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Diplomatic Security and Anti-Terrorism Act of
1986] (2)

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WHITE HOUSE STAFFING MEMORANDUM

Received 5:57
 1986 AUG 25

DATE: 8/22/86 ACTION/CONCURRENCE/COMMENT DUE BY: 10:00 am, Mon., 8/25

SUBJECT: SIGNING STATEMENT FOR H.R. 4151 - Omnibus Diplomatic Security and Anti Terrorism Act of 1986

| | ACTION | FYI | | ACTION | FYI |
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REMARKS:

Attached is an alternate signing statement proposed by NSC. May I please have your comments on this by 10:00 a.m. Monday. Thank you.

RESPONSE:

OK with small changes to P/L.

(Recommend NSC vs. State version)



David L. Chew
Staff Secretary
Ext. 2702

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506

AUG 22 1986 August 22, 1986

MEMORANDUM FOR DAVID L. CHEW

FROM: RODNEY B. McDANIEL *Belger*
SUBJECT: Enrolled Bill H.R. 4151, "Omnibus Diplomatic
Security and Anti-Terrorism Act of 1986"

NSC has reviewed the OMB memo to the President and concurs with its recommendation.

The NSC strongly recommends a reenactment signing ceremony for this bill when Congress reconvenes in September. The original signing statement proposed by State at Tab A is too lengthy and detailed. At Tab B is an NSC-approved signing statement that notes the signing of the bill into law and the cooperation of the executive and legislative branches without diminishing the value of a September reenactment ceremony. State will be tasked to prepare Presidential remarks for the proposed reenactment ceremony.

Attachments

- Tab A - State Proposed Signing Statement
- Tab B - NSC-Approved Signing Statement

cc: clerk

I have signed H.R. 4151, the Omnibus Diplomatic Security and Anti-Terrorism Act of 1986 to improve the physical and technical security of U.S. diplomatic establishments abroad and the people who staff them as well as the physical security of foreign missions and officials in this country.

This historic Act provides the legislative basis necessary to implement the recommendations of the Advisory Panel on Overseas Security, chaired by Admiral B.R. Inman. It strengthens the security capability of our Foreign Service, and underlines its commitment not only to the safety of the official U.S. presence overseas, but that of the larger American community abroad. It gives new strength and new emphasis to our national drive against international terrorism. This Act sends a powerful message to all who choose not to honor normal standards for the conduct of diplomatic relations.

The Act provides for the major restructuring of our security efforts recommended by the Inman Panel. It establishes within the State Department a new Bureau of Diplomatic Security and a Diplomatic Security Service to increase the professionalism and effectiveness of our security personnel.

The Act also authorizes resources for a comprehensive worldwide security program. The key element is a five-year construction program to replace and upgrade our most vulnerable posts overseas. But this initiative is more than a security construction program. We will also improve communications with state-of-the art technology so they are faster and more secure, and strengthen counterintelligence and intelligence-sharing with host governments and within our own government.

This Act will complement the ambitious program we have already launched to meet the threat posed by dramatically increased international terrorism. By reprogramming existing resources, the Foreign Service has hired nearly 300 new security agents with significantly improved training. We have made substantial physical security improvements at 152 overseas posts. We have added more Marine Security Guards and Marine Guard detachments at posts, and strengthened local guard forces. We have doubled the size of our armored vehicle fleet overseas, and streamlined threat-alert procedures. Besides improving physical security, we have made a major effort to inform and train our people. Mobile training teams have visited high-threat posts overseas, to give specialized security training to U.S. personnel and their dependents and to discuss the threat of terrorism with American communities.

Overall this is an unprecedented national program to modernize the physical and technical security of all civilian departments and agencies abroad. The aim is to enable the people who represent us overseas to preserve the tradition of warmth and openness that has characterized our diplomatic presence in an increasingly uncertain, and often dangerous, environment.

The Act also incorporates important provisions of other legislation that the Administration has proposed. We are particularly pleased that H.R. 4151 includes Title VIII, Victims of Terrorism Compensation, which provides a variety of protections and services for government employees and certain others who are either taken hostage or injured or killed in terrorist activities. This long-needed provision has been endorsed strongly by the Administration. We have been working for passage of this legislation since 1981. We appreciate the bipartisan support of the Congress in enacting this title of H.R. 4151.

In my view the Act contains overly numerous detailed specifications with regard to implementation, including a very large number of distinct reporting requirements. On several topics the Act purports to direct the President in the exercise of his inherent Constitutional authorities in the area of foreign affairs, for example in Sections 601(a) and 701. Although we share many of the objectives of these provisions, it will be necessary to consider the particular circumstances in each case before raising topics for international consideration. As a matter of longstanding principle, I will reiterate my refusal to accept as legally binding Congressional efforts to impose legislative restrictions or directions with respect to international negotiations which are, under the Constitution of the United States, reserved exclusively to the President. In this connection I would like to record my understanding that Section 601(a) does not change any of the requirements under existing law for peaceful nuclear cooperation with the United States. Further I note that some allies and trading partners with excellent nonproliferation credentials, advanced nuclear projects and in situations that do not pose a threat of nuclear proliferation may find it necessary to use plutonium to meet the requirements of their nuclear programs. Therefore, I will not interpret Section 601(a)(3) as seeking to undermine the peaceful nuclear programs of these countries. Moreover, under Subsection (B) of Section 601(a)(3) decisions as to adequacy of physical protection may take into account a variety of factors including transport means, the nature of the nuclear material, and the cost of additional measures.

Effective comprehensive security will be a central concern in the conduct of U.S. foreign relations in the foreseeable future. The enactment of H.R. 4151 is a major step into that future. In passing this historic measure, the Congress has provided the necessary legislative basis to give new strength

to our ongoing efforts against international terrorism. Now I call upon the Congress to provide the funds we have requested to allow the Administration to accelerate those efforts. Failure to provide the appropriations we need for diplomatic security as well as for the Department of State's other operations and for our Foreign Assistance programs will lead to a policy of withdrawal, a policy that will leave much of the world to our adversaries. I call upon the Congress to provide the resources necessary to maintain our strong and resolute foreign policy around the world. To do otherwise would be a tragic mistake for us all.

PRESIDENTIAL STATEMENT
UPON THE SIGNING INTO LAW
H.R. 4151, THE OMNIBUS DIPLOMATIC SECURITY
AND ANTI-TERRORISM ACT OF 1986

Today, I signed into law H.R. 4151, The Omnibus Diplomatic Security and Anti-Terrorism Act of 1986. This marks yet another step forward in our bipartisan effort to eradicate international terrorism. I would like to recognize the valuable contributions to this legislation by the Vice President and his Task Force on Combatting Terrorism; Secretary Shultz and ~~Retired~~ Admiral Inman and their Panel on Diplomatic Security, and the work of Senator Richard Lugar and Representatives Dante Fascell, ^{Bill} Broomfield, ^{Olympia} ~~McA~~ Snowe, as well as many other distinguished members of Congress, for bringing the various parts of this bill together. This is truly a bipartisan piece of work.

