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United States Senate

COMMITTEE ON FINANCE

WASHINGTON, DC 20510-6200

KOLAN DAVIS, STAFF DIRECTOR AND CHIEF COUNSEL
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February 14, 2019

VIA ELECTRONIC TRANSMISSION

The Honorable William Barr
Attorney General
Department of Justice

Dear Attorney General Barr,

On July 11, 2018, the Justice Department Inspector General provided my office a classified appendix to its report on how the Justice Department and FBI handled the Clinton investigation entitled, "A Review of Various Actions by the Federal Bureau of Investigation and Department of Justice in Advance of the 2016 Election." On July 31, 2018, I wrote to the Justice Department and requested a briefing relating to information contained in the classified appendix that was relevant to the Justice Department and FBI.¹ The Department has refused to appear.

Furthermore, on October 17, 2018, I transmitted a classified letter to the Department regarding the classified appendix.² The Department has failed to respond thus far.

At your nomination hearing on January 15, 2019, I asked whether you understood that, if confirmed, you would have an obligation to respond to congressional oversight requests, to which you responded, "absolutely, Senator." I then asked if you understood that the obligation applies irrespective of whether someone is a Chairman, to which you replied, "yes, Senator."

¹ Letter from Charles E. Grassley, Chairman, Senate Judiciary Committee, John Cornyn, Member, Senate Judiciary Committee, Bob Goodlatte, Chairman, House Judiciary Committee, and Trey Gowdy, Chairman, House Committee on Oversight & Government Reform, to Hon. Rod J. Rosenstein, Deputy Attorney General, U.S. Department of Justice (July 31, 2018).

² Letter from Charles E. Grassley, Chairman, Senate Judiciary Committee, to Hon. Rod J. Rosenstein, Deputy Attorney General, U.S. Department of Justice, and Hon. Christopher Wray, Director, Federal Bureau of Investigation (October 17, 2018). [https://www.judiciary.senate.gov/imo/media/doc/2018-10-17%20CEG%20to%20DOJ%20FBI%20\(Appendix\)%20Redacted.pdf](https://www.judiciary.senate.gov/imo/media/doc/2018-10-17%20CEG%20to%20DOJ%20FBI%20(Appendix)%20Redacted.pdf); Unclassified Inspector General Report, p. 154. "In addition, as we describe in the classified appendix to this report, the OIG learned near the end of our review that the FBI had considered obtaining permission from the Department to review certain classified materials that may have included information potentially relevant to the Midyear investigation. Although the Midyear team drafted a memorandum to the Deputy Attorney General in late May 2016 stating that review of the highly classified materials was necessary to complete the investigation and requesting permission to access them, the FBI never sent this request to the Department. FBI witnesses told us that they did not seek access to these classified materials for various reasons, including that they believed this information would not materially impact the conclusion. The classified appendix describes in more detail the highly classified information, its potential relevance to the Midyear investigation, the FBI's reasons for not seeking access to it, and our analysis."

Further, you noted that in your prior service at the Justice Department you maintained a cooperative relationship with members of congress regarding their requests and that “will be the same approach that I will bring to the job if you confirm me.” And finally, I asked whether you would commit to answering the October 17, 2018, letter if you were confirmed. In response, you stated, “yes, Senator.” Accordingly, no later than February 28, 2019, please answer the letter in full and provide a briefing to my staff related to that response. Should you have questions, please contact Josh Flynn-Brown of my Committee staff at 202-224-4515.

Sincerely,

A handwritten signature in blue ink that reads "Chuck Grassley". The signature is written in a cursive, flowing style.

Charles E. Grassley
Chairman
Committee on Finance