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REPLACES FORM 36-8

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20 March 1986

COMPT 86-398

MEMORANDUM FOR THE DIRECTOR INTELLIGENCE COMMUNITY STAFF

SUBJECT: House Passage of HR 4151, The "Omnibus Diplomatic Security and Anti-Terrorism Act of 1986"

1. As I reported at yesterday morning's Standup, the House voted 389 to 7 late Tuesday night (18 March) to approve the subject legislation, authorizing approximately \$4.4 Billion from FY 1986 to FY 1990 that would implement many of the recommendations made last fall by the Inman Panel.

2. A copy of the debate on the House floor, from the Congressional Record, is attached. The actual Bill language is found at page H1251, but note that further amendments were made to the bill in the pages that follow. The Bill now goes to the Senate where it will be referred to the Foreign Relations Committee.

[Redacted Signature]

Chief, Legislative Liaison, IC Staff

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world. One way to do that is through economic incentives. United States tourists spend millions of U.S. dollars in foreign countries. Thousands 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 Qadhafi and Khomeini 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, AKANA, WATKINS, DURBIN and SMITH of Iowa, Mrs. SMITH of Nebraska, Messrs. MYERS of Indiana, ROGERS, and SKERR.

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 493 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. KLACZKA 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

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(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 AGREEMENTS.—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. 107. PROTECTION OF FOREIGN CONSULATES.

Not later than 3 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 1950 (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. 301. ACCOUNTABILITY REVIEW.

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

SEC. 302. ACCOUNTABILITY REVIEW BOARD.

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

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

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

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

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

SEC. 303. PROCEDURES.

(a) EVIDENCE.—

(1) UNITED STATES GOVERNMENT PERSONNEL AND CONTRACTORS.—

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

- (i) administer oaths and affirmations;
- (ii) require that depositions be given and interrogatories answered; and
- (iii) require the attendance and presentation of testimony and evidence by such individual.

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

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

- (i) employees as defined by section 3106 of title 5, United States Code (including members of the Foreign Service);

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

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is found,

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 re-

quired 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 par-

ticular the protection of classified informa-

tion 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 retained by

intelligence personnel, including standards

for secure storage.

(c) RECORDS.—Records pertaining to ad-

ministrative proceedings under this title

shall be separated from all other records of

the Department of State and shall be main-

tained under appropriate safeguards to pre-

serve confidentiality and classification of in-

formation. Such records shall be prohibited

from disclosure to the public until such time

as a Board completes its work and is dis-

missed. The Department of State shall turn

over to the Director of Central Intelligence

intelligence information and information re-

lating to intelligence personnel which shall

then become records of the Central Intelli-

gence Agency. After that time, only such ex-

ceptions 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. 304. FINDINGS AND RECOMMENDATIONS BY A

BOARD.

(a) FINDINGS.—A Board convened in any

case shall examine the facts and circum-

stances surrounding the serious injury, loss

of life, or significant destruction of property

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as 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 AUTORIZING 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 3 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 onstrated fields of contract tions, th women a

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Any a capital p of State' ty Prog amount shall be funds un ment B: U.S.C. 2' obligatio ance with reprogra

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The D Building system o lomatic c ant to t title. Not of enact submit a report to the Congress on the implementation of this section.

SEC. 404. 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,

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Mr. Lugar

[STAFF DRAFT: May 7, 1986]

PROPOSED SUBSTITUTE AMENDMENT TO H.R. 4151

Viz:

1 Strike out all after the enacting clause and insert in
2 lieu thereof the following:

3 SECTION 1. SHORT TITLE.

4 This Act may be cited as the ``Diplomatic Security and
5 Antiterrorism Act of 1986``.

6 SEC. 2. TABLE OF CONTENTS.

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

Sec. 1. Short title.

Sec. 2. Table of contents.

TITLE I--DIPLOMATIC SECURITY

Sec. 101. Short title.

Sec. 102. Findings and purposes.

Sec. 103. Responsibility of the Secretary of State.

Sec. 104. Bureau of Diplomatic Security.

Sec. 105. Responsibilities of the Assistant Secretary for
Diplomatic Security.

Sec. 106. Cooperation of other Federal agencies.

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

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- 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. Training to improve perimeter security at United States diplomatic missions abroad.
- Sec. 407. Certain protective functions.

TITLE V--STATE DEPARTMENT AUTHORITIES TO COMBAT INTERNATIONAL TERRORISM

- Sec. 501. Rewards for information relating to international narcoterrorism and drug trafficking.
- Sec. 502. Counterterrorism Protection Fund.
- Sec. 503. Authority to control certain terrorism-related services.

TITLE VI--FASCELL FELLOWSHIP PROGRAM

- Sec. 601. Short title.
- Sec. 602. Fellowship program for temporary service at United States missions in the Soviet Union and Eastern Europe.
- Sec. 603. Fellowship Board.
- Sec. 604. Fellowships.
- Sec. 605. Secretary of State.

TITLE VII--MISCELLANEOUS PROVISIONS

- Sec. 701. Negotiations to make international terrorism a universal crime.

