

Exhibit H

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Frankfurt Kurnit Klein & Selz, PC

Attorneys at Law
488 Madison Avenue
New York, New York 10022

Phone: (212) 980-0120
Fax: (212) 593-9175

FACSIMILE TRANSMITTAL SHEET

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Deliver To: Fax Number:
Ginger A. Wright, Esq. 1-703-613-3003
Office of General Counsel

Company: Telephone Number:
Central Intelligence Agency 1-703-613-3029

From: Direct Dial Number:
David B. Smallman, Esq. 1-212-826-5580

Subject: Client/Matter Number:
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February 16, 2007 10

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FRANKFURT KURNIT KLEIN & SELZ PC

488 Madison Avenue
New York, New York 10022
Telephone: (212) 980-0120
Facsimile: (212) 593-9175

Case 1:07-cv-04595-BSJ Document 11-11

David B. Smallman
Direct dial: (212) 826-5580
e-mail: dsmallman@fkks.com

February 16, 2007

VIA FAX
(703) 613-3003

Ginger A. Wright, Esq.
Assistant General Counsel
Office of General Counsel
Central Intelligence Agency
Washington, D.C. 20505

Dear Ms. Wright:

I am writing in response to a fax letter from you dated February 9, 2007 (“Agency’s February 9 Letter”) (copy attached) in response to my letter of January 31, 2007 (“January 31 Letter”). Quite frankly, I was surprised and dismayed to receive official correspondence from the Agency containing such obviously false and self-serving assertions – as described below – which distort unfairly Ms. Wilson’s numerous good faith discussions with CIA’s Publications Review Board (“PRB”) during the past year. While Ms. Wilson looks forward to receiving from the Agency on or before February 24 the promised list of proposed revisions, Ms. Wilson reserves all of her rights and remedies with respect to the Agency’s dilatory conduct and any related actions resulting in improper censorship or restraint of publication of her manuscript by the Agency and/or other parts of the Executive Branch, including, for example, the Office of Vice President, in possible violation of the Constitution and the laws of the United States.

As an initial matter, the Agency’s February 9 Letter fails to provide the information requested in connection with Central Intelligence Agency’s official acknowledgement and disclosure of Ms. Wilson twenty year employment affiliation with CIA in an unclassified letter dated February 10, 2006, which was published in the Congressional Record on January 16, 2007 (“Published February 10, 2006 Letter”) (copy attached). In order to respond properly to the letter Ms. Wilson received from Ms. Tumolo on January 19, 2007 (“Tumolo January 19 Letter”) (copy attached), I am reiterating my request that the Agency send to me as soon as possible a revised and remarked version of the February 10, 2006 letter (with any ostensibly classified information redacted) that complies in good faith with the applicable provisions of Executive Order 12958, as amended (“E.O”), § 1.6. If the Office of General Counsel

FRANKFURT KURNIT KLEIN & SELZ PC

Ginger A. Wright, Esq.

February 16, 2007

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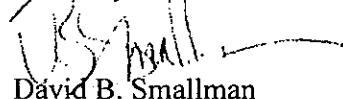
CIA is unable or unwilling to provide a redacted version of the letter indicating the information that it believes to be classified, please provide to me at your earliest convenience the Agency's legal basis for seeking reclassification of the Published February 10, 2006 Letter and confirmation that all required actions have been undertaken by the Agency in connection with seeking reclassification. Ms. Davis and I also are available to meet with you and the Agency's Acting General Counsel, Mr. Rizzo, to discuss these matters.

In order to ensure an accurate record, I must also note that the Agency's February 7 Letter incorrectly describes the actual history of Ms. Wilson's meetings with PRB staff to discuss her manuscript. Contrary to the flatly wrong assertion that "Ms. Wilson has declined to meet with PRB staff," the opposite is true: Ms. Wilson met with PRB staff *three times* at the Agency's headquarters, on November 6, 2006, December 1, 2006, and December 13, 2006, and also had numerous email exchanges and telephone conversations with them. Furthermore, the Agency's February 9 Letter fails to explain adequately the now six month delay in completing a review that should have, as a general matter, been completed within thirty days of submission by Ms. Wilson of her manuscript to PRB in September 2006.

