

SELECT COMMITTEE ON BENGHAZI,
U.S. HOUSE OF REPRESENTATIVES,
WASHINGTON, D.C.

INTERVIEW OF: [REDACTED]

Thursday, February 25, 2016

Washington, D.C.

The interview in the above matter was held in Room HVC-205,
Capitol Visitor Center, commencing at 10:04 a.m.

Appearances:

For the SELECT COMMITTEE ON BENGHAZI:

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Ms. Betz. This is a transcribed interview of Ambassador [REDACTED] [REDACTED] conducted by the House Select Committee on Benghazi. This interview is being conducted voluntarily as part of the committee's investigation into the attacks on U.S. diplomatic facilities in Benghazi, Libya, and related matters pursuant to House Resolution 567 of the 113th Congress and House Resolution 5 of the 114th Congress.

Would the witness please state his name for the record?

Mr. [REDACTED]. [REDACTED].

Ms. Betz. The committee appreciates your appearance at this interview today. My name is Kim Betz with the committee's majority staff, and I'll ask everyone else in the room, and we can go around the table, to introduce themselves as well. So as I said, I'm Kim Betz with the majority.

Ms. Jackson. And I'm Sharon Jackson, also with the majority staff.

Ms. Sachsman Grooms. I'm Susan Sachsman Grooms with the minority.

Mr. Kenny. Peter Kenny, minority staff.

Ms. O'Brien. Erin O'Brien with the minority.

Mr. Snyder. Eric Snyder, State Department.

Ms. Welcher. Alison Welcher, State Department.

Ms. Betz. Before we begin, I'd like to go over the rules that will guide our discussion this morning and explain how the interview will proceed. Generally, the way the questioning has worked is that a member from the majority will ask questions for up to an hour and

then the minority will have an opportunity to ask questions for an equal period of time if they choose. Questions may only be asked by a member of the committee or designated staff. We will rotate back and forth, 1 hour per side, until we are out of questions and the interview will be over.

Unlike a testimony or a deposition in Federal court, the committee format is not bound by the rules of evidence. The witness or their counsel may raise objections for privilege subject to review by the chairman of the committee. If these objections cannot be resolved in the interview, the witness can be required to return for a deposition or hearing.

Members and staff of the committee, however, are not permitted to raise objections when the other side is asking questions. This has not been an issue we encountered in the past, but I wanted to make sure that you were clear on the process.

This session is to begin in unclassified, and I don't anticipate that we will move out of an unclassified session. However, if any question calls for a classified answer, please let us know and then we can accommodate that answer.

You are welcome to confer with counsel at any time throughout the interview, but if something needs to be clarified, we ask that you make this known. If you need to discuss anything with your counsel, we will go off the record and stop the clock to provide you with the opportunity.

Mr. [REDACTED]. Okay.

Ms. Betz. We'd like to take a break whenever is convenient for

you. This can be after every hour of questioning, after a couple rounds, whatever you prefer. During a round of questioning, if you need anything, a glass of water, to step out, confer with your counsel, please let us know and we'll go off the record and stop the clock. We'd like to make this process as easy and comfortable as possible.

As you can see, an official reporter is taking down everything you say to make a written record. So we ask that you give verbal responses to all questions, yes, no, as opposed to nods of the head.

Mr. [REDACTED]. Okay.

Ms. Betz. I'm going to ask the reporter to please feel free to jump in in case you do respond nonverbally. Do you understand that?

Mr. [REDACTED] I do.

Ms. Betz. Also, we should both try not to talk over each other, so it's easier to get a clearer record. We want you to answer our questions in the most complete and truthful manner possible, so we will take our time and repeat or clarify our questions if necessary. If you have any questions or if you do not understand any of our questions, please let us know. We'll be happy to clarify or repeat in such a way that you can answer.

If you honestly don't know the answer to a question or do not remember, it's best not to guess. Please give us your best recollection. And if there are things you do not know or can't remember, just say so, and please inform us who, to the best of your knowledge, may be able to provide a more complete answer to the question.

You are required to answer questions from Congress truthfully.

Do you understand that?

Mr. [REDACTED]. Yes, I do.

Ms. Betz. This also applies to questions posed by congressional staff in an interview. Do you understand this?

Mr. [REDACTED]. Yes, I do.

Ms. Betz. Witnesses that knowingly provide false testimony could be subject to criminal prosecution for perjury or making false statements. Do you understand this?

Mr. [REDACTED]. Yes, I do.

Ms. Betz. Is there any reason that you are unable to provide truthful answers to today's questions?

Mr. [REDACTED]. No, there is no reason.

Ms. Betz. Okay. That's the end of my preamble.

Does the minority have anything to add?

Mr. Kenny. Just like to thank the witness for coming here.

Ambassador, appreciate your willingness to come in here voluntarily today. Thank you, and we look forward to your testimony.

Ms. Betz. And I'd like to echo those sentiments. We appreciate you taking the time to come here today.

Mr. [REDACTED]. Certainly.

Ms. Betz. So the clock now reads 10:09, and we'll start with our first hour of questioning.

EXAMINATION

BY MS. BETZ:

Q Can you just talk to us a little bit about your background and how long you were with the Bureau of Diplomatic Security.

A Yes. I've been with the U.S. Department of State, September of this year would be my 29th year at the U.S. Department of State. The majority of that time, 27-1/2 years of that has been with the Bureau of Diplomatic Security. I joined in 1984 -- I'm sorry, 1987 -- and my first assignment was at the Washington field office.

And after the Washington field office, I went overseas to serve as an assistant regional security officer at the Embassy in Cairo, Egypt, from 1989 to 1991. 1991, I came back to the United States to serve on the Secretary of State's protective detail for three different secretaries of state, Baker, Eagleburger, and Christopher.

In 1994, I took my next assignment, with the Criminal Investigative Liaison Division. I did that for 2 years. In 1996 went back overseas to serve as the regional security officer in Rangoon, Burma, until 1999. 2000 was 1 year of language -- or 1999 to 2000 -- and returned back to Cairo as a deputy regional security officer in 2000 through 2004.

In 2004, I transferred to Tokyo, Japan, to serve as the regional security officer there until 2007. 2007, I returned to the U.S. to assume the position as the office director of the Physical Security Programs, until 2009. 2009, assumed the responsibility of deputy assistant secretary of countermeasures until 2014.

After a period of waiting for my confirmation, I was confirmed as the director of the Office of Foreign Missions with the title of

ambassador, which I assumed June, July of 2015.

Q Congratulations.

A Thank you.

Q So can you describe for us, when you served as the DAS for countermeasures, what were some of your responsibilities.

A As the DAS for countermeasures, I was responsible for all the physical and technical security requirements for all of our U.S. diplomatic missions, both domestic and overseas. Overseas, that's about 280, 285 locations, and domestically there's about 400 facilities. And then, in addition to the physical security and technical security responsibilities, I also had responsibility for the Diplomatic Courier Service.

Q So who then under your auspices would report to you? Do you recall? So the different divisions and offices.

A Yes. So the Office of Physical Security Programs, the office director of Physical Security Programs, the office director for Security Technology, and the office director for the Diplomatic Courier Service.

Q Okay. And with regard to other DAS's, for example, the DAS of IP, Charlene Lamb, were you coordinating with them? How was your interaction with them? Did you interact with them on a daily basis? Weekly? Monthly? How did you coordinate your respective responsibilities?

A There was daily interaction with directorates depending on what issues were going on. International programs, if it was

internationally focused, there was a lot of coordination and communication that went back and forth between the Office of Countermeasures -- the director of countermeasure and the director of international programs.

Q What decisions would sort of be at your level? What decisions would rise to the PDAS and then ultimately to, you know, the assistant secretary? Can you talk about that hierarchy a little bit?

A Most of the decisions at my level would have been on issues that had not been worked out among the office directors or the regional directors from other directorates. Or in certain circumstances, memorandum, information memorandums would come from me to my superiors to the assistant secretary. And also for things such as exceptions and waivers, they would be originated within my office to then go up to the deputy secretary or assistant secretary or the secretary for approval.

Q How often would you then interact with the assistant secretary or -- and for that matter, the under secretary? What were your interactions like?

A For the assistant secretary, there was a weekly meeting where he would meet with his senior officers. So there was at least a weekly meeting. And then depending on an issue and the severity or significance of the issue, if it required his direct involvement, he would always consult with the particular directorates that had the responsibilities for whatever that issue might be.

Q And did those weekly meetings change? I mean, were those

pretty typical for Libya dealing with those issues regarding Libya, both Tripoli and Benghazi?

A Yes.

Q Would you see an increase in weekly meetings or daily meetings, given the issues there?

A Well, on a daily basis, there was a video conference with the Diplomatic Security seniors. That conference was generally led on the Diplomatic Security senior side by the PDAS or director, and on the other end of the screen would be the assistant secretary. Those were done daily at about 8 o'clock in the morning.

And during those, there would be a brief on the situation in the world. And so depending on what's going on in the world, those would be the major topics. That brief was chaired by the principal deputy assistant secretary or the director of diplomatic security. The Intelligence, Threat Analysis Division would be the ones who would be conducting the lead and going over the information when activities had transpired the day before or were of that significance that it needed to be discussed first thing in the morning.

Q And you participated in those VTCs?

A Yes, I did.

Q And were they, I would say for the period of 2011 and 2012, primarily focused on Libya or sort of globally specific?

A They were focused globally, yeah.

Q Okay.

A And so activities depending on what the activities were

somewhere in the world. Those issues would be the point of reference for the day.

Q Okay. Going back, taking your memory back to 2011 --

Ms. Jackson. Can I ask a question first?

Ms. Betz. Sure.

Ms. Jackson. Can you compare and contrast what your office did versus the Office of Overseas Building Operations and what you were responsible for versus what OBO was responsible for. Was there overlap? Were they totally distinct? But could you just help me understand the two offices.

Mr. [REDACTED] Yeah. Overseas Building Operations sees themselves as the owners, builders, maintenance organization for all of the U.S. facilities abroad, all the embassies, consulates, American centers, whatever diplomatic facilities that are abroad.

Ms. Jackson. Is that owned and leased?

Mr. [REDACTED]. Yes, it's owned and leased. Diplomatic Security Countermeasures is responsible for the physical security requirements for those facilities, ensure that they meet the standards that are required according to the Overseas Security Policy Board for those facilities.

For a newer facility there would be a joint team of Overseas Building Operations and Diplomatic Security personnel from Countermeasures who would visit a site as it was under construction to see how it was being constructed and were the activities and the construction process going to result in a facility in the end that met

the standards for the requirement.

For a facility that was already in existence, there would be times when, based on the physical security survey, there would be a necessity for upgrades at that facility, depending on the size, depending on what the activities were, depending on how many more people that come in, or if there had been a new standard that had been instituted.

So in those situations, there would be discussion, collaboration with Diplomatic Security and Overseas Building Operations to ensure that those issues were addressed. So relationship-wise, there was an interrelationship, there was a lot of communication that went on between the two frequently, and lots -- and issues to be resolved.

Ms. Jackson. So to just sort of boil it down a little bit, from what I've heard you say is OBO was sort of like the construction management team and Countermeasures was more like the building inspectors? Very broadly and very generally, but --

BY MS. BETZ:

Q Let me clarify. So is it fair to say that Countermeasures made recommendations and OBO funded them? So basically because they had a funding, they were sort of the funding mechanism, that gave them sort of more ownership to your point?

A No. It was OBO's responsibility to construct and acquire buildings. It was Diplomatic Security's responsibility to ensure that those facilities met the security requirements based on the Overseas Security Policy Board.

Q Okay. So going back to 2011 and the Ambassador's entry into

Benghazi, were you part of those discussions with regard to his security detail?

A Not in -- well, not specifically in regards to his security detail. But understanding that his security detail would need equipment and supplies in support of that operation, it would be my organization, the section within Physical Security Programs, which is called DEAV, Defensive Equipment and Armored Vehicles, that would provide a lot of that equipment for that security team that would accompany him.

Q Now, a physical security specialist did travel with him when he went in. Did that person report to you? What was that person's purpose in traveling with him?

A There was a physical security specialist that traveled with the team initially, and that person was from Countermeasures. He did not report directly to me. He would have been the Program Coordination Branch of Physical Security Programs.

And the reason that he traveled with the team was that this particular individual had quite a bit of subject matter expertise on operating in hostile environments based on his prior background before becoming a member of Diplomatic Security, and had gone on assignments in Iraq and other locations of that type. So based on that, it was decided that he accompany the team for the entry into -- or their return to Benghazi -- or to Tripoli.

Q So was his purpose in making recommendations regarding securing the location, where the Ambassador was residing, Envoy at that

time?

A Yes. Yes, for the physical security issues.

Q Okay. And do you know, did that office ever report up to you as to what physical security assessments were done, you know, at the first location at the Tibesti Hotel, what was needed and what the vulnerabilities were?

A He was with the team at the time that they were posted at the Tibesti Hotel and had done an assessment of the situation on the ground at the hotel and had made recommendations for how they should set up. Of course, being in a hotel, it's a hotel environment and you want to keep a low profile, particularly for the small group of personnel that were there.

Q We talked a little bit about the OSPB security standards. When the Ambassador, Special Envoy resided in the hotel, at what point -- did those OSPB standards apply to that location at that point in time?

A Not really.

Q Not really?

