

Ronald Reagan Presidential Library

Digital Library Collections

This is a PDF of a folder from our textual collections.

Collection: DeGraffenreid, Kenneth E.: Files

Folder Title: Improving the Intelligence Process
Intelligence Legislation: Privacy Act: Omnibus Diplomatic
Security & Anti-Terrorism Act of 1986 (2)

Box: RAC Box 13

To see more digitized collections visit:

<https://reaganlibrary.gov/archives/digital-library>

To see all Ronald Reagan Presidential Library inventories visit:

<https://reaganlibrary.gov/document-collection>

Contact a reference archivist at: reagan.library@nara.gov

Citation Guidelines: <https://reaganlibrary.gov/citing>

National Archives Catalogue: <https://catalog.archives.gov/>

26 March
Vina —
You're working
this issue --
correct — yes.

June

NSC/S PROFILE

UNCLASSIFIED

ID 8602340

RECEIVED 21 MAR 86 19

TO MCDANIEL

FROM PETERSON, R

DOCDATE 20 MAR 86

KEYWORDS: TERRORISM

LEGISLATIVE REFERRAL

SUBJECT: HR-4151 RE OMNIBUS DIPLOMATIC SECURITY & ANTI-TERRORISM ACT OF 1986

ACTION: MEMO MCDANIEL TO PETERSON

DUE: 29 MAR 86 STATUS S FILES WH

FOR ACTION

FOR CONCURRENCE

FOR INFO

NORTH

CANNISTRARO

SABLE

DEGRAFFENREID

ST MARTIN

MAHLEY

GRIMES

MAJOR

COMMENTS

REF#

LOG

NSCIFID

(PS)

ACTION OFFICER (S)

ASSIGNED

ACTION REQUIRED

DUE

COPIES TO

DISPATCH

W/ATTCH FILE (C)



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

2340
SPECIAL

March 20, 1986

LEGISLATIVE REFERRAL MEMORANDUM

TO: **Legislative Liaison Officer -**
Department of Treasury
Office of Personnel Management
Department of Defense
Department of Energy
Department of Justice
Central Intelligence Agency
U.S. Arms Control and Disarmament Agency
United States Information Agency
Department of State
Nuclear Regulatory Commission
✓ National Security Council
Department of Transportation
Department of Commerce

SUBJECT: HR-4151 - Omnibus Diplomatic Security and Anti-Terrorism Act of 1986,
as passed the House (see March 18, 1986, Congressional Record -
Pages H1236 through H1272 for text and colloquy.

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
FRIDAY, APRIL 4, 1986

Questions should be referred to 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:

Jim Nix
Jim Brown
Arnie Donahue
Phyllis Scheinberg
Ed Murdock (See title XI)

world. One way to do that is through economic incentives. United States tourists spend millions of U.S. dollars in foreign countries. Issuance of a travel advisory results in the loss of millions of dollars in revenues in the country for which an advisory is issued. If countries where United States citizens are attacked do not reduce their ties with Libya, and do not make their country safe for United States citizens, then it is appropriate for the U.S. Government to take action to protect our own people.

If the U.S. Secretary of State issues travel advisories for such countries, we might see a far different response to terrorism by our allies. The United States issued a travel advisory for Greece last June after the TWA hijacking out of Athens. Greece lost enough United States revenue to encourage it to quickly overhaul the security at the airport. If the Secretary had issued travel advisories of Italy and Austria after the attacks on United States citizens last June, perhaps they would feel compelled to take actions to make their countries safer.

In short, we must find a way to encourage our allies to take actions against terrorists and terrorism. We must find a way to isolate the Qadhafis and Khomeinis from the responsible world community. The provisions of section 507 will help do that.

Title VI, International Nuclear Terrorism, expresses the high priority the committee places on finding responses to the threat of international nuclear terrorism before the United States is faced with such an act, and in establishing effective measures to protect nuclear facilities and weapons-grade materials from acts of terrorism.

Title VII, Multilateral Cooperation to Combat International Terrorism, emphasizes the importance the Committee on Foreign Affairs places on gaining multilateral cooperation among our friends and allies to more effectively combat, on a worldwide basis, the growing threat of international terrorism.

Title VIII, Victims of Terrorism Compensation, provides for benefits of captives and compensation for disability or death.

The purpose of Title IX, Maritime Security, is to establish an effective regime for maintaining security standards at both domestic and foreign ports. It includes measures to improve seaport and shipboard security, and to prevent unlawful acts against passengers and crews on board ships. In addition, there are provisions to require a maritime risk assessment.

Lastly, Title X establishes a fellowship program, named the FASCELL Fellowship Program, after the respected chairman of the Committee on Foreign Affairs. The purpose is to afford the fellowship recipients the opportunity to serve on a short-term basis at a United States diplomatic mission in the Soviet Union or Eastern Europe to

obtain firsthand working exposure to the country in which they serve. This program is a fitting tribute to the work and interests of an individual, whom it has been a privilege to work with and learn from.

Terrorism is one of the worst international problems of our time, and it is growing. The legislation before us is a responsible way to try to bring this problem under control. It is the result of much cooperation and effort on the part of those who worked on it. It is a good bill and I urge my colleagues to support it.

□ 1620

Mr. LOTT. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mrs. BURTON of California. Mr. Speaker, I yield myself such time as I may consume. I would like to say a few words on behalf of this rule and this bill.

Mr. Speaker, terrorism is a cancer which could destroy us all. Its virulent message has coarsened our sensibilities and has cheapened our sense of humanity. The evil agents that aid this international disease must be checked.

I am pleased that a partial remedy for this destructive condition exists in H.R. 4418, appropriately entitled the Diplomatic Security Act. This legislation will provide a needed security apparatus to protect our dedicated civil servants who have committed themselves to a life of selfless public service. It will further provide, via the Department of State, the training assistance and related equipment to host Government personnel assigned to protect U.S. Government employees and missions abroad.

Because the United States has an imperative interest in protecting U.S. citizens serving their country abroad, I urge adoption of the proposed rule for consideration of this bill.

Mr. Speaker, I have no requests for time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES ON HOUSE JOINT RESOLUTION 534, URGENT SUPPLEMENTAL APPROPRIATION FOR THE DEPARTMENT OF AGRICULTURE, 1986

Mr. WHITTEN. Mr. Speaker, I move to take from the Speaker's table the joint resolution (H.J. Res. 534) making an urgent supplemental appropriation for the Department of Agriculture for the fiscal year ending September 30, 1986, and for other purposes, disagree to the amendment of the Senate to the amendment of the House to the amendment of the Senate and ask for a further conference thereon.

The SPEAKER pro tempore. The question is on the motion offered by

the gentleman from Mississippi (Mr. WHITTEN).

The motion was agreed to.

The SPEAKER pro tempore. Without objection the Chair appoints the following conferees: Messrs. WHITTEN, TRAXLER, MCHUGH, NATCHER, AKAKA, WATKINS, DURBIN and SMITH of Iowa, Mrs. SMITH of Nebraska, Messrs. MYERS of Indiana, ROGERS, and SKEEN.

There was no objection.

GENERAL LEAVE

Mr. FASCELL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous matter on H.R. 4151, the bill about to be considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

OMNIBUS DIPLOMATIC SECURITY AND ANTI-TERRORISM ACT OF 1986

The SPEAKER pro tempore. Pursuant to House Resolution 402 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 4151.

□ 1624

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4151) to provide for the security of U.S. diplomatic personnel, facilities, and operations, and for other purposes, with Mr. KLECZKA in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the first reading of the bill is dispensed with.

Under the rule, the gentleman from Florida (Mr. FASCELL) will be recognized for 1 hour, and the gentleman from Michigan (Mr. BROOMFIELD) will be recognized for 1 hour.

The Chair recognizes the gentleman from Florida (Mr. FASCELL).

Mr. FASCELL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 4151, as amended, the Omnibus Diplomatic Security and Antiterrorism Act of 1986.

As you know, this legislation has been expedited at the request of the administration and House leadership and was developed in bipartisan cooperation with five other committees sharing jurisdiction over various provisions contained in this legislation.

I want to express my gratitude to the chairmen, ranking members and to all the members of the Committees on Armed Services, on the Judiciary, on Merchant Marine and Fisheries, on Post Office and Civil Service, and on

Public Works and Transportation, who contributed to the writing of this milestone legislation to protect American embassies, diplomats, their families, and ordinary businessmen and tourist travelers against the scourge of international terrorism.

H.R. 4151 as amended, enjoys the support of the administration and includes among its many important initiatives, the President's request for major enhancement of diplomatic security stemming from the Inman panel recommendations; implementation of most of the recommendations from the recently released report of the Vice President Bush's Task Force on Terrorism—text of Vice President Bush's letter lauding H.R. 4151, as amended appears at the end of this statement—and a new process to improve maritime security patterned after the successful Foreign Airport Security Act which was enacted last year; and a request that the Secretary of Defense review U.S. military base security abroad and institute an anti-terrorist training program for members of the Armed Forces and their families.

The chairman of the Subcommittee on International Operations, Mr. Mica and the ranking minority member, Ms. SNOWE, will explain the diplomatic security provisions in the four titles in detail. Therefore, I would like to take this opportunity to review for our colleagues what action the Congress has already taken to combat international terrorism and to describe the new measures in this legislation.

Over the past 3 years, the Committee on Foreign Affairs has initiated, both passive and active measures to combat the growing threat of international terrorism. These include:

The establishment of a bipartisan staff task force to review diplomatic security including host government cooperation in protecting U.S. citizens and embassies as well as to study the foreign policy implications of international terrorism;

The authorization of the antiterrorism assistance program which provides training and equipment to some 40 friendly countries in such areas as upgrading airport security, providing courses in hostage negotiation, bomb disposal techniques, and so forth;

The enactment of the necessary enabling legislation to implement the treaties on aircraft sabotage and hostage taking;

The authorization of an emergency supplemental embassy security enhancement program in the wake of third Beirut bombing;

The creation of a rewards program for information leading to the arrest and conviction of international terrorists;

The adoption of a significant measure to enhance foreign airport security which mandates unilateral, bilateral and multilateral steps to upgrade security at foreign international airports

and provides for stringent enforcement measures; and

The adoption of landmark U.S. resolutions during the 40th U.N. General Assembly which recognize all acts of international terrorism as criminal and specifically condemn the hostage taking.

Mr. Chairman, in addition to the authorization of the Inman panel recommendations, this bill contains numerous measures which complement and add to these accomplishments. Some of these provisions include:

The establishment of new maritime security procedures, similar to those enacted in the foreign airport security legislation;

Additional authorization for rewards, including the initiation of a new program targetted against "narcoterrorists" and the establishment of a witness protection fund;

A requirement that the President actively seek the establishment of an international coordinating committee whose sole focus is international terrorism;

Measures directed against state-sponsored terrorism, including controls on certain services and exports to countries which aid and abet international terrorist organizations;

Measures to prevent nuclear terrorism, including directing the President to seek universal adherence to the Convention on the Physical Protection of Nuclear Material, and to review the adequacy of physical protection regarding the international transit of nuclear materials;

Steps to enhance multilateral cooperation to combat international terrorism, including enhanced information sharing on passports and visas and directing the President to seek the adoption of a U.N. resolution condemning the use of diplomatic privileges and immunities; and

The establishment of a program to compensate U.S. Government personnel who are victims of terrorist attacks.

Mr. Chairman, as I said at the outset, the administration and the House leadership fully support this legislation. The threat to the lives and safety of our people working abroad is very real. International terrorism continues to be a blot against humanity, and Americans remain prime targets for these heartless killers.

I urge the unanimous approval of this vital legislation.

The text of the letter from the chairman of the Committee on Armed Services, the Honorable LES ASPIN, in support of this legislation follows:

THE VICE PRESIDENT,

Washington, March 18, 1986.

HON. DANTE B. FASCELL,

Chairman, Committee on Foreign Affairs, House of Representatives, Washington, DC.

DEAR DANTE: I want you to know how much I appreciate your Committee's prompt and bipartisan action on the legislative recommendations of the Vice President's Task Force on Combatting Terrorism.

Inasmuch as this report was publicly released on March 6, 1986, it is particularly gratifying to see such quick action.

When we met last September to discuss the work of the Task Force your pledge of cooperation was most welcome. I know that Admiral Holloway and his staff worked closely with your staff during ensuing months.

This will become a major part of our overall program to combat international terrorism. I urge speedy enactment of the legislation that is necessary to complete this important work.

Sincerely,

GEORGE BUSH.

COMMITTEE ON ARMED SERVICES,

Washington, DC, March 12, 1986.

HON. DANTE B. FASCELL,

Chairman, Committee on Foreign Affairs, House of Representatives, Washington, DC.

DEAR DANTE: I understand your committee is reporting omnibus legislation to combat terrorism in H.R. 4151.

I am advised that the bill, as amended in the Committee on Foreign Affairs, affects the jurisdiction of the Committee on Armed Services in two ways. In Title VIII, it provides benefits for military personnel and their dependents comparable to those provided for civilian employees and similarly situated persons who are captured, kidnapped, or otherwise deprived of their liberty as a result of hostile action directed against the United States. In Title III, it establishes accountability review procedures for cases of serious injury, loss of life, or significant destruction of property related to a U.S. government mission abroad.

I am also advised that you intend to bring the bill to the floor in the near future. Of course, I note the jurisdiction of the Committee on Armed Services over legislation affecting benefits for and disciplinary actions involving military personnel. In the interest of expediting the business of the House, however, the Committee on Armed Services will not seek sequential referral of the bill. At the same time, we would be pleased to see included in the legislation the security training bill introduced yesterday by Congresswoman Schroeder.

Because questions of committee jurisdiction can be so troublesome in the handling of omnibus legislation, I would appreciate your making this correspondence a matter of record. No doubt should exist that our respective committees worked together in developing the pertinent parts of this bill. Indeed, our willingness to refrain from seeking sequential referral of H.R. 4151 should indicate our satisfaction with the product of our joint efforts on the bill.

I look forward to our working together on other matters that affect our respective jurisdictions.

Sincerely,

LES ASPIN,
Chairman.

□ 1630

The CHAIRMAN. The gentleman from Florida has consumed 7 minutes.

Mr. BROOMFIELD. Mr. Chairman, I yield myself such time as I may consume.

(Mr. BROOMFIELD asked and was given permission to revise and extend his remarks.)

Mr. BROOMFIELD. Mr. Chairman, let us face the facts. The threat of terrorism is real. It will be with us for many years. Americans will continue

to be the prime targets of terrorists. This bill does something about the problem of terrorism. It has the administration's blessing. It deserves our support.

I want to commend the chairman of the House Foreign Affairs Committee for his leadership in bringing this bill to the floor. I also want to point out the fine support which this bill received from Congressman MICA and Congresswoman SNOWE on the subcommittee level.

We must do all that we can to protect our fellow citizens serving at high-threat embassies. We must confront the menace of terrorism by using a variety of options. The legislation before us today gives our Government those badly needed options.

The bill implements many of the recommendations of the Inman panel—a bipartisan blue ribbon group which studied the problem of terrorism and embassy protection.

The Secretary of State recently wrote to me and noted that although this is the year of great budget stringency, the "safety of our people is of the utmost importance."

This legislation authorizes a major embassy building effort. Our new embassies will better protect our people against terrorist attacks. Some of the provisions in the bill focus on improving shipboard and port security. It also provides authority to control certain terrorism-related services and provides measures to protect against nuclear terrorism.

This antiterrorism package incorporates many of the recommendations of the Vice President's Task Force on Combatting Terrorism.

Mr. Chairman, this bill is a statement of Congress' commitment both to the protection of our citizens serving overseas, and to the battle against terrorism.

I urge my colleagues to support the bill.

The CHAIRMAN. The gentleman from Michigan has consumed 3 minutes.

Mr. FASCELL. Mr. Chairman, I yield such time as he may consume to the chairman of the Subcommittee on International Operations, the gentleman from Florida [Mr. MICA].

(Mr. MICA asked and was given permission to revise and extend his remarks.)

Mr. MICA. Mr. Chairman, first let me take this opportunity to commend the chairman of the committee, the gentleman from Florida [Mr. FASCELL], and the ranking minority member, the gentleman from Michigan [Mr. BROOMFIELD] and my ranking minority member on my subcommittee, the gentlewoman from Maine [Ms. SNOWE] for the excellent job that they have done on this legislation. We have spent several years working on this legislation. Members realize that some of the origins of the key provisions of this legislation came after the Beirut bombing, as a result of the Inman

Commission, and as a result of what I consider to be probably one of the most cooperative and most bipartisan approaches we have seen in this Congress.

H.R. 4151, the Diplomatic Security Act, represents the culmination of years of effort on the part of the Committee on Foreign Affairs to provide the Department with the tools it needs to manage security programs at U.S. missions abroad, to move ahead on the design and construction of safer embassies, and to provide security for foreign dignitaries in the United States. I think that this legislation will strengthen the Department's security operation, and give the Congress the oversight it needs to ensure that the diplomatic security program proceeds on time and on budget.

Work on this legislation has proceeded on strictly bipartisan lines, with the subcommittee's ranking minority member, Ms. SNOWE, taking a strong hand in the crafting of this bill. As a result, this legislative initiative enjoys the support of both sides of the aisle beginning with the support of the President, the Secretary of State, and the leadership of this House.

The Diplomatic Security Act is essential to our continued diplomatic presence overseas. We have a commitment to the safety of our diplomats and their families overseas at a time when Americans are targeted for terrorist attacks. We also have a commitment to protect our diplomatic missions which symbolize America abroad. This bill signals nations that support terrorism that we intend to maintain our diplomatic presence abroad.

Let me point out a few of the features of this bill.

It reorganizes the Department of State with respect to the security function, spelling out the Secretary's responsibility for the development and implementation of programs and policies which protect our diplomatic missions overseas. This includes responsibility for the personnel and operations of a variety of U.S. Government agencies overseas.

It presents the Secretary with full responsibility for the coordination of all U.S. Government personnel assigned to U.S. missions abroad, and for the establishment of staffing levels at these posts.

It establishes a Bureau of Diplomatic Security in the Department of State to be headed by an Assistant Secretary for Diplomatic Security responsible for overseas and domestic security and protective operations, management of counterterrorism planning and coordination programs, technical security, and personnel training.

Within the Bureau of Diplomatic Security, the bill creates a new Diplomatic Security Service to be headed by an experienced career civil service or foreign service member.

Of critical importance, the legislation provides a mechanism for determining accountability for failures of

the security system in cases resulting in serious injury, loss of life, or significant destruction of property. An Accountability Review Board, convened by the Secretary of State, shall examine the facts surrounding a serious security breach, and make findings as to the operational causes of that failure and possible breach of duty by any individual concerned.

Finally, this amendment would authorize a comprehensive embassy construction program which would conform to the recommendations of the Inman panel and speed up our security upgrade program worldwide to meet the growing terrorist threat. This legislation authorizes the President's request for \$4.4 billion over the next 5 years for the Department's Diplomatic Security Program. Of these funds, \$1.6 billion will provide for the salaries and expenses of such programs as the public access control projects, perimeter security systems, armored vehicle program, residential security, passport and visa fraud investigations, and for the protection of foreign dignitaries and missions in the United States.

The remaining funds will be for the Diplomatic Construction Program. With these funds, the Department will significantly upgrade 254 American facilities overseas, including 79 new embassy compounds.

The cost, in terms of actual dollars spent, will be considerably lower in the early years. The Congressional Budget Office estimates that this program will result in actual outlays of only \$250 million in fiscal year 1987. This is a result of committee action with respect to the priority of projects, the proposed obligation schedule, and the manner in which the Office of Foreign Buildings will organize to implement this ambitious construction program.

Many Members, including the gentlewomen from Maine, OLYMPIA SNOWE, and myself, have repeatedly questioned whether the program request had been sufficiently scrutinized. In my opinion, there can never be enough scrutiny for a program of this magnitude. However, this program has already undergone significant review.

When the Inman panel recommended the replacement of 126 embassies and upgrade of twice as many, the total cost was estimated at \$5 billion for construction alone. After reviewing the recommendation, the Department of State submitted to the Office of Management and Budget a \$3 billion construction package. Today, we are seeking approval for a Diplomatic Construction Program limited to \$2.7 billion, or nearly half of the original recommendation.

Scrutiny by my subcommittee will not end here today. We fully intend to closely oversee the entire program. To this end we have built into the legislation suitable notification requirements to the Congress on each appropriation request. The appropriate committee

must be notified before any funds may be obligated for any given project. We have also established procedures for the treatment of cost overruns and the promotion of contract efficiency.

Another aspect of this bill deserving special consideration is the committee's action regarding preference for U.S. contractors. The committee feels very strongly that Americans should be called upon to build our embassies abroad not only because it is concerned about the quality of construction and the sensitive nature of these facilities, but also because it feels that the way to make sure our missions best reflect the principles for which we stand is to have qualified Americans, including minority contractors build them. Therefore, we have included very strong language in title IV establishing a clear preference for U.S. contractors. Section 402, also directs the Department of State to allocate, to the extent practicable, 10 percent of the funds available for contracts with American minority contractors. I feel very strongly about this language which was authored by my colleague, Congressman DYMALLY. I urge the Department to make every effort possible to meet the requirements of this provision. The subcommittee expects the Department will report on regular, perhaps quarterly, basis regarding the implementation of this provision.

Title 8 of this bill provides compensation for victims of terrorism who are U.S. Government employees and are captured as a result of their relationship with the U.S. Government. It provides certain medical and educational benefits for hostages and their families to help them weather the crisis.

This title also provides for a cash payment to hostages based on the duration of their captivity. This is an issue that the United States has failed to address since the taking of American hostages in Iran 5 years ago. I think that we can all support measures which will finally fulfill any remaining obligation to this group of men and women who were held so long in captivity, and which will provide assurance to any future victims of terrorism that their families will be cared for.

In conclusion, I am proud to stand here today and present to this House the fruit of this committee's long effort. We have put together a comprehensive legislative proposal which will, if enacted, at last provide the U.S. Government the necessary tools to follow our words with actions. I urge the Members of this House to join us in taking this first step to fight terrorism wherever and however it appears.

Mr. FASCELL. Mr. Chairman, I yield to the gentleman from Missouri [Mr. VOLKMER].

(By unanimous consent, Mr. VOLKMER was allowed to speak out of order.)

OFFERING AN AMENDMENT IN THE NATURE OF A SUBSTITUTE TO H.R. 4332, A SUBSTITUTE FOR H.R. 9645

Mr. VOLKMER. Mr. Chairman, at this time I wish to announce to the committee and to the House in general that immediately upon speaking later I will be providing the Clerk an amendment in the nature of a substitute to H.R. 4332 which was reported last week from the Committee on the Judiciary. This is a substitute for my basic bill, H.R. 9645, with some amendments to it. I plan to be offering it on Thursday as a substitute for the Judiciary bill.

Mr. BROOMFIELD. Mr. Chairman, at this time I yield such time as she may consume to the gentlewoman from Maine [Ms. SNOWE] the ranking minority member of the Subcommittee on International Operations of the Committee on Foreign Affairs.

Ms. SNOWE. Mr. Chairman and members of the committee, this legislation represents an unprecedented effort by Congress to upgrade U.S. security standards across the board as well as to establish a new security ethic and apparatus within the Department of State. The legislation before us today also contains vital new counterterrorism efforts, many of them proposed by the Inman Panel on Overseas Security and the Vice President's task force on combating terrorism.

The subcommittee was involved in drafting two of the bills that form the core of this legislation. One of course is the Diplomatic Security Act and the other is the Victims of Terrorism Compensation Act. First, I would like to commend the chairman of the Committee on Foreign Affairs and the ranking member for their leadership in bringing this very important issue to the floor today. I also express my appreciation to the chairman of the Subcommittee on International Operations for his cooperation in working with the members of the committee.

As always, and with all of the issues that have come before the subcommittee, he has always worked to accommodate the views and positions of the members of the committee. I want to express my appreciation for all of the Members to the chairman of the subcommittee for that cooperation.

□ 1645

Through consensus and true bipartisanship, our subcommittee has conducted a considerable amount of work on the important issues of diplomatic security and counterterrorism. The product of much of that work is contained in this bill. Both the Diplomatic Security Act and the Victims of Terrorism Compensation Act were reported out of the subcommittee and full Foreign Affairs Committee unanimously.

The growing number of terrorist incidents, particularly the many targeted at Americans working for the U.S. Government abroad, make this legisla-

tion urgently needed. During the past two decades, terrorists have killed as many U.S. diplomats as were killed in the previous 180 years. In the past decade alone, terrorists have attacked U.S. officials or installations an average of once every 17 days.

This trend has become even more pronounced in the past 3 years. Last year, the State Department recorded 812 incidents of international terrorism, 30 percent of which were aimed at Americans and American interests, with U.S. diplomats the most common targets. This represented 200 more incidents than the previous year, and 300 more than the year before that.

Our subcommittee held a number of briefings and hearings on this particular issue. We heard testimony from a variety of witnesses who are experts in the field of international terrorism, all of whom concluded unanimously that terrorism will continue in the future and, in fact, could escalate dramatically.

In view of this trend, the Secretary of State assembled the Advisory Panel on Overseas Security, headed by Adm. Bobby Inman. The Inman Panel's focus was not only on the terrorist threat against U.S. personnel, but also against U.S. missions abroad. The Inman Panel found and concluded that nearly half of our missions abroad did not meet minimum security standards. During the course of its investigation, it also examined electronic penetration threats and came to the shocking conclusion that a number of our posts were rendered vulnerable. One post, for example, was found to share a common wall with an Eastern European trading company.

The report made it very clear that no matter how much money we spend, we obviously could not provide a 100-percent guarantee against such threats. But it did outline a number of measures that this Government could take that could minimize the probability of such threats and attacks against our personnel and our embassies abroad. Those measures are contained in titles I through IV of this legislation.

The measures called for by the Inman Panel encompass more than just a major diplomatic building program. It also called for a major realignment of the security status within the Department of State. These measures are equally important to the building program. They call for such measures as improved training, increased personnel, the reorganization of the security structure within the Department of State, a system for personal accountability for security lapses, and the creation of a Bureau of Diplomatic Security.

The Department of State has already implemented many of the 91 recommendations proposed by the Inman Panel. But this legislation here today is required to further implement the remainder of the recommenda-

tions. The Inman Panel recommendations encompass not only physical security, but human security. Even the best built embassy cannot function without properly trained personnel.

