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THE WHITE HOUSE

Office of the Press Secretary
(Santa Barbara, California)

For Immediate Release

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 ~~any~~ 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.

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

~~today~~, I ^{have} 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, ^{DAA} Mcia, ^{olympia} and ¹ 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.

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 advisory Panel on Overseas Security. It also 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. Another important piece of this ^{Act} ~~bill~~ that I am particularly pleased to have supported is the victims of terrorism assistance

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Version I

THE WHITE HOUSE
Office of the Press Secretary

For Immediate Release

STATEMENT BY THE PRESIDENT

I have signed H.R. 4151, the "Omnibus Diplomatic Security and Antiterrorism 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 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 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.

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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 numerous overly 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 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 that do not pose a threat of nuclear proliferation but may require the use of plutonium. 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. I call upon the Congress to provide the resources necessary to maintain our strong and resolute foreign policy around the world.

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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.

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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.

THE WHITE HOUSE

Office of the Press Secretary

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.

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As given to Press Office 8/27 3:10p

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.

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PROVIDING FOR THE CONSIDERATION OF H.R. 4151

—————
MARCH 17, 1986.—Referred to the House Calendar and ordered to be printed

—————
Mrs. BURTON of California, from the Committee on Rules,
submitted the following

R E P O R T

[To accompany H. Res. 402]

The Committee on Rules, having had under consideration House Resolution 402, by nonrecord vote, report the same to the House with the recommendation that the resolution do pass.



OMNIBUS DIPLOMATIC SECURITY AND ANTITERRORISM
ACT OF 1986

AUGUST 12, 1986.—Ordered to be printed

Mr. MICA, from the committee of conference,
submitted the following

CONFERENCE REPORT

[To accompany H.R. 4151]

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 4151) to provide enhanced diplomatic security and combat international terrorism, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Omnibus Diplomatic Security and Antiterrorism Act of 1986".

SEC. 2. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

Sec. 1. Short title.

Sec. 2. Table of contents.

TITLE I—DIPLOMATIC SECURITY

Sec. 101. Short title.

Sec. 102. Findings and purposes.

Sec. 103. Responsibility of the Secretary of State.

Sec. 104. Bureau of Diplomatic Security.

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

Sec. 106. Cooperation of other Federal agencies.

Sec. 107. Protection of foreign consulates.

TITLE II—DIPLOMATIC SECURITY SERVICE

- Sec. 201. *Establishment of Diplomatic Security Service.*
- Sec. 202. *Director of Diplomatic Security Service.*
- Sec. 203. *Positions in the Diplomatic Security Service.*

TITLE III—PERFORMANCE AND ACCOUNTABILITY

- Sec. 301. *Accountability review.*
- Sec. 302. *Accountability Review Board.*
- Sec. 303. *Procedures.*
- Sec. 304. *Findings and recommendations by a Board.*
- Sec. 305. *Relation to other proceedings.*

TITLE IV—DIPLOMATIC SECURITY PROGRAM

- Sec. 401. *Authorization.*
- Sec. 402. *Diplomatic construction program.*
- Sec. 403. *Security requirements for contractors.*
- Sec. 404. *Qualifications of persons hired for the diplomatic construction program.*
- Sec. 405. *Cost overruns.*
- Sec. 406. *Efficiency in contracting.*
- Sec. 407. *Advisory Panel on Overseas Security.*
- Sec. 408. *Training to improve perimeter security at United States diplomatic missions abroad.*
- Sec. 409. *Protection of public entrances of United States diplomatic missions abroad.*
- Sec. 410. *Certain protective functions.*
- Sec. 411. *Reimbursement of the Department of the Treasury.*
- Sec. 412. *Inspector General for the United States Information Agency.*
- Sec. 413. *Inspector General for the Department of State.*
- Sec. 414. *Prohibition on the use of funds for facilities in Israel, Jerusalem, or the West Bank.*

TITLE V—STATE DEPARTMENT AUTHORITIES TO COMBAT INTERNATIONAL TERRORISM

- Sec. 501. *Rewards for international terrorists.*
- Sec. 502. *Rewards for information relating to international narcoterrorism and drug trafficking.*
- Sec. 503. *Coordination of terrorism-related assistance.*
- Sec. 504. *Counterterrorism Protection Fund.*
- Sec. 505. *Terrorism-related travel advisories.*
- Sec. 506. *Authority to control certain terrorism-related services.*
- Sec. 507. *Management of antiterrorism assistance programs.*
- Sec. 508. *Nonlethal airport security equipment and commodities for Egypt.*
- Sec. 509. *Exports to countries supporting acts of international terrorism.*

TITLE VI—INTERNATIONAL NUCLEAR TERRORISM

- Sec. 601. *Actions to combat international nuclear terrorism.*
- Sec. 602. *Authority to suspend nuclear cooperation with nations which have not ratified the Convention on the Physical Protection of Nuclear Material.*
- Sec. 603. *Consultation with the Department of Defense concerning certain nuclear exports and subsequent arrangements.*
- Sec. 604. *Review of physical security standards.*
- Sec. 605. *International review of the nuclear terrorism problem.*
- Sec. 606. *Criminal history record checks.*

TITLE VII—MULTILATERAL COOPERATION TO COMBAT INTERNATIONAL TERRORISM

- Sec. 701. *International Antiterrorism Committee.*
- Sec. 702. *International arrangements relating to passports and visas.*
- Sec. 703. *Protection of Americans endangered by the appearance of their place of birth on their passports.*
- Sec. 704. *Use of diplomatic privileges and immunities for terrorism purposes.*
- Sec. 705. *Reports on progress in increasing multilateral cooperation.*

TITLE VIII—VICTIMS OF TERRORISM COMPENSATION

- Sec. 801. *Short title.*
- Sec. 802. *Payment to individuals held in captive status between November 4, 1979,*

and January 21, 1981.

- Sec. 803. Benefits for captives and other victims of hostile action.
- Sec. 804. Retention of leave by alien employees following injury from hostile action abroad.
- Sec. 805. Transition provisions.
- Sec. 806. Benefits for members of uniformed services who are victims of hostile action.
- Sec. 807. Regulations.
- Sec. 808. Effective date of entitlements.

TITLE IX—MARITIME SECURITY

- Sec. 901. Short title.
- Sec. 902. International measures for seaport and shipboard security.
- Sec. 903. Measures to prevent unlawful acts against passengers and crews on board ships.
- Sec. 904. Panama Canal security.
- Sec. 905. Threat of terrorism to United States ports and vessels.
- Sec. 906. Port, harbor, and coastal facility security.
- Sec. 907. Security standards at foreign ports.
- Sec. 908. Travel advisories concerning security at foreign ports.
- Sec. 909. Suspension of passenger services.
- Sec. 910. Sanctions for the seizure of vessels by terrorists.
- Sec. 911. Definitions.
- Sec. 912. Authorization of Appropriations.
- Sec. 913. Reports.

TITLE X—FASCELL FELLOWSHIP PROGRAM

- Sec. 1001. Short title.
- Sec. 1002. Fellowship program for temporary service at United States missions in the Soviet Union and Eastern Europe.
- Sec. 1003. Fellowship Board.
- Sec. 1004. Fellowships.
- Sec. 1005. Secretary of State.

TITLE XI—SECURITY AT MILITARY BASES ABROAD

- Sec. 1101. Findings.
- Sec. 1102. Recommended actions by the Secretary of Defense.
- Sec. 1103. Report to the Congress.

TITLE XII—CRIMINAL PUNISHMENT OF INTERNATIONAL TERRORISM

- Sec. 1201. Encouragement for negotiation of a convention.
- Sec. 1202. Extraterritorial criminal jurisdiction over terrorist conduct.

TITLE XIII—MISCELLANEOUS PROVISIONS

- Sec. 1301. Peace Corps authorization of appropriations.
- Sec. 1302. Demonstrations at embassies in the District of Columbia.
- Sec. 1303. Kurt Waldheim's retirement allowance.
- Sec. 1304. Eradication of *Amblyomma Variegatum*.
- Sec. 1305. Strengthen foreign language skills.
- Sec. 1306. Forfeiture of proceeds derived from espionage activities.
- Sec. 1307. Expression of support of activities of the United States Telecommunications Training Institute.
- Sec. 1308. Policy toward Afghanistan.

TITLE I—DIPLOMATIC SECURITY

SEC. 101. SHORT TITLE.

Titles I through IV of this Act may be cited as the "Diplomatic Security Act".

SEC. 102. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds and declares that—

(1) the United States has a crucial stake in the presence of United States Government personnel representing United States interests abroad;

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

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

(b) **PURPOSES.**—The purposes of titles I through IV are—

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

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

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

(4) to promote strengthened security measures and to provide for the accountability of United States Government personnel with security-related responsibilities; and

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

SEC. 103. RESPONSIBILITY OF THE SECRETARY OF STATE.

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

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

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

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

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

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

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

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

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

SEC. 104. BUREAU OF DIPLOMATIC SECURITY.

(a) **THE BUREAU.**—There shall be a Bureau of Diplomatic Security in the Department of State, to be headed by the Assistant Secretary for Diplomatic Security. The Assistant Secretary shall be responsible for such functions as may be directed by the Secretary of State.

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

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

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

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

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

(2) **SECURITY AND PROTECTIVE OPERATIONS ABROAD.**—

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

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

(C) Emergency planning.

(D) Establishment and operation of local guard services.

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

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

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

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

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

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

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

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

(F) Performance of other security, investigative, and protective matters as authorized by law.

(4) **COUNTERTERRORISM PLANNING AND COORDINATION.**—Development and coordination of counterterrorism planning, emergency action planning, threat analysis programs, and liaison with other Federal agencies to carry out this paragraph.

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

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

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

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

SEC. 106. COOPERATION OF OTHER FEDERAL AGENCIES.

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

(b) **OTHER AGENCIES.**—Nothing contained in titles I through IV shall be construed to limit or impair the authority or responsibility of any other Federal, State, or local agency with respect to law en-

forcement, domestic security operations, or intelligence activities as defined in Executive Order 12333.

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

SEC. 107. PROTECTION OF FOREIGN CONSULATES.

The Chief of Protocol of the Department of State shall consult with the Assistant Secretary of Diplomatic Security in making determinations with respect to accreditation of all foreign consular personnel in the United States.

TITLE II—DIPLOMATIC SECURITY SERVICE

SEC. 201. ESTABLISHMENT OF DIPLOMATIC SECURITY SERVICE.

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

SEC. 202. DIRECTOR OF DIPLOMATIC SECURITY SERVICE.

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

SEC. 203. POSITIONS IN THE DIPLOMATIC SECURITY SERVICE.

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

TITLE III—PERFORMANCE AND ACCOUNTABILITY

SEC. 301. ACCOUNTABILITY REVIEW.

In any case of serious injury, loss of life, or significant destruction of property at or related to a United States Government mission abroad which is covered by the provisions of titles I through IV

(other than a facility or installation subject to the control of a United States area military commander), the Secretary of State shall convene an Accountability Review Board (hereafter in this title referred to as the "Board"). The Secretary shall not convene a Board where the Secretary determines that a case clearly involves only causes unrelated to security.

SEC. 302. ACCOUNTABILITY REVIEW BOARD.

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

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

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

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

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

SEC. 303. PROCEDURES.

(a) **EVIDENCE.**—

(1) **UNITED STATES GOVERNMENT PERSONNEL AND CONTRACTORS.**—

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

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

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

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

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

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

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

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

(2) **OTHER PERSONS.**—With respect to a person who is not described in paragraph (1)(B), a Board may administer oaths and affirmations and require that depositions be given and interrogatories answered.

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

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

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

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

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

of State, and to any information transmitted under section 304(c) to the head of a Federal agency or instrumentality, shall be available for the remaining records of the Board.

(d) *STATUS OF BOARDS.*—The provisions of the Federal Advisory Committee Act (5 U.S.C. App. 1 et seq.) and section 552b of title 5 of the United States Code (relating to open meetings) shall not apply to any Board.

SEC. 304. FINDINGS AND RECOMMENDATIONS BY A BOARD.

(a) *FINDINGS.*—A Board convened in any case shall examine the facts and circumstances surrounding the serious injury, loss of life, or significant destruction of property at or related to a United States Government mission abroad and shall make written findings determining—

- (1) the extent to which the incident or incidents with respect to which the Board was convened was security related;
- (2) whether the security systems and security procedures at that mission were adequate;
- (3) whether the security systems and security procedures were properly implemented;
- (4) the impact of intelligence and information availability; and
- (5) such other facts and circumstances which may be relevant to the appropriate security management of United States missions abroad.

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

(c) *PERSONNEL RECOMMENDATIONS.*—Whenever a Board finds reasonable cause to believe that an individual described in section 303(a)(1)(B) has breached the duty of that individual, the Board shall—

- (1) notify the individual concerned,
- (2) transmit the finding of reasonable cause, together with all information relevant to such finding, to the head of the appropriate Federal agency or instrumentality, and
- (3) recommend that such agency or instrumentality initiate an appropriate investigatory or disciplinary action.

In determining whether an individual has breached a duty of that individual, the Board shall take into account any standard of conduct, law, rule, regulation, contract, or order which is pertinent to the performance of the duties of that individual.