Finally, the Agency's February 9 Letter mischaracterizes our response to the Tumolo January 19 Letter set forth in my January 31 Letter. In order to correct that mischaracterization, I am again advising you of the following: please be assured that Ms. Wilson and her counsel intend to comply fully with all applicable obligations regarding "Classified National Security Information" pursuant to E.O. 12958, and any other applicable law, and, while fully reserving her rights and without prejudice to or otherwise waiving any rights she may have, Ms. Wilson will provide a copy of the February 10, 2006 letter to Ms. Tumolo.

I will look forward to hearing back from you regarding the above matters at your earliest convenience, and will expect the Agency to provide Ms. Wilson with a list of any proposed revisions to the first 124 pages of her manuscript no later than February 24, 2007.

Sincerely,



David B. Smallman

Attachments

cc: Lisa E. Davis, Esq.

Elisa Rivlin, Esq.

FAX COVER SHEET

Number of Pages
(including cover):

3

To: **David Smallman**

Telephone: (212) 826-5580

Fax Number: (212) 593-9175 Case 1:07-cv-04595-BSJ Document 11-11 Filed 06/29/2007 Page 5 of 11

From: **Ginger A. Wright**

Telephone: (703) 613-3029

Fax Number: (703) 613-3003

Date: 9 February 2007

Central Intelligence Agency



Washington, D.C. 20505

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9 February 2007

Mr. David B. Smallman, Esq.
Frankfurt, Kurnit, Klein and Selz
488 Madison Avenue
New York, New York 10022

Dear Mr. Smallman:

I am writing in response to your letter of 31 January 2007. As an initial matter, we appreciate your recognition of the need to return the 10 February 2006 letter to Ms. Wilson and any copies she retains to the Central Intelligence Agency per our earlier request. Please have Ms. Wilson contact Ms. Tumolo at (703) 513-8624 to make arrangements to return the letter.

With regard to Ms. Wilson's manuscript, the Publications Review Board (PRB) has previously advised Ms. Wilson, the first 124 pages of her manuscript contain classified information. The PRB also advised Ms. Wilson that there is more than one approach to revising the material in the first 124 pages of her manuscript in order to render it unclassified. Since a detailed discussion of how certain passages are classified because of the context in which they appear would itself be classified, and because the PRB wanted to provide Ms. Wilson with as much flexibility as possible, the PRB has previously invited Ms. Wilson to meet with the PRB staff to discuss these issues and to see if Ms. Wilson had a preference among the different revision approaches. However, Ms. Wilson has declined to meet with the PRB staff to discuss these issues.

In light of the concerns regarding the time associated with the prepublication review of Ms. Wilson's manuscript that you raised in your 31 January 2007 letter and in an effort to be as helpful as possible, the PRB has selected an approach for revising the manuscript and is currently undertaking a review of the first 124 pages of Ms. Wilson's manuscript using this

Mr. David B. Smallman, Esq.

approach. We expect the PRB will complete this review and provide Ms. Wilson with a list of the changes required to make that portion of her manuscript unclassified pursuant to this approach within the next two weeks.

After Ms. Wilson has an opportunity to review the revised unclassified manuscript, the PRB staff will be happy to meet with her to discuss any specific concerns she has.

If you have any questions, please feel free to contact me at (703) 613-3029.

Sincerely



Ginger A. Wright
Associate General Counsel

will do nothing, just as previous Congresses have done nothing. Nancy Pelosi promises to "build a better future for all of America's children." If she were serious, she would back cuts in Social Security and Medicare. President Bush calls "entitlement spending" the central budget problem. If he were serious, he, too, would propose cuts in Social Security and Medicare.

They are not serious, because few Americans—particularly prospective baby-boom retirees—want them to be. There is a consensus against candor, because there is no constituency for candor. It's no secret that the 65-and-over population will double by 2030 (to almost 72 million, or 20 percent of the total population), but hardly anyone wants to face the implications:

By comparison, other budget items, including the notorious earmarks, are trivial. In 2005, Social Security, Medicare and Medicaid (the main programs for the elderly) cost \$1.034 trillion, twice the amount of defense spending and more than two-fifths of the total federal budget. These programs are projected to equal about three-quarters of the budget by 2030, if it remains constant as a share of national income.

