

**Congress of the United States**  
**House of Representatives**

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

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WASHINGTON, DC 20515-6143

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<http://oversight.house.gov>

January 9, 2017

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

Dear Mr. Secretary:

On January 6, 2017, a gunman targeted and shot an officer from the U.S. Consulate in Guadalajara.<sup>1</sup> According to a press report, “[t]he shooting appeared to be a direct attempt to kill the consular employee,” and “[s]urveillance video of the attack shows the gunman following the official in a parking garage.”<sup>2</sup> Another report notes the attacker reportedly asked for the victim by name at a business before the attack.<sup>3</sup> Mexican police sources indicated they suspect the shooter was a professional assassin.<sup>4</sup>

The attack in Guadalajara is only the most recent example of a disturbing history of violence in Mexico, including the 2010 murders of a U.S. consulate employee and her husband in Ciudad Juárez, as well as other attacks on U.S. personnel in the country.<sup>5</sup> Attacks such as those, and other incidents of violence, have been the basis for the Committee’s long-standing concerns about the safety and security of American personnel in Mexico. The Committee investigated that issue throughout the 114th Congress. Pursuant to that investigation, Committee members and staff visited the country several times to learn more about the security conditions at various facilities where U.S. personnel live and work. The Committee also held a hearing on the

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<sup>1</sup> Mark Stevenson, *Gunman shoots, wounds US consular official in Mexico*, ASSOCIATED PRESS, Jan. 7, 2017, <https://yhoo.it/2i5cOW5>.

<sup>2</sup> *Id.*

<sup>3</sup> Amy B. Wang & Joshua Partlow, *Video captures shooting of U.S. consular official in Mexico*, WASH. POST, Jan. 7, 2017, <http://wapo.st/2i1tJdF>.

<sup>4</sup> Duncan Tucker, *FBI Seeks Suspect after U.S. Consulate Official Shot in Mexico*, THE GUARDIAN, Jan. 7, 2017, <http://bit.ly/2jqYTeL>.

<sup>5</sup> Stevenson, note 1, *supra*.

issue, titled “Violence on the Border: Keeping U.S. Personnel Safe,” where several witnesses testified about the dangerous conditions in Mexico.<sup>6</sup>

During the course of the Committee’s investigation, the Department altered the way it calculates danger pay, a supplemental allowance for diplomats serving in particularly dangerous places. The Committee sent a bipartisan letter to the Department on this issue, as well.<sup>7</sup> In this increasing global threat environment, we must ensure there is both adequate danger pay funding and embassy security funding to protect all U.S. personnel serving in high threat posts.

Despite the undeniable violence in Mexico, the Department reduced danger pay at several posts in the country. During briefings with Committee staff, the Department advised that danger pay is properly allowed only for posts where the violence is directed at U.S. personnel.<sup>8</sup> As a result, the Department eliminated danger pay in places like Matamoros and Nuevo Laredo—locations where the Department’s own travel warnings caution that kidnapping there are “among the highest in Mexico,” and “[s]tate and municipal law enforcement capacity is limited to nonexistent in many parts of” the region.<sup>9</sup> The Department, however, retained danger pay in Guadalajara, but only for FBI and DEA employees.<sup>10</sup>

So the Committee can better understand the violence levels in Mexico, including the incident in Guadalajara, as well as the Department’s method for calculating danger pay and any contemplated adjustments to such pay, please make arrangements to brief the Members of the Committee as soon as possible but no later than January 13, 2017.

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. An attachment to this letter provides additional information about responding to the Committee’s request.

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<sup>6</sup> *Violence on the Border: Keeping U.S. Personnel Safe*, Hearing before the H. Comm. on Oversight and Gov’t Reform, 114th Cong. (Sept. 9, 2015).

<sup>7</sup> Letter from Jason Chaffetz, Chairman, H. Comm. on Oversight & Gov’t Reform, et al., to John Kerry, Sec’y of State, U.S. Dep’t of State (Oct. 16, 2015).

<sup>8</sup> Briefing by U.S. Dep’t of State to H. Comm. on Oversight & Gov’t Reform staff on Danger Pay Issues in Mexico (Sept. 30, 2015).

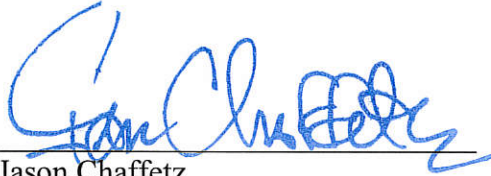
<sup>9</sup> U.S. Dep’t of State, *Mexico Travel Warning*, <https://travel.state.gov/content/passports/en/alertswarnings/mexico-travel-warning.html> (last updated Dec. 8, 2016).

<sup>10</sup> U.S. Dep’t of State, *Danger Pay Allowance (DSSR 650) Percentage of Basic Compensation*, Post Classification and Payment Tables Section 920 note u (effective date Jan. 8, 2017), available at [https://aoprals.state.gov/Content/Documents/Web920/footnote\\_main.htm](https://aoprals.state.gov/Content/Documents/Web920/footnote_main.htm).

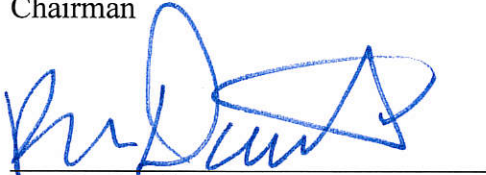
The Honorable John F. Kerry  
January 9, 2017  
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Please contact Cordell Hull of the Committee staff at (202) 225-5074 to schedule the briefing or with any questions about this request. Thank you for your attention to this matter.

Sincerely,



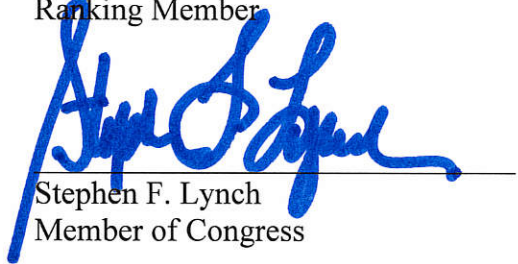
Jason Chaffetz  
Chairman



Ron DeSantis  
Member of Congress



Elijah E. Cummings  
Ranking Member



Stephen F. Lynch  
Member of Congress

Enclosure

## 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.