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August 15, 2016

VIA ELECTRONIC TRANSMISSION

The Honorable Loretta E. Lynch
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Attorney General Lynch:

I am writing in regard to the recent news reports that indicate the Federal Bureau of Investigation (FBI) asked the Department of Justice (DOJ) to open an inquiry into the Clinton Foundation on public corruption grounds, and the Public Integrity Unit declined to do so.¹ Reporting also indicates that three “field offices” agreed that the DOJ should pursue an inquiry into the Clinton Foundation.² Other reports claim that one year prior to the FBI’s request, the DOJ had already refused a previous attempt to open a case with respect to the Clinton Foundation.³ Indeed, in January 2016, reports indicated that the FBI investigation in Secretary Clinton’s use of a non-government server and personal email for official business had expanded to Clinton Foundation donations and their impact on State Department business.⁴ Despite that report, Director Comey refused to answer Chairman Chaffetz of the House Oversight and Government Reform Committee as to whether the FBI’s recent criminal investigation into Secretary Clinton’s email use also extended to the Clinton Foundation.⁵ At this point, the American people and Congress are owed answers.

¹ Daniella Diaz, Pamela Brown, Elise Labott, “Newly released Clinton emails shed light on relationship between State Dept. and Clinton Foundation,” CNN (August 10, 2016). Available at <http://www.cnn.com/2016/08/09/politics/hillary-clinton-emails-judicial-watch/index.html>

² Sarah Westwood, “Justice Department officials pushed for Clinton Foundation probe, Washington Examiner (August 11, 2016). Available at <http://www.washingtonexaminer.com/article/2599142>

³ Daniella Diaz, Pamela Brown, Elise Labott, “Newly released Clinton emails shed light on relationship between State Dept. and Clinton Foundation,” CNN (August 10, 2016). Available at <http://www.cnn.com/2016/08/09/politics/hillary-clinton-emails-judicial-watch/index.html>

⁴ Catherine Herridge and Pamela K. Browne, “FBI’s Clinton probe expands to public corruption track,” FOXNEWS (January 11, 2016). Available at <http://www.foxnews.com/politics/2016/01/11/fbis-clinton-probe-expands-to-public-corruption-track.html>

⁵ Steven Lee Myers, “Comey Won’t Answer Question About Clinton Foundation,” New York Times (July 7, 2016). Available at <http://www.nytimes.com/live/james-comey-testifies-before-congress/clinton-2/>

As you are aware, in a letter to the FBI on May 17, 2016, I raised the issue of public corruption between the Clinton Foundation and State Department and asked several related questions to the DOJ that have gone unanswered. Many of the released Clinton emails implicate “Constitutional issues and public corruption laws relating to joint income from paid speeches given by President Clinton for foreign government entities, as well as the blurring of the lines between the actions taken on behalf of the State Department, Clinton Foundation, and Teneo [...]” It is critically important to determine whether “[DOJ] limited the scope of the FBI’s investigation in any way or denied it any resources[]” and whether the DOJ had assigned prosecutors from its Public Integrity Section, “who have relevant experience in public corruption laws [...].”

The DOJ has failed to respond to Congress on these questions, yet sources inside the DOJ continue to provide information to the media.

In emails released this week, Doug Band, a Clinton Foundation official and co-founder of Teneo, sent an email to Nora Toiv, Cheryl Mills, and Huma Abedin with the subject line, “[a] favor...” In that email, Mr. Band pushed for them to hire an unnamed individual noting, “[i]mportant that we take care of [redacted].” In response, Ms. Abedin notes, “[w]e have all had him on our radar. Personnel has been sending him options.” To which Mr. Band replies, “[g]reat.”

In a second email exchange Mr. Band aggressively pushed for Ms. Abedin and Ms. Mills to make available a subject matter expert on Lebanon for Gilbert Chagoury, a Clinton Foundation donor. Mr. Band stated, “[a]s you know, he’s key guy there and to us and is loved in Lebanon.” Ms. Abedin replied with the name of the subject matter expert, Ambassador Jeff Feltman, and that she would talk to him. Mr. Band made clear that the connection was “very important.”

