

Testimony of Patrick F. Kennedy  
Under Secretary of State for Management

Before the  
House Foreign Affairs Committee  
on  
Benghazi

September 18, 2013

Good morning Chairman Royce, Ranking Member Engel, and distinguished Members. Thank you for inviting me here today to testify about the tragic events of September 11<sup>th</sup> in Benghazi, Libya.

I would like to begin with the mission statement of the Department of State, which reads as follows:

*Advance freedom for the benefit of the American people and the international community by helping to build and sustain a more democratic, secure, and prosperous world composed of well-governed states that respond to the needs of their people, reduce widespread poverty, and act responsibly within the international system.*

To accomplish this mission, the Department maintains a robust global presence at 285 locations, many in challenging security environments where U.S. national security interests are at stake. Every day we work to protect our people and missions by constantly assessing threats and our security posture.

In all the discussions on overseas security following the Benghazi attack, and other threats to our overseas presence, one point of strong agreement has been that America needs to have a robust diplomatic and consular presence abroad, to advance our national security interests even in dangerous places.

Why? Because, the world looks to America for leadership. Through our leadership,

**We help to make the world a safer place.** Our diplomacy and development efforts help prevent wars, stem the proliferation of Weapons of Mass Destruction, and build a more stable international order. Whether it's helping more than 40

countries clear millions of square meters of landmines or establishing ceasefire agreements, our diplomats and development experts are advancing America's national security interests every day.

**We support American citizens abroad.** We provide emergency assistance to U.S. citizens in countries experiencing natural disasters or civil unrest. In 2012, we assisted in 8,668 international adoptions and worked on more than 1,600 new child abduction cases -- resulting in the return of over 560 children.

**We fight disease and save lives.** Strong bipartisan support for U.S. global health investments has led to worldwide progress against HIV/AIDS, tuberculosis, malaria, smallpox and polio. It's not only the right thing to do, but it's also in our interest: Better health abroad reduces the risk of instability and enhances our national security.

**We support the American economy.** Our posts overseas constantly advocate for American businesses, tearing down barriers to trade, opening new markets, helping small businesses to navigate foreign regulations, and ensuring that our companies get a fair shake – because we know that when they do, they succeed. In this worldwide marketplace, our economic officers work daily to strengthen the American economy by promoting U.S. exports, attracting foreign investment to the U.S., and creating American jobs. And the Bureau of Consular Affairs is on the front line of border security and job creation – it has lowered interview wait times for more than 90 percent of all nonimmigrant visa applicants to three weeks or less, by increasing staff, expanding facilities and hours, and streamlining the visa process – while maintaining its rigorous screening processes to exclude those who would do us harm. And for every 65 visas that are issued one American job is created here at home.

The Department also carries out many other missions with our partners and allies, including fighting terrorism, enhancing the rule of law, advancing gender equality, and promoting free trade. These myriad activities are often accomplished by the whole of U.S. government – over 30 agencies have a presence overseas in the facilities the Department manages and secures.

## **Changes to Diplomacy**

Serving abroad has changed radically since the first U.S. envoys were sent to Europe in the late 1700's. At that time, a major criterion to become an envoy was the financial independence to pay one's own way -- for transportation, housing,

and other necessities. In the 20<sup>th</sup> century, diplomats had developed a stereotypical image of men in pinstriped suits at endless rounds of cocktail parties. Today, American diplomats are more likely to be living and working in a secure shipping container in an area emerging from war than sitting in a smoky lounge in a European capital. Today, we send our diplomats and development experts where they are needed: where fundamental U.S. interests are at stake.

## **The Enduring Threat to U.S. Diplomats**

Almost as long as the United States has sent its diplomats out into the world, there have been those who abhor the freedoms that America represents and who seek to do us harm. Not only has the Foreign Service evolved over time, but assassins and terrorists have unfortunately evolved as well -- from 1826, when our U.S. Consul in Bogota was stabbed with his own sword -- to 1968, when Ambassador to Guatemala John Gordon Mein was gunned down by rebels -- to the 1970s, which saw a series of kidnappings and murders of U.S. diplomatic personnel.

Terrorists adapt over time and utilize new tactics. A suicide car bomb struck our embassy in Beirut in 1983, in which 63 people were killed. In 1990, during a charity baseball game in Santiago, an U.S. embassy employee was injured when a baseball bat filled with 10 ounces of explosive blew up -- a terrorist group of the time claimed responsibility. In August 1998, truck bombs exploded at our embassies in Dar es Salaam and Nairobi, killing over 200 and wounding over 5,000, in an attack by Al-Qaeda.