(d) *REPORTS.*—

(1) *PROGRAM RECOMMENDATIONS.*—In any case in which a Board transmits recommendations to the Secretary of State findings (which may be classified to the extent deemed necessary by the Board) to the Secretary of State, together with recommendations as appropriate to improve the security and efficiency of any program or operation which the Board has reviewed.

(2) *PERSONNEL RECOMMENDATIONS.*—In any case in which a Board transmits a finding of reasonable cause under subsection

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

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

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

SEC. 305. RELATION TO OTHER PROCEEDINGS.

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

TITLE IV—DIPLOMATIC SECURITY PROGRAM

SEC. 401. AUTHORIZATION.

(a) **DIPLOMATIC SECURITY PROGRAM.—**

(1) **IN GENERAL.**—In addition to amounts otherwise available for such purposes, the following amounts are authorized to be appropriated for fiscal years 1986 and 1987, for the Department of State to carry out diplomatic security construction, acquisition, and operations pursuant to the Department of State's Supplemental Diplomatic Security Program, as justified to the Congress for the respective fiscal year for "Administration of Foreign Affairs", as follows:

(A) For "Salaries and Expenses", \$308,104,000.

(B) For "Acquisition and Maintenance of Buildings Abroad", \$857,806,000.

(C) For "Counterterrorism Research and Development", \$15,000,000.

(2) **ANTITERRORISM ASSISTANCE.**—Section 575 of the Foreign Assistance Act of 1961 (22 U.S.C. 2349aa-4) is amended by striking out "\$9,840,000 for the fiscal year 1987" and inserting in lieu thereof "\$14,680,000 for the fiscal year 1987".

(3) **CAPITAL CONSTRUCTION, FISCAL YEARS 1988 THROUGH 1990.**—There is authorized to be appropriated for the Department of State for "Acquisition and Maintenance of Buildings Abroad" for each of the fiscal years 1988 through 1990, \$417,962,000 to carry out diplomatic security construction, acquisition, and operations pursuant to the Department of State's Supplemental Diplomatic Security Program.

(4) **ALLOCATION OF AMOUNTS AUTHORIZED TO BE APPROPRIATED.**—Amounts authorized to be appropriated by this subsection, and by the amendment made by paragraph (2), shall be allocated as provided in the table entitled "Diplomatic Security Program" relating to this section which appears in the Joint Explanatory Statement of the Committee of Conference to accompany H.R. 4151 of the 99th Congress (the Omnibus Diplomatic Security and Antiterrorism Act of 1986).

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

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

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

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

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

(g) *ALLOCATION OF FUNDS FOR CERTAIN SECURITY PROGRAMS.*—Of the amount of funds authorized to be appropriated by subsection (a)(1)(A), \$34,537,000 shall be available to the Secretary of State only for the protection of classified office equipment, the expansion of information systems security, and the hiring of American systems managers and operators for computers at high threat locations.

(h) *FURNITURE, FURNISHINGS, AND EQUIPMENT.*—

(1) *USE OF EXISTING FURNITURE, FURNISHINGS, AND EQUIPMENT.*—If physically possible, facilities constructed or acquired pursuant to subsection (a) shall be furnished and equipped with the furniture, furnishings, and equipment that were being used in the facilities being replaced, rather than with newly acquired furniture, furnishings, and equipment.

(2) *PROCEEDS FROM THE SALE OF FURNITURE, FURNISHINGS, AND EQUIPMENT.*—Section 9 of the Foreign Service Buildings Act, 1926 (22 U.S.C. 300) is amended by adding at the end thereof the following new subsection:

“(c) Notwithstanding subsection (b), proceeds from the disposition of furniture, furnishings, and equipment from diplomatic and consular establishments in foreign countries shall be deposited into the Foreign Service Building Fund to be available for obligation or expenditure as directed by the Secretary.”

(3) **REPROGRAMMING TREATMENT.**—Amounts made available for furniture, furnishings, and equipment pursuant to subsection (a) shall be treated as a reprogramming of funds under section 34 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2706) and shall not be available for obligation or expenditure except in compliance with the procedures applicable to such reprogramming.

SEC. 402. DIPLOMATIC CONSTRUCTION PROGRAM.

(a) **PREFERENCE FOR UNITED STATES CONTRACTORS.**—Notwithstanding section 11 of the Foreign Service Buildings Act, 1926, and where adequate competition exists, only United States persons and qualified United States joint venture persons may—

(1) bid on a diplomatic construction or design project which has an estimated total project value exceeding \$5,000,000; and

(2) bid on a diplomatic construction or design project which involves physical or technical security.

(b) **EXCEPTION.**—Subsection (a) shall not apply with respect to any diplomatic construction or design project in a foreign country whose statutes prohibit the use of United States contractors on such projects. The exception contained in this subsection shall only become effective with respect to a foreign country 30 days after the Secretary of State certifies to the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate what specific actions he has taken to urge such foreign country to permit the use of United States contractors on such projects, and what actions he shall take with respect to that country as authorized by title II of the State Department Basic Authorities Act of 1956 (22 U.S.C. 4301 et seq.; commonly referred to as the "Foreign Missions Act").

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

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

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

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

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

(C) has been incorporated or legally organized in the United States—

(i) for more than 5 years before the issuance date of the invitation for bids or request for proposals with respect to a construction project under subsection (a)(1); and

(ii) for more than 2 years before the issuance date of the invitation for bids or request for proposals with respect to a construction or design project which involves physical or technical security under subsection (a)(2);

(D) has performed within the United States administrative and technical, professional, or construction services

similar in complexity, type of construction, and value to the project being bid;

(E) with respect to a construction project under subsection (a)(1), has achieved total business volume equal to or greater than the value of the project being bid in 3 years of the 5-year period before the date specified in subparagraph (C)(i);

(F)(i) employs United States citizens in at least 80 percent of its principle management positions in the United States,

(ii) employs United States citizens in more than half of its permanent, full-time positions in the United States, and

(iii) will employ United States citizens in at least 80 percent of the supervisory positions on the foreign buildings office project site; and

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

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

(d) **AMERICAN MINORITY CONTRACTORS.**—Not less than 10 percent of the amount appropriated pursuant to section 401(a) for diplomatic construction or design projects each fiscal year shall be allocated to the extent practicable for contracts with American minority contractors.

(e) **AMERICAN SMALL BUSINESS CONTRACTORS.**—Not less than 10 percent of the amount appropriated pursuant to section 401(a) for diplomatic construction or design projects each fiscal year shall be allocated to the extent practicable for contracts with American small business contractors.

(f) **LIMITATION ON SUBCONTRACTING.**—With respect to a diplomatic construction project, a prime contractor may not subcontract more than 50 percent of the total value of its contract for that project.

SEC. 403. SECURITY REQUIREMENTS FOR CONTRACTORS.

Not later than 90 days after the date of enactment of this Act, the Secretary of State shall issue regulations to—

(1) strengthen the security procedures applicable to contractors and subcontractors involved in any way with any diplomatic construction or design project; and

(2) permit a contractor or subcontractor to have access to any design or blueprint relating to such a project only in accordance with those procedures.

SEC. 404. QUALIFICATIONS OF PERSONS HIRED FOR THE DIPLOMATIC CONSTRUCTION PROGRAM.

In carrying out the diplomatic construction program referred to in section 401(a), the Secretary of State shall employ as professional staff (by appointment, contract, or otherwise) only those persons with a demonstrated specialized background in the fields of construction, construction law, or contract management. In filling such positions, the Secretary shall actively recruit women and members of minority groups.

SEC. 405. COST OVERRUNS.

Any amount required to complete any capital project described in the Department of State's Supplemental Diplomatic Security Pro-

gram, as justified to the Congress for the respective fiscal year, which is in excess of the amount made available for that project pursuant to section 401(a)(1) or (3) shall be treated as a reprogramming of funds under section 34 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2706) and shall not be available for obligation or expenditure except in compliance with the procedures applicable to such reprogrammings.

SEC. 406. EFFICIENCY IN CONTRACTING.

(a) **BONUSES AND PENALTIES.**—The Director of the Office of Foreign Buildings shall provide for a contract system of bonuses and penalties for the diplomatic construction program funded pursuant to the authorizations of appropriations provided in this title. Not later than 3 months after the date of enactment of this Act, the Director shall submit a report to the Congress on the implementation of this section.

(b) **SURETY BONDS AND GUARANTEES.**—The Director of the Office of Foreign Buildings shall require each person awarded a contract for work under the diplomatic construction program to post a surety bond or guarantee, in such amount as the Director may determine, to assure performance under such contract.

(c) **DISQUALIFICATION OF CONTRACTORS.**—No person doing business with Libya may be eligible for any contract awarded pursuant to this Act.

SEC. 407. ADVISORY PANEL ON OVERSEAS SECURITY.

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

SEC. 408. TRAINING TO IMPROVE PERIMETER SECURITY AT UNITED STATES DIPLOMATIC MISSIONS ABROAD.

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

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

SEC. 409. PROTECTION OF PUBLIC ENTRANCES OF UNITED STATES DIPLOMATIC MISSIONS ABROAD.

The Secretary of State shall install and maintain a walk-through metal detector or other advanced screening system at public entrances of each United States diplomatic mission abroad.

SEC. 410. CERTAIN PROTECTIVE FUNCTIONS.

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

SEC. 411. REIMBURSEMENT OF THE DEPARTMENT OF THE TREASURY.

The Secretary of State shall reimburse the appropriate appropriations account of the Department of the Treasury out of funds appropriated pursuant to section 401(a)(1) for the actual costs incurred by the United States Secret Service, as agreed to by the Secretary of the Treasury, for providing protection for the spouses of foreign heads of state during fiscal years 1986 and 1987.

SEC. 412. INSPECTOR GENERAL FOR THE UNITED STATES INFORMATION AGENCY.**(a) ESTABLISHMENT.—**

(1) **APPOINTMENT AND REMOVAL.**—Section 2(1) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by inserting “the United States Information Agency,” immediately before “the Veterans’ Administration”.

(2) **DEFINITIONS.**—Section 11 of such Act (5 U.S.C. App.) is amended—

(A) in paragraph (1) by inserting “or the Director of the United States Information Agency” immediately before “as the case may be,” and

(B) in paragraph (2) by inserting “the United States Information Agency” immediately before “or the Veterans’ Administration”.

(b) **EARMARK.**—Of the funds authorized to be appropriated to the United States Information Agency for the fiscal year 1987, not less than \$3,000,000 shall be available only for the operation of the office of the Inspector General established by the amendment made by subsection (a).

(c) **POSITION AT LEVEL IV OF THE EXECUTIVE SCHEDULE.**—Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following:

“Inspector General, United States Information Agency.”

SEC. 413. INSPECTOR GENERAL FOR THE DEPARTMENT OF STATE.**(a) INSPECTOR GENERAL OF THE DEPARTMENT OF STATE.—**

(1) **DIRECTION TO ESTABLISH.**—The Congress directs the Secretary of State to proceed immediately to establish an Office of Inspector General of the Department of State not later than October 1, 1986. Not later than January 31, 1987, the Secretary of State shall submit a report to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives on the progress in establishing that office. Such report shall include an accounting of the obligation of funds for fiscal year 1987 for that office.

(2) **DUTIES AND RESPONSIBILITIES.**—The Inspector General of the Department of State (as established by the amendment made by section 150(a) of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987) is authorized to perform all duties and responsibilities, and to exercise the authorities, stated in section 209 of the Foreign Service Act of 1980 (22 U.S.C. 3929) and in the Inspector General Act of 1978.

(3) **EARMARK.**—Of the amounts made available for fiscal year 1987 for salaries and expenses under the heading “Administration of Foreign Affairs”, not less than \$6,500,000 shall be used

for the sole purpose of establishing and maintaining the Office of Inspector General of the Department of State.

(4) **LIMITATION ON APPOINTMENT.**—No career member of the Foreign Service, as defined by section 103 of the Foreign Service Act of 1980 (22 U.S.C. 3903), may be appointed Inspector General of the Department of State.

(5) **POSITION AT LEVEL IV OF THE EXECUTIVE SCHEDULE.**—Section 5315 of title 5, United States Code (as amended by section 412), is amended by adding at the end thereof the following: “Inspector General, Department of State.”

(6) **CONFORMING AMENDMENT.**—The last sentence of section 209(a)(1) of the Foreign Service Act of 1980 (22 U.S.C. 3929(a)(1)) is hereby repealed.

(b) **OFFICE OF POLICY AND PROGRAM REVIEW.**—

(1) **ESTABLISHMENT.**—The Secretary of State shall establish an office to be known as the Office of Policy and Program Review (hereafter in this section referred to as the “Office”).

(2) **DIRECTOR.**—

(A) The Office shall be headed by a director, appointed by the Secretary of State, who shall report to and be under the general supervision of the Secretary of State. The director shall be appointed without regard to political affiliation from among individuals exceptionally qualified for the position by virtue of their integrity and their knowledge and experience in the conduct of foreign affairs.

(B) The director shall review activities and operations performed under the direction, coordination, and supervision of chiefs of mission (provided in section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927)) for the purpose of ascertaining their consonance with the foreign policy of the United States and their consistency with the responsibilities of the Secretary of State and the chief of mission. This authority shall not preclude the Inspector General of the Department of State from carrying out any function of section 209(g) of the Foreign Service Act of 1980 (22 U.S.C. 3929(g)).

