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WRITTEN STATEMENT
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House Select Committee on Benghazi
Hearing Title: "Status Review of Outstanding Requests"

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Thank you for the opportunity to provide testimony to your Committee. My name is Joel Rubin, and I am the Deputy Assistant Secretary of State for House Affairs in the Department's Legislative Affairs Bureau. In this role, I serve as the Department's chief liaison to the House, responsible for ensuring that the multitude of foreign policy issues that the House cares about – from fighting terrorism, to preventing a nuclear Iran, to expanding our economic alliances in Asia, to supporting your constituents when they travel overseas – are dealt with both efficiently and effectively.

I have served in the federal government for more than a decade, including both as a Hill staffer and as a civil servant at State during the Bush administration. I work closely with multiple Committees and Leadership in the House on a daily basis, ensuring that the Department's relationships and communications with the House are strong, and that is why I am here before you today.

Specifically, you asked the State Department to appear today to discuss where we stand with respect to the document and interview requests related to Benghazi that you sent to us in November and December of last year. Like you, we are deeply committed to this process, and the Department is cooperating proactively with the Committee to get you the information you need. Indeed, we are very appreciative of the positive comments the Chairman made noting our cooperation – both in his November 18 letter to us and his positive public statements last month about our work. We are gratified that you are pleased with our cooperation, just as we are grateful to you for your collegiality throughout this process. To recap, since your Committee's creation last summer, the Department's record of cooperation already includes several milestones:

- We have provided to the Committee over 40,000 pages of documents related to the Benghazi attacks, and have done so with minimal redactions.

UNCLASSIFIED

UNCLASSIFIED

- 2 -

- We have given the Committee four informational briefings, on September 4, November 3, November 19, and January 13.
- Assistant Secretary of State for Diplomatic Security Gregory Starr testified publicly at both of the Committee's previous hearings, in September and again in December, on the implementation of the Accountability Review Board's (ARB) recommendations.
- In between Assistant Secretary Starr's appearances, the Department provided a detailed written status report, as requested, on the ARB's recommendations.
- Last month, the Chairman publicly stated that he would hold a January hearing to discuss why the United States was in Benghazi on September 2012. Accordingly, as we informed your staff, our Assistant Secretary of State for Near Eastern Affairs Anne Patterson prepared over the holidays and remains ready to testify on this issue.
- And, of course, we are here before you today, at this hearing to which we were invited last Wednesday evening, to discuss the status of document production.

Whether on substance or process, the Department is committed to responding to what you wish to discuss. As we discuss what to expect from the Department going forward, it merits placing where we stand today against the broader context of our cooperation with Congress on this issue.

Prior to this Committee's formation, the Department provided nearly two years of steady cooperation with Congress on Benghazi, through hearings with several officials, including former Secretary Hillary Clinton, significant document productions, more than 20 witness interviews, and more than 55 Congressional briefings, in addition to responding to hundreds of Congressional inquiries – all before the Committee began its work. In total, we have provided to Congress and this Committee more than 40,000 pages of documents related to the tragic Benghazi attacks.

As you know, we continue to build on this record of cooperation and have been collaborating closely with your staff to focus our limited resources on the items

UNCLASSIFIED

UNCLASSIFIED

- 3 -

that the Committee has told us are the most important to its work. We have taken cues from the Committee and made your priorities our priorities. Therefore, in addition to priority documents we will be providing soon, we also look forward to continuing to work with your staff regarding your requested interviews. Such interviews however, will need to take place without jeopardizing the Department of Justice's investigation and prosecution of the perpetrators of the Benghazi attacks.

Along the way, we have been in constant, often daily, communication with your staff to ensure that the Department is focusing its attention on the Committee's priorities. As we have shared, the Department does not have unlimited resources. We are constantly engaged with Congress on a wide variety of foreign policy issues and regularly are asked to brief and testify. With that said, we are committed to putting what we do have to work in getting you the information you need. And to date, the Department has done so, working with your staff to move through the Committee's requests in priority sequence based upon your preferences.

