

Congress of the United States
Washington, DC 20515

April 15, 2013

The Honorable John F. Kerry
Secretary of State
Washington, DC 20520

Dear Mr. Secretary:

The Committee on Foreign Affairs and the Committee on Oversight and Government Reform are conducting oversight of policies affecting the security of U.S. diplomatic personnel abroad. This examination includes an ongoing review of the events surrounding the deadly 9/11 terrorist attack against U.S. personnel and property in Benghazi, Libya. As part of our effort, the Committees have jointly requested documents and information in order to better understand these matters and bring about necessary legislative reforms. The State Department, however, has failed to comply fully with our requests.

For example, on January 28, 2013, we wrote the Department expressing concern about the Accountability Review Board's recent findings and recommendations.¹ Particularly, we noted that the Board failed to interview the senior-most officials at the State Department, including then-Secretary Hillary Clinton, Deputy Secretary William J. Burns, and Deputy Secretary for Management and Resources Thomas R. Nides. We believe that this was a critical omission in the Board's review of the facts leading up to the attack.

The Board's report also did not address the reasons why Under Secretary Patrick F. Kennedy apparently withdrew the Security Support Team for Libya, despite multiple warnings from Ambassador Christopher Stevens of a deteriorating security situation. This was a key decision that detrimentally affected the security posture of U.S. diplomats in Libya prior to the attack. Accordingly, we requested that the Department produce all documents and communications provided to the Board so that our Committees could understand the basis for this decision. A copy of this letter is attached for your reference.

On March 29, 2013, Acting Assistant Secretary for Legislative Affairs Thomas Gibbons replied to our letter on behalf of the Department. This response, however, was wholly inadequate, as the Department failed to deliver the specifically requested materials. It further provided no explanation – legal or otherwise – for the Department's decision to refuse to make other Benghazi related materials permanently available. This is unacceptable and inconsistent with the level of transparency promised by this Administration. Without this information, we cannot together achieve the reforms necessary to ensure the safety of our diplomats abroad.

To assist with our oversight, please confirm the following with respect to our January 28, 2013, request:

¹ Letter from Reps. Darrell Issa, Edward R. Royce, and Jason Chaffetz to Secretary of State Hillary Clinton, January 28, 2013.

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1. Whether the Department retained a complete set of documents provided to the Accountability Review Board;
2. Whether the Board reviewed the more than 25,000 pages of documents referenced in the March 29, 2013, response letter prior to the issuance of the Board's report;
3. Whether the Department will deliver copies of all documents and information requested for the Committees' permanent and unmonitored retention. This includes, but may not be limited to, the more than 25,000 pages of documents referenced in the March 29, 2013 letter, and those which the Committees have reviewed *in camera*. If not, then please cite the legal basis for refusing to do so; and
4. Whether the Department will make the Board's staff, including, but not limited to, all staff listed in 12 FAM 032.3, available to answer specific questions about the Board's review process.

We ask that the Department please respond as soon as possible, **but not later than 5:00 p.m. on April 29, 2013**. The more than 25,000 pages of documents should be readily available for delivery within 24 hours of the receipt of this letter, as they have already been collected for purposes of *in camera* review. If the Department again declines to produce the requested documents and information for the Committees' permanent and unmonitored retention, the Committees may compel production.

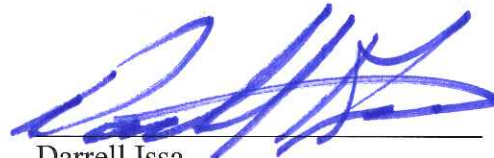
When producing documents to the Committees, please deliver production sets to the Majority and Minority offices of each committee. We prefer, if possible, to receive all documents in electronic format.

If you have any questions about this request, please contact Thomas Alexander of the Committee on Foreign Affairs or Brien Beattie of the Committee on Oversight and Government Reform at 202-225-5021, and 202-225-5074, respectively. Thank you for your attention to this matter.

Sincerely,



Edward R. Royce
Chairman, Committee on Foreign Affairs



Darrell Issa
Chairman, Committee on Oversight and
Government Reform



Jason Chaffetz
Chairman, Oversight and Government Reform
Subcommittee on National Security

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Attachment

cc: The Honorable Eliot L. Engel, Ranking Minority Member, Committee on Foreign Affairs

The Honorable Elijah E. Cummings, Ranking Minority Member, Committee on Oversight and Government Reform

The Honorable John F. Tierney, Ranking Minority Member, Oversight and Government Reform Subcommittee on National Security