

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

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<http://oversight.house.gov>

December 14, 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 the State Department's intent to comply with the Frank R. Wolf International Religious Freedom Act of 2016.

On December 16, 2016, the Frank R. Wolf International Religious Freedom Act (the Frank Wolf Act), which many Members of this Committee co-sponsored, became public law. The Frank Wolf Act demonstrated Congress' renewed commitment to advancing religious freedom globally by strengthening U.S. diplomatic, training and foreign assistance capabilities.

On October 11, 2017, the Subcommittee on National Security held a hearing titled, "Review of the U.S. Government's Role in Protecting International Religious Freedom." The discussion in the hearing, in which the State Department participated, underscored the message that the U.S. equates religious liberty with national security. The hearing also provided an opportunity for the State Department and the U.S. Commission on International Religious Freedom to discuss progress and challenges associated with implementing the Frank Wolf Act.

Despite Congressional interest in the matter, it appears as though the Department has not prioritized efforts to adhere to the requirements of the Frank Wolf Act. One such requirement changed the due date for the State Department Annual Report on International Religious Freedom to May 1. The Department failed to meet this deadline and subsequently released the report on August 15, 2017—more than three months overdue.¹

The Frank Wolf Act also required the State Department to designate countries whose governments have engaged in or tolerated violations of religious freedom in the preceding 12 months as "countries of particular concern" (CPCs), to occur not more than 90 days after submission of the above-mentioned Annual Report.² The deadline for designating CPCs was therefore November 13, 2017. As of the date of this letter, the Department has not submitted the required CPC designations.

¹ Rex Tillerson, Sec., Dept. of State, Remarks on the 2016 International Religious Freedom Annual Report, Washington, D.C. (Aug. 15, 2017), *available at*: <https://www.state.gov/secretary/remarks/2017/08/273449.htm>

² Pub. L. No. 114-281 (2016).

Furthermore, Senior Advisor for the Bureau of Democracy, Human Rights and Labor, Ambassador Michael Kozak, attended an event hosted by the Commission on Security and Cooperation in Europe on November 15, 2017, where he fielded questions about his bureau's role in issuing the annual report for International Religious Freedom and the Department's delinquency in meeting the CPC designation deadline. Ambassador Kozak explained the bureau had "not gotten the paperwork to the Secretary at this point" and the Department would likely release the list sometime in the "near future."³ In light of those remarks, and the related missed deadlines, the Committee is concerned the State Department is not sufficiently serious about adhering to the requirements of the Frank Wolf Act.

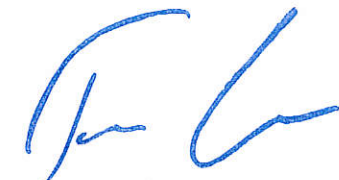
To help the Committee better understand the State Department's commitment to compliance with the Frank Wolf Act, please provide the following documents and information by January 5, 2018:

1. Documents referring or relating to the decision to delay the release of the 2016 Annual Report to August 15, 2017.
2. Documents referring or relating to the Department's efforts in the last 12 months to review and designate countries and non-state actors who engage in or tolerate violations of religious freedom.
3. Documents referring or relating to the Department's acknowledgement of the November 13, 2017; deadline to designate CPCs.
4. Documents and communications between and among State Department officials referring or relating to the Frank R. Wolf International Religious Freedom Act.

Please also designate a subject matter expert to brief the Committee on these matters no later than January 5, 2018. An attachment to this letter provides additional instructions for responding to the Committee's request.

If you have any questions, please contact Sharon Eshelman of the Majority staff at (202) 225-5074 or sharon.eshelman@mail.house.gov or Kapil Longani at 202-225-5051 or kapil.longani@mail.house.gov. Thank you for your attention to this matter.

Sincerely,



Trey Gowdy



Elijah E. Cummings

Enclosure

³Michael Kozak, Sr. Advisor, Dept. of State, Remarks to the Commission on the Security and Cooperation in Europe, (Nov. 15, 2017), *available at*: <https://www.csce.gov/international-impact/events/religious-freedom-violations-osce-region>

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.