

112<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# S. RES. 594

Establishing a select committee of the Senate to make a thorough and complete investigation of the facts and circumstances surrounding, and the response of the United States Government to, the September 11, 2012, terrorist attacks against the United States consulate and personnel in Benghazi, Libya, and to make recommendations to prevent similar attacks in the future.

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IN THE SENATE OF THE UNITED STATES

NOVEMBER 14, 2012

Mr. MCCAIN (for himself, Mr. GRAHAM, and Ms. AYOTTE) submitted the following resolution; which was referred to the Committee on Rules and Administration

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## RESOLUTION

Establishing a select committee of the Senate to make a thorough and complete investigation of the facts and circumstances surrounding, and the response of the United States Government to, the September 11, 2012, terrorist attacks against the United States consulate and personnel in Benghazi, Libya, and to make recommendations to prevent similar attacks in the future.

Whereas, on September 11, 2012, Glen A. Doherty, Tyrone S. Woods, Sean P. Smith, and Ambassador J. Christopher Stevens were murdered during a sophisticated assault on the United States Consulate in Benghazi, Libya,

conducted by a group of militants affiliated with al-Qaeda;

Whereas this tragedy has raised many important questions that affect the national security of the United States and the safety of Americans who serve our country abroad;

Whereas Congress has an unique and essential responsibility under the Constitution to conduct oversight of the Executive Branch;

Whereas more than two months have passed since the tragic deaths of these four Americans in Benghazi, and many essential questions remain unanswered;

Whereas Members of Congress have sent numerous letters to senior Executive Branch officials requesting information on the events of September 11, 2012, most of which have not been answered;

Whereas the Executive Branch has not been forthcoming in providing answers to the many questions that have emerged regarding those events;

Whereas the failures that led to the deaths of four Americans traverse multiple Executive Branch agencies and come under the jurisdiction of a number of Senate committees, including the Committee on Armed Services, the Committee on Foreign Relations, the Committee on Homeland Security and Governmental Affairs, the Committee on the Judiciary, and the Select Committee on Intelligence;

Whereas several different committees of jurisdiction in both the Senate and the House of Representatives are currently holding briefings and hearings to analyze narrow aspects of the overall failure in Benghazi before, during, and after the attacks;

Whereas the death of four Americans in Benghazi was the result of a whole-of-government failure, and any solution to prevent such events from happening again will need to be holistic and comprehensive, cutting across agency jurisdictions and jurisdictions of committees of Congress;

Whereas a full and independent accounting of the failures in Benghazi and the development of a comprehensive solution to prevent such tragedies in the future require the establishment of a temporary Select Committee in the Senate;

Whereas many other important investigations have been conducted in the past through the creation of a select committee of the Senate for a specific purpose and a set time; and

Whereas the American people deserve straight answers to the many questions that have been raised about the terrorist attacks in Benghazi and what actions should be taken to prevent similar attacks in the future: Now, therefore, be it

1       *Resolved*, That

2       **SECTION 1. SELECT COMMITTEE ON INVESTIGATION OF**  
 3                       **THE SEPTEMBER 11, 2012, TERRORIST AT-**  
 4                       **TACKS IN BENGHAZI, LIBYA.**

5       There is established a select committee of the Senate  
 6 to be known as the Select Committee on Investigation of  
 7 the September 11, 2012, Terrorist Attacks in Benghazi,  
 8 Libya (in this resolution referred to as the “Select Com-  
 9 mittee”).

1 **SEC. 2. PURPOSE AND DUTIES.**

2 (a) PURPOSE.—The purpose of the Select Committee  
3 is to—

4 (1) investigate the facts and circumstances sur-  
5 rounding the September 11, 2012, terrorist attacks  
6 on the United States consulate and personnel in  
7 Benghazi, Libya;

8 (2) investigate the response of the United  
9 States Government to those attacks; and

10 (3) make recommendations to guide executive  
11 and legislative changes to policy in light of such in-  
12 vestigations.

