

CQ CONGRESSIONAL TRANSCRIPTS

Congressional Hearings

Dec. 10, 2014 - Final

House Select Committee on Benghazi Events Holds Hearing on Securing U.S. Diplomatic Facilities and Personnel

LIST OF PANEL MEMBERS AND WITNESSES

GOWDY:

I want to welcome everyone. I want to apologize to our two witnesses and to everyone else who's been waiting. Just blame me for the delay. That would be the quickest and easiest thing to do. We apologize for it, and I'll do my best to start on time henceforth.

This is hearing number two reviewing efforts to secure U.S. diplomatic facilities and personnel. The committee will come to order. Chairman notes a quorum for taking testimony pursuant to the appropriate House resolution number and House rule number. I will now recognize myself for an opening statement, and then the gentleman from Maryland.

In September of 2012, four of our fellow Americans were killed and others were injured in an attack on our facility in Benghazi, Libya. Sean Smith, Tyrone Woods, Glen Doherty and Ambassador Chris Stevens died under circumstances most of us cannot fathom -- fire, violence, terror, the weaponry of war.

I want to read something, and I want to ask my colleagues to listen to what I read, not just to the words, but I want you to imagine having to live through or die through the experience. On September the 11th, 2012, at 9:45 PM, 20 or more armed men assembled outside the U.S. mission in Benghazi and breached the mission gate. Several Ansar al Sharia members have been identified among this group. The initial attackers were armed with AK-47-type rifles, handguns, rocket-propelled grenade launchers.

During this initial attack, buildings within the mission were set on fire. The fire set during the attack led to the deaths of Ambassador Christopher Stevens and Sean Smith. The remaining State Department personnel escaped to a nearby U.S. facility known as "the annex," that also came under attack, which continued throughout the early morning hours of September 12th, culminating in a mortar attack that killed Tyrone Woods and Glen Doherty.

What I just read is the now official position of the U.S. government, filed in U.S. district court by the Department of Justice in a motion to detain the one defendant who has been captured and will stand trial -- 20 or more men, the weapons of war, arson, sustained attacks, precision mortars, terrorist groups.

It is interesting to note the use of the word "terrorist," so rarely used in the days and weeks after Benghazi by people in positions of power, is now the very word used in the very statute charging the very defendant accused of killing our four fellow Americans. Conspiracy to provide material support and resources to terrorists resulting in death -- that's the charge. That is the official charge, the official position of the United States government.

But in the days after the attack in Benghazi, the word "terrorist" was edited out and changed. Now the administration uses the word "attack." In the days after the attack in Benghazi, the administration edited out and changed the word "attack."

It's one thing to have it wrong initially and eventually get it right. It's another thing to have it right initially and then edit it and change it so that it is wrong.

I remain keenly aware that there are those on both sides of the aisle who have concluded that all questions have been answered. There's nothing left to do, no more witnesses to talk to, no more documents to review. It is worth noting that some of those very same folks did not think that Benghazi should have been looked at in the first place.

But I disagree. I do not think we should move on until there is a complete understanding of how the security environment described by our own government in court documents was allowed to exist. I don't think we should move on until we understand why we were told special precautions had been taken prior to the anniversary of 9/11. What precautions were taken? Where? By whom? Why were we told that Benghazi facility was secure? Why were we told there was a strong security presence in Benghazi when we now know that was false, and it wasn't true at the time it was said?

We should not move on until there's a complete understanding of why requests for additional security were denied, by whom they were denied, and why an ambassador trusted to represent us in a dangerous land wasn't trusted to know what security he needed to do his job.

It's been two years, and we know the requests for additional equipment and personnel were denied, but we don't have a full understanding of why those requests were denied, and we should not move on until there is a complete understanding of that and why the official position of our government is so different today than it was in the days and the weeks after Benghazi. The facts haven't changed. The evidence hasn't changed. But the way that our government characterizes Benghazi has changed a lot.

This hearing will continue our committee's efforts to ensure the recommendations made after the attacks on Benghazi are actually implemented, and I will pledge again a process worthy of the memory of the four who were killed and worthy of the respect of our fellow citizens. But I also pledge that we're going to keep asking questions until we have a complete understanding of what happened.

And to that end we will have hearings in January, in February, in March and until. And that means access to all the documents and that means access to all the witnesses with knowledge. This committee will be the last, best hope for answering the questions surrounding the attacks in Benghazi.

We may actually wind up answering some of the questions more than once. We may risk answering a question twice. That seems like a really small investment compared with what others have given and are currently giving to our country.

With that, I would recognize the gentleman from Maryland.

CUMMINGS:

Thank you, very much, Mr. Chairman, for holding today's hearing, and as well as our previous hearing three months ago on this topic, which was proposed by Congressman Schiff. These two hearings demonstrate the continued commitment of both Democrats and Republicans to make our embassies safe. As I have often said, this is our watch. This is not about today or tomorrow, this is about generations yet unborn. And so we all take this assignment very seriously.

Over the course of 18 months of exhaustive investigations, first by the independent Accountability Review Board and then by seven congressional committees, we've learned many answers to questions about what happened in Benghazi and what changes are needed to improve security at our diplomatic facilities overseas.

But as we have also seen, when it comes to Benghazi, too many people are unaware that questions have been answered or are unwilling to accept the answers they hear. Our Benghazi on the Record asks and answers Web site centralizes in one place these answers.

Since we met last, the House Permanent Select Committee on Intelligence publicly released its bipartisan, unanimously adopted report. As our Intelligence committee colleagues explained, and I quote, "This report and the nearly two years of intensive investigation it reflects is meant to serve as the definitive House statement on the intelligence community's activities before, during and after the tragic events that have caused the deaths of four brave Americans," end of quote.

These bipartisan findings join the previous conclusions of the Republican-led House Armed Services Committee about the military's readiness and responses on the night of the attacks. Our committee's Democratic members have urged the chairman to review and accept these findings, as we do not think that there is any reason for this committee to reinvestigate these facts, repeat the work already completed by our Republican and Democratic colleagues and squander millions of hard-working dollars that come from hard-working taxpayers.

We appreciate that the chairman has decided to use this hearing to focus on constructive reform instead retreading the same ground that other committees have already investigated, investigated in a way that perhaps one would investigate something if they were looking at it under a high-powered microscope. We urge him to keep his focus on these constructive efforts and not be lured off this path by partisan politics. We're bigger than that and we are better than that.

And I appreciate you, Mr. Chairman, for our discussions where you have agreed by the end of the year to give us a scope as to exactly what we will be looking at. And hopefully, we will be able to come to

conclusions about what we do agree on, so that we can focus on those things that we still need to investigate.

I also appreciate the fact that you have agreed to meet with me and the speaker tomorrow with regard to rules of the committee. I think you and I agree that it's nice to have structure because it helps us to deal with issues that may come up. And I do -- I do really appreciate that.

Immediately after the Benghazi attacks, the independent Accountability Review Board conducted a blistering examination of what went wrong at the State Department and identified 29 -- 29 recommendations for reform. Secretary Clinton accepted every single one of them. And the inspector general reported that, and I quote, "The department wasted no time addressing the recommendations," end of quote.

During our first hearing three months ago, Assistant Secretary Starr testified that the department had closed 22 of the ARB's 29 recommendations. Since then, the department has continued making steady progress, and I'm pleased to hear that. It has closed three more recommendations and continues to make progress on the remaining four.

The department has now delivered fire safety equipment to all but one high-threat post, and it has affirmed compliance with fire safety and equipment requirements in safe havens and safe areas in overseas facilities. The department has now delivered fire safety equipment to all but one high-threat post, and it has affirmed compliance with fire safety equipment requirements in safe havens. The ARB found that the lack of adequate safety equipment may have contributed to the tragic consequences that night, so I'm heartened to hear that the department has completed this recommendation since our last meeting.

The department has also closed the recommendation for increasing diplomatic security» staffing to address the staffing shortcomings identified by the ARB. The Starr's testimony -- Mr. Starr's testimony indicates that the new positions are fully funded and that the department intends to complete all of the remaining new hires by early 2015.

The department also has instituted mandatory threat training for high-risk posts and created a working group to develop joint risk management forces, further addressing shortcomings that the ARB identified with regard to the training and expertise of department personnel. I anxiously look forward to hearing more from Mr. Starr on the work that remains to be done.

We also are joined today by Inspector General Linick. In a September 2013 report, his office made seven security-related recommendations that overlapped to a large degree with the ARB's recommendations. I was heartened to hear that six of these recommendations are now closed.

Concerns remain, however, including lingering questions about whether the department has made sufficient changes to ensure that department bureaus are communicating effectively and decision-making authority is centralized and clear.

Regarding the ARB process, the inspector general's office examined the 12 ARBs convened following the 1998 East Africa embassy bombings through 2012 Benghazi attacks. They concluded that the ARB process, and I quote, "operated as intended, independently and without bias to identify vulnerabilities in the «Department of State»'s security programs."

This «inspector general» nonetheless recommended adjustments to the process, and it is my understanding that the discussions on those recommendations are ongoing.

As I close, one of these recommendations was for the department to amend its foreign affairs manual to institutionalize responsibility for ARB implementation. As the inspector general's report noted, and I quote, "Handling of Benghazi ARB recommendations represented a significant departure from the previous norm in that Secretary Clinton took charge directly of oversight for the implementation process."

The inspector general found that the high-level attention devoted to this task, and I quote, "establishes a model for how the department should handle future ARB recommendations." I'm interested in hearing from Mr. Starr as to whether the department has made the recommended change.

And to that end, I yield back.

GOWDY:

I thank the gentleman from Maryland.

The committee will now receive testimony from today's witness panel. The first witness will be Honorable Gregory B. Starr, the assistant secretary for «diplomatic security» at the Department of State. The second witness will be the Honorable Steve Linick, the «inspector general» for the «Department of State».

Welcome to both of you, and again, my apologies for you having to wait on me. You will each be recognized for your five-minute opening. There's a series of lights that mean what they traditionally mean in life.

And with that, Secretary Starr.

STARR:

Thank you, Chairman Gowdy, ranking member Cummings and distinguished committee members. Thank you for inviting me again to update you on the State Department's progress in implementing the recommendations made by the independent Benghazi Accountability Review Board. And I'll refer to that in the future as the ARB.

I want to acknowledge my co-panelist, Inspector Steve Linick. Inspector Linick works closely with the Bureau of «Diplomatic Security» on many issues some, of which the committee has highlighted for

discussion today. And although I am focused primarily on the Benghazi ARB implementation today, I hope to be able to provide some insights into how the department works with the Inspector General's office to ultimately improve security around the world.

The task of keeping U.S. personnel overseas safe is dynamic and an ever-evolving process. We work constantly to improve our practices and protect our people. The ARB process is an important tool towards that goal, and today we are safer and more secure because of the recommendations of the Benghazi panel and other ARBs.

Our progress on the Benghazi ARB is measurable and sustained, and importantly, many of the lessons learned are further incorporated into policy. Of the 29 recommendations, we have now closed 25 of them. That includes three that we have closed since September, my last testimony, based on further work and analysis.

We are committed to finishing that work -- yet to do so on the final four recommendations and will not lose sight of continuing and building on the security and procedural improvements that have already been instituted.

I'd like to highlight just a few examples of what we've done to improve our security posture since the attacks in Benghazi. These are specific, tangible changes. We have more «diplomatic security» and Department of Defense personnel on the ground at our facilities today. We have increased the skills and competencies for «diplomatic security» agents by increasing the training time in the high-threat course.

We have expanded the foreign affairs counter-threat course for our colleagues beyond high-threat posts because we recognize that the value of these skills extends to all foreign service personnel and other employees at our posts overseas. These are skills that people can take them with to make us safer and make them safer in every post that they're at.

There are broader, more programmatic changes. One which I discussed in September is the launch of the vital presence validation process, or shorthand for that is VP-2. Through VP-2, the State Department asks itself hard questions to balance the risks and the benefits at our highest-threat posts. The end result is a clear-eyed risk assessment of whether the U.S. should operate in those dangerous locations. And if so, how do we operate? Where the process determines that U.S. national interests require us to operate at dangerous posts, the department undertakes measures to mitigate identified risks and prioritizes resources to do so.

The steps we have taken to implement the Benghazi ARB implementations underscores an important point. We live in a world with more unstable and dangerous locations. Our foreign policy often demands that we send our people to work in those very places that are increasingly perilous.

We cannot eliminate risk. The threats evolve. As a result, the work of securing our facilities and safeguarding our people is never complete. We are committed to implementing the ARB's recommendations, but we are also committed to looking forward to meeting the new challenges and threats as they develop.

Our best assets in this effort are our people. Our highly trained foreign service officers and security personnel are out in the field every day, executing U.S. foreign policy. They deserve the credit and thanks for the work that they do on our behalf. It's our job to do everything we can to reduce the risks they face.

As the assistant secretary for «diplomatic security», I'm committed to keeping our people as safe as possible. I know the committee -- I know that the committee, as well as the inspector general's office, shares our commitment in making that true, keeping our people as safe as possible.

With that, Mr. Chairman, I'd be happy to answer questions from the committee about the implementation of the ARB.

GOWDY:

Thank you, Mr. Starr.

Mr. Linick.

LINICK:

Chairman Gowdy, ranking member Cummings and members of the committee, thank you for the opportunity to testify regarding our review of the ARB process and associated work we have conducted in recent years on security-related matters.

Since the September 2012 attacks on U.S. diplomatic facilities and personnel in Benghazi, the OIG has redoubled its efforts -- oversight efforts related to security, issuing inspection and audit reports specifically targeting security matters. In addition to that work, we inspect posts across the globe and we review security-related matters at each one.

In my comments today, I will address the ARB process and discuss findings based on our other security-related work. In September 2013, OIG published its report on the special review of the accountability review process, the process by which the department's ARBs are established, supported, staffed and conducted. The special review also examined the manner in which the department tracks the implementation of our recommendations.

We found that follow-through on long-term security program improvements involving physical security, training and intelligence sharing lacks sustained oversight by the department's principals. The lack of followthrough explains in part why a number of Benghazi ARB recommendations mirror previous ARB recommendations. We concluded that the implementation of ARB recommendations works best when the secretary of state and other department principals take full ownership of the implementation process.

