

OATA86

STAT

[March 5, 1986]

MICA/FASCELL AMENDMENT TO H.R. 4151

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

1 SECTION 1. SHORT TITLE.

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

4 SEC. 2. TABLE OF CONTENTS.

5 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 agencies.

Sec. 107. Protection of foreign consulates.

TITLE II--DIPLOMATIC SECURITY SERVICE

Sec. 201. Establishment of Diplomatic Security Service.

Sec. 202. Director of Diplomatic Security Service.

Sec. 203. Positions in the Diplomatic Security Service.

TITLE III--PERFORMANCE AND ACCOUNTABILITY

Sec. 301. Accountability review.

Sec. 302. Accountability Review Board.

Sec. 303. Procedures.

Sec. 304. Findings and Recommendations by a Board.

Sec. 305. Relation to other proceedings.

TITLE IV--DIPLOMATIC CONSTRUCTION PROGRAM

OATA86

2

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

TITLE V--STATE DEPARTMENT AUTHORITIES TO COMBAT
INTERNATIONAL TERRORISM

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

TITLE VI--INTERNATIONAL NUCLEAR TERRORISM

- Sec. 601. Actions to combat international terrorism.
- Sec. 602. Authority to suspend nuclear cooperation with nations which have not ratified the Convention on the Physical Protection of Nuclear Material.
- Sec. 603. Consultation with the Department of Defense concerning certain nuclear exports and subsequent arrangements.
- Sec. 604. Review of physical security standards.
- Sec. 605. International review of the nuclear terrorism problems.

TITLE VII--MULTILATERAL COOPERATION TO COMBAT INTERNATIONAL
TERRORISM

OATA86

3

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

TITLE VIII--VICTIMS OF TERRORISM COMPENSATION

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

TITLE IX--MARITIME SECURITY

- Sec. 901. Short title.
- Sec. 902. International measures for seaport and shipboard security.
- Sec. 903. Measures to prevent unlawful acts against passengers and crews on board ships.
- Sec. 904. Criminal sanctions for the seizure of vessels by terrorists.
- Sec. 905. Panama Canal security.
- Sec. 906. Threat of terrorism to United States ports and vessels.
- Sec. 907. Suspension of passenger services.
- Sec. 908. Security standards in foreign water transportation.
- Sec. 909. Travel advisory and suspension of foreign assistance.
- Sec. 910. Definitions.

1 TITLE I--DIPLOMATIC SECURITY

2 SEC. 101. SHORT TITLE.

3 Titles I through IV of this Act may be cited as the

OATA86

4

1 ``Diplomatic Security Act``.

2 SEC. 102. FINDINGS AND PURPOSE.

3 (a) FINDINGS.--The Congress finds and declares that--

4 (1) the United States has a crucial stake in the
5 presence of United States Government employees
6 representing United States interests abroad;

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

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

17 (b) PURPOSES.--The purposes of titles I through IV are--

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

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

OATA86

5

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

5 (4) to promote strengthened security measures and to
6 provide for the accountability of United States
7 Government employees with security-related
8 responsibilities; and

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

16 **SEC. 103. RESPONSIBILITY OF THE SECRETARY OF STATE.**

17 (a) **SECURITY FUNCTIONS.**--The Secretary of State shall
18 develop and implement (in consultation with other agencies
19 having personnel or missions abroad where appropriate and
20 within the scope of the resources made available) policies
21 and programs, including funding levels and standards, to
22 provide for the security of United States Government
23 operations of a diplomatic nature and foreign government
24 operations of a diplomatic nature in the United States. Such
25 policies and programs shall include--

OATA86

6

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

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

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

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

15 (b) OVERSIGHT OF OVERSEAS POSTS.--The Secretary of State
16 shall--

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

24 (2) establish appropriate overseas staffing levels
25 for all such posts or missions for all departments and

OATA86

7

1 agencies with activities abroad (except for persons and
2 activities under the command of a United States area
3 military commander).

4 **SEC. 104. BUREAU OF DIPLOMATIC SECURITY.**

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

11 (b) **NUMBER OF ASSISTANT SECRETARIES.**--The first section
12 of the Act entitled "An Act to strengthen and improve the
13 organization and administration of the Department of State,
14 and for other purposes," approved May 26, 1949 (22 U.S.C.
15 2652), is amended by striking out "fourteen" and inserting
16 in lieu thereof "fifteen".

17 (c) **POSITIONS AT LEVEL IV OF THE EXECUTIVE**
18 **SCHEDULE.**--Section 5315 of title 5, United States Code, is
19 amended by striking out "(14)" following "Assistant
20 Secretaries of State" and inserting in lieu thereof
21 "(15)".

22 (d) **EFFECTIVE DATE.**--The amendment made by subsection (c)
23 shall take effect on October 1, 1986.

24 **SEC. 105. RESPONSIBILITIES OF THE ASSISTANT SECRETARY FOR**
25 **DIPLOMATIC SECURITY.**

OATA86

8

1 The Assistant Secretary for Diplomatic Security shall be
2 responsible for the following:

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

6 (2) OVERSEAS SECURITY AND PROTECTIVE OPERATIONS.--

7 (A) Establishment and operation of overseas post
8 security and protective functions.

9 (B) Establishment and operation of
10 communications, computer, and information security.

11 (C) Emergency planning.

12 (D) Establishment and operation of local guard
13 services.

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

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

18 (3) SECURITY AND PROTECTIVE OPERATIONS IN THE UNITED
19 STATES.--

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

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

OATA86

9

1 (C) Protection of Department of State facilities,
2 communications, and computer and information systems.

3 (D) Conduct of investigations relating to
4 protection of foreign officials and foreign missions,
5 suitability for employment, employee security,
6 illegal passport and visa issuance or use, and any
7 other investigation authorized by law.

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

11 (F) Carrying out rewards programs for information
12 concerning terrorism, as authorized by law.

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

15 (4) COUNTER-TERRORISM PLANNING AND
16 COORDINATION.--With respect to programs of the Department
17 of State, development and coordination of
18 counter-terrorism planning, emergency action planning,
19 threat analysis programs, and liaison with other United
20 States agencies to carry out this paragraph.

21 (5) SECURITY TECHNOLOGY.--Development, procurement,
22 and implementation of technical security measures,
23 including security-related construction, radio and
24 personnel security communications, armored vehicles,
25 computer and communications security, and research

OATA86

10

1 programs necessary to develop such measures.