A No. They were security recommendations that are made for a hotel. There is no OSPB standards that would address hotel operations.

Q So what would be some of the security standards for a hotel?

A There would not be any security standards for a hotel, but security recommendations that are made during times that we're in a hotel, a solid core door, just basic things that you would expect from

even being in the States, solid core door, viewfinder, very good locking equipment on the door; in situations such as being overseas, to look for hotels where there would be a security presence from either the host country or that the hotel provide its own security and what are the security procedures that are followed at that hotel for its guests.

Ms. Jackson. So is there a checklist that DS goes through when you're scoping out hotels in various locations for these various security issues, some of which you've just summarized for us?

Mr. [REDACTED]. I'm sure that there is.

Ms. Jackson. Okay. All right.

BY MS. BETZ:

Q But nothing formal. Is that what you're saying?

A Well, there's that and then --

Q Is there a precedent?

A -- after you have done it for a while, you come to understand what the requirements are and what is it that you're looking for as you're going to a hotel.

Q Is that checklist written down anyplace, or is it more just through sort of experience?

A I don't -- I think that it may be written down someplace, but I don't know where that would be.

Ms. Jackson. The part of DS that's the protective services detail, that was not under your umbrella. Is that correct?

Mr. [REDACTED]. That's correct.

Ms. Jackson. Okay. That was under another deputy assistant

secretary?

Mr. [REDACTED]. Correct.

Ms. Jackson. Okay.

BY MS. BETZ:

Q As we're talking about 2011, and you described to us being updated as to the mission and to the threats, were you being apprised of the situation when the decision was made to leave the Tibesti Hotel and to locate in an interim -- [REDACTED] ?

A Yes. This was one of the issues that would have been discussed at the 8:00 briefing and at other briefings, if they were Libya specific. Because of a couple of incidents that had happened at the hotel, one that comes to mind was the fire of a vehicle which was suspected that it had been fire bombed, the security personnel who were on the ground felt that they needed to relocate to a safer location and so began a search for other sites in Benghazi that would provide for a more secure location and at the same time a lower-profile location.

Q And so were you being updated and briefed on those trips to various locations throughout Benghazi to find a better or more secure facility?

A I was briefed when one was -- when, I guess, the last two were found that they thought met the requirements that they were looking for.

Q Okay. And did they brief you -- let's talk about sort of the first compound, I think, the one that was anticipated to be the

location for the mission, the manned compound, I think it has been described as, or the compound mission. I think there have been various names for this.

A Okay.

Q Does that --

Ms. Jackson. Just ask him. Ask him to describe.

BY MS. BETZ:

Q Well, there is one facility in particular, I think, that it was thought that the mission was going to reside in and certain security upgrades were made to this facility. Are you aware about \$75,000 that were provided to this facility for security upgrades?

A And then we did not it?

Q And then you did not occupy it?

A I understand that there was one compound that was supposed to have been constructed for an oil company. And I'm not sure if this is the same location that you're describing or not, because I didn't know there was \$75,000 that was put forth. And then the second being the one that we acquired, took the lease in, that had the Villa A.

Q Correct. Correct. And I'll come back to that. I didn't know if you were aware of the intended facility of which I believe where we have documents that suggest that, you know, certain security upgrades were made, I think totaling about \$75,000. And I was just curious if that \$75,000 was spent on those upgrades or was some of it recouped and then diverted to --

Ms. Sachsman Grooms. Perhaps it would be helpful to show him

those documents, because that's not our understanding of what the documents show. So maybe if you pull them out.

Ms. Betz. Okay. Well, yeah, I'll just move on to the A and B.

So I guess, to better ask the question, can you talk about the villa that the mission did not reside in, what you know about it?

Mr. [REDACTED]. From what I understand, it wasn't complete. It had not been completely constructed at the time that the team was looking for a location. And I guess that the location that was subsequently decided on was complete, and from a time perspective, that they wanted to get out of the hotel and get into something that was ready. That's why that one was chosen --

Ms. Betz. Okay.

Mr. [REDACTED]. -- is based on my understanding.

Ms. Jackson. To your knowledge or recollection, was any money expended on that what I will call the pre-Villa A, the one that was ultimately not selected, was any funds expended on trying to make it habitable and secure enough for the Stevens team?

Mr. [REDACTED]. I don't recall any of Diplomatic Security's funds being spent on that.

Ms. Jackson. And if it wasn't DS funds, where would other funds come from? Were there other pots of money out there?

Mr. [REDACTED]. I don't recall any of the funds from the Department, I guess, I should have said, being spent for that.

Ms. Jackson. Go ahead.

Ms. Betz. Okay. So going back to what we'll all agree on is

Villa A, where they resided in Villa A, were you apprised of any assessments, physical security assessments that were done at that point in time on Villa A?

Mr. [REDACTED]. I know that there was a physical security assessment done on the facility prior to or -- yeah, prior to it being leased, looking for what were the security advantages to the facility as opposed to being in the Tibesti Hotel.

Ms. Jackson. And who did that?

Mr. [REDACTED]. That would have been done by probably the -- well, because I don't have the names of the person, my guess is it would have been done by the security team that was on the ground there who had the responsibility for that, along with the temporary person from Physical Security Programs.

Ms. Jackson. So the person that you sent in with the Envoy's team initially stayed?

Mr. [REDACTED]. Yes, for a period of time, yes.

BY MS. BETZ:

Q Does [REDACTED] name ring a bell?

A [REDACTED] name does ring a bell; however, I don't know if [REDACTED] would have been with the team at this time.

Q So it's your recollection that a review was done of all three villas, Villas A, B, and C?

A Well, I don't think that Villa C was with that original group. I think it was just Villa A, possibly Villa A and B.

Q And when, to the best of your recollection, when do you

recall Villa C being added?

A I think it was later in the year, because I think when they were looking to move from the hotel, that would have been the April time -- yeah -- they went there in April -- so June, July timeframe. And then Villa C may have been later, like October, November timeframe.

Q At the point where Villa A and Villa B were acquired, were you a part of any discussions about the applicability of SECCA at the time?

A No, I would not have been in discussions about SECCA because it wasn't a new -- going to be a newly constructed type of facility. What we would have been -- but, of course, we would have wanted a place that gave us the maximum amount of setback, and other security requirements, a perimeter wall, grilling on windows, substantial doors, vehicles, access control advantages, things that would have made that location a more secure location than the activities or the situation at the Tibesti Hotel.

Q Well, let's talk a little bit about sort of those security requirements. To the best of your recollection, with regard to both SECCA and OSPB, the OSPB security standards, when do those standards apply and to what facilities do they apply to?

A Those standards apply to any newly constructed or newly acquired facility that will come under the ownership of the Department or the U.S. Government.

BY MS. JACKSON:

Q So newly acquired means leased?

A Yes.

Q And so this was a facility that you were going to lease.

Is that correct?

A That's correct.

Q So why wouldn't they apply?

A They would apply. OSPB standards would apply. And based on this survey that was done and the facility that was selected, it met a great majority of those standards. And where you can't meet those standards specifically, then you do things to mitigate the disconnect or the, you know, what is the requirement and what is the reality on the ground and what things can we do to the facility that will bring it in line with what the requirement is.

Ms. Betz. Is that known as the exceptions and waiver package?

Mr. [REDACTED] That would be part of -- in an exception and waiver package it would be stated what are the mitigating steps that were taken in situations where a requirement was not fully met.

Ms. Betz. Well, just so I'm clear, so if the OSPB and SECCA requirements apply to a facility, including one that is leased, newly leased, part of that process then is applying for exceptions and waivers to those requirements?

Mr. [REDACTED] Yes. In a normal situation or when we traditionally acquire a facility, we will look -- you will identify sites, you will apply the standards to those sites, and where those standards aren't met, you will make the improvements to that site prior to purchase, prior to lease, or while you're constructing.

The situation as it was unfolding in Benghazi was that there was a threat in the facility that they were in, i.e., the hotel, and there was a decision by the security personnel on the ground to move -- to look for a more secure facility quickly that put them in a better situation than the situation in which they had been in the hotel.

And after searching at several sites, the Villa A, Villa B site was the site that met the majority of those requirements and provided a greater deal of safety slash security in the location in which they were in in the hotel.

Ms. Jackson. Then did Villa A and Villa B go through the whole analysis of what are the OSPB standards that apply and the analysis for a waiver and exception package?

Mr. [REDACTED]. There was no waiver and exceptions package because it was not at that point. There was a security survey done and conducted on the site prior to it being agreed upon as the site to be leased.

And what the site provided or had available and what was not there were the things that were noted in the survey. So for the things that were not there, then the next step would be that when the site is acquired that you begin immediately to make the security upgrades necessary to bring it into compliance with the security recommendations, the requirements.

BY MS. BETZ:

Q How would those upgrades be funded, those security upgrades be funded?

A Various sources. Mainly, Physical Security Programs. Secondly, OBO. And another source would be the regional bureau, NEA, the executive office there. So you have a combination of those entities, and in addition to that, International Programs also has funding available for improvements to be made. So multiple sources is the answer for where the funding can come from.

Q So just so I'm clear and not to beat a dead horse, so to speak, so the OSPB and SECCA standards, to the best of your recollection, applied at that point --

A Yes.

Q -- when the mission moved into the interim facility?

A Yes.

Q And waivers and exceptions were not conducted, but there was a process started to upgrade?

A Yes, there was a process started to upgrade. And that is correct, there was no waiver of exceptions package that had been started.

BY MS. JACKSON:

Q Was it ever started? Was the waiver exception --

A No.

Q Why not?

A Because before that process could take place, the attack happened.

Q We're talking over a year later. The waiver and exceptions package could not have been started in that over a year -- from the

time they moved in, in the July, August timeframe, until a year later the attack, there was no time at all to even start that process?

A There had been a process started. The security upgrades had begun. The waiver and exceptions package had not begun.

Q Are you aware of any determination that was made in DS that the waiver and exception package was not required?

A I don't think it ever had gotten to the point of discussing whether there was a requirement. It would be understood that if the Department was to remain in Benghazi and the facility, that Villa A, Villa C -- well, subsequently Villa B and C -- if that would remain the compound, then, yes, it was understood that a waiver and exceptions package would be required for that location.

Q So is there any timeframe within the State Department that Foreign Service officers can be in a leased location without having this process started? I mean, is it 3 months, 6 months? I mean, it was over a year.

A No. No, there's no timeframe. I don't think that that's even addressed. As I state, because there hadn't been a document did not mean that nothing was being done. From the time of identifying the site, steps were being taken to ensure that the OSPB requirements were being met.

Ms. Betz. Can we go off the record for 1 second?

[Discussion off the record.]

Ms. Betz. I just want to show you a few -- a couple of documents regarding our discussion to see if that helps refresh your memory. And

I will show you what I'll mark as exhibit 1.

██████████ Exhibit No. 1

Was marked for identification.]

BY MS. BETZ:

Q And the document, while you're looking at it, is State Department document C05396431. It is an email from ██████████ to ██████████, dated June 20, 2011.

I would note that the witness is not on the email, but I want to ask him -- it's pertinent to our discussion earlier about SECCA. And I will just focus principally on the first full paragraph. The first page of the email, first paragraph.

A Okay.

Q So we talked a few minutes ago about the applicability of SECCA and OSPB to the interim facility, and we talked about how they applied at the time. This is an email from L, which, to my knowledge, means the Legal Department. Is that correct?

A Yes, that's correct.

Q And in it, my understanding is that Legal is opining, and I'll read: ██████████

██
██
██
██
██
██

██ And I'll stop there.

Does this help refresh your recollection about the applicability

of the security standards or -- I guess I'm trying to reconcile this email from the Legal Department and the nonapplicability of SECCA at the time because of the lack of notification to the Libyan Government regarding the mission.

A I understand what has been stated here. And this would be more in line with the questions you asked about the waivers and exceptions package, because it would be the waiver and exceptions to SECCA requirements. This language is stated in there that we're submitting this request for a waiver exception because of these activities.

So I understand, yes, they're saying that SECCA does not apply.

Ms. Jackson. At the time that this discussion was going on in June of 2011, were you aware that a legal opinion was being sought as to the applicability of either SECCA or OSPB or both?

Mr. [REDACTED] No, I was not aware, because we would have been looking at what requirements of OSPB did the location that we were seeking to move to, what did it ~~mean~~^{meet} already. So we would have been moving ahead of this action here anyway to get a facility, a compound that gave us the most advantageous from a security perspective entity that's going to meet our requirements.

BY MS. BETZ:

Q So if I understand, these discussions were occurring separate and apart from what you're describing, and you're describing that sort of in the back of your mind at some point waivers and exceptions were going to be submitted at some point? And not a trick

question or anything. I'm just trying to understand the sequence of events.

A I understand what you're saying. At this point, we were listening to the personnel on the ground as they described a compound that met the requirements that they were looking for of being a more secure location. And once they found that compound, they were then able to articulate these are the things that it gives us from a security standpoint that makes it better than where we are. That was our focus at that time.

The SECCA, the exceptions discussion had not come into play for us.

Q So would Legal not consult you in these discussions that they were having as to whether or not -- regarding the applicability of the security requirements? Do they make those decisions -- I guess, is it accurate to say that they make those decisions in isolation without consulting you as to what's going on on the ground?

A When an exceptions package is formulated, it's sent to Legal for review. So at this point we would not have been consulting with Legal, because what we were doing here was something that is regularly done when we look for a site.