These are not the first emails that make a link between the State Department and the Clinton Foundation and Teneo. In July 2015, I wrote to the State Department and noted that Mr. Band had allegedly emailed Ms. Abedin to assist in getting Ms. Judith Rodin an appointment in the executive branch. At the time of the request, Ms. Rodin was a Clinton Foundation supporter and was represented by Teneo. Emails released by the State Department included that request from Mr. Band. The subject of that email exchange is, “[s]he is expecting us to help her get appointed to this.” In the body of the email, Mr. Band notes, “Judy [R]odin[.] Huge [F]oundation/cgi supporter and close pal of wjc[.] Teneo reps her as well[.] Can you help?” Ms. Rodin was eventually appointed to the White House Council for Community Solutions.

Several emails from late November 2012 and early December 2012 also discussed Secretary Clinton’s impending visit to Dublin and Belfast. The emails show Ms. Abedin emailing from a government email account to Teneo and Clinton Foundation employees including the CEO of Teneo, Declan Kelly, who was also an SGE for the Department of State in 2009. The emails included Ms. Abedin and Mr. Kelly working to set up a time and place for dinner where Teneo, State Department, and Clinton Foundation officials could meet. Mr. Kelly even requested the names of Secretary Clinton’s logistics and advance team to properly finalize dinner arrangements.

All of this raises fundamental questions about not just Ms. Abedin's employment arrangements but the intersection between the State Department, Clinton Foundation, and Teneo business interests. For whom are Secretary Clinton and her associates working at any given time?

Further, Clinton Foundation donors appear to have received favorable treatment by the State Department.⁶ Even before Secretary Clinton became Secretary of State, there was concern that donations to the Foundation may be made with the intent to tip the policy scales in favor of a donor. In light of this concern, the Foundation and the Obama Administration entered into a memorandum of understanding that created a review system to avoid conflicts of interest that a donation may create. Secretary Clinton even went so far as to state before the United States Senate that she wanted to eliminate not only conflicts of interest, but also the "appearance" of conflicts of interest.⁷

However, as media reports have brought to light, Secretary Clinton, the Clinton Foundation, and the Obama Administration's efforts to prevent the appearance of a conflict have failed miserably. Indeed, the memorandum of understanding between the Clinton Foundation and the Obama Administration appears to have been breached in many respects. For example, it states, "[s]hould an existing contributing country elect to increase materially its commitment, or should a new contributor country elect to support [the Clinton Foundation], the Foundation will share such countries and the circumstances of the anticipated contribution with the State Department designated agency ethics official for review[.]"⁸ And further, if appropriate, the State Department will "submit the matter for review by a designated official in the White House Counsel's Office."⁹ However, the Clinton Health Access Initiative (CHAI), a part of the Clinton Foundation, reportedly never submitted foreign donor information to the State Department for review, in violation of the memorandum of understanding.¹⁰ Further, foreign government donations from Switzerland and Algeria were not reviewed by the State Department Designated Agency Ethics Officer, as required by the memorandum of understanding.¹¹ News reports suggest that over 1,000 foreign donors were not disclosed, and if true, the memorandum of understanding was similarly breached.¹²

In addition, in a January 5, 2009 letter to the State Department Designated Agency Ethics Official, Secretary Clinton stated,

⁶ Jo Becker and Mike McIntire, "Cash Flowed to Clinton Foundation Amid Russian Uranium Deal," THE NEW YORK TIMES (April 23, 2015); John Solomon and Kelly Riddell, "Bill Clinton's foundation cashed in as Sweden lobbied Hillary on sanctions," The Washington Times (June 2, 2015); Andrew Perez and David Sirota, "Firms Paid Bill Clinton Millions As They Lobbied Hillary Clinton," International Business Times (April 28, 2015); David Sirota and Andrew Perez, "Clinton Foundation Donors Got Weapons Deals From Hillary Clinton's State Department," International Business Times (May 26, 2015).

