



U.S. Department of Justice

Federal Bureau of Investigation
Washington, D.C. 20535

February 29, 2024

MR. JASON LEOPOLD
[REDACTED]
[REDACTED]

FOIPA Request No.: 1368595-000
Subject: All Congressional Correspondence to and
from the FBI Office of Legislative Affairs

Dear Mr. Leopold:

The FBI has completed its review of records subject to the Freedom of Information/Privacy Acts (FOIPA) that are responsive to your request. The enclosed documents were reviewed under the FOIPA, Title 5, United States Code, Section 552/552a. Below you will find check boxes under the appropriate statute headings which indicate the types of exemptions asserted to protect information which is exempt from disclosure. The appropriate exemptions are noted on the enclosed pages next to redacted information. In addition, a deleted page information sheet was inserted to indicate where pages were withheld entirely and identify which exemptions were applied. The checked exemption boxes used to withhold information are further explained in the enclosed Explanation of Exemptions.

Section 552

☒ (b)(1)

☐ (b)(2)

☒ (b)(3)

50 U.S.C. § 3024(i)(1)

☐ (b)(4)

☒ (b)(5)

☒ (b)(6)

☐ (b)(7)(A)

☐ (b)(7)(B)

☒ (b)(7)(C)

☐ (b)(7)(D)

☒ (b)(7)(E)

☐ (b)(7)(F)

☐ (b)(8)

☐ (b)(9)

Section 552a

☐ (d)(5)

☐ (j)(2)

☐ (k)(1)

☐ (k)(2)

☐ (k)(3)

☐ (k)(4)

☐ (k)(5)

☐ (k)(6)

☐ (k)(7)

510 pages were reviewed and 339 pages are being released.

Please see the paragraphs below for relevant information specific to your request as well as the enclosed FBI FOIPA Addendum for standard responses applicable to all requests.

As a result of your administrative appeal to the Office of Information Policy (OIP), Department of Justice (DOJ), material was located responsive to your request. Enclosed is a processed copy of the documents.

Based on the information you provided, we conducted a search of the places reasonably expected to have records. For more information about records searches and the standard search policy, see the enclosed FBI FOIPA Addendum General Information Section.

In response to your negotiated Freedom of Information/Privacy Acts (FOIPA) request, enclosed are the processed documents.

This is the 1st interim release of information responsive to your FOIPA request. This material is being provided to you at no charge.

It is unnecessary to adjudicate your request for a fee waiver at this time, as no applicable fees were assessed.

Duplicate copies of the same document were not processed.

Document(s) were located which originated with, or contained information concerning, Other Government Agency [OGA(s)]. This information has been referred to the OGA(s) listed below for review and direct response to you. Inquiries regarding your OGA direct referral(s), designated within the release as "Referral/Direct," may be directed to:

Office of the Director of National Intelligence
Gregory Koch
Director, Information Management Office
ATTN: FOIA/PA
Washington, D.C. 20511

Document(s) were located which originated with, or contained information concerning, Other Government Agency(ies) [OGA(s)]. We are consulting with the other agency (ies) and are awaiting their response. The FBI will correspond with you regarding the document(s) when the consultation is completed.

Please refer to the enclosed FBI FOIPA Addendum for additional standard responses applicable to your request. **"Part 1"** of the Addendum includes standard responses that apply to all requests. **"Part 2"** includes additional standard responses that apply to all requests for records about yourself or any third party individuals. **"Part 3"** includes general information about FBI records that you may find useful. Also enclosed is our Explanation of Exemptions.

Additional information about the FOIPA can be found at www.fbi.gov/foia. Should you have questions regarding your request, please feel free to contact foipaquestions@fbi.gov. Please reference the FOIPA Request number listed above in all correspondence concerning your request.

If you are not satisfied with the Federal Bureau of Investigation's determination in response to this request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, 441 G Street, NW, 6th Floor, Washington, D.C. 20530, or you may submit an appeal through OIP's FOIA STAR portal by creating an account following the instructions on OIP's website: <https://www.justice.gov/oip/submit-and-track-request-or-appeal>. Your appeal must be postmarked or electronically transmitted within ninety (90) days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal." Please cite the FOIPA Request Number assigned to your request so it may be easily identified.

You may seek dispute resolution services by emailing the FBI's FOIA Public Liaison at foipaquestions@fbi.gov. The subject heading should clearly state "Dispute Resolution Services." Please also cite the FOIPA Request Number assigned to your request so it may be easily identified. You may also contact the Office of Government Information Services (OGIS). The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Sincerely,



Michael G. Seidel
Section Chief
Record/Information Dissemination Section
Information Management Division

Enclosures

FBI FOIPA Addendum

As referenced in our letter responding to your Freedom of Information/Privacy Acts (FOIPA) request, the FBI FOIPA Addendum provides information applicable to your request. Part 1 of the Addendum includes standard responses that apply to all requests. Part 2 includes standard responses that apply to requests for records about individuals to the extent your request seeks the listed information. Part 3 includes general information about FBI records, searches, and programs.

Part 1: The standard responses below apply to all requests:

- (i) **5 U.S.C. § 552(c).** Congress excluded three categories of law enforcement and national security records from the requirements of the FOIPA [5 U.S.C. § 552(c)]. FBI responses are limited to those records subject to the requirements of the FOIPA. Additional information about the FBI and the FOIPA can be found on the www.fbi.gov/foia website.
- (ii) **Intelligence Records.** To the extent your request seeks records of intelligence sources, methods, or activities, the FBI can neither confirm nor deny the existence of records pursuant to FOIA exemptions (b)(1), (b)(3), and as applicable to requests for records about individuals, PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(1), (b)(3), and (j)(2)]. The mere acknowledgment of the existence or nonexistence of such records is itself a classified fact protected by FOIA exemption (b)(1) and/or would reveal intelligence sources, methods, or activities protected by exemption (b)(3) [50 USC § 3024(i)(1)]. This is a standard response and should not be read to indicate that any such records do or do not exist.

Part 2: The standard responses below apply to all requests for records on individuals:

- (i) **Requests for Records about any Individual—Watch Lists.** The FBI can neither confirm nor deny the existence of any individual's name on a watch list pursuant to FOIA exemption (b)(7)(E) and PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(7)(E), (j)(2)]. This is a standard response and should not be read to indicate that watch list records do or do not exist.
- (ii) **Requests for Records about any Individual—Witness Security Program Records.** The FBI can neither confirm nor deny the existence of records which could identify any participant in the Witness Security Program pursuant to FOIA exemption (b)(3) and PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(3), 18 U.S.C. 3521, and (j)(2)]. This is a standard response and should not be read to indicate that such records do or do not exist.
- (iii) **Requests for Confidential Informant Records.** The FBI can neither confirm nor deny the existence of confidential informant records pursuant to FOIA exemptions (b)(7)(D), (b)(7)(E), and (b)(7)(F) [5 U.S.C. §§ 552 (b)(7)(D), (b)(7)(E), and (b)(7)(F)] and Privacy Act exemption (j)(2) [5 U.S.C. § 552a (j)(2)]. The mere acknowledgment of the existence or nonexistence of such records would reveal confidential informant identities and information, expose law enforcement techniques, and endanger the life or physical safety of individuals. This is a standard response and should not be read to indicate that such records do or do not exist.

Part 3: General Information:

- (i) **Record Searches and Standard Search Policy.** The Record/Information Dissemination Section (RIDS) searches for reasonably described records by searching systems, such as the Central Records System (CRS), or locations where responsive records would reasonably be found. The CRS is an extensive system of records consisting of applicant, investigative, intelligence, personnel, administrative, and general files compiled by the FBI per its law enforcement, intelligence, and administrative functions. The CRS spans the entire FBI organization, comprising records of FBI Headquarters, FBI Field Offices, and FBI Legal Attaché Offices (Legats) worldwide; Electronic Surveillance (ELSUR) records are included in the CRS. The standard search policy is a search for main entity records in the CRS. Unless specifically requested, a standard search does not include a search for reference entity records, administrative records of previous FOIPA requests, or civil litigation files.
 - a. *Main Entity Records* – created for individuals or non-individuals who are the subjects or the focus of an investigation
 - b. *Reference Entity Records*- created for individuals or non-individuals who are associated with a case but are not known subjects or the focus of an investigation
- (ii) **FBI Records.** Founded in 1908, the FBI carries out a dual law enforcement and national security mission. As part of this dual mission, the FBI creates and maintains records on various subjects; however, the FBI does not maintain records on every person, subject, or entity.
- (iii) **Foreseeable Harm Standard.** As amended in 2016, the Freedom of Information Act provides that a federal agency may withhold responsive records only if: (1) the agency reasonably foresees that disclosure would harm an interest protected by one of the nine exemptions that FOIA enumerates, or (2) disclosure is prohibited by law (5 United States Code, Section 552(a)(8)(A)(i)). The FBI considers this foreseeable harm standard in the processing of its requests.
- (iv) **Requests for Criminal History Records or Rap Sheets.** The Criminal Justice Information Services (CJIS) Division provides Identity History Summary Checks – often referred to as a criminal history record or rap sheet. These criminal history records are not the same as material in an investigative “FBI file.” An Identity History Summary Check is a listing of information taken from fingerprint cards and documents submitted to the FBI in connection with arrests, federal employment, naturalization, or military service. For a fee, individuals can request a copy of their Identity History Summary Check. Forms and directions can be accessed at www.fbi.gov/about-us/cjis/identity-history-summary-checks. Additionally, requests can be submitted electronically at www.edo.cjis.gov. For additional information, please contact CJIS directly at (304) 625-5590.

EXPLANATION OF EXEMPTIONS

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552

- (b)(1) (A) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified to such Executive order;
- (b)(2) related solely to the internal personnel rules and practices of an agency;
- (b)(3) specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;
- (b)(4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;
- (b)(5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;
- (b)(6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;
- (b)(7) records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information (A) could reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of record or information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or (F) could reasonably be expected to endanger the life or physical safety of any individual;
- (b)(8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or
- (b)(9) geological and geophysical information and data, including maps, concerning wells.

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552a

- (d)(5) information compiled in reasonable anticipation of a civil action proceeding;
- (j)(2) material reporting investigative efforts pertaining to the enforcement of criminal law including efforts to prevent, control, or reduce crime or apprehend criminals;
- (k)(1) information which is currently and properly classified pursuant to an Executive order in the interest of the national defense or foreign policy, for example, information involving intelligence sources or methods;
- (k)(2) investigatory material compiled for law enforcement purposes, other than criminal, which did not result in loss of a right, benefit or privilege under Federal programs, or which would identify a source who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(3) material maintained in connection with providing protective services to the President of the United States or any other individual pursuant to the authority of Title 18, United States Code, Section 3056;
- (k)(4) required by statute to be maintained and used solely as statistical records;
- (k)(5) investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment or for access to classified information, the disclosure of which would reveal the identity of the person who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(6) testing or examination material used to determine individual qualifications for appointment or promotion in Federal Government service the release of which would compromise the testing or examination process;
- (k)(7) material used to determine potential for promotion in the armed services, the disclosure of which would reveal the identity of the person who furnished the material pursuant to a promise that his/her identity would be held in confidence.

FEDERAL BUREAU OF INVESTIGATION
FOI/PA
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~~SECRET/NOFORN~~

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HVC-304, THE CAPITOL
WASHINGTON, DC 20515
(202) 225-4121

DAMON NELSON
STAFF DIRECTOR

MICHAEL BAHAR
MINORITY STAFF DIRECTOR

March 29, 2017

The Honorable Dana Boente
Acting Deputy Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

The Honorable James Comey
Director
Federal Bureau of Investigation
935 Pennsylvania Avenue, N.W.
Washington D.C. 20535

Dear Acting Deputy Attorney General Boente and Director Comey:

We request that the Department of Justice (DOJ) and Federal Bureau of Investigation (FBI) broaden the Committee's access to certain counterintelligence information.

Specifically, we respectfully request that:

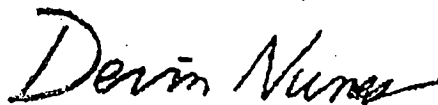
(1) the FBI brief all Members of the Committee, and appropriately cleared staff designated by the Committees' Staff Directors, on all ongoing counterintelligence investigations regarding Trump campaign officials and Russia; and

(2) the DOJ make documents responsive to the Committee's March 8 letter available, at HPSCI, for review by all Members of the Committee and appropriately cleared staff designated by the Committees' Staff Directors.

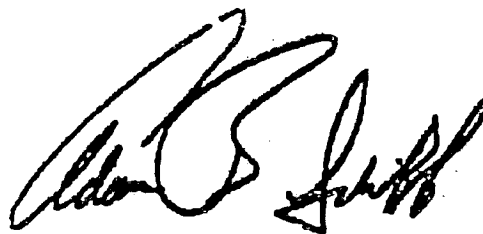
We would appreciate your written reply, and the granting of this request, by no later than the close of business on Tuesday, April 4.

~~SECRET/NOFORN~~

Sincerely,

A handwritten signature in cursive script that reads "Devin Nunes".

Devin Nunes
Chairman

A handwritten signature in cursive script that reads "Adam Schiff".

Adam Schiff
Ranking Member

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United States Senate

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WASHINGTON, DC 20510-6475

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June 9, 2017

Andrew McCabe
Acting Director
Federal Bureau of Investigation
Washington, DC 20535

SSCI# 2017-2748-E

Dear Director McCabe:

(U)

~~(S//NF)~~

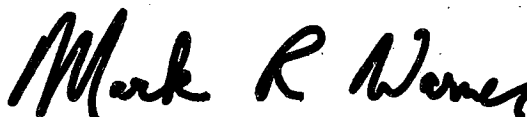
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(U) For questions, please contact John Matchison or Brett Freedman of the Committee staff at (202) 224-1700.

Sincerely,



Richard Burr
Chairman



Mark R. Warner
Vice Chairman

~~SECRET//NOFORN~~

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United States Senate

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WASHINGTON, DC 20510-6475

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May 11, 2017

Andrew McCabe
Acting Director
Federal Bureau of Investigation
935 Pennsylvania Avenue, NW
Washington, DC 20535-0001

SSCI# 2017-2301

Dear Acting Director McCabe,

(U) We appreciate the FBI's ongoing commitment to support the Senate Intelligence Committee's review of Russian interference in the 2016 U.S. elections and beyond. We had a very productive meeting with former-Director Comey on this issue on May 8, and because FBI's cooperation will be critical in the Committee's work, we seek to continue this cooperation with you as Acting Director.

(S//NF) As discussed at our May 8 meeting, we need the FBI's help with several outstanding items.

- 1. Briefing on ongoing and closed investigations:** We have been briefed on the FBI's ongoing investigations related to the Committee's review, but our other Committee Members and the very small group of Russia investigation staff also need to be briefed. In addition, we request that you provide a briefing on any closed investigations, if applicable, and commit to providing updates should there be material changes in the scope or direction of these investigations. This is of great importance for two reasons. First, it is imperative that the Committee be able to conduct a complete and thorough investigation by following the intelligence wherever it leads, and it is clear that much of that intelligence resides with the FBI. Second, we recognize the gravity of the FBI's work and we place a high priority on preserving the integrity of the FBI's investigation. Such a briefing would allow the Committee to deconflict with the FBI's activities.

~~SECRET//NOFORN~~

2. **Provide FISA applications and any other relevant FBI electronic surveillance:** We request that all FISA applications relevant to the Committee's review, as well as any other relevant FBI electronic surveillance, be made available to the Committee Membership and Russia review staff.
3. **Make line analysts available for interviews with Russia staff:** The Committee has been told that the FBI analysts actually involved in drafting the January 2017 Intelligence Community Assessment (ICA) will not be made available for interviews. Having these interviews at the working level is essential to our ability to fully understand how the ICA, and IC response more broadly, came together.
4. **Provide the FBI memo that has been withheld:** We understand that there is an FBI memo that is part of the sourcing for the ICA but has been withheld due to sensitivity. Please provide this document to our Members and staff. We note that this is the only ICA source document withheld in its entirety.

(U) Again, thank you for your commitment to supporting the Committee oversight and for your prompt attention to the requests outlined above.

Sincerely,



Richard Burr
Chairman



Mark R. Warner
Vice Chairman

RICHARD BURR, NORTH CAROLINA, CHAIRMAN
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DIANNE FEINSTEIN, CALIFORNIA
RON WYDEN, OREGON
MARTIN HEINRICH, NEW MEXICO
ANGUS S. KING, JR., MAINE
JOE MANCHIN, WEST VIRGINIA
KAMALA HARRIS, CALIFORNIA

~~SECRET//NOFORN~~

United States Senate

SELECT COMMITTEE ON INTELLIGENCE

WASHINGTON, DC 20510-6475

MITCH McCONNELL, KENTUCKY, EX OFFICIO
CHARLES SCHUMER, NEW YORK, EX OFFICIO
JOHN MCCAIN, ARIZONA, EX OFFICIO
JACK REED, RHODE ISLAND, EX OFFICIO

CHRISTOPHER A. JOYNER, STAFF DIRECTOR
MICHAEL CASEY, MINORITY STAFF DIRECTOR
DESIREE THOMPSON SAYLE, CHIEF CLERK

February 17, 2017

James B. Comey, Jr.
Director, Federal Bureau of Investigation
Federal Bureau of Investigation
935 Pennsylvania Avenue, NW
Washington, DC 20535

Dear Director Comey:

(U) We believe it is critical that the Senate Select Committee on Intelligence, as part of our oversight responsibilities, maintains full awareness of the counterintelligence threats to the United States.

(U) ~~(S//NF)~~

[Redacted]

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(U) ~~(S//NF)~~

[Redacted]

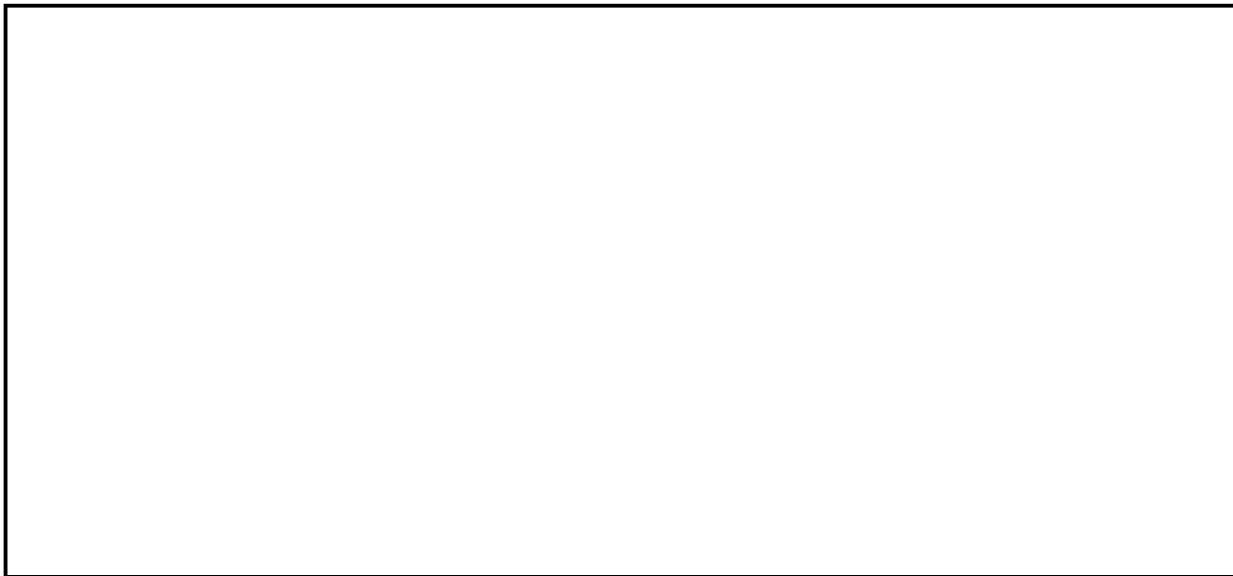
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(U)

~~SECRET//NOFORN~~

~~(S//NF)~~ The Committee also requests answers to the following questions:



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(U) Thank you for your attention to this important national security matter, we look forward to your prompt response.

Sincerely



Richard Burr
Chairman



Mark R. Warner
Vice Chairman

~~SECRET//NOFORN~~

RICHARD BURR, NORTH CAROLINA, CHAIRMAN
MARK R. WARNER, VIRGINIA, VICE CHAIRMAN

~~SECRET//NOFORN~~

JAMES E. RISCH, IDAHO
MARCO RUBIO, FLORIDA
SUSAN M. COLLINS, MAINE
ROY BLUNT, MISSOURI
JAMES LANKFORD, OKLAHOMA
TOM COTTON, ARKANSAS
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DIANNE FEINSTEIN, CALIFORNIA
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JOE MANCHIN, WEST VIRGINIA
KAMALA HARRIS, CALIFORNIA

United States Senate

SELECT COMMITTEE ON INTELLIGENCE

WASHINGTON, DC 20510-6475

April 27, 2017

MITCH MCCONNELL, KENTUCKY, EX OFFICIO
CHARLES SCHUMER, NEW YORK, EX OFFICIO
JOHN MCCAIN, ARIZONA, EX OFFICIO
JACK REED, RHODE ISLAND, EX OFFICIO

CHRISTOPHER A. JOYNER, STAFF DIRECTOR
MICHAEL CASEY, MINORITY STAFF DIRECTOR
KELSEY STROUD BAILEY, CHIEF CLERK

The Honorable James Comey
Director, Federal Bureau of Investigation
935 Pennsylvania Avenue, NW
Washington, DC 20535-0001

SSCI# 2017-2183

Dear Director Comey:

(U) ~~(S//NF)~~ In the course of its review, the Committee has discovered and continues to discover a significant number of foreign persons, organizations, and related entities of a foreign nature which are mentioned in intelligence reporting or products provided to the Committee but on which the Committee has little or no background information.

(U) ~~(S//NF)~~ Accordingly, the Committee respectfully requests that FBI provide to the Committee any intelligence products or reporting, including IIRs, LHMs, and related reporting, as requested by Committee staff regarding these foreign entities discovered in the course of its review. Committee staff will provide any names of interest on a rolling basis to FBI's designated liaison officer for the review and will make every effort to work with FBI to properly scope its requests for additional intelligence information. The Committee also agrees to treat any provided information, as well as all notes derived from them, in accordance with the terms of the April 12, 2017, Terms of Agreement.

(U//FOUO) If your staff has any questions, please contact

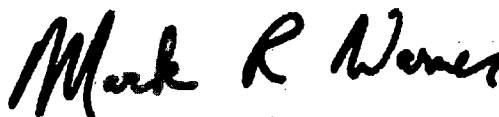
[redacted] of the Committee staff at (202) 224-1700.

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Sincerely,



Richard Burr
Chairman



Mark R. Warner
Vice Chairman

~~SECRET//NOFORN~~

RICHARD BURR, NORTH CAROLINA, CHAIRMAN
MARK R. WARNER, VIRGINIA, VICE CHAIRMAN

JAMES E. RISCH, IDAHO
MARCO RUBIO, FLORIDA
SUSAN M. COLLINS, MAINE
ROY BLUNT, MISSOURI
JAMES LANKFORD, OKLAHOMA
TOM COTTON, ARKANSAS
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KAMALA HARRIS, CALIFORNIA

~~SECRET//NOFORN~~

United States Senate

SELECT COMMITTEE ON INTELLIGENCE

WASHINGTON, DC 20510-6475

May 3, 2017

MITCH McCONNELL, KENTUCKY, EX OFFICIO
CHARLES SCHUMER, NEW YORK, EX OFFICIO
JOHN MCCAIN, ARIZONA, EX OFFICIO
JACK REED, RHODE ISLAND, EX OFFICIO

CHRISTOPHER A. JOYNER, STAFF DIRECTOR
MICHAEL CASEY, MINORITY STAFF DIRECTOR
KELSEY STROUD BAILEY, CHIEF CLERK

The Honorable James Comey
Director
Federal Bureau of Investigation
Washington, DC 20535

SSCI# 2017-2193-A

Dear Director Comey:

(U) The Senate Select Committee on Intelligence invites you or your designee to testify at a closed hearing on Wednesday, May 17, 2017, at 1:00 p.m. in room SH-219 of the Hart Senate Office Building.

(U)

~~(S//NF)~~

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(U)

~~(S//NF)~~

Please be prepared to discuss the Federal Bureau of Investigation's position on:

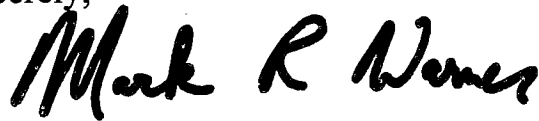
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~~SECRET//NOFORN~~

~~SECRET//NOFORN~~

(U) If your staff has any questions, please contact John Matchison or Brett Freedman of the Committee staff at (202) 224-1700.

Sincerely,

A handwritten signature in black ink that reads "Mark R. Warner". The signature is written in a cursive, slightly stylized font.

Mark R. Warner
Vice Chairman

A handwritten signature in black ink that reads "Richard Burr". The signature is written in a cursive, slightly stylized font.

Richard Burr
Chairman

~~SECRET//NOFORN~~

RICHARD BURR, NORTH CAROLINA, CHAIRMAN
MARK R. WARNER, VIRGINIA, VICE CHAIRMAN

JAMES E. RISCH, IDAHO
MARCO RUBIO, FLORIDA
SUSAN M. COLLINS, MAINE
ROY BLUNT, MISSOURI
JAMES LANKFORD, OKLAHOMA
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KAMALA HARRIS, CALIFORNIA

~~SECRET//NOFORN~~

United States Senate

SELECT COMMITTEE ON INTELLIGENCE
WASHINGTON, DC 20510-6475

MITCH MCCONNELL, KENTUCKY, EX OFFICIO
CHARLES SCHUMER, NEW YORK, EX OFFICIO
JOHN MCCAIN, ARIZONA, EX OFFICIO
JACK REED, RHODE ISLAND, EX OFFICIO

CHRISTOPHER A. JOYNER, STAFF DIRECTOR
MICHAEL CASEY, MINORITY STAFF DIRECTOR
KELSEY STROUD BAILEY, CHIEF CLERK

April 27, 2017

The Honorable James Comey
Director, Federal Bureau of Investigation
935 Pennsylvania Avenue, NW
Washington, DC 20535-0001

SSCI# 2017-2184

Dear Director Comey,

(U) Thank you for your ongoing commitment to support the Senate Intelligence Committee's review of Russian interference in the U.S. 2016 election and beyond. FBI's cooperation will be critical in the Committee's work.

(U) ~~(S//NF)~~ We need the FBI's help with several outstanding items.

1. **Briefing on ongoing and closed investigations:** You have briefed us on the FBI's ongoing investigations related to the Committee's review, but our other Committee Members and the very small group of Russia investigation staff also need to be briefed. In addition, we request that you provide a briefing on any closed investigations, if applicable, and commit to providing updates should there be material changes in the scope or direction of these investigations. This is of great importance for two reasons. First, it is imperative that the Committee be able to conduct a complete and thorough investigation by following the intelligence wherever it leads, and it is clear that much of that intelligence resides with the FBI. Second, we recognize the gravity of the FBI's work and we place a high priority on preserving the integrity of the FBI's investigation. Such a briefing would allow the Committee to deconflict with the FBI's activities.
2. **Provide FISA applications and any other relevant FBI electronic surveillance:** We request that all FISA applications relevant to the Committee's review, as well as any other relevant FBI electronic surveillance, be made available to the Committee Membership and Russia review staff.

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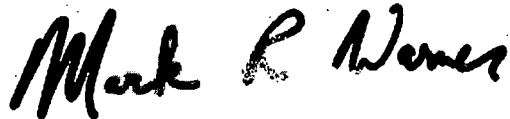
3. **Make line analysts available for interviews with Russia staff:** The Committee has been told that the FBI analysts actually involved in drafting the January 2017 Intelligence Community Assessment (ICA) will not be made available for interviews. All other agencies involved have made their analysts available to the Committee's Russia staff, and having these interviews at the working level is essential to our ability to fully understand how the ICA, and IC response more broadly, came together.
4. **Provide the FBI memo that has been withheld.** We understand that there is an FBI memo that is part of the sourcing for the ICA but has been withheld due to sensitivity. Please provide this document to our Members and staff.

(U) Again, thank you for your commitment to supporting the Committee's oversight and for your prompt attention to the requests outlined above.

Sincerely,



Richard Burr
Chairman



Mark R. Warner
Vice Chairman

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U.S. Department of Justice

Federal Bureau of Investigation



Office of the Director

Washington, D.C. 20535-0001

MAR 22 2017

The Honorable Richard Burr
Chairman
Senate Select Committee on Intelligence
Washington, DC 20510

The Honorable Mark R. Warner
Vice Chairman
Senate Select Committee on Intelligence
Washington, DC 20510

Dear Mr. Chairmen:

(U) ~~(S//NF)~~ On March 1, 2017, the FBI received the transcript of my February 17, 2017, briefing to the Senate Select Committee on Intelligence. [redacted]

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(U) ~~(S//NF)~~ [redacted]

(U) ~~(S)~~

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(U) ~~(S//NF)~~ [redacted]

(U) ~~(S)~~

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Derived From: Multiple Sources
Declassify On: 20421231

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~~SECRET//NOFORN~~

The Honorable Richard Burr
The Honorable Mark R. Warner

(U)

• ~~(S//NF)~~

(U) ~~(S)~~

[Redacted]

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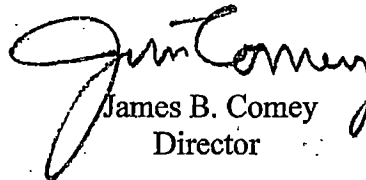
(U)

~~(S//NF)~~

[Redacted]

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Sincerely yours,


James B. Comey
Director

~~Classified By: [Redacted]
Derived From: Multiple Sources
Declassify On: 20421231~~

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b7C

[redacted] (DO) (FBI)

b6
b7C

From: RYBICKI, JAMES E. (DO) (FBI)
Sent: Monday, March 13, 2017 3:03 PM
To: [redacted] (DO) (FBI)
Cc: BROWER, GREGORY (DO) (FBI); BEERS, ELIZABETH RAE (OCA) (FBI); [redacted]
[redacted] (DO) (FBI)
Subject: FW: [redacted] Letter --- ~~SECRET//NOFORN~~

b5

Classification: ~~SECRET//NOFORN~~

Classified By: [redacted]
Derived From: Multiple Sources
Declassify On: 20421231

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Hi [redacted]

b6
b7C

Can you please format this letter for signature by the Director? It should go to Chairman Burr and Vice Chair Warner of the Senate Select Committee on Intelligence.

Thank you!

Jim

From: RYBICKI, JAMES E. (DO) (FBI)
Sent: Friday, March 10, 2017 2:23 PM
To: GHATTAS, CARL (CTD) (FBI); [redacted] PRIESTAP, E. W. (CD) (FBI); [redacted]
STRZOK, PETER P. (CD) (FBI); [redacted] BAKER, JAMES A. (OGC) (FBI); [redacted]
ANDERSON, TRISHA B. (OGC) (FBI); [redacted] BROWER, GREGORY (DO) (FBI)
[redacted]
Cc: MCCABE, ANDREW G. (DO) (FBI); [redacted] BOWDICH, DAVID L. (DO) (FBI)
[redacted]
Subject: [redacted] Letter --- ~~SECRET//NOFORN~~

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b5

Classification: ~~SECRET//NOFORN~~

Classified By: [redacted]
Derived From: Multiple Sources
Declassify On: 20421231

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All-

CD drafted the attached [redacted] Please let me know by 5pm if you have any concerns. The letter will go to the Chair and Vice Chair of SSCI.

Thanks,

Jim



b5

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Classification: ~~SECRET~~/~~NOFORN~~

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Classification: ~~SECRET~~/~~NOFORN~~

~~SECRET//NOFORN~~



U.S. Department of Justice

Federal Bureau of Investigation

Office of the Director

Washington, D.C. 20535-0001

The Honorable Bob Goodlatte
Chairman
Committee on the Judiciary
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

(U//FOUO) Section 702(1)(3) of the Foreign Intelligence Surveillance Act, as amended (FISA), requires that the head of each element of the Intelligence Community conducting an acquisition authorized under subsection 702(a) conduct an annual review to determine whether there is reason to believe that foreign intelligence information has been or will be obtained from the acquisition. [redacted]

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[redacted]
(U//FOUO) Should you have any questions, please contact the Office of Congressional Affairs at 202-324-5051.

Sincerely,

Andrew G. McCabe
Acting Director

Enclosure

1 - The Honorable John Conyers, Jr.
Ranking Member
Committee on the Judiciary
U.S. House of Representatives
Washington, DC 20515

~~SECRET//NOFORN~~

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~~SECRET//NOFORN~~

~~Classified By: [redacted]
Derived From: FBI NSIC dated 20130301
Declassify On: 20421231~~

b6
b7C

[redacted] (DO) (FBI)

From: [redacted] (DO) (FBI)
Sent: Wednesday, June 07, 2017 7:15 AM
To: [redacted] (DO) (FBI)
Subject: FW: [redacted] cover letters --- ~~SECRET//NOFORN~~
Attachments: [redacted] letters.docx

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SentinelCaseId: TRANSITORY RECORD

Classification: ~~SECRET//NOFORN~~

~~Classified By: [redacted]
Derived From: FBI NSIC dated 20130301
Declassify On: 20421231~~

b6
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TRANSITORY RECORD

[redacted]
Lead Information Analyst
Office of the Executive Secretariat
Room 6147
[redacted]

b6
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-----Original Message-----

From: [redacted] (OGC) (FBI)
Sent: Thursday, June 01, 2017 10:04 AM
To: [redacted]
Subject: [redacted] cover letters --- ~~SECRET//NOFORN~~

b3
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Classification: ~~SECRET//NOFORN~~

~~Classified By: [redacted]
Derived From: FBI NSIC dated 20130301
Declassify On: 20271231~~

TRANSITORY RECORD

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Attached are draft cover letters for the [redacted] Please format the letters.

~~SECRET//NOFORN~~

~~SECRET//NOFORN~~

Classified By: [redacted]
Derived From: FBI NSIC dated 20130301
Declassify On: 20421231

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Thanks,

[redacted]
OGC/NSLB
[redacted]

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Classification: ~~SECRET//NOFORN~~
=====

Classification: ~~SECRET//NOFORN~~

~~SECRET//NOFORN~~

~~SECRET//NOFORN~~

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U.S. Department of Justice

Federal Bureau of Investigation

Office of the Director

Washington, D.C. 20535-0001

The Honorable Devin Nunes
Chairman
Permanent Select Committee on Intelligence
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

(U//FOUO) Section 702(1)(3) of the Foreign Intelligence Surveillance Act, as amended (FISA), requires that the head of each element of the Intelligence Community conducting an acquisition authorized under FISA Section 702(a) conduct an annual review to determine whether there is reason to believe that foreign intelligence information has been or will be obtained from the acquisition. [REDACTED]

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(U//FOUO) Should you have any questions, please contact the Office of Congressional Affairs at 202-324-5051.

Sincerely,

Andrew G. McCabe
Acting Director

Enclosure

1 - The Honorable Adam B. Schiff
Ranking Member
Permanent Select Committee on Intelligence
U.S. House of Representatives
Washington, DC 20515

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U.S. Department of Justice

Federal Bureau of Investigation

Office of the Director

Washington, D.C. 20535-0001

The Honorable Richard Burr
Chairman
Select Committee on Intelligence
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

(U//FOUO) Section 702(1)(3) of the Foreign Intelligence Surveillance Act, as amended (FISA), requires that the head of each element of the Intelligence Community conducting an acquisition authorized under FISA Section 702(a) conduct an annual review to determine whether there is reason to believe that foreign intelligence information has been or will be obtained from the acquisition. [REDACTED]

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(U//FOUO) Should you have any questions, please contact the Office of Congressional Affairs at 202-324-5051.

Sincerely,

Andrew G. McCabe
Acting Director

Enclosure

1 - The Honorable Mark R. Warner
Vice Chairman
Select Committee on Intelligence
United States Senate
Washington, DC 20510

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U.S. Department of Justice

Federal Bureau of Investigation

Office of the Director

Washington, D.C. 20535-0601

The Honorable Charles E. Grassley
Chairman
Committee on the Judiciary
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

(U//~~FOUO~~) Section 702(1)(3) of the Foreign Intelligence Surveillance Act, as amended (FISA), requires that the head of each element of the Intelligence Community conducting an acquisition authorized under FISA Section 702(a) conduct an annual review to determine whether there is reason to believe that foreign intelligence information has been or will be obtained from the acquisition.

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(U//~~FOUO~~) Should you have any questions, please contact the Office of Congressional Affairs at 202-324-5051.

Sincerely,

Andrew G. McCabe
Acting Director

Enclosure

1 - The Honorable Dianne Feinstein
Ranking Member
Committee on the Judiciary
United States Senate
Washington, DC 20510

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JAMES E. RISCH, IDAHO
MARCO RUBIO, FLORIDA
SUSAN M. COLLINS, MAINE
ROY BLUNT, MISSOURI
JAMES LANKFORD, OKLAHOMA
TOM COTTON, ARKANSAS
JOHN CORNYN, TEXAS

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RON WYDEN, OREGON
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ANGUS S. KING, Jr., MAINE
JOE MANCHIN, WEST VIRGINIA
KAMALA HARRIS, CALIFORNIA

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United States Senate

SELECT COMMITTEE ON INTELLIGENCE
WASHINGTON, DC 20510-6475

MITCH MCCONNELL, KENTUCKY, EX OFFICIO
CHARLES SCHUMER, NEW YORK, EX OFFICIO
JOHN MCCAIN, ARIZONA, EX OFFICIO
JACK REED, RHODE ISLAND, EX OFFICIO

CHRISTOPHER A. JOYNER, STAFF DIRECTOR
MICHAEL CASEY, MINORITY STAFF DIRECTOR
KELSEY STROUD BAILEY, CHIEF CLERK

June 14, 2017

Mr. Andrew McCabe
Acting Director
Federal Bureau of Investigation
935 Pennsylvania Avenue, N.W.
Washington, D.C. 20535

SSCI# 2017-3800

Dear Acting Director McCabe:

~~(U//FOUO)~~ The Senate Select Committee on Intelligence will hold an open hearing on June 21, 2017, in SH-216 at 10:00 am to discuss Russia's interference in the 2016 U.S. elections. The hearing will also address the future potential threats to our democratic election processes.

~~(U//FOUO)~~ The hearing will consist of two panels: the first panel will include witnesses from the Federal government who can address the unclassified assessment of the Russian interference in 2016 elections and the outlook for potential threats and election security. Please provide a witness from the Federal Bureau of Investigation (FBI) who can address these important subjects. The other Federal government witnesses will be from the Department of Homeland Security's (DHS) National Protection and Programs Directorate (NPPD) and the Office of Intelligence and Analysis (I&A).

~~(U//FOUO)~~ The second panel will address the impact of the Russian intervention at the state level as well as address questions related to voter machine and voter database security. The second panel will consist of a representative from the Illinois State Board of Elections; a representative from the National Association of State Election Directors; and an election security expert from academia.

~~(U//FOUO)~~ Please prepare oral testimony of no longer than 5 minutes and a statement for the record that addresses the FBI's current unclassified assessment of

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the Russian intervention into the 2016 U.S. elections; the FBI's response; and the outlook for the future elections.

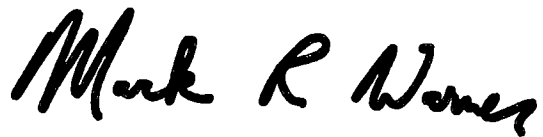
(U) Please provide your witness' biography and statement for the record no later than 5 pm on Monday, June 19, 2017. Please direct any questions to or of the Committee staff at (202) 224-1700.

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Sincerely,



Richard Burr
Chairman



Mark R. Warner
Vice Chairman

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JAMES E. RISCH, IDAHO
MARCO RUBIO, FLORIDA
SUSAN M. COLLINS, MAINE
ROY BLUNT, MISSOURI
JAMES LANKFORD, OKLAHOMA
TOM COTTON, ARKANSAS
JOHN CORNYN, TEXAS

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ANGUS S. KING, JR., MAINE
JOE MANCHIN, WEST VIRGINIA
KAMALA HARRIS, CALIFORNIA

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United States Senate

SELECT COMMITTEE ON INTELLIGENCE

WASHINGTON, DC 20510-6475

MITCH MCCONNELL, KENTUCKY, EX OFFICIO
CHARLES SCHUMER, NEW YORK, EX OFFICIO
JOHN MCCAIN, ARIZONA, EX OFFICIO
JACK REED, RHODE ISLAND, EX OFFICIO

CHRISTOPHER A. JOYNER, STAFF DIRECTOR
MICHAEL CASEY, MINORITY STAFF DIRECTOR
KELSEY STROUD BAILEY, CHIEF CLERK

SSCI# 2017-1626-B

March 24, 2017

The Honorable James Comey
Director
Federal Bureau of Investigation
Washington, D.C. 20535

Dear Director Comey:

~~(U//FOUO)~~ We ask that you provide the Committee with a list of all requests to unmask U.S. person information contained within Federal Bureau of Investigation disseminated intelligence reporting dated November 1, 2016 to March 1, 2017. Your response should include, at a minimum, the following information for each request:

- 1) The unredacted intelligence reporting that contained the U.S. person information;
- 2) The name of the Intelligence Community or Executive Branch official who requested the identity be unmasked;
- 3) The written (or verbal) justification provided for the request;
- 4) The response to that request along with the written (or verbal) justification for the decision to approve or disapprove of the request (and the name of the individual who made the decision);
- 5) In cases where the request for unmasking was approved, names of the officials to whom the unmasked intelligence reporting was provided.

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(U) Given the significance of the issues being considered by the Committee, we request a response no later than close of business on Wednesday, March 29, 2017. If you have any questions, please contact Chris Joyner or Mike Casey at (202) 224-1700.

Sincerely,



Richard Burr
Chairman



Mark R. Warner
Vice Chairman

CC: The Honorable Dan Coats, Director of National Intelligence

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JEFF FLAKE

ARIZONA

SR-413 RUSSELL SENATE OFFICE BUILDING
(202) 224-4521

COMMITTEE ON FOREIGN RELATIONS

COMMITTEE ON

ENERGY AND NATURAL RESOURCES

COMMITTEE ON THE JUDICIARY

COMMITTEE ON AGING

United States Senate

WASHINGTON, DC 20510-0305

STATE OFFICES

2200 EAST CAMELBACK ROAD
SUITE 120
PHOENIX, AZ 85016
(602) 840-1891

6840 NORTH ORACLE ROAD
SUITE 150
TUCSON, AZ 85704
(520) 575-8633

May 5, 2017

The Honorable James B. Comey
Director
Federal Bureau of Investigation
935 Pennsylvania Ave, NW
Washington, D.C. 20535

Dear Director Comey:

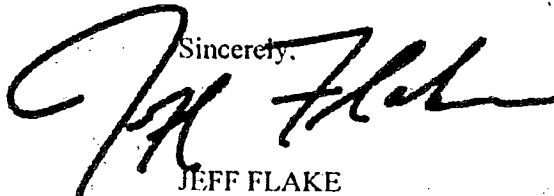
I write regarding issues related to pre-employment polygraph examinations for law enforcement applicants to the U.S. Customs and Border Protection (CBP).

You may be aware that beginning in January 2013, all applicants for law enforcement positions at CBP were required to pass a polygraph test as part of a pre-employment screening process. However, high failure rates and challenges related to the administering of the polygraph have prevented CBP from hiring enough officers to adequately staff our ports of entry.

I raised this issue with you during a recent oversight hearing before the Senate Judiciary Committee because the problems related to the polygraph appear to be unique to CBP. It is my understanding that several other federal law enforcement agencies, including the FBI, require passage of a pre-employment polygraph exam as a standard for employment. Given the FBI's experience successfully administering these exams, I would encourage continued collaboration with other agencies to share best practices and provide assistance to CBP on how to effectively administer a polygraph test without disrupting the hiring process.

I hope that the FBI will consider providing the necessary guidance that will allow CBP to address this issue while managing to comply with all applicable standards for law enforcement screenings. In addition, towards the goal of improving the process, I request you share with my office any impressions or lessons learned as a result of collaborating with CBP. I appreciate your attention to this issue and ask that this request be handled in strict accordance with all agency rules, regulations, and ethical guidelines.

Sincerely,



JEFF FLAKE
United States Senator

United States Senate

WASHINGTON, DC 20510

February 2, 2017

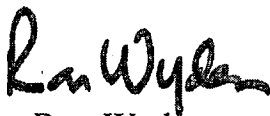
The President
The White House
1600 Pennsylvania Avenue, NW
Washington, DC 20500

Dear Mr. President:

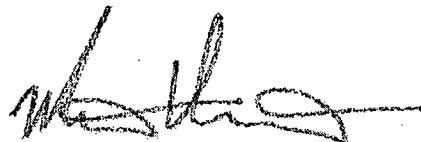
We write to express our concern at the announcement today that Ms. Gina Haspel has been named as the Deputy Director of the CIA. Her background makes her unsuitable for the position. We are sending separately a classified letter explaining our position and urge that the information in that letter be immediately declassified.

Thank you for your attention to this serious matter.

Sincerely,



Ron Wyden



Martin Heinrich

cc: Mr. Michael Dempsey, Acting Director of National Intelligence
The Honorable Mike Pompeo, Director, Central Intelligence Agency
Mr. Dana Boente, Acting Attorney General
The Honorable James Mattis, Secretary of Defense
The Honorable Rex Tillerson, Secretary of State
The Honorable James B. Comey, Director, Federal Bureau of Investigation
The Honorable Christopher Sharpley, Acting CIA Inspector General

United States Senate

WASHINGTON, DC 20510

January 9, 2017

VIA ELECTRONIC TRANSMISSION

The Honorable James B. Comey, Jr.
Director
Federal Bureau of Investigation
935 Pennsylvania Avenue, N.W.
Washington, D.C. 20535

Dear Director Comey:

I wrote to you in January 2016 about whistleblower allegations concerning the Miami Field Office (FO) of the Federal Bureau of Investigation (FBI).¹ As I included in my letter, a whistleblower reported to this Committee that from 2008 to 2011, the Miami FO mishandled a large-scale undercover operation known as Stagehand. According to the whistleblower, every single investigation or criminal prosecution that involved Stagehand between 2008 and 2011 was compromised, and the identities and sensitive information of FBI undercover agents were disclosed to foreign governments.

The whistleblower further alleged that in January 2012, the FBI's Inspection Division (INSD) launched an inspection of the infiltration of Stagehand, but that the resulting INSD report amounted to a cover-up. In my January 2016 letter I requested information about how the FBI handled this matter, including a copy of the report that resulted from the INSD's inspection. However, the FBI failed to provide a copy of the report to the Committee in the year since it was first requested.

Accordingly, please provide a copy. Additionally, if the inspection report differs from the results of the INSD inquiry that the FBI sent to the OIG, please also provide that documentation. Please provide all of the requested documents by no later than January X, 2016.

Should you have any questions, please contact Samantha Brennan of my Committee staff at (202) 224-5225. Thank you for your cooperation in this important matter.

Sincerely,



Charles E. Grassley
Chairman
Senate Committee on the Judiciary

¹ Letter from Hon. Charles E. Grassley, Chairman, Sen. Judiciary Comm., to Hon. James B. Comey, Jr., Dir., FBI (Jan. 27, 2016).

The Honorable James B. Comey, Jr.

January 9, 2017

Page 2 of 2

cc: The Honorable Dianne Feinstein
Ranking Member
Senate Committee on the Judiciary

The Honorable Michael E. Horowitz
Inspector General
U.S. Department of Justice

U.S. House of Representatives
Committee on the Judiciary

Washington, DC 20515-6216
One Hundred Fifteenth Congress

February 2, 2017

The Honorable James B. Comey
Director
Federal Bureau of Investigation
935 Pennsylvania Ave., NW
Washington, DC 20535

Dear Director Comey,

The Committee on the Judiciary will hold a classified hearing on Section 702 of the FISA Amendments Act on Thursday, February 16, 2017 at 10:00 a.m. in room 2141 of the Rayburn House Office Building. I would like to invite you or a designee of the FBI to testify at this hearing.

Please prepare a written statement of proposed testimony prior to your appearance. The written statement may be as extensive as you wish and will be included in the hearing record. To allow sufficient time for questions at the hearing, please briefly highlight the most significant points of the written statement in an oral presentation lasting five minutes or less. Oral testimony at the hearing, including answers to questions submitted for the record, will be printed as part of the verbatim record of the hearing.

To facilitate preparation for the hearing, please send an electronic copy of your written statement, curriculum vitae, and any supplemental materials you wish to submit for the hearing record to the Committee at least two business days before the hearing. The Committee will publish the statement on our website and the U.S. House of Representatives Document Repository and, therefore, requests that you provide the documents in Microsoft Word or Adobe Acrobat. Please number all pages of the written statement, and attach a cover page with your name, position, date, and the title of the hearing. These documents may be e-mailed to on my staff at

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If you have any questions or concerns, please contact on my staff at 202-225-5727.

I look forward to your participation in the hearing.

Sincerely,


Bob Goodlatte
Chairman

U.S. House of Representatives

Committee on the Judiciary

Washington, DC 20515-6216
One Hundred Fifteenth Congress

March 8, 2017

The Honorable James B. Comey
Director
Federal Bureau of Investigation
Washington, D.C.

Dear Director Comey:

Over the past several days, there have been reports containing significant surveillance and cyber-related allegations, including that the government of the Russian Federation attempted to interfere with the 2016 U.S. presidential election as part of a broader cyberattack on our country and the fundamentals of our democracy. It also appears information classified at the highest level, including methodologies of surveillance, has made its way into the public domain. Moreover, we now see allegations from the President himself that he and his associates were placed under surveillance during the 2016 campaign.

An independent FBI and Justice Department are essential to a functioning Republic. Our fellow citizens must have confidence in the thoroughness and evenhandedness of our investigatory and prosecutorial agencies. In the past, some of the undersigned have lamented the appearance of a multitrack justice system. The same laws must apply to each of us.

We believe both the Legislative Branch and the Executive Branch have unique but distinct investigatory functions. The Executive Branch uniquely investigates allegations of criminal wrongdoing, and it should do so without impermissible interference from the other Branches. If criminal activity is discovered, it should be investigated and prosecuted with the utmost rigor of the law. The Legislative Branch has a distinct constitutional role as well, in that it exercises oversight of the functions of the Executive Branch. This Committee will, of course, continue to engage in oversight within our jurisdiction.

To these ends, we again request a briefing regarding Russia's alleged interference in the U.S. election, and additionally, on the very serious allegations that the President and/or his associates were or are under surveillance. These briefings must also, necessarily, address why information on any of these matters – which is presumably classified – continues to leak. The Judiciary Committee is the primary House committee of jurisdiction over the Foreign Intelligence Surveillance Act (FISA) and the Wiretap Act, laws heavily implicated by recent claims. We, therefore, will not waver in our commitment to ensuring that our nation's most powerful intelligence tools and agencies operate with the trust and confidence of the American people.

The Honorable James B. Comey
Page 2

We know you understand that the FBI must keep total fidelity to the laws and the Constitution of the United States. We therefore urge you to follow all legitimate investigative leads in these matters and any other matter affecting the national security of the United States.

Sincerely,

Bob Goodlatte
M. Gandy
C. Boehner
Kent Stenback
Tom Marino
D. Calkins
John Ratcliffe
Mike Lee
M. O'Rourke
Steve Chabot

Trey Gowdy
Steve Chalot
Steve King
~~AMT~~
Rand R. Sabador
Ken Buck
Matthew Roys
Andy Biggs
Blake Felt
Matt Meeks
Lamar Smith
J. Jordan

U.S. House of Representatives
Committee on the Judiciary

Washington, DC 20515-6216
One Hundred Fifteenth Congress

April 25, 2017

Mr. James B. Comey
Director
U.S. Federal Bureau of Investigations
935 Pennsylvania Ave. NW
Washington, D.C. 20535-0001

Re: Detail request for [REDACTED]

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Dear Director Comey:

On behalf of the House Committee on the Judiciary, I want to express my appreciation for your office's support in providing the Committee with detailees.

[REDACTED] I write to request the services of [REDACTED] Supervisory Special Agent for the FBI. [REDACTED] background and expertise on criminal justice and drug enforcement issues and other matters will be valuable to the Members and staff of the Subcommittee on Crime, Terrorism, Homeland Security, and Investigations. We respectfully request that [REDACTED] be detailed to the Committee for a 6-month period beginning on Monday, May 1st 2017, with the possibility of extension.

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I thank you for your office's support of this program in the past, and for your consideration of our new request of [REDACTED] detail. If you need additional information, please feel free to contact Shelley Husband, Majority Staff Director, at 202-225-3951.

b6
b7C

Sincerely,



Bob Goodlatte
Member of Congress

CHARLES E. GRASSLEY, IOWA, CHAIRMAN

ORRIN G. HATCH, UTAH
LYNCEY D. GRAHAM, SOUTH CAROLINA
JOHN CORNYN, TEXAS
MICHAEL S. LEE, UTAH
TED CRUZ, TEXAS
BEN SASSE, NEBRASKA
JEFF FLAKE, ARIZONA
MIKE CRAPO, IDAHO
THOM TILLIS, NORTH CAROLINA
JOHN KENNEDY, LOUISIANA

DIANNE FEINSTEIN, CALIFORNIA
PATRICK J. LEAHY, VERMONT
RICHARD J. DURBIN, ILLINOIS
SHELDON WHITEHOUSE, RHODE ISLAND
AMY KLOBUCHAR, MINNESOTA
AL FRANKEN, MINNESOTA
CHRISTOPHER A. COONS, DELAWARE
RICHARD BLUMENTHAL, CONNECTICUT
MAZIE HIRONO, HAWAII

United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

NOLAN L. DAVIS, Chief Counsel and Staff Director
JENNIFER DUCK, Democratic Staff Director

March 28, 2017

VIA ELECTRONIC TRANSMISSION

The Honorable James B. Comey, Jr.
Director
Federal Bureau of Investigation
935 Pennsylvania Avenue, N.W.
Washington, DC 20535

Dear Director Comey:

At your speech last Thursday at the University of Texas, you referenced former FBI Director J. Edgar Hoover's short letter to Attorney General Robert Kennedy, which sought authorization for FBI surveillance of Dr. Martin Luther King Jr. without any proper basis for doing so. You mentioned that you keep this letter on your desk, and place FISA applications awaiting your review on top of it, as a reminder. You cited this to emphasize the importance of oversight over the FBI, even over well-meaning FBI officials, to ensure the propriety of the FBI's actions. You are right to call attention to the importance of such oversight. As Chairman of the Senate Judiciary Committee, it is my constitutional duty to conduct that oversight over the FBI and the Department of Justice.

Pursuant to its authority under the Constitution and the Rules of the Senate, the Committee requires information to determine: (1) the extent to which FBI Deputy Director Andrew McCabe has been involved in the FBI's investigation of President Trump's associates and Russia; (2) whether that involvement raises the appearance a conflict of interest in light of his wife's ties with Clinton associates; and (3) whether Mr. McCabe has been or should be recused from the investigation.

As you know, Mr. McCabe is under investigation by the Department of Justice Office of the Inspector General. That investigation is examining whether the political and financial connections between his wife's Democratic political campaign and Clinton associates warranted his recusal in the FBI's Clinton email investigation. On March 7, 2015, just five days after the *New York Times* broke the story about Secretary Clinton's use of private email for official business, Mr. McCabe met with Virginia Governor Terry McAuliffe, a longtime, close associate of the Clintons—along with his wife, Dr. McCabe. Mr. McAuliffe recruited Dr. McCabe, who had not previously run for any political office, to be the Democratic candidate for a Virginia state senate seat. Dr. McCabe agreed, and

Governor McAuliffe's political action committee subsequently gave nearly \$500,000 to her campaign while the FBI's investigation of Secretary Clinton was ongoing. The Virginia Democratic Party, over which Mr. McAuliffe exerts considerable control, also donated over \$200,000 to Dr. McCabe's campaign. While Mr. McCabe recused himself from public corruption cases in Virginia—presumably including the reportedly ongoing investigation of Mr. McAuliffe regarding illegal campaign contributions—he failed to recuse himself from the Clinton email investigation, despite the appearance of a conflict created by his wife's campaign accepting \$700,000 from a close Clinton associate during the investigation.

You have publicly stated that the people at the FBI “don’t give a rip about politics.”¹ However, the fact is that the Deputy Director met with Mr. McAuliffe about his wife's run for elected office and she subsequently accepted campaign funding from him. The fact is that the Deputy Director participated in the controversial, high-profile Clinton email investigation even though his wife took money from Mr. McAuliffe. These circumstances undermine public confidence in the FBI's impartiality, and this is one of the reasons that many believe the FBI pulled its punches in the Clinton matter. FBI's senior leadership should never have allowed that appearance of a conflict to undermine the Bureau's important work. The Department of Justice Office of the Inspector General is now investigating that matter, as part of the work it announced on January 12, 2017.

Last week, you publicly testified that in late July of 2016, the FBI began investigating the Russian government's attempts to interfere in the 2016 presidential election, including investigating whether there was any collusion between individuals associated with the Trump campaign and the Russian government. Given the timing of the investigation and his position, it is likely that Mr. McCabe has been involved in that high-profile, politically charged inquiry as well. If Mr. McCabe failed to avoid the appearance of a partisan conflict of interest in favor of Mrs. Clinton during the presidential election, then any participation in this inquiry creates the exact same appearance of a partisan conflict of interest against Mr. Trump. As you testified last week, you believe that if someone had a bias for or against one of them, he would have the opposite bias toward the other: “they’re inseparable, right; it’s a two person event.”

According to public reports, the FBI agreed to pay the author of the unsubstantiated dossier alleging a conspiracy between Trump associates and the Russians. It reportedly agreed to pay the author, Christopher Steele, to continue investigating Mr. Trump. Clinton associates reportedly paid Mr. Steele to create this political opposition research dossier against Mr. Trump. The FBI has failed to publicly reply to my March 6 letter asking about those reports. That leaves serious questions about the FBI's independence from politics unanswered.

Mr. McCabe's appearance of a partisan conflict of interest relating to Clinton associates only magnifies the importance of those questions. That is particularly true if Mr. McCabe was involved in approving or establishing the FBI's reported arrangement with Mr. Steele, or if Mr. McCabe vouched for or otherwise relied on the politically-funded dossier in the course of the investigation. Simply put, the American people should know if the FBI's second-in-command relied on Democrat-funded opposition research to justify an investigation of the Republican presidential campaign. Full disclosure is especially important since he is already under investigation for failing to recuse himself from the Clinton matter due to his partisan Democrat ties.

¹ Evan Perez, *FBI Chief on Clinton Investigation: My People 'Don't Give a Rip About Politics'* CNN (Oct. 1, 2015).

The Committee requires additional information to fully understand this situation. Please provide the following information and respond to these questions by April 11, 2017:

1. Has Mr. McCabe been involved in any capacity in the investigation of alleged collusion between Mr. Trump's associates and Russia? If so, in what capacity has he been involved? When did this involvement begin?
2. Has Mr. McCabe been involved in any requests or approvals for physical surveillance, consensual monitoring, searches, or national security letters relating to the investigation? If so, please provide all related documents.
3. In the course of the investigation, has Mr. McCabe been involved in any requests or approvals relating to the acquisition of the contents of stored communications from electronic communication service providers pursuant to the Electronic Communications Privacy Act? If so, please provide all related documents.
4. Has Mr. McCabe been involved in any FISA warrant applications relating to the investigation? If so, in what capacity? Please provide all related documents.
5. In the course of the investigation, has Mr. McCabe, or anyone under his supervision, made any representations to prosecutors or judges regarding the reliability of information in the FBI's possession as part of seeking judicial authorization for investigative tools? Has he or anyone under his supervision made any such representations about the political opposition research dossier compiled by Mr. Steele and Fusion GPS? If so, please explain and provide copies of all relevant documents.
6. Was Mr. McCabe involved in any FBI interactions with Mr. Steele? If so, please explain.
7. Did Mr. McCabe brief or otherwise communicate with anyone in the Obama administration regarding the investigation? If so, who did he brief, and when? Please provide all related documents.
8. Has Mr. McCabe been authorized by the FBI to speak to the media, whether as an anonymous source or otherwise, regarding the investigation? If so, please provide copies of such authorizations. If he was so authorized, to whom did he speak, and when? If he was not authorized to do so, does the FBI have any indication that he nonetheless spoke to the media?
9. To the best of your knowledge, has anyone within the FBI raised concerns within the Bureau that Mr. McCabe appears to have a conflict of interest in the investigation of Trump associates? If so, who raised such concerns, when did they do so, and how did FBI respond?

10. To the best of your knowledge, has anyone within the FBI filed a complaint with the Department of Justice Office of the Inspector General regarding Mr. McCabe's involvement in the investigation?
11. Have personnel from the Department of Justice Office of the Inspector General spoken with you yet as part of that Office's investigation into Mr. McCabe's alleged conflict of interest in the Clinton investigation? If so, did they also raise concerns as to whether Mr. McCabe's alleged partisan conflict would also apply to the investigation of Mr. Trump's associates?
12. Has anyone at FBI, the Department of Justice, or the Department of Justice Office of the Inspector General recommended or requested that Mr. McCabe recuse himself from the investigation of Mr. Trump's associates or from any ongoing investigations of the Clinton Foundation? If so, what action was taken in response?

I anticipate that your responses to these questions may contain both classified and unclassified information. Please send all unclassified material directly to the Committee. In keeping with the requirements of Executive Order 13526, if any of the responsive documents do contain classified information, please segregate all unclassified material within the classified documents, provide all unclassified information directly to the Committee, and provide a classified addendum to the Office of Senate Security. Although the Committee complies with all laws and regulations governing the handling of classified information, it is not bound, absent its prior agreement, by any handling restrictions or instructions on unclassified information unilaterally asserted by the Executive Branch.

Thank you for your prompt attention to this important matter. If you have any questions, please contact Patrick Davis of my Committee staff at (202) 224-5225.

Sincerely,



Charles E. Grassley
Chairman
Committee on the Judiciary

cc: The Honorable Dianne Feinstein
Ranking Member
Senate Committee on the Judiciary

The Honorable Dana Boente
Acting Deputy Attorney General
United States Department of Justice

The Honorable Michael E. Horowitz
Inspector General
United States Department of Justice

CHARLES E. TRACY, IOWA CHAIRMAN
 ORSON HATCH, UTAH
 ROBERT D. CANNAN, SOUTH CAROLINA
 JOHN STENFOL, TEXAS
 MICHAEL A. LEE, UTAH
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 RICHARD J. BLUMENTHAL, CONNECTICUT
 MAI H. HONG, HAWAII

United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20515-6275

ARMED AND DANGEROUS
 (ARMED AND DANGEROUS)

May 17, 2017

VIA ELECTRONIC TRANSMISSION

The Honorable Andrew McCabe
 Acting Director
 Federal Bureau of Investigation
 935 Pennsylvania Avenue, NW
 Washington, DC 20535

Dear Acting Director McCabe:

Yesterday, the *New York Times* reported that former Director Comey created memos regarding his interactions with President Trump, "a paper trail Mr. Comey created documenting what he perceived as the president's improper efforts to influence an ongoing investigation."¹ The article stated that "Mr. Comey created similar memos – including some that are classified – about every phone call and meeting he had with the president." More generally, the article stated "Mr. Comey was known among his closet advisers to document conversations that he believed would later be called into question." Presumably, this means that Mr. Comey created similar memoranda relating to other controversial conversations, whether with officials in the current administration or the prior one.

We are writing to request that the FBI provide the Committee with all such memos, if they exist, that Mr. Comey created memorializing interactions he had with Presidents Trump and Obama, Attorneys General Sessions and Lynch, and Deputy Attorneys General Rosenstein, Boente, and Yates regarding the investigations of Trump associates' alleged connections with Russia or the Clinton email investigation. Please provide these documents by no later than May 24, 2017.

We anticipate that some of these documents may be classified, some may not, and others may contain both classified and unclassified information. Please deliver any documents containing classified information to the Office of Senate Security and provide all unclassified documents directly to the Committee. If you have any specific requests with regard to the Committee's handling of unclassified material, please raise those with us in advance.

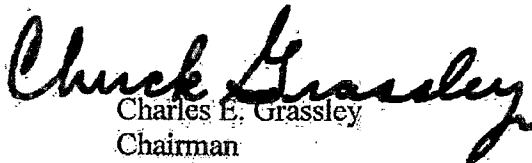
¹ Michael S. Schmidt, *Comey Memo Says Trump Asked Him to End Flynn Investigation*, THE NEW YORK TIMES (May 16, 2017).

May 17, 2017

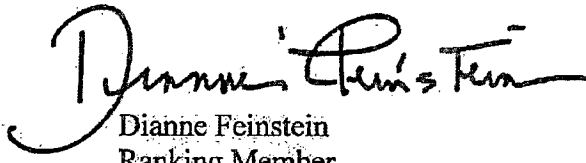
Page 2 of 2

Thank you for your prompt attention to this important matter. If you have any questions, please contact Patrick Davis of Chairman Grassley's staff at (202) 224-5225, Heather Sawyer of Ranking Member Feinstein's staff at (202) 224-7703, Lee Holmes of Chairman Graham's staff at (202) 224-5972, or Lara Quint of Ranking Member Whitehouse's staff at (202) 224-2921.

Sincerely,



Charles E. Grassley
Chairman
Committee on the Judiciary



Dianne Feinstein
Ranking Member
Committee on the Judiciary



Lindsey Graham
Chairman
Subcommittee on Crime and Terrorism
Committee on the Judiciary



Sheldon Whitehouse
Ranking Member
Subcommittee on Crime and Terrorism
Committee on the Judiciary

CHARLES E. GRASSLEY, IOWA, CHAIRMAN

ORRIN G. HATCH, UTAH
LINDSEY O. GRAHAM, SOUTH CAROLINA
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TED CRUZ, TEXAS
BEN SASSE, NEBRASKA
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AMY KLOBUCHAR, MINNESOTA
AL FRANKEN, MINNESOTA
CHRISTOPHER A. COONS, DELAWARE
RICHARD BLUMENTHAL, CONNECTICUT
MAZIE HIRONO, HAWAII

United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-8275

KELAN L. DAVIS, Chief Counsel and Staff Director
JENNIFER DUCK, Democratic Staff Director

May 17, 2017

James Comey
1350 Beverly Road
Suite 115, PMB 436
McLean, VA 22101

Dear Mr. Comey:

We invite you to testify at a public hearing of the Senate Committee on the Judiciary regarding the circumstances of your termination as Director of the FBI and your interactions with Trump and Obama administration officials regarding the FBI's Russia investigation and Clinton email investigation. A date and time for the hearing have not yet been set.

Committee rules require that you provide your testimony and a short biography for distribution to members of the Committee and the press at least 24 hours before the hearing is scheduled to begin. Once a date has been arranged, we ask that you send an electronic copy of your testimony and biography to at the appropriate time.

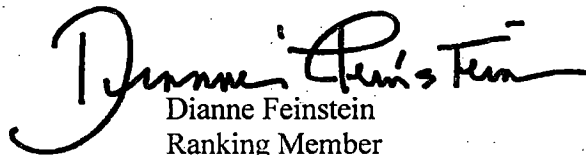
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Please contact Jason Covey at (202) 224-5225 with any questions. We look forward to your testimony.

Sincerely,



Charles E. Grassley
Chairman



Dianne Feinstein
Ranking Member

CHARLES E. GRASSLEY, IOWA, CHAIRMAN

ORRIN G. HATCH, UTAH
JEFF SESSIONS, ALABAMA
LINDSEY O. GRAHAM, SOUTH CAROLINA
JOHN CORNYN, TEXAS
MICHAEL S. LEE, UTAH
TED CRUZ, TEXAS
JEFF FLAKE, ARIZONA
DAVID VITTER, LOUISIANA
DAVID A. PERDUE, GEORGIA
THOM TILLIS, NORTH CAROLINA

PATRICK J. LEAHY, VERMONT
DIANNE FEINSTEIN, CALIFORNIA
CHARLES E. SCHUMER, NEW YORK
RICHARD J. DURBIN, ILLINOIS
SHELDON WHITEHOUSE, RHODE ISLAND
AMY KLOBUCHAR, MINNESOTA
AL FRANKEN, MINNESOTA
CHRISTOPHER A. COONS, DELAWARE
RICHARD BLUMENTHAL, CONNECTICUT

United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

KOLAN L. DAVIS, *Chief Counsel and Staff Director*
KRISTINE J. LUGIUS, *Democratic Chief Counsel and Staff Director*

April 20, 2017

The Honorable James B. Comey, Jr.
Director
Federal Bureau of Investigation
J. Edgar Hoover Building
935 Pennsylvania Avenue, NW
Washington, DC 20535

Dear Director Comey:

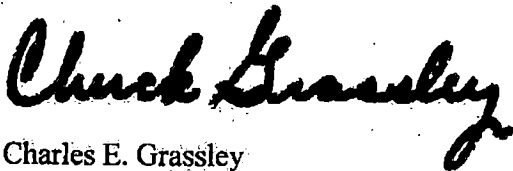
I invite you to testify on Wednesday, May 3, 2017 at the Senate Committee on the Judiciary hearing entitled "Oversight of the Federal Bureau of Investigation." The hearing is scheduled to begin at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building.

