

The Senator from Iowa.

STATE DEPARTMENT INSPECTOR GENERAL

Mr. GRASSLEY. Madam President, I ask unanimous consent to have a letter printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF STATE,
Washington, DC, June 12, 2020.

Hon. CHUCK GRASSLEY,
Chairman, Committee on Finance,
U.S. Senate, Washington, DC.

DEAR CHAIRMAN GRASSLEY: Your May 18 letter to the President concerning his removal of the Inspector General of the Department of State has been referred to the Department.

In order to address your concerns as they relate to the Department, the Department is prepared to provide you a briefing with a senior official at your earliest convenience. Additionally, the Department is enclosing its recent letter, on which you were copied, which addresses the reasons for Secretary Pompeo's recommendation to remove the State Department Inspector General.

Sincerely,

MARY ELIZABETH TAYLOR,
Assistant Secretary of State,
Bureau of Legislative Affairs.

Enclosure: As stated.

U.S. DEPARTMENT OF STATE,
Washington, DC, June 8, 2020.

Hon. MICHAEL E. HOROWITZ,
Chair, Council of the Inspectors General on Integrity and Efficiency, Washington, DC.

DEAR CHAIR HOROWITZ: In light of new information disclosed to the State Department for the first time on June 2, 2020, the Department is writing to formally request that the Council of the Inspectors General on Integrity and Efficiency (CIGIE) examine a series of questions related to the conduct of former State Department Inspector General Steve Linick. Specifically, the Department has become aware that Mr. Linick may have hand-selected a potentially-conflicted investigator to look into possible misconduct by his own office and then withheld the resulting report, which noted his own apparent non-compliance with State Department Office of Inspector General (OIG) email policies, from State Department leadership, despite repeated requests for a copy of the report.

In short, the events described below suggest that there may have been a significant breakdown in the typically-rigorous standards of an IG investigation, warranting CIGIE review.

Mr. Linick had served as Inspector General of the State Department since September 2013. On May 15, 2020, President Trump decided to remove Mr. Linick from that position and placed him on 30 days of administrative leave. As described in the attached letter to the House Foreign Affairs Committee dated June 1 (Tab 1), the President's decision to remove Mr. Linick from this position was made upon the Secretary of State's recommendation. This recommendation was based, in part, on concerns related to Mr. Linick's failure to formally refer to CIGIE—as agreed with senior Department leadership in the fall of 2019—the investigation of a leak of a highly-sensitive draft report to the media on September 13, 2019, which was attributed to “two government sources involved in carrying out the investigation.” State IG Set to Recommend Discipline for Trump's Top Iran Hand, *The Daily Beast*, Sept. 13, 2019.

As described in the Department's attached letter, and contrary to that fall 2019 agreement, Mr. Linick instead referred the matter

for review by the Department of Defense's (DOD's) Acting Inspector General—without informing State Department leadership that he was taking a different course. Only after the DOD IG provided its initial findings directly to Mr. Linick in late 2019 or early 2020 did Department leadership become aware that Mr. Linick had hand-selected his own investigator for the matter, outside of the CIGIE process. Mr. Linick then refused multiple requests by Department leadership for a copy of the resulting report. Notwithstanding these repeated requests to Mr. Linick, who reports by law to the Secretary of State, the Department was, for the first time, provided a copy of the March 17, 2020 DOD OIG report on June 2, 2020 (Tab 2) as a result of a request by Congress, nearly two weeks after the President removed Mr. Linick from his position.

Beyond the concerning process that led to the DOD IG reviewing this matter, the DOD IG report itself raises a number of new questions that, together with the Department's original concerns, further substantiate the Department's misgivings with Mr. Linick's performance as Inspector General and merit a review by an independent investigatory body. As we did originally with Mr. Linick, the Department renews its request that CIGIE review these questions.

Breach of Agreed Steps for Investigating a Potential Leak from OIG. Last fall, State Department leadership asked Mr. Linick to refer for review by CIGIE the unauthorized disclosure of a draft inspector general report, which the media attributed to “two government sources involved in carrying out the investigation”. State IG Set to Recommend Discipline for Trump's Top Iran Hand, *The Daily Beast*, Sept. 13, 2019. It was natural to assume that sources involved in “carrying out the investigation” may refer to sources within the State OIG, which—if true—would undermine confidence in the professionalism and integrity of the OIG. Mr. Linick agreed to the request, but the Department learned months later that, instead of formally referring the matter to CIGIE, Mr. Linick asked the DOD Acting Inspector General to review the issue. In other words, Mr. Linick failed to inform Department leadership that he had hand-picked another IG to investigate potential misconduct by his office and that he had deviated from the clear course agreed upon with leadership.

Following the completion of a draft report by the DOD Acting Inspector General in late 2019 or early 2020, Mr. Linick briefed Department leadership on certain findings but refused to provide the written report, or even a written summary, to Department leadership for review, raising further concerns about the fairness of the process followed. As of the time of Mr. Linick's removal, the Department had still not received any documented findings on the matter. By contrast, an appropriate referral to CIGIE would have produced a final report that Department leadership could review and assess whether there may have been inappropriate conduct in Mr. Linick's office.

