

RESOLUTION RECOMMENDING THAT THE
HOUSE OF REPRESENTATIVES FIND SECRETARY OF STATE
ANTONY J. BLINKEN IN CONTEMPT OF CONGRESS FOR
REFUSAL TO COMPLY WITH A SUBPOENA DULY ISSUED BY
THE COMMITTEE ON FOREIGN AFFAIRS

SEPTEMBER --, 2024.—Referred to the House Calendar and ordered to be
printed

Mr. MCCAUL, from the Committee on Foreign Affairs,
submitted the following

R E P O R T

together with

VIEWS

The Committee on Foreign Affairs, having considered this Report, reports favorably thereon and recommends that the Report be approved.

The form of the Resolution that the Committee would recommend to the House of Representatives citing Secretary of State Antony J. Blinken for contempt of Congress pursuant to this Report is as follows:

Resolved, That Antony J. Blinken, Secretary of State, shall be found to be in contempt of Congress for failure to comply with a congressional subpoena.

Resolved, That pursuant to sections 102 and 104 of the Revised Statutes of the United States (2 U.S.C. 192 and 194), the Speaker of the House of Representatives shall certify the report of the Committee on Foreign Affairs, detailing the refusal of Antony J. Blinken, Secretary of State, to give testimony to the Committee on Foreign Affairs as directed by subpoena, to the United States Attorney for the District of Columbia, to the end that Secretary Blinken be proceeded against in the manner and form provided by law.

Resolved, That the Speaker of the House shall otherwise take all appropriate action to enforce the subpoena.

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EXECUTIVE SUMMARY

On September 24, 2024, U.S. Secretary of State Antony Blinken failed to comply with a duly served subpoena issued by the Committee on Foreign Affairs on September 18 for his testimony before the Committee pertaining to the Chairman of the Committee on Foreign Affairs' investigation into the 2021 withdrawal from Afghanistan and the subsequent noncombatant evacuation operation (NEO). The Committee's September 18 subpoena superseded a September 3 subpoena served on Secretary Blinken as an accommodation to the Secretary's travel schedule, compelling his appearance on a date the Secretary stated he would be in the United States. Despite repeated warnings and accommodations, Secretary Blinken refused to appear to provide his testimony before the Committee. Accordingly, Secretary Blinken has violated federal law, and must be held in contempt of Congress.

Secretary Blinken's testimony is a vital component of the Committee's investigation into the 2021 Afghanistan withdrawal, his department's shortcomings during that period, and Chairman McCaul's proposed legislative remedies. On September 9, 2021, Chairman McCaul published a report, "Willful Blindness: An Assessment of the Biden-Harris Administration's Withdrawal from Afghanistan and the Chaos that Followed" (the Report), detailing the findings of the investigation. As the Report outlines, the investigation found, among other facts, that (1) Secretary Blinken actively participated in the interagency review culminating in President Biden's Go-to-Zero order, (2) Secretary Blinken directed his department to keep U.S. Embassy Kabul open as the United States military retrograded, despite the evident risks, (3) Secretary Blinken failed to ensure the State Department planned for all contingencies, and (4) Secretary Blinken failed to request a NEO until after Kabul fell to the Taliban. As the principal decision-maker during the Afghanistan withdrawal, Secretary Blinken is responsible for the State Department's failure to effectively execute on its responsibilities to advance American foreign policy and protect American interests and citizens overseas.

The Committee seeks, through Secretary Blinken's testimony, to advance the appropriate legislative proposals to remedy the causes of the failures identified in the Committee's investigation. The investigation's Report proposes legislative remedies including but not limited to codification of NEO authorities, the reestablishment of a crisis bureau in the State Department and ensuring more rigorous oversight for leadership in high threat State Department posts. The failures that led to the 2021 withdrawal from Afghanistan placed Americans at risk and continue to undermine American national security and interests abroad. Secretary Blinken's testimony is crucial to guaranteeing the appropriate remedies are instated to rectify the failures that led to the 2021 Afghanistan withdrawal and NEO.

Secretary Blinken has never appeared before the 118th Congress with regard to the Committee's investigation into the United States' withdrawal from Afghanistan. To date, he has only appeared before this Committee for a public hearing twice – both of which were for the State Department's annual budget hearings on March 23, 2023 and May 22, 2024.¹ The objective of

¹ *The State of American Diplomacy in 2024: Global Instability, Budget Challenges, and Great Power Competition: Hearing Before the H. Comm. on Foreign Affs.*, 118th Cong., (May 22, 2024); *The State of American Diplomacy in 2023: Growing Conflicts, Budget Challenges, and Great Power Competition: Hearing Before the H. Comm. on Foreign Affs.*, 118th Cong., (March 23, 2023).

those hearings was to address the State Department’s fiscal year budget requests, not to discuss the U.S. withdrawal from Afghanistan or the Report, which had to yet to be published.

In the 117th Congress, Secretary Blinken appeared one time for a public hearing exclusively on Afghanistan in the immediate aftermath of the deadly NEO.² That appearance predated the Committee’s investigation, meaning this Committee had yet to conduct any transcribed interviews or document discovery. Further, Secretary Blinken’s testimony in that hearing contained misleading accounts and members did not have the benefit of this Committee’s investigative findings to seek the truth.

Secretary Blinken’s refusal to comply with the Committee’s subpoena – despite months of notice and offers of accommodations – warrants contempt. Accordingly, Chairman McCaul recommends that Congress find Antony Blinken in contempt of Congress for his failure to comply with the Committee’s duly issued subpoena.

AUTHORITY AND PURPOSE

Article I of the Constitution vests in Congress a “broad” and “indispensable” power to conduct oversight and investigations that “encompasses inquiries into the administration of existing laws, studies of proposed laws, and surveys in our social, economic or political system for the purpose of enabling Congress to remedy them.”³ The scope of that power of inquiry “is as penetrating and far-reaching as the potential power to enact and appropriate under the Constitution.”⁴ Congress’s oversight and legislative powers have been repeatedly affirmed by the United States Supreme Court.⁵

Further, federal law makes it a crime to willfully fail to comply with a valid congressional subpoena for documents or testimony, “upon any matter under inquiry before either House ... or any committee of either House of Congress.”⁶ Additionally, Congress has statutorily required that, “[t]he Department of State shall keep ... 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 ... such committee relating to any such activity or responsibility.”⁷

Per the Rules of the House of Representatives, adopted pursuant to the Rulemaking Clause of the Constitution, the Committee on Foreign Affairs (Committee) is a standing committee of the

² *Afghanistan 2001–2021: Evaluating the Withdrawal and U.S. Policies Part 1: Hearing Before the H. Comm. on Foreign Affs.*, 117th Cong., (Sept. 13, 2021).

³ *Watkins v. United States*, 354 U.S. 178, 187, 215 (1957).

⁴ *Barenblatt v. United States*, 360 U.S. 109, 111 (1959).

⁵ See U.S. CONST. art. I; *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 2 U.S.C. §192.

⁷ 22 U.S.C. § 2680

House of Representatives.⁸ House Rule XI grants the Committee the authority “to require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents as it considers necessary” for “the purpose of carrying out any of its functions and duties.”⁹ Pursuant to House Rule X, the Committee is empowered to exercise that authority to conduct oversight of the Department of State and over, among other things, “[r]elations of the United States with foreign nations generally,” “[d]iplomatic service,” and “[p]rotection of American citizens abroad and expatriation.”¹⁰ Further, House Rule XI allows the Committee to delegate the power to authorize and issue subpoenas directly to the chairman of the committee, which the Committee has done by adopting Committee Rule 22.¹¹

U.S. Secretary of State Antony Blinken was responsible for State Department equities throughout each phase of the United States’ withdrawal from Afghanistan, including the decision-making process culminating in the “Go to Zero” order officially announced by President Biden on April 14, 2021, the United States military retrograde subsequent to that order, and the noncombatant evacuation operation (NEO) ordered by President Biden on August 16, 2021. In testimony before the Committee, current and former State Department officials confirmed that Secretary Blinken served as the final decisionmaker for the State Department on all issues, including issues related to the United States’ withdrawal from Afghanistan.

On September 9, 2024, House Committee on Foreign Affairs Chairman Michael McCaul published his report, titled “Willful Blindness: An Assessment of the Biden Harris-Administration’s Withdrawal from Afghanistan and the Chaos that Followed” (the Report), presenting his findings and legislative recommendations stemming from the Committee’s three-year investigation into the Biden-Harris Administration’s withdrawal from Afghanistan in 2021.¹² As explained in that Report:

On May 22, 2024, Chairman McCaul requested U.S. Secretary of State Antony Blinken appear for a public hearing in September on the committee’s report. The Chairman restated his request on August 12, 2024. Secretary Blinken asserted his intention to not appear on September 3rd, triggering the issuance of a subpoena by the committee that day, mandating his appearance for September 19th. Appropriate measures, including congressional contempt, shall be pursued should Secretary Blinken not appear.¹³

⁸ U.S. Const. art. I, §5, cl. 2.

⁹ CLERK OF THE H.R., 118TH CONG., RULES OF THE H.R., Rule XI(2)(m)(1) (2023).

<https://rules.house.gov/sites/republicans.rules118.house.gov/files/documents/Rules%20and%20Resources/118-House-Rules-Clerk.pdf>.

¹⁰ *Id.*, Rule X(1)(i).

¹¹ CLERK OF THE H.R., 118TH CONG., RULES OF THE H.R., Rule XI(2)(m)(3)(A)(i); Rules of the Committee on Foreign Affairs for the 118th Congress, rule 22 (empowering the chairman of the Committee on Foreign Affairs to authorize and issue subpoenas “in the conduct of any investigation or activity...within the jurisdiction of the Committee.”).

¹² Michael T. McCaul, *Willful Blindness: An Assessment of The Biden-Harris Withdrawal from Afghanistan and the Chaos that Followed*, 118th Cong. (Sept. 9, 2024).

¹³ Michael T. McCaul, *Willful Blindness: An Assessment of The Biden-Harris Withdrawal from Afghanistan and the Chaos that Followed*, 118th Cong., at 11 (Sept. 9, 2024).

As laid out in the Report, a subpoena was duly authorized, issued to, and served upon the Secretary of State on September 3, 2024, in connection with this Committee’s investigation into the United States’ withdrawal from Afghanistan, pursuant to authority vested in it under House Rule X.

Secretary Blinken’s testimony is necessary to address the findings of the Report, as well as to address the legislative proposals set forth therein. The State Department played a critical role in executing all elements of the United States’ withdrawal from Afghanistan, making Secretary Blinken’s testimony essential. Indeed, over half of the 23 legislative proposals in Chairman McCaul’s report relate to changes in the structure or operation of the State Department, including recommendations for codifying responsibilities for planning and executing a NEO, increasing oversight of high threat State Department posts, and reforming the State Department’s reporting processes to Congress.¹⁴ Contempt is warranted as a result of Secretary Blinken withholding testimony on these subjects.