(3) **FUNDING FOR THE OFFICE.**—Of the amounts authorized to be appropriated for “Administration of Foreign Affairs” for fiscal year 1987, not more than \$4,000,000 shall be available for the purpose of establishing and maintaining the Office.

(4) **INSPECTION BY OFFICE OF INSPECTOR GENERAL.**—The Office shall be subject to inspection by the Inspector General of the Department of State.

(c) **ABOLISHMENT OF THE INSPECTOR GENERAL OF THE DEPARTMENT OF STATE AND THE FOREIGN SERVICE.**—Section 150(b) of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (22 U.S.C. 3929a), is amended to read as follows:

“(b) **ABOLISHMENT OF THE INSPECTOR GENERAL OF THE DEPARTMENT OF STATE AND THE FOREIGN SERVICE.**—Notwithstanding section 209 of the Foreign Service Act of 1980 (22 U.S.C. 3929), the Inspector General of the Department of State and the Foreign Service is hereby abolished.”

SEC. 414. PROHIBITION ON THE USE OF FUNDS FOR FACILITIES IN ISRAEL, JERUSALEM, OR THE WEST BANK.

None of the funds authorized to be appropriated by this Act may be obligated or expended for site acquisition, development, or construction of any facility in Israel, Jerusalem, or the West Bank.

TITLE V—STATE DEPARTMENT AUTHORITIES TO COMBAT INTERNATIONAL TERRORISM

SEC. 501. REWARDS FOR INTERNATIONAL TERRORISTS.

It is the sense of the Congress that the Secretary of State should more vigorously utilize the monies available under section 36(a) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708(a); relating to rewards for information on international terrorism) to more effectively apprehend and prosecute international terrorists. It is further the sense of the Congress that the Secretary of State should consider widely publicizing the sizable rewards available under present law so that major international terrorist figures may be brought to justice.

SEC. 502. REWARDS FOR INFORMATION RELATING TO INTERNATIONAL NARCOTERRORISM AND DRUG TRAFFICKING.

(a) **AUTHORITY TO PAY AND PURPOSE.**—Section 36 of State Department Basic Authorities Act of 1956 (22 U.S.C. 2708) is amended—

(1) by redesignating subsections (b) through (f) as subsections (c) through (g), respectively; and

(2) by inserting after subsection (a) the following new subsection:

“(b)(1) The Secretary of State, upon the request of a chief of mission and with the concurrence of the Attorney General, may pay a reward to any individual who furnishes information leading to—

“(A) the arrest or conviction in any country of any individual for committing, primarily outside the territorial jurisdiction of the United States, any narcotics-related offense if that offense involves or is a significant part of conduct that involves—

“(i) a violation of United States drug laws which occurs primarily outside the territorial jurisdiction of the United States and which is such that the individual would be a major violator of such laws; or

“(ii) the killing or kidnapping outside the territorial jurisdiction of the United States of—

“(I) any officer, employee, or contract employee of the United States Government while such individual is engaged in official duties, or on account of that individual's official duties, in connection with the enforcement of United States drug laws or the implementing of United States drug control objectives; or

“(II) a member of the immediate family of any such individual on account of that individual's official duties in connection with the enforcement of United States drug laws or the implementation of United States drug control objectives; or

“(iii) an attempt or conspiracy to do any of the acts described in clause (i) or (ii); or

“(B) the prevention or frustration of an act described in subparagraph (A).

“(2) The purpose of the rewards under this subsection is to assist narcotics law enforcement in the effective arrest and prosecution of major narcotics traffickers and, wherever appropriate, to offer rewards in connection with the killing of, or the attempt to kill, any United States officer or employee, in connection with the performance of narcotics control duties by such officer or employee, or any member of the family of such officer or employee. To ensure that the rewards program authorized by this subsection, especially paragraph (1)(A)(i), does not duplicate or interfere with the payment of informants or the purchase of evidence or information, as authorized to the Department of Justice, the offering, administration, and payment of rewards under this subsection, including procedures for—

“(A) identifying individuals, organizations, and offenses with respect to which rewards will be offered,

“(B) the publication of rewards,

“(C) offering of joint rewards with foreign governments,

“(D) the receipt and analysis of data,

“(E) the payment and the approval of payment, and

“(F) the recommendations of rewards by chiefs of mission to the Secretary of State and the Attorney General,

shall be governed by procedures approved by the Secretary of State and the Attorney General.”

(b) **FUNDING FOR REWARDS.**—Section 36(g) of such Act, as so redesignated by subsection (a)(1), is amended by striking out the period at the end of the first sentence and inserting in lieu thereof the following: “, up to \$2,000,000 of which may be used for rewards for information described in subsection (b)(1). In addition to the amount authorized by the preceding sentence, there are authorized to be appropriated \$10,000,000 for fiscal year 1987 for ‘Administration of Foreign Affairs’ for use in paying rewards under this section, up to \$5,000,000 of which may be used for rewards for information described in subsection (b)(1).”

(c) **CONFORMING AMENDMENTS.**—Section 36 of such Act is amended—

(1) in subsection (d), as so redesignated by subsection (a)(1), by striking out “this section” and inserting in lieu thereof “subsection (a)”; and

(2) in subsection (f), as so redesignated by subsection (a)(1), by inserting “or (b)” after “subsection (a)”.

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

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

“(i) As used in this section—

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

“(2) the term ‘member of the immediate family’ includes—

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

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

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

SEC. 503. COORDINATION OF TERRORISM-RELATED ASSISTANCE.

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

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

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

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

(4) by adding at the end thereof the following new subsection:

“(c) RULE OF CONSTRUCTION.—Nothing contained in this section shall be construed to limit or impair the authority or responsibility of any other Federal agency with respect to law enforcement, domestic security operations, or intelligence activities as defined in Executive Order 12333.”

SEC. 504. COUNTERTERRORISM PROTECTION FUND.

The State Department Basic Authorities Act of 1956 is amended—

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

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

“SEC. 39. COUNTERTERRORISM PROTECTION FUND.

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

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

“(c) DESIGNATION OF FUND.—Amounts made available under this section may be referred to as the ‘Counterterrorism Protection Fund’.”

SEC. 505. TERRORISM-RELATED TRAVEL ADVISORIES.

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

SEC. 506. AUTHORITY TO CONTROL CERTAIN TERRORISM-RELATED SERVICES.

The State Department Basic Authorities Act of 1956 is amended—

(1) by redesignating section 40 (as so redesignated by section 504 of this Act) as section 41; and

(2) by inserting after section 39 (as added by section 504 of this Act) the following new section:

“SEC. 40. AUTHORITY TO CONTROL CERTAIN TERRORISM-RELATED SERVICES.

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

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

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

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

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

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

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

“(e) **DEFINITIONS.**—

“(1) **DESIGNATED FOREIGN GOVERNMENT.**—As used in this section, the term ‘designated foreign government’ means a foreign government that the Secretary of State has determined, for purposes of section 6(j)(1) of the Export Administration Act of 1979, has repeatedly provided support for acts of international terrorism.

“(2) **SECURITY FORCES.**—As used in this section, the term ‘security forces’ means any military or paramilitary forces, any police or other law enforcement agency (including any police or other law enforcement agency at the regional or local level), and any intelligence agency of a foreign government.

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

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

"(f) VIOLATIONS.—

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

"(2) INVESTIGATIONS.—The Attorney General and the Secretary of the Treasury shall have authority to investigate violations of regulations issued under this section.

"(g) CONGRESSIONAL OVERSIGHT.—

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

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

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

SEC. 507. MANAGEMENT OF ANTITERRORISM ASSISTANCE PROGRAMS.

Section 573(d)(4) of the Foreign Assistance Act of 1961 (22 U.S.C. 2349aa-2(d)(4)) is amended to read as follows:

"(4)(A) Articles on the United States Munitions List may be made available under this chapter only if—

"(i) they are small arms in category I (relating to firearms), ammunition in category III (relating to ammunition) for small arms in category I, articles in category IV(c) or VI(c) (relating to detection and handling of explosive devices), articles in category X (relating to protective personnel equipment), or articles in paragraph (b), (c), or (d) of category XIII (relating to speech privacy devices, underwater breathing apparatus and armor plating), and they are directly related to antiterrorism training under this chapter;

"(ii) the recipient country is not prohibited by law from receiving assistance under one or more of the following provisions: chapter 2 of this part (relating to grant military assistance), chapter 5 of this part (relating to international military education and training), or the Arms Export Control Act (relating to foreign military sales financing); and

"(iii) at least 15 days before the articles are made available to the foreign country, the President notifies the Committee on Foreign Affairs of the House of Representatives and Committee on Foreign Relations of the Senate of the proposed transfer, in

accordance with the procedures applicable to reprogramming notifications pursuant to section 634A of this Act.

“(B) The value (in terms of original acquisition cost) of all equipment and commodities provided under subsection (a) in any fiscal year may not exceed 25 percent of the funds made available to carry out this chapter for that fiscal year.

“(C) No shock batons or similar devices may be provided under this chapter.”

SEC. 508. NONLETHAL AIRPORT SECURITY EQUIPMENT AND COMMODITIES FOR EGYPT.

In addition to funds otherwise available for such purposes under chapter 8 of part II of the Foreign Assistance Act of 1961, assistance authorized to carry out the purposes of chapter 4 of part II of such Act for the fiscal years 1986 and 1987 (as well as undisbursed balances of previously obligated funds under such chapter) which are allocated for Egypt may be furnished, notwithstanding section 660 of such Act, for the provision of nonlethal airport security equipment and commodities, and training in the use of such equipment and commodities. The authority contained in this section shall be exercised by the Department of State's office responsible for administering chapter 8 of part II of the Foreign Assistance Act of 1961, in coordination with the Agency for International Development.

SEC. 509. EXPORTS TO COUNTRIES SUPPORTING ACTS OF INTERNATIONAL TERRORISM.

(a) **ITEMS ON THE MUNITIONS LIST.**—Chapter 3 of the Arms Export Control Act (22 U.S.C. 2771-2779) is amended by adding at the end thereof the following new section:

“SEC. 40. EXPORTS TO COUNTRIES SUPPORTING ACTS OF INTERNATIONAL TERRORISM.

“(a) **PROHIBITION.**—Except as provided in subsection (b), items on the United States Munitions List may not be exported to any country which the Secretary of State has determined, for purposes of section 6(j)(1)(A) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(1)(A)), has repeatedly provided support for acts of international terrorism.

“(b) **WAIVER.**—The President may waive the prohibition contained in subsection (a) in the case of a particular export if the President determines that the export is important to the national interests of the United States and submits to the Congress a report justifying that determination and describing the proposed export. Any such waiver shall expire at the end of 90 days after it is granted unless the Congress enacts a law extending the waiver.”

(b) **OTHER GOODS AND TECHNOLOGY.**—Section 6(j)(1) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(1)) is amended by striking out “\$7,000,000” and inserting in lieu thereof “\$1,000,000”.

TITLE VI—INTERNATIONAL NUCLEAR TERRORISM

SEC. 601. ACTIONS TO COMBAT INTERNATIONAL NUCLEAR TERRORISM.

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

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

(2) to--

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

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

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

(A) to keep to a minimum the amount of weapons-grade nuclear material in international transit, and

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

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

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

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

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

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

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

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

“The President may suspend nuclear cooperation under this Act with any nation or group of nations which has not ratified the Convention on the Physical Security of Nuclear Material.”

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

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

“**SEC. 133. CONSULTATION WITH THE DEPARTMENT OF DEFENSE CONCERNING CERTAIN EXPORTS AND SUBSEQUENT ARRANGEMENTS.**—

“a. In addition to other applicable requirements—

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

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

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

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

SEC. 604. REVIEW OF PHYSICAL SECURITY STANDARDS.

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

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

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

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

SEC. 606. CRIMINAL HISTORY RECORD CHECKS.

(a) *IN GENERAL.*—The Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.) is amended by adding after section 148 the following new section:

"SEC. 149. FINGERPRINTING FOR CRIMINAL HISTORY RECORD CHECKS.—

"a. The Nuclear Regulatory Commission (in this section referred to as the 'Commission') shall require each licensee or applicant for a license to operate a utilization facility under section 103 or 104 b. to fingerprint each individual who is permitted unescorted access to the facility or is permitted access to safeguards information under section 147. All fingerprints obtained by a licensee or applicant as required in the preceding sentence shall be submitted to the Attorney General of the United States through the Commission for identification and a criminal history records check. The costs of any identification and records check conducted pursuant to the preceding sentence shall be paid by the licensee or applicant. Notwithstanding any other provision of law, the Attorney General may provide all the results of the search to the Commission, and, in accordance with regulations prescribed under this section, the Commission may provide such results to the licensee or applicant submitting such fingerprints.

"b. The Commission, by rule, may relieve persons from the obligations imposed by this section, upon specified terms, conditions, and periods, if the Commission finds that such action is consistent with its obligations to promote the common defense and security and to protect the health and safety of the public.

