

United States Senate

WASHINGTON, DC 20510

September 12, 2019

VIA ELECTRONIC TRANSMISSION

The Honorable Steve A. Linick
Inspector General
U.S. Department of State
2121 Virginia Avenue, NW
Washington, DC 20037

Dear Inspector General Linick:

On May 9, 2019, we wrote to the Department of State (Department) seeking information about the October 11, 2016, meeting between Christopher Steele, Orbis Intelligence employee Tatyana Duran, then-Deputy Assistant Secretary Kathleen Kavalec, and then-Special Envoy Jonathan Winer, who arranged the meeting.¹ Since that letter, we have learned that the Department provided your office information and documents related to that meeting.² Our staff contacted your office to understand what actions, if any, the Office of the Inspector General (OIG) took after receiving the information and documents.

Your office briefed our staff and, although unfortunately short on details, we learned that the OIG reviewed: (1) whether any Department employees engaged in activity in violation of the Hatch Act; (2) whether Jonathan Winer complied with Department policy and regulation on intelligence gathering; and (3) whether Jonathan Winer violated classification protocol. The briefing also disclosed that the OIG determined that a State Department employee may have engaged in anti-Trump political conduct in violation of the Hatch Act and referred that individual to the Office of Special Counsel for investigation. Despite this recommendation, however, the OIG did not publish a written report about its review. Moreover, we also learned that the OIG never interviewed Ms. Kavalec or Mr. Winer, the Department employees that were present for the meeting with Mr. Steele. Nor did the OIG interview Assistant Secretary Victoria Nuland, who originally received Mr. Steele's request for a meeting and whom Ms. Kavalec believed to have further information about Mr. Steele.³

Additionally, documents produced to the Committee and OIG confirm that at least one Department official, Mr. Winer, utilized non-official email accounts to conduct official Department business.⁴ Internal e-mails show Mr. Winer utilized at least two different non-

¹ Letter from Ron Johnson, S. Comm. on Homeland Security & Gov. Affairs, & Charles E. Grassley, S. Comm. on Finance, to Michael R. Pompeo, Secretary, U.S. Department of State. (May 9, 2019).

² Letter from Mary Elizabeth Taylor, Ass. Sec. Bureau of Legislative Affairs, U.S. Department of State, to Ron Johnson, S. Comm. on Homeland Security & Gov. Affairs, & Charles E. Grassley, S. Comm. on Finance. (May 23, 2019).

³ U.S. Department of State, Office of Inspector General briefing with Majority staff of Ron Johnson, S. Comm. on Homeland Security & Gov. Affairs, & Charles E. Grassley, S. Comm. on Finance, (Jul. 16, 2019).

⁴ Letter from Mary Elizabeth Taylor, Ass. Sec. Bureau of Legislative Affairs, U.S. Department of State, to Ron Johnson, S. Comm. on Homeland Security & Gov. Affairs, & Charles E. Grassley, S. Comm. on Finance. (Jun. 7, 2019). STATE-2019-08-00047 and STATE-2019-08-00048.

official email accounts as early as December 2014, the same year that he apparently began to communicate with Glenn Simpson of Fusion GPS.⁵ Committee staff is aware of roughly 27 e-mails sent by Mr. Winer to the Department from non-official email accounts.⁶ Many of these emails include a note from Mr. Winer requesting the email contents be placed on the “high side” and sent to “three individuals” within the Department.⁷

We write seeking to understand why the OIG did not issue a report on its investigation and did not interview employees who most likely have relevant information regarding the subject matter of the inquiry. Further, with the Department’s recent history of officials using non-official e-mail to conduct official business, why did the OIG not seek to interview Mr. Winer regarding his use of non-official email accounts for government business? In addition, why did the OIG not interview Mr. Winer to learn why he introduced Mr. Steele to other high-ranking State Department employee’s days before the FBI sought and received a FISA probable cause order to surveil a Trump campaign official?

Please provide a response to this letter no later than September 26, 2019.

Should you have any questions, please contact Brian Downey of Chairman Johnson’s staff at (202) 224-4751, or Joshua Flynn-Brown of Chairman Grassley’s staff at (202) 224-4515.

Sincerely,



Ron Johnson
Chairman
Committee on Homeland Security and
Governmental Affairs



Charles E. Grassley
Chairman
Committee on Finance

⁵ STATE-2019-08-00047 and STATE-2019-08-00048. STATE-2019-08-00051, STATE-2019-08-00052, and STATE-2019-08-00053.

⁶ Jun. 7, 2019 production to the Committees from the U.S. Department of State.

⁷ STATE-2019-08-00093 and STATE-2019-08-00094.