

**Congress of the United States**  
**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

<http://oversight.house.gov>

December 6, 2016

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

Dear Mr. Secretary:

In light of new facts, the Committee has additional questions and document requests about the performance of the Department of State in constructing, securing, and maintaining diplomatic facilities abroad. Documents and testimony obtained during the Committee's investigation revealed that the move-in date for the London New Embassy Compound (NEC) has been delayed, resulting in a cost to the U.S. government of tens of millions of dollars.

At the Committee's December 8, 2015, hearing related to the London NEC, the Department's Inspector General testified, "At a cost of more than a billion dollars, the London embassy project is among the most expensive embassies built by the State Department."<sup>1</sup> In order to keep the project to its budget of just over one billion dollars, the Department is required to move out of its current embassy by February 28, 2017.<sup>2</sup>

The financial penalties are high if the Department fails to vacate the current embassy by the end of February 2017. According to the Office of Inspector General: "If the Department does not vacate the Chancery by that date, further rents will be due (that is, approximately \$22 million for a 6-month extension)."<sup>3</sup>

During a transcribed interview, Deputy Assistant Secretary for Countermeasures Wayne Ashbery testified that the NEC is "unlikely" to "be occupied by February,"<sup>4</sup> thus triggering tens of millions of dollars of rent due to the purchaser of the current embassy, as well as any requests

---

<sup>1</sup> *Review of the New London Embassy Project, Hearing before the H. Comm. on Oversight and Gov't Reform*, 114th Cong. (Dec. 8, 2015) (opening statement of Inspector General Linick).

<sup>2</sup> U.S. Dep't of State, Office of Inspector General, *Audit of the Construction Contract Award and Security Evaluation of the New Embassy Compound London* at 15 (July 2015), available at <https://oig.state.gov/system/files/aud-cgi-15-31.pdf>.

<sup>3</sup> *Id.*

<sup>4</sup> H. Comm. on Oversight & Gov't Reform, Transcribed Interview of Wayne Ashbery at 158 (Oct. 18, 2016) ("Q Is it unlikely that the building will be occupied by February? A In my opinion, yes, it is unlikely.") [hereinafter Ashbery Tr.].

for additional funds by the contractor on the London NEC, and the costs to keep Department personnel onsite for potentially months after the target completion date.

A final accreditation inspection, necessary before any personnel may move in, has yet to be scheduled. Under the original schedule to enable a February 2017 move-in, the final accreditation was previously scheduled for November 2016, but has since been cancelled.<sup>5</sup>

According to Deputy Assistant Secretary Ashbery, the reason the building is “unlikely” to be occupied by the required date is the breadth and depth of issues related to the procurement of materials for the NEC’s classified space.<sup>6</sup>

So the Committee can better understand the current anticipated delay for delivery of the London NEC, please provide the following documents and information as soon as possible, but no later than noon on December 20, 2016:

1. All documents or communications with the purchasers of the current embassy in Grosvenor Square, any representatives of the purchasers, or any intermediaries related to the estimated date of turn-over.
2. Documents providing the monthly costs for any time the U.S. Government remains in the current embassy in Grosvenor Square past February 28, 2017, including:
  - a. Any rent projections for the current embassy, including payment terms;
  - b. Any potential payments to the contractor for delay costs for the NEC;
  - c. A breakdown of the cost of Department personnel involved in completing the NEC remaining in London after the target move-in date; and
  - d. Other costs, including, but not limited to, visits from Department inspection teams.
3. All documents or communications referring or relating to the source of funds for
  - (i) any payments to the purchasers of the current embassy in Grosvenor Square, or
  - (ii) any other cost associated with the delayed delivery noted in Request Number 2.

---

<sup>5</sup> Ashbery Tr. at 157-58 (“Q When is the final accreditation inspection scheduled for? A At this point in time, we have not scheduled it. Q Has it been previously scheduled? A Yes. Q When was it originally scheduled? A I was going to say it was originally scheduled to be in the November [2016] time frame. Q But that’s not going to happen? A That will not happen. Q Do you have any guess on when it might happen? A Not at this time. I would choose not to form an opinion on that until we have resolved the materials issues and know the full extent and scope of them. Q So you’re still learning the extent and scope of the materials issues? A I was going to say we still have an ongoing review of the materials issues associated with that project to ensure that at the end of the project we can confirm the integrity of that project, yes.”).

<sup>6</sup> *Id.*

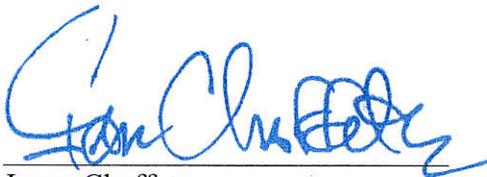
Please also make arrangements to brief Committee staff on these issues by December 20, 2016.

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.

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 in Room 2471 of the Rayburn House Office Building. The Committee prefers, if possible, to receive all documents in electronic format.

Please contact Cordell Hull of the Oversight Committee staff at (202) 225-5074 with any questions about this request. Thank you for your attention to this matter.

Sincerely,



Jason Chaffetz  
Chairman



Ron DeSantis  
Chairman  
Subcommittee on National Security

Enclosure

cc: The Honorable Elijah E. Cummings, Ranking Member

The Honorable Stephen F. Lynch, Ranking Member  
Subcommittee on National Security

## 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.