



United States Department of State

Washington, D.C. 20520

FOR OFFICIAL USE ONLY

June 8, 2020

The Honorable Michael E. Horowitz
Chair, Council of the Inspectors General on Integrity and Efficiency
1717 H Street, NW, Suite 825
Washington, DC 20006

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.¹

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

¹ For example, if CIGIE had conducted the review, we understand that P.L. 110-409 would have required that the report be provided "to the President (in the case of a report relating to an Inspector General of an establishment or any employee of that Inspector General) or the head of a designated Federal entity (in the case of a report relating to an Inspector General of such an entity or any employee of that Inspector General)."

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 understand 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

cc:

Acting State Department Inspector General Stephen Akard

Chairman Ron Johnson, Senate Committee on Homeland Security and Governmental Affairs
Ranking Member Gary Peters, Senate Committee on Homeland Security and Governmental Affairs

Chairwoman Carolyn B. Maloney, House Committee on Oversight and Reform
Ranking Member Jim Jordan, House Committee on Oversight and Reform

Chairman Jim Risch, Senate Committee on Foreign Relations
Ranking Member Bob Menendez, Senate Committee on Foreign Relations

Chairman Eliot Engel, House Committee on Foreign Affairs
Ranking Member Michael McCaul, House Committee on Foreign Affairs

Senator Chuck Grassley

Enclosures

As stated.

TAB 1

**UNDER SECRETARY OF STATE
FOR MANAGEMENT
WASHINGTON**

June 1, 2020

The Honorable
Eliot L. Engel, Chairman
Committee on Foreign Affairs
U.S. House of Representatives
Washington, DC 20515

Dear Chairman Engel:

We write in response to your letters of May 16, May 21, May 22, May 27, and May 28 regarding President Trump's decision to remove Steve A. Linick from the position of Inspector General of the U.S. Department of State.

Mr. Linick began serving as the State Department's Inspector General in September 2013 during President Obama's Administration and has served nearly seven years in this role, including more than three years during President Trump's Administration. The President made a decision to remove Mr. Linick from his position on May 15, 2020 and place him on administrative leave for 30 days.

As you acknowledge in your May 21 letter, the decision as to whether to remove a sitting Inspector General is committed exclusively to the President. The enclosed letter from the Office of White House Counsel describes in further detail how the President's decision in this case was consistent with the requirements of the Constitution and of federal law, as recognized by the U.S. Court of Appeals for the District of Columbia Circuit. *See* 5 U.S.C. app. 3, §3(b) (an "Inspector General may be removed from office by the President"); H.R. Rep. No. 95-584, at 9 (1977) (expressing Congress' understanding that the Inspector General Act of 1978 "would specifically allow the President to remove any Inspector General at any time."). President Trump's notices to Congress used language similar to that used by President Obama when he removed an Inspector General, noting that he "no longer" had "fullest confidence" in his ability to serve as inspector general. *Walpin v. Corp. for Nat'l & Cmty. Servs.*, 630 F.3d 184, 187 (D.C. Cir. 2011) (noting that this language "satisfies the minimal statutory mandate that the President communicate to the Congress his 'reasons' for removal.") As such, Mr. Linick's removal was entirely consistent with the Inspector General Act and within the authority of the President under Article II of the Constitution.

Because Mr. Linick's removal fell within the lawful prerogative of the Executive Branch, it is difficult to understand why the Foreign Affairs Committee believes that this action would warrant the time or resources contemplated by the Committee's several requests for transcribed interviews of Department personnel. The President has explained that he removed Mr. Linick based on information from Secretary Pompeo, and Department personnel have publicly addressed these events. At the same time, the Department is prepared to further address the Committee's interest in those Departmental concerns. The purpose of this letter is to

communicate to the Committee additional details about those concerns and to reiterate the Department's offer for further discussions with the Committee at the appropriate level and in the appropriate format to address any misconceptions about this matter.

Since receiving the Committee's initial communications, Secretary Pompeo has made a series of public statements explaining directly to the American people the concerns that led to his recommendation to remove Mr. Linick. Secretary Pompeo has made clear that the decision was not an act of retaliation. *See* Carol Morello, *Pompeo says he didn't know fired inspector general was investigating him*, Wash. Post, May 18, 2020. In addition, the Department further explained that concern over Mr. Linick had grown, among several other reasons, because of an unauthorized disclosure to the news media of information from a report about a highly-sensitive investigation that was in an early draft form, contrary to inspector general rules.

Specifically, it is my understanding that last fall, the former Deputy Secretary asked Mr. Linick to refer for review the unauthorized disclosure of a draft inspector general report, which the media attributed to "two government sources involved in carrying out the investigation" – that is, potential sources from within Mr. Linick's own office – to the Council of the Inspectors General on Integrity and Efficiency (CIGIE), an independent entity that addresses integrity issues within the Inspector General community. Further, it is my understanding that Mr. Linick agreed to that request, but the Department learned months later that, instead of referring the matter to CIGIE, Mr. Linick had asked another agency's inspector general to review the issue. In other words, Mr. Linick failed to inform the Department that he had hand-picked a different entity to investigate potential misconduct by his own office and that he had deviated from the clear course agreed upon with Department leadership. To the extent that this hand-picked investigator completed its review, the Department has not received any documented findings on the matter. We hope that the Committee would agree that this episode raises serious concerns about Mr. Linick's judgment and does not meet the high standards of trustworthiness that the Secretary would expect from an inspector general within the Department.

