

# **5 FAH-4 H-700 PROCESSING INFORMATION REQUESTS FROM THE GENERAL ACCOUNTING OFFICE (GAO)**

## **5 FAH-4 H-710 PROCEDURES FOR WORKING WITH THE GENERAL ACCOUNTING OFFICE**

*(TL:RMH-4; 06-09-2004)  
(Office of Origin: IRM/BPC/RG)*

### **5 FAH-4 H-711 PURPOSE**

*(TL:RMH-4; 06-09-2004)*

The following handbook sections establish guidance for the Department of State regarding reviews conducted by the U.S. General Accounting Office (GAO).

### **5 FAH-4 H-712 BACKGROUND**

*(TL:RMH-4; 06-09-2004)*

a. The GAO, headed by the Comptroller General, is an agent of the Congress. The GAO is generally authorized and directed by 31 U.S.C. 712 to audit and review “matters relating to the receipt, disbursement, and use of public money” (e.g., examination of fund administration, property utilization, and the conduct of programs to determine if they are run effectively and economically). In addition, as stated in 31 U.S.C. 717, the Comptroller General “shall evaluate the results of a program or activity the U.S. Government carries out under existing law

- (1) On the initiative of the Comptroller General;
- (2) When either House of Congress orders an evaluation; or
- (3) When a committee of Congress with jurisdiction over the program or activity requests the evaluation.”

b. Since GAO appears to take the view that it is not limited to its statutory jurisdiction, particular studies, or aspects of studies, may not fall within the scope of these or other statutes. However, whether a study falls within the statutory jurisdiction may be relevant to the Department’s response.

c. Further information on the GAO and its responsibilities can be located at the General Accounting Office website.

## **5 FAH-4 H-713 DEPARTMENT OF STATE LIAISON WITH THE GAO**

*(TL:RMH-4; 06-09-2004)*

a. **DOS Primary Liaison.** The Department's Assistant Secretary (A/S) for the Bureau of Resource Management/Chief Financial Officer (RM/CFO) is responsible for maintaining central control and a liaison point for departmental interactions with the GAO. The Director, RM/GAO Liaison is responsible for conducting all liaison activities with the GAO and reports directly to the A/S RM/CFO. All initial interactions regarding new GAO tasks must be coordinated with or through the RM/GAO Liaison Office. The RM/GAO Liaison Office coordinates the following:

- (1) Formal GAO notifications;
- (2) Lead bureau designation;
- (3) Entrance and exit meetings;
- (4) Assistance to bureaus during the course of the GAO review;
- (5) Guidance pertaining the release of information;
- (6) Formal Departmental comments to draft reports; and
- (7) Formal Congressional Correspondence final report recommendations.

b. **Bureau GAO Officer.** All DOS bureaus will establish a bureau GAO officer to serve as the entry point for GAO information and initial contact for authorized GAO reviews.

c. **Lead Bureau and Point of Contact (POC).** The RM/GAO Office will distribute GAO notifications to all relevant bureau GAO officers. A lead bureau will be designated based upon the subject of the GAO review. The lead bureau will be responsible for designating a POC for the review. The POC will be responsible for coordinating with the GAO team conducting the review as well as RM/GAO and/or the bureau Legal Adviser as required.

## **5 FAH-4 H-714 GAO NOTIFICATION AND ENTRANCE MEETINGS**

*(TL:RMH-4; 06-09-2004)*

a. **Department Notification.** The GAO should notify the RM/GAO Liaison in writing prior to initiating any new task. The formal notification, signed by the GAO's relevant Managing Director, should occur before the GAO makes any requests for meetings, documents, or interviews with DOS officials at any location. The notification should identify the subject, GAO job code, scope, objectives, and originator of the request.

b. **Initial Contact.** Initial GAO contact should be with the RM/GAO Liaison. Any GAO request for information, by e-mail or otherwise, that does not refer to a job code and has not been coordinated through RM/GAO Liaison or the lead Bureau POC for the particular job should be referred to RM/GAO Liaison.

c. **Entrance Meeting.** The RM/GAO Liaison will initiate arrangements for an entrance meeting normally within 14 days of an official GAO notification. The entrance meeting is the beginning of an iterative process between the GAO and the Department that will continue throughout the review. In some cases, it may be determined that an entrance meeting is not necessary. This is most likely to occur when the GAO conducts similar or recurring work and its POC, issues, and methodology were previously established.

