

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

INTERVIEW OF: [REDACTED]

FRIDAY, MARCH 4, 2016

Washington, D.C.

The interview in the above matter was held in Room HVC-205,
Capitol Visitor Center, commencing at 9:27 a.m.

Appearances:

For the SELECT COMMITTEE ON BENGHAZI:

SHARON JACKSON, DEPUTY CHIEF COUNSEL

KIM BETZ, MEMBER OUTREACH LIAISON

CARLTON DAVIS, INVESTIGATOR

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DANIEL REBNORD, MINORITY PROFESSIONAL STAFF

ERIN O'BRIEN, MINORITY DETAILEE

For the U.S. DEPARTMENT OF STATE:

AUSTIN EVERS, SENIOR ADVISOR

ALISON R. WELCHER, ATTORNEY-ADVISER

Ms. Jackson. All right. Ms. [REDACTED], welcome today. This is a transcribed interview of [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 the U.S. diplomatic facilities in Benghazi, Libya, and matters related to that pursuant to House Resolution 567 of the 113th Congress and House Resolution 5 of the 114th Congress.

And before the official reporter tells me that I have had way too much coffee and talking fast, I'm going to slow it down a little bit for you. Ms. [REDACTED], could you state your name for the record please?

Ms. [REDACTED]. [REDACTED].

Ms. Jackson. Okay. We appreciate you being here today. Obviously, this committee is conducting an investigation. And it is believed that you have relevant information regarding that information. And so we wanted to have a conversation with you today about that. So thank you for being here today.

Ms. [REDACTED]. Okay. Absolutely.

Ms. Jackson. Again, my name is Sharon Jackson. And I'm with the committee's majority staff. And so we have a record of who is here today, we're going to go around and have everyone introduce yourself. You have come with two representatives of the State Department. So we'll start with Alison.

Ms. Welcher. Alison Welcher, State Department.

Mr. Evers. Austin Evers, State Department.

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

Mr. Rebnord. Daniel Rebnord with the minority staff.

Ms. Sachsman Grooms. Susanne Sachsman Grooms with the minority.

Ms. Betz. Kim Betz with the majority staff.

Ms. Jackson. Before we begin, I'd like to go over the process that we follow in these interviews so that you have an understanding of how everything will proceed today. And I'm sure you've spent time with Alison and Austin to go over that before.

But just to put it on the record, generally the way that questioning has proceeded is that I, or another member of the majority staff, will ask questions for up to 1 hour. And then the minority will have a like period of time. In transcribed interviews, questions may only be asked by a member of the committee, a Member of Congress on the committee, or by the staff. Generally, we rotate back and forth, 1 hour at a time, until each side has exhausted all the questions that they have. Occasionally, we've deviate from that process. But that's generally the process that we follow.

Unlike testimony or a deposition in Federal court, the committee's format is not bound by the rules of evidence. You, or the counsel with you today, may raise objections for privilege. And those are subject to review by the chairman of the committee. If those objections cannot be resolved in the interview, the witness can be required to return for a deposition or a hearing. Members or staff of the committee, however, are not permitted to raise objections when the other side is asking questions. It's generally not an issue that has been problematic in our interviews. But that is the process that

we follow.

We are in an unclassified setting here. So if any questions call for a classified answer, please let us know. And we can either omit it or reserve it until we are in a different setting. You are welcome to confer with the counsel that is here today at any time throughout the interview. But if something just needs to be clarified, if you need a question repeated, or rephrased, or broken down in some way, please just say so. It is important, to us, that you understand the questions that we're asking before you give your answer. But if you do need to discuss anything with the counsel that are with you today, please just let us know. We'll stop the clock, go off the record, and allow you the opportunity to consult and confer with them.

We will also take a break whenever it's convenient for you. Typically, we do this at the end of each hour of questioning. But if at any time you would like to take a break to use the facilities, to get water or coffee, please just let us know. And we will do that. As you can see, we have an official reporter that is making a complete record of what happens here today. So it is important that you give verbal responses to questions rather than nodding or shaking of the head. It's also important that, to the best of our ability, we try not to talk over each other. Sometimes it's easy to start answering a question before it's completely finished, or for me to interrupt with the next question, before you've finished your answer. So we should both make an effort not to do that.

We ask that you give your most full and complete answer to all

the questions that we ask. But if you honestly don't know the answer to a question, it's best not to guess and just tell us so. We would ask, if you believe that there's someone else who might have relevant information to that question, to let us know who that person is.

Do you understand that you are required to answer questions from Congress truthfully?

Ms. [REDACTED]. Of course.

Ms. Jackson. Okay. And do you also understand that this applies to questions that are asked to you by congressional staff in an interview?

Ms. [REDACTED]. Of course.

Ms. Jackson. Okay. And do you understand that knowingly providing false testimony could subject a person to criminal prosecution for perjury or making false statements?

Ms. [REDACTED]. Yes.

Ms. Jackson. Okay. Is there any reason that you would not be able to give truthful answers to today's questions?

Ms. [REDACTED]. None at all.

Ms. Jackson. Okay. Well, that's the end of my preamble and the procedures that are going to govern us today.

Did the minority have anything that they would like to add?

Ms. Sachsman Grooms. Just thank you for coming.

Ms. [REDACTED]. Absolutely.

EXAMINATION

BY MS. JACKSON:

Q Okay, All right. So we'll get started. Ms. [REDACTED], it's my understanding you've been with the State Department since late 1989. Is that correct?

A That's correct.

Q Okay. And what is your current position?

A My title is managing director of the Office of Management, Policy, Rightsizing, and Innovation. I'm essentially the deputy to the office director.

Q Okay. And is that an office that's known as M/PRI?

A Yes. It is.

Q Okay. And how long have you been in that position?

A The position, just since 2012. But I've been in the office longer.

Q And how long have you been with M/PRI?

A Since 1997.

Q Okay. And tell us about your various positions within M/PRI that you've had.

A Well, when I first got there, I did the liaison for the M-family bureaus to GAO and the OIG, the inspector general's office, and did various special projects. And then --

Q Let me just stop you. There were a couple acronyms in there. You said the M-family?

A So underneath of the M, the under secretary for Management, are bureaus. There are nine bureaus, such as Diplomatic Security, Bureau of Administration, Resource Management, Human Resources,

Consular Affairs, the Foreign Service Institute, and OFM, the Office of Foreign Missions, and a couple of small offices. We are pretty much the staff office for the under secretary for Management.

Q And by staff office, what do you mean?

A It means that my director works directly for Under Secretary Kennedy at this time. We get a new under secretary every several years. And so we're considered as staff.

Q Okay.

A We're not a bureau, in other words.

Q Okay. So you work directly for the under secretary for Management, your office does?

A The office does.

Q As opposed to having your own bureau head?

A My director is an assistant secretary equivalent. I'm a DAS equivalent. But because we don't have functions, we're not a bureau, we work as an office directly for the under secretary. We do cross-cutting issues.

Among those nine bureaus, sometimes they don't always see eye to eye on issues. So we convene them and work toward the best understanding of the issue.

Q Okay. And so, in addition to that, what are some of the other duties and responsibilities of M/PRI?

A We do the greening initiatives, we send out the ecosystems greening initiatives for the Department.

Q Promoting recycling?

A Yes. Exactly. And sustainable electricity, you know, wind farms, and solar panels, and those things, for our embassies abroad. Also the greening diplomacy initiative within Washington, D.C. We work with other countries who have their embassies here and how they can do gardening on their rooftops, and solar panels, and try to cut down their footprint, carbon footprint. We do rightsizing of the U.S. missions overseas. And that's all agencies, not just State Department.

Q And what is meant by rightsizing?

A So one of the, one of the OPAP, which is the Overseas Presence Advisory Panel, one of the recommendations that came out of the Nairobi-Dar es Salaam Accountability Review Board, they decided that the State Department, on behalf of the President, should take a look at the footprint of our missions overseas. So, our rightsizing folks go in and make sure that the work has been planned to be done so that we don't have a bigger footprint in countries than we need to have.

Q Okay. And then you have an innovation section?

A We do. And they do things such as My Services, which is when you're stationed overseas and you need to have a toilet repaired, or you need a motor pool driver, you can electronically put in for a service request. And so they do the metrics on that kind of mission-wide services. And they think of new and better ways to do things.

They manage the CMI, which is the Continual Management

Improvements, so that we're always on the look-out for how to do things better and more efficiently, and bring things back to the U.S. to be done. Where, if you have a function that's location neutral, you don't need to be overseas and be in harm's way potentially, you can do them in Charleston or other areas in the U.S.

Q Okay. I think I may have interrupted you about, and gone off on a different tangent when you were talking about your various positions within M/PRI. So if you could go back to that and tell us about the various duties and responsibilities --

A That I have had?

Q That you have had.

A Okay. So after the Nairobi-Dar es Salaam bombings, I took over the portfolio of the Accountability Review Board. Up until that time, it was always done by a foreign service officer and at the 01 level. So that's consistent with the GS-15. So they converted that position to be a 15. And that's when I took that over.