That brings me to September 11, 2012. That day, a protest formed at U.S. Embassy Cairo, and grew to a crowd of 2,000 in response to inflammatory material posted on the Internet. Protesters spray-painted graffiti on the Embassy's perimeter wall. A few protesters gained access to the interior lawn and took down the U.S. flag from its pole.

Then, on the night of September 11, 2012, terrorists attacked our U.S. Special Mission in Benghazi, in a series of complex attacks involving arson, small-arms fire, machine-gun fire, and rocket-propelled grenades. A nearby annex and U.S. personnel moving between the facilities were also attacked. Our U.S. Ambassador to Libya J. Christopher Stevens was killed, along with Foreign Service Information Management Officer Sean Smith and former Navy Seals Glen Doherty and Tyrone Woods.

The attacks in Benghazi were a tragedy for the families and loved ones of these four patriots, for the Department of State, and for our nation. As the President has made clear, the United States is committed to bringing the perpetrators to justice. We are also committed to taking necessary steps to prevent such tragedies in the future – recognizing that we can never eliminate all risk.

The Benghazi attack took place during a period of great turmoil and great danger for our diplomats overseas. From September 11 to 27, we experienced over 40 demonstrations and attacks against our diplomatic facilities around the world. They ranged from protests in cities such as London, Athens, Oslo, and Sydney to riots in Pakistan where police shot over 15 of their own citizens protecting our facilities. We suffered attacks that caused damage to our facilities in Tunis, Sana'a, and Khartoum. It was a tumultuous time for the Department and it reminded us once again how dangerous the world can be – but also how important it is for the United States to be engaged. Of course, these challenges are not behind us. Just last week, insurgents mounted a complex attack on the U.S. consulate in Herat, Afghanistan. Those insurgents never made it into the consulate. The State Department's Diplomatic Security personnel, leading our security contractor teams, repelled the attack, leaving all of the attackers dead. There were no American casualties, but we sadly lost eight of our contract guards.

## **Risk Mitigation**

We can never provide a 100 percent risk-free operating environment overseas. There is an inherent risk in being on the front lines of U.S. national security and our goal is to constantly strive to mitigate risk to the maximum extent possible.

The Department mitigates risk in large part through two major embassy security programs: 1) physical security upgrades and construction of new facilities by the Bureau of Overseas Buildings Operations, and 2) physical, technical, and procedural security programs implemented by the Bureau of Diplomatic Security.

### ***Construction Program***

Since 1999, the Department has completed over 100 projects to construct new facilities, providing a safe, secure work environment for over 29,000 U.S. government employees. This construction program has already saved lives.

During last September's violent attacks on our embassies in Cairo, Sana'a, Tunis, and Khartoum, the combination of our facilities – and our security personnel – ably withstood the attacks. We thank Congress and look forward to continued support for our efforts to build secure facilities.

Still, approximately 158 posts have facilities that may not fully meet current security standards. At these posts, we must do the best we can for the time being. Posts not scheduled for new embassy construction in the near term receive compound security upgrades to protect our overseas staff and facilities. Since 2005, the Department has completed 46 major security projects at existing compounds to bring them up to the most current security standards to the extent possible. Additionally, hundreds of smaller security upgrade projects have been completed worldwide since 1998. A compound security upgrade project in Sana'a, which constructed a new entrance hardline with reinforced doors and windows, and a forced entry and ballistic resistant door and window replacement project in Tunis had just been completed prior to the September 2012 attacks.

From the time the United States decides to build a new embassy – including site acquisition, design, open competition for the construction contract, award, and construction – to when the doors open, it takes about four years. But there are and will continue to be times when U.S. national interests require our immediate presence. In these circumstances, we must find a suitable facility, and enhance security to the maximum extent possible, always using our security standards as the goal we strive to achieve. Time and physical limitations of our facilities constrain our ability to retrofit an existing structure to meet our full standards. In the future, secure expedient facilities will likely remain a critical need, and we continue to examine how to best meet this need based on the totality of the operating environment and host country capabilities. This is a challenge we will continue to face. Steps we are taking to improve our security following the Benghazi attacks are detailed in Attachment 1 to this testimony.

