

EDWARD R. ROYCE, CALIFORNIA
CHAIRMAN

CHRISTOPHER H. SMITH, NEW JERSEY
ILEANA ROS-LEHTINEN, FLORIDA
DANA ROHRBACHER, CALIFORNIA
STEVE CHABOT, OHIO
JOE WILSON, SOUTH CAROLINA
MICHAEL T. McCAUL, TEXAS
TED POE, TEXAS
MATT SALMON, ARIZONA
TOM MARINO, PENNSYLVANIA
JEFF DUNCAN, SOUTH CAROLINA
ADAM KINZINGER, ILLINOIS
MO BROOKS, ALABAMA
TOM COTTON, ARKANSAS
PAUL COOK, CALIFORNIA
GEORGE HOLDING, NORTH CAROLINA
RANDY K. WEBER SR., TEXAS
SCOTT PERRY, PENNSYLVANIA
STEVE STOCKMAN, TEXAS
RON DeSANTIS, FLORIDA
TREY RADEL, FLORIDA
DOUG COLLINS, GEORGIA
MARK MEADOWS, NORTH CAROLINA
TED S. YOHO, FLORIDA
LUKE MESSER, INDIANA

AMY PORTER THOMAS SHEEHY
CHIEF OF STAFF STAFF DIRECTOR



One Hundred Thirteenth Congress
U.S. House of Representatives
Committee on Foreign Affairs
2170 Rayburn House Office Building
Washington, DC 20515
www.foreignaffairs.house.gov

ELIOT L. ENGEL, NEW YORK
RANKING DEMOCRATIC MEMBER
ENI F.H. FALEOMAVAEGA, AMERICAN SAMOA
BRAD SHERMAN, CALIFORNIA
GREGORY W. MEEKS, NEW YORK
ALBIO SIRES, NEW JERSEY
GERALD E. CONNOLLY, VIRGINIA
THEODORE E. DEUTCH, FLORIDA
BRIAN HIGGINS, NEW YORK
KAREN BASS, CALIFORNIA
WILLIAM KEATING, MASSACHUSETTS
DAVID CICILLINE, RHODE ISLAND
ALAN GRAYSON, FLORIDA
JUAN VARGAS, CALIFORNIA
BRADLEY S. SCHNEIDER, ILLINOIS
JOSEPH P. KENNEDY III, MASSACHUSETTS
AMI BERA, CALIFORNIA
ALAN S. LOWENTHAL, CALIFORNIA
GRACE MENG, NEW YORK
LOIS FRANKEL, FLORIDA
TULSI GABBARD, HAWAII
JOAQUIN CASTRO, TEXAS

JASON STEINBAUM
DEMOCRATIC STAFF DIRECTOR

September 27, 2013

The Honorable Harold W. Geisel
Deputy Inspector General
Office of Inspector General
U.S. Department of State and the Broadcasting Board of Governors

Dear Ambassador Geisel:

Earlier this year, I was pleased to learn that the Office of Inspector General ("OIG") would be reviewing the process by which each State Department Accountability Review Board ("ARB") is conducted. As you know, ARBs are the legislatively mandated process by which the Department studies and learns from security-related incidents at its overseas facilities, and as such serve as an important mechanism for improving embassy security.

I have long been concerned that the most recent ARB, which reported on last year's deadly terrorist attacks in Benghazi, Libya, did not adequately assess responsibility for the Department's failure to secure our diplomatic mission in Benghazi. I have also been troubled by the ARB's apparent lack of independence from the Department. As you know, the Secretary of State appoints four of the ARB's five members, and the ARB is staffed by Department employees. This creates not only the *appearance* of impropriety, as Department principals are appointing their investigators, but also the potential for real conflicts of interest to arise.

Consequently, on May 10, 2013, I wrote to you urging that you consider these and other issues in your then-recently undertaken review of prior ARBs. In light of your newly released report, entitled *Special Review of the Accountability Review Board Process*, I will take this opportunity to share my views and ask some additional questions about its contents.

At the outset, I was pleased to see that your report recognizes the views of many that Department officials *above* the Assistant Secretary level should bear direct responsibility for assessing the adequacy of security at particularly dangerous posts overseas. Specifically, your report names the Under Secretary of State for Political Affairs and the Under Secretary of State for Management as responsible for advancing U.S. policy objectives and security, respectively. In addition, your report notes that two prior Secretaries of State felt strongly that the responsibility for striking a balance between expeditionary diplomacy and the ability to provide security should rest at the *deputy* secretary level.

