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One Hundred Eighteenth Congress
U.S. House of Representatives
Committee on Foreign Affairs
2170 Rayburn House Office Building
Washington, DC 20515

June 13, 2023

The Honorable Antony Blinken
Secretary
Department of State
2201 C Street, NW
Washington, DC 20520

Dear Secretary Blinken,

On May 19, I requested a variety of documents related to reports that Deputy Secretary of State, Wendy Sherman and Deputy Assistant Secretary for China and Taiwan, Rick Waters, “held back human rights related sanctions, export controls, and other sensitive actions to try to limit damage to the U.S.-China relationship.”¹ To date, the State Department has failed to provide any portion of the document request. Moreover, Assistant Secretary of State for East Asian and Pacific Affairs Daniel Kritenbrink canceled his scheduled June 14 testimony before the Subcommittee on the Indo-Pacific, suggesting that the Department refuses to provide answers on these issues to Congress as Secretary Blinken prepares to depart for a trip to China. This is simply unacceptable.

The People’s Republic of China (PRC) is a generational threat to the United States and the existing rules-based international order. Nonetheless, the Biden administration State Department refuses to understand or come to terms with the role of the Chinese Communist Party (CCP), its intentions, and implications of our deep ideological divide with the Marxist-Leninist regime in Beijing. In addition, the State Department appears to be delaying export controls on Huawei and sanctions on human rights violations tied to Xinjiang.

The Biden administration’s misguided and myopic pursuit of engagement was revealed when Assistant Secretary Kritenbrink traveled to the PRC on the 34th anniversary of the CCP’s crackdown on pro-democracy rally in Tiananmen Square. Now, I am shocked you plan to travel to the PRC this week. Following the PRC spy balloon incident, the State Department said the

¹ “McCaul Slams State’s ‘Weakness and Passivity’ on China Policy, Blocking Competitive Actions Toward CCP,” Press Release, May 24, 2023, <https://foreignaffairs.house.gov/press-release/mccaual-slams-states-weakness-and-passivity-on-china-policy-blocking-competitive-actions-toward-ccp/>

“conditions are not right...to travel to China.”² It is confounding how the conditions are suddenly right to reengage when in the last few weeks, a CCP warship nearly hit a U.S. destroyer in the Taiwan straits and a CCP fighter jet performed an “unnecessarily aggressive maneuver” during an intercept of a U.S. Air Force aircraft.³ Now, we understand that the CCP is building a spy base in Cuba.⁴ The CCP is speaking through its actions, but we are pleading for dialogue.

It is unacceptable for the Department to ignore the June 2 deadline in the initial request. These documents are needed to inform my committee’s understanding of the Department’s policy and strategy toward the PRC, including the Department’s reported obstruction of the use of national security tools provided by Congress, such as sanctions and entity listings, and the potential need for further legislation to address the Department’s apparent failures.

Please produce all iterations since October 1, 2022 of the competitive actions calendar prepared by the Bureau of East Asian and Pacific Affairs (EAP) immediately, but no later than 6:00pm on Friday, June 16. If these documents are not produced by 6:00pm on Friday, June 16, I am prepared to proceed with compulsory process to obtain compliance.

Congress’ oversight powers are derived from the U.S. Constitution and have been repeatedly affirmed by the United State Supreme Court.⁵ Under House Rule X, the Committee has legislative and oversight jurisdiction over “[r]elations of the United States with foreign nations generally,” “[d]iplomatic service,” and “[p]rotection of American citizens abroad and expatriation.”⁶ Furthermore, 22 U.S.C. § 2680 states, “The Department of State shall keep the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives fully and currently informed with respect to all activities and responsibilities within the jurisdiction of these committees. *Any Federal department, agency, or independent establishment shall furnish any information requested by either such committee relating to any such activity or responsibility.*”⁷

² “Senior State Department Officials On the People’s Republic of China,” Office of the Spokesperson, February 3, 2023, <https://www.state.gov/senior-state-department-officials-on-the-peoples-republic-of-china/>

³ “USINDOPACOM Statement on Unprofessional Intercept of U.S. Aircraft over South China Sea,” U.S. Indo-Pacific Command Public Affairs, May 30, 2023, <https://www.pacom.mil/Media/News/News-Article-View/Article/3410337/usindopacom-statement-on-unprofessional-intercept-of-us-aircraft-over-south-chi/>

⁴ “Cuba to Host Secret Chinese Spy Base Focusing on U.S.,” Wall Street Journal, June 8, 2023, <https://www.wsj.com/articles/cuba-to-host-secret-chinese-spy-base-focusing-on-u-s-b2fed0e0>

⁵ See generally U.S. CONST. art. I, § 8, cl. 8; *McGrain v. Daugherty*, 273 U.S. 135, 174 (1927) (holding that “the power of inquiry—with process to enforce it—is an essential and appropriate auxiliary to the legislative function”); *Eastland v. U.S. Servicemen’s Fund*, 421 U.S. 491, 504 (1975) (holding that “the power to investigate is inherent in the power to make laws”); *Barenblatt v. United States*, 360 U.S. 109, 111 (1959) (holding that “the scope of power of inquiry ... is as penetrating and far-reaching as the potential power to enact and appropriate under the Constitution.”).

⁶ *Rules of the House of Representatives: One Hundred Eighteenth Congress*, U.S. HOUSE OF REP. 7 (Jan. 10, 2023), <https://rules.house.gov/sites/republicans.rules118.house.gov/files/documents/Rules%20and%20Resources/118-House-Rules-Clerk.pdf>.

⁷ 22 U.S.C. § 2680(b) (emphasis added).

We look forward to your prompt reply.

Sincerely,

A handwritten signature in blue ink that reads "Michael T. McCaul". The signature is written in a cursive style with a blue color.

Michael T. McCaul
Chairman
House Foreign Affairs Committee

CC:

Rep. Gregory W. Meeks, Ranking Member
House Foreign Affairs Committee