Q Is it accurate to say, then, they were making an independent decision?

A I don't know.

Q Okay.

BY MS. JACKSON:

Q Could I ask you to flip to the second page of this exhibit? At the bottom where there's an exchange from a [REDACTED] I think, [REDACTED], [REDACTED], to a [REDACTED], John C. Stevens, [REDACTED], and [REDACTED]. And the third line says, and I quote: "On another topic, can DS go ahead and provide the needed waivers for this compound/lease?"

First of all, do you recognize any of the names in this particular exchange?

A Yes, [REDACTED].

Q And he was head of then Envoy Stevens' security detail?

A Yes.

Q And [REDACTED], is that a name you're familiar with?

A No, it's not.

Q What about [REDACTED]?

A No.

Q [REDACTED]?

A No.

Q And you understand that this entire email exchange is talking about the lease for the compound in Benghazi. Is that correct?

A Yes.

Q Okay.

Ms. Sachsman Grooms. Which compound?

Ms. Jackson. Lease for a compound.

Ms. Sachsman Grooms. But it's not Villa A.

Ms. Jackson. At this time it was.

Ms. Sachsman Grooms. No, it's not.

Ms. Jackson. Well --

Mr. Snyder. Can we -- he wants to review the whole document.

Ms. Jackson. Sure. Absolutely.

Mr. Snyder. Thank you.

Ms. Jackson. We can just go off the record for a minute. Thanks.

[Discussion off the record.]

BY MS. JACKSON:

Q Again, at the bottom of page 2, on this last exchange on this page, where it says, "On another topic, can DS go ahead and provide the needed waivers for this compound/lease," they're talking, first of all, about a lease of a compound in Benghazi. Is that correct?

A Yes.

Q Okay. Do you know which compound or which villa they were referring to at this time?

A Not specifically.

Q Okay. And were you aware around this time in June, mid-June of 2011, that there was a conversation about the need for waivers and exceptions for any type of lease or compound in Benghazi?

A No, I was not aware of that.

Q Okay. And did you ever become aware that waivers and exceptions packages were being discussed for any type of a lease for any type of a compound in Benghazi in 2011?

A No.

Q Okay. That conversation never occurred, to your

knowledge?

A Correct, it did not come to my level.

Q Okay.

Mr. Snyder. If I could just have a moment.

Thank you.

Ms. Betz. And just to clarify, if it didn't come to your level, what level would it have reached? Who would have been making these decisions and being consulted, if it didn't reach you?

Mr. [REDACTED] I think that it would have been a discussion between the personnel on the ground and the Office of Physical Security Programs as they worked through what was available and what were the next steps to be taken.

Ms. Jackson. And that was one of the offices that you --

Mr. [REDACTED]. Yes.

Ms. Jackson. -- directed and supervised?

Mr. [REDACTED]. That's correct.

Ms. Betz. We'll just show you another document, which we'll mark as exhibit number 2.

Mr. [REDACTED] Okay.

[REDACTED] Exhibit No. 2

Was marked for identification.]

Ms. Betz. This is a short document. I'll identify it as C05397277. It is an email from [REDACTED] to [REDACTED]. The subject is Benghazi compound, and it's dated 6/20/2011.

Mr. [REDACTED] Okay, yes.

Ms. Betz. And this is an email which states: "This is to confirm that a determination has been made by DS that no waivers or exceptions to security standards are needed for the Benghazi compound property."

Do you recall having any type of discussion about waivers or exceptions?

Mr. [REDACTED]. No, I do not recall having any discussion about waivers or exceptions.

BY MS. JACKSON:

Q You previously stated that you did not recognize the name [REDACTED], who is the recipient of this email. Do you recognize the name [REDACTED]?

A Yes, I do.

Q And who is Mr. [REDACTED]?

A [REDACTED] works within the Office of Physical Security -- was working within the Office of Physical Security Programs at this time.

Q Do you remember his exact position?

A I think he -- I believe he was in the Program Coordination Branch, which would have been the branch that had the day-to-day conversations with the personnel on the ground and also with International Programs regarding the activities.

BY MS. BETZ:

Q Would he have reported to you or to somebody else in between?

A He would have reported to the branch director of the Programs Coordination Branch and also to the office director for

Physical Security Programs.

Q So is it accurate to say then that discussions were occurring within Diplomatic Security about the applicability of waivers and exceptions with regard to a property in Benghazi?

A It appears from these documents that there was.

Q And so does this change your recollection regarding the applicability of OSPB and SECCA and/or the beginning of a waiver or exception process?

A No, it doesn't change my recollection because I wasn't involved in any of these discussions. I understand from looking at the documents that the legal opinion was that they did not apply. And it appears from this last email that this was the decision that was then sent forth to [REDACTED].

Q Well, so here's what I'm trying to reconcile is, this is a document that suggests that those on the ground with those -- working with those individuals in D.C. within the Office of Physical Security Programs are having conversations about the need for waivers and exceptions. And if they're of the mind that neither waivers nor exceptions are applicable, are these packages being prepared per your previous statements? Does that make sense?

A The packages would not have been being prepared based on the fact that there would not be a requirement to prepare the packages. So no, the packages would not have -- the waivers exceptions packages would not have been being prepared.

Ms. Welcher. I'm sorry. Are you basing this on the documents

or your own knowledge?

Mr. [REDACTED] I'm basing this on what's on the documents.

Ms. Jackson. But your prior statement had been they weren't being prepared because of time considerations; that if that were to occur, it would've occurred somewhere down the road, that the attacks were an intervening factor. Was that your prior statement to us?

Mr. [REDACTED]. Well, I thought your prior question to me was had I been involved in the preparation or instruction that the packages be prepared. And no, I had not.

And then the question became, well, I thought, why were the packages not being prepared? And my response was, because we were in the process of making the upgrades that would have been incorporated in the package when it was to be prepared later.

Ms. Betz. But correct me if I'm wrong, the discussion also focused that this was the start of the process. If I misunderstood you, correct me.

Mr. [REDACTED]. The start --

Ms. Betz. The start of the waivers and exceptions process; that the process of upgrading the facilities was the start -- unofficial start -- of the waivers and exceptions package.

Mr. [REDACTED] No, the process for upgrading and improving a facility would occur whether there was a followon waiver and exceptions requirement or not.

BY MS. JACKSON:

Q Is there a typical timeframe in which you will go in and occupy a facility, perhaps do some upgrades, and then begin the process of preparing a waivers exception package? Is there a period of time that DS takes to do upgrades?

A No, there's no specific time. Sometimes it's determined that a facility may have been in existence and there is a new requirement for a physical security standard, and you recognize that that facility that you currently occupy will not be able to meet that requirement. And thus moving ahead, you will have to submit a request for a waiver because you can't meet that requirement.

So it's not a -- it's not really the timing element. It's what can be addressed and what cannot be addressed.

Q But apart from that, for newly leased, you're going in, you're going to lease a new property, it's not going to meet all the standards. What is the timeframe that DS, you know, typically takes before it will start the waiver exception package process?

A There is no specific timeframe.

Q What's the longest that you -- I mean, what we have in Benghazi is over a year. Now, obviously there's some other documents that indicate that it wasn't necessary and wasn't going to be done. But I believe your prior statement was that prior to seeing these documents you assumed it would be done at some point. Am I misinterpreting what you had said before?

A No, I didn't state that before. There was the statement

that if decisions had been made to stay at that location, then we know that at some point we would -- we know that then we would need a waiver and exceptions to continue to operate at that location.

Ms. Betz. Let me clarify. So if the decision was made to stay at that residence, so to the best of your recollection, was a constant sort of watch or property evaluating on going while the mission was residing in the interim and then ultimately compound?

Mr. [REDACTED]. I'm sorry.

Ms. Betz. Were there constant sort of like reviews of alternate facilities occurring while you were residing in the compound, that you're aware of?

Mr. [REDACTED]. Not that I'm aware of. There were constant reviews of that facility to see what upgrades were required. But I do not know if there were reviews of looking at alternate locations to operate.

Ms. Jackson. One distinction that we've seen is the distinction between temporary, interim, and permanent facilities with respect to OSPB. Can you explain your understanding of those three categories and how OSPB standards apply to those three categories?

Mr. [REDACTED]. No, I can't. I have heard the terms myself, temporary, interim, and permanent, but I don't make the distinction. I don't know what temporary, interim, and permanent mean. We operate under the instruction that any facility that we acquire meet the standards.

Ms. Jackson. And who gave you that instruction? Where did that instruction come from?

Mr. [REDACTED] I don't have a response for where it came from.
That's just the mode in which we operate.

Ms. Betz. We're close to our time, so we'll just go off the
record.

[Recess.]

[11:17 a.m.]

Mr. Kenny. We will go back on the record. The time is 11:17.

Ambassador, I want to take the opportunity again to thank you for appearing here voluntarily today. I will take a moment to reintroduce myself. My name is Peter Kenny. I am counsel with the minority staff. I am joined here by my colleagues, Susanne Sachsman Grooms and Erin O'Brien. On behalf of the ranking member and the select committee minority members, just again thank you for your appearance here today.

Examination

BY MR. KENNY:

Q I would like to pick up where we left off in the last round. I think it was a bit confusing, at least from our vantage point, in trying to understand some of the statements that you were making and some of the questions that were being asked of you. And it was our sense that people may have been talking past each other a little bit. So I was hoping we could go back to maybe clarify some of the statements that you made.

One being, I had written in my notes, initially you were asked a question about SECCA. And I will preface this entire discussion: In the last round there was a discussion about SECCA requirements, OSPB standards. Some questions were asked of one or the other, some questions were combined. I am going to do my best to separate those.

We understand that different requirements may mean different things. OSPB, of course, as we understand it, has incorporated some of the SECCA requirements, but the processes are different, the

language that's included in both is different. So when we refer to SECCA, we will refer to waivers to SECCA, and when we will refer to OSPB standards, we will talk about exceptions to OSPB standards. Does that work for you, sir?

A Yes, that works for me.

Q Okay. Great. And is it fair to say that it was a little confusing in the last round because we were switching back and forth between talking about whether both standards and the requirements applied versus whether OSPB applied in certain instances and SECCA requirements applied in certain instances? Is that fair to say, that it was kind of a confusing discussion?

A Yes, it was.

Q Okay. And we will do our best with our questions help hopefully clear some of that up. We will start with some of the SECCA requirements. You were asked in the last round if you were aware of discussions about whether SECCA requirements applied to the facilities that were ultimately leased in Benghazi. And I had noted that you said that you weren't aware of discussions, but there weren't any because it wasn't a language -- I believe you said that it wasn't a major -- I'm sorry, a newly constructed facility. Do you remember, recall making that statement?

A Yes.

Q You were then later asked if the SECCA requirements applied to Benghazi, and I believe you had written that the answer was yes. Is that accurate?

A Yes.

Q Okay. So just so that we better understand, is it your view that the SECCA requirements did apply to the facilities in Benghazi.

Ms. Sachsman Grooms. Or do you just not know?

Mr. [REDACTED]. I guess my focus was actually on getting -- I understand -- I understand SECCA requirements, I understand OSP requirements. I can state -- well, based on the documents that I have read, I understand that the legal opinion was that SECCA did not apply.

BY MR. KENNY:

Q Is it fair to say these things -- it sounds like what I was hearing was that you weren't involved in discussions about whether SECCA applied or whether OSPB standards applied at that time. Is that fair?

A That is correct. I was not involved in my discussions as to whether or not SECCA or OSPB were required at that time. That would have been at the level of the Office of Physical -- PSP, Physical Security Programs.

Q And that's in fact what exhibits 1 and 2 appear to show, is that there is a discussion between individuals within those offices and perhaps others to include the L Bureau. Is that your understanding?

A Yes, that is my understanding.

Q Okay. So the discussion about whether SECCA -- we'll focus just on SECCA first -- whether SECCA requirements applied to the facilities in Benghazi was a discussion, as you sit here today, your

understanding is that was occurring at a level below you?

A Correct. The focus was really on getting the personnel from -- into a more secure facility. The focus was on getting them out of the hotel because of the threats that were present in the hotel and the activities that were going on there and moving them to a more secure facility that had a lower profile than where they were at that time. And so, yes, while I understand that those other discussions took place, the focus was about securing the personnel that were on the ground.

Q I see. So your view, your focus was on ensuring that whatever facilities were openly occupied were improved to bring them into compliance at the best maximum extent practicable under either SECCA or OSPB. Is that accurate?

A Yes. At first it was an improvement on where they were; and, B, if there were improvements that were required at a later date for these locations that they relocated to, that those continue.

Q Okay. And as a general matter, and I believe our discussion we've focused on the summer of 2011 timeframe, so this is when Special Envoy's team resided at the Tibesti hotel. There was a decision to leave and then ultimately that team ended up at what we now know as Villa A property, later Villa B. Was it your understanding then that those improvements began shortly after they occupied that facility and carried forward? Is that accurate?

A Yes.

Q Okay. And again, you had mentioned that you weren't aware

of these discussions that were taking place about whether standards or requirements applied contemporaneously. Is that because your staff didn't raise those to your attention at that time?

A Yes.

Q Okay.

A The --

Q So I'll tie it back this way. You had mentioned -- you were asked a general question in the last round about when matters would come to your attention, a very general question. And the answer you gave is that if things were not worked out by office directors, if decisions weren't worked out at that level the decisions may come to your attention?