This legislation addresses the growing problem of terrorism in a comprehensive way. That was the value of the Inman Panel report, so that we do not constantly respond to the threat of terrorism in a reactive and an uncoordinated way. This legislation has become a priority of the administration, it is a priority of the Foreign Affairs Committee, and I hope it will be a priority not only of the House of Representatives, but the entire Congress.

If we delay action, there is no question that many Americans who work on behalf of the U.S. Government will remain at risk. Just a few weeks ago, terrorists attempted to smuggle a car bomb into the Embassy in Portugal. Fortunately, that Embassy had been designed and built in the last few years and had the necessary security standards in place. Alert security officials detected the bomb that had been placed under an Embassy employee's car. The car was evacuated, the bomb went off, but fortunately no damage was done to the Embassy and not one was hurt or killed.

The point is that the Embassy in Portugal is an exception to the rule. Had it been one of our missions or consulates that has been recommended for renovation, relocation or construction by the Inman Panel, there would have been a serious loss of life and a serious damage to property.

So, ladies and gentleman of the committee, this legislation is vital in all respects. It is an ambitious program, but one that has to be taken, not only because it is important to this country, but I think that we have to make a moral commitment and take responsibility for the people who work for the United States.

I would like to comment on one other provision in this legislation, and that is title VIII, the Victims of Terrorism Compensation Act, which provides for education and medical benefits, and compensation to future hostages, as well as to hostage family members. It is based on the provisions in the Hostage Relief Act of 1980 that expired in 1983. This title will fill a serious void in our ability to combat and cope with international terrorism, and to minimize and alleviate the hardships on the family members, as well as the hostages. If there is anything we learned from the Iranian hostage crisis, it is that first and foremost in the minds of those hostages was concern for the health, welfare and safety of their family. This legislation would help them to cope better with a perilous situation and give them the kind of peace of mind they deserve during such an ordeal.

Title VIII not only provides compensation for future hostages, but it provides retroactively compensation for

the hostages of the Iranian crisis. They still have not received any compensation, and yet 5 years has passed. It is long overdue. It is grossly overdue. And it is something that this Congress has to address here and now.

I might also mention that the Algiers agreement, which arranged the release of our hostages, denied these hostages the right to sue in court and to seek redress. So, at the minimum, we as a country have an obligation to provide the compensation that, as I said earlier, is long overdue.

We have a unique opportunity here today, ladies and gentlemen, to take strong action against international terrorism. I urge this body to approve overwhelmingly the legislation before us. We will not regret having done it.

Ms. SNOWE. I thank the gentleman for yielding.

Mr. YOUNG of Florida. Mr. Chairman, will the gentlewoman yield?

Ms. SNOWE. I yield to the gentleman from Florida.

(Mr. YOUNG of Florida asked and was given permission to revise and extend his remarks.)

Mr. YOUNG of Florida. I thank the gentlewoman for yielding.

Mr. Chairman, I rise in support of H.R. 4151, the Omnibus Diplomatic Security and Anti-Terrorism Act of 1986.

My colleagues from Florida DANTE FASCELL, the distinguished chairman of the Foreign Affairs Committee, and DAN MICA, the chairman of the International Operations Subcommittee, and my colleagues from Michigan Maine, BILL BROOMFIELD and OLYMPIA SNOWE, the ranking minority members of the committee and subcommittee, are to be commended for their continuing concern and diligence to combat the increasing threat from international terrorists.

This bill is a sobering reminder of the threat terrorists pose to the security of our Nation. It provides for almost \$3 billion in new budget authority over the next 6 years to enhance the security of our embassies and diplomatic missions overseas. We have had no choice but to assume a bunker mentality to protect American officials abroad.

During the past decade, terrorists have attacked U.S. officials or installations on the average of once every 17 days. Last year alone, 173 international terrorists incidents were directed at American individuals or facilities abroad, resulting in the death of 23 Americans and injuries to more than 150.

Although the United States remains the prime target of international terrorists, our allies are equally as vulnerable. Overall, there were 812 international terrorist incidents last year, claiming 926 lives and resulting in almost 1,300 injuries. Our Nation obviously cannot stand alone in the battle against terrorism.

In June 1984, I introduced legislation urging the President to organize an international convention to combat terrorism and to seek international agreements on the punishment and extradition of terrorists and their accomplices. I also urged increased cooperation among our allies in sharing intelligence information about terrorist organizations and in discussing counterterrorism strategy and techniques. The Foreign Affairs Committee included my legislation

in a broader terrorism bill, which Congress approved and was signed into law by President Reagan in October 1984.

Vice President Bush's task force on terrorism recently endorsed my proposal, saying in his report released last month that, "International cooperation is crucial to long-term deterrence of terrorism."

There is a growing consensus in support of my effort to organize an international convention or working group on terrorism and I'm confident we are closer to the formation of such an organization. The legislation we consider today reaffirms the committee's belief in such a concept.

This legislation directs the President to establish an international coordinating committee, whose sole focus would be the problems and responses to international terrorism. It also seeks the help of our allies in protecting innocent Americans traveling abroad.

During the past 5 years, there have been more than 3,000 terrorist incidents worldwide, claiming hundreds of lives, causing thousands of injuries, and billions of dollars in damages. No nation is immune to the threat.

Our allies are looking to the United States for the leadership to organize an international working group to reduce the threat from terrorism. We must step forward and decisively take the lead in this effort so that we can at last begin an organized campaign to capture and prosecute terrorists. It's time that we put the terrorists and would-be terrorists of the world on notice that they will no longer be allowed to roam the world freely and that their crimes against humanity will no longer go unpunished.

Mr. FASCELL. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Pennsylvania (Mr. YATRON), chairman of the Human Rights and International Organization Subcommittee.

Mr. YATRON. Mr. Chairman, I thank the gentleman from Florida for yielding me this time.

Mr. Chairman, I rise in strong support of the omnibus diplomatic security and antiterrorism bill.

I want to commend the chairman of the Foreign Affairs Committee, Mr. FASCELL, the ranking minority member, Mr. BROOMFIELD, and in particular the chairman and ranking minority member of the International Operations Subcommittee, Mr. MICA and Ms. SNOWE, for the outstanding work they have done on this legislation. Their leadership has resulted in a bipartisan strategy to combat one of the greatest threats to the American people: international terrorism.

Mr. Chairman, this legislation will strengthen and enhance the President's ability to confront the menace of terrorism in a realistic way by using legal instruments and international law. This is a comprehensive bill which includes among its many important provisions authority to deal with international nuclear terrorism, U.S. port security, as well as procedures to combat narcotics-related terrorism. This commitment is reinforced with a much-needed diplomatic security pack-

age designed to provide protection for Americans serving abroad.

There has been a great deal of concern expressed throughout the country that the United States does not have an effective approach to combat international terrorism. While it would be unrealistic to expect the United States to totally eliminate this menace, the Congress and the administration have devoted considerable time and effort to establishing a coherent anti-terrorism policy, which is embodied in this legislation.

This bill reflects the President's commitment of combating terrorism. It will not eradicate the threat but it will serve as an effective deterrent. The United States must be prepared to provide security against terrorism for its own people. Clearly, no other nation can be expected to assume this responsibility.

Mr. Chairman, in light of budget constraints many of our colleagues have reservations about the diplomatic security package. I share those views, and I am confident that the appropriate steps have been taken to preclude cost overruns and fiscal mismanagement. The committee has gone to great lengths to reprioritize the over 250 projects which require security improvements to reflect the concerns many of us have about cost effectiveness. Further, this legislation requires the Secretary of State to provide the appropriate congressional committees with detailed justifications for every program and project.

Mr. Chairman, if we are serious about protecting our people against the scourge of terrorism, we must match our words with deeds and provide the President with the necessary resources and authority he needs to carry out this vitally important task.

In conclusion, this legislation can serve as a springboard toward greater international cooperation in combating a problem that threatens the future stability and welfare of every nation. I strongly urge my colleagues to support this bill.

□ 1655

Mr. BROOMFIELD. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. GILMAN], a senior member of the minority.

(Mr. GILMAN asked and was given permission to revise and extend his remarks.)

Mr. GILMAN. Mr. Chairman, ladies and gentlemen of the committee, I am pleased to rise in strong support of H.R. 4151. The Omnibus Diplomatic Security and Anti-Terrorism Act of 1986. This bill is a monumental step forward in the protection of American citizens traveling or working abroad, and will ultimately lead to increased security for them at home, as well.

Over the past several years, the Congress has become more and more aware of the threat posed by international terrorism. The House has not shirked its duty to do everything in its

power to give our executive branch effective weapons in the fight against terrorism. Everyone should understand that our fight against terrorism is not one dimensional. In this bill, as in previous legislation, we give emphasis both to unilateral and multinational approaches to the problem. As we struggle to understand the origins of terrorism, we realize that in many cases it results from the frustration of political aspirations which may in some cases be legitimate, or with which we can sympathize. But we must demonstrate our unshakable resolve to combat those who act out their frustrations by killing innocent men, women, and children, or by taking up arms against democratic governments and institutions.

This legislation was carefully crafted under the leadership of the distinguished chairman of our Foreign Affairs Committee, the gentleman from Florida [Mr. FASCELL] and the ranking minority member, the gentleman from Michigan [Mr. BROOMFIELD]. Major portions of this legislation—most notably the diplomatic security and hostage relief provisions—were drafted under the guidance of the gentleman from Florida [Mr. MICAL] and the gentlelady from Maine [Ms. SNOWE], chairman and ranking minority member, respectively, of the Subcommittee on International Operations. Some of the provisions were contributed by other committees, such as the Committee on Post Office and Civil Service, on which I also serve, which first acted on the hostage relief provisions, and which endorses this legislation. Other committees cooperating in this venture were the Committee on Merchant Marine and Fisheries and the Committee on the Judiciary. We thank them for their cooperation in this venture.

The bill begins with the authorization of a massive construction program to protect Americans serving their country abroad in the diplomatic and consular services and in the many other agencies which are housed in American missions abroad. It will create a new Bureau of Diplomatic Security, to strengthen 254 U.S. facilities overseas. A new Bureau of Diplomatic Security is created to centralize responsibility for security matters within the State Department. When security-related incidents occur abroad, boards of inquiry will examine our response and determine if any additional action or precautions are required.

The bill contains provisions for dealing with difficult problem of increasing security at foreign seaports, so that it will be harder to carry out terrorist attacks on Americans or others at sea. These provisions are modeled after the recently passed measure designed to beef up security at foreign airports, and include assessments of security at foreign seaports, backed up by the threat that travel advisories will be issued in the absence of progress.

Provisions aimed at dealing with the problem of nuclear terrorism are also featured in the bill are aimed mainly at stimulating international cooperation to deal with the awesome threat to civilization posed by the possibility that a Qadhafi or a Khomeini could get their hands on a nuclear device.

Americans traveling abroad often feel that they are threatened because their place of birth appears on their passports. We have included a provision aimed at stimulating international agreement on the deletion of this information as an item on most passport; we also state in our committee report that we expect the Secretary of State to use his existing authority to issue passports without place of birth information.

The bill at long last provides an adequate settlement for the hostages taken at our Embassy in Teheran, who have not, until this day, received their final compensation; it establishes a uniform, compassionate, and reasonable appropriate system for aid to any of our employees who may be taken hostage in the future, as well as for their families.

Finally, Mr. Chairman, I would like to turn to the provisions of title V of the bill. These provisions are especially important ones because they relate directly to actions which can be taken by our own State Department to help combat terrorism.

Section 501 provides for the establishment of a list of most-wanted international terrorists.

Section 502 increases the amount of rewards which may be offered for the capture of terrorists either on the list of most-wanted terrorists, or who are otherwise infamous.

Section 503 relates to rewards for information relating to international narcoterrorism and drug trafficking. The phenomenon of narcoterrorism is a relatively new one, but it is highly destructive. It involves the use of terroristic tactics against drug enforcement and diplomatic personnel—a new escalation in the criminality of narcotics traffickers.

The section is not intended to set up a program competing with the those under the jurisdiction of the DEA. Rather, the section is intended to provide additional weapons—in the form of rewards for the capture of the most major, infamous traffickers—which we hope will ordinarily be offered in cooperation with foreign countries. The provision specifies that in the case of rewards for the apprehension of narcotics traffickers, the Secretary of State is to act in consultation with the Attorney General. The section also provides for the offering of rewards for the capture or thwarting of actions directed against American personnel, or those who assist them abroad, or their families. We must do everything in our power to protect those individuals who risk their lives to keep our streets free of narcotics.

Section 504 provides for the improvement of the coordination of the antiterrorism assistance programs by the Secretary of State.

Section 505 authorizes up to \$1 million annually of our antiterrorism assistance funds may be used to protect judges or informants who help us work against terrorists.

Section 506 provides that Congress should be notified when travel advisories are issued by our Government.

Section 507 is a sense of Congress provision stating that if a terrorist incident occurs abroad, and Libya or Iran support the terrorists, a travel advisory should be issued unless the Libyan or Iranian missions to that country are closed. In addition, the official missions of any other nation which uses its missions to support terrorism should be closed after an attack on Americans, on pain of the issuance of a travel advisory.

Section 508 is a consensus provision designed to prohibit the provision of services to the military, police, or intelligence services of countries on the terrorist list maintained under the Export Administration Act.

Section 509 would prohibit the export of any item on the U.S. munition list to any country on the terrorist list; it also provides that the President is to take all feasible steps to prohibit the export of goods or technology to a terrorist country if the Secretary of State determines that such exports would make a significant contribution to that country's military potential or enhance its ability to support international terrorism. The President is directed to take all feasible steps to secure the cooperation of other governments in efforts along the lines of the provisions of section 509.

Mr. Chairman, the provisions of this bill, are carefully designed and are the product of wise consultation within this House and with the executive branch. The bill is supported by the administration. I applaud the committee leadership on both sides of the aisle for its work on the bill and its cooperation in accommodating some concerns I raised—notably on the place-of-birth issue and the broadening of the Levine amendment now carried in section 507 of the bill.

Accordingly, Mr. Chairman, I urge my colleagues to support this legislation.

Mr. FASCELL. Mr. Chairman, I yield 4 minutes to the gentlewoman from Maryland (Ms. MIKULSKI), the chairman of the Subcommittee on Oceanography.

(Ms. MIKULSKI asked and was given permission to revise and extend her remarks.)

Ms. MIKULSKI. Mr. Chairman, I rise in strong support of H.R. 4161.

For too long, too many innocent Americans have suffered injury or death at the hands of international terrorists.

Whoever said that one terrorist is another person's freedom fighter has

a callous disregard for the real victims of international terrorism.

How an 11-year-old girl returning home for the holidays, a wheelchair-bound 12-year-old retiree on a vacation cruise, and a 23-year-old Navy diver on leave stood in the way of anyone's freedom is a mystery to me and every American.

We must no longer ignore the issues of terrorism. Seared in our memories are the bombings of our Marine barracks in Beirut, the tormenting of senior citizens held hostage on the *Achille Lauro*, and the Christmas-time machine gunnings at the Rome and Vienna Airports.

Congress must send a clear message to terrorists the world over that we will not tolerate the brutal acts by the bully-boys. This legislation does just that.

In addition to strengthening the physical security of our embassies and diplomatic posts, it also sets in motion a framework for maritime counterterrorism. I am very proud to say that I initiated this component calling for an international conference establishing seaport security and passenger safety. This grew out of listening to the Meskins family, a New Jersey couple who was held hostage on the *Achille Lauro*. They told us in grim detail how they were taunted and tormented by the terrorists and then described the final moments of Mr. Klinghoffer's life.

But even more shocking was how they described the lax procedures that allowed that to happen. No screening of bags, no screening of people, easy access to the vessel, and no one on board to fight back.

That is why my legislation calls for international standards and agreements.

This legislation would require participating nations to take tough steps to combat terrorists. It calls for seaport screening of cargo and baggage similar to that used at airports; it adds extra security to restrict access to cargo, dockside property and the ships themselves; and it calls for additional security personnel on board ships, like sea marshals, comparable to sky marshals.

Tourists used to ask, when planning a vacation, where will they go. Now they ask, will they be able to come back.

The maritime component of this legislation ensures that they will come back.

We ask the private sector to cooperate in this, for good security is good business.

In addition, this legislation also authorizes \$125 million for the Coast Guard to add personnel to bolster its historic security role at our Nation's ports. It mandates a risk assessment for the Nation's ports and guarantees that we will deter saboteurs at every wharf, warehouse, and dock.

Mr. Chairman, I want to conclude by saying that every now and again in this House we get to do something

that we are so very proud of and work on a bipartisan basis. Today, united as one Nation and one Congress, we say "No" to the bullies.

Mr. BROOMFIELD. Mr. Chairman, I yield 4 minutes to the gentleman from Arizona (Mr. McCAIN), who is a member of the subcommittee which reported this bill to the committee for consideration.

(Mr. McCAIN asked and was given permission to revise and extend his remarks.)

Mr. McCAIN. Mr. Chairman, I would like to commend the efforts of Chairman FASCELL and Mica, along with Mr. BROOMFIELD and Ms. SNOWS for their work on this legislation.

I would also like to mention the fine work of the Secretary of State's Advisory Panel on Overseas Security, Chaired by Adm. Bobby Inman. The recommendations of this panel were the basis of the diplomatic security section, titles I-IV, of this bill. I would like to thank Chairman Mica for the inclusion of my language to limit appropriations for a fiscal year so that they may not exceed the amounts specified for such program in the Department of State's budget in brief for fiscal year 1987 (title IV, section 401(a)).

We must be careful not to allow this bill to become a permanent budget item. It must be a one-time authorization. Too many Government programs are supposed to last for a short period of time, yet seem to develop lives of their own.

I would like to call the committee's attention to title VII, section 701, Consideration of International Terrorism at the Tokyo Economic Summit Conference, language which I included during consideration by the committee. Last year, Abu Abbas, who was responsible for planning the *Achille Lauro* Hijacking, escaped justice in two foreign nations. This section will attempt to ensure that such a travesty is never repeated. It seeks to have terrorism included for discussion at the Tokyo Summit. In addition, it directs President Reagan to expand the Agreed Statement of the Seven Industrialized Nations made at the 1978 Bonn Conference regarding aircraft hijacking.

That declaration of policy must include all hijackers, not just those of aircraft. Those who plan the hijackings must also be brought to justice. Finally, this language seeks to expand the range of sanctions imposed on nations that evade their responsibility to the civilized world by coddling terrorists.

Later, I will be introducing two amendments to title VIII, Victims of Terrorism Compensation. When this matter was first considered by the Committee on Foreign Affairs last year, it had several major flaws: It did not cover members of the U.S. Armed Services, it allowed for different rates of compensation, and set the rate of

compensation at a base far beyond historical or responsible levels. We were able to correct the most blatant of these by extending protection to members of the armed services along with civilian Government employees. However, there are still problems which should be addressed.

This legislation sets up a program resembling an entitlement, so we must proceed with caution and base our deliberations upon fact not emotion. My first amendment will delete Presidential discretion for degrees of treatment or harshness. The experience of being held captive by an enemy government or group is not pleasant, but it is not possible to objectively determine what constitutes fair or unfair treatment for purposes of compensation. We are not discussing payment for physical or psychological injuries, we are talking about a cash payment on top of salaries and other benefits.

My second amendment sets a lower base rate of payment. As written, this title would provide a payment based on the worldwide average per diem rate, roughly \$60 to \$70 a day. There is no logical, historical or economic basis for this figure. American P.O.W.'s from World War II, Korea and Vietnam were not given anywhere near this amount. President Carter's Commission on Hostage Compensation did not recommend anything close to this number or formula. I believe my amendment which sets the base rate at \$20 a day is fair, equitable and fiscally responsible.

During consideration of these amendments, I intend to present supporting information on these points.

The information on these points, Mr. Chairman, will be not from just my experience nor the time that I have spent on issues such as these, but will be based on the President's Commission that President Carter appointed in 1980 to try to set about finding a fair and equitable compensation for the Iranian hostages. Their conclusions were dramatically different from the legislation as it is presently written. Later on I will go into the membership of that Commission, and their recommendations.

Mr. FASCELL. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Connecticut [Mr. GEJDENSON], a very active member of the Committee on Foreign Affairs.

(Mr. GEJDENSON asked and was given permission to revise and extend his remarks.)

Mr. GEJDENSON. Mr. Chairman, I am especially pleased to see the inclusion in this Omnibus Anti-Terrorism Act of a provision that directs the President to include the subject of international terrorism on the agenda of the upcoming Tokyo economic summit, to seek the establishment of an international antiterrorism coordinating committee and a provision that urges the President to seek international agreement on the sharing of information on passports and visas in

order to more effectively combat terrorism.

The President, and indeed all of us who meet with our allies, should take advantage of every opportunity to raise this issue and to seek their greater cooperation in the crucial battle against international terrorism, because the only way we can hope to put a halt to this scourge is by a vigorous and coordinated campaign by all those countries who have an interest in denying the terrorists safe haven and financial or political support.

It is not enough for our friends and allies in the world to offer their verbal support for our antiterrorism policy, they must be willing to take economic and political steps to make this world a very difficult place for a terrorist to live in. So I urge my colleagues to lend their support to this measure before us today as an encouragement to the President to seek the international cooperation that is needed to combat terrorism.

□ 1710

Mr. BROOMFIELD. Mr. Chairman, I yield 5 minutes to the gentleman from Florida [Mr. Lewis].

Mr. LEWIS of Florida. I thank the gentleman for yielding me this time.

Mr. Chairman, I would like to commend the chairman, Mr. FASCELL of Florida, the chairman of the Foreign Affairs Committee for his excellent work in bringing this bill before the House. Also Mr. BROOMFIELD, Mr. MICA, the subcommittee chairman, and Ms. SNOWE, the ranking Republican on the Subcommittee for International Operations of that committee.

Mr. Chairman, I would like to engage the gentleman from Florida, [Mr. SMITH], in a colloquy about H.R. 4151 and particularly section 503. I am deeply concerned about the ever-growing number of terrorist activities occurring overseas, and in fact the efforts of my colleague, Mr. SMITH of Florida, as chairman of the Task Force on International Narcotics, has brought the necessary attention to the seriousness of the narcotics problem throughout the world.

However, I have some reservations regarding the language as mentioned in H.R. 4151 pertaining to international narcoterrorism and drug trafficking. In particular, section 503.

Because of these reservations, many of which have been brought to me by the Drug Enforcement Administration, our Nation's leading drug enforcement agency, I would like to enter into a colloquy with my friend and distinguished colleague on this section.

Mr. SMITH, in section 503 of H.R. 4151, do we set up a parallel or duplicate program, one which is already under the jurisdiction of the Drug Enforcement Administration?

Mr. SMITH of Florida. If the gentleman will yield, it was clearly not the intention of the committee to set up an informant system for the State De-

partment to rival or compete with that of the DEA. The Secretary's authority is limited to information rewards on major narcotics terrorist-type traffickers for offenses committed outside the United States. Mostly as we anticipate acts committed against people who have committed crimes against Embassy personnel or people involved in eradication programs or other forms of narcotics where terrorism is involved.

Mr. LEWIS of Florida. As you know, the Drug Enforcement Agency is this Nation's leading drug authority, both at home and also abroad. As you mentioned, are we not establishing another information reward system through the State Department when we already have one set up with the DEA?

Mr. SMITH of Florida. If the gentleman will yield, the purpose of this amendment is not to put the State Department in the business of narcotics enforcement overseas. That is not the intention of this section of the bill. The purpose is to give the Secretary of State the ability to fight fire with fire when United States Embassy officials and employees, contract employees, such as the 20 Peruvian eradication workers who were murdered last year, are killed or kidnapped by what we know to be drug kingpins who are engaged in terrorist activity.

Unfortunately, under the current provisions of the State Department authorization bill, that drug activity is not considered to be terrorist in nature.

Mr. LEWIS of Florida. If the gentleman would further explain, I have a concern and a concern of many people at this point in time. We have created an atmosphere of informants and of cooperating individuals with our various reward system as stated.

Are we setting up a situation where these informants and these individuals would shop around, so to speak, for the best deal? How do we protect ourselves from this shopping around?

Mr. SMITH of Florida. If the gentleman will yield, the Secretary of State, as you know, under the terms of the bill must consult with the Attorney General before making any rewards at all.

Second, I doubt, and I think the committee doubts that people like Carlos Lehder or others of that ilk that are trafficking and engaging in terrorist activities are going to shop to be informants.

Third, this provision is not intended to enable the State Department to pay rewards to DEA informants but really to public informants. That is what we are looking to get. The whole purpose of it is to make the traffickers scared that people will be paid to turn them in, and where they are getting support because they are paying people, we are going to do the same thing to them.

Mr. LEWIS of Florida. Can the gentleman assure this gentleman that in

the final analysis the bill, in passage of the bill that we will not have a parallel system?

Mr. SMITH of Florida. If the gentleman will yield, I have told the gentleman and the others who have concerns about this we do not want a parallel system, and right now language is being prepared by the agencies who are involved, Justice, DEA, and State to take care of this problem, if any exists, and at some stage in this proceeding in the Senate, in conference, wherever, if the language is agreed to and can help fix this, we will put it in to ensure that the gentleman's concerns are taken care of.

I thank the gentleman for his help in this matter.

Mr. LEWIS of Florida. I thank the gentleman.

Mr. FASCELL. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. ACKERMAN].

(Mr. ACKERMAN asked and was given permission to revise and extend his remarks.)

Mr. ACKERMAN. I thank the gentleman for yielding me this time.

Mr. Chairman, international terrorism poses a complex, dangerous threat for which there is no quick or easy solution. But the omnibus antiterrorism legislation before us today will significantly improve our capability for combating terrorism.

As we have become all too aware, terrorist attacks are growing at an average annual rate of about 12 to 15 percent, and have become an ever-present threat throughout the world. Most recently, the hijackers of the cruise ship *Achille Lauro* brutally slayed Leon Klinghoffer, a partially paralyzed New York appliance shop owner on the trip as a 36th wedding anniversary present to his wife.

This terrible tragedy was allowed to happen largely because of inadequate security at one of the *Achille Lauro*'s ports of call. The lack of baggage checks and passenger screening at Genoa appears to have enabled the hijackers to smuggle the weapons on board that made it much easier for them to take control of the ship.

Preflight screening of passengers and their carryon baggage is the cornerstone of our domestic aircraft security program. Since 1972, these procedures have detected over 30,000 firearms, and have resulted in 13,000 arrests. Recent terrorist acts against passenger airplanes and cruise ships point out the need for us to continually monitor and update our security procedures. This is especially true at ports and on board ships, where there are presently no international or federally prescribed security measures. As a result, many ports have no baggage or personnel screening at all. In many places, completely unrestricted access to passenger and cruise vessels provides ample opportunity for terrorists to perform their evil deeds.