BACKGROUND ON THE INVESTIGATION

A. The Committee Seeks Information Related to the Investigative Purpose of the Committee’s Inquiry into the United States’ Withdrawal from Afghanistan

a. The Committee’s Request for Testimony Comes After Thorough Investigation

On January 12, 2023, the Committee launched an investigation into the United States’ withdrawal from Afghanistan. Upon taking the majority, the Committee’s investigation included three components: (1) public hearings, (2) transcribed interviews, and (3) document discovery. The Committee held seven public hearings and roundtables, 18 transcribed interviews with current or former State Department, Department of Defense, and White House officials, and reviewed over 20,000 pages of documents. All State Department witnesses – except for one foreign service officer – appeared under threat of subpoena. Regarding document productions, as explained in the Report:

Through compulsory process, the committee majority obtained internal State Department memoranda, interview notes from the State Department’s After Action Review (AAR), and a Dissent Channel Cable sent by U.S. Embassy Kabul staff in July of 2021, all of which were available for review by both majority and minority Representatives and staff. In order to secure these documents, the majority was forced to issue two subpoenas to Secretary of State Antony Blinken, threatening contempt on both occasions. Prior to the issuance of these subpoenas, the State Department’s document productions consisted of duplicative documents, over-redactions, over-classification, and impertinent information.¹⁵

To date, the Committee has served Secretary Blinken with four subpoenas relating to this investigation, with the most recent one being the subject of this contempt report. The Committee

¹⁴ *Id.* at 237-45.

¹⁵ *Id.* at 14.

has scheduled two contempt markups for Secretary Blinken. A robust explanation of State Department obstruction is included in Chairman McCaul’s Report.¹⁶

b. Secretary Blinken Must Speak on Behalf of the Department Over Which He Holds Ultimate Responsibility

The Secretary of State has a statutory responsibility to administer, coordinate, and direct the State Department and the Foreign Service.¹⁷ Secretary Blinken, for that reason, is accountable for the policymaking and execution of State Department actions, including those conducted by subordinate Department officials.

Witnesses interviewed by the Committee provided testimony consistent with Secretary Blinken’s leadership role within the State Department, including its equities during the Afghanistan withdrawal. In his transcribed interview, Ross Wilson, the Chief of Mission at U.S. Embassy Kabul during the withdrawal and NEO, identified Secretary Blinken as the “ultimate decision maker on all matters at the State Department” and said that he was “very involved on Afghan policy and made key decisions.”¹⁸ In his transcribed interview, Counselor of the Department Derek Chollet confirmed Secretary Blinken’s lead role in the Afghanistan withdrawal.¹⁹ Ned Price, State Department Spokesperson during the withdrawal and Senior Advisor to Secretary Blinken, asserted to the Committee that Secretary Blinken “is ultimately responsible for everything the Department does.”²⁰ Secretary Blinken’s Chief of Staff, Suzy George, described him as “responsible 24 hours a day, 7 days a week.”²¹ Ambassador Dan Smith, who was tasked by Secretary Blinken to lead the State Department’s After-Action Review (AAR) on Afghanistan, further confirmed Secretary Blinken, “had overall responsibility for the Department of State and the safety and security of Department personnel and the conduct of U.S. foreign policy.”²²

Department of Defense leadership confirmed the same. General Mark A. Milley, former Chairman of the Joint Chiefs of Staff, testified to the Committee that Secretary Blinken held

¹⁶ *Id.* at 195-198.

¹⁷ See 22 U.S.C. § 2651a (explaining that the Secretary of State exercises principal authority to administer, coordinate, and direct the State Department and the Foreign Service); 22 U.S.C. 2656 (explaining that the Secretary of State serves as the President’s principal foreign policy advisor and is responsible for the formulation and execution of approved policy); 22 U.S.C. 2671 (explaining that the Secretary of State is authorized to make expenditures for the evacuation of U.S. government employees and their dependents, U.S. citizens, and third-country nationals when their lives are endangered by war, civil unrest, or a natural disaster); 22 U.S.C. § 4802 (explaining the Secretary of State’s responsibility to develop and implement policies and programs to provide for the security of U.S. diplomatic missions and personnel overseas).

¹⁸ Transcribed Interview with Ross Wilson, Amb., U.S. Dep’t of State, in Washington, D.C., at 35 (Oct. 24, 2023).

¹⁹ Transcribed Interview with Derek Chollet, Counselor, U.S. Dep’t of State, in Washington, D.C., at 19 (Dec. 19, 2023).

²⁰ Transcribed Interview with Ned Price, Spokesperson, U.S. Dep’t of State, in Washington, D.C., at 20 (Dec. 12, 2023).

²¹ Transcribed Interview with Suzy George, Chief of Staff, U.S. Dep’t of State, in Washington D.C., at 90 (Dec. 14, 2023).

²² Transcribed Interview with Daniel B. Smith, Amb., U.S. Dep’t of State, in Washington, D.C., at 156 (Aug. 31, 2023).

overall decision authority regarding the initiation and execution of the NEO.²³ The planning and execution of the NEO comprise a critical element of the Committee’s investigation into the withdrawal from Afghanistan, and over 100 pages of Chairman McCaul’s Report are dedicated to the period leading up to and through the NEO.

The Report found that the State Department did not effectively execute on its responsibilities to advance American foreign policy and protect American interests and citizens overseas. Facts supporting that conclusion include that (1) Secretary Blinken participated in the deliberations that culminated in President Biden’s go-to-zero order in spite of the Taliban being in violation of the Doha Agreement; (2) Secretary Blinken intended to keep Embassy Kabul open indefinitely, despite an advancing Taliban military and predictions of the collapse of Afghan forces; (3) Secretary Blinken failed to plan for all contingencies, including a noncombatant evacuation operation (NEO); and (4) Secretary Blinken did not request a NEO until after the Taliban entered Kabul. Accordingly, Chairman McCaul’s Report found State Department decision-making created an unsafe environment at Hamid Karzai International Airport (HKIA), exposing both State and Defense Department personnel, Afghan allies, and innocent civilians to lethal threats, physical harm, and lasting emotional damage.

Secretary Blinken’s testimony is required to address those findings, understand State Department decision-making, and, through legislation, prevent a like catastrophe.

c. Investigation Findings on the Afghanistan Withdrawal

i. The Interagency Review Process

Secretary Blinken’s testimony is necessary to address the Committee’s findings relating to the participation of the State Department in the inter-agency review process, which resulted in President Biden’s “Go-To-Zero” order.

Shortly after entering office, President Biden launched an interagency review of United States’ Afghanistan policy. The review was led by the National Security Council and incorporated equities from several executive agencies, including the State Department.²⁴ The purpose was in part to assess the 2020 Doha Agreement and the Taliban’s adherence to the commitments contained therein.²⁵ According to former Special Representative for Afghan Reconciliation Zalmay Khalilzad, the architect of the 2020 Doha Agreement, Secretary Blinken was a “principal participant” in the interagency review of the Doha Agreement.²⁶ Suzy George, Chief of Staff to Secretary Blinken, said “there was ongoing work [relating to the Afghanistan withdrawal] which

²³ *An Assessment of the Biden-Harris Administration’s Withdrawal from Afghanistan by America’s Generals: Hearing Before the H. Comm. on Foreign Affs.*, 118th Cong., (Mar. 19, 2024) at 2:36:30, (statement by Mark A. Milley, Gen., U.S. Army (ret.)).

²⁴ U.S. Dep’t of Defense, LEAD INSPECTOR GEN., OPERATION FREEDOM’S SENTINEL: LEAD INSPECTOR GENERAL REPORT TO THE UNITED STATES CONGRESS: January 1, 2021 – March 31, (2021); Transcribed Interview with Derek Chollet, Couns., U.S. Dep’t of State, in Washington, D.C., at 30 (Dec. 19, 2023); Transcribed Interview with Brian McKeon, Deputy Sec’y of State for Mgmt., U.S. Dep’t of State, in Washington, D.C., at 13 (Nov. 29, 2023).

²⁵ Press Release, Emily Horne, Nat’l. Sec. Council Spokesperson, Statement on Security Advisor Jake Sullivan’s Call with National Security Advisor Hamdullah Mohib (Jan. 23, 2021).

²⁶ Transcribed Interview with Zalmay Khalilzad, former Spec. Rep. for Afg. Reconciliation, H. Comm. on Foreign Affs, in Washington, D.C. at 81 (Nov. 8, 2023).

the Department and the Secretary were involved in from the beginning of the administration.”²⁷ Counselor Derek Chollet, who held Afghanistan withdrawal planning responsibilities, testified, “the Secretary of State was very engaged” in the withdrawal planning process.²⁸ Spokesperson and Senior Advisor Ned Price similarly described Secretary Blinken as a “constant presence in interagency discussions.”²⁹

That interagency review process purportedly included a review of the Taliban’s adherence to Doha Agreement commitments, which included cutting ties with al Qaeda, reducing violence against Afghan forces, and engaging in meaningful negotiations with the Afghan government. Spokesperson Price testified to the Committee that Taliban adherence to the Doha Agreement ended up being “immaterial” to the interagency review process.³⁰ Further, testimony from Ambassador Khalilzad showed that the State Department never conducted a comprehensive assessment on whether the Taliban was adhering to the Doha Agreement.³¹

A State Department review of the Doha Agreement’s conditions would have revealed noncompliance by the Taliban. Ambassador Wilson’s testimony demonstrated that, throughout his tenure as Chief of Mission to Embassy Kabul, the Taliban consistently violated the Doha Agreement, including through violence towards Afghan forces and civilians and continued ties with al Qaeda.³² Secretary Blinken’s testimony would inform this Committee’s understanding of why no official assessment of Taliban compliance with the Doha Agreement was conducted. This is of particular importance given that the administration continues to point to the Doha Agreement as leaving them no option but withdrawal. As the head of the State Department, Secretary Blinken is the only person qualified to address questions regarding the State Department’s inputs regarding Taliban compliance with the Doha Agreement in the interagency review.

Further, this Committee’s investigation uncovered reports that Secretary Blinken recommended that President Biden enforce the conditionality of the Doha Agreement. After consulting with NATO allies in Brussels, Secretary Blinken was reportedly shaken by the strength of NATO’s arguments against the United States’ complete and unconditional withdrawal from Afghanistan, and he told NATO Secretary General Stoltenberg in mid-April, “I share your view that it would be preferable to reach a political settlement before foreign troops depart.”³³ According to Ambassador Khalilzad, during the interagency review, Secretary Blinken recommended the

²⁷ Transcribed Interview with Suzy George, Chief of Staff, U.S. Dep’t of State, in Washington D.C., at 14 (Dec. 14, 2023).

²⁸ Transcribed Interview with Derek Chollet, Counselor, U.S. Dep’t of State, in Washington, D.C. at 21 (Dec. 19, 2023).

