

V: RECOMMENDATIONS

TERRORIST ATTACKS ON U.S. FACILITIES IN BENGHAZI

Recommendation: The Executive Branch should provide for a central planning and coordination mechanism (likely within an existing entity) for interagency threat assessment and tracking for “force protection” of U.S. facilities abroad as well as planning, operations, and response to potential attacks.

The coordinating organization should provide for:

- A clear designation of “who is in charge” of managing and following up on response in emergent situations as well as the roles and responsibilities of involved departments and agencies.
- Clear and prompt timeline milestones for resolution of policy issues potentially impacting response to emergent situations.
- Clear and real-time identification of all potential U.S. Government assets potentially positioned to respond to emergent threats.
- A mechanism for prompt consideration of potential waivers to existing policy or other constraints potentially limiting immediate response to an emergent situation.
- Joint training exercises with all agencies present in high threat foreign locations as well as with the host nation’s external quick reaction force for emergency and exfiltration plans.
- Interoperability and improved communication during contingencies. As one example, on the ground security personnel need to be able to communicate directly with operational military personnel in a crisis to coordinate surveillance and response.
- Relevant agencies (including the State Department, combatant commands, and the Central Intelligence Agency) need to be involved in each agency’s emergency action plans to ensure situational awareness as well as that each agency’s facilities, capabilities and response role is known. Where capability on the ground is insufficient and the Defense Department cannot respond immediately, the State Department and other agencies can adjust their respective plans to allow backup local or regional resources to be identified ahead of time.

- Agencies on the ground need to plan for standby military support before a crisis in high threat environments, including where feasible support from U.S. allies. In addition, the coordinating body should provide for a specific mechanism to know and understand assets and capabilities actually available at any given time.

As an example, a Commander's in Extremis Force has now been stood up in Africa, but additional assets available for contingency in high threat environments as well as response times and capabilities should be known to relevant agencies as part of emergency planning. If U.S. resources are not available because of distance, the lack of assets for immediate response should be incorporated in emergency planning with an anticipated timeline for response.

Recommendation: Diplomatic Security personnel and or Security Protection Specialists should maintain a state of readiness to counter potential attacks at all times in high threat environments.

- Agents should be armed or have ready access to defensive weapons at all times.
- Additionally, Diplomatic Security Agents and Security Protection Specialists should maintain a 24-hour armed quick reaction force [QRF] capability in all high threat environments manned using internal resources when available.
- When sufficient internal resources are not available, staffing for a QRF should be clearly coordinated in advance with potential responders. Planning should also provide for support and a definitive timeframe for response from other U.S. government resources such as Mobile Security Detachments, Site Security Teams or Fleet Antiterrorism Support Teams [FAST]. When U.S. government assets are not available, planning should consider whether contractors might provide enhanced capability.

Recommendation: Operational planners should carefully review whether a heightened posture is warranted on anniversaries of the September 11, 2001 terrorist attacks or other politically significant dates such as Inauguration Day in light of available analysis and threat intelligence.

Recommendation: Military planners should review current and future operational planning to prevent recurrence of specific operational issues identified in the response to the Benghazi attacks. These include:

- Ensure that aircraft aligned with response forces maintain the ability to meet specified timelines contained in the relevant concept plans or operations plans.
- Ensure adequate – and actionable - planning and resources for lift and mobility capabilities necessary for response.
- Enhance the capability of Marine FAST to conduct full-scope combat operations.
- Maintain a minimum anticipated timeline to respond to any terrorist attack in the Middle East, North Africa, or Central Asia.

Recommendation: The Committee supports funding the State Department’s Foreign Affairs Security Training Center as the Department needs a dedicated training facility. The Department also should ensure its personnel satisfactorily complete requisite courses. A security professional should never go to a warzone or high threat environment feeling unprepared to defend themselves and their principal officer.

INTERNAL AND PUBLIC GOVERNMENT COMMUNICATIONS ABOUT THE TERRORIST ATTACKS IN BENGHAZI

Recommendation: The drafting and editing of talking points and other political communications for policymakers is not an intelligence function. Intelligence agencies and officials should not be drawn into the creating or editing of talking points and other political or policy communications.

- Further, intelligence analysts should generally not produce products other than analytical products adhering to proper analytical tradecraft. Other officials—such as legislative or public affairs, non-analyst management, and White House Staff—should not be involved in the production of any product to be used or represented as the product of analytical tradecraft. Each stream of material must be kept separate and independent.
- Further, when communicating with the public, senior executive branch officials and spokespersons should carefully distinguish analysis of intelligence and other agencies from policy judgments, “spin,” opinion and interpretations extrapolated from intelligence analysis by White House staff, political appointees, or senior officials outside the Intelligence Community. Such materials may be derived from properly produced analytical material when distinguished in this manner.

Recommendation: An additional step of quality control should be instituted in the review process for analytic products to ensure analytical products accurately reflect the views of analysts consistent with proper analytical tradecraft or are otherwise properly caveated.

