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Intelligence Legislation: Privacy Act: H.R. 4151 – Omnibus
Diplomatic Security & Anti-Terrorism Act of 1986 (Signing
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NATIONAL SECURITY COUNCIL

May 8, 1986

Vince,

Since Ken is on Naval Reserves today
and tomorrow, would you take a look at
this "for comment" for him.

or should David
handle for Ken -

Please return
package to me

Thanks

June

NSC/S PROFILE

UNCLASSIFIED

ID 8603603

RECEIVED 07 MAY 86 12

TO

MCDANIEL

FROM PETERSON, R

DOCDATE 06 MAY 86

KEYWORDS: TERRORISM

INTELLIGENCE

ENROLLED BILLS

LEGISLATIVE REFERRAL

SUBJECT: DRAFT MARKUP OF HOUSE PASSED HR-4151 / OMNIBUS DIPLOMATIC SECURITY &
ANTI-TERRORISM ACT OF 1986

ACTION: MEMO MCDANIEL TO PETERSON

DUE: 09 MAY 86 STATUS S

FILES WH

FOR ACTION

FOR CONCURRENCE

FOR INFO

NORTH

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Thompson

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NSCIFID

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ACTION OFFICER (S)

ASSIGNED

ACTION REQUIRED

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FILE

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EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503
May 6, 1986

3603 7
SPECIAL

LEGISLATIVE REFERRAL MEMORANDUM

TO: Legislative Liaison Officer-

Office of Personnel Management
Department of State
Department of Justice
Department of Defense
Department of Energy
Central Intelligence Agency
Department of Transportation
National Security Council
United States Trade Representative
Department of Commerce

SUBJECT: Draft markup of House-passed H.R. 4151, the
"Omnibus Diplomatic Security and Anti-Terrorism
Act of 1986."

(NOTE: This markup would be used if the Senate Foreign Relations Committee decides to use the House-passed version of H.R. 4151 as its markup vehicle when the Committee considers embassy security/anti-terrorism issues on May 14th.)

The Office of Management and Budget requests the views of your agency on the above subject before advising on its relationship to the program of the President, in accordance with OMB Circular A-19.

A response to this request for your views is needed no later than NOON, FRIDAY, MAY 9, 1986.

Questions should be referred to ANNETTE ROONEY/SUE THAU (395-7300), the legislative analyst in this office or to MIKE MARGESON (395-4580).

Ronald K. Peterson

RONALD K. PETERSON FOR
Assistant Director for
Legislative Reference

Enclosures

cc: P. Jacobs
R. Neely
P. Scheinberg
J. Brown
J. Nix

SPECIAL



99TH CONGRESS
2D SESSION

H. R. 4151

IN THE SENATE OF THE UNITED STATES

MARCH 19 (legislative day, MARCH 18), 1986

Received; read twice and referred to the Committee on Foreign Relations

AN ACT

To provide enhanced diplomatic security and combat international terrorism, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "Omnibus Diplomatic Se-
5 curity and Anti-Terrorism Act of 1986".

6 **SEC. 2. TABLE OF CONTENTS.**

7 The table of contents of this Act is as follows:

Sec. 1. Short title.

Sec. 2. Table of contents.

TITLE I—DIPLOMATIC SECURITY

- Sec. 101. Short title.
- Sec. 102. Findings and purposes.
- Sec. 103. Responsibility of the Secretary of State.
- Sec. 104. Bureau of Diplomatic Security.
- Sec. 105. Responsibilities of the Assistant Secretary for Diplomatic Security.
- Sec. 106. Cooperation of other Federal agencies.
- Sec. 107. Protection of foreign consulates.

TITLE II—DIPLOMATIC SECURITY SERVICE

- Sec. 201. Establishment of Diplomatic Security Service.
- Sec. 202. Director of Diplomatic Security Service.
- Sec. 203. Positions in the Diplomatic Security Service.

TITLE III—PERFORMANCE AND ACCOUNTABILITY

- Sec. 301. Accountability review.
- Sec. 302. Accountability Review Board.
- Sec. 303. Procedures.
- Sec. 304. Findings and recommendations by a Board.
- Sec. 305. Relation to other proceedings.

TITLE IV—DIPLOMATIC SECURITY PROGRAM

- Sec. 401. Authorization.
- Sec. 402. Diplomatic construction program.
- Sec. 403. Qualifications of persons hired for the diplomatic construction program.
- Sec. 404. Cost overruns.
- Sec. 405. Efficiency in contracting.
- Sec. 406. Advisory Panel on Overseas Security.
- Sec. 407. Training to improve perimeter security at United States diplomatic missions abroad.
- Sec. 408. Protection of entrance of United States diplomatic missions abroad.
- Sec. 409. Certain protective functions.

TITLE V—STATE DEPARTMENT AUTHORITIES TO COMBAT INTERNATIONAL TERRORISM

- Sec. 501. Most wanted international terrorists list.
- Sec. 502. Amount of rewards for information about most wanted international terrorists.
- Sec. 503. Rewards for information relating to international narcoterrorism and drug trafficking.
- Sec. 504. Coordination of terrorism-related assistance.
- Sec. 505. Counter-terrorism Protection Fund.
- Sec. 506. Reports to Congress on terrorism-related travel advisories.
- Sec. 507. Issuance of travel advisories on account of terrorism supported by Libya, Iran, or other foreign governments.
- Sec. 508. Authority to control certain terrorism-related services.
- Sec. 509. Exports to countries supporting terrorism.

TITLE VI—INTERNATIONAL NUCLEAR TERRORISM

- Sec. 601. Actions to combat international nuclear terrorism.
- Sec. 602. Authority to suspend nuclear cooperation with nations which have not ratified the Convention on the Physical Protection of Nuclear Material.

- Sec. 603. Consultation with the Department of Defense concerning certain nuclear exports and subsequent arrangements.
- Sec. 604. Review of physical security standards.
- Sec. 605. International review of the nuclear terrorism problem.

TITLE VII—MULTILATERAL COOPERATION TO COMBAT INTERNATIONAL TERRORISM

- Sec. 701. Consideration of international terrorism at the Tokyo Economic Summit Conference.
- Sec. 702. International Anti-Terrorism Committee.
- Sec. 703. International arrangements relating to passports and visas.
- Sec. 704. Protection of Americans endangered by the appearance of their place of birth on their passports.
- Sec. 705. Use of diplomatic privileges and immunities for terrorism purposes.
- Sec. 706. Reports on progress in increasing multilateral cooperation.

TITLE VIII—VICTIMS OF TERRORISM COMPENSATION

- Sec. 801. Short title.
- Sec. 802. Benefits for captives and other victims of hostile action.
- Sec. 803. Retention of leave by alien employees following injury from hostile action abroad.
- Sec. 804. Transition provisions.
- Sec. 805. Benefits for members of uniformed services who are victims of hostile action.
- Sec. 806. Effective date of entitlements.

TITLE IX—MARITIME SECURITY

- Sec. 901. Short title.
- Sec. 902. International measures for seaport and shipboard security.
- Sec. 903. Measures to prevent unlawful acts against passengers and crews on board ships.
- Sec. 904. Panama Canal security.
- Sec. 905. Threat of terrorism to United States ports and vessels.
- Sec. 906. Port, harbor, and coastal facility security.
- Sec. 907. Security standards at foreign ports.
- Sec. 908. Travel advisories concerning security at foreign ports.
- Sec. 909. Suspension of passenger services.
- Sec. 910. Criminal sanctions for the seizure of vessels by terrorists.
- Sec. 911. Definitions.

TITLE X—FASCELL FELLOWSHIP PROGRAM

- Sec. 1001. Short title.
- Sec. 1002. Fellowship program for temporary service at United States missions in the Soviet Union and Eastern Europe.
- Sec. 1003. Fellowship Board.
- Sec. 1004. Fellowships.
- Sec. 1005. Secretary of State.

TITLE XI—SECURITY AT MILITARY BASES ABROAD

- Sec. 1101. Findings.
- Sec. 1102. Recommended actions by the Secretary of Defense.
- Sec. 1103. Report to the Congress.

TITLE I—DIPLOMATIC SECURITY

SEC. 101. SHORT TITLE.

Titles I through IV of this Act may be cited as the "Diplomatic Security Act".

SEC. 102. FINDINGS AND PURPOSES.

(a) **FINDINGS.**—The Congress finds and declares that—

(1) the United States has a crucial stake in the presence of United States Government personnel representing United States interests abroad;

(2) conditions confronting United States Government personnel and missions abroad are fraught with security concerns which will continue for the foreseeable future; and

(3) the resources now available to counter acts of terrorism and protect and secure United States Government personnel and missions abroad, as well as foreign officials and missions in the United States, are inadequate to meet the mounting threat to such personnel and facilities.

(b) **PURPOSES.**—The purposes of titles I through IV are—

(1) to set forth the responsibility of the Secretary of State with respect to the security of diplomatic operations in the United States and abroad;

(2) to provide for an Assistant Secretary of State to head the Bureau of Diplomatic Security of the Department of State, and to set forth certain provisions relating to the Diplomatic Security Service of the Department of State;

(3) to maximize coordination by the Department of State with Federal, State, and local agencies and agencies of foreign governments in order to enhance security programs;

(4) to promote strengthened security measures and to provide for the accountability of United States Government personnel with security-related responsibilities; and

(5) to provide authorization of appropriations for the Department of State to carry out its responsibilities in the area of security and counter-terrorism, and in particular to finance the acquisition and improvements of United States Government missions abroad, including real property, buildings, facilities, and communications, information, and security systems.

SEC. 103. RESPONSIBILITY OF THE SECRETARY OF STATE.

(a) **SECURITY FUNCTIONS.**—The Secretary of State shall develop and implement (in consultation with the heads of other Federal agencies having personnel or missions abroad where appropriate and within the scope of the re-

1 sources made available) policies and programs, including
 2 funding levels and standards, to provide for the security of
 3 United States Government operations of a diplomatic nature
 4 and foreign government operations of a diplomatic nature in
 5 the United States. Such policies and programs shall
 6 include—

7 (1) protection of all United States Government
 8 personnel on official duty abroad (other than those
 9 personnel under the command of a United States area
 10 military commander) and their accompanying depend-
 11 ents;

12 (2) establishment and operation of security func-
 13 tions at all United States Government missions abroad
 14 (other than facilities or installations subject to the con-
 15 trol of a United States area military commander);

16 (3) establishment and operation of security func-
 17 tions at all Department of State facilities in the United
 18 States; and

19 (4) protection of foreign missions, international or-
 20 ganizations, and foreign officials and other foreign per-
 21 sons in the United States, as authorized by law.

22 (b) OVERSIGHT OF POSTS ABROAD.—The Secretary of
 23 State shall—

24 [(1)] have full responsibility for the coordination of
 25 all United States Government personnel assigned to

1 diplomatic or consular posts or other United States
 2 missions abroad pursuant to United States Government
 3 authorization (except for facilities, installations, or per-
 4 sonnel under the command of a United States area
 5 military commander) and

6 (2) establish appropriate overseas staffing levels
 7 for all such posts or missions for all Federal agencies *delete*
 8 with activities abroad (except for personnel and activi-
 9 ties under the command of a United States area mili-
 10 tary commander).]

11 (c) FEDERAL AGENCY.—As used in this title and title
 12 III, the term "Federal agency" includes any department or
 13 agency of the United States Government.

14 SEC. 104. BUREAU OF DIPLOMATIC SECURITY.

15 (a) THE BUREAU.—There shall be a Bureau of Diplo-
 16 matic Security in the Department of State, to be headed by
 17 the Assistant Secretary for Diplomatic Security. The Assist-
 18 ant Secretary shall be responsible for carrying out the func-
 19 tions and duties set forth in section 105 and such additional
 20 functions as may be directed by the Secretary of State.

21 (b) NUMBER OF ASSISTANT SECRETARIES.—The first
 22 section of the Act entitled "An Act to strengthen and im-
 23 prove the organization and administration of the Department
 24 of State, and for other purposes," approved May 26, 1949

1 (22 U.S.C. 2652), is amended by striking out "fourteen" and
2 inserting in lieu thereof "fifteen".

3 (c) POSITIONS AT LEVEL IV OF THE EXECUTIVE
4 SCHEDULE.—Section 5315 of title 5, United States Code, is
5 amended by striking out "(14)" following "Assistant Secre-
6 taries of State" and inserting in lieu thereof "(15)".

7 (d) COMPLIANCE WITH BUDGET ACT.—New spending
8 authority (within the meaning of section 401(c)(2)(C) of the
9 Congressional Budget and Impoundment Control Act of
10 1974) provided by the amendment made by subsection (c) of
11 this section shall be effective for any fiscal year only to the
12 extent or in such amounts as provided in appropriations Acts.

13 **SEC. 105. RESPONSIBILITIES OF THE ASSISTANT SECRETARY**
14 **FOR DIPLOMATIC SECURITY.**

15 Within the authority of the Secretary of State, the As-
16 sistant Secretary for Diplomatic Security shall be responsible
17 for the following:

18 (1) FORMER OFFICE OF SECURITY FUNCTIONS.—
19 Functions and responsibilities exercised by the Office of
20 Security, Department of State before November 11,
21 1985.