1 TITLE I--DIPLOMATIC SECURITY

2 SEC. 101. SHORT TITLE.

3 Titles I through IV of this Act may be cited as the
4 ``Diplomatic Security Act``.

5 SEC. 102. FINDINGS AND PURPOSES.

6 (a) Findings.--The Congress finds and declares that--

7 (1) the United States has a crucial stake in the
8 presence of United States Government personnel

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1 representing United States interests abroad;

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

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

12 (b) Purposes.--The purposes of titles I through IV are--

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

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

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

25 (4) to promote strengthened security measures and to

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1 provide for the accountability of United States
2 Government personnel with security-related
3 responsibilities; and

4 (5) to provide authorization of appropriations for
5 the Department of State to carry out its responsibilities
6 in the area of security and counterterrorism, and in
7 particular to finance the acquisition and improvements of
8 United States Government missions abroad, including real
9 property, buildings, facilities, and communications,
10 information, and security systems.

11 SEC. 103. RESPONSIBILITY OF THE SECRETARY OF STATE.

12 (a) Security Functions.--The Secretary of State shall
13 develop and implement (in consultation with the heads of
14 other Federal agencies having personnel or missions abroad
15 where appropriate and within the scope of the resources made
16 available) policies and programs, including funding levels
17 and standards, to provide for the security of United States
18 Government operations of a diplomatic nature and foreign
19 government operations of a diplomatic nature in the United
20 States. Such policies and programs shall include--

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

25 (2) establishment and operation of security functions

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1 at all United States Government missions abroad (other
2 than facilities or installations subject to the control
3 of a United States area military commander);

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

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

10 (b) Oversight of Posts Abroad.--The Secretary of State
11 shall--

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

AT THE DIRECTION OF THE SECRETARY SHALL

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

24 (c) Federal Agency.--As used in this title and title III,
25 the term "Federal agency" includes any department or agency

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1 of the United States Government.

2 SEC. 104. BUREAU OF DIPLOMATIC SECURITY.

3 (a) The Bureau.--There shall be a Bureau of Diplomatic
4 Security in the Department of State, to be headed by the
5 Assistant Secretary for Diplomatic Security. The Assistant
6 Secretary shall be responsible for carrying out the functions
7 and duties set forth in section 105 and such additional
8 functions as may be directed by the Secretary of State.

9 (b) Number of Assistant Secretaries.--The first section
10 of the Act entitled ``An Act to strengthen and improve the
11 organization and administration of the Department of State,
12 and for other purposes,`` approved May 26, 1949 (22 U.S.C.
13 2652), is amended by striking out ``fourteen`` and inserting
14 in lieu thereof ``fifteen``.

15 (c) Positions at Level IV of the Executive Schedule.--
16 Section 5315 of title 5, United States Code, is amended by
17 striking out ``(14)`` following ``Assistant Secretaries of
18 State`` and inserting in lieu thereof ``(15)``.

19 (d) Compliance with Budget Act.--New spending authority
20 (within the meaning of section 401(c)(2)(C) of the
21 Congressional Budget and Impoundment Control Act of 1974)
22 provided by the amendment made by subsection (c) of this
23 section shall be effective for any fiscal year only to the
24 extent or in such amounts as provided in appropriations Acts.

25 SEC. 105. RESPONSIBILITIES OF THE ASSISTANT SECRETARY FOR

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1 DIPLOMATIC SECURITY.

2 The Assistant Secretary for Diplomatic Security shall be
3 responsible for such activities related to diplomatic
4 security as the Secretary of State shall designate.

5 SEC. 106. COOPERATION OF OTHER FEDERAL AGENCIES.

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

22 (b) Other Agencies.--The President shall prescribe such
23 regulations as may be necessary to assure that the
24 implementation of titles I through IV ^{CIA} ~~does~~ not limit or
25 impair the authority or responsibility of any other Federal,

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1 State, or local agency with respect to law enforcement,
2 domestic security operations, or intelligence activities (as
3 defined in Executive Order 12333).

4 (c) Certain Lease Arrangements.--The Administrator of
5 General Services is authorized to lease (to such extent or in
6 such amounts as are provided in appropriation Acts) such
7 amount of space in the United States as may be necessary for
8 the Department of State to accommodate the personnel required
9 to carry out this title. The Department of State shall pay
10 for such space at the rate established by the Administrator
11 of General Services for space and related services.

12 TITLE II--DIPLOMATIC SECURITY SERVICE

13 SEC. 201. ESTABLISHMENT OF DIPLOMATIC SECURITY SERVICE.

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

18 SEC. 202. DIRECTOR OF DIPLOMATIC SECURITY SERVICE.

19 The Diplomatic Security Service shall be headed by a
20 Director designated by the Secretary of State from among
21 individuals having a demonstrated ability in the area of
22 security, law enforcement, management, or public
23 administration. The Director shall act under the supervision
24 and direction of the Assistant Secretary for Diplomatic
25 Security.

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1 SEC. 203. POSITIONS IN THE DIPLOMATIC SECURITY SERVICE.

2 Positions in the Diplomatic Security Service shall be
3 filled in accordance with the provisions of the Foreign
4 Service Act of 1980 (22 U.S.C. 3901 et seq.) and title 5,
5 United States Code. In filling such positions, the Secretary
6 of State shall actively recruit women and members of minority
7 groups. The Secretary of State shall prescribe the
8 qualifications required for assignment or appointment to such
9 positions. In the case of positions designated for special
10 agents, the qualifications may include minimum and maximum
11 entry age restrictions and other physical standards and shall
12 incorporate such standards as may be required by law in order
13 to perform security functions, to bear arms, and to exercise
14 investigatory, warrant, arrest, and such other authorities as
15 are available by law to special agents of the Department of
16 State and the Foreign Service.

