

Congress of the United States

House of Representatives

COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY

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WASHINGTON, DC 20515-6301

(202) 225-6371
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October 18, 2016

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

Dear Director Comey:

On June 21, 2016, we wrote to request an investigation of what appears to be an unauthorized disclosure or “leak” of classified information.¹ In this letter, we indicated our concern that the disclosure may have been made as part of an effort to garner support for the Obama Administration’s nuclear agreement with Iran, the Joint Comprehensive Plan of Action.² The Committee sent a similar letter to the Department of Energy (DOE) Office of the Inspector General (OIG) to determine if the Department had undertaken an internal review of the incident.³

Assistant Director Bill Priestap responded to our request for information on July 28, 2016.⁴ This letter, which was received by the Committee on September 15, 2016, indicated that the Federal Bureau of Investigation (FBI) could not undertake an investigation of the leak raised by this Committee due to incomplete or improper reporting from the agency who “owns or controls the information leaked.”⁵ This letter also confirmed that the FBI is not currently conducting an investigation on this particular issue.⁶

However, on August 18, 2016, the Department of Energy OIG responded to the Committee’s request for information, and indicated that “the cognizant authorities within the Department notified the appropriate Federal law enforcement officials.”⁷ The letter continues to

¹ Letter from Hon. Lamar Smith, Hon. Randy Weber, H. Comm. on Science, Space, & Tech., to Hon. James B. Comey, Director, Federal Bureau of Investigation (June 21, 2016).

² *Id.*

³ Letter from Hon. Lamar Smith, Hon. Randy Weber, H. Comm. on Science, Space, & Tech., to Mr. Rickey Haas, Acting Inspector General, U.S. Department of Energy (June 21, 2016).

⁴ Letter from Assistant Director Bill Priestap, Counterintelligence Division, Federal Bureau of Investigations, to Hon. Lamar Smith, Hon. Randy Weber, H. Comm. On Science, Space, & Tech. (July 28, 2016).

⁵ *Id.*

⁶ *Id.*

⁷ Letter from Mr. Rickey Haas, Acting Inspector General, U.S. Department of Energy, to Hon. Lamar Smith, Hon. Randy Weber, H. Comm. On Science, Space, & Tech. (August 18, 2016).

indicate that the DOE OIG determined that the appropriate “protocols and procedures” were carried out in this specific case.⁸

These conflicting reports are of great concern to this Committee. Based on the information provided by each agency, both in writing and in discussions with Committee staff, it appears that each involved agency is placing the responsibility for pursuing this leak of classified information elsewhere. The letter sent by Assistant Director Priesthap directly contradicts the account provided by the DOE OIG.⁹

While both involved agencies claim that these protocols were followed, it is also clear that no investigation into a leak of classified information is taking place. Several statutes provide both criminal and civil penalties for unauthorized disclosure of classified information. Since these statutes would most certainly be applicable given the facts in this case, it is disturbing that no investigation has been undertaken by the appropriate federal agencies. This is even more concerning given the fact that this leak appears to be politically motivated, and may have been part of a coordinated effort by the Obama Administration to garner support for the Joint Comprehensive Plan of Action prior to its adoption.

It is the Committee’s goal to ensure that an appropriate investigation is undertaken to determine the motivation and source of this leak of classified information, and to stop further dissemination of information that we believe to be classified. In order to assist the Committee with its oversight of this matter, please produce the following documents, in electronic format:

1. All documents and communications referring to the leak of classified information identified by Committee staff, including but not limited to communications between or among FBI officials, DOE, the Executive Office of the President, and other outside organizations. Please include all e-mail, text messages, telephone records, meeting notes, memoranda, and other documents.

We request that you provide the requested documents and information as soon as possible, but no later than November 1, 2016. When producing documents to the Committee, please deliver production sets to the Majority Staff in Room 2321 of the Rayburn House Office Building and the Minority Staff in Room 394 of the Ford House Office Building. The Committee prefers, if possible, to receive all documents in electronic format.

⁸ Letter from Mr. Rickey Haas, Acting Inspector General, U.S. Department of Energy, to Hon. Lamar Smith, Hon. Randy Weber, H. Comm. On Science, Space, & Tech. (August 18, 2016).

⁹ Letter from Assistant Director Bill Priestap, Counterintelligence Division, Federal Bureau of Investigations, to Hon. Lamar Smith, Hon. Randy Weber, H. Comm. On Science, Space, & Tech. (July 28, 2016).

Hon. James Comey
October 18, 2016
Page 3

Additionally, please make arrangements by November 1, 2016, to brief Committee staff on this matter.

If you have any questions about this request, do not hesitate to contact Aaron Weston or Emily Domenech of the Committee staff at (202) 225-6371. Thank you for your attention to this matter.

Sincerely,



Lamar Smith
Chairman



Randy Weber
Chairman
Subcommittee on Energy

cc: The Honorable Eddie Bernice Johnson, Ranking Member