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BENGHAZI: WHERE IS THE STATE DEPARTMENT ACCOUNTABILITY?

HEARING

BEFORE THE

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HOUSE OF REPRESENTATIVES

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BENGHAZI: WHERE IS THE STATE DEPARTMENT ACCOUNTABILITY?

WEDNESDAY, SEPTEMBER 18, 2013

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC.

The committee met, pursuant to notice, at 10:12 a.m., in room 2172, Rayburn House Office Building, Hon. Ed Royce (chairman of the committee) presiding.

Chairman ROYCE. The hearing of the committee will come to order at this time.

Since September 11th of 2012, the committee has been focused on the tragedy in Benghazi, Libya, where terrorists killed four Americans that day, including our Ambassador, the first U.S. Ambassador killed in the line of duty since 1979. The focus of today's hearing, which is our fourth, is the troubling lack of accountability we have seen within the State Department since that time. The bottom line is that over 1 year later no State Department personnel have been held accountable for the Department's failure to protect the Benghazi consulate and the U.S. personnel there, not one.

As we know, there were so many things with the State Department's decision-making before the fatal attack. In the face of a glaring need, with violence in Benghazi mounting, critical security requests from the field were denied at State. The Department was asleep on 9/11, and this led to the Accountability Review Board to find, in their words, systemic failures and leadership and management deficiencies at senior levels within two State Department bureaus. But no State Department personnel have been fired or even disciplined. No one has missed a paycheck.

Accountability can be painful. Those making bad decisions may have long and otherwise good records. But the Department cannot have a culture of accountability, which is what any well-functioning organization needs, and which is essential to protecting its personnel, if no one, literally no one, is held accountable for the mismanagement and poor leadership the ARB itself identified.

Now, let's look at how the Department's review process has played out. The ARB failed to interview the Secretary of State and, improbably, kept responsibility at the Assistant Secretary level. Four officials have been placed on administrative leave in a process that appears to have violated State Department personnel policies. The former Secretary ceded her authority to take action against the four individuals, or others, to a new Secretary for his review. And

finally, four officials on paid leave were reinstated and reassigned into unspecified positions at this review's conclusion, while at least one individual connected with failed management policies has received a promotion.

I wish I did, but I just don't see the level of accountability that Benghazi warrants, indeed that Benghazi demands. And meanwhile not one terrorist perpetrator has been captured, not one terrorist perpetrator has been killed despite the President saying that that was a highest priority.

The terrorist threat in much of the world, unfortunately, is only increasing. U.S. facilities, obviously, are tempting targets. The State Department, with this committee's encouragement, has undertaken some important Embassy security reforms. We have put many of those reforms into legislation passed out of the committee, which also authorized the administration's full funding request for Embassy security.

But no amount of money will ever overcome poor management and poor management is a given without accountability. I would ask all committee members, are you comfortable with this process that has no State Department official being held accountable in any meaningful way?

Other committees have been working on other aspects of Benghazi. Many questions have been answered. This committee will continue to focus on accountability, including legislation to reform the Accountability Review Board process so that it is truly independent and future Secretaries of State, of either party, cannot stack the deck. I would hope to have bipartisan support for that.

As we hold this hearing we should focus on the facts, we should ask the difficult questions, but work in a way that is going to lead to the most productive outcome, and that is learning from mistakes and improving the security of U.S. diplomatic personnel serving overseas—many, by the way, in increasingly threatening surroundings. That is a committee goal I know we can all agree upon.

And I will now turn to Ranking Member Engel for his opening statement.

Mr. ENGEL. Well, thank you very much, Mr. Chairman. And as I have said many times before, I would like to commend you for the bipartisan way that you have presided over the committee this year and that we have worked together in a very bipartisan way. Unlike some other committees, our members have consistently conducted themselves with dignity and decorum. And I hope we can really continue that today despite the strong feelings that many of us have, different opinions on both sides of the aisle.

All of us agree that the deaths of four brave Americans in Benghazi on September 11th, 2012, were a terrible tragedy. In the aftermath of the terrorist attacks Secretary Clinton convened an Accountability Review Board, or ARB, to determine what went wrong and to make recommendations to improve security at our diplomatic posts. Among those chosen to serve on the ARB were Ambassador Thomas Pickering and Admiral Mike Mullen, two men with impeccable reputations and unparalleled experience.

In its report submitted last December the Board found that there were, "systematic failures and leadership and management deficiencies at senior levels within two bureaus at the State Depart-

ment," that led to inadequate security in Benghazi. Secretary Clinton took personal responsibility for the attacks and accepted all of the recommendations of the ARB. The State Department, now under the leadership of Secretary Kerry, has implemented or is in the process of implementing all of the recommendations.

To support the work of ARB and the efforts of the State Department I introduced the Embassy Security and Enhancement Act of 2013. This noncontroversial legislation, much of which was incorporated into the State Department authorization bill that the committee recently passed, would help improve diplomatic security planning, strengthen physical security, and enhance security training.

Mr. Chairman, our committee has a responsibility to ensure that our brave diplomats and aid workers have the security they deserve. At the same time, we must recognize, as Ambassador Chris Stevens surely did, that there is a certain amount of risk inherent in these occupations and that effective diplomacy cannot be conducted from behind the walls of a fortress. And I have heard a lot of things said about personal blame of President Obama, but let me say this: Barack Obama and Hillary Clinton are no more responsible for what happened in Benghazi than George Bush was for what happened on 9/11 or that Ronald Reagan was for what happened to the murder of over 200 of our military personnel in Beirut. The Congress cut funding for Embassy security. There are lots of fingers to be pointed all the way around. But I think we shouldn't point fingers, we should try to get to the bottom of it, hopefully in a nonpolitical way.

I look forward to hearing from our distinguished witness, Under Secretary of State Pat Kennedy, for whom I have tremendous respect, on how we should best manage and mitigate risk in our diplomatic posts around the world. I would also like to hear from him about the progress made in implementing the recommendations of the ARB and about the Department's decision regarding the employment status of the four State Department officials identified in the ARB.

Mr. Chairman, in closing I would like to reiterate my hope that we can manage a high level of civility in our discussions today and that we don't engage in gotcha politics like some other committees do. And I yield back.

Chairman ROYCE. Thank you, Mr. Engel.

This morning we are pleased to be joined by the Under Secretary of State for Management, Patrick Kennedy. As Under Secretary for Management he is responsible for the people, resources, facilities, technology, financial operations, consular affairs, and security for Department of State operations, and is the Secretary's principal advisor on management issues.

Ambassador Kennedy welcome.

Without objection the witness' full prepared statements will be made part of the record. The members will have 5 days to submit statements, questions, and extraneous materials for the record. And I would like to remind everyone, including our witness, that today's hearing is part of this committee's continuing investigation and review on these matters, thus any willful misrepresentation or

false statement by a witness is a criminal offense under 18 U.S. Code Section 1001. Indeed, that is the case at all of our hearings.

So I look forward to a full and frank exchange during our proceedings today. And, Ambassador Kennedy, would you please summarize your remarks at this time?

STATEMENT OF THE HONORABLE PATRICK F. KENNEDY, UNDER SECRETARY FOR MANAGEMENT, U.S. DEPARTMENT OF STATE

Ambassador KENNEDY. Thank you very much, Chairman Royce, Ranking Member Engel, distinguished members. Thanks for inviting me to testify about the tragic events of September 11, 2012, in Benghazi, Libya.

The Department maintains a robust global presence at 285 locations, many in challenging security environments where U.S. national security interests are at stake. Every day we work to protect our people and missions by constantly assessing threats and our security posture. In all the discussions on overseas security over the past year one strong point of agreement is that America needs to have a robust presence abroad to advance our national security interests, even in dangerous places. The Department fights terrorism, enhances the rule of law, fights disease, and promotes fair trade.

These myriad of activities are often accomplished by the whole of the United States Government. Over 30 different United States Government agencies have a presence overseas in a facility that the State Department manages and secures. Almost as long as the United States has sent its diplomats out into the world there have been those who abhor the freedoms that America represents and those who seek to do us harm. The attacks in Benghazi in September were a tragedy for the family and loved ones of these four patriots, for the Department of State, and for our Nation. As the President has made clear, the United States is committed to bringing the perpetrators to justice.

We are also committed to taking necessary steps to prevent such tragedies in the future. While we can never eliminate all risk, our constant goal is to mitigate risk to the maximum extent possible. As described in my written statement, the Department mitigates risk in large part through two major security programs: Physical security upgrades and construction of new facilities by the Bureau of Overseas Buildings Operations, and technical, physical, and procedural security programs implemented by the Bureau of Diplomatic Security.

Following the September attacks President Obama and Secretary Clinton immediately called on the State Department to review and improve security. State, with the assistance of the Department of Defense, deployed interagency security assessment teams to 19 high threat posts to identify security improvements that could be enhanced and implemented both in the near and longer term. Per statute an independent Accountability Review Board was convened. On December 19, 2012, the ARB presented its findings and 29 recommendations to the Secretary of State. State has already addressed almost all of these recommendations and is working diligently with Defense and others to implement those that remain,

those that require more time and resources, such as deploying the full contingent of Marine security guards.

Of note, the Department has already created a Deputy Assistant Secretary for High Threat Posts who is responsible for focusing attention on those particular locations; ensured all high threat posts have adequate life safety equipment; design an intensive 10-week Arabic alert language course specifically for personnel in the security field that will begin next month. We are reinforcing throughout the Department's workforce the predicate that security is everyone's responsibility. Over the past year we have been working with Defense to establish 35 additional Marine security guard detachments to increase the size of existing Marine security guard detachments and to establish a rapid augmentation force in Quantico to add additional Marines to posts as the situation warrants.

Following the ISAT efforts in the autumn of 2012 and the ARB report, the Department requested authority to transfer $1.4 billion from one account to another for an increased security proposal, and in the 2013 continuing appropriations act Congress funded this request, for which we are deeply grateful. These funds are being used to provide facilities for the additional Marine guard detachments, as well as for Embassy construction and security renovations. We have also begun the recruitment of 151 additional diplomatic security personnel, and 113 have already been hired.

We have made implementing the recommendations of the ARB a priority so that we can better prevent similar tragedies in the future. That is where we are focused at the State Department, and I know this is your priority as well.

The unfortunate fact is our diplomats and facilities abroad will face attacks again, as they just did last week in Herat, Afghanistan. Since the tragic attacks in Benghazi the tempo of threats and attacks against us has not diminished. We will do everything we can to deter and mitigate the effectiveness of any attack, but we will not, even with the most willing and capable governments as partners, ever stop terrorists or extremists from mounting attacks against us in all cases. And we must continue to operate in places where host governments may not always be as willing or capable of fully defending us as we would wish. The risks to the United States as a Nation, however, are greater if we withdraw than the risks that the brave U.S. diplomatic, development, and military personnel on the front lines of our foreign diplomacy efforts face.

I appreciate that there is interest in Benghazi from security to ARB implementation to accountability, and I am here today to answer your questions. Thank you very much, Mr. Chairman.

[The prepared statement of Mr. Kennedy follows:]

Testimony of Patrick F. Kennedy
Under Secretary of State for Management

Before the
House Foreign Affairs Committee
on
Benghazi

September 18, 2013

Good morning Chairman Royce, Ranking Member Engel, and distinguished Members. Thank you for inviting me here today to testify about the tragic events of September 11th in Benghazi, Libya.

I would like to begin with the mission statement of the Department of State, which reads as follows:

> *Advance freedom for the benefit of the American people and the international community by helping to build and sustain a more democratic, secure, and prosperous world composed of well-governed states that respond to the needs of their people, reduce widespread poverty, and act responsibly within the international system.*

To accomplish this mission, the Department maintains a robust global presence at 285 locations, many in challenging security environments where U.S. national security interests are at stake. Every day we work to protect our people and missions by constantly assessing threats and our security posture.

In all the discussions on overseas security following the Benghazi attack, and other threats to our overseas presence, one point of strong agreement has been that America needs to have a robust diplomatic and consular presence abroad, to advance our national security interests even in dangerous places.

Why? Because, the world looks to America for leadership. Through our leadership,

We help to make the world a safer place. Our diplomacy and development efforts help prevent wars, stem the proliferation of Weapons of Mass Destruction, and build a more stable international order. Whether it's helping more than 40

countries clear millions of square meters of landmines or establishing ceasefire agreements, our diplomats and development experts are advancing America's national security interests every day.

We support American citizens abroad. We provide emergency assistance to U.S. citizens in countries experiencing natural disasters or civil unrest. In 2012, we assisted in 8,668 international adoptions and worked on more than 1,600 new child abduction cases -- resulting in the return of over 560 children.

We fight disease and save lives. Strong bipartisan support for U.S. global health investments has led to worldwide progress against HIV/AIDS, tuberculosis, malaria, smallpox and polio. It's not only the right thing to do, but it's also in our interest: Better health abroad reduces the risk of instability and enhances our national security.

We support the American economy. Our posts overseas constantly advocate for American businesses, tearing down barriers to trade, opening new markets, helping small businesses to navigate foreign regulations, and ensuring that our companies get a fair shake – because we know that when they do, they succeed. In this worldwide marketplace, our economic officers work daily to strengthen the American economy by promoting U.S. exports, attracting foreign investment to the U.S., and creating American jobs. And the Bureau of Consular Affairs is on the front line of border security and job creation – it has lowered interview wait times for more than 90 percent of all nonimmigrant visa applicants to three weeks or less, by increasing staff, expanding facilities and hours, and streamlining the visa process – while maintaining its rigorous screening processes to exclude those who would do us harm. And for every 65 visas that are issued one American job is created here at home.

The Department also carries out many other missions with our partners and allies, including fighting terrorism, enhancing the rule of law, advancing gender equality, and promoting free trade. These myriad activities are often accomplished by the whole of U.S. government – over 30 agencies have a presence overseas in the facilities the Department manages and secures.

Changes to Diplomacy

Serving abroad has changed radically since the first U.S. envoys were sent to Europe in the late 1700's. At that time, a major criterion to become an envoy was the financial independence to pay one's own way -- for transportation, housing,

and other necessities. In the 20th century, diplomats had developed a stereotypical image of men in pinstriped suits at endless rounds of cocktail parties. Today, American diplomats are more likely to be living and working in a secure shipping container in an area emerging from war than sitting in a smoky lounge in a European capital. Today, we send our diplomats and development experts where they are needed: where fundamental U.S. interests are at stake.

The Enduring Threat to U.S. Diplomats

Almost as long as the United States has sent its diplomats out into the world, there have been those who abhor the freedoms that America represents and who seek to do us harm. Not only has the Foreign Service evolved over time, but assassins and terrorists have unfortunately evolved as well -- from 1826, when our U.S. Consul in Bogota was stabbed with his own sword -- to 1968, when Ambassador to Guatemala John Gordon Mein was gunned down by rebels -- to the 1970s, which saw a series of kidnappings and murders of U.S. diplomatic personnel.

Terrorists adapt over time and utilize new tactics. A suicide car bomb struck our embassy in Beirut in 1983, in which 63 people were killed. In 1990, during a charity baseball game in Santiago, an U.S. embassy employee was injured when a baseball bat filled with 10 ounces of explosive blew up – a terrorist group of the time claimed responsibility. In August 1998, truck bombs exploded at our embassies in Dar es Salaam and Nairobi, killing over 200 and wounding over 5,000, in an attack by Al-Qaeda.

That brings me to September 11, 2012. That day, a protest formed at U.S. Embassy Cairo, and grew to a crowd of 2,000 in response to inflammatory material posted on the Internet. Protesters spray-painted graffiti on the Embassy's perimeter wall. A few protesters gained access to the interior lawn and took down the U.S. flag from its pole.

Then, on the night of September 11, 2012, terrorists attacked our U.S. Special Mission in Benghazi, in a series of complex attacks involving arson, small-arms fire, machine-gun fire, and rocket-propelled grenades. A nearby annex and U.S. personnel moving between the facilities were also attacked. Our U.S. Ambassador to Libya J. Christopher Stevens was killed, along with Foreign Service Information Management Officer Sean Smith and former Navy Seals Glen Doherty and Tyrone Woods.

The attacks in Benghazi were a tragedy for the families and loved ones of these four patriots, for the Department of State, and for our nation. As the President has made clear, the United States is committed to bringing the perpetrators to justice. We are also committed to taking necessary steps to prevent such tragedies in the future – recognizing that we can never eliminate all risk.

The Benghazi attack took place during a period of great turmoil and great danger for our diplomats overseas. From September 11 to 27, we experienced over 40 demonstrations and attacks against our diplomatic facilities around the world. They ranged from protests in cities such as London, Athens, Oslo, and Sydney to riots in Pakistan where police shot over 15 of their own citizens protecting our facilities. We suffered attacks that caused damage to our facilities in Tunis, Sana'a, and Khartoum. It was a tumultuous time for the Department and it reminded us once again how dangerous the world can be – but also how important it is for the United States to be engaged. Of course, these challenges are not behind us. Just last week, insurgents mounted a complex attack on the U.S. consulate in Herat, Afghanistan. Those insurgents never made it into the consulate. The State Department's Diplomatic Security personnel, leading our security contractor teams, repelled the attack, leaving all of the attackers dead. There were no American casualties, but we sadly lost eight of our contract guards.

Risk Mitigation

We can never provide a 100 percent risk-free operating environment overseas. There is an inherent risk in being on the front lines of U.S. national security and our goal is to constantly strive to mitigate risk to the maximum extent possible.

The Department mitigates risk in large part through two major embassy security programs: 1) physical security upgrades and construction of new facilities by the Bureau of Overseas Buildings Operations, and 2) physical, technical, and procedural security programs implemented by the Bureau of Diplomatic Security.

Construction Program

Since 1999, the Department has completed over 100 projects to construct new facilities, providing a safe, secure work environment for over 29,000 U.S. government employees. This construction program has already saved lives.

During last September's violent attacks on our embassies in Cairo, Sana'a, Tunis, and Khartoum, the combination of our facilities – and our security personnel – ably withstood the attacks. We thank Congress and look forward to continued support for our efforts to build secure facilities.

Still, approximately 158 posts have facilities that may not fully meet current security standards. At these posts, we must do the best we can for the time being. Posts not scheduled for new embassy construction in the near term receive compound security upgrades to protect our overseas staff and facilities. Since 2005, the Department has completed 46 major security projects at existing compounds to bring them up to the most current security standards to the extent possible. Additionally, hundreds of smaller security upgrade projects have been completed worldwide since 1998. A compound security upgrade project in Sana'a, which constructed a new entrance hardline with reinforced doors and windows, and a forced entry and ballistic resistant door and window replacement project in Tunis had just been completed prior to the September 2012 attacks.

From the time the United States decides to build a new embassy – including site acquisition, design, open competition for the construction contract, award, and construction – to when the doors open, it takes about four years. But there are and will continue to be times when U.S. national interests require our immediate presence. In these circumstances, we must find a suitable facility, and enhance security to the maximum extent possible, always using our security standards as the goal we strive to achieve. Time and physical limitations of our facilities constrain our ability to retrofit an existing structure to meet our full standards. In the future, secure expedient facilities will likely remain a critical need, and we continue to examine how to best meet this need based on the totality of the operating environment and host country capabilities. This is a challenge we will continue to face. Steps we are taking to improve our security following the Benghazi attacks are detailed in Attachment 1 to this testimony.

Diplomatic Security

The Bureau of Diplomatic Security (DS) is responsible for the overall safety and security of U.S. diplomatic personnel abroad. DS provides security using a layered approach involving host government resources on our perimeter, plus strong physical security programs, combined with its own complement, to allow time for a host government to respond in the event of an attack.

Under the Vienna Convention on Diplomatic Relations of 1961, host governments are obligated to protect diplomatic missions on their sovereign territory. Of course, we do our part as well, including by providing regional security officers, hiring local guard forces, and, where appropriate, sending Marine Security Guards:

Regional Security Officers –The Regional Security Officer, or RSO, is a Special Agent of the Diplomatic Security Service, who manages security operations at U.S. missions abroad. These federal law enforcement officers also serve as an ambassador's principal advisor on all security matters. By law, the ambassador is ultimately responsible for security issues at post; every day the RSO coordinates with the ambassador and manages the functions of local- and U.S.-supplied security personnel. When the security situation in a country or region deteriorates, the ambassador and RSO coordinate even more closely and seek input from Washington.

In 1985, State had about 150 RSOs assigned to overseas posts. They were called Regional Security Officers because they covered more than one country. DS currently has approximately 800 RSOs serving overseas, and, following the September attacks and with the support of Congress, we hired 75 more agents this year.

Local Guard Forces – The Department relies on local national staff and commercial security contractors to provide routine static guard services at our embassies and consulates in accordance with host country laws and regulations. These guard services are generally unarmed and are similar to guard services for U.S. Government and commercial entities around the United States.

The primary mission of the local guard force is to provide protection for U.S. Government personnel and to protect U.S. facilities from damage or loss due to violent attack and theft, by providing notice of emerging security problems to State's RSOs and host country security personnel protecting our missions. They also provide situational reports of ongoing security incidents to our post management/security teams so they can make well-informed crisis management decisions. As the manager of security operations at U.S. missions abroad, the Regional Security Officer's duties include the vetting, hiring, training, and overall management of local guard personnel.

Marine Security Guards (MSGs) – In 2012 the Marine Corps Embassy Security Group (MCESG) provided 156 security detachments in 137 countries worldwide at permanent facilities with classified processing. Not every U.S.

diplomatic facility has a Marine Detachments. MSGs have had as their primary mission the protection of classified material, but recently an agreement was signed with the Marine Corps that makes protection of U.S. personnel inside the post an equal task. The RSO is the immediate operational supervisor of the MSG detachment.

Since the attacks last year, we have been working with the Department of Defense (DOD) to establish 35 additional Marine Security Guard detachments, to increase the size of a number of existing detachments, and to establish a rapid Augmentation Force in Quantico to add additional Marines to a post as the situation warrants.

DOD Security Augmentation Forces– When the security situation warrants it, the Department of State can also request additional resources from the Department of Defense. In response to the violence in Libya and Yemen, for example, the Department of Defense deployed two Fleet Antiterrorism Security Teams – or FAST teams – to both countries. These specially trained and selected Marines were deployed to reinforce the physical security of diplomats and diplomatic facilities in each country.

Improving Security

Following the September 2012 attacks, President Obama and Secretary Clinton immediately called on the State Department and DOD to review and improve security. State and DOD deployed Interagency Security Assessment Teams, or ISATs, to 19 high threat posts to identify security issues and measures that could be implemented to improve security, both in the near and longer term.

Following the work of the ISATs, we also sent an Increased Security Proposal to the Congress, seeking funding approval for housing and offices for additional Marine Security Guards; construction of new embassies; and hiring additional DS personnel.

To improve our security practices, we have sought input from other U.S. government agencies, from our Office of Inspector General, from the Government Accountability Office, and recently two expert panels, as well as the Congress.

Of course, one of the established ways that we make security improvements is through the independent Accountability Review Board, or ARB, process. This process is designed to provide an independent, unbiased, and thorough assessment

of a particular security incident and make recommendations to address any security issues. Under the ARB's authorizing legislation, the ARB process reviews "any incident that involves serious injury, loss of life, or significant destruction of property at, or related to, a United States government mission abroad." The Department cooperates fully with the Congressionally-mandated, independent ARB investigations. Indeed, the more than five-fold increase in the number of overseas RSOs since 1985 was due in part to recommendations of previous ARBs.

Past ARBs

Since 1988, there have been 19 ARBs, including Benghazi, that have resulted in a total of 193 recommendations. It has been said that the Department has not implemented past ARB recommendations. A February 2013 review confirmed that the Department had implemented all but five recommendations. Only two were rejected for safety reasons and three recommendations regarding construction are still underway, and will require continued Congressional support to realize.

The Benghazi ARB

Following the attacks in September 2012, the Department convened an independent ARB for Benghazi, chaired by Ambassador Thomas Pickering, and including former Chairman of the Joint Chiefs of Staff Admiral Michael Mullen. Both men have had distinguished careers of unquestioned integrity, serving Presidents of both parties. They publicly stated that they had "unfettered access to everyone and everything including all the documentation" they needed.

The independent Benghazi ARB examined whether the attacks were security related; whether security systems and procedures were adequate and implemented properly; the impact of intelligence and information availability; whether any other facts or circumstances in these cases may be relevant to appropriate security management of U.S. missions worldwide; and, finally, whether any U.S. government employee or contractor, as defined by the Act, breached her or his duty.

On December 19, 2012, the Benghazi ARB presented its findings and recommendations to the Secretary of State. The ARB stated that,

"Responsibility for the tragic loss of life, injuries, and damage to U.S. facilities and property rests solely and completely with the terrorists who perpetrated the attacks."

The Board issued 29 recommendations (24 of which were unclassified) in six key areas:

- Overarching Security Considerations;
- Staffing High Risk, High Threat Posts (HTP);
- Training and Awareness;
- Security and Fire Safety Equipment;
- Intelligence and Threat Analysis; and
- Personnel Accountability

ARB Implementation

State has already addressed almost all of the recommendations, and is working diligently in concert with the Department of Defense (DOD) and others, as appropriate, to implement those that remain (which require more time and resources to complete, such as recruiting and deploying the full contingent of proposed Marine Security Guards).

Of note, the Department has already:

- Created a Deputy Assistant Secretary for High Threat Posts (HTPs), who is responsible for ensuring that such posts receive the focused attention they need;
- Ensured all HTPs have adequate fire safety equipment;
- Designed an intensive, 10-week "Arabic Alert" language course specifically for security personnel that will begin October 2013;
- Identified flexible funding authorities to make improvements to our overseas facilities;
- Issued guidance to all posts on "weapons of opportunity," including flammable materials;
- Developed a new high threat training strategy. New training is being incorporated into existing training starting this month;
- Reviewed and revised requirements for posts on how to respond to changing security benchmarks (i.e. "tripwires");
- Developed standard operating procedures for "Support Cells" for opening/reopening posts;
- Reviewed staffing levels at all HTPs to ensure they were appropriately staffed; and,

- Directed the DS Office of Intelligence and Threat Analysis to report directly to the DS Assistant Secretary and to supply threat analysis to regional Assistant Secretaries and Chiefs of Mission.

Important work remains, but is well underway. ARB-related work, such as improving the Department's language and security training, co-locating overseas facilities, and enhancing the way we address risk at high-risk, high-threat posts, will remain ongoing and will require Congressional support. For example:

- Of the plans to hire 151 additional DS personnel, we have hired 113, including special agents, security specialists, and intelligence analysts, with the other 38 to be hired next year;
- We have worked with DOD to deploy three Marine Security Guard detachments, and seek to deploy a total of 35 new detachments in the next three years;
- We are shipping new personal protective gear to posts and upgrading our surveillance cameras.