2 (6) DIPLOMATIC COURIER SERVICE.--Management of the
3 transfer of classified and unclassified physical
4 information, diplomatic pouch contents, and related
5 services.

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

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

15 **SEC. 106. COOPERATION OF OTHER AGENCIES.**

16 (a) ASSISTANCE.--In order to facilitate fulfillment of
17 the responsibilities described in section 103(a), other
18 Federal agencies shall cooperate (through agreements) to the
19 maximum extent possible with the Secretary of State. Such
20 agencies may, with or without reimbursement, provide
21 assistance to the Secretary, perform security inspections,
22 provide logistical support relating to the differing missions
23 and facilities of other agencies, and perform other overseas
24 security functions as may be authorized by the Secretary.
25 Specifically, the Secretary may agree to delegate operational

OATA86

11

1 control of overseas security functions of other Federal
2 agencies to the heads of such agencies, subject to the
3 Secretary's authority as set forth in section 103(a). The
4 agency head receiving such delegated authority shall be
5 responsible to the Secretary in the exercise of the delegated
6 operational control.

7 (b) OTHER AGENCIES.--Nothing contained in titles I
8 through IV shall be construed to limit or impair the
9 authority or responsibility of any other Federal, State, or
10 local agency with respect to law enforcement or domestic
11 security operations.

12 (c) CERTAIN LEASE ARRANGEMENTS.--The Administrator of
13 General Services is authorized to lease (to such extent or in
14 such amounts as are provided in appropriation Acts) up to
15 250,000 square feet in the United States for the Department
16 of State to accommodate the personnel required to carry out
17 the purposes of this title. The Department of State shall pay
18 for such space at the rate established by the Administrator
19 of General Services for space and related services.

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

21 Not later than 2 months after the date of enactment of
22 this Act, the Secretary of State shall establish a process
23 for periodic review of the accreditation in the United States
24 of all foreign consular personnel, including honorary
25 consuls, and the number and location of all consular

OATA86

12

1 facilities. The Secretary shall submit a report on this
2 process to the Committee on Foreign Affairs of the House of
3 Representatives and the Committee on Foreign Relations of the
4 Senate not later than 6 months after the date of the
5 enactment of this Act. Such report shall describe this
6 periodic review process and present a plan for the reduction
7 (as well as consolidation) of consular and related functions.

8 TITLE II--DIPLOMATIC SECURITY SERVICE

9 SEC. 201. ESTABLISHMENT OF DIPLOMATIC SECURITY SERVICE.

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

14 SEC. 202. DIRECTOR OF DIPLOMATIC SECURITY SERVICE.

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

OATA86

13

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. The Secretary of State shall prescribe
6 the qualifications required for assignment or appointment to
7 such positions. In the case of positions designated for
8 special agents, the qualifications may include minimum and
9 maximum entry age restrictions and other physical standards
10 and shall incorporate such standards as may be required by
11 law in order to perform security functions, to bear arms, and
12 to exercise investigatory, warrant, arrest, and such other
13 authorities as are available by law to special agents of the
14 Department of State and the Foreign Service.

15 TITLE III--PERFORMANCE AND ACCOUNTABILITY

16 SEC. 301. ACCOUNTABILITY REVIEW.

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

OACAP

14

1 only causes unrelated to security.

2 SEC. 302. ACCOUNTABILITY REVIEW BOARD.

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

14 (b) FACILITIES, SERVICES, SUPPLIES, AND STAFF.--

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

23 (2) DETAIL.--At the request of a Board, employees of
24 the Department of State or other Federal agencies,
25 members of the Foreign Service or members of the Armed

OATA86

15

1 Forces may be temporarily assigned, with or without
2 reimbursement, to assist the Board. Upon request, the
3 Inspector General of the Department of State and the
4 Foreign Service may provide assistance to the Board.

5 (3) EXPERTS AND CONSULTANTS.--A Board may employ and
6 compensate experts and consultants in accordance with
7 section 3109 of title 5, United States Code, who shall be
8 responsible solely to the Board, as the Board considers
9 necessary to carry out its functions.

10 SEC. 303. PROCEDURES.

11 (a) EVIDENCE.--

12 (1) UNITED STATES EMPLOYEES AND CONTRACTORS.--

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

15 (i) administer oaths and affirmations;

16 (ii) require that depositions be given and
17 interrogatories answered; and

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

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

25 (B) The individuals referred to in subparagraph

OATA86

16

1 (A) are--'

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

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

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

13 (2) INDIVIDUALS NOT EMPLOYEES OR CONTRACTORS OF THE
14 UNITED STATES.--(A) With respect to any person not
15 described in paragraph (1)(A), a Board may administer
16 oaths and affirmations and require that depositions be
17 given and interrogatories answered.

18 (B)(i) The Board may issue or authorize the issuance
19 of a subpoena for the attendance and testimony of any
20 such person and the production of documentary or other
21 evidence from any such person in such instances where the
22 Board finds that such a subpoena is necessary in the
23 interests of justice for the development of relevant
24 evidence.

25 (ii) In the case of contumacy or refusal to obey a

OATA86

17

1 subpoena issued under this section, a court of the United
2 States within the jurisdiction of which a person is
3 directed to appear or produce information, or within the
4 jurisdiction of which the person is found, resides, or
5 transacts business, may upon application of the Attorney
6 General, issue to such person an order requiring such
7 person to appear before the Board to give testimony or
8 produce information as required by the subpoena.

9 Subpoenaed witnesses shall be paid the same fee and
10 mileage allowances which are paid subpoenaed witnesses in
11 the courts of the United States.

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

24 (c) RECORDS.--Records pertaining to administrative
25 proceedings under this title shall be separated from all

OATA86

18

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

14 (d) STATUS OF BOARDS.--The provisions of the Federal
15 Advisory Committee Act (5 U.S.C. App. 1 et seq.) and section
16 552b of title 5, United States Code, shall not apply to any
17 Accountability Review Board.

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

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

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

OATA86

19

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

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

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

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

10 (b) PROGRAM RECOMMENDATIONS.--A Board shall submit its
11 findings (which may be classified to the extent deemed
12 necessary by the Board) to the Secretary of State, together
13 with recommendations as appropriate to improve the security
14 and efficiency of any program or operation which the Board
15 has reviewed.

16 (c) PERSONNEL RECOMMENDATIONS.--Whenever a Board finds
17 reasonable cause to believe that an individual described in
18 section 303(a)(1)(B) has breached the duty of that
19 individual, the Board shall transmit the finding of
20 reasonable cause, together with such evidence and
21 recommendation for disciplinary action, to the head of the
22 appropriate agency or instrumentality. In determining whether
23 an individual has breached a duty of that individual, the
24 Board shall take into account any standard of conduct, law,
25 rule, regulation, contract, or order which is pertinent to

OATA86

20

1 the performance of the duties of that individual.