Potential Conflict of Interest in Choice of Investigator. The person whom Mr. Linick asked to review the matter, outside of the CIGIE process, was then-DOD Principal Deputy Inspector General Glenn Fine, who at the time was the DOD's Acting Inspector General. This was an unusual choice because Mr. Fine appears to have been a fact witness, potentially one with knowledge of information relevant to the subject of the investigation described in the report. Specifically, the DOD OIG report notes that Mr. Linick said that he “spoke about the evaluation report” with Mr. Fine before the media leak occurred. If Mr. Fine himself had confidential information about the draft report before it

was leaked, it raises serious questions as to whether it was appropriate for him to lead the investigation into the subsequent leak. It is unclear whether Mr. Fine was even interviewed in the course of the investigation. Allowing a fact witness to an investigation to shape the terms of the investigation—let alone lead the investigation—seems inappropriate. At a minimum, the choice of investigator in this case raises material concerns about whether the report itself represents a complete and adequate investigation of potential misconduct within the State Department Office of Inspector General.

Limited Investigation. As noted above, the Department finally received a copy of the DOD Acting Inspector General's report on June 2, 2020, and following the Department's review, the Department has identified a number of concerns as to its scope. For example, the report notes that Mr. Linick himself “asked the DoD OIG to conduct a *limited inquiry* into whether any DOS OIG employee was the source of the unauthorized disclosure.” (emphasis added). The DOD OIG conducted personal interviews, in which all interviewed staffers “said they did not release any information in the report to the media.” The DOD OIG also reviewed official email accounts and found that no employee directly sent an email from their State Department email address to the news media, other than the communications director.

However, the scope of this review appears to have been exceedingly cursory, and the report itself indicates that the scope of the investigation was by design “limited.” It is also unclear whether it was appropriate for Mr. Linick, as a fact witness to the investigation, to dictate the “limited” scope (rather than a “full” scope) given the significance of the leak. It is hard to imagine that an OIG or CIGIE would, in the course of its normal investigations, allow possible fact witnesses or interviewees to influence the scope of the investigation. Moreover, merely asking an interviewee if he/she directly transmitted the leaked documents and asking only about emails from official accounts would catch only the most blatant mishandling of information and would fail to uncover any person who disclosed the draft through an intermediary or sent the report from a personal email address. Further, the DOD IG does not appear to have questioned whether any interviewee had knowledge of who may have improperly disclosed the report or engaged in other questioning aimed at discovering the true source of the leak.

Use and Concealment of Improper Email Practice. The DOD OIG report identifies a concerning email practice used by Mr. Linick. The DOD OIG found: “IG Linick sent a password-protected, draft version of the evaluation report in question to his Gmail account eight times over six days in August 2019. On one occasion, he emailed a password-protected draft of the evaluation report from his Gmail email account to his government email account.” As the DOD OIG report notes, this usage appeared to contravene the State Department OIG's own policy: “Use OIG provided equipment and systems/applications at all times, including OIG email, to conduct official OIG business. The use of corporate or personal equipment, systems/applications, to include to email, or other file storage sites to store, process, or transmit OIG or Department data is prohibited.” State OIG Information Systems Rules of Behavior. Mr. Linick clearly should have followed his own organization's specific information security policies—particularly involving a draft report on a highly-sensitive personnel issue.

We understand that Mr. Linick may have received the initial report noting his improper usage of personal email as early as late 2019 or early 2020, and it is the Department's understanding that he never shared the written report with any person at the State Department (including in his own office), despite repeated requests by Department leadership for a copy of the report. Likewise, he never informed State Department leadership that the report found that he did not comply with OIG email practices. Allowing the head of an investigated office to determine the manner and scope of the release of a report that addresses his own conduct is inappropriate, which is presumably why CIGIE's own guidelines would have required the results of a CIGIE review to be shared with appropriate officials in his supervisory chain.

OIG Launches Questionable Parallel Investigation Under a Possible Conflict of Interest. At the same time that the DOD IG was conducting its review, Mr. Linick reportedly opened a parallel investigation of other State Department employees for the same potential misconduct for which his own office was being investigated. See Kylie Atwood, Fired State Department inspector general was cleared in leak inquiry prior to his removal, sources say, CNN, May 28, 2020. This decision, if accurately reported, seems unusual because the September 2019 media leak was specifically attributed to "two government sources involved in *carrying out the investigation*" (emphasis added), not to Department employees who may have been fact witnesses (and were clearly not responsible for "carrying out" any investigation).

Mr. Linick's decision also raises the question of whether this parallel investigation was intended to divert attention from the DOD IG's own investigation into the State OIG. Indeed, public reporting suggests that State OIG was continuing its own investigations of other Department employees before the DOD OIG report was even finalized. See *id.* It should have been obvious to Mr. Linick that launching a parallel investigation into the same misconduct for which he and his own office were being investigated created both a real and apparent conflict of interest and risked interfering with the DOD OIG investigation into his own office. An investigator who is still working to clear his or her own name has a motive to shift the blame to another person.