I am pleased that the Foreign Affairs Committee decided to incorpo-

rate into the omnibus antiterrorism bill before us legislation which I introduced, to authorize the Secretary of Transportation to require stringent international maritime safeguards. These include the use of metal detectors, cargo and baggage screening, and other comprehensive safety measures for all passenger ships leaving American ports for international waters.

The bill would also require the State Department to assess the effectiveness of security measures at those foreign ports that pose a high risk of terrorist attacks on passenger vessels, to notify foreign governments if security is inadequate, and to issue an immediate travel advisory if the port is not brought up to standard. In addition, the President must suspend service between the United States and any foreign nation that provides sanctuary to terrorist organizations which seize passenger vessels.

Of particular importance is a provision in the measure that urges the President to seek agreement through the International Maritime Organization on matters of seaport and seaborde security, and to submit to Congress a report on progress in developing measures to prevent terrorist acts against crews and passengers aboard ships. Cooperation with host government is essential, since they have the primary responsibility for providing security for U.S. citizens and facilities abroad. Securing the cooperation of the civilized nations of the world in applying political or economic pressures on those lands that sponsor terrorism is a difficult yet vital part of an overall antiterrorism program.

Mr. Chairman, dealing effectively with terrorism requires long-term measures to protect passengers and cargo, and to train security personnel. We in the free world must work together to gather and share intelligence so that we may put an end, once and for all, to these terrorist threats. The bill we are considering today incorporates these essential elements. I strongly urge my colleagues to support this needed legislation to reduce the risks of terrorism.

Mr. BROOMFIELD. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. WALKER].

□ 1720

Mr. WALKER. Mr. Chairman, I thank the gentleman for yielding.

This is basically a good bill. It does many excellent things to control terrorism and protect Americans against terrorism.

The problem I have with the bill is that it takes a direct end run around both the budget process and Gramm-Rudman. I think we need to be concerned in this House when we bring legislative to the floor that we live within the strictures that we have mandated on ourselves trying to move toward a balanced budget in 1991. That is the problem with this bill. It is an attempt to get out from under-

neath the balanced budget law and do an end run around the process.

What we are creating here is a new authorization. The new authorization is entirely correct. It is a way of attempting to find out or establish a method for getting at payment in compensation to hostages and people held by terrorists.

The problem is that we also set up in doing so an entitlement program, a brandnew entitlement program. That is done in violation of the budget bill. It is done in violation of Gramm-Rudman, and I have to say it is done knowingly, because the rule that brought it to the floor waived the provisions of Gramm-Rudman in order to get the bill out here.

Now, what we need to do is look at correcting that particular problem.

Now, let us understand what it is we are doing here. First of all, with regard to pay and benefits, as mentioned in the authorization bill, we are continuing the pay and benefits people would get anyway. Those are already authorized and appropriated. We would not in any way impinge upon people getting their pay by taking out the entitlement. It is already provided for in the appropriation; so the pay that either goes to families or to individuals which will continue to flow because that is already appropriated for and would be under any circumstances.

What we are talking about here is an add-on program to provide medical and educational benefits to hostages and hostage families, as well as cash compensation and the cash compensation has to come within 1 year to former captives.

We do that as an entitlement program. We do it right up front as an entitlement program.

Now, I heard the arguments out here that somehow we have not been able to react in the past. Well, we have never had an authorization in the past. There has been no program for doing this. We have never authorized such a program before. We have never had a mechanism.

Why can we not at least try, once we have the mechanism in place, to do the job of appropriating annually?

I would say to the people who suggest that the Iranian hostages have not been compensated, they are absolutely correct. There was no such program for the Iranian hostages; but if we had that program in place and you brought a supplemental appropriation to this floor in the midst of the crisis, it would pass like that. There would be no problem getting that done in the midst of the crisis. Why do this end run? Why can we not at least try the regular process? If the regular process does not work, then go to the entitlement; but why do we have to start with the entitlement? Why go that route right away?

It seems to me at the very least we ought to be out here protecting the

process that we have put in place. That is what I am asking for in the amendment that I will offer. It in no way impacts on the authorization process. It keeps the authorization process in place. It simply says, "Don't go to an entitlement now. Make the money a part of the regular appropriation process. Say to us that we are going to have to come up with the money as a part of our effort to get to a balanced budget." That is all my amendment will do. It will keep the authorization program established in this bill absolutely in place. It will simply set up a different mechanism for payment that says that Congress ought to vote the money before we pay the money and it seems to me in light of the budget problems this country faces, voting the money before we pay the money makes pretty good sense.

Mr. FASCELL. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Michigan [Mr. WOLPE], the chairman of the African Subcommittee.

Mr. WOLPE. Mr. Chairman, I thank the gentleman for yielding.

I want to pay tribute to both the distinguished chairman, the gentleman from Florida [Mr. FASCELL], and also to the ranking member, the gentleman from Michigan [Mr. BROOMFIELD], and to the gentleman from Florida [Mr. MICA], and the gentlewoman from Maine [Ms. SNOWE], the ranking member of the subcommittee, for developing this excellent legislative product.

I would like to take just a moment to draw the attention of my colleagues to title VI of the omnibus antiterrorism legislation that we are now considering. Title VI embodies legislation that the gentleman from Maryland [Mr. BARNES] and I had introduced, and focuses specifically on actions to prevent or deter acts of international nuclear terrorism. As many of my colleagues know, this is an issue I have been extremely concerned about for several years and therefore I am particularly delighted to see our committee and this body assert needed leadership on what is surely one of the most serious of all pending threats to our national security—the prospect of terrorists going nuclear.

There may be some who consider this a farfetched or unlikely scenario. But to those individuals, I say "please think again." Anybody who believes that terrorists cannot acquire the technical information necessary to build a nuclear weapon has not thumbed through a recent encyclopedia or basic college physics text. And surely events of the past several years leave no doubt that terrorist fanatics clearly possess sufficient ruthlessness and cunning to carry off a nuclear attack.

The fact is that it only takes three things to construct a nuclear weapon: First, the technological know-how; second, as little as 20 pounds of a nuclear explosive material; and third, a

political decision to put the first two together.

Title 6 provides for very modest and minimal steps that must be taken if we hope to stave off the day when terrorists groups acquire a nuclear explosive.

Obviously, this effort will require extensive international cooperation, so title 6 directs the President to seek universal adherence to the Convention on the Physical Security of Nuclear Material. Further, it asks the President to work with our allies and other countries to minimize the amount of nuclear explosive material in international transit and to insure the most stringent of security conditions for any such shipments. With incidents of international terrorism so clearly on the rise, these efforts to keep nuclear weapons grade material out of circulation and out of the hands of terrorist groups takes on an added urgency. This title also directs the President to seek agreement within the U.N. Security Council on an effective international strategy to deter nations or subnational groups from engaging in acts of nuclear terrorism and to respond on a coordinated, international basis should such a catastrophe occur. The final provision I would like to highlight seeks to strengthen the role of the Department of Defense in assuring that the physical protection standards applied to all exports or subsequent transfers of special nuclear material are fully adequate to deter theft, sabotage, or any other act of terrorism which would result in the diversion of that material. We cannot afford to settle for any lesser standard when the stakes are so terribly high.

Mr. BROOMFIELD. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, before I reserve the balance of my time, I want to indicate that the Vice President sent me a letter where he headed up the President's committee on combating terrorism and he indicated today in a letter to me that he wanted me to know how much he appreciated our committee's prompt and bipartisan action on the legislative recommendation of the Vice President's Task Force on Combating Terrorism.

He said:

Inasmuch as this report was publicly released on March 6, 1986, it is particularly gratifying to see such quick action. I know you have worked closely with the chairman on this legislation. It has been truly a bipartisan effort that reflects close cooperation and this will become a major part of our overall program to combat international terrorism.

I urge speedy enactment of the legislation that is necessary to complete this important work.

Signed: GEORGE BUSH, Vice President.

Mr. FASCELL. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Maryland [Mr. BARNES], the chairman of the Subcommittee on the Western Hemisphere.

Mr. BARNES asked and was given permission to revise and extend his remarks.)

Mr. BARNES. Mr. Chairman, I want to thank our distinguished chairman of the committee for yielding me this time. I want to commend his leadership and that of the Republicans on the committee with whom we worked with very closely.

This is an enormously important piece of legislation.

I want to pick up on the comments of my friend, the gentleman from Michigan [Mr. WOLPE], with whom I had the privilege of working and offering some of the language with respect to nuclear terrorism.

If you think about it for a minute, given the amount of weapons grade material that exists in the world and the shipments of it that take place constantly around the world, it is almost inevitable that at some point some terrorist or terrorist organization will obtain enough of that material to put together a nuclear weapon and threaten civilization with the ultimate terrorism, and that is the threat of a nuclear weapon being exploded in an urban area.

It is almost inevitable that that will happen unless we get very tough about the way we deal with weapons grade materials and unless we get very tough in the standards that we establish for the transfer of those materials.

If it ever happens, if 1 year from now or 10 years from now or 30 years from now some terrorist gets hold of a nuclear weapon, everyone in the world is going to point at us, the people who were in office when the decisions were made about how these materials are transported and how they are used, and say, "How come you didn't do everything humanly possible to make sure that this couldn't happen, that a terrorist organization or a terrorist state could not get access to nuclear weapons?"

Well, we have the opportunity today to take some very modest steps. Quite frankly, a number of us wanted to do more to make our procedures even stronger with respect to the handling of weapons grade materials; but at least this legislation takes some first steps and assures that we are moving in the right direction toward doing what needs to be done to make it impossible for terrorists to get hold of nuclear material, plutonium and other weapons grade material, that potentially someday could threaten the civilized world with the ultimate danger, nuclear terrorism.

I strongly urge bipartisan support for this legislation. It is terribly important that we begin the effort of insuring that that day will never come.

Mr. FASCELL. Mr. Chairman, I yield 3 minutes to the distinguished chairman of the Committee on Merchant Marine and Fisheries, the gen-

tleman from North Carolina [Mr. JONES].

Mr. JONES of North Carolina. Mr. Chairman, I rise in strong support of H.R. 4151, as amended the Omnibus Diplomatic Security and Anti-Terrorism Act. Events over the past several years, culminating in the unprecedented act of high seas terror against U.S. civilians who were cruising the Mediterranean Sea aboard the Italian vessel, the *Achille Lauro*, necessitate immediate legislative action. Any delay, by the United States, in acting can only serve to convince the faceless jackals who prey on the innocent, that they can continue to violate the most basic rules of a civilized society with complete impunity.

Last fall, the Committee on Merchant Marine and Fisheries initiated hearings and investigations into the threat of terrorism in the maritime sector. We considered safety on board passenger vessels and critical cargo carriers plus port security, both domestic and foreign. At our urging, there has been included within the text of the measure before the House, those measures we feel must be enacted. In addition, as a result of the examination of the data collected during our investigations, an amendment was offered during markup in the Committee on Foreign Affairs that would allow the U.S. Coast Guard to better carry out its responsibilities in respect to the assessment and containment of the risk of terrorism.

Clearly, within this vital legislation, and more particularly, within title IX are matters of vital concern to our committee. Their enactment will have a continuing impact on programs and agency responsibilities within our jurisdiction. In the interest of speed, we chose not to markup a bill of our own. Instead, it was our responsibility as well as our pleasure, to participate in the drafting of legislative as well as report language. In recognition of our joint roles in bringing this legislation to the Committee on Rules as well as to the floor of the House, Chairman FASCELL and I exchanged letters, copies of which I would ask be included in the RECORD of these proceedings, at this time. Once again, I applaud the Committee on Foreign Affairs and its chairman, the distinguished gentleman from Florida, for coordinating the efforts of the several committees involved in the process of bringing this vital legislative package to the House.

In closing, Mr. Chairman, I commend this legislation to the Members of this body, and urge your yes vote for this measure, which will send a strong positive signal that the United States means business.

I include the following correspondence:

COMMITTEE ON
MERCHANT MARINE AND FISHERIES,
Washington, DC, March 12, 1986.

HON. DANTE B. FASCELL,
Chairman, Committee on Foreign Affairs,
House of Representatives, Washington,
DC.

DEAR MR. CHAIRMAN: I would like to congratulate you on bringing the Omnibus Diplomatic Security and Anti-Terrorism Act of 1986 to the House in such an expeditious manner. It was indeed a pleasure to cooperate with your Committee on those matters over which this Committee has sincere concern and jurisdiction.

As you know, our Subcommittee on Merchant Marine held extensive hearings, both in Washington and at Florida ports that are dominant in the cruise passenger trade, following the *ACHILLE LAURO* incident. Based upon these investigations, the Subcommittee on Merchant Marine recommended that certain steps be taken to better prepare the United States and its citizens against the threat of terrorism on the high seas and in ports. The Committee on Merchant Marine and Fisheries wholeheartedly supports these recommendations that are now included in Title IX of the Omnibus Diplomatic Security and Anti-Terrorism Act of 1986.

Because of the urgency of the matters contained within this bill, we have agreed to forego further consideration of those measures within the joint jurisdiction of the Committee on Merchant Marine and Fisheries and the Committee on Foreign Affairs with the agreed understanding that subsequent legislation and oversight dealing with matters of maritime security, such as contained within Title IX of the bill, are indeed within the jurisdiction of the Committee on Merchant Marine and Fisheries. During the debate on the bill, I intend to engage you in a colloquy concerning jurisdictional questions.

Once again, please accept my congratulations and appreciation for the spirit of cooperation between our Committees that has allowed this vital measure to proceed so rapidly through the legislative process.

With best wishes, I am,

Sincerely yours,

WALTER B. JONES,
Chairman.

COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC, March 12, 1986.

HON. WALTER B. JONES,
Chairman, Committee on Merchant Marine
and Fisheries, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter of March 12 regarding the maritime issues contained within the Omnibus Diplomatic Security and Anti-Terrorism Act of 1986. I concur wholeheartedly in your observations; more specifically, there are measures of jurisdiction exclusive to the Committee on Merchant Marine and Fisheries within this bill, most particularly the U.S. Coast Guard provisions and the Panama Canal provision. The other issues contained within Title IX are, indeed, matters of joint concern to our Committees, and it is with great appreciation that I note the singular contributions made by your Committee in making the investigations and in the drafting of the language for much of the maritime security title.

Rest assured that I will support your continued jurisdiction over those matters contained within the Omnibus Diplomatic Security and Anti-Terrorism Act of 1986 that are generally referenced in the Rules of the House of Representatives, Rule X, clause 1 (n) and to this end I would welcome the opportunity to discuss this during debate.

With best wishes, I am,
Sincerely yours,

DANTE B. FASCELL,
Chairman.

□ 1735

Mr. FASCELL. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. BIAGGI], the chairman of the Subcommittee on Merchant Marine.

(Mr. BIAGGI asked and was given permission to revise and extend his remarks.)

Mr. BIAGGI. I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise in support of H.R. 4418, the Omnibus Diplomatic Security and Anti-Terrorism Act of 1986. As we all know the incidence of terrorist acts has reached epidemic proportions, and most often, it is the United States and its citizens who are the primary targets.

I was very pleased to work with the Foreign Affairs Committee in developing title IX of this bill on maritime security and to cosponsor the bill as reported by that committee. The hijacking of the Italian cruise liner *Achille Lauro* and the subsequent murder by the terrorists of Leon Klinghoffer, an American citizen, highlighted the fact that the maritime environment is also vulnerable to terrorist attack.

The Merchant Marine Subcommittee, which I chair, has been actively involved in investigating maritime security. Subsequent to the *Achille Lauro* hijacking, on October 22, 1985, the subcommittee held a hearing on security in U.S. ports and on vessels using U.S. ports. This hearing was followed by field investigation of security at the Port of Miami and Port Everglades, FL, in November 1985. These ports handle the majority of cruise ship operations in the United States.

Extensive discussions were held with several Government agencies, including the Coast Guard, which is responsible for port and vessel safety, and the Federal Bureau of Investigation, which is responsible for domestic security in general. The subcommittee also met with many representatives of the cruise ship companies operating out of U.S. ports.

These companies, as well as officials from the ports, reported on the security measures already in place and on additional measures being tested and implemented in the aftermath of the *Achille Lauro* hijacking. Security measures being tested or implemented include: First, further restricting access by the public to the ports and vessels; second, increasing security personnel; third, screening passengers, baggage, and supplies with weapon-detecting equipment; fourth, screening shoreside personnel and crews; and fifth, restricting or eliminating visitors' access to vessels. It was evident from this investigation that security was being increased voluntarily and that the ports and cruise ship opera-

tors were committed to continuing that process.

The one question that could not be answered by anyone involved, however, was exactly what is the level of threat from acts of terrorism to U.S. ports and vessels using our ports. When the idea of an omnibus terrorism bill was proposed, the subcommittee felt that the issue of risk from terrorist acts had to be addressed before a comprehensive legislative scheme was developed. In the bill, as reported by the Foreign Affairs Committee, I am pleased to state the subcommittee's concern is alleviated by requiring the Secretary of Transportation to report to Congress on the level of threat to U.S. ports and vessels using those ports.

I am also pleased that the vital role the U.S. Coast Guard plays in domestic maritime security has been recognized in H.R. 4418. During the Foreign Affairs Committee markup, Congressman GERRY STUDDS, a member of the Foreign Affairs Committee and chairman of the Coast Guard and Navigation Subcommittee of the Merchant Marine and Fisheries Committee, offered an amendment that was accepted by the Foreign Affairs Committee. The Studds amendment authorizes the Coast Guard to undertake activities to bolster security at domestic ports. This amendment is vitally important because of the severe cuts in the Coast Guard budget over the last several years. I commend Congressman Studds for its introduction and am very pleased it was well received by the Foreign Affairs Committee.

I would like to point out that the Committee on Merchant Marine and Fisheries has jurisdiction over U.S. ports and foreign and domestic vessels using those ports. The expedited time schedule for considering an omnibus terrorism bill, however, required that the committee work through the Foreign Affairs Committee to develop those sections relating to maritime security.

The risk assessment report and the legislative proposals required of the Secretary of Transportation contained in H.R. 4418 concern domestic security at U.S. ports and on vessels using our ports. Domestic maritime security falls solely within the jurisdiction of the Merchant Marine and Fisheries Committee. These reports should be referred solely to the Merchant Marine and Fisheries Committee. Our committee, of course, will give serious consideration to the Secretary's report and any legislative proposals when they are received, and will develop legislation as necessary.

Again, I would like to commend the Foreign Affairs Committee for their cooperation with the Merchant Marine and Fisheries Committee on this issue. I believe title IX on maritime security is a reasoned and prudent approach to the very serious problem of terrorism in the marine environment. I support H.R. 4418 and I

urge my colleagues to support it as well.

Mr. PASCELL. Mr. Chairman, I yield 6 minutes to the distinguished gentleman from Florida (Mr. SMITH), the chairman of the Narcotics Task Force.

Mr. SMITH of Florida. I thank the gentleman for yielding this time to me.

Mr. Chairman, I would like to take this opportunity to explain section 503 of this bill, which I sponsored in committee as the chairman of the International Narcotics Task Force.

Basically, this section would expand the authority in the existing law to give information rewards on terrorists acts, to apply to narcoterrorist and major narcotics trafficking acts as well.

Since this provision tracks existing law very closely, let me review that law briefly before explaining section 503.

Current law—section 36 of the State Department Basic Authorities Act—provides that the Secretary of State, after consulting with the Attorney General, may pay rewards to an individual who furnishes information leading to the arrest or conviction of anyone engaged in an act of international terrorism, if that act is against a U.S. person or U.S. property and is outside U.S. territorial jurisdiction. A \$5 million fund was established to pay such information rewards. Similar legislation permits the Attorney General to pay such rewards domestically.

Section 503 amends current law—section 36—to permit the Secretary of State to provide information rewards leading to the arrest or conviction of individuals involved in narcoterrorist and narcotics trafficking acts, to be provided under the same conditions as in current law.

It would also increase the current \$5 million fund to \$10 million; of that amount, \$5 million would be an earmark available only for narcoterrorist/narcotics trafficking rewards.

Narcoterrorism is defined as the killing or kidnapping of a U.S. officer, employee or contractor—or member of their immediate family—while engaged in drug enforcement overseas. Information for rewards on narcotics trafficking would be limited to major traffickers. A report to the Congress would be required for any information rewards paid.

I would like to emphasize why this amendment is necessary. First and foremost, violence is increasing against U.S. officials and contractors engaged in narcotics enforcement overseas. Not only DEA agents are threatened by this violence, such as our agent who was murdered in Mexico. Peruvian eradication workers have been tortured and killed. In some countries, traffickers have put a price tag on all U.S. officials. We have U.S. State Department contract workers who are exposed to great danger in places like Tingo Maria, Peru, and Cochabamba,

Bolivia, places we have never been but places where we have people helping us eradicate the terrible problem of drugs in this country. AID offices have been attacked by hired thugs, hired by narcotics traffickers, and certainly, as many of us are aware, narcotics traffickers are using the money that they get from selling narcotics to buy weapons to fund terrorists, and terrorists are entering into narcotics trafficking to get money to buy weapons and further their own terrorist activities.

However, the State Department now does not consider such acts to fall under the definition of international terrorism, and the Secretary, therefore, has no authority to offer these rewards.

Second, there are major narcotics traffickers against whom it would be impossible to prove that they have been involved in killing U.S. citizens, but who nonetheless finance and encourage such acts, as well as export huge quantities of drugs to the United States. There is currently no authority to provide information rewards on the Carlos Lehders and Pablo Escobars of the world. This amendment would provide that authority to the Secretary.

Finally, I would note that this provision has been approved by both the Office of Management and Budget and The White House. I think it will prove a very useful tool in our fight against narcotics—if the drug traffickers can put a price on our officials' heads, why shouldn't we be able to strike back by putting a price on their heads?

I would like to acknowledge that this provision stems from legislation originally introduced by my colleague, the gentleman from Florida (Mr. Lewis) which I cosponsored. I believe his concerns have been met by the colloquy that we entered into previously and I certainly urge adoption of this legislation, which includes his provision.

In closing, Mr. Chairman, I would like to personally thank the chairman of the full committee, the gentleman from Florida (Mr. PASCELL), whose work on this over the years has been so intense, now culminating in this very fine bipartisan piece of legislation. I would certainly like to commend the chairman and his ranking member, the gentleman from Michigan (Mr. BROOMFIELD) who have worked so hard together to bring this to fruition.

As a member of the International Operations Subcommittee, I would like to commend both Chairman DAN MICA, a good friend of mine and a fellow Floridian, and the gentlewoman from Maine (Ms. SNOW), who have both worked so hard and so effectively to bring what is an excellent piece of legislation to the floor.

If there was ever a bipartisan piece of legislation that directly answers the problems by giving the tools to our enforcement people in the field, this is it. This is the kind of thing that brings this House to its finest hours, and I

am really proud to be part of this effort. I commend all of those who have taken part.

Mr. MINETA. Mr. Chairman, I rise in support of H.R. 4151, the Omnibus Diplomatic Security and Anti-Terrorism Act. When taken together with title V of the International Security and Development Act of 1985, the measure before us today provides an important corollary to our recent legislative efforts to combat aviation terrorism. As was the case with last year's bill, the distinguished chairman of the Foreign Affairs Committee and his committee members have made an immeasurable contribution to this omnibus antiterrorism bill.

The airport security measure signed into law on August 8, 1985, specifically requires the U.S. Secretary of Transportation to conduct periodic assessments of the effectiveness of security measures at foreign airports receiving international air service from the United States, using, at a minimum, internationally accepted standards.

If security deficiencies are found and not remedied within 90 days, the traveling public must be notified by DOT and by the airlines. Furthermore, in situations where a threat exists to the safety and security of passengers and flight crew members, the Secretary of Transportation is explicitly authorized to immediately suspend air service from that foreign airport to the United States.

Oversight hearings on DOT's implementation of our foreign airport security provisions were held just last month by the House Foreign Affairs Committee. At that time, 50 foreign airports had been evaluated against ICAO's standards and found to comply. Reassessments of these airports will be made three to six times a year.

In addition to sanctions or suspension of service, our recent enactment directs our Government to work through ICAO and other international negotiations to strengthen security standards and to improve enforcement of these standards. It also authorizes \$5 million in fiscal year 1986 from the aviation trust fund for research and development of improved devices and techniques for detecting weapons and explosives. A total of \$15 million was appropriated for this purpose in the fiscal year 1986 CR.

Today, U.S. scheduled airlines will transport more than 1 million passengers on 15,000 daily flights covering almost 400 airports in the United States and about 100 other points abroad. Since the inception of our current domestic airline passenger screening procedures in 1973, over 6 billion persons have been screened and almost 8 billion carry-on items have been inspected. These screening and inspection procedures have detected over 33,000 firearms with almost 14,000 associated arrests. Since late June, regulatory actions by the DOT have improved baggage and cargo inspections and security, expanded U.S. flight crew security training and increased the number of air marshals.

In closing, let me also briefly mention our hostages who are still being held in Lebanon. Some of these Americans have been held more than 1 year now, and public interest in their plight has risen and fallen over that time. We must maintain our high level of concern and interest. We must never forget that when we discuss laws and regulations about terrorism that the lives of many individuals are at stake; and that among those individuals are

our hostages William Buckley, Peter Kilburn, Father Lawrence Jenco, Terry Anderson, David Jacobson, Thomas Suterland, and Alec Collett.

Thank you, Mr. Chairman.

Mr. HOWARD. Mr. Chairman, as a cosponsor of H.R. 4151, I rise in support of this legislation which will provide for a significant increase in security for U.S. diplomatic personnel, facilities, and operations, and for other purposes. Although the House Committee on Public Works and Transportation has limited jurisdiction over matters contained in H.R. 4151, we do have exclusive jurisdiction over section 409 of the bill relating to protection of foreign missions in the Washington, DC, metropolitan area, as well as foreign missions in the United States where there are located 20 or more missions and when such protective need arises in association with a permanent mission to an international organization.

Mr. Chairman, security for foreign missions in the United States is vital, through reciprocity, in obtaining needed security for American missions around the world, and is provided under two statutory programs. The first, a title III program for diplomatic protection in Washington, DC, is carried out by the U.S. Secret Service Uniformed Division and diplomatic protection with missions associated with the United Nations is carried out by the State Department's Diplomatic Security Service. The second is the Foreign Missions Act, which generally authorizes protective services for all diplomatic missions by the Secretary of State in order to meet current protective needs, except that the Secretary may not provide any protective services for which authority exists to provide such services under sections 202(7) and 208 of title III.