2 (d) REPORTS.--

3 (1) PROGRAM RECOMMENDATIONS.--In any case in which a
4 Board transmits recommendations to the Secretary of State
5 under subsection (b), the Secretary shall, not later than
6 90 days after the receipt of such recommendations, submit
7 a report to the Congress on each such recommendation and
8 the action taken with respect to that recommendation.

9 (2) PERSONNEL RECOMMENDATIONS.--In any case in which
10 a Board transmits a finding of reasonable cause under
11 subsection (c), the head of the agency receiving the
12 information shall review the evidence and recommendations
13 and shall, not later than 30 days after the receipt of
14 that finding, transmit to the Congress a report
15 specifying--

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

18 (B) the decision by the agency head to take
19 disciplinary action against that individual or the
20 reasons for deciding not to take disciplinary with
21 respect to that individual.

22 SEC. 305. RELATION TO OTHER PROCEEDINGS.

23 Nothing in this title shall be construed to create
24 administrative or judicial review remedies or rights of
25 action not otherwise available by law, nor shall any

OATA86

21

1 provision of this title be construed to deprive any person of
2 any right or legal defense which would otherwise be available
3 to that person under any law, rule, or regulation.

4 TITLE IV--DIPLOMATIC CONSTRUCTION PROGRAM

5 SEC. 401. AUTHORIZATION.

6 (a) DIPLOMATIC CONSTRUCTION PROGRAM.--In addition to
7 amounts otherwise available for such purposes, there are
8 hereby authorized to be appropriated for fiscal years 1986
9 through 1990 under the heading ``Administration of Foreign
10 Affairs`` for ``Salaries and Expenses``, ``Acquisition and
11 Maintenance of Buildings Abroad``, and ``Counter-terrorism
12 Research and Development``, such sums as may be necessary for
13 diplomatic security construction, acquisition, and operations
14 pursuant to the Department of State's Supplemental Diplomatic
15 Security Program, except that appropriations pursuant to this
16 subsection for a fiscal year may not exceed the amounts
17 specified for such program in the Department of State's
18 Budget in Brief for fiscal year 1987.

19 (b) NOTIFICATION TO AUTHORIZING COMMITTEES OF REQUESTS
20 FOR APPROPRIATIONS.--In any fiscal year, whenever the
21 Secretary of State submits to the Congress a request for
22 appropriations to carry out the program described in
23 subsection (a), the Secretary shall notify the Committee on
24 Foreign Affairs of the House of Representatives and the
25 Committee on Foreign Relations of the Senate of such request,

OATA86

22

1 together with a justification of each item listed in such
2 request.

3 (c) REPROGRAMMING TREATMENT.--Amounts made available for
4 capital projects pursuant to the program described in
5 subsection (a) shall be treated as a reprogramming of funds
6 under section 34 of the State Department Basic Authorities
7 Act of 1956 (22 U.S.C. 2706) and shall not be available for
8 obligation or expenditure except in compliance with the
9 procedures applicable to such reprogramming.

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

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

21 (f) INSUFFICIENCY OF FUNDS.--In the event that sufficient
22 funds are not available in any fiscal year for all of the
23 diplomatic security construction, acquisition, and operations
24 pursuant to the Department of State's Supplemental Diplomatic
25 Security Program, the Secretary of State shall report to the

OATA86

23

1 Congress the effect that the insufficiency of funds will have
2 with respect to the Department of State and each of the other
3 foreign affairs agencies.

4 **SEC. 402. FOREIGN BUILDINGS PROGRAM.**

5 (a) PREFERENCE FOR UNITED STATES

6 CONTRACTORS.--Notwithstanding section 11 of the Foreign
7 Service Buildings Act, 1926, and where adequate competition
8 exists, only United States persons and qualified United
9 States joint venture persons may bid on a diplomatic
10 construction project, for which funds are authorized by this
11 title, which has a contract value exceeding \$5,000,000.

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

16 (c) DEFINITIONS.--For the purposes of this section--

17 (1) the term ``adequate competiton`` means with
18 respect to a construction project, the presence of two or
19 more qualified bidders submitting responsive bids for
20 that project;

21 (2) the term ``United States person`` means a person
22 which--

23 (A) is incorporated or legally organized under
24 the laws of the United States, including State, the
25 District of Columbia, and local laws; and

OATA86

24

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

3 (C) has been incorporated or legally organized in
4 the United States for more than 5 years before the
5 issuance date of the invitation for bids or request
6 for proposals with respect to a construction project;
7 and

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

12 (E) has achieved total business volume equal to
13 or greater than the value of the project being bid in
14 3 years of the 5-year period before the date
15 specified in subparagraph (C); and

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

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

24 (3) the term "qualified United States joint venture
25 person" means a joint venture in which a United States

OATA86

25

1 person or persons owns at least 51 percent of the assets
2 of the joint venture.

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

5 In carrying out the diplomatic construction program
6 referred to in section 401(a), the Secretary of State may
7 employ (by appointment, contract, or otherwise) only those
8 persons as professional staff with a demonstrated specialized
9 background in the fields of construction, construction law,
10 or contract management.

11 **SEC. 404. COST OVERRUNS.**

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

21 **SEC. 405. EFFICIENCY IN CONTRACTING.**

22 The Director of the Office of Foreign Buildings shall
23 provide for a contract system for bonuses and penalties. Not
24 later than 3 months after the date of enactment of this Act,
25 the Director shall submit a report to the Congress on the

OATA86

26

1 implementation of this subsection.

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

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

10 **SEC. 407. TRAINING TO IMPROVE PERIMETER SECURITY AT UNITED**
11 **STATES MISSIONS ABROAD.**

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

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

21 **SEC. 408. PROTECTION OF ENTRANCE OF UNITED STATES DIPLOMATIC**
22 **MISSIONS ABROAD.**

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

OATA86

27

1 abroad.

2 **SEC. 409. CERTAIN PROTECTIVE FUNCTIONS.**

3 Section 208(a) of title 3, United States Code, is amended
4 by adding at the end thereof the following: "In carrying out
5 any duty under section 202(7), the Secretary of State is
6 authorized to utilize any authority available to the
7 Secretary under title II of the State Department Basic
8 Authorities Act of 1956."