A That's correct.

Q So it sounds like, at least with respect to whether SECCA requirements applied, whether OSPB standards applied, that that was something that was being worked out at a lower -- a level below you, beneath you.

A That is correct.

Q Okay. So again, I understand just from our vantage point some of these things appear to be a little confusing in the discussion we were having. I think it is helpful to have you clarify some of those pieces for us.

At this point, what I would like to do is introduce into the record -- this will be exhibit No. 3.

Was marked for identification.]

BY MR. KENNY:

Q And I will go ahead and identify this for the record. This is a portion of a transcript of a July 9, 2013, transcribed interview before the House Oversight Committee of then Assistant Secretary for Diplomatic Security Eric Boswell.

A Okay.

Q And I have included several portions here of Ambassador Boswell's statements about OSPB standards and the SECCA requirements. And I will give you a moment to read from that. I'm going to focus your attention on page 65 and 66, but I included the full portion just for your benefit.

A Okay.

Q And I'll direct your attention to the bottom of page 65, I'm going to read a portion of this into the record. The question begins: "Okay. Turning specifically to the Special Mission Compound in Benghazi, did OSPB security standards apply to that facility? Answer: I'm not aware that they did. I never got a request for a waiver for such standards. Question: You're saying you're not aware, but in your opinion, did they apply? Answer: In my opinion, they did not apply because they -- in my opinion, the standards apply to permanent facilities, not temporary ones. Having said that, as I mentioned previously, in any place we have people, we do our best to get as close, because OSPB standard is the standard for us, it's the gold standard, and we try to get as close as we can to it." Close quote.

The reason I wanted to introduce this is not to call into question anyone's judgment on the question of whether OSPB standards applied to the facility or not. Our read of this and based on the statements that you made today is that this is a fairly confusing subject area. Would you agree with that characterization?

A Yes.

Q And at least in Ambassador Boswell's view, the standards didn't apply because the facilities were characterized as temporary facilities. You were asked a question that in the last round.

I just wanted to focus on the second portion of his response, the second part of the answer. And I believe you touched on this a little bit in some of your responses in the last round. But it sounds like, at least from your viewpoint, whether OSPB standards technically applied or didn't apply, that your approach within Countermeasures was to apply the standards in such a way as to improve physical security at the compound as much as you could. Is that a fair statement?

A That's correct.

Q And that's because the focus was on the physical security on the ground, as opposed to a process for documenting and the exception and waivers, in this case the exceptions process. Is that fair?

A That's correct.

Q And here the Ambassador indicates that he's not aware, he didn't get a request for -- he refers to it as a waiver. We understand that to be an exception for OSPB standards, is that. And a request for an OSPB exception, who approves, ultimately approves an exception

in that process?

A The assistant secretary for diplomatic security.

Q Okay. So Ambassador Boswell in this case --

A Correct.

Q -- would have been the ultimate authority or decisionmaker with respect to an exception for OSPB standards.

A Correct.

Q And here he says he didn't receive a request for them. Those requests would have been routed through your office. Is that right?

A Correct.

Q And based on what you told us earlier, you didn't receive a request for an exception?

A That's correct.

Q And I think we touched on this a little bit before because, based on your understanding today, is that because you believe these issues were kind of being worked out at the working level between security professionals in the field and desk officers at DS headquarters?

A That's correct.

Ms. Sachsman Grooms. And Legal.

BY MR. KENNY:

Q And Legal.

A And Legal.

Q For the SECCA requirements?

A Correct.

Q You also mentioned or indicated in the last hour that whether a process were to go for exceptions, that that was a process that would take some time to develop. Is that fair?

A That's correct.

Q Okay. And it's also our understanding as well that an exception process can take a period of time to develop. Is that fair?

A That's correct.

Q Okay.

A After you -- when you look at what you have, as I say, you look at what you have and you look at what is required, and then you begin to try to mitigate that. The exceptions process is initiated at the post, you know, the survey is done, the security professional will come back and state this -- these are what are met and these are what cannot be met. And the requirement states that, for an example, the wall be 9 feet high. Our wall is 8-1/2 feet high. We will require an exception to the requirement that our wall be 9 feet high.

Q You're speaking generically.

A Yes, generically. So here are the mitigating steps we will take to address that issue. We will put razor wire, barbed wire on top of the wall for an additional 1 foot so that it mirrors the requirement of a 9-foot-high wall, although the wall is not -- it's only 8-1/2 feet high, but we've taken a mitigating step to address that shortage. And so that we conform with what the requirement is, we now request the exception.

And so that type of language is laid out in a document that then goes through the clearance process and ultimately ends up for the approval or disapproval for the assistant secretary.

Q Okay. And again, regardless of whether the OSPB standards apply or not, the view of your particular office Countermeasures at the time, your view is that you would do the best that you could --

A That is correct.

Q -- to improve security? Okay.

If I could quickly direct your attention back to Exhibit 1, I will direct your attention to page -- the last page, where this is [REDACTED] -- or [REDACTED] writing. And just at the top there, he writes: [REDACTED], for the compound, I need the following information," and asks for some descriptive information about the property.

If you look in response to that from [REDACTED] on June 16, 2011, if you look under site description, it says, it reads, quote: "Villa Compound Description: The proposed compound would be a single walled compound to cover both residences and office space. The compound consists of the following living areas. 12 two bedroom units with living room, kitchen, bathroom. 4 one bedroom units with living room, kitchen, bathroom. 2 executive units with 2 bedrooms, living room, kitchen, office, bathroom. 1 compound kitchen and dining area. And 1 multiuse structure connected bathroom. 2 cement/stone villas." Close quote.

To the best of your recollection, is that description descriptive of the property that later became known as Villa A or is that more likely

descriptive of the property that was referred to as the man camp or French villas property?

A I honestly don't know.

Q Okay. So when we look at the analysis on the first page, you were asked some questions about that, as well as a request of whether to proceed a request for waivers. As you sit here today, you're unclear as to which facility this particular analysis applied to?

A That's correct.

Q And if I could, I'd like to go ahead and introduce -- this will be exhibit No. 4.

██████████ Exhibit No. 4

Was marked for identification.]

BY MR. KENNY:

Q I'll give you a moment to read this. I'm going to focus on the email in the middle of the page. We included the full chain for the sake of completeness. And just to identify this, it's document C05394858. It's an email from ██████████ to ██████████ and others, July 5, 2011, 6:50 a.m.?

And for the record, your name is not on this email chain.

A Okay.

Q Okay. And I would ask you to direct your attention to the second email down in this chain, which is an email from ██████████. Do you know who that individual is?

A Yes, I know ██████████.

Q Do you know what position he served in at this time?

A No, I don't recall what position [REDACTED] was serving in at this time.

Q Are you aware whether [REDACTED] deployed to Benghazi as the regional security officer or assistant regional security officer at any point in 2011?

A I believe he did, but I can't say for certain.

Q Okay. And on the second page here -- well, first, he begins the email by saying: "[REDACTED] -- further info on the proposed property. We're referring to our current residences as Villa A and the neighboring property as Villa B." Close quote.

It then goes on to describe a little bit about the circumstances at Villa A, Villa B. If you turn to next page there is a section entitled "Physical Security Upgrades," where it reads, quote: No immediate physical security upgrades are required before occupancy. Compound perimeter walls are approximately 4 meters in height. Razor wire would provide anti-ram, but would greatly raise our profile since we are situated in a residential neighborhood; locally, razor wire is used primarily government installations. Blending into neighborhood and maintaining a low profile are important elements in the mission's overall security posture. Razor wire not recommended.

Residential and office structures have significant setback. Concrete barriers/planters not required.

Existing vehicle gates are made of steel and in good condition. No modifications necessary.

Both Villa B vehicle access points (north and south) will be

permanently blocked using armored vehicles and/or heavy scrap machinery (already on the property). Villa A has two vehicle access points (north and south) used for mission vehicles during the day; these will be blocked using armored vehicles overnight.

Landlords do not support major modifications to their properties, including the installation of drop arms. Risk will be mitigated by permanently blocking two of the four vehicle access points. Non mission vehicle and foot traffic will be channeled to Villa A Bravo gate. Screening efforts will be concentrated to one area.

We've reviewed a lot of documents from personnel who had been deployed to Benghazi. Here at least there appears to be -- this is a description of -- would you describe this as a security assessment?

A Yes, I would.

Q And do you --

A A physical security assessment, actually.

Q Okay. And is there any indications here that there are deficiencies for which an exception would need to be sought or mitigating measures need to be taken?

A No. This is a very good description of the facilities on the compound and addressing a lot of the items slash requirements that we would look at based on standards.

Q Okay. And at the time, this is July 2011, it appears this description is referring to both Villa A and Villa B. Is that your understanding?

A Yes.

Q And would this be an example of what you described as the focus at the time when the Special Envoy moved from the hotel to quickly find a property that was suitable, more secure from a security perspective?

A Yes.

Q Okay. And certainly, although subsequently, separately, other communications may have been made about physical security at the compound, at least here there is no indication of major physical security vulnerabilities at Villa A or Villa B, correct?

A That's correct.

Q And there is also no reference or request for an exception --

A Correct.

Q -- to OSPB standards.

And it sounds like certainly here there is a discussion of some steps that will be taken using armored vehicles and blocking positions, that sort of thing?

A Uh-huh.

Q Is that what you'd described as some of the steps that post would take to enhance their security?

A Yeah, or mitigate requirements, because you can't use drop arms, drop bars, they will use armored vehicles in the place of that. So that's a mitigating ^{step} ~~stuff~~.

Q And moving forward, we'll mark what will be exhibit 5. For the record, this is document number C05578319.

██████████ Exhibit No. 5

Was marked for identification.]

BY MR. KENNY:

Q It is a document entitled "Physical Security Programs Makes a Move in Benghazi," by, redacted, ██████████, DS/C/ST. I'll give you a moment to review that.

I would just like to first ask for your understanding of what this document is?

A Yes, this is an article by ██████████ about the assistance provided from the Office of Physical Security Programs for locating -- for first moving into the hotel in Benghazi and then later locating property to relocate.

Q Okay. And is this an article that would have been prepared for internal consumption? Is this something that would have been prepared for external release?

A Mainly for within the Department and mainly within Diplomatic Security. I think the greater readership was within Diplomatic Security for these.

Q Okay. That's fair. And I'll note that there appear to be some -- a few line edits in here. So this appears that it may be a draft form. Do you recall this article at the time?

A Yes.

Q Okay. So an article was produced and distributed internally within the Department?

A Yes, I believe so.

Q Okay. And as you sit here today and you read the content, the description, it paints a story of how certain facilities were occupied, is this generally an accurate description of what occurred, to the best of your understanding?

A To the best of my understanding, yes.

Q Okay. And there was some discussion in the last round about which facility is occupied and when. It appears here that there is a sequence that it is laid out. Is it your understanding that this is an accurate sequence of how the events played out or transpired Benghazi?

A This appears to be an accurate sequence, yes.

Q And would this further be an example of what you discussed in the last round about some of the challenges associated with finding a facility that would be suitable from a security perspective in Benghazi at that time?

A Yes.

Q There is reference, for instance, to 12 potential site visits that occurred?

A Uh-huh, yes.

Q At the time, do you recall that Villas A and B were seen as the best choices from a security standpoint?

A I believe they were.

Q Okay. So in light of 12 potential options, the best option from a security standpoint, to the best of your understanding, was Villas A and B?

A Yes, that's correct.

Q Yeah, and just one clarifying, there is no date that appears on this, but to the best of your recollection, did this article appear internally within the Bureau before the attacks?

A Yes, it appears that this was earlier -- an earlier article, prior to the attacks.

Q And then if you look on the last page there is a line that reads: "TDY/RSO [REDACTED] works in entrance area of Villa A." So does that refresh your recollection about the role [REDACTED] may have played in 2011 and whether or not he was deployed to Benghazi?

A Yes, this would indicate that he was deployed to Benghazi during that timeframe.

Q And if we could just return real briefly to exhibit 1 and exhibit 2. Again, you indicated you weren't contemporaneously aware of these discussions at the time, discussions with Legal. As you sit here today, is there anything that appears inappropriate about the process that is unfolding in either exhibit 1 or exhibit 2 where individuals appear to be consulting with legal advisers regarding the applicability of certain standards?

A No not at all, not at all.

Mr. Kenny. Okay. We'll go off the record.

[Recess.]

BY MS. BETZ:

Q Ambassador, thank you again. So we'll continue with our second hour for the majority, third hour.

We've talked a lot about OSPB standards and SECCA. And in the last hour we continued the discussion clarifying sort of on separate tracks OSPB standards and SECCA. And what I want to focus on are how those standards are developed in terms of isn't it accurate or would you agree that there are different standards based on different threats?

A Okay.

Q So a threat level would determine those OSPB standards that would apply to mitigate that threat?

A I -- I -- okay.

Q Do you agree?

A Oh, okay. There are going to be basic requirements for any facility regardless of the threat level at a location. Of course we have various threat levels, low, medium, and high. But regardless of the threat level, there will be basic standards that will require to any facility. So yes, there will be some standards that are tied directly to threat, but OSPB may or may not fit into that category, I guess because subsequent to Benghazi we have the high-threat, high-risk posts. And so there are things that are done at those locations that are in addition to what the standards are.

