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# DEPARTMENT OF DEFENSE'S RESPONSE TO THE ATTACK ON U.S. FACILITIES IN BENGHAZI, LIBYA, AND THE FINDINGS OF ITS INTERNAL REVIEW FOLLOWING THE ATTACK

## HEARING

BEFORE THE

## COMMITTEE ON ARMED SERVICES
## UNITED STATES SENATE

ONE HUNDRED THIRTEENTH CONGRESS

SECOND SESSION

FEBRUARY 7, 2013

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# DEPARTMENT OF DEFENSE'S RESPONSE TO THE ATTACK ON U.S. FACILITIES IN BENGHAZI, LIBYA, AND THE FINDINGS OF ITS INTERNAL REVIEW FOLLOWING THE ATTACK

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**THURSDAY, FEBRUARY 7, 2013**

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
*Washington, DC.*

The committee met, pursuant to notice, at 10:05 a.m. in room SD–G50, Dirksen Senate Office Building, Senator Carl Levin (chairman) presiding.

Committee members present: Senators Levin, Reed, Nelson, McCaskill, Udall, Hagan, Manchin, Shaheen, Gillibrand, Blumenthal, Donnelly, Hirono, Kaine, King, Inhofe, McCain, Chambliss, Wicker, Ayotte, Graham, Vitter, Blunt, Lee, and Cruz.

Committee staff members present: Richard D. DeBobes, staff director; Leah C. Brewer, nominations and hearings clerk; and Barry C. Walker, security officer.

Majority staff members present: Joseph M. Bryan, professional staff member; Jonathan D. Clark, counsel; Richard W. Fieldhouse, professional staff member; Michael J. Kuiken, professional staff member; Peter K. Levine, general counsel; Jason W. Maroney, counsel; Thomas K. McConnell, professional staff member; William G.P. Monahan, counsel; Michael J. Noblet, professional staff member; John H. Quirk V, professional staff member; and Russell L. Shaffer, counsel.

Minority staff members present: Adam J. Barker, professional staff member; Christian D. Brose, professional staff member; Thomas W. Goffus, professional staff member; Anthony J. Lazarski, professional staff member; Daniel A. Lerner, professional staff member; and Lucian L. Niemeyer, professional staff member.

Staff assistants present: Jennifer R. Knowles, Kathleen A. Kulenkampff, Brian F. Sebold, and Lauren M. Gillis.

Committee members' assistants present: Carolyn Chuhta, assistant to Senator Reed; Jeffrey Fatora, assistant to Senator Nelson; Jason Rauch, assistant to Senator McCaskill; Brian Nagle, assistant to Senator Hagan; Mara Boggs, assistant to Senator Manchin; Chad Kreikemeier, assistant to Senator Shaheen; Elana Broitman, assistant to Senator Gillibrand; Ethan Saxon, assistant to Senator Blumenthal; Marta McLellan Ross, assistant to Senator Donnelly, Nick Ikeda, assistant to Senator Hirono; Mary Naylor, assistant to Senator Kaine; Jim Catella, assistant to Senator King; Joel Starr,

assistant to Senator Inhofe; Lenwood Landrum, assistant to Senator Sessions; Todd Harmer, assistant to Senator Chambliss; Joseph Lai, assistant to Senator Wicker; Brad Bowman, assistant to Senator Ayotte; Craig Abele, assistant to Senator Graham; Joshua Hodges, assistant to Senator Vitter; Charles Prosch, assistant to Senator Blunt; Peter Blair, assistant to Senator Lee; and Brooke Bacak, assistant to Senator Cruz.

**OPENING STATEMENT OF SENATOR CARL LEVIN, CHAIRMAN**

Chairman LEVIN. Good morning, everybody. Today the committee welcomes the Secretary of Defense, Leon Panetta, and the Chairman of the Joint Chiefs of Staff, General Martin Dempsey, to testify about the Department of Defense's (DOD) response to the deadly terrorist attack on the U.S. Temporary Mission Facility and Annex in Benghazi, Libya, on September 11 and 12 of last year and the findings of its internal review following that attack, including lessons learned from Benghazi.

I want to remind colleagues that we will be receiving testimony next Tuesday morning on the impacts of sequestration and/or a full-year Continuing Resolution (CR) on DOD and our witnesses there will be the Deputy Secretary of Defense, the Department's Comptroller, and the Joint Chiefs of Staff.

I hope that today's hearing will inform this committee of any changes that have been made or are being proposed to the posture of U.S. forces overseas to respond to similar terrorist attacks in the future as we saw in Benghazi and DOD's assessment of the recommendations that are included in the Secretary of State's Accountability Review Board (ARB) that affect DOD's installations or operations overseas.

In November, DOD released a timeline of its response to the assault of September 11 and 12 in Benghazi, including the decisions made on the deployment of various forces based in the United States or overseas. A copy of this timeline will be put in the record. I think we each have it and it will be included in the record.

[The information referred to follows:]

Timeline of Department of Defense Actions on September 11-12, 2012
All times are Eastern Daylight Time (EDT, Washington, DC)
and Eastern European Time (EET, Benghazi)

Tuesday, September 11, 2012
EDT // EET

| | |
|---|---|
| ~3:42 pm // 9:42 pm | The incident starts at the facility in Benghazi. |
| 3:59 pm // 9:59 pm | An unarmed, unmanned, surveillance aircraft is directed to reposition overhead the Benghazi facility. |
| 4:32 pm // 10:32pm | The National Military Command Center at the Pentagon, after receiving initial reports of the incident from the State Department, notifies the Office of the Secretary of Defense and the Joint Staff. The information is quickly passed to Secretary Panetta and General Dempsey. |
| 5:00 pm // 11:00pm | Secretary Panetta and General Dempsey attend a previously scheduled meeting with the President at the White House. The leaders discuss potential responses to the emerging situation. |
| 5:10 pm // 11:10 pm | The diverted surveillance aircraft arrives on station over the Benghazi facility. |
| ~5:30 pm // 11:30 pm | All surviving American personnel have departed the facility. |
| 6:00-8:00 pm // 12:00-2:00 am | Secretary Panetta convenes a series of meetings in the Pentagon with senior officials including General Dempsey and General Ham. They discuss additional response options for Benghazi and for the potential outbreak of further violence throughout the region, particularly in Tunis, Tripoli, Cairo, and Sana'a.<br>During these meetings, Secretary Panetta directs (provides verbal authorization) the following actions:<br>1) A Fleet Antiterrorism Security Team (FAST) platoon, stationed in Rota, Spain, to prepare to deploy to Benghazi, and a second FAST platoon, also stationed in Rota, Spain, to prepare to deploy to the Embassy in Tripoli.<br>2) A EUCOM special operations force, which is training in Central Europe, to prepare to deploy to an intermediate staging base in southern Europe.<br>3) A special operations force based in the United States to prepare to deploy to an intermediate staging base in southern Europe.<br>During this period, actions are verbally conveyed from the Pentagon to the affected Combatant Commands in order to expedite movement of forces upon receipt of formal authorization. |
| ~6:30 pm // 12:30 am | A six-man security team from U.S. Embassy Tripoli, including two DoD personnel, departs for Benghazi. |

| | |
|---|---|
| ~7:30 pm // 1:30 am | The American security team from Tripoli lands in Benghazi. |
| ~8:30pm // 2:30 am | The National Military Command Center conducts a Benghazi Conference Call with representatives from AFRICOM, EUCOM, CENTCOM, TRANSCOM, SOCOM, and the four services. |
| 8:39pm // 2:39 am | As ordered by Secretary Panetta, the National Military Command Center transmits formal authorization for the two FAST platoons, and associated equipment, to prepare to deploy and for the EUCOM special operations force, and associated equipment, to move to an intermediate staging base in southern Europe. |
| 8:53pm // 2:53 am | As ordered by Secretary Panetta, the National Military Command Center transmits formal authorization to deploy a special operations force, and associated equipment, from the United States to an intermediate staging base in southern Europe. |
| ~11:00 pm // 5:00 am | A second, unmanned, unarmed surveillance aircraft is directed to relieve the initial asset still over Benghazi. |
| ~11:15 pm // 5:15 am | The second facility in Benghazi comes under mortar and rocket propelled grenade fire. |
| Wednesday, September 12, 2012 | |
| 12:05 am // 6:05am | AFRICOM orders a C-17 aircraft in Germany to prepare to deploy to Libya to evacuate Americans. |
| ~1:40 am // 7:40 am | The first wave of American personnel depart Benghazi for Tripoli via airplane. |
| ~4:00 am // 10:00 am | The second wave of Americans, including the fallen, depart Benghazi for Tripoli via airplane. |
| 8:15 am // 2:15 pm | The C-17 departs Germany en route Tripoli to evacuate Americans. |
| 1:17 pm // 7:17 pm | The C-17 departs Tripoli en route Ramstein, Germany with the American personnel and the remains of Ambassador Stevens, Sean Smith, Tyrone Woods, and Glen Doherty. |
| 1:57 pm // 7:57 pm | The EUCOM special operations force, and associated equipment, arrives at an intermediate staging base in southern Europe. |
| 2:56 pm // 8:56 pm | The FAST platoon, and associated equipment, arrives in Tripoli. |
| 3:28 pm // 9:28 pm | The special operations force deployed from the United States, and associated equipment, arrives at an intermediate staging base in southern Europe. |
| 4:19 pm // 10:19 pm | The C-17 arrives in Ramstein, Germany. |

Chairman LEVIN. According to the timeline, within 20 minutes of the assault on the State Department's Temporary Mission Facility DOD's first action was to redirect an unmanned surveillance platform from a mission over Darnah, Libya, to provide better awareness of the events on the ground in Benghazi.

Following consultations at the White House, Secretary Panetta convened a series of meetings in the Pentagon to discuss options for expanding DOD's response, as well as to prepare for the potential outbreak of further violence throughout the region. During these meetings, Secretary Panetta authorized a number of deploy-

ments. I hope that Secretary Panetta and Chairman Dempsey will provide the committee with details on the circumstances that led them to these decisions.

Since September, there's been a great deal of focus on the supporting role that the Marine Corps guards play in many U.S. diplomatic missions abroad. The Marine Corps did not have an element in Benghazi as it was not an embassy, but a Temporary Mission Facility. The committee will be closely monitoring the use of these marines. Our National Defense Authorization Act for Fiscal Year 2013 requires the Secretary of Defense to conduct an assessment of the mission of the Marine Security Guard (MSG) program, whether it should be expanded, and a report to Congress on the results of this review.

More immediately, the provision requires the Secretary to develop a plan to increase the number of marines in the MSG program by up to 1,000 marines to improve security at our embassies, consulates, and other diplomatic facilities. Based on Secretary of State Clinton's recent testimony before Congress, it is clear that the State Department and DOD are already consulting on this review.

The Secretary of State's ARB focused on the need to ensure the State Department puts greater focus on high-risk, high-threat posts, as well as posts where the host nation, despite having the will to protect diplomatic facilities, does not have the capacity to protect them.

In some cases, these posts are located in countries where DOD and the State Department have assistance programs with similar objectives. These are perhaps areas where the two Departments can explore whether additional collaboration is appropriate.

During Secretary of State Clinton's recent testimony before Congress, she emphasized the importance of properly resourcing U.S. Africa Command (AFRICOM). AFRICOM reached full operational capability less than 5 years ago and has been what's called an economy-of-force effort to date.

The events of last September raise questions about the adequacy of DOD's resourcing with respect to AFRICOM in terms of funding, assigned personnel, and intelligence, surveillance, and reconnaissance support. As an example, until the beginning of the current fiscal year, AFRICOM did not have a dedicated Commander's In Extremis Force, which is an emergency standby force, but rather it shared its force with U.S. European Command.

In recent years, the committee has sought to provide DOD with flexible AFRICOM-specific authorities to support the burgeoning requirements of the command, such as the African Cooperation Authority, targeted train-and-equip authorities to support deployments of the African Union mission in Somalia, and flexible military construction authorities. The committee looks forward to learning whether any additional actions might be taken to further support AFRICOM's programs and operations.

Unfortunately, today much of the discourse about the events surrounding the deadly attack against our facilities and people in Benghazi have focused on the preparation and dissemination of unclassified talking points that were prepared at the request of Congress by our Nation's intelligence professionals and approved by

their most senior leadership. These talking points are relevant, but even more relevant than finding out, as Secretary Clinton said, why these militants decided as they did, is to find those militants and bring them to justice and to do everything that we can to prevent it from ever happening again.

Since the events in Benghazi, individuals and groups with the same motivations as those that attacked the U.S. facility in Benghazi have attempted to expand their territory in the nation of Mali, as well as take hostage dozens of innocent civilians and attempt to destroy a natural gas facility in Algeria. Today the United States is providing its unique enabling capabilities to the French military operations and the deployment of African forces from nations around the region.

As Secretary Panetta has stated repeatedly, it is critical that the United States continue to pursue those groups and individuals seeking to attack the United States and our interests. I expect the Secretary and the Chairman this morning will provide their assessment of the threat that's posed by these groups to regional and international security, as well as our effort to counter their operations.

The four Americans that our Nation lost last September were among the very best expression of what it means to be an American—hard-working, energetic, optimistic, dedicated, not just to furthering the interests of their own Nation, but to ensuring that others could enjoy the same freedom and opportunity that we hold so dear. We honor the sacrifice of those Americans and in their name we will do everything that we can to prevent a repetition of Benghazi.

Since this is likely Secretary Panetta's last hearing before this committee—and a broad smile has now appeared upon his face—I want to take a moment to offer my personal thanks to Secretary Leon Panetta, for your service to our country, for your leadership at DOD. Secretary Panetta, you have exhibited qualities of honesty, candor, humility, fair-mindedness, and a great sense of humor. All of those were essential during the tenure that you had as Secretary. So, we thank you, Leon, for your service to our Nation and for your great cooperation as well with this committee. [Applause.]

Senator Inhofe.

## STATEMENT OF SENATOR JAMES M. INHOFE

Senator INHOFE. Thank you, Mr. Chairman.

I agree with the last part of your statement there. I hold both of our witnesses in the highest regard, and in the case of Secretary Panetta, I just whispered to my friend, Senator McCain, that two of my favorite Democrats in the House were Mineta and Panetta, and that has always been the case. In fact, I rejoiced at the time that you received the positions and the appointments that you have had.

It's long overdue that this committee is holding a hearing to examine the facts surrounding the terrorist attacks in Benghazi on September 11, 2012, that left four Americans dead: Ambassador Christopher Stevens, Information Management Officer Sean Smith,

and two embassy security personnel, Glen Doherty and Tyrone Woods—deaths that I believe could have been prevented.

What's become clear over the last 5 months is that the United States is woefully unprepared for what occurred in Benghazi. What has also been clear is that following the attack, the administration provided the American people inaccurate information about the true nature of the catastrophe and those events in Benghazi. In my discussions with the most senior administrative officials, I've been told that on the night of the tragedy, although there was confusion about the nature of the first attack on the compound where the Ambassador was located, the second wave of attacks, which was on the annex, were "unequivocally a terrorist attack." I have no doubt about that, that they were.

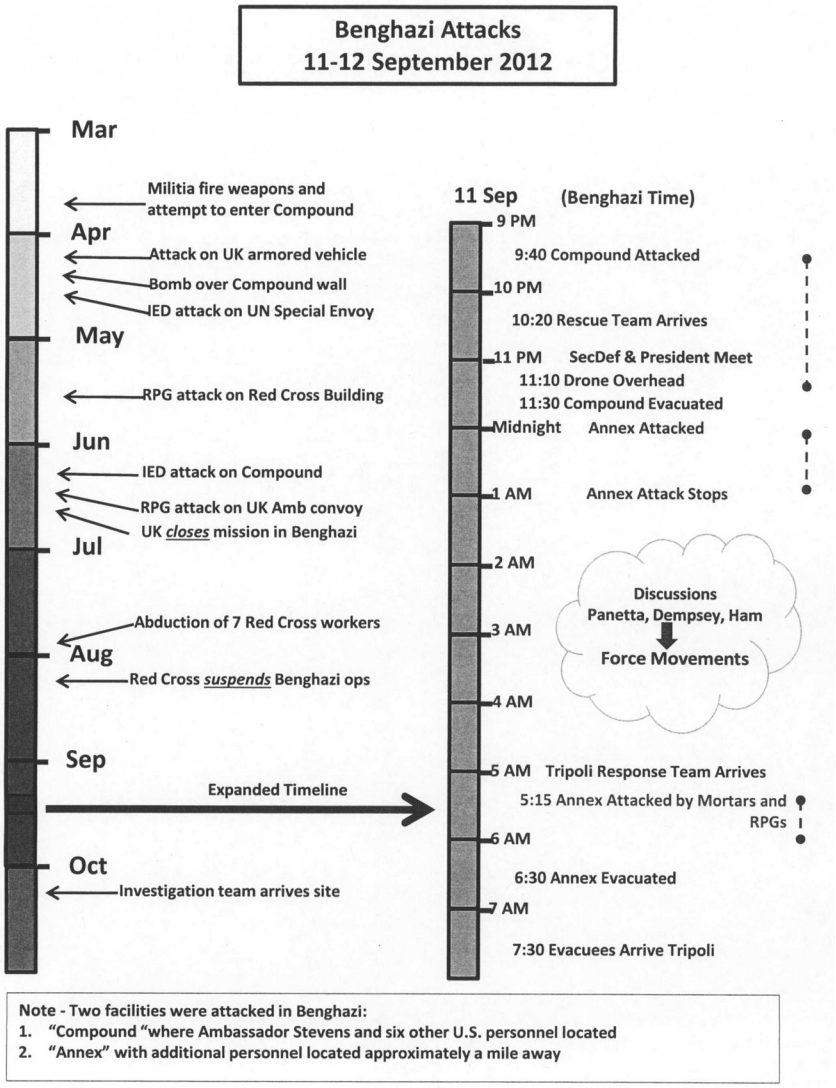
This was apparent because an angry mob doesn't use coordinated mortars and rocket propelled grenades (RPG). So I have no question about that in my mind.

Despite the clear evidence, it took this administration over a week to publicly admit, as many of us knew already, that it was a terrorist attack, not simply a protest that turned violent, as Ambassador Susan Rice adamantly and incorrectly insisted. While some may downplay the difference, I can't. Al Qaeda-affiliated terrorists were involved in the murder of four Americans, including our U.S. Ambassador to Libya. This fact should call into question the effectiveness of our counterterrorism strategy today in North Africa and beyond.

I hope our hearing today will provide the committee with a thorough accounting of the facts leading up to the attack, as well as what has been done in months following to ensure that this tragedy doesn't happen again. In the months leading up to September 11, there were no fewer than four significant attacks against the western interests in the city.

I'd like to have you go ahead and put that timeline chart back up there and leave it up during the course of this hearing, because each member up here has a copy of this and there are certain things that happened we all know.

[The information referred to follows:]




Senator INHOFE. We know that on May 22, the Red Cross was hit with an RPG. They left town. We know that on June 11, the British Ambassador's motorcade was attacked by an RPG. They left town. We know that on April 10, the United Nations convoy was hit by an improvised explosive device (IED), and on June 6, the U.S. Consulate was attacked with a bomb, and many, many, many other things. But we stayed; we didn't leave.

While I understand the State Department has primary responsibility for the protection of American diplomats around the world, I also understand that DOD plays an important supporting role to this effort. I expect our witnesses to explain today why, given the

clear indicators and warnings that threats to the United States' interests in Benghazi and throughout North Africa were growing, was DOD not placed on a heightened alert status or adequately postured to respond in a timely manner to a contingency of this nature, especially on the anniversary of September 11?

Our witnesses have repeatedly stated that there were no military assets available in the region that could have acted in time potentially to avert this disaster, and I have to ask, why not? The January 2012 Defense Strategic Guidance directs that we will "rebalance toward the Asian Pacific," and goes on to say that in Africa and Latin America, "we will develop innovative, low-cost, and small-footprint approaches to achieve our security objectives." I don't agree. That's no way to achieve our security objectives. Benghazi highlights the strategic risks of this new strategy in places like Africa, risks certain to be magnified by looming defense cuts.

This committee must get a thorough accounting of exactly what was known and when and what DOD did to respond to the escalating situation in Benghazi and why it was not better prepared. Additionally, our witnesses should address whether or not the current relationship between the State and the Defense Departments is sufficient to meet the security demands of our overseas presence.

I've made over 100 African country visits. I know Africa, and what happened in Benghazi vividly illustrates what I've been talking about for a long period of time, that is the growing threat to the United States' interests on the African continent from terrorist groups such as Al-Shabab, al Qaeda in the Islamic Maghreb, and Boko Haram.

General Ham, the Commander of AFRICOM, who has been doing a great job with limited resources, I must say, said back in 2011 that terrorist organizations in East Africa, in the deserts of North Africa and Nigeria, "have very explicity and publicity voiced intent to target westerners and the United States specifically." Secretary Panetta, the same year you said: "The longer you delay, the longer you avoid trying to assign some assistance there, the more dangerous these groups become and the greater the instability that develops here. There are elements there in Central Africa that either have ties to al Qaeda or that present the forces of terrorism in their own, and that's what's dangerous."

As bad as everything that I've stated is, what I think is worse is the cover-up. It was obvious from the information we had on September 11 that the second wave—not the first wave, the second wave; we have two different waves there; we had the compound, which we'll talk about in more detail during the questions, and then we had the annex—but that the second wave of attacks on the annex were unequivocally a terrorist attack, and we knew it right at the time.

Despite this information, Ambassador Rice said something that was totally false to the American people on all five major Sunday news shows, implying that the attacks were in response to an anti-Islam video that spurred protests across the region. In this sense, you are probably the wrong witness to have here because you'd be unfamiliar with who actually instructed her to say that and gave

her that faulty information. But that's something we hope that we'll be able to get and that's something that can't be ignored.

We sit around all day long and talk about the resources that we should have and don't have, not just here, not just in this part of the world, but all over the world, and that's fine. I think we all understand that. But that's not the big problem here. The big problem here is the cover-up that nobody talks about and that's the tragedy.

Thank you, Mr. Chairman.

Chairman LEVIN. Secretary Panetta.

**STATEMENT OF HON. LEON E. PANETTA, SECRETARY OF DEFENSE**

Secretary PANETTA. Chairman Levin, Senator Inhofe, and members of the committee, I appreciate the opportunity to be here today to discuss the terrorist attacks on our facilities in Benghazi on September 11, 2012. Before I go into my testimony, let me just state my deepest thanks to all of you for the support and friendship that I've had with all of you on both sides of the aisle. I have had the honor to in many ways live the American dream as the son of Italian immigrants in the various capacities that I've had to serve this country. The greatest privilege I think I've had is to serve as an elected member in the House of Representatives and have the opportunity to work with many of you in that capacity, and then as a member of the executive branch had the opportunity to work with you as well.

I thank you for your dedication to the country and I thank you for your willingness to serve the United States.

On that tragic day, as always, DOD was prepared for a wide range of contingencies. Just to remind you that the National Counterterrorism Center (NCTC) in the 6 months prior to that attack identified some 281 threats to U.S. diplomats, diplomatic facilities, embassies, ambassadors, and consulates worldwide, and obviously Benghazi was one of those almost 300 areas of concern.

But unfortunately, there was no specific intelligence or indications of an imminent attack on that U.S. facility in Benghazi. Frankly, without an adequate warning there was not enough time, given the speed of the attack, for armed military assets to respond. That's not just my view or General Dempsey's view. It was the view of the ARB that studied what happened on that day.

In the months since the tragedy at the Temporary Mission Facility and the nearby annex in Benghazi, we've learned that there were actually two short-duration attacks that occurred some 6 hours apart. Again, there was no specific intelligence that indicated that a second attack would occur at the annex, which was located some 2 miles away.

The bottom line is this: that we were not dealing with a prolonged or continuous assault, which could have been brought to an end by a U.S. military response very simply. Although we had forces deployed to the region, time, distance, the lack of an adequate warning, events that moved very quickly on the ground prevented a more immediate response.

Despite the uncertainty at the time, DOD and the rest of the U.S. Government spared no effort to do everything we could to try to save American lives. Before, during, and after the attack, every

request DOD received we did, we accomplished. But again, four American lives were lost and we all have a responsibility to make sure that that does not happen again.

The four Americans who perished in Benghazi—Ambassador Stevens, Information Management Officer Sean Smith, and the five embassy security personnel, Glen Doherty and Tyrone Woods—all were heroes and all were patriots. I had the opportunity to join the President, Secretary Clinton, and other officials at Andrews Air Force Base for the dignified transfer ceremony when the bodies of those heroes were returned home. I had the opportunity to meet with their families.

I believe we all have a solemn responsibility to these families and to all the diplomatic personnel who put themselves at risk, to find out exactly what happened, to bring those involved to justice, to make sure that we're doing everything possible to prevent it from happening again, and to ensure the safety of our personnel and facilities worldwide.

To that end, DOD has fully supported efforts by Congress and the State Department to review the events and decisions surrounding the attacks in Benghazi. We have made every effort to respond promptly to numerous requests for additional information, to provide briefings, and to provide testimony to members and committees in Congress.

In fact, General Dempsey and I were among the very first U.S. Government senior officials to brief Congress on this tragedy. We appeared before this committee on September 14, 2012, 3 days after the attack, and provided the best information we had at that point as to what had taken place.

Additionally, DOD participated in classified briefings and answered questions from the Senate Select Committee on Intelligence, the Senate Committee on Foreign Affairs, and the Senate Committee on Homeland Security and Governmental Affairs, even when we were not called to testify. We've also provided all requested support to the ARB that was co-chaired by Ambassador Pickering and by Admiral Mullen.

Based on the information we've compiled and the reviews that we've conducted, let me describe for you DOD's response to the events on September 11, some of the lessons that we've learned, and the adjustments we are making to our global force posture given continuing unrest throughout North Africa and the Middle East. In fact, in many places, if we get a heads-up that we need the changes we've made have already resulted in early decisions to deploy additional security or withdraw diplomatic staff in advance of a crisis from Central America to Khartoum, from Tunisia to Yemen, from Egypt to Mali, and others.

While DOD does not have the primary responsibility for the security of U.S. diplomatic facilities around the world, we do work closely with the State Department and support them as requested. In the months prior to the Benghazi attack, as I've said, we received from the Intelligence Community almost 300 reports on possible threats to American facilities around the world. Over the course of the day on September 11, General Dempsey and I received a number of reports of possible threats to U.S. facilities, in-

cluding those in Cairo, Egypt. But there were no reports of imminent threats to U.S. personnel or facilities in Benghazi.

By our best estimate, the incident at the Temporary Mission Facility in Benghazi began at about 3:42 p.m. Eastern Daylight Time on September 11. The Embassy in Tripoli was notified of the attacks almost immediately and within 17 minutes of the initial reports, about 3:59 p.m., AFRICOM directed an unarmed and unmanned surveillance aircraft that was nearby to reposition overhead the Benghazi facility. My understanding is that that unmanned aerial vehicle (UAV) arrived about 1 hour and 11 minutes after the attack had begun and was focused on the primary facility there to try to determine what was taking place.

Soon after the initial reports about the attack in Benghazi were received, General Dempsey and I met with President Obama and he ordered all available DOD assets to respond to the attack in Libya and to protect U.S. personnel and interests in the region. It's important to remember that, in addition to responding to the situation in Benghazi, we were also concerned about potential threats to U.S. personnel in Tunis, Tripoli, Cairo, Sanaa, and elsewhere that could potentially require a military response.

In consultation with General Dempsey and AFRICOM Commander General Ham, I directed several specific actions. First, we ordered a Marine Fleet Antiterrorism Security Team (FAST) stationed in Spain to prepare to deploy to Benghazi. A second FAST platoon was ordered to prepare to deploy to the Embassy in Tripoli. A Special Operations Force (SOF) which was training in Central Europe was ordered to prepare to deploy to an intermediate staging base in Southern Europe, Sigonella, and a SOF based in the United States was ordered to deploy to an intermediate staging base in Southern Europe as well at Sigonella.

Some have asked why other types of armed aircraft were not dispatched to Benghazi. The reason simply is because with armed UAVs, AC–130 gunships, or fixed-wing fighters with the associated tanking, you have to provide air refueling abilities, armaments—you have to arm all the weapons before you put them on the planes—targeting and support facilities were not in the vicinity of Libya. Because of the distance, it would have taken at least 9 to 12 hours, if not more, to deploy these forces to Benghazi.

This was, pure and simple, in the absence, as I said, of any kind of advance warning, a problem of distance and time. Frankly, even if we were able to get the F–16s or the AC–130s over the target in time, the mission still depends on accurate information about what targets they're supposed to hit, and we had no forward air controllers there. We had no communications with U.S. personnel on the ground. As a matter of fact, we had no idea where the Ambassador was at that point to be able to conduct any kind of attacks on the ground.

The quickest response option available was a Tripoli-based security team that was located at the Embassy in Tripoli. To their credit, within hours this six-man team, including two U.S. military personnel, chartered a private airplane deployed to Benghazi. Within 15 minutes of arriving at the annex facility, they came under attack by mortar and rocket-propelled grenades. Members of this

team, along with others at the annex facility, provided emergency medical assistance and supported the evacuation of all personnel.

Only 12 hours after the attacks had begun, all remaining U.S. Government personnel had been safely evacuated from Benghazi.

Looking back, our actions in the immediate aftermath of these attacks have been subject, obviously, to intense scrutiny and review. But let me share with you the conclusion of the ARB, which I believe accurately assessed the situation: "The interagency response was timely and appropriate, but there simply was not enough time, given the speed of the attacks, for armed U.S. military assets to have made a difference. Senior-level interagency discussions were underway soon after Washington received initial word of the attacks and continued throughout the night. The board found no evidence of any undue delays in decisionmaking or denial of support from Washington or from the military combatant commanders. Quite the contrary, the safe evacuation of all U.S. Government personnel from Benghazi 12 hours after the initial attack and subsequently to Ramstein Air Force Base was the result of exceptional U.S. Government coordination and military response and helped save the lives of two severely wounded Americans."

Still, after all of that, it is clear that there are lessons to be learned here and steps that must be taken to ensure that we're doing everything possible to protect our personnel and our facilities abroad. So in concert with the State Department and the Intelligence Community, we are in the process of developing enhanced security for U.S. persons and facilities in the wake of Benghazi.

There will always be a tension between mission effectiveness for personnel, the ability to get out and do what they're supposed to do in these countries, and their physical security. We're committed to steps that avoid a bunker mentality and yet we still must afford greater protection from armed attack.

We're taking steps along three tracks. First, host nation capacity. We have been able to better assess and build up the capabilities of host governments to provide security for U.S. personnel and facilities. The fact is, as you all know, that our embassies and consulates depend on host country personnel to provide the first line of security. This episode raises concerns about the ability of some newly-established or fragile governments to properly secure U.S. diplomatic facilities.

To address these concerns, we are working with the State Department in considering how DOD can better help host nations enhance the security provided to our diplomatic facilities. Where permissible and appropriate, in collaboration with the Secretary of State and the U.S. Chief of Mission in the affected country, we believe that DOD can assist in their development using a range of security assistance authorities to train-and-equip those forces in the host country, and we are doing exactly that.

Second, we have to enhance diplomatic security. We have to harden these facilities. We again are working with the State Department to try to reassess diplomatic security overall, to determine what changes may be required. We assisted the State Department in the deployment of an interagency security assessment team to evaluate the security level at 19 vulnerable diplomatic facilities, including our Embassy in Libya, and we're in the process

of developing recommendations on potential security increases, as required.

As part of this review, we have also considered how the role, mission, and resourcing of the MSGs could be adapted to respond to this new threat environment. In the near-term, we've agreed with the Department of State to add 35 new MSG detachments—that's almost 1,000 marines—over the next 2 or 3 years, in addition to the 152 detachments that are in place today. We're working with State to identify those specific locations for the new detachments and we will identify any necessary resource and force structure adjustments in order to support this initiative.

Although there was not a MSG detachment posted to the Benghazi Temporary Mission Facility, based on our review of all embassy security incidents that occurred in September 2012, in Tunis, in Cairo, in Khartoum, and in Sanaa, we have initiated coordination with the Department of State to expand the Marine Corps' role beyond their primary mission of protecting classified information. As some of you know, their primary mission is not providing outside security. Their primary mission is to protect classified information. But we believe that we can try to augment their role in terms of providing greater security protection as well.

This could include the expanded use of non-lethal weapons, as well as additional training and equipment to support the embassy regional security officer's response options when host nation security force capabilities are at risk of being overwhelmed.

Third, enhanced intelligence and military response capacity. We are focused on enhancing intelligence collection and ensuring that our forces throughout the region are prepared to respond to crisis, if necessary. The U.S. military, as I've said, is not, and frankly, should not, be a 9-1-1 emergency service, capable of arriving on the scene within minutes to every possible contingency around the world. The U.S. military has neither the resources nor the responsibilities to have a firehouse next to every U.S. facility in the world. We have some key bases, particularly in this region. We have some key platforms from which we can deploy. We have forces on alert and we're prepared to move. But our ability to identify threats, to adjust posture, to prevent plots, and to respond to attacks to our personnel at home and overseas depends on actionable intelligence and it always will.

Therefore, we're working with the State Department and the Intelligence Community to ensure that our collection and analysis is linked with military posture and planning. We're working to enhance our intelligence collection, to improve the responsiveness of contingency assets, and to adjust the location of in extremis reaction forces. At the same time, we're working closely with State to ensure that they have our best estimate of response times for each at-risk diplomatic facility, so that they can make the best informed decisions about adjustments to their staff presence in areas of increased security threat.

We've deployed key response forces abroad. We have reduced their response time. But let me again say to you that even those forces that are on a tight alert time of N+2, notice plus 2 hours, to be able to get on a plane, once those forces are put on airlift,

it still requires many hours in that part of the world to fly long distances in order to be able to respond.

I firmly believe that DOD and the U.S. Armed Forces did all we could do in the response to the attacks in Benghazi. We employed every asset at our disposal that could have been used to help save lives of our American colleagues. We will support efforts to bring those responsible to justice and we are working with the task force involved and headed up by the FBI to do just that.

As I said, going forward we intend to adapt to the security environment to ensure that we're better positioned and prepared to support the Department of State in securing our facilities around the world. But in order to be able to effectively protect the American people and our interests abroad at a time of instability, we must have an agile and ready force able to quickly respond.

Above all—and forgive me for being repetitious—we have to end the cloud of budget uncertainty that hangs over DOD and the entire U.S. Government. I have to use this opportunity to express again my greatest concern as the Secretary of Defense, and frankly, one of the greatest security risks we are now facing as a Nation, that this budget uncertainty could prompt the most significant military readiness crisis in more than a decade.

DOD faces the prospect of sequestration on March 1. If Congress fails to act, sequestration is triggered. If we also must operate under a year-long CR, we would be faced with having to take about $46+ billion out of the defense budget and we would face a $35 billion shortfall in operating funds alone for our Active Forces, with only a few months remaining in the fiscal year.

Protecting the warfighters, protecting the critical deployments we have, we're going to have to turn to the one area that we have in order to gain the funds necessary, and that's reduction in maintenance. This will badly damage our national defense and compromise our ability to respond to crises in a dangerous world.

The responsibility of dealing with this crisis obviously rests with the leadership of the Nation. I know the members of this committee share the deep concerns that I have raised about sequestration, and obviously, I urge you to do whatever you can to try to avoid this threat to our national defense.

The State Department and the Intelligence Community obviously also must be provided the resources they need in order to execute the missions that we expect of them, including the enhancements that I've described today. Whatever steps are required to be taken to properly posture U.S. forces for possible emergency response operations, those steps would be seriously impacted by the readiness crisis caused by uncertain resources.

We have a responsibility, and I take that responsibility seriously, to do everything we can to protect our citizens. That responsibility, however, rests with both the executive branch and Congress. If we work together, we can keep our Americans safe.

Thank you.

[The prepared statement of Secretary Panetta follows:]

PREPARED STATEMENT BY HON. LEON E. PANETTA

Chairman Levin and Senator Inhofe, members of the committee: I appreciate the opportunity to be here today to discuss the terrorist attacks on our facilities in Benghazi on September 11, 2012.

On that tragic day, as always, the Department of Defense (DOD) was prepared for a wide range of contingencies, but unfortunately there were no specific indications of an imminent attack on U.S. facilities in Benghazi. Without adequate warning, there was not enough time given the speed of the attack for armed military assets to respond. In the months since the tragedy at the Temporary Mission Facility and nearby Annex in Benghazi, we've learned these were actually two short duration attacks that occurred some 6 hours apart. This was not a prolonged assault which could have been brought to an end by a U.S. military response. Despite the uncertainty at the time, however, DOD and the rest of the U.S. Government spared no effort to save American lives.

The four Americans who perished in Benghazi—Ambassador Chris Stevens, Information Management Officer Sean Smith, and security personnel Tyrone Woods, and Glen Doherty—were heroes and patriots. I had the opportunity to join President Obama, Secretary Clinton, and other U.S. officials at Andrews Air Force Base for the dignified transfer ceremony where the bodies of these heroes were returned home. I also had the opportunity to meet with the families of the fallen. We have a solemn responsibility to these families, and to all diplomatic personnel who put themselves at risk, to find out exactly what happened, to bring those involved to justice, and to make sure we are doing everything possible to ensure the safety of our personnel and facilities worldwide.

To that end, DOD has fully supported efforts by Congress and the State Department to review the events and decisions surrounding the attacks in Benghazi. We have made every effort to respond promptly to numerous requests for additional information, briefings, and testimony from members and committees in Congress. In fact, General Dempsey and I were among the first U.S. Government senior officials to brief Congress on this tragedy when we appeared before this committee on September 14, 2012, 3 days after the attacks.

Additionally, the Defense Department participated in classified hearing and answered questions before the Intelligence, Foreign Affairs, and Homeland Security oversight Committees. We also provided all requested support to the Accountability Review Board, the independent investigative panel co-chaired by Ambassador Pickering and former Chairman of the Joint Chiefs of Staff, Admiral Mullen.

Based on the information we've compiled and the reviews we have conducted, let me describe for you DOD's response to the events of September 11, some of the lessons learned, and the adjustments we are making to our global force posture given continuing unrest throughout North Africa and the Middle East. In fact, the changes we've made have already resulted in early decisions to deploy additional security, or decisions by the State Department to withdraw diplomatic staff in advance of a crisis.

DOD'S RESPONSE ON SEPTEMBER 11, 2012

While DOD does not have primary responsibility for the security of U.S. diplomatic facilities around the world, we work closely with the State Department and support them as requested. In the months prior to the Benghazi attack, we had received several hundred reports on possible threats to American facilities around the world. Over the course of the day on September 11, General Dempsey and I received a number of reports of possible threats to U.S. facilities—including those in Egypt—but there were no reports of imminent threats to U.S. personnel or facilities in Benghazi.

By our best estimate, the incident at the Temporary Mission Facility in Benghazi began at 3:42 p.m. eastern daylight time on September 11th. The Embassy in Tripoli was notified of the attacks almost immediately and within 17 minutes of the initial reports—at 3:59 p.m.—U.S. African Command (AFRICOM) directed that an unarmed, unmanned, surveillance aircraft that was nearby to reposition overhead the Benghazi facility.

Soon after the initial reports about the attack on Benghazi, General Dempsey and I met with President Obama and he ordered all available DOD assets to respond to the attack in Libya and to protect U.S. personnel and interests in the region. It is important to remember that in addition to responding to the situation in Benghazi, we were also concerned about potential threats to U.S. personnel in Tunis, Tripoli, Cairo, Sana'a, and elsewhere that could potentially require a military response.

In consultation with Chairman Dempsey and AFRICOM Commander General Ham, I directed several specific actions:

- A Marine Fleet Antiterrorism Security Team (FAST) platoon, stationed in Spain to prepare to deploy to Benghazi;
- A Second FAST platoon to prepare to deploy to the Embassy in Tripoli;

• A Special Operations Force, which was training in Central Europe, to prepare to deploy to an intermediate staging base in Southern Europe; and
• A Special Operations Force based in the United States to deploy to an intermediate staging base in Southern Europe.

Some have asked why other types of armed aircraft were not dispatched to Benghazi. The reason is because armed UAVs, AC–130 gunships, or fixed-wing fighters with the associated tanking, armaments, targeting and support capabilities were not in the vicinity of Libya and because of the distance, would have taken at least 9 to 12 hours if not more to deploy. This was, pure and simple, a problem of distance and time.

The quickest response option available was the Tripoli-based security team. Within hours, this six-person team, including two U.S. military personnel, chartered a private airplane and deployed to Benghazi. Within 15 minutes of arriving at the Annex facility, they came under attack by mortar and rocket propelled grenades. Members of this team, along with others at the Annex facility, provided emergency medical assistance and supported the evacuation of all personnel. Only 12 hours after the attacks began, all remaining U.S. Government personnel had been safely evacuated from Benghazi.

Looking back, our actions in the immediate aftermath of these attacks have been subject to intense scrutiny and review. Let me share with you the conclusion that the Accountability Review Board reached:

> The interagency response was timely and appropriate, but there simply was not enough time given the speed of the attacks for armed U.S. military assets to have made a difference. Senior-level interagency discussions were underway soon after Washington received initial word of the attacks and continued through the night. The Board found no evidence of any undue delays in decision making or denial of support from Washington or from the military combatant commanders. Quite the contrary: the safe evacuation of all U.S. Government personnel from Benghazi 12 hours after the initial attack and subsequently to Ramstein Air Force Base was the result of exceptional U.S. Government coordination and military response and helped save the lives of two severely wounded Americans.

LESSONS LEARNED

Still, it is clear that there are lessons to be learned and steps that must be taken to ensure we are doing everything possible to protect our personnel and facilities abroad. In concert with the State Department and the Intelligence Community, we are in the process of developing enhanced security for U.S. persons and facilities in the wake of Benghazi. There will always be a tension between mission-effectiveness for personnel and their physical security. We are committed to steps that avoid a bunker mentality and yet still afford greater protection from armed attack. We are taking steps along three tracks.

1. Host Nation Capacity

First, we have to be able to better assess and build up the capabilities of host governments to provide security for U.S. personnel and facilities. The fact is that our embassies and consulates depend on host country personnel to provide security, and this episode raises concerns about the ability of newly established or fragile governments to properly secure U.S. diplomatic facilities.

To address these concerns, we are now considering how DOD can better help host-nations enhance the security provided to our diplomatic facilities. Where permissible and appropriate, and in collaboration with the Secretary of State and the U.S. Chief of Mission in the affected country, we believe that the Defense Department can assist in the development of host-nation forces using a range of security assistance authorities to train and equip these forces.

2. Enhanced Diplomatic Security

Second, we are supporting the State Department's efforts to look at hardening facilities and re-assessing diplomatic security. To determine what changes may be required, we assisted the State Department in deployment of Interagency Security Assessment Teams to evaluate the security level at 19 vulnerable diplomatic facilities, including our Embassy in Libya, and we are in the process of developing recommendations on potential security increases required.

As part of this review, we have also considered how the role, mission, and resourcing of the Marine Security Guards could be adapted to respond to this new threat environment. In the near term, we have agreed with the Department of State to add 35 new Marine Security Guard detachments over the next 2 to 3 years, in addition to the 152 detachments in place today. We're working with State now to

identify specific locations for the new detachments. We will identify any necessary resource and force structure adjustments to support this initiative.

Although there was not a Marine Security Guard detachment posted to the Benghazi Temporary Mission Facility, based on our review of all Embassy security incidents that occurred in September 2012, in Tunis, Cairo, Khartoum, and Sana'a, we have initiated coordination with the Department of State to expand the Marines' role beyond their primary mission to protect classified information. This could include expanded use of non-lethal weapons, and additional training and equipment, to support the Embassy Regional Security Officer's response options when host nation security force capabilities are at risk of being overwhelmed.

3. Enhanced Intelligence and Military Response Capacity

Third, we are focused on enhancing intelligence collection and ensuring that our forces throughout the region are prepared to respond to crisis, if necessary.

The U.S. military is not and should not be a global 9–1–1 service capable of arriving on the scene within minutes to every possible contingency around the world. We have forces on alert and prepared to move, but our ability to identify threats, adjust posture, prevent plots and respond to attacks to our personnel at home and overseas depends on actionable intelligence.

Therefore, we are working with the State Department and the Intelligence Community to ensure our collection and analysis is linked with military posture and planning. We are working to enhance our intelligence collection, improve the responsiveness of contingency assets, and adjust the location of in-extremis reaction forces. At the same time, we're working closely with State to ensure they have our best estimate of response times for each at-risk diplomatic facility, so that they can make the best informed decisions about adjustments to their staff presence in areas of increased security threat.

AN ADEQUATE RESPONSE DEMANDS ADEQUATE RESOURCES

I firmly believe that DOD and the U.S. Armed Forces did all that we could do in response to the attacks in Benghazi. We employed every asset at our disposal that could have helped save the lives of our American colleagues. We will support efforts to bring those responsible to justice.

Going forward, we intend to adapt to the security environment to ensure we are better positioned and prepared to support the Department of State in securing our facilities around the world. But in order to be able to effectively protect the American people and our interests abroad at a time of instability we must have an agile and ready force, and above all, we must end the cloud of budget uncertainty that is hanging over the Department and the entire U.S. Government.

That brings me to my greatest concern right now as Secretary, and frankly the greatest security risk we are facing as a nation, which is the budget uncertainty which could prompt the most significant military readiness crisis in more than a decade.

Right now, DOD faces the prospect of sequestration beginning March 1. If Congress fails to act and sequestration is triggered, and if we also must operate under a year-long continuing resolution, we would be faced with a significant shortfall in operating funds for our Active Forces with only 7 months remaining in the fiscal year. This will damage our national defense and compromise our ability to respond to crises in a dangerous world.

The responsibility of dealing with this crisis rests with the leadership of the Nation. I know that the members of this committee share the deep concerns I have raised about sequestration, and I urge you to do the responsible thing and avoid weakening our national defense. The State Department and Intelligence Community also must be provided with the resources they need to execute the mission we expect of them—including the enhancements I've described today.

Whatever steps are required to be taken to properly posture U.S. forces for possible emergency response operations would be seriously impacted by the readiness crisis caused by uncertainty or dramatically reduced resources. The responsibility to protect our citizens rests with both the administration and Congress.

Thank you.

Chairman LEVIN. Thank you very much, Secretary Panetta.

General Dempsey.

## STATEMENT OF GEN MARTIN E. DEMPSEY, USA, CHAIRMAN, JOINT CHIEFS OF STAFF

General DEMPSEY. Thank you, Mr. Chairman and Senator Inhofe. I will compress my opening remarks, just if you would allow me to endorse what the Secretary just said, in particular the part about the effect of sequestration.

I would also say that this hearing continues our full support to every effort and every request to understand and learn from this tragic event.

I want to also commend the men and women of our Nation's diplomatic corps. They are selfless and courageous. They do hard things in hard places. I've stood with them in Iraq and in Afghanistan, where their words are America's reputation and where their outstretched hand is America's promise.

In Benghazi, we lost four fellow servants of the Nation—Chris Stevens, Sean Smith, Tyrone Woods, and Glen Doherty. To their family and friends, I offer my personal condolences. We mourn their deaths even as we honor their service. We honor them most by taking what we learned from their loss to prepare for an uncertain future.

Thank you.

[The prepared statement of General Dempsey follows:]

### PREPARED STATEMENT BY GEN MARTIN E. DEMPSEY, USA

Chairman Levin, Senator Inhofe, distinguished members of the committee, thank you for inviting us to address the attacks in Benghazi on 11 September 2012. As Secretary Panetta stated, we have fully supported every effort and every request to understand and learn from this tragic event.

Allow me to begin by publically honoring the service of our State Department colleagues. The men and women of our Nation's diplomatic corps are selfless and courageous. They do hard things in hard places. I have stood side-by-side with them in Iraq and in Afghanistan where their words are America's vision, where their deeds are America's reputation, and where their outstretched hand is America's promise.

In Benghazi, we lost four fellow servants of the Nation—Chris Stevens, Sean Smith, Tyrone Woods, and Glen Doherty. To their family and friends, I offer my personal condolences. They were among the very best our Nation has to offer the world. They acted bravely for our Nation and for the Libyan people. We mourn their deaths even as we honor their service.

We honor them most by taking what we learn from their loss to prepare for an uncertain future. We must keep working together—as we are doing here today—to adapt our missions and our forces in order to advance America's national interests. Our own security depends on our ability to build relationships even under the most challenging of conditions.

The conditions in Libya and all of North Africa were then and remain highly dynamic. The balance of influence is shifting. The social contract between the governed and the government is being negotiated in the streets. Mobile technology and social media have helped to accelerate the pace of change. Weaker security institutions are facing more empowered non-state actors. Included in this combustible mix are terrorists seeking to capitalize on the chaos.

Although today we are focused on Benghazi, we must not forget that it was September 11 everywhere. On that day, we were postured to respond to a wide array of general threats around the globe. We positioned our forces in a way that was informed by and consistent with available threat estimates. In fact, U.S. facilities in many countries throughout the Africa Command and Central Command areas were operating under heightened force protection levels.

As events unfolded, we assessed the situation based on the available intelligence. We considered the risk to U.S. Government personnel as protests broke out across

the region. General Carter Ham's sound judgment proved critical as we analyzed the complex, rapidly evolving situation and our range of response options.

Our military was appropriately responsive. We acted quickly once notified of the attacks on the Temporary Mission Facility. As a result of our posture and our ongoing operations, we were able to divert an unarmed, unmanned reconnaissance aircraft to Benghazi within minutes. It arrived on the scene approximately an hour later.

We also repositioned forces based on direction from the President of the United States and Secretary of Defense. We deployed a Fleet Antiterrorism Security Team to Tripoli while a second team prepared to deploy. We directed the deployment of a Special Operations Force in the United States and one already in Europe to intermediate staging bases. We also provided C–17 airlift for medical evacuation. We did what our posture and capabilities allowed.

This does not mean we accept the status quo as sufficient for this new security environment. We have worked closely with the State Department over the last several months to help improve the security of our diplomatic missions. Our work has been informed by the recommendations of the Accountability Review Board for Benghazi. I commend Ambassador Tom Pickering and my predecessor Admiral Mike Mullen for their valuable work.

Specifically, the military has deployed some of our best security experts alongside State Department personnel to reassess the threat to many high-risk diplomatic posts. We anticipate that this will result in a request to increase our presence at the most vulnerable posts. We are looking at how to resource a request for 35 Marine Security Guard detachments at new locations. We have also adjusted the alert posture of security augmentation forces in the most volatile areas. But, we are not done adapting to the emergent security landscape. We will continue to work with the State Department and Congress to examine additional, proactive options for improving security.

In closing, I offer my sincere thanks to this committee for your dedication to keeping our military strong. I share your commitment to supporting those who serve in both a military and diplomatic capacity to keep America immune from coercion.

Chairman LEVIN. Thank you very much, General Dempsey.