Preserving present retirement benefits automatically imposes huge costs on the young—costs that are economically unsound and socially unjust. The tax increases required by 2030 could hit 50 percent, if other spending is maintained as a share of national income. Or much of the rest of government (from defense to national parks) would have to be shut down or crippled. Or budget deficits would balloon to quadruple today's level.

Social Security and Medicare benefits must be cut to keep down overall costs. Yes, some taxes will be raised and some other spending cut. But much of the adjustment should come from increasing eligibility ages (ultimately to 70) and curbing payments to wealthier retirees. Americans live longer and are healthier. They can work longer and save more for retirement.

Because I've written all this before, I can anticipate some of the furious responses from prospective retirees. First will be the "social compact" argument: We paid to support today's retirees; tomorrow's workers must pay to support us. Well, of course they will pay; the question is how much. The alleged compact is entirely artificial, acknowledged only by those who benefit from it. My three children (ages 16 to 21) didn't endorse it. Judging from the e-mail I receive, neither did many 20- or 30-somethings.

Next I'll hear that the Social Security and Medicare trust funds, intended to cover future benefits, have been "plundered." Blame Congress and the White House—not us. This is pure fiction.

Social Security, Medicare and Medicaid are pay-as-you-go programs. Present taxes pay present benefits. In 2005, 86 percent of Social Security payroll taxes went to pay current retiree benefits. True, excess taxes had created a "surplus" in the Social Security trust fund (it hasn't been "plundered") of \$1.66 trillion in 2005; but that equaled less than four years' worth of present benefits. More important, Medicare and Medicaid represent three-quarters of the projected spending increase for retirees by 2030.

All the misinformation bespeaks political evasion. With his rhetorical skills, Clinton might have raised public understanding. Instead, he lowered it by falsely denouncing the Republicans for attempting to "destroy" Medicare. The first refuge of good Democrats is to accuse the Republicans of conspiring against old folks by trying to dismantle Social Security and Medicare. And Bush's credibility is shot, because he made the problem worse. His Medicare drug benefit in-

creases spending, and though it could have been justified as part of a grand bargain that reduced other benefits, its isolated enactment was a political giveaway.

The failure to communicate also implicates many pundits and think tanks, liberal and conservative. Pundits usually speak in bland generalities. They support "fiscal responsibility" and "entitlement reform" and oppose big budget deficits. Less often do they say plainly that people need to work longer and that retirees need to lose some benefits. Think tanks endlessly publish technical reports on Social Security and Medicare, but most avoid the big issues. Are present benefits justified? How big can government become before the resulting taxes or deficits harm the economy? How much of the budget can be cut? How much of the gradual change have been squandered. These public failings are also mirrored privately. I know many bright, politically engaged boomers who can summon vast concern or outrage about global warming, corporate corruption, foreign policy, budget deficits and much more—but somehow, their own Social Security and Medicare benefits rarely come up for discussion or criticism. Older boomers (say, those born by 1955) are the most cynical, hoping their benefits will be grandfathered in when inevitable cuts occur in the future.

Our children will not be so blind to this hypocrisy. We have managed to take successful programs—Social Security and Medicare—and turn them into huge problems by our self-centered inattention. Baby boomers seem eager to "reinvent retirement" in all ways except those that might threaten their pocketbooks.

[From The Dallas Morning News, June 8, 2006]

DEEP IN THE BUDGET HOLE—BIPARTISAN PANEL COULD HELP COUNTRY DIG OUT

When you're almost \$10 trillion in the hole, you've got to call somebody, right?

Fortunately, GOP Rep. Frank Wolf has a suggestion to deliver us from the gates of budget hell. The Virginia legislator introduced legislation yesterday that would establish a bipartisan commission charged with presenting the choices required to balance the budget.

The panel would function like the commission that former Texas GOP Rep. Dick Armey launched to close down unnecessary military bases. An independent group would give Congress a budget package, which legislators would vote up or down on unless the House and Senate come up with better solutions.

President Bush proposed a version of this approach earlier this year when he called for a bipartisan commission to recommend how Washington can control runaway spending on Social Security, Medicare and other big guaranteed programs.