Mr. Chairman, title III of the United States Code directs the U.S. Secret Service Uniformed Division, subject to the supervision of the Secretary of the Treasury, to provide protection for the following: First, the White House in the District of Columbia; second, any building in which Presidential offices are located; third, the President and members of his immediate family; fourth, foreign diplomatic missions located in the metropolitan area of the District of Columbia; fifth, the temporary official residence of the Vice President and grounds in the District of Columbia; sixth, the Vice President and members of his immediate family; seventh, foreign diplomatic missions located in metropolitan areas—other than the District of Columbia—in the United States where there are located 20 or more such missions headed by full-time officers, except that such protection shall be provided only, first, on the basis of extraordinary protective need; second, upon request of the affected metropolitan area; and third, when the extraordinary protective need arises in association with a visit to or occurs at a permanent mission to an international organization of which the United States is a member or an observer mission invited to participate in the work of such organization, provided that such protection may be provided for motorcades and at other places associated with such a visit and may be extended at places of temporary domicile in connection with such a visit; and eighth, foreign diplomatic missions located in such areas in the United States, its territories and possessions, as the President, on a case-by-case basis, may direct.

In carrying out functions of providing security for foreign diplomatic missions located in metropolitan areas—other than the District of Columbia—the Secretary of Treasury may utilize, with their consent, on a reimbursable basis, the services, personnel, equipment, and facilities of State and local governments, and is authorized to reimburse such State and local governments for the utilization of such services, personnel, equipment, and facilities. The authority of this subsection may be transferred by the President to the Secretary of State. To carry out this provision, there is authorized to be appropriated on an annual basis \$7 million for the payment of reimbursement obligations entered into for security measures.

To date, the U.S. Secret Service has resisted any attempts by the State Department to provide protective services outside of Washington, DC. Further, Executive Order 12478 of May 23, 1984 transferred authority to the Secretary of the State to provide protective services under title III when associated with an international organization or on a case-by-case basis as the President may direct. The U.S. Secret Service Uniformed Division retained authority to provide protective services in the Washington, metropolitan area.

In 1975, the House Committee on Foreign Affairs amended the Foreign Missions Act whereby the State Department was granted authority to provide extraordinary protective services for foreign missions directly, by contract, or through State or local authorities to the extent deemed necessary by the Secretary in carrying out the act; however, such services shall not be provided if such authority exists under title III. There is authorized to be appropriated \$2.5 million annually to carry out the purposes of the act.

Section 409 of H.R. 4151 will bolster State Department antiterrorism programs that provide security protection for the United Nations and United Nations related activities now carried out under title III by the Department of State, pursuant to Executive Order 12478, dated May 23, 1984. This section would significantly strengthen the range of authorities available for U.N. protection under title III by including the protective provisions now available through the Foreign Mission Act. This would include, among other provisions, the authority to effect the location of foreign missions based on security concerns, the ability to provide protection for activities that occur away from but are related to U.N. mission activities, provide protection against hostile activities that occur near the U.N. headquarters, allow the Attorney General to engage the judicial process on behalf of foreign missions and other important and useful authorities. This section will accomplish these goals without any increase in funds.

To conclude, the decision to provide protective services and the funding available therefore are both determined under title III, and provisions of the Foreign Mission Act may be used in support thereof.

Mr. Chairman, I urge adoption of H.R. 4151.

Mr. RODINO. Mr. Chairman, I rise in support of this bill and commend the distinguished chairman of the Foreign Affairs Committee, the gentleman from Florida, for bringing it to the floor so expeditiously.

Mr. Chairman, this bill reflects the collective efforts of several committees of the House in-

cluding the Committee on the Judiciary, in response to our leadership's call for an omnibus bill to deal with the threat of international terrorism. Those participating in this effort should be congratulated for the promptness and thoroughness of their response.

The bill accomplishes several important goals. It provides for greater security for our embassies overseas by authorizing new construction to strengthen U.S. facilities abroad against terrorist attacks. It establishes criminal penalties for Americans who supply military or intelligence assistance to avowedly terrorist nations. It tightens export controls on weapons and other technology which could be of great assistance to individuals, organizations, or countries engaged in or supporting terrorist activities against Americans or U.S. Government facilities.

The bill also authorizes rewards for information leading to the arrest and conviction of persons who kill or kidnap U.S. officials engaged in drug enforcement overseas, and it establishes a most-wanted list of international terrorists and a worldwide counterterrorism witness protection fund. It calls for travel advisories for nations which fail to close Libyan or Iranian official diplomatic missions in cases where these two countries provide support to terrorists who have attacked American citizens.

The bill also improves security safeguards at foreign ports and bolsters protection against nuclear terrorism.

Importantly, the bill further establishes a fund to compensate U.S. employees and their families who are victims of terrorism.

This bill says that we will not allow terrorists to hold our diplomats and citizens hostage. It shows that we are serious about fighting the very real threat that terrorism poses to the lives and safety of Americans abroad. While Congress alone cannot stop international terrorism, this legislation will certainly make American facilities and American workers overseas more secure.

H.R. 4151 is a bill we can all be proud of; it deserves our unanimous support.

Mr. PORTER. Mr. Chairman, it had been my understanding that rollcall votes are not held on days that there are State primaries. Had I not been in my district for the Illinois primaries, I would have voted "aye" on the Omnibus Diplomatic Security and Anti-Terrorism Act, H.R. 4151.

The various programs supported by this act serve many of international objectives in opposing terrorism. This act merely authorizes the program. It will be up to the Appropriations Committee to integrate this program into our budget to comply with the deficit reduction targets that we must meet under Gramm-Rudman.

Mr. COLEMAN of Texas. Mr. Chairman, the basic principles of freedom, justice, and concern for human life on which our Nation was founded have survived major threats during the course of America's history. Today, we face a unique and pervasive challenge to these ideals in the form of terrorism, an increasingly serious threat to the United States and its friends and allies around the world. Colleagues, it is my firm belief that H.R. 4151, the Omnibus Diplomatic Security and Anti-Terrorist Act, which provides for the security of U.S. diplomatic personnel, facilities, and operations, will enable the United States to

combat terrorists and eventually win the war against international terrorism.

Seeking to impose one's political will over others through the threat or use of violence is as old as history. Over the last few centuries, however, the civilized world was thought to have made progress in establishing nonviolent rules of political conduct. International rules of war, human rights resolutions, and, indeed, the fundamental premises underlying the establishment of the United Nations are all based on the assumption that political violence and political freedom do not and cannot mix. Political intimidation, the object of the use of terrorism, is antithetical to freedom of political expression, the cornerstone of democratic society.

Sadly, there has been a growing trend in the past two decades by individuals, groups, and, in some instances, by governments, to resort to terrorism on an international scale in the pursuit of their political aims. In age of high technology and mass communications such tactics are relatively cheap, effective, and produce a maximum of media exposure. They also cynically sacrifice the lives and well-being of innocent people and eliminate peaceful options of compromise and diplomacy. Left unchanged, the rise of terrorism will undermine the system of political, economic, and military relationships which the United States and its allies have come to rely upon to preserve, protect, and promote their national and mutual interests in an orderly and peaceful fashion. During the years ahead, we must be prepared for continued serious threats from international terrorism in Western Europe, in the Middle East, and in Latin America, much of it supported or encouraged by a handful of ruthless governments. The challenge is clearly before us.

It is my firm belief that H.R. 4151 will provide the United States with the capability to win some of the battles, but in order to win the war against international terrorism, we need an international effort. No matter what our commitment and capability may be, we cannot succeed alone when the threat originates abroad and strikes abroad where other governments necessarily have the major responsibility. But unless and until other governments are willing and able to make the same commitment, the unfavorable trend experienced last year cannot be reversed. Without this international cooperative effort, the terrorists and those behind them will continue to be successful, which will encourage others to utilize terrorism to achieve their political and ideological goals.

Mr. Chairman, I commend the Task Force on International Terrorism and the Foreign Affairs Committee for putting this essential piece of legislation on the fast track, and I would urge my colleagues to support H.R. 4151.

Mr. SHAW. Mr. Chairman, and my colleagues, I rise today to address an oversight in H.R. 4151. Section 503 of the bill is designed to enhance the ability of the State Department to offer rewards for information concerning the perpetrators of terrorist acts. We are all aware that the best policy improvement that we could make in America's counterterrorism policy would be the enhancement of our intelligence capabilities so as to do whatever possible to either prevent or deter the increasingly ugly specter of terrorism.

Unfortunately, section 503 also creates what amounts to new authority for the State

Department to engage in a program of limited rewards for information concerning acts of narcoterrorism. Such rewards would be limited to \$500,000 in any individual case and \$5 million has been earmarked for this program in fiscal 1987.

It might be overly generous to suggest that the creation of this new authority within the State Department is a flight of bureaucratic fancy. It leaves both the Drug Enforcement Administration and the State Department with separate narcotics trafficking information rewards systems. One might be tempted to conclude that there will be a healthy competition between the two agencies. I am seriously concerned that the creation of separate programs will encourage informants to play agents of each other in an attempt to jack up the price of information. Moreover, in these times of budget constraint, I find it troublesome to create a potentially duplicative program in a multibillion-dollar bill whose purposes fall within the most legitimate concerns of the Federal Government.

It is not as if the State Department and the Foreign Affairs Committee had not taken the time to consider the relationship between these two agencies. The Committee report states that it was the intention of the Foreign Affairs Committee to "restrict the use of such rewards to information on individuals considered by the Drug Enforcement Administration to be major narcotics traffickers (class I violators)." Certainly it can be said that if the State Department has to depend on DEA intelligence to identify eligible informants, then they ought to assume that the DEA would be the proper agency to manage the rewards program.

I understand that there was a dispute in the Rules Committee about allowing an amendment to correct this discrepancy. For reasons that are not all that clear to me, the rule that was adopted was structured so as to preclude this needed change. I do not believe that the bill should be defeated because of this flaw but I sincerely hope that the defect could be corrected in the Senate. At the very least, I think we owe it to our constituents to clarify the potentially overlapping responsibilities of the two agencies involved so as to achieve the legitimate purposes of this needed effort in the most efficient manner possible.

Mr. PENNY. Mr. Chairman, I rise in support of the Omnibus Diplomatic Security and Anti-Terrorism Act (H.R. 4151). It includes necessary measures that will help to guarantee the safety of diplomatic personnel and other Americans abroad. In recognizing the importance of the legislation we must also realize that budget constraints require us to find savings in other parts of the budget to pay for these measures. I have included my thoughts about how to respond to these budget pressures in a letter to the chairman of the Foreign Operations Subcommittee of the House Appropriations Committee and to the Chairman of the House Foreign Affairs Committee. I am including the text of that letter in the RECORD:

HOUSE OF REPRESENTATIVES,
Washington, DC, March 18, 1986.

HON. DAVID R. OBEY,
Chairman, Subcommittee on Foreign Operations, Washington, DC.

DEAR DAVE: I am writing to you concerning a bill we are voting on today, the Omni-

bus Diplomatic Security and Anti-Terrorism Act (H.R. 4151). Events over the last several years have demonstrated the need for this kind of legislation. I believe that most members of Congress will agree on the importance of a counter-terrorism program and protection for U.S. government representatives and other Americans abroad.

At a time of budgetary restraint, I am concerned that an authorization of over \$4 billion over the next five years will crowd out spending for other programs in the international affairs budget function. It is proper for increased spending in such a high priority item to be balanced by reduced spending in lower priority areas. In setting priorities within this budget function, I hope you will consider balancing the increased spending for anti-terrorism and diplomatic security with reductions in foreign military assistance.

Our development and humanitarian assistance programs are important means of preserving life and economic vitality in Third World nations. In contrast, military assistance programs have a less productive impact on recipient societies and contribute to a world-wide military escalation. Yet spending for these military programs has doubled since 1980 and is now twice the level of spending for development and humanitarian assistance.

As you set priorities and establish spending levels for programs included in the international affairs budget function, I urge you to seriously consider reductions in military assistance to balance the necessary added expenditure for combatting terrorism, protecting U.S. personnel, and providing development and humanitarian assistance.

Sincerely,

GERRY SIKORSKI,
TIMOTHY J. PERRY,
BYRON DORGAN,

Members of Congress.

Mr. BONKER. Mr. Chairman, I rise in support of H.R. 4151, the Omnibus Diplomatic Security and Anti-Terrorism Act, and commend the gentlemen from Florida, Messrs. FASCELL and MICA for their skillful and expeditious handling of this sweeping antiterrorism initiative. At a time when international terrorism has been growing at an alarming rate, we must more effectively protect U.S. personnel and facilities abroad, and provide the executive branch with the authority necessary to combat this rise in terrorist activities directed against American citizens.

While supporting the need to address the serious problem of international terrorism, I must, however, express my reservations about authorizing \$4.4 billion in new money to implement this security and antiterrorism program. Although this measure is an authorization bill, and therefore not subject to the spending limitations in the Budget Act, I think that it is somewhat contradictory for us to authorize large sums of new money at the same time that Gramm-Rudman is slashing current expenditures. Many of us did not support the Gramm-Rudman approach to deficit reduction, but the fact remains that Congress is obligated to abide by the limitations on Federal spending as spelled out under Gramm-Rudman. However noble and worthy the cause—which I believe terrorism and security to be—we are authorizing expenditures which are not offset by reductions in other accounts.

In addition to other provisions contained in this bill to upgrade physical security at U.S. embassies abroad and expand the President's ability to deal with international terrorism, I

would like to point out a new provision which is designed to further enhance the executive branch's ability to respond to terrorist nations. Section 509 amends the Export Administration Act of 1979, as amended, to broaden the definition of a country supporting terrorism, to ban arms sales and to control more tightly exports of dual-use goods to such countries. The amendment, which was based on legislation introduced by my colleague from California, Mr. BERMAN, statutorily requires a validated export license for any exports of goods or technology which the Secretary of State determines would make a significant contribution to the military potential or would enhance the ability of a terrorist country to support international terrorism. In addition, Congress must be notified 30 days in advance of the issuance of any such license.

Mr. Chairman, I believe the Omnibus Diplomatic Security and Anti-Terrorism Act reaffirms and strengthens Congress' deep commitment to combating international terrorism. I urge support of my colleagues for passage of this legislation.

Mr. FASCELL. Mr. Chairman, I yield the balance of our time to conclude the debate to the distinguished majority leader, the gentleman from Texas (Mr. WRIGHT).

The CHAIRMAN. The gentleman from Texas (Mr. WRIGHT) is recognized for 17 minutes.

Mr. WRIGHT. Mr. Chairman, I thank the committee for having produced a very constructive and creative piece of legislation.

I would like to add my words to those already spoken in commendation of the splendid spirit of bipartisanship that has prevailed throughout the consideration of this particular piece of legislation. It is a monument to the spirit of bipartisan cooperation. It also stands as a splendid example of interdisciplinary cooperation among the committees of the House.

There is no such thing as partisanship nor committee turf when it comes to the acts of terrorism which more and more have terrorized humanity and the human family. Those who would work their wicked will by sheer, unadulterated terror and threats of terror against innocent and unsuspecting people surely would bring about a reign of international lawlessness of a type that we have not known in recent times.

□ 1745

This is a threat of new and unaccustomed dimension to the United States. We live in this great big, beautiful, open country where we have cherished, and so rightly loved, the right and privilege to move about as we will, to go without restraints, without fear, without concern, to move freely from one part of our land to another without seeking or gaining permission. The world had begun to become a place like that in which people might travel freely back and forth across the artificial boundary that men, through their individual folly, have had to erect.

But now this new threat, in some cases quite obviously the act of gov-

ernments themselves in which they have sought to make terrorism the sheer, absolute lawlessness of a world community that breeds fear and frustration, a policy of their governments, and so we respond, I think in an effective way. It is a mark of our time that it is a more dangerous occupation to be a diplomat than it is to be a person of the military uniformed armed services.

I was talking last year along with some of our colleagues with Ambassador Rabb in Italy, and he tells us that he knows of seven plots upon his own life, and is not aware of others that may indeed have occurred. Were it not for a splendid degree of international cooperation that is increasingly apparent among the developed and democratic nations of the world, those who are increasingly the victims of terrorism, our Ambassadors and our Embassy in Rome, most surely would have been victimized by an attack that might have been a successful attack from the standpoint of those who would have perpetrated it.

In November of 1984, a guard dog in the Zurich Airport, sniffing among equipment and luggage for explosives, sniffed out one international passenger, and notes on that passenger's possession led the agents to an apartment in Rome in the vicinity of our Embassy. There they discovered a large cache of very dangerous weapons, and some very elaborate drawings by which those would-be terrorists had planned an assault upon our Embassy. Among other things, there was a very elaborate, careful drawing of the room, the office in which our Ambassador does his work, and a window through which they would have stuck a bazooka with the intent of killing him.

This is the kind of thing that we must not just sit back and tolerate happening without our protecting those brave people who represent the United States in our ambassadorial and other diplomatic services. So it is altogether proper, it seems to me, that what the committee has done here has been to propose a systemic plan of strengthening the defense capabilities and security of our sensitive Embassies throughout the world and other sensitive buildings which house U.S. personnel.

Yet with all of that, I think it would be a grave danger if we were to fall into the trap of developing a bunker mentality in which we huddled together and refused and refrained from circulating among the people.

Why were we unaware until too late of the dimensions of the problem that was arising in Iran? I think quite possibly the answer may be because we had no capabilities among our Embassy people to talk Farsi, the language of the streets. We were not out there in the coffee shops and in the streets picking up the kinds of intelligence that might otherwise have alerted us

to the danger that was brewing, and finally engulfed us in such a way that it brought shame, and suffering, and real terror to us as a nation.

So, intelligently, this committee, it seems to me, has encouraged people with skills and knowledge, and developed the Fascell fellowships to train other people, and to create an intelligent interflow of information through which our friendly countries might help one another to track the movements of known and suspected terrorists, and also has provided rewards for information leading to the arrest, apprehension, and conviction of those people who have committed acts of terrorism, or who would commit acts of terrorism.

So in all of this, it seems to me that the committee has done an outstanding job. I should like simply, as majority leader, to express my personal thanks, and in behalf of the whole House and all of those on our side of the House to the leaders of the committee, the gentleman from Florida [Mr. FASCELL], the chairman of the committee, and the chairman of the subcommittees involved and the ranking minority members on the committees which drafted and brought this legislation to the floor. I should like to express the hope that it will pass by an overwhelming majority.

Mr. FASCELL. Mr. Chairman, will the gentleman yield?

Mr. WRIGHT. Of course I yield to the gentleman from Florida.

Mr. FASCELL. Mr. Chairman, I want to thank the gentleman for not only his remarks, but for his kind words with regard to the work of the committee. But let me say here, right now, that Speaker O'NEILL and the majority leader, the gentleman from Texas [Mr. WRIGHT], and the leadership on the Republican side, the gentleman from Illinois [Mr. MICHEL], and the gentleman from Mississippi [Mr. LOTT] deserve a great deal of credit for making it possible to put this interdisciplinary package together, for expediting its consideration, and also for their work with the administration in getting the administration's program incorporated and enacted. So this was truly, as the gentleman from Texas has said, a very enthusiastic and a fine day for the legislature.

Mr. WRIGHT. I surely thank the distinguished gentleman from Florida, [Mr. FASCELL], the chairman of the committee, and I express the hope that maybe this can be a harbinger of things to come.

Mr. FASCELL. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Ms. SNOWE. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN. Pursuant to House Resolution 402, the text of H.R. 4418 is considered as an original bill for the purpose of amendment under the 5-minute rule in lieu of the amend-

ment in the nature of a substitute recommended by the Committee on Foreign Affairs now printed in the bill, and said substitute is considered as having been read.

No amendments to the bill or to said substitute are in order except the following amendments printed in the CONGRESSIONAL RECORD of March 17 by, and if offered by, the member designated, which shall not be subject to amendment except pro forma amendments for the purpose of debate:

First, amendments by Representative MCCAIN; and

Second, the amendment by Representative WALKER.

The text of H.R. 4418 is as follows:
Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Omnibus Diplomatic Security and Anti-Terrorism Act of 1986".

SEC. 2. TABLE OF CONTENTS.

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 informa-

tion 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 resources made available) policies and programs, including funding levels and standards, to provide for the security of United States Government operations of a diplomatic nature and foreign government operations of a diplomatic nature in the United States. Such policies and programs shall include—

(1) protection of all United States Government personnel on official duty abroad (other than those personnel under the command of a United States area military commander) and their accompanying dependents;

(2) establishment and operation of security functions at all United States Government missions abroad (other than facilities or installations subject to the control of a United States area military commander);

(3) establishment and operation of security functions at all Department of State facilities in the United States; and

(4) protection of foreign missions, international organizations, and foreign officials and other foreign persons in the United States, as authorized by law.

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

(1) have full responsibility for the coordination of all United States Government personnel assigned to diplomatic or consular posts or other United States missions abroad pursuant to United States Government authorization (except for facilities, installations, or personnel under the command of a United States area military commander); and

(2) establish appropriate overseas staffing levels for all such posts or missions for all Federal agencies with activities abroad (except for personnel and activities under the command of a United States area military commander).

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

SEC. 104. BUREAU OF DIPLOMATIC SECURITY.

(a) THE BUREAU.—There shall be a Bureau of Diplomatic Security in the Department of State, to be headed by the Assistant Secretary for Diplomatic Security. The Assistant Secretary shall be responsible for carrying out the functions and duties set forth in section 105 and such additional functions as may be directed by the Secretary of State.

(b) NUMBER OF ASSISTANT SECRETARIES.—The first section of the Act entitled "An Act to strengthen and improve the organization and administration of the Department of State, and for other purposes," approved May 26, 1949 (22 U.S.C. 2652), is amended by striking out "fourteen" and inserting in lieu thereof "fifteen".

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

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

SEC. 105. RESPONSIBILITIES OF THE ASSISTANT SECRETARY FOR DIPLOMATIC SECURITY.

Within the authority of the Secretary of State, the Assistant Secretary for Diplomatic Security shall be responsible for the following:

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

(2) SECURITY AND PROTECTIVE OPERATIONS ABROAD.—

(A) Establishment and operation of post security and protective functions abroad.

(B) Development and implementation of communications, computer, and information security.

(C) Emergency planning.

(D) Establishment and operation of local guard services.

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

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

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

(A) Protection of foreign missions and international organizations, foreign officials, and diplomatic personnel, as authorized by law.

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

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

(D) Conduct of investigations relating to protection of foreign officials and diplomatic personnel and foreign missions, suitability for employment, employee security, illegal passport and visa issuance or use, and other investigations, as authorized by law.

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

(F) Carrying out the rewards program for information concerning international terrorism authorized by section 36(a)(1) of the State Department Basic Authorities Act of 1956.

(G) Performance of other security and protective matters as authorized by law.

(4) COUNTER-TERRORISM PLANNING AND COORDINATION.—Development and coordination of counter-terrorism planning, emergency action planning, threat analysis programs, and liaison with other Federal agencies to carry out this paragraph.

(5) SECURITY TECHNOLOGY.—Development and implementation of technical and physical security programs, including security-related construction, radio and personnel security communications, armored vehicles, computer and communications security, and research programs necessary to develop such measures.

(6) DIPLOMATIC COURIER SERVICE.—Management of the diplomatic courier service.

(7) PERSONNEL TRAINING.—Development of facilities, methods, and materials to develop and upgrade necessary skills in order to carry out this section.

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

SEC. 106. COOPERATION OF OTHER FEDERAL AGENCIES.

(a) ASSISTANCE.—In order to facilitate fulfillment of the responsibilities described in section 103(a), other Federal agencies shall cooperate (through agreements) to the maximum extent possible with the Secretary of State. Such agencies may, with or without reimbursement, provide assistance to the Secretary, perform security inspections, provide logistical support relating to the differing missions and facilities of other Federal agencies, and perform other overseas security functions as may be authorized by the Secretary. Specifically, the Secretary may agree to delegate operational control of overseas security functions of other Federal agencies to the heads of such agencies, subject to the Secretary's authority as set forth in section 103(a). The agency head receiving such delegated authority shall be responsible to the Secretary in the exercise of the delegated operational control.

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

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

SEC. 167. PROTECTION OF FOREIGN CONSULATES.

Not later than 2 months after the date of enactment of this Act, the Secretary of State shall establish a process for periodic review of the accreditation in the United States of all foreign consular personnel, including honorary consuls, and the number and location of all foreign consular facilities in the United States. The Secretary shall submit a report on this process to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate not later than 6 months after the date of enactment of this Act. Such report shall describe this periodic review process and present a plan for the reduction (as well as consolidation) of foreign consular and related functions in the United States.

TITLE II—DIPLOMATIC SECURITY SERVICE

SEC. 201. ESTABLISHMENT OF DIPLOMATIC SECURITY SERVICE.

There shall be, within the Bureau of Diplomatic Security, the Diplomatic Security Service. The Diplomatic Security Service shall perform such functions as may be assigned to it by the Secretary of State.

SEC. 202. DIRECTOR OF DIPLOMATIC SECURITY SERVICE.

The Diplomatic Security Service shall be headed by a Director designated by the Secretary of State. The Director shall be a career member of the Senior Foreign Service or the Senior Executive Service and shall be qualified for the position by virtue of demonstrated ability in the area of security, law enforcement, management, or public administration. Experience in management or operations at diplomatic posts abroad shall be considered an affirmative factor in the selection of the Director. The Director shall act under the supervision and direction of the Assistant Secretary for Diplomatic Security.

SEC. 203. POSITIONS IN THE DIPLOMATIC SECURITY SERVICE.

Positions in the Diplomatic Security Service shall be filled in accordance with the provisions of the Foreign Service 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 investigatory, 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. 204. 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 thereafter 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. 205. 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) **SUPPLIES 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. 206. 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 191(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 administer oaths and affirmations and require that depositions be given and interrogatories answered.

(3) **SUBPOENAS.**—(A) The Board may issue a subpoena for the attendance and testimony of any person (other than a person described in clause (i), (ii), or (iii) of paragraph (1)(B)) and the production of documentary or other evidence from any such person if the Board finds that such a subpoena is necessary in the interests of justice for the development of relevant evidence.

(B) In the case of contempt or refusal to obey a subpoena issued under this paragraph, a court of the United States within the jurisdiction of which a person is directed to appear or produce information, or within the jurisdiction of which the person is found, resides, or transacts business, may upon application of the Attorney General, issue to such person an order requiring such person to appear before the Board to give testimony or produce information as required by the subpoena.

