

**UNDER SECRETARY OF STATE
FOR MANAGEMENT
WASHINGTON**

SEP 17 2013

Dear Senator McCaskill:

I am writing in response to your letter dated September 11, concerning my testimony before the subcommittee on July 16, and the recent POGO articles. Per the request of subcommittee staff, we are working on Questions for the Record and are reviewing the transcript. Upon review, there were four areas where my testimony contained misstatements, which were inadvertent on my part. I regret this lack of clarity, and as noted below, we will endeavor to correct the transcript.

On pages 29 to 34 of the transcript, in discussing the March and July 2012 cables with Senator Johnson, I stated that I recalled that the cables pertained to Tripoli, and not Benghazi. While I noted that I did not have the cables in front of me, as the hearing was called to discuss the implementation of Wartime Contracting provisions and not Benghazi, the March and July cables do in fact reference Benghazi and make security requests for the Temporary Mission Facility there. I do not believe that the transcript can be edited to make it accurate, but since Benghazi was not the subject matter of the hearing, we will note this to your clerk but will not attempt to make edits.

During Senator Johnson's questions on the Kabul guard contract, specifically on a 72-hour work week, my testimony indicates that I disputed this statement (page 59). This was not accurate, and as staff from the Bureau of Diplomatic Security had briefed your staff, the Aegis guards do have a standard 72-hour work week, consisting of six 12-hour days. We realize that this is a lengthy work week, but it reduces the number of guards that are needed to protect the embassy. Because of the security environment in Kabul, the U.S. Government provides secure housing, food, and other life support services for these guards. If guards worked a 40-hour week, we would need approximately twice the number of

The Honorable
Claire McCaskill, Chairman,
Subcommittee on Financial and Contracting Oversight,
Committee on Homeland Security and Governmental Affairs,
United States Senate.

guards, which would mean twice the number of housing units, and an increased number of life support contractors, who also need housing. Hopefully, if the security environment in Kabul improves, we can begin to reduce the work week, but that is likely a distant event. Based on the flow of the question and answer, it would be difficult to edit the text itself, but we will note this to your clerk.

On page 60, regarding the statement about the current contractor rebuffing attacks, the term “rebuff” was not a precise word to use for the actions that they took, and while these were direct attacks, they were not on the embassy compound itself, but on the Embassy Annex and on the road that runs in front of the Embassy. The guard force did assume defensive positions, but did not have to fire their weapons, as was the case when Armorgroup did take up arms during the September 2011 attack on the embassy proper. I will re-word this section of the transcript to make it more reflective of conditions on the ground, and provide these edits back to the subcommittee as requested. Included with this letter as “enclosure one” is a list of attacks on or near our Kabul embassy; this is provided for background only, as it is a Sensitive But Unclassified document that cannot be released publicly.

On pages 64 to 68, during the discussion with Senator Ayotte on the Benghazi cable, it turns out that we were speaking about 2 different cables, leading to a confusing exchange. I do not believe that the transcript can be edited to make it accurate, but since Benghazi was not the subject matter of the hearing, we will note this to your clerk but will not attempt to make edits.

Your letter also expresses concern with waivers to contractors who fail to adequately perform contracts, stating “POGO also reported that an independent panel on Diplomatic Security found that the Department routinely condoned exceptions to its own standards by providing waivers to contractors who fail to adequately perform contracts.” The excerpt from the POGO report reads,

Separately, however, a new report on diplomatic security by a high-level independent panel convened by the government found that the State Department was routinely condoning exceptions to its own standards, according to a copy of the report posted last week by *Al Jazeera America*.

“Waivers for not meeting security standards have become commonplace in the [State] Department,” the report said, adding that “Department employees, particularly those in high threat areas, could be exposed to an unacceptable level of risk.”

As your letter notes, your interest in the Kabul guard force contract dates back to at least 2009, and Department staff have briefed subcommittee staff regularly on contract issues, most recently on July 2013. As was explained at that time, we continue to believe that the Aegis contract is well-managed and that the guard force functions effectively in providing security to the embassy. Because of your continued concerns, we believe that a staff delegation to Kabul by subcommittee staff would be the best means to further examine your concerns. If you wish to pursue this, please inform the Bureau of Legislative Affairs and we will work with the Embassy and relevant offices to arrange your travel.

Again, my apologies for my inadvertent misstatements during the hearing. Please let me know if you have further questions. Department staff will contact your staff on the waiver documents.

Sincerely,

A handwritten signature in blue ink that reads "Patrick F. Kennedy". The signature is stylized, with a large initial "P" and a long, sweeping underline.

Patrick F. Kennedy

Enclosures:

As stated.

cc: The Honorable Ron Johnson