OIG special review made 20 formal recommendations. In May of 2014, I notified the deputy secretary of state for management and resources of the status of those recommendations, and I provided additional suggestions intended to enhance the effectiveness of the ARB process.

Although some of our recommendations related to the special review and my later suggestions remained unresolved at this time, OIG has found evidence that the department has made progress in addressing some of the security concerns. During fiscal year 2015, we will be conducting a formal follow-up review on compliance with our own recommendations and with the Benghazi ARB recommendations.

In addition to the ARB review process, OIG has issued a variety of reports covering significant security matters. I take this opportunity to highlight four areas of concern. The first relates to physical security deficiencies. OIG reports demonstrate that the department is at increased risk because it lacks sufficient processes and planning to ensure that the department fully understands the security needs and priorities at posts around the world. If the department cannot identify security vulnerabilities, it cannot adequately plan, budget for or implement solutions.

In 2012, OIG conducted a series of audits of posts located in Europe, Latin America and Africa, which identified physical security deficiencies at nine embassies and one consulate that required immediate attention. A number of these posts were designated high- threat. OIG auditors found that the posts were generally not in compliance with the department's physical and procedural security standards.

Security deficiencies common among the posts included, among others, the failure to meet minimum compound perimeter requirements and to properly conduct inspections of vehicles before entering posts. The most egregious problem that we found in these audits have identified in recent -- have been identified in recent inspections is the use of warehouse space and other remote facilities for offices, which do not comply with standards and places personnel at great risk.

The second area of concern involved exceptions and waivers granted from compliance and security standards. OIG has found that a number of overseas posts had not maintained accurate exception and waiver records. In addition, OIG found that the Bureau of «Diplomatic Security» was not monitoring posts to determine whether they were obtaining waivers and exceptions for deviations from standards. The department has reported that it has remediated that condition at this time.

The third area of concern involves stovepiping of security issues. Although the Bureaus of «Diplomatic Security» and Overseas Building Operations share responsibility for ensuring posts' physical security needs, they don't adequately coordinate.

The fourth issue of concern relates to vetting of local guards. DS oversees local guard forces that are a critical part of security at department missions overseas. They typically are posted outside or just inside the perimeter of the embassy compound and are often responsible for searching vehicles, et cetera.

We conducted an audit of the DS local guard and noted in June of 2014 that none of the six security contractors reviewed by OIG fully performed the vetting procedures specified. One bad actor with the right position and access can seriously endanger the safety and security of personnel overseas.

In conclusion, security issues have been and continue to be a top priority for my office. I want to thank my staff for their professionalism and commitment to this effort. I look forward to continuing to engage with the department and Congress over these matters in the coming months in an effort to mitigate risk and avoid future incidents like the attacks that occurred in Benghazi.

Chairman Gowdy, ranking member Cummings and members of the committee, thank you again for the opportunity to testify today. I look forward to your questions.

GOWDY:

Thank you, Mr. Linick.

The chair will now recognize the gentlelady from Indiana, Ms. Brooks.

BROOKS:

Thank you, Mr. Chairman.

And thank you both for appearing here today and for your service to our country. As the inspector general, Mr. Linick, and all inspector generals for all agencies, would it be correct to say that, generally, you are charged with ensuring that, in this case, that the State Department is effectively managed and accountable for its decisions? Is that what inspector generals do?

LINICK:

Yes.

BROOKS:

And you conduct audits. We've heard you talk about audits, evaluations. The way that inspector generals do that is they conduct audits, evaluations, inspections. And you've just mentioned some of those, is that correct?

LINICK:

Yes. And we look at programs and operations, as well.

BROOKS:

And so you're like the internal watchdog or internal police department for an agency, and for the State Department specifically?

LINICK:

Yes.

BROOKS:

But you are not appointed by the secretary of state, is that correct?

LINICK:

No, I've been -- I was appointed by the president and confirmed by the Senate.

BROOKS:

And when were you appointed?

LINICK:

I was appointed in September of 2013.

BROOKS:

So that means that, actually, you have complete independence, don't you, from the State Department and the decisions that they make?

LINICK:

Yes, we are independent.

BROOKS:

And before that, you actually, as I understand, like myself, were a federal prosecutor, focused on fraud types of matters.

LINICK:

I was for 16 years.

BROOKS:

And in your finding that you undertook of the ARB, it's my understanding that you felt -- and this is quoting -- your most important finding was that "the oversight of the ARB recommendations must be at the highest levels within the department," is that correct?

LINICK:

That's correct.

BROOKS:

And at what highest level were you referring to?

LINICK:

At least at the deputy secretary level.

BROOKS:

And in your opinion, is that where this -- the implementation of the ARB recommendations stands at this point?

LINICK:

That remained an unresolved recommendation. We did receive revisions to the foreign affairs manual yesterday, and we are looking at them now.

BROOKS:

And so the recommendation -- so -- and that recommendation was made by the IG that, in fact, the foreign affairs manual should specifically state to other employees of the department that these recommendations would be undertaken by the -- at a minimum -- secretary of state, or the highest levels, the principles like the deputy secretary. Correct?

LINICK:

That is correct.

BROOKS:

And so you've stated that, in fact, they have provided that to you yesterday.

LINICK:

Yes, we did receive a revision to the foreign affairs manual, but we have not analyzed it yet. So the recommendation remains unresolved.

BROOKS:

And so let's talk about unresolved or closed findings. When the inspector general makes recommendations and brings forth their findings, they're in several categories, is that correct?

LINICK:

That is correct.

BROOKS:

Unresolved, closed, resolved.

LINICK:

Exactly. Yes.

BROOKS:

Can you share with us -- can you share with us what unresolved means?

LINICK:

So there are really two buckets. There's open recommendations and closed recommendations. Open recommendations can either come in two forms. They can be resolved or unresolved. So if the department agrees in principle with a recommendation, that will be open and resolved. It will not be

closed until the department proves to us, because we're in the trust but verify business, that it -- you know, that it, in fact, has been implemented.

An open recommendation which is unresolved means, generally, the department disagrees with the OIG, and we don't have resolution on that. So it remains open, as well.

BROOKS:

Can I just ask -- and sorry to interrupt -- approximately how many open and unresolved recommendations are there?

LINICK:

In the ARB report?

BROOKS:

Yes.

LINICK:

At this time, there are seven unresolved recommendations. Like I said, a couple of them, that might change. We are also doing compliance followup review, which means we're actually going and doing another inspection to see whether or not our recommendations actually have been complied with.

BROOKS:

Is that common practice, that you always do compliance reviews of your recommendations?

LINICK:

We don't always do that. It's very resource-intensive. Typically, what would happen is the department would come back and say, Here's documentation showing we implemented your recommendation, and we would close it.

The compliance follow-up review is really a different animal because we actually do a completely separate inspection or audit and do interviews and test whether or not implementation has occurred. It is not something we do frequently. We do it in cases where we believe the recommendations are significant, or where we felt that compliance was lacking.

BROOKS:

And do you also -- when you go back and do the compliance review, do you also look into recommendations that have been closed?

LINICK:

Yes, we look at all of the recommendations, from soup to nuts, to see where they stand. So just because we closed them because we have documentation, we're going to go behind that documentation and verify whether, in fact, it has been implemented.

BROOKS:

Are you aware as to whether or not prior inspector generals actually did ever what you're doing with respect to compliance reviews when it comes to physical security of our embassies?

LINICK:

I believe our office has done some compliance follow-up reviews.

BROOKS:

But is it fair to say a number of the recommendations that were in the Benghazi ARB were also in the Nairobi ARB?

LINICK:

Oh, absolutely. We did see a number of repeat recommendations, from training to enhance the Marine security guard program, to enhanced interagency sharing, and so forth.

BROOKS:

So there have obviously been previous ARBs, where recommendations were made, where the State Department closed or agreed with the recommendations, but yet we still had the same problem...

LINICK:

That's correct.

BROOKS:

... in 2012.

LINICK:

That's correct.

BROOKS:

And so with respect to the closed -- and there are a number of closed recommendations -- what -- what do you expect to happen -- what does closed mean? You've talked about open and unresolved. What do closed recommendations mean?

LINICK:

Closed recommendations mean they provided documentation to us to prove that they've complied with the recommendation. In the compliance follow-up review, we will look at -- we will interview and look more closely and drill down to see whether or not it is, in fact, closed. So closed is a preliminary conclusion, if you will, about the status of the recommendation.

BROOKS:

And in fact, when would you have received the -- when would you have made the decision that something was closed or not closed?

LINICK:

We would make that decision after our compliance follow-up team. We have a special team that does this, reviews the documentation and then determines whether that documentation, in fact, meets the intent of our recommendation.

BROOKS:

But in fact, as late as June of 2014, in fact, you just mentioned physical security deficiencies, exceptions in waivers, stovepiping and vetting of local guards are still unresolved, and so are not closed.

LINICK:

Those -- those were recommendations from other reports. In other words, so we've done -- we've done the ARB review and we focused on process and we focused on how they implemented the ARB recommendations. But we've issued a number of other reports which capture lack of compliance with standards, which capture inadequate vetting of local guards. And those recommendations -- a whole bunch more recommendations in connection with those reports, and they're at various stages of closure, et cetera.

BROOKS:

The best practices panel's most important recommendation -- you're familiar with the best practices panel, which happened after the ARB, are you not?

LINICK:

I am, indeed.

BROOKS:

In fact, it, too, indicated that elevating the importance of security and making «diplomatic security» an equal partner was its most important recommendation. Is that correct?

LINICK:

I believe that was recommendation number one.

BROOKS:

And yet we learned at that time, at our last hearing, that the State Department rejected that recommendation. Has there been a change from our last hearing to today?

LINICK:

Well, we're not monitoring compliance with that recommendation, so I don't know the answer to that question.

BROOKS:

Do you know, with respect to this exact recommendation -- and that is the fact that we believe and that panels have made the recommendation that, in fact, all of the implementation of the various

recommendations of the ARB should be made at one of the highest levels. These are the principals, is that correct, the principals, under the secretary of state...

LINICK:

Yes, that is correct.

BROOKS:

And in fact, the oversight right now on the implementation is being made in the office of management policy and right sizing. Is that correct?

LINICK:

I believe they are tracking the implementation of it, yes.

BROOKS:

And that's actually what Mr. Starr said. And so tracking just means, is it being done? Is that correct?

LINICK:

We think that the deputy secretary ought to take responsibility for oversight of the implementation, that she take responsibility for making sure that those recommendations are followed through, that there's sufficient funding to ensure that they're completed, and that they're adequately shared among the State Department communities so everybody knows what they are, why they're important. That's what we're seeking with our particular recommendation.

BROOKS:

And do you know who at the State Department, at the time that they rejected that recommendation -- and that recommendation was rejected -- do you know who at the State Department made that decision to reject that recommendation?

LINICK:

The Sullivan recommendation or our recommendation?

BROOKS:

Both. The recommendation to reject that the deputy secretary should be the level responsible for implementing all of these recommendations.

LINICK:

As to the Sullivan recommendation, I don't know who, if anyone, rejected that. I know the deputy secretary is considering our recommendations. And in fact, I believe, like I said, there's a revision to the foreign affairs manual which apparently does embody that. But we haven't closed that yet because we haven't had the opportunity to analyze it and assess it.

BROOKS:

And Mr. Starr, do you know who made that recommendation -- who made that decision at the time?

STARR:

I don't believe that there was a decision not to comply with that recommendation. Two things, Congresswoman. One, it was the secretary himself who ultimately decided that we did not need the undersecretary, after consideration through various levels of the department.

In terms of the implementation of the ARB, the paperwork that we have put forward to modify the FAM does show that it is the deputy secretary for management and resources who will be the oversight officer for ARBs.

And if you would permit me just for a second -- while this is a change to the FAMs, I have been in multiple meetings since the arrival of Deputy Secretary Higginbottom, and I was in multiple meetings beforehand while Tom Nides was still the deputy secretary, where the deputy was taking direct charge of the oversight of the implementation of the ARB recommendations.

The fact that the manage -- MPRI group is the staff that is tracking them and then bringing these up and presenting them to the deputy secretary -- and then we have had multiple meetings where myself, major embassy officers from all the regional bureaus, the deputy secretary heading the meeting, plus MPRI, plus CT, plus the other bureaus have been in these -- so I think it's very clear that the deputy secretary and our highest levels have been involved in the implementation of the ARB.

What we're doing now is making sure that it's codified in the FAMs.

BROOKS:

Thank you, Mr. Chairman. I yield back. But I would like to add, it's about time. Thank you.

GOWDY:

I thank the gentlelady from Indiana.

The chair will now recognize the gentlelady from California, Ms. Sanchez.

SANCHEZ:

Thank you Mr. Chairman.

I want to welcome and thank both witnesses for being here today. And I want to follow up on this line of questioning with respect to the physical security of embassies and mission facilities.

Two of the past ARB recommendations that remain open, if I'm not mistaken, are from the 1999 Nairobi and Dar es Salaam ARBs. And in those ARBs, they recommended that physical security upgrades be made immediately, and that State work to obtain sufficient funding for building programs because that was a need that was identified. And as a result of those recommendations, the capital security cost-sharing program was initiated to pay for the cost of building new embassies and consulates. Is that correct?

STARR:

That is correct.

SANCHEZ:

OK. With funding constraints and other challenges delaying efforts to better secure its facilities, how is the State Department addressing the need to provide necessary security at this point?

STARR:

Congresswoman, thank you for the question. Congress has been extraordinarily generous with the department. Since the Nairobi bombings in 1998, we have constructed nearly 100 new facilities around the world. We have done major security upgrades to our facilities around the world that we could not replace right at that moment.

There is not a post out there that doesn't have anti-ram walls and vehicle bars and gates, does not have guard programs, police protecting it, forced entry doors and windows, shatter-resistant window film, now after Benghazi, additional Marines, additional RSOs. We have been committed since -- quite frankly, since 1985, in increasing the programs.

I think the funding that we originally got under the capital cost-sharing program was about \$1.3 billion a year. And by to 2012, 2013, instead of the original six or eight facilities that we were able to build a year, we were building perhaps one or two, perhaps three, because of inflation costs.

