

AUG 29 2013



United States Department of State .

Washington, D.C. 20520

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Dear Mr. Chairman:

I am writing to inform you that we are providing documents responsive to the subpoena of August 1, 2013, issued as part of the Committee's investigation into the attacks on the U.S. Special Mission in Benghazi. This production is the third set of documents in the rolling production referenced in our August 16, 2013, letter to you.

The subpoena sought copies of "[a]ll documents that have been made available to the House Committee on Oversight and Government Reform for *in camera* review, including, but not limited to, the approximately 25,000 pages referenced in the March 29, 2013, letter" from the State Department. Since the Department's first production of documents for *in camera* review in October 2012, the Department has provided the Committee with ongoing access at your offices to these documents.

Prior to the issuance of the subpoena, the Department had already agreed to provide the Committee with copies of these same documents. In response to your April 26, 2013, request that the Department turn over copies of those documents that "[m]embers and staff have identified as critical to the investigation," the Department conveyed to your staff its willingness to process requests for copies of specific documents from this set of over 25,000 pages that are of particular interest to the Committee. On July 24, 2013, the Department produced a set of such documents with appropriate redactions to protect sensitive information and reiterated our offer to receive and process additional requests from the Committee for copies of specific documents from this set. It is regrettable that the Committee chose to issue the subpoena rather than allow this voluntary process to continue.

The Honorable

Darrell E. Issa, Chairman,

Committee on Oversight and Government Reform,

House of Representatives.

cc: The Honorable Elijah Cummings

The Department is producing today copies of 2,676 pages from the fifth tranche and 1,966 pages from the sixth tranche, originally provided for *in camera* review on or about December 7, 2012, and January 2, 2013, respectively. The remaining documents from this document set will be provided on a rolling basis as expeditiously as possible. Please note that the documents produced today and in the upcoming weeks contain classified information as well as sensitive but unclassified (SBU) information. These documents also may contain personally identifiable information and information that is exempt from public release under the Freedom of Information Act.

As agreed to in discussions with your staff, we are producing these documents under the condition that any classified documents will be stored in accordance with all applicable security regulations and accessed only by personnel with applicable security clearances and that SBU documents will be stored in locked containers with access limited to personnel directly engaged in this investigation. We also reiterate that the public release of any portion of the enclosed documents is not authorized by this communication and, should you wish to disclose any documents or portions thereof, that you should provide the Department two business days' notice per document to afford the Department the opportunity to inform the Committee of sensitive information that must be safeguarded.

In addition, consistent with Department practice, we have redacted certain sensitive foreign government information, such as confidential communications with foreign government officials, the disclosure of which could adversely impact relations with foreign nations, law enforcement sensitive information, and information on security policies, procedures, and specifications for American diplomatic missions, disclosure of which could threaten the safety of State Department and other U.S. Government personnel serving overseas. We have also redacted certain privacy protected information and the names of Department personnel below the rank of Assistant Secretary, with the exception of Deputy Assistant Secretaries who have been interviewed during the course of the Committee's investigation, in order to protect the security and privacy of Department officers who are serving or will serve overseas in sensitive locations. Additional information has been redacted for similar reasons at the request of other agencies referenced in the documents. Aside from certain privacy protected information, the redacted text remains available to you through the existing *in camera* document review process.

Although the process of redacting such information, which includes interagency coordination, prevents the Department from producing all responsive documents today, the Department must take this step because the Committee has declined multiple requests to provide assurances that it will not release the documents publicly or at least provide sufficient advanced notice of public release to afford the Department the opportunity to identify sensitive material that should be redacted. The Department will therefore continue to produce the remaining documents on a rolling basis, as expeditiously as possible, pending the redaction of information described above.

Please do not hesitate to contact us if we can be of further assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas B. Gibbons". The signature is written in a cursive, flowing style.

Thomas B. Gibbons
Acting Assistant Secretary
Legislative Affairs

Enclosure:

As stated.