

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

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<http://oversight.house.gov>

August 25, 2016

The Honorable John F. Kerry
Secretary
U.S. Department of State
2201 C Street, NW
Washington, D.C. 20520

Dear Mr. Secretary:

The Committee is examining recent reports that State Department employees aided the William J. Clinton Foundation (“Clinton Foundation”) during Secretary of State Hillary Clinton’s tenure. Reportedly, State Department employees interviewed applicants for Clinton Foundation positions¹ and sought a Libya expert on behalf of Clinton Foundation donors.² According to one report, Clinton Foundation employees also contacted the State Department in an effort to find jobs for Clinton Foundation donors.³ Moreover, earlier this week, the Associated Press reported “[m]ore than half the people outside of government who met with [Secretary] Clinton while she was secretary of state gave money - either personally or through companies or groups - to the Clinton Foundation.”⁴ These reports give rise to a perception that access to our State Department’s official resources were for sale.

The allegations contained in the Associated Press report and others also raise questions as to whether State Department employees acted to benefit the Clinton Foundation in violation of executive branch ethics guidelines. Section 2635.702 of the Standards of Ethical Conduct for Employees of the Executive Branch, which was published in 2011, states:

An employee shall not use his public office for his own private gain, for the endorsement of any product, service or enterprise, or for the private gain of friends, relatives, or persons with whom the employee is affiliated in a nongovernmental capacity, including nonprofit organizations of which the employee is an officer or member, and persons with whom the employee has or seeks employment or business relations.⁵

¹ Drew Griffin and David Fitzpatrick, *Top Clinton State Department aide helped Clinton Foundation*, CNN, Aug. 11, 2016.

² Press Release, *Judicial Watch Uncovers New Batch of Hillary Clinton Emails*, Judicial Watch (Aug. 9, 2016), available at <http://www.judicialwatch.org/press-room/press-releases/judicial-watch-uncovers-new-batch-hillary-clinton-emails/>.

³ *Id.*

⁴ *Many Donors to Clinton Foundation Met with Her at State*, ASSOC. PRESS, Aug. 24, 2016.

⁵ 5. C.F.R. Part 2635, §2635.702 (2011).

In addition, work on behalf of the Clinton Foundation on personal time may also violate section 2635.705 of the executive branch ethics code, which generally prohibits a superior from coercing a subordinate from performing activities other than official duties.⁶ An illustrative example of that section would seem applicable to some of the instances reported above:

Where the arrangement [to type a superior's personal correspondence off-duty] is entirely voluntary and appropriate compensation is paid, the secretary may type the correspondence at home on her own time. Where the compensation is not adequate, however, the arrangement would involve a gift to the superior in violation of the standards in subpart C of this part.⁷

So that the Committee may better understand the nature of the relationship between the Clinton Foundation and State Department employees, and so we may assist the State Department in, hopefully, dispelling these recent reports, please provide the following documents as soon as possible, but no later than September 7, 2016:

1. A list of all employees who sought leave, permission, or ethics opinions in order to perform activities relating to the Clinton Foundation. For each individual, please include:
 - a. What activities the employee sought leave, permission, or ethics opinions for;
 - b. Whether the employee's request was approved; and
 - c. Any communications to or from any State Department employees pertaining to the employee's request.
2. All communications, including emails, to or from Huma Abedin or Cheryl Mills referring or relating to individuals seeking employment at the State Department or the Clinton Foundation.
3. All communications, including emails, to or from any State Department employee referring or relating to obtaining information or advice on behalf of the Clinton Foundation.
4. All communications, including emails, between any State Department employee and any employee or donor to the Clinton Foundation (see enclosure for list of Clinton Foundation donors).
5. A list of all individuals, excluding U.S. and foreign government employees, who appear on Secretary Clinton's calendar and phone log during her tenure as Secretary of State.

The Committee on Oversight and Government Reform is the principal investigative committee in the House of Representatives. Pursuant to House Rule X, the Committee has authority to investigate "any matter" at "any time."

