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United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

April 28, 2025

VIA ELECTRONIC TRANSMISSION

Ms. Tamara A. Johnson
 Acting Inspector General
 Office of the Intelligence Community Inspector General

Dear Ms. Johnson:

On April 18, 2025, my investigative staff, acting on my behalf as Chairman of the Senate Judiciary Committee, emailed your office requesting IC IG Report No. INS-2022-003.¹ Stephanie McDonald, Acting Counsel to the Inspector General of the Intelligence Community (IC IG), responded on April 18, 2025, stating that the IC IG was in receipt of my staff's request and that Dylan Klossner, Acting Legislative Counsel, of your staff would be handling the request.² My staff followed up with your staff on April 18, 2025, and April 21, 2025, but did not receive a response from Mr. Klossner until April 23, 2025.³ Instead of providing the report to my staff, Mr. Klossner stated that, "[i]n accordance with [the IC IG's] congressional engagement policy, [Mr. Klossner] forwarded [my staff's] request to the congressional committees with jurisdiction over IC IG so that they may provide input on [the IC IG's] response."⁴

On April 23, 2025, in response to Mr. Klossner's email, my staff called Mr. Klossner and made clear to him the IC IG does not have the authority to determine the confines of congressional committee jurisdictions, that the Judiciary Committee has clear jurisdictional equities regarding the IC, and that I have an ongoing investigation into matters directly relevant to the report at issue. My staff sent a follow-up email after the phone call.⁵ In that email, my staff made clear again to Mr. Klossner the Judiciary Committee's jurisdictional equities and that the IC IG has no authority to determine the jurisdiction of congressional committees.⁶ My staff again requested a copy of the report, as well the IC IG's congressional engagement policy referenced on the phone and email and for a phone call with the IC IG's leadership to discuss the congressional engagement policy.⁷ My staff also stated, "[i]f a responsive production exists, it should be produced to the chairman immediately," which is a position that I'm sure the American taxpayer would fully support in light of my constitutional oversight responsibilities.⁸ To date, your office has failed to produce the documents and failed to schedule the phone call.

In response, on April 23, 2025, Mr. Klossner again emailed my staff stating that the House Permanent Select Committee on Intelligence (HPSCI) and the Senate Select Committee of Intelligence (SSCI) were aware of my staff's request and that the IC IG is "willing to provide [the report] as soon as possible."⁹ Mr. Klossner also said, "we are not in a position to weigh in on the interpretation of Senate and House rules regarding committee jurisdiction over IC IG," yet that is exactly what your office has done by refusing to provide the

¹ Emails on File with Committee staff.

² *Id.*

³ *Id.*

⁴ *Id.*

⁵ *Id.*

⁶ *Id.*

⁷ *Id.*

⁸ *Id.*

⁹ *Id.*

report.¹⁰ My staff again followed up stating exactly that: “[i]f the IC IG is willing to produce the document to Chairman Grassley, then produce it immediately. Absent that, then you are ‘weigh[ing] in on the interpretation of Senate and House rules regarding committee jurisdiction over IC IG.’”¹¹ Mr. Klossner failed to respond to this email.

My staff followed up with Mr. Klossner on April 24, 2025, requesting an update from the IC IG, and asked why the report had not been provided.¹² My staff also reminded your office that I have an ongoing investigation into the matter for which the report is relevant and not producing the report “frustrate[s] [an] ongoing congressional investigation.”¹³ Mr. Klossner failed to respond to this email. Again, on April 25, 2025, my staff followed up with Mr. Klossner and asked why the IC IG is withholding the production of a taxpayer funded IG report to my office and noted that withholding the production of the report is obstructive conduct.¹⁴ My staff also, again, requested the IC IG’s congressional engagement policy.¹⁵

On April 25, 2025, Mr. Klossner replied to my staff, and instead of producing the requested report or the congressional engagement policy, stated that my staff’s questions regarding the IC IG’s congressional engagement policy and the withholding of the report should be referred to SSCI.¹⁶ Mr. Klossner again stated that the IC IG was working on my staff’s request of the report through “[the IC IG’s] normal policy,” yet did not produce that policy despite multiple requests.¹⁷ Mr. Klossner’s advice to my staff to speak with SSCI appears to indicate that contrary to his earlier statements, your office is in fact improperly weighing in on the interpretation of Senate and House rules regarding committee jurisdiction over the IC IG and it is making the wrong analysis by refusing to acknowledge reality – that the Senate Judiciary Committee has clear jurisdictional equities regarding the IC.