- Further, where senior analysts responsible for briefing the President substitute their judgment for the consensus views of line analysts in the President's Daily Brief, the material should be appropriately caveated and accompanied by the consensus view of line analysts.
- Further, a formal mechanism should be put into place to memorialize irregularities arising from significant analytical disagreements or tradecraft deviations, including notification to the Congressional intelligence committees.

Recommendation: Claims in analytic products should be supported by substantial evidence, and analysts should clearly understand and place sourcing into context. Open source material should continue to play an appropriate role. However, where analytic products and addressing emergent situations are predominantly based on open source materials, they should be clearly noted as such. As a corollary, while crisis reporting may require flexibility in sourcing and analysis, emergent reporting known to be uncertain or developing should be properly disclosed and caveated.

Recommendation: Law governing Accountability Review Boards [ARBs] should be amended to limit the influence of the Secretary of State and offices with potential conflicts of interest in the selection of members and to provide for broader distribution and reporting to Congress with respect to ARB reports or significant findings therein. More specifically:

- Members of ARBs should be appointed in a manner that ensures an independent and objective review of incidents implicating potential accountability.
- The scope of review for ARBs should include all relevant, non-policy conduct of all personnel potentially involved in incidents, including senior officials.
- ARBs should be independent of outside influence up to the point of making recommendations.

- ARB proceedings should be conducted in a manner to ensure appropriate recordkeeping of evidence and support for findings and recommendations.
- If deciding officials disagree with recommendations of ARBs, require them to memorialize reasons in writing.
- All ARB reports or in exceptionally sensitive circumstances significant findings of ARB reports should be provided to Congress.
- ARB reports should presumptively be produced in an unclassified format, and wherever possible a version outlining core findings and issues unrelated to personnel actions should be made public.
- A clear mechanism should be developed to separate personnel accountability from “lessons learned” and general corrective actions following attacks.
- Within the State Department, coordination, oversight and support to an ARB should be provided by a secretariat or other office independent from the secretariats most likely to be reviewed during an ARB proceeding.

Recommendation: For an ARB review, the State Department must affirmatively search for all relevant records, including archived records and records of senior leaders.

Recommendation: The ARB implementing statute should be amended to allow an assessment of personnel failures not rising to the level of a “breach of duty.”

Recommendation: Relevant Executive Branch agencies should consider and develop an appropriate long-term framework to provide for appropriate survivor benefits to the families of Americans killed in the line of duty in response to issues identified in the aftermath of the Benghazi attack.

Recommendation: Family members of Americans killed in the line of duty should have a central liaison in Departments and agencies where one does not already exist. Such liaisons should be expressly chartered and empowered to act as advocates for family members in—resolving or explaining benefits issues, and providing as much information as possible (including specific information on request) sought by family members. Where classification issues exist, Departments and agencies should consider providing limited security clearances regarding relevant information pertaining to the fate of family members.

EVENTS LEADING TO THE TERRORIST ATTACKS IN BENGHAZI

Recommendation: The Executive Branch should provide Congress with a clear statement of intentions, rationale, plan and strategy (including objectives, contemplated method of execution, and contemplated completion strategy) when entering into major new overseas engagements. Such a statement should also state contemplated results and potential consequences of major initiatives.

Recommendation: No facility shall remain in an unofficial status for more than 180 days without the express and direct approval of the Secretary of State.

Recommendation: The State Department should comply with the requirements of the Overseas Security Protection Board and the standards provided for in the Secure Embassy Construction and Counterterrorism Act for all premises/facilities occupied for more than 30 days, whether official or unofficial.

Recommendation: The State Department should identify a specific funding source for immediate security upgrades for posts in high threat areas.

Recommendation: The Intelligence Community and the State Department should specifically recognize and improve collection of intelligence related to civilian “force protection” issues at facilities abroad, particularly with respect to high threat posts.

- This process should include more express recognition and prioritization of collection requirements with respect to threat warning and response within the National Intelligence Priorities Framework.
- This process should include more express coordination and integration with strategic and tactical force protection collection and analysis already conducted by Defense Intelligence Agency and other military intelligence agencies.

Compliance with Congressional Investigations

Recommendation: House and Senate rules should be amended to provide for mandatory reductions in appropriations to the salaries of federal officials held in contempt of Congress.

Recommendation: The criminal contempt statute should be amended to require the appointment of a special counsel to handle criminal contempt proceedings upon the certification of a contempt citation against an Executive Branch official by the House or Senate.

Recommendation: Expedited procedures for the civil enforcement of congressional subpoenas should be enacted to provide timely judicial resolution of disputes.

Recommendation: Agencies seeking to control public dissemination of information provided to Congress should make express classification determinations with respect to documents and materials provided to congressional oversight committees in accordance with relevant laws and Executive Orders.

Recommendation: The House should amend its rules to authorize all committees to take depositions.

Recommendation: The House should amend its rules to require committees to establish oversight subcommittees.

Recommendation: Congress should consider strengthening enforcement authorities and penalties under the Federal Records Act related to the use of non-official email accounts and non-official file-hosting services for official purposes.