(Additional information on the 24 unclassified ARB recommendations can be found in Attachment 1 to my testimony.)

Implementing the recommendations of the independent Benghazi ARB is a must, but we can and will do more. Improving the ways we protect our overseas personnel must be continuously updated given constant, changing threats. We are reinforcing throughout the Department's workforce the predicate that security is everyone's responsibility.

Congressional Funding and Support

Following the ISAT efforts in autumn 2012 and the ARB report, the Department requested authority to transfer $1.4 billion from one account to another for an Increased Security Proposal. In the FY 2013 Continuing Appropriations Act, Congress funded this request, for which we are very grateful.

These funds are being used to provide facilities for additional Marine Security Guard Detachments, as well as embassy construction in N'Djamena, Chad, and Nouakchott, Mauritania. We will award a design contract for a new embassy in Beirut, Lebanon, a facility whose shortcomings are well known, and undertake chancery renovation and annex construction in Amman, Jordan.

As noted above, the funds have allowed us to hire an additional 151 DS personnel; 113 have already been hired.

To continue implementing, the 29 recommendations of the Benghazi Accountability Review Board, the FY 2014 budget request includes $2.2 billion for security protection of personnel domestically and abroad, and $2.2 billion for construction of more secure diplomatic facilities.

Challenges Going Forward

The Best Practices Panel, convened as a recommendation from the Benghazi ARB to identify best security practices used by industry and other governments, discusses in its report the resilience of the adversaries who seek to do us harm, stating "terrorists have proven to be determined over time and readily adapt to the environment to advance their causes."

Looking forward, one of our biggest challenges is gauging the threat level around us and responding appropriately. For Benghazi, the Director of National Intelligence, James Clapper, said: "The challenge is always a tactical warning, the exact insights ahead of time that such an attack is going to take place, and obviously we did not have that." The ARB also found that intelligence provided no immediate, specific tactical warning of the September 11 attacks.

Of course, when we do have relevant intelligence, we act. In August 2013, we closed over 20 embassies and consulates to the public based on credible and non-counterable threat information. Public opinion varied, from condoning our prudence, to stating that it was an overreaction that made the United States look weak. This will continue to be a balancing between security and mission, considering our physical presence, the threat, and the support of the host government.

The unfortunate fact is that our diplomats and facilities abroad will face attacks again. Since the tragic attack in Benghazi where we lost Ambassador Chris Stevens and three other Americans; to the February attack on our embassy in Ankara that killed a dedicated local guard; to the attack in Afghanistan in April; to last week's attack on our consulate in Herat, Afghanistan -- the tempo of threats and attacks against us has not diminished. The risk remains -- as Secretary Kerry stated,

"We know too well the risks in the world today for all of our State Department personnel at home and around the world – Foreign Service, civil service, political appointees, locally employed staff, and so many others. I wish everyone in our country could see first-hand the devotion, loyalty, and amazingly hard and hazardous work our diplomats do on the front lines in the world's most dangerous places."

We will do everything we can to deter and mitigate the effectiveness of any attack, but we will not, even with willing and capable governments as our partners, stop terrorists or extremists from mounting attacks against us in all cases.

And we must continue to operate in places where host governments may not always be willing or capable of fully defending us.

The risks to the United States as a nation are greater if we withdraw, than the risks to the brave U.S. diplomatic, development, and military personnel on the front lines of our foreign diplomacy efforts.

Congressional Oversight

We say at the State Department that security is a shared responsibility. We know that Members of Congress agree. Congress is an essential partner in ensuring that we have the resources and authorities needed to protect the diplomats and development experts overseas who advance America's global leadership, protect our national security, and promote America's economic prosperity. That is why the Department has demonstrated an unprecedented degree of cooperation and engagement with the Congress on these issues, especially following the attack in Benghazi.

Today's session is the 10th hearing on Benghazi where Department officials have testified. We have also been involved in more than 50 open and closed briefings for Members and staff. I have personally appeared for more than 20 briefings and three hearings. To date, the Department has provided to the Congress the classified ARB report and more than 25,000 pages of documents. Twelve current and former State Department officials have sat for interviews with the House Oversight and Government Reform Committee. Our colleagues from DoD and the intelligence community have participated in a similar number of hearings and briefings, many alongside the State Department. They have also engaged independently with their own committees – more than five of whom have conducted their own investigations.

I understand that there is interest in the four employees who were on administrative leave and about whom the ARB raised performance concerns. The Department re-affirmed the ARB findings and the employees, who have returned to duty, no longer hold the positions that were the subject of the ARB's concerns. The employees who had worldwide decision-making authority for security will no longer have such responsibilities. The Department sent a letter to Chairman Royce on this matter on August 23, which I have included as Attachment 2.

We have made implementing the recommendations of the ARB a priority, so that we can better prevent similar tragedies in the future. That's where we are focused at the State Department, and I know that is your priority as well.

With that, I again thank you for your time, and I would be glad to answer your questions.

Attachment 1

Implementation of the Accountability Review Board Recommendations

Following the September 11, 2012 attack on U.S. Government facilities in Benghazi, Libya, the independent Benghazi Accountability Review Board (ARB) issued 29 recommendations (24 of which were unclassified) to the Department of State. State has already addressed almost all of the recommendations, and is working diligently in concert with the Department of Defense (DOD) and others, as appropriate, to implement those that remain (which require more time and resources to complete, such as recruiting and deploying the full contingent of proposed Marine Security Guards).

While risk can never be completely eliminated from our diplomatic duties, we must always work to minimize it. An update of the Department's actions on the 24 unclassified recommendations is as follows:

Unclassified Recommendations of the ARB (text abridged) and Department Actions:

OVERARCHING SECURITY CONSIDERATIONS

1. The Department must strengthen security for personnel and platforms beyond traditional reliance on host government security support in high risk, high threat posts.

❑ Hard decisions must be made when it comes to whether the United States should operate in dangerous overseas locations. The Department is enhancing our processes and is developing a revised institutionalized, repeatable, and transparent process to make risk-managed decisions regarding the U.S. presence at high-threat locations, including whether to begin, restart, continue, or suspend operations.

❑ The Department established a High Threat Board to review our presence at high threat, high risk posts.

❑ We created a Deputy Assistant Secretary for High Threat Posts in the Bureau of Diplomatic Security (DS), who is responsible for ensuring that such posts receive the focused attention they need.

2. The Board recommends that the Department re-examine Diplomatic Security (DS) organization and management, with a particular emphasis on span of control for security policy planning for all overseas U.S. diplomatic facilities.

❑ The Department established a six-person panel to thoroughly review DS's organization and management structure.

❑ The panel concluded its work on May 3, 2013, making 35 recommendations to improve DS operations and its management structure. The Department accepted 31 of these recommendations and is committed to implementing them.

3. Regional bureaus should have augmented support within the bureau on security matters, to include a senior DS officer to report to the regional Assistant Secretary.

❑ DS staff attend regular Regional Bureau meetings, and Regional Bureau staff attend DS daily briefings to better communicate on security issues.

❑ The Department has adjusted the work requirements (position descriptions) for senior level staff (Assistant Secretaries and Deputy Assistant Secretaries) to reflect everyone's responsibility for overseas security.

4. The Department should establish a panel of outside independent experts (military, security, humanitarian) with experience in high risk, high threat areas to identify best practices (from other agencies and other countries) and evaluate U.S. security platforms in high risk, high threat posts.

❑ The Department established a six-person panel to identify best practices used by other agencies and countries.

❑ The Best Practices Panel has concluded its work. We expect the report to be formally transmitted to the Department for consideration in the near future.

5. The Department should develop minimum security standards for occupancy of temporary facilities in high risk, high threat environments, and seek greater flexibility to make funds rapidly available for security upgrades at such facilities.

❒ The Department has re-affirmed that Overseas Security Policy Board Standards apply to temporary facilities.

❒ We identified flexible funding authorities to make improvements to our overseas facilities.

6. Before opening or re-opening critical threat or high risk, high threat posts, the Department should establish a multi-bureau support cell, residing in the regional bureau.

❒ The Department developed standard operating procedures for "Support Cells" for opened/reopened posts. The process has been incorporated into the Foreign Affairs Handbook.

7. All State Department and other government agencies' facilities should be collocated when they are in the same metropolitan area, unless a waiver has been approved.

❒ We verified all data on our overseas facilities; we are exploring which non-collocated facilities should be eliminated and their personnel relocated.

8. The Secretary should require an action plan from DS, Overseas Buildings Operations (OBO), and other relevant offices on the use of fire as a weapon against diplomatic facilities, including immediate steps to deal with urgent issues.

❒ The Department issued guidance to all posts on "weapons of opportunity," including fire.

❒ Fire testing is ongoing at U.S. military facilities.

9. The Department should revise its guidance to posts and require key offices to perform in-depth status checks of post tripwires.

❒ The Department reviewed and revised requirements for posts on how to respond to changing security benchmarks (i.e., "tripwires").

□ The Department established a Washington-based "Tripwires Committee" to review tripwires upon breach, to help ensure that posts and regional bureaus in Washington respond more quickly should security deteriorate at post.

□ The Department established a mechanism to review tripwires of high-threat, high risk posts on an annual basis.

10. The State Department must work with Congress to restore the Capital Security Cost Sharing Program [for embassy construction] at its full capacity, adjusted for inflation to approximately $2.2 billion in fiscal year 2015.

□ The FY 2014 President's Budget included a request for $2.2 billion in the Embassy Security, Construction, and Maintenance account.

11. The Board supports the State Department's initiative to request additional Marines and expand the Marine Security Guard (MSG) Program – as well as corresponding requirements for staffing and funding.

□ Working with the Department of Defense, we are accelerating the deployment of 35 new Marine Security Guard detachments to U.S. diplomatic facilities. Two detachments are in place, with another expected by the end of September.

□ We also have requested (and received) additional resources to build facilities at additional posts to host Marine Security Guards in the future.

STAFFING HIGH RISK, HIGH THREAT POSTS

12. The Board strongly endorses the Department's request for increased DS personnel for high- and critical-threat posts and for additional Mobile Security Deployment teams, as well as an increase in DS domestic staffing in support of such action.

□ With Congressional support, the Department is creating 151 new Diplomatic Security positions -- 113 were hired during this fiscal year. The remaining 38 will be hired in FY 2014.

13. The Department should assign key policy, program, and security personnel at high risk, high threat posts for a minimum of one year. For less

critical personnel, the temporary duty length (TDY) length should be no less than 120 days.

❑ All high threat posts now have a minimum of a one-year tour of duty. We are planning to ensure overlap between incumbent and incoming positions to facilitate continuity of operations at high threat posts.

❑ Temporary duty assignments are set at a minimum of 120 days.

14. The Department needs to review the staffing footprints at high risk, high threat posts, with particular attention to ensuring adequate Locally Employed Staff (LES) and management support. High risk, high threat posts must be funded and the human resources process prioritized to hire LES interpreters and translators.

❑ The Department surveyed every post to review the numbers of interpreters and translators on staff, and found that there was adequate staffing.

15. With increased and more complex diplomatic activities in the Middle East, the Department should enhance its ongoing efforts to significantly upgrade its language capacity, especially Arabic, among American employees, including DS, and receive greater resources to do so.

❑ The Department is ramping up the language capacity of its American employees, including Diplomatic Security agents, especially in Arabic. Increasing language capacity takes time – certain languages take up to 2 years to learn. In the short term, the Department is committed to better equipping the growing cadre of security experts to engage local populations and cooperate with host nation security forces.

❑ The first offering of an intensive, 10-week "Arabic Alert" language course specifically for security personnel will begin October 15, 2013.

TRAINING AND AWARENESS

16. A panel of Senior Special Agents and Supervisory Special Agents should revisit DS high-threat training with respect to active internal defense and fire survival as well as Chief of Mission protective detail training.

The Department established a panel of Supervisory Special Agents to participate in a Program Review of the High Threat Tactical Course; as a result, DS revised high-threat training and Chief of Mission protective detail training and raised standards for passing the High Threat Tactical Course.

The panel's findings resulted in the identification and development of 170 operational requirements, associated proficiency standards, and training plans needed by DS special agents operating in high-threat, high risk environments. These findings were used to develop a new High Threat Training Strategy that encompasses a career-long cycle of instruction for all DS special agents and includes new training courses for entry-, mid-, and senior-level agents.

17. The Diplomatic Security Training Center and Foreign Service Institute should collaborate in designing joint courses that integrate high threat training and risk management decision processes for senior and mid-level DS agents and Foreign Service Officers and better prepare them for leadership positions in high risk, high threat posts.

The Department has enhanced security training efforts, including requiring personnel headed to high threat posts to receive additional, specialized security training.

SECURITY AND FIRE SAFETY EQUIPMENT

18. The Department should ensure provision of adequate fire safety and security equipment for safe havens and safe areas in non-Inman/SECCA facilities, as well as high threat Inman facilities.

The Department has surveyed fire and life safety equipment requirements at all high-threat, high-risk U.S. diplomatic posts abroad. The Department has ensured that all high-threat, high-risk posts have adequate fire safety equipment, and is now upgrading and procuring additional personal protective equipment.

19. There have been technological advancements in non-lethal deterrents, and the State Department should ensure it rapidly and routinely identifies and procures additional options for non-lethal deterrents in high risk, high threat posts and trains personnel on their use.

❑ The Department has addressed this recommendation. However, details cannot be publically discussed.

20. DS should upgrade surveillance cameras at high risk, high threat posts for greater resolution, nighttime visibility, and monitoring capability beyond post.

❑ Over the next year the Department will have upgraded high-threat, high-risk facilities with more modern surveillance cameras.

INTELLIGENCE AND THREAT ANALYSIS

21. Careful attention should be given to factors showing a deteriorating threat situation in general as a basis for improving security posture. Key trends must be quickly identified and used to sharpen risk calculations.

❑ The Department has addressed this recommendation. However, details cannot be publically discussed.

22. The DS Office of Intelligence and Threat Analysis should report directly to the DS Assistant Secretary and directly supply threat analysis to all DS components, regional Assistant Secretaries, and Chiefs of Mission in order to get key security-related threat information into the right hands more rapidly.

❑ The DS Office of Intelligence and Threat Analysis, now reports directly to the Assistant Secretary for Diplomatic Security for threat reporting and supplies threat analysis to regional Assistant Secretaries and Chiefs of Mission.

PERSONNEL ACCOUNTABILITY

23. The Board is of the view that findings of unsatisfactory leadership performance by senior officials in relation to the security incident under review should be a potential basis for discipline recommendations by future ARBs, and would recommend a revision of Department regulations or amendment to the relevant statute to this end.

❑ The Department is working with Congress to address this recommendation. In January, the Department proposed legislation to grant future ARBs the authority to recommend disciplinary action on the basis of unsatisfactory leadership, and thus increase accountability for security incidents.

24. The Board was humbled by the courage and integrity shown by those on the ground in Benghazi and Tripoli, in particular the DS agents and Annex team who defended their colleagues. We trust that the Department and relevant agencies will take the opportunity to recognize their exceptional valor and performance, which epitomized the highest ideals of government service.

□ The President and the Secretary of State have publicly mentioned the bravery and heroic efforts of our personnel on numerous occasions.

□ The Department bestowed the Holbrooke award on Ambassador Chris Stevens; the Thomas Jefferson award to the personnel who gave their lives in September; the Secretary's award to one officer who was seriously injured; and the Secretary's Heroism Award to 12 personnel who defended the Benghazi facilities.

Attachment 2 – Letter to Chairman Royce

See Attached.

United States Department of State

Washington, D.C. 20520

AUG 23 2013

Dear Mr. Chairman:

I am writing in regard to your letter of May 29.

As you know, following the September 11, 2012, attacks on U.S. government facilities in Benghazi, Libya, Secretary of State Clinton convened an independent Benghazi Accountability Review Board (ARB), which, under the leadership of Ambassador Thomas Pickering and Admiral Michael Mullen, conducted a rigorous investigation into the attacks. The ARB has made clear that it had unfettered access to documents, individuals, and other resources to ensure a thorough review.

In its report, the independent ARB issued 29 recommendations to the Department. To date, the Department has taken action to substantially address all of the ARB's recommendations. These actions include: putting in place new procedures within the Department to address high threat posts; procuring critical security assets; working with other colleagues at the Department of Defense to deploy additional Marine Security Guard Detachments; and working to secure necessary funding for embassy security. Moreover, the Department has taken steps above and beyond those recommended by the ARB – from centralizing decision making for high threat posts under one Deputy Assistant Secretary, to creating the Secretary's high threat post review effort – to strengthen security even further.

Congress created the ARB process to assess and make recommendations following security-related incidents at U.S. missions abroad. Under the current ARB statute, 22 U.S.C. 4834(c), an ARB is to recommend that an agency initiate appropriate investigatory or disciplinary action if it finds reasonable cause to

The Honorable
Edward R. Royce, Chairman,
Committee on Foreign Affairs,
House of Representatives.

believe that an employee has breached his or her duty. In its report, the ARB did not find such reasonable cause. With a view toward promoting greater accountability, it did, however, recommend that the Department seek legislation amending the ARB statute to provide that certain performance that may not constitute a breach of a duty should, nevertheless, be subject to a disciplinary recommendation. The Department submitted such proposed legislation to the Congress earlier this year.

While the independent ARB did not find that any U.S. Government employee engaged in misconduct or willfully ignored his or her responsibilities, it did find that State Department officials within two bureaus demonstrated a lack of proactive leadership and management ability in their responses to security concerns posed by Special Mission Benghazi. The ARB recommended that two of these individuals no longer hold positions they held at the time. Consistent with its authority, it did **not** recommend termination or other formal disciplinary action for any of the four individuals whom it specifically addressed. Following the release of the ARB report, the Department placed all four employees on administrative leave pending further review.

As soon as he came into the Department in February, Secretary Kerry made it clear that he wanted to invest the necessary time to thoroughly review the ARB's findings. Because he cares deeply about security and about the men and women who are a part of the institution he leads, and he recognizes that the careers of four longstanding employees are at issue, he wanted to make sure that the Department took the time necessary to get these decisions right.

The Department has now re-affirmed the findings and recommendations of the ARB. With respect to the four individuals, all will be held accountable by permanently relieving them of the positions and duties that gave rise to the ARB's findings. In two cases, this step of relieving them of their duties goes beyond the recommendations of the ARB itself. The Department determined that such a step is in the best interests of the Department and those two employees.

As a result, the employees who had worldwide decision making authority for security resources affecting high-threat posts will no longer have those responsibilities. Their new assignments, which in some cases will be preceded by additional management training, will reflect a level of responsibility appropriate to their expertise and experience. Consistent with the findings of the Benghazi ARB,

the Department has determined that there was no breach of duty and no basis to pursue formal disciplinary action.

In reaching these decisions, the Department considered the findings of the ARB, the employees' performance, and applicable personnel rules. The Department also considered the totality of these employees' service to the Department of State over many years to determine if there was a pattern of inadequate performance. No such pattern was found, but rather the record showed a history of dedicated service by four employees who sought to faithfully execute their responsibilities. The four individuals are all longstanding public servants who collectively have more than a century of committed civilian service, plus additional service in both the U.S. military and in local law enforcement. In addition to serving in a variety of critical positions in Washington, they have served in and volunteered for difficult assignments in the former Soviet Union, sub-Saharan Africa, Central America, and the Middle East. In all of these assignments, operating under challenging and often dangerous circumstances, they acquitted themselves with honor – amassing 15 Senior Performance Awards, one Distinguished Honor Award, 10 Superior Honor Awards, and 14 Meritorious Honor Awards.

In the wake of a tragedy such as Benghazi, we all understand the instinctive desire to make public examples of one or two individuals in the name of "accountability." By permanently relieving these four employees of the duties that gave rise to the ARB's findings, the Department has held the four employees accountable for their performance. However, the facts and evidence simply do not support finding them responsible for the attacks and their tragic outcome. As Tripoli Regional Security Officer Eric Nordstrom, who has been critical of the Department, testified before Congress: "Having an extra foot … of wall or extra half-dozen guards or agents would not have enabled us to respond to that kind of assault." Indeed, the ARB itself described the difficult circumstances under which State Department personnel were operating. It noted that there have been "significantly increased demands on U.S. diplomats to be present in the world's most dangerous places" such that "the Bureau of Diplomatic Security (DS) is being stretched to the limit as never before." It recognized that "No diplomatic presence is without risk ... and the total elimination of risk is a non-starter for U.S. diplomacy." And it found that "DS overall has done a fine job protecting thousands of employees in some 273 U.S. diplomatic missions around the world."

Rather, the ARB report was very clear in stating that the only people responsible for the lethal attack on our Special Mission Compound in Benghazi

were the terrorists who orchestrated the attack. These terrorists must be brought to justice; the entire U.S. Government remains committed to doing just that. Everyone from the Secretary on down is squarely focused on moving forward to strengthen security and protect our people and our facilities in the field. We can never completely eliminate the risk. But we are firmly committed to making sure we do everything we can to protect those who serve America around the world.

Please let us know if we can be of further assistance to you on this matter.

Sincerely,

Thomas B. Gibbons
Acting Assistant Secretary
Legislative Affairs

cc: Eliot L. Engel

Chairman ROYCE. Thank you, Ambassador. I would like to focus on the Benghazi Accountability Review Board, and I think the administration likes to characterize that as an independent board. But was that ARB board really independent? Because the Secretary of State selected four of the five members, the chairman of the Board, Ambassador Pickering, has told congressional staff that you asked him for recommendations as to who else might serve with him on the Board. Is that correct, you asked Ambassador Pickering for his recommendations as to who else might serve on the ARB board?

Ambassador KENNEDY. That is correct, sir.

Chairman ROYCE. There has also been reports that you played a role in selecting and assigning those Department employees who staffed the board and assisted with this investigation. Did you, in fact, supervise the assignment of State employees to assist?

Ambassador KENNEDY. I had absolutely nothing to do with the assignment of staff to the Board, sir, absolutely nothing.

Chairman ROYCE. Well, I thank you. But here is a concern that we have in terms of the way it was staffed: A well-conducted investigation demands that there be sensible limitations on who can serve as an investigator, and the Benghazi ARB members and staff had too many ties, very close working relationships with those officials that they were charged with investigating.

Consider, I think, these points. The Assistant Secretary for Near Eastern Affairs, Elizabeth Jones, not only worked with Ambassador Pickering at the State Department, but also served with him on two nonprofit boards. The ARB's lead staffer, also known as the ARB's Executive Director, had previously served as Chief of Staff to Deputy Secretary William Burns and had worked closely with a number of other senior Department officials. These relationships can affect impartiality. And many State Department employees, including some who have testified before this Congress, have questioned the ARB's ability and willingness to conduct a truly unbiased investigation. That goes to the question of whether this really was an independent report. And the other aspect of this that is concerning is the way it has been packaged: Packaged as independent.

I think that in light of these facts it is important going forward, given the Department's lack of accountability, that we change the procedure for the ARB so that, in fact, we have independent voices on it. Otherwise, you undermine the credible claims of independence and you create an environment that is too clubby. And I think that the legislation that we have put forward will change that. I wanted your observation, support, or opposition to the measure that we are proposing in order to change the way in which ARB boards are conducted in the future.

Ambassador KENNEDY. Mr. Chairman, I believe that this was an independent investigation. If one reads, as I know you have, the very, very hard-hitting and very, very critical comments of the Accountability Review Board, as you noted in your opening statement, it is hard for me to accept the fact that the Board was stacked as a State Department-favorable Board when they rendered the very, very critical opinions that they did reach. Three members of the Board, Mr. Chairman, had no relationship at all

with the State Department. All of the members of the Board had decades of experience working for both Republican and Democratic Presidents over the period of time.

It is impossible, I believe, to find someone with State Department senior expertise who could be a member of the Board with the gravity of someone with many years of experience and who is retired who had not worked with people at the State Department.

Chairman ROYCE. Well, could I interrupt you just for a minute here?

Ambassador KENNEDY. Certainly.

Chairman ROYCE. We are here today because at the end of the day no one is held accountable, and so that is contradictory to the thesis that you are advancing here. No one is held accountable.

Ambassador KENNEDY. Mr. Chairman, I respectfully disagree about the subject of accountability. Four employees of the State Department were relieved of their senior positions as Assistant Secretaries or Deputy Assistant Secretaries of State and are no longer holding those senior positions. I submit, respectfully, Mr. Chairman, that accountability includes being relieved from your job and assigned to other positions. To me that is serious accountability.

Chairman ROYCE. Well, the reassignment—no one missed a paycheck, all right, no one has been held accountable, and the Board did not take this to the upper levels of management, where clearly for those who are observing from the outside many of these decisions were made. And indeed that is why we are here, is in order to try to change a system in which you have a hand in suggesting who does the investigation.

It would be far wiser, and this is one of the most frustrating parts about dealing with this State Department, you went 4 years without the appointment internally of an investigator that would take on this responsibility. And in this process, we go through an ARB process in which you choose who is going to do the investigation, afterwards you move people from one position to another, they are on the paycheck, they are on the clock, whether they are working or not, through all of this, and there is no accountability in the process from our perspective in it. The idea that no one is held accountable at the end of the day is the problem, and reassignment just doesn't cut it in terms of addressing that issue.

We are going to go to Mr. Engel.

Mr. ENGEL. Thank you, Mr. Chairman.

I am more concerned with preventing another Benghazi-type attack in the future rather than worrying about who was brought to justice, so to speak, for what they did or didn't do. I want to make sure that we do everything we can so that there are no future Benghazis. The State Department, led by Secretary Clinton and now Secretary Kerry, has put forward a lot of effort to improve how it plans and provides resources for diplomatic security over the past year. Bottom line, is the State Department doing a better job, in your opinion, at protecting the men and women serving around the world in dangerous locations than it was a year ago? And explain why. What have you learned? Obviously things were problematic. What have we learned from our Benghazi experience that could not be repeated today because we have made changes?

Ambassador KENNEDY. Congressman, I think that one of the things that the Accountability Review Board called to our attention which was very critical was a question inherent potentially in the culture of the State Department, and it is, is the focus of security only a management responsibility or should the culture of responsibility extend to all elements of the State Department? In other words, is security everyone's responsibility?