9 **TITLE V--STATE DEPARTMENT AUTHORITIES TO COMBAT INTERNATIONAL**
10 **TERRORISM**

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

12 (a) **MAINTENANCE AND PUBLICATION.**--The Secretary of State
13 shall maintain and publicize a most wanted international
14 terrorists list.

15 (b) **SELECTION.**--The most wanted international terrorists
16 list shall contain the names of those individuals--

17 (1) with respect to whom rewards could be offered
18 under section 36 of the State Department Basic
19 Authorities Act of 1956 (22 U.S.C. 2708); and

20 (2) who are sought for prosecution by the United
21 States for acts of international terrorism; and

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

25 The Secretary of State shall make the determinations required

OATA86

28

1 by this section, in consultation with the Attorney General.

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

4 Section 36(b) of the State Department Basic Authorities
5 Act of 1956 (22 U.S.C. 2708(b)) is amended by inserting
6 immediately before the period at the end of the first
7 sentence the following: `` , except that a reward of up to
8 \$1,000,000 may be paid with respect to each individual on the
9 most wanted international terrorists list established
10 pursuant to section 501 of the Omnibus Diplomatic Security
11 and Anti-Terrorism Act of 1986, each individual sought for an
12 act of international terrorism resulting in the death of a
13 citizen or national of the United States, and each individual
14 sought for an act of international terrorism involving the
15 detention of a citizen or national of the United States for a
16 period longer than 60 days``.

17 **SEC. 503. REWARDS FOR INFORMATION RELATING TO INTERNATIONAL**
18 **NARCOTERRORISM AND DRUG TRAFFICKING.**

19 (a) **AUTHORITY OF THE SECRETARY OF STATE.**--Section 36(a)
20 of the State Department Basic Authorities Act of 1956 (22
21 U.S.C. 2708(a)) is amended to read as follows:

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

24 `` (1) **INTERNATIONAL TERRORISM.**--Information leading
25 to--

OATA86

29

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

5 ``(B) the prevention, frustration, or favorable
6 resolution of an act of international terrorism;
7 if the act of international terrorism is against a United
8 States person or United States property and is primarily
9 outside the territorial jurisdiction of the United
10 States.

11 ``(2) INTERNATIONAL NARCOTERRORISM AND DRUG
12 TRAFFICKING.--Information leading to--

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

20 ``(i) a violation of United States drug laws
21 which occurs primarily outside the territorial
22 jurisdiction of the United States and which is
23 such that the individual is a class I violator
24 under the Domestic Drug Violator Classification
25 Standards and Criteria established by the Drug

OATA86

30

1 Enforcement Administration; or

2 `` (ii) the killing or kidnapping outside the
3 territorial jurisdiction of the United States
4 of--

5 `` (I) any officer, employee, or contract
6 employee of the United States Government
7 while that individual is engaged in official
8 duties, or on account of that individual's
9 official duties, in connection with the
10 enforcement of United States drug laws or the
11 implementation of United States drug control
12 objectives, or

13 `` (II) a member of the immediate family
14 of any such individual on account of that
15 individual's duties in connection with the
16 enforcement of United States drug laws or the
17 implementation of United States drug control
18 objectives; or

19 `` (B) the prevention or frustration of an act
20 described in subparagraph (A).``.

21 (b) CONSULTATION WITH THE ATTORNEY GENERAL.--Section
22 36(c) of such Act is amended to read as follows:

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

OATA86

31

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

3 ``(2) for any information described in subsection
4 (a)(2).''.

5 (c) FUNDING FOR REWARDS.--Section 36(f) of such Act is
6 amended by striking out the period at the end of the first
7 sentence and inserting in lieu thereof the following: `` , up
8 to \$2,000,000 of which may be used for rewards for
9 information described in subsection (a)(2). In addition to
10 the amount authorized by the preceding sentence, there are
11 authorized to be appropriated \$10,000,000 for fiscal year
12 1987 for use in paying rewards under this section, up to
13 \$5,000,000 of which may be used for rewards for information
14 described in subsection (a)(2).''.

15 (d) REPORTS ON REWARDS; DEFINITIONS.--Section 36 of such
16 Act is amended by adding at the end thereof the following new
17 subsections:

18 ``(g) Not later than 30 days after paying any reward
19 under this section, the Secretary of State shall submit a
20 report to the Congress with respect to that reward. The
21 report, which may be submitted on a classified basis if
22 necessary, shall specify the amount of the reward paid, to
23 whom the reward was paid, and the acts with respect to which
24 the reward was paid, and shall discuss the significance of
25 the information for which the reward was paid in dealing with

OATA86

32

1 those acts.

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

3 `` (1) the term `United States drug laws` means the
4 laws of the United States for the prevention and control
5 of illicit traffic in controlled substances (as such term
6 is defined for purposes of the Controlled Substances
7 Act); and

8 `` (2) the term `member of the immediate family`
9 includes--

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

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

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

17 **SEC. 504. COORDINATION OF TERRORISM-RELATED ASSISTANCE.**

18 Section 502 of the International Security and Development
19 Cooperation Act of 1985 (22 U.S.C. 2349aa-7) is amended--

20 (1) in the section heading by striking out

21 ``ANTI-TERRORISM`` and inserting in lieu thereof

22 ``TERRORISM-RELATED``;

23 (2) in subsection (a) by striking out

24 ``anti-terrorism assistance to foreign countries provided
25 by the United States Government`` and inserting in lieu

OATA86

33

1 thereof ``assistance related to international terrorism
2 which is provided by the United States Government to
3 foreign countries``; and

4 (3) in subsection (b) by striking out
5 ``anti-terrorism assistance`` and inserting in lieu
6 thereof ``assistance related to international terrorism
7 which was``.

8 **SEC. 505. COUNTERTERRORISM PROTECTION FUND.**

9 The State Department Basic Authorities Act of 1956 is
10 amended--

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

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

13 the following new section:

14 ``**SEC. 39. COUNTERTERRORISM PROTECTION FUND.**

15 ``(a) **AUTHORITY.**--The Secretary of State is authorized to
16 reimburse domestic and foreign persons, agencies, or
17 governments for the protection of judges or other persons who
18 provide assistance or information relating to terrorist
19 incidents primarily outside the territorial jurisdiction of
20 the United States. Before making a payment under this section
21 in a matter over which there is Federal criminal
22 jurisdiction, the Secretary shall advise and consult with the
23 Attorney General.