Committee rules require that you provide your testimony and a short biography for distribution to members of the Committee and the press at least 24 hours before the hearing is scheduled to begin. Please send an electronic copy of your testimony and biography to

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Please contact Jason Covey at (202) 224-5225 with any questions. We look forward to your testimony.

Sincerely,



Charles E. Grassley
Chairman

CHARLES E. GRASSLEY, IOWA, CHAIRMAN

ORRIN HATCH, UTAH
LINDSEY O. GRAHAM, SOUTH CAROLINA
JOHN CORNYN, TEXAS
MICHAEL S. LEE, UTAH
TED CRUZ, TEXAS
BEN SASSER, NEBRASKA
JEFF FLAKE, ARIZONA
MIKE CRAPO, IDAHO
THOM TILLOTSON, NORTH CAROLINA
JOHN KENNEDY, LOUISIANA

DIANNE FEINSTEIN, CALIFORNIA
PATRICK J. LEAHY, VERMONT
RICHARD J. DURBIN, ILLINOIS
SHELDON WHITEHOUSE, RHODE ISLAND
AMY KLOBUCHAR, MINNESOTA
AL FRANKEN, MINNESOTA
CHRISTOPHER A. COONS, DELAWARE
RICHARD BLUMENTHAL, CONNECTICUT
MAZIE HIRONO, HAWAII

United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-8275

KIMBLE L. JONES, Chief Counsel and Staff Director
JENNIFER DUNN, Democratic Staff Director

April 24, 2017

VIA ELECTRONIC TRANSMISSION

The Honorable James B. Comey, Jr.
Director
Federal Bureau of Investigation
935 Pennsylvania Avenue, N.W.
Washington, D.C. 20535

Dear Director Comey:

Since 2012, this Committee has conducted oversight related to deficiencies in the FBI's hair forensics lab and the FBI's review of potentially affected cases. A 1997 report by the Department of Justice Office of Inspector General (OIG) confirmed whistleblower claims that FBI hair examiners were using scientifically unsupportable analysis and overstated testimony in criminal prosecutions.¹ We write today because the Committee recently received new information showing that the FBI understood the scientific limits of hair microscopy long before 1997, and identified at least one instance in which a hair examiner's testimony exceeded those limits.

The Committee recently became aware of internal FBI memoranda (memos) showing that, in 1991, the FBI identified problematic testimony that fits the description of testimony that the FBI classified in 2012 as Error Type 3.² Specifically, the FBI identified testimony provided in 1989 by Supervisory Special Agent (SSA) Michael Malone as problematic because SSA Malone cited his success rate in distinguishing between test hair samples to support the credibility of his conclusion that the hair samples in question were differentiable.³ The memos indicate that the FBI took corrective action by counseling SSA Malone and the entire unit of hair

¹ U.S. DEP'T OF JUSTICE OFFICE OF THE INSPECTOR GEN., AN ASSESSMENT OF THE 1996 DEP'T OF JUSTICE TASK FORCE REVIEW OF THE FBI LAB, 38 (2014) [hereinafter *OIG REPORT*].

² Memorandum from K.W. Nimmich to Mr. Hicks 1-3 (Nov. 15, 1991) (on file with Comm.). Error Type 3 is defined as the following: The examiner cites the number of cases or hair analyses worked in the lab and the number of samples from different individuals that could not be distinguished from one another as a predictive value to bolster the conclusion that a hair belongs to a specific individual. FBI, MICROSCOPIC HAIR COMPARISON Analysis 1 (Nov. 9, 2012).

³ Malone testified that out of the 10,000 known hair samples he had examined, he was unable to distinguish known samples on two occasions; Memorandum from K.W. Nimmich to Mr. Hicks 2 (Nov. 15, 1991); Memorandum from K.W. Nimmich to Mr. Hicks (Dec. 6, 1991).

and fiber examiners against providing this type of testimony.⁴ The first memo provides that "SSA Malone has been instructed by Unit Chief [redacted] not to quote his experience in such a way that it could be interpreted as a statistic during testimony or during discussions with contributors and prosecutors."⁵ It is unclear whether the Inspector General's office was provided these memos during its extensive review, in which Malone was a central figure.

These memos raise concern because they demonstrate that, in 1991, the FBI recognized instances where testimony exceeded the scope of science, which contradicts the FBI's claims that it only later developed such an understanding. Moreover, the FBI's corrective actions were apparently ineffective because examiners continued to provide erroneous testimony, including the exact type of testimony cautioned against in the 1991 memos. SSA Malone, in particular, was allowed to continue to provide erroneous testimony for another eight years until he retired in 1999. During its review of the hair forensics program, the Department's Criminal Division Task Force identified SSA Malone's testimony as "consistently problematic," and the OIG reported that his "faulty analysis and scientifically unsupportable testimony" contributed to at least six convictions that were eventually reversed.⁶

Despite requests for documents and FOIA requests, the FBI failed to provide the memos to this Committee, the National Association of Criminal Defense Lawyers (NACDL), the Innocence Project, or to whistleblowers. Yet, notations on the memos indicate that they were placed in SSA Malone's personnel file. The FBI counsel's office claims it was unaware of the memos' existence or the underlying facts described in the memos until the NACDL recently brought the memos to their attention. If true, it is difficult to understand how the FBI's review of the hair forensics program failed to uncover an easily discoverable document containing key information about the FBI's early knowledge of problematic testimony and its failed attempt to correct the problem.

The Committee deserves an explanation of the recent surfacing of the 1991 memos and the circumstances described in these memos. Accordingly, please provide the following and schedule a briefing with Committee staff by no later than May 9, 2017:

1. Please explain how the FBI failed to locate and disclose the 1991 memos in a more timely manner.
 - a. Prior to the NACDL and the Innocence Project presenting the 1991 memos to the FBI counsel's office, was the FBI aware of the memos' existence or of the underlying events described in the memos?
 - b. Does SSA Malone's personnel file contain the 1991 memos?
 - c. Were they produced to the OIG during its review? If not, why not?

⁴ Memorandum from K.W. Nimmich to Mr. Hicks 2-3 (Nov. 15, 1991); Memorandum from K.W. Nimmich to Mr. Hicks (Dec. 6, 1991).

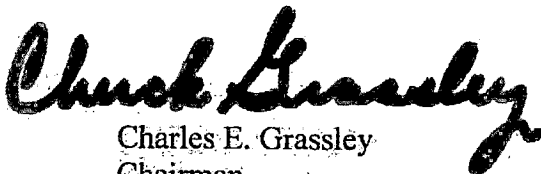
⁵ Memorandum from K.W. Nimmich to Mr. Hicks 2 (Nov. 15, 1991).

⁶ OIG REPORT at ii.

- d. Please explain how the FBI failed to uncover and produce these memos during its review of the hair forensics program and during document searches in response to document requests and FOIA requests.
 - e. Please describe the steps the FBI has taken to determine whether there are any additional documents or materials missing from the FBI's records that are relevant to the review of the hair forensics program.
 - f. Has the FBI taken steps to disclose these memos to parties or victims in past and present cases where the memos should have been produced?
2. Beyond the details contained in the 1991 memos, does the FBI have additional records of the events described in the memos? If so, please produce them to the Committee.
 3. How did the FBI's counseling to SSA Malone and the other hair and fiber examiners go unheeded?
 4. Does the FBI have records of other instances in which a hair examiner's testimony, including SSA Malone's testimony, was identified as problematic? If so, please produce them to the Committee.

Thank you in advance for your cooperation with this request. If you have questions, contact Samantha Brennan of my Judiciary Committee staff at (202) 224-5225.

Sincerely,



Charles E. Grassley
Chairman
Committee on the Judiciary



Patrick J. Leahy
U.S. Senator

cc: The Honorable Dianne Feinstein
Ranking Member
Committee on the Judiciary

CHARLES E. GRASSLEY, IOWA, CHAIRMAN

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United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

KOLAN L. DAVIS, *Chief Counsel and Staff Director*
JENNIFER DUCK, *Democratic Staff Director*

May 10, 2017

Andrew G. McCabe
Acting Director
Federal Bureau of Investigation
J. Edgar Hoover Building
935 Pennsylvania Avenue, NW
Washington, DC 20535

Dear Mr. McCabe:

Thank you for your testimony at the Senate Committee on the Judiciary hearing entitled: "Oversight of the Federal Bureau of Investigation" on May 3, 2017. Attached are written questions from Committee members. We look forward to including your answers to these questions, along with your hearing testimony, in the formal Committee record.

Please help us complete a timely and accurate hearing record by sending an electronic version of your responses to Jason Covey, Hearing Clerk, Senate Judiciary Committee, at [REDACTED] no later than **May 24, 2017**.

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Where circumstances make it impossible to comply with the two-week period provided for submission of answers, witnesses may explain in writing and request an extension of time to reply.

Again, thank you for your participation. If you have any questions, please contact Jason Covey at (202) 224-5225.

Sincerely,



Charles E. Grassley
Chairman

**Questions for the Record from Senator Charles E. Grassley
for the Director of the FBI
U.S. Senate Committee on the Judiciary
Hearing on "Oversight of the Federal Bureau of Investigation"
Submitted on May 10, 2017**

FBI's Reported Arrangement with Christopher Steele

On February 28, 2017, the *Washington Post* reported that the FBI reached an agreement a few weeks before the Presidential election to pay the author of the unsubstantiated dossier alleging a conspiracy between President Trump and the Russians, Christopher Steele, to continue investigating Mr. Trump.¹ The article claimed that the FBI was aware Mr. Steele was creating these memos as part of work for an opposition research firm connected to Hillary Clinton. The idea that the FBI and associates of the Clinton campaign would pay Mr. Steele to investigate the Republican nominee for President in the run-up to the election raises further questions about the FBI's independence from politics, as well as the Obama administration's use of law enforcement and intelligence agencies for political ends. It is additionally troubling that the FBI reportedly agreed to such an arrangement given that, in January of 2017, then-Director Clapper issued a statement stating that "the IC has not made any judgment that the information in this document is reliable, and we did not rely upon it in any way for our conclusions." According to the *Washington Post*, the FBI's arrangement with Mr. Steele fell through when the media published his dossier and revealed his identity.

1. When did the FBI first communicate with Mr. Steele regarding allegations of connections between the Trump campaign and Russia? Who interacted with Mr. Steele, what was discussed, and how or where did the meeting occur? Was information received from Mr. Steele part of the basis for opening the investigation into allegations of the Trump campaign's connections with Russia?
2. When did all subsequent FBI interactions with Mr. Steele occur regarding allegations of connections between the Trump campaign and Russia? Who interacted with Mr. Steele in each subsequent interaction, what was discussed, and how or where did the meeting occur?
3. Did the FBI ever interact with anyone associated with Fusion GPS regarding allegations of connections between the Trump campaign and Russia? If so, who, when, where, and what was discussed?
4. Did the FBI ever pay Steele or Fusion GPS in connection with the FBI's inquiry into allegations of connections between the Trump campaign and Russia, including travel

¹ Tom Hamburger and Rosalind Helderman, *FBI Once Planned to Pay Former British Spy Who Authored Controversial Trump Dossier*, THE WASHINGTON POST (Feb. 28, 2017).

expenses, if any? If so, how much was paid, when was it paid, to whom, and who authorized the payments?

5. The public version of the dossier simply lists sources by letter rather than name. Does the FBI's version of the dossier contain the source names? If so, who are the named sources in the FBI's version of the dossier?
6. How did the FBI first come to possess the dossier?
7. With whom did the FBI share the dossier, and when? Who authorized this sharing?
8. Has the FBI created, or contributed to the creation of, any documents based on or otherwise referencing these memos or the information in the memos? If so, what are the document numbers or titles of these documents? When were they created? To whom were they distributed? Who authorized this distribution?
9. What FBI policies are applicable when the FBI seeks to fund an outside investigator associated with a political opposition research firm connected to a political candidate, or with any outside entity?
10. Did the FBI propose or enter into any agreements with Mr. Steele relating to the investigation of allegations of Trump campaign connections with Russia? If so, what were the terms? Did the agreements enter into force?
11. Who decided to include the memos in the briefings received by Presidents Obama and Trump? What was the basis for that decision?
12. In a lawsuit against Mr. Steele regarding the dossier, he has stated that he also gave dossier information to the British government. Did the FBI receive any intelligence from the British that was based on information provided by Mr. Steele? What steps does the FBI take to determine whether foreign intelligence is an echo of information that has already been provided, rather than confirmation of it?
13. Did the FBI work with Mr. Steele on the FIFA investigation? What services did Mr. Steele provide? How much was he paid by the FBI? What were the terms of his work with the FBI?

On March 31, 2017, I wrote to the Department of Justice, copying the FBI, regarding allegations concerning the company overseeing the creation of the dossier, Fusion GPS. The letter explained that Fusion GPS is the subject of a complaint to the Justice Department, which alleges that the company violated the Foreign Agents Registration Act by working on behalf of Russian principals to undermine U.S. sanctions against Russians. That unregistered work was reportedly conducted with a former Russian intelligence operative, Mr. Rinat Akhmetshin, and appears to have been occurring simultaneous to Fusion GPS's work overseeing the creation of the dossier.

14. When the FBI was in contact with Mr. Steele or otherwise relying on information in the dossier he created, was it aware that his employer, Fusion GPS, was allegedly simultaneously working as an unregistered agent for Russian interests?
15. If so, when and how did FBI become aware of this information? Did it include this information about Fusion GPS's alleged work for Russian principals in any documents describing or relying on information from the dossier? If not, why not?
16. If the FBI was previously unaware of Fusion GPS's alleged unregistered activity on behalf of Russian interests and connections with a former Russian intelligence operative, does the FBI plan to amend any applications, reports, or other documents it has created that describe or rely on the information in the dossier to add this information? If so, please provide copies of all amended documents. If not, why not?
17. Has the FBI investigated allegations that Fusion GPS and Rinat Akhmetshin were working as unregistered agents of a foreign principal, in violation of the Foreign Agents Registration Act? If not, why not? If so, what did the investigation conclude?
18. Has the FBI otherwise investigated whether Rinat Akhmetshin is a Russian intelligence operative? If not, why not? If so, what did the investigation conclude?

FBI's Review of Fetal Tissue Referral and Report

After a lengthy and detailed investigation by the Committee into paid fetal tissue transfers, I wrote to Attorney General Lynch and Director Comey on December 13, 2016, to refer eight organizations for investigation and potential prosecution for violations of the law that bans the buying or selling of human fetal tissue, 42 U.S.C. § 289g-2, and the criminal conspiracy statute, 18 U.S.C. § 371. These referrals were based on information described in a Majority Staff Report to the Committee, titled: "Human Fetal Tissue Research: Context and Controversy."² That report was the result of a review of: more than 20,000 pages of internal documents provided directly to the Committee from the organizations involved; information provided by government agencies; and the legislative history of laws that impose the ban on buying or selling fetal tissue. Importantly, the report included descriptions and analyses of individual paid transfers from particular aborted fetuses, as detailed in the billing records and procurement logs provided by the organizations. The referral letter asked that the FBI please contact the Committee if it determine that it needs to seek access to unredacted copies of any of the records necessary to further its investigation into these matters. However, no one contacted the Committee about these records.

Accordingly, on April 24, 2017, I sent a follow-up letter on the matter. The letter asked for written confirmation by May 8, 2017, that relevant Justice Department and FBI personnel have reviewed or will review the referral and report in full in order to determine whether to initiate an FBI and Justice Department investigation of these matters, or as part of any ongoing

² The report is available at: <https://www.grassley.senate.gov/sites/default/files/judiciary/upload/22920%20-%20FTR.pdf>

investigation of these matters, or to re-evaluate any closed or declined investigation of these matters if they were not reviewed prior to such decisions. I have not received a response.

19. Has anyone from the FBI reviewed the referral and report in full?

20. If so, who reviewed it and when?

21. If not, will the FBI commit to having relevant personnel review them in full?

FBI's Role in Enforcement of the Foreign Agents Registration Act

A recent Inspector General (IG) audit of the DOJ's Foreign Agents Registration Act enforcement procedure found that there is a lack of statutory understanding of FARA, as well as a lack of a coherent enforcement strategy.³ Specifically, the Inspector General noted "there was not a coordinated strategy on FARA," and "there was no strategy addressing how FARA fits into the Department's overall national security efforts."⁴ Even National Security Division officials "acknowledged the differing views on what constitutes a FARA charge" and as a result are in the process of "educat[ing] field investigators and prosecutors on the difference."⁵ The IG's report found that the DOJ's refusal to properly enforce FARA extended into civil enforcement as well, noting that injunctive relief had not been sought as a remedy since 1991.⁶ Such a lack of enforcement has created a lack of accountability. The IG report noted that documents are routinely submitted late, or in many cases, registrants ceased submitting required documents entirely.⁷

The lack of FARA enforcement has led to frustration within the FBI, with personnel interviewed by the IG articulating specific concerns. The majority of FBI personnel interviewed complained that the DOJ was "generally slow and [] reluctant to approve FARA charges."⁸ The IG report concluded that the DOJ has failed to devote the time and attention required to enforce FARA, oftentimes taking the view that "[these] matters will take as long as they take,"⁹ while failing to use the tools at its disposal to compel compliance with FARA. These findings illustrate a breakdown of the FARA enforcement process.

22. Please explain the FBI's role in FARA enforcement and how it interfaces with the DOJ.

23. Does the FBI still believe that DOJ is "generally slow" and "reluctant to approve FARA charges"?

³ Office of the Inspector General of the U.S. Department of Justice, *Audit of the National Security Division's Enforcement and Administration of the Foreign Agents Registration Act*, p. 11 (September 2016).

⁴ *Id.*

⁵ *Id.* at 10.

⁶ *Id.* at 12.

⁷ *Id.* at 13.

⁸ *Id.* at 10.

⁹ *Id.*

24. In light of the IG's findings, please explain what steps the FBI has taken to better interface with the DOJ to strengthen FARA enforcement. In addition, please explain any ongoing shortcomings that the FBI is working to improve on.

**Oversight of the Federal Bureau of Investigation
Questions for the Record
Submitted May 10, 2017**

QUESTIONS FROM SENATOR COONS

1. The *New York Times* and the *Washington Post* reported that, days before he was fired, Director Comey asked Deputy Attorney General Rod Rosenstein for a significant increase in resources for the FBI's investigation into Russia's interference in the presidential election. According to the reports, Director Comey made the request for more resources in a meeting with Deputy Attorney General Rosenstein.
 - a. Please provide all dates on which Director Comey met with Deputy Attorney General Rosenstein.
 - b. Who attended each of those meetings?
 - c. Did Director Comey request additional resources – from Deputy Attorney General Rosenstein or from anyone else – for the investigation into Russian interference in the presidential election?
 - d. If so, what additional resources did he request?
 - e. If Director Comey made a request for additional resources, what were the responses of Deputy Attorney General Rosenstein and any other Department of Justice officials who may have responded?
 - f. Have any additional resources for the investigation into Russian interference in the presidential election been provided to the FBI?
 - g. If so, what additional resources have been provided?
 - h. Are there outstanding commitments to provide additional resources for the investigation into Russian interference in the presidential election?
 - i. Does the FBI require additional resources for the investigation into Russian interference in the presidential election?
 - j. If so, what additional resources does the FBI require?
2. President Trump's May 9, 2017 letter to Director Comey states, "I greatly appreciate you informing me, on three separate occasions, that I am not under investigation."
 - a. When were these three occasions, and who was present?
 - b. Were these communications made orally or in writing?
 - c. If these communications were made in writing, please provide copies.
 - d. If these communications were made orally, please describe the date, time, and place of these conversations; whether the communications were made by phone or in person; and the names of everyone who was privy to these communications.

Senator Mazie K. Hirono

Questions for the Record following hearing on May 3, 2017 entitled:

"Oversight of the Federal Bureau of Investigation"

The Honorable James B. Comey

- 1) According to multiple news reports, days before President Trump fired you, you made a request of Deputy Attorney General Rosenstein for additional Justice Department resources for the FBI's investigation of Russia's interference into the 2016 election and possible collusion with the Trump campaign. Please provide details regarding this request, including, but not limited to:
 - a. what additional funds and personnel were requested;
 - b. whether you discussed any initial findings, details, or scope of the investigation with the Deputy Attorney General;
 - c. whether others were present during the discussion;
 - d. your justification for requesting the additional resources;
 - e. whether you had any additional discussions with the Deputy Attorney General, Justice Department or other Administration officials regarding the need or request for additional resources; and
 - f. any response you received then or otherwise from the Deputy Attorney General or anybody else with the Justice Department or Trump Administration.
- 2) Aside from the contents of Deputy Attorney General Rosenstein's about your performance as FBI Director in handling the Clinton email probe, which was made public by the Trump administration and cited as a reason for your termination, has the President, Attorney General, Deputy Attorney General or any other administration official given any other reasons for your firing?
- 3) What impact do you believe your firing will have on the FBI's ongoing investigation into Russian interference in the 2016 election and possible collusion with the Trump campaign?
- 4) Do you believe that your firing constitutes an attempt by the President to obstruct or impede the investigation into Russian interference and possible Trump campaign collusion?
- 5) Did the recently issued subpoenas to associates of General Flynn factor into your firing? Did President Trump know about these subpoenas prior to your firing?
- 6) In President Trump's letter to you informing you of your dismissal, he wrote that you had informed him on three separate occasions that he is not under investigation. Is that true, and if so, what was the basis for your determination that he was not under investigation? If true, did your statements extend to whether any officials associated with President Trump's campaign, transition, or administration were under investigation? When were these meetings or discussions? Is it consistent with FBI or Department of Justice protocol to provide such status updates to the President in the middle of an investigation?

Please provide the Committee with a status update on the investigation into Russian interference in the 2016 election.

- a. How will evidence collected thus far be properly preserved to ensure that the Trump Administration does not tamper or destroy it?
- b. Are there preliminary findings and conclusions that can or should be shared with Congress now in light of the unprecedented actions by the Trump Administration to fire you in the middle of this investigation into its possible collusion with Russia to influence an American election?

CHARLES E. GRASSLEY, IOWA, CHAIRMAN

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United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

KOLAN L. DAVIS, Chief Counsel and Staff Director
JENNIFER DUCK, Democratic Staff Director

March 6, 2017

VIA ELECTRONIC TRANSMISSION

The Honorable James B. Comey, Jr.
Director
Federal Bureau of Investigation
935 Pennsylvania Avenue, N.W.
Washington, DC 20535

Dear Director Comey:

On February 28, 2017, the *Washington Post* reported that the FBI reached an agreement a few weeks before the Presidential election to pay the author of the unsubstantiated dossier alleging a conspiracy between President Trump and the Russians, Christopher Steele, to continue investigating Mr. Trump.¹ The article claimed that the FBI was aware Mr. Steele was creating these memos as part of work for an opposition research firm connected to Hillary Clinton. The idea that the FBI and associates of the Clinton campaign would pay Mr. Steele to investigate the Republican nominee for President in the run-up to the election raises further questions about the FBI's independence from politics, as well as the Obama administration's use of law enforcement and intelligence agencies for political ends. It is additionally troubling that the FBI reportedly agreed to such an arrangement given that, in January of 2017, then-Director Clapper issued a statement stating that "the IC has not made any judgment that the information in this document is reliable, and we did not rely upon it in any way for our conclusions." According to the *Washington Post*, the FBI's arrangement with Mr. Steele fell through when the media published his dossier and revealed his identity.

The Committee requires additional information to evaluate this situation. Please provide the following information and respond to these questions by March 20, 2017. Please also schedule a briefing by that date by FBI personnel with knowledge of these issues.

1. All FBI records relating to the agreement with Mr. Steele regarding his investigation of President Trump and his associates, including the agreement itself, all drafts, all internal FBI

¹ Tom Hamburger and Rosalind Helderman, *FBI Once Planned to Pay Former British Spy Who Authored Controversial Trump Dossier*, THE WASHINGTON POST (Feb. 28, 2017).

communications about the agreement, all FBI communications with Mr. Steele about the agreement, all FBI requests for authorization for the agreement, and all records documenting the approval of the agreement.

2. All records, including 302s, of any FBI meetings or interviews with Mr. Steele.
3. All FBI policies, procedures, and guidelines applicable when the FBI seeks to fund an investigator associated with a political opposition research firm connected to a political candidate, or with any outside entity.
4. All FBI records relating to agreements and payments made to Mr. Steele in connection with any other investigations, including the reported agreements relating to his investigation of FIFA.
5. Were any other government officials outside of the FBI involved in discussing or authorizing the agreement with Mr. Steele, including anyone from the Department of Justice or the Obama White House? If so, please explain who was involved and provide all related records.
6. How did the FBI first obtain Mr. Steele's Trump investigation memos? Has the FBI obtained additional memos from this same source that were not published by *Buzzfeed*? If so, please provide copies.
7. Has the FBI created, or contributed to the creation of, any documents based on or otherwise referencing these memos or the information in the memos? If so, please provide copies of all such documents and, where necessary, clarify which portions are based on or related to the memos.
8. Has the FBI verified or corroborated any of the allegations made in the memos? Were any allegations or other information from the memo included in any documents created by the FBI, or which the FBI helped to create, without having been independently verified or corroborated by the FBI beforehand? If so, why?
9. Has the FBI relied on or otherwise referenced the memos or any information in the memos in seeking a FISA warrant, other search warrant, or any other judicial process? Did the FBI rely on or otherwise reference the memos in relation to any National Security Letters? If so, please include copies of all relevant applications and other documents.
10. Who decided to include the memos in the briefings received by Presidents Obama and Trump? What was the basis for that decision?
11. Did the agreement with Mr. Steele ever enter into force? If so, for how long? If it did not, why not?
12. You have previously stated that you will not comment on pending investigations, including confirming or denying whether they exist. You have also acknowledged that statements about closed investigations are a separate matter, sometimes warranting disclosures or public

comment. Given the inflammatory nature of the allegations in Mr. Steele's dossier, if the FBI is undertaking or has undertaken any investigation of the claims, will you please inform the Committee at the conclusion of any such investigations as to what information the investigations discovered and what conclusions the FBI reached? Simply put, when allegations like these are put into the public domain prior to any FBI assessment of their reliability, then if subsequent FBI investigation of the allegations finds them false, unsupported, or unreliable, the FBI should make those rebuttals public.

I anticipate that your responses to these questions may contain both classified and unclassified information. Please send all unclassified material directly to the Committee. In keeping with the requirements of Executive Order 13526, if any of the responsive documents do contain classified information, please segregate all unclassified material within the classified documents, provide all unclassified information directly to the Committee, and provide a classified addendum to the Office of Senate Security. Although the Committee complies with all laws and regulations governing the handling of classified information, it is not bound, absent its prior agreement, by any handling restrictions or instructions on unclassified information unilaterally asserted by the Executive Branch.

Thank you for your prompt attention to this important matter. If you have any questions, please contact Patrick Davis of my Committee staff at (202) 224-5225.

Sincerely,

A handwritten signature in black ink, appearing to read "Chuck Grassley", written in a cursive style.

Charles E. Grassley
Chairman
Committee on the Judiciary

cc: The Honorable Diane Feinstein
Ranking Member
Senate Committee on the Judiciary

CHARLES E. GRASSLEY, IOWA, CHAIRMAN
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United States Senate

COMMITTEE ON THE JUDICIARY
WASHINGTON, DC 20510-6276

KEVIN T. STONE, Chief Counsel and Staff Director
JENNIFER DUNN, Democratic Staff Director

April 28, 2017

VIA ELECTRONIC TRANSMISSION

The Honorable James B. Comey, Jr.
Director
Federal Bureau of Investigation
935 Pennsylvania Avenue, NW
Washington, DC 20535

Dear Director Comey:

On March 6, 2017, I wrote to you requesting information about the FBI's relationship with Mr. Christopher Steele, the author of the political opposition research dossier alleging collusion between associates of Mr. Trump and the Russian government. Although that letter asked for a response by March 20, the FBI has failed to provide one.

Ranking Member Feinstein and I had previously written to the FBI on February 15, 2017, asking for a briefing and documents relating to the resignation of Mr. Flynn and the leaks of classified information involving him. After a startling lack of responsiveness from the FBI, I was forced to delay Committee proceedings on the nomination for Deputy Attorney General in order to obtain DOJ's cooperation. In response, on March 15, 2017, you did provide a briefing about the FBI's Russia investigation to Ranking Member Feinstein and me. While a few of the questions from my March 6 letter were also addressed in that briefing, most were not. Nor was there any indication from the FBI before or during the briefing that the FBI considered it to be responsive to the March 6 letter.

Nonetheless, on April 19, 2017, the FBI sent Ranking Member Feinstein and me a four-sentence letter purporting to be in response to both the February 15 and March 6 letters. Two of those sentences are merely the standard closing boilerplate language in all FBI letters. The letter did not answer any questions and instead incorrectly claimed that the briefing addressed the concerns raised in both the February 15 and March 6 letters. That is incorrect. The FBI has failed to provide documents requested in the March 6 letter or to answer the vast majority of its questions.

There appear to be material inconsistencies between the description of the FBI's relationship with Mr. Steele that you did provide in your briefing and information contained in Justice Department documents made available to the Committee only after the briefing. Whether those inconsistencies

were honest mistakes or an attempt to downplay the actual extent of the FBI's relationship with Mr. Steele, it is essential that the FBI fully answer all of the questions from the March 6 letter and provide all the requested documents in order to resolve these and related issues.

Also, more information has since come to the Committee's attention about the company overseeing the creation of the dossier, Fusion GPS. Namely, Fusion GPS is the subject of a complaint to the Justice Department, which alleges that the company violated the Foreign Agents Registration Act by working on behalf of Russian principals to undermine U.S. sanctions against Russians. That unregistered work was reportedly conducted with a former Russian intelligence operative, Mr. Rinat Akhmetshin, and appears to have been occurring simultaneous to Fusion GPS's work overseeing the creation of the dossier. I wrote to the Justice Department about this issue on March 31, copying you, and I have attached that letter here for your reference. The Justice Department has yet to respond.

In addition to fully answering my March 6, 2017 letter, please also provide the following documents and information:

1. Documentation of all payments made to Mr. Steele, including for travel expenses, if any; the date of any such payments; the amount of such payments; the authorization for such payments.
2. When the FBI was in contact with Mr. Steele or otherwise relying on information in the dossier, was it aware that his employer, Fusion GPS, was allegedly simultaneously working as an unregistered agent for Russian interests? Please provide all related documents.
3. If so, when and how did FBI become aware of this information? Did it include this information about Fusion GPS's alleged work for Russian principals in any documents describing or relying on information from the dossier? If not, why not?
4. If the FBI was previously unaware of Fusion GPS's alleged unregistered activity on behalf of Russian interests and connections with a former Russian intelligence operative, does the FBI plan to amend any applications, reports, or other documents it has created that describe or rely on the information in the dossier to add this information? If so, please provide copies of all amended documents. If not, why not?

Please provide all the requested documents and full answers to all the question by May 12, 2017. I hope that this matter can be resolved without additional holds on nominees. These are important issues that require public transparency. I anticipate that your responses to these questions may contain both classified and unclassified information. Please send all unclassified material directly to the Committee. In keeping with the requirements of Executive Order 13526, if any of the responsive documents do contain classified information, please segregate all unclassified material within the classified documents, provide all unclassified information directly to the Committee, and provide a classified addendum to the Office of Senate Security. Although the Committee complies with all laws and regulations governing the handling of classified information, it is not bound, absent its prior agreement, by any handling restrictions or instructions on unclassified information unilaterally asserted by the Executive Branch.

Thank you for your prompt attention to this important matter. If you have any questions, please contact Patrick Davis of my Committee staff at (202) 224-5225.

Sincerely,

A handwritten signature in dark ink, appearing to read "Chuck Grassley", with a stylized flourish at the end.

Charles E. Grassley
Chairman
Committee on the Judiciary

cc: The Honorable Dianne Feinstein
Ranking Member
Senate Committee on the Judiciary

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United States Senate

COMMITTEE ON THE JUDICIARY
WASHINGTON, DC 20510-6275

Kristen L. Gandy, Chief Counsel and Staff Director
Jennifer Dunn, Democratic Staff Director

March 31, 2017

VIA ELECTRONIC TRANSMISSION

The Honorable Dana Boente
Acting Deputy Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, DC 20530

Dear Mr. Boente:

Over the past few years, the Committee has repeatedly contacted the Department of Justice to raise concerns about the Department's lack of enforcement of the Foreign Agents Registration Act ("FARA"). I write regarding the Department's response to the alleged failure of pro-Russia lobbyists to register under FARA. In July of 2016, Mr. William Browder filed a formal FARA complaint with the Justice Department regarding Fusion GPS, Rinat Akhmetshin, and their associates.¹ His complaint alleged that lobbyists working for Russian interests in a campaign to oppose the pending Global Magnitsky Act failed to register under FARA and the Lobbying Disclosure Act of 1995. The Committee needs to understand what actions the Justice Department has taken in response to the information in Mr. Browder's complaint. The issue is of particular concern to the Committee given that when Fusion GPS reportedly was acting as an unregistered agent of Russian interests, it appears to have been simultaneously overseeing the creation of the unsubstantiated dossier of allegations of a conspiracy between the Trump campaign and the Russians.

Mr. Browder is the CEO of Hermitage Capital Management ("Hermitage"), an investment firm that at one time was the largest foreign portfolio investor in Russia. According to the Justice Department, in 2007, Russian government officials and members of organized crime engaged in corporate identity theft, stealing the corporate identities of three Hermitage companies and using them to fraudulently obtain \$230 million.² The \$230 million was then extensively laundered into accounts outside of Russia. When Hermitage learned of the situation, its attorneys, including Mr. Sergei Magnitsky, investigated. In December of 2007, Hermitage filed criminal complaints with law enforcement agencies in Russia, complaints which identified the Russian government officials who had been involved. In response, the Russian government

¹ *Complaint Regarding the Violation of US Lobbying Laws by the Human Rights Accountability Global Initiative Foundation and Others*, Hermitage Capital Management (July 15, 2016) ("Browder Complaint") (attached).

² Second Amended Verified Complaint, *U.S. v. Prevezon Holdings Ltd., et al.*, No. 13-cv-6326, ECF 381 (SDNY) ("DOJ Complaint") (attached).

assigned the case to the very officials involved in the crime, who then arrested Mr. Magnitsky and kept him in pretrial detention for nearly a year, until he died under highly suspicious circumstances after being beaten by guards and denied medical treatment.

In response to this brazen violation of human rights, Congress passed the bipartisan Sergei Magnitsky Rule of Law Accountability Act of 2012 (“Magnitsky Act”), which was signed into law by President Obama. The law authorized sanctions against those who the President determined were responsible for Mr. Magnitsky’s detention and death, those who financially benefitted from it, and those involved in the criminal conspiracy he had uncovered. The law also authorized sanctions against those the President determined were responsible for other extrajudicial killings, torture, or human rights violations committed against individuals seeking to promote human rights or expose illegal activity carried out by Russian government officials. The sanctions involved banning the identified individuals from the U.S. and authorizing the President to use the International Emergency Economic Powers Act to freeze their property, provided that the property is in the United States. President Obama initially identified 18 such individuals, and subsequently added others.

The Russian government responded to the Magnitsky Act by prohibiting all adoptions of Russian children by United States citizens. It similarly put out a list of 18 U.S. government officials banned from Russia.

In 2013, the Department of Justice initiated a civil asset forfeiture case against Prevezon Holdings, a company owned by Russian Denis Katsyv, the son of a former Russian government minister.³ The Justice Department argued that his company had received millions of the laundered \$230 million from the conspiracy Mr. Magnitsky discovered, and had used it to purchase real estate in New York.⁴ Additionally, in 2015, Senators Cardin and McCain introduced the Global Magnitsky Act, which would extend the Magnitsky sanctions framework to human rights violators across the globe.

As detailed in press accounts and in Mr. Browder’s FARA complaint, in response to these actions, Prevezon Holdings and the Russian government began a lobbying campaign purportedly designed to try to: repeal the Magnitsky Act; remove the name “Magnitsky” from the Global Magnitsky Act and delay its progress; and cast doubt on the Justice Department’s version of events regarding the corporate identity theft of Hermitage’s companies, the fraudulently obtained \$230 million, and the death of Mr. Magnitsky.⁵

³ *U.S. v. Prevezon Holdings Ltd., et al.*, No. 13-cv-6326 (SDNY).

⁴ DOJ Complaint, *supra* note 2.

⁵ Browder Complaint, *supra* note 1; see Isaac Arnsdorf, *FARA Complaint Alleges Pro-Russian Lobbying*, POLITICO (Dec. 8, 2016); Michael Weiss, *Putin’s Dirty Game in the U.S. Congress*, THE DAILY BEAST (May 18, 2016); Mike Eckel, *Russian ‘Gun-For-Hire’ Lurks in Shadows of Washington’s Lobbying World*, RADIO FREE EUROPE/RADIO LIBERTY (July 17, 2016); Isaac Arnsdorf, *From Russia, With Love?*, POLITICO (Aug. 17, 2016); Chuck Ross, *Oppo Researcher Behind Trump Dossier Is Linked to Pro-Kremlin Lobbying Effort*, THE DAILY CALLER (Jan. 13, 2017); Isaac Arnsdorf and Benjamin Oreskes, *Putin’s Favorite Congressman*, POLITICO (Nov. 23, 2016).

Prevezon's lobbying efforts were reportedly commissioned by Mr. Katsyv, who organized them through a Delaware non-profit he formed and through the law firm then representing Prevezon in the asset forfeiture case, Baker Hostetler.⁶ Among others, the efforts involved lobbyist Rinat Akhmetshin and Fusion GPS, a political research firm led by Glenn Simpson.⁷ According to press reports, Baker Hostetler partner Mark Cymrot briefed congressional staff on the asset forfeiture case, attempting to discredit the Justice Department's version of events and instead push the Russian government's account.⁸ Rinat Akhmetshin, along with former Congressman Ron Dellums, reportedly lobbied the House Foreign Affairs Committee, telling staffers "they were lobbying on behalf of a Russian company called Prevezon and ask[ing] [the Committee] to delay the Global Magnitsky Act or at least remove Magnitsky from the name," as well as telling the staffers "it was a shame that this bill has made it so Russian orphans cannot be adopted by Americans."⁹ Mr. Akhmetshin was also involved in the screening, targeting Congressional staffers and State Department officials, of an anti-Magnitsky propaganda film.¹⁰ For its part, Fusion GPS reportedly "dug up dirt" on Mr. Browder's property and finances, and attempted to generate negative stories about Mr. Browder and Hermitage in the media, shopping stories to a number of reporters.¹¹

According to press reports, the Russian government also directly delivered a letter on the issue to a Congressional delegation visiting the country, which similarly sought to undermine the Justice Department's account of events by accusing Mr. Browder and Mr. Magnitsky of a variety of crimes.¹² The letter from the Russian government also stated:

Changing attitudes to the Magnitsky story in Congress, obtaining reliable knowledge about real events and personal motives of those behind the lobbying of this destructive Act, taking into account the pre-election political situation may change the current climate in interstate relations. Such a situation could have a very favorable response from the Russian side on many key controversial issues and disagreements with the United States, including matters concerning the adoption procedures.¹³

⁶ Browder Complaint, *supra* note 2; Isaac Arnsdorf, *FARA Complaint Alleges Pro-Russian Lobbying*, POLITICO (Dec. 8, 2016).

⁷ *Id.*; Chuck Ross, *Oppo Researcher Behind Trump Dossier Is Linked to Pro-Kremlin Lobbying Effort*, THE DAILY CALLER (Jan. 13, 2017).

⁸ Isaac Arnsdorf, *FARA Complaint Alleges Pro-Russian Lobbying*, Politico (Dec. 8, 2016).

⁹ Michael Weiss, *Putin's Dirty Game in the U.S. Congress*, THE DAILY BEAST (May 18, 2016); *see* Isaac Arnsdorf, *From Russia, With Love?*, POLITICO (Aug. 17, 2016).

¹⁰ Mike Eckel, *Russian 'Gun-For-Hire' Lurks in Shadows of Washington's Lobbying World*, RADIO FREE EUROPE/RADIO LIBERTY (July 17, 2016).

¹¹ Isaac Arnsdorf, *FARA Complaint Alleges Pro-Russian Lobbying*, Politico (Dec. 8, 2016); Chuck Ross, *Oppo Researcher Behind Trump Dossier Is Linked to Pro-Kremlin Lobbying Effort*, THE DAILY CALLER (Jan. 13, 2017).

¹² Michael Weiss, *Putin's Dirty Game in the U.S. Congress*, THE DAILY BEAST (May 18, 2016).

¹³ *Id.*

It is particularly disturbing that Mr. Akhmetshin and Fusion GPS were working together on this pro-Russia lobbying effort in 2016 in light of Mr. Akhmetshin's history and reputation. Mr. Akhmetshin is a Russian immigrant to the U.S. who has admitted having been a "Soviet counterintelligence officer."¹⁴ In fact, it has been reported that he worked for the GRU and allegedly specializes in "active measures campaigns," *i.e.*, subversive political influence operations often involving disinformation and propaganda.¹⁵ According to press accounts, Mr. Akhmetshin "is known in foreign policy circles as a key pro-Russian operator,"¹⁶ and Radio Free Europe described him as a "Russian 'gun-for-hire' [who] lurks in the shadows of Washington's lobbying world."¹⁷ He was even accused in a lawsuit of organizing a scheme to hack the computers of one his client's adversaries.¹⁸

As you know, Fusion GPS is the company behind the creation of the unsubstantiated dossier alleging a conspiracy between President Trump and Russia. It is highly troubling that Fusion GPS appears to have been working with someone with ties to Russian intelligence—let alone someone alleged to have conducted political disinformation campaigns—as part of a pro-Russia lobbying effort while also simultaneously overseeing the creation of the Trump/Russia dossier. The relationship casts further doubt on an already highly dubious dossier.

The actions of Mr. Akhmetshin, Fusion GPS, and the others described in Mr. Browder's complaint appear to show that they acted on behalf of a foreign principal. This is exactly the type of activity Congress intended to reach with FARA. When properly enforced, FARA provides important transparency. However, in this case, because none of the parties involved in the anti-Magnitsky lobbying had properly registered under FARA, these suspicious connections were not appropriately documented and brought to public light. In fact, it is unclear whether the FBI was or is aware of Fusion GPS's pro-Russia lobbying and connection to Mr. Akhmetshin, or that these efforts coincided with the creation of the dossier. Presumably, such awareness would have informed the FBI's evaluation of the dossier's credibility. This is why it is important for the Department of Justice to actually enforce FARA's disclosure requirements.

¹⁴ Isaac Arnsdorf, *FARA Complaint Alleges Pro-Russian Lobbying*, POLITICO (Dec. 8, 2016).

¹⁵ *Id.* ("Akhmetshin used to spy for the Soviets and 'specializes in active measures campaigns' ... Akhmetshin acknowledged having been a Soviet counterintelligence officer"); Chuck Ross, *Oppo Researcher Behind Trump Dossier Is Linked to Pro-Kremlin Lobbying Effort*, THE DAILY CALLER (Jan. 13, 2017) (Akhmetshin "was affiliated with GRU, Russia's main intelligence directorate"); STEVE LEVINE, *THE OIL AND THE GLORY: THE PURSUIT OF EMPIRE AND FORTUNE ON THE CASPIAN SEA* 366 (2007) (describing how a former KGB officer turned businessman turned Kazakh politician "hired a lobbyist, and English-speaking former Soviet Army counter-intelligence officer named Rinat Akhmetshin [and] the skilled Akhmetshin burrowed in with Washington reporters, think tank experts, administration bureaucrats, and key political figures"); Plaintiff's Complaint, *International Mineral Resources B.V. v. Rinat Akhmetshin, et al.*, No. 161682/2015, 2015 WL 7180277 (N.Y. Sup.) ("Akhmetshin is a former Soviet military counterintelligence officer who moved to Washington, D.C. to become a lobbyist.").

¹⁶ Isaac Arnsdorf, *From Russia, With Love?*, POLITICO (Aug. 17, 2016).

¹⁷ Mike Eckel, *Russian 'Gun-For-Hire' Lurks in Shadows of Washington's Lobbying World*, RADIO FREE EUROPE/RADIO LIBERTY (July 17, 2016).

¹⁸ *Id.*; Plaintiff's Complaint, *International Mineral Resources B.V. v. Rinat Akhmetshin, et al.*, No. 161682/2015, 2015 WL 7180277 (N.Y. Sup. Ct.).

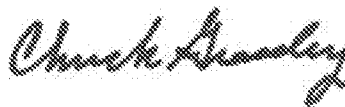
In order for the Committee to evaluate the situation, please respond to the following by no later than April 14, 2017:

1. What actions, if any, has the Department of Justice taken to enforce FARA's requirements regarding the parties identified in Mr. Browder's July 16, 2016 complaint?
2. None of the parties involved appear to have registered these activities pursuant to FARA. Why has the Justice Department not required them to register under FARA?
3. Has the Justice Department sent letters of inquiry to any of the parties identified in the complaint?
4. If so, please provide copies. If not, why not?
5. Under 28 C.F.R. § 5.2, any present or prospective agent of a foreign entity may request an advisory opinion from the Justice Department regarding the need to register. Have any of the parties identified in the complaint ever requested an advisory opinion in relation to the pro-Russia work described in this letter? If so, please provide a copy of the request and the opinion.

I anticipate that your written response and the responsive documents will be unclassified. Please send all unclassified material directly to the Committee. In keeping with the requirements of Executive Order 13526, if any of the responsive documents do contain classified information, please segregate all unclassified material within the classified documents, provide all unclassified information directly to the Committee, and provide a classified addendum to the Office of Senate Security. The Committee complies with all laws and regulations governing the handling of classified information. The Committee is not bound, absent its prior agreement, by any handling restrictions or instructions on unclassified information unilaterally asserted by the Executive Branch.

Thank you for your prompt attention to this important matter. If you have any questions, please contact Patrick Davis of my Committee staff at (202) 224-5225.

Sincerely,



Charles E. Grassley
Chairman
Committee on the Judiciary

cc: The Honorable Dianne Feinstein
Ranking Member
Senate Committee on the Judiciary

The Honorable James Comey
Director
Federal Bureau of Investigation

The Honorable Ben Cardin
United States Senate

The Honorable John McCain
United States Senate

House Committee on Foreign Affairs



Hermitage Capital Management

Heather H. Hunt, Chief
FARA Registration Unit
Counterintelligence and Export Control Section
National Security Division
U.S Department of Justice

By Email: [REDACTED]@usdoj.gov

15 July 2016

Dear Ms. Hunt,

Complaint regarding the violation of US Lobbying Laws by the Human Rights Accountability Global Initiative Foundation and others by Hermitage Capital Management (“Hermitage”)

Further to our recent call, on information and belief, we write to set out in more detail several violations of US lobbying laws by lobbyists and entities acting under the direction/control/influence of the Russian Government.

I. Executive Summary

1. There is an ongoing lobbying campaign to repeal the Magnitsky Act (the “Campaign”) and rewrite the history of the Magnitsky story. This campaign has been conducted by the following entities
 - A. Prevezon Holdings Limited (“Prevezon”) - a Russian owned Cyprus registered company
 - B. The Human Rights Accountability Global Initiative Foundation (“HRAGIF”) - a Delaware NGO created on 18 February 2016.
2. To assist them in the Campaign, based on information and belief, the following people have been hired to lobby on their behalf:
 - A. **Rinat Akhmetshin** – Russian national living in Washington D.C.
 - B. **Robert Arakelian**
 - C. **Chris Cooper** – CEO Potomac Square Group
 - D. **Glenn Simpson** - SNS Global and Fusion GPS
 - E. **Mark Cymrot** – Partner, Baker Hostetler
 - F. **Ron Dellums** - Former Republican Congressman
 - G. **Howard Schweitzer** – Managing Partner of Cozen O’Connor Public Strategies



3. The Campaign's three objectives are:
 - A. To repeal the 2012 Magnitsky Act.
 - B. To remove the name "Magnitsky" from the Global Magnitsky Bill, which is currently passing through Congress.
 - C. To discredit the established version of events regarding the theft of \$230 million from the Russian Treasury and the death of Sergei Magnitsky as told by William Browder, CEO of Hermitage ("Mr. Browder"), so as to assist the Campaign in meeting its objectives in relation to repealing the Magnitsky Law.
4. In conducting these lobbying activities, those involved in the Campaign are in violation of their filing requirements under the Lobbying Disclosure Act 1995 ("LDA") and the Foreign Agents Registration Act 1938 ("FARA"), for the following reasons:
 - A. The lobbyists involved have failed to file their lobbying activities with the relevant authorities.
 - B. The entity involved, HRAGIF, has filed inaccurate information in its LDA filings.
 - C. Both HRAGIF and Prevezon are being controlled/directed/influenced by the Russian Government in respect of the lobbying activity (see Section III), and therefore filings are required to be made under FARA.
5. Taking this information into consideration, we urge you to commence an investigation into the lobbying activities of the individuals and entities mentioned herein.

II. Lobbying Activities by the Campaign in Violation of FARA and LDA

Through the creation of a new NGO which appears to be disguising its lobbying activities, the lobbying of Congress, and the screening of a film intended to spread misinformation about the history of Sergei Magnitsky, the individuals and lobbyists identified below are in breach of various statutory lobbying requirements under FARA and the LDA 1995.

1. Creation of the Human Rights Accountability Global Initiative Foundation ("HRAGIF")

- A. HRAGIF was established on 18 February 2016 in Delaware. Its registered address is Corporation Trust Center, 1209 Orange Street, Wilmington, Delaware, 19801. The address on its LDA filing is 1050 Connecticut NW #500, Washington DC, 20036.



- B. HRAGIF's stated objective on its website is "*overturning the Russian adoption ban*."¹
- C. The following people were involved in HRAGIF's lobbying activities, and are listed as in-house lobbyists on HRAGIF's LDA filings:²
- i. Rinat Akhmetshin
 - a. Mr Akhmetshin is a former member of the Russian military intelligence services (GRU). He is now based in Washington DC as a lobbyist.
 - b. He was previously hired by clients with the mandate to generate negative publicity. He was paid by a previous client to derail the US asylum application of a Russian citizen using false allegations of anti-Semitism.³
 - c. He has been accused of organizing, on behalf of Russian oligarch Andrey Melnichenko, for the computers of International Mineral Resources to be hacked to steal "*confidential, personal and otherwise sensitive information*" so that it could be disseminated.⁴
 - ii. Robert Arakelian
- D. The following people have been involved in HRAGIF's lobbying activities, but are not listed in their LDA filings:
- i. Chris Cooper, CEO Potomac Square Group
 - ii. Natalia Veselnitskaya, the Russian lawyer for Prevezon
 - iii. Anatoly Samochornov, Russian born professional interpreter and project manager for the US State Department
- E. Email evidence from Mr. Samochornov to Thomas Klosowicz confirms Samochornov and Veselnitskaya's connection to HRAGIF.⁵
- F. In its registration forms that were filed on 11, 16 and 20 June 2016, HRAGIF states that its current and anticipated specific lobbying issues are "*foreign adoption issues*."⁶ This statement is false. It has been confirmed that Rinat Akhmetshin has been lobbying to attack the Magnitsky Act.

¹ <http://hragi.org/>

² Please see HRAGIF's LDA 1995 filings:

<http://disclosures.house.gov/ld/ldxmlrelease/2016/RR/300805895.xml>

<http://disclosures.house.gov/ld/ldxmlrelease/2016/RA/300805978.xml>

<http://disclosures.house.gov/ld/ldxmlrelease/2016/RA/300806062.xml>

³ <http://www.nytimes.com/2015/02/12/nyregion/russia-time-warner-center-andrey-vavilov.html>

⁴ <http://www.icagle.com/decision/ln%20FDCO%2020150729B50/ln%20re%20Application%20of%20International%20Mineral%20Resources%20B.V.> ; <http://www.forbes.ru/news/305971-byvshii-podryadchik-obvinil-melnichenko-v-organizatsii-khakerskoi-ataki>

⁵ See email from A Samochornov to Thomas Klosowicz dated 26 April 2016 confirming Samochornov and Veselnitskaya's connection to HRAGIF, Appendix 1

⁶ Please see HRAGIF's LDA 1995 filings:

<http://disclosures.house.gov/ld/ldxmlrelease/2016/RR/300805895.xml>

<http://disclosures.house.gov/ld/ldxmlrelease/2016/RA/300805978.xml>

<http://disclosures.house.gov/ld/ldxmlrelease/2016/RA/300806062.xml>



- i. He was responsible for organising the screening of the anti-Magnitsky documentary in Washington DC (see Section II.2.D.ii). He attended the aborted European Parliament screening in Brussels of the same film (see Section II.3.C), and he also attended a screening of the film in Moscow.
 - ii. He actively lobbied Congress on behalf of Prevezon prior to the House markup of the Global Magnitsky Bill on 18 May 2016 (see Section II.2.C.i).
- G. Furthermore, HRAGIF states at section 14 of the forms that it has no relationship with a foreign entity that would require disclosure under the LDA. This statement is false.
 - i. Natalia Veselnitskaya is the lawyer to Prevezon and the Katsyv family. Prevezon is a Cyprus company owned by a Russian national, which makes it a foreign entity under the LDA. Furthermore, on information and belief, both HRAGIF and Prevezon are being controlled/directed/influenced by the Russian Government (see Section III), and therefore should be considered as foreign principals under FARA.
 - ii. Natalia Veselnitskaya played a key role in organising screenings of the film intended to rewrite the history of Sergei Magnitsky (see Section II.3.C.). On information and belief, in doing so she is being directed by the Russian Government (see Section III), and therefore should be required to file under FARA.
- H. Because HRAGIF has filed false LDA registration filings with regards to both lobbying issues and a relationship with foreign entities, they are in direct violation of the LDA and the filing requirements under FARA.

2. Lobbying of Congress to remove “Magnitsky” from the Global Magnitsky Human Rights Accountability Bill

- A. On 17 December 2015 the Global Magnitsky Human Rights Accountability Bill (“Global Magnitsky Bill”) was passed in the Senate.
- B. On 18 May 2016 the Global Magnitsky Bill was scheduled for markup by the House Foreign Affairs Committee. Republican Congressman Dana Rohrabacher tabled an amendment seeking the removal of Sergei Magnitsky’s name from the title of the Bill.⁷
- C. The following individuals lobbied for the removal of the name “Magnitsky” from the title:
 - i. Rinat Akhmetshin
 - a. According to the Daily Beast, a US Congressional Staffer said that Rinat Akhmetshin arrived at Congress with Ron Dellums (a

⁷ See copy of Dana Rohrabacher’s letter to members of the House of Foreign Affairs Committee and accompanying articles, Appendix 2



former Congressman) without an appointment to discuss the Global Magnitsky Bill, which was due for markup the following day.⁸

- b. The Staffer stated that, *“They said they were lobbying on behalf of a Russian company called Prevezon and asked us to delay the Global Magnitsky Act or at least remove Magnitsky from the name.”*⁹

- ii. Former Congressman Ron Dellums

- a. Attended Congress with Rinat Akhemtshin the day before the markup.

- iii. Mark Cymrot of Baker Hostetler

- a. Mark Cymrot is a Partner at Baker Hostetler, and is one of the lawyers instructed by Prevezon in the asset forfeiture case in New York.
 - b. Mark Cymrot was in phone and email contact with Congressional staff members Doug Seay and Paul Behrends, briefing them as part of the anti-Magnitsky push to have Magnitsky’s name removed from the bill.¹⁰

- iv. Howard Schweitzer, Managing Partner of Cozen O’Connor Public Strategies

- a. On information and belief, he lobbied for the removal of Magnitsky’s name from the Global Magnitsky Bill.

D. None of the individuals listed above filed any LDA filings with respect to their lobbying activities surrounding the Global Magnitsky Bill. Therefore they are acting in direct violation of LDA 1995.

- i. Rinat Akhemtshin is listed as an in-house lobbyist employed by HRAGIF for the purposes of its LDA filing. He has not filed any LDA filing in respect of lobbying work for Prevezon. Prevezon is also not mentioned in HRAGIF’s LDA filings as an affiliated organisation or foreign entity under sections 13 and 14 of its LDA filing.
- ii. Furthermore, even if Rinat Akhemtshin was on this occasion lobbying for HRAGIF rather than Prevezon, this activity would not be in accordance with their stated objective in their LDA filing, as it did not relate to *“foreign adoption issues.”*

E. On information and belief, efforts to rename the Global Magnitsky Bill are under the control/influence/direction of the Russian Government (see Section III.3). Therefore any lobbying with respect to this Bill should be filed under FARA. None of the individuals above made any filings under FARA, and are therefore in violation of these requirements.

⁸ <http://www.thedailybeast.com/articles/2016/05/18/putin-s-dirty-game-in-the-u-s-congress.html>

⁹ Ibid.

¹⁰ See Appendix 3 - email from Mark Cymrot to Doug Seay and Paul Behrends



- i. While lawyers representing foreign principals are exempt from filing under FARA, this is only true if the attorney does not try to influence policy at the behest of his client.¹¹ Mark Cymrot cannot rely on the lawyers exemption under FARA, as in this instance he was trying to influence policy.

3. Screening of the Documentary “The Magnitsky Act” in Washington

- A. A documentary by Russian filmmaker Andrei Nekrasov entitled, “The Magnitsky Act” (the “Film”) was screened in Washington DC on 13 June 2016, at the Newseum.
- B. The Film attempts to claim that the Magnitsky story as told by Mr Browder is untrue and that the Magnitsky Act was passed on the basis of an untrue story. The Film also seeks to exonerate the Russian Government officials who committed the \$230 million fraud.
- C. The Film was originally due to be premiered in the European Parliament in April 2016, but the screening was cancelled due to its controversial content. Natalia Veselnitskaya was reported in the Russian press as being one of the organisers of the screening, and a contributor to the film.¹² Several lobbyists connected to HRAGIF travelled to Europe for the screening, including Natalia Veselnitskaya, Anatoly Samochornov, and Rinat Akhmetshin.¹³ Rinat Akhmetshin was also seen talking to Andrei Pavlov and Pavel Karpov, both of whom played a key role in the \$230 million Russian Treasury fraud which led to the passage of the Magnitsky Act (see Section III about Russian Government interests, below). Natalia Veselnitskaya also identifies herself as a Facebook friend of Pavel Karpov, who played a key role in the \$230 million Russian Treasury fraud.¹⁴
- D. The following individuals were involved with the promotion of the documentary in Washington:
 - i. Chris Cooper of Potomac Square Group was responsible for organising the screening.¹⁵
 - ii. Rinat Akhmetshin was also involved in organising the screening.¹⁶

¹¹ <https://www.fara.gov/fara-faq.html#9>

¹² <https://ru posters.ru/news/27-04-2016/evroparlament-film-o-magnitskom>

¹³ Natalia Veselnitskaya was interviewed by several journalists after the event. Anatoly Samochornov and Rinat Akhmetshin can be seen in the background during those interviews. <http://www.ntv.ru/video/1278965/> ; <http://5-tv.ru/news/106468/>. See Appendix 4.

¹⁴ For a screen shot of Veselnitskaya’s Facebook page, see Appendix 8

¹⁵ “In the United States, Mr Nekrasov has retained the Potomac Square Group, a small public affairs and lobbying firm It is run by Chris Cooper, a former Wall Street Journal reporter. Mr Cooper rented the theatre in the Newseum and declined to say who was paying his company. “I’m putting this event together for the director” http://www.nytimes.com/2016/06/10/world/europe/sergei-magnitsky-russia-vladimir-putin.html?_r=1

¹⁶ “Akhmetshin told RFE/RL the showing was private due to copyright issues and that invitees included congressional staffers, as well as representatives from the U.S. State Department, the White House’s National Security Council, and members of the media” <http://www.rferl.org/content/nekraov-browder-film-screening/27787150.html>



- E. The invitation to the screening advised that the event complied with congressional gift rules so that Members and staff of the U.S. Senate and House of Representatives may attend.¹⁷
- F. The screening was attended by the following members of the US executive and legislative branches:
 - i. Kyle Parker (Staff member of the House of Foreign Affairs Committee)
 - ii. Paul Behrends (Staff member of the House of Foreign Affairs Committee)
 - iii. Jessica Roxburgh (Congressional Staff member to Republican Congressman Dana Rohrabacher)
 - iv. David Whiddon (US State Department)
 - v. Danielle Bayer (US State Department)
- G. The purpose of screening the Film in Washington DC in the presence of Congressional Staff members is a clear lobbying exercise to disseminate misinformation about Sergei Magnitsky, with a view to having the Magnitsky Act repealed and influence the outcome of the Prevezon case in New York.
- H. Through their involvement in the Film's screening and promotion in Washington DC, both Chris Cooper and Rinat Akhmetshin acted in violation of the LDA and FARA.
 - i. Neither Chris Cooper nor Rinat Akhmetshin filed LDA registrations in respect of this event.
 - a. When Chris Cooper was asked by a reporter who was paying his company he refused to answer the question.¹⁸
 - ii. The screening of the film is linked to the interests of the Russian Government and also Prevezon (see Section III.4), and is an attempt by the lobbyists to influence public opinion and policy issues by the control/direction/influence of the Russian Government, and therefore FARA filings are required. Neither individual filed registrations under FARA.

4. Lobbying Surrounding Russia Relations Hearing

- A. On 14 June 2016, the day after the Newseum event, Congressman Royce chaired a House Foreign Affairs Committee hearing on U.S. policy towards Putin's Russia.
- B. The hearing was attended by Andrei Nekrasov, Natalia Veselnitskaya and Rinat Akhmetshin.¹⁹

¹⁷ Please see Appendix 5 for a copy of the invitation.

¹⁸ "It's the director's event and the movie people" Cooper said. "I'm not gonna talk about who's paying for what and all that" https://www.buzzfeed.com/rosiegray/newseum-will-host-controversial-magnitsky-film-screening-des?utm_term=.pgIyKLJ0Om#vimgk21JVNv

¹⁹ Please see Appendix 6 for photos of these individuals attending the Congressional Hearing



- C. Following that hearing, it was reported in the Russian press that Natalia Veselnitskaya filed a report with Congress containing evidence that the grounds for the Magnitsky Act were based on lies. She said, “*I am qualified to talk about it as a lawyer, and I am stating that I know the facts that can help the Congress to figure out this complicated story.*”²⁰
- D. Andrei Nekrasov also provided Dana Rohrabacher with a written statement to be entered on the record, in which he repeated the false allegations that he makes in the Film.²¹
- E. Neither Natalia Veselnitskaya nor Rinat Akhmetshin filed any FARA or LDA filings with regards to this hearing. On information and belief, they are acting under the control/direction/influence of the Russian Government (see Section III), a FARA filing is required.
 - i. While lawyers representing foreign principals are exempt from filing under FARA, this is only true if the attorney does not try to influence policy at the behest of his client.²² By disseminating anti-Magnitsky material to Congress, Ms. Veselnitskaya is clearly trying to influence policy and is therefore in violation of her filing requirements under FARA.
 - ii. Furthermore, if Ms. Veselnitskaya was lobbying as a representative of HRAGIF, the organisation is in breach of its LDA filing for:
 - a. Failing to list her as a lobbyist
 - b. The lobbying was not in accordance with its stated objective of “*Foreign Adoption Issues.*”

5. Further Lobbyists Involved

A. Glenn Simpson

- i. Glenn Simpson is a former Wall Street Journal correspondent who co-founded firms, SNS Global and Fusion GPS, which specialize in generating negative press against their clients’ opponents.
- ii. Four different journalists at the Financial Times, New York Times and the Wall Street Journal have all confirmed to Hermitage that Glenn Simpson has been hired by Prevezon to lobby for the anti-Magnitsky Campaign.
- iii. Neither Glenn Simpson, SNS Global or Fusion GPS has submitted any LDA or FARA filing in respect of its lobbying activities in relation to the anti-Magnitsky campaign, which is clearly seeking to influence U.S. public opinion on policy issues (namely to repeal the Magnitsky Act and de-rail the Global Magnitsky Act).

²⁰ <http://m.sputniknews.com/us/20160615/1041346419/veselnitskaya-congress-magnitsky.html>

²¹ Please see Appendix 7 for Andrei Nekrasov’s Statement

²² <https://www.fara.gov/fara-faq.html#9>



III. The Russian Government Interest in Lobbying Activities by the Campaign

The Russian Government has a significant vested interest in repealing the 2012 Magnitsky Act and derailing the passage through Congress of the proposed Global Magnitsky Bill. As a result, there is reason to believe that the lobbying activities connected to the repealing of the Magnitsky Act are in the interests of the Russian Government, and should be declared pursuant to FARA.

1. Historical evidence of the Russian Government interest in repealing the Magnitsky Act

- A. Shortly after beginning his third term as President, President Vladimir Putin made it his primary foreign policy objective to prevent the passage of the Magnitsky Act.
 - i. The *Signed Decree on Measures to Implement Foreign Policy*, published on 7 May 2012, stated that, with regard to relations with the United States of America, the primary objective is “**to work actively in prohibiting imposition of unilateral extraterritorial sanctions of the United States of America against Russian legal entities and individuals;**”²³
- B. The initial reaction by the Russian Government to the 2012 passage of the Magnitsky Act was one of hostility.
 - i. During a press conference on 20 December 2012, following the passage of the Magnitsky Act, Russian President Vladimir Putin stated that, “*“This is undoubtedly an unfriendly act towards the Russian Federation...it is outrageous to use [problems in Russia] as a pretext to adopt anti-Russian laws, when our side has done nothing to warrant such a response.”*”²⁴
 - ii. As an immediate retaliation to the Magnitsky Act the Russian Duma passed its own Anti-Magnitsky Law. On 28 December 2012, Vladimir Putin signed the law into effect which banned the adoption of Russian Children by Americans. It was also known as the “Law of Dima Yakovlev.”²⁵ The new law immediately halted adoption by American families of Russian children. In total 300 adoptions that were in progress were stopped.
 - iii. On 12 April 2013 the United States published its initial Magnitsky sanctions list, naming 18 individuals who would face visa bans and asset

²³ <http://www.kremlin.ru/events/president/news/15256>

²⁴ <http://thesantorepublic.com/2012/12/22/president-putins-complete-news-conference-on-2012-highlights-u-s-magnitsky-act-human-rights-etc-full-text-and-video/>

²⁵ <http://www.metroneews.ru/novosti/putin-schitaet-adekvatnym-otvet-gosdumy-na-akt-magnitskogo/Tpollt---QitiM3ypHlKs/> ; <http://www.voanews.com/content/story-of-one-american-family-russian-adoption-told-in-documentary/1799234.html>



freezes pursuant to the Magnitsky Act. The following day, on 13 April 2013, the Russian Government retaliated by publishing its own list of 18 US Citizens that would be denied entry into the Russian Federation.²⁶

2. The animosity by the Russian Government towards the Magnitsky Act has not diminished over time, and in fact seems to have increased in the last 6 months.

- A. On 3 December 2015 Russia's General Prosecutor Yuri Chaika provided a letter of reply to the newspaper Kommersant, in which he stated that; the adoption of the Magnitsky Act was the result of a large scale, deceitful PR campaign orchestrated by Mr. Browder to shift the blame for his crimes to Russian officials; and that the passage of the Magnitsky Act was based on emotions and anti-Russian sentiment rather than objective evidence.²⁷
- B. Chaika's statements were part of a significant escalation in Russian Government Anti-Magnitsky propaganda since December 2015.
 - i. On 13 April 2016, Russian State-owned channel Russia-1 TV aired a 30 minute film called "The Browder Effect," accusing Mr. Browder of being a CIA spy recruited in the 1980's to bring down the USSR, of killing Sergei Magnitsky, and of committing the \$230 million Russian Treasury fraud.
 - ii. In April 2016, Andrei Nekrasov's documentary was due to be premiered in the European Parliament. While the screening was aborted, there were several former Russian government officials present, such as Pavel Karpov, who played an instrumental role in the fraud.
- C. On 31 May 2016, Russia's Foreign Minister Sergey Lavrov stated that the Magnitsky Act was an attempt by the US to contain Russia.²⁸

3. Russian Government officials are openly supporting the lobbying campaign to derail the Global Magnitsky Bill and repeal the Magnitsky Act

- A. In April 2016, a 4-person US Congressional delegation to Russia which included Dana Rohrabacher were given a confidential letter by the Russian government, containing a series of allegations which mirrored the allegations being advanced by the anti-Magnitsky campaign.²⁹
 - i. The author of the letter offered to bring the evidence to substantiate the allegations before the House Subcommittee on Oversight and Investigations.