⁶ 5. C.F.R. Part 2635, §2635.705 (2011).

⁷ *Id.*

The Honorable John F. Kerry

August 25, 2016

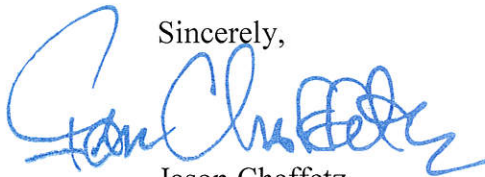
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When producing documents to the Committee, please deliver production sets to the Majority staff in Room 2157 of the Rayburn House Office Building and the Minority staff in Room 2471 of the Rayburn House Office Building. The Committee prefers, if possible,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

If you have any questions about this request, please have your staff contact Jack Thorlin of my staff at 202-225-5074. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jason Chaffetz", with a stylized flourish at the end.

Jason Chaffetz
Chairman

Enclosures (2)

cc: The Honorable Elijah E. Cummings, Ranking Member

Donor List for Clinton Foundation (donations above \$1 million)

1. Bill & Melinda Gates Foundation
2. Clinton Giustra Enterprise Partnership (Canada)
3. Fred Eychaner and Alphawood Foundation
4. Frank Giustra, The Radcliffe Foundation
5. Nationale Postcode Loterij
6. The Children's Investment Fund Foundation
7. UNITAID
8. AUSAID
9. Stephen L. Bing
10. COPRESIDA
11. Tom Golisano
12. J.B. and M.K. Pritzker Family Foundation
13. Denis J. O'Brien and Digicel
14. Cheryl and Haim Saban & The Saban Family Foundation
15. Susie Tompkins Buell Fund of the Marin Community Foundation
16. The Elma Foundation
17. The Hunter Foundation
18. The Rockefeller Foundation
19. The Swedish Postcode Lottery
20. The Victor Pinchuk Foundation
21. Theodore W. Waitt
22. S. Daniel Abraham
23. Sheikh Mohammed H. Al-Amoudi
24. C40 Cities Climate Leadership Group, Inc.
25. Elton John Aids Foundation
26. Irish Aid
27. John D. Mackay
28. Norwegian Agency for Development Cooperation (NORAD)
29. OCP Corporation
30. Michael Schumacher
31. The Clinton Family Foundation
32. The Coca-Cola Company
33. The Wasserman Foundation
34. Tracfone Wireless, Inc.
35. 100 Women in Hedgefunds
36. Absolute Return for Kids (ARK)
37. Axiom Corporation
38. Jay Alix
39. Alliance for a Green Revolution in Africa
40. Nasser Al-Rashid
41. American Federation of Teachers
42. Angelopoulos Foundation
43. Gianna Angelopoulos
44. Anheuser-Busch Foundation
45. Smith and Elizabeth Bagley

46. Banc of California
47. Barclays Capital
48. Barclays plc
49. Mary Bing and Doug Ellis
50. Bloomberg Philanthropies
51. Blue Cross and Blue Shield of North Carolina
52. Richard Blum and Blum Family Foundation
53. BMU - Federal Ministry for the Environment
54. Booz Allen Hamilton
55. Carlos Bremer
56. Richard Caring
57. Gilbert R. Chagoury
58. Cheniere Energy, Inc.
59. Christy and John Mack Foundation
60. Cisco
61. Gustavo Cisneros & Venevision
62. Citi Foundation
63. Clinton-Bush Haiti Fund
64. Stephen J. Clooback
65. Roy E. Cockrum
66. Victor P. Dahdaleh & The Victor Phillip Dahdaleh Charitable Foundation
67. Delos Living
68. Desert Classic Charities Inc
69. Robert Disbrow
70. Dubai Foundation
71. Duke Energy Corporation
72. EKTA Foundation
73. Entergy
74. Exxonmobil
75. Issam M. Fares
76. Raj Fernando
77. Ferraro Family Foundation
78. Fidelity Charitable Gift Fund
79. Joseph T. Ford
80. Wallace W. Fowler
81. Friends of Saudi Arabia
82. Fundacion Telmex
83. Mala Gaonkar Haarman
84. GEMS Education
85. General Electric
86. Aileen Getty and the Aileen Getty Foundation
87. Ariadne Getty
88. GIZ, Deutsche Gesellschaft für Internationale Zusammenarbeit
89. Vinod Gupta
90. HP [Hewlett-Packard Company]
91. HSBC Holdings
92. Hult International Business School