But Mr. Wolf understands that the budget challenges are not all about spending. They also involve taxes and how much revenue the Treasury needs to pay for the services Americans demand.

In an encouraging sign, White House economic adviser Allen Hubbard recently acknowledged that any bipartisan panel probably would look at taxes.

He wasn't saying the White House is backing off its fondness for tax cuts, but it was a Washington way of saying, "Let's look at the whole range of choices."

We encourage North Texas representatives to line up as sponsors of Mr. Wolf's legislation and help get it through the House this summer. (The delegation's chief deficit fighter, GOP Rep. Jeb Hensarling of Dallas, told us last week that he wants to look at the proposal.)

It's time Washington reaches out for help. By the numbers: \$9.6 trillion: The amount of debt Congress recently authorized the Treasury to borrow (the limit was \$6.4 trillion four summers ago); \$2.8 trillion: The likely 2007 federal budget; \$399 billion: Next year's interest expense on the federal debt; \$27,000: What every man, woman and child would owe to eliminate the federal debt; 37.4 percent: How much of the gross domestic product the federal debt consumes.

[From the Orlando Sentinel, June 12, 2006]

GET ON WITH IT

Our position: A panel on Medicare and other issues would get needed talks started.

Finally, someone in Congress has taken up President Bush's lead to create a bipartisan commission on the looming financial crisis if no changes are made to Medicare, Medicaid and Social Security.

Unchecked growth in the cost of these programs in coming decades will devastate the economy by forcing some combination of huge tax increases, drastic spending cuts or massive borrowing.

This past week, Republican Rep. Frank Wolf of Virginia proposed a panel aptly named SAFE, to secure America's future economy. Its bipartisan experts would deliver a package of recommendations to Congress for an up-or-down vote.

Mr. Wolf says he is open to suggestions on his proposal. Members unwilling to support it have a moral obligation to come forward with something they deem better.

INTRODUCTION OF THE VALERIE PLAME WILSON COMPENSATION ACT

HON. JAY INSLEE

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 16, 2007

Mr. INSLEE. Madam Speaker, I rise today to bring to the attention of Congress one of the human impacts caused by the indiscretion of government officials regarding the covert identity of Central Intelligence Agency operative Valerie Plame Wilson.

As nearly every American knows, and as most of the world has heard, the covert CIA identity of Valerie Plame Wilson was exposed to the public as part of an Administration response to a critical op-ed published in the New York Times by Mrs. Plame Wilson's husband, Joe Wilson.

The national security ramifications for this act have been discussed thoroughly on this floor, in the news media, and I am quite certain behind CIA's closed doors. Today I intend to call my colleagues' attention to the human toll that this "outing" has had on one, often overlooked, individual. That person is Valerie Plame Wilson.

While the media, Congress, and the judiciary have gone to great lengths to discuss the impact of this unfortunate act on politicians, bureaucrats, agents in the field, and the suspected perpetrators of the outing, few have looked at the impact that the outing has had on Mrs. Plame Wilson and her family.

On July 14, 2003, Mrs. Plame Wilson's professional life was forever altered, and her CIA career irrevocably ruined by the syndicated publication of a column, which revealed Mrs. Plame Wilson's identity as a covert CIA officer. Since this time, numerous reports on Mrs. Plame Wilson's personal history have surfaced

January 16, 2007

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in the press, official government documents, and by government officials.

Following the initial outing in the media, Mrs. Plame Wilson's future as a covert CIA operative ceased to exist and her career of two decades was destroyed. On January 9, 2006, Mrs. Plame Wilson resigned from the CIA, recognizing that any future with the Agency would not include any work for which she had been highly trained. For these reasons, and under these distressing conditions, Mrs. Plame Wilson voluntarily resigned from the Agency.

Despite Mrs. Plame Wilson's 20 years of federal service, she does not meet the minimum age requirement to receive her retirement annuity. She has been left without a career.