As the Department communicated to you by letter on May 28, 2020, we are prepared to engage in further discussions at a senior level with you, Mr. Chairman, to find a reasonable accommodation for the Committee's various requests for information, including further discussion on the multiple other bases for the Secretary's recommendation. In particular, the Department is prepared to facilitate a discussion between Members of the Committee and State Department leadership with the aim of providing further understanding of these bases and addressing any misconceptions.

Finally, we would like to assure you that Mr. Linick's removal will not prevent the State Department's Office of Inspector General from continuing to perform its important responsibilities within the Department. As you know, the President has designated Ambassador Stephen J. Akard to serve as the Acting Inspector General, and Ambassador Akard has the qualifications and experience to serve honorably and effectively in this role. Ambassador Akard has a long history of service in the State Department. He serves as the Director of the Office of Foreign Missions, having been confirmed by a nearly unanimous, bipartisan majority of the United States Senate in 2019. In this position, he has been responsible for the implementation of decisions regarding the treatment of foreign missions and their members in the United States.

Ambassador Akard also served as Senior Advisor and Acting Chief of Staff in the Office of the Under Secretary of State for Economic Growth, Energy, and the Environment and as a career Foreign Service Officer with service in the Department's Executive Secretariat and postings in Belgium and India. Ambassador Akard's work as the Acting Inspector General will comport with all the requirements of independence and confidentiality expected from any inspector general and will be wholly separate from his work as Director of the Office of Foreign Missions. In the course of performing his duties as Acting Inspector General, Ambassador Akard will consult with the appropriate ethics officials in the Department to ensure that he performs those duties in a manner consistent with Federal ethics rules, including by recusing himself from any particular audits or investigations where such a step would be appropriate.

We look forward to engaging with you in further discussions to reasonably accommodate the Committee's requests.

Sincerely,



Brian Bulatao
Under Secretary of State for Management
U.S. Department of State

Enclosure:

As stated.

cc:

The Honorable
Michael T. McCaul, Ranking Member
Committee on Foreign Affairs
U.S. House of Representatives
Washington, DC 20515

THE WHITE HOUSE

WASHINGTON

June 1, 2020

The Honorable Eliot L. Engel
Chairman
Committee on Foreign Affairs
U.S. House of Representatives
Washington, D.C. 20515

Dear Chairman Engel:

I write in response to your letter to White House Chief of Staff Mark Meadows, dated May 16, 2020, sent in your capacity as Chairman of the House Committee on Foreign Affairs, regarding former State Department Inspector General Steve Linick.

Your inquiry to the White House seeks an extraordinarily sensitive set of information—such as “any and all” records reflecting internal discussions and evaluations—related to the removal of a Senate-confirmed executive officer, an exclusive Presidential constitutional authority that is beyond the power of Congress to legislate. As the Supreme Court has consistently recognized, “Article II confers on the President ‘the general administrative control of those executing the laws.’” *Free Enter. Fund v. Pub. Co. Accounting Oversight Bd.*, 561 U.S. 477, 492 (2010) (quoting *Myers v. United States*, 272 U.S. 52, 164 (1926)). In connection with his authority to appoint and supervise executive officers, the President retains broad authority over their removal. Indeed, the Framers explicitly recognized this power: The “executive power included a power to oversee executive officers through removal; because that traditional executive power was not ‘expressly taken away, it remained with the President.’” *Id.* (quoting Letter from James Madison to Thomas Jefferson (June 30, 1789), 16 Documentary History of First Congress 1789-1791, 893 (2004)).

The President’s constitutional authority to remove executive officers extends to inspectors general. The Department of Justice recognized this principle during the administration of President Carter, when it objected to the constitutionality of a pending bill that would have insulated inspectors general from removal. As the Office of Legal Counsel explained, Article II vests the President with control over “the entire executive branch.” *Memorandum Opinion for the Attorney General re: Inspector General Legislation*, 1 Op. O.L.C. 16, 17 (1977). And as part of that plenary control, the President has the “exclusive power to remove Presidentially appointed executive officers,” including inspectors general. *Id.* at 17–18 (citing *Myers*, 272 U.S. 52).

As the Supreme Court has recognized, Congress’s oversight authority plainly does not extend to “matters which are within the exclusive province of one of the other branches of the Government.” *Barenblatt v. United States*, 360 U.S. 109, 112 (1959). That is, Congress “cannot

inquire into matters that are exclusively the concern of the Judiciary” and “[n]either can it supplant the Executive in what exclusively belongs to the Executive.” *Id.* For that reason, the Department of Justice has consistently objected to efforts by Congress to inquire into Presidential decisions that fall within the President’s exclusive constitutional authority.