Let's have a 7-minute round for the first round to get to everybody, and if we need a second round we can do that. We got a little bit of a late start here this morning.

Mr. Secretary, you ended up with your plea on sequestration and the need to avoid it, and I totally agree with you. There, I think, is near universal agreement, perhaps universal on this panel, about the devastating impacts that sequestration is likely to have on DOD and on other Federal agencies as well.

I believe, as you do, that it is incumbent on Congress and the executive branch to work together to avoid sequestration. Toward that end, I as one member of the Senate have advocated for a balanced solution to sequestration that includes both revenues and spending cuts. I've suggested a specific proposal that would raise revenues by closing loopholes that some corporations use to avoid taxes by shifting income outside of the United States. I've worked with colleagues and in the Senate on suggested solutions. I will continue to do so and your clarion call here this morning I hope will encourage all of us to work in any way that we can to avoid sequestration.

Now, yesterday you spoke in Georgetown, announced a series of steps that the Department will have to take almost immediately with respect to deployments, maintenance, contracts, other obligations if Congress and the President don't act soon to address the issue. We've received memoranda from other senior DOD officials laying out steps that would have to be taken if sequestration is not avoided.

Can you give us a timetable? You've already announced some actions that you're taking, which you're putting in place now, so that

even if we can avoid sequestration in the next few days or a week from now or 2 weeks from now, some things are being taken even before the end of February and before we know whether we can avoid sequestration. Can you tell us, first of all, whether or not these actions would be reversible if, in fact, we avoid sequestration in, say, a week from now or 2 weeks from now? Do you echo the President's call for a balanced approach to avoid sequestration, to include both spending cuts and additional revenues?

Secretary PANETTA. Mr. Chairman, first of all, let me indicate, and I think General Dempsey can add to this, the reason we're having to do this and take actions now is because we're operating at a spend rate right now that envisions that we would have gotten a fiscal year 2013 appropriations bill. Unfortunately, we have no fiscal year 2013 appropriations bill. We have a CR.

But we've been operating at least in these first months based on a spend rate that is in line with what we thought we were going to get for fiscal year 2013. If sequester hits on March 1 and then if we get a CR, as opposed to getting an appropriations bill, then we're going to be obligated to take out almost $46 billion plus out of our budget. That would have to take place in the remaining months of this fiscal year.

If we protect the warfighters, if we protect those in Afghanistan, if we protect some of our critical deployments, we're looking at having to take most of that, as I said, out of readiness. So what we're trying to do is to slow down that rate of spending that's going on so it will not require as deep a dive as we're going to have to have in readiness—so what we're doing and what I've urged the Chairman and the Service Chiefs is to take steps to try to implement savings now.

We've implemented a freeze on hiring. We've implemented a freeze on temporary hires. We're probably going to impact about 46,000 jobs. We are impacting about 46,000 jobs just by doing that. We're cutting back on maintenance. We're cutting back on other areas in order to try to find what we can.

Most of this is reversible. Most of this, if we don't get sequester, we're going to be able to reverse and be able to get back on track. But obviously if we hit sequester then—some say sequester might just happen for a period of a few weeks, which I doubt, frankly, if it goes into effect. But the impact of sequester then will multiply the impact on our readiness.

Look, there's only one way to deal with this. I've been saying it time and time again and I think there are members here that agree. You have to address the larger deficit issue, and to address a large deficit issue in my own experience, having participated in every budget summit that we've had in past years, you have to be able to develop a balanced package in order to do that. That's just the nature of dealing with the size deficits that you have.

My preference, frankly, is that Congress would do the big deal, get it done, get this behind us, detrigger sequester, stop this constant uncertainty, this month-to-month situation where we don't know what the hell we're going to get. That should end.

In the absence of that deal, obviously I'll support whatever package you can put together to try to detrigger sequester, whatever you can do to make sure this doesn't happen. I cannot imagine that

people would stand by and deliberately hurt this country in terms of our national defense by letting this take place.

General DEMPSEY. I'll only add briefly that most of the things we're doing are reversible. That is our goal, that they would be reversible. But even if you reverse them, it will take some time, and I can't predict that yet. We're trying to stretch readiness.

I want to make sure you realize one other thing. We took the decision on the carrier postponement very seriously because there's a human dimension to this. If you're getting ready to deploy, you cancel your rent, potentially you cancel your apartment, you sell your car, you cancel education classes. There's a human aspect to this. Now we postpone it and they're still there. So the effects are felt even now.

Chairman LEVIN. Okay, I guess that ends my time.

Senator Inhofe.

Senator INHOFE. Thank you, Mr. Chairman.

I think the skunk is about to arrive at the picnic, but I'd like to share a couple of things, first of all clarify some things to make sure that we all understand things that are incontrovertible facts. The National Military Command Center at the Pentagon, after receiving the initial reports of the incident from the State Department, notified the Office of the Secretary of Defense and Joint Staff. This information quickly passed on to the two of you, is that correct?

Secretary PANETTA. That's correct.

Senator INHOFE. I have a great deal of respect for General Ham and his two predecessors after we developed AFRICOM. I was somewhat significant in that effort. Of course, AFRICOM, with the exception of Egypt, has the continent and it has the control of that. It would have operational control of DOD assets in the event that action in and around Libya would be necessary.

Now, AFRICOM consistently faces resourcing shortfalls. I know that sometimes you don't hear this loud and clear, but we do over a period of time. We know you can't continue to expand into new areas, as we did in AFRICOM. Let's keep in mind, we didn't have any activity there, and you know this, prior to the time that we made the conscious decision after September 11, the original September 11, that we have a serious problem in Africa and we're going to have to deal with that problem. We came up with the idea of forming five African brigades. A lot of these things are going on right now.

Did you have any conversation, either one of you, with General Ham regarding the security situation in North Africa prior to these attacks the subject of today?

Secretary PANETTA. Senator, I'm in almost continual touch with General Ham. He provides me regular reports from AFRICOM as to the issues he's dealing with. There is no question that that area of that combatant command has increased in terms of the threats that we're dealing with and it's increased in terms of the issues related to going after elements of al Qaeda.

Senator INHOFE. Did he ever request additional assets there, Mr. Secretary?

Secretary PANETTA. Senator, my view was whatever General Ham asked, we did more than try to respond.

Senator INHOFE. I know you did, and we did, too. I've talked to him about this and we know that the assets just weren't available when you look at the other places. It's not as if only one place is on fire. They're all on fire right now and this is the problem that we have.

The Washington Post columnist said that the President had a briefing with the Principals Committee to review the threats and the mitigation of the threats. This would have been the day before. The Principals Committee, it's my understanding, is made up of the Secretary of Defense, the Secretary of State, the Director of National Intelligence, and some others.

Were the two of you at this hearing or this meeting? It would have been the day before, September 10.

Secretary PANETTA. I believe I recall being at a meeting that looked at what the potential threats were as a result of going into September 11.

Senator INHOFE. I have a chart over here, and I'm sure you've had a chance to see it. No one questions the chain of events that happened. On the left side are the things that happened prior to all of this, what I consider to be warning signals that anyone should be able to look.

Recognizing the resource problem that we have, what was the assessment of the threat in Libya at the time of this Principals Committee meeting, either one of you?

General DEMPSEY. If I could, Senator, the meeting is a routine monthly review of counterterror operations worldwide.

Senator INHOFE. It happened to be on the 10th, yes?

General DEMPSEY. Right. It wasn't uniquely focused on North and Western Africa, although clearly North and Western Africa are areas of emerging threat.

Senator INHOFE. I'm sure that subject was there. I can't imagine it wouldn't be with all the problems that are on that chart and that you're aware of.

The only thing I'd say in criticism of you, Mr. Secretary, is you've said so many times and you gave such a passionate plea to resolve this problem. You've talked about the problem that is there. You can't continue to look at Congress when, in fact, we have in the President's own budget in the 4 years, the first 4 years that he was there, $5.3 trillion in deficit. It's an oversimplification, but you can say that almost all of government under his budget has increased by about 10 percent, except for the military, except for defense.

Now, I can debate that with anyone who wants to debate, but that has to be said because this is a problem that we have dealt with and you've talked about. But we have to get on record that this administration has not given the priorities to the military, and that's my statement. You can either agree with or not agree with. We're going to have to do something about it.

About an hour and 20 minutes after the first attack on the Benghazi compound, Secretary Panetta, you and Chairman Dempsey were at the White House for a pre-scheduled meeting on a different topic at that time. I think that's when Tom Donilon came in and informed all of you and the President about what happened in Benghazi. Is that about the right timeframe?

Secretary PANETTA. Yes. I think we have regular meetings with the President. This was one of our weekly meetings with the President. I should tell you that just before I went into that meeting I got an update that there had been the attack there. So it was something I introduced to the President.

Senator INHOFE. Oh, I see. Okay, that's a good clarification.

Let me do this in the interest of time. I want to make two definitions here. One would be the definition, I call it the compound, some call it the "Temporary Mission Facility." It doesn't really matter what you call it. That was what would be comparable to an embassy, it was a compound.

One attack was on the compound. The other was on the annex. That was about an hour later and that was about a mile away. So those two things we want to clarify. I think both of you would agree those, it could be argued, are separate attacks that took place.

The other definition that I'd want in terms is either these two attacks or one or the other would be classified as a spontaneous eruption of violence or a planned terrorist attack. I think CBS reported that the counterterrorism officials—okay, let me just run through this real quick here, if you'd give me a little tolerance here, Mr. Chairman.

Chairman LEVIN. We do have to stick to our 7-minute rule. So a little tolerance, of course.

Senator INHOFE. A little tolerance, all right.

Chairman Dempsey, at the time of the meeting at the White House took place, about 11 o'clock, how would you have characterized the attack—or either one of you—on the compound, not the annex; the compound?

General DEMPSEY. At that point I didn't know. I just knew there were Americans——

Senator INHOFE. It could have been either one, couldn't it?

General DEMPSEY. That's right.

Senator INHOFE. It could have been a spontaneous thing or it could have been preplanned. We don't know that right now.

General DEMPSEY. Right.

Senator INHOFE. But I would have to ask you the same question about the annex. Wouldn't you agree that that was a preplanned terrorist attack unequivocally?

Secretary PANETTA. At the time, obviously, when this was going on, we weren't sure what was taking place there. But when I later found out that you had RPGs and mortars and there was an attack on that second facility, there was no question in my mind it was a terrorist attack.

Senator INHOFE. My position on that would be that they knew that at the time, because I've talked to several different people who stated that they knew it, and unequivocally that would have been a terrorist attack.

Of course, the thing I'm getting at, do you agree, Mr. Secretary, that it was unequivocally a terrorist attack on the annex?

Secretary PANETTA. When I appeared before this committee 3 days afterwards, I said it was a terrorist attack.

Senator INHOFE. Very good. That's what John Brennan said also, and he used the word "unequivocally." I would have to say that

we'll have to understand some time, someone's going to have to ask the question: If that was true and we knew all of that at the time on that Sunday that this presentation by Ambassador Susan Rice, before all of America said it was: "we have today is that, in fact, this was not a preplanned, premeditated attack."

I won't even ask you to respond to that, but I think it's important that people understand that everybody knew on that Sunday that it was a preplanned, premeditated attack.

Thank you for your tolerance, Mr. Chairman.

Chairman LEVIN. Thank you.

Senator Reed.

Senator REED. Thank you, Mr. Chairman.

Thank you, Mr. Secretary and General Dempsey.

There were, as you point out in your testimony, two attacks, one on the compound, one on the annex. But as the time chart indicates, there seems to be a significant gap between the first attack and the annex at midnight and the deployment of mortars and RPGs. Did that indicate to either of you that it took a while for them to organize themselves to conduct a full-blown attack on the annex, that, in fact, it was something akin, General Dempsey, to one of a meeting engagement, where they seized an opportunity and then they quickly fill in and supplement their firepower and begin a much more coordinated attack, suggesting there was a degree of improvisation here as well as planning?

General DEMPSEY. The second one, Senator, was clearly much more deliberate, much more planned, but probably was as well opportunistic, because the people had moved from the Temporary Mission Facility. There was a considerable gap.

But I would say two things in addition. First, we accept the general timeline. Also—because it's consistent with the ARB.

Second, though, is the gap didn't cause us to do anything differently. We acted based on the first attack and it was a matter of time and distance at that point.

Senator REED. But the timing of the attack suggests—and it's very difficult to sort out—a degree not only of planning, but improvisation; is that a fair judgment?

General DEMPSEY. I haven't thought about the word "improvisation." It was very well-executed. They dropped six mortar rounds on a roof at some distance. That was pretty well done.

Secretary PANETTA. I think there's no question that it was deliberate, it was opportunistic. I really believe that a lot of this was precoordinated, particularly with regards to the second attack.

Senator REED. Very good.

Going forward, Secretary Panetta, you have already indicated that you're going to augment embassy security personnel with additional Marine Corps forces. You also point out, which I think was not entirely apparent before this attack, that the Marine Corps' major mission was internal security and protection of classified documents.

Secretary PANETTA. That's right.

Senator REED. Now you're talking about an enhanced mission. Can you suggest some aspects of this enhanced mission?

General DEMPSEY. Yes, sir. Thanks. The MSGs actually have fundamentally three missions: principally the protection of classi-

fied materials. They have a secondary mission of helping to protect the personnel who occupy the embassy; and the third one is support for communications.

What we're looking to do is, in select locations around the world, with the support and collaboration of the State Department and with the Marine Corps, obviously, who have to build this, is to, let's call it, thicken certain locations. But to be clear, we will never be able to put a Marine Corps security detachment into a country which is located in a hostile area. The host nation has to guarantee at some level the protection of our facilities or we should make a decision to thin it out or potentially close it.

Senator REED. Another related aspect of this issue is that clearly, even with this expanded role, that security at diplomatic missions is the responsibility of the State Department and the resources for that, other than the Marine Corps presence, are State Department resources, and those resources in your view to complement what you're doing should be enhanced, Mr. Secretary?

Secretary PANETTA. That's correct. We are working with the State Department and that's why we came up with this almost 1,000 more marines that we would try to deploy at those embassies that are identified as the most vulnerable.

Senator REED. Let me follow up on the issue of AFRICOM, because it is our newest unified combatant command. You have taken steps to provide them with more ready reaction forces, for want of a better term. Can you indicate the current posture of what General Ham has available, understanding it's a big area of responsibility (AOR), with long distances, and if you don't have adequate intelligence, it's hard to even preposition resources to react. But what have you been doing to help?

General DEMPSEY. I would never drag you into our internal processes, but we have an annual process called the global force management process, where combatant commanders and Service Chiefs collaborate on distribution of the force worldwide based on the threat assessments, national security interests.

AFRICOM is particularly challenged because of the commitments we have elsewhere, but also because of the lack of basing and authority to place facilities internal to the continent. As a result, most of their resources reside in southern Europe or afloat when we have them.

In terms of what we've done to augment, he will have, effective 1 October, his own commander's in extremis force. We have positioned Fleet Antiterrorism Support Teams and put them on a various changing level of alert posture. So if you think about response, it's a combination of alert posture and flight time, with the necessary, if you can get it, access into a country to land and flow. We are better postured today to respond to preemptive requests from the State Department, in other words left of bang, than we were. When something happens, it becomes a far different situation.

Senator REED. Thank you.

Thank you, Mr. Chairman.

Chairman LEVIN. Thank you, Senator Reed.

Senator McCain.

Senator MCCAIN. Thank you, Mr. Chairman.

Secretary Panetta, I join with all others in thanking you for your many years of service. It's been an honor to have known you and I appreciate your leadership of DOD. I'm sure you will continue to contribute in the future, and we will miss you.

General Dempsey, I was just going over your written statement and I have to admit it's one of the more bizarre statements that I have ever seen in my years in this committee. When you're talking about the Benghazi issue you say: "We positioned our forces in a way that was informed by and consistent with available threat estimates." Then you go on to say: "Our military was appropriately responsive," even though 7 hours passed and two Americans died at the end of that. Then you go on and say: "We did what our posture and capabilities allow."

There's a base at Souda Bay, Crete, General. There's a base there. It's about an hour and a half flight by a—I've forgotten the kind of plane that I took when I went to Benghazi. Included in all of those factors on that board there, there was a message sent, an urgent message sent back to the State Department on August 15 that "they could not," the consulate, "withstand a sustained attack on the consulate."

On September 11, I will argue that there was no outpost in all of our diplomatic corps that had that sequence of events, these warnings, including many warnings from our Ambassador about the lack of security, including even a message that was found in the rubble of the consulate by a CNN reporter weeks later.

So for you to testify that our posture did not allow a rapid response—our posture was not there because we didn't take into account the threats to that consulate, and that's why four Americans died. We could have placed forces there. We could have had aircraft and other capabilities as short a distance away as Souda Bay, Crete.

So for you to testify before this committee that they were consistent with available threat estimates is simply false. That our military was appropriately responsive—what would have been an inappropriate response, since any forces—no forces arrived there until well after these murders took place and obviously your capabilities allowed you to be positioned to intervene very shortly?

Finally, all of this is a result of the so-called light footprint. After Qadafi fell many of us made it very clear that they needed our help—secure the arms caches, help them secure their borders, a lot of technical assistance. But because of the light footprint, we did not provide. So it was almost predictable, almost, maybe not predictable, that bad things were going to happen in Libya, because here was a fledgling government that had never governed before, without the assistance that we could have provided them with.

I begged you, Secretary Panetta, for example, to send a hospital ship over there to help treat their 30,000 wounded. What did we do? We sent a couple to hospitals in the United States of America.

So I'll be glad to hear your response, General Dempsey, as to how the available threat estimates you were informed by, how our military was appropriately responsive since four people died 7 hours later, with the thousands—hundreds of airplanes, ships, planes, and men and women who are serving available in that part

of the world; and how did you do what your posture and capabilities allowed?

General DEMPSEY. Thank you, Senator. Let me begin by saying I stand by my testimony, your dispute of it notwithstanding. But I would like to say that we based——

Senator MCCAIN. Perhaps you can give me some facts that would substantiate it.

General DEMPSEY. Sure, I will, Senator. We base our response on the combined effects of what we get from the Intelligence Community—and that's the network of intelligence agencies—as well, importantly, based on what we get from the State Department and the chief of mission and chief of station in the country.

Senator MCCAIN. Did you ever get the message that said they could not withstand a sustained attack on the consulate?

General DEMPSEY. I was tracking that intelligence. I was tracking through General Ham——

Senator MCCAIN. Did you receive that information?

General DEMPSEY. I did, and I saw it——

Senator MCCAIN. So it didn't bother you?

General DEMPSEY. It bothered me a great deal. But we never received a request.

Senator MCCAIN. Then why didn't you put forces in place to be ready to respond?

General DEMPSEY. Because we never received a request to do so, number one; and number two——

Senator MCCAIN. You never heard of Ambassador Stevens' repeated warnings about the lack of security?

General DEMPSEY. I had, sir, through General Ham. But we never received a request for support from the State Department, which would have allowed us to put——

Senator MCCAIN. So it's the State Department's fault?

General DEMPSEY. I'm not blaming the State Department. I'm sure they had their own assessment.

Senator MCCAIN. Who would you blame?

General DEMPSEY. Sorry, sir?

Senator MCCAIN. Who is responsible, then? It is clear that an assessment was made that they could not withstand a sustained attack on the consulate, with it being September 11 and many other indications that are on that board over there and the various attacks that have already taken place.

General DEMPSEY. I stand by the report of the ARB. But I would also say, Senator, I was also concerned at that time with Sanaa in Yemen, Khartoum, Islamabad, Peshawar, Kabul, Baghdad. We had some pretty significant intelligence threat streams against those places as well.

Senator MCCAIN. I've seen some of those estimates and none of them rose to the level of the threat in Benghazi. Did they rise to that level, that they could not withstand a sustained attack?

General DEMPSEY. Yes.

Senator MCCAIN. They did?

General DEMPSEY. Yes, they did.

Senator MCCAIN. So basically you're saying what our postures—our capabilities allowed, you did what our capabilities allowed. We

didn't have the capability to station forces as short as Souda Bay, Crete?

General DEMPSEY. There were forces——

Senator MCCAIN. Do we have those capabilities?

General DEMPSEY. We do have those capabilities, but even those——

Senator MCCAIN. But we didn't use those capabilities.

General DEMPSEY. Sir, based on time, distance, and alert posture, as I said to Senator Reed a moment ago, they wouldn't have gotten there in time.

Senator MCCAIN. It's an hour and a half flight, General, if you'd have had them based there at Souda Bay, Crete.

Finally, I would ask again both of you what I asked you last March when 7,500 citizens of Syria had been killed. It's now up to 60,000. How many more have to die before you recommend military action? Did you support the recommendation by then Secretary of State Clinton, and then head of the Central Intelligence Agency (CIA) General Petraeus, that we provide weapons to the resistance in Syria? Did you support that?

Secretary PANETTA. We did.

Senator MCCAIN. You did support that?

General DEMPSEY. We did.

Senator MCCAIN. Thank you, Mr. Chairman.

Chairman LEVIN. Thank you very much.

Senator Udall.

Senator UDALL. Good morning, gentlemen. Thank you for appearing here today. I also want to add my voice to those here, Mr. Secretary, in thanking you for your long service to our country, and we wish you well as you return to your walnut farm and your grandchildren in California.

General, I'd like to look more broadly at the challenges that we face in Africa. I want to acknowledge that on September 11, 2012, when this tragic incident occurred, that you were fighting a war in Afghanistan, you were conducting counterterrorism missions all over the globe, training troops, patrolling our skies and seas, hunting war criminals, and providing humanitarian relief. Despite that enormous mission load, you've clearly taken the deaths of these four State Department employees in Benghazi to heart as if they were your own. We will learn from this. We will do everything possible to ensure that doesn't happen again. Secretary Clinton made that clear in her compelling testimony over the last weeks and I know you share that point of view.

So again, turning to Africa, I know that we've conducted training and developed partnerships with a number of African militaries for years, I think in North Africa as well as in the Sahel. Talk a little bit about those training relationships, those formal ties, and how they're going to help us deny extremists the opportunity to develop footholds in that part of the world? Specifically, should we be expanding training missions like Operation Flint Walk or building other DOD-State Department partnership programs in the AFRICOM AOR?

General DEMPSEY. The short answer is yes, but I won't stop at the short answer. The threat network that exists in North Africa and West Africa is a group of disparate organizations, some of

which aspire to and have, in fact, embraced the al Qaeda ideology, who network themselves and syndicate themselves as they find common cause, or to take advantage of ungoverned space.

So to your point, Senator, what we're seeing here in the aftermath of, call it what you will, the wave, the Arab Spring, the changes in North and West Africa which have created some ungoverned space, is, in fact, a place where we have to be very careful not to allow these movements to take sanctuary.

We are always best at addressing those working through partners, whether they're bilateral partners. It's a little challenging now to have a relationship with a bilateral military force that is itself brand new in some of these countries. So we've been also working with regional security apparatus, for example African Union Mission in Somalia, and Economic Community of West African States (ECOWAS) in West Africa.

To your point, though, we do have to do more to enable those partners to control that ungoverned space so that it doesn't become a sanctuary.

Secretary PANETTA. Senator, if I could.

Senator UDALL. Please, Mr. Secretary.

Secretary PANETTA. We've learned a lot about how to confront terrorists and al Qaeda-affiliated groups, not only from what we've done in the Federally Administered Tribul Areas (FATA) and Afghanistan and Iraq, but the fact is that we have some very effective operations in Yemen. General Ham did an outstanding job in Somalia, where a few years ago we thought Somalia had no chance to be able to stabilize. But as a result of the countries in the region, as well as our providing some direct assistance there to assist the forces there and to be able to get the intelligence they needed to go after Al-Shabab, we have had a very effective operation there at undermining al Shabab and their strength in Somalia.

We're taking the same lessons, General Ham is taking the same lessons and applying those to other areas in the region, trying to determine how can we best assist the countries in the region through intelligence, through training, through our presence, be able to ensure that we develop better security in their countries as well. He's doing a great job at developing that capacity.

Senator UDALL. Mr. Secretary, would you—are you suggesting, I should say, that part of what we've done in Somalia and what we see developing in these other countries is by focusing on resource shortages, creating more educational opportunities, using smart power, if you will, we're seeing some success? It's conditional success, but what's happening in Somalia gives us hope that there's further utility for these approaches?

Secretary PANETTA. I agree with that.

Senator UDALL. Could I turn, since you're here—and I know this is on everybody's mind—to sequestration. Would you lay out your thoughts generally or specifically? In particular, if we allow sequestration to take hold would that require fundamental change in our National Military Strategy?

Secretary PANETTA. Absolutely. I'd have to—as I've said, look, the $487 billion that we were handed through the Budget Control Act to be able to reduce the defense budget over 10 years, we understood that we had a responsibility to do our part with regards

to deficit reduction. But we wanted to do it in a way that wouldn't hollow out the force or make these across-the-board cuts that would hurt every area of the military.

So we developed a strategy, a defense strategy, that we thought represented what the force of the 21st century ought to look like. Then we built a budget based on that. We've recommended savings pursuant to that budget that were incorporated in our fiscal year 2013 budget. Frankly, we were doing the same thing for fiscal year 2014.

If sequester takes place and we suddenly have another half a trillion dollars that I have to take out of the defense budget in an across-the-board fashion, frankly, the defense strategy we put in place I'd have to throw out the window, and it would clearly seriously impact particularly on maintenance and readiness. As I said, we would have a terrible readiness crisis.

But as time went on and the erosion that would take place in our capabilities, instead of being a first-rate power in the world, we'd turn into a second-rate power. That would be the result of sequester.

Senator UDALL. General Dempsey, if I could follow up on the Secretary's general analysis of where we are. We're talking about increasing the number of Marine Corps security personnel at our embassies. If sequestration went into effect, how would that affect our other missions? I think this is—you're potentially robbing Peter to pay Paul.

General DEMPSEY. That's right. We haven't done that analysis, but what I will say is it would cause us—we'd have to go back and look at our national security interests, as we always do, and make sure that we're addressing them in the right priority. I think where you would see it affect us most quickly and most prominently is in the—last year we talked about rebalancing to the Pacific. We also talk internally about the balance we have vertically. If rebalancing to the Pacific is a horizontal activity, vertically we have to decide how much of the force can we have forward, how much rotational, how much in the Homeland. That balance would change and you'd have less ability to project power forward, which means you're less able to deter enemies and assure allies. That's a significant change.

The second place is in the defense industrial base. We would have significant challenges in our factories, in our depots, that will have a long-term effect.

Senator UDALL. I know my time has expired and you may want to answer this for the record later. But we're just finally, it feels like, getting a handle on operations tempo (OPTEMPO) for our personnel, and what I hear you implying in that answer is that we're going to go right back to a one-to-one or a one-to-two even OPTEMPO for our men and women in uniform. We've asked a lot of them over the last 12 years. We've really stressed the force.

General DEMPSEY. I can answer that really quickly. You won't find this Chairman arguing that we need to do more with less. You'll find me arguing that if that happens, we need to do less with less.

Senator UDALL. We'll leave it there. Thank you again, gentlemen.

Chairman LEVIN. Thank you, Senator Udall.

Senator Chambliss.

Senator CHAMBLISS. Thanks very much, Mr. Chairman.

Mr. Secretary, you and I have been friends for all of my now going on 19 years in Congress. I value that friendship and I'm very appreciative of your service to our country and your commitment to our country.

Gentlemen, both of you have in previous statements as well as in your comments today used the term "terrorist attack," "deliberate attack," "precoordinated attack," as well as other adjectives to describe this incident. Mr. Secretary, you have been a leader in the Intelligence Community, of course being at the CIA, so you've been on both sides of the issue, providing intelligence as well as receiving intelligence. Would you consider this incident to be an intelligence failure?

Secretary PANETTA. I think that some of the initial assessments that were made, they should have taken more time to assess the full situation as to what had taken place. In intelligence, like everything else, you make some initial assessments and then you go back and you look at it and look at it again, get more information, build a picture of what took place, and then, based on that, hopefully provide a much more accurate picture of what had taken place. I think some of the initial assessments here were not on the money.

Senator CHAMBLISS. General Dempsey, how would you respond as to whether or not this was an intelligence failure?

General DEMPSEY. Senator, we get asked that question a lot, actually, after anything happens. This one I actually think of more as an intelligence gap. I think there is an impression—there's two impressions that have worked against us over time. One is that we can be as responsive as necessary. That's not always the case. There are some issues of time and distance and basing rights and overflight rights that actually affect us in our ability to be responsive.

The second one is that we can—we're all-seeing and all-knowing. There are some places on the planet where we have some gaps and I think North Africa is probably one of them.

Senator CHAMBLISS. To both of you: If you had had intelligence that there was a storm brewing among this group of individuals, however we characterize them, with respect to an attack at some point in time on that facility in Benghazi, obviously you'd have been prepared for it; is that a fair statement?

Secretary PANETTA. There's no question. The example of that is we've had a number of other embassies that have faced, like Khartoum, that we thought there was a real threat to Khartoum. We had advance intelligence that that was the case and we were prepared to move people out. As a matter of fact, the Embassy took steps to move some people out. We've done that there. We've done that in several other areas. Where we get that kind of advance notice, we can respond.

Senator CHAMBLISS. You're familiar with the timeline that's on that chart over there. Suffice it to say that there were attacks on the Embassy—excuse me, on the compound—beginning in March 2012. There were a series of other attacks on western assets, both U.S., Red Cross, U.K. Was the President aware of that timeline of all of those incidents that occurred?

Secretary PANETTA. I'm not sure.

Senator CHAMBLISS. Were each of you aware of each of those incidents that had occurred?

General DEMPSEY. We were. Every week General Ham sends a report to the Secretary of Defense on events in his AOR and he copies me. He had been tracking the security situation in Libya.

Senator CHAMBLISS. Would that report not go to the President?

General DEMPSEY. No, not routinely.

Senator CHAMBLISS. Would you not have discussions with the President about hot spots around the world and what was going on?

General DEMPSEY. No, we do.

Senator CHAMBLISS. Do you know of any other place in the world, General Dempsey, where this number of attacks had occurred over this period of time?

General DEMPSEY. I do actually, Senator. This was not a unique situation. In looking back at it, of course, it looks like it should have been crystal-clear that there was an attack imminent.

Senator CHAMBLISS. Where else outside of Afghanistan, outside of Iraq, have we had weapons fired on a compound, where we had a U.K. armored vehicle attacked, where we had a bomb thrown over the compound wall, where we had a U.N. special envoy attacked, where we had RPG attacks, and so forth and so on? Where outside of Afghanistan would that have happened?

General DEMPSEY. Yemen, notably. We've had a great deal of challenges in Yemen.

Senator CHAMBLISS. We had that at our Embassy at Yemen?

General DEMPSEY. A consistent threat stream against the Ambassador personally, yes.

Senator CHAMBLISS. So what response have you made in Yemen?

General DEMPSEY. At the request of the Embassy, we have a Fleet Antiterrorism Support Team there to thicken their defenses, and we also have aircraft located in a nearby country that can respond in extremis.

Senator CHAMBLISS. So that's the second time you've used the phrase the State Department didn't request or in this instance in Yemen apparently the State Department did request. General Dempsey, I take that as a very weak response and reaction to this incident. You are the Chairman of the Joint Chiefs. You knew what was happening in Benghazi. You failed to respond in a way that provided security to that particular U.S. mission complex, when apparently you did respond in a positive way in Yemen, you say. Am I correct in that?

General DEMPSEY. You're incorrect in saying I failed to respond to a request. Look, what we do, in collaboration with our agency partners, is we try to distribute our resources.

Senator CHAMBLISS. General, you——

General DEMPSEY. I don't distribute them personally.

Senator CHAMBLISS.—said earlier in response to Senator McCain that you were aware of the August cable from Ambassador Stevens in which he said security at Benghazi is not adequate; am I correct?

General DEMPSEY. I was aware of, Senator—yes, of course, I was aware of it, because it came in in General Ham's report. General

Ham actually called the Embassy to see if they wanted to extend the special security team there and was told no.

Senator CHAMBLISS. Why was that the case, and who was it that said we do not need additional security at Benghazi to General Ham?

General DEMPSEY. I don't know where that decision was eventually made. But it's in the ARB results.

Senator CHAMBLISS. My time is up, but your responses, General Dempsey, are very inadequate, and in my opinion, the same kind of inadequacy for the security that you provided at that consulate.

Thank you, Mr. Chairman.

Chairman LEVIN. Thank you, Senator Chambliss.

Senator Manchin.

Senator MANCHIN. Thank you, Mr. Chairman.

Secretary Panetta, let me thank you for your service, and General Dempsey, yours also. Secretary Panetta, we're going to miss you. There's many people who have served with you longer than I have, but I can imagine the fondness they have grown and the relationships you've had. I can only imagine if we'd had a few more dinners we'd have had the same.

General Dempsey, for your service I want to thank you, too. You've been most kind when I've been over to the Pentagon in trying to help me understand more of how we can totally secure our country and make it a better world.

West Virginia's proud to house the State Department Diplomatic Security Training Center, and the agents who fought bravely very likely might have been trained in that part of our great State. I understand also that pilots from the West Virginia National Guard out of our Clarksburg, WV, were some of the first to respond. They changed mission quickly and were ready to get resources into Libya, and it shows the strong force that the Guard and the support role the Guard plays.

So with that, gentlemen, I have just a few questions. First of all, I was here and I say one of my most profound moments and times of being a Senator was when I heard Admiral Mullen at that time, before he retired. The question was asked of him, what's the greatest threat the United States of America faces? I thought I'm learning about the different hot spots of the world and all the different things that were going on and the challenges we had as a Nation defending ourself in the world, and I was ready to hear. He said, without skipping a beat, the debt of our Nation is the greatest threat we face as a Nation.

I took that so seriously, and I've been committed to a large fix, a big fix, the Bowles-Simpson approach, which is the three-pronged template. We have had a hard time moving forward on that.

Now we've come down to where we've said if we didn't get the fix we would have sequestering. So we're faced—the American public is watching us, engaging what we do, and what we say—if we do what we say and fulfill our promises. If we can't come to the financial fix the country needs, sequestering is our penalty. We don't want to penalize and, like you say, hollow out the force, if you will.

How can we help fulfill our promise to the American people that we'll, since we can't come to this—I hope we can. I hope we avoid

it. But if we don't, is there language we could give you to live with the amount of sequestering that the cuts will bring?

Secretary PANETTA. Senator, there is no fix here. I have to tell you that it would be irresponsible for Congress to allow sequester to go into place. Sequester was not designed as a mechanism that was supposed to happen. It was designed to be so nuts that everybody would do everything possible to make sure it didn't happen. That's what sequester was about.

Now to say somehow we can't come together to figure out what savings we have to put in place in order to not trigger sequester, so I guess we'll just have to let sequester happen, I think is irresponsible.

Senator MANCHIN. Would you not agree if you were still sitting in Congress and we can't come to an agreement—I would hope that we could come to an agreement, that we can find a $4 or $5 trillion swing over 10 years, is what's been recommended. There's going to have to be reform and have to be revenue and there has to be cuts in spending, and everyone has to participate.

I look at the spending and I look over the period of time. I think you and I have spoken about that. This is the least amount of drawdown post-war that we have asked for, but it seems to be doing the most damage. I think you were telling me the timing of it is hitting you harder than anything else; is that correct?

Secretary PANETTA. That's right.

Senator MANCHIN. If I can move on to General Dempsey. General, my question is, what is happening in Mali right now? If you can give me a little oversight on that. There's a weak central government, a strong al Qaeda presence, rampant armed militants. When you look at Mali, are there any lessons from Benghazi that can be applied to our security posture there?

General DEMPSEY. To what's happening, the French have had some good success in pushing the armed groups north into the northern desert. The important point now would be to have the ECOWAS forces that they're training flow in behind them. Then at some point Mali will need help with its governance challenges because at some level these are also disputes between the Touregs and the northern Malians and the southern Malians.

But I do think there's always lessons to be learned. In terms of learning from Benghazi, I think, to your point about—we've been in close touch with the Embassy in Bamako. They've thinned out the ranks a bit. That's a prudent measure.

As the Secretary said earlier, Senator, the way you avoid these issues in the future is somewhat with hardening, somewhat with early decisionmaking. When the security situation appears to be moving in a negative direction, the decision to either reinforce or to thin or to close needs to be taken in a timely fashion.

Senator MANCHIN. Secretary Panetta, after September 11 we undertook a whole-of-government approach to make sure our intelligence systems are integrated. Can you tell me if something has gone wrong there and did we miss something? I'm hearing people have legitimate concerns, great concerns, and our hearts go out and prayers go out to the families of our four brave Americans we lost, and we want to prevent that from happening. But did something break down, sir, that we can repair?

Secretary PANETTA. Look, there obviously were a number of reforms on the intelligence agencies coming out of September 11, and I can tell you from my own experience that I think there was—we have developed tremendous teamwork within the Intelligence Community, in which we share information, we go after targets together, we develop the best analysis that we can on the threats that are confronting the country.

The problem that happens here—and this is something that does need attention—is whether or not we have the best intelligence assets, the best intelligence resources in the areas where we need good information. We have a lot of assets around. We have a lot of resources that are there. We have signals intelligence (SIGINT), we have human intelligence (HUMINT). But if you have an area where you don't have resources there, if you don't have good intelligence, then it's going to create a gap, as General Dempsey said.

I think with regards to those specific individuals that were involved in this attack, there was a gap. We didn't have the intelligence that would have given us a heads-up that this kind of thing was going to happen. That is something that we do need to pay attention to.

Senator MANCHIN. My time is up. Thank you both.

Chairman LEVIN. Thank you, Senator Manchin.

Senator Ayotte.

Senator AYOTTE. Thank you, Mr. Chairman.

I want to share in what all of my colleagues have said about your distinguished service, Secretary Panetta, and how grateful we are for everything that you've done for our country, deeply appreciate it. I thank you both for being here.

I wanted to follow up, General Dempsey, as I understand it, you received briefings from General Ham that would include intelligence reporting as well as the reports from the State Department, and you received those regarding the situation in Libya, including the information about the prior attacks within Benghazi, including those on our consulate; is that right?

General DEMPSEY. Yes, Senator. We get reports weekly from each combatant commander.

Senator AYOTTE. So as the ARB found, and the Senate Homeland Security and Governmental Affairs Committee did a report on this as well, but the ARB had said that there was a clear and vivid picture of a rapidly deteriorating threat environment in eastern Libya. Would you agree with that?

General DEMPSEY. Yes.

Senator AYOTTE. Okay, thank you. One of the things you had said is that, Mr. Secretary, that you were aware that Ambassador Stevens, of his cable, that said the consulate could not withstand a coordinated attack; is that right?

Secretary PANETTA. Correct.

Senator AYOTTE. General, you had said that previously you were aware of that?

General DEMPSEY. Yes, I was aware of the communication back to the State Department.

Senator AYOTTE. You said that the State Department didn't request assistance; is that right? General, I believe you said that?

General DEMPSEY. Yes.

Secretary PANETTA. That's correct.

Senator AYOTTE. Did you ever bring that to the attention of Secretary Clinton? This is a pretty surprising and shocking, important cable to receive from an ambassador, that where our people are housed could not withstand a coordinated attack. Did you ever speak with Secretary Clinton about that?

Secretary PANETTA. Senator, as I mentioned in my testimony, NCTC had identified almost 281 facilities that were under a threat of one kind or another. To deal with that, that's not our responsibility. That's the State Department's responsibility.

Senator AYOTTE. I just would add my straightforward question, I think, and in particular to both of you, particularly to General Dempsey, you said you were aware of the cable. Did you ever bring it to Secretary Clinton's attention, given that it said from our Ambassador that the consulate could not withstand a coordinated attack? Yes or no?

General DEMPSEY. I did not. The cable was actually to the State Department, not to me.

Senator AYOTTE. I understand. But you were aware of it. It's a pretty important cable. You said you were also aware of the deteriorating security situation.

General DEMPSEY. As a result of our meetings on the counterterrorism globally.

Senator AYOTTE. But you did not bring it to Secretary Clinton's attention?

General DEMPSEY. I did not.

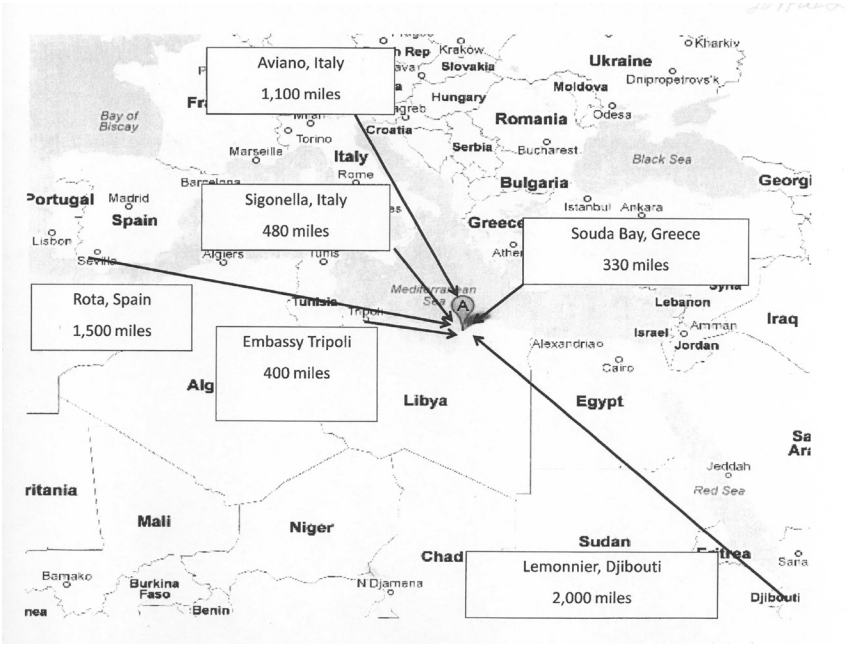
Senator AYOTTE. Did you ever bring it to the President's attention, either of you?

Secretary PANETTA. No.

General DEMPSEY. No.

Senator AYOTTE. Based on the deteriorating security situation, we have this map that has the potential military bases in the area.

[The information referred to follows:]




Senator AYOTTE. As I understand it, we have F–16s at Aviano; is that true?

General DEMPSEY. That's correct.

Senator AYOTTE. Were they deployed that night?

General DEMPSEY. They were not.

Senator AYOTTE. Why not?

General DEMPSEY. For a couple of reasons. First, is that in order to deploy them it requires the—this was the middle of the night, now. These were not aircraft on strip alert. They're there as part of our commitment to NATO and Europe. So as we looked at the timeline, it was pretty clear that it would take up to 20 hours or so to get them there.

Second, Senator, importantly, it was the wrong tool for the job.

Senator AYOTTE. I guess it's not clear to me why would—you said in your testimony that we were on heightened alert on September 11—why it would take over 20 hours. We know that flight time for an F–16 is certainly not 20 hours, even if we were to refuel from Aviano. Given the deteriorating security situation that you've described, it really is—I don't understand why we didn't have armed assets somewhere in the area that could have responded in time at least for the second attack on the annex. That's not clear to me. I think that is insufficient as we look at what happened here.

But I do have a follow-up question. Secretary Panetta, you said that you were in a briefing with the President of the United States.

Secretary PANETTA. Yes.

Senator AYOTTE. I believe it was about 5 o'clock our time. You had just learned about the incident on the consulate. What conversation did you have with the President? What did he ask you

to do as a result of this attack? Throughout the night what communications were you having with him? Can you tell us on a timeline as to who was calling the shots there; if it wasn't him, another member of the White House?

Secretary PANETTA. At the time, we were concerned about Cairo and demonstrations in Cairo. Then we had just picked up the information that something was happening, that there was an apparent attack going on in Benghazi. I informed the President of that fact, and he at that point directed both myself and General Dempsey to do everything we needed to do to try to protect lives there.

Senator AYOTTE. Did he ask you how long it would take to deploy assets, including armed aviation to the area?

Secretary PANETTA. No. He basically said, do whatever you need to do to be able to protect our people there.

Senator AYOTTE. Did you have any—so he didn't ask you what ability we had in the area and what we could do?

Secretary PANETTA. No, I think he relied on both myself as Secretary and on General Dempsey's capabilities. He knows generally what we've deployed in the region. We've presented that to him in other briefings. So he knew generally what was deployed out there. But as to specifics about time, et cetera, et cetera, no, he just left that up to us.

Senator AYOTTE. Did you have any further communications with him that night?

Secretary PANETTA. No.

Senator AYOTTE. Did you have any other further communications—did he ever call you that night to say "how are things going, what's going on, where's the consulate?"

Secretary PANETTA. No. But we were aware that as we were getting information on what was taking place there, particularly when we got information that the Ambassador, his life had been lost, we were aware that that information went to the White House.

Senator AYOTTE. Did you communicate with anyone else at the White House that night?

Secretary PANETTA. No.

Senator AYOTTE. No one else called you to say, "how are things going?"

Secretary PANETTA. No.

Senator AYOTTE. Okay. Since then, has the President asked you, "why weren't we able to get, in light of the second attack that occurred 7 hours later, armed assets there in order to help those who were left and attacked in the annex?"

Secretary PANETTA. The President has made very clear to both myself and General Dempsey that, with regards to future threats, we have to be able to deploy forces in a position where we can more rapidly respond.

Senator AYOTTE. But just to be clear, that night he didn't ask you what assets we had available and how quickly they could respond and what we could do to help those individuals?

Secretary PANETTA. The biggest problem that night, Senator, was that nobody knew really what was going on there.

Senator AYOTTE. There was no follow-up during the night, at least from the White House directly?

Secretary PANETTA. No, no, there wasn't.

Senator AYOTTE. Thank you.

General DEMPSEY. I would, if I could just correct one thing. I wouldn't say there was no follow-up from the White House. There was no follow-up to my knowledge with the President, but his staff was engaged with the National Military Command Center pretty constantly throughout the period, which is the way it would normally work.

Senator AYOTTE. But no direct communication from him?

General DEMPSEY. Not on my part, no.

Senator AYOTTE. Thank you.

Chairman LEVIN. Thank you, Senator Ayotte.

Senator Gillibrand.

Senator GILLIBRAND. Thank you, Mr. Chairman.

Thank you both for being here today. Of course, thank you for your service. We're incredibly grateful for all that you do.

Secretary Panetta, you said in your November remarks to the Center for American Security about al Qaeda: "We've slowed the primary cancer, but we know that the cancer has also metastasized to other parts of the global body." Presumably, you're including Yemen, Somalia, Mali, and elsewhere. How would you recommend reorganizing our strategy to stem the growing and changing al Qaeda global threat?

Secretary PANETTA. We are working on that with the other agencies involved. What is needed here is a comprehensive strategy overall that focuses on al Qaeda and its various affiliates to make sure that they have no place to hide. We've obviously done a very effective job in the FATA, done a good job in Afghanistan, Iraq. We're doing a good job in Yemen and Somalia.

As these affiliates are beginning to appear elsewhere, in Mali and North Africa, in Syria, we have to develop a comprehensive strategy that allows us to be able to develop operations against them wherever they're at. We're in the process of working on that strategy. We have already implemented some steps to try to deal with that. But we really do need to take a big picture view of all of the elements of al Qaeda and how we can best make sure that they have no place to hide.

Senator GILLIBRAND. I have some specific follow-up questions that I'll submit for the record, but they may be classified, the answers, so that's why I'll submit them separately.

I want to turn to cyber. According to recent reports, the Pentagon has approved a major expansion of its U.S. Cyber Command to include growing its ranks from approximately 900 to 4,900 personnel cyber warriors. According to these same reports, there will be three types of forces: those who will fortify DOD's own networks; those who will help commanders abroad plan and execute offensive attacks; and those who will protect critical infrastructure like power grids and power plants.

Needless to say, this is absolutely necessary to protect our Nation against what is becoming a leading security threat. However, I'm particularly interested in the last group, those who will protect national infrastructure. The majority of this critical infrastructure is owned and operated by the private sector. Given this, will the military rely on the National Guard, which is able to operate under both titles 10 and 32 authorities?

General DEMPSEY. Senator, your description of how we are trying to prepare the force is accurate. We clearly don't have authority to do all of that, but we are trying to grow the right force so that if it became necessary and we had the authority to do all of those things we would be prepared.

The National Guard will always be part of any endeavor. I think we'll find the right balance of Active and Guard as we move ahead.

Senator GILLIBRAND. Are there any particular obstacles that you can see now in terms of using the Guard with a greater deal of responsibility in cyber?

General DEMPSEY. No, not uniquely, not any obstacles that we don't have as well on the Active side.

Senator GILLIBRAND. A broader question. How do you see our plan for recruiting and retaining enough cyber personnel, particularly ones capable of working in the offensive side? One idea that I had considered thinking through is, we do Reserve Officer Training Corps (ROTC), but imagine doing ROTC specifically for cyber personnel. So you're getting these young men and women coming out of the Massachusetts Institute of Technology and Stanford and Rensselaer Polytechnic Institute who are some of the country's greatest engineers early on, to hone their skills for cyber defense and cyber attack missions within the DOD.

Secretary PANETTA. Senator, let me just say, in talking to Keith Alexander at the National Security Agency, he does not have any shortage of young people that want to be part of that effort. They view it as an opportunity to get involved, be on the cutting edge of the technology with regards to cyber, develop tremendous skills there, and be able to then go out and use those skills in the private sector. So he has a lot of young people, a lot of young very bright people, who are anxious to participate in this effort.

General DEMPSEY. To include coming out of our military academies.

Senator GILLIBRAND. Now turning to the subject of the hearing, Benghazi specifically. I would like to talk a little bit about what you've learned from these events and how you would advise the next Secretary of Defense to better prepare for similar events and how DOD should adapt to the next generation, including obviously the metastazation of al Qaeda and other terrorist groups and cyber attacks, both of which obviously pose very serious threats to the security of our Homeland.

I'm specifically concerned that this was an attack in a country that the United States helped liberate from decades of dictatorship. That day, September 11, 2012, witnessed demonstrations in other countries that were part of the Arab Spring, countries that were supported—that we supported the voice of democracy. But throughout these countries we continue to see jihadists and fundamentalist movements align against us and against our interests, and perhaps funded by some of the Gulf countries.

What leverage should we be using with the Gulf governments to address the support for groups that threaten our security?

Secretary PANETTA. As I've testified here, and I certainly would give this guidance to my successor, in dealing with these threats you have to address each area of concern. First of all, you have to develop better host country capabilities. That's one of the gaps

right now in some of these countries that we just saw, they have not been able to develop a sufficient host force that provides that kind of security. We have to work with them. We have to bring as much leverage as we can on these countries, that they have a responsibility to be the first line of security for our embassies, and we have to help them develop the training and capabilities that are necessary to do that.

Second, we have to harden these facilities. We do have to strengthen the security around some of these embassies, be able to develop, add the additional marines that are necessary to try to help provide that security as well, and ensure that they have the right training for the security guards that are around that embassy.