⁷ Hearing Transcript, Committee on Foreign Relations, United States Senate (January 13, 2009). Accessible at <http://www.gpo.gov/fdsys/pkg/CHRG-111shrg54615/pdf/CHRG-111shrg54615.pdf>. p. 80, 81.

⁸ Memorandum of Understanding, December 12, 2008, p. 4.

⁹ *Id.*

¹⁰ Rosalind S. Helderman, "Report: Clinton Foundation says not all donations were disclosed," THE WASHINGTON POST (March 19, 2015). Available at <https://www.washingtonpost.com/news/post-politics/wp/2015/03/19/clinton-foundation-says-not-all-donations-were-disclosed/>

¹¹ *Id.*

¹² Joshua Green and Richard Rubin, "Clinton Foundation Failed to Disclose 1,100 Foreign Donations," BLOOMBERG (April 29, 2015). Available at <http://www.bloomberg.com/politics/articles/2015-04-29/clinton-foundation-failed-to-disclose-1-100-foreign-donations>

“For the duration of my appointment as Secretary if I am confirmed, I will not participate personally and substantially in any particular matter involving specific parties in which The William J. Clinton Foundation (or the Clinton Global Initiative) is a party or represents a party....”

Yet, newly released emails and news reporting over the past year continue to illustrate a number of links between entities donating to the Clinton Foundation and subsequent favorable treatment by the State Department as well as contacts with Secretary Clinton’s senior staff.

Swedish Companies Received Reprieve from Iran Sanctions

According to the *Washington Times*, former President Bill Clinton set up a fundraising arm of the Clinton Foundation in Sweden, the William J. Clinton Foundation Insamlingsstiftelse.¹³ During Secretary Clinton’s tenure at the State Department, Swedish companies donated \$26 million to the Swedish arm of the Clinton Foundation.¹⁴ In addition, for one speech Mr. Clinton personally earned \$750,000 from Ericsson AB, a firm engulfed in the Iran sanctions debate. Notably, the *Washington Times* reported,

As the money flowed to the foundation from Sweden, Mrs. Clinton’s team in Washington declined to blacklist any Swedish firms despite warnings from career officials at the U.S. Embassy in Stockholm that Sweden was growing its economic ties with Iran and potentially undercutting Western efforts to end Tehran’s rogue nuclear program[.]¹⁵

To provide further context, when Secretary Clinton was at the State Department, Ericsson AB was attempting to sell cellphone tracking technology to the government of Iran.¹⁶ Two Swedish lottery companies, Nationale Postcode Loterij and Swedish Postcode Lottery, donated millions of dollars to the Foundation’s Swedish arm.¹⁷ Although these companies are private, according to news reports, they are heavily regulated by the Swedish government.¹⁸ Moreover, the Swedish Postcode Lottery’s managing director is also the lottery manager for the Swedish Gambling Authority.¹⁹ When the donations were being made, the Swedish government was simultaneously lobbying the State Department to keep it off the sanctions list.²⁰

Ultimately, the Obama Administration did not include Sweden on the sanctions list. Subsequently – after the list was announced in 2011 and 2012 – news reports indicate that the Foundation’s Swedish arm received more donations: \$3 million in 2011, \$9 million in 2012, and \$14 million in 2013.²¹

¹³ John Solomon and Kelly Riddell, “Bill Clinton’s foundation cashed in as Sweden lobbied Hillary on sanctions,” THE WASHINGTON TIMES (June 2, 2015). Available at <http://www.washingtontimes.com/news/2015/jun/2/clinton-foundations-sweden-fundraising-arm-cashed/>

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ *Id.*

²¹ *Id.*

Uranium Production Capacity Purchased by Russia

On April 23, *The New York Times* reported on the Clinton Foundation's ties to a number of investors involved in a business transaction that resulted in the acquisition of Uranium One – an owner of U.S. based uranium assets – by Atomredmetzoloto (ARMZ), a subsidiary of a company owned by the Russian government, Rosatom. The transaction raised a number of national security concerns because it effectively ceded 20% of U.S. uranium production capacity to the Russian government.²² In addition, during critical stages of the acquisition approval, interested parties made large donations – some in the millions of dollars – to the Clinton Foundation while Hillary Clinton held the position of Secretary of State.

