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# Diplomatic and Embassy Security Funding Before and After the Benghazi Attacks

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## Summary

Congressional investigations into the September 11, 2012, attacks on U.S. facilities in Benghazi, Libya, have focused on a number of issues, including the extent to which overall funding levels may have played a role in the security measures in place at that U.S. facility. While several factors may have been involved in the Benghazi situation, this report focuses only on funding for security of U.S. diplomatic personnel and facilities abroad, hereafter referred to in this report as diplomatic/embassy security. (For other CRS reports on the Benghazi attacks and a list of CRS experts, go to CRS.gov and search “Benghazi.”)

The report of the Accountability Review Board for Benghazi (ARB) report highlighted the funding complexities at the Department of State:

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. Experienced leadership, close coordination and agility, timely informed decision making, and adequate funding and personnel resources are essential... One overall conclusion in this [ARB] 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. (Department of State, *Accountability Review Board for Benghazi Attack of September 2012*, December 19, 2012, p. 3. Available at <http://www.state.gov/documents/organization.202446.pdf>.)

Other post-Benghazi reports have pointed out how security funding for overseas staff and posts depends on the designation of the facility as office space, warehouse, or residence, and whether a facility is considered by State Department officials as permanent, temporary, or interim. Even the definition of each of those designations may differ within the Department of State. Further, some reports suggest that the inability to get more funds to improve security—whether because Congress does not appropriate enough, delays passing budgets, or because the Department of State is unwilling or unable to fully fund resource requests from its overseas posts—may contribute to an attitude by officials in the field that a combination of elevated threat and restricted resources to meet that threat should not be questioned. In that case, security officers requesting more funds simply may give up.

This report presents a history and analysis of the requested and actual funding for diplomatic/embassy security since FY2008—what actually became available for the Department of State to spend after rescissions, sequestration, and transfers. It also provides funding data that was requested by the Administration, passed by the House of Representatives, passed by the Senate, and enacted by Congress for the two accounts that provide the bulk of the funding: the Worldwide Security Protection (WSP) and Worldwide Security Upgrades (WSU). Combined, these two subaccounts in most years comprise more than 90% of the funding available for diplomatic/embassy security.

This report will continue to track diplomatic/embassy security appropriations and will be updated as changes occur.

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## Introduction

As Congress investigates the issues surrounding the September 11, 2012 attacks on U.S. facilities in Benghazi, Libya, some Members have questioned whether security funding was adequate or was a factor that may have contributed to inadequate security at that facility.

The State Department Basic Authorities Act of 1956 authorizes the Department of State to “use appropriated and other funds to provide the maximum security of U.S. government-owned or leased properties and vehicles abroad.”<sup>1</sup> After several attacks occurred on U.S. facilities and other American interests in Beirut, Lebanon and Kuwait in the early 1980s, Congress passed the Diplomatic Security Act of 1986,<sup>2</sup> further emphasizing the role the Secretary of State plays in providing funding for the security of U.S. diplomatic facilities and personnel worldwide (hereafter referred to in this report as diplomatic/embassy security).

Following the August 1998 bombings of U.S. Embassies in Kenya and Tanzania, an independent panel, chaired by Admiral William Crowe, reported that it was “most disturbed by two interconnected issues: First, the inadequacy of resources to provide protective measures against terrorist attacks; and second, the relative low priority accorded security concerns throughout the US Government by the Congress, the Department, other agencies in general, and the part of many employees—both in Washington and in the field.”<sup>3</sup>

Responding to that panel, Congress, within the Secure Embassy Construction and Counterterrorism Act of 1999 (SECCA), established more stringent security requirements and mandated additional training, authorized \$900 million to be spent annually for Embassy Security, Construction, and Maintenance (ESCM) for the next five years (FY2000-FY2004), and mandated the Secretary of State to convene an Accountability Review Board (ARB) whenever serious injury, loss of life, or significant destruction of property occurs. It required co-location of virtually all agency personnel in a country and 100-foot perimeters around diplomatic facilities, but also provided waiver authority for those measures.<sup>4</sup>

After the September 11, 2012 attacks on the U.S. facilities in Benghazi, a new ARB was convened. Its report, referring to the State Department’s need for risk mitigation at U.S. facilities around the world, states:

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. Experienced leadership, close coordination and agility, timely informed decision making, and adequate funding and personnel resources are essential.... One overall conclusion in this [ARB] report is that Congress must do its part to meet this challenge and

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<sup>1</sup> Title I, Section 2(k) of the Department Basic Authorities Act of 1956.

<sup>2</sup> The Omnibus Diplomatic Security and Antiterrorism Act of 1986, P.L. 99-399, 22 U.S.C. §4802.

<sup>3</sup> Admiral William J. Crowe, Press Briefing on *The Report of the Accountability Review Boards on the Diplomatic/embassy Bombings in Nairobi and Dar es Salaam*, January 8, 1999.

<sup>4</sup> P.L. 106-113, Div. B, Sec. 1000(A)(7), by reference, Title VI of H.R. 3427.

provide necessary resources to the State Department to address security risks and meet mission imperatives.<sup>5</sup>

### Terms Used in This Report

Distinguishing between various terms used in this report is important to understanding the diplomatic/embassy security funding issue. First, neither embassy security nor diplomatic security is comprehensive enough when discussing the security of U.S. diplomatic personnel and facilities. For the purposes of this report and to avoid confusion between the Bureau of Diplomatic Security, as well as diplomatic security agents, the term **diplomatic/embassy security** will be used to include both the security of U.S. diplomatic facilities and diplomatic personnel worldwide.

**Enduring, base, or core** describe funding for regular, ongoing programs as opposed to **Overseas Contingency Operations (OCO) or supplemental** funding that is requested and appropriated in addition to the regular funds for a particular account. Supplemental budget requests and appropriations were an annual part of the foreign affairs budget throughout the George W. Bush Administration. OCO funding was first requested as part of the international affairs budget in FY2012 by the Obama Administration to cover short-term, temporary, war-related costs. Enduring funds are subject to spending caps established in the Budget Control Act of 2011, while OCO funds are not; both, however, are sequestrable (subject to across-the-board rescissions, if Congress exceeds spending caps).

**Appropriations or enacted funding levels vs. actual.** Enacted funding levels are the amounts appropriated by Congress at the time an appropriation is signed into law. Actual funding levels are the final allocations that may reflect rescissions, or transfers.

**Temporary vs. Interim facility.** According to GAO and State Department officials, “temporary facilities” are those that can be disassembled or are not yet determined to be permanent; “interim facilities” are those that will be used until a new embassy or consulate compound can be built (although there appears to be some disagreement about this term).