This bill once again puts those who would instigate acts of terrorism against U.S. citizens or property on notice that we will not be deterred from carrying out our obligations throughout the world. I am committed to ensuring the safety of our diplomats, servicemen, and citizens wherever they may be. This historic bill provides the organization and authorities necessary to implement the recommendations of the advisory Panel on Overseas Security. It also establishes within the State Department a new Bureau of Diplomatic Security and a Diplomatic Security Service to increase the professionalism and effectiveness of our security personnel. Another important piece of this bill that I am particularly pleased to have supported is the victims of terrorism assistance

program. This will for the first time provide for the care and welfare of the victims of terrorism and their families.

At the same time, I continue to urge cooperation with all nations, on both a bilateral and multilateral basis, to seek ways to work together to end the continuing onslaught of international terrorism against civilized society. Seeking international cooperation is vital in the struggle against terrorism and that effort will remain a top foreign policy priority for me. Within the government, cooperation and coordination between all departments and agencies is also essential in protecting our vital national security interests from the terrorist threat.

We can never legislate an end to terrorism. However, we must remain resolute in our commitment to confront this criminal behavior in every way -- diplomatically, economically, legally, and when necessary, militarily. First rate intelligence remains the key element in each of these areas. We will continue to improve our ability to predict, prevent, and respond to threats of terrorism with an expanded intelligence gathering capability.

We will continue to work with Congress to identify legislation gaps in our ability to combat terrorism. This bill adds to our capabilities and further demonstrates our resolve. I congratulate those responsible for this historic bill.

THE WHITE HOUSE

WASHINGTON

Received 9 9

1986 AUG 25 PM 3: 37

August 25, 1986

MEMORANDUM FOR DAVID L. CHEW
STAFF SECRETARY AND
DEPUTY ASSISTANT TO THE PRESIDENT

FROM: JAY B. STEPHENS
DEPUTY COUNSEL TO THE PRESIDENT

SUBJECT: Signing Statement for H.R. 4151: Omnibus
Diplomatic Security and Anti Terrorism Act
of 1986

Counsel's office has reviewed the National Security Council's revised version of the Presidential signing statement for H.R. 4151 and concurs in its use instead of the version prepared by the Department of State. The NSC draft presents a more concise, artful statement of the relevant issues.

WHITE HOUSE STAFFING MEMORANDUM

DATE: 8/21/86 ACTION/CONCURRENCE/COMMENT DUE BY: NOON Fri., 8/22

SUBJECT: ENROLLED BILL H.R. 4151 - OMNIBUS DIPLOMATIC SECURITY AND ANTI TERRORISM ACT OF 1986

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| BUCHANAN <i>no comment</i> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | THOMAS | <input type="checkbox"/> | <input type="checkbox"/> |
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*David -
H.R. 4151 -
hook up w/bill.*

REMARKS:

Please submit your comments on the attached to my office by noon tomorrow. Thank you.

RESPONSE:

David L. Chew
Staff Secretary
Ext. 2702

WHITE HOUSE STAFFING MEMORANDUM

DATE: 8/21/86 ACTION/CONCURRENCE/COMMENT DUE BY: NOON Fri., 8/22

SUBJECT: ENROLLED BILL H.R. 4151 - OMNIBUS DIPLOMATIC SECURITY AND ANTI TERRORISM ACT OF 1986

9:06 AM '86
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REMARKS:

Please submit your comments on the attached to my office by noon tomorrow. Thank you.

RESPONSE:

no objection

David L. Chew
Staff Secretary
Ext. 2702

WHITE HOUSE STAFFING MEMORANDUM

DATE: 8/21/86 ACTION/CONCURRENCE/COMMENT DUE BY: NOON Fri., 8/22

SUBJECT: ENROLLED BILL H.R. 4151 - OMNIBUS DIPLOMATIC SECURITY AND ANTI TERRORISM ACT OF 1986

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REMARKS:

Please submit your comments on the attached to my office by noon tomorrow. Thank you.

RESPONSE:

David L. Chew
Staff Secretary
Ext. 2702

THE WHITE HOUSE

WASHINGTON

August 22, 1986

Received SS

1986 AUG 22 PM 3:41

MEMORANDUM FOR DAVID L. CHEW
STAFF SECRETARY AND
DEPUTY ASSISTANT TO THE PRESIDENT

FROM: JAY B. STEPHENS
DEPUTY COUNSEL TO THE PRESIDENT

SUBJECT: Enrolled Bill H.R. 4151: Omnibus Diplomatic
Security and Anti-Terrorism Act of 1986

Counsel's office has reviewed the above-referenced enrolled bill and concurs with the recommendation of the Office of Management and Budget that it be approved and signed by the President.



United States Department of State

Washington, D.C. 20520

August 19, 1986

Dear Mr. Miller:

We believe that the President should sign H.R. 4151, the recently enrolled Omnibus Diplomatic Security and Antiterrorism Act of 1986.

This legislation provides important new authorization and authorities for the protection of U.S. Government personnel overseas, substantially incorporating the essential provisions of the Administration bill. Most importantly, H.R. 4151 authorizes some \$2.4 billion in additional appropriations for the Administration's requested Diplomatic Security Program. This includes a five-year authorization of some \$2.1 billion of the \$2.7 requested for the diplomatic construction program, and a two-year authorization of some \$328 million of the \$580 million requested for other expenses and programs (section 401.) While less than the total requested, this authorization will permit us to undertake most of the vital rebuilding program necessary to provide essential security for government personnel abroad, as well as other essential programs for physical and technical security. This legislation also provides the authorization which we had sought for an Assistant Secretary to head the new Bureau of Diplomatic Security (sections 201-203) and the Accountability Review Board for terrorist incidents (sections 301-305).

The legislation also incorporates important provisions of other legislation which the Administration has introduced or supported. We are particularly pleased that H.R. 4151 includes Title VIII, Victims of Terrorism Compensation, which provides a variety of protections and services for government employees and certain others who are either taken hostage or injured or killed in terrorist activities. This long-needed provision has been endorsed strongly by the Administration and its inclusion was one of our major conference objectives. H.R. 4151 also provides important new authorities in the fight against terrorism: to pay rewards for information related to narcoterrorism offenses abroad (section 502), to control the provision of terrorism-related services which would aid and abet international terrorism (section 506), to provide additional equipment and commodities as part of antiterrorism

The Honorable
James C. Miller III,
Director,
Office of Management and Budget

assistance to foreign countries (section 507), to provide airport security equipment and commodities for Egypt (section 508). In addition, the legislation contains a modified version of S. 1429, establishing U.S. criminal jurisdiction over murders and other terrorist violence against U.S. nationals abroad (section 1202.) The legislation also contains potentially useful authority in Title X, which establishes the Fascell Fellowship Program to provide temporary services in lieu of foreign national personnel at U.S. missions in the Soviet Union and other Eastern European countries.

As has been clear from our past letters to you in relation to this legislation, there are a number of provisions which do present difficulties and concerns. We are particularly concerned with the tendency in several parts of the bill to over-specify organizational arrangements and responsibilities of subordinate officials which we think rightly should remain at the discretion of the Secretary. For example, section 105 specifies in considerable detail the duties and responsibilities which the Assistant Secretary for Diplomatic Security "should have." While this language is hortatory, and subordinate to the general grant of authority in section 104(a), it seeks to restrain the managerial flexibility necessary to launch the complex programs mandated by the bill. Similarly, we are concerned by section 413, establishing an Office of Policy and Program Review to carry out certain functions formerly held by the Inspector General of the Foreign Service and the Department of State. While explicit recognition of the authority to perform these functions as a necessary extension of the Secretary's managerial authority is helpful, this provision is unnecessarily specific in mandating a precise organizational arrangement to accomplish this task, and thus constitutes an unwarranted intrusion into the Executive's authority to manage the conduct of foreign affairs.