22 (2) SECURITY AND PROTECTIVE OPERATIONS
23 ABROAD.—

24 (A) Establishment and operation of post se-
25 curity and protective functions abroad.

1 (B) Development and implementation of com-
2 munications, computer, and information security.

3 (C) Emergency planning.

4 (D) Establishment and operation of local
5 guard services.

6 (E) Supervision of the United States Marine
7 Corps security guard program.

8 (F) Liaison with American overseas private
9 sector security interests.

10 (3) SECURITY AND PROTECTIVE OPERATIONS IN
11 THE UNITED STATES.—

12 (A) Protection of foreign missions and inter-
13 national organizations, foreign officials, and diplo-
14 matic personnel, as authorized by law.

15 (B) Protection of the Secretary of State and
16 other persons designated by the Secretary of
17 State, as authorized by law.

18 (C) Physical protection of Department of
19 State facilities, communications, and computer
20 and information systems.

21 (D) Conduct of investigations relating to pro-
22 tection of foreign officials and diplomatic person-
23 nel and foreign missions, suitability for employ-
24 ment, employee security, illegal passport and visa

1 issuance or use, and other investigations, as au-
2 thorized by law.

3 (E) Assisting an Inspector General of the
4 Department of State with such investigations as
5 that Inspector General may request.

6 (F) Carrying out the rewards program for in-
7 formation concerning international terrorism au-
8 thorized by section 36(a)(1) of the State Depart-
9 ment Basic Authorities Act of 1956.

10 (G) Performance of other security and pro-
11 tective matters as authorized by law.

12 (4) COUNTER-TERRORISM PLANNING AND CO-
13 ORDINATION.—Development and coordination of
14 counter-terrorism planning, emergency action planning,
15 threat analysis programs, and liaison with other Feder-
16 al agencies to carry out this paragraph. *Provenient*

17 (5) SECURITY TECHNOLOGY.—~~Development~~ and
18 implementation of technical and physical security pro-
19 grams, including security-related construction, radio
20 and personnel security communications, armored vehi-
21 cles, computer and communications security [and re-
22 search programs necessary to develop such measures.]

23 (6) DIPLOMATIC COURIER SERVICE.—Manage-
24 ment of the diplomatic courier service.

for Department of State facilities, equipment, communications, computer and information systems

1 (7) PERSONNEL TRAINING.—Development of fa-
2 cilities, methods, and materials to develop and upgrade
3 necessary skills in order to carry out this section.

4 (8) FOREIGN GOVERNMENT TRAINING.—Manage-
5 ment and development of anti-terrorism assistance pro-
6 grams to assist foreign government security training
7 which are administered by the Department of State
8 under chapter 8 of part II of the Foreign Assistance
9 Act of 1961 (22 U.S.C. 2349aa et seq.).

10 SEC. 106. COOPERATION OF OTHER FEDERAL AGENCIES.

11 (a) ASSISTANCE.—In order to facilitate fulfillment of
12 the responsibilities described in section 103(a), other Federal
13 agencies shall cooperate (through agreements) to the maxi-
14 mum extent possible with the Secretary of State. Such agen-
15 cies may, with or without reimbursement, provide assistance
16 to the Secretary, perform security inspections, provide logis-
17 tical support relating to the differing missions and facilities of
18 other Federal agencies, and perform other overseas security
19 functions as may be authorized by the Secretary. Specifically,
20 the Secretary may agree to delegate operational control of
21 overseas security functions of other Federal agencies to the
22 heads of such agencies, subject to the Secretary's authority
23 as set forth in section 103(a). The agency head receiving
24 such delegated authority shall be responsible to the Secretary
25 in the exercise of the delegated operational control.

1 (b) OTHER AGENCIES.—Nothing contained in titles I
2 through IV shall be construed to limit or impair the authority
3 or responsibility of any other Federal, State, or local agency
4 with respect to law enforcement, domestic security oper-
5 ations, or intelligence activities as defined in Executive order
6 12333.

7 (c) CERTAIN LEASE ARRANGEMENTS.—The Adminis-
8 trator of General Services is authorized to lease (to such
9 extent or in such amounts as are provided in appropriation
10 Acts) up to 250,000 square feet in the United States for the
11 Department of State to accommodate the personnel required
12 to carry out this title. The Department of State shall pay for
13 such space at the rate established by the Administrator of
14 General Services for space and related services.

15 **SEC. 107. PROTECTION OF FOREIGN CONSULATES.**

16 Not later than 2 months after the date of enactment of
17 this Act, the Secretary of State shall establish a process for
18 periodic review of the accreditation in the United States of all
19 foreign consular personnel, including honorary consuls, and
20 the number and location of all foreign consular facilities in
21 the United States. The Secretary shall submit a report on
22 this process to the Committee on Foreign Affairs of the
23 House of Representatives and the Committee on Foreign Re-
24 lations of the Senate not later than 6 months after the date of
25 enactment of this Act. Such report shall describe this periodic

1 review process and present a plan for the reduction (as well
2 as consolidation) of foreign consular and related functions in
3 the United States.

4 **TITLE II—DIPLOMATIC SECURITY SERVICE**

5 **SEC. 201. ESTABLISHMENT OF DIPLOMATIC SECURITY**
6 **SERVICE.**

7 There shall be, within the Bureau of Diplomatic Securi-
8 ty, the Diplomatic Security Service. The Diplomatic Security
9 Service shall perform such functions as may be assigned to it
10 by the Secretary of State.

11 **SEC. 202. DIRECTOR OF DIPLOMATIC SECURITY SERVICE.**

12 The Diplomatic Security Service shall be headed by a
13 Director designated by the Secretary of State. The Director
14 shall be a [career] member of the Senior Foreign Service or
15 the Senior Executive Service and shall be qualified for the
16 position by virtue of demonstrated ability in the area of secu-
17 rity, law enforcement, management, or public administration.
18 Experience in management or operations at diplomatic posts
19 abroad shall be considered an affirmative factor in the selec-
20 tion of the Director. The Director shall act under the supervi-
21 sion and direction of the Assistant Secretary for Diplomatic
22 Security.

23 **SEC. 203. POSITIONS IN THE DIPLOMATIC SECURITY SERVICE.**

24 Positions in the Diplomatic Security Service shall be
25 filled in accordance with the provisions of the Foreign Serv-

ice Act of 1980 (22 U.S.C. 3901 et seq.) and title 5, United States Code. In filling such positions, the Secretary of State shall actively recruit women and members of minority groups. The Secretary of State shall prescribe the qualifications required for assignment or appointment to such positions. In the case of positions designated for special agents, the qualifications may include minimum and maximum entry age restrictions and other physical standards and shall incorporate such standards as may be required by law in order to perform security functions, to bear arms, and to exercise investigative, warrant, arrest, and such other authorities as are available by law to special agents of the Department of State and the Foreign Service.

TITLE III—PERFORMANCE AND ACCOUNTABILITY

SEC. 301. ACCOUNTABILITY REVIEW.

In any case of serious injury, loss of life, or significant destruction of property at or related to a United States Government mission abroad which is covered by the provisions of titles I through IV (other than a facility or installation subject to the control of a United States area military commander), the Secretary of State shall convene an Accountability Review Board (hereafter in this title referred to as the "Board"). The Secretary shall not convene a Board where

the Secretary determines that a case clearly involves only causes unrelated to security.

SEC. 302. ACCOUNTABILITY REVIEW BOARD.

(a) **MEMBERSHIP.**—A Board shall consist of five members, 4 appointed by the Secretary of State, and 1 appointed by the Director of Central Intelligence. The Secretary of State shall designate the Chairperson of the Board. Members of the Board who are not Federal officers or employees shall each be paid at a rate not to exceed the maximum rate of basic pay payable for level GS-18 of the General Schedule for each day (including travel time) during which they are engaged in the actual performance of duties vested in the Board. Members of the Board who are Federal officers or employees shall receive no additional pay by reason of such membership.

(b) FACILITIES, SERVICES, SUPPLIES, AND STAFF.—

(1) **SUPPLIED BY DEPARTMENT OF STATE.**—A Board shall obtain facilities, services, and supplies through the Department of State. All expenses of the Board, including necessary costs of travel, shall be paid by the Department of State. Travel expenses authorized under this paragraph shall be paid in accordance with subchapter I of chapter 57 of title 5, United States Code, or other applicable law.

(2) **DETAIL.**—At the request of a Board, employees of the Department of State or other Federal agencies, members of the Foreign Service, or members of the uniformed services may be temporarily assigned, with or without reimbursement, to assist the Board. Upon request, the Inspector General of the Department of State and the Foreign Service may provide assistance to the Board.

(3) **EXPERTS AND CONSULTANTS.**—A Board may employ and compensate (in accordance with section 3109 of title 5, United States Code) such experts and consultants as the Board considers necessary to carry out its functions. Experts and consultants so employed shall be responsible solely to the Board.

SEC. 303. PROCEDURES.

(a) **EVIDENCE.**—

(1) **UNITED STATES GOVERNMENT PERSONNEL AND CONTRACTORS.**—

(A) With respect to any individual described in subparagraph (B), a Board may—

- (i) administer oaths and affirmations;
- (ii) require that depositions be given and interrogatories answered; and

(iii) require the attendance and presentation of testimony and evidence by such individual.

Failure of any such individual to comply with a request of the Board shall be grounds for disciplinary action by the head of the Federal agency in which such individual is employed or serves, or in the case of a contractor, debarment.

(B) The individuals referred to in subparagraph (A) are—

(i) employees as defined by section 2105 of title 5, United States Code (including members of the Foreign Service);

(ii) members of the uniformed services as defined by section 101(3) of title 37, United States Code;

(iii) employees of instrumentalities of the United States; and

(iv) individuals employed by any person or entity under contract with agencies or instrumentalities of the United States Government to provide services, equipment, or personnel.

(2) **OTHER PERSONS.**—With respect to a person who is not described in paragraph (1)(B), a Board may

1 administer oaths and affirmations and require that
2 depositions be given and interrogatories answered.

3 (3) SUBPOENAS.—(A) The Board may issue a
4 subpoena for the attendance and testimony of any
5 person (other than a person described in clause (i), (ii),
6 or (iii) of paragraph (1)(B)) and the production of docu-
7 mentary or other evidence from any such person if the
8 Board finds that such a subpoena is necessary in the
9 interests of justice for the development of relevant
10 evidence.

11 (B) In the case of contumacy or refusal to obey a
12 subpoena issued under this paragraph, a court of the
13 United States within the jurisdiction of which a person
14 is directed to appear or produce information, or within
15 the jurisdiction of which the person is found, resides, or
16 transacts business, may upon application of the Attor-
17 ney General, issue to such person an order requiring
18 such person to appear before the Board to give
19 testimony or produce information as required by the
20 subpoena.

21 (C) Subpoenaed witnesses shall be paid the same
22 fee and mileage allowances which are paid subpoenaed
23 witnesses in the courts of the United States.

24 (b) CONFIDENTIALITY.—A Board shall adopt for ad-
25 ministrative proceedings under this title such procedures with

1 respect to confidentiality as may be deemed necessary, in-
2 cluding procedures relating to the conduct of closed proceed-
3 ings or the submission and use of evidence in camera, to
4 ensure in particular the protection of classified information
5 relating to national defense, foreign policy, or intelligence
6 matters. The Director of Central Intelligence shall establish
7 the level of protection required for intelligence information
8 and for information relating to intelligence personnel, includ-
9 ing standards for secure storage.

10 (c) RECORDS.—Records pertaining to administrative
11 proceedings under this title shall be separated from all other
12 records of the Department of State and shall be maintained
13 under appropriate safeguards to preserve confidentiality and
14 classification of information. Such records shall be prohibited
15 from disclosure to the public until such time as a Board com-
16 pletes its work and is dismissed. The Department of State
17 shall turn over to the Director of Central Intelligence intelli-
18 gence information and information relating to intelligence
19 personnel which shall then become records of the Central
20 Intelligence Agency. After that time, only such exemptions
21 as apply to other records of the Department of State under
22 section 552(b) of title 5 of the United States Code (relating to
23 freedom of information), shall be available for the remaining
24 records of the Board.

(d) STATUS OF BOARDS.—The provisions of the Federal Advisory Committee Act (5 U.S.C. App. 1 et seq.) and section 552b of title 5 of the United States Code (relating to open meetings) shall not apply to any Board.

SEC. 304. FINDINGS AND RECOMMENDATIONS BY A BOARD.

(a) FINDINGS.—A Board convened in any case shall examine the facts and circumstances surrounding the serious injury, loss of life, or significant destruction of property at or related to a United States Government mission abroad and determine—

(1) the extent to which the incident or incidents with respect to which the Board was convened was security related;

(2) whether the security systems and security procedures at that mission were adequate;

(3) whether the security systems and security procedures were properly implemented;

(4) the impact of intelligence and information availability; and

(4) (5) such other facts and circumstances which may be relevant to the appropriate security management of United States missions abroad.