Q Okay. And so that would have been in approximately 1999?

A Yes.

Q And has that been your sole responsibility within M/PRI since then?

A It has been solely my responsibility up until 2012 when I took on a different position. But ARBs are not a full-time job in themselves. Luckily, you'll have a few years every now and then where you don't have an ARB. So you do other functions.

Q Okay. And do you have other functions permanently assigned

to you apart from the ARB work?

A Yes.

Q Okay. And what are those?

A Well, up until -- what are they currently? Or what were they up until 2012?

Q What were they up until 2012.

A I did advocacy for portfolio bureaus, so H.R., Human Resources, FSI, the Foreign Services Institute, and DS, Diplomatic Security. So, in other words, when they have a new policy coming up, they give it to me for my clearance. And I make sure that it doesn't sound outlandish or, you know, I give it thorough clearance.

We do special events. If you can remember back when President Clinton was in, we did the National Performance Review, which was a cost-cutting exercise. I used to do those. And the President's Management Council, in the 2000s, that was my portfolio, to prepare the under secretaries at the time during that decade to go to the White House for meetings on management issues.

Q And when, in 2012, did your duties and responsibilities shift?

A So we had a vacancy in, I would say, July of 2012 for our managing director. And because that person had left, we rotated responsibilities to be the managing director. And over time, the position was announced. And I applied for it and was selected for it.

Q Okay. And since when has it been your permanent position then?

A OPM approved me in February of 2013.

Q In February of 2013?

A Yes.

Q Okay. Would you describe for us, up until the Benghazi ARB, describe for us your role with respects to the ARBs?

A Sure. Such as setting them up? Or --

Q What are all the different things -- well first of all, let me ask you this: How many ARBs have you been involved in since you've been at M/PRI?

A So I would say 11 of them. I came post Nairobi-Dar. I'm doing gestures because I think of them as bookends.

Q Uh-huh.

A I was post Nairobi-Dar which meant that I was responsible for the implementation, and the Department's intentions of following through on those recommendations. And then there were nine in between, and then Benghazi.

Q Okay.

A And so 11, essentially, is the answer.

Q Okay. And did they all follow a particular process? Or have there been deviations in that process in the 11 that you've been involved in?

A In what manner?

Q In how they were set up, run, things like that?

A I would say that, yes, that in the bookends, they weren't -- they were more of what I call a celebrity ^{ARB} ~~app.~~ They had

people like Admiral Crowe for the Nairobi-Dar. And in this case, we had a career minister, Mr. Pickering.

Q ^{Ambassador}
~~Admiral~~ Pickering?

A Yes. And Ambassador, Admiral Mullen. So, otherwise, in the nine in between, I would submit the names, make some recommendations in the written materials to the Secretary, and give her or him options of people who I thought were qualified just to start the process rolling.

Q Okay. Now, you weren't there for the selection of the Nairobi-Tanzania ARB. Is that correct?

A I was in the office, but it was not my responsibility. We were a small office, so I knew what was going on.

Q Okay. And so for those 11 ARBs that you've been involved in, you've read those reports, and been involved in the implementation of those recommendations?

A Yes. I have.

Q Did you read prior ARB reports?

A I have gone back over them. Yes, I have.

Q Okay. So you're familiar with the various and sundry reports that have been issued?

A Yes.

Q Are there particular offices or bureaus that are generally the subject of an ARB investigation? And, if so, what are those offices or bureaus?

A Well, it's always the office, the regional bureau where the

incident occurred. It's always that bureau. And it's usually Diplomatic Security or office of Overseas Building Operations, OBO. Usually we have to get their budget and planning bureau involved because almost everything involves money and congressional notification. So there are a set of M-family bureaus that I contact.

Q Okay. Can you tell us a little bit about the implementation of ARB recommendations in, again, those 11 that you were involved in, or at least the 10 up until Benghazi? How did that work?

A So when we get the report from the Accountability Review Boards, we read the recommendations and determine who is best to carry out an action. And I call these people together because, as I mentioned, we have convening authority among the M-family bureaus.

And I get together their action officers. And we task out the recommendations, and then give them a deadline of when they need to let me know what their intentions are in following through. Because our office also writes the report to Congress on our intentions of following through with the recommendations.

Q Okay. And was that done on all these prior ARBs, the report to Congress?

A Yes.

Q Okay. You say that you have convening authority. Can you help us understand what that means within the State Department?

A Well, because we work for the under secretary for Management, people know that we are convening these things on behalf, in this case, for the Secretary of State because that's the customer

of the report.

So not every office gets the quick response that we do, I guess, is the polite way to say it. You can get a lot of -- we have much more power behind our name in that we're doing something on behalf of the Secretary in this case, that people will respond, attend the meetings, and be thoughtful in their follow through.

Q Okay. And prior to Benghazi, how would you report up the implementation of recommendations? Would you do a quarterly report? A biannual report? An annual report? Was it more ad hoc?

A It was more ad hoc. Our records were always available for people to see. But we had spreadsheets and the action officers, the due dates. And we would provide those whenever we were asked. Or, periodically, we would report on the status of those recommendations.

Q Okay. But there was no formalized mechanism? You weren't required to issue a report once a year on the recommendations?

A No.

Q Okay. And over the years, did you ever encounter difficulty with offices or bureaus in following through with what they had been tasked to do?

A No.

Q Okay. In your opinion in overseeing this, were the recommendations implemented?

A Yes.

Q Okay. All of them?

A Well, not all of them, all of them that we accepted. And

I have to say, as much as we respect our members, occasionally you get a recommendation that causes you to think what? You just really, for example, putting gun ports or automatic windows, on a fully armored vehicle, it doesn't make a lot of sense to have any, if you're encasing a vehicle in armor, you wouldn't want to have those breaks in the continuity of the armor. So there have been a few that we have not implemented.

Q And who makes that decision? Who makes the decision not to accept a recommendation?

A Well, we, as a group of action officers, decide that this is what we're going to put forward, that we would recommend that the Department not accept a recommendation. And so that goes through the clearance process from my boss, to his boss, to his boss, through to the Secretary. Because the Secretary signs out, or H signs out on behalf of the Secretary, the report to Congress. And then in there it clearly states whether we accept or not accept the recommendation.

Q Now, that report to Congress has to go within 90 days of the ARB report. Is that correct?

A That's correct.

Q Okay. Are there any follow-on reports that would either go to Congress or go to the Secretary?

A To the Secretary, we report on our progress of implementing the -- or to the deputy secretary. But to Congress, it would only be if we're ever asked to come up and talk about it, which we have done in the past.

Q Okay. And prior to the Benghazi ARB, reports to the Secretary were not routine, they were more episodic?

A Correct.

Q Are there formal policies and procedures that govern Accountability Review Boards within the State Department?

A Yes.

Q Okay. And where are they found?

A In the 12 FAM 030.

Q Okay. And is there also a statute that governs the Accountability Review Boards?

A Yes. The Diplomatic Security Act.

Q Okay. I want to mark as exhibit 1 something that you're probably familiar with.

A Yes.

[█████████ Exhibit No. 1

Was marked for identification.]

BY MS. JACKSON:

Q I'm handing you what I've marked as exhibit 1, which is 12 FAM 030 Accountability Review Board, parentheses, ARB --

A Yes.

Q -- end parentheses. You're familiar with this?

A I am.

Q And just for the record, would you describe what this document is?

A This is our, the excerpt in the 12 FAM that governs what

we do, how we stand up the ARB, the membership, the purpose, the follow-through activities that occur.

Q Okay. And when we say FAM, that's the Foreign Affairs Manual?

A It is the Foreign Affairs Manual.

Q And that's the governing policy manual for the State Department?

A It is.

Q Okay. Throughout this document, and let me find a -- if we could go to the last page, under 12 FAM 036.4, Reports to Congress, there's some purple writing in subparagraph A.

A Yes.

Q Can you tell us the significance of that purple writing compared to the black ink?

A I sure can. The purple writing is to draw a casual reader's attention to the fact that this is a recent update. If you look at the change transition on the first page, it will tell you the last update. And that date there tells you that this language was inserted in the colored, the purple colored writing.

Q And you denoted a date on the very first page under 12 FAM 030 of March 17, 2015. Does that then signify the last date the entire chapter was updated?

A Updated, yes. Yes.

Q Okay. And within each subsection of this chapter, is there a date associated with each subparagraph or subset?

A Yes.

Q And would that signify the date that that particular section was updated?

A Yes.

Q Okay. So back to this Reports to Congress, it also bears the same date of March 17, 2015.

A Yes. It does.

Q Okay. And the subparagraph before it is December 8, 2014, 12 FAM --

A Yes.

Q So that's an accurate reading of this document?

A It is.