So it's not really a direct tie between threat and the standards, because I'd try to think of a place around the world where, based on that threat, you have higher standards of OSPB requirements.

Q Well, taking a step back before the attacks, and just let's start off, I guess, with a SETL, a security environment threat listing?

A Correct.

Q And what is a SETL threat?

A A security environment threat list is an assessment of each post around the world, and you assess certain categories, the threat in certain categories, political violence, crime, terrorism, and ^{two} ~~to~~ classified settings as well, yes.

Q And is it fair to say that there are certain OSPB standards that are tied to the SETL threat ratings that would mitigate those threats?

A There are certain requirements based on what the threat level, as to which of the standards ought to be met.

Q Okay. And do you recall what the SETL ratings were for Benghazi at the time?

A There would not have been any SETL threat rating for Benghazi.


Q Would there have been one for Libya?

A There would have -- yeah, for Tripoli. I believe Tripoli was high --

Q Okay. I'd like to --

A High for --

Q So I'd like to introduce now what will be exhibit 6.

 Exhibit No. 6

Was marked for identification.]

BY MS. JACKSON:

Q So just to clarify, the OSPB standards that are out there

apply -- when you say they apply to all facilities, so every standard applies to facilities that are rated low on the SETL listing. Is that correct, every single standard?

A Correct. Here is an example. For a low threat post, the perimeter may require a fence, whereas for a high threat location it may require a wall, that is an example, particularly for residential standards, which are OSPB.

Q So then the threat -- so there are different standards or requirements that come into play depending on the threat level of that location?

A That's correct, yes. I -- yes.

Q So it's sort of the higher the threat level, the higher the standard will be, or the more stringent the standard will be?

A Yes.

BY MS. BETZ:

Q In order to mitigate that threat?

A Correct.

Q I will give the witness a chance to look at the document. And just for identification purpose, it's State Department document C05388931. It is an email from [REDACTED] to [REDACTED], dated December 15, 2011. And just for the record, the witness is not on the email. It goes to the discussion of the SETL threat in Libya.

A Okay.

Q And to further inform our discussion on the SETL threat in Libya at the time, this is an email of which, as I noted, that you are

not on, but goes to the discussion of SETL threat, between the RSO in Tripoli and the TDY/RSO in Benghazi, who is [REDACTED]. And are you familiar with these two names?

A I am familiar with [REDACTED].

Q [REDACTED]. And [REDACTED] in this email is responding to a request from the TDY/RSO in Benghazi as to what the SETL threat is --

A Uh-huh.

Q -- at the time and at the end of 2011. And the SETL threat rating for terrorism is high, political violence critical, crime high, and as you alluded to earlier, two classified ones were both high.

And so can you tell us what those threat levels mean with respect to the risk to American diplomats? For example, what -- is a critical threat -- does that suggest a grave risk to American diplomats? Is that something you're familiar with?

A I don't know how I would characterize that? High threat means, based on the activity that we have seen in the past, you know, that we've seen at that location, that that amount -- that the amount of activity ongoing at that location would indicate that it has earned a high rating for that environment. And the same for critical, that the situation is such that it has earned that threat rating. Critical political violence for Libya at the time, there was a war going on, so that would be the rating.

Q And so to my colleague's earlier point, given these risks -- the higher the risk or threat rating, the higher the standard and the need to mitigate that risk, the greater importance to mitigate

that risk, correct?

A Yes, yes.

Q And so to go back to exhibit 4, I want to focus on the second page. And my colleagues in the previous hour had talked about the physical security upgrades, that the assessment that was done and the upgrades that were needed, and we just talked about a threat level that you described as an ongoing civil war. And so, in your opinion, do these assessments and the security measures in place sort of mitigate that threat that is in place or was in place?

A I -- the information that's on the document here gives an account of the physical security pieces that are in place for the compound that they are looking at inhabiting, and it sort of speaks for itself. It speaks to the height of the wall, which is 4 meters, and the requirement is a 9-foot wall. So it would actually be --

BY MS. JACKSON:

Q Okay, could you do the math for me?

A Yes, 4 meters is approximately 12 feet, so it's approximately 3 feet higher than a wall that would be required for a compound.

Q Where the rating is high for terrorism and crime and critical for political violence, is the wall required to be anti-climb or was it at the time in 2011?

A Yes.

Q So this wall did not meet that standard, is that correct, because they are talking about it, they would have to add something

to it to make it anti-climb?

A I see the comment about the razor wire, but based on the description of the wall, of its height, there is not enough detail here to state that it is not anti-climb. I mean --

Q So in other words, this description doesn't give you enough information to determine whether it would meet the OSPB standard?

A It gives information to me of some of the portions of the standard that it would meet. You are absolutely right, it's not there as to whether or not it would meet the anti-climb factor.

Q Okay. And going to the next paragraph, where it talks about significant setback, does it -- it doesn't tell you exactly how much setback it has?

A That's correct.

Q So again, you are not given enough information in this document to know whether it met the OSPB standards and the SECCA standards for setback. Is that correct?

A That is correct.

Q And then again down a little bit lower where it talks about the installation of drop arms. Were drop arms required where there was a SETL rating of high or critical for the categories we've discussed?

A Okay, I want to go back for just one point. It stated about the setback, it said: "Concrete banners/planters not required."

Q I'm sorry, where are you referring to?

A Where it says "significant setback." The next sentence

says: "Concrete barrier/planters not required."

Q Yes.

A Generally stating, the reason that that would be there is to provide enhanced setback. So if it is stating that it is not required --

Ms. Betz. That suggests to you that there is sufficient setback?

Mr. [REDACTED] That would suggest that.

BY MS. JACKSON:

Q But it doesn't tell you for sure.

A That's correct, that's correct, it doesn't tell me for sure. And you said about the drop arms?

Q Uh-huh.

A What was your question?

Q Was drop arms a standard that was to be met in locations that were rated high or critical for terrorism, political violence?

A Vehicle arrest barriers, yes, are a requirement, for the mitigating way would be to place an armored vehicle there that would function in the same -- would function as a vehicle arrest barrier.

Q And that is a sufficient mitigation in areas where they have car bombs and things like that.

A That is a sufficient -- that is a sufficient mitigation if there is no drop arm or delta barrier installed, yes.

Ms. Welcher. For the record, you're basing your foundation for questions on a document in July 2011 about the SETL ratings, but the SETL ratings that you cited are from a December 15th, 2011, document,

and the statement says these are new ratings that just came out. So I don't know if you have another document about the SETL ratings in July of 2011, but I just want to put on the record that the ratings you were citing were not -- do not appear to have been in place.

Ms. Jackson. May or may not.

Ms. Welcher. May or may not.

Ms. Betz. And I think just to respond, I think the witness talked about an ongoing civil war. So I think civil war critical threat rating.

BY MS. BETZ:

Q I want to turn to now -- so moving our timeframe up to December 2011 and the extension of the mission for an additional 12 months, for an additional year. Do you recall that period?

A Yes.

Q And do you recall clearing a memo, a memorandum of extension that was drafted by the NEA Bureau for Under Secretary Kennedy's signature --

A Yes.

Q -- outlining the parameters of extending the mission for another 12 months?

A I do recall that there was a memo.

Q And do you recall any discussions just generally about the memorandum that you had or the extension that you were having at the time whether with NEA or Under Secretary Kennedy's office or individuals within your own office about the extension?

A I don't recall specific details about any discussions.

Q Did you have concerns about extending the mission? Do you recall having concerns or discussing those concerns with anyone about the mission's extension?

A I don't recall any specific discussions about specific concerns. I do recall the memo being drafted. I remember clearing of the memo.

[12:25 p.m.]

Ms. Betz. I'm going to just show you a document which will be exhibit No. 7.

██████████ Exhibit No. 7

Was marked for identification.]

Ms. Betz. And while the witness is looking at the document, I'll go ahead and identify it. It is State Department C05578953, and it is a series of emails in the document of which the witness is not a sender or a recipient, but is identified in the series of emails. And it will be page 2, the top of page 2, that we will focus on.

And I guess, while we're at it, I'll hand you the extension memo so that you can read them concurrently.

Ms. Jackson. Which been marked as Exhibit 8.

Ms. Betz. Eight.

██████████ Exhibit No. 8

Was marked for identification.]

Ms. Betz. And for purposes of the extension memo, we'll be focusing primarily on page 2, the second full paragraph, the last sentence, beginning with "with."

Ms. Jackson. And just for the record, this does not bear a document number, but it is an action memo for Under Secretary Kennedy, dated December 27, 2011, from Jeffrey Feltman, subject: "Future of Operations in Benghazi, Libya."

Mr. Snyder. What paragraph?

Ms. Betz. So on page 2, the second paragraph, the last sentence.

And then on page 3, it would be the third paragraph and the sentence beginning, "If you agree with this course of action," in the middle.

Mr. Snyder. Got it. Thanks.

Mr. [REDACTED] Okay.

Ms. Betz. And just for clarification, on the extension memo, my colleague just described it, but just to reiterate, while the witness is not the drafter or the subject or the action -- it is not seeking the action of the witness, the witness did clear the memo on behalf of Diplomatic Security.

BY MS. BETZ:

Q Ambassador [REDACTED], going back to exhibit 7, and looking at the bottom of page one, do you recognize any of the two names in this email exchange? [REDACTED]?

A I do.

Q Okay. And who is [REDACTED]?

A [REDACTED] was a special assistant in the Office of Assistant Secretary.

Q And did she work directly for you?

A No, for Eric Boswell.

Q Eric Boswell, okay.

And so in this email she is responding to [REDACTED], and I'll quote: "Acting PDAS [REDACTED] clears the attached action memo AM to M on the future of Benghazi operations with the comment that this operation continues to be an unfunded mandate and a drain on personnel resources."

Do you recall those concerns?

Let me take a step back.

A I don't think this would be an inaccurate quote.

Q Okay. So this is an accurate description of your concerns at the time?

A Of the DS concerns, correct, correct. In my role as acting PDAS, as I was acting at that time, that's the director of diplomatic security, which would encompass not only Countermeasures, but the other directorates within Diplomatic Security. So this comment would've been based on that DS assessment.

Q So this was not your own personal assessment but the assessment, the collective assessment of Diplomatic Security?

A Yes. Or -- yes -- or input from this person that had been queried for clearance.

Q Did you ever have any additional discussions with either Assistant Secretary Boswell or Principal Deputy Assistant Secretary Bultrowicz or others about the concerns that you relayed with regard to the extension memo?

A No, because with this going from me up to Secretary Boswell, he would have seen these comments.

Q And did you discuss the contents of the memo before clearing it on behalf of Diplomatic Security or on behalf of the PDAS?

A The other seniors would have seen the memo as well and had an opportunity to comment based on its accuracy and maybe providing information for the document itself.

BY MS. JACKSON:

Q And by other seniors, you mean the other deputy assistant secretaries?

A Correct.

Q And at that time that would've been, like, Charlene Lamb for DS/IP?

A Yes.

Q Would there have been other DAS's?

A Yeah, there would've been the DAS for intelligence threat analysis, [REDACTED], and I believe training, since the personnel on the ground were from Mobile Security Division. I don't recall who the DAS was. Maybe -- I don't recall who the DAS was. And from Domestic Operations as well, because they provided a lot of the temporary support for the operations there.

Ms. Betz. But you didn't -- but just so I'm clear, so you did not have discussions with them personally. These were just recommendations, to the best of your understanding, that they were making to you?

Mr. [REDACTED]. Correct. Correct.

Ms. Betz. And then you were clearing it on their behalf?

Mr. [REDACTED]. Correct. Yes.

BY MS. JACKSON:

Q I noticed that this is at the end of the year. It's dated, this particular exchange, December 23. I'm anticipating that you were filling in for either PDAS Bultrowicz or Assistant Secretary Boswell

because it was the holidays and you got the duty?

A I have no idea. I have no idea. It would've been -- I would've been PDAS Bultrowicz though.

Q Filling in for him?

A Correct.

Q And when you fill in for him, do you often get, like, a list of things that are likely to come across your desk and these are the recommended actions, or how did that work at the time?

A No, I didn't -- I wouldn't get a list of things that might come across my desk. It basically was the things that came across my desk during the time that I was in that position, we would address them.

Q So when you got this action memo and made the reference or someone on your behalf made the reference about your comment that this operation continues to be an unfunded mandate and a drain on personnel resources, how is it that you collected that information in order to send that comment on?

A Well, first of all, the operation in Libya, there was no specific allotment of money for that operation that would address the unfunded mandate issue. The drain on personnel resources, when you establish a post and you begin operations, it's always preferable to have permanently assigned individuals in those locations as opposed to having continuous temporary duty assignments going through because of the costs that are associated with that.

And so that would be the resources. Looking at how you intend to operate there, you want to establish permanent positions in those

locations so that you don't have that continuous resource requirement of sending people over on a rotating basis.

BY MS. BETZ:

Q And just to clarify, to go back, the concern about the unfunded mandate was that there was no sort of direct funding stream for the mission in all aspects or with regard to physical security? Can you sort of describe maybe a little bit fuller in terms of that unfunded mandate?

A I think it would -- well, because it didn't come from Countermeasures, it would not have been solely for physical security. So I would say that it was broader for the operations in Benghazi.

Q Let me ask you this. As the DAS for Countermeasures, were you concerned about the ability to fund sufficiently the physical security measures needed to secure the facility?