(b) PROGRAM RECOMMENDATIONS.—A Board shall submit its findings (which may be classified to the extent deemed necessary by the Board) to the Secretary of State,

together with recommendations as appropriate to improve the security and efficiency of any program or operation which the Board has reviewed.

(c) PERSONNEL RECOMMENDATIONS.—Whenever a Board finds reasonable cause to believe that an individual described in section 303(a)(1)(B) has breached the duty of that individual, the Board shall transmit the finding of reasonable cause, together with such evidence and recommendation for disciplinary or other appropriate action, to the head of the appropriate Federal agency or instrumentality. In determining whether an individual has breached a duty of that individual, the Board shall take into account any standard of conduct, law, rule, regulation, contract, or order which is pertinent to the performance of the duties of that individual.

(d) REPORTS.—

(1) PROGRAM RECOMMENDATIONS.—In any case in which a Board transmits recommendations to the Secretary of State under subsection (b), the Secretary shall, not later than 90 days after the receipt of such recommendations, submit a report to the Congress on each such recommendation and the action taken with respect to that recommendation.

(2) PERSONNEL RECOMMENDATIONS.—In any case in which a Board transmits a finding of reasonable cause under subsection (c), the head of the Federal

1 agency or instrumentality receiving the information
2 shall review the evidence and recommendations and
3 shall, not later than 30 days after the receipt of that
4 finding, transmit to the Congress a report specifying—

5 (A) the nature of the case and a summary of
6 the evidence transmitted by the Board; and

7 (B) the decision by the Federal agency or in-
8 strumentality to take disciplinary or other appro-
9 priate action against that individual or the reasons
10 for deciding not to take disciplinary or other
11 action with respect to that individual.

12 **SEC. 305. RELATION TO OTHER PROCEEDINGS.**

13 Nothing in this title shall be construed to create admin-
14 istrative or judicial review remedies or rights of action not
15 otherwise available by law, nor shall any provision of this
16 title be construed to deprive any person of any right or legal
17 defense which would otherwise be available to that person
18 under any law, rule, or regulation.

19 **TITLE IV—DIPLOMATIC SECURITY**

20 **PROGRAM**

21 **SEC. 401. AUTHORIZATION.**

22 (a) **DIPLOMATIC SECURITY PROGRAM.**—In addition to
23 amounts otherwise available for such purposes, there are
24 hereby authorized to be appropriated for the Department of
25 State for fiscal years 1986 through 1990 under the heading

1 “Administration of Foreign Affairs” for “Salaries and Ex-
2 penses”, “Acquisition and Maintenance of Buildings
3 Abroad”, and “Counter-terrorism Research and Develop-
4 ment”, such sums as may be necessary for diplomatic securi-
5 ty construction, acquisition, and operations pursuant to the
6 Department of State’s Supplemental Diplomatic Security
7 Program, except that the aggregate appropriations pursuant
8 to this subsection for each such account for those five fiscal
9 years may not exceed the total amount specified for that ac-
10 count for those five fiscal years in the Department of State’s
11 Budget in Brief for fiscal year 1987.

12 (b) **NOTIFICATION TO AUTHORIZING COMMITTEES OF**
13 **REQUESTS FOR APPROPRIATIONS.**—In any fiscal year,
14 whenever the Secretary of State submits to the Congress a
15 request for appropriations to carry out the program described
16 in subsection (a), the Secretary shall notify the Committee on
17 Foreign Affairs of the House of Representatives and the
18 Committee on Foreign Relations of the Senate of such re-
19 quest, together with a justification of each item listed in such
20 request.

21 (c) **REPROGRAMMING TREATMENT.**—Amounts made
22 available for capital projects pursuant to the program de-
23 scribed in subsection (a) shall be treated as a reprogramming
24 of funds under section 34 of the State Department Basic Au-
25 thorities Act of 1956 (22 U.S.C. 2706) and shall not be

1 available for obligation or expenditure except in compliance
2 with the procedures applicable to such reprogramming.

3 (d) PROHIBITION ON REALLOCATIONS OF AUTHORIZA-
4 TIONS.—Section 24(d) of the State Department Basic Au-
5 thorities Act of 1956 (22 U.S.C. 2692(d)) shall not apply
6 with respect to any amounts authorized to be appropriated
7 under this section.

8 (e) SECURITY REQUIREMENTS OF OTHER FOREIGN
9 AFFAIRS AGENCIES.—Based solely on security requirements
10 and within the total amount of funds available for security,
11 the Secretary of State shall ensure that an equitable level of
12 funding is provided for the security requirements of other for-
13 eign affairs agencies.

14 (f) INSUFFICIENCY OF FUNDS.—In the event that suffi-
15 cient funds are not available in any fiscal year for all of the
16 diplomatic security construction, acquisition, and operations
17 pursuant to the Department of State's Supplemental Diplo-
18 matic Security Program, the Secretary of State shall report
19 to the Congress the effect that the insufficiency of funds will
20 have with respect to the Department of State and each of the
21 other foreign affairs agencies.

22 [SEC. 402. DIPLOMATIC CONSTRUCTION PROGRAM.

23 (a) PREFERENCE FOR UNITED STATES CONTRAC-
24 TORS.—Notwithstanding section 11 of the Foreign Service
25 Buildings Act, 1926, and where adequate competition exists,

1 only United States persons and qualified United States joint
2 venture persons may bid on a diplomatic construction project,
3 for which funds are authorized by this title, which has an
4 estimated contract value exceeding \$5,000,000.

5 (b) EXCEPTION.—Subsection (a) shall not apply with
6 respect to any project in a foreign country whose laws and
7 policies prohibit the use of United States contractors on
8 United States diplomatic construction projects.

9 (c) DEFINITIONS.—For the purposes of this section—

10 (1) the term "adequate competition" means with
11 respect to a construction project, the presence of two
12 or more qualified bidders submitting responsive bids for
13 that project;

14 (2) the term "United States person" means a
15 person which—

16 (A) is incorporated or legally organized under
17 the laws of the United States, including State, the
18 District of Columbia, and local laws; and

19 (B) has its principal place of business in the
20 United States; and

21 (C) has been incorporated or legally orga-
22 nized in the United States for more than 5 years
23 before the issuance date of the invitation for bids
24 or request for proposals with respect to a con-
25 struction project; and

(D) has performed within the United States administrative and technical, professional, or construction services similar in complexity, type of construction, and value to the project being bid; and

(E) has achieved total business volume equal to or greater than the value of the project being bid in 3 years of the 5-year period before the date specified in subparagraph (C); and

(F) employs United States citizens in more than half of its permanent, full-time positions in the United States and will employ United States citizens in 80 percent of the supervisory positions on the foreign buildings office project site; and

(G) has the existing technical and financial resources in the United States to perform the contract; and

(3) the term "qualified United States joint venture person" means a joint venture in which a United States person or persons owns at least 51 percent of the assets of the joint venture.

(d) **AMERICAN MINORITY CONTRACTORS.**—Not less than 10 percent of the amount appropriated pursuant to section 401(a) for diplomatic construction projects each fiscal

year shall be allocated to the extent practicable for contracts with American minority contractors.]

SEC. 403. QUALIFICATIONS OF PERSONS HIRED FOR THE DIPLOMATIC CONSTRUCTION PROGRAM.

In carrying out the diplomatic construction program referred to in section 401(a), the Secretary of State may employ as professional staff (by appointment, contract, or otherwise) only those persons with a demonstrated specialized background in the fields of construction, construction law, or contract management. In filling such positions, the Secretary shall actively recruit women and members of minority groups.

SEC. 404. COST OVERRUNS.

Any amount required to complete any capital project described in the Department of State's Supplemental Diplomatic Security Program which is in excess of the amount made available for that project shall be treated as a reprogramming of funds under section 34 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2706) and shall not be available for obligation or expenditure except in compliance with the procedures applicable to such reprogrammings.

SEC. 405. EFFICIENCY IN CONTRACTING.

The Director of the Office of Foreign Buildings shall provide for a contract system of bonuses and penalties for the diplomatic construction program funded pursuant to the au-

1 thorizations provided in this title. Not later than 3 months
2 after the date of enactment of this Act, the Director shall
3 submit a report to the Congress on the implementation of this
4 section.

5 **SEC. 406. ADVISORY PANEL ON OVERSEAS SECURITY.**

6 Not later than 90 days after the date of enactment of
7 this Act, the Secretary of State shall submit a report to the
8 Congress on the implementation of the 91 recommendations
9 contained in the final report of the Advisory Panel on Over-
10 seas Security. If any such recommendation has been rejected,
11 the Secretary shall provide the reasons why that recommen-
12 dation was rejected.

13 **SEC. 407. TRAINING TO IMPROVE PERIMETER SECURITY AT**

14 **UNITED STATES DIPLOMATIC MISSIONS**
15 **ABROAD.**

16 (a) **TRAINING.**—It is the sense of Congress that the
17 President should use the authority under chapter 8 of title II
18 of the Foreign Assistance Act of 1961 (relating to anti-ter-
19 rorism assistance) to improve perimeter security of United
20 States diplomatic missions abroad.

21 (b) **REPORTS.**—Not later than October 1 of each year,
22 the President shall submit a report to the Congress on the
23 progress and problems of improving perimeter security of
24 United States diplomatic missions abroad.

1 **SEC. 408. PROTECTION OF ENTRANCE OF UNITED STATES DIP-**
2 **LOMATIC MISSIONS ABROAD.**

3 The Secretary of State shall install and maintain a
4 walk-through metal detector or more advanced screening
5 system at the main entrance of each United States diplomatic
6 mission abroad.

7 **SEC. 409. CERTAIN PROTECTIVE FUNCTIONS.**

8 Section 208(a) of title 3, United States Code, is amend-
9 ed by adding at the end thereof the following: "In carrying
10 out any duty under section 202(7), the Secretary of State is
11 authorized to utilize any authority available to the Secretary
12 under title II of the State Department Basic Authorities Act
13 of 1956."

14 **TITLE V—STATE DEPARTMENT AUTHORI-**
15 **TIES TO COMBAT INTERNATIONAL**
16 **TERRORISM**

17 **SEC. 501. MOST WANTED INTERNATIONAL TERRORISTS LIST.**

18 (a) **MAINTENANCE AND PUBLICATION.**—The Secretary
19 of State shall maintain and publicize a most wanted interna-
20 tional terrorists list.

21 (b) **SELECTION.**—The Most wanted international terror-
22 ists list shall contain the names of those individuals—

23 (1) with respect to whom rewards could be offered
24 under paragraph (1) or paragraph (2)(A)(ii) of section
25 36(a) of the State Department Basic Authorities Act of
26 1956 (22 U.S.C. 2708(a)); and

delete

18

1 (2) who are sought for prosecution by the United
2 States for acts described in those paragraphs; and

3 (3) whose inclusion on the list would be useful in
4 enhancing efforts to apprehend and effectively pros-
5 ecute them.

6 The Secretary of State shall make the determinations re-
7 quired by this section, in consultation with the Attorney
8 General.]

9 SEC. 502. AMOUNT OF REWARDS FOR INFORMATION ABOUT
10 MOST WANTED INTERNATIONAL TERRORISTS.

11 Section 36(b) of the State Department Basic Authorities
12 Act of 1956 (22 U.S.C. 2708(b)) is amended by inserting
13 immediately before the period at the end of the first sentence
14 the following: “, except that a reward of up to \$1,000,000
15 may be paid with respect to [each individual on the most
16 wanted international terrorists list established pursuant to
17 section 501 of the Omnibus Diplomatic Security and Anti-
18 Terrorism Act of 1986,] each individual sought for an act of
19 international terrorism resulting in the death of a citizen or
20 national of the United States, and each individual sought for
21 an act of international terrorism involving the detention of a
22 citizen or national of the United States for a period longer
23 than 60 days”.

1 SEC. 503. REWARDS FOR INFORMATION RELATING TO INTER-
2 NATIONAL NARCOTERRORISM AND DRUG TRAF-
3 FICKING.

4 (a) AUTHORITY OF THE SECRETARY OF STATE.—Sec-
5 tion 36(a) of the State Department Basic Authorities Act of
6 1956 (22 U.S.C. 2708(a)) is amended to read as follows:

7 “(a) The Secretary of State may pay a reward to any
8 individual who furnishes the following information:

9 [“(1) INTERNATIONAL TERRORISM.—Information
10 leading to—

11 “(A) the arrest or conviction in any country *redundan*
12 of any individual for committing, or for conspiring
13 or attempting to commit, an act of international
14 terrorism; or

15 “(B) the prevention, frustration, or favorable
16 resolution of an act of international terrorism;
17 if the act of international terrorism is against a United
18 States person or United States property and is primari-
19 ly outside the territorial jurisdiction of the United
20 States.]