Third, we need better intelligence. We just absolutely have to have good intelligence. Whatever we do, wherever we're located, if we don't get that advance intelligence, that heads-up that we need, there isn't any way that we can respond in time. So we have to have better intelligence as to what these groups are doing.

Then lastly, we have to have a response force in the vicinity to be able to respond quickly. Once we get a heads-up, once we get an indication that something's going to happen, forces have to be in place and have a shorter response time in order to be able to deploy. There's no question these response times were too long, and so we're trying to shorten that.

But I also want to just let you know that we are dealing with the problem of distance in that area. It takes hours to be able to respond. It's just the nature of being able to notify people, get them ready, get airlift there, make sure they can move quickly, and then fly to the target. All of that has to be considered.

But the more heads-up we get, the better off we can respond.

Senator GILLIBRAND. Thank you both very much again for your service and your testimony.

Chairman LEVIN. Thank you very much, Senator Gillibrand.

Senator Graham.

Senator GRAHAM. Thank you, Mr. Chairman. Thank you for having the hearing.

Secretary Panetta, you will be missed. You've served our Nation well. You will be missed. General Dempsey, thank you for your service.

Now, this is a hearing about Benghazi. We've talked about sequestration, which is important. I just want to make sure that we understand what happened on September 11 regarding Benghazi.

Your testimony as I understand it, Secretary Panetta, is that you talked to the President of the United States one time?

Secretary PANETTA. Talked to him on September 11 with regards to the fact that we were aware that this attack was taking place.

Senator GRAHAM. One time?

Secretary PANETTA. Right.

Senator GRAHAM. What time did you tell him that?

Secretary PANETTA. I think that was approximately about 5 p.m.

General DEMPSEY. Yes, about 5 p.m.

Secretary PANETTA. About 5 p.m.

Senator GRAHAM. General Dempsey, did you ever talk to the President of the United States at all?

General DEMPSEY. I was with the Secretary that same time.

Senator GRAHAM. Did you talk to the President?

General DEMPSEY. Yes.

Senator GRAHAM. You talked to him how many times?

General DEMPSEY. The same one time.

Senator GRAHAM. How long did that conversation last?

General DEMPSEY. We were there in the office for probably 30 minutes.

Senator GRAHAM. So you talked to him for 30 minutes one time and you never talked to him again, either one of you?

General DEMPSEY. Until afterwards.

Senator GRAHAM. Until after the attack was over?

General DEMPSEY. That's right.

Senator GRAHAM. Thank you.

Were there any AC–130 gunships within 1,000 miles of Benghazi, Libya?

General DEMPSEY. No, sir.

Senator GRAHAM. Were there any AC–130 gunships within 2,000 miles of Benghazi, Libya?

General DEMPSEY. I would have to go back and look at a map and figure out the distance. The nearest ones I was aware of were——

Senator GRAHAM. You said the F–16 was not a good platform to defend the consulate. What would have been the appropriate platform?

General DEMPSEY. The appropriate platform, Senator, would have been to have boots-on-the-ground ahead of the event. After the event is in conduct, it would be very difficult to have a——

Senator GRAHAM. Let's just—would an AC–130 have been a good platform to help defend the consulate after the attack?

General DEMPSEY. If we had the adequate understanding of what was on the ground so that we weren't killing——

Senator GRAHAM. Is there a saying in the military, when you go into harm's way we have your back?

General DEMPSEY. Of course, yes, sir.

Senator GRAHAM. Don't you think that saying has been undermined here? How can people in the military or the foreign service believe we have their back when, after over seven—one, did you know how long the attack was going to last, Secretary Panetta?

Secretary PANETTA. No idea.

Senator GRAHAM. Well, it could have lasted for 2 days.

Now, my question is, was one airplane anywhere in the world deployed in the aid of the consulate? Did anybody launch an airplane? Was any airplane launched anywhere in the world to help these people?

Secretary PANETTA. We ultimately did launch 130s to go in and rescue the people.

Senator GRAHAM. When were they launched?

Secretary PANETTA. They were launched in the period of time when the team went in there and when we concluded that the attack was concluded. We said we have to get the people out of there and that's when we——

Senator GRAHAM. Was any airplane launched anywhere in the world before the attack was concluded?

General DEMPSEY. If you're talking about a strike aircraft, no, Senator.

Senator GRAHAM. Was any soldier en route to help these people before the attack was concluded?

Secretary PANETTA. We had deployed the FAST teams and they were——

Senator GRAHAM. Were they——

Secretary PANETTA.—on orders to move.

Senator GRAHAM. Was anybody in motion before the attack concluded to help these people, anybody?

General DEMPSEY. Only the personnel that were in Tripoli.

Senator GRAHAM. Okay. Was any DOD asset ever deployed to help these people before the end of the attack?

General DEMPSEY. Would you rephrase? Would you repeat the question?

Senator GRAHAM. Was any DOD asset, aircraft, or individual soldier, ever sent, put in motion, to help these people before the attack was over?

General DEMPSEY. If I could, as soon as we knew there was an attack the National Mission Force and the FAST Teams began preparing to deploy.

Senator GRAHAM. My question is, did anybody leave any base anywhere to go to the aid of the people under attack in Benghazi, Libya, before the attack ended?

Secretary PANETTA. No, because the attack ended before they could get off the ground.

Senator GRAHAM. Thank you. We didn't know how long it would last.

Now, back to the threat assessment. These 281 threats that we've received, can you go back and look and see if any of these threats have a cable from a U.S. Ambassador saying if we're attacked, the consulate is attacked in a coordinated fashion, we cannot defend the consulate, and oh, by the way, there are al Qaeda flags flying over government buildings? Is there any other situation of these 281 that rise to that level, because I want to know about it if there is?

Secretary PANETTA. The State Department would have the answer to that question.

Senator GRAHAM. Okay. Let's talk about the State Department. General Dempsey, it seems to me that General Ham kept you pretty well informed.

General DEMPSEY. I agree with that.

Senator GRAHAM. I agree with that, too. Did General Ham on that night ever suggest that a military asset—did he order a military asset in motion and someone told him to stand down?

General DEMPSEY. No. In fact, he was with us in the Pentagon that day.

Senator GRAHAM. Okay, so he was with you.

Now, you knew about the cable from Ambassador Stevens because General Ham informed you of it; is that correct, General Dempsey?

General DEMPSEY. In a written weekly report.

Senator GRAHAM. Okay. So when Secretary Clinton testified a few weeks ago that she had a clear-eyed assessment of the threat

we faced in Libya, is that really a credible statement if she didn't know about the Ambassador's cable on August 15, saying we can't defend this place?

General DEMPSEY. I don't know that she didn't know about the cable.

Senator GRAHAM. She said she didn't.

General DEMPSEY. Then that's a——

Senator GRAHAM. Are you stunned that she didn't?

General DEMPSEY. I would call myself surprised that she didn't.

Senator GRAHAM. Okay.

Are you surprised that the President of the United States never called you, Secretary Panetta, and say, how is it going?

Secretary PANETTA. Normally in these situations——

Senator GRAHAM. Did he know the level of threat——

Secretary PANETTA. Let me finish the answer. We were deploying the forces. He knew we were deploying the forces. He was being kept updated as to the——

Senator GRAHAM. I hate to interrupt you, but I have limited time. We didn't deploy any forces.

Secretary PANETTA. No, but——

Senator GRAHAM. Did you—wait a minute.

Secretary PANETTA. It was over by the time——

Senator GRAHAM. Mr. Secretary, you didn't know how long the attack would last. Did you ever call him and say, Mr. Secretary, it looks like we don't have anything to get there any time soon?

Secretary PANETTA. The event was over before we could move any assets.

Senator GRAHAM. It lasted almost 8 hours, and my question to you is: During that 8-hour period, did the President show any curiosity about how is this going, what kind of assets do you have helping these people? Did he ever make that phone call?

Secretary PANETTA. Look. There is no question in my mind that the President of the United States was concerned about American lives.

Senator GRAHAM. With all due respect——

Secretary PANETTA. I think all of us were concerned about American lives.

Senator GRAHAM.—I don't believe that's a credible statement if he never called and asked you, are we helping people, what's happening to them.

Secretary PANETTA. As a former chief——

Senator GRAHAM. We have a second round and we'll take it up then.

Secretary PANETTA. As a former chief of staff to the President of the United States, the purpose of staff is to be able to get that kind of information, and those staff were working with us.

Senator GRAHAM. Do you think it's a typical response of the President of the United States to make one phone call, do what you can, and never call you back again to ask you, how is it going, by the way? Show any frustration we don't have any assets in there to help these people for over 7 hours?

Secretary PANETTA. The President is well-informed about what is going on. Make no mistake about it.

Senator GRAHAM. That is interesting to hear. We'll talk about that in the second round.

Chairman LEVIN. Senator Shaheen.

Senator SHAHEEN. Thank you, Mr. Chairman.

Thank you both, Secretary Panetta and General Dempsey, for being here this morning. Secretary Panetta, thank you so much for your long and very important service to this country.

I think, as you all have pointed out, that it is important for the administration to continue to be open and upfront about what happened in Benghazi. I think it's important for us to look in a factual, objective way, to the extent that we can, at what has happened here and to try and address that; and that grandstanding and finger-pointing is not really helpful.

So I appreciate your willingness to look at what happened here. As has been acknowledged, the bottom line is that our agencies didn't do enough to protect our people on the ground and we have to do better. As the ARB pointed out, there were security failures, there were leadership and management deficiencies. I appreciate that Secretary Clinton took responsibility for that and that we are looking at recommendations to address that. So thank you for your willingness to be part of that process.

One of the things that happened in the follow-up to the ARB was an effort by the Senate to address the transfer of funds that the State Department requested to provide the necessary resources to address security risks and to transfer the personnel to meet mission imperatives around the world. I'm pleased that again this week the Senate has tried to do that. I certainly hope the House will take up that legislation and pass it so that we can address the resources that are required to make sure this doesn't happen again in our embassies and missions around the world.

Both the ARB and the Senate Homeland Security and Governmental Affairs Committee reports pointed out that Congress and the administration share in the responsibility for making sure that those resources are available.

Now, my question really goes to a follow-up to what Senator Graham was discussing, and I understand it was raised earlier. It's something that I raised with Deputy Secretary Nides before the Senate Foreign Relations Committee, and it does have to do with what capacity we have in dangerous regions to provide support from the military when we have diplomatic missions and embassies that get into trouble.

I wonder if you could—you've talked about the fact that we don't have or did not at the time of Benghazi have those assets in the region. But can you talk about what kind of coordination you envision going forward to address areas where there is potential risk? Obviously, Northern Africa and the Middle East are certainly these days those kinds of areas. What kind of communication and coordination are we doing to address this?

Secretary PANETTA. We have worked with the State Department on a team to assess the different embassies there to determine what are the additional steps that have to be taken in order to provide security and also what additional steps do we need in order to ensure that we have the intelligence necessary to give us a heads-up.

So we are taking steps. We're going to provide another almost 1,000 marines as detachments to be able to target those embassies that are most vulnerable. In addition to that, obviously, we're going to try to do what we can to strengthen the host nations' capabilities to provide security. I know the Intelligence Community is working to develop better intelligence, to be able to give us a heads-up. Frankly, we're doing the same thing. We're deploying forces to the area and giving them much shorter response times, so that if we do have to deploy them, they'll be able to get up in the air and to the area in a more rapid fashion.

Senator SHAHEEN. Is there going to be an ongoing structure to do that, an ongoing system that will be put in place, so that it's not just this one review of what the circumstances are, but for the foreseeable future we'll expect to have communication and coordination between DOD and State?

Secretary PANETTA. We are doing that and we are trying to develop a tighter team that can work together to make sure that we protect our lives abroad.

Senator SHAHEEN. Thank you.

General Dempsey, I understand that in earlier testimony you acknowledged that there are gaps in our intelligence and what we know, and that better intelligence would have given us a heads-up about what we might have needed in the region. Will some of the assets that are used in Afghanistan be redirected to AFRICOM for future use, do you think?

General DEMPSEY. As assets become excess capacity anywhere, we have that process, as I mentioned to Senator Reed, called the global force management process, where we do it on an annual basis, but then monthly, we meet to redistribute as necessary as threats go up and down. So, yes, absolutely, I would expect that over time additional assets would be made available.

Senator SHAHEEN. Reports suggest that AFRICOM has been under-resourced because of Afghanistan. Is there a reprioritization that we should be doing as we are drawing down forces in Afghanistan and looking at what we need to do? Given the challenge of, the potential challenge of sequestration if we can't act in Congress to address that—and I certainly hope that we can; I think it's responsible for us to do that. But how do you expect that reprioritization to occur, given the budget challenges we're facing?

General DEMPSEY. First, I'd like to suggest a little different wording. You said is AFRICOM disadvantaged because of Afghanistan. The answer is no. The resources we have that are in Afghanistan are there because that's where the threat, the greatest threat to the homeland resides, in western Pakistan and in some cases, northeastern Afghanistan. So those are direct threats to the homeland. It's Afghanistan, but it happens to be where the threat is.

So as the threat migrates and changes, we reprioritize. To your point about sequestration, yes, you will see a definite degradation if we have to absorb both the magnitude and the mechanism of sequestration.

Senator SHAHEEN. Thank you. Just to be clear, I suggested that other reports have indicated that they may have been under-resourced. So I didn't intend to make that accusation, but really just to raise it as a question.

So thank you very much.

Chairman LEVIN. Thank you, Senator Shaheen.

Senator Lee.

Senator LEE. Thank you, Mr. Chairman.

Thanks to both of you for being here today and thank you for your service and all you do for our country.

I certainly appreciate and respect the fact that, as you acknowledged in your opening statements, it isn't possible for you to be all things to all people. It's not possible for you to be anywhere in the world within notice of only a few minutes, and we need to keep that in mind as we look at this sad, unfortunate situation.

We also recognize the concern that you have for U.S. personnel everywhere around and respect what you do for them.

I do want to follow up a little bit on some of the questions that Senator Graham was asking a few minutes ago. Secretary Panetta, a few minutes ago you indicated that we didn't have boots-on-the-ground, we didn't deploy forces, because the attack came to an end. But as Senator Graham pointed out, this is an attack that lasted nearly 8 hours from start to finish. So at some point there had to have been a decision made not to deploy them. At what point in that timeframe was it made, or was it not made, until after the attack had ended, nearly 8 hours after it began?

Secretary PANETTA. Senator, again, just to bring you back to the events as they took place, there was this initial attack on the facility at Benghazi. Within an hour or so that ended, and, very frankly, we thought that was the end of what had occurred there, and we had no intelligence that a second attack would take place at the annex, 2 miles away.

Senator LEE. But we didn't know. We didn't know. What we did know was that a lot of people were still unaccounted for. So the immediate attack was perhaps not visibly underway, but you weren't certain that there wouldn't be more fighting.

Secretary PANETTA. Obviously, you're not certain about what may or may not happen. But the issue of whether or not you suddenly deploy a platoon or a team into an area, you still have to determine whether or not the situation requires the deployment of that force there. Frankly, when we were told that the attack was over we immediately—although we had the forces in place, we would have responded if something had indicated more, we had no intelligence to indicate that that was the case.

Senator LEE. Okay, and to what point are you referring right now? You were talking about the initial attack on the compound?

Secretary PANETTA. That's correct, that's correct.

Senator LEE. So was that decision revisited hours later when in the early hours of the morning Benghazi time another pretty considerable attack came about?

General DEMPSEY. Let me make sure. Once the attack occurred, we started moving forces. It didn't matter really whether there was another attack. We were moving the forces, and as they were moving we would direct them where they were needed. I actually thought they would likely be needed in Tripoli, but they were moving. Nothing we did slowed that process down.

Senator LEE. Did they get to Tripoli?

General DEMPSEY. They did. They're there now.

Senator LEE. Why didn't they move forward to Benghazi?

General DEMPSEY. There was no need to do it by the time they got there.

Senator LEE. How did you know there was no need to do it?

General DEMPSEY. Because everybody was out of Benghazi.

Senator LEE. Okay, and yet it took another 23 days, as I understand it, to secure the compound after the attack had completed, had ended. So why did it take 23 days to secure the compound?

Secretary PANETTA. Senator, we were not requested to secure that compound. When the FBI decided to go in and then requested us to provide security, we did.

Senator LEE. After the FBI requested that, at that point?

Secretary PANETTA. That's correct.

Senator LEE. But again going back to the early morning hours Benghazi time when there was still fighting going on, how did you know that that was the end of it? Or are you saying it didn't matter at that point because you had removed all the Americans from the compound and from the annex?

General DEMPSEY. What I've said, Senator, is that when we put the forces in motion, they continued in motion until they arrived at the location.

Senator LEE. At what point did you put them in motion?

General DEMPSEY. Immediately, but there's notification to liftoff and then there's transit time. It was a significant amount of time.

Senator LEE. Had they been on alert or at a higher state of alert, could you perhaps have gotten them there faster?

General DEMPSEY. I think, yes, they could have. We routinely leave forces at N+6. Some of them were at N+4, some of them were at N+2. No one is ever sitting there on the tarmac waiting, but we do dial up and dial down the alert posture.

Senator LEE. Looking back, given that it was an important anniversary, September 11, was there good reason to have put them at a higher state of alert than they were?

General DEMPSEY. Looking back is a lot clearer than looking forward. I will tell you that as part of this study that the Secretary of Defense described we have changed our alert posture globally. The question is whether we can sustain it over time. It's challenging to sustain those kinds of alert postures.

Senator LEE. Thank you, Mr. Chairman.

Chairman LEVIN. Thank you, Senator Lee.

Senator Kaine.

Senator KAINE. Thank you, Mr. Chairman, Mr. Ranking Member, General Dempsey, Secretary Panetta.

Mr. Secretary, your testimony is where I'm going to start, and an observation and then some questions. The line that I find the most provocative: "That brings me to my greatest concern right now as Secretary and, frankly, the greatest security risk we are facing as a Nation, which is budget uncertainty, which could prompt the most significant military readiness crisis in more than a decade."

That's a provocative statement, "greatest security risk as a Nation." Iran, North Korea, al Qaeda, including al Qaeda in the Maghreb. But I gather the thrust of the point is our ability to respond to any of those security threats is completely dependent

upon a national security posture that is informed by budget decisions rather than budget indecision.

Yesterday, it was announced that you had approved a decision to take the USS *Harry Truman* and the USS *Gettysburg* and delay their deployment pursuant to a U.S. Central Command (CENTCOM) desire that they be deployed in the Middle East, and to delay the deployment purely because of the effect of the March 1 sequester and the now-increasing likelihood that that would happen. I regret that you had to make a decision of this kind, to sacrifice our Nation's readiness. You were faced with the choice of deploying a second carrier in the Middle East that could provide some additional security, including in the area that we're talking about at this hearing. Instead, you decided to keep that carrier homeported in Norfolk because of budgetary concerns.

You shouldn't have had to make that decision. The safety of the men and women we have deployed in Afghanistan, in the Middle East, and Pakistan is at stake and the very matters we're talking about at this hearing are at stake when you have to make a decision of that kind, the ability of our military to respond to crises in some volatile parts of the world.

You didn't cancel the carrier deployment because this part of the world suddenly was safer. Our ability to respond is at stake and, as you pointed out in an earlier answer, this also affects individual morale of individuals who subleased apartments. There was an article this morning in the Virginian Pilot. It said, "Airman Carly Grice, 20, of Kentwood, LA, said she had been excited to go on the first deployment. "This was a letdown. Actually, I'm disappointed," said Grice. She joined the Navy in August and hopes to make a career in the service. She wonders whether that's realistic, given the budgetary issues."

The military today is filled with 20-year-olds or newly-minted lieutenants or others who will be the future leadership of our military. There's probably someone in the military right now, General Dempsey, who will be a future head of the Joint Chiefs of Staff. But I suspect that virtually all of them are wondering whether a career in the military is realistic given what they've seen from this body, what they've seen in terms of the budget that might inform whether they can make that a realistic choice.

I hope Congress is taking notice of your provocative comment, which, I think, is an accurate one. The decision regarding the *Truman* is going to be the first of many, I suspect, unless we do something to replace sequester. We all know sequester was never intended to happen, Mr. Secretary, as you mentioned. We should, in my view, finish last year's appropriations process, enact deficit reduction to align the sequester with the budget process, do a meaningful budget process, and make the decisions exactly as you described.

You did a national security review inside DOD and then let that drive some budgetary decisions. We're letting our budget drive national security. Even worse, we're letting budgetary inaction drive national security, and I fear greatly for our security posture as a result of where we are right now.

So, Mr. Secretary, I gather we're likely to see a whole lot of things like the *Truman* announcement yesterday that would poten-

tially weaken our readiness, demoralize our Active Duty men and women, and leave us less safe, unless we find an alternative to sequester.

Secretary PANETTA. I truly hope that that does not become the case. Senator, we can do this right. The United States of America is the strongest military power on Earth. We're the strongest democracy on Earth. If we have to reduce the budget, as we do, $487 billion, I can get that done pursuant to a strategy that protects the strongest military on Earth.

There is no reason why an arbitrary legislative mechanism that was designed, not because it was good policy, but because it was bad policy, to drive action, should now take place. I cannot imagine that Congress would simply stand by and let that happen because the consequences are just as you've described. If we go into sequester, then we are going to have to take steps to implement another $500 billion in cuts in a way that will, make no mistake, hollow out the force and weaken the United States of America as a military power.

We don't have to do that. This is a self-inflicted wound. We do not have to do this. That's why I think the General and I, we're trying to take steps to prepare for that, should it happen. But we're trying to do it in a way that makes these steps reversible, so that we can again get back to the business of defending this country.

But if this continues and if this happens, then you are absolutely correct, this is the beginning of a number of steps we're going to have to take that are going to badly damage our readiness.

Senator KAINE. What does it mean, when CENTCOM has decided that there should be two carriers in the Middle East and decides purely because of sequester we can't do that, what does that mean to our readiness posture and what message does it send to allies and adversaries?

Secretary PANETTA. First, I'm going to assure you, and I think General Dempsey can speak to this, we're going to do everything we can to make sure that we are prepared to deal with the threat from Iran. We will have one carrier there. We will deploy other forces there so that we can hopefully fill the gap. But our hope had been that we could have two carriers, which would give us the flexibility to have the kind of rapid response that we will need if we have to deal with a crisis there.

Senator KAINE. In terms just of the sheer organizational effort, I assume it's thousands of hours for your personnel to try to figure out how to contort your budget to comply with the sequester, that would much better be spent looking forward and working on a fiscal year 2014 budget.

Secretary PANETTA. You bet.

Senator KAINE. Thank you.

Chairman LEVIN. Thank you, Senator Kaine.

Senator Cruz.

Senator CRUZ. Thank you, Mr. Chairman.

Mr. Secretary, General Dempsey, I'd like to begin by thanking the two of you for being here this morning and for your extended service. I will say, Secretary Panetta, I regret that you and I have not had the opportunity to work together since I'm a new member of this committee. But I will tell you, you have over many years

earned a reputation for being fair-minded, for looking for bipartisan compromise, and for looking for solutions.

Indeed, I will pass along a comment that was made to me by a more senior Republican on this committee about you, in which you were characterized as a "straight shooter," which as you know in Washington is both a rare compliment and a very high compliment. So I want to thank you for your principled dedication to this country and your long service.

I want to likewise thank you, General Dempsey, for your service, your many decades defending the Nation, and your passionate commitment to standing with the men and women of the military and protecting the interests of the United States.

It is my hope that this hearing can be a helpful moment in terms of learning productive lessons learned from the tragic attack at Benghazi. What I would like to focus on principally is the window between when the attack began and 5:15 a.m. in the morning when Navy SEALs Glen Doherty and Tyrone Woods lost their lives. There are roughly 7½ hours there.

I recognize that in any military conflict one inevitably faces the proverbial fog of war. But what I'd like to ask you to do is use the 20–20 hindsight we have now. If you could go back in time with the knowledge you have today and play it over again, if at 9:42 p.m. Benghazi time when the first attack began you knew that at 5:15 a.m. two former SEALs would be on the roof of that annex and would face mortar fire, what specifically could have been done if we had that knowledge—and I recognize that is a hypothetical, but if we had that knowledge—what military options would there have been to prevent that loss of life and to stop that attack at the annex?

Secretary PANETTA. Senator, as you said, it's tough to respond to a hypothetical. As long as we're talking about hypotheticals, the best that would have happened here is that we would have had a heads-up and we would have had troops on the ground to protect that facility. That's the best scenario and that's what works the best.

Once an attack takes place, the biggest problem you have is getting accurate information about exactly what is taking place in order to then develop what response you need to do it. You can't just willy-nilly send F–16s there and blow the hell out of a place without knowing what's taking place. You can't send AC–130s there and blow the hell out of a target without knowing what's taking place. You have to be able to have good information about what is taking place in order to be able to effectively respond.

Senator CRUZ. So in your judgment, if I understand you correctly, the most effective means would have been to have boots-on-the-ground?

Secretary PANETTA. That's correct.

Senator CRUZ. If—and again this is a hypothetical—at 9:42 p.m. you had received a direct order to have boots-on-the-ground to defend our men and women there, what is the absolute fastest that that could have been carried out?

General DEMPSEY. Based on our posture at the time, it would have been N+6 plus transit time with the closest ground force

available. So you're looking at something best case between 13 and 15 hours.

Senator CRUZ. So if I understand your testimony correctly, in your military judgment there was no way conceivably to get troops on the ground sooner than 13 to 15 hours?

General DEMPSEY. That's correct.

Senator CRUZ. How about assets like an AC–130. If you had received an order at the outset to deploy an aircraft like an AC–130, what would have been the absolute fastest it could have arrived at Benghazi?

General DEMPSEY. I don't even know exactly where they were, but I know there were no AC–130s anywhere near North Africa that night.

Senator CRUZ. I'd like to also spend a few moments on the decisionmaking as this crisis unfolded. I take it neither of you received the hypothetical order at any point to get boots-on-the-ground immediately?

Secretary PANETTA. No, that's right.

Senator CRUZ. Now, both of you mentioned that at 5 p.m. Washington, DC, time you met with President Obama for a regularly scheduled meeting, during which you discussed the attack at Benghazi that had happened about an hour and 20 minutes earlier. You said the total meeting lasted roughly 30 minutes. How much of the meeting would you estimate covered Benghazi?

Secretary PANETTA. We teed up that issue when we walked into the Oval Office, so I would say that the first 15 or 20 minutes were spent on the concern about that, as well as Cairo and what might happen there.

Senator CRUZ. After that 15 or 20 minutes discussion of Benghazi, do I understand your testimony correctly that neither of you had any subsequent conversations with the President the rest of that day and that evening?

Secretary PANETTA. We continued to talk. I think we teed up some other issues that we were dealing with at the time to inform the President, and then once that concluded we both went back to the Pentagon and immediately I ordered the deployment of these forces into place.

Senator CRUZ. In between 9:42 p.m. Benghazi time when the first attack started and 5:15 a.m. when Mr. Doherty and Mr. Woods lost their lives, what conversations did either of you have with Secretary Clinton?

Secretary PANETTA. We did not have any conversations with Secretary Clinton.

Senator CRUZ. General Dempsey, the same is true for you?

General DEMPSEY. Yes.

Senator CRUZ. One final question because my time has expired. Senator Lee asked you about securing the compound and noted that it took some 23 days to do so, and I think to the astonishment of many viewers, we had CNN crews discovering what appeared to be sensitive documents, rather than U.S. forces or law enforcement.

I just want to make sure I understood your answer correctly, in that you said that you were not requested to secure the compound and had you been requested to secure the compound, in your judg-

ment, the U.S. military could have done so and it could have done so effectively?

Secretary PANETTA. Yes.

Senator CRUZ. Thank you, Mr. Chairman.

Chairman LEVIN. Thank you, Senator Cruz.

Senator Hagan.

Senator HAGAN. Thank you, Mr. Chairman.

Secretary Panetta, as I'm sure everybody said, this is your last time before this committee. We certainly want to take an opportunity to thank you for your extraordinary service as Secretary and all the other accolades and services that you have provided to the people of the United States. So I too want to echo my sincere thanks.

General Dempsey, thank you too for your continued service as we go forward.

The September 11 attack drew attention to the use of local militia by the Department of State for protection in Benghazi. On the night of the attack, security consisted of three armed militia members as well as four locally hired unarmed guards and five armed Diplomatic Security agents. I understand that the three militia personnel were members of the February 17th Martyrs Brigade, which is a local militia that participated in the anti-Qadafi uprising.

Documents recovered from the post indicated that, while the local militias trained with U.S. officials for this role, militia members were generally expected to provide their own weapons and their own ammunition in order to protect.

To what extent has DOD also relied on such arrangements in high-threat areas in which central government forces did not fully control the territory, such as Afghanistan? How should the committee view the use of local militias for force protection? Both of you, if you can answer this question, please.

General DEMPSEY. During my time in Iraq, we had third-country nationals who provided contracted support, as well as some U.S. contractors for support. We never reached the point where, in my time there, we were using Iraqis, for example. Now, I do know that it's common practice in most countries to use local bodyguards and local security forces, so it is the norm, not the exception.

Senator HAGAN. Typically that's with the country, though, that has an organized government.

General DEMPSEY. Yes, I think that's a fair characterization.

Secretary PANETTA. It's something you see in tribal societies, obviously. We see that in Afghanistan, where they've developed local militias in some of the different areas, to provide security. I think the key there is that sometimes it works very well as a way to secure that community, depending on the quality of the militia involved, and sometimes it can get out of control.

Senator HAGAN. Secretary Panetta, in your opening statement you suggested DOD is looking at how you can assist the development of host nation forces using a range of security assistance authorities to train and equip these forces. I chair the Emerging Threats and Capabilities Subcommittee, which does have jurisdiction over DOD's train-and-equip authorities, and I'd be interested in hearing whether you think DOD currently has the authority to

conduct these training operations or whether you would need to seek new authorities?

Secretary PANETTA. I feel pretty good about the authority we have now in the ability to go in. Again, you have to have the country, the host country, actually request this kind of assistance and this kind of training. But if they're cooperative and if they want this kind of help, we have the capability and the authorities to help provide that.

Senator HAGAN. Are the host nation forces you're looking to engage members of the military, civilian law enforcement, or are these local guard forces that would be employees of the diplomatic post?

Secretary PANETTA. We can work with whatever security forces that that particular country wants to get trained. We can help provide the training necessary. It's up to the country as to just exactly what kind of security they're going to provide around an embassy.

Senator HAGAN. What is your comfort level if they decline to have assistance with training?

Secretary PANETTA. It makes me very nervous.

Senator HAGAN. Then what's Plan B in that case?

Secretary PANETTA. I think Plan B, in that instance, is that you do have to do everything possible to harden that embassy, make sure it's secured, make sure that we have the marines in place to try to provide additional security, make sure that they have the additional security hired with the embassy to protect it in that event, and make sure that we have the ability to respond quickly if we're asked to be able to go in and do what we have to do to help those that are located in the embassy.

Senator HAGAN. Did you feel comfortable with the training of the local militia in Libya?

Secretary PANETTA. Not at all. I think it was having been at the CIA, we did some work to try to assist the militias, the opposition forces that were involved against Qadafi at the time. But as usual, in this instance these are groups that are pretty dispersed and represent a number of different opposing elements. It's not a well-coordinated opposition, and I think that was the case with the militias.

Senator HAGAN. I guess I was concerned when I read, too, about them providing their own ammunition and weapons.

Secretary PANETTA. It's not—Libya—as we've pointed out, these countries that are going through the transitions that have taken place since their various revolutions, one of the areas that's hurting is the quality of their ability to provide security to the embassies that are located in their country. That's a problem that we're having to confront more and more in that part of the world.

Senator HAGAN. We certainly need to take in mind, as I'm sure you do, the safety and security of our Embassy personnel first and foremost.

A variety of organizations have been named in media reports as responsible for the attack against our U.S. facilities in Benghazi and more recently on the British Petroleum (BP) facilities in Algeria. Some of these organizations are familiar names, but others, such as the Ansar Al-Sharia, are not well known. Of the violent extremists operating in North Africa, are there any groups or individ-

uals DOD has designated as eligible for targeting under the authorization for use of military force? Also, how is such a determination made?

Secretary PANETTA. Obviously, al Qaeda and its affiliates are at the top of the list. If it's al Qaeda and al Qaeda-related, then obviously we do have authorities to be able to go after them. But in order to do that, you have to identify who the individuals are, what is the threat that they constitute. The lawyers then review that and determine whether or not that's somebody who can actually be targeted.

General DEMPSEY. There are a handful of high-value individuals or high-interest individuals who have been designated. In terms of those perpetrators of the Benghazi attack, we continue to try to develop the intelligence, so to this point none of them have been designated, although we work with other agencies to try to build the intelligence case to do so.

Senator HAGAN. My time has expired. Thank you.

Chairman LEVIN. Thank you, Senator Hagan.

Senator Wicker.

Senator WICKER. Thank you very much.

Secretary Panetta, congratulations on a very interesting and distinguished career. I'm honored to have served with you in the House of Representatives and to have been your colleague. I wish you the best in your future endeavors.

Having said that, you were very forceful today in talking about sequestration. I heard you in the media yesterday making a very forceful statement about how irresponsible it would be not to fix this before it goes into effect. Let me just suggest this.

Our colleagues at the other end of the building in the House of Representatives came forward with a bill. They put it into bill language. They had it scored. They passed a rule. They voted on it and sent it to us. Agree with it or not, they came up with a specific answer to it, and there's been no answer back from the Senate side.

The President made a pronouncement about it a few days ago. Mr. Secretary, you can't score a speech. You can't score general concepts. When you see the President, tell him we'd be happy to hear his specific views about how those revenues should come in to fix this problem because, frankly, people from my side of the aisle have been calling on the President for specific suggestions, specific proposals that you can score, that you can put in bill language, and we haven't had that for over a year. So when you see the President, please make that suggestion to him.

Now, General, let me ask you this. I don't see where the intelligence gap is that you mentioned in response to Senator Chambliss' question. He asked if this was an intelligence failure and you said no, it's an intelligence gap. Then in fleshing out the testimony, it seems that you knew everything you needed to know: the militia fire onto the compound, the IED attack on the UN, the attack on the Red Cross, the abduction of Red Cross workers, the Red Cross deciding then to pull out of Benghazi; the same thing with the United Kingdom, an RPG attack on them. The United Kingdom got the message and pulled out.

Yet, we didn't take the same message, apparently. We didn't make the same decisions at least from the attacks on the United States and U.S. interests.

Are you suggesting that there was something else that you needed to know from intelligence sources? Or are you suggesting in the alternative that really the only thing missing was a request from the State Department? You got it in Yemen and you acted on it. You didn't get that request from the State Department officially on Benghazi, so you didn't make arrangements for security there. Would you clear that up?

General DEMPSEY. Yes. Thanks for the opportunity, Senator. First of all, what I did know is what I was told in General Ham's weekly reports, which reflected a deteriorating security situation in Eastern Libya.

Senator WICKER. Let me interject there.

General DEMPSEY. Sure.

Senator WICKER. Did those come up through the military personnel on the country teams?

General DEMPSEY. No. These are reports directly from the combatant commander to the Secretary of Defense.

Senator WICKER. Where did the combatant commander get his information?

General DEMPSEY. He's in constant touch with those deployed throughout the region, defense attaches, and in some cases——

Senator WICKER. The defense attache would be a member of the country team?

General DEMPSEY. Sure.

Senator WICKER. Okay. Then proceed ahead.

General DEMPSEY. Okay. So I was made aware that a cable expressing that concern had been sent. I didn't read the cable myself. I'm reflecting what I knew from General Ham.

Furthermore, I don't know whether the cable on the 16th of August resulted in any request from the Embassy team in Tripoli to the State Department. All I can tell you is we didn't get a request at DOD. So I'm not suggesting that State got it and didn't do anything with it. I don't know what—I think the internal deliberations in Tripoli were still ongoing.

What I can tell you with great confidence is we didn't get any request for additional security.

Senator WICKER. Did you know that the Red Cross had been attacked, that Red Cross workers had been abducted, and that the Red Cross subsequently suspended their Benghazi operation? Did you know that?

General DEMPSEY. I did.

Senator WICKER. You did, okay. Did you know that the United Kingdom had undergone an attack and that they had decided to close their mission in Benghazi?

General DEMPSEY. I did.

Senator WICKER. Did you then know about the attack on American interests?

General DEMPSEY. Through the course of the summer?

Senator WICKER. Through General Ham, you knew about the attacks on the United States.

General DEMPSEY. General Ham was very good about reporting the deteriorating security situation in Libya.

Senator WICKER. You did not feel that you as Chairman of the Joint Chiefs of Staff were in a position based on that to make a decision to send in extra security for those American interests there?

General DEMPSEY. I'd like to answer that in two ways. First, this deteriorating situation in Libya wasn't unique. It was in the context—I know that some will suggest it was the worst thing going on. It was among the worst things going on. So in context, the threat streams in Libya were equaled elsewhere with equally significant and threatening intelligence.

Second, that's not what we do. We don't impose resources into a country without the permission, the request of the host nation or the country team in a country.

Senator WICKER. Do you get military resources close by and ready to respond, or must you wait for a State Department request to do that also?

General DEMPSEY. We adjust alert postures according to intelligence where we think the threat is highest.

Senator WICKER. In retrospect, do you wish you had adjusted your alert posture?

General DEMPSEY. In retrospect, looking backwards, in hindsight——

Senator WICKER. 20–20 hindsight.

General DEMPSEY.—sure.

Senator WICKER. What would you have done?

General DEMPSEY. First of all——

Senator WICKER. Would you have put them in Crete? Would you have put them in Libya?

General DEMPSEY. Given the kind of attack that occurred, if they weren't in the immediate vicinity they would not have been able to affect the outcome. As we've discussed previously, this has to be some combination of early decisions.

Senator WICKER. Secretary Panetta, lessons learned. It seems that two factors that allowed this situation to go from bad to worse were the very same ones that allowed the first September 11 attacks to succeed: First, the lack of effective intelligence-sharing. I think enough Americans knew what they needed to know to know this was really, really bad. Second, stovepiped communications between organizations that are supposed to be working together on these sorts of things toward common goals.

So 11 years after September 11, my final question to you: Do you believe we're any closer to breaking down these institutional barriers, and what steps has DOD taken in this regard in response to the Benghazi incident?

Secretary PANETTA. First of all, I do believe, again based on my experience at the CIA, involved with intelligence issues there, that the Intelligence Community is working much better in terms of sharing information, working together, developing the teams necessary to be able to gather intelligence, sharing that intelligence between the entire community. They're much better at doing that and much more effective.

I think the problem remains that it is the gaps on intelligence resources that are out there that, no matter how good your sharing is concerned, if you don't have the information from a resource out there there's going to be a gap and you're going to have the problems that we saw happen here. We have to be able to fill those gaps. We have to be able to get better HUMINT, better SIGINT, into those areas that we don't have good information on. That's number one.

Number two, we have to—in response to this, what we have done is to make sure that we deploy those FASTs that are out there. We've located them in key areas. We've reduced their response time. We now have airlift associated with them. The fact is some of these FASTs did not have airlift; airlift we would have had to deliver from other areas. We now have airlift that is associated with those teams. So we have taken a number of steps to try to improve our ability to respond.

Senator WICKER. When did you take that last step, on the airlift? When did you impose that last?

Secretary PANETTA. We did that early on, soon after what happened.

Senator WICKER. Thank you.

Thank you, Mr. Chairman.

Chairman LEVIN. Thank you, Senator Wicker.

Senator McCaskill.

Senator MCCASKILL. Thank you, Mr. Chairman.

I was sitting here and whenever Senator Graham questions witnesses it's always—I'm an old prosecutor, too, and he is quite the cross-examination expert and he does a withering cross-examination of witnesses when he's trying to make a point.

I started to feel sorry for you, Secretary Panetta. Then I thought for a minute about who you are and what you have done in this Nation's capital, the service you have provided at the White House, at the Pentagon, at the CIA, in Congress, the years and years of valuable service that you have given to this country. Then I realized you'd be just fine. You didn't need my help with Senator Graham's questioning at all. I thank you for those years of service.

General Dempsey, I want to clarify that you have said today that once the attack occurred you were moving forces.

General DEMPSEY. Yes.

Senator MCCASKILL. All right. Now, I want to ask, is anybody here from the State Department in the audience? If you're here from the State Department, would you raise your hand?

[One hand raised.]

Senator MCCASKILL. Okay, we have one hand from the State Department. I say that because I have a history that I have been involved in doing oversight on embassy security. This history goes back to 2009 when the contracting subcommittee that I chair did a hearing on the embarrassment of ArmorGroup and their ability to protect the Embassy in Kabul.

After that hearing in 2009, ArmorGroup was let go. Then there was a February 2010 hearing of this committee on security contracts in contingencies, and it was a sensational hearing and I mean that in both senses of the word, because there was informa-

tion that came out at that hearing that, if I were at the State Department, I would want to absorb it and get busy.

Now, a report based on that hearing was issued in a classified nature weeks before September 28. But the public report came out on September 28. In that report it said that local Taliban was working with warlords to provide guards and weapons for use in EOD Technology's contracts. It came out that they were failing to adequately investigate the guards' previous employment, which resulted in the company's hiring individuals who had previously been fired for sharing sensitive information, security information, with Taliban warlords; failure to appropriately vet guards, some of whom, according to U.S. intelligence reports, may have been involved in anti-American activities.

Now, all that information was out in a classified way several weeks before September 28—and was out in public September 28. Guess who the State Department gave the contract to for guarding Kabul on September 29? EOD Technology. Then, of course, they were fired for failure to perform, because they could never perform adequately.

Now, we actually—then they wanted to litigate. Now, meanwhile guess who's still guarding? We still had Aegis guarding, which was another problem contractor at Kabul. We still have ArmorGroup. Then we did a contract with Aegis. Now, Aegis finally took over this summer.

Now, I urge you to take a look—you don't have to, Secretary Panetta. You can read a novel. But General Dempsey, I hope you will look at the article that was written January 17 in Foreign Policy magazine about Aegis at the Kabul Embassy and the problems that have already surfaced about them.

Now, I have talked to Patrick Kennedy about this and his staff has come over and briefed my staff that they believe Aegis is doing just fine.

The end of this, I have to tell you: the umbrella contract for high-level security at embassies is a $10 billion contract over 5 years, and it's tasked out to eight different companies. I won't go into the IG report on the background checks that have been done on the eight. But the people that are at Kabul now, it's $100 million a year we're paying them.

I can't believe we can't use the marines in these situations. Somebody has to do a cost-benefit analysis. All that I told you—can you imagine the amount of money that we've spent fooling around with these contractors that weren't getting the job done? Can you imagine the time we've spent on this and the money that has been spent?

I really would like, General Dempsey, for you to talk about the cost-benefit of putting marines on our embassies when we are in contingencies and why in the world this is so hard for us to get our arms around, and where is the analysis that shows me we're saving any money?

General DEMPSEY. Senator, just to react briefly to what would be necessarily a much longer conversation, the marines are not—that's not their role. That's not what they do for the Nation. Could it be at some point? Potentially. I'd hate to think we'd make that decision based on cost. But it would require a longer conversation.

Senator MCCASKILL. I guess my point is, God forbid we have something happen at Kabul, but if we did, a hearing like this would look like child's play if you look at the history of what's gone on in terms of the guard force at Kabul. I want to be reassured that private contractors are working in these situations, but when we do a $10 billion umbrella with the ability to do tasks out for Pakistan, Iraq, Afghanistan, Jerusalem, and it's costing the kind of money it's costing, and we know that these embassies are going to be targets, it just worries the heck out of me that we are going to be in another one of these situations where it's uncomfortable to talk about hindsight instead of foresight.

So I would really like you to look at the highest levels, at a macro level, because the War Contracting Commission said we should not be using private contractors on embassies when we have this kind of heightened security risk. I really think it's time for us to do a gut check on whether or not we should, in fact, be relying on inept local militia or inept contractors.

Secretary PANETTA. Senator, let me just commend you for the work you've been doing with regards to these kinds of contracts and the quality of individuals that are involved.

The reality is that the State Department, as a matter of fact, my old agency, rely on these kinds of contracts for security and that's a reality. Anything you can do to try to make sure that these individuals are well-trained, do the job, and that we're not wasting money would be extremely helpful, because right now we depend a great deal on that kind of contracting.

Senator MCCASKILL. Is there a way we can get back to the point, Secretary Panetta, that we're not relying on a contract force to do what is inherently a government function? It's almost like I hit a brick wall every time I talk about this. Why is it that this has to be a contract function? Why can't we use the best-trained military in the world to protect our most valued assets in our most dangerous places?

Secretary PANETTA. I think the reality, just speaking with regards to my old agency, is that we're deployed in so many areas that you can't expect the military to pop up there and provide that kind of protection; they have to get security on site and get it from the very best people that they can contract with. That has become the reality that we're dealing with.

Senator MCCASKILL. Because of the need to integrate into the community and therefore if you have military it stands out?

Secretary PANETTA. That's right.

Senator MCCASKILL. I can see that, particularly under the aegis of the intelligence agency.

Secretary PANETTA. That's right.

Senator MCCASKILL. But for embassies it seems to me that this shouldn't be such a hard reach.

Thank you both. Thank you, General Dempsey. I hope you enjoy the California weather.

Chairman LEVIN. Thank you very much, Senator McCaskill.

Senator Donnelly.

Senator DONNELLY. Thank you, Mr. Chairman.

Mr. Secretary, thank you for your service to this country. We are so much in your debt for time after time answering the call. Thank you very much.

Major—General Dempsey—much better being a general. Thank you for everything you have done for our forces and for our country.

I want to express my condolences to all the families who have suffered losses in this tragedy; and that we will do everything we can to make sure it never happens again.

Earlier in the hearing, Mr. Secretary, you said that it is not DOD's job to be 911. So the question that struck me is: So when this happens, and it happens so fast and so quick that when you respond in an hour it may already be over by that time. Are we relying on the home country to be 911? If so, as you go through what they're providing to us—you mentioned some are not up to the quality of others at this time. But how are you making that decision that we have people in harm's way and we're relying on a host nation that might not be up to taking care of our people?

Secretary PANETTA. Obviously, it's very important that the ambassador determine what is the situation and whether or not there's a need for action. The 911 is basically the host country that has to respond quickly and provide immediate security around. If that's not there, you have to have security within the Embassy itself. If that's not there, you have to have intelligence that gives you a heads-up that it's a dangerous situation and it's subject to an attack. Then if that's not there, obviously we have to be hopefully in a place where we can be able to respond if we have to.

That's your overall 911 to try to deal with situations in the embassies that are out there.

Senator DONNELLY. Because my concern is, as much as some of these host nations are our friends, that their ability obviously is not as successful as our ability in defending our own. So how do you determine, other than the ambassador telling you, hey, we think we're here or we think we're there? Are there reviews done at DOD when you look at say in a Benghazi or—I don't want to go city by city for obvious security reasons, but when you look at these? How often do you determine, we'll take a look at this this week and see where we are security-wise? I know State is a big part of that as well.

Secretary PANETTA. The best thing we did was State asked us to join a team that would look at security at 19 embassies and determine what exactly was needed there in order to better secure those facilities. I think based on that it gives us the opportunity to then deploy additional marines if we have to and take additional steps to try to make sure that those embassies are not vulnerable.

So we do work with the State Department when asked to try to help provide some guidance with regards to security.

Senator DONNELLY. How often is a review done in some of these places, for instance a Benghazi? Is it on a when the ambassador says, hey, things are getting a little tougher, or every couple of weeks is it looked at as this has deteriorated or has gotten better? What kind of matrix is used?

Secretary PANETTA. The primary matrix for that has to rest with the State Department and the ambassador within that country to be able to review just exactly what is the degree of threats that

they're confronting and then what actions they should take in order to deal with that.

DOD is in a position where we will respond. If we're asked to do something, we will do it. But we're not out there basically making judgments about what embassies are secure or not secure, what are the threats in the various embassies. You have to leave that up to the chief of station and chief of mission to be able to make that determination.

Senator DONNELLY. With our noncombatant evacuation operations plans that we have, we have approximately 285 diplomatic missions out there. How far along are we in having plans for all of them?

Secretary PANETTA. As you said, we have a number of embassies that are out there in the world, and not all obviously are Benghazi or Tripoli or Tunisia. The reality is that in most countries in the world we can rely on the host country to provide security. They're there, they're willing to do it, and they do a good job.

There are some of these embassies in some of these more volatile countries that are of concern, and those were the 19 that were designated by the State Department as ones we had to look at more closely and then try to develop a better approach to providing security, because their part of the problem is the host countries are not very good at providing that kind of security.

Senator DONNELLY. It seems this is so much of a distance and time challenge, that when it happens, how quickly can we respond, how far away are we. Is there almost like a playbook for ambassadors, for the people in those facilities, that here's the steps to follow, jump on these immediately; if this doesn't click, we go to this; if this doesn't click, we go to that?

Secretary PANETTA. The best playbook—I'll let the General respond to this as well. The best playbook is an ambassador who says: We have serious security problems here; we are threatened, and therefore we need to take steps to reduce the number of personnel in our Embassy; we need to take steps to evacuate if we have to. We can then prepare our forces to be able to provide help in that situation. That's the best kind of situation in terms of being able to respond.

General DEMPSEY. Just if I could add, Senator. Each Embassy has a resident security officer, well-trained, and an emergency action plan for every Embassy. Generally speaking, it's updated annually, because I've sat on country teams in various jobs. Then the attaches are integrated into that process as part of the country team.

So that process exists. What Secretary Clinton asked me to do soon after Benghazi was to collaborate with her to see if we could make improvements to that system.

Senator DONNELLY. General, thanks again for your service.

Mr. Secretary, it's been an honor to have you serve in our Government.

Thank you, Mr. Chairman.

Chairman LEVIN. Thank you very much, Senator Donnelly.

Senator King.

Senator KING. Mr. Secretary and General, thank you very much for your being here. I'd like to associate myself with Senator Cruz's

comments, that I only regret being a first-year Senator, Mr. Secretary, and not be able to work with you, although I am in the process of hiring a legislative assistant for this committee. So if you go back to California and get nostalgic for Washington, let me know, will you? I somehow think that's rather unlikely. [Laughter.]

Secretary PANETTA. Been there, done that. [Laughter.]

Senator KING. I want to follow up on a question from Senator McCain. The Crete base. I don't know the capacity, but given that that was pretty close in terms of transportation time, why was that not an option to get people there faster? Was it a question of who and what is at the Crete base? General Dempsey?

General DEMPSEY. The bases that we have in southern Europe in the Mediterranean area generally speaking have aircraft. The first point I made is that it wasn't the right tool for the particular threat we faced.

