

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5074
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<http://oversight.house.gov>

August 3, 2016

The Honorable John F. Kerry
Secretary
U.S. Department of State
2201 C Street NW
Washington, D.C. 20520

Dear Mr. Secretary:

On January 17, 2016, President Obama announced the Islamic Republic of Iran would release five American detainees and, “in a reciprocal humanitarian gesture,” the United States would grant clemency to six Iranian-Americans and one Iranian serving sentences or awaiting trial in the United States, and drop extradition requests for fourteen others.¹ The President also announced that a “longstanding Iranian government claim against the United States” would be settled by returning to Iran “its own funds, including appropriate interest, but much less than the amount Iran sought.”²

The President attributed these developments to “engaging directly with the Iranian government on a sustained basis” after striking the Iran nuclear deal.³ A high-ranking Iranian official, however, connected the release of the American hostages to the money transfer. On January 20, 2016, Iran’s semi-official Fars News Agency reported the Commander of Iran’s Basij Force, Brigadier General Mohammed Reza Naqdi, said the United States agreed to release \$1.7 billion of Iran’s frozen funds in exchange for the hostages.⁴ Naqdi further asserted that “the U.S. doesn’t understand anything but the language of force,” and the “money was returned for the freedom of the U.S. spy and it was not related to the [nuclear] negotiations.”⁵

The timing of the first installment of the settlement agreement with Iran creates the appearance that the money was in fact tied to releasing the American hostages. On August 2, 2016, *The Wall Street Journal* reported that “[w]ooden pallets stacked with [\$400 million in] euros, Swiss francs and other currencies were flown into Iran on an unmarked cargo plane” in a

¹ The White House, Statement by the President on Iran (Jan. 17, 2016).

² *Id.*

³ *Id.*

⁴ Fars News Agency, *Basij Commander: US Bought Freedom of Spies by Releasing \$1.7 bln of Iran’s Frozen Assets*, Jan. 20, 2016.

⁵ *Id.*

delivery that coincided with the release of the American hostages.⁶ That payment was purportedly the first installment of the \$1.7 billion settlement that the President announced on January 17, 2016.⁷ According to *The Wall Street Journal*, an Iranian news site close to the Revolutionary Guard, the Tasnim agency, reported that the cash arrived in Tehran on the same day the Americans departed—January 16, 2016.⁸

President Obama did not mention the \$400 million cash delivery during his January 17, 2016, address.⁹ The Administration asserted the timing of the cash payment and the hostage release are coincidental, and are not the result of any *quid pro quo*.¹⁰ The Islamic Republic of Iran still holds American prisoners, and, according to *The Wall Street Journal*, “Iranian officials have demanded in recent weeks the U.S. return \$2 billion in Iranian funds that were frozen in New York in 2009.”¹¹

The Committee is seeking information about the terms and conditions of the Administration’s agreement with the Islamic Republic of Iran, among other things related to the Iran nuclear deal. We look forward to your appearance before the Committee to answer questions at a future hearing. In the meantime, to help the Committee understand the facts and circumstances surrounding the contemporaneous hostage release and cash delivery, please provide the following documents and information as soon as possible, but no later than 5:00 p.m. on August 17, 2016:

1. All records referring or relating to payments to the Islamic Republic of Iran, including, but not limited to, payment dates, sums, type of currency used, method of delivery, and place of delivery;
2. All documents or communications referring or relating to efforts to ensure that any money delivered to the Islamic Republic of Iran would not be used to fund the Assad regime in Syria, Hezbollah, or any terrorist organization;
3. All documents and communications referring or relating to any formula whereby the Islamic Republic of Iran will release American hostages in exchange for Iranian nationals held in U.S. jails;
4. All documents and communications referring or relating to negotiations for the January 2016 release of American hostages by the Islamic Republic of Iran;

⁶ Jay Solomon and Carol Lee, *U.S. Sent Cash to Iran as Americans Were Freed, Obama administration insists there was no quid pro quo, but critics charge payment amounted to ransom*, WALL ST. J., Aug. 3, 2016.

⁷ *Id.*

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.*

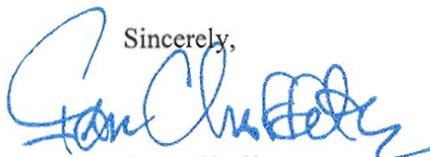
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5. All documents and communications referring or relating to negotiations for the January 2016 settlement of outstanding Iranian claims against the United States;
6. All documents and communications referring or relating to any pending payments from the United States to the Islamic Republic of Iran for the release of American hostages currently being detained, including, but not limited to, [REDACTED], [REDACTED], [REDACTED], or [REDACTED];
7. A list of all individuals who participated in preparations for, or represented the United States or the Islamic Republic of Iran in negotiations for the January 2016 release of American hostages by the Islamic Republic of Iran; and
8. A list of all individuals who participated in preparations for, or represented the United States or the Islamic Republic of Iran in negotiations for the January 2016 settlement of outstanding Iranian claims against the United States.

Please deliver your responses to the Committee on Oversight and Government Reform Majority Staff in Room 2157 of the Rayburn House Office Building and the Minority Staff in Room 2471 of the Rayburn House Office Building. The Committee prefers, if possible, to receive all documents in electronic format. An attachment to this letter contains additional instructions for responding to the Committee's request.

The Committee on Oversight and Government Reform is the principal oversight committee of the House of Representatives and may at "any time" investigate "any matter" as set forth in House Rule X.

Please contact Mike Howell of the Majority staff at (202) 225-5074 with any questions regarding this request. Thank you for your attention to this matter.