In this connection, we regret that the Congress sought to repeat its mandate to establish the Office of the Inspector General, since the Department has been proceeding in good faith to do exactly that since the enactment of last year's legislation. We note also that the change from the current Office of the Program Inspector General to the new Office of Policy and Program Review, and pending the imminent establishment of the Office of the Inspector General, leaves a transitional period of uncertainty for the audit and investigation functions. The Secretary will therefore provide for this brief period under his overall authority to conduct these management functions in the Department. Finally, we want to stress the importance of moving forward rapidly and responsibly with the nomination and confirmation of an Inspector General for the Department. The success of the new Office of the Inspector General is tied to a very high degree to the quality of this person and the time that it takes him or

her to organize the new office to fulfill its responsibilities.

The tendency toward efforts at micro-management is further reflected in a number of overly restrictive earmarks and other restrictions, specifications, and prohibitions contained in this legislation. While in many cases we agree with the general policy objectives of these provisions, these detailed legislative specifications will limit the ability to use resources in the most effective way possible and are likely to increase costs and create other practical difficulties. The construction program in particular is subject to a host of detailed conditions, prohibitions, and requirements. The preference for American contractors (section 402), for example, defines "adequate competition" as two or more qualified American bidders; we are concerned that two bidders may not in some cases in fact constitute adequate competition. The provisions on furniture, furnishings, and equipment (section 401(h)) also are, in our opinion, unnecessary and costly to implement. Tightened security procedures, as mandated by section 403, are important but also can be expensive. Moreover, Titles IV and V, as well as other titles of the bill, contain detailed, numerous, and frequent reporting requirements which in our opinion are excessively burdensome and costly.

Similarly, the bill at points reflects Congressional efforts to dictate the exercise of the Executive's constitutional functions in the area of foreign relations. Most troubling in this respect is section 414, prohibiting the use of authorized construction program funds for facilities in Israel, Jerusalem, or the West Bank. We appreciate the Congressional sensitivity to these issues which has resulted in significant moderation of these provisions in conference, including section 414 and sections 501, 505, 702, 703, 704, 1201, and 1303. We note, however, that the bill still contains a number of extremely detailed specifications on the conduct of foreign policy, including efforts to direct the President to take various steps in the nuclear area (section 601(a)) and to seek the establishment of an International Antiterrorism Committee (section 701) and an erroneous characterization of present U.S. policy (section 1308). We must also register serious regret that section 414 was not deleted altogether, and still prevents construction of badly needed secure facilities for our officials in Tel Aviv and Jerusalem. An effort was made in the Senate, which the Administration would not accept, to dictate the location of a new Embassy in Israel, something that would have undermined a basic tenet of U.S. policy in the Middle East and made the search for peace more difficult. As a result of this attempt, American personnel at these two posts will continue to face security risks because of inadequate facilities.

Concerning Title VI on international nuclear terrorism, we have a very specific concern, in addition to our more general

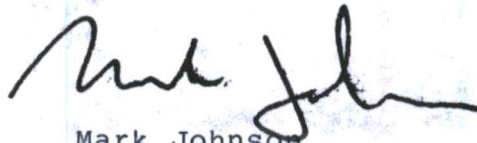
concern about unwarranted efforts to direct the President in the exercise of his constitutional authority, which we believe should be addressed in the President's signing statement. Section 601(a)(3)'s requirement for certain nuclear transfers to be held to a "minimum" and to be under the "most effective means" to protect against terrorist attacks threatens the President's decision to pursue new, long-term arrangements with Japan and EURATOM providing programmatic consent to the international transfer of nuclear materials as part of their fuel cycle programs. It is therefore essential that we build a clear record that the bill does not change the legal requirements for entering into such agreements.

To the extent that the restrictions and provisions indicated become significant practical problems, it may be necessary to seek appropriate remedies in the future. In the context of the bill as a whole, however, they do not appear to outweigh the substantial benefits of the new authorization and authorities provided by this legislation. Two of our major conference concerns -- sufficient authorization to establish the Diplomatic Security Program and inclusion of the Title VIII victims of terrorism compensation legislation -- have been met. The other two major concerns -- moderation of the provisions on construction in Israel and on the Inspectors General for the Department of State -- have been sufficiently met to warrant signing in view of the overall importance of the bill.

For the above reasons, we recommend signing the bill at the earliest possible opportunity, and propose a signing statement as attached.

With best wishes,

Sincerely,



Mark Johnson
Acting Assistant Secretary
Legislative and Intergovernmental Affairs

Central Intelligence Agency



Washington, D.C. 20505

19 August 1986

The Honorable James C. Miller III
Director
Office of Management and Budget
Washington, D.C. 20503

Dear Mr. Miller:

This is in response to your request for the views of the Director of Central Intelligence on enrolled bill H.R. 4151, the "Omnibus Diplomatic Security and Antiterrorism Act of 1986."

As you know, the Agency participated extensively in the preparation of the Administration's initial legislative package on diplomatic security. Since the transmission of that package to the Congress, we have followed this legislation closely.

As you may recall, early Congressional versions of the legislation raised concerns that national security considerations would be ignored in the establishment of overseas staffing levels and in other areas. Additionally, we had concerns about several of the anti-terrorism provisions as added to those early versions.

Fortunately, when we raised our concerns with the Congress and within the Administration, we received a sympathetic response, especially from the Senate Foreign Relations Committee and the House Foreign Affairs Committee. As a result, Title I of the enrolled bill reflects modifications made to take these national concerns into account. Additionally, other titles of the bill contain modifications made to address Agency concerns (principally those in the anti-terrorism area).

I am therefore pleased to recommend Presidential approval of this important legislation.

Sincerely,

William J. Casey
Director of Central Intelligence



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

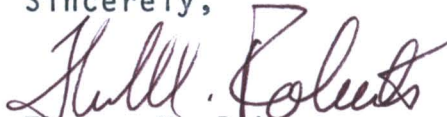
August 14, 1986

The Honorable James C. Miller, III
Director, Office of Management and Budget
Executive Office of the President
Washington, D. C. 20503

Dear Mr. Miller:

This responds to your request for the Nuclear Regulatory Commission's comments on the Omnibus Diplomatic Security and Anti-Terrorism Act of 1986. Section 606 of the bill is legislation that the Commission has sought for some time, which would authorize our licensees to have access to FBI criminal history data. Accordingly, we recommend that the President sign the legislation into law.

Sincerely,


Thomas M. Roberts
Acting Chairman

**United States
Information
Agency**

Washington, D.C. 20547



USIA

August 18, 1986

Dear Mr. Frey:

This will repond to your request for the views of the United States Information Agency on enrolled bill H.R. 4151, the Omnibus Diplomatic Security and Antiterrorism Act of 1986.

This Agency supports the provisions of this bill, and recommends that it be signed by the President.