Q Okay. If I could direct your attention to 12 FAM 032.1. 12 FAM 032.1 describes an ARB Permanent Coordinating Committee. Could you tell us about the Permanent Coordinating Committee, or as I understand it, it is referred to as the PCC?

A Yes. So when an incident happens, our office is informed of it or we hear it on the TV, depending on how the tragedy unfolds, we convene the PCC. My office director is the chair. And it is a membership of Diplomatic Security, Intelligence and Research Bureau, the regional bureau where the incident occurred, our Bureau of Counterterrorism, Consular Affairs Bureau. And then we have a voting member that is outside of the Department in the DNI, the Director of National Intelligence. And we convene that group to get a briefing on what happened and if they think it meets the criteria of the ARB

statute.

Q Okay. Now, does your boss, the director who chairs this committee, is that the person who decides whether the PCC should meet? Or are you directed to by others within the State Department?

A No. So what we do is, we put together the incident, some facts as we know it, about the incident. We tell our director. He contacts the legal adviser, who is not a voting member but is there to provide advice to the PCC, and Diplomatic Security and the regional bureau. And we say hey, this looks to us like it meets the criteria, I'm going to call the PCC together. And it's the chairman's right to assemble this group.

Q Has the PCC ever been directed by the principals of the State Department to convene the PCC?

A I wouldn't, I would say no, not directed. We always anticipate that, when we need to do it.

Q Okay. There's a lot of security incidents that occur across the world involving the State Department. But, yet, there's only been a small number of ARBs.

A Right.

Q And so I'm just trying to have you help us figure out when is it that the PCC knows to convene? Or do you always convene and then not choose to have an ARB? Could you just elaborate on that?

A So the PCC meets more frequently than I would like, but there are a lot of incidents, as you say, that appear to rise to the level of the Accountability Review Board statute. But in looking through

that, and getting some evidence from, either the regional bureau or the DS, we realize it really isn't at or related to, the U.S. Mission, or it wasn't significant destruction of property, or it wasn't a serious injury. We have those three criteria that we have to judge the incident against.

Q Okay. Does the PCC then meet to discuss those? Or can there be sort of a preliminary decision that it doesn't meet the criteria and the PCC does not need to meet?

A Yes. It can be both of those things.

Q Okay. How did you first learn about the Benghazi attacks and the deaths that resulted from that attack?

A On the news.

Q That day?

A Yes.

Q Okay. And what, if any, steps did you take in the days following with regard to a potential ARB?

A Well, typically, what I do is get all the information we can get on the incident. So I called DS for a spot report, or whatever kind of report that they can generate. I might have seen, I mentioned, I heard about it on the news. I might have seen the State Ops, I'm a subscriber to the State Operations Center alerts. So I might have, just to be clear, I could have either heard it on the news or seen it on my BlackBerry.

So then we get the regional bureau together. And in that case, it seemed like a very clear incident related to security, which is that

4th criteria, that the PCC is required to meet when an incident is found to be related to security.

Q Okay.

A So --

Q Did you, or others within M/PRI, get any direction from senior leadership in the State Department that this event was going to qualify for an ARB, or should qualify for an ARB?

A I don't recall any.

Q Okay. All right. Did your director receive any to your knowledge?

A The position was vacant at the time. I was filling in as the assistant secretary. So I was the one who would have been told to do something.

Q So you became the chair of the PCC?

A Yes.

Q Okay. I notice that the PCC is comprised of positions that are not principals within the State Department. Do you know the reason why that was? I mean, historically, have you learned -- have you learned what the historical basis was for selecting these particular positions to be the PCC?

A I think because they're experts in their area. And I think that it's, in my view, it's high enough of a level that we don't feel -- that we feel more able to convene these folks. They're very busy people as you probably can guess. And we don't like to take advantage of their schedules. So we try to convene them at the right

time. And so we think that this is the right level to have at the table. They're in the weeds enough to know about the circumstances.

Q Okay. And going back to exhibit 1 and the composition of the PCC, it's found on page 3 of 15, I notice that the date at the top is October 9, 2014. Can you tell us what changed? Since there was one subsequent revision to this, we don't have the purple writing to tell us what changed in October of 2014?

Ms. Welcher. If you know.

Ms. [REDACTED]. I have read this so many times and written it so many times, I -- no, I can't tell you. I'm sorry?

BY MS. JACKSON:

Q Can you tell me whether or not the membership changed in 2014? Or was this the membership that would have been on the PCC for the Benghazi ARB?

A For all of the ARBs that I have been involved in, the only change has been to number six. And that is, it used to be the CIA. And when the DNI came into being, it complicated things. So we decided to call it the DCI.

Q Okay. Can you describe for us the process that was used to determine whether to recommend that an ARB be convened for the Benghazi attacks?

A I'm sorry, I don't know what you mean by the process.

Q Did you convene a meeting and bring everybody together into a room?

A No. We did not. Thank you. We did not. We did it by

electronic mail, by email.

Q And what type of information was assembled and sent out to the various members of the PCC?

A I believe the only thing that was sent out at the time was the statute, so that each of the -- and a summary of the incident, of course, but the statute. And we asked for their votes on mail.

Q Was that electronic meeting, if you will, a process that had been used in the past?

A A virtual meeting, we do that on incidents that we think do not need the PCC to meet. That is our standard operating procedure. But since this was well known by everyone in the Department, we felt comfortable in doing it electronically.

Q And when you say we felt, who --

A I'm sorry, me and the person who has the ARB portfolio, my understudy, if you will, the person in my office who has this portfolio now.

Q Okay. And who is that person?

A Her name?

Q Yes.

A Is [REDACTED].

Q Okay. And how long has she had that position?

A Probably 18 months now.

Q Okay. And so the two of you were the only two who consulted with each other about doing this virtually as opposed to having --

A No, we consulted, I'm sorry, we consulted in our normal

steps with DS and ~~Al~~ in the regional bureau.

Q And explain that. How would you consult? What would you consult about?

A So we said this seems to meet the criteria of the ARB. And they agreed. And so we sent it out, saying, you know, we believe this fits the criteria. And we would like to do the vote over the email.

Q Okay. And they had no objection to that?

A No.

Q Okay. Did you confer with the under secretary for management?

A I probably briefed him at the 8:00 o'clock morning meeting. I don't recall precisely. But I would have informed him for sure.

Q And when you say 8:00 morning meeting, what are you referring to?

A Our office has a daily meeting with the under secretary in all the years I have been there, so it's not just this under secretary, every morning at 8:00. And then sometimes under secretaries past, we would meet at the end of the day as well. But, currently, it's just morning meetings.

Q Okay. And so your recollection is that you would have informed Under Secretary Kennedy that this is how you were going to proceed?

A Yes.

Q I'm going to hand you a couple more documents to look at.

[REDACTED] Exhibit Nos. 2 and 3

Were marked for identification.]

Mr. Evers. Is this one 2?

Ms. Jackson. That's 2.

BY MS. JACKSON:

Q And what I've put before you, as exhibit 2, is an email exchange, dated September 15, 2012, from you to Patrick Kennedy. It bears document number STATE-SCB 0093259 through 261. And then exhibit 3 is an email exchange dated September 25, 2012, from you to Patrick Kennedy, [REDACTED], and bears document number SCB 0093114 through 148. And I'm going to give you a moment or two to take a look at those.

Have you had an opportunity to look at those?

A I have.

Q Then, first, looking at exhibit 2, the one dated September 15, 2012, and what I would say is the bottom of the first page, which would be, I would think, the third email exchange down from you on Saturday, September 15, at 5:52 p.m. to Patrick Kennedy and you write, and I quote: Dear Pat, I have been culling through the list of recent retirees, parenthesis, I get the list periodically from FSI Transition Center to keep up with who might be available for ARBs, end paren. I was wondering if this event might warrant a celebrity of sorts, a la Admiral Crowe for the Nairobi-Dar. Or if I could go ahead and start reaching out to folks on the list. Do you have any sense of that from the 7th floor?

So within 3 days of the Benghazi attacks, you're ready to jump

in and put the list together of potential members of the ARB. Is that a correct reading of what you're writing here?

A That is correct.

Q Okay. And did you do that?

A Did I look through the list?

Q Did you put together a list of names to recommend to be members of the ARB?

A I don't believe I did.

Q Okay. Why not?

A Well, because they went for option two and did more of the celebrity approach as I would say. As I mentioned earlier, they got Ambassador Pickering, who I consider to be in that category as Ambassador Crowe, for when he was chosen for Nairobi-Dar.

Q Okay. But you did not come up with that list of celebrity names?

A No. It is the Secretary who nominates these or who appoints these folks. And when I give a list of names, I never know if they're going to be accepted or not.

Q Okay. And when you say they were picking the celebrity names, who did you mean by they?

A Oh, anyone above me. You know, it's one of those things that, as a bureaucrat, you do your best to try to hit the mark. And other times you miss, and it's out of your hands.

Q If we could go back to exhibit 1, to 12 FAM 033.2, it's on page 8 of 15, subsection A.