Attorney General Reno took this position when advising President Clinton on the assertion of executive privilege with respect to congressional efforts to probe the President’s exercise of his pardon power. *See Assertion of Executive Privilege With Respect To Clemency Decision*, 23 Op. O.L.C. 1, 2–4 (1999). When a House committee subpoenaed the White House and the Department of Justice for documents and testimony relating to President Clinton’s clemency decisions, Attorney General Reno advised that, because clemency decisions are “unquestionably an exclusive province of the executive branch,” *id.* at 2, “Congress’ oversight authority does not extend to the process employed in connection with a particular clemency decision, to the materials generated or the discussions that took place as part of that process, or to the advice or views the President received in connection with a clemency decision,” *id.* at 3–4.

Under the Constitution, the power to select and remove inspectors general—like clemency decisions—is “unquestionably an exclusive province of the executive branch.” *Id.* at 2. The matter “fall[s] within the Executive’s exclusive domain.” *Scope of Congressional Oversight and Investigative Power With Respect to the Executive Branch*, 9 Op. O.L.C. 60, 62 (1985). Consistent with the Constitution’s separation of powers and Supreme Court precedent—recognized by administrations of both political parties—Congress therefore “cannot inquire into” the President’s removal of any such officer. *Barenblatt*, 360 U.S. at 112.

Although the President’s constitutional authority to remove inspectors general is plenary, the President complied as a matter of comity with the statutory requirement to provide Congress with advance notification before removing former Inspector General Linick. On May 15, 2020, the President notified Congress that he was removing the Inspector General because he “no longer” had “the fullest confidence” in Mr. Linick. Letter from Donald J. Trump, President of the United States, to Nancy Pelosi, Speaker of the U.S. House of Representatives, at 1 (May 15, 2020). The Executive Branch has long recognized that this statutory requirement impermissibly burdens the President’s removal authority. In the 1977 opinion cited above, the Office of Legal Counsel recognized that such a reporting requirement “constitute[d] an improper restriction on the President’s exclusive power to remove Presidentially appointed executive officers. . . . [T]he power to remove a subordinate appointed officer within one of the executive departments is a power reserved to the President acting in his discretion.” *Inspector General Legislation*, 1 Op. O.L.C. at 18 (internal citations omitted).

Nevertheless, even if the reporting requirement in the Inspector General Act were constitutionally permissible, President Trump fully complied with it. The President provided the same explanation to Congress that President Obama provided when he dismissed Inspector General Gerald Walpin, and the D.C. Circuit held that explanation to be sufficient as a matter of law. *See Walpin v. Corp. for Nat. & Cmty. Servs.*, 630 F.3d 184, 187 (D.C. Cir. 2011) (recognizing that that language “satisfies the minimal statutory mandate that the President communicate to the Congress his ‘reasons’ for removal,” and acknowledging that the statute “imposes no ‘clear duty’

to explain the reasons in any greater detail"). Counsel to the President Pat A. Cipollone discussed these concepts in a letter to Senator Charles Grassley on May 26, 2020, which we attach for your reference. We understand that the State Department also sent a letter to you on May 28, 2020, regarding this matter and will soon be providing an additional response.

Please do not hesitate to contact me if you have any questions.

Very truly yours,



Michael M. Purpura
Deputy Counsel to the President

Attachment

cc: The Honorable James Risch, Chairman
Senate Foreign Relations Committee

The Honorable Michael McCaul, Ranking Member
House Foreign Affairs Committee

The Honorable Robert Menendez, Ranking Member
Senate Foreign Relations Committee

THE WHITE HOUSE
WASHINGTON

May 26, 2020

The Honorable Charles E. Grassley
Chairman
Committee on Finance
United States Senate
Washington, D.C. 20510

Dear Chairman Grassley:

I write in response to your April 8, 2020 letter to the President regarding the removal of the Inspector General of the Intelligence Community and your May 18, 2020 letter to the President regarding the removal of the Inspector General of the Department of State.

President Trump appreciates and respects your longstanding support for the role that inspectors general play. The President is similarly committed to supporting inspectors general. In recent months, he has announced an outstanding group of ten nominees, whom he expects to be vigilant in performing their duties and in helping to ensure the efficiency and effectiveness of programs and operations within the Executive Branch.

At the same time, President Trump expects that inspectors general, like all other executive officers, will fulfill their proper role as defined by Congress and ultimately as constrained by the Constitution. When the President loses confidence in an inspector general, he will exercise his constitutional right and duty to remove that officer—as did President Reagan when he removed inspectors general upon taking office and as did President Obama when he was in office. Consistent with these principles, President Trump removed the two inspectors general addressed in your letters. As the Secretary of State has said publicly about his Department's inspector general, the President exercised this authority at the Secretary's recommendation. In both cases, the President did so in a manner that was consistent with the requirements of the Constitution and of federal law, as recognized by the U.S. Court of Appeals for the District of Columbia Circuit.

