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WASHINGTON, DC 20510-6275

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September 25, 2017

**VIA ELECTRONIC TRANSMISSION**

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

Dear Director Wray:

On August 30, 2017, the Committee requested that the FBI provide unredacted copies of certain documents relevant to the Committee's review of the firing of former Director James Comey. Those documents relate to Mr. Comey's handling of the Clinton e-mail investigation and the Office of Special Counsel's (OSC) related Hatch Act inquiry into Mr. Comey's conduct.

As noted in that August 30 letter, at the Committee's request, OSC on August 8, 2017 provided copies of transcripts of interviews of two FBI employees conducted during its investigation. The transcripts indicated that Director Comey began preparing drafts of a statement exonerating Hillary Clinton months before he made his July 2017 public announcement on this topic. However, those transcripts were also heavily redacted, leaving many important questions unanswered.

Accordingly, the Committee requested that the FBI provide unredacted copies of these transcripts and other related materials. The FBI has not responded.

The Committee has since learned that OSC was only able to obtain the voluntary cooperation of FBI employees in its Hatch Act investigation because it agreed to sign Non-Disclosure Agreements with the FBI and the Department. On their face, the agreements require OSC to redact certain information from materials or testimony FBI provides in the course of OSC's investigation prior to "*any disclosure to Congress, any Senator or Member of Congress, and/or any Congressional Committee, Subcommittee, or other Congressional establishment.*" The agreements also require OSC to provide FBI an opportunity to further redact the materials before any disclosure to Congress. Categories of information FBI sought to restrict include those that are not protected by any constitutional privilege.

In sum, the FBI held key information hostage from OSC that the agency needed to fulfill a statutorily mandated responsibility under the Hatch Act for the express purpose of limiting the rights of the Committee to obtain information from OSC. The FBI also sought to contract out of the statutory rights of access to information by Congressional establishments, such as the Government Accountability Office, which it has no right to do. These agreements are an inappropriate attempt to withhold information from an independent government watchdog agency in exchange for a promise to limit government transparency and hamstringing Congressional oversight.

According to OSC, the FBI has never before required OSC to sign NDAs as a condition of its voluntary cooperation with a lawful OSC investigation. The Committee seeks to understand why this particular investigation warranted such a tactic and whether the FBI took extra steps that it would not ordinarily take, merely to protect its former Director from public scrutiny.

In addition to providing all materials requested in the Committee's June 30, 2017, letter, please provide a full explanation for seeking NDAs with OSC in this case.

Sincerely,



Charles E. Grassley  
Chairman

cc: The Honorable Dianne Feinstein  
Ranking Member