

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND ACCOUNTABILITY

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WASHINGTON, DC 20515-6143

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<https://oversight.house.gov>

March 13, 2024

The Honorable Antony J. Blinken
Secretary
U.S. Department of State
2201 C St., NW
Washington, D.C. 20520

Dear Secretary Blinken:

The Committee on Oversight and Accountability is continuing its investigation into the activities of the office of the Special Presidential Envoy for Climate (SPEC). On January 31, 2024, media outlets reported that John Podesta will assume SPEC Envoy John Kerry's duties upon Kerry's departure to work on the President's re-election campaign.¹ Despite Mr. Podesta's elevation to Envoy Kerry's role, Mr. Podesta "will remain at the White House rather than move to the State Department"² and he will take the title of Senior Advisor to the President for International Climate Policy³—not SPEC envoy, like his predecessor. By granting Envoy Kerry's position to Mr. Podesta with a different title and location, the Biden Administration appears engaged in an intentional effort to evade application of law requiring a special envoy to be Senate confirmed.⁴ The Committee requests a staff-level briefing and documents and communications to understand Mr. Podesta's relationship with the SPEC office and the Biden Administration's actions regarding special envoy decisions to provide transparency and accountability to the SPEC office and its activities.

Despite several congressional inquiries including from this Committee,⁵ this Administration's suppression of relevant records has obscured the full extent of Envoy Kerry's

¹ See e.g., Colleen Long, *John Podesta will take over for John Kerry as the US special climate change envoy*, AP source says, WASH. POST (Jan. 31, 2024).

² Maxine Joselow, *A veteran adviser is taking over as top U.S. climate diplomat*, WASH. POST (Jan. 31, 2024).

³ *Id.*

⁴ National Defense Authorization Act for Fiscal Year 2022, Pub. L. No. 117-81, § 5105, 135 Stat. 2346 (2021).

⁵ Letter from James Comer, *et al.*, Ranking Member, H. Comm. on Oversight and Reform to John Kerry, Special Presidential Envoy for Climate (June 14, 2021); Letter from James Comer, *et al.*, Ranking Member, H. Comm. on Oversight and Reform to John Kerry, Special Presidential Envoy for Climate (Oct. 4, 2022), Letter from James Comer, Chairman, H. Comm. on Oversight and Accountability to John Kerry, Special Presidential Envoy for Climate (Feb. 2, 2023); Letter from James Comer, Chairman, H. Comm. on Oversight and Accountability to Antony J. Blinken, Sec'y, Dep't of State (Apr. 25, 2023); Letter from James Comer, Chairman, H. Comm. on Oversight and

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duties from public scrutiny. Now, as Mr. Podesta steps into the role, it is unclear to what extent he will retain the same powers as Envoy Kerry and his arrangement with the SPEC office at the State Department. Further, the Committee has concerns that the State Department and the White House will deliberately complicate future congressional oversight requests on the grounds that Mr. Podesta is simultaneously a White House employee and a State Department leader. Committee correspondence with the White House and State Department supports those concerns as the White House declined to provide the Committee information responsive to our February 2, 2023 letter given Envoy Kerry's State Department employee status.⁶

According to the State Department, the SPEC office is “[i]ntegrated closely with the State Department’s existing expert staff and personnel.”⁷ After Envoy Kerry’s appointment announcement in November 2020, the Biden-Harris transition team stated that SPEC Kerry’s “role will be fully integrated into the Biden-Harris administration’s broader diplomacy, which, as always, will be helmed by the [S]ecretary of State.”⁸ On February 5, 2023, Justin Oswald, former White House Office of Legislative Affairs staff, confirmed to Committee staff that Envoy Kerry is an employee of the State Department.⁹

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|-----------------|---|
| From: | Oswald, Justin T. EOP/WHO |
| To: | Vinyard, Ashlee |
| Cc: | Goff, Shuwanza R. EOP/WHO ; Rust, James ; McDonagh, Sloan |
| Subject: | RE: Letter to Secretary Kerry |
| Date: | Sunday, February 5, 2023 4:50:52 PM |

Ashlee - Secretary Kerry is an employee of the State Department, so we have forwarded the Committee’s letter to the Department. Please follow up with the State Department’s Bureau of Legislative Affairs for further information on this matter.