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

(b) **CONFIDENTIALITY.**—A Board shall adopt for administrative proceedings under this title such procedures with respect to confidentiality as may be deemed necessary, including procedures relating to the conduct of closed proceedings or the submission and use of evidence in camera, to ensure in particular the protection of classified information relating to national defense, foreign policy, or intelligence matters. The Director of Central Intelligence shall establish the level of protection required for intelligence information and for information relating to intelligence personnel, including standards for secure storage.

(c) **RECORDS.**—Records pertaining to administrative proceedings under this title shall be separated from all other records of the Department of State and shall be maintained under appropriate safeguards to preserve confidentiality and classification of information. Such records shall be prohibited from disclosure to the public until such time as a Board completes its work and is dismissed. The Department of State shall turn over to the Director of Central Intelligence intelligence information and information relating to intelligence personnel which shall then become records of the Central Intelligence Agency. After that time, only such exemptions as apply to other records of the Department of State under section 552(b) of title 5 of the United States Code (relating to freedom of information), shall be available for the remaining 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. 207. 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

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

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

(B) the decision by the Federal agency or instrumentality to take disciplinary or other appropriate action against that individual or the reasons for deciding not to take disciplinary or other action with respect to that individual.

SEC. 305. RELATION TO OTHER PROCEEDINGS.

Nothing in this title shall be construed to create administrative or judicial review remedies or rights of action not otherwise available by law, nor shall any provision of this title be construed to deprive any person of any right or legal defense which would otherwise be available to that person under any law, rule, or regulation.

TITLE IV—DIPLOMATIC SECURITY PROGRAM

SEC. 401. AUTHORIZATION.

(a) **DIPLOMATIC SECURITY PROGRAM.**—In addition to amounts otherwise available for such purposes, there are hereby authorized to be appropriated for the Department of State for fiscal years 1986 through 1990 under the heading "Administration of Foreign Affairs" for "Salaries and Expenses",

"Acquisition and Maintenance of Buildings Abroad", and "Counter-terrorism Research and Development", such sums as may be necessary for diplomatic security construction, acquisition, and operations pursuant to the Department of State's Supplemental Diplomatic Security Program, except that the aggregate appropriations pursuant to this subsection for each such account for those five fiscal years may not exceed the total amount specified for that account for those five fiscal years in the Department of State's Budget in Brief for fiscal year 1987.

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

(c) **REPROGRAMMING TREATMENT.**—Amounts made available for capital projects pursuant to the program described in subsection (a) 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 reprogramming.

(d) **PROHIBITION ON REALLOCATIONS OF AUTHORIZATIONS.**—Section 24(d) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2692(d)) shall not apply with respect to any amounts authorized to be appropriated under this section.

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

(f) **INSUFFICIENCY OF FUNDS.**—In the event that sufficient funds are not available in any fiscal year for all of the diplomatic security construction, acquisition, and operations pursuant to the Department of State's Supplemental Diplomatic Security Program, the Secretary of State shall report to the Congress the effect that the insufficiency of funds will have with respect to the Department of State and each of the other foreign affairs agencies.

SEC. 402. DIPLOMATIC CONSTRUCTION PROGRAM.

(a) **PREFERENCE FOR UNITED STATES CONTRACTORS.**—Notwithstanding section 11 of the Foreign Service Buildings Act, 1926, and where adequate competition exists, only United States persons and qualified United States joint venture persons may bid on a diplomatic construction project, for which funds are authorized by this title, which has an estimated contract value exceeding \$5,000,000.

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

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

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

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

(A) is incorporated or legally organized under the laws of the United States, includ-

ing State, the District of Columbia, and local laws; and

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

(C) has been incorporated or legally organized in the United States for more than 5 years before the issuance date of the invitation for bids or request for proposals with respect to a construction 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 authorizations provided in this title. Not later than 3 months after the date of enactment of this Act, the Director shall submit a report to the Congress on the implementation of this section.

SEC. 406. ADVISORY PANEL ON OVERSEAS SECURITY.

Not later than 90 days after the date of enactment of this Act, the Secretary of State shall submit a report to the Congress on the implementation of the 91 recommendations contained in the final report of the Advisory Panel on Overseas Security. If any such recommendation has been rejected,

the Secretary shall provide the reasons why that recommendation was rejected.

SEC. 407. TRAINING TO IMPROVE PERIMETER SECURITY AT UNITED STATES DIPLOMATIC MISSIONS ABROAD.

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

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

SEC. 408. PROTECTION OF ENTRANCE OF UNITED STATES DIPLOMATIC MISSIONS ABROAD.

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

SEC. 409. CERTAIN PROTECTIVE FUNCTIONS.

Section 308(a) of title 3, United States Code, is amended by adding at the end thereof the following: "In carrying out any duty under section 202(7), the Secretary of State is authorized to utilize any authority available to the Secretary under title II of the State Department Basic Authorities Act of 1956."

TITLE V—STATE DEPARTMENT AUTHORITIES TO COMBAT INTERNATIONAL TERRORISM

SEC. 501. MOST WANTED INTERNATIONAL TERRORISTS LIST.

(a) **MAINTENANCE AND PUBLICATION.**—The Secretary of State shall maintain and publish a most wanted international terrorists list.

(b) **SELECTION.**—The Most wanted international terrorists list shall contain the names of those individuals—

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

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

(3) whose inclusion on the list would be useful in enhancing efforts to apprehend and effectively prosecute them.

The Secretary of State shall make the determinations required by this section, in consultation with the Attorney General.

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

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

SEC. 503. REWARDS FOR INFORMATION RELATING TO INTERNATIONAL NARCOTICS, TERRORISM AND DRUG TRAFFICKING.

(a) **AUTHORITY OF THE SECRETARY OF STATE.**—Section 36(a) of the State Department Basic Authorities Act of 1956 (22

U.S.C. 2708(a)) is amended to read as follows:

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

"(1) **INTERNATIONAL TERRORISM.**—Information leading to—

"(A) the arrest or conviction in any country of any individual for committing, or for conspiring or attempting to commit, an act of international terrorism; or

"(B) the prevention, frustration, or favorable resolution of an act of international terrorism;

if the act of international terrorism is against a United States person or United States property and is primarily outside the territorial jurisdiction of the United States.

"(2) **INTERNATIONAL NARCOTICS, TERRORISM AND DRUG TRAFFICKING.**—Information leading to—

"(A) the arrest or conviction in any country of any individual for committing primarily outside the territorial jurisdiction of the United States, or 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—

"(I) 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

"(II) 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) **PENDING 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 be appropriated \$10,000,000 for fiscal year 1987 for 'Administration of Foreign Affairs' for use in paying rewards under this section, up to \$5,000,000 of which may be used for rewards for information described in subsection (a)(2)."

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

"(g) Not later than 30 days after paying any reward under this section, the Secretary of State shall submit a report to the Con-

gress with respect to that reward. The report, which may be submitted on a classified basis if necessary, shall specify the amount of the reward paid, to whom the reward was paid, and the acts with respect to which the reward was paid, and shall discuss the significance of the information for which the reward was paid in dealing with those acts.

"(h) As used in this section—

"(1) the term 'United States drug laws' means the laws of the United States for the prevention and control of illicit traffic in controlled substances (as such term is defined for purposes of the Controlled Substances Act); and

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

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

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

"(C) any other person living in the individual's household and related to the individual by blood or marriage."

SEC. 504. COORDINATION OF TERRORISM-RELATED ASSISTANCE.

Section 302 of the International Security and Development Cooperation Act of 1985 (22 U.S.C. 2349aa-7) is amended—

(1) in the section heading by striking out "ANTI-TERRORISM" and inserting in lieu thereof "TERRORISM-RELATED";

(2) in subsection (a) by striking out "anti-terrorism assistance to foreign countries provided by the United States Government" and inserting in lieu thereof "assistance related to international terrorism which is provided by the United States Government to foreign countries"; and

(3) in subsection (b) by striking out "anti-terrorism assistance" and inserting in lieu thereof "assistance related to international terrorism which was".

SEC. 505. COUNTER-TERRORISM PROTECTION FUND.

The State Department Basic Authorities Act of 1956 is amended—

(1) by redesignating section 39 as section 40; and

(2) by inserting after section 38 (22 U.S.C. 2710) the following new section:

"SEC. 39. COUNTER-TERRORISM PROTECTION FUND.

"(a) **AUTHORITY.**—The Secretary of State may reimburse domestic and foreign persons, agencies, or governments for the protection of judges or other persons who provide assistance or information relating to terrorist incidents primarily outside the territorial jurisdiction of the United States. Before making a payment under this section in a matter over which there is Federal criminal jurisdiction, the Secretary shall advise and consult with the Attorney General.

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

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

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

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

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

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

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

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

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

The State Department Basic Authorities Act of 1956 is amended—

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

(2) by inserting after section 39 (as added by section 505 of this Act) the following new section:

SEC. 42. AUTHORITY TO CONTROL CERTAIN TERRORISM-RELATED SERVICES.

"(a) **AUTHORITY.**—The Secretary of State may, by regulation, impose controls on the provision of the services described in subsection (b) if the Secretary determines that provision of such services would aid and abet international terrorism.

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

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

"(2) Providing training or other technical services having a direct military, law enforcement, or intelligence application, to or for the security forces of a designated foreign government.

Any regulations issued to impose controls on services described in paragraph (2) shall list the specific types of training and other services subject to the controls.

"(c) **PERSONS SUBJECT OF CONTROLS.**—These services may be controlled under subsection (a) when they are provided within the United States by any individual or entity and when they are provided anywhere in the world by a United States person.

"(d) **LICENSES.**—In carrying out subsection (a), the President may require licenses, which may be revoked, suspended, or amended, without prior notice, whenever such action is deemed to be advisable.

"(e) DEFINITIONS.—

"(1) **DESIGNATED FOREIGN GOVERNMENT.**—As used in this section, the term 'designated foreign government' means a foreign government that the Secretary of State has determined, for purposes of section 6(j)(1) of the Export Administration Act of 1979, engages in or provides support for international terrorism.

"(2) **SECURITY FORCES.**—As used in this section, the term 'security forces' means any military or paramilitary forces, any police or other law enforcement agency, and any intelligence agency of a foreign government.

"(3) **UNITED STATES.**—As used in this section, the term 'United States' includes any State, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and any territory or possession of the United States.

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

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

"(g) CONGRESSIONAL OVERSIGHT.—

"(1) **REVIEW OF REGULATIONS.**—Not less than 30 days before issuing any regulations under this section (including any amendments thereto), the President shall transmit the proposed regulations to the Congress.

"(2) **REPORTS.**—Not less than once every six months, the President shall report to the Congress concerning the number and character of licenses granted and denied during the previous reporting period, and such other information as the President may find to be relevant to the accomplishment of the objectives of this section.

"(h) **RELATIONSHIP TO OTHER LAWS.**—The authority granted by this section is in addition to the authorities granted by any other provision of law."

SEC. 509. EXPORTS TO COUNTRIES SUPPORTING TERRORISM.

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

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

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

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

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

"(i) the President determines that the export is important to the national interests of the United States; and

"(ii) the President submits to the Congress a report justifying that determination and describing the proposed export.

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

"(2)(A) No goods or technology which the Secretary of State determines would make a significant contribution to the military potential of a country referred to in paragraph (1)(A), or would enhance the ability of such country to support international terrorism, may be exported to such country except pursuant to a validated export license.

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

(b) **COOPERATION OF FOREIGN GOVERNMENTS; COMPUTATION OF LEGISLATIVE DAYS.**—Section 6(j) of the Export Administration Act of 1979 is amended by adding at the end the following:

"(4) The President shall take all feasible steps to secure the cooperation of appropri-

ate foreign governments in prohibiting or controlling (as the case may be) the export to countries described in paragraph (1)(A) of items, goods, and technology comparable to the items, goods, and technology the export of which is prohibited or controlled by this subsection.

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

(c) **CLERICAL AMENDMENT.**—Section 6(j)(3) of the Export Administration Act of 1979, as redesignated by subsection (a)(1) of this section, is amended by striking out "(1)" and inserting in lieu thereof "(1)(A)".

TITLE VI—INTERNATIONAL NUCLEAR TERRORISM

SEC. 601. ACTIONS TO COMBAT INTERNATIONAL NUCLEAR TERRORISM.

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

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

(2) to—

(A) conduct a review, enlisting the participation of all relevant departments and agencies of the Government, to determine whether the recommendations on Physical Protection of Nuclear Material published by the International Atomic Energy Agency are adequate to deter theft, sabotage, and the use of nuclear facilities and materials in acts of international terrorism; and

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

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

(A) to keep to an absolute minimum the amount of weapons-grade nuclear material in international transit; and

(B) to ensure that when any such material is transported internationally, it is under the most effective means for protecting it from acts or attempted acts of sabotage or theft by terrorist groups or nations; and

(4) to seek agreement in the United Nations Security Council to establish—

(A) an effective regime of international sanctions against any nation or subnational group which conducts or sponsors acts of international nuclear terrorism; and

(B) measures for coordinating responses to all acts of international nuclear terrorism, including measures for the recovery of stolen nuclear material and the clean-up of nuclear releases.

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

SEC. 602. AUTHORITY TO SUSPEND NUCLEAR COOPERATION WITH NATIONS WHICH HAVE NOT RATIFIED THE CONVENTION ON THE PHYSICAL PROTECTION OF NUCLEAR MATERIAL.

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

"SEC. 132. AUTHORITY TO SUSPEND NUCLEAR COOPERATION WITH NATIONS WHICH HAVE NOT RATIFIED THE CONVENTION ON THE PHYSICAL SECURITY OF NUCLEAR MATERIAL.—

"The President may suspend nuclear cooperation under this Act with any nation or group of nations which has not ratified the

Convention on the Physical Security of Nuclear Material."

SEC. 602. CONSULTATION WITH THE DEPARTMENT OF DEFENSE CONCERNING CERTAIN NUCLEAR EXPORTS AND SUBSEQUENT ARRANGEMENTS.

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

"Sec. 133. CONSULTATION WITH THE DEPARTMENT OF DEFENSE CONCERNING CERTAIN EXPORTS AND SUBSEQUENT ARRANGEMENTS.—

"a. In addition to other applicable requirements—

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

"(2) approval may be granted by the Secretary of Energy under section 131 of this Act for the transfer of special nuclear material described in subsection b.;

only after the Secretary of Defense has been consulted on whether the physical protection of that material during the export or transfer will be adequate to deter theft, sabotage, and other acts of international terrorism which would result in the diversion of that material. If, in the view of the Secretary of Defense, the export or transfer might be subject to a genuine terrorist threat, the Secretary shall provide to the Nuclear Regulatory Commission or the Secretary of Energy, as appropriate, his written assessment of the risk and a description of the actions the Secretary of Defense considers necessary to upgrade physical protection measures.

"b. Subsection a. applies to the export or transfer of more than 2 kilograms of plutonium or more than 20 kilograms of uranium enriched to more than 20 percent in the isotope 233 or the isotope 235."

SEC. 604. REVIEW OF PHYSICAL SECURITY STANDARDS.

(a) **Reviews.**—The Secretary of Defense, the Secretary of State, the Secretary of Energy, the Director of the Arms Control and Disarmament Agency, and the Nuclear Regulatory Commission shall each review the adequacy of the physical security standards currently applicable with respect to the shipment and storage (outside the United States) of plutonium, and uranium enriched to more than 20 percent in the isotope 233 or the isotope 235, which is subject to United States prior consent rights, with special attention to protection against risks of seizure or other terrorist acts.

(b) **Reports.**—Not later than 6 months after the date of enactment of this Act, the Secretary of Defense, the Secretary of State, the Secretary of Energy, the Director of the Arms Control and Disarmament Agency, and the Nuclear Regulatory Commission shall each submit a written report to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate setting forth the results of the review conducted pursuant to this section, together with appropriate recommendations.

SEC. 605. INTERNATIONAL REVIEW OF THE NUCLEAR TERRORISM PROBLEM.

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

TITLE VII.—MULTILATERAL COOPERATION TO COMBAT INTERNATIONAL TERRORISM

SEC. 701. CONSIDERATION OF INTERNATIONAL TERRORISM AT THE TOKYO ECONOMIC SUMMIT CONFERENCE.

The Congress hereby directs the President—

(1) to seek to have the issue of international terrorism included on the agenda of the 1986 Tokyo economic summit conference; and

(2) to seek agreement at that conference on a strengthening of the policy contained in the Joint Declaration on International Terrorism issued at the conclusion of the July 1978 Bonn economic summit conference, including agreement—

(A) to broaden that policy to cover the hijacking of all means of transportation, not just aircraft;

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

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

SEC. 702. INTERNATIONAL ANTI-TERRORISM COMMITTEE.

The Congress hereby directs the President to continue to seek the establishment of an international committee, to be known as the International Anti-Terrorism Committee, consisting of representatives of the member countries of the North Atlantic Treaty Organization, Japan, and such other countries as may be invited and may choose to participate. The purpose of the Committee should be to focus the attention and secure the cooperation of the governments and the public of the participating countries and of other countries on the problems and responses to international terrorism (including nuclear terrorism), by serving as a forum at both the political and law enforcement levels.

SEC. 703. INTERNATIONAL ARRANGEMENTS RELATING TO PASSPORTS AND VISAS.

The Congress hereby directs the President to seek the negotiation of international agreements (or other appropriate arrangements) to provide for the sharing of information relating to passports and visas in order to enhance cooperation among countries in combatting international terrorism.

SEC. 704. PROTECTION OF AMERICANS ENDANGERED BY THE APPEARANCE OF THEIR PLACE OF BIRTH ON THEIR PASSPORTS.

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

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

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

The Congress hereby directs the President to instruct the United States Ambassador to the United Nations to seek the adoption of a resolution in the United Nations condemning the use for terrorist purposes of diplomatic privileges and immunities under the Vienna Convention on Diplomatic Relations, especially the misuse of diplomatic pouches and diplomatic missions.

SEC. 706. REPORTS ON PROGRESS IN INCREASING MULTILATERAL COOPERATION.

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

TITLE VIII.—VICTIMS OF TERRORISM COMPENSATION

SEC. 801. SHORT TITLE.

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

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

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

"§ 5569. Benefits for captives

"(a) For the purpose of this section—

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

"(A) in the civil service, or

"(B) a citizen, national, or resident alien of the United States rendering personal service to the United States similar to the service of an individual 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) is incident to such individual being a captive; and

"(2) is not covered—

"(A) by any Government medical or health program; or

"(B) by insurance.

"(d)(1) Except as provided in paragraph (3), the President shall make a cash payment to any individual who became or becomes a captive commencing on or after November 4, 1979. Such payment shall be made before the end of the one-year period beginning on the date on which the captive status of such individual terminates or, in the case of any individual whose status as a captive terminated before the date of the enactment of the Victims of Terrorism Compensation Act, before the end of the one-year period beginning on such date.

"(2) A payment under this subsection in the case of any individual held as a captive—

"(A) shall be equal to an amount determined by the President, taking into account the treatment received by such individual while in captivity and any other factor which the President considers appropriate; but

"(B) shall be not less than the amount of the world-wide average per diem rate which would be payable to any person under section 5702 of this title, based on—

"(i) a period of time equal to the period for which such individual was held as a captive; and

"(ii) the world-wide average per diem rate which, during the period of captivity involved, was in effect under such section.

"(3) The President—

"(A) may defer a payment under this subsection in the case of any individual who, during the one-year period described in paragraph (1), is charged with an offense described in subparagraph (B), until final disposition of such charge; and

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

"(i) during the period of captivity of such individual; and

"(ii) related to the captive status of such individual.

"(4) A payment under this subsection shall be in addition to any other amount provided by law.

"(5) The provisions of subchapter VIII of this chapter (or, in the case of any person not covered by such subchapter, similar provisions prescribed by the President) shall apply with respect to any amount due an individual under paragraph (1) after such individual's death.

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

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

"(2) In applying such Act under this subsection—

"(A) the term 'person in the military service' is deemed to include any such captive;

"(B) the term 'period of military service' is deemed to include the period during which the individual is in a captive status; and

"(C) references to the Secretary of the Army, the Secretary of the Navy, the Adjutant General of the Army, the Chief of Naval Personnel, and the Commandant, United States Marine Corps, are deemed, in the case of any captive, to be references to an individual designated for that purpose by the President.

"(f)(1)(A) Under regulations prescribed by the President, the head of an agency shall pay (by advancement or reimbursement) a spouse or child of a captive for expenses incurred for subsistence, tuition, fees, supplies, books, and equipment, and other educational expenses, while attending an educational or training institution.

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

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

"(ii) on or before—

"(I) the end of any semester or quarter (as appropriate) which begins before the date on which the captive status of that individual terminates, or

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

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

"(C) In the event a captive dies and the death is incident to that individual being a captive, payments shall be available under this paragraph for a spouse or child of such individual for education or training which occurs after the date of such individual's death.

"(D) The preceding provisions of this paragraph shall not apply with respect to any spouse or child who is eligible for assistance under chapter 35 of title 38 or similar assistance under any other provision of law.

"(E) For the purpose of this paragraph, 'child' means a dependent under section 5561(3)(B) of this title.

"(2)(A) In order to respond to special circumstances, the head of an agency may pay (by advancement or reimbursement) a captive for expenses incurred for subsistence, tuition, fees, supplies, books, and equipment, and other educational expenses, while attending an educational or training institution.

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

"(i) after the termination of that individual's captive status, and

"(ii) on or before—

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

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

shall be available only to the extent that such payments are not otherwise authorized by law.

"(3) Assistance under this subsection—

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

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

"(4) Regulations prescribed to carry out this subsection shall provide that the pro-

gram under this subsection shall be consistent with the assistance program under chapters 35 and 36 of title 38.

"(g) Any benefit provided under subsection (c) or (d) may, under regulations prescribed by the President, be provided to a family member of an individual if—

"(1) such family member is held in captive status; and

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

"(h) Except as provided in subsection (d), this section applies with respect to any individual in a captive status commencing after January 21, 1981.

"(i) Notwithstanding any other provision of this subchapter, any determination by the President under subsection (a)(2) or (d) shall be conclusive and shall not be subject to judicial review.

"(j) The President may prescribe regulations necessary to administer this section.

"§ 5570. Compensation for disability or death

"(a) For the purpose of this section—

"(1) 'employee' means—

"(A) any individual in the civil service; and

"(B) any individual rendering personal service to the United States similar to the service of an individual in the civil service (other than as a member of the uniformed services); and

"(2) 'family member', as used with respect to an employee, means—

"(A) any dependent of such employee; and

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

"(b) The President shall prescribe regulations under which an agency head may pay compensation for the disability or death of an employee or a family member of an employee if, as determined by the President, the disability or death was caused by hostile action and was a result of the individual's relationship with the Government.

"(c) Any compensation otherwise payable to an individual under this section in connection with any disability or death shall be reduced by any amounts payable to such individual under any other program funded in whole or in part by the United States (excluding any amount payable under section 5569(d) of this title) in connection with such disability or death, except that nothing in this subsection shall result in the reduction of any amount below zero.

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

"(e) Compensation under this section may include payment (whether by advancement or reimbursement) for any medical or health expenses relating to the death or disability involved to the extent that such expenses are not covered under subsection (c) of section 5569 of this title (other than because of paragraph (2) of such subsection).

"(f) This section applies with respect to any disability or death resulting from an injury which occurs after September 30, 1985."

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

"5569. Benefits for captives.

"5570. Compensation for disability or death."

SEC. 903. RETENTION OF LEAVE BY ALIEN EMPLOYEES FOLLOWING INJURY FROM HOSTILE ACTION ABROAD.

Section 6325 of title 5, United States Code, is amended by adding at the end thereof the

following: "The preceding provisions of this section shall apply in the case of an alien employee referred to in section 6301(2)(viii) of this title with respect to any leave granted to such alien employee under section 6310 of this title or section 408 of the Foreign Service Act of 1980."

SEC. 904. TRANSITION PROVISIONS.

(a) SAVINGS FUND.—(1) Amounts may be allotted to the savings fund under subsection (b) of section 5569 of title 5, United States Code (as added by section 802(a) of this Act) from pay and allowances for any pay period ending after January 21, 1981, and before the establishment of such fund.

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

(b) MEDICAL AND HEALTH CARE; EDUCATIONAL EXPENSES.—Subsections (c) and (f) of such section 5569 (as so added) shall be carried out with respect to the period after January 21, 1981, and before the effective date of those subsections, under regulations prescribed by the President.

(c) DEFINITION.—For the purpose of this subsection, "pay and allowances" has the meaning provided under section 5561 of title 5, United States Code.

SEC. 905. BENEFITS FOR MEMBERS OF UNIFORMED SERVICES WHO ARE VICTIMS OF HOSTILE ACTION.

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

"§ 559. Benefits for members held as captives

"(a) In this section—

"(1) 'captive status' means a missing status of a member of the uniformed services which, as determined by the President, arises because of a hostile action and is a result of membership in the uniformed services, but does not include a period of captivity of a member as a prisoner of war if Congress provides to such member, in an Act enacted after the date of the enactment of the Victims of Terrorism Compensation Act, monetary payment in respect of such period of captivity; and

"(2) 'former captive' means a person who, as a member of the uniformed services, was held in a captive status.

"(b)(1) The Secretary of the Treasury shall establish a savings fund to which the Secretary concerned may allot all or any portion of the pay and allowances of any member of the uniformed services who is in a captive status to the extent that such pay and allowances are not subject to an allotment under section 553 of this title or any other provision of law.

"(2) Amounts so allotted 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 three-month maturities issued during the preceding calendar quarter. Such interest shall be computed quarterly.

"(3) Amounts in the savings fund credited to a member shall be considered as pay and allowances for purposes of section 553(c) 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 a member is indebted to the United States under section 552(c) of this title shall be deemed to be part of the amount due under such section; and

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

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

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

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

"(3)(A) The President—

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

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

"(I) referred to in subsection (b) or (c) of section 8312 of title 5; or

"(II) under chapter 47 of title 10 (the Uniform Code of Military Justice) that is punishable by dishonorable discharge, dismissal, or confinement for one year or more.

"(B) For the purposes of subparagraph (A) of this paragraph, a captivity-related offense is an offense that is—

"(i) committed by a person while the person is in a captive status; and

"(ii) related to the captive status of the person.

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

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

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

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

(2) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item:

"559. Benefits for members held as captives."