I think, as the Accountability Review Board pointed out, that was an issue. And we have taken steps there through assigning diplomatic security agents to brief the Assistant Secretaries every day to be part of the Assistant Secretaries for the regional offices morning staff meetings, officers from all the regional bureaus attend the Diplomatic Security Director's morning briefings that lays out all the security issues that we are facing around the world. We appointed a Deputy Assistant Secretary in Diplomatic Security for high threat posts so that we can focus specifically on those posts that are particularly endangered, so to speak, because of the world events in that part of the world. And that obviously is not a static situation. The world conditions change and our focus here has to be changed. And so we have also built in an institutional program so the regular review of what are the highest and most threatened posts so that we can change our focus as the situation requires.

Thanks to this Congress, we have achieved additional funding levels and we are deploying. We have already deployed a number of Marine security guard detachments in endangered periods. And working with the United States Marine Corps we are well on the road to increasing the number of Marine security guards to 35, and we have enhanced our training programs as well.

So I think that there was a bell that was rung by the Accountability Review Board, and the State Department is taking many and varied steps to improve what we are doing, and many of those activities are already in place.

Mr. ENGEL. Let me ask you this. The Pickering-Mullen panel called for the establishment of multi-bureau support cells when opening or reopening a post, and legislation which I introduced which was included in the authorization bill passed by our committee last month reflects this procedure. Can you tell us a little bit about this?

Ambassador KENNEDY. Yes, sir. It is clear that when you are going to open a post in an endangered area, to achieve security with a small "s" it requires logistics, it requires construction, it requires telecommunications, it requires the right personnel with the right training. And these multiunit support cells have already been established and there is one already that it is working on the situation, for example, should we have to go back into Syria at some point, the multi-concept support cell has already stood up and working on that question.

Mr. ENGEL. Let me ask you one final question. In your written testimony you quote from a report completed by the Best Practices Panel led by the former head of the Secret Service Mark Sullivan, and one of those recommendations is that the Diplomatic Security Bureau be elevated and a new Under Secretary for Diplomatic Security be created. A similar change approved by former Secretary of State Madeleine Albright following the east Africa bombings in

the late 1990s. However, changes were not made. What do you think about this recommendation? And if a new Under Secretary is not created should the Assistant Secretary for Diplomatic Security report directly to the Secretary?

Ambassador KENNEDY. In the sense, Congressman, all Assistant Secretaries report directly to the Secretary. But given the demands on the Secretary of State's time, which is not infinite, there are a number of Under Secretaries in the State Department who assist the Secretary of the State Department in various channels, whether they be international political affairs, international economic affairs, arms control and security. And so the Under Secretaries, in my humble opinion, form an important assistance function to the Secretary in order that he or she has the right amount of time to focus on the most critical issues.

We are still reviewing the results of the Best Practices, the Sullivan panel. But I might make one comment on the rationale for the current structure in the State Department. Security is not just the responsibility of the Bureau of Diplomatic Security. Security needs new facility construction, it needs security enhancement, it needs medical support, it needs telecommunications, it needs training, it needs logistics, it needs the right kind of recruiting tools. All those activities that are carried on in the State Department under the auspices of the Under Secretary for Management form the platform that provides a robust security capability at a post. And I believe it is very important that there be, on behalf of the Secretary of State, a coordinator. That is why the Department has organized itself as it has.

But we will be looking at the recommendation of the Sullivan panel. But that is the reason why the Booz Allen Hamilton report, which was really a report on intelligence and security, and that report, when it said an Under Secretary would have also taken the Bureau of Intelligence and Research and the Counterterrorism Office and Diplomatic Security and put it all into one.

Mr. ENGEL. Thank you.

Chairman ROYCE. We go to Ileana Ros-Lehtinen from Florida.

Ms. ROS-LEHTINEN. Thank you, Mr. Chairman.

It is indeed pathetic that still no one has been held accountable for the disastrous decisions that were made at the State Department before, during and after this terrorist attack. State continues to merely shuffle the deck chairs and employ officials who were part of the management deficiencies and systematic failures that were tragically made. Earlier this year two senior officials resigned over the IRS scandal, yet no one has resigned, no one has been fired at State for the misguided decisions related to the September 11th, 2012, terrorist attacks. This is unacceptable and it is appalling.

The administration is asking us to trust it when it says that it is doing everything it can to hold our people accountable for their pathetic roles in this tragedy and will bring those terrorists responsible to justice. Really? Who believes this? This is the same administration who deliberately politicized the talking points, set out a false narrative denying that this was a terrorist attack and attributing blame to a video maker. Secretary Panetta has said that

there was little communication with the White House and President Obama during the night of the attack.

In this time of great need was the President missing in action? The White House has failed to answer the question of where the President was, what he was doing during the attack, and why he failed to call for military backup. Greg Hicks, the former Deputy Chief of Missions in Libya, testified that the administration gave a stand-down order to prevent a rescue team from going into Benghazi to help. Who gave that stand-down order? Can you describe the coordination between the White House, Secretary Clinton, and Secretary Panetta to give our personnel immediate support and assistance? Did anyone even lift a finger?

Libya was a high threat post and this should have made continued security requests of our personnel an urgent priority within the Department and those requests should have been granted immediately. It was not a question of funding or capabilities. Their requests were not granted because people failed to do their job.

What assurances can you give us that another high threat post as we speak is not currently urgently asking for additional security, additional support, and that they are being ignored as well? What protocols are now in place to prevent this from happening again? The ARB recommended that State establish a panel of outside independent experts with experience in high risk, high threat areas to identify best practices and evaluate U.S. security platforms. What are those recommendations?

In January I asked Secretary Clinton for an itemized funding layout and justification of how the Department was going to enforce and implement, as she said, all of the 64 recommendations from the ARB. I have not received that detailed report.

This summer, as we know, the Department closed over 20 Embassies and consulates in the Middle East and North Africa. We should condition aid to host nations based on their full cooperation with the U.S. on implementing a plan that will protect our Foreign Service officers and Ambassadors overseas.

So I ask you, sir, what about the stand-down order? What was the coordination between the White House and Secretaries Clinton and Panetta? And what about the implementation of the recommendations, all 64?

Ambassador KENNEDY. Thank you very much.

I hesitate to speak for the President of the United States, but what I have been briefed on is that this is what the White House has outlined: As soon as the President learned of the attack on our temporary mission facility in Benghazi he immediately acted to ensure that our military and national security staff could secure and assist our Embassies around the globe and reinforce our——

Ms. ROS-LEHTINEN. Can you answer who give the stand-down order? Do you have any information?

Ambassador KENNEDY. There was no—there was no——

Ms. ROS-LEHTINEN. What about the coordination?

Ambassador KENNEDY. If I could, ma'am, there was no stand-down order. I would be glad to——

Ms. ROS-LEHTINEN. Thank you. What about the coordination between the Department of State, the White House and Secretary Panetta?

Ambassador KENNEDY. There was coordination all night. The call came in at about 3:45 p.m. in the afternoon Washington time. And the State Department——

Ms. ROS-LEHTINEN. And who decided that there was no reason to help, or they had no capabilities, or they had no resources to help?

Ambassador KENNEDY. The U.S. military was put on alert, a FAST Marine platoon from one location.

Ms. ROS-LEHTINEN. How long did this fire fight take place, this terrorist attack, how many hours?

Ambassador KENNEDY. The attack on the temporary mission facility——

Ms. ROS-LEHTINEN. Was it 8 hours?

Ambassador KENNEDY. No, the attack on the temporary mission facility was about an hour, and then there was about a 6-hour lag, and then there was about a 15-minute second attack on the annex.

Ms. ROS-LEHTINEN. So 7 hours-plus.

Ambassador KENNEDY. That is correct.

Ms. ROS-LEHTINEN. And so during that time?

Ambassador KENNEDY. The nearest U.S. military forces were in Djibouti.

Ms. ROS-LEHTINEN. And in 7 hours——

Ambassador KENNEDY. The distance from Djibouti——

Ms. ROS-LEHTINEN. Really?

Ambassador KENNEDY [continuing]. To Benghazi is about the distance from Washington to Dallas, to Dallas, Texas.

Ms. ROS-LEHTINEN. So it would have been impossible——

Ambassador KENNEDY. Yes, there were no—there were no——

Ms. ROS-LEHTINEN. In 7-plus hours——

Ambassador KENNEDY [continuing]. There were no——

Ms. ROS-LEHTINEN [continuing]. There was nothing that we could do. So that is the message that we are sending to our Embassies. When you are in trouble——

Ambassador KENNEDY. No.

Ms. ROS-LEHTINEN. [continuing]. 7-plus hours, we are in the 1930s, we can't get to you.

Ambassador KENNEDY. No, no, Congresswoman. We have been working with the Department of Defense, but there are only so many Department of Defense military installations around the world and the distances from those installations—the reason why that that is relevant and important goes to our request and help in increasing the funding to allow——

Ms. ROS-LEHTINEN. Thank you very much. As was pointed out, and I know I am over, this was not a problem of funding. And that ARB states it and every witness has said it, it was not a problem of lack of funding. It was a problem of lack of resolve to do something about the problem that lasted more than 7 hours.

Thank you, Mr. Chairman.

Chairman ROYCE. We will go to Mr. Meeks of New York.

Mr. MEEKS. Thank you, Mr. Chairman.

And unfortunately, Ambassador Kennedy, all of what we have just heard in the line of questions that you just had we have heard it. They have been asked before at other hearings that we have had. ARB has covered it. So here we go again with the same ques-

tions, the same thing again. And you were cut off, I don't know, so to just give you an opportunity if there is something else that you want to say. I know you have heard these questions a thousand times and people just don't want to know the correct answers, but if there is something else that you want to add on to that please do so.

Ambassador KENNEDY. Thank you, sir. I would like to cover the funding question, if I could. The Accountability Review Board was correct about funding, but there are two types of funding. There is sort of microfunding and macrofunding. The State Department responded to every single one of the requests for increased security enhancements in Benghazi, and I would be glad to submit for the record a list of all the security enhancements that we put into place in Benghazi. Increasing the wall. Alarm systems. Cameras. Barbed wire. Drop arm barriers to make sure that bomb-laden vehicles could not crash into the buildings. So all the micro-enhancements for Benghazi that they requested were attended to.

Then there is there is the macro question, Congressman, and that is that the best defense is ability to construct the new facilities that you have provided us additional funds for. Subsequent to the attack on Benghazi there was a major attack on our compound in Tunisia and there was a major attack on our compound in Khartoum. Those buildings held out and not a single American was killed or injured for over 8 hours until host nation security forces mobilized to defend us. But those building, in Khartoum and in Tunisia, were the new, modern buildings that we have had the assistance of the Congress and the funding to build. It is just that on a macro sense, because of the increase in the value of the dollar and because of inflation worldwide, the program that we started after Nairobi and Dar es Salaam we were building eight Embassies a year then. Because of the decrease in funding we were building three. Thanks to your help the funding is now back up to 8.

Mr. MEEKS. Thank you. Now let's just try to move forward a little bit. I mean, and I wish that this hearing was about moving forward and talking about how we can make sure that we can support our diplomats in a better way. And as the Department continues to implement recommendations of the ARB I was talking a number of diplomats seem to be worried about some of the new security protocols that may inhibit or limit their ability to engage with the local community, reach out to key contacts, and establish much needed relationships to do their jobs well. How can we balance the need for more security precautions and the ability of diplomats to reach the local community and do their jobs?

Ambassador KENNEDY. I think that is something that the State Department works very hard on. And there have been a number of articles in the popular press over the last few years that describe fortress Embassies that are unavailable to the local populace. I think they have actually the purpose and the operating style of an American Embassy and our diplomatic and other agencies abroad absolutely backwards. Our diplomats go out of the Embassy. We don't, except for consular operations, we don't demand that people come to see us in our homes, we go to their home. We go to the Foreign Ministry, we go to the Ministry of Education, we visit the journalists. So our people go out all the time.

But if there is a crisis brewing in a country that comes up overnight, a coup or other dangers, what we need is a place that our diplomats can in effect hunker down in, and those are the new Embassy compounds that we have been building with your money. So the new steps we are taking, sir, combined with additional diplomatic security professionals and additional armored vehicles, will continue to allow our people to go out, but have a safe base.

Mr. MEEKS. And let me just ask this in the few remaining seconds I have left. What about working, have we changed or have we—we have to work with host governments.

Ambassador KENNEDY. Yes.

Mr. MEEKS. And has the Department changed or implemented any new procedures in working with these host governments, because they have some responsibility for security also, especially how do we mitigate the risk of work in the country where there is ongoing conflict or instability?

Ambassador KENNEDY. We work very closely with host nations. That is one of the principal responsibilities of our Regional Security Officers. We also partner with the Department of Defense, which has a number of programs which train local host nation security forces. The State Department also has under the Antiterrorism Assistance Program training programs between the Bureau of Diplomatic Security that brings foreign national police leaders to the United States for training. So this partnership is ongoing and we are working to enhance it.

Mr. MEEKS. Thank you, Mr. Secretary.

Chairman ROYCE. Go now to Mr. Smith of New Jersey.

Mr. SMITH. Thank you very much.

Mr. Ambassador, welcome. Let me ask you a few questions, if I could. Were you or Secretary Clinton aware of the compelling need for more diplomatic security? And this would parallel Secretary Madeleine Albright's repeated denial of security requests which led to our Nairobi Embassy being bombed, as well as our Embassy in Dar es Salaam. As you recall, Ambassador Bushnell repeatedly asked for assistance and did not get it. The ARB did not interview Madeleine Albright, it did not interview her senior staff. It did interview you because you were Assistant Secretary at the time. And it seems to me that we stop at the Assistant Secretary level when the people who probably have even more knowledge and certainly are to be held for responsible accounting of what they did or did not do.

I asked the Secretary of State a very straightforward question and she said the information did not come to her attention about the security needs. Is that true? And did you know about any of the requests through any means, whether it be cables or conversations about Ambassador Stevens' request and others at the Embassy for more security help? You weren't aware of it?

Ambassador KENNEDY. Congressman, except for one request, which I will touch on in a second, all the requests that were filed by our Embassy in Tripoli on behalf of the temporary mission facility in Benghazi were met. They asked for funding for concrete Jersey barriers to increase the perimeter, they asked for four steel drop arms in order to make sure that cars could not crash through

the gate, they asked for increased compound lighting, they asked——

Mr. SMITH. Who knew about these requests? That is my only question, not what they asked for, who knew about it?

Ambassador KENNEDY. These requests, since they were all met, I believe I was generally aware that they were——

Mr. SMITH. So there was no request that went unanswered you are saying?

Ambassador KENNEDY. Except for one. There was a request that was debated about whether or not we should erect massive guard towers.

Mr. SMITH. Okay. Did the Secretary of State know about any of that?

Ambassador KENNEDY. No, because the requests were being met.

Mr. SMITH. Let me just ask you, why wasn't the senior staff and why wasn't the Secretary of State interviewed by the ARB?

Ambassador KENNEDY. That is a question——

Mr. SMITH. We have asked it. We have gotten poor answers from Ambassador Pickering.

Ambassador KENNEDY [continuing]. Congressman, you will have to ask the ARB.

Mr. SMITH. So did you convey any emails or any information you might have had to the ARB in any way?

Ambassador KENNEDY. Other than the reference of talking to Ambassador Pickering after he had been named chairman.

Mr. SMITH. So you were interviewed informally?

Ambassador KENNEDY. There are press reports that I was never interviewed. That is categorically false. I was formally interviewed, I think, for almost 2 hours.

Mr. SMITH. Then why wouldn't they include that. Are you listed on the list of interviewees?

Ambassador KENNEDY. Yes.

Mr. SMITH. Okay. Let me ask you, if I could, the deployment of foreign emergency support teams, who made that decision not to deploy? Was a request made, and who made the decision not to deploy?

Ambassador KENNEDY. I was asked did I, in my role as the management official of the State Department, need the FEST to be deployed, and I said no for two reasons. One, the FEST is not a military response unit, it is a command-and-control airplane, the kind that we did send to Nairobi after——

Mr. SMITH. So was a request made, and did you approve it or deny it?

Ambassador KENNEDY. The decision is an interagency decision. I was simply asked do I need the capabilities of the FEST. And since it did not bring any military assets to bear, it was based in the U.S. and would have taken at least 16 or 18 hours to get there, there was no need for it.

Mr. SMITH. Okay, because I don't have much time, Mr. Ambassador, why was the CIA security team repeatedly ordered to stand down after the attack began? And who made that decision?

Ambassador KENNEDY. I am not aware of any CIA security team being ordered to stand down, sir.

Mr. SMITH. So why weren't assets that were in close proximity to the attack deployed to try to assist our beleaguered and now murdered Ambassador.

Ambassador KENNEDY. There was no stand-down order, sir, there was never a stand-down order.

Mr. SMITH. Let me ask you a question. How many Benghazi survivors were forced to sign nondisclosure agreements?

Ambassador KENNEDY. The State Department does not tell people to sign nondisclosure agreements.

Mr. SMITH. Are you aware of nondisclosure agreements and how many are there?

Ambassador KENNEDY. I am not aware of any nondisclosure——

Mr. SMITH. Can you tell us where the Benghazi survivors are, since access to them has been very, very difficult?

Ambassador KENNEDY. One Benghazi survivor was seriously injured in the second attack and is still in the hospital. The other four have resumed duties around the world.

Mr. SMITH. Can I ask you with regards to those who, as my colleagues, particularly Ileana Ros-Lehtinen and the chairman, have so eloquently stated, four people get censored, they apparently keep receiving a full pay for a vacation. You know, there was that famous scene in the fictional "Clear and Present Danger" where the President tells, in the Tom Clancy novel, it is the old Potomac two-step, people at a lower level take the hit while other people who were in the know or should have been in the know walk and are never even interviewed.

How do you respond to that? I mean, to the American public and to members on both sides of the aisle we are concerned that the lessons learned, because I chaired the hearings on the ARB and actually wrote a law to beef up our Embassy security, I was the prime sponsor of it, and it is law, and yet we still have a situation where we haven't learned more than a dozen years later and the very people who should be held accountable aren't even interviewed. That is appalling.

Ambassador KENNEDY. There are several questions there. Let me try to take them in sequence.

You ask about accountability. With respect to the four individuals, I believe that they were held accountable by relieving them of their position. One of them actually resigned as Assistant Secretary for Diplomatic Security.

Mr. SMITH. So they got paid the whole entire time of their resignation? Where did they work? What did they do? Did they go home? Did they come to the Department every day?

Ambassador KENNEDY. Congressman, it is, I believe, an essential element of American fairness that I know this committee fully supports, because I have seen many of the legislation pieces that you have authored, that say that a person is entitled to review. And what Secretary Kerry did was engage——

Mr. SMITH. Now, did they initiate a review? You know, I am out of time. They themselves, did they initiate a review to say we have been fairly censored?

Ambassador KENNEDY. Not that I am aware of, sir.

Mr. SMITH. Thank you, Mr. Chairman.

Chairman ROYCE. We go to Mr. Gerry Connolly of Virginia.

Mr. CONNOLLY. Thank you, Mr. Chairman. Before the clock starts ticking I would request that I be granted the same amount of time as my colleague from New Jersey, Mr. Smith.

Chairman ROYCE. Without objection.

Mr. CONNOLLY. I thank the chair. I also want to thank the chair for the tone in which he began this hearing with a very thoughtful statement. He is quite correct. All committees of Congress, it seems to me, ought to follow your advice, which is try to understand what happened and try to make sure we take whatever measures we can to prevent this recurrence, not to exploit it for partisan political gain.

I have been involved in this town for a long time. I was on the Senate committee staff when the tragedy of Lebanon occurred, where our Embassy blew up not once, but twice on Ronald Reagan's watch. I don't remember people calling for heads to roll, I don't remember an ARB review of what happened, although there should have been one. We understood that was a national tragedy and we came together. I wish more of our colleagues would follow the spirit in which you have set the tone of this hearing, Mr. Chairman, and I thank you for doing so.

I would ask unanimous consent also that my full statement, including the appendix, be entered into the record at this point.

Chairman ROYCE. Without objection.

Mr. CONNOLLY. I thank the chair. And by the way, part of that is a statement called "Fact Versus Fiction" prepared by the Oversight and Government Reform Committee staff that lays out many of the common, commonly repeated accusations about Benghazi that just aren't true.

By the way, my good friend from Florida, Ms. Ileana Ros-Lehtinen, would have us believe money played absolutely no role in the decision about security allocations around the world.

Ms. ROS-LEHTINEN. If the gentleman would wield, that is not my statement. Those are the witness' testimony and the ARB report itself.

Mr. CONNOLLY. I would remind my colleague that she and I were actually at a briefing together where I put that very question to Ambassador Pickering, and he most certainly did acknowledge that of course money plays a role. Sometimes when people say it is not about money, it is about money.

Let me just ask, Mr. Kennedy, have I got my facts right? In Fiscal Year 2011 this Congress cut $327 million from the request for diplomatic security, construction, and maintenance?

Ambassador KENNEDY. I believe that is the correct figure.

Mr. CONNOLLY. $327 million. The following fiscal year this same Congress cut another $183 million from the request. Is that correct?

Ambassador KENNEDY. I believe that is the correct amount.

Mr. CONNOLLY. And then in Fiscal Year 2013 it cut $145 million. Is that correct?

Ambassador KENNEDY. I believe that is the correct amount, sir.

Mr. CONNOLLY. And we kind of came to our senses only after the tragedy of Benghazi and restored some of those fundings and gave the State Department more flexibility in the end. Is that correct?

Ambassador KENNEDY. That is correct and deeply appreciated.

Mr. CONNOLLY. Thank you, Mr. Secretary. The idea that money doesn't play a role is simply not true.

The chairman indicated in his opening statement that—and he is quite right about accountability, and I think all of us are a little troubled about that—but he also was talking about the follow-up to the Benghazi tragedy and he said no one has been captured or killed. And I deeply respect the chairman of this committee, but I find it ironic the implicit criticism of an administration that did what the previous administration could not do for 7 years, they captured and killed the man who perpetrated the tragedy of 9/11, the memorial of which we just remembered.

What is the status of the Benghazi follow-up that you can share with us? We talk about accountability within the State Department, how about accountability for the terrorists who perpetrated this heinous crime and engineered the death of our four brave fellow Americans.

Ambassador KENNEDY. As the President and the Secretary have said, we are engaged in every effort to bring the terrorists to justice. This is under the purview of the FBI, assisted by the State Department and by the Intelligence Community. And from the briefings that I have received, which, unfortunately, I cannot go into in detail in this setting, the FBI and others are engaged in a full court press on this, no one is leaving any stone unturned to bring these individuals to justice.

Mr. CONNOLLY. What about Libyan security? Part of the problem on that terrible day was, frankly, Libyan security, the responsibility of the host government, kind of dissolved. What is the status of that?

Ambassador KENNEDY. The State Department and the Department of Defense are working with the Government of Libya to get them a security force that it is capable of doing the job that they are required to do under the Vienna Convention. But in the interim period of time, we have reinforced our Embassy in Tripoli with a significant number of State Department personnel and a significant number of U.S. military personnel, who are on scene now.

Mr. CONNOLLY. And the status of our mission in Benghazi?

Ambassador KENNEDY. Our mission in Benghazi is closed.

Mr. CONNOLLY. Is that because of the security status?

Ambassador KENNEDY. It is because of the security situation. There is nothing that we could do at the moment to mitigate the security risk of a reopened presence there, sir.

Mr. CONNOLLY. Mr. Chairman, I think I still have more time. Yes, thank you.

With respect to the ARB in your opinion this was a rigorous and hard-hitting report. Is that correct?

Ambassador KENNEDY. Yes, sir.

Mr. CONNOLLY. Is there anything with respect to the recommendations or findings that the State Department is not following up on and not trying to implement?

Ambassador KENNEDY. No, sir. We are working through every single one. There are 29 recommendations, and as the representative from Florida indicated, we have broken that up into 64 different tasks in order that we can manage the process as efficiently and effectively as possible. And we are working through every sin-

gle one of them. We have completed many of them. Others take time because they involve construction or other matters. But there is nothing that we are lagging on.

Mr. CONNOLLY. By the way, this issue of whether an order was given to stand down the U.S. military, preventing the military from responding, and I have heard you say several times not true, no such order was ever given. I would just like to make a point for the record that our colleagues on the House Armed Services Committee this summer issued a press release from the majority staff that said in his testimony LTC. Gibson clarified his responsibilities and actions during the attack. Contrary to news reports, Gibson was not ordered to stand down by higher command authorities in response to his understandable desire to lead a group of three other Special Forces soldiers to Benghazi.

Ambassador KENNEDY. That statement has also been corroborated by the chairman of the Joint Chiefs of Staff, General Dempsey, who has also testified that there was no stand down order given.

Mr. CONNOLLY. Thank you.

And, Mr. Chairman, thank you for your courtesy.

Chairman ROYCE. Thank you, Mr. Connolly.

We go now to Mr. Rohrabacher of California.

Mr. ROHRABACHER. Mr. Chairman, before my time starts running here, I would request to have the same amount of time as my good friend——

Chairman ROYCE. May I suggest that members on the Democratic and Republican side, I have kept copious notes here and I know exactly how much time everyone has gone over and we are dead even. And because we have a lot of freshmen on this committee, we are now going to hold everyone to 5 minutes. But I am going to start the clock right now.

Mr. ROHRABACHER. Thank you, Mr. Chairman.

Chairman ROYCE. Thank you, Mr. Rohrabacher.

Mr. ROHRABACHER. Let us hope that this hearing is a step forward in our effort to break down what I consider to be a wall of deceit and denial and an attempt to hide the truth from the American people about this Benghazi attack. It has been over a year and the American people have a right to know the truth and they deserve to know it. And this idea that there has been a full-court press going on. It is over a year now since our Ambassador was murdered, along with the other brave Americans who died that night. And don't tell me that is a full-court press when we haven't even pointed our finger at the people, at the organization, and the finger at the people who actually murdered these people. I don't know what a full court press means with that.

About funding, with all due respect to my friend from Virginia, Assistant Secretary Lamb, who was responsible for making the decisions as to security level in Benghazi, testified here, and I know because it was my question specifically, did budget considerations play any role in the decision as to what level security would be at in Benghazi. She said no. And just for the record, she, by saying no and making sure that it was a matter of policy and not budget, she has been one of the ones relieved of her position. Wonder why

she got relieved of her position after she was able to testify something like that before Congress.

Mr. Ambassador, we need to know a number of things. I am going to go through some questions for you. You know, was there an autopsy conducted on Ambassador Stevens' body? Yes or no?