17 TITLE III--PERFORMANCE AND ACCOUNTABILITY

18 SEC. 301. ACCOUNTABILITY REVIEW.

19 In any case of serious injury, loss of life, or
20 significant destruction of property at or related to a United
21 States Government mission abroad which is covered by the
22 provisions of titles I through IV (other than a facility or
23 installation subject to the control of a United States area
24 military commander), the Secretary of State shall convene an
25 Accountability Review Board (hereafter in this title referred

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1 to as the ``Board``). The Secretary shall not convene a Board
2 where the Secretary determines that a case clearly involves
3 only causes unrelated to security.

4 SEC. 302. ACCOUNTABILITY REVIEW BOARD.

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

16 (b) Facilities, Services, Supplies, and Staff.--

17 (1) Supplied by department of state.--A Board shall
18 obtain facilities, services, and supplies through the
19 Department of State. All expenses of the Board, including
20 necessary costs of travel, shall be paid by the
21 Department of State. Travel expenses authorized under
22 this paragraph shall be paid in accordance with
23 subchapter I of chapter 57 of title 5, United States
24 Code, or other applicable law.

25 (2) Detail.--At the request of a Board, employees of

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1 the Department of State or other Federal agencies,
2 members of the Foreign Service, or members of the
3 uniformed services may be temporarily assigned, with or
4 without reimbursement, to assist the Board. Upon request,
5 the Inspector General of the Department of State and the
6 Foreign Service may provide assistance to the Board.

7 (3) Experts and consultants.--A Board may employ and
8 compensate (in accordance with section 3109 of title 5,
9 United States Code) such experts and consultants as the
10 Board considers necessary to carry out its functions.
11 Experts and consultants so employed shall be responsible
12 solely to the Board.

13 SEC. 303. PROCEDURES.

14 (a) Evidence.--

15 (1) United States Government personnel and
16 contractors.--

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

19 (i) administer oaths and affirmations;

20 (ii) require that depositions be given and
21 interrogatories answered; and

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

24 Failure of any such individual to comply with a
25 request of the Board shall be grounds for

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1 disciplinary action by the head of the Federal agency
2 in which such individual is employed or serves, or in
3 the case of a contractor, debarment.

4 (B) The individuals referred to in subparagraph
5 (A) are--

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

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

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

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

18 (2) Other Persons.--With respect to a person who is
19 not described in paragraph (1)(B), a Board may administer
20 oaths and affirmations and require that depositions be
21 given and interrogatories answered.

22 (3) Subpoenas.--(A) The Board may issue a subpoena
23 for the attendance and testimony of any person (other
24 than a person described in clause (i), (ii), or (iii) of
25 paragraph (1)(B)) and the production of documentary or

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1 other evidence from any such person if the Board finds
2 that such a subpoena is necessary in the interests of
3 justice for the development of relevant evidence.

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

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

16 (b) Confidentiality.--A Board shall adopt for
17 administrative proceedings under this title such procedures
18 with respect to confidentiality as may be deemed necessary,
19 including procedures relating to the conduct of closed
20 proceedings or the submission and use of evidence in camera,
21 to ensure in particular the protection of classified
22 information relating to national defense, foreign policy, or
23 intelligence matters. The Director of Central Intelligence
24 shall establish the level of protection required for
25 intelligence information and for information relating to

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1 intelligence personnel, including standards for secure
2 storage.

3 (c) Records.--

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

20 (2) Use as evidence.--No part of any record
21 pertaining to administrative proceedings under this title
22 may be admitted as evidence or used in any suit or action
23 for damages growing out of any matter mentioned in such
24 record.

25 (d) Status of Boards.--The provisions of the Federal

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1 Advisory Committee Act (5 U.S.C. App. 1 et seq.) and section
2 552b of title 5 of the United States Code (relating to open
3 meetings) shall not apply to any Board.

4 SEC. 304. FINDINGS AND RECOMMENDATIONS BY A BOARD.

5 (a) Findings.--A Board convened in any case shall examine
6 the facts and circumstances surrounding the serious injury,
7 loss of life, or significant destruction of property at or
8 related to a United States Government mission abroad and
9 shall make written findings determining--

10 (1) whether there are reasonable grounds to believe
11 that the injury, loss of life, or destruction of property
12 with respect to which the Board was convened was
13 security-related; and

14 (2) whether there is reasonable cause to believe that
15 a breach of duty by an individual described in section
16 303(a)(1)(B) contributed to such injury, loss of life, or
17 destruction of property.

18 In making its findings, the Board shall take into account
19 such standards of conduct, statutes, rules, regulations,
20 instructions and other sources as may have been pertinent to
21 the performance of work and official duties.

22 (b) Program Recommendations.--The Board shall make
23 recommendations to the Secretary of State as appropriate to
24 improve the efficiency, economy, suitability, or security of
25 any program or operation which the Board has reviewed,

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1 particularly recommendations to promote security awareness
2 and individual accountability for security programs.

3 (c) Disciplinary Proceedings.--

4 (1) Notice.--Whenever a Board finds reasonable cause
5 to believe than an individual has breached a duty under
6 subsection (a)(2), the Board shall promptly notify the
7 individual concerned. The Board at the same time shall
8 notify the head of the appropriate Federal agency or
9 instrumentality of such finding and recommend that such
10 agency or instrumentality initiate an appropriate
11 investigatory or disciplinary proceeding.