**Total security funding** includes both enduring and supplemental/OCO funds.

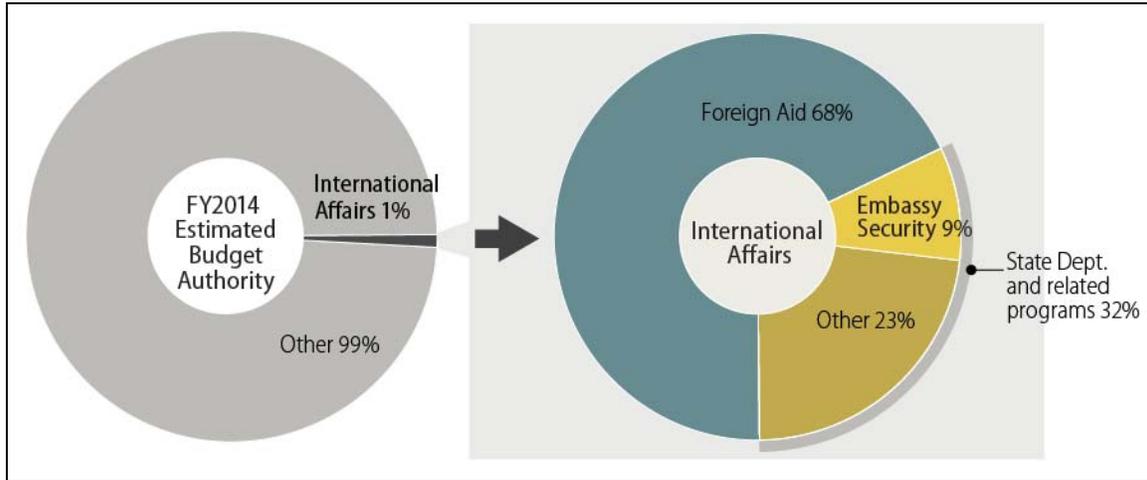
**State Department 150** is the State Department funding within the budget 150 function (international affairs).

## Background on State Department’s Budget and Diplomatic/Embassy Security Funding

Congress annually appropriates funds for the security of diplomatic personnel and facilities within the Department of State, Foreign Operations and Related Programs appropriation, which is about 1% of the total federal budget. Security funding amounts to about 9% of that appropriation. (See **Figure 1** below.)

<sup>5</sup> Department of State, *Accountability Review Board for Benghazi Attack of September 2012*, December 19, 2012, p. 3. See <http://www.state.gov/documents/organization.202446.pdf>.

**Figure I. Diplomatic/Embassy Security Funding Within the FY2014 Budget Estimate**



**Source:** Department of State's Congressional Budget Justification, FY2015 and CRS calculations.

**Notes:** Funding for State Department and related programs, including embassy security, equals 32% of the international affairs FY2014 estimated budget. Other much smaller amounts of security funding may be found in other agencies that contribute to a Capital Security Cost Sharing Program.

Congress has not enacted a stand-alone State Department appropriation prior to the start of the fiscal year since 1995 and has not passed a stand-alone Foreign Relations Authorization law since 2002.<sup>6</sup> Both could have been legislative vehicles for debate regarding Administration of Foreign Affairs, including diplomatic/embassy security funding and priorities. Instead, Congress has provided ongoing security funding within Continuing Resolutions (CRs) that have delayed by several months the full-year appropriation eventually provided. Funding within a CR is usually based on the previous year's funding levels. Furthermore, if spending was not in the previous-year's appropriation (as was the case with Benghazi in 2012), it would not be funded by a CR. Only after the final appropriation is passed by Congress and signed into law by the President would State Department officials know what level of funding they can allocate on a daily/weekly/monthly basis over the 275 worldwide diplomatic posts (or 1600 work facilities)<sup>7</sup> and over the remainder of the fiscal year.

## Diplomatic/Embassy Security Funding Data

Congress provides funding for diplomatic/embassy security within the Department of State, Foreign Operations, and Related Programs appropriations. The bulk (typically more than 90%) of the funding is provided by two subaccounts: Worldwide Security Protection (WSP), within the Diplomatic and Consular Programs (D&CP) account, and Worldwide Security Upgrades (WSU)

<sup>6</sup> For appropriations, see Omnibus Appropriations Acts: Overview of Recent Practices, CRS Report RL32473, *Omnibus Appropriations Acts: Overview of Recent Practices*, by Jessica Tollestrup, pp. 10-11. Regarding foreign relations authorizations that Congress last passed, see P.L. 107-228, Foreign Relations Authorization Act, Fiscal Year 2003, September 30, 2002.

<sup>7</sup> Government Accountability Office, Report to Congressional Committees, *Diplomatic Security: Overseas Facilities May Face Greater Risks Due to Gaps in Security-Related Activities, Standards, and Policies*, GAO-14-655, June 2014, p. 9.

within the Embassy Security, Construction, and Maintenance (ESCM) account. Funds within both of these accounts are typically available until expended. Other appropriations are within the subaccounts Diplomatic Security (DS) and Counterterrorism (both within D&CP), and Diplomatic Security (DS) within the Border Security Program (BSP). A brief description of each follows:

- WSP, the largest component of security-related funding within Department of State appropriations, supports numerous security programs addressing the security of life, property, and information, including a worldwide guard force protecting overseas diplomatic missions and residences, as well as domestic facilities. In FY2015, for the first time, many DS-related salaries and related costs from DS and other bureaus have been requested under WSP rather than in Diplomatic and Consular Programs as part of what the Department calls a Security Realignment Initiative.
- WSU, within ESCM, provides funding for bricks and mortar-type of security. It funds the Department of State's portion of the Capital Security Cost Sharing program that combines with funds from other agencies represented overseas for planning, design and construction of secure new embassy compounds. It also funds ongoing security activities and security-related maintenance.
- The Bureau of Diplomatic Security (DS), funded under D&CP, is the law enforcement and security arm of the Department of State. DS protects people, property, and information. It conducts international investigations, provides threat analysis, and focuses on cyber security, counterterrorism, personnel security, and security technology. The Bureau manages much of the WSP funding.
- The Bureau of Counterterrorism (CT), funded within D&CP, leads the U.S. government in counterterrorism diplomacy and provides an on-call capability to respond to terrorist incidents worldwide.
- Funding within the Border Security Program (BSP) is allocated to DS to fund the protection of consular affairs facilities in the United States. The subaccount also funds the coordination and investigation of security issues related to U.S. visas and passports.