21 “(2) INTERNATIONAL NARCOTERRORISM AND
22 DRUG TRAFFICKING.—Information leading to—

23 “(A) the arrest or conviction in any country
24 of any individual for committing primarily outside
25 the territorial jurisdiction of the United States, or
26 for conspiring or attempting to commit primarily

outside the territorial jurisdiction of the United States, a narcotics-related offense, if that offense involves or is a significant part of conduct that involves—

“(i) a violation of United States drug laws which occurs primarily outside the territorial jurisdiction of the United States and which is such that the individual is a class I violator under the Domestic Drug Violator Classification Standards and Criteria established by the Drug Enforcement Administration; or

“(ii) the killing or kidnapping outside the territorial jurisdiction of the United States of—

“(1) any officer, employee, or contract employee of the United States Government while that individual is engaged in official duties, or on account of that individual’s official duties, in connection with the enforcement of United States drug laws or the implementation of United States drug control objectives, or

“(11) a member of the immediate family of any such individual on account of that individual’s duties in connection with the enforcement of United States drug laws or the implementation of United States drug control objectives; or

“(B) the prevention or frustration of an act described in subparagraph (A).”.

(b) CONSULTATION WITH THE ATTORNEY GENERAL.—Section 36(c) of such Act is amended to read as follows:

“(c) The Secretary of State shall advise and consult with the Attorney General before paying any reward under this section—

“(1) in a matter over which there is Federal criminal jurisdiction; or

“(2) for any information described in subsection (a)(2).”.

(c) FUNDING FOR REWARDS.—Section 36(f) of such Act is amended by striking out the period at the end of the first sentence and inserting in lieu thereof the following: “, up to \$2,000,000 of which may be used for rewards for information described in subsection (a)(2). In addition to the amount authorized by the preceding sentence, [there are authorized to

1 be appropriated \$10,000,000 for fiscal year 1987 for 'Admin-
2 istration of Foreign Affairs' for use in paying rewards under
3 this section, up to \$5,000,000 of which may be used for re-
4 wards for information described in subsection (a)(2)."]

5 (d) REPORTS ON REWARDS; DEFINITIONS.—Section
6 36 of such Act is amended by adding at the end thereof the
7 following new subsections:

8 "(g) Not later than 30 days after paying any reward
9 under this section, the Secretary of State shall submit a
10 report to the Congress with respect to that reward. The
11 report, which may be submitted on a classified basis if neces-
12 sary, shall specify the amount of the reward paid, to whom
13 the reward was paid, and the acts with respect to which the
14 reward was paid, and shall discuss the significance of the
15 information for which the reward was paid in dealing with
16 those acts.

17 "(h) As used in this section—

18 "(1) the term 'United States drug laws' means the
19 laws of the United States for the prevention and con-
20 trol of illicit traffic in controlled substances (as such
21 term is defined for purposes of the Controlled Sub-
22 stances Act); and

23 "(2) the term 'member of the immediate family'
24 includes—

1 "(A) a spouse, parent, brother, sister, or
2 child of the individual;

3 "(B) a person to whom the individual stands
4 in loco parentis; and

5 "(C) any other person living in the individ-
6 ual's household and related to the individual by
7 blood or marriage.".

8 SEC. 504. COORDINATION OF TERRORISM-RELATED ASSIST-
9 ANCE.

10 Section 502 of the International Security and Develop-
11 ment Cooperation Act of 1985 (22 U.S.C. 2349aa-7) is
12 amended—

13 (1) in the section heading by striking out "**ANTI-**
14 **TERRORISM**" and inserting in lieu thereof "**TER-**
15 **RORISM-RELATED**";

16 (2) in subsection (a) by striking out "anti-terrorism
17 assistance to foreign countries provided by the United
18 States Government" and inserting in lieu thereof "as-
19 sistance related to international terrorism which is pro-
20 vided by the United States Government to foreign
21 countries"; and

22 (3) in subsection (b) by striking out "anti-terrorism
23 assistance" and inserting in lieu thereof "assistance re-
24 lated to international terrorism which was".

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DELETED

1 **SEC. 505. COUNTER-TERRORISM PROTECTION FUND.**

2 The State Department Basic Authorities Act of 1950 is
3 amended—

- 4 (1) by redesignating section 39 as section 40; and
5 (2) by inserting after section 38 (22 U.S.C. 2710)
6 the following new section:

7 **SEC. 39. COUNTER-TERRORISM PROTECTION FUND.**

8 "(a) **AUTHORITY.**—The Secretary of State may reim-
9 burse domestic and foreign persons, agencies, or governments
10 for the protection of judges or other persons who provide
11 assistance or information relating to terrorist incidents pri-
12 marily outside the territorial jurisdiction of the United States.
13 Before making a payment under this section in a matter over
14 which there is Federal criminal jurisdiction, the Secretary
15 shall advise and consult with the Attorney General.

16 "(b) **AUTHORIZATION OF APPROPRIATIONS.**—There
17 are authorized to be appropriated to the Secretary of State
18 for 'Administration of Foreign Affairs' \$1,000,000 for fiscal
19 year 1986 and \$1,000,000 for fiscal year 1987 for use in
20 reimbursing persons, agencies, or governments under this
21 section.

22 "(c) **DESIGNATION OF FUND.**—Amounts made avail-
23 able under this section may be referred to as the 'Counter-
24 terrorism Protection Fund'."

1 **SEC. 506. REPORTS TO CONGRESS ON TERRORISM-RELATED**
2 **TRAVEL ADVISORIES.**

3 The Secretary of State shall report promptly to the
4 Congress whenever the Department of State issues a travel
5 advisory, or other public warning notice for United States
6 citizens traveling abroad, because of a terrorist threat or
7 other security concern.

8 **SEC. 507. ISSUANCE OF TRAVEL ADVISORIES ON ACCOUNT OF**
9 **TERRORISM SUPPORTED BY LIBYA, IRAN, OR**
10 **OTHER FOREIGN GOVERNMENTS.**

11 It is the sense of the Congress that the Secretary of
12 State should consider the issuance of a travel advisory, or
13 other appropriate notice, warning United States citizens of
14 the dangers of traveling in any foreign country in which
15 United States citizens—

16 (1) are attacked by terrorists supported by Libya
17 or Iran if the government of that country fails to act
18 immediately to require the closing of any Libyan offi-
19 cial missions in that country or any Iranian official
20 missions in that country, as the case may be; or

21 (2) are attacked by terrorists supported by any
22 other foreign government which used its official mis-
23 sions to support that attack, if that foreign government
24 is not immediately required to close all of its official
25 missions in the country in which the attack occurred.

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1 SEC. 508. AUTHORITY TO CONTROL CERTAIN TERRORISM-
2 RELATED SERVICES.

3 The State Department Basic Authorities Act of 1956 is
4 amended—

5 (1) by redesignating section 40 (as so redesignated
6 by section 505 of this Act) as section 41; and

7 (2) by inserting after section 39 (as added by sec-
8 tion 505 of this Act) the following new section:

9 "SEC. 40. AUTHORITY TO CONTROL CERTAIN TERRORISM-
10 RELATED SERVICES.

11 "(a) AUTHORITY.—The Secretary of State may, by reg-
12 ulation, impose controls on the provision of the services
13 described in subsection (b) if the Secretary determines that
14 provision of such services would aid and abet international
15 terrorism.

16 "(b) SERVICES SUBJECT TO CONTROL.—The services
17 subject to control under subsection (a) are the following:

18 "(1) Serving in or with the security forces of a
19 designated foreign government.

20 "(2) Providing training or other technical services
21 having a direct military, law enforcement, or intelli-
22 gence application, to or for the security forces of a
23 designated foreign government.

24 Any regulations issued to impose controls on services de-
25 scribed in paragraph (2) shall list the specific types of training
26 and other services subject to the controls.

1 "(c) PERSONS SUBJECT OF CONTROLS.—These serv-
2 ices may be controlled under subsection (a) when they are
3 provided within the United States by any individual or entity
4 and when they are provided anywhere in the world by a
5 United States person.

6 "(d) LICENSES.—In carrying out subsection (a), the
7 President may require licenses, which may be revoked, sus-
8 pended, or amended, without prior notice, whenever such
9 action is deemed to be advisable.

10 "(e) DEFINITIONS.—

11 "(1) DESIGNATED FOREIGN GOVERNMENT.—As
12 used in this section, the term 'designated foreign gov-
13 ernment' means a foreign government that the Secre-
14 tary of State has determined, for purposes of section
15 6(j)(1) of the Export Administration Act of 1979, en-
16 gages in or provides support for international terrorism.

17 "(2) SECURITY FORCES.—As used in this section,
18 the term 'security forces' means any military or para-
19 military forces, any police or other law enforcement
20 agency, and any intelligence agency of a foreign
21 government.

22 "(3) UNITED STATES.—As used in this section,
23 the term 'United States' includes any State, the Dis-
24 trict of Columbia, the Commonwealth of Puerto Rico,

23

1 the Commonwealth of the Northern Mariana Islands,
2 and any territory or possession of the United States.

3 "(4) UNITED STATES PERSON.—As used in this
4 section, the term 'United States person' means any
5 United States national, any permanent resident alien,
6 and any sole proprietorship, partnership, company, as-
7 sociation, or corporation organized under the laws of or
8 having its principal place of business within the United
9 States.

10 "(f) VIOLATIONS.—Whoever willfully violates any reg-
11 ulation issued under this section shall be fined not more than
12 \$100,000 or five times the total compensation received for
13 the conduct which constitutes the violation, whichever is
14 greater, or imprisoned for not more than ten years, or both,
15 for each such offense.

16 "(g) CONGRESSIONAL OVERSIGHT.—

17 "(1) REVIEW OF REGULATIONS.—Not less than
18 30 days before issuing any regulations under this sec-
19 tion (including any amendments thereto), the President
20 shall transmit the proposed regulations to the
21 Congress.

22 "(2) REPORTS.—Not less than once every six
23 months, the President shall report to the Congress con-
24 cerning the number and character of licenses granted
25 and denied during the previous reporting period, and

1 such other information as the President may find to be
2 relevant to the accomplishment of the objectives of this
3 section.

4 "(h) RELATIONSHIP TO OTHER LAWS.—The authority
5 granted by this section is in addition to the authorities grant-
6 ed by any other provision of law."

7 **SEC. 509. EXPORTS TO COUNTRIES SUPPORTING TERRORISM.**

8 (a) PROHIBITION OF CERTAIN EXPORTS.—Section 6(j)
9 of the Export Administration Act of 1979 (50 U.S.C. App.
10 2405(j)) is amended—

11 (1) by redesignating paragraph (2) as paragraph
12 (3); and

13 (2) by striking out paragraph (1) and inserting in
14 lieu thereof the following:

15 "(1)(A) No item on the United States Munitions List
16 established pursuant to section 38(a)(1) of the Arms Export
17 Control Act may be exported to any country which the Sec-
18 retary of State determines engages in or provides support for
19 international terrorism.

20 "(B) The President may waive the prohibition contained
21 in subparagraph (A) in the case of a particular export if—

22 "(i) the President determines that the export is
23 important to the national interests of the United
24 States, and

*State will
add language.*

delete

1 “(ii) the President submits to the Congress a
2 report justifying that determination and describing the
3 proposed export.

4 Any waiver under this subparagraph shall expire at the end
5 of 90 calendar days after it is granted unless the Congress
6 enacts a law extending the waiver.

7 “(2)(A) No goods or technology which the Secretary of
8 State determines would make a significant contribution to the
9 military potential of a country referred to in paragraph (1)(A),
10 or would enhance the ability of such country to support inter-
11 national terrorism, may be exported to such country except
12 pursuant to a validated export license.

13 “(B) The Secretary and the Secretary of State shall
14 notify the Committee on Foreign Affairs of the House of
15 Representatives and the Committee on Banking, Housing,
16 and Urban Affairs and the Committee on Foreign Relations
17 of the Senate at least 30 legislative days before any license is
18 issued authorizing any export under subparagraph (A).”.

19 (b) COOPERATION OF FOREIGN GOVERNMENTS; COM-
20 PUTATION OF LEGISLATIVE DAYS.—Section 6(j) of the
21 Export Administration Act of 1979 is amended by adding at
22 the end the following:

23 “(4) The President shall take all feasible steps to secure
24 the cooperation of appropriate foreign governments in prohib-
25 iting or controlling (as the case may be) the export to coun-

1 tries described in paragraph (1)(A) of items, goods, and tech-
2 nology comparable to the items, goods, and technology the
3 export of which is prohibited or controlled by this subsection.

4 “(5) In the computation of the period of 30 legislative
5 days referred to in paragraph (2)(B), there shall be excluded
6 the days on which either House of Congress is not in session
7 because of an adjournment of more than 3 days to a day
8 certain or because of an adjournment of the Congress sine
9 die.”.

10 (c) CLERICAL AMENDMENT.—Section 6(j)(3) of the
11 Export Administration Act of 1979, as redesignated by sub-
12 section (a)(1) of this section, is amended by striking out “(1)”
13 and inserting in lieu thereof “(1)(A)”.