Ambassador KENNEDY. Yes. It was conducted by the U.S. military at Dover Air Force Base, sir.

Mr. ROHRABACHER. Right. When there are homicides committed against American citizens, are those autopsies then permitted to be made public to, for example, congressional investigations?

Ambassador KENNEDY. The autopsy was turned over to the FBI, which was the investigating agency. I was informed by the FBI at one point that he died of smoke inhalation.

Mr. ROHRABACHER. I am not asking what he died of. I am asking right now, if there is an autopsy, is that being kept from congressional investigators?

Ambassador KENNEDY. I will take that question back to the FBI, sir.

Mr. ROHRABACHER. All right. When you talk about military units not being dispatched, that there was no stand-down order, but they weren't sent because there wasn't enough time, let me put myself on the record on this point. And that is, no one knew how long this attack was going to exist and go on, how long would this attack last. Anybody who did not dispatch troops or dispatch aid or assistance of some kind to our Ambassador who was under attack had no idea whether it was going to be a 1-hour battle, a 4-hour battle, or a 2-day battle. And for not dispatching help, that is a dereliction of some type of responsibility.

You keep saying our military team was not ordered to stand down. Were there other American Government employees, perhaps of the CIA, in Benghazi at that time who could have gone to our Ambassador's assistance? Were they ordered to stand down?

Ambassador KENNEDY. There was a team from the annex that did go to the temporary mission facility and did relieve the pressure on that facility subsequently——

Mr. ROHRABACHER. Yeah. And apparently those Navy Seals that got there were ordered not to go. Is that correct?

Ambassador KENNEDY. No, sir, I am not aware of that at all.

Mr. ROHRABACHER. All right.

Ambassador KENNEDY. A quick reaction——

Mr. ROHRABACHER. Not aware doesn't mean no.

Ambassador KENNEDY. No, sir. I mean no. A quick reaction team went from the annex to the temporary mission facility main building, and then—all of them—and then the annex was reinforced by the five State Department security officers.

Mr. ROHRABACHER. So there was no stand-down order even to CIA personnel who were there. Okay.

Now, who made the choice to create this fictitious narrative that it was a demonstration that got out of hand and not a terrorist attack? Now, we know from the first minutes of this attack, we have been told they knew that this was a terrorist attack. Yet for a full week we had top-level people in this administration claiming it was a movie rage when a demonstration got out of attack. Who created that narrative?

Ambassador KENNEDY. I don't know if I can answer the question of who created. I can tell you, though, sir, that the narrative about the movie did cause an attack——

Mr. ROHRABACHER. Okay, fine. You can't answer the question.

Ambassador KENNEDY [continuing]. On the American Embassy in Cairo.

Mr. ROHRABACHER. You can't answer the question.

Chairman ROYCE. We are going to have to go to Mr. Cicilline from Rhode Island.

Mr. CICILLINE. Thank you, Mr. Chairman.

Thank you, Ambassador Kennedy, for being here. And I have had the opportunity as others to listen to the testimony of Ambassador Pickering and Chairman Mullen, to review the report and the recommendations and to hear testimony in these last several hearings. And I thank you for your testimony today and for being here.

And my first question is, the 29 recommendations that involved 64 different tasks, which seem to me very comprehensive, I agree with your assessment that this was a hard-hitting report and really do respect the work that was done and the thoroughness of the report. And as those recommendations are being implemented and those tasks are being completed, are there any things we can do, Congress can do to facilitate the implementation of those recommendations or are there any obstacles presently in the way that we should respond to to be sure that the work you are doing, the Department is doing to implement those can continue appropriately?

Ambassador KENNEDY. I think the most important thing is to pass the President's budget request for Embassy construction and security that is in the Fiscal Year 2014 budget request. That will give us the resources to continue implementing the ARB's recommendation, including the necessary new construction and upgrades we need to protect our people.

The second is we have the authority only in certain locations around the world do what is called best value contracting for guards. We now are forced in many locations to take the lowest bidder. Having that in an authorization bill that I know that this committee is working on would be very, very helpful to the Department and getting the best kind of local security force as possible.

Mr. CICILLINE. You know, every time we have a hearing on this issue we have to always begin remembering the brave American heroes whose lives were lost and I think our solemn obligation to do everything that we can to prevent this kind of tragedy from ever occurring again and protecting individuals who are representing our country all over the world.

And to follow up on my friend from Virginia's point, the panel in this report found, and I quote, "a more serious and sustained commitment from Congress"—and called on "a more serious and sustained commitment from Congress to support State Department needs which in total constitute a small percentage both of the full national budget and that spent for national security." One overall conclusion in this report is that Congress must do its part to meet this challenge and provide necessary resources to the State Department to address security risks and meet mission imperatives.

And as an aside, in Fiscal Year 2011 the budget passed by our leadership on the House side provided $327 million less for State Department security than was proposed by the Senate, and in Fiscal Year 2012, the year of this attack, the House Republicans proposed almost $200 million less for State Department security than the Senate. So this notion that resourcing is important in keeping our diplomatic corps safe is something that was identified in the report, correct?

Ambassador KENNEDY. That is correct, sir.

Mr. CICILLINE. And finally, would you address for a moment, you know, the Department is obviously operating in very high-risk, high-threat locations all over the world, including places with a lack of clearly defined and capable security support from host nations and all of the problems that arise from that. And this raises security risks for our diplomatic corps and development experts, but also imposes particular strains on our existing resources.

And should we as a Congress begin to think differently, working with the executive, about ways that we plan and appropriately manage these requirements, sort of in the changing landscape of the really high-risk, high-threat locations that we now serve all around the world?

Ambassador KENNEDY. I think this is an effort that has to be undertaken jointly by the executive branch and the Congress. The State Department—and I believe it is outlined in my longer statement—has made changes on how we look at high-threat, high-risk posts. And I think the two things that are needed there, as was pointed out, we need to continue to work with host nations to help increase their capability through additional training of their security forces in their capital cities or other places, and we need additional appropriations. And the bill that is passed out of the Appropriations subcommittee in the House does exactly that. Because if we can construct facilities of the like that we had in Khartoum and in Tunis in the attacks that took place right after 9/11, those buildings held off the attackers and our people will remain safe.

Mr. CICILLINE. You know, it is important that we hold the terrorists responsible for this activity accountable, the State Department personnel who were relieved of their duties, but also Congress has a responsibility to fulfill our obligations in assuring that the resources are available to keep our diplomatic corps safe. And I thank you.

I yield back, Mr. Chairman.

Chairman ROYCE. We are going to go now to Mr. Steve Chabot of Ohio.

Mr. CHABOT. Thank you, Mr. Chairman.

I want to get right to some questions, but I do want to address something that has troubled me for some time. I am speaking about the hoops that this committee has had to jump through to get the facts surrounding the murders of four of our finest public servants. The State Department significantly delayed coming forth with information on this matter. When we were finally presented with some relevant data a few months ago it clearly amounted to what many would call a document dump. Thousands of pages of paper in wide disarray and in no particular order either in terms of relevance or chronology, making it very difficult to actually lo-

cate documents that were helpful. I brought this up with Secretary Clinton. She wasn't particularly responsive. You are welcome to weigh in if you would like to.

Ambassador KENNEDY. As I understand it, sir, the State Department was asked for every document that it possessed which was relevant to Benghazi. And when we receive such requests, we try to give out everything for fear, to be blunt, of being accused of holding something back. So this generates, when you have worldwide security efforts in something as complex as Benghazi, this generates many, many cubic feet of documents——

Mr. CHABOT. All right. It was a total mess and not particularly helpful. Let me go on because I have limited time. On August 23rd the State Department sent a letter to the committee which stated the ARB was "very clear that the only people responsible for the lethal attack on our special mission compound in Benghazi were the terrorists who orchestrated the attack. These terrorists must be brought to justice. The entire U.S. Government remains committed to doing just that."

Now, no one will argue who was directly to blame for the attacks that resulted in the death of those four Americans. But as the ARB and numerous congressional hearings have revealed, there are other people who need to be held accountable for the fact that the terrorist attacks succeeded. By the language of this letter, does the State Department really want us to believe that the Department's bureaucracy could have done nothing more to protect our diplomats?

Ambassador KENNEDY. That was not the finding of the ARB. And in the actions that are referenced in the August 23rd letter, sir, we are essentially reaffirming the findings and the recommendations of the ARB. Four individuals were held accountable because they were relieved——

Mr. CHABOT. All right. Well, we will get into that in a minute.

Ambassador KENNEDY [continuing]. They were relieved of their positions and one of them resigned.

Mr. CHABOT. All right. When former Secretary of State Clinton testified in January, she stated repeatedly and took responsibility for the attacks. In fact, she stated, "As I have said multiple times, I take responsibility and nobody is more committed to getting this right." Do you believe Secretary Clinton has been held truly accountable for failures under her watch?

Ambassador KENNEDY. I think what the ARB did was take from the original intent of the Congress, which established the ARB, because the Congress in the legislative history made it——

Mr. CHABOT. That is not what I asked you. I asked you if you thought that Secretary Clinton has been truly held accountable. Yes or no?

Ambassador KENNEDY. She said she was responsible, and I am not going to challenge her statement.

Mr. CHABOT. Where is the accountability, though?

Ambassador KENNEDY. There is in every organization, every Cabinet department, every agency in effect a line of authority. There are people who set the policy and there are those who then implement that policy or go back up to senior leadership and say the policy cannot be implemented.

Mr. CHABOT. All right. Let me move on. Admiral Pickering described four State Department employees as having "failed in the performance of their duties" with respect to Benghazi. Now, let me get this straight. I know this has been covered before, but I think it is very important. The only disciplinary action meted out to the four who failed in the performance of their duties was being put on administrative leave for a while, then reassigned to other positions within the State Department. Now, their benefits as Federal employees continued during that time. Of course, they are going to be subject to Obamacare, so arguably that benefit is worse. They haven't missed a paycheck. Is that about right? I mean, it seems like pretty pitiful discipline to me.

Ambassador KENNEDY. Sir, I believe that being an Assistant Secretary at any Cabinet office or being a Deputy Assistant Secretary to any Cabinet office is a senior position of grave and great responsibility. To be relieved of your position in that regard I believe is a serious act of accountability.

Mr. CHABOT. Let me conclude by saying that I think that failing to call Secretary Clinton to actually interview her was a gross oversight by the ARB and it is really almost incomprehensible that they didn't call her as a witness. You don't need to respond.

I yield back.

Chairman ROYCE. Just point of clarification, because this was brought up with Secretary Kerry when he was here. The comment that Mr. Chabot made about the documents—and this I think affects us all on the committee—we are still in a position where those documents, as you know, a copy is not made available to us. We can't copy those documents. You can go down there, somebody can see a document. But we can't make copies of them. We have asked for a set of those documents. And when we asked the Secretary of State, Secretary Kerry said that is no policy of mine when we raised our objection to this. This is one of the reasons this is ongoing, because we don't have copies of those documents. So again, we would like to have copies of the documents turned over to this committee.

Thank you, Ambassador.

We go now to Mr. Alan Grayson of Florida.

Mr. GRAYSON. Ambassador, I would like to ask you a few questions about Benghazi, the scandal that never was. Who decided that Ambassador Stevens go to Benghazi on September 11th, 2012?

Ambassador KENNEDY. It was the Ambassador's decision, sir.

Mr. GRAYSON. Now, was Secretary Clinton responsible in any way for reviewing and approving the in-country movements of U.S. Ambassadors, either Ambassador Stevens or anyone else?

Ambassador KENNEDY. No, sir. Under-departmental policy, Ambassadors only need Washington permission if they leave their country of assignment, not the capital city.

Mr. GRAYSON. Now, did the Ambassador when he went to Benghazi have a normal security detail in accordance with the State Department procedures and rules at that time?

Ambassador KENNEDY. Yes, sir. He had two Diplomatic Security special agents who accompanied him from Tripoli to Benghazi.

Mr. GRAYSON. Benghazi was a diplomatic post, not an Embassy, right?

Ambassador KENNEDY. It was a temporary mission facility, yes, sir.

Mr. GRAYSON. All right. Is it even possible to provide the same kind of security at a temporary mission facility as we try to provide at our Embassies.

Ambassador KENNEDY. We can never achieve the kind of perfect security that we need, other than a purpose-filled Embassy. We have a series of standards, and we were working through those standards. We are consistently adding. As I think in response to the gentleman from Virginia, I offered to submit for the record a list of all the improvements that we had made to the temporary mission facility in Benghazi.

Mr. GRAYSON. Was there any money that was appropriated for the purpose of improving that post that was unspent at that time?

Ambassador KENNEDY. No, sir. There was no specific money appropriated for Benghazi, we were simply taking money from other locations. But all the requests that they put forward, as I mentioned, save one, which is the guard towers, which were determined to be unnecessary and potentially too attention-getting, all of their requests were fulfilled.

Mr. GRAYSON. Now, with regard to the attack itself, approximately how long was it between the time that the attack began and the time of the Ambassador's unfortunate death.

Ambassador KENNEDY. I would say it was probably somewhere—it was definitely under 90 minutes.

Mr. GRAYSON. Now, was there any kind of military force, substantial U.S. military force close enough to even engage the attackers within that 90-minute period?

Ambassador KENNEDY. No, sir.

Mr. GRAYSON. Was there any force, even if there had been more time, that could have rescued the Ambassador, given the actual situation on the ground as it was?

Ambassador KENNEDY. Tragically, no, sir.

Mr. GRAYSON. Did the White House ever ignore any reports regarding this attack?

Ambassador KENNEDY. No, sir, not that I am aware of.

Mr. GRAYSON. Did Secretary Clinton ever ignore any reports regarding this attack?

Ambassador KENNEDY. No, sir. I personally spoke to Secretary Clinton that evening, and Secretary Clinton was being constantly briefed by our operations center all evening.

Mr. GRAYSON. If you have been the President of the United States on that night, would you have done anything different?

Ambassador KENNEDY. What I know that the President did was to say to the Secretary of Defense and the chairman of the Joint Chiefs of Staff: Do everything that you can. And I think that is probably what I would have done, was turn to my senior military command authority and tell them to do whatever was necessary, which is what he did.

Mr. GRAYSON. Regarding the Accountability Review Board report, did the Accountability Review Board find Secretary Clinton in any way liable for any kind of misconduct?

Ambassador KENNEDY. No, sir.

Mr. GRAYSON. Did the Board find the President liable for any kind of misconduct?

Ambassador KENNEDY. No, sir.

Mr. GRAYSON. Was it, in fact, within their powers to have done so if they felt that that were the case?

Ambassador KENNEDY. They certainly could have found the Secretary of State, because their charge is to review State Department operations. I am not sure that their writ legislatively, legally extended outside the State Department. But it certainly extended to the Secretary of State.

Mr. GRAYSON. Ambassador, are you familiar with the term second-guessing? Have you heard that term before?

Ambassador KENNEDY. Yes, sir.

Mr. GRAYSON. What about the term 20/20 hindsight? Have you heard that term before?

Ambassador KENNEDY. Yes, sir.

Mr. GRAYSON. And how about the Monday morning quarterbacking? Have you heard that term before?

Ambassador KENNEDY. Yes, sir.

Mr. GRAYSON. Good.

I yield the rest of my time. Thank you very much.

Chairman ROYCE. Thank you.

We will go now to Mr. Joe Wilson of South Carolina.

Mr. WILSON. Thank you, Chairman Royce, for your leadership to seek explanations for the murders of four heroic Americans in Benghazi. It is imperative that we fully understand where the systemic breakdown occurred within the State Department so that no more American Foreign Service members die while serving our country. I agree with Congressman Rohrabacher of California; there has been deceit and denial.

Mr. Kennedy, I appreciate your attendance today. At a Senate hearing previously you acknowledged that you denied an extension of a 16-person security support team, SST. Is that correct?

Ambassador KENNEDY. Yes, sir. That was the team that was based in Tripoli, not in Benghazi, sir. It was a Tripoli assignment. They were never assigned to Benghazi. And if I might—I don't want to take your time.

Mr. WILSON. No, no, please.

Ambassador KENNEDY. When we first went back into Tripoli, our Embassy had been burned out in Tripoli so we turned to the Department of Defense and asked them for assistance. Two of their officers went in with two of ours and we did a survey. We then asked for 16 Department of Defense personnel. And over the course of standing up the Embassy, those individuals worked themselves out of a job. And in fact, they sent medics, they sent communications personnel. We replaced them with State Department personnel. They sent someone to do helicopter landing zone surveys and to look for unexploded ordnance. They did their mission and, therefore, there was no mission left for them to accomplish.

There were eight, in effect, security personnel. The State Department also replaced those security personnel with personnel on the State Department rolls. However, on the night in question, even though this is Tripoli, not Benghazi, six of those positions were still based in Benghazi performing—sorry, in Tripoli, in Tripoli, excuse

me—performing other missions. And those are the six that several members have referred to. And so the six were still there.

Mr. WILSON. And indeed we are talking about people within the same country. It is just really sad to me that there was not protection given or defense to the four Americans killed. Additionally, the security support team's commander, Lieutenant Colonel Andrew Wood, testified before Congress last year the team was created "to meet the demanding security challenges facing the Department of State" and that they loaned considerable support to the State Department security position in this uncertain and volatile environment. Additionally, on October 2012, Regional Security Officer Eric Nordstrom stated that retaining the security team was a primary issue until other security resources became available.

Given this testimony, what justification do you have for the denial of the extension of the security support team, given the commander and regional security officer's belief that the team was a necessity?

Ambassador KENNEDY. It is exactly what the regional security officer said: Until other resources became available. And the State Department replaced the security part of that team with State Department regional security officers and trained other personnel that we had on the Embassy compound. So they worked their way out of a job, which is the case when we borrow personnel from the Defense Department and then we replace them with State Department assets.

Mr. WILSON. Well, it is hard to imagine they worked their way out of a job when four people died.

Ambassador KENNEDY. But that was Tripoli, sir, not in Benghazi.

Mr. WILSON. Same country.

Ambassador KENNEDY. We are not in Benghazi.

Mr. WILSON. Same country, and the availability should have been made possible. Additionally, I am very appreciative that Chairman Ed Royce has introduced an Accountability Review Board Reform Act of 2013, H.R. 1768. It is for effectiveness for future Accountability Review Boards. What is the State Department view of Chairman Royce's bill?

Ambassador KENNEDY. We have provided comments back, and I will be glad to make sure that I make a copy of that available to you, sir.

May I say one more thing about Benghazi?

Mr. WILSON. Yes, please.

Ambassador KENNEDY. If anybody had asked me to reassign the SST from Tripoli, 400 miles away, to Benghazi, I might have considered that. But since no one ever asked for that relocation, it was the question is had they completed their mission in Tripoli, and they had completed their mission in Tripoli, and no one asked for a reassignment to Benghazi.

Mr. WILSON. Regardless of the assignment, within the same country now 400 miles, I just have to tell you that I would hope that every resource, whatever it is, of any means, that it would be provided to protect American lives and American Foreign Service employees so brave and heroic.

Thank you.

Ambassador KENNEDY. I certainly agree with that, sir. Thank you.

Chairman ROYCE. We go to Mr. Juan Vargas of California.

Mr. VARGAS. Thank you, Mr. Chairman. Again, thank you for holding this hearing.

Ambassador, thank you, too, for being here. My first question is this, and you have answered partially. We did have four lives that were lost, four American heroes. And you said that we were doing everything that we could to catch the perpetrators because the perpetrators here really are the terrorists. What can you tell us today that is unclassified that we are doing to try to catch them? Because that is I think where the American people are. What are we doing to catch these murderers?

Ambassador KENNEDY. The FBI, the Intelligence Community, the State Department are doing everything it can. And unfortunately the details, sir, would have to come from my colleagues at the FBI in closed session. But they are engaged in a total effort to catch them.

Mr. VARGAS. That is I think the important thing, that there has to be a total effort. Because I think when I am back home, that is what they are asking. They see the bickering back and forth here, but they want to make sure that we are, in fact, trying to get the terrorists that committed these acts.

Ambassador KENNEDY. The President has said to State, Justice, the Intelligence Community, Defense, this is a task and we are on it.

Mr. VARGAS. Let me go then to the ARB itself. There has been a lot of criticism here of the ARB, a wall of deceit, denial. I wrote down a whole bunch of notes here. The two people who headed it were Ambassador Pickering and Admiral Mike Mullen. I remember Ambassador Pickering, of course, because he was the Ambassador to El Salvador for a while. I think he was appointed there by Ronald Reagan. I didn't agree with the policies there at the time. I was a Jesuit at the time; I did not appreciate what we were doing. But anyway, that being said, I have followed his career, and he is somewhat of a Sergey Lavrov for Americans. He was probably our most sophisticated foreign policy expert. And there has been a lot of criticism of the ARB. Could you criticize or not criticize him or this ARB report? Because I find it somewhat interesting since he was—I don't know if he was a Republican or Democrat, but he seemed to be appointed mostly by Republicans.

Ambassador KENNEDY. I mean, I think the membership including an officer appointed by the Director of National Intelligence, Ambassador Pickering with his long service under, as you note, both Republican and Democratic Presidents, Admiral Michael Mullen, who rose through the ranks to Chairman of the Joints Chief of Staff, served under Republican, Democratic Presidents, Catherine Bertini, long service in both—I believe it was in the Bush administration, at the Department of Agriculture, and at the United Nations. And so this compilation of individuals represents the full spectrum, I believe. And as I mentioned earlier, when you read the report, it is not complimentary of the State Department.

Mr. VARGAS. I did read the report. It was not complimentary. But do you think that Ambassador Pickering, then, was not up to the

task here? Is there some reason why you would criticize him and say that they picked the wrong person, this is a person that is not capable of not doing a proper ARB?

Ambassador KENNEDY. No, sir.

Mr. VARGAS. Why would you say no?

Ambassador KENNEDY. Because of his experience serving as an Ambassador, as the Under Secretary of State, as U.S. Representative to the United Nations, and in assignments as difficult as Israel, the then Soviet Union, El Salvador.

Mr. VARGAS. Is he deceitful? Is he underhanded? Is he sly? Is he any of these other things?

Ambassador KENNEDY. No, sir.

Mr. VARGAS. Let's go to Admiral Mullen. And Admiral Mullen, do you think he was someone that was competent to serve on this board?

Ambassador KENNEDY. I have had the pleasure of working with Admiral Mullen somewhat when he represented the Department of Defense and the Joint Chiefs of Staff in senior-level meetings. And I find him to be a very hard-hitting, a very intelligent, and a very reputable person.

Mr. VARGAS. Do you think he is underhanded, deceitful, sly, in any way trying to cover up here?

Ambassador KENNEDY. No, sir.

Mr. VARGAS. Why do you say that?

Ambassador KENNEDY. It is the nature of his career and the position to which he rose to.

Mr. VARGAS. Those are my questions. Thank you, sir.

Chairman ROYCE. Thank you, Mr. Vargas.

We go now to Mike McCaul from Texas.

Mr. MCCAUL. I thank the chairman.

And welcome, Ambassador.

Prior to the attacks in Benghazi and the killing of our Ambassador, there were many warning signs and many cries for help. April 6, 2012, a crude IED was thrown over the wall of the U.S. facility in Benghazi. On May 22nd, Red Cross building attacked by the brigades of the blind Sheik, the 1993 World Trade Center mastermind. June 6, the consulate was targeted by an IED attack that blew a hole in the perimeter. Credit again by the brigades of the blind Sheik. And June 11th, the British Ambassador escapes a narrow death. March 28, then Ambassador Cretz sends a cable to Secretary Clinton requesting additional assets. That cable request is denied, and a plan to scale back security is made.

Ambassador Stevens responds with a cable to Secretary Clinton requesting additional security resources. And you, sir, on May the 3rd terminated effective immediately the U.S. mission to Libya use of a DC–3 to provide logistical support to Special Forces units assigned in Benghazi. We don't know what could have been done with that on that fateful day. Ambassador Stevens responds, saying, please don't scale these assets back. And he says again in July, the overall security conditions continue to be unpredictable with large numbers of armed groups and individuals not under the control of the central government. You, sir, formally denied that request.

Finally, August 16th, a classified cable after an emergency meeting with the Ambassador, an extraordinary, not ordinary event, another request for additional security, saying the Embassy cannot withstand a coordinated attack. This final cry was not answered. Did you receive that cable, the August 16th cable, sir?

Ambassador KENNEDY. Yes, sir, I did. And if I might——

Mr. MCCAUL. I have limited time. Did you respond in the affirmative or did you decline that request?

Ambassador KENNEDY. This cable, I did not—we did not decline the request.

Mr. MCCAUL. Was additional security provided on that day, weeks before the September 11th attack?

Ambassador KENNEDY. The cable, sir, and I have a copy in front of me, it closes with, "U.S. Mission Benghazi will submit request to U.S. Embassy Tripoli for additional security upgrades and staffing needs." We never received that additional request. So there was no way I could respond to a request that had not yet been submitted.

Mr. MCCAUL. Do you know if Secretary Clinton saw this cable?

Ambassador KENNEDY. I do not believe so.

Mr. MCCAUL. Let me ask you something about a security waiver. On September 11, security at the consulate was deemed high on the State Department's threat list. But yet it didn't meet the minimum security standards as required by the Congress under the Secure Embassies Construction and Counterterrorism Act. Somebody at the State Department waived these standards known as the Inman standards for our presence in Benghazi. Do you know who waived those standards?

Ambassador KENNEDY. It wasn't the Inman standards, sir. The Inman standards only apply to buildings that we build. What I believe we are talking about here, sir, is what are called the OSPB, the Overseas Security Policy Board standards. These are the standards that we were using in Benghazi. But since we had to move in Benghazi and we did not have time either to build a new building or to take the months that it takes to retrofit, we took the Overseas Security Board standards as our goal. And as I mentioned in response to Mr. Connolly, we were running down those standards, adding additional items every day.

Mr. MCCAUL. Well, I have a memo that was sent to you from your staff saying that we needed to bring the facility up to an acceptable standard, to you, Mr. Ambassador. I don't know what the action was. Apparently it was not approved.

I would like to enter this memo, Mr. Chairman, into the record.

Chairman ROYCE. Without objection.

Mr. MCCAUL. Finally, I have got limited time. I have talked to sources on the ground that fateful day when the Marines were deployed from Rota, Spain, into Tripoli and were asked to deplane and change into civilian clothing and that that mission was delayed by several hours.

First of all, why wasn't this plane with Marines that could respond possibly in a timely manner sent to Benghazi? Why wasn't that done? And then, secondly, since it was sent to Tripoli, why was it delayed by hours so that they could deplane and change into civilian clothing?

