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One Hundred Sixteenth Congress
U.S. House of Representatives
Committee on Foreign Affairs
2170 Rayburn House Office Building
Washington, DC 20515
www.foreignaffairs.house.gov

October 2, 2019

The Honorable
Eliot L. Engel, Chairman
Committee on Foreign Affairs
House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

I am writing to strongly object to the abdication of the Foreign Affairs Committee's oversight jurisdiction to the Permanent Select Committee on Intelligence. It will damage the credibility of our committee and minimize our Members' expertise in the exercise of that jurisdiction.

On September 27, 2019, you and two other chairmen sent a letter to the Secretary of State claiming to "schedule" without subpoena the depositions of five State Department officials to "be conducted jointly by the Committee on Foreign Affairs, the Permanent Select Committee on Intelligence, and the Committee on Oversight and Reform." The stated subjects of the depositions – the conduct of U.S. relations with Ukraine, and U.S. security assistance to help Ukraine counter Russian aggression – are squarely within the Rule X jurisdiction of the Committee on Foreign Affairs. According to House Rule X, our committee is responsible for "Relations of the United States with foreign nations generally." This is not the jurisdiction of the Intelligence Committee.

Contrary to the first sentence of that letter, there is not a "House of Representatives' impeachment inquiry." Official impeachment inquiries are initiated by the adoption of a House resolution empowering or creating a committee or task force to undertake such activities. In both the Nixon and Clinton cases, the Judiciary Committee debated and reported a resolution authorizing the Judiciary Committee to investigate whether there were sufficient grounds to impeach the President, which was then debated and voted on by the full House of Representatives.¹ There have been no such debates or votes in this Congress.

Unless and until that happens, individual committees may conduct oversight and investigations only pursuant to their general jurisdiction and authority under House Rules X and XI. Except for

¹ H.Res. 581, 105th Congress; H.Res. 803, 93rd Congress.

the Committee on Oversight and Reform (which is granted plenary investigative authority by Rule X(4)(c)(2)), committees do not have the authority to conduct investigations within the jurisdiction of other standing committees.

Put simply, Intelligence Chairman Adam Schiff lacks the jurisdiction to investigate the Department of State's conduct of United States foreign policy toward Ukraine. That prerogative belongs to our Members.

Thus, I was alarmed to learn – less than 24 hours before the first interview is scheduled to start – that it will be led by the Intelligence Committee and that questioning will be done solely by their staff. Also we were told that only a single Republican professional staffer from the Foreign Affairs Committee will be allowed to attend while the majority will have two. These constraints on committee and Republican participation are unacceptable and at odds with House Rules and general fairness. Impeaching the President of the United States is a grave and serious matter for the American people, and they expect fairness and due process by their representatives in establishing the facts. We demand equal representation and participation in this inquiry, there is too much at stake for America and Congress.

Sincerely,



MICHAEL T. McCAUL
Ranking Member
House Foreign Affairs Committee