14 [TITLE VI—INTERNATIONAL NUCLEAR 15 TERRORISM

16 SEC. 601. ACTIONS TO COMBAT INTERNATIONAL NUCLEAR 17 TERRORISM.

18 (a) ACTIONS TO BE TAKEN BY THE PRESIDENT.—The
19 Congress hereby directs the President—

20 (1) to seek universal adherence to the Convention
21 on the Physical Protection of Nuclear Material;

22 (2) to—

23 (A) conduct a review, enlisting the participa-
24 tion of all relevant departments and agencies of
25 the Government, to determine whether the recom-

1 recommendations on Physical Protection of Nuclear Ma-
2 terial published by the International Atomic
3 Energy Agency are adequate to deter theft, sabo-
4 tage, and the use of nuclear facilities and materi-
5 als in acts of international terrorism, and

6 (B) transmit the results of this review to the
7 Director-General of the International Atomic
8 Energy Agency;

9 (3) to take, in concert with United States allies
10 and other countries, such steps as may be necessary—

delete
11 (A) to keep to an absolute minimum the
12 amount of weapons-grade nuclear material in
13 international transit, and

14 (B) to ensure that when any such material is
15 transported internationally, it is under the most
16 effective means for protecting it from acts or at-
17 tempted acts of sabotage or theft by terrorist
18 groups or nations; and

19 (4) to seek agreement in the United Nations Secu-
20 rity Council to establish—

21 (A) an effective regime of international sanc-
22 tions against any nation or subnational group
23 which conducts or sponsors acts of international
24 nuclear terrorism, and

1 (B) measures for coordinating responses to
2 all acts of international nuclear terrorism, includ-
3 ing measures for the recovery of stolen nuclear
4 material and the clean-up of nuclear releases.

5 (b) REPORTS TO THE CONGRESS.—The President shall
6 report to the Congress annually, in the reports required by
7 section 601 of the Nuclear Non-Proliferation Act of 1978 (22
8 U.S.C. 3281), on the progress made during the preceding
9 year in achieving the objectives described in this section.

10 SEC. 602. AUTHORITY TO SUSPEND NUCLEAR COOPERATION
11 WITH NATIONS WHICH HAVE NOT RATIFIED
12 THE CONVENTION ON THE PHYSICAL PROTEC-
13 TION OF NUCLEAR MATERIAL. *delete*

14 Chapter 11 of the Atomic Energy Act of 1954 is
15 amended by adding at the end thereof the following new
16 section:

17 "SEC. 132. AUTHORITY TO SUSPEND NUCLEAR CO-
18 OPERATION WITH NATIONS WHICH HAVE NOT RATIFIED
19 THE CONVENTION ON THE PHYSICAL SECURITY OF NU-
20 CLEAR MATERIAL.—

21 "The President may suspend nuclear cooperation under
22 this Act with any nation or group of nations which has not
23 ratified the Convention on the Physical Security of Nuclear
24 Material."

1 SEC. 603. CONSULTATION WITH THE DEPARTMENT OF DE-
 2 FENSE CONCERNING CERTAIN NUCLEAR EX-
 3 PORTS AND SUBSEQUENT ARRANGEMENTS.

4 Chapter 11 of the Atomic Energy Act of 1954, as
 5 amended by section 602 of this Act, is further amended by
 6 adding at the end thereof the following new section:

7 "SEC. 133. CONSULTATION WITH THE DEPARTMENT
 8 OF DEFENSE CONCERNING CERTAIN EXPORTS AND SUB-
 9 SEQUENT ARRANGEMENTS.—

10 "a. In addition to other applicable requirements—

11 "(1) a license may be issued by the Nuclear Reg-
 12 ulatory Commission under this Act for the export of
 13 special nuclear material described in subsection b.; and

14 "(2) approval may be granted by the Secretary of
 15 Energy under section 131 of this Act for the transfer
 16 of special nuclear material described in subsection b.;
 17 only after the Secretary of Defense has been consulted on
 18 whether the physical protection of that material during the
 19 export or transfer will be adequate to deter theft, sabotage,
 20 and other acts of international terrorism which would result
 21 in the diversion of that material. If, in the view of the Secre-
 22 tary of Defense, the export or transfer might be subject to a
 23 genuine terrorist threat, the Secretary shall provide to the
 24 Nuclear Regulatory Commission or the Secretary of Energy,
 25 as appropriate, his written assessment of the risk and a de-

1 scription of the actions the Secretary of Defense considers
 2 necessary to upgrade physical protection measures.

3 "b. Subsection a. applies to the export or transfer of
 4 more than 2 kilograms of plutonium or more than 20 kilo-
 5 grams of uranium enriched to more than 20 percent in the
 6 isotope 233 or the isotope 235."

7 SEC. 604. REVIEW OF PHYSICAL SECURITY STANDARDS.

8 (a) REVIEWS.—The Secretary of Defense, the Secre-
 9 tary of State, the Secretary of Energy, the Director of the
 10 Arms Control and Disarmament Agency, and the Nuclear
 11 Regulatory Commission shall each review the adequacy of
 12 the physical security standards currently applicable with re-
 13 spect to the shipment and storage (outside the United States)
 14 of plutonium, and uranium enriched to more than 20 percent
 15 in the isotope 233 or the isotope 235, which is subject to
 16 United States prior consent rights, with special attention to
 17 protection against risks of seizure or other terrorist acts.

18 (b) REPORTS.—Not later than 6 months after the date
 19 of enactment of this Act, the Secretary of Defense, the Sec-
 20 retary of State, the Secretary of Energy, the Director of the
 21 Arms Control and Disarmament Agency, and the Nuclear
 22 Regulatory Commission shall each submit a written report to
 23 the Committee on Foreign Affairs of the House of Represent-
 24 atives and the Committee on Foreign Relations of the Senate

1 setting forth the results of the review conducted pursuant to
2 this section, together with appropriate recommendations.

3 **SEC. 605. INTERNATIONAL REVIEW OF THE NUCLEAR TER-**
4 **RORISM PROBLEM.**

5 The Congress hereby directs the President to seek a
6 comprehensive review of the problem of nuclear terrorism by
7 an international conference.]

8 **[TITLE VII—MULTILATERAL COOPERATION**
9 **TO COMBAT INTERNATIONAL TERRORISM**

10 **SEC. 701. CONSIDERATION OF INTERNATIONAL TERRORISM**
11 **AT THE TOKYO ECONOMIC SUMMIT CONFER-**
12 **ENCE.**

13 The Congress hereby directs the President—

14 (1) to seek to have the issue of international ter-
15 rorism included on the agenda of the 1986 Tokyo eco-
16 nomic summit conference; and

17 (2) to seek agreement at that conference on a
18 strengthening of the policy contained in the Joint Dec-
19 laration on International Terrorism issued at the con-
20 clusion of the July 1978 Bonn economic summit con-
21 ference, including agreement—

22 (A) to broaden that policy to cover the hi-
23 jacking of all means of transportation, not just
24 aircraft;

1 (B) to require the extradition or prosecution
2 of those responsible for planning a hijacking, in
3 addition to those who actually carried out the
4 hijacking; and

5 (C) to impose a range of sanctions against
6 those nations that refuse to extradite or prosecute
7 all those responsible for any such hijacking.

8 **SEC. 702. INTERNATIONAL ANTI-TERRORISM COMMITTEE.**

9 The Congress hereby directs the President to continue
10 to seek the establishment of an international committee, to be
11 known as the International Anti-Terrorism Committee, con-
12 sisting of representatives of the member countries of the
13 North Atlantic Treaty Organization, Japan, and such other
14 countries as may be invited and may choose to participate.
15 The purpose of the Committee should be to focus the atten-
16 tion and secure the cooperation of the governments and the
17 public of the participating countries and of other countries on
18 the problems and responses to international terrorism (includ-
19 ing nuclear terrorism), by serving as a forum at both the
20 political and law enforcement levels.

21 **SEC. 703. INTERNATIONAL ARRANGEMENTS RELATING TO**
22 **PASSPORTS AND VISAS.**

23 The Congress hereby directs the President to seek the
24 negotiation of international agreements (or other appropriate
25 arrangements) to provide for the sharing of information relat-

1 in passports and visas in order to enhance cooperation
2 among countries in combatting international terrorism.

3 **SEC. 704. PROTECTION OF AMERICANS ENDANGERED BY THE**
4 **APPEARANCE OF THEIR PLACE OF BIRTH ON**
5 **THEIR PASSPORTS.**

6 (a) **FINDINGS.**—The Congress finds that some citizens
7 of the United States may be specially endangered during a
8 hijacking or other terrorist incident by the fact that their
9 place of birth appears on their United States passport.

delete 10 (b) **NEGOTIATIONS.**—The Congress hereby directs the
11 President to enter into negotiations with other countries to
12 obtain general agreement to the deletion of the place of birth
13 as a required item of information on passports.

14 **SEC. 705. USE OF DIPLOMATIC PRIVILEGES AND IMMUNITIES**
15 **FOR TERRORISM PURPOSES.**

16 The Congress hereby directs the President to instruct
17 the United States Ambassador to the United Nations to seek
18 the adoption of a resolution in the United Nations condemn-
19 ing the use for terrorist purposes of diplomatic privileges and
20 immunities under the Vienna Convention on Diplomatic Re-
21 lations, especially the misuse of diplomatic pouches and diplo-
22 matic missions.

1 **SEC. 706. REPORTS ON PROGRESS IN INCREASING MULTILAT-**
2 **ERAL COOPERATION.**

3 Not later than 6 months after the date of enactment of
4 this Act, the President shall submit a report to the Congress
5 on the steps taken to carry out each of the preceding sections
6 of this title and the progress being made in achieving the
7 objectives described in those sections. *delete*

8 **TITLE VIII—VICTIMS OF TERRORISM**
9 **COMPENSATION**

10 **SEC. 801. SHORT TITLE.**

11 This title may be cited as the "Victims of Terrorism
12 Compensation Act".

13 **SEC. 802. BENEFITS FOR CAPTIVES AND OTHER VICTIMS OF**
14 **HOSTILE ACTION.**

15 (a) **IN GENERAL.**—Subchapter VII of chapter 55 of
16 title 5, United States Code, is amended by adding at the end
17 thereof the following:

18 **"§ 5569. Benefits for captives**

19 **"(a) For the purpose of this section—**

20 **"(1) 'captive' means any individual in a captive**
21 **status commencing while such individual is—**

22 **"(A) in the civil service, or**

23 **"(B) a citizen, national, or resident alien of**
24 **the United States rendering personal service to**
25 **the United States similar to the service of an indi-**

vidual in the civil service (other than as a member of the uniformed services);

“(2) the term ‘captive status’ means a missing status which, as determined by the President, arises because of a hostile action and is a result of the individual’s relationship with the Government;

“(3) ‘missing status’ —

“(A) in the case of an employee, has the meaning provided under section 5561(5) of this title; and

“(B) in the case of an individual other than an employee, has a similar meaning; and

“(4) ‘family member’, as used with respect to a person, means—

“(A) any dependent of such person; and

“(B) any individual (other than a dependent under subparagraph (A)) who is a member of such person’s family or household.

“(b)(1) The Secretary of the Treasury shall establish a savings fund to which the head of an agency may allot all or any portion of the pay and allowances of any captive to the extent that such pay and allowances are not subject to an allotment under section 5563 of this title or any other provision of law.

“(2) Amounts so allotted to the savings fund shall bear interest at a rate which, for any calendar quarter, shall be equal to the average rate paid on United States Treasury bills with 3-month maturities issued during the preceding calendar quarter. Such interest shall be compounded quarterly.

“(3) Amounts in the savings fund credited to a captive shall be considered as pay and allowances for purposes of section 5563 of this title and shall otherwise be subject to withdrawal under procedures which the Secretary of the Treasury shall establish.

“(4) Any interest accruing under this subsection on—

“(A) any amount for which an individual is indebted to the United States under section 5562(c) of this title shall be deemed to be part of the amount due under such section 5562(c); and

“(B) any amount referred to in section 5566(f) of this title shall be deemed to be part of such amount for purposes of such section 5566(f).

“(5) An allotment under this subsection may be made without regard to section 5563(c) of this title.

“(c) The head of an agency shall pay (by advancement or reimbursement) any individual who is a captive, and any family member of such individual, for medical and health care, and other expenses related to such care, to the extent that such care—

1 “(1) is incident to such individual being a captive;
2 and

3 “(2) is not covered—

4 “(A) by any Government medical or health
5 program; or

6 “(B) by insurance.

7 “(d)(1) Except as provided in paragraph (3), the Presi-
8 dent shall make a cash payment to any individual who
9 became or becomes a captive commencing on or after No-
10 vember 4, 1979. Such payment shall be made before the end
11 of the one-year period beginning on the date on which the
12 captive status of such individual terminates or, in the case of
13 any individual whose status as a captive terminated before
14 the date of the enactment of the Victims of Terrorism Com-
15 pensation Act, before the end of the one-year period begin-
16 ning on such date.

17 “(2) A payment under this subsection in the case of any
18 individual held as a captive shall be not less than the amount
19 of the world-wide average per diem rate which would be pay-
20 able to any person under section 5702 of this title, based
21 on—

22 “(A) a period of time equal to the period for
23 which such individual was held as a captive; and

1 “(B) the world-wide average per diem rate which,
2 during the period of captivity involved, was in effect
3 under such section.

