



U.S. Department of Justice

Federal Bureau of Investigation

Washington, D.C. 20535

July 1, 2016

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

Dear Chairman Grassley:

This is in response to your letter dated February 4, 2016 regarding the use of non-disclosure agreements in the FBI's investigation of former Secretary of State Clinton's use of a private e-mail server.

The FBI asked the limited number of personnel working on this matter to sign "Case Briefing Acknowledgment" forms and, after receipt of your letter, an addendum to that form, which reminded them of their whistleblower rights and clarified that the form did not override or supersede those rights. These forms served two purposes: to maintain an official record of all persons knowledgeable of this highly sensitive investigation, and to remind individuals of their obligations to protect classified and sensitive information. No one refused to sign the acknowledgement or raised any questions or concerns about doing so.

This was not a unique circumstance; depending on the sensitivities in a given investigation, FBI employees may from time to time be asked to sign similar forms. In addition, all FBI employees sign standard form non-disclosure agreements (NDA) upon obtaining their security briefings, and they remain bound by those agreements throughout the course of their employment. The standard form NDA includes the requisite language to address all legal requirements, including whistleblower protections. The FBI is taking steps to ensure that future reminders to employees of non-disclosure obligations similarly contain language acknowledging whistleblower protections. Copies of both the Case Briefing Acknowledgement form and the addendum are enclosed.

We appreciate your continued support for the FBI and its mission. If you have questions concerning this or other matters, please contact this office by calling (202) 324-5051.

Sincerely,



Stephen D. Kelly
Assistant Director
Office of Congressional Affairs

Enclosure

The Honorable Patrick J. Leahy
Ranking Member
Committee on the Judiciary
United States Senate
Washington, DC 20510



CASE BRIEFING ACKNOWLEDGEMENT

The purpose of this form is to maintain an official record of persons knowledgeable of a highly sensitive Federal Bureau of Investigation counterintelligence investigation.

I hereby acknowledge that I have received a briefing on the investigative matter(s) identified below. Disclosure of this FBI counterintelligence investigation to anyone is strictly prohibited without the prior concurrence of the Assistant Director of the Counterintelligence Division, Federal Bureau of Investigation. I also understand that, due to the nature and sensitivity of this investigation, compliance with these restrictions may be subject to verification by polygraph examination.

Subject of Briefing: _____

Printed or Typed Name

Signature

Date

Briefed By

Date

**CASE BRIEFING ACKNOWLEDGEMENT
ADDENDUM**

I have been reminded of my rights and obligations pursuant to the FBI Employment Agreement (FD-291), the Classified Information Nondisclosure Agreement (SF-312), and the Sensitive Compartmented Information Nondisclosure Agreement (Form 4144).

These provisions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by existing statute or Executive order relating to (1) classified information, (2) communications to Congress, (3) the reporting to an Inspector General of a violation of any law, rule, or regulation, or mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, or (4) any other whistleblower protection. The definitions, requirements, obligations, rights, sanctions, and liabilities created by controlling Executive orders and statutory provisions are incorporated into that Case Briefing Acknowledgement and are controlling.

I have read this Addendum carefully and my questions, if any, have been answered.

Signature _____ Date _____