²⁹ Transcribed Interview with Ned Price, Spokesperson, U.S. Dep’t of State, in Washington, D.C., at 14 (Dec. 12, 2023).

³⁰ Press Release from Ned Price, U.S. Dep’t of State (Feb. 12, 2021), <https://www.state.gov/briefings/department-press-briefing-february-12-2021/>; Transcribed Interview with Ned Price, Spokesperson, U.S. Dep’t of State, in Washington, D.C., at 67 (Dec. 12, 2023).

³¹ Transcribed Interview with Zalmay Khalilzad, Spec. Rep. for Afg. Reconciliation, U.S. Dep’t of State, in Washington, D.C. at 189 (Nov. 8, 2023).

³² Transcribed Interview with Ross Wilson, Amb., U.S. Dep’t of State, in Washington, D.C., at 87-88 (Oct. 24, 2023).

³³ Afghanistan After-Action Review (AAR) Interview Notes, U.S. Dep’t of State, Bates #0016962, Classification: SBU

United States pursue conditionality with regards to the Doha Agreement, pausing the withdrawal until the Taliban upheld their end of the deal.³⁴ Nevertheless, Secretary Blinken would later support President Biden’s unconditional withdrawal from Afghanistan.

Secretary Blinken’s testimony is vital because, as the State Department’s principal and final decision maker, he has unique insight into the guidance he provided informing the President’s decision to proceed with an unconditional withdrawal. Further, given his later support of that withdrawal, his testimony is necessary to resolve questions as to any changes in circumstance on the ground that may have informed this shift. Without his testimony, this Committee will not have a complete understanding of why the State Department ultimately supported withdrawing from Afghanistan despite the Taliban’s noncompliance with the Doha Agreement.

ii. Execution of The Go-to-Zero Order

A critical decision involved in executing the Go-To-Zero Order was whether to keep the U.S. Embassy in Kabul open. Secretary Blinken’s testimony is necessary to address State Department policymaking leading to the decision to keep the Embassy open.

On April 14, 2021, President Biden announced that the United States would remove all troops from Afghanistan, along with all military advisors and contractors.³⁵ Accordingly, and pursuant to President Biden’s Go-to-Zero order, the United States military began planning and executing a rapid retrograde of U.S. troops from Afghanistan. U.S. Embassy Kabul, however, remained open during and after the departure of all U.S. troops.³⁶ The decision to keep it open indefinitely was reported to be based on Secretary Blinken’s advice to President Biden that U.S. Embassy Kabul should remain open regardless of the military withdrawal and that there was no reason to close the embassy prior to the Taliban taking over.³⁷

General Mark Milley called the decision to keep the Embassy open as the military retrograded the “fundamental flaw” of the Afghanistan withdrawal.³⁸ General Scott Miller, commander of U.S. Forces – Afghanistan and the highest ranking general in Afghanistan – agreed with General Milley that U.S. Embassy personnel should have left Afghanistan with the military. General Miller testified that keeping Embassy personnel in Kabul increased the danger of the withdrawal and, eventually, evacuation.³⁹

³⁴ Transcribed Interview with Zalmay Khalilzad, fm. Amb, U.S. Dep’t of State, HFAC, in Washington D.C., at 147 (Nov. 8, 2023).

³⁵ President Joseph Biden, *Remarks by President Biden on the Way Forward in Afghanistan*, WHITE HOUSE (Apr. 14 2021) in <https://www.whitehouse.gov/briefing-room/speeches-remarks/2021/07/08/remarks-by-president-biden-on-the-drawdown-of-u-s-forces-in-afghanistan/>.

³⁶ *An Assessment of the Biden-Harris administration’s Withdrawal from Afghanistan by America’s Generals: Hearing Before the H. Comm. on Foreign Affs.*, 118th Cong. at 00:28:20 to 00:28:40 (2024), ([statement of Frank McKenzie, Gen., U.S. Army \(ret.\)](#)).

³⁷ ALEXANDER WARD, *THE INTERNATIONALISTS: THE FIGHT TO RESTORE AMERICAN FOREIGN POLICY AFTER TRUMP 64* (2024).

³⁸ *An Assessment of the Biden-Harris Administration’s Withdrawal from Afghanistan by America’s Generals: Hearing Before the H. Comm. on Foreign Affs.*, 118th Cong., (Mar. 19, 2024) at 2:06:33, (statements by Mark A. Milley, Gen., U.S. Army (ret.)).

³⁹ Transcribed Interview with Austin Scott Miller, Gen., U.S. Dep’t of Defense, in Washington, D.C., at 195 (Apr. 15, 2023).

In addition to military warnings, members of the State Department's Bureau of Diplomatic Security warned of the dangers posed by keeping the Embassy open following the military retrograde. Interview notes from the State Department's AAR reveal there was a lack of understanding by State Department leaders – including Secretary Blinken – regarding how the Department executes its responsibilities under 22 U.S.C. § 4802, a federal law which requires the Secretary of State to develop and implement policies and programs to provide for the security of U.S. diplomatic operations, such as the U.S. Embassy in Kabul.⁴⁰

According to former Deputy Assistant Secretary of State and Assistant Director for High Threat Programs Greg Sherman, there was a “pressure to get to yes” in the security assessments so that U.S. Embassy Kabul could remain open.⁴¹ Mr. Sherman's concerns were echoed by other members of the Bureau of Diplomatic Security. Ambassador Dan Smith, who led the State Department's AAR, admitted to the committee “there was a concern” from members of Diplomatic Security “that sometimes, in the broader context, some of their warnings may have been more muted than they should have been.”⁴² “We would highlight our security concerns and we would see our language had been softened,” one of those employees stated.⁴³

Chairman McCaul's Report found that State Department leadership's insistence on keeping U.S. Embassy Kabul exposed foreign service officers and locally employed staff to dangers in the absence of a United States military presence and led to a failure to plan for and a delayed initiation of a NEO. Given Secretary Blinken's recommendation to maintain a diplomatic presence in Afghanistan, his testimony is pivotal to understanding why he advocated for such a decision in contravention of guidance by the military and his Bureau of Diplomatic Security. Further, Secretary Blinken's testimony would inform the Committee's consideration of the Report's recommendation that Congress make the Bureau of Diplomatic Security a direct report to the Secretary of State as a measure to ensure security assessments are afforded appropriate consideration by the Secretary of State.

Secretary Blinken also reportedly did not attend an important post retrograde planning exercise, where other department heads were present, and delegated significant responsibilities throughout the withdrawal and evacuation. Indeed, he was not present at a May 8, 2021, Rehearsal of Concept (ROC) Drill to plan for the safety and operations of U.S. Embassy Kabul. Top military generals, Secretary of Defense Austin, National Security Advisor Jake Sullivan, and Director of the Central Intelligence Agency Bill Burns were all present at that drill.⁴⁴ Secretary Blinken instead delegated executive-level responsibilities pertaining to the administration's withdrawal from Afghanistan to his subordinates.

In his transcribed interview, Ambassador Dan Smith described how Secretary Blinken tasked his Afghanistan withdrawal responsibilities to Deputy Secretary for Management and Resources (D-

⁴⁰ AAR Interview Notes, U.S. Dep't of State, Bates #0015982, Classification: SBU; see 22 U.S.C. § 4802.

⁴¹ AAR Interview Notes, U.S. Dep't of State, Bates #0016113-16, Classification: SBU

⁴² Transcribed Interview with Daniel B. Smith, Amb., U.S. Dep't of State, in Washington, D.C., at 112 (Aug. 31, 2023).

⁴³ Afghanistan After-Action Review Interview Notes, U.S. Dep't of State, Bates #0016037-38, Classification: SBU.

⁴⁴ *Afghanistan Withdrawal: Hearing Before the S. Armed Services Comm.*, 117th Cong. 1 (Sept. 28, 2021), <https://www.c-span.org/video/?514537-1/senate-armed-services-committee-hearing-afghanistan-withdrawal>.

MR) Brian McKeon and Counselor Chollet.⁴⁵ Ambassador Wilson further described D-MR McKeon as Secretary Blinken’s “point person” on the Afghanistan withdrawal.⁴⁶ D-MR McKeon confirmed to the Committee that he split Afghanistan withdrawal planning responsibilities with Counselor Derek Chollet.⁴⁷ Counselor Chollet has previously referred to himself as Secretary Blinken’s “fixer.”⁴⁸ Nevertheless, in his transcribed interview, Counselor Chollet asserted approximately 100 times that he did not remember or recall, in response to substantive questions posed by the Committee related to President Biden’s withdrawal from Afghanistan.⁴⁹ The Committee’s investigation has recommended that both D-MR McKeon and Counselor Chollet should be condemned by Congressional Resolution for failure to effectively execute their responsibilities.

Secretary Blinken delegated the State Department’s statutory responsibility to plan for a NEO to his subordinates. The Secretary’s testimony is required to inform the Committee as to what instruction those subordinates received from the Secretary. Further, the Committee requires Secretary Blinken’s testimony to determine why he chose D-MR McKeon and Counselor Chollet as the officials responsible to plan for the withdrawal; what supervision he maintained over their activities; and what steps he took to mitigate the fall out of his subordinate’s failure to plan, as evidenced by the Chairman’s report.⁵⁰

iii. State Department Withdrawal and Evacuation Planning

The State Department holds lead responsibility for planning, initiating, and executing a NEO. The Department, however, did not plan and delayed initiation of a NEO until after the Taliban

⁴⁵ Transcribed Interview with Daniel B. Smith, Amb., U.S. Dep’t of State, in Washington, D.C., at 156 (Aug. 31, 2023).

⁴⁶ Transcribed Interview with Ross Wilson, Amb., U.S. Dep’t of State, in Washington, D.C., at 34 (Oct. 24, 2023).

⁴⁷ Transcribed Interview with Brian McKeon, Deputy Sec’y of State for Mgmt., U.S. Dep’t of State, in Washington, D.C., at 13 (Nov. 29, 2023).

⁴⁸ Transcribed Interview with Derek Chollet, Counselor, U.S. Dep’t of State in Washington, D.C. (Dec. 19, 2023); Derek Chollet & Ryan Evans, A Conversation with the Counselor: Derek Chollet on Navigating the World, WAR ON THE ROCKS, at 2:11-2:18 (April 13, 2022), <https://warontherocks.com/2022/04/a-conversation-with-the-counselor-derek-chollet-on-navigating-the-world/>.