13 (b) DUTIES.—The Select Committee is authorized  
14 and directed to do everything necessary or appropriate to  
15 conduct the investigations specified in subsection (a).  
16 Without restricting in any way the authority conferred on  
17 the Select Committee by the preceding sentence, the Sen-  
18 ate further expressly authorizes and directs the Select  
19 Committee to investigate the facts and circumstances sur-  
20 rounding the September 11, 2012, terrorist attacks on the  
21 United States consulate and personnel in Benghazi, Libya,  
22 and report on such investigation, regarding the following  
23 matters, including, where applicable, the adequacy of such  
24 matters:

25 (1) The intelligence assessments and other  
26 threat reporting that preceded the attacks.

1           (2) The security measures and manpower deci-  
2           sions taken to protect United States personnel in  
3           Benghazi before the attacks.

4           (3) The United States military force posture in  
5           the region at the time of the attacks and the result-  
6           ing ability of the United States Armed Forces to re-  
7           spond in the event of such attacks.

8           (4) United States intelligence assets available in  
9           the region at the time of the attacks and their abil-  
10          ity to respond or assist the United States consulate  
11          and personnel in the event of such attacks.

12          (5) The response of United States Government  
13          officials once the attacks began.

14          (6) The public characterization by the Execu-  
15          tive Branch of the attacks in the days and weeks  
16          that followed the attacks.

17          (7) United States intelligence and intelligence-  
18          sharing during the attacks.

19          (8) Lessons learned from the attacks.

20          (9) Actions to prevent a recurrence of such at-  
21          tacks.

22 **SEC. 3. COMPOSITION OF SELECT COMMITTEE.**

23          (a) MEMBERSHIP.—

24                (1) IN GENERAL.—The Select Committee shall  
25                consist of eight members of the Senate of whom—

1 (A) four members shall be appointed by  
2 the majority leader of the Senate; and

3 (B) four members shall be appointed by  
4 the minority leader of the Senate.

5 (2) DATE.—The appointments of the members  
6 of the Select Committee shall be made not later than  
7 30 days after the date of the adoption of this resolu-  
8 tion.

9 (b) VACANCIES.—Any vacancy in the Select Com-  
10 mittee shall not affect its powers, but shall be filled in  
11 the same manner as the original appointment.

12 (c) SERVICE.—Service of a Senator as a member,  
13 Chair, or Vice Chair of the Select Committee shall not  
14 be taken into account for the purposes of paragraph (4)  
15 of rule XXV of the Standing Rules of the Senate.

16 (d) CHAIR AND VICE CHAIR.—The Chair of the Se-  
17 lect Committee shall be designated by the majority leader  
18 of the Senate, and the Vice Chair of the Select Committee  
19 shall be designated by the minority leader of the Senate.

20 (e) QUORUM.—

21 (1) REPORTS AND RECOMMENDATIONS.—A ma-  
22 jority of the members of the Select Committee shall  
23 constitute a quorum for the purpose of reporting a  
24 matter or recommendation to the Senate.

1           (2) TESTIMONY.—One member of the Select  
2           Committee shall constitute a quorum for the purpose  
3           of taking testimony.

4           (3) OTHER BUSINESS.—A majority of the mem-  
5           bers of the Select Committee, or  $\frac{1}{3}$  of the members  
6           of the Select Committee if at least one member of  
7           the minority party is present, shall constitute a  
8           quorum for the purpose of conducting any other  
9           business of the Select Committee.

10 **SEC. 4. RULES AND PROCEDURES.**

11           (a) GOVERNANCE UNDER STANDING RULES OF SEN-  
12           ATE.—Except as otherwise specifically provided in this  
13           resolution, the investigation and hearings conducted by  
14           the Select Committee shall be governed by the Standing  
15           Rules of the Senate.

16           (b) ADDITIONAL RULES AND PROCEDURES.—The  
17           Select Committee may adopt additional rules or proce-  
18           dures if the Chair and the Vice Chair of the Select Com-  
19           mittee agree, or if the Select Committee by majority vote  
20           so decides, that such additional rules or procedures are  
21           necessary or advisable to enable the Select Committee to  
22           conduct the investigation and hearings authorized by this  
23           resolution. Any such additional rules and procedures—

24                   (1) shall not be inconsistent with this resolution  
25                   or the Standing Rules of the Senate; and

1           (2) shall become effective upon publication in  
2           the Congressional Record.