²⁶ <http://www.mk.ru/politics/2013/04/13/341062-moskva-obnarodovala-quotantimagnitskiy-spisokquot.html>

²⁷ <http://www.kommersant.ru/doc/2876887>

²⁸ http://www.mid.ru/foreign_policy/news/-

[/asset_publisher/cKNonkJE02Bw/content/id/2298019?p_p_id=101_INSTANCE_cKNonkJE02Bw&_101_INSTANCE_cKNonkJE02Bw_languageId=en_GB](asset_publisher/cKNonkJE02Bw/content/id/2298019?p_p_id=101_INSTANCE_cKNonkJE02Bw&_101_INSTANCE_cKNonkJE02Bw_languageId=en_GB)

²⁹ <http://www.thedailybeast.com/articles/2016/05/18/putin-s-dirty-game-in-the-u-s-congress.html>



- ii. The letter ended with the following political enticement *“Changing attitudes to the Magnitsky story in the Congress, obtaining reliable knowledge about real events and personal motives of those behind the lobbying of this destructive Act, taking into account the pre-election political situation may change the current climate in interstate relations. Such a situation could have a very favourable response from the Russian side on many key controversial issues and disagreements with the United States, including matters concerning the adoption procedures”*.
 - iii. Ken Grubbs, Dana Rohrabacher’s press secretary, confirmed that not only had the letter been provided by the Russian Government, but that *“most of the information from Russia comes from the government itself.”*³⁰
 - iv. Following receipt of the letter, Dana Rohrabacher sought to temporarily delay the markup of the Global Magnitsky Bill. The deferral more or less coincided with the scheduled premiere of the film at the European Parliament, which repeats many of the allegations made in the letter.³¹
- B. Russian Government officials have commented extensively in the press in support of Nekrasov’s documentary.
- i. At least five Russian State TV channels sent representatives and camera crews to the aborted European Parliament screening of the Film in April 2016.
 - ii. Following the Film’s Washington screening, Sergei Lavrov, Russia’s Foreign Minister, told a Moscow newspaper that *“A great number of facts have appeared-including documentary films which, by the way, are forbidden from being shown in Europe for some reason – confirming that the death of Sergei Magnitsky was all the result of enormous trickery by this....Browder, who is an unscrupulous swindler”*³² On 31 May 2016 he stated to a different paper that, *“Sergei Magnitsky’s death is the result of a huge scam by William Browder who is nothing but a sleazy crook.”*³³
 - iii. On 15 June 2015, General Prosecutor Yuri Chaika stated *“Yesterday, you know, in Washington, the film was shown in a closed directed mode, the director Andrei Nekrasov, which, in principle, cannot be blamed for the love of Russia. He really made a few TV shows, movies, where, in principle, on the negative side was illuminated Russia. But he made a film about Magnitsky; but he found the courage, when shooting a film about Magnitsky, and saw what was happening and made a film-truth.*

³⁰ <http://www.thedailybeast.com/articles/2016/05/18/putin-s-dirtv-game-in-the-u-s-congress.html>

³¹ <http://www.thedailybeast.com/articles/2016/05/18/putin-s-dirtv-game-in-the-u-s-congress.html>

³² <https://next.ft.com/content/1eb38914-2ca4-11e6-a18d-a96ab29e3c95>

³³ http://www.mid.ru/foreign_policy/news/-/asset_publisher/cKNonkJE02Bw/content/id/2298019?p_p_id=101_INSTANCE_cKNonkJE02Bw&_101_INSTANCE_cKNonkJE02Bw_languageId=en_GB



This film is a guilty verdict Browder, I think this film will be released here”³⁴

4. The Russian Government also has a vested interest in ensuring that Prevezon Holdings Limited and its affiliated companies successfully defend asset forfeiture proceedings brought against them by the United States Government in New York, in which Prevezon is accused of laundering proceeds of the \$230 million fraud.

- A. Prevezon is owned by Denis Katsyv, the son of a Russian government official, Piotr Katsyv. Denis Katsyv currently has \$7million frozen by the Swiss General Prosecutor, pursuant to a criminal investigation by the Swiss authorities into the laundering of proceeds from the \$230 million fraud.
- B. If the United States Government is successful in its civil forfeiture action against Prevezon, the ramifications for the Russian Government would be extremely significant. A judgment against Prevezon from a New York court would be the first judicial finding, globally, to find an entity guilty of laundering proceeds from the \$230 million fraud.
- C. Such a decision would galvanise efforts in other countries that are already investigating the laundering of the proceeds, and would assist in encouraging other jurisdictions that have not yet opened up investigations to do so. Therefore it is in the Russian Government’s interests to do everything in its power to assist Prevezon in successfully defending these proceedings.
- D. This concern was vocalised by General Prosecutor Yuri Chaika’s December 2015 statements in Kommersant magazine, in which he refers to the Prevezon case and states that if Prevezon are found guilty, the decision will legally validate Browder’s version of the entire story – from the embezzlement of Russian Treasury funds to the murder of Sergei Magnitsky. He also states that, *“the judgment undoubtedly would have precedential value in many countries.”*³⁵

In summary, the recent lobbying and events which took place in Washington and Europe must be seen in the wider context of a sustained anti-Magnitsky campaign by the Russian Government. On the evidence above, on information and belief the Russian Government,

³⁴ <http://tass.ru/politika/3364968>

³⁵ *“Browder and his curators have decided to reinforce these vulnerable position by going to court in the United States. Russian businessman was charged. And now we are by watching with interest the process. There is no doubt that the calculation was the fact that under the powerful pressure of the US legal state machine will be concluded a settlement agreement with the defendant. Thereby held legally significant decision, and without examining the evidence by the court. And this decision, firstly, to be legalized version Browder that budget money is not he kidnapped and Russian officials, and secondly, underpinned by the court the way the theft of these funds, allegedly uncovered Magnitsky and put in the rationale for the adoption of the law, then named after him. In addition, the judgment undoubtedly would have precedential value in many countries.”* Russian General Prosecutor Yuri Chaika’s interview with Kommersant Magazine, 3rd December 2015.
<http://www.kommersant.ru/doc/2876887>



through Prevezon, HRAGIF and Andrei Nekrasov, was behind all the lobbying activities outlined herein, and therefore should have been declared under FARA.

IV. Conclusion

1. With respect to the activities of the HRAGIF, we believe it filed inaccurate information in its LDA filings, and it failed to file FARA filings when it was required to do so.
 - A. In its LDA filings, the HRAGIF stated that its current and anticipated lobbying purpose is “foreign adoption issues;” however; the entity, its in-house lobbyists, and close associates were involved in the screening of the Nekrasov documentary in Washington and Europe, Congressional lobbying prior to the Global Magnitsky Bill markup, and Congressional lobbying surrounding the Putin hearing. These activities do not fall under the remit of “foreign adoption issues,” and therefore the information in HRAGIF’s LDA filings is inaccurate.
 - B. In its LDA filings, the HRAGIF stated that it had no relationship with a foreign entity that would require disclosure under the LDA. However, Natalia Veselnitskaya, a close associate of HRAGIF, is also the lawyer to Prevezon (a foreign entity). Therefore HRAGIF’s statement in their LDA filing is false.
 2. With respect to the lobbying of Congress to remove “Magnitsky” from the Global Magnitsky Bill, the following lobbyists involved have failed to file their lobbying activities with the relevant authorities, and are therefore in violation of their filing requirements under the LDA.
 - A. Rinat Akhmetshin (lobbying on behalf of Prevezon)
 - B. Ron Dellums
 - C. Mark Cymrot
 - D. Howard Schweitzer
 3. With respect to the promotion of the Film in Washington DC and Europe, the following lobbyists are in violation of their LDA requirements:
 - A. Chris Cooper
 - B. Rinat Akhmetshin
 4. Glenn Simpson also conducted lobbying activities for the Campaign, and failed to file a lobbying registration under the LDA.
 5. None of the entities or individuals above has filed under FARA. We believe that these lobbyists are attempting to influence U.S. public opinion on policy issues, specifically the repeal of the Magnitsky Act and the removal of “Magnitsky” from the Global Magnitsky Bill, and are working under the direction of the Russian Government.
-



6. As shown in Section III, there is a vested Russian Government interest in all the anti-Magnitsky lobbying activities outlined herein. Hermitage believes that both Prevezon and HRAGIF are being funded by and directed by the Russian Government to push its anti-Magnitsky agenda and influence US public policy, its objective being the repeal of the 2012 Magnitsky Act and the derailment of the proposed Global Magnitsky Act.
7. Taking this information into consideration, we urge you to commence a thorough investigation into the lobbying activities of the individuals and entities mentioned herein.

We remain available to provide you with any assistance you require.

Yours sincerely,

Hermitage Capital Management

APPENDIX

- Appendix 1: Email from A. Samochornov to Thomas Klosowicz dated 26 April 2016 confirming Samochornov and Veselnitskaya's connection to HRAGIF
- Appendix 2: Dana Rohrabacher's letter to members of the House of Foreign Affairs Committee
- Appendix 3: Email from Mark Cymrot to Doug Seay and Paul Behrends
- Appendix 4: Photographs of Natalia Veselnitskaya, Anatoly Samochronov, Rinat Akhmetshin, Pavel Karpov and Andrei Nekrasov at aborted Brussels premiere of "The Magnitsky Act."
- Appendix 5: Copy of the invitation to the Newseum screening of the Magnitsky Act in Washington DC
- Appendix 6: Photograph of individuals attending Congressional hearing on 14 June 2016
- Appendix 7: Andrei Nekrasov's statement submitted to Dana Rohrabacher after Congressional Hearing on 14 June 2016
- Appendix 8: Screenshot of Natalia Veselnitskaya's Facebook page

[redacted] (DO) (FBI)

From: [redacted] (DO) (FBI)
Sent: Friday, April 28, 2017 11:14 AM
To: [redacted] (DO) (FBI)
Subject: 2017-04-28 CEG to FBI (follow-up to Steele letter)
Attachments: 2017-04-28 CEG to FBI (follow-up to Steele letter) with attachments.pdf; 2017-03-06 CEG to FBI (Arrangement to Pay Steele).pdf

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Good morning [redacted] --

Attached is a letter from Chairman Grassley to Director Comey for submittal to ExecSec,

Thanks

[redacted]

CHARLES E. GRASSLEY, IOWA, CHAIRMAN

ORRIN G. HATCH, UTAH
LINDSEY O. GRAHAM, SOUTH CAROLINA
JOHN CORNYN, TEXAS
MICHAEL S. LEE, UTAH
TED CRUZ, TEXAS
BEN SASSE, NEBRASKA
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MIKE CRAPO, IDAHO
THOM TILLIS, NORTH CAROLINA
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AMY KLOBUCHAR, MINNESOTA
AL FRANKEN, MINNESOTA
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RICHARD BLUMENTHAL, CONNECTICUT
MAZIE HIRONO, HAWAII

United States Senate

COMMITTEE ON THE JUDICIARY
WASHINGTON, DC 20510-6275

KOLAN L. DAVIS, Chief Counsel and Staff Director
JENNIFER DUCK, Democratic Staff Director

April 27, 2017

VIA ELECTRONIC TRANSMISSION

The Honorable James B. Comey, Jr.
Director
Federal Bureau of Investigation
Washington, D.C. 20535

Dear Director Comey:

I write regarding newly revealed information about the attempted terrorist attack in Garland, Texas. A CBS *60 Minutes* segment that aired on March 26, 2017, revealed that an undercover FBI agent who had been communicating with one of the terrorists just weeks before the attack, had travelled to Garland, was present at the scene of the attack, and took photos of the terrorists moments before the attack.¹ This revelation appears to contradict your statement in 2015 that the FBI did not know that Simpson was travelling to Garland and did not have any indication that Simpson planned to attack the event.²

This revelation also contradicts information you reportedly provided in 2015 to Homeland Security and Governmental Affairs Committee Chairman Ron Johnson.³ The FBI allegedly continues to stonewall Chairman Johnson's requests for information by refusing to provide a briefing to committee staff.⁴ The FBI's complete lack of transparency to Congress on this issue is unacceptable. Accordingly, I write today to request information about the FBI's advance knowledge of and operational plans related to the attempted attack.

On May 3, 2015, Elton Simpson and Nadir Soofi pledged their allegiance to ISIS on Twitter and planned to attack an event at the Curtis Culwell Center in Garland, Texas, where participants were drawing the prophet Muhammad.⁵ When the terrorists opened fire at a police

¹ *60 Minutes Investigates First ISIS-Claimed Attack in U.S. and What the FBI Knew* (CBS television broadcast Mar. 26, 2017), available at <http://www.cbsnews.com/news/terrorism-in-garland-texas-what-the-fbi-knew-before-the-2015-attack/>.

² Pete Williams, *FBI Alerted Garland Police About Elton Simpson Hours Before Shooting*, NBC News (May 8, 2015), <http://www.nbcnews.com/news/us-news/fbi-says-it-alerted-garland-police-about-elton-simpson-n355526>.

³ See Malia Zimmerman & William Lajeunesse, *Senate Leader Investigating Possible FBI Deception about Texas Terror Attack*, Fox News (Apr. 20, 2017), <http://www.foxnews.com/politics/2017/04/20/senate-leader-investigating-possible-fbi-deception-about-texas-terror-attack.html>.

⁴ See Letter from Hon. Ron Johnson, Chairman, HSGAC, to Hon. James B. Comey, Jr., Director, FBI (Apr. 3, 2017).

⁵ *60 Minutes Investigates First ISIS-Claimed Attack in U.S. and What the FBI Knew*.

checkpoint outside of the event, police officer Greg Stevens fatally shot Simpson and Soofi, preventing what was evidently planned to be a large-scale attack.⁶ Apparently, an undercover FBI agent was in a car directly behind Simpson and Soofi and took pictures of the terrorists just seconds before the attack.⁷

For years prior to the attack, the FBI had been investigating Simpson, who demonstrated an interest in radical Islam dating back to at least 2007.⁸ The FBI closed its case on Simpson in 2014, but reopened it “several weeks before the attack” because of statements that Simpson made on social media.⁹ Fewer than three weeks before the attack, an undercover FBI agent was communicating with Simpson over a social media application. On April 24, 2015, Simpson sent the agent a link to the “Draw Prophet Muhammad Contest,” to which the agent replied, “Tear up Texas.”¹⁰ In response, Simpson cautioned the agents against discussing attacks in overt terms, writing: “Bro, you don’t have to say that. . . U know what happened in Paris . . . I think. . . Yes or no . . . ?” and “So that goes without saying. . . No need to be direct.”¹¹

The undercover FBI agent was also in contact with Erick Jamal Hendricks, who had initially connected the agent to Simpson. Hendricks urged the agent to go to the drawing contest with Simpson and “make your ‘voice’ heard,” which another agent interpreted as encouragement to commit an act of violence.¹² The agent travelled to Garland and alerted Hendricks when he arrived at the contest event. Hendricks asked the agent questions about the security posture surrounding the event and about whether the agent was armed.¹³ When the attack started, the agent fled the scene, but was stopped at gunpoint by Garland police.¹⁴

Please provide numbered written responses to the following questions and a briefing for Committee staff no later than May 12, 2017.

1. When did the FBI know that the undercover FBI agent was travelling to Garland, Texas?
2. Who within the FBI authorized the undercover FBI agent to travel to Garland, Texas, and why?
3. Did the FBI suspect that Simpson and Soofi planned an attack at the drawing contest?

⁶ *Id.* The FBI’s review of the crime scene revealed that Simpson and Soofi had brought with them “six guns, hundreds of rounds of ammunition, bulletproof and tactical vests, and Xeroxed copies of the black flag of ISIS.” *Id.*

⁷ *Id.*

⁸ *Id.* The Phoenix FBI had a confidential informant, Dabla Deng, befriend Simpson at his mosque. Deng spent three years posing as Simpson’s friend and was paid \$132,000 by the FBI. He recorded more than 1,500 hours of conversations with Simpson until he finally recorded Simpson talking about travelling overseas to wage jihad.

⁹ *Id.*

¹⁰ *Id.*; Affidavit in Support of an Application for a Criminal Complaint and Arrest Warrant, at 28, *United States v. Hendricks*, Case No. 1:16 MJ 2128 (N.D. Oh. Aug. 8, 2016) [hereinafter *Hendricks Case Affidavit*].

¹¹ *Hendricks Case Affidavit* at 28 (ellipses in original).

¹² *Id.* at 29–30.

¹³ *Id.* at 30.

¹⁴ *Id.*

- a. If yes, what was the basis for the suspicion?
- b. Did the FBI share its suspicion with the Garland Police Department or any other law enforcement agency? If not, why not?
4. Did the undercover FBI agent meet with Simpson or Soofi in Garland prior to the attack?
5. Did the FBI have any formal or informal operational plan to intervene to stop Simpson and Soofi from carrying out an attack? If so, please provide all records related to the plan. If not, please explain why not.

I anticipate that your written reply and any responsive documents will be unclassified. Please send all unclassified material directly to the Committee. In keeping with the requirements of Executive Order 13526, if any of the responsive documents do contain classified information, please segregate all unclassified material within the classified documents, provide all unclassified information directly to the Committee, and provide a classified addendum to the Office of Senate Security. Although the Committee complies with all laws and regulations governing the handling of classified information, it is not bound, absent its prior agreement, by any handling restrictions or instructions on unclassified information unilaterally asserted by the Executive Branch.

Thank you for your attention to this matter. If you have any questions, please contact Katherine Nikas or Samantha Brennan of my Committee staff at (202) 224-5225.

Sincerely,



Charles E. Grassley
Chairman
Committee on the Judiciary

cc: The Honorable Dianne Feinstein
Ranking Member
Committee on the Judiciary

The Honorable Michael E. Horowitz
Inspector General
U.S. Department of Justice

[redacted] (DO) (FBI)

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b7C

From: FBIEXECSEC
Sent: Tuesday, March 07, 2017 4:32 PM
To: [redacted] (DO) (FBI); [redacted] (DO) (FBI)
Subject: FW: Letter for Director Comey
Attachments: CHM & RM ltr to Dir Comey re Open Hearing Invite--7 March 17.pdf

From: [redacted] (DO) (FBI)
Sent: Tuesday, March 7, 2017 4:32:03 PM (UTC-05:00) Eastern Time (US & Canada)
To: FBIEXECSEC
Subject: FW: Letter for Director Comey

b6
b7C

From: [redacted]
Sent: Tuesday, March 07, 2017 4:06 PM
To: Brower, Gregory (OGC) (FBI); [redacted] (DO) (FBI); [redacted]
Cc: [redacted]
Subject: Letter for Director Comey

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b7C

Good afternoon,

Attached please find a letter from Chairman Nunes and Ranking Member Schiff for Director Comey.

Thank you,

b6
b7C

[redacted]
United States House of Representatives
Permanent Select Committee on Intelligence
Capitol Visitor Center, HVC-304
Washington, DC 20515
[redacted]

Our Mission: To serve the American people by providing oversight, direction and resources to enable effective, efficient and Constitutional intelligence activities.

Devin Nunes, California, CHAIRMAN

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James A. Himes, Connecticut
Terri A. Sewell, Alabama
Andre Carson, Indiana
Jackie Speier, California
Mike Quigley, Illinois
Eric Swalwell, California
Joaquin Castro, Texas
Denny Heck, Washington

Paul D. Ryan, SPEAKER OF THE HOUSE
Nancy Pelosi, DEMOCRATIC LEADER

UNCLASSIFIED

U.S. HOUSE OF REPRESENTATIVES
PERMANENT SELECT COMMITTEE
ON INTELLIGENCE

HVC-304, THE CAPITOL
WASHINGTON, DC 20515
(202) 225-4121

DAMON NELSON
STAFF DIRECTOR

MICHAEL BAHAR
MINORITY STAFF DIRECTOR

March 7, 2017

The Honorable James Comey
Director
Federal Bureau of Investigation
935 Pennsylvania Ave, NW
Washington, DC 20535

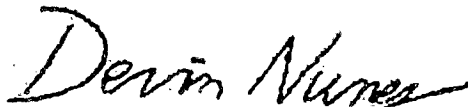
Dear Director Comey:

As part of its bipartisan, ongoing investigation into the Russian active measures campaign targeting the 2016 U.S. election, the House Permanent Select Committee on Intelligence invites you to testify at an open hearing beginning at 10:00 a.m. on Monday, March 20, 2017.

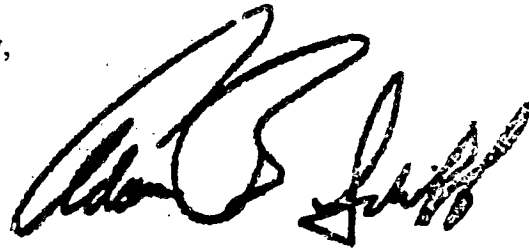
The hearing may cover any topic within the publicly-announced parameters of the Committee's investigation, including Russian cyber activities directed against the U.S. election, potential links between Russia and individuals associated with political campaigns, the U.S. government's response to these Russian active measures, and related leaks of classified information.

Please let the Committee know if you plan to participate no later than **Friday, March 10, 2017**. If you are able to attend, we will follow up with additional details regarding the location and format of the hearing. If you have any questions regarding this invitation, please contact Committee staff.

Sincerely,



Devin Nunes
Chairman



Adam Schiff
Ranking Member

UNCLASSIFIED

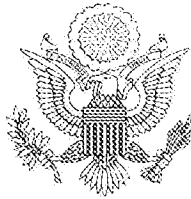
EDWARD R. ROYCE, CALIFORNIA
CHAIRMAN

AMY PORTER
CHIEF OF STAFF

THOMAS SHEEHY
STAFF DIRECTOR

ELIOT L. ENGEL, NEW YORK
RANKING DEMOCRATIC MEMBER

JASON STEINBAUM
DEMOCRATIC STAFF DIRECTOR



One Hundred Fifteenth Congress
U.S. House of Representatives
Committee on Foreign Affairs
2170 Rayburn House Office Building
Washington, DC 20515
www.foreignaffairs.house.gov

March 3, 2017

The Honorable James B. Comey
Director
Federal Bureau of Investigation
935 Pennsylvania Avenue, NW
Washington, DC 20535

Dear Director Comey:

I am writing to urge the Federal Bureau of Investigation to more aggressively combat the abhorrent and escalating threats against Jewish community centers and cemeteries across the country. While I am pleased to learn of one arrest related to this investigation, more must be done to take down this growing network of hate.

Far from being random or incidental acts, these attacks appear to reflect organized, sinister plotting that must be stopped now, lest the U.S. suffer the alarming rise in violent anti-Semitism that has recently befallen Europe. Just as the FBI fought to dismantle the Ku Klux Klan during the prior century, it must now use its full range of investigative and prosecutorial tools to detect, infiltrate, disrupt, and punish this new wave of criminal hate. *If the FBI requires additional authorities and resources to tackle this wave of anti-Semitism, intensified by the Internet, Congress stands ready to assist.*

These anti-Semitic crimes are designed to terrorize the American Jewish population. In the first two months of this year, there have been about 70 incidents targeting over 50 Jewish community centers across the country, with some centers receiving multiple threats. Jewish gravesites have been desecrated in multiple states. Earlier this week in Irvine, California, a bomb threat called into the Merage Jewish Community Center forced the evacuation of nearly 1,000 people, many of them my constituents. This is intolerable.

Four months ago, I led the floor debate on House Resolution 354, which condemned the rise in anti-Semitic violence and rhetoric in Europe, and urged close international law enforcement cooperation to fight the rising tide of intolerance. The House of Representatives passed this measure by a vote of 418 to zero. Our duty to protect our fellow citizens is even more urgent.

Mr. Director, we must confront the lessons of history, which show what can happen when we fail to proactively and forcefully oppose anti-Semitism. Thank you for your attention to this urgent and pressing concern.

Sincerely,

A handwritten signature in black ink, appearing to read "E. Royce", written over a horizontal line.

EDWARD R. ROYCE
Chairman

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5074
MINORITY (202) 225-5051
<http://oversight.house.gov>

March 9, 2017

Mr. Christopher Piehota
Executive Assistant Director of the Science and Technology Branch
Federal Bureau of Investigation
935 Pennsylvania Avenue NW
Washington, DC 20535

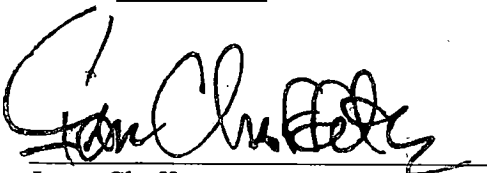
Dear Mr. Piehota:

The Committee on Oversight and Government Reform requests your testimony at a hearing on Wednesday, March 22, 2017, at 10:00 a.m. in room 2154 of the Rayburn House Office Building.

The hearing will examine issues related to facial recognition technology (FRT), including the current state of the technology, its benefits and challenges, the Federal Bureau of Investigation's (FBI) use of FRT, as well as the recommendations made by the Government Accountability Office's report on FRT¹ and the FBI policies that govern the recording, retention, and use of photographs by law enforcement. You should be prepared to provide a five-minute opening statement and answer questions posed by Members.

Instructions for witnesses appearing before the Committee are contained in the enclosed Witness Instruction Sheet. In particular, please note the procedures for submitting written testimony at least two business days prior to the hearing. Please also note that Committee Rule 16(b) requires counsel representing an individual or entity before the Committee or any of its subcommittees, whether in connection with a request, subpoena, or testimony, promptly submit the attached notice of appearance to the Committee. We ask that you please contact the Committee by March 10, 2017 to confirm your attendance. If you have any questions, please contact [redacted] of the Committee staff at (202) 225-5074.

Sincerely,



Jason Chaffetz
Chairman



Elijah E. Cummings
Ranking Member

Enclosures

¹ Gov't Accountability Office, *Face Recognition Technology: FBI Should Better Ensure Privacy and Accuracy*, (May, 2016) (GAO-16-267).

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

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WASHINGTON, DC 20515-6143

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MINORITY (202) 225-5051
<http://oversight.house.gov>

May 17, 2017

Andrew McCabe
Acting Director
Federal Bureau of Investigation
950 Pennsylvania Ave. N.W.
Washington, DC 20535

Dear Acting Director McCabe:

We are writing to request that the Federal Bureau of Investigation (FBI) conduct testing to ensure that its facial recognition technology is sufficiently accurate and does not have a disproportionate impact on communities of color or other population groups.

In May 2016, the Government Accountability Office (GAO) issued a report on the FBI's facial recognition system known as the Next Generation Identification-Interstate Photo System (NGI-IPS). GAO found that the FBI has not assessed how often "face recognition searches erroneously match a person to the database (the false positive rate)." GAO recommended that the FBI begin "conducting tests to verify that NGI-IPS is accurate for all allowable candidate list sizes." As GAO explained, conducting this testing would provide "more reasonable assurance that NGI-IPS provides leads that help enhance, rather than hinder, criminal investigations." The FBI did not concur with GAO's recommendation.¹

On March 22, 2017, the Committee held a hearing on this topic, during which Committee Members and outside parties expressed concerns about the FBI's refusal to conduct such testing. As one witness testified, "an inaccurate system will implicate people for crimes they didn't commit, forcing them to try to prove their innocence and shifting the traditional burden of proof away from the government."²

The March 22 hearing also highlighted the challenges the technology faces when it comes to identifying certain demographic groups. For example, in 2012, a current senior

¹ Government Accountability Office, *Face Recognition Technology: FBI Should Better Ensure Privacy and Accuracy* (May 2016) (GAO-16-267) (hereafter GAO 16-267) (online at www.gao.gov/products/GAO-16-267).

² House Committee on Oversight and Government Reform, Testimony of Jennifer Lynch, Senior Staff Attorney, Electronic Frontier Foundation, *Hearing on Law Enforcement's Use of Facial Recognition Technology* (Mar. 22, 2017).

Mr. Andrew McCabe
Page 2.

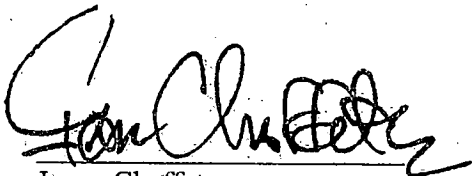
technologist with the FBI co-authored a study that found that some of the leading algorithms used in face recognition systems were 5% to 10% less accurate on African Americans as compared to Caucasians.³ More recently, the Center on Privacy and Technology at the Georgetown University Law Center issued a report finding that "African Americans are disproportionately likely to be subject to police face recognition."⁴

We strongly believe that the FBI should have access to the most advanced technologies available to keep our communities safe. However, we also believe these tools should be thoroughly tested and held to the highest standards of accuracy and function. This approach ensures that FBI resources and taxpayer dollars are being used effectively and that American citizens are not unduly burdened by any inaccuracies in this technology.

For these reasons, we request that the FBI immediately begin conducting annual testing of the NGI-IPS for all allowable candidate list sizes (2-50), including tests of both detection and false positive rates, and conduct annual testing of the NGI-IPS for accuracy and bias along racial, gender, and age lines, both in detection and false positives rates. Additionally, we request the FBI conduct an operational review that complies with Department of Justice and FBI guidance, as recommended by GAO.⁵

Please have your staff contact Sean Brebbia of the Majority staff at (202) 225-5074, or Tim Lynch and Sean Perryman of the Minority Staff at (202) 225-5051, with any questions about this request. We request a reply to this request by May 31, 2017. Thank you for your consideration.

Sincerely,



Jason Chaffetz
Chairman



Elijah Cummings
Ranking Member

³ Brendan F. Klare, et al., *Face Recognition Performance: Role of Demographic Information*, IEEE Transactions on Information Forensics and Security, Vol. 7, No. 6 (Dec. 2012) (online at <http://openbiometrics.org/publications/klare2012demographics.pdf>).

⁴ Georgetown University Law Center, Center on Privacy and Technology, *The Perpetual Line-Up: Unregulated Police Face Recognition in America* (Oct. 18, 2016) (online at www.perpetuallineup.org/).

⁵ Government Accountability Office, *Face Recognition Technology: FBI Should Better Ensure Privacy and Accuracy* (May 2016) (GAO-16-267) (hereafter GAO 16-267) (online at www.gao.gov/products/GAO-16-267).

[redacted] (DO) (FBI)

b6
b7C

From: [redacted] (DO) (FBI)
Sent: Thursday, May 18, 2017 6:06 AM
To: [redacted] (DO) (FBI)
Subject: FW: House Oversight & Government Reform Committee Request to the FBI
Attachments: 2017-05-17.Chaffetz EEC to FBI Re.Facial Recognition Technology.pdf

[redacted]

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Please enter into TRIM.

Thx

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5074
MINORITY (202) 225-5051
<http://oversight.house.gov>

March 22, 2017

The Honorable James Comey
Director, Federal Bureau of Investigation
U.S. Department of Justice
935 Pennsylvania Avenue NW
Washington, D.C. 20530

Dear Director Comey:

The Committee is reviewing whether Lt. General Michael Flynn, the former head of the Defense Intelligence Agency and the former National Security Advisor, fully disclosed his payments from Russian, Turkish, or other foreign sources, including but not limited to payments he received from the Kremlin-backed media outlet known as RT (formerly Russia Today).

To assist the Committee in its review, we request that you provide, by April 3, 2017, all documents in the possession, custody, or control of the Federal Bureau of Investigation, regardless of origin, from Lt. General Flynn's retirement in 2014 to the present referring or relating to:

1. Information provided by Lt. General Flynn in response to all questions in Sections 19, 20A, 20B, and 20C in Form SF-86, or any other security clearance applications, certifications, or requests for periodic reinvestigation;
2. Investigative and adjudicative files referring or relating to Guideline B ("Foreign Influence") or Guideline C ("Foreign Preference") associated with Lt. General Flynn's security clearances, certifications, periodic reinvestigations, or any vetting for his positions;
3. Documents referring or relating to Lt. General Flynn's contacts with foreign nationals, including any contacts formally disclosed by Lt. General Flynn, direct or indirect communications between Lt. General Flynn and foreign government officials, representatives, affiliates, or agents, as well as direct or indirect interactions between Lt. General Flynn and RT officials, representatives, affiliates, or agents;
4. Documents referring or relating to Lt. General Flynn's receipt of funds from any foreign source;

The Honorable James Comey
March 22, 2017
Page 2

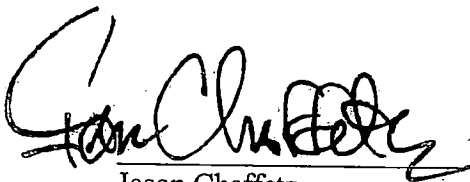
5. Efforts by Lt. General Flynn to seek permission or approval for the direct or indirect receipt of payments from any foreign source; and
6. Documents referring or relating to Lt. General Flynn's work with Leading Authorities, Inc.

When producing documents to the Committee, please deliver production sets to the Majority staff in Room 2157 of the Rayburn House Office Building. The Committee prefers, if possible, to receive all documents in electronic format. An attachment to this letter provides additional information about responding to the Committee's request. Please note that Committee Rule 16(b) requires counsel representing an individual or entity before the Committee or any of its subcommittees, whether in connection with a request, subpoena, or testimony, promptly submit the attached notice of appearance to the Committee.

The Committee on Oversight and Government Reform is the principal oversight committee of the House of Representatives and may at "any time" investigate "any matter" as set forth in House Rule X.

Please contact Jack Thorlin of Chairman Chaffetz' staff at 202-225-5074, or Susanne Sachsman Grooms with Ranking Member Cummings's staff at 202-225-5051, with any questions about this request. Thank you for your attention to this matter.

Sincerely,



Jason Chaffetz
Chairman



Elijah E. Cummings
Ranking Member

Enclosure

Responding to Committee Document Requests

1. In complying with this request, you are required to produce all responsive documents that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. You should also produce documents that you have a legal right to obtain, that you have a right to copy or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party. Requested records, documents, data or information should not be destroyed, modified, removed, transferred or otherwise made inaccessible to the Committee.
2. In the event that any entity, organization or individual denoted in this request has been, or is also known by any other name than that herein denoted, the request shall be read also to include that alternative identification.
3. The Committee's preference is to receive documents in electronic form (i.e., CD, memory stick, or thumb drive) in lieu of paper productions.
4. Documents produced in electronic format should also be organized, identified, and indexed electronically.
5. Electronic document productions should be prepared according to the following standards:
 - (a) The production should consist of single page Tagged Image File ("TIF"), files accompanied by a Concordance-format load file, an Opticon reference file, and a file defining the fields and character lengths of the load file.
 - (b) Document numbers in the load file should match document Bates numbers and TIF file names.
 - (c) If the production is completed through a series of multiple partial productions, field names and file order in all load files should match.
 - (d) All electronic documents produced to the Committee should include the following fields of metadata specific to each document:

BEGDOC, ENDDOC, TEXT, BEGATTACH, ENDATTACH,
PAGECOUNT, CUSTODIAN, RECORDTYPE, DATE, TIME, SENTDATE,
SENTTIME, BEGINDATE, BEGINTIME, ENDDATE, ENDTIME, AUTHOR, FROM,
CC, TO, BCC, SUBJECT, TITLE, FILENAME, FILEEXT, FILESIZE,
DATECREATED, TIMECREATED, DATELASTMOD, TIMELASTMOD,
INTMSGID, INTMSGHEADER, NATIVELINK, INTFILPATH, EXCEPTION,
BEGATTACH.
6. Documents produced to the Committee should include an index describing the contents of the production. To the extent more than one CD, hard drive, memory stick, thumb drive, box or folder is produced, each CD, hard drive, memory stick, thumb drive, box or folder should contain an index describing its contents.

7. Documents produced in response to this request shall be produced together with copies of file labels, dividers or identifying markers with which they were associated when the request was served.
8. When you produce documents, you should identify the paragraph in the Committee's schedule to which the documents respond.
9. It shall not be a basis for refusal to produce documents that any other person or entity also possesses non-identical or identical copies of the same documents.
10. If any of the requested information is only reasonably available in machine-readable form (such as on a computer server, hard drive, or computer backup tape), you should consult with the Committee staff to determine the appropriate format in which to produce the information.
11. If compliance with the request cannot be made in full by the specified return date, compliance shall be made to the extent possible by that date. An explanation of why full compliance is not possible shall be provided along with any partial production.
12. In the event that a document is withheld on the basis of privilege, provide a privilege log containing the following information concerning any such document: (a) the privilege asserted; (b) the type of document; (c) the general subject matter; (d) the date, author and addressee; and (e) the relationship of the author and addressee to each other.
13. If any document responsive to this request was, but no longer is, in your possession, custody, or control, identify the document (stating its date, author, subject and recipients) and explain the circumstances under which the document ceased to be in your possession, custody, or control.
14. If a date or other descriptive detail set forth in this request referring to a document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, you are required to produce all documents which would be responsive as if the date or other descriptive detail were correct.
15. Unless otherwise specified, the time period covered by this request is from January 1, 2009 to the present.
16. This request is continuing in nature and applies to any newly-discovered information. Any record, document, compilation of data or information, not produced because it has not been located or discovered by the return date, shall be produced immediately upon subsequent location or discovery.
17. All documents shall be Bates-stamped sequentially and produced sequentially.
18. Two sets of documents shall be delivered, one set to the Majority Staff and one set to the Minority Staff. When documents are produced to the Committee, production sets shall be delivered to the Majority Staff in Room 2157 of the Rayburn House Office Building and the Minority Staff in Room 2471 of the Rayburn House Office Building.

19. Upon completion of the document production, you should submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been completed of all documents in your possession, custody, or control which reasonably could contain responsive documents; and (2) all documents located during the search that are responsive have been produced to the Committee.

Definitions

1. The term "document" means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, inter-office and intra-office communications, electronic mail (e-mail), contracts, cables, notations of any type of conversation, telephone call, meeting or other communication, bulletins, printed matter, computer printouts, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.
2. The term "communication" means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in a meeting, by telephone, facsimile, email (desktop or mobile device), text message, instant message, MMS or SMS message, regular mail, telexes, releases, or otherwise.
3. The terms "and" and "or" shall be construed broadly and either conjunctively or disjunctively to bring within the scope of this request any information which might otherwise be construed to be outside its scope. The singular includes plural number, and vice versa. The masculine includes the feminine and neuter genders.
4. The terms "person" or "persons" mean natural persons, firms, partnerships, associations, corporations, subsidiaries, divisions, departments, joint ventures, proprietorships, syndicates, or other legal, business or government entities, and all subsidiaries, affiliates, divisions, departments, branches, or other units thereof.

5. The term "identify," when used in a question about individuals, means to provide the following information: (a) the individual's complete name and title; and (b) the individual's business address and phone number.
6. The term "referring or relating," with respect to any given subject, means anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with or is pertinent to that subject in any manner whatsoever.
7. The term "employee" means agent, borrowed employee, casual employee, consultant, contractor, de facto employee, independent contractor, joint adventurer, loaned employee, part-time employee, permanent employee, provisional employee, subcontractor, or any other type of service provider.

**COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM
U.S. HOUSE OF REPRESENTATIVES
115TH CONGRESS**

NOTICE OF APPEARANCE OF COUNSEL

Counsel submitting: _____

Bar number: _____ State/District of admission: _____

Attorney for: _____

Address: _____

Telephone: (_____) _____ - _____

Pursuant to Rule 16 of the Committee Rules, notice is hereby given of the entry of the undersigned as counsel for _____ in (select one):

☒ All matters before the Committee

☐ The following matters (describe the scope of representation):

All further notice and copies of papers and other material relevant to this action should be directed to and served upon:

Attorney's name: _____

Attorney's email address: _____

Firm name (where applicable): _____

Complete Mailing Address: _____

I agree to notify the Committee within 1 business day of any change in representation.

Signature of Attorney

Date

[redacted] (DO) (FBI)

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b7C

From: [redacted] (DO) (FBI)
Sent: Wednesday, March 22, 2017 12:31 PM
To: [redacted] (DO) (FBI); [redacted] (DO) (FBI)
Cc: [redacted] (DO) (FBI); Beers, Elizabeth R. (DO) (FBI); Brower, Gregory (OGC) (FBI)
Subject: FW: 2017-03-22.Letter from Chairman Chaffetz and Ranking Member Cummings to Director Comey
Attachments: 2017-03-22.Chaffetz EEC to Comey-FBI re Flynn.pdf

Please enter into TRIM. Thanks.

From: [redacted]
Sent: Wednesday, March 22, 2017 10:12 AM
To: [redacted] (DO) (FBI); [redacted]
Cc: [redacted] Grooms, Susanne
Sachsman [redacted]
Subject: 2017-03-22.Letter from Chairman Chaffetz and Ranking Member Cummings to Director Comey

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Good Morning—

Please see letter attached from Chairman Chaffetz and Ranking Member Cummings to Director Comey. Please acknowledge receipt of letter.

Thanks

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5074

MINORITY (202) 225-5051

<http://oversight.house.gov>

May 16, 2017

Mr. Andrew G. McCabe
Acting Director
Federal Bureau of Investigation
935 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

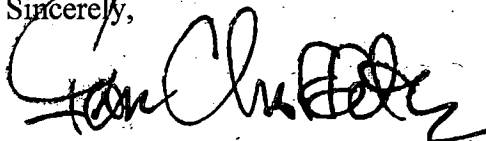
Dear Mr. McCabe:

Today, the *New York Times* reported former Federal Bureau of Investigation Director James Comey memorialized the content of phone calls and meetings with the President in a series of internal memoranda.¹ At least one such memorandum reportedly describes a conversation in which the President referenced the FBI investigation of former National Security Advisor Lt. Gen. Michael Flynn and said to Comey, "I hope you can let this go."²

According to the report, "Mr. Comey created similar memos—including some that are classified—about every phone call and meeting he had with the president."³ If true, these memoranda raise questions as to whether the President attempted to influence or impede the FBI's investigation as it relates to Lt. Gen. Flynn. So the Committee can consider that question, and others, provide, no later than May 24, 2017, all memoranda, notes, summaries, and recordings referring or relating to any communications between Comey and the President.

The Committee on Oversight and Government Reform is the principal oversight committee of the House of Representatives and may at "any time" investigate "any matter" as set forth in House Rule X. An attachment to this letter provides additional information about responding to the Committee's request. Thank you for your attention to this matter.

Sincerely,



Jason Chaffetz
Chairman

Enclosure

¹ Michael S. Schmidt, *Comey Memo Says Trump Asked Him to End Flynn Investigation*, N.Y. TIMES, May 16, 2017.

² *Id.*

³ *Id.*

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

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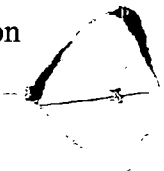
WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5074
MINORITY (202) 225-6051

<http://oversight.house.gov>

March 23, 2017

Ms. Kimberly Del Greco
Deputy Assistant Director
Criminal Justice Information Services Division
Federal Bureau of Investigation
U.S. Department of Justice
935 Pennsylvania Avenue, NW
Washington, DC 20535



Dear Ms. Del Greco:

On behalf of the Committee and its Members, I thank you for your testimony at the March 22, 2017 Full Committee hearing entitled, "Law Enforcement's Use of Facial Recognition Technology."

The mission of our Committee is to ensure the efficiency, effectiveness, and accountability of the federal government and its agencies. We have a constitutional duty to provide meaningful oversight for the taxpayers. Only by working diligently to uncover the facts can we bring genuine reform to the operation of our government. Your participation in this important function is crucial, and greatly appreciated.

Sincerely,

Jason Chaffetz
Chairman

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5074
MINORITY (202) 225-5051
<http://oversight.house.gov>

January 13, 2017

The Honorable James B. Comey
Director
Federal Bureau of Investigation
935 Pennsylvania Avenue NW
Washington, D.C. 20530

Dear Director Comey:

On October 20, 2016, I wrote you regarding the Committee's investigation of allegations that a "*quid pro quo*" was agreed to between the FBI and the Department of State regarding Secretary Clinton's emails, as well as the Committee's investigation of the adequacy of the FBI's internal review of those allegations. I also requested that the FBI produce related documents, including those surrounding the agency's internal review. These are central to the Committee's investigation, particularly as former Deputy Assistant Director (DAD) Brian McCauley – the FBI employee involved in the initial *quid pro quo* agreement with Under Secretary of State Patrick Kennedy – told the press he was never interviewed by the FBI's Office of Professional Responsibility regarding the matter.¹

On November 29, 2016, the FBI produced some of the documents I requested. Unfortunately, those documents only raised more questions. For example, it appears that even after learning of Section Chief David Hardy's allegation in a July 30, 2015, interview that DAD McCauley "'pressured' him to change the classified email to unclassified,"² the FBI investigative team which was informed of this information took no immediate steps to follow up on it, such as seeking to interview DAD McCauley, informing the FBI's Office of Professional Responsibility, or informing the FBI's Inspection Division.³

According to the timeline the FBI provided, the FBI's Inspection Division only became aware of the allegation a month later as a result of the Office of Inspector General (OIG) for the Department of State investigating Under Secretary Kennedy's contacts with the FBI regarding its classification decisions. The FBI's letter to the Committee states:

¹ Matt Zapotosky, *'I need a favor': FBI official at center of alleged Clinton email 'quid pro quo' speaks out*, WASH. POST, Oct. 19, 2016.

² Fed. Bureau of Investigation, FD-302a interview summary of David Hardy (July 30, 2015), at 2.

³ Letter from Jason V. Herring, Acting Assistant Dir., Office of Cong. Affairs, Fed. Bureau of Investigation, to the Hon. Jason Chaffetz, Chairman, Comm. on Oversight & Gov't Reform (Nov. 29, 2016), at 1.

[O]n August 28, 2015, the State Department OIG contacted SC Hardy requesting to speak with him about the meeting with Under Secretary Kennedy regarding the classification decision of an email containing FBI information. SC Hardy advised the FBI's Inspection Division of State Department OIG interest in the matter. FBI Inspection Division then advised the investigative team as well as the Justice Department's Justice Management Division.⁴

The letter continues: "On approximately August 31, 2015, the FBI's investigative team met with the FBI's Inspection Division to discuss what, if any, internal actions were necessary to address the request of DAD McCauley regarding additional overseas resources."⁵ Before anyone at the FBI had even spoken to DAD McCauley regarding his *quid pro quo* agreement with Under Secretary Kennedy – or had *any* firsthand information from any actual participant in the negotiation – the Inspection Division then declined to conduct a review.

This timeline brings into question the seriousness with which these allegations were treated by the FBI, including the FBI's investigative team, which subsequently interviewed DAD McCauley on September 3, 2015. It also raises questions regarding what role the Justice Department played after being notified of the State Department OIG's request to interview Mr. Hardy, which ultimately took place on December 15, 2015.

Remarkably, although on November 20, 2015, the FBI's Inspection Division finally provided the State Department OIG with some emails regarding the interactions between Mr. Hardy and the State Department, the Inspection Division did not inform the State Department OIG of the *quid pro quo* conversation.⁶ According to the State Department OIG, Mr. Hardy also failed to raise the issue in his December 15, 2015, interview.⁷ This prevented the State Department OIG from interviewing Under Secretary Kennedy about the *quid pro quo* conversation or DAD McCauley's allegation that Kennedy was seeking to "archive the document in the basement of [State] never to be seen again."⁸ The FBI summary of its own December 21, 2015, interview of Under Secretary Kennedy also makes no mention of asking him about the *quid pro quo* conversation or alleged statement regarding burying documents, raising questions regarding whether the FBI sought to minimize its own role in the incident.⁹

⁴ *Id.* at 1-2.

⁵ *Id.* at 2.

⁶ Letter from Jason V. Herring, Acting Assistant Dir., Office of Cong. Affairs, Fed. Bureau of Investigation, to the Hon. Jason Chaffetz, Chairman, Comm. on Oversight & Gov't Reform (Nov. 29, 2016), attachment.

⁷ Briefing by Office of Inspector Gen., Dep't of State, for staff, Comm. on Oversight & Gov't Reform (Nov. 2, 2016). Apparently the State Department OIG only became aware of the issue in October 2016, when the Committee made the information public.

⁸ Fed. Bureau of Investigation, FD-302a interview summary of Brian McCauley (Sept. 3, 2015), at 1.

⁹ Fed. Bureau of Investigation, FD-302a interview summary of Patrick Kennedy (Dec. 21, 2015).

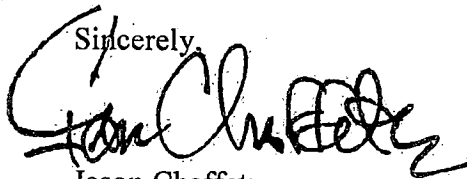
The Honorable James B. Comey
January 13, 2017
Page 3

These serious issues require continued investigation by this Committee, which is also examining Under Secretary Kennedy's role in the matter. Please provide the Committee as soon as possible with complete responses to the requests in my October 20, 2016, letter.¹⁰

The Committee on Oversight and Government Reform is the principal oversight committee of the House of Representatives and may at "any time" investigate "any matter" as set forth in House Rule X. An attachment to this letter provides additional information about responding to the Committee's request.

Please have your staff contact Tristan Leavitt of my staff at (202) 225-5074 with any questions about this request. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Jason Chaffetz", written over a horizontal line.

Jason Chaffetz
Chairman

Enclosure

cc: The Honorable Elijah E. Cummings, Ranking Minority Member

¹⁰ Specifically, the Committee awaits information on who precisely made the determination that the Inspection Division needed to be informed of the *quid pro quo* allegation (question 1a); who in the Inspection Division met with the FBI's investigative team on August 31, 2015 (question 1b) and made the final decision on opening a review (question 1c); whether the *quid pro quo* allegation was communicated any higher than the Inspection Division (question 1d); and whether the Justice Department was informed of the *quid pro quo* allegation, or merely of the request to interview Mr. Hardy (question 1f). Similarly, the Committee awaits confirmation regarding whether the interactions heretofore described by the FBI are the only requests responsive to questions 2 and 3.

[redacted] (DO) (FBI)

From: [redacted] (DO) (FBI) b6
Sent: Friday, January 13, 2017 11:31 AM b7C
To: [redacted] (DO) (FBI); [redacted] (DO) (FBI)
Cc: [redacted] (DO) (FBI); Beers, Elizabeth R. (DO) (FBI); Herring, Jason V. (CD) (FBI)
Subject: FW: Letter to Director Comey FBI re Quid Pro Quo Investigation
Attachments: 2017-01-13 JEC to Comey-FBI - Quid Pro Quo Investigation.pdf

Please submit to TRIM. Thank you.

From: Casey, Sharon [redacted]
Sent: Friday, January 13, 2017 11:13 AM b6
To: Herring, Jason V. (CD) (FBI) [redacted] (DO) (FBI) [redacted] b7C
Cc: Leavitt, Tristan [redacted] McKenna, Liam [redacted] b7E
Subject: Letter to Director Comey FBI re Quid Pro Quo Investigation

Attached please find a letter from Chairman Chaffetz of the U.S. House of Representatives Committee on Oversight and Government Reform.

Please acknowledge receipt of this letter.

Thank you,
Sharon Casey



Sharon Ryan Casey
Deputy Chief Clerk
Committee on Oversight and Government Reform
2157 Rayburn Building, Washington, DC 20515
202-593-8219 [redacted]

b6
b7C

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

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MAJORITY (202) 225-5074
MINORITY (202) 225-5051
<http://oversight.house.gov>

January 27, 2017

The Honorable James B. Comey
Director
Federal Bureau of Investigation
935 Pennsylvania Avenue NW
Washington, D.C. 20535

Dear Director Comey:

Datto, Inc., has informed the Committee that on October 6, 2015, it provided the FBI with the storage node containing Datto's secure cloud storage of emails from Secretary Clinton's private server.¹

To assist the Committee in better understanding how the FBI utilized the storage node produced by Datto, please produce the following items as soon as possible, but no later than noon on February 10, 2017:

1. All documents and communications referring or relating to the FBI's collection and access of the Datto, Inc., storage node; and
2. All records preserved on the Datto, Inc., storage node.

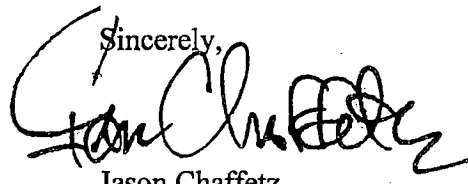
When producing documents to the Committee, please deliver production sets to the Majority staff in Room 2157 of the Rayburn House Office Building and the Minority staff in Room 2471 of the Rayburn House Office Building. The Committee prefers, if possible, to receive all documents in electronic format. An attachment to this letter provides additional information about responding to the Committee's request.

The Committee on Oversight and Government Reform is the principal oversight committee of the House of Representatives and may at "any time" investigate "any matter" as set forth in House Rule X.

¹ Letter from Stanley A. Twardy, Jr. to Ron Johnson, Chairman, S. Comm. on Homeland Security & Governmental Affairs and Thomas R. Carper, Ranking Mem., S. Comm. on Homeland Security & Governmental Affairs (Oct. 19, 2015), at 4.

The Honorable James B. Comey
January 27, 2017
Page 2

Please have your staff contact Tristan Leavitt of Chairman Chaffetz' staff at (202) 225-5074 with any questions about this request. Thank you for your attention to this matter.

Sincerely,

Jason Chaffetz
Chairman

Enclosure

cc: The Honorable Elijah E. Cummings, Ranking Minority Member

Congress of the United States

House of Representatives

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<http://oversight.house.gov>

May 25, 2017

Mr. Andrew G. McCabe
Acting Director
Federal Bureau of Investigation
935 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

Dear Mr. McCabe:

On May 16, 2017, after a *New York Times* report¹ that former Federal Bureau of Investigation Director James Comey memorialized the content of phone calls and meetings with the President in a series of memoranda, I requested those memoranda and any related notes, summaries, and recordings.² The FBI is withholding those documents, citing to the appointment of Robert Mueller as Special Prosecutor.³ According to a letter from your staff: "In light of this development and other considerations [the Bureau] is undertaking appropriate consultation to ensure all relevant interest implicated by your request are properly evaluated."

The Committee has its own, Constitutionally-based prerogative to conduct investigations. But the Committee in no way wants to impede or interfere with the Special Counsel's ability to conduct his investigation. In fact, the Committee's investigation will complement the work of the Special Counsel. Whereas the Special Counsel is conducting a criminal or counterintelligence investigation that will occur largely behind closed doors, the Committee's work will shed light on matters of high public interest, regardless of whether there is evidence of criminal conduct.

Mueller's mandate is specific: to conduct the investigation Comey confirmed in his testimony before the House Permanent Select Committee on Intelligence.⁴ This includes investigating "any links and/or coordination between the Russian government and individuals associated with the campaign of President Donald Trump" as well as any matters that arise from

¹ Michael S. Schmidt, *Comey Memo Says Trump Asked Him to End Flynn Investigation*, N.Y. TIMES, May 16, 2017.

² Letter from Jason Chaffetz, Chairman, H. Comm. on Oversight & Gov't Reform, to Andrew G. McCabe, Acting Dir., Fed. Bureau of Investigation (May 16, 2017).

³ Letter from Gregory Brower, Ass't Dir., Fed. Bureau of Investigation, to Jason Chaffetz, Chairman, H. Comm. on Oversight & Gov't Reform (May 25, 2017).

⁴ Office of the Deputy Attorney General, Order No. 39-15-2017: Appointment of Special Counsel to Investigate Russian Interference with the 2016 Presidential Election and Related Materials (May 17, 2017).

the investigation or other related matters such as perjury, destruction of evidence, or obstruction of justice.⁵

The Committee's authority is not similarly constrained. Congress does not conduct criminal or counterintelligence investigations; rather Congress's power of inquiry is rooted in part in its duty to oversee the Executive Branch's faithful enforcement of the laws that Congress enacted.⁶ In this case, the focus of the Committee's investigation is the independence of the FBI, including conversations between the President and Comey and the process by which Comey was removed from his role as director. The records being withheld are central to those questions, even more so in light of Comey's decision not to testify before the Committee at this time.

Last week, Deputy Attorney General Rod Rosenstein told Members of the House of Representatives that Mueller's investigation should not impede the ongoing congressional probes. Rosenstein additionally requested that congressional investigators coordinate our efforts with those of the Justice Department. In recognition of our mutual interest in avoiding any actions that would jeopardize either the Special Counsel's investigation or Congress's investigation, and in response to Rosenstein's request, I am seeking to better understand Comey's communications with the White House and Attorney General in such a way that does not implicate the Special Counsel's work.

Toward that end, provide all of the following documents that are outside the scope of the Special Counsel's investigation as soon as possible, but no later than June 8, 2017:

1. All memoranda, notes, summaries, and recordings referring or relating to any communication between James B. Comey and any White House employee, including the President and the Vice President, since September 4, 2013; and
2. All memoranda, notes, summaries, and recordings referring or relating to any communication between James B. Comey and the Attorney General or the Deputy Attorney General, since September 4, 2013.

In addition, identify all documents responsive to items one or two, regardless of whether the document is within the scope of the Special Counsel's investigation.

⁵ *Id.*; see also 28 C.F.R. § 600.4(a).

⁶ U.S. CONST. Art. II, § 3.

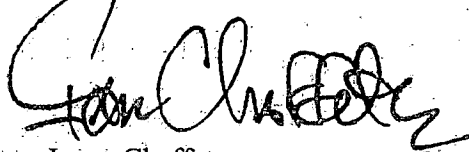
Mr. Andrew G. McCabe

May 25, 2017

Page 3

Congress and the American public have a right and a duty to examine this issue independently of the Special Counsel's investigation. I trust and hope you understand this and make the right decision—to produce these documents to the Committee immediately and on a voluntary basis.

Sincerely,

A handwritten signature in black ink, appearing to read "Jason Chaffetz", written over a horizontal line.

Jason Chaffetz
Chairman

Enclosure

cc: The Honorable Robert Mueller, Special Counsel

[redacted] (DO) (FBI)

From: [redacted] (DO) (FBI).
Sent: Friday, May 26, 2017 9:57 AM
To: [redacted] (DO) (FBI); [redacted] (DO) (FBI)
Subject: FW: New letter from HOCR re: Dir. Comey's Memos, etc.
Attachments: 2017-05-25 JEC to McCabe-FBI - Comey Memoranda.pdf



Can you please enter the attached letter into TRIM?

Thanks!

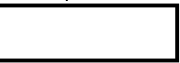


FBI Office of Congressional Affairs



-----Original Message-----

From: [redacted] (DO) (FBI)
Sent: Friday, May 26, 2017 8:54 AM
To: [redacted]
Cc: Beers, Elizabeth R. (DO) (FBI); [redacted]
Subject: New letter from HOCR re: Dir. Comey's Memos, etc.



Please see the attached letter from HOCR. If it hasn't already been entered into TRIM please do so. Based on the letter's request for documents likely involving both national security and criminal investigations, I'm making sure you are both aware of this request.

Thanks,



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b7C

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

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<http://oversight.house.gov>

April 7, 2017

The Honorable James B. Comey
Director
Federal Bureau of Investigation
935 Pennsylvania Avenue NW
Washington, D.C. 20530

Dear Director Comey:

On July 7, 2016, you testified before the Committee regarding the FBI's investigation of the unauthorized storage and transmission of classified information on the personal email server of former Secretary of State Hillary Clinton. When asked about producing interview summaries to the Committee, you stated:

I'll commit to giving you everything I can possibly give you under the law, and to doing it as quickly as possible. That said, that means I got to go back and sort it out. For example, the 302 of Secretary Clinton is classified at the TS/SCI level. So we got to sort through all that. But we'll do it quickly.¹

* * *

And as the chairman and I have talked about, I'm sure the Committee's going to want to see documents in our investigation and whatnot, and we'll work to give you whatever we can possibly give you under our law. But I haven't done that analysis at this point.²

On July 11, 2016, I wrote to "further memorialize our request for the investigative file for this case," which "should include, but is not limited to, all witness interview transcripts, notes, 302 [Form FD-302a] reports, documents collected, and memoranda or analysis created during the course of the investigation."³ On August 16, 2016, the Bureau produced a set of interview summary 302s.

After reviewing the materials, I had a series of critical follow-up requests, and thus sent you a letter on August 22, 2016.⁴ Despite repeated assurances over the past several months that

¹ *Oversight of the State Dep't: Hearing Before the H. Comm. on Oversight & Gov't Reform*, 114th Cong. 159 (July 7, 2016) (statement of James Comey, Dir., Fed. Bureau of Investigation).

² *Id.* at 59.

³ Letter from Hon. Jason Chaffetz, Chairman, H. Comm. on Oversight & Gov't Reform, to Hon. James B. Comey, Dir., Fed. Bureau of Investigation (Jul. 11, 2016).

⁴ Letter from Hon. Jason Chaffetz, Chairman, H. Comm. on Oversight & Gov't Reform, to Hon. James B. Comey, Dir., Fed. Bureau of Investigation (Aug. 22, 2016).

a response to that letter was forthcoming, it is now March, and the Committee is still waiting to hear back from you.

Item 10 in the August 22, 2016, letter—the legal justification for redactions and omissions in the case file—became the basis for a September 12, 2016, hearing.⁵ Additionally, six days before that hearing, the FBI informed Committee staff the FBI had not provided all 302s, just “relevant and important ones.” Thus, at the hearing, I questioned Acting Assistant Director for Congressional Affairs Jason Herring:

Chairman Chaffetz. Will the FBI provide Congress all of the 302s?

Mr. Herring. All of the 302s? We have one set that you’ve been provided already. The rest of them are coming through the FOIA process.

* * *

Chairman Chaffetz. [H]ere’s the problem. You handpicked the 302s to give to us. [That’s] my understanding [from] your discussion with staff. [Y]ou should give us all the 302s.

* * *

Will the FBI provide to Congress the full file with no redactions of personal identifiable information?

Mr. Herring. I cannot make that commitment sitting here today.

Chairman Chaffetz. Then I’m going to issue a subpoena and I’m going to do it right now. So let’s go – I’ve signed this subpoena. We want all the 302s, and we would like the full file.⁶

The subpoena required all FD-302s and associated documents and communications related to the investigation.

As a subsequent effort to comply with the subpoena, the FBI indicated on September 21, 2016, it could produce to the Committee all 302s within the next several weeks. On October 14, 2016, the FBI produced 44 additional 302s, and FBI staff subsequently represented to the Committee that the tranche marked the production of all interview summary 302s. FBI staff informed the Committee three additional non-interview 302s remained, which Committee staff reviewed on November 18, 2016. FBI personnel expressed reservations about producing other materials to Congress, ostensibly based on their sensitivity. As a good faith accommodation in the spirit of comity, the Committee did not press for production of those materials at that time.

Yet throughout 2017, the FBI has continued to release through the Freedom of Information Act documents it had not previously produced to the Committee, including releases on January 8, 2017,⁷ February 4, 2017,⁸ and sometime between March 1 and 3, 2017.⁹ Those

⁵ *Classifications and Redactions in FBI’s Investigative File: Hearing Before the H. Comm. on Oversight & Gov’t Reform*, 114th Cong. (Sept. 12, 2016).

⁶ *Id.* at 31-32.

⁷ <http://archive.is/PBVpZ>.

⁸ <http://archive.is/OBwiO>.

⁹ <http://archive.is/Hlkd2>.

The Honorable James B. Comey
April 7, 2017
Page 3

releases include 302 summaries never produced to the Committee. They also include some of the very same other materials the FBI had expressed reservations about producing to Congress, such as notes, memoranda, interview request letters, interview profiles, and evidence collection logs. It is unclear whether the FBI will make further documents available through the Freedom of Information Act.

The public release of these documents brings into question the authenticity of the reservations expressed by FBI personnel regarding the documents' sensitivity. Additionally, the Committee has determined it cannot conclude its review of the FBI's investigation without obtaining the full case file as originally requested. Therefore, as soon as possible but no later than noon on April 21, 2017, please produce:

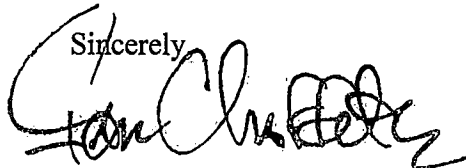
- 1) The full case, as requested on July 7 and 11, 2016, and as compelled by the Committee's subpoena of September 12, 2016;
- 2) A written response to the August 22 letter, including the information and documents requested in items 1-9; and
- 3) The text of all Freedom of Information Act requests to which the aforementioned productions were responsive.

When producing documents to the Committee, please deliver production sets to the Majority Staff in Room 2157 of the Rayburn House Office Building and the Minority Staff in Room 2471 of the Rayburn House Office Building. The Committee prefers, if possible, to receive all documents in electronic format. An attachment to this letter provides additional information about responding to the Committee's request. Please note that Committee Rule 16(b) requires counsel representing an individual or entity before the Committee or any of its subcommittees, whether in connection with a request, subpoena or testimony, promptly submit the attached notice of appearance to the Committee.

The Committee on Oversight and Government Reform is the principal oversight committee of the House of Representatives and may at "any time" investigate "any matter" as set forth in House Rule X.

Thank you for your prompt attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Jason Chaffetz", written over a horizontal line.

Jason Chaffetz
Chairman

Enclosures

cc: The Honorable Elijah E. Cummings, Ranking Member

[redacted] (DO) (FBI)

From: [redacted] (DO) (FBI)
Sent: Friday, April 07, 2017 4:11 PM
To: [redacted] (DO) (FBI); [redacted] (DO) (FBI)
Cc: [redacted] (DO) (FBI); Beers, Elizabeth R. (DO) (FBI)
Subject: FW: Letter to Director Comey FBI re Case File Production
Attachments: 2017-04-07 JEC to Comey-FBI - Case File Production due 4-21.pdf

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Please enter into TRIM. Thanks.

From: Casey, Sharon [redacted]

Sent: Friday, April 07, 2017 4:08 PM

To: [redacted] (DO) (FBI); [redacted] (DO) (FBI); [redacted] (DO) (FBI); [redacted] (DO) (FBI)

Cc: Leavitt, Tristan [redacted]; McKenna, Liam [redacted]

Subject: Letter to Director Comey FBI re Case File Production

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Attached please find a letter from Chairman Chaffetz of the U.S. House of Representatives Committee on Oversight and Government Reform. Please note the letter requests a response by April 21, 2017.

Please acknowledge receipt of this letter.

Thank you,
Sharon Casey



Sharon Ryan Casey
Deputy Chief Clerk
Committee on Oversight and Government Reform
2157 Rayburn Building, Washington, DC 20515
202-593-8219 [redacted]

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b7C

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

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MAJORITY (202) 225-5074
MINORITY (202) 225-5051
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April 6, 2017

Ms. Kimberly Del Greco
Deputy Assistant Director
Criminal Justice Information Services Division
Federal Bureau of Investigation
935 Pennsylvania Avenue NW
Washington, DC 20535

Dear Ms. Del Greco:

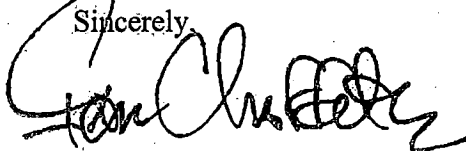
Thank you for appearing before the Committee on Oversight and Government Reform on March 22, 2017, at the hearing titled "Law Enforcement's Use of Facial Recognition Technology." We appreciate the time and effort you gave as a witness before the Committee.

Pursuant to the direction of the Chairman, the hearing record remains open to permit Members to submit additional questions to the witnesses. In preparing your answers to these questions, please address your response to the Member who has submitted the questions and include the text of the Member's questions along with your response.

Please provide your response to these questions by Monday, April 24, 2017. Your response should be addressed to the Committee office at 2157 Rayburn House Office Building, Washington, DC 20515. Please also send an electronic version of your response by e-mail to Sharon Casey, Deputy Chief Clerk, at [REDACTED] in a single Word formatted document.

Thank you for your prompt attention to this request. If you need additional information or have other questions, please contact [REDACTED] or Sean Brebbia at (202) 225-5074.

Sincerely,



Jason Chaffetz
Chairman

cc: The Honorable Elijah E. Cummings, Ranking Minority Member

Enclosure

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Questions for Ms. Kimberly Del Greco
Deputy Assistant Director
Criminal Justice Information Services Division
Federal Bureau of Investigation

Questions from Chairman Jason Chaffetz

March 22, 2017, Hearing: "Law Enforcement's Use of Facial Recognition Technology"

1. Please provide a list and description of each civil and criminal photo database the FBI has the ability to search (including those the FBI can request the owning entity to search) using facial recognition technology (FRT).
2. The FBI has MOUs with 18 states that grant the FBI access to search various civil and criminal state photo databases. Please provide a list of any additional states with which the FBI is either negotiating or anticipates negotiating an MOU with.
3. Please provide a list of any states, other than the 18 already provided, who previously had an MOU with the FBI involving the use of FRT that is no longer in effect; if applicable, the dates during which the MOU was in effect.
4. Please provide a complete listing of every state that allows the FBI to request FRT searches of facial images not in an FBI database. Please describe and provide a copy of any agreements that exist between the FBI and these entities.
5. The Georgetown Center on Privacy & Technology reported that FBI agents in Florida field offices have direct access to the Pinellas County Sheriff's Office system, which can run searches on the Florida driver's license database. Florida is not listed as having an MOU with the FBI.
 - a. Please list any entities located in states that do not have an MOU with the FBI that allow the FBI to request FRT searches of their databases. Please describe and provide copies of any agreements that exist between the FBI and these state entities.
6. In October 2015, the FBI initiated a 180-day pilot with the Department of State during which the Department conducted face recognition comparisons of person under FBI investigations to photos the Department's passport database. Please provide a detailed description of this pilot and its results.

