

Congress of the United States
Washington, DC 20515

February 24, 2020

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

Dear Secretary Pompeo:

On March 14, 2019, as part of its investigation into politically-motivated retaliation against State Department personnel, the House Committee on Foreign Affairs and the Senate Foreign Relations Committee (the “Committees”) requested that the Department produce documents and make certain individuals available for transcribed interviews.¹ We write today in furtherance of that investigation.

To date, the Committees have interviewed a number of individuals related to this investigation. However, despite our request on March 14, 2019 to interview specific Department employees, the Department has failed to make a number of employees available for transcribed interviews. In addition, the Committees’ investigative efforts as well as State Department Inspector General reports have established that additional Department employees possess relevant information related to alleged improper personnel practices.

The Committees therefore request that the Department provide, no later than **March 2**, dates on which the following State Department employees will be made available for transcribed interviews in this matter:

- Brian H. Hook, U.S. Special Representative for Iran;
- Andrew Veprek, Deputy Assistant Secretary, Bureau of Population, Refugees and Migration;
- Lisa D. Kenna, Executive Secretary, Office of the Secretary;
- William E. Todd, Deputy Under Secretary for Management;

¹ See Letter from Chairman Engel (House Comm. on Foreign Affairs) and Ranking Member Menendez (Senate Comm. on Foreign Relations) to Sec’y Michael Pompeo (Mar. 14, 2019) (online at: <https://foreignaffairs.house.gov/cache/files/a/f/af101dbe-1a9f-48e1-b45b-529ad719f84b/CD2EF928DFD650998BD823812EE69808.03.15.19-hfac-sfrc-letter-to-pompeo---prohibited-personnel-practices---with-attachments.pdf>).

The Honorable Michael R. Pompeo
February 24, 2020
Page Two

- Simon Henshaw, Ambassador to Guinea (formerly Acting Assistant Secretary for the Bureau of Population, Refugees and Migration); and
- Sean Doocey.

The House Committee on Foreign Affairs and the Committee on Oversight and Government Reform first requested an interview with Mr. Hook nearly two years ago, on March 15, 2018.² Since the Committees began investigating, it has become evident that Ambassador Todd, Ms. Kenna and Ambassador Henshaw also possess information relevant to alleged instances of retaliation. In particular, a recent State Department Office of Inspector General report indicated that Ambassador Todd and Ms. Kenna have first-hand knowledge of relevant events.³

With respect to documents, the Department and the Committees reached a Final Agreement Regarding State Department Document Production in May 2019 (“Agreement”), pursuant to which the Department began making initial productions. Although the Department has made a number of productions under that Agreement, there are a number of outstanding items regarding the Department’s obligations under that Agreement. For example, the Department has not provided a status of the approximately 3,000 documents the Department previously represented that the White House or other third agencies were reviewing.

Therefore, the Committees request that, **no later than March 2**, the Department:

1. Confirm that the Department has produced all records in accordance with Sections I.A and I.B of the May 2019 Agreement, and whether the Department has produced any additional records responsive to the March 14, 2019 letter to the OIG or OSC since July 19, 2019;
2. Provide a status update of the Department’s anticipated timetable for completing productions in the *American Oversight* case⁴ and the anticipated time to completion for producing these documents to the Committees in a non-FOIA redacted form;
3. Provide a status update on the White House’s and any other agency’s review of documents for information deemed highly sensitive to that agency or office,

²See Letter from then-Ranking Members Cummings (House Comm. on Oversight and Gov’t Reform) and Engel (House Comm. on Foreign Affairs) to Gen. John F. Kelly and Deputy Sec’y John J. Sullivan (Mar. 15, 2018) (online at: https://oversight.house.gov/sites/democrats.oversight.house.gov/files/documents/2018-03-15_EEC%20Engel%20to%20WH%20&%20State.pdf).

³ See *Review of Allegations of Politicized and Other Improper Personnel Practices Involving the Office of the Secretary*, Office of Inspector General, United States Department of State, November 2019 (online at: <https://www.stateoig.gov/system/files/esp-20-01-public.pdf>).

⁴ Pursuant to the May 2019 Agreement, the Department was required to produce to Congress “records identified in the Joint Status Report filed on March 1, 2019” in *American Oversight v. U.S. Department of State*, 1:18-cv-02565 (D.D.C.). Under that same May 2019 Agreement, the Department was also required to produce records that it “has released or is preparing to release to any FOIA requester on matters related to the subject of the March 14 Request.”

The Honorable Michael R. Pompeo
February 24, 2020
Page Three

- including anticipated timeline for completing production of such documents to the Committees;
4. Provide a detailed description of the instructions and parameters the Department has used to redact for attorney-client privilege and attorney work product as well as a description of the individuals conducting that redaction review (e.g., lawyers in the Office of the Legal Adviser); and
 5. Notify the Committees no later than March 13, 2020 of the date on which the Department expects to make full and final production of all responsive documents pursuant to the Agreement.

Thank you for your prompt attention to this matter.

Sincerely,



ELIOT L. ENGEL
Chairman
House Committee on Foreign Affairs



ROBERT MENENDEZ
Ranking Member
Senate Committee on Foreign
Relations

CC: The Honorable Michael T. McCaul, House Committee on Foreign Affairs
The Honorable James E. Risch, Senate Committee on Foreign Relations

Attached:

Engel, Menendez Letter to Pompeo dated March 14, 2019
Cummings, Engel Letter to Kelly, Sullivan dated March 15, 2018
Engel, Cummings, Menendez Letter to Pompeo dated June 19, 2018