Sincerely,

A handwritten signature in blue ink, appearing to read "M. Dexheimer", with a long horizontal line extending to the right.

Marilyn Dexheimer
Congressional Liaison
Officer

Mr. James M. Frey
Assistant Director for
Legislative Reference
Office of Management and Budget
New Executive Office Building
726 Jackson Place, N.W.
Washington, D.C. 20503



U.S. Department of
Transportation

General Counsel

400 Seventh St., S.W.
Washington, D.C. 20590

The Honorable James C. Miller III
Director, Office of Management and Budget
Washington, D.C. 20503

AUG 15 1986

Dear Mr. Miller:

This is in response to your request for the views of the Department of Transportation concerning H.R. 4151, the "Omnibus Diplomatic Security and Antiterrorism Act of 1986," an enrolled bill

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

The Department of Transportation strongly supports legislation to ensure the safety of the travelling public in a time of heightened concern about terrorist acts against the United States and its citizens. While this bill cannot possibly anticipate or prevent all acts of terrorism against the United States and its citizens, it should help achieve many of the objectives of the Department. Since the majority of the Act addresses security matters of concern to other departments, we defer to their comments regarding those titles within their purview.

Title IX (the "International Maritime and Port Security Act"), however, is within the cognizance of this Department. Particularly regarding section 906, we strongly support the decision to provide the Coast Guard with explicit statutory authority for port, harbor, and coastal facility security. Additionally, in conjunction with the Department of State, we are pursuing with members of the International Maritime Organization agreement on a set of voluntary measures for maritime security. While title IX goes far to enhance the ability of the Coast Guard to establish prevention standards to counteract acts of terrorism, minor enforcement problems can still be anticipated. Legislative proposals will be submitted as problems and solutions are identified to remedy those deficiencies.

Accordingly, we recommend that the President sign the enrolled bill.

Sincerely,

Jim J. Marquez
General Counsel

20 AUG 15 1986
F-0:00

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506

August 20, 1986

MEMORANDUM FOR JAMES M. FREY

FROM: RODNEY B. McDANIEL *Bob for*

SUBJECT: Enrolled Bill H.R. 4151, The Omnibus Diplomatic Security and Anti-Terrorism Act of 1986

NSC has reviewed H.R. 4151 as passed by the Congress and recommends that the President approve the bill. We recommend that a signing ceremony be scheduled when Congress reconvenes. This will provide an appropriate vehicle to publicly acknowledge the bill.

The bill contains recommendations from both the Inman Panel on Diplomatic Security and the Vice President's Task Force on Combatting Terrorism, as well as other provisions. The bill differs from the Administration's bill in the following key areas:

- Sec 103(b), Oversight of Posts Abroad - The Administration bill did not include this language which mandates the Secretary of State to establish appropriate staffing levels for all Federal agencies abroad.
- Sec 105, Responsibilities of the Assistant Secretary for Diplomatic Security - The Administration bill did not specify responsibilities beyond those directed by the Secretary of State.
- Sec 401, Authorization - The Administration bill did not specify authorization amounts. The enrolled bill authorizes the following amounts for each of the year's specified:
 - Salaries and Expenses (FY 86 and FY 87) \$308,104,000
 - Acquisition and Maintenance of Buildings Abroad (FY 86 and FY 87) \$857,806,000
 - Research and Development (FY 86 and FY 87) \$ 15,000,000
 - Capital Construction (FY 88, FY 89, FY 90) \$417,962,000
 - Anti-terrorism Assistance Program (FY 87) \$ 14,680,000

- Sec 402, Diplomatic Construction Program - The enrolled bill directs the use of U.S. contractors except where prohibited by foreign law. It also directs at least 10 percent of the appropriated amount be set aside for monitoring contractors and 10 percent for small business contractors. The Administration bill had no such provision.
- Sec 414, Prohibition on the Use of Funds for Facilities in Israel, Jerusalem, or the West Bank - The Administration bill had no such provision.
- Title VIII - Victims of Terrorism Compensation - This title provides compensation to civil servants or any citizen, national, or resident alien of the U.S. for medical benefits, dependent education benefits, disability benefits, and cash benefits if they are held captive. This is a new program that is essentially a "G.I. Bill" for hostages and hostage families. The Administration bill had no such provision.
- Sec 914, Authorization of Appropriations - This section provides for \$12,500,000 to the Secretary of Transportation for port security activities. The Administration bill had no funds authorized.
- Title X, Fascell Fellowship Program - This title establishes up to 100 fellowships for the study of the Soviet Union or Eastern Europe while serving at an overseas mission. The Administration bill had no such provision.
- Sec 1202, Extraterritorial Criminal Jurisdiction Over Terrorist Conduct - This section makes the murder or attempted murder of U.S. citizens overseas a federal offense. The Administration bill had no such provision, although the Vice President's Task Force on Combatting Terrorism endorsed this measure.
- Sec 1301, Peace Corps Authorization of Appropriations - The Peace Corps is authorized \$130,000,000 in FY 86 and \$137,200,000 in FY 87. The Administration bill had no such provision.

The enrolled bill contains the provisions of the Inman Panel report, the Vice President's Task Force Report (incorporated into NSDD-207, The National Program for Combatting Terrorism), and other bills endorsed by the Administration. Given the

endorsement of most of the key sections in H.R. 4151, the NSC recommends it become law. However, there are specific areas of interpretation of the bill with respect to the relationship between the State Department and the Intelligence community that we believe should be clarified in a Presidential statement. We will prepare a formal Presidential statement, for use at the reenactment ceremony, that stresses the importance of strengthening our intelligence and law enforcement capabilities overseas.





U.S. Department of Justice

Office of Legislative and Intergovernmental Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

19 AUG 1986

Honorable James C. Miller III
Director
Office of Management and Budget
Washington, D. C. 20503

Dear Mr. Miller:

In compliance with your request, I have examined a facsimile of H.R. 4151, the "Omnibus Diplomatic Security and Antiterrorism Act of 1986." The Department of Justice recommends Executive approval of this bill.

While we defer to the Department of State with respect to most aspects of H.R. 4151, the Department of Justice was deeply involved in several provisions of the bill, particularly Secs. 606 and 1236, both of which are considered to be useful in closing current gaps in the law pertaining to terrorism. More specifically, Sec. 606 would provide for criminal history checks with respect to persons having unescorted access to nuclear power plants to assist in detecting persons with prior criminal convictions. The importance of such security measures is self-evident. Sec. 1236 would eliminate any confusion which may exist under existing law as to whether the United States has jurisdiction over assaults against or the murder of United States citizens overseas. In the Leon Klinghoffer case, for example, we clearly have jurisdiction to prosecute the murderers of Klinghoffer for kidnapping under a law enacted in 1984. It is ironic, therefore, that until Sec. 1236 is enacted, our legal authority to prosecute the perpetrators for murder is subject to question. Sec. 1236 would clarify United States jurisdiction on this point.

Again, the Department of Justice recommends Executive approval of H.R. 4151.

Sincerely,

John R. Bolton

John R. Bolton
Assistant Attorney General



GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE

WASHINGTON, D.C. 20301

August 19, 1986

Honorable James C. Miller III
Director, Office of Management
and Budget
Washington, D.C. 20503

Dear Mr. Miller:

This responds to your request for the views of the Department of Defense on the enrolled bill, H.R. 4151, the "Omnibus Diplomatic Security and Antiterrorism Act of 1986."