3 **SEC. 5. AUTHORITY OF SELECT COMMITTEE.**

4           (a) IN GENERAL.—The Select Committee may exer-  
5           cise all of the powers and responsibilities of a committee  
6           under rule XXVI of the Standing Rules of the Senate.

7           (b) POWERS.—The Select Committee or, at its direc-  
8           tion, any subcommittee or member of the Select Com-  
9           mittee, may, for the purpose of carrying out this resolu-  
10          tion—

11           (1) hold hearings;

12           (2) administer oaths;

13           (3) sit and act at any time or place during the  
14           sessions, recess, and adjournment periods of the  
15           Senate;

16           (4) authorize and require, by issuance of sub-  
17           poena or otherwise, the attendance and testimony of  
18           witnesses and the preservation and production of  
19           books, records, correspondence, memoranda, papers,  
20           documents, tapes, and any other materials in what-  
21           ever form the Select Committee considers advisable;

22           (5) take testimony, orally, by sworn statement,  
23           by sworn written interrogatory, or by deposition, and  
24           authorize staff members to do the same; and

1           (6) issue letters rogatory and requests, through  
2           appropriate channels, for any other means of inter-  
3           national assistance.

4           (c) AUTHORIZATION, ISSUANCE, AND ENFORCEMENT  
5 OF SUBPOENAS.—

6           (1) AUTHORIZATION AND ISSUANCE.—Sub-  
7           poenas authorized and issued under this section—

8                   (A) may be done—

9                           (i) with the joint concurrence of the  
10                           Chair and the Vice Chair of the Select  
11                           Committee; or

12                           (ii) by a majority vote of the Com-  
13                           mittee;

14                   (B) shall bear the signature of the Chair  
15                   or the Vice Chair or the designee of the Chair  
16                   or the Vice Chair; and

17                   (C) shall be served by any person or class  
18                   of persons designated by the Chair or the Vice  
19                   Chair for that purpose anywhere within or with-  
20                   out the borders of the United States to the full  
21                   extent provided by law.

22           (2) ENFORCEMENT.—The Select Committee  
23           may make to the Senate by report or resolution any  
24           recommendation, including a recommendation for

1 criminal or civil enforcement, that the Select Com-  
2 mittee considers appropriate with respect to—

3 (A) the failure or refusal of any person to  
4 appear at a hearing or deposition or to produce  
5 or preserve documents or materials described in  
6 subsection (b)(4) in obedience to a subpoena or  
7 order of the Select Committee;

8 (B) the failure or refusal of any person to  
9 answer questions truthfully and completely dur-  
10 ing the person's appearance as a witness at a  
11 hearing or deposition of the Select Committee;  
12 or

13 (C) the failure or refusal of any person to  
14 comply with any subpoena or order issued  
15 under the authority of subsection (b).

16 (d) AVOIDANCE OF DUPLICATION.—

17 (1) IN GENERAL.—To expedite the investiga-  
18 tion, avoid duplication, and promote efficiency under  
19 this resolution, the Select Committee shall seek to—

20 (A) confer with other investigations into  
21 the matters set forth in section 2(a); and

22 (B) access all information and materials  
23 acquired or developed in such other investiga-  
24 tions.

1           (2) ACCESS TO INFORMATION AND MATE-  
2           RIALS.—The Select Committee shall have, to the  
3           fullest extent permitted by law, access to any such  
4           information or materials obtained by any other gov-  
5           ernmental department, agency, or body investigating  
6           the matters set forth in section 2(a).

7 **SEC. 6. REPORTS.**

8           (a) INITIAL REPORT.—The Select Committee shall  
9           submit to the Senate a report on the investigation con-  
10          ducted pursuant to section 2 not later than five months  
11          after the appointment of all of the members of the Select  
12          Committee.

