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United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

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July 30, 2015

VIA ELECTRONIC TRANSMISSION

The Honorable John F. Kerry
Secretary of State
Office of the Secretary
United States Department of State
2201 C Street, N.W.
Washington, D.C. 20520

Dear Secretary Kerry:

The Judiciary Committee has learned that the Office of Inspector General for the Department of State (OIG) opened an investigation involving potential criminal conduct by Ms. Huma Abedin. Specifically, the investigation examined the circumstances of Ms. Abedin's work arrangements, leave status, and conversion from a full-time Department of State employee to a Special Government Employee (SGE) and Senior Advisor to former Secretary Clinton. OIG found at least a reasonable suspicion of a violation of Title 18, United States Code, Section 641, theft of public money through time and attendance fraud, and Title 18, United States Code, Section 208, acts affecting a personal financial interest related to conflicts of interest connected to her overlapping employment as an SGE and her employment at Teneo and at the Clinton Foundation. The Judiciary Committee first inquired about related issues in June 2013.

In May 2013, the Department of State allegedly paid Ms. Abedin approximately \$33,000 for "unused" leave, though it is unclear whether she should have been entitled to such a payment. During approximately three and a half years as a full time government employee, Ms. Abedin reportedly never requested, was approved for, or had her leave balance reduced for use of any sick leave, annual leave, or administrative leave. Nor did she request, nor was she approved for any unpaid or excused absence or administrative time for maternity leave. Yet, the Committee has received allegations that the evidence illustrates that she claimed to be, and in fact was, on leave on numerous occasions. If true, then she should not have been entitled to the cash value of her "unused" leave balance.

Ms. Abedin worked full time at the Department of State from January 22, 2009 until June 3, 2012, when she received her SGE designation. She worked in that designation from June 3, 2012 to February 1, 2013. The Committee has learned of allegations that, prior to receiving her SGE designation, Ms. Abedin used leave time without filing any leave requests. Ms. Abedin

allegedly regularly filed time sheets inaccurately reporting full 40-hour work weeks. Ms. Cheryl Mills, Chief of Staff to Secretary Clinton, approved these time sheets. While away from the office Ms. Abedin allegedly mentioned in emails to colleagues that she was “out on leave” and “will be back later” but failed to file for sick or annual leave. Further, Ms. Abedin allegedly went on a ten day trip to Italy and France with her husband during her time as a Department employee.¹ However, her time and attendance sheets allegedly indicated that she worked full time.

Conflicts of Interest and Special Treatment

The Judiciary Committee previously posed questions to the Department of State regarding its use of SGEs and the potential for conflicts of interest abuse because an SGE designation can waive some conflicts rules that otherwise apply to full time employees.² Even subject to the confines of an SGE designation, however, some conflicts rules still apply. For instance, SGEs cannot abuse their inside position for the benefit of private persons and SGEs cannot participate personally and substantially in a particular matter that has a direct and predictable effect on not only their own financial interests but the interests of others.³ Such conflicts concerns appear to have been implicated by OIG’s inquiry into Ms. Abedin’s status.

At one time, Ms. Abedin held three positions simultaneously—as an SGE for the Department of State, as an employee of Teneo, and as an employee of the Clinton Foundation. During her time at the Department, Ms. Abedin allegedly sent or received on her government email account approximately 7,300 emails that involved Mr. Douglas Band, President of Teneo. These are among the documents the Judiciary Committee requested two years ago, but the State Department has failed to provide. Likewise, the Associated Press has requested similar information since August 2013.⁴ In one email exchange, Mr. Band allegedly emailed Ms. Abedin to request that she reach out to then-Secretary Clinton to encourage President Obama to appoint Ms. Judith Rodin to a White House position. At the time, Ms. Rodin was a client of Teneo and President of the Rockefeller Foundation which donated hundreds of millions of dollars to the Clinton Foundation, a fact which Mr. Band allegedly noted in his email to Ms. Abedin.⁵ Ms. Abedin allegedly forwarded this email from her official email to her non-government email address located on Secretary Clinton’s non-government server. This is but one of several troubling allegations of Ms. Abedin being solicited for and delivering favors for preferred individuals.

¹ Reliable Source, “Huma Abedin, following in the footsteps of Hillary Clinton, stands by her man,” WASHINGTON POST (April 10, 2013). Ms. Abedin is quoted saying “Anthony [Weiner] and I had not spent more than ten consecutive days together until I was pregnant and we went to Italy and France for two weeks.”

² Letters dated June 13, 2013; August 15, 2013; March 27, 2015 to the State Department from Senator Charles Grassley.