Second, the aircraft we have in Europe generally are there in support of NATO and on a different alert posture. That was not among the forces—the aircraft were not among the forces that we had at heightened alert. The heightened alert related to these boots-on-the-ground capabilities that could preemptively get into an embassy or into a compound to thicken its defenses if we had reason to do so.

Senator KING. Those types of troops were not at the Crete base at the time of this?

General DEMPSEY. No.

Senator KING. Now, to follow up, you talk about how everybody wants a fire station next door, it doesn't work. On the other hand, in this case, as you testified, there was about a 13- to 15-hour practical limitation. I gather since this incident you're trying to shorten that. Do you have a target? What would we like to be able to do, particularly in these hot spots, which we can identify in advance?

General DEMPSEY. We're not done making adaptations, but what we did initially was take these Commander's In Extremis Forces, and the FASTs. The standard has generally been N+6 to lift off, plus transit time. So we can reduce the alert posture and we do so, watching not only intelligence, but also watching things like the social media, because sometimes these events crop up out of the social media, believe it or not.

Second then—but you still can't reduce the transit time. That is the limiting factor in AFRICOM, in particular. When I say we're not done making adaptations, we've asked each of the Services to examine their capability to build additional reaction light forces, small, rapidly deployable forces, a small Marine Air-Ground Task Force (MAGTAF) for the Marine Corps, for example, MAGTF and the Army is looking at some options as well, to increase the number of these resources across the globe.

The limiting factor, though, will always be basing, especially in AFRICOM.

Senator KING. So you are moving the fire stations nearer.

General DEMPSEY. We're trying to build more firemen. The question is whether I can build the stations to house them.

Senator KING. I got it.

Secretary Panetta, a question that doesn't really relate to today's discussion, but you're in a unique position. This committee is con-

sidering a nominee to be your successor, Senator Hagel, and later today I'm going to be at a hearing of the Senate Select Committee on Intelligence, talking to John Brennan. Could you give a brief assessment of those two gentlemen and their capabilities and readiness to assume these important positions?

Secretary PANETTA. Obviously, that's something that the committees now have the opportunity to evaluate. But in my view, both of them are outstanding individuals that have a great deal of experience and capability to be able to perform in an outstanding fashion in each of their jobs. Senator Hagel is someone who served in the military, worked up here on the Hill, understands the issues that are involved there, and I think can be a very effective leader at the Pentagon.

John Brennan is somebody I worked with as Director of the CIA and continued to work with in this capacity. I always found him to be very responsible about how we can effectively conduct operations against al Qaeda and against those that would attack this country. He is, as somebody said, a straight shooter, somebody who gives you his best opinion. He doesn't play games. He's someone who I think can really honestly represent the best protection of this country in that job.

Senator KING. Thank you very much. I also want to thank you for your forthright comments today about the sequester. Ironically—as I've taken some notes on what you've said and what you said in your statement—it appears that as of today the greatest threat to American national security is the U.S. Congress.

Thank you, Mr. Secretary.

Chairman LEVIN. Thank you, Senator King.

Let me mention this. After Senator Nelson, the first round will be over. There may be a number of us that would want a few minutes on a second round, and you two witnesses have been here for about 3 hours and you may need a 5- or 10-minute break. The question is do you want that immediately following Senator Nelson or do you want to go right through? I can't guarantee you how many Senators will come back and want 2 or 3 minutes each.

Secretary PANETTA. I think if we can take a short break it would be helpful.

Chairman LEVIN. Right after Senator Nelson we will then have a 10-minute break.

Senator NELSON. Do you need a short break before? What's your pleasure, Mr. Chairman?

Chairman LEVIN. Since you ask——

Senator NELSON. I'll make it quick.

First of all, thank you, Mr. Secretary. You've been an old and dear friend and you have served your country exceptionally well. Thank you.

I want to just hit a couple of things, because we've had accusations made here that there was 7 hours of warning. The truth is when—now, I'll give you some leading questions and if you will just answer what you can in an unclassified setting. The so-called first attack was not an attack of shooting, was it? Wasn't it suddenly the guards out front disappeared and suddenly people just walked into the compound?

Secretary PANETTA. That's correct.

Senator NELSON. This occurred until someone fire-bombed the main building, which housed the ambassador and the mission; is that correct?

Secretary PANETTA. That's correct.

Senator NELSON. Then a response team coming from a nearby location tried to get there by one route and determined that route was not the correct one and went another route; is that correct?

Secretary PANETTA. Correct.

Senator NELSON. But then they got there, got inside, rescued one of the people, but in the process of getting them out, in all of the smoke and the fire, the ambassador was not retrieved from the building.

Secretary PANETTA. That's right.

Senator NELSON. Okay. Then things stopped and they stopped for a number—as the rescue team and the survivor retreated to the annex, which was some distance away. I don't recall the amount of distance.

Secretary PANETTA. About a couple of miles.

Senator NELSON. Okay. So everything stopped. An hour or 2 later, then there was an attack on the annex. Is it true that the main building at the annex was not penetrated?

Secretary PANETTA. That's correct.

Senator NELSON. Okay. Then that subsided; is that correct?

Secretary PANETTA. That's correct.

Senator NELSON. Then for a period of some 3 hours or more nothing happened. Then the attack of the mortars, which is going through the roof. That's what killed the two that were there in that building.

Secretary PANETTA. I think they were actually on the roof. That's how they got——

Senator NELSON. I see. Then that's a lot different from saying that suddenly you had 7 hours of warning, that what appeared to start stopped, a retreat to an annex, an attack there that was successfully repelled and stopped, and then hours later a mortar attack. So I would, Mr. Chairman, like the record to show that what has been characterized here is in the evaluation of the decision-makers about their ability to get a response team in there—is it also correct that the response team from Tripoli were landing on or about the time that the mortar attack started?

Secretary PANETTA. That's about right. When they landed, they immediately went there and came under fire.

Senator NELSON. Finally, I'd just say, going to the sequester, to respond to these kind of attacks in the future—and there will be these kinds of attacks in the future—sequester certainly wouldn't put you into a better position in order to respond, would it?

Secretary PANETTA. Absolutely not. We'd have a hard time trying to provide the resources that we would need in order to be able to do this.

Senator NELSON. Thank you, Mr. Secretary.

General DEMPSEY. If I could——

Senator NELSON. General?

General DEMPSEY. I want to make just one comment related to your chronology because I think it's important. Once we started moving forces, nothing stopped us, nothing slowed us. The only ad-

aptation we thought about making was for a period of time we thought we were going to be entering a hostage rescue because we didn't know where the ambassador was. But once we started forces moving, they didn't slow, they didn't stop.

Senator NELSON. You didn't know the situation with regard to the ambassador until hours later, when, in fact, some Libyans had come into that facility and tried to rescue him and found him at that point unresponsive from smoke inhalation.

Secretary PANETTA. That's right.

Senator NELSON. Thank you, Mr. Chairman.

Chairman LEVIN. Thank you, Senator Nelson.

We're going to take a 10-minute recess.

[Recess from 1:25 p.m. to 1:36 p.m.]

Chairman LEVIN. We have two Senators, one of whom is here and the other one who is coming, who have not had a first round. Senator Blunt is the first of those two Senators who has not had a first round, so I'm now going to call on Senator Blunt.

Senator BLUNT. Thank you, Mr. Chairman, and thank you for your indulgence. I was at a press conference talking about a mental health bill that I think, General Dempsey, will have some real impact on people who have left the military, and they're looking at the community health centers as a mental health model.

One question I have. I saw, General Dempsey, in your comments over the weekend—I think it was on "State of the Union"—that looking back you don't know of anything you could have done differently. Was that your response?

General DEMPSEY. That was my response, yes, Senator.

Senator BLUNT. How about looking forward? What would you do differently or what are we—let's do that in two questions. One, what would you do differently if the same circumstance occurred again? What are you doing to prepare for a different kind of response?

General DEMPSEY. Two things. One is the ARB, the Pickering-Mullen review board, made 29 recommendations and both the State Department and DOD have accepted and will implement all of those.

Separately, Secretary Clinton and I agreed to a review of embassy security in any number of locations, the result of which will be to focus on 19 of them to try to improve their security situation.

We also, internally to the Joint Staff and with the combatant commanders, worked on a white paper, described as "The New Norm," to account for the lack of host nation capability in some parts of the world. The Secretary already mentioned that some of the results of that include the augmentation of the MSGs, changing the posture level, directing combatant commanders to have additional forces as reaction forces. So we're continuing with——

Senator BLUNT. With "The New Norm," are we repositioned in a way in this dangerous part of the world and many areas you have both mentioned today where we could respond now quicker than 7 hours? If we had the same 7-hour window, could we get somebody there?

General DEMPSEY. Senator, in many places the answer is yes. The limiting factor in Africa are bases, frankly. We don't have a base architecture, with the exception of Djibouti on the east coast,

where we could position forces. So what that requires is earlier decisionmaking collaboratively with the State Department and I'll describe them as preemptive requests. The earlier decisionmaking can be to close an embassy, as we did recently—I say "we"; the State Department did—in the Central African Republic. It can be thinning it out, as they did in Khartoum. Or it can be asking for additional security forces.

Senator BLUNT. On one other area, I know at least for the first several years after September 11 there was always an active discussion of what was going to happen on September 11. Now, on September 10 Zawahiri did a video where he actually talked about al-Libbi, the Libyan, being killed by Americans, and how they must get even. Secretary Panetta, are you aware, was there any evaluation of what that might mean and whether we should be thinking about how to respond to that threat?

Secretary PANETTA. My recollection is that that was all part and parcel of looking at the general counterterrorism situation that we were concerned about in the region. The issue, frankly, that was probably more preeminent the day before was what would be the impact of that video that was coming out that inflamed a lot of the situation in the area.

Senator BLUNT. I would have thought from the Zawahiri video that there would have been some sense that Libya could be a target. I don't know if we have stepped back from our view that al Qaeda was able to do things, and I'm not saying this was a total al Qaeda operation, but clearly al Qaeda's out there talking about a Libyan that was killed and how we needed to get even with the Americans for that the day before all this happened. It concerns me that there appears not to have been the evaluation that I think went on pretty aggressively for the first 8 years or so after September 11. I hope one thing surely we're getting out of this is that there are still terrorists in the world and they still want to do us harm.

Secretary PANETTA. No question about that. Senator, there are elements of al Qaeda throughout that part of the world, and they represent a continuing threat in that part of the world. That's why we're doing the operations we're doing in Yemen. That's why we're doing the operations in Somalia and, frankly, that's why we're assisting the French with regards to al Qaeda in the Islamic Maghreb.

We do have to be vigilant about the elements of al Qaeda, where they are, where they can be, and the kind of threat that they represent.

Senator BLUNT. My last question will be: Did we call on anybody else who had friendly forces in Benghazi to come to our assistance? The Turks? People we had helped in that area recently by coming to their assistance, did we ask for any help that might have already been on the ground there?

General DEMPSEY. The only military forces were the 17 February Militia and the call went to them immediately, because they had been supportive of us ever since the overthrow.

Senator BLUNT. There were no alternative security forces——

General DEMPSEY. No.

Senator BLUNT.—that other countries had?

General DEMPSEY. None that we were aware of.

Senator BLUNT. That we could have called on? If we weren't aware of them, I guess we didn't call on them.

Now, we had come to the aid of—I think there was an attack on someone from Turkey within the previous month, and we had sent some people to that scene. I've always wondered why we didn't try to further secure the people we had there, if we couldn't get people there. You're telling me, General, that there was really nobody to call on?

General DEMPSEY. I'm telling you that I wasn't aware of any, nor was the Commander of AFRICOM.

Senator BLUNT. Are we evaluating whether we're going to use groups like February 17 again or not?

General DEMPSEY. Absolutely.

Senator BLUNT. Thank you, Mr. Chairman.

Chairman LEVIN. Thank you, Senator Blunt.

Senator Hirono.

Senator HIRONO. Thank you very much, Mr. Chairman.

Secretary Panetta and General Dempsey, thank you so much for your testimony for the last number of hours. Of course, Secretary Panetta, I join my colleagues in thanking you for your service to our country. You came out of retirement to help this country and serve in very challenging times, and my very best to you in your future endeavors. Of course, you did an outstanding job at both the CIA and at DOD, and especially today as we talk about the need to coordinate the efforts across various departments, I think, your experience will be very much missed. You led the men and women of both organizations with tremendous competence, passion, and conviction. I thank you very much.

Of course, I am very envious of the fact that you get to go back to a beautiful place, the Monterey Peninsula, a place that I've visited often.

For the Americans who lost their lives in Benghazi—Ambassador Chris Stevens, Sean Smith, Tyrone Woods, and Glen Doherty—they were heroes and they represented our country proudly. While I understand that there are often risks involved in diplomatic work, I want to ensure, as do all of us, that we do everything we can to ensure the safety and security of our people who take on these assignments in often dangerous circumstances.

Now, the State Department's ARB described a gap in intelligence coverage for the area and it is one of their findings, number 4. Mr. Secretary, drawing from your experience at DOD and the CIA, in your estimation what caused this gap in intelligence? Was it a tasking prioritization issue with just too many areas to watch? Or are there structural impediments within or among the intelligence organizations that led to the tragedy in Benghazi? How would you improve the situation?

Secretary PANETTA. It's a huge challenge. Obviously, our ability to develop the sources that we needed in going after al Qaeda in Pakistan was critical. The same thing was true in Afghanistan, to be able to go after the targets there, develop those resources. In Yemen, we had to develop a whole base of better sources in order to be able to conduct the operations there. The same thing was true in Somalia.

So there's a whole issue of prioritizing what are those areas where we have to develop essential resources in order to get better intelligence. I'm sure that was one of the things involved here.

Second, there was a situation where Libya to some extent and what happened in Libya—I'm sure that there was an effort to try to develop the security capabilities within Libya so that they could develop their own resources to try to assist in providing that information. Sometimes if that—normally in most countries, it isn't just our ability to use our own sources. We in many places rely on other countries and their intelligence sources to be able to add to our intelligence. Libya was having a much more difficult time being able to do that. I think it's for those reasons we didn't have the kind of intelligence we should have had.

Senator HIRONO. So in places such as Libya, which is an emerging new government, that goes into your assessment of the prioritization that needs to occur?

Secretary PANETTA. That's right.

Senator HIRONO. Having learned from what happened, if we are in that kind of a situation where we really can't rely on the capacity within the country's forces, I think that probably leads to a more heightened priority for those areas in terms of the safety of our people.

Secretary PANETTA. Yes. It's obvious now that, recognizing that we try to do what you can to develop your own sources, try to develop the other country's capabilities with regards to intelligence, and develop other approaches that we have in terms of technology, being able to gather the kind of intelligence we need.

Senator HIRONO. Is that happening?

Secretary PANETTA. Yes, it is.

Senator HIRONO. I don't know if there are—can you cite to a very specific thing that is fostering this kind of change as a result of our tragedy in Benghazi that you can talk about?

Secretary PANETTA. I think the Intelligence Community, recognizing the recommendations that came out of the accountability report, are taking steps to try to ensure that that gap no longer exists.

Senator HIRONO. So in terms of just the coordination, there are some specific steps that are being taken to coordinate between State, the Intelligence Community, and DOD?

Secretary PANETTA. That's correct, trying to improve the ability to get the intelligence, get it to the State Department, and then the State Department, based on that, can make decisions as to whether or not they should request our help.

Senator HIRONO. Now, in listening to your earlier testimony, I think that some of it was that there seemed to be gaps in terms of the information you were getting as to what was happening in Benghazi. So have steps been taken to make sure that those kinds of communications occur instantaneously or while the event is occurring?

Secretary PANETTA. Steps I know are being taken to try to improve that intelligence capability.

Senator HIRONO. Can you talk a little bit more—I think I still have a little bit of time—on what the impact of sequestration

would be in terms of our ability to safeguard our men and women in these hundreds of embassies and offices throughout the world?

Secretary PANETTA. If sequester did take place and we had to take the amount of money that is required by sequester, clearly the one place we'd have to go is into our readiness and maintenance accounts. Readiness would require that we had to reduce training for our military in each of the branches. So that the problem you ultimately confront is that, while you have capable, trained people in the war zone and elsewhere, that you lack the capability to have well-trained individuals that you can deploy elsewhere. That creates a real readiness crisis for us.

Senator HIRONO. Thank you, Mr. Chairman.

Thank you.

Chairman LEVIN. Thank you very much, Senator Hirono.

Senator Blumenthal is next.

Senator BLUMENTHAL. Thank you, Mr. Chairman.

I want to join my colleagues in thanking you, Secretary Panetta, for your extraordinary service to our Nation and the personal association and time that you've devoted to all of us on this panel and other Members of Congress.

General Dempsey, thank you as well for your service, and to both of you for your very forthright and credible and significant testimony today explaining some answers to questions that are painful, I think, for all of us and I know for you, having attended the services and ceremonies in honor of these brave patriots and heroes, as you called them, and also your knowledge personally of them.

I am struck, as Senator Kaine was, by the provocative, I would prefer to call it powerful, statement that you've offered regarding the effect on the Nation's readiness in the event of sequester. Like Senator Kaine and other members of this panel, I believe that we ought to do everything we can to avoid those catastrophic consequences of across-the-board cuts. I share your alarm about them, not only in the effect on deployments, but also on the readiness that results from adequate training and preparation, which in turn affects our ability to respond to crises like Benghazi.

All of us are fond of saying that our people are our greatest asset, which is true. The failure to provide the training and career opportunities to them that are needed, I think, would be one of the most catastrophic consequences of sequester.

Secretary PANETTA. Senator Blumenthal, if I could.

Senator BLUMENTHAL. Please.

Secretary PANETTA. Specifically, with regards to something that's in your State, Electric Boat, and the magnificent workforce that's up there that puts our submarines together, if we're in a situation where we have to cut back on maintenance and cut back on that kind of production, the worst thing that could happen is losing the skills in that kind of workforce, because once they're laid off or once they don't have a job, the ability to be able to regain that kind of expertise is not easy to do.

Senator BLUMENTHAL. Not only not easy to do; sometimes impossible to do.

Secretary PANETTA. That's right.

Senator BLUMENTHAL. Our defense industrial base is often unappreciated, our civilian workforce and the tremendous skills

they bring to the production at Electric Boat; likewise at Pratt and Whitney, where the Joint Strike Fighter engines are produced; similarly at Sikorski, where helicopters are made; across Connecticut, across the country. I think the defense industrial base is under threat, and it is the skilled, dedicated workforce that is the companion asset to our men and women in uniform that are so important.

I would hope that, whatever the results in the next month, that we can continue to keep in place that workforce. I think you share that view.

Let me turn to another area of personnel that I think is very important. Because you are here for your last time—and I know you will deeply regret not appearing before this panel. You can agree with me because you're not under oath. I'm taking advantage of your being here to raise a question about an area that, I think, is very important, the decision of the Pentagon and the Department of Veterans Affairs (VA) to abandon the plan for a unified health care records system, announced very recently.

This decision is a tremendous setback for an effort that really has been ongoing for years, if not decades, to provide for a streamline in timely process, faster decisions on benefits, less duplication of medical testing, more efficient, cost-effective treatment for both physical and mental health needs. This single unified health care system has been a longstanding goal and I am very regretful and disappointed that the decision has been made to abandon it after devoting a billion dollars, I think so far, a billion dollars, to create it. I would invite your explanation.

Secretary PANETTA. Thank you, Senator. First of all, let me say I do not believe that the idea of developing ultimately that unified system has been abandoned. What we wanted to do was we knew that developing that system has taken years, it's going to take more years, it's going to cost a great deal of money as we do that. But in the interim we have to do everything necessary to create interoperability between the VA and the DOD so that doctors who are dealing with these individuals can bring that information together.

We can do that interoperability using existing systems, and we've been able to do it at some of the institutions. We wanted to develop that at about nine other institutions to do that. We can get that done by July of this year, and that's why we wanted to stress that.

But I want to assure you that the work on an ultimate single system that will require new technology to be able to get that accomplished is still going to continue to be worked on.

Senator BLUMENTHAL. That's good news, and it also conflicts with some of the news reports I've seen, which, to quote one, "Defense Secretary Leon Panetta and VA Secretary Eric Shinseki announced on Tuesday that they were scrapping the one-time plan to create an integrated electronic recordkeeping system." You are saying that you and Secretary Shinseki are not doing so?

Secretary PANETTA. No. We're not scrapping that. Our intent is obviously to continue working on that. But what we wanted to do was to create this interoperability sooner and on a faster track so we could provide the information doctors need in order to be able to create some symmetry between DOD and the VA.

Senator BLUMENTHAL. So if I can articulate it a different way, in oversimplified layman's language, in effect you're adopting a first stage solution that involves interoperability, but proceeding with the larger system and longer term more effective single health care records system that's contemplated?

Secretary PANETTA. That's correct.

Senator BLUMENTHAL. Thank you. Thank you very much to both of you for your testimony today. It's been very helpful, and thank you for your service as well.

Thank you, Mr. Chairman.

Chairman LEVIN. We're going to begin a second round and we're going to have a 3-minute second round, and then our witnesses must leave by no later than 2:30 p.m. and I hope before because we have a vote scheduled for 2 p.m.

I just have two questions. The first has to do with the question which was asked to you by Senator Graham. I think both of you answered this, I think mainly you, Secretary Panetta, about how many times did you talk to the President during the day of these events. I think your answer was once during. I think, General, you also indicated once during.

Then there was a question as, you mean he never got back to you to find out what was going on? I think you were starting to say, Mr. Secretary, that he has a number of other sources of important information, including his own chief of staff, and I presume too the chairman of the National Security Council or others that he would be in touch with could call, who were much closer at hand in the White House to him than you are at DOD.

Do you know how many times that day, if any, the President talked to his chief of staff or to the National Security Council people?

Secretary PANETTA. I don't know how many times he was in contact, but we were in contact with the staffs there. There was a DC, which is a deputies meeting, of the National Security Council that met at I think 5 or 6, 6 or 7 p.m. that evening, in which everybody was represented, including obviously the National Security Council team, as well as the teams from State and elsewhere, CIA, the Director of National Intelligence (DNI).

In addition to that, obviously our staffs were in constant touch with the White House to alert them as to what was taking place and what information we had. So, it's just the nature of the White House that Presidents of the United States make use of a broad sphere of staff that are involved with these issues to work these issues and continue to be in touch with him as to what's taking place.

Chairman LEVIN. Now, relative to those unclassified talking points that were prepared at the request of Congress by the Intelligence Community that were erroneous, through no fault of her own Ambassador Rice used them, bore the brunt of the criticism for the use, although she didn't prepare them. Are you familiar, either of you, with those talking points and did the Defense Intelligence Agency (DIA), participate in the production of those talking points, do you know?

Secretary PANETTA. We did not and we were not aware of the talking points at the time.

Chairman LEVIN. Do you know whether or not DIA was part of the Intelligence Community which prepared those talking points?

Secretary PANETTA. I am not aware that they were involved in that. I think it was the DNI that prepared the talking points.

Chairman LEVIN. Okay, thank you. You don't know how he could have been—have you talked to him as to how he could not have known or how they could not have known that the talking points that they handed to Ambassador Rice and others were erroneous?

Secretary PANETTA. I have not.

Chairman LEVIN. Senator Inhofe.

Senator INHOFE. Thank you, Mr. Chairman.

I want to try to do this fast here, one more run at this same issue that no one else seems to be wanting to talk about. It could be argued that there are two attacks, one on the compound, one on the annex. I'm not sure how close they were together, but let's just assume that that's one of the possibilities. Let's forget about the compound one. Just the annex attack.

The Intelligence Community has said that it's irresponsible for any terrorist professional not to know that it was a planned terrorist attack at the moment the RPG and the six coordinated mortars took place. I think almost everyone else agrees with that. That happened right on the same day or the morning after because it was in the middle of the night.

Secretary Panetta, do you believe that unequivocally at that time we knew that this was a terrorist attack?

Secretary PANETTA. There was no question in my mind that this was a terrorist attack.

Senator INHOFE. Okay, good. I was going to say that and I appreciate that very honest answer. That took place, that realization took place, at the time that the RPG and all these sophisticated things, such as the coordinated attack took place; is that correct?

Secretary PANETTA. My own experience was that RPGs show up and these other arms show up, that there's something that's planned here.

Senator INHOFE. This was a planned terrorist attack. I was going to suggest——

Secretary PANETTA. It's a terrorist attack. I think Secretary Clinton and others also identified it as a terrorist attack, and that was my view.

Senator INHOFE. Mr. Brennan, who is going to be having a hearing later on today that I will not be able to attend, I would consider him to be one of the foremost intelligence experts around, with what, 20 or 25 years experience; would you agree with that?

Secretary PANETTA. Yes, indeed.

Senator INHOFE. He stated to me and will state again this afternoon the same thing you just said, that we realized at that moment it was a planned terrorist attack.

Now, the only question I want to ask you, and I'll ask you for an answer now and I doubt if you will have a very good answer—but after that I'd like to have you think about it and give an answer for the record—and that is, with everyone agreeing, including Secretary Clinton, that right after this took place that it was, in fact, a planned terrorist attack, how in the world could Ambassador Rice say, "The information"—this is 5 days later—"The informa-

tion, the best information, and the best assessment we have today is that, in fact, this was not a preplanned, premeditated attack"?

Secretary PANETTA. Again, I was not involved in the talking points that were presented to her, but obviously the Intelligence Community provided an assessment to her and she relied on that assessment when she went on the news.

Senator INHOFE. I certainly believe that it was to the benefit of the administration to try to push that. But it didn't work, and I would only suggest that people pay attention not to that fact, because to me, with all the things we've been talking about, this is one of the really significant things that has not yet been explored. I appreciate your very straightforward and honest answer to that.

[The information referred to follows:]

As I stated during the February 7, 2013, hearing, there was no question in my mind that the attack on September 11, 2012, was a planned terrorist attack. As the Department of Defense was not involved in the preparation of Ambassador Rice's talking points, I am unable to comment further on the details included in those talking points, and I refer the committee to the Office of the Director of National Intelligence for further information.

Senator INHOFE. Thank you, Mr. Chairman.

Chairman LEVIN. Thank you, Senator Inhofe.

Senator Ayotte.

Senator AYOTTE. Thank you, Mr. Chairman.

I wanted to ask about—as I understand it, General Dempsey, you had, I don't know if it was on a show, but Senator Blunt had asked you, that looking back you didn't know anything you could do that could be done differently. As I understand it, we had a security team in Tripoli. Six of them came to Benghazi. They arrived about 15 minutes at the annex before the second attack. Is that right?

They had two DOD personnel with them, remnants of the site security team that were in Tripoli. Originally, we had a larger site security team in Benghazi, so they had to charter a plane to get there. That surprises me, to think about the fact that you testified earlier that you were aware from what Ambassador Stevens said that the consulate couldn't withstand a coordinated attack; the assets that we did have in theater, that they'd actually have to go out and try to charter a plane to get somewhere.

Why wouldn't we have an Osprey, a standard helicopter, any aviation assets there to be able to get to an area within country to provide assistance, in light of the fact that there was a deteriorating security situation, in light of the fact that you were aware that the Ambassador had said that the consulate couldn't withstand a coordinated attack?

General DEMPSEY. Thanks, Senator. While you were out I actually made sure I was clear about how I knew what I knew. Everything I knew was from General Ham's report to the Secretary through me.

Second, in terms of—we didn't have an official DOD presence in Libya.

Senator AYOTTE. But I'm shocked that we had to rely on chartering a plane. Why wouldn't we have something there, some kind of aviation asset that would allow us to get from Tripoli to

Benghazi, in light of what we knew about the security situation and the attacks listed on that board?

General DEMPSEY. I would just reiterate, we didn't have an official DOD presence in Libya.

Senator AYOTTE. But two DOD personnel had to charter a plane. I think about what it takes to charter a plane. If we had had aviation, some form of aviation assets there, we could have gotten to Benghazi sooner; would you agree?

General DEMPSEY. If they had a plane, sure, they would have gotten there sooner.

Senator AYOTTE. Also, I wanted to ask you, Secretary Panetta. You had said that you didn't end up deploying based on a response—I think Senator Graham had asked you, why didn't we have people going, moving? We had them on deployment status, but we didn't have them moving. I believe you said you thought that it was because it was over after the first attack.

Secretary PANETTA. Again, the forces were moving. We had deployed these FASTs. They were moving. We did not in any way stop the movement forward. The problem was taking them then and deploying them to Benghazi. By the time we reached that point, the attack was over and we had evacuated all of the people out of Benghazi.

Senator AYOTTE. But were planes flying? Were troops moving? The minute this attack occurred we had an ambassador missing. Were people going to Benghazi?

Secretary PANETTA. We had alerted all of these task forces to be in place, to move in that direction, and they were moving to get there. The problem we had, as I've explained, is again the issue of time and distance and being able to move them quickly enough to respond before the event was over. That just was not the case.

The board that was headed up by the Ambassador and Admiral Mullen came to that conclusion. There was no time or space available to be able to respond in time. That was their conclusion.

Senator AYOTTE. I know my time is up, but when I look at your testimony or the list that we were given, on page 2, there's a list of prepare to deploy, prepare to deploy, prepare to deploy. It's not deployment, actually going toward Benghazi. So it doesn't seem to me that we were moving with a sense of urgency, given that we had an ambassador missing.

General DEMPSEY. If I could just help with that one, Senator. The process as you tell a unit to prepare to deploy, when they report readiness you tell them to move. That's just a piece of the process. There was nothing that held them up.

Senator AYOTTE. Thank you.

Chairman LEVIN. Thank you, Senator Ayotte.

Senator Graham.

Senator GRAHAM. Mr. Chairman, I'd like unanimous consent to put this map into the record here, as part of the file.

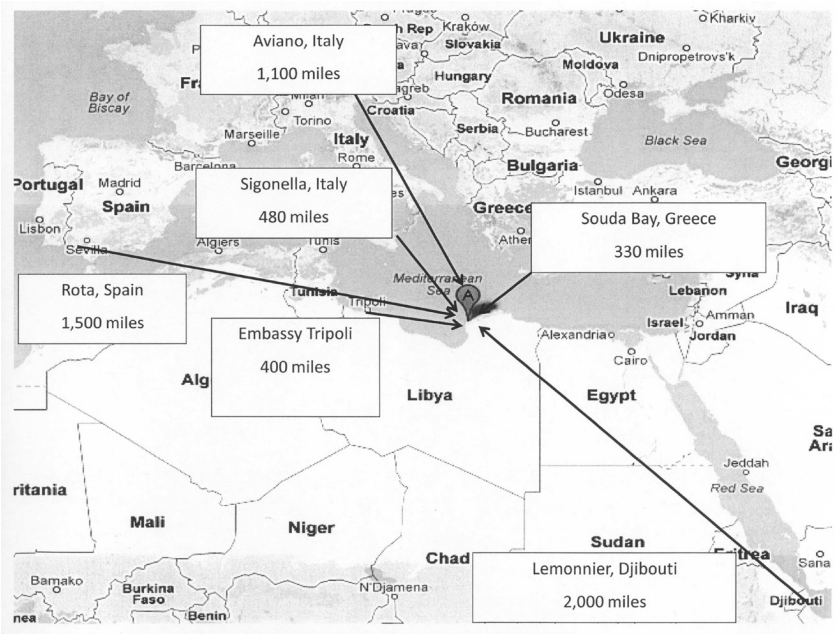
Chairman LEVIN. That would be fine. Can you tell us what map that is?

Senator GRAHAM. Yes. It talks about different airbases, naval bases, surrounding Benghazi, Libya.

Chairman LEVIN. Thank you.

Senator GRAHAM. So I'll put that in the record.

[The information referred to follows:]




Senator GRAHAM. One, you've been both very candid. Thank you.

I want to make sure I understand what you said about Syria. Both of you agreed with Petraeus and Clinton that we should start looking at military assistance in Syria; is that correct?

Secretary PANETTA. That was our position. I do want to say, Senator, that obviously there were a number of factors that were involved here that ultimately led to the President's decision to make it non-lethal—I supported his decision in the end. But the answer to your question is yes.

Senator GRAHAM. For both of you?

General DEMPSEY. Yes.

Senator GRAHAM. It's certainly up to the President to make all these decisions.

Who was in charge in Benghazi? Were you in charge, Secretary Panetta?

Secretary PANETTA. What do you mean, in charge?

Senator GRAHAM. As running the operation, trying to find a way to save our Ambassador who was lost, trying to prevent our people from being killed, providing assistance to people who were under attack. A simple question. If the families ask me, would it be fair to say that you were in charge?

Secretary PANETTA. It's not that simple. I think the people that were in charge were the people on the ground——

Senator GRAHAM. Would you say Secretary Clinton was in charge?

Secretary PANETTA. Pardon me?

Senator GRAHAM. Was Secretary Clinton in charge?

Secretary PANETTA. The people that were in charge were the Ambassador there at Benghazi during the course of the attack——

Senator GRAHAM. But they were trying to save their lives. They weren't in charge. Somebody had to be in charge of coordinating assistance. Was it you, the Secretary of State, or the President? Who was in charge?

Secretary PANETTA. I think we're all in charge in the sense of trying to move our forces as quickly as possible to save lives.

Senator GRAHAM. Did you ever talk to Secretary Clinton at all that night, September 11?

Secretary PANETTA. Not that night, but obviously we had people in touch with her and——

Senator GRAHAM. Did you as Secretaries of Defense and State ever consult each other before the attack was over?

Secretary PANETTA. Did we consult?

Senator GRAHAM. Yes, did you talk? Did you individually talk with each other?

Secretary PANETTA. No.

Senator GRAHAM. When did you talk to the President after your initial meeting around 5 p.m.? When did you talk to him again?

Secretary PANETTA. I'm not sure.

Senator GRAHAM. Was it on September 12?

Secretary PANETTA. It could very well have been that I——

Senator GRAHAM. Did you go to bed that night? Did you go to bed before the attack was over?

Secretary PANETTA. No. I was at DOD.

Senator GRAHAM. Nor did you, General Dempsey?

General DEMPSEY. No. We were——

Senator GRAHAM. Do you know if the President went to bed before the attack was over?

General DEMPSEY. I don't know, sir.

Senator GRAHAM. Do you know who was talking to the President at the White House?

Secretary PANETTA. I assume the chief of staff was talking to the President.

Senator GRAHAM. Do you know—but you don't know?

Secretary PANETTA. I don't know.

Senator GRAHAM. Do you, either one of you, understand some of the frustrations we have? This is the first time in 30 years we lost control of an ambassador and no small deal.

I would just conclude, Mr. Chairman, saying I want to know more about what the—finally, do you know if the President knew of these prior attacks, March, April, June?

Secretary PANETTA. I can't.

Senator GRAHAM. I want this committee to continue to ask questions about what the President knew before and during this attack. Apparently, we're going to have to call other people.

Thank you very much, Mr. Chairman.

Chairman LEVIN. Thank you.

Secretary PANETTA. Senator, if I could just say, we share your frustrations. Any time you lose four Americans——

Senator GRAHAM. It's not about your caring. I know the President cares. It's not about that. It's about were we ready. We looked hard at the Bush administration. They screwed up a bunch. So

you're going through nothing they weren't going through. We're trying to learn.

You will be missed, Leon Panetta, you have served this country well. General Dempsey, thank you. But this to me is system failure at every level before, during, and after. The President of the United States deserves credit for Osama bin Laden. He was hands on. We need to find out where he was at and what he was doing here.

Thank you.

Chairman LEVIN. Senator Blunt.

Senator BLUNT. Thank you, Mr. Chairman.

Secretary Panetta, I want to say also that I think you've done a great job both at the CIA and here and in your other jobs. Frankly, I think you and Secretary Gates are two of the great public servants in these kinds of jobs in the history of the country. He knows I think that and I want you to know I think that as well.

I am concerned when Senator Graham asks who was in charge and there's not an answer. Somebody should have known that night that there is one focal point. Maybe I guess at the end of the day it's the President, though the President doesn't seem to be very engaged. I think that's a concern.

You said, I believe, to Senator Ayotte that you thought—what time did you—when did you think the attack was over?

General DEMPSEY. Could I help with the answer, who was in charge?

Senator BLUNT. You could have helped when the question was posed earlier.

General DEMPSEY. It was pretty tough actually.

Senator BLUNT. All right. Who was in charge?

General DEMPSEY. The responsible agent inside of a country for security until the introduction of DOD is the resident security officer (RSO), who works for the ambassador, in collaboration with——

Senator BLUNT. I think what Senator Graham was asking, though, was who was in charge of our response from here. You can't just be talking with no thought of conclusion.

General DEMPSEY. Okay, but I can help with that concern. I got that. So internal to the country, before we arrive, it's the RSO. Once we arrive, it's the combatant commander, the Commander of AFRICOM.

I want to assure you, had we been able to—there's been a whole bunch of speculation about we were risk-averse, we needed the country's permission to come in. If we had been able to get there with anything, we'd have gone in there under the command of the Commander of AFRICOM.

Senator BLUNT. Of the marines that were on the plane in Rota, Spain, did eventually—did those marines eventually go to Tripoli?

General DEMPSEY. They did.

Senator BLUNT. Why were they taken off the plane and told to change from their uniforms to other clothes?

General DEMPSEY. At the request of the host nation, relayed through the Embassy.

Senator BLUNT. How much did that slow that response up?

General DEMPSEY. Probably 30 minutes.

Senator BLUNT. Now, I've read other places an hour and a half to 2 hours. You think 30 minutes?

General DEMPSEY. I'm saying that it would—that's my estimate. I just know that it was an occurrence.

Senator BLUNT. Why did they go to Tripoli instead of Benghazi?

General DEMPSEY. By the time they were arriving there, there was no one left in Benghazi.

Senator BLUNT. When did we get the last person out of Benghazi that we brought out?

General DEMPSEY. I'd have to look at the timeline.

Secretary PANETTA. I think it was within 12 hours we had moved all of the people there out.

Senator BLUNT. Did they go to Germany?

General DEMPSEY. We did move them to Ramstein.

Senator BLUNT. A question I've had since the very start of this is why didn't somebody ask them at that time what happened before this all started, which would have solved the question about whether there was a demonstration going on or not. I asked that question once before, and only the FBI was allowed to talk to them, which made no sense to me at all and still makes no sense to me.

We're talking to people who were in Algeria a few days ago. We were talking to them the next day. I don't know of anybody that's really talked directly on this committee, Mr. Chairman, to people who were in Benghazi and who within 12 hours were somewhere where they could have been talked to, to ask what happened.

Now, I'll go back to my original question, Secretary Panetta. When did you think that the activity was over and under some reasonable level of control?

Secretary PANETTA. It was soon after the second attack, and at that point our biggest concern, Senator, was the fact that we couldn't find the Ambassador. We were then teeing up the rescue team to get ready to go in because we thought we had a hostage rescue mission that we were going to have to conduct.

Senator BLUNT. The second attack was the attack that was over around midnight?

Secretary PANETTA. At the annex, that's correct.

Senator BLUNT. Thank you, Mr. Chairman.

Chairman LEVIN. Thank you, Senator Blunt.

Senator Cruz.

Senator CRUZ. Thank you, Mr. Chairman.

A couple of areas of brief inquiry. I want to make sure I understand your testimony from earlier this morning correctly, that you said post-September 11 the State Department requested additional security in Yemen and DOD has provided that additional security?

Secretary PANETTA. No, no. Pre-September 11.

Senator CRUZ. Oh, that was pre-September 11.

Secretary PANETTA. Right.

Senator CRUZ. Is it correct then that had the Department of State responded to the request from the Ambassador for additional security and requested from DOD additional security, that that would have been provided in Benghazi as well?

General DEMPSEY. Yes. If we'd have been asked, we would have responded. But I was going to make it clear: I'm not clear on whether the Embassy in Tripoli ever sent a request. I don't think they did. I think they were still in internal deliberations inside of Tripoli.

Senator CRUZ. If the State Department had requested additional security so that there were additional boots-on-the-ground in Benghazi, is it your military judgment that that would have prevented the loss of four lives, including our Ambassador, in Benghazi on September 11?

General DEMPSEY. Honestly, not dodging the question, that's a hypothetical that's just actually hard to process. I think, first of all, the request would have come in to put augmentation in Tripoli, and then the question would have been could you get to Tripoli and back. But we could very well have put lift there to support it. It's so hypothetical, I just can't answer it.

Senator CRUZ. In your judgment, would additional troops on the ground in Benghazi have prevented the loss of life from the assault that we sustained?

General DEMPSEY. Additional or any troops on the ground in Benghazi would have added to the security of the consulate.

Senator CRUZ. One other topic that has not been focused on yet. A lot of this focus has been on the events of September 11 and September 12, and I'd like to shift to the nearly 5 months that have transpired since then and ask about the topic of retribution. A number of terrorists murdered four Americans, including the U.S. Ambassador. To the extent you are able in an open hearing, I would like to know what our progress is in tracking down those terrorists and exacting serious retribution?

Secretary PANETTA. Obviously, a fuller explanation ought to be done in a more classified setting. But what we have is, an FBI team was immediately assembled that involves the CIA plus DOD, and that team has made very good progress in identifying individuals that were associated with that attack. We now have a list of those that we are all looking for to determine exactly where they're located. I think the Department of Justice is part of that team, and also trying to see what kind of cases can be developed should we either be able to capture or detain them in some way.

Senator CRUZ. Two final questions. Had the compound been secured in a timely manner rather than 23 days later, do you think that would have assisted in the effort to track down who committed these acts of terrorist?

Secretary PANETTA. Again, hard to tell what the crowd did there and what that scene looked like. Obviously, the ability to get into a scene and gather evidence, just based on my own legal background, anything you find can help you make a case.

Senator CRUZ. My final question. In the months that have followed since then we have seen other terrorist attacks. We have seen, tragically, a suicide bomber in Ankara in Turkey, and we have seen the horrific attack in Algeria that murdered, among others, two Texans, Victor Lovelady and Frederick Buttaccio. Do you think the lack of a public visible response and retribution for this terrorist attack may have had the effect of emboldening those who would seek to do harm and take the lives of Americans?

Secretary PANETTA. Senator, these people are emboldened, period. Their basic intent is to go after our citizens, to go after our facilities, to attack us in any way possible. I don't think we ought to be surprised that they are making every effort to try to do that in every location that is convenient for them.

So I would just tell you that I am not surprised by the fact that we see these attacks taking place, because that is what this enemy does, and that's why we having to do everything possible to make sure that al Qaeda never has that opportunity.

Senator CRUZ. Do you agree with the reports that have suggested that Osama bin Laden was emboldened by what he perceived as the lack of a vigorous response of the United States to prior terrorist attacks and that that was a contributing factor to September 11, 2001?

Secretary PANETTA. They were planning that for a long time. I think a lot of this has been gone over time and time again, but the reality is that at some point, I think, they were going to try to conduct an attack that would make clear to the world their intent to come after the United States, and they were successful at doing that.

I will tell you this, that as a result of what happened on September 11 and the fact that we have gone at them in every way possible, I think, it is because of that effort that we have been able to deter attacks up to this point.

Senator CRUZ. Thank you, Mr. Chairman.

Chairman LEVIN. Thank you, Senator Cruz.

Thank you, Secretary Panetta and General Dempsey, for coming here today for this important hearing. We are grateful to both of you for your service to our Nation.

We stand adjourned.

[Questions for the record with answers supplied follow:]

QUESTIONS SUBMITTED BY SENATOR JOE MANCHIN III

INTERAGENCY COORDINATION

1. Senator MANCHIN. Secretary Panetta, since Benghazi, what has changed in terms of real-time coordination between the Department of Defense (DOD) and the Department of State (DOS) to respond to threats against diplomatic facilities? For example, how was the DOD–DOS response to last week's embassy attack in Turkey different from what it would have been pre-Benghazi?

Secretary PANETTA. DOD–DOS communication regarding the security of U.S. diplomatic facilities remains a strong point in the relationship between the two agencies. Coordination between the Departments during and after events like the attacks in Benghazi and Turkey is timely and thorough; my staff and I enjoyed nearly seamless cooperation and information exchange with our counterparts during those time periods.

2. Senator MANCHIN. Secretary Panetta, what was DOD's specific role in sharing information about and responding to this attack?

Secretary PANETTA. Less than half an hour after I was notified of the attack, General Dempsey and I attended a previously-scheduled interagency meeting at the White House where we discussed potential responses to the emerging situation. Immediately after that meeting, I provided verbal authorization for the deployment of the forces I outlined in my testimony. We constantly shared information with our interagency partners throughout the crisis.

3. Senator MANCHIN. General Dempsey, on the Interagency Security Assessment Teams (ISAT) that visited 19 high-threat diplomatic posts, what new roles in diplomatic security are being contemplated for DOD to assume moving forward?

General DEMPSEY. DOD is developing new approaches to work with DOS to protect U.S. personnel and activities. As before, DOS remains the lead for the security of our diplomatic missions and DOD will continue to support. Our emphasis is on proactive decisionmaking, more widely distributed reaction forces, and adaptable alert postures. Our combatant commanders are assessing ways that we can provide early reinforcement to threatened U.S. facilities as well as posture military forces within the geographic combatant commands to respond to increasing indications and

warnings of an attack. The Departments will continue to share and monitor indications and warnings at all locations in order to increase force protection levels, provide DOD security augmentation early, and begin the process of ordered departures and reductions in staff to proactively reduce the risk to U.S. citizens and facilities as situations develop. When indicated by situations and warnings, the geographic combatant commanders (GCC) will adjust the alert postures of their security augmentation forces. In addition to GCCs regularly engaging with Chiefs of Mission on security issues, we will also work with DOS to increase emphasis on host nation security arrangements and capabilities.

4. Senator MANCHIN. General Dempsey, since high-threat environments are highly fluid, will these assessments be formalized in an ongoing process to ensure we don't fall back into business as usual?

General DEMPSEY. Yes. DOS and DOD have developed a more proactive approach to the "New Normal" global unrest. Our GCCs are working with Chiefs of Mission in high threat areas to update their emergency action plans to account for the "New Normal." These plans will include more specificity on proactive actions to be taken and planned response times. The Departments will continue to share and monitor indications and warnings at all locations in order to increase force protection levels, provide DOD security augmentation early, and begin the process of ordered departures and reductions in staff to proactively reduce the risk to U.S. citizens and facilities as situations develop. When indicated by situations and warnings, the GCCs will adjust the alert postures of their security augmentation forces.

Additionally, the U.S. Special Operations Command (SOCOM) will continue deployments of Regional Survey Teams (RST), under the Integrated Survey Program, to collect and produce detailed tactical planning data for diplomatic facilities and supporting interests overseas for possible contingency operations. The RST products provide critical information for reactive measures (contingency operations), but do not include vulnerability assessments. SOCOM hosts an annual conference to determine the following year's survey locations based on the DOD and DOS priorities and a Defense Intelligence Agency (DIA) threat analysis.

5. Senator MANCHIN. General Dempsey, will Congress be briefed on the results of the assessments when they are complete?

General DEMPSEY. DOD and DOS are working together to conduct the assessments. A combined brief can be arranged.

6. Senator MANCHIN. General Dempsey, I understand that the military has forces designated as the "global response force" or other quick-response-type forces. I would appreciate a staff-level update on those forces and their response times. Would you arrange that staff update in the next 3 weeks?

General DEMPSEY. Yes, we will coordinate a brief with the committee and your office.

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## QUESTIONS SUBMITTED BY SENATOR JEANNE SHAHEEN

### AFRICOM RESPONSE

7. Senator SHAHEEN. Secretary Panetta, Dr. Cynthia Watson, a professor at the National War College, stated, "U.S. Africa Command (AFRICOM) hopes to avoid that traditional combatant command goals of warfighting in favor of war prevention, making its orientation quite different from other parallel organizations." Do you agree with this assessment?

Secretary PANETTA. U.S. combatant commands are prepared to conduct the full spectrum of assigned missions. AFRICOM was designed with a particular emphasis on synchronizing security and stabilization efforts with whole-of-government diplomatic and development tools during every phase of conflict management, from war prevention to warfighting and war recovery.

8. Senator SHAHEEN. Secretary Panetta, do you think that this mission focus prohibited AFRICOM from being effective in responding to the Benghazi incident?

Secretary PANETTA. The lack of specific intelligence or indications of an imminent attack, coupled with the speed of the attack, meant that there was not enough time for armed military assets to respond. The Accountability Review Board (ARB) shared this view.

9. Senator SHAHEEN. Secretary Panetta, the AFRICOM commander has testified that intelligence and surveillance continue to be a challenge and that more assets are needed. You also insist that better intelligence would have given the agency a heads-up and enhanced its ability to provide better support to Benghazi. Do you think that more assets in the region would have provided DOD with more timely intelligence about events in Benghazi?

Secretary PANETTA. With the benefit of hindsight, I would say yes. For example, if we had more Predators airborne and in the area we could have provided more intelligence on events in Benghazi. However, while the Predator has proven to be one of our most effective intelligence, surveillance, and reconnaissance (ISR) platforms, it is greatly affected by weather conditions and would have to travel a good distance from its takeoff and landing base in order to be overhead Benghazi. We continue to evaluate where the most optimum locations to base our ISR assets given the constraints and limitations placed on us with respect to geography and resources.

10. Senator SHAHEEN. Secretary Panetta, according to the Senate Homeland Security and Governmental Affairs Committee (HSGAC) report, AFRICOM did not have a dedicated U.S. Special Operations Forces Commander's in-Extremis Force (CIF). It shared one with U.S. European Command (EUCOM), which was too far away to rapidly respond. Largely in response to the September 11, 2012, attacks in Benghazi that killed the U.S. Ambassador to Libya and three other Americans, a dedicated SOF CIF was established in early October 2012. Please explain how the AFRICOM CIF will be used. Will it be positioned in a location that gives it the flexibility to respond more quickly in times of regional crisis like Benghazi?

Secretary PANETTA. CIFs are used at the discretion of the commanders to respond to contingencies in their areas of responsibility (AOR). The establishment of the AFRICOM CIF was planned before the events in Benghazi, and I am pleased that force is now available to the commander of AFRICOM as of the beginning of this fiscal year. AFRICOM's response capabilities are challenged by the size of the continent and the lack of basing rights and authority to place facilities on the continent. As a result, most of AFRICOM's resources will continue to reside in southern Europe or afloat for the foreseeable future. It is incumbent upon us in the DOD, then, to work and plan closely with our DOS colleagues to ensure their planning and risk management strategies take such logistics factors into consideration.

11. Senator SHAHEEN. Secretary Panetta, do you think that it could have made a difference in Benghazi?

Secretary PANETTA. Taken by itself, the addition of a CIF alone is unlikely to have changed the outcome in Benghazi. However, I believe our current approach—which combines proactive measures such as hardening facilities and improving intelligence and warning—and improving response and reaction posture will help to prevent such an event from happening in the future.