The Department of Defense is concerned about section 103 (b) (2) of the Act, which provides that the Secretary of State shall establish appropriate staffing levels for all such posts or missions for all Federal agencies with activities abroad (except for personnel and activities under the command of a United States area military commander).

Such authority is not needed. In fact, all United States Government agencies recently completed a thorough review of United States presence overseas in a report for the State Department to the President which was found to be more than adequate and lauded by the Department of State, Under Secretary for Management for the accuracy and cooperation by all agencies.

The Department of Defense believes that agreement on military staffing levels can be achieved amicably by mutual agreement, as is currently the case. Force levels of any type, particularly those designed to enhance the effectiveness of the Armed Forces of the host country, are related to missions and equipment necessary to neutralize a given threat, and are approved at the highest levels of our Government. Accordingly, granting one official the authority potentially to nullify this process could jeopardize our national security.

The Department of Defense does not believe, however, that our concerns to section 103(b) (2) of the Act warrant recommending disapproval of the entire Act. Therefore, the Department of Defense would not object to approval of H.R. 4151 by the President.

Sincerely,

A handwritten signature in black ink, appearing to read "H. Lawrence Garrett, III", is written over a horizontal line.

H. Lawrence Garrett, III



DEPARTMENT OF THE TREASURY
WASHINGTON

GENERAL COUNSEL

AUG 19 1986

Director, Office of Management and Budget
Executive Office of the President
Washington, D.C. 20503

Attention: Assistant Director for Legislative Reference


Dear Sir:

This responds to your request for the views of the Department of the Treasury on enrolled bill H.R. 4151, the "Diplomatic Security Act."

Inter alia, the enrolled bill would do the following: strengthen and expand the role of the Secretary of State with regard to international terrorism, establish a Diplomatic Security Service, establish an Accountability Review Board, allocate funds for security programs, express the sense of the Congress that the "rewards-for-information" program should be emphasized and publicized as a means to combat terrorism, and strengthen the safeguards and sanctions regarding the international transfer of nuclear materials.

The Department of the Treasury has no objection to the enrolled bill and recommends that the President sign it.

Sincerely,


Robert M. Kimmitt

THE WHITE HOUSE

Office of the Press Secretary
(Los Angeles, California)

For Immediate Release

August 27, 1986

STATEMENT BY THE PRESIDENT

I have signed into law H.R. 4151, the "Omnibus Diplomatic Security and Antiterrorism Act of 1986." This marks yet another step forward in our bipartisan effort to eradicate international terrorism. I would like to recognize the valuable contributions to this legislation by the Vice President and his Task Force on Combatting Terrorism; Secretary Shultz and Admiral Inman and their Panel on Diplomatic Security, and the work of Senator Richard Lugar and Representatives Dante Fascell, Bill Broomfield, Dan Mica, and Olympia Snowe, as well as many other distinguished members of the Congress, for bringing the various parts of this Act together. This is truly a bipartisan piece of work.

This Act once again puts those who would instigate acts of terrorism against U.S. citizens or property on notice that we will not be deterred from carrying out our obligations throughout the world. I am committed to ensuring the safety of our diplomats, servicemen, and citizens wherever they may be. This historic Act provides the organization and authorities necessary to implement the recommendations of the Advisory Panel on Overseas Security. It also establishes within the Department of State a new Bureau of Diplomatic Security and a Diplomatic Security Service to increase the professionalism and effectiveness of our security personnel. Another important piece of this Act that I am particularly pleased to have supported is the victims of terrorism assistance program. This for the first time will provide for the care and welfare of the victims of terrorism and their families.

At the same time, I continue to urge cooperation with all nations, on both a bilateral and multilateral basis, to seek ways to work together to end the continuing onslaught of international terrorism against civilized society. Seeking international cooperation is vital in the struggle against terrorism, and that effort will remain a top foreign policy priority for me. Within the government, cooperation and coordination between all departments and agencies is also essential in protecting our vital national security interests from the terrorist threat.

We can never legislate an end to terrorism. However, we must remain resolute in our commitment to confront this criminal behavior in every way -- diplomatically, economically, legally, and when necessary, militarily. First rate intelligence remains the key element in each of these areas. We will continue to improve our ability to predict, prevent, and respond to threats of terrorism with an expanded intelligence-gathering capability.

We will continue to work with the Congress to identify legislative gaps in our ability to combat terrorism. This Act adds to our capabilities and further demonstrates our resolve. I congratulate those responsible for this historic Act.

#

THE WHITE HOUSE

Office of the Press Secretary
(Los Angeles, California)

For Immediate Release

August 27, 1986

FACT SHEET

OMNIBUS DIPLOMATIC SECURITY AND ANTITERRORISM ACT OF 1986

The President signed today H.R. 4151 which authorizes \$2.44 billion for the Department of State to fulfill its security-related responsibilities.

In December 1985, following the recommendations of the Inman panel, the Administration transmitted to Congress an enhanced diplomatic security proposal that was intended to address the well-documented problems with security in United States embassies and missions abroad. This five-year proposal provides for construction or reconstruction of embassies and consulates at posts overseas, and for increases in security staff, communications, and other equipment.

The bill signed today:

-- Authorizes \$2.1 billion for construction for the five year period 1986-1990. The bill also authorizes appropriations of \$328 million for 1986 and 1987 for salaries and expenses, counterterrorism research and development, and anti-terrorism assistance.

-- Contains provisions to combat international terrorism. It authorizes the payment of rewards for information leading to the arrest or frustration of terrorists or narcoterrorists; authorizes a counterterrorism protection fund; prohibits the export of munitions to countries supporting terrorism, unless there is a Presidential waiver on national interest grounds, imposes controls on certain terrorism-related services and requires that persons providing these services be licensed.

-- Deals with multilateral cooperation to combat international terrorism. It directs the President to seek the establishment of an International Antiterrorism Committee; urges the President to seek negotiation of international agreements on sharing passport and visa information; urges the President to instruct our Ambassador to the United Nations (U.N.) to seek the adoption of a U.N. resolution condemning the use of diplomatic privileges and immunities for terrorist purposes; and requires the President to submit a report to the Congress, within six months of enactment, on the steps taken to carry out the above provisions.

-- Authorizes the Victims of Terrorism Compensation Act, which provides permanent authority for the payment of medical, educational, cash benefits, and other compensation to Government employees, including members of the Uniformed Services, and members of their families who are victims of terrorism. Two separate cash payments are authorized for captives: (1) a cash payment of \$50 for each day of captivity for individuals held in a captive status from the period beginning on or after November 4, 1979, and ending on or before January 21, 1981 (this covers the Iranian hostages) and (2) for all captives held after January 21, 1981, cash payments of not less than one-half of the amount of the worldwide average per diem rate in effect for each day the captive is held.

-- Includes a sense of the Congress provision that the President should establish a process to encourage the negotiation of an international convention to prevent and control international terrorism.

