Tracker they provided us. Specifically, this system has a "dashboard" feature with the ability to create information to help manage development of responses, including infographics of aggregate data with response times, the FBI divisions responsible for each pending letter, and the status of pending letters (see fig. 5).

Appendix I: FBI Efforts to Track and Respond to Congressional Correspondence

Figure 5: Illustrative Example of Information on the FBI Office of Congressional Affairs Oversight Correspondence Dashboard



The dashboard home page shows high level information such as the number of letter responses in progress, the average response time, and a pie chart showing response statuses.

The dashboard can sort and group correspondence. For example, the dashboard can sort inquiries from the most recent to the oldest. This screen groups all correspondence by current status.

The dashboard can sort correspondence by several categories, including by fiscal year, by congressional committee, by member of Congress, or by FBI division assigned. This screen shows the average number of days it takes to respond to oversight correspondence, by the FBI division assigned.

Source: GAO analysis of FBI oversight correspondence Tracker information. | GAO-23-105231

<sup>a</sup>According to FBI officials, the Department of Justice Office of Legislative Affairs reviewed about 25 percent of FBI oversight correspondence.



FBI officials stated that they use the dashboard to monitor response times and identify pain points in the response development process. For example, FBI officials said that viewing the response times by division helps identify the appropriate internal subject matter experts to contact for a dialogue about moving responses through the FBI's correspondence process more quickly. Further, FBI Congressional Affairs officials stated that they provide an update from this dashboard to their Assistant Director every week and that they use the dashboard to remind stakeholders of upcoming due dates.

The FBI also uses the Tracker's dashboard to monitor the extent to which FBI Congressional Affairs meets its performance goal of responding to oversight correspondence within an average of 120 days (to accomplish its mission) or 90 days (to be considered high performing), as outlined in the FBI's *FY22 Office of Congressional Affairs Strategy*.<sup>7</sup> According to the FBI, the strategy includes performance measures intended to enhance rigor and accountability by establishing timeliness measures for responding to congressional oversight correspondence and questions for the record.<sup>8</sup>

Our review of FBI Congressional Affairs Tracker data shows that the FBI is meeting its goal of responding to congressional oversight correspondence overall, but the timeliness of individual responses varies. FBI Congressional Affairs received and closed 194 oversight correspondence letters from November 2020 to June 2022 in an average of 75 days.<sup>9</sup> Response times ranged from 1 to several hundred days.<sup>10</sup> FBI Congressional Affairs officials stated that each request for information

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<sup>7</sup>FBI, *FY22 Office of Congressional Affairs Strategy*.

<sup>8</sup>The FBI reported that these performance measures have been in place since fiscal year 2021. FBI Congressional Affairs officials stated that they do not use the Tracker to monitor all oversight correspondence. For example, they told us that they track Questions for the Record separately. We were not able to verify the Questions for the Record performance measures.

<sup>9</sup>The 194 oversight correspondence letters includes formal letters from members of Congress, but not Questions for the Record or briefing requests. FBI Congressional Affairs officials stated that they track these requests separately. According to our analysis of the Tracker data, the FBI closed 182 of the 194 oversight correspondence with a formal response letter. FBI officials told us that they may have closed the remaining 12 correspondence using a briefing, phone call, or other means. We did not evaluate the substance of the FBI's responses.

<sup>10</sup>For 17 of the 194 correspondence letters, the FBI took over 180 days to close the request.

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**Appendix I: FBI Efforts to Track and Respond to Congressional Correspondence**

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is unique and requires its own consideration and handling based on subject matter and complexity. According to these officials, complex letters tend to take longer than average and can include those that require more stakeholder involvement and additional review by multiple offices, including DOJ Office of Legislative Affairs.<sup>11</sup> FBI officials stated that the performance measure does not include correspondence with complex requests that require a series of responses provided to Congress on a rolling basis. These requests can take many months to fully address, according to FBI officials.

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<sup>11</sup>According to May 2022 Tracker summary data, the average time for DOJ Legislative Affairs review was 33 days.

# Appendix II: Comments from the Department of Justice



U.S. Department of Justice  
Office of Legislative Affairs

*Office of the Assistant Attorney General*

*Washington, D.C. 20530*

Gretta L. Goodwin  
Triana McNeil  
Directors, Homeland Security and Justice  
U.S. Government Accountability Office  
441 G Street, NW  
Washington, D.C. 20548

Re: Response to Draft Report GAO-23-105231 titled "Actions Needed to Better Track and Monitor Responses to Congressional Correspondence"

Dear Director Goodwin and Director McNeil:

Thank you for the opportunity to comment on the above-referenced draft report. The Department of Justice (Department) appreciates the work of the Government Accountability Office (GAO) in its review on the ability of the Department to track the timeliness of responses to Congressional correspondence.