INTERAGENCY COOPERATION

12. Senator SHAHEEN. Secretary Panetta, during a hearing on December 20, Assistant Secretary Nides of DOS told me that "unprecedented cooperation" between DOS and DOD occurred in the aftermath of the Benghazi attacks. Those efforts entailed sending 5 interagency support teams to 19 posts in 13 countries, sending 35 additional marine detachments (225 marines) to serve as deterrents, and plans to build new barracks where feasible to house the security teams and marines. It obviously shouldn't take a tragic event like this one to ignite unprecedented cooperation between DOS and DOD. How do we ensure that this is the standard way of doing business in the future?

Secretary PANETTA. As I mentioned, our coordination with our DOS colleagues was excellent during and after the Benghazi attacks. The experience did provide a number of lessons on how DOS and DOD personnel in the field interact when U.S. facilities and personnel are at risk overseas. I can tell you that DOD is absorbing and propagating those lessons with a significant emphasis on tying our plans and posture to those of DOS. This will require new internal processes for us, many of which are already underway.

13. Senator SHAHEEN. Secretary Panetta, how would you assess the interaction between DOD/military combatant commanders and DOS at the time of the attack?

Secretary PANETTA. Senior DOD leadership and the National Military Command Center were in close coordination with former Secretary Clinton and her staff as well as the operations center at DOS during and after the attacks.

14. Senator SHAHEEN. Secretary Panetta, the HSGAC report faulted both DOD and DOS for the fact that they had not jointly assessed the availability of U.S. assets to support the Temporary Mission Facility in Benghazi in the event of a crisis. Is this something that should have happened?

Secretary PANETTA. As I mentioned, our coordination with our DOS colleagues was excellent during and after the Benghazi attacks. The experience did provide a number of lessons on how DOS and DOD personnel in the field interact when U.S. facilities and personnel are at risk overseas. I can tell you that DOD is absorbing and propagating those lessons with a significant emphasis on tying our plans and posture to those of DOS. This will require new internal processes for us, many of which are already underway.

15. Senator SHAHEEN. Secretary Panetta, do we have plans to jointly assess the security of diplomatic facilities in the future?

Secretary PANETTA. We participated in the deployment of ISAT with DOS to evaluate the security level at 19 diplomatic facilities in some of the most vulnerable locations, including our Embassy in Libya, and we are in the process of developing recommendations on potential security increases required. DOD personnel can and do participate in security assessments as part of the country team. Finally, and most importantly, some of the new processes we are currently developing will make it easier for DOD to support the security of U.S. diplomatic facilities in a proactive fashion, and to make doing so part of our standard operating procedure.

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## QUESTIONS SUBMITTED BY SENATOR KIRSTEN GILLIBRAND

### JIHADIST MOVEMENTS AND FUNDING

16. Senator GILLIBRAND. Secretary Panetta, in the wake of the Arab Spring, in countries where people rose up and overthrew corrupt regimes hoping to usher in the freedoms associated with democratic rule, we are now watching jihadist and fundamentalist movements aligned against our interest move into those areas and take root. Who is funding these movements and what are, or should, DOD and the broader U.S. Government be doing to stem this support?

Secretary PANETTA. [Deleted.]

17. Senator GILLIBRAND. Secretary Panetta, is there evidence that funding is coming from Gulf countries? If so, what leverage should we use to address their support for groups and movements that threaten our security?

Secretary PANETTA. [Deleted.]

18. Senator GILLIBRAND. Secretary Panetta, as al Qaeda's footprint expands in a decentralized manner, so too must its funding streams. From where does this funding come—both geographically, but also the means?

Secretary PANETTA. [Deleted.]

19. Senator GILLIBRAND. Secretary Panetta, is the funding coming primarily through criminal activities like kidnap for ransom, piracy, or drug and arms smuggling?

Secretary PANETTA. [Deleted.]

20. Senator GILLIBRAND. Secretary Panetta, how do we effectively stem the flow of money?

Secretary PANETTA. DOD is not the U.S. Government lead agency in counter threat finance, but DOD can play a critical role working with other departments and agencies, and with partner nations, to fight our adversaries' ability to derive revenue from licit and illicit activities. DOD works very closely with the Department of Treasury, U.S. law enforcement agencies, as well as the National Intelligence Manager for Threat Finance. In addition to these excellent partnerships, DOD supports other U.S. departments and agencies and works with partner nations to deny, disrupt, or defeat and degrade adversaries' ability to use global licit and illicit financial networks to affect U.S. interests negatively. DOD brings unique capabilities, such as planning, intelligence analysis, and the integration of intelligence into operations. DOD developed and sharpened these capabilities over the past decade

through the establishment of and work with the Iraq Threat Finance Cell and Afghanistan Threat Finance Cell.

21. Senator GILLIBRAND. Secretary Panetta, you have stated that we have to better assess and build up the capabilities of host governments to both provide security for U.S. personnel and facilities and to build more long-term and effective counterterrorism forces. How do you respond to those who say the United States wasted over $1 billion since 2005 in training security forces, securing borders, and reducing poverty in North and West Africa, leaving us to face an adapting enemy that is well-resourced and potentially deadlier than ever?

Secretary PANETTA. The U.S. Government has worked to train, equip, organize, and support African partner forces to counter shared threats and to enable them to do a better job in providing for the security of their territory and populations. The partnership and ongoing engagement with these militaries has helped develop key capabilities. Our efforts in countries like Mauritania, Chad, and Niger have been focused on the counterterrorism mission and we are also getting a strong return on our investments. Chad, which is actively engaged in combat in Mali, stands out as a key success. However, it is also important to note two factors that can limit our ability to build regional capability: the lack of capacity that characterizes many governments in the region, and the risk of political or institutional instability. To address these issues, we work with African forces to find areas where we can best enable partner units. Further, development and humanitarian assistance for the region, which is primarily funded through DOS and U.S. Agency for International Development, contribute to stabilizing partner nations and we believe they have had some successes that enable military engagement.

22. Senator GILLIBRAND. Secretary Panetta, in addition to preparing to respond to the next attack or incident, what can or should DOD do to preempt the growth and spread of al Qaeda and its adherents and affiliates and strengthen U.S. abilities to proactively counter efforts to radicalize and recruit the next generations of terrorists or violent extremists?

Secretary PANETTA. The U.S. Government is engaged in a multi-departmental, multi-national effort to combat al Qaeda. DOD undertakes key activities to support this strategy, including: training, advising, and assisting partner security forces; supporting intelligence collection on al Qaeda; conducting information operations against al Qaeda; and, when appropriate, capturing or killing al Qaeda operatives. DOD also works to help enable our intelligence and law enforcement partners, both in the United States and overseas, in their efforts to counter this threat.

INTELLIGENCE COMMUNITY

23. Senator GILLIBRAND. Secretary Panetta and General Dempsey, in Arab Spring countries, the Intelligence Community—particularly human intelligence—is facing the challenge of reestablishing intelligence assets and sources with access to the new governments and evolving leadership. How do you assess our Intelligence Community capabilities in these countries?

Secretary PANETTA and General DEMPSEY. DOD has referred this question to the Director of National Intelligence as head of the Intelligence Community, in accordance with the Intelligence Reform and Terrorist Prevention Act of 2004 (P.L. 108–458).

24. Senator GILLIBRAND. Secretary Panetta and General Dempsey, how do you assess DOD's Intelligence Community capabilities?

Secretary PANETTA. [Deleted.]

General DEMPSEY. [Deleted.]

25. Senator GILLIBRAND. Secretary Panetta and General Dempsey, does DOD remain intent on creating its own Defense Clandestine Service (DCS)? If so, why is this necessary and not duplicative of the National Clandestine Service?

Secretary PANETTA. [Deleted.]

General DEMPSEY. [Deleted.]

26. Senator GILLIBRAND. Secretary Panetta and General Dempsey, how do you ensure that in creating such similar services, you don't run the risk of stovepiping collection efforts and intelligence activities—problems that contributed to our failure to see and preempt the attacks of September 11 over 11 years ago?

Secretary PANETTA and General DEMPSEY. The DCS, under the authority, direction, and control of the Director, DIA will foster closer collaboration with key Intelligence Community partners by integrating collection and streamlining coordination processes. DOD policies, procedures, and agreements are in place to govern defense human intelligence (HUMINT), provide the rules under which DCS personnel will operate to accomplish their defense mission, ensure coordination of operations, and prevent stovepiping.

27. Senator GILLIBRAND. Secretary Panetta and General Dempsey, drones have proven themselves to be effective both for intelligence collection and for targeting and destroying designated terrorists or terrorist facilities. How would you characterize the relationships between DOD and the Central Intelligence Agency (CIA) in terms of command and control of the drones and their specific missions?

Secretary PANETTA. The DOD and CIA cooperate closely on many national security efforts. I can provide further details of that relationship in a classified forum.

General DEMPSEY. There is a strong and close relationship between the DOD and the CIA, including operations of Remotely Piloted Aircraft (RPA). While DOD operates under title 10 and its limitations, the CIA operates under other authorities. DOD performs the command and control of all drone activities operated by DOD personnel; however, intelligence sharing occurs between the two entities when the mission and target sets cross agency/department lines of responsibility.

COMBATANT COMMANDS

28. Senator GILLIBRAND. Secretary Panetta and General Dempsey, the relevance of AFRICOM to our national security has become more pronounced; yet, it remains the only regional combatant command that is neither in the United States nor its AOR. While sensitivities may remain with basing in the region, why did the recent DOD study on a potential relocation focus on the United States rather than also considering a move to the continent?

Secretary PANETTA. The study was completed in accordance with congressional language contained in the House Armed Services Committee Report accompanying H.R. 1540, the National Defense Authorization Act for Fiscal Year 2012; which requested an assessment of the cost-benefit of maintaining AFRICOM headquarters in Stuttgart, Germany, versus relocating the headquarters in the United States. DOD conducted the study by assessing the strategic and operational risks associated with both locations (Germany vs. United States) as well as the relevant costs for moving the headquarters to the United States.

General DEMPSEY. House Report 112–78, accompanying H.R. 1540, the National Defense Authorization Act for Fiscal Year 2012, requested an alternative basing review for AFRICOM. Cost Assessment and Program Evaluation (CAPE) assessed strategic and operational factors along with the relevant costs of moving the headquarters to continental United States (CONUS).

The study identifies significant operational concerns associated with relocating AFRICOM to CONUS-specifically, access to AOR and assigned forces. It is the commander's judgment that AFRICOM would be less effective in CONUS given shared forces with EUCOM; currently these commands are colocated in Europe. With respect to costs, the study estimates that annual recurring costs could be reduced by half if relocated to CONUS, with the initial investment being recovered in 2 to 6 years.

Given the imperative of operational effectiveness, it has been decided that AFRICOM will not relocate to the United States.

29. Senator GILLIBRAND. Secretary Panetta and General Dempsey, how will AFRICOM be resourced to ensure it can match growing interests and engagement in Africa?

Secretary PANETTA. AFRICOM recognizes that Africa is a "low-cost, small-footprint" theater and that adequate resources to conduct every desired engagement, exercise, and other military-to-military activities will not be available. AFRICOM works in close collaboration with other agencies to employ the full range of U.S. Government tools and authorities in the most efficient ways possible. Detailed planning and vigorous prioritization of available resources enable AFRICOM to focus on the activities that are most critical to U.S. and regional security. DOD will continue to identify any additional authorities and funding AFRICOM needs to accomplish its mission.

General DEMPSEY. We continually assess AFRICOM's requirements against both our global requirements and available resources to achieve the right balance. We

also work with our partners to build partner capacity in the region to address emerging threats and bring optimal capabilities to bear in a timely manner.

30. Senator GILLIBRAND. Secretary Panetta and General Dempsey, are you confident that the overlap of logistics and resources with EUCOM will suffice?

Secretary PANETTA. EUCOM and AFRICOM coordinate closely and their physical proximity in Germany enables good planning and optimization of available resources. AFRICOM will continue to identify opportunities to realize efficiencies and flexibility through assigned resources.

General DEMPSEY. Yes. We continually assess EUCOM's and AFRICOM's overall resource requirements including their logistics requirements to ensure the appropriate balance. During crises, these two combatant commands are well-positioned to be mutually supporting as well, which helps mitigate risk. Additionally, our regional allies and partners can share in the immediate burden, ensuring adequate logistical resources are available to support contingencies.

31. Senator GILLIBRAND. Secretary Panetta, you have said that as the size of the military is reduced, DOD will continue to grow its Special Forces cadre, with a projection from 64,000 today to 72,000 by 2017. How do you foresee our force placement shifting throughout the world given this combined growth in Special Forces, but decrease in overall personnel?

Secretary PANETTA. Our SOF have been deploying at a high operational tempo since September 11—higher than DOD goals—which has resulted in a degradation of our SOF's ability to conduct the full spectrum of operations and concerns about the force and our SOF families fraying. The growth of SOF that was directed in the 2006 and 2010 Quadrennial Defense Reviews was predicated on establishing a force capable of meeting our operational tempo goals to allow predictability in deployments and the ability to make sure our SOF are properly trained for the full range of special operations. It is also important to recognize that increasing the number of SOF takes several years due to the requirement to increase the throughput of our SOF training school houses and the immutable fact that it takes several years to produce a fully-trained SOF operator. After nearly 10 years of responsibly expanding the force, we are on track to level off growth in 2015, and posture SOCOM for persistent, long-term engagement with security partners around the globe. We are looking at SOF posture as we continue to work out the details of DOD's plans to support our defense strategy and the effects that service personnel drawdowns will have on our global presence.

32. Senator GILLIBRAND. Secretary Panetta, as you said, the National Security Agency does not have a shortage of people interested in being part of U.S. Cyber Command's efforts. "They view it as an opportunity to get involved, be on the cutting edge of the technology with regards to cyber, develop tremendous skills there, and be able to then go out and use those skills in the private sector." After investing time and resources into developing these skills, how will DOD retain such personnel so they don't simply go out and use those skills in the private sector?

Secretary PANETTA. DOD recognizes that the competition from the private sector for the same competencies and capabilities is significant. To address this challenge, DOD must ensure its recruitment, training, retention, and compensation policies and strategies are flexible and responsive to this emerging domain. Therefore, DOD is actively developing strategies for the effective recruitment, development, retention, and competitive compensation of highly qualified and skilled personnel in the cyber workforce, both military and civilian. We recognize the need for significant investments of time and resources to build and maintain a competent and cutting-edge cyber workforce, and we are investing now. As necessary, DOD will work with the Office of Personnel Management and Congress to seek necessary hiring and retention authorities. While no decisions have been made, these may include directed/expedited hiring authorities, critical skill retention bonuses, and special pays.

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## QUESTIONS SUBMITTED BY SENATOR JAMES M. INHOFE

### DEFENSE INTERNAL REVIEW

33. Senator INHOFE. Secretary Panetta, DOD reportedly has conducted an internal review of the Benghazi attacks. I would like to understand what the major findings are of the review and what steps have been taken to answer those major findings. What was the focus of the DOD internal review of the Benghazi attacks and what were the major findings?

Secretary PANETTA. An exhaustive review of the Benghazi events has established that DOD responded appropriately to the attacks. Our coordination with our DOS colleagues was excellent during and after the Benghazi attacks. The experience did provide a number of lessons on how DOS and DOD personnel in the field interact when U.S. facilities and personnel are at risk overseas. I can tell you that DOD is absorbing and propagating those lessons with a significant emphasis on tying our plans and posture to those of DOS. Lastly, we fully support the recommendations of the ARB. We stand ready to assist in the implementation of these recommendations.

34. Senator INHOFE. Secretary Panetta, what specific steps have been taken that address the major findings from the DOD internal review of the Benghazi attacks?

Secretary PANETTA. As I mentioned, DOD conducted an exhaustive review of the Benghazi events and the experience did provide a number of lessons on how DOS and DOD personnel in the field interact when U.S. facilities and personnel are at risk overseas. We fully support the recommendations of the ARB. We stand ready to assist in the implementation of these recommendations.

35. Senator INHOFE. Secretary Panetta, are there any steps which DOD would like to take but feels it does not possess enough resources to execute or implement?

Secretary PANETTA. One of the greatest security risks we are now facing as a Nation is that this budget uncertainty could prompt the most significant military readiness crisis in more than a decade. This would badly damage our national defense and compromise our ability to respond to crises in a dangerous world. Compounding this risk on the African continent is the lack of basing and the inability to place facilities in African countries. Most of the limited resources we have that are dedicated to AFRICOM reside in southern Europe or are afloat.

DISTANCE AND RESPONSE TIME CHALLENGES

36. Senator INHOFE. Secretary Panetta, although specific information regarding an attack on the Benghazi facilities was not sufficient to increase the alert level of forces that could intervene in a timely manner, there were numerous indications of increased risk across Northern Africa in general. During the hearing, I mentioned several incidents of violence that occurred across Libya, including in Benghazi. Additionally, you remarked "we were also concerned about potential threats to U.S. personnel in Tunis, Tripoli, Cairo, Sana'a, and elsewhere that could potentially require a military response." What modifications, if any, have been made since the time of the Benghazi attacks to the Commander's Critical Information Requirements (CCIR) as they relate to potential terrorist threats to try to improve the warning time available to combatant commanders?

Secretary PANETTA. The concerns I expressed regarding the events of September 11–12, 2012, were the result of events on the ground in the Middle East and North Africa. Diplomatic facilities in several countries were reporting actualized threats, and we had to be prepared for additional violence after Friday prayers the next day. Through the crisis, I was pleased with General Ham's awareness of the situation, AFRICOM's staff coordination, and their collaboration with SOCOM, the Joint Staff, and the Office of the Secretary of Defense. I am not aware of any changes made to General Ham's CCIR.

37. Senator INHOFE. Secretary Panetta, have the indications and warnings used to trigger posture changes, such as changes to alert status and forward-basing movements, been altered for AFRICOM and/or EUCOM based on the large distances between the EUCOM forces and the AFRICOM theater and within the AFRICOM theater itself that make rapid response difficult?

Secretary PANETTA. Yes, AFRICOM continually analyzes, and where necessary, makes adjustments to its plans and capabilities. AFRICOM's response capabilities are challenged by the size of the continent and the lack of basing rights and authority to place facilities on the continent. As we jointly develop long-term risk mitigation measures with DOS, we have also made adjustments to our posture to ensure we are able to respond should contingencies arise.

38. Senator INHOFE. Secretary Panetta, does DOD ever posture forces based on increased levels of general threats in a region, even if site-specific intelligence may not be available?

Secretary PANETTA. I hesitate to engage in hypotheticals, since each high-threat situation is unique and will require a tailored response from the U.S. Government.

Our threat review process in ongoing and DOD is able to modify our force posture in response to known and assessed potential threats. We do not require intelligence specific to a single site in order to change our force posture; we may adjust on threats to multiple sites.

39. Senator INHOFE. Secretary Panetta, given that Benghazi is relatively more accessible than the majority of the AFRICOM AOR, what initiatives, if any, are being pursued to improve strategic access to AFRICOM (e.g., detachments, acquisition and cross-servicing agreements, et cetera)?

Secretary PANETTA. AFRICOM continually evaluates and, where necessary, adjusts its resources and posture to enable the accomplishment of assigned missions. AFRICOM's response capabilities are challenged by the size of the continent and the lack of basing rights and authority to place facilities on the continent. Where we can, we are arranging access agreements for improved access for U.S. assets, but we expect most of AFRICOM's resources will continue to reside in southern Europe or afloat for the foreseeable future.

FLEET ANTITERRORISM SECURITY TEAMS

40. Senator INHOFE. Secretary Panetta, the closest Fleet Antiterrorism Security Team (FAST) to Benghazi was in Rota, Spain, approximately 1,500 miles away. You indicated that we have taken "a number of steps" to improve our ability to respond to include having airlift associated with FASTs. What airlift platforms are associated with the FASTs (e.g., C–130s, C–17s, et cetera)?

Secretary PANETTA. Airlift platforms typically dedicated to the movement of Marine Corps FASTs are any of several variants of the C–130.

41. Senator INHOFE. Secretary Panetta, in addition to associating airlift with the FASTs, what additional steps have been taken to improve their ability to respond in a timely manner to evolving crises?

Secretary PANETTA. In addition to the enormity of staff work and operational considerations that have contributed to improving our response capability, my staff has worked closely with the Joint Staff and the GCCs to ensure response capabilities are aligned to potential requirements. Our current approach, which we are developing jointly with DOS, combines proactive measures such as hardening facilities and improving intelligence and warning, with improved response times and reaction posture for contingencies.

42. Senator INHOFE. Secretary Panetta, what posture change procedures, if any, have been made with respect to FASTs for response to remote locations in Africa, especially Central, Western, and Southern Africa, given the extreme distances that need to be traveled if FAST intervention is required?

Secretary PANETTA. There are several changes that occur in the wake of a security crisis—both immediate and the enduring. Our immediate reaction in the wake of crisis involves posturing assets to support operational requirements and in anticipation of an increased demand signal. In September, we moved naval assets such as the USS *Iwo Jima* and the USS *New York* with their Marine Expeditionary Units from the Arabian Sea to the Mediterranean. We also deployed ground assets (a Stryker Battalion) from Europe and positioned Special Operations Elements for possible action. To create a more enduring change, we are working closely with GCCs to ensure DOD assets and forces can respond to protect American facilities and personnel overseas, as well as working with DOS to integrate our posture and other factors (e.g., distance and time) into their planning.

43. Senator INHOFE. Secretary Panetta, given the extreme distances involved, has there been any effort or are there any plans to station a FAST in AFRICOM's AOR, and if so, what obstacles and challenges have been encountered?

Secretary PANETTA. The inherent challenge to operating in Africa is sustainment. The distances associated with movement are just one consideration that is universal in planning for operating on the continent. Our previous experiences in Africa—particularly in East Africa—have demonstrated the value in developing strong, capable partners in the region. While we continuously look for ways to increase our access in the region, we are not presently considering stationing a FAST in Africa. We are, however, committed to identifying threats where they exist and where they are developing as well as ensuring our forces are prepared to respond to these threats.

GENERAL HAM'S OFFER OF ASSISTANCE TO THE DEPARTMENT OF STATE

44. Senator INHOFE. General Dempsey, well before the attacks on Benghazi, according to you, General Ham offered to extend the stay in Libya of the special security team "and was told no" by DOS. What reason was General Ham given as to why the offer to extend the special security team was denied by DOS?

General DEMPSEY. We asked DOS's intentions regarding requesting an extension of the 16-man Site Security Team, noting that the Joint Staff would support the request but would need time to gain necessary approvals. In their response to the Joint Staff, DOS stated they were not requesting an extension of the site security team beyond the August date and were in the process of integrating local security into U.S. Embassy Tripoli operations.

45. Senator INHOFE. General Dempsey, what forces, if any, did General Ham request be placed on increased alert after the initial attack on Benghazi that occurred at approximately 9:40 p.m. Benghazi time?

General DEMPSEY. With the approval of the Secretary of Defense, General Ham ordered the CIF, which was conducting training in Croatia, to move to Sigonella, Italy, and subsequently to Souda Bay. Additionally, one FAST platoon was ordered to Benghazi and one FAST to Tripoli. On 12 September, one FAST deployed to Tripoli, and with all personnel evacuated from Benghazi, the other moved to Souda Bay, Crete, to posture in response to any additional regional unrest.

46. Senator INHOFE. General Dempsey, did DOS ask for assistance in securing the attack site after the Americans had been evacuated to facilitate the post-incident investigation?

General DEMPSEY. I am not aware of any formal or informal request to secure the attack site. The Federal Bureau of Investigation (FBI) did request support to travel to Benghazi to support their investigation.

47. Senator INHOFE. General Dempsey, did General Ham offer to help secure the Benghazi site after the attack in order to facilitate timely investigation of the incident to improve pursuit of the terrorists?

General DEMPSEY. Yes.

COUNTERTERRORISM STRATEGY IN NORTHERN AFRICA

48. Senator INHOFE. Secretary Panetta, the January 2012 Defense Strategic Guidance (DSG) directed low-cost and small-footprint approaches to achieve our security objectives in Africa and Latin America. Does the growing terrorist threat in Africa, and the lack of warning of this attack in Benghazi, indicate we are under-resourcing our counterterrorism efforts in Northern Africa?

Secretary PANETTA. I think the growing terrorist threat in Africa and the lack of warning of the attack in Benghazi suggest we need to do more to understand the threat and, by extension, continue to refine our assessment of the resourcing of U.S. counterterrorism efforts in Northern Africa. The low-cost and small-footprint approach is largely driven by the access and placement enjoyed by host nation personnel. Our strategic security objectives in many parts of the world, particularly in Africa, are best achieved by, with, and through partner nations. Increasing our understanding of the threats there, and further assisting our partners to counter that threat, is a sound way ahead for the United States.

49. Senator INHOFE. Secretary Panetta, in addition to our support of the French in their fight against terrorists in Mali, what other steps is DOD taking to address the growing terrorist threat in Northern Africa?

Secretary PANETTA. We are working to deny safe haven to al Qaeda in the Lands of the Islamic Maghreb (AQIM), and to other affiliated violent extremist organizations, to prevent attacks on U.S. interests. The United States is working with regional partners to reduce the cross-border flows of weapons and fighters, and to help these countries degrade AQIM and build the capacity of partner nations in the region. The U.S. Government has very good cooperation with the countries of the region—especially Mauritania, Niger, and Chad—and is helping to develop the capabilities of those countries to pursue shared objectives.

50. Senator INHOFE. Secretary Panetta, given the surprise associated with the attacks in Benghazi, is DOD rethinking our approach to noncombatant evacuation operations in less accessible regions, such as Western, Central, and Southern Africa?

Secretary PANETTA. DOD has strengthened its relationship with the Departments of State and Health and Human Services to ensure that all of the Departments understand their roles and responsibilities during evacuation operations. DOD recently (February 26, 2013) issued updated guidance DOD Directive 3025.14 "Evacuation of U.S. Citizens and Designated Aliens from Threatened Areas Abroad." The new guidance has eliminated confusing language on when we can conduct noncombatant evacuation operations and directs all GCCs to draft, plan, and exercise evacuation and reception plans with the goal of being able both to evacuate and receive noncombatants regardless of the situation. This change directly addresses situations like Benghazi and gives DOD more flexibility when conducting an evacuation operation.

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## QUESTIONS SUBMITTED BY SENATOR SAXBY CHAMBLISS

### REQUEST TO EXTEND SITE SECURITY TEAM

51. Senator CHAMBLISS. General Dempsey, during the hearing, you remarked that "General Ham actually called the Embassy to see if they wanted to extend the special [site] security team (SST) there and was told no," and you went on to say this request was in the Benghazi ARB results. While I do not doubt General Ham made the request, the exchange is not in the ARB. When did General Ham ask to extend the SST and who did he ask?

General DEMPSEY. Our support to U.S. Embassy Tripoli had been ongoing since September 2011. The SST originally deployed for 120 days and was subsequently extended twice in response to DOS requests. The SST was not a standard security team configuration and was specifically created to meet the needs of DOS reestablishment of U.S. Embassy Tripoli. The combatant commander and my staff were in periodic contact with DOS to determine the progress of embassy reestablishment and what the continuing security requirement was. As coordinated with DOS, the SST mission was complete August 3, 2012. During the 11 months of DOD support to DOS, we only received requests to provide security at the U.S. Embassy in Tripoli, not the consulate in Benghazi.

52. Senator CHAMBLISS. General Dempsey, who turned down the request and what reasons were given for not extending the SST?

General DEMPSEY. In an email exchange on July 11 and 13, 2012, the Joint Staff notified DOS that the DOD SST deployment authorization was set to expire on August 4, 2012. We asked what DOS's intentions were regarding requesting an extension of the 16-man SST, noting that the Joint Staff would support the request but would need time to gain necessary approvals. In their response to the Joint Staff, DOS stated they were not requesting an extension of the SST beyond the August date and were in the process of integrating local bodyguards into Embassy Tripoli operations.

### THREAT STREAM

53. Senator CHAMBLISS. General Dempsey, in your testimony during the hearing, you comment in regards to the attacks on Benghazi that "looking back at it, of course it looks like it should have been crystal clear that there was an attack imminent." When questioned, you stated there were similar threat streams and hostile acts at the Embassy at Yemen. You strengthened the security of the Yemen Embassy based upon the request from the Ambassador, yet absent a request from the DOS, no similar measures were provided in Libya. In the future, if threat streams and significant activities are present in vicinity of an American mission that indicates an imminent attack, will you take a proactive role to recommend and provide additional security measures?

General DEMPSEY. DOD is developing new approaches to work with DOS to protect U.S. personnel and activities. As before, DOS remains the lead for the security of our diplomatic missions and DOD will continue to support. But recognizing that security situations can evolve quickly, DOD is looking at ways to emphasize proactive capabilities. Our combatant commanders are assessing ways that we can provide early reinforcement of threatened U.S. facilities as well as posture military forces within the GCCs to respond to increasing indications and warnings of an attack. The Departments will continue to share and monitor indications and warnings at all locations in order to increase force protection levels, provide DOD security augmentation early, and begin the process of ordered departures and reductions in staff to proactively reduce the risk to U.S. citizens and facilities as situations de-

velop. When indicated by situations and warnings, the GCCs will adjust the alert postures of their security augmentation forces.

54. Senator CHAMBLISS. General Dempsey, in an era of tightening budgets, it is imperative we take a holistic view of this security problem. How do you ensure the interagency process works to coordinate effectively the whole of U.S. Government resources in order to provide adequate security at our diplomatic missions in high-threat/high-risk areas?

General DEMPSEY. DOD is developing new approaches to work with DOS to protect U.S. personnel and activities. DOS remains the lead for the security of our diplomatic missions and DOD will continue to support. But recognizing that security situations can evolve quickly, DOD is looking at ways to emphasize proactive capabilities. Our combatant commanders are assessing ways that we can provide early reinforcement to threatened U.S. facilities as well as posture military forces within the GCCs to respond to indications and warnings of an attack. In addition to GCCs regularly engaging with Chiefs of Mission on security issues, we will also work with DOS to increase emphasis on host nation security arrangements and capabilities.

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## QUESTIONS SUBMITTED BY SENATOR KELLY AYOTTE

### REQUESTS FOR SUPPORT

55. Senator AYOTTE. Secretary Panetta and General Dempsey, did General Ham make any request for assets or support that were denied by you or anyone in the DOD chain of command?

Secretary PANETTA. No.

General DEMPSEY. No.

56. Senator AYOTTE. Secretary Panetta and General Dempsey, did the individuals on the ground in Benghazi make any requests for support that were denied?

Secretary PANETTA. No requests made to DOD were denied. Before, during, and after the attack, every request DOD received was met.

General DEMPSEY. No, DOD met all requests made by DOS.

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## QUESTIONS SUBMITTED BY SENATOR ROY BLUNT

### DEPARTMENT OF VETERANS AFFAIRS UNIFIED HEALTH CARE RECORDS SYSTEM

57. Senator BLUNT. Secretary Panetta, you responded to Senator Blumenthal about recent reports regarding the abandonment of the unified health care records system. What is DOD doing to ensure the $1 billion devoted to this integrated electronic recordskeeping system is not going to be wasted?

Secretary PANETTA. Both DOD and the Department of Veterans Affairs (VA) have confirmed their continuing commitment to delivering an integrated Electronic Health Record (iEHR) for all servicemembers and veterans. DOD and VA have been working on two very important efforts simultaneously. First, we are committed to ensuring that all health data for an individual can be brought together into a seamless electronic health record (EHR). Second, we are both committed to modernizing and replacing our legacy health information technology systems. While the plan had been to design, build, and implement a single new system, a combination of cost, schedule, and risk factors, as well as advancements in the commercial EHR marketplace, all contributed to the need to reassess our way ahead. This is an opportunity to reduce risk and achieve the intended result at a reduced cost to the taxpayers and is not intended to be a less comprehensive solution. Our shift in strategy is not a departure from purpose but rather a refinement in the route we will take to get there. We took a step back and found we could make important changes to simplify the program and maximize our chances of success, cut costs, and get the benefits to veterans and servicemembers sooner. By doing so, we believe that our servicemembers, veterans, and all taxpayers win.

Since March 2011, DOD and VA have spent approximately $350 million, not $1 billion, to develop and pilot capabilities to facilitate the exchange of information between us and to improve the information accessible to doctors and patients in both DOD and VA medical systems. The important work that has been done over the past few years remains a crucial part of our planned way ahead and is not wasted.

58. Senator BLUNT. Secretary Panetta, what is DOD's plan to ensure a comprehensive EHR for servicemembers?

Secretary PANETTA. Both DOD and VA have confirmed their continuing commitment to delivering an iEHR for all servicemembers and veterans. In the near-term, we are focusing on data interoperability to ensure that all health data for an individual is brought together into a seamless EHR. This data interoperability work will be completed by 2014, creating a Virtual Lifetime Electronic Record for all servicemembers and veterans, thus achieving the President's vision of every separating servicemember having his or her information available for a smooth transition to veteran status, whether it is to coordinate the delivery of health care or achieve rapid adjudication of benefits. In addition to this work, we are also committed to modernizing and replacing our underlying legacy health information technology systems in as cost effective a manner as possible.

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QUESTIONS SUBMITTED BY SENATOR MICHAEL S. LEE

COMMUNICATION WITH THE PRESIDENT AND SECRETARY CLINTON

59. Senator LEE. Secretary Panetta and General Dempsey, how many times did you talk with Secretary Clinton about Benghazi before the attack?

Secretary PANETTA. I do not recall discussing the security of our facilities in Benghazi with Secretary Clinton prior to the attacks.

General DEMPSEY. We had regular meetings to discuss global threats, including the security situation in North Africa and Libya, in particular, prior to the Benghazi attack.

60. Senator LEE. Secretary Panetta and General Dempsey, was there any mention of a need for increased security?

Secretary PANETTA. No requests for additional security were made to DOD.

General DEMPSEY. There were ongoing discussions within the interagency about the security situation. I was aware of concerns about security in Libya through General Ham's reporting. After the DOS decision to not extend the SST in Libya, there was no request for additional DOD security forces.

61. Senator LEE. Secretary Panetta and General Dempsey, do you feel that you should have talked with Secretary Clinton more?

Secretary PANETTA. I am sure that all of us wish we had better information, warning, and time to work together to avoid this tragedy.

General DEMPSEY. I discussed security in the Middle East and North Africa with Secretary Clinton on multiple occasions.

62. Senator LEE. Secretary Panetta and General Dempsey, should you have encouraged Secretary Clinton to increase security?

Secretary PANETTA. I am sure that all of us wish we had better information, warning, and time to work together to avoid this tragedy.

General DEMPSEY. We were aware of the security challenges in Benghazi, but rely foremost on DOS's regional security officers to assess the threats and develop emergency action plans. Defense attachés are integrated into this process and make recommendations as well.

63. Senator LEE. Secretary Panetta and General Dempsey, once the attack started, did you ever communicate with Secretary Clinton?

Secretary PANETTA. Yes.

General DEMPSEY. Not directly. But, through the National Joint Operations and Intelligence Center (NJOIC) we were monitoring and coordinating with DOS and regional commanders throughout the night.

64. Senator LEE. Secretary Panetta and General Dempsey, what about the President?

Secretary PANETTA. Yes.

General DEMPSEY. Secretary Panetta and I had a previously scheduled meeting with the President at 5 p.m. and discussed the Benghazi attack with him during this meeting.

65. Senator LEE. Secretary Panetta and General Dempsey, at what point did your communications stop with them?

Secretary PANETTA. I continued my communication with the President and with Secretary Clinton regularly.

General DEMPSEY. I did not talk directly to the President again that evening. However, the NJOIC continued to coordinate with the White House Situation Room throughout that night and until all our personnel were evacuated from Benghazi.

66. Senator LEE. Secretary Panetta and General Dempsey, what time did you go to sleep?

Secretary PANETTA. I don't recall the exact time, but I received regular updates on the situation throughout the night.

General DEMPSEY. Sometime after midnight when I was notified that all Americans were evacuated from the annex and the first wave was transported to Tripoli. I was also briefed when the second wave departed Benghazi for Tripoli around 4 a.m.

67. Senator LEE. Secretary Panetta and General Dempsey, how frequently were you updated on what was occurring in Benghazi from the initial attack?

Secretary PANETTA. I was personally updated on the Benghazi situation several times daily.

General DEMPSEY. The Deputy Director of Operations through the NJOIC provided regular updates. The watch team provided senior leader updates to the Secretary of Defense, the Chairman, and Joint Staff leaders frequently as significant reporting occurred. Additionally, the Joint Staff stood up a crisis management team to augment the NJOIC through October 1, 2012. This team provided 24/7 monitoring focused on the events in Libya, as well as ongoing regional unrest near U.S. Embassies in Tunisia, Sudan, and Yemen.

68. Senator LEE. Secretary Panetta and General Dempsey, when did you stop receiving updates regarding the safety and security of Americans in Benghazi?

Secretary PANETTA. I first received word less than 1 hour after the attack in Benghazi. I continue to receive regular updates regarding Americans in Libya.

General DEMPSEY. When they were evacuated back to Tripoli and then out of Libya. However, I continued and continue today to receive updates on our regional posture in North Africa.

69. Senator LEE. Secretary Panetta and General Dempsey, did anyone ever recommend to the President in your short meeting with him that we should send troops into Benghazi? If so, what was his reaction?

Secretary PANETTA. As I stated during my testimony before the committee, the President ordered all available DOD assets to respond to the attack in Libya and to protect U.S. personnel and interests in the region. The President was not advised to commit conventional troops to Libya.

General DEMPSEY. Upon hearing these initial reports, the President ordered us to use all available DOD assets to respond to the attack and save the lives of U.S. personnel in Libya and to protect U.S. personnel and interests throughout the region.

The Secretary of Defense ordered two Marine Corps FAST platoons from Rota, Spain—one to Tripoli, one to Benghazi; a special operations team from EUCOM that was conducting a training mission in Central Europe; and a special operations task force from the east coast of the United States. These forces were ordered to muster and move to an intermediate staging base. Before they arrived in place, the attack in Benghazi had concluded.

EMBASSY SECURITY PROCEDURES

70. Senator LEE. Secretary Panetta and General Dempsey, once an American compound is attacked by terrorists, as was Benghazi, who is in command of the rescue and secure mission?

Secretary PANETTA. The Secretary of State is responsible for the security of diplomatic facilities abroad. If a military operation to rescue personnel or secure a facility under attack were to be undertaken, the officials in the military chain of command, including the relevant GCC, would typically command such an operation.

General DEMPSEY. DOS is responsible for diplomatic security. DOD can be requested or directed to take the lead for activities such as a rescue operation. Once DOD is in the lead then the GCC is in charge. The GCC is responsible for military operations to provide rescue or security; however, the commander of the rescue team or on-scene commander would exercise tactical command and control for the mission. That on-scene commander and those rescue forces could be resourced from myriad choices including but not limited to the GCC's CIF, Special Purpose Marine

Ground Task Force, or a crisis response force that the commander deems necessary to employ.

71. Senator LEE. Secretary Panetta and General Dempsey, who runs point on overseeing the evacuation of Americans?

Secretary PANETTA. During an evacuation, the U.S. Ambassador is the senior U.S. Government authority for the evacuation. Historically, when the Ambassador orders the departure of personnel, DOS accomplishes the majority of evacuations using commercial transportation (scheduled or chartered). However, DOS may request DOD assistance based on the nature of the threat or the lack of availability of alternative forms of transportation. When DOS requests DOD assistance in an evacuation, the Secretary of Defense authorizes the Chairman of the Joint Chiefs of Staff to coordinate the deployment and employment of U.S. forces in support of an evacuation. The Chairman then monitors U.S. force participation in the protection and evacuation of noncombatants.

General DEMPSEY. The evacuation of Americans is a DOS responsibility. DOD will provide support upon request from DOS.

72. Senator LEE. Secretary Panetta and General Dempsey, why were U.S. military base alert levels not on high alert, despite the 211+ warnings of attacks on U.S. property and personnel abroad?

Secretary PANETTA. The U.S. military's alert posture is based on specific and credible intelligence. Our base alert posture was reflective of the assessed threat level.

General DEMPSEY. Each GCC's staff conducts ongoing threat analysis and assessments for bases within the GCC's AOR. As a result of this analysis and resulting decisions, U.S. facilities in more than 16 countries across the Middle East and North Africa were operating under heightened force protection levels. All GCCs had conducted extensive threat assessments and had postured forces accordingly; however, there was no specific intelligence regarding an attack on a particular military base.

73. Senator LEE. Secretary Panetta and General Dempsey, because we couldn't get to Libya in time, how do we plan on protecting other embassies in Africa?

Secretary PANETTA. DOD is prepared to respond to requests for support to our embassies in Africa, and has responded to DOS requests on the continent since the attack in Benghazi. DOD continues to work with DOS to mitigate future risks, particularly through increasing our intelligence and warning efforts, supporting the hardening of diplomatic facilities, and developing proactive security support for posts, when needed.

General DEMPSEY. Regardless of location, security is foremost the responsibility of the host nation working with the U.S. mission and through the regional security officer. As threats emerge, we assess them closely within the interagency to determine the appropriate response. DOD may posture forces in response to these threats or in response to requests from DOS. The North African region presents significant challenges due to its sheer size, the potential for rapidly occurring instability, and access requirements for our forces. Recognizing that security situations can evolve quickly, DOD continues to examine ways, working within the interagency, to emphasize proactive capabilities and to be responsive to emergent threats.

74. Senator LEE. Secretary Panetta and General Dempsey, what recommendations do you have to DOS in order to bolster security?

Secretary PANETTA. We fully support the recommendations of the ARB, which former Secretary Clinton accepted. We stand ready to assist in the implementation of these recommendations.

General DEMPSEY. DOD partnered with DOS to conduct assessments of high risk diplomatic facilities. The recommendations are being implemented.

75. Senator LEE. Secretary Panetta and General Dempsey, do you feel that it should be DOD that is responsible to protect embassies and U.S. officials overseas?

Secretary PANETTA. I believe DOD has a responsibility to protect U.S. embassies and officials overseas when our support is requested by DOS. The responsibility for assessing when that support is needed resides with the Secretary of State. DOD personnel can and do contribute to the overall intelligence picture that is produced by the Intelligence Community, which informs these assessments.

General DEMPSEY. DOS is the appropriate lead for embassy security overseas, and DOD will continue to work closely with DOS to provide support on request.

76. Senator LEE. Secretary Panetta and General Dempsey, who made the decision to wait 23 days before entering Benghazi after the attack to secure the compound?

Secretary PANETTA. This was not a DOD decision; we provided security support to the FBI's investigatory trip to Benghazi when requested.

General DEMPSEY. The FBI was the lead on the investigation.

77. Senator LEE. Secretary Panetta and General Dempsey, when did you recommend to the President that U.S. personnel be sent to secure the compound and what was his response?

Secretary PANETTA. DOD supported the FBI movement to the compound upon receipt of an official request from the FBI. The details of this support are classified.

General DEMPSEY. When the FBI decided to go into the compound, they asked us to provide security, and we did. We were not asked to provide security at the compound before then, and I did not make a recommendation to the President to do so.

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[Appendixes A through D follow:]

# APPENDIX A—DEPARTMENT OF DEFENSE PRESS RELEASE REGARDING DETAILED TIMELINE

## DOD Releases Detailed Timeline for Benghazi Response

By Karen Parrish
American Forces Press Service

WASHINGTON, Nov. 10, 2012 – The Defense Department released a detailed timeline yesterday of the Pentagon's response to the September attack in Benghazi, Libya, that left four Americans dead, including U.S. Ambassador J. Christopher Stevens.

A senior defense official, speaking on background with Pentagon reporters, emphasized the rapid consultation, planning and troop pre-deployment actions defense leaders undertook in the first hours following the attack.

"With naval, Marine, special operations and air forces either employed or en route to Libya during the attacks, we responded," the official said. "We mourn the loss of four American heroes in Benghazi."

The military's initial response began within minutes of the first incident in Benghazi, the official said: the attack on the U.S. consulate began at 3:42 p.m. EDT [9:42 p.m. Benghazi time], and by 5:10 EDT an unarmed surveillance aircraft was on station over the Benghazi compound.

By 5:30 p.m., all surviving Americans had left the consulate, the official noted, adding that defense officials didn't have that information until later.

The senior official noted that for people to understand the sequence of events in Benghazi, "it's important to discuss the wider context of that tragic day."

In the months before the attack, the official said, hundreds of reports surfaced of possible threats to U.S. citizens and facilities across the globe. In the Middle East and North Africa on Sept. 11, the official added, U.S. facilities in more than 16 countries were operating on a heightened force-protection level, based on specific threats.

"I would note … that there was no specific or credible threat that we knew of on the day that the attacks … occurred in Benghazi," the official said.

The official acknowledged that since Sept. 11, many people have speculated on whether increased military intervention, including the use of manned and unmanned aircraft, might have changed the course of events in Libya that night.

"Unfortunately, no alternative or additional aircraft options were available within … [enough time] to be effective," the official said. "Due to the incomplete intelligence picture on the ground, armed aircraft options were simply not feasible."

The DOD timeline records that in the first hours following the initial attack, Defense Secretary Leon E. Panetta and Army Gen. Martin E. Dempsey, chairman of the Joint Chiefs of Staff, conferred first with the president, and shortly after with senior officials including Army Gen. Carter F. Ham, who leads U.S. Africa Command. Africom's area of responsibility includes Libya.

During those meetings, the official said, Panetta verbally ordered two fleet antiterrorism security team, or FAST, platoons to prepare to deploy from their base in Rota, Spain. The secretary also issued verbal prepare-to-deploy orders for a U.S. European Command special operations force then training in Central Europe and a second special operations force based in the United States.

At 6:30 p.m. EDT, according to the timeline, a six-person security team, including two DOD members, left the U.S. Embassy in Tripoli for Benghazi.

The official noted the Pentagon's National Military Command Center staff, within hours of the attack, began planning support and contingency operations with transportation and special operations experts, as well as with representatives from the four services and Africa, Europe and Central commands. By 8:39 p.m., the official said, the command center had started issuing written orders for the forces the secretary had alerted.

At 11 p.m. EDT, the official said, a second unmanned, unarmed surveillance aircraft relieved the first, and at 11:15 p.m. -- around 5 a.m. Sept. 12 in Benghazi -- the second U.S. facility there, an annex near the consulate, came under mortar and rocket-propelled grenade fire.

By 1:40 a.m. EDT Sept. 12, the first wave of Americans left Benghazi for Tripoli by airplane, with the second wave, including the bodies of the fallen, following at 4 a.m. A C-17 aircraft, under Africom direction, flew the evacuees from Tripoli to Germany later that day, the official said.

As the timeline makes clear, the official said, the evacuation took place before the FAST platoons or special operations forces arrived, although all were converging on Libya -- noting repeatedly that DOD leaders lacked a clear picture of enemy, civilian and American positions in the area.

"There are people out there who have suggested that an overhead surveillance aircraft could have perfect visibility into what was happening on the ground, and on that basis alone, you could send in a team," the official said. "That is not necessarily how things work."

An overhead surveillance aircraft operating at night over a city can't always help military members separate friend and foe on the ground, the official said.

"You get a lot of good information from a surveillance aircraft, ... but it doesn't necessarily provide you a complete and instant picture of what is happening on the ground. ... If you're going to undertake military action, you'd better have solid information before you decide to take the kinds of steps that are required to effectively complete a military mission of this sort," the official told reporters.

Over the roughly 12 hours between the start of the attacks and the time the last Americans were evacuated from Benghazi, the official said, defense leaders postured forces to meet any contingencies that might develop, as there was no way to know in the early, "murky" stages whether the situation would be resolved within hours, days or longer.

"We absolutely had our forces arrayed in a way that could potentially respond to events that might unfold," the official said. "We are an excellent military -- the finest in the world. We're always prepared. But we're neither omniscient nor omnipresent."

# APPENDIX B—RESPONSE TO A CONGRESSIONAL REQUEST FOR A TIMELINE AND ENCLOSED TIMELINE

THE ASSISTANT SECRETARY OF DEFENSE
WASHINGTON, DC 20301-1300

LEGISLATIVE AFFAIRS

MAY - 1 2013

The Honorable Howard P. "Buck" McKeon
Chairman
Committee on Armed Services
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

I write in response to your April 17, 2013 letter to Secretary Hagel requesting a classified version of the Department of Defense (DoD) timeline of the attack on U.S. facilities in Benghazi, Libya.

The Department has made every effort to provide the Committee a comprehensive understanding of the Department's actions before, during, and after the attack in Benghazi. Specifically, the Department issued an unclassified timeline which captures significant DoD actions in response to the evolving situation in Benghazi. This timeline, which is attached, was supplied to Congress on November 9, 2012. The substance of this timeline was publicly released on November 10, 2012. In addition, the Department contributed to the National Counterterrorism Center's classified timeline dated November 13, 2012, previously provided to the congressional intelligence committees, congressional appropriations' defense subcommittees, and House and Senate leadership offices by the Office of the Director National Intelligence on November 14, 2012. The Department did not produce a formal classified timeline, but rather only draft working products to assist witnesses and briefers in preparation for numerous Congressional engagements. By practice, such draft working products are not distributed beyond DoD.

The Department has participated in numerous staff and Member engagements including classified briefings to Committees of jurisdiction. The Department has also responded to dozens of written requests for information in an effort to provide Congress a detailed chronology of the Department's actions surrounding the attack.

The Department remains committed to accommodating Congress in its oversight responsibilities including your investigation of the attack in Benghazi. Please feel free to contact me for any additional information you may need.