### ***Diplomatic Security***

The Bureau of Diplomatic Security (DS) is responsible for the overall safety and security of U.S. diplomatic personnel abroad. DS provides security using a layered approach involving host government resources on our perimeter, plus strong physical security programs, combined with its own complement, to allow time for a host government to respond in the event of an attack.

Under the Vienna Convention on Diplomatic Relations of 1961, host governments are obligated to protect diplomatic missions on their sovereign territory. Of course, we do our part as well, including by providing regional security officers, hiring local guard forces, and, where appropriate, sending Marine Security Guards:

*Regional Security Officers* –The Regional Security Officer, or RSO, is a Special Agent of the Diplomatic Security Service, who manages security operations at U.S. missions abroad. These federal law enforcement officers also serve as an ambassador’s principal advisor on all security matters. By law, the ambassador is ultimately responsible for security issues at post; every day the RSO coordinates with the ambassador and manages the functions of local- and U.S.-supplied security personnel. When the security situation in a country or region deteriorates, the ambassador and RSO coordinate even more closely and seek input from Washington.

In 1985, State had about 150 RSOs assigned to overseas posts. They were called Regional Security Officers because they covered more than one country. DS currently has approximately 800 RSOs serving overseas, and, following the September attacks and with the support of Congress, we hired 75 more agents this year.

*Local Guard Forces* – The Department relies on local national staff and commercial security contractors to provide routine static guard services at our embassies and consulates in accordance with host country laws and regulations. These guard services are generally unarmed and are similar to guard services for U.S. Government and commercial entities around the United States.

The primary mission of the local guard force is to provide protection for U.S. Government personnel and to protect U.S. facilities from damage or loss due to violent attack and theft, by providing notice of emerging security problems to State’s RSOs and host country security personnel protecting our missions. They also provide situational reports of ongoing security incidents to our post management/security teams so they can make well-informed crisis management decisions. As the manager of security operations at U.S. missions abroad, the Regional Security Officer’s duties include the vetting, hiring, training, and overall management of local guard personnel.

*Marine Security Guards (MSGs)* – In 2012 the Marine Corps Embassy Security Group (MCESG) provided 156 security detachments in 137 countries worldwide at permanent facilities with classified processing. Not every U.S.

diplomatic facility has a Marine Detachments. MSGs have had as their primary mission the protection of classified material, but recently an agreement was signed with the Marine Corps that makes protection of U.S. personnel inside the post an equal task. The RSO is the immediate operational supervisor of the MSG detachment.

Since the attacks last year, we have been working with the Department of Defense (DOD) to establish 35 additional Marine Security Guard detachments, to increase the size of a number of existing detachments, and to establish a rapid Augmentation Force in Quantico to add additional Marines to a post as the situation warrants.

*DOD Security Augmentation Forces*– When the security situation warrants it, the Department of State can also request additional resources from the Department of Defense. In response to the violence in Libya and Yemen, for example, the Department of Defense deployed two Fleet Antiterrorism Security Teams – or FAST teams – to both countries. These specially trained and selected Marines were deployed to reinforce the physical security of diplomats and diplomatic facilities in each country.

## **Improving Security**

Following the September 2012 attacks, President Obama and Secretary Clinton immediately called on the State Department and DOD to review and improve security. State and DOD deployed Interagency Security Assessment Teams, or ISATs, to 19 high threat posts to identify security issues and measures that could be implemented to improve security, both in the near and longer term.

Following the work of the ISATs, we also sent an Increased Security Proposal to the Congress, seeking funding approval for housing and offices for additional Marine Security Guards; construction of new embassies; and hiring additional DS personnel.

To improve our security practices, we have sought input from other U.S. government agencies, from our Office of Inspector General, from the Government Accountability Office, and recently two expert panels, as well as the Congress.

Of course, one of the established ways that we make security improvements is through the independent Accountability Review Board, or ARB, process. This process is designed to provide an independent, unbiased, and thorough assessment

of a particular security incident and make recommendations to address any security issues. Under the ARB's authorizing legislation, the ARB process reviews "any incident that involves serious injury, loss of life, or significant destruction of property at, or related to, a United States government mission abroad." The Department cooperates fully with the Congressionally-mandated, independent ARB investigations. Indeed, the more than five-fold increase in the number of overseas RSOs since 1985 was due in part to recommendations of previous ARBs.