A It had not become an issue for me yet at that time, based on, as we spoke of in the first hour, the sources that were providing funds for the operation, particularly from the physical security side. You had Physical Security Programs, you had International Programs, you had OBO, and then you had the regional bureau as well.

Q You said it had not been a concern at that time. Did it ever, did funding for physical security upgrades ever become an issue for you or a concern of yours?

A No.

Q Okay. I want to turn now to exhibit 8 and the extension memorandum itself.

A Okay.

Q And turning to page 2 and the last sentence that reads, "With the full complement of five Special Agents, our permanent presence would include eight U.S. direct-hire employees, two slots for TDY PM and USAID officers, and one LES program assistant."

So do you recall any conversations in clearing this memo regarding the designation of five agents to secure the compound with these eight other individuals?

A No.

Q You don't recall a conversation?

A No, I don't recall a conversation.

Q So you don't recall whether five was the minimum or five was the cap?

A No, I don't.

Q And turning then to page 3 and the third paragraph, and in the sentence that states, "If you agree -- "

A Okay.

Q "If you agree with this course of action, NEA will work with DS to rapidly implement a series of corrective security measures as part of the consolidation of the State footprint."

A Uh-huh.

Q Help me understand what corrective security measures means.

A I don't understand the context in which this is stated. Okay. Well, in relation to the sentences that are directly above that, it's a matter of repositioning the security elements that cover the

compounds. It appears that they've given up Villa A and maintaining Villas B and C.

There would have been security guard postings, positions on Villa A, that you now need to consolidate onto the Villa B and C compound, and also the access control points, the technical security pieces that are in place there, camera coverage, alarms, those types of things. It's just a reconfiguration of the overall security package to accommodate the grounds that you now are going to occupy.

Q And so taking a step back, this is a memorandum that would renew the leases for Villas B and C and terminate the lease for Villa A, correct?

A Yes.

Q And these would be corrective measures that would be taken to secure Villas B and C, correct?

A Correct.

Q And were you consulted on those decisions to let A go and keep B and C? In our previous discussion you talked about A and B being the more secure aspect of the compound, but yet moving forward, this is a memorandum that authorizes the leases of B and C and terminating A. So I'm just trying to better understand from you if you were involved in any of the discussions to let Villa A go versus Villa B and C.

A Yeah. No, I don't recall being in any discussions relinquishing Villa A.

Ms. Welcher. And as to his prior testimony, I'm not sure that's

quite what he said, so I would just refer to the record just to be clear.

Ms. Betz. And if I'm inaccurate, correct me.

Mr. [REDACTED] Okay.

Ms. Betz. That's my understanding of that.

Ms. Jackson. Who on your team would've been involved in reviewing the decision as to which villas should be retained, or was that left to some other component?

Mr. [REDACTED] I think it may have been left to some other component. I think it's based more on the needs of the operation and the footage space that would be needed for that. I don't think it's solely a security issue as to why they're moving from Villa A to then consolidating with B and C.

Ms. Jackson. So what you're telling us is that space considerations would have been the deciding factor as opposed to the security aspects of the three compounds or the three villas that were available?

Mr. [REDACTED] I think there's an overall discussion of what are the needs of the operation there and what is it -- what does the compound -- you know, what is it that the compound is to look like. And it appears that it's going -- that Villas A, B, the 13-acre compound with Villa A, B, and C is more than is needed and so it's being consolidated to more what the need is, which is the space, the less than 13-acre area for Villas B and C.

Ms. Betz. I want to show you what we'll mark as exhibit 9.

[REDACTED] Exhibit No. 9

Was marked for identification.]

Ms. Betz. And while the witness is looking at the document, I'll go ahead and identify it. Basically I'm going to focus on the top two email exchanges. And the document is State Department SCB0049956. And it is an email from [REDACTED] to [REDACTED], [REDACTED], and [REDACTED], dated February 15, 2012. Really, it's just the first email or the email at the top of the page.

Mr. Kenny. It looks like there are two documents attached here. The last page is a different Bates number.

Ms. Betz. Oh, it must be our copying.

Mr. Kenny. Actually, there's several.

Ms. Jackson. Just the last page.

Ms. Betz. Just the last page.

Mr. Kenny. So are we going to mark that as a separate exhibit?

Ms. Betz. Just tear it off.

Mr. Kenny. Thank you.

Ms. Jackson. We'll shred them. You can just tear it up if you want. Take the last page off.

Mr. [REDACTED] Okay.

Mr. Snyder. See, now it reads completely differently.

Ms. Jackson. We're not even going there.

Ms. Betz. We're not even going there, exactly.

BY MS. BETZ:

Q So returning to our discussion of Villas A, B, and C and the decision to move forward with B and C, this is an email exchange,

as I noted, between [REDACTED] and the RSO in Benghazi, the RSO in Tripoli, and [REDACTED]. Who is [REDACTED]?

A [REDACTED] is one of the officers in the Office of Physical Security Programs, Project Coordination Branch.

Q And [REDACTED] is --

A Same.

Q Same.

A Yes.

Q And [REDACTED], just for point of clarification, was somebody that worked on a daily basis with those in Benghazi regarding physical security elements?

A Yes, he was the principal point of contact. Libya was in his portfolio within Project Coordination Branch.

Q And did you meet frequently with [REDACTED]? Did he maybe did not report to you directly, but were you briefed on what he was doing with regard to these security measures?

A I would inquire from [REDACTED] when necessary. But no, I did not meet frequently with him.

Q Okay. But his information is credible. We don't have any reason to believe what he's suggesting is inaccurate?

A That's correct.

Q Okay.

Ms. Jackson. So he was good at what he did?

Mr. [REDACTED] He was good in his responsibilities as an adviser on physical security matters.

Ms. Jackson. And he understood the process and was accurate in his work, and did you have full confidence in his work?

Mr. [REDACTED] I believe that he was a competent officer in the job that he was hired for.

BY MS. BETZ:

Q So at the top of the email exchange, [REDACTED] says, [REDACTED] I do not know who was responsible or why the decision was made to relinquish Villa A, but I believe that the compound created by this arrangement, Villa A and Villa B, was an exceptional facility that satisfied the operational requirements of your post."

It goes on to say, "Perhaps your question would be best raised by the principal officer with NEA/EX and OBO real estate before you go too far down the path of returning Villa A to the owner. [REDACTED]."

So this email suggests that [REDACTED] has concerns about Villa B and C moving forward. Is that fair?

A Since he makes very little reference to Villa C, it's sort of hard to infer from him what his assessment would be of Villa C. From this it's clear that he has a comfort level with Villas A and B, but it does not discredit what his opinion would've been of Villas B and C.

Q Do you recall -- oh, I'm sorry.

A That's it.

Q Do you recall if an assessment was ever conducted on Villa C, a security assessment?

A I don't. No, I don't.

Q But do you have any reason to believe that his concern was not a viable concern with regard to the security or his preference for Villa A and B, given he was on the ground at the time that Villa A and B were occupied by the mission?

A It appears that he is responding to the assessment from [REDACTED] and basically stating that there is more information that's out there that he doesn't have and that they need to seek NEA/EX and OBO for more information on why the decision was made to -- why that decision was made.

Q Are you aware of any type of discussion like this around the time that the extension memo was approved, cleared and approved in December?

A That there was a recommendation to consolidate on those --

Q Yeah.

A -- to consolidate the size of the compound?

Q Not the size, per se, but any type of similar discussion as to the choices to move Villa A and B forward versus B and C. Do you recall any of those type of discussions, and did they rise to your level?

A I only recall that there was a discussion to consolidate the size of the operation.

Q But not necessarily which villas?

A Correct.

Q And is that a decision that should've been brought to your attention?

A No.

Q Do you recall having any general conversations about co-locating at this time?

A No.

Q Do you recall having any type of discussion about co-locating?

A No.

Q So not in June -- you don't recall having a discussion in June 2011 about co-locating?

A No, I don't.

Q Or in December 2011 about co-locating?

A No, I don't recall.

Q So that's a discussion that would not come to you or rise to your level?

A I just don't recall there being any discussion on co-location.

Q Do you know who would've had those discussions?

A No.

Q Do you recall?

A I don't recall.

Q Okay.

BY MS. JACKSON:

Q And co-location is one of the requirements under SECCA. Is that correct?

A Yes, co-location is one of the requirements under SECCA

where there is a constructed facility, where the U.S. Government constructs a facility for its operation. Then if there are other U.S. Government entities that are out there, separate facilities, that the requirement would be that they are co-located under the newly built facility.

Q Is it just newly built facilities, or is it also newly acquired facilities?

A To my recollection, I can only recall cases of newly built facilities.

Q And when we're talking about the security of compounds and under SECCA, is it your understanding that there are two requirements, one being the co-location and the other one being a 100-foot setback?

A Yes.

Q Are there other provisions under SECCA that you recall that deal with physical security or the security of a U.S. Government facility overseas?

A Those are the two that come to mind.

Q Okay. So any other standards that we're talking about, such as height of wall or anti-climb or drop-arms, those would all fall under OSPB standards?

A Yes.

BY MS. BETZ:

Q So moving forward, the extension is moving forward, were you aware or do you recall any concerns from those on the ground about obtaining any type of physical security measure or anything like that,

any barriers that they were experiencing or that kind of thing?

A I recall that there was continuous conversation between the Office of Physical Security Programs, the Office of Security Technology, and the personnel on the ground about things that, you know, the current situation and things that could be done to make improvements. I recall there being a discussion about some vehicle barriers that the British were offering, and I believe in the end they were given to the people on the compound.

And there were other continual upgrades being made. I recall grilling on the windows, that even though the Villas had window grilling, there was an office that did not have it or that had substandard grilling, and there was a discussion of upgrading the grilling on the windows of that compound.

I recall there being a discussion about creating escape hatches within the grills. And I recall an early conversation about establishing safe havens, hardened areas within the facilities. Those are just some of the ones that come to mind.

Q Do you recall concerns about the perimeter wall? Were those brought to your attention?

A I recall there being an issue about establishing guard platforms on the perimeter wall. And I recall that there was the satchel bomb that was placed against the perimeter wall and damage that resulted from that.

Q Do you recall concerns that the RSOs were expressing about the landlord's unwillingness to address certain security issues like

the perimeter wall? Were those brought to your attention?

A I don't recall anything about the landlord not wanting to address.

BY MS. JACKSON:

Q You said guard platforms or guard towers?

A Guard platforms.

Q And those would be like elevated platforms so you could see over the wall? I mean, I'm just wanting --

A Yes. Yes. Exactly.

Q Were those ever funded and built?

A Yes.

Q The guard platforms were?

A Yes.

Q Is there a distinction between that and a guard tower?

A There is a distinction between that and a guard tower. A tower would be a freestanding entity that gives the guard cover and may be placed on the outside of the wall. It may be built into the wall or it could be erected behind the wall. Platforms generally are going to -- it's just that; it's a platform behind the wall. The thought behind both is to give the guard an elevated presence so that he can see activities going on beyond the wall and on the outside in both directions.

Q Were guard towers requested for Benghazi?

A I don't recall there being guard towers requested for Benghazi.

Q Okay.

BY MS. BETZ:

Q Do you recall the mission requesting the assistance of a physical security specialist to come do an assessment on B and C? Do you recall any conversations or requests coming from Benghazi?

A No. But we -- there were physical security specialists who visited Benghazi. [REDACTED] visited Benghazi. [REDACTED] visited Benghazi. They are physical security specialists.

Q Once the mission was extended and Villas B and C became the compound, do you recall any physical security specialist being sent to do an assessment on that, on the new compound per se?

A I do not.

Q Okay. Going back, you just talked about your recollection of the sort of satchel attack on the perimeter wall.

A Yes.

Q How were you notified of the attack?

A The 8 o'clock meeting that I spoke of the next day, I know that that was one of the points that was brought up at that -- in that briefing. There was also a spot report that was done, that's generally done shortly after an incident, and it would have come up on that as well.

Q So were you a recipient of all the spot reports and cables that were being sent from Benghazi and Libya to the State Department, to DS? Would you have been a recipient on those?

A Yes.

Q And what steps did you take or what did you do after that VTC describing the satchel incident?

A I'm going to confer at that point with Physical Security Programs, have them reach out to the personnel that are on the ground, give us an assessment of the damage and what are the repairs that are going to be needed, and if there is funding that needs to take place from us, from Physical Security Programs, in order to get it done.

Q Is there any revisiting that's done as to maybe we need to do something more rather than just repairing and rebuilding the wall?

A That's a matter that the post personnel on the ground would discuss, and then if they recommend that, that discussion would then continue with the personnel within Physical Security Programs.

Q I'm going to show you what is marked as exhibit 10, a document.

█ Exhibit No. 10

Was marked for identification.]

BY MS. BETZ:

Q For identification purposes, this is State Department document C05388866. It is a series of email exchanges from Scott Bultrowicz to Charlene Lamb, copying Eric Boswell and the witness. And I'll give the witness a second to look at the document.

A Okay.

Q And just for the record, as I stated, the witness is on the series of email exchanges. And I want to focus on the third email exchange as well as the one above it. And in it, PDAS Bultrowicz is

inquiring of DAS Lamb, as well as to you, as well as Assistant Secretary Boswell.