I am introducing legislation to allow Mrs. Plame Wilson to qualify for her annuity, as one who has served her country for two decades, and waive the age requirement for collecting it. To best demonstrate the annuity for which Mrs. Plame Wilson may qualify if this legislation were to pass, I am submitting for the record a document sent to Mrs. Plame Wilson by the CIA. It outlines her deferred annuity and testifies to 20 years of service. The document bears no indications of classified material as required by CIA procedures, and was sent via regular postal mail after Mrs. Plame Wilson was no longer in the employ of the CIA. Legal experts have assured me that this is not a classified document.

I believe that this is one small measure to help send a message that we must stand up for public service officers, such as Mrs. Plame Wilson, who have been treated wrongly despite their loyalty and sacrifice to country. For those who have been, for all practicable purposes, pushed out of public service for reasons unrelated to performance, but instead seeded in politics, we should not turn our backs.

CENTRAL INTELLIGENCE AGENCY,
Washington, DC, February 10, 2006.

Mrs. VALERIE WILSON

DEAR MRS. WILSON. This letter is in response to your recent telephone conversation with regarding when you would be eligible to receive your deferred annuity. Per federal statute, employees participating under the Federal Employees Retirement System (FERS) Special Category, who have acquired a minimum of 20 years of service, are eligible to receive their deferred annuity at their Minimum Retirement Age (MRA). Your MRA is age 56, at which time you'll be eligible to receive a deferred annuity.

Your deferred annuity will be based on the regular FERS computation rate, one percent for every year of service vice the FERS Special rate of 1.7% for every year of service. You will receive 1.7% for each year of overseas service, prorated on a monthly basis, after January 1, 1987 in the calculation of your annuity. Our records show that since January 1, 1987, you have acquired 6 years, 1 month and 29 days of overseas service.

Following is a list of your federal service: Dates of Service: CIA, CIA (LWOP), CIA (PT 40), from 11/9/1985 to 1/9/2006—total 20 years, 7 days.

Based on the above service and your resignation on January 9, 2006, your estimated deferred annuity is \$21,541.00 per year, or \$1795 per month, beginning at age 56.

The above figures are estimates for your planning purposes. The Office of Personnel Management, as the final adjudicator of creditable service and annuity computations, determines final annuity amounts.

Please let me know if I can be of any further assistance.

Sincerely,

TRIBUTE TO THE REVEREND
JAMES D. PETERS

HON. DIANA DeGETTE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 16, 2007

Mr. DeGETTE. Madam Speaker, I rise to honor the extraordinary life and exceptional accomplishments of the Reverend James D. Peters, Pastor of New Hope Baptist Church. This remarkable gentleman merits both our recognition and esteem as his spiritual leadership, service and lifelong devotion to civil rights have done much to advance the lives of our people.

While many have made notable contributions to our community, few have left a legacy of progress as has Reverend Peters. He is a powerful champion of social justice and has led with those who fought for civil liberty and whose deeds changed the very fabric of our nation. Reverend Peters has touched countless lives and he has built a ministry that joins faith with equality. He is a dynamic pastor whose teaching and counsel is infused with a spiritual fervor that constantly edifies us and moves us to do what is right.

Reverend Peters' journey began in Washington D.C., the son of a baseball player. He grew up poor but he grew up in church. He was a gifted student and grew to recite Longfellow, Keats and Kipling. He worked full time at the Navy Annex near the Pentagon and struggled to get an education, attending night school for ten years. Reverend Peters recently noted that "I couldn't eat in restaurants, I couldn't sleep at a hotel or go to the movies. I could never go to school with white children. All the way through high school, I never sat in a classroom with white people, not until I went to college." Many of us in this country forget how far we've come. Although civil liberties have deep roots in our republic, there was a time when fundamental decency and equality for all people were not a part of our shared experience.

The courage and the work of Reverend Peters during the dark days of the Civil Rights Movement helped make fairness and equal rights part of our shared values. Reverend Peters was at the founding meeting of the Southern Christian Leadership Conference and he worked directly with Dr. Martin Luther King, Jr. He faced guns and dogs during the marches and civil rights demonstrations in Albany, Georgia, in Selma and in Birmingham, Alabama. He was part of the March on Washington that led to the steps of the Lincoln Memorial where Dr. King gave his unparalleled "I Have a Dream" speech.