## **Past ARBs**

Since 1988, there have been 19 ARBs, including Benghazi, that have resulted in a total of 193 recommendations. It has been said that the Department has not implemented past ARB recommendations. A February 2013 review confirmed that the Department had implemented all but five recommendations. Only two were rejected for safety reasons and three recommendations regarding construction are still underway, and will require continued Congressional support to realize.

## **The Benghazi ARB**

Following the attacks in September 2012, the Department convened an independent ARB for Benghazi, chaired by Ambassador Thomas Pickering, and including former Chairman of the Joint Chiefs of Staff Admiral Michael Mullen. Both men have had distinguished careers of unquestioned integrity, serving Presidents of both parties. They publicly stated that they had "unfettered access to everyone and everything including all the documentation" they needed.

The independent Benghazi ARB examined 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.

On December 19, 2012, the Benghazi ARB presented its findings and recommendations to the Secretary of State. The ARB stated 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 attacks.”*

The Board issued 29 recommendations (24 of which were unclassified) in six key areas:

- Overarching Security Considerations;
- Staffing High Risk, High Threat Posts (HTP);
- Training and Awareness;
- Security and Fire Safety Equipment;
- Intelligence and Threat Analysis; and
- Personnel Accountability

### **ARB Implementation**

State has already addressed almost all of the recommendations, and is working diligently in concert with the Department of Defense (DOD) and others, as appropriate, to implement those that remain (which require more time and resources to complete, such as recruiting and deploying the full contingent of proposed Marine Security Guards).

Of note, the Department has already:

- Created a Deputy Assistant Secretary for High Threat Posts (HTPs), who is responsible for ensuring that such posts receive the focused attention they need;
- Ensured all HTPs have adequate fire safety equipment;
- Designed an intensive, 10-week “Arabic Alert” language course specifically for security personnel that will begin October 2013;
- Identified flexible funding authorities to make improvements to our overseas facilities;
- Issued guidance to all posts on “weapons of opportunity,” including flammable materials;
- Developed a new high threat training strategy. New training is being incorporated into existing training starting this month;
- Reviewed and revised requirements for posts on how to respond to changing security benchmarks (i.e. “tripwires”);
- Developed standard operating procedures for “Support Cells” for opening/reopening posts;
- Reviewed staffing levels at all HTPs to ensure they were appropriately staffed; and,

- Directed the DS Office of Intelligence and Threat Analysis to report directly to the DS Assistant Secretary and to supply threat analysis to regional Assistant Secretaries and Chiefs of Mission.

Important work remains, but is well underway. ARB-related work, such as improving the Department's language and security training, co-locating overseas facilities, and enhancing the way we address risk at high-risk, high-threat posts, will remain ongoing and will require Congressional support. For example:

- Of the plans to hire 151 additional DS personnel, we have hired 113, including special agents, security specialists, and intelligence analysts, with the other 38 to be hired next year;
- We have worked with DOD to deploy three Marine Security Guard detachments, and seek to deploy a total of 35 new detachments in the next three years;
- We are shipping new personal protective gear to posts and upgrading our surveillance cameras.

*(Additional information on the 24 unclassified ARB recommendations can be found in Attachment 1 to my testimony.)*

Implementing the recommendations of the independent Benghazi ARB is a must, but we can and will do more. Improving the ways we protect our overseas personnel must be continuously updated given constant, changing threats. We are reinforcing throughout the Department's workforce the predicate that security is everyone's responsibility.

### **Congressional Funding and Support**

Following the ISAT efforts in autumn 2012 and the ARB report, the Department requested authority to transfer \$1.4 billion from one account to another for an Increased Security Proposal. In the FY 2013 Continuing Appropriations Act, Congress funded this request, for which we are very grateful.

These funds are being used to provide facilities for additional Marine Security Guard Detachments, as well as embassy construction in N'Djamena, Chad, and Nouakchott, Mauritania. We will award a design contract for a new embassy in Beirut, Lebanon, a facility whose shortcomings are well known, and undertake chancery renovation and annex construction in Amman, Jordan.

As noted above, the funds have allowed us to hire an additional 151 DS personnel; 113 have already been hired.

To continue implementing, the 29 recommendations of the Benghazi Accountability Review Board, the FY 2014 budget request includes \$2.2 billion for security protection of personnel domestically and abroad, and \$2.2 billion for construction of more secure diplomatic facilities.