"Charlene, this along with last week's incident is troubling. What is posts current movement operations? "

In the email above it, she responds and describes that they are in lockdown. But I want to focus on the last couple of sentences. "If the tide is turning and they are now looking for Americans and Westerners to attack, that is a game changer. We are not staffed or resourced adequately to protect our people in that type of an environment. We are a soft target against the resources available to the bad guys there. Not to mention there is no continuity because we do everything there with TDY personnel. The cost to continue to do business there may become challenging." Unquote.

Do you recall this email exchange?

A Yes. I really don't, but I -- yeah. But I'm on here and I would have --

Q Well, let me ask you this. So this is an email exchange that comes subsequent to the second attack on the facility and the same day that the U.K. Ambassador's motorcade was attacked. And so it seems that there is a trend starting or occurring with regard to attacks. Were you concerned by these, THIS series of incidents that were unfolding?

A Yes, it would have -- yes, I would have -- I was concerned about the activities going on, on the ground in Benghazi.

Q Did you have any discussions with either Assistant

Secretary Boswell or PDAS Bultrowicz or DAS Lamb with regard to this email or just the incidents in general and any type of assessments or reviews that needed to be done?

A I don't recall any specific discussions based on this activity, particularly as it related to the physical security profile.

Ms. Jackson. Beyond those people, did you direct your people to evaluate or reevaluate the physical security stature of the compound?

Mr. [REDACTED] No, I did not direct my people to do so, mainly because of their frequent communications with the personnel on the ground in Benghazi. So they would have not needed my direction to reach out and say: We've seen that this ~~happens~~^{happened}, do you need anything from us?

Ms. Jackson. Did your people then bring it to your attention? Did they, you know, bring it up to your attention following these events, that we've been in discussion with the people on the ground?

Mr. [REDACTED] No.

BY MS. BETZ:

Q Just moving forward to August 2012, and we talked about you being a recipient of different cables, were you aware of the Emergency Action Committee -- let's take this back. You're aware of an EAC?

A Yes, I'm familiar with an EAC.

Q And you're aware of EAC cables that are sent describing events and requests that may be forthcoming?

A Yes, I am familiar with EAC cables.

Q And were you aware or informed of any EAC cable that came out of Benghazi on or around August 15-16?

A I don't recall a specific EAC cable from that time.

Q So no one brought to your attention any concerns or any forthcoming requests that may be coming from Benghazi with additional physical security requests?

A I don't recall any specific requests. That's not to say that there weren't any made. I just don't recall any specific cable from an August EAC.

Q Well let me ask you this, were you involved in any conversations about making the mission permanent at that point in time, whether in July, August? Were you a part of any discussions about the future of Benghazi and its future?

A I recall that somewhere during that timeframe that there was a monthly meeting held that was chaired by Under Secretary Kennedy and NEA/EX being the other main body there, but also attending the meeting with the Diplomatic Security and OBO personnel, of which you would cover a list of issues in the NEA region that were of importance and they wanted deeper engagement with Under Secretary Kennedy on.

I know that during one of those meetings during that timeframe the question was asked -- that was also coinciding with the time that they were asking to extend for the year. And so permanent, not necessarily in that word, but what's the future for Benghazi, and I think the decision was made that we would remain there until at least December of 2012.

Q Okay.

Ms. Jackson. And so throughout the time that Benghazi was in

existence, there were these monthly meetings that were chaired by Under Secretary Kennedy involving every location within NEA. Is that correct?

Mr. [REDACTED] Correct. Yes. Well, locations with NEA that they needed more input on.

Ms. Jackson. Okay.

BY MS. BETZ:

Q Let me ask you this. Were there other meetings or task force that you were a part of that you were aware that DS was a part of that dealt with Libya per se?

A Yeah, there would've been -- there was a weekly discussion with OBO on activities worldwide. And it was called the risk management -- the risk meeting, I think is what it was titled. It was generally on Fridays. And again, depending on what was going -- you know, what were the issues of significance from the previous week, they would always go on the discussion agenda.

Q Do you recall being a part of or DS being a part of the COWG, the Contingency Operation Working Group?

A Yes.

Q And was that Libya specific?

A No. No, that was broader than Libya. And -- yes, it was much broader than just Libya. Mainly NEA posts, but definitely not solely Libya and not solely NEA. NEA, SCA posts seemed to be the major locations that were discussed.

Q Do you recall any other working groups that might have been

shared by DAS Lamb or PDAS Bultrowicz about Libya specific? Are you aware of any other type of working group or task force?

A I don't recall any others.

BY MS. JACKSON:

Q Just a couple concluding questions. You said at the very outset -- so it has been a while -- that one of the offices that you directed dealt with protective equipment, I believe?

A Yes.

Q And I believe you might have mentioned that it included the fully armored vehicles, things like that. Did it also include weaponry?

A Yes, it did.

Q Okay. Do you recall requests ever coming in from the agents in Benghazi that they wanted machine guns, SAWs, fully automatic weapons?

A No, I don't. I've seen documentation on what was sent to Benghazi, what was sent to Tripoli, but I don't recall there being a request for SAWs. That's not to say there wasn't; I just don't recall it.

Q Okay. Who would have been in charge of handling that request?

A For weaponry of that specificity, it would have been the decision of the Defensive Equipment Policy Review Board, or it may have been called the Firearms Policy Review Board at that time, because that's not a type of weapon that is normally deployed, that we normally

deploy abroad. So it would have been a decision of that board to deploy.

Q And would those requests have been funneled through you before it went to that board?

A They would have initially come to DEAV. And DEAV is a sitting member on that board, and the office director of Physical Security Programs is also sitting director on the board. It's chaired by the deputy assistant secretary for training. And so that would be the group that would have taken up that issue.

Q But would you have been informed of it, if --

A Yes. Yeah, I would have been informed of it. But I don't recall being informed of a request for SAWS.

Q And if I could just briefly go back to exhibit 1, which was the sort of legal opinion as to whether SECCA applied to a facility in Benghazi. I'll give you a moment to pull that one out.

And at the bottom of the first page, I want to go to the -- what would be the third paragraph, where it says -- the legal opinion is,

[REDACTED]

You've told us before that this was never brought to your attention. Is that a correct recollection of that?

A Correct. That is correct.

Q Would you have been that appropriately senior official that it should have been brought to?

A It could have been me or someone in my -- within the chain, particularly the director of Physical Security Programs.

Q As you sit here and read this now, would you have expected your people to have brought this to your attention, to say we've got a unique situation here?

A I would have expected them to consult first with the legal team to see what was being discussed and upon their advice then move forward from that point on.

Q Okay. And they've given their advice. What would you have expected your people to do with that advice?

A I'm not understanding. I see that there had been a legal opinion rendered and that they followed their advice based on the legal opinion that was rendered.

Q And so you -- all right.

Ms. Welcher. And I believe we previously discussed that this legal opinion was not with regards to the villas that were ultimately occupied, correct?

Ms. Jackson. Well --

Ms. Betz. I think we left it undefined.

Ms. Jackson. Uh-huh.

How many facilities overseas were there like Benghazi in 2011 and 2012, where they were not officially notified to the host government,

found to be not -- found that the waivers and exceptions were not applicable to them? How many other facilities were there like Benghazi?

Mr. [REDACTED] I believe Benghazi was the only facility like Benghazi?

Ms. Jackson. Okay. That's all I have.

Ms. Betz. That's all we have.

Ms. Jackson. We'll go off the record.

[Recess.]

BY MR. KENNY:

Q We'll go back on the record. The time is 1:30 p.m.

Ambassador, again, thank you. Appreciate your patience here today. Just have a few follow-up questions regarding some matters that were discussed in the previous rounds and then hopefully we can have you on your way.

I'd like to redirect your attention, if I could, to both exhibit 7 and 8. Exhibit 7 is an email chain that you are not on that includes the thread from [REDACTED], and then exhibit 8 is the action memo dated September 27, 2011.

And just so the record is clear, there was an assertion at the beginning of the hour. I just wanted to ask for you to clarify, at the time that you received this memo, at the time the memo was passed on to Under Secretary Kennedy, you were serving as the acting principal deputy assistant secretary for diplomatic security. Is that correct?

A That's correct.

Q And then for the purposes of reviewing this memo, at that time you represented all of the Bureau of Diplomatic Security's interests or equities?

A That's correct.

Q Okay. And if I could direct your attention specifically to exhibit 7, the second page at the bottom, you were read the comment at the top of this page. The email immediately preceding your clearance and the comment that is attached, it appears to be an email from [REDACTED] to a series of other individuals, [REDACTED], [REDACTED]. Do you recognize any of these names on this line?

A Yes.

Q Okay. And I'll just read for the record Ms. [REDACTED]' email reads, quote: "Please provide comments/clearance on the attached AM to M on the future of Benghazi operations by tomorrow at noon. This is a redraft of a memo we have cleared before," close quote.

And just to ask for your understanding of who these individuals are, not with specificity, but what level these individuals served within the bureau.

A They're special assistants to the DAS's within the directorates of Diplomatic Security.

Q And you discuss a couple of those DAS positions. But do you see here the special assistant for the DAS for international programs?

A I see three.

Q You see three? Okay. So there were multiple special

assistants --

A Yes.

Q -- for certain --

A Correct.

Q -- deputy assistant secretaries? And is that because some of those offices tended to be more busy and required more support from special assistants? Is that in general --

A I assume that that's the reason.

Q And so just to understand a little bit about the process here. So Ms. [REDACTED] who it's listed here is a special assistant in Assistant Secretary Boswell at the time's office, is requesting a comment then from this group of individuals. Did this also include your special assistant?

A It included the special assistant for Countermeasures and the special assistant to the director of diplomatic security, yes.

Q Okay. Thank you. That's helpful.

So the process, just so that we better understand here, appears to be that Ms. [REDACTED] is reaching out to the special assistants for these various deputy assistant secretaries within the Bureau of Diplomatic Security and asking for their input on this memo before it's cleared. Is that correct?

A That is correct.

Q And then would the role of Ms. [REDACTED] be then to receive any comments and consolidate those for you to review?

A Yes.

Q Okay. And moving up the chain, the comment that this operation continues to be an unfunded mandate and a drain on personnel resources, I believe you indicated in the last hour that those weren't concerns that were originated within the Countermeasures directorate. Is that correct?

A That's correct.

Q Okay. Do you recall the source of those comments?

A I do not.

Q Or which office? Okay.

A No, I don't.

Q Okay. But it seems -- to you, does it seem likely that that comment originated based on the email below from one of those special assistants who would have consulted with their deputy assistant secretary?

A Yes.

Q Okay. And at the time, you had no reason to question, including this comment, in this particular line?

A No.

Q Okay. If I could direct your attention now to exhibit 8. The bottom of the first page, there's a line that reads, quote: "Because of budget constraints" -- it is the last sentence in the paragraph -- quote, "Because of budget constraints and the reduced footprint, Diplomatic Security's current presence consists of two Special Agents with an additional three slots currently unfilled," close quote.

And you were asked about your awareness of staffing, security staffing requirements in Benghazi in the last round. What I'd like to ask you now is whether you were aware of, when it refers here to budget constraints, what that was referring to.

A No, I'm not, I'm not aware of what that was referring to.

Q Okay. In the context here, does it appear to be referring to the staffing requirements for Diplomatic Security agents in Benghazi?

A I don't know if it's specific to the staffing requirements or overall security operations for Benghazi.

Q And for the way an action memo would work, because this particular sentence references Diplomatic Security, is it your understanding that that language or that information would have been provided by DS representatives?

A Yes.

Q Okay. So you believe the source of that sentence came from someone within the Bureau of Diplomatic Security?

A I do.

Q Okay. And just so we better understand, you did ultimately clear on this memo. Is that correct?

A That is correct.

Q Okay. And I take it then that you agreed with both the recommendations in here that the special mission should be extended for 1 year as well as that the lease for Villa A should be dropped and the presence should be consolidated to Villa B and C. Is that right?

A That's correct.

Q So Ms. [REDACTED] statement where you clear but there's a comment that's attached to that, is the purpose of that comment to convey in any way that the bureau would not provide any of the security resources that were discussed in this memo?

A No, that's not the indication.

Q Okay. Was the comment meant to indicate that the bureau wouldn't support the continuation of the special mission if it was deemed necessary?

A No.

Q And you were asked a series of questions about the specific configuration, whether Villas A and B versus B and C. I'd just like to ask, at the time that you reviewed this memo, did you have any serious concerns about the physical security platform at the special mission?

A No, I did not.

Q Did you believe that the Department's personnel were occupying an unsafe facility in Benghazi?

A No, I did not.

Q And if you had had serious concerns at this time about the physical security platform at the Special Mission Compound, Villas B and C, or that personnel were occupying an unsafe facility, would you have cleared on this action memo?

A I would have noted it in comments similar to what was stated for the others, and, no, I would not have cleared.

Q Sure.

And if I could direct your attention to the bottom of page 3. The last line there at the bottom reads, there's an, "Attachment: Tab -- Benghazi proposal." Do you recall reviewing a Benghazi proposal at this time, some sort of attachment to this action plan?

A Yeah, I don't have recall of what the Benghazi proposal was.

Q Okay. We'll go ahead and mark -- this will be exhibit 11.

██████████ Exhibit No. 11

Was marked for identification.]

Mr. Kenny. This is a multipage document. It bears the document number C05391931. And it's a multipage document, so I'm just going to refer you -- I'll provide you an opportunity to review this, if you like. I'm just going to focus your attention on the first page and then the top of the second page.