The Constitution vests the executive power in the President and charges him with the supervision of all executive officers, including inspectors general. As the Supreme Court has consistently recognized, "Article II confers on the President 'the general administrative control of those executing the laws.'" *Free Enter. Fund v. Pub. Co. Accounting Oversight Bd.*, 561 U.S. 477, 492 (2010) (quoting *Myers v. U.S.*, 272 U.S. 52, 164 (1926)). In connection with authority to appoint and supervise executive officers, the President retains broad authority to remove them. Indeed, the Framers explicitly recognized this power: the "executive power included a power to

oversee executive officers through removal; because that traditional executive power was not 'expressly taken away, it remained with the President.'" *Id.* at 492 (quoting Letter from James Madison to Thomas Jefferson (June 30, 1789), 16 Documentary History of the First Federal Congress 1789–1791, at 893 (2004)). And the Supreme Court has repeatedly affirmed this principle. See *In re Hennen*, 38 U.S. 230, 259 (1839); *Myers*, 272 U.S. at 164; *Free Enter. Fund*, 561 U.S. at 492.

Consistent with these constitutional principles, the Inspector General Act of 1978 expressly acknowledges the President's authority to remove these executive officers, making clear that an "Inspector General may be removed from office by the President." 5 U.S.C. app. 3, § 3(b). The Congress that passed the Act understood that it "would specifically allow the President to remove any Inspector General at any time." H.R. Rep. No. 95-584, at 9 (1977). President Trump therefore acted within his constitutional and statutory authority when he removed the Inspector General of the Intelligence Community and the Inspector General of the Department of State.

The President also complied with the Inspector General Act in the manner in which he notified Congress of these terminations. The statute provides that the President should "communicate in writing the reasons for any such removal or transfer to both Houses of Congress, not later than 30 days before the removal or transfer" of an inspector general. 5 U.S.C. app. 3, § 3(b). The President complied with this provision by notifying Congress of his decisions to remove each inspector general and by placing each of them on administrative leave pending their removal 30 days later.

In so doing, President Trump's actions were similar to President Obama's actions in his removal of an inspector general. These actions were upheld by the D.C. federal courts as consistent with the statute. Indeed, President Trump's notices to Congress used language similar to that used by President Obama when he removed Gerald Walpin as Inspector General of the Corporation for National and Community Service. The President explained that he "no longer" had "fullest confidence" in their abilities to serve as inspectors general. In *Walpin v. Corp. for Nat'l & Cmty. Servs.*, the D.C. Circuit held that that language "satisfies the minimal statutory mandate that the President communicate to the Congress his 'reasons' for removal," and acknowledged that the statute "imposes no 'clear duty' to explain the reasons in any greater detail." 630 F.3d 184, 187 (D.C. Cir. 2011).

In addition, placing these inspectors general on administrative leave—with pay—was entirely proper and consistent with the statute. In so doing, the President took the same action as President Obama did as to Mr. Walpin by placing each inspector general on leave prior to his formal termination. As President Obama's Counsel explained regarding Mr. Walpin's suspension with pay:

This suspension is fully consistent with the Inspector General Act. The section of the Act discussing the 30 days' notice to Congress also provides that "[n]othing in this subsection

shall prohibit a personnel action otherwise authorized by law, other than transfer or removal." 5 U.S.C. App. 3, § 3(b).

Letter from Gregory B. Craig, Counsel to the President, to Senator Charles E. Grassley (June 11, 2009). The D.C. Circuit agreed and held that the congressional notification provision "provides no right to continued duty performance but only to deferral of 'removal' until thirty days after notice is given." *Walpin*, 630 F.3d at 187 (applying 5 U.S.C. app. 3, § 3(b)). Placement on administrative leave does "not constitute removal from office." *Id.*

The President complied fully with the statutory mandate to provide advance notification before removal as a matter of accommodation and presidential prerogative, notwithstanding the burden the Inspector General Act places on the President's authority to remove an executive officer. Indeed, Executive Branch officials of both parties have long believed that the Act's notification requirement raises serious constitutional concerns. During President Carter's Administration, the Department of Justice's Office of Legal Counsel concluded in 1977 that a similar congressional reporting requirement "constitute[d] an improper restriction on the President's exclusive power to remove Presidentially appointed executive officers. . . . [T]he power to remove a subordinate appointed officer within one of the executive departments is a power reserved to the President acting in his discretion." *Inspector General Legislation*, 1 Op. O.L.C. 16, 18 (1977) (internal citations omitted). President George H.W. Bush likewise explained in 1989 when signing a bill containing a similar reporting requirement, "[w]hile this requirement purports to preserve the President's constitutional authority to remove an executive branch subordinate, its obvious effect is to burden its exercise. Accordingly, while I intend to communicate my reasons in the event I remove an Inspector General, I shall do so as a matter of comity rather than statutory obligation." Statement by President George Bush Upon Signing H.R. 2748, 42 Weekly Comp. Pres. Doc. 1851, reprinted in 1989 U.S.C.C.A.N. 1222, 1224 (Nov. 30, 1989).