Sincerely,

Elizabeth Zu King

Attachment:
As Stated

cc:
The Honorable Adam Smith
Ranking Member

Timeline of Department of Defense Actions on September 11-12, 2012
All times are Eastern Daylight Time (EDT, Washington, DC)
and Eastern European Time (EET, Benghazi)

Tuesday, September 11, 2012
EDT // EET

| | |
|---|---|
| ~3:42 pm // 9:42 pm | The incident starts at the facility in Benghazi. |
| 3:59 pm // 9:59 pm | An unarmed, unmanned, surveillance aircraft is directed to reposition overhead the Benghazi facility. |
| 4:32 pm // 10:32pm | The National Military Command Center at the Pentagon, after receiving initial reports of the incident from the State Department, notifies the Office of the Secretary of Defense and the Joint Staff. The information is quickly passed to Secretary Panetta and General Dempsey. |
| 5:00 pm // 11:00pm | Secretary Panetta and General Dempsey attend a previously scheduled meeting with the President at the White House. The leaders discuss potential responses to the emerging situation. |
| 5:10 pm // 11:10 pm | The diverted surveillance aircraft arrives on station over the Benghazi facility. |
| ~5:30 pm // 11:30 pm | All surviving American personnel have departed the facility. |
| 6:00-8:00 pm // 12:00-2:00 am | Secretary Panetta convenes a series of meetings in the Pentagon with senior officials including General Dempsey and General Ham. They discuss additional response options for Benghazi and for the potential outbreak of further violence throughout the region, particularly in Tunis, Tripoli, Cairo, and Sana'a.<br>During these meetings, Secretary Panetta directs (provides verbal authorization) the following actions:<br>1) A Fleet Antiterrorism Security Team (FAST) platoon, stationed in Rota, Spain, to prepare to deploy to Benghazi, and a second FAST platoon, also stationed in Rota, Spain, to prepare to deploy to the Embassy in Tripoli.<br>2) A EUCOM special operations force, which is training in Central Europe, to prepare to deploy to an intermediate staging base in southern Europe.<br>3) A special operations force based in the United States to prepare to deploy to an intermediate staging base in southern Europe.<br>During this period, actions are verbally conveyed from the Pentagon to the affected Combatant Commands in order to expedite movement of forces upon receipt of formal authorization. |
| ~6:30 pm // 12:30 am | A six-man security team from U.S. Embassy Tripoli, including two DoD personnel, departs for Benghazi. |

| | |
|---|---|
| ~7:30 pm // 1:30 am | The American security team from Tripoli lands in Benghazi. |
| ~8:30pm // 2:30 am | The National Military Command Center conducts a Benghazi Conference Call with representatives from AFRICOM, EUCOM, CENTCOM, TRANSCOM, SOCOM, and the four services. |
| 8:39pm // 2:39 am | As ordered by Secretary Panetta, the National Military Command Center transmits formal authorization for the two FAST platoons, and associated equipment, to prepare to deploy and for the EUCOM special operations force, and associated equipment, to move to an intermediate staging base in southern Europe. |
| 8:53pm // 2:53 am | As ordered by Secretary Panetta, the National Military Command Center transmits formal authorization to deploy a special operations force, and associated equipment, from the United States to an intermediate staging base in southern Europe. |
| ~11:00 pm // 5:00 am | A second, unmanned, unarmed surveillance aircraft is directed to relieve the initial asset still over Benghazi. |
| ~11:15 pm // 5:15 am | The second facility in Benghazi comes under mortar and rocket propelled grenade fire. |

Wednesday, September 12, 2012

| | |
|---|---|
| 12:05 am // 6:05am | AFRICOM orders a C-17 aircraft in Germany to prepare to deploy to Libya to evacuate Americans. |
| ~1:40 am // 7:40 am | The first wave of American personnel depart Benghazi for Tripoli via airplane. |
| ~4:00 am // 10:00 am | The second wave of Americans, including the fallen, depart Benghazi for Tripoli via airplane. |
| 8:15 am // 2:15 pm | The C-17 departs Germany en route Tripoli to evacuate Americans. |
| 1:17 pm // 7:17 pm | The C-17 departs Tripoli en route Ramstein, Germany with the American personnel and the remains of Ambassador Stevens, Sean Smith, Tyrone Woods, and Glen Doherty. |
| 1:57 pm // 7:57 pm | The EUCOM special operations force, and associated equipment, arrives at an intermediate staging base in southern Europe. |
| 2:56 pm // 8:56 pm | The FAST platoon, and associated equipment, arrives in Tripoli. |
| 3:28 pm // 9:28 pm | The special operations force deployed from the United States, and associated equipment, arrives at an intermediate staging base in southern Europe. |
| 4:19 pm // 10:19 pm | The C-17 arrives in Ramstein, Germany. |

# APPENDIX C—REPORT OF THE ACCOUNTABILITY REVIEW BOARD FOR BENGHAZI

UNCLASSIFIED

*"Those who cannot remember the past are condemned to repeat it."*
*-- George Santayana, Reason in Common Sense (1905)*

## INTRODUCTION

Pursuant to Title III of the Omnibus Diplomatic and Antiterrorism Act of 1986, 22 U.S.C. § 4831 *et seq.*, (the "Act"), Secretary of State Hillary Rodham Clinton convened an Accountability Review Board (ARB) for Benghazi to examine the facts and circumstances surrounding the September 11-12, 2012, killings of four U.S. government personnel, including the U.S. Ambassador to Libya, John Christopher Stevens, in Benghazi, Libya. A series of attacks on September 11-12, 2012 involving arson, small-arms and machine-gun fire, and use of rocket-propelled grenades (RPGs), grenades and mortars, focused on two U.S. facilities in Benghazi, as well as U.S. personnel en route between the two facilities. In addition, the attacks severely wounded two U.S. personnel, injured three Libyan contract guards and resulted in the destruction and abandonment of both facilities – the U.S. Special Mission compound (SMC) and Annex.

Four Board members were selected by the Secretary of State and one member from the intelligence community (IC) was selected by the Director for National Intelligence. Ambassador Thomas R. Pickering served as Chairman, with Admiral Michael Mullen as Vice Chairman. Additional members were Catherine Bertini, Richard Shinnick, and Hugh Turner, who represented the IC.

The criminal investigation of the September 11-12, 2012, Benghazi attacks, for which the statutory responsibility rests with the Federal Bureau of Investigation (FBI), was still underway at the time of this report. The Board enjoyed excellent cooperation with the Department of Justice and FBI throughout preparation of this report. The key questions surrounding the identity, actions and motivations of the perpetrators remain to be determined by the ongoing criminal investigation.

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

The Benghazi attacks represented the first murder of a U.S. ambassador since 1988, and took place 11 years to the day after the terrorist attacks of September 11, 2001. Ambassador Stevens personified the U.S. commitment to a free and democratic Libya. His knowledge of Arabic, his ability to move in all sectors of the population, and his wide circle of friends, particularly in Benghazi, marked him as an exceptional practitioner of modern diplomacy. The U.S. Special Mission in Benghazi, established in November 2011, was the successor to his highly successful endeavor as Special Envoy to the rebel-led government that eventually toppled Muammar Qaddafi in fall 2011. The Special Mission bolstered U.S. support for Libya's democratic transition through engagement with eastern Libya, the birthplace of the revolt against Qaddafi and a regional power center.

The Benghazi attacks took place against a backdrop of significantly increased demands on U.S. diplomats to be present in the world's most dangerous places to advance American interests and connect with populations beyond capitals, and beyond host governments' reach. With State Department civilians at the forefront of U.S. efforts to stabilize and build capacity in Iraq, as the U.S. military draws down in Afghanistan, and with security threats growing in volatile environments where the U.S. military is not present – from Peshawar to Bamako – the Bureau of Diplomatic Security (DS) is being stretched to the limit as never before. DS overall has done a fine job protecting thousands of employees in some 273 U.S. diplomatic missions around the world. No diplomatic presence is without risk, given past attempts by terrorists to pursue U.S. targets worldwide. And the total elimination of risk is a non-starter for U.S. diplomacy, given the need for the U.S. government to be present in places where stability and security are often most profoundly lacking and host government support is sometimes minimal to non-existent.

The Benghazi attacks also took place in a context in which the global terrorism threat as most often represented by al Qaeda (AQ) is fragmenting and increasingly devolving to local affiliates and other actors who share many of AQ's aims, including violent anti-Americanism, without necessarily being organized or operated under direct AQ command and control. This growing, diffuse range of terrorist and hostile actors poses an additional challenge to American security officers, diplomats, development professionals and decision-makers seeking to mitigate risk and remain active in high threat environments without resorting to an unacceptable total fortress and stay-at-home approach to U.S. diplomacy.

For many years the State Department has been engaged in a struggle to obtain the resources necessary to carry out its work, with varying degrees of success. This has brought about a deep sense of the importance of husbanding resources to meet the highest priorities, laudable in the extreme in any government department. But it has also had the effect of conditioning a few State Department managers to favor restricting the use of resources as a general orientation. There is no easy way to cut through this Gordian knot, all the more so as budgetary austerity looms large ahead. At the same time, it is imperative for the State Department to be mission-driven, rather than resource-constrained – particularly when being present in increasingly risky areas of the world is integral to U.S. national security. The recommendations in this report attempt to grapple with these issues and err on the side of increased attention to prioritization and to fuller support for people and facilities engaged in working in high risk, high threat areas. The solution requires a more serious and sustained commitment from Congress to support State Department needs, which, in total, constitute a small percentage both of the full national budget and that spent for national security. One overall conclusion in this report is that Congress must do its part to meet this challenge and provide necessary resources to the State Department to address security risks and meet mission imperatives.

Mindful of these considerations, the ARB has examined the terrorist attacks in Benghazi with an eye towards how we can better advance American interests and protect our personnel in an increasingly complex and dangerous world. This Board presents its findings and recommendations with the unanimous conclusion that while the United States cannot retreat in the face of such challenges, we must work more rigorously and adeptly to address them, and that American diplomats and security professionals, like their military colleagues, serve the nation in an inherently risky profession. Risk mitigation involves two imperatives – engagement and security – which require wise leadership, good intelligence and evaluation, proper defense and strong preparedness and, at times, downsizing, indirect access and even withdrawal. There is no one paradigm. Experienced leadership, close coordination and agility, timely informed decision making, and adequate funding and personnel resources are essential. The selfless courage of the four Americans who died in the line of duty in Benghazi on September 11-12, 2012, as well as those who were injured and all those who valiantly fought to save their colleagues, inspires all of us as we seek to draw the right lessons from that tragic night.

## EXECUTIVE OVERVIEW

A series of terrorist attacks in Benghazi, Libya, on September 11-12, 2012, resulted in the deaths of four U.S. government personnel, Ambassador Chris Stevens, Sean Smith, Tyrone Woods, and Glen Doherty; seriously wounded two other U.S. personnel and injured three Libyan contract guards; and resulted in the destruction and abandonment of the U.S. Special Mission compound and Annex.

## FINDINGS

In examining the circumstances of these attacks, the Accountability Review Board for Benghazi determined that:

1. The attacks were security related, involving arson, small arms and machine gun fire, and the use of RPGs, grenades, and mortars against U.S. personnel at two separate facilities – the SMC and the Annex – and en route between them. Responsibility for the tragic loss of life, injuries, and damage to U.S. facilities and property rests solely and completely with the terrorists who perpetrated the attacks. The Board concluded that there was no protest prior to the attacks, which were unanticipated in their scale and intensity.

2. Systemic failures and leadership and management deficiencies at senior levels within two bureaus of the State Department (the "Department") resulted in a Special Mission security posture that was inadequate for Benghazi and grossly inadequate to deal with the attack that took place.

   Security in Benghazi was not recognized and implemented as a "shared responsibility" by the bureaus in Washington charged with supporting the post, resulting in stove-piped discussions and decisions on policy and security. That said, Embassy Tripoli did not demonstrate strong and sustained advocacy with Washington for increased security for Special Mission Benghazi.

   The short-term, transitory nature of Special Mission Benghazi's staffing, with talented and committed, but relatively inexperienced, American personnel often on temporary assignments of 40 days or less, resulted in diminished institutional knowledge, continuity, and mission capacity.

Overall, the number of Bureau of Diplomatic Security (DS) security staff in Benghazi on the day of the attack and in the months and weeks leading up to it was inadequate, despite repeated requests from Special Mission Benghazi and Embassy Tripoli for additional staffing. Board members found a pervasive realization among personnel who served in Benghazi that the Special Mission was not a high priority for Washington when it came to security-related requests, especially those relating to staffing.

The insufficient Special Mission security platform was at variance with the appropriate Overseas Security Policy Board (OSPB) standards with respect to perimeter and interior security. Benghazi was also severely under-resourced with regard to certain needed security equipment, although DS funded and installed in 2012 a number of physical security upgrades. These included heightening the outer perimeter wall, safety grills on safe area egress windows, concrete jersey barriers, manual drop-arm vehicle barriers, a steel gate for the Villa C safe area, some locally manufactured steel doors, sandbag fortifications, security cameras, some additional security lighting, guard booths, and an Internal Defense Notification System.

Special Mission Benghazi's uncertain future after 2012 and its "non-status" as a temporary, residential facility made allocation of resources for security and personnel more difficult, and left responsibility to meet security standards to the working-level in the field, with very limited resources.

In the weeks and months leading up to the attacks, the response from post, Embassy Tripoli, and Washington to a deteriorating security situation was inadequate. At the same time, the SMC's dependence on the armed but poorly skilled Libyan February 17 Martyrs' Brigade (February 17) militia members and unarmed, locally contracted Blue Mountain Libya (BML) guards for security support was misplaced.

Although the February 17 militia had proven effective in responding to improvised explosive device (IED) attacks on the Special Mission in April and June 2012, there were some troubling indicators of its reliability in the months and weeks preceding the September attacks. At the time of Ambassador Stevens' visit, February 17 militia members had stopped accompanying Special Mission vehicle movements in protest over salary and working hours.

Post and the Department were well aware of the anniversary of the September 11, 2001 terrorist attacks but at no time were there ever any specific, credible threats against the mission in Benghazi related to the September 11 anniversary. Ambassador Stevens and Benghazi-based DS agents had taken the anniversary into account and decided to hold all meetings on-compound on September 11.

The Board found that Ambassador Stevens made the decision to travel to Benghazi independently of Washington, per standard practice. Timing for his trip was driven in part by commitments in Tripoli, as well as a staffing gap between principal officers in Benghazi. Plans for the Ambassador's trip provided for minimal close protection security support and were not shared thoroughly with the Embassy's country team, who were not fully aware of planned movements off compound. The Ambassador did not see a direct threat of an attack of this nature and scale on the U.S. Mission in the overall negative trendline of security incidents from spring to summer 2012. His status as the leading U.S. government advocate on Libya policy, and his expertise on Benghazi in particular, caused Washington to give unusual deference to his judgments.

Communication, cooperation, and coordination among Washington, Tripoli, and Benghazi functioned collegially at the working-level but were constrained by a lack of transparency, responsiveness, and leadership at the senior levels. Among various Department bureaus and personnel in the field, there appeared to be very real confusion over who, ultimately, was responsible and empowered to make decisions based on both policy and security considerations.

3. Notwithstanding the proper implementation of security systems and procedures and remarkable heroism shown by American personnel, those systems and the Libyan response fell short in the face of a series of attacks that began with the sudden penetration of the Special Mission compound by dozens of armed attackers.

   The Board found the responses by both the BML guards and February 17 to be inadequate. The Board's inquiry found little evidence that the armed February 17 guards offered any meaningful defense of the SMC, or succeeded in summoning a February 17 militia presence to assist expeditiously.

   The Board found the Libyan government's response to be profoundly lacking on the night of the attacks, reflecting both weak capacity and near absence of

central government influence and control in Benghazi. The Libyan government did facilitate assistance from a quasi-governmental militia that supported the evacuation of U.S. government personnel to Benghazi airport. The Libyan government also provided a military C-130 aircraft which was used to evacuate remaining U.S. personnel and the bodies of the deceased from Benghazi to Tripoli on September 12.

The Board determined that U.S. personnel on the ground in Benghazi performed with courage and readiness to risk their lives to protect their colleagues, in a near impossible situation. The Board members believe every possible effort was made to rescue and recover Ambassador Stevens and Sean Smith.

The interagency response was timely and appropriate, but there simply was not enough time for armed U.S. military assets to have made a difference.

4. The Board found that intelligence provided no immediate, specific tactical warning of the September 11 attacks. Known gaps existed in the intelligence community's understanding of extremist militias in Libya and the potential threat they posed to U.S. interests, although some threats were known to exist.

5. The Board found that certain senior State Department officials within two bureaus demonstrated a lack of proactive leadership and management ability in their responses to security concerns posed by Special Mission Benghazi, given the deteriorating threat environment and the lack of reliable host government protection. However, the Board did not find reasonable cause to determine that any individual U.S. government employee breached his or her duty.

## KEY RECOMMENDATIONS

With the lessons of the past and the challenges of the future in mind, the Board puts forward recommendations in six core areas: Overarching Security Considerations; Staffing High Risk, High Threat Posts; Training and Awareness; Security and Fire Safety Equipment; Intelligence and Threat Analysis; and Personnel Accountability.

### *OVERARCHING SECURITY CONSIDERATIONS*

1. The Department must strengthen security for personnel and platforms beyond traditional reliance on host government security support in high risk, high threat[1] posts. The Department should urgently review the proper balance between acceptable risk and expected outcomes in high risk, high threat areas. While the answer cannot be to refrain from operating in such environments, the Department must do so on the basis of having: 1) a defined, attainable, and prioritized mission; 2) a clear-eyed assessment of the risk and costs involved; 3) a commitment of sufficient resources to mitigate these costs and risks; 4) an explicit acceptance of those costs and risks that cannot be mitigated; and 5) constant attention to changes in the situation, including when to leave and perform the mission from a distance. The United States must be self-reliant and enterprising in developing alternate security platforms, profiles, and staffing footprints to address such realities. Assessments must be made on a case-by-case basis and repeated as circumstances change.

2. The Board recommends that the Department re-examine DS organization and management, with a particular emphasis on span of control for security policy planning for all overseas U.S. diplomatic facilities. In this context, the recent creation of a new Diplomatic Security Deputy Assistant Secretary for High Threat Posts could be a positive first step if integrated into a sound strategy for DS reorganization.

3. As the President's personal representative, the Chief of Mission bears "direct and full responsibility for the security of [his or her] mission and all the personnel for whom [he or she is] responsible," and thus for risk management in the country to which he or she is accredited. In Washington, each regional Assistant Secretary has a corresponding responsibility to support the Chief of Mission in executing this duty. Regional bureaus should have augmented support within the bureau on security matters, to include a senior DS officer to report to the regional Assistant Secretary.

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

[1] The Board defines "high risk, high threat" posts as those in countries with high to critical levels of political violence and terrorism, governments of weak capacity, and security platforms that fall well below established standards.

5. The Department should develop minimum security standards for occupancy of temporary facilities in high risk, high threat environments, and seek greater flexibility for the use of Bureau of Overseas Buildings Operations (OBO) sources of funding so that they can be rapidly made available for security upgrades at such facilities.

6. Before opening or re-opening critical threat or high risk, high threat posts, the Department should establish a multi-bureau support cell, residing in the regional bureau. The support cell should work to expedite the approval and funding for establishing and operating the post, implementing physical security measures, staffing of security and management personnel, and providing equipment, continuing as conditions at the post require.

7. The Nairobi and Dar es Salaam ARBs' report of January 1999 called for collocation of newly constructed State Department and other government agencies' facilities. All State Department and other government agencies' facilities should be collocated when they are in the same metropolitan area, unless a waiver has been approved.

8. The Secretary should require an action plan from DS, OBO and other relevant offices on the use of fire as a weapon against diplomatic facilities, including immediate steps to deal with urgent issues. The report should also include reviews of fire safety and crisis management training for all employees and dependents, safehaven standards and fire safety equipment, and recommendations to facilitate survival in smoke and fire situations.

9. Tripwires are too often treated only as indicators of threat rather than an essential trigger mechanism for serious risk management decisions and actions. The Department should revise its guidance to posts and require key offices to perform in-depth status checks of post tripwires.

10. Recalling the recommendations of the Nairobi and Dar es Salaam ARBs, the State Department must work with Congress to restore the Capital Security Cost Sharing Program at its full capacity, adjusted for inflation to approximately $2.2 billion in fiscal year 2015, including an up to ten-year program addressing that need, prioritized for construction of new facilities in high risk, high threat areas. It should also work with Congress to expand utilization of Overseas

Contingency Operations funding to respond to emerging security threats and vulnerabilities and operational requirements in high risk, high threat posts.

11. The Board supports the State Department's initiative to request additional Marines and expand the Marine Security Guard (MSG) Program – as well as corresponding requirements for staffing and funding. The Board also recommends that the State Department and DoD identify additional flexible MSG structures and request further resources for the Department and DoD to provide more capabilities and capacities at higher risk posts.

*STAFFING HIGH RISK, HIGH THREAT POSTS*

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

13. The Department should assign key policy, program, and security personnel at high risk, high threat posts for a minimum of one year. For less critical personnel, the temporary duty length (TDY) length should be no less than 120 days. The ARB suggests a comprehensive review of human resources authorities with an eye to using those authorities to promote sending more experienced officers, including "When Actually Employed" (WAE) personnel, to these high risk, high threat locations, particularly in security and management positions for longer periods of time.

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

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

*TRAINING AND AWARENESS*

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

17. The Diplomatic Security Training Center and Foreign Service Institute should collaborate in designing joint courses that integrate high threat training and risk management decision processes for senior and mid-level DS agents and Foreign Service Officers and better prepare them for leadership positions in high risk, high threat posts. They should consult throughout the U.S. government for best practices and lessons learned. Foreign Affairs Counter Threat training should be mandatory for high risk, high threat posts, whether an individual is assigned permanently or in longer-term temporary duty status.

*SECURITY AND FIRE SAFETY EQUIPMENT*

18. The Department should ensure provision of adequate fire safety and security equipment for safehavens and safe areas in non-Inman/SECCA[2] facilities, as well as high threat Inman facilities.

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

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

*INTELLIGENCE AND THREAT ANALYSIS*

21. Post-2001, intelligence collection has expanded exponentially, but the Benghazi attacks are a stark reminder that we cannot over-rely on the certainty or even likelihood of warning intelligence. Careful attention should be given to factors showing a deteriorating threat situation in general as a basis for improving

[2] "Inman buildings" are diplomatic facilities that meet the mandatory minimum physical security standards established after the 1985 Inman Report about the 1983 Embassy and Marine barracks bombings in Lebanon. "SECCA" refers to the Secure Embassy Construction and Counterterrorism Act of 1999, passed by Congress after the 1998 Nairobi and Dar es Salaam Embassy bombings. SECCA mandated setback and other standards for newly acquired diplomatic facilities.

security posture. Key trends must be quickly identified and used to sharpen risk calculations.

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

*PERSONNEL ACCOUNTABILITY*

23. The Board recognizes that poor performance does not ordinarily constitute a breach of duty that would serve as a basis for disciplinary action but is instead addressed through the performance management system. However, the Board is of the view that findings of unsatisfactory leadership performance by senior officials in relation to the security incident under review should be a potential basis for discipline recommendations by future ARBs, and would recommend a revision of Department regulations or amendment to the relevant statute to this end.

24. The Board was humbled by the courage and integrity shown by those on the ground in Benghazi and Tripoli, in particular the DS agents and Annex team who defended their colleagues; the Tripoli response team which mobilized without hesitation; those in Benghazi and Tripoli who cared for the wounded; and the many U.S. government employees who served in Benghazi under difficult conditions in the months leading up to the September 11-12 attacks. We trust that the Department and relevant agencies will take the opportunity to recognize their exceptional valor and performance, which epitomized the highest ideals of government service.

**POLITICAL AND SECURITY CONTEXT PRIOR TO THE ATTACKS**

On April 5, 2011, then-Special Envoy to the Libyan Transitional National Council (TNC) Chris Stevens arrived via a Greek cargo ship at the rebel-held city of Benghazi to re-establish a U.S. presence in Libya. The State Department had been absent from Libya since the Embassy in Tripoli suspended operations and evacuated its American personnel on February 25, 2011, amidst an escalating campaign by Muammar Qaddafi to suppress violently a popular uprising against his rule.

Benghazi, the largest city and historical power center in eastern Libya, was the launching point for the uprising against Qaddafi and a long time nexus of anti-regime activism. It also served as the rebel-led Transitional National Council's base of operations. Eastern Libya (Cyrenaica) had long felt neglected and oppressed by Qaddafi, and there had been historic tensions between it and the rest of the country. Throughout Qaddafi's decades-long rule, eastern Libya consistently lagged behind Tripoli in terms of infrastructure and standard of living even as it was responsible for the vast majority of Libya's oil production. Stevens' presence in the city was seen as a significant sign of U.S. support for the TNC and a recognition of the resurgence of eastern Libya's political influence.

Benghazi was the seat of the Senussi monarchy until 1954, the site of a U.S. consulate, which was overrun by a mob and burned in 1967, and the place where Qaddafi began his 1969 revolution against the monarchy. Qaddafi's subsequent combination of oppression and neglect enhanced the city's sense of marginalization, and its after-effects were felt more widely in the eastern region where a Salafist jihadist movement took root. Jihadis from Benghazi engaged in Afghanistan against the Soviets and took up arms against U.S. forces in the post-2003 Iraq insurgency. Many of them reemerged in 2011 as leaders of anti-Qaddafi militias in eastern Libya.

Stevens initially operated from the Tibesti Hotel in downtown Benghazi. He was accompanied by a security contingent of 10 Diplomatic Security agents whose primary responsibilities were to provide personal protective services. Stevens' mission was to serve as the liaison with the TNC in preparation for a post-Qaddafi democratic government in Libya. By all accounts, he was extremely effective,

earned the admiration of countless numbers of Libyans, and personified the U.S. government commitment to a free and democratic Libya.

Benghazi, however, was still very much a conflict zone. On June 1, 2011, a car bomb exploded outside the Tibesti Hotel, and shortly thereafter a credible threat against the Special Envoy mission prompted Stevens to move to the Annex. On June 21, 2011, he and his security contingent moved to what would become the Special Mission Benghazi compound (SMC). By the end of August 2011, the walled compound consisted of three sections (Villas A, B, and C) on 13 acres. (Use of Villa A was discontinued in January 2012, when the SMC footprint was consolidated into the Villas B and C compounds, some eight-acres total.)

On July 15, 2011, the United States officially recognized the TNC as Libya's legitimate governing authority although Qaddafi and his forces still retained control over significant portions of the country, including Tripoli. The TNC continued attacking the remaining Qaddafi strongholds, and Tripoli fell earlier than expected at the end of August. The TNC immediately began moving the government from Benghazi to Tripoli. By early September, 21 members of State Department Mobile Security Deployment teams were in Tripoli with the Deputy Chief of Mission (DCM) in preparation for the resumption of operations of the U.S. Embassy, which Ambassador Gene Cretz officially re-opened on September 22, 2011. From September 2011 onwards, Embassy Tripoli was open with a skeleton staff built on temporary duty (TDY) assignments, to include the DCM and Regional Security Officer (RSO). (The fall of Tripoli took place shortly after Embassy Tripoli lost its assigned staff and bureaucratically ceased to exist, pursuant to Department regulations regarding the length of time a post can remain open in evacuation status.)

Although the TNC declared that Tripoli would continue to be the capital of a post-Qaddafi Libya, many of the influential players in the TNC remained based in Benghazi. Stevens continued as Special Envoy to the TNC in Benghazi until he departed Libya on November 17, 2011, after which the Special Envoy position was not filled. Stevens was replaced by an experienced Civil Service employee who served for 73 days in what came to be called the "principal officer" position in Benghazi. After November 2011, the principal officer slot became a TDY assignment for officers with varying levels of experience who served in Benghazi anywhere from 10 days to over two months, usually without transiting Tripoli. In December 2011, the Under Secretary for Management approved a one-year continuation of the U.S. Special Mission in Benghazi, which was never a consulate

and never formally notified to the Libyan government. Stevens arrived in Tripoli on May 26, 2012, to replace Cretz as Ambassador.

Throughout Libya, the security vacuum left by Qaddafi's departure, the continued presence of pro-Qaddafi supporters, the prevalence of and easy access to weapons, the inability of the interim government to reestablish a strong security apparatus, and the resulting weakness of those security forces that remained led to a volatile situation in which militias previously united in opposition to Qaddafi were now jockeying for position in the new Libya. Frequent clashes, including assassinations, took place between contesting militias. Fundamentalist influence with Salafi and al Qaeda connections was also growing, including notably in the eastern region. Public attitudes in Benghazi continued to be positive toward Americans, and it was generally seen as safer for Americans given U.S support of the TNC during the war. However, 2012 saw an overall deterioration of the security environment in Benghazi, as highlighted by a series of security incidents involving the Special Mission, international organizations, non-governmental organizations (NGOs), and third-country nationals and diplomats:

- March 18, 2012 – Armed robbery occurs at the British School in Benghazi.
- March 22, 2012 – Members of a militia searching for a suspect fire their weapons near the SMC and attempt to enter.
- April 2, 2012 – A UK armored diplomatic vehicle is attacked after driving into a local protest. The vehicle was damaged but occupants uninjured.
- April 6, 2012 – A gelatina bomb (traditional homemade explosive device used for fishing) is thrown over the SMC north wall.
- April 10, 2012 – An IED (gelatina or dynamite stick) is thrown at the motorcade of the UN Special Envoy to Libya in Benghazi.
- April 26, 2012 – Special Mission Benghazi principal officer is evacuated from International Medical University (IMU) after a fistfight escalated to gunfire between Tripoli-based trade delegation security personnel and IMU security.
- April 27, 2012 – Two South African nationals in Libya as part of U.S.-funded weapons abatement, unexploded ordnance removal and demining project are detained at gunpoint by militia, questioned and released.
- May 22, 2012 – Benghazi International Committee of the Red Cross (ICRC) building struck by rocket propelled grenades (RPGs).
- May 28, 2012 – A previously unknown organization, Omar Abdurrahman group, claims responsibility for the ICRC attack and issues a threat against the United States on social media sites.

- June 6, 2012 – IED attack on the SMC. The IED detonates with no injuries but blows a large hole in the compound's exterior wall. Omar Abdurrahman group makes an unsubstantiated claim of responsibility.
- June 8, 2012 – Two hand grenades target a parked UK diplomatic vehicle in Sabha (800 km south of Benghazi).
- June 11, 2012 – While in Benghazi, the British Ambassador's convoy is attacked with an RPG and possible AK-47s. Two UK security officers are injured; the UK closes its mission in Benghazi the following day.
- June 12, 2012 – An RPG attack is made on the ICRC compound in Misrata (400 km west of Benghazi).
- June 18, 2012 – Protestors storm the Tunisian consulate in Benghazi.
- July 29, 2012 – An IED is found on grounds of the Tibesti Hotel.
- July 30, 2012 – Sudanese Consul in Benghazi is carjacked and driver beaten.
- July 31, 2012 – Seven Iranian-citizen ICRC workers abducted in Benghazi.
- August 5, 2012 – ICRC Misrata office is attacked with RPGs. ICRC withdraws its representatives from Misrata and Benghazi.
- August 9, 2012 – A Spanish-American dual national NGO worker is abducted from the Islamic Cultural Center in Benghazi and released the same day.
- August 20, 2012 – A small bomb is thrown at an Egyptian diplomat's vehicle parked outside of the Egyptian consulate in Benghazi.

It is worth noting that the events above took place against a general backdrop of political violence, assassinations targeting former regime officials, lawlessness, and an overarching absence of central government authority in eastern Libya. While the June 6 IED at the SMC and the May ICRC attack were claimed by the same group, none of the remaining attacks were viewed in Tripoli and Benghazi as linked or having common perpetrators, which were not viewed as linked or having common perpetrators. This also tempered reactions in Washington. Furthermore, the Board believes that the longer a post is exposed to continuing high levels of violence the more it comes to consider security incidents which might otherwise provoke a reaction as normal, thus raising the threshold for an incident to cause a reassessment of risk and mission continuation. This was true for both people on the ground serving in Libya and in Washington.

While the June IED attack and the RPG attack targeting the UK convoy in Benghazi prompted the Special Mission to reduce movements off compound and have a one-week pause between principal officers, the successful nature of Libya's

July 7, 2012, national elections -- which exceeded expectations – renewed Washington's optimism in Libya's future. Nevertheless, the immediate period after the elections did not see the central government increase its capacity to consolidate control or provide security in eastern Libya, as efforts to form a government floundered and extremist militias in and outside Benghazi continued to work to strengthen their grip. At the time of the September attacks, Benghazi remained a lawless town nominally controlled by the Supreme Security Council (SSC) – a coalition of militia elements loosely cobbled into a single force to provide interim security – but in reality run by a diverse group of local Islamist militias, each of whose strength ebbed and flowed depending on the ever-shifting alliances and loyalties of various members. There was a notional national police presence, but it was ineffectual. By August 2012, Special Mission Benghazi would evaluate the worsening security situation and its implications.

*"I was at the foot of the wide marble staircase when the breakthrough occurred. Fanatical knife-carrying intruders, bleeding from cuts received as they were pushed through broken windows, ran down the hall. Putting on gas masks and dropping tear gas grenades, we engaged them on the stairs with rifle butts. In seconds tear gas saturated the area. We then moved into the vault, securing the steel combination door, locking in ten persons.... My greatest fear, which I kept to myself, was that gasoline for the generator would be found, sloshed under the vault door and ignited. When after minutes this did not happen, our hearts sank, nonetheless, as outside smoke wafted in and we knew the building had been set afire."*

*-- First-person account of the June 5, 1967 mob siege of the then-U.S. Consulate in Benghazi*

## TIMELINE OF THE ATTACKS

**September 11-12, 2012**

*(All times are best estimates based on existing data and should be considered approximate.)*

*The Prelude – the Ambassador's Arrival*

Ambassador Chris Stevens arrived in Benghazi, Libya on September 10, 2012, accompanied by two temporary duty (TDY) Assistant Regional Security Officers (ARSOs) from Tripoli. It was the Ambassador's first visit to Benghazi since he departed as then-Special Envoy in November 2011. With the Ambassador's arrival, there were eight Americans at the Special Mission compound (SMC) on September 10-11, 2012, including the Ambassador; Information Management Officer (IMO) Sean Smith, who arrived in Benghazi one week earlier to provide TDY communications and management support; and five Diplomatic Security (DS) agents (three assigned on short-term TDY to Benghazi – "TDY RSO", "ARSO 1" and "ARSO 2" – and the two who traveled from Tripoli to provide protection for the Ambassador during his visit – "ARSO 3" and "ARSO 4"). The eighth American, the TDY Benghazi principal officer, completed his 13-day assignment and returned to his full-time job in Tripoli the morning of September 11, leaving seven Americans at the compound. Ambassador Stevens was scheduled to remain in Benghazi until September 14, and his visit was timed in part to fill the staffing gaps between TDY principal officers as well as to open an American Corner at a local school and to reconnect with local contacts.

In the absence of an effective central government security presence, the Special Mission's Libyan security contingent was composed of four armed members of the February 17 Martyrs' Brigade (February 17) – a local umbrella organization of militias dominant in Benghazi (some of which were Islamist) and loosely affiliated with the Libyan government, but not under its control. They resided in a guest house building on compound. Normally four members resided on the Special Mission compound near the front gate, but on September 11 one had been absent for several days, reportedly due to a family illness. The Special Mission also had an unarmed, contract local guard force (LGF), Blue Mountain Libya (BML), which provided five guards per eight-hour shift, 24/7, to open and close the gates, patrol the compound, and give warning in case of an attack.

After the Ambassador's arrival at the Special Mission on September 10, ARSO 1 gave the Ambassador a tour of the SMC and pointed out the safe area and escape hatch windows in the Ambassador's room in Villa C. Later that afternoon, the Ambassador visited the Annex for a briefing. He then met with the City Council at a local hotel for dinner, an event at which local media invited by the Council showed up unexpectedly, despite U.S. efforts to keep the Ambassador's program and movements from being publicized.

*Security Environment on September 11, Preceding Attacks*

In consultation with the TDY RSO and mindful of the threat environment and the September 11 anniversary, Ambassador Stevens did not leave the SMC on September 11, but rather held meetings there. At approximately 0645 local that morning, a BML contract guard saw an unknown individual in a Libyan Supreme Security Council (SSC) police uniform apparently taking photos of the compound villas with a cell phone from the second floor of a building under construction across the street to the north of the SMC. The individual was reportedly stopped by BML guards, denied any wrongdoing, and departed in a police car with two others. This was reported to ARSOs 1 and 2. Later that morning they inspected the area where the individual was seen standing and informed the Annex of the incident. There had not been any related threat reporting. The local February 17 militia headquarters was informed of the incident and reportedly complained to the local SSC on the Special Mission's behalf. The Ambassador reviewed a Special Mission-drafted complaint to local authorities on the surveillance incident; however, it was not submitted due to the typically early closure of Libyan government offices. Later on September 11, the Ambassador was informed by his Deputy Chief of Mission (DCM) in Tripoli of the breach of the Embassy Cairo

compound that had occurred that day and briefly discussed the news with ARSO 3. The TDY RSO was also informed of the Cairo compound breach by his Regional Security Officer counterpart in Tripoli and shared the information with colleagues at the Annex.

At approximately 1940 local, Ambassador Stevens and an accompanying ARSO escorted a Turkish diplomat to the SMC's main exit at the north C1 gate, where nothing out of the ordinary was noted. Some 30 minutes later, between 2010 and 2030 local, a UK security team supporting a day visit by British diplomats dropped off vehicles and equipment at the SMC (per arrangements made after the UK diplomatic office in Benghazi suspended operations in June 2012). When the UK security team departed via the C1 gate at about 2030 local, there were no signs of anything unusual, including no roadblocks outside of the compound, and traffic flowed normally.

Ambassador Stevens and IMO Sean Smith retired for the night to Villa C at about 2100 local, while ARSO 4 watched a video in the Villa C common space. ARSOs 1, 2, and 3 were sitting together outside and behind Villa C; the TDY RSO was working in the workspace building referred to as the "Office" or "TOC" (Tactical Operations Center), near the Villa B compound, which was connected to the Villa C compound by an alleyway. From the TOC, the TDY RSO could monitor a series of security cameras placed in and around the perimeter of the SMC. The ARSOs were each armed with their standard issue sidearm pistol; their "kits," generally consisting of body armor, radio and an M4 rifle, were in their bedroom/sleeping areas, in accord with Special Mission practice.

*The Attack on the Special Mission Compound*

An SSC police vehicle, which had arrived at the main compound gate (C1) at 2102 local, departed at 2142. The Special Mission had requested that a marked SSC police car be posted outside of the compound 24/7, but in practice a car was there only intermittently. The Special Mission had requested this presence again, specifically for the duration of the Ambassador's visit. A subsequent local press report quotes an SSC official as saying that he ordered the removal of the car "to prevent civilian casualties."

Around the same time, the TDY RSO working in the TOC heard shots and an explosion. He then saw via security camera dozens of individuals, many armed, begin to enter the compound through the main entrance at the C1 gate. He hit the

duck and cover alarm and yelled a warning over the radio, and recalled no such warning from the February 17 or BML guards, who had already begun to flee to points south and east in the compound, towards the Villa B area. ARSOs 1 and 2 heard an attack warning from the BML guards passed on over the radio. The TDY RSO also alerted the Annex and Embassy Tripoli by cell phone.

The other three ARSOs behind Villa C also heard gunfire and explosions, as well as chanting, and responded immediately along with ARSO 4, who was inside Villa C. Following the SMC's emergency plan, ARSO 1 entered Villa C to secure the Ambassador and IMO in the safe area and to retrieve his kit; ARSOs 2, 3, and 4 moved to retrieve their kits, which were located in Villa B and the TOC. ARSO 1 in Villa C swiftly located the Ambassador and IMO Smith, asked them to don body armor, and led them into the safe area in Villa C, which ARSO 1 secured. He then reported their whereabouts by radio to the TDY RSO in the TOC. ARSO 1, armed with an M4 rifle, shotgun and pistol, took up a defensive position inside the Villa C safe area, with line of sight to the safe area gate and out of view of potential intruders. ARSO 1 gave his cell phone to the Ambassador, who began making calls to local contacts and Embassy Tripoli requesting assistance.

From Villa C, ARSO 4 ran to his sleeping quarters in Villa B to retrieve his kit, while ARSOs 2 and 3 ran to the TOC, where ARSO 3 had last seen the Ambassador, and where ARSO 2's kit was located. (ARSO 2's sleeping quarters were in the TOC, making him the designated "TOC Officer" in their emergency react plan.) ARSO 3, upon not finding the Ambassador in the TOC, ran to Villa B to get his kit; ARSO 2 remained in the TOC with the TDY RSO and shared notification and communication duties with him. At Villa B, ARSO 3 encountered ARSO 4, who was also arming and equipping himself, and the two then attempted to return to Villa C. They turned back, however, after seeing many armed intruders blocking the alley between Villas B and C. ARSOs 3 and 4, outnumbered and outgunned by the armed intruders in the alley, returned to Villa B and barricaded themselves in a back room, along with one LGF member whom they had encountered outside Villa B.

*Attack Continues, Use of Fire as a Weapon*

Sometime between 2145 and 2200 local, armed intruders appear to have used filled fuel cans that were stored next to new, uninstalled generators at the February 17 living quarters near the C1 entrance to burn that building. The crowd

also lit on fire vehicles that were parked nearby. Members of the crowd then moved to Villa C.

In Villa C, ARSO 1, who was protecting Ambassador Stevens and IMO Smith in the safe area, heard intruders breaking through the Villa C front door. Men armed with AK rifles started to destroy the living room contents and then approached the safe area gate and started banging on it. ARSO 1 did not want to compromise their location in the safe area by engaging the intruders, and he warned the Ambassador and IMO Smith to prepare for the intruders to try to blast the safe area gate locks open. Instead the intruders departed, and the lights in Villa C appeared to dim. ARSO 1 realized that smoke from fires set inside the villa, away from his vantage point, was reducing the light and visibility. (There was no line of sight to Villa C from the Villa B/TOC compound where the TDY RSO and three ARSOs were barricaded. The TDY RSO in the TOC did not see smoke emerge on the view from the camera near Villa C until shortly after 2200 local.)

As smoke engulfed the Villa C safe area, ARSO 1 led Ambassador Stevens and IMO Smith into a bathroom with an exterior window. All three crawled into the bathroom, while the thick, black smoke made breathing difficult and reduced visibility to zero. ARSO 1 tried to seal the door with towels and provide some ventilation by opening the window. Instead, opening the window worsened conditions and drew more smoke into the bathroom, making it even more difficult to breathe. ARSO 1 determined that they could no longer stay in the safe area and yelled to the others, whom he could no longer see, to follow him to an adjacent bedroom, where there was an egress window. ARSO 1 crawled on his hands and knees through a hallway to the bedroom, unable to see, while yelling and banging on the floor to guide the Ambassador and IMO Smith to safety. ARSO 1 opened the window grill and exited the building, collapsing onto a small, partly enclosed patio, at which point he believed he was being fired upon. Immediately following his exit, ARSO 1 realized the Ambassador and IMO had not followed him out the window. He then re-entered Villa C through the egress window several times to search for his colleagues while under fire by the intruders outside. He was unable to locate the Ambassador or IMO Smith, and severe heat and smoke forced him to exit the building to recover between each attempt. After several attempts, he climbed a ladder to the roof where he radioed the TOC for assistance and attempted unsuccessfully to ventilate the building by breaking a skylight. Due to severe smoke inhalation, however, ARSO 1 was almost unintelligible, but the TDY RSO and ARSO 2 in the TOC finally understood him to be saying that he did not have the Ambassador or IMO Smith with him.

While Villa C was under attack, armed individuals looted Villa B's interior and attempted to enter the area where ARSOs 3 and 4 were barricaded. The intruders carried jerry cans and were seen on security cameras trying to dump them on vehicles outside the TOC, but they were apparently empty. A group of intruders also attempted unsuccessfully to break down the TOC entrance.

*Annex Responds, DS Agents Rally for Further Rescue Efforts*

Just prior to receiving the TDY RSO's distress call shortly after 2142 local, the head of Annex security heard multiple explosions coming from the north in the direction of the SMC. The Annex security head immediately began to organize his team's departure and notified his superiors, who began to contact local security elements to request support. The Annex response team departed its compound in two vehicles at approximately 2205 local. The departure of the Annex team was not delayed by orders from superiors; the team leader decided on his own to depart the Annex compound once it was apparent, despite a brief delay to permit their continuing efforts, that rapid support from local security elements was not forthcoming.

While the TDY RSO continued to man the TOC and communicate with Tripoli, the Annex, and Washington, ARSO 2 used a smoke grenade to obscure his movements from the TOC to Villa B, where he joined ARSOs 3 and 4 who were barricaded inside. By this point, the first group of attackers appeared to have receded. The three ARSOs then drove an armored vehicle parked outside of the TOC to Villa C, where they assisted ARSO 1, who was in distress on the roof, vomiting from severe smoke inhalation and losing consciousness. ARSOs 2, 3, and 4 repeatedly entered Villa C through the egress window, at times crawling on their hands and knees through the safe area due to heavy smoke and the lack of air and visibility.

Near the SMC, the Annex team hoped to bring along friendly forces from militia compounds located along their route. The Annex team stopped at the intersection to the west of the C1 entrance and attempted to convince militia members there to assist. There was periodic, ineffective small arms fire in the team's location from the direction of the Special Mission.

Unable to secure additional assistance, the team moved on to the SMC. The February 17 living quarters and adjacent vehicles were burned, and heavy smoke

was pouring out of the still smoldering Villa C. The Annex team made contact with the four ARSOs at Villa C. Some Annex team members went to retrieve the TDY RSO from the TOC, while other Annex team members joined the ARSOs in their search for the Ambassador.

During their searches of the Villa C safe area, the ARSOs found and removed the body of IMO Smith with Annex security team assistance. The team checked for vital signs and verified that IMO Smith was already deceased, apparently due to smoke inhalation. Other Annex security team members and the TDY RSO joined up with the ARSOs again to enter Villa C via the egress window but were unable to locate Ambassador Stevens despite multiple attempts. Heat and smoke continued to be limiting factors in their ability to move farther into the safe area. When the TDY RSO attempted to enter Villa C through the front door, the ceiling collapsed. During these rescue attempts, an ARSO received a severe laceration to his arm.

*Second Phase Attack on the Compound, Evacuation to the Annex*

At the urging of the Annex security team and friendly militia members, who warned that the compound was at risk of being overrun, the TDY RSO and four ARSOs departed for the Annex without having found Ambassador Stevens. As the Annex team provided cover fire, the five DS agents' fully armored vehicle departed and took hostile fire as they left the SMC and turned right out of the C1 entrance. The driver, ARSO 1, reversed direction to avoid a crowd farther down the street, then reverted back to the original easterly route towards the crowd after a man whom the DS agents believed to be with February 17 signaled them to do so. Farther ahead, another man in a small group of individuals then motioned to them to enter a neighboring compound, some 300 meters to the east of the C1 entrance of the Special Mission compound. The DS agents suspected a trap, ignored this signal, and continued past. The group along the route then opened fire at the vehicle's side, shattering and almost penetrating the armored glass and blowing out two tires. While the identities of the individuals who fired upon the DS agents is unknown, they may have been part of the initial wave of attackers who swarmed the SMC earlier that night. A roadblock was present outside this compound and groups of attackers were seen entering it at about the time this vehicle movement was taking place.

ARSO 1 accelerated past the armed crowd and navigated around another crowd and roadblock near the end of the road, driving down the center median and

into the oncoming lane at one point to bypass stopped traffic. Two cars followed, with one turning off and the other following them with its lights off until it turned into a warehouse area not far from the Annex. The DS vehicle then proceeded to the Annex, arriving around 2330 local. There the ARSOs joined Annex personnel and took up defensive positions, to await the Annex security and Tripoli response team. The situation was relatively quiet. Wounded personnel received medical support.

Back at the SMC, the Annex security team at Villa C used small arms fire and took defensive positions to respond to an apparent second phase attack, which lasted about 15 minutes and included small arms fire and at least three rocket-propelled grenades (RPGs) launched from outside the C3 gate. With their many and repeated attempts to retrieve the Ambassador having proven fruitless and militia members warning them the SMC could not be held much longer, the Annex team departed the SMC, carrying with them the body of IMO Smith. They arrived back at the Annex and moved to take up additional defensive positions.

*Embassy Tripoli Response*

Upon notification of the attack from the TDY RSO around 2145 local, Embassy Tripoli set up a command center and notified Washington. About 2150 local, the DCM was able to reach Ambassador Stevens, who briefly reported that the SMC was under attack before the call cut off. The Embassy notified Benina Airbase in Benghazi of a potential need for logistic support and aircraft for extraction and received full cooperation. The DCM contacted the Libyan President and Prime Minister's offices to urge them to mobilize a rescue effort, and kept Washington apprised of post's efforts. The Embassy also reached out to Libyan Air Force and Armed Forces contacts, February 17 leadership, and UN and third country embassies, among others. Within hours, Embassy Tripoli chartered a private airplane and deployed a seven-person security team, which included two U.S. military personnel, to Benghazi.

At the direction of the U.S. military's Africa Command (AFRICOM), DoD moved a remotely piloted, unarmed surveillance aircraft which arrived over the SMC shortly before the DS team departed. A second remotely piloted, unarmed surveillance aircraft relieved the first, and monitored the eventual evacuation of personnel from the Annex to Benghazi airport later on the morning of September 12.

*Uncertainty on Ambassador Stevens' Whereabouts*

U.S. efforts to determine Ambassador Stevens' whereabouts were unsuccessful for several hours. At approximately 0200 local, Embassy Tripoli received a phone call from ARSO 1's cell phone, which he had given to the Ambassador while they were sheltered in the safe area. A male, Arabic-speaking caller said an unresponsive male who matched the physical description of the Ambassador was at a hospital. There was confusion over which hospital this might be, and the caller was unable to provide a picture of the Ambassador or give any other proof that he was with him. There was some concern that the call might be a ruse to lure American personnel into a trap. With the Benghazi Medical Center (BMC) believed to be dangerous for American personnel due to the possibility attackers were being treated there, a Libyan contact of the Special Mission was dispatched to the BMC and later confirmed the Ambassador's identity and that he was deceased.

BMC personnel would later report that at approximately 0115 local on September 12, an unidentified, unresponsive male foreigner – subsequently identified as Ambassador Stevens – was brought to the emergency room by six civilians. The identities of these civilians are unknown at the time of this report, but to the best knowledge of the Board these were "good Samaritans" among the hordes of looters and bystanders who descended upon the Special Mission after the DS and Annex teams departed. With the clearing of smoke, Ambassador Stevens' rescuers found him within a room in the safe area of Villa C, did not know his identity, pulled him out through an egress window, and sought medical attention for him. Although the Ambassador did not show signs of life upon arrival at the BMC, doctors attempted to resuscitate him for some 45 minutes before declaring him deceased, by apparent smoke inhalation.

*Attacks on the Annex*

Just before midnight, shortly after the DS and Annex security teams arrived from the SMC, the Annex began to be targeted by gunfire and RPGs, which continued intermittently for an hour. Annex security personnel engaged from their defensive positions, which were reinforced by DS agents. Other personnel remained in contact with Embassy Tripoli from the Annex.

The seven-person response team from Embassy Tripoli arrived in Benghazi to lend support. It arrived at the Annex about 0500 local. Less than fifteen minutes later, the Annex came under mortar and RPG attack, with five mortar rounds impacting close together in under 90 seconds. Three rounds hit the roof of an Annex building, killing security officers Tyrone Woods and Glen Doherty. The attack also severely injured one ARSO and one Annex security team member. Annex, Tripoli, and ARSO security team members at other locations moved rapidly to provide combat first aid to the injured.

At approximately 0630 local, all U.S. government personnel evacuated with support from a quasi-governmental Libyan militia. They arrived at the airport without incident. The DoD unarmed surveillance aircraft provided visual oversight during the evacuation. Embassy Tripoli lost communication with the convoy at one point during transit, but quickly regained it.