- a. Has the FBI assessed its use of the Department's passport database?
 - b. Please provide a copy of any results, memorandums, or policies generated by that assessment.
 - c. Does the FBI plan to continue conducting facial recognition searches of the Department's database?
7. A report by NIST discussed the "other race effect"—the tendency for algorithms to be more accurate at identifying people of the same race that developed the algorithm and less accurate at identifying the face of other races. Other studies have suggested FRT may perform less accurately on certain demographics, to include darker skin, younger people and women.
 - a. Has the FBI tested its FRT for determining if the algorithm in use displays "the other race effect?"
 - b. Has the FBI tested its FRT software to determine if it is less accurate for certain demographics? If it has been tested, please provide the results of those tests, including the testing methodology and data used to arrive at those conclusions. If applicable, please list the demographics for which the FBI's FRT is less accurate.
8. The database the FBI used for its detection rate test contained 926,000 images, a smaller data set than the 20 million plus images stored in the NGI-IPS. As the size of the database increases, error rates are likely to rise.
 - a. How did the FBI decide on a dataset of 926,000? Has the FBI tested the accuracy rate on a larger dataset? Does it have plans to do so?
 - b. How did the FBI choose the 926,000 photos it used as a dataset, and did those images reflect the average image, in quality and demographics, of the millions of photos in the NGI database?

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

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May 16, 2017

Mr. Andrew McCabe
Acting Director
Federal Bureau of Investigation
U.S. Department of Justice
935 Pennsylvania Avenue NW
Washington, D.C. 20530

Dear Mr. McCabe:

The Committee is conducting oversight of the Department of Justice's investigations of firearms crimes.¹ During hearings aimed at studying, what has become repeated failures within the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), to follow basic and rudimentary investigative protocols; numerous questions have been raised that require follow up. ATF has long been plagued by a deficit of capable leadership, and this is more evident today than at any time in recent memory. Consequently, we are hopeful the Federal Bureau of Investigation (FBI) can assist us in understanding the broader universe of federal law enforcement firearms investigations and the Department's subsequent prosecutions of related crimes.

Data provided to the Committee by the ATF indicate the principal statute used to prosecute "straw purchasers" is 18 U.S.C. § 922(a)(6). That statute makes it a federal crime "knowingly to make any false or fictitious oral or written statement" about a material fact related to the sale or other disposition of a firearm.² The ATF's data show federal prosecutors accept

¹ *Reviewing ATF's Failures in the Death of ICE Agent Jaime Zapata, Hearing before the H. Comm. on Oversight & Gov't Reform, 115th Cong. (Mar. 9, 2017); Use of Confidential Informants at ATF and DEA, Hearing before the H. Comm. on Oversight & Gov't Reform, 115th Cong. (Apr. 4, 2017).*

² The statute provides, in relevant part:

(a) It shall be unlawful—

(6) for any person in connection with the acquisition or attempted acquisition of any firearm or ammunition from a licensed importer, licensed manufacturer, licensed dealer, or licensed collector, knowingly to make any false or fictitious oral or written statement or to furnish or exhibit any false, fictitious, or misrepresented identification, intended or likely to deceive such importer, manufacturer, dealer, or collector with respect to any fact material to the lawfulness of the sale or other disposition of such firearm or ammunition under the provisions of this chapter.

18 U.S.C. § 922(a)(6).

approximately half of cases referred under Section 922(a)(6).³ The ATF also provided a number of other statutes under which the federal government may prosecute firearms-related crimes.⁴

The Committee would like to know more about the FBI's investigation and referral of firearms-related crimes. To assist the Committee in better understanding these issues, please produce the following items as soon as possible, but no later than noon on May 30, 2017:

1. For investigations of violations of 18 U.S.C. § 922(a)(6) in FY 2014-2016, the following information:
 - a. The number of violations referred to the Department of Justice (i) in total, and (ii) broken down by each district's U.S. Attorney's Office;
 - b. The number of cases accepted;
 - c. The number of cases declined;
 - d. The number of cases pending; and
 - e. For cases accepted for prosecution, the number of defendants convicted and the number acquitted.
2. For investigations of violations of 18 U.S.C. § 922(m) in FY 2014-2016, the following information:
 - a. The number of violations referred to the Department of Justice (i) in total, and (ii) broken down by each district's U.S. Attorney's Office;
 - b. The number of cases accepted;
 - c. The number of cases declined;
 - d. The number of cases pending; and
 - e. For cases accepted for prosecution, the number of defendants convicted and the number acquitted.
3. For investigations of violations of 18 U.S.C. § 924(a)(1)(A) in FY 2014-2016, the following information:
 - a. The number of violations referred to the Department of Justice (i) in total, and (ii) broken down by each district's U.S. Attorney's Office;
 - b. The number of cases accepted;
 - c. The number of cases declined;

³ The precise percentages were 43% in 2014, and 57% in each of 2015 and 2016. Attachment to Letter from Thomas Brandon; Dir., Bureau of Alcohol, Tobacco, Firearms, and Explosives; U.S. Dep't of Justice; to Jason Chaffetz, Chairman, H. Comm. on Oversight & Gov't Reform (Mar. 15, 2017).

⁴ Those statutes include 18 U.S.C. §§ 2 (aiding and abetting), 922(m) (false records related to firearms), 924(a)(1)(A) (false statements to a federal firearm licensee), 1001 (false statements generally); and 26 U.S.C. §§ 5861(f) (false records related to taxes), 7206 (false statements related to tax returns).

- d. The number of cases pending; and
 - e. For cases accepted for prosecution, the number of defendants convicted and the number acquitted.
4. For investigations of firearm-related violations of 18 U.S.C. § 2 in FY 2014-2016, the following information:
- a. The number of violations referred to the Department of Justice (i) in total, and (ii) broken down by each district's U.S. Attorney's Office;
 - b. The number of cases accepted;
 - c. The number of cases declined;
 - d. The number of cases pending; and
 - e. For cases accepted for prosecution, the number of defendants convicted and the number acquitted.
5. For investigations of firearm-related violations of 18 U.S.C. § 1001 in FY 2014-2016, the following information:
- a. The number of violations referred to the Department of Justice (i) in total, and (ii) broken down by each district's U.S. Attorney's Office;
 - b. The number of cases accepted;
 - c. The number of cases declined;
 - d. The number of cases pending; and
 - e. For cases accepted for prosecution, the number of defendants convicted and the number acquitted.
6. For investigations of firearm-related violations of 26 U.S.C. § 5861(l) in FY 2014-2016, the following information:
- a. The number of violations referred to the Department of Justice (i) in total, and (ii) broken down by each district's U.S. Attorney's Office;
 - b. The number of cases accepted;
 - c. The number of cases declined;
 - d. The number of cases pending; and
 - e. For cases accepted for prosecution, the number of defendants convicted and the number acquitted.

7. For investigations of firearm-related violations of 26 U.S.C. § 7206 in FY 2014-2016, the following information:
- a. The number of violations referred to the Department of Justice (i) in total, and (ii) broken down by each district's U.S. Attorney's Office;
 - b. The number of cases accepted;
 - c. The number of cases declined;
 - d. The number of cases pending; and
 - e. For cases accepted for prosecution, the number of defendants convicted and the number acquitted.

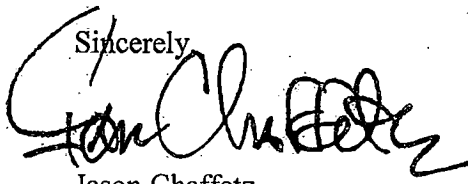
Please also make arrangements to brief Committee staff no later than 5:00 p.m. on May 23, 2017.

When producing documents to the Committee, please deliver production sets to the Majority Staff in Room 2157 of the Rayburn House Office Building and the Minority Staff in Room 2471 of the Rayburn House Office Building. The Committee prefers, if possible, to receive all documents in electronic format. An attachment to this letter provides additional information about responding to the Committee's request. Please note that Committee Rule 16(b) requires counsel representing an individual or entity before the Committee or any of its subcommittees, whether in connection with a request, subpoena or testimony, promptly submit the attached notice of appearance to the Committee.

The Committee on Oversight and Government Reform is the principal oversight committee of the House of Representatives and has broad authority to investigate "any matter" at "any time" under House Rule X.

Please contact [redacted] of the Committee staff at (202) 225-5074 with any questions about this request. Thank you for your attention to this matter.

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Sincerely,

Jason Chaffetz
Chairman

Enclosures

cc: The Honorable Elijah E. Cummings, Ranking Member

The Honorable Jefferson B. Sessions III, Attorney General
U.S. Department of Justice

[redacted] (DO) (FBI)

From: [redacted] (DO) (FBI)
Sent: Wednesday, May 17, 2017 10:36 AM
To: [redacted] (DO) (FBI); [redacted] (DO) (FBI); [redacted] (CID) (FBI)
Cc: [redacted] (CID) (FBI)
Subject: FW: Letter to Acting Director McCabe FBI re Gun Prosecutions
Attachments: 2017-05-16 JEC to McCabe-FBI - Gun Prosecutions due 5-30.pdf

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Good morning [redacted]

Can you please enter the attached letter into TRIM? Let's assign to CID for now, but we may move to OCA depending on where the data takes us.

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[redacted] - another House Oversight and Government Reform letter from Chaffetz. As you will see, they want to know about the FBI's investigation of firearms-related crimes. OCA is going to chat with ATF and DOJ this week before we move forward with a response. I'll keep you posted.

Thank you!

[redacted]
FBI Office of Congressional Affairs
[redacted]

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From: [redacted] (DO) (FBI)
Sent: Tuesday, May 16, 2017 2:19 PM
To: [redacted] (DO) (FBI); [redacted]
Cc: Beers, Elizabeth R. (DO) (FBI); [redacted] (DO) (FBI); [redacted] (DO) (FBI); [redacted] (DO) (FBI)
Subject: FW: Letter to Acting Director McCabe FBI re Gun Prosecutions

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When you're back in the office, please enter the attached letter in TRIM. Also, touch base with CID to determine how their personnel prefer to address this RFI (briefing and/or letter?). I've cc'ed [redacted] and [redacted] on this email considering the overlap with their programs: CTD and CJS.

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Let's chat tomorrow. Hope you're feeling better.

Thanks,

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From: Casey, Sharon [REDACTED]

Sent: Tuesday, May 16, 2017 12:20 PM

To: [REDACTED] (DO) (FBI) [REDACTED]

Cc: [REDACTED] Eshelman, Sharon [REDACTED] McKenna,

Liam [REDACTED]

Subject: Letter to Acting Director McCabe FBI re Gun Prosecutions

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Attached please find a letter from Chairman Chaffetz of the U.S. House of Representatives Committee on Oversight and Government Reform.

Please acknowledge receipt of this letter.

Thank you,
Sharon Casey



Sharon Ryan Casey
Deputy Chief Clerk
Committee on Oversight and Government Reform
2157 Rayburn Building, Washington, DC 20515
202-593-8219 [REDACTED]

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One Hundred Fifteenth Congress
U.S. House of Representatives
Committee on Homeland Security
Washington, DC 20515

June 6, 2017

Mr. Andrew McCabe
Acting Director
Federal Bureau of Investigation
U.S. Department of Justice
935 Pennsylvania Avenue, NW
Washington, D.C. 20535-0001

Dear Mr. McCabe:

The Subcommittee on Counterterrorism and Intelligence of the Committee on Homeland Security will hold a hearing entitled "Combating Gang Violence on Long Island: Shutting Down the MS-13 Pipeline," on Tuesday, June 20, 2017, at 9:30 a.m. in the Alfonse M. D'Amato U.S. Courthouse at 100 Federal Plaza in Central Islip, New York. I am writing to confirm an invitation for you to testify at this hearing.

Under Committee Rule VIII (D), each witness shall submit a written statement of proposed testimony, which must be filed with the Clerk of the Committee no less than 48 hours in advance of your appearance before the Committee. Additionally, it is the policy of the Committee that any accompanying documents to be displayed during the hearing must be filed with the Clerk of the Committee no less than 48 hours prior to the hearing, and provided electronically. Only those accompanying materials appropriate for display on the Committee monitors will be permitted. Please submit a copy of your testimony electronically to the Deputy Clerk of the Committee at [REDACTED] no later than 4:00 p.m. on Friday, June 16, 2017. Your oral testimony should not exceed five minutes and should summarize your written remarks. You may, in addition, introduce into the record any other supporting documentation, in accordance with the enclosed guidelines:

Under clause 2(k)(3) of Rule XI of the Rules of the House of Representatives, witnesses at hearings may be accompanied by their own counsel to advise them concerning their constitutional rights. Witness counsels are not permitted to sit at the table, unless authorized by the Committee. I reserve the right to place any witness under oath. Please be advised that pursuant to 18 U.S.C. §1001, and regardless of whether an oath is administered, it is a violation of Federal criminal law to knowingly and willfully give a false statement to any committee, subcommittee,

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Mr. McCabe

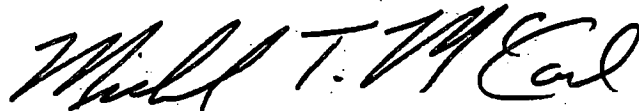
Page 2

commission or office of the Congress. A witness may obtain a transcript copy of their testimony given in open, public sessions, or in a closed session only when authorized by the Committee.

The Rules of the Committee, adopted February 1, 2017, are available on its website at: <http://homeland.house.gov/legislation/committee-rules> and the Rules of the House of Representatives are available at the House of Representatives' website at <http://www.house.gov/rules/115rules.pdf>. Due to the limited space available at the Committee hearing, the Committee authorizes each witness to have not more than two accompanying staff, including any counsel.

Should you or your staff have any questions or need additional information, please contact Ms. Mandy Bowers, Subcommittee Staff Director at (202) 226-8417, or Mr. Blake LaSuzzo, Deputy Clerk at

Sincerely,

A handwritten signature in black ink, appearing to read "Michael T. McCaul". The signature is fluid and cursive, with the first name "Michael" written in a larger, more prominent script than the last name "McCaul".

MICHAEL T. MCCAUL
Chairman

Enclosures:

Testimony Format Requirements

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One Hundred Fifteenth Congress
U.S. House of Representatives
Committee on Homeland Security
Washington, DC 20515

February 16, 2017

The Honorable James Comey
Director
Federal Bureau of Investigation
935 Pennsylvania Avenue, NW
Washington, D.C. 20535-0001

Dear Director Comey:

As a Member of the House of Representatives and the Chairman of the Committee on Homeland Security, I am writing to request that a Special Agent with the Federal Bureau of Investigation (FBI) be detailed to the House Committee on Homeland Security.

I am requesting FBI Special Agent [redacted] be detailed to my office for a period of one year, beginning April 3, 2017 and ending April 2, 2018. The costs associated with the detail, including salary, benefits and any travel this individual may undertake with the Committee, will be paid for by the FBI.

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I look forward to hearing from you. If you have any questions, please have your staff contact Ms. Laura Fullerton, Deputy Staff Director, at (202) 226-8417.

Sincerely,

A handwritten signature in black ink that reads "M.T. McCaul".

MICHAEL T. McCAUL
Chairman

RICHARD BURR, NORTH CAROLINA, CHAIRMAN
MARK R. WARNER, VIRGINIA, VICE CHAIRMAN

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United States Senate

SELECT COMMITTEE ON INTELLIGENCE

WASHINGTON, DC 20510-6475

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DESIREE THOMPSON SAYLE, CHIEF CLERK

February 9, 2017

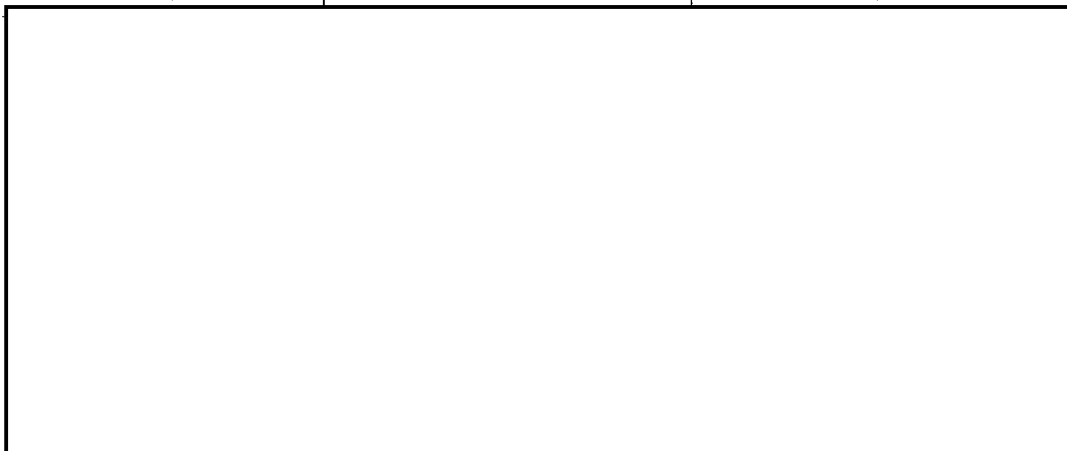
The Honorable James Comey
Director
Federal Bureau of Investigation
935 Pennsylvania Avenue, NW
Washington, DC 20535-0001

Dear Director Comey,

On January 24, 2017, the Committee agreed, with bipartisan support, to a Terms of Reference (TOR) for an inquiry into Russian actions targeting the 2016 U.S. elections and democratic processes globally. This inquiry will be carried out by a small group of SSCI Professional Staff: [REDACTED]

[REDACTED] Please find enclosed a copy of these Terms, as well as the original letter of introduction.

In order to ensure the completion of a comprehensive and accurate inquiry into this matter, we seek to set out several parameters for this inquiry.



~~COMMITTEE SENSITIVE~~

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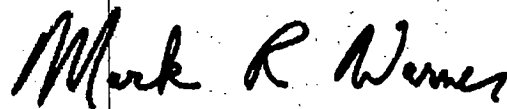
~~COMMITTEE SENSITIVE~~

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Sincerely,



Richard Burr
Chairman



Mark Warner
Vice Chairman

~~COMMITTEE SENSITIVE~~

3/7/2017

EXEC SEC -

NOT SURE IF THIS
INCOMING IS IN TRIM. IF NOT,
PLEASE ADD ALONG WITH
ODNI RESPONSE ON BEHALF
OF IC. NO ADDITIONAL RESPONSE
NECESSARY.

THANKS,

BETH

RICHARD BURR, NORTH CAROLINA, CHAIRMAN
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MARCO RUBIO, FLORIDA
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United States Senate

SELECT COMMITTEE ON INTELLIGENCE
WASHINGTON, DC 20510-6475

May 11, 2017

MITCH McCONNELL, KENTUCKY, EX OFFICIO
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CHRISTOPHER A. JOYNER, STAFF DIRECTOR
MICHAEL CASEY, MINORITY STAFF DIRECTOR
KELSEY STROUD BAILEY, CHIEF CLERK

The Honorable Rod J. Rosenstein
Deputy Attorney General
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Mr. Andrew G. McCabe
Acting Director
Federal Bureau of Investigation
935 Pennsylvania Avenue, NW
Washington, DC 20535

Re: Preservation Request Regarding Ongoing Senate Select Committee on
Intelligence Investigation into Activities Involving Russia

Dear Deputy Attorney General Rosenstein and Acting Director McCabe:

The purpose of this letter is to follow our Committee letters of February 17, 2017 to Attorney General Sessions and Director Comey, and to notify you of the Committee's request that the Federal Bureau of Investigation (FBI) and Department of Justice (DOJ) preserve and retain all hard copies and electronically stored information as specified below in furtherance of the Committee's ongoing investigation into Russian actions targeting the 2016 U.S. elections and democratic processes globally. This request includes any communications FBI or DOJ, respectively, may have had involving Russian interests.

To ensure that a full and complete record of relevant communications will be produced to the Committee in response to a document request, the Committee requests that FBI and DOJ:

1. Preserve all written and electronically stored information relevant to the Committee's investigation. This includes, but is not limited to: e-mail, electronic documents, applications, and data ("electronic records") that can be reasonably anticipated to be subject to a request for production by the Committee; and
2. If it is the routine practice to destroy or otherwise alter such written or electronic records, either:
 - a. Put an immediate halt to such practices; or,
 - b. Arrange for the preservation of complete and accurate duplicates or copies of such records, suitable for production if requested.

COMMITTEE SENSITIVE

COMMITTEE SENSITIVE

For the purposes of this request, "preserve" means taking reasonable steps to prevent the partial or full destruction, alteration, testing, deletion, shredding, incineration, wiping, relocation, migration, theft, or mutation of electronic records, as well as negligent or intentional handling that would make such records incomplete or inaccessible. This preservation obligation includes a duty to halt any automatic or routine practice to destroy such electronic records.

We request that you respond in writing upon receipt of this letter.

If you have any questions about this request, please contact either Christopher Joyner, Staff Director, or Mike Casey, Minority Staff Director, at (202) 224-1700.

Sincerely,



Richard Burr
Chairman



Mark R. Warner
Vice Chairman

COMMITTEE SENSITIVE

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United States Senate

SELECT COMMITTEE ON INTELLIGENCE
WASHINGTON, DC 20510-6475

May 10, 2017

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CHARLES SCHUMER, NEW YORK, EX OFFICIO
JOHN MCCAIN, ARIZONA, EX OFFICIO
JACK REED, RHODE ISLAND, EX OFFICIO

CHRISTOPHER A. JOYNER, STAFF DIRECTOR
MICHAEL CASEY, MINORITY STAFF DIRECTOR
KELSEY STROUD BAILEY, CHIEF CLERK

The Honorable James Comey
c/o Assistant Director Greg Bower
Federal Bureau of Investigation
Washington, DC 20535

SSCI# 2017-2270

Dear Mr. Comey:

The Senate Intelligence Committee was looking forward to your scheduled testimony this Thursday, May 11, at our Worldwide Threat Hearing. Despite recent developments, we would still value the opportunity to meet with you in a closed setting, pursuant to the Committee's Russia investigation. Given your work on Russia at the FBI, and your involvement in the development of the Intelligence Community Assessment, the Committee requests a preliminary interview with you at 2:30pm on Tuesday, May 16.

Thank you for your attention to this important matter.

Sincerely,



Richard Burr
Chairman



Mark R. Warner
Vice Chairman

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SELECT COMMITTEE ON INTELLIGENCE
WASHINGTON, DC 20510-6475

May 17, 2017

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JACK REED, RHODE ISLAND, EX OFFICIO

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KELSEY STROUD BAILEY, CHIEF CLERK

Mr. Andrew G. McCabe
Acting Director
Federal Bureau of Investigation
Washington, D.C. 20535

Dear Acting Director McCabe:

The Senate Select Committee on Intelligence will conduct open and closed hearings on the FISA Amendments Act, including reauthorization and, specifically, Section 702, on Wednesday, June 7, 2017. The open hearing will begin at 10:00 a.m. in room SD-G50 of the Dirksen Senate Office Building, and the closed hearing will begin at 2:00 p.m. in room SH-219 of the Hart Senate Office Building.

We request that you appear at the open hearing, and that Carl Ghattas, Executive Assistant Director of the National Security Branch, appear at the closed hearing. Representatives from the National Security Agency, the Office of the Director of National Intelligence, and the Department of Justice also have been invited to appear at the open hearing. Representatives from those agencies and the Central Intelligence Agency have been invited to appear at the closed hearing.

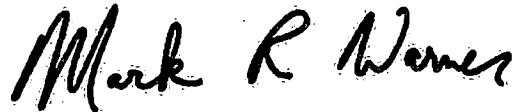
Witnesses will be afforded an opportunity to make a brief opening statement. We ask that the initial remarks extend no more than five minutes. Please feel free to submit a written statement of any length in advance of the hearings.

Please have your staff contact or Brett Freedman at (202) 224-1700, if you have any questions. Thank you, and we look forward to a productive and informative hearing.

Sincerely,



Richard Burr
Chairman



Mark R. Warner
Vice Chairman

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RICHARD BURR, NORTH CAROLINA, CHAIRMAN
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United States Senate

SELECT COMMITTEE ON INTELLIGENCE

WASHINGTON, DC 20510-6475

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CHRISTOPHER A. JOYNER, STAFF DIRECTOR
MICHAEL CASEY, MINORITY STAFF DIRECTOR
KELSEY STROUD BAILEY, CHIEF CLERK

May 17, 2017

Mr. Andrew McCabe
Acting Director
Federal Bureau of Investigations
935 Pennsylvania Avenue, NW
Washington, DC 20535-0001

Dear Acting Director McCabe,

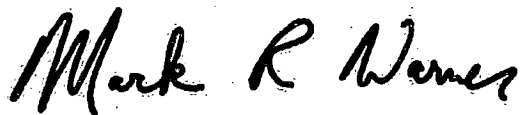
We respectfully request, in accordance with our oversight responsibilities and preservation letters dated February 17, 2017, and May 11, 2017, all memoranda, notes, summaries and recordings produced by former Director James Mr. Comey, or at his behest, regarding his interactions with senior White House and Department of Justice officials on the topic of attempts by the Russian Federation to influence the 2016 U.S. election. This request is in addition to those outlined to you in our May 11, 2017.

Thank you for your commitment to supporting the Senate Select Committee on Intelligence Russia inquiry, and for your prompt attention to these important matters of national security. Please address any questions regarding these matters to Chris Joyner and Mike Casey at (202) 224-1700.

Sincerely,



Richard Burr
Chairman



Mark R. Warner
Vice Chairman

~~COMMITTEE SENSITIVE~~

United States Senate

SELECT COMMITTEE ON INTELLIGENCE

WASHINGTON, DC 20510-6475

January 5, 2017

SSCI# 2017-0528-C

The Honorable James Comey
Director
Federal Bureau of Investigation
Washington, DC 20535

Dear Director Comey:

The Senate Select Committee on Intelligence will conduct an open hearing on Tuesday, January 10, 2017, at 1:00 p.m. in Room 106 of the Dirksen Senate Office Building, on the Intelligence Community presentation requested by the President on the subject of Russian active measures directed against the U.S. political system. This hearing will immediately be followed by a closed session.

We request your presence to support the primary witness, Director Clapper, with testimony providing the FBI's contribution to this document. If your staff has any questions, please have them contact Mr. Chris Joyner or Mr. Mike Casey at 202-224-1700.

Sincerely,



Richard Burr
Chairman



Mark R. Warner
Vice Chairman

RICHARD BURR, NORTH CAROLINA, CHAIRMAN
MARK R. WARNER, VIRGINIA, VICE CHAIRMAN

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United States Senate

SELECT COMMITTEE ON INTELLIGENCE
WASHINGTON, DC 20510-6475

May 17, 2017

MITCH MCCONNELL, KENTUCKY, EX OFFICIO
CHARLES SCHUMER, NEW YORK, EX OFFICIO
JOHN MCCAIN, ARIZONA, EX OFFICIO
JACK REED, RHODE ISLAND, EX OFFICIO

CHRISTOPHER A. JOYNER, STAFF DIRECTOR
MICHAEL CASEY, MINORITY STAFF DIRECTOR
KELSEY STROUD BAILEY, CHIEF CLERK

The Honorable James Comey
c/o Assistant Director Greg Bower
Federal Bureau of Investigations
935 Pennsylvania Avenue, NW
Washington, DC 20535-0001

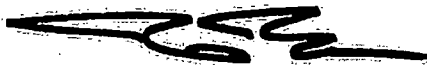
Dear Mr. Comey:

Thank you for your assistance and responsiveness to the Senate Select Committee on Intelligence's requests, as part of its inquiry into whether, and to what extent, the Russian Federation interfered in the 2016 U.S. elections. As we chart the course forward, we would appreciate the opportunity to meet with you personally to discuss a possible approach that meets both the needs of the Committee and accommodates your wishes as former Director of the Federal Bureau of Investigation.

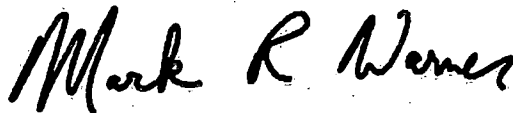
Given the scope and scale of public discourse on these issues, you will understand that the Committee must continue to act quickly but deliberately. It is our hope that we can meet in the very near future, at a location of your choosing, to collectively consider best next steps and your potential appearance before the Committee in both open and closed session.

Again, thank you for your dedicated and selfless service and your attention to these important matters of national security. Please have your staff contact Chris Joyner at [REDACTED] or Mike Casey at [REDACTED] to facilitate the meeting.

Sincerely,



Richard Burr
Chairman



Mark R. Warner
Vice Chairman

b6
b7c

~~COMMITTEE SENSITIVE~~

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February 17, 2017

The Honorable James Comey
Director
Federal Bureau of Investigation
935 Pennsylvania Avenue, NW
Washington, DC 20535-0001

Re: Preservation Request Regarding Ongoing Senate Select Committee on Intelligence
Investigation into Activities Involving Russia

Dear Director Comey:

The purpose of this letter is to notify you of the Committee's request that the Federal Bureau of Investigation (FBI) preserve and retain all hard copies and electronically stored information as specified below in furtherance of the Committee's ongoing investigation into Russian actions targeting the 2016 U.S. elections and democratic processes globally. This request includes any communications FBI may have had involving Russian interests.

To ensure that a full and complete record of relevant communications will be produced to the Committee in response to a document request, the Committee requests that FBI:

1. Preserve all written and electronically stored information relevant to the Committee's investigation. This includes, but is not limited to: e-mail, electronic documents, applications, and data ("electronic records") that can be reasonably anticipated to be subject to a request for production by the Committee; and
2. If it is the routine practice to destroy or otherwise alter such written or electronic records, either:
 - a. Put an immediate halt to such practices; or,
 - b. Arrange for the preservation of complete and accurate duplicates or copies of such records, suitable for production if requested.

For the purposes of this request, "preserve" means taking reasonable steps to prevent the partial or full destruction, alteration, testing, deletion, shredding, incineration, wiping, relocation, migration, theft, or mutation of electronic records, as well as negligent or intentional handling that would make such records incomplete or inaccessible. This preservation obligation includes a duty to halt any automatic or routine practice to destroy such electronic records.

We request that FBI respond in writing upon receipt of this letter.

~~COMMITTEE SENSITIVE~~

~~COMMITTEE SENSITIVE~~

If you have any questions about this request, please contact either Christopher Joyner, Staff Director, or Mike Casey, Minority Staff Director, at (202) 224-1700.

Sincerely,



Richard Burr
Chairman



Mark R. Warner
Vice Chairman

~~COMMITTEE SENSITIVE~~

DAVID B. MCKINLEY, P.E.
1ST DISTRICT, WEST VIRGINIA

412 CANNON HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
TEL: (202) 225-4172
FAX: (202) 225-7564
www.mckinley.house.gov

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Congress of the United States House of Representatives

February 14, 2017

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CO-CHAIR
CONGRESSIONAL HEARING HEALTH CAUCUS

Mr. Steve Morris
Assistant Director
CJIS Division, Federal Bureau of Investigation
1000 Custer Hollow Road
Clarksburg, WV 26306

Dear Steve:

For the last 20-plus years the FBI Criminal Justice Information Services Center (CJIS) has been a positive presence in North Central West Virginia, employing hundreds of people and adding to the diversity of the region. The FBI has always been a good corporate citizen, committed to the community and the future of the region. With this context in mind, I would respectfully ask for the FBI CJIS to consider utilizing the two local airports in North Central West Virginia -- Bridgeport and Morgantown -- for air travel.

Both airports offer several convenient daily flight options to the Washington, D.C. area. The North Central West Virginia Regional Airport located in Bridgeport is the third largest airport in the State. Via Airlines currently services the Bridgeport airport with daily flights to Baltimore-Washington International Airport. In Morgantown, Southern Airways offers three flights daily to Washington Dulles International Airport.

Traveling out of Bridgeport or Morgantown would save valuable time and money compared with other airports in the region. Not only would you be saving money on mileage and parking, you would be supporting our local economy. Given your commitment to Clarksburg and North Central West Virginia I hope you will consider utilizing these valuable assets.

If you should have any questions or need any additional information I urge you to contact me at my Washington, D.C. office or my district office in Morgantown, West Virginia at 304-284-8506.

Sincerely,



M.C.

David B. McKinley, P.E.
Member of Congress

DBM/rr

Congress of the United States
House of Representatives
Washington, DC 20515-4801

OFFICIAL BUSINESS

PRINTED ON RECYCLED PAPER

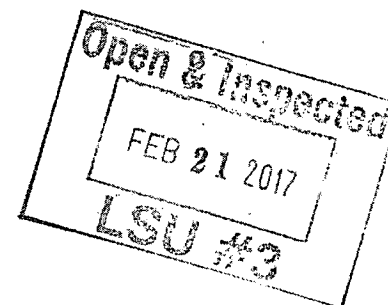
PITTSBURGH

PA 150

15 FEB 17

Handwritten signature: J. A. M7C

M.C.



Congress of the United States

Washington, DC 20515

March 16, 2017

Mr. James B. Comey
Director
Federal Bureau of Investigation
935 Pennsylvania Avenue, N.W.
Washington, DC 20535

Dear Director Comey:

On November 4, 2016 Staff Sgt. James Moriarty, Staff Sgt. Matthew Lewellen, and Staff Sgt. Kevin McEnroe were killed after being fired upon while attempting to enter a Jordanian military base to conduct training exercises. Unfortunately, this tragic incident has raised many questions and we are writing to urge you to be as forthcoming as possible with the families and release the video recordings of the incident so they may know how their loved ones were killed.

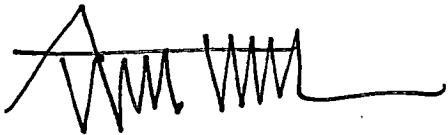
[REDACTED]
[REDACTED]
[REDACTED] was a proud soldier and loved his job. At the time of his premature death, [REDACTED]
[REDACTED]

b6
b7C

After speaking with him, it is clear that the most important way this nation could thank [REDACTED] to preserve the security of our great country is to do all it can to get to the bottom of how his son was killed. Transparency in this matter is of the utmost importance. The father's specific request to us was that we do what we can to secure the public release of the video recordings of the incident. We respectfully request that you do so without delay. Our nation has a right to know the depth of sacrifice its citizens make so that all of us can live in peace.

b6
b7C

Sincerely,



Ted Poe
Member of Congress
Texas



Tulsi Gabbard
Member of Congress
Hawaii

CC: [REDACTED]
[REDACTED]

b6
b7C

THEODORE E. DEUTCH
21ST DISTRICT, FLORIDA
WWW.DEUTCH.HOUSE.GOV
FACEBOOK.COM/CONGRESSMANTEDDEUTCH
TWITTER: @REPTEDDEUTCH

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Congress of the United States
House of Representatives
Washington, DC 20515

January 12, 2017

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WASHINGTON, DC 20515
(202) 225-3001

DISTRICT OFFICES:
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BOCA RATON, FL 33434
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CORAL SPRINGS, FL 33071
(954) 255-8336

MARGATE CITY HALL
5790 MARGATE BLVD.
MARGATE, FL 33063
(954) 972-6454

WELLINGTON CITY HALL
12300 FOREST HILL BLVD.
WELLINGTON, FL 33414

James Comey
Director, Federal Bureau of Investigation
935 Pennsylvania Avenue, NW
Washington, DC 20535-0001

Dear Director Comey:

At the House Judiciary Committee's annual Federal Bureau of Investigation oversight hearing on September 28, 2016, I asked that you comment on FBI policy regarding investigations into violations of the Logan Act, which prohibits American citizens from interfering with U.S. foreign policy. At the time, you claimed that it would be inappropriate to answer questions about the circumstances that would trigger a Logan investigation. You testified that offering a response would come too close to confirming or denying whether an investigation was ongoing; that it "seems too close to real life."

At the same hearing you made several statements defending your recommendation that no charges be filed against Secretary Hillary Clinton at the conclusion of the bureau's investigation into her private e-mail server.

Subsequently, on October 28, 2016, you wrote a publicly distributed letter to Republican Committee leadership to provide an update regarding new information related to the Clinton investigation. You stated that the FBI would "take appropriate investigative steps" to review additional emails for classified information and pertinence to the bureau's inquiry.

Your decision to share this information contradicted your previously stated reluctance to making public comments in a way that might suggest the status of an investigation. In the case of Secretary Clinton's email practices, you felt compelled to update and supplement your testimony. While on the other hand, you refused to respond to questions regarding a Logan Act investigation related to connections between then-presidential candidate Donald Trump's advisers and Russian government officials.

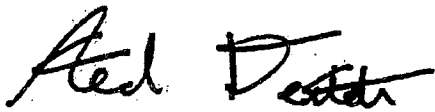
Director James Comey
January 12, 2017
Page 2

Now, recent media reports have revealed new information concerning meetings between Carter Page, a Trump foreign policy campaign adviser, and Russian government officials—among other connections between the Trump campaign and the Russian government.

Given the seriousness and public policy implications of illegal meddling in U.S. foreign policy, I hope you will feel similarly compelled to supplement your testimony—as you did in the Clinton investigation—to offer a response to my questions related to Logan Act violations.

An excerpt of the hearing transcript is attached to this letter. I look forward to your response.

Sincerely,

A handwritten signature in black ink, appearing to read "Ted Deutch". The signature is fluid and cursive, with the first name "Ted" being more prominent than the last name "Deutch".

Ted Deutch
MEMBER OF CONGRESS

Attachment

**OVERSIGHT OF THE
FEDERAL BUREAU OF INVESTIGATION**

HEARING
BEFORE THE
COMMITTEE ON THE JUDICIARY
HOUSE OF REPRESENTATIVES
ONE HUNDRED FOURTEENTH CONGRESS
SECOND SESSION

SEPTEMBER 28, 2016

Serial No. 114-91

Printed for the use of the Committee on the Judiciary



Available via the World Wide Web: <http://judiciary.house.gov>

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Material submitted by the Honorable Darrell E. Issa, a Representative in Congress from the State of California, and Member, Committee on the Judiciary. This material is available at the Committee and can also be accessed at: http://docs.house.gov/Committee/Calendar/ByEvent.aspx?EventID=105390	

more, on that list of things that make this case highly unusual. I yield back.

Mr. GOODLATTE. The Director is permitted to respond if he chooses to do so.

Mr. COMEY. No, I don't think so.

Mr. GOODLATTE. The Chair recognizes the gentleman from Florida, Mr. Deutch, for 5 minutes.

Mr. DEUTCH. Thank you, Mr. Chairman. Director Comey, the FBI is tasked with very serious responsibilities. You are on the front lines trying to prevent terrorist attacks. You are investigating public corruption. And as I told your agents on a recent visit to your Miami field office, I am grateful to you and your agents, all of the women and men of the FBI, for your dedication to the—and commitment to the pursuit of justice. We are most grateful.

Now, one critical responsibility of the FBI is to investigate when American citizens violate Federal laws involving improper contacts with foreign governments. And, Director Comey, if an American national goes outside government channels to negotiate with a foreign government on behalf of the United States, that is a very serious crime, one that would violate the Logan Act, which, as you know, is the law that prohibits unauthorized people from negotiating with foreign governments in the place of the United States Government.

Director Comey, would the FBI take allegations of Logan Act violations seriously? Is that within your jurisdiction?

Mr. COMEY. Yes. It is within our jurisdiction.

Mr. DEUTCH. And if you had credible evidence that someone had violated the Logan Act, would the FBI investigate that alleged violation of law?

Mr. COMEY. I think we have done many Logan Act investigations over the years. And we certainly will in the future.

Mr. DEUTCH. And am I correct in assuming that you are familiar with publicly quoted comments from various intelligence sources that have said that Russia has targeted the United States with a legal State-directed hacking?

Mr. COMEY. I am aware of the published reports.

Mr. DEUTCH. If an American citizen, Director Comey, conducted meetings with a Russian individual who has been sanctioned by the United States about potential weakening of U.S. sanctions policy in violation of the Logan Act, would the FBI investigate?

Mr. COMEY. I don't think it is appropriate to answer that. That gets too close to confirming or denying whether we have an investigation. Seems too close to real life. So I am not going to comment.

Mr. DEUTCH. Okay. But there are—you have investigated Logan Act violations. It is something that is clearly within your jurisdiction.

I appreciate, Director Comey, your confirming that the FBI would treat these potential violations of law both seriously and urgently, because everything that I just outlined that you said the FBI would investigate has apparently happened already. Public reports suggest that the Logan Act may have been violated by Carter Page, one of the men Donald Trump signaled out as the top foreign policy adviser.

So now the campaign appears eager to revise Mr. Page's role given the attention rightly being given to his illicit negotiations

with a sanctioned Russian official. I read reports from Yahoo News from last week that law enforcement may already be looking into this issue. And I assume we all agree that the allegations are very serious. Russia, a Nation that hacks America, a Nation that continues to enable Assad, the Assad regime, to slaughter the Syrian people, a Nation that threatens and violates the territorial integrity of its neighbors and our European allies.

It is a dangerous violation of Federal law if Donald Trump's adviser, Carter Page, is engaging in freelance negotiations with Russia. And here is what we know. In March, Donald Trump named Carter Page as a foreign policy adviser. In July, Mr. Page traveled to Moscow to give a speech that was harshly critical of the United States. And during that trip, Mr. Page is reported to have also met with a Russian official named Igor Sechin, a member of Vladimir Putin's inner circle and the president of the petroleum company, Rosneft, who was sanctioned by the United States under executive order 13361, prohibiting him from traveling to the United States or conducting business with U.S. firms.

So Mr. Sechin has a clear and personal interest in lifting U.S. sanctions against him and other top Russian officials put in place by President Obama after Russia's military action in Ukraine. Now, if these two men met to discuss sanctions policy, or a lifting of sanctions under a potential Trump administration, this would be enormously concerning.

Just last week the press reported that U.S. intelligence officials are seeking to determine whether an American businessman identified by Donald Trump as one of his foreign policy advisers has opened up private communications with senior Russian officials, including talks about possible lifting of sanctions.

Mr. Comey, it is illegal if Trump's adviser met with Russians who have been sanctioned by the United States about lifting these sanctions. And I am grateful for your reassurances this morning that the FBI would investigate potential violations of the Logan Act by any individual who engages in unauthorized negotiations with a foreign government. I remind my colleagues that Donald Trump invited Russia to hack the United States. I remind my colleagues that Donald Trump suggested breaking America's longstanding commitment to our NATO allies and weakening U.S. sanctions against Russia. Is there a connection between these reckless and dangerous policy proposals, and the potential violation of the Logan Act by Donald Trump's Russia adviser?

Mr. Comey, we appreciate very much the FBI's vigilance in pursuing justice. And, Mr. Chairman, I yield back.

Mr. GOODLATTE. The gentleman is permitted to respond if you choose to.

So the Chair now recognizes the gentleman from Pennsylvania, Mr. Marino, for 5 minutes.

Mr. MARINO. Thank you, Chairman.

Thank you, Director, for being here. I think we have worked on a couple of cases together in our districts.

Mr. COMEY. Yes.

Mr. MARINO. Would you clarify something for me on act-of-production immunity? Does act-of-production immunity go beyond this scenario that I am going to state?

Devin Nunes, California; CHAIRMAN

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U.S. HOUSE OF REPRESENTATIVES

PERMANENT SELECT COMMITTEE ON INTELLIGENCE

HVC-304, THE CAPITOL
WASHINGTON, DC 20515
(202) 225-4121

DAMON NELSON
STAFF DIRECTOR

MICHAEL BAHAR
MINORITY STAFF DIRECTOR

March 15, 2017

The Honorable Admiral Michael Rogers
Director, National Security Agency
Fort Meade, MD 20755

The Honorable James Comey
Director, Federal Bureau of Investigation
Washington, D.C. 20535

The Honorable Mike Pompeo
Director, Central Intelligence Agency
Washington, D.C. 20505

Dear Directors Rogers, Comey, and Pompeo:

As you know, the Committee has been very concerned regarding the purported unauthorized disclosures of classified information, particularly when they pertain to intelligence collection on, or related to, U.S. persons (USP). To take a prominent example, a January 12, 2017 article in a major newspaper was the first to claim that "Retired Lt. Gen. Michael T. Flynn, [then President-Elect] Trump's choice for national security adviser . . . phoned Russian Ambassador Sergey Kislyak several times on Dec. 29."

Such stories would appear to contain the unauthorized disclosure of USP identities. This potential misuse is a key reason why the Intelligence Community (IC) has developed robust "minimization procedures" for the protection of USP information, including requiring the "masking" of USP identities in most circumstances.

However, as recent news stories seem to illustrate, individuals talking to the media would appear to have wantonly disregarded these procedures. The Committee is concerned that USP identifiable information may have been mishandled in violation of approved minimization and dissemination procedures pursuant to statute and/or Executive Order 12333, as amended. Therefore, no later than **Friday, March 17, 2017**, each of your agencies should provide the Committee with the following:

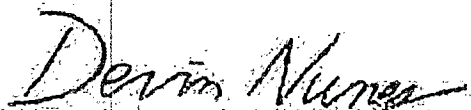
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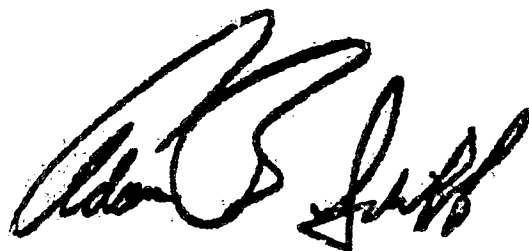
1. All specific policies and/or procedures each agency employs to make a determination to unmask and disseminate the identity of a USP; specifically, the Committee requests the approval process required to authorize such a dissemination within and outside the agency, including the number of individuals who can approve an unmasking in each agency;
2. The total number of disseminations of any unmasked USP identities between June 2016 and January 2017, if they exist;
3. If they exist, the names of any unmasked USPs whose identities were disseminated in response to requests from IC agencies, law enforcement, or senior Executive Branch officials between June 2016 and January 2017, and that relate to Presidential candidates Donald J. Trump and Hillary Rodham Clinton and their associates in 2016;¹
4. If they exist, the names of any IC agencies, law enforcement agencies, and/or senior Executive Branch officials that requested and/or authorized the unmasking and dissemination of USP information relating to the specific individuals and entities specified in request #3 above, as well as the titles of all specific recipients of that unmasked USP information; and
5. If it exists, the stated reason, pursuant to the relevant minimization procedures, for unmasking each USP identity relating to request #3 above.

We appreciate your prompt attention to this request. If you have any questions regarding the foregoing, please contact the Committee at (202) 225-4121.

Sincerely,



Devin Nunes
Chairman



Adam B. Schiff
Ranking Member

Copy to:

The Honorable Michael Dempsey, Acting Director of National Intelligence

¹ For the purposes of this letter, "associates" include any campaign surrogates, advisors, or employees; any Trump Organization or Clinton Foundation surrogates, advisors, or employees; and family, friends, and business associates of Mr. Trump and Mrs. Clinton.

UNCLASSIFIED

Congress of the United States

Washington, DC 20515

April 13, 2017

The Honorable James Comey
Director, Federal Bureau of Investigation
U.S. Department of Justice
935 Pennsylvania Avenue, NW
Washington, D.C. 20530

Charles S. Phalen, Jr.
Director, National Background Investigations Bureau
U.S. Office of Personnel Management
1900 E Street, NW
Washington, D.C. 20415

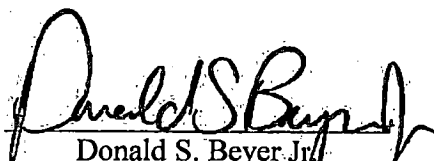
Dear Directors Comey and Phalen:

We are concerned about a story reported by *The New York Times* on April 6, 2017, alleging Jared Kushner, a senior advisor and son-in-law to the president, failed to disclose key meetings with foreign government officials during his application process for top-secret clearance. According to the report, Mr. Kushner omitted dozens of contacts with foreign leaders from his Standard Form-86 (SF-86), including with Russian ambassador Sergey Kislyak and Sergey Gorkov, a prominent Russian banker and a graduate of the Academy of [the] Federal Security Service of Russia (FSB).

Lack of candor, particularly regarding contacts with Russian officials, was a significant issue for the Trump Transition. The president fired his National Security Advisor, General Michael Flynn, for lying about foreign contacts. Attorney General Jeff Sessions recused himself from matters related to the campaign and transition after he misled the Senate Judiciary Committee about contacts with Ambassador Kislyak during his confirmation hearing. We are concerned that Jared Kushner may have engaged in similar deception.

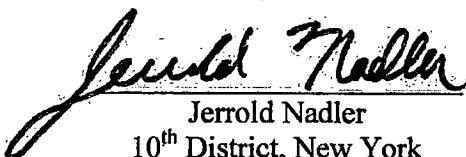
Knowingly falsifying or concealing information on a SF-86 questionnaire is a felony, punishable by up to five years in prison. Given the severity of the allegations and still unanswered questions about this administration's recently uncovered covert dealings with Russian government and intelligence officials, we are requesting that Mr. Kushner's interim top-secret security clearance be suspended pending a review of Mr. Kushner's compliance with the laws and regulation governing security clearances. Additionally, we are requesting Mr. Kushner immediately make public all meetings he had with foreign government officials between June 16, 2015, the date Mr. Trump announced his candidacy for president of the United States, and January 20, 2017, the date the president was sworn in.

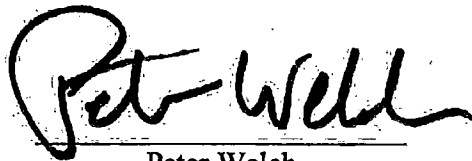
Sincerely,


Donald S. Beyer, Jr.
8th District, Virginia


Ted W. Lieu
33rd District, California


Jamie Raskin
8th District, Maryland


Jerrold Nadler
10th District, New York


Peter Welch
At-large, Vermont

Congress of the United States

Washington, DC 20515

February 16, 2017

Mr. Timothy Gallagher
Special Agent in Charge
Federal Bureau of Investigation Field Office – Newark
11 Centre Place
Newark, NJ 07102

Dear Special Agent Gallagher:

We write regarding reports that the Federal Bureau of Investigation's (FBI) Newark division has recently engaged in outreach efforts toward Syrian refugees. As representatives of impacted individuals and communities, we have serious questions about the Bureau's actions and intent.

We are very concerned that the outreach by the FBI to build trust and establish open lines of communications will be misinterpreted by a vulnerable population that was recently resettled and come from a country where they rightly feared their own secret police. Syrian refugees, like many who have been resettled through the refugee program in New Jersey, have fled devastation and destruction in their homeland. At a time when refugees have wrongly been cast as a suspect group, we fear these outreach efforts have had a negative impact and contradict the goal of law enforcement: to enforce the law in a way that ensures our residents feel safe and secure in their communities. Going forward, we strongly encourage the FBI to partner with community organizations that work with refugee communities before approaching individual families that have been resettled.

In that context, much more information is needed about the goals of the FBI in its outreach efforts. We ask that you answer the following questions as expeditiously and detailed as possible.

- When and why did this outreach begin? Who instructed this outreach to begin?
- Is it true that only refugees of Syrian origin have been contacted during this recent outreach effort, and if so, why?
- What is the intended outcome of the outreach?
- Have Syrian refugees been asked to sign any documentation during meetings coordinated through FBI phone outreach? If so, please provide copies of the documents individuals were asked to sign during these meetings with your response.
- In reaching out to individuals did FBI agents explicitly say or indicate that a third party, such as a lawyer or representative from a refugee organization, was not able to participate in the meeting?
- If these outreach efforts are intended to build trust, why has the FBI not partnered with resettlement agencies helping refugees, who have already developed bonds of trust?

Sac TAG

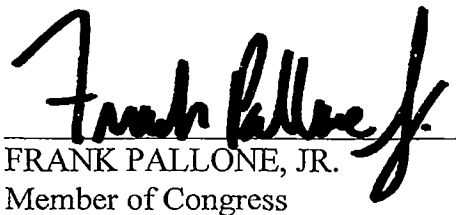


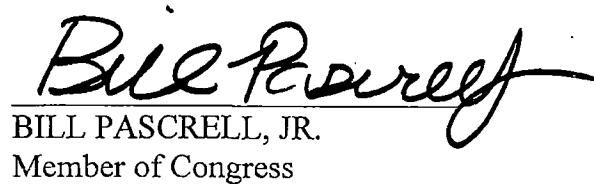
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We look forward to your prompt and thorough response.

Sincerely,


FRANK PALLONE, JR.
Member of Congress


BILL PASCRELL, JR.
Member of Congress

ExecSec (DO)(FBI)

From: [redacted] (DO) (FBI)
Sent: Friday, February 24, 2017 3:50 PM
To: [redacted] (DO) (FBI); ExecSec (DO)(FBI)
Cc: [redacted] (DO) (FBI); [redacted] (DO) (FBI); [redacted] (DO) (FBI); [redacted] (DO) (FBI); [redacted] (DO) (FBI); [redacted] (DO) (FBI)
Subject: FW: Syrian Refugees --- UNCLASSIFIED

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b7C

SentinelCaseId: NON-RECORD

Classification: UNCLASSIFIED
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Good afternoon,

Can you please enter the following into TRIM?

Thank you!

[redacted]

[redacted]

Legislative Affairs Specialist
FBI Office of Congressional Affairs

[redacted]

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b7C

From: [redacted] (NK) (FBI)
Sent: Friday, February 24, 2017 3:41 PM
To: [redacted] (DO) (FBI); [redacted] (DO) (FBI)
Cc: GALLAGHER, TIMOTHY A. (NK) (FBI); [redacted] (NK) (FBI)
Subject: Syrian Refugees --- UNCLASSIFIED

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b7C

Classification: UNCLASSIFIED
=====



syrian
gees_2017_02_24_:

Per SAC Timothy Gallagher

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Classification: UNCLASSIFIED

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Classification: UNCLASSIFIED

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U.S. HOUSE OF REPRESENTATIVES
PERMANENT SELECT COMMITTEE
ON INTELLIGENCE

HVC-304, THE CAPITOL
WASHINGTON, DC 20515
(202) 225-4121

DAMON NELSON
STAFF DIRECTOR

MICHAEL BAHAR
MINORITY STAFF DIRECTOR

May 16, 2017

VIA CERTIFIED U.S. AND ELECTRONIC MAIL

Acting Director Andrew McCabe
FBI Headquarters
935 Pennsylvania Avenue, NW
Washington, D.C. 20535-0001

Dear Acting Director McCabe:

As part of its bipartisan investigation into Russian active measures directed at the 2016 U.S. election, the House Permanent Select Committee on Intelligence requests that you produce certain documents and other materials to the Committee and arrange for your participation in a voluntary, transcribed interview at the Committee's offices.

First we respectfully ask that you produce to the Committee, by no later than the close of business on May 23, the following:

Any documents, records, electronically stored information including e-mail, communication, recordings, data and tangible things (including, but not limited to, graphs, charts, photographs, images and other documents) regardless of form, other than those widely available (e.g., newspaper articles) that reasonably could lead to the discovery of any facts within the investigation's publicly-announced parameters.

In complying with this request, we ask that you furnish to the Committee, in unredacted form, any and all responsive material in your actual or constructive possession, custody, or control or otherwise available to you, including responsive material possessed by any third party to be transferred to your possession and shared with the Committee. This request is also made on an ongoing basis: if after making an initial production to the Committee you find additional responsive material, you should produce that material to the Committee.

To the extent not encompassed by the above request, this letter also requests preservation of all documents, records, electronically stored information, recordings, data and tangible things (including, but not limited to, graphs, charts, photographs, images and other documents) regardless of form, other than those widely available (e.g., newspaper articles), related to the Committee's investigation, your interview, and any ancillary matters.

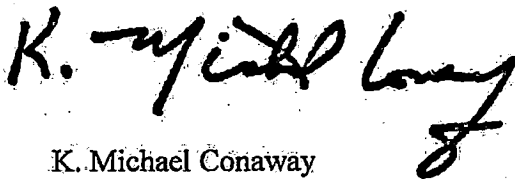
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Should it become necessary to do so, the Committee may supplement the document request contained in this letter at any time.

Committee staff will work with you to arrange your interview, at a time and date subsequent to your production of documents to the Committee. The interview may cover any topic within the publicly-announced parameters of the Committee's investigation, including Russian cyber activities directed against the 2016 U.S. election, potential links between Russia and individuals associated with political campaigns, the U.S. government's response to these Russian active measures, and related leaks of classified information.

Should you have any questions at any time, please contact Committee staff at (202) 225-4121. If you are represented by an attorney, please forward this letter to your attorney, and have him or her contact the Committee on your behalf.

Sincerely,



K. Michael Conaway
Member of Congress



Adam Schiff
Ranking Member

Attachment: Parameters for Russia Investigation

Intelligence Committee Chairman, Ranking Member Establish Parameters for Russia Investigation
Washington, March 1, 2017

Chairman Nunes and Ranking Member Schiff have approved the Scope of Investigation for the inquiry by the House Permanent Select Committee on Intelligence into the Russian active measures campaign targeting the 2016 U.S. election. While the detailed, six-page scoping document remains classified, the investigation will seek to answer the following questions:

- What Russian cyber activity and other active measures were directed against the United States and its allies?
- Did the Russian active measures include links between Russia and individuals associated with political campaigns or any other U.S. Persons?
- What was the U.S. Government's response to these Russian active measures and what do we need to do to protect ourselves and our allies in the future?
- What possible leaks of classified information took place related to the Intelligence Community Assessment of these matters?

To answer these questions, the Committee will seek access to and custody of all relevant information, including law enforcement and counterintelligence information, consistent with the Committee's oversight jurisdiction and investigative responsibilities. The Committee's inquiry will not, however, impede any ongoing investigation.

The Committee will also conduct interviews, take witness testimony, and review all reporting underlying the Intelligence Community Assessment (ICA) "Russian Activities and Intentions in Recent US Elections." The inquiry will seek to ensure that the ICA comported with all relevant Intelligence Community analytic standards, and that allegations of Russian collusion with any U.S. Persons and the leaks of classified information are fully investigated. While the Committee has access to the reporting underlying the ICA, the Scope of Investigation reiterates the need to expand access to those documents and to ensure they are delivered to and stored at the Committee. It also sets forth the expectation that the Intelligence Community provide any other relevant intelligence to the Committee.

Chairman Nunes said, "The Intelligence Committee has been investigating Russia for years and warning about the Putin regime's hostile international actions, its aggression in cyber space, and its influential international propaganda campaigns. The committee is determined to continue and expand its inquiries into these areas, including Russian activities related to the 2016 U.S. elections. On a bipartisan basis, we will fully investigate all the evidence we collect and follow that evidence wherever it leads."

Ranking Member Schiff stated, "The House Intelligence Committee must conduct a bipartisan investigation into Russia's interference in our election. We must follow the facts wherever they may lead, leaving no stone unturned, and that must also include both the Russian hacking and dumping of documents as well as any potential collusion between Russia and U.S. citizens. This investigation is a national security necessity and anything less than a full accounting of all the facts will be insufficient to protect the country and meet the expectations of the American people."

Devin Nunes, California, CHAIRMAN

K. Michael Conaway, Texas
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Ileana Ros-Lehtinen, Florida
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Brad R. Wenstrup, Ohio
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Adam B. Schiff, California,
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PERMANENT SELECT COMMITTEE
ON INTELLIGENCE

HVC-304, THE CAPITOL
WASHINGTON, DC 20515
(202) 225-4121

DAMON NELSON
STAFF DIRECTOR

MICHAEL BAHAR
MINORITY STAFF DIRECTOR

April 20, 2017

The Honorable James Comey
Director
Federal Bureau of Investigation
935 Pennsylvania Avenue N.W.
Washington, D.C. 20535

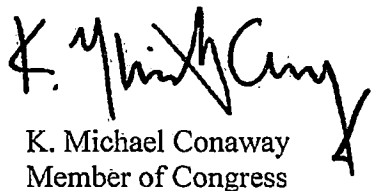
Dear Mr. Comey:

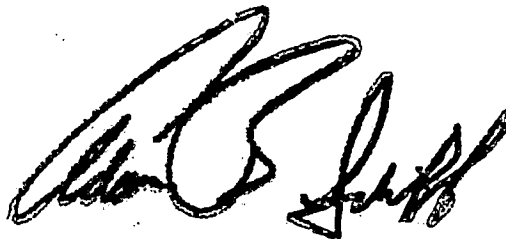
As part of its bipartisan, ongoing investigation into the Russian active measures campaign targeting the 2016 U.S. election, the House Permanent Select Committee on Intelligence invites you to testify at a closed hearing beginning at 10:00 a.m. on May 2, 2017.

The hearing may cover any topic within the publicly-announced parameters of the Committee's investigation, including Russian cyber activities directed at the U.S. election, the U.S. Government's response, potential links between Russia and individuals associated with political campaigns, and leaks of classified information.

Please let the Committee know if you plan to participate no later than the close of business on Tuesday, April 25, 2017. If you are able to attend, we will follow up with additional details regarding the location and format of the hearing. If you have any questions regarding this invitation, please contact Committee staff.

Sincerely,


K. Michael Conaway
Member of Congress


Adam Schiff
Ranking Member

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Devin Nunes, California, CHAIRMAN

K. Michael Conaway, Texas
Peter T. King, New York
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HVC-304, THE CAPITOL
WASHINGTON, DC 20515
(202) 225-4121

DAMON NELSON
STAFF DIRECTOR

MICHAEL BAHAR
MINORITY STAFF DIRECTOR

May 11, 2017

VIA CERTIFIED U.S. AND ELECTRONIC MAIL

Acting Director Andrew McCabe
FBI Headquarters
935 Pennsylvania Avenue, NW
Washington, D.C. 20535-0001

Dear Acting Director McCabe:

As part of its bipartisan investigation into Russian active measures directed at the 2016 U.S. election, the House Permanent Select Committee on Intelligence requests that you produce certain documents and other materials to the Committee and arrange for your participation in a voluntary, transcribed interview at the Committee's offices.

First we respectfully ask that you produce to the Committee, by no later than the close of business on **May 23**, the following:

Any documents, records, electronically stored information including e-mail, communication, recordings, data and tangible things (including, but not limited to, graphs, charts, photographs, images and other documents) regardless of form, other than those widely available (e.g., newspaper articles) that reasonably could lead to the discovery of any facts within the investigation's publicly-announced parameters.

In complying with this request, we ask that you furnish to the Committee, in unredacted form, any and all responsive material in your actual or constructive possession, custody, or control or otherwise available to you, including responsive material possessed by any third party to be transferred to your possession and shared with the Committee. This request is also made on an ongoing basis: if after making an initial production to the Committee you find additional responsive material, you should produce that material to the Committee.

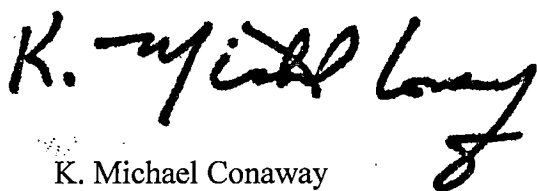
To the extent not encompassed by the above request, this letter also requests preservation of all documents, records, electronically stored information, recordings, data and tangible things (including, but not limited to, graphs, charts, photographs, images and other documents) regardless of form, other than those widely available (e.g., newspaper articles), related to the Committee's investigation, your interview, and any ancillary matters.

Should it become necessary to do so, the Committee may supplement the document request contained in this letter at any time.

Committee staff will work with you to arrange your interview, at a time and date subsequent to your production of documents to the Committee. The interview may cover any topic within the publicly-announced parameters of the Committee's investigation, including Russian cyber activities directed against the 2016 U.S. election, potential links between Russia and individuals associated with political campaigns, the U.S. government's response to these Russian active measures, and related leaks of classified information.

Should you have any questions at any time, please contact Committee staff at (202) 225-4121. If you are represented by an attorney, please forward this letter to your attorney, and have him or her contact the Committee on your behalf.

Sincerely,



K. Michael Conaway
Member of Congress



Adam Schiff
Ranking Member

Attachment: Parameters for Russia Investigation

Devlin Nunes, California, CHAIRMAN

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WASHINGTON, DC 20515
(202) 225-4121

DAMON NELSON
STAFF DIRECTOR

MICHAEL BAHAR
MINORITY STAFF DIRECTOR

May 17, 2017

Mr. Robert Mueller
Special Counsel
U.S. Department of Justice
Washington, D.C. 20530

Mr. Andrew McCabe
Acting Director
Federal Bureau of Investigation
Washington, D.C. 20535

Dear Mr. Mueller and Acting Director McCabe:

Mr. Mueller's appointment as Special Counsel is a necessary and positive development in the Department of Justice's investigation regarding Russia. As part of its own, bipartisan inquiry into Russian active measures, to include counterintelligence concerns, the Committee will be conducting rigorous oversight to ensure that the Department of Justice's work, to include the ongoing counterintelligence investigation regarding Russia by the Federal Bureau of Investigation, is not impeded or interfered with in any way.

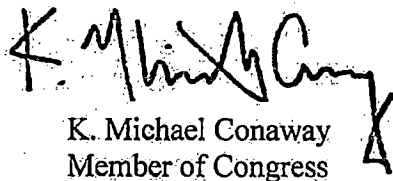
Accordingly the Committee requests that the Department of Justice, including the Federal Bureau of Investigation, preserve and produce to the Committee:

- (1) copies of all documents, records, electronically stored information including e-mail, communication, recordings, data and tangible things, regardless of form, other than those widely available (e.g., newspaper articles) that reference Mr. Comey's dismissal as FBI Director, and that are potentially relevant to the Bureau's counterintelligence investigation.
- (2) all documents memorializing conversations between the President and Mr. Comey regarding his activities as Director, to include all memoranda, notes, or other documents regarding such conversations, that are potentially relevant to the Bureau's counterintelligence investigation.

We would appreciate your written reply, and the fulfillment of this request, by no later than the close of business on May 23.

Should you have any questions at any time, please contact Committee staff at (202) 225-4121.

Sincerely,


K. Michael Conaway
Member of Congress


Adam Schiff
Ranking Member

Devin Nunes, California, CHAIRMAN

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(202) 225-4121

DAMON NELSON
STAFF DIRECTOR

MICHAEL BAHAR
MINORITY STAFF DIRECTOR

April 25, 2017

The Honorable Dan Coats
Director of National Intelligence
Washington, D.C. 20511

Dear Director Coats:

As you know, the Committee is conducting a bipartisan inquiry into Russian Active Measures. That inquiry encompasses, among other things, an examination of the intelligence underlying a January 5 Intelligence Community (IC) assessment, entitled "Russian Activities and Intentions in Recent U.S. Elections," as well as counterintelligence concerns related to Russia and the 2016 U.S. election.

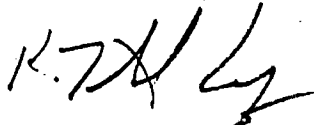
In connection with its inquiry, the Committee asks that you furnish responses to questions 20B and 20C from the Standard Form 86 (SF 86), "Questionnaire for National Security Positions," that were completed and submitted by Lt. Gen. (ret.) Michael Flynn during the timeframe of February 2012 to February 13, 2017, as well as any updates or amendments to those responses. Additionally, please furnish any documents or information related to those responses, as well as any documents or information which were included in any review or adjudication regarding Mr. Flynn's eligibility for a security clearance, and/or access to classified information.

Submission of these materials to the Committee is authorized explicitly by 5 U.S.C. § 552a (b)(9).

We would appreciate your fulfillment of this request by no later than the close of business on **May 11, 2017.**

Should you have any questions about the request, please contact the Committee at (202) 225-4121.

Sincerely,



K. Michael Conaway
Member of Congress



Adam Schiff
Ranking Member

Copies:

The Hon. Lt. Gen. Vincent Stewart, Director, Defense Intelligence Agency
The Hon. Mike Pompeo, Director, Central Intelligence Agency
The Hon. James Comey, Director, Federal Bureau of Investigation
The Hon. Adm. Mike Rogers, Director, National Security Agency

Congress of the United States
Washington, DC 20515

February 13, 2017

Mr. James Comey
Director
Federal Bureau of Investigation
935 Pennsylvania Avenue, NW
Washington, D.C. 20535-0001

Dear Director Comey:

The New York Times and *McClatchy* have reported the FBI and other agencies are conducting investigations into personnel connected with President Donald Trump regarding whether there was collusion with Russia prior to last November's elections. *The Washington Post* has also reported National Security Advisor Michael Flynn is under investigation. He apparently lied about discussing sanctions with Russia, which may be a violation of the Logan Act.

We understand you do not comment on existing investigations. We are not asking you to do so. Instead, we would like your answer to the three general questions set forth below. They relate to whether you have access to the tax returns of President Trump and Mr. Flynn.

As a lawyer, you understand that the Foreign Emoluments Clause (found in Article I, Section 9 of the U.S. Constitution) was designed by the Framers to stop one of the greatest dangers to our Republic: the threat of foreign influence. This provision prevents elected officials from receiving any benefit whatsoever from a foreign government.