⁴⁹ Transcribed Interview with Derek Chollet, Counselor, U.S. Dep’t of State, in Washington, D.C. (Dec. 19, 2023)

⁵⁰ See, e.g., Michael T. McCaul, *Willful Blindness: An Assessment of The Biden-Harris Withdrawal from Afghanistan and the Chaos that Followed*, 118th Cong., at 81 (Sept. 9, 2024) (explaining that D-MR McKeon told military leaders that the State Department had a “higher risk tolerance” when advised to withdraw Embassy Kabul alongside the military); *Id.* at 129-30 (explaining that Embassy Kabul employees attempted to destroy classified documents and sensitive U.S. government materials only when the Taliban surrounded Kabul, while Embassy leadership fled to the airport); *Id.* (explaining that “no one was really serious about the evacuation/destruction of documents until 15 August” and, as a result, classified documents and sensitive U.S. government materials were left behind to the Taliban); *Id.* at 131 (explaining that the Embassy’s locally employed staff were escorted out of the airport by Embassy leadership and some of those individuals never made it back), *Id.* at 145 (explaining that Embassy Kabul employees filled Tupperware with U.S. passports and visas belonging to those in Afghanistan and Embassy leadership burned them out of panic); *Id.* at 224 (explaining that Counselor Chollet had yet to finalize concrete plans for a counterterrorism capacity post-withdrawal by August 2021 despite the Taliban’s territorial advancements).

entered Kabul. Secretary Blinken's testimony is necessary to understand the State Department's failures and inform legislative remedies.

A Memorandum of Understanding signed by the State Department and the Department of Defense in 1998 establishes the State Department's NEO responsibilities. The MOA states,

The Secretary of State will exercise overall responsibility for attaining the objectives in section A and, except as noted in section C.3.b., shall identify the offices within the Department of State having major evacuation planning and implementation responsibilities, prepare plans for the protection and evacuation of all U.S. citizens and nationals and designated other persons abroad, including Department of Defense noncombatants. These plans shall provide for in place welfare and protection, evacuation to the United States or to other safe haven areas, and their welfare and protection in those areas in the event in place protection is not feasible, lastly, coordination to maximize timely use of available military transportation assets and existing host nation support infrastructure.⁵¹

Nevertheless, the Committee's investigation found that the Secretary of State did not conduct appropriate planning for a NEO, and did not assume ownership over its initiation or execution. Secretary Blinken's testimony before the Committee is vital to its advancement of the Report's legislative recommendation that the authorities and responsibilities of a NEO be codified into law.

Documents subpoenaed by the Committee reveal that over the course of the summer of 2021, warnings from diplomatic security and State Department employees regarding the Taliban's advances through Afghanistan and the impending security collapse were watered down and disregarded by State Department leadership. Deputy Assistant Secretary of State for High Threat Posts Greg Sherman learned, "that [Diplomatic Security] edits to Memo clearances were watered down to Blinken," and that despite briefing Secretary Blinken at his house and making it clear Diplomatic Security was "gravely concerned" about Afghanistan, there was no appetite for NEO planning in the State Department in the Spring of 2021.⁵²

Secretary Blinken's testimony is critical to the Committee's understanding of why Diplomatic Security risk assessments did not prompt a course correction by the State Department. Accordingly, the Report recommends that Congress consider making the Bureau of Diplomatic Security a direct report to the Secretary of State. As the State Department's leader, Secretary Blinken is uniquely qualified to inform the Committee's consideration of the Report's recommendation.

Further, State Department employees recalled, "Leadership in DC/Emb. Kabul not reacting appropriately or fast enough to events on the ground," and that the "signal from DC [was] that things would not implode."⁵³ Employees at U.S. Embassy Kabul engaged in secret NEO

⁵¹ *Memorandum of Agreement Between the Departments of State and Defense on the Protection and Evacuation of U.S. Citizens and Nationals and Designated Other Persons From Threatened Areas Overseas*, U.S. Dep'ts of State & Defense (July 1998).

⁵² AAR Interview Notes, U.S. Dep't of State, Bates #0016113-16, Classification: SBU.

⁵³ AAR Interview Notes, U.S. Dep't of State, Bates #0015992-93 and #0016019, Classification: SBU.

meetings because Ambassador Wilson discouraged NEO planning; Ambassador Wilson admonished the consul general for “giving honest assessments,” and Embassy employees were “hesitant to use the [word] NEO.”⁵⁴ When asked by Committee staff regarding the State Department’s planning for worst-case scenarios, both D-MR McKeon and Ambassador Wilson admitted to the Committee in their transcribed interviews that the State Department never planned for a NEO under a Taliban-controlled Kabul.⁵⁵ Accordingly, the Report recommends Congress codify NEO authorities and responsibilities, including the responsibility to take the appropriate steps to plan for a NEO. As the senior-most authority at the State Department, Secretary Blinken was responsible for ensuring his department planned for such contingencies. Secretary Blinken is thus uniquely positioned to inform the Committee’s consideration of the Report’s recommendation.

In addition to failing to contemplate worst-case scenarios, effective NEO planning would have involved addressing the backlog of Special Immigrant Visa (SIV) applications from Afghan allies. By May 20, 2021, there were 18,000 applicants in the SIV pipeline, not including dependent family members, with the process taking an average of approximately three years.⁵⁶ State Department witnesses interviewed by the Committee – including D-MR McKeon, who had been delegated responsibility for the SIV program by Secretary Blinken – attributed the backlog to COVID-19, staffing shortages, and a coordination challenges between the State Department and Defense Department.⁵⁷ However, a long-known obstacle in the SIV processing application – obtaining critical records from the Department of Defense – was only addressed in June 2021, when the State Department first asked the Department of Defense for help.⁵⁸ D-MR McKeon admitted he did not know “why it was not done before June.”⁵⁹ The failure to timely adjudicate SIV applications led to chaos at the gates of HKIA and thousands of Afghan allies left behind. Processing delays by the State Department have only persisted in the years that followed, delays that the U.S. District Court for the District of Columbia and the U.S. Court of Appeals for the D.C. Circuit held unreasonable in *Afghan & Iraqi Allies v. Blinken*.⁶⁰

The State Department, prior to the NEO, also did not secure basing agreements or counterterrorism platforms to effectively combat al Qaeda, ISIS-K, and other national security threats following an eventual evacuation. When asked by the Committee if concrete plans for a counterterrorism capacity post-withdrawal were completed by August 2021, Counselor Chollet

⁵⁴ AAR Interview Notes, U.S. Dep’t of State, Bates # 0015981, Classification: SBU; AAR Interview Notes, U.S. Dep’t of State, Bates # 0016124-26, Classification: SBU.

⁵⁵ Transcribed Interview with Brian McKeon, D-MR, U.S. Dep’t of State, in Washington, D.C., at 79 (Nov. 29, 2023). Transcribed Interview with Ross Wilson, Amb., U.S. Dep’t of State, in Washington, D.C., at 182 (Oct. 24, 2023).

⁵⁶ Smolinski, Paulina and Eleanor Watson, *Lawmakers Urge Speeding Up Special Visas for Afghans who Aided U.S. Troops*, CBS NEWS (May 20, 2021, 8:01 PM), <https://www.cbsnews.com/news/afghanistan-special-immigration-visas-for-afghans-lawmakers/>.

⁵⁷ Transcribed Interview with Brian McKeon, D-MR, U.S. Dep’t of State, in Washington, D.C., at 14 (Nov. 29, 2023).

⁵⁸ *Id.* at 91.

⁵⁹ *Id.* at 89.

⁶⁰ *Afghan & Iraqi Allies v. Blinken*, 643 F. Supp. 3d 148, 152 (D.D.C. 2022), *aff’d* Case No. 23-5025 (D.C. Cir. June. 7, 2024).

said they were “underway.”⁶¹ This responsibility had been delegated to Counselor Chollet by Secretary Blinken. The Committee’s investigation found that the failure to secure basing agreements led to degraded counterterrorism capabilities in Afghanistan.⁶²

Similarly, Counselor Chollet testified that the State Department did not secure “lily pad” agreements with foreign countries until after the NEO was initiated, which are agreements to allow evacuation flights with eligible Afghan populations to land in a third country for processing.⁶³ Secretary Blinken had also tasked Counselor Chollet with this responsibility. The failure to plan in advance of the NEO caused evacuation bottlenecks.⁶⁴ Given Counselor Chollet’s aforementioned inability to answer the questions posed by the Committee in his transcribed interview, and as the United States’ chief diplomat, the Committee requires Secretary Blinken’s testimony to account for his department’s failure to secure counterterrorism basing and lily pad agreements before the NEO. It was Secretary Blinken who delegated those responsibilities to Counselor Chollet, and he is therefore responsible for his subordinate’s actions – or inaction.

State Department employees at U.S. Embassy Kabul sent a Dissent Channel Cable on July 13, 2021, expressing grave concerns with keeping U.S. Embassy Kabul open following the military retrograde and warning the administration of a Taliban takeover of Afghanistan.⁶⁵ The warnings from the Dissent Channel Cable were not heeded: U.S. Embassy Kabul did not materially reduce its footprint or develop an actionable plan for a NEO.⁶⁶ According to Salman Ahmed, the Director of the State Department’s Policy Planning Staff and the custodian of the Dissent Channel, Secretary Blinken personally read and cleared the Cable.⁶⁷

The Committee’s investigation reveals that the concerns identified in the Dissent Channel cable ultimately came to fruition. Accordingly, the Committee requires Secretary Blinken’s testimony to understand why the warnings in the Dissent Channel Cable did not prompt a course-direction in planning by the State Department. Further, the Report proposes a legislative recommendation regarding the sharing of Dissent Channel cables, given the State Department’s failure to appropriately respond to its personnel on the ground. Per the Report, the State Department is advised to share all share all Dissent Channel cables pertaining to the safety and security of U.S. Embassy personnel and American citizens with the Secretary of Defense, heads of appropriate elements of the intelligence community, and heads of any other relevant federal entities. The

⁶¹ Transcribed Interview with Derek Chollet, Counselor, U.S. Dep’t of State, in Washington D.C., at 57 (Dec. 19, 2023).

⁶² *CENTCOM Abbey Gate Investigation Report*, Ex. 21, at 15 (2021), <https://www3.centcom.mil/FOIALibrary/cases/21-0545/04%20AR%2015-6%20ROI%20Abbey%20Gate%20Exhibits%2021-40.pdf>.

⁶³ Transcribed Interview with Derek Chollet, Counselor, U.S. Dep’t of State, in Washington, D.C., at 159 (Dec. 19, 2023).

⁶⁴ *CENTCOM Abbey Gate Investigation Report*, Ex. 21, at 15 (2021), <https://www3.centcom.mil/FOIALibrary/cases/21-0545/04%20AR%2015-6%20ROI%20Abbey%20Gate%20Exhibits%2021-40.pdf>.

⁶⁵ Vivian Salama, Internal State Department Cable Warned of Kabul Collapse, *WSJ*, (Aug. 19, 2021) <https://www.wsj.com/articles/confidential-state-department-cable-in-july-warned-of-afghanistans-collapse-11629406993>.

⁶⁶ AAR Interview Notes, U.S. Dep’t of State, Bates #0016057-61, Classification: SBU.

⁶⁷ Transcribed Interview with Salman Ahmed, Dir. of Policy Planning, U.S. Dep’t of State, in Washington, D.C., at 88, 90 (Oct. 12, 2023).