Evacuees, including all wounded personnel, departed Benghazi on the chartered jet at approximately 0730 local. Embassy Tripoli staff, including the Embassy nurse, met the first evacuation flight at Tripoli International Airport. Wounded personnel were transferred to a local hospital, in exemplary coordination that helped save the lives of two severely injured Americans.

Embassy Tripoli worked with the Libyan government to have a Libyan Air Force C-130 take the remaining U.S. government personnel from Benghazi to Tripoli. Two American citizen State Department contractors traveled to the airport and linked up with the remaining U.S. government personnel. While awaiting transport, the TDY RSO and Annex personnel continued to reach out to Libyan contacts to coordinate the transport of the presumed remains of Ambassador Stevens to the airport. The body was brought to the airport in what appeared to be a local ambulance at 0825 local, and the TDY RSO verified Ambassador Stevens' identity.

At 1130 local, September 12, 2012, the Libyan government-provided C-130 evacuation flight landed in Tripoli with the last U.S. government personnel from Benghazi and the remains of the four Americans killed, who were transported to a local hospital.

In coordination with the State Department and Embassy Tripoli, the Department of Defense sent two U.S. Air Force planes (a C-17 and a C-130) from Germany to Tripoli to provide medical evacuation support for the wounded. At 1915 local on September 12, Embassy Tripoli evacuees, Benghazi personnel, and

those wounded in the attacks departed Tripoli on the C-17 aircraft, with military doctors and nurses aboard providing en route medical care to the injured. The aircraft arrived at Ramstein Air Force Base at approximately 2230 (Tripoli time) on September 12, just over 24 hours after the attacks in Benghazi had commenced.

## FINDINGS AND DISCUSSION

1. **The attacks in Benghazi were security-related, resulting in the deaths of four U.S. personnel after terrorists attacked two separate U.S. government facilities – the Special Mission compound (SMC) and the Annex.**

Identification of the perpetrators and their motivations are the subject of an ongoing FBI criminal investigation. The Board concluded that no protest took place before the Special Mission and Annex attacks, which were unanticipated in their scale and intensity.

*ADEQUACY OF SECURITY SYSTEMS AND PROCEDURES PRIOR TO SEPTEMBER 11, 2012*

2. **Systemic failures and leadership and management deficiencies at senior levels within two bureaus of the State Department resulted in a Special Mission security posture that was inadequate for Benghazi and grossly inadequate to deal with the attack that took place.**

Through the course of its inquiry, the Board interviewed over 100 individuals, reviewed thousands of pages of documents, and viewed hours of video footage. On the basis of its comprehensive review of this information, the Board remains fully convinced that responsibility for the tragic loss of life, injuries, and damage to U.S. facilities and property rests solely and completely with the terrorists who perpetrated the attack.

*Overriding Factors*

This is not to say, however, that there are no lessons to be learned. A recurring theme throughout the Board's work was one also touched upon by the Nairobi and Dar es Salaam ARBs in 1999. Simply put, in the months leading up to September 11, 2012, security in Benghazi was not recognized and implemented as a "shared responsibility" in Washington, resulting in stove-piped discussions and decisions on policy and security. Key decisions, such as the extension of the State Department presence in Benghazi until December 2012, or non-decisions in Washington, such as the failure to establish standards for Benghazi and to meet them, or the lack of a cohesive staffing plan, essentially set up Benghazi as a

floating TDY platform with successive principal officers often confined to the SMC due to threats and inadequate resources, and RSOs resorting to field-expedient solutions to correct security shortfalls.

Communication, cooperation, and coordination between Washington, Tripoli, and Benghazi occurred collegially at the working-level but were constrained by a lack of transparency, responsiveness, and leadership at senior bureau levels. The DS Bureau's action officers who worked on Libya are to be commended for their efforts within DS and across the Department to provide additional security resources to Benghazi. Action officers in the Bureau of Near Eastern Affairs' (NEA) Office of Maghreb Affairs and Executive Office showed similar dedication in collaborating on solutions with their DS counterparts and responding to TDY staffing demands. However, in DS, NEA, and at post, there appeared to be very real confusion over who, ultimately, was responsible and empowered to make decisions based on both policy and security considerations.

The DS Bureau showed a lack of proactive senior leadership with respect to Benghazi, failing to ensure that the priority security needs of a high risk, high threat post were met. At the same time, with attention in late 2011 shifting to growing crises in Egypt and Syria, the NEA Bureau's front office showed a lack of ownership of Benghazi's security issues, and a tendency to rely totally on DS for the latter. The Board also found that Embassy Tripoli leadership, saddled with their own staffing and security challenges, did not single out a special need for increased security for Benghazi.

Further shortfalls in Washington coordination were manifested by the flawed process by which Special Mission Benghazi's extension until the end of December 2012 was approved, a decision that did not take security considerations adequately into account. The result was the continuation of Special Mission Benghazi with an uncertain future and a one-year expiration date that made allocations of resources for security upgrades and personnel assignments difficult.

Another key driver behind the weak security platform in Benghazi was the decision to treat Benghazi as a temporary, residential facility, not officially notified to the host government, even though it was also a full time office facility. This resulted in the Special Mission compound being excepted from office facility standards and accountability under the Secure Embassy Construction and Counterterrorism Act of 1999 (SECCA) and the Overseas Security Policy Board (OSPB). Benghazi's initial platform in November 2011 was far short of OSPB

standards and remained so even in September 2012, despite multiple field-expedient upgrades funded by DS. (As a temporary, residential facility, SMC was not eligible for OBO-funded security upgrades.) A comprehensive upgrade and risk-mitigation plan did not exist, nor was a comprehensive security review conducted by Washington for Benghazi in 2012. The unique circumstances surrounding the creation of the mission in Benghazi as a temporary mission outside the realm of permanent diplomatic posts resulted in significant disconnects and support gaps.

*Personnel*

The Board found the short-term, transitory nature of Benghazi's staffing to be another primary driver behind the inadequate security platform in Benghazi. Staffing was at times woefully insufficient considering post's security posture and high risk, high threat environment. The end result was a lack of institutional knowledge and mission capacity which could not be overcome by talent and hard work alone, although the Board found ample evidence of both in those who served there. The situation was exacerbated by the lack of Locally Employed Staff (LES) who would normally provide a backstop of continuity, local knowledge, and language ability. This staffing "churn" had significant detrimental effects on the post's ability to assess adequately both the political and security environment, as well as to provide the necessary advocacy and follow-through on major, essential security upgrades.

The Board determined that DS staffing levels in Benghazi after Embassy Tripoli re-opened were inadequate, decreasing significantly after then-Special Envoy Stevens' departure in November 2011. Although a full complement of five DS agents for Benghazi was initially projected, and later requested multiple times, Special Mission Benghazi achieved a level of five DS agents (not counting DoD-provided TDY Site Security Team personnel sent by Embassy Tripoli) for only 23 days between January 1-September 9, 2012.

As it became clear that DS would not provide a steady complement of five TDY DS agents to Benghazi, expectations on the ground were lowered by the daunting task of gaining approvals and the reality of an ever-shifting DS personnel platform. From discussions with former Benghazi-based staff, Board members concluded that the persistence of DS leadership in Washington in refusing to provide a steady platform of four to five DS agents created a resignation on the

part of post about asking for more. The TDY DS agents resorted to doing the best they could with the limited resources provided.

Furthermore, DS's reliance on volunteers for TDY positions meant that the ARSOs in Benghazi often had relatively little or no prior DS program management or overseas experience. For a time, more experienced RSOs were sent out on longer term TDYs, but even that appeared to diminish after June 2012, exactly at the time the security environment in Benghazi was deteriorating further. It bears emphasizing, however, that the Board found the work done by these often junior DS agents to be exemplary. But given the threat environment and with very little operational oversight from more experienced, senior colleagues, combined with an under-resourced security platform, these agents were not well served by their leadership in Washington. The lack of Arabic-language skills among most American personnel assigned to Benghazi and the lack of a dedicated LES interpreter and sufficient local staff also served as a barrier to effective communication and situational awareness at the Special Mission.

Required security training for DS agents prior to service in Benghazi consisted of the High Threat Training Course (HTTC). However, domestically-based DS agents who had not served abroad did not have the opportunity to receive RSO training before serving in Benghazi. In addition, after April 2012 all personnel scheduled to serve in Libya for over 30 days were required to take the Foreign Affairs Counter Threat (FACT) training. IMOs, who also served as the "management officer" at post, did not, as a prerequisite, receive any basic management or General Services Officer (GSO) training to prepare them for their duties.

The Board determined that reliance on February 17 for security in the event of an attack was misplaced, even though February 17 had been considered to have responded satisfactorily to previous, albeit less threatening, incidents. The four assigned February 17 guards were insufficient and did not have the requisite skills and reliability to provide a reasonable level of security on a 24/7 basis for an eight-acre compound with an extended perimeter wall. In the days prior to the attack and on September 11, 2012, one was absent. Over the course of its inquiry, the Board also learned of troubling indicators of February 17's loyalties and its readiness to assist U.S. personnel. In the weeks preceding the Ambassador's arrival, February 17 had complained about salaries and the lack of a contract for its personnel. At the time of the attacks, February 17 had ceased accompanying Special Mission vehicle movements in protest. The Blue Mountain Libya (BML)

unarmed guards, whose primary responsibilities were to provide early warning and control access to the SMC, were also poorly skilled.

*Physical Security*

Given the threat environment, the physical security platform in Benghazi was inadequate. It is incumbent upon the Board, however, to acknowledge that several upgrades and repairs took place over 2012. DS provided additional funding for the Local Guard Force (LGF), February 17, and residential security upgrades, including heightening the outer perimeter wall, safety grills on safe area egress windows that helped save the life of ARSO 1 on the night of September 11, concrete jersey barriers, manual drop-arm vehicle barriers, a steel gate for the Villa C safe area, some locally manufactured steel doors, sandbag fortifications, security cameras, some additional security lighting, guard booths, and an Internal Defense Notification System. Because OBO does not fund security upgrades for "temporary" facilities, DS also identified non-traditional funding streams to fund physical security upgrades and worked with the IMOs, NEA and Embassy Tripoli to move funds and supplies to Benghazi. The Engineering Security Office (ESO) in Cairo provided strong technical support and regularly visited. Following the June 2012 IED incident, which blew a large hole in the compound wall, DS, OBO, Tripoli, NEA and ESO Cairo immediately responded to Benghazi's request for assistance. Tripoli identified OBO funds that could be used to fix the wall, and ESO Cairo traveled to Benghazi on June 8 to provide technical support. The TDY IMOs worked tirelessly with the RSOs, Tripoli procurement and financial management staff, and Libyan professionals on statements of work, contracts and funding for the emergency repair of the SMC wall and for the other physical security upgrades, as well as ongoing electrical repairs. New upgrades remained a challenge, however, due to a lack of cash reserves and contract and procurement expertise, which meant Benghazi had to rely on Tripoli for further processing.

The Board found, however, that Washington showed a tendency to overemphasize the positive impact of physical security upgrades, which were often field-expedient improvements to a profoundly weak platform, while generally failing to meet Benghazi's repeated requests to augment the numbers of TDY DS personnel. The insufficient Special Mission compound security platform was at variance with the appropriate Overseas Security Policy Board (OSPB) standards with respect to perimeter, interior security, and safe areas. Benghazi was also under-resourced with regard to certain needed security equipment.

*Security Planning*

Post and the Department were well aware of the anniversary of the September 11, 2001, terrorist attacks, although DS did not issue a worldwide caution cable to posts related to the anniversary. Ambassador Stevens and his DS agents had taken the anniversary into account by deciding to hold all meetings at the SMC that day rather than making any moves outside.

The Ambassador chose to travel to Benghazi that week, independent of Washington, as per standard practice. Timing for his trip was driven in part by commitments in Tripoli, as well as a staffing gap between principal officers in Benghazi. His trip had been put off earlier in the summer, and the September 10-14 dates were not decided upon well in advance. The Board found that plans for the Ambassador's trip provided for minimal close protection security support, and that Embassy country team members were not fully aware of planned movements off compound. The Ambassador did not see a direct threat of an attack of this nature and scale on the U.S. Mission in the overall negative trendline of security incidents from spring to summer 2012. His status as the leading U.S. government advocate on Libya policy, and his expertise on Benghazi in particular, caused Washington to give unusual deference to his judgments.

*IMPLEMENTATION OF SECURITY SYSTEMS AND PROCEDURES ON SEPTEMBER 11-12, 2012*

3. **Notwithstanding the proper implementation of security systems and procedures and remarkable heroism shown by American personnel, those systems themselves and the Libyan response fell short in the face of a series of attacks that began with the sudden penetration of the Special Mission compound by dozens of armed attackers.** In short, Americans in Benghazi and their Tripoli colleagues did their best with what they had, which, in the end, was not enough to prevent the loss of lives of Ambassador Stevens, Sean Smith, Tyrone Woods, and Glen Doherty. At the same time, U.S. security professionals prevented a further loss of life and helped ensure the safe evacuation of remaining American personnel in Benghazi 12 hours after the attacks began.

As noted in the preceding section, physical security at the Special Mission was insufficient. The SMC perimeter was breached immediately, providing no reaction time to the five DS agents on compound. There was no advance warning regarding the group of attackers approaching outside the SMC prior to the attack,

and no sign of them on surveillance cameras outside the C1 gate until the attack was underway. The Board learned that, as of the time of the attacks, the Special Mission compound had received additional surveillance cameras, which remained in boxes uninstalled, as technical support to install them had not yet visited post. In addition, the camera monitor in the local guard force booth next to the C1 gate was inoperable on the day of the attacks, a repair which also awaited the arrival of a technical team.

Some aspects of physical security upgrades did perform as intended – in particular, the safe area in Villa C, which prevented intruders from entering and the TOC door, which protected the DS agents from attackers trying to enter. Also, the installation of exits in the window grates of the Villa C safe area allowed ARSO 1 to escape the fire, and those exits were the entry point for him and other DS agents and Annex personnel to make multiple attempts to rescue and recover Sean Smith and Ambassador Stevens.

The Board found the responses by both BML and February 17 to be inadequate. No BML guards were present outside the compound immediately before the attack ensued, although perimeter security was one of their responsibilities, and there is conflicting information as to whether they sounded any alarms prior to fleeing the C1 gate area to other areas of the SMC. Although the unarmed BML guards could not be expected to repel an attack, they had core responsibility for providing early warning and controlling access to the compound, which they had not always performed well in the past. In the final analysis, the Board could not determine exactly how the C1 gate at the Special Mission compound was breached, but the speed with which attackers entered raised the possibility that BML guards left the C1 pedestrian gate open after initially seeing the attackers and fleeing the vicinity. They had left the gate unlatched before.

The Board's inquiry found little evidence that the armed February 17 guards alerted Americans at the SMC to the attack or summoned a February 17 militia presence to assist expeditiously once the attack was in progress – despite the fact that February 17 members were paid to provide interior security and a quick reaction force for the SMC and the fact that February 17 barracks were in the close vicinity, less than 2 km away from the SMC. A small number of February 17 militia members arrived at Villa C nearly an hour after the attack began. Although some February 17 members assisted in efforts to search for Ambassador Stevens in the smoke-filled Villa C building, the Board found little evidence that February 17

contributed meaningfully to the defense of the Special Mission compound, or to the evacuation to the airport that took place on the morning of September 12.

In contrast, DS and Annex personnel on the ground in Benghazi performed with courage and an overriding desire to protect and rescue their colleagues, in a near impossible situation. The multiple trips that the DS agents and Annex security team members made into a burning, smoke-filled building in attempts to rescue Sean Smith and Ambassador Stevens showed readiness to risk life and limb to save others. They ultimately were unable to save Sean Smith and Ambassador Stevens, due to the intensity of the heat and smoke and a lack of resources, including breathing apparatus. The DS agents' decision to depart the SMC without the Ambassador came after they had all suffered smoke inhalation due to multiple rescue attempts, and amidst a renewed attack that continued as they departed the compound. The Board members believe every possible effort was made to protect, rescue, and recover Ambassador Stevens and Sean Smith, and that the bravery of the DS agents present in Benghazi helped prevent a further loss of life, particularly given their assistance in defending the Annex.

The Board found that the lack of non-lethal crowd control options also precluded a more vigorous defense of the SMC. The Board also determined that the lack of fire safety equipment severely impacted the Ambassador's and Sean Smith's ability to escape the deadly smoke conditions. On the other hand, the DS agents' tactical driving training, as well as their fully-armored vehicle, saved their lives when they were attacked by weapons fire en route from the SMC to the Annex. In addition, the DS emergency medical training and the DS-issued personal medical kit saved an ARSO's life after he was severely injured by a mortar attack at the Annex.

The Board found the Libyan government's response to be profoundly lacking on the night of the attacks, reflecting both weak capacity and a near total absence of central government influence in Benghazi. The Libyan government did facilitate assistance from a quasi-governmental militia that supported the evacuation of U.S. government personnel to Benghazi airport. It also facilitated the departure of the charter plane carrying the Tripoli rescue team to Benghazi, and provided a Libyan Air Force C-130 that was used to evacuate remaining personnel and the bodies of the deceased from Benghazi on the morning of September 12.

Washington-Tripoli-Benghazi communication, cooperation, and coordination on the night of the attacks were effective, despite multiple channels of

communication among Washington, Tripoli, Benghazi, and AFRICOM headquarters in Stuttgart, as well as multiple channels of communication within Washington itself. Embassy Tripoli served as a lifeline to Benghazi throughout the attacks, marshalling support from Washington, Stuttgart and elsewhere, including quickly organizing the charter plane that sent the seven-person reinforcement team to Benghazi. At the direction of AFRICOM, DoD moved a remotely piloted, unarmed surveillance aircraft to Benghazi, which arrived over the SMC shortly before the DS team departed. A second remotely piloted, unarmed surveillance aircraft relieved the first, and monitored the eventual evacuation of personnel from the Annex to Benghazi airport later on the morning of September 12.

Embassy Tripoli staff showed absolute dedication and teamwork in mobilizing to respond to the crisis, with the DCM, DATT, Political, and other country team sections reaching out to a wide range of contacts in Tripoli and Benghazi to secure support; the Public Affairs team monitoring social media sites and recording a log of Mission calls; the Embassy nurse providing invaluable guidance on caring for the wounded evacuated from Benghazi; and a Consular officer donating blood that helped save the life of a wounded colleague. Throughout the crisis, the Acting NEA Assistant Secretary provided crucial leadership guidance to Embassy Tripoli's DCM, and Embassy Tripoli's RSO offered valuable counsel to the DS agents in Benghazi.

The interagency response was timely and appropriate, but there simply was not enough time given the speed of the attacks for armed U.S. military assets to have made a difference. Senior-level interagency discussions were underway soon after Washington received initial word of the attacks and continued through the night. The Board found no evidence of any undue delays in decision making or denial of support from Washington or from the military combatant commanders. Quite the contrary: the safe evacuation of all U.S. government personnel from Benghazi twelve hours after the initial attack and subsequently to Ramstein Air Force Base was the result of exceptional U.S. government coordination and military response and helped save the lives of two severely wounded Americans. In addition, at the State Department's request, the Department of Defense also provided a Marine FAST (Fleet Antiterrorism Security Team) as additional security support for Embassy Tripoli on September 12.

Overall, communication systems on the night of the attacks worked, with a near-constant information flow among Benghazi, Tripoli, and Washington. Cell phones were the main method of contact, but lacked redundancy. Radio

communications between the Annex and the SMC also worked well, thanks to prior coordination between the two.

Shortly after receiving the initial notification from Embassy Tripoli at approximately 1545 EST, the State Department Operations Center notified the interagency, including the White House, of the Special Mission attack by secure conference call and email alerts. The Operations Center and the Diplomatic Security Command Center (DSCC) were exemplary in eliciting information from Tripoli- and Benghazi-based colleagues without overloading them.

*IMPACT OF INTELLIGENCE AND INFORMATION AVAILABILITY*

**4. The Board found that intelligence provided no immediate, specific tactical warning of the September 11 attacks. Known gaps existed in the intelligence community's understanding of extremist militias in Libya and the potential threat they posed to U.S. interests, although some threats were known to exist.**

Terrorist networks are difficult to monitor, and the Board emphasizes the conclusion of previous accountability review boards that vulnerable missions cannot rely on receiving specific warning intelligence. Similarly, the lack of specific threat intelligence does not imply a lessening of probability of a terrorist attack. The Board found that there was a tendency on the part of policy, security and other U.S. government officials to rely heavily on the probability of warning intelligence and on the absence of specific threat information. The result was possibly to overlook the usefulness of taking a hard look at accumulated, sometimes circumstantial information, and instead to fail to appreciate threats and understand trends, particularly based on increased violence and the targeting of foreign diplomats and international organizations in Benghazi. The latter information failed to come into clear relief against a backdrop of the lack of effective governance, widespread and growing political violence and instability and the ready availability of weapons in eastern Libya. There were U.S. assessments that provided situational awareness on the persistent, general threat to U.S. and Western interests in eastern Libya, including Benghazi. Board members, however, were struck by the lack of discussion focused specifically on Benghazi.

Benghazi's threat environment had been generally deteriorating since the "gelatina" bomb was thrown over the SMC fence on April 6, but was not judged to have reached a critical point before September 11. The July 7 elections, about

which there had been some trepidation regarding the security situation, passed with less violence than expected and were followed by Ramadan, when incidents are usually lower. Before September 11, a patchwork of militias in Benghazi had assumed many, if not all, of the security functions normally associated with central government organs, as the government had little authority or reach in Benghazi. There seemed to be no attempt, however, to link formally the many anti-Western incidents in Benghazi, the general declarations of threat in U.S. assessments and a proliferation of violence-prone and little understood militias, the lack of any central authority and a general perception of a deteriorating security environment to any more specific and timely analysis of the threat to U.S. government facilities.

Board members found that there was little understanding of militias in Benghazi and the threat they posed to U.S. interests. One prime factor behind this knowledge gap was that eastern Libya is home to many militias, which are constantly dissolving, splitting apart and reforming. Furthermore, many individuals are associated with more than one militia. Understanding of February 17, in particular, was further limited by the fact that it is an umbrella organization, made up of many different militias with differing ideologies, some of which are extremist in nature.

The Board determined there were no warnings from Libyan interlocutors.

*ACCOUNTABILITY OF PERSONNEL*

5. **The Board found that certain senior State Department officials within two bureaus in critical positions of authority and responsibility in Washington demonstrated a lack of proactive leadership and management ability** appropriate for the State Department's senior ranks in their responses to security concerns posed by Special Mission Benghazi, given the deteriorating threat environment and the lack of reliable host government protection. However, the Board did not find that any individual U.S. Government employee engaged in misconduct or willfully ignored his or her responsibilities, and, therefore did not find reasonable cause to believe that an individual breached his or her duty so as to be the subject of a recommendation for disciplinary action.

**APPENDIX D—SENATE COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS REPORT ON BENGHAZI**

# Flashing Red: A Special Report On The Terrorist Attack At Benghazi

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By
Joseph I. Lieberman, Chairman
Susan M. Collins, Ranking Member

United States Senate Committee On
Homeland Security And
Governmental Affairs

December 30, 2012

While our country spent September 11, 2012, remembering the terrorist attacks that took place 11 years earlier, brave Americans posted at U.S. government facilities in Benghazi, Libya, were fighting for their lives against a terrorist assault. When the fight ended, U.S. Ambassador to Libya John C. (Chris) Stevens and three other Americans were dead and U.S. facilities in Benghazi were left in ruin. We must remember the sacrifice that these selfless public servants made to support the struggle for freedom in Libya and to improve our own national security. While we mourn their deaths, it is also crucial that we learn from how they died. By examining the circumstances of the attack in Benghazi on September 11th, we hope to gain a better understanding of what went wrong and what we must do now to ensure better protection for American diplomatic personnel who must sometimes operate in dangerous places abroad.

We are cognizant that the Congressionally-mandated Accountability Review Board (ARB) of the Department of State has now issued its important and constructive report and that other Congressional committees are investigating the Benghazi attack as well. Each makes significant contributions to our collective understanding of what transpired and what we must do going forward.

The Committee on Homeland Security and Governmental Affairs (HSGAC), pursuant to its authority under Rule XXV(k) of the Standing Rules of the Senate, Section 101 of S. Res 445 (108th Congress) and Section 12(e) of S. Res 81 (112th Congress), has a unique mandate to investigate the effectiveness and efficiency of governmental agencies, especially when matters that span multiple government agencies are involved. Over the years, HSGAC has spent much time and dedicated considerable resources to understanding the challenges inherent in national security interagency relationships, and it is through this lens that we have examined and drawn lessons from the attack in Benghazi.

Since the 112th Congress is drawing to a close, this investigation has necessarily been conducted with a sense of urgency and with focused objectives. Our findings and recommendations are based on investigative work that the Committee has conducted since shortly after the attack of September 11, 2012, including meetings of members and staff with senior and mid-level government officials; reviews of thousands of pages of documents provided by the Department of State, Department of Defense, and the Intelligence Community (IC); written responses to questions posed by the Committee to these agencies; and reading of publicly-available documents.

In the report that follows we provide a brief factual overview of the attacks in Benghazi and then discuss our findings and recommendations.

**Brief Overview of the Benghazi Attacks**

The attacks in Benghazi occurred at two different locations: a Department of State "Temporary Mission Facility" and an Annex facility ("Annex") approximately a mile away used by another agency of the United States Government. On September 11th, Ambassador Stevens was in Benghazi, accompanied by two Diplomatic Security (DS) agents who had traveled there with him. Also present were three other DS agents and a Foreign Service Officer, Sean Smith, who were posted at the Temporary Mission Facility ("facility" or "compound"). There were also three

members of the February 17 Brigade, a Libyan militia deputized by the Libyan government but not under its direct control, and four unarmed local contract guards protecting the compound.

During the day on September 11th, the Ambassador held several meetings on the compound and retired to his room at approximately 9:00 p.m. local time. About 40 minutes later, several agents and guards heard loud shouting, noises coming from the gate, as well as gunfire, and an explosion. A closed-circuit television monitor at the facility's Tactical Operations Center ("TOC") showed a large number of armed people flowing unimpeded through the main gate. One of the DS agents in the compound's TOC triggered an audible alarm, and immediately alerted the U.S. Embassy in Tripoli and DS headquarters in Washington. These notifications were quickly transmitted from the Department of State to the Department of Defense. DS headquarters maintained open phone lines with the DS personnel throughout the attack. That same DS agent also called the Annex to request assistance from security personnel there, who immediately began to prepare to aid the U.S. personnel at the diplomatic facility.

When the attack commenced, four DS agents and Foreign Service Officer Smith were in or just outside the same building where the Ambassador was spending that night. A fifth DS agent was in the TOC when the terrorist attack began. Ambassador Stevens, Smith, and one DS agent sought shelter in the building's safe haven, a fortified area designed to keep intruders out, while the other three agents went to retrieve additional weapons and tactical gear such as body armor, helmets, and ammunition. After retrieving their gear, at least two of the DS agents sought to return to the building where the Ambassador was. On the way back, however, the DS agents encountered attackers. The lone DS agent with the Ambassador reported via radio that he was secure within the safe haven, allowing the two agents who had left in search of weapons to seek refuge in the same building where they had armed themselves. The third DS agent who had gone to the TOC to retrieve his gear, stayed there with the DS agent who had been manning the TOC since the beginning of the attack.

The attackers started to set several of the compound's structures on fire, using diesel fuel found on site, and groups of attackers tried to enter several buildings on the compound. The attackers did not succeed in entering the TOC, but did succeed in entering the building where Ambassador Stevens was staying and the building where the two DS agents were seeking refuge. No safe havens were breached during the initial assault. The attackers spread the diesel fuel throughout the building where the Ambassador was hiding, and ignited it, causing the building to fill with smoke.

When the smoke became so thick that breathing was difficult, the DS agent attempted to lead the Ambassador and Smith to escape through a nearby window. The agent opened the window to make sure it was safe to leave, and stepped out but then realized he had become separated from the Ambassador and Smith. The agent radioed the TOC, requesting assistance and returned numerous times to the building to look for the Ambassador and Smith. When the other agents arrived, they also took turns entering and searching the building. Though they were able to find and remove Smith's body, they were unable to find Ambassador Stevens.

After being notified about the attack, Annex personnel had attempted to contact the February 17 Brigade, other militias, and the Libyan government to ask for assistance. After gathering

necessary weapons and gear, at approximately 10:04 p.m., six security personnel and a translator left the Annex en route to the facility. Prior to reaching the facility, they again attempted to contact and enlist assistance from the February 17 Brigade, other militias, and the Libyan government. By 10:25 p.m., the security personnel from the Annex had entered the compound and engaged in a 15-minute firefight with the armed invaders. The team reached the Ambassador's building at 10:40 p.m. but was unable to find him due to the intense fire and smoke.

At 11:15 p.m., the Annex security personnel sent the DS agents (who were all suffering from smoke inhalation from their continuous search for Ambassador Stevens and Smith) to the Annex, and followed there later, both groups taking fire while en route. By this time, an unmanned, unarmed surveillance aircraft began circling over the Benghazi compound, having been diverted by the Department of Defense from its previous surveillance assignment over another location. Soon after the Americans returned to the Annex, just before midnight, they were attacked by rocket-propelled grenade (RPG) and small arms fire. The sporadic attacks stopped at approximately 1:01 a.m.

U.S. government security personnel who were based in Tripoli had deployed to Benghazi by chartered aircraft after receiving word of the attack, arriving at the Benghazi airport at 1:15 a.m. They were held at the airport for at least three hours while they negotiated with Libyan authorities about logistics. The exact cause of this hours-long delay, and its relationship to the rescue effort, remains unclear and merits further inquiry. Was it simply the result of a difficult Libyan bureaucracy and a chaotic environment or was it part of a plot to keep American help from reaching the Americans under siege in Benghazi?

The team from Tripoli finally cleared the airport and arrived at the Annex at approximately 5:04 a.m., about ten minutes before a new assault by the terrorist began, involving mortar rounds fired at the Annex. The attack concluded at approximately 5:26 a.m., leaving Annex security team members Tyrone Woods and Glen Doherty dead and two others wounded. The decision was then made to leave the Annex. Libyan forces, not militia, arrived around 6:00 a.m. with 50 vehicles and escorted the Americans to the airport. Two planes carrying all remaining U.S. personnel then left Benghazi. The first flight departed between 7:00 a.m. and 7:40 a.m. (agency timelines vary on this point) and the second at 10:00 a.m.

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American government officials outside of Benghazi learned of the attack shortly after it started at 3:40 p.m. EST (9:40 p.m. Benghazi time). DS agents, in addition to notifying personnel at the Annex, immediately alerted officials at the U.S Embassy in Tripoli and the Department of State Headquarters in Washington, D.C. As noted earlier, the U.S. Africa Command (AFRICOM) at the Department of Defense (DOD) directed an unarmed surveillance aircraft to the skies over the Benghazi compound at 3:59 p.m. EST. It arrived there at 5:10 p.m. EST (11:10 p.m. Benghazi time). At 4:32 p.m., the National Military Command Center in the Pentagon alerted the Office of the Secretary of Defense and the Joint Staff, and the information was shared with Secretary of Defense Leon Panetta and Chairman of the Joint Chiefs of Staff, General Martin Dempsey. Secretary Panetta and General Dempsey were at the White House for a previously scheduled

meeting at 5:00 p.m. and so were able to brief the President on the developments in Benghazi as they were occurring.

From 6:00 to 8:00 p.m. EST, Secretary Panetta met with senior DOD officials to discuss the Benghazi attack and other violence in the region in reaction to the anti-Muslim video. The Secretary directed three actions: 1) that one Fleet Antiterrorism Security Team (FAST) platoon stationed in Rota, Spain, deploy to Benghazi and that a second FAST platoon in Rota prepare to deploy to Tripoli; 2) that U.S. European Command's In-extremis Force, which happened to be training in central Europe, deploy to a staging base in southern Europe; and 3) that a special operations force based in the United States deploy to a staging base in southern Europe. The National Command Center transmitted formal authorization for these actions at 8:39 p.m. A FAST platoon arrived in Tripoli the evening (local time) of September 12th, and the other forces arrived that evening at a staging base in Italy, long after the terrorist attack on the U.S. facilities in Benghazi had ended and four Americans had been killed.[1]

[1] The details of this narrative are based on briefings to the Committee in November 2012, as well as publicly available documents describing the narrative provided by the Department of State and the Department of Defense.

**Key Findings and Recommendations**

**Finding 1. In the months leading up to the attack on the Temporary Mission Facility in Benghazi, there was a large amount of evidence gathered by the U.S. Intelligence Community (IC) and from open sources that Benghazi was increasingly dangerous and unstable, and that a significant attack against American personnel there was becoming much more likely. While this intelligence was effectively shared within the Intelligence Community (IC) and with key officials at the Department of State, it did not lead to a commensurate increase in security at Benghazi nor to a decision to close the American mission there, either of which would have been more than justified by the intelligence presented.**

Security decisions concerning U.S. facilities and personnel overseas are informed by several different types of information, including classified threat reporting from the IC; cables and spot reports from U.S. diplomatic posts, which describe local incidents and threats; and publicly available information. Prior to the attack, the IC and the Department of State were aware of the overall threat landscape in Libya and the challenges facing the new Libyan government in addressing those threats. This understanding evolved over time, consistent with broader changes in the nature of the threat, and also based on reported incidents and attacks in Benghazi and other parts of Libya in 2012.

The Committee has reviewed dozens of classified intelligence reports on the evolution of threats in Libya which were issued between February 2011 and September 11, 2012. We are precluded in this report from discussing the information in detail, but overall, these intelligence reports (as the ARB similarly noted) provide a clear and vivid picture of a rapidly deteriorating threat environment in eastern Libya—one that we believe should have been sufficient to inform policy-makers of the growing danger to U.S. facilities and personnel in that part of the country and the urgency of them doing something about it. This information was effectively shared by the IC with key officials at the Department of State. For example, both the Deputy Assistant Secretary of State for International Programs in the Bureau of Diplomatic Security, Charlene Lamb, who was responsible for the security at more than 275 diplomatic facilities, and former Regional Security Officer (RSO) for Libya Eric Nordstrom, who was the principal security adviser to the U.S. Ambassador in Libya from September 21, 2011 to July 26, 2012, told the Committee that they had full access to all threat information from the IC about eastern Libya during the months before the attack of September 11, 2012.[2] Yet the Department failed to take adequate action to protect its personnel there.

This classified intelligence reporting was complemented by open-source reporting on attacks and other incidents targeting western interests in Libya during the months prior to the September 11, 2012 attack. The RSO in Libya compiled a list of 234 security incidents in Libya between June 2011 and July 2012, 50 of which took place in Benghazi.[3] The document describes an array of incidents, including large-scale militia clashes, protests involving several hundred people, and the temporary detention of non-governmental organization (NGO) workers and of U.S. diplomatic personnel in Benghazi. Under Secretary for Management Patrick Kennedy noted in a

[2] Charlene Lamb and Eric Nordstrom, interviews with Committee staff, December 2012.
[3] U.S. Embassy Tripoli, Libya, Regional Security Office, "Security Incidents since June 2011."

briefing for the Committee, that Libya and Benghazi were "flashing red" around the time of the attack.[4]

The incident reporting shows that western facilities and personnel became an increasing focus of threats in the spring of 2012. For example, on April 2, 2012 in Benghazi, a British diplomatic vehicle was attacked by a mob of demonstrators. Four days later, on April 6th, a crude improvised explosive device (IED) was thrown over the wall of the U.S. facility in Benghazi, causing minimal damage. A spot report on the day of the event stated that shortly after the event two individuals were questioned. The suspects included one current and one former guard employed by Blue Mountain Group, the company which supplied the unarmed Libyan contract guards responsible for screening visitors to the U.S. compound– underscoring the potential risk of an insider threat in Benghazi.[5] Four days after that, on April 10th, also in Benghazi, a crude IED was thrown at the convoy of the United Nations Special Envoy to Libya.[6]

Other publicly reported incidents occurred during this time frame, but there are four that we believe are particularly noteworthy. Taken as a whole, they demonstrated the capability and intent of Benghazi-based Islamist extremist groups to conduct a significant attack against U.S. or other western interests in Libya:

- On May 22, 2012, the International Committee for the Red Cross/Red Crescent (ICRC) building in Benghazi was hit by two RPG rounds, causing damage to the building but no casualties. Several days later, the Brigades of the Imprisoned Sheikh Omar Abdel Rahman claimed responsibility for this attack, accusing the ICRC of proselytizing in Libya.[7]

- On June 6, 2012, the U.S. Temporary Mission Facility in Benghazi was targeted by an IED attack that blew a hole in the perimeter wall. Credit for this attack was also claimed by the Brigades of the Imprisoned Sheikh Omar Abdel Rahman, which said it carried out the attack in response to the reported drone strike on al Qaeda leader Abu Yahya al-Libi in Northern Waziristan.[8]

- On June 11, 2012, an attack was carried out in Benghazi on the convoy of the British Ambassador to Libya. Attackers fired an RPG on the convoy, followed by small arms fire. Two British bodyguards were injured in the attack. This attack was characterized afterwards in an incident report by the Department of State's Bureau of Diplomatic Security as a "complex, coordinated attack."[9]

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[4] Committee Member briefing, November 14, 2012.
[5] REDACTED, e-mail message to DS-IP-NEA, April 6, 2012.
[6] U.S. Embassy Tripoli, Libya, Regional Security Office, "Security Incidents since June 2011."
[7] Ibid.
[8] Ibid.
[9] REDACTED, e-mail message to DS-IP-NEA; DSCC_E TIA/PII; DSCC_E TIA/ITA; DSCC_C DS Seniors, "Benghazi – SR – Attack on British Ambassador Motorcade – 06112012," June 11, 2012.

- On June 18, 2012, the Tunisian consulate in Benghazi was stormed by individuals affiliated with Ansar al-Sharia Libya (AAS), allegedly because of "attacks by Tunisian artists against Islam."[10]

Overall, the threat to western interests in eastern Libya and in Benghazi specifically was high even prior to the attack of September 11, 2012. Reviewing these incidents, an unclassified open source report by a contractor to AFRICOM noted in July 2012 that:

> "Nonetheless, Benghazi has seen a notable increase in violence in recent months, particularly against international targets. These events point to strong anti-Western sentiments among certain segments of the population, the willingness of Salafi-jihadi groups in the city to openly engage in violence against foreign targets, and their capacity to carry out these attacks."[11]

Taking classified reporting on the increasing dangers in eastern Libya together with the open source incidents should have provided a clear picture of the dangers for American personnel in Benghazi unless their security were greatly improved.

**Finding 2. Notwithstanding the increasingly dangerous environment in eastern Libya in 2011 and 2012, the U.S. government did not have specific intelligence of an imminent attack on the U.S. mission in Benghazi. The lack of such actionable intelligence may reflect a failure in the IC to focus sufficiently on terrorist groups that have weak or no operational ties to core al Qaeda and its main affiliates.**

While the IC had developed and adequately shared general threat information on terrorist groups and Islamist extremist militias in eastern Libya prior to the attack, it did not have specific warning that this attack was to take place on September 11, 2012. Intelligence capabilities that provide early, specific warnings have played a critical role in preventing terrorist attacks against U.S. facilities overseas and in the homeland in the last decade.[12] There were no such warnings available for Benghazi before the attack of September 11, 2012. Why?

First, there may not have been significant or elaborate advance planning for the attack. In a hearing before our Committee on September 19, 2012, National Counterterrorism Center (NCTC) Director Matthew Olsen described the attack as "opportunistic" and stated that the IC had no indication of "significant advanced planning or coordination for this attack."[13]

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[10] Hadeel Al-Shalchi, "Gunmen attack Tunisian consulate in Benghazi," *Reuters*, June 18, 2012. http://www.reuters.com/article/2012/06/18/us-libya-gunmen-tunisia-idUSBRE85H1V620120618; Michel Cousins, "Tunisian Consulate in Benghazi attacked," *Libya Herald*, June 18, 2012. http://www.libyaherald.com/2012/06/18/tunisian-consulate-in-benghazi-attacked/

[11] Navanti Group, *Security Conditions in Benghazi, Libya*, July 12, 2012.

[12] However, as discussed later in this report, reliance solely on early warning intelligence is insufficient for making security improvement decisions.

[13] *Homeland Threats and Agency Responses:* Hearing before the Homeland Security and Governmental Affairs Committee, United States Senate, 112th Cong., September 19, 2012. (Statement of Matthew Olsen, Director, NCTC).

However, the activities of local terrorist and Islamist extremist groups in Libya may have received insufficient attention from the IC prior to the attack, partially because some of the groups possessed ambiguous operational ties to core al Qaeda and its primary affiliates. For example, public statements by Libyan officials and many news reports have indicated that Ansar al-Sharia Libya (AAS) was one of the key groups involved in carrying out this attack on the U.S. facility in Benghazi. The group took credit on its own Facebook page for the attack before later deleting the post. U.S. officials viewed AAS prior to the attack as a "local extremist group with an eye on gaining political ground in Libya."[14]AAS has not been designated as a foreign terrorist organization by the U.S. government, and apparently the IC was "not focused" on this group to the same extent as core al Qaeda and its operational affiliates.[15]

This finding has broader implications for U.S. counterterrorism activities in the Middle East and North Africa. With Osama bin Laden dead and core al Qaeda weakened, a new collection of violent Islamist extremist organizations and cells have emerged in the last two to three years. These groups are not all operationally linked to core al Qaeda or in some cases have only weak ties to al Qaeda. This trend is particularly notable in countries such as Libya, Egypt, Tunisia, and Syria that are going through political transition or military conflict as a result of the political upheavals referred to as the "Arab Spring."[16]

While such groups do not always have strong operational ties to al Qaeda, they adhere to a similar violent Islamist extremist ideology. As an unclassified August 2012 report by the Library of Congress noted, AAS in Libya shares common symbols (the black flag) and ideology with al Qaeda.[17] This Committee has spent several years focusing on the role that this ideology plays in motivating homegrown violent Islamist extremists, most of whom have no direct ties to al Qaeda. A similar phenomenon, though potentially much more dangerous, is at work with respect to many of these nascent terrorist groups, and is leading many of them to shift their focus from local grievances to foreign attacks against U.S. and other western facilities overseas.

**Recommendation:** U.S. intelligence agencies must broaden and deepen their focus in Libya, and beyond, on nascent violent Islamist extremist groups in the region that lack strong operational ties to core al Qaeda or its main affiliate groups.[18] One benefit of doing so would be improved tactical warning capabilities, the kind of which were not present at Benghazi, but might have been even for an "opportunistic" attack.

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[14] Eli Lake, "Ansar al Sharia's Role in Benghazi Attacks still a Mystery," *The Daily Beast*, November 5, 2012, http://www.thedailybeast.com/articles/2012/11/05/ansar-al-sharia-s-role-in-benghazi-attacks-still-a-mystery.html

[15] Ibid.

[16] For a general discussion of this phenomenon: Robert F. Worth, "Al Qaeda-Inspired Groups, Minus Goal of Striking U.S.", *The New York Times*, October 27, 2012, http://www.nytimes.com/2012/10/28/world/middleeast/al-qaeda-inspired-groups-minus-goal-of-striking-us.html

[17] Federal Research Division, Library of Congress, *Al-Qaeda in Libya: A Profile*, August 2012. See, e.g., the discussion of two local Libyan Islamist-oriented militias—Ansar al-Sharia and al-A'hrar Libya—which are described as broadcasting "typical al-Qaeda–type propaganda on the Internet."(33), http://freebeacon.com/wp-content/uploads/2012/10/LOC-AQ-Libya.pdf

[18] As discussed further, infra, the State Department and the IC must also think beyond "warning" intelligence of specific attacks when making security decisions. This is one of the key lessons of the Accountability Review Board (ARB) Reports on the 1998 terrorist attacks on the U.S. embassies in Kenya and Tanzania.

**Finding 3. The absence of specific intelligence about an imminent attack should not have prevented the Department of State from taking more effective steps to protect its personnel and facilities in Benghazi.**

This finding reflects earlier conclusions of the 1985 Advisory Panel on Overseas Security ("Inman Report") and the 1999 Accountability Review Board report on the attacks on the U.S. embassies in Kenya and Tanzania, which both warned the Department of State against becoming too reliant on tactical intelligence to determine the level of potential terrorist threats. The Inman report points out that "it would be foolhardy to make security decisions on the basis of an expectation of advance warning of peril."[19]

Deputy Assistant Secretary Charlene Lamb stated that the level and kind of attack at Benghazi was something they had never seen before anywhere in the world.[20] However, given clear warnings that threats were increasing in the Benghazi area, the Department of State should not have waited for a specific incident to happen or expected the delivery of tactical intelligence of a specific, imminent threat before taking additional steps to protect its diplomats or, if that was not possible, to close the Benghazi facility.

**Recommendation:** In providing security for its personnel around the world, the Department of State must fully consider the types of attacks that could take place given the strategic threat environment, even in the absence of imminent warning intelligence.

**Finding 4. Prior to the terrorist attacks in Libya on September 11, 2012, it was widely understood that the Libyan government was incapable of performing its duty to protect U.S. diplomatic facilities and personnel, as required by longstanding international agreements, but the Department of State failed to take adequate steps to fill the resulting security gap, or to invest in upgrading the Libyan security forces.**

A host country's responsibility to protect and safeguard a foreign nation's diplomatic personnel and facilities in its country has been codified in several international treaties,[21] including the 1963 Vienna Convention on Consular Relations, which states that "[t]he receiving State is under a special duty to take all appropriate steps to protect the consular premises against any intrusion or damage and to prevent any disturbance of the peace of the consular post or impairment of its dignity."[22] The Treaty also states that "[t]he receiving State shall treat consular officers with due

[19] *Inman Report, Report of the Secretary of State's Advisory Panel on Overseas Security,* (June 1985). http://www.fas.org/irp/threat/inman/.
[20] Charlene Lamb, interview with Committee staff, December 6, 2012.
[21] *See Finzer v. Barry*, 798 F.2d 1450, 1455 (D.C. Cir. 1986) (Bork, J.), (*citing* 2 C. Hyde, International Law 1249 (1945)) ("The principle that host states have a special responsibility to ensure that foreign embassies and the personnel inside them are free from threats of violence and intimidation is 'solidly entrenched in the Law of Nations.'").
[22] Vienna Convention on Consular Relations, (Adopted April 24, 1963, entered into force, March 19, 1967) Art. 31; see also The 1961 Vienna Convention on Diplomatic Relations, Art. 22 (Adopted April 18, 1961, entered into force, April 29, 1964).

respect and shall take all appropriate steps to prevent any attack on their person, freedom or dignity."[23]

A host country's protection of an American embassy or other diplomatic facilities is one of the most important elements of security at that facility, but it is not the only one. A facility's own security, such as its U.S. Marine Corps Security Guards, DS agents, and in some cases, private security guards under contract, is also critical to its overall security posture. States whose governments do not exercise full control over their sovereign territory, or that have a limited security capability, cannot be counted on to safeguard U.S. diplomatic personnel and facilities. This is usually true, of course, in the aftermath of a revolution or civil war – as was the case in Libya – where the provision of protective services by the host nations is unpredictable at best. In those instances, the Department of State must improve one or more of the other three protectors of mission security within its control: Marine Corps Security Guards, Dipolmatic Security agents, or private security contractors.

In February 2011, the revolution began to end Colonel Muammar al-Qadhafi's autocratic rule of Libya. Between February and October of 2011, Libya was consumed with intense fighting between anti-government groups and Qadhafi's regime. On October 20, 2011, opposition forces conquered the last Qadhafi stronghold in Sirte and killed Qadhafi. Qadhafi's death ended the revolt but left open the question of who would govern Libya and how.

Just days after Qadhafi's death, Libyans turned to the interim Transitional National Council (TNC), established in the spring of 2011, to improve security and begin the process of reconstituting national institutions.[24] However, the TNC faced numerous challenges and "struggled to calm the incendiary regional and factional disputes or exert control even over its own militias."[25] Since no cohesive opposition group emerged from the civil war, the TNC had to contend with various armed factions that "remained a law unto themselves."[26]

On July 7, 2012, Libyan voters participated in the first national election since 1965 and elected 200 members to the General National Congress.[27] The election of the General National Congress represented a significant political achievement, but the formation of a new government was still under negotiation when the attacks in Benghazi occurred three months later in September. Civil order had not yet been restored. According to one expert review, "[a]ttacks on international targets, a series of aggressive attacks by armed Salafists on religious buildings around the country, and an assassination campaign against senior security officers have fueled widespread criticism of interim leaders since early 2012."[28]

Given the unstable political and security situation, particularly in eastern Libya, the Libyan government was unable to provide security protection to foreign diplomatic facilities in a manner

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[23] Vienna Convention on Consular Relations, (Adopted April 24, 1963, entered into force, March 19, 1967) Art. 40.
[24] Christopher M. Blanchard, Congressional Research Service, *Libya: Transition and U.S. Policy*, October 18, 2012 (16).
[25] Adam Nossiter and Kareem Fahim, "Revolution Won, Top Libyan Official Promises Elections and a More Pious State," *New York Times*, October 24, 2011, A10.
[26] Ibid.
[27] Blanchard (17).
[28] Blanchard (6).

consistent with international law. That is why the Department of State relied in part on a local militia, the February 17 Brigade, to provide protection for the Benghazi facility, as well as unarmed Libyan guards under contract with a private security firm. Throughout 2012, Department of State officials questioned the February 17 Brigade's competence and expressed concerns about its abilities.[29] U.S. Department of State personnel were also concerned about the involvement of members of the February 17 Brigade in the extrajudicial detention of U.S. diplomatic personnel in at least one incident in Benghazi.[30] Eric Nordstrom, told the Committee that while the February 17 Brigade did provide some protection and would likely respond to an attack, they clearly needed additional training.[31] Only limited training ever occurred.