#

WHITE HOUSE STAFFING MEMORANDUM

DATE: 8/22/86 ACTION/CONCURRENCE/COMMENT DUE BY: 10:00 am, Mon., 8/25

SUBJECT: SIGNING STATEMENT FOR H.R. 4151 - Omnibus Diplomatic Security and Anti Terrorism Act of 1986

| | ACTION FYI | | | ACTION FYI | |
|----------------|-------------------------------------|-------------------------------------|-----------------|-------------------------------------|-------------------------------------|
| VICE PRESIDENT | <input type="checkbox"/> | <input checked="" type="checkbox"/> | MILLER - ADMIN. | <input type="checkbox"/> | <input type="checkbox"/> |
| REGAN | <input type="checkbox"/> | <input checked="" type="checkbox"/> | POINDEXTER | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| MILLER - OMB | <input type="checkbox"/> | <input type="checkbox"/> | RYAN | <input type="checkbox"/> | <input type="checkbox"/> |
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| BARBOUR | <input type="checkbox"/> | <input type="checkbox"/> | SPRINKEL | <input type="checkbox"/> | <input type="checkbox"/> |
| BUCHANAN | <input type="checkbox"/> | <input checked="" type="checkbox"/> | SVAHN | <input type="checkbox"/> | <input type="checkbox"/> |
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| MASENG | <input type="checkbox"/> | <input type="checkbox"/> | _____ | <input type="checkbox"/> | <input type="checkbox"/> |

REMARKS:

Attached is an alternate signing statement proposed by NSC. May I please have your comments on this by 10:00 a.m. Monday. Thank you.

RESPONSE:

OK with small changes to #1.

*8/25 (11:25a)
Doe
[Signature]*

(Recommend NSC vs. State version)

David L. Chew
Staff Secretary
Ext. 2702

PRESIDENTIAL STATEMENT
UPON THE SIGNING INTO LAW
H.R. 4151, THE OMNIBUS DIPLOMATIC SECURITY
AND ANTI-TERRORISM ACT OF 1986

Today, I signed into law H.R. 4151, The Omnibus Diplomatic Security and Anti-Terrorism Act of 1986. This marks yet another step forward in our bipartisan effort to eradicate international terrorism. I would like to recognize the valuable contributions to this legislation by the Vice President and his Task Force on Combatting Terrorism; Secretary Shultz and ~~Retired~~ Admiral Inman and their Panel on Diplomatic Security, and the work of Senator Richard Lugar and Representatives Dante Fascell, ^{Bill} Broomfield, ^{Olympia} ~~Mc~~ ^{Mc}Cha, and ^{and} Snowe, as well as many other distinguished members of Congress, for bringing the various parts of this bill together. This is truly a bipartisan piece of work.

This bill once again puts those who would instigate acts of terrorism against U.S. citizens or property on notice that we will not be deterred from carrying out our obligations throughout the world. I am committed to ensuring the safety of our diplomats, servicemen, and citizens wherever they may be. This historic bill provides the organization and authorities necessary to implement the recommendations of the advisory Panel on Overseas Security. It also establishes within the State Department a new Bureau of Diplomatic Security and a Diplomatic Security Service to increase the professionalism and effectiveness of our security personnel. Another important piece of this bill that I am particularly pleased to have supported is the victims of terrorism assistance

WHITE HOUSE STAFFING MEMORANDUM

DATE: 8/22/86 ACTION/CONCURRENCE/COMMENT DUE BY: 10:00 am, Mon., 8/25

SUBJECT: SIGNING STATEMENT FOR H.R. 4151 - Omnibus Diplomatic Security and Anti Terrorism Act of 1986

| | ACTION FYI | | | ACTION FYI | |
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| VICE PRESIDENT | <input type="checkbox"/> | <input checked="" type="checkbox"/> | MILLER - ADMIN. | <input type="checkbox"/> | <input type="checkbox"/> |
| REGAN | <input type="checkbox"/> | <input checked="" type="checkbox"/> | POINDEXTER | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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| KING | <input type="checkbox"/> | <input type="checkbox"/> | <u>Clerk</u> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| KINGON | <input type="checkbox"/> | <input checked="" type="checkbox"/> | _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| MASENG | <input type="checkbox"/> | <input type="checkbox"/> | _____ | <input type="checkbox"/> | <input type="checkbox"/> |

REMARKS:

Attached is an alternate signing statement proposed by NSC. May I please have your comments on this by 10:00 a.m. Monday. Thank you.

RESPONSE:

David L. Chew
Staff Secretary
Ext. 2702

DJM

OFFICE OF THE EXECUTIVE CLERK
TRACKING SHEET FOR PRESIDENTIAL DOCUMENTS

TITLE: H.R. 4151 - Embassy Security

TYPE DOCUMENT:

- PROCLAMATION
- EXECUTIVE ORDER
- MEMORANDUM
- DECISION MEMORANDUM
- OTHER:
- LETTER (S)
- MESSAGE TO THE CONGRESS/SENATE
- STATEMENT BY THE PRESIDENT
- SIGNING STATEMENT

RECEIVED: (Advance: 8/22/86 Time: 10³⁰ a.m./p.m.)
 Date: 1/86 Time: a.m./p.m.

SENT TO CORRESPONDENCE FOR TYPING IN FINAL:

Date: (Advance: 8/22/86 Time: 11¹⁵ a.m./p.m.)
 Date: 1/86 Time: a.m./p.m.

TO DAVID L. CHEW'S OFFICE: *Version I - Tuck change 8/22 (3:10p)* *Wallison changes 8/22 (3:20p)*
Version II - NSC version 8/22 (6:50p) - Hold
COLA changes 8/25 (11:25a) - Hold
 Date: *Version I* 8/22/86 Time: 4:40 a.m./p.m.

INFO, INCLUDING STENCIL, TO PRESS OFFICE: *use version II 8/25 4:15p (including stencil)*
 Date: 8/27/86 Time: 3:10 a.m./p.m. *deal*

POSTED: 1/86 Time: a.m./p.m.

NOTIFICATIONS:

 (initial) Each time a report or message is transmitted to the Congress, call Jane Moody, ext. 2230.

 (initial) N.S.C., when appropriate (Carol Cleveland, Cathy Millison, or Cathy Bergeron, ext. 6534).

 (initial)

OTHER INFORMATION:

II

To Corresp. - 8/22

6:50 pm
(Hold)

PRESIDENTIAL STATEMENT
UPON THE SIGNING INTO LAW
H.R. 4151, THE OMNIBUS DIPLOMATIC SECURITY
AND ANTI-TERRORISM ACT OF 1986

~~Today,~~ ^{have} I signed into law H.R. 4151, ^{the} "Omnibus Diplomatic Security and Anti-Terrorism Act of 1986." This marks yet another step forward in our bipartisan effort to eradicate international terrorism. I would like to recognize the valuable contributions to this legislation by the Vice President and his Task Force on Combatting Terrorism; Secretary Shultz and ~~Retired~~ Admiral Inman and their Panel on Diplomatic Security, and the work of Senator Richard Lugar and Representatives Dante Fascell, ^{Bill} Broomfield, ^{olympia} Mcia, and ^{the} Snowe, as well as many other distinguished members of the Congress, for bringing the various parts of this ^{Act} bill together. This is truly a bipartisan piece of work.