The **Appendix** presents annual diplomatic/embassy security requests and actual funding levels from FY2008 to the FY2015 request.<sup>8</sup> Base funding (also referred to as regular or enduring appropriations) is available to U.S. facilities worldwide. Total security funding includes the base funding plus supplemental and/or Overseas Contingency Operations (OCO) funding for diplomatic/embassy security that has been available primarily for Iraq, but also for Afghanistan and Pakistan. Supplemental security funds (excluding those available only for Iraq) were requested and enacted for FY2008 and FY2009. OCO funds were requested and enacted for FY2012, FY2013, FY2014, and have been requested for FY2015.<sup>9</sup>

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<sup>8</sup> Actual funding reflects authorized transfers of funds and, therefore, may differ from enacted levels as passed by Congress in appropriations laws. These years were chosen in order to include two years funding from the previous Administration.

<sup>9</sup> Since FY2012, the Obama Administration has distinguished between what it has interchangeably called "enduring" or "base" funding and funding to support "overseas contingency operations" (OCO) within the foreign affairs budget. In its budget justification documents, prior to its FY2015 request, the Administration describes OCO as "extraordinary, (continued...)"

Following are some observations derived from the data shown in the **Appendix** and in the related **Figures 2-5**:

- The peak years since FY2008 for requests for security funding and funds that Congress made available were in FY2013-FY2015 request, the fiscal years following the Benghazi attacks. (See **Figure 2**.)
- The FY2015 request represents the largest request for total security funding at \$4.7 billion, following recent-year increases in base funding. OCO had been nearly half of the request in FY2013, but in FY2015, requests for OCO are about one-third of the total. (See **Figure 3**.)
- FY2013 and FY2014 were peak years for total security funding made available by Congress. In FY2013, of the total \$4.5 billion, nearly 50% was OCO funding, largely because Congress provided transfer authority of OCO funds previously identified for Iraq to be used for broader security needs following the Benghazi attacks. In FY2014, of the total \$4.68 billion, 19% was OCO. (See **Figure 3**.)
- For total security funding, Congress provided less than was requested every year except FY2009 and FY2014. The FY2013 total security request was \$4.6 billion, including the request for transfer authority of OCO funds. That year, Congress provided a total of \$4.5 billion, including transfer authority. (See **Figure 4**.)
- Total security funding as a portion of Administration of Foreign Affairs expenditures was highest (40%) in FY2014 and also was the highest (32%) as a portion of total State Department funding that same year.<sup>10</sup> (See **Figure 5**.)

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(...continued)

but temporary, costs of the Department of State and USAID in Iraq, Afghanistan, and Pakistan.”

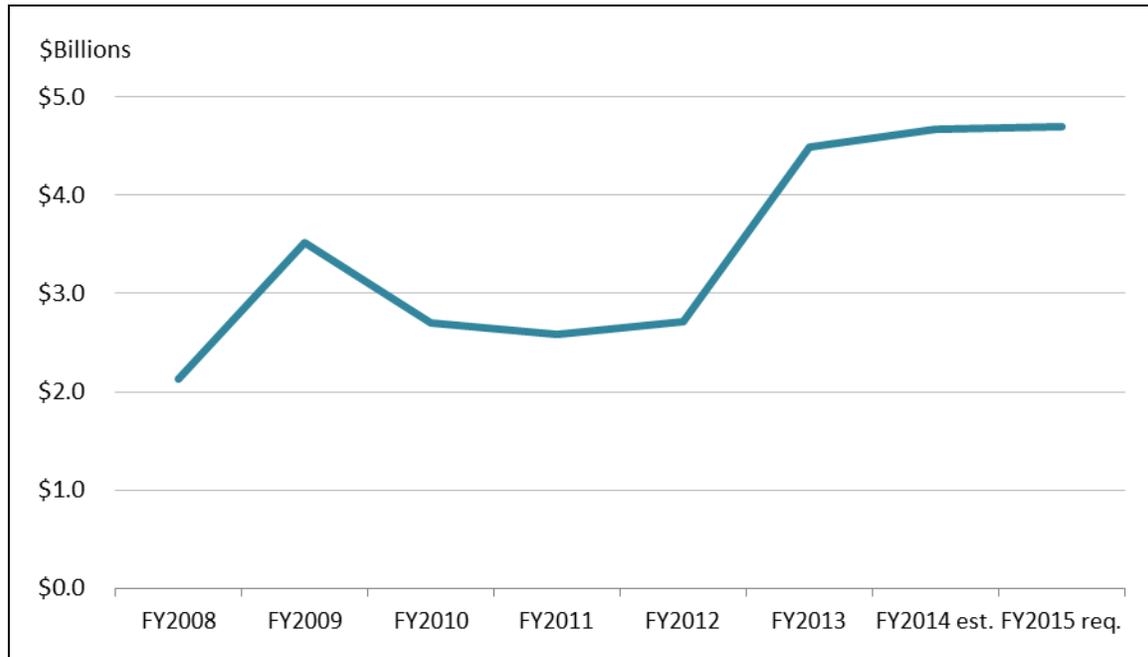
<sup>10</sup> Administration of Foreign Affairs is the category within the State Department’s budget that funds operation costs of State Department personnel and programs including Diplomatic and Consular Programs, the Office of the Inspector General, and Protection of Foreign Missions and Officials. The total State Department budget includes funding for Administration of Foreign Affairs, U.S. Contributions to International Organizations such as the United Nations, U.S. Contributions to International Peacekeeping, and related programs like The Asia Foundation and the National Endowment for Democracy.

**Figure 2** illustrates the trend line for State Department total diplomatic/embassy security expenditures using data from the **Appendix**. After trending upward between FY2008 and FY2009, the funding declined to the recent-year low in FY2011 and was virtually flat in FY2012.

In 2009, the United States was transitioning control of the “green zone” to the Iraqi government. Also that year, President Obama announced his intention of ending military operations in 2010. With the diminishing role of the U.S. military in Iraq and increasing security needs in Iraq, Afghanistan, and Pakistan, Congress supported more funds for DS, WSP, and WSU than were sought.

Congress provided increased security funding in FY2013, the fiscal year following the Benghazi attacks and the first full fiscal year after the troops left Iraq in December 2011, when security efforts became the responsibility of the Department of State.

**Figure 2. State Department Diplomatic/Embassy Security Funding Totals, FY2008-FY2015 Request**



**Source:** Congressional Budget Justification, Volume I, Department of State, fiscal years FY2008-FY2015; communication with Department of State on November 8, 2012, March 13, 2013, and December 6, 2013; legislation; and CRS calculations.