Ambassador KENNEDY. First of all, by the time the Marines were mustered and that plane was on route, we had already evacuated our personnel and we had closed our facility in Benghazi. So there was no purpose of them going to Benghazi because there were no Americans left there.

Mr. MCCAUL. So the plane had gone straight from Rota to Benghazi, in the 8-hour span of the attack, you are saying to me that they could not have responded in a timely manner?

Ambassador KENNEDY. The plane, sir, was moving to Tripoli on the 12th, not on the night of the 11th.

Mr. MCCAUL. Let me conclude that I think more people, higher-ups, should be held accountable for what happened that day.

Chairman ROYCE. We are going to go now to Mr. Joseph Kennedy.

Mr. KENNEDY OF MASSACHUSETTS. Thank you, Mr. Chairman.

Mr. Ambassador, thank you for your service and for testifying today. If you needed a second to respond or to finish the question, I will give you that time.

Ambassador KENNEDY. If I could add just two things to what Mr. McCaul asked. First of all, on the DC–3. The DC–3, sir, there was not in support of the Special Forces detachment. When we opened first in Benghazi and then later relocated to Tripoli there was no commercial air service available at all into Libya. No commercial air service. So we pulled an aircraft from Afghanistan and it was running shuttles into Iraq. It was never based there, it was based in Malta at that point. When commercial air service was established there was no longer a need for that aircraft. So it had nothing to do with support of the Special Forces, except when they came into Tripoli the first time they flew that plane in.

Mr. KENNEDY OF MASSACHUSETTS. Thank you, sir. Thank you, Mr. Ambassador. And again thank you for your service. I want to just begin by recognizing the memory of four brave Americans who did give their lives in service to our country that day and say that I think the best thing we can do is, obviously, ask some very tough questions about what happened, why it happened, and what we can do to try to move forward.

In that vein, if there are reforms that need to be made to our Embassies or our foreign policy and to the ARB process, we should make them. But the focus should be on lessons learned and moving forward, not focusing on perceived imperfections with and assigning political blame for the highlights of the day.

And to that end, Mr. Ambassador, I was wondering if you might be able to enlighten me. I believe the ARB process began in 1986 after legislation was passed. Is that right?

Ambassador KENNEDY. That is correct, sir.

Mr. KENNEDY OF MASSACHUSETTS. And, sir, do you know how many ARBs have been convened since then?

Ambassador KENNEDY. The count is either 18 or 19, depending on whether you count the Dar es Salaam and Nairobi as either two or one.

Mr. KENNEDY OF MASSACHUSETTS. And, sir, if we are going with that 18 figure, how many of those were under Republican Presidents? Figure 13 sound okay?

Ambassador KENNEDY. I will accept that figure, sir.

Mr. KENNEDY OF MASSACHUSETTS. Two under Ronald Reagan, Honduras and Greece; three under the first President Bush, Philippines, Bolivia, and, Peru; eight under the second President Bush, Jordan, Gaza, Iraq, Saudi Arabia, Iraq, Iraq, Pakistan, Sudan.

Ambassador KENNEDY. That sounds correct, sir.

Mr. KENNEDY OF MASSACHUSETTS. And, sir, do you have any idea during the course of this time of any major reform efforts that were done, initiated by Congress of the ARB process?

Ambassador KENNEDY. No, sir.

Mr. KENNEDY OF MASSACHUSETTS. Okay. So, now, sir, if I can, turning to the witnesses, there have been a number of questions today about which witnesses were and weren't called. Did you have any influence over which witnesses were called to testify over the ARB process?

Ambassador KENNEDY. No, sir. Once the ARB started, my only contact was to be a witness.

Mr. KENNEDY OF MASSACHUSETTS. Did Secretary Clinton have any influence over who was called to testify before that process?

Ambassador KENNEDY. No, sir.

Mr. KENNEDY OF MASSACHUSETTS. Did the administration attempt to influence that process in anyway?

Ambassador KENNEDY. No, sir.

Mr. KENNEDY OF MASSACHUSETTS. Okay. Now, moving forward, you had mentioned, and it is been referenced several times today, 29 different recommendations that the ARB found and recommended to State Department to try to implement, and you have broken that down to I believe it was 64 different action steps. Which, given that the focus I believe should be going forward what can be done to protect our diplomats as we are asking them to represent the United States in continually volatile areas of the world, what are the highlights, where should Congress be focused? If it is financially, where should those resources be directed? If it is through policy, what are those policies? If you can do that in a minute.

Ambassador KENNEDY. I think the two most important things are the ARB's recommendation that there be capability of funding to construct new Embassies of the character and the quality of, say, a Tunis or a Khartoum, Sudan, which were able to withstand attacks until either our own military forces can arrive or until host nation forces muster and do that. And secondly is the issue about additional local guard capabilities.

Mr. KENNEDY OF MASSACHUSETTS. Mr. Ambassador, I see in your testimony that you indicated that such an Embassy could take up to 4 years to site, plan, construct, and finish. Is there ways that we can speed that process up? Is that delayed because of bureaucracy? Trying to spend 4 years to build an Embassy seems like a long time.

Ambassador KENNEDY. That, sir, is the entire from finding the land—and you have to buy land overseas for this—through a complex process. An Embassy is not just like any old office building, as you can imagine, because of the security, both technical and physical, we build into the physical plant, and that simply takes longer, sir.

Mr. KENNEDY OF MASSACHUSETTS. Thank you.

Thank you, Mr. Chairman.

Chairman ROYCE. Thank you. We now go to Mr. Poe of Texas.

Mr. POE. Thank you, Mr. Chairman.

In its report of the attack, the Accountability Review Board found that there was "unsatisfactory leadership performance, systematic failures in leadership, and management deficiencies at senior levels." It would seem to me in the normal world, which would be outside of government, if somebody reviewed a business or an entity and found that there were deficiencies and lack of leadership and lack of accountability, somebody would face the consequences. They would see the music. But not so with the government, especially the State Department. Four junior employees were placed on leave in December for their actions and their judgments related to Benghazi. But Secretary Kerry, when he came in, he said, oh, it is okay, come on back. In fact, Elizabeth Dibble has been promoted to Deputy Chief of Mission in London. No one has been held accountable for, as I have quoted the Accountability Review Board, "unsatisfactory leadership performance."

And in this case it is not just like missing a memo. People have died. I know there are those in the administration who says that was a long time ago. But to those four families it was a death of four individuals. And when you mess up in leadership like this and people die it would seem to me somebody has to be, if we can use the word, punished for that. But no one has been punished at all in this situation.

And then you look on the other side. To quote the President, here is what he said: "My biggest priority now is bringing these folks to justice." Okay. That is what he said a year ago. "My biggest priority now is bringing these folks to justice." It would seem to me that the President should be just as concerned about Americans dying in Libya as he is about Syrians dying in Syria. That seems to be the priority now, not bringing these folks to justice, because they haven't been brought to justice.

My background is as a prosecutor and a judge. I have seen a lot of cases made by a lot of law enforcement, and you are here and you have told us, I can't tell you what the FBI, the DOD, and all of our intelligence agencies are doing to capture the bad guys because I assume it is classified. Well, after a year, we can't find these people, but yet a CNN reporter can go to Benghazi at a hotel, at a coffee shop and have coffee with the suspected ringleader who has been indicted by our Government. Maybe the FBI ought to just ask the CNN reporter, how did you get ahold of this guy? Why don't we bring him back? I am skeptical, and people I represent are skeptical about the administration, the State Department, and the FBI not bringing these killers to justice.

My question to you: Do you believe Ansar al-Sharia was responsible for the attack on the Benghazi mission?

Ambassador KENNEDY. I think that is one of the questions that is still being sorted out. It is possible that it was. It is possible it was them and others. That is being sorted out.

Mr. POE. Do you think they were involved?

Ambassador KENNEDY. This was——

Mr. POE. You are the guy that should know. Do you think they were involved or not?

Ambassador KENNEDY. I know that this was a terrorist attack. And it doesn't matter to me whether it was Ansar al-Sharia or Al Qaeda or whoever. These were terrorists. And whatever organization they belong to, they are enemies of the United States and they must be brought to justice.

Mr. POE. Do you think Ansar al-Sharia should be named as a foreign terrorist organization?

Ambassador KENNEDY. That is not in my domain.

Mr. POE. You have not thought about that. Okay.

Ambassador KENNEDY. But I will take the question back to my colleagues.

Mr. POE. Well, it would seem like you would want to know what group was involved, and it doesn't make any difference to you. But do you believe it was terrorists that were involved in this murder.

Ambassador KENNEDY. I didn't say I don't care who was involved. I am saying that there were clearly a range of individuals who attacked our facility that night, and they were terrorists.

Mr. POE. And you will get back with me on whether you think the Ansar al-Sharia should be a——

Ambassador KENNEDY. I will be glad to take that question.

Mr. POE. You are aware, of course, on September the 12th, our time, they claimed responsibility for this, the next day, the next morning.

Ambassador KENNEDY. Yes. And then someone else claiming to be Ansar al-Sharia withdrew that claim.

Mr. POE. But at the end of the day, here we are. Nobody has been taken out, nobody is in custody, nobody is in jail, and on the side of the State Department, nobody is in jail, accountable for the murder. So whether it is the people who were responsible for the killing or the people who may have made mistakes about the administration of this, nobody is in custody.

Last question. Have people in the—may I ask the question, Mr. Chairman?

Chairman ROYCE. I am afraid your time has expired, Mr. Poe. But——

Ambassador KENNEDY. Mr. Chairman, can I respond to the previous question?

Chairman ROYCE. Well, I am going to suggest that we go now to Lois Frankel. And, Mr. Poe, if you want to pass your question down to one of the other members on the committee, I am sure they can ask it.

And, Ms. Frankel, if you want to allow the Ambassador to respond, I am sure he can do it. But we are going to stick to the clock. And we go now to Lois Frankel of Florida.

Ms. FRANKEL. Thank you, Mr. Chairman. Thank you for your very gracious way of handling these meetings.

Mr. Kennedy, Ambassador, thank you for your service. And, please, if you want to answer.

Ambassador KENNEDY. In response to the last question, Congressman, I believe that individuals of the State Department were held responsible. Being a Deputy Assistant Secretary of State or an Assistant Secretary of State is not, I humbly submit, sir, being a junior employee. Those are senior positions in the State Department. And for one of those individuals to resign as the Assistant

Secretary and then all of them be relieved of their responsibilities is a serious act of accountability, to be relieved at that level.

And, secondly, Benghazi has taken, even since the events of 9/11, has taken a serious turn for the worse. Yes, they will let journalists in, but they are not letting U.S. law enforcement in to arrest people there because the Government of Libya is not in control to that degree.

Ms. FRANKEL. Thank you, sir. First, I wanted to start by saying I know everybody here shares the grief of the families who lost their loved ones in this tragedy. And I think we all recognize that it is in a large part the work that our diplomats do that plays a role in securing the freedoms that we enjoy, including this discussion which, with great respect and fondness for my colleagues, I don't concur in some of the tone.

With that said, I want to thank Mr. Joe Wilson and Mr. Dana Rohrabacher and, of course, our chair that allowed me to visit—Mr. Rohrabacher, we visited NATO, and I went with Mr. Wilson to AFRICOM. And I want to say that we did have discussions with the highest military commanders about Benghazi. And they were all unanimous in saying that there was no military action that they thought could have saved the day once attack began, which I think is what you did state to us.

We keep hearing that no one is being held accountable. But I do want you to clarify one particular point, which is, did the ARB, did they conclude that no individual had breached their duty? Was that a finding?

Ambassador KENNEDY. That is correct, Congresswoman. The ARB said that two individuals had not carried out their responsibilities in the way they could, but they did not find a breach of duty. And what Secretary Kerry's decision was, was to validate the ARB's decision, but actually go farther than the ARB's decision and relieve all four of their senior-level positions.

Ms. FRANKEL. And I don't want anyone to forget, and I think we all understand that the responsibility, the sole responsibility, as ARB said, for this attack was on terrorists. Is that correct?

Ambassador KENNEDY. Yes, ma'am.

Ms. FRANKEL. And I think you told Mr. Grayson that Mr. Stevens could move freely about in Benghazi in order to do—he was moving freely about in order to do his job.

Ambassador KENNEDY. Yes. Yes. He was authorized as an Ambassador to go to any location in his country of assignment without Washington approval.

Ms. FRANKEL. And, of course, an attack could have taken place out in the field.

Ambassador KENNEDY. That is correct. And there is an inherent danger to being a United States representative.

Ms. FRANKEL. So my final question to you is, just what have we learned from this that helps us assess when the conditions are just too dangerous for a diplomat to remain?

Ambassador KENNEDY. Our position is—and this is something that we are constantly enhancing—is every day we review the threat levels at all posts in the world, not only the highest threat posts. And if we reach a point where we believe that the mitigation

tools that are available to us cannot lower that threat level down, then we close the post.

If I might offer you one example. We were in Damascus, Syria, continuing to operate there several years ago. We kept monitoring the situation. And one morning my Diplomatic Security colleagues and I concluded that, given the situation on the ground in Damascus, we could no longer mitigate the risk sufficiently. I went to see the Secretary of State, and she instantaneously gave me approval to suspend operations in Damascus and pull out our people. If there is intelligence or any other information available to us, that our mitigation strategies are no longer valid, then we suspend operations and remove our people.

Ms. FRANKEL. Thank you, sir.

Chairman ROYCE. All right. We are going to Mr. Jeff Duncan of South Carolina at this time.

Mr. DUNCAN. I yield some time to the gentleman from Texas.

Mr. POE. I thank the gentleman.

One question, Mr. Ambassador. Has any State Department employees ever been asked to sign nondisclosure agreements after the Benghazi attack?

Ambassador KENNEDY. Not that I am aware of, sir, no.

Mr. POE. So you don't know whether they have or they haven't.

Ambassador KENNEDY. The State Department does not use nondisclosure agreements.

Mr. POE. So that is a foreign concept to you, nondisclosure agreements, with the State Department?

Ambassador KENNEDY. Well, obviously, we do sign agreements not to disclose classified information to individuals who do not have classified access. But that is different, I believe, than the thrust of your question. You are asking me did we put into place specific nondisclosure agreements after Benghazi, and I do not believe we did so, sir.

Mr. POE. Classified or nonclassified?

Ambassador KENNEDY. No, no, sir.

Mr. POE. I yield back to the gentleman from South Carolina. Thank you.

Mr. DUNCAN. I thank the gentleman from Texas for an excellent line of questioning and points made about Americans being dismayed that no one has been brought to justice in Benghazi, the perpetrators, nor has anyone been brought to disciplinary action other than a slap on the hand within the Department of State. That needs to happen. Just being removed and reassigned to another position is not justifiable. People need to lose their jobs over the failures that were admitted to here today, were pointed out in the ARB report.

And I want to thank the gentleman for mentioning and acknowledging that it was a terrorist attack. That is more than the former Secretary of State was willing to do, sitting in that very chair, Mr. Under Secretary.

A lot of questions remain about Benghazi, questions that won't be answered today, but questions that need to be asked. What was Ambassador Stevens doing in Benghazi on 11 September? Did he have a dinner or a meeting with the Turkish officials? What was

the substance of those meetings? Was it funneling arms from the Libyan rebels to the Syrian fighters through Turkey?

A great impact on regional security has been the proliferation of shoulder-fired missiles or MANPADS, Man-Portable Air-Defense Systems, leaking out of Libya since weapon depots were heavily looted during Libya fighting. Out of Libya's 20,000 MANPADS inventory, how many are accounted for today? How many had been recovered under that mission going on in Benghazi? And how many were stored in Benghazi that ultimately fell in the hands of the Libyan rebels and possibly Al Qaeda? Can you answer that question?

Ambassador KENNEDY. I will have to get you that information for the record, sir. I don't have that with me.

Mr. DUNCAN. Okay. The question that I have is, who knew what and when? You are familiar with the term NOIWON, sir?

Ambassador KENNEDY. Yes, sir.

Mr. DUNCAN. Okay. For the committee, that is a secure telephone conference call system between major Washington national security watch centers. It is used for rapid evaluation of a breaking crisis. Was there a NOIWON initiated by the State Department on or prior to 11 September, 2012?

Ambassador KENNEDY. I believe there was. I know there were massive interagency telephone calls going on. I can check that. But I know that I was on numerous calls with officials from other U.S. Government agencies.

Mr. DUNCAN. I appreciate that. I am specifically talking about NOIWON. So I am going to make a formal request to you and the State Department today for the activity logs of the Department of State, its op center, and its Bureau of Intel and Research for any NOIWON activity prior to and during the 9/11/2012 timeframe for Libya and specifically Benghazi. I want to know who was on the call and what the substance of the call was. And we will put that in writing to you as well.

There are so many questions that need to be asked and answered about the disciplinary action at the Department of State. Is it true that you required a daily report of the personnel in country and that you personally approved every official American who went to Tripoli or Benghazi either on official business or assignment or a TDY?

Ambassador KENNEDY. I set a cap for the number of personnel who were to be in Benghazi, and we controlled, because it was a post with——

Mr. DUNCAN. But did you require a daily report on all the personnel in country?

Ambassador KENNEDY. I don't believe I got a daily report. I never remember getting a daily on everyone in country. I would get questions from time to time about adding or subtracting personnel.

Mr. DUNCAN. Just the limited time. Gregory Hicks, former Deputy Chief of Mission at Embassy Tripoli, noted that in his testimony before. So my question is, do you require that for every country or was this is an obsession with Libya at that point in time?

Ambassador KENNEDY. At certain posts which are either under evacuation or ordered departure status, we keep track down to the single number.

Mr. DUNCAN. And I can see the merit there. So I am out of time. You will reply to my request on NOIWON.

Ambassador KENNEDY. Absolutely. And as you say, you have other questions. I would be glad to come see you or any other member of the committee individually and engage in a fuller discussion.

Chairman ROYCE. We appreciate that. We also would appreciate those documents because we don't know what legal standing you have not to turn them over to us. Thank you, Ambassador.

Now we are going to go to Mr. Brad Sherman of California.

Mr. SHERMAN. Thank you, Mr. Chairman.

There are three regrettable things with regard to Libya. First and most regrettable, we lost Ambassador Stevens and three others. We were in Benghazi at a time when it turned out not to be safe to be there on that day. Second, there was what I call talk show error as to the reason that the attack took place. And then, third, we haven't been able to bring the culprits to justice.

The gentleman from Texas points out that, well, CNN was able to talk to some terrorists in Libya, so why can't we. I will point out, very often terrorists make themselves available in clandestine meetings with American journalists. Daniel Pearl was in just such a situation; it turned out the terrorists killed him. But terrorists may allow themselves to come into contact with journalists while hiding from our military.

Has the Libyan Government authorized us to take kinetic action against terrorists in Benghazi if we believe that they are responsible for the death of Ambassador Stevens?

Ambassador KENNEDY. We are working very, very closely with the Government of Libya.

Mr. SHERMAN. Can you give me a yes or a no?

Ambassador KENNEDY. Let me take that question for the record, sir.

Mr. SHERMAN. I would sure like to know the answer. Take for the record usually means never get an answer. Because I will point out that we were holding over $25 billion of Libyan assets. I and others urged that that money be held on to at least to cover our costs. Had we done so, we might have a little bit of leverage with Libya. Right now all we have is the gratitude of the Libyan Government, which wouldn't exist without us. That gratitude seems to be insufficient for you to be able to give me a positive answer. These are murderers of Ambassador Stevens and you can't tell me whether we have the right to bring them to justice should we be able to locate them and determine who is guilty.

Now, as to the talk show error, I will simply point out that at my town halls, if you had to ask anybody which State Department person is responsible for stating on talk shows, for the fact that it was stated on talk shows that this was caused by a bad movie or a YouTube video, they would say, well, I turned on the TV, I saw Susan Rice. It turned out the statements she was making were not accurate. I don't think there is anybody who observes Washington politics who doesn't think Susan Rice has paid a price for the fact that those were the talking points she was given. And all of us who have to rely on others for the talking points we have know that it is our face that is there and if I make mistakes based on my staff,

it is the voters who will not allow me to have an office. I think Susan Rice has paid a price.

Now let's talk about the most critical decision, and that was the decision to have Ambassador Stevens there. As I understand it, Ambassador Stevens was not just the authorized Ambassador, he was probably in the State Department the person most knowledgeable about Libya. Is that generally correct?

Ambassador KENNEDY. I think so, sir. He had served before as the Deputy Chief.

Mr. SHERMAN. So if we had to have one person in the State Department decide whether to take the risk, Ambassador Stevens was equipped to do so; he was a hero, he knew the risk that he was taking. Now, all of us, every time a soldier goes to try to take a hill, they don't know whether it is a 1 percent risk or a 99 percent risk, but they know it is a significant risk of their life. Ambassador Stevens knew he was risking his life. He was a hero in that he put his job first. And now we come back and say, well, with hindsight, it turns out to be a bigger risk than the Ambassador should have taken.

Was there any pressure on Ambassador Stevens to go to Benghazi or to go to Benghazi knowing the number of security personnel that he would be taking with him?

Ambassador KENNEDY. No, sir. We put no pressure on Ambassador Stevens to go——

Mr. SHERMAN. So he knew where he was going, he understood—it is very hard to understand Libya—but he understood as well as anybody in our government. He understood the number of security personnel that were already there. He understood the number of CIA personnel that were already there. He understood the number of security people he was taking with him. He understood Libya as well as possible. He decided to risk his life in the service of his country. And then we are told nobody paid a price for the decision to take that risk. I think Ambassador Stevens paid a price for his heroism. And it is very hard for me to say that there was anybody outside Libya who made the decision or should have been making the decision as to whether Ambassador Stevens went to Benghazi that day. Do you have a comment on that?

Ambassador KENNEDY. No, it is the job of an American Ambassador to go into harm's way. We try every day to mitigate that risk to the maximum extent possible. But it is inherently dangerous, as you say, sir.

Mr. SHERMAN. Thank you.

Chairman ROYCE. We will go to Adam Kinzinger of Illinois.

Mr. KINZINGER. Thank you, Mr. Chairman.

Mr. Ambassador, thank you for being here. We appreciate it. I appreciate your service to your country. I also thank, you know, soldiers all around the globe for their service to their country and especially for those that were involved in this incident.

And, you know, one of the things soldiers and airmen like I am are always taught is that your country will always be there. As I have said earlier, that your country will move heaven and earth to ensure that you will be protected, to ensure that if you find yourself under attack they will come and get you.

I heard a colleague earlier mention that, you know, we need answers. This isn't about exploiting this for political gain. Somehow implying that, you know, our side of the aisle is just interested in embarrassing the administration and just gaining in politics here. I take a huge exception to that. And I have to get this on the record. Because when four Americans die, and I see that there was 7 hours before a first and a second attack, and I know that there were military assets nearby that within 7 hours could have responded, and I hear the Department of Defense even come out and say, well, we never could have made it by the 7th hour, but they had no idea that attack was coming. And hopefully they didn't know that second attack was coming or there would be a whole line of questions about why there weren't assets in place in the first place. But when I hear that it really bothers me, because my belief as an airman, as a pilot myself, and as just a member of the military, is that when people die and when there is not a serious military response, I would hope that if I was in that situation, the House Foreign Affairs Committees would keep having hearings for a year or two until they found out what really happened. So I think that is important.

You also mentioned earlier, too, that it doesn't really—and I know what you meant, but you said it really doesn't matter who did it, just that was done, it was terrorism. I think it does matter, I think we need answers on that because ultimately it gives us a blueprint on who we need to kill or capture, which I think is very important. And I hope that that is done.

I had another colleague earlier that asked you if there was any force nearby that could have responded between the beginning of the attack and by the time Ambassador Stevens was killed, and you said no, and that is probably true, there was about a 90-minute lag. Again, there were three other Americans that died 7 hours later.

You also mentioned that the nearest military assets were in Djibouti. I have been to Djibouti as a Congressman. It is an important base and I appreciate that. Are you familiar with Aviano Air Base, sir?

Ambassador KENNEDY. I am, sir. And if I said, the reason I cited Djibouti is that is what the Defense Department has told me. So that is not—I am quoting——

Mr. KINZINGER. Okay. I got it. I am sure they are aware of Aviano as well.

Ambassador KENNEDY. Yes, sir.

Mr. KINZINGER. But it is 1,049 miles away from Benghazi direct flight. Those are F–16s, by the way. They can kind of haul. Dallas to Washington, which you mentioned, I think is 1,330 miles away. So actually Aviano is closer. And there is something that we can do called a show of force in which a plane comes in, flies very low, and scatters an enemy. And I have always wondered why in 8 hours we couldn't have made that happen.

Now, the question on the SST. You made the decision to terminate the SST, I believe, and that was as of August 2012. Now, you testified today, I believe, that there was a replacement to the SST, correct? So that was not a loss of capacity?

Ambassador KENNEDY. That is correct. The State Department replaced the capacities, and six of the billets that were part of the 16 remained in country.

Mr. KINZINGER. And they were based out of Tripoli.

Ambassador KENNEDY. They were based in Tripoli.

Mr. KINZINGER. Ultimately responded to Benghazi. So was there movement during the attacks from the replacement team to Benghazi?

Ambassador KENNEDY. Yes, sir, they did.

Mr. KINZINGER. And how did they get there? Did they charter an aircraft?

Ambassador KENNEDY. Charted an aircraft.

Mr. KINZINGER. Didn't we have a DC–3 that they could have hopped on?

Ambassador KENNEDY. No, the DC–3 was—it was no longer there.

Mr. KINZINGER. Why not?

Ambassador KENNEDY. But the DC–3 was never based in Tripoli. The DC–3 was based in Malta. And so when we would have had——

Mr. KINZINGER. But our prior SST would have utilized that DC–3, correct?

Ambassador KENNEDY. No.

Mr. KINZINGER. Who would have? Who is flying that? Not who is flying it, but what are we using it for?

Ambassador KENNEDY. The DC–3, in effect, ran a shuttle between the commercial airport in Malta and Tripoli before there was any commercial airline service established. Once commercial airline service was established, U.S. Government personnel moved between——

Mr. KINZINGER. Thank you. But we had to charter an aircraft to get that replacement team into Benghazi. And how long did that take, do you know?

Ambassador KENNEDY. I can look. I can look at the timeline.

Mr. KINZINGER. Okay, it took X amount of time. But they were able to respond in time—or they were able to respond, definitely, not probably in time. It is interesting that chartering an aircraft can actually be done faster than the military can have an aircraft on alert and respond to Benghazi in a short amount of time with F–16 power. So I thought that was interesting.