24 ``(b) **AUTHORIZATION OF APPROPRIATIONS.**--There are
25 authorized to be appropriated to the Secretary of State for

OATA86

34

1 ``Administration of Foreign Affairs`` \$1,000,000 for fiscal
2 year 1986 and \$1,000,000 for fiscal year 1987 for use in
3 reimbursing persons, agencies, or governments under this
4 section. Amounts appropriated under this section are
5 authorized to remain available until expended.

6 `` (c) DESIGNATION OF FUND.--Amounts made available under
7 this section may be referred to as the `Counterterrorism
8 Protection Fund`.``.

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

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

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

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

24 (1) are attacked by terrorists supported by Libya or
25 Iran if the government of that country fails to act

1ATA86

35

1 immediately to require the closing of any Libyan official
2 missions in that country or any Iranian official missions
3 in that country, as the case may be; or

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

9 **SEC. 508. AUTHORITY TO CONTROL CERTAIN TERRORISM-RELATED**
10 **SERVICES.**

11 The State Department Basic Authorities Act of 1956 is
12 amended--

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

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

17 **SEC. 40. AUTHORITY TO CONTROL CERTAIN TERRORISM-RELATED**
18 **SERVICES.**

19 (a) **AUTHORITY.**--The Secretary of State may, by
20 regulation, impose controls on the provision of the services
21 described in subsection (b) if the Secretary determines that
22 the imposition of those controls would discourage support for
23 international terrorism.

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

OATA86

36

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

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

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

10 ``(c) PERSONS SUBJECT OF CONTROLS.--These services may be
11 controlled under subsection (a) when they are provided within
12 the United States by any individual or entity and when they
13 are provided anywhere in the world by a United States person.

14 ``(d) LICENSES.--In carrying out subsection (a), the
15 President is authorized to require licenses, which may be
16 revoked, suspended, or amended, without prior notice,
17 whenever such action is deemed to be advisable.

18 ``(e) DEFINITIONS.--

19 ``(1) DESIGNATED FOREIGN GOVERNMENT.--As used in this
20 section, the term 'designated foreign government' means a
21 foreign government that the Secretary of State has
22 determined, for purposes of section 6(j) of the Export
23 Administration Act of 1979, has repeatedly provided
24 support for acts of international terrorism.

25 ``(2) SECURITY FORCES.--As used in this section, the

OATA86

37

1 term 'security forces' means any military or paramilitary
2 forces, any police or other law enforcement agency, and
3 any intelligence agency of a foreign government.

4 `` (3) UNITED STATES.--As used in this section, the
5 term 'United States' includes any State, the District of
6 Columbia, the Commonwealth of Puerto Rico, the
7 Commonwealth of the Northern Mariana Islands, and any
8 territory or possession of the United States.

9 `` (4) UNITED STATES PERSON.--As used in this section,
10 the term 'United States person' means any United States
11 national, any permanent resident alien, and any sole
12 proprietorship, partnership, company, association, or
13 corporation organized under the laws of or having its
14 principal place of business within the United States.

15 `` (e) VIOLATIONS.--Whoever willfully violates any
16 regulation issued under this section shall be fined not more
17 than \$100,000 or five times the total compensation received
18 for the conduct which constitutes the violation, whichever is
19 greater, or imprisoned for not more than ten years, or both,
20 for each such offense.

21 `` (F) CONGRESSIONAL OVERSIGHT.--

22 `` (1) REVIEW OF REGULATIONS.--Not less than 30 days
23 before issuing any regulations under this section
24 (including any amendments thereto), the President shall
25 transmit the proposed regulations to the Congress.

OATA86

38

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

7 “(g) RELATIONSHIP TO OTHER LAWS.--The authority granted
8 by this section is in addition to the authorities granted by
9 any other provision of law.”.

10 **SEC. 509. PROTECTION OF AMERICANS ENDANGERED BY THE**

11 **APPEARANCE OF THEIR PLACE OF BIRTH ON THEIR**
12 **PASSPORTS.**

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

17 (b) NEGOTIATIONS.--The Secretary of State is directed to
18 enter into negotiations with other countries to obtain
19 general agreement to the deletion of the place of birth as a
20 required item of information on passports.

21 **TITLE VI--INTERNATIONAL NUCLEAR TERRORISM**

22 **SEC. 601. ACTIONS TO COMBAT INTERNATIONAL NUCLEAR TERRORISM.**

23 (a) ACTIONS TO BE TAKEN BY THE PRESIDENT.--The Congress
24 hereby directs the President--

25 (1) to seek universal adherence to the Convention on

OATA86

39

1 the Physical Protection of Nuclear Material;

2 (2) to--

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

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

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

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

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

24 (4) to seek agreement in the United Nations Security
25 Council to establish--

OATA86

40

1 (A) an effective regime of international
2 sanctions against any nation or subnational group
3 which conducts or sponsors acts of international
4 nuclear terrorism, and

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

9 (b) REPORTS TO THE CONGRESS.--The President shall report
10 to the Congress annually, in the reports required by section
11 601 of the Nuclear Non-Proliferation Act of 1978 (22 U.S.C.
12 3281), on the progress made during the preceding year in
13 achieving the objectives described in this section.

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

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

19 ``SEC. 132. AUTHORITY TO SUSPEND NUCLEAR COOPERATION WITH
20 NATIONS WHICH HAVE NOT RATIFIED THE CONVENTION ON THE
21 PHYSICAL SECURITY OF NUCLEAR MATERIAL.--

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

OATA86

41

1 SEC. 603. CONSULTATION WITH THE DEPARTMENT OF DEFENSE
2 CONCERNING CERTAIN NUCLEAR EXPORTS AND
3 SUBSEQUENT ARRANGEMENTS.

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

7 ``SEC. 133. CONSULTATION WITH THE DEPARTMENT OF DEFENSE
8 CONCERNING CERTAIN EXPORTS AND SUBSEQUENT ARRANGEMENTS.--

9 ``a. In addition to other applicable requirements--

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

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

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

OATA86

42

1 necessary to upgrade physical protection measures.

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

6 SEC. 604. REVIEW OF PHYSICAL SECURITY STANDARDS.

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

17 (b) REPORT.--Not later than 6 months after the date of
18 enactment of this Act, the Secretary of Defense, the
19 Secretary of State, the Secretary of Energy, the Director of
20 the Arms Control and Disarmament Agency, and the Nuclear
21 Regulatory Commission shall each submit a written report to
22 the Committee on Foreign Affairs of the House of
23 Representatives and the Committee on Foreign Relations of the
24 Senate setting forth the results of the review conducted
25 pursuant to this section, together with appropriate

OATA86

43

1 recommendations.