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

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

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

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

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

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

"§ 1051. Disability and death compensation: dependents of members held as captives

"(a) The President shall prescribe regulations under which the Secretary concerned

may pay compensation for the disability or death of a dependent of a member of the uniformed services if the President determines that the disability or death—

"(1) was caused by hostile action; and

"(2) was a result of the relationship of the dependent to the member of the uniformed services.

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

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

"(d) In this section:

"(1) 'Captive status' has the meaning given that term in section 559 of title 37.

"(2) 'Dependent' has the meaning given that term in section 551 of that title.

"(3) 'Secretary concerned' and 'uniformed services' have the meanings given those terms in section 101 of that title."

(2) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item:

"1051. Disability and death compensation: dependents of members held as captives."

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

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

"§ 1095. Medical care: members held as captives and their dependents

"(a) Under regulations prescribed by the President, the Secretary concerned shall pay (by advancement or reimbursement) any person who is a former captive, and any dependent of that person or of a person who is in a captive status, for health care and other expenses related to such care, to the extent that such care—

"(1) is incident to the captive status; and

"(2) is not covered—

"(A) by any other Government medical or health program; or

"(B) by insurance.

"(b) In the case of any person who is eligible for medical care under section 1074 or 1076 of this title, such regulations shall require that, whenever practicable, such care be provided in a facility of the uniformed services.

"(c) In this section:

"(1) 'Captive status' and 'former captive' have the meanings given those terms in section 559 of title 37.

"(2) 'Dependent' has the meaning given that term in section 551 of that title."

(2) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item:

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

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

(B) The President shall prescribe specific regulations regarding the carrying out of such section with respect to persons whose captive status begins during the period be-

ginning on January 21, 1981, and ending on the effective date of that section.

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

CHAPTER 110—EDUCATIONAL ASSISTANCE FOR MEMBERS HELD AS CAPTIVES AND THEIR DEPENDENTS

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' Administration.

§ 2181. Definitions

In this chapter:

"(1) 'Captive status' and 'former captive' have the meanings given those terms in section 559 of title 37.

"(2) 'Dependent' has the meaning given that term in section 551 of that title.

§ 2182. Educational assistance: dependents of captives

"(a) Under regulations prescribed by the President, the Secretary concerned shall pay (by advancement or reimbursement) a dependent of a person who is in a captive status 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 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—

"(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 consistent 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. 904. 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 the International Maritime Organization should consult with appropriate private sector interests in that country. Such agreement would establish seaport and vessel security standards and could include—

(1) seaport screening of cargo and baggage similar to that done at airports;

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

(3) additional security on board vessels;

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

(5) other appropriate measures to prevent unlawful acts against passengers and crews on board vessels.

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

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

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

(1) the specific areas of agreement and disagreement on the recommendations among the member nations of the International Maritime Organization;

(2) the activities of the Maritime Safety Committee, the Facilitation Committee, and the Legal Committee of the International Maritime Organization in regard to the proposed recommendations; and

(3) the security measures specified in the recommendations.

(c) **SECURITY MEASURES AT UNITED STATES PORTS.**—If the member nations of the International Maritime Organization have not finalized and accepted the proposed recommendations by December 31, 1986, the Secretary of Transportation shall include in the report required by this section proposed legislation for the implementation of security measures at United States ports and on vessels operating from those ports based on the assessment of threat from acts of terrorism reported by the Secretary of Transportation under section 905.

SEC. 904. PANAMA CANAL SECURITY.

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

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

Not later than December 31, 1986, and semiannually thereafter, the Secretary of Transportation shall report to the Congress on the threat from acts of terrorism to United States ports and vessels operating from those ports.

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

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

"Sec. 7. PORT, HARBOR, AND COASTAL FACILITY SECURITY.

"(a) **GENERAL AUTHORITY.**—The Secretary is authorized to take the actions described in subsection (b) in order to help prevent and respond to acts of terrorism against—

"(1) vessels and public or commercial waterfront facilities that are located on or near the navigable waters of the United States; and

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

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

"(1) to obtain, analyze, and coordinate the use of information concerning actual or po-

tential terrorist threats to the vessels and facilities referred to in subsection (a);

"(2) to recruit additional members of the Regular Coast Guard and the Coast Guard Reserve, and to train members of the Regular Coast Guard and the Coast Guard Reserve in the techniques of preventing and responding to acts of terrorism against such vessels and facilities;

"(3) to use members of the Regular Coast Guard and the Coast Guard Reserve to carry out other activities authorized by law to be carried out by the Secretary, including inspections, port and harbor patrols, and the establishment of security and safety zones, for the purpose of preventing acts of terrorism against such vessels and facilities;

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

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

"(c) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated \$125,000,000, to be available until expended, to carry out this section and to conduct the assessments required by sections 905 and 907 of the Omnibus Diplomatic Security and Anti-Terrorism Act of 1986."

SEC. 907. SECURITY STANDARDS AT FOREIGN PORTS.

(a) **ASSESSMENT OF SECURITY MEASURES.**—The Secretary of Transportation shall develop and implement a plan to assess the effectiveness of the security measures maintained at those foreign ports which the Secretary, in consultation with the Secretary of State, determines pose a high risk of acts of terrorism directed against passenger vessels.

(b) **CONSULTATION WITH THE SECRETARY OF STATE.**—In carrying out subsection (a), the Secretary of Transportation shall consult the Secretary of State with respect to the terrorist threat which exists in each country. The Secretary of Transportation, in consultation with the Secretary of State, shall determine which foreign ports are not under the de facto control of the government of the country in which they are located and pose a high risk of acts of terrorism directed against passenger vessels.

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

(d) **DETERMINATION AND NOTIFICATION TO FOREIGN COUNTRY.**—If, after implementing the plan in accordance with subsection (a), the Secretary of Transportation determines that a port does not maintain and administer effective security measures, the Secretary of State (after being informed by the Secretary of Transportation) shall notify the appropriate government authorities of the country in which the port is located of such determination, and shall recommend the steps necessary to bring the security measures in use at that port up to the standard used by the Secretary of Transportation in making such assessment.

(e) **ANTI-TERRORISM ASSISTANCE RELATED TO MARITIME SECURITY.**—The President is encouraged to provide anti-terrorism assistance related to maritime security under chapter 8 of part II of the Foreign Assistance Act of 1961 to foreign countries, especially with respect to a port which the Secretary of Transportation determines under subsection (d) does not maintain and administer effective security measures.

SEC. 908. TRAVEL ADVISORIES CONCERNING SECURITY AT FOREIGN PORTS.

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

(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).

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

SEC. 909. SUSPENSION OF PASSENGER SERVICES.

(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 unlawful 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.

(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.

SEC. 910. CRIMINAL SANCTIONS FOR THE SEIZURE OF VESSELS BY TERRORISTS.

The Congress encourages the President—
(1) to review the adequacy of domestic and international criminal sanctions against terrorists who seize or attempt to seize vessels; and

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

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.

SEC. 911. DEFINITIONS.

For purposes of this title—

(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 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. 1004. 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.

SEC. 1005. SECRETARY OF STATE.

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

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

(c) **FUNDING.**—Funds appropriated to the Department of State for "Salaries and Expenses" shall be used for the expenses incurred in carrying out this title.

TITLE XI—SECURITY AT MILITARY BASES ABROAD

SEC. 1101. FINDINGS.

The Congress finds that—

(1) there is evidence that terrorists consider bases and installations of United States Armed Forces outside the United States to be targets for attack;

(2) while considerable attention has been given to the protection of military materiel positioned outside the United States, less attention has been given to the protection of members of the Armed Forces, and members of their families, stationed outside the United States; and

(3) current programs to educate members of the Armed Forces, and members of their families, stationed outside of the United States to the threats of terrorist activity and how to protect themselves should be substantially expanded.

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

It is the sense of the Congress that—

(1) the Secretary of Defense should review the security of each base and installation of the Department of Defense outside the United States, including the family housing and support activities of each such base or installation, and take the steps the Secretary considers necessary to improve the security of such bases and installations; and

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

SEC. 1103. REPORT TO THE CONGRESS.

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

AMENDMENT OFFERED BY MR. MCCAIN

Mr. MCCAIN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. McCain: In section 5569(d)(2) of title 5 of the United States Code (as proposed to be enacted by section 802(a) of the amendment)—

(1) strike out "captive—" and all that follows through "(B) shall" and insert in lieu thereof "captive shall";

(2) strike out "(1)" and "(B)" and insert in lieu thereof "(A)" and "(B)", respectively; and

(3) reset the margins of subparagraphs (A) and (B), as so redesignated, on a 2-em indentation.

Mr. MCCAIN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. MCCAIN. Mr. Chairman, this amendment is quite simple. I have discussed it with the subcommittee chairman, the gentleman from Florida [Mr. Mica], and I hope that we can dispense with it very rapidly.

As you know, the legislation before us provides a number of benefits to former captives, hostages and POW's. Amongst these is a cash payment on top of salary, medical expenses and educational benefits.

My amendment strikes the lines which follow Presidential discretion in making this payment for "taking into account the treatment received by such individuals while in captivity and any other factor which the President considers appropriate."

I would like to quote, Mr. Chairman, from the Legislative History of Public Law 91-289, War Claims—Vietnam Conflict—Prisoners. This is the Senate report of May 20, 1970.

□ 1755

I quote:

The committee recognizes that the amounts provided by the bill for members of the Armed Forces and for civilian American citizens held captive are inadequate compensation for the hardships they have suffered; however, since in general no monetary payment can actually be adequate compensation, the committee feels that the payments provided in the bill serve as a symbolic gesture on the part of the United States expressing recognition of the hardships suffered by the beneficiaries in keeping with the procedure established under the World War II and Korean conflict claims program.

I think it is important, Mr. Chairman, to remember that this payment is purely symbolic. The Federal Government has already taken care of any or all medical, psychological expenses related to a person's captivity.

In September, 1981, the President's Commission on Hostage Compensation issued their final report on the Iranian hostage crisis. Mr. James S. Dwight, Jr., served as chairman of this body. Other members included Patricia Rob-

erts Harris, Cyrus Vance, former Senator Henry Bellmon, our former colleague Robert Gialmo and others.

I would like to quote from their report:

The Commission considered the possibility of attempting to adjust benefits to reflect the relative degree of trauma and suffering endured by the various hostages but was unable to find a reliable formula for measuring what was a subjective experience for each one. Furthermore, the Commission noted the request of the hostages themselves, as expressed by the Family Liaison Action Group (FLAG), that all of the hostages be treated alike. The Commission concluded that the most acceptable methods, and one which had previously been used in the War Claims Act, would be to recommend a retention benefit for each hostage based on the number of days spent in captivity or hiding to avoid capture.

It is not possible for anyone in Washington, I believe, Mr. Chairman, to fairly judge the harshness of treatment a captive receives at the hands of a captor. Equally rough physical treatment might be easily accepted by a 19-year-old Marine, yet be a terrible burden to a 55-year-old CIA operative. On the other hand, the CIA agent might have an easier time accepting psychological abuse.

I believe this language is based on unreliable, subjective judgment and has no place in this bill, and should therefore be deleted, and I urge adoption of my amendment.

Mr. MICA. Will the gentleman yield?

Mr. MCCAIN. I yield to the gentleman.

Mr. MICA. I would say that on behalf of the Committee on Foreign Affairs, we understand the gentleman's sincere concern, and that we have no objection to this language.

Ms. SNOWE. Will the gentleman yield?

Mr. MCCAIN. I yield to the gentleman.

Ms. SNOWE. I just want to thank the gentleman for raising what is a very important and valid issue. His amendment is a constructive one, and I, too, would urge its adoption.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona [Mr. McCain].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. MCCAIN

Mr. MCCAIN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. McCain: In section 5569(d) of title 5 of the United States Code (as proposed to be enacted by section 802(a) of the amendment), strike out paragraph (2) and insert in lieu thereof the following:

"(2)(A) A payment under this subsection shall be in the amount of \$20 (as adjusted under subparagraph (B)) for each day for which such individual was held as a captive.

"(B) The amount referred to in subparagraph (A) shall be adjusted by the President as of January 1, 1987, and at intervals of one year thereafter to reflect changes in the consumer price index (prepared by the Bureau of Labor Statistics, Department of

Labor) for the period beginning on the date of the enactment of this section and ending on the day before the date of the adjustment.

Mr. McCAIN (during the reading). Mr. Chairman I ask unanimous consent that the amendment be considered as read and printed in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. McCAIN. Mr. Chairman, I am afraid this amendment will not be quite as easy as the last.

My second amendment sets a new base rate of cash compensation for former captives. Let me briefly review for the committee what this title of the bill already does:

It establishes an interest-bearing savings fund to benefit individuals held captive;

It provides health benefits to captives and family members for all medical care that is related to the captivity and is not covered by an existing health policy;

It permits courts to defer any legal actions against captives during their period of captivity, if their enforced absence would be prejudicial to their case;

It provides educational benefits to the spouse and children of captives;

It authorizes the United States to pay compensation for the death or disability of employees and family members;

It authorizes up to 1 year leave with pay for foreign service nationals, which is now available to FSOs, for recuperation from injuries resulting from terrorist acts; and

In addition, it requires the President to make the forementioned cash payment to former captives based on the worldwide average per diem rate during their captivity.

Compensation for POWs and internees were first set up by the War Claims Act of 1948, found in sections 2004 and 2005 of title 50 of the United States Code. World War II internees, Mr. Chairman, were compensated at a rate of \$60 a month; \$2 a day. POWs received \$1 a day for inadequate food; "for each day he was held POW on which the enemy government or its agents failed to provide him such quantity or quality of food" as defined by the Geneva Convention, and \$1.50 a day for confinement.

Korean internees and POW's were compensated at an identical rate. Personnel assigned to the *Pueblo* were compensated at the same rate; \$1.50 for confinement and \$1 for food each day. Those held as POW's in Vietnam were compensated \$2 a day for food and \$3 a day for confinement. Internees got \$150 a month; the same amount as POW's.

Therefore, it is beyond me to understand the reasoning behind a per diem payment to hostages or captives. The Federal Government currently reim-

burses Federal employees on a per diem basis to cover costs while traveling abroad. That is the purpose of per diem; to cover costs while traveling abroad.

These public servants use this payment to cover living expenses such as hotel rooms and meals. I fail to see the connection to a hostage or a captive situation between per diem payments. The per diem payment, to a large degree, is revised on a periodic basis which has a great deal to do with the strength of the dollar. So we are now, tying payments for people being held captive or hostage to the strength of the dollar.

The per diem concept is not based on past compensation rates, nor does it take into consideration the recommendations of the President's Commission on Hostage Compensation. I want to point out here, Mr. Chairman, that in 1980, after the return of the Iranian hostages, a commission was appointed of some of the brightest minds in this country, and some of the most experienced ones.

Among them are Cyrus Vance, former Secretary of State, Patricia Roberts Harris, Senator Henry Bellmon, former Senator from Oklahoma and our own former colleague, Robert Gialmo. Their conclusions were far different from that arrived at in this legislation.

In fact, I would say dramatically so. I quote:

The Commission felt it proper to recommend that the President suggest to the Congress a further upward adjustment in this figure to \$12.50 per day to take into account the impact of inflation since 1970.

My amendment sets this figure at \$20 a day, which I believe is more than generous and exceeds that of the inflation rate since 1980 when the hostages were returned.

We are not discussing here salary or wages. Government employees and military will continue to receive their full pay and benefits during captivity. We are not discussing reimbursement for medical expenses; past, present, or future. This is taken care of elsewhere in the title. We are not discussing high costs of college, that is covered, too. We are talking about a cash payment on top of all the others that I mentioned earlier.

Let me again quote from the Commission's report:

(By unanimous consent, Mr. McCAIN was allowed to proceed for 3 additional minutes.)

The Commission regards this suggested detention benefit as a recognition of the hardships suffered by the hostages in the service of their country. It does not represent a finding as to the extent of their sufferings and it is not intended to compensate the hostages for their injuries. As was the case with prisoners of war and internees, any cause of action would lie against the persons or nations which perpetrated the injury and the United States is not, by making an award, purporting to act for or stand as a surrogate for the persons whose tortious actions injured the hostages.

Finally, I would like to read from a letter I received last fall from a foreign service officer who was detained during the Vietnam war by the North Vietnamese, and I quote:

This man says: "Yet it is being suggested in some circles that the average world-wide per diem . . . be paid to former Iran hostages. If such an amount is actually approved, it would make a joke of the awards we received after undergoing far greater trauma and damage to careers." He goes on to say "It would be monstrous to make beneficiaries of those who were in difficult straits for 400-odd days, yet continue to deny special benefits to those incarcerated five times as long in heart-of-darkness settings."

If we do approve this fiscally irresponsible per diem formula will we make it retroactive to cover those incarcerated during past conflicts? Would it be fair if we did not?

My amendment is based on historical and legal precedents, based on the conclusions arrived at by a Presidentially appointed commission of some of the best talent in this country.

(By unanimous consent, Mr. McCAIN was allowed to proceed for 1 additional minute.)

Mr. McCAIN. I would like to point out something I think has been lost in this debate. I think it is important, and I have not heard it raised yet.

Why do young men and women join the service of our country, whether they happen to be in the military or the foreign service? They join because of patriotism and dedication. They do not join for monetary compensation.

I think it is important, Mr. Chairman, for us to reward those who underwent hardship.

□ 1805

But I do not believe that monetary compensation to this degree is in any way the kind of compensation that they would expect nor do I believe that this kind of compensation is suitable and fitting and in keeping with past precedent of those men and women who have served with honor and sacrifice in previous wars.

Mrs. SCHROEDER. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the gentleman's amendment.

(Mrs. SCHROEDER asked and was given permission to revise and extend her remarks.)

Mrs. SCHROEDER. I think there are several different things we need to point out here. First of all this has been a very difficult subject and it has been going on, the debate, for 6 years as to what to do about this. But my subcommittee received hours and hours and hours of testimony on this issue. I think what we are missing is there are all sorts of ancillary expenses that are not covered. What this really goes to is the victims, the other victims, and that is the family, or to many of the inconveniences that transpired and so forth. There is absolutely no question that it does not come anywhere near close to compensating the person who is being held. I mean

this is not like a windfall. I cannot think of anybody in the world who would like to be a hostage for \$66 a day because of the money they were going to make on this. They just would not.

What we are trying to say is we had testimony that the families had tremendous number of phone calls, the phone bills went clear off the wall; children being very distressed, lots of extra trips that they took to see grandparents, or finding a root or finding anything that could stabilize; things that are really difficult to put in there.

Now we also had one of the first hostages who was ever taken by terrorists testify and he was very interesting. He was with the State Department. He had a diplomatic passport and he was on one of the first planes that got hijacked. So he went over and when they were hijacked he pulled out his diplomatic passport and he said, "I'm a United States diplomat and I must negotiate for all these people and you cannot talk to any of them unless I am there, if they are from the United States."

I am not sure that anybody would volunteer to do that today because we have learned a little more. Even he said in retrospect it was incredible that he was not shot. But he pointed out how many days after all of this that he was held. He was singled out and held for a very long time because they found him to be a real pain in that he was protecting so many of the hostages, many of whom were Americans of the Jewish faith and this was one of those areas where it was a very sensitive affair and he did an excellent job in protecting them. Nobody questioned that.

But he was very angry because when it was all over he had just submitted—he could not figure out what to do because he had lots of expenses, could not figure out what he could do so he said he would just submit a per diem bill thinking that was fair. At least that was close to what anybody else would be paying. Of course it got turned down. Now I understand and it is very painful because in the past we have not paid prisoners of war very much money and in here in the bill if the military opts to continue on with POW benefits being something else they certainly can pass it and we yield to them by the language in this bill.

But I am not too sure we should not really stop and think about this. When you look at the private sector they do not treat it as something that you do not pay for. They treat it as something where they are putting the people that serve them on the line, they are putting them out there, they understand that they are targets and they understand that you keep the morale high if you show the respect and say, "We are going to at least try and cover out-of-pocket."

We do not know what everybody's out-of-pocket is going to be, they are

are all going to be different. We had all sorts of debates in our committee as to what was appropriate. One was about twice what we are talking about here; other people offered amendments with more. We went round and round and round and round. But we finally came back and decided that the per diem made an incredible amount of sense because the Federal Government pays everybody per diem when they are representing the Government somewhere. They pay them—that whether they stay with their uncle, I suppose, or whether they stay in a \$10-a-night hotel or whether they stay at a \$200-a-night hotel, that is kind of their option, the per diem is there. So if you were there and representing your Government and you were not allowed to ever come home again, does that not make sense to make that that is one thing that you could at least lock in as being fair? I think you could make a good argument that that is not fair, that they should be given much more. But we are not trying to do that. We are not trying to do the pain and suffering or the negligence or any of the other things that you get into in liability. We are just trying to cover it.

Every single family of every single hostage that we talked to ran other costs that were different. So I do not know how you would ever quantify them. Plus, as I say, it is also a time when they probably needed much more in the line of entertainment expenses and lots of other things because of the stress they were under.

So we decided this was fair. We decided this was the way to go and the military can get out if they want to. I certainly hope people turn down this amendment.

Ms. SNOWE. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman and members of the committee, I am opposed to this amendment, although reluctantly, because I have high regard and respect for the gentleman from Arizona. Yet I am pleased that he has raised this issue today because it is a legitimate issue that needs to be discussed and should be decided based on the collective wisdom and judgment of the House of Representatives.

The provisions in the legislation provide for retroactive compensation to the Iranian hostages, who have yet to be compensated. The question is what compensation do we provide to former hostages and potential hostages? Deciding that level of compensation was the most difficult issue the committee had to address in developing the Victims of Terrorism Compensation Act.

Frankly, any amount of compensation or appropriate standard for determining such compensation is at best an arbitrary judgment.

We all recognize that no amount of money can adequately compensate for such an ordeal. But we, as a country, have an obligation to pay some form

of restitution to reflect in some small way the hardships that they endured. So I believe that this is a question that needs to be addressed by the House here today. It is a judgment that has to be made by each and every Member.

Do we provide a higher amount or a lesser amount? To make that decision I think it is essential to provide some additional background on how we arrived at the figure incorporated in this legislation.

Back in 1981 the Presidential Commission on Hostage Compensation recommended \$12.50 per day. That was based on taking the \$7 provided to the POW's in Vietnam, adjusting it for inflation. Then the Post Office and Civil Service Committee recommended a figure that was higher. They recommended a higher level because of frustration over the long delays in providing compensation to the Iranian hostages. They recommended a lump-sum compensation of \$50,000 that would translate into \$115 per day. So the Subcommittee on International Operations decided that, instead, we would take the average worldwide per diem which would today yield \$66 per day. The gentleman from Arizona is now recommending the Presidential Commission's recommendations of \$12.50, adjusting it for inflation, and that would provide \$20 per day for the Iranian hostages. I would remind the members of the committee that it has been 5 long years since that crisis ended and this compensation is long overdue.

I personally advocate a higher amount. If we were to maintain the subcommittee's recommendation of a lump-sum compensation of \$29,000 or \$66 a day I believe that it represents a fair compensation under the circumstances. So I would ask the members of the committee to think about the issues and the alternatives before this body. It is a personal judgment. It is a decision that has to be made by each and every Member. We made our decision as a committee. Now it is up to the House to decide whether or not we want the higher amount proposed by the committee or the lesser amount recommended by the gentleman from Arizona.

Mrs. SCHROEDER. Mr. Chairman, will the gentlewoman yield?

Ms. SNOWE. I would be glad to yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. I thank the gentlewoman for yielding.

I think she has done an excellent job of explaining this. I think one more thing that I forgot to mention is we have to point out that under the Algiers agreement these people cannot sue, whether they are paid or not paid. I think that is a very important thing that we need to underline, put some exclamation points around it and everything, that people who work for the Government cannot sue because of their being held hostage after the Al-

giers agreement, and I think that puts us at a higher level of responsibility.

Ms. SNOWE. The gentlewoman from Colorado raises an excellent point in that respect, and something that we have failed to recognize.

Mr. McCAIN. Mr. Chairman, will the gentlewoman yield?

Ms. SNOWE. I would be glad to yield to the gentleman from Arizona.

Mr. McCAIN. I thank the gentlewoman for yielding.

In the context of the previous point raised I point out that no one who was held POW at any time can sue for anything, either. So I am not sure. That not only does not separate them, it puts them in the same group as the entire people who have suffered the same amount or, bases it on a more fair basis. I do not think the fact that they cannot sue anybody has anything to do which would differentiate them from any other POW or hostage.

Ms. SNOWE. I thank the gentleman for his contribution.

Mr. STUDDS. Mr. Chairman, I move to strike the requisite number of words.

(Mr. STUDDS asked and was given permission to revise and extend his remarks.)

Mr. STUDDS. Mr. Chairman, I rise in strong support of this bill.

I do so however, with one reservation. Members should not, having approved this bill, conclude that the challenge of responding to international terrorism has been met. The brick and mortar approach to combating terrorism—which is essentially the approach taken by this bill—is justified; it is needed; but it is not all that we have to do.

Fighting terrorism is not simply a matter of constructing walls between our diplomats and the people of foreign lands. The greater portion of our energies must be directed, instead, toward breaking down the walls of misunderstanding and fear that exist between ourselves and those whose religion, culture, and lifestyle differ dramatically from our own.

We must remember that terrorism is nourished by hate; and hate by ignorance. Those who encourage terrorism are strengthened when—out of complacency, self-satisfaction, or simple laziness—we ignore the needs or fail to acknowledge the legitimate rights of those in other lands.

We ought never for an instant to forget that we live in a world that remains, on the whole, desperately poor. To the majority, the American lifestyle is alien, and American ideals difficult to comprehend; ignorance, in this sense, is a two way street. But because of our wealth, our power, and our pretensions to world leadership, we have a special responsibility to break down the walls that separate the peoples of the world; it is our job to take the initiative in this effort, and it is in our interests, because terrorism will not prosper where hatred and misunderstanding have ceased.

I make this argument in the context of this debate, because I believe we need a reminder from time to time of what our real goals in foreign policy should be. It may be that in recent years we have devoted too much time to the application of ideological litmus tests to foreign groups and leaders; we may have placed too much emphasis on military as opposed to humanitarian and economic aid; we may be trying too hard to remake the world in the image of ourselves; and we may have begun to fear others once again solely because they view the world differently, not because they threaten our interests or our lives.

Our response to terrorism, then, must go beyond the construction of secure embassies, or the convening of international conferences, or the denunciation of violence directed against ourselves or our allies and friends. The legislation we are considering today can supplement, but it cannot render unnecessary, other efforts required to respond both to the symptoms and the causes of international terrorism.