Some of the President's violations of the Foreign Emoluments Clause are evident—like the financial benefit he is likely deriving from foreign governments making use of Trump properties around the world. Other violations may be less apparent at the moment. The Trump Administration has stated that President Trump will not release his tax returns to the public. As a result, Americans cannot know the full extent of the conflicts of interests President Trump may have in his global business holdings and other stakes in foreign entities.

We would like to know the following:

1. Would a subject's tax returns aid the FBI in determining whether the subject or his family has a foreign conflict of interest that may have compromised the subject in relations with foreign entities?
2. In the course of counterintelligence, criminal or public corruption investigations, would the FBI normally have access to a subject's tax returns?

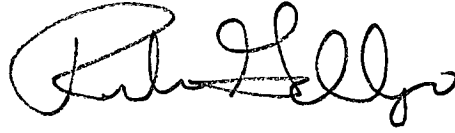
3. If the answer to question 2 is no, what would be the process for the FBI to acquire a subject's tax returns if the FBI determines such tax returns are pertinent to an investigation?

Thank you for your attention to this critical matter.

Sincerely,



Ted W. Lieu
Member of Congress



Ruben Gallego
Member of Congress

Congress of the United States
Washington, DC 20515

December 21, 2016

James Comey
Director, Federal Bureau of Investigation
J. Edgar Hoover Bldg, 935 Pennsylvania Ave, NW
Washington, D.C. 20535-0001

Dear Director Comey,

As January 20 approaches, both transition teams are preparing for a seamless change in administrations. This process includes the Federal Bureau of Investigation's (FBI) issuance of security clearances to members of each transition team. As this transition continues, there is an opportunity to look back on past transitions to ensure proper national security protections were taken to keep this nation safe. Recent reports indicate the FBI denied, or was going to deny, Ben Rhodes an interim security clearance during President Obama's transition. This previously unknown fact is extremely troubling and calls into question the integrity of the FBI's protocols and the wisdom of Mr. Rhodes' continued government employment.

As you know, the Intelligence Reform and Terrorism Prevention Act of 2004, which included the enactment of some of the 9/11 Commission's recommendations, encourages the prompt placement of national security personnel in a new administration. This Act allows each major party candidate to request security clearances for some transition team members before the election. While seeking to minimize disruptions to our nation's security, with this law, Congress upheld existing protocol regarding the extensive and full vetting of all relevant personnel. Particularly with outstanding issues about former Secretary of State Hillary Clinton and her staff's handling of classified information.

While easing the Presidential transition is important, of utmost importance is maintaining security. A clearance investigation includes an examination of the following factors that may compromise an applicant's decision making with regard to classified information:

- Criminal record
- Illegal drug use or activity
- Psychological or emotional health instability
- Excessive alcohol use
- Professional misconduct
- Lack of financial self-control
- Questionable foreign ties or relationships

The SF-86 goes back several years to ensure that applicants are not plants of foreign intelligence services, but also that applicants have made good decisions to indicate they can be trusted with our government's highest secrets.

For the FBI to evidently find something in Mr. Rhodes' background that led it to potentially deny him a security clearance only to have Mr. Rhodes work at the highest levels of the Obama

administration shakes the entire clearance process to the core. Mr. Rhodes has worked in the White House for the past seven years and is the architect of the Iran deal "echo chamber," as he recently described himself. We can only hope the FBI was ultimately satisfied with its ability to investigate Mr. Rhodes and felt that it had sufficient freedom to decide whether or not to grant Mr. Rhodes a security clearance.

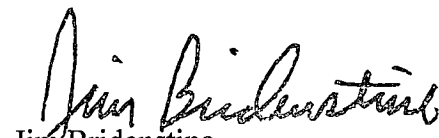
We understand why information is classified and why the FBI must thoroughly investigate anyone wishing to access this information. It is not just protocol—it is truly a matter of life and death. As such, your answers to the following information by January 25 would be appreciated. If some information must remain classified, please also transmit an unclassified summary.

1. Does Mr. Rhodes currently hold a security clearance?
2. Did the FBI grant Mr. Rhodes an interim security clearance during the presidential transition period?
3. What issues led to the FBI's inclination to deny Mr. Rhodes a security clearance during the transition period? At this point, the American people can only speculate it was due to at least one of the seven reasons listed above.
4. Was the FBI given sufficient time and freedom to investigate Mr. Rhodes for a clearance?
5. Did the Obama administration or Obama campaign ever pressure or exert political influence to encourage the FBI to grant Mr. Rhodes a clearance?
6. Given the large size of transition teams—often in the hundreds—did the FBI deny interim security clearances to other individuals on the Obama transition team? If yes, were these denials ultimately resolved or were these individuals asked to not continue working for the Obama administration? If no, why was Mr. Rhodes in this unusual situation and was the FBI's initial hesitation in granting his clearance later reversed?

We trust the FBI is conducting security clearance investigations with the utmost seriousness and attention to detail.

Most sincerely,


Trent Franks
Member of Congress


Jim Bridenstine
Member of Congress

Fax Cover Sheet

From: Rep. Barbara Comstock
10th District, Virginia

21430 Cedar Drive, Suite 218
Sterling, VA 20164

Tel: 703-404-6903
Fax: 703-404-6906



Sender:

Lucy Norment

TO:

FBI

FAX #:

Date:

March 2, 2017

Number of Pages (including cover):

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Comments:

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BARBARA COMSTOCK
10TH DISTRICT, VIRGINIA



COMMITTEE ON TRANSPORTATION &
INFRASTRUCTURE

COMMITTEE ON SCIENCE, SPACE &
TECHNOLOGY
CHAIRWOMAN, RESEARCH AND TECHNOLOGY

COMMITTEE ON HOUSE ADMINISTRATION

Congress of the United States

House of Representatives

Washington, DC 20515

March 2, 2017

Mr. Jason Herring
Asst Director of Congressional Affairs
Federal Bureau of Investigation
Us Department of Justice
935 Pennsylvania Avenue NW, Room 7240
Washington, DC 20535-0001

Dear Mr. Herring:

I have enclosed a letter which I received from one of my constituents, [REDACTED]
regarding a matter under your department's jurisdiction.

b6
b7c

[REDACTED]
[REDACTED]

I would appreciate it if you would review the enclosed correspondence and address the issues it discusses. It would be helpful if you would address your response to me, to the attention of my staff assistant, Lucy Norment, at my Sterling office.

Thank you for your time and courtesy in being attentive to the concerns of my constituent.

Sincerely,

Barbara Comstock
Member of Congress

BC/ln

Fax Cover Sheet

From: Rep. Barbara Comstock
10th District, Virginia

21430 Cedar Drive, Suite 218
Sterling, VA 20164

Tel: 703-404-6903

Fax: 703-404-6906



Sender:

Lucy Norment

TO:

Mr. Gregory Brower

FAX #:

Date:

5/24/2017

Number of Pages (including cover):

4

Comments:

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b7E

BARBARA COMSTOCK
10TH DISTRICT, VIRGINIA



COMMITTEE ON TRANSPORTATION &
INFRASTRUCTURE

COMMITTEE ON SCIENCE, SPACE &
TECHNOLOGY
CHAIRWOMAN, RESEARCH AND TECHNOLOGY

COMMITTEE ON HOUSE ADMINISTRATION

Congress of the United States
House of Representatives
Washington, DC 20515
May 24, 2017

Mr. Gregory Brower
Assistant Director of Congressional Affairs
Federal Bureau of Investigation
Department of Justice
935 Pennsylvania Avenue NW, Room 7240
Washington, DC 20535-0001

Dear Mr. Brower:

I have enclosed a letter which I received from one of my constituents, regarding a matter under your department's jurisdiction.

b6
b7c

I would appreciate it if you would review the enclosed correspondence and address the issues it discusses. It would be helpful if you would address your response to me, to the attention of my staff assistant, Lucy Norment, at my Sterling office.

Thank you for your time and courtesy in being attentive to the concerns of my constituent.

Sincerely,


Barbara Comstock
Member of Congress

BC/ln



Congresswoman Betty McCollum

Minnesota's 4th District

2256 Rayburn House Office Building
Washington, DC 20515
(202) 225-6631
(202) 225-1968/fax

165 Western Avenue North, Suite 17
St. Paul, MN 55102
(651) 224-9191
(651) 224-3056/fax

www.house.gov/mccollum

To: Mr. Jason Herring

From: [REDACTED]

Fax: [REDACTED]

Date: February 24, 2017

Phone: [REDACTED]

Pages: 4

RE: Congressional Inquiry

CC:



☒ Urgent

☐ For Review

☐ Please Comment

☐ Please Reply

☐ Please Recycle

•Comments:

Dear Mr. Herring,

Please see the attachments and thank you in advance for your assistance in this matter. I look forward to hearing from you.

Sincerely,

[REDACTED]

Senior District Office Representative
Office of Congresswoman Betty McCollum

b6
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b7E

b6
b7C

BETTY MCCOLLUM
4TH DISTRICT, MINNESOTA

2258 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
(202) 225-6831
FAX: (202) 225-1968

165 WESTERN AVENUE NORTH
SUITE 17
ST. PAUL, MN 55107
(651) 224-9191
FAX: (651) 224-3056

www.house.gov/mccollum



UNITED STATES
HOUSE OF REPRESENTATIVES

February 23, 2017

COMMITTEE ON APPROPRIATIONS

RANKING MEMBER,
SUBCOMMITTEE ON INTERIOR,
ENVIRONMENT, AND RELATED AREAS
SUBCOMMITTEE ON DEFENSE
SUBCOMMITTEE ON LEGISLATIVE BRANCH

CONGRESSIONAL
GLOBAL HEALTH CAUCUS,
CO-FOUNDER

CONGRESSIONAL
NATIVE AMERICAN CAUCUS,
CO-CHAIR

Mr. Jason Herring
Acting Assistant Director of Congressional Affairs
Federal Bureau of Investigation
U.S. Department of Justice
935 Pennsylvania Avenue, NW, Room 7240
Washington, D.C. 20535

Via Facsimile Number

Dear Mr. Herring,

I have been contacted by a constituent.

b6
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b7E

Thank you in advance for your assistance in this matter. I look forward to hearing from you. Please direct your correspondence directly to on my staff in the Saint Paul Office via email: or by fax (651) 224-3056. He can also be reached by phone (651) 224-9191.

b6
b7C

Sincerely,

Betty McCollum
Member of Congress

Enclosure

BM: CL

CATHY-McMORRIS RODGERS
5TH DISTRICT, WASHINGTON

REPUBLICAN CONFERENCE
CHAIR

DEPUTY WHIP

COMMITTEE:
ENERGY AND COMMERCE
SUBCOMMITTEE ON HEALTH

Congress of the United States

House of Representatives

April 28, 2017

COUNTIES:
ASOTIN
COLUMBIA
FERRY
GARFIELD
LINCOLN
PEND OREILLE
SPOKANE
STEVENS
WALLA WALLA
WHITMAN

Federal Bureau of Investigation (FBI)
935 Pennsylvania Avenue, Nw, Room 7240
Washington, DC 20535-0001

Dear Sir,

In March our office contacted you for an update on the [REDACTED] and have not yet received any response.

b6
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Please provide an update to our office on this case.

I appreciate the assistance you continue to provide to the citizens of Eastern Washington. Should you have any questions or concerns, please don't hesitate to contact me at 509-353-2374 or at [REDACTED]

Thank you for your attention to this matter. I look forward to hearing from you.

b6
b7c

Best regards,

[REDACTED]

Constituent Relations Liaison

203 CANNON HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
(202) 225-2006
FAX: (202) 225-3392

10 NORTH POST STREET, SUITE 625
SPOKANE, WA 99201
(509) 353-2374
FAX: (202) 225-3392

555 SOUTH MAIN
COLVILLE, WA 99114
(509) 684-3481
FAX: (202) 225-3392

26 EAST MAIN STREET, SUITE 2
WALLA WALLA, WA 99362
(509) 529-9358
FAX: (202) 225-3392

www.mcmorrisrodgers.house.gov
www.mcmorrisrodgers.house.gov/facebook

CATHY McMORRIS RODGERS
5TH DISTRICT, WASHINGTON

REPUBLICAN CONFERENCE
CHAIR

DEPUTY WHIP

COMMITTEE:
ENERGY AND COMMERCE
SUBCOMMITTEE ON HEALTH

Congress of the United States
House of Representatives

March 31, 2017

COUNTIES:
ASOTIN
COLUMBIA
FERRY
GARFIELD
LINCOLN
PEND OREILLE
SPOKANE
STEVENS
WALLA WALLA
WHITMAN

Federal Bureau of Investigation (FBI)
935 Pennsylvania Avenue, Nw, Room 7240
Washington, DC 20535-0001

Dear Sirs,

Congresswoman Cathy McMorris Rodgers has asked me to request your assistance for her constituent, [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] Attached is a signed Request for Congressional Assistance for your reference.

Should you have any questions or concerns, please don't hesitate to call me at 509-353-2374 or e-mail [REDACTED]

Thank you for your attention to this matter. I look forward to hearing from you.

Best regards,

[REDACTED]

Constituent Relations Liaison

b6
b7C

b6
b7C

203 CANNON HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
(202) 225-2006
FAX: (202) 225-3392

10 NORTH POST STREET, SUITE 625
SPOKANE, WA 99201
(509) 353-2374
FAX: (202) 225-3392

555 SOUTH MAIN
COLVILLE, WA 99114
(509) 684-3481
FAX: (202) 225-3392

26 EAST MAIN STREET, SUITE 2
WALLA WALLA, WA 99362
(509) 529-9358
FAX: (202) 225-3392

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CATHY McMORRIS RODGERS

5TH DISTRICT, WASHINGTON

REPUBLICAN CONFERENCE
CHAIR

DEPUTY WHIP

COMMITTEE:

ENERGY AND COMMERCE
SUBCOMMITTEE ON HEALTH

Congress of the United States
House of Representatives

January 3, 2017

COUNTIES:

ASOTIN
COLUMBIA
FERRY
GARFIELD
LINCOLN
PEND OREILLE
SPOKANE
STEVENS
WALLA WALLA
WHITMAN

Mr. Stephen D. Kelly
Assistant Director of Congressional Affairs
US Dept. of Justice - FBI
935 Pennsylvania Avenue NW
Washington, DC 20535-0001

Dear Stephen,

Congresswoman Cathy McMorris Rodgers has asked me to request your assistance for her constituent, [REDACTED]

[REDACTED]

[REDACTED]

b6
b7C

[REDACTED] Attached is a Signed request for Congressional Assistance and supplemental materials for your reference.

Should you have any questions or concerns, please don't hesitate to call me at 509-353-2374 or e-mail [REDACTED]

Thank you for your attention to this matter. I look forward to hearing from you.

b6
b7C

Sincerely,

[REDACTED]

Constituent Relations Liaison

203 CANNON HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
(202) 225-2006
FAX: (202) 225-3392

10 NORTH POST STREET, SUITE 625
SPOKANE, WA 99201
(509) 353-2374
FAX: (202) 225-3392

555 SOUTH MAIN
COLVILLE, WA 99114
(509) 684-3481
FAX: (202) 225-3392

26 EAST MAIN STREET, SUITE 2
WALLA WALLA, WA 99362
(509) 529-9358
FAX: (202) 225-3392

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www.mcmorrisrodgers.house.gov/facebook

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2017/06/07

FROM:

[REDACTED]

TO: DOJ - FBI

1 /11

Please accept the attached Congressional Inquiry for [REDACTED]

b6
b7C

[REDACTED]

Staff Assistant

Congresswoman Cathy McMorris Rodgers (WA-05)

10 N Post Street, Suite 625 Spokane, Wa 99201

O)509-353-2374

C

E

[REDACTED]

CATHY McMORRIS RODGERS
5TH DISTRICT, WASHINGTON

REPUBLICAN CONFERENCE
CHAIR

DEPUTY WHIP

COMMITTEE:
ENERGY AND COMMERCE
SUBCOMMITTEE ON HEALTH

Congress of the United States
House of Representatives

COUNTIES:
ASOTIN
COLUMBIA
FERRY
GARFIELD
LINCOLN
PEND OREILLE
SPOKANE
STEVENS
WALLA WALLA
WHITMAN

June 7, 2017

US Dept of Justice - FBI
935 Pennsylvania Avenue Northwest
Washington, DC 20535-0001

Dear Sirs,

Congresswoman Cathy McMorris Rodgers has asked me to request your assistance for her constituent, [REDACTED]

[REDACTED]

[REDACTED]

Should you have any questions or concerns, please don't hesitate to call me at 509-353-2374 or e-mail [REDACTED]

Thank you for your attention to this matter. I look forward to hearing from you.

Best regards,

[REDACTED]

Constituent Relations Liaison

1314 LONGWORTH HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
(202) 225-2006
FAX: (202) 225-3392

10 NORTH POST STREET, SUITE 625
SPOKANE, WA 99201
(509) 353-2374

555 SOUTH MAIN
COLVILLE, WA 99114
(509) 684-3481

26 EAST MAIN STREET, SUITE 2
WALLA WALLA, WA 99362
(509) 529-9358

www.mcmorrisrodgers.house.gov
www.mcmorrisrodgers.house.gov/facebook

b6
b7C

b6
b7C

2017/03/07

FROM:

[REDACTED]

TO: DOJ - FBI

1 /4

b6
b7C

Dear Sirs,

Please accept the attached Congressional Inquiry and Request for Congressional Assistance for [REDACTED]

Best Regards,

[REDACTED]

Staff Assistant

Congresswoman Cathy McMorris Rodgers (WA-05)

10 N Post Street, Suite 625 Spokane, Wa 99201

O)509-353-2374

C [REDACTED]

E [REDACTED]

b6
b7C

CATHY McMORRIS RODGERS

5TH DISTRICT, WASHINGTON

REPUBLICAN CONFERENCE
CHAIR

DEPUTY WHIP

COMMITTEE:

ENERGY AND COMMERCE
SUBCOMMITTEE ON HEALTH

Congress of the United States

House of Representatives

COUNTIES:

ASOTIN
COLUMBIA
FERRY
GARFIELD
LINCOLN
PEND OREILLE
SPOKANE
STEVENS
WALLA WALLA
WHITMAN

March 7, 2017

US Dept of Justice - FBI
935 Pennsylvania Avenue Northwest
Washington, DC 20535-0001

Dear Sirs,

Congresswoman Cathy McMorris Rodgers has asked me to request your assistance for her constituent, [REDACTED]

b6
b7C[REDACTED]
[REDACTED] Attached is a Signed Request for Congressional Assistance supplemental materials for your reference.

Should you have any questions or concerns, please don't hesitate to call me at 509-353-2374 or e-mail [REDACTED]

Thank you for your attention to this matter. I look forward to hearing from you.

b6
b7C

Best regards,

[REDACTED]

Constituent Relations Liaison

203 CANNON HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
(202) 225-2006
FAX: (202) 225-339210 NORTH POST STREET, SUITE 625
SPOKANE, WA 99201
(509) 353-2374
FAX: (202) 225-3392555 SOUTH MAIN
COLVILLE, WA 99114
(509) 684-3481
FAX: (202) 225-339226 EAST MAIN STREET, SUITE 2
WALLA WALLA, WA 99362
(509) 529-9358
FAX: (202) 225-3392www.mcmorrisrodgers.house.gov
www.mcmorrisrodgers.house.gov/facebook

23RD DISTRICT, FLORIDA

CHIEF DEPUTY WHIP

COMMITTEES:

COMMITTEE ON APPROPRIATIONS

RANKING MEMBER

SUBCOMMITTEE ON LEGISLATIVE BRANCH

SUBCOMMITTEE ON STATE, FOREIGN OPERATIONS

STEERING AND POLICY COMMITTEE

Congress of the United States
House of Representatives
Washington, DC 20515-0923

118 CANNON HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-0923
(202) 225-7931
(202) 225-2052 (FAX)

DISTRICT OFFICES:
10100 PINES BOULEVARD
✓ PEMBROKE PINES, FL 33026
(954) 437-3936
(954) 437-4776 (FAX)

19200 WEST COUNTRY CLUB DRIVE
THIRD FLOOR
AVENTURA, FL 33180
(305) 936-5724
(305) 932-9664 (FAX)

**FAX COVER SHEET**To: FBI

From:

Debbie Wasserman Schultz
Member of Congress

Jodi Bock Davidson
District Director

Laurie Flink
Deputy District Director

Michael Liquerman
Outreach Coordinator/Press

District Outreach Coordinator

Director Constituent Services/Casework

Senior Congressional Aide

Phones: Broward: (954) 437-3936
Dade: (305) 936-5724

Fax: (954) 437-4776
Fax: (305) 932-9664

Date: 10-27-16Total pages faxed: 3Fax #: Notes:

b6
b7C

b7E

DEBBIE WASSERMAN SCHULTZ

23RD DISTRICT, FLORIDA

CHIEF DEPUTY WHIP

COMMITTEES:

COMMITTEE ON APPROPRIATIONS

RANKING MEMBER

SUBCOMMITTEE ON LEGISLATIVE BRANCH

SUBCOMMITTEE ON STATE, FOREIGN OPERATIONS

STEERING AND POLICY COMMITTEE

Congress of the United States
House of Representatives
Washington, DC 20515-0923

WASHINGTON OFFICE:
1114 LONGWORTH HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-0823
(202) 225-7931
(202) 226-2052 (FAX)

DISTRICT OFFICES:
✓ 10100 PINES BOULEVARD
PEMBROKE PINES, FL 33026
(954) 437-3936
(954) 437-4776 (FAX)

19200 WEST COUNTRY CLUB DRIVE
THIRD FLOOR
AVENTURA, FL 33180
(305) 936-5724
(305) 932-9664 (FAX)

October 27, 2016

Mr. Stephen Kelly
Assistant Director of Congressional Affairs
Federal Bureau of Investigation
935 Pennsylvania Avenue, NW, Rm 7240
Washington, DC 20535-0002

Re:

b6
b7C

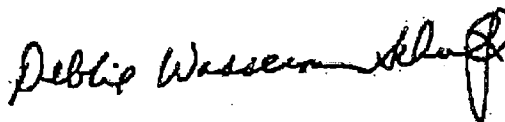
Dear Mr. Kelly:

Enclosed is information pertinent to my constituent's inquiry which will provide insight into the situation.

Since this falls within your jurisdiction, I would very much appreciate your looking into this matter and I look forward to hearing from you in the future.

Thank you for your cooperation and assistance.

Sincerely,



Debbie Wasserman Schultz
Member of Congress

DWS/ml
Enclosure

DIANE BLACK
6TH DISTRICT OF TENNESSEE

COMMITTEE ON
WAYS AND MEANS

SUBCOMMITTEE ON HEALTH

COMMITTEE ON THE BUDGET



CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES
WASHINGTON, DC 20515

DISTRICT OFFICES

355 NORTH BELVEDERE DRIVE
SUITE 308
GALLATIN, TN 37068
(615) 206-8204
(615) 206-8980 (FAX)

321 EAST SPRING STREET
SUITE 301
COOKEVILLE, TN 38501
(931) 854-0069

March 10, 2017

FBI
Steven Kelly
Assistant Director of Congressional Affairs
Federal Bureau of Investigation
U.S. Department of Justice
935 Pennsylvania Avenue, Nw, Room 7240
Washington, DC 20535-0001

Dear Friend,

Enclosed you will find a request for assistance from a constituent of mine, [REDACTED]

[REDACTED] I believe you will find the letter to be self-explanatory.

Please review this matter and provide me with a response which I may share with my constituent. Please respond to [REDACTED] in my Gallatin District office. You may reach [REDACTED] by email at [REDACTED] or by calling [REDACTED]

b6
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Thank you for your time and attention in this matter.

Sincerely,

Diane Black
Member of Congress

DB/kb



From the Office of
CONGRESSMAN DIANE BLACK
Tennessee's 6th District

Facsimile Cover Sheet

From:

355 North Belvedere Drive, Suite 308 • Gallatin, TN 37066

615.206.8204 phone • 615. 206-8980 fax

b6
b7C

Date: March 10, 2017

To: Congressional Liaison FBI

Fax:

b7E

Pages: 4

Subject: Congressional Inquiry

[redacted] (DO) (FBI)

From: FBIEXECSEC
Sent: Monday, June 05, 2017 1:53 PM
To: [redacted] (DO) (FBI); [redacted] (DO) (FBI)
Subject: FW: Letter from Congresswoman Norton to Acting Director McCabe
Attachments: Letter to AD McCabe re Fraudulent ICE fliers.pdf

b6
b7C

From: [redacted] (DO) (FBI)
Sent: Monday, June 5, 2017 1:53:12 PM (UTC-05:00) Eastern Time (US & Canada)
To: FBIEXECSEC
Subject: FW: Letter from Congresswoman Norton to Acting Director McCabe

b6
b7C

From: [redacted] [mailto:[redacted]]
Sent: Friday, June 02, 2017 1:14 PM
To: [redacted] (DO) (FBI); [redacted]
Cc: Truding, Bradley [redacted]
Subject: Letter from Congresswoman Norton to Acting Director McCabe

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[redacted]

Attached is a letter from Congresswoman Norton to Acting Director McCabe asking that the FBI investigate fake fliers (purporting to be from ICE) asking residents to report undocumented immigrants.

Please let me know if you have any questions.

Sincerely,

[redacted] | Legislative Counsel
Office of Congresswoman Eleanor Holmes Norton
2136 Rayburn House Office Building | Washington, D.C. 20515
(202) 225-8050

b6
b7C

ELEANOR HOLMES NORTON
DISTRICT OF COLUMBIA

COMMITTEE ON
TRANSPORTATION AND
INFRASTRUCTURE

SUBCOMMITTEES

RANKING MEMBER, HIGHWAYS AND
TRANSIT

ECONOMIC DEVELOPMENT, PUBLIC
BUILDINGS, AND EMERGENCY
MANAGEMENT

WATER RESOURCES AND
ENVIRONMENT



COMMITTEE ON OVERSIGHT
AND GOVERNMENT REFORM

SUBCOMMITTEES

FEDERAL WORKFORCE, U.S. POSTAL SERVICE,
AND THE CENSUS

ENERGY POLICY, HEALTH CARE, AND
ENTITLEMENTS

Congress of the United States
House of Representatives
Washington, DC 20515-1501

June 2, 2017

Andrew G. McCabe
Acting Director
Federal Bureau of Investigation
U.S. Department of Justice
935 Pennsylvania Avenue NW
Washington, DC 20535

Dear Acting Director McCabe:

I write today to ask the Federal Bureau of Investigation (FBI) to investigate a serious incident involving fraudulent documents purporting to come from U.S. Immigration and Customs Enforcement (ICE). The fliers—which bore the seal of the U.S. Department of Homeland Security (DHS) and looked official to residents—appeared on telephone poles and bus stops in the District of Columbia. The fliers featured the heading “SANCTUARY CITY NEIGHBORHOOD PUBLIC NOTICE,” and encouraged residents to report suspected undocumented immigrants or people suspected of “harboring” undocumented immigrants by calling a toll-free number. ICE later confirmed that these fliers were fake.

I believe that whoever created and posted these fliers did so in violation of several federal laws. Title 18, § 912 of the U.S. Code states that “whoever falsely assumes or pretends to be an officer or employee acting under the authority of the United States or any department, agency or officer thereof, and acts as such ... shall be fined ... or imprisoned not more than three years, or both.” Additionally, 18 U.S. Code § 506 makes it a crime to “falsely make, forge, counterfeit, mutilate, or alter the seal of any department or agency of the United States, or any facsimile thereof” and prohibits affixing a fraudulent seal “upon any certificate, instrument, commission, document, or paper of any description.”

The fake fliers were clearly designed to convey the impression of authenticity, and I believe they were posted in order to target and intimidate immigrants and their families living in the District. D.C. is a city that welcomes and provides sanctuary to people from all over the world, and we believe a federal investigation to determine who is responsible is fully warranted.

Sincerely,

Eleanor Holmes Norton

MAIN DISTRICT OFFICE
90 K STREET, N.E., SUITE 100
WASHINGTON, D.C. 20002-4203
(202) 408-9041
(202) 408-9048 (FAX)

2136 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, D.C. 20515-5101
(202) 225-8050
(202) 225-3002 (FAX)
(202) 225-7829 (TDD)
WWW.NORTON.HOUSE.GOV
PRINTED ON RECYCLED PAPER

SOUTHEAST DISTRICT OFFICE
2041 MARTIN L. KING, JR. AVENUE, S.E.
SUITE 238
WASHINGTON, D.C. 20020-7026
(202) 678-8900
(202) 678-8844 (FAX)

2017/06/16

FROM: Cartwright Moore

TO: Stephen Kelly – Federal

1 /12

I am attaching Congresswoman Norton's inquiry in behalf of

b6
b7C

Cartwright

Edward Cartwright Moore
Senior Caseworker

Congresswoman Eleanor Holmes Norton (D-DC)

90 K ST NE STE 100

Washington, DC 20003

Voice: 202-408-9041

Fax: 202-408-9048

Email:

www.norton.house.gov

b6
b7C



JACKIE SPEIER
14TH DISTRICT, CALIFORNIA

2465 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-0514
(202) 225-3531
FAX: (202) 226-4183
155 BOVET ROAD, SUITE 780
SAN MATEO, CA 94402
(650) 342-0300
FAX: (650) 375-8270
WWW.SPEIER.HOUSE.GOV
WWW.FACEBOOK.COM/JACKIESPEIER
WWW.TWITTER.COM/REPSPEIER

Congress of the United States
House of Representatives
Washington, DC 20515-0514

COMMITTEE ON ARMED SERVICES

SUBCOMMITTEES:
RANKING MEMBER, OVERSIGHT AND
INVESTIGATION
MILITARY PERSONNEL

PERMANENT SELECT COMMITTEE
ON INTELLIGENCE

SUBCOMMITTEES:
EMERGING THREATS
NSA AND CYBERSECURITY

Senior Whip

February 14, 2017

The Honorable James B. Comey
Director, Federal Bureau of Investigation
935 Pennsylvania Ave, NW
Washington, DC 20535

Dear Mr. Comey:

The Russian interference during the 2016 presidential election is an unprecedented and unacceptable attack on our democratic system. While the ongoing Congressional investigations will rightly examine the Russian government cyberattacks against the Democratic National Committee (DNC) and the Democratic Congressional Campaign Committee (DCCC), I am writing to express my concern with the FBI's response to initial indications of Russian intrusions of the DNC network, which can best be characterized as lackadaisical.

According to an expansive report in the *New York Times*¹, when FBI Special Agent Adrian Hawkins first attempted in September 2015 to alert the DNC that at least one DNC computer system had been compromised by Russian hackers, he reached a technical-support contractor with no expertise in cyberattacks. That contractor requested evidence that Special Agent Hawkins actually worked for the FBI. That request was denied. In the following months, according to the report, Special Agent Hawkins repeatedly attempted to contact that same low-level contractor, who still had no grounds to believe that Special Agent Hawkins was an actual representative of the Bureau. In the meantime, the Russians greatly expanded their reach into DNC networks.

I am deeply concerned by the description of events outlined in the *New York Times* report, and request that you clarify the Bureau's policies and actions surrounding this case.



b7E

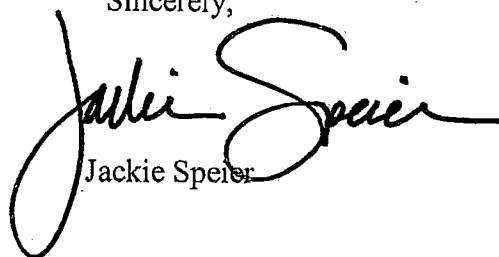
¹Lipton, Eric; Sanger, David; Shane, Scott (2016, December 13). The Perfect Weapon: How Russian Cyberpower Invaded the U.S. The New York Times. <http://nyti.ms/2hBJis3>

b7E

In a February 1, 2017 hearing of the House Armed Services Committee, former CIA Director John McLaughlin testified that "Beyond election hacking, cyber security will be an abiding concern for years to come because of the degree to which our country is now dependent on connectivity in various forms." It is critical that Congress understand how well the Federal Government is prepared to respond to cyberattacks with significant national security consequences, and whether new authorities are required to improve the Government's capability and capacity to respond.

Thank you for your attention to this matter, and for your prompt response within four weeks of your receipt of this letter.

Sincerely,

A handwritten signature in black ink, appearing to read "Jackie Speler". The signature is fluid and cursive, with the first name "Jackie" and last name "Speler" clearly distinguishable.

Jackie Speler

[redacted] (DO) (FBI)

b6
b7C

From: FBIEXECSEC
Sent: Tuesday, February 14, 2017 4:46 PM
To: [redacted] (DO) (FBI); [redacted] (DO) (FBI)
Subject: FW: Rep. Speier letter to Director Comey
Attachments: 20170214 SIGNED KJS Letter to FBI Director Comey.pdf

From: [redacted] (DO) (FBI)
Sent: Tuesday, February 14, 2017 4:46:24 PM (UTC-05:00) Eastern Time (US & Canada)
To: FBIEXECSEC
Subject: Fwd: Rep. Speier letter to Director Comey

b6
b7C

----- Original message -----

From: [redacted]
Date: 02/14/2017 16:45 (GMT-05:00)
To: [redacted] (DO) (FBI)"
Cc: [redacted]
Subject: Rep. Speier letter to Director Comey

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b7C
b7E

Hi, [redacted] -

I understand you're the FBI legislative affairs rep covering Members from California. Attached please find a letter from Congresswoman Jackie Speier to Director Comey - can you please confirm receipt? Hard copy to follow.

Many thanks in advance,

[redacted]

b6
b7C

[redacted]
Office of Congresswoman Jackie Speier (CA-14)
2465 Rayburn House Office Building
Phone: (202) 225-3531
Email: [redacted]

Congress of the United States
Washington, DC 20515

February 17, 2017

The Honorable James Comey
Director
Federal Bureau of Investigation
935 Pennsylvania Avenue, NW
Washington, DC 20525-0001

Dear Director Comey:

We write today to formally request that you provide us with the details of any steps the Federal Bureau of Investigation (the Bureau) has taken to vet any person with access to President Trump's Mar-a-Lago Club (the Club).

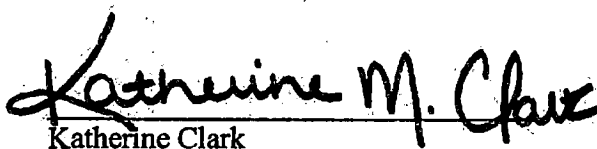
On February 11, 2017, President Trump allegedly conducted a briefing on a North Korean missile test on a publicly accessible patio with the Prime Minister of Japan. In light of this event, we are deeply concerned that unauthorized individuals may gain access to critical national security information at the Mar-a-Lago Club, which the President refers to as the "Winter White House." This concern is further highlighted by the fact that Mr. Trump employs foreign nationals to staff the Club.

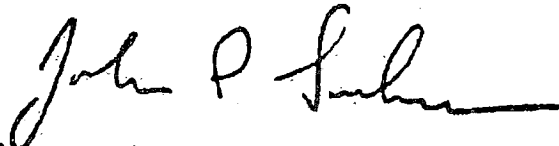
As a result, we request that you provide us with answers to the following questions:

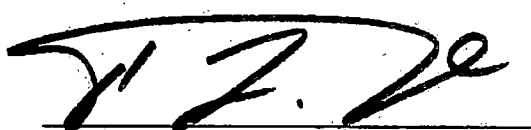
1. Does the Bureau run background checks on any and all persons, including members and their guests, who gain access to the Club in the same manner as White House guests are vetted?
2. Does the Bureau conduct extensive vetting investigations on all personnel employed at the Club?
3. Does the Club employ foreign workers from Russia?
4. Does the Club employ foreign workers from any other country whose intelligence services may wish to gain access to American national security information?
5. Does any person with access to the club, including any foreign worker employed by the Club, have ties to any foreign intelligence service?
6. Is the Bureau actively conducting counterintelligence operations to ensure that the Club is not compromised by a foreign intelligence service?
7. How much does it cost the Bureau to conduct vetting investigations related to access to the Club?
8. Does the Club pay for or in any way reimburse the Bureau for the costs associated with conducting vetting investigations of any person who gains access to the Club for purposes related to the business of the Club (i.e. not related to an official function of the United States government)?
9. If the Bureau does not currently conduct these vetting investigations, why? And, how much would it cost the Bureau to begin vetting the employees, members, guests, and any other person who gains entry to the Club?

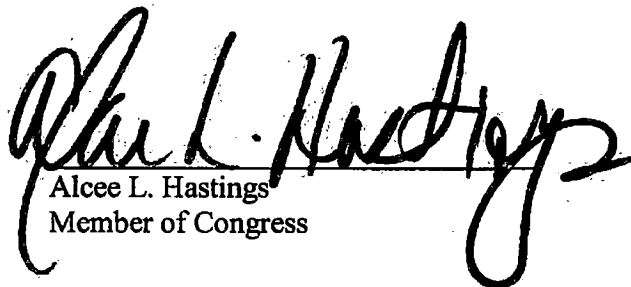
We believe these questions are critical to protecting the national security of the United States and we respectfully request your personal attention to this matter to ensure a prompt response.

Sincerely,

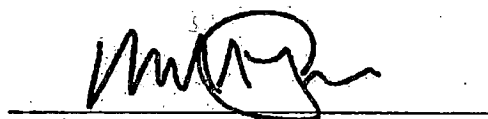

Katherine Clark
Member of Congress

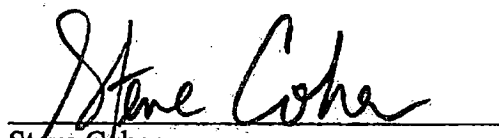

John Sarbanes
Member of Congress


Cedric L. Richmond
Member of Congress

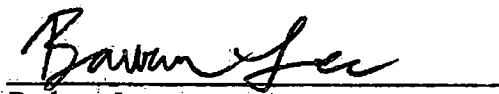

Alcee L. Hastings
Member of Congress

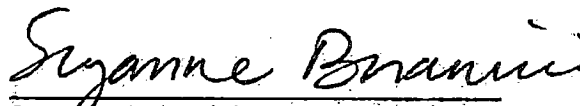

Scott Peters
Member of Congress

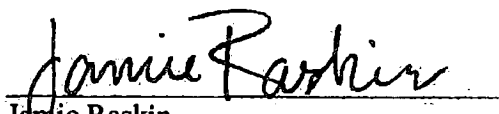

Mark Pocan
Member of Congress

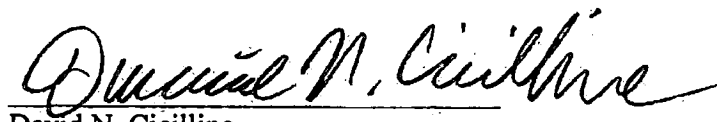

Steve Cohen
Member of Congress


Betty McCollum
Member of Congress


Barbara Lee
Member of Congress

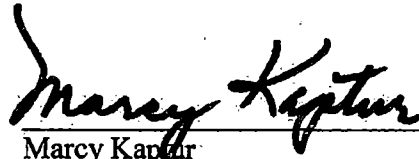

Suzanne Bonamici
Member of Congress


Jamie Raskin
Member of Congress


David N. Cicilline
Member of Congress



David Price
Member of Congress



Marcy Kaptur
Member of Congress



Chellie Pingree
Member of Congress



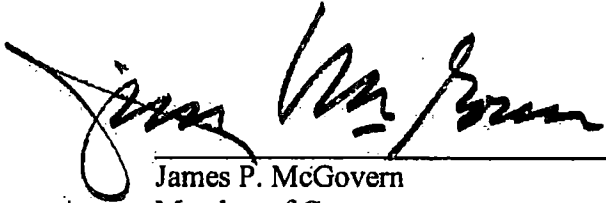
Raja Krishnamoorthi
Member of Congress



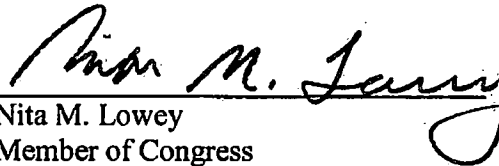
Kathleen Rice
Member of Congress



Ann McLane Kuster
Member of Congress



James P. McGovern
Member of Congress



Nita M. Lowey
Member of Congress



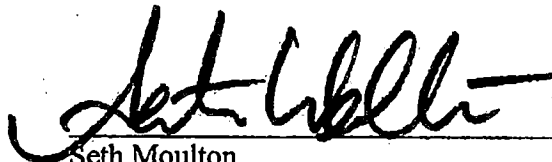
Linda T. Sánchez
Member of Congress



Colleen Hanabusa
Member of Congress



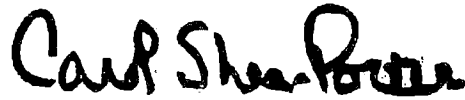
Kathy Castor
Member of Congress



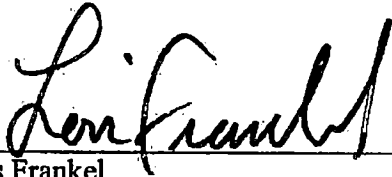
Seth Moulton
Member of Congress



Ted W. Lieu
Member of Congress



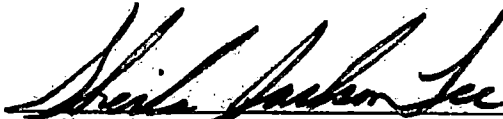
Carol Shea-Porter
Member of Congress



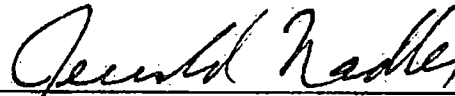
Lois Frankel
Member of Congress



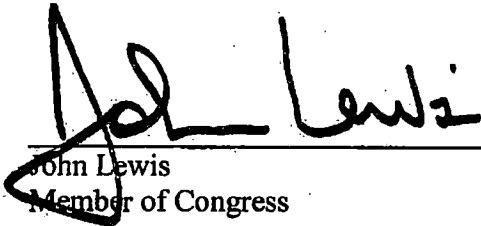
Richard M. Nolan
Member of Congress



Sheila Jackson Lee
Member of Congress



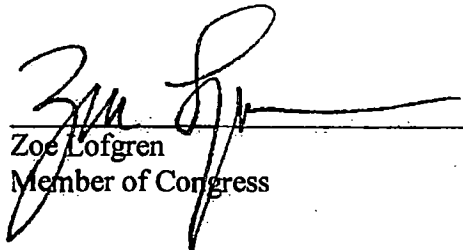
Jerrold Nadler
Member of Congress



John Lewis
Member of Congress



Theodore E. Deutch
Member of Congress



Zoe Lofgren
Member of Congress

CC:

Assistant Director E.W. "Bill" Priestap
Counterintelligence Division
Federal Bureau of Investigation
935 Pennsylvania Avenue, NW
Washington, DC 20525-0001

KATHLEEN M. RICE
4TH DISTRICT, NEW YORK



WASHINGTON OFFICE:
1508 LONGWORTH HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
(202) 225-5516

DISTRICT OFFICE:
229 7TH STREET, SUITE 300
GARDEN CITY, NY 11530
(516) 739-3008

WWW.KATHLEENRICE.HOUSE.GOV

Congress of the United States
House of Representatives
Washington, DC 20515-3204

**COMMITTEE ON
HOMELAND SECURITY**
SUBCOMMITTEES:
RANKING MEMBER, COUNTERTERRORISM
AND INTELLIGENCE
OVERSIGHT AND MANAGEMENT EFFICIENCY

**COMMITTEE ON
VETERANS' AFFAIRS**
SUBCOMMITTEES:
OVERSIGHT AND INVESTIGATIONS
ECONOMIC OPPORTUNITY

April 25, 2017

Gregory Brower
Assistant Director of Congressional Affairs
Federal Bureau of Investigation
U.S. Department of Justice
935 Pennsylvania Avenue, NW, Room 7240
Washington, DC 20535-0001

Dear Mr. Bower,

Please be advised, this correspondence is on behalf of Congresswoman Kathleen Rice's constituent, [REDACTED]

[REDACTED] Enclosed please find additional documentation of the information contained herein.

[REDACTED]

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Any supervisory oversight the Federal Bureau of Investigation might be able to provide with regard to [REDACTED]

[REDACTED] claims would be especially helpful. Please direct your response(s) to The Honorable Kathleen Rice
229 Seventh Street, Suite 300 Garden City, NY 11530.

Thank you for your time and consideration.

Sincerely,

[REDACTED]

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b7C

Community Representative
Congresswoman Kathleen Rice (NY-04)



United States Senate

WASHINGTON, DC 20510-2309

March 1, 2017

The Honorable James B. Comey
Director
Federal Bureau of Investigation
935 Pennsylvania Avenue, NW
Washington, DC 20535

Dear Director Comey:

I am deeply concerned about reports that citizens who have protested or opposed the Dakota Access Pipeline project are being investigated by officers assigned to the Federal Bureau of Investigation's (FBI) Joint Terrorism Task Force (JTTF). As a member of both the Senate Judiciary Committee and the Committee on Indian Affairs, I have closely monitored interactions between law enforcement and activists seeking to protect sacred tribal lands. In my view, law enforcement officers have an important role to play in protecting not only public safety, but also the ability of citizens to exercise their First Amendment rights. While community members and activists were recently forced to abandon the protest camp at Standing Rock, opposition to the project remains strong. I am concerned that the reported questioning of political activists by one of the FBI's terrorism task forces threatens to chill constitutionally protected conduct and speech.

According to recent reports, JTTF agents have attempted to question at least three individuals associated with protests opposing construction of the Dakota Access Pipeline.¹ JTTF officers are reported to have visited the individuals' residences, without a warrant or a subpoena, and requested voluntary interviews. In each case, the individual declined to cooperate. These reported investigations of political activists follow rising tensions and repeated clashes between police and protestors, including incidents where water cannons were deployed for crowd control in sub-freezing temperatures—a tactic I described as dangerous and excessive.

Make no mistake, where political demonstrations threaten public safety and security, police and federal law enforcement agencies have a duty to protect people and property. But by tasking officers assigned to an FBI terrorism task force with investigating political protestors, I fear that the federal government's posture conflates constitutionally protected conduct with actions that threaten our national security. Joint Terrorism Task Forces, or JTTFs, are inter-agency teams of investigators, SWAT experts, and analysts assigned to investigate acts of terrorism and share intelligence among our law enforcement and national security agencies. The FBI describes JTTFs as "our nation's front line on terrorism" and "one-stop shopping for information regarding terrorist activities."² By assigning JTTF agents and officers to investigate Standing Rock protestors, I am concerned that the FBI has opted to view civil rights activism

¹ Sam Levin, *Revealed: FBI terrorism taskforce investigating Standing Rock activists*, GUARDIAN, Feb. 10, 2017, available at <https://www.theguardian.com/us-news/2017/feb/10/standing-rock-fbi-investigation-dakota-access>.

² Federal Bureau of Investigation, *What We Investigate, Terrorism, Joint Terrorism Task Forces*, <https://www.fbi.gov/investigate/terrorism/joint-terrorism-task-forces>.

through a national security lens. Embracing such tactics risks chilling the exercise of constitutional rights and further undermining trust between federal law enforcement and our tribal nations.

In light of these reports and the concerns they raise for many Americans, including those in Indian Country, I respectfully request that, no later than Monday, April 20, 2017, you provide my office with more detailed information about the scope of the investigation into individuals who oppose the construction of the Dakota Access Pipeline, including the FBI's justification for tasking such an investigation to officers assigned to the JTTF. Please also describe what actions, if any, the FBI is taking to ensure that such investigations do not interfere with or chill constitutionally protected conduct, such as political and religious activity.

Thank you for your prompt attention to this important matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Al Franken", with a long horizontal flourish extending to the right.

Al Franken
United States Senator

United States Senate

WASHINGTON, DC 20510

May 31, 2017

The Honorable Andrew McCabe
Acting Director
Federal Bureau of Investigation
935 Pennsylvania Ave NW
Washington, DC 20535

Dear Acting Director McCabe:

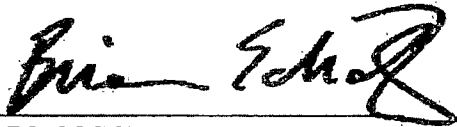
On May 8, 2017, the Federal Communications Commission (FCC) announced that it was the victim of "multiple distributed denial-of-service attacks (DDos)," where an attacker overwhelms a network with information to prevent legitimate users from accessing information or services. This attack appeared to target the FCC's Electronic Comment Filing System, which is the portal through which the public may submit comments on ongoing proceedings. While the FCC has released little information to date about the reported attacks, the agency has stated that the attacks "were deliberate attempts by external actors to bombard the FCC's comment system with a high amount of traffic" and that "[t]hese actors were not attempting to file comments themselves; rather they made it difficult for legitimate commenters to access and file with the FCC."

The FCC is important to the lives of all Americans because it oversees our Nation's telecommunications networks. These networks are important for both consumers and industry, contributing to public engagement, individual livelihood, public safety, our national economy, and our ability to remain competitive globally. The public comment period associated with the FCC's rulemaking authority is a critical part of the regulatory process and the primary way for the American people to make their voices heard. The reported cyberattack on the FCC's Electronic Comment Filing System is extremely troubling given that it threatens to stifle the public's ability to weigh in on these issues.

A Congressional inquiry has already been sent to the FCC asking for details about the attack. We ask that the FBI prioritize this matter and investigate the source of this attack. Any cyberattack on a federal network is very serious. This particular attack may have denied the American people the opportunity to contribute to what is supposed to be a fair and transparent process, which in turn may call into question the integrity of the FCC's rulemaking proceedings.

We request that you update us on the status of the FBI's investigation and brief us on this matter by June 23, 2017. Thank you in advance for your assistance.

Sincerely,



BRIAN SCHATZ
United States Senator



AL FRANKEN
United States Senator



PATRICK LEAHY
United States Senator



EDWARD J. MARKEY
United States Senator



RON WYDEN
United States Senator

CHARLES E. GRASSLEY, IOWA, CHAIRMAN

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MAZIE HIRONO, HAWAII

United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

KOLAN L. DAVIS, *Chief Counsel and Staff Director*
JENNIFER DUCK, *Democratic Staff Director*

April 14, 2017

VIA ELECTRONIC TRANSMISSION

The Honorable James B. Comey, Jr.
Director
Federal Bureau of Investigation
935 Pennsylvania Avenue, N.W.
Washington, D.C. 20535

Dear Director Comey,

On December 16, 2016, President Obama signed into law the Federal Bureau of Investigation Whistleblower Protection Enhancement Act.¹ The new law clarified that FBI employee protections include disclosures made not just to specific officials listed in the previous regulation but also to supervisors and officers within the chain of command up to and including the head of the agency, members of Congress, and the Office of Special Counsel.²

However, the FBI's official whistleblower policy directive still does not reflect the changes to the law. It was apparently last reviewed on February 19, 2017 and still posted on the FBI's internal system as of yesterday—nearly *four months* after the FBI WPEA became effective. Yet, it erroneously tells FBI employees that they are only protected for disclosures to the certain, specific officials that could receive protected disclosures before the new law.

Further, multiple employee communications issued at least a month prior to this policy on whistleblower protection in the FBI were inaccurate. I understand these and other errors were brought to the attention of agency leadership. Significant errors, including the February 2017 policy, reportedly remain in place.

¹ Federal Bureau of Investigation Whistleblower Protection Enhancement Act of 2016, Pub. L. No. 114-302, 130 Stat. 1516 (2016).

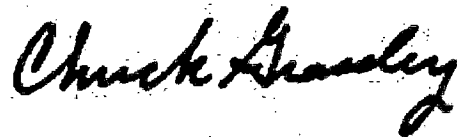
² *Id.*

An updated version of the training on FBI whistleblower protections was provided to the FBI by the Office of the Inspector General months ago, and has yet to be implemented. Further, no other effort allegedly has been made to ensure that FBI employees are fully aware of their new statutory rights under the FBI WPEA.

Accordingly, please provide the Committee with a copy of a correct, updated policy. Additionally, please describe what specific steps the FBI will take to ensure its employees are properly and timely informed and trained on these statutory clarifications through guidance and training.

Thank you in advance for your cooperation with this request. Please respond no later than April 27, 2017. If you have questions, contact DeLisa Lay of my Committee staff at (202) 224-5225.

Sincerely,

A handwritten signature in black ink that reads "Chuck Grassley". The signature is written in a cursive, slightly slanted style.

Charles E. Grassley
Chairman
Senate Judiciary Committee

cc: The Honorable Dianne Feinstein
Ranking Member
Senate Judiciary Committee

CHARLES E. GRASSLEY, IOWA, CHAIRMAN

ORRIN G. HATCH, UTAH
LINDSEY O. GRAHAM, SOUTH CAROLINA
JOHN CORNYN, TEXAS
MICHAEL S. LEE, UTAH
TED CRUZ, TEXAS
BEN SASSE, NEBRASKA
JEFF FLAKE, ARIZONA
MIKE CRAPO, IDAHO
THOM TILLIS, NORTH CAROLINA
JOHN KENNEDY, LOUISIANA

DIANNE FEINSTEIN, CALIFORNIA
PATRICK J. LEAHY, VERMONT
RICHARD J. DURBIN, ILLINOIS
SHELDON WHITEHOUSE, RHODE ISLAND
AMY KLOBUCHAR, MINNESOTA
AL FRANKEN, MINNESOTA
CHRISTOPHER A. COONS, DELAWARE
RICHARD BLUMENTHAL, CONNECTICUT
MAZIE HIRONO, HAWAII

United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

KOLAN L. DAVIS, *Chief Counsel and Staff Director*
JENNIFER DUCK, *Democratic Staff Director*

June 13, 2017

Mr. Carl Ghattas
Executive Assistant Director
National Security Branch
Federal Bureau of Investigation
935 Pennsylvania Avenue, N.W.
Washington, D.C. 20535

Dear Executive Assistant Director Ghattas:

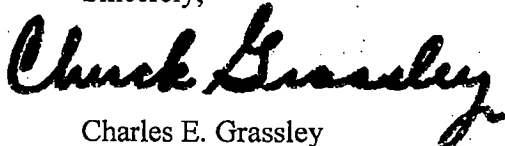
I invite you or a designated subject matter expert from the Federal Bureau of Investigation to testify on Tuesday, June 27, 2017, at the Senate Committee on the Judiciary hearing entitled "The FISA Amendments Act: Reauthorizing America's Vital National Security Authority and Protecting Privacy and Civil Liberties." The hearing is scheduled to begin at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building.

In addition, I invite you or a designee to provide a classified briefing and respond to questions from Committee members regarding the FISA Amendments Act, with an emphasis on Section 702, on Wednesday, June 28, 2017. The classified briefing is scheduled to begin at 10:00 a.m. in Room 217 of the Senate Visitor Center, which is secure for TS/SCI classified information.

Committee rules require that you and the subject matter designee provide testimony and a short biography for distribution to members of the Committee and the press at least 24 hours before the hearing is scheduled to begin. Please send an electronic copy of your testimony and biography to

Please contact Jason Covey at (202) 224-5225 with any questions. We look forward to your testimony.

Sincerely,



Charles E. Grassley
Chairman

b6
b7c

CHARLES E. GRASSLEY, IOWA, CHAIRMAN

ORRIN G. HATCH, UTAH
LINDSEY O. GRAHAM, SOUTH CAROLINA
JOHN CORNYN, TEXAS
MICHAEL S. LEE, UTAH
TED CRUZ, TEXAS
BEN SASSE, NEBRASKA
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THOM TILLIS, NORTH CAROLINA
JOHN KENNEDY, LOUISIANA

DIANNE FEINSTEIN, CALIFORNIA
PATRICK J. LEAHY, VERMONT
RICHARD J. DURBIN, ILLINOIS
SHELDON WHITEHOUSE, RHODE ISLAND
AMY KLOBUCHAR, MINNESOTA
AL FRANKEN, MINNESOTA
CHRISTOPHER A. COONS, DELAWARE
RICHARD BLUMENTHAL, CONNECTICUT
MAZIE HIRONO, HAWAII

United States Senate

COMMITTEE ON THE JUDICIARY
WASHINGTON, DC 20510-6275

KOLAN L. DAVIS, *Chief Counsel and Staff Director*
JENNIFER DUICK, *Democratic Staff Director*

May 2, 2017

VIA ELECTRONIC TRANSMISSION

The Honorable Rod J. Rosenstein
Deputy Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Rosenstein,

Now that you have been confirmed as Deputy Attorney General, it is vital that you begin to closely supervise and oversee the FBI's handling of politically charged, high-profile and controversial investigations. In the past several months, the Committee has sought greater transparency regarding Deputy Director Andrew McCabe's role in those investigations and the appearance of political bias that his involvement creates. Public reports of his meeting with a longtime Clinton and Democrat party fundraiser, Governor Terry McAuliffe, and his wife's subsequent campaign for public office being substantially funded by McAuliffe's organization raise serious questions about his ability to appear impartial. The FBI provided unsatisfactory answers to those questions.

On October 28, 2016, I wrote to the FBI about Deputy Director McCabe's conflicts in the Clinton investigation and the reported FBI investigation into Gov. Terry McAuliffe's potential violation of federal campaign laws. On December 14, 2016, the FBI responded but failed to provide the requested records of communications among FBI officials or answer important questions relating to the Clinton and McAuliffe investigations. Further, on March 28, 2017, I wrote to the FBI inquiring about Mr. McCabe's level of involvement in the investigation into alleged collusion between Mr. Trump's associates and Russia prior to the election. Recently, reports have indicated that the FBI may be setting up a special unit, overseen by Mr. McCabe, to investigate these allegations.¹

Mr. McCabe is already under investigation by the Department of Justice Office of Inspector General for failing to recuse himself from the Clinton investigation due to his meeting with McAuliffe. After that meeting, McAuliffe-aligned political groups donated about \$700,000 to Mr. McCabe's wife, Dr. McCabe, for her campaign to become a Democrat state Senator in Virginia. The Wall Street Journal has reported that 98% of the Gov. McAuliffe related donations to Dr. McCabe came after the FBI launched the investigation into Secretary Clinton.² As you are aware, Gov. McAuliffe has been a close associate of Secretary Clinton and former President Bill

¹ David J. Lynch, "FBI plans to create special unit to co-ordinate Russia probe," Financial Times (April 2, 2017). Available at <https://www.ft.com/content/40498d94-155b-11e7-80f4-13e067d5072c>

² Wall Street Journal Editorial, "The FBI's Clinton Probe Gets Curiouser," (October 24, 2016). Available at <http://www.wsj.com/articles/the-fbi-clinton-probe-gets-curiouser-1477352522>

Clinton for many decades. Naturally, the financial and political links between Mr. McCabe and Gov. McAuliffe raise concerns about the appearance of impartiality in the course of not only the Clinton investigation, but the reported McAuliffe investigation, and the ongoing investigation of alleged ties between associates of Mr. Trump and Russia.

In February 2016, three months after Dr. McCabe lost her election bid, Mr. McCabe became the FBI's second in command and, according to the FBI, "assumed responsibility for the Clinton email investigation." The FBI merely asserted that with respect to the Clinton investigation, "[b]ased on these facts, it did not appear that there was a conflict of interest — actual or apparent — that required recusal or waiver."

However, according to the FBI ethics memorandum applicable to Mr. McCabe and provided in its December 14 response, there were other matters the FBI identified where Mr. McCabe's "disassociation would be appropriate." Notably, Mr. McCabe was the approval authority for his own memorandum, so it is unclear who provided oversight of the recusal process outside the FBI itself, if anyone. The memo says:

"[s]pecifically, all public corruption investigations arising out of or otherwise connected to the Commonwealth of Virginia present potential conflicts, as Dr. McCabe is running for state office and is supported by the Governor of Virginia. Therefore, out of an abundance of caution, the ADIC will be excluded from any involvement in all such cases."

The scope of that recusal would include the reported investigation into Gov. McAuliffe. The memo also says, "[t]his protocol will be reassessed and adjusted as necessary and at the conclusion of Dr. McCabe's campaign in November 2015."

The FBI did not explain whether the protocol was reassessed when Dr. McCabe lost her election bid in November 2015 or what the scope of any remaining recusal was, if any, after the end of her campaign. Thus, it is unclear whether Mr. McCabe is still recused from the reported McAuliffe investigation. However, the FBI's December 14 response made clear that Mr. McCabe's "disassociation" from Virginia-related cases would merely be followed "for the remainder of [Dr. McCabe's] campaign." This implies that once the campaign ended, Mr. McCabe was free again to oversee any investigation related to the man who recruited his wife to run for office and the organizations that provided her approximately \$700,000 to do so.

With respect to the Russia investigation, during the week of March 20, 2017, Director Comey publicly testified that in late July of 2016, the FBI began investigating the Russian government's attempts to interfere in the 2016 presidential election, including alleged collusion between individuals associated with the Trump campaign and the Russian government. The inquiry appears to have arisen during the same time that there was intense public controversy over the FBI's handling of the Clinton email investigation. On April 17, 2017, the FBI responded to my March 28, 2017, letter regarding Mr. McCabe's involvement in the investigation into the Russian Government's efforts to interfere in the 2016 election. In that response, the FBI said, "the FBI has assessed that there is no basis in law or in fact for such a recusal," without providing any reasoning, rationale, or documentation to support this conclusory statement.

Further, according to public reports, the FBI agreed to pay Christopher Steele, the author of the unsubstantiated dossier alleging a conspiracy between Trump associates and the Russians. Clinton associates also reportedly paid Mr. Steele to create the dossier against Mr. Trump. The FBI has failed to publicly reply to my March 6, 2017, letter asking about those reports. That leaves serious questions about the FBI's independence from politics unanswered.

Mr. McCabe's appearance of a partisan conflict of interest relating to Clinton associates only magnifies the importance of the Committee's unanswered questions. This is particularly true if Mr. McCabe was involved in approving or establishing the FBI's reported arrangement with Mr. Steele, or if Mr. McCabe vouched for or otherwise relied on the politically-funded dossier in the course of the investigation. Simply put, the American people should know if the FBI's second-in-command relied on Democrat-funded opposition research to justify an investigation of the Republican presidential campaign. Full disclosure is especially important since he is already under investigation by the Department of Justice Office of Inspector General for failing to recuse himself from the Clinton matter due to his partisan Democrat ties.

These same conflict of interest concerns exist with Mr. McCabe's involvement in any potential investigation into what appear to be multiple politically motivated leaks of classified information related to the Russia controversy.

As a general matter, all government employees must avoid situations that create even the appearance of impropriety and impartiality so as to not affect the public perception of the integrity of an investigation.³ Importantly, the FBI Ethics and Integrity Program Guide cites 28 C.F.R. § 45.2 which states that,

no employee shall participate in a criminal investigation if he has a personal or *political* relationship with [...] [a]ny person or organization substantially involved in the conduct that is the subject of the investigation or prosecution; or [a]ny person or organization which he knows has a specific and substantial interest that would be directly affected by the outcome of the investigation or prosecution.⁴

As applied to Mr. McCabe's role in the Clinton, McAuliffe, Trump associates investigation, and leak investigation, these rules demand that he and the FBI take steps to ensure that no appearance of a loss of impartiality undermines public confidence in the work of the Bureau. The FBI has failed to show the Committee that it has taken those necessary steps.

³ Specifically, 5 C.F.R. § 2635.502, advises that a government employee should seek clearance before participating in any matter that could cause his or her impartiality to be questioned. Executive Order 12674, "Principles of Ethical Conduct for Government Officers and Employees," makes clear that "[e]mployees shall not hold financial interests that conflict with the conscientious performance of duty," "[e]mployees shall act impartially and not give preferential treatment to any private organization or individual," and "[e]mployees shall endeavor to avoid any actions creating the *appearance* that they are violating the law or the ethical standards promulgated pursuant to this order." FBI Ethics and Integrity Program Policy Guide, p. 29 and 30, citing Executive Order 12674. Emphasis added. If the employee's supervisor determines that a personal or political relationship exists the employee shall be relieved unless the supervisor determines, in writing, the relationship "*would not* create an appearance of a conflict of interest likely to affect the *public perception* of the integrity of the investigation or prosecution." FBI Ethics and Integrity Program Policy Guide, p. 30. Emphasis added.

⁴ *Id.* at 30. Emphasis added.

Accordingly, a significant cloud of doubt has been cast over the FBI's work. Due to the FBI's continued failure to adequately respond to the Committee, please answer the following questions:

1. What steps do you plan to take to ensure that the publicly acknowledged investigation into alleged collusion with Russian efforts to influence the elections is not tainted with the appearance of political bias due to the information outlined above?
2. What steps do you plan to take to ensure that the apparent leaks of classified information related to contacts between Trump associates and Russians are fully and impartially investigated, given that several senior FBI officials, including Mr. McCabe, are potential suspects with access to the leaked information?
3. What steps do you plan to take to ensure that the reported investigation related to Gov. McAuliffe was or is being fully and impartially investigated given that Deputy Director McCabe's recusal appears to have ended at the time that his wife was no longer a candidate for elected office?

In addition, due to the FBI's failure to answer any McAuliffe related questions, I am attaching the Committee's October 28, 2016, letter for your reference with a request that the Justice Department answer questions 11 and 12(a)-(g). In addition, I am attaching the March 6, 2017, and March 28, 2017, letters to the FBI for your review.

I anticipate that your written reply and any responsive documents will be unclassified. Please send all unclassified material directly to the Committee. In keeping with the requirements of Executive Order 13526, if any of the responsive documents do contain classified information, please segregate all unclassified material within the classified documents, provide all unclassified information directly to the Committee, and provide a classified addendum to the Office of Senate Security. Although the Committee complies with all laws and regulations governing the handling of classified information, it is not bound, absent its prior agreement, by any handling restrictions or instructions on unclassified information unilaterally asserted by the Executive Branch.

Thank you in advance for your cooperation with this request. Please respond no later than May 16, 2017 and number your answers according to their corresponding questions. If you have questions, contact Josh Flynn-Brown or Patrick Davis of my Judiciary Committee staff at (202) 224-5225.

Sincerely,



Charles E. Grassley
Chairman
Committee on the Judiciary

CHARLES E. GRASSLEY, IOWA, CHAIRMAN

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United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

KOLAN L. DAVIS, *Chief Counsel and Staff Director*
KRISTINE J. LUCIUS, *Democratic Chief Counsel and Staff Director*

October 28, 2016

VIA ELECTRONIC TRANSMISSION

The Honorable James B. Comey, Jr.
Director
Federal Bureau of Investigation
935 Pennsylvania Avenue, N.W.
Washington, D.C. 20535

Dear Director Comey,

On October 23, 2016, the Wall Street Journal reported a set of troubling facts about potential conflicts of interest in the criminal investigation into Secretary of State Hillary Clinton. That news article noted that Virginia Governor Terry McAuliffe's political action committee donated \$467,500 to Dr. Jill McCabe's state Senate campaign in 2015.¹ In addition, the Wall Street Journal reported that the Virginia Democrat Party, "over which Mr. McAuliffe exerts considerable control," also donated \$207,788 to her campaign.² Dr. McCabe is married to Andrew McCabe who is currently deputy director of the FBI, and became part of the leadership that oversaw the Clinton email investigation in 2016. Gov. McAuliffe is long-time confidant of Bill and Hillary Clinton and served as President Clinton's chief fundraiser in the 1990s. It is well reported and known that Gov. McAuliffe and the Clintons have been close associates for decades and it begs the question why Mr. McCabe was allowed to be in a position to exert oversight upon the Clinton investigation knowing that his wife was provided over half a million dollars by entities tied so closely to Gov. McAuliffe and the Clintons.

The Wall Street Journal has reported that the FBI did not see Mr. McCabe's position as a conflict of interest concerning the Clinton email investigation because his wife's campaign had ended by the time he stepped into a supervisory position in the investigation, which seems to concede any involvement during her campaign could have been a conflict.³ Notably, even before his supervisory position as deputy director, Mr. McCabe was in charge of the FBI's Washington, D.C. field office which, according to the Wall Street Journal, "provided personnel and resources

¹ Devlin Barret, "Clinton Ally Aided Campaign of FBI Official's Wife," Wall Street Journal (October 23, 2016). Available at <http://www.wsj.com/articles/clinton-ally-aids-campaign-of-fbi-officials-wife-1477266114>

² *Id.*

³ *Id.*

to the Clinton email probe.”⁴ In July 2015, around the time the FBI’s Clinton investigation began, Mr. McCabe was promoted to associate deputy director at FBI headquarters – the number three in the chain of command.⁵ The FBI asserts that Mr. McCabe did not have an “oversight role” in the Clinton investigation until he became the number two in command in 2016.⁶ However, the FBI’s statement does not foreclose the possibility that Mr. McCabe had a non-oversight role while associate deputy director. Thus, even during the time period in which his wife’s political campaign received approximately half a million dollars from Gov. McAuliffe’s political action committee, and over \$200,000 from the Virginia Democrat Party, he may have had a role in the investigation and did not recuse himself.

In October 2015, several months after his promotion, Gov. McAuliffe’s political action committee made three donations of more than \$100,000 to his wife’s campaign.⁷ Prior to October, and prior to his promotion, the largest donation was \$7,500.⁸ The Wall Street Journal has reported that 98% of the Gov. McAuliffe related donations to his wife came after the FBI launched the investigation into Secretary Clinton.⁹ Given these facts, the FBI must provide a more detailed explanation as to why it determined that it was appropriate for Mr. McCabe to participate in that investigation in any way.