### **Challenges Going Forward**

The Best Practices Panel, convened as a recommendation from the Benghazi ARB to identify best security practices used by industry and other governments, discusses in its report the resilience of the adversaries who seek to do us harm, stating “terrorists have proven to be determined over time and readily adapt to the environment to advance their causes.”

Looking forward, one of our biggest challenges is gauging the threat level around us and responding appropriately. For Benghazi, the Director of National Intelligence, James Clapper, said: “The challenge is always a tactical warning, the exact insights ahead of time that such an attack is going to take place, and obviously we did not have that.” The ARB also found that intelligence provided no immediate, specific tactical warning of the September 11 attacks.

Of course, when we do have relevant intelligence, we act. In August 2013, we closed over 20 embassies and consulates to the public based on credible and non-counterable threat information. Public opinion varied, from condoning our prudence, to stating that it was an overreaction that made the United States look weak. This will continue to be a balancing between security and mission, considering our physical presence, the threat, and the support of the host government.

The unfortunate fact is that our diplomats and facilities abroad will face attacks again. Since the tragic attack in Benghazi where we lost Ambassador Chris Stevens and three other Americans; to the February attack on our embassy in Ankara that killed a dedicated local guard; to the attack in Afghanistan in April; to last week’s attack on our consulate in Herat, Afghanistan -- the tempo of threats and attacks against us has not diminished. The risk remains -- as Secretary Kerry stated,

*“We know too well the risks in the world today for all of our State Department personnel at home and around the world – Foreign Service, civil service, political appointees, locally employed staff, and so many others. I wish everyone in our country could see first-hand the devotion, loyalty, and amazingly hard and hazardous work our diplomats do on the front lines in the world’s most dangerous places.”*

We will do everything we can to deter and mitigate the effectiveness of any attack, but we will not, even with willing and capable governments as our partners, stop terrorists or extremists from mounting attacks against us in all cases.

And we must continue to operate in places where host governments may not always be willing or capable of fully defending us.

The risks to the United States as a nation are greater if we withdraw, than the risks to the brave U.S. diplomatic, development, and military personnel on the front lines of our foreign diplomacy efforts.

### **Congressional Oversight**

We say at the State Department that security is a shared responsibility. We know that Members of Congress agree. Congress is an essential partner in ensuring that we have the resources and authorities needed to protect the diplomats and development experts overseas who advance America’s global leadership, protect our national security, and promote America’s economic prosperity. That is why the Department has demonstrated an unprecedented degree of cooperation and engagement with the Congress on these issues, especially following the attack in Benghazi.

Today’s session is the 10<sup>th</sup> hearing on Benghazi where Department officials have testified. We have also been involved in more than 50 open and closed briefings for Members and staff. I have personally appeared for more than 20 briefings and three hearings. To date, the Department has provided to the Congress the classified ARB report and more than 25,000 pages of documents. Twelve current and former State Department officials have sat for interviews with the House Oversight and Government Reform Committee. Our colleagues from DoD and the intelligence community have participated in a similar number of hearings and briefings, many alongside the State Department. They have also engaged independently with their own committees – more than five of whom have conducted their own investigations.

I understand that there is interest in the four employees who were on administrative leave and about whom the ARB raised performance concerns. The Department re-affirmed the ARB findings and the employees, who have returned to duty, no longer hold the positions that were the subject of the ARB's concerns. The employees who had worldwide decision-making authority for security will no longer have such responsibilities. The Department sent a letter to Chairman Royce on this matter on August 23, which I have included as Attachment 2.

We have made implementing the recommendations of the ARB a priority, so that we can better prevent similar tragedies in the future. That's where we are focused at the State Department, and I know that is your priority as well.

With that, I again thank you for your time, and I would be glad to answer your questions.

## **Attachment 1**

### **Implementation of the Accountability Review Board Recommendations**

Following the September 11, 2012 attack on U.S. Government facilities in Benghazi, Libya, the independent Benghazi Accountability Review Board (ARB) issued 29 recommendations (24 of which were unclassified) to the Department of State. State has already addressed almost all of the recommendations, and is working diligently in concert with the Department of Defense (DOD) and others, as appropriate, to implement those that remain (which require more time and resources to complete, such as recruiting and deploying the full contingent of proposed Marine Security Guards).