"c. For purposes of administering this section, the Commission shall prescribe, subject to public notice and comment, regulations—

"(1) to implement procedures for the taking of fingerprints;

"(2) to establish the conditions for use of information received from the Attorney General, in order—

"(A) to limit the redissemination of such information;

"(B) to ensure that such information is used solely for the purpose of determining whether an individual shall be permitted unescorted access to the facility of a licensee or applicant or shall be permitted access to safeguards information under section 147;

"(C) to ensure that no final determination may be made solely on the basis of information provided under this section involving—

"(i) an arrest more than 1 year old for which there is no information of the disposition of the case; or

"(ii) an arrest that resulted in dismissal of the charge or an acquittal; and

"(D) to protect individuals subject to fingerprinting under this section from misuse of the criminal history records; and

"(3) to provide each individual subject to fingerprinting under this section with the right to complete, correct, and explain information contained in the criminal history records prior to any final adverse determination.

"d. (1) The Commission may establish and collect fees to process fingerprints and criminal history records under this section.

"(2) Notwithstanding section 3302(b) of title 31, United States Code, and to the extent approved in appropriation Acts—

"(A) a portion of the amounts collected under this subsection in any fiscal year may be retained and used by the Commission to carry out this section; and

“(B) the remaining portion of the amounts collected under this subsection in such fiscal year may be transferred periodically to the Attorney General and used by the Attorney General to carry out this section.

“(3) Any amount made available for use under paragraph (2) shall remain available until expended.”

(b) **EFFECTIVE DATE.**—The provisions of subsection a. of section 149 of the Atomic Energy Act of 1954, as added by this Act, shall take effect upon the promulgation of regulations by the Nuclear Regulatory Commission as set forth in subsection c. of such section. Such regulations shall be promulgated not later than 6 months after the date of the enactment of this Act.

(c) **CONFORMING AMENDMENT.**—The table of contents at the beginning of the Atomic Energy Act of 1954 is amended by inserting after the item relating to section 148 the following new item:

“Sec. 149. Fingerprinting for criminal history record checks.”

TITLE VII—MULTILATERAL COOPERATION TO COMBAT INTERNATIONAL TERRORISM

SEC. 701. INTERNATIONAL ANTITERRORISM COMMITTEE.

(a) **FINDINGS.**—The Congress finds that—

(1) international terrorism is and remains a serious threat to the peace and security of free, democratic nations;

(2) the challenge of terrorism can only be met effectively by concerted action on the part of all responsible nations;

(3) the major developed democracies evidenced their commitment to cooperation in the fight against terrorism by the 1978 Bonn Economic Summit Declaration on Terrorism; and

(4) that commitment was renewed and strengthened at the 1986 Tokyo Economic Summit and expressed in a joint statement on terrorism.

(b) **INTERNATIONAL ANTITERRORISM COMMITTEE.**—The Congress hereby directs the President to continue to seek the establishment of an international committee, to be known as the International Antiterrorism Committee. As a first step in establishing such committee, the President should propose to the North Atlantic Treaty Organization the establishment of a standing political committee to examine all aspects of international terrorism, review opportunities for cooperation, and make recommendations to member nations. After the establishment of this committee, the President should invite such other countries who may choose to participate. The purpose of the International Antiterrorism Committee should be to focus the attention and secure the cooperation of the governments and the public of the participating countries and of other countries on the problems and responses to international terrorism (including nuclear terrorism), by serving as a forum at both the political and law enforcement levels.

SEC. 702. INTERNATIONAL ARRANGEMENTS RELATING TO PASSPORTS AND VISAS.

The Congress strongly urges the President to seek the negotiation of international agreements (or other appropriate arrangements) to provide for the sharing of information relating to passports and

visas in order to enhance cooperation among countries in combating international terrorism.

SEC. 703. PROTECTION OF AMERICANS ENDANGERED BY THE APPEARANCE OF THEIR PLACE OF BIRTH ON THEIR PASSPORTS.

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

(b) *REPORT.*—Not later than one year after the date of enactment of this Act, the Comptroller General of the United States shall submit a report to the Congress on the implications of deleting the place of birth as a required item of information on passports.

SEC. 704. USE OF DIPLOMATIC PRIVILEGES AND IMMUNITIES FOR TERRORISM PURPOSES.

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

SEC. 705. REPORTS ON PROGRESS IN INCREASING MULTILATERAL COOPERATION.

Not later than February 1, 1987, the President shall submit a report to the Congress on the steps taken to carry out each of the preceding sections of this title (except for section 703) and the progress being made in achieving the objectives described in those sections.

TITLE VIII—VICTIMS OF TERRORISM COMPENSATION

SEC 801. SHORT TITLE.

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

SEC. 802. PAYMENT TO INDIVIDUALS HELD IN CAPTIVE STATUS BETWEEN NOVEMBER 4, 1979, and JANUARY 21, 1981.

The amount of the payment for individuals in the civil service referred to in section 5569(d) of title 5, United States Code (as added by section 803 of this title), or for individuals in the uniformed services referred to in section 559(c) of title 37, United States Code (as added by section 806 of this title), as the case may be, shall be \$50 for each day any such individual was held in captive status during a period commencing on or after November 4, 1979, and ending on or before January 21, 1981.

SEC. 803. BENEFITS FOR CAPTIVES AND OTHER VICTIMS OF HOSTILE ACTION.

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

“§ 5569. Benefits for captives

“(a) For the purpose of this section—

“(1) ‘captive’ means any individual in a captive status commencing while such individual is—

“(A) in the civil service, or

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

“(2) ‘captive status’ means a missing status which, as determined by the President, arises because of a hostile action and is a result of the individual’s relationship with the Government;

“(3) ‘missing status’—

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

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

“(4) ‘family member’, as used with respect to a person, means—

“(A) any dependent of such person; and

“(B) any individual (other than a dependent under subparagraph (A)) who is a member of such person’s family or household.

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

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

“(3) Amounts in the savings fund credited to a captive shall be considered as pay and allowances for purposes of section 5563 of this title and shall otherwise be subject to withdrawal under procedures which the Secretary of the Treasury shall establish.

“(4) Any interest accruing under this subsection on—

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

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

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

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

“(1) is incident to such individual being a captive; and

“(2) is not covered—

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

“(B) by insurance.

“(d)(1) Except as provided in paragraph (3), the President shall make a cash payment, computed under paragraph (2), to any individual who became or becomes a captive commencing on or after November 4, 1979. Such payment shall be made before the end of the one-year period beginning on the date on which the captive status of

such individual terminates or, in the case of any individual whose status as a captive terminated before the date of the enactment of the Victims of Terrorism Compensation Act, before the end of the one-year period beginning on such date.

"(2) Except as provided in section 802 of the Victims of Terrorism Compensation Act, the amount of the payment under this subsection with respect to an individual held as a captive shall be not less than one-half of the amount of the world-wide average per diem rate under section 5702 of this title which was in effect for each day that individual was so held.

"(3) The President—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

“(ii) on or before—

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

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

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

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

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

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

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

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

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

“(ii) on or before—

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

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

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

“(3) Assistance under this subsection—

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

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

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

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

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

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

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

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

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

“(k) Any benefit or payment pursuant to this section shall be paid out of funds available for salaries and expenses of the relevant agency of the United States.

“§ 5570. Compensation for disability or death

“(a) For the purpose of this section—

“(1) ‘employee’ means—

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

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

“(2) ‘family member’, as used with respect to an employee, means—

“(A) any dependent of such employee; and

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

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

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

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

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

“(f) This section applies with respect to any disability or death resulting from an injury which occurs after January 21, 1981.”

“(g) Any benefit or payment pursuant to this section shall be paid out of funds available for salaries and expenses of the relevant agency of the United States.”

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

“5569. Benefits for captives.

“5570. Compensation for disability or death.”

SEC. 804. RETENTION OF LEAVE BY ALIEN EMPLOYEES FOLLOWING INJURY FROM HOSTILE ACTION ABROAD.

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

SEC. 805. TRANSITION PROVISIONS.

(a) SAVINGS FUND.—(1) Amounts may be allotted to the savings fund under subsection (b) of section 5569 of title 5, United States Code (as added by section 803(a) of this Act) from pay and allowances for any pay period ending after January 21, 1981, and before the establishment of such fund.

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

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

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

SEC. 806. BENEFITS FOR MEMBERS OF UNIFORMED SERVICES WHO ARE VICTIMS OF HOSTILE ACTION.

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

“§ 559. Benefits for members held as captives

“(a) In this section—

“(1) ‘captive status’ means a missing status of a member of the uniformed services which, as determined by the President, arises because of a hostile action and is a result of membership in the uniformed services, but does not include a period of captivity of a member as a prisoner of war if Congress provides to

such member, in an Act enacted after the date of the enactment of the Victims of Terrorism Compensation Act, monetary payment in respect of such period of captivity; and

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

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

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

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

“(4) Any interest accruing under this subsection on—

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

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

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

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

“(2) Except as provided in section 802 of the Victims of Terrorism Compensation Act, the amount of such payment shall be determined by the President under the provisions of section 5569(d)(2) of title 5.

“(3)(A) The President—

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

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

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

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

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

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

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

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

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

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

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

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

"559. Benefits for members held as captives."

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

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

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

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

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

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

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

"(a) The President shall prescribe regulations under which the Secretary concerned may pay compensation for the disability or death of a dependent of a member of the uniformed services if the President determines that the disability or death—

"(1) was caused by hostile action; and

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

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

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

"(d) In this section:

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

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

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

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

(3) Section 1051 of title 10, United States Code, as added by paragraph (1), shall apply with respect to any disability or death resulting from an injury that occurs after January 21, 1981.

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

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

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

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

"(2) is not covered—

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

"(B) by insurance.

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

"(c) In this section:

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

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

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

"1095. MEDICAL CARE: MEMBERS HELD AS CAPTIVES AND THEIR DEPENDENTS."

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

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

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

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

"Sec.

"2181. Definitions.

"2182. Educational assistance: dependents of captives.

"2183. Educational assistance: former captives.

"2184. Termination of assistance.

"2185. Programs to be consistent with programs administered by the Veterans' Administration.

"§ 2181. Definitions

"In this chapter:

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

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

"§ 2182. Educational assistance: dependents of captives

"(a) Under regulations prescribed by the President, the Secretary concerned shall pay (by advancement or reimbursement) a dependent of a person who is in a captive status for expenses incurred, while attending an educational or training institution, for—

"(1) subsistence;

"(2) tuition;

"(3) fees;

"(4) supplies;

"(5) books;

"(6) equipment; and

"(7) other educational expenses.

"(b) Except as provided in section 2184 of this title, payments shall be available under this section for a dependent of a person who is in a captive status for education or training that occurs—

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

"(2) on or before—

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

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

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

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

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

"§ 2183. Educational assistance: former captives

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

"(1) subsistence;

"(2) tuition;

- “(3) fees;
- “(4) supplies;
- “(5) books;
- “(6) equipment; and
- “(7) other educational expenses.

“(b) Except as provided in section 2184 of this title, payments shall be available under this section for a person who is a former captive for education or training that occurs—

“(1) after the termination of the status of that person as a captive; and

“(2) on or before—

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

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

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

“§ 2184. Termination of assistance

“Assistance under this chapter—

“(1) shall be discontinued for any person whose conduct or progress is unsatisfactory under standards consistent with those established under section 1724 of title 38; and

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

“§ 2185. Programs to be consistent with programs administered by the Veterans’ Administration

“Regulations prescribed to carry out this chapter shall provide that the programs under this chapter shall be consistent with the educational assistance programs under chapters 35 and 36 of title 38.”

(2) The table of chapters at the beginning of subtitle A of such title, and the table of chapters at the beginning of part III of such subtitle, are amended by inserting after the item relating to chapter 109 the following new item:

“110. Educational Assistance for Members Held as Captives and Their Dependents..... 2181”.

(3) Chapter 110 of title 10, United States Code, as added by paragraph (1), shall apply with respect to persons whose captive status begins after January 21, 1981.

(e) ACCOUNT USED FOR PAYMENT OF COMPENSATION FOR VICTIMS OF TERRORISM.—(1) Chapter 19 of title 37, United States Code, is amended by adding at the end thereof the following new section:

“§ 1013. Payment of compensation for victims of terrorism

“Any benefit or payment pursuant to section 559 of this title, or section 1051 or 1095 or chapter 110 of title 10, shall be paid out of funds available to the Secretary concerned for military personnel.”.

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

"1013. Payment of compensation for victims of terrorism."

SEC. 807. REGULATIONS.

Any regulation required by this title or by any amendment made by this title shall take effect not later than 6 months after the date of enactment of this Act.

SEC. 808. EFFECTIVE DATE OF ENTITLEMENTS.

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

TITLE IX—MARITIME SECURITY

SEC. 901. SHORT TITLE.

This title may be cited as the "International Maritime and Port Security Act".

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

The Congress encourages the President to continue to seek agreement through the International Maritime Organization on matters of international seaport and shipboard security, and commends him on his efforts to date. In developing such agreement, each member country of the International Maritime Organization should consult with appropriate private sector interests in that country. Such agreement would establish seaport and vessel security measures and could include—

- (1) seaport screening of cargo and baggage similar to that done at airports;
- (2) security measures to restrict access to cargo, vessels, and dockside property to authorized personnel only;
- (3) additional security on board vessels;
- (4) licensing or certification of compliance with appropriate security standards; and
- (5) other appropriate measures to prevent unlawful acts against passengers and crews on board vessels.