A Uh-huh.

Q It talks about an ARB staff officer. Were you that at the time?

A Yes.

Q And you were also the chair of the PCC?

A Yes.

Q So you were dual-hatted in a way?

A I was.

Q What is the distinction between the duties and responsibilities of the person who is the chair of the PCC and the ARB staff officer? Or has it always been one and the same person?

A No. It isn't. They convene the meeting. I provide the briefings, set the agenda.

Q As the staff officer?

A As the staff officer. And provide the briefing materials in advance of the meeting, if possible, and get the meeting set up. So then there's a whole set of duties after the decision is made to convene an ARB.

Q And what are some of those duties?

A Well, you prepare the notice in the Federal Registry, an ALDAC, a cable to the field once you know who the participants on the ARB will be. But until that time, you provide some suggested names for membership in the ARB. You set up, with the executive office, you find them space in the building to operate. You get their secure voice telephones set up and get somebody to serve as the executive secretary

to that group.

And that executive secretary is kind of the bridge between the board and the building. So that once we set them up, we don't have any more things to do. We don't get involved in who they see or who they interview, where, if they travel or not.

Q Okay. Back to 12 FAM 033.2-a, the second sentence says: if the ARB PCC recommends that the Secretary convene a board, it will forward a list of potential board members to the Secretary for approval. But as I understand it, you did not do that with regard to the Benghazi ARB?

A I did not. I don't recall doing it. I recall looking for names.

Q Who instructed you not to do that?

A I don't think anybody instructed me not to do it. Names were being raised to the 7th floor. So I was waiting for instruction, whether to contact people or not. And I was told to hold I think, let me ponder names it says.

Q And that is the, again, going back to exhibit 2, that was the response from Patrick Kennedy to you, after you say I'm looking at names --

A Yes.

Q -- and his response was let me ponder names?

A Yes. So then we talked about all of the names in the group, the ones that I had, and the ones that he had.

Q Okay. And so you and Under Secretary Kennedy met and

discussed various names?

A Yes.

Q And do you recall when you did that?

A I don't recall.

Q Okay. Did any of the names that you suggested get recommended to the Secretary?

A No. Not that I recall.

Q Did you have celebrity names in there?

A No.

Q Okay.

A I have the good luck of having some former ambassadors who used to say hey, if you ever need me for an ARB, you know, I'll send you my CV. And that is how I have a whole file folder full of names.

Q Okay.

A That's not the case anymore.

Q All right. And then if we could move on to exhibit 3, the September 25, 2012 email exchange. And if we could go to the last page and a little of the second to the last page, on what would be document number 00093147 at the bottom, from you, dated September 25, 2012, at 7:58 a.m., and then on to the last page, to a [REDACTED] and Stephen Mull. Who are those individuals?

A Steve Mull, at the time, Ambassador Mull was the Department's executive secretary.

Q Okay. And what does that position do? What does the person do in that position?

A I can't, I can't imagine what all that position's involved in. Right now, our current one is putting together the ~~chief admission~~ ^{Chief of Mission} conference. So I think he's the right hand of the Secretary I would say.

Q Okay. And --

A And he has four deputies. And [REDACTED] is one of those four.

Q Okay. And you wrote to them on September 25th, you say: dear colleagues, just a reminder, the Federal Registry notice takes 3 work days to be published, which means that I need the names of the ARB members and the rest of the information by Wednesday morning if they will be starting work on Monday, October 1. I would appreciate knowing how this ARB is going to work, since it's not going in the normal way. Can we talk this morning or tomorrow morning about roles/responsibilities.

Please elaborate on why you wrote this email?

A Well, I had heard that they were going to start on October 1st. And I was reminding them that, because this is not something that would normally be on their screen, that there are steps that we have to do. And one of those steps is to put an article in the Federal Registry to make the general public aware of this. So I was reminding them that I needed this information.

Q Okay. And when you say you would appreciate knowing how this ARB is going to work since it's not going in the normal way, what did you mean by that?

A I don't recall exactly what I meant. But it sounds to me, in reading this now, that I was a little bit concerned about being behind the ~~time~~^{time} tide.

Q Sort of out of the loop?

A Yes. Well, it's a little strong. But I certainly wanted to make sure we did everything process-wise. Because that's all that I -- I mean, it's a lot to do, but that's all that I was involved in.

Q Okay. So is it safe to assume, and I don't want to -- which is why you're here and we're asking you these questions, that by September 25th, you did not have the names of the ARB members?

A I believe that's true from the way this reads.

Q Okay. And, in fact, if we go up the chain one, Ms. [REDACTED] responds to you later that morning, about half an hour later, where she said [REDACTED], we don't have the final names unfortunately. Steve will raise it with the key decision makers. I am happy to talk to you at your convenience, but don't have much to share. [REDACTED] will be the executive secretary for the ARB. So if we meet, we should include her. Thanks, [REDACTED]. So do you recall when you received the names of the ARB members?

A I really don't.

Q And who did you receive them from?

A [REDACTED].

Q Okay. Do you know, when they're referring to key decisionmakers, do you know who was encompassed in that group, who was making the decision for the members of the ARB?

A I really don't. As you can see, I was hungry for information myself.

Q Okay. One of the things that you said just a little while ago was that as the ARB staff officer, you would name the executive secretary to the ARB.

A Right.

Q Is that set out in the FAM as one of your duties and responsibilities?

A I don't recall if it's in the FAM. But what I normally do is go to our H.R. Bureau and see who is available at the senior ranks to take on a function such as this.

Q And what does the executive secretary to the ARB do?

A They arrange the meetings. They make sure that the board has access to the Department for interviews and, you know, because usually these people are removed from the Department, you know, they're retirees, they're unfamiliar with the Department's ways. So in sitting in on the interviews, the exec sec would know who they should contact next, who this leads them to in a bureau. So they act, as I call it, the bridge from the ARB to the building.

Q And in the 10 prior ARBs that you had been involved in, as the ARB officer, had you made the selection of the executive secretary?

A I wouldn't say made the selection. I nominated people in the past, sure.

Q And had they been selected then?

A Yes, normally.

Q Okay. If I could, if you could go back to exhibit 1 to the FAM, on page 5 of 15, under 12 FAM 032.3, subparagraph b, on the ARB executive secretary, and it reads when a board is convened, M/PRI will name an executive secretary to coordinate and facilitate the work of the board. And was that the provision in effect in 2012?

A It was.

Q Okay. But that did not happen in this case?

A No. And it did not happen in maybe one or two of the other cases. Someone was found available to be appointed. And I don't appoint. I just recommend.

Q Well, it does say M/PRI will name an executive secretary. It doesn't say recommend. It says will name. Was that language the language that was in there in 2012?

A It was.

Q Okay. But that didn't happen in this case?

A No. And that's a little strong. So what we normally do is go to H.R. and get the name of people who might be willing to serve as the exec sec.

Q But a woman by the name of, is it [REDACTED]?

A Yes.

Q Okay. She was selected?

A Yes.

Q Do you know who selected her?

A No. I don't.

Q Okay. What position was she in at the time?

A I believe she was one of the four deputies that Steve Mull had.

Q Do you recall whether she was the chief of staff to Deputy Secretary Burns?

A I don't recall.

Q Okay.

A I never knew her before then.

Q Okay. But she was a name that was supplied to you as to be the person who was the executive secretary?

A Yes.

Q Okay. Were you given any information as to whether she was willing to do this or not? Or did she have any reluctance?

A No. I'm sorry, my assumption was that she was willing to do it. I don't know.

Q Okay. For the Benghazi ARB, did, were there additional personnel assigned to assist the ARB?

A There's always a secretary assigned, an office manager.

Q Were there any other people to take notes, help write the report, things like that to your knowledge?

A No. Not to my knowledge.

Q To your knowledge, there were no other people?

A Right.

Q Okay. So the two people that would have been assigned from within the State Department would have been [REDACTED] and one person to act as the secretary/officer manager?

A Yes.

Q Do you remember who that person was?

A I can't think of her name.

Q Was it [REDACTED] --

A [REDACTED].

Q [REDACTED]?

A Yes.

Q Okay. And, to your knowledge, there was no one assigned?

A Not that I know of. Oh, so the board has an attorney that's assigned to them. So, [REDACTED] was there as their adviser. I don't know if it's a full-time assignment, but she's available to them.

Q Did [REDACTED] ever come and talk to you about how an ARB works, how it progresses, what her duties and responsibilities would be?

A We had lots of conversations. I gave them prior ARB reports so that they would have a template for, you know, what one typically looks like. So, yes, we had conversations.

Q Okay. How is it that an ARB either gets documents or witnesses? Are they suggested to the ARB? Does the ARB decide what it wants to see, who it wants to interview? Is it a combination of those?

So I want to ask generally and then have you go specifically to the Benghazi ARB?

