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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](http://www.foreignaffairs.house.gov)

August 20, 2020

The Honorable Michael R. Pompeo  
Secretary  
U.S. Department of State  
2201 C Street NW  
Washington, DC 20520

Dear Mr. Secretary:

Earlier this week, POLITICO reported on a State Department memorandum (tasker) from Executive Secretary Lisa Kenna instructing Department personnel around the world to search for more records to assist the Senate Republican-led smear campaign against former Vice President Biden, which itself is advancing a Russian misinformation effort.<sup>1</sup> This tasker was issued on the heels of your July 30 exchange with Senator Johnson before the Senate Foreign Relations Committee, in which you committed to mobilize additional resources to search for yet more documents that Senator Johnson could use to attack Vice President Biden in the leadup to the 2020 presidential election.

The records sought in this tasker would supplement more than 16,000 pages you have already eagerly produced in support of this blatantly political fishing expedition. At the same time that you and Ms. Kenna have instructed Department personnel around the world to engage in an extraordinary and burdensome search for documents for the two Republican-led Senate committees, your only response to a duly authorized subpoena issued on July 31 by the Committee on Foreign Affairs (HFAC), the Department's committee of jurisdiction, for those exact same records has been a jumble of specious quasi-legal assertions to avoid providing those

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<sup>1</sup> Natasha Bertrand, Andrew Desiderio and Kyle Cheney, *Pompeo aide orders State Department to provide Biden, Russia probe documents*, POLITICO, August 18, 2020 (online at: <https://www.politico.com/news/2020/08/18/pompeo-aide-biden-russia-documents-397895>).

The Honorable Michael R. Pompeo  
August 20, 2020  
Page Two

materials to the Committee.<sup>2</sup> The tasker and its timing, along with any records produced to the Senate pursuant to it, are directly responsive to that subpoena and are covered by it in addition to the 16,000 pages already provided. They are themselves evidence of your seemingly politicized misuse of State Department resources in responding to congressional requests.

I must share my serious concern about the extensive and excessive breadth of records sought under this tasker and the fact that it was issued to virtually every office and bureau in the Department and all overseas diplomatic posts. In this case, the Department seems to have abandoned its professed desire to avoid imposing overbroad, burdensome obligations on foreign service officers and civil servants, instead dispatching around the world the request from Senators Johnson and Grassley for such absurdly bottomless topics as “[a]ll records related to information provided by a friendly foreign government to Department officials” during a particular time period.

Indeed, the only limitations the Department seems to have placed on this herculean search for records are the dates defining which records would be considered responsive. This restriction starkly and plainly revealed the Department’s politicization of its response to Congress. The tasker unilaterally imposes a cutoff date for these records of December 31, 2017. The Senators’ letter contains no such blanket limitation on the dates of responsive records. But the effect of telling Department officials not to look for records related to Ukraine from 2018-2020 is that it specifically excludes, thus hiding from Congress and the American people, documents related to the scheme for which President Trump was impeached. By imposing this limitation, the tasker has made the goal of the Senators’ investigation—to attack Joe Biden while hiding evidence regarding President Trump—even more apparent than the Senators’ own July 28 letter did.

Regardless, the Department’s rapid, all-hands-on-deck response to the Senators’ patently partisan request, in contrast to its continued defiance of a duly authorized subpoena from the

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<sup>2</sup> See Austin Evers and Molly Claflin, *Exclusive: Obstruction at all Costs: The State Department’s Petty Document Fight with Congress*, Just Security, August 17, 2020 (online at: <https://www.justsecurity.org/71988/exclusive-obstruction-at-all-costs-the-state-departments-petty-document-fight-with-congress/>). The authors of this piece, former officials of the State Department and Senate Judiciary Committee, respectively, note that that the Department’s argument that it does not have a historical practice of providing congressional committees with copies of documents that have previously been provided to other committees is “just not true.” Rather, they note: “[a]s former lawyers for the State Department and Senate Judiciary Committee, we participated firsthand in the provision of ‘courtesy copies’ of documents to committees of jurisdiction. For example, in 2014 and 2015, the State Department provided tens of thousands of pages of documents to the Select Committee on Benghazi that it had previously produced to other committees in the House and Senate (Pompeo was a member of the Select Committee). Similarly, the State Department routinely monitored its Freedom of Information Act releases for documents responsive to extant congressional document requests. The Department’s approach was based on a basic commitment to congressional oversight authority and a desire to avoid confrontation when accommodation was possible. It sought opportunities to comply, to release interbranch pressure, and to save its powder for true disputes. The State Department under Pompeo has abandoned that spirit.”

The Honorable Michael R. Pompeo  
August 20, 2020  
Page Three

House Committee on Foreign Affairs, reinforces the increasingly obvious conclusion that the Department under your leadership is advancing a narrow political agenda to assist the President's reelection while ignoring legitimate attempts at oversight. Such political agendas are incompatible with the missions of executive branch agencies and officials funded by hardworking U.S. taxpayers who expect their government to serve them without regard to party.

I look forward to your production of all records responsive to the July 31 subpoena by tomorrow at 5pm.

Sincerely,



ELIOT L. ENGEL  
Chairman