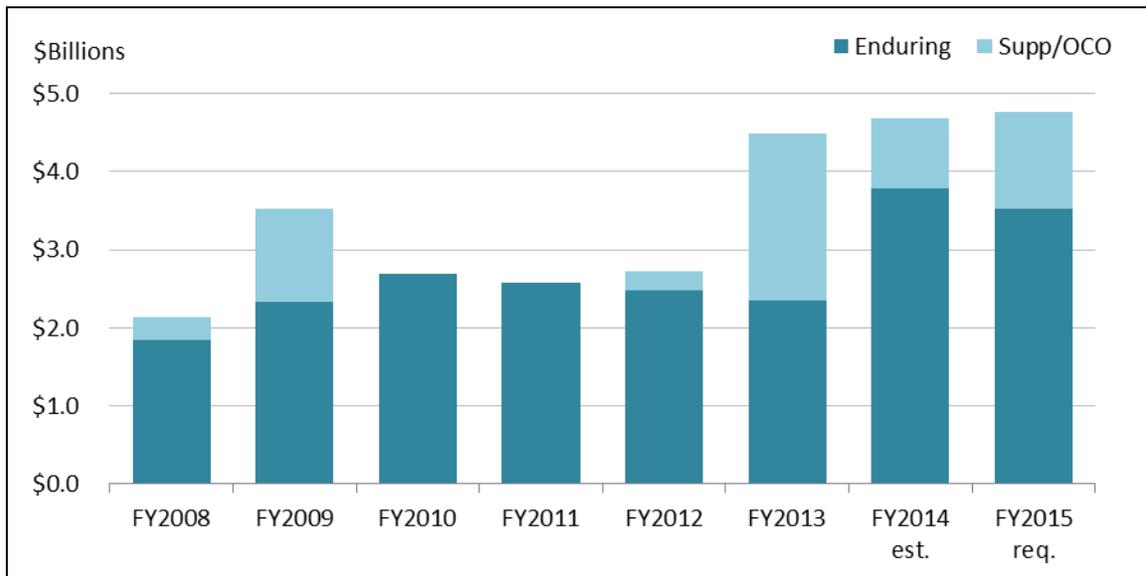
**Notes:** Totals include base (enduring) and supplemental/OCO actual funding.

**Figure 3** illustrates diplomatic/embassy security funding data from the **Appendix** broken out by base and supplemental/OCO funding. FY2010 and FY2011 were the only years without broadly available security supplemental or OCO funds. (There may have been some, not shown below, that were exclusively for Iraq, however.)

The FY2012 budget provided OCO funds for WSP, but not WSU. FY2013, starting about three weeks after the Benghazi attacks, was the peak year for supplemental/OCO and total security funding.

The FY2014 estimates show an increase in enduring funds while OCO declines. The FY2015 request includes more OCO funds than were available in the FY2014 estimate, while the total funding is slightly more. Some observers question the increased use of OCO, in the absence of newly identified needs, as possibly a way to avoid exceeding the International Affairs spending caps established by the Budget Control Act of 2011.<sup>11</sup>

**Figure 3. Total Diplomatic/Embassy Security Funding, Enduring and Supplemental/OCO, FY2008-FY2015 Request**



**Source:** Congressional Budget Justification, Volume I, Department of State, fiscal years FY2008-FY2015; communication with Department of State on November 8, 2012, March 13, 2013, and December 6, 2013; legislation; and CRS calculations.

**Notes:** Enduring is also referred to as base funding.

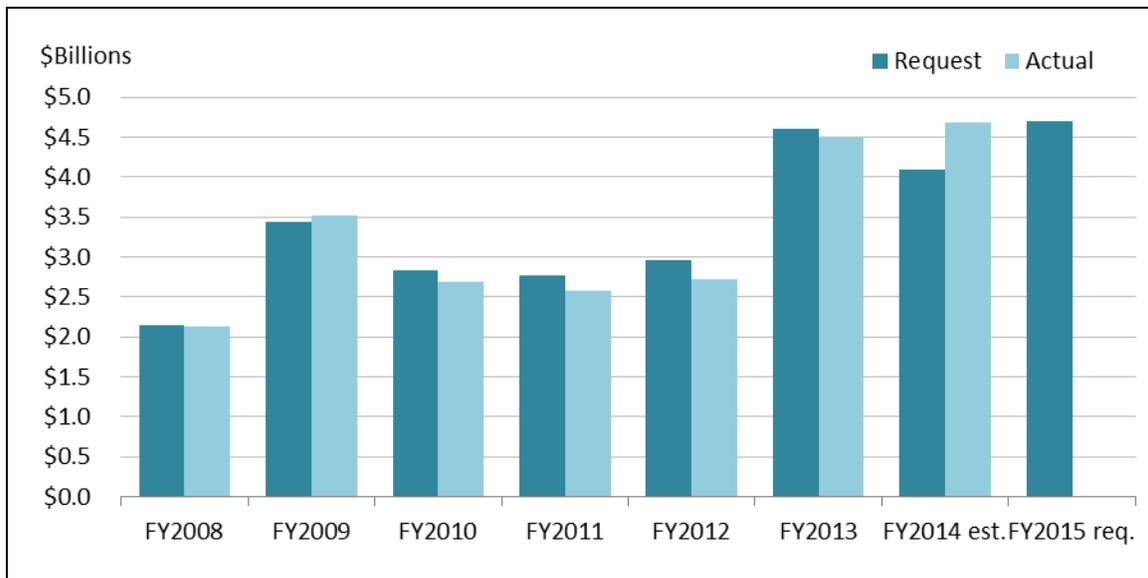
<sup>11</sup> For more details on the Budget Control Act and the foreign affairs budget, see CRS Report R42994, *The Budget Control Act, Sequestration, and the Foreign Affairs Budget: Background and Possible Impacts*, by Susan B. Epstein.

**Figure 4** shows Administration requests for diplomatic/embassy security were greater than actual funding levels (including OCO and transfer authority) every year except FY2009 and FY2014. For the other years, the smallest funding gap compared with the request was \$11.0 million in FY2008. The largest gaps between the request and actual funding occurred in FY2011 (\$185.4 million) and FY2012 (\$236.9 million). While Congress appropriated other OCO funds for security in Iraq, they were not broadly available for security in other facilities.

In FY2013, the Administration sought transfer authority to use \$1.419 billion of Iraq OCO funds for WSP and WSU expenses as part of what it termed an Increased Security Proposal.

