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OFFICE OF THE INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY
WASHINGTON, D.C. 20511

November 15, 2019

VIA ELECTRONIC TRANSMISSION

The Honorable Ron Johnson
Chairman
Committee on Homeland Security and Governmental Affairs
U.S. Senate
Washington, D.C. 20510

The Honorable Charles Grassley
Chairman
Committee on Finance
U.S. Senate
Washington, D.C. 20510

Dear Chairman Johnson and Chairman Grassley:

(U//FOUO) This letter responds to your letter dated October 23, 2019, to the Office of the Inspector General of the Intelligence Community (ICIG). In your letter, you referenced your earlier letters to the ICIG, dated May 6, 2019, and October 2, 2019, and the ICIG's responses to those letters, dated June 4, 2019, and October 10, 2019. Those earlier letters and responses related to, among other things, your questions regarding whether the ICIG has initiated an investigation(s) into specific suspected leaks to the media of classified information. In your latest letter, you suggest that the ICIG has failed to adequately answer your questions. Please be assured that I have attempted to be transparent and have responded as fully as I can to each of your letters.

(U//FOUO) In your latest letter, you wrote that other Inspectors General, specifically the Department of Justice Office of the Inspector General (DOJ OIG), have been more transparent with Congress and the public about information relating to their "investigations." In particular, your letter referred to information provided by the DOJ OIG in a press announcement and in a letter to Congress, both dated January 12, 2017, and in a separate DOJ OIG press release dated

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March 28, 2018. Based on those disclosures by the DOJ OIG, you have asked in your most recent letter why the ICIG “cannot provide the same level of transparency.”

(U//FOUO) The ICIG appears to provide the same level of transparency as the DOJ OIG with respect to “investigations.” It is important to note that the information provided by the DOJ OIG to Congress in the letter and in the press releases referred to in your letter related to the initiation of “reviews,” and not “investigations,” into certain matters.¹ The ICIG does not know all of the circumstances surrounding those reviews and announcements, particularly information already in the public record regarding them before the DOJ OIG issued its press releases and provided its letter to Congress. Nevertheless, as you know, there are important distinctions between audits, inspections, reviews, and evaluations conducted by Inspectors General, and on-going criminal or administrative investigations conducted by them. Indeed, the ICIG understands through discussions with its counterparts among the Intelligence Community Inspectors General Forum, including the DOJ OIG, that although they, too, make every effort to be as transparent and responsive as they can with respect to Congressional inquiries and requests for information, they – except in the rarest of circumstances – find themselves having to respectfully refuse to answer requests for information about specific investigative work. In this regard, the ICIG notes that its position in respectfully declining to provide information on the suspected media leaks referred to in your letters is consistent with the position taken by other Inspectors General in the Intelligence Community in response to your substantially similar requests of them.

(U) Despite these necessary restrictions, enhancing transparency in the Intelligence Community is one of the ICIG’s core values. Similar to the efforts by the DOJ OIG and many of the other members of the Intelligence Community Inspectors General Forum, the ICIG has worked to increase transparency related to the audits, inspections, reviews, and evaluations conducted by the ICIG. As you know, the ICIG issues both unclassified and classified versions of its Semiannual Reports to Congress, which provide information on the findings and recommendations resulting from the ICIG’s audits, inspections, reviews, and evaluations. The ICIG provides copies of those Reports directly to you in response to your standing request to federal OIGs for a copy of them. In addition, since I became the Inspector General of the Intelligence Community in May 2018, the ICIG has begun announcing on the ICIG’s redesigned classified and unclassified websites the ICIG’s initiation and completion of audits, inspections, reviews, and evaluations. Since that time, the ICIG also began issuing a public version of its Annual Work Plan to permit the public to see the audits, inspections, evaluations, and reviews the ICIG intends to conduct in the next Fiscal Year. Further, as part of these new efforts to increase transparency, the ICIG worked with certain other members of the Intelligence Community Inspectors General Forum to produce a capstone report identifying shared management and performance challenges facing the Intelligence Community. The ICIG described those challenges in both the classified and unclassified versions

¹ (U) See Letter from Michael Horowitz, Inspector General, Department of Justice, to Senator Charles Grassley, Chairman, Senate Committee on the Judiciary (Jan. 12, 2017) (DOJ OIG “is initiating a review”); Press Release, *DOJ OIG Announces Initiation of a Review* (Mar. 28, 2018).

of the ICIG's most recent Semiannual Report, which the ICIG provided to you on May 30, 2019, and the unclassified version can be viewed publicly on Oversight.gov, the public-facing website operated by the Council of the Inspectors General on Integrity and Efficiency.

(U) In accordance with the ICIG's authorizing statute, the ICIG has a responsibility to provide information to the congressional intelligence committees concerning certain investigations. Specifically, the ICIG "shall immediately notify, and submit a report to, the congressional intelligence committees" in the event of the following:

(ii) an investigation, inspection, audit, or review carried out by the Inspector General focuses on any current or former intelligence community official who –

(I) holds or held a position in an element of the intelligence community that is subject to appointment by the President, whether or not by and with the advice and consent of the Senate, including such a position held on an acting basis;

(II) holds or held a position in an element of the intelligence community, including a position held on an acting basis, that is appointed by the Director of National Intelligence; or

(III) holds or held a position as head of an element of the intelligence community or a position covered by subsection (b) or (c) of section 3041 of this title.²

The ICIG will, of course, continue to comply with that statutory requirement.

(U) Beyond that statutory requirement, however, the ICIG simply cannot confirm or deny the existence of investigations or its potential participation in others' ongoing investigations. The very act of confirming or denying the existence of an investigation, or discussing in even the most cautious manner the details surrounding such matters, could inadvertently jeopardize any actions that are perhaps being contemplated, are already in process, or that have occurred and are being analyzed or followed up on in various ways, some of which may not be overt. Moreover, such confirmation or discussion may also have an inadvertent but potentially adverse impact on legitimate privacy or other concerns. Therefore, the ICIG must respectfully decline to further respond to the questions contained in your most recent letter.

(U//FOUO) In your most recent letter, you again ask the ICIG to provide information on how many people within the ICIG had access to the whistleblower's complaint, and the telephone call transcript relating to the July 25, 2019, call between President Donald J. Trump and Ukrainian

² (U) 50 U.S.C. § 3033(k)(3)(A)(ii).

President Volodymyr Zelenskyy, before they were made public. While I appreciate and respect your requests for this information, as I mentioned previously, substantially similar inquiries have been the subject of my closed briefing sessions before the Senate Select Committee on Intelligence and the House Permanent Select Committee on Intelligence. The transcripts of those closed briefing sessions have not been made public. As a result, I am reluctant to provide more information related to this question out of respect for the congressional intelligence committees' ongoing investigations of this specific matter.

(U) I hope you find this response helpful. Please contact me if you have any further questions regarding this matter.

Sincerely yours,



Michael K. Atkinson
Inspector General
of the Intelligence Community

cc: The Honorable Richard Burr
The Honorable Mark Warner
The Honorable Gary Peters
The Honorable Ron Wyden