Secretary, while protecting the privacy and identity of those individuals transmitting the Dissent Channel cable, should further share any such cables with the Chairs and Ranking Members of the committees of jurisdiction in an appropriate setting. As the final authority on the Dissent Channel Cables and the information contained therein, Secretary Blinken's testimony is paramount to the Committee's consideration of that proposal.

iv. The NEO

The Committee's investigation found that the State Department's delay in requesting a NEO came far too late – requested by the State Department on August 15, 2021, and ordered the next day by President Biden – damaging evacuation operations and contributing to deadly chaos on the ground. In the ensuing NEO, the State Department did not assume a leadership mantle, despite its responsibility, instead deferring to and over-burdening Department of Defense partners.

Despite the rapid Taliban takeover of Afghan provinces in the first weeks of August,⁶⁸ according to Ambassador Wilson, Secretary Blinken did not push U.S. Embassy Kabul to evacuate until a NEO was eventually ordered on August 15, 2021.⁶⁹ When Afghanistan fell to the Taliban on August 15, Secretary Blinken, was vacationing in East Hampton, New York.⁷⁰ Secretary Blinken's testimony is necessary to answer the outstanding questions of how State Department, under his leadership, failed to request a NEO until the Taliban had taken Kabul, and to answer for the resulting chaotic execution thereof.

When Ambassador Wilson requested a NEO on August 15, pursuant to the State Department's responsibility under the Joint Publication 3-68,⁷¹ the Taliban had already taken over Kabul.⁷² According to Counselor Chollet, "ultimately the Secretary of State makes the decision" to request a NEO.⁷³ Documents reviewed by the Committee and testimony by former State Department officials evidence that the evacuation of U.S. Embassy Kabul only began a day prior to the Taliban takeover on August 14, 2021.⁷⁴ The consequences of Embassy Kabul commencing

⁶⁸ *CENTCOM Abbey Gate Investigation Report*, Enclosure 09 (2021).

⁶⁹ Transcribed Interview with Ross Wilson, Amb., U.S. Dep't of State, in Washington, D.C., at 38 (Oct. 24, 2023).

⁷⁰ Susannah George, Missy Ryan, Tyler Pager, Pamela Constable, John Hudson and Griff Witte, Surprise, panic and fateful choices: The day America lost its longest war, WASH. POST (Aug. 28, 2021).

<https://www.washingtonpost.com/world/2021/08/28/taliban-takeover-kabul/>.

⁷¹ JOINT CHIEFS OF STAFF, U.S. DEP'T OF DEF., JOINT PUBL'N 3-68, NONCOMBATANT EVACUATION OPERATIONS, at I-1 (2015), https://irp.fas.org/doddir/dod/jp3_68.pdf.

⁷² Joint Publication 3-68, Joint Noncombatant Evacuation Operations, (May 2022)

[https://www.afpc.af.mil/Portals/70/documents/CRISIS%20SUPPORT/JP3_68%20Joint%20Noncombatant%20Evacuation%20Operations%20\(Leadership\).pdf](https://www.afpc.af.mil/Portals/70/documents/CRISIS%20SUPPORT/JP3_68%20Joint%20Noncombatant%20Evacuation%20Operations%20(Leadership).pdf); Transcribed Interview with Ross Wilson, Amb., U.S. Dep't of State, H. Comm. on Foreign Affs, in Washington, D.C., at 148, (Oct. 24, 2023); *CENTCOM Abbey Gate Investigation Report*, Ex. 21, at 5 and 6 (2021), <https://www3.centcom.mil/FOIALibrary/cases/21-0545/04%20AR%2015-6%20ROI%20Abbey%20Gate%20Exhibits%2021-40.pdf>.

⁷³ Transcribed Interview with Derek Chollet, Counselor, U.S. Dep't of State, in Washington, D.C. at 146 (Dec. 19, 2023).

⁷⁴ *CENTCOM Abbey Gate Investigation Report*, Ex. 126, at 67 (2021)

<https://www3.centcom.mil/foialibrary/cases/21-0545/09%20ar%2015-6%20roi%20abbey%20gate%20exhibits%2021-140%20part%201%20of%202.pdf>; Transcribed Interview with

James DeHart, Consul General, in Washington D.C., at 17 (June 16, 2023).

evacuation protocol on August 14th placed Embassy Kabul employees, American citizens, and United States national security interests at grave risk.

According to documents and testimony obtained by the Committee, the State Department's failure to plan resulted in panic at the Embassy: (1) American passports and visa foils were burned, (2) classified information was left behind to the Taliban, and (3) locally employed staff were instructed to destroy badges they would later need to identify themselves as eligible for evacuation.⁷⁵ Because of the rapid military retrograde and the State Department's lack of NEO planning, the United States military did not have sufficient time or troops on the ground to secure HKIA and were forced to rely on the Taliban to establish security checkpoints.⁷⁶

In the first days of the NEO, security was not yet established, and desperate Afghans rushed the tarmac; photos and videos captured the harrowing scene of desperate civilians clinging to C-17s.⁷⁷ Even after American troops regained control of the airport, security outside the gates remained volatile. Evidence and testimony acquired by the Committee evidence Taliban brutality at security checkpoints included murder, wanton violence, and targeting of certain individuals, which deterred Americans from attempting to evacuate Afghanistan.⁷⁸

Additionally, once the NEO was finally requested by the State Department, there were insufficient consular officers on the ground the eligible, Afghan evacuation populations had not been determined, and the State Department could not identify Americans in Afghanistan. As a result, consular officers and American servicemembers relied on constantly evolving evacuation criteria and ad-hoc decision making about which evacuees to let into HKIA. The burden on military personnel to support consular services by administering HKIA entry points with insufficient guidance created burden and strain on military resources. And insufficient consular officers led to backlogs in evacuee processing.

Security risks mounted throughout the NEO. On August 26, 2021, after days of intelligence warnings, ISIS-K terrorists conducted an attack at Abbey Gate killing 13 United States servicemembers and over 170 Afghans, and injuring 45 United States servicemembers along

⁷⁵ AAR Interview Notes, U.S. Dep't of State, Bates #0016055-56, Classification: SBU; Transcribed Interview with Jayne Howell, Consul General, in Washington D.C., at 129 (July 28, 2023); AAR Interview Notes, U.S. Dep't of State, Bates #0016057-61, Classification: SBU; Transcribed Interview with John Bass, Under Sec'y of State for Mgmt., in Washington, D.C., at 143 (Jan. 22, 2024); Transcribed Interview with Samuel Aronson, Foreign Serv. Officer, U.S. Dep't of State, in Washington, D.C., at 123-124 (Sept. 15, 2023).

⁷⁶ *CENTCOM Abbey Gate Investigation Report*, Ex. 121, at 3 (2021), <https://www3.centcom.mil/foialibrary/cases/21-0545/09%20ar%2015-6%20roi%20abbey%20gate%20exhibits%20121-140%20part%201%20of%202.pdf>.

⁷⁷ Sameer Yasir, *Zaki Anwari, Afghan Soccer Player Who Fell from U.S. Plane, Is Dead*, N.Y. TIMES (Aug. 19, 2021), <https://www.nytimes.com/2021/08/19/world/asia/zaki-anwari-dead.html>.

⁷⁸ Consular Officers: General Kenneth F. MCKENZIE, *THE MELTING POINT: HIGH COMMAND AND WAR IN THE 21ST CENTURY*, 239 (Naval Institute Press ed. 1st ed. 2024); *CENTCOM Abbey Gate Investigation Report*, Ex. 82, at 32 (2021), <https://www3.centcom.mil/foialibrary/cases/21-0545/07%20ar%2015-6%20roi%20abbey%20gate%20exhibits%2081-100%20part%201%20of%202.pdf>; U.S. DEP'T OF STATE, *AFTER ACTION REVIEW ON AFGHANISTAN* (Mar. 2022), <https://www.state.gov/wp-content/uploads/2023/06/State-AAR-AFG.pdf>; Transcribed Interview with Samuel Aronson, Foreign Serv. Officer, U.S. Dep't of State, in Washington, D.C., at 97-98 (Sept. 15, 2023); Transcribed Interview with Jayne Howell, Consul General, in Washington D.C., at 106,107 (July 28, 2023); Transcribed Interview with Brian McKeon, D-MR, U.S. Dep't of State, in Washington, D.C., at 75 (Nov. 29, 2023);

with countless more Afghans. According to documents and testimony reviewed by the Committee, this horrific attack was made possible by the chaotic nature of executing an unplanned NEO at a civilian airport and the decision to rely on the Taliban for checkpoint security.⁷⁹ General McKenzie – former Commander of U.S. Central Command throughout the Afghanistan withdrawal and NEO – testified before the Committee, “If there is culpability in this attack, it lies in policy decisions that created the environment of August 2021 in Kabul.”⁸⁰ Secretary Blinken and the State Department’s failure to plan for a NEO directly led to the high-risk environment under which the United States military was forced to operate.

Secretary Blinken held ultimate responsibility for the NEO. According to Ambassador John Bass, who was sent to Kabul to help lead the NEO on August 17 with only 24 to 48 hours’ notice, “Secretary Blinken was exercising overall authority and coordination for the Department” during the NEO.⁸¹ As such, Secretary Blinken’s testimony before the Committee is paramount to the Committee’s advancement of the Report’s legislative proposals regarding NEO operations.

One such recommendation proposed by the Report encourages Congress to require the State Department and the Department of Defense to maintain standard operating procedures for NEOs. As evidenced by the events that unfolded during the NEO – including processing of evacuees by military personnel and ad-hoc determinations of eligible evacuation populations – the State Department failed to maintain standard operating procedures that aligned with the Department of Defense’s standard operating procedures during the NEO. Secretary Blinken’s testimony would further the Committee’s consideration of that recommendation to ensure that both the Department of State and the Department of Defense are operating under the same standards during emergency evacuations.

Further, the Report recommends the reestablishment of a crisis response bureau in the State Department to respond to situations similar to Afghanistan, which Secretary Blinken dissolved in July 2021. The Report’s proposed bureau would be equipped with extensive crisis management experience and would be prepared to safely evacuate U.S. government personnel, family members, and U.S. citizens. As the individual responsible for the dissolution of the State Department’s prior crisis bureau, Secretary Blinken’s testimony is needed to advance the Committee’s consideration of the recommended reestablishment of this bureau to ensure the State Department is not again caught unprepared to conduct the next NEO.

As previously mentioned, the Report found that the State Department did not develop processes to identify Americans in Afghanistan, despite admission by State Department officials that existing processes were largely ineffective. Accordingly, the Report recommends that the State Department improve efforts to account for all U.S. citizens traveling to Level 4 Travel Advisory

⁷⁹ ARCENT Supplemental Review — (U) Identity Resolution — Quick Look — (U) Date of Report: 10/17/2023; <https://www.defense.gov/News/News-Stories/Article/Article/3741245/kabul-airport-attack-review-reaffirms-initial-findings-identifies-attacker/>; Press Release from John Kirby, U.S. Dep’t of Defense (Aug. 16, 2021), <https://www.centcom.mil/MEDIA/Transcripts/Article/2789438/pentagon-press-secretary-john-f-kirby-holds-a-press-briefing-aug-26-2021/>.