2 SEC. 605. INTERNATIONAL REVIEW OF THE NUCLEAR TERRORISM

3 PROBLEM.

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

7 TITLE VII--MULTILATERAL COOPERATION TO COMBAT INTERNATIONAL
8 TERRORISM

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

11 The Congress hereby directs the President--

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

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

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

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

1 **APPEARANCE OF THEIR PLACE OF BIRTH ON THEIR**
2 **PASSPORTS.**

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

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

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

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

20 **SEC. 706. REPORTS ON PROGRESS IN INCREASING MULTILATERAL**
21 **COOPERATION.**

22 Not later than 6 months after the date of enactment of
23 this Act, the President shall submit a report to the Congress
24 on the steps taken to carry out each of the preceding
25 sections of this title and the progress being made in

OATA86

46

1 achieving the objectives described in those sections.

2 TITLE VIII--VICTIMS OF TERRORISM COMPENSATION

3 SEC 801. SHORT TITLE.

4 This title may be cited as the ``Victims of Terrorism
5 Compensation Act``.

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

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

11 ``§5569. Benefits for captives

12 `` (a) For the purpose of this section--

13 `` (1) `captive' means any individual in a captive
14 status commencing while such individual is--

15 `` (A) in the civil service, or

16 `` (B) a citizen, national, or resident alien of
17 the United States rendering personal service to the
18 United States similar to the service of an individual
19 in the civil service (other than as a member of the
20 uniformed services);

21 `` (2) the term `captive status' means a missing
22 status which, as determined by the President, arises
23 because of a hostile action and is a result of the
24 individual's relationship with the Government;

25 `` (3) `missing status' --

OATA86

47

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

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

5 ``(4) 'family member', as used with respect to a
6 person, means--

7 ``(A) any dependent of such person; and

8 ``(B) any individual (other than a dependent
9 under subparagraph (A)) who is a member of such
10 person's family or household.

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

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

23 ``(3) Amounts in the savings fund credited to a captive
24 shall be considered as pay and allowances for purposes of
25 section 5563 of this title and shall otherwise be subject to

OATA86

48

1 withdrawal under procedures which the Secretary of the
2 Treasury shall establish.

3 `` (4) Any interest accruing under this subsection on--

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

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

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

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

18 `` (1) is incident to such individual being a captive;

19 and

20 `` (2) is not covered--

21 `` (A) by any Government medical or health
22 program; or

23 `` (B) by insurance.

24 `` (d)(1) Except as provided in paragraph (3), the
25 President shall make a cash payment to any individual who

OATA86

49

1 became or becomes a captive commencing on or after November
2 4, 1979. Such payment shall be made before the end of the
3 one-year period beginning on the date on which the captive
4 status of such individual terminates or, in the case of any
5 individual whose status as a captive terminated before the
6 date of the enactment of the Victims of Terrorism
7 Compensation Act, before the end of the one-year period
8 beginning on such date.

9 ``(2) A payment under this subsection in the case of any
10 individual held as a captive--

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

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

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

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

24 ``(3) The President--

25 ``(A) may defer a payment under this subsection in

OATA86

50

1 the case of any individual who, during the one-year
2 period described in paragraph (1), is charged with an
3 offense described in subparagraph (B), until final
4 disposition of such charge; and

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

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

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

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

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

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

23 (e)(1) Under regulations prescribed by the President,
24 the benefits provided by the Soldiers' and Sailors' Civil
25 Relief Act of 1940, including the benefits provided by

OATA86

51

1 section 701 of such Act but excluding the benefits provided
2 by sections 104, 105, 106, 400 through 408, 501 through 512,
3 and 514 of such Act, shall be provided in the case of any
4 individual who is a captive.

5 `` (2) In applying such Act under this subsection--

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

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

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

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

23 `` (B) Except as provided in subparagraph (C), payments
24 shall be available under this paragraph for a spouse or child
25 of an individual who is a captive for education or training

OATA86

52

1 which occurs--

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

4 ``(ii) on or before--

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

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

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

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

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

OATA86

53

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

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

9 “(B) Payments shall be available under this paragraph
10 for a captive for education or training which occurs--

11 “(i) after the termination of that individual’s
12 captive status, and

13 “(ii) on or before--

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

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

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

25 “(3) Assistance under this subsection--

OATA86

54

1 ``(A) shall be discontinued for any individual whose
2 conduct or progress is unsatisfactory under standards
3 consistent with those established pursuant to section
4 1724 of title 38; and

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

8 ``(4) Regulations prescribed to carry out this subsection
9 shall provide that the program under this subsection shall be
10 consistent with the assistance program under chapters 35 and
11 36 of title 38.

12 ``(g) Any benefit provided under subsection (c) or (d)
13 may, under regulations prescribed by the President, be
14 provided to a family member of an individual if--

15 ``(1) such family member is held in captive status;
16 and

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

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

23 ``(i) Notwithstanding any other provision of this
24 subchapter, any determination by the President under
25 subsection (a)(2) or (d) shall be conclusive and shall not be

OATA86

55

1 subject to judicial review.

2 ``(j) The President may prescribe regulations necessary
3 to administer this section.

4 ``§5570. Compensation for disability or death

5 ``(a) For the purpose of this section--

6 ``(1) 'employee' means--

7 ``(A) any individual in the civil service; and

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

12 ``(2) 'family member', as used with respect to an
13 employee, means--

14 ``(A) any dependent of such employee; and

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

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

24 ``(c) Any compensation otherwise payable to an individual
25 under this section in connection with any disability or death

OATA86

56

1 shall be reduced by any amounts payable to such individual
2 under any other program funded in whole or in part by the
3 United States (excluding any amount payable under section
4 5569(d) of this title) in connection with such disability or
5 death, except that nothing in this subsection shall result in
6 the reduction of any amount below zero.

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

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

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

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

`` 5569. Benefits for captives.
`` 5570. Compensation for disability or death.``.

22 SEC. 803. RETENTION OF LEAVE BY ALIEN EMPLOYEES FOLLOWING
23 INJURY FROM HOSTILE ACTION ABROAD.

OATA86

57

1 Section 6325 of title 5, United States Code, is amended
2 by adding at the end thereof the following: ``The preceding
3 provisions of this section shall apply in the case of an
4 alien employee referred to in section 6301(2)(viii) of this
5 title with respect to any leave granted to such alien
6 employee under section 6310 of this title or section 408 of
7 the Foreign Service Act of 1980.'`.