Thank you,
Justin Oswald
White House Office of Legislative Affairs

Accountability to Antony J. Blinken, Sec’y, Dep’t of State (Jan. 5, 2024); Letter from James Comer, Chairman, H. Comm. on Oversight and Accountability to Antony J. Blinken, Sec’y, Dep’t of State (Feb. 7, 2024).

⁶ Email correspondence from Justin Oswald, White House Office of Legislative Affairs, to H. Comm. on Oversight and Accountability staff (Feb. 5, 2023).

⁷ Dep’t of State, *Office of the U.S. Special Presidential Envoy for Climate*, available at <https://www.state.gov/bureaus-offices/secretary-of-state/office-of-the-u-s-special-presidential-envoy-for-climate/> (last visited Mar. 7, 2024).

⁸ Congressional Research Serv., *Office of the Special Presidential Envoy for Climate* (Sept. 7, 2023).

⁹ *Supra*, n. 6.

Envoy Kerry served as “the first-ever Cabinet-level position entirely dedicated to climate change to sit on the National Security Council”¹⁰ while employed by the State Department—all without Senate confirmation. Notably, prior to his new role, Mr. Podesta will have served as Senior Advisor to the President for Clean Energy Innovation and Implementation in the White House, overseeing the Inflation Reduction Act’s implementation and chairing the President’s National Climate Task Force for that issue.¹¹

The decision to keep Mr. Podesta in the White House and not move him to the State Department appears as an intentional effort to circumvent the law. In effect January 3, 2023, Section 5105 of the FY2022 National Defense Authorization Act (NDAA) has required Senate confirmation for State Department special envoys or other positions performing a similar function “exercising significant authority pursuant to the laws of the United States.”¹² As a State Department employee and special envoy, had this law been in effect on January 20, 2021,¹³ Envoy Kerry’s appointment would have been subject to Senate confirmation.¹⁴ However, according to the *Washington Post*, “White House lawyers believe that the provision won’t apply to Podesta’s new post.”¹⁵ Despite his new title, Mr. Podesta replacing Envoy Kerry as the top climate diplomat appears subject to Section 5105 because his new role “[exercises] significant authority pursuant to the laws of the United States.”¹⁶ By function of the SPEC office’s integration with the State Department’s staff,¹⁷ Mr. Podesta will perform Envoy Kerry’s role using the same SPEC office and State Department resources at the expense of American taxpayer dollars—a requested \$16.8 million dollars in 2024.¹⁸

Mr. Podesta’s new role in the White House has already signaled State Department and SPEC staff resources changes,¹⁹ raising questions about whether White House officials utilizing and expending State Department resources in wake of Envoy Kerry’s departure aligns with appropriations law.²⁰ According to the *New York Times*, Richard Verma, State Department Deputy Secretary of Management and Resources, will now oversee the SPEC office operation

¹⁰ *Supra*, n. 8.

¹¹ The White House, Statements and Releases, *President Biden Announces Senior Clean Energy and Climate Team* (Sept. 2, 2022).

¹² *Supra*, n. 4.

¹³ Dep’t of State, Biographies, *John Kerry*, available at <https://www.state.gov/biographies/john-kerry/> (last visited Mar. 7, 2024).

¹⁴ Sara Schonhardt, *et al.*, *How a new law could block Kerry’s replacement*, E&E NEWS (Jan. 26, 2024).

¹⁵ *Supra*, n. 2.

¹⁶ *Supra*, n. 4.

¹⁷ *Supra*, n. 7.