Dan

This ^{Act} bill once again puts those who would instigate acts of terrorism against U.S. citizens or property on notice that we will not be deterred from carrying out our obligations throughout the world. I am committed to ensuring the safety of our diplomats, servicemen, and citizens wherever ^{they} may be. This historic ^{Act} bill provides the organization and authorities necessary to implement the recommendations of the ^A ^{← NSC change from Phyllis 8/25 4/5p} Advisory Panel on Overseas Security. It also establishes within the ~~State~~ ^{of State} Department a new Bureau of Diplomatic Security and a Diplomatic Security Service to increase the professionalism and effectiveness of our security personnel. Another important piece of this ^{Act} bill that I am particularly pleased to have supported is the victims of terrorism assistance

8/25 (11:25a)
Blue changes from OA

program. This will for the first time provide for the care and welfare of the victims of terrorism and their families.

At the same time, I continue to urge cooperation with all nations, on both a bilateral and multilateral basis, to seek ways to work together to end the continuing onslaught of international terrorism against civilized society. Seeking international cooperation is vital in the struggle against terrorism, and that effort will remain a top foreign policy priority for me. Within the government, cooperation and coordination between all departments and agencies is also essential in protecting our vital national security interests from the terrorist threat.

We can never legislate an end to terrorism. However, we must remain resolute in our commitment to confront this criminal behavior in every way -- diplomatically, economically, legally, and when necessary, militarily. First rate intelligence remains the key element in each of these areas. We will continue to improve our ability to predict, prevent, and respond to threats of terrorism with an expanded intelligence-gathering capability.

We will continue to work with ^{the} Congress to identify legislation gaps in our ability to combat terrorism. This ^{Act} bill adds to our capabilities and further demonstrates our resolve. I congratulate those responsible for this historic ^{Act} bill.

THE WHITE HOUSE

WASHINGTON

August 22, 1986

MEMORANDUM FOR DAVID L. CHEW
STAFF SECRETARY AND
DEPUTY ASSISTANT TO THE PRESIDENT

FROM: JAY B. STEPHENS
DEPUTY COUNSEL TO THE PRESIDENT

SUBJECT: Signing Statement for H.R. 4151: Omnibus
Diplomatic Security and Anti-Terrorism Act of 1986

Counsel's office has reviewed the above-referenced Presidential signing statement for H.R. 4151 and concurs with the recommendation of the Office of Management and Budget that it be signed by the President. We have, however, marked several editorial changes on the attached copy.

Attachment

8/22
Djm

WHITE HOUSE STAFFING MEMORANDUM

DATE: 8/22/86 ACTION/CONCURRENCE/COMMENT DUE BY: NOON TODAY

SUBJECT: SIGNING STATEMENT FOR H.R. 4151 -- OMNIBUS DIPLOMATIC SECURITY AND ANTI-TERRORISM ACT OF 1986 (SUBMITTED BY STATE DEPT.)

| | ACTION FYI | | | ACTION FYI | |
|----------------|-------------------------------------|-------------------------------------|-----------------|-------------------------------------|-------------------------------------|
| VICE PRESIDENT | <input type="checkbox"/> | <input checked="" type="checkbox"/> | MILLER - ADMIN. | <input type="checkbox"/> | <input type="checkbox"/> |
| REGAN | <input type="checkbox"/> | <input checked="" type="checkbox"/> | POINDEXTER | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| MILLER - OMB | <input type="checkbox"/> | <input type="checkbox"/> | RYAN | <input type="checkbox"/> | <input type="checkbox"/> |
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| MASENG | <input type="checkbox"/> | <input type="checkbox"/> | _____ | <input type="checkbox"/> | <input type="checkbox"/> |

REMARKS:

Please give your recommendations on the attached signing statement by noon today. Thanks.

RESPONSE:

David L. Chew
Staff Secretary
Ext. 2702

1986 AUG 22 AM 10:02

8/22
Dove


In my view the Act contains overly numerous detailed specifications with regard to implementation, including a very large number of distinct reporting requirements. On several topics the Act purports to direct the President in the exercise of his inherent Constitutional authorities in the area of foreign affairs, for example in Sections 601(a) and 701. Although we share many of the objectives of these provisions, it will be necessary to consider the particular circumstances in each case before raising topics for international consideration. As a matter of longstanding principle, I will reiterate my refusal to accept as legally binding Congressional efforts to impose legislative restrictions or directions with respect to international negotiations which are, under the Constitution of the United States, reserved exclusively to the President. In this connection I would like to record my understanding that Section 601(a) does not change any of the requirements under existing law for peaceful nuclear cooperation with the United States. Further I note that some allies and trading partners with excellent nonproliferation credentials ^{have} advanced nuclear projects ~~and in situations~~ that do not pose a threat of nuclear proliferation ^{but} ~~may~~ ^{require the} ~~find it necessary to use~~ ^{of} plutonium ~~to meet the requirements of their nuclear programs~~. Therefore, I will not interpret Section 601(a)(3) as seeking to undermine the peaceful nuclear programs of these countries. Moreover, under Subsection (B) of Section 601(a)(3) decisions as to adequacy of physical protection may take into account a variety of factors including transport means, the nature of the nuclear material, and the cost of additional measures.

Effective comprehensive security will be a central concern in the conduct of U.S. foreign relations in the foreseeable future. The enactment of H.R. 4151 is a major step into that future. In passing this historic measure, the Congress has provided the necessary legislative basis to give new strength

WHITE HOUSE STAFFING MEMORANDUM

DATE: 8/22/86 ACTION/CONCURRENCE/COMMENT DUE BY: NOON TODAY

SUBJECT: SIGNING STATEMENT FOR H.R. 4151 -- OMNIBUS DIPLOMATIC SECURITY AND ANTI-TERRORISM ACT OF 1986 (SUBMITTED BY STATE DEPT.)

| | ACTION FYI | | | ACTION FYI | |
|---|-------------------------------------|-------------------------------------|-----------------|-------------------------------------|-------------------------------------|
| VICE PRESIDENT | <input type="checkbox"/> | <input checked="" type="checkbox"/> | MILLER - ADMIN. | <input type="checkbox"/> | <input type="checkbox"/> |
| REGAN | <input type="checkbox"/> | <input checked="" type="checkbox"/> | POINDEXTER | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| MILLER - OMB | <input type="checkbox"/> | <input type="checkbox"/> | RYAN | <input type="checkbox"/> | <input type="checkbox"/> |
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| MASENG | <input type="checkbox"/> | <input type="checkbox"/> | _____ | <input type="checkbox"/> | <input type="checkbox"/> |

REMARKS:

Please give your recommendations on the attached signing statement by noon today. Thanks.

RESPONSE:

ok as modified on last page - Tuck

David L. Chew
Staff Secretary
Ext. 2702

to our ongoing efforts against international terrorism. Now I call upon the Congress to provide the funds we have requested to allow the Administration to accelerate those efforts. Failure to provide the appropriations we need for diplomatic security as well as for the Department of State's other operations and for our Foreign Assistance programs will lead to a policy of withdrawal, a policy that will leave much of the world to our adversaries. I call upon the Congress to provide the resources necessary to maintain our strong and resolute foreign policy around the world. To do otherwise would be a tragic mistake for us all.