After Benghazi, Congress was again very generous with the department and has authorized almost another billion dollars, and we are now again on an enhanced building program, building about six or seven new facilities a year.

So I would say that while that recommendation remained open technically, the department, with the help of Congress, has done an amazing job enhancing the safety and security of our people through the years. I will not say that it's perfect. Clearly, I'm here, and my job is to implement reforms after Benghazi and lessons that we've learned. We made mistakes there. But for the vast majority of places, I would tell you that the recommendations that came out of Dar es Salaam and Nairobi bombings and the ARBs for those -- we have assiduously been trying to implement those, and Congress has been very helpful.

SANCHEZ:

Could you give me an idea, Mr. Starr -- because it's a big job to try to go back and renovate facilities and bring them up to modern security standards. Could you estimate how many facilities you're talking about that you have to deal with in terms of assessing the physical security of those buildings? Ballpark figure?

STARR:

There are 275 U.S. embassies, consulates and consulate generals. There are approximately 10 other special missions. The facilities that make up those missions number over 1,000 different buildings.

SANCHEZ:

That's quite an undertaking then, to consistently be upgrading their security. Would that be a fair statement?

STARR:

I think that's a fair statement.

SANCHEZ:

Now, the Benghazi ARB found that the State Department must work with Congress to restore the capital security cost-sharing program at its full capacity. Can you talk a little bit about the history of the funding and why Congress needed to restore to the full level the capital security cost-sharing?

STARR:

Thank you, Congresswoman. As I alluded to just a moment ago, the original costs coming out of the Nairobi and Dar es Salaam were at approximately \$1.3 billion level a year. And in 1999, in 2000 and 2001, as we geared up the program, that gave us the ability to replace six, seven, eight, sometimes nine facilities a year, or individual buildings at least, and do some major security upgrades.

But that funding level was constant from about 2000 until about 2012, and increased building costs, inflation and other things have reduced what we could do with that \$1.3 billion. So we were hopeful, and as I say, Congress was very generous in recognizing that that number had been eroded by inflation, and after Benghazi, and I think in line with the ARB recommendation, worked with the department and added nearly another billion dollars to that. So we're currently at approximately \$2.3 billion under the capital cost-sharing program per year, which has allowed us to do more security enhancements and build -- and replace more unsecure facilities.

SANCHEZ:

Thank you. It's important to note that Congress does play a role in making sure that these facilities are physically secure.

Mr. Starr, I'd also like to ask you about temporary facilities. During our previous hearing, a number of members had questions about the diplomatic facility in Benghazi, whether it was a special mission compound or a temporary mission facility, and whether the term used meant less stringent physical security standards applied to that facility.

That issue was investigated by the ARB and numerous congressional committees over the past two years. And at our last hearing, you addressed this concern explaining, and I'm going to quote from your testimony, "whether it's temporary or interim or permanent, that we should be applying the same security standards that the OSPB has put in place."

Is that still your understanding of how the department is applying these standards today?

STARR:

Yes. That is a very hard lesson that we learned after Benghazi. I can tell you that in one particular location in the world -- I won't say it -- where we have had to have operations, where we were under great pressure to put people in and establish a temporary facility, I turned that down and said that we will continue to operate solely on a TDY basis until such time as we can identify a facility and bring it up to the necessary level of security in order to declare it a facility, i.e., meeting the OSPB standards for that type of facility.

I got no pushback from the department, and in fact, got a tremendous amount of support for this. I think you've correctly identified that the Benghazi, whatever you call it, the temporary facility or the special mission facility, despite efforts to do security upgrades to it, we know that it did not meet all the standards, and we want to avoid a situation like that going forward.

SANCHEZ:

I just want to point out that Mr. Linick in his written testimony noted in a March 2014 audit on physical security funding that «diplomatic security» and the Overseas Building Operations Bureau have differing interpretations of what the required physical security standards are for those overseas facilities. And the same IG reports notes that in January of 2013, the department clarified that a single standard applies to all facilities. In June 2013, the department further clarified that the OSPB standard set forth the minimum requirements.

Has there been better communication now between the department and the «Diplomatic Security» and Overseas Building Operations, and finally, sort of an agreed upon standard for what those physical standards should be?

STARR:

There is no disagreement on what the physical security standards should be. Those standards are in our foreign affairs manuals and foreign affairs handbooks. They're approved by the Overseas Security Police Board, and there is no disagreement on the standards.

We do have different standards for a -- let's say a stand-alone building or a building that is in -- or an office that's in tentative (ph) commercial office space. But OBO is very clear and understands what those standards are. There are no misunderstanding that the standards are what they are and are there.

I do think that the inspector general's inspections have been very helpful to us in many ways. Although sometimes, I will disagree with some of the recommendations, and as Steve alluded to, we have some open recommendations where we may disagree, ultimately, we come to resolution on the vast majority of them.

In terms of what the inspectors found in some of their reports, it is my job as the head of security, when we find security deficiencies that the IG might find, to make sure that we're addressing them as fast as possible. And Steve's ones -- inspectors in one instance did find that we had some significant differences between OBO and DS at a post overseas. I met two days after the inspectors came back with the head of OBO. We resolved those differences, and we've moved on and settled those -- the differences and made the decisions on where we have to go.

I meet virtually every week with the head of OBO. My staff meets at lower levels with OBO. And we've taken that recommendation very seriously.

SANCHEZ:

I appreciate your testimony.

And I yield back.

GOWDY:

Thank the gentlelady from California.

The chair will now recognize the gentleman from Georgia, Mr. Westmoreland.

WESTMORELAND:

Thank you, Mr. Chairman.

And thank you for being here. Mr. Starr, just a point of clarification. When they use the term "closed" on the recommendations, that does not mean they are completed, correct? I didn't know it was that hard a question.

STARR:

As Steve alluded to, there is resolved, there's closed, there's -- we do our best when we get a recommendation to look at it and determine...

WESTMORELAND:

So "closed" does not mean the recommendation has fully been implemented, right?

STARR:

Closed -- in most cases, it does. It means that we have, in fact, effected the change that was necessary to meet that recommendation. There are some recommendations that I would say, sir, are evergreen recommendations. If we put the policies and procedures in place and have to go through it, they may go on for a longer period of time.

WESTMORELAND:

Thank you. You were the «diplomatic security» at the State Department from 1980 through your retirement in 2009, is that correct?

STARR:

Yes, sir. I was an agent.

WESTMORELAND:

And from then, you went to head of security for the United Nations?

STARR:

Correct, sir.

WESTMORELAND:

And at the U.N., you were the undersecretary for safety and security, correct?

STARR:

Yes, sir.

WESTMORELAND:

It is true your Office of «Diplomatic Security», or the DS, and the Bureau of Overseas Building Operations, or the OBO, are the two offices within the State Department that have the primary duty to ensure the safety and security of these overseas facilities?

STARR:

That's an accurate statement, sir.

WESTMORELAND:

According to the foreign affairs manual, your office is expressly charged with responsibility for ensuring that all new construction and major renovations comply with physical security standards, even though the OBO does the actual construction. Is that true?

STARR:

Correct.

WESTMORELAND:

And under which undersecretary is the DS?

STARR:

I serve -- I am under Secretary Kennedy, the undersecretary for management and...

WESTMORELAND:

And who is the undersecretary -- OBO?

STARR:

Yes.

WESTMORELAND:

Also. And then undersecretary for management, Mr. Kennedy, has been in the position since November of 2007, I believe. Is that correct? You don't know?

STARR:

I believe so, sir, but I'm not certain of the date.

WESTMORELAND:

OK. Has Mr. Kennedy with the State Department, as far as you know, from the early '70s.

STARR:

I think Pat came in in about 1975.

WESTMORELAND:

OK. In fact, when the East African embassies were bombed in 1998, Mr. Kennedy was in your position, is that correct?

STARR:

At the time of the bombing, sir, my recollection is that we had a vacancy in the position, and he was the acting...

(CROSSTALK)

STARR:

... he was the acting.

WESTMORELAND:

OK. And although you returned to the State Department after the Benghazi attacks, you are aware that virtually each and every finding and resulting recommendation in the Benghazi ARB centered on the special mission compound or facility being a high- threat post sorely lacking in personal -- personnel and physical security. Is that correct?

STARR:

I'm aware of those recommendations in the ARB, sir, yes.

WESTMORELAND:

Are you aware that your own inspector general, Mr. Linick, since Benghazi, has conducted three reviews or audits of physical security issues at overseas posts, particularly in these high-threat posts?

STARR:

Yes, I am, sir.

WESTMORELAND:

Are you also aware that the IG issued two other reports, one that looked at how you manage your local guard program and another that looks at how you manage your marine security?

STARR:

Yes, sir, I am.

WESTMORELAND:

Let's take a look at the IG report issued in June of 2013 that looked at how you comply with the physical security standards at five specific overseas posts that are considered high threat. Do you recall that report?

STARR:

Yes, sir.

WESTMORELAND:

As I understand it, that report only looked at embassies or consulates that were constructed after the year 2000, is that correct?

STARR:

I believe so, sir.

WESTMORELAND:

So all built after the East African embassy bombings in 1998, where an ARB was sharply critical of the then existing physical security standards. Is that correct?

STARR:

I would say the inspector general pointed out that there were some deficiencies in not meeting some of the standards.

WESTMORELAND:

That means that they all build after Congress passed the Secure Embassy Construction and Counterterrorism Act, as it's known, and gave the State Department a whole lot of money to improve those -- physical security overseas, is that correct?

STARR:

Correct.

WESTMORELAND:

So in this report, the IG team looked at physical security at the five posts that had a high threat level. And the audit team looked at things such as the height of the perimeter walls, the outside boundary, how far the buildings were from those outside walls, looked at the anti-ram barriers, the procedural -- other barriers or resistant doors, whether the local guards, which we have talked about prior, were properly inspecting, whether there were safe havens inside the building and the like, is that correct?

STARR:

Yes, sir.

WESTMORELAND:

So let me ask you how the five embassies or consulates did. Did any of them comply with all the security standards that were reviewed?

STARR:

No, sir. None of them are perfect.

WESTMORELAND:

OK.

STARR:

But if I may, sir, every one of those facilities has police and guards on the outside.

WESTMORELAND:

I understand.

STARR:

Every one of those facilities...

WESTMORELAND:

I know, but...

(CROSSTALK)

WESTMORELAND:

My question was, had all of them been met, and your answer was no.

STARR:

No, sir. I want to make it clear, though, that most of the things that the inspector general found were minor, do not present major vulnerabilities to us. Our philosophy of concentric rings...

WESTMORELAND:

OK...

STARR:

... of security worked...

(CROSSTALK)

STARR:

And I don't expect any inspector general going out, any team, is not going to find some things that can be improved.

WESTMORELAND:

I understand. But your answer was no, correct?

STARR:

Correct, sir.

WESTMORELAND:

Now the overseas post in question. Once the problems were identified, took some sort of action to correct all the deficiencies, but you said they were very small deficiencies. Is that correct?

STARR:

In relation to what vulnerabilities they posed, yes, sir.

WESTMORELAND:

So at least at some of these posts, those problems have been fixed, is that correct?

STARR:

It is my job to make sure that any time we see one of these vulnerabilities...

WESTMORELAND:

Are they fixed?

STARR:

Yes, they are.

WESTMORELAND:

OK.

STARR:

They're resolved.

WESTMORELAND:

Did the inspector general ask that you issue a directive to all your posts worldwide to see whether other posts have the same problems?

STARR:

For some things, yes.

WESTMORELAND:

OK. Did you agree to do this?

STARR:

No, I did not.

WESTMORELAND:

OK. Mr. Linick, I want to follow up on another review of the physical security-related posts overseas. I understand that your office hired an outside company to review how the State Department processes these requests and prioritizes requests for these physical security upgrades.

LINICK:

Yes, sir.

WESTMORELAND:

When the auditors looked at this, did they find a comprehensive list of all these reports of the deficiencies?

LINICK:

They didn't find a comprehensive list of security needs and requests for security needs at posts around the world.

WESTMORELAND:

So they didn't find a list of what may have been called in or asked for.

LINICK:

They did not -- they did not find it.

WESTMORELAND:

(inaudible) OK. Were the auditors able to review a list of these funding requests or lists of which requests were denied or granted?

LINICK:

There wasn't a list.

WESTMORELAND:

So there was no list.

LINICK:

No.

WESTMORELAND:

From DS, no list?

LINICK:

We did not find a comprehensive list of security.

WESTMORELAND:

OBO, no list?

LINICK:

No. But I understand that they're working on that now.

WESTMORELAND:

OK. Is it true that the auditors found that the DS and the OBO do not coordinate with each other to determine which requests should be given priority?

LINICK:

They did find that in two respects. One, there was disagreements about the standards, which has since been remediated, which Mr. Starr had mentioned.

WESTMORELAND:

So the fact that Mr. Starr and OBO get together once a week or once a month, or whatever it is, they've still not come up with any of these lists that could be combined to be looked at?

LINICK:

I don't believe we have seen a comprehensive list, but I'm not entirely sure of that. So I'd have to get back to you.

WESTMORELAND:

Do you know of any comprehensive lists that may have put into long-term planning for the future security of -- of the requests that's been made from these posts?

LINICK:

I know the department has agreed to do it, and so that recommendation has been resolved, but it still is open.

WESTMORELAND:

Thank you.

I yield back, Mr. Chairman.

GOWDY:

Thank the gentleman from Georgia.

We're going to now try to go to the gentleman from Washington, Mr. Smith.

SMITH:

Thank you, Mr. Chairman. Can everybody hear me?

GOWDY:

Yes, sir.

SMITH:

Great, thank you. And I really appreciate your flexibility (inaudible) For those who don't know, I had hip surgery (inaudible) travel, but I appreciate the opportunity to participate in this hearing.

Just a couple of questions. First of all, I think one of the allegations is that we've had attacks on our State Department (inaudible) or there have been reports (inaudible) same place. I don't -- I don't think that's quite accurate. I think there actually have been really significant improvements (inaudible) previous attacks (inaudible) gentleman (ph) outlined (inaudible) bombings in Africa. You know, what improvements have been made? What responses were made (inaudible) to improve our State Department's (inaudible)

GOWDY:

Adam, I may get you to act like you're mad and yell a little bit. I think the witnesses -- we can hear you pretty good, but not great. So if you could just act like we're talking and you're yelling at me.