⁸⁰ *An Assessment of the Biden Administration’s Withdrawal from Afghanistan by America’s Generals: Hearing Before the H. Comm. on Foreign Affs.*, 118th Cong., (Mar. 19, 2024) at 00:30:30, <https://foreignaffairs.house.gov/hearing/a-strategic-failure-bidens-withdrawal-americas-generals-and-the-taliban-takeover/> (statement of Kenneth F. McKenzie Jr., Gen., U.S. Marine Corps (ret.)).

⁸¹ Transcribed Interview with John Bass, Amb, U.S. Dep’t of State, in Washington, D.C., at 63 (Jan. 22, 2024).

countries – as Afghanistan was throughout 2021. As the individual responsible for the safety and security of American citizens overseas during the Afghanistan withdrawal, Secretary Blinken’s testimony is critical for this Committee to effectuate that recommendation through legislation.

The Report also found persistent failures in the State Department’s leadership during the NEO. As evidenced by the delayed NEO request and the refusal to acknowledge the risks on the ground, Ambassador Wilson was unprepared to lead U.S. Embassy Kabul, a High Threat Post, during the withdrawal. As the authority responsible for the United States’ diplomatic missions overseas, Secretary Blinken’s testimony is needed to address the Report’s legislative recommendation that High Threat Post leadership selection be more rigorous. Similarly, as the head of the State Department during the Afghanistan NEO, Secretary Blinken is uniquely positioned to inform the consideration of the Report’s recommendation that the Department designate a single official as lead during a NEO or other crisis situations.

Finally, according to one State Department employee interviewed over the course of the AAR, the State Department “did not have to put [State Department] people through what they went through.”⁸² Another State Department employee attested that the AAR team was the first to reach out to anyone after the NEO and described how they “lost trust in the institution.”⁸³ In addition to placing American servicemembers, State Department employees, Americans and allies at risk, Secretary Blinken’s failures to effectively plan and execute the NEO injured the State Department as an institution. The Committee has a vested interest in hearing from Secretary Blinken regarding his role in this institutional failure and in pursuing the avenues available for legislative remediation of the institutional injury wrought by his tenure as the head of the State Department.

d. State Department Obstruction of Congressional Oversight of the Afghanistan Withdrawal

Over the course of the Committee’s inquiry, the State Department has withheld relevant documents and witnesses from the Committee. This obstruction directly involved Secretary Blinken and was effectuated under his leadership by subordinates. Since the inception of the investigation, the Committee was forced to issue two subpoenas compelling the production of State Department documents vital to the Committee’s investigation into the withdrawal from Afghanistan.

The Committee first served a subpoena compelling document productions on the State Department relating to the investigation into the Afghanistan withdrawal on March 28, 2023.⁸⁴ The subpoena compelled access to the Dissent Channel cable, including the State Department’s official response to it.⁸⁵ The Dissent Channel Cable was an internal cable signed by 23 U.S. Embassy Kabul employees, sent on July 12, 2021, through the State Department’s Dissent Channel. The Wall Street Journal first reported on the cable during the NEO, describing how it

⁸² AAR Interview Notes, U.S. Dep’t of State, Bates #0016109-12, Classification: SBU.

⁸³ AAR Interview Notes, U.S. Dep’t of State, Bates #0016019, Classification: SBU.

⁸⁴ Subpoena from the U.S. House of Rep. Comm. on Foreign Affs. to Antony Blinken, Sec’y of Dep’t of State, 118th Cong. 4 (Mar. 28, 2023).

⁸⁵ Subpoena from the U.S. House of Rep. Comm. on Foreign Affs. to Antony Blinken, Sec’y of Dep’t of State, 118th Cong. 4 (Mar. 28, 2023).

warned Secretary Blinken “of the potential collapse of Kabul soon after the U.S.’s Aug. 31 troop withdrawal deadline in Afghanistan.”⁸⁶

Chairman McCaul requested access to the Dissent Channel cable on January 12, 2023, but for months, Secretary Blinken refused to provide access to this crucial document.⁸⁷ On May 5, 2023, Chairman McCaul sent a letter to Secretary Blinken warning of contempt if his State Department failed to produce the Dissent Channel cable.⁸⁸ Only then did Secretary Blinken agree to permit Chairman McCaul and Ranking Member Meeks to view the Dissent Channel cable on May 23, 2023. Pursuant to Chairman McCaul’s efforts, all members of the Committee gained access to the cable on June 5, 2023.⁸⁹ The Dissent Channel cable contributed significantly to the Committee’s investigation, revealing how State Department and U.S. Embassy Kabul leadership ignored the dire warnings of personnel on the ground until it was too late.

Similarly, the State Department obstructed the Committee’s access to the State Department’s AAR of the withdrawal from Afghanistan and its underlying documents. On January 30, 2023, the Committee initially requested the production of “[a]ll documents resulting from State Department internal reviews related to the Afghanistan withdrawal,” to better understand the department’s role in the withdrawal.⁹⁰ It was only after multiple threats of compulsory process by the Committee that the Department finally produced just the AAR on March 20, 2023. However, that production did not satisfy the Committee’s request for the AAR’s underlying documents.⁹¹

From March through July 2023, the State Department failed to turn over the AAR’s underlying documents. Accordingly, on July 18, 2023, the Committee was forced to serve the Department with its second document production subpoena pursuant to its investigation into the Afghanistan withdrawal.⁹² Of the approximately 11,264 pages produced by July 2023, 4,624 pages were heavily redacted, blank, public remarks, public reports, or otherwise irrelevant. The July 18 subpoena compelled the State Department’s production of the AAR supporting materials by July 25, 2023.⁹³ The State Department’s subsequent production, however, still failed to comply with

⁸⁶ Vivian Salama, *Internal State Department Cable Warned of Kabul Collapse*, WSJ, (Aug. 19, 2021), <https://www.wsj.com/articles/confidential-state-department-cable-in-july-warned-of-afghanistans-collapse-11629406993> .

⁸⁷ Letter from Michael T. McCaul, Chairman, HFAC, to Antony Blinken, Secretary of State, U.S. Dep’t of State (Jan. 12, 2023).

⁸⁸ Letter from Michael T. McCaul, Chairman, HFAC, to Antony Blinken, Secretary of State, U.S. Dep’t of State (May 5, 2023).

⁸⁹ *Press Release, House Committee on Foreign Affairs, McCaul Secures Access to Dissent Cable for All HFAC Members* (June 5, 2023), <https://foreignaffairs.house.gov/press-release/mccaul-secures-briefing-of-dissent-cable-for-all-hfac-members/> .

⁹⁰ Letter from Michael T. McCaul, Chairman, HFAC, to the Hon. Antony J. Blinken, Sec’y of State, U.S. Dep’t of State (Jan. 12, 2023).

⁹¹ Letter from Michael T. McCaul, Chairman, HFAC, to the Hon. Antony J. Blinken, Sec’y of State, U.S. Dep’t of State (Apr. 25, 2023); Meeting between Brian Mast, Subcomm. Chairman, Oversight and Accountability, HFAC, & Richard Verma, D-MR, U.S. Dep’t of State, in Washington, D.C. (May 23, 2023).

⁹² *Subpoena from the U.S. House of Rep. Comm. on Foreign Affs. to Antony Blinken, Sec’y of Dep’t of State*, 118th Cong. (July 18, 2023).

⁹³ *Id.*

the subpoena. On August 11, 2023, Secretary Blinken spoke by phone with Chairman McCaul and communicated his personal commitment to cooperating with the July subpoena.⁹⁴

On August 31, 2023, the Committee held a transcribed interview with Ambassador Daniel Smith, the author of the AAR. Ambassador Smith testified he and his team “took notes on the interviews,” which took the form of “memorand[a] of conversation,” and that the State Department would be “in the custody of the State Department.”⁹⁵ The AAR interview memoranda were responsive to the Committee’s longstanding AAR files request and had yet to be produced. On September 8, 2023, the Committee again requested that the Department produce, among other priority items, the “AAR team’s interview notes, including but not limited to all of the AAR team’s memoranda of conversation and all attachments.”⁹⁶ As primary source documents, these notes were vital to the Committee’s investigation into the withdrawal from Afghanistan.

After months of noncompliance, in a February 26, 2024 letter, Chairman McCaul informed Secretary Blinken the Committee would move forward with contempt of Congress proceedings.⁹⁷ Accordingly, on February 29, 2024, Chairman McCaul announced that the full Committee would hold a markup to consider a resolution recommending the House of Representatives find Secretary Blinken in contempt of Congress for his continued refusal to comply with the subpoena served by the Committee in July 2023.⁹⁸ It was only on March 6, 2024, on the eve of contempt proceedings, that Secretary Blinken agreed to make available the AAR interview notes. As the Report demonstrates, those notes contained detailed information critical to this Committee’s investigation, illustrating through firsthand accounts the Department’s failures in the handling of the withdrawal from Afghanistan.

The State Department similarly obstructed the Committee’s requests for State Department witness testimony. On May 14, 2023, the Committee requested five transcribed interviews of key department witnesses who were tasked with leading the State Department’s NEO efforts on the ground or the planning of the withdrawal. It took the department nearly three months to schedule the first of those witnesses.⁹⁹ On August 30 and September 8, 2023, the Committee submitted

⁹⁴ Call between Michael T. McCaul, Chairman, HFAC, to Antony Blinken, Sec’y of State, U.S. Dep’t of State (August 11, 2023).

⁹⁵ Transcribed Interview with Dan Smith, Amb., U.S. Dep’t of State, in Rayburn House Office Bldg. at 45, 86-87 (Aug. 31, 2023).

⁹⁶ Letter from Michael T. McCaul, Chairman, HFAC, to Antony Blinken, Sec’y of State, U.S. Dep’t of State (Sept. 8, 2023).

⁹⁷ Letter from Naz Durakoglu Assistant Secretary, Bureau of Legislative Affairs, U.S. Dep’t of State, to Chairman McCaul, HFAC (October 20, 2023); Call between HFAC Majority staff and U.S. Dep’t of State staff (Nov. 16, 2023); Contemporaneous notes of the January 12, 2024 conversation between HFAC Staff and State Department officials (on file with the Committee); Letter from Michael T. McCaul, Chairman, HFAC, to Antony Blinken, Sec’y of State, U.S. Dep’t of State (February 26, 2024).

⁹⁸ Chairman McCaul Announces Markup Holding Secretary Blinken in Contempt of Congress (Feb. 29, 2024) <https://foreignaffairs.house.gov/press-release/chairman-mccaul-announces-markup-holding-secretary-blinken-in-contempt-of-congress-2/>.

