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CENTRAL INTELLIGENCE AGENCY



Director of Congressional Affairs

8 July 1986

NOTE FOR: Acting Director of Central
Intelligence

FROM: Dave Gries *DG/KB*

SUBJECT: Diplomatic Security Act

Attached are all the pertinent documents.
Tab A explains the problem. Tab B is language
that will fix the problem. Tab C is a side-by-
side comparison of the House and Senate versions
of the Act. Tab D is a comparison of the Senate
and House legislative reports. [redacted]



At this writing, Senate at staff level has
receded to House language on Section 106(b).
That represents 50% of what we have been trying
to achieve. We are continuing to work on 103(b)
in the expectation that we can introduce
conference language that will meet our concerns.

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JUNE 27, 1986

SIDE-BY-SIDE COMPARISON OF

TITLES I-IV & VIII OF H.R 4151 AS PASSED THE HOUSE
(Omnibus Diplomatic Security and Anti-Terrorism Act of 1986)

AND

TITLES I-IV OF THE SENATE AMENDMENT THERETO
(Diplomatic Security and Antiterrorism Act of 1986)

BOOK I

DIPLOMATIC SECURITY PROGRAM & VICTIMS OF TERRORISM COMPENSATION

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22 103 (b) OVERSIGHT OF POSTS ABROAD.—The Secretary of
23 State shall—

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

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

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

14 SEC. 104. BUREAU OF DIPLOMATIC SECURITY.

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

21 (b) NUMBER OF ASSISTANT SECRETARIES.—The first
22 section of the Act entitled "An Act to strengthen and im-
23 prove the organization and administration of the Department
24 of State, and for other purposes," approved May 26, 1949
1 (22 U.S.C. 2652), is amended by striking out "fourteen" and

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21 the Assistant Secretary for Diplomatic Security. The Assist-
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3 the organization and administration of the Department of
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5 U.S.C. 2652), is amended by striking out "fourteen" and

10 SEC. 106. COOPERATION OF OTHER FEDERAL AGENCIES.

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

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

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8 ly, the Secretary may agree to delegate operational control of
9 overseas security functions of other Federal agencies to the
10 heads of such agencies, subject to the Secretary's authority as
11 set forth in section 103(a). The agency head receiving such
12 delegated authority shall be responsible to the Secretary in
13 the exercise of the delegated operational control.

14 (b) OTHER AGENCIES.—The President shall prescribe
15 such regulations as may be necessary to assure that the im-
16 plementation of titles I through IV does not limit or impair
17 the authority or responsibility of any other Federal, State, or
18 local agency with respect to law enforcement, domestic securi-
19 ty operations, or intelligence activities (as defined in Execu-
20 tive Order 12333).

99TH CONGRESS
2d Session

SENATE

REPORT
99-304

DIPLOMATIC SECURITY AND ANTI-TERRORISM ACT OF 1986

MAY 20 (legislative day, MAY 19), 1986.—Ordered to be printed

Mr. LUGAR, from the Committee on Foreign Relations,
submitted the following

REPORT

[To accompany H.R. 4151]

The Committee on Foreign Relations, to which was referred the bill (H.R. 4151) to provide enhanced diplomatic security and combat international terrorism, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

COMMITTEE ACTION

While reviewing the issue of the security of our overseas diplomatic missions, the Committee on Foreign Relations held four public hearings, one closed hearing, and one mark-up session.

On July 16, 1985, the committee received public testimony from Admiral Bobby R. Inman, Chairman of the Secretary of State's Advisory Commission on Overseas Security, on the findings and recommendations of that panel. On July 17, 1985, Admiral Inman returned to testify in closed session and was joined by Assistant Secretary of State for Administration Robert Lamb.

On January 23, 1986, Senator Lugar introduced, by request, S. 2015, an Administration proposal to improve security for our diplomatic personnel and facilities overseas. The bill was read twice and referred to the Committee on Foreign Relations.

On February 4, 1986, the committee received testimony from Secretary of State George Shultz on behalf of the Administration proposal. Accompanying the Secretary were Ronald I. Spiers, Under Secretary of State for Management, and Mr. Robert Lamb, Director of the Bureau of Diplomatic Security.