SMITH:

(inaudible) repeat that? Trey, do you need me to repeat what I just asked?

GOWDY:

Yes, sir. I think the witnesses -- the witnesses are kind of leaning forward? If you could just yell it as loud as you're willing to do it, Adam.

SMITH:

I will do that. I will repeat the question. My question was, there have been attacks before, and one of the allegations (inaudible) panel (ph), to some extent, is that after those attacks, like the embassy bombing in Africa, they -- you know, we issued a report and we just sort (ph) of (ph) Groundhog's Day. We don't -- we don't make improvements. We don't respond.

You know, in my reading of what has happened since some of those previous attacks, I don't believe that that is accurate. And I was just wondering if you gentlemen could outline -- (inaudible) taking as one example, the 1998 embassy bombings in Africa, what improvements were made as a result of the study of that problem? You know, how much more money was spent? How were facilities upgraded? You know, what has been done, first of all, prior to Benghazi to actually improve security at our overseas facilities?

STARR:

Congressman, thank you for the question. This is Greg Starr. I recognize that there are some similarities in the types of recommendations that were made going back through the years on ARBs. But I, like you, find it difficult to accept the premise that it is Groundhog Day, that we're just revisiting the same things.

As I said before, a tremendous amount of progress was made through the years in building new facilities, in training different personnel, in adding local guard programs. Much of this work was done in concert with Congress. Congress has been very helpful in many ways in terms of funding and oversight.

From 1988 to 1992, after the original Inman commission, we built 22 new facilities. But then after the end of the cold war, the money sort of dried up and ran out. Even though we wanted to build nearly 100 after the bombings in 1998, the money flow for building new embassies was given to us by Congress very generously, and we've replaced a tremendous amount of facilities. We have never had to give up one of those new facilities that we've built yet.

I think the increases that we've done in training for our personnel, additional Marine detachments, things like more armored cars, and the things that we've done after Benghazi, the better and much closer relationships with the intelligence community and DOD -- I think some of those things you can say, Well, weren't you doing those things, you know, after Nairobi? Weren't some of those things said in the ARBs?

And there are some similarities. But I think the types of things that we're facing are similar, as well, and I think we're going to see similar types of attacks. And you may get the -- even in the future, the need for more training than we're even doing now.

So I appreciate the comments that -- because I believe, like you do, that while there may be some similarities, this is not Groundhog Day. We have not -- we have made significant process since Nairobi and Dar es Salaam. There are very few ARB recommendations, through all of the ARBs, that have been left open, and those few that are open, we're still working to close.

So thank you for the question, sir.

SMITH:

Look, one -- one of -- the -- one of the big issues about Benghazi -- not all State Department facilities are the same. I mean, when we think of our State Department presence overseas, I think, you know, most people typically imagine our embassy, the main facility.

But as everybody knows, we have a number of different facilities where people are located throughout the country. One of the most dangerous places that I went to was Peshawar, where we had a consulate in Pakistan a few years back, very dangerous place, very high security.

Now, when you're determining what security to provide, when you go to these temporary mission facilities or to the annexes or consulates, and specific to Libya and specific to the two facilities that were attacked, how would have they fallen under the new rules after some of these other attacks in terms of understanding how to properly provide security for two facilities like the ones that were in Benghazi, which were not traditional embassies, or even consulates, for that matter?

Is this something that had been contemplated previously? And if so, what was the discussion about how to properly provide security for these different types of facilities?

STARR:

Unfortunately, sir, I'm at a little bit of a loss. As one of the congressmen has pointed out, while those discussions were taking place on what was going to happen for Benghazi, I was at the United Nations.

I do know that we have all accepted the recommendations from the ARB that perhaps there was a little too much confidence in the chief of mission and what he was saying, that we know that we did not meet all of the OSPB standards when -- for either of those two locations, either the special annex or the special mission.

I know that we are concentrating on learning the lessons from that. We have no temporary facilities today that don't -- no temporary facilities at all. And should we have to have those types of facilities, we will have a very long, hard discussion about what needs to go into them and make sure that they're as safe and secure as possible before we let them be occupied.

I'm just at a little bit of a loss. I can't comment on things that happened when I wasn't here, sir.

SMITH:

Yes, we're talking about two -- two other, I think, huge issues when it comes to providing security at our overseas facilities. Number one is money, particularly at this point -- and I might also add, particularly at precisely the moment that Benghazi was attacked. I don't imagine that there have been too many times in the history of our country when we had as many facilities throughout the globe that could not have been perceived as to be at a high threat level.

First of all, it was the anniversary of 9/11. Second of all, we had already in the days prior had riots and attacks on embassies in I forget how many different countries. I certainly know in Cairo why the embassy was attacked, and I think somewhere close to a dozen others, we had that.

The number one issue -- and I'll (inaudible) well, I'll mention them both. Number one issue is simple resources. In a world full of incredibly dangerous places, how do you decide how to properly allocate the resources between a Benghazi and a Cairo and a Peshawar and Sanaa and Yemen and all of those different places, what role -- Congress, as you said, has been generous after some of these previous

attacks, but there's still finite resources, number one. How do you make those decisions when there are so many places to protect?

And then the second issue that I have encountered is quite frequently, the chief of mission will disagree. The chief of mission will -- will go to place where maybe the folks back in Washington, D.C., have said that he or she should not.

There are many, many members of the State Department out in other countries who feel that their hands are being tied. In fact, I've heard this complaint now from a large number of State Department people, referring to it as "the Benghazi effect," that they can no longer do their job because we've gone back the other way and tried to be too cautious.

So those are two, you know, very difficult issues, resources and then the conflict between a -- you know, a member of the State Department out in a foreign country, in a dangerous place, trying to do his or her job, versus needing (ph) the security. How did those two things get balanced throughout the State Department and throughout all of your security (inaudible)

GOWDY:

Adam, before they answer -- this is Trey. There's less than a minute on the clock, but given the technical difficulties, I'm going to let them answer this question in full, and give you another question, given the difficulties we had on the front end. But I wanted to let you know where we were in terms of time.

SMITH:

Right. That's my last question.

GOWDY:

OK. Answer as long as you need to, Mr. Starr and Mr. Linick.

STARR:

Thank you, Congressman. On the question of resources, you are correct. While Congress has been very generous with us, I'm not going to sit here and say that it is solely a question of resources. Every year, we look at every post in the world in concert with the Emergency Action Committee, in concert with the intelligence community, in concert with my threat analysis and in concert with the regional bureaus, and we rate those threats for civil disorder, for terrorism, for crime and for a couple of other things. And we rate them critical, high, medium or low threats.

Those ratings help us determine how to best allocate resources. We start with the base position that every one of our facilities should meet the OSPB minimum standards. And as Steve has pointed out,

there are some times where we have problems even doing that. When find it, we upgrade them as fast as we can and make sure that they're there.

There are many posts that we have to go very far above the minimum standards because of the specific nature of the threats. And the threats can differ. At a place where it is a threat of a car bomb, we're looking for additional setback. We're looking for additional barriers. When it's mam (ph) attacks, we may be looking at additional reinforcements in terms of the military on the ground.

But we look at those threats at least for every single post in a formalized manner every single year. And I start my day every single morning with a threat roundup and looking at what's out there, and make determinations whether or not we need to reinforce or do something at our embassies.

As you correctly pointed out, that does translate into problems sometimes, where we have officers that feel that they can't get out. We often have places where we have to balance getting the job done with an officer's individual security and what the threats are. I think that's a healthy tension. I want foreign service officers that want to get out and want to get the job done. And I want posts that are looking closely at what the threats are and whether they should get out.

Now, at our highest threat-level posts, I think you'll find that some of our officers may be frustrated sometimes because the security has to be overwhelming, in many way, has to be very strong. In the rest of our posts around the world, our people are getting out. Our people are engaging. Foreign service officers are building democracy. There's, you know, rule of law programs, justice programs, USAID programs, humanitarian programs, and they're fulfilling those requirements.

It's a balance and it's a dance, I agree, but it's an important one, and the tension is good.

LINICK:

Congressman, this is Steve Linick. Just a couple of comments to add onto that. We haven't looked at resources, sort of sufficiency of resources. But our work in the resource area concerns, how resources are prioritized. In other words, does the department know what its resources are? Does the department know what requests are made? Do they know how to prioritize across the board?

That's really the point of the report that we issued that's referenced -- that has been referenced already. And if the department cannot make a determination as to which projects are high priority, then it's going to be difficult to solve problems and develop budgets.

As to the second question, on the Benghazi effect -- you know, I think ultimately, this comes down to good risk management. And the ARB's first recommendation discussed the need for the department to make sure there's a mechanism in place to weigh policy concerns against risks.

One of our recommendations was that this is so important that this should be elevated to the highest levels of the department, so that someone who's in a position of weighing policy considerations, namely maintaining presence, in certain very dangerous areas, can make that determination and also be

responsible when they have to sign on the dotted line and put people at temporary facilities or (inaudible) high-threat posts.

SMITH:

Can I just quickly follow up on that last point, and then I'll be done, because I think -- I think the problem and the issue when you say, take it up to that higher level, but once you've taken it up to that higher level, isn't that person further away from the specific understanding of a given country or a given area?

And in some ways, if you're going up to someone who's at that deputy level, they are more distant from the problem, and in some ways, probably less qualified to make the call on whether or not, you know, a given action is proper for the security environment. Isn't that one of the reasons why the State Department's been reluctant to implement that specific recommendation?

LINICK:

I'm not sure or not whether they've been reluctant to adopt that recommendation. I know they have their VP-2 risk management system, and I don't know to what extent that answers the question of raising risk management at a higher level.

I guess I would say that we know that some of these decisions involve competing interests. At the lower levels, you've got your policy folks and then your security folks. Somebody has to be in charge of reconciling these -- you know, some of these competing interests because we know our policy folks want us to be in places. They want us to be out doing diplomacy. And our security folks want to minimize risk. So what we're saying is there needs to be somebody who's managing those competing interests and then taking responsibility for those decisions.

SMITH:

OK. All right. Thank you very much, Trey, and thanks to the committee for the flexibility for allowing me to participate by phone.

GOWDY:

Adam, thanks for participating. Take care of yourself, and we'll see you in January.

With that, the chair would not recognize the gentleman from Ohio, Mr. Jordan.

JORDAN:

I thank the chairman.

Mr. Starr, safety is critically important. And I appreciate what you said in your written testimony. You said, We want to keep our people safe. We will continue doing everything we can to support and protect them.

Shouldn't be a partisan issue, should it. Republican, Democrat, shouldn't matter.

STARR:

I don't think that is a partisan issue, sir...

(CROSSTALK)

STARR:

... that is an issue.

JORDAN:

No, I wasn't -- I wasn't insinuating that. I'm just saying that this is -- these people put their lives on the line. Doesn't matter whether you're Republican, Democrat, who you are, what side you come from. The simple test should be are the policies and actions we're putting in place making people safe. You'd agree?

STARR:

Yes, sir.

JORDAN:

Former secretary of state Madeleine Albright said this after a -- it was a cyber-security breach, but my guess is she would refer to any security breach. She said this, and I quote, "Even a score of 99 out of 100 is a failing grade."

That's a pretty strong statement. And I understand we don't live in a perfect world. You've talked about that. We live in a dangerous world. We got to balance diplomacy with security and safety concerns. But I think the tenor of her statement was what we just talked about. Safety is critical, and we should do everything can. It's of paramount importance. We should do all we can to make sure our people are safe.

You would agree with that, wouldn't you, Mr. Starr?

STARR:

I need to try to do that, sir, but I -- I will just add one inflection on this, and that -- our primary and most important goal is to carry out the foreign policy of the United States.

JORDAN:

I understand. I understand the balance.

STARR:

And then we -- and then while doing that, we have to do everything we can...

JORDAN:

I get it.

STARR:

... to safeguard our people.

JORDAN:

I get it. You know, Mr. Starr, the number one question I get back home about Benghazi -- number one question I get -- why were we there? Why were we there? And it seems to me it's a fundamental question, especially in light of the very dangerous security situation that existed in Benghazi, and frankly, some other key facts.

Now, we've talked about this before, but Mr. Starr, the State Department has its own standards for physical security, the Overseas Security Policy Board standards. Were those followed with the Benghazi facility?

STARR:

No, sir, they were not met.

JORDAN:

And when you deviate from the standards, there's a waiver process that you're supposed to adhere to. Was the waiver process followed?

STARR:

I do not believe so, sir, no.

GOWDY:

No. Mr. Keil was here just a few months ago and he said neither the standards or the waiver process was followed. And the State Department had a special designation for the Benghazi facility, isn't that correct, Mr. Starr? Didn't you guys call it the temporary mission facility or the special mission facility?

STARR:

I think it was temporary mission facility or a special mission facility.

JORDAN:

And was this a term created solely to do an end run around the standards and the waiver process?

STARR:

Sir, I don't believe anybody intentionally tried to run around the waiver or the standards process. I think it was a question that it was...

(CROSSTALK)

LINICK:

... neither an embassy nor a consulate.

JORDAN:

When Mr. Keil said...

STARR:

I think they were trying to find...

JORDAN:

If I could, Mr. Starr? When Mr. Keil testified here just three months ago, sat right there beside you -- gentleman served 23 years in the State Department -- he said, In talking with people, based on my experience, it was a purposeful effort to skirt the standards. So you had -- well, let me ask it this way...

STARR:

Well, I would disagree with Mr. Keil.

JORDAN:

OK. He's got a pretty -- pretty good record, like -- like yours is -- like you do, as well, Mr. Starr. How many facilities does the State Department -- diplomatic facilities does the State Department currently have around the world?

STARR:

275 embassies, consulates and consul generals composing approximately 1,000 buildings.

JORDAN:

Your Web site says you have 285 U.S. diplomatic facilities worldwide. Is that not accurate?

STARR:

275 consulates, embassies, consulate generals, and there approximately 10 special missions such as...

JORDAN:

OK, of the 275 or the 285, whatever number you want to use, are any of those today designated temporary mission facility or special mission compound?

STARR:

No.

JORDAN:

None of them?

STARR:

None.