A Typically, we prepare for the board a binder that includes information about the incident, of course, the FAM citation, the

Diplomatic Security act. And then I give maybe points of contact in each bureau, certainly members of the PCC who made the decision to convene or to recommend convening an ARB. And I will usually give them contact information for those people so that they can start the process. But other than that, we don't get involved. We don't want to be seen as leading them in any way. So I know in that binder I prepared for them, I had those key personnel listed.

Q Okay. Are you aware of whether there was a Department-wide effort to gather relevant documents regarding the Benghazi attacks that was then provided to the ARB?

A I'm not.

Q Do you know that that happened or whether that happened?

A I don't know.

Q Did you ever have discussions with [REDACTED] regarding gathering information to provide to the ARB?

A Only with regard to former ARB reports.

Q And can you elaborate on that? I'm not sure I follow.

A So they wanted a copy of, of course, my other bookend, the Nairobi-Dar es Salaam, and some of the ones on Jeddah, and maybe some of the Iraq ARB reports.

Q Did they typically want ARB reports that dealt with an attack on a facility, as opposed to an assassination or other death of personnel?

A Yes. Because that's why they didn't ask for ^{Amman} ~~Amman~~, for example, because that gentleman was killed in his driveway. So that's

why they focused on Iraq and Jeddah.

Q Okay. During this process of setting up the ARB, and the choice of [REDACTED] to be the executive secretary to the ARB, did you have discussions with any of what I would call the 7th floor other than Patrick Kennedy and Ms. [REDACTED]?

A I had conversations with Steve Mull as well, because he was unfamiliar with the process. So, yes.

Q So he came in, and sat down, and said tell me about the ARB?

A No. He called. And I went up and told him about prior ARBs.

Q Okay. Anyone else out of the 7th floor, Chief of Staff Cheryl Mills, anyone else?

A No.

Q Okay.

A I had an email exchange that I should probably say that I can remember with Wendy Sherman, because she was one of the ones, she had a position with us for the Dar es Salaam bombings. And she asked ARB-related questions because she knew that my office was involved in that as well. And although I personally wasn't, she knew that the office set up the ARBs.

Q And what did she want to know from the East African Embassy bombing?

A She was trying to refresh her memory, I think, about what the process is and, you know, whether there's a recommendation for another panel to be stood up afterwards. I think she was conflating

the ARB with the OPAP panel, which is the Overseas Presence Advisory Panel. And so I remember that exchange.

Q And let me just follow on with that a little bit. Following the East African Embassy bombing report, was there some sort of subsequent review or company that was hired to look at certain management things?

A There was the OPAP, the Overseas Presence Advisory Panel. And that's where we got the rightsizing legislation to do the footprint of our missions overseas. I'm sure many other things, but, as I mentioned, I wasn't involved to a great ~~disagree~~^{degree}.

Q But you inherited it?

A I did.

Q Was that the organization that recommended that there should be an under secretary for Diplomatic Security?

A I believe they did.

Q Okay. But that recommendation was never implemented. Is that correct?

A Right. It wasn't.

Q Do you know why?

A I would say no, at that time, I didn't know why.

Q Have you subsequently learned, or have you learned what happened historically?

A I think I learned over the past that the Department didn't think that was in their best interest. We have a limited number of under secretaries. And if we made an under secretary for Diplomatic

Security, you would have to take another one away. So you would have --

Q Or go to Congress and ask for another one?

A Perhaps, yes.

BY MS. BETZ:

Q Just as a follow-up question, you said you inherited the Dar es Salaam ARB. Were you involved in drafting the report to Congress?

A No. I was not.

Q And who would be, who would have been?

A My boss at the time, [REDACTED].

Q But would you would have been involved in following through on the recommendations or the steps that the Department was taking to implement the recommendations of the ARB?

A Not initially. Because I didn't take over that portfolio until it was well underway.

Ms. Jackson. And I see that we have come to the end of my first hour. It's going quickly. So we're going to stop for a moment, take a break. And we will probably switch sides with our colleagues. We'll go off the record.

[Recess.]

Ms. Jackson. All right. Let's go back on the record. It is about 11 minutes until 11. And we are going to continue with the minority questions, majority questions.

Ms. Sachsman Grooms. Go ahead and ask the minority.

Ms. Jackson. I bet I could.

Ms. [REDACTED]. Could I clarify something I said before.

Ms. Jackson. Absolutely.

Ms. [REDACTED]. I think I mentioned that the PCC meets more often than I would like. And I wanted to put that in context. We only meet when something horrible has happened, so if someone has lost their life or a limb or a sense -- and I just wanted to clear that up. Because my day, if you can imagine, is reading all the spot reports of what happened overseas. It's really not as uplifting as one might like. So I just wanted to put that in context.

BY MS. JACKSON:

Q The fact that you would have to consider an ARB means that a tragedy has occurred?

A Absolutely.

Q Yes, I can imagine that is not the fun part of your job.

A Right.

Q So, yes, we do understand that. And thank you for the clarification.

A Sure.

Q I just want to backtrack and ask a couple follow-up questions on some issues that we hit on in the first hour. And you had mentioned that one of your or had been one of your other duties, was to liaison or coordinate with Diplomatic Security over maybe policy issues, and that you would review them and things.

Can you give us an example of what type of policy M/PRI would be involved in and reviewing before it would go out, or why you would have

to clear on it?

A Sure. With regard to only DS or the portfolio?

Q Let's start with DS. And I'll ask you if it's the same or different with other bureaus.

A Okay. So each of the analysts, the senior analysts in our office, is given a portfolio of bureaus. Mine happened to be DS, H.R., FSI. And every time they had a policy change, it comes through to the under secretary.

And we are asked to take a look at it, make sure it makes sense, make sure it's not in contrast to any Federal regulations, like, in H.R.'s case, it doesn't compete with OPM's regulations. And so that's the kind of review we give documents going up for the under secretary's decision.

Q Can you give us an example of something that you had reviewed with regard to DS?

A Yes. They proposed making a change so that DS agents, who are the cream of the crop of the DS population, are entitled to carry two weapons.

Q Okay.

A And they were changing that. And I had to opine on whether this is a good idea or not. And it is, so you do research on other law enforcement bodies and, you know, and other departments, and see if it's in line with their abilities.

Q Okay. And is that a similar process for other bureaus?

A Sure. A bureau, ~~at~~ OBO, budget and planning, all of those,

every bureau that comes under the M-family.

Q Okay. One other thing that you mentioned early on was that in the rightsizing part of M/PRI, you would look at overall staffing at overseas missions to determine if they had the right complement of people. Did I understand that correctly?

A That's correct.

Q Okay. And that would be the right number of foreign service officers and security? Would it encompass both of those?

A It encompasses all agencies who have an overseas presence, so Treasury, Agriculture, DOD. So the post puts forward its country strategy plan. And so we look at that. And then we're looking 5 years out from the current day staffing. And this is done not only for new construction, but also for, on ad hoc, it's done every year 5 years for each post.

So we have a cycle of reviewing every post for 5 years. It's also done for OBO new construction and space requirements. So within State, I think your question is, within State, I think that the political and econ officers are, their objectives are laid out in the country strategy plan. So we're looking more at the functions, the foreign affairs functions that are being accomplished.

Q And for every overseas post you do this annually?

A Every 5 years.

Q Every 5 years?

A Yes. Or in the case of new construction so that OBO knows how big to build the building.

Q With respect to embassies that are evacuated or closed in any way, would you get called in to do a reevaluation?

A No.

Q How about when they were, when you described doing it on an ad hoc basis, what would, what would warrant an ad hoc review?

A If an agency was going to expand greatly their cohort, they would need to do what they call tight sizing, which is construction within the same footprint. And you would have to be sure that there were enough management people to take care of the customers who are now at post.

Q In the year 2011, was the rightsizing part of M/PRI asked to weigh in at all with respect to Libya?

Ms. Welcher. If you know.

Ms. [REDACTED]. I wouldn't know that because I was not the ^{Managing}~~manager~~ director then. I was totally, I was GS-15 with my own portfolio. I didn't have any anything to do with rightsizing or innovation for that matter.

BY MS. JACKSON:

Q Who was in that position at the time?

A The managing director?

Q Uh-huh.

A It would probably be [REDACTED]

Q Could you spell the last name?

A [REDACTED]. She's now retired. But she was a Foreign Service OC.

Q Going back for a moment to the various DS policies that you may have reviewed in 2011, do you recall a policy coming out of DS that anyone who went to Libya needed to have high-threat training, or the agents assigned to Libya needed to be high-threat trained, and the people assigned in Libya needed to have FACT training?

A I was aware of that because I had both H.R. and FSI as a portfolio.

Q And so those were the type of policies that you would have reviewed and weighed in upon?

A Yes.

Q What about issues like danger pay?

A At the time, no.

Q How would that, how would an increase in danger pay make its way through the hierarchy of the State Department?

A Danger pay is done in the Bureau of Administration. And it's based on a certain set number of factors that's going on in the local area.

Q Okay.

A I didn't have ^{A Bureau} ~~a bureau~~ at the time.