(1) **Representation**—The RM/GAO Liaison will coordinate DOS representation at the entrance meeting. Designated DOS bureaus will ensure the attendance of appropriate management levels and subject matter expertise.

(2) **Meeting Content**—The RM/GAO Liaison will chair the entrance meeting. The GAO representatives will provide information regarding the origin, scope, timeframe and anticipated date requirements. The meeting will also provide an opportunity for a dialogue between the Department and GAO officials to cover the design phase of the review and any outstanding jurisdictional issues. Jurisdictional issues, possible foreign policy problems, and other relevant factors should be noted. The entrance meeting will conclude with the designation of primary POCs between the Department lead bureau and the GAO team.

## 5 FAH-4 H-715 GAO WORK IN PROGRESS

*(TL:RMH-4; 06-09-2004)*

a. **Work in Progress.** Subsequent to the entrance meeting, the GAO will work directly with the designated lead bureau POC to coordinate information-gathering activities. This may include requests for documents, interviews, and meetings. A GAO review that involves multiple bureaus and offices may require an intra-departmental meeting to ensure a coordinated and consistent Department position. The RM/GAO Liaison will be available to facilitate GAO activities and requests. Significant changes in scope to the GAO review should be immediately reported to the RM/GAO Liaison and the bureau POC should advise the RM/GAO Liaison of difficulties or concerns perceived by the Department or expressed by the GAO.

b. The RM/GAO Liaison may request status reports from the GAO throughout the tasking. The convening of meetings between the GAO and the Department during the review is also permissible, and can be used to accomplish the following:

(1) Advise the Department on the status of an ongoing study;

(2) Coordinate GAO access to records and documents;

(3) Assess GAO foreign travel and contacts;

(4) Review and comment on the GAO “statement of facts,” which are subject to verification and/or clarification (this typically occurs at the Exit Meeting (see 8a) but may occasionally take place during the study);

(5) Discuss the GAO’s preliminary conclusions and recommendations with which the Department may or may not agree; and

(6) Address Department concerns about the GAO methodology as well as the GAO’s concerns regarding the Department’s response.

c. **GAO Fieldwork and Foreign Contacts and Travel.** The GAO review may involve foreign travel and fieldwork to gather relevant information. Country clearances will be processed through the RM/GAO Liaison to Diplomatic Security, in consultation with the relevant country desk and post. As authorized by the Department, U.S. mission personnel may be directly engaged in GAO activities by assisting in the arrangement of the GAO team visit, facilitating access, and providing information through interviews. GAO should not directly task posts abroad; any taskings, including requests for information or documents, should be coordinated and communicated through the Bureau POC or RM/GAO Liaison. The GAO mandate does not include investigation of foreign governments; any GAO meetings or other contacts with foreign officials should be coordinated with the lead bureau POC and approved by the RM/GAO Liaison in advance. The lead bureau POC, in coordination with the regional bureau and mission, should determine whether contacts with foreign officials would raise sensitivities that warrant consideration for another approach to obtaining information. Generally, when the fieldwork is complete and prior to returning stateside, the GAO team will conduct a closeout meeting. The purpose of this meeting is to ensure that the GAO team has a full understanding of the information gathered and to consummate its activities with the embassy. The closeout meeting is not intended to discuss conclusions or recommendations.

## 5 FAH-1 H-716 GAO ACCESS TO RECORDS AND DOCUMENTS

(TL:RMH-4; 06-09-2004)

a. **General Policy and Procedure.** The GAO may request official government records and documents associated with its work. The Department's policy is to provide the GAO with the information it needs to fulfill its statutory responsibilities in an expeditious manner while respecting Department and Executive Branch foreign policy and operational requirements. Where the GAO is operating outside its statutory jurisdiction, the Department must make a determination to what extent non-public information can be shared. In such cases, the Bureau POC should seek guidance from RM/GAO and the bureau legal adviser. In any case, the GAO should be encouraged to make its requests specific and relevant to the questions posed in its notification letter. The GAO is not authorized to independently search for relevant documents and information in Department files and databases. Bureaus should keep records in writing or via email of the documents or, where voluminous, a description of the documents provided to the GAO.