Thank you for your testimony.

Mr. Chairman, I will yield back.

Chairman ROYCE. Thank you.

We go now to Randy Weber of Texas.

[Video shown.]

Mr. WEBER. You remember that, Mr. Ambassador?

Ambassador KENNEDY. I don't ever remember hearing the commercial, but I am well aware of it, sir. Yes, sir.

Mr. WEBER. Who didn't answer that call that night?

Ambassador KENNEDY. I believe that the call was answered, sir.

Mr. WEBER. Who didn't keep Mary Stevens'—that is Chris Stevens' mother's son—safe? Are you convinced that we have gotten to the bottom of who is accountable?

Ambassador KENNEDY. Yes, sir, I am.

Mr. WEBER. Would you like the task of going to Mary Stevens and explaining to her that four people getting reassigned is paying a price?

Ambassador KENNEDY. Sir, they were not reassigned. They were relieved of their senior-level positions. That is a serious disciplinary action.

Mr. WEBER. You said in your remarks that you presented to us, on page 6, that under the Vienna Convention of 1961, I am quoting you now, "We do our part." And you kind of intimated, where necessary, "sending Marine security guards." Who didn't send the Marine security guards into Benghazi?

Ambassador KENNEDY. We had at that point, we and the Department of Defense had only enough personnel to deploy 152 Marine security guard detachments and we had 285 posts.

Mr. WEBER. Do you think that that is an acceptable explanation to Ms. Mary Stevens?

Ambassador KENNEDY. It is the facts, sir. And it is also part of your helping us get the additional funding that is allowing us to increase security.

Mr. WEBER. You answered the question. On page 9, you also said regarding the ARB recommendations, and I am quoting you, the Department has "created a Deputy Assistant Secretary for High Threat Posts." And then you intimate, who undoubtedly will send Marines. Well, if the ARB has asked for a new post, whose responsibility was that before Benghazi happened? If we have created a post just to do that, whose responsibility was that? And then you went on to say that you believe it was everybody's responsibility, security was everyone's responsibility.

Ambassador KENNEDY. That is correct, sir, I did say that.

Mr. WEBER. Okay. So in the report you agreed with the fact that there are those who are—you say that were held accountable. I call it reassignment. I don't recall your question. Was anybody denied pay or benefits of those four?

Ambassador KENNEDY. What the Secretary of State was carrying out is a review, and under the American system of fairness, we do not, in effect, find someone guilty until the review is complete.

Mr. WEBER. You said actually, I am quoting from you earlier, you said, "That is an essential element of American fairness." That is what you said sitting in that chair. But let me tell you this: The American public expects that an essential element of fairness is that we get to the bottom of this and someone is held accountable. You said that the ARB report, and I am quoting what you said here today, is that no one had a breach of duty.

Ambassador KENNEDY. That is what the ARB found, sir. That is what the statute——

Mr. WEBER. Yet you just sat there and retestified that security was everyone's responsibility. What is the difference between responsibility and duty?

Ambassador KENNEDY. I don't see a difference.

Mr. WEBER. So there was a breach of duty then.

Ambassador KENNEDY. No, sir.

Mr. WEBER. There was not a breach of duty in your opinion?

Ambassador KENNEDY. No.

Mr. WEBER. And you would be okay explaining that to Mary Stevens?

Ambassador KENNEDY. I believe, sir, that there was no breach of duty. The ARB found that and I concur——

Mr. WEBER. I am almost done here, Mr. Chairman.

I would submit to you, Ambassador, that it is Congress' duty, your duty, to get to the bottom of this and someone is held accountable. And if we don't do that, then we, in essence, have had a breach of duty.

Mr. Chairman, I yield back.

Chairman ROYCE. We go now to Scott Perry of Pennsylvania.

Mr. PERRY. Thank you, Mr. Chairman.

Ambassador, thank you for being here. You are in an important position. I am sure you are busy. You are the Secretary for Management, correct, Secretary for Management? Under Secretary——

Ambassador KENNEDY. Under Secretary for Management.

Mr. PERRY. Yes, thank you for the correction. Would you help a friend if a friend were in trouble?

Ambassador KENNEDY. Absolutely.

Mr. PERRY. Okay, so I just want to point out for the record that the Secretary had a hand in appointing four of the members of the ARB, and according to your previous testimony and answers to the chairman that you made recommendations regarding those positions or those potential appointees. No question regarding that. Do you read your emails when a crisis situation is occurring?

Ambassador KENNEDY. I read every email before I go home in the evening, sir.

Mr. PERRY. All right, thank you. Should the State Department, excepting issues of national security or operational security or classified information, be generally transparent? Should the Department of State be generally transparent, excepting those issues?

Ambassador KENNEDY. Absolutely.

Mr. PERRY. All right. And should Foreign Service and military servicemembers have an expectation that the U.S. Government is going to do everything it can to ensure their personal safety?

Ambassador KENNEDY. Absolutely.

Mr. PERRY. So when did you know based on solid intelligence that the rhetoric your agency and the administration was telling the American people and the world was incorrect? When did you know that?

Ambassador KENNEDY. After the television talk shows.

Mr. PERRY. Well, they went on for weeks, so can you be specific?

Ambassador KENNEDY. The information that Ambassador Rice used on those television talk shows was based on information provided——

Mr. PERRY. Okay, so you are not going to be specific. I am holding up, and I am sure you won't recognize this. First of all, you are far away, with all due respect. But second of all, this is a transcribed copy of an email in which you are included and it is as of 12:46 or quarter to 1 on the 12th, so a day later, in which Ansar al-Sharia is noted by Assistant Secretary Beth Jones. So at that point, per your testimony, you knew by that afternoon, since you read your emails at the end of each day to be sure, that you knew at that point.

What did you do——

Ambassador KENNEDY. If I might, sir, Ansar al-Sharia—later a spokesperson from Ansar al-Sharia said they were responsible.

Mr. PERRY. I understand that. But at that moment—that is later—but at that moment, at that moment you knew——

Ambassador KENNEDY. The next day they withdrew.

Mr. PERRY. But at that moment you knew. What did you do? What did you do? You are a manager. What did you personally do to set the ship straight on the talking points and the message that was going out to the American people and the world? What did you do?

Ambassador KENNEDY. I knew at that point that Ansar al-Sharia's spokesman had withdrawn that claim. And I am, as you said rightly, sir, I am a management officer at the State Department. When you get complex issues like responsibility claims——

Mr. PERRY. When the government of the country understands and recognizes it was a terrorist attack, and you already said in this committee hearing, in this chair, in this hour that you recognized it as a terrorist attack, and you don't do anything to change it.

Ambassador KENNEDY. The collectivity of the Intelligence Community concluded what they concluded.

Mr. PERRY. That it is a terrorist attack. And for 3 weeks your administration, your Department put out to the American people that it was not. It was a spontaneous eruption of a demonstration. Let me move on.

You are a manager. Again, you are a manager so you can get things done. You are at a high level. Why must this committee transcribe—this is an email to you, it is not an email form—why must we transcribe all the information that we get? Why can't we get it and get copies of it? We will make the copies of it. Why can't we? Why must we subpoena it? Why aren't you forthcoming, you personally?

Ambassador KENNEDY. The chairman has already——

Mr. PERRY. I am asking you.

Ambassador KENNEDY. The chairman has already posed that question and I have taken the question.

Mr. PERRY. And what was your answer? What are you doing about it?

Ambassador KENNEDY. I am taking the question back to the State Department, sir.

Mr. PERRY. But you are in a position of managing. What are you going to do? Instead of taking the question, what are you going to do to answer it right now?

Ambassador KENNEDY. I am telling you, sir, that I am taking the question.

Mr. PERRY. Listen, I don't want to point fingers and it has been alleged here. I am not here to point fingers. But I think it is abundantly clear after a year to the American people what is happening here. This administration, and your Department in particular, are stonewalling. They don't want to give up the information. They have been doing that since this began. They actively misled at the time and continue to mislead now regarding the facts. We just want the facts.

It is apparent that the information that came out regarding the talking points did not comport with the President's narrative, did not comport with the President's narrative in election time with a Presidential election looming, and so they had to be changed. That is apparent. It is also apparent that the administration continues to hide this fact from the American people.

And with regard to Foreign Service officers, it is apparent that if that happens again and it does not fit with the President's narrative, they will be left to be killed, sodomized, and have their bloody bodies drug through the streets for all the world to see instead of having this administration find out what really happened.

Thank you, Mr. Chairman, I yield back.

Ambassador KENNEDY. Mr. Chairman, may I respond?

Chairman ROYCE. Yes.

Ambassador KENNEDY. Sir, I have been a Foreign Service officer for 40 years. We do everything we can, as I have outlined here, to attempt to mitigate the risk to our personnel overseas. But being a diplomat is an inherently risky activity. I cannot, nor can any of my colleagues, nor can I believe that anyone can end that risk. We do everything we can to mitigate that risk, but we cannot end the risk.

Chairman ROYCE. We are going to Mr. Trey Radel from Florida.

Mr. RADEL. Thank you, Mr. Chair.

Could you tell me about the—we know that the four people are relieved of their senior positions. They essentially get reassigned somewhere else. Can you tell me what—you got Ray, Eric, Scott, Charlene who are the four here—what are they doing today?

Ambassador KENNEDY. One of them has been reassigned to a lower-level position in the Bureau of African Affairs, one is the Director of the Office of Foreign Missions, and the other two are in the process of being reassigned to positions of lesser responsibility with no worldwide purview.

Mr. RADEL. So these, undoubtedly, unquestionably are not higher seniority levels, correct?

Ambassador KENNEDY. They have been reassigned to positions of lesser responsibility, yes, sir.

Mr. RADEL. Lesser responsibility. Okay. And quickly, with Mr. Raymond Maxwell, I don't understand why he gets put on administrative leave when his duties do not include any review, approval, or even formations of recommendations regarding security resources in Libya. Why is this? How does this guy fit in?

Ambassador KENNEDY. Mr. Maxwell was the Deputy Assistant Secretary of State in the Bureau of Near Eastern Affairs responsible for the Maghreb, meaning the band of countries across the North African littoral, including Libya; that Libya was within his purview——

Mr. RADEL. Within his purview.

Ambassador KENNEDY [continuing]. As the Deputy Assistant Secretary for the Maghreb.

Mr. RADEL. So I think you would agree with me all of us here regardless of what side of the aisle we are on, we know that it is important to learn from our mistakes. Part of the improvements that we on this committee have done, we passed some legislation. I worked with Congresswoman Frankel on the Protecting Ameri-

cans Abroad Act, which allows State to hire the best of the best when it comes to security, not the cheapest. We are proud of that. We have a bipartisan committee here. And this is not political what we are doing here.

We know that it is important to learn from mistakes, but we also need accountability, which is why we are here today. We need to show the American people who we are beholden to, taxpaying Americans, that we are responsible. But it also sends a message that being inept will not be tolerated and this will never, ever happen again.

People are dead. There are four men who are dead. The young girls will never walk down their aisle with their father at their wedding, young boys will never be able to toss a football with their dad. And the people who are responsible for this have been relieved of their senior positions.

You had said it earlier, reassignment equals accountability. It does not equal accountability. Reassignment does not equal accountability. They are reassigned. They are being put into another position where they have never missed a paycheck, where they are going to have their cushy government job, and they are still going to get a pension.

In the real world, this would never happen. This would never, ever happen. They would be fired, they would be terminated because they failed. And four people, including an Ambassador, are dead. This is unacceptable.

I hope that in a bipartisan fashion we can in some way, shape, or form actually have someone be held accountable, and that not only within our own Government, but let's pray that we find the people that are responsible for this attack because everyone has blood on their hands. It is unacceptable. Reassignment does not equal accountability.

Mr. Chair, I yield the rest of my time. My question was answered.

Chairman ROYCE. We go now to Mr. Yoho of Florida.

Mr. YOHO. Thank you, Mr. Chairman.

Ambassador Kennedy, thank you for being here. I agree with the Congressmen on my left, or to the left over here, Engel, Meeks, and Connolly, that we should focus on making our Embassy and personnel safer around the world. However, in order to do that we must look at our failures of the past so we do not make those same mistakes again. And I want to kind of reference a report here: Deputy Chief of Missions for Embassy Tripoli Gregory Hicks stated that Secretary Clinton wanted Benghazi converted to a permanent constituent post. Ambassador Pickering, when he was asked by the ARB and when this was discussed, he kind of looked surprised, looked both ways. Does the seventh floor know about this? And it brought up questioning that they should look at this through the ARB, which stands for Accountability Review Board.

In addition, looking back at the past, the 1999 ARB report states that the—issued response to the bombings of the U.S. Embassy in Kenya and Tanzania. This report urged that the Secretary of State—the Secretary of State—should take a personal and active role in carrying out the responsibility of ensuring the security of U.S. diplomatic personnel abroad. And the Board should have ques-

tioned the extent to which the Secretary fulfilled or did not fulfill this mandate.

And again, with Ambassador Stevens making multiple requests for security and being denied, in lieu of this report that looks in the past so that we don't make those same reports again, would you agree that we should have probably questioned higher up in the chain of command? And I am going to do you a favor, my questions are going to be pretty much yes or no.

Ambassador KENNEDY. Your first question about the permanent post in Benghazi, the Secretary of State never said to me establish a permanent post in Benghazi. And I would have been the person who would have launched——

Mr. YOHO. Mr. Chairman, I have got this report here. I will submit it for questioning. Let me ask—okay, go ahead, the second one.

Ambassador KENNEDY. Your second one. The Secretary of State does take her responsibilities very, very seriously. As I mentioned earlier, when I went to the Secretary of State and said the situation in Damascus, Syria, had reached the point where we could no longer mitigate the risk, the Secretary instantaneously replied take the people out.

We had no actionable intelligence, as the Director of National Intelligence had said, about this threat in Benghazi, and therefore, I never went to the Secretary of State and told her it was time to leave Benghazi.

Mr. YOHO. All right, let me ask you this. I am going to cut you off. Do you think that the ARB should have questioned higher up its question? Yes or no?

Ambassador KENNEDY. That is a judgment for the ARB, sir.

Mr. YOHO. All right. Who do you report to directly?

Ambassador KENNEDY. I report to the Secretary of State.

Mr. YOHO. All right. So is it fair to say that you are accountable to the Secretary. You said yes. As the Under Secretary for Management you are responsible for the people, resources, budgets, facilities, technology, financial, operations, consular affairs, logistics, contracting, and security for the Department of State operations, and as the Secretary's principal advisor on management issues. Is that correct?

Ambassador KENNEDY. Yes, sir.

Mr. YOHO. All right. The people under you report directly to you, correct?

Ambassador KENNEDY. Yes, sir.

Mr. YOHO. All right. You oversee their day-to-day operations?

Ambassador KENNEDY. Yes, sir.

Mr. YOHO. They are accountable to you. And you said that is correct. If they fail in their job description and it affects your Department's mission objective, would that ultimately be your responsibility? Yes or no?

Ambassador KENNEDY. Absolutely.

Mr. YOHO. All right. Would it be a sign of lack of management?

Ambassador KENNEDY. Not necessarily.

Mr. YOHO. Would it be a lack of failure of your job and responsibility?

Ambassador KENNEDY. Not necessarily.

Mr. YOHO. Since you stated that you report directly to the Secretary and if you feel that your job duty or subordinates, you are saying it is not necessarily your superior's fault either?

Ambassador KENNEDY. Yes, sir, correct.

Mr. YOHO. All right. For the record, Mrs. Clinton was the Secretary of State at the time. We all know that. The reports I have and when I was present with this committee and we interviewed Ms. Clinton, she stated that she requested personally for Ambassador Stevens to come to this post, to take this assignment. Are you aware of that?

Ambassador KENNEDY. Yes, sir, I am the one who set up the appointment between Chris and the Secretary.

Mr. YOHO. Okay. The reports I have said that the Embassy in Benghazi was understaffed and underprotected by the standards at the time. Is that correct?

Ambassador KENNEDY. That is the ARB's conclusion.

Mr. YOHO. All right. Also the reports I read said that Ambassador Stevens said there were increased tensions between the personnel and local Benghazi population. That is correct, isn't it?

Ambassador KENNEDY. That was what Chris reported. But there were no threats against the U.S. temporary mission facility or against our personnel.

Mr. YOHO. Okay. Reports also stated that Ambassador Stevens had requested increased security on more than one occasion, correct?

Ambassador KENNEDY. That is correct.

Mr. YOHO. Reports said that the request for increased security was turned down each time and we know that is correct. Who turned those down, do you know?

Ambassador KENNEDY. I reviewed the situation, and every request, as I have testified before, every request that was made for improvements were okayed and funded with the exception of the four guard towers which I mentioned earlier.

Mr. YOHO. I yield back, Mr. Chairman, thank you.

Ms. ROS-LEHTINEN [presiding]. Thank you, Dr. Yoho. The gentleman's time has expired.

Mr. Meadows is recognized.

Mr. MEADOWS. Thank you, Madam Chair.

Ambassador Kennedy, this gets down to two things. One is accountability and the second is trust, and we must have the accountability before we can restore the trust of the American people in terms of what happened in Benghazi or what may happen in the future. So I would like to refocus our attention on these four people that you say they have lost their titles. But let me be clear, they have not lost any money or any benefits, yes or no?

Ambassador KENNEDY. No.

Mr. MEADOWS. Okay. So they have gotten paid. They got an 8-month paid leave while the State Department has done their investigation, yes or no?

Ambassador KENNEDY. Correct.

Mr. MEADOWS. All right. So they have been off for 8 months. I also serve on the Government Reform Committee and I know that we have made a number of requests that had gone unanswered, really. Were there any adverse—adverse, other than title changes

and post changes—were there any adverse personnel actions that were taken against these four people that according to the ARB were systemically involved in mismanagement?

Ambassador KENNEDY. The ARB actually, sir, talked about two people specifically and two others.

Mr. MEADOWS. Okay. But those two people of being part of the four, but the two people, did any adverse actions happen to those two people other than title changes?

Ambassador KENNEDY. Sir, if I——

Mr. MEADOWS. Yes or no?

Ambassador KENNEDY. A title change——

Mr. MEADOWS. I understand in your opinion a title change is a big deal. But we are talking about four dead Americans, so let's look at it. Anything other than that?

Ambassador KENNEDY. Being removed as a Deputy Assistant Secretary is a major act.

Mr. MEADOWS. Okay. All right. Well, so let me go on. You mentioned the consideration of other posts and you mentioned two people. It is troubling for me to start to hear reports of where these two people are being considered for very high-profile, secure posts overseas. And knowing that the State Department takes about 12 months to go through that, it means that that review process had to have started while they were on administrative leave. Are you aware of that?

Ambassador KENNEDY. You are correct, sir, that the process we assign in——

Mr. MEADOWS. So are you aware that they are being considered for high-profile, secure positions overseas?

Ambassador KENNEDY. No one——

Mr. MEADOWS. Yes or no, are you aware?

Ambassador KENNEDY. I am unaware. They have not been assigned anywhere.

Mr. MEADOWS. I understand they haven't been assigned. You are avoiding my question. Are you aware that they are being considered for high-profile, secure positions overseas?

Ambassador KENNEDY. I guess the answer is no. I mean, obviously——

Mr. MEADOWS. It is either a yes or a no. Are you aware?

Ambassador KENNEDY. Obviously, sir, while this is pending, one has to look at the two——

Mr. MEADOWS. But you are in charge.

Ambassador KENNEDY. Yes, sir. But there are two options here. The Secretary of State, as he expressed in his letter——

Mr. MEADOWS. I don't want a narrative. Are you aware, yes or no?

Ambassador KENNEDY. Obviously, we had to have options. The Secretary of State's letter said he was either going to fire them or make another decision. Depending on what decision he makes——

Mr. MEADOWS. But this is a high-profile post.

Ambassador KENNEDY. I am afraid I don't know this level of detail——

Mr. MEADOWS. Okay. Well, are you willing as the person in charge, you just said you were in charge——

Ambassador KENNEDY. Yes, sir, I am.

Mr. MEADOWS [continuing]. Are you willing to report back to this committee within 30 days to make us aware? And I am assuming from your response that you wouldn't be supportive of any high-profile posting for these two individuals, is that correct? You would not be supportive of it.

Ambassador KENNEDY. I would not be supportive of any position in which these individuals had the same levels of responsibility.

Mr. MEADOWS. No, that is not what I am asking. A high-profile post overseas, that is what I am asking, so you are supportive of it?

Ambassador KENNEDY. No, sir, I am neither one nor the other. I am just saying, sir, that profile and responsibility are two different things.

Mr. MEADOWS. Well, but that is a judgment call on your part. Well, let me go on a little bit further then. This report talks about bonuses, between $10,000 to $15,000 bonuses that are given to State Department. Up until 2011, those were disclosed publicly.

Ambassador KENNEDY. Right.

Mr. MEADOWS. It now appears that either you or Secretary Clinton have made a decision not to disclose those. Is that correct?

Ambassador KENNEDY. I am unaware of that.

Mr. MEADOWS. So you are unaware of that. So you would be glad to support it. Because it has been suggested that some of these people in the ARB got bonuses and that now we are not disclosing it because it would look bad. You are not aware of that?

Ambassador KENNEDY. I am also not aware that anybody in subject of the ARB got a bonus. I will confirm that, but I am not aware that they got bonuses.

Mr. MEADOWS. So who made the decision, you or Secretary Clinton, to not be transparent with regard to bonuses?

Ambassador KENNEDY. I don't think it was either of us, but I have to go back and find out. I may have done something, but that is a level of detail——

Mr. MEADOWS. If you will report back.

I yield back. Thank you, Madam Chairman.

Ms. ROS-LEHTINEN. Thank you so much, Mr. Meadows.

Mr. Stockman of Texas.

Mr. STOCKMAN. Thank you.

I have to say after that brief exchange with my colleague, Mr. Meadows, my earlier colleague asked if you knew some words. And what I am puzzled at is, you earlier mentioned that you hadn't made a determination of what caused the attack, but on all of the talk shows we heard was video, video, video, video, including the President. But he was asking you if you knew some words, and I am going to ask you if you know some words. Yes or no. Do you know the word stonewalling?

Ambassador KENNEDY. Yes, sir.

Mr. STOCKMAN. Do you know the word cover-up?

Ambassador KENNEDY. Yes, sir.

Mr. STOCKMAN. Do you know the word scandal.

Ambassador KENNEDY. Yes, sir.

Mr. STOCKMAN. Okay. Well, I am going to yield the balance of my time to my good friend from California, Dana, because I feel

that is what happened here today, and I think Mr. Meadows' line of questioning fits those three questions or definitions.

Mr. ROHRABACHER. Thank you very much for yielding to me.

Let me just note there are two distinct views of this whole episode in American history. We have you telling us that you believe that since that murder of our Ambassador and three other Americans, that terrorist attack, that there has been a full court press on the part of the administration to bring those to justice and to get the word out to the American people. The opposite view was just expressed by my friend Mr. Stockman, what it seems to be is a year of obfuscation, stonewalling, denial, and cover-up. I think that it is vital for the American people to understand the truth of which of these views reflects reality.

Let me ask you just a couple of questions. How many government employees, including the agency and State Department, et cetera, how many Federal Government employees were in Benghazi the night of the attack?

Ambassador KENNEDY. Madam Chair, I respectfully cannot answer questions that involve classified information in this session.

Ms. ROS-LEHTINEN. Well, would you be, if I could interrupt the gentleman, we could do that in a classified setting as early as tomorrow, the next day.

Ambassador KENNEDY. I am prepared to appear before this committee at any time——

Ms. ROS-LEHTINEN. Okay. All right. Okay. So let me ask you something. To your knowledge has any of these—because we have been told there are a number of figures out there in terms of maybe up to 40 people, 45 people present, some of whom or many of whom had skills enough to be engaged in defending our Ambassador and preventing that attack, or at least thwarting it—have any of those people, those who were there—of course you can't tell us how many—have any of them been asked not to cooperate with congressional or media inquiries or to take lie detector tests?

Ambassador KENNEDY. I am unaware of any State Department personnel being instructed like that, and the State Department does not utilize lie detector tests except in exceptional circumstances.

Mr. ROHRABACHER. Yeah. I am very happy. You know, look, weasel words. I am unaware of State Department. Did I ask State Department? I didn't. I don't think I asked about the State Department. I asked do you have any knowledge of any of those people who were on the scene—now, you can't tell us how many there were, but you know they were there—have any of them been told not to cooperate with a congressional investigation? Don't hedge it with I don't know the State Department people. That wasn't the question.

Ambassador KENNEDY. I am the Under Secretary of State for Management, sir, and can only answer questions about the State Department.

Mr. ROHRABACHER. All right, okay. Well, that is a good dodge as well.

Let me ask you this. There is an Ambassador who has been murdered. We have three other people who have been murdered. It is a terrorist attack. Why is it the CIA, and why aren't they the ones

doing this investigation? Why is it the FBI? I thought the FBI was supposed to be doing internal domestic investigations.

Ambassador KENNEDY. By statute, sir, the FBI is charged with the responsibility for the killing of any American citizen overseas. That is an FBI responsibility by statute.

Mr. ROHRABACHER. Okay.

Ambassador KENNEDY. The FBI obviously works with the CIA and works with the military, but that is a congressional statute that gives the FBI that responsibility.

Mr. ROHRABACHER. Gives them the sole responsibility?

Ambassador KENNEDY. The FBI is a law enforcement agency, sir.

Mr. ROHRABACHER. And this is not, and let me make it very clear, we are not talking about a crime in the United States. We are not talking about law enforcement. And this is one of the distinct differences between the administration and other people who disagree with its approach. What we are talking about here is a terrorist attack which is not a criminal matter, which is a matter of national security, which the CIA and all the rest of our intelligence agencies should have been involved in. Instead, we give it to people who are treating it as a crime, who don't want to go into Benghazi because they haven't been given permission. This is absolutely absurd, and I don't think that that is lost on the American people.

Ambassador KENNEDY. If I might, sir, the FBI is a member of the Intelligence Community. The FBI is both a national security, a law enforcement, and an intelligence agency.

Mr. ROHRABACHER. Now, you described this as breaking of a law. There are also basic law enforcers. Terrorism and terrorism threats to the United States is a security issue, and if the CIA and these other people are giving it over to our law enforcement, FBI, it is a mistaken decision from the top.

Thank you.

Chairman ROYCE [presiding]. Yes, we want to thank Ambassador Kennedy for his time here today.

Mr. ROHRABACHER. Yes, we do.