⁹⁹ Letter from Michael T. McCaul, Chairman, HFAC, to the Hon. Antony J. Blinken, Sec’y of State, U.S. Dep’t of State (May 14, 2023); Email from U.S. Dep’t of State staff to HFAC Majority staff (Aug. 15, 2023) (on file with author).

additional requests for transcribed interviews of ten key Department witnesses.¹⁰⁰ Yet again, it was not until September 29, 2023 — after the Committee was forced to threaten compulsory process — that the State Department agreed to arrange the appearances of these witnesses.¹⁰¹ The only State Department witness to appear on request and not under threat of subpoena was former foreign service officer Sam Aronson, who had volunteered to aid the State Department’s NEO.

Throughout its investigation, the Committee was forced to serve Secretary Blinken three subpoenas and one superseding subpoena. The State Department responded to the first two subpoenas only after contempt proceedings were instituted. The Committee finds itself in the same position with regard to its third and fourth subpoena, which call for Secretary Blinken’s public testimony on the findings of Chairman McCaul’s Report. As an accommodation to Secretary Blinken’s travel schedule, the Committee issued its superseding subpoena amending the hearing date from September 19 to September 24, 2024, when Secretary Blinken, by his own admission, would be in the United States.

B. The Committee’s Subpoena for Secretary Blinken’s Testimony

On March 22, 2024, Secretary Blinken appeared before the Committee for the annual budget hearing, *The State of American Diplomacy in 2024: Global Instability, Budget Challenges, and Great Power Competition*. During that hearing, Chairman McCaul asked for Secretary Blinken’s commitment to testify before the Committee following the release of the report on the committee’s investigation into the withdrawal from Afghanistan. Chairman McCaul asked, “will you commit to appearing before the committee for a hearing on Afghanistan? We’ve had the top brass of the military do so, and the I think the Gold Star families deserve that as well.”¹⁰² To which Secretary Blinken responded, “we’ve engaged in very good faith in this...we can have our teams talk about that.”¹⁰³

Despite months of coordination by Committee staff, the State Department failed to schedule a date or even provide availability for Secretary Blinken’s appearance in September before the Committee. On August 12, 2024, Chairman McCaul sent Secretary Blinken a letter asking that the Secretary confirm his appearance for a public hearing on September 10, 2024 to discuss the findings in the Chairman’s forthcoming report, and to confirm by no later than August 19, 2024.¹⁰⁴ This letter further indicated that should the Secretary choose “not to appear voluntarily,”

¹⁰⁰ Letter from Michael T. McCaul, Chairman, HFAC, to the Hon. Antony J. Blinken, Sec’y of State, U.S. Dep’t of State (Aug. 30, 2023); Letter from Michael T. McCaul, Chairman, HFAC, to Jen Psaki, fmr. White House Press Sec’y, (Sept. 8, 2023).

¹⁰¹ Email from U.S. Dep’t of State staff to HFAC Majority staff (Sept. 29, 2023) (on file with author). Letter from Michael T. McCaul, Chairman, HFAC, to the Hon. Antony J. Blinken, Sec’y of State, U.S. Dep’t of State (Aug. 30, 2023).

¹⁰² *The State of American Diplomacy in 2024: Global Instability, Budget Challenges, and Great Power Competition: Hearing Before the H. Comm. on Foreign Affs.*, 118th Cong, at 1:05:25 (May 22, 2024) (statement of Chairman Michael McCaul).

¹⁰³ *Id.* at 1:06:41 (statement of Antony Blinken, Sec’y of State).

¹⁰⁴ Letter from Michael T. McCaul, Chairman, HFAC, to the Hon. Antony J. Blinken, Sec’y of State, U.S. Dep’t of State (August 12, 2024).

the Committee would be obligated to proceed with compulsory process to compel his appearance.¹⁰⁵ The State Department then requested a telephone call with Chairman McCaul.

On August 19, 2024, Chairman McCaul reminded Secretary Blinken by phone that the Chairman’s Report on the withdrawal would be released on September 9, 2024. The Chairman reiterated that Secretary Blinken needed to appear before the Committee at a public hearing to address the Committee’s findings as set forth in the Report and inform the Committee’s consideration of the Report’s legislative proposals.¹⁰⁶ During this call, the Chairman accommodated the Department’s request for additional time to schedule an appearance, which the Secretary indicated would be “nail[ed] [] down in the next week.”¹⁰⁷

On August 26, 2024, Committee staff reached out to the State Department, seeking Secretary Blinken’s proposed alternate date for a hearing on the Report.¹⁰⁸ Committee staff again followed up with August 27, 28, and 29, reiterating the Committee’s need to finalize a date for the hearing. State Department staff failed to provide a date. On August 30, 2024, Committee staff notified their State Department counterparts that because Secretary Blinken’s appearance had yet to be scheduled, the Chairman was forced to serve Secretary Blinken with a third subpoena. In response, State Department officials requested another telephone call.

On September 3, 2024, Chairman McCaul spoke with Secretary Blinken and reiterated his expectation that he appear before Congress to address the Committee’s investigation into the Afghanistan withdrawal, including its factual findings and legislative proposals in the Report.¹⁰⁹ Secretary Blinken refused, pointing to his prior appearances before Congress where Afghanistan was mentioned as satisfying the need for his testimony.¹¹⁰ When asked by Chairman McCaul to dedicate a few hours for public testimony, Secretary Blinken asserted was unavailable every single day in September.¹¹¹ Secretary Blinken apparently planned to attend events associated with the United Nations General Assembly in New York the week of September 23 to 27 and was unwilling to travel back to D.C. during any of those days for a hearing.¹¹² The United States has a designated United Nations Ambassador, Linda Thomas-Greenfield, who would also be in attendance.

During that call, Secretary Blinken proffered his deputies, Deputy Secretary Richard Verma and Deputy Secretary Kurt Campbell, to testify in his stead.¹¹³ He was reminded by Chairman McCaul that neither Deputy Secretary Verma or Deputy Secretary Campbell were involved in Afghanistan withdrawal policy, nor even at the State Department during the time of the

¹⁰⁵ *Id.*

¹⁰⁶ Call between Michael T. McCaul, Chairman, HFAC, and the Hon. Antony J. Blinken, Sec’y of State, U.S. Dep’t of State (August 19, 2024).

¹⁰⁷ *Id.*

¹⁰⁸ Call between HFAC Majority staff and U.S. Dep’t of State staff (Aug. 26, 2024).

¹⁰⁹ Call between Michael T. McCaul, Chairman, HFAC, and the Hon. Antony J. Blinken, Sec’y of State, U.S. Dep’t of State (Sept. 3, 2024).

¹¹⁰ *Id.*

¹¹¹ *Id.*

¹¹² *Id.*

¹¹³ *Id.*

withdrawal.¹¹⁴ He was similarly reminded that neither possess Secretary Blinken’s authority.¹¹⁵ Secretary Blinken stated that he would only agree to provide testimony in November or December 2024.¹¹⁶

Given Secretary Blinken’s refusal to appear in September – despite six months of notice and countless requests – Chairman McCaul served Secretary Blinken with a subpoena compelling the Secretary of State’s appearance on September 19 to testify on the Afghanistan withdrawal.¹¹⁷ The Chairman notified Secretary Blinken that he remained open to any date in September, and presented the Secretary with two options: provide an alternative date in September or comply with the subpoena. The Chairman warned the Secretary that if he did neither, the Committee was prepared to move forward with contempt proceedings.

On September 9, 2024, the Chairman released his Report on the United States’ withdrawal from Afghanistan.¹¹⁸ On September 10, Committee Staff informed State Department staff that Chairman McCaul remained “flexible with any date in September,” however, the State Department had yet to propose an alternative date.¹¹⁹ Committee staff highlighted that if the State Department is unable to provide an alternative date by September 12, the Committee would notice a contempt markup.¹²⁰

On September 12, State Department staff again reoffered the testimony of Deputy Secretary Verma or Deputy Secretary Campbell as substitutes for Secretary Blinken.¹²¹ According to State Department staff, “[g]iven that the Secretary has publicly responded to Members’ questions on Afghanistan in each of his [two] budget hearings and a [2021] hearing dedicated to Afghanistan, these are reasonable accommodations to what the Chairman has requested.”¹²² That same day, Committee staff responded that neither Deputy Secretary Verma nor Deputy Secretary Campbell were appropriate substitutes for the Secretary of State.¹²³ Committee staff reiterated, “The Secretary should be able to afford a coequal branch of government a few hours of time to address the majority’s historic report on the U.S. withdrawal from Afghanistan, culminating in the death of 13 U.S. servicemembers and over 170 Afghan civilians.”¹²⁴

On September 12, due to the State Department’s repeated refusal to schedule Secretary Blinken’s appearance, the Committee noticed a contempt markup for September 19.¹²⁵ On September 16, the Committee was made aware through a public press release that Secretary Blinken would be

¹¹⁴ *Id.*

¹¹⁵ *Id.*

¹¹⁶ *Id.*

¹¹⁷ *Subpoena from the U.S. House of Rep. Comm. on Foreign Affs. to Antony Blinken, Sec’y of Dep’t of State*, 118th Cong. 4 (Sept. 3, 2024).

¹¹⁸ Michael, McCaul, *Willful Blindness: An Assessment of The Biden-Harris Withdrawal from Afghanistan and the Chaos that Followed*, 118th Cong. (Sept. 9, 2024).

¹¹⁹ Email from HFAC Majority Staff to U.S. Dep’t of State staff (Sept. 10, 2024).

¹²⁰ *Id.*

¹²¹ Email from U.S. Dep’t of State staff to HFAC Majority Staff (Sept. 12, 2024).

¹²² *Id.*

¹²³ Email from HFAC Majority Staff to U.S. Dep’t of State staff (Sept. 12, 2024).