On March 19, 1986, H.R. 4151, a House-passed measure that amended the original Administration bill and included additional

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THE OMNIBUS DIPLOMATIC SECURITY
AND ANTI-TERRORISM ACT OF 1986

REPORT

OF THE

COMMITTEE ON FOREIGN AFFAIRS
U.S. HOUSE OF REPRESENTATIVES

together with

CONGRESSIONAL BUDGET OFFICE ESTIMATE

ON

H.R. 4151



MARCH 12, 1986.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

U.S. GOVERNMENT PRINTING OFFICE

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WASHINGTON : 1986

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Section 103—Responsibility of the Secretary of State

Subsection (A) requires the Secretary of State to develop and implement, within the scope of resources available, policies and programs, including funding levels and standards, to provide for the security of U.S. Government operations overseas of a diplomatic nature only and foreign government operations of a diplomatic nature in the United States. Paragraph (1) of this subsection specifies that for purposes of this act the authority and responsibility of the Secretary of State extends to all U.S. Government personnel who are abroad on official duty other than those under the command of a U.S. area military commander. The Secretary of State is equally responsible for the security of dependents of U.S. official personnel abroad. Similarly, under paragraph (2) the Secretary's responsibility extends to the establishment and operation of security functions at all U.S. Government missions abroad.

Paragraph (3) extends the Secretary's responsibility to Department of State facilities in the United States. Paragraph (4) states the Secretary's authority regarding protection of foreign missions, foreign officials and international organizations.

Subsection (b) restates and clarifies responsibilities assigned to the Secretary of State by the President in his letters to Chiefs of Mission of September 23, 1981, and makes explicit the responsibilities implicitly assigned to the Secretary by section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927). Since one of the basic purposes of this legislation is to clarify the chain of command and ensure accountability at U.S. civilian posts abroad by making the Secretary and the Chief of Mission responsible for the direction and management of the Government's civilian overseas security program, it is necessary to restate and make explicit the Secretary's overall responsibility for the management and coordination of overseas post functions.

Otherwise, it would be impossible to hold the Secretary responsible for any part of the Diplomatic Security Program. Thus subsection (b)(2) makes the Secretary responsible for overseeing and determining the level of all official government staffing (other than for activities under the direction of U.S. military area commander). This responsibility is critical to the success of the Diplomatic Security Program to be implemented pursuant to this Act.

Furthermore, this responsibility is also essential in this time of budget constraint. The committee expects the Secretary will use this authority to reduce the size and possibly the number of U.S. missions for reasons of both security and economy as urged on several occasions during the consideration of this legislation.

For purposes of titles I through IV, subsection (c) defines the term "federal agency" as department or agency of the United States.

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For purposes of titles I through IV, subsection (c) defines the term "federal agency" as department or agency of the United States.

Section 106—Cooperation of other Federal agencies

Subsection (a) imposes an obligation on other Federal agencies to cooperate to the maximum extent possible with the Department of State to facilitate the fulfillment of its security responsibilities. To that end, this subsection provides that, such agencies, through agreement, may render assistance, with or without reimbursement, to the Department of State.

Furthermore it is expressly provided that such agencies may provide logistic support, perform security inspections and other overseas security functions as authorized by the Secretary of State. Assistance of this nature would be appropriate in circumstances, for example, involving the facilities of other agencies. In such cases, the legislation authorizes the Secretary of State, if he so chooses, to delegate operational control, subject, however, to the Secretary's overall responsibility.

To ensure the full implementation of titles I-IV of this act, the Department of State and other foreign affairs agencies should work together in security survey teams. The Assistant Secretary of the Bureau for Diplomatic Security shall ensure that any disagreements between foreign affairs agencies, or between a foreign mission and the Department of State are resolved in an expeditious manner, taking into consideration the views and needs of all parties.

Subsection (b) makes clear that nothing in title I through IV of this act shall be construed to limit or impair the authority of any Federal, State or local authority with respect to law enforcement, domestic security operations or intelligence activities.

Section 103 gives the Secretary of State authority to set manning levels at all overseas missions. In the event of a disagreement between the Secretary's authority in Section 103 and subsection (b) of this section, the President shall resolve the matter.

Subsection (c) expedites the process of providing office space for the personnel needed by the Department to carry out its security-related activities, by approving a lease by GSA of necessary space, subject to appropriation.

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Subsection (b) makes clear that nothing in title I through IV of this act shall be construed to limit or impair the authority of any Federal, State or local authority with respect to law enforcement or domestic security operations.

Subsection (c) expedites the process of providing office space for the personnel needed by the Department to carry out its security-related activities, by approving a lease by GSA of up to 250,000 square feet, subject to appropriation.

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