³ Office of Government Ethics, Summary of Ethical Requirements Applicable to Special Government Employees, (February 15, 2000). Accessible at <http://www.oge.gov/OGE-Advisories/Legal-Advisories/00x1--Summary-of-Ethical-Requirements-Applicable-to-Special-Government-Employees/>

⁴ The Associated Press v. United States Department of State, Case No. 1:15-cv-345 (D.D.C. March 11, 2015). See also, Steve Peoples, “AP sues State Department, seeking access to Clinton Records,” THE ASSOCIATED PRESS (March 11, 2015).

⁵ Rockefeller Foundation, “100 Resilient Cities at Clinton Global Initiative” (September 25, 2013) Accessible at <http://www.rockefellerfoundation.org/blog/100-resilient-cities-clinton-global/>

Improper Designation as an SGE

Regulations prohibit the use of the SGE designation to perform work already performed by regular employees.⁶ Yet, from June 3, 2012 to February 1, 2013, Ms. Abedin continued to work full time for the Department as an SGE, but without any change of duties. Rather than filling an unmet government need for rare or unique expertise, email evidence allegedly suggests that Ms. Abedin and Ms. Mills shared a desire to find a way to ensure that the Department paid for Ms. Abedin's travel to and from New York. Emails also allegedly suggest that multiple discussions between Ms. Abedin and Ms. Mills and eventually a meeting between Ms. Cynthia Motley and Secretary Clinton ultimately resulted in Ms. Abedin receiving the SGE designation. These emails are among those the Department State has withheld from the Judiciary Committee since June 2013 and the Associated Press since August 2013.⁷

To aid the Committee in its investigation of these allegations, please provide the following:

1. All documents and communications referring or relating to time and attendance for Ms. Abedin, all approved timesheets, leave requests, and any requests for paid or unpaid excused absences or administrative leave.
2. All documents and communications referring or relating to Ms. Abedin having applied for or having received approximately \$33,000 for unused leave.
3. All documents and communications referring or relating to Ms. Abedin having applied for or having received compensation for unused leave.
4. All documents and communications between or among Ms. Abedin and any employees, clients, or other affiliates of Teneo.
5. All documents and communications referring or relating to time and attendance for Ms. Mills, all approved timesheets, leave requests, and any requests for paid or unpaid excused absences or administrative leave.
6. All documents and communications between or among Ms. Abedin and any employees or other affiliates of the Clinton Global Initiative.
7. All documents and communications between or among Ms. Abedin and any employees or other affiliates of the Clinton Foundation.

⁶ Title 5, § 304.103(304.103(b)(4), "*Inappropriate use*: An agency must not use 5 U.S.C. 3109 to appoint an expert or consultant to do work performed by the agency's regular employees."

⁷ The Associated Press v. United States Department of State, Case No. 1:15-cv-345 (D.D.C. March 11, 2015). See also, Steve Peoples, "AP sues State Department, seeking access to Clinton Records," THE ASSOCIATED PRESS (March 11, 2015). See also, Steve Peoples, "AP sues State Department, seeking access to Clinton Records," THE ASSOCIATED PRESS (March 11, 2015).

8. All documents and communications forwarded by Ms. Abedin to a non-State Department e-mail address.
9. All documents and communications between or among Ms. Mills, Ms. Abedin or Secretary Clinton referring or relating to Ms. Abedin's leave requests or time and attendance, including the mentioning of Ms. Abedin being "out of the office," "going out of town," "maternity leave," "annual leave," "sick leave," "baby moon," or other similar statements.
10. All documents and communications referring or relating to the Office of Inspector General investigation into Ms. Abedin.
11. A description of Ms. Abedin's duties at the Department of State before her designation as an SGE.
12. A description of Ms. Abedin's duties at the Department of State after her designation as an SGE.
13. All documents and communications previously requested by this Committee relating to communications between or among the Department of State, Teneo, and Mr. Band. Additionally, please provide a written explanation as to why these records have been withheld to date.
14. All documents and communications referring or relating to Ms. Motley's meeting with Secretary Clinton that allegedly resulted in the granting of Ms. Abedin's SGE designation.
15. All documents and communications referring or relating to Ms. Abedin's stay at the U.S. Ambassador to Italy's residence in Italy and her trip to France in 2011.
16. Did the Department search for or consider any other candidates besides Ms. Abedin for the SGE-expert position requiring expert knowledge on policy, administrative, and other matters? If so, please provide the supporting documentation. If not, why not?
17. A list of all other instances in which a Department of State employee converted from a regular, full-time position to an SGE, and subsequently became simultaneously employed by a private company.
18. All work papers, background documents, and communications relating to whether Ms. Abedin's employment as an SGE presented any ethical concerns or conflicts of interest with her multiple private sector jobs.

Please number your responses according to their corresponding questions. Please submit your responses by August 10, 2015. If you have any questions, contact Josh Flynn-Brown of my Committee staff at (202) 224-5225. Thank you for your cooperation.

Sincerely,



Charles E. Grassley
Chairman
Committee on the Judiciary