United States Senate
WASHINGTON, DC 20510

July 7, 2016

Secretary John Kerry
U.S. Department of State
2201 C Street, NW
Washington, DC 20520

Dear Secretary Kerry:

As you know, earlier this week, Federal Bureau of Investigation (FBI) Director James Comey found that former Secretary of State Hillary Clinton and her staff "were extremely careless in their handling of very sensitive, highly classified information." While Director Comey has recommended no criminal charges against these individuals, their recklessness with our nation's most closely held secrets demands action to ensure they do not retain access to classified materials.

Director Comey noted on July 5: "For example, seven e-mail chains concern matters that were classified at the Top Secret/Special Access Program level when they were sent and received. These chains involved Secretary Clinton both sending e-mails about those matters and receiving e-mails from others about the same matters. There is evidence to support a conclusion that any reasonable person in Secretary Clinton's position, or in the position of those government employees with whom she was corresponding about these matters, should have known that an unclassified system was no place for that conversation. In addition to this highly sensitive information, we also found information that was properly classified as Secret by the U.S. Intelligence Community at the time it was discussed on e-mail (that is, excluding the later "up-classified" e-mails)."

The U.S. Government's current approach to classified national security information derives from Executive Order 13526 issued by President Obama on December 29, 2009. The Executive Order states: "4.1(c) An official or employee leaving agency service may not remove classified information from the agency's control; 4.1(d) Classified information may not be removed from official premises without proper authorization; 5.5(b) Officers and employees of the United States Government…shall be subject to appropriate sanctions if they knowingly, willfully, or negligently: (4) contravene any other provision of this order or its implementing directive. 5.5(c) Sanctions may include reprimand…termination of classification authority, loss or denial of access to classified information, or other sanctions in accordance with applicable law and agency regulation."

It is clear that former Secretary Clinton removed classified information upon her departure from the State Department. Director Comey stated: "From the group of 30,000 e-mails returned to the State Department [from Clinton's home server], 110 e-mails in 52 e-mail chains have been determined by the owning agency to contain classified information at the time they were sent or received. Eight of those chains contained information that was Top Secret at the time they were

sent; 36 chains contained Secret information at the time; and eight contained Confidential information, which is the lowest level of classification. Separate from those, about 2,000 additional e-mails were "up-classified" to make them Confidential; the information in those had not been classified at the time the e-mails were sent."

The State Department implements E.O. 13526 and State's internal policies and procedures through the 12th volume of the Foreign Affairs Manual (FAM) section 550 et seq. (12 FAM 550). 12 FAM defines the types of "security incidents," the most serious of which are "security violations." 12 FAM 531(c) states that employees "must use, hold, process, or store classified material in data and word processing systems, to include magnetic storage media, only under conditions that will prevent unauthorized persons from gaining access." 12 FAM 512.1-1(b) states that "senior agency officials have the primary responsibility of overseeing their respective agency's information security program. This includes the requirement to: (1) Ensure the protection from unauthorized disclosure of classified information, including intelligence information." Director Comey said the FBI assessed "it is possible that hostile actors gained access to Secretary Clinton's personal e-mail account."

Your responsibilities as Secretary of State include maintaining the integrity of the Department and ensuring that classified materials are preserved to prevent unauthorized access. It is important that you provide the public confidence in the Department's ability to hold officials, especially senior officials, accountable in the face of egregious violations. We would like answers to the following questions:

1. Do Hillary Clinton, Huma Abedin, Cheryl Mills, Jake Sullivan, or other officials implicated in the FBI investigation have an active security clearance held by the State Department? If so, what steps will the State Department take to determine whether or not Clinton and her colleagues violated the relevant portions of the State Department's procedures for handling classified information?
2. Director Comey indicated that individuals engaging in similar activities would often be subject to "security or administrative sanctions." Based on the FBI's findings, what steps are being taken by the Department to impose security or administrative sanctions on Secretary Clinton, Huma Abedin, Cheryl Mills, Jake Sullivan, or other officials?
3. Have any other State Department employees had security or administrative sanctions imposed on them for compromising classified information? If so, please provide a list of all such cases from 2009-present.

We believe that is clear from Director Comey's statement and the FBI investigation that the State Department should immediately suspend the clearances of Hillary Clinton, Huma Abedin, Cheryl Mills, Jake Sullivan, and other former State Department employees for security violations if they still maintain them. There is simply no excuse for Hillary Clinton's decision to set up a home-cooked email system which left sensitive and classified national security information vulnerable to theft and exploitation by America's enemies. Her actions were grossly negligent, damaged national security and put lives at risk. Failure to impose any sanctions for these clear violations of State Department procedure undermines the integrity of the State Department's system for handling classified information and sends the wrong message to the Department's employees.

We look forward to your response in timely manner to our request.

Sincerely,

Marco Rubio
U.S. Senator

David Perdue
U.S. Senator

John Barrasso
U.S. Senator

Cory Gardner
U.S. Senator

John Cornyn
U.S. Senator

Johnny Isakson
U.S. Senator

Jim Risch
U.S. Senator

Ron Johnson
U.S. Senator

James Lankford
U.S. Senator

Tom Cotton
U.S. Senator