

Statement of Senator Charles E. Grassley
Before the United States Senate
November 19, 2015

Mr. President, I intend to object to any unanimous consent request at the present time relating to the nomination of Thomas A. Shannon, Jr., of Virginia, a Career Member of the Senior Foreign Service, Class of Career Ambassador, to be an Under Secretary of State (Political Affairs).

I will object because the Department of State has still not responded to almost a dozen investigative letters dating back to 2013. In addition, on August 20, 2015, my staff met with Department officials in an effort to prioritize material for production. The Department has failed to comply with its commitments, producing material late, failing to provide all requested material, and even failing to provide material to the Senate Judiciary Committee contemporaneously with providing the same documents to Freedom of Information Act (FOIA) requestors. These are the same complaints that I raised on September 30, 2015, when I placed a hold on Brian James Egan, of Maryland, to be Legal Advisor of the Department of State. Apparently, the Department simply does not understand its obligation to respond to Congressional inquiries in a timely and reasonable manner.

Two and a half years ago I began a broad inquiry into the government's use of special government employee programs. I did not single out the State Department on this issue. To the contrary, I wrote to 16 different government agencies.

Two and a half years have passed since I began my inquiry and the State Department has still not produced the materials I have requested or certified they do not exist.

In addition to the investigation of the Department's special government employee program, I am also investigating the Department's compliance with the FOIA as it pertains to Secretary Clinton's private server that was used to transit and store government information.

The Minority Leader has questioned whether the Judiciary Committee's jurisdiction extends to these matters. I would note that the special government employee designation is an exception to federal criminal conflict-of-interest laws. Those laws are within the jurisdiction of the Judiciary Committee, as is FOIA.

During the course of my investigation, a former State Department employee – Mr. Bryan Pagliano – declined to speak to the Judiciary Committee about his work on Secretary Clinton's email server.

He pled the Fifth Amendment.

We keep hearing that the FBI's inquiry is just a security review, and not a criminal inquiry. Yet, this witness cited his Constitutional right against self-incrimination to avoid talking about his work on the email server. And he is relying on the Fifth Amendment to withhold his personal emails as well.

So, naturally we are searching for other ways to get information before deciding whether it might be appropriate to seek an immunity order for his testimony. The most likely source of information without forcing the witness to testify would be his emails.

Yet, the Department has failed to produce any in response to my request and the request of Chairman Johnson of the Homeland Security and Governmental Affairs Committee.

As a further example of the Department's continued intransigence, I requested all SF-312 "Classified Non-Disclosure Agreements" for Secretary Clinton, Ms. Huma Abedin, and Ms. Cheryl Mills on August 5, 2015. My staff met with Department personnel three times since that letter and participated in dozens of emails and phone calls in an effort to acquire these documents. In addition, after the Department complained that it had received too many requests from me, my staff produced a prioritized list of requests to assist the Department in producing responses. At number three on that list were the SF-312 forms and at number one are the official emails of Mr. Pagliano.

Notably, during conversations with my staff on the subject, Department personnel stated that they could not locate those forms with the exception of only page 2 of Ms. Abedin's SF-312 exit form. On November 5, 2015, the Department produced SF-312 entrance forms for Secretary Clinton, Ms. Abedin, and Ms. Mills to a FOIA requestor but failed to provide the same to the Committee. Clearly, the documents exist.

In addition, I'm also looking into several State Department Inspector General and whistleblower reports that suggest that the State Department does not hold its own employees accountable for human-trafficking and prostitution violations.

Earlier this year, the Judiciary Committee led the effort to pass the Justice for Victims of Trafficking Act, and I've sent letters to DOJ and DHS—and not just the State Department—to ensure that federal employees are held accountable for soliciting prostitutes.

Last week, the Minority Leader questioned my use of Judiciary Committee resources to conduct these investigations, suggesting that my work in this area is somehow taking away from the Committee's other work.

Back in September, the Justice Department sent me a letter complaining that I've sent them almost 100 oversight letters containing more than 825 questions and document requests – in 2015 alone.

Since then, my office has sent 11 additional oversight letters to the Justice Department, containing more than 65 questions and document requests. So, perhaps the Minority Leader should ask the Assistant Attorney General for Legislative Affairs at DOJ whether my Committee is not doing enough DOJ oversight.

The continued intransigence and lack of cooperation make it clear that the Department did not care enough about their Foreign Service Officers candidates to "get in gear" and begin to produce responses to my oversight letters. Accordingly, I have released my hold on these officer candidates and have escalated to Mr. Shannon.

The Department of State's refusal to fully cooperate with my investigations is unacceptable.

As I have noted before on the floor of the Senate, the Department continues to promise results but there has been very little or no follow-through. The Department's good faith will be measured in documents delivered and witnesses provided.

My objection is not intended to question the credentials of Mr. Shannon in any way. However, the Department must recognize that it has an ongoing obligation to respond to Congressional inquiries in a timely and reasonable manner.

A handwritten signature in blue ink that reads "Chuck Grassley". The signature is written in a cursive, flowing style with a prominent initial "C".