The President also properly designated acting officials under the Vacancies Reform Act. 5 U.S.C. § 3345(a).

There can be no serious question that President Trump made an appropriate and qualified pick in designating Thomas A. Monheim to be the Acting Inspector General of the Intelligence Community. Mr. Monheim has served in important legal and law enforcement positions across the government, including as General Counsel of the National Geospatial-Intelligence Agency, where he was also the Designated Agency Ethics Official, Deputy General Counsel at the Office of the Director of National Intelligence, Senior Legal Counsel at the National Counterterrorism Center, Associate Deputy Attorney General at the Department of Justice, and Associate Counsel to the President at the White House. Mr. Monheim is also a decorated veteran of our nation's armed forces. He retired as a Colonel in the U.S. Air Force Reserves, and in his military career he served as a judge, prosecutor, defense counsel, Deputy General Counsel of the White House Military Office, and Senior Individual Mobilization Augmentee. For his distinguished service, Mr.

Monheim has been awarded the Presidential Meritorious Executive Award, the Director of National Intelligence Exceptional Service Award, the Legion of Merit, and the Bronze Star.

President Trump made an equally appropriate and qualified pick in designating Stephen J. Akard to serve as Acting Inspector General for the Department of State. Ambassador Akard has a long history of service in the State Department. He currently serves as the Director of the Office of Foreign Missions, having been confirmed by a nearly unanimous, bipartisan majority of the Senate in 2019. In this position, he is responsible for the implementation of decisions regarding the treatment of foreign missions and their members in the United States. Ambassador Akard also served as Senior Advisor and Acting Chief of Staff in the Office of the Under Secretary of State for Economic Growth, Energy, and the Environment and as a career Foreign Service Officer with service in the Department's Executive Secretariat and postings in Belgium and India.

Your May 18 letter also raised the President's designation of the Acting Inspector General for the Department of Transportation. The Senate-confirmed Inspector General for the Department of Transportation retired earlier this year. On May 15, 2020, President Trump announced his intention to nominate Eric Soskin to serve as Inspector General and designated Howard "Skip" Elliott to serve as Acting Inspector General. In Mr. Elliott, President Trump once again selected a highly qualified individual to serve as an acting inspector general. Mr. Elliott, who in 2017 was confirmed by voice vote as the Administrator of the Pipeline and Hazardous Materials Safety Administration, has a long career in law enforcement and public safety. In addition to serving seven years as a police officer, Mr. Elliott graduated from the Indiana Law Enforcement Academy and holds a Master of Science degree in Criminal Justice Administration and a Bachelor of Arts with a major in Forensic Studies. Previously, Mr. Elliott worked in the freight railroad industry, including as Vice President of Public Safety, Health, and Environment for CSX Transportation. He has also served on the FBI-DHS Domestic Security Alliance Council and as a Special Deputy U.S. Marshal for the U.S. Marshals Service.

Each of these three officials has the qualifications and experience to serve honorably and effectively in an acting capacity. And all of these officials will coordinate with relevant agency officials, including designated agency ethics officials, to ensure that they are properly discharging the duties of the inspector general.

Just like Mr. Monheim, Ambassador Akard, and Mr. Elliott, the President's eight pending and two recently announced nominees to be inspectors general are individuals of exceptional accomplishment and experience. Their outstanding credentials demonstrate that they would be vigilant and effective inspectors general. In choosing these individuals, the President has taken care to consider the qualities that Congress recommended in the Inspector General Act, selecting them "on the basis of integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations." 5 U.S.C. app. 3, § 3(a).

The Honorable Charles E. Grassley
Page 5

We hope the U.S. Senate will swiftly confirm the President's nominees so that they can start their important work as inspectors general in service of the Executive Branch and the American people.

Respectfully,

A handwritten signature in black ink that reads "Pat A. Cipollone". The signature is written in a cursive, flowing style with a prominent initial "P" and a long, sweeping tail.

Pat A. Cipollone
Counsel to the President

cc: Hon. Ron Wyden, U.S. Senator
Hon. Susan M. Collins, U.S. Senator
Hon. Dianne Feinstein, U.S. Senator
Hon. Gary C. Peters, U.S. Senator
Hon. Mitt Romney, U.S. Senator
Hon. Jon Tester, U.S. Senator
Hon. Mark Warner, U.S. Senator

TAB 2



INSPECTOR GENERAL
DEPARTMENT OF DEFENSE
4800 MARK CENTER DRIVE
ALEXANDRIA, VIRGINIA 22350-1500

March 17, 2020

Steve Linick
Inspector General, Department of State
1700 N Moore St, Suite 800
Arlington VA 22209

Dear Inspector General Linick,

In response to your request, the Defense Criminal Investigative Service (DCIS), the criminal investigative component of the Department of Defense Office of the Inspector General completed a limited fact-finding inquiry into the alleged unauthorized release of information to the media from a Department of State Office of Inspector General (DOS OIG) evaluation report titled "Review of Allegations of Politicized and Other Improper Personnel Practices Involving the Office of the Secretary." Information in the evaluation report was allegedly released to the press without authorization and formed the basis of the September 13, 2019, article in *The Daily Beast* entitled, "State IG Set to Recommend Discipline for Trump's Top Iran Hand."

