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ONE HUNDRED THIRTEENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

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June 23, 2014

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

Dear Mr. Secretary:

The Committee on Oversight and Government Reform is conducting oversight of the Department of State's embassy security, construction and maintenance efforts. In a climate of budgetary constraints at home and ongoing threats abroad to our Foreign Service and Foreign Service National employees, it is vital that the Department maintain its focus on delivering safer, more secure embassies and consulates on time and on budget. A failure to do so would leave employees in substandard facilities and potentially in harm's way.

It is our understanding the Department has decided to transition from a successful program of embassy construction based on a standard design to one focused more on unique design. The Committee is interested in the differences between the standard embassy design approach, which stresses security and functionality, versus a new "design excellence" program, which stresses openness and innovation. In the words of former Under Secretary of State for Management, Grant Green, who presided over the Department's standard design approach, which moved tens of thousands of people into newer, safer facilities, "If it takes longer, it's going to cost more, and if it costs more and takes longer, it puts people at risk out there waiting for their embassy to be built."¹

According to an internal report a Department panel prepared following the Accountability Review Board convened after the Benghazi attack, the Department has not produced a business case or cost benefit analysis supporting its "design excellence" approach.² And, according to a recent report by *CBS News*, the new embassy just barely

¹ Nancy Cordes, *Shiny New U.S. Embassies Costing Taxpayers Millions*, CBS NEWS, June 6, 2014, <http://www.cbsnews.com/news/shiny-new-u-s-embassies-costing-taxpayers-millions/>.

² Edward T. Pound, *Report Details Enduring Flaws in State Dept. Diplomatic Security*, AL JAZEERA, May 5, 2014, <http://america.aljazeera.com/articles/2014/5/5/report-details-enduringflawsinstatedeptdiplomaticsecurity.html>.

under construction in London is already significantly over budget due to manufacturing challenges with the structure's unique and complicated glass façade.³

The Committee seeks to examine how the Department plans to preserve the significant gains made in the preceding decade while also embarking on a new approach to embassy construction without stunting the current rate of moving U.S. personnel overseas into more secure facilities. The Committee also seeks to review the process by which Department stakeholders developed and approved, over the course of several years, what would constitute a major shift in embassy security, construction, and maintenance. Therefore, please provide the following documents and information:

1. All Bureau of Overseas Building Operations (OBO) Project Performance Review (PPR) documents from January 1, 2001, to the present.
2. A list of all New Embassy Compounds (NEC) completed since January 1, 2001, which includes the following information for each NEC:
 - a) Contract award date;
 - b) Contract completion date;
 - c) Occupancy date;
 - d) Final acceptance date;
 - e) Number of desk and non-desk positions at contract award date;
 - f) Number of desk and non-desk positions at final acceptance date;
 - g) The total acreage of the site;
 - h) Whether the contract was awarded as a Design-Build or a Design-Bid-Build project;
 - i) Whether the NEC was a Standard Embassy Design or not and, if so, whether the NEC was a Large, Medium, Small, or Standard Secure Mini-Compound version of the SED;
 - j) The architect/engineer of record and prime contractor of record, as appropriate;
 - k) The cost of the construction portion of the NEC;
 - l) The total cost of the NEC;
 - m) A photograph of the completed NEC.
3. All versions of the Top 80 List in Vulnerability Order from January 1, 2001, to the present.
4. The September 2008 report of the OBO Capital Acquisition Process Working Group.
5. The May 2013 "Report on Diplomatic Security Organization and Management."

³ Cordes, *supra* note 1.

6. All Foreign Affairs Manual and Foreign Affairs Handbook sections relating to physical security standards of U.S. Department of State installations abroad, including, but not limited to: The Physical Security Handbook (12 FAH-5 H-000 et seq.), the OSPB Security Standards and Policy Handbook (12 FAH-6), Physical Security of Facilities Abroad (12 FAM 310), and any other physical security standards referenced in OBO contracts.
7. All documents and communications referring or relating to the use of the term “Design Excellence” in OBO contracts and contract solicitations.
8. The “Architectural and Engineering Design Guidelines” that preceded the introduction of “Design Excellence.”
9. The “Architectural and Engineering Design Guidelines” developed for “Design Excellence.”
10. A graphical representation of the number of personnel moved into safer overseas Department facilities from 2000 to the present.
11. All versions of the Long-Range Overseas Buildings Plan from 2002 to the present.
12. All documents and communications referring or relating to the use, or potential use, of Overseas Contingency Operation funding to supplement OBO projects since June 1, 2012.
13. All documents and communications referring or relating to the use, or potential use, of internal reprogramming of funds for OBO projects since June 1, 2012.
14. All Action Memoranda and Information Memoranda, referring or relating to the New Embassy Compound in Port Moresby, Papua New Guinea.
15. All documents, including, but not limited to, plans and drawings, relating to the incorporation of Marine Security Guard Quarters at the New Embassy Compound in Port Moresby, Papua New Guinea.
16. All documents referring or relating to sending a Marine Security Guard Detachment to Port Moresby, Papua New Guinea.
17. All documents relating to any re-scoping or de-scoping of the New Embassy Compound in Port Moresby, Papua New Guinea.