While risk can never be completely eliminated from our diplomatic duties, we must always work to minimize it. An update of the Department's actions on the 24 unclassified recommendations is as follows:

Unclassified Recommendations of the ARB (text abridged) and Department Actions:

#### **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 posts.**

Hard decisions must be made when it comes to whether the United States should operate in dangerous overseas locations. The Department is enhancing our processes and is developing a revised institutionalized, repeatable, and transparent process to make risk-managed decisions regarding the U.S. presence at high-threat locations, including whether to begin, restart, continue, or suspend operations.

The Department established a High Threat Board to review our presence at high threat, high risk posts.

We created a Deputy Assistant Secretary for High Threat Posts in the Bureau of Diplomatic Security (DS), who is responsible for ensuring that such posts receive the focused attention they need.

**2. The Board recommends that the Department re-examine Diplomatic Security (DS) organization and management, with a particular emphasis on span of control for security policy planning for all overseas U.S. diplomatic facilities.**

- The Department established a six-person panel to thoroughly review DS's organization and management structure.
- The panel concluded its work on May 3, 2013, making 35 recommendations to improve DS operations and its management structure. The Department accepted 31 of these recommendations and is committed to implementing them.

**3. 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.**

- DS staff attend regular Regional Bureau meetings, and Regional Bureau staff attend DS daily briefings to better communicate on security issues.
- The Department has adjusted the work requirements (position descriptions) for senior level staff (Assistant Secretaries and Deputy Assistant Secretaries) to reflect everyone's responsibility for overseas security.

**4. The Department should establish a panel of outside independent experts (military, security, humanitarian) with experience in high risk, high threat areas to identify best practices (from other agencies and other countries) and evaluate U.S. security platforms in high risk, high threat posts.**

- The Department established a six-person panel to identify best practices used by other agencies and countries.
- The Best Practices Panel has concluded its work. We expect the report to be formally transmitted to the Department for consideration in the near future.

**5. The Department should develop minimum security standards for occupancy of temporary facilities in high risk, high threat environments, and seek greater flexibility to make funds rapidly available for security upgrades at such facilities.**

The Department has re-affirmed that Overseas Security Policy Board Standards apply to temporary facilities.

We identified flexible funding authorities to make improvements to our overseas 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 Department developed standard operating procedures for “Support Cells” for opened/reopened posts. The process has been incorporated into the Foreign Affairs Handbook.

**7. 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.**

We verified all data on our overseas facilities; we are exploring which non-collocated facilities should be eliminated and their personnel relocated.

**8. The Secretary should require an action plan from DS, Overseas Buildings Operations (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 Department issued guidance to all posts on “weapons of opportunity,” including fire.

Fire testing is ongoing at U.S. military facilities.

**9. The Department should revise its guidance to posts and require key offices to perform in-depth status checks of post tripwires.**

The Department reviewed and revised requirements for posts on how to respond to changing security benchmarks (i.e., “tripwires”).



□ The Department established a Washington-based "Tripwires Committee" to review tripwires upon breach, to help ensure that posts and regional bureaus in Washington respond more quickly should security deteriorate at post.

□ The Department established a mechanism to review tripwires of high-threat, high risk posts on an annual basis.

**10. The State Department must work with Congress to restore the Capital Security Cost Sharing Program [for embassy construction] at its full capacity, adjusted for inflation to approximately \$2.2 billion in fiscal year 2015.**

□ The FY 2014 President's Budget included a request for \$2.2 billion in the Embassy Security, Construction, and Maintenance account.

**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.**

□ Working with the Department of Defense, we are accelerating the deployment of 35 new Marine Security Guard detachments to U.S. diplomatic facilities. Two detachments are in place, with another expected by the end of September.

□ We also have requested (and received) additional resources to build facilities at additional posts to host Marine Security Guards in the future.

**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.**

□ With Congressional support, the Department is creating 151 new Diplomatic Security positions -- 113 were hired during this fiscal year. The remaining 38 will be hired in FY 2014.

**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.**

- All high threat posts now have a minimum of a one-year tour of duty. We are planning to ensure overlap between incumbent and incoming positions to facilitate continuity of operations at high threat posts.
  
- Temporary duty assignments are set at a minimum of 120 days.

**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.**

- The Department surveyed every post to review the numbers of interpreters and translators on staff, and found that there was adequate staffing.

**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.**

- The Department is ramping up the language capacity of its American employees, including Diplomatic Security agents, especially in Arabic. Increasing language capacity takes time – certain languages take up to 2 years to learn. In the short term, the Department is committed to better equipping the growing cadre of security experts to engage local populations and cooperate with host nation security forces.

