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# United States Senate

COMMITTEE ON  
HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS  
WASHINGTON, DC 20510-6250

KEITH B. ASHDOWN, STAFF DIRECTOR  
GABRIELLE A. BATKIN, MINORITY STAFF DIRECTOR

July 5, 2016

The Honorable James B. Comey  
Director  
Federal Bureau of Investigation  
935 Pennsylvania Avenue, NW  
Washington, DC 20535

Dear Director Comey:

The Committee on Homeland Security and Governmental Affairs is continuing to examine former Secretary of State Hillary Clinton's use of a private email account and server during her time at the U.S. State Department.

On July 5, 2016, you announced the findings and recommendation of the Federal Bureau of Investigation's (FBI) examination of Secretary Clinton's use of a personal email system. In your statement, you reported that a total of 110 emails in 52 email chains were classified at the time they were sent or received, including emails sent or received by Secretary Clinton that were classified at the Top Secret/Special Access Program level at the time.<sup>1</sup> You acknowledged that "there is evidence that [Secretary Clinton or her colleagues] were extremely careless in their handling of very sensitive, highly classified information."<sup>2</sup> However, the FBI did not recommend charges against Secretary Clinton.

In light of your recent statement regarding the FBI's investigation, I write to better understand the resources that the FBI employed during this investigation. Accordingly, I request that you please provide the following information and materials:

1. The total number of FBI employees assigned to the investigation of former Secretary Clinton's use of a private email account and server.
2. A list of all FBI components and resources that have worked or been consulted on the FBI's investigation.
3. An estimate of the total cost associated with the FBI's investigation of Secretary Clinton's use of a private email account and server. To your knowledge, what other federal departments or agencies incurred costs associated with the FBI's investigation?

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<sup>1</sup> Fed. Bureau of Investigation, Statement by FBI Director James B. Comey on the Investigation of Secretary Hillary Clinton's Use of a Personal E-Mail System (July 5, 2016).

<sup>2</sup> *Id.*

4. According to your statement, you determined that Secretary Clinton's "handling of very sensitive, highly classified information" was "extremely careless."<sup>3</sup> However, you found that the actions of Secretary Clinton did not lead to a recommendation to pursue criminal charges, including charges under the "gross negligence" standard.<sup>4</sup>
  - a. What is the difference, in the FBI's view, between extreme carelessness and gross negligence?
  - b. If the evidence that the FBI collected about Secretary Clinton's use of a private email account and server did not constitute gross negligence, what set of facts would cause the FBI to recommend criminal charges under the gross negligence standard?

Please provide this information as soon as possible, but no later than 5:00 p.m. on July 19, 2016. If you have any questions about this request, please ask your staff to contact Mike Lueptow or Scott Wittmann at (202) 224-4751. Thank you for your prompt attention to this matter.

Sincerely,



Ron Johnson  
Chairman

cc: The Honorable Thomas R. Carper  
Ranking Member

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<sup>3</sup> *Id.*

<sup>4</sup> 18 U.S.C. § 793(f).