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

(a) **REPORT ON PROGRESS OF IMO.**—The Secretary of Transportation and the Secretary of State, jointly, shall report to the Congress by February 28, 1987, on the progress of the International Maritime Organization in developing recommendations on Measures to Prevent Unlawful Acts Against Passengers and Crews On Board Ships.

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

- (1) the specific areas of agreement and disagreement on the recommendations among the member nations of the International Maritime Organization;
- (2) the activities of the Maritime Safety Committee, the Facilitation Committee, and the Legal Committee of the International Maritime Organization in regard to the proposed recommendations; and
- (3) the security measures specified in the recommendations.

(c) **SECURITY MEASURES AT UNITED STATES PORTS.**—If the member nations of the International Maritime Organization have not finalized and accepted the proposed recommendations by February 28, 1987, the Secretary of Transportation shall include in the report required by this section a proposed plan of action (including proposed legislation if necessary) for the implementation of security measures at United States ports and on vessels operating from those ports based on the assessment of threat from acts of terrorism reported by the Secretary of Transportation under section 905.

SEC. 904. PANAMA CANAL SECURITY.

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

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

Not later than February 28, 1987, and annually thereafter, the Secretary of Transportation shall report to the Congress on the threat from acts of terrorism to United States ports and vessels operating from those ports.

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

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

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

"(a) GENERAL AUTHORITY.—The Secretary may take actions described in subsection (b) to prevent or respond to an act of terrorism against—

"(1) an individual, vessel, or public or commercial structure, that is—

"(A) subject to the jurisdiction of the United States; and

"(B) located within or adjacent to the marine environment; or

"(2) a vessel of the United States or an individual on board that vessel.

"(b) SPECIFIC AUTHORITY.—Under subsection (a), the Secretary may—

"(1) carry out or require measures, including inspections, port and harbor patrols, the establishment of security and safety zones, and the development of contingency plans and procedures, to prevent or respond to acts of terrorism; and

"(2) recruit members of the Regular Coast Guard and the Coast Guard Reserve and train members of the Regular Coast Guard and the Coast Guard Reserve in the techniques of preventing and responding to acts of terrorism."

SEC. 907. SECURITY STANDARDS AT FOREIGN PORTS.

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

(b) **CONSULTATION WITH THE SECRETARY OF STATE.**—In carrying out subsection (a), the Secretary of Transportation shall consult the Secretary of State with respect to the terrorist threat which exists in each country and poses a high risk of acts of terrorism directed against passenger vessels.

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

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

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

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

(a) **TRAVEL ADVISORY.**—Upon being notified by the Secretary of Transportation that the Secretary has determined that a condition exists that threatens the safety or security of passengers, passenger vessels, or crew traveling to or from a foreign port which the Secretary of Transportation has determined pursuant to section 907(d) to be a port which does not maintain and administer effective security measures, the Secretary of State shall immediately issue a travel advisory with respect to that port. Any travel advisory issued pursuant to this subsection shall be published in the Federal Register. The Secretary of State shall take the necessary steps to widely publicize that travel advisory.

(b) **LIFTING OF TRAVEL ADVISORY.**—The travel advisory required to be issued under subsection (a) may be lifted only if the Secretary of Transportation, in consultation with the Secretary of State, has determined that effective security measures are maintained and administered at the port with respect to which the Secretary of Transportation had made the determination described in section 907(d).

(c) **NOTIFICATION TO CONGRESS.**—The Secretary of State shall immediately notify the Congress of any change in the status of a travel advisory imposed pursuant to this section.

SEC. 909. SUSPENSION OF PASSENGER SERVICES.

(a) **PRESIDENT'S DETERMINATION.**—Whenever the President determines that a foreign nation permits the use of territory under its jurisdiction as a base of operations or training for, or as a sanctuary for, or in any way arms, aids, or abets, any terrorist or terrorist group which knowingly uses the illegal seizure of passenger vessels

or the threat thereof as an instrument of policy, the President may, without notice or hearing and for as long as the President determines necessary to assure the security of passenger vessels against unlawful seizure, suspend the right of any passenger vessel common carrier to operate to and from, and the right of any passenger vessel of the United States to utilize, any port in that foreign nation for passenger service.

(b) **PROHIBITION.**—It shall be unlawful for any passenger vessel common carrier, or any passenger vessel of the United States, to operate in violation of the suspension of rights by the President under this section.

(c) **PENALTY.**—(1) If a person operates a vessel in violation of this section, the Secretary of the department in which the Coast Guard is operating may deny the vessels of that person entry to United States ports.

(2) A person violating this section is liable to the United States Government for a civil penalty of not more than \$50,000. Each day a vessel utilizes a prohibited port shall be a separate violation of this section.

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

The Congress encourages the President—

- (1) to review the adequacy of domestic and international sanctions against terrorists who seize or attempt to seize vessels; and
- (2) to strengthen where necessary, through bilateral and multilateral efforts, the effectiveness of such sanctions.

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

SEC. 911. DEFINITIONS.

For purposes of this title—

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

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

SEC. 912. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated \$12,500,000 for each of the fiscal years 1987 through 1991, to be available to the Secretary of Transportation to carry out this title.

SEC. 913. REPORTS.

(a) **CONSOLIDATION.**—To the extent practicable, the reports required under sections 903, 905, and 907 shall be consolidated into a single document before being submitted to the Congress. Any classified material in those reports shall be submitted separately as an addendum to the consolidated report.

(b) **SUBMISSION TO COMMITTEES.**—The reports required to be submitted to the Congress under this title shall be submitted to the Committee on Foreign Affairs and the Committee on Merchant Marine and Fisheries of the House of Representatives and the Committee on Foreign Relations and the Committee on Commerce, Science and Transportation of the Senate.

TITLE X—FASCELL FELLOWSHIP PROGRAM

SEC. 1001. SHORT TITLE.

This title may be cited as the "Fascell Fellowship Act".

SEC. 1002. FELLOWSHIP PROGRAM FOR TEMPORARY SERVICE AT UNITED STATES MISSIONS IN THE SOVIET UNION AND EASTERN EUROPE.

(a) *ESTABLISHMENT.*—There is hereby established a fellowship program pursuant to which the Secretary of State will provide fellowships to United States citizens while they serve, for a period of between one and two years, in positions formerly held by foreign national employees at United States diplomatic or consular missions in the Soviet Union or Eastern European countries.

(b) *DESIGNATION OF FELLOWSHIPS.*—Fellowships under this title shall be known as "Fascell Fellowships".

(c) *PURPOSE OF THE FELLOWSHIPS.*—Fellowships under this title shall be provided in order to allow the recipient (hereafter in this title referred to as a "Fellow") to serve on a short-term basis at a United States diplomatic or consular mission in the Soviet Union or an Eastern European country in order to obtain first hand exposure to that country, including (as appropriate) independent study in Soviet or Eastern European area studies or languages.

(d) *INDIVIDUALS WHO MAY RECEIVE A FELLOWSHIP.*—To receive a fellowship under this title, an individual must be a United States citizen who is an undergraduate or graduate student, a teacher, scholar, or other academic, or an other individual, who has expertise in Soviet or Eastern European area studies or languages and who has a working knowledge of the principal language of the country in which he or she would serve.

(e) *WOMEN AND MEMBERS OF MINORITY GROUPS.*—In carrying out this section, the Secretary of State shall actively recruit women and members of minority groups.

SEC. 1003. FELLOWSHIP BOARD.

(a) *ESTABLISHMENT AND FUNCTION.*—There is hereby established a Fellowship Board (hereafter in this title referred to as the "Board"), which shall select the individuals who will be eligible to serve as Fellows.

(b) *MEMBERSHIP.*—The Board shall consist of 9 members as follows:

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

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

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

(4) Six academic specialists in Soviet or Eastern European area studies or languages, appointed by the Secretary of State (in consultation with the chairman and ranking minority member of the Committee on Foreign Affairs of the House of Representatives and the chairman and ranking minority of the Committee on Foreign Relations of the Senate).

(c) *MEETINGS.*—The Board shall meet at least once each year to select the individuals who will be eligible to serve as Fellows.

(d) **COMPENSATION AND PER DIEM.**—Members of the Board shall receive no compensation on account of their service on the Board, but while away from their homes or regular places of business in the performance of their duties under this title, may be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703 of title 5 of the United States Code.

SEC. 1004. FELLOWSHIPS.

(a) **NUMBER.**—Up to 100 fellowships may be provided under this title each year.

(b) **REMUNERATION AND PERIOD.**—The Board shall determine, taking into consideration the position in which each Fellow will serve and his or her experience and expertise—

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

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

(c) **TRAINING.**—Each Fellow may be given appropriate training at the Foreign Service Institute or other appropriate institution.

(d) **HOUSING AND TRANSPORTATION.**—The Secretary of State shall, pursuant to regulations—

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

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

(e) **EFFECTIVE DATE.**—Subsection (d) of this section shall not take effect until October 1, 1986.

SEC. 1005. SECRETARY OF STATE.

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

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

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

TITLE XI—SECURITY AT MILITARY BASES ABROAD

SEC. 1101. FINDINGS.

The Congress finds that—

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

(2) more attention should be given to the protection of members of the Armed Forces, and members of their families, stationed outside the United States; and

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

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

It is the sense of the Congress that—

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

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

SEC. 1103. REPORT TO THE CONGRESS.

No later than June 30, 1987, the Secretary of Defense shall report to the Congress on any actions taken by the Secretary described in section 1102.

TITLE XII—CRIMINAL PUNISHMENT OF INTERNATIONAL TERRORISM

SEC. 1201. ENCOURAGEMENT FOR NEGOTIATION OF A CONVENTION.

(a) *SENSE OF CONGRESS.—It is the sense of the Congress that the President should establish a process to encourage the negotiation of an international convention to prevent and control all aspects of international terrorism.*

(b) *RELATION TO EXISTING INTERNATIONAL CONVENTIONS.—Such convention should address the prevention and control of international terrorism in a comprehensive fashion, taking into consideration matters not covered by—*

(1) *the Convention for the Suppression of Unlawful Seizure of Aircraft (the Hague, December 16, 1970; 22 U.S.T. 1641, TIAS 7192);*

(2) *the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation (Montreal, September 23, 1971; 24 U.S.T. 564, TIAS 7570);*

(3) *the Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons (New York, December 14, 1973; 28 U.S.T. 1975, TIAS 8532);*

(4) *the Convention Against the Taking of Hostages (New York, December 17, 1979; XVIII International Legal Materials 1457);*

(5) *the Convention on the Physical Protection of Nuclear Materials (October 26, 1979; XVIII International Legal Materials 1419); and*

(6) *the Convention on Offenses and Certain Other Acts Committed on Board Aircraft (Tokyo, September 14, 1963; 20 U.S.T. 2941, TIAS 6768).*

(c) **WHAT THE CONVENTION SHOULD PROVIDE.**—Such convention should provide—

- (1) *an explicit definition of conduct constituting terrorism;*
- (2) *effective close intelligence-sharing, joint counterterrorist training, and uniform rules for asylum and extradition for perpetrators of terrorism; and*
- (3) *effective criminal penalties for the swift punishment of perpetrators of terrorism.*

(d) **CONSIDERATION OF AN INTERNATIONAL TRIBUNAL.**—The President should also consider including on the agenda for these negotiations the possibility of eventually establishing an international tribunal for prosecuting terrorists.

SEC. 1202. EXTRATERRITORIAL CRIMINAL JURISDICTION OVER TERRORIST CONDUCT.

(a) **IN GENERAL.**—Part I of title 18, United States Code, is amended by inserting after chapter 113 the following:

“CHAPTER 113A—EXTRATERRITORIAL JURISDICTION OVER TERRORIST ACTS ABROAD AGAINST UNITED STATES NATIONALS

“§ 2331. Terrorist acts abroad against United States nationals

“(a) HOMICIDE.—Whoever kills a national of the United States, while such national is outside the United States, shall—

“(1) *if the killing is a murder as defined in section 1111(a) of this title, be fined under this title or imprisoned for any term of years or for life, or both so fined and so imprisoned;*

“(2) *if the killing is a voluntary manslaughter as defined in section 1112(a) of this title, be fined under this title or imprisoned not more than ten years, or both; and*

“(3) *if the killing is an involuntary manslaughter as defined in section 1112(a) of this title, be fined under this title or imprisoned not more than three years, or both.*

“(b) ATTEMPT OR CONSPIRACY WITH RESPECT TO HOMICIDE.—Whoever outside the United States attempts to kill, or engages in a conspiracy to kill, a national of the United States shall—

“(1) *in the case of an attempt to commit a killing that is a murder as defined in this chapter, be fined under this title or imprisoned not more than 20 years, or both; and*

“(2) *in the case of a conspiracy by two or more persons to commit a killing that is a murder as defined in section 1111(a) of this title, if one or more of such persons do any overt act to effect the object of the conspiracy, be fined under this title or imprisoned for any term of years or for life, or both so fined and so imprisoned.*

“(c) OTHER CONDUCT.—Whoever outside the United States engages in physical violence—

“(1) *with intent to cause serious bodily injury to a national of the United States; or*

“(2) *with the result that serious bodily injury is caused to a national of the United States;*

shall be fined under this title or imprisoned not more than five years, or both.