- The first offering of an intensive, 10-week “Arabic Alert” language course specifically for security personnel will begin October 15, 2013.

## **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.**

□ The Department established a panel of Supervisory Special Agents to participate in a Program Review of the High Threat Tactical Course; as a result, DS revised high-threat training and Chief of Mission protective detail training and raised standards for passing the High Threat Tactical Course.

□ The panel's findings resulted in the identification and development of 170 operational requirements, associated proficiency standards, and training plans needed by DS special agents operating in high-threat, high risk environments. These findings were used to develop a new High Threat Training Strategy that encompasses a career-long cycle of instruction for all DS special agents and includes new training courses for entry-, mid-, and senior-level agents.

**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.**

□ The Department has enhanced security training efforts, including requiring personnel headed to high threat posts to receive additional, specialized security training.

## **SECURITY AND FIRE SAFETY EQUIPMENT**

**18. The Department should ensure provision of adequate fire safety and security equipment for safe havens and safe areas in non-Inman/SECCA facilities, as well as high threat Inman facilities.**

□ The Department has surveyed fire and life safety equipment requirements at all high-threat, high-risk U.S. diplomatic posts abroad. The Department has ensured that all high-threat, high-risk posts have adequate fire safety equipment, and is now upgrading and procuring additional personal protective equipment.

**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.**

The Department has addressed this recommendation. However, details cannot be publically discussed.

**20. DS should upgrade surveillance cameras at high risk, high threat posts for greater resolution, nighttime visibility, and monitoring capability beyond post.**

Over the next year the Department will have upgraded high-threat, high-risk facilities with more modern surveillance cameras.

## **INTELLIGENCE AND THREAT ANALYSIS**

**21. Careful attention should be given to factors showing a deteriorating threat situation in general as a basis for improving security posture. Key trends must be quickly identified and used to sharpen risk calculations.**

The Department has addressed this recommendation. However, details cannot be publically discussed.

**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.**

The DS Office of Intelligence and Threat Analysis, now reports directly to the Assistant Secretary for Diplomatic Security for threat reporting and supplies threat analysis to regional Assistant Secretaries and Chiefs of Mission.

## **PERSONNEL ACCOUNTABILITY**

**23. 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.**

The Department is working with Congress to address this recommendation. In January, the Department proposed legislation to grant future ARBs the authority to recommend disciplinary action on the basis of unsatisfactory leadership, and thus increase accountability for security incidents.

**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. 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.**

□ The President and the Secretary of State have publicly mentioned the bravery and heroic efforts of our personnel on numerous occasions.

□ The Department bestowed the Holbrooke award on Ambassador Chris Stevens; the Thomas Jefferson award to the personnel who gave their lives in September; the Secretary's award to one officer who was seriously injured; and the Secretary's Heroism Award to 12 personnel who defended the Benghazi facilities.

Attachment 2 – Letter to Chairman Royce

See Attached.



United States Department of State

Washington, D.C. 20520

AUG 23 2013

Dear Mr. Chairman:

I am writing in regard to your letter of May 29.

As you know, following the September 11, 2012, attacks on U.S. government facilities in Benghazi, Libya, Secretary of State Clinton convened an independent Benghazi Accountability Review Board (ARB), which, under the leadership of Ambassador Thomas Pickering and Admiral Michael Mullen, conducted a rigorous investigation into the attacks. The ARB has made clear that it had unfettered access to documents, individuals, and other resources to ensure a thorough review.

In its report, the independent ARB issued 29 recommendations to the Department. To date, the Department has taken action to substantially address all of the ARB's recommendations. These actions include: putting in place new procedures within the Department to address high threat posts; procuring critical security assets; working with other colleagues at the Department of Defense to deploy additional Marine Security Guard Detachments; and working to secure necessary funding for embassy security. Moreover, the Department has taken steps above and beyond those recommended by the ARB – from centralizing decision making for high threat posts under one Deputy Assistant Secretary, to creating the Secretary's high threat post review effort – to strengthen security even further.