JORDAN:

Which sort of brings me back to my question, Mr. Starr. What was so important about Benghazi that we didn't follow our own standards, we didn't follow the waiver process, we created a term that's not used at any of our facilities, any of the 285 facilities today, special mission compound or temporary mission facility, (inaudible) not used anywhere else today?

What was so important that we do all that to be in Benghazi, we do all that to be in a place where four Americans were killed?

STARR:

Sir, I would have to refer you to the results of the ARB, which I think address that.

JORDAN:

No, no! You're the witness from the State Department. I'm asking you.

STARR:

I was not here when those determinations were made, sir, and today...

JORDAN:

It doesn't matter whether you were here or not...

STARR:

And today, I do not, and we do not have facilities like that.

JORDAN:

Well, no, no, no. I'm -- I'm asking you as the representative from the State Department to tell you what was so important that we don't follow the standards, we don't follow the waiver process, we create a

new term out of thin air, and none of the facilities today -- we're the United States of America! We got facilities -- more facilities probably than any other country in the world, 285, and none of them use that designation today!

STARR:

Correct.

JORDAN:

So tell me what was -- why did -- we were in Tripoli. Why did we have to be in Benghazi?

STARR:

I would have to refer you to the ARB, sir, and I think...

JORDAN:

Well, let me add -- let me add to it! Let me add to it! Maybe this will help -- this will help you think about giving us an answer. In the 13 months prior to the attack in 9/11, 2012, there were 200 security incidents in Libya -- IED, RPG, assassination attempt on the British ambassador. I mean, this was the wild West! Repeated requests -- here's the thing. Repeated requests from our security personnel at the facility, repeated requests for additional -- they said, We need more help. We need more good guys here. And you guys said, No, we're not sending -- in fact, what they had, you reduced!

So again, I ask, that situation, probably the most chaotic situation that we have at any -- around any of the facilities, a whole new term, don't follow the standards, don't adhere to the waiver process -- why were we there?

STARR:

Sir, I think the ARB points out that there were mistakes were made.

JORDAN:

Mr. Starr...

STARR:

I think it's very obvious we had a tragedy that occurred, and I am not denying that a tragedy occurred. What I'm saying is...

JORDAN:

None of us are denying that.

STARR:

... is that I think we have to...

JORDAN:

We're trying to get answers to it!

STARR:

... learn from that lesson. I am not the witness to tell you what happened and what...

JORDAN:

You're the State Department representative here at the hearing on the select committee...

STARR:

I am here to discuss...

JORDAN:

... to find out what happened!

STARR:

I am here to discuss...

JORDAN:

The most fundamental question is why were we there in the first place!

STARR:

... the thing that we have put in place since the ARB and what we are doing...

JORDAN:

Let me ask...

STARR:

... to protect our people now.

JORDAN:

Let me ask you another thing here. Do you happen to know the name of the government that was in place when we had those 200 security incidents in the 13 months leading up to this tragedy? Do you happen to know the name of the government that was in place when we had the IED attacks, the RPG attacks, the assassination attempt on the British ambassador? What was the name of the Libyan government at the time, Mr. Starr. Do you know?

STARR:

No, I don't know offhand.

JORDAN:

I'll tell you. The Transitional National Council -- Transitional National Council. Not exactly a title that inspires confidence, screams stability, does it, Mr. Starr. And yet we had to be there. We just had to be there.

Now, this committee -- this committee is going to try to find out the answer (inaudible) since you won't give it to us, since you won't hazard a guess, this committee's going to try to find out the answer. But in the meantime, we are going to make sure we keep focused on what we started our conversation here about, Mr. Starr, and that's the safety of our people who serve aboard.

Now, there was one good thing that came out of the ARB -- one good thing. They said we're going to have a best practices panel. And that best practices panel made 40 recommendations. And the most important is the one that Mr. Linick talked about earlier. The number one recommendation, frankly, the one that many of the other 39 hinge upon, says we need to create at the undersecretary level an undersecretary for «diplomatic security».

Is the state Department going to do that, Mr. Starr, at the undersecretary level?

STARR:

A decision has been made not to implement that and...

JORDAN:

Not going to do it. How many undersecretaries are there at the State Department, Mr. Starr?

STARR:

I believe there's seven.

JORDAN:

I think there's six, based on the chart you just gave us -- undersecretary for political affairs, undersecretary for economic growth and energy and environment, undersecretary for arms control, international security affairs, undersecretary for management, undersecretary for civilian security (ph), democracy and human rights and the undersecretary for public diplomacy and public affairs.

And yet we can't have an undersecretary for the security of our people who risk their lives every day around this planet. You know the undersecretary for public diplomacy and public affairs -- you know what part of the job description of that undersecretary -- to foster cultural exchange and international broadcasting. Now, I'm not saying culture exchange and international broadcasting isn't important. All I'm saying is the safety of the people who serve at these 285 facilities should be just as important.

And you guys say, No, we're going to keep you way down here, Mr. Starr. In fact, it's your -- you're the one -- «diplomatic security» assistant secretary -- as Ms. Brooks pointed out, you're way down the chart.

Why don't you want to move from the kids' table to the adult table, Mr. Starr? Why don't you want to move on up to the undersecretary level? Did you make that case to Secretary Kerry and said, I think security is important enough, I should be at the undersecretary level? Did you make that case?

STARR:

The case that I made to the secretary was that in any instance that I needed to get to the secretary, and the access that I needed with him, the deputy secretaries or the assistant secretaries, I had to have the access necessary to do my job.

Today I have that access. Whether I'm an undersecretary or an assistant secretary -- and I have been the undersecretary general for safety and security at the United Nations, and it's a different organization. I can tell you that regardless of whether I'm the undersecretary or the assistant secretary...

JORDAN:

I just know...

STARR:

... I have the control and the access that I need to fulfill my responsibilities.

JORDAN:

I will tell you this. Mr. Chairman, if I could? I will tell you this. I remember Thanksgiving was a lot easier to make the argument at the adult table than it was to try to do it from the kids' table. I'd rather be there. In fact, I'm not the one who thinks it's the greatest idea in the -- I think it's a great idea, but I'm not alone.

Clear back in 1999, Secretary Albright said the same thing. She thought we should have this at the undersecretary level. Todd Keil of the best practices panel thought we should have it at the undersecretary level. And the guy sitting beside you thinks we need to elevate this to the highest level.

So I guess we got two big question that this committee needs to answer. Why in the world won't the State Department do what everyone knows needs to be done, elevate this position to the highest level that we can, make it equal with cultural exchange and international broadcasting?

And then the big question, again, that I hope we get an answer to in this committee. Why were we there? Why were we there with these facts and these circumstances? That's a fundamental question that the American people want to know and that people -- these four -- four individuals, the families of these four individuals who gave their lives would like to know, as well.

With that, I yield back.

GOWDY:

Thank the gentleman from Ohio.

The chair now would now -- recognizes the gentleman from Maryland, the ranking member, Mr. Cummings.

CUMMINGS:

Thank you very much, Mr. Chairman.

First of all, I'd like to thank our witnesses for being here today. In particular, I want to thank you, Secretary Starr. I listened to what was just stated and asked, but my concern, and I'm sure it's the concern of this entire committee, is that when all the dust settles that the request of every single family member that we met -- when the dust settles, I hope it's carried out, and that is that our facilities are safer, so that things are not like this unfortunate incident does not happen again.

The department's update shows continued strong progress towards full implementation of the ARB's recommendations. As the Benghazi ARB reminded all of us, and I quote, "The total elimination of risks is a nonstarter for U.S. diplomacy, given the need for the United States government to be present in places where stability and security are often most profoundly lacking and host government support is sometimes minimal to nonexistent," end of quote.

Nonetheless, we owe Americans serving overseas our best efforts to keep them safe as possible. Mr. Starr, I want to commend you for dedicating your career to achieving that goal. I have no doubt that you are committed and determined to see the implementation of these recommendations through.

According to your testimony, since September 17th, that hearing we held that day, the department has closed three more Benghazi ARB recommendations. One of the three that you closed involves the hiring of additional «diplomatic security» personnel, is that right? I think that was recommendation number 12.

STARR:

Yes, sir.

CUMMINGS:

And your October letter said you had filled 120 of those 151 newly created slots. Do you expect to complete your hiring by early 2015?

STARR:

We're on track to do that, sir.

CUMMINGS:

And what's entailed in that? Is it hard to find people or...

STARR:

In some cases, actually, because we have very high standards, and some of these positions are very technical, we have had some difficulties. But sir, I would like to point something out. The recommendation was to get increased «diplomatic security» personnel for high and critical threat posts and for additional mobile security deployment teams.

The 151 positions asked for additional people for positions beyond those two things. We have already created every one of the positions in MSG -- for the Mobile Security Teams -- and at our posts overseas, taken agents that were already on board, filled those positions in those locations. And what we do is back hire now to fill the positions that we took those more experienced agents out and put them there.

So we have fulfilled the recommendation of what it is, even though we continue to hire some additional personnel.

CUMMINGS:

I see.

STARR:

I think we've more than fulfilled that recommendation.

CUMMINGS:

So you're still -- you're still missing some people, though, I mean, because you're moving people.

STARR:

Right. We're still -- we're still hiring to fill the people that we put in behind there, although the agents have all been hired. It's a couple technical specialties that we're filling in behind.

CUMMINGS:

OK. You also closed the recommendation related to risk management courses and enhanced threat training for personnel at these high-risk posts. How will this training better prepare our diplomats in high-threat regions?

STARR:

We have increased the foreign affairs counter-threat training that we offer to our foreign service personnel now, not just people going to our high-threat, high-risk posts. Every one of them has to go

through that training. And prior to this, we did not quite have the capacity to do that. We're now increasing that training to everyone in the entire foreign service over the next four years.

Additionally, the Foreign Service Institute has put courses in that are complementing our skills-based training, courses like how to conduct diplomacy in a high-threat environment, which trains officers -- brings back officers from some of these tough places and shows best practices on how you accomplish your job when you're faced with things like, sometimes you can't travel to the ministries. Sometimes, there's different types of security requirements.

So I think we're addressing it both through skills-based training on security, and in the Foreign Service Institute on training our people, before they go into these high-threat environments, how do we best do our jobs.

CUMMINGS:

And so the third closed recommendation was to procure fire safety equipment at high-threat posts. Mr. Starr, is that complete?

STARR:

It is complete with one exception, sir. I have one post where the equipment is sitting -- a specific type of respirator mask is sitting one country away. And I'm trying to get it in today and tomorrow to that post, and we've had some customs issues.

But we have delivered the types of equipment and the training in conjunction, after talking with the New York City Fire Department and others, to all of our high-threat posts around the world.

CUMMINGS:

Would you get us notification when you have completed that one thing you just said?

STARR:

I will, sir.

CUMMINGS:

So they are receiving the training. Everybody's received the training on this equipment?

STARR:

We are -- we have worked closely with the fire department to identify the equipment, and then when we ship the equipment out, there's training programs on the equipment. And then there are other things that OBO has done in terms of fire safety, as well.

CUMMINGS:

With the closure of those three recommendations, that leaves four recommendations still open, is that right?

STARR:

Yes, sir.

CUMMINGS:

Your October letter shared with us target dates to complete implementation of those final four recommendations. Are you on track to complete those recommendations?

STARR:

We are on track, sir. The one that will stretch the longest is the implementation of a new type of CCTV camera at our posts overseas. The technical requirements associated with that have been more difficult than we first envisioned. We have a schedule to do it. I hope to have it done by fall of 2015. I'm leery that it might go longer with that, so one of the things we're saying is that it will absolutely be done by the summer of 2016. But we're pushing to get it done earlier than that.

CUMMINGS:

And the other three, when will they be complete?

STARR:

I believe that the recommendation concerning co-location waivers will be done within probably two months. The recommendation concerning assignment durations for high-threat posts -- we have essentially fulfilled that recommendation. We are working with Congress to look at something called a dual compensation issue, so if necessary, we can bring back highly talented officers.

I believe that we can close that recommendation regardless of whether or not we get approval for the dual compensation waivers. So I think we'll have an answer in terms of closing that recommendation

within two months, as well. And there is one further classified recommendation that we're on track to close, but I would prefer not to discuss it in this hearing.

CUMMINGS:

I -- as I said in our previous hearing, I want to make sure, again, things get done. And so I want you to get back to us exactly when you expect -- I'd like to have that in writing, when you expect these things to be done and provide the committee with that information because we want to hold you to that, all right?

STARR:

As the inspector general has said, there's also going to be a review and a -- and a -- of our compliance, as well. So it's not only you, sir. The inspector general...

(CROSSTALK)

CUMMINGS:

We'll call it double coverage.

STARR:

Exactly. And I will get back to you on that.

CUMMINGS:

All right. Mr. Starr, Representative Westmoreland discussed with you an inspector general June 2013 audit that took place before the creation of the high-threat program director. The audit found some security deficiencies at posts it examined. Is that correct?

STARR:

Yes, sir.

CUMMINGS:

Now, Mr. Starr, in our last hearing, the inspector general's office released its 2014 reported on high-threat programs directorate. One of the inspector general's key findings in that report is that this newly created body was, quote, "helped create a culture of shared responsibility for security within the

department and has forged strong partnerships with regional security officers and counterparts in regional and functional bureaus, as well as within the interagency community."

I think that's an extremely positive finding, given the fact that the Accountability Review Board considered the lack of shared responsibility around security issues to be systematic failure just two years ago.

Mr. Starr, could you discuss how you think the creation of the high-threat program has created a culture of shared responsibility in the State Department? And then my final question, to tell us, how does this culture of shared responsibility that the IG praises improve the safety and security at our embassies abroad?

STARR:

Thank you for the question, Congressman. We have addressed this in many different ways. The high threat directorate itself, just by the fact that we concentrate on looking every single year at our top 30 posts, the ones that we worry about the most, the VP-2 process that we're in the process of conducting for those 30 posts, the fact that we have written into every senior officer's job description and every officer in the State Department their individual responsibilities for security, the fact that I have officers that are attending the meetings of the regional bureaus every single week, in some cases every single day, and when we are looking at the programs, we're also talking about the security implications therefore, I think have highlighted the fact that none of us can operate independently of considerations of security at this point.

