

United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

January 27, 2025

Brian Driscoll
Acting Director
Federal Bureau of Investigation
935 Pennsylvania Avenue, NW
Washington, DC 20535

The Honorable Marco Rubio
Secretary of State
U.S. Department of State
2201 C Street, NW
Washington, DC 20520

Pete Hegseth
Secretary of Defense
U.S. Department of Defense
1000 Defense Pentagon
Washington, DC 20301

David Lebryk
Acting Secretary of the Treasury
U.S. Department of Treasury
1500 Pennsylvania Avenue, NW
Washington, DC 20220

Dear Acting Director Driscoll, Secretary Hegseth, Secretary Rubio, and Acting Secretary Lebryk:

I have recently received highly credible information revealing that while serving in the first Trump Administration's National Security Council, Kash Patel broke protocol regarding hostage rescues by publicly commenting without authorization on the then in-progress retrieval of two Americans held captive by Iranian-backed militants in Yemen in October 2020.

On October 14, 2020, the *Wall Street Journal* first published comments from Mr. Patel regarding the hostage swap at 10:55 a.m., several hours before the hostages were in confirmed custody of the United States.¹ In the wake of multiple failed hostage recovery missions,² the Hostage Recovery Fusion Cell was created in 2015 as a multi-agency group housed in the FBI tasked with coordinating the recovery of Americans held hostage abroad and improving communications with impacted families and the public.³ The specific protocols are in place to help protect the privacy of the impacted families and ensure the timing for public acknowledgement of a hostage rescue effort does not endanger these sensitive life-or-death missions. The information my office received alleges that Mr. Patel inserted himself inappropriately in a hostage recovery mission and violated these protocols. Mr. Patel, prior to his interview with the *Wall Street Journal* and contrary to his public assertions, allegedly had no role in the planning, negotiations, or execution of this hostage recovery. The source also alleges the interagency communications were clear that there would be no public comment until after the recovery was complete, and the families were notified.

¹ Dion Nissenbaum, *Two Americans Held Hostage by Iran-Backed Forces in Yemen Freed in Trade*, WSJ (Oct. 14, 2020, 10:55 A.M.), <https://www.wsj.com/articles/two-americans-held-hostage-by-iran-backed-forces-in-yemen-freed-in-trade-11602687328> (last updated Oct. 14, 2020, 8:06 P.M.).

² See e.g., Kareem Fahim & Eric Schmitt, *2 Hostages Killed in Yemen as U.S. Rescue Effort Fails*, N.Y. TIMES (Dec. 6, 2014), <https://www.nytimes.com/2014/12/07/world/middleeast/hostage-luke-somers-is-killed-in-yemen-during-rescue-attempt-american-official-says.html>; Spencer Ackerman, *James Foley: US Reveals Failed Special Forces Rescue Mission within Syria*, THE GUARDIAN (Aug. 21, 2024), <https://www.theguardian.com/world/2014/aug/21/elite-forces-us-raid-syria-james-foley-failed>.

³ Press Release, *Hostage Recovery Fusion Cell Established*, FBI (Jun. 24, 2015), <https://www.fbi.gov/news/stories/hostage-recovery-fusion-cell-established>.

Mr. Patel's nomination to be Director of the Federal Bureau of Investigation (FBI) is currently pending before the Senate Judiciary Committee. Among the many qualities and qualifications the Senate must consider when reviewing presidential appointments is whether the nominee has the requisite character and fitness to be entrusted with the authority of their position. This is the second known instance of Mr. Patel breaking hostage recovery protocol to inappropriately insert himself in a sensitive or high-profile recovery mission.⁴ An official who puts missions and the lives of Americans in jeopardy for public notoriety and personal gain is unfit to lead the country's primary federal law enforcement and investigation agency. This Committee has a constitutional obligation to perform oversight over the FBI and to provide advice and consent on the nominations of officers to lead the Bureau. To those ends, please provide the following information:

1. The Hostage Recovery Fusion Cell protocols for the public acknowledgement of hostage rescue missions, including any ad hoc protocols established specifically for the rescue of Ms. Sandra Loli and Mr. Mikael Gidada;
2. All records between February 1, 2020 through October 15, 2020 reflecting or relating to communications between and among Mr. Patel and the Hostage Recovery Fusion Cell concerning the rescue of Ms. Sandra Loli and Mr. Mikael Gidada;
3. All interagency cables and memos from October 11, 2020 through October 15, 2020 concerning the rescue of Ms. Sandra Loli and Mr. Mikael Gidada; and
4. All records reflecting or relating to authorization permitting Mr. Patel to disclose any details concerning the rescue of Ms. Sandra Loli and Mr. Mikael Gidada prior to receiving confirmation of their retrieval and/or notification to the families.

Please provide these materials as soon as possible, and no later than January 30, 2025. I appreciate your prompt attention to this important request.

Sincerely,



Richard J. Durbin
Ranking Member

cc: The Honorable Charles E. Grassley
Chairman, Senate Committee on the Judiciary

⁴ See Glenn Thrush, Elizabeth Williamson, & Adam Goldman, *Kash Patel Would Bring Bravado and Baggage to F.B.I. Role*, N.Y. TIMES (Dec. 1, 2024), <https://www.nytimes.com/2024/12/01/us/politics/kash-patel-bravado-baggage-fbi.html>; John Bowden, *US Forces Almost Accidentally Invaded Nigeria under Trump, Book Claims*, THE INDEPENDENT (Jul. 20, 2021), <https://www.the-independent.com/news/world/americas/us-politics/trump-nigeria-invasion-navy-seals-b1886943.html>; Matt Arco, *How Trump Nominee Botched a Seal Team Six Rescue of American Hostage*, NJ.COM (Dec. 2, 2024), <https://www.nj.com/politics/2024/12/how-trump-nominee-botched-a-seal-team-six-rescue-of-american-hostage.html>.