Chairman ROYCE. As we have heard, the committee is deeply concerned with the lack of accountability at the State Department. Several members have outstanding questions. We have been trying for some time to get those documents directly. So we know that the Department will be answering those outstanding questions in a timely fashion, but again, we reiterate, we need those answers. We need those documents here at the committee.

And we thank you again, Ambassador Kennedy, for your testimony today. We thank the members as well. We stand adjourned.

Ambassador KENNEDY. Thank you, sir.

[Whereupon, at 12:49 p.m., the committee was adjourned.]

APPENDIX

Material Submitted for the Hearing Record

FULL COMMITTEE HEARING NOTICE
COMMITTEE ON FOREIGN AFFAIRS
U.S. HOUSE OF REPRESENTATIVES
WASHINGTON, DC 20515-6128

Edward R. Royce (R-CA), Chairman

September 18, 2013

TO: MEMBERS OF THE COMMITTEE ON FOREIGN AFFAIRS

You are respectfully requested to attend an OPEN hearing of the Committee on Foreign Affairs, to be held in Room 2172 of the Rayburn House Office Building (and available live on the Committee website at http://www.ForeignAffairs.house.gov):

DATE: Wednesday, September 18, 2013

TIME: 10:00 a.m.

SUBJECT: Benghazi: Where is the State Department Accountability?

WITNESS: The Honorable Patrick F. Kennedy
Under Secretary for Management
U.S. Department of State

By Direction of the Chairman

The Committee on Foreign Affairs seeks to make its facilities accessible to persons with disabilities. If you are in need of special accommodations, please call 202/225-5021 at least four business days in advance of the event, whenever practicable. Questions with regard to special accommodations in general (including availability of Committee materials in alternative formats and assistive listening devices) may be directed to the Committee.

COMMITTEE ON FOREIGN AFFAIRS

MINUTES OF FULL COMMITTEE HEARING

Day *Wednesday* Date *09/18/13* Room *2172*

Starting Time *10:12 A.M.* Ending Time *12:49 P.M.*

Recesses *0* (____to ____) (____to ____) (____to ____) (____to ____) (____to ____) (____to ____)

Presiding Member(s)

Rep. Edward R. Royce, Chairman
Rep. Ros-Lehtinen

Check all of the following that apply:

Open Session [✓]
Executive (closed) Session [ ]
Televised [✓]

Electronically Recorded (taped) [✓]
Stenographic Record [✓]

TITLE OF HEARING:

Benghazi: Where is the State Department Accountability

COMMITTEE MEMBERS PRESENT:

See Attendance Sheet.

NON-COMMITTEE MEMBERS PRESENT:

None.

HEARING WITNESSES: Same as meeting notice attached? Yes [✓] **No** [ ]
(If "no", please list below and include title, agency, department, or organization.)

STATEMENTS FOR THE RECORD: *(List any statements submitted for the record.)*

Rep. Eliot Engel, Ranking Member
Rep. Connolly
Rep. Stockman

TIME SCHEDULED TO RECONVENE _____
or
TIME ADJOURNED *12:49 P.M.*

Jean Marter, Director of Committee Operations

HOUSE COMMITTEE ON FOREIGN AFFAIRS

Full Committee Hearing

Present	*Member*
X	Edward R. Royce, CA
X	Christopher H. Smith, NJ
X	Ileana Ros-Lehtinen, FL
X	Dana Rohrabacher, CA
X	Steve Chabot, OH
X	Joe Wilson, SC
X	Michael T. McCaul, TX
X	Ted Poe, TX
X	Matt Salmon, AZ
	Tom Marino, PA
X	Jeff Duncan, SC
X	Adam Kinzinger, IL
X	Mo Brooks, AL
X	Tom Cotton, AR
X	Paul Cook, CA
X	George Holding, NC
X	Randy K. Weber, Sr., TX
X	Scott Perry, PA
X	Steve Stockman, TX
X	Ron DeSantis, FL
X	Trey Radel, FL
	Doug Collins, GA
X	Mark Meadows, NC
X	Ted S. Yoho, FL
X	Luke Messer, IN

Present	*Member*
X	Eliot L. Engel, NY
	Eni F.H. Faleomavaega, AS
X	Brad Sherman, CA
X	Gregory W. Meeks, NY
	Albio Sires, NJ
X	Gerald E. Connolly, VA
	Theodore E. Deutch, FL
	Brian Higgins, NY
	Karen Bass, CA
	William Keating, MA
X	David Cicilline, RI
X	Alan Grayson, FL
X	Juan Vargas, CA
	Bradley S. Schneider, IL
X	Joseph P. Kennedy III, MA
	Ami Bera, CA
X	Alan S. Lowenthal, CA
X	Grace Meng, NY
X	Lois Frankel, FL
X	Tulsi Gabbard, HI
X	Joaquin Castro, TX

Insert for the Record
Submitted by the Honorable Eliot L. Engel

Jun 26 2013

Readout of House Armed Services Committee, Subcommittee on Oversight and Investigations Classified Briefing on Benghazi

WASHINGTON--Today, the House Armed Services Subcommittee on Oversight and Investigations received testimony in a classified briefing from three key figures involved in the response to the attack on Americans in Benghazi. General Carter Ham (ret), former Commander, AFRICOM; Lieutenant Colonel S.E. Gibson, former commander of the site security team at the U.S. Embassy in Tripoli; and Rear Admiral Brian Losey, former commander, Special Operations Command Africa, all offered accounts of U.S. force posture and planning ahead of the attack, and actions taken during and after the attack. While the subcommittee will continue to carry out appropriate oversight, today's witnesses did clarify several matters with respect to the events of September 11 and 12, 2012.

Pre-9/11 Force Posture and Planning: On September 10, 2012 the White House issued a readout of a presidential briefing on 9/11 planning. The readout said the briefing was the culmination of "numerous meetings to review security measures in place" chaired by John Brennan. The readout also reported that the briefing included "steps taken to protect U.S. persons and facilities abroad, as well as force protection."

When questioned about this process today, General Ham, the combatant commander responsible for one of the most volatile threat environments in the world, stated that neither he or anyone working for him was consulted as part of the Brennan 9/11 planning process.

Response to the Benghazi Attack: In his testimony, LTC Gibson clarified his responsibilities and actions during the attack. Contrary to news reports, Gibson was not ordered to "stand down" by higher command authorities in response to his understandable desire to lead a group of three other Special Forces soldiers to Benghazi. Rather, he was ordered to remain in Tripoli to defend Americans there in anticipation of possible additional attacks, and to assist the survivors as they returned from Benghazi. Gibson acknowledged that had he deployed to Benghazi he would have left Americans in Tripoli undefended. He also stated that in hindsight, he would not have been able to get to Benghazi in time to make a difference, and as it turned out his medic was needed to provide urgent assistance to survivors once they arrived in Tripoli."

Permalink: http://armedservices.house.gov/index.cfm/2013/6/readout-of-house-armed-services-committee-subcommittee-on-oversight-and-investigations-classified-briefing-on-benghazi

Statement for the Record
Submitted by the Honorable Steve Stockman
To Under Secretary Patrick Kennedy

It has been over a year since the terrorist attacks on the United States consulate in Benghazi, Libya. During the course of that attack, which lasted 9 hours, we lost Ambassador Chris Stevens, Sean Smith, Tyrone Woods, and Glen Doherty. Attacks on embassies, consulates, and government instillations are nothing new. These facilities will always be targets for those wishing to harm the United States. The Benghazi attack is different because of how it was handled after the fact.

Much has been made about the fact that there were dozens of attacks on diplomatic stations and convoys during the previous administration. The difference between those and Benghazi is what happened after the attack. The departments involved have not been forthcoming with those involved in the attack. Maybe if those of us in Congress could talk to these brave souls, we could find out what they need and get it for them.

After the attack the administration sent out Amb. Susan Rice to inform the nation of what happened, feeding the story that this was a spontaneous event due to a video posted on the internet over a month earlier. This was a bold faced lie. By this time the administration knew the attack was coordinated. They knew there was coordinated fire with automatic machine gun fire and mortars. Spontaneous protesters do not carry mortars and coordinate their fire.

The administration was in the middle of an election and didn't want to appear incompetent. The administration attempted to throw the man who created the video under the bus by arresting him in public, on parole violations, so everybody could see what really caused the Benghazi attack. As the weeks would go by more and more facts became known about the attack. It quickly became evident that this was no demonstration. As the facts continue to trickle out Benghazi more and more questions need to be answered.

1. Recent reports have come out that the survivors are having their names changed. Why? Is there a threat from Al Qaeda towards them?
2. How was CNN able to get an interview with an alleged attacker, while we seem incompetent?
3. How close is the United States to bringing anybody from this attack to justice?
4. Who was giving the orders in the White House? Was it the President or an advisor? Who made the call to not send in help after the initial reports of the attack? Will those people testify to that?
5. Obviously there was a failure in security. Was the failure due to local incompetence or State Department incompetence? Why has no one in the State Department been held accountable? Obviously mistakes were made. People were killed and injured, yet nobody has been fired. Why?
6. Did hundreds of missiles go missing from the consulate? If so, why were they being stored there?

The families of those killed deserve justice. Those families deserve to have their questions answered.

Congressman Gerald E. Connolly (VA-11)

HCFA Full Committee Hearing: Benghazi: Where is the State Department Accountability?
Wednesday, 9/18/13
10am

I applaud the cogent steps that some Members are taking to address the issue of embassy security instead of resorting to political attacks designed to tarnish the actions of the Obama Administration and former Secretary of State Clinton in particular. The House Committee on Foreign Affairs has worked to address the issue of embassy security in a substantive fashion, and in July, the Committee reported out the Embassy Security and Enhancement Act of 2013. I was pleased to cosponsor that bill, which requires the State Department to sharpen its focus on the diplomatic posts that face the highest threats by:

- Establishing working groups to ensure those posts are provided the necessary security measures and funding;
- Speeding the construction of new, more secure embassies and consulates;
- Mandating security training for all personnel serving in the highest risk posts; and
- Providing improved benefits to the family members of U.S. employees who die abroad, including as a result of a terrorist attack.

This week alone, House Republicans have called for three more hearings on Benghazi. Today's hearing marks the eighth time a congressional committee has examined the attack on the American consulate in Benghazi; if one includes all the briefings on this issue, it is the twelfth such meeting on the House side alone. What is most frustrating about these hearings is that the same false narrative about Benghazi continues to be repeated despite evidence and statements to the contrary. I would direct my colleagues to a report titled "Fact v. Fiction: Top Ten Unfounded Allegations About the Attacks in Benghazi" released this week by the Ranking Member of the House Committee on Oversight and Government Reform, and I would bring your attention to two such allegations that are relevant for today's hearing:

Allegation: *Secretary Clinton lied to Congress about authorizing security reductions in Libya.* This false narrative has consistently been repeated and was part of a partisan report issued by five Republican committee chairmen in April.

The Facts: The State Department communication in question bears a pro forma line bearing the Secretary's name.

Richard Shinnick, a member of the Accountability Review Board and veteran State Department official, stated: Every single cable going out is signed 'Clinton,' it is the normal procedure. ... Millions of cables come into the operation center every year, not thousands, millions. And they are all addressed Hillary Clinton. So you can make a story that Hillary saw a cable and didn't act on it or sent a cable out; it's all bullsh*t, it's all total bullsh*t. I can't be any clearer than that."

The Washington Post Fact Checker gave this claim "Four Pinocchios":

Congressman Gerald E. Connolly (VA-11)

"Issa has no basis or evidence to show that Clinton had anything to do with this cable -- any more than she personally approved a cable on proper e-mail etiquette. The odds are extremely long that Clinton ever saw or approved this memo, giving us confidence that his inflammatory and reckless language qualifies as a 'whopper.'"

Allegation: *Under Secretary Kennedy withdrew the Site Security Team, which weakened security in Libya.*

The Facts: Although Under Secretary Kennedy was the final authority on whether to extend the Site Security Team (SST), Department officials told the Committee that he based his decision on the recommendation of Charlene Lamb, then-Deputy Assistant Secretary for International Programs. Admiral Mullen told the Committee:

"The SST it was leaving the country on the 2nd of August. There were discussions as late as July with respect to between State and DOD and internal to State about whether we were going to extend this. In the end it's my view that Ms. Lamb won that debate, didn't want to extend it."

Allegation: *The ARB did not hold senior officials accountable for the attacks in Benghazi.*

The Facts: The ARB held four senior State Department individuals accountable, including an Assistant Secretary, a Principal Deputy Assistant Secretary, and two Deputy Assistant Secretaries. During his transcribed interview, ARB Vice Chairman Michael Mullen explained that the ARB placed accountability on the officials who made the decisions:

"[T]he responsibility for the decisions that were involved in the incidents, if you will, were made at a level inside the Department at a lower level, senior but lower. It very specifically focuses by law directing us as ARB members on where the decisions were made. That's what guided us. And in the end there was no official, including the Secretary of State, whose involvement wasn't reviewed ...

"We assigned accountability where we thought it was best and most appropriately resident in the officials, the four in particular, the four senior officials that we singled out in the report, two of whom we made specific recommendations for, and I'm very comfortable with that."

Admiral Mullen explained that the accountability decisions were made unanimously by the entire ARB:

Q: Was the determination of accountability a unanimous decision of the board members?

A: It was.

Q: Were any of the decisions made about the placement of responsibility based on political considerations?

A: No.

Q: Was the placement of responsibility at all impacted by an interest on the part of any members to protect any individuals?

A: No.

Q: Was the placement of responsibility at all impacted by your or any other ARB member's personal relationships with any individuals?

A: No.

Q: Was the placement of responsibility at all directed by the Secretary of State?

A: No.

In a letter to Chairman Issa, the Department explained that it has now removed these four employees from their positions and duties.

I encourage everyone to review the entire "Fact vs. Fiction" document on the Oversight Committee's minority website. It includes the above-mentioned passages along with many more.

Reaction to Benghazi and ARB

The Pickering-Mullen Accountability Review Board (ARB) report clearly states, "Responsibility for the tragic loss of life, injuries, and damage to U.S. facilities and property rests solely and completely with the terrorists who perpetrated the attacks."[1] The report also paints a clearer picture of the context of post-Revolution Libya and the enemy that our people are facing in the region—a "growing, diffuse range of terrorist and hostile actors" who "[pose] an additional challenge to American security officers, diplomats, development professionals and decision-makers seeking to mitigate risk and remain active in high threat environments without resorting to an unacceptable total fortress and stay-at-home approach to U.S. diplomacy."[2] Such an enemy would be challenging to face under normal circumstances, and a post-Revolution environment exacerbates the situation.

In Libya, the day-to-day situation was characterized by the "security vacuum left by Qaddafi's departure"[3] and a "general backdrop of political violence, assassinations...., lawlessness, and an overarching absence of central government authority in eastern Libya."[4] In fact, under questioning before the Oversight Committee earlier this year, Gregory Hicks, the former deputy chief of mission in Libya agreed the situation on the ground was instable and that the Libyan government was "struggling to maintain security."

With the benefit of hindsight, the ARB report pinpoints management and system failures that resulted in inadequate security on the ground in Benghazi, but it also details growing challenges

[1] Ibid., 4.
[2] Ibid., 2.
[3] Ibid., 15.
[4] Ibid., 16.

State has faced "to obtain the resources necessary to carry out its work."[5] Based on this finding, it is clear the availability of resources was, and continues to be, a major issue for our missions abroad, but you wouldn't know that based on the Republican rhetoric surrounding this subject.

Let's not lose sight of the fact that America's foreign aid and diplomatic posts are important and sometimes dangerous jobs and critical components of our national security policy. These public servants put themselves on the line every single day to advance America's economic and humanitarian interests across the globe, and we must ensure they have the tools and security necessary to achieve this mission.

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[5] Ibid., 3.

Questions for the Record

Submitted by Chairman Edward R. Royce
To Under Secretary Patrick F. Kennedy

Question 1:

Now that Secretary Kerry has decided not to pursue formal disciplinary action against the four employees, the Committee would like to know more about this process.

- **Was there a written product presenting the findings of the Department's review?**
- **Who prepared this document? Please describe this document.**
- **Who presented the findings of the Department's review to Secretary Kerry?**
- **Did the Secretary agree with the recommendations contained in the document?**
- **Will you make this document available to this Committee?**

No written report was prepared to present the findings of the Department's review; a detailed letter explaining the Secretary's decision was sent to the Committee on August 23, 2013. The Accountability Review Board (ARB) report identified four senior officials in two bureaus who had displayed unsatisfactory leadership. The ARB did not find that any employee engaged in misconduct or willfully ignored his or her responsibilities.

When Secretary Kerry came into office at the Department, he continued the review that had already been started. He took the time needed to get the facts and to arrive at a decision. He reviewed the ARB's findings in depth, and consulted with his senior team.

He also reviewed employment history of the individuals in question, all of whom had lengthy records of dedicated service to the United States.

The Secretary came to the same determination as the ARB, that there had been no breach of duty – no misconduct or willful disregard for responsibilities of the job. The ARB recommended, and the Secretary agreed, that two of the personnel should be permanently relieved of the positions that gave rise to the ARB's findings. The Secretary also determined that the other two personnel should be permanently relieved of the duties that gave rise to the ARB's findings. The four employees therefore were appropriately re-assigned to positions of less responsibility.

Question 2:

In a press conference on December 19, 2013, the Board discussed those whom it believed should be held accountable for the poor security in Benghazi. According to Ambassador Tom Pickering, who chaired the Benghazi ARB, the Board "fixed [blame] at the assistant secretary level, which is, in our view, the appropriate place to look, where the decision-making in fact takes place, where, if you like, the rubber hits the road." However, senior officials within the Bureau of Near Eastern Affairs, like Assistant Secretary Beth Jones and Principal Deputy Assistant Secretary Liz Dibble, were neither cited by the ARB nor placed on administrative leave by the Department. Instead, Elizabeth Dibble was recently named the Deputy Chief of Mission for U.S. Embassy London.

- **If systemic failures of management also occurred in the NEA Bureau, then why were Assistant Secretary Beth Jones and Principal Deputy Assistant Secretary Elizabeth Dibble not disciplined by the Department or otherwise held accountable?**

- **Given the purported failures of management within the NEA Bureau, on what basis was Elizabeth Dibble named DCM at Embassy London?**

- **Would you consider the DCM London billet to be a promotion from the position of Principal Deputy Assistant Secretary for Near Eastern Affairs? Likewise, would you consider DCM London to be an increase of management responsibility as compared to PDAS for NEA?**

The Accountability Review Board (ARB) report identified four senior officials in two bureaus who had displayed unsatisfactory leadership – Ambassador Jones and Ms. Dibble were not among them, and as Ambassador Pickering testified before the House Oversight Committee (transcript available at web address below), the ARB reviewed very carefully these individuals' performance of their duties and did not find any fault with them.

With respect to Ms. Dibble's assignment as Deputy Chief of Mission (DCM) in London, Ms. Dibble is a dedicated Foreign Service Officer with extensive experience, both overseas and in Washington, in senior positions across several bureaus. Her current assignment as DCM in London parallels her previous position as DCM in Rome. Her previous position as Principal Deputy Assistant Secretary of NEA entailed management across the bureau, dealing with a region in transition and turmoil. In her current position she is the deputy in a large embassy dealing with our closest and most strategic ally.

NOTE: For additional information on the ARB findings, please see the House Oversight and Government Reform Committee transcripts from the deposition of Ambassador Thomas Pickering and the interview with Admiral Mike Mullen, ARB co-chairs. These documents can be found at: http://oversight.house.gov/wp-content/uploads/2013/09/Pickering-transcript.pdf http://oversight.house.gov/wp-content/uploads/2013/09/Mullen-transcript.pdf

Question 3:

The ARB found that, prior to 9/11, certain State Department officials "demonstrated a lack of proactive leadership and management ability in their responses to security concerns posed by Special Mission Benghazi." The ARB cited Raymond Maxwell, a deputy assistant secretary in the Near Eastern Affairs Bureau, as one of these employees; the Department then placed him on administrative leave. Mr. Maxwell has publically maintained that his position was a policy-focused one, and that he was not responsible for responding to the security concerns of *any* diplomatic post in his portfolio. A now-declassified section of the ARB states that Mr. Maxwell failed to read intelligence reports related to Libya.

- **Does the Department believe that Mr. Maxwell was responsible for security in Benghazi? If so, please state the specific instances wherein action or inaction by Mr. Maxwell resulted in a degraded security posture in Libya.**

As the ARB made clear, security is a shared responsibility; while the Bureau of Diplomatic Security (DS) has primary responsibility for providing security overseas, security is not the sole province of DS. The ARB recommended several ways the Department could strengthen awareness of this shared responsibility, but as it indicated, anyone in Mr. Maxwell's position should reasonably be expected to maintain an informed understanding of the areas and issues under his responsibility, including security risks and needs. The Board found, and the Department agreed, that Mr. Maxwell's affirmative decision not to read intelligence was inconsistent with the level of leadership reasonably expected from a senior official.

Question 4:

How is a formal request for security (contained in a diplomatic cable) from an embassy, consulate, or State Department facility routed through the Department? Which Department officials are required to read such a cable, and which Department officials are required to make a decision with respect to the security-related requests embedded in that cable? Does this vary with the type of request made? If so, please describe which officials are required to review and respond to which types of security-related requests, and who authorizes the reassignment of security personnel to meet those needs. What laws, regulations, or Department procedures govern this process? Lastly, what specific instructions do Department officials receive in order to respond to security requests?

Formal requests for security contained in a diplomatic cable are routed to the Department from overseas posts. Every cable will carry one or more identifiers known as "Traffic Analysis by Geography and Subject," which are commonly referred to as "TAGS." TAGS serve to route cable traffic to relevant groups within the Department for the purposes of action or situational awareness. A Regional Security Officer (RSO) at post, with the concurrence of the Chief of Mission, has the authority to make decisions regarding the security posture of the mission, but changes requiring additional resources will normally require a cable request back to the Department.

Taking into account the nature and expense involved in the request, the decision will then be made at an appropriate level. For example, a routine request for funding for razor wire would likely be made at the Branch Chief or Division Chief level in the Bureau of Diplomatic Security. A more significant request, such as the reassignment of security personnel, would be routed up to the Office Director or a Deputy Assistant Secretary (DAS).

Authority over security matters was established by the Omnibus Diplomatic Security and Antiterrorism Act of 1986. The Secretary of State's responsibility for security as delegated to the Assistant Secretary for Diplomatic Security (DS) is codified in Title 22 of the United States Code, Section 4802(a). These authorities and responsibilities are translated into Department policies through Volume 12 of the Foreign Affairs Manual (12-FAM).

Question 5:

How are requests for security from an embassy, consulate, or State Department facility routed through the Department when they are *not* contained in a formal, diplomatic cable, but are instead requested via a phone call or email or otherwise? Which Department officials are required to review these "informal" requests, and which Department officials are required to make a decision with respect to these informal requests? Does the Department believe that former Deputy Assistant Secretary for Diplomatic Security Charlene Lamb dealt appropriately with emails from Regional Security Officer Eric Nordstrom and others at U.S. Mission Libya prior to the attacks which contained security-related requests and inquiries? If yes or no, please explain why. If no, please explain whether the Department has taken steps to ensure that such correspondence is dealt with appropriately in the future.

Requests for funding, manpower, or other significant resources required by an overseas post must be requested through an official Department telegram. These messages are commonly referred to as "cables." While a Regional Security Officer (RSO) at Post will generally have informal discussions with the Diplomatic Security (DS) officials who cover that region about various needs, this is an informal, deliberative process. However, the end request must be sent via cable in order to secure the necessary resources. In the case of former Deputy Assistant Secretary Lamb, the emails exchanges between her and RSO Nordstrom were part of this informal, deliberative process and constituted neither formal requests nor decisions regarding the security posture at Post.

With regard to future security requests, formal requests will still need to be submitted by cable. To ensure that all requests for security receive due consideration, the Department created a Deputy Assistant Secretary (DAS) for High Threat Posts in the Bureau of Diplomatic Security (DS), who is responsible for ensuring that such posts receive the focused attention they need. The other posts fall under the DAS for International Programs. These two offices work together closely.

Question 6:

Under current State Department regulations, is it appropriate for an Accountability Review Board to consult with the Department *apart* from the Board's official investigation (including interviews, interrogatories, scheduling and administrative requests)?

The regulations that guide the ARB's activities are set out in the Foreign Affairs Manual (FAM) at 12 FAM 030. See http://www.state.gov/documents/organization/88323.pdf
The FAM does not specifically speak to the situation posed by this question. The ARB has wide latitude in its operations given the numerous factors it must address. All Board members are subject to the ethical rules that cover all U.S. government employees.

The Inspector General found in September 2013 that "The Accountability Review Board process operates as intended – independently and without bias – to identify vulnerabilities in the Department of State's security programs."

Question 7:

Prior to issuing its report, did any Accountability Review Board members discuss the Board's work or findings with any Department officials? If so, when and with whom? Please describe the nature and extent of these discussions.

According to statements made by Ambassador Pickering, an early version of the findings and recommendation was shared with Secretary Clinton and her Chief of Staff. He stated that this was provided for informational purposes and that the Department did not have editing rights.

Admiral Mullen stated that there were some recommendations that it was important that Secretary Clinton know about sooner rather than later; there were somewhere between 10 and 20 recommendations, such as getting breathing apparatuses out to high threat posts immediately, which they believed the Secretary should be made aware as soon as possible. The Admiral also stated that at the end of the ARB review, the Board met with Secretary Clinton, who was accompanied by her Chief of Staff, for about 2 hours to give her a briefing on what the ARB had come across and the major recommendations that had been concluded up to that point.

Admiral Mullen also stated during his transcribed interview with HOGR that after speaking with Charlene Lamb, Bureau of Diplomatic Security, that he called the Chief of Staff to say that in his opinion Ms. Lamb would not be a strong witness during an upcoming HOGR hearing.

NOTE: For additional information on these interactions, please see the House Oversight and Government Reform Committee transcripts from the deposition of Ambassador Thomas Pickering and the interview with Admiral Mike Mullen, ARB co-chairs. These documents can be found at:

http://oversight.house.gov/wp-content/uploads/2013/09/Pickering-transcript.pdf
http://oversight.house.gov/wp-content/uploads/2013/09/Mullen-transcript.pdf

Question 8:

Who within the State Department decided to place Eric Boswell, Scott Bultrowicz, Charlene Lamb, and Raymond Maxwell on administrative leave? Why was placement on administrative leave the best course of action for these four individuals? How, and in what manner, was each official notified of their placement on administrative leave? How, and in what manner, was each individual made aware of the basis for that decision? Was this accompanied by a detailed written explanation for that decision? Do you believe that the Department conducted a thorough investigation of each employee's conduct prior to their placement on administrative leave?