I think there has been a culture change in the department. I think having to weigh the importance of our programs and why we're in very dangerous places under the VP-2 process has brought a laser-like focus on why we're there, what the real threats are and have a clear understanding of the threats, not ignoring the threats, what we've done to mitigate those threats, and then a decision at the end of that, is our presence still adequate and is our presence warranted despite all these things, I think has brought a new culture to the department in many ways.

I think that I have never seen security taken as seriously as it has been in the last two years. And I say that not lightly because I've been here a long time and security has been taken seriously for many, many years in the department. But I think this -- some of these processes that we have put in place this time are new to the department and are doing exactly what the ARB wanted and what you're talking about. Is it working itself into the culture? And the answer is yes.

CUMMINGS:

Right. And the culture is very significant. It's one thing when you got aberrations (ph). It's another thing when you actually believe in something, you're doing it every day, and it becomes a part of your DNA -- that is, the DNA of the «State Department».

STARR:

Yes, sir. I would add one other thing, sir. The officers that are reaching the senior ranks of the department today in many cases have spent significant amounts of time over the last decade in places like «Iraq», «Pakistan», «Afghanistan», Sanaa, Yemen, Cairo, other places where we have true security problems. The officers that I work with today, every single day, at my level and above, are keenly aware that security must be balanced with our program implementation. They've lived it.

CUMMINGS:

Thank you very much, Mr. Chairman.

GOWDY:

Thank the gentleman from Maryland.

The chair will now recognize the gentlelady from Alabama, Ms. Roby.

ROBY:

Thank you, Chairman Gowdy.

Mr. Linick, are you familiar with the 1997 OIG recommendation regarding the need to prioritize MSG detachments at diplomatic posts using a methodology based on the OSPB security standards?

LINICK:

I'm vaguely familiar with -- I wasn't here in 1997.

ROBY:

OK. Are you aware that it was closed in 1998?

LINICK:

I think -- I think that's right. I think that's right.

CUMMINGS:

OK. And wasn't it -- to the extent you can answer this, it was closed because the department amended its memorandum of agreement with the Marine Corps to include procedures for establishing the size of existing detachments and procedures for activations and deactivations, is that correct?

LINICK:

I don't recall why it was closed, without looking at documents.

ROBY:

OK. Well, in 2014, your office again looked at whether -- at where and how Marine security guard detachments were being utilized at the State Department posts overseas, correct?

LINICK:

That's correct.

ROBY:

And were you able to determine whether there is a methodology for prioritizing and assigning new MSG attachments to overseas posts and -- and whether that methodology was effective?

LINICK:

Our auditors found in that report that there were no formal procedures to select or identify posts. They couldn't show how the Marine Security Guard units compared with other posts. There was no formal plan for expansion. They simply just didn't have the processes and procedures that one would normally think you would have in...

ROBY:

So you weren't able to make -- figure out how DS makes the determination of where these Marines go.

LINICK:

We were not.

ROBY:

OK. And it's the same or similar issue, to your knowledge -- I know you don't seem as familiar with the 1997, but the inspector general then told DS to create a process or methodology to select posts. So this is a similar situation, correct?

LINICK:

I'll accept that premise.

ROBY:

OK. So how can we on this committee have confidence that recommendation 11 from the Benghazi ARB, made just two years ago, that the department and DOD will provide more capabilities at higher-risk posts -- well, how can we have the confidence that that will be fully implemented?

LINICK:

Well, that's the challenge of closing recommendations. And we have a compliance follow-up group that - I can tell you what they do now, and they do look very closely at the actions that the department takes to close recommendations. They wouldn't close it unless they felt that there was significant progress.

ROBY:

So Mr. Starr, I'm going to follow up with you on this point. According to the OIG, only 40 percent of the new MSG detachments have been assigned to posts with high or critical rating for political violence or terrorism. In light of your last statement in the previous questions -- you said you've never seen security taken so seriously in the past two years. Well, how does the fact that only 40 percent of the high-risk, high-threat posts have these Marine Security Guard detachments -- how does this satisfy the ARB recommendation 11 to expand that program to provide more capabilities and capacities at higher-risk posts?

STARR:

Thank you for the question, Congresswoman. There's actually a very clear, very simple answer for this. Most of the posts that are high-threat, high-risk already had Marine Security Guard detachments at them. And that's why the 40 percent number is there.

Of the 30 posts that we ranked as our highest threat, highest vulnerability, 19 of them already had Marine Security Guard detachments. We've added two to those. Of the remaining nine posts, five of those posts, there's no one there. The post is in name only. We don't have people on the ground -- Mogadishu, Herat, Mazar-e- Sharif...

ROBY:

Let me interrupt you for just a second. Mr. Linick, do you agree with those numbers?

LINICK:

I just -- I haven't confirmed those numbers, so I don't know.

ROBY:

OK.

STARR:

And there are several other posts. There's about four posts in that high-threat list where we would like to put Marine Security Guard detachments. The host government has not allowed us to do that.

ROBY:

OK. So...

STARR:

But the reason that that figure seems very strange is that in the vast majority of cases, we've already got Marine detachments at those places...

ROBY:

Let's -- let's be very clear...

STARR:

... where our high-threat...

ROBY:

... about this, Mr. Starr. How many current high-risk threat posts do not have MSG detachments?

STARR:

Of the 30 highest-risk, highest-threat level posts, 9 do not, but 5 of those 9 are not functioning posts. They're closed. So four.

ROBY:

OK. Do you agree with that Mr. Linick, or do you not know?

LINICK:

I don't know.

ROBY:

OK. Is there a timetable, Mr. Starr, in place for assigning the MSG attachments to the -- you say four posts. Is there a timetable?

STARR:

I would like to do it tomorrow, but I will tell you, I find it unlikely that I'm going to be able to assign Marine detachments to those posts.

ROBY:

And you say it's because host nation problems...

STARR:

Host nation problems...

ROBY:

OK, when I talked to you last time three months ago -- it doesn't seem like we've made much progress, but I asked you, you know, what's your plan with the ones that you don't -- if you've got host nation problems, are there other ways to get security there? And you said in your testimony, If we find that we don't have those types of protections -- you listed, you know, adding DS agents, several other mitigating things.

But you said, If we don't find that we don't have those types of protections or that we think that those risks are too high, then we won't be there. So why have we not made progression on those four posts that you are stating now we still do not have those protections in place?

STARR:

In some cases, we have other types of protection. The host nation has stood up and given us high levels of protection. In some cases, I have a tremendous amount of other resources there, including «Diplomatic Security» agents and armed contractors that meet the threat. In some cases, we have made a determination that the host government is standing up and fulfilling its responsibilities, and while we'd still like to have Marines there, the fact we don't does not mean that we cannot continue.

And this is some of the things that we're looking at as we do this VP-2 process, when we weigh why we're at a post, what the threats are, what resources we have overall. And as I say, Marines are one tool in our toolkit.

ROBY:

OK.

STARR:

And then other...

ROBY:

Mr. Linick, I want to take Mr. Starr's answer and follow up with you. Do you think that's sufficient?

LINICK:

My question is along the lines of the report. What are the plans? Where are the plans? Where's the methodology? What are the -- if -- what are the -- what plans out there are there to negotiate with those governments who are unwilling to take us? Those kind of things.

ROBY:

And you have not gotten a clear answer from DS on exactly how this is going to be handled, correct?

STARR:

All the recommendations are open at this time.

ROBY:

All the recommendations are open. And based on the questions from Ms. Brooks earlier, open means they're unresolved, and there's no evidence there that they're doing anything to make it better.

LINICK:

Well, actually, there are a number of open resolved recommendations. In other words, the department has agreed in principle to comply. But there are two recommendations which are unresolved, which means we just...

ROBY:

Of -- of...

LINICK:

We just disagree. Of -- of...

ROBY:

Of the six...

LINICK:

Of the six...

ROBY:

... there's four unresolved and two...

LINICK:

No, two...

ROBY:

Excuse me. Four resolved and two unresolved.

LINICK:

That's correct.

ROBY:

But even the resolved, you've just gotten them to say that they want to do something, but you have no actions to back up their words.

LINICK:

That's correct.

ROBY:

So we still have -- according to Mr. Starr's testimony, we have four places, very dangerous places of the world where American lives are at stake because we don't have the proper security in place.

UNIDENTIFIED MALE:

Congresswoman...

ROBY:

Wait, this is for Mr. Linick. Is that correct?

LINICK:

Have I to accept that that -- those facts because I don't know independently whether that's true.

ROBY:

Recommendation 6 of your report recommends the DS Marine Security Guard program conduct a staffing and resource assessment and then judiciously allocate appropriate resources to facilitate compliance with the Benghazi Accountability Review Board report to upgrade security for personnel at high-threat posts. Has this been done?

LINICK:

Not according to the facts that I've heard.

ROBY:

So in fact, the department has yet to comply with Benghazi ARB recommendation 11, correct?

LINICK:

We believe Benghazi ARB 11 intended for there to be MSG -- Marine Security Guards at all high-threat posts.

ROBY:

And so I want to hear you say...

LINICK:

Yes, that is correct.

ROBY:

OK. Thank you very much. I've got 24 seconds -- 22 seconds left. I did want to touch a little bit on the local guard force. And let's see, real quick, Mr. Linick, if I can just get to the point with you -- you had two findings in your report. A, security contractors did not fully comply with the vetting requirements called for in the contract. And B, the regional security officers at overseas posts took it upon themselves to vary the vetting and approval process and failed to ensure that the security contractors provided all the required documentation. That's correct?

LINICK:

That's correct.

ROBY:

OK. So did any of the security companies that had contracts fully perform all vetting required in their contracts?

LINICK:

No. We looked at 87 personnel files, and none of them -- none of the security contractors performed all of the vetting requirements (inaudible)

ROBY:

No. OK. And of the six embassies reviewed, did any of them allow guards to work before being fully vetted?

LINICK:

Yes, a number of them allowed them to work without vetting.

ROBY:

I just -- I -- I -- Mr. Chairman, I do not understand how this can be. Just two years after four Americans were killed in Benghazi, we have local guards that are not fully vetted that clear -- clearly, Mr. Chairman, show that we have a severe security threat in very dangerous places where American lives are at stake today.

Thank you so much. Thank you for being here. I yield back.

GOWDY:

Thank the gentlelady from Alabama.

The chair will now recognize the gentleman from California, Mr. Schiff.

SCHIFF:

Thank you, Mr. Chairman.

Thank you, gentlemen, for being here. Appreciate your service very much. Mr. Starr, I wanted to ask you just for some historical perspective because I think many Americans may be under the impression that what took place in Benghazi was extraordinary in the sense we've never had attacks on our diplomatic facilities or tragedies like this in the past. Tragically, we've had a great many over the years, and I wonder if you could shed a little light on maybe the last 20 years.

How many times have our facilities been attacked? How many times has that resulted in injuries or fatalities? Is the problem getting worse because the world is now more unstable? It seems like there are more high-threat posts now than ever. Is that just an impression, or is that the reality?

And what does that mean in terms of the prioritization you mentioned at the outset? And that is, the priority is for a diplomatic post to implement the policy of the United States. That has to be done in a way where we can protect our people, but they're there for a reason. And there are many posts where we are where we could ask the same questions. You know, why are we in Yemen? Why are we in Iraq? Why are we in any of these places that are inherently dangerous?

There are foreign policy objectives in each of these places, as there was in Libya. And we have increasingly difficult calls to make about where we post our people, what risks we're willing to undertake in furtherance of our policy. And that's one of the reasons I have such great respect for our people that are in our diplomatic corps, because they're at risk. There's just no avoiding it these days.

But can you set a little of the historic trend for us? What has been our experience with violence at our facilities? To what degree is that phenomenon changing, and is it changing for the worse?

STARR:

We have more posts today categorized at high or critical threat for civil disorder or terrorism than at any time in my service in the department. I think we are seeing a lot of different threats emerging. I don't think that's a surprise to anyone. We are challenged in many ways.

But again, going back to what we've been doing since Nairobi and Dar es Salaam, which was when al Qaeda first came in our view full-face, that we had to recognize that we had a determined non-state enemy against us, a lot of the programs that we put in place and the buildings that we built have helped make us and balance that security.

But Congressman, as you say, over the last 10 or more years, we've had multiple, multiple attacks on our facilities and our people in Iraq, many, many attacks in Afghanistan. In Herat last year, we had a horrific attack with two truck bombs, eight suicide bombers trying to kill our people at the consulate in Herat.

Our security systems worked. We killed all of them. We lost, tragically, some third-country national guards on -- security guards and some Afghan police officers, but no Americans were killed in that.

As has been alluded to here, at the same time as the Benghazi attack, we had huge crowds and mobs that were coming over our facilities and attacking our facilities in Cairo, in Tunisia and in Sudan. And in the last two posts, eight-and-a-half hours before the host country came to our support, our facilities held and no Americans were injured.

We have had and lost certain foreign service officers in one-off attacks, lone wolf types of attacks, including John Granville in Sudan not too many years ago. We've had RPG attacks, truck bomb attacks, car bomb attacks, car bomb attacks on our motorcades. We have had aircraft that have been shot at.

We have had almost innumerable attacks on our facilities over the last 20 years. And you're right, they are going up. It is a challenge.

I would first say that it's a testament to the foreign service that our officers still want to get out and implement the important foreign service goals that we have to. It is a testament to their willingness to take new types of training and for the department to take on these security risks.

Congress has been a very important partner in how we have met these risks, particularly since the 1998 bombings in Dar es Salaam and Nairobi, and we appreciate that. We'll continue to work on these things, but I don't think it's a surprise to anybody that we're living in a world that has a high degree of instability in many countries. There is a lot of open discussion about how extremism is drawing in new youth, disaffected personnel, and has a calling that is being heard by certain people.

So we have our challenges cut out for us. We're going to do the best we can to meet those challenges while still implementing the foreign policy of the United States government.

SCHIFF:

Well, thank you, Mr. Starr. Let me drill down on a couple specifics that I think have manifested themselves in light of this increasing threat environment and increasing number of high-risk posts, and that is more people that are on temporary assignment and people that are of short duration in some of these high-security threats. Many of us that have visited our diplomatic facilities overseas meet people that are there for short tours.

You talked about one way of trying to fill the gap with retirees. Why is it -- I mean, it may be desirable to bring in the retirees on who have great experience, but why is that necessary?