“(d) *DEFINITION.*—As used in this section the term ‘national of the United States’ has the meaning given such term in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)).

“(e) *LIMITATION ON PROSECUTION.*—No prosecution for any offense described in this section shall be undertaken by the United States except on written certification of the Attorney General or the highest ranking subordinate of the Attorney General with responsibility for criminal prosecutions that, in the judgment of the certifying official, such offense was intended to coerce, intimidate, or retaliate against a government or a civilian population.”

(b) *CLERICAL AMENDMENT.*—The table of chapters for part I of title 18, United States Code, is amended by inserting after the item for chapter 113, the following new item:

“113A. Extraterritorial jurisdiction over terrorist acts abroad against United States nationals.”

TITLE XIII—MISCELLANEOUS PROVISIONS

SEC. 1301. PEACE CORPS AUTHORIZATION OF APPROPRIATIONS.

Section 3 of the Peace Corps Act is amended by amending subsection (b) to read as follows:

“(b) There are authorized to be appropriated to carry out the purposes of this Act \$130,000,000 for the fiscal year 1986 and \$137,200,000 for the fiscal year 1987.”

SEC. 1302. DEMONSTRATIONS AT EMBASSIES IN THE DISTRICT OF COLUMBIA.

It is the sense of the Congress that—

(1) the District of Columbia law concerning demonstrations near foreign missions in the District of Columbia (D.C. Code, sec. 22-1115) may be inconsistent with the reasonable exercise of the rights of free speech and assembly, that law may have been selectively enforced, and peaceful demonstrators may have been unfairly arrested under that law;

(2) the obligation of the United States to provide adequate security for the missions and personnel of foreign governments must be balanced with the reasonable exercise of the rights of free speech and assembly; and

(3) therefore, the Council of the District of Columbia should review and, if appropriate, make revisions in the laws of the District of Columbia concerning demonstrations near foreign missions, in consultation with the Secretary of State and the Secretary of the Treasury.

SEC. 1303. KURT WALDHEIM'S RETIREMENT ALLOWANCE.

(a) *FINDINGS.*—The Congress finds that—

(1) Kurt Waldheim's misrepresentations about his past enabled him to rise to the position of Secretary General of the United Nations;

(2) Kurt Waldheim currently receives \$81,650 a year as a retirement allowance for his service in that position; and

(3) Kurt Waldheim's misrepresentations went to matters that lie at the very heart of the purposes of the United Nations.

(b) *SENSE OF THE CONGRESS.*—It is the sense of the Congress that the President should instruct the Permanent Representative of the United States to the United Nations to act to amend the 1986-1987 Regular Program Budget to eliminate funding of Kurt Waldheim's retirement allowance and to act to deny Kurt Waldheim a retirement allowance in all future budgets.

SEC. 1304. ERADICATION OF AMBLYOMMA VARIEGATUM.

Section 103(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151a(a)) is amended by adding after paragraph (2) the following new paragraph:

"(3) Of the amounts authorized to be appropriated in paragraph (2) for the fiscal year 1987, not less than \$2,000,000 shall be available only for the purpose of controlling and eradicating amblyomma variegatum (heartwater) in bovine animals in the Caribbean."

SEC. 1305. STRENGTHEN FOREIGN LANGUAGE SKILLS.

It is the sense of the Congress that the Secretary of State should substantially strengthen the foreign language training of Foreign Service officers and other United States diplomatic personnel who may serve in embassies overseas, and to work toward early implementation of a program focusing on acquisition and retention of effective linguistic skills the careers of United States diplomatic personnel.

SEC. 1306. FORFEITURE OF PROCEEDS DERIVED FROM ESPIONAGE ACTIVITIES.

(a) *GATHERING, TRANSMITTING, OR LOSING DEFENSE INFORMATION.*—Section 793 of title 18, United States Code, is amended by adding at the end thereof the following new subsection:

"(h)(1) Any person convicted of a violation of this section shall forfeit to the United States, irrespective of any provision of State law, any property constituting, or derived from, any proceeds the person obtained, directly or indirectly, from any foreign government, or any faction or party or military or naval force within a foreign country, whether recognized or unrecognized by the United States, as the result of such violation.

"(2) The court, in imposing sentence on a defendant for a conviction of a violation of this section, shall order that the defendant forfeit to the United States all property described in paragraph (1) of this subsection.

"(3) The provisions of subsections (b), (c), and (e) through (o) of section 413 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 853(b), (c), and (e)-(o)) shall apply to—

"(A) property subject to forfeiture under this subsection;

"(B) any seizure or disposition of such property; and

"(C) any administrative or judicial proceeding in relation to such property,

if not inconsistent with this subsection.

"(4) Notwithstanding section 524(c) of title 28, there shall be deposited in the Crime Victims Fund in the Treasury all amounts from the forfeiture of property under this subsection remaining after the payment of expenses for forfeiture and sale authorized by law."

(b) *GATHERING OR DELIVERING DEFENSE INFORMATION TO AID FOREIGN GOVERNMENT.*—Section 794 of title 18, United States Code, is amended by adding at the end thereof the following new subsection:

“(d)(1) Any person convicted of a violation of this section shall forfeit to the United States irrespective of any provision of State law—

“(A) any property constituting, or derived from, any proceeds the person obtained, directly or indirectly, as the result of such violation, and

“(B) any of the person’s property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such violation.

“(2) The court, in imposing sentence on a defendant for a conviction of a violation of this section, shall order that the defendant forfeit to the United States all property described in paragraph (1) of this subsection.

“(3) The provisions of subsections (b), (c) and (e) through (o) of section 413 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 853(b), (c), and (e)-(o)) shall apply to—

“(A) property subject to forfeiture under this subsection;

“(B) any seizure or disposition of such property; and

“(C) any administrative or judicial proceeding in relation to such property,

if not inconsistent with this subsection.

“(4) Notwithstanding section 524(c) of title 28, there shall be deposited in the Crime Victims Fund in the Treasury all amount from the forfeiture of property under this subsection remaining after the payment of expenses for forfeiture and sale authorized by law.”.

(c) *ORDER OF SPECIAL FORFEITURE.*—Subsection (a) of section 3671 of title 18, United States Code, is amended by inserting after “conviction of a defendant for” the following: “an offense under section 794 of this title or for”.

SEC. 1307. EXPRESSION OF SUPPORT OF ACTIVITIES OF THE UNITED STATES TELECOMMUNICATIONS TRAINING INSTITUTE.

Nothing in this Act, the Communications Act of 1934, or any other Act, shall be construed to preclude the Department of State, the United States Agency for International Development, or the United States Information Agency from participation in support of any activities of the United States Telecommunications Training Institute (including use of staff, other appropriate resources and service on the board of the Institute).

SEC. 1308. POLICY TOWARD AFGHANISTAN.

(a) *FINDINGS.*—The Congress finds that—

(1) the Soviet Union invaded the sovereign territory of Afghanistan on December 27, 1979, and continues to occupy and attempt to subjugate that nation through the use of force, relying upon a puppet regime and an occupying army of an estimated 120,000 Soviet troops;

(2) the outrageous and barbaric treatment of the people of Afghanistan by the Soviet Union is repugnant to all freedom-loving peoples as reflected in seven United Nations resolutions of condemnation, violates all standards of conduct befitting a

responsible nation, and contravenes all recognized principles of international law;

(3) the Special Rapporteur of the United Nations Commission on Human Rights, in his November 5, 1985, report to the General Assembly, concludes that "whole groups of persons and tribes are endangered in their existence and in their lives because their living conditions are fundamentally affected by the kind of warfare being waged" and that the "Government of Afghanistan, with heavy support from foreign [Soviet] troops, acts with great severity against opponents or suspected opponents of the regime without any respect for human rights obligations" including "use of antipersonnel mines and of so-called toy bombs" and "the indiscriminate mass killings of civilians, particularly women and children";

(4) the Special Rapporteur also concludes that the war in Afghanistan has been characterized by "the most cruel methods of warfare and by the destruction of large parts of the country which has affected the conditions of life of the population, destabilizing the ethnic and tribal structure and disrupting family units" and that the "demographic structure of the country has changed, since over 4 million refugees from all provinces and all classes have settled outside the country and thousands of internal refugees have crowded into the cities like Kabul";

(5) the United Nations General Assembly, in a recorded vote of 80-22 on December 13, 1985, accepted the findings of the Special Rapporteur and deplored the refusal of Soviet-led Afghan officials to cooperate with the United Nations, and expressed "profound distress and alarm" at "the widespread violations of the right to life, liberty, and security of person, including the commonplace practice of torture and summary executions of the regime's opponents, as well as increasing evidence of a policy of religious intolerance";

(6) in a subsequent report of the Special Rapporteur of February 14, 1986, the Special Rapporteur found that "The only solution to the human rights situation in Afghanistan is the withdrawal of the foreign troops" and that "Continuation of the military solution will, in the opinion of the Special Rapporteur, lead inevitably to a situation approaching Genocide, which the traditions and culture of this noble people cannot permit";

(7) the Soviet invasion of Afghanistan caused the United States to postpone indefinitely action on the SALT II Treaty in 1979, and the presence of Soviet troops in that country today continues to adversely affect the prospects for long-term improvement of the United States-Soviet bilateral relationship in many fields of great importance to the global community;

(8) the Soviet leadership appears to be engaged in a calculated policy of raising hopes for a withdrawal of Soviet troops from Afghanistan in the apparent belief that words will substitute for genuine action in shaping world opinion; and

(9) President Reagan, in his February 4, 1986, State of the Union Address promised the Afghan people that "America will support with moral and material assistance your right not just to fight and die for freedom, but to fight and win freedom".

(b) *POLICY.*—(1) *It is the sense of the Congress that the United States, so long as Soviet military forces occupy Afghanistan, should support the efforts of the people of Afghanistan to regain the sovereignty and territorial integrity of their nation through—*

(A) *the appropriate provisions of material support;*

(B) *renewed multilateral initiatives aimed at encouraging Soviet military withdrawal, the return of an independent and nonaligned status to Afghanistan, and a peaceful political settlement acceptable to the people of Afghanistan, which includes provision for the return of Afghan refugees in safety and dignity;*

(C) *a continuous and vigorous public information campaign to bring the facts of the situation in Afghanistan to the attention of the world;*

(D) *frequent efforts to encourage the Soviet leadership and the Soviet-backed Afghan regime to remove the barriers erected against the entry into and reporting of events in Afghanistan by international journalists; and*

(E) *vigorous efforts to impress upon the Soviet leadership the penalty that continued military action in Afghanistan imposes upon the building of a long-term constructive relationship with the United States, because of the negative effect that Soviet policies in Afghanistan have on attitudes toward the Soviet Union among the American people and the Congress.*

(2) *It is further the sense of the Congress that the Secretary of State should—*

(A) *determine whether the actions of Soviet forces against the people of Afghanistan constitute the international crime of Genocide as defined in Article II of the International Convention on the Prevention and Punishment of the Crime of Genocide, signed on behalf of the United States on December 11, 1948, and, if the Secretary determines that Soviet actions may constitute the crime of genocide, he shall report his findings to the President and the Congress, along with recommended actions; and*

(B) *review United States policy with respect to the continued recognition of the Soviet puppet government in Kabul to determine whether such recognition is in the interest of the United States.*

And the Senate agree to the same.

For consideration of the entire House bill and Senate amendment:

DANTE B. FASCELL,
GUS YATRON,
DAN MICA,
PETER H. KOSTMAYER,
LAWRENCE J. SMITH,
TED WEISS,
BUDDY MACKEY,
WM. BROOMFIELD,
BENJAMIN A. GILMAN,
OLYMPIA SNOWE,
CONNIE MACK,
JOHN MCCAIN,

For consideration of title IX of the House bill and modifications committed to conference:

WALTER B. JONES,
MARIO BIAGGI,
GERRY E. STUDDS,
GENE SNYDER,

For consideration of titles III, VIII, XI, and section 603 of the House bill and modifications committed to conference:

LES ASPIN,
MELVIN PRICE,
WILLIAM L. DICKINSON,

For consideration of sections 702, 703, 711, 713, and 714 of the Senate amendment and modifications committed to conference:

PETER W. RODINO, Jr.,
WILLIAM J. HUGHES,
DON EDWARDS,
JOHN CONYERS,
BILL MCCOLLUM,
DAN LUNGREN,
GEORGE W. GEKAS,

For consideration of title III and title VIII of the House bill and modifications committed to conference:

WILLIAM D. FORD,
PAT SCHROEDER,
MARY ROSE OAKAR,
FRANK HORTON,
DON YOUNG,

Managers on the Part of the House.