The timeline of donations to the Clinton Foundation raises questions regarding undue influence during the Committee on Foreign Investment in the United States' (CFIUS) review process. According to *The New York Times*, in September 2005, Mr. Frank Giustra won a uranium deal in Kazakhstan for UrAsia, the company he owned at the time.²³ The deal was cut days after he visited the country with President Bill Clinton. After that deal, in 2006, Mr. Giustra donated \$31.3 million to the Clinton Foundation.²⁴ UrAsia eventually merged with a South African company and became Uranium One.

Reports further indicate that between 2008 and 2010, Uranium One and former UrAsia investors donated \$8.65 million to the Clinton Foundation.²⁵ During this period of time, Uranium One's legal hold on the Kazakhstan-based uranium deposits was in doubt. Allegedly, Uranium One executives contacted U.S. Embassy officials in Kazakhstan to help ensure the validity of their mining licenses.²⁶ According to *The New York Times*, the State Department cable explaining the circumstances was copied to Secretary Clinton, among other individuals.²⁷ In 2009, while the validity of the mining licenses was at issue, the Chairman of Uranium One, Mr. Ian Telfer, donated \$1 million to the Clinton Foundation via his family charity called the Fernwood Foundation.²⁸ In the same year, ARMZ acquired a 17% stake in Uranium One and the parties sought CFIUS review.²⁹

In June 2010, Rosatom, via ARMZ, sought a majority ownership in Uranium One. Mr. Telfer donated \$250,000 to the Clinton Foundation during this crucial time.³⁰ In total, Mr. Telfer donated over \$2 million through 2013.³¹ Additionally, in June 2010, President Clinton was paid \$500,000 for a speech in Russia paid for by a Russian investment bank that assigned a buy rating

²² Wilson Andrews, "Donations to the Clinton Foundation, and a Russian Uranium Takeover," THE NEW YORK TIMES (April 22, 2015). Available at <http://www.nytimes.com/interactive/2015/04/23/us/clinton-foundation-donations-uranium-investors.html>. Jo Becker and Mike McIntire, "Cash Flowed to Clinton Foundation Amid Russian Uranium Deal," THE NEW YORK TIMES (April 23, 2015). Available at <http://www.nytimes.com/2015/04/24/us/cash-flowed-to-clinton-foundation-as-russians-pressed-for-control-of-uranium-company.html>. See also, Uranium One to Nuclear Regulatory Commission, January 29, 2013. Accessible at <http://pbadupws.nrc.gov/docs/ML1304/ML13043A505.pdf>.

²³ Wilson Andrews, "Donations to the Clinton Foundation, and a Russian Uranium Takeover," THE NEW YORK TIMES (April 22, 2015); Jo Becker and Mike McIntire, "Cash Flowed to Clinton Foundation Amid Russian Uranium Deal," THE NEW YORK TIMES (April 23, 2015).

²⁴ *Id.*

²⁵ *Id.*

²⁶ *Id.*

²⁷ *Id.*

²⁸ *Id.*

²⁹ *Id.*

³⁰ *Id.*

³¹ *Id.*

to Uranium One stock and also reportedly had ties to the Kremlin.³² In October 2010, CFIUS approved Rosatom's plan to acquire a controlling 51% stake, and in January 2013, Rosatom purchased all remaining Uranium One shares.³³