With this reservation in mind, I want to express my admiration for the chairman of the Committee on Foreign Affairs, Mr. FASCELL, for his work in developing this legislation. I would note that title 9 of the bill, dealing with maritime security, was developed with the close cooperation of the Committee on Merchant Marine and Fisheries. That title contains an important provision, section 906, that I offered during committee consideration of the bill.

This section authorized the Secretary of Transportation to take certain actions to improve port security and safety in the United States. A total of \$125 million would be authorized, without fiscal year limitation, primarily for activities to be carried out by the U.S. Coast Guard.

I call special attention to this section because it is one of the provisions that makes a concrete commitment on the part of our country to do something other than simply talk about doing something to defend against terrorist attacks. Too often, the tendency in Washington is to conclude that because we have said something, we have therefore done something. The fact is that if we take the threat of maritime terrorism seriously, we need to do at home what we will be asking others to do overseas; and we have got to come up with the resources needed to get that job done.

And we are not getting that job done today.

The Coast Guard, primarily as a result of Gramm-Rudman, has an operating budget that is \$97 million below the amount originally requested for this year by President Reagan. When added to reductions made in earlier years, the Coast Guard is now operating with 2,000 fewer military and civilian personnel than it had in 1981.

Because of the high priority attached by Congress and the administration to drug law enforcement, a substantial portion of the Coast Guard's remaining resources have been dedicated to that mission. As a result, the Coast Guard's ability to accomplish its other missions—including port security—has been compromised.

I think it is revealing that since 1980, during 5 years in which we have supposedly been building up our defense capabilities, the number of Coast Guard personnel devoted to port safety has declined by 20 percent; the number of routine harbor patrols conducted by the Coast Guard has declined from 226,700 annually to 44,000; the number of waterfront inspections has declined by 50 percent; and the Coast Guard has been unable to meet even a reduced National Security Council standard for boarding vessels from Communist bloc countries entering the United States.

The CHAIRMAN. The time of the gentleman from Massachusetts [Mr. STUDDS] has expired.

(By unanimous consent, Mr. STUDDS was allowed to proceed for 1 additional minute.)

Mr. STUDDS. In response to the hijacking of the *Achille Lauro* last year, the United States appealed to the international community to pay greater attention to port security; but our case is weak. The fact is that when it comes to security, American harbors are the functional equivalent of the Athens airport or the streets of Beirut.

I could describe the rationale for this section of the bill at enormous length, but I suspect Members get the point. Protection against terrorism begins at home; and with respect to coastal matters, the Coast Guard is the first line of defense. I appreciate the support of Members on both sides for this provision of the bill, and I hope—and trust—that this support will carry over into the appropriations process in the months ahead.

Finally, I also want to mention the inclusion of section 508 of the bill. This section reflects an effort on my part to narrow a proposal that was put forward by the administration about a year and a half ago. That proposal was prompted by the so-called Wilson-Terpil case, which caused the Justice Department to conclude that Americans could lawfully provide services of great value to countries seeking people and skills useful in the execution of terrorist acts. The administration's proposal was drafted in an extremely broad fashion, raising a host of questions about who it would affect and how it would be implemented.

The language in H.R. 4151 differs from the administration proposal in that it only applies to services having a direct military, law enforcement, or intelligence application that are provided to governments that have been placed by the Secretary of State on

the list of those actively supporting international terrorism. The Secretary is authorized to impose controls on this narrow category of services if he determines that this will reduce the likelihood that acts of terrorism will be carried out.

I think it is vital that the record of this debate indicate that the language in H.R. 4151 is the broadest that the House of Representatives can support. We will resist any effort in negotiations with the Senate, or in subsequent legislation, to expand the applicability of this language.

Under this section, the Secretary of State is authorized to impose controls on services only if he determines that, in so doing, we will discourage support for international terrorism; our goal is to stop the provision of services that will lead directly to an improved capability on the part of a hostile foreign power to carry out, or to support, acts of terrorism, and not to restrict in any other way the right of American citizens to go about their business as they please.

This language has the merit of speaking to the problem that prompted it—the Wilson-Terpil case—without going beyond it to try to solve problems that have not been demonstrated to exist. I think it is consistent with other actions Congress has taken to limit the export of weapons and so-called dual use items—to countries that are on the terrorist list. We have to recognize, it seems to me, that under some circumstances the provision of services can be at least as damaging as the sale of a truck or a rifle.

In summary, this is an excellent piece of legislation; it is a useful component of what I hope will become a far more comprehensive and balanced response to international terrorism than we have developed so far; it includes a provision of great importance to the domestic security of the United States; and I hope that it will receive favorable action here today and in the other body in the near future.

Mr. MICA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, first I must say that as a member of my subcommittee, I have the greatest respect for the gentleman who has offered the amendment [Mr. McCain]. We have had numerous discussions on this particular amendment. It is for this reason I think Members should listen up, particularly if they are listening back in their offices. There will be a vote on this amendment. We decided to bring this to the floor to make it a judgment of the entire House, because this is a judgment issue.

Simply stated, what we are debating is the amount of money the Iranian hostages or any hostages should get as some types of compensation for each day that they were held. We have had some recommendations from the hostage family group that it be \$100 a day. We had a commission say that it

should be \$12.50 a day. Some have even said less, just a token amount.

The committee recognized very clearly that it is just a matter of discretion. We said, in effect, we will pick the figure that we feel is reasonable, and that is the worldwide per diem rate. In this case, it is \$66 a day for each of the Iranian hostages who were held for 444 days.

The amendment offered by the gentleman from Arizona would take the \$66-a-day figure and reduce it to \$20 a day.

There is no easy way to make this judgment. If the gentleman is correct, it is simply and purely a judgment.

We, the committee, virtually unanimously, with one objection, felt that the worldwide per diem figure of \$66 a day was fair. It is automatically adjusted. It accounts for inflation. We do not have any problems with that. It is a reasonable figure. We also had a recommendation of \$50,000. There was some thought that the President should have some discretion, and the gentleman just received approval from this body that there would be no discretion from the President. I have a letter from the administration indicating that if the President does not have discretion and, rather than the \$50,000, the President would support the per diem.

So, simply stated, we are talking about \$66 a day or \$20 a day, and that is the basic question here.

It is a judgment that the Members have to make. There is no formula, no scientific approach to this question.

Mr. McCain. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. McCain. Mr. Chairman, I would just like to take a couple of minutes to respond to some of the statements that have been made concerning this issue.

First of all, I would like to again express my appreciation to Chairman Mica for his hard work, Ms. Snow and Mrs. Schroeder for the many hours of effort they have devoted to the entire bill.

As Chairman Mica just pointed out, there is a disagreement on numbers here. I think that it is important to refer to the precedent that has been established since 1948.

The first time that compensation was adjudged for men who were held prisoner was after World War II in 1948, again in 1953, and again in 1970. These were updated after each conflict.

Mr. Chairman, I might add that these amounts of money went from \$2 a day or \$60 a month for those held in World War II—I repeat, \$60 a month—up to \$3 a day for the Korean War and \$5 a day for those who were held as POW's in Vietnam. So there has been a precedent, and that was fully taken

into consideration when the President's commission came up with a figure of \$12.50 a day as adequate compensation.

I have raised it to \$20 a day in my amendment, which far exceeds the inflation since then, and my amendment is also tied to the CPI.

I also want to raise again that what is in fairness to others who have been held hostage or prisoner in other wars in some instances, a case could be made they were under less pleasant conditions than those who were held hostage in Iran.

I think that we are trying to compensate Americans who underwent an unbelievable hardship. I believe that they deserve compensation. I hope that the body will consider my amendment as fair compensation for their sacrifices.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona [Mr. McCain].

The question was taken; and on a division (demanded by Mr. McCain) there were—ayes 5, noes 6.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. WALKER

Mr. WALKER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WALKER:

(1) in the section heading, strike out "EFFECTIVE DATE OF ENTITLEMENTS" and insert in lieu thereof "SPECIAL BUDGET ACT RULES FOR ENTITLEMENTS"; and

(2) strike out the period at the end of the section and insert in lieu thereof the following: "and shall be effective for any fiscal year only to the extent or in the amounts provided in appropriation Acts."

In the table of contents in section 2, amend the item relating to section 806 to read as follows:

Sec. 806. Special Budget Act rules for entitlements.

Mr. WALKER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. WALKER. Mr. Chairman, on this matter, we are not raising any issues with regard to decisions that the committee has made beyond the decision made to make the compensation program an entitlement program.

Let me say from the outset that whatever the rationale that might be used in this particular instance for an entitlement program, what we are doing with making that decision is violating the Budget Act and violating the Gramm-Rudman provision. We have said flatly that we shall not enact new entitlement programs on this floor.

Yet, here we are with a bill that does specifically that.

Whatever the merits of the case—whatever the merits of the case—this is purely and simply an end run

around the balanced budget law making in order a balanced budget by 1991.

It seems to me that when you have high budget deficits and you are trying to do something about them, you do not go around creating new entitlement authority. That is what we do here.

□ 1830

What you do is make the money in the bill subject to the regular congressional appropriations process.

All my amendment is, is a vote to keep spending under our control, under congressional control, and not hand it over to an entitlement program.

It just seems to me that if we are going to spend the money, we ought to vote the funds. We have gotten ourselves in a lot of trouble over the years by refusing to understand that basic concept, and that is that if we are going to spend the people's money, we ought to stand up and actually vote the funds.

Many Members of Congress have come to this floor in recent months and they have talked about a pay-as-you-go concept. Well, here it is. Here is the real question: Are we really going to think about things on a pay-as-you-go basis? This amendment of mine is purely and simply a pay-as-you-go amendment. It says that we are going to put in place the authorization program; we are not going to change one word of how the committee has structured that, but we are going to subject any spending to the regular appropriations process.

I think that is reasonable, and I do not see why we cannot at least try it that way for a while.

People have come to this floor today and they have made very valid arguments about the fact that Congress simply has not acted in the past. Yes, that may be true. There was no program authorized in the past that moved us in a particular direction toward helping the hostage victims.

But now we are going to have an authorization program. Why not at least for a little while find out whether or not it would work, using the regular appropriations process? Why, right off the bat, do we have to make it an entitlement? Why, right immediately, do we have to say that we are going to lose control over the spending process ourselves?

It seems to me that the very least we ought to do, given the fact that this particular provision is a violation of the budget bill, given the fact that it violates the Balanced Budget Act, the very least we ought to do out here today is adopt this amendment and try it for a while under the regular appropriations process.

That is what this amendment is all about. It simply says: Do we want a new entitlement program? Or do we want to go through the regular appropriations process?

It seems to me that this is not the time to foist upon the American taxpayer a new entitlement program. It is a time to stick with the regular appropriations process.

I ask for an "aye" vote on the amendment.

Mrs. SCHROEDER. Mr. Chairman, I rise in opposition to the amendment. (Mrs. SCHROEDER asked and was given permission to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Chairman, I think none of us on this House floor want to create new entitlement programs, normally, and especially if we are going to create new entitlement programs for a whole group of class that we can see demographics changing, and all sorts of things.

But I must say, that kind of consistency, if we are going to be so absolutely consistent that we make the mistake of not creating this as an entitlement, I think we should be ashamed, and I mean that, because I think this is a very different kind of situation, when we had hostage after hostage testify that one of the major concerns they had when they were being incarcerated is whether or not their families were being taken care of.

And if we say we are not going to make an entitlement available for that situation because of the Budget Act and because of this and because of that, we are really not treating the people that we are asking to risk their lives and everything else, we are not treating them with any kind of respect, and I think we should hang our heads as public officials.

We know that Americans are real targets, we know that as a super power it bears all sorts of burdens. We know we send people out there that we cannot reimburse adequately, and we are asking them to run all sorts of risks. And when we hear from the ones who ran the risk and were incarcerated that their No. 1 concern was constantly worrying about their families, I cannot believe that we cannot make this an entitlement. This is not a huge entitlement. We do not know that it will ever cost anything. Let us hope that it will never cost anything. But let us be able, as the U.S. Congress, to say to people working for this Government: If something happens to you, we are going to take care of your family, don't worry, it is an entitlement, you do not have to wait and see if Congress gets to it, you do not have to wait and see if they are out of session that year, you do not have to wait to see if something else happens, we have made it an entitlement. And I think that is absolutely bottom line, because we do not give them much of anything else. We are taking their pensions away or we are cutting their pay or we are freezing their COLA or we are cutting this or we are cutting that, and to put them out there and subject them to the risk that every single one of us knows they are subjected to, and to say to them, "We are going to just let

you sit there, and of course you will not get any newspapers once you are incarcerated to know whether we did pass it, and you do not know if we will get around to it," I remind the Members that it has taken 8 years to get this to the floor, since the Iranian hostage situation. To think we would do that I find just shocking.

So certainly I do not want to create any new massive entitlement programs. Let us pray this is an entitlement program that is never used. I do not think any of us ever want this to be used. But, for crying out loud, let us not be so narrow, let us not be so nit-picking, let us not be so really small in our thinking that we say we are going to be pure and we will not create this as an entitlement program, let us realize the tremendous, tremendous comfort this would be to Federal employees all over the world, to know that the Federal Government has finally spoken on this, that if anything should happen, which we certainly hope it does not, that they are protected and they do not have to sit around and worry about that. They have got enough to worry about, and I think it is the least we can do. I will be very much ashamed of this House if this amendment is passed.

Mr. MICA. Mr. Chairman, I move to strike the requisite number of words, and I rise in strong opposition to the amendment.

Mr. Chairman, as far as I am concerned, this amendment guts the whole purpose of this legislation.

What we are talking about are individuals who are taken hostage being able to have some knowledge that their families will be taken care of, and that this will be done automatically. That is the purpose of an entitlement. Can you imagine the situation of an individual, under the terms of this amendment, if it were adopted, saying, "Yes; I have been taken hostage, I am held here in solitary, but under the terms of the amendment offered by the gentleman from Pennsylvania, if the Congress acts some day, my family might be taken care of."

That is not what we want.

The whole idea here was to give some realistic, reliable assurance to families, to friends, to individuals, that if there were a problem they would not have to wait for a future act of Congress. "Is the Congress in recess? Is the Congress debating the tax bill? Is the Congress doing other things? Is the Congress too busy? Are there going to be points of order?" All of this would stand in the way of quick action on behalf of the hostages and their families.

The gentleman makes a good point that we do need to follow appropriate procedures. The gentleman is known as a watchdog on budget and procedure, and I respect him for that role here in the Congress, but I do not think he realizes that there is no new money in this provision. This money is

within the funds already available to the State Department and other agencies. We are dealing with \$1.6 million—not \$1.6 billion, but \$1.6 million—in existing funds already appropriated. \$1.6 million in existing funds for the 52 hostages, and I think there were 1 or 2 others that we are dealing with here. So that is not new money, it is not in violation of Gramm-Rudman or the Budget Act at this point.

If there were new hostages, more funds would be required but they would be taken from existing budgets. But the idea was to give some assurance so that the next group would not sit in solitary, would not sit as hostages under most difficult and trying circumstances and say, "Will it be 6 years before the Congress acts, as it was with the Iranian hostage situation?"

So I understand the concern for the budget process. I understand also the gentleman's desire to abide by technicalities. But if we are looking at technicalities, there is no new money in this legislation for this purpose.

I would be happy to yield, for a moment, to my colleague from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding. I think the gentleman ought to understand a little bit how the bill came to the floor.

This gentleman allowed the bill to come to the floor by unanimous consent under an assurance that there were no things in it which violated the Gramm-Rudman Balanced Budget Act.

The chairman of the committee, in telling me that—I know he said so in all honesty—I do not think he understood that this did in fact violate Gramm-Rudman.

Mr. MICA. If I may reclaim my time, I think we have a basic disagreement. There is no new money in this provision. And, in fact, under the gentleman's provision, if the gentleman's provision passes, it would authorize, a new appropriation or an increase, if you will.

Mr. WALKER. If the gentleman will yield, that of course is not the issue here. What we are attempting to do—

Mr. MICA. Reclaiming my time, the gentleman just indicated that that was the key issue, that we are violating Gramm-Rudman and the Budget Act, and indeed that is not the case.

Mr. WALKER. Well, the gentleman will admit that in bringing the bill to the floor they had to get a waiver of the Budget Act because this provision was in it.

Mr. MICA. The gentleman indicates there was a waiver, but I do not believe it was because there was new money in the bill. This is money that is a part of the appropriation that is already available to the State Department.

Mr. WALKER. If the gentleman will yield, the problem is that you are creating an entitlement program before

you have a budget provision, and that is the problem. This gentleman understood that problem. He brought the amendment to the floor in order to try to correct a problem that you have created with your legislation. If the gentleman does not want any corrections, I understand that.

The CHAIRMAN. The time of the gentleman from Florida [Mr. MICA] has expired.

(By unanimous consent, Mr. MICA was allowed to proceed for 2 additional minutes.)

Mr. MICA. I think the technical point that we are debating is the point that we have just raised here, that there is not new money authorized by this title.

Mr. FASCELL. Mr. Chairman, will the gentleman yield?

Mr. MICA. I yield to the gentleman from Florida.

Mr. FASCELL. I want to just straighten the record out, if I can.

There was no unanimous consent to take this bill to the floor, I will tell the gentleman from Pennsylvania, at his respect to the waiver situation at the time I spoke to the gentleman on the floor last week, I was incorrect about the bill at that time; but all of those problems were corrected, I will tell the gentleman from Pennsylvania, at his insistence. The second point is that, with respect to the waiver that brings this bill to the floor, the only reason a waiver is required is because the budget resolution has not yet been adopted and this bill was granted waiver from the Rules Committee with the approval of the Budget Committee.

Now, all I will say is that the gentleman can pursue his technicality as far as he wants to pursue it, but please do not assert that there is a violation of the law. We have complied with the law; and that is the reason we are here under the kind of rule that we were granted.

Now, you can say you do not want an entitlement program. You can say that you would rather have these funds provided in an appropriation. That is your privilege, and that is the reason your amendment is offered, and I hope it does what you think it does, but I believe that does not achieve your purpose. What it will do is this: It will require new money, whereas if you go under the entitlement program it requires the use of existing funds.

I am just saying what it does. You can still go your way if you want to. You have made your point. I do not understand why it would make any difference. Before this bill becomes a law, the technicality you are concerned about will cease to be a problem because in all likelihood, a budget resolution will be in place before this bill completes the legislative process.

The CHAIRMAN. The time of the gentleman from Florida [Mr. MICA] has expired.

Mr. FASCELL. Mr. Chairman, I move to strike the requisite number of words.

We have not only acquired the waiver which the law permits us to get from the Budget Committee, but I dare say it would be cured before it ever becomes the kind of problem the gentleman is talking about.

Now, let me just for 1 second examine the scope of this thing, aside from the fact that we are talking about the lives of people and that two committees have decided that the very best way to handle that is to write it into law so there is no question about whether or not these people will get the compensation that is written into the law, it becomes an entitlement program and it does not require further acts of Congress except for the allocation of the money.

First of all, we are talking right now today about existing payments that would go to known hostages. Am I correct?

Mr. MICA. The gentleman is correct.

Mr. FASCELL. And that is \$1.6 million; am I correct?

Mr. MICA. Yes.

Mr. FASCELL. But let us examine this question of entitlement, because the gentleman from Pennsylvania, in his zeal to protect the law—I am certainly not derogatory about that, I think that is commendable, and he is known all over the country on cable television as the watchdog of the whole program of the Budget Act. But we are following the Budget Act, Mr. Chairman. We are following the Budget Act.

□ 1845

Now, on the scope of this, we are not talking about Medicare or Medicaid or a large program as the chairperson said, from the Post Office and Civil Service Committee. We are talking about a limited number of people here who are known right now and payments to them, whether it is by appropriation or entitlement, would be \$1.6 million.

What about the future? What does an entitlement program or an appropriation do in the future? Answer: We do not know. There are no hostages out there yet, and I hope there will not be. So I suppose in a very technical sense the gentleman from Pennsylvania could make a point that he would rather have an appropriation rather than an entitlement because nowadays in the context of the whole process the word "entitlement" has become a buzz word.

Once having made that point, it seems to me, and the fact that we have assured him and the people of this country that we have cured all of the technicalities with this, it seems to me that the better part of wisdom right now would be that he has made his point is to withdraw the amendment.

The money is going to be paid one way or the other. The gentleman is

not going to fight the appropriation; I know that. I mean, I know he has got a heart and a soul; I know that. The only thing is, and I am serious about this, I will say to the gentleman from Pennsylvania: You have made your point; we have done our best to cure. You want to turn it around legislatively which is your prerogative and that is the reason this amendment is in order.

I really wish the gentleman would not do that.

Mr. MICA. Mr. Chairman, in conclusion I would just like to say that if this amendment were adopted, it would take an act of Congress to make this entire provision apply to one hostage.

I think that is wrong and I do not think we should put ourselves in that position.

Ms. SNOWE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am opposed to the amendment that has been offered by the gentleman from Pennsylvania. The gentleman does raise a serious concern in this period of fiscal realities; a legitimate concern about creating new entitlements, and I always share that concern with the gentleman.

But there are several reasons why the committee chose this funding mechanism. First, I would like to point out this is a very narrow and limited entitlement that was requested by the administration to fill a very specific and unique purpose.

The Victims of Terrorism Compensation Act would provide compensation, as has been mentioned here during the course of this debate, to American hostages and their families. The Congressional Budget Office has estimated that the cost of this legislation would be \$1.6 million for fiscal year 1986 and fiscal year 1987, which the appropriation would be provided for by the State Department and would not require an additional appropriation.

I would point out that the net effect of the gentleman's amendment would be to negate the effectiveness of lump sum compensation benefits. It would negate the effectiveness of educational and medical benefits. It would negate the certainty and the predictability provided by this legislation in title VIII in the Victims of Terrorism Compensation Act.

There is no way that Congress can predict when a situation will arise and how much appropriation will be required? Even if the situation arose, in all likelihood the Congress would not react quickly. It did not with respect to the Iranian hostages, and I might add at this point that when the Hostage Relief act passed in 1980, a year already had elapsed since those individuals became hostages in Iran. Finally, in all likelihood, Congress would not enact a sufficient appropriation, and then, as a result, we would terminate the benefits prematurely. The

educational benefits and the medical benefits triggered in this legislation would terminate because we did not provide an adequate appropriation.

The thrust of this legislation is to provide some certainty, some assurance, some peace of mind to the hostages and to the hostage family members. If there is anything that we learned from the Iranian crisis, it was this: The hostages thought about their family members first; for their health for their safety and their welfare. If we want to grant them peace of mind in coping with a perilous situation then we provide this in an entitlement form.

If we decide that we are going to create the family benefits contingent upon congressional approval, then there is no way that they will have the assurance of receiving these benefits in a timely fashion.

In the final analysis, the House has to decide whether or not we are willing to provide hostage relief. If we mean what we say, then let us enact effective legislation, but let us not gut the mechanism by which we effectively provide this relief.

That is what we are saying here today, Members of the Committee. I believe we have to consider it very seriously. If the gentleman's amendment passes, we might as well eliminate title VIII. We might as well eliminate the certainty and the assurances that title VIII provides.

I think we have an obligation, a moral obligation as a country, to recognize the hardships that these individuals have faced and have endured.

Finally, one last comment. I think it is tragic that 5 years have elapsed and we have yet to provide compensation to the Iranian hostages. You ask why? Because of the controversy involved in determining the level of compensation. That is why I say to the gentleman from Pennsylvania that we must have this mechanism so that we can ensure the kind of certainty that these people deserve.

Ms. OAKAR. Mr. Chairman, I move to strike the requisite number of words.

(Ms. OAKAR asked and was given permission to revise and extend her remarks.)

Ms. OAKAR. Mr. Chairman, I want to associate myself with the distinguished members of the Foreign Relations Committee, Mr. Mica and Mr. FASCELL and Congresswoman SNOWE and Congresswoman SCHROEDER who have been so forceful in seeing this legislation come to pass. I chaired a subcommittee that heard the legislation as well, for employee compensation benefits.

I want to make one quick point. First of all, I think any Government worker who risks his or her life, and many of them do day in and day out, who was held hostage, is entitled, and I want to underline that, I do not happen to think that is a dirty word, I think it is an important word. They

are entitled to benefits for themselves and their families. Absolutely entitled to that.

I am astounded that anyone would disagree with that. That we would want to have these people held hostage to the whim of one committee or another. If we are creating an entitlement program, it is very, very belated and we should have done it a long time ago.

No. 2 is that this entitlement comes out of existing funds, and the gentleman from Pennsylvania's amendment violates Gramm-Rudman because it does not come out of existing funds. So as ingenious as he sometimes is about these technical issues, his amendment violates Gramm-Rudman.

Our bill does not. I would just simply like to say that all Americans realize that the taking of American hostages is frightening. It is sad, and unfortunately, our Government workers, those workers that we sometimes treat very disparagingly, and our military personnel and their dependents, are very often considered easy prey by political terrorists who seek to influence our foreign policy.

□ 1855

We know and we live through this as Americans day in and day out with the anxiety for our hostages.

Now, if we cannot pass a bill that does not violate the existing law that entitles these individuals who risk their lives, some of whom have already done this, and hopefully this will never happen again, but if it does, we ought to supply the kinds of remuneration and educational benefits, medical and health care, psychological counseling and this interest bearing savings fund that would involve their pay while they are held hostage.

Now, surely we can do that for these courageous people and hopefully we will never have that situation again, but my heavens, I am just astounded by this amendment. It violates Gramm-Rudman. I hope we soundly reject it, because it really guts the essence of the bill.

Mr. Chairman I rise in support of H.R. 4151, the Omnibus Diplomatic Security and Anti-Terrorism Act. The bill has been the subject of hearings by both the Foreign Affairs Committee and my own Subcommittee on Compensation and Employee Benefits of the Post Office and Civil Service Committee. And, while we would like to avoid the issue of terrorism, it is a cold reality in our society. H.R. 4151 would provide needed compensation to those who are victims of terrorism directly, and the family members who are forced to wait and pray for relief.

The taking of American hostages is frightening and sad. Unfortunately, U.S. citizens, Government employees, military personnel, and their dependents are considered easy prey by political terrorists who seek to influence American foreign policy.

While such tactics are repugnant and should be denounced and actively discouraged by every nation, state-sponsored terrorism continues, disrupting peace and stability in the world. Terrorists have resorted to murder and torture to seek political gain. We must do everything within our power, individually and as a nation, to stop such vicious activities. We must also never forget the needs of those who suffer the horrors of terrorism.