Congress created the ARB process to assess and make recommendations following security-related incidents at U.S. missions abroad. Under the current ARB statute, 22 U.S.C. 4834(c), an ARB is to recommend that an agency initiate appropriate investigatory or disciplinary action if it finds reasonable cause to

The Honorable

Edward R. Royce, Chairman,  
Committee on Foreign Affairs,  
House of Representatives.

believe that an employee has breached his or her duty. In its report, the ARB did not find such reasonable cause. With a view toward promoting greater accountability, it did, however, recommend that the Department seek legislation amending the ARB statute to provide that certain performance that may not constitute a breach of a duty should, nevertheless, be subject to a disciplinary recommendation. The Department submitted such proposed legislation to the Congress earlier this year.

While the independent ARB did not find that any U.S. Government employee engaged in misconduct or willfully ignored his or her responsibilities, it did find that 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. The ARB recommended that two of these individuals no longer hold positions they held at the time. Consistent with its authority, it did **not** recommend termination or other formal disciplinary action for any of the four individuals whom it specifically addressed. Following the release of the ARB report, the Department placed all four employees on administrative leave pending further review.

As soon as he came into the Department in February, Secretary Kerry made it clear that he wanted to invest the necessary time to thoroughly review the ARB's findings. Because he cares deeply about security and about the men and women who are a part of the institution he leads, and he recognizes that the careers of four longstanding employees are at issue, he wanted to make sure that the Department took the time necessary to get these decisions right.

The Department has now re-affirmed the findings and recommendations of the ARB. With respect to the four individuals, all will be held accountable by permanently relieving them of the positions and duties that gave rise to the ARB's findings. In two cases, this step of relieving them of their duties goes beyond the recommendations of the ARB itself. The Department determined that such a step is in the best interests of the Department and those two employees.

As a result, the employees who had worldwide decision making authority for security resources affecting high-threat posts will no longer have those responsibilities. Their new assignments, which in some cases will be preceded by additional management training, will reflect a level of responsibility appropriate to their expertise and experience. Consistent with the findings of the Benghazi ARB,



the Department has determined that there was no breach of duty and no basis to pursue formal disciplinary action.

In reaching these decisions, the Department considered the findings of the ARB, the employees' performance, and applicable personnel rules. The Department also considered the totality of these employees' service to the Department of State over many years to determine if there was a pattern of inadequate performance. No such pattern was found, but rather the record showed a history of dedicated service by four employees who sought to faithfully execute their responsibilities. The four individuals are all longstanding public servants who collectively have more than a century of committed civilian service, plus additional service in both the U.S. military and in local law enforcement. In addition to serving in a variety of critical positions in Washington, they have served in and volunteered for difficult assignments in the former Soviet Union, sub-Saharan Africa, Central America, and the Middle East. In all of these assignments, operating under challenging and often dangerous circumstances, they acquitted themselves with honor – amassing 15 Senior Performance Awards, one Distinguished Honor Award, 10 Superior Honor Awards, and 14 Meritorious Honor Awards.

In the wake of a tragedy such as Benghazi, we all understand the instinctive desire to make public examples of one or two individuals in the name of “accountability.” By permanently relieving these four employees of the duties that gave rise to the ARB's findings, the Department has held the four employees accountable for their performance. However, the facts and evidence simply do not support finding them responsible for the attacks and their tragic outcome. As Tripoli Regional Security Officer Eric Nordstrom, who has been critical of the Department, testified before Congress: “Having an extra foot ... of wall or extra half-dozen guards or agents would not have enabled us to respond to that kind of assault.” Indeed, the ARB itself described the difficult circumstances under which State Department personnel were operating. It noted that there have been “significantly increased demands on U.S. diplomats to be present in the world's most dangerous places” such that “the Bureau of Diplomatic Security (DS) is being stretched to the limit as never before.” It recognized that “No diplomatic presence is without risk ... and the total elimination of risk is a non-starter for U.S. diplomacy.” And it found that “DS overall has done a fine job protecting thousands of employees in some 273 U.S. diplomatic missions around the world.”

Rather, the ARB report was very clear in stating that the only people responsible for the lethal attack on our Special Mission Compound in Benghazi

were the terrorists who orchestrated the attack. These terrorists must be brought to justice; the entire U.S. Government remains committed to doing just that. Everyone from the Secretary on down is squarely focused on moving forward to strengthen security and protect our people and our facilities in the field. We can never completely eliminate the risk. But we are firmly committed to making sure we do everything we can to protect those who serve America around the world.

Please let us know if we can be of further assistance to you on this matter.

Sincerely,



Thomas B. Gibbons  
Acting Assistant Secretary  
Legislative Affairs

cc: Eliot L. Engel