Businesses Donate Heavily While Simultaneously Lobbying State Department

In a letter to the State Department Ethics Official, James Thessin, then-Senator Clinton stated, "I will not participate personally and substantially in any particular matter that has a direct and predictable effect on my financial interest *or those of any person whose interests are imputed to me...*"³⁴ She also stated that the interests of "my spouse" were imputed to her.³⁵ However, according to the Government Accountability Institute, days after President Obama chose Mrs. Clinton to be his Secretary of State, TD Bank, a major investor in the Keystone XL pipeline, paid Mr. Clinton \$525,000 for 3 speeches.³⁶ From May 2009 to May 2011, TD Bank paid Mr. Clinton \$1,255,000 for 7 speeches while Secretary Clinton was still at the Department.³⁷ In August 2011, Secretary Clinton greenlighted the Keystone environmental review.

According to an investigative report by the *International Business Times*, the Clintons accepted money from 13 business firms that simultaneously lobbied the State Department during Secretary Clinton's tenure.³⁸ By way of example, reports indicate that Goldman Sachs paid Mr. Clinton \$200,000 right before it began lobbying the State Department.³⁹ Reports have further noted that "[t]en of the 13 firms that both lobbied the State Department and paid Bill Clinton speaking fees did so within the very same three-month reporting period."⁴⁰

Importantly, per Secretary Clinton's financial disclosures, these earnings were not paid to the Foundation, but rather to Mr. Clinton personally, which means the earnings are shared income with Secretary Clinton in addition to his interests being imputed to her by her own admission to the agency's ethics official.⁴¹

Defense Donations Resulting in Arms Transaction Approval

According to news reports, many foreign countries have donated to the Clinton Foundation. In all, 17 out of 20 countries that provided donations to the Clinton Foundation received increases in the number of arms deals that were authorized by Secretary Clinton.⁴² For

³² *Id.*

³³ Uranium One to Nuclear Regulatory Commission, January 29, 2013. Accessible at <http://pbadupws.nrc.gov/docs/ML1304/ML13043A505.pdf>

³⁴ Hillary Clinton, Letter to James H. Thessin, State Department Designated Agency Ethics Official (January 5, 2009)(emphasis added).

³⁵ *Id.*

³⁶ Government Accountability Institute, <http://www.g-a-i.org/u/2015/06/td-bank-infographic-v6.pdf>

³⁷ *Id.*

³⁸ David Sirota, "Goldman Paid Bill Clinton \$200,000 For Speech Before Bank Lobbied Hillary Clinton," *INTERNATIONAL BUSINESS TIMES* (April 27, 2015). See also, Andrew Perez and David Sirota, "Firms Paid Bill Clinton Millions As They Lobbied Hillary Clinton," *INTERNATIONAL BUSINESS TIMES* (April 28, 2015). Available at <http://www.ibtimes.com/firms-paid-bill-clinton-millions-they-lobbied-hillary-clinton-1899107>

³⁹ *Id.*

⁴⁰ *Id.*

⁴¹ Hillary Clinton Financial Disclosures, accessible at <http://www.opensecrets.org/pfds/reports.php?year=2012&cid=N00000019>

⁴² David Sirota and Andrew Perez, "Clinton Foundation Donors Got Weapons Deals From Hillary Clinton's State Department," *INTERNATIONAL BUSINESS TIMES* (May 26, 2015). Available at <http://www.ibtimes.com/clinton-foundation-donors-got-weapons-deals-hillary-clintons-state-department-1934187>

example, in 2010, the Algerian government was subject to a scathing Human Rights Report from the State Department for failures to combat corruption, toleration of arbitrary killing, and lack of freedom of assembly, among other matters.⁴³ In that same year, the Algerian government donated \$500,000 to the Clinton Foundation.⁴⁴ In 2011, the State Department approved a 70% increase in military exports to Algeria including items that were not authorized for export prior to the donation.⁴⁵ Overall, during Secretary Clinton's tenure, the State Department increased the authorized level of military related exports to Algeria by 274%.⁴⁶ Notably, according to the *International Business Times*, the Clinton Foundation breached the memorandum of understanding because it did not disclose the Algerian government donations until 2015.⁴⁷