4 “(3) The President—

5 “(A) may defer a payment under this subsection
6 in the case of any individual who, during the one-year
7 period described in paragraph (1), is charged with an
8 offense described in subparagraph (B), until final dispo-
9 sition of such charge; and

10 “(B) may deny such payment in the case of any
11 individual who is convicted of an offense described in
12 subsection (b) or (c) of section 8312 of this title
13 committed—

14 “(i) during the period of captivity of such in-
15 dividual; and

16 “(ii) related to the captive status of such in-
17 dividual.

18 “(4) A payment under this subsection shall be in addi-
19 tion to any other amount provided by law.

20 “(5) The provisions of subchapter VIII of this chapter
21 (or, in the case of any person not covered by such subchapter,
22 similar provisions prescribed by the President) shall apply
23 with respect to any amount due an individual under para-
24 graph (1) after such individual's death.

1 “(6) Any payment made under paragraph (1) which is
2 later denied under paragraph (3)(B) is a claim of the United
3 States Government for purposes of section 3711 of title 31.

4 “(e)(1) Under regulations prescribed by the President,
5 the benefits provided by the Soldiers’ and Sailors’ Civil Relief
6 Act of 1940, including the benefits provided by section 701 of
7 such Act but excluding the benefits provided by sections 104,
8 105, 106, 400 through 408, 501 through 512, and 514 of
9 such Act, shall be provided in the case of any individual who
10 is a captive.

11 “(2) In applying such Act under this subsection—

12 “(A) the term ‘person in the military service’ is
13 deemed to include any such captive;

14 “(B) the term ‘period of military service’ is
15 deemed to include the period during which the individ-
16 ual is in a captive status; and

17 “(C) references to the Secretary of the Army, the
18 Secretary of the Navy, the Adjutant General of the
19 Army, the Chief of Naval Personnel, and the Comman-
20 dant, United States Marine Corps, are deemed, in the
21 case of any captive, to be references to an individual
22 designated for that purpose by the President.

23 “(f)(1)(A) Under regulations prescribed by the President,
24 the head of an agency shall pay (by advancement or reim-
25 bursement) a spouse or child of a captive for expenses in-

1 curred for subsistence, tuition, fees, supplies, books, and
2 equipment, and other educational expenses, while attending
3 an educational or training institution.

4 “(B) Except as provided in subparagraph (C), payments
5 shall be available under this paragraph for a spouse or child
6 of an individual who is a captive for education or training
7 which occurs—

8 “(i) after that individual has been in captive status
9 for 90 days or more, and

10 “(ii) on or before—

11 “(I) the end of any semester or quarter (as
12 appropriate) which begins before the date on
13 which the captive status of that individual termi-
14 nates, or

15 “(II) if the educational or training institution
16 is not operated on a semester or quarter system,
17 the earlier of the end of any course which began
18 before such date or the end of the 16-week period
19 following that date.

20 In order to respond to special circumstances, the appropriate
21 agency head may specify a date for purposes of cessation of
22 assistance under clause (ii) which is later than the date which
23 would otherwise apply under such clause.

24 “(C) In the event a captive dies and the death is inci-
25 dent to that individual being a captive, payments shall be

1 available under this paragraph for a spouse or child of such
2 individual for education or training which occurs after the
3 date of such individual's death.

4 “(D) The preceding provisions of this paragraph shall
5 not apply with respect to any spouse or child who is eligible
6 for assistance under chapter 35 of title 38 or similar assist-
7 ance under any other provision of law.

8 “(E) For the purpose of this paragraph, ‘child’ means a
9 dependent under section 5561(3)(B) of this title.

10 “(2)(A) In order to respond to special circumstances, the
11 head of an agency may pay (by advancement or reimburse-
12 ment) a captive for expenses incurred for subsistence, tuition,
13 fees, supplies, books, and equipment, and other educa-
14 tional expenses, while attending an educational or training
15 institution.

16 “(B) Payments shall be available under this paragraph
17 for a captive for education or training which occurs—

18 “(i) after the termination of that individual’s cap-
19 tive status, and

20 “(ii) on or before—

21 “(I) the end of any semester or quarter (as
22 appropriate) which begins before the date which is
23 10 years after the day on which the captive status
24 of that individual terminates, or

1 “(II) if the educational or training institution
2 is not operated on a semester or quarter system,
3 the earlier of the end of any course which began
4 before such date or the end of the 16-week period
5 following that date, and
6 shall be available only to the extent that such payments are
7 not otherwise authorized by law.

8 “(3) Assistance under this subsection—

9 “(A) shall be discontinued for any individual
10 whose conduct or progress is unsatisfactory under
11 standards consistent with those established pursuant to
12 section 1724 of title 38; and

13 “(B) may not be provided for any individual for a
14 period in excess of 45 months (or the equivalent there-
15 of in other than full-time education or training).

16 “(4) Regulations prescribed to carry out this subsection
17 shall provide that the program under this subsection shall be
18 consistent with the assistance program under chapters 35 and
19 36 of title 38.

20 “(g) Any benefit provided under subsection (c) or (d)
21 may, under regulations prescribed by the President, be pro-
22 vided to a family member of an individual if—

23 “(1) such family member is held in captive status;
24 and

1 “(2) such individual is performing service for the
2 United States as described in subsection (a)(1)(A) when
3 the captive status of such family member commences.

4 “(h) Except as provided in subsection (d), this section
5 applies with respect to any individual in a captive status com-
6 mencing after January 21, 1981.

7 “(i) Notwithstanding any other provision of this sub-
8 chapter, any determination by the President under subsection
9 (a)(2) or (d) shall be conclusive and shall not be subject to
10 judicial review.

11 “(j) The President may prescribe regulations necessary
12 to administer this section.

13 **“§ 5570. Compensation for disability or death**

14 “(a) For the purpose of this section—

15 “(1) ‘employee’ means—

16 “(A) any individual in the civil service; and

17 “(B) any individual rendering personal serv-
18 ice to the United States similar to the service of
19 an individual in the civil service (other than as a
20 member of the uniformed services); and

21 “(2) ‘family member’, as used with respect to an
22 employee, means—

23 “(A) any dependent of such employee; and

1 “(B) any individual (other than a dependent
2 under subparagraph (A)) who is a member of the
3 employee's family or household.

4 “(b) The President shall prescribe regulations under
5 which an agency head may pay compensation for the disabil-
6 ity or death of an employee or a family member of an em-
7 ployee if, as determined by the President, the disability or
8 death was caused by hostile action and was a result of the
9 individual's relationship with the Government.

10 “(c) Any compensation otherwise payable to an individ-
11 ual under this section in connection with any disability or
12 death shall be reduced by any amounts payable to such indi-
13 vidual under any other program funded in whole or in part by
14 the United States (excluding any amount payable under sec-
15 tion 5569(d) of this title) in connection with such disability or
16 death, except that nothing in this subsection shall result in
17 the reduction of any amount below zero.

18 “(d) A determination by the President under subsection
19 (b) shall be conclusive and shall not be subject to judicial
20 review.

21 “(e) Compensation under this section may include pay-
22 ment (whether by advancement or reimbursement) for any
23 medical or health expenses relating to the death or disability
24 involved to the extent that such expenses are not covered

34

1 under subsection (c) of section 5569 of this title (other than
2 because of paragraph (2) of such subsection).

3 "(f) This section applies with respect to any disability or
4 death resulting from an injury which occurs after Septem-
5 ber 30, 1985."

6 (b) **CONFORMING AMENDMENT.**—The analysis for
7 chapter 55 of title 5, United States Code, is amended by
8 inserting after the item relating to section 5568 the
9 following:

"5569. Benefits for captives.

"5570. Compensation for disability or death."

10 **SEC. 803. RETENTION OF LEAVE BY ALIEN EMPLOYEES FOL-**
11 **LOWING INJURY FROM HOSTILE ACTION**
12 **ABROAD.**

13 Section 6325 of title 5, United States Code, is amended
14 by adding at the end thereof the following: "The preceding
15 provisions of this section shall apply in the case of an alien
16 employee referred to in section 6301(2)(viii) of this title with
17 respect to any leave granted to such alien employee under
18 section 6310 of this title or section 408 of the Foreign Serv-
19 ice Act of 1980."

20 **SEC. 804. TRANSITION PROVISIONS.**

21 (a) **SAVINGS FUND.**—(1) Amounts may be allotted to
22 the savings fund under subsection (b) of section 5569 of title
23 5, United States Code (as added by section 802(a) of this

1 Act) from pay and allowances for any pay period ending after
2 January 21, 1981, and before the establishment of such fund.

3 (2) Interest on amounts so allotted with respect to any
4 such pay period shall be calculated as if the allotment had
5 occurred at the end of such pay period.

6 (b) **MEDICAL AND HEALTH CARE; EDUCATIONAL EX-**
7 **PENSES.**—Subsections (c) and (f) of such section 5569 (as so
8 added) shall be carried out with respect to the period after
9 January 21, 1981, and before the effective date of those sub-
10 sections, under regulations prescribed by the President.

11 (c) **DEFINITION.**—For the purpose of this subsection,
12 "pay and allowances" has the meaning provided under sec-
13 tion 5561 of title 5, United States Code.

14 **SEC. 805. BENEFITS FOR MEMBERS OF UNIFORMED SERVICES**
15 **WHO ARE VICTIMS OF HOSTILE ACTION.**

16 (a) **PAYMENTS.**—(1) Chapter 10 of title 37, United
17 States Code, is amended by adding at the end thereof the
18 following new section:

19 **"§ 559. Benefits for members held as captives**

20 **"(a) In this section—**

21 **"(1) 'captive status' means a missing status of a**
22 **member of the uniformed services which, as determined**
23 **by the President, arises because of a hostile action and**
24 **is a result of membership in the uniformed services, but**
25 **does not include a period of captivity of a member as a**

1 prisoner of war if Congress provides to such member,
2 in an Act enacted after the date of the enactment of
3 the Victims of Terrorism Compensation Act, monetary
4 payment in respect of such period of captivity; and

5 “(2) ‘former captive’ means a person who, as a
6 member of the uniformed services, was held in a cap-
7 tive status.

8 “(b)(1) The Secretary of the Treasury shall establish a
9 savings fund to which the Secretary concerned may allot all
10 or any portion of the pay and allowances of any member of
11 the uniformed services who is in a captive status to the
12 extent that such pay and allowances are not subject to an
13 allotment under section 553 of this title or any other provi-
14 sion of law.

15 “(2) Amounts so allotted shall bear interest at a rate
16 which, for any calendar quarter, shall be equal to the average
17 rate paid on United States Treasury bills with three-month
18 maturities issued during the preceding calendar quarter. Such
19 interest shall be computed quarterly.

20 “(3) Amounts in the savings fund credited to a member
21 shall be considered as pay and allowances for purposes of
22 section 553(c) of this title and shall otherwise be subject to
23 withdrawal under procedures which the Secretary of the
24 Treasury shall establish.

25 “(4) Any interest accruing under this subsection on—

1 “(A) any amount for which a member is indebted
2 to the United States under section 552(c) of this title
3 shall be deemed to be part of the amount due under
4 such section; and

5 “(B) any amount referred to in section 556(f) of
6 this title shall be deemed to be part of such amount for
7 purposes of such section.

8 “(5) An allotment under this subsection may be made
9 without regard to section 553(c) of this title.

10 “(c)(1) Except as provided in paragraph (3) of this sub-
11 section, the President shall make a cash payment to any
12 person who is a former captive. Such payment shall be made
13 before the end of the one-year period beginning on the date
14 on which the captive status of such person terminates.

15 “(2) The amount of such payment shall be determined
16 by the President under the provisions of section 5569(d)(2) of
17 title 5.

18 “(3)(A) The President—

19 “(i) may defer such payment in the case of any
20 former captive who during such one-year period is
21 charged with an offense described in clause (ii) of this
22 subparagraph, until final disposition of such charge;
23 and

1 “(ii) may deny such payment in the case of any
2 former captive who is convicted of a captivity-related
3 offense—

4 “(I) referred to in subsection (b) or (c) of sec-
5 tion 8312 of title 5; or

6 “(II) under chapter 47 of title 10 (the Uni-
7 form Code of Military Justice) that is punishable
8 by dishonorable discharge, dismissal, or confine-
9 ment for one year or more.

10 “(B) For the purposes of subparagraph (A) of this para-
11 graph, a captivity-related offense is an offense that is—

12 “(i) committed by a person while the person is in
13 a captive status; and

14 “(ii) related to the captive status of the person.

15 “(4) A payment under this subsection is in addition to
16 any other amount provided by law.

17 “(5) Any amount due a person under this subsection
18 shall, after the death of such person, be deemed to be pay and
19 allowances for the purposes of this chapter.

20 “(6) Any payment made under paragraph (1) of this sub-
21 section that is later denied under paragraph (3)(A)(ii) of this
22 subsection is a claim of the United States Government for
23 purposes of section 3711 of title 31.

1 “(d) A determination by the President under subsection
2 (a)(1) or (c) of this section is final and is not subject to judicial
3 review.”.