12 (2) Record.--Whenever notice of a finding under
13 paragraph (1) is made, the Board shall transmit to the
14 head of the appropriate Federal agency or instrumentality
15 a certified copy of the record of the pertinent
16 administrative proceeding undertaken by the Board under
17 this title, which shall be part of the official record
18 for all purposes of any disciplinary action against the
19 individual concerned.

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20 (d) Reports.--

21 (1) Program recommendations.--In any case in which a
22 Board transmits recommendations to the Secretary of State
23 under subsection (b), the Secretary shall, not later than
24 90 days after the receipt of such recommendations, submit
25 a report to the Congress on each such recommendation and

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1 the action taken with respect to that recommendation.

2 (2) Personnel recommendations.--In any case in which
3 a Board transmits a finding of reasonable cause under
4 subsection (c), the head of the Federal agency or
5 instrumentality receiving the information shall review
6 the evidence and recommendations and shall, not later
7 than 30 days after the receipt of that finding, transmit
8 to the Congress a report specifying--

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

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

16 SEC. 305. RELATION TO OTHER PROCEEDINGS.

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

23 TITLE IV--DIPLOMATIC SECURITY PROGRAM

24 SEC. 401. AUTHORIZATION.

25 (a) Diplomatic Security Program.--In addition to amounts

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1 otherwise available for such purposes, there are authorized
2 to be appropriated for the Department of State under the
3 heading "Administration of Foreign Affairs" for "Salaries
4 and Expenses", "Acquisition and Maintenance of Buildings
5 Abroad", and "Counterterrorism Research and Development",
6 \$ _____ for the fiscal year 1986 and \$ _____ for the
7 fiscal year 1987 for diplomatic security construction,
8 acquisition, and operations pursuant to the Department of
9 State's Supplemental Diplomatic Security Program, as
10 justified to the Congress for the respective fiscal year.

11 (b) Reprogramming Treatment.--Amounts made available for
12 capital projects pursuant to the program described in
13 subsection (a) shall be treated as a reprogramming of funds
14 under section 34 of the State Department Basic Authorities
15 Act of 1956 (22 U.S.C. 2706) and shall not be available for
16 obligation or expenditure except in compliance with the
17 procedures applicable to such reprogramming.

18 (c) Security Requirements of Other Foreign Affairs
19 Agencies.--Based solely on security requirements and within
20 the total amount of funds available for security, the
21 Secretary of State shall ensure that an equitable level of
22 funding is provided for the security requirements of other
23 foreign affairs agencies.

24 (d) Insufficiency of Funds.--In the event that sufficient
25 funds are not available in any fiscal year for all of the

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1 diplomatic security construction, acquisition, and operations
2 pursuant to the Department of State's Supplemental Diplomatic
3 Security Program, as justified to the Congress for such
4 fiscal year, the Secretary of State shall report to the
5 Congress the effect that the insufficiency of funds will have
6 with respect to the Department of State and each of the other
7 foreign affairs agencies.

8 SEC. 402. DIPLOMATIC CONSTRUCTION PROGRAM.

9 (a) Preference for United States Contractors.--

10 Notwithstanding section 11 of the Foreign Service Buildings
11 Act, 1926, and where adequate competition exists, only United
12 States persons and qualified United States joint venture
13 persons may bid on a diplomatic construction or design
14 project, for which funds are authorized to be appropriated by
15 this title, which has an estimated total project value
16 exceeding \$5,000,000.

17 (b) Exception.--Subsection (a) shall not apply with
18 respect to any project in a foreign country ^(the) whose laws, and ^{of which}
19 ~~policies~~ prohibit the use of United States contractors on ^{or policies}
20 United States diplomatic construction projects ^{beginning on a}
21 ~~date which is~~ 30 days after the Secretary of State certified ^{only}
22 to the Congress that he had [§] urged such foreign country to ^{become}
23 permit the use of ^{U.S.} ~~such~~ contractors on such projects. ^{effective}

24 (c) Definitions.--For the purposes of this section--

25 (1) the term "adequate competition" means with

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1 respect to a construction project, the presence of two or
2 more qualified bidders who are (A) United States persons
3 or are qualified United States joint venture persons and
4 (B) who are submitting responsive bids for that project;

5 (2) the term "United States person" means a person
6 which--

7 (A) is incorporated or legally organized under
8 the laws of the United States, including State, the
9 District of Columbia, and local laws; and

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

12 (C) has been incorporated or legally organized in
13 the United States for more than 5 years before the
14 issuance date of the invitation for bids or request
15 for proposals with respect to a construction project;
16 and

17 (D) has performed administrative and technical,
18 professional, or construction services similar in
19 complexity, type of construction, and value to the
20 project being bid; and

21 (E) has achieved total business volume equal to
22 or greater than the value of the project being bid in
23 3 years of the 5-year period before the date
24 specified in subparagraph (C); and

25 (F) employs United States nationals in more than

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1 half of its permanent, full-time positions in the
2 United States, including management positions, and
3 will employ United States nationals in 80 percent of
4 the supervisory positions on the foreign buildings
5 office project site; and

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

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

13 (d) American Minority Contractors.--Not less than 10
14 percent of the amount appropriated pursuant to section 401(a)
15 for diplomatic construction projects each fiscal year shall
16 be allocated to the extent practicable for contracts with
17 American minority contractors.