The legislation before the House today would expand and improve upon the benefits provided by the Hostage Relief Act of 1980 to Federal civilian and military employees who become victims of hostile action directed against the United States.

Among its many worthwhile provisions, the bill would direct that a hostage's pay be deposited in an interest-bearing savings fund and that captives and their families be compensated for medical and health care, educational benefits, and psychological counseling. Certainly, such benefits should be provided to Government employees who suffer the physical and mental strain of being held hostage, and of facing a violent death at any moment.

Our goal is to permanently end terrorism but, until this goal is achieved, Government employees who are captured and tortured, and the families of those killed, must be properly compensated for their heroism and sacrifice for our country.

Sad as it is to say, certain Government employees perform duties in extremely hazardous conditions and, sometimes, pay the ultimate price to enforce the laws of our Nation. It is time that we exercise our moral responsibility and provide the proper benefits to those civilian and military workers whose lives are placed in jeopardy by international terrorism. One need only recall the sorrow of the families who remain waiting after 1 year to hear from their loved ones being held in Lebanon to realize that the need for H.R. 4151 is eminent.

I urge all my colleagues to vote in support of H.R. 4151.

Mr. WALKER. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

Mr. MICA. Mr. Chairman, the normal procedure is each individual is allowed to speak for one time, is it not?

The CHAIRMAN. By unanimous consent, the gentleman can be recognized for another period of time.

Mr. MICA. Mr. Chairman, I will not object at this time.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. WALKER. Mr. Chairman, I will be brief. I thank the gentleman.

Mr. Chairman, we have heard a lot of arguments out here and I think some of them need to be rebutted just a little bit, because we are hearing a lot of people indicating that this is just a mere technicality and they do not understand why this should be done. The mere technicality we are talking here is deficit reduction and the program we committed ourselves to.

For the gentlewoman to contend that this amendment is a violation of Gramm-Rudman is just wrong. It is the bill that has had to get a waiver from the Rules Committee. My amendment required no waiver. It came out to the floor and it required no waiver. It is perfectly in order to do.

It is just a case once again of the big spenders are at it. We are looking for another reason to spend money without looking at what we are doing.

Ms. OAKAR. Mr. Chairman, will the gentleman yield?

Mr. WALKER. Surely, I yield to the gentlewoman.

Ms. OAKAR. Mr. Chairman, will the gentleman agree that this bill provides for funds that are already existing? Does the gentleman agree to that, yes or no?

Mr. WALKER. This bill evidently does.

Ms. OAKAR. Will the gentleman agree that his amendment does not?

Mr. WALKER. No.

Ms. OAKAR. That it provides for new funding?

Mr. WALKER. My amendment, I would say to the gentlewoman, requires that Congress vote on the money before we spend the money.

Ms. OAKAR. That is for new money, is that not true, not existing money?

Mr. WALKER. No. My amendment provides for no new money at all. My amendment simply says, I will say to the gentlewoman, that around here we ought to vote for the money before we spend the money.

The gentlewoman wants us to start a pattern of spending money without us having to vote on it.

Ms. OAKAR. That is absolutely not true.

Mr. WALKER. That is precisely what has got us in trouble over the years. The chairman of the committee comes out here and tells us that the reason why this is perfectly all right is because they went to the Budget Committee and got a waiver. The Budget Committee around here gives waivers to everyone. That is the reason why we have overspent our own budgets over the last 5 years by \$160 billion, because we constantly get this pattern of the Budget Committee going beyond the Budget Act.

Ms. OAKAR. Mr. Chairman, will the gentleman yield further?

Mr. WALKER. Yes, I am glad to yield to the gentlewoman. Apparently she does not want me to make my statement.

Ms. OAKAR. The gentleman knows and I know and everyone knows that the gentleman's amendment provides for new money and we are dealing in this bill with money already in the budget. The gentleman knows that, and let us not try to fool everyone.

Mr. WALKER. The gentlewoman is absolutely wrong. Here is what my amendment says: "and shall be effective for any fiscal year only to the extent or in the amounts provided in the Appropriation Act."

So what it says is that you have got to vote for the money before you spend the money. There is no money in my amendment whatsoever, none. It simply says that you have got to vote for the money before you spend the money.

Now, that is something we do not like to do around this Congress. We do not like to have to actually stand up and vote for this spending, so this committee has cleverly found a new way to provide for an entitlement program.

Mr. MICA. Mr. Chairman, will the gentleman yield on that point?

Mr. WALKER. Yes, I am glad to yield to the gentleman.

Mr. MICA. Mr. Chairman, I would just say that we can continue to disagree about this. According to the gentleman, there is no new money in his amendment.

Mr. WALKER. No.

Mr. MICA. There is also no new money in this provision, according to the Budget Committee and according to the Rules Committee and according to this committee. There is no new money here.

Mr. WALKER. I have not contended there is any new money, I would say to the gentleman. What I have contended is that we are creating a new entitlement program that does not now exist and that we ought not to be in the process of establishing new entitlement programs. That is the only point this gentleman has made.

It is the gentleman's side that has raised the issue of new money. There is no new money anywhere. It is simply a question of process. Do you have a regular appropriations process or do you have an entitlement process?

I say that you ought to go through the regular appropriations process to spend money. We are told that this is just a small program. Well, \$1.6 million is a lot of money in most families; \$1.6 million is something that most families regard as a lot of money.

I believe they would think we should vote for that before we actually spend the money. That is not what we do.

We have heard about a moral obligation to the country. The moral obligation to this country is to stop piling up debt that we end up putting onto future generations. We do that enough. We are doing it with a new entitlement program here. It is time to say no to entitlement programs. It is time to say pay as you go and do so in

a way that does not entitle the money, but says we are going to regularly appropriate the money.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. WALKER).

The question was taken; and the Chairman announced that the yeas appeared to have it.

RECORDED VOTE

Mr. WALKER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—yeas 144, noes 252, not voting 38, as follows:

(Roll No. 58)

AYES—144

Applegate	Henry	Panetta
Archer	Hillis	Furwell
Armey	Holt	Regula
AuCoin	Hopkins	Ridge
Badham	Hubbard	Roberts
Barnard	Huckaby	Roemer
Bartlett	Hughes	Rogers
Barton	Hunter	Roith
Bateman	Ireland	Rudd
Bentley	Jenkins	Russo
Bilirakis	Jones (OK)	Schaefer
Boland	Kemp	Schneider
Boulter	Kolbe	Schubert
Breaux	Kolter	Sensenbrenner
Brown (CO)	Kramer	Shaw
Broyhill	LaFalce	Shawway
Burton (IN)	Latta	Shuster
Carney	Leahy (TX)	Skeen
Carr	Leahy	Slattery
Chandler	Lewis (CA)	Smith (NE)
Chapple	Lewis (FL)	Smith, Denny
Coats	Lightfoot	(OR)
Cobey	Livingston	Smith, Robert
Coble	Loeffler	(NH)
Combest	Lott	Smith, Robert
Coughlin	Lowery (CA)	(OR)
Daniel	Lujan	Solomon
Dannemeyer	Mack	Spence
Daub	Marlenee	Stenholm
DeLay	Martin (IL)	Strang
DioGuardi	McCain	Stratton
Dreier	McCandless	Stump
Early	McCollum	Sundquist
Eckart (NY)	McDade	Sweeney
English	McEwen	Swindall
Fawell	McGrath	Tamm
Fazio	Meyers	Taylor
Fields	Michel	Traxler
Florio	Miller (OH)	Vander Jagt
Frenzel	Molinar	Vaccaro
Gaydos	Monson	Walker
Gekas	Montgomery	Weaver
Glickman	Moody	Weber
Goodling	Moore	Whitehurst
Green	Moorhead	Whittaker
Gunderson	Morrison (WA)	Wolpe
Hall, Ralph	Myers	Wortley
Hansen	Nelson	Wyte
Hartnett	Packard	Young (FL)

NOES—252

Ackerman	Boxer	Darden
Akaka	Brooks	DeLoach
Anderson	Broomfield	Davis
Andrews	Brown (CA)	de la Garza
Aspin	Bruce	Dellums
Atkins	Bryant	Derrick
Barnes	Burton (CA)	DeWine
Bates	Bustamante	Dickinson
Bedell	Callahan	Dicks
Bellenson	Carper	Dingell
Bennett	Dixon	Donnelly
Bereuter	Chappell	Dorgan (ND)
Berman	Cheney	Dorgan (CA)
Bevill	Clinger	Dowdy
Blaggett	Coelho	Downey
Bliley	Coleman (MO)	Duncan
Boehert	Coleman (TX)	Durbin
Boggs	Conce	Dwyer
Boner (TN)	Conyers	Dymally
Bonior (MI)	Cooper	Dyson
Bonker	Coyne	Eckart (OH)
Borah	Craig	Edwards (CA)
Bosco	Crane	Emerson
Boucher	Crockett	

Erdreich	Lloyd	Rose
Evans (IA)	Long	Roukema
Evans (IL)	Lowry (WA)	Rowland (CT)
Fascell	Luken	Rowland (GA)
Feighan	Lundine	Roybal
Fiedler	Luhrsen	Sabo
Foglietta	MacKay	Saxton
Foley	Manton	Scheuer
Ford (MI)	Markey	Schroeder
Ford (TN)	Martin (NY)	Schuetz
Fowler	Martinez	Schumer
Frank	Matsui	Seiberling
Frost	Mavroules	Sharp
Fuqua	McCurdy	Shelby
Gallo	McHugh	Sikorski
Garcia	McKernan	Siljander
Gejdenson	McKinney	Sisk
Gibbons	McMillan	Skellon
Gilman	Mica	Slaughter
Gowanus	Mikulas	Smith (FL)
Gordon	Miller (CA)	Smith (IA)
Gradison	Miller (WA)	Smith (NJ)
Gray (IL)	Mineta	Snowe
Gray (PA)	Mitchell	Snyder
Gregg	Moakley	Spratt
Guarini	Mollohan	St. Germain
Hall (OH)	Morrison (CT)	Staggers
Hamilton	Mrazek	Stallings
Hammerschmidt	Murphy	Stangeland
Hatcher	Murtha	Stark
Hawkins	Natcher	Stokes
Hefner	Neal	Studds
Hefl	Nelson	Swift
Hendon	Nichols	Tallon
Hertel	Nowak	Tauke
Hiler	Oaker	Thomas (CA)
Horton	Oberstar	Thomas (GA)
Howard	Oby	Torres
Hoyer	Olson	Torricelli
Hutto	Ortiz	Towns
Hyde	Owens	Trafficant
Jacobs	Parris	Udall
Johnson	Pence	Valentine
Jones (NC)	Penny	Vento
Jones (TN)	Pepper	Visclosky
Kanjarok	Perkins	Volkmer
Kaptur	Petri	Watkins
Kasich	Pickles	Waxman
Kastenmeier	Price	Wheat
Kennelly	Quillen	Whitley
Kildee	Rahall	Whitten
Kleczka	Rangel	Wirth
Kostmayer	Ray	Wise
Lagomastino	Reid	Wolf
Lantos	Richardson	Wright
Leach (IA)	Rinaldo	Wyden
Lehman (FL)	Ritter	Yates
Leland	Robinson	Yatron
Levin (MI)	Rodino	Young (AK)
Levine (CA)	Roe	Young (MO)

NOT VOTING—38

Addabbo	Franklin	Oxley
Alexander	Gephardt	Pashayan
Annunzio	Gingrich	Porter
Anthony	Grotherg	Rostenkowski
Byron	Hayes	Savage
Campbell	Jeffords	Solara
Clay	Kindness	Symon
Collins	Lehman (CA)	Walgren
Courter	Lipinski	Weiss
Edgar	Madigan	Williams
Edwards (OK)	Masoli	Wilson
Fish	McCloskey	Zachau
Flippo	O'Brien	

□ 1910

The Clerk announced the following pair:

On this vote:

Mr. Oxley for, with Mr. Annunzio against.

Mr. SILJANDER changed his vote from "aye" to "no."

Messrs. FAZIO, HUGHES, TRAXLER, and APPLEGATE changed their votes from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

□ 1920

The CHAIRMAN. The question is on the amendment in the nature of a substitute, as amended.

The amendment in the nature of a substitute, as amended, was agreed to. The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. TRAXLER) having assumed the chair, Mr. KLECKA, chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4151), to provide for the security of U.S. diplomatic personnel, facilities, and operations, and for other purposes, pursuant to House Resolution 402, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the Committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

Mr. BROOMFIELD. Mr. Speaker, on that, I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 389, nays 7, not voting 38, as follows:

(Roll No. 59)

YEAS—389

Ackerman	Brown (CA)	DeWine
Akaka	Broyhill	Dickinson
Anderson	Bruce	Dicks
Andrews	Bryant	Dingell
Annunzio	Burton (CA)	DioGuardi
Applegate	Burton (IN)	Dixon
Archer	Bustamante	Donnelly
Armey	Byron	Dorgan (ND)
Aspin	Callahan	Dorgan (CA)
Atkins	Carney	Dowdy
AuCoin	Carper	Downey
Badham	Carr	Dreier
Barnard	Chandler	Duncan
Barnes	Chapman	Durbin
Bartlett	Chappell	Dwyer
Barton	Chapple	Dymally
Bateman	Cheney	Dyson
Bates	Clinger	Early
Bedell	Coats	Eckart (OH)
Bellenson	Cobey	Eckart (NY)
Bennett	Coble	Edwards (CA)
Bentley	Coelho	Edwards (OK)
Bereuter	Coleman (MO)	Emerson
Berman	Coleman (TX)	English
Bevill	Combest	Erdreich
Blaggett	Conce	Evans (IA)
Bilirakis	Cooper	Evans (IL)
Bliley	Coughlin	Fascell
Boehert	Coyne	Fawell
Boggs	Craig	Fazio
Boland	Crane	Feighan
Boner (TN)	Crockett	Fiedler
Bonior (MI)	Daniel	Fields
Bonker	Darden	Florio
Borski	Daschle	Foglietta
Bosco	Daub	Foley
Boucher	Davis	Ford (MI)
Boulter	de la Garza	Ford (TN)
Boxer	Dellums	Fowler
Brooks	Derrick	Frank
Broomfield		Frenzel

Prost	Manton	Schroeder
Pugas	Markey	Schuetz
Gallo	Martin (IL)	Schulze
Garcia	Martin (NY)	Schumer
Gejdenson	Martinez	Seiberling
Gekas	Matsui	Sensenbrenner
Gibbons	Mavroules	Sharp
Gillman	McCain	Shaw
Glickman	McCasidles	Sheiby
Gonzales	McCloskey	Shumway
Goodling	McCollum	Shuster
Gordon	McCurdy	Sikorski
Gradison	McDade	Siljander
Gray (IL)	McEwen	Slaisky
Gray (PA)	McGrath	Skeen
Green	McHugh	Skellon
Grogs	McKernan	Slattery
Guarini	McKinney	Slaughter
Gunderson	McMillan	Smith (FL)
Hall (OH)	Meyers	Smith (IA)
Hall, Ralph	Mira	Smith (NE)
Hamilton	Mikulski	Smith (NJ)
Hammerschmidt	Miller (CA)	Smith, Denny
Hansen	Miller (OH)	(OR)
Hartnett	Miller (WA)	Smith, Robert
Hatcher	Mineta	(NH)
Hawkins	Mitchell	Smith, Robert
Hefner	Moakley	(OR)
Hefel	Molinari	Snowe
Hendon	Mollohan	Snyder
Henry	Montgomery	Solomon
Hertel	Moody	Spence
Hiler	Moore	Spratt
Hillis	Moorhead	St Germain
Holt	Morrison (CT)	Staggers
Hopkins	Morrison (WA)	Stallings
Horton	Murphy	Stangeland
Howard	Murtha	Stark
Hoyer	Myers	Stenholm
Hubbard	Natcher	Stokes
Huckaby	Neal	Strang
Hughes	Nelson	Stratton
Hunter	Nichols	Studds
Hutto	Nielson	Stump
Hyde	Nowak	Sundquist
Ireland	Oskar	Sweeney
Jacobs	Oberstar	Swift
Jenkins	Obey	Swindall
Johnson	Olin	Tallon
Jones (NC)	Ortiz	Tauke
Jones (OK)	Packard	Tauzin
Jones (TN)	Panetta	Taylor
Kanjorski	Parris	Thomas (CA)
Kaptur	Prase	Thomas (GA)
Kasich	Penny	Torres
Kastenmeier	Pepper	Torricelli
Kemp	Perkins	Towns
Kenrelly	Petri	Trafficant
Kildee	Pickle	Traxler
Kleczka	Price	Udall
Kolbe	Pursell	Valentine
Kostmayer	Quillen	Vander Jagt
Kramer	Rahall	Vento
LaFalce	Rangel	Viclosky
Lagomarsino	Ray	Volkmer
Lantos	Regula	Vucanovich
Latta	Reid	Walker
Leach (IA)	Richardson	Watkins
Leath (TX)	Ridge	Waxman
Lehman (FL)	Rinaldo	Weaver
Leland	Ritter	Weber
Lent	Roberts	Wheat
Levin (MI)	Robinson	Whitehurst
Levine (CA)	Rodino	Whitley
Lewis (CA)	Roe	Whittaker
Lewis (FL)	Roemer	Whitten
Lightfoot	Rogers	Wirth
Livingson	Rose	Wise
Lloyd	Roth	Wolf
Loeffler	Roukema	Wolpe
Long	Rowland (CT)	Wortley
Lott	Rowland (GA)	Wright
Lowery (CA)	Roybal	Wyden
Lowry (WA)	Rudd	Wyllie
Lujan	Russo	Yates
Luken	Sabo	Yatron
Lundine	Saxton	Young (AK)
Luogren	Schaefer	Young (FL)
Mack	Scheuer	Young (MO)
MacKay	Schneider	

NAYS—7

Brown (CO)
Conyers
Dannemeyer

Gaydos
Kotler
Marienec

Mason

NOT VOTING—38

Addabbo
Alexander

Anthony
Breaux
Campbell
Clay

Collins	Kindness	Porter
Courter	Lehman (CA)	Rostenkowski
Edgar	Lipinski	Savage
Fish	Madigan	Solara
Filippo	Mazzoli	Synar
Franklin	Michel	Walgren
Gephardt	Mrazek	Weiss
Gingrich	O'Brien	Williams
Grothberg	Owens	Wilson
Hayes	Oxley	Zachau
Jeffords	Pashayan	

□ 1940

So the bill was passed.

The result of the vote was announced as above recorded.

The title was amended so as to read: "A bill to provide enhanced diplomatic security and combat international terrorism, and for other purposes."

A motion to reconsider was laid on the table.

APPOINTMENT OF ADDITIONAL CONFEREE ON HOUSE JOINT RESOLUTION 534, URGENT SUPPLEMENTAL APPROPRIATION FOR THE DEPARTMENT OF AGRICULTURE, 1986

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that the Speaker be authorized to appoint an additional conferee on the part of the House at the further conference with the Senate on the joint resolution (H.J. Res. 534) making an urgent supplemental appropriation for the Department of Agriculture for the fiscal year ending September 30, 1986, and for other purposes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi? The Chair hears none and, without objection, appoints the following conferee: Mr. CONTE.

There was no objection.

The SPEAKER pro tempore. The Clerk will notify the Senate of the change in conferee.

CONFERENCE REPORT ON OLDER AMERICANS ACT AMENDMENTS OF 1986

Mr. KILDEE. Mr. Speaker, I call up the conference report on the bill (H.R. 2453) to amend the Older Americans Act of 1965 to increase the amounts authorized to be appropriated for fiscal years 1985, 1986, and 1987 for commodity distribution, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

(For conference report and statement, see proceedings of the House of March 10, 1986.)

The SPEAKER pro tempore. Pursuant to the rule, the conference report is considered as having been read.

The gentleman from Michigan [Mr. KILDEE] will be recognized for 30 minutes and the gentleman from Iowa [Mr. TAUKE] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Michigan [Mr. KILDEE].

Mr. KILDEE. Mr. Speaker, I yield myself such time as I may consume.

(Mr. KILDEE asked and was given permission to revise and extend his remarks.)

Mr. KILDEE. Mr. Speaker, both House and Senate bills addressed a shortfall in the Older Americans Nutrition Program. The House bill passed unanimously on September 24, 1985. The Senate bill passed unanimously on February 5, 1986. Under this program, The Secretary of Agriculture reimburses each State based on the number of congregate and home-delivered meals served under an approved title III plan.

The conference agreement maintains the level of reimbursement at 56.76 cents per meal for 3 years. The agreement also replaces such sums language in the House bill with specific authorization figures which the conferees believe will be adequate to allow reimbursement at this figure.

The conferees also dropped the House provision for a CPI adjustment in the rate of reimbursement for the third year of the bill.

I wish to commend my colleagues on the Republican side, particularly Mr. TAUKE. We have worked closely to make sure that we take care of this human need, while recognizing the fiscal needs of the Federal Government. This is truly a bipartisan agreement, both in the House and in the Senate, and I urge its adoption.

Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. BIAGGI].

Mr. BIAGGI. I thank the gentleman for yielding.

I am just delighted that we have reached this point in the history of this legislation. As the author of the original version of H.R. 2453 we are proud of the fact that we have effected these compromises. But that would not have been possible except for the tireless leadership of the chairman of the Subcommittee on Human Resources, the gentleman from Michigan [Mr. KILDEE] who was a tireless protector of the Older American Nutrition Program.

This bill averts the threatened reduction of some 2 million meals. What it does further, it would authorize \$127 million for fiscal year 1985, \$144 million for 1986 and 1987. In the end it will evoke a nationwide sigh of relief from thousands of dedicated people who are in the business of providing meals for elderly individuals in this program.

As we celebrate the 20th anniversary of the Older Americans Act, we go forward notwithstanding Gramm-Rudman in preserving the level of funding for the Elderly Nutrition Program so critical for the millions of elderly out there who require one meal per day to keep them functioning and nutritionally sound.

Once again I am grateful to the gentleman [Mr. KILDEE] for yielding this

Central Intelligence Agency



Washington, D.C. 20505

60
KD

Mr. James M. Frey
Assistant Director for
Legislative Reference
Office of Management and Budget
Washington, D.C. 20503

Dear Mr. Frey:

I write in response to the requests by the Office of Management and Budget for the comments of the Central Intelligence Agency on: 1) the "Omnibus Diplomatic Security and Anti-Terrorism Act of 1986", as "reported" by the House Foreign Affairs Committee and currently under consideration for possible House floor action within the next few days under suspension of the rules; and, 2) the Administration's floor position thereon.

Please be advised that the Agency is very strongly opposed to the bill in its current form and to the Administration's floor position insofar as that position does not oppose consideration of the measure under suspension of the rules and indicates further that the Administration supports passage with reservations to be dealt with in the Senate.

Let me begin by noting that the Agency has concerns about Sections 504 and 508 of the bill, the sections which deal, respectively, with anti-terrorism coordination mechanisms and restrictions on dealings by United States persons with certain designated terrorist countries. I will not address them here in detail, however, as the Agency's principal objections are to Titles I through IV of the bill, the sections which deal with diplomatic security which I will address as follows.

As you know, the problem of diplomatic security is of great concern to the Agency. Proposed solutions have always raised very sensitive problems which go to the very "heart" of the

Agency: its ability to protect its sources and methods of intelligence, its ability to protect its communications, and its relationship to the Department of State, especially as that relationship is handled overseas. Detailed discussion of these problems cannot be set forth in an unclassified communication. Essentially, the solutions have failed to take into account the very unique environment in which the Agency operates overseas and its need for primacy in dealing with its personnel, equipment, communications and operational oversight in order that it can protect sensitive intelligence sources and methods in that environment. In fact, early legislation on this subject, H.R. 3946, presented a great number of these very problems and, as such, was opposed by the Agency.

It was because of these concerns that the Agency participated, from its inception, in the Administration's effort to fashion a legislative package which effectively dealt with the problem of diplomatic security while, at the same time, avoided intruding upon the Agency's concerns. As you know, after extensive negotiations within the Administration, a carefully drafted package was prepared, with input from all concerned parties, including the Agency. That package adequately protected the interests of the Agency. Upon its transmission to the Congress by the Department of State, this package was introduced by Representatives Mica and Snowe as H.R. 4151. It was the Agency's understanding that the Administration would work to insure that it was this package which was adopted by the Congress.

The "Omnibus Diplomatic Security and Anti-Terrorism Act of 1986" bears a close resemblance not to the Administration proposal but to the original, objectionable H.R. 3946. It fails to take into account several key provisions of the Administration proposal. Further, it contains a number of provisions, most especially Sections 103, 105, 106, 302, 303 and 304 to which the Agency had objected in the early stages of coordination on the Administration package and which, for that reason, had been modified. By failing to include in the bill the modifications for which the Agency had pressed in the Administration proposal and including these objectionable sections, the bill runs directly contrary to the concerns noted above. As such, the bill as currently drafted jeopardizes the Agency's ability to operate overseas with the independence needed to protect its intelligence sources and methods from unauthorized disclosure and its ability to collect intelligence in the future.

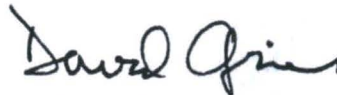
The Agency recognizes the need for legislation on diplomatic security and fully supports the Administration proposal. It cannot, however, support the "Omnibus Diplomatic Security and Anti-Terrorism Act of 1986" in its present form

nor can it support the Administration's accession to consideration of the bill under suspension of the rules, a mechanism which does not allow opportunity for these important considerations to be addressed.

Time constraints do not permit a more detailed discussion of the matter. Agency representatives would be most willing, however, to work with you and other Executive Branch representatives as well as with the Congress to insure that our concerns are adequately addressed in the normal legislative process focused, hopefully, on the Administration proposal. To this end, the Agency appreciates the efforts of the Department of State and others who have indicated they will attempt to have these concerns addressed within the very limited scope for action which remains before the full House takes up the bill. We support their efforts and hope that they come to fruition. Nonetheless, they do not change our underlying objection to the bill or to its consideration under suspension of the rules.

The Agency intends to pursue vigorously its concerns when the Senate takes up this legislation. We will work to insure that the Senate has an opportunity to address our concerns in a meaningful way and that Agency representatives are included in all stages of discussions with the Congress on the legislation.

We appreciate the opportunity to comment on this important piece of legislation.



David D. Gries
Director, Office of Congressional Affairs

cc: ~~F~~en DeGraffenreid, National Security Council
Vince Cannistraro, National Security Council
Lynn Sachs, National Security Council
Mark Johnson, Department of State
Jack Perkins, Department of Justice