In sum, our record demonstrates the Department's cooperative posture and our ability to deliver on the priorities you have set for us. Specifically:

- In August 2014, after productive conversations about how the Committee would treat State Department documents, we produced to the Committee approximately 15,000 pages of documents in minimally redacted form as part of our ongoing rolling production in response to requests sent by the House Committee on Oversight and Government Reform.
- We then asked what the Committee's next priority was for production, suggesting a choice between additional work to close out the August 2013 request for documents from the ARB or re-production with fewer redactions of tens of thousands pages of previously produced documents.
- On September 30, the Chairman asked us by letter to focus on the re-production of documents. We estimated that effort would take approximately two months and produced the requested materials after Thanksgiving, concluding December 9.
- On November 18, acknowledging what the Chairman referred to as the Department's "cooperative posture" towards the Committee, you sent a request for two years' worth of email from 11 State Department principals.

UNCLASSIFIED

UNCLASSIFIED

- 4 -

On December 4, you wrote requesting interviews with 22 Department personnel.

- Your staff then asked that Secretary Kerry's Chief of Staff and Assistant Secretary of State for Legislative Affairs Julia Frifield meet with the Chairman and Ranking Member Cummings to discuss the prioritization of these requests. We agreed to meet on December 11, but the meeting was cancelled on December 10.
- In order to push the ball forward, we requested a call with your staff to discuss which Committee requests you wanted the Department to focus on first.
- Your staff then convened a call on the Friday before Christmas, December 19. During that call, your staff informed the Department that your top priority was for us to work on producing additional responsive email communications for the former Secretary of State, which are the documents we will be producing to your Committee within the next several days.

Since that conversation last month, the Department has been hard at work on implementing your top priorities. Our progress has been slowed somewhat by the holidays and the briefing we provided to you on January 13, but also by the breadth and timespan of the document request itself. During the December 19 call, we asked whether you were able to narrow your requests or provide specific search terms so that we could more quickly identify and produce the relevant materials. No such narrowing or search terms were acceptable to the Committee; as a result, our search and review has been (and will continue to be) particularly time-consuming. Nevertheless, we have made progress and are pleased that we will be able to make a production to the Committee soon.

With respect to the Committee's other requests for documents, our timing depends upon your priorities. Since our resources are limited, we cannot focus on every request – for a hearing, a briefing, documents, or interviews – at once. But we can, and will, prioritize our resources to address each request in the order that you identify is most important to you. We have benefitted from your specific guidance up to this point, and will continue to benefit from it going forward.

Turning to your December requests for interviews, your staff informed us that of the 22 names listed, the Committee's priority was to interview the Diplomatic Security agents who served heroically during the attacks. We understand the

UNCLASSIFIED

Committee's interest in interviewing these agents. We also appreciate the assurances in the Chairman's December 4, 2014 letter and conversations with Assistant Secretary Frifield and Principal Deputy Assistant Secretary Miller on January 13 that any interviews would be conducted in a manner that would be sensitive to the agents.

As we know you are keenly aware, our special agents require discretion to operate in dangerous parts of the world, and I am sure that the Committee does not want to take any action that would create risks to their personal safety or their ability to do their jobs. We at the Department of State we have concerns that the requested interviews will pose precisely such risks. We also want to avoid interfering with the Department of Justice's ongoing investigations and prosecutions. We understand that the Department of Justice has advised the Committee, as it has advised the State Department, that additional interviews outside of the criminal justice process could jeopardize their criminal investigation by prematurely alerting individuals about the details of the government's case.

Mindful of these concerns, we have been in ongoing conversations since December with your staff, counsel for the agents, and the Department of Justice to try to find a way forward that accommodates your request without endangering these agents and their families, without negatively impacting national security, and without endangering the ongoing investigation and prosecution of the perpetrators of the attacks. We are hopeful that an accommodation can be reached. Indeed, we proposed to use last week for such discussions, and the State Department looks forward to working with both you and our colleagues in the Justice Department on this issue. The offer to have those conversations still stands.

In closing, we are proud of the significant and steady progress we have made on the Committee's document and interview requests. We are grateful to the Committee and its staff for your collegiality. And we look forward to continuing to work with the Committee on its most recent priority document and interview requests, of which you will be seeing additional tangible responses in the near future.