13          (b) FINAL REPORT.—The Select Committee shall  
14          submit to the Senate a final report on such investigation  
15          not later than 10 months after the appointment of all of  
16          the members of the Select Committee.

17          (c) ADDITIONAL REPORTS.—The Select Committee  
18          may submit to the Senate any additional report or reports  
19          that the Select Committee considers appropriate.

20          (d) FINDINGS AND RECOMMENDATIONS.—The re-  
21          ports under this section shall include findings and rec-  
22          ommendations of the Select Committee regarding the mat-  
23          ters considered under section 2.

24          (e) DISPOSITION OF REPORTS.—All reports made by  
25          the Select Committee shall be submitted to the Secretary

1 of the Senate. All reports made by the Select Committee  
2 shall be referred to the committee or committees that have  
3 jurisdiction over the subject matter of the report.

4 **SEC. 7. ADMINISTRATIVE PROVISIONS.**

5 (a) STAFF.—

6 (1) IN GENERAL.—The Select Committee may  
7 employ in accordance with paragraph (2) a staff  
8 composed of such clerical, investigatory, legal, tech-  
9 nical, and other personnel as the Select Committee,  
10 or the Chair and the Vice Chair of the Select Com-  
11 mittee, considers necessary or appropriate.

12 (2) APPOINTMENT OF STAFF.—The staff of the  
13 Select Committee shall consist of such personnel as  
14 the Chair and the Vice Chair shall jointly appoint.  
15 Such staff may be removed jointly by the Chair and  
16 the Vice Chair, and shall work under the joint gen-  
17 eral supervision and direction of the Chair and the  
18 Vice Chair.

19 (b) COMPENSATION.—The Chair and the Vice Chair  
20 of the Select Committee shall jointly fix the compensation  
21 of all personnel of the staff of the Select Committee.

22 (c) REIMBURSEMENT OF EXPENSES.—The Select  
23 Committee may reimburse the members of its staff for  
24 travel, subsistence, and other necessary expenses incurred

1 by such staff members in the performance of their func-  
2 tions for the Select Committee.

3 (d) SERVICES OF SENATE STAFF.—The Select Com-  
4 mittee may use, with the prior consent of the chair of any  
5 other committee of the Senate or the chair of any sub-  
6 committee of any committee of the Senate, the facilities  
7 of any other committee of the Senate, or the services of  
8 any members of the staff of such committee or sub-  
9 committee, whenever the Select Committee or the Chair  
10 or the Vice Chair of the Select Committee considers that  
11 such action is necessary or appropriate to enable the Se-  
12 lect Committee to carry out its responsibilities, duties, or  
13 functions under this resolution.

14 (e) DETAIL OF EMPLOYEES.—The Select Committee  
15 may use on a reimbursable basis, with the prior consent  
16 of the head of the department or agency of Government  
17 concerned and the approval of the Committee on Rules  
18 and Administration of the Senate, the services of per-  
19 sonnel of such department or agency.

20 (f) TEMPORARY AND INTERMITTENT SERVICES.—  
21 The Select Committee may procure the temporary or  
22 intermittent services of individual consultants, or organi-  
23 zations thereof.

24 (g) PAYMENT OF EXPENSES.—There shall be paid  
25 out of the applicable accounts of the Senate such sums

1 as may be necessary for the expenses of the Select Com-  
2 mittee. Such payments shall be made on vouchers signed  
3 by the Chair of the Select Committee and approved in the  
4 manner directed by the Committee on Rules and Adminis-  
5 tration of the Senate. Amounts made available under this  
6 subsection shall be expended in accordance with regula-  
7 tions prescribed by the Committee on Rules and Adminis-  
8 tration of the Senate.

9 **SEC. 8. EFFECTIVE DATE; TERMINATION.**

10 (a) **EFFECTIVE DATE.**—This resolution shall take ef-  
11 fect on the date of the adoption of this resolution.

12 (b) **TERMINATION.**—The Select Committee shall ter-  
13 minate two months after the submittal of the report re-  
14 quired by section 6(b).

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