This letter summarizes the results of our inquiry. In addition, attached is a memorandum describing our inquiry and our findings more fully.

Background

From February 2018 to August 2019, the DOS OIG conducted an evaluation of allegations of acts regarding political retaliation against career DOS employees. On August 30, 2019, the DOS OIG sent a draft report of the evaluation to DOS officials for comment. On September 13, 2019, *The Daily Beast* published an article entitled, "State IG Set to Recommend Discipline for Trump's Top Iran Hand." Information in the DOS OIG report formed part of the basis of this article. Neither DOS nor DOS OIG had authorized release of this information to the media.

DOS officials requested that the DOS OIG conduct an investigation into the origins of the alleged unauthorized release. You asked the DoD OIG to conduct a limited inquiry into whether any DOS OIG employee was the source of the unauthorized disclosure to ensure an independent examination of that issue.

The DoD OIG assigned this matter to DCIS to conduct this inquiry.

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Scope and Methodology of the Inquiry

Initially, DOS OIG identified 10 DOS OIG staff members who had access to or knowledge of the evaluation report.

From October 2019 to January 2020, DCIS performed an independent and limited inquiry of the actions of these ten staff members, which included examination of DOS OIG electronic communications, and interviews of DOS OIG employees. During the inquiry, DCIS identified an additional five DOS OIG employees who had access to or knowledge of the evaluation report. DCIS examined the email accounts of all 15 of these DOS OIG employees and interviewed 14 of them.

DCIS reviewed both @stateoig.gov and @state.gov email accounts of these 15 DOS OIG employees for the time period of February 1, 2018 through September 30, 2019. One of the 15 employees had departed DOS OIG prior to the drafting and discussion of recommendations in the report, and did not have access to the draft. DCIS therefore interviewed the remaining 14 employees.

DCIS Conclusions

DCIS found no evidence that any DOS OIG personnel emailed or discussed any details of the evaluation report with the authors of *The Daily Beast* article, or other members of the media, prior to *The Daily Beast* article on September 13, 2019.

Specifically, in DCIS interviews, all 14 employees said they did not release any information in the report to the media.

DCIS's review of emails also showed that no employee, except the communications director, communicated with *The Daily Beast* or any other reporter about the report.

With regard to the communications director, the emails disclosed that the DOS OIG communications director interfaces with the media as part of her duties. She denied providing information from the report to *The Daily Beast* or any media outlet prior to the release of the report, and the DCIS review of her email identified no evidence to the contrary. The communications director had a few limited email exchanges with the Daily Beast. Specifically, she had an email exchange with the author of *The Daily Beast* article between April 9 and 10, 2019. The author of the article requested a link to comments you made to the appropriations committee from the communications director. The communications director provided the link to the reporter. Between March 25 and 26, 2019, the communications director and another reporter of *The Daily Beast* also had an email exchange in which the reporter asked for information regarding the evaluation. The communications director responded by email to the reporter that the review was ongoing and that the DOS OIG would not release any information publically until the report was complete.

In sum, as described in the attached memorandum, DCIS found no information indicating that any DOS OIG employee provided information from the report to *The Daily Beast* prior to the publication of its article.

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A copy of our memorandum of findings is enclosed.

Should you have any questions, please contact Dermot O'Reilly, Deputy Inspector General for Investigations at 703-604-8600.

Sincerely,

A handwritten signature in cursive script that reads "Glenn A. Fine".

Glenn A. Fine
Principal Deputy Inspector General
Performing the Duties of the Inspector General

Attachments:
As stated

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MEMORANDUM OF FINDINGS

I. INTRODUCTION AND SUMMARY

Complaint Origin and Allegations

On September 27, 2019, Inspector General (IG), Steve Linick, Department of State (DOS), Office of Inspector General (OIG), asked Principal Deputy Inspector General (PDIG), Glenn A. Fine, Performing the Duties of the Inspector General, Department of Defense (DoD), if the DoD OIG could conduct a limited inquiry on the alleged unauthorized release of information to the media from a DOS OIG evaluation report. The report in question was titled, "Review of Allegations of Politicized and Other Improper Personnel Practices Involving the Office of the Secretary." The DOS OIG sought the DoD OIG's assistance in examining the activities of DOS OIG employees involved in the production of the report to determine whether any DOS OIG employee was the source of the unauthorized disclosure of the report.

PDIG Fine assigned the Defense Criminal Investigative Service (DCIS), the criminal investigative component of the DoD OIG, to complete this inquiry.