In FY2014, the funds made available that exceeded those requested were mostly WSP OCO funds for “extraordinary costs of operations in Afghanistan, Pakistan, Iraq, and other areas of unrest.”<sup>12</sup>

**Figure 4. Department of State Diplomatic/Embassy Security Requests vs. Actual Funding Levels, FY2008-FY2015 Request**

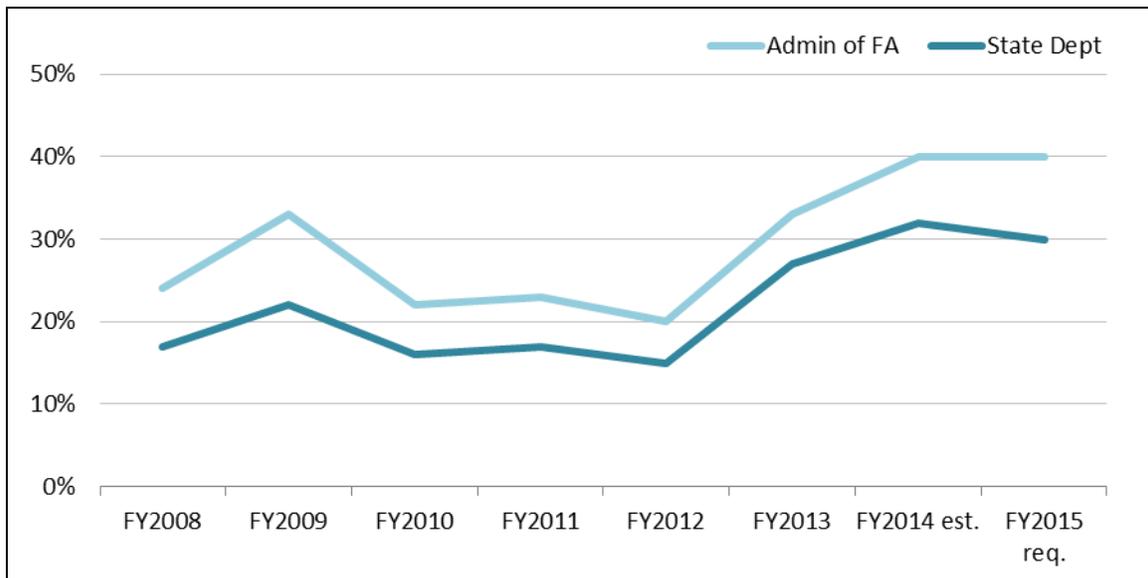


**Source:** Congressional Budget Justification, Volume I, Department of State, fiscal years FY2008-FY2015; communication with the Department of state on November 8, 2012, March 13, 2013, and December 6, 2013; legislation; and CRS calculations.

<sup>12</sup> Explanatory notes for the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2014, P.L. 113-76, Division K, Title VIII, p. 63.

**Figure 5** illustrates the trends regarding the proportion of expenditures that were allocated toward diplomatic/embassy security out of the Administration of Foreign Affairs (State operations) budget and the State Department total budget. These trends mirror those of actual dollars spent over the same years, with the proportions decreasing in FY2011 and FY2012, but expanding in FY2009 with the transition in Iraq, and FY2013-FY2014, the years following the Benghazi attack.

**Figure 5. Total Diplomatic/Embassy Security Funding as a Percentage of Administration of Foreign Affairs and State Department (150 Function) Expenditures**



**Source:** Congressional Budget Justification, Volume I, Department of State, fiscal years FY2008-FY2015; communication with Department of State on November 8, 2012, March 13, 2013, and December 6, 2013; legislation; and CRS calculations.

**Notes:** Administration of Foreign Affairs is the category within the State Department’s budget that funds operation costs of State Department personnel and programs including Diplomatic and Consular Programs, the Office of the Inspector General, and Protection of Foreign Missions and Officials. The total State Department (150 Function) budget includes funding for Administration of Foreign Affairs, U.S. Contributions to International Organizations such as the United Nations, U.S. Contributions to International Peacekeeping, foreign food aid, international environmental commissions, and related programs like The Asia Foundation and the National Endowment for Democracy.

## Administration Requests, House-Proposed, Senate-Proposed, and Enacted Diplomatic/Embassy Security Funding

Some budget analysts regard *enacted* rather than *actual* funding as more closely reflecting the intent of Congress, since actual funding levels include transfers that occurred at the agency. Worldwide Security Protection (WSP) and Worldwide Security Upgrades (WSU) make up the bulk of the diplomatic/embassy security budget and are the only diplomatic/embassy security line-items that appear in the Administration’s budget request, the Department of State, Foreign

Operations and Related Programs House and Senate appropriations legislation, and the enacted appropriations laws. **Table 1** provides the Administration's requests, as well as House-proposed, Senate-proposed, and enacted levels for WSP and WSU from FY2008-FY2014, in reverse order.

In contrast to actuals in the **Appendix**, FY2014 was the only year that WSP and WSU enacted funding levels were greater than those requested.

For FY2013 which began October 1, 2012, less than a month after the Benghazi attacks, Secretary of State Hillary Clinton requested transfer authority from Congress for \$1.4 billion of OCO funds previously appropriated for Iraq as part of what was termed an Increased Security Proposal. Congress agreed to much of that increase, but sequestration mandated by the Budget Control Act of 2011 was applied to the funds, which caused the enacted levels to be about 3% below what would have been appropriated.

The grand total of WSP and WSU funds requested from FY2008-FY2014 is \$220.4 million more than what Congress enacted. Congress appropriated 6% less funding than was requested in the years leading up to Benghazi, but appropriated 6% more in the years following the attacks.

The Senate-proposed security funds exceeded House-proposed levels every year except FY2008. The Senate levels, however, were not always as much as was requested by the Administration, nor as much as appropriated, in some years. FY2008 was the only year that the House-proposed diplomatic/embassy security funding levels were greater than the Administration request, the Senate-proposed, or enacted levels. (In FY2014, the House-proposed levels matched the Administration request.)

Also noteworthy is the delay in the passage of every appropriation from FY2008-FY2014. When a new fiscal year starts and appropriations have not been passed and signed into law, Congress typically passes continuing resolutions (CRs) to keep the government funded until a budget is passed. Typically, CRs base funding levels for budget accounts on the past-year spending levels, perhaps increasing or decreasing by a certain percentage. Congress has consistently enacted international affairs appropriations long after the start of the fiscal year. Delayed appropriations, some have argued, make planning to meet security and other needs challenging. In recent years, for example, Congress approved and sent its final FY2011 and FY2013 budgets to the President in April and March, respectively, six to seven months into the fiscal year.

Another concern expressed by foreign affairs budget experts is the combining of several or all appropriations into an omnibus, consolidated, or full-year continuing resolution that occurred every year from FY2008-FY2014. Passage of stand-alone State-Foreign Operations appropriations legislation, analysts suggest, provides a greater opportunity for congressional oversight and deliberation on sensitive issues, such as security spending. (See **Table 1** below.)