Are we having trouble attracting enough personnel to go to these high-threat posts? Is there a mutually reinforcing cycle where people who go to a high-threat post, therefore, get recommendations from people in those posts for future assignments and are kind of locked into high-threat posts?

What is the impact on our personnel of the proliferation of dangerous places where they work?

STARR:

Congressman, the situation that we face is that most of these high-threat posts are unaccompanied. We're asking more and more of our personnel to take unaccompanied tours away from their families for longer periods of time.

Generally, these have been one-year tours, but we're now at a point where we're asking more of our officers to serve two-year unaccompanied tours overseas without their families.

We have rotated many of our Foreign Service officers and many of my security agents and my security personnel through multiple hardship tours without their families at these high-threat posts at this point.

The Foreign Service has a certain amount of personnel. We have not had to rely particularly on very many TDY personnel. Some of the other agencies that are present at our posts overseas have greatly relied on temporary duty personnel. Not so much the department.

We have had officers that stood up and continue to stand up and serve at these places. But it is not without, you know, cost. It is not without, in some cases, fracturing families or, you know, are we putting people -- asking them to serve tour after tour in high-threat posts?

Multiple times at these places, do we have behavioral problems and other things that are coming out of this? And the answer in some cases is, yes. So in many cases where we have a need to put our best people in some tough places, where we're asking sometimes for temporary personnel, but sometimes for longer periods of time, the department is asking to bring back some of the retired people.

Somebody is going to use that vast experience that they've got and they're going to pay them for it. We would like to be able to avail ourselves of that as well if possible.

But I do think that the State Department has been at the forefront of filling our positions with mostly full-time assigned personnel, although we, too, rely on TDYers occasionally.

SCHIFF:

And just one last question because I only have a minute left. I wanted to follow up on -- I think we all recognize the importance of having high-level attention paid to the ARB recommendations by the top principals in the State Department.

And I fully concur that secretaries Clinton and Kerry have embraced and even established this as a best practice. You had mentioned that it was codified in the foreign affairs manual very recently, but the embrace of that by those top principals, that was from the very beginning. In fact, that was a standard they set, was it not?

STARR:

I think it was very evident from the statements of Secretary Kerry and our principals that we were in this together and everybody had to get on board.

What we're now doing is bringing it around to the fact of putting it in the policy. And as Steve has pointed out, that's important, we need to make those changes. We need to codify this going forward. And we are doing that.

But I agree with you that I have spent many hours in many meeting with the deputy secretaries and many others. And I've had discussions with the secretary about what security means to us.

SCHIFF:

Thank you, Mr. Chairman. I yield back.

GOWDY:

Thank the gentleman from California.

The chair would now recognize the gentleman from Illinois, Mr. Roskam.

ROSKAM:

Thank you, Mr. Chairman.

Secretary Starr and Mr. Linick, thanks for your time. Secretary, I find your argument inconsistent in this sense. And I just want to bring to your attention a couple of the statements that you've made to my colleagues, some of the realities that I perceive and walk you through my thinking.

A couple of minutes ago you told Ranking Member Cummings that there has been a culture change in the department. And if there has been a culture change in the department that presupposes that you basically offer everything up that's an obstacle, and to recognize and to reflect, look, this is a problem and we're going to rid ourselves of every single problem that was an obstacle to a remedy.

A couple minutes ago, you made the argument to Mr. Schiff -- or not an argument, but you made the point, increasingly dangerous world. Nobody here disagrees with that. It was compelling. You used words like "extremism," "disaffected youth," and these posts are unaccompanied because they're miserable places to go, presumably.

And yet one of the things that is the remedy to that is the waiver authority and recommendation number 13 that the department continues to cling to. So, the recommendation of the best practices panel in number 3 it says this, it says "waivers to establish security standards should only be pursued subsequent to the implementation of mitigating measures as agreed by regional bureau or other program managers advised by DS and as informed by the department risk management model."

That is a great idea. Now, here's the problem. The department -- and I don't know where you were in the discussion, but the department has said, we don't think that's a great idea. In fact, we think this.

"In certain cases involving national security," I'm going to come back to that, because that's such an ambiguous term, "an exception can be approved based on the mitigating measures already in place, presuming there are mitigating measures," I might add.

"Even though future mitigating measures may be planned to bring the facility even closer to or in conformance with the OSPB physical security standards. In such cases when time is of the essence to further U.S. national security interests, the department requires flexibility to grant an exception prior to the implementation of planned mitigating measures."

So, here's my point. That is a gaping exception. That is an exception, Mr. Secretary, that anything can get through. And I mean, anything.

So if it is simply, look, this is national security. All of a sudden that becomes a laminated hall pass for someone at the Department of State to say, we're declaring this a national security emergency.

Yes we've gone through the whole process, the process that you described, that is, identifying the high-risk -- high-threat, high-risk post, going through VP2. So far, there's no restraining influence.

Then there's two choices, either re-characterize something as a special mission compound or something else, or go through another process. And even within the other formalized process, there's still this waiver authority and people around you, Mr. Secretary, are saying, give it up.

And by your own argument, I might add, you're making the argument that you should give it up. That there's a culture change that's so big that you're describing it to Ranking Member Cummings, and a world that is so dangerous that you're using all kinds of words that we all agree with. So why in the world hang onto this thing?

STARR:

For a very specific technical reason, sir. We pick a place. Sometimes the best that we can get in a short duration if we're going to go back in. We have to make decisions on what needs to be done and what levels of things we can't possibly do.

I can't create 100 feet of setback when there isn't 100 feet of setback. And we may have to accept that. And at a certain point we have to make decisions, are we going to accept that, do the rest of the things that we need to do, or are we just going to say, no, we're not going to accept that? And then continue looking until we find a place?

By the way, I've never found a place to lease in 30 years in the department that actually had 100 feet of setback that was available.

ROSKAM:

Secretary Starr, what is different than the reasoning that you just articulated to me just now from the reasoning that put us in Benghazi and that allowed four people to be killed? What is different?

STARR:

There is -- I will admit that there is some measure of risk in what I am saying, but...

ROSKAM:

Huge risk, based on...

(CROSSTALK)

STARR:

No, no, I don't agree that it's huge risk. I think that we have to...

ROSKAM:

Well, you just told them it was a dangerous world filled with extremists and disaffected youth. That was five minutes ago.

STARR:

True. But I think that we have to be able to make decisions to progress. In some cases, if we're going to lease a new facility, we're going to have to admit that we're going to have to give waivers to certain things in order to fulfill that.

ROSKAM:

So what is different about what you just articulated...

STARR:

The difference is that we have to do the waivers. That there has to be a decision process.

ROSKAM:

Yes, but then why don't you -- why don't you agree to the mitigation? That was the key finding of the best practices...

(CROSSTALK)

STARR:

Because in some places we can't get the mitigation...

ROSKAM:

And so if you can't...

(CROSSTALK)

STARR:

I cannot get a blast-proof building unless I build it.

ROSKAM:

Then why do we ask people to go to these places?

STARR:

Because in some cases the foreign policy imperatives of why we need to be there mean that we're going to take reasonable levels of risk.

Now, what we have to be careful of is that we don't take unreasonable levels of risk. There has to be an open and fulsome discussion about why we need to be there, what risks are we really running, do you really understand the threats?

As you --

(CROSSTALK)

ROSKAM:

-- best practice panel recommendation is trying to codify that risk discussion.

And if you rewind the tape today and you listen to the answers that you gave -- and I was carefully listening to this -- earlier in the last -- in our last discussion time, the last hearing, Ms. Roby asked you a question and you and I had an exchange about your answer.

But just to refresh your memory, she asked, is it possible for the State Department to open a temporary residential facility. And you said, we don't have any -- at the moment I can't imagine that we would or that I would approve it.

You, singularly, Mr. Starr.

Earlier today in part of the exchange, you said, I am committed to keeping our people as safe as possible.

Now, I get it. That's opening statement language. And there's nothing wrong with that.

You then told Ms. Sanchez, I turned that down.

You then told Mr. Jordan I have access. And your bristle was up a little bit because he was pushing you around, but you were saying, I have access to the secretary of state.

Now, here's the problem. When you're gone, that next person will be confronted with the same discussion that you admitted is basically that there's nothing really different about the thinking that went in on Benghazi, to your knowledge, because you told us you weren't there.

I'm telling you that I think it is very similar, that line of thinking that says, yes it's dangerous, we have to get them, we've got to go and, yes, there's no time; we've got to check these boxes and yes, yes, yes.

And you've got this national security exception that the exception like I've described is this big and we're right back into this situation, notwithstanding the culture change that you've offered up.

Do you see where this is going? Which is why people around you are saying, give it up. Offer it up. You don't need it.

STARR:

I think that that -- relying on one recommendation --

ROSKAM:

This is not one recommendation.

STARR:

No, that's one particular recommendation that we don't agree with because of a technical reason that we have to be able to say in advance and write the waivers and say, we're going to accept waiving that security standard gives us the ability to do these things.

ROSKAM:

Look, in your answer --

STARR:

-- the larger issue, though, is things like VP2 and having processes in place. And I recognize that this one particular one is confusing in terms of -- it seems like we don't want a process --

ROSKAM:

Oh, it's not confusing to me.

STARR:

-- it seems like we don't want a process there, but the fact is --

ROSKAM:

There's nothing --

(CROSSTALK)

STARR:

-- there is a process there.

ROSKAM:

-- confusing about this. You're basically saying we're not going to mitigate -- you're not basically saying. You're saying we're not going to mitigate. And these answers that the State Department has offered, it presupposes mitigation that's already in place and it's relying on a speculation of possible mitigation.

In fact, it says it may be planned -- may be planned. That's speculation beyond -- this is speculation upon speculation.

Do you see how it is that people are coming to the conclusion that, in a post-Starr era that, like it or not, is coming, in a post- Starr era when special committees are not around, there's going to be every bit of possibility and pressure based on the national security exemption which, as I described it, is this big.

All of a sudden, we're right back into this situation and we're grieving the loss of life.

I ask you to revisit this. I ask you to reconsider this. This is something that you're clinging to and you -- that you ought not.

I yield back.

GOWDY:

Thank the gentleman from Illinois.

Chair now recognize the gentleman from Maryland.

CUMMINGS:

The -- Mr. Starr, Ms. Roby asked Mr. Linick about the vetting of local security guards. I'm really -- and I thought she had an excellent line of questioning.

I want to make sure I understand what's going on here because when the dust settles again I want to make sure what people are saying.

In June -- when we talk about the vetting, can you tell me why there is no vetting in those -- I think it was four countries, Mr. Linick?

LINICK:

Six countries. Six contractors.

STARR:

Congressman, the answer is that that -- it is not true that there was no vetting. What the report points out is that they didn't fully comply with the vetting requirements.

There are places around the world where we work that our normal vetting requirements, things like requiring a police check, can't be accomplished. There are places where we are or the contractor is not allowed to perform a background investigation.

This is, of all places -- and one place in Italy; we cannot vet contractors in Italy because of personal rights and statements that they have in law. It does not mean that we don't do our best job to vet the people that we bring on board.

Now, I will -- I want to say one thing clearly. When Steve and his inspectors go out and they find a circumstance where they say, hey, we don't think the contractor's living up to the vetting requirements, I want to know that.

And we take that seriously and we go back and say, OK, what's happening here?

Now in some cases we may find that there's a reason that the contractor isn't fully vetting the people. He may have to use alternate methods.

But there are -- there may be cases and Steve's people may find out that he's trying to put some shortcuts in place and he doesn't want to pay for the vetting and we need to know those things. And that's valuable guidance that inspector general's teams are bringing back to us.

So, I think it's a dual answer. One, I want to know what they're finding because these inspections are part of our backstop and they're important to us.

Second, there may be reasons in some cases that there may not be a full vetting, cases that we can't do it. There are different types of work-arounds in certain places because we can't do police checks and they're -- or they're -- they don't make any -- you just buy a police check, essentially.

We're looking at family ties, you know, does everybody know this person? Does this person really want to work at the embassy?

And people have known his character for a long time. So there's -- there may be work-arounds.

And finally, there are places where we know that we have significant issues hiring local employees to be guards. And in some of those places, we made the decision that we bring in third-party -- third-country contractors at tremendous expense because there's no other way to get the vetting done and we don't trust the people.

So, it's a holistic answer. I don't want to say that we don't value -- and I necessarily disagree with the I.G. on some of these things. They play a really important role. The inspection process is important to us.

And when Steve's people come back and say, hey, something's not right here, we look at it. We try to correct it as fast as possible or we have an understanding that maybe it doesn't quite meet the needs and then we'll have an open recommendation and we'll go back and forth with the inspector on that.

I would note, sir, that our guards have stood by us through thick and thin. Some of them have stayed years after we've closed our facilities and protected them. We have never had a green-on-blue incident with any of our guards. In many cases, they have showed loyalty to us -- to us far beyond what we could ever do.

Are our programs, are our guard programs perfect? No. And we strive to keep them up to snuff every single day, try to require the highest possible compliance with the rules and regulations that we put in place.

And Steve's people play an important role in keeping us there. So it's -- all told, I need those guards and we're going to continue doing it. And I think we're doing overwhelmingly a very good job.

Are there some things that we need work on? Yes. And when we find them, we're going to make -- we're going to work on it.

CUMMINGS:

And are you familiar with the June 2014 inspector general's report with regard to an audit of the department's oversight of the vetting process used for local security guards? You're familiar with that audit?

STARR:

Yes, sir.

CUMMINGS:

And he reported and explained that contractors are challenged in vetting local security forces because of local privacy laws, lack of credit reporting services and difficulty in obtaining official records in the host country.

And how do you operate within those kind of constraints?

STARR:

You go for -- you get as much -- you do as much as you can and then you -- I mean, how do you -- you want to -- you want to vet. And so is there a certain point where you say, well, there's just not enough vetting that we can do that we can hire these folks?

Or -- I mean, how does that work?

STARR:

When we -- when we make a determination that we really can't do any vetting and we have no confidence in the guard force, that's when we may turn to this other alternative, third country nationals that we bring in from another country, that we can -- that if we can get permission from the host country to do that.