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

20 In carrying out the diplomatic construction program
21 referred to in section 401(a), the Secretary of State shall
22 employ as professional staff (by appointment, contract, or
23 otherwise) only those persons with a demonstrated specialized
24 background in the fields of construction, construction law,
25 or contract management. In filling such positions, the

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1 Secretary shall actively recruit women and members of
2 minority groups.

3 SEC. 404. COST OVERRUNS.

4 Any amount required to complete any capital project
5 described in the Department of State's Supplemental
6 Diplomatic Security Program, as justified to the Congress for
7 the respective fiscal year, which is in excess of the amount
8 made available for that project shall be treated as a
9 reprogramming of funds under section 34 of the State
10 Department Basic Authorities Act of 1956 (22 U.S.C. 2706) and
11 shall not be available for obligation or expenditure except
12 in compliance with the procedures applicable to such
13 reprogrammings.



14 SEC. 405. EFFICIENCY IN CONTRACTING.

15 (a) Bonuses and Penalties.--The Director of the Office of
16 Foreign Buildings shall provide for a contract system of
17 bonuses and penalties for the diplomatic construction program
18 funded pursuant to the authorizations of appropriations
19 provided in this title. Not later than 3 months after the
20 date of enactment of this Act, the Director shall submit a
21 report to the Congress on the implementation of this section.

22 (b) Surety Bonds and Guarantees.--The Director of the
23 Office of Foreign Buildings shall require each contactor
24 performing work under the diplomatic construction program to
25 post a surety bond or guarantee, in such amount as the

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1 Director may determine, to assure compliance with the
2 provisions of this Act.

3 (c) Disqualification of Contractors.--No person doing
4 business with Libya may be eligible for a contract under this
5 Act.

6 SEC. 406. TRAINING TO IMPROVE PERIMETER SECURITY AT UNITED
7 STATES DIPLOMATIC MISSIONS ABROAD.

8 It is the sense of Congress that the President should use
9 the authority under chapter 8 of title II of the Foreign
10 Assistance Act of 1961 (relating to antiterrorism assistance)
11 to improve perimeter security of United States diplomatic
12 missions abroad.

13 SEC. 407. CERTAIN PROTECTIVE FUNCTIONS.

14 Section 208(a) of title 3, United States Code, is amended
15 by adding at the end thereof the following: ``In carrying out
16 any duty under section 202(7), the Secretary of State is
17 authorized to utilize any authority available to the
18 Secretary under title II of the State Department Basic
19 Authorities Act of 1956.'`.

20 TITLE V--STATE DEPARTMENT AUTHORITIES TO COMBAT
21 INTERNATIONAL TERRORISM

22 SEC. 501. REWARDS FOR INFORMATION RELATING TO INTERNATIONAL
23 NARCOTERRORISM AND DRUG TRAFFICKING.

24 (a) Authority of the Secretary of State.--Section 36(a)
25 of the State Department Basic Authorities Act of 1956 (22

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

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

4 ``(1) International terrorism.--Information leading
5 to--

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

10 ``(B) the prevention, frustration, or favorable
11 resolution of an act of international terrorism;
12 if the act of international terrorism is against a United
13 States person or United States property and is primarily
14 outside the territorial jurisdiction of the United
15 States.

16 ``(2) International narcoterrorism and drug
17 trafficking.--Information leading to--

18 ``(A) the arrest or conviction in any country of
19 any individual for committing primarily outside the
20 territorial jurisdiction of the United States, or for
21 conspiring or attempting to commit primarily outside
22 the territorial jurisdiction of the United States, a
23 narcotics-related offense, if that offense involves
24 or is a significant part of conduct that involves--

25 ``(i) a violation of United States drug laws

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1 which occurs primarily outside the territorial
2 jurisdiction of the United States and which is
3 such that the individual is a class I violator
4 under the Domestic Drug Violator Classification
5 Standards and Criteria established by the Drug
6 Enforcement Administration; or

7 "(ii) the killing or kidnapping outside the
8 territorial jurisdiction of the United States
9 of--

10 "(I) any officer, employee, or contract
11 employee of the United States Government
12 while that individual is engaged in official
13 duties, or on account of that individual's
14 official duties, in connection with the
15 enforcement of United States drug laws or the
16 implementation of United States drug control
17 objectives, or

18 "(II) a member of the immediate family
19 of any such individual on account of that
20 individual's duties in connection with the
21 enforcement of United States drug laws or the
22 implementation of United States drug control
23 objectives; or

24 "(B) the prevention or frustration of an act
25 described in subparagraph (A)."

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1 (b) Consultation with the Attorney General.--Section
2 36(c) of such Act is amended to read as follows:

3 `` (c) The Secretary of State shall advise and consult
4 with the Attorney General before paying any reward under this
5 section--

6 `` (1) in a matter over which there is Federal
7 criminal jurisdiction; or

8 `` (2) for any information described in subsection
9 (a)(2).''.