b. **Documents Request.** When operating within its statutory jurisdiction, the GAO may request and, as a general rule, have access to relevant unclassified and classified information following the entrance conference and in association with an ongoing, authorized review. GAO information requests will normally be made to the lead bureau POC. When the request is extensive or involves multiple bureaus, a formal Department task may be issued. When questions arise regarding GAO access to material, the bureau's legal adviser and the RM/GAO Liaison office should be consulted. Oral or informal e-mail requests may be made to access publicly available, unclassified material, only as defined in section c below. If the request requires extensive research, concerns sensitive but unclassified (SBU), is non-public, unclassified material as defined in section d below, or concerns classified material, a formal written request citing the GAO job code is required. Approval from the Office of the Under Secretary for Political Affairs (P) via Action Memorandum is necessary before the GAO is given access to classified or other non-public documents. Documents that are approved by P for dissemination must then be coordinated through RM/GAO Liaison for A/S RM/CFO signature before forwarding to GAO. Normally, the GAO is permitted to read such material on Department premises, but is not given copies of documents. When the GAO is provided copies of documents, Department policy requires that all irrelevant information, including the names of drafting, clearing, sending, and/or receiving officials below A/S level, must be redacted. Under 31 U.S.C. 716(e), the GAO is obligated to respect any restrictions on disclosure of the information imposed by the Department, and must be advised of those restrictions in writing by the lead bureau POC when the documents are made available.

c. **Publicly Available Unclassified Information.** Publicly available unclassified information is material that does not carry any restrictions and can be made available to any member of the public. This material includes:

(1) Press guidance;

(2) Public reports; and

(3) Department publications and other public information not considered SBU or classified.

d. **Unclassified Material that is Not Publicly Available.** Generally, unclassified material that is not publicly available should be marked SBU. (See 12 FAM 540). However, this is not always the case and the determination whether material is publicly available should be made based on the content rather than the marking of the document. Except as discussed in section below, GAO is generally entitled to have access to non-public information where it is relevant to an official study within their statutory jurisdiction. This includes, for example, Privacy Act information and visa records. If GAO requests information in this category, L should clear any release and, in the case of internal deliberative material or other material that might arguably fall within category F, an Action Memorandum to P is required.

e. **Classified Information.** Classified information is material officially classified as Confidential, Secret, or Top Secret. In addition, any documents regarding foreign government information provided in confidence where disclosure would be harmful to foreign relations, should be treated as classified, whether marked so or not as well as international organization information that is restricted from public disclosure (e.g. NATO restricted information). Access may be granted to relevant classified documents after a formal written request by the GAO concerning a matter within its statutory jurisdiction, approval from P Bureau, and verification of proper security clearances. However, such information cannot be removed from the Department facility, photocopied, or noted verbatim. The GAO team must be provided a secure workspace to view the material. The lead bureau must ensure appropriate security clearances of GAO personnel through Diplomatic Security prior to providing the GAO personnel access to classified information. It is the responsibility of Department personnel to ensure that all e-mail and sensitive diplomatic communication are appropriately classified and marked. Any other restrictions on dissemination or release of material, including information received from or shared with foreign governments in confidence that has not been formally classified or marked, must be treated as classified.

f. **Restricted Access.** SBU, non-public or classified information generally not releasable to the GAO includes, but is not limited to:

(1) Internal materials concerning budget plans and requests, other than the official budget data submitted to the Congress. (See OMB Circular A-11.);

(2) Non-public documents concerning an ongoing negotiation or foreign policy initiative, or other “real time” document request;

(3) Other internal deliberative information, the disclosure of which reasonably could be expected to impair substantially the operations of government. (This may include, for example, certain Action Memoranda or informal e-mail deliberations.);

(4) Law enforcement information 5 U.S.C. 552(b)(7), the disclosure of which reasonably could be expected to impair substantially the operations of government;

The release of non-public material may also be limited when the study in question is outside GAO’s statutory jurisdiction. When GAO requests information in any of the above categories, the RM/GAO Liaison and L should be contacted.

g. **Third Party Documents.** Documents originated by or containing information originated by other agencies cannot be released to the GAO without the consent of the originating agency or agencies. In this category, the practice has been that consent will generally not be granted for the following:

(1) Documents to and/or from the White House or National Security Council;

(2) Documents addressing Policy Coordination Committees (PCC), National Security Council (NSC), or White House led initiatives relating to on-going criminal investigations or prosecutions; and

(3) Documents related to intelligence or counter-intelligence information.