**Table I. State Department Primary Diplomatic/Embassy Worldwide Security Requests, House-Proposed, and Senate-Proposed Funding, FY2008-FY2014**

(In millions of U.S. \$)

	Administration Request	House	Senate	Enacted	Date presented to the President and signed
<b>FY2014</b>	<b>Request</b>	<b>H.R. 2855 (H.Rept. 113-185)</b>	<b>S. 1372 (S.Rept. 113-81)</b>	<b>P.L. 113-76</b>	<b>Consolidated Appropriations Act, 2014</b> Presented to the President 1/17/14; signed 1/17/14
D&CP/WSP enduring	\$1,791.2	\$1,791.2	\$1,867.3	\$1,867.3	
WSP—OCO	\$391.0	\$391.0	\$900.3	\$900.3	
ESCM/WSU enduring	\$1,614.0	\$1,614.0	\$1,320.5	\$1,614.0	
WSU-OCO	—	—	\$588.5	—	
<b>FY2014 Total</b>	<b>\$3,796.2</b>	<b>\$3,796.2</b>	<b>\$4,676.6</b>	<b>\$4,381.6</b>	
<b>FY2013</b>	<b>Request</b>	<b>H.R. 5857 (H.Rept. 112-494)</b>	<b>S. 3241 (S.Rept. 112-172)</b>	<b>P.L. 113-6; Div. F; full year CR, net sequestration &amp; rescissions</b>	<b>Consolidated and Further Continuing Appropriations Act, 2013</b> presented to the President 3/22/13; signed 3/26/13
D&CP/WSP enduring	\$1,428.5	\$1,279.3	\$1,428.5	\$1,341.2	
WSP—OCO	\$1,404.6	\$654.9	\$651.0	\$909.4	
ESCM/WSU enduring	\$688.8	\$688.8	\$688.8	\$669.5	
WSU-OCO	\$736.0	—	—	\$1,227.0	
<b>Total for FY2013</b>	<b>\$4,257.9</b>	<b>\$2,623.0</b>	<b>\$2,768.3</b>	<b>\$4,147.1</b>	
<b>FY2012</b>	<b>Request</b>	<b>Subcommittee draft (No #)</b>	<b>S. 1601 (S.Rept. 112-85)</b>	<b>P.L. 112-74, Div I</b>	<b>Consolidated Appropriations Act, 2012</b> presented to the President 12/21/11; signed 12/23/11
D&CP/WSP enduring	\$1,453.7	\$1,310.2	\$1,400.0	\$1,355.0	
WSP—OCO	\$246.9	—	\$236.2	\$236.2	
ESCM/WSU enduring	\$938.2	\$670.5	\$775.0	\$775.0	

	<b>Administration Request</b>	<b>House</b>	<b>Senate</b>	<b>Enacted</b>	<b>Date presented to the President and signed</b>
<b>Total for FY2012</b>	<b>\$2,638.8</b>	<b>\$1,980.7</b>	<b>\$2,411.2</b>	<b>\$2,366.2</b>	
<b>FY2011</b>	<b>Request</b>	<b>H.R. 1</b>	<b>S. 3676</b>	<b>P.L. 112-10; Title XI</b>	<b>Dept of Defense and Full-Year Continuing Appropriations Act, 2011</b> presented to the President 4/15/11; signed 4/15/11
D&CP/WSP enduring	\$1,560.7	\$1,491.0	\$1,681.0	\$1,500.0	
ESCM/WSU enduring	\$824.2	\$796.5	\$934.1	\$795.0	
<b>Total for FY2011</b>	<b>\$2,384.9</b>	<b>\$2,287.5</b>	<b>\$2,615.1</b>	<b>\$2,295.0</b>	
<b>FY2010</b>	<b>Request</b>	<b>H.R. 3081</b>	<b>S. 1434</b>	<b>P.L. 111-117</b>	<b>Consolidated Appropriations Act, 2010</b> presented to the President 12/15/09; signed 12/16/09
D&CP/WSP enduring	\$1,648.0	\$1,577.4	\$1,595.0	\$1,586.2	
ESCM/WSU enduring	\$938.2	\$847.3	\$847.3	\$847.3	
<b>Total for FY2010</b>	<b>\$2,586.2</b>	<b>\$2,424.7</b>	<b>\$2,442.3</b>	<b>\$2,433.5</b>	
<b>FY2009 base</b>	<b>Request</b>	<b>no bill introduced</b>	<b>S. 3288</b>	<b>P.L. 111-8</b>	<b>Omnibus Appropriations Act, 2009</b> presented to the President 3/11/09; signed 3/11/09
D&CP/WSP enduring	\$1,162.8	n.a.	\$1,137.5	\$1,117.0	
ESCM/WSU enduring	\$948.4	n.a.	\$830.0	\$770.0	
<i>Supp Approp Act, 2009</i>	<i>Request</i>	<i>H.R. 2346; House version</i>	<i>H.R. 2346; Senate version</i>	<i>P.L. 111-32</i>	
D&CP/WSP	\$118.0	\$138.0	\$118.0	\$146.4	
ESCM/WSU	898.7	\$989.6	\$820.5	\$921.5	
<i>FY2009 Bridge Supplemental</i>	<i>Request</i>	<i>H.R. 2642; House version</i>	<i>H.R. 2642; Senate version</i>	<i>P.L. 110-252, Subchapter B</i>	
D&CP/WSP	\$45.8	\$78.4	\$78.4	\$78.4	
<b>Total for FY2009</b>	<b>\$3,173.7</b>	<b>\$1,206.0*</b>	<b>\$2,984.4</b>	<b>\$3,033.3</b>	

Administration Request		House	Senate	Enacted	Date presented to the President and signed
FY2008 base	Request	H.R. 2764; House version	H.R. 2764; Senate version	P.L. 110-161	Consolidated Appropriations Act, 2008 presented to the President 12/24/07; signed 12/26/07
D&CP/WSP enduring	\$964.8	\$964.8	\$909.6	\$974.8	
ESCM/WSU enduring	\$806.9	\$806.9	\$649.3	\$676.0	
<i>FY2008 supplemental appropriations</i>	<i>Request</i>	<i>H.R. 2642; House</i>	<i>H.R. 2642; Senate</i>	<i>P.L. 110-252, Subchapter A</i>	
D&CP/WSP	\$162.4	\$210.5	\$212.4	\$210.4	
<b>Total for FY2008</b>	<b>\$1,934.1</b>	<b>\$1,982.2</b>	<b>\$1,771.3</b>	<b>\$1,861.2</b>	
<b>Grand total</b>	<b>\$20,771.8</b>	<b>\$16,300.3*</b>	<b>\$19,669.2</b>	<b>20,517.9</b>	

**Source:** State Department Congressional Budget Justifications, FY2008-FY2015; legislation and committee reports, as noted; and CRS calculations.

**Notes:** WSP=Worldwide Security Protection; ESCM=Diplomatic/embassy Security, Construction, and Maintenance; WSU=Worldwide Security Upgrades; OCO=Overseas Contingency Operations; D&CP=Diplomatic and Consular Programs.