Also, separate and distinct from the Clinton investigation, it has been reported that the FBI’s Washington field office, the same one which Mr. McCabe led, started an investigation into Gov. McAuliffe for allegedly receiving over \$100,000 in campaign contributions from foreign entities.¹⁰ The FBI has stated that Mr. McCabe was recused from the McAuliffe investigation when his wife chose to run for office.¹¹ It is unclear as to whether Mr. McCabe returned to the investigation when the campaign ended.¹²

As a general matter, all government employees must avoid situations that create even the appearance of impropriety. Specifically, 5 C.F.R. § 2635.502, advises that a government employee should seek clearance before participating in any matter that could cause his or her

⁴ Devlin Barret, “Clinton Ally Aided Campaign of FBI Official’s Wife,” Wall Street Journal (October 23, 2016). Available at <http://www.wsj.com/articles/clinton-ally-aids-campaign-of-fbi-officials-wife-1477266114>.

⁵ *Id.*

⁶ *Id.* The FBI released a statement saying, “[m]onths after the completion of her campaign, then-Associate Deputy Director McCabe was promoted to Deputy, where, in that position, he assumed for the first time, an oversight role in the investigation into Secretary Clinton’s emails.” See Devlin Barret, “Clinton Ally Aided Campaign of FBI Official’s Wife,” Wall Street Journal (October 23, 2016). Available at <http://www.wsj.com/articles/clinton-ally-aids-campaign-of-fbi-officials-wife-1477266114>

⁷ October 1, 2015 - \$150,000; October 27, 2015 - \$125,000; October 29, 2015 - \$175,000. See VPAP.org, http://www.vpap.org/donors/248345/recipient/257117/?start_year=2015&end_year=2015&recip_type=all

⁸ *Id.*

⁹ Wall Street Journal Editorial, “The FBI’s Clinton Probe Gets Curiouser,” (October 24, 2016). Available at <http://www.wsj.com/articles/the-fbi-clinton-probe-gets-curiouser-1477352522>

¹⁰ Devlin Barret, “FBI Investigating Donations to Virginia Gov. Terry McAuliffe,” Wall Street Journal (May 23, 2016). Available at <http://www.wsj.com/articles/fbi-investigating-donations-to-virginia-gov-terry-mcauliffe-1464046899>

¹¹ Gregory S. Schneider, “Why the latest Hillary Clinton conspiracy might not be what it seems,” The Washington Post (October 24, 2016.) Available at <https://www.washingtonpost.com/news/post-politics/wp/2016/10/24/why-the-latest-clinton-conspiracy-might-not-be-what-it-seems/>

¹² *Id.* The article notes the FBI said, “[w]hen she chose to run . . . McCabe and FBI lawyers implemented a system of recusal from all FBI investigative matters involving Virginia politics, a process followed for the remainder of her campaign.” The implication is that he returned to the investigation when the campaign ended.

impartiality to be questioned. In addition, when impartiality is at issue, the employee should obtain a formal determination from the component superior that participation outweighs the concern that the FBI's integrity would be questioned.¹³ The Wall Street Journal reports that Mr. McCabe did seek ethics advice in March 2015 after he and his wife met with Gov. McAuliffe. However, it is not clear from which officials he sought advice, what guidance he received from the FBI, and whether he sought additional guidance after he was twice promoted to a position that had an apparent increased role in the Clinton investigation.¹⁴ In addition, with respect to the McAuliffe investigation, it is unclear whether he returned to the investigation after recusal and, if so, what ethics guidance he received.

Executive Order 12674, "Principles of Ethical Conduct for Government Officers and Employees," makes clear that "[e]mployees shall not hold financial interests that conflict with the conscientious performance of duty," "[e]mployees shall act impartially and not give preferential treatment to any private organization or individual," and "[e]mployees shall endeavor to avoid any actions creating the appearance that they are violating the law or the ethical standards promulgated pursuant to this order."¹⁵ Importantly, the FBI Ethics and Integrity Program Guide cites 28 C.F.R. § 45.2 which states that,

no employee shall participate in a criminal investigation if he has a personal or political relationship with [...] [a]ny person or organization substantially involved in the conduct that is the subject of the investigation or prosecution; or [a]ny person or organization which he knows has a specific and substantial interest that would be directly affected by the outcome of the investigation or prosecution.¹⁶

In complying with this rule, the employee must report the matter to his supervisor. If the supervisor determines that a personal or political relationship exists the employee shall be relieved unless the supervisor determines, in writing, the relationship will not "render the employee's service less than fully impartial and professional" and the employee's participation "would not create an appearance of a conflict of interest likely to affect the public perception of the integrity of the investigation or prosecution."¹⁷ As applied to Mr. McCabe's role in the Clinton email investigation and McAuliffe investigation, these rules demand that he and the FBI take steps to ensure that not even the appearance of a loss of impartiality is present. Further, given Mr. McCabe's potential role in both investigations, which has not been fully explained by the FBI, his wife's substantial campaign donations from Gov. McAuliffe's political action

¹³ 5 C.F.R. § 2635.502(d).

¹⁴ For example, it is not clear whether or not Mr. McCabe sought guidance from you or the Designated Agency Ethics Official regarding his potential conflict of interest or whether he sought a waiver to continue in his role in the Clinton investigation. The FBI Ethics and Integrity Policy Guide Section 4.6.1.2 notes that an employee who is concerned that circumstances would cause questions as to his impartiality should speak with ethics officials.

¹⁵ FBI Ethics and Integrity Program Policy Guide, p. 29 and 30, citing Executive Order 12674. Emphasis added.

¹⁶ *Id.* at 30. Emphasis added.

¹⁷ *Id.* Emphasis added.

committee and the Democrat party potentially create the appearance of a conflict of interest that has affected the public perception of the integrity of both investigations. This is problematic and the rules are designed to prevent these types of issues from occurring.

The FBI has repeatedly stated that the Clinton investigation was apolitical and you have said that FBI personnel “don’t give a rip about politics.”¹⁸ Further, you have stated, “I want the American people to know we really did this the right way. You can disagree with us, but you cannot fairly say we did it in any kind of political way.”¹⁹ The FBI’s Ethics and Integrity Policy Guide specifically notes that “[w]hether particular circumstances created an appearance that the law or [FBI ethical standards] have been violated shall be determined from the perspective of a reasonable person with knowledge of the relevant facts.”²⁰

Since the Clinton investigation ended, the public’s knowledge of the relevant facts has rightfully increased substantially. The public now knows that the investigation’s scope was arbitrarily limited to classifications issues, with little or no effort to make a case against anyone for intentionally alienating federal records and subverting the Freedom of Information Act process. Moreover, the Justice Department apparently failed to authorize any compulsory process through search warrants or grand jury subpoenas.²¹ This resulted in generous grants of immunity to Secretary Clinton’s associates because of their refusal to cooperate voluntarily except under the terms and limitations most favorable to them—including an inexplicable agreement for the FBI to destroy laptops that contained records subject to congressional subpoenas and preservation letters. On top of these circumstances, now the public learns that the wife of the FBI’s second in command accepted more than half a million dollars from a close associate of Secretary Clinton, with 98% of the donations received after the FBI began its investigation. And, separate from the Clinton investigation, it is not clear whether Mr. McCabe has rejoined the investigation into Mr. McAuliffe after his wife’s campaign received substantial donations. Accordingly, it is reasonable for the public to question the impartiality of the process.

In order to better understand the context of the facts reported in the press about Mr. McCabe, please answer and provide the following:

1. Please describe Mr. McCabe’s role in the Clinton investigation as assistant director in charge of the FBI’s Washington, D.C. field office, associate deputy director, and as deputy director of the FBI.

¹⁸ Evan Perez, “FBI chief on Clinton investigation: My people ‘don’t give a rip about politics,’” CNN (October 1, 2015). Available at <http://www.cnn.com/2015/10/01/politics/james-comey-fbi-hillary-clinton/>

¹⁹ Everett Rosenfeld, “FBI Director Comey says ‘nobody would’ bring a case against Clinton,” CNBC (July 7, 2016). Available at <http://www.cnbc.com/2016/07/07/fbi-director-comey-our-recommendation-was-apolitical.html>

²⁰ FBI Ethics and Integrity Program Policy Guide, p. 35.

²¹ Malia Zimmerman and Adam Housley, “FBI, DOJ roiled by Comey, Lynch decision to let Clinton slide by on emails, says insider,” FoxNews (October 13, 2016). Available at <http://www.foxnews.com/politics/2016/10/13/fbi-doj-roiled-by-comey-lynch-decision-to-let-clinton-slide-by-on-emails-says-insider.html>

2. Please provide all records relating to communications between and among FBI officials relating to the conflict of interest issues pertaining to the candidacy of Mr. McCabe's wife for public office or his involvement in the Clinton email investigation.
3. The Wall Street Journal reported that Mr. McCabe met with Gov. McAuliffe and then sought ethics advice from the FBI. When did he meet with Gov. McAuliffe, where, and under what circumstances? What ethics components did he contact? What was the FBI's advice to Mr. McCabe? Did he follow that advice? Please explain.
4. After Mr. McCabe was promoted twice, did he seek further ethics advice after each promotion? If so, please detail each instance in which he sought advice from the FBI and which FBI component and employees provided the ethics guidance.
5. Were you aware of Mr. McCabe's potential conflicts? If so, when and how did you become aware? If not, why not?
6. Did the FBI perform a conflicts analysis under 28 C.F.R. § 45.2? If so, when and what was the conclusion? If not, why not?
7. Was a waiver analysis under 5 C.F.R. § 2635.502(d) performed? If so, when? In addition, please provide all records relating to the analysis and issuance of the waiver(s), including copies of the written waivers. If no analysis was performed, why not?
8. Did Mr. McCabe have a political or personal relationship with Gov. McAuliffe or his political action committee as defined in 28 C.F.R. § 45.2? If not, why not?
9. Did Mr. McCabe's involvement in the Clinton investigation as the assistant director in charge of the Washington, D.C. field office, as associate deputy director, and as the deputy director of the FBI create the appearance of a loss of impartiality? Please explain.
10. Did Mr. McCabe's involvement in the Clinton investigation as the assistant director in charge of the Washington, D.C. field office, as associate deputy director, and as the deputy director of the FBI affect the public perception of the investigation? Please explain.
11. What steps are you taking to mitigate the appearance of a conflict of interest in the Clinton email investigation and to reassure Congress and the American people that the investigation was not subject to political bias?
12. It is not clear when the investigation into Gov. McAuliffe's foreign campaign donations started, and which FBI officials have been involved. However, given Mr. McCabe's position at the FBI in the last two years, it is imperative that the FBI inform Congress about his potential role in this investigation. Please answer the following:

- a. Please describe Mr. McCabe's role in the Gov. McAuliffe investigation.
- b. When was Mr. McCabe recused from the McAuliffe investigation? Please provide exact dates and provide all records relating to the recusal.
- c. When Mr. McCabe and his wife met with Mr. McAuliffe in March 2015, did Mr. McCabe have a role in the McAuliffe investigation at that time? If so, what was his role and at what point thereafter did Mr. McCabe recuse himself?
- d. Did Mr. McCabe return to the McAuliffe investigation after his wife's campaign ended? If so, please explain why his participation does not cause the appearance of a loss of impartiality or a conflict of interest. In addition, please note exactly when Mr. McCabe returned to the investigation.
- e. Did Mr. McCabe report any ethical issues to FBI officials relating to the McAuliffe investigation? If so, provide all records relating to his reports and the FBI's final determination, to include all waivers.
- f. Was a waiver analysis under 5 C.F.R. § 2635.502(d) performed? If so, when? In addition, please provide all records relating to the analysis and issuance of the waiver(s), including copies of the written waivers. If no analysis was performed, why not?
- g. Did the FBI perform a conflicts analysis under 28 C.F.R. § 45.2? If so, when and what was the conclusion? If not, why not?

Please answer the questions according to their corresponding questions. I anticipate that your written reply and any responsive documents will be unclassified. Please send all unclassified material directly to the Committee. In keeping with the requirements of Executive Order 13526, if any of the responsive documents do contain classified information, please segregate all unclassified material within the classified documents, provide all unclassified information directly to the Committee, and provide a classified addendum to the Office of Senate Security. Although the Committee complies with all laws and regulations governing the handling of classified information, it is not bound, absent its prior agreement, by any handling restrictions or instructions on unclassified information unilaterally asserted by the Executive Branch.

Thank you in advance for your cooperation with this request. Please respond no later than November 14, 2016. If you have questions, contact Josh Flynn-Brown of my Committee staff at (202) 224-5225.

Sincerely,



Charles E. Grassley
Chairman
Committee on the Judiciary

CHARLES E. GRASSLEY, IOWA, CHAIRMAN

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United States Senate

COMMITTEE ON THE JUDICIARY
WASHINGTON, DC 20510-6275

KOLAN L. DAVIS, *Chief Counsel and Staff Director*
JENNIFER DUCK, *Democratic Staff Director*

January 23, 2017

VIA ELECTRONIC TRANSMISSION

The Honorable James Comey
Director
Federal Bureau of Investigation
Washington, D.C. 20535

Dear Director Comey:

On January 6, 2017 a gunman open fired in the baggage claim area of the Fort Lauderdale-Hollywood International Airport killing five people and wounding six more. Law enforcement have identified the shooter as Esteban Santiago, a 26 year old living in Alaska.¹ According to reports, Santiago purchased a one way ticket from Alaska to Florida with the specific intent to carry out the attack – Santiago's only checked baggage was a box containing a Walther 9mm handgun and two magazines.²

Media reports also indicate that two months ago, in November 2016, Santiago voluntarily went into the Anchorage FBI office and said his mind was being controlled by U.S. intelligence and that he was being forced to watch ISIS videos.³ FBI agents, concerned about Santiago's "erratic behavior," contacted local police, who took him to a medical facility for a mental health evaluation. Police held Santiago's gun for a month before giving it back. Reports indicate that this is the same gun Santiago used in the attack.⁴

Santiago is exactly the type of person who should not have access to a firearm. It is important to understand how the National Instant Criminal Background Check System (NICS) was used, or not used, in this instance. For a more thorough understanding of the investigation as well as the policies pertaining to the FBI's handling of Santiago's initial encounter, please provide numbered written responses to the following questions no later than February 6, 2017.

¹ Mark Berman and Tal Abbady, "Fort Lauderdale shooting suspect appears in court, ordered held without bond," The Washington Post (January 9, 2017). Available at https://www.washingtonpost.com/news/post-nation/wp/2017/01/09/fort-lauderdale-shooting-suspect-to-make-first-court-appearance-on-federal-charges/?utm_term=.1de890cf1bd1

² *Id.*

³ See Matthew Dean, "Ft. Lauderdale shooting suspect made confused visit to FBI, said US intelligence forced him to watch ISIS videos," FoxNews (January 6, 2017). Available at <http://www.foxnews.com/us/2017/01/06/ft-lauderdale-shooting-suspect-had-minor-criminal-history-honorable-discharge-from-national-guard.html>; Holly Yan, Eliot C. McLaughlin, Boris Sanchez, "Fort Lauderdale shooting suspect faces possible death penalty," CNN (January 9, 2017). Available at <http://www.cnn.com/2017/01/09/us/fort-lauderdale-airport-shooting-main/index.html>

⁴ Holly Yan, Eliot C. McLaughlin, Boris Sanchez, "Fort Lauderdale shooting suspect faces possible death penalty," CNN (January 9, 2017). Available at <http://www.cnn.com/2017/01/09/us/fort-lauderdale-airport-shooting-main/index.html>

1. After Santiago met with the FBI at the Anchorage office, was his name reported to the NICS? If not, please explain why not.
2. Was the FBI aware of the fact that after they contacted local police to handle Santiago, he was taken to a medical facility for a mental health evaluation? If so, after knowledge of the involuntary commitment, was Santiago reported to the NICS list and under what category was he reported? If he was not reported, please explain why not.
3. Why was his gun returned to him after the FBI was aware of his erratic behavior and references to ISIS?
4. Please explain in detail the administrative process that generally takes place to report names to the NICS when an individual is involuntarily committed for a mental health evaluation.
5. Please explain what the FBI's role generally is after it refers individuals like Santiago to local law enforcement.
6. At any point in time after knowing of Santiago, did the FBI take any steps to report his name to the NICS? If not, why not?

I anticipate that your written reply and any responsive documents will be unclassified. Please send all unclassified material directly to the Committee. In keeping with the requirements of Executive Order 13526, if any of the responsive documents do contain classified information, please segregate all unclassified material within the classified documents, provide all unclassified information directly to the Committee, and provide a classified addendum to the Office of Senate Security. Although the Committee complies with all laws and regulations governing the handling of classified information, it is not bound, absent its prior agreement, by any handling restrictions or instructions on unclassified information unilaterally asserted by the Executive Branch.

Thank you for your attention to this matter. If you have any questions, please contact Josh Flynn-Brown of my Committee staff at (202) 224-5225.

Sincerely,



Charles E. Grassley
Chairman
Committee on the Judiciary

United States Senate

WASHINGTON, DC 20510

May 4, 2017

The Honorable Rex Tillerson
Secretary
U.S. Department of State
2201 C St NW
Washington, DC 20520

The Honorable John F. Kelly
Secretary
U.S. Department of Homeland Security
3801 Nebraska Avenue, NW
Washington, DC 20530

Dear Secretaries Tillerson and Kelly,

We write regarding current administration of the U.S. Refugee Admissions Program (USRAP), which has successfully resettled more than 3 million refugees from around the world to American communities in all 50 states. The USRAP is a critical pillar of our national foreign policy and enables the United States to fulfill key international commitments. Refugees come from the most vulnerable and persecuted populations around the world and are the most securely vetted travelers to the United States, spending an average of two years in the application process prior to approval.

According to the United Nations High Commissioner for Refugees, we are in the midst of the largest refugee crisis in modern history. More than a year ago, on March 17, 2016, then-Secretary of State John Kerry formally designated the actions of ISIS as genocide. As part of that declaration he said: "[ISIS] is... responsible for crimes against humanity and ethnic cleansing directed at these same groups and in some cases also against Sunni Muslims, Kurds, and other minorities... [ISIS] kills Christians because they are Christians; Yezidis because they are Yezidis; Shia because they are Shia. ...naming these crimes is important. But what is essential is to stop them." While the recognition and need to address these horrific crimes is important, we must not lose focus of the need to also protect others fleeing persecution around the world.

As you know, Executive Order 13769, issued on January 27, aimed to place a temporary 120-day halt on the USRAP and reduce the total refugee admissions for Fiscal Year 2017 from 110,000 to 50,000. This Executive Order was subsequently rescinded by Executive Order 13780, issued on March 6. Executive Order 13780 also aimed to place a similar halt and reduction on the USRAP. However, the U.S. District Court of Hawaii issued a Temporary Restraining Order (TRO) on March 15 followed by a preliminary injunction on March 29, which currently prevents the implementation of portions of this Executive Order, including the entire section addressing the USRAP.

Given that there is currently no active provision from either of these Executive Orders affecting normal USRAP administration, we respectfully request a response to the following questions regarding the current status of USRAP operations, both domestically and internationally:

- 1) In light of the Hawaii District Court's decision to block enforcement of the EO dated March 6th, does the Administration anticipate admitting refugees consistent with the previous Administration's Presidential Determination for FY17 or will the Administration release a new Presidential Determination? How many refugees does the Administration anticipate admitting this Fiscal Year?
- 2) Is the U.S. continuing to conduct overseas interviews of both Priority-2 Direct Access applicants, including U.S.-affiliated Iraqis, and of applicants referred to the USRAP by the United Nations High Commissioner for Refugees? If so, how many individuals are currently going through this process and how long will this process take? If not, under what legal authority?
- 3) Given the genocide designation from the U.S. State Department, are survivors designated as a special humanitarian concern?
 - a. How many nationals and residents of Iraq or Syria who are members of a religious group subjected to genocide by ISIS and are at risk of forced migration have been admitted to the United States as refugees since March 17, 2016?
 - b. Under which mechanisms are these individuals able to apply and interview for admission to the United States as refugees?
 - c. Are survivors of genocide, crimes against humanity, or war crimes, eligible for Priority 2 processing under the refugee resettlement priority system? If not, why not?
 - i. If so, how many have been admitted since March 17, 2016?
- 4) During the seven weeks between the issuance of EO 13769 and the March 15 TRO, please describe any changes the Administration made to USRAP operations, including instructions given to all personnel responsible for carrying out USRAP duties in a way that continues to provide for the security of the American people while also maintaining the United States as a refuge for those fleeing persecution.
 - a) If changes were made, how will these changes continue to impact USRAP operations and capacity in the future?
 - b) If changes were made, what immediate effect have these changes already had on the USRAP's overall resettlement capacity, including the impact on overseas Resettlement Support Centers and on domestic resettlement agencies?
 - c) What steps have you taken since the issuance of the TRO, including the rescission of relevant instructions to USRAP personnel, to restart the administration of the program?

5) We understand that there are DHS-approved refugees awaiting final medical clearances and travel bookings. What is the Administration's timeframe for resettlement of these refugees?

a) How many cases within this group are cases of reunification with family members already in the United States?

b) How many cases within this group are genocide survivors?

6) In addition to these DHS-approved refugees, there are more in earlier stages of the screening process. Are agencies continuing the application and screening process for these refugees? If so, are there any new difficulties that would have the effect of slowing down the review process? If not, under what legal authority?

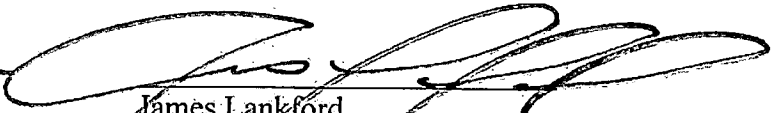
a) Of all refugees who have currently begun the resettlement process, how many are US-affiliated Iraqis?

Thank you for your attention to this matter, and we look forward to your timely response.

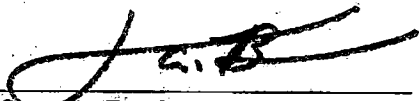
Sincerely,



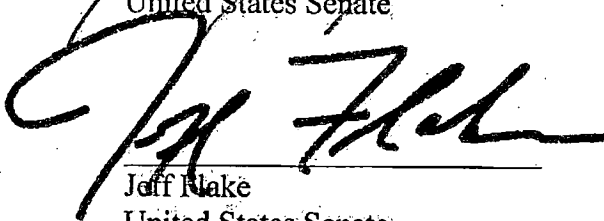
Jeanne Shaheen
United States Senate



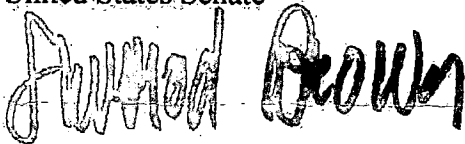
James Lankford
United States Senate



Cory A. Booker
United States Senate



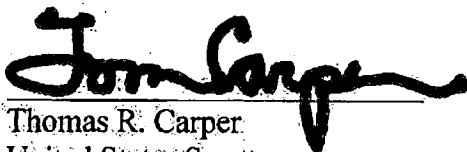
Jeff Flake
United States Senate



Sherrod Brown
United States Senate



Michael S. Lee
United States Senate



Thomas R. Carper
United States Senate



Lisa Murkowski
United States Senate



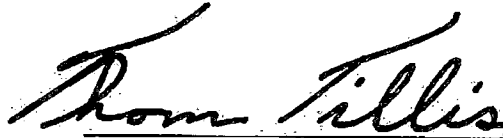
Richard J. Durbin
United States Senate



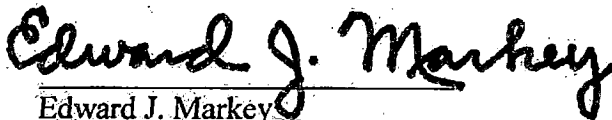
Marco Rubio
United States Senate



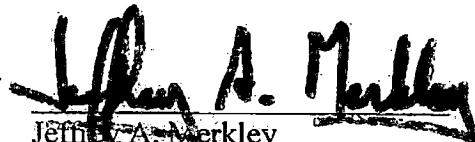
Kirsten Gillibrand
United States Senate



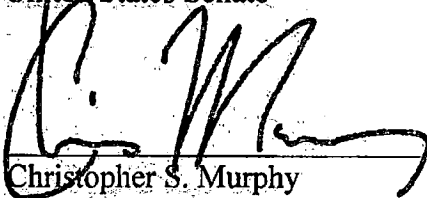
Thom Tillis
United States Senate



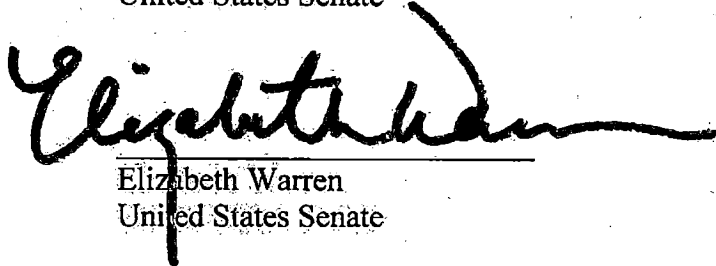
Edward J. Markey
United States Senate



Jeffrey A. Merkley
United States Senate



Christopher S. Murphy
United States Senate



Elizabeth Warren
United States Senate



Ron Wyden
United States Senate

CC: The Honorable James Mattis, Secretary, U.S. Department of Defense
The Honorable Thomas Price, M.D., Secretary, U.S. Department of Health and Human Services
The Honorable James B. Comey, Director, Federal Bureau of Investigation
The Honorable Nicholas J. Rasmussen, Director, National Counterterrorism Center
The Honorable H.R. McMaster, Assistant to the President, National Security Advisor

United States Senate

WASHINGTON, DC 20510-2906

OFFICIAL BUSINESS

PRESORTED

Janet Shaker

U.S.S.

The Honorable James B. Comey
Director
Federal Bureau of Investigation
935 Pennsylvania Avenue, NW
Washington, DC 20535

X-RAYED
FBI MAIL SERVICE



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United States Senate

COMMITTEE ON
HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS
WASHINGTON, DC 20510-6250

CHRISTOPHER R. HIXON, STAFF DIRECTOR
MARGARET E. DAUM, MINORITY STAFF DIRECTOR

March 30, 2017

The Honorable James Comey
Director, Federal Bureau of Investigation
Federal Bureau of Investigation Headquarters
935 Pennsylvania Avenue, NW
Washington, D.C. 20535

Dear Director Comey:

We write with great concern regarding the security clearance background investigations and adjudication determinations of certain White House officials who have sought access to classified national security information. On March 1, 2017, we sent a letter to Administration officials inquiring into the security clearances investigations and adjudications of key White House personnel. The deadline for a response was March 17. As of March 29, we have not yet received a response. Because we still lack this information regarding a critical national security matter, a response directly from the Federal Bureau of Investigation is now necessary.

As you know, there are four major components to the personnel security clearance process; 1) pre-investigation (including the submission of Standard Form SF-86), 2) investigation, 3) adjudication, and 4) reinvestigation. Because the Federal Bureau of Investigation (FBI) is charged with the investigation and reinvestigation for certain White House officials before their clearance eligibility is determined, it is critical that White House adjudicators have all derogatory or potentially damaging information about each individual working in the White House. In short, if the FBI does not do its job correctly, White House adjudicators cannot do theirs.

Recent reports have indicated that portions of the White House's security clearance process have experienced breakdowns since the beginning of the new Administration. Examples of these breakdowns include the hiring and subsequent resignation of former National Security Advisor Michael Flynn, the hiring of Dr. Sebastian Gorka as a senior White House counterterrorism official despite reports that he may have failed to disclose his membership in a Hungarian neo-Nazi organization, and the reported dismissal of six White House employees after not passing the initial pre-investigation process. These cases highlight the need not only for more oversight of the personnel security clearance process but also increased scrutiny of White House officials who seek access to classified national security information.

Perhaps the most disturbing case is that of former National Security Advisor Michael Flynn. While Mr. Flynn's security clearance is currently suspended by the Defense Intelligence

Agency, there is compelling evidence to show that – based on recent reports – his position as the National Security Advisor might have jeopardized White House decisions about our national security. [REDACTED]

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Further, it has been widely reported that Dr. Sebastian Gorka, Deputy Assistant to the President, may have concealed his membership in the far-right Hungarian anti-Semitic organization known as Vitézi Rend on his naturalization application. Such failure to disclose this during the course of one's naturalization proceedings would be unlawful. Moreover, it was reported that Dr. Gorka in February 2016 was arrested and charged with a misdemeanor for allegedly taking a 9 mm pistol through a TSA checkpoint at Ronald Reagan Washington National Airport. These reports call into question Dr. Gorka's suitability to hold a Top Secret security clearance and to serve as a senior advisor to the President.

These incidents raise questions as to whether the FBI has fully investigated all White House staff who seek access to classified information. Given the concerns related to Mr. Flynn and Dr. Gorka, these incidents also raise questions as to whether the White House overruled any adjudication determinations despite derogatory information being found by the FBI, and allowed officials who were otherwise determined ineligible for security clearances to access classified information. Unfortunately, public trust is undermined by these recent events, and a number of questions need to be answered before our confidence in this process can be restored. Therefore, we request the following information, along with any supporting documentation:

Former National Security Advisor Michael Flynn

1. When was Mr. Flynn's most recent Single Scope Background Re-Investigation conducted? Were you permitted full access to the results of this re-investigation?
2. Did the White House submit a request to the FBI for a background investigation to be conducted for Mr. Flynn?
3. Did the FBI conduct a background investigation for Mr. Flynn following the election and prior to him working at the White House?
4. If so, how long did it take for the FBI to conduct Mr. Flynn's background investigation?
5. Was Mr. Flynn subject to a Counterintelligence Scope Polygraph prior to taking his position as National Security Advisor?

6. Was Mr. Flynn required to undergo a polygraph as part of his most recent security clearance investigation or for any other reason?
7. Did Mr. Flynn accurately indicate the extent of his contact with Russian government officials on his most recent SF-86 form? Did Mr. Flynn accurately indicate the extent of his contact with Turkish government officials on his most recent SF-86 form? Does the FBI have access to all SF-86 forms Mr. Flynn submitted while employed at the Department of Defense?
8. Does the FBI maintain records of Mr. Flynn's foreign travel prior to him working at the White House?
9. Does the FBI have records of Mr. Flynn's foreign contact logs during his time as Director of the Defense Intelligence Agency?
10. Was the FBI provided access to or made aware of Mr. Flynn's client list, invoices, payments, and taxes filed by the Flynn Intel Group in the course of his latest re-investigation?

Deputy Assistant to the President Sebastian Gorka

11. Has the FBI subjected Dr. Gorka to a Single Scope Background Investigation (SSBI)? If so, when was the investigation completed?
12. Was the FBI aware of the allegations against Dr. Gorka that he allegedly may have concealed membership in the organization known as Vitézi Rend? Did the FBI conduct any follow up to ensure the accuracy of this allegation?

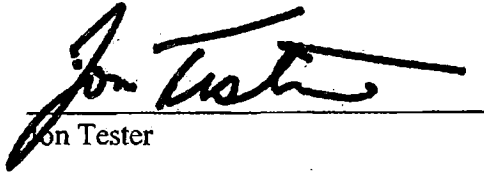
White House Staff

13. Do FBI investigations of White House staff screen for evidence of foreign influence or risk of foreign exploitation? Are White House employees screened for their likelihood to be subject to blackmail, coercion, or extortion?
14. Did the FBI conduct Single Scope Background Investigations for all members of the White House staff?
15. Please list the White House positions for which the FBI has already completed background investigations. Of these positions, please provide further information about whether derogatory information was uncovered over the course of the investigation(s) and whether such information was provided to the White House Office of Administration prior to adjudication.

We request you provide this information no later than April 14, 2017 and look forward to your prompt response to this inquiry.

The Honorable James Comey
March 29, 2017
Page 4

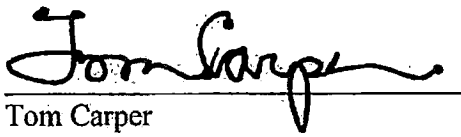
Sincerely,



Jon Tester



Claire McCaskill



Tom Carper



Margaret Wood Hassan

cc: Ron Johnson
Chairman

[redacted] (DO) (FBI)

From: [redacted] (DO) (FBI)
Sent: Friday, March 31, 2017 1:51 PM
To: [redacted] (DO) (FBI); [redacted] (DO) (FBI); [redacted] (DO) (FBI)
Cc: [redacted] (DO) (FBI)
Subject: HSGAC letter to Director Comey
Attachments: 2017-03-30 James Comey-FBI-Security Clearance Background Investigations.pdf

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[redacted]

Please find attached a letter from the Senate Committee on Homeland Security and Governmental Affairs regarding security clearance background investigations on White House officials for entry into TRIM. Please let me know if you have any questions. Thanks.

SSA [redacted]
Office of Congressional Affairs, FBI
Desk [redacted]
Cell [redacted]

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United States Senate

SELECT COMMITTEE ON INTELLIGENCE

WASHINGTON, DC 20510-8475

January 4, 2017

The Honorable James Comey
Director
Federal Bureau of Investigation
935 Pennsylvania Avenue, NW
Washington, DC 20535-0001

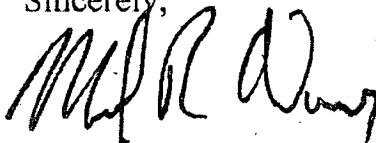
Dear Director Comey,

Given the immense importance of understanding Russian efforts to influence the recent US election, and given the need for the Senate Select Committee on Intelligence to fully perform its oversight duties, we request that you provide the following:

- Any finished intelligence products produced by your agency on the topic of Russian involvement in the 2016 US elections;
- All raw intelligence collected by your agency that supports the finished intelligence products referenced above.

We ask that the requested items be submitted to the Committee no later than January 19, 2017. For questions, please contact Mr. Mike Casey of the Committee staff at 202-224-1700.

Sincerely,



Mark R. Warner
Vice Chairman

cc: Chairman Richard Burr

JOHN MCCAIN, ARIZONA
ROB PORTMAN, OHIO
RAND PAUL, KENTUCKY
JAMES LANKFORD, OKLAHOMA
MICHAEL B. ENZI, WYOMING
JOHN HOEVEN, NORTH DAKOTA
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GARY C. PETERS, MICHIGAN
MARGARET WOOD HASSAN, NEW HAMPSHIRE
KAMALA D. HARRIS, CALIFORNIA

United States Senate

COMMITTEE ON
HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS
WASHINGTON, DC 20510-6250

April 3, 2017

The Honorable James B. Comey, Jr.
Director
Federal Bureau of Investigation
J. Edgar Hoover Building
935 Pennsylvania Avenue
Washington, DC 20535

Dear Director Comey:

The Committee on Homeland Security and Governmental Affairs is examining the Federal Bureau of Investigation's (FBI) efforts to detect, thwart, and mitigate terrorist plots in the United States. I write to request additional information about the FBI's actions leading up to and during the attack at the Curtis Culwell Center in Garland, Texas.

On May 3, 2015, two terrorists, Elton Simpson and Nadir Hamid Soofi, attacked an event at the Curtis Culwell Center in Garland. This attack is widely recognized as the first attack on U.S. soil inspired by the Islamic State of Iraq and Syria (ISIS).¹ A recent news report by *60 Minutes* revealed that an apparent FBI agent not only traveled to Garland, but was in a vehicle directly behind Simpson and Soofi immediately before the attack.² The same report suggested that the apparent agent was detained by local law enforcement when attempting to flee the scene.

Fortunately, local law enforcement successfully neutralized Simpson and Soofi before they successfully carried out their objective. Following the attack, there was confusion about whether local law enforcement had any knowledge of a threat prior to the event and whether information was shared between the FBI and the Garland Police Department. Local law enforcement officials have been adamant that they did not receive any intelligence from the FBI indicating a direct threat to the event.³ The Garland Police Chief, Mitch Bates, stated that his department "had no information from the FBI or anyone else that Elton Simpson posed a threat to our event."⁴

¹<https://www.defense.gov/News/Transcripts/Transcript-View/Article/607048/departments-of-defense-press-briefing-by-secretary-ash-carter-and-general-martin>

² Anderson Cooper, *60 MINUTES INVESTIGATES FIRST ISIS-CLAIMED ATTACK IN U.S. AND WHAT THE FBI KNEW*, CBS NEWS, March 26, 2017, <http://www.cbsnews.com/news/terrorism-in-garland-texas-what-the-fbi-knew-before-the-2015-attack/>

³ Naomi Martin and Ray Leszczynski, *Garland police say they had no tip about attack at Culwell Center*, THE DALLAS MORNING NEWS, May 2015, <http://www.dallasnews.com/news/crime/2015/05/11/garland-police-say-they-had-no-tip-about-attack-at-culwell-center>

⁴ *Id.*

About a week after the attack, you described how federal investigators learned about Simpson's interest in the Garland event a few hours beforehand.⁵ The FBI then apparently distributed a "bulletin" to the Garland Police Department, which included a photo of Simpson, a license plate number for the vehicle, and other information.⁶ You were quoted as saying:

We didn't have reason to believe that he was going to attack the event or, in fact, we didn't have reason to believe he had left Phoenix. But because we developed reason to believe that he might be interested in the event, we sent it to them as part of what we've been doing in connection with the event generally.⁷

The information contained in the *60 Minutes* report about the actions of an apparent FBI agent on the day of the attack appears to be at odds with your statement that the FBI "didn't have reason to believe [Simpson] left Phoenix."

The FBI was reportedly familiar with Simpson, as he was a subject of an investigation since around 2006.⁸ According to reports, during that time period, the FBI paid an informant named Dabla Deng around \$132,000 to gain intelligence on Simpson.⁹ The FBI started reexamining Simpson due to his support of ISIS, going as far as sending him text messages.¹⁰ An undercover FBI agent allegedly sent a text message to Simpson that read, "Tear Up Texas," three weeks before the Garland attack.¹¹

About a month after the attack, I wrote then-Attorney General Lynch requesting information about the firearms used by Simpson and Soofi.¹² I had obtained information from a Federal Firearms Licensee (FFL) in the Phoenix region that appears to show that Soofi purchased a Hi-Point 9mm pistol from the FFL in 2010.¹³ This transaction happened during the same time period when the Justice Department coordinated purchases of firearms at this FFL in the ill-fated Operation Fast and Furious.¹⁴ In addition, I obtained information that showed that this same handgun, purchased by Soofi in 2010, was subject to an "urgent" firearms disposition request by the Department of Justice on May 4, 2015—the day after the attack in Garland.¹⁵ The

⁵ *Id.*

⁶ *Id.*

⁷ *Id.*

⁸ Scott Shane and Fernanda Santos, *Elton Simpson Eluded U.S. Inquiry Before Texas Shootout*, THE NEW YORK TIMES, May 6, 2015, https://www.nytimes.com/2015/05/07/us/elton-simpson-eluded-us-inquiry-before-texas-shootout.html?_r=0

⁹ *Id.*

¹⁰ Anderson Cooper, *60 MINUTES INVESTIGATES FIRST ISIS-CLAIMED ATTACK IN U.S. AND WHAT THE FBI KNEW*, CBS NEWS, March 26, 2017, <http://www.cbsnews.com/news/terrorism-in-garland-texas-what-the-fbi-knew-before-the-2015-attack/>

¹¹ *Id.*

¹² Letter from Chairman Ron Johnson, United States Senate, to Loretta E. Lynch, U.S. Department of Justice (Jun. 1, 2015)

¹³ Dep't of Justice, Bureau of Alcohol, Tobacco, Firearms & Explosives, Firearms Transaction Report Part I (Nadir Soofi, dated Feb. 24, 2010).

¹⁴ Richard A. Serrano, *Garland, Texas, shooter bought gun in 2010 during Fast and Furious*, L.A. Times, Aug. 1, 2015.

¹⁵ Dep't of Justice, Bureau of Alcohol, Tobacco, Firearms & Explosives, Firearms Disposition Fax Request (May 4, 2015).

Department of Justice's response to my letter, dated August 7, 2015, contained little specificity and ignored several important questions.

In order to assist the Committee in understanding the circumstances surrounding this attack and the actions of the FBI before and during the attack, I respectfully request the following information and material:

1. What FBI assets were present at or around the Curtis Culwell Center on May 3, 2015?
 - a. Was the apparent FBI employee who was present at the scene of attack, and detained by local law enforcement, an FBI employee, an FBI source of information, an FBI asset, or an asset or source of information on detail to the FBI from another entity? Please explain.
 - b. If this individual was an FBI source of information, an FBI asset, or an asset or source of information on detail to the FBI, did the FBI receive information about Simpson or Soofi from this individual? If so, what was this information and when was it received?
 - c. Please provide all communications sent or received by FBI agents or employees on May 3, 2015 referring or relating to Elton Simpson, Nadir Hamid Soofi, or the Curtis Culwell Center.
2. When did the FBI first learn that there was an imminent threat to the Curtis Culwell Center? How did the FBI learn of the threat?
 - a. Please provide the FBI "bulletin" sent to law enforcement before the attack.
 - b. Please provide all communications between the FBI employee, FBI source of information, FBI asset, or an asset or source of information on detail to the FBI and FBI personnel referring or relating to Simpson or Soofi for the period April 1, 2015 to May 15, 2015.
3. Did the FBI pay Dabla Deng more than \$130,000 over three years to obtain intelligence on Simpson and/or Soofi? Did Mr. Deng provide information on any potential threats?
4. Did the handgun purchased by Nadir Hamid Soofi from an FFL in Phoenix, Arizona in 2010 have any connection to Operation Fast and Furious? Please explain.
 - a. Please provide all documents and communications referring or relating to the weapons recovered at the Curtis Culwell Center and within Simpson and Soofi's apartment in Phoenix.
 - b. Did an FBI employee, an FBI source of information, an FBI asset, or an asset or source of information on detail to the FBI direct, intimate, or suggest to Simpson or Soofi to purchase firearms?

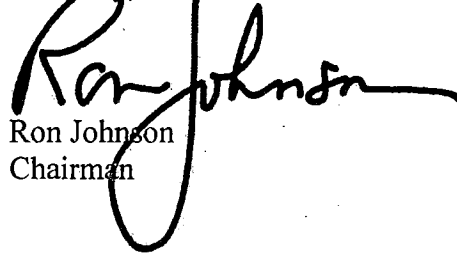
- c. In the Department's August 7, 2015 letter, an unsealed brief describes "a witness previously observed Simpson, Soofi and [Abdul Malik Abdul] Kareem all handling several of these exact weapons."¹⁶ Who is this witness and does this person have any connection to the FBI?
5. When did the FBI initiate an investigation relating to Elton Simpson and Nadir Hamid Soofi?
 - a. Please provide all documents, including form FD-302s, referring or relating to Elton Simpson or Nadir Hamid Soofi.
 - b. Please provide all electronic surveillance records relating to Elton Simpson or Nadir Hamid Soofi.
 - c. Please provide all communications between or among FBI agents, employees, or assets and Simpson or Soofi.

Please provide this information as soon as possible, but no later than 5:00 p.m. on April 21, 2017. Because Simpson and Soofi are deceased, I hope that the FBI will provide complete answers and sufficient documents to the Committee without violating any ongoing investigation.

The Committee on Homeland Security and Governmental Affairs is authorized by Rule XXV of the Standing Rules of the Senate to investigate "the efficiency and economy of operations of all branches of the Government."¹⁷ S. Res. 62 (115th Congress) authorizes the Committee to examine "the efficiency and economy of operations of all branches and functions of Government with particular references to (i) the effectiveness of present national security methods, staffing, and processes...."¹⁸

If you have any questions regarding this letter, please ask your staff to contact Brian Downey or Kyle Brosnan of my staff at (202) 224-4751. For purposes of this request, please refer to the definitions and instructions in the enclosure. Thank you for your prompt attention to this matter.

Sincerely,



Ron Johnson
Chairman

cc: The Honorable Claire McCaskill
Ranking Member

¹⁶ Letter from Peter J. Kadzik, U.S. Department of Justice, to Chairman Ron Johnson, United States Senate, (Aug. 7, 2015.)

¹⁷ S. Rule XXV(k); *see also* S. Res. 445, 108th Cong. (2004).

¹⁸ S. Res. 73 § 12, 114th Cong. (2015).

The Honorable James B. Comey, Jr.
April 3, 2017
Page 5 of 5

Enclosure

Instructions for Responding to a Committee Request
Committee on Homeland Security and Governmental Affairs
United States Senate
115th Congress

A. Responding to a Request for Documents

1. In complying with the Committee's request, produce all responsive documents that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. You should also produce documents that you have a legal right to obtain, that you have a right to copy or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party. Requested records, documents, data, or information should not be destroyed, modified, removed, transferred, or otherwise made inaccessible to the Committee.
2. In the event that any entity, organization, or person denoted in the request has been or is also known by any other name or alias than herein denoted, the request should be read also to include the alternative identification.
3. The Committee's preference is to receive documents in electronic form (i.e. CD, memory stick, or thumb drive) in lieu of paper productions.
4. Documents produced in electronic form should be organized, identified, and indexed electronically.
5. Electronic document productions should be prepared according to the following standards:
 - a. The production should consist of single page Tagged Image Files (".tif"), files accompanied by a Concordance-format load file, an Opticon reference file, and a file defining the fields and character lengths of the load file.
 - b. Document numbers in the load file should match document Bates numbers and .tif file names.
 - c. If the production is completed through a series of multiple partial productions, field names and file order in all load files should match.
 - d. All electronic documents produced should include the following fields of metadata specific to each document:

BEGDOC, ENDDOC, TEXT, BEGATTACH, ENDATTACH, PAGECOUNT, CUSTODIAN, RECORDTYPE, DATE, TIME, SENTDATE, SENTTIME, BEGINDATE, BEGINTIME, ENDDATE, ENDTIME, AUTHOR, FROM, CC, TO, BCC, SUBJECT, TITLE, FILENAME, FILEEXT, FILESIZE, DATECREATED, TIMECREATED, DATELASTMOD, TIMELASTMOD, INTMSGID, INTMSGHEADER, NATIVELINK, INTFILPATH, EXCEPTION, BEGATTACH.

Instructions for Responding to a Committee Request

- e. Alternatively, if the production cannot be made in .tif format, all documents derived from word processing programs, email applications, instant message logs, spreadsheets, and wherever else practicable should be produced in text searchable Portable Document Format (“ .pdf”) format. Spreadsheets should also be provided in their native form. Audio and video files should be produced in their native format, although picture files associated with email or word processing programs should be produced in .pdf format along with the document it is contained in or to which it is attached. In such circumstances, consult with Committee staff prior to production of the requested documents.
 - f. If any of the requested information is only reasonably available in machine-readable form (such as on a computer server, hard drive, or computer backup tape), consult with the Committee staff to determine the appropriate format in which to produce the information.
6. Documents produced to the Committee should include an index describing the contents of the production. To the extent more than one CD, hard drive, memory stick, thumb drive, box or folder is produced, each CD, hard drive, memory stick, thumb drive, box or folder should contain an index describing its contents.
7. Documents produced in response to the request should be produced together with copies of file labels, dividers or identifying markers with which they were associated when the request was served.
8. When producing documents, identify the paragraph in the Committee’s schedule to which the documents respond.
9. Do not refuse to produce documents on the basis that any other person or entity also possesses non-identical or identical copies of the same documents.
10. This request is continuing in nature and applies to any newly discovered information. Any record, document, compilation of data or information not produced because it has not been located or discovered by the return date, should be produced immediately upon subsequent location or discovery.
11. All documents should be Bates-stamped sequentially and produced sequentially. Each page should bear a unique Bates number.
12. Two sets of documents should be delivered, one set to the Majority Staff and one set to the Minority Staff. When documents are produced to the Committee, production sets should be delivered to the Majority Staff in Room 340 of the Dirksen Senate Office Building and the Minority Staff in Room 346 of the Dirksen Senate Office Building.
13. If compliance with the request cannot be made in full by the date specified in the request, compliance should be made to the extent possible by that date. Notify Committee staff as

Instructions for Responding to a Committee Request

soon as possible if full compliance cannot be made by the date specified in the request, and provide an explanation for why full compliance is not possible by that date.

14. In the event that a document is withheld on the basis of privilege, provide a privilege log containing the following information concerning any such document: (a) the privilege asserted; (b) the type of document; (c) the general subject matter; (d) the date, author, and addressee; and (e) the relationship of the author and addressee to each other.
15. In the event that a portion of a document is redacted on the basis of privilege, provide a privilege log containing the following information concerning any such redaction: (a) the privilege asserted; (b) the location of the redaction in the document; (c) the general subject matter of the redacted material; (d) the date, author, and addressee of the document, if not readily apparent; and (e) the relationship of the author and addressee to each other.
16. If any document responsive to this request was, but no longer is, in your possession, custody, or control, identify the document (stating its date, author, subject and recipients) and explain the circumstances under which the document ceased to be in your possession, custody, or control.
17. If a date, name, title, or other descriptive detail set forth in this request referring to a document is inaccurate, but the actual date, name, title, or other descriptive detail is known to you or is otherwise apparent from the context of the request, produce all documents which would be responsive as if the date, name, title, or other descriptive detail was correct.
18. In the event a complete response requires the production of classified information, provide as much information in unclassified form as possible in your response and send all classified information under separate cover via the Office of Senate Security.
19. Unless otherwise specified, the period covered by this request is from January 1, 2009 to the present.
20. Upon completion of the document production, you should submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been completed of all documents in your possession, custody, or control which reasonably could contain responsive documents; and (2) all documents located during the search that are responsive have been produced to the Committee.

B. Responding to Interrogatories or a Request for Information

1. In complying with the Committee's request, answer truthfully and completely. Persons that knowingly provide false testimony could be subject to criminal prosecution for perjury (when under oath) or for making false statements. Persons that knowingly withhold subpoenaed information could be subject to proceedings for contempt of Congress. If you are unable to answer an interrogatory or information request fully, provide as much information as possible and explain why your answer is incomplete.

Instructions for Responding to a Committee Request

2. In the event that any entity, organization, or person denoted in the request has been or is also known by any other name or alias than herein denoted, the request should also be read to include the alternative identification.
3. Your response to the Committee's interrogatories or information requests should be made in writing and should be signed by you, your counsel, or a duly authorized designee.
4. When responding to interrogatories or information requests, respond to each paragraph in the Committee's schedule separately. Clearly identify the paragraph in the Committee's schedule to which the information responds.
5. Where knowledge, information, or facts are requested, the request encompasses knowledge, information or facts in your possession, custody, or control, or in the possession, custody, or control of your staff, agents, employees, representatives, and any other person who has possession, custody, or control of your proprietary knowledge, information, or facts.
6. Do not refuse to provide knowledge, information, or facts on the basis that any other person or entity also possesses the same knowledge, information, or facts.
7. The request is continuing in nature and applies to any newly discovered knowledge, information, or facts. Any knowledge, information, or facts not provided because it was not known by the return date, should be provided immediately upon subsequent discovery.
8. Two sets of responses should be delivered, one set to the Majority Staff and one set to the Minority Staff. When responses are provided to the Committee, copies should be delivered to the Majority Staff in Room 340 of the Dirksen Senate Office Building and the Minority Staff in Room 346 of the Dirksen Senate Office Building.
9. If compliance with the request cannot be made in full by the date specified in the request, compliance should be made to the extent possible by that date. Notify Committee staff as soon as possible if full compliance cannot be made by the date specified in the request, and provide an explanation for why full compliance is not possible by that date.
10. In the event that knowledge, information, or facts are withheld on the basis of privilege, provide a privilege log containing the following information: (a) the privilege asserted; (b) the general subject matter of the knowledge, information, or facts withheld; (c) the source of the knowledge, information, or facts withheld; (d) the paragraph in the Committee's request to which the knowledge, information, or facts are responsive; and (e) each individual to whom the knowledge, information, or facts have been disclosed.
11. If a date, name, title, or other descriptive detail set forth in this request is inaccurate, but the actual date, name, title, or other descriptive detail is known to you or is otherwise apparent from the context of the request, provide the information that would be responsive as if the date, name, title, or other descriptive detail was correct.

Instructions for Responding to a Committee Request

12. In the event a complete response requires the transmission of classified information, provide as much information in unclassified form as possible in your response directly to the Committee offices and send only the classified information under separate cover via the Office of Senate Security.
13. Unless otherwise specified, the period covered by this request is from January 1, 2009 to the present.

C. Definitions

1. The term “document” in the request or the instructions means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, inter-office and intra-office communications, electronic mail (e-mail), contracts, cables, notations of any type of conversation, telephone call, meeting or other communication, bulletins, printed matter, computer printouts, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape, or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.
2. The term “communication” in the request or the instructions means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether face to face, in meetings, by telephone, mail, telex, facsimile, email (desktop or mobile device), computer, text message, instant message, MMS or SMS message, regular mail, discussions, releases, delivery, or otherwise.
3. The terms “and” and “or” in the request or the instructions should be construed broadly and either conjunctively or disjunctively to bring within the scope of this request any information which might otherwise be construed to be outside its scope. The singular includes plural number, and vice versa. The masculine includes the feminine and neuter genders.

Instructions for Responding to a Committee Request

4. The terms “person” or “persons” in the request or the instructions mean natural persons, firms, partnerships, associations, corporations, subsidiaries, divisions, departments, joint ventures, proprietorships, syndicates, or other legal, businesses or government entities, and all subsidiaries, affiliates, divisions, departments, branches, or other units thereof.
5. The term “identify” in the request or the instructions, when used in a question about individuals, means to provide the following information: (a) the individual’s complete name and title; and (b) the individual’s business address, email address, and phone number.
6. The terms “referring” or “relating” in the request or the instructions, when used separately or collectively, with respect to any given subject, mean anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with or is pertinent to that subject in any manner whatsoever.
7. The term “employee” in the request or the instructions means agent, borrowed employee, casual employee, consultant, contractor, de facto employee, independent contractor, joint venturer, loaned employee, part-time employee, permanent employee, provisional employee, or subcontractor.
8. The terms “you” and “your” in the request or the instructions refer to yourself; your firm, corporation, partnership, association, department, or other legal or government entity, including all subsidiaries, divisions, branches, or other units thereof; and all members, officers, employees, agents, contractors, and all other individuals acting or purporting to act on your behalf, including all present and former members, officers, employees, agents, contractors, and all other individuals exercising or purporting to exercise discretion, make policy, and/or decisions.

#

[redacted] (DO) (FBI)

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From: [redacted] (DO) (FBI)
Sent: Monday, April 03, 2017 4:58 PM
To: [redacted] (DO) (FBI); [redacted] (DO) (FBI)
Cc: [redacted] (DO) (FBI); Beers, Elizabeth R. (DO) (FBI)
Subject: HSGAC letter requesting information related to the attacks in Garland Texas
Attachments: 2017-04-03 RHJ to FBI (Garland).pdf; Instructions for Responding to Committee Request 115th.pdf

[redacted]

Please find attached a letter from the Senate Committee on Homeland Security and Governmental Affairs requesting information and materials related the May 3, 2015 attacks in Garland, Texas for entry into TRIM. Please let me know if you have any questions. Thanks.

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b7E

SSA [redacted]
Office of Congressional Affairs, FBI
Desk: [redacted]
Cell: [redacted]

RON WYDEN
OREGON

RANKING MEMBER OF COMMITTEE ON
FINANCE

221 DIRKSEN SENATE OFFICE BUILDING
WASHINGTON, DC 20510
(202) 224-5244

United States Senate
WASHINGTON, DC 20510-3703

COMMITTEES:
COMMITTEE ON FINANCE
COMMITTEE ON BUDGET
COMMITTEE ON ENERGY & NATURAL RESOURCES
SELECT COMMITTEE ON INTELLIGENCE
JOINT COMMITTEE ON TAXATION

March 9, 2017

Mr. Stephen Kelly
Assistant Director of Congressional Affairs
Federal Bureau Of Investigation
U.S. Department Of Justice
935 Pennsylvania Avenue, NW, Room 7240
Washington, D.C. 20535

TRANSMITTED BY E-MAIL

Dear Assistant Director Kelly:

My constituent [REDACTED]

[REDACTED] Attached please find a letter from [REDACTED] and a
signed privacy release from for your reference.

b6
b7C

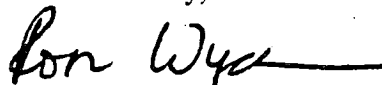
[REDACTED]

[REDACTED]

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b7C

Thank you for your kind consideration. Please do not hesitate to contact me if I can provide additional documentation. I look forward to receiving your response in my Portland field office at 911 NE 11th Avenue, Suite 630, Portland, Oregon 97232 or by fax at (503) 326-7528.

Sincerely,



RON WYDEN
United States Senator

Attachments

911 NE 11TH AVENUE
SUITE 630
PORTLAND, OR 97232
(503) 326-7525

405 EAST 8TH AVE
SUITE 2020
EUGENE, OR 97401
(541) 431-0229

SAC ANNEX BUILDING
105 FIR ST
SUITE 201
LA GRANDE, OR 97850
(541) 962-7691

U.S. COURTHOUSE
310 WEST 6TH ST
ROOM 118
MEDFORD, OR 97501
(541) 858-5122

THE JAMISON BUILDING
131 NW HAWTHORNE AVE
SUITE 107
BEND, OR 97701
(541) 330-9142

707 13TH ST. SE
SUITE 285
SALEM, OR 97301
(503) 589-4555

[HTTP://WYDEN.SENATE.GOV](http://wyden.senate.gov)

PRINTED ON RECYCLED PAPER

RON WYDEN
OREGON

223 DIRKSEN SENATE OFFICE BUILDING
WASHINGTON, DC 20510
(202) 224-5244
(202) 224-1280 (TDD)

United States Senate
WASHINGTON, DC 20510-3703

COMMITTEES:

COMMITTEE ON THE BUDGET
COMMITTEE ON ENERGY AND NATURAL RESOURCES
SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS
SPECIAL COMMITTEE ON AGING
SELECT COMMITTEE ON INTELLIGENCE
COMMITTEE ON FINANCE

February 9, 2017

David M. Hardy
Section Chief
Record/Information Dissemination Section
Federal Bureau of Investigation
170 Marcel Drive
Winchester, VA 22602-4483

Dear Mr. Hardy,

According to media reports, the FBI has announced that it will stop accepting Freedom of Information Act (FOIA) requests via email, starting on March 1, 2017. Instead, requesters must either use the FBI's online FOIA portal or they must send their requests in by fax or letter.

While it is admirable that the FBI has sought to make it easier to receive and process FOIA requests, there are a number of limitations with the online portal. These limitations may become serious problems if this system is to be the sole method through which the agency can receive digital FOIA requests.

I urge you to remedy these unnecessary limits on FOIA submissions and continue to accept email submissions, absent an online portal capable of accepting all FOIA requests.

First, the portal places a 3,000 character limit on requests. While that may be sufficient for simple requests, it may not be sufficient for those who need to explain why they are seeking the relevant records. What is the rationale for limiting these requests to 3,000 characters?

Second, the FOIA portal's online terms state that it may only be used to request records about "events, organizations, first party requests (Privacy Act requests), and deceased individuals." It is unclear whether the online FOIA system can be used to request internal FBI communications, such as memos, emails, guidance, or a wide range of other important internal agency records. Please clarify whether you intend to exclude requests for such records from the FOIA portal. If this was not your intent, please update the terms of service to permit explicitly these other types of requests through the portal.

Third, the portal requires that requesters solve a CAPTCHA, that is, a program or system intended to distinguish human from machine input. By employing technical measures to prevent the automated submission of FOIA requests, the FBI is creating an unnecessary barrier for researchers and journalists engaged in the innovative use of technology. The FBI should be facilitating and encouraging such innovative projects. Why has the agency added this technical protection measure, and under what legal authority can it limit automated submissions?

911 NE 11TH AVENUE
SUITE 630
PORTLAND, OR 97232-4169
(503) 326-7525

405 EAST 8TH AVE
SUITE 2020
EUGENE, OR 97401
(541) 431-0229

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SUITE 201
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(541) 962-7691

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(541) 858-5122

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(541) 330-9142

707 13TH ST, SE
SUITE 285
SALEM, OR 97301
(503) 589-4555

[HTTP://WYDEN.SENATE.GOV](http://wyden.senate.gov)

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Fourth, the portal also requires requesters to reveal whether or not they are in the United States. Because both U.S. citizens and foreign nationals can invoke FOIA's right of access regardless of their geographic location, it is not clear why the FBI is requesting this information. To the extent that the FBI is requesting this information from those submitting first-party requests under the Privacy Act, please modify the FOIA portal to only request this information from those requests.

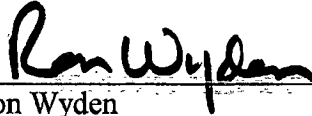
Finally, please explain the rationale that persuaded the FBI develop its own FOIA portal, rather than use the existing multi-agency FOIAonline portal, which other Department of Justice components use to receive FOIA requests.

Taken together, this change in policy may place an unnecessary burden on those requesters who must now send requests to the FBI by fax or letter and may, counter-intuitively, create unnecessary work for the FBI, as the agency's FOIA team will then have to perform manual data entry of text that would have previously been emailed to the agency.

If you have any questions about this request, please contact Senate Finance Committee Staff, at (202) 224-4515.

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Sincerely,

A handwritten signature in black ink that reads "Ron Wyden". The signature is fluid and cursive, with the first name "Ron" and last name "Wyden" clearly distinguishable.

Ron Wyden
United States Senator

[redacted] (DO) (FBI)

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b7C

From: FBIEXECSEC
Sent: Thursday, February 09, 2017 4:01 PM
To: [redacted] (DO) (FBI); [redacted] (DO) (FBI)
Subject: FW: Letter from Senator Wyden
Attachments: 020917 FBI FOIA letter final signed.pdf

From: [redacted] (DO) (FBI)
Sent: Thursday, February 9, 2017 4:01:17 PM (UTC-05:00) Eastern Time (US & Canada)
To: FBIEXECSEC
Subject: FW: Letter from Senator Wyden

b6
b7C

Stay warm ExecSec

From: [redacted] (Finance) [mailto:[redacted]]
Sent: Thursday, February 09, 2017 4:00 PM
To: [redacted] (DO) (FBI) [redacted]
Subject: Letter from Senator Wyden

b6
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b7E

Hi [redacted]

b6
b7C

Attached is a letter from Senator Wyden to David Hardy, Section Chief, Record/Information Dissemination Section, regarding FOIA requests.

Best,

[redacted]
Direct: [redacted]

[redacted]
Senior Advisor for Technology and Trade
Senate Finance Committee
Senator Ron Wyden
219 Dirksen Senate Building
(202) 224-4515

b6
b7C

SHELDON WHITEHOUSE
RHODE ISLAND

COMMITTEES:

AGING

BUDGET

ENVIRONMENT AND PUBLIC WORKS

HEALTH, EDUCATION, LABOR, AND PENSIONS

JUDICIARY

United States Senate

WASHINGTON, DC 20510-3905

<http://whitehouse.senate.gov>

(202) 224-2921

TTY (202) 224-7746

170 WESTMINSTER STREET, SUITE 200
PROVIDENCE, RI 02903
(401) 453-5294

May 1, 2017

The Honorable James B. Comey, Jr.
Director
Federal Bureau of Investigation
935 Pennsylvania Avenue, NW
Washington, DC 20535-0001

Dear Director Comey:

As you may know, on September 22, 1999, the Department of Justice filed a civil racketeering action to stop ongoing fraudulent activity by the tobacco industry, which was misleading the public about the health harms of its product. On August 17, 2006, the Department won this case in the United States District Court for the District of Columbia; that victory for the Department was upheld by the United States Court of Appeals for the District of Columbia Circuit in a unanimous decision on May 22, 2009, and the United States Supreme Court on June 28, 2010 denied certiorari, leaving the Department's victory at trial and on appeal intact. Although this was a civil case, it was supported by the work of the Federal Bureau of Investigation.

Members of Congress, writers, lawyers, and academic researchers have frequently made comparisons between the fraudulent conduct of the tobacco industry and the campaign of "climate denial" by the fossil fuel industry. A formal letter was sent by members of the House of Representatives to the Department of Justice on October 14, 2015 asking that the fossil fuel industry "climate denial" campaign be investigated like the tobacco industry fraud. On January 12, 2016, in a letter signed by the Assistant Attorney General for Legislative Affairs, the Department indicated that the matter had been referred to the Federal Bureau of Investigation. Attorney General Lynch confirmed that in her testimony before the Senate Judiciary Committee on March 9, 2016.

This letter asks for an update on that investigation.

As a former United States Attorney, I well understand the caution of the FBI and the Department of Justice in questions related to ongoing investigations. At the same time, as a Senator on the Judiciary Committee, I have an oversight responsibility to inquire whether investigations are handled thoroughly, responsibly, and on the merits, and not just shelved.

There are several clues to suggest that the investigation referred to the FBI by the Attorney General may not have been pursued with much diligence. First, this investigation would likely be a civil matter, since the tobacco lawsuit was a civil matter, and the FBI's priorities have traditionally been more in national security and criminal law enforcement. Second, it does not appear that the Attorney General assigned any Department attorney to the investigation, from the Civil Division or elsewhere, a failure that may well have been read by the FBI as signaling an

intention that the matter was sent to the FBI more for decent burial than for proper investigation. Third, the relevant statute (see 18 U.S.C. Sec. 1968) provides a means for significant discovery at the request of the Attorney General, yet it does not appear that this power of the Attorney General was ever invoked -- again, potentially a signal to the FBI not to take this matter too seriously. Finally, there has been no public sign or inkling of any investigative effort having been made by the FBI to obtain documents, witness statements, expert review, or any other information.

Moreover, there was well-documented political backlash by the tobacco industry against the Department for pursuing and ultimately winning its lawsuit against that industry. The Department could reasonably expect similar or greater political backlash from the fossil fuel industry if a similar investigation were undertaken against that industry. If the Bureau read the Attorney General's referral as signaling that discretion would be the better part of valor, this may have provided motive for a less-than-diligent investigation: in order to avoid a predictable major controversy with the politically powerful fossil fuel industry.

Under these circumstances (to wit, the absence of any sign of investigative effort and a motive to avoid foreseeable political conflict), I think that it is fair and appropriate within my oversight function to ask the FBI to provide answers to the following questions, and that it would be proper and in order for the FBI to provide answers:

1. Was an investigation ever opened in response to the above referral that the Department of Justice claimed was made to the FBI? If one was opened, has it since been closed?
2. What were the dates on which any such investigation was opened and/or closed?
3. How many agents, attorneys or investigative staff were (or are) assigned to the investigation, when, and for how long?
4. Were any documents ever sought and/or obtained? If so, how many pages' worth, and from what category of source (fossil fuel company, think tank, industry trade group, law or lobbying firm, public relations firm, etc.)? Were any witness statements ever taken? If so, how many, and from what category of source (independent experts; employees of any fossil fuel company, think tank, industry trade group, law or lobbying firm, public relations firm; etc.)? If the authorities of 18 U.S.C. 1968 were never invoked, can you explain why not?
5. Under what level of supervision was the investigation conducted? Specifically, was any Department of Justice attorney or prosecutor from outside the FBI ever assigned to the matter?
6. What internal procedures at the Department and/or the FBI govern a civil RICO investigation, and which of those internal procedures were invoked or followed in this matter?
7. If the investigation was closed, what office signed off on closing the matter?

Please feel free to provide any written materials or memos offering evidence that this matter was diligently undertaken by the Bureau.

Again, I understand that facts disclosed by an investigation are treated within the Department of Justice with great caution and respect. I believe that all of these questions relate to investigative effort, not content, and can properly be answered about an investigative referral that was publicly disclosed by the Department and the Attorney General.

Sincerely,

A handwritten signature in black ink, appearing to read 'Sheldon Whitehouse', with a stylized, cursive script.

Sheldon Whitehouse
United States Senator

TED W. LIEU
33RD DISTRICT, CALIFORNIA

COMMITTEE ON THE BUDGET

COMMITTEE ON OVERSIGHT
AND GOVERNMENT REFORM

Congress of the United States

House of Representatives

Washington, DC 20515-0533

415 CANNON HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
(202) 225-3976

5055 WILSHIRE BOULEVARD, SUITE 310
LOS ANGELES, CA 90036
(310) 652-3095

1800 ROSECRANS AVENUE, 4TH FLOOR
MANHATTAN BEACH, CA 90266
(310) 321-7664

October 14, 2015

Loretta E. Lynch, Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue NW
Washington, DC 20530-0001

Dear Attorney General Lynch,

As Members of the House Oversight and Government Reform Committee, we are alarmed by allegations that Exxon (becoming ExxonMobil in 1999) intentionally hid the truth about the role of fossil fuels in influencing climate change. Investigations by the *Los Angeles Times* and *Inside Climate News* allege that Exxon scientists confirmed fossil fuels' role in climate change decades ago, but top executives decided to hide the truth and instead embarked on a massive campaign of denial and disinformation.¹

ExxonMobil's apparent behavior is similar to cigarette companies that repeatedly denied harm from tobacco and spread uncertainty and misleading information to the public. The Department of Justice (DOJ) prosecuted tobacco companies under the Racketeer Influenced and Corrupt Organizations (RICO) Act. We ask that the DOJ similarly investigate ExxonMobil for organizing a sustained deception campaign disputing climate science and failing to disclose truthful information to investors and the public. We request the DOJ investigate whether ExxonMobil violated RICO, consumer protection, truth in advertising, public health, shareholder protection or other laws.