Q So it's because you didn't have ^{A Bureau} ~~a bureau~~ that you did not weigh in on that?

A Right.

Q Even though it may have been danger pay for the people assigned in Libya?

A No -- right.

Ms. Betz. Can I just follow up really quick?

Ms. Jackson. Sure.

BY MS. BETZ:

Q On the policies on high-threat training, and FACT training, for those personnel that were traveling to Libya, did you have discussions with DS before you made the recommendation, or discuss those within the broader M-family?

A We had, we had meetings on FACT training itself and the capacity for, you know, to, we had, over time, we've increased the number of people who have to take FACT training.

So we've had many conversations over the last 5 years about how to roll this into the general population and how to do it so that it, you know, what am I trying to say, the capacity, I guess, of the training center to be able to do those.

Q And was there a stated need for the personnel to be trained both on the DS side for high-threat training and FACT training?

A Yes. Yes.

Q And what were some of those discussions on the need for those personnel to be trained? Was there a concern?

A I think there was a concern that people were being sent to places that they were not well trained in security. You know, up until we were in these dangerous places, we didn't need to know how to do a tourniquet. And we didn't know how to drive evasively. Because the world has changed now over the last decade and half, so I think we were trying to improve the comfort level of our people to be in these places.

Q So there was concern about the security environment and personnel being able to operate in those concerning environments?

A I think, yes, I think we were trying to give people a level of comfort. Yes.

[10:59 a.m.]

Ms. Jackson. All right, let me return now to the Benghazi ARB. We had talked in the last, in the first hour about how this, the PCC had essentially a virtual meeting to decide whether to recommend an ARB. I would like to hand you what I have marked as exhibit 4 and ask you to review this document.

[REDACTED] Exhibit No. 4

Was marked for identification.]

BY MS. JACKSON:

Q It's essentially one page. There is just one sentence on the back side of the page, and for the record, it is document No. C05394445. It is an email chain at the top, from Charlene Lamb to Scott Bultrowicz and others, reads: "Need an SBU summary of Benghazi today."

And I'm going to ask you about the email exchange at the bottom of the first page, which is an email from you to a [REDACTED], [REDACTED], on September 18, 2012.

A Okay.

Q And in this email exchange, you're writing to [REDACTED]. And who is [REDACTED]?

A [REDACTED] was the executive assistant to Eric Boswell, the Assistant Secretary for Diplomatic Security.

Q So was she a person you reached out to when you wanted to communicate with DS?

A Yes.

Q And you write in here, and I quote: "M wants me to conduct

the ARB/PCC by email, if necessary, by COB today." And by "M," who are you referring to?

A Patrick Kennedy, the Under Secretary for Management.

Q And "COB," obviously, means close of business?

A Yes.

Q Had you been directed by Under Secretary Kennedy to conduct the PCC by email?

A I would think so since I said that. Probably at the 8 o'clock meeting that morning we would have discussed it. Oh, if necessary.

Q Do you recall that you were directed to get it done that day either in person or by email?

A I don't recall specifically the conversation, but you know, he was leaving it to me that everybody knew what had happened, and we felt like it met the criteria, so --

Q Okay. Following an ARB report, there is a separate report that goes to Congress. Is that correct?

A Correct.

Q Okay. And was there a separate report generated for the Benghazi ARB?

A There was.

Q And who did that?

A My office did.

Q Okay. And do you recall when it was submitted to Congress?

A I don't know the date specifically, but it would have been

in 60 days after. We have a window where we declare our intentions to follow through with the recommendations.

Q Okay. And did your office receive any input from persons outside of M/PRI in writing that report?

A Well, sure. We had to go to the people who are subject-matter experts and ensure that, you know, the steps forward that we would take to implement the recommendations.

Q And describe that process for us. How do you -- do you convene a group? Do you convene a task force? Who leads it? Does M/PRI lead it? Does someone else lead it? How does that work?

A Well, we usually commit the people who know the lines of business that are involved in solving the recommendations, and we get their commitments to their timeframe, and then we start drafting, and we clear the drafts among the offices involved.

Q Okay. And who was heading up the implementation of the recommendations from the Benghazi ARB? Within the State Department, who was leading that effort?

A I believe it was headed by Steve Mull in this case.

Q From the executive secretary?

A Yes.

Q Okay. And what do you base that belief on?

A My remembrance that they had looked at the recommendations and broke them out into discrete subactions within the recommendations to go even beyond what the recommendation required.

Q Okay. Were there any recommendations of the Benghazi ARB

that were not going to be implemented; that the decision was made not to implement them?

A No, they were all accepted.

Q Okay. Do you recall a recommendation that there be separate minimum standards on physical security for high-threat posts?

A I do recall that.

Q Okay. And that one was accepted?

A There are minimum standards.

Q Are they the minimum standards for all buildings regardless of the threat level of the post?

A They are all the same standard, the OSPB standard.

Q Go ahead.

A Overseas policy security board.

Q Overseas Security Policy Board?

A Yes.

Q Was the Benghazi ARB to recommend that there be a higher level of minimum standards at high-threat posts? Do you recall that?

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

Q Once an ARB concludes and issues its report, what happens to the records?

A They are turned over to my office where they are kept separately in our office.

Q Okay. And did that happen with the Benghazi ARB?

A Yes.

Q Okay. And can you just describe that process to us? How

do you get them? Do you box them up? Do you scan them? Where are they physically kept?

A They are in our five-door [REDACTED].

Q I'm sorry. A what?

A It's a safe. [REDACTED] is the name brand. It's the most secure safe that we have. And they are in there under the records that we keep and standing up in ARB, the employment letters and minutes of the permanent coordinating committee. There are other documents that we then attach to the report of the Board, and then our response, in our report to Congress, in response to the Board recommendations. So all of it is neatly kept together.

Q Okay. Now, do you keep a copy of all of the records that the ARB reviewed such as emails or policy manuals?

A Oh, no.

Q You don't do that?

A No.

Q Okay. And why not?

A Because we have what they give us.

Q And when you say "they give us," who is "they"?

A The Board, the executive secretary and the OMS usually -- the office management specialist, they deliver the documents to us.

Q Okay.

A And, in this case, it was the report, and all of the appendices.

Q Okay. So you don't keep -- do you keep summaries of interviews they have conducted or other documents that were reviewed, or does anyone?

A I don't. No.

Q And have you ever for any ARB?

A We have documentation like that for ARBs long past. When -- before emails, when things are in longhand, interviews, that's how some of those paper files are still there from 1988.

Q So, in the entire time that you managed the ARB process as the ARB staff officer, the State Department did not maintain the underlying records that were reviewed by an ARB?

A No. I don't understand. It sounds like we didn't keep the records. We kept every record that they gave us. So they didn't give it to me. You know, I only have what was given to me if the State Department has them --

Q Okay. And, again, the executive secretary to the ARB would be one of the people who would make the determination as to what was turned over to your office?

A Yes.

Q Back to exhibit 1, under 12 FAM 034.2-5 on Classification Authority, 034.2-5. It says that the Board does not have original classification authority and that the director of M/PRI will exercise classification authority for materials originating from Board activities.

Was that something that you did at the time after the Benghazi

ARB?

A By that time, we had a director who came on board in late September of 2012, so she exercised the classification for them.

Q Okay. And for what, in particular, did the director of M/PRI review? Was it the report and the appendices, or was it other records that the ARB would have either created or reviewed?

A No, it was just the report.

Q Just the report?

A And the appendices.

Q Okay. Do you know who would have exercised classification authority over records that were created by the ARB, such as interview summaries, or memorandums, and things like that?

A No, I don't know.

Q Okay. Do you know whether [REDACTED] was an original classification authority within the State Department?

A No, I don't. No.

Q Okay. Staying with exhibit 1 on, I think it is the very last page on the implementation of the recommendations -- actually, it's 12 FAM 036.3 on Managing ARB Recommendations, starts on page 14 of 15, goes into the last page.

It's our understanding, and also from seeing the date of the 12-8-2014 that this section was amended and changed in December of 2014. Is that correct?

A Yes.

Q Okay. And can you tell us what changed regarding the

management of ARB recommendations in December of 2014?

A If I recall correctly, it was paragraph B, where M, in coordination with P are responsible for implementation of the ARB recommendations.

Q And how is that different from what it was before?

A The involvement -- I think that was changed to include involvement of P.

Q Okay. And how did M/PRI's role change then? Were there changes?

A Yes, there were. In fact, each recommendation is now packaged up into an action ^{memo} ~~MO~~ sent to the seventh floor to -- that proves the evidence of its proposed status -- either closed or it's still in progress -- that M and P then acknowledge or agree to or send back additional questions.

Q Okay. And what was the process then before?

A The process before was a spreadsheet that I kept and with supporting material, either cables, or changed regulations, changed security policies that I just kept in a binder that I considered things closed.

Q And what is the role of the Deputy Secretary for Management Resources with regard to the ARB recommendations?