4 (2) The table of sections at the beginning of such chap-
5 ter is amended by adding at the end thereof the following
6 new item:

“559. Benefits for members held as captives.”.

7 (3)(A)(i) Except as provided in clause (ii), section 559 of
8 title 37, United States Code, as added by paragraph (1), shall
9 apply to any person whose captive status begins after Janu-
10 ary 21, 1981.

11 (ii)(I) Subsection (c) of such section shall apply to any
12 person whose captive status begins on or after November 4,
13 1979.

14 (II) In the case of any person whose status as a captive
15 terminated before the date of the enactment of this Act, the
16 President shall make a payment under paragraph (1) of such
17 subsection before the end of the one-year period beginning on
18 such date.

19 (B) Amounts may be allotted to a savings fund estab-
20 lished under such section from pay and allowances for any
21 pay period ending after January 21, 1981, and before the
22 establishment of such fund.

23 (C) Interest on amounts so allotted with respect to any
24 such pay period shall be calculated as if the allotment had
25 occurred at the end of such pay period.

1 (b) **DISABILITY AND DEATH BENEFITS.**—(1) Chapter
2 53 of title 10, United States Code, is amended by adding at
3 the end thereof the following new section:

4 **“§ 1051. Disability and death compensation: dependents of**
5 **members held as captives**

6 “(a) The President shall prescribe regulations under
7 which the Secretary concerned may pay compensation for the
8 disability or death of a dependent of a member of the uni-
9 formed services if the President determines that the disability
10 or death—

11 “(1) was caused by hostile action; and

12 “(2) was a result of the relationship of the de-
13 pendent to the member of the uniformed services.

14 “(b) Any compensation otherwise payable to a person
15 under this section in connection with any disability or death
16 shall be reduced by any amount payable to such person under
17 any other program funded in whole or in part by the United
18 States in connection with such disability or death, except that
19 nothing in this subsection shall result in the reduction of any
20 amount below zero.

21 “(c) A determination by the President under subsection
22 (a) is conclusive and is not subject to judicial review.

23 “(d) In this section:

24 “(1) ‘Captive status’ has the meaning given that
25 term in section 559 of title 37.

1 “(2) ‘Dependent’ has the meaning given that term
2 in section 551 of that title.

3 “(3) ‘Secretary concerned’ and ‘uniformed serv-
4 ices’ have the meanings given those terms in section
5 101 of that title.”.

6 (2) The table of sections at the beginning of such chap-
7 ter is amended by adding at the end thereof the following
8 new item:

“1051. Disability and death compensation: dependents of members held as cap-
tives.”

9 (3) Section 1051 of title 10, United States Code, as
10 added by paragraph (1), shall apply with respect to any dis-
11 ability or death resulting from an injury that occurs after
12 September 30, 1985.

13 (c) **MEDICAL BENEFITS.**—(1) Chapter 55 of title 10,
14 United States Code, is amended by adding at the end thereof
15 the following new section:

16 **“§ 1095. Medical care: members held as captives and their**
17 **dependents**

18 “(a) Under regulations prescribed by the President, the
19 Secretary concerned shall pay (by advancement or reimburse-
20 ment) any person who is a former captive, and any dependent
21 of that person or of a person who is in a captive status, for
22 health care and other expenses related to such care, to the
23 extent that such care—

24 “(1) is incident to the captive status; and

1 “(2) is not covered—

2 “(A) by any other Government medical or
3 health program; or

4 “(B) by insurance.

5 “(b) In the case of any person who is eligible for medical
6 care under section 1074 or 1076 of this title, such regula-
7 tions shall require that, whenever practicable, such care be
8 provided in a facility of the uniformed services.

9 “(c) In this section:

10 “(1) ‘Captive status’ and ‘former captive’ have the
11 meanings given those terms in section 559 of title 37.

12 “(2) ‘Dependent’ has the meaning given that term
13 in section 551 of that title.”.

14 (2) The table of sections at the beginning of such chap-
15 ter is amended by adding at the end thereof the following
16 new item:

“1095. Medical care: members held as captives and their dependents.”.

17 (3)(A) Section 1095 of title 10, United States Code, as
18 added by paragraph (1), shall apply with respect to any
19 person whose captive status begins after January 21, 1981.

20 (B) The President shall prescribe specific regulations re-
21 garding the carrying out of such section with respect to per-
22 sons whose captive status begins during the period beginning
23 on January 21, 1981, and ending on the effective date of that
24 section.

1 (d) EDUCATIONAL ASSISTANCE.—(1) Part III of title
2 10, United States Code, is amended by adding at the end
3 thereof the following new chapter:

4 **“CHAPTER 110—EDUCATIONAL ASSISTANCE FOR**
5 **MEMBERS HELD AS CAPTIVES AND THEIR DE-**
6 **PENDENTS**

“Sec.

“2181. Definitions.

“2182. Educational assistance: dependents of captives.

“2183. Educational assistance: former captives.

“2184. Termination of assistance.

“2185. Programs to be consistent with programs administered by the Veterans’ Ad-
ministration.

7 **“§ 2181. Definitions**

8 In this chapter:

9 “(1) ‘Captive status’ and ‘former captive’ have the
10 meanings given those terms in section 559 of title 37.

11 “(2) ‘Dependent’ has the meaning given that term
12 in section 551 of that title.

13 **“§ 2182. Educational assistance: dependents of captives**

14 “(a) Under regulations prescribed by the President, the
15 Secretary concerned shall pay (by advancement or reimburse-
16 ment) a dependent of a person who is in a captive status for
17 expenses incurred, while attending an educational or training
18 institution, for—

19 “(1) subsistence;

20 “(2) tuition;

21 “(3) fees;

22 “(4) supplies;

“(5) books;

“(6) equipment; and

“(7) other educational expenses.

“(b) Except as provided in section 2184 of this title, payments shall be available under this section for a dependent of a person who is in a captive status for education or training that occurs—

“(1) after that person is in a captive status for not less than 90 days; and

“(2) on or before—

“(A) the end of any semester or quarter (as appropriate) that begins before the date on which the captive status of that person terminates;

“(B) the earlier of the end of any course that began before such date or the end of the 16-week period following that date if the educational or training institution is not operated on a semester or quarter system; or

“(C) a date specified by the Secretary concerned in order to respond to special circumstances.

“(c) If a person in a captive status or a former captive dies and the death is incident to the captivity, payments shall be available under this section for a dependent of that person

for education or training that occurs after the date of the death of that person.

“(d) The provisions of this section shall not apply to any dependent who is eligible for assistance under chapter 35 of title 38 or similar assistance under any other provision of law.

“§ 2183. Educational assistance: former captives

“(a) In order to respond to special circumstances, the Secretary concerned may pay (by advancement or reimbursement) a person who is a former captive for expenses incurred, while attending an educational or training institution, for—

“(1) subsistence;

“(2) tuition;

“(3) fees;

“(4) supplies;

“(5) books;

“(6) equipment; and

“(7) other educational expenses.

“(b) Except as provided in section 2184 of this title, payments shall be available under this section for a person who is a former captive for education or training that occurs—

“(1) after the termination of the status of that person as a captive; and

“(2) on or before—

20

“(A) the end of any semester or quarter (as appropriate) that begins before the end of the 10-year period beginning on the date on which the status of that person as a captive terminates; or

“(B) if the educational or training institution is not operated on a semester or quarter system, the earlier of the end of any course that began before such date or the end of the 16-week period following that date.

“(c) Payments shall be available under this section only to the extent that such payments are not otherwise authorized by law.

“§ 2184. Termination of assistance

“Assistance under this chapter—

“(1) shall be discontinued for any person whose conduct or progress is unsatisfactory under standards consistent with those established under section 1724 of title 38; and

“(2) may not be provided for any person for more than 45 months (or the equivalent in other than full-time education or training).

“§ 2185. Programs to be consistent with programs administered by the Veterans' Administration

“Regulations prescribed to carry out this chapter shall provide that the programs under this chapter shall be consist-

ent with the educational assistance programs under chapters 35 and 36 of title 38.”.

(2) The table of chapters at the beginning of subtitle A of such title, and the table of chapters at the beginning of part III of such subtitle, are amended by inserting after the item relating to chapter 109 the following new item:

“110. Educational Assistance for Members Held as Captives and Their Dependents..... 2181”.

(3) Chapter 110 of title 10, United States Code, as added by paragraph (1), shall apply with respect to persons whose captive status begins after January 21, 1981.

SEC. 806. EFFECTIVE DATE OF ENTITLEMENTS.

Provisions enacted by this title which provide new spending authority described in section 401(c)(2)(C) of the Congressional Budget Act of 1974 shall not be effective until October 1, 1986.

TITLE IX—MARITIME SECURITY

SEC. 901. SHORT TITLE.

This title may be cited as the “International Maritime and Port Security Act”.

SEC. 902. INTERNATIONAL MEASURES FOR SEAPORT AND SHIPBOARD SECURITY.

The Congress encourages the President to continue to seek agreement through the International Maritime Organization on matters of international seaport and shipboard security. ~~In developing such agreement, each member country of~~

1 ~~the International Maritime Organization should consult with~~
 2 ~~appropriate private sector interests in that country.]~~ Such
 3 agreement would establish seaport and vessel security ~~stand-~~ *measures*
 4 ~~ards]~~ and could include—

5 (1) seaport screening of cargo and baggage ~~[similar~~
 6 ~~to that done at airports];~~

7 (2) security measures to restrict access to cargo,
 8 vessels, and dockside property to authorized personnel
 9 only;

10 (3) additional security on board vessels;

11 (4) licensing or certification of compliance with
 12 appropriate security standards; and

13 (5) other appropriate measures to prevent unlaw-
 14 ful acts against passengers and crews on board vessels.

15 **SEC. 903. MEASURES TO PREVENT UNLAWFUL ACTS AGAINST**
 16 **PASSENGERS AND CREWS ON BOARD SHIPS.**

17 (a) **REPORT ON PROGRESS OF IMO.**—The Secretary of
 18 Transportation and the Secretary of State, jointly, shall
 19 report to the Congress by December 31, 1986, on the
 20 progress of the International Maritime Organization in devel-
 21 oping recommendations on Measures to Prevent Unlawful
 22 Acts Against Passengers and Crews On Board Ships.

23 (b) **CONTENT OF REPORT.**—The report required by
 24 subsection (a) shall include the following information—

1 (1) the specific areas of agreement and disagree-
 2 ment on the recommendations among the member na-
 3 tions of the International Maritime Organization;

4 (2) the activities of the Maritime Safety Commit-
 5 tee, the Facilitation Committee, and the Legal Com-
 6 mittee of the International Maritime Organization in
 7 regard to the proposed recommendations; and

8 (3) the security measures specified in the recom-
 9 mendations.

10 (c) **SECURITY MEASURES AT UNITED STATES**

11 **PORTS.**—If the member nations of the International Mari-
 12 time Organization have not ~~[finalized and accepted]~~ *agreed to*
 13 posed recommendations by December 31, 1986, the Secre-
 14 tary of Transportation shall include in the report required by

15 this section proposed legislation *for the implementation of se-*
 16 *curity measures at United States ports and on vessels operat-*
 17 *ing from those ports based on the assessment of threat from*
 18 *acts of terrorism reported by the Secretary of Transportation*
 19 *under section 905.*

20 **SEC. 904. PANAMA CANAL SECURITY.**

21 Not later than 6 months after the date of enactment of
 22 this Act, the President shall report to the Congress on the
 23 status of physical security at the Panama Canal with respect
 24 to the threat of international terrorism.

1 SEC. 905. THREAT OF TERRORISM TO UNITED STATES PORTS
2 AND VESSELS.

3 Not later than December 31, 1986, and ~~semi~~ annually
4 thereafter, the Secretary of Transportation shall report to the
5 Congress on the threat from acts of terrorism to United
6 States ports and vessels operating from those ports.

7 SEC. 906. PORT, HARBOR, AND COASTAL FACILITY SECURITY.

8 The Ports and Waterways Safety Act of 1972 (33
9 U.S.C. 1221 et seq.) is amended by inserting after section 6
10 the following new section:

(substitute
replacement language
for
sec. 906)

11 "SEC. 7. PORT, HARBOR, AND COASTAL FACILITY
12 SECURITY.

" **AUTHORITY.**-- Subject to recognized principles of international law, the Secretary is authorized to carry out or require measures, including inspections, port and harbor patrols, and the establishment of security and safety zones, in order to prevent and assist in responding to acts of terrorism or sabotage against any vessel or any public or commercial structure, or any individual thereon, that is located within or adjacent to the marine environment, and against any vessel of the United States as defined in 46 U.S.C. 2101(46), or any individual thereon."

18 waters of the United States, and

19 "(2) vessels and facilities located on the outer
20 Continental Shelf (as defined in section 2(a) of the
21 Outer Continental Shelf Lands Act).