According to the investigation by *Inside Climate News*, in July 1977 at an Exxon Management Committee meeting, senior Exxon scientist James Black "delivered a sobering message: carbon dioxide from the world's use of fossil fuels would warm the planet and could eventually endanger humanity."² In 1978 Exxon "launched its own extraordinary research into carbon dioxide from fossil fuels and its impact on the earth."³ Exxon "assembled a brain trust that would spend more than a decade deepening the company's understanding" of global warming.⁴

In 1982, Exxon prepared a corporate primer on carbon dioxide and climate change. The primer—which was circulated to management but marked "not to be distributed externally"—stated that heading off global warming "would require major reductions in fossil fuel

¹ See Sara Jerving *et al.*, "What Exxon Knew About the Earth's Melting Arctic," *Los Angeles Times*, Oct. 9, 2015; Neela Banerjee *et al.*, "Exxon: The Road Not Taken," *Inside Climate News*, Sep. 21, 2015.

² Neela Banerjee *et al.*, "Exxon: The Road Not Taken," *Inside Climate News*, Sep. 21, 2015.

³ *Id.*

⁴ *Id.*

combustion” and that unless that happened “there are some potentially catastrophic events that must be considered.”⁵ Exxon “did not elaborate on the carbon problem in annual reports filed with securities regulators,” nor did Exxon “mention in those filings that concern over CO2 was beginning to influence business decisions it was facing.”⁶

In 1988, instead of following their own scientists and the actual science, Exxon apparently started doing the opposite and engaged in a campaign of denial and disinformation. The company “started financing efforts to amplify doubt about the state of climate science.”⁷ Exxon “helped to found and lead the Global Climate Coalition, an alliance of some of the world’s largest companies seeking to halt government efforts to curb fossil fuel emissions.”⁸

Despite its public efforts to deny climate change, Exxon apparently took company actions based on its knowledge of global warming. According to the *Los Angeles Times* investigation, in 1990 engineers at Exxon “were quietly incorporating climate change projections into the company’s planning and closely studying how to adapt the company’s Arctic operations to a warming planet.”⁹ A top Exxon researcher, Ken Croasdale, explored how much easier and cheaper oil drilling in the Arctic would be with a melting ice cap.¹⁰

The *Times* investigation concluded that “As Croasdale’s team was closely studying the impact of climate change on the company’s operations, Exxon and its worldwide affiliates were crafting a public policy position that sought to downplay the certainty of global warming.”¹¹ The *Times* identified a “gulf between Exxon’s internal and external approach to climate change.”¹²

The apparent tactics employed by Exxon are reminiscent of the actions employed by big tobacco companies to deceive the American people about the known risks of tobacco. In this case, Exxon scientists knew about fossil fuels causing global warming and Exxon took internal actions based on its knowledge of climate change. Yet Exxon funded and publicly engaged in a campaign to deceive the American people about the known risks of fossil fuels in causing climate change. If these allegations against Exxon are true, then Exxon’s actions were immoral. We request the DOJ to investigate whether ExxonMobil’s actions were also illegal.

Sincerely,


Ted W. Lieu
Member of Congress


Mark DeSaulnier
Member of Congress

⁵ *Id.*

⁶ *Id.*

⁷ *Id.*

⁸ *Id.*

⁹ Sara Jerving et al., “What Exxon Knew About the Earth’s Melting Arctic,” *Los Angeles Times*, Oct. 9, 2015.

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*



U.S. Department of Justice

Office of Legislative Affairs

Office of Assistant Attorney General

Washington, D.C. 20530

January 12, 2016

The Honorable Ted W. Lieu
U. S. House of Representatives
Washington, DC 20515

The Honorable Mark DeSaulnier
U. S. House of Representatives
Washington, DC 20515

Dear Congressman Lieu and Congressman DeSaulnier:

This responds to your letter to the Attorney General dated October 14, 2015, requesting that the Department of Justice (the Department) open an investigation into whether ExxonMobil may have violated the Racketeer Influenced and Corrupt Organizations Act and related laws for failing to disclose truthful information to investors and the public regarding climate science.

As a courtesy, we have forwarded your correspondence to the Federal Bureau of Investigation (FBI). The FBI is the investigative arm of the Department, upon which we rely to conduct the initial fact finding in federal cases. The FBI will determine whether an investigation is warranted. If you have any additional information, or if you would like to follow up with the FBI, you can call (202) 324-3000, or write to:

Mr. Joseph S. Campbell
Assistant Director
Criminal Investigative Division
Federal Bureau of Investigation
935 Pennsylvania Avenue NW
Washington, DC 20535.

We hope this information is helpful. Please do not hesitate to contact this office if we may provide any additional assistance regarding this or any other matter.

Sincerely,

A handwritten signature in dark ink, appearing to read "Peter J. Kadzik".

Peter J. Kadzik
Assistant Attorney General

CHARLES E. GRASSLEY, IOWA, CHAIRMAN

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United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

KIRAN L. DAVIS, Chief Counsel and Staff Director
JENNIFER QUINN, Democratic Staff Director

February 15, 2017

VIA ELECTRONIC TRANSMISSION

The Honorable Jeff Sessions
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

The Honorable James B. Comey, Jr.
Director
Federal Bureau of Investigation
935 Pennsylvania Avenue, NW
Washington, DC 20535

Dear Attorney General Sessions and Director Comey:

We are writing to request a briefing for the Judiciary Committee during the week of the 27th regarding the circumstances that led to the recent resignation of National Security Advisor Michael Flynn. According to media reports, both the FBI and the Justice Department were involved. These reports raise substantial questions about the content and context of Mr. Flynn's discussions with Russian officials, the conclusions reached by the Justice Department and the actions it took in response, as well as possible leaks of classified information by current and former government employees.

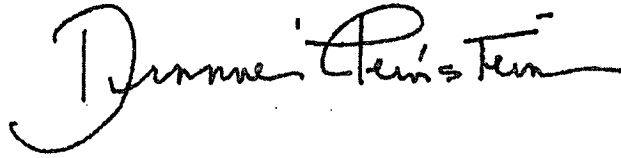
Accordingly, we request that individuals with specific knowledge of these issues from both the FBI and Justice Department brief Committee Members and staff. We similarly request copies of the transcripts of Mr. Flynn's intercepted calls and the FBI report summarizing the intercepted calls referenced in the media. We anticipate that some of these documents may be classified, some may not, and others may contain both classified and unclassified information. Please deliver any documents containing classified information to the Office of Senate Security and provide all unclassified documents directly to the Committee. If you have any specific requests with regard to the Committee's handling of unclassified material, please raise those with us in advance.

Thank you for your attention to this important matter. Should you have any questions, please contact Patrick Davis of Chairman Grassley's Committee staff at (202) 224-5225, or Heather Sawyer of Ranking Member Feinstein's Committee staff at (202) 224-7703.

Sincerely,

Handwritten signature of Charles E. Grassley in cursive script.

Charles E. Grassley
Chairman
Committee on the Judiciary

Handwritten signature of Dianne Feinstein in cursive script.

Dianne Feinstein
Ranking Member
Committee on the Judiciary

United States Senate

WASHINGTON, DC 20510

March 22, 2017

Honorable James B. Comey, Jr.
Director, Federal Bureau of Investigation
Department of Justice
935 Pennsylvania Ave NW
Washington, D.C. 20535-0001

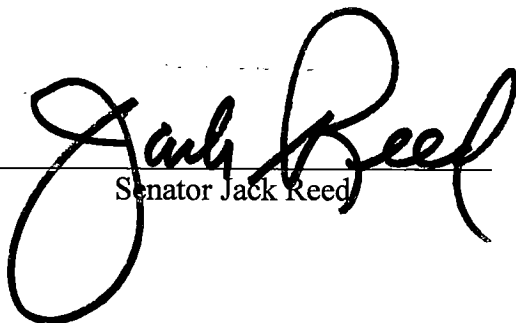
Dear Director Comey:

I am writing to urge you to conduct an investigation on the matter addressed in the enclosed document. The document reflects the work of a group of technical experts with access to Internet Domain Name System (DNS) records. These experts conclude that the DNS records support the theory, along with press reports, that a server belonging to the Trump Organization was purposefully communicating with servers belonging to a major Russian bank and the Spectrum Health organization in Michigan during the 2016 election.

My conclusion is that the enclosed document is sufficiently persuasive to justify taking the specific investigatory actions that the experts recommend. As this matter continues to receive press coverage, including a recent press statement by the Russian bank, and scrutiny by independent experts, I may have additional analyses to provide to you in the near future.

I look forward to hearing from you regarding this request.

Sincerely,



Senator Jack Reed



Senator Mark Warner

Introduction and Overview

The following narrative advances the argument that the FBI should pursue a systematic investigation of the sustained connections throughout 2016 between servers belonging to the Trump Organization in New York, the largest privately held commercial bank in Russia—Alfa Bank—and the Spectrum Health System in Michigan, which has close connections to the family of Betsy DeVos. Such an investigation requires personnel with advanced technical understanding of the Domain Name Service (DNS) and Internet communications more broadly. This narrative is based on direct communications with and review of technical information from a group of Internet technical experts who brought this matter to the attention of the FBI and members of the media last year.

Throughout last year's campaign, as this group of experts discovered, servers belonging to Alfa Bank and Spectrum Health queried the Internet's equivalent of a phone directory thousands of times to look up the Internet address of a mail server operated on behalf of the Trump Organization. Such address queries are followed, not exclusively but normally, by actual communications—just as we usually call the phone number we have asked for from directory assistance. So far, there is no public proof that actual communications followed these queries, because, to date, the only records that have been available to the researchers are the DNS queries. However, much can be gleaned from these seemingly simple DNS records, and the story they tell is powerful.

The DNS experts who discovered the suspicious DNS activity between these servers, and others who have been consulted since, have concluded that while there are other conceivable explanations for the behavior and characteristics of these servers, the *best* explanation is that they were set up as a covert communications channel. We are not asserting that conclusion today, but are declaring that it is sufficiently likely as to warrant a serious investigation by the FBI as part of the broader inquiry into the Russian election hacking and relationships between the Trump campaign and Russia. We are also not today asserting that whatever communications may have been conducted through these servers was illegal or otherwise illicit; but if it can be shown that communications were in fact taking place, after all three parties involved have, publicly, repeatedly and categorically denied engaging in any communications, we may be justified in presuming dishonest intent.

The DNS experts who brought this activity to light conclude that there is solid evidence that these servers were (1) persistently connected with each other, (2) configured to

reject communications from other sources and instead connect only to each other, and (3) meant to appear to any observers to be set up for mundane tasks consistent with the business purposes of the owning enterprises, while the pattern of actual use was completely inconsistent. In addition, there are strong grounds for believing that Alfa Bank and the Trump organization were in direct contact through other channels based on the actions that each organization took in response to press inquiries.

It is imperative that concrete steps be taken to acquire such records as may still exist as promptly as possible, because key sources of data that could confirm or refute the allegations are perishable. If there were actual communications between the Trump Organization, Spectrum Health, and Russian bank servers, the traffic almost certainly traversed the networks of one or more of the major telecommunications companies—the well-known Internet Service Providers, or ISPs, such as Verizon and AT&T. These companies create records of Internet Protocol (IP) communications traversing their networks based on the selection of samples of "packets" whose headers indicate who sent them, their destination, the day and time, and basic information about the type of communication it is (e.g., email). However, this type of business records is retained by some companies only for a few months, and several months have already elapsed since the purported communications were publicly exposed. Each day that passes increases the risk that important evidence could already be lost.

Likewise, the servers themselves generate records of events, and the ISPs that serve the Trump Organization and Spectrum Health could have extensive records of email logs that could indicate the fact and nature of communications with the Russian bank. The Trump and Spectrum Health organizations also could have records of any communications that could have taken place "downstream" and "upstream" to/from the servers involving specific machines and individuals in these organizations. The lifespan of these records, too, is likely limited. It is vital that these potential sources of evidence be preserved for investigation, and that personnel involved in the management of these servers be questioned while their memories should be fresh.

The Evidence

Domain Name Service technical experts identified and tracked DNS logs last year that revealed details of queries of IP addresses of servers identifying themselves as the authoritative DNS servers of Alfa Bank group in Russia, and Spectrum Health in Ann Arbor, Michigan, to resolve the IP address of the hostname mail1.Trump-email.com and receiving the answer "66.216.133.29," the IP address for a server located in

Pennsylvania, owned by a company named LisTrak, and managed by the Cendyn Corporation in Florida on behalf of the Trump Organization. The domain name trump-email.com during the period in question was irrefutably, legally, and formally owned by the Trump Organization in New York.

The characteristics of the DNS traffic and the Trump mail server itself were unusual in multiple respects. For example: the Trump server set up by Cendyn was an expensive, high-end machine configured similarly to its immediate neighbors in IP address space to send large volumes of mail but, based on DNS records, was used only at very low volume. Also, the Trump mail server was configured to reject connections from all servers that the Internet experts were able to configure, but appeared to respond in a way that indicated it would accept connections from specific IP addresses, presumably the Alfa and Spectrum servers that were making the DNS queries.

A telling observation of the technical experts must here be stressed: besides some single queries of the Trump DNS server from a small number of machines elsewhere in the world (less than a hundred, judged likely to be errors or scans from malicious software), the *only* DNS queries of note (tens of thousands) were initiated by the Alfa and Spectrum systems. This pattern provides evidence of a three-party conversation that waxed and waned throughout 2016.

This series of events was investigated by a number of news organizations, but of particular importance to this narrative are the activities of Eric Lichtblau, a Pulitzer Prize-winning reporter at the New York Times.

At a pivotal point in his investigation, on September 21st at a noon appointment, when all other evidence had been gathered by him, and his story was close to going to press, Lichtblau met with the New York representative of Alfa Bank, and asked for comments on his pending story. He provided the machine name mail1.trump-email.com to the Alfa Bank representative and the logs of queries from Alfa Bank looking up this domain.

Alfa Bank denied any connection whatsoever to Trump, the Trump Organization, or the server mail1.trump-email.com, even though this server had shown persistent activity with Alfa Bank for over a year. However, in the early morning hours of September 23rd, within 36 hours of this meeting between Lichtblau and the Alfa Bank representative, the company (Cendyn) that had authoritative control of the DNS entry for this machine, and in fact the entire domain “trump-email.com,” removed almost all traces of the existence of this machine and its domain name from the Internet—a machine and domain name that had been active for years. The timing suggests that Alfa

Bank communicated through another route to the Trump Organization that a reporter was asking about this server, causing the server domain name to be pulled down.

More telling, however, is the fact that at the moment of the removal of these entries, the DNS servers at both Spectrum and Alfa Bank commenced a rapid series of queries—many queries every minute—and kept this up for several days, attempting to get an answer to requests for the IP address of this Trump server using the newly deleted DNS host name; this behavior indicates that the servers were configured to maintain persistent contact, and routinely looked up the Trump server IP address only to renew the local cache of the Trump server IP address. Alternative explanations are not persuasive. The flurry of constant Alfa Bank and Spectrum Health DNS queries would not have been generated in response to a sustained burst of spam from the Trump server, for example, because simple spam lookups would be halted after a few minutes.

The Trump mail server itself, meanwhile, remained operational and reachable via its IP address, and still presented the same technical footprint – i.e., the server itself was still up and running.

On September 27, a brand new hostname was published publicly by Cendyn indicating that the IP address of the original machine mail1.trump-email.com, 66.216.133.29, was now allocated to a heretofore never used hostname of trump1.contact-client.com. Approximately ten minutes before this new hostname, trump1.contact-client.com, was first visible, the Alfa Bank DNS servers ceased making DNS queries for the original (but now missing) hostname mail1.trump-email.com, and have never queried for that original hostname since. Following this update to the Cendyn DNS servers, just ten minutes after ceasing the futile lookups for the disappeared mail1.trump.email.com hostname, a single DNS lookup was made for the *new* hostname, trump1.contact-client.com, by the Alfa Bank DNS servers. Over the following 90 hours, the only query made globally for the new hostname, trump1.contact-client.com, was this Alfa Bank query. The ONLY method by which this host name could have been identified by Alfa Bank was by some kind of direct notification by the Trump Organization or its representatives. This sequence of events is the equivalent of a person walking into a Walmart, purchasing a brand new prepaid phone with an unused phone number and, as soon as the phone is powered up, it receives a call from a third party known to the purchaser. For this to happen, the purchaser would obviously first have had to contact the third party by some other means to inform him/her of the new number. This evidence of collusion is persuasive, and in turn strengthens the inference above that Alfa Bank informed the Trump organization about the Times' reporter's query, causing the domain name to be changed in the first place.

Alfa Bank denied any connection at any time with Trump or Cendyn, and has continued this denial to the present day. Trump spokesperson Hope Hicks provided official statements claiming that Trump companies had used Cendyn in 2009 for certain marketing campaigns, but had not done any business with Cendyn since 2009. However, after Cendyn was questioned by Eric Lichtblau, the company provided statements that confirmed that it had, in fact, a long-term ongoing relationship with Trump Organization companies, and that the machine newly named trump1.contact-client.com was configured to enable ongoing Trump Organization communications. The company appeared to acknowledge in a statement that indeed the mail1.trump-email.com server had been involved in secure two-way communications with Alfa Bank, using Cendyn's proprietary Metron application, but that these communications were conducted on behalf of another banking customer, not the Trump organization. If accurately stated and quoted, this is an extremely odd assertion: since the server was registered to the Trump Organization, and paid for by the Trump Organization, why was Cendyn allowing it to be used by some other customer? What banking customer? Did that organization conduct business with or for the Trump Organization? Is Cendyn acknowledging that bank transactions were conducted between this server and Alfa Bank?

Further, it defies credulity that Cendyn would allow a third party that truly was not part of, or closely connected to, the Trump Organization to use a server using Trump's *domain name* (because Alfa Bank was doing DNS lookups for mail1.trump-email.com and not connecting to the IP address of the machine directly)—the inevitable confusion and risk from errant traffic could not be tolerated. It would be like the telephone company loaning the account information for one customer to someone else.

The above interpretation of Cendyn's statement is buttressed by the absence in the DNS records available to the technical experts of any lookups by Alfa Bank of any other domain name tied to the Trump server with the IP address 66.216.133.29, which would seem to rule out the possibility that Cendyn was reusing the Trump server on behalf of a different client who was communicating with Alfa Bank.

Questions for Cendyn and Actions for the FBI

Here are an initial set of questions that the FBI should pose to Cendyn and actions that the FBI should undertake:

- (1) Has the Trump Organization been a customer of Cendyn's during the period June 2016

through November 30, 2016?

(2) Is the domain name trump-email.com, partially managed by Cendyn, owned by the Trump Organization?

(3) Was the server maill.trump-email.com used for services at the direction of the Trump Organization during 2016?

(4) Was the DNS entry for the machine at IP address 66.216.133.29 changed from mail.trump-email.com to trump1.customer-contact.com around September 30? If so, why?

(5) Did the server 66.216.133.29, under any DNS entry name, communicate with Alfa Bank during this period?

(6) If so, who was the banking customer referred to in Cendyn's [?] statement that was communicating with Alfa Bank, using Metron? Was any other communication taking place between the entities via Cendyn at the same time? If so, what was the form of communication?

(7) Who directed the removal of the mail.trump-email.com record and the trump-email.com domain name from the Cendyn DNS servers? Who directed Cendyn to create the new record of trump1.customer-contact.com?

(8) Is Cendyn currently providing ANY services to the Trump Organization or ANY of its affiliated or associated entities, contracted or otherwise? If so, which ones?

(9) Which Trump-owned or -affiliated entities have contracted for services of ANY kind with Cendyn/CDCServices between 2010 and present, including any entities that were referred by any Trump or Trump-affiliated entity?

(10) If any such services were provided or are being provided, who are Cendyn's prime contacts with these entities contractually, and who were/are the day-to-day contacts, especially from the period January 2015 through the present?

- How are normal customer contacts conducted with the Trump Organization (email, phone), and between which Cendyn representatives and which Trump organization representatives?

- What document retention policy applies to Cendyn's work for the Trump Organization? Who drafted these policies? Are they similar/standard compared to policies applicable to other Cendyn customers?

(11) Was the server 66.216.133.29 configured to connect only with specific IP addresses? If so, which ones?

(12) Was server 66.216.133.29 configured to maintain constant connections with servers at Alfa Bank and Spectrum Health?

Questions that should be posed to Spectrum Health

Here are questions that the FBI should initially pose to Spectrum Health and whomever operationally controlled the DNS and mail servers involved in the DNS queries of the Trump Organization servers:

- (1) What machines at Spectrum Health triggered the DNS queries of Trump server 66.216.133.29?
- (2) Was any server that requested DNS queries of Trump server 66.216.133.29 configured to sustain constant connection with that server and/or with Alfa Bank?
- (3) Are there any log files from any machine within Spectrum Health containing records of communications between Spectrum Health and Alfa Bank, or between Spectrum Health and the Trump Organization or server 66.216.133.29?

Record requests from Internet Service providers

In addition, the FBI should:

- (1) Determine what companies provided Internet service for the Trump Organization and Spectrum Health and obtain metadata records for 2016 of any communications involving Trump server 66.216.133.29 as well as Alfa Bank.
- (2) Determine whether major Internet Service Providers have netflow records containing metadata about communications between Alfa Bank and Trump server 66.216.133.29, and between Spectrum Health and Trump server 66.216.133.29.

United States Senate

WASHINGTON, DC 20510

January 6, 2017

The Honorable Ashton B. Carter
Secretary
Department of Defense
Washington, DC 20301

SSCI# 2017-0552

The Honorable James Comey
Director
Federal Bureau of Investigation
Washington, DC 20535

Dear Secretary Carter and Director Comey:

As required by the Fiscal Year 2016 National Defense Authorization Act, on August 26, 2016, the High-Value Detainee Interrogation Group (HIG) released a report titled *Interrogation Best Practices*. In writing its report, the HIG Research Program “conducted a comprehensive review of existing research on behavioral and social sciences and has commissioned numerous scientific studies on an array of topics related to interrogation.”

However, only a portion of the HIG report was released. According to the *Best Practices* document:

“This report does not provide a comprehensive review of the science related to best practices. A report which details the relevant scientific research is currently under review.”

It has come to our attention that the remainder of the report, specifically the details of the HIG’s scientific research into effective interrogation methods, has been held up under review for months at both DOD and the FBI. This is unacceptable, and we ask that you either expedite these reviews and provide your feedback to the HIG immediately, so that the report can be finalized and provided to the Committee; or that you allow for the Committee to be provided the report as it currently exists. In either case, we request that you act expeditiously so that the report is provided to the Committee no later than January 19, 2017.

The HIG provides our country with a long-term trained cadre of professional interrogators whose techniques are based on tested and proven methodologies. The HIG’s scientific research into effective interrogation methods is a critical foundation for our counterterrorism efforts and should be made widely available to the entire U.S. government as soon as possible. Given statements by the president-elect inaccurately asserting that torture is effective, the HIG’s scientific research may also be necessary to ensure that our country never again descends down this immoral, and counterproductive path.

Thank you for your prompt attention to this matter. We look forward to your reply.

Sincerely,

Walter

May

James F. Quinn

United States Senate

WASHINGTON, DC 20510

April 28, 2017

The Honorable James B. Comey, Jr.
Director
Federal Bureau of Investigation
935 Pennsylvania Avenue, NW
Washington, D.C. 20535

Dear Director Comey:

On March 20, 2017, we wrote you regarding Attorney General Sessions' false testimony before the Senate Judiciary Committee concerning his multiple contacts with Russian officials during the presidential campaign, including reports of an undisclosed meeting with the Russian ambassador at a small, private campaign event in April 2016. Since our letter, new and troubling details regarding Russian interference in the 2016 election have continued to emerge, including additional revelations of contacts between senior Trump campaign officials and Russian officials.

Our previous letter to you requested that you investigate all contacts the Attorney General or his staff may have had with the Russian ambassador, or any other Russian officials, and whether any laws were broken in the course of those contacts or in any subsequent discussion of whether they occurred.

We ask that you update us on the status of this investigation and brief us on this matter by Friday, May 12, 2017.

Sincerely,



PATRICK LEAHY
United States Senator



AL FRANKEN
United States Senator

United States Senate

WASHINGTON, DC 20510

March 20, 2017

The Honorable James B. Comey, Jr.
Director
Federal Bureau of Investigation
935 Pennsylvania Avenue, NW
Washington, D.C. 20535

Dear Director Comey:

We are writing you in regards to Attorney General Jeff Sessions' representations to the Senate Judiciary Committee, both at his confirmation hearing and subsequent to it.

In a written question after the hearing, Senator Leahy asked him:

Several of the President-Elect's nominees or senior advisers have Russian ties. Have you been in contact with anyone connected to any part of the Russian government about the 2016 election, either before or after election day?

Under oath, Attorney General Sessions responded with an unequivocal "No," and provided no further explanation.

During his confirmation hearing on January 10, 2017, Senator Franken also asked him, "if there is any evidence that anyone affiliated with the Trump campaign communicated with the Russian government in the course of this campaign, what will you do?" Rather than respond to the question asked, he instead testified that "[he has] been called a surrogate a time or two in that campaign and [he] did not have communications with the Russians."

On March 1, 2017, the Washington Post reported that Attorney General Sessions had at least two meetings with the Russian ambassador during the 2016 elections.¹ According to the report, then-Senator Sessions had a private meeting in

¹ https://www.washingtonpost.com/world/national-security/sessions-spoke-twice-with-russian-ambassador-during-trumps-presidential-campaign-justice-officials-say/2017/03/01/77205eda-feac-11e6-99b4-9e613afeb09f_story.html

his personal office with the Russian ambassador on September 8, 2016, and they also had a conversation following an event at the Republican National Convention in July 2016. Following this revelation, the Attorney General issued a statement that claimed he “never met with any Russian officials to discuss issues of the campaign. I have no idea what this allegation is about. It is false.”

The Attorney General then confirmed he had met with the Russian ambassador on these two occasions during a press conference on March 2, 2017, during which he said the September meeting took place “in campaign season, but [he did not] recall any political conversations.”² He also claimed that he “[did not] remember a lot of [the conversation].” The Attorney General later confirmed both meetings in a letter to the Judiciary Committee on March 6, 2017.

Given his own admissions regarding contacts with the Russian ambassador, including at the Republican National Convention, and particularly in light of his description of his lack of recollection of what was said during the conversations, Attorney General Sessions’ written testimony to Senator Leahy appears to be discernably false. His testimony to Senator Franken also appears to be unequivocally false.

We are concerned by Attorney General Sessions’ lack of candor to the Committee and his failure thus far to accept responsibility for testimony that could be construed as perjury. We are also disturbed that the Attorney General has not been forthcoming about his contacts with the Russian ambassador since he was forced to disclose the two meetings following press reports. The press has now reported that there was a third undisclosed instance in which the Attorney General may have had contact with the Russian ambassador during the 2016 elections, which occurred at a small, private campaign event in April 2016 with then-candidate Trump in attendance.³

In light of Attorney General Sessions’ failure to provide truthful and complete responses to the Judiciary Committee – in his sworn testimony, in his explanation for his false statements, and in his subsequent March 6 letter purporting to provide “supplemental” testimony – we ask that you investigate all contacts the Russian ambassador, or any other Russian officials, may have had with Attorney General

² https://www.washingtonpost.com/news/the-fix/wp/2017/03/02/transcript-of-jeff-sessions-recusal-press-conference-annotated/?utm_term=.96a4d24c5af2

³ http://www.huffingtonpost.com/entry/jeff-sessions-sergey-kislyak-mayflower_us_58c05639e4b0d1078ca37225?section=politics

The Honorable James B. Comey, Jr.
Page 3 of 3
March 20, 2017

Sessions or with his staff, and whether any laws were broken in the course of those contacts or in any subsequent discussion of whether they occurred. We also request that you brief us on the results of that investigation.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in cursive script, reading "Patrick Leahy".

PATRICK LEAHY
United States Senator

A handwritten signature in cursive script, reading "Al Franken".

AL FRANKEN
United States Senator

RICHARD BURR, NORTH CAROLINA, CHAIRMAN
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UNCLASSIFIED

United States Senate

SELECT COMMITTEE ON INTELLIGENCE

WASHINGTON, DC 20510-6475

May 22, 2017

MITCH McCONNELL, KENTUCKY, EX OFFICIO
CHARLES SCHUMER, NEW YORK, EX OFFICIO
JOHN MCCAIN, ARIZONA, EX OFFICIO
JACK REED, RHODE ISLAND, EX OFFICIO

CHRISTOPHER A. JOYNER, STAFF DIRECTOR
MICHAEL CASEY, MINORITY STAFF DIRECTOR
KELSEY STROUD BAILEY, CHIEF CLERK

Andrew McCabe
Acting Director
Federal Bureau of Investigation
Washington, DC 20535

SSCI# 2017-2490

Dear Director McCabe:

(U) We appreciate your testimony at the Worldwide Threat Hearing on May 11, 2017. We are submitting the attached questions for the record and would appreciate a response by June 9, 2017.

(U) If your staff has any questions, please contact John Matchison or Jon Rosenwasser of the Committee staff at (202) 224-1700.

Sincerely,



Richard Burr
Chairman



Mark R. Warner
Vice Chairman

UNCLASSIFIED

UNCLASSIFIED

Questions for the Record

Senate Select Committee on Intelligence

Worldwide Threat Hearing

May 22, 2017

Questions for the Record for Director McCabe.

[From Senator Harris]

(U) As you may be aware, it has been reported that when the FBI learned that the Democratic National Committee (DNC) was hacked, it failed to reach out to DNC leadership directly, and instead called the Committee's IT "help desk." (See, e.g. *The New York Times*, "The Perfect Weapon: How Russian Cyberpower Invaded the U.S.," Dec. 13, 2016).

1. **Is the press characterization accurate? If not, please characterize FBI's notification efforts and timeline accurately.**
2. **Given the FBI's long-standing knowledge of Russia's influence efforts—including its use of cyberattacks to disrupt other countries' political processes—why wasn't the FBI's response more aggressive?**
3. **Why did the FBI wait until July 2016 to open an investigation into Russian interference in the 2016 U.S. election?**
4. **What has the FBI done to better assess and respond to these types of cyber intrusions?**
5. **Are we better positioned today to prevent, detect, and respond to comparable cyber intrusions? If not, what should we be doing differently?**

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UNCLASSIFIED

(U) With regard to the staffing of the investigation:

6. **From September 2015 to July 5, 2016**, how was the assessment or preliminary investigation into hacking of computer systems belonging to the Democratic National Committee and the Republican National Committee (or state or local electoral boards) staffed? Please include an explanation of the number of agents assigned full-time to the investigation and the overall staffing plan.
7. **From July 6, 2016 to November 8, 2016**, how was the investigation into Russian interference in the 2016 election staffed? Please include an explanation of the number of agents assigned full-time to the investigation and the overall staffing plan.
8. How is the investigation into Russian interference into the 2016 election currently staffed? Please include an explanation of the number of agents assigned full-time to the investigation and the overall staffing plan.

UNCLASSIFIED

SSCI Transmittal and Document Receipt

TO:

Mr. Andrew McCabe
Acting Director
Federal Bureau of Investigation
Washington, D.C. 20535

From: U.S. Senate
Select Committee on Intelligence
Hart Senate Office Building
Room SH-211
Washington, DC 20510

Receipt #: 3628

Date: May 22, 2017

CONTROL NUMBER	CONTROL NUMBER	CONTROL NUMBER
SSCI# 2017-2490		

AVOID TRACER ACTION

PLEASE SIGN AND RETURN WITHIN TEN (10) WORKING DAYS

SIGNATURE (ACKNOWLEDGING RECEIPT OF ABOVE
DOCUMENTS)

RETURN TO: JAMES A. WOLFE
DIRECTOR OF SECURITY
U.S. SENATE
SELECT COMMITTEE ON INTELLIGENCE
ROOM SH-211
WASHINGTON, D.C. 20510

DATE OF RECEIPT: _____

RICHARD BURR, NORTH CAROLINA, CHAIRMAN
MARK R. WARNER, VIRGINIA, VICE CHAIRMAN

JAMES E. RICH, IDAHO
MARCO RUBIO, FLORIDA
SUSAN M. COLLINS, MAINE
ROY BLUNT, MISSOURI
JAMES LANKFORD, OKLAHOMA
TOM COTTON, ARKANSAS
JOHN CORNYN, TEXAS

DIANNE FEINSTEIN, CALIFORNIA
RON WYDEN, OREGON
MARTIN HEINRICH, NEW MEXICO
ANGUS S. KING, JR., MAINE
JOE MANCHIN, WEST VIRGINIA
KAMALA HARRIS, CALIFORNIA

UNCLASSIFIED

United States Senate

SELECT COMMITTEE ON INTELLIGENCE

WASHINGTON, DC 20510-6475

March 28, 2017

MITCH MCCONNELL, KENTUCKY, EX OFFICIO
CHARLES SCHUMER, NEW YORK, EX OFFICIO
JOHN MCCAIN, ARIZONA, EX OFFICIO
JACK REED, RHODE ISLAND, EX OFFICIO

CHRISTOPHER A. JOYNER, STAFF DIRECTOR
MICHAEL CASEY, MINORITY STAFF DIRECTOR
KELSEY STROUD BAILEY, CHIEF CLERK

The Honorable James Comey
Director
Federal Bureau of Investigation
Washington, DC 20535

SSCI# 2017-1674-E

Dear Director Comey:

(U) The Senate Select Committee on Intelligence invites you to testify at the Worldwide Threats open hearing on Thursday, May 11, 2017, at 10:00 a.m. in room SH-216 of the Hart Senate Office Building. Upon conclusion of the open session, the Committee will reconvene for a closed session at 2:00 p.m. in room SH-219.

(U) The hearing will serve as an update on the current and projected national security threats to the United States. The Director of National Intelligence, as well as the directors of the Central Intelligence Agency, Defense Intelligence Agency, and National Security Agency are expected to appear as witnesses. You will have the opportunity to make a brief opening statement during the closed session, however, we ask that your initial remarks extend no more than three minutes. Please feel free to submit a written statement of any length in advance of the hearing.



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☐ (U) If your staff has any questions, please contact John Matchison or ☐ of the Committee staff at (202) 224-1700.

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Sincerely,

A stylized, handwritten signature of Richard Burr in black ink.

Richard Burr
Chairman

A stylized, handwritten signature of Mark R. Warner in black ink.

Mark R. Warner
Vice Chairman

UNCLASSIFIED

JOHN J. ROBERTS, WISCONSIN, CHAIRMAN

JOHN MCCAIN, ARIZONA
BOB PORTMAN, OHIO
DANISH K. BOGGS, KENTUCKY
JAMES L. INHOFF, OKLAHOMA
MICHAEL N. LEE, WYOMING
JOHN THOMPSON, NORTH DAKOTA
STEVE DODD, MONTANA

CLARE McCASKILL, MISSOURI
THOMAS R. CARPER, DELAWARE
JON TESTER, MONTANA
HEIDI HEITKAMP, NORTH DAKOTA
GARY C. PETERS, MICHIGAN
MARSHALL TOWNSEND HALEMAN, NEW HAMPSHIRE
KARLA D. HARRIS, CALIFORNIA

United States Senate

COMMITTEE ON
HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS
WASHINGTON, DC 20510-6250

CHRISTOPHER A. HADEN, STAFF DIRECTOR
BARBARA E. DAVIS, MINORITY STAFF DIRECTOR

June 7, 2017

The Honorable Andrew McCabe
Acting Director
Federal Bureau of Investigation
935 Pennsylvania Avenue, NW
Washington, DC 20535

Dear Acting Director McCabe:

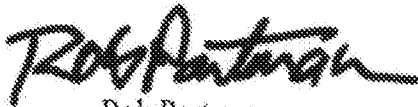
We appreciate the Federal Bureau of Investigations efforts to combat child pornography and prosecute those who exploit young children. Questions have been raised, however, about the effectiveness of one operation—"Operation Pacifier"—and the manner in which it was conducted. Pursuant to its authority under Senate Resolution 62 (115th Cong.), the U.S. Senate Permanent Subcommittee on Investigations is reviewing the Federal Bureau of Investigation's acquisition and control of the website "Playpen." To assist the Subcommittee, please provide any and all documents related to the following requests as soon as possible, but in any event, no later than Wednesday, June 21, 2017:

1. All documents concerning approvals of Operation Pacifier, including, but not limited to, the initiation, continuation, and termination of the operation.
2. All documents concerning any risk assessment performed during the course of the operation.
3. All documents concerning the number of images of child exploitation available for purchase, trade, or distribution on the Playpen website from February 20, 2015 to March 4, 2015.
4. All documents concerning notification by the FBI to any victims on the Playpen website.
5. All documents concerning any internal FBI investigation related to Operation Pacifier.
6. A complete, un-redacted copy of the FBI Domestic Investigations of Operations Guide (DIOG).

In order to expedite the Subcommittee's review, we ask that you submit the material responsive to this request as it becomes available, rather than waiting to provide it all at once. To avoid any unnecessary delays in connection with this production, we ask that you carefully review the attached *Procedures for Transmitting Documents to the Permanent Subcommittee on Investigations*.

Thank you very much for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Rob Portman".

Rob Portman
Chairman
Permanent Subcommittee on Investigations

A handwritten signature in black ink, appearing to read "Tom Carper".

Tom Carper
Ranking Member
Permanent Subcommittee on Investigations

[redacted] (DO) (FBI)

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From: [redacted] (DO) (FBI)
Sent: Tuesday, June 13, 2017 10:40 AM
To: [redacted] (DO) (FBI); [redacted] (DO) (FBI)
Cc: [redacted] (DO) (FBI); [redacted] (CID) (FBI)
Subject: FW: Letter Request re Operation Pacifier
Attachments: 2017-06-07 Portman and Carper Letter to McCabe.pdf

[redacted] and [redacted]

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I received the attached request from HSGAC PSI for entry into TRIM. Please assign the response to CID. Thank you. [redacted]

SSA [redacted]
Office of Congressional Affairs, FBI
Desk [redacted]
Cell: [redacted]

From: Dockham, Andrew (HSGAC) [mailto:[redacted]]
Sent: Thursday, June 08, 2017 9:36 AM
To: [redacted] (DO) (FBI); [redacted]
Cc: Kilvington, John (HSGAC); [redacted] Bamiduro, Portia (HSGAC)
[redacted] Polesovsky, Andrew (HSGAC) [redacted]
Subject: Letter Request re Operation Pacifier

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[redacted]

Please see the attached letter from the Chairman and Ranking Member. Once you are able to review, please let us know if you have any questions.

Thanks,
Andy

Andy Dockham
Staff Director and Chief Counsel
U.S. SENATE PERMANENT SUBCOMMITTEE ON INVESTIGATIONS
[redacted]

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United States House of Representatives
Committee on Financial Services
Washington, D.C. 20515

June 7, 2017

The Honorable Andrew McCabe
Acting Director
Federal Bureau of Investigation
FBI Headquarters
935 Pennsylvania Avenue, NW
Washington, DC 20535

Dear Acting Director McCabe:

The Subcommittee on Terrorism and Illicit Finance will hold a hearing entitled "The Exploitation of Cultural Property: Examining Illicit Activity in the Antiquities and Art Trade" on Wednesday, June 21, 2017, at 10:00 a.m. in Room 2128 of the Rayburn House Office Building. I am writing to confirm a witness from the Federal Bureau of Investigation will participate at this hearing. The Subcommittee expects that the witness's testimony will discuss criminal and terrorist groups' use of the antiquities and art trade to engage in illicit activity and finance their operations.

Please read the following material carefully. It is intended as a guide to a witness' rights and obligations as a witness under the rules of the Committee on Financial Services.

The Form of your Testimony. Under the Rules of the Committee on Financial Services, each witness who is to testify before the Committee or its subcommittees must file with the Clerk of the Committee a written statement of proposed testimony of any reasonable length. Please also include with the testimony a current resume summarizing education, experience and affiliations pertinent to the subject matter of the hearing. This must be filed at least two business days before your appearance. Please note that changes to the written statement will not be permitted after the hearing begins. Failure to comply with this requirement may result in the exclusion of your written testimony from the record. Your oral testimony should not exceed five minutes and should summarize your written remarks. The Chair reserves the right to exclude from the printed record any supplemental materials submitted with a written statement due to space limitations or printing expense.

Submission of your Testimony. Please submit at least 50 copies of your proposed written statement to the Clerk of the Committee not less than two business days in advance of your appearance. These copies should be delivered to: The Committee on Financial Services, Attn: Committee Clerk, 2129 Rayburn House Office Building, Washington, D.C. 20515.

Due to heightened security restrictions, many common forms of delivery experience significant delays in delivery to the Committee. This includes packages sent via the U.S. Postal Service, Federal Express, UPS, and other similar carriers, which typically arrive 3 to 5 days later than normal. The United States Capitol Police have specifically requested that the Committee refuse deliveries by courier. The best method of delivery of your testimony is to have an employee from your organization deliver your testimony in an unsealed package to the address above. If you are unable to comply with this procedure, please contact the Committee to discuss alternative methods for delivery of your testimony.

The rules of the Committee require, to the extent practicable, that you also submit your written testimony in electronic form. The preferred method of submission of testimony in electronic form is to send it via electronic mail to fsctestimony@mail.house.gov. The electronic copy of your testimony may be in any major file format, including WordPerfect, Microsoft Word, or ASCII text for either Windows or Macintosh. Your electronic mail message should specify in the subject line the date and the Committee or subcommittee before which you are scheduled to testify. You may also submit testimony in electronic form on a disk or CD-ROM at the time of delivery of the copies of your written testimony. Submission of testimony in electronic form facilitates the production of the printed hearing record and posting of your testimony on the Committee's website.

Your Rights as a Witness. Under the Rules of the House, witnesses may be accompanied by their own counsel to advise them concerning their constitutional rights. I reserve the right to place any witness under oath. Finally, a witness may obtain a transcript copy of his/her testimony given in open, public session, or in a closed session only when authorized by the Committee or subcommittee. However, by appearing before the Committee or its subcommittees, you authorize the Committee to make technical, grammatical, and typographical corrections to the transcript in accordance with the rules of the Committee and the House.

The Rules of the Committee on Financial Services, and the applicable rules of the House, are available on the Committee's website at <http://financialservices.house.gov>. Copies can also be sent to you upon request.

The Committee on Financial Services endeavors to make its facilities accessible to persons with disabilities. If you are in need of special accommodations, or have any questions regarding special accommodations generally, please contact the Committee in advance of the scheduled event (4 business days' notice is requested) at (202) 225-7502; TTY: 202-226-1591; or write to the Committee at the address above.

Please note that space in the Committee's hearing room is extremely limited. Therefore, the Committee will only reserve one seat for staff accompanying you during your appearance (a total of two seats). In order to maintain our obligation under the Rules of the House to ensure that Committee hearings are open to the public, we cannot deviate from this policy.

The Honorable Andrew McCabe

June 7, 2017

Page 3

Should you or your staff have any questions or need additional information, please contact [redacted] or [redacted] of the Committee staff at (202) 225-7502.

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Sincerely,

A handwritten signature in black ink, appearing to read "Steve Pearce", written over a horizontal line.

STEVE PEARCE
Chairman
Subcommittee on Terrorism
and Illicit Finance

cc: The Honorable Ed Perlmutter, Ranking Member

Beers, Elizabeth R. (DO) (FBI)

From: [redacted] (DO) (FBI)
Sent: Tuesday, June 13, 2017 5:32 PM
To: Beers, Elizabeth R. (DO) (FBI)
Subject: RE: 6/21 Terrorism & Illicit Finance Subcommittee Invite Letter

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Exactly. Ok sounds good. And they are not. Thanks. [redacted]

From: Beers, Elizabeth R. (DO) (FBI)
Sent: Tuesday, June 13, 2017 5:30 PM
To: [redacted] (DO) (FBI) [redacted]
Cc: [redacted] (CID) (FBI) [redacted] (DO) (FBI) [redacted]
Subject: RE: 6/21 Terrorism & Illicit Finance Subcommittee Invite Letter

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Ok. So this sounds like messages crossed in the mail / voicemail? I don't think we need a written response as long as the committee is not expecting us.

Beth Beers
FBI Office of Congressional Affairs
[redacted]

From: [redacted] (DO) (FBI)
Sent: Tuesday, June 13, 2017 10:32 AM
To: Beers, Elizabeth R. (DO) (FBI) [redacted]
Cc: [redacted] (CID) (FBI) [redacted]
Subject: RE: 6/21 Terrorism & Illicit Finance Subcommittee Invite Letter

Beth,

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This is my fault, on Monday (6/5/2017) I informed one of the subcommittee staff that if we were able to attend the hearing we would need the request on official letterhead two weeks in advance of the hearing (which for a hearing on June 21st meant Wednesday 6/7). On Tuesday I received [redacted] email regarding our position on the hearing, but due to [redacted] arrival I didn't get around to calling the subcommittee staff member to relay our position to them until Thursday 6/8/2017. By then this invitation may have already been sent to us. When I explained that we could not attend the Staff seemed to accept that (reluctantly) [redacted]

SSA [redacted]
Office of Congressional Affairs, FBI
Desk: [redacted]
Cell: [redacted]

From: Beers, Elizabeth R. (DO) (FBI)

Sent: Tuesday, June 13, 2017 10:08 AM

To: [redacted] (DO) (FBI) [redacted] (CID) (FBI) [redacted] (DO) (FBI) [redacted]

Cc: [redacted] (DO) (FBI) [redacted]

Subject: RE: 6/21 Terrorism & Illicit Finance Subcommittee Invite Letter

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Please check with the committee and determine their expectations. [redacted]
[redacted]

Beth Beers

FBI Office of Congressional Affairs
[redacted]

From: [redacted] (DO) (FBI)

Sent: Tuesday, June 13, 2017 10:05 AM

To: [redacted] (CID) (FBI) [redacted] (DO) (FBI) [redacted]

Cc: [redacted] (DO) (FBI) [redacted] Beers, Elizabeth R. (DO) (FBI) [redacted]

Subject: FW: 6/21 Terrorism & Illicit Finance Subcommittee Invite Letter

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[redacted]
As we discussed I already informed the subcommittee that the FBI would be unable to attend the hearing. Attached is their official request for your reference.

Beth,

Although the committee is aware the FBI is unable to attend is an official written response to the invitation prudent? [redacted]

From: Keech, Rosemary [mailto:[redacted]]

Sent: Thursday, June 08, 2017 11:52 AM

To: [redacted] (DO) (FBI) [redacted]

Cc: [redacted]

Subject: 6/21 Terrorism & Illicit Finance Subcommittee Invite Letter

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Mr. McCabe,

Please find attached your letter of invitation to appear before the Terrorism and Illicit Finance Subcommittee on June 21, 2017.

If you have any questions, please do not hesitate to contact us.

Rosemary

Rosemary Keech

Chief Clerk

Committee on Financial Services



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U.S. Department of Justice
Federal Bureau of Investigation

Office of Public and Congressional Affairs

EXECSEC -

NO RESPONSE NEEDED -

SEE ATTACHED EMAIL.

THANKS,

Boett

United States Senate

WASHINGTON, DC 20510

March 7, 2017

The Honorable John F. Kelly
Secretary
U.S. Department of Homeland Security
3801 Nebraska Avenue, NW
Washington, DC 20016

The Honorable Jeff Sessions
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

The Honorable James B. Comey
Director
Federal Bureau of Investigation
935 Pennsylvania Avenue, NW
Washington, DC 20535

Dear Secretary Kelly, Attorney General Sessions, and Director Comey:

We write to underscore the need for swift action with regard to the deeply troubling series of anonymous bomb threats made against Jewish Community Centers (JCCs), Jewish Day Schools, Synagogues and other buildings affiliated with Jewish organizations or institutions across the country. We thank you for your recent efforts and ask that you inform us of the actions that your Departments plan to take to address threats against these and other religious institutions. We stand ready to work with you to ensure that these centers can continue to serve their communities free from violence and intimidation.

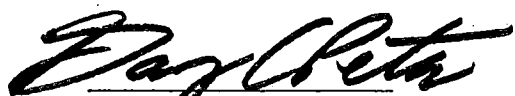
It has become clear that threats of violence against individual JCCs are not isolated incidents. According to the Jewish Federations of North America, in the first two months of 2017 alone, at least 98 incidents against JCCs and Jewish Day Schools at 81 locations in 33 states have been reported. These cowardly acts aim to create an atmosphere of fear and disrupt the important programs and services offered by JCCs to everyone in the communities they serve, including in our states. In addition to reports of incidents at JCCs and Jewish Day Schools, there have been incidents at cemeteries in both St. Louis and Philadelphia involving the desecration of Jewish headstones. This is completely unacceptable and un-American.

We are concerned that the number of incidents is accelerating and failure to address and deter these threats will place innocent people at risk and threaten the financial viability of JCCs, many of which are institutions in their communities. Your Departments can provide crucial assistance by helping JCCs, Jewish Day Schools and Synagogues improve their physical security, deterring threats from being made, and investigating and prosecuting those making these threats or who may

seek to act on these threats in the future. We encourage you to communicate with individual JCCs, the JCC Association of North America, Jewish Day Schools, Synagogues and other Jewish community institutions regarding victim assistance, grant opportunities or other federal assistance that may be available to enhance security measures and improve preparedness. We also recognize the anti-Semitic sentiment behind this spate of threats and encourage your Departments to continue to inform state and local law enforcement organizations of their obligations under the Hate Crime Statistics Act and other federal laws.

We are ready to work with you to address this pressing issue, and we look forward to your responses about the actions you intend to take to address, deter, and prevent this threat.

Sincerely,



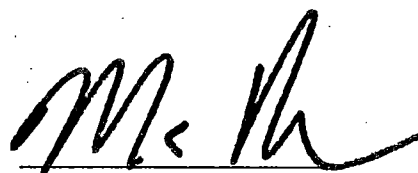
Gary C. Peters
United States Senator



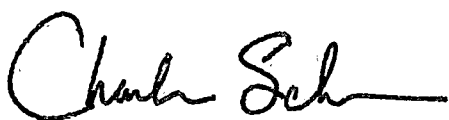
Rob Portman
United States Senator



Bill Nelson
United States Senator



Marco Rubio
United States Senator



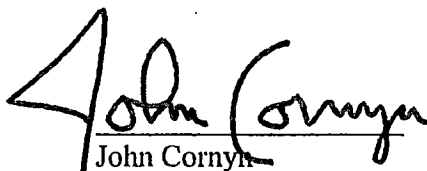
Charles E. Schumer
United States Senator



Mitch McConnell
United States Senator



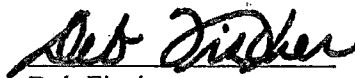
Richard J. Durbin
United States Senator



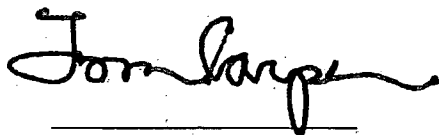
John Cornyn
United States Senator



Tom Udall
United States Senator



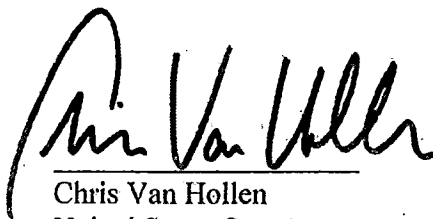
Deb Fischer
United States Senator



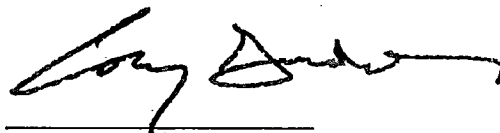
Thomas R. Carper
United States Senator



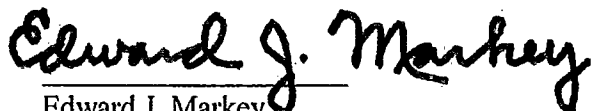
Shelley Moore Capito
United States Senator



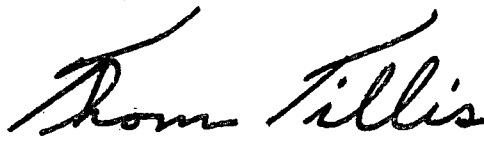
Chris Van Hollen
United States Senator



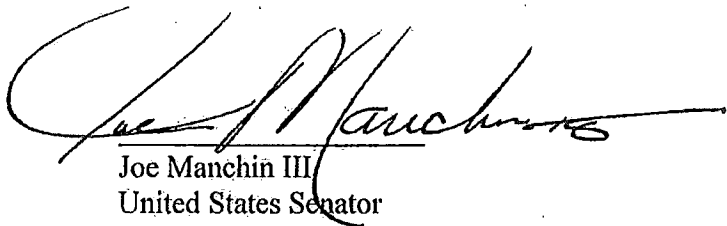
Cory Gardner
United States Senator



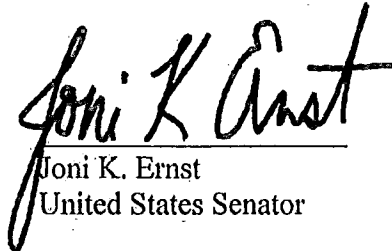
Edward J. Markey
United States Senator



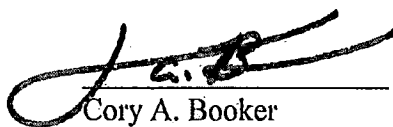
Thom Tillis
United States Senator



Joe Manchin III
United States Senator



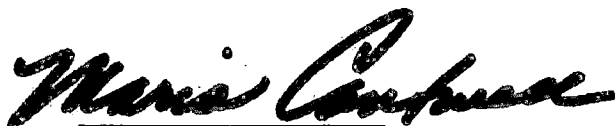
Joni K. Ernst
United States Senator



Cory A. Booker
United States Senator



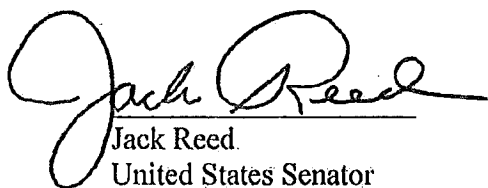
Dan Sullivan
United States Senator

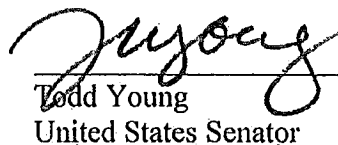


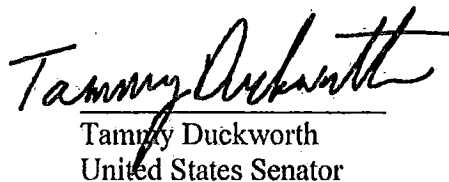
Maria Cantwell
United States Senator

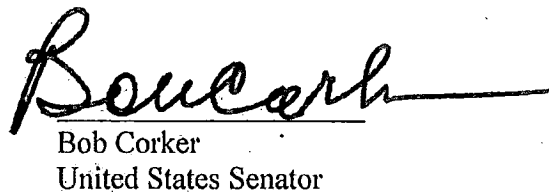


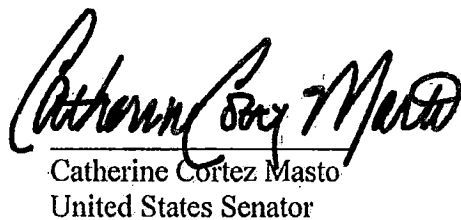
M. Michael Rounds
United States Senator

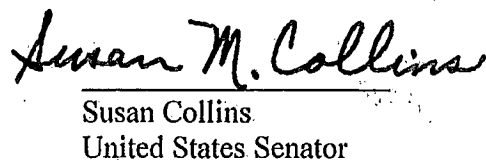

Jack Reed
United States Senator

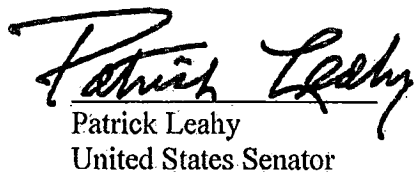

Todd Young
United States Senator

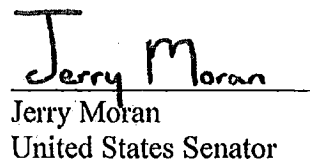

Tammy Duckworth
United States Senator

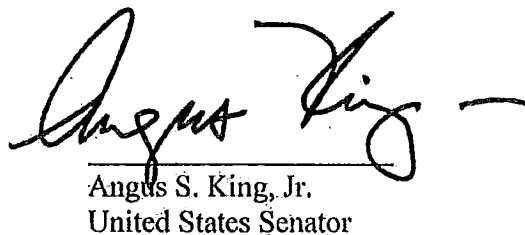

Bob Corker
United States Senator

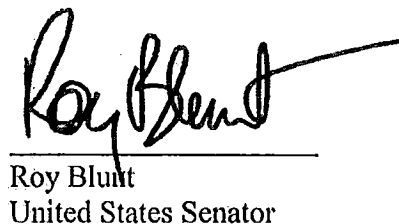

Catherine Cortez Masto
United States Senator


Susan Collins
United States Senator

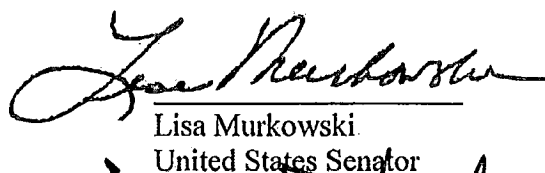

Patrick Leahy
United States Senator

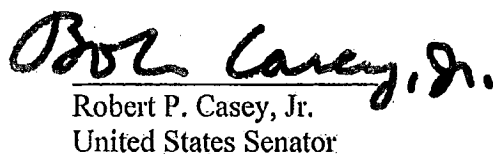

Jerry Moran
United States Senator

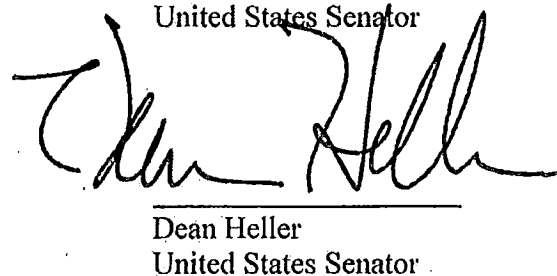

Angus S. King, Jr.
United States Senator


Roy Blunt
United States Senator

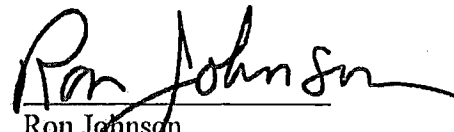

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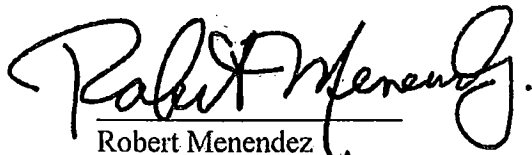

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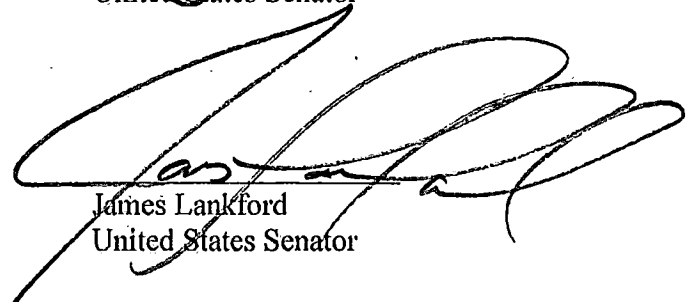

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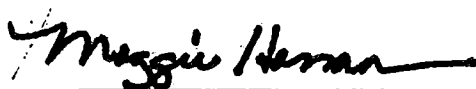

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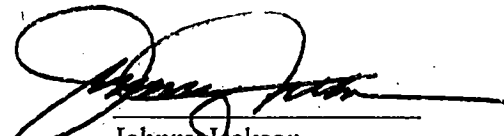

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Ron Johnson
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Robert Menendez
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James Lankford
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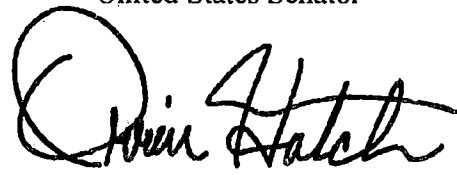

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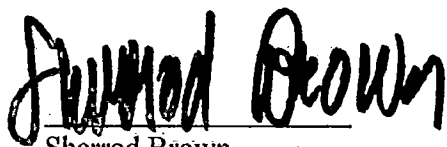

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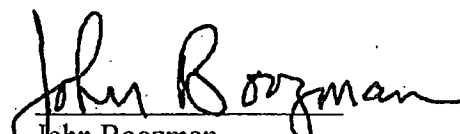

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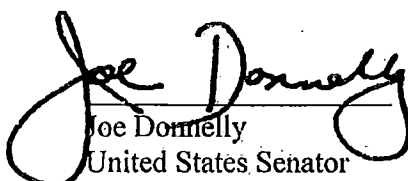

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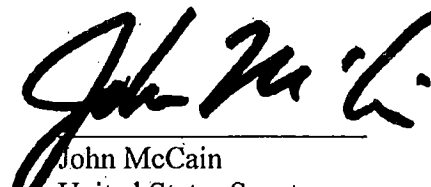

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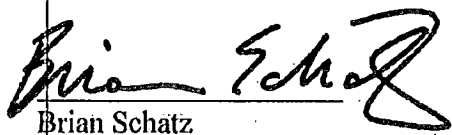

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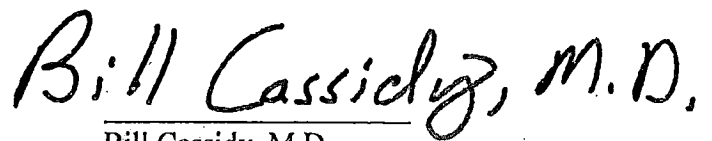

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Joe Donnelly
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John McCain
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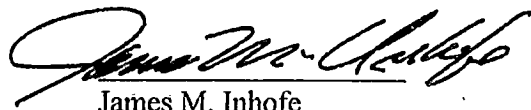
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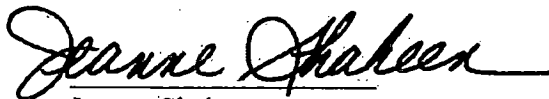
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Richard Blumenthal
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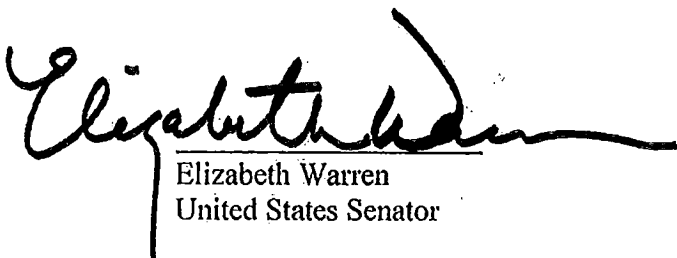
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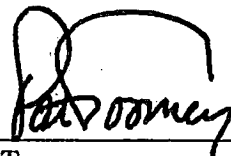
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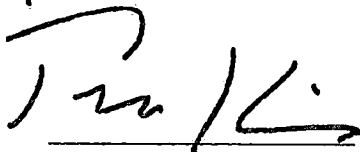
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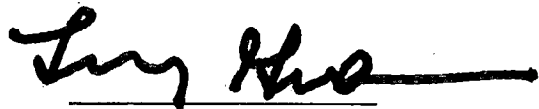
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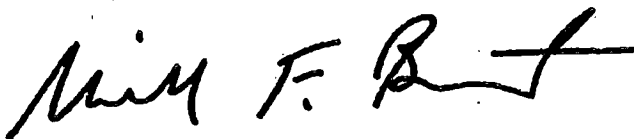
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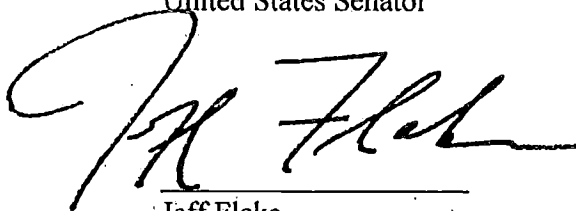
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Lindsey O. Graham
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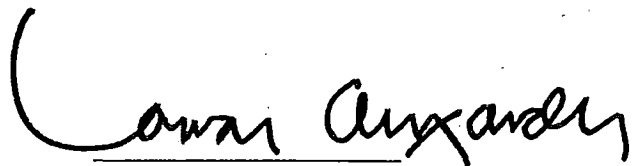
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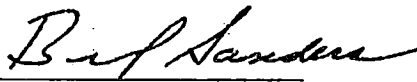
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Amy Klobuchar
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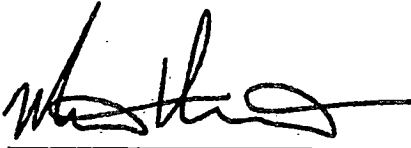
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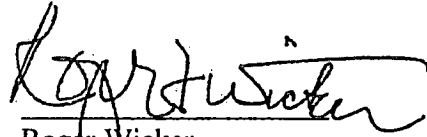
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United States Senator



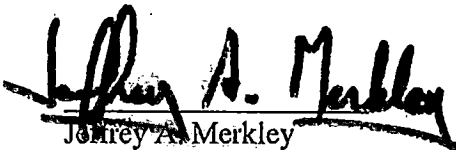
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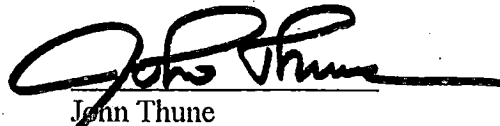
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Roger Wicker
United States Senator



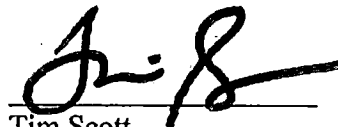
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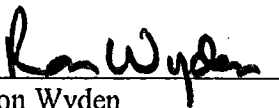
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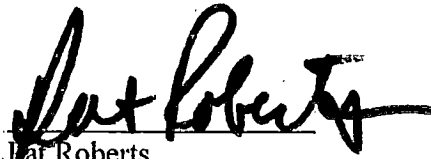
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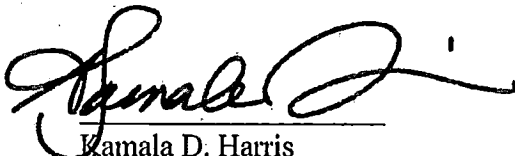
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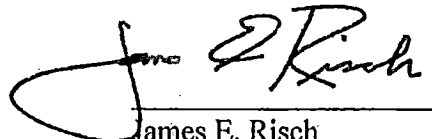
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Pat Roberts
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Kamala D. Harris
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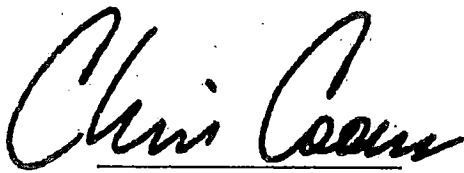
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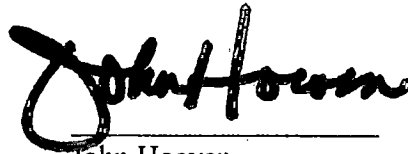
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Richard Burr
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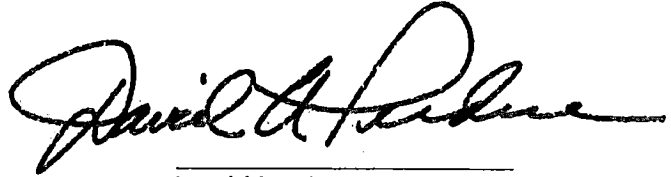
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John Hoeven
United States Senator



Patty Murray
United States Senator



David Perdue
United States Senator



Al Franken
United States Senator



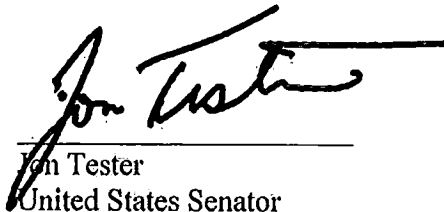
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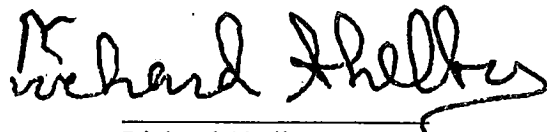
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Thad Cochran
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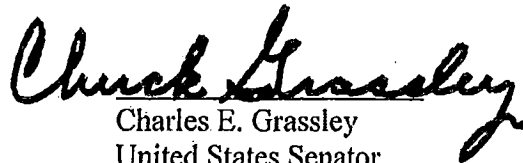
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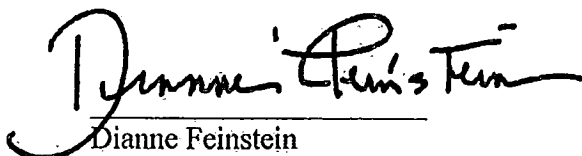
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Mark R. Warner
United States Senator



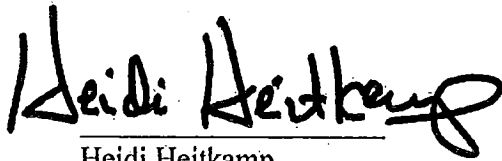
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United States Senator



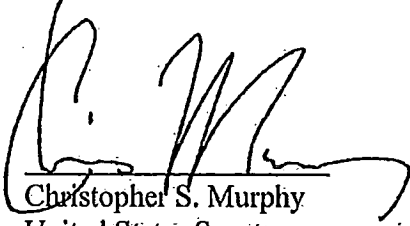
Dianne Feinstein
United States Senator



Ted Cruz
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Heidi Heitkamp
United States Senator



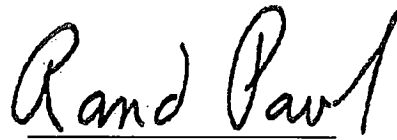
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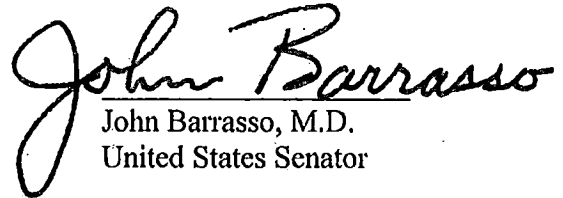
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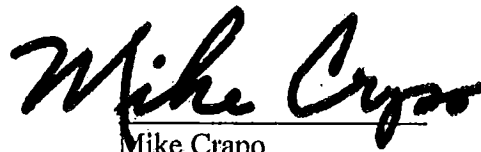
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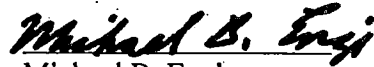
Rand Paul
United States Senator



John Barrasso, M.D.
United States Senator



Mike Crapo
United States Senator



Michael B. Enzi
United States Senator

[redacted] (DO) (FBI)

From: [redacted] (DO) (FBI)
Sent: Tuesday, March 07, 2017 2:03 PM
To: [redacted] (DO) (FBI); [redacted] (DO) (FBI)
Cc: Beers, Elizabeth R. (DO) (FBI); [redacted] (DO) (FBI); [redacted] (DO) (FBI)
Subject: New Entry For TRIM
Attachments: Final JCC Letter Signed 3 7 17.pdf

b6
b7C

[redacted]

Attached please find a letter from the House Homeland Security Committee for entry into TRIM. Please let me know if you have any questions. Thanks.