10 (c) Funding for Rewards.--Section 36(f) of such Act is
11 amended by striking out the period at the end of the first
12 sentence and inserting in lieu thereof the following: `` , up
13 to \$2,000,000 of which may be used for rewards for
14 information described in subsection (a)(2). In addition to
15 the amount authorized by the preceding sentence, there are
16 authorized to be appropriated \$10,000,000 for fiscal year
17 1987 for 'Administration of Foreign Affairs' for use in
18 paying rewards under this section, up to \$5,000,000 of which
19 may be used for rewards for information described in
20 subsection (a)(2).''.

21 (d) Reports on Rewards; Definitions.--Section 36 of such
22 Act is amended by adding at the end thereof the following new
23 subsections:

24 `` (g) Not later than 30 days after paying any reward
25 under this section, the Secretary of State shall submit a

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

8 ``(h) As used in this section--

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

14 ``(2) the term 'member of the immediate family'
15 includes--

16 ``(A) a spouse, parent, brother, sister, or child
17 of the individual;

18 ``(B) a person to whom the individual stands in
19 loco parentis; and

20 ``(C) any other person living in the individual's
21 household and related to the individual by blood or
22 marriage.''.
23

24 SEC. 502. COUNTERTERFORISM PROTECTION FUND.

25 The State Department Basic Authorities Act of 1956 is
amended--

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

2 (2) by inserting after section 38 (22 U.S.C. 2710)

3 the following new section:

4 ``SEC. 39. COUNTERTERRORISM PROTECTION FUND.

5 ``(a) Authority.--The Secretary of State may reimburse
6 domestic and foreign persons, agencies, or governments for
7 the protection of judges or other persons who provide
8 assistance or information relating to terrorist incidents
9 primarily outside the territorial jurisdiction of the United
10 States. Before making a payment under this section in a
11 matter over which there is Federal criminal jurisdiction, the
12 Secretary shall advise and consult with the Attorney General.

13 ``(b) Authorization of Appropriations.--There are
14 authorized to be appropriated to the Secretary of State for
15 'Administration of Foreign Affairs' \$1,000,000 for fiscal
16 year 1986 and \$1,000,000 for fiscal year 1987 for use in
17 reimbursing persons, agencies, or governments under this
18 section.

19 ``(c) Designation of Fund.--Amounts made available under
20 this section may be referred to as the 'Counterterrorism
21 Protection Fund'.''.

22 SEC. 503. AUTHORITY TO CONTROL CERTAIN TERRORISM-RELATED
23 SERVICES.

24 The State Department Basic Authorities Act of 1956 is
25 amended--

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1 (1) by redesignating section 40 (as so redesignated
2 by section 502 of this Act) as section 41; and

3 (2) by inserting after section 39 (as added by
4 section 502 of this Act) the following new section:

5 ``SEC. 40. AUTHORITY TO CONTROL CERTAIN TERRORISM-RELATED
6 SERVICES.

7 ``(a) Authority.--The Secretary of State may, by
8 regulation, impose controls on the provision of the services
9 described in subsection (b) if the Secretary determines that
10 provision of such services would aid and abet international
11 terrorism.

12 ``(b) Services Subject to Control.--The services subject
13 to control under subsection (a) are the following:

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

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

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

23 ``(c) Persons Subject of Controls.--These services may be
24 controlled under subsection (a) when they are provided within
25 the United States by any individual or entity and when they

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1 are provided anywhere in the world by a United States person.

2 `` (d) Licenses.--In carrying out subsection (a), the
3 President may require licenses, which may be revoked,
4 suspended, or amended, without prior notice, whenever such
5 action is deemed to be advisable.

6 `` (e) Definitions.--

7 `` (1) Designated foreign government.--As used in this
8 section, the term 'designated foreign government' means a
9 foreign government that the Secretary of State has
10 determined, for purposes of section 6(j)(1) of the Export
11 Administration Act of 1979, engages in or provides
12 support for international terrorism.

13 `` (2) Security forces.--As used in this section, the
14 term 'security forces' means any military or paramilitary
15 forces, any police or other law enforcement agency, and
16 any intelligence agency of a foreign government.

17 `` (3) United States.--As used in this section, the
18 term 'United States' includes any State, the District of
19 Columbia, the Commonwealth of Puerto Rico, the
20 Commonwealth of the Northern Mariana Islands, and any
21 territory or possession of the United States.

22 `` (4) United States person.--As used in this section,
23 the term 'United States person' means any United States
24 national, any permanent resident alien, and any sole
25 proprietorship, partnership, company, association, or

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1 corporation organized under the laws of or having its
2 principal place of business within the United States.

3 `` (f) Violations.--Whoever willfully violates any
4 regulation issued under this section shall be fined not more
5 than \$100,000 or five times the total compensation received
6 for the conduct which constitutes the violation, whichever is
7 greater, or imprisoned for not more than ten years, or both,
8 for each such offense.

9 `` (g) Congressional Oversight.--

10 `` (1) Review of regulations.--Not less than 30 days
11 before issuing any regulations under this section
12 (including any amendments thereto), the President shall
13 transmit the proposed regulations to the Congress.

14 `` (2) Reports.--Not less than once every six months,
15 the President shall report to the Congress concerning the
16 number and character of licenses granted and denied
17 during the previous reporting period, and such other
18 information as the President may find to be relevant to
19 the accomplishment of the objectives of this section.

20 `` (h) Relationship to Other Laws.--The authority granted
21 by this section is in addition to the authorities granted by
22 any other provision of law.''.
23

TITLE VI--FASCELL FELLOWSHIP PROGRAM

24 SEC. 601. SHORT TITLE.

25 This title may be cited as the ``Fascell Fellowship

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1 Act''.