Some U.S. personnel also questioned the Brigade's loyalty to the Libyan government and their capacity or desire to safeguard American interests.[32] In June 2012, an RSO in Benghazi wrote, "Unfortunately, given the current threat to the diplomatic mission, the militia members not currently on the [four-man team stationed at the facility] have expressed concern with showing active open support for the Americans in Benghazi."[33] Notably, the contract between the State Department and the February 17 Brigade had expired by the time of the attack. In a handoff email to his replacement on August 29, 2012, the principal U.S. diplomatic officer in Benghazi wrote that the contract with the militia "lapsed several weeks ago" but that they were still operating under its terms. He said that "[t]his is a delicate issue, as we are relying on a militia in lieu of the central authorities and [Feb 17 Brigade] has been implicated in several of the recent detentions. We also have the usual concerns re their ultimate loyalties. But they are competent, and give us an added measure of security. For the time being, I don't think we have a viable alternative."[34] In early September, a member of the February 17 Brigade told another RSO in Benghazi that it could no longer support U.S. personnel movements. The RSO also asked specifically if the militia could provide additional support for the Ambassador's pending visit and was told no.[35]

The ability of the Libyan government to provide surge forces to rescue or evacuate personnel from the Benghazi facility was also extremely limited. The Department of State recognized this limitation.[36] As early as February 1, 2012, RSO Nordstrom stated in a memo to his superiors that the political situation in post-revolution Libya "was fragile" and that "[m]any basic state institutions, including emergency services and tourist facilities are not yet fully operational."[37]

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[29] See, for example, REDACTED, e-mail message to REDACTED, January 4, 2012; or REDACTED, e-mail message to REDACTED, April 1, 2012.
[30] "Security Incidents since June 2011," U.S. Embassy Tripoli, Libya, Regional Security Office and REDACTED, email to DS-IP-NEA, "Benghazi RSO Spot Report," March 15, 2012.
[31] Eric Nordstrom, interview with Committee staff, December 7, 2012. The State Department did provide some training to members of the Brigade.
[32] See, for example, REDACTED, e-mail message to REDACTED, January 4, 2012; or REDACTED, e-mail message to REDACTED, April 1, 2012. See also, REDACTED, email to REDACTED, June 17, 2012.
[33] REDACTED, e-mail message to REDACTED, June 17, 2012.
[34] REDACTED, e-mail message to REDACTED, "Benghazi Hand-off Notes," August 29, 2012.
[35] REDACTED, e-mail message to Charlene Lamb, "Ambassador's protective detail in Benghazi," September 20, 2012.
[36] *The Security Failures of Benghazi*: Hearing before the Committee on Oversight and Government Reform, U.S. Congress, 112th Cong., October 10, 2012. (Eric Allan Nordstrom, Regional Security Officer, Tripoli, Libya from 9/21/11 – 7/26/12).
[37] RSO Eric Nordstrom, Memorandum to DS/DSS/TIA/OSAC, "OSAC Crime and Safety Report," February 1, 2012.

Nordstrom noted that "various factions and militias continue to vie for power in the absence of a stable political and security environment, often resulting in violence."[38]

This view of the Libyan government's inadequate security capabilities persisted through the attack on September 11, 2012. Communications from U.S. personnel in Libya continued to repeat the same conclusions stated by Nordstrom earlier in February. For instance, an early August cable from the Tripoli Embassy to the Department of State in Washington, states that even though the TNC had established a Supreme Security Council (SSC) to stabilize the security situation in Benghazi, its own commander had said that the SSC had "not coalesced into an effective, stable security force."[39] Further, the cable warned that the "absence of a significant deterrence, has contributed to a security vacuum that is being exploited by independent actors."[40] Similarly, an August 20, 2012 security update reported that other diplomats believed the SSC was "'fading away,' unwilling to take on 'anyone with powerful patrons from powerful tribes.'"[41] That same month, DS personnel reviewing tripwires for an ordered departure[42] of the post – that is, political, security, and intelligence benchmarks which would prompt diplomatic officials to close a facility or modify its operations – stated that "[m]ission opinion is that Libyan security forces are indifferent to the safety needs of the U.S. mission."[43] On September 11, 2012, the day of the attack, the "Weekly Report" prepared by Department of State officers on the security situation in Benghazi described the frustrations of an SSC commander that the police and security forces were "too weak to keep the country secure."[44]

Prior to Ambassador Stevens' visit to Benghazi in September 2012, the U.S. mission in Benghazi had made a request to the Libyan Ministry of Foreign Affairs for additional security in Benghazi to support the visit. At a minimum, these requests included appeals for a 24/7 police presence consisting of a vehicle and personnel at each of the compound's three gates.[45] The only Libyan government response appears to have been an SSC police vehicle parked in front of the front gate (which, as the ARB noted, sped away as the attack began).

Though a few members of the February 17 Brigade and the Libya Shield militia assisted the Americans on the night of the attack, the security that these militias and the local police provided to U.S. personnel was woefully inadequate to the dangerous security environment in Benghazi.

The unarmed local contract guards also provided no meaningful resistance to the attackers. The Department of State's Inspector General had previously found that concerns about local security guards were not limited to Libya. A February 2012 Department of State Inspector General (IG) report found that more than two-thirds of 86 diplomatic posts around the world surveyed

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[38] Ibid.
[39] REDACTED, e-mail message to REDACTED, "The Guns of August: security in eastern Libya," August 8, 2012.
[40] Ibid.
[41] REDACTED, e-mail message to REDACTED, "Benghazi Weekly Report, Special Eid al-Fitr Edition," August 20, 2012.
[42] Under an ordered departure, all U.S. diplomatic personnel and their families are instructed by the Chief of Mission to leave the post.
[43] *Benghazi Assessment of Tripwires Breached as of August 13, 2012.*
[44] REDACTED, e-mail message to REDACTED, "Benghazi Weekly Report," September 11, 2012, (1).
[45] REDACTED, e-mail message to Charlene Lamb, "Ambassador's protective detail in Benghazi," September 20, 2012.

reported problems with their local guard contractors. Of those posts that reported problems with their contractors, 37 percent said there was an insufficient number of local guards and 40 percent said there was insufficient training.[46] The IG found that overseas diplomatic posts, particularly those in high-threat situations beyond Iraq, Afghanistan, and Pakistan urgently needed best-value contracting, which takes into account the past performance of contractors.[47]

**Recommendation:** When it becomes clear that a host nation cannot adequately perform its functions under the Vienna Convention, the Department of State must provide additional security measures of its own, urgently attempt to upgrade the host nation security forces, or decide to close a U.S. Diplomatic facility and remove U.S. personnel until appropriate steps can be taken to provide adequate security. American personnel who serve us abroad must often work in high risk environments, but when they do, we must provide them with adequate security. That clearly was not the case in Benghazi on September 11, 2012.

**Recommendation:** The Department must conduct a review of its local guard programs and particularly the use of local guard contractors at high-risk posts who do not meet appropriate standards necessary for the protection of our personnel or facilities.

**Finding 5. The Benghazi facility's temporary status had a detrimental effect on security decisions, and that fact was clearly known by DS personnel in Benghazi and to their superiors who nevertheless left the American personnel in Benghazi in this very dangerous situation. The Department of State did not take adequate measures to mitigate the facility's significant vulnerabilities in this high-threat environment.**

The Department of State opened the temporary mission in Benghazi in 2011 after the revolution against the Qadhafi government began because eastern Libya was the headquartes of the opposition to Qadhafi, and the embassy in Tripoli had been closed due to security concerns. The temporary mission was first located in a hotel and then moved, based on security concerns, to the compound referred to as the Temporary Mission Facility.[48] After the U.S. Embassy was reopened in Tripoli when Qadhafi was overthrown, the Department of State initially planned to close the Benghazi facility in late 2011.[49] However, in December 2011, the Department decided to extend its presence in Benghazi until December 2012. In the memo approving this decision, the Department stated that the facility would be a "smaller operation" but noted its importance to eastern Libyans and the assistance it could provide to the embassy in Tripoli.[50]

The temporary status of the Benghazi facility contributed to its vulnerability. For example, DS agents stationed in Benghazi were always on temporary duty assignments, remaining there for relatively short periods, often no longer than a month. As Nordstrom noted, having temporary

[46] State Department, Office of Inspector General, *Review of Best-Value Contracting for the Department of State Local Guard Program and the Utility of Expanding the Policy Beyond High-Threat Posts in Iraq, Afghanistan, and Pakistan*, February, 2012 (9).
[47] Ibid. (5).
[48] Alex Tiersky and Susan Epstein, Congressional Research Service, *Securing U.S. Diplomatic Facilities and Personnel Abroad: Background and Policy Issues*, November 26, 2012, (3).
[49] REDACTED, e-mail message to DS-IP-NEA and REDACTED, September 13, 2012.
[50] NEA–Jeffrey Feltman, Action Memo to Under Secretary Kennedy, December 27, 2011, (2).

duty agents made "developing security procedures, policies, and relationships more difficult."[51] The temporary status also made it difficult to procure funds for security upgrades. A briefing paper prepared for a meeting of Assistant Secretary of State for Diplomatic Security Eric Boswell and then-Ambassador to Libya Gene Cretz noted, "Due to the ambiguity surrounding the duration of the U.S. Mission in Benghazi, RSO Benghazi has encountered funding issues for projects that are commonplace at most U.S. missions."[52] The Committee received conflicting evidence with regard to whether the temporary Benghazi facility was on the Security Environment Threat List— a semiannual document that aids DS management in the allocation of overseas security resources and programs.[53] In any event, it is hard to imagine there were more than a few Department of State missions anywhere in the world that were in a more dangerous environment than Benghazi.

In the December 2011 memo approving the Temporary Mission Facility in Benghazi, the Department of State noted the need for corrective security measures for the facility. According to RSO Nordstrom, the Department of State never consulted with him about the security requirements of the facility before the December 2011 action memo was sent to Under Secretary Kennedy for approval.[54] The memo approved by Kennedy indicated that the Department of State would " rapidly implement a series of corrective security measures as part of the consolidation of the State footprint."[55] However, the memo lacked details as to the security standards to be followed and the resources required to implement the security measures. The absence of dedicated resources contributed to the constraints under which those in Washington and Benghazi would operate throughout 2012.

During 2012, however, the Department did make a variety of field expedient security enhancements, including:

- The installation of concrete jersey barriers;
- The installation of four vehicle barriers for access control and anti-ram protection;
- Increased compound lighting;
- The installation of barbed wire on top of the existing perimeter wall to raise height and on top of the interior chain link fence to create secondary barrier;
- The installation of platforms for property and street surveillance;
- The construction of four guard booths;
- The installation of steel grillwork on windows;
- The installation of emergency releases on select windows grills for fire/emergency exit;
- The replacement of several wooden doors with steel doors with appropriate locking hardware;
- Sandbag emplacements for internal defense purposes; and

[51] *The Security Failures of Benghazi*: Hearing before the Committee on Oversight and Government Reform, U.S. Congress, 112th Cong., October 10, 2012. (Eric Allan Nordstrom, Regional Security Officer, Tripoli, Libya from 9/21/11 – 7/26/12).
[52] Diplomatic Security Issues Only Briefing paper for March 6, 2012 meeting of Assistant Secretary Boswell and Ambassador Cretz.
[53] Eric Nordstrom, interview with Committee staff, December 7, 2012.
[54] Ibid.
[55] NEA-Jeffrey Feltman, Action Memo to Under Secretary Kennedy, December 27, 2011, (2).

- Hardening villas with safe rooms with a steel door. [56]

But these physical security upgrades were insufficient to deter or repel the dozens of armed attackers that swarmed the compound, unimpeded, on September 11, 2012. As discussed in more detail below, the facility lacked the type of pedestrian barriers that could have slowed the attackers, even though the Department of State Inspector General and an earlier Accountability Review Board had each recommended the installation of such barriers at diplomatic posts in high-risk places like Benghazi.

Because the Benghazi facility was temporary, no security standards applied to it.[57] While existing security standards require meaningful physical barriers to slow pedestrian access for permanent U.S. diplomatic facilities, there were few meaningful physical barriers at the Benghazi facility that would slow pedestrian access other than the closed gate. Once the gate was opened, there were no other physical impediments at that access point to keep anyone out of the facility's grounds or slow their assault.

Having additional physical barriers to reinforce the gate might have delayed the breach of the compound, giving those inside more time to prepare for the attack. For example, some permanent diplomatic facilities have a compound access control (CAC) point, a "mantrap," or both. Both of these types of barriers act as gates or enclosures that are used to limit the movement of pedestrians entering a diplomatic facility. While a CAC is primarily installed in conjunction with a pedestrian entrance, a mantrap is typically installed in conjunction with a vehicle gate or barrier. According to Deputy Assistant Secretary Charlene Lamb, a CAC was not in place at Benghazi due to time and money constraints. She estimated a CAC there would have cost hundreds of thousands of dollars. [58] No mantrap was in place either, though the reason for that is less clear. Unfortunately, we will never know if the additional investment in either a CAC or mantrap would have provided the time needed to save the lives of Ambassador Chris Stevens and Foreign Service Officer Sean Smith because of the fires set by the terrorists.

The absence of mantraps has been identified as a security vulnerability at least twice in the last ten years by the Department of State. According to a 2009 Department of State Inspector General Report, the 2004 Accountability Review Board regarding the attack on the U.S. consulate in Jeddah, Saudi Arabia recommended the installation of pedestrian barriers at U.S. diplomatic facilities overseas.[59] During that attack, terrorists exited their vehicle and quickly breached the perimeter after being stopped by the entrance's anti-vehicle barrier. The attackers killed six and wounded several others.[60]

Five years later, the Department of State Inspector General found that the absence of approved security standards or recent directives from the Bureau of Diplomatic Security regarding the installation of mantraps resulted in a fewer number of mantraps at overseas posts than required

[56] REDACTED, e-mail message to DS-IP-NEA and REDACTED, September 13, 2012.
[57] Charlene Lamb and Eric Nordstrom, interviews with Committee staff, December 2012.
[58] Charlene Lamb, interview with Committee staff, December 6, 2012.
[59] Department of State, Inspector General, *Review of the Department's Implementation of Mantraps*, Report Number ISP-I-09-29, February 2009, (2-3).
[60] Attack on U.S. Consulate General in Jeddah, James C. Oberwetter, U.S. Ambassador to Saudi Arabia, On-the-Record Briefing, Jeddah, Saudi Arabia, December 7, 2004 http://2001-2009.state.gov/p/nea/rls/rm/39516.htm

worldwide. At the time, 25 percent of critical threat posts that responded to the IG's survey did not have or request a mantrap and 39 percent of posts rated as a high threat post that responded to the survey also had no mantraps, plans for a mantrap, or were unable to accommodate mantraps. The numbers were worse for low and medium threat posts. According to the Department of State IG report, the average cost of installing mantraps at a U.S. diplomatic post (including related infrastructure) is approximately $55,000.[61]

In determining the amount of additional security to provide to the Benghazi facility, the Department of State did not conduct a joint analysis or confer with other agencies, such as DOD or members of the IC. For U.S. diplomatic facilities at greatest risk, such as Benghazi, more interagency analysis of security needs must be done to identify gaps in security and take the steps to address them. Since the attack in Benghazi, the Department of State and the Department of Defense have jointly begun this important work, focusing initially on the highest threat facilities around the globe,[62] but that should have happened before the attack.

Resourcing for security is a joint responsibility of the Executive Branch and the Legislative Branch. The Department of State's decisions regarding security at the Benghazi facility were made in the context of its budget and security requirements for diplomatic facilities around the world. Overall, the Department of State's base requests for security funding have increased by 38 percent since Fiscal Year (FY) 2007, and base budget appropriations have increased by 27 percent in the same time period. Other security funding provided beyond that in supplemental appropriations bills has been nearly entirely for diplomatic facilities in just three countries—Iraq, Afghanistan, and Pakistan.[63] Less has gone elsewhere and very little is available to the temporary facilities such as the one in Benghazi.

Importantly, funding requests for baseline diplomatic security programs[64] have not been fully funded in any year since FY 2010. These accounts fund local guards, security technology, DS agents, and maintenance, construction and security upgrades for facilities. The Administration requested almost $2.4 billion for the Worldwide Security Protection (WSP) and Embassy Security, Construction and Maintenance (ESCM) accounts in fiscal year 2011 (the Department of State's two largest diplomatic security accounts), but the House of Representatives recommended a funding level that was $127.5 million less than the President's Budget request. The Senate restored $38 million of the funding in the final enacted appropriations bill for that year. In fiscal year 2012, the gap was larger: Congress enacted appropriations for diplomatic security that were $275 million less than was requested.[65]

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[61] Department of State, Inspector General, *Review of the Department's Implementation of Mantraps*, Report Number ISP-I-09-29, February 2009, (3).

[62] Committee member briefing, November 14, 2012.

[63] Congressional Research Service (CRS), e-mail message to Committee staff, December 20, 2012. For example, CRS noted all Overseas Contingency Operations enacted and requested for the Worldwide Security Protection account in Fiscal Years 2012 and 2013 were for facilities in Afghanistan and Pakistan. Additionally, there was approximately $1.5 billion funding for Iraq embassy "security and overhead cover" in FY 2012.

[64] According to CRS, these include State Department accounts for Worldwide Security Protection (WSP); Embassy Security, Construction and Maintenance (ESCM); Diplomatic Security, Counterterrorism within the Diplomatic and Consular Programs; and Diplomatic Security within the Border Security Program.

[65] Department of State, *Congressional Budget Justification Volume 1: Department of State Operations Fiscal Year 2013* (February 13, 2012), and the Consolidated Appropriations Act, 2012, P.L. 112-74.

At the same time, Congress has generally been responsive in providing supplemental and Overseas Contingency Operations (OCO) funds to the Department of State – more than $1.7 billion since 2007 – in response to emergent, security-driven funding requests, although primarily for facilities in Iraq, Afghanistan and Pakistan. However, there was no supplemental or OCO request made by the President for additional diplomatic security enhancements in FY2010 or FY2011.[66] Neither the Department of State nor Congress made a point of providing additional funds in a supplemental request for Libya, or more specifically, Benghazi.

Congress' inability to appropriate funds in a timely manner has also had consequences for the implementation of security upgrades. RSO Nordstrom stated that Continuing Resolutions had two detrimental effects on efforts to improve security in Benghazi. First, the Department of State would only allow funds to be expended at a rate of 80 percent of the previous year's appropriations level, so as not to risk a violation of the Anti-Deficiency Act. Second, in the absence of a supplemental appropriations or reprogramming request, security funds for Benghazi had to be taken "out of hide" from funding levels for Libya because Benghazi was not included in previous budget requests.[67]

**Recommendation:** The Department of State should establish a mandatory process to determine what security standards are applicable to temporary facilities to ensure that they are adequately protected.

**Recommendation:** In the future, more interagency joint assessments or analyses of security needs must be done for U.S. diplomatic facilities at greatest risk. A joint assessment could not only improve our government's ability to identify security gaps, it would make all agencies more aware of assets available to meet security challenges and those available to respond to a crisis.

**Recommendation:** The Administration and Congress must work together to provide sufficient, steady, and timely funding resources to secure diplomatic facilities and personnel worldwide.

**Finding 6. The Department of State did not adequately support security requests from its own security personnel in Benghazi.**

Throughout 2012, the number of DS agents temporarily deployed to Benghazi fluctuated, decreasing to as low as *one* agent for a six week period in March and April 2012 due to visa problems.[68] At the time of the attack, there were three DS agents who were stationed in Benghazi and two more who accompanied the Ambassador there from Tripoli. RSO Nordstrom said that security personnel in Tripoli were sometimes used to augment Benghazi security when necessary.[69]

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[66] Alex Tiersky and Susan Epstein, Congressional Research Service, *Securing U.S. Diplomatic Facilities and Personnel Abroad: Background and Policy Issues*, November 26, 2012, (15).
[67] Eric Nordstrom, interview with Committee staff, December 7, 2012.
[68] REDACTED, e-mail message to REDACTED, October 1, 2012.
[69] Eric Nordstrom, interview with Committee staff, December 7, 2012.

As conditions changed in late spring and early summer, officers in Tripoli and in Washington had good situational awareness of the growing threats in Libya and especially in Benghazi. However, the Department of State did not provide enough security to address the increased threats and did not adequately support field requests for additional security. For example, in March 2012 the Tripoli Embassy had requested five full-time security positions for Benghazi. However, a day after sending this request, Nordstrom was told that Washington had capped the number of agents in Benghazi at three, even though the request for five agents was consistent with the December 2011 action memo approved by Under Secretary Kennedy to extend the duration of the Benghazi facility.[70] In addressing the March request for five DS agents, Deputy Assistant Secretary Lamb questioned RSO Nordstrom about the fact that two of those five requested positions would be used for non-personnel security related duties—one for driving and one to secure a computer.[71] Deputy Assistant Secretary Lamb asked that local employees be hired for these positions since they were arguably not related to security.[72] Later, two local nationals were hired to fulfill these duties. In July Embassy officials in Tripoli requested a *minimum* of three DS agents for Benghazi.

Nordstrom also testified that he would have preferred to extend a DOD support team, which DOD provided to the Department of State on a non-reimbursable basis, that was scheduled to depart in August 2012. The 16-person Site Security Team (SST) was stationed in Tripoli, but on occasion some of its members also helped with security in Benghazi. The team's deployment had previously been extended twice. Nordstrom said he though that requesting an extension would have "too much political cost," and he was not told to do so.[73] In July 2012, Nordstrom had sent a request, via cable approved by Ambassador Stevens, for a minimum of 13 temporary U.S. security personnel—which he said could be either DS employees or SST personnel, or a combination of both—to support needs in Tripoli.[74] Nordstrom said he never received a response to that request.[75] Though the Department of State never formally asked DOD to extend the SST team, at the time of the attack several members of the SST were still in Tripoli for other purposes, and two participated in the rescue effort the night of the attack.

In the Department's late 2011 plan describing a transition to "locally staffed operations," one of the reasons given for that transition was that "DS does not have sufficient resources to sustain the current level of the security assets in Libya."[76] Lamb commented on this issue in her interview with the Committee, stating that it was hard to sustain large numbers of DS agents on short-term tours because there is not a floating pool of agents so that to fill a gap in Libya she needed to create a gap elsewhere.[77]

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[70] Eric Nordstrom, e-mail message to REDACTED, March 29, 2012.
[71] Charlene Lamb, interview with Committee staff, December 6, 2012.
[72] Ibid.
[73] *The Security Failures of Benghazi*: Hearing before the Committee on Oversight and Government Reform, U.S. Congress, 112th Cong., October 10, 2012. (Eric Allan Nordstrom, Regional Security Officer from September 21 – July 26, 2012).
[74] 12 Tripoli 690, July 9, 2012.
[75] *The Security Failures of Benghazi*: Hearing before the Committee on Oversight and Government Reform, U.S. Congress, 112th Cong., October 10, 2012. (Eric Allan Nordstrom, Regional Security Officer from September 21 – July 26, 2012).
[76] DS/IP/OPO/FPD, Proposal for Security Support to RSO Tripoli.
[77] Charlene Lamb, interview with Committee staff, December 6, 2012.

**Finding 7. Despite the inability of the Libyan government to fulfill its duties to secure the facility, the increasingly dangerous threat assessments, and a particularly vulnerable facility, the Department of State officials did not conclude the facility in Benghazi should be closed or temporarily shut down. That was a grevious mistake.**

The Department of State kept the Benghazi facility open despite the inability of the Libyan government to fulfill its duties to secure the facility and the increasingly dangerous threat environment that American intelligence described. Though diplomatic security officials in Libya repeatedly considered and discussed the adequacy of security at the Benghazi facility, we found no evidence that any official ever recommended closing the facility even though the facility's vulnerability remained high, particularly in relation to the limited number and quality of the security personnel on site including the militia, the contracted guards, and DS agents on short-term assignments.

In the months leading up to the September 11, 2012 attack, U.S. personnel sitting on the Benghazi Emergency Action Committee (EAC)—the interagency entity responsible for assessing the security of the facility—met several times to discuss the growing threats in eastern Libya, and whether additional actions to protect U.S. personnel ought to be taken. As late as August 15, 2012, an EAC was convened and resolved to update the "tripwires" for the facility. The updates were to include a new category, "suspension of operations," under which diplomatic personnel remain present at a post but limit activity off U.S. grounds. Notes from that meeting show that joint security exercises were carried out with Annex security personnel that same month, and that conditional manpower requests and the revised set of tripwires were sent to the Embassy in Tripoli for review. A Department of State document shared between officials in Tripoli show various "tripwires" in Benghazi were, in fact, set off weeks before September 11, 2012.[78] Following a bomb attack on a Libyan Army colonel in August, the principal U.S. diplomatic officer in Benghazi wrote that "[g]iven our small size, there is really no distinction between authorized and ordered departure from Benghazi: if we lose one more person, we will be ineffective… we are already at a skeleton crew."[79]

Still, no additional security was provided to the facility in Benghazi and there was no ordered evacuation. RSO Nordstrom said the inability of the host nation to provide security is a significant tripwire. Yet neither he nor, to his knowledge anyone else at the Department of State, recommended the Benghazi post be closed.[80]

Despite the Department of State's initial determination that the facility in Benghazi would be a temporary one, as time progressed, some Department of State officials believed U.S. diplomats needed to remain there longer than they initially expected. Just weeks before his death and even

[78] REDACTED, e-mail message to REDACTED, August 30, 2012. Subject: "Latest tripwires for Tripoli and Benghazi," which included an attached document entitled "Benghazi assessment of tripwires breached as of 8/31/2012"
[79] REDACTED, e-mail message to REDACTED, August 6, 2012, "Security Incident Involving Embassy Vehicle Driven by DOD Personnel."
[80] Eric Nordstrom, interview with Committee staff, December 7, 2012.

after there had been attacks against the facility and other western targets in Benghazi, Ambassador Stevens continued to make the case that the Department of State needed a long term presence in Benghazi.[81]

A number of other western governments also continued to maintain a presence in Benghazi throughout the summer and fall of 2012. Under Secretary Kennedy noted that diplomats for Italy, France, Turkey and the United Nations remained in Benghazi during that time period.[82]

One option American officials did consider was co-locating the American government facilities in Benghazi. By December 27, 2011, officials had "come to the conclusion that co-location is the best and most economical option for" a continued presence in Benghazi. They also recognized that there were administrative hurdles to this—such as finding a suitable location large enough for the presence of all personnel.[83] The ARB report on the 1998 Nairobi and Dar es Salaam attacks recommended that, "When building new chanceries abroad, all U.S. government agencies, with rare exceptions, should be located in the same compound."[84] The Department of State should also examine whether similar standards should be adopted for the co-location of temporary facilities.

**Finding 8. The Department of Defense and the Department of State had not jointly assessed the availability of U.S. assets to support the Temporary Mission Facility in Benghazi in the event of a crisis and although DOD attempted to quickly mobilize its resources, it did not have assets or personnel close enough to reach Benghazi in a timely fashion.**

The Department of Defense (DOD) has a longstanding cooperative relationship with the Department of State, providing support for evacuation and security of diplomatic facilities.[85] For Libya, responsibility for DOD support for diplomatic missions primarily rested with AFRICOM and its Combatant Commander, General Carter F. Ham, headquartered in Stuttgart, Germany. AFRICOM is one of DOD's six geographic combatant commands and is responsible for all DOD operations, exercises, and security cooperation on the African continent (with the exception of Egypt), its island nations, and surrounding waters. The command is also responsible to the Secretary of Defense for military relations with 54 African nations, the African Union, and African regional security organizations. It was established in February 2007 and became a stand-alone command in October 2008. The reason for establishing AFRICOM grew out of concerns about DOD's division of responsibility for Africa among three geographic commands—European Command (EUCOM), Central Command (CENTCOM), and Pacific Command (PACOM)—and worries that security in Africa was receiving less attention than it required based on the increasing presence of Islamist extremists and terrorists there.

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[81] "Benghazi.docx," document attached to email of August 31, 2012.
[82] Committee member briefing, November 29, 2012.
[83] NEA –Jeffrey Feltman, Action Memo to Under Secretary Kennedy, December 27, 2011. Re: "Future of Operations in Benghazi, Libya"
[84] Accountability Review Board, *Bombings of the US Embassies in Nairobi, Kenya and Dar es Salaam, Tanzania on August 7, 1998*, (January 8, 1999). NB: The facility in Benghazi was a lease and not new construction.
[85] Committee member briefing, November 14, 2012.

Since its creation, AFRICOM has been involved in a number of operations in Africa, with a focus on training African forces and engaging in counterterrorism activities in the Horn of Africa. Unlike many of the other geographical combatant commands, AFRICOM was developed to maintain a light footprint.[86] It maintains a single base on the entire continent, in Djibouti,. In the spring of 2011, AFRICOM directed U.S. support to the NATO military operations in Libya, and in October 2011, it established a joint task force to command and control post-conflict U.S. operations related to Libya. Since DOD assumes responsibility for evacuation of diplomatic personnel, U.S. citizens, and designated host nation and third country nationals in crises, AFRICOM was responsible for working with Department of State officials in Libya to develop and coordinate Noncombatant Evacuation Operations (NEO) plans for the diplomatic facilities within the region.[87] But the Department of State did not know how long it would take DOD to evacuate personnel at the Benghazi facility in the case of a crisis, naturally making it more difficult for the Department of State to ensure it had adequate security at the facility.

In addition, General Ham did not have complete visibility of the extent and number of government personnel in Benghazi in the event that a NEO was required. [88] If sufficient time had been available for such an evacuation, we are concerned that this limitation could have impeded AFRICOM's ability to respond and fulfill its mission responsibility.

AFRICOM's lack of operational assets near Benghazi hindered its capacity to evacuate U.S. personnel during the attacks. The Djibouti base was several thousand miles away. There was no Marine expeditionary unit, carrier group or a smaller group of U.S. ships closely located in the Mediterranean Sea that could have provided aerial or ground support or helped evacuate personnel from Benghazi. AFRICOM also lacked a dedicated Commander's In-extremis Force (CIF)—a specially trained force capable of performing no-notice missions. As a result, General Ham was forced to call on the European Command's CIF whose location in Eastern Europe prevented it from getting to Benghazi before the four Americans were killed and all other U.S. personnel were evacuated. We note that AFRICOM later received an independent CIF in October, 2012.[89] DOD and AFRICOM tried to provide effective support on September 11th, but given the nature of the attack in Benghazi and the distance of their assets from Benghazi, they were tragically unable to do so.

**Recommendation:** DOD and the Department of State must jointly perform comprehensive crisis defense and evacuation planning for personnel at U.S. diplomatic facilities worldwide, particularly in high risk environments to determine whether DOD can provide timely support and evacuation capabilities, and assist the Department of State in deciding whether to keep facilities open.

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[86] *Fiscal Year 2013 National Defense Authorization Budget Request from U.S. European Command and U.S. Africa Command:* Armed Services Committee, United States House of Representatives, 112th Congress, February 29, 2012. (General Carter Ham, Commander, United States Africa Command). http://www.africom.mil/getArticle.asp?art=4133

[87] Joint Chiefs of Staff, *Noncombatant Evacuation Operations*, Report 3-68, December 23, 2010, I-1. http://www.dtic.mil/doctrine/new_pubs/jp3_68.pdf.

[88] General Carter Ham, Combatant Commander for Africa Command, briefing Chairman and Ranking Member, December 6, 2012.

[89] General Carter Ham, *Counterterrorism in Africa*, Homeland Security Policy Institute event, December 3, 2012. According to General Ham, DOD had been developing this force since 2011.

**Recommendation:** Because Africa has increasingly become a haven for terrorist groups in places like Libya and Mali, DOD should provide more assets and personnel within range on land and sea to protect and defend both Americans and our allies on the African continent.

**Finding 9. Although the September 11, 2012 attack in Benghazi was recognized as a terrorist attack by the Intelligence Community and personnel at the Department of State from the beginning, Administration officials were inconsistent in stating publicly that the deaths in Benghazi were the result of a terrorist attack.**

One of the key lessons of this Committee's six-year focus on the threat of violent Islamist extremism is that, in order to understand and counter the threat we face, we must clearly identify that threat. During the Committee's investigation into the Fort Hood massacre, for example, we found systemic problems with the way the military addressed violent Islamist extremism in its policies and procedures (treating this specific threat within the broader context of "workplace violence").[90] Similarly, while we welcomed the Administration's release last year of a national strategy and implementation plan for countering radicalization domestically,[91] we expressed our disappointment in the Administration's continued refusal to identify violent Islamist extremism as our enemy.[92] The enemy is not a vague catchall of violent extremism, but a specific violent Islamist extremism. It is unfair to the vast majority of law-abiding Muslims not to distinguish between their peaceful religion and a twisted corruption of that religion used to justify violence.

There are related lessons to be learned from the Administration's public comments about Benghazi, which we believe contributed to the confusion in the public discourse after the attack about exactly what happened.

The NCTC and U.S. law define terrorism as the "premeditated, politically motivated violence perpetrated against noncombatant targets by subnational groups or clandestine agents."[93] Senior officials from the IC, the Department of State, and the FBI who participated in briefings and interviews with the Committee said they believed the attack on the mission facility in Benghazi to be a terrorist attack immediately or almost immediately after it occurred.[94] The ODNI's

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[90] U.S. Senate, Homeland Security and Government Affairs Committee, *A Ticking Time Bomb: Counterterrorism Lessons From the U.S. Government's Failure to Prevent the Fort Hood Attack*, 112th Cong., 1st sess, February 3, 2011, 7,9 .

[91] The White House, *Strategic Implementation Plan for Empowering Local Partners to Prevent Violent Extremism in the United States*, December 2011.

[92] "Lieberman, Collins React to Administration's Countering Violent Extremism Strategic Implementation Plan," Homeland Security and Government Affairs Committee, press release, December 8, 2011. http://www.hsgac.senate.gov/media/majority-media/lieberman-collins-react-to-administrations-countering-violent-extremism-strategic-implementation-plan

[93] The National Counterterrorism Center, *Terrorism Definitions*, August 27, 2010. http://www.nctc.gov/site/other/definitions.html

[94] Committee member briefings, November 14, 2012 and November 29, 2012.

spokesman also has publicly said, "The intelligence community assessed from the very beginning that what happened in Benghazi was a terrorist attack." [95]

In short, regardless of questions about whether there had been a demonstration or protest outside the Temporary Mission Facility in advance of the attack, the extent to which the attacks were preplanned, or the role of an anti-Islamic video which had sparked protests at the U.S. embassy in Cairo and elsewhere earlier on September 11th, there was never any doubt among key officials, including officials in the IC and the Department of State, that the attack in Benghazi was an act of terrorism.

For example, two emails from the State Department Diplomatic Security Operations Center on the day of the attack, September 11, and the day after, September 12, 2012, characterized the attack as an "initial terrorism incident" and as a "terrorist event."[96] Agencies and offices responsible for terrorism, including the National Counterterrorism Center (NCTC), the CIA's Office of Terrorism Analysis, and the FBI's Counterterrorism Division, were immediately involved with gathering information about the attack. Indeed, how could there have been any doubt in anyone's mind that, when a large number of armed men break into a U.S. diplomatic facility, set fire to its buildings, and fire mortars at Americans, that it is by definition a terrorist attack?

However, the IC's assessment was not reflected consistently in the public statements made by Administration officials, several of whom cited the ongoing investigation, in the week following the attack:

> On September 12th, Secretary of State Hillary Clinton attributed the attack to "heavily armed militants" who assaulted the compound…" Her suspicion was that the people involved in this "were looking to target Americans from the start." She also noted that we "continue to apply pressure on Al Qaeda and other elements that are affiliated…"[97]
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> Also that September 12th President Obama, referring to the anti-Islamic video, said "we reject all efforts to denigrate the religious beliefs of others. But there is absolutely no justification to this type of senseless violence…" He went on to add, "Of course, yesterday was already a painful day for our nation as we marked the solem memory of the 9/11 attacks," and that "No acts of terror will ever shake the resolve of this great nation, alter that character, or eclipse the light of the values that we stand for."[98]

However, that same day, the President had the following exchanges with Steve Kroft in a taping for the CBS news program *60 Minutes*:

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[95] "Sources: Office of the DNI cut "al Qaeda" reference from Benghazi talking points, and CIA, FBI signed off," *CBS News*, November 20, 2010. http://www.cbsnews.com/8301-505263_162-57552328/sources-office-of-the-dni-cut-al-qaeda-reference-from-benghazi-talking-points-and-cia-fbi-signed-off/

[96] See, for example, REDACTED on behalf of the DS Command Center, email message, "Terrorism Event Notification – Libya," September 12, 2012.

[97] Secretary Hillary Clinton, "Remarks on the Deaths of American Personnel in Benghazi, Libya," Treaty Room, September 12, 2012.

[98] President Barack Obama, "Remarks by the President on the Deaths of U.S. Embassy Staff in Libya," Rose Garden, September 12, 2012.

**Mr. Kroft**: Do you believe that this was a terrorist attack?
**The President**: Well, it's too early to know exactly how this came about, what group was involved, but obviously it was an attack on Americans and we are going to be working with the Libyan government to make sure that we bring these folks to justice one way or the other.."

**Mr. Kroft:** That doesn't sound like your normal demonstration.
**The President**: As I said, we're still investigating exactly what happened, I don't want to jump the gun on this. But – you're right that this is not a situation that was – exactly the same as what happened in Egypt. And – my suspicion is- is that there are folks involved in this who were looking to target Americans from the start. So we're gonna- make sure that our first priority is to get our folks out safe, make sure that our embassies are secured around the world. And then we are gonna go after – those folks who carried this out…

This is also obviously a reminder that for all the progress that we've made in fighting terrorism, that we're living in a volatile world. And, you know, our troops, but also our diplomats and our intelligence officers they're putting their lives on the line every single day in some very dangerous circumstances…

But I think we also also have to understand that, we have to remain vigilant. And that even as we – continue to apply pressure on Al Qaeda and – other elements that are affiliated—that in big chunks of the world, in Northern Africa and the Middle East, you've got – a lot of dangerous characeters. And we've got to make sure that we're continuing to apply pressure on them…[99]

Two days later, during a September 14, 2012, White House press briefing, Press Secretary Jay Carney was asked to respond to senators' characterizations of the incident as a terrorist attack following a briefing by Secretary Panetta and others:

**[Unidentified Reporter]:** Jay, one last question -- while we were sitting here -- Secretary Panetta and the Vice Chair of the Joint Chiefs briefed the Senate Armed Services Committee. And the senators came out and said their indication was that this, or the attack on Benghazi was a terrorist attack organized and carried out by terrorists, that it was premeditated, a calculated act of terror. Levin said -- Senator Levin -- I think it was a planned, premeditated attack. The kind of equipment that they had used was evidence it was a planned, premeditated attack. Is there anything more you can -- now that the administration is briefing senators on this, is there anything more you can tell us?

**Mr. Carney:** Well, I think we wait to hear from administration officials. Again, it's actively under investigation, both the Benghazi attack and incidents elsewhere. And my point was that we don't have and did not have concrete evidence to suggest that this was not in reaction to the film. But we're obviously investigating the matter, and I'll certainly -- I'm sure both the Department of Defense and the White House and other places will have more to say about that as more information becomes available.

[99] President Barack Obama, interview by Steve Kroft, *60 Minutes*, CBS, September 12, 2012, transcript.

Then, on September 16th, during one of several similar appearances on the Sunday news programs, Ambassador Susan Rice had the following exchange with David Gregory of *NBC's Meet the Press*:

> **Gregory:** Can you say definitively that the attacks on – on our consulate in Libya that killed Ambassador Stevens and others there security personnel, that was spontaneous, was it a planned attack? Was there a terrorist element to it?
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> **Ms. Rice:** Well, let us-- let me tell you the-- the best information we have at present. First of all, there's an FBI investigation which is ongoing. And we look to that investigation to give us the definitive word as to what transpired. But putting together the best information that we have available to us today our current assessment is that what happened in Benghazi was in fact initially a spontaneous reaction to what had just transpired hours before in Cairo, almost a copycat of-- of the demonstrations against our facility in Cairo, which were prompted, of course, by the video. What we think then transpired in Benghazi is that opportunistic extremist elements came to the consulate as this was unfolding. They came with heavy weapons which unfortunately are readily available in post revolutionary Libya. And it escalated into a much more violent episode. Obviously, that's-- that's our best judgment now. We'll await the results of the investigation…[100]

On September 18th, President Obama said on the Late Show with David Letterman that "extremists and terrorists used this (referring again to the anti-Islamist video) as an excuse to attack a variety of our embassies, including the consulate in Libya."

A definitive response to the question of whether Benghazi was a terrorist attack was given by NCTC Director Matthew Olsen during a hearing before this Committee on September 19, 2012. Olsen was asked by the Chairman whether he "would say that Ambassador Stevens and the three other Americans died as a result of a terrorist attack."[101] Director Olsen responded that, "[c]ertainly, on that particular question, I would say yes. They were killed in the course of a terrorist attack" on our diplomatic mission in Benghazi.[102]

After Olsen's September 19th appearance before the Committee, other Administration officials stated with more certainty that Benghazi was a terrorist attack. For example:

> On September 19th, referring to Matthew Olsen's statements that Benghazi was a terrorist attack, Victoria Nuland stated "We stand by comments made by our intelligence

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[100] Benjamin Netanyahu, Susan Rice, Keith Ellison, Peter King, Bob Woodward, Jeffrey Goldberg, Andrea Mitchell, interview by David Gregory, *Meet the Press*, NBC, September 16, 2012, transcript. http://www.msnbc.msn.com/id/49051097/ns/meet_the_press-transcripts/t/september-benjamin-netanyahu-susan-rice-keith-ellison-peter-king-bob-woodward-jeffrey-goldberg-andrea-mitchell/

[101] *Homeland Threats and Agency Responses:* Hearing before the Homeland Security and Governmental Affairs Committee, United States Senate, 112th Cong., September 19, 2012. (Statement of Matthew Olsen, Director, NCTC).

[102] Ibid.

> community who has first responsibility for evaluating the intelligence and what they believe we are seeing."[103]
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> On September 20th, Jay Carney said, "It is, I think, self-evident that what happened in Benghazi was a terrorist attack. Our embassy was attacked violently, and the result was four deaths of American officials. So again, that's self evident..."[104]
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> On September 21st, Secretary Clinton said, "What happened in Benghazi was a terrorist attack, and we will not rest until we have tracked down and brought to justice the terrorist who murdered four Americans."[105]

On September 24th, however, when one of the co-hosts of the television program *The View* asked the President to clarify what she perceived to be discrepancies in the public record regarding the Administration's position about whether Benghazi attack was an act of terrorism, the President's answer was not as definitive:

> **Joy Behar**: It was reported that people just went crazy and wild because of this anti-Muslim movie, or anti-Muhammad, I guess, movie. But then I heard Hillary Clinton say that it was an act of terrorism. Is it? What do you say?
>
> **The President**: Well, we're still doing an investigation. There's no doubt that the kind of weapons that were used, the ongoing assault, that it wasn't just a mob action. Now, we don't have all the information yet, so we're still gathering it. But what's clear is that around the world, there's still a lot of threats out there. And that's why we have to maintain the strongest military in the world. That's why we can't let down our guard when it comes to the intelligence work that we do, and staying on top of not just al Qaeda – the traditional al Qaeda in Pakistan and Afghanistan – but all these various fringe groups that have started to develop...[106]

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Director Olsen's statement on September 19, 2012 before this Committee was also significant because he mentioned ties to al Qaeda. He said:

> At this point, what I would say is that a number of different elements appear to have been involved in the attack, including individuals connected to militant groups that are prevalent in eastern Libya, particularly in the Benghazi area. As well, we are looking at

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[103] Department of State Spokesperson Victoria Nuland, Press Briefing, September 19, 2012, transcript.
[104] Press Secretary Carney, press briefing, The White House, September 20, 2012, transcript.
[105] Secretary of State Hillary Clinton, "Remarks With Pakistani Foreign Minister Hina Rabbani Khar Before Their Meeting," Treaty Room, September 21, 2012.
[106] President Obama, interview by Joy Behar, *The View*, September 24, 2012. http://www.youtube.com/watch?v=Hdn1iX1a528

> indications that individuals involved in the attack may have had connections to al Qaeda or al Qaeda's affiliates, in particular al Qaeda in Islamic Maghreb.[107]

Olsen's acknowledgement was important because, in talking points that were prepared the previous week by the IC for Congress, a line saying "we know" that individuals associated with al Qaeda or its affiliates participated in the attacks had been changed to say: "There are *indications* that *extremists* participated," dropping the reference to al Qaeda and its affiliates altogether.[108] Members of the IC differed over whether or not this information should remain classified. It is nevertheless noteworthy that the analyst who drafted the original talking points – a veteran career analyst in the intelligence community believed it was appropriate to include a reference to al Qaeda in the unclassified talking points. The senior analyst concluded that the information could be made public because of the claims of responsibility made by Ansar al-Sharia, which has been publicly linked to al Qaeda. [109]

In addition to the change deleting al-Qaeda, a reference to "attacks" in Benghazi was changed to "demonstrations." [110] Director of National Intelligence (DNI) James Clapper and representatives from the CIA, the State Department, NCTC and the FBI told this Committee that the changes characterizing the attacks as "demonstrations" and removing references to al-Qaeda or its affiliates were made within the CIA and the IC, while the change from "we know" to "indications" was made in response to an FBI request. They also testified that no changes were made for political reasons, that there was no attempt to mislead the American people about what happened in Benghazi, and that the only change made by the White House was to change a reference of "consulate" to "mission."[111]

To provide a full account of the changes made to the talking points, by whom they were made and why, DNI Clapper offered to provide the Committee with a detailed timeline regarding the development of the talking points. At the time of writing this report, despite repeated requests, the Committee had yet to receive this timeline. According to a senior IC official, the timeline has not been delivered as promised because the Administration has spent weeks debating internally whether or not it should turn over information considered "deliberative" to the Congress. The September 28, 2012 public statement from the ODNI confirmed the IC's judgment "that some of those involved were linked to groups affiliated with, or sympathetic to al Qa'ida."[112]

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[107] Homeland Threats and Agency Responses: Hearing before the Homeland Security and Governmental Affairs Committee, United States Senate, 112th Cong., September 19, 2012. (Statement of Matthew Olsen, Director, NCTC). The ODNI also released a statement on September 28, 2012 which confirmed that the IC had "assess[ed] that some of those involved were linked to groups affiliated with, or sympathetic to al-Qa'ida." *See* Statement by the Director of Public Affairs for the Director of National Intelligence, Shawn Turner, on the intelligence related to the terrorist attack on the U.S. Consulate in Benghazi, Libya, September 28, 2012.
[108] Committee member briefing, November 29, 2012.
[109] Committee member briefing, November 29, 2012.
[110] Sources: Office of the DNI cut "al Qaeda" reference from Benghazi talking points, and CIA, FBI signed off, CBS News, November 20, 2010
[111] Committee member briefing, November 29, 2012.
[112] "Statement by the Director of Public Affairs for the Director of National Intelligence, Shawn Turner, on the intelligence related to the terrorist attack on the U.S. Consulate in Benghazi, Libya," Office of the Director of National Intelligence, press release, September 28, 2012.

We anticipate that the ongoing investigation into these attacks by the FBI will provide important new details about exactly which violent Islamist extremists carried out the attack, the extent to which it was planned, and their precise motivations. But as everyone now acknowledges, there is no doubt that Benghazi was indeed a deliberate and organized terrorist attack on our nation. If the fact that Benghazi was indeed a terrorist attack had been made clear from the outset by all Administration and Executive Branch spokespeople, there would have been much less confusion and division in the public response to what happened there on September 11, 2012.

Much of the public discussion about the Benghazi attack has focused on whether a protest took place in Benghazi prior to the attack. While the IC worked feverishly in the days after the attack to identify the perpetrators of the attack, they did not place a high priority on determining with certainty whether a protest had in fact occurred. The IC's preliminary conclusion was that there had been a protest outside of the mission prior to the attack, making this assessment based on open source news reports and on other information available to intelligence agencies. The IC later revised its assessment and the Accountability Review Board has since "concluded that no protest took place before the Special Mission and Annex attacks."[113]

The unnecessary confusion in public statements about what happened that night with regards to an alleged protest should have ended much earlier than it did. Key evidence suggesting the absence of a protest was not widely shared as early as it could have been, creating or contributing to confusion over whether this was a peaceful protest that evolved into something more violent or a terrorist attack by an opportunistic enemy looking for the most advantageous moments to strike.

As early as September 15th, the Annex team that had been in Benghazi during the attack reported there had been no protest.[114] This information was apparently not shared broadly, and to the extent that it was shared, it apparently did not outweigh the evidence decribed above that there was a protest. The next day, the President of Libya's General National Congress, Mohamed Yousef el-Magariaf, also stated on the CBS News show *Face the Nation* that the attack was planned and involved Al Qaeda elements.

On September 15th and 16th, officials from the FBI conducted face-to-face interviews in Germany of the U.S. personnel who had been on the compound in Benghazi during the attack. The U.S. personnel who were interviewed saw no indications that there had been a protest prior to the attack. Information from those interviews was shared on a secure video teleconference on the afternoon of the 16th with FBI and other IC officials in Washington; it is unclear whether the question of whether a protest took place was discussed during this video conference.[115]

Information from those interviews was written into FBI FD-302 interrogation reports and sent back to the FBI headquarters. Nearly a week later, on or around September 22nd, key information from those interrogation reports was disseminated by the FBI in Intelligence Information Reports (IIRs) to other agencies within the IC.[116] By that date, however, the IC had

[113] Accountability Review Board, Department of State, December 19, 2012, 4.
[114] Acting Director Michael Morell, briefing Senator Collins, November 28, 2012.
[115] Committee member briefing, November 29, 2012.
[116] Ibid.

already received conclusive proof via other means that there had been no protest prior to the attack, in the form of video evidence from the facility's CCTV cameras.

We also found documentation that one DS agent apparently concluded there had been no protest as early as September 18th.[117] On that date, a State Department DS agent who had seen national press reporting about the attacks asked an agent at the DS Command Center in an email, "Was there any rioting in Benghazi reported prior to the attack?" The reply from the Command Center agent: "Zip, nothing, nada."

**Recommendation**: When terrorists attack our country, either at home or abroad, Administration officials should speak clearly and consistently about what has happened. While specific details and a full accounting cannot be provided until the government has completed its investigation, the fact that a terrorist attack occurred must be communicated with clarity.

**Finding 10. As discussed earlier, the talking points about the September 11th attack in Benghazi which were issued by the Intelligence Community on September 14th in response to a request by the House Permanent Select Committee on Intelligence, were the subject of much of the confusion and division in the discussion of the attack. That confusion and division were intensified by the fact that the talking points were issued before the IC had a high degree of confidence about what happened in Benghazi and in the midst of a national political campaign.**

**Recommendation**: While the Intelligence Community's primary mission is to inform the appropriate officials of the executive and legislative branches of our government about events that affect our security, it is not the responsibility of the IC to draft talking points for public consumption – especially in the heat of a political campaign – and we therefore recommend that the IC decline to do so in the future.

**Conclusion**

The deaths of Ambassador Stevens and three other Americans at the hands of terrorists is a tragic reminder that the fight our country is engaged in with Islamist extremists and terrorists is not over. U.S. and Western diplomats, and other personnel operating in the Middle East and other countries where these terrorists use violence to further their extremist agenda and thwart democratic reforms are increasingly at risk.

We hope this report will help contribute to the ongoing discussion that our nation must have about how best to protect the brave men and women who serve our country abroad and how to win this war that will continue for years to come. We owe it to our public servants abroad to protect them as they work to protect us. The government of the U.S. failed tragically to fulfill that responsibility in Benghazi on September 11, 2012. We hope the findings and recommendations we have made in this Special Report will help ensure that such a failure never happens again.

[117] REDACTED, e-mail message on September 18, 2012.



[Whereupon, at 2:26 p.m., the committee adjourned.]