For consideration of the entire House bill and Senate amendment:

RICHARD G. LUGAR,
JESSE HELMS,
CHARLES McC. MATHIAS, Jr.,
NANCY KASSEBAUM,
CLAIBORN PELL,
J.R. BIDEN, Jr.,
PAUL SARBANES,

For consideration of sections 702, 703, 711, and 714 of the Senate amendment and modifications committed to conference:

CHUCK GRASSLEY,
JEREMIAH DENTON,
ARLEN SPECTER,
DENNIS DECONCINI,
PAT LEAHY,

For consideration of section 702 of the Senate amendment and modifications committed to conference:

CHARLES McC. MATHIAS, Jr.,
TOM EAGLETON,

For consideration of sections 706 and 707 of the Senate amendment and modifications committed to conference:

JOHN C. DANFORTH,
ERNEST F. HOLLINGS,

Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4151) to provide enhanced diplomatic security and combat international terrorism, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment struck out all of the House bill after the enacting clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment which is a substitute for the House bill and the Senate amendment. The differences between the House bill, the Senate amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

TITLE I—DIPLOMATIC SECURITY

RESPONSIBILITY OF THE SECRETARY OF STATE

The House bill (sec. 103) enacts responsibilities assigned to the Secretary of State by the President in his letters to Chiefs of Mission of September 23, 1981 and the responsibilities implicitly assigned to the Secretary by section 207 of the Foreign Service Act of 1980.

The Senate amendment is identical to the House bill.

The conference substitute (sec. 103) is identical to the House bill and the Senate amendment. By enacting this provision, the committee of conference intends to strengthen and expand the responsibilities of the Secretary of State.

The committee of conference finds that the authority given the Secretary of State in this subsection is critical to the success of the Diplomatic Security Program to be implemented pursuant to this act. The committee of conference expects that the Secretary will use this authority to manage the size and number of U.S. missions for reasons of both security and economy as urged on several occasions during the consideration of this legislation and as recommended by the Vice President's Task Force on Combatting Terrorism.

The committee of conference expects that prior to making any increases or reductions, the Secretary shall coordinate with the heads of the affected agencies. In addition, the Secretary shall take into consideration the impact of such a change on U.S. foreign

policy objectives and on national security interests, and any long-standing and unique agreements on overseas staffing levels.

The committee of conference also expects that any agency which disagrees with a decision of the Secretary of State, pursuant to this subsection, shall continue to have the right to appeal such a decision directly to the Office of the President.

BUREAU OF DIPLOMATIC SECURITY

The House bill (sec. 104) establishes the Bureau of Diplomatic Security of the Department of State to be headed by an Assistant Secretary who shall be responsible for such functions described in section 105.

The Senate amendment contains an identical provision. However, as a result of conference changes in section 105 of both the House and Senate bills, the committee of conference agreed to make conforming technical changes.

The conference substitute (sec. 104) provides for the establishment of the new Bureau for Diplomatic Security to be headed by an Assistant Secretary who shall be responsible for such functions as may be directed by the Secretary of State.

RESPONSIBILITIES OF THE ASSISTANT SECRETARY FOR DIPLOMATIC SECURITY

The House bill (sec. 105) consolidates all of the security functions of the Department of State under the Bureau for Diplomatic Security for which the Assistant Secretary for Diplomatic Security shall be responsible.

The Senate amendment directs that the Assistant Secretary for Diplomatic Security shall be responsible for those functions assigned to him by the Secretary of State.

The conference substitute (sec. 105) enumerates the functions which the committee of conference believes that the Secretary of State should assign to the Assistant Secretary for Diplomatic Security.

The committee of conference, in consolidating all security functions under the Bureau of Diplomatic Security, expects the Assistant Secretary for Diplomatic Security will assure that positions in this bureau shall be filled with personnel with demonstrated abilities in the areas pertinent to diplomatic security.

The committee of conference fully expects that professional security personnel should be appointed to senior level positions in the Antiterrorism Training Assistance (ATA) Program Office. It is the intent of the committee of conference that the absence of such professionals could adversely affect the overall effectiveness of the program.

In addition, it is the intent of the committee of conference that in providing additional authority for the ATA program, the operational component of the program rest within the Bureau of Diplomatic Security under the Assistant Secretary for Diplomatic Security. It is the concern of the committee of conference that the ATA program should be fully integrated within the operations of the new Bureau in order for the program to be effectively utilized. Further, the committee of conference strongly reaffirms that all as-

pects of the ATA program shall be coordinated through the Regional Security Officer of the post in question.

COOPERATION OF OTHER FEDERAL AGENCIES

The House bill (sec. 106) imposes an obligation on other Federal agencies to cooperate to the maximum extent possible with the Department of State to facilitate the fulfillment of its security responsibilities. This provision also provides that for these purposes such agencies through agreement may render assistance, with or without reimbursement, to the Department of State. Furthermore, it expressly provides that such agencies may provide logistic support, perform security inspections and other overseas security functions as authorized by the Secretary of State. Assistance of this nature would be appropriate in circumstances, for example, involving the facilities of other agencies. In such cases, the legislation authorizes the Secretary of State to delegate operational control, subject, however, to the Secretary's overall responsibility. Finally, the House bill makes clear that nothing in titles I through IV of this act shall be construed to limit or impair the authority of any Federal, State or local authority with respect to law enforcement or domestic security operations.

The Senate amendment is identical to the House bill except that, in addition, it directs the President to prescribe such regulations as to assure that nothing in titles I through IV of this act shall be construed to limit or impair the authority of any Federal, State or local authority with respect to law enforcement or domestic security operations.

The conference substitute (sec. 106) is identical to the House bill.

CERTAIN LEASE ARRANGEMENTS

The House bill (sec. 106(c)) approves a lease by the General Services Administration (GSA) of up to 250,000 square feet subject to appropriation.

The Senate amendment approves a lease by GSA of necessary space subject to appropriation.

The conference substitute (sec. 106(c)) is identical to the Senate amendment. In adopting the conference substitute, the committee of conference understands that 250,000 square feet will meet the needs of the Department of State.

PROTECTION OF FOREIGN CONSULATES

The House bill (sec. 107) mandates periodic reviews of the accreditation of foreign consulates in the United States. Six months after enactment of this act, the Secretary will report to the Congress on the accreditation review process and any plan to reduce such consular activities.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 107) directs the Chief of Protocol to consult with the Assistant Secretary of State for Diplomatic Security prior to making any determination with respect to the accreditation of all foreign consular personnel in the United States.

TITLE II—DIPLOMATIC SECURITY SERVICE

DIRECTOR OF THE DIPLOMATIC SECURITY SERVICE

The House bill (sec. 202) directs that the Diplomatic Security Service shall be headed by a Director, acting under the supervision and direction of the Assistant Secretary for Diplomatic Security, who shall be designated by the Secretary of State. He shall be a career member of the Senior Foreign Service or the Senior Executive Service, with demonstrated ability in the area of security, law enforcement, management, or public administration as well as experience in management of overseas missions.

The Senate amendment provides that the Diplomatic Security Service shall be headed by a Director, acting under the supervision and direction of the Assistant Secretary for Diplomatic Security, who shall be designated by the Secretary of State from among individuals with demonstrated ability in the area of security, law enforcement, management, or public administration.

The conference substitute (sec. 202) provides that the Diplomatic Security Service shall be headed by a Director, acting under the supervision and direction of the Assistant Secretary for Diplomatic Security, who shall be designated by the Secretary of State and who should be a career member of the Senior Foreign Service or the Senior Executive Service, with demonstrated ability in the areas of security, law enforcement, management, and public administration, as well as experience in management and operations overseas. The change recognizes that there may be qualified individuals outside the Senior Foreign Service and/or the Senior Executive Service.

TITLE III—PERFORMANCE AND ACCOUNTABILITY

FACILITIES, SERVICES, SUPPLIES, AND STAFF OF THE ACCOUNTABILITY REVIEW BOARD

The House bill (sec. 302(b)) directs that at the request of the Board, employees of the U.S. Government may be temporarily assigned to assist the Board. In addition, the Inspector General of the Department of State and the Foreign Service may provide assistance to the Board.

The Senate amendment is identical to the House bill.

The conference substitute is essentially the same as the House bill and the Senate amendment.

By adopting the conference substitute in section 413, it was necessary to make a technical conforming change which deletes the role of the Inspector General of the Department of State and the Foreign Service.

RECORDS OF THE ACCOUNTABILITY REVIEW BOARD

The House bill (sec. 303(c)) provides administrative procedures for the handling of records of the Board.

The Senate amendment is identical to the House bill.

The conference substitute (sec. 303(c)) is essentially the same as the House bill and the Senate amendment.

By adopting the conference substitute for section 304(c), it was necessary to make a technical conforming change which provides that any copies of records dealing with personnel recommendations submitted to the head of the employing agency shall not be disclosed to the public except as provided under the Freedom of Information Act.

FINDINGS AND RECOMMENDATIONS OF THE ACCOUNTABILITY REVIEW BOARD

The House bill (sec. 304) directs that an Accountability Review Board, when convened, shall examine the facts and circumstances surrounding the case under review. The purpose of the investigation shall be to determine the nature of the incident for which it was convened, the adequacy of the existing post security program and related systems, and the impact of available intelligence information.

Upon completion of the investigation, the House bill directs the board to submit two sets of findings and recommendations. The first set shall relate to the success or failure of the existing diplomatic security program in place at the post at the time of the incident, and shall also include recommendations to improve the security and efficiency of any program reviewed by the Board. Second, whenever the Board finds reasonable grounds to believe that an individual has breached his duty, it shall transmit to the employing agency that finding, together with such evidence and a recommendation for appropriate disciplinary action.

The Senate amendment directs the Board to make written findings determining whether there are reasonable grounds to believe that the injury, loss of life, or destruction of property was security related; and, whether there is reasonable cause to believe that a breach of duty by an individual contributed to the injury, loss of life or destruction of property. The Senate amendment also establishes a procedure for disciplinary proceedings, including the obligation to notify the individual who is at fault in any security lapse and that individual's employer. Finally, the Senate amendment directs the Board to make recommendations for security improvements appropriate to any program it reviews.

The conference substitute (sec. 304) is essentially the same as the House bill, but provides that all information relative to a finding of reasonable cause to believe that an individual breached his/her duty be transmitted to the head of the employing agency along with such findings and recommendations. In addition, the conference substitute directs that, in the event a board makes a finding of reasonable cause to believe that an individual breached his/her duty, that individual shall be notified.

TITLE IV—DIPLOMATIC SECURITY PROGRAM

AUTHORIZATION OF APPROPRIATIONS

The House bill (sec. 401) authorizes to be appropriated sums not to exceed the executive branch request for fiscal years 1986 through 1990 totaling \$1,630,867,000 for salaries and expenses, \$2,653,940,000 for acquisition, operation and maintenance of build-

ings abroad, \$84 million for antiterrorism research and development, and \$27,680,000 for the Antiterrorism Training Assistance Program.

The Senate amendment authorizes to be appropriated for fiscal years 1986-87, \$283,104,000 for salaries and expenses, \$857,806,000 for acquisition, operation and maintenance of buildings abroad, \$2 million for antiterrorism research and development, and \$4,840,000 for the Antiterrorism Training Assistance Program.

The conference substitute (sec. 401) authorizes the following sums for Diplomatic Security:

For fiscal years 1986 and 1987:

\$308,104,000 for salaries and expenses,

\$857,806,000 for acquisition, construction and maintenance of buildings abroad,

\$4,840,000 for antiterrorism training assistance, and

\$15,000,000 for antiterrorism research and development;
and,

For each fiscal year 1988, 1989, and 1990, \$417,962,000 for acquisition, construction and maintenance of buildings abroad.

The following table shows how the committee of conference expects the funds authorized to be appropriated for the Department Salaries and Expenses account to be used:

Diplomatic Security Program salaries and expenses, fiscal years 1986 and 1987

[In thousands of dollars]

Perimeter security.....	\$78,900
Residential security	89,000
Countermeasures and counterintelligence	20,100
Training and professionalism	15,700
Overseas Guard Program.....	10,400
State/other agency support.....	12,104
Replacement of foreign service nationals.....	12,000
Protection of foreign dignitaries.....	7,600
Communications	32,600
Information systems security.....	29,700
Total	\$308,104

The committee of conference notes that, in addition to the funds authorized for salaries and expenses under this section, the Department of State has available unused authority exceeding \$137 million in fiscal year 1987. It is the intention of the committee of conference that this unused authority be used to cover the appropriation of any additional funds that may be necessary in fiscal year 1987 for the continuation of diplomatic security programs authorized under this section.

The committee of conference, in approving the above-mentioned authorities, agrees that the challenge of international terrorism is not a temporary phenomena. The United States must be committed to combatting terrorism for the foreseeable future. Consequently, the committee of conference agreed to provide authority to the Department of State for capital projects for each fiscal year through 1990. With respect to authorities requested by the executive branch for fiscal years 1986 through 1990 for salaries and expenses, the committee of conference, while committed to ensuring that the Department of State will have the necessary tools to enhance its ability to anticipate and deter acts of terrorism directed at Americans

abroad during the coming years, feels that the requests relating to those fiscal years for which regular authorization legislation has yet to be considered should be submitted and reviewed as a part of the regular budget of the Department of State.

The committee of conference is vitally concerned that the Office of Foreign Buildings coordinate closely with and ensure participation from the U.S. Information Agency (USIA), the Agency for International Development (AID), the Foreign Commercial Service, the Foreign Agricultural Service, and other executive branch agencies on the capital construction program. In a massive and expensive program, such as this, input from all agencies is essential to a well coordinated, cost-effective effort. The unique requirements of agencies must be included from the preplanning inception to the completion of each overseas project.