Mr. ██████████ Okay.

[1:38 p.m.]

BY MR. KENNY:

Q Again, I had asked you to go to page 3 of the action memo where it indicates that there is an attachment. As you sit here today, does this document appear to be the attachment that accompanied this action memo?

A Yes.

Q Okay. And I would like to read just the middle of the page, of the first page. This document appears to be discussing the various options at the time.

And perhaps before we dig into exhibit 11 a little bit, I would like to ask for your understanding of this process, it was apparently played out over a holiday period, you were the acting PDAS at the time.

I will just note that in exhibit No. 7, I believe, Ms. [REDACTED] in the first email sends a request at 3 p.m. on December 22 and asks for clearance by the following day at noon. It seems like a fairly short period of time to review this, but she also indicates that this is a redraft of a memo.

Do you recall at this time whether there were other facilities that were under consideration and those facilities may have fallen through at the last minute, for instance?

A No, I don't recall.

Q Okay, that is fine. Maybe I can help refresh your recollection with exhibit 11.

But before we do that, we will start in the middle of the page

here, on the first page, it reads, quote: "Given the uncertain future for this place and the security environment's evolution over time, we did our best to consider all relevant factors. We had several key factors in mind when ranking our recommendations, to include current and likely future security posture, security enhancements at all sites, including the possibility of requesting reasonable waivers, other costs -- all of them -- from security to set-up, to break-down, to moving, upgrades, equipment/furniture, and life services, general quality of life issues. Weighing all of these things, our rank-ordered preferences for a new home are as follows: 1. Condense down into Villas B&C; 2. Two, move entire operation to Villa E; 3. Condense down to Villas A and B; 4. (last resort) Move entire operation to Villa D." Close quote.

Again, here there is a reference to a Villa D. Do you recall a discussion about Villa D in the late December timeframe?

A I do not.

Q That's fine. Just directing your attention to the discussion that begins on the second page, there is the various configurations laid out, appears to be advantages and disadvantages listed. For option number 1, which is Villas B and C, if you go to the fifth tick, the fifth bullet down, it reads: "Best option from a security perspective -- multiple ingress/egress, best footprint and setback of the available options, accommodation for TNC guards, reasonable upgrades will help harden." Close quote.

Based on seeing this, is it your understanding -- and first let

me ask it this way. When you read language like this, evaluating a facility from a security perspective, is your expectation that that would reflect the view of the RSO or the security professional on the ground?

A Definitely the view of security personnel who had been consulted.

Q Okay. So here does it appear that a security professional in Benghazi had evaluated Villas B and C and was making an assessment that Villas B and C were the best from a security perspective of the various options that were listed?

A I couldn't say that it was a security professional from Benghazi, but I would say that it is definitely from consultations with security professionals who understood the situation of those facilities in Benghazi.

Q Okay. But at least here there appears to be some discussion about which configuration would be best from a security perspective?

A Correct. Correct.

Q And based on that discussion it appears that Villas B and C were considered the best security option --

A Correct.

Q -- at that time.

A Yes.

Q And if Diplomatic Security had had concerns about physical security at Villas B and C, would you have expected that to be reflected in some way contemporaneous with this action memo?

A Yes.

Q Okay. And did they?

A Not that I'm aware of.

Q And, sir, just reading through my notes here, I did have one brief question for you. You had had earlier identified four potential sources of funding.

A Yes.

Q You had PSP, program for security -- Physical Security Programs?

A Yes.

Q OBO, Overseas Building Operations. You had said the International Programs Directorate. Is that DS/IP?

A That's correct.

Q And you had also said the Near Eastern Affairs Executive Office?

A Yes.

Q Is that what is otherwise known as NEA/EX?

A That is correct.

Q I would, sir, just like to offer you the opportunity, there was a discussion in the last round about some of the physical security upgrades that were implemented, and your understanding that they were continuing to be implemented at the special mission. I would just like to offer you the opportunity, if you would like, to comment on that. I know the Accountability Review Board examined the physical security platform in Benghazi and they had also documented a series of upgrades

that were undertaken.

So I would just like to offer you the opportunity if you had anything you would like it add on that point.

A No, I think -- I remember covering several of them that were done. Had the wall -- we did the platform on the wall. We did install drop arms, even though initially the landlord wasn't agreeable to that, so drop arms were installed. There were safe havens put in each of the residences that was there. It was the grilling done on the windows that were not grilled. And those are some of the things that come to mind right off the bat.

Of course there were lots of technical security things done as well. An imminent danger notification alarm was put in. There were other alarms installed. There were cameras installed around the compound. There were digital video recorders installed in the compound in order to capture what was there -- to record what was being captured on the cameras.

Q And those were all physical security upgrades that were undertaken by your office?

A That is correct.

Q And they were funded by your office as well?

A That is correct.

Q Do you recall learning that funding from OBO was inhibited in any way because of the temporary nature of the facility, that it was a short-term lease?

A I don't recall that conversation. I am aware that it took

place. It did not take place with me being present, but I'm aware that there were discussions.

Q Okay. And who would those discussions have taken place between?

A There would have been OBO and my -- and the personnel from Security Physical Programs or other individuals.

Q So individuals underneath you?

A Correct. Correct.

Q And I know there has been a lot of discussion about setback today. Can you just explain just real briefly why setback is important?

A Setback is important for multiple reasons. The one that's most prevalent is the mitigation of a blast impact, that it has been discovered that 100 feet -- that a blast equivalent to 5,000 pounds of TNT on a new building at 100 feet is -- that is the building is a sustainable building from that distance, reducing that distance released a higher vulnerability of progressive collapse of a building.

In addition to blasts, you are provided some other benefits, such as standoff from counterintelligence attacks and other technical attacks against your facility. And one other very practical one is the fact that if there is an intruder on the compound that distance of 100 feet from the perimeter to the facade of the building or the door provides sufficient reaction time to lock down the building for personnel, for the security personnel that are inside.

Q Okay. And do you know whether -- there has been an extended

conversation about, in our discussion today, about setback and what the requirements are for it. And I would just like to ask your understanding, to the extent that there may have been deficiencies with respect to setback at the Special Mission Compound on the night of the attacks, do you know if that ended up being a vulnerability that was exploited on that night?

A I do not believe there was a vulnerability that was exploited on that night.

Q Okay. At this point we'd like to shift gears a little bit.

A Okay.

Q This is something that we do with all the witnesses that come in. There has been a series of public allegations that have been made about the attacks over the last 3-1/2 years, and we have asked every witness whether they have any firsthand personal knowledge to substantiate or corroborate those allegations. I would like to take that opportunity to do that with you now. There are about a dozen of them so please bear with me. And not asking for you to speculate, just asking whether you have any firsthand knowledge of evidence to support these allegations.

First, it has been alleged that Secretary of State Clinton intentionally blocked military action on the night of the attacks. One Congressman has speculated that, quote, "Secretary Clinton told Leon" -- Leon Panetta -- "to stand down," close quote, and this resulted in the Defense Department not sending more assets to help in Benghazi.

Do you have any evidence that Secretary of State Clinton ordered

Secretary of Defense Panetta to stand down on the night of the attacks?

A No.

Q Do you have any evidence that Secretary of State Clinton issued any kind of order to Secretary of Defense Panetta on the night of the attacks?

A None.

Q Next, it has been alleged that Secretary Clinton personally signed an April 2012 cable denying security to Libya. The Washington Post Fact Checker evaluated this claim and gave it, quote, "four Pinocchios," close quote, its highest award for false claims.

Do you have any evidence that Secretary Clinton personally signed in April of 2012 a cable denying security resources to Libya?

A None.

Q Do you have any evidence that Secretary Clinton was personally involved in providing specific instruction on day-to-day security resources in Benghazi?

A None.

Q It has been alleged that Secretary Clinton misrepresented or fabricated intelligence on the risk posed by Qadhafi to his own people in order to garner support for military options in Libya in spring 2011.

Do you have any evidence Secretary Clinton misrepresented of fabricated intelligence on the risk posed by Qadhafi to his own people in order to garner support for military operations in Libya in spring 2011?

A No.

Q It has been alleged that the U.S. mission in Benghazi included transferring weapons to Syrian rebels or to other countries. A bipartisan report issued by the House Permanent Select Committee on Intelligence found that, quote, "The CIA was not collecting and shipping arms from Libya to Syria," close quote, and they further found, quote, "no support for this allegation," close quote.

Do you have any evidence to contradict the House Intelligence Committee's bipartisan report finding that the CIA was not shipping arms from Libya to Syria?

A None.

Q Do you have any evidence that the U.S. facilities in Benghazi were being used to facilitate weapons transfers from Libya to Syria or to any other foreign country?

A No.

Q A team of CIA security personnel was temporarily delayed from departing the Annex on the night of the attack to assist the Special Mission Compound, and there have been a number of allegations about the cause and the appropriateness of that delay.

The House Intelligence Committee issued a bipartisan report concluding that the team was not ordered to, quote, "stand down," close quote, but that instead there were tactical disagreements on the ground over how quickly to depart.

Do you have any evidence that would contradict the House Intelligence Committee's finding that there was no stand-down order

to CIA personnel?

A None.

Q Setting aside whether you personally agree with the decision or think it was the right decision, do you have any evidence that there was a bad or improper reason behind the temporary delay of CIA security personnel who departed the Annex to assist the Special Mission Compound?

A No.

Q A concern has been raised by one individual in the course of producing documents to the Accountability Review Board damaging documents may have been removed or scrubbed out of that production.

Do you have any evidence that anyone at the State Department removed or scrubbed damaging documents from materials that were provided to the ARB?

A None.

Q Do you have any evidence that anyone at the State Department directed anyone else at the State Department to remove or scrub damaging documents from the materials that were provided to the ARB?

A No.

Q Let me ask these questions for documents that were provided to Congress.

Do you have any evidence that anyone at the State Department removed or scrubbed damaging document from the materials that were provided to Congress?

A No.

Q It has been alleged that CIA Deputy Director Mike Morell altered unclassified talking points about the Benghazi attacks for political reasons and that he then misrepresented his actions when he told Congress that the CIA, quote, "faithfully performed our duties in accordance with the highest standards of objectivity and nonpartisanship," close quote.

Do you have any evidence the CIA Deputy Director Mike Morell gave false or intentionally misleading testimony to Congress about the Benghazi talking points?

A No.

Q Do you have any evidence that CIA Deputy Director Morell altered the talking points provided Congress for political reasons?

A No.

Q It has been alleged that Ambassador Susan Rice made an intentional representation when she spoke on the Sunday talk shows about the Benghazi attacks.

I'll try that again. It has been alleged that Ambassador Susan Rice made an intentional misrepresentation when she spoke on the Sunday talk shows about the Benghazi attacks. Do you have any evidence that Ambassador Rice intentionally misrepresented facts about the Benghazi attacks on the Sunday talk shows?

A No.

Q It has been alleged the President of the United States was, quote, "virtually AWOL as Commander in Chief," close quote, on the night of the attacks and that he was missing in action.

Do you have any evidence to support the allegation that the President was virtually AWOL as Commander in Chief or missing in action on the night of the attacks?

A No.

Q It has been alleged that a team of four U.S. military personnel who were stationed at Embassy Tripoli on the night of the attacks were considering flying on a second plane in Benghazi, were then ordered by their superiors to quote, "stand down," meaning to cease all operations. Military officials have stated that those four individuals were instead ordered to, quote, "remain in place," close quote, in Tripoli to provide security and medical assistance at that location.

A Republican staff report issued by the House Armed Services Committee found that, quote, "There was no stand-down order issued to U.S. military personnel in Tripoli who sought to join the fight in Benghazi," close quote.

Do you have any evidence to contradict the conclusion of the House Armed Services Committee that was there no stand-down order issued to U.S. military personnel in Tripoli who sought to join the fight in Benghazi?

A No.

Q It has been alleged that the military failed to deploy assets on the night of the attack that would have saved lives. However, former Republican Congressman Howard "Buck" McKeon, the former chairman of the House Armed Services Committee, conducted a review of

the attacks, after which he stated, quote, "Given where the troops were, how quickly the thing all happened, and how quickly it dissipated, we probably couldn't have done more than we did," close quote.

Do you have any evidence to contradict Congressman McKeon's conclusion?

A No.

Q Do you have any evidence that the Pentagon had military assets available to them on the night of the attacks that could have saved lives but that the Pentagon leadership intentionally decided not to deploy?

A No.

Mr. Kenny. And, Ambassador, I believe that's all we have at this point. So thank you again.

We'll go off the record.

[Whereupon, at 1:58 p.m., the interview was concluded.]

Certificate of Deponent/Interviewee

I have read the foregoing ____ pages, which contain the correct transcript of the answers made by me to the questions therein recorded.

Witness Name

Date

Errata Sheet

Select Committee on Benghazi

The witness reviewed the accompanying transcript and certified its accuracy by providing the following corrections. These corrections are reflected in the transcript as identified below.

| <u>PAGE</u> | <u>LINE</u> | <u>ALL CORRECTIONS MADE BY WITNESS</u> |
|-------------|-------------|--|
| 26 | 17 | Replaced "mean" with "meet." |
| 50 | 23 | Replaced "stuff" with "step." |
| 55 | 5 | Replaced "to" with "two." |
| 83 | 11 | Replaced "happens" with "happened." |