A We prepare reports for her, indicating which recommendations are open or closed or in progress. And that's new from -- since Benghazi.

Q And how often do you do that report?

A We do a quarterly report, and it usually requires a briefing as well. So we bring her up to date. She has questions sometimes on the status of things.

Q Okay. And without going into great detail, what recommendations remain open from the Benghazi ARB?

Ms. Welcher. If you know.

Ms. [REDACTED]. I know of one or two, but I believe they are classified. And I wouldn't want to talk about them now.

BY MS. JACKSON:

Q All right. Other than those one or two that would be appropriate for a classified setting, is it your understanding that all of the other recommendations are closed?

A I'm sorry. I think that they are. There are three that I know are still open for some degree or another, but because I'm separated from this day-to-day function, I can't -- I wouldn't want to say that they are.

Q Okay. And when was the last time a report went to the Deputy Secretary regarding the status of the recommendations?

A I think December or January of this year.

Q And is another quarterly report in process right now?

A Sure, it is. Yeah.

Ms. Jackson. I think that's all the questions we have. So, with that, we thank you. We are going to take another break. It is 11:15. I did that in 26 minutes. So under a half an hour. So we are going to go off the record.

[Discussion off the record.]

EXAMINATION

BY MR. REBNORD:

Q We will go back on the record. The time is 11:24.

Ms. [REDACTED], my name is Dan Rebnord. I'm with the Select Committee minority staff. I'm joined by my colleagues Susanne Grooms, Erin O'Brien, and on behalf of the Select Committee minority members, we would just like to thank you for appearing today voluntarily, and for your many years of dedicated public service to our country.

So thank you.

A Thank you. It's my pleasure.

Q I would just like to start by going back to a few discussions we had or you had with my majority colleagues in the first and second hours about the PCC that met following the Benghazi attacks. It's my recollection during the first hour that you had mentioned that the PCC met virtually, or via email. Is that correct?

A Correct.

Q And then you clarified during the last hour at the very beginning that the PCC met when something very serious or tragic had happened. Right?

A Right.

Q So I just want to be perfectly clear for the record that the PCC that met following the Benghazi attacks perhaps did so virtually because it was, unfortunately, obvious that Benghazi would require an ARB?

A Yes. It was obvious to all of us that it met the criteria.

Q Okay. Thank you. I just wanted to be clear for the record.

BY MS. SACHSMAN GROOMS:

Q So the part where you had to go through the process of doing the formal PCC, was that just a sort of a formulaic process?

A Yes, we like to keep records of that decision.

Q And so, at some point, it sounds like Ambassador or Under Secretary Kennedy directed you: We need to get that process done today so we can move on to the next step. Is that sort of how that would have happened?

A Yes. I don't recollect exactly. It was a very busy time, but I think that's for the expediency of, you know, being -- doing what we need to do, yes.

Q Because there never would have been a question in anybody's mind that the PCC would have met and then decided not to have an ARB?

A No, this was a clear -- clear-cut.

Mr. Rebnord. Okay. Thank you. That's very helpful. I would like to now introduce exhibit 5.

[████████ Exhibit No. 5

was marked for identification.]

Ms. ████████. Thank you.

BY MR. REBNORD:

Q And this is the State Department Office of the Inspector General September 2013 Special Review of the Accountability Review Board process. And we just have excerpts here, but it is still a fairly

lengthy document so I won't ask you to review the whole thing in the interest of time. But if I can turn your attention to the first full paragraph on page 14, I believe, and I will just read it into the record, it says, quote: "In almost all instances, the selection of ARB members was made based on the recommendations submitted which M/PRI to the Secretary. In only two instances (Nairobi/Dar es Salaam and Benghazi) did the names of ARB members actually originate with the Secretaries and their senior advisors."

So we have already talked about this a bit in the first and second hours. But is this consistent with your recollection that the names of potential Benghazi ARB members actually originated in the Secretary's office, and not from M/PRI?

A That's my recollection, yes.

Q Okay. And you had said also when outlining your background, that you joined the M/PRI office, I believe, in 1997?

A Yes.

Q Is that correct?

A Yes, it is correct.

Q So do you recall if the Nairobi/Dar es Salaam ARB operated in the same manner?

A It's my understanding that it did, yes.

Q Okay. Okay. And do you have any idea why that may have been the case? I believe you described the 1999 ARB and the Benghazi ARB as sort of celebrity ARBs?

A Yes.

Q Do you have any understanding of why that may have been the case?

A In my opinion -- and I, you know, that's all I can give you -- they were such obvious tragedies, so pointed attacks on our diplomatic missions that it rose to that level, that it was all-consuming in our -- you know, the Nairobi/Dar was the State Department's 9/11, if you will. It was the first instance that we had been attacked to that degree, and it rose to the level of the Secretary's involvement.

Q Okay.

BY MS. SACHSMAN GROOMS:

Q And so it was really, in your opinion, it sounds like it's the seriousness of the incident that made it important that the Secretary was -- and the Secretary's office would be personally involved?

A In my opinion, as I said, I wasn't involved, but I know that it was just all consuming for my colleagues who were doing that.

Q And when you talk about sort of the celebrity status, can you explain sort of what you mean by that?

A Well, and I don't mean to be flip about it, first of all. That's probably a bad choice of words, but it's those people who have impeccable credentials, who have served overseas, who know what it's like to be under the advisory of the security professional in their day-to-day operations. It wouldn't do the Department any good to choose people who didn't have that understanding. And I think those

are just chosen because of their experience.

Q And did you see that Admiral Crowe and Ambassador Pickering and Admiral Mullen were all of that sort of character?

A And Admiral Crowe, in our terminology, is referred to as Ambassador because he served one of our ambassadors overseas. So it is not only his Navy career title that gave him those credentials, but serving as an ambassador would be very much akin to Ambassador Pickering.

Q When you are talking about their impeccable credentials, do you sort of see that as giving them an enhanced credibility?

A Yes.

Q And then their report, therefore, being taken really seriously, I guess?

A Yes, I would say.

BY MR. REBNORD:

Q Okay. And then if I can turn your attention back to the exhibit where we left off. The report goes on to say: "Many of those interviewed by the OIG team felt that the increased involvement of Department principals in the selection process would ensure that the ^{proposed} ~~prosed~~ ARB membership properly reflects the background and skill sets needed as well as appropriate consideration of diversity."

So it sounds from the report like the inspector general didn't find anything improper about the Secretary's office nominating members to serve on the Benghazi ARB, would you agree?

A I would agree.

Q Okay. And, in fact, to the contrary, it sounds like the IG found that the increased involvement of Department principals when selecting potential ARB members would actually improve the ARB process?

A Correct.

Q Do you personally feel that there was anything improper about how potential Benghazi ARB members were generated by the Secretary's senior advisors instead of waiting to receive a list of potential candidates from M/PRI?

A No, I don't feel that was -- at all took away from the product that they produced.

Q Okay. And you felt that the five ARB members appointed to serve on the Benghazi ARB were well qualified with impeccable credentials --

A Yes.

Q -- as you say, to make recommendations to the State Department about how to improve the Department's security procedures and protocols?

A Yes. I read their CVs, and I felt that they were certainly above and beyond anyone that I could reach.

Ms. Sachsman Grooms. Is that because sort of your list of people are people who had volunteered to you, so you sort of have a limited scope, and they were able to sort of ask anybody they wanted to?

Ms. [REDACTED]. Yes, I think people take my calls, and I have a set questions that I ask them, but it would give them much more impetus to say "yes" if they got a call from someone on the seventh floor, I

would say.

BY MR. REBNORD:

Q As you may be aware, there are some who have alleged that the Secretary chose the members appointed to serve on the Benghazi ARB in order to insulate herself and other seventh floor principals from accountability or responsibility with respect to the Benghazi attacks.

Do you have any reason to believe that Secretary Clinton appointed members to serve on the ARB in order to insulate herself and other seventh floor principals from accountability?

A No.

Q Do you have any reason to believe that the members appointed to serve on the ARB were selected by the Secretary because she thought they would protect her and other seventh floor principals from being held responsible for what happened in Benghazi?

A No.

Q Thank you. If I can now turn your attention back to exhibit 3. And you had a discussion with my colleagues during the first hour about the first email that you sent on September 25th at 9:53 a.m., and I would just like to ask with respect to the line.

Ms. Sachsman Grooms. We are on the last page of that.

Mr. Rebnord. Oh, I'm sorry.

Ms. [REDACTED]. Okay. All right.

Mr. Rebnord. Okay. I'm sorry about that.

BY MR. REBNORD:

Q With respect to the line, "I would appreciate knowing how

this ARB is going to work since it is not going in the normal way," I believe that you had testified that you were expressing some concern about being able to file with the Federal Register on time. Is that --

A Yes.

Q -- an accurate representation?

A Yes.

Q Okay. So that line about how this isn't going in the normal way didn't have anything to do with any impropriety of the ARB process?

