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United States Senate

COMMITTEE ON FINANCE
WASHINGTON, DC 20510-6200

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March 5, 2019

VIA ELECTRONIC TRANSMISSION

The Honorable Mitch McConnell
Majority Leader
317 Russell Senate Office Building
Washington, D.C. 20510

Dear Leader McConnell:

I request to be notified before any unanimous consent agreement is agreed to regarding the nomination of William R. Evanina to be Director of the National Counterintelligence and Security Center (PN 192). This request is intended to be made publicly and will be disclosed in the Congressional Record so my name need not be withheld.

Thank you for your assistance.

Sincerely,



Charles E. Grassley
Chairman
Senate Finance Committee



Statement of Senator Charles E. Grassley
Before the United States Senate
March 5, 2019

Mr. President, I intend to object to any unanimous consent request relating to the nomination of William R. Evanina to be Director of the National Counterintelligence and Security Center (PN192).

When I noticed my intention to place a hold on this nominee back in June of 2018, I made it very clear to the public and to the administration my reasons for doing so, and I put my statement of those reasons in the Record. I have done that consistently, not only since the rules of the Senate require every Member to do that but even before that rule was ever put in place.

I continue to experience difficulties obtaining relevant documents and briefings from the Justice Department and the Office of the Director of National Intelligence (ODNI) related to 2016 election controversies. On several occasions, Deputy Attorney General (DAG) Rod Rosenstein has personally assured me that the Senate Judiciary Committee would receive equal access to information provided to the House Permanent Select Committee on Intelligence (HPSCI) with regard to any concessions in its negotiations regarding pending subpoenas from that Committee. However, I, and the Judiciary Committee, have not received equal access.

For example, on August 7, 2018, I wrote to the Justice Department and pointed out that the House Intelligence Committee had received documents related to Bruce Ohr that we had not received. The Department initially denied those records had been provided to the House Intelligence Committee. After my staff confronted the Department, we eventually received some Bruce Ohr documents. In that 2018 letter I have referred to, I asked for documents based on my equal access agreement with Deputy Attorney General Rosenstein, and I have not received a response to date.

I have since learned that the Justice Department has taken the position that Director Coats has prohibited them from sharing the requested records with the Committee.

In addition to the records request, in May 2018, the Director of National Intelligence and the Justice Department provided a briefing in connection with a pending House Intel subpoena to which no Senate Judiciary Committee member was invited.

Thus far, the Committee's attempts to schedule an equivalent briefing have been ignored.

The administration's continued, ongoing, and blatant lack of cooperation has forced my hand. I must object to any consideration of this nomination.

In the authorizing resolution that created the Senate Select Committee on Intelligence (SSCI), the Senate explicitly reserves for other standing committees, such as the Senate Judiciary Committee, independent authority to "study and review any intelligence or intelligence-related activity" and "to obtain full and prompt access to the product of the intelligence and intelligence-related activities of a department or agency," when such a matter "directly affects a matter

otherwise within the jurisdiction of that committee” (S. Res. 400). As I understand it, the information at issue here falls into that category.

Thus, unfortunately, I must object to any consideration of this nomination. My objection is not intended to question the credentials of Mr. Evanina in any way. This objection falls squarely on the administration’s continued failure to uphold their end of the agreement. The Executive Branch must recognize that it has an ongoing obligation to respond to Congressional inquiries in a timely and reasonable manner.