93. Humana Inc.
94. ICAP Services North America
95. Inter-American Development Bank
96. Inversora Carso, S.A. De C.V. [Inmobiliaria Carso, S.A. De C.V.]
97. Jay S. Jacobs and The Timber Lake Foundation
98. Sanela D. Jenkins
99. Robert L. Johnson
100. Walid Juffali
101. Dave Katragadda
102. Kessler Family Foundation
103. Michael and Jena King
104. Laureate International Universities
105. Jonathan and Jeannie Lavine, Trustees of the Crimson Lion Foundation
106. Leslois Shaw Foundation
107. Lukas Lundin
108. MAC AIDS Fund
109. Masimo Foundation
110. Microsoft
111. Lakshmi N. Mittal
112. Monsanto Company
113. James R. Murdoch
114. Newsmax Media, Inc.
115. NRG Energy, Inc.
116. OAS S.A.
117. Open Society Institute
118. Jonathan M. Orszag
119. Peter G. Peterson Foundation
120. Pfizer Inc
121. PGA Tour, Inc.
122. Presidential Inaugural Committee
123. Princess Diana Memorial Fund
124. Procter & Gamble
125. Stewart Rahr
126. Paul D. Reynolds
127. Rilin Enterprises
128. Robertson Foundation
129. Salida Capital Foundation
130. Donald L. Saunders
131. Joachim Schoss
132. Bernard L. Schwartz
133. Sean N. Parker Foundation
134. Walter H. Shorenstein
135. Silicon Valley Community Foundation
136. Arnold H. Simon
137. Bren and Melvin Simon
138. Amar Singh
139. Michael Smurfit

140. Harold Snyder
141. Sol Goldman Charitable Trust
142. Steven Spielberg
143. Standard Chartered Bank
144. Starkey Hearing Foundation
145. Starkey Hearing Technologies, Inc.
146. Sterling Stamos Capital Management, LP
147. Suzlon Energy Ltd.
148. Swedish Postcode Foundation
149. Swiss Re [Swiss Reinsurance Company]
150. T.G. Holdings
151. Nima Taghavi
152. Tenet Healthcare Corporation
153. The Annenberg Foundation
154. The Boeing Company
155. The Coca-Cola Foundation
156. The Dow Chemical Company
157. The Eli and Edythe Broad Foundation
158. The Eranda Rothschild Foundation [The ERANDA Foundation]
159. The Ford Foundation
160. The Goldman Sachs Group, Inc.
161. The Greater Cincinnati Foundation
162. The Howard Gilman Foundation
163. The James R. Greenbaum, Jr. Family Foundation
164. The Marc Haas Foundation
165. The New York Community Trust
166. The Roy and Christine Sturgis Charitable & Educational Trust
167. The Sherwood Foundation
168. The Sidney E. Frank Foundation
169. The Streisand Foundation
170. The Walmart Foundation
171. The Zayed Family
172. Thomson Reuters
173. Toyota Motor North America, Inc.
174. U.S. Green Building Council
175. University of Southern California
176. Verein Aids Life
177. Walton Family Foundation, Inc.
178. Gerardo Werthein
179. Western Union Foundation
180. Frank White
181. Worldwide Support for Development
182. Wyss Charitable Endowment
183. Yahoo! Inc
184. YPY Holding Limited

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.