22 "(b) **SPECIFIC AUTHORITY.**—In order to carry out this
23 section, the Secretary is authorized—

24 "(1) to obtain, analyze, and coordinate the use of
25 information concerning actual or potential terrorist]

1 [threats to the vessels and facilities referred to in sub-
2 section (a);

3 "(2) to recruit additional members of the Regular
4 Coast Guard and the Coast Guard Reserve, and to
5 train members of the Regular Coast Guard and the
6 Coast Guard Reserve in the techniques of preventing
7 and responding to acts of terrorism against such ves-
8 sels and facilities;

9 "(3) to use members of the Regular Coast Guard
10 and the Coast Guard Reserve to carry out other activi-
11 ties authorized by law to be carried out by the Secre-
12 tary, including inspections, port and harbor patrols, and
13 the establishment of security and safety zones, for the
14 purpose of preventing acts of terrorism against such
15 vessels and facilities;

16 "(4) to purchase equipment for use by the Coast
17 Guard, except that not more than 20 percent of any
18 amounts appropriated to carry out this section may be
19 used for purposes of this paragraph; and

20 "(5) to develop plans and procedures to respond
21 to acts of terrorism against such vessels and facilities.

22 "(c) **AUTHORIZATION OF APPROPRIATIONS.**—There
23 are authorized to be appropriated \$125,000,000, to be avail-
24 able until expended, to carry out this section and to conduct]

1 ~~[the assessments required by sections 905 and 907 of the Om-~~
 2 ~~nibus Diplomatic Security and Anti-Terrorism Act of 1986.]~~

3 **SEC. 907. SECURITY STANDARDS AT FOREIGN PORTS.**

4 (a) **ASSESSMENT OF SECURITY MEASURES.**—The Sec-
 5 retary of Transportation shall develop and implement a plan
 6 to assess the effectiveness of the security measures main-
 7 tained at those foreign ports which the Secretary, in consul-
 8 tation with the Secretary of State, determines pose a high
 9 risk of acts of terrorism directed against passenger vessels.

10 (b) **CONSULTATION WITH THE SECRETARY OF**
 11 **STATE.**—In carrying out subsection (a), the Secretary of
 12 Transportation shall consult the Secretary of State with re-
 13 spect to the terrorist threat which exists in each country. ~~[The~~
 14 ~~Secretary of Transportation, in consultation with the Secre-~~
 15 ~~tary of State, shall determine which foreign ports are not~~
 16 ~~under the de facto control of the government of the country~~
 17 ~~in which they are located and pose a high risk of acts of~~
 18 ~~terrorism directed against passenger vessels.]~~

19 (c) **REPORT OF ASSESSMENTS.**—Not later than 6
 20 months after the date of enactment of this Act, the Secretary
 21 of Transportation shall report to the Congress on the plan
 22 developed pursuant to subsection (a) and how the Secretary
 23 will implement the plan.

24 (d) **DETERMINATION AND NOTIFICATION TO FOREIGN**
 25 **COUNTRY.**—If, after implementing the plan in accordance

1 with subsection (a), the Secretary of Transportation deter-
 2 mines that a port does not maintain and administer effective
 3 security measures, the Secretary of State (after being in-
 4 formed by the Secretary of Transportation) shall notify the
 5 appropriate government authorities of the country in which
 6 the port is located of such determination, and shall recom-
 7 mend the steps necessary to bring the security measures in
 8 use at that port up to the standard used by the Secretary of
 9 Transportation in making such assessment.

10 (c) **ANTI-TERRORISM ASSISTANCE RELATED TO MAR-**
 11 **ITIME SECURITY.**—The President is encouraged to provide
 12 anti-terrorism assistance related to maritime security under
 13 chapter 8 of part II of the Foreign Assistance Act of 1961 to
 14 foreign countries, especially with respect to a port which the
 15 Secretary of Transportation determines under subsection (d)
 16 does not maintain and administer effective security measures.
 17 **SEC. 908. TRAVEL ADVISORIES CONCERNING SECURITY AT**
 18 **FOREIGN PORTS.**

19 (a) **TRAVEL ADVISORY.**—Upon being notified by the
 20 Secretary of Transportation that the Secretary has deter-
 21 mined that a condition exists that threatens the safety or se-
 22 curity of passengers, passenger vessels, or crew traveling to
 23 or from a foreign port which the Secretary of Transportation
 24 has determined pursuant to section 907(d) to be a port which
 25 does not maintain and administer effective security measures,

FA

1 the Secretary of State shall immediately issue a travel advisory with respect to that port. Any travel advisory issued pursuant to this subsection shall be published in the Federal Register. The Secretary of State shall take the necessary steps to widely publicize that travel advisory.

6 (b) LIFTING OF TRAVEL ADVISORY.—The travel advisory required to be issued under subsection (a) may be lifted only if the Secretary of Transportation, in consultation with the Secretary of State, has determined that effective security measures are maintained and administered at the port with respect to which the Secretary of Transportation had made the determination described in section 907(d).

13 (c) NOTIFICATION TO CONGRESS.—The Congress shall be notified if any travel advisory imposed pursuant to this section is lifted.

16 SEC. 909. SUSPENSION OF PASSENGER SERVICES.

17 (a) PRESIDENT'S DETERMINATION.—Whenever the President determines that a foreign nation permits the use of territory under its jurisdiction as a base of operations or training for, or as a sanctuary for, or in any way arms, aids, or abets, any ~~terrorist~~ organization which knowingly uses the illegal seizure of ~~passenger~~ vessels or the threat thereof as an instrument of policy, the President may, without notice or hearing and for as long as the President determines necessary to assure the security of ~~passenger~~ vessels against un-

port if the vessel is to utilize any port in that foreign nation, and the right of any vessel of the United States to utilize any port in that foreign nation.

(replacement language) 1 lawful seizure, suspend the right of any ~~passenger~~ vessel common carrier to operate to and from, and the right of any passenger vessel of the United States to utilize, any port in that foreign nation for passenger service.]

5 (b) PROHIBITION.—It shall be unlawful for any passenger vessel common carrier, or any passenger vessel of the United States, to operate in violation of the suspension of rights by the President under this section.

(insert language specifying sanction)

9 SEC. 910. ~~CRIMINAL~~ SANCTIONS FOR THE SEIZURE OF VES-

10 SELS BY TERRORISTS.

11 The Congress encourages the President—

12 (1) to review the adequacy of domestic and international ~~criminal~~ sanctions against terrorists who seize or attempt to seize vessels; and

15 (2) to strengthen where necessary, through bilateral and multilateral efforts, the effectiveness of such sanctions.

18 Not later than one year after the date of enactment of this Act, the President shall submit a report to the Congress which includes the review of such sanctions and the efforts to improve such sanctions.

22 SEC. 911. DEFINITIONS.

23 For purposes of this title—

“(c) PENALTY.— Any person who knowingly and willfully operates a vessel in violation of this section shall be fined not more than \$30,000 for each violation or imprisoned for no more than five years, or both.”

(1) the term "common carrier" has the same meaning given such term in section 3(6) of the Shipping Act of 1984 (46 U.S.C. App. 1702(6)); and

(2) the terms "passenger vessel" and "vessel of the United States" have the same meaning given such terms in section 2101 of title 46, United States Code.

TITLE X—FASCELL FELLOWSHIP PROGRAM

SEC. 1001. SHORT TITLE.

This title may be cited as the "Fascell Fellowship Act".

SEC. 1002. FELLOWSHIP PROGRAM FOR TEMPORARY SERVICE

AT UNITED STATES MISSIONS IN THE SOVIET UNION AND EASTERN EUROPE.

(a) **ESTABLISHMENT.**—There is hereby established a fellowship program pursuant to which the Secretary of State ^{may} [will] provide fellowships to United States citizens while they serve, for a period of between one and two years, in positions formerly held by foreign national employees at United States diplomatic or consular missions in the Soviet Union or Eastern European countries.

(b) **DESIGNATION OF FELLOWSHIPS.**—Fellowships under this title shall be known as "Fascell Fellowships".

(c) **PURPOSE OF THE FELLOWSHIPS.**—Fellowships under this title shall be provided in order to allow the recipient (hereafter in this title referred to as a "Fellow") to serve on a short-term basis at a United States diplomatic or

consular mission in the Soviet Union or an Eastern European country in order to obtain first hand exposure to that country, including (as appropriate) independent study in Soviet or Eastern European area studies or languages.

(d) **INDIVIDUALS WHO MAY RECEIVE A FELLOWSHIP.**—To receive a fellowship under this title, an individual must be a United States citizen who is an undergraduate or graduate student, a teacher, scholar, or other academic, or an other individual, who has expertise in Soviet or Eastern European area studies or languages and who has a working knowledge of the principal language of the country in which he or she would serve.

(e) **WOMEN AND MEMBERS OF MINORITY GROUPS.**—In carrying out this section, the Secretary of State shall actively recruit women and members of minority groups.

SEC. 1003. FELLOWSHIP BOARD.

(a) **ESTABLISHMENT AND FUNCTION.**—There is hereby established a Fellowship Board (hereafter in this title referred to as the "Board"), which shall select the individuals who will be eligible to serve as Fellows.

(b) **MEMBERSHIP.**—The Board shall consist of 9 members as follows:

(1) A senior official of the Department of State (who shall be the chair of the Board), designated by the Secretary of State.

(2) An officer or employee of the Department of Commerce, designated by the Secretary of Commerce.

(3) An officer or employee of the United States Information Agency, designated by the Director of that Agency.

(4) Six academic specialists in Soviet or Eastern European area studies or languages, appointed by the Secretary of State (in consultation with the chairman and ranking minority member of the Committee on Foreign Affairs of the House of Representatives and the chairman and ranking minority of the Committee on Foreign Relations of the Senate).

(c) MEETINGS.—The Board shall meet at least once each year to select the individuals who will be eligible to serve as Fellows.

(d) COMPENSATION AND PER DIEM.—Members of the Board shall receive no compensation on account of their service on the Board, but while away from their homes or regular places of business in the performance of their duties under this title, may be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703 of title 5 of the United States Code.

SEC. 1001. FELLOWSHIPS.

(a) NUMBER.—Up to 100 fellowships may be provided under this title each year.

(b) REMUNERATION AND PERIOD.—The Board shall determine, taking into consideration the position in which each Fellow will serve and his or her experience and expertise—

(1) the amount of remuneration the Fellow will receive for his or her service under this title, and

(2) the period of the fellowship, which shall be between one and two years.

(c) TRAINING.—Each Fellow may be given appropriate training at the Foreign Service Institute or other appropriate institution.

(d) HOUSING AND TRANSPORTATION.—The Secretary of State shall, pursuant to regulations—

(1) provide housing for each Fellow while the Fellow is serving abroad, including (where appropriate) housing for family members; and

(2) pay the costs and expenses incurred by each Fellow in traveling between the United States and the country in which the Fellow serves, including (where appropriate) travel for family members.

(e) EFFECTIVE DATE.—Subsection (d) of this section shall not take effect until October 1, 1986.

1 SEC. 1005. SECRETARY OF STATE.

2 (a) DETERMINATIONS.—The Secretary of State shall
3 determine which of the individuals selected by the Board will
4 serve at each United States diplomatic or consular mission in
5 the Soviet Union or Eastern Europe and the position in
6 which each will serve.

7 (b) AUTHORITIES.—Such service shall be in accordance
8 with the relevant authorities of the Foreign Service Act of
9 1980, the State Department Basic Authorities Act of 1956,
10 and title 5 of the United States Code.

11 (c) FUNDING.—Funds appropriated to the Department
12 of State for “Salaries and Expenses” shall be used for the
13 expenses incurred in carrying out this title.

14 **TITLE XI—SECURITY AT MILITARY BASES**
15 **ABROAD**

16 SEC. 1101. FINDINGS.

17 The Congress finds that—

18 (1) there is evidence that terrorists consider bases
19 and installations of United States Armed Forces out-
20 side the United States to be targets for attack;

21 (2) while considerable attention has been given to
22 the protection of military materiel positioned outside
23 the United States, less attention has been given to the
24 protection of members of the Armed Forces, and mem-
25 bers of their families, stationed outside the United
26 States; and

1 (3) current programs to educate members of the
2 Armed Forces, and members of their families, stationed
3 outside of the United States to the threats of terrorist
4 activity and how to protect themselves should be sub-
5 stantially expanded.

6 SEC. 1102. RECOMMENDED ACTIONS BY THE SECRETARY OF
7 DEFENSE.

8 It is the sense of the Congress that—

9 (1) the Secretary of Defense should review the
10 security of each base and installation of the Depart-
11 ment of Defense outside the United States, including
12 the family housing and support activities of each such
13 base or installation, and take the steps the Secretary
14 considers necessary to improve the security of such
15 bases and installations; and

16 (2) the Secretary of Defense should institute a
17 program of training for members of the Armed Forces,
18 and for members of their families, stationed outside the
19 United States concerning security and anti-terrorism.

1 SEC. 1103. REPORT TO THE CONGRESS.

- 2 No later than March 31, 1987, the Secretary of Defense
3 shall report to the Congress on any actions taken by the
4 Secretary described in section 1102.

Passed the House of Representatives March 18, 1986.

Attest: BENJAMIN J. GUTHRIE,
Clerk.