From February 2018 to August 2019, the DOS OIG had conducted an evaluation of allegations of acts regarding political retaliation against career DOS employees. On August 30, 2019, the DOS OIG sent a draft report of the evaluation to DOS officials for comment. On September 13, 2019, *The Daily Beast* published an article titled, "State IG Set to Recommend Discipline for Trump's Top Iran Hand." Information in the DOS OIG report formed part of the basis of this article. Neither DOS nor DOS OIG had authorized release of this information to the media.

DOS officials requested that the DOS OIG conduct an investigation into the origins of the alleged unauthorized release. IG Linick asked the DoD OIG to conduct a limited inquiry into whether any DOS OIG employee was the source of the unauthorized disclosure to ensure an independent examination of that issue.

Scope and Methodology of the Inquiry

IG Linick identified 10 DOS OIG staff members who had access to or knowledge of the evaluation report.

From October 2019 to January 2020, DCIS performed an independent and limited inquiry of the actions of these ten staff members, which included examination of DOS OIG electronic communications, and interviews of DOS OIG employees. During the inquiry, DCIS identified an additional five DOS OIG employees who had access to or knowledge of the evaluation report. DCIS examined the email accounts of all 15 of these DOS OIG employees and interviewed 14 of them.

DCIS reviewed both @stateoig.gov and @state.gov email accounts of these 15 DOS OIG employees for the time period of February 1, 2018 through September 30, 2019. One of the 15 employees had departed DOS OIG prior to the drafting and discussion of recommendations in the report, and did not have access to the draft. DCIS therefore interviewed the remaining 14 employees.

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DCIS Conclusions

DCIS found no evidence that any DOS OIG personnel emailed or discussed any details of the evaluation report with the authors of *The Daily Beast* article, or other members of the media, prior to *The Daily Beast* article on September 13, 2019.

Specifically, in DCIS interviews, all 14 employees said they did not release any information in the report to the media. Our review of emails also showed that no employee, except the communications director, communicated with *The Daily Beast* or any other reporter about the report.

The emails also disclosed that the DOS OIG communications director interfaces with the media, as part of her duties. She denied providing information from the report to *The Daily Beast* or any media outlet prior to the release of the report, and the DCIS review of her email identified no evidence to the contrary. The communications director had an email exchange with the author of *The Daily Beast* article between April 9 and 10, 2019. The author of the article requested a link to IG Linick's recent comments to the appropriations committee from the communications director. The communications director provided the link to the reporter. Between March 25 and 26, 2019, the communications director and another reporter of *The Daily Beast* also had an email exchange in which the reporter asked for information regarding the evaluation. The communications director responded by email to the reporter that the review was ongoing and that the DOS OIG would not release any information publically until the report was complete.

In sum, DCIS found no information indicating that any of the DOS OIG employees provided information from the report to *The Daily Beast* prior to the publication of its article.

II. ANALYSIS OF ALLEGATIONS

Email Review

The DOS OIG initially provided a list of 10 individuals who had reviewed the report prior to *The Daily Beast* article. DCIS reviewed the email accounts of those 10 individuals and identified five other DOS OIG employees who had access to or knowledge of the evaluation report.

DOS Assistant Inspector General (AIG) for Evaluations and Special Projects, Jeffery McDermott, who was the primary author of the report, advised that DOS OIG had initiated the evaluation project in February 2018. The DOS OIG provided DCIS with the email account information for the following individuals for the time period February 1, 2018 to September 30, 2019 (this listing includes the original 10 staff identified by DOS OIG and the additional 5 employees identified by DCIS):

- Steve Linick, Inspector General
- Jill Baisinger, Chief of Staff
- Yolanda Blount, Management Analyst
- Amy Bowser, Senior Investigative Counsel
- Sarah Breen, Communications Director

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- Mark Huffman, Editor
- Amanda Murphy, Editor
- Kevin Donohue, Acting General Counsel
- Ryan Holden, Director of Congressional Affairs
- Nicole Mathis, Acting Director of Enterprise Risk Management
- Jeffrey McDermott, Assistant Inspector General for Evaluations
- Michael Mobbs, former DOS OIG General Counsel
- David Stewart, Assistant Inspector General for Overseas Contingency Operations
- Isabella Strohmeier, Special Assistant to the Inspector General
- Emilia Disanto, former Deputy Inspector General

The DCIS review of these employees' @stateoig.gov and @state.gov email accounts disclosed that IG Linick was the only DOS OIG employee that emailed drafts of the evaluation report in question outside of DOS OIG.

From March 2019 to September 2019, IG Linick sent 23 emails containing DOS work product from his DOS OIG email to his personal Gmail account. These emails included attachments containing talking points, discussion notes, policy documents, and draft audit and evaluation reports, including the drafts and other information related to the DOS OIG "Review of Allegations of Politicized and Other Improper Personnel Practices Involving the Office of the Secretary."

