

# 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>

September 21, 2017

The Honorable Rex W. Tillerson  
Secretary  
U.S. Department of State  
2201 C Street NW  
Washington, D.C. 20520

Dear Mr. Secretary:

We are writing to request information about recent reports the State Department plans to close the Office of the Coordinator for Cyber Issues (CCI), which is responsible for promoting U.S. cybersecurity interests abroad.<sup>1</sup>

Earlier this month, you wrote to the Senate Foreign Relations Committee describing organizational changes related to special envoys and related positions at the Department. According to the letter, you propose eliminating the CCI position and having its “functions and staff assumed by the Bureau of Economic and Business Affairs (EB).”<sup>2</sup>

CCI is responsible for coordinating the nation’s global diplomatic engagement on cyber issues, spanning “the full spectrum of cyber-related issues to include security, economic issues, freedom of expression, and free flow of information on the Internet.”<sup>3</sup> CCI also acts as the Department’s liaison on cyber issues to the White House, federal departments and agencies, and public and private sector entities.<sup>4</sup>

We are interested in understanding who at the State Department would assume the responsibilities of maintaining these critical cyber functions and what resources would be dedicated to these areas if CCI is closed. In July, the Coordinator for Cyber Issues left after serving six-and-a-half years in the role, and the position has remained vacant since his departure.<sup>5</sup> The Administration has not filled other positions involved with overseeing the Department’s cyber coordinating functions.<sup>6</sup>

---

<sup>1</sup> Morgan Chalfant, *Tillerson Moves to Close State Cyber Office*, THE HILL (Aug. 29, 2017), available at <http://thehill.com/policy/cybersecurity/348438-tillerson-moves-to-close-state-cyber-office>.

<sup>2</sup> Letter from the Honorable Rex W. Tillerson, Sec’y, Dep’t of State, to Bob Corker, Chairman, S. Comm. on Foreign Relations (Aug. 28, 2017).

<sup>3</sup> *Office of the Coordinator for Cyber Issues*, DEP’T OF STATE, <https://www.state.gov/s/cyberissues> (last visited Sept. 13, 2017).

<sup>4</sup> *Id.*

<sup>5</sup> Morgan Chalfant, *State Department’s Top Cyber Official to Leave Post*, THE HILL (July 17, 2017), available at <http://thehill.com/policy/cybersecurity/342380-state-department-cyber-official-to-leave-post>.

<sup>6</sup> *Leadership of the Bureau of Economic and Business Affairs*, DEP’T OF STATE, [www.state.gov/eb/leadership](http://www.state.gov/eb/leadership) (last visited Sept. 13, 2017); *Senior Officials*, DEP’T OF STATE, [www.state.gov/misc/19232.htm](http://www.state.gov/misc/19232.htm) (last visited Sept. 13, 2017).

When reports of these proposals first arose in July, the Committee requested a briefing from the Department on the topic. The Department provided the briefing on August 24, 2017. At the time of the briefing, details about this reorganization were limited. Given our shared view that CCI's functions should remain a priority, we are interested in the outcome of the reorganization and would appreciate the Department's assistance in providing the following documents and information by October 5, 2017:

1. All organizational charts or documents of a similar nature referring or relating to the Department's proposed reorganization, including all bureaus or offices with cybersecurity responsibilities;
2. Documents reflecting the Department officials who would assume the responsibilities of the Office of the Coordinator for Cyber Issues, including serving as a liaison within and outside the Department, as well as particular responsibilities assumed;
3. Documents reflecting any planned removals or transfers of Department officials currently serving in the Office of the Coordinator for Cyber Issues, including destinations of any transfers;
4. Documents reflecting any changes to the Chief Information Officer's authority or reporting requirements;
5. Documents reflecting the basis or planning of this reorganization;
6. Documents reflecting any plans to implement the recommendations of the August 2017 State Department Office of Inspector General's report that found that 77% of the Department's FISMA reportable IT assets are noncompliant;
7. Documents and communications regarding the Department's decision to close the Office of the Coordinator for Cyber Issues; and
8. A description of the manner and methodology by which the data were compiled in response to the questions above.

Please also designate a subject matter expert to brief the Committee on these matters no later than October 5, 2017.

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. An attachment provides additional information about responding to this request. Please contact Troy Stock of the Majority staff at (202) 225-5074 and Valerie Shen of the Minority staff at (202) 225-5051 with any questions about this request. Thank you for your attention to this matter.

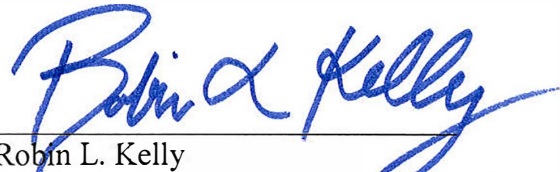
Sincerely,



Trey Gowdy

  
Elijah E. Cummings

Will Hurd  
Subcommittee on Information Technology

  
Robin L. Kelly  
Subcommittee on Information Technology

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.

**COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM  
U.S. HOUSE OF REPRESENTATIVES  
115<sup>TH</sup> CONGRESS**

**NOTICE OF APPEARANCE OF COUNSEL**

**Counsel submitting:** \_\_\_\_\_

**Bar number:** \_\_\_\_\_ **State/District of admission:** \_\_\_\_\_

**Attorney for:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**Telephone:** ( \_\_\_\_\_ ) \_\_\_\_\_ - \_\_\_\_\_

**Pursuant to Rule 16 of the Committee Rules, notice is hereby given of the entry of the undersigned as counsel for \_\_\_\_\_ in (select one):**

**All matters before the Committee**

**The following matters (describe the scope of representation):**

\_\_\_\_\_  
\_\_\_\_\_

**All further notice and copies of papers and other material relevant to this action should be directed to and served upon:**

**Attorney's name:** \_\_\_\_\_

**Attorney's email address:** \_\_\_\_\_

**Firm name (where applicable):** \_\_\_\_\_

**Complete Mailing Address:** \_\_\_\_\_

\_\_\_\_\_

**I agree to notify the Committee within 1 business day of any change in representation.**

\_\_\_\_\_  
**Signature of Attorney**

\_\_\_\_\_  
**Date**