

ELIOT L. ENGEL, NEW YORK
CHAIRMAN

JASON STEINBAUM
STAFF DIRECTOR



MICHAEL T. MCCAUL, TEXAS
RANKING REPUBLICAN MEMBER

BRENDAN P. SHIELDS
REPUBLICAN STAFF DIRECTOR

One Hundred Sixteenth Congress
U.S. House of Representatives
Committee on Foreign Affairs
2170 Rayburn House Office Building
Washington, DC 20515
www.foreignaffairs.house.gov

May 21, 2020

The Honorable Mike Pompeo
Secretary
U.S. Department of State
2201 C St. NW
Washington, DC 20520

Dear Mr. Secretary:

I am deeply concerned by what appears to be a partisan misuse of Department of State resources to assist Senate Republicans in a political smear of Democratic presidential nominee and former Vice President Joe Biden. Just days after the conclusion of the President's impeachment trial in the Senate, Department officials produced thousands of pages of documents requested by Senate Republicans to manufacture baseless, blatantly political attacks related to the son of Vice President Joe Biden and his relationship to a Ukrainian energy company. The trove of documents provided to the Senate committees stands in stark contrast to the State Department's striking failure to produce documents responsive to a long list of requests from the House Foreign Affairs Committee for nearly a year.

Since the beginning of 116th Congress, the Foreign Affairs Committee has submitted more than a dozen requests for documents, information, and witness testimony to the Department of State (see attachment for examples). Many of these sought records and information in the Department's possession about serious allegations about President Trump's conflicts of interest and abuse of the power of his office. The Department has refused to provide the information the Committee has requested, and frequently produced nothing at all, in response to these requests.

The Honorable Mike Pompeo
May 21, 2020
Page Two

In the case of the impeachment inquiry, the Department's posture was an unprecedented blanket defiance of a duly authorized subpoena¹ and attempts to muzzle key witnesses.²

So I was deeply troubled when, on May 1, the Senate Committee on Homeland Security and Governmental Affairs and the Senate Committee on Finance, neither of which have primary jurisdiction over the Department of State, released a letter indicating that they have recently been receiving documents from the Department about topics central to the President's political attacks against his electoral opponent.³ The timeline of this is striking:

- On February 5, the impeachment trial of President Trump concluded in the Senate. On the same day, Senators Johnson and Grassley reiterated their request for records related to Vice President Biden's son.⁴
- Two weeks later, on February 20, the State Department produced nearly 3,000 pages of material to Senators Grassley and Johnson.⁵
- On April 8, 2020, the Department provided more than 1,000 additional pages to Senators Grassley and Johnson.⁶

As the coronavirus spread from overseas and began to ravage American cities, scarce State Department resources were expended on producing documents to advance conspiracy theories damaging to a candidate for president of the United States. The women and men of the

¹ That subpoena, like each of the requests for documents listed below, remains operative and past due. To the extent that the State Department has taken the position that it is precluded from complying with the subpoena based on an Office of Legal Counsel opinion, *see, e.g., Slip. Op. House Committees Authority to Investigate for Impeachment*, Jan. 19, 2020, we note that, while we disagree with the reasoning and conclusions of that opinion, the factual premise on which its arguments rest has long since disappeared. *See* H. Res. 660, October 31, 2019. To alleviate any confusion about the Committee's position, this letter may serve as formal renewal of our demand for any and all documents responsive to the September 27, 2019 subpoena from the House Committee on Foreign Affairs to the Department of State. The Committee understands that these records have already been collected, processed, and reviewed. Accordingly, they should be available for production without delay.

² *See, e.g.,* letters from Undersecretary of State for Management Brian Bulatao instructing the following officials not to provide testimony to Congress: Ambassador Gordon Sondland (October 7, 2019); Deputy Assistant Secretary of State George Kent (October 10, 2019); Ambassador Marie Yovanovitch (October 10, 2019); Counselor of the Department T. Ulrich Brechbuhl (October 10, 2019).

³ *See* Letter to Secretary of State Michael R. Pompeo from Senators Johnson and Grassley, April 30, 2020.

⁴ *See Grassley, Johnson Seek Hunter Biden Travel Records in Conflict-of-Interest Probe*, February 5, 2020 (online at: <https://www.grassley.senate.gov/news/news-releases/grassley-johnson-seek-hunter-biden-travel-records-conflict-interest-probe>).

⁵ *See* Letter from Senator Ron Wyden, Ranking Member, U.S. Senate Committee on Finance, May 6, 2020 (online at: <https://www.documentcloud.org/documents/6883366-Wyden-to-Pompeo-05-06-2020.html>).

⁶ *Id.*

The Honorable Mike Pompeo
May 21, 2020
Page Three

State Department are consummate professionals who have dedicated their careers to promoting the interests of all Americans around the world. Congress and the American people will not tolerate shady efforts to coopt their work on behalf of the President's reelection campaign.

I am obliged to point out that any politicization of the Department's response to Congressional requests is a potential violation of several federal statutes, including the Hatch Act, the Anti-Deficiency Act, the Impoundment Act, and certain provisions of appropriations law. And it is deeply troubling that as State Department resources were wastefully used to send Senate Republicans documents to support their political fishing expedition, you pushed for the firing of the State Department's independent watchdog, Inspector General Steve Linick—who would have been in a position look into such concerns—and replaced him with a deeply conflicted administration loyalist.

As Chairman of the House committee of jurisdiction over the Department of State, I formally requested on May 14 that you provide me with copies of the documents which the Department has provided to the two Senate Committees and formally request that you provide these to my Committee. Honoring such a request would be in keeping with longstanding State Department practice. Further, it is imperative that the Department provide to the Committee all previously requested documents and information listed in the attachment to this letter. It is my preference that the State Department provide this information voluntarily. However, **if the requested documents are not produced in full by the close of business on June 1, 2020, then I am prepared to issue subpoenas for the relevant documents and the testimony of relevant Department officials.**

Please contact the Committee on Foreign Affairs to facilitate the production of this information and with any questions.

Sincerely,



ELIOT L. ENGEL
Chairman

Unfulfilled oversight requests from the Committee on Foreign Affairs:

- President Trump’s communications with Russian president Vladimir Putin (March 4, 2019)
- Jared Kushner’s shadow diplomacy (March 28, 2019)
- Allegations that the Administration politicized and distorted intelligence regarding nuclear, biological, and chemical weapons (May 16, 2019)
- State Department spending of taxpayer funds at Trump properties (July 22, 2019)
- Subpoena to the Honorable Michael R. Pompeo, Secretary of State, U.S. Department of State (September 27, 2019)
- Evidence that people associated with President Trump may have threatened the physical security of then-Ambassador Marie “Masha” Yovanovitch (January 15, 2020)
- Mismanagement and nepotism by a politically-appointed Ambassador who is a member of President Trump’s Mar-a-Lago club (February 5, 2020)
- Cables regarding the COVID-19 virus that you have claimed provide “substantial evidence” on the origins of the virus (April 15, 2020)
- The Administration’s reckless decision to suspend U.S. funding of the World Health Organization in the middle of a global health pandemic (April 27, 2020)
- Any and all documents that the Department of State has provided to the Senate Committee on Finance and the Senate Homeland Security and Government Affairs Committee since January 1, 2020 related to the matters described in Senator Wyden’s letter of May 6.