\*This total reflects the lack of an FY2009 State-Foreign Operations appropriations bill introduced in the House.

## Security Funding for the Benghazi Facility

Complexities surrounding the security funds available for Benghazi include whether the facility was designated as temporary, the date its lease would be up, and the timing of available funding, among other things. Officials at the Department of State may disagree as to what qualifies as a temporary facility and what funds are available to those facilities. For example, Overseas Building Operations (OBO) uses temporary to mean those facilities that can be moved, such as trailers and modular structures. Other State Department officials may use temporary to mean short-term.<sup>13</sup>

A Senate committee report on the Benghazi attack found that because the Benghazi facility was designated as temporary, no security standards applied to it. Furthermore, additional physical barriers to enter the facility were not in place due to time and money constraints. The lack of dedicated security resources for Benghazi contributed to those constraints, according to the report.<sup>14</sup>

<sup>13</sup> The Government Accountability Office, *Diplomatic Security, Overseas Facilities May Face Greater Risk Due to Gaps in Security-Related Activities, Standards, and Policies*, GAO-14-655, June 2014, p. 9.

<sup>14</sup> United States Senate Committee on Homeland Security and Governmental Affairs, *Flashing Red: A Special Report on the Terrorist Attack at Benghazi*, December 30, 2012, p. 14-15.

Compounding the definitional issue is that the State Department lacks a process to re-evaluate security at temporary facilities that are being used longer than first anticipated.<sup>15</sup> The Benghazi facility was first opened in 2011 and was to close later that year. In December 2011, the State Department decided to extend the Benghazi mission until December 2012. The Department did make note of needed corrective security measures for the mission and made a number of security enhancements [using WSP funds].<sup>16</sup> (See **Table 2** below.)

According to the Benghazi ARB report, “OBO does not fund security upgrades [ESCM/WSU] for ‘temporary’ facilities.”<sup>17</sup> Appearing to support that statement, the Senate Select Committee on Intelligence said in its January 15, 2014 report: “... the uncertain future of the [Benghazi] Mission facility, due to its one-year expiration in December 2012, contributed to a lack of continuity for security staff, and constrained decision-makers in Washington regarding the allocation of security enhancements to that facility.”<sup>18</sup>

Differing views on the definition of “temporary” and the related eligibility for security funding has led to confusion about whether or not the Benghazi facility qualified for WSU funding. According to State Department officials, the facilities in Benghazi would have been eligible for the Compound Security Program under WSU funding. Although ESCM/WSU does not fund security upgrades for temporary facilities, it does fund security upgrades for permanent facilities. For the purposes of funding, the Department defines temporary facilities as those that are not permanent structures, such as modular units or structures that can be relocated. The facilities in Benghazi were permanent structures. Based on that definition, lease terms or length of mission would not determine the qualification to use WSU funding.<sup>19</sup> According to State Department officials, OBO received no requests to execute or fund a compound security upgrade in Benghazi with WSU funding.<sup>20</sup>

With regard to the available funding in FY2012, according to the Department of State, the Benghazi facilities were short-term leased residential villas that were used for housing and office space. The leases for the three villas in Benghazi (\$336,000/year, \$168,000/year, and \$336,000/year) were funded from FY2012 ESCM appropriations. WSP funds were available and were used for security enhancements prior to the attack.

Delayed enactment of appropriations also may have had consequences for the implementation of security upgrades. According to one Senate Committee report, a State Department Regional Security Officer (RSO) 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

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<sup>15</sup> The Government Accountability Office, *Diplomatic Security, Overseas Facilities May Face Greater Risk Due to Gaps in Security-Related Activities, Standards, and Policies*, GAO-14-655, June 2014, p. 50.

<sup>16</sup> United States Senate Committee on Homeland Security and Governmental Affairs, *Flashing Red: A Special Report on the Terrorist Attack at Benghazi*, December 30, 2012, p. 13-14.

<sup>17</sup> Department of State, *Accountability Review Board for Benghazi Attack of September 2012*, December 19, 2012, p. 33. <http://www.state.gov/documents/organization.202446.pdf>.

<sup>18</sup> U.S. Congress, Senate Select Committee on Intelligence, *Review of the Terrorist Attacks on U.S. Facilities in Benghazi, Libya*, September 11-12, 2012, together with *Additional Views*, 113<sup>th</sup> Cong., January 15, 2014, p. 17. <http://www.intelligence.senate.gov/benghazi2014/benghazi.pdf>.

<sup>19</sup> Email communication with the Department of State on June 5, 2014.

<sup>20</sup> Email communication with the Department of State’s Bureau of Budget and Planning, May 30, 2014.

80 percent of the previous year's appropriations level, so as not to risk a violation of the Anti-Deficiency Act [not obligating more than may eventually be appropriated by Congress]. Second, in the absence of a supplemental appropriation 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 the previous budget.<sup>21</sup>

**Table 2. FY2012 WSP Funding for Benghazi**  
(In U.S. \$)

Type of Funding	Obligations	Expenditures	General Description
Countermeasures	\$867,185	\$866,667	Funding for armored vehicles, defensive equipment, special protective equipment, engineering service operations, personnel tracking locators, perimeter security, jersey barriers, sandbags, door upgrades, drop arm barriers, barbed wire, security lights, travel, and miscellaneous security equipment.
Local Guard Program	\$810,589	\$569,279	Funding for guards, residential security, vehicles, special protective equipment for guards, security equipment, shipping and travel.
Regional Security	\$140,140	\$140,140	TDY travel support costs and RSO annual recurring support costs
Total	\$1,817,914	\$1,576,086	

**Source:** Email communication with Department of State, May 30, 2014.

<sup>21</sup>United States Senate Committee on Homeland Security and Governmental Affairs, *Flashing Red: A Special Report on the Terrorist Attack at Benghazi*, December 30, 2012, p. 17.