2 SEC. 602. FELLOWSHIP PROGRAM FOR TEMPORARY SERVICE AT UNITED
3 STATES MISSIONS IN THE SOVIET UNION AND EASTERN
4 EUROPE.

5 (a) Establishment.--There is established a fellowship
6 program pursuant to which the Secretary of State will provide
7 fellowships to United States citizens while they serve, for a
8 period of between one and two years, in positions formerly
9 held by foreign national employees at United States
10 diplomatic or consular missions in the Soviet Union or
11 Eastern European countries.

12 (b) Designation of Fellowships.--Fellowships under this
13 title shall be known as ``Fascell Fellowships''.

14 (c) Purpose of the Fellowships.--Fellowships under this
15 title shall be provided in order to allow the recipient
16 (hereafter in this title referred to as a ``Fellow'') to
17 serve on a short-term basis at a United States diplomatic or
18 consular mission in the Soviet Union or an Eastern European
19 country in order to obtain first hand exposure to that
20 country, including (as appropriate) independent study in
21 Soviet or Eastern European area studies or languages.

22 (d) Individuals Who May Receive a Fellowship.--To receive
23 a fellowship under this title, an individual must be a United
24 States citizen who is an undergraduate or graduate student, a
25 teacher, scholar, or other academic, or an other individual,

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1 who has expertise in Soviet or Eastern European area studies
2 or languages and who has a working knowledge of the principal
3 language of the country in which he or she would serve.

4 (e) Women and Members of Minority Groups.--In carrying
5 out this section, the Secretary of State shall actively
6 recruit women and members of minority groups.

7 SEC. 603. FELLOWSHIP BOARD.

8 (a) Establishment and Function.--There is established a
9 Fellowship Board (hereafter in this title referred to as the
10 "Board"), which shall select the individuals who will be
11 eligible to serve as Fellows.

12 (b) Membership.--The Board shall consist of 9 members as
13 follows:

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

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

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

22 (4) Six academic specialists in Soviet or Eastern
23 European area studies or languages, appointed by the
24 Secretary of State (in consultation with the chairman and
25 ranking minority member of the Committee on Foreign

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1 Affairs of the House of Representatives and the chairman
2 and ranking minority of the Committee on Foreign
3 Relations of the Senate).

4 (c) Meetings.--The Board shall meet at least once each
5 year to select the individuals who will be eligible to serve
6 as Fellows.

7 (d) Compensation and Per Diem.--Members of the Board
8 shall receive no compensation on account of their service on
9 the Board, but while away from their homes or regular places
10 of business in the performance of their duties under this
11 title, may be allowed travel expenses, including per diem in
12 lieu of subsistence, in the same manner as persons employed
13 intermittently in the Government service are allowed expenses
14 under section 5703 of title 5 of the United States Code.

15 SEC. 604. FELLOWSHIPS.

16 (a) Number.--Up to 100 fellowships may be provided under
17 this title each year.

18 (b) Remuneration and Period.--The Board shall determine,
19 taking into consideration the position in which each Fellow
20 will serve and his or her experience and expertise--

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

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

25 (c) Training.--Each Fellow may be given appropriate

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1 training at the Foreign Service Institute or other
2 appropriate institution.

3 (d) Housing and Transportation.--The Secretary of State
4 shall, pursuant to regulations--

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

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

12 (e) Effective Date.--Subsection (d) of this section shall
13 not take effect until October 1, 1986.

14 SEC. 605. SECRETARY OF STATE.

15 (a) Determinations.--The Secretary of State shall
16 determine which of the individuals selected by the Board will
17 serve at each United States diplomatic or consular mission in
18 the Soviet Union or Eastern Europe and the position in which
19 each will serve.

20 (b) Authorities.--Such service shall be in accordance
21 with the relevant authorities of the Foreign Service Act of
22 1980, the State Department Basic Authorities Act of 1956, and
23 title 5 of the United States Code.

24 (c) Funding.--Funds appropriated to the Department of
25 State for "Salaries and Expenses" shall be used for the

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1 expenses incurred in carrying out this title.

2 TITLE VII--MISCELLANEOUS PROVISIONS

3 SEC. 701. NEGOTIATIONS TO MAKE INTERNATIONAL TERRORISM A
4 UNIVERSAL CRIME.

5 (a) Findings.--The Congress finds that--

6 (1) in the past decade there have been nearly 6,500
7 terrorist incidents around the world, killing over 3,500
8 people and wounding more than 7,600, including over 2,500
9 incidents against Americans;

10 (2) terrorism anywhere affects nations everywhere by
11 chilling the free exercise of sovereign authority;

12 (3) rampant terrorism by its very nature threatens
13 world order and thereby all civilized nations and their
14 citizens;

15 (4) any and every nation has the right, under current
16 principles of international law, to assert jurisdiction
17 over offenses considered to be "universal crimes", such
18 as piracy and slavery, in order to protect sovereign
19 authority, universal values, and the interests of
20 mankind; and

21 (5) individuals committing "universal crimes" may
22 be prosecuted in any nation in which the offender may be
23 found, irrespective of the nationality of the offender or
24 victim or the place of the offense.