September 27, 2013

In fact, in your report a former Secretary of State explains that the position of Deputy Secretary for Management and Resources was created so that one individual “would have as a principal responsibility overseeing and reconciling these competing interests of policy and security *on a daily basis*” (emphasis added). You also quote former Secretary of State Hillary Clinton as describing this position as “where considerations of policy and security converge for purposes of ensuring oversight and accountability.” Yet, despite this well-recognized, *daily* responsibility for evaluating the trade-off between policy and security, the most recent ARB did not even interview the individual in the Deputy Secretary for Management and Resources position at the time of the Benghazi attacks.

Of course, I am not alone in arguing that the State Department’s most senior management should have been involved in determining the right balance of diplomacy and security at overseas posts, especially in as perilous a locale as Benghazi. A primary recommendation of the 1999 ARB report, which was issued in response to the bombing of the U.S. Embassies in Nairobi and Dar es Salaam, urged that the “Secretary of State should take a personal and active role in carrying out the responsibility of ensuring the security of US diplomatic personnel abroad.” This same ARB report further recommended that the Secretary “personally review the security situation of embassy chanceries and other official premises, closing those which are highly vulnerable and threatened but for which adequate security enhancements cannot be provided...”

To this end, I continue to believe that the Benghazi ARB’s failure to interview then-Secretary of State Clinton and her deputy secretaries necessarily resulted in a less-than-thorough investigation. While your review appears to dismiss this concern with its finding that no ARB in the last twelve years has interviewed a sitting Secretary of State, does this fact not instead suggest a major flaw in the ARB’s investigative process? Given the Nairobi/Dar es Salaam ARB’s recommendation regarding the Secretary’s personal involvement in embassy security, it would seem that the failure of every subsequent ARB to interview the Secretary is a serious issue, not to be ignored.

This leads me to another one of your report’s key findings, which I must question. Specifically, you state that the ARB process “operates as intended – independently and without bias.” While your report makes clear that former Secretaries of State tried not to “compromise the independence or integrity of the process,” and that former ARB members claimed they encountered no specific attempts by Department officials to influence their work, I do not think these statements alone support the notion that all ARBs operate independently and without bias.

By its very nature, personal bias *means* that the best of intentions will not be sufficient to eliminate all prejudice. And as I expressed in my May 10 letter, I am concerned with more than just overt attempts by Department officials to manipulate an ARB’s investigation. Specifically, I am concerned with the potential for pre-existing relationships between those carrying out an ARB investigation and those being investigated to influence the end result. I do not believe your report addresses this broader issue of independence and bias.

I do want to commend your research and recommendations regarding the criteria for convening an ARB and overall records management. Your report rightly identifies that the Department would benefit from clearer guidelines as to which security incidents are serious enough to warrant an ARB review, and which incidents can be adequately reviewed by alternative means. Additionally, I agree with your conclusion that a better system for keeping and maintaining ARB records is needed.

September 27, 2013

I understand your office plans to meet next week with my staff, and would like to pose the following questions regarding your work in advance:

1. In my May 10 letter, I asked you to consider whether any Benghazi ARB member had a pre-existing relationship with anyone being investigated. Did you research this in the course of your review, and if so, what did you conclude and why?
2. Would you agree that the selection of ARB members and staff by Department principals creates, at a minimum, the *potential* for personal bias to affect an ARB's investigation? Why or why not?
3. "Recommendation 8" of your report proposes that the Department's under and assistant secretaries should be tasked with providing names for potential ARB members. Yet your report also notes that several ARBs had repeat members, and recommends that such repeat service be "clearly justified" going forward so as to avoid "the appearance of impropriety in the selection process." How can repeat membership give rise to an appearance of impropriety, but the selection of ARB members by officials who may be subject to an ARB investigation not present any potential conflicts?
4. Given the Nairobi/Dar es Salaam ARB's recommendation that the Secretary of State be personally involved in embassy security matters, is it a concern that no ARB since has interviewed a sitting Secretary of State in the course of its investigation?
5. Your report quotes former Secretary of State Clinton as describing the Office of the Deputy Secretary for Management and Resources as "where considerations of policy and security converge for purposes of ensuring oversight and accountability." In light of this role, do you agree with the Benghazi ARB's decision not to interview Deputy Secretary for Management and Resources Thomas Nides?
6. In my May 10 letter, I asked you to consider whether there was any interaction between the Benghazi ARB members and Department officials *outside* the course of the official investigation (e.g., outside of official interviews, interrogatories, administrative requests, etc.). If so, what was the nature and frequency of such interaction, and which State Department officials were involved?

I thank you in advance for your consideration of these issues. Should you have any questions or concerns, please contact Thomas Alexander of my staff at 202-225-5021.

Sincerely,



EDWARD R. ROYCE
Chairman