SSA [redacted]
Federal Bureau of Investigation
Office of Congressional Affairs
Office: [redacted]
Cell: [redacted]

b6
b7C
b7E



U.S. Department of Justice

Federal Bureau of Investigation

Washington, D.C. 20535-0001

May 9, 2017

The Honorable Charles E. Grassley
Chairman
Committee on the Judiciary
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

Director Comey appeared before your Committee on May 3, 2017, and answered several questions regarding the review of e-mails found on a laptop computer belonging to former Congressman Anthony Weiner. This letter is intended to supplement that testimony to ensure that the Committee has the full context of what was reviewed and found on the laptop. This letter further seeks to clarify reporting concerning the Director's testimony concerning certain counterterrorism investigations.

Director Comey spoke of hundreds and thousands of e-mails being forwarded from Ms. Abedin to Mr. Weiner's laptop computer. This included e-mails transferred via backups as well as manual forwarding. Our investigation determined that Ms. Abedin commonly forwarded emails to others who would print documents for her. Although we do not know the exact numbers, based on its investigation, the FBI believes it is reasonable to conclude that most of the emails found on Mr. Weiner's laptop computer related to the Clinton investigation occurred as a result of a backup of personal electronic devices, with a small number a result of manual forwarding by Ms. Abedin to Mr. Weiner. Investigators identified approximately 49,000 e-mails which were potentially relevant to the investigation. All were reviewed with a particular focus on those containing classified information. Investigators ultimately determined that two e-mail chains containing classified information were manually forwarded to Mr. Weiner's account. Ten additional chains containing classified information also were found on the laptop computer as a result of backup activity. All twelve chains previously had been reviewed by investigators.

In addition, the Director's testimony concerning the number of counterterrorism investigations involving refugees appears to have been misinterpreted. During his testimony, Director Comey stated the FBI has approximately 1,000 investigations of suspected homegrown violent extremists (HVE) and another 1,000 investigations of individuals who are suspected of connections to ISIS. These 2,000 investigations are a subset of the FBI's total number of counterterrorism investigations, which is classified, and which involve subjects from a variety of terrorist groups.

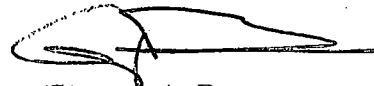
The Honorable Charles E. Grassley



b7E

We appreciate the Committee's continued support of the FBI and its mission.

Sincerely,



Gregory A. Brower
Assistant Director
Office of Congressional Affairs

1 - The Honorable Dianne Feinstein
Ranking Member
Committee on the Judiciary
United States Senate
Washington, DC 20510



Federal Bureau of Investigation
Records Management Division
Washington, DC 20535-0001

March 8, 2017

The Honorable Ron Wyden
United States Senate
Washington, DC 20510

Dear Senator Wyden:

This letter is in response to the concerns raised in your February 9, 2017, letter regarding the implementation of the Federal Bureau of Investigation (FBI) eFOIA system as the FBI's primary means to receive Freedom of Information (FOIA) and Privacy Act (PA)¹ requests and deliver responsive records.

The FBI is fully committed to and focused on implementing the FOIA and PA statutes, Department of Justice regulations and guidance², and better serving the American public. To meet these goals requires the formulation and application of reasonable, generally applicable processes which serve to promote efficient responses to the largest number of requesters.³ As background, there has been a steady growth in the volume of FOIA and PA requests received by the FBI, combined with an increasing complexity and sensitivity of subjects. Last fiscal year alone the number of requests grew 18 percent, exceeding over 20,000 FOIA and PA requests. This fiscal year the growth trend is increasing at an even more rapid pace. In an environment of finite employee resources, automation and elimination of manual processes provide the only viable path to address these trends.

The FBI's FOIA Program has been aggressively working to meet these increasing demands on the program for the benefit of all FOIA and PA requesters. The FBI began two years ago to develop the eFOIA system to enhance its existing automated processing system. The eFOIA system satisfies two Department of Justice requirements.⁴ The new eFOIA system's advances are both in the initial receipt stage of processing FOIA requests and in the delivery of correspondence and release of documents to requesters. The eFOIA system improvements eliminate manual processing of new requests, including printing, scanning, and manual entry of information into the automated system;⁵ improve the reliability of entries into the automated system; eliminate the printing and mailing of correspondence with the requester; eliminate the printing, or copying to a disc, and mailing of released records,⁶ and is available on mobile devices.

¹ 5 U.S.C. 552 and 5 U.S.C. 552a

² 28 C.F.R. 16.1-11; Attorney General's Memorandum, subject: FOIA, March 19, 2009

³ A foundational goal of FBI's FOIA program is to "promote efficient responses to a larger number of requesters." *National Security Counselors and Jeffery Stein v. U.S. DOJ*; No. 15-5117, pg. 7 (D.C. Cir., February 14, 2017). While this recent decision of the U.S. Court of Appeals for the D.C. Circuit concerned the FBI's FOIA interim release policy, the program goal recognized by the Circuit applies in this program context as well.

⁴ 28 C.F.R. 16.3(a)(1) and 16.6(a)

⁵ Currently the FBI must perform these functions for email submissions.

⁶ There are two exceptions. Due to the sensitivity of PA requests, the FBI will not place PA request responses on its eFOIA response site. In addition, audio and visual media are not processed within the FBI's automated processing system and cannot be placed on the eFOIA response site.

The processing of FOIA requests at the FBI requires complex, large volume, time sensitive, automated processes which incorporate nuanced legal requirements. The eFOIA system was tailored specifically to fit seamlessly within the FBI's existing automated FOIA processing system. These advances not only reduce the cost of processing FOIA requests, they significantly reduce the time and required resources to perform these functions. These efficiencies will benefit all FOIA and PA requesters.

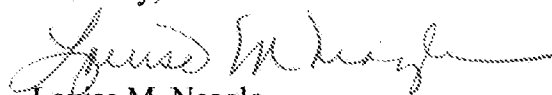
The eFOIA system went live on March 1, 2017. All requests are accepted, and eFOIA is not restricted to the subject matter of the request. The Terms of Service in place for the Beta Testing Phase of the eFOIA system were modified for the full implementation on March 1, 2017. The eFOIA system allows the uploading of attachments, an unlimited number of requests, no limitations on the number of requests which may be submitted by an individual, and availability seven days a week, 24 hours a day.

Certainly the FBI's use of a web based portal vice email submission system is not unique among federal agencies. In fact, it is noted the Department of Defense, Department of Navy, Customs and Border Protection, Federal Communications Commission, General Services Agency, Department of Commerce, Central Intelligence Agency, and National Security Agency use a web based portal and do not accept FOIA requests by email. Agencies may structure reasonable requirements for the submission of requests.⁷ The FBI strives to minimize these requirements while incorporating other applicable statutory or regulatory standards or necessary functions to best serve the requester community as a whole.

Addressing specific issues raised in your letter, the ability to upload documents will allow requesters to provide information in excess of 3,000 characters. The mailing address for a requester currently is required no matter the medium of the request.⁸ In the FBI's automated processing system, foreign addresses require unique data fields. The FBI will modify its "location question" to merely ask the requester whether the requester will use either a foreign or domestic address. For information technology (IT) systems, federal agencies are required to mitigate the likelihood of harm or disruption to its IT systems. In the current cyber environment, it should not be surprising FBI public websites are the focus of significant and frequent disruption efforts. The Captcha program is a minimally intrusive and universally accepted prudent measure to help ensure the integrity of the eFOIA system and necessary for the FBI to meet its IT management responsibilities.

Of great importance to the FBI's FOIA program, the eFOIA system is the foundational building block for additional advances in the use of automation to process FOIA and PA requests. Its implementation is a reasonable and necessary measure to ensure the FBI meets its statutory obligations and effectively and efficiently continues to serve the public.

Sincerely,



Louise M. Neagle
Deputy Assistant Director

⁷ 5 U.S.C. 552(a)(3)(A); 28 C.F.R. 16.3(a).

⁸ The existing FBI email portal requires requesters to provide a mailing address.



U.S. Department of Justice

Federal Bureau of Investigation

Washington, D.C. 20535-0001

April 18, 2017

Honorable Charles E. Grassley
Chairman
Committee on the Judiciary
United States Senate
Washington, DC 20510

Honorable Dianne Feinstein
Ranking Member
Committee on the Judiciary
United States Senate
Washington, DC 20510

Dear Mr. Chairman and Ranking Member:

This responds to your letter to Director Comey dated February 15, 2017, in which you inquired about the circumstances leading to the resignation of National Security Advisor Michael Flynn, and to Chairman Grassley's letter to Director Comey dated March 6, 2017, prompted by news reports concerning the FBI's relationship with a specific individual.

In response to your requests and after consulting with the Department of Justice, Director Comey personally briefed you and your staff concerning the issues raised in your letters.

We appreciate your continued support of the FBI and its mission. Please contact this office if we can be of assistance concerning this or other matters.

Sincerely,

Gregory A. Brower
Assistant Director
Office of Congressional Affairs



U.S. Department of Justice

Federal Bureau of Investigation

Washington, D.C. 20535-0001

April 18, 2017

Honorable Charles E. Grassley
Chairman
Committee on the Judiciary
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

This responds to your letter to Director Comey dated October 11, 2016, regarding the circumstances surrounding the tragic death of Annie McCann in November 2008.

As noted in prior correspondence, the FBI did not participate in the investigation of Annie McCann's death, which the Baltimore Police Department (BPD) began immediately thereafter. Given that the FBI did not participate in the investigation, the FBI did not open an investigation into her death nor do any work related to her death prior to the 2012 request for assistance from BPD to the FBI's National Center for the Analysis of Violent Crime. As you know, NCAVC conducted a file review of the case materials and other information submitted by BPD, including a visit to the crime scene. However, the NCAVC review of the case was not, and was not intended to be, an independent criminal investigation. As there was no independent FBI investigation, the FBI did not take custody of any physical evidence from the BPD investigation, nor did the FBI conduct any forensic tests.

At the end of the BPD's investigation, they concluded that there was insufficient evidence to establish that her death was a homicide, and, as you know, the NCAVC agreed that the probability of her death being a homicide was low. As you also know, BPD concluded that her death was likely either an accident or suicide, and NCAVC agreed. Given the NCAVC's assessment, there was no basis for the FBI to open a criminal investigation into the matter.

Thank you for your inquiry and your continuing support of the FBI. Please do not hesitate to contact my office if I may be of further assistance regarding this or other matters.

Sincerely,

Gregory A. Brower
Assistant Director
Office of Congressional Affairs

Honorable Charles E. Grassley

1 - Honorable Dianne Feinstein
Ranking Member
Committee on the Judiciary
United State Senate
Washington, DC 20510



U.S. Department of Justice

Federal Bureau of Investigation

Washington, D.C. 20535-0001

April 17, 2017

Honorable Charles E. Grassley
Chairman
Committee on the Judiciary
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

This responds to your letter dated March 28, 2017 to Director Comey requesting information concerning Deputy Director Andrew McCabe's involvement in the FBI's investigation into the Russian Government's efforts to interfere in the 2016 U.S. Presidential election and, specifically, whether Mr. McCabe should recuse himself from participation in that matter.

As the Deputy Director of the FBI, Mr. McCabe is ultimately responsible for supervising all of the FBI's investigative activities, including the investigation referenced in your letter. Mr. McCabe's involvement in this particular investigation began at its inception and has included the types of briefings, reviews, and approvals that would typically include the Deputy Director regarding a highly sensitive and important matter.

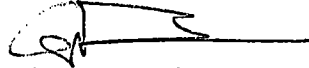
With respect to the questions you raised regarding Mr. McCabe recusing himself from participation in this investigation, the FBI has assessed that there is no basis in law or in fact for such a recusal. Because this sensitive investigation is ongoing, additional details of Mr. McCabe's involvement, including whether he communicated with anyone else within the executive branch about this investigation, cannot be disclosed at this time. Moreover, any such communications may be privileged from disclosure. Finally, Mr. McCabe has not spoken to the media about this investigation.

As for your questions that may pertain to any pending investigation by the Department of Justice's Office of the Inspector General, please understand that FBI must respectfully decline to comment on the details of the same due to the ongoing nature of any investigation.

Honorable Charles E. Grassley

We appreciate your continued support for the FBI and its mission. Please contact this office if we can be of further assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "G. Brower", with a horizontal line extending to the right.

Gregory A. Brower
Assistant Director
Office of Congressional Affairs

1 - Honorable Dianne Feinstein
Ranking Member
Committee on the Judiciary
United States Senate
Washington, DC 20510



U.S. Department of Justice

Federal Bureau of Investigation

Washington, D.C. 20535-0001

May 25, 2017

Honorable Charles E. Grassley
Chairman
Committee on the Judiciary
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

This responds to your letter to Acting Director Andrew McCabe dated May 17, 2017, concerning internal memoranda related to communications between former FBI Director James Comey and President Donald Trump.

On May 17, 2017, Deputy Attorney General Rod J. Rosenstein announced the appointment of former FBI Director and Department of Justice official Robert S. Mueller III to serve as Special Counsel investigating Russian efforts to interfere with the 2016 United States presidential election. In light of this development and other considerations, we are undertaking appropriate consultation to ensure all relevant interests implicated by your request are properly evaluated. We will update this response as soon as possible.

As always, we appreciate your continuing support of the FBI. Please do not hesitate to contact this office if we may provide additional assistance regarding this or any other matter.

Sincerely,

Gregory A. Brower
Assistant Director
Office of Congressional Affairs

1 - Honorable Dianne Feinstein
Ranking Member
Committee on the Judiciary
United States Senate
Washington, DC 20510

1 - Honorable Lindsey Graham
Chairman
Subcommittee on Crime and Terrorism
Committee on the Judiciary
United States Senate
Washington, DC 20510

1 - Honorable Sheldon Whitehouse
Ranking Member
Subcommittee on Crime and Terrorism
Committee on the Judiciary
United States Senate
Washington, DC 20510



U.S. Department of Justice

Federal Bureau of Investigation

Washington, D.C. 20535-0001

June 2, 2017

The Honorable Charles E. Grassley
Chairman
Committee on the Judiciary
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

This responds to your letters to Director Comey dated October 31, 2016 and November 3, 2016, seeking information concerning additional emails that were reviewed in connection with the FBI's investigation of former Secretary Clinton's use of a personal e-mail server.

As we have advised the Committee in prior communications, our investigation began as a referral from the Intelligence Community Inspector General in connection with Secretary Clinton's use of a personal e-mail server during her time as Secretary of State. The referral focused on whether classified information was transmitted on that private system. Our investigation looked at whether there was evidence that classified information was improperly stored or transmitted on Secretary Clinton's private email system, in violation of a federal statute (18 U.S.C. § 793) that makes it a felony to mishandle classified information either intentionally or in a grossly negligent way, or another statute (18 U.S.C. § 1924) that makes it a misdemeanor to knowingly remove classified information from appropriate systems or storage facilities. We also considered a statute (18 U.S.C. § 2071) making it illegal to willfully and unlawfully conceal, remove, or destroy a federal record.

The FBI conducted this investigation, as it does all investigations, in a competent, honest and independent way. We had an investigative team of agents and analysts supported by technical experts, lawyers, and others from several divisions in the FBI. The investigative team worked for close to a year conducting interviews, reviewing emails, and completing technical examinations of recovered equipment. In addition, the FBI's technical team conducted extensive analysis to understand what, if any, indications there might be of a compromise of Secretary Clinton's electronic devices by hostile actors. In July 2016, the FBI completed its investigation.

The Honorable Charles E. Grassley

In October 2017, Director Comey advised Congress that in connection with an unrelated case involving former Congressman Anthony Weiner, the FBI learned of the existence of emails that appeared to be pertinent to the investigation. The investigative team took appropriate investigative steps designed to allow investigators to review these emails to determine whether they contain classified information, as well as to assess their importance to our investigation. On October 30, 2016, the FBI obtained a search warrant to review a laptop belonging to Weiner which contained communications of Huma Abedin, Weiner's wife and Clinton's Deputy Chief of Staff while at the U.S. Department of State. The FBI recovered four BlackBerry backup files from the laptop associated with Abedin. Approximately 48,982 e-mail items were deemed potentially relevant to the Clinton e-mail investigation and reviewed in full. That review determined that the laptop contained twelve confirmed classified email chains, the content of which were duplicative of emails previously obtained during the investigation.

The FBI did not recommend prosecution for Secretary Clinton based on an assessment of the facts and a review of how the relevant statutes have been charged in the past. In November 2016, the Director advised Congress the review of material identified in October 2016 was completed and the conclusions expressed in July with respect to Secretary Clinton had not changed. Furthermore, based on these findings and our recommendation, we did not pursue prosecution for any of Secretary Clinton's associates or representatives. Based on our extensive review, including interviews and technical examination, we believe that there was no intentional misconduct by Secretary Clinton's attorneys or prosecutable behavior by associates. The FBI provided the State Department with relevant documents and information to conduct further security and administrative reviews they deem appropriate for their respective employees.

We appreciate your continued support for the FBI and its mission. Please contact this office if we can be of assistance concerning this or other matters.

Sincerely,



Gregory A. Brower
Assistant Director
Office of Congressional Affairs

1 - The Honorable Dianne Feinstein
Ranking Member
Committee on the Judiciary
United States Senate
Washington, DC 20510



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U.S. Department of Justice

Federal Bureau of Investigation

RECEIVED

Washington, DC 20535-0001

The Honorable Charles E. Grassley
Chairman
Committee on the Judiciary
United States Senate
Washington, DC 20510

FEB 14 2017

Dear Chairman Grassley:

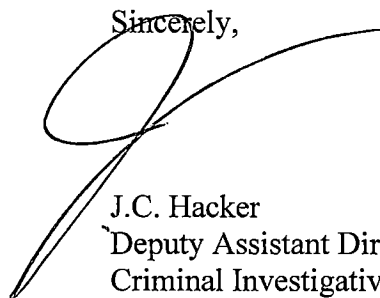
I am writing in response to your January 17, 2017, letter to Special Agent in Charge Randall C. Thyse of the FBI's Omaha Field Office. In your letter, you ask for information pertaining to

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In order to protect the integrity of all investigations, the FBI does not generally comment on the status or existence of any potential investigative matter.

I appreciate your bringing this matter to our attention, and I hope this information will be helpful to you.

Sincerely,


J.C. Hacker
Deputy Assistant Director
Criminal Investigative Division

Dep. Director
EAD-Adm.
EAD-CT/CI
EAD-Crim.
EAD-Intell.
EAD-LES
Asst. Dir.:

Adm. Serv.
CJIS
Crim. Inv.
Cyber
Finance
Info. Res.
Inspection
Inv. Tech.
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U.S. Department of Justice

Federal Bureau of Investigation

Washington, D.C. 20535-0001

June 5, 2017

Honorable Charles E. Grassley
Chairman
Committee on the Judiciary
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

This responds to your letter of April 27, 2017, prompted by recent media reports related to the shooting in Garland, Texas, in May 2015. At the May 3, 2017, Senate Judiciary Committee oversight hearing of the FBI, Director Comey extended the offer to have appropriate officials brief Committee staff in a classified setting in order to fully address the questions raised in your letter. You accepted the Director's offer and we have been working with your staff to identify a mutually agreeable date and time for the briefing. We will continue these efforts and look forward to providing a briefing in response to this request.

As always, thank you for your continuing support of the FBI and its mission.

Sincerely,

Gregory A. Brower
Assistant Director
Office of Congressional Affairs

1 - Honorable Dianne Feinstein
Ranking Member
Committee on the Judiciary
United States Senate
Washington, DC 20510

1 - Senator Ted Cruz
Committee on the Judiciary
United States Senate
Washington, DC 20510



U.S. Department of Justice

Federal Bureau of Investigation

Washington, D.C. 20535-0001

May 16, 2017

Honorable Charles E. Grassley
Chairman
Committee on the Judiciary
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

This responds to your letter to Director Comey dated April 14, 2017, requesting information concerning the FBI's implementation of the Federal Bureau of Investigation Whistleblower Protection Enhancement Act (Pub. L. No. 114-302) signed by President Obama on December 16, 2016.

The FBI shares your commitment to the protection of whistleblowers. We have completed the process of updating our internal policy to establish a single source of policy information for FBI whistleblower protections and the conditions necessary to invoke the special protections afforded under the law. This policy, which is designed to ensure proper management understanding and compliance with applicable federal statutes, regulations, DOJ policy and FBI management practices, was published to the workforce on May 1, 2017.¹ A copy of the policy is enclosed. While the policy is available to all FBI employees through our internal website, it is not intended for public disclosure. It is provided to the Committee in furtherance of its oversight activity. We request that you not disseminate it further without prior consultation with the FBI.

In addition to updating our formal policy, the FBI took steps to inform our workforce of the protections provided by Pub. L. No 114-302. Specifically, on January 23, 2017, through E-Brief, an internal email disseminated to all employees, the Office of Integrity and Compliance (OIC) provided notice of the enhanced whistleblower protections and provided links to documents that included changes as a result of the law. While "Congress" and the "Office of Special Counsel" were inadvertently omitted from the list of designated offices in the initial publication, the correction has been made and was disseminated in the E-Brief published on May 1, 2017. Copies of the current documents are also enclosed. Finally, we are working with our partners in the Office of the Inspector General to update and standardize training and to develop a training implementation plan for the FBI workforce. The FBI also is working with the Department of Justice to finalize the Department's proposed rule revising 28 CFR Part 27, Whistleblower Protections for Federal Bureau of Investigation Employees," which will incorporate the changes mandated by Pub. L. No. 114-302.

¹ You will note that the updated policy has a "Review Date" of 05/01/2020. The "Review Date" is set at the time of publication in order to trigger regular, internal review of policy. The prior policy had a "Review Date" of February 19, 2017.

Honorable Charles E. Grassley

We appreciate your continued support for the FBI and its mission. Please contact this office if we can be of assistance concerning this or other matters.

Sincerely,

A handwritten signature in black ink, appearing to read "Gregory A. Brower", with a stylized flourish or mark at the end.

Gregory A. Brower
Assistant Director
Office of Congressional Affairs

Enclosures

1 - Honorable Dianne Feinstein
Ranking Member
Committee on the Judiciary
United States Senate
Washington, DC 20510



U.S. Department of Justice

Federal Bureau of Investigation

Washington, D.C. 20535-0001

April 4, 2017

Honorable Devin Nunes
Chairman
Permanent Select Committee on Intelligence
U.S. House of Representatives
Washington, DC 20515

Honorable Adam B. Schiff
Ranking Member
Permanent Select Committee on Intelligence
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman and Ranking Member:

This responds to your letter dated March 15, 2017 to Admiral Rogers, National Security Agency; Director Pompeo, Central Intelligence Agency; and Director Comey, Federal Bureau of Investigation (FBI), requesting information concerning each agency's policies and procedures relating to the dissemination of U.S. person information.

As we have discussed with your staffs on several occasions, we welcome an opportunity to brief the Committee concerning the FBI's policies and procedures in order to identify information held by the FBI that is of interest to the Committee.

We appreciate your continued support for the FBI and its mission. Please contact this office if we can be of further assistance.

Sincerely,

Gregory A. Brower
Assistant Director
Office of Congressional Affairs



U.S. Department of Justice

Federal Bureau of Investigation

Washington, D.C. 20535-0001

May 25, 2017

Honorable Jason Chaffetz
Chairman
Committee on Oversight and
Government Reform
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

This responds to your letters to Director Comey dated August 22, 2016 and April 7, 2017, seeking information and materials regarding the FBI's investigation of former Secretary of State Hillary Clinton's use of a private email server.

As noted in your correspondence, beginning with Director Comey's testimony on July 7, 2016, the FBI has taken extraordinary, unprecedented steps in providing the Committee with information and documents related to the investigation. Over several productions, the FBI has provided the Committee with all 302 interview summaries with limited redactions to protect the names of FBI and DOJ employees conducting the investigation and other particularly sensitive information. The FBI also provided the Committee with classified email correspondence reviewed as part of the investigation.¹

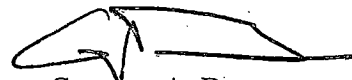
Throughout this process, due to the intense public interest in the FBI's investigation, we believed it was important to address the Committee's concerns and explain our recommendation as the appropriate resolution of the investigation. As we have advised the Committee in prior communications, our investigation looked at whether there was evidence that classified information was improperly stored or transmitted on Secretary Clinton's private email system, in violation of a federal statute (18 U.S.C. § 793) that makes it a felony to mishandle classified information either intentionally or in a grossly negligent way, or another statute (18 U.S.C. § 1924) that makes it a misdemeanor to knowingly remove classified information from appropriate systems or storage facilities. We also considered a statute (18 U.S.C. § 2071) that makes it illegal to willfully and unlawfully conceal, remove, or destroy a federal record. Ultimately, the FBI did not recommend prosecution of Secretary Clinton based on an assessment of the facts and a review of how these statutes have been charged in the past. Based on these findings and our recommendation, we also did not pursue prosecution of any of Secretary Clinton's associates or representatives. The FBI has provided the State Department with relevant documents and information to conduct further security and administrative reviews they deem appropriate for their respective employees.

¹ These items, produced prior to October 14, 2016, represent the complete production of documents as agreed between Jason Herring, then-Acting Assistant Director for Congressional Affairs, and Jennifer Hemingway, then-Staff Director of the Committee.

As noted in your April 7, 2017, letter, the FBI is making monthly releases of documents from the FBI's investigative file in response to Freedom of Information Act (FOIA) litigation. Tens of thousands of pages of documents are still going through the FOIA process for review and redaction in accordance with law.² It is anticipated that this review will take approximately two years to complete based on current processing schedules. The bulk of the material to be produced pursuant to these FOIA requests involves the interests of other government agencies (OGAs) and requires coordination with the appropriate OGAs prior to FOIA production. This is consistent with the process used for productions we made to Congress last year on the case. The Committee apparently believes these FOIA releases conflict with statements made to the Committee concerning the sensitivity of materials and information that was not produced to the Committee. To the contrary, the lawful redactions on the documents released pursuant to FOIA are made to protect sensitive information. We have responded to Committee staff questions concerning specific documents included in the FOIA releases that are of interest and will continue to do so as an accommodation of the Committee's interest. In addition, we are working with Committee staff to determine if advance copies of the FOIA releases would assist the Committee with its efforts.

We hope this information is helpful to the Committee and appreciate your continued support for the FBI and its mission.

Sincerely,



Gregory A. Brower
Assistant Director
Office of Congressional Affairs

1 - Honorable Elijah E. Cummings
Ranking Member
Committee on Oversight and
Government Reform
U.S. House of Representatives
Washington, DC 20515

² The FBI has received hundreds of requests for items in the case file pursuant to FOIA, with numerous outstanding requests remaining to be processed. In addition, the FBI is currently engaged in seven FOIA and Federal Records Act (FRA) litigation matters, some of which have resulted in our current court-ordered monthly production schedule.



U.S. Department of Justice

Federal Bureau of Investigation

Washington, D.C. 20535-0001

April 19, 2017

Honorable Jason Chaffetz
Chairman
Committee on Oversight and Government Reform
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

This is in response to your March 22, 2017, letter to Director Comey, regarding Lt. General Michael Flynn (Ret.), the former head of the Defense Intelligence Agency (DIA) and former National Security Advisor. Your letter requests documents in the possession, custody or control of the FBI, regardless of origin, concerning General Flynn. We regret to inform you that we are unable to comply with the Committee's request for the reasons set forth below.

The FBI is the Investigative Service Provider responsible for conducting thorough and comprehensive background investigations on behalf of the President, President-Elect, and, as requested, by eligible candidates for President. These clients submit requests for security clearances for any newly assigned individuals to the transition team, other national security positions, and proposed cabinet-level officials. The FBI does not grant, deny, or otherwise adjudicate security clearances for individuals on behalf of these clients. Any decision to release materials obtained through this process would be made in consultation with the client agencies. We understand that you have separately requested this information from DIA and defer to them concerning its release.

Last month, DOJ authorized the Director to confirm that as part of its counterintelligence mission, the FBI is investigating the Russian government's efforts to interfere in the 2016 presidential election. That inquiry includes investigating the nature of any links between individuals associated with the Trump campaign and the Russian government and whether there was any coordination between the campaign and Russia's efforts. As the Director indicated in his testimony before Congress, we cannot say more about what we are doing or whose conduct we are examining because it is an open ongoing investigation. This also precludes us from providing any responsive materials that may have been gathered in support of the investigation.

Honorable Jason Chaffetz

While we are unable to provide you with this information at this time, please know the FBI shares your commitment to protecting our national security. As always, thank you for your continuing support of the FBI and its mission.

Sincerely,

A handwritten signature in black ink, appearing to read 'Gregory A. Brower', with a stylized, sweeping flourish extending to the right.

Gregory A. Brower
Assistant Director
Office of Congressional Affairs

1 - Honorable Elijah E. Cummings
Ranking Member
Committee on Oversight and Government Reform
U.S. House of Representatives
Washington, DC 20515



U.S. Department of Justice

Federal Bureau of Investigation

Washington, D.C. 20535-0001

May 25, 2017

Honorable Jason Chaffetz
Chairman
Committee on Oversight and Government Reform
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

This responds to your letter to Acting Director Andrew McCabe dated May 16, 2017, concerning internal memoranda related to communications between former FBI Director James Comey and President Donald Trump.

On May 17, 2017, Deputy Attorney General Rod J. Rosenstein announced the appointment of former FBI Director and Department of Justice official Robert S. Mueller III to serve as Special Counsel investigating Russian efforts to interfere with the 2016 United States presidential election. In light of this development and other considerations, we are undertaking appropriate consultation to ensure all relevant interests implicated by your request are properly evaluated. We will update this response as soon as possible.

As always, we appreciate your continuing support of the FBI. Please do not hesitate to contact this office if we may provide additional assistance regarding this or any other matter.

Sincerely,

Gregory A. Brower
Assistant Director
Office of Congressional Affairs

1 - Honorable Elijah E. Cummings
Ranking Member
Committee on Oversight and Government Reform
U.S. House of Representatives
Washington, DC 20515



U.S. Department of Justice

Federal Bureau of Investigation

Washington, D.C. 20535-0001

March 28, 2017

Honorable Michael T. McCaul
Chairman
Committee on Homeland Security
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

This responds to your letter dated February 16, 2017, which asked the Federal Bureau of Investigation (FBI) to assign Supervisory Special Agent (SSA) [redacted] as a non-reimbursable detailee to the Committee on Homeland Security.

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We are pleased to agree to your request, subject to the provisions set forth below. SSA [redacted] detail assignment will begin on April 3, 2017 for an initial six month period, with an opportunity to extend the assignment for an additional six months. The detail assignment will be non-reimbursable, and during the detail, the FBI will continue to pay SSA [redacted] salary and its portion of his employment benefits. Any additional expenses, such as travel on official Committee business, will be covered by the Committee.

During the term of his service on the Committee, SSA [redacted] may not work on matters involving oversight of the FBI, or legislation or any other matter in which the FBI determines that its interests are materially different from those of the Committee. SSA [redacted] cannot disclose to the Committee any information relating to cases the FBI is handling or has handled, attorney-client privileged or deliberative process information, work product, or other confidential information, including grand jury material under Rule 6(e) of the Federal Rules of Criminal Procedure. In addition, the confidential information SSA [redacted] learns during his work for the Committee will remain confidential, unless the Committee consents to the disclosure. We believe that these limitations are important to avoiding conflict of interest and confidentiality issues that might otherwise arise in such work.

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We value our strong working relationship with the Committee and look forward to continuing the relationship with this assignment. Please do not hesitate to contact this office if you have questions about this or any other matter.

Sincerely,

Gregory A. Brower
Assistant Director
Office of Congressional Affairs

1 - Honorable Bennie G. Thompson
Ranking Member
Committee on Homeland Security
U.S. House of Representatives
Washington, DC 20515



FBI
EXECUTIVE SECRETARIAT

U.S. Department of Justice

2017 FEB -7 PM 2: 59 Federal Bureau of Investigation

Clarksburg, WV 26306

RECEIVED

FEB 10 2017

Honorable Joseph P. Kennedy III
Member of Congress
Suite 200
Eight North Main Street
Attleboro, MA 02703

Dear Congressman Kennedy:

This is in response to your letter, dated December 21, 2016, regarding your constituent, [REDACTED]

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The Brady Handgun Violence Prevention Act of 1993 requires Federal Firearms Licensees (FFL) to use the National Instant Criminal Background Check System (NICS) to determine whether a prospective firearm transfer would violate state or federal laws. The NICS is a computerized system designed to immediately determine if a person is disqualified from possessing or receiving firearms by conducting a search of available records.

When an FFL initiates a NICS transaction, a name check is conducted to search three national databases for possible matches. These databases are the National Crime Information Center (NCIC), which contains information on wanted persons, protection orders, and other persons identified as relevant to the NICS searches; the Interstate Identification Index (III), which contains criminal history records; and the NICS Index, which contains information on prohibited persons as defined in the Gun Control Act of 1968, as amended. The NICS Index includes individuals who have been determined to be federally or state prohibited from possessing a firearm when the disqualifying information may not be available through the NCIC or III systems.

A denial indicates the individual has been determined to be prohibited from purchasing a firearm due to matching a record in one or more of the aforementioned databases. The individual may request, in writing, the reason for denial. The FBI Criminal Justice Information Services (CJIS) Division's NICS Section will respond to the initial appeal request providing a general reason for denial within five business days. By law, the FBI cannot provide additional information regarding any criminal record without the determination of a positive identification through comparison of fingerprints with the record. Once the prospective firearm purchaser receives the reason for denial, if he or she wishes to challenge the accuracy of the record or declare firearm rights have been restored, a written request to the FBI is required, along with submission of fingerprints and/or documentation. If the challenge is successful, the FBI ensures the FBI record is corrected or clarified and coordinates efforts to correct records maintained by other agencies. Upon conclusion, the FBI will provide written approval to overturn the previous decision. If the FBI cannot resolve the challenge, the individual will be provided the name of the agency originating the record, e.g., arresting agency, court with jurisdiction over the records, or the state bureau, in order to initiate a review of the record.

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Dep. Director _____
EAD-Adm. _____
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Adm. Serv. _____
CJIS _____
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Off. of Prof. Resp. _____
Rec. Mgmt. _____
Security _____
Training _____
Off. of EEOA _____

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Return to:
CJIS WV
Attention: [REDACTED]
Module A-3
[REDACTED]

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Honorable Joseph P. Kennedy III

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I trust the above information will be of assistance to you in providing an answer to your constituent.

Sincerely yours,

Handwritten signature of Kimberly J. Del Greco.

Kimberly J. Del Greco
Deputy Assistant Director
Information Services Branch
CJIS Division



U.S. Department of Justice

Federal Bureau of Investigation

Clarksburg, WV 26306

MAR 22 2017

Honorable Justin Amash
Member of Congress
Suite 460
110 Michigan Street, NW
Grand Rapids, MI 49503

Dear Congressman Amash:

Reference is made to your letter dated March 1, 2017, with enclosures,
concerning your constituent, Ms. [REDACTED]

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The FBI's Criminal Justice Information Services (CJIS) Division serves as the nation's central repository for fingerprint identification and related IdHS information. An FBI IdHS, also referred to as a criminal history record or "rap sheet," is a listing of information taken from fingerprint submissions and related documents provided to the FBI by authorized local, state, tribal, federal, foreign, and international criminal justice agencies. As custodian of such arrest information, the CJIS Division does not have the authority to effect any modification unless specifically notified to do so by the owner of the information.

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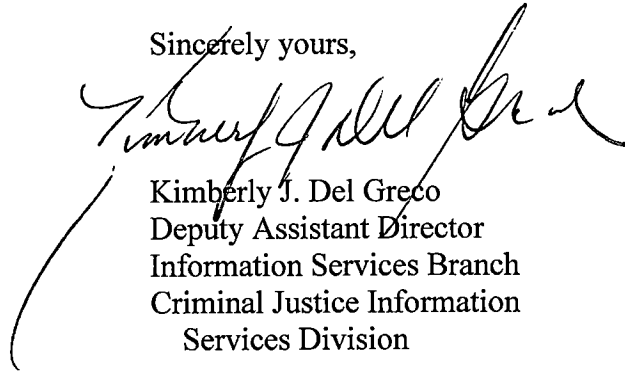
Honorable Justin Amash

[REDACTED]
[REDACTED]
[REDACTED] A copy of Order 556-73, along with instructions and materials to submit such a request, can be found on our Web site at <www.fbi.gov/checks>.

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I trust this information will be of assistance in responding to your constituent.

Sincerely yours,



Kimberly J. Del Greco
Deputy Assistant Director
Information Services Branch
Criminal Justice Information
Services Division



U.S. Department of Justice

Federal Bureau of Investigation

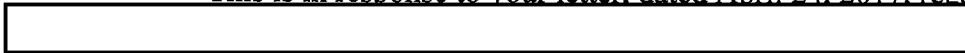
Clarksburg, WV 26306

MAY 23 2017

Honorable Michael D. Crapo
United States Senator
Suite 209
610 Hubbard Street
Coeur d'Alene, ID 83814

Dear Senator Crapo:

This is in response to your letter, dated April 24, 2017, regarding your constituent,



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The Brady Handgun Violence Prevention Act of 1993 requires Federal Firearms Licensees (FFL) to use the National Instant Criminal Background Check System (NICS) to determine whether a prospective firearm transfer would violate state or federal laws. The NICS is a computerized system designed to immediately determine if a person is disqualified from possessing or receiving firearms by conducting a search of available records.

When an FFL initiates a NICS transaction, a name search is conducted to search three national databases for possible matches. These databases are the National Crime Information Center (NCIC), which contains information on wanted persons, protection orders, and other persons identified as relevant to the NICS searches; the Interstate Identification Index (III), which contains criminal history records; and the NICS Index, which contains information on prohibited persons as defined in the Gun Control Act of 1968, as amended. The NICS Index includes individuals who have been determined to be federally or state prohibited from possessing or receiving a firearm when the disqualifying information may not be available through the NCIC or III systems.

A denial indicates the individual has been determined to be prohibited from receiving or possessing a firearm due to matching a record in one or more of the aforementioned databases. The individual may request, in writing, the reason for denial through the FBI Criminal Justice Information Services (CJIS) Division's NICS Section. If the NICS Section receives the appeal request, a response to the initial appeal request providing a general reason for denial will be completed within five business days. By law, the FBI cannot provide additional information regarding any criminal record without the determination of a positive identification through comparison of fingerprints with the record. Once the prospective firearm purchaser receives the reason for denial, if he/she wishes to challenge the accuracy of the record or declare his/her firearm rights have been restored, a written request to the FBI is required, along with submission of fingerprints and/or documentation. If the challenge is successful, the FBI ensures the FBI record is corrected or clarified and coordinates efforts to correct records maintained by state agencies. Upon conclusion, the FBI will provide written approval to overturn the previous decision. If the FBI cannot resolve the challenge, the individual will be provided the name of the

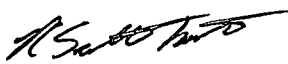
Honorable Michael D. Crapo

agency originating the record, e.g., arresting agency, court with jurisdiction over the records, or the state bureau, in order to initiate a review of the record.

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I trust the above information will be of assistance to you in providing an answer to your constituent.

Sincerely yours,


for Kimberly J. Del Greco
Deputy Assistant Director
Information Services Branch
CJIS Division



U.S. Department of Justice

Federal Bureau of Investigation

Clarksburg, WV 26306

MAR 29 2017

Honorable Mike Rogers
Member of Congress
Suite 300
701 Avenue A
G.W. Andrews Federal Building
Opelika, AL 36801

Dear Congressman Rogers:

This is in response to your facsimile, dated March 1, 2017, regarding your constituent, [REDACTED]

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The Brady Handgun Violence Prevention Act of 1993 requires Federal Firearms Licensees (FFL) to use the National Instant Criminal Background Check System (NICS) to determine whether a prospective firearm transfer would violate state or federal laws. The NICS is a computerized system designed to immediately determine if a person is disqualified from possessing or receiving firearms by conducting a search of available records.

When an FFL initiates a NICS transaction, a name check is conducted to search three national databases for possible matches. These databases are the National Crime Information Center (NCIC), which contains information on wanted persons, protection orders, and other persons identified as relevant to the NICS searches; the Interstate Identification Index (III), which contains criminal history records; and the NICS Index, which contains information on prohibited persons as defined in the Gun Control Act of 1968, as amended. The NICS Index includes individuals who have been determined to be federally or state prohibited from possessing a firearm when the disqualifying information may not be available through the NCIC or III systems.

A denial indicates the individual has been determined to be prohibited from receiving or possessing a firearm due to matching a record in one or more of the aforementioned databases. The individual may request, in writing, the reason for denial. The FBI Criminal Justice Information Services (CJIS) Division's NICS Section will respond to the initial appeal request providing a general reason for denial within five business days. By law, the FBI cannot provide additional information regarding any criminal record without the determination of a positive identification through the comparison of fingerprints with the record. Once the prospective firearm purchaser receives the reason for denial, if he/she wishes to challenge the accuracy of the record or declare his/her firearm rights have been restored, a written request to the FBI is required, along with submission of fingerprints and/or documentation. If the challenge is successful, the FBI ensures the FBI record is corrected or clarified and coordinates efforts to correct records maintained by state agencies. Upon conclusion, the FBI will provide written approval to overturn the previous decision. If the FBI cannot resolve the challenge, the

Honorable Mike Rogers

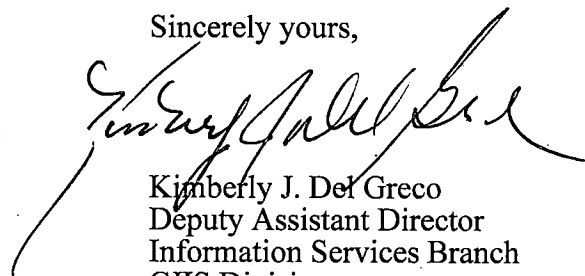
individual will be provided the name of the agency originating the record, e.g., arresting agency, court with jurisdiction over the records, or the state bureau, in order to initiate a review of the record.



b6
b7C

I trust the above information will be of assistance to you in providing an answer to your constituent.

Sincerely yours,



Kimberly J. Del Greco
Deputy Assistant Director
Information Services Branch
CJIS Division



FBI
EXECUTIVE SECRETARIAT

U.S. Department of Justice

227 MAR 22 PM 2:21

Federal Bureau of Investigation

Clarksburg, WV 26306

RECEIVED

MAR 29 2017

Honorable Mike Rogers
Member of Congress
Suite 300
701 Avenue A
G.W. Andrews Federal Building
Opelika, AL 36801

Dear Congressman Rogers:

This is in response to your facsimile dated March 1, 2017 regarding your constituent, [REDACTED]

b6
b7C

The Brady Handgun Violence Prevention Act of 1993 requires Federal Firearms Licensees (FFL) to use the National Instant Criminal Background Check System (NICS) to determine whether a prospective firearm transfer would violate state or federal laws. The NICS is a computerized system designed to immediately determine if a person is disqualified from possessing or receiving firearms by conducting a search of available records.

When an FFL initiates a NICS transaction, a name check is conducted to search three national databases for possible matches. These databases are the National Crime Information Center (NCIC), which contains information on wanted persons, protection orders, and other persons identified as relevant to the NICS searches; the Interstate Identification Index (III), which contains criminal history records; and the NICS Index, which contains information on prohibited persons as defined in the Gun Control Act of 1968, as amended. The NICS Index includes individuals who have been determined to be federally or state prohibited from possessing a firearm when the disqualifying information may not be available through the NCIC or III systems.

A denial indicates the individual has been determined to be prohibited from receiving or possessing a firearm due to matching a record in one or more of the aforementioned databases. The individual may request, in writing, the reason for denial. The FBI Criminal Justice Information Services (CJIS) Division's NICS Section will respond to the initial appeal request providing a general reason for denial within five business days. By law, the FBI cannot provide additional information regarding any criminal record without the determination of a positive identification through the comparison of fingerprints with the record. Once the prospective firearm purchaser receives the reason for denial, if he/she wishes to challenge the accuracy of the record or declare his/her firearm rights have been restored, a written request to the FBI is required, along with submission of fingerprints and/or documentation. If the challenge is successful, the FBI ensures the FBI record is corrected or clarified and coordinates efforts to correct records maintained by state agencies. Upon conclusion, the FBI will provide written approval to overturn the previous decision. If the FBI cannot resolve the challenge, the

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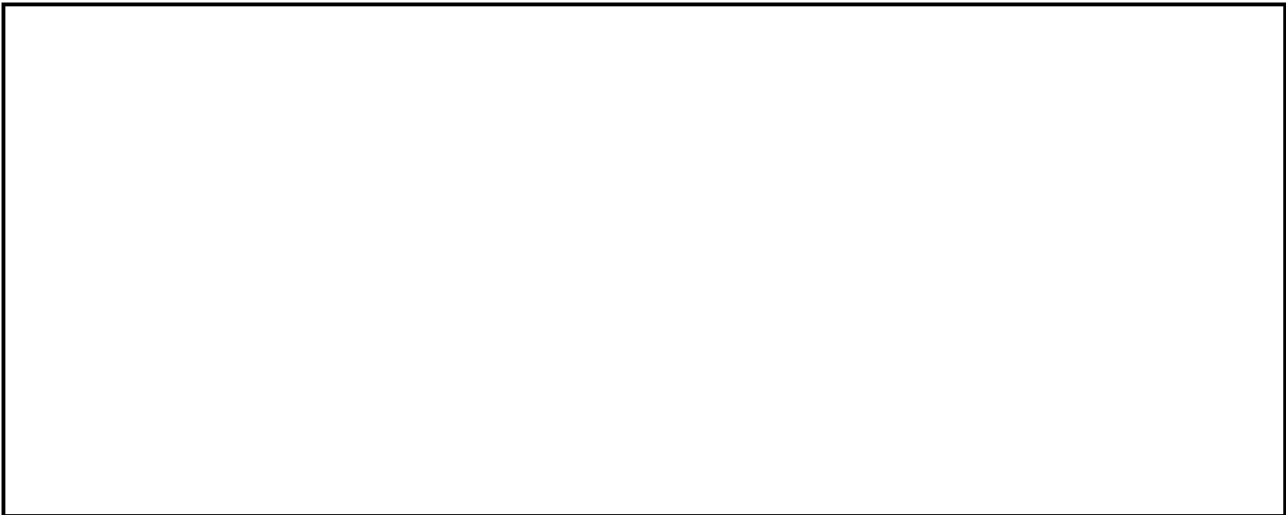
MAIL ROOM

Return to:
CJIS WV
Attention: [REDACTED]
Module A-3
[REDACTED]

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Honorable Mike Rogers

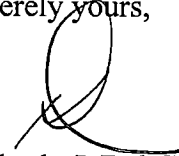
individual will be provided the name of the agency originating the record, e.g., arresting agency, court with jurisdiction over the records, or the state bureau, in order to initiate a review of the record.



b6
b7C

I trust the above information will be of assistance to you in providing an answer to your constituent.

Sincerely yours,



Kimberly J. Del Greco
Deputy Assistant Director
Information Services Branch
CJIS Division



U.S. Department of Justice

Federal Bureau of Investigation

Clarksburg, WV 26306

MAR 29 2017

Honorable Paul A. Gosar, D.D.S.
Member of Congress
Suite 104
122 North Cortez Street
Prescott, AZ 86301

Dear Congressman Gosar:

This is in response to your facsimile dated February 28, 2017 regarding your constituent, [REDACTED]

b6
b7C

The Brady Handgun Violence Prevention Act of 1993 requires Federal Firearms Licensees (FFL) or a state Point of Contact (POC) to use the National Instant Criminal Background Check System (NICS) to determine whether a prospective firearm transfer would violate state or federal laws. The NICS is a computerized system designed to immediately determine if a person is disqualified from possessing or receiving firearms by conducting a search of available records.

When the Arizona Department of Public Safety (DPS), as a POC, initiates a NICS transaction, a name check is conducted to search three national databases for possible matches. These databases are the National Crime Information Center (NCIC), which contains information on wanted persons, protection orders, and other persons identified as relevant to the NICS searches; the Interstate Identification Index (III), which contains criminal history records; and the NICS Index, which contains information on prohibited persons as defined in the Gun Control Act of 1968, as amended. The NICS Index includes individuals who have been determined to be federally or state prohibited from possessing a firearm when the disqualifying information may not be available through the NCIC or III systems.

A delay response indicates the information supplied by the prospective firearms purchaser has matched a record contained in one or more of the databases. This requires the FBI Criminal Justice Information Services (CJIS) Division's NICS Section to review the matching record(s), determine if any prohibitors exist, and clarify or obtain complete disposition information when necessary. If the transaction is not resolved within the allowed three-business-day time frame, it is at the discretion of the FFL whether to transfer the firearm. However, NICS Section continues to work on the case in an effort to obtain complete disposition information. When disposition information is required on a matching record but cannot be found, the transaction is delayed and remains open until either the information is found or 88 days have passed. If 88 days pass, then the transaction is purged from the NICS.

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Honorable Paul A. Gosar, D.D.S.



b6
b7C

I trust the above information will be of assistance to you in providing an answer to your constituent.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Kimberly J. Del Greco".

Kimberly J. Del Greco
Deputy Assistant Director
Information Services Branch
CJIS Division



FBI
EXECUTIVE SECRETARIAT

U.S. Department of Justice

2017 FEB -7 PM 2: 58

Federal Bureau of Investigation

Clarksburg, WV 26306

RECEIVED

FEB 10 2017

Honorable Peter J. Visclosky
Member of Congress
Suite A
7895 Broadway
Merrillville, IN 46410

Dear Congressman Visclosky:

This is in response to your letter dated January 20, 2017 regarding your constituent, [REDACTED]

b6
b7C

The Brady Handgun Violence Prevention Act of 1993 requires Federal Firearms Licensees (FFL) to use the National Instant Criminal Background Check System (NICS) to determine whether a prospective firearm transfer would violate state or federal laws. The NICS is a computerized system designed to immediately determine if a person is disqualified from possessing or receiving firearms by conducting a search of available records.

When an FFL initiates a NICS transaction, a name check is conducted to search three national databases for possible matches. These databases are the National Crime Information Center (NCIC), which contains information on wanted persons, protection orders, and other persons identified as relevant to the NICS searches; the Interstate Identification Index (III), which contains criminal history records; and the NICS Index, which contains information on prohibited persons as defined in the Gun Control Act of 1968, as amended. The NICS Index includes individuals who have been determined to be federally or state prohibited from possessing a firearm when the disqualifying information may not be available through the NCIC or III systems.

A denial indicates the individual has been determined to be prohibited from purchasing a firearm due to matching a record in one or more of the aforementioned databases. The individual may request, in writing, the reason for denial. The FBI Criminal Justice Information Services (CJIS) Division's NICS Section will respond to the initial appeal request providing a general reason for denial within five business days. By law, the FBI cannot provide additional information regarding any criminal record without the determination of a positive identification through comparison of fingerprints with the record. Once the prospective firearm purchaser receives the reason for denial, if he or she wishes to challenge the accuracy of the record or declare firearm rights have been restored, a written request to the FBI is required, along with submission of fingerprints and/or documentation. If the challenge is successful, the FBI ensures the FBI record is corrected or clarified and coordinates efforts to correct records maintained by other agencies. Upon conclusion, the FBI will provide written approval to overturn the previous decision. If the FBI cannot resolve the challenge, the individual will be provided the name of the agency originating the record, e.g., arresting agency, court with jurisdiction over the records, or the state bureau, in order to initiate a review of the record.

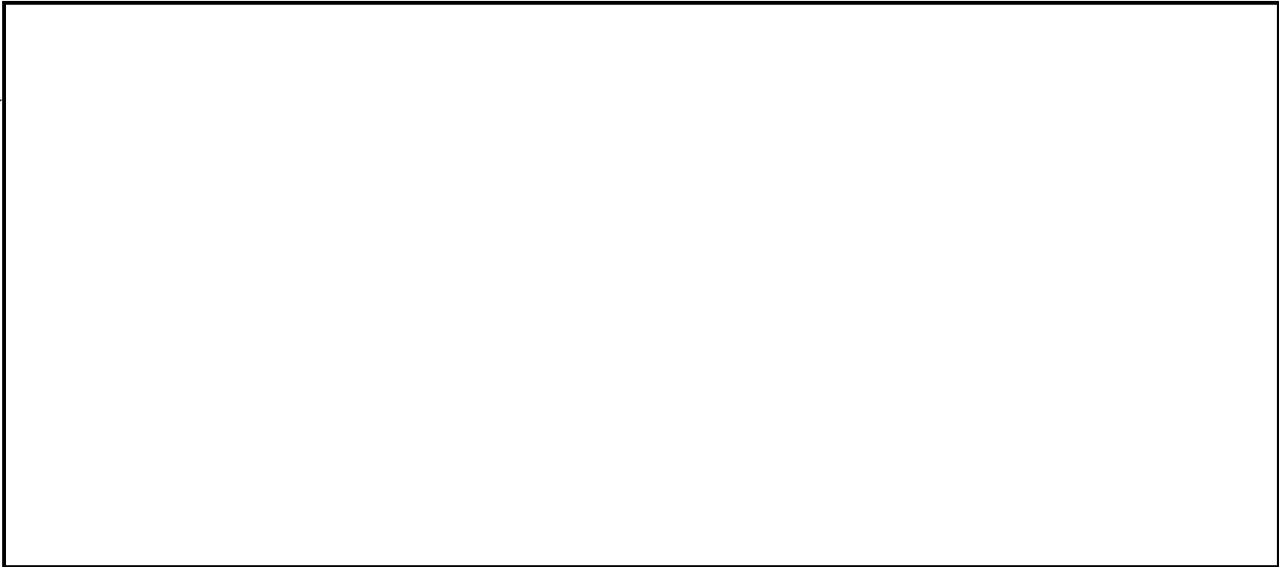
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MAIL ROOM

Return to:
CJIS WV
Attention: [REDACTED]
Module A-3
[REDACTED]

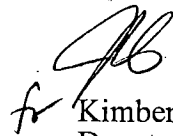
Honorable Peter J. Visclosky



b6
b7C

I trust the above information will be of assistance to you in providing an answer to your constituent.

Sincerely yours,


for Kimberly J. Del Greco
Deputy Assistant Director
Information Services Branch
CJIS Division



U.S. Department of Justice

Federal Bureau of Investigation

Clarksburg, WV 26306

JAN 27 2017

Honorable Peter J. Visclosky
Member of Congress
Suite A
7895 Broadway
Merrillville, IN 46410

Dear Congressman Visclosky:

This is in response to your letter, dated January 5, 2017, regarding your constituent, [REDACTED]

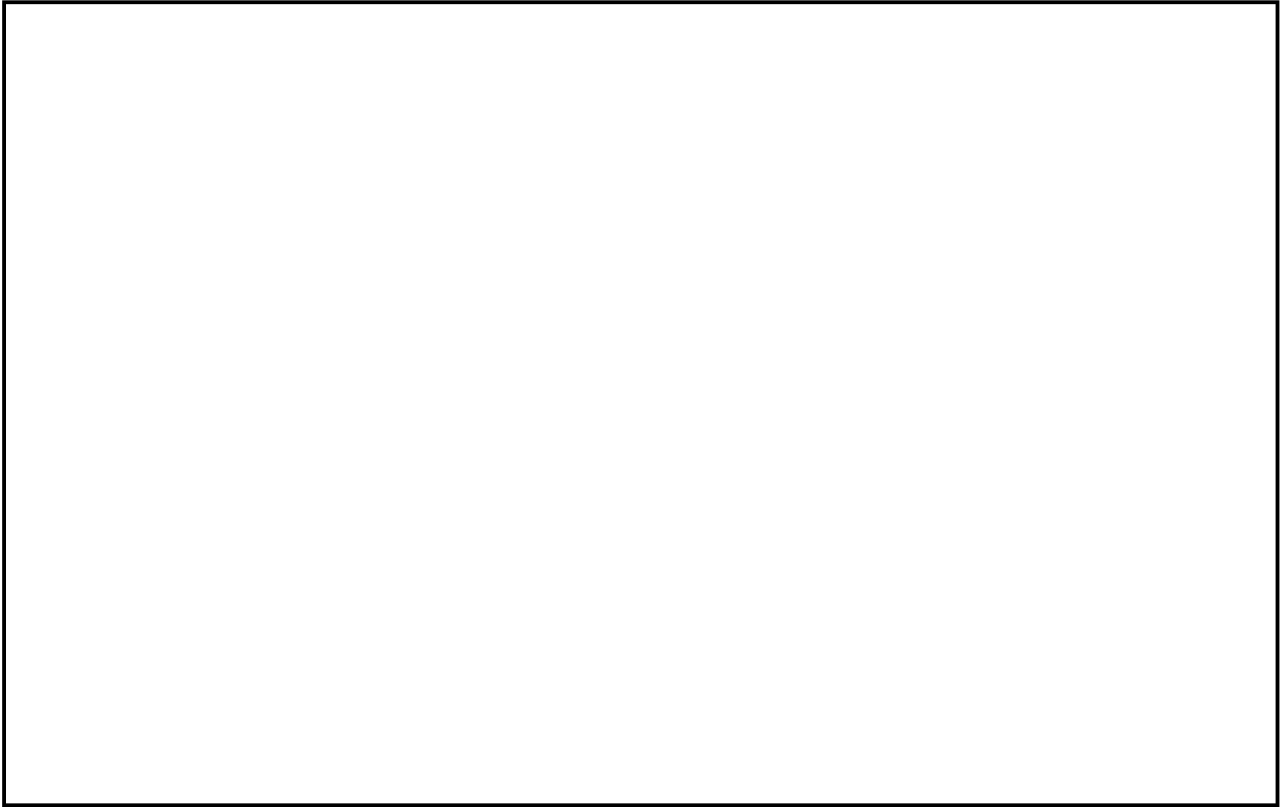
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The Brady Handgun Violence Prevention Act of 1993 requires Federal Firearms Licensees (FFL) to use the National Instant Criminal Background Check System (NICS) to determine whether a prospective firearm transfer would violate state or federal laws. The NICS is a computerized system designed to immediately determine if a person is disqualified from receiving or possessing firearms by conducting a search of available records.

When an FFL initiates a NICS transaction, a name search is conducted to search three national databases for possible matches. These databases are the National Crime Information Center (NCIC), which contains information on wanted persons, protection orders, and other persons identified as relevant to the NICS searches; the Interstate Identification Index (III), which contains criminal history records; and the NICS Index, which contains information on prohibited persons as defined in the Gun Control Act of 1968. The NICS Index includes individuals who have been determined to be federally or state prohibited from possessing a firearm and the disqualifying information may not be available through the NCIC or III systems.

A denial indicates the individual has been determined to be prohibited from receiving or possessing a firearm due to matching a record in one or more of the aforementioned databases. The individual may request, in writing, the reason for denial. The FBI Criminal Justice Information Services (CJIS) Division's NICS Section will respond to the initial appeal request providing a general reason for denial within five business days. By law, the FBI cannot provide additional information regarding any criminal record without the determination of a positive identification through comparison of fingerprints with the record. Once the prospective firearm purchaser receives the reason for denial, if he/she wishes to challenge the accuracy of the record or declare his/her firearm rights have been restored, a written request to the FBI is required, along with submission of fingerprints and/or documentation. If the challenge is successful, the FBI ensures the FBI record is corrected or clarified and coordinates efforts to correct records maintained by state agencies. Upon conclusion, the FBI will provide written approval to overturn the previous decision. If the FBI cannot resolve the challenge, the individual will be provided the name of the agency originating the record, e.g., arresting agency, court with jurisdiction over the records, or the state bureau, in order to initiate a review of the record.

Honorable Peter J. Visclosky



b6
b7C

I trust the above information will be of assistance to you in providing an answer to your constituent.

Sincerely yours,

A handwritten signature in black ink, appearing to read "James Robert Gerst".

James Robert Gerst
Acting Deputy Assistant Director
Information Services Branch
CJIS Division

The Honorable Peter T. King



b6
b7C

As this is a pending case, we cannot comment with further details. Please know, however, the FBI is collecting all available facts and evidence to ensure there is a thorough investigation of these threats, and we continue to work with our law enforcement partners to address these threats.

In your letter, you also ask about the role of the Joint Terrorism Task Forces (JTTFs) in assisting with this matter. Whenever there is probable violent criminal and/or domestic terrorism activity, the FBI conducts investigative activity as appropriate in coordination with our state, local, and task force partners, to include the JTTFs. Collaboration between the FBI's CTD and CID is critical especially when there is no immediate and clear delineation between domestic terrorism, which falls within CTD, and a hate crime, which falls within CID. Therefore, the JTTFs remain involved by preparing to either lead an investigation or lend support in a criminal investigation through community outreach efforts.

As always, we thank you for your continuing support of the FBI, and hope this information will be helpful to you.

Sincerely,

A handwritten signature in black ink, appearing to read "J.C. Hacker".

J.C. Hacker
Deputy Assistant Director
Criminal Investigative Division

Dep. Director
EAD-Adm.
EAD-CT/CI
EAD-Crim.
EAD-Intell.
EAD-LES
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Off. of EEOA

MAIL ROOM ☐



U.S. Department of Justice

Federal Bureau of Investigation

Washington, DC 20535-0001

The Honorable Rick Larsen
Member of Congress
Suite 1350
119 N Commercial Street
Bellingham, WA 98225

JAN 05 2017

Dear Congressman Larsen:

I am writing in response to your September 21, 2016, letter to the FBI on behalf of
your constituent, [REDACTED]

[REDACTED]

[REDACTED]

b6
b7C

I appreciate your bringing this matter to our attention, and I hope this information will be
helpful to you [REDACTED]

Sincerely,

Kevin P. Lyons
Deputy Assistant Director
Criminal Investigative Division

FBI
EXECUTIVE SECRETARIAT



U.S. Department of Justice

2017 JAN -4 PM 12: 58

Federal Bureau of Investigation

RECEIVED

Washington, DC 20535-0001

The Honorable Rick Larsen
Member of Congress
Suite 1350
119 N Commercial Street
Bellingham, WA 98225

JAN 05 2017

Dear Congressman Larsen:

I am writing in response to your September 21, 2016, letter to the FBI on behalf of
your constituent, [REDACTED]

b6
b7C

I appreciate your bringing this matter to our attention, and I hope this information will be
helpful to you [REDACTED]

Sincerely,

Kevin P. Lyons
Deputy Assistant Director
Criminal Investigative Division

1 - SAC, SE - Enc.
Trim 16/DO/3748

Dep. Director
EAD-Adm.
EAD-CT/CI
EAD-Crim.
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MAIL ROOM ☐

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U.S. Department of Justice

Federal Bureau of Investigation

Washington, D.C. 20535-0001

May 24, 2017

The Honorable Rob Woodall
House of Representatives
Washington, DC 20515-1007

Dear Congressman Woodall:

This is in response to your April 25, 2017, inquiry on behalf of your constituent

b6
b7C

I hope this information is helpful to you in responding to your constituent.

Sincerely,

Elizabeth R. Beers
Section Chief
Office of Congressional Affairs



FBI
EXECUTIVE SECRETARIAT

U.S. Department of Justice

2017 FEB -7 PM 3:58 Federal Bureau of Investigation

Clarksburg, WV 26306

RECEIVED

FEB 10 2017

Honorable Elise M. Stefanik
Member of Congress
Suite A
88 Public Square
Watertown, NY 13601

Dear Congresswoman Stefanik:

This is in response to your letter, dated January 9, 2017, regarding your constituent, [REDACTED]

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b7C

The Brady Handgun Violence Prevention Act of 1993 requires Federal Firearms Licensees (FFL) to use the National Instant Criminal Background Check System (NICS) to determine whether a prospective firearm transfer would violate state or federal laws. The NICS is a computerized system designed to immediately determine if a person is disqualified from possessing or receiving firearms by conducting a search of available records.

When an FFL initiates a NICS transaction, a name search is conducted to search three national databases for possible matches. These databases are the National Crime Information Center (NCIC), which contains information on wanted persons, protection orders, and other persons identified as relevant to the NICS searches; the Interstate Identification Index (III), which contains criminal history records; and the NICS Index, which contains information on prohibited persons as defined in the Gun Control Act of 1968, as amended. The NICS Index includes individuals who have been determined to be federally or state prohibited from possessing a firearm when the disqualifying information may not be available through the NCIC or III systems.

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MAIL ROOM

Return to:
CJIS WV
Attention: [REDACTED]
Module A-3
[REDACTED]

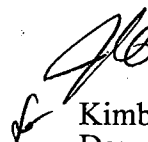
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Honorable Elise M. Stefanik

b6
b7C

I trust the above information will be of assistance to you in providing an answer to your constituent.

Sincerely yours,



Kimberly J. Del Greco
Deputy Assistant Director
Information Services Branch
CJIS Division



U.S. Department of Justice
Federal Bureau of Investigation

Washington, DC 20535-0001

The Honorable Elizabeth H. Esty
Member of Congress
Suite 600
1 Grove Place
New Britain, CT 06053

MAR 13 2017

Dear Congresswoman Esty:

I am writing in response to your February 17, 2017, correspondence to the FBI on behalf of your constituent [REDACTED]

I have forwarded your information to our New Haven Field Office for review and appropriate action. If you have any further concerns, you can contact our New Haven Field Office, located at 600 State Street, New Haven, CT 06511, telephone number (203) 777-6311.

b6
b7C

I appreciate your bringing this matter to our attention, and I hope this information will be helpful to you [REDACTED]

Sincerely,

J.C. Hacker
Deputy Assistant Director
Criminal Investigative Division



2017 MAR -8 PM 2:56

U.S. Department of Justice

Federal Bureau of Investigation

RECEIVED

Washington, DC 20535-0001

The Honorable Elizabeth H. Esty
Member of Congress
Suite 600
1 Grove Place
New Britain, CT 06053

MAR 13 2017

Dear Congresswoman Esty:

I am writing in response to your February 17, 2017, correspondence to the FBI on behalf of your constituent, [REDACTED]

I have forwarded your information to our New Haven Field Office for review and appropriate action. If you have any further concerns, you can contact our New Haven Field Office, located at 600 State Street, New Haven, CT 06511, telephone number (203) 777-6311.

b6
b7C

I appreciate your bringing this matter to our attention, and I hope this information will be helpful to you [REDACTED]

Sincerely,

J.C. Hacker
Deputy Assistant Director
Criminal Investigative Division

1 - SAC, New Haven - Enc.
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Dep. Director
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MAIL ROOM

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