That same day, my staff followed up with Mr. Klossner noting that the IC IG has failed to produce the written congressional engagement policy, which has been requested multiple times.¹⁸ Additionally, my staff stated that, because the IC IG created the report and has chosen not to produce the document despite an ongoing congressional investigation, the IC IG is engaged in definitional obstruction.¹⁹ Mr. Klossner followed up that same day, again referring my staff to SSCI instead of producing the IC IG’s congressional engagement policy and the report.²⁰ He also noted that the IC IG is “processing” my requests.²¹

Finally, at 5:08 PM on April 25, 2025, my staff emailed Mr. Klossner stating that the report had been requested and instead of producing it immediately, like all other Inspectors General would do, the IC IG has chosen not to produce the document and has not provided a legitimate basis for that refusal, which has resulted in the IC IG obstructing a congressional investigation.²² To date, your staff has neither responded to my staff’s email nor has it produced the congressional engagement policy or report, which have been requested multiple times over a period of days.²³

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ *Id.*

²¹ *Id.*

²² *Id.*

²³ *Id.*

I would like to remind you that failure to provide Report No. INS-2022-003 means the IC IG is obstructing a congressional investigation. Further, in 1976, the Senate passed S. Res. 400, which established a standing committee of the Senate on intelligence activities.²⁴ In the text of S. Res. 400, it states in part that, “[n]othing [i]n this resolution shall be construed as amending, limiting, or otherwise changing the authority of any standing committee of the Senate to obtain full and prompt access to the product of the intelligence activities of any department or agency of the Government relevant to a matter otherwise within the jurisdiction of such committee.”²⁵ The subject matter contained within Report No. INS-2022-003 falls squarely within the Senate Judiciary Committee’s jurisdiction for reasons you are well aware of and reasons for which we can speak in a classified setting.²⁶ If that subject matter is inaccurate, your office should say so.

Accordingly, S. Res. 400 does not change or alter the ability of the Senate Judiciary Committee to oversee and request information from the intelligence community to obtain this information. The Senate Judiciary Committee also has jurisdiction over the federal courts, including the Foreign Intelligence Surveillance Court (FISC) and the Justice Department is tasked with oversight of FISA 702 compliance, among other things.²⁷ Additionally, as I am sure you are aware, legislation reauthorizing FISA is squarely within the Senate Judiciary Committee’s ambit. And lastly, my Judiciary Committee investigative staff have conducted transcribed interviews of IC IG staff in the past.²⁸

As such, I am again requesting the immediate production of IC IG Report No. INS-2022-003, the IC IG’s congressional engagement policy, and all emails between and among all IC IG staff relating to my requests.

Thank you for your prompt attention to this matter. Should you have any questions, please contact Tucker Akin of my Committee staff at (202) 224-5225.

Sincerely,



Charles E. Grassley
Chairman
Committee on the Judiciary

²⁴ A resolution to establish a Standing Committee of the Senate on Intelligence Activities, S. Res. 400, 94th Cong. (1976).

²⁵ *Id.*

²⁶ United States Senate Committee on the Judiciary, *About*, <https://www.judiciary.senate.gov/about/committee>. The Committee’s jurisdiction extends to immigration and naturalization. It also has primary jurisdiction over the Justice Department and its component agencies, including the FBI.

²⁷ *Id.*

²⁸ Press Release, Grassley, Johnson Release Investigative Findings on Alleged Hack of Clinton’s Server by China (Aug. 14, 2019), <https://www.grassley.senate.gov/news/news-releases/grassley-johnson-release-investigative-findings-alleged-hack-clinton-s-server>.