The Department appreciates that Congress' oversight role is a critical underpinning of the legislative and constitutional process. As the Attorney General and Deputy Attorney General have stated repeatedly, the Department is committed to being as responsive as possible to members' and committees' need for information from the Department. The Department provides information consistent with its longstanding policies on confidentiality, such as protection of internal deliberations and information in open investigations. The Department works to accommodate Congress as much as possible in a timely manner without compromising the Department's other responsibilities.

The Department appreciates the opportunity afforded by this review to inform GAO as to the extraordinary volume of work handled by a small number of Department personnel. The Department closely tracks incoming congressional correspondence through the Office of Legislative Affairs (OLA) and legislative affairs offices within law enforcement components, such as the Federal Bureau of Investigation. As the report notes, OLA receives and oversees responses to thousands of congressional inquiries each year, including hundreds of pieces of written correspondence. Each inquiry is unique and receives its own distinct consideration based on subject matter and complexity. While some correspondence may be addressed quickly, others may take months or longer to fully resolve. OLA has a total of approximately 27 staff (including a number of non-permanent detailees) to respond to congressional correspondence, in addition to other responsibilities, such as preparing for Member briefings and hearings. In recognition that OLA's current staffing is not adequate to meet the

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**Appendix II: Comments from the Department of Justice**

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Department's needs, the President's fiscal year 2023 budget currently pending before Congress seeks a funding increase in the amount of \$1.1 million for OLA supporting twelve (12) additional full time equivalent positions for the office.

The Department's current internal correspondence management system meets the Department's core needs—namely, it identifies which correspondence is open or closed, and directs incoming correspondence and draft responses to and from components. Incoming and outgoing letters are readily and individually retrievable in Department systems. However, the Department recognizes that it can improve its policies, procedures, and technology to ensure that its correspondence management system is robust and effective. The Department has already taken steps to address these areas for improvement, as is reflected in the below concurrences to the three recommendations included in the draft report.

**1. The Attorney General should ensure that ExecSec and OLA maintain readily available, accurate, and complete congressional correspondence data to track responses in DOJ's department-wide correspondence management system.**

The Department has already taken steps to address these concerns. Earlier this summer, the Department appointed a new Executive Secretary who is responsible for working with Department leadership and the staff of the Executive Secretariat to improve existing processes. The Executive Secretary is leading a comprehensive review of the Department's approach to correspondence management to identify opportunities to further enhance and strengthen its system.

The Department is also in the process of improving its correspondence management software to more closely track responses to congressional correspondence. The Department is developing new customizations and reconfigurations to the correspondence management software that will allow the Department to track and monitor the status of responses in more detail.

**2. The Attorney General should ensure that ExecSec and OLA develop guidance on correspondence management system data quality.**

As a part of the Department's efforts to improve its correspondence management software, the Department is also working to develop guidance on correspondence management system data quality. The customizations and reconfigurations to the correspondence management software, as well as including additional fields in the data, should help to establish data quality standards and may improve GAO's or others' ability to assess the Department's overall management of responses to Congressional correspondence in the future.

**3. The Attorney General should ensure that OLA develops department-wide goals and related performance measures for timeliness in responding to congressional correspondence.**

Due to the unique nature of each piece of congressional correspondence, a single metric could not accurately capture timeliness for all correspondence. Nevertheless, the Department will be improving its ability to track the amount of time it is taking to respond to congressional correspondence. These improvements will be implemented as part of the

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**Appendix II: Comments from the Department  
of Justice**

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reconfiguration in response to the first two recommendations. The Department will use these improvements to ensure that each individual piece of congressional correspondence receives a timely response, based on the subject matter and complexity of that correspondence. The Department is also developing a standard timeline that may be appropriate for certain categories or types of correspondence.

For completeness, we note that the Department previously submitted technical comments to GAO addressing several accuracy, contextual, and other issues in GAO's draft statement of facts. We appreciate the engagement on these comments.

Thank you for the opportunity to review and comment on this draft report. We look forward to engaging with you on how we are working to implement these recommendations in the future.

Sincerely,

**CARLOS**  
**URIARTE**

Digitally signed by  
CARLOS URIARTE  
Date: 2022.10.20  
18:44:35 -0400

Carlos Felipe Uriarte  
Assistant Attorney General

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# Appendix III: GAO Contacts and Staff Acknowledgments

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## GAO Contacts

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## Staff Acknowledgments

In addition to the contact named above, Jan Montgomery (Assistant General Counsel), Paul Hobart (Assistant Director), Andrew Curry (Assistant Director), Landis Lindsey (Analyst-in-Charge), Michele Fejfar, Emily Flores, Kristiana D. Moore, and Heidi Nielson made key contributions to this report. Also contributing to the report were Benjamin Crossley, Eric Hauswirth, and Kevin Reeves.

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