A Of course not. It was my -- the normal, as I knew it, and what I had to do next, I was trying to be timely and, you know, thorough, in what I needed to do.

Ms. Sachsman Grooms. Okay. So your concern was if they didn't give you the names, you couldn't meet the deadline for the Federal Registry?

Ms. [REDACTED]. Correct.

BY MR. REBNORD:

Q And you had been, this is my sort of characterization, sort of the steward of the ARB since I think it was 1999?

A Yes.

Q Have you ever read the FAM in such a way that would prohibit the Secretary's office from nominating a list of potential ARB members?

A No. It does not.

Ms. Sachsman Grooms. Or generating.

Mr. Rebnord. Or generating.

Ms. [REDACTED]. It does not preclude it. We do it as a service to

the Secretary. It's the Secretary's responsibility to appoint these folks.

BY MR. REBNORD:

Q Okay. Thank you. I would now like to turn your attention back to exhibit 5. And if I can turn your attention to the key findings, which are on -- or key judgments, excuse me, which are on page 1, and the first judgment or finding at the top reads, quote: "The Accountability Review Board process operates as intended, independently and without bias, to identify vulnerabilities in the Department of State's security programs."

Would you agree with this inspector general finding?

A Yes, I would.

Q And did you ever have any reason to question the independence or integrity of the Benghazi ARB?

A No.

Q And was it your impression that the State Department, including seventh floor principals, took the ARB process seriously?

A Yes, they take it seriously.

Q So, for them, would you agree that the safety and security of diplomatic personnel was paramount, that that was the end objective of the ARB?

A Yes.

Q Okay. During the first hour, you had made a reference to the fact that M/PRI maintained a list of potential ARB members and that you used to have the luxury of former ambassadors and other, perhaps,

other career officials. They would reach out to you and say: If an ARB would, unfortunately, need to be convened, I'm here to volunteer. Is that correct?

A Yes, that is true.

Q But that, perhaps, no longer is the case?

A That, indeed, is no longer the case.

Q Okay. And why is that?

A If I could be frank.

Q Please do.

A They have seen what was done to a career ambassador -- to Ambassador Pickering and others, and they are not at all interested in being treated in the same way. I had two occasions to have conversations with retired ambassadors who say: Take my name off your list. I won't go through that. If they did it to Tom Pickering, they will do it to me, and I'm not going to do it.

Q When you say -- I know this is perhaps hard for you. These are friends of yours. When you say "what was done to Ambassador Pickering and Admiral Mullen," what do you mean by "what was done"?

A I was told that they were treated very rudely and were second-guessed and examined very critically by, I guess, in the previous committee. And now this committee, that no one wants to be put through that. I didn't come to any of the -- I wasn't in the room at any of the closed-door sessions, so I don't know firsthand, but I was told that it was not something that people have the appetite for.

BY MS. SACHSMAN GROOMS:

Q Is part of the concern the repeated questioning of the integrity and credibility --

A Yes.

Q -- of the Ambassadors?

A Yes, it is very much that. People who have served their whole adult life for an organization and have given their best advice and guidance who have just been dismissed.

Q And is part of the concern that serving on a future ARB will expose, you know, credible former ambassadors to political attacks?

A Yes. And one has said to me that they wouldn't, they wouldn't even be a party to the writing of a report because having the Secretary as the customer, if you will, they are free to be frank and open. And to know that their words would have such scrutiny, they felt like they wouldn't be able to tell it like it is, if you will.

BY MR. REBNORD:

Q Is it your impression that subsequent congressional investigations of the Benghazi attacks have somehow affected the ARB process going forward?

A It is my contention that it is. And this will play out in the next couple of weeks, because on March the 1st -- am I okay to say?

Mr. Evers. As long as it is not classified.

Ms. [REDACTED]. It is not classified. We lost two local staff at one of our missions March the 1st, and so I have been trying to get a list together should the PCC recommend an ARB, and I'm having no luck.

Ms. Sachsman Grooms. You just can't find anyone who wants to

serve on it?

Ms. [REDACTED]. No.

Mr. Rebnord. Well, thank you for that. And, certainly, our sympathies go out to the families of those victims who were lost in that attack.

Ms. Sachsman Grooms. What's the impact of having difficulty or not being able to find really qualified, good people to serve on an ARB?

Ms. [REDACTED]. It has been my experience over the, you know, 15 years that I have been doing this, that we change the policies at posts overseas. We change the security procedures, and, you know, as early on as when Mr. Foley was killed in his driveway, he was surveilled 2 days and assassinated on the third day. So what did we learn from that? We learned to vary your routes to work, to vary your times. And so, in every one of these instances, we had clear procedures that are then implemented, not only at that post but worldwide.

And if we don't have that close examination of what happened and what we can do to make it not happen again, we have lost all of that -- the ability to ensure the safety of our people overseas.

BY MR. REBNORD:

Q I would just like to ask you a couple of questions. There was some discussion in the previous hours about the appointment of the [REDACTED] to serve as the Executive Secretary of the ARB, and I would just like to follow up with a couple of questions related to that.

A Sure.

Q Did you have any reason to question Ms. [REDACTED] independence or integrity as the Benghazi ARB executive secretary?

A No, I didn't.

Q Did Ms. [REDACTED] ever indicate to you that the ARB was designed to insulate Secretary Clinton or other seventh floor principals?

A No.

Q Did Ms. [REDACTED] ever indicate to you that the ARB was meant to whitewash what happened during the Benghazi attacks?

A No.

Q Okay. What I would like to do now is just ask you a series of public allegations that have been made related to the Benghazi attacks. What I'm asking for is whether you have any firsthand knowledge of the allegation. If yes, I will ask you to follow up. If no, just simply say so. And these are a little bit long, so I would ask you to just please bear with me and if you need me to repeat anything, please don't hesitate to let me know.

A Thank you.

Q Right, I'm sorry, whether you have any firsthand evidence to support the allegation, not whether you have any firsthand knowledge that the allegation was made.

A Oh, okay.

Q Yes. Okay. It has been alleged that Secretary of State Clinton intentionally blocked military action on the night of the attacks. One Congressman has speculated that Secretary Clinton told

Leon Panetta to stand down 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 No.

Q It has been alleged Secretary Clinton personally signed an April 2012 cable denying security to Libya. The Washington Post Fact Checker evaluated this claim and gave it four Pinocchios, its highest award for false claims. Do you have any evidence that Secretary Clinton personally signed an April 2012 cable denying security resources to Libya?

A No.

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 No.

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

Do you have any evidence that Secretary Clinton misrepresented

or fabricated intelligence on the risks posed by Qadhafi to his own people in order to garner support for military operations in Libya in spring of 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," and that they found no support for this allegation. Do you have any evidence to contradict the House Intelligence Committee bipartisan report findings that the CIA was not shipping arms from Libya to Syria?

A No.

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 to assist the Special Mission Compound, and there have been a number of allegations about the cause of and the appropriateness of that delay. The House Intelligence Committee issued a bipartisan report concluding that the team was not ordered to stand down 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 standdown order to CIA personnel?

A No. I don't.

Q Putting aside whether you personally agree with the decision to delay temporarily 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 the CIA security personnel who departed the Annex to assist the Special Mission Compound?

A No.

Q A concern has been raised by one individual that 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 the materials that were provided to the ARB?

A No.

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

A No.

Q It has been alleged CIA Deputy Director Michael 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," end quote.

Do you have any evidence that 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 to Congress for political reasons?

A No.

Q It has been alleged Ambassador Susan Rice made a, quote, "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 that the President of the United States was, quote, "virtually AWOL as Commander in Chief on the night of the attacks" and that he was, quote, "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 military personnel at Embassy Tripoli on the night of the attacks who were considering flying on the second plane to Benghazi were 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 remain in place in Tripoli to provide security and medical assistance in their current location.

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

Do you have any evidence to contradict the conclusion of the House Armed Services Committee that there was no standdown 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." 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.

Q Ms. [REDACTED], thank you for your time today. I would like to just give you the opportunity if there is anything else that you think the committee ought to know, should be investigating, anything else you would like to tell us while we have you here.

A I think I have said enough. Thank you.

Mr. Rebnord. Okay.

Ms. Sachsman Grooms. Thank you very much. We can go off the record.

[Whereupon, at 11:52 a.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>
12	25	Replaced "arc" with "ARB."
13	3	Replaced "Admiral Pickering" with "Ambassador Pickering."
25	1	Deleted "Al in."
31	2	Replaced "chief admission" with "Chief of Mission."
32	3	Replaced "tide" with "time."
37	24	Replaced "Aman" with "Amman."
39	10	Replaced "disagree" with "degree."
42	25	Deleted "at."
44	14	Replaced "managing" with "Manager."
45	19, 20	Replaced "a bureau" with "A Bureau" in reference to the Bureau of Administration.
55	11	Replaced "action MO" to "action memo."
61	20	Replaced "prosed" with "proposed."