

**OPENING STATEMENT
OF
U.S. REPRESENTATIVE JAN SCHAKOWSKY**

Chair, Oversight & Investigations Subcommittee
House Permanent Select Committee on Intelligence

Open Hearing: Congressional Notification Practices

October 27, 2009

Today, we will examine how the Intelligence Community honors and implements its legal obligation to keep Congress informed about intelligence activities. This hearing is part of the full Committee's investigation into the Intelligence Community's compliance with the National Security Act of 1947.

Under the National Security Act, the Executive Branch is required to keep the Committee "fully and currently informed of the intelligence activities" of the United States, including any "significant anticipated intelligence activity. . ." and covert actions.

These requirements are critical. The Executive Branch's intelligence activities are secret, and the American people rely on the congressional intelligence committees to scrutinize them. They rely on this Committee to make sure that those activities are consistent with the Nation's best interests and values. The Committee is, in the truest sense, the people's representative when it comes to secret intelligence activities.

For the Committee to perform these vital functions, the Committee must receive, and the Executive Branch must provide, truthful, complete and timely information. If this does not occur, Congress cannot adequately perform its constitutional obligation to authorize and appropriate money for intelligence activities.

In recent years, various members of the Committee from both sides of the aisle have expressed concern that the Intelligence Community has failed to provide the Committee with full and complete information. Recent

revelations have raised yet more questions about whether the Intelligence Community has violated the National Security Act.

Last week, the Intelligence Community Management Subcommittee held a hearing focused on the National Security Act's provisions that require the Executive Branch to keep the Committee informed about intelligence activities. That hearing was an important step in the Committee's investigation.

Today's hearing represents another important step. For the National Security Act to be effective, the Executive Branch must properly implement and enforce it. We need to understand how the Intelligence Community carries out this obligation, whether its notification policies gave rise to past notification failures, and what it is now doing to make sure that the Committee is kept fully and currently informed. In particular, I look forward to hearing about the ODNI's current review of the Intelligence Community's notification policies.

To discuss these matters, we will hear from Robert S. Litt, the General Counsel of the Office of the Director of National Intelligence. While Mr. Litt has only been on the job for several months now, he joined the ODNI after an already distinguished legal career, which has included time as a senior Justice Department official, and as a partner at one of Washington, D.C.'s most prominent law firms. As demonstrated by his substantial work on the subject since joining the ODNI, I know he takes the issue of congressional oversight seriously, and I welcome him here today.