Qatar was also the recipient of a number of military export deals. Prior to Secretary Clinton's tenure, Qatar was the recipient of approximately \$271 million in military related export deals.⁴⁸ During her tenure, Qatar was the recipient of approximately \$4.3 billion – a 1,482% increase.⁴⁹ Notably, Qatar donated \$1 million to the Clinton Foundation.⁵⁰

Likewise, the United Arab Emirates donated \$1 million and saw approved military exports deals increase from \$2.2 billion to \$25 billion – a 1,005% increase.⁵¹ Saudi Arabia, Norway, and Australia each donated \$10 million, and received a 97% increase, 23% increase, and 198% increase, respectively.⁵²

In addition to countries, many defense contractors donated substantial amounts. By way of example, Mr. Clinton was paid \$250,000 by Lockheed Martin to speak at an event in Egypt in 2010.⁵³ Reports indicate that three days before the speech, the State Department approved two weapons export deals involving Lockheed as the prime contractor.⁵⁴ In 2010, the State Department approved 17 contracting deals with Lockheed and the Pentagon.⁵⁵ Notably, the *International Business Times* reports that Lockheed stated that its "support" for the Clinton Foundation began in 2010.⁵⁶

Failure to Report and Review Foreign Donations

During Secretary Clinton's confirmation process before the United States Senate and in a letter to the State Department Agency Ethics Official, she repeatedly expressed her desire to

⁴³ State Department Human Rights Reports on Algeria (2010). Accessible at <http://www.state.gov/documents/organization/160446.pdf>

⁴⁴ David Sirota and Andrew Perez, "Clinton Foundation Donors Got Weapons Deals From Hillary Clinton's State Department," *INTERNATIONAL BUSINESS TIMES* (May 26, 2015). Available at <http://www.ibtimes.com/clinton-foundation-donors-got-weapons-deals-hillary-clintons-state-department-1934187>

⁴⁵ *Id.*

⁴⁶ *Id.*

⁴⁷ *Id.*

⁴⁸ *Id.*

⁴⁹ *Id.*

⁵⁰ *Id.*

⁵¹ *Id.*

⁵² *Id.*

⁵³ *Id.*

⁵⁴ *Id.*

⁵⁵ *Id.*

⁵⁶ *Id.*

prevent conflicts of interest, even the appearance of a conflict.⁵⁷ Further, Secretary Clinton stated for the record that the standard for review applied to donations in order to determine if they should be disclosed to the State Department is the Standard of Ethical Conduct for Employees of the Executive Branch.⁵⁸ This standard also applies to situations in which the State Department will refer matters to the White House Counsel's office for secondary review.⁵⁹ However, the Clinton Health Access Initiative (CHAI), a part of the Clinton Foundation, reportedly never submitted foreign donor information to the State Department for review, in violation of the memorandum of understanding.⁶⁰ Further, foreign government donations from Switzerland and Algeria were not reviewed by the State Department Designated Agency Ethics Officer as required.⁶¹

Conclusion

While all of these circumstances are not proof of wrongdoing, they do raise reasonable suspicions and undermine the public's confidence in the integrity of the State Department's operations during Secretary Clinton's tenure. The American people are entitled to reassurance that these matters have received thorough and objective investigation. Yet, it appears that the DOJ has turned a blind eye and refused to investigate.

According to reports, tens of millions of dollars flowed from parties with business with the federal government to the Clinton Foundation and the Clintons themselves. All of these donations should have been disclosed in full, but those reviewing the disclosures had no chance to ensure total compliance with the memorandum of understanding process because the Clinton Foundation failed to disclose all donations.