Of the 23 emails, 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. IG Linick also sent, from his DOS OIG email account, a password-protected draft of the evaluation report to the official government email address of Department of Justice IG Michael Horowitz.

DCIS did not find any other instances where a draft of the report was emailed outside of the DOS OIG, other than it being provided to the DOS for comment on August 30, 2019.

Interviews of DOS OIG Staff

DCIS conducted voluntary witness interviews of DOS OIG staff who had access to the report prior to *The Daily Beast* article. DCIS began its inquiry with the interview of AIG McDermott. AIG McDermott compared the reporting in the article to the evaluation report and noted the only information in the article that was not previously known outside of DOS OIG was the recommendation for disciplinary action against DOS Director of Policy and Planning Brian Hook for misconduct.

Acting General Counsel Donohue told us that one DOS OIG employee, Ms. Disanto, had departed DOS OIG on February 2, 2019. AIG McDermott told us that the drafting and discussion of recommendations in the report occurred after Ms. Disanto departed the DOS OIG. DCIS's email review determined that no copies of the draft report were sent to any of her accounts; therefore, DCIS did not interview Ms. Disanto.

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AIG McDermott and the other 13 members of the DOS OIG staff that DCIS interviewed denied disclosing to the media any information contained in the evaluation report.

DCIS also asked the DOS OIG staff about their use of personal email for business purposes. Only IG Linick, Acting Director of Enterprise Risk Management Nicole Mathis, and AIG for Overseas Contingency Operations David Stewart stated that they occasionally send work related emails and attachments to their personal email addresses. AIG Stewart advised he is not allowed to take his government computer to certain overseas locations, and his duties require frequent overseas travel and he therefore occasionally uses his personal email to conduct official business. Acting Director Mathis stated that she sent OIG emails to her personal account because the DOS OIG information technology systems are not conducive to operating outside the office.

DCIS did not find that either AIG Stewart or Acting Director Mathis emailed the evaluation report to their personal email addresses.

Interview of DOS IG Linick

IG Linick told us that he did not provide the report or any information about the report to the media. He acknowledged sending the report to his personal email account and to another federal IG. IG Linick told us that he had sent the password-protected report to his personal email account because access to DOS OIG servers is often unreliable when he travels. IG Linick stated that although discouraged, DOS policy allows for limited use of personal email in special circumstances such as travel.¹

IG Linick reviewed the dates during which he emailed the report between his DOS OIG account and his personal Gmail account, and he provided DCIS his work calendar for August 2019. DCIS's review of IG Linick's work calendar indicated that he travelled from 1 – 9 August 2019 and 16 – 23 August 2019.

DCIS compared IG Linick's travel with the dates he emailed the report to or from his Gmail account. IG Linick emailed the report *to* his Gmail account on four days when his calendar showed he was out of the office on travel. IG Linick also emailed the report to his Gmail account on August 17 and August 24, both Saturdays. IG Linick emailed the report *from* his Gmail account to his DOS OIG account on Sunday August 11. IG Linick reported that on the weekend dates of August 11, 17, and 24 he was also traveling. DCIS determined that IG Linick emailed the report to his Gmail account when he was on scheduled travel or on weekends when he was also travelling.

IG Linick stated that he worked on the report, monitored the progress of his team during these August dates, drafted comments and edits, provided verbal feedback, and collaborated with team members while traveling.

¹ The DOS policy "5 FAM 443.4 Personal Email Accounts" states (in part): Personal email accounts are only to be used to conduct official business in very limited circumstances; examples include but are not limited to: (1) Temporary system outages; or (2) Times when access to Department systems is limited or restricted. DOS OIG also has email policy that is documented via an Information Systems Rules of Behavior. This document states in part: "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."

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IG Linick also stated that he consulted with two colleagues who had previously worked on similar political reprisals inquiries. IG Linick said he sent a password-protected draft copy of the evaluation report to IG Horowitz from his DOS OIG email account, and spoke about the evaluation report with Glenn Fine, Principle Deputy Inspector General Performing the Duties of the Inspector General, Department of Defense OIG.

Additionally, DCIS reviewed IG Linick's personal Gmail account sent and trash folders and found no instances where the evaluation report was emailed from his personal Gmail account to anyone other than his own DOS OIG email address. IG Linick stated that he has sole access to his Gmail account and personal computer and updates his antivirus software on his personal computer on a routine basis.

III. OVERALL CONCLUSIONS

DCIS's review did not identify any evidence to indicate that a DOS OIG employee who had access to the report emailed or discussed the report with the media before *The Daily Beast* published its article on September 13, 2019.

DCIS determined that IG Linick emailed password-protected drafts of the report to his personal email address when he was scheduled to be away from his office and to another federal IG. According to DOS policy made available to DCIS, the DOS allows employees to use personal email accounts for official business in limited circumstances, provided the emails are also maintained in the DOS system of record. We determined that all emails identified by DCIS relevant to this limited inquiry were maintained in the DOS system of record. A review of IG Linick's Gmail account also showed no further dissemination of the report.

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