## Appendix. State Department Funds for Diplomatic/Embassy Security, FY2008-FY2015

**Table A-I. State Department Funds for Diplomatic/Embassy Security, FY2008-FY2011**

(Revised August 2014; In millions of current U.S. \$)

	FY2008		FY2009		FY2010		FY2011	
	Req.	Actual	Req.	Actual	Req.	Actual	Req.	Actual
WSP base	\$964.8	\$968.5	\$1,162.8	\$1,117.0	\$1,648.0	\$1,586.2	\$1,560.7	\$1,497.0
- supplemental/OCO	\$162.4	\$210.4	\$193.8	\$224.8	—	—	—	—
ESCM WSU base	\$806.9	\$670.5	\$948.4	\$905.2	\$938.2	\$847.3	\$824.2	\$793.4
- supplemental/OCO	—	\$76.7	\$893.3	\$962.8	—	—	—	—
Diplomatic Security (DS) <sup>a</sup>	\$188.5	\$169.6	\$187.1	\$255.9	\$190.6	\$214.9	\$193.0	\$224.9
D&CP Counterterrorism	—	—	—	—	—	—	—	\$3.2
Border Security DS <sup>b</sup>	\$16.1	\$32.0	\$48.7	\$53.8	\$50.5	\$47.4	\$184.1	\$58.1
<b>Total base</b>	<b>\$1,976.3</b>	<b>\$1,840.6</b>	<b>\$2,347.0</b>	<b>\$2,331.9</b>	<b>\$2,827.3</b>	<b>\$2,695.8</b>	<b>\$2,762.0</b>	<b>\$2,576.6</b>
<b>Total Supp/OCO</b>	<b>\$162.4</b>	<b>\$287.1</b>	<b>\$1,087.1</b>	<b>\$1,187.6</b>	—	—	—	—
<b>Total Security<sup>c</sup></b>	<b>\$2,138.7</b>	<b>\$2,127.7</b>	<b>\$3,434.1</b>	<b>\$3,519.5</b>	<b>\$2,827.3</b>	<b>\$2,695.8</b>	<b>\$2,762.0</b>	<b>\$2,576.6</b>
Admin of Foreign Affairs <sup>c</sup>	\$9,637.6	\$8,991.2	\$10,676.4	\$10,932.8	\$13,893.5	\$12,357.2	\$12,374.4	\$11,225.9
<b>Total Security as % of Admin of Foreign Affairs</b>	<b>22%</b>	<b>24%</b>	<b>32%</b>	<b>33%</b>	<b>20%</b>	<b>22%</b>	<b>22%</b>	<b>23%</b>
State Dept 150 function <sup>c</sup>	\$10,708.8	\$12,501.3	\$11,345.6	\$15,079.2	\$16,256.3	\$16,423.0	\$17,104.3	\$14,847.1
<b>Total Security as % of State Dept 150</b>	<b>20%</b>	<b>17%</b>	<b>30%</b>	<b>22%</b>	<b>17%</b>	<b>16%</b>	<b>16%</b>	<b>17%</b>

**Source:** Congressional Budget Justification, Volume I, Department of State, fiscal years FY2008-FY2015; communication with Department of State on November 8, 2012, March 13, 2013, and December 6, 2013; legislation; and CRS calculations.

**Notes:** WSP=Worldwide Security Protection; ESCM=Diplomatic/embassy Security, Construction, and Maintenance; WSU=Worldwide Security Upgrades; OCO=Overseas Contingency Operations; DS=Diplomatic Security; D&CP=Diplomatic and Consular Programs; n.a.=not available. State Dept 150=Department of State total in the International Affairs 150 function.

The data in this table are estimates as of May 30, 2014. Estimates of funding levels may differ depending on, for example, definitions used, whether to include fees, and whether to include security costs in Iraq that come under Iraq Operations.

- a. Does not include OCO funding within D&CP for DS listed under Iraq Operations in FY2008-FY2014.
- b. These numbers do not include domestic border security funds. Much of the funds for Border Security come from fee collections; as of FY2012, all Border Security funds are from fee collections.
- c. Includes supplemental and OCO funds.

**Table A-2. State Department Funds for Diplomatic/Embassy Security, FY2012-FY2015**

(Revised August 2014; In millions of current U.S. \$)

	FY2012		FY2013		FY2014		FY2015	
	Req.	Actual	Req.	Actual	Req.	Estimate	Req.	Enacted
WSP base	\$1,453.7	\$1,355.0	\$1,428.5	\$1,341.2	\$1,791.2	\$1,867.3	\$2,128.1	n.a.
- supplemental/OCO	\$246.9	\$236.2	\$1,404.5	\$ 909.4	\$391.0	\$900.3	\$989.7	n.a.
ESCM WSU base	\$938.2	\$775.0	\$688.8	\$669.5	\$1,614.0	\$1,614.0	\$1,217.5	n.a.
- supplemental/OCO	—	—	\$736.0	\$1,227.0	—	—	\$250.0	n.a.
Diplomatic Security (DS) <sup>a</sup>	\$215.6	\$229.2	\$226.3	\$220.0	\$179.5	\$175.1	\$92.0	n.a.
D&CP Counterterrorism	—	\$18.1	\$19.0	\$22.7	\$21.5	\$18.9	\$18.4	n.a.
Border Security DS <sup>b</sup>	\$99.7	\$103.7	\$96.0	\$101.5	\$103.2	\$101.5	—	n.a.
Total base	\$2,707.2	\$2,481.0	\$2,458.6	\$2,354.9	\$3,709.4	\$3,776.8	\$3,456.0	n.a.
Total Supp/OCO	\$246.9	\$236.2	\$2,140.5	\$2,136.4	391.0	\$900.3	\$1,239.7	n.a.
Total Security <sup>c</sup>	\$2,954.1	\$2,717.2	\$4,599.1	\$4,491.3	\$4,100.4	\$4,677.1	\$4,695.7	n.a.
Admin of Foreign Affairs <sup>c</sup>	\$14,748.4	\$13,371.9	\$13,950.5	\$13,467.3	\$12,024.4	\$11,680.7	\$11,614.1	n.a.
Total Security as % of Admin of Foreign Affairs	20%	20%	33%	33%	34%	40%	40%	n.a.
State Dept 150 function <sup>c</sup>	\$19,349.8	\$17,695.3	\$18,508.3	\$16,853.6	\$15,824.3	\$14,786.4	\$15,767.8	n.a.
Total Security as % of State Dept 150	15%	15%	25%	27%	29%	32%	30%	n.a.

**Source:** Congressional Budget Justification, Volume I, Department of State, fiscal years FY2008-FY2015; communication with Department of State on November 8, 2012, March 13, 2013, and December 6, 2013; legislation; and CRS calculations.

**Notes:** WSP=Worldwide Security Protection; ESCM=Diplomatic/embassy Security, Construction, and Maintenance; WSU=Worldwide Security Upgrades; OCO=Overseas Contingency Operations; DS=Diplomatic Security; D&CP=Diplomatic and Consular Programs; n.a.=not available. State Dept 150=Department of State total in the International Affairs 150 function.

The data in this table are estimates as of May 30, 2014. Estimates of funding levels may differ depending on, for example, definitions used, whether to include fees, and whether to include security costs in Iraq that come under Iraq Operations.

- a. Does not include OCO funding within D&CP for DS listed under Iraq Operations in FY2008-FY2014.
- b. These numbers do not include domestic border security funds. Much of the funds for Border Security come from fee collections; as of FY2012, all Border Security funds are from fee collections.
- c. Includes supplemental and OCO funds.

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