Inappropriate Contacts with OIG Staff in an Apparent Attempt to Obtain Department Records, Contrary to Instruction. When Mr. Linick was removed from his position on May 15 and placed on administrative leave, his physical access was terminated, and he was clearly instructed by Department officials not to contact OIG staff members about official matters or return to his former office, without authorization by Department officials, who would facilitate any such contacts.

However, it has come to the Department's attention that he has violated these instructions on multiple occasions while he was on administrative leave. For example, we understand that, in the days before his Congressional testimony, he sent a text message to the Deputy Inspector General, Diana Shaw, requesting a copy of the DOD IG report. Without informing her own chain of command, we understand that Ms. Shaw then contacted the DOD Office of Inspector General to request a copy of the report on Mr. Linick's behalf. It is not clear what Mr. Linick's motivation was, but it was not his decision (nor his former Deputy's) to make this request for release given that he was, at the time, on administrative leave pursuant to the President's decision with a new Acting Inspector General in place. We under-

stand that Mr. Linick has repeatedly returned to his former office without seeking authorization from his Department superiors, also contrary to the clear instructions he received. Mr. Linick should follow the same rules that apply to other government officials who are placed on administrative leave in such circumstances; he is not entitled to a different set of rules.

A Pattern of Leaks Continues. Even though no one at the State Department other than Mr. Linick appears to have had a copy of the DOD Inspector General's report (not even his Deputy) before June 2, 2020, CNN ran a story on May 28, 2020 that the DOD OIG report had exonerated Mr. Linick of leaking. Kylie Atwood, Fired State Department inspector general was cleared in leak inquiry prior to his removal, sources say, CNN, May 28, 2020. These reports raise additional concerns as to this disturbing pattern of leaks, further warranting CIGIE review.

Last fall, the Department had serious concerns with the leak of a draft State Department OIG report and recommended that review by CIGIE was the appropriate step for an independent review. Unfortunately, Mr. Linick's failure to follow through on that course—or to seek agreement from his reporting chain on any change in course—has only confirmed the Department's recommendation and has raised even further concerns about Mr. Linick's judgment and conduct.

Therefore, we ask CIGIE to investigate not only the original unauthorized disclosure, but the conduct described in this letter.

Sincerely,

BRIAN BULATAO,
Under Secretary for Management,
U.S. Department of State.

BLACK REVOLUTIONARY WAR PATRIOTS

Mr. GRASSLEY. Madam President, as Americans, our understanding of history has a tremendous impact on our sense of who we are and where we are headed. That is why it is so important for Americans to have a good understanding of our history—all of our history.

Slavery is a great stain on our country's history, and its legacy impacts us yet today. We must not flinch from recognizing the suffering inflicted on so many Americans, contrary to our highest ideals as a nation.

Still, our Nation is unique in human history in that it was founded not on the basis of some sort of common ethnic identity but on certain enduring principles that are the equal heritage of all Americans. Those principles are best articulated in the simple but eloquent words of the Declaration of Independence. I don't have to put quotes around these because everybody knows these words: "We hold these truths to be self-evident, that all people are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the pursuit of Happiness."

Our patriot forefathers concluded that these principles were worth fighting for, and, indeed, they took up arms. The odds were stacked against them, and they happened to know that, but they, nonetheless, risked everything because they believed so deeply in those fundamental truths that were stated in the Declaration of Independence.

Among those who risked life and limb for our Nation's founding principles were between 5,000 and 10,000 Americans of African descent who volunteered to serve as soldiers and sailors during the American Revolution.

Their patriotic sacrifices at the very beginning of our Nation contributed immeasurably toward laying the foundation of the freedoms we enjoy today.

The civil rights movement was later able to build on that solid foundation by calling on America to, as Dr. King said, "live out the true meaning of its creed." Dr. King was absolutely right in pointing out that Black Americans have every right to fully claim our shared heritage as Americans, having helped build and shape American institutions and society from the beginning, as shown by the very sacrifice they made in the Revolutionary War. This proud history is part of who we are as Americans, but it is too little understood and, hence, fully not appreciated.

That is why I was proud to colead legislation that authorized the establishment of a National Liberty Memorial on the National Mall to honor the underappreciated contributions of Black Revolutionary War veterans and patriots, as they are.

I am proud to say that Iowa can claim at least one of those patriots, Cato Mead, who was born in Connecticut and is listed in Revolutionary War pension court records as a "free person of color" who lived out his twilight years in Southeastern Iowa. He is buried in the Montrose Cemetery in Montrose, IA.

The National Mall Liberty Fund is now in the process of raising money for an environmental assessment to complete final site selection for this very important memorial.

Now, more than ever, Americans need this monument as a tangible reminder that despite the lingering legacy of slavery, the promise of liberty and equality is a shared heritage of all Americans from the founding generation to this very day.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BOOZMAN). The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CORONAVIRUS

Mrs. SHAHEEN. Mr. President, States across this country, including New Hampshire, are beginning to reopen after this pandemic, although, the pandemic isn't really over. The ongoing economic and public health fallout from COVID-19 continues to affect families and businesses in my State of New Hampshire and across this country.

Every day, community leaders, public health professionals, and frontline workers tell me about what they are facing. They have raised concerns