¹⁸ Dep’t of State, *Congressional Budget Justification Appendix 1: Department of State Diplomatic Engagement, Fiscal Year 2024*, p. 73, 364.

¹⁹ Lisa Fredman and Coral Davenport, *Biden Picks John Podesta to Be His New Global Climate Representative*, N.Y. TIMES (Jan. 31, 2024).

²⁰ *See* 31 U.S.C. §1301(a).

and coordinate with Mr. Podesta.²¹ Also, Mr. Podesta “will closely coordinate with two top deputies at the State Department, Sue Biniaz and Rick Duke.”²² It is unclear to what extent Mr. Podesta, Mr. Verma, Ms. Biniaz, or Mr. Duke will consult with you on the use of State Department resources for the SPEC mission in light of Envoy Kerry’s view that he did not formally answer to you. Indeed, on July 13, 2023, Envoy Kerry testified before the U.S. House Foreign Affairs Subcommittee on Oversight and Accountability that “formally in terms of strict legal accountability I report to the President of the United States, but informally obviously I keep the Secretary completely...I keep him fully informed...I consult with him.”²³ To date, the Committee has not received requested information from the State Department on the SPEC office’s staff or payroll—meanwhile its operation and activities continue to shapeshift.²⁴

Keeping Mr. Podesta in the White House without changing his title to SPEC Envoy is a flagrant attempt to evade the application of law requiring his Senate confirmation and supports the claim that the Biden Administration has taken additional steps to keep SPEC office activities—and its leader’s activities—from the purview of the public and the accountability of Congress. To better understand the Biden Administration’s decision to keep Mr. Podesta at the White House with the title of Senior Advisor to the President for International Climate Policy upon replacing Envoy Kerry, please provide the following documents and information, covering the time period January 20, 2021 to present, no later than March 27, 2024:

1. All documents and communications between or among the State Department, including the Office of the Secretary, and the White House, including White House Chief of Staff Jeff Zients and White House lawyers, referring or relating to the following:
 - a. Mr. Podesta’s role and responsibilities;
 - b. Replacement candidates for Envoy Kerry;
 - c. Changes to SPEC office organization and management after Envoy Kerry’s departure;
 - d. Section 5105 of the FY2022 National Defense Authorization Act (NDAA); and
 - e. 31 U.S.C. § 1301.

Additionally, please provide a staff-level briefing on this matter as soon as possible, but no later than March 20, 2024.

²¹ *Supra*, n. 19.

²² *Supra*, n. 2.

²³ H. Comm. on Foreign Affairs, S. Comm. on Oversight and Accountability, *Hearing: The State Department's Climate Agenda: A Budget Overview by the Special Presidential Envoy for Climate*, 118th Cong. (July 13, 2023).

²⁴ See Letter from James Comer, Chairman, H. Comm. on Oversight and Accountability to John Kerry, Special Presidential Envoy, The White House (Feb. 2, 2023); Letter from James Comer, Chairman, H. Comm. on Oversight and Accountability to Antony J. Blinken, Sec’y, Dep’t of State (Feb. 7, 2024).

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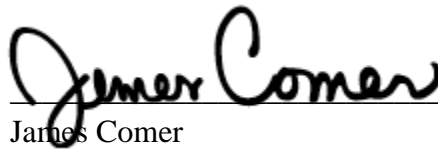
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Attached are instructions for producing the documents and information to the Committee. If you have any questions, contact the Committee on Oversight and Accountability Majority staff at 202-225-5074.

The Committee on Oversight and Accountability is the principal oversight committee of the U.S. House of Representatives and has broad authority to investigate, “any matter” at “any time” under House Rule X. Thank you for your attention to this important matter.

Sincerely,

A handwritten signature in black ink that reads "James Comer". The signature is written in a cursive style and is positioned above a horizontal line.

James Comer

Chairman

Committee on Oversight and Accountability

cc: The Honorable Jamie B. Raskin, Ranking Member
Committee on Oversight and Accountability