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United States Senate

SELECT COMMITTEE ON INTELLIGENCE
WASHINGTON, DC 20510-6475

August 27, 2020

The Honorable Ron Johnson
Chairman
Committee on Homeland Security and
Governmental Affairs

The Honorable Charles E. Grassley
Chairman
Committee on Finance

Dear Chairman Johnson and Chairman Grassley:

Thank you for your correspondence of August 14, 2020. We note that your request of the Committee is made pursuant to Senate Rule 26, but fails to account for the unique authorities and obligations invested in this Committee through Senate Resolution 400 and respected over decades of Senate and Committee practice. Pursuant to Senate Resolution 400, the Committee has adopted and adheres to Committee Rule 9.7, which states in relevant part that “classified and committee sensitive information may only be disclosed to persons outside the Committee (to include any congressional committee, Member of Congress, congressional staff, or specified non-governmental persons who support intelligence activities) with the prior approval of the Chairman and Vice Chairman of the Committee.”

Accordingly, we must reject the absolutist interpretation of Rule 26 that you propose. If this Committee elects to share materials that it has collected and generated in the course of its investigation into Russia’s efforts to interfere in the 2016 presidential election, it will do so pursuant to these long-standing Committee rules, and specifically, the joint agreement of the Chairman and the Vice Chairman. Independent of whether that agreement is forthcoming, our position on this matter obviously does not preclude you from pursuing your own investigation, using your own authorities, as you see fit, within the confines of your committees’ jurisdictions.

We appreciate your desire to pursue your investigative work and look forward to hearing how your findings contribute to the conclusions of U.S. Attorney John Durham, the Department of Justice Inspector General Michael Horowitz's publicly released reports, and the five volumes of relevant investigative work that this Committee has publicly released.

Sincerely,



Marco Rubio
Acting Chairman



Mark R. Warner
Vice Chairman

cc: The Honorable Mitch McConnell
Majority Leader
United States Senate

The Honorable Charles E. Schumer
Minority Leader
United States Senate

The Honorable Gary C. Peters
Ranking Member
Committee on Homeland Security and
Governmental Affairs

The Honorable Ron Wyden
Ranking Member
Committee on Finance