Sincerely,

Jason Chaffetz
Chairman

Enclosure

cc: The Honorable Elijah E. Cummings, Ranking Minority Member

Responding to Committee Document Requests

1. In complying with this request, you are required to produce all responsive documents that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. You should also produce documents that you have a legal right to obtain, that you have a right to copy or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party. Requested records, documents, data or information should not be destroyed, modified, removed, transferred or otherwise made inaccessible to the Committee.
2. In the event that any entity, organization or individual denoted in this request has been, or is also known by any other name than that herein denoted, the request shall be read also to include that alternative identification.
3. The Committee's preference is to receive documents in electronic form (i.e., CD, memory stick, or thumb drive) in lieu of paper productions.
4. Documents produced in electronic format should also be organized, identified, and indexed electronically.
5. Electronic document productions should be prepared according to the following standards:
 - (a) The production should consist of single page Tagged Image File ("TIF"), files accompanied by a Concordance-format load file, an Opticon reference file, and a file defining the fields and character lengths of the load file.
 - (b) Document numbers in the load file should match document Bates numbers and TIF file names.
 - (c) If the production is completed through a series of multiple partial productions, field names and file order in all load files should match.
 - (d) All electronic documents produced to the Committee should include the following fields of metadata specific to each document;

BEGDOC, ENDDOC, TEXT, BEGATTACH, ENDATTACH,
PAGECOUNT, CUSTODIAN, RECORDTYPE, DATE, TIME, SENTDATE,
SENTTIME, BEGINDATE, BEGINTIME, ENDDATE, ENDTIME, AUTHOR, FROM,
CC, TO, BCC, SUBJECT, TITLE, FILENAME, FILEEXT, FILESIZE,
DATECREATED, TIMECREATED, DATELASTMOD, TIMELASTMOD,
INTMSGID, INTMSGHEADER, NATIVELINK, INTFILPATH, EXCEPTION,
BEGATTACH.
6. Documents produced to the Committee should include an index describing the contents of the production. To the extent more than one CD, hard drive, memory stick, thumb drive, box or folder is produced, each CD, hard drive, memory stick, thumb drive, box or folder should contain an index describing its contents.

7. Documents produced in response to this request shall be produced together with copies of file labels, dividers or identifying markers with which they were associated when the request was served.
8. When you produce documents, you should identify the paragraph in the Committee's schedule to which the documents respond.
9. It shall not be a basis for refusal to produce documents that any other person or entity also possesses non-identical or identical copies of the same documents.
10. If any of the requested information is only reasonably available in machine-readable form (such as on a computer server, hard drive, or computer backup tape), you should consult with the Committee staff to determine the appropriate format in which to produce the information.
11. If compliance with the request cannot be made in full by the specified return date, compliance shall be made to the extent possible by that date. An explanation of why full compliance is not possible shall be provided along with any partial production.
12. In the event that a document is withheld on the basis of privilege, provide a privilege log containing the following information concerning any such document: (a) the privilege asserted; (b) the type of document; (c) the general subject matter; (d) the date, author and addressee; and (e) the relationship of the author and addressee to each other.
13. If any document responsive to this request was, but no longer is, in your possession, custody, or control, identify the document (stating its date, author, subject and recipients) and explain the circumstances under which the document ceased to be in your possession, custody, or control.
14. If a date or other descriptive detail set forth in this request referring to a document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, you are required to produce all documents which would be responsive as if the date or other descriptive detail were correct.
15. Unless otherwise specified, the time period covered by this request is from January 1, 2009 to the present.
16. This request is continuing in nature and applies to any newly-discovered information. Any record, document, compilation of data or information, not produced because it has not been located or discovered by the return date, shall be produced immediately upon subsequent location or discovery.
17. All documents shall be Bates-stamped sequentially and produced sequentially.
18. Two sets of documents shall be delivered, one set to the Majority Staff and one set to the Minority Staff. When documents are produced to the Committee, production sets shall be delivered to the Majority Staff in Room 2157 of the Rayburn House Office Building and the Minority Staff in Room 2471 of the Rayburn House Office Building.

19. Upon completion of the document production, you should submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been completed of all documents in your possession, custody, or control which reasonably could contain responsive documents; and (2) all documents located during the search that are responsive have been produced to the Committee.

Definitions

1. The term “document” means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, inter-office and intra-office communications, electronic mail (e-mail), contracts, cables, notations of any type of conversation, telephone call, meeting or other communication, bulletins, printed matter, computer printouts, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.
2. The term “communication” means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in a meeting, by telephone, facsimile, email (desktop or mobile device), text message, instant message, MMS or SMS message, regular mail, telexes, releases, or otherwise.
3. The terms “and” and “or” shall be construed broadly and either conjunctively or disjunctively to bring within the scope of this request any information which might otherwise be construed to be outside its scope. The singular includes plural number, and vice versa. The masculine includes the feminine and neuter genders.
4. The terms “person” or “persons” mean natural persons, firms, partnerships, associations, corporations, subsidiaries, divisions, departments, joint ventures, proprietorships, syndicates, or other legal, business or government entities, and all subsidiaries, affiliates, divisions, departments, branches, or other units thereof.

5. The term “identify,” when used in a question about individuals, means to provide the following information: (a) the individual's complete name and title; and (b) the individual's business address and phone number.
6. The term “referring or relating,” with respect to any given subject, means anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with or is pertinent to that subject in any manner whatsoever.
7. The term “employee” means agent, borrowed employee, casual employee, consultant, contractor, de facto employee, independent contractor, joint adventurer, loaned employee, part-time employee, permanent employee, provisional employee, subcontractor, or any other type of service provider.