



INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY
WASHINGTON, DC 20511

June 4, 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 Chairmen Johnson and Grassley:

This letter responds to your letter dated May 6, 2019, to the Office of the Inspector General of the Intelligence Community (ICIG). In your letter, you highlight Committee concerns regarding potential leaks of classified information to the media and ask whether the ICIG initiated an investigation into specific suspected leaks. The ICIG shares your concerns about the harm to national security caused by unauthorized disclosures of classified national security information, including leaks to the media about ongoing investigations into such unauthorized disclosures. To avoid contributing to that type of harm, the ICIG does not confirm or deny the existence of any investigation, or disclose the details of any such investigation, into suspected unauthorized disclosures of classified national security information. At the same time, this is to assure you that the ICIG has coordinated with the appropriate agencies concerning the matters referenced in your May 6, 2019 letter.

The ICIG's coordination efforts concerning these matters are consistent with its responsibilities under Intelligence Community Directive 701, *Unauthorized Disclosures of Classified National Security Information* (ICD 701). Although ICD 701 was issued after the date of the specific texts and suspected leaks referenced in your letter, it governs the Intelligence Community's efforts to deter, detect, report, and investigate unauthorized disclosures of classified national security information. ICD 701 provides for the Intelligence Community, as a whole, to engage in these efforts by training personnel, developing comprehensive personnel security programs, conducting audits and systems monitoring, and devising other appropriate measures to deter and detect unauthorized disclosures.

The ICIG also has specific responsibilities under ICD 701, including:

- Maintaining a repository of notifications from Intelligence Community elements regarding any loss or compromise of classified information, preliminary inquiries, and Crimes Reports on unauthorized disclosures submitted by Intelligence Community elements, and monitoring all submissions to final disposition;
- Reviewing unauthorized disclosure cases where the FBI decides not to investigate or the FBI investigates but the Department of Justice declines prosecution, in coordination with the other Office(s) of Inspectors General involved, to determine whether an Inspector General administrative investigation is warranted;
- Coordinating with other Offices of Inspectors General within the Intelligence Community to determine, in consultation with the Department of Justice, which Tier 2 and Tier 3 cases (as defined in ICD 701, Annex B) may be suitable for administrative investigation;
- Coordinating with other Offices of Inspectors General within the Intelligence Community to ensure cases suitable for administrative investigation are reviewed, appropriately investigated, and not closed prematurely; and
- Coordinating with other Offices of Inspectors General within the Intelligence Community to conduct independent investigations.

The ICIG takes these responsibilities seriously. Over the past six months, the ICIG has coordinated numerous outreach and liaison events focused on discussing the status of ICD 701 reporting programs, identifying the responsible components within each agency, formalizing reporting processes to ensure appropriate notifications are made in a timely fashion, and engaging in benchmarking efforts to identify obstacles to appropriate implementation. Multiple stakeholders, including Intelligence Community elements, law enforcement agencies, and other Offices of Inspectors General, participated in these outreach events to share their expertise and institutional knowledge.

As part of these responsibilities, the ICIG also spearheaded an initiative to review the reporting processes for Intelligence Community elements' internal investigations of suspected unauthorized disclosures to ensure appropriate protective and corrective actions are taken against individuals who make unauthorized disclosures of classified information, and to ensure those elements' internal investigations are not closed prematurely. The ICIG is also collaborating with other components within the Office of the Director of National Intelligence to create multiple ICD 701 resources, such as fact sheets, information sheets answering frequently asked questions, and internal workflow graphics, for release to the Intelligence Community's workforce and the public.

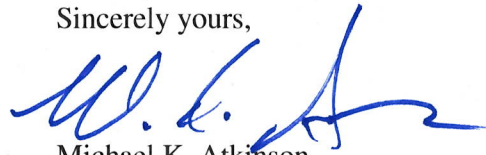
I have also met twice with the President's Intelligence Advisory Board to discuss ways to reduce unauthorized disclosures and provide greater protections to the Intelligence Community's most sensitive information. In December 2018, along with the Inspectors General from the Department of Defense, Department of Justice, Defense Intelligence Agency, National Security Agency, and the Central Intelligence Agency, I met with the President's Intelligence Advisory Board to discuss the role of Inspectors General in providing end-to-end accountability for protecting classified information. More recently, in March 2019, the

Department of Justice Inspector General and I met again with the President's Intelligence Advisory Board to discuss, among other things, legislative approaches to reduce unauthorized disclosures, including testimonial subpoena authority for OIGs to compel non-agency individuals to provide testimony in administrative investigations.

The ICIG appreciates your past support of proposed legislation to provide testimonial subpoena authority to Inspectors General. While legislation granting all Inspectors General with testimonial subpoena authority has not yet been enacted, the Council of the Inspectors General on Integrity and Efficiency has identified providing testimonial subpoena authority to all Inspectors General as one of its top legislative priorities. The ICIG ardently supports this provision as it would enhance the ICIG's ability to investigate suspected unauthorized disclosures and to conduct other independent investigations, inspections, audits, and reviews on programs and activities within the responsibility and authority of the Director of National Intelligence, as mandated by the ICIG's authorizing statute.

The ICIG expects to announce additional steps in the near future to gauge the status of ICD 701's implementation throughout the Intelligence Community. As always, we will keep our intelligence oversight committees and other interested congressional stakeholders updated on the ICIG's efforts to collaborate with Intelligence Community elements, law enforcement agencies, and other OIGs to combat unauthorized disclosures. In the meantime, please contact me, or the ICIG's Acting General Counsel and Legislative Counsel, Melissa Wright, who can be reached at 571-204-8149, with any questions or requests for additional information.

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