Delete

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8/22

Dave

WHITE HOUSE STAFFING MEMORANDUM

DATE: 8/22/86 ACTION/CONCURRENCE/COMMENT DUE BY: NOON TODAY

SUBJECT: SIGNING STATEMENT FOR H.R. 4151 -- OMNIBUS DIPLOMATIC SECURITY AND ANTI-TERRORISM ACT OF 1986 (SUBMITTED BY STATE DEPT.)

| | ACTION FYI | | | ACTION FYI | |
|----------------|-------------------------------------|--|-----------------|-------------------------------------|-------------------------------------|
| VICE PRESIDENT | <input type="checkbox"/> | <input checked="" type="checkbox"/> | MILLER - ADMIN. | <input type="checkbox"/> | <input type="checkbox"/> |
| REGAN | <input type="checkbox"/> | <input checked="" type="checkbox"/> | POINDEXTER | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| MILLER - OMB | <input type="checkbox"/> | <input type="checkbox"/> | RYAN | <input type="checkbox"/> | <input type="checkbox"/> |
| BALL | <input checked="" type="checkbox"/> | <input type="checkbox"/> | SPEAKES | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| BARBOUR | <input type="checkbox"/> | <input type="checkbox"/> | SPRINKEL | <input type="checkbox"/> | <input type="checkbox"/> |
| BUCHANAN | <input checked="" type="checkbox"/> | <input type="checkbox"/> | SVAHN | <input type="checkbox"/> | <input type="checkbox"/> |
| CHEW | <input type="checkbox"/> P | <input checked="" type="checkbox"/> SS | THOMAS | <input type="checkbox"/> | <input type="checkbox"/> |
| DANIELS | <input checked="" type="checkbox"/> | <input type="checkbox"/> | TUTTLE | <input type="checkbox"/> | <input type="checkbox"/> |
| HENKEL | <input type="checkbox"/> | <input type="checkbox"/> | WALLISON | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| KING | <input type="checkbox"/> | <input type="checkbox"/> | CLERK | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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| MASENG | <input type="checkbox"/> | <input type="checkbox"/> | _____ | <input type="checkbox"/> | <input type="checkbox"/> |

REMARKS:

Please give your recommendations on the attached signing statement by noon today. Thanks.

RESPONSE:

David L. Chew
Staff Secretary
Ext. 2702

I have signed H.R. 4151, the "Omnibus Diplomatic Security and Anti-Terrorism Act of 1986," to improve the physical and technical security of U.S. diplomatic establishments abroad and the people who staff them as well as the physical security of foreign missions and officials in this country.

This historic Act provides the legislative basis necessary to implement the recommendations of the Advisory Panel on Overseas Security, chaired by Admiral B.R. Inman. It strengthens the security capability of our Foreign Service, and underlines its commitment not only to the safety of the official U.S. presence overseas, but that of the larger American community abroad. It gives new strength and new emphasis to our national drive against international terrorism. This Act sends a powerful message to all who choose not to honor normal standards for the conduct of diplomatic relations.

The Act provides for the major restructuring of our security efforts recommended by the Inman Panel. It establishes within the ~~State~~ Department ^{of State} a new Bureau of Diplomatic Security and a Diplomatic Security Service to increase the professionalism and effectiveness of our security personnel.

The Act also authorizes resources for a comprehensive worldwide security program. The key element is a ~~five~~⁵-year construction program to replace and upgrade our most vulnerable posts overseas. But this initiative is more than a security construction program. We will also improve communications with state-of-the-art technology so they are faster and more secure, and strengthen counterintelligence and intelligence-sharing with host governments and within our own government.

This Act will complement the ambitious program we have already launched to meet the threat posed by dramatically increased international terrorism. By reprogramming existing resources, the Foreign Service has hired nearly 300 new security agents with significantly improved training. We have made substantial physical security improvements at 152 overseas posts. We have added more Marine Security Guards and Marine Guard detachments at posts, and strengthened local guard forces. We have doubled the size of our armored vehicle fleet overseas, and streamlined threat-alert procedures. Besides improving physical security, we have made a major effort to inform and train our people. Mobile training teams have visited high-threat posts overseas, to give specialized security training to U.S. personnel and their dependents and to discuss the threat of terrorism with American communities.

Overall this is an unprecedented national program to modernize the physical and technical security of all civilian departments and agencies abroad. The aim is to enable the people who represent us overseas to preserve the tradition of warmth and openness that has characterized our diplomatic presence in an increasingly uncertain, and often dangerous, environment.

The Act also incorporates important provisions of other legislation that the Administration has proposed. We are particularly pleased that H.R. 4151 includes Title VIII, Victims of Terrorism Compensation, which provides a variety of protections and services for government employees and certain others who are either taken hostage or injured or killed in terrorist activities. This long-needed provision has been endorsed strongly by the Administration. We have been working for passage of this legislation since 1981. We appreciate the bipartisan support of the Congress in enacting this title of H.R. 4151.

In my view the Act contains overly numerous detailed specifications with regard to implementation, including a very large number of distinct reporting requirements. On several topics the Act purports to direct the President in the exercise of his inherent ~~Constitutional~~ authorities in the area of foreign affairs, for example in Sections 601(a) and 701. Although we share many of the objectives of these provisions, it will be necessary to consider the particular circumstances in each case before raising topics for international consideration. As a matter of long^{standing} principle, I will reiterate my refusal to accept as legally binding ~~Congressional~~ efforts to impose legislative restrictions or directions with respect to international negotiations ^{that} which are, under the Constitution of the United States, reserved exclusively to the President. In this connection I would like to record my understanding that Section 601(a) does not change any of the requirements under existing law for peaceful nuclear cooperation with the United States. Further I note that some allies and trading partners with excellent nonproliferation credentials, advanced nuclear projects, and in situations that do not pose a threat of nuclear proliferation may find it necessary to use plutonium to meet the requirements of their nuclear programs. Therefore, I will not interpret Section 601(a)(3) as seeking to undermine the peaceful nuclear programs of these countries. Moreover, under Subsection (B) of Section 601(a)(3) decisions as to adequacy of physical protection may take into account a variety of factors including transport means, the nature of the nuclear material, and the cost of additional measures.

Effective comprehensive security will be a central concern in the conduct of Uⁿ.S^a. ~~foreign~~ relations in the foreseeable future. The enactment of H.R. 4151 is a major step into that future. In passing this historic measure, the Congress has provided the necessary legislative basis to give new strength

to our ongoing efforts against international terrorism. Now I call upon the Congress to provide the funds we have requested to allow the Administration to accelerate those efforts. Failure to provide the appropriations we need for diplomatic security, as well as for the Department of State's other operations, and for our Foreign Assistance programs will lead to a policy of withdrawal, a policy that will leave much of the world to our adversaries. I call upon the Congress to provide the resources necessary to maintain our strong and resolute foreign policy around the world. To do otherwise would be a tragic mistake for us all.

8/27/86

to Pres Off. 3:10p

INDEX OF DISKETTE CONTENTS

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COMMENT: dtd and duped 08/27/86 pt

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DOCUMENT TYPE: Document
COMMENT: dtd 08/27 and duped version 2 pt

DOCUMENT NAME: Stmt H.R. 4151 rel
DOCUMENT TYPE: Document
COMMENT: version 2, duped and dtd 08/27 pt