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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

July 13, 2023

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

Dear Secretary Blinken:

On June 30, 2023, I wrote to you regarding troubling reports that Special Envoy for Iran Robert Malley was placed on unpaid leave following suspension of his security clearance amidst an investigation into his potential mishandling of classified information.¹ I also expressed concerns that the Department of State (the Department) may have misled Congress and the American public on this matter.² Reports since then indicate that Special Envoy Malley is now being investigated by the Federal Bureau of Investigation (the FBI).³ Despite the gravity of this situation, the Department failed to provide the Committee any substantive information in response in its July 11 response. This is unacceptable.

Pursuant the Rules of the House of Representatives, the Committee has legislative and oversight jurisdiction over, among other things, “[r]elations of the United States with foreign nations generally” and “[d]iplomatic service.”⁴ 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

¹ Letter from Michael T. McCaul, Chairman, H. Comm. on Foreign Affs. (HFAC), to the Hon. Antony Blinken, Sec’y of State, U.S. Dep’t of State (June 30, 2023).

² *Id.*

³ Pat Milton et al., *FBI Looking into Biden Iran Envoy Rob Malley over Handling of Classified Material, Multiple Sources Say*, CBS NEWS (July 10, 2023), <https://www.cbsnews.com/news/fbi-biden-iran-envoy-rob-malley-handling-classified-material/>.

⁴ CLERK OF THE H.R., 118TH CONG., RULES OF THE H.R. Rule X (Jan. 10, 2023), <https://rules.house.gov/sites/republicans.rules118.house.gov/files/documents/Rules%20and%20Resources/118-House-Rules-Clerk.pdf>.

department, agency, or independent establishment shall furnish any information requested by either such committee relating to any such activity or responsibility.”⁵

In its July 11 response to the Committee, the Department cites “longstanding Executive Branch and Department of State policies and practices” as a purported grounds for withholding documents and information related to the suspension of Special Envoy Malley’s security clearance.⁶ The Committee is unaware, however, of any legal basis for exempting the Department from its statutory responsibilities to Congress on this matter. In recent years the Executive Branch has released information regarding the security clearances of Executive Branch employees to Congress and the public.⁷

The Department also failed to provide the Committee any information on Special Envoy Malley’s leave by the requested deadline in its July 11 response.⁸ Yet, that very same day, State Department spokesman Matthew Miller told the media, “I can say that on June 29th, Rob [Malley] stopped performing the duties of the special envoy for Iran. He went on leave several weeks before that, but I can’t say it with any more degree of specificity.”⁹

For months now, the Committee has requested Special Envoy Malley testify before or brief on Iran policy to no avail. Despite Department officials citing scheduling and Special Envoy Malley’s personal leave as grounds for his inability to satisfy those requests, a recent report by Politico indicates that Special Envoy Malley’s security clearance “appears to have been suspended in late April or early May.”¹⁰ The report cites a U.S. official, who states that Special Envoy Malley “went on a partial paid personal leave in late April” but “until late June, Malley continued doing State Department work, including giving media interviews.”¹¹ If the reporting is accurate, it would directly contradict the explanations provided by the Department to the Committee regarding Special Envoy Malley’s unavailability to testify before or brief the Committee and the nature of his leave.¹² At no point did the Department convey to the Committee that Special Envoy Malley’s security clearance was suspended.

⁵ 22 U.S.C. § 2680(b) (2021).

⁶ Letter from Naz Durakoglu, Assistant Sec’y, Bureau of Legis. Affs., U.S. Dep’t of State, to Michael T. McCaul, Chairman, HFAC (July 11, 2023).

⁷ See Alan Feuer, *F.B.I. Revokes Security Clearances of 3 Agents Over Jan. 6 Issues*, THE NEW YORK TIMES (May 17, 2023), <https://www.nytimes.com/2023/05/17/us/politics/fbi-security-clearance-jan-6.html>; Letter from Chuck Grassley, Ranking Member, Senate Comm. on the Judiciary, to Lloyd Austin, Sec’y of Defense, Dep’t of Defense Ex. A (Apr. 13, 2021), https://www.grassley.senate.gov/imo/media/doc/grassley_to_defense_dept.moyar.pdf.

⁸ See McCaul, *supra* note 1.

⁹ See Press Briefing, Matthew Miller, Dep’t Spokesperson, Dep’t of State, Dep’t Press Briefing – July 11, 2023 (July 11, 2023), <https://www.state.gov/briefings/department-press-briefing-july-11-2023/>.

¹⁰ Betsey Woodruff Swan and Nahal Toosi, *‘It’s not good’: GOP angry over Biden team’s handling of Iran envoy probe*, POLITICO (Jul. 12, 2023), <https://www.politico.com/news/2023/07/12/gop-angry-over-biden-team-handling-iran-envoy-probe-00106023>.

¹¹ *Id.*

¹² See 18 U.S.C. § 1001 (2021) (establishing that a person who “falsifies, conceals, or covers up by any trick, scheme, or device a material fact” or “makes any materially false, fictitious, or fraudulent statement or representation” in “any investigation or review, conducted pursuant to the authority of any committee, subcommittee, commission or office of the Congress, consistent with applicable rules of the House or Senate” is subject to fines of up to \$250,000 or imprisonment of up to five years).

As a senior Department official charged with a highly sensitive role, Special Envoy Malley enjoyed access to critical intelligence and numerous senior State Department, Executive Branch, and foreign officials. It is alarming that the Department chooses to withhold even the most basic of details from Congress, such as the timeline of Special Envoy Malley's leave, clearance status, accesses, and foreign contacts.¹³

The Committee expects prompt and full compliance with its requests, and it will not tolerate obstruction of its oversight of this national security matter. As an initial next step, please make arrangements no later than 5:00 pm Monday, July 17 for a classified briefing on or before Wednesday, July 26: (1) Assistant Secretary for the Bureau of Diplomatic Security Gentry O. Smith; and (2) Under Secretary for Management John Bass. If you fail to make such arrangements in a timely manner, I am prepared to request testimony on this matter in a classified hearing and to compel the appearance of requested witnesses should they refuse to appear voluntarily.

I look forward to your prompt reply.

Sincerely,



Michael T. McCaul
Chairman
House Foreign Affairs Committee

CC:

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

¹³ In the July 11, 2023 press briefing, the Department cited to the Privacy Act of 1974 as grounds for limiting what it can publicly disclose regarding Special Envoy Malley's security clearance suspension. *See Miller, supra* note 9. As a reminder, the Privacy Act does not apply to congressional inquiries. 5 U.S. Code § 552a(b)(9).