## 5 FAH-4 H-717 CONCLUDING ACTIVITIES

*(TL:RMH-4; 06-09-2004)*

a. **Exit Meeting.** An exit meeting will be chaired by the RM/GAO Liaison and conducted just prior to the completion of the draft report. The GAO’s stated purpose for the exit meeting is to confirm that their acquired facts are current, correct, and complete. The GAO may also discuss preliminary conclusions and potential recommendations.

b. **Classification Review.** The GAO may request a classification review of the draft report prior to making distribution for comment. The GAO does not have classification authority and must rely on the originating agency to review the draft report to ensure that proper classification of sensitive information is indicated and that no sensitive information (classified or other non-public material) is publicly or inappropriately disclosed.

c. **Draft Report.** Following the exit conference and classification reviews, the GAO will distribute the non-public draft report for review and official comment.

d. **Comments on Draft Report.** The GAO's policy is to provide 30 days for Department comments on GAO draft reports. However, circumstances may demand a more rapid response, often within 15 days. The Department's policy is to provide all substantive comments in writing. A formal written response is required when recommendations for the Department are included in the report. The lead bureau may elect to provide a formal response to a GAO report that does not contain Department recommendations. The Department comments will be published as an appendix to the final report. Oral comments may be provided for minor technical or editorial remarks. The lead bureau will formulate the Department's written comments and clear at the Assistant Secretary level. A meeting may be convened, if necessary, to resolve differences over the draft report conclusions and recommendations. Once cleared, the proposed formal reply will be submitted to the RM/GAO Liaison for A/S RM/CFO final review, signature, and transmittal to the GAO. The RM/GAO Liaison will provide an information copy to the Department Inspector General, the Assistant Secretary, Legislative Affairs, and the lead bureau Under Secretary.

e. **Final Reports.** Unclassified GAO final reports are available on the General Accounting Office website. The GAO also provides the RM/GAO Liaison with a limited number of paper copies of all final GAO reports involving work at the Department. The RM/GAO Liaison will ensure that newly published reports are announced and distributed to all relevant bureau POCs and other interested parties.

## **5 FAH-4 H-718 DEPARTMENT RESPONSE TO CONGRESS ON GAO REPORTS**

*(TL:RMH-4; 06-09-2004)*

a. **Legal Requirement.** When the GAO issues a final report containing recommendations for the Department, in relation to a study within its statutory jurisdiction, the Department is required by 31U.S.C. 720 to submit a written formal response to Congress for recommendations contained in the report within 60 days from the date of issue.

b. **Initial Preparation.** The proposed Department reply is prepared in the format prescribed by the RM/GAO Liaison. The RM/GAO Liaison may work directly with the lead bureau POC to formulate a response that accurately conveys the Department's perspective.

c. **Content.** Replies to the GAO report should include a response to each recommendation with sufficient detail to support the Department position. A report recommendation that is accepted by the Department should address an implementation timeline.

d. **Oversight.** The RM/GAO Liaison provides oversight for replies to the GAO reports by ensuring proper format and content. The letter is to be prepared in multiple copies and addressed to the Chairman and ranking minority member of the following:

- (1) House Committee on Government Reform and Oversight,
- (2) Senate Committee on Governmental Affairs,
- (3) House Committee on Appropriations,
- (4) Senate Committee on Appropriations, and
- (5) Committee originating request.

e. **Review, Clearance, and Transmittal.** The proposed reply is coordinated by the lead bureau POC and cleared with the appropriate lead bureau Assistant Secretary, Legal Adviser (L), and other appropriate bureaus. Once cleared for substance, the proposed reply is provided to the A/S RM/CFO for a final review, clearance, and transmittal to the A/S of Legislative Affairs (H) for signature. H then sends the document to the Congress and provides the RM/GAO Liaison with a signed copy of the package. The RM/GAO Liaison is then responsible for disseminating the final copy throughout appropriate Department bureaus, the OIG, the GAO, and the OMB.

## **5 FAH-4 H-719 Recommendation Follow Up**

*(TL:RMH-4; 06-09-2004)*

After the Department's response is transmitted to the Congress and the GAO, the lead Bureau POC will track progress on implementing action identified in the Department's reply. The RM/GAO Liaison may periodically track progress. It is the Department's policy to complete action on GAO recommendations accepted by the Department in an expeditious manner that ensures compliance with the timeline identified in the Department's Congressional response.