25 (b) Policy.--

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1 (1) Definitions of international terrorist crimes.--
2 It is the sense of the Congress that the President should
3 call for international negotiations for the purpose of
4 agreeing on a definition of "international terrorist
5 crimes" and for the purpose of considering whether such
6 a crime would constitute a universal crime under
7 international law. Such definition should require that
8 acts constituting an international terrorist crime--
9 (A) involve the threat or use of violence or be
10 dangerous to human life,
11 (B) would be a crime in the prosecuting
12 jurisdiction if committed within its boundaries,
13 (C) appear to be intended--
14 (i) to intimidate or coerce a civilian
15 population;
16 (ii) to influence the policy of a government
17 by intimidation or coercion; or
18 (iii) to affect the conduct of a government
19 by assassination or kidnapping; and
20 (D) transcend national boundaries in terms of the
21 means by which they are accomplished, the persons
22 they appear intended to coerce or intimidate, or the
23 locale in which their perpetrators operate or seek
24 asylum.
25 (2) Establishment of an international criminal

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1 court.--It is further the sense of the Congress that the
2 international negotiations described in paragraph (1)
3 should also include consideration of the establishment of
4 an international criminal court along the lines of the
5 International Military Tribunal established after World
6 War II for the trial of major war criminals at Nuremburg,
7 Germany, that would have jurisdiction over the crime of
8 international terrorism.

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THE WHITE HOUSE
WASHINGTON

Executive Registry
82-1487/2

July 13, 1982


DD/O 82-20357

MEMORANDUM FOR THE VICE PRESIDENT
THE SECRETARY OF STATE
THE SECRETARY OF DEFENSE
THE ATTORNEY GENERAL
THE SECRETARY OF AGRICULTURE
THE SECRETARY OF COMMERCE
THE DIRECTOR, OFFICE OF MANAGEMENT AND BUDGET
THE DIRECTOR OF CENTRAL INTELLIGENCE
THE CHAIRMAN, JOINT CHIEFS OF STAFF
THE ADMINISTRATOR, AGENCY FOR INTERNATIONAL
DEVELOPMENT
THE DIRECTOR, INTERNATIONAL COMMUNICATION AGENCY

SUBJECT: Guidelines to Implement NSDD 38

The attached Guidelines to replace all guidelines and other agreements previously in effect under the Monitoring Overseas Direct Employment System are approved.

FOR THE PRESIDENT:


William P. Clark

Attachment
Guidelines

GUIDELINES

These guidelines are issued pursuant to the Presidential Directive of 2 June 1982 on Staffing at Diplomatic Missions and Constituent Posts. These guidelines replace all guidelines and other agreements previously in effect under the Monitoring Overseas Direct Employment (MODE) system.

The purpose of the Directive and these guidelines is to allow the flexible, systematic and expeditious deployment and management of personnel of all U.S. Government Agencies operating under the authority of Chiefs of Mission in support of U.S. foreign policy objectives.

These guidelines will ensure that the approval of Chiefs of Mission is sought by U.S. Government Agencies on proposed staffing changes for activities operating under the authority of Chiefs of Mission. The Chiefs of Mission will transmit their views on overseas presence to the Department of State, as department and agency representatives will communicate with their respective department/agency headquarters in this regard.

These guidelines also provide for the resolution of disagreements, should such arise between the Chiefs of Mission and department/agency representatives and between the Department of State and department/agency heads.

A. Requests for Changes in Staffing

1. Preliminary or exploratory consultation by the requesting agency with the Chief of Mission regarding staffing changes is encouraged. Such informal proposals may be initiated in Washington or by agency overseas representatives.

2. Formal requests for approval of staffing changes as required by the Directive must be made by the cognizant Agency to the Chief of Mission in consultation with the Department of State. Copies of such requests will be provided to the Department of State.

3. The Chief of Mission will convey his views on formal requests to the Department of State. The point of contact in the Department of State for such matters is the Office of Management Operations (M/MO), Room 7427, Attention: Assistant for Overseas Positions. The Chief of Mission's response to the formal request should be addressed to that office for action. Copies of requests and responses will be given to the appropriate regional and functional bureaus in the Department of State and to the requesting agency.

B. Resolution of Disagreements

1. If there are disagreements over staffing levels between Chiefs of Mission and Agency heads, the views of both parties will be forwarded to M/MO for immediate presentation to the Secretary of State for decision within 15 working days of receipt from M/MO.

2. If the Secretary of State is unable to resolve the issue to the satisfaction of the parties concerned, the Secretary and the Agency head concerned will present their respective views to the President for decision through the Assistant to the President for National Security Affairs.

C. Formal acknowledgement of Changes

Changes in staffing levels at individual posts reached in accordance with the above procedures will be provided by telegram from the Department of State to the Chief of Mission, and the agencies concerned.

D. Staffing Authorization Records

The Department of State shall maintain a current record of staffing authorization for each overseas post. Staffing authorization is defined as all full-time, permanent, direct-hire, United States Government employees, including Foreign Nationals, and United States Military Personnel under the authority of a Mission Chief.

Departments and agencies will provide the current and projected overseas staffing authorization information, required by the directive, to the Department of State, Office of Management Operations (M/MO), Room 7427, Attention: Assistant for Overseas Positions. That official will solicit additional information from departments and agencies when necessary to meet special reporting requirements as established by statute or as levied by the NSC, OMB, or the Congress.

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