8 **SEC. 804. TRANSITION PROVISIONS.**

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

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

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

23 (c) **DEFINITION.**--For the purpose of this subsection,
24 ``pay and allowances`` has the meaning provided under section
25 5561 of title 5, United States Code.

OATA86

58

1 SEC. 805. BENEFITS FOR MEMBERS OF UNIFORMED SERVICES WHO ARE
2 VICTIMS OF HOSTILE ACTION.

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

6 ``§559. Benefits for members held as captives

7 `` (a) In this section--

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

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

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

OATA86

59

1 law.

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

7 “(3) Amounts in the savings fund credited to a member
8 shall be considered as pay and allowances for purposes of
9 section 553(c) of this title and shall otherwise be subject
10 to withdrawal under procedures which the Secretary of the
11 Treasury shall establish.

12 “(4) Any interest accruing under this subsection on--

13 “(A) any amount for which a member is indebted to
14 the United States under section 552(c) of this title
15 shall be deemed to be part of the amount due under such
16 section; and

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

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

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

OATA86

60

1 on which the captive status of such person terminates.

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

5 ``(3)(A) The President--

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

10 ``(ii) may deny such payment in the case of any
11 former captive who is convicted of a captivity-related
12 offense--

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

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

19 ``(B) For the purposes of subparagraph (A) of this
20 paragraph, a captivity-related offense is an offense that
21 is--

22 ``(i) committed by a person while the person is in a
23 captive status; and

24 ``(ii) related to the captive status of the person.

25 ``(4) A payment under this subsection is in addition to

OATA86

61

1 any other amount provided by law.

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

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

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

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

``559. Benefits for members held as captives.``.

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

19 (ii)(I) Subsection (c) of such section shall apply to any
20 person whose captive status begins on or after November 4,
21 1979.

22 (II) In the case of any person whose status as a captive
23 terminated before the date of the enactment of this Act, the
24 President shall make a payment under paragraph (1) of such

OATA86

62

1 subsection before the end of the one-year period beginning on
2 such date.

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

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

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

13 ``§1051. Disability and death compensation: dependents of
14 members held as captives

15 `` (a) The President shall prescribe regulations under
16 which the Secretary concerned may pay compensation for the
17 disability or death of a dependent of a member of the
18 uniformed services if the President determines that the
19 disability or death--

20 `` (1) was caused by hostile action; and

21 `` (2) was a result of the relationship of the
22 dependent to the member of the uniformed services.

23 `` (b) Any compensation otherwise payable to a person
24 under this section in connection with any disability or death
25 shall be reduced by any amount payable to such person under

OATA86

63

1 any other program funded in whole or in part by the United
2 States in connection with such disability or death, except
3 that nothing in this subsection shall result in the reduction
4 of any amount below zero.

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

7 `` (d) In this section:

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

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

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

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

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

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

22 (c) MEDICAL BENEFITS.--(1) Chapter 55 of title 10, United
23 States Code, is amended by adding at the end thereof the

OATA86

64

1 following new section:

2 ``§1095. Medical care: members held as captives and their
3 dependents

4 `` (a) Under regulations prescribed by the President, the
5 Secretary concerned shall pay (by advancement or
6 reimbursement) any person who is a former captive, and any
7 dependent of that person or of a person who is in a captive
8 status, for health care and other expenses related to such
9 care, to the extent that such care--

10 `` (1) is incident to the captive status; and

11 `` (2) is not covered--

12 `` (A) by any other Government medical or health
13 program; or

14 `` (B) by insurance.

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

19 `` (c) In this section:

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

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

24 (2) The table of sections at the beginning of such
25 chapter is amended by adding at the end thereof the following

OATA86

65

1 new item:

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

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

5 (B) The President shall prescribe specific regulations
6 regarding the carrying out of such section with respect to
7 persons whose captive status begins during the period
8 beginning on January 21, 1981, and ending on the effective
9 date of that section.

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

13 ``CHAPTER 109--EDUCATIONAL ASSISTANCE FOR MEMBERS HELD AS
14 CAPTIVES AND THEIR DEPENDENTS

``Sec..

``2171. Definitions.

``2172. Educational assistance: dependents of captives.

``2173. Educational assistance: former captives.

``2174. Termination of assistance.

``2175. Programs to be consistent with programs administered by the Veterans' Administration.

15 ``§2171. Definitions

16 In this chapter:

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

19 ``(2) 'Dependent' has the meaning given that term in

OATA86

66

1 section 551 of that title.

2 ``§2172. Educational assistance: dependents of captives

3 `` (a) Under regulations prescribed by the President, the
4 Secretary concerned shall pay (by advancement or
5 reimbursement) a dependent of a person who is in a captive
6 status for expenses incurred, while attending an educational
7 or training institution, for--

8 `` (1) subsistence;

9 `` (2) tuition;

10 `` (3) fees;

11 `` (4) supplies;

12 `` (5) books;

13 `` (6) equipment; and

14 `` (7) other educational expenses.

15 `` (b) Except as provided in section 2174 of this title,
16 payments shall be available under this section for a
17 dependent of a person who is in a captive status for
18 education or training that occurs--

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

21 `` (2) on or before--

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

25 `` (B) the earlier of the end of any course that

OATA86

67

1 began before such date or the end of the 16-week
2 period following that date if the educational or
3 training institution is not operated on a semester or
4 quarter system; or

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

7 ``(c) If a person in a captive status or a former captive
8 dies and the death is incident to the captivity, payments
9 shall be available under this section for a dependent of that
10 person for education or training that occurs after the date
11 of the death of that person.

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

16 ``§2173. Educational assistance: former captives

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

21 ``(1) subsistence;

22 ``(2) tuition;

23 ``(3) fees;

24 ``(4) supplies;

25 ``(5) books;

OATA86

68

1 ``(6) equipment; and

2 ``(7) other educational expenses.