18. All documents and communications referring or relating to the auction of equipment or materials relating to the New Embassy Compound in Port Moresby, Papua New Guinea.
19. All documents referring or relating to the right-sizing of the New Embassy Compound in Port Moresby, Papua New Guinea, including, but not limited to, documents relating to increasing the number of desks beyond the number recommended in the right-sizing report.
20. All Action Memoranda and Information Memoranda, including drafts, referring or relating to the New Embassy Compound in London, United Kingdom.
21. All documents referring or relating to Value Engineering Studies relating to the New Embassy Compound in London, United Kingdom, including all versions of any Value Engineering Studies.
22. All documents and communications relating to changes and notices to proceed relating to the New Embassy Compound in London, United Kingdom, including, but not limited to, all such communications with:
 - a) KieranTimberlake Architects; b) B.L. Harbert International; and
 - c) Weidlinger and Associates.
23. All documents referring or relating to congressional Construction Security Certification for the New Embassy Compound in London, United Kingdom, including, but not limited to, all communications with the Office of the Director of National Intelligence.
24. All documents and communications referring or relating to Value Added Tax (VAT) relating to the New Embassy Compound in London, United Kingdom.
25. All documents and communications referring or relating to blast testing of the curtain wall, and curtain wall components, of the New Embassy Compound in London, United Kingdom, including, but not limited to, all such communications with:
 - a) the Bureau of Diplomatic Security;
 - b) KieranTimberlake Architects; c) B.L. Harbert International; and
 - d) Weidlinger and Associates.
26. All documents and communications referring or relating to the application of General Services Administration (GSA) Performance Conditions to blast testing of the curtain wall, and curtain wall components, of the New Embassy Compound in London, United Kingdom, including, but not limited to, communications between OBO and the Bureau of Diplomatic Security.

27. All documents and communications relating to the engineering and legal justifications for applying standards other than those of the Bureau of Diplomatic Security to blast testing of the curtain wall, and curtain wall components, of the New Embassy Compound in London, United Kingdom.
28. A document identifying all State Department overseas properties, the physical security of which were designed, tested or certified to GSA standards.
29. All documents and communications relating to the decision to conduct blast testing of the curtain wall, and curtain wall components, of the New Embassy Compound in London, United Kingdom, in both Fort Polk, Louisiana, and Socorro, New Mexico.
30. The U.S. Army Engineer Research and Development Center report relating to blast testing of the curtain wall or curtain wall components, of the New Embassy Compound in London, United Kingdom, which occurred in Fort Polk, Louisiana.
31. All reports prepared for the Committees on Appropriations on the New Embassy Compound in London, United Kingdom, which, pursuant to P.L. 112-74, Section 7004 (f)(2), were to be delivered every six months from 60 days after enactment, and which were to include revenue and cost projections, cost containment efforts, project schedule and actual project status, the impact of currency exchange rate fluctuations on project revenue and costs, and options for modifying the scope of the project in the event that proceeds of real property sales in London fall below the total cost of the project.
32. The estimated cost per square meter to rent office space in the vicinity of the current U.S. Embassy in London, United Kingdom.
33. All documents related to any lease-back of current U.S. Embassy in London, United Kingdom, if the New Embassy Compound in London is not completed on schedule.

Please begin providing the documents and information requested as soon as possible, but by no later than noon on July 7, 2014. If necessary, the Committee will work with the Department to prioritize production on a rolling basis. In addition, please be advised that the Committee plans to request additional information about the following Department construction projects: Ankara, Turkey; Ashgabat, Turkmenistan; Asuncion, Paraguay; Bangkok, Thailand; Beirut, Lebanon; Cotonou, Benin; The Hague, Netherlands; Harare, Zimbabwe; Jakarta, Indonesia; Maputo, Mozambique; Mexico City, Mexico; N'Djamena, Chad; Oslo, Norway; Paramaribo, Suriname; and, Taipei, Taiwan.

The Honorable John F. Kerry

June 23, 2014

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The Committee on Oversight and Government Reform is the principal investigative committee of the U.S. House of Representatives. Pursuant to House Rule X, the Committee has authority to investigate "any matter" at "any time." An attachment to this letter provides additional information about responding to the Committee's request.

When producing documents to the Committee, please deliver production sets to the Majority Staff in Room 2157 of the Rayburn House Office Building and the Minority Staff Room in 2471 of the Rayburn House Office Building. The Committee prefers, if possible, to receive all documents in electronic format.

If you have any questions about this request, please contact Brien Beattie of the Committee staff at (202) 225-5074. Thank you for your prompt attention to this matter.

Sincerely,



Darrell Issa
Chairman



Jason Chaffetz
Chairman
Subcommittee on National Security

Enclosure

cc: The Honorable Elijah E. Cummings, Ranking Minority Member

The Honorable John F. Tierney, Ranking Minority Member
Subcommittee on National Security

ONE HUNDRED THIRTEENTH CONGRESS
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House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM
2157 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6143

Majority (202) 225-5074
Minority (202) 225-5051

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.

Schedule 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.