Reverend Peters' work ethic and his service to the Civil Rights Movement molded a life of enduring accomplishment and a vocation that included ministering to congregations in Connecticut and Virginia. He became pastor of Denver's New Hope Baptist Church in February of 1979 and during his twenty-eight year tenure, he led his congregation through construction of a new church home and the expansion of services for an ever growing congregation. As a spiritual leader, he has bur-

nished a reputation as a powerful advocate for inclusion and expanding opportunity for all people. He served as a volunteer member of the Denver Housing Advisory Board for approximately ten years assisting the twenty-two thousand public housing residents in changing the quality and image of public housing.

He served as a member of the Colorado Civil Rights Commission for nine years, serving as its Chairman from 1987 to 1989, during which time he traveled throughout Colorado and held countless civil rights hearings to secure justice and equality for all citizens,

Reverend Peters has received service recognitions from numerous organizations including the Southern Christian Leadership Conference, Martin Luther King, Jr., the Anti-Defamation League, the Denver Post and the NAACP. He is also the recipient of the Carle Whitehead Award, the highest award given by the American Civil Liberties Union.

Reverend James Peters is an unrelenting advocate for the causes that elevate the human condition and his immeasurable contributions to the spiritual life of our community merit our gratitude. He has led in the struggle for freedom, justice and equality for all people. But Reverend Peters' leadership goes to the heart of what he means to be a leader. "Nathalia Young, a pastor at New Hope Baptist Church. . . remembers how he helped homeless people himself, not delegating it to a deacon. (He) would get into his own car, and use his own money to get someone a hotel room. And then there was a Christmas season one year, when a woman and her children were suddenly homeless. 'He didn't just get her connected with housing but also supplied her with gifts and food.'" Reverend Peters leads by example.

In a recent Denver Post article, Reverend Peters expressed "concern that young people don't understand what it was like before the Civil Rights Act and that some believe King's message is now irrelevant." At some level, I think we all share his concern. But I would submit that Reverend Peters' legacy provides a powerful example that not only affirms Dr. King's undertaking, but inspires all of us to remember the struggle and keep faith with those who have gone before.

Reverend Peters' tenure as pastor of New Hope Baptist Church is quickly drawing to a close. His leadership has been exemplary and his contributions are rich in consequence. On behalf of the citizens of the 1st Congressional District of Colorado, I wish to express our gratitude and look forward to his continued involvement in the life of our community.

Please join me in paying tribute to Reverend James D. Peters, a distinguished spiritual and civic leader. The values, leadership and commitment he exhibits set the mark and compel us to continue the work that distinguishes us as Americans.

OPPORTUNITY KNOCKS IN
TURKMENISTAN: IS ANYONE LISTENING?

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 16, 2007

Ms. SCHAKOWSKY. Madam Speaker, the Administration's crusade to spread democracy

FAX COVER SHEET

Number of Pages
(including cover): **2**

To: **David Smallman**

Telephone: **(212) 826-5580**

Fax Number: **(212) 826-5580** Case 1:07-cv-01593-BJ Document 11-11 Filed 06/29/2007 Page 10 of 11

From: **Ginger A. Wright**

Telephone: **(703) 613-3029**

Fax Number: **(703) 613-3003**

Date: **22 January 2007**

Subject: **19 January 2007 Letter to Valerie Wilson**

David, I just received a copy of this today. I had called you earlier to give you a heads-up about this but since we were not able to touch base, I wanted to get this to you sooner rather than later. Please call me at your earliest convenience. Thanks, Ginger



Central Intelligence Agency



Washington, D.C. 20535

Case 1:07-cv-04595-BSJ Document 120-1 Filed 06/29/2007 Page 11 of 11

Mrs. Valerie Wilson
4612 Charleston Terrace, NW
Washington, D.C. 20007

Dear Mrs. Wilson:

I am writing with regard to CIA's February 10, 2006 letter to you concerning your creditable federal service and deferred annuity. The letter was not properly marked to indicate its national security classification. The absence of a national security classification marking was an administrative error and information contained therein remains classified. Please return the letter and any copies in your possession to me as soon as possible so that it may be properly marked and secured. Please contact me at (703) 613-8624 to make arrangements to return the letter.

Sincerely,

Karen F. Tumolo
Karen F. Tumolo
Chief, Retirement & Insurance Services