3 ``(b) Except as provided in section 2174 of this title,
4 payments shall be available under this section for a person
5 who is a former captive for education or training that
6 occurs--

7 ``(1) after the termination of the status of that
8 person as a captive; and

9 ``(2) on or before--

10 ``(A) the end of any semester or quarter (as
11 appropriate) that begins before the end of the
12 10-year period beginning on the date on which the
13 status of that person as a captive terminates; or

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

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

22 ``§2174. Termination of assistance

23 ``Assistance under this chapter--

24 ``(1) shall be discontinued for any person whose
25 conduct or progress is unsatisfactory under standards

OATA86

69

1 consistent with those established under section 1724 of
2 title 38; and

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

6 `` §2175. Programs to be consistent with programs administered
7 by the Veterans' Administration

8 `` Regulations prescribed to carry out this chapter shall
9 provide that the programs under this chapter shall be
10 consistent with the educational assistance programs under
11 chapters 35 and 36 of title 38.``

12 (2) The table of chapters at the beginning of subtitle A
13 of such title, and the table of chapters at the beginning of
14 part III of such subtitle, are amended by inserting after the
15 item relating to chapter 108 the following new item:

``109. Educational Assistance for Members Held as Captives
and Their Dependents2171 ``

16 (3) Chapter 109 of title 10, United States Code, as added
17 by paragraph (1), shall apply with respect to persons whose
18 captive status begins after January 21, 1981.

19 **SEC. 806. Effective Date of Entitlements.**

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

OATA86

70

1 TITLE IX--MARITIME SECURITY

2 SEC. 901. SHORT TITLE.

3 This title may be cited as the ``International Maritime
4 and Port Security Act``.

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

7 The Congress encourages the President to continue to seek
8 an agreement through the International Maritime Organization
9 on matters of international seaport and shipboard security.
10 In developing such agreement, each member country of the
11 International Maritime Organization should consult with
12 appropriate private sector interests in that country. Such
13 agreement would establish seaport and vessel security
14 standards and could include--

15 (1) seaport screening of cargo and baggage similar to
16 that done by airports;

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

20 (3) additional security onboard vessels;

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

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

25 SEC. 903. MEASURES TO PREVENT UNLAWFUL ACTS AGAINST

OATA86

71

1 **PASSENGERS AND CREWS ON BOARD SHIPS.**

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

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

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

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

17 (3) the security measures specified in the
18 recommendations.

19 (c) **SECURITY MEASURES AT UNITED STATES PORTS.**--If the
20 member nations of the International Maritime Organization
21 have not finalized and accepted the proposed recommendations
22 by December 31, 1986, the Secretary of Transportation shall
23 include in the report required by this section proposed
24 legislation for the implementation of security measures at
25 United States ports and on vessels operating from those ports

OATA86

72

1 based on the assessment of threat from acts of terrorism
2 reported by the Secretary of Transportation under section
3 906.

4 **SEC. 904. CRIMINAL SANCTIONS FOR THE SEIZURE OF VESSELS BY**
5 **TERRORISTS.**

6 The Congress encourages the President--

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

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

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

17 **SEC. 905. PANAMA CANAL SECURITY.**

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

22 **SEC. 906. THREAT OF TERRORISM TO UNITED STATES PORTS AND**
23 **VESSELS.**

24 Not later than December 31, 1986, and semiannually
25 thereafter, the Secretary of Transportation shall report to

OATA86

73

1 the Congress on the threat from acts of terrorism to United
2 States ports and vessels operating from those ports.

3 **SEC. 907. SUSPENSION OF PASSENGER SERVICES.**

4 (a) **PRESIDENT'S DETERMINATION.**--Whenever the President
5 determines that a foreign nation permits the use of territory
6 under its jurisdiction as a base of operations or training
7 for, or as a sanctuary for, or in any way arms, aids, or
8 abets, any terrorist organization which knowingly uses the
9 illegal seizure of passenger vessels or the threat thereof as
10 an instrument of policy, the President may, without notice or
11 hearing and for as long as the President determines necessary
12 to assure the security of passenger vessels against unlawful
13 seizure, suspend (1) the right of any passenger vessel common
14 carrier to operate, and (2) the right of any passenger vessel
15 of the United States to utilize any port in that foreign
16 nation for passenger service.

17 (b) **PROHIBITION.**--It shall be unlawful for any passenger
18 vessel common carrier to operate in violation of the
19 suspension of rights by the President under this section.

20 **SEC. 908. SECURITY STANDARDS IN FOREIGN WATER TRANSPORTATION.**

21 (a) **ASSESSMENT OF SECURITY MEASURES.**--The Secretary of
22 Transportation shall develop and implement a plan to assess
23 the effectiveness of the security measures maintained at
24 those foreign ports which the Secretary, in consultation with
25 the Secretary of State, determines pose a high risk of acts

OATA86

74

1 of terrorism directed against passenger vessels.

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

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

16 (d) NOTIFICATION TO FOREIGN COUNTRY OF
17 DETERMINATION.--If, after implementing the plan in accordance
18 with subsection (a), the Secretary of Transportation
19 determines that a port does not maintain and administer
20 effective security measures, the Secretary of State (after
21 being informed by the Secretary of Transportation) shall
22 notify the appropriate authorities of such foreign government
23 of such determination, and shall recommend the steps
24 necessary to bring the security measures in use at that port
25 up to the standard used by the Secretary in making such

OATA86

75

1 assessment.

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

10 SEC. 909. TRAVEL ADVISORY AND SUSPENSION OF FOREIGN
11 ASSISTANCE.

12 (a) TRAVEL ADVISORY.--Upon being notified by the
13 Secretary of Transportation that the Secretary has
14 determined, pursuant to section 908(d) that a condition
15 exists that threatens the safety or security of passengers,
16 passenger vessels, or crew travelling to or from a foreign
17 port which the Secretary of Transportation has determined
18 pursuant to that section to be a port which does not maintain
19 and administer effective security measures, the Secretary of
20 State shall immediately issue a travel advisory with respect
21 to that port. Any travel advisory issued pursuant to this
22 subsection shall be published in the Federal Register. The
23 Secretary of State shall take the necessary steps to widely
24 publicize that travel advisory.

25 (b) LIFTING OF TRAVEL ADVISORY.--The travel advisory

OATA86

76

1 required to be issued under subsection (a) may be lifted only
2 if the Secretary of Transportation, in consultation with the
3 Secretary of State, has determined that effective security
4 measures are maintained and administered at the port with
5 respect to which the Secretary of Transportation had made the
6 determination described in section 908(d).

7 (c) NOTIFICATION TO CONGRESS.--The Congress shall be
8 notified if any travel advisory imposed pursuant to this
9 section is lifted.

10 **SEC. 910. DEFINITIONS.**

11 For purposes of this title--

12 (1) the term ``common carrier`` has the same meaning
13 given such term in section 3(6) of the Shipping Act of
14 1984 (46 U.S.C. App. 1702(6)); and

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

Amend the title of the bill to read as follows: ``A Bill
to provide enhanced diplomatic security and combat
international terrorism, and for other purposes.``.