According to the Office of Government Ethics, federal law requires that executive branch employees be disqualified from matters that have a direct and predictable effect on the employee's own financial interests or the financial interests of those persons or organizations with which the employee is affiliated, such as a spouse, unless the employee first obtains an individual waiver or a regulatory exemption applies.⁶² News reports have brought to light a highly suspect pattern of conduct where money flows from interested parties in transactions to the Clinton Foundation with a resulting favorable decision by Secretary Clinton's State Department on those very matters. The money, the timeline, the interactions between State Department, Clinton Foundation, and Teneo personnel, the joint employment of some senior officials by those entities, and the resulting decisions made by the State Department paint a very suspicious picture. It is difficult to understand why these circumstances would not warrant any inquiry.

⁵⁷ Hearing Transcript, Committee on Foreign Relations, United States Senate (January 13, 2009). Accessible at <http://www.gpo.gov/fdsys/pkg/CHRG-111shrg54615/pdf/CHRG-111shrg54615.pdf>; Hillary Clinton, Letter to James H. Thessin, State Department Designated Agency Ethics Official (January 5, 2009).

⁵⁸ Hearing Transcript, Committee on Foreign Relations, United States Senate (January 13, 2009). Accessible at <http://www.gpo.gov/fdsys/pkg/CHRG-111shrg54615/pdf/CHRG-111shrg54615.pdf>

⁵⁹ Hearing Transcript, Committee on Foreign Relations, United States Senate (January 13, 2009). Accessible at <http://www.gpo.gov/fdsys/pkg/CHRG-111shrg54615/pdf/CHRG-111shrg54615.pdf>, 139

⁶⁰ Rosalind S. Helderman, "Report: Clinton Foundation says not all donations were disclosed," THE WASHINGTON POST (March 19, 2015). Available at <https://www.washingtonpost.com/news/post-politics/wp/2015/03/19/clinton-foundation-says-not-all-donations-were-disclosed/>

⁶¹ *Id.*

⁶² 18 U.S.C. 208.

According to reports citing an unnamed law enforcement official, in early 2016 multiple field offices asked the DOJ to open an inquiry into the relationship between the Clinton Foundation and State Department.⁶³ However, DOJ reportedly declined to open an inquiry into the dealings between the Clinton Foundation and State Department on the basis that it had already independently investigated allegations of impropriety a year earlier and concluded there was insufficient evidence to open an inquiry.⁶⁴ Accordingly, please answer the following:

1. On how many occasions has the DOJ declined to open Clinton Foundation inquiries?
2. When was each inquiry opened into the Clinton Foundation? Which DOJ component opened the inquiry?
3. Were you or Director Comey briefed on each inquiry? If so, when? If not, why not?
4. Please list the dates and all DOJ personnel who were involved in each declination decision. Specifically, were you or Director Comey involved or otherwise briefed on the declinations?
5. If any political appointees from the DOJ were involved in the decision-making process, was there any discussion of whether recusal or the appointment of a special counsel was warranted? If so, please provide all related records. If not, why not?
6. According to Director Comey, the FBI was able to recover thousands of work-related emails deleted from Secretary Clinton's non-governmental server in the course of the investigation regarding the improper handling of classified information. Did DOJ personnel involved in evaluating whether to open a public corruption case regarding the Clinton Foundation review these recovered emails as part of their evaluation? If not, why not?
7. Is any component of the DOJ currently involved in an inquiry into the Clinton Foundation? If so, which component and when was the inquiry initiated?
8. For each inquiry into the Clinton Foundation, were agents and employees required to sign non-disclosure agreements? If so, please provide a copy each agreement.

⁶³ Daniella Diaz, Pamela Brown, Elise Labott, "Newly released Clinton emails shed light on relationship between State Dept. and Clinton Foundation," CNN (August 10, 2016). Available at <http://www.cnn.com/2016/08/09/politics/hillary-clinton-emails-judicial-watch/index.html>

⁶⁴ *Id.*

Thank you in advance for your cooperation with this request. Please number your responses according to their corresponding questions and respond no later than August 29, 2016. If you have questions, please contact Josh Flynn-Brown of my Committee staff at (202) 224-5225.

Sincerely,



Charles E. Grassley
Chairman
Committee on the Judiciary