¹²⁴ *Id.*

¹²⁵ Markup Notice from Michael T. McCaul, Chairman, HFAC, to Members of HFAC (Sept. 12, 2024), <https://foreignaffairs.house.gov/wp-content/uploads/2024/09/2024.09.19-Full-Committee-Markup63.pdf>.

in Egypt to address ongoing efforts to reach a ceasefire in the Israel-Gaza conflict.¹²⁶ Given the Committee’s need for Secretary Blinken’s testimony to inform the advancement of legislative proposals, and as an accommodation to the Secretary’s travel schedule, the Committee rescheduled a hearing for Secretary Blinken’s testimony for September 24.¹²⁷ According to Secretary Blinken’s publicly announced schedule, he is scheduled to be in the United States that day.¹²⁸

On September 17, Committee staff notified State Department staff that a superseding subpoena would be issued the next day to accommodate Secretary Blinken’s publicly available schedule, compelling his appearance for a hearing on September 24.¹²⁹ State Department staff acknowledged availability to accept service of the subpoena and no objection was raised regarding the date of appearance.¹³⁰

On September 18, the Committee served the State Department with a superseding subpoena compelling Secretary Blinken’s testimony at a hearing on September 24. The Committee also noticed a contempt report markup for September 24, should Secretary Blinken fail to appear for the hearing to testify on the Afghanistan withdrawal.¹³¹ The day after the subpoena was issued, the State Department spokesperson publicly released Secretary Blinken’s schedule for the United Nations General Assembly.¹³² Again, on September 19, Committee staff contacted State Department staff stating, “The Chairman remains willing to accommodate the Secretary’s schedule, and if you are able to provide a date in September that Secretary Blinken will commit to appear for a public hearing, then Chairman McCaul will be able to adjust the hearing date and withdraw his subpoena.”¹³³

Rather than respond to the Committee requests for dates, the State Department, through its Spokesperson Matthew Miller, represented in their daily press briefing, “[T]he Secretary has testified 14 times before Congress on Afghanistan. Four of those times have been before this committee, including one appearance that was exclusively focused on Afghanistan – that was the sole subject of the hearing.”¹³⁴ The State Department failed to mention key data points. In the 118th Congress, Secretary Blinken has only appeared before this Committee for a public hearing two times – both of which was for the State Department’s annual budget hearing on March 23,

¹²⁶ Press Release from Matthew Miller, U.S. Dep’t of State (Sept. 16, 2024) (Secretary Blinken’s Travel to Egypt), <https://www.state.gov/secretary-blinkens-travel-to-egypt/>.

¹²⁷ Hearing Notice from Michael T. McCaul, Chairman, HFAC, to Members of HFAC (Sept. 17, 2024), <https://foreignaffairs.house.gov/wp-content/uploads/2024/09/2024.09.24-Full-Committee-Hearing-Notice-1.pdf>.

¹²⁸ *Subpoena from the U.S. House of Rep. Comm. on Foreign Affs. to Antony Blinken, Sec’y of Dep’t of State*, 118th Cong. 4 (Sept. 18, 2024).

¹²⁹ Email from HFAC Majority Staff to U.S. Dep’t of State staff (Sept. 17, 2024).

¹³⁰ Email from U.S. Dep’t of State staff to HFAC Majority staff (Sept. 17, 2024).

¹³¹ Markup Notice from Michael T. McCaul, Chairman, HFAC, to Members of HFAC (Sept. 17, 2024), <https://foreignaffairs.house.gov/wp-content/uploads/2024/09/2024.09.24-Full-Committee-Markup.pdf>.

¹³² Press Release from Matthew Miller, U.S. Dep’t of State (Sept. 19, 2024), <https://www.state.gov/secretary-blinkens-travel-to-the-79th-united-nations-general-assembly/>.

¹³³ Email from HFAC Majority Staff to U.S. Dep’t of State staff (Sept. 19, 2024).

¹³⁴ Press Release from Matthew Miller, U.S. Dep’t of State (Sept. 19, 2024), https://www.state.gov/?post_type=state_briefing&%3Bp=92333.

2023 and May 22, 2024.¹³⁵ The objective of those hearings was the State Department’s fiscal year budget requests, not to address the Report, which had to yet to be published.

In the 117th Congress, Secretary Blinken appeared one time for a public hearing exclusively on Afghanistan in the immediate aftermath of the deadly NEO.¹³⁶ That appearance was prior to an investigation being launched by the Committee, meaning this Committee had yet to conduct any transcribed interviews or document discovery. As a result, the Committee did not have the benefit of its investigative findings to probe Secretary Blinken’s testimony, which contained misleading accounts of the withdrawal and NEO under his leadership. For example, in that hearing, Secretary Blinken claimed that the State Department “planned and exercised a wide range of contingencies,” as evidenced by their ability to move Embassy Kabul and evacuate personnel within 48 hours. The Committee’s investigation revealed, however, that was not true. According to Ambassador Smith, who Secretary Blinken himself tasked with the AAR, “no one ‘had answered the question of, what is the universe of people, in extremis, in a worst case -scenario, for whom we are going to be responsible in that environment? How many people are we going to take out?’”¹³⁷ This is one example, among many, of the topics for which Secretary Blinken’s testimony is needed post-investigation.

Obtaining testimony from Secretary Blinken’s in September is critical given the nexus to the legislative recommendations in the Chairman’s long planned Report and his four-month-old request. The Committee requires Secretary Blinken’s testimony now to provide sufficient time to advance legislative reforms in this Congress. Given the Congressional calendar, Secretary Blinken’s refusal to appear before the Committee in September would hinder its opportunity to move forward with legislative action in a timely manner.

Secretary Blinken’s preference to withhold his testimony until after the 2024 election is not a good faith proposal nor is it a reasonable accommodation. Similarly, Deputy Secretaries with no involvement in the withdrawal are no substitute for Secretary Blinken. Secretary Blinken’s desire to avoid testifying or put off an appearance until after the election are, indeed, consistent with a central finding of Chairman McCaul’s Report, that Secretary Blinken, on behalf of the Biden-Harris Administration, prioritized political optics over foreign policy.

C. Secretary Blinken’s Testimony is Needed to Address the Committee’s Legislative Proposals

The Committee’s investigation into the withdrawal from Afghanistan resulted in 23 legislative recommendations, the majority of which implicate State Department operations, structure, and

¹³⁵ *The State of American Diplomacy in 2024: Global Instability, Budget Challenges, and Great Power Competition: Hearing Before the H. Comm. on Foreign Affs.*, 118th Cong., (May 22, 2024); *The State of American Diplomacy in 2023: Growing Conflicts, Budget Challenges, and Great Power Competition: Hearing Before the H. Comm. on Foreign Affs.*, 118th Cong., (March 23, 2023).

¹³⁶ *Afghanistan 2001–2021: Evaluating the Withdrawal and U.S. Policies Part 1: Hearing Before the H. Comm. on Foreign Affs.*, 117th Cong., (Sept. 13, 2021).

¹³⁷ Transcribed Interview with Daniel B. Smith, Amb., H. Comm. on Foreign Affs., in Washington, D.C., at 118 (Aug. 31, 2023).

accountability. Secretary Blinken’s immediate testimony is critical to assessing and improving those legislative proposals. Relevant proposals include:¹³⁸

- Codification of NEO authorities and responsibilities
- Reestablishment of a crisis bureau in the State Department to respond to situations similar to Afghanistan
- Establishment of eyewitness testimony portals to capture testimony from witnesses not interviewed in after action reviews
- Requirement that the State Department and Department of Defense maintain standard operating procedures for NEOs
- Designation of a single official as lead during a NEO or other crisis situations
- Consideration of making the Bureau of Diplomatic Security a direct report to the Secretary of State
- Certain Dissent Channel cables be shared with the interagency and committees of jurisdiction
- Selection of High Threat State Department Post leadership be made more rigorous
- Mandating reports tracking the weapons left behind in Afghanistan
- Uphold the United States government’s commitment to those brave Afghans who risked their lives fighting for freedom from the Taliban
- Recruitment of U.S. veterans to staff the State Department’s Office of the Coordinator for Afghan Relocation Efforts (CARE)
- Improvement of State Department efforts to account for all United States citizens traveling to Level 4 Travel Advisory countries

D. Secretary Blinken’s Defiance of Subpoena Warrants Contempt of Congress

The Committee’s investigation into the withdrawal from Afghanistan confirmed Secretary Blinken’s responsibility for the decision-making and actions of the department. As Chairman McCaul’s Report lays out, Afghanistan in the wake of the Biden-Harris Administration’s withdrawal is the most gender-oppressive regime in the world as well as a breeding ground for terrorism, and the United States’ chaotic withdrawal from Afghanistan kick-started aggression from America’s adversaries like Russia, China, and Iran. Much of the accountability for the failures involved in that withdrawal belongs with Secretary Blinken, as head of the State Department. As such, only Secretary Blinken can provide critical answers to inform the

¹³⁸ Michael T. McCaul, *Willful Blindness: An Assessment of The Biden-Harris Withdrawal from Afghanistan and the Chaos that Followed*, 118th Cong., at 237-45 (Sept. 9, 2024).

Committee’s consideration of the Report’s legislative proposals, which seek to ensure that the State Department is equipped to handle the world’s crises. The need for Secretary Blinken’s compliance with the Committee’s subpoena is manifest. His proposals to delay testifying for months or to substitute his testimony for his uninvolved deputies are unreasonable. Non-compliance with this Committee’s subpoena justifies contempt.

Moreover, Secretary Blinken’s pattern of obstruction throughout the course of this Committee’s investigation is consistent with a finding of contempt now. The State Department, under the direction of Secretary Blinken, repeatedly refused to turn over crucial documents until Secretary Blinken faced imminent contempt proceedings and withheld witnesses until this Committee threatened to serve subpoenas. The State Department’s record of obstruction colors Secretary Blinken’s failure to schedule a September hearing at any point during the four months between Chairman McCaul’s request for testimony in May 2024 and the release of Chairman McCaul’s Report in September 2024. That record of obstruction also supports the conclusion that political motivations drive Secretary Blinken’s refusal to testify until after the Presidential election.

CONCLUSION

As the Committee of jurisdiction over the State Department, this Committee is responsible for investigating and addressing the State Department’s failures during the Afghanistan withdrawal. Secretary Blinken’s testimony is necessary to address the Committee’s factual findings and to inform its legislative proposals. Secretary Blinken’s willful refusal to comply with the Committee’s subpoena constitutes contempt of Congress and warrants referral to the United States Attorney’s Office for the District of Columbia for prosecution as prescribed by law.

COMMITTEE CONSIDERATION

On September 19, 2024, the Committee met in open session and [. . .].

COMMITTEE VOTES

In compliance with clause 3(b) of House rule XIII, the Committee states that the following recorded votes occurred during the Committee’s consideration of the report:

[. . .]

COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 3(c)(1) of House rule XIII, the Committee advises that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of rule X of the Rules of the House of Representatives, are incorporated in the “Authority and Purpose” and “Background on the Investigation” sections above.

NEW BUDGET AUTHORITY AND TAX EXPENDITURES

The Committee finds the requirements of clause 3(c)(2) of rule XIII and section 308(a) of the Congressional Budget Act of 1974, and the requirements of clause 3(c)(3) of rule XIII and section 402 of the Congressional Budget Act of 1974, to be inapplicable to this report.

Accordingly, the Committee did not request or receive a cost estimate from the Congressional Budget Office and makes no findings as to the budgetary impacts of this Report or costs incurred to carry out the Report.

DUPLICATION OF FEDERAL PROGRAMS

Pursuant to clause 3(c)(5) of House rule XIII, no provision of this report establishes or reauthorizes a program of the federal government known to be duplicative of another federal program.

PERFORMANCE GOALS AND OBJECTIVES

Although this Report does not authorize any funding for purposes of House rule XIII(3)(c)(4), the goal of this report is to secure compliance with a duly issued congressional subpoena.

ADVISORY ON EARMARKS

In accordance with clause 9 of House rule XXI, this report does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clauses 9(e), 9(f), or 9(g) of House Rule XXI.