The ARB found that officials within two Department bureaus demonstrated a lack of proactive leadership with respect to security concerns at the Special Mission in Benghazi. The

Board recommended that two of these officials be removed from their positions. It did not recommend formal disciplinary action such as termination.

Given the seriousness with which the Department approaches security and in light of the ARB's report, the Department placed four individuals on Administrative Leave within 2 days of the issuance of the ARB report.

These four individuals were put on Administrative Leave while the Department reviewed the situation and their performance. The four officials were notified verbally by their supervisors. The decision was then conveyed in writing to these employees.

Question 9:

Please describe how each member of the Accountability Review Board was selected. Did you provide any input whatsoever regarding the selection of Board members and/or staff? If so, please describe that input, to whom it was given, and when. Were any Department officials involved in the selection of these members aware of prior relationships between those selected Board members and Department officials in the Diplomatic Security or Near Eastern Affairs Bureaus?

The Department's Office of Management Policy, Rightsizing, and Innovation maintains a list of personnel who may be called upon to serve as ARB members. The members must be available to begin their service expeditiously, and be able to dedicate their full time and attention to the investigation. Selected members possess a variety of expertise or training in areas such as foreign affairs, law, security, embassy construction, intelligence, and other areas appropriate to the Board's work. Only in exceptional circumstances should a Board member be a current employee of the U.S. Government.

Under the ARB authorizing statute, the Secretary of State picks four members, and the Office of the Director of National Intelligence picks one. With regard to the Benghazi ARB, Secretary Clinton selected Ambassador Pickering and Admiral Mullen. These two co-chairs then consulted the Secretary and her Chief of Staff for input on other members. I asked Ambassador Pickering if he had any recommendations, and we discussed Richard Shinnick, a retired Foreign Service officer, who had extensive management experience, including facility construction and fire safety.

I had no input into the selection of any of the staff that worked with the ARB.

I was aware that Mr. Shinnick and Mr. Boswell had known each other during their careers at State, but this would have been the case of any two senior personnel. I do not have personal knowledge of relationships of the ARB members and officials in the Bureau of Near Eastern Affairs.

Question 10:

Please give the name and position title of each person who staffed the Accountability Review Board. Please describe how each of these individuals was selected to staff the Board, and the scope of their duties.

Secretary Clinton moved expeditiously to convene an ARB following the attack in Benghazi. The Board was served by an Executive Secretary; this individual was an experienced Foreign Service Officer (FSO) who had experience working in the Executive Secretariat, but was relieved of those duties for the duration of the ARB's investigation in order to focus entirely on the ARB's work.

In addition, the ARB was staffed by several other FSOs with knowledge of security, political military, and Middle Eastern issues; two attorneys from the Office of the Legal Adviser; and an administrative assistant.

These staff supported the ARB by requesting documents, sitting in on interviews and typing up interview summaries, conducting background research, and scheduling.

Question 11:

What are the new positions to which Eric Boswell, Scott Bultrowicz, Charlene Lamb, and Raymond Maxwell will be assigned? Please describe for each individual how his or her new assignment comports with the recommendations made by the Accountability Review Board.

The ARB did not find reasonable cause to believe that an individual breached his or her duty, and, therefore, did not recommend formal disciplinary action such as termination. In this regard, the ARB specifically did not find that any individual willfully ignored his or her responsibilities or engaged in misconduct. However, the ARB did find that officials within two Department bureaus demonstrated a lack of proactive leadership with respect to security concerns at the Special Mission in Benghazi. It recommended that two of these officials be removed from their positions.

The former Assistant Secretary of the Bureau of Diplomatic Security resigned this position, consistent with the recommendation of the ARB. He had been serving simultaneously as Director of the Office of Foreign Missions (OFM), and is currently working in that position. That position does not have responsibility for security of U.S. embassies and consulates. OFM is responsible for ensuring that the United States has reciprocity for taxes and other administrative matters overseas, as foreign diplomats do in the United States. OFM provides a range of services to the foreign diplomatic community, including the following, issuing vehicle titles and license plates; processing tax exemption requests; and assisting foreign missions in dealing with local offices in the United States.

The former Principal Deputy Assistant Security of DS and the Deputy Assistant Secretary for DS/International Programs are in training for their onward assignments as Regional Security

Officers, with responsibility for security at a single embassy, rather than responsibility for allocating resources and managing security on a global level.

The former Deputy Assistant Secretary of Near Eastern Affairs for the Maghreb is now an advisor in the Bureau of African Affairs.

All of their current positions bear significantly less responsibility than those held at the time of the Benghazi incident. None have worldwide security responsibility.

Question 12:

Mr. Raymond Maxwell was placed on administrative leave following the release of the Board's report. Mr. Maxwell has stated that, at the time he was placed on administrative leave, Acting Assistant Secretary Elizabeth Jones told him he would be brought back on as a senior advisor within the Department. After Mr. Maxwell's placement on administrative leave, but before his reassignment in August, both Ms. Jones and Principal Deputy Assistant Secretary Elizabeth Dibble stated that they were told that Mr. Maxwell would be reassigned within the Department. Why were these assurances given, and on what basis? Please confirm what official(s) told Ms. Jones and Ms. Dibble why Mr. Maxwell would be reassigned, before the Department's formal decision to reassign him.

I was not involved with conversations between Mr. Maxwell, Ms. Dibble, and Ms. Jones. I did not provide any assurances concerning Mr. Maxwell's situation.

Question 13:

While the State Department has provided numerous Benghazi-related documents for *in camera* review, it has refused to turn over copies to committees of jurisdiction in the House. Please provide the legal basis – including relevant statutory citations and/or case law – for its decision to not to provide this Committee with copies for its unfettered review and retention. If the Department has no legal basis, then please state affirmatively that it has none.

The Department's practice is to redact certain information from documents before providing them to the Congress. Law enforcement sensitive information, foreign government sensitive information, and privacy and other sensitive information, which could do damage to national security, law enforcement, and privacy interests if disclosed publicly is redacted. In order to provide documents to the Congress as quickly as possible after September 2012, the Department provided documents with minimal redactions for *in camera* review to HFAC and HOGR, and committees in the Senate as well.

Over the past several months, the Department has worked to conduct a more fulsome redaction of these 25,000 pages of documents for possession by Congress. This took time and effort, as the documents needed to be reviewed by several Department bureaus and by other agencies that have equities in these documents. We have now provided almost the entire 25,000 page collection for possession by the House Oversight and Government Reform Committee, and

are working to complete this production as soon as possible. We will work with the Foreign Affairs Committee to deliver a duplicate set.

Questions for the Record
Submitted by the Honorable Matt Salmon
To Under Secretary Patrick F. Kennedy

Question:

In the original Accountability Review Board report, recommendation 19 urged the State Department "to ensure it rapidly and routinely identifies and procures additional options for non-lethal deterrents in high risk, high threat posts and trains personnel on their use." Further, the recent report of the Independent Panel on Best Practices recommends (recommendation number 30) that the Bureau of Diplomatic Security be provided "the resources to expeditiously review, accept, purchase, and deploy non-lethal technology, including millimeter wave devices and acoustic hailing and sonic generation technology." Can you provide details on next steps to implement these recommendations?

The Department would be glad to brief on the subject of non-lethal technology in an appropriate setting.

Questions for the Record

Submitted by the Honorable Jeff Duncan
To Under Secretary Patrick F. Kennedy

Question 1:

The American people continue to have many questions about who knew what and when about the Benghazi terrorist. Within the U.S. Government (USG), agencies and organizations maintain 24-hour "watch centers" in order to monitor situations around the clock and information channels for government officials and to respond to circumstances as necessary. The National Operational Intelligence Watch Officer's Network (NOIWON) exists to ensure the USG is synchronized during crises. Among the notes in the NOIWON System are the National Military Command Center, National Military Joint Intelligence Center, State Department Operations Center, State Department Bureau of Intelligence and Research, CIA Operations Center, NSA Operations Center, The White House Situation Room, and the U.S. Navy Multiple Threat Alert Center. I have several questions about the use of NOIWON during the circumstances of Benghazi, and I request these answers in writing. If the answers are classified, then I request an official briefing to Members of the Foreign Affairs Committee to provide this information. Additionally, I request that all of the watch logs and records of any NOIWON communication about the Benghazi terrorist attacks for the night of September 11, 2012. Was a CRITIC issued at any time before, during, or after the Benghazi terrorist attack?

A CRITIC was not issued before, during, or after the Benghazi attack. Throughout the period, the Department's Operations Center and its Diplomatic Security Command Center were in constant communication with our mission in Libya and other key U.S. government agencies. As our mission in Libya and other U.S. government agencies provided new and updated information regarding the situation on the ground, it was disseminated to senior leadership, the White House Situation Room, and national security agencies via the NOIWON communicators system, as well as telephonically and electronically.

Question 2:

Did the President receive this CRITIC?

Answer:

A CRITIC was not issued.

Question 3:

Was a NOIWON initiated by the State Department? If not, which agency initiated it?

The White House Situation Room convened a NOIWON at the request of the State Department Operations Center at 4:21 p.m. EDT on September 11, 2012.

Question 4:

If a NOIWON was issued, please provide a list of cognizant government agencies and officials aware of the attack. Who was contacted and when? Who could not be reached? If contacted, what did they do?

Following the NOIWON, and throughout the entire period, the Department was in constant communication with our mission in Libya and other key U.S. government agencies.

The Department's Operations Center issued alerts and disseminated information received from our mission in Libya and other U.S. government agencies, to the Department's senior leadership, the White House Situation Room, and other U.S. government agencies telephonically and electronically.

Question 5:

What assets were applied to Benghazi? What was the result of those actions?

Upon notification of the attack from the Department of State Regional Security Officer (RSO) in Benghazi around 9:45 p.m. local time, Embassy Tripoli set up a command center and notified Washington. The Embassy notified Benina Airbase in Benghazi of a potential need for logistic support and aircraft for extraction and received full cooperation. Within hours, Embassy Tripoli chartered an airplane and deployed a seven-person security team, which included two U.S. military personnel, to Benghazi.

At the direction of the U.S. military's Africa Command (AFRICOM), the Department of Defense (DoD) moved a remotely piloted, unarmed surveillance aircraft which arrived over the Benghazi Special Mission facility shortly before the RSOs departed to the annex. A second remotely piloted, unarmed surveillance aircraft relieved the first, and monitored the eventual evacuation of personnel from the Annex to Benghazi airport later on the morning of September 12.

Evacuees, including all wounded personnel, departed Benghazi on the chartered jet at approximately 07:30 a.m. local on September 12. A Libyan Air Force C-130 took the remaining U.S. government personnel from Benghazi to Tripoli, landing in Tripoli at 11:30 a.m. local time, with the remaining U.S. government personnel and the remains of the four Americans killed.

In coordination with the State Department and Embassy Tripoli, DoD sent two U.S. Air Force planes (a C-17 and a C-130) from Germany to Tripoli to provide medical evacuation support for the wounded. At 7:15 p.m. local on September 12, Embassy Tripoli evacuees, Benghazi personnel, and those wounded in the attacks departed Tripoli on the C-17 aircraft, with military doctors and nurses aboard providing en route medical care to the injured. The aircraft arrived at Ramstein Air Base at approximately 10:30 (Tripoli time) on September 12, just over 24 hours after the attacks in Benghazi had commenced.

At the State Department's request, DoD also provided a Marine FAST (Fleet Antiterrorism Security Team) as additional security support for Embassy Tripoli, which arrived at the Embassy late on September 12.

Questions for the Record
Submitted by the Honorable Steve Stockman
To Under Secretary Patrick F. Kennedy

Question 1:

Recent reports have come out that the survivors are having their names changed. Why? Is there a threat from Al Qaeda towards them?

None of the State Department survivors have had their names changed. Out of concern for their safety, the Department does not publicly discuss them by name. These survivors are potential witnesses in the prosecution of the terrorists who attacked our compound. They are also law enforcement professionals who engage in security activities around the world, including at high-threat posts. Disclosure of their identities could put their lives, as well as those of their families and the people they protect, at increased risk. However, they have not changed their names.

Question 2:

How was CNN able to get an interview with an alleged attacker, while we seem incompetent?

The whole U.S. government is committed to bringing the perpetrators to justice, and every resource is being brought to bear to ensure exactly that. I refer you to the FBI for information about the current status of their investigation.

Question 3:

How close is the United States to bringing anybody from this attack to justice?

Questions on the status of the investigation into the attackers should be directed to the Federal Bureau of Investigation, which has the lead. But as we have stated previously, the Administration is firmly committed to bringing the Benghazi attackers to justice, and will pursue them until justice has been served.

We realize this might take some time – it took the U.S. government 13 years to find Osama bin Laden after the 1998 embassy bombings in Africa. But we did not give up, and will not give up in the pursuit of the Benghazi attackers either.

Question 4:

Who was giving the orders in the White House? Was it the President or an advisor? Who made the call to not send in help after the initial reports of the attack? Will those people testify to that?

Questions about the actions taken by the White House the night of the attack should be directed to the White House.

However, there is ample evidence from public testimony and reports that the White House and the interagency were actively engaged on September 11/12, 2012 to evaluate and deploy the best possible response to the attacks.

No calls or decisions were made not to send help on the night of the attack.

Shortly after word of the attack reached Washington, then-Secretary of Defense Panetta and General Dempsey discussed the Benghazi attack during an already scheduled meeting with President Obama. The President ordered that the Defense Department respond to the attack with all available DOD assets and try to protect U.S. personnel (Panetta testimony, SASC, 2/7/2013).

Secretary Clinton testified that she was notified of the attack shortly after 4 p.m. (DC time), and that over the following hours she was in continuous meetings and conversations both within the Department, with Embassy Tripoli, with the interagency, and internationally. She spoke to then-National Security Advisor Tom Donilon several times, and with then-CIA Director Petraeus to confer and coordinate. A secure video conference of senior officials from the intelligence community, the White House, and DOD took place, and Secretary Clinton spoke with President Obama later in the evening. After midnight she spoke with General Dempsey and again with Tom Donilon (Clinton testimony, SFRC, 1/23/2013).

The December 2012 Benghazi Accountability Review Board (ARB) report states that senior level interagency discussions were underway soon after Washington received initial word of the attacks and continued through the night. The Board found no evidence of any undue delays in decision making or denial of support from Washington or from the military combatant commanders.

The ARB found that the interagency response was timely and appropriate, but there simply was not enough time given the speed of the attacks for armed U.S. military assets to have made a difference.

On February 7, 2013, then-Secretary of Defense Leon Panetta testified before the Senate Armed Services Committee that there was no specific intelligence or indications of an imminent attack on U.S. facilities in Benghazi, and that there was not enough time given the speed of the attack for armed military assets to respond. He stated that there were no undue delays in decisionmaking and there was no denial of support from Washington or from the military combatant commanders when the attack happened (Panetta testimony, SASC, 2/7/2013).

Former Defense Secretary Robert Gates opined on the Obama administration's response to the attack, saying that, "We don't have a ready force standing by in the Middle East, … with planes on strip alert, troops ready to deploy at a moment's notice …." He characterized contrary expectations of a swift military rescue as a "sort of a cartoonish impression of military capabilities and military forces." (CBS, Face the Nation 5/12/13).

Question 5:

Obviously there was a failure in security. Was the failure due to local incompetence or State Department incompetence? Why has no one in the State Department been held accountable? Obviously mistakes were made. People were killed and injured, yet nobody has been fired. Why?

The independent Benghazi Accountability Review Board found that four senior State Department officials demonstrated a lack of proactive leadership and management ability appropriate for the State Department's senior ranks in their responses to security concerns posed by Special Mission Benghazi. Those officials have been permanently relieved of the positions that gave rise to the ARB's findings and reassigned to positions of less responsibility. None of those officials now have worldwide security responsibility.

Of note, the Board did not find that any U.S. Government employee engaged in misconduct or willfully ignored his or her responsibilities, and, therefore did not find reasonable cause to believe that an individual breached his or her duty so as to be the subject of a recommendation for disciplinary action.

Furthermore, on the night of the attacks, the Benghazi Special Mission Compound (SMC) was protected by five State Department Diplomatic Security (DS) agents, as well as unarmed, contracted local guards, and three armed members of the February 17 Martyrs' Brigade (February 17), a local militia

designated by the Libyan government to provide security at the SMC.[1] The Benghazi Accountability Review Board (ARB) found that the five DS agents had performed heroically, but that the responses by both the contract local guard force and the February 17 were inadequate. The Board also found the Libyan government's response to be profoundly lacking on the night of the attack.

Question 6:

Did hundreds of missiles go missing from the consulate? If so, why were they being stored there?

Answer:

There were no missiles at the Special Mission Compound in Benghazi.

Questions for the Record
Submitted by the Honorable Ted Yoho
To Under Secretary Patrick F. Kennedy

Question 1:

Ambassador Kennedy, as you stated before, your job description says that you are responsible for people, resources, facilities, and security for the Department of State operations, is that correct?

Yes.

Question 2:

If Ambassador Stevens, Foreign Service Information Officer Sean Smith, former Navy Seals Glen Doherty and Tyrone Woods safety was you and your department's responsibility and they died, would that not be a failure of your job and mission, as well as the failure of your superior?

The Accountability Review Board investigated this matter and made specific findings about the individuals it considered to have had leadership deficiencies.

Question 3:

The ARB reported that the cause of the deaths of the four Americans was due to mismanagement and a lack of security and not a lack of resources. Who is responsible for this dereliction of duty?

As to cause of the deaths in Benghazi, the report of the Accountability Review Board (ARB) stated that "[r]esponsibility for the tragic loss of life, injuries, and damage to U.S. facilities and property rests solely and completely with the terrorists who perpetrated the attacks."

The ARB noted that the attacks were unanticipated in their scale and intensity, and that that intelligence provided no immediate, specific tactical warning of the attacks.

The unclassified ARB report also stated that "Systemic failures and leadership and management deficiencies at senior levels within two bureaus of the State Department resulted in a Special Mission security posture that was inadequate for Benghazi and grossly inadequate to deal with the attack that took place." The classified report contained additional discussion of the unsatisfactory leadership by senior personnel in these two bureaus. However, the ARB did not find that any individual U.S. Government employee engaged in misconduct or willfully ignored his or her responsibilities, and, therefore did not find reasonable cause to believe that an individual breached his or her duty so as to be the subject of a recommendation for disciplinary action.

With regard to funding, the ARB report stated that,

> [f]or many years the State Department has been engaged in a struggle to obtain the resources necessary to carry out its work, with varying degrees of success. This has brought about a deep sense of the importance of husbanding resources to meet the highest priorities, laudable in the extreme in any government department. But it has also had the effect of conditioning a few State Department managers to favor restricting the use of resources as a general orientation. There is no easy way to cut through this Gordian knot, all the more so as budgetary austerity looms large ahead. At the same time, it is imperative for the State Department to be mission-driven, rather than resource-constrained – particularly when being present in increasingly risky areas of the world is integral to U.S. national security. The recommendations in this report attempt to grapple with these issues and err on the side of increased attention to prioritization and to fuller support for people and facilities engaged in working in high risk, high threat areas. The solution requires a more serious and sustained commitment from Congress to support State Department needs, which, in total, constitute a small percentage both of the full national budget and that spent for national security. One overall conclusion in this report is that Congress must do its part to meet this challenge and provide necessary resources to the State Department to address security risks and meet mission imperatives.

In the FY 2013 Continuing Resolution, Congress provided an increase of $1.4 billion in funding to improve security overseas, including hiring more Diplomatic Security personnel; constructing new, secure embassies; and building office space and providing housing for new Marine Security Guard detachments. We are grateful for this support.

Question 4:

Ambassador Kennedy, ARB's report found that leadership and management deficiencies at the senior levels within the two bureaus of the State Department resulted in a security posture that was inadequate for Benghazi and grossly inadequate to deal with the attack that took place. Specifically, what failures were present? Who are the individuals that made the decision not honor Ambassador Stevens' request for increased security? Did this individual have the sole authority to make such a decision by themselves, or would they have gone to their superiors? Who were their superiors?

The ARB noted that the attacks were unanticipated in their scale and intensity, and that that intelligence provided no immediate, specific tactical
warning of the attacks.

The ARB report indicates that the Board's primary focus was on the various requests for different numbers of Regional Security Officers (RSOs) (who are Diplomatic Security law enforcement special agents) for the Special Mission Compound in Benghazi. The RSO in Tripoli had requested, at different times, a total of three, four, or five RSOs in Benghazi. After discussion with post, and determining post's need for a driver and IT staff, the Department provided three RSOs, plus a driver and a communications officer, rather than have highly trained

law enforcement officers drive a car (when a driver could be hired locally) or provide communications support (an information resource management function).

There were five RSOs on the night of the September 11 attack – the maximum number requested by the post – as two RSOs had travelled from Tripoli to Benghazi with the Ambassador.

Both the ARB and former Tripoli RSO Eric Nordstrom described the attack that night as unprecedented in its nature and intensity; Mr. Nordstrom stated in his HOGR testimony that having an extra foot of wall, or an extra-half dozen guards or agents would not have enabled us to respond to that kind of assault.

The security requests were reviewed and largely decided by the Deputy Assistant Secretary for International Programs (DAS/IP) in the Bureau of Diplomatic Security (DS). The DAS/IP had latitude and authority to allocate resources, including RSOs, on a global basis, and could consult with the Principal Deputy Assistant Secretary (PDAS) and Assistant Secretary of DS as warranted.

Question 5:

Specifically, what could have the management/leadership within the State Department done differently to avert the tragic deaths of these 4 Americans?

Diplomacy is inherently dangerous and the Department is committed to take all reasonable steps to mitigate the risks our people face, while protecting our national security interests worldwide.

With regard to preventing the tragedy in Benghazi, one option in hindsight would have been to suspend operations and vacate our facilities prior to September 11, 2012. However, the Department never received any recommendation from the post or from Tripoli that the Special Mission Compound be closed. To the contrary, as multiple Department witnesses have testified, Ambassador Stevens was strongly in favor of keeping a permanent presence in Benghazi.

The United States was in Benghazi, despite the dangers there, because of the core mission of the State Department and America's role in the world. Ambassador Stevens understood that the State Department must operate in places that are critical to our foreign policy and national security interests but pose serious security threats, and that we cannot always expect to rely on the U.S. military to mitigate those threats. He understood that the new Libya was being born in Benghazi and that it was critical for us to maintain an active presence there. When he returned to Libya as Ambassador, he knew his mission was vital to our interests and values, and was an investment that would pay off in a strong partnership with a free Libya.

When asked during a House Oversight and Government Reform Committee hearing on May 8, 2013, whether the U.S. government should have been in Benghazi after the British had closed their post, Greg Hicks, Deputy Chief of Mission in Tripoli, responded, "Absolutely … "

In terms of security in place in Benghazi on 9/11/12, the Department had increased the height of the compound perimeter wall, installed safe havens, improved the lighting and guard platforms, and taken other security measures. In the face of the massed attack by armed terrorists, these improvements and response by the host nation protective forces tragically proved inadequate.

As RSO Eric Nordstrom observed in his October 10, 2012 statement for the House Oversight and Government Reform Committee,

> [t]he ferocity and intensity of the attack was nothing that we had seen in Libya, or that I had seen in my time in the Diplomatic Security Service. Having an extra foot of wall, or an extra-half dozen guards or agents would not have enabled us to respond to that kind of assault. I'm concerned that this attack will signal a new security-reality, just as the 1984 Beirut attack did for the Marines; the 1998 East Africa bombings did for the State Department, and 9/11 for the whole country. It is critical that we balance the risk-mitigation with the needs of our diplomats to do their job, in dangerous and uncertain places. The answer cannot be to operate from a bunker.

We agree that we cannot carry out our mission from a bunker. At the same time, we must do everything feasible to provide the safest operating environment for our diplomats, and we have taken steps to continue improving our security posture world-wide. Over the past year, with Congressional support, the Department has been implementing the 29 recommendations of the Benghazi ARB, and working every day to balance security, risk, and mission.

Question 6:

More to the point, Ambassador Kennedy, is it at all possible that the tragedy at the Benghazi Mission could have been avoided?

Diplomacy must be practiced in dangerous places. The United States sends people to more than 280 diplomatic and consular posts; no other agency is asked to stretch so far. We do this because we have learned that when America is absent, especially from dangerous places, there are consequences. Extremism takes root, our interests suffer, and our security is threatened.

The tragedy in Benghazi could have been avoided had the Department suspended operations and left prior to September 11. But as Secretary Kerry has said, "[t]he brave employees of State and USAID – and the Diplomatic Security personnel who protect the civilians serving us overseas – work in some of the most dangerous places on Earth … [and] in the end, all of those efforts, all of that danger and risk that they take, makes us more secure. … America is exceptional because we do exceptional things, both where there are problems as well as where there is promise, both where there is danger as well as where there is democracy."

Every day we work to protect our people and overseas missions, at 285 locations around the globe, by constantly assessing our security posture in view of rapidly changing environments

and the threats they present. The recent Best Practices Panel report, discussing the Bureau of Diplomatic Security (DS), noted that with its staff of 2,000 special agents, network of security engineers, couriers, and civil service personnel, DS successfully protects almost 150,000 employees and family members during business hours, and about 100,000 U.S. employees and family members around the clock.

The Department has made many security improvements since the September 11, 2012 attacks in Benghazi. We have been working to implement the 29 recommendations of the Benghazi Accountability Review Board (ARB). With additional funding provided by Congress in FY 2013, we have hired 113 additional Diplomatic Security personnel, including 75 special agents. We are working closely with the Department of Defense to deploy additional Marine Security Guards; 5 detachments are in place, with another 30 being recruited and trained, and their specialized facilities being readied. We will be able to build several new secure embassies and make security enhancements at other posts.

We realize that we cannot provide a 100 percent risk-free operating environment. Since the September 11 attacks in Benghazi, we lost a long-time security guard in Ankara when a pedestrian entered our Embassy access control facility with an explosive device in February 2013. In April, a Foreign Service Officer, Anne Smedinghoff, was killed by an explosion while delivering books to a school in Afghanistan. And in successfully repelling a major complex attack against our Consulate in Herat, Afghanistan in September 2013, we nevertheless lost several local guards. We can, and we will, reduce the risk to those who serve, but no one can eliminate it.

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