In many cases, it's more subtle than that, sir. As I say, when the police check may not be worth a piece of paper that it's printed on, or where there's privacy laws that we can't do things, in many cases, we look at, who knows this person? What recommendations have they got? Are they family? Are they tied to the embassy in some place?

We've got to have guards. We've got to have people manning those posts. We've got to have people that are, you know, checking the people when they come in, checking their packaging, and inspecting the cars.

And even when some of those vetting procedures may not -- may not comport with what we do in terms of a security clearance back here in the United States, we have a great deal of faith and confidence in them, even though, in some cases, we may not meet every requirement. We may not be able to cross every T and dot every I. We have to take, at certain points, some levels of risk.

CUMMINGS:

Just one other thing, Mr. Starr. We've spoken extensively about risk management. During our last hearing, you spoke about how important it is to assess both the willingness and the capability of the host country forces to provide local security.

How does the State Department consider the potential issues of local guards today when considering whether to operate in a certain country? And how has that changed since Benghazi?

STARR:

I don't know that that has actually changed since Benghazi, sir. I would say that it's been an ongoing issue for us. There are some countries that will not allow us to have guard contractors.

In some cases, we can hire them directly. There are some countries where we have made that determination that because of counterintelligence issues, or because we may think that the guard force is -- could be infiltrated, and we don't have faith and confidence that we may use third-country contractors, this has been an ongoing issue since 2002.

We look at every country very carefully. We make a determination how we can best fulfill the security requirements in that country, whether it's a contract, whether it's a PSA, direct-hire guard force, whether it's a Third Country National Guard Force.

We rely in great part on the experience of the RSOs in the field, and the contracting officers, the general-services officers, to give us advice here and Washington, and listen to them, and then make recommendations and decisions based on the best knowledge that we have.

CUMMINGS:

Let me say this. I want to thank both of our witnesses for being here today. We really do appreciate it. And we appreciate your willingness to work hard every day to make our people safer, as I know, Mr. Starr, that we've -- I know we pressed you hard today.

Please recognize and understand that we do so to ensure the department's feet are held to the fire, because it is important for all of us that we do this right. And I remind you again, it is our watch. Your testimony of September and October, the updates you provided us, we appreciate. And your testimony today shows continued progress.

And we appreciate your willingness to work with us, and anyone else who helps to make our embassy safer. So I want to thank you for that. And I want to thank you, Mr. Linick, for all you're doing, because you, too, help us keep these feet to the fire.

With regard to the ARB, I think we're making good progress. I want to make sure everything is done. And I know that there are some ARB recommendations, quite a few of them, from past ARBs. I think we need to take these opportunities and try to address as much as we possibly can, even back then. Because those things are still ongoing, right, Mr. Linick? There are still problems.

LINICK:

Yes, that's correct.

CUMMINGS:

So again, I want to thank both of you. Again, Mr. Starr, don't forget that we want to know when those other recommendations of the ARB will be completed, and to let us know when they are in fact completed.

STARR:

Yes, sir. We'll get those answers to you. And sir, I expect to be pressed pretty hard. This is tough business, and it's important business. And you can press as hard as you want. Myself and Steve, we're both pretty tough guys. And we appreciate even the tough questioning. The opportunity to put these things on the table with you in an important committee like this is important to me, too.

CUMMINGS:

Thank you very much.

GOWDY:

I thank the gentleman from Maryland. Secretary Starr, I was going to pursue a line of questioning, and I will get to that at some point. But when Jimmy Jordan asked you, "Why were we in Libya?" -- and I'm not going to ask you the same question, because you made it clear you're not the right person for us to ask. And I'm going to respect that.

But I want to make sure you understand why Jimmy would ask you that question, and why all of us are asked that question with alarming frequency in our districts. The last hearing we had, you did a very good job of explaining to those of us who are not in diplomacy that you have to weigh and balance. I think you said you have to weigh and balance the policy with the risk to determine whether or not you should have a presence.

And it just struck me that there's no way you can possibly weigh and balance policy versus risk if you don't understand what the policy is. And then I started thinking when Jimmy was talking, I wonder where the question came from. And I knew I'd seen this somewhere.

Do you know someone by the name of Ben Rhodes (ph)?

STARR:

I don't know Ben Rhodes (ph) personally. I know the position that he was fulfilling.

GOWDY:

I don't know him either. But there was a memo three days after four of our fellow Americans were killed in Benghazi. And I will skip over goal number one of his -- of his communications memo.

Actually, I won't, because it says to convey that the U.S. is doing everything we can to protect our people and our facilities. And it just struck me, if you really were doing everything you could, we would not have had 50 separate recommendations after you wrote that memo, and this now, the second hearing to make sure that those recommendations were implemented.

But I'm going to skip over that goal to get to the second goal. The second goal, Secretary Starr, was to underscore that these protests are rooted in an Internet video, and not a broader failure of policy. So I'm going to skip over the video part of that for now and get to the second clause, the dependent clause in that sentence, "not a broader failure of policy."

How can we judge whether or not a policy has failed or succeeded if no one tells us what the policy objectives were? How can we do that? How can you weigh and balance the risk?

Jimmy's gone through the risk. Members on the other side have gone through all the escalating episodes of violence in Benghazi. And it may well be that the reason for us to have been there supersedes all of those episodes of violence.

But how -- I mean, how can a committee of Congress know that if no one tells us why we were there? So you're not the right person to ask. Who would you ask if you were us? Who should we bring to explain why were we in Libya?

STARR:

The policy questions, I think should more properly be directed to the NEA Bureau, Near East Asia (ph) Bureau, that had responsibility.

GOWDY:

I'm looking for a name preferably. Who would be able to tell us what policy we were pursuing in Libya, was so important to skip over all the things that Roskam pointed out, and to weigh and balance the episodes of violence in such a way that the presence outweighed the violence?

STARR:

At the risk of having her never talk to me again, the assistant secretary for NEA, Anne Patterson, I think is the highest- ranking person in the NEA Bureau, and at the time of the attack, was the U.S. ambassador in Egypt. And I think Anne or one of the deputy assistant secretaries in the NEA Bureau could give you the best answer on that.

GOWDY:

All right. Well, I thank you for that name. And I want to make sure you and I are on the same sheet of music. Do you understand why we would have that question? I mean, do you think that that is a fair and legitimate question for us to ask what the policy was so we can then weigh and balance it, as you instructed us to do?

STARR:

I think that's a reasonable question, sir.

GOWDY:

OK. Well, thank you. Now, Secretary Starr, last time you were with us, we not only discussed the most recent ARB recommendations, but we went back and highlighted some from the past, and one in particular from 1999 caught my attention.

"The secretary of state should take a personal and active role in carrying out the responsibility for ensuring the security of U.S. diplomatic personnel abroad. It is essential to convey to the entire department that security is one of the highest priorities."

And Secretary Starr, just in case somebody missed that part of the 1999 ARB, the authors reiterated that point with this: "The secretary of state should personally review the security situation of embassies and other official premises, closing those which are highly vulnerable and threatened."

Two previous ARB recommendations that you could essentially lay on top of one another. They're identical. And I don't think that they're identical because they forgot that they put the first one.

I think they're identical because they were trying to send a message to us. This is really important and it is deserving of the attention at the highest levels of the department.

So here's what I want to do. I want to ask you. I want to, specifically with respect to Benghazi.

In October of 2011 there was a specific request for a machine gun to defend our facility in Benghazi. And in August of 2012, just a month before the attack on our facility, a document again lists a machine gun as equipment needed and requested. Do you know who denied the request for those machine guns and why?

STARR:

No, sir, I do not.

(UNKNOWN): Who should I ask to find out?

STARR:

You can ask me, sir, and I'll go back and research that.

GOWDY:

Would you do that for me?

STARR:

Yes, I will.

GOWDY:

Have you watched the video surveillance from the night of the attack?

STARR:

I have.

GOWDY:

Without going into great detail, would you agree with me -- or do you at least see why somebody on the ground might've asked for that piece of equipment, given what you and I have seen in the surveillance video? I mean thinking back to the video can you see how that might possibly have come in handy that night?

STARR:

In my review of what happened and looking at that, I think the agents made that right decision at that point not to engage. I think that they were equipped with fully automatic weapons. Not quite the rate of fire of a machine gun. I agree that you know machine guns can be very menacing and have a tremendous effect.

(CROSSTALK)

GOWDY:

But they wanted them...

(CROSSTALK)

STARR:

... circumstances I'm sure...

(CROSSTALK)

GOWDY:

They wanted them at the rooftops. They wanted them for the rooftop.

I want you to go back, if you would and watch the video and see whether or not you conclude the same way that I concluded or not.

And I appreciate if you could go back with specificity. I want to know who reviewed that request, who denied that request.

And is there an appeals process within the State Department in light of these two previous ARB recommendations that the secretary of State should take a personal and active review, that the secretary of State should personally review the security situation. Is there an appeals process where someone, hypothetically, could say you know what, you're giving me a no but I'm going to take this up the food chain? Does that exist?

STARR:

Yes.

GOWDY:

All the way up to the highest levels at the State Department?

STARR:

I will tell you that the one thing that the department has that very few agencies have is something called the dissent channel. And it is a channel that we highly prize in that if you do disagree with policy or you disagree with the decision, that officers at the Department of State at all ranks and all locations have the ability to send something directly in at the highest levels through a dissent channel cable and say I disagree with something. And it goes to the highest level.

GOWDY:

In June and July of 2012, mere months before the attack in Benghazi, the ambassador himself requested a security team be extended to stay longer.

STARR:

The security team in Tripoli, sir.

GOWDY:

In Tripoli, yes. But you -- it doesn't take much to imagine him traveling from Tripoli in Benghazi with an increased security presence, does it? If there are more security folks in Tripoli and he is traveling to Benghazi it is not that much of a stretch to surmise that some of them may have actually traveled with him.

STARR:

When he traveled to Benghazi in that trip, sir, he took additional RSOs with him. There were additional RSOs that could've gone as well, but they made the determination...

GOWDY:

For the grand total of how many?

STARR:

Five at post.

GOWDY:

All right. And how many were there before the footprint was reduced?

STARR:

Three.

GOWDY:

No, no, no. How many were there before their deployment ended?

STARR:

I don't think there was ever more than five at that post, sir.

GOWDY:

In Tripoli?

STARR:

I'd have to go -- no, I'm sorry, in Benghazi. I'm sorry.

GOWDY:

Right. I'm talking about that the ambassador would've had access to. Because you and I agree the number that he had access to was reduced despite the fact that he asked for more.

STARR:

The military team, the SST team had departed additional DS agents were put into post.

GOWDY:

Well, what I want you to find out for me is this. Because this is a presidentially appointed ambassador who made a pretty plaintive pleading. In fact I'll quote it to you.

"Our efforts to normalize security operations have been hindered by a lack of host nation security support, an increase in violence on foreign targets, and neither compound meets OSBP standards." Do you know who said that?

STARR:

From your context I would think it would be the ambassador.

GOWDY:

It was the ambassador himself in what I would describe as a pretty plaintive pleading for some help. And this is the response he got. "No, I do not, not want them to ask for the team to stay." Do you know who said that to the ambassador, the presidentially appointed, Senate confirmed ambassador?

STARR:

I believe it was referring to the SST. It might've been Ambassador Kennedy.

GOWDY:

It could've been. But it was actually Charlene Lamb. Charlene Lamb is not, has not been and is not likely to ever be the secretary of State for this country.

So when I see her responding to a presidentially appointed, Senate confirmed ambassador who is making a pretty plaintive pleading for some extra help, and she says do not, not make that request. I want to know whether the ambassador had the ability to go above her head and go straight to the top. And if not, why not?

STARR:

The ambassador certainly did have the ability to go over her head.

Sir, I do think that the one salient point that must be discussed is that there was quite a bit of discussion about relieving the SST, the military team that was there and only provided static security at the compound with additional «diplomatic security» agents who could provide static security and mobile security. I think that was why the decision was made to release the SST. We were replacing it with personnel that actually had more capabilities.

GOWDY:

Well, Secretary Starr, my time is up. But sometimes when everyone is to blame, no one is to blame.

And part of the frustration that Mr. Roskam I believe so eloquently remarked on today was the designation of the facility itself. And then you have our heretofore failure to understand what policy would've been so important.

You testify that we have how many unpersoned posts right now, five? Did I hear you correctly, five? You were going through a series of numbers and you said well five of those you can discard because actually there's no one there.

STARR:

Correct.

GOWDY:

So we do close facilities.

STARR:

Yes, sir.

GOWDY:

And I'm assuming that someone did the weighing and balancing in those five and decided, you know what, through the miracles of technology or whatever we don't have to have a physical presence there. So you can understand why we would like to know what weighing and balancing went on with respect to Libya.

And I want to know who saw these requests for extra equipment and personnel, who denied them. And whether or not you believe -- and inspector general, you can help here too.

Whether or not you believe that there is a culture in the State Department where there would be any consequences for following the dissent channel. Because some companies do say sure, I have an open-door policy. But sometimes when you walk through that open door your career takes a hit.

With that, I want to thank the ranking member and all the other members. Thank both of you. You and I can get together privately. You discuss a reasonable timetable for getting answers to those questions.

And with that, the members would have five additional days to put whatever they want, any questions in the record.

Thank both of you for your time. Mr. Starr, in your case twice. And if you would convey to the women and men who work for the State Department how grateful all of us, irrespective of politics, are for their service. And with that we would be adjourned.

List of Panel Members and Witnesses
PANEL MEMBERS:

REP. TREY GOWDY, R-S.C. CHAIRMAN

REP. SUSAN W. BROOKS, R-IND.

REP. JIM JORDAN, R-OHIO

REP. MIKE POMPEO, R-KAN.

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REP. PETER ROSKAM, R-ILL.

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REP. ELIJAH E. CUMMINGS, D-MD. RANKING MEMBER

REP. ADAM SMITH, D-WASH.

REP. ADAM B. SCHIFF, D-CALIF.

REP. LINDA T. SANCHEZ, D-CALIF.

REP. TAMMY DUCKWORTH, D-ILL.

WITNESSES:

ASSISTANT SECRETARY OF STATE FOR «DIPLOMATIC SECURITY» GREG STARR

«STATE DEPARTMENT» «INSPECTOR GENERAL STEVE LINICK