The committee of conference understands that AID has used lease-purchase procedures to establish missions overseas. AID is currently a party to three active lease-purchase agreements, two in Zaire and one in Liberia. Furthermore, the committee of conference understands that AID intends to use these procedures during fiscal year 1987 to begin work on new facilities in Panama City and Nairobi, until funds authorized under this act for these two projects are made available to AID by the Department of State. The committee of conference expects the Department to make every effort necessary to be responsive to AID's needs. The use of lease-purchase procedures shall not be construed to exempt in any way the facilities of AID from meeting the standards and requirements established by the Bureau for Diplomatic Security of the Department of State.

FURNITURE, FURNISHINGS, AND EQUIPMENT

The conference substitute (sec. 401(h)) adds a new provision regarding the use of used furniture and equipment in new facilities where physically possible.

It is the view of the committee of conference that all nonsecurity expenses associated with the capital buildings program authorized by section 401(a) must be kept to an absolute minimum. This provision requires the Department of State to utilize existing furniture and office equipment in new diplomatic facilities abroad to the extent such furniture and equipment can be physically moved from the existing facility and can be physically utilized in the new facility. The committee of conference recognizes that certain items such as wall-to-wall rugs and window dressings cannot be practically used in buildings for which they were not designed, and it is not the intention of the committee of conference that such items necessarily be reused if they are unsuitable for the new facility. Nevertheless, the committee of conference intentionally established a strong presumption in law that all existing furniture, furnishings, and office equipment which have any continued usefulness be reused in the new diplomatic facilities authorized by this act, and that this legal obligation be considered during the design of such new facilities.

To further control the tendency of posts to seek the purchase of new furniture and office equipment for new diplomatic facilities,

this provision mandates that proceeds from any sale of such items be deposited in the Foreign Service Building Fund rather than remaining in the operating budgets of foreign posts.

Finally, this provision requires that plans for the purchase of furniture, furnishings, and equipment for each new facility authorized by this act shall be treated under reprogramming procedures and be submitted to the House Foreign Affairs Committee and the Senate Foreign Relations Committee. Accompanying any such reprogramming request should be a detailed description and justification for any existing furniture and office equipment not planned for reuse in the new facility.

NOTIFICATION TO AUTHORIZING COMMITTEES OF REQUESTS FOR APPROPRIATIONS

The House bill (sec. 401(b)) directs that the Secretary of State must provide the Committee on Foreign Affairs of the House and the Committee on Foreign Relations of the Senate with all appropriations requests authorized under titles I-IV. The Secretary must also provide the authorizing committees with detailed justifications for every program, project, and item listed in the appropriations request.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 401(b)) is identical to the House bill.

PROHIBITION ON REALLOCATIONS OF AUTHORIZATIONS

The House bill (sec. 401(d)) prohibits funds authorized by this title from being reprogrammed or otherwise reallocated by the Department of State for any other purpose, except by amendment to this act or by subsequent legislation.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 410(d)) is identical to the House bill.

ALLOCATION OF FUNDS FOR CERTAIN SECURITY PROGRAMS

The Senate amendment (sec. 401(e)) earmarks \$34,537,000 of those amounts authorized under this act to be appropriated for salaries and expenses to be available for the protection of classified office equipment, for the expansion of information systems security, and for the hiring of American computer managers and operators at high risk locations.

The House bill contains no comparable provision.

The conference substitute (sec. 401(g)) is identical to the Senate amendment.

The committee of conference intends that the funds earmarked for technical security improvements be managed and controlled by the Department of State. The committee of conference emphasizes, however, that the area of technical security is one which the Congress judges to be the most serious security threat to U.S. diplomatic facilities overseas after the physical security threat. Moreover, the technical security threat to U.S. installations is very complex and constantly changing.

Accordingly, the committee of conference directs that although technical security improvement funds be centrally managed and controlled by the Department, they be expended only after close cooperation and consultation between all elements of the U.S. Government with technical security expertise.

PREFERENCE FOR U.S. CONTRACTORS

The House bill (sec. 402(a)) directs, except in circumstances specifically stated in this section, that only American contractors may bid as prime contractors on capital projects for new construction, alteration or repair authorized by this title exceeding the contract value of \$5 million. The House bill directs that exceptions may be made to the prohibition on awarding bids to non-U.S. contractors when only one U.S. contractor responds to the request for a bid, or when a project is in a country whose laws prohibit the use of U.S. contractors on U.S. diplomatic construction projects. The House bill contains a definition of the term "U.S. person" which includes the requirements that such a person be incorporated in the United States for more than 5 years before the issuance date of the invitation for bids.

The Senate amendment is similar to the House language, but directs that only American contractors can bid on construction and design projects exceeding \$500,000. U.S. persons are defined as in the House bill except that such a person is required to have been legally organized in the United States for more than 2 years only before the date of issuance of the invitation to bid on such projects.

The conference substitute (sec. 402(a)) establishes a two-tiered approach. It maintains the language of the House bill which directs that, where adequate competition exists, only American contractors may bid on any diplomatic construction or design project of which the contract value exceeds \$5 million. The conference substitute also directs that for any sophisticated physical and technical security projects only American contractors shall serve as prime contractors on the installation or maintenance of such systems although it is recognized that non-technical labor associated with some aspects of such projects may be best suited to local labor and therefore may be subcontracted. However, to the maximum extent practicable, no local subcontractors or laborers shall be granted access to specific technology, blueprints, diagrams, or technical characteristics of equipment associated with such projects. Examples are access gates, alarm systems, intrusion detection systems, shielded panels, blast resistant panels, and blast resistant glass.

AMERICAN SMALL BUSINESS CONTRACTORS

The Senate amendment (sec. 402(e)) directs the Department of State to set aside, in addition to funds set aside for American minority contractors, 10 percent of the funds available for construction projects for the purposes of awarding contracts to American small business contractors to the extent practicable.

The House bill contains no comparable provision.

The conference substitute (sec. 402(e)) directs the Department of State to set aside 10 percent of the funds available for construction

projects for the purposes of awarding contracts to American small business contractors to the extent practicable.

Because of the size and nature of capital construction projects associated with this act, it is unlikely that small business contractors will have the qualifications to bid on such projects. Accordingly, it is the intent of this act that prime contractors on such projects seek subcontracts from appropriately qualified small business contractors to the maximum extent possible. In addition, for those projects associated with this act which are not capital construction projects, but which instead are of a follow-on nature, such as but not limited to physical and technical security improvements, the Department of State is directed that no less than 10 percent of such projects shall be allocated to the extent practicable to American small business contractors.

SECURITY REQUIREMENTS FOR CONTRACTORS

The Senate amendment (sec. 402(f)) requires the Department of State to tighten up its procedures for handling the designs and blueprints of its foreign buildings. It mandates that the distribution of designs and blueprints of foreign building projects be restricted to cleared contractors and subcontractors.

The House bill contains no comparable provision.

The conference substitute (sec. 403) prohibits the distribution of any design or blueprint relating to foreign building projects unless appropriate security procedures have been followed. In agreeing to this substitute, the committee of conference recognizes that a provision requiring a security clearance for all contractors and subcontractors may cause a severe administrative problem. However, the committee of conference strongly supports the intent of the Senate amendment to strengthen the procedures by which the Department of State handles its designs and blueprints. In adopting the conference substitute, the committee of conference takes note of the following correspondence between Assistant Secretary Fox and Senator Zorinsky, the author of the Senate amendment, and encourages the Department to adopt tough regulations on this issue.

U.S. DEPARTMENT OF STATE,
Washington, DC, July 24, 1986.

Hon. EDWARD ZORINSKY,
United States Senate.

DEAR SENATOR ZORINSKY: Section 402(f)(2) of the Senate version of the Diplomatic Security Authorization Bill (H.R. 4151) would prohibit contractors and subcontractors who lack appropriate "security clearance" from obtaining access to construction documents. As currently drafted, this section will lead to serious operational difficulties and could prevent us from implementing the construction program. We feel strongly that changing the words "security clearance" to "security procedures" will permit us to balance our operational requirements with the need for security in handling documents and blueprints.

We concur with the intent of the amendment and, in view of the security rationale for the implementation of our overseas construction program, we agree that stringent security procedures are nec-

essary. We have been strengthening this process and, in keeping with the intent of this legislation, will continue to do so. Our present and planned security procedures will assure control of design and construction drawings without the necessity of classifying them as national security information or requiring cleared Americans to perform all the work.

The Department of State and other federal agencies use the term "security clearance" to refer to authorization to receive national security information which has been classified "Confidential," "Secret" or "Top Secret." With few exceptions, only United States citizens may obtain security clearances. For U.S. citizens, the security clearance process requires a thorough check of background information, and a substantial expenditure of time and money. Security clearances are granted only to persons who have an immediate need to gain access to classified national security information.

Therefore, if this section were passed as worded, we would have to treat each construction project as wholly classified, and we would be required to use only cleared U.S. contractors, subcontractors and personnel for all aspects of the construction program. This restriction would have disastrous effects on the total costs of an already expensive program. In some countries, it would be impossible to substitute U.S. firms for local subcontractors, especially for incidental services.

It is not possible, moreover, to restrict the dissemination of design documents and blueprints to United States citizens who have security clearances. We must distribute design and construction documents to foreign authorities to obtain building permits. These requirements are similar to those which the District of Columbia and other U.S. jurisdictions impose upon the construction of foreign missions in the United States. For each project we undertake, we must meet zoning ordinances of the host nation, ensuring that the footprint or coverage of the lot is in keeping with the surrounding neighborhood, that the floor area ratio of building to lot is acceptable, and that all height or setback requirements are met. In addition to zoning requirements, foreign nations require that we comply with their building codes, so plans for our structural, electrical, and mechanical systems must be submitted for review. In view of these requirements, permission to build is contingent upon review of the documents by the host governments; if we refused to release the documents, we would not be permitted to build.

Despite the requirement to provide documents to foreign authorities, the Office of Foreign Buildings and the Bureau of Diplomatic Security have set up security requirements and procedures to assure that, from design through occupancy, our buildings are secure. These procedures recognize that design and use data can be obtained from many sources, even apart from designs and blueprints, and therefore rely on design features, access controls, and other measures in addition to restriction of access to construction data, in order to provide for security of the facility and personnel.

The appropriate security procedures for a given site will vary, depending on local use and security factors. Each construction project is therefore carefully evaluated as to the scope and nature of security required, depending upon the level and nature of risk factors in the location.

Appropriate security procedures are based upon a tiered system of access controls and other corresponding measures. Design, installation and construction of classified security and communications systems, and other data and areas deemed of equivalent sensitivity, are handled only by cleared Americans, and the relevant documents would be classified. Documents and work which are not sensitive are protected by other procedures, such as: supervision of construction, securing the construction site with appropriate access controls, securing the building shell with guards after normal duty hours, and using construction surveillance personnel. Firms which bid on construction projects undergo a two-fold screening process: first, the Office of Foreign Buildings prequalifies the bidders; then the Bureau of Diplomatic Security conducts a security check on the various firms. Subcontractors would also be subject to a security check as appropriate in view of such factors as country conditions, nationality, feasibility and sensitivity of the work to be performed.

After construction, access to design data as well as opportunity to make use of such data is further restricted. Access to and within the building itself is restricted; perimeter security controls restrict access to the exterior of the building; public access controls restrict entry; tight control is maintained over access to particularly sensitive systems; and access within the building is compartmentalized.

Because of the design concept, access to the buildings could not be gained easily even by someone in possession of building plans. Current procedures require a number of concentric rings of defense starting at the outer perimeter, then the building exterior and, finally, the compartmentalization of the interior. Other security procedures, such as escorting visitors and screening all personnel who enter the building, further enhance these physical and design security measures.

Many of the procedures have been in place for some time; others reflect our response to recent reviews of our security posture vis-a-vis new construction. Our own review process is continuing, and updated procedures recognizing both general threat levels and area-specific threat assessments will be incorporated into the Department's construction program.

We believe these security procedures obviate the need to classify all construction documents, and we request the substitution of "security procedures" for "security clearance." The use of the alternative term will permit the Department to promulgate procedures which will restrict access to documents and information as necessary for maximum security in our overseas facilities, while achieving a balance with the need to release documents for operational demands. We will disseminate information only as necessary to comply with foreign laws and only insofar as economies can be achieved through the use of local materials and labor without loss of security.

With best wishes,
Sincerely,

J. EDWARD FOX,
Assistant Secretary,
Legislative and Intergovernmental Affairs.

U.S. DEPARTMENT OF STATE,
Washington, DC, August 4, 1986.

Hon. EDWARD ZORINSKY,
United States Senate.

DEAR SENATOR ZORINSKY: In amplification of my letter of July 24, I am pleased to provide additional information on our plans for carrying out the intent of your amendment contained in Section 402(f)(2) of the Senate version of the Diplomatic Security Bill (H.R. 4151). I want to reiterate our concurrence in what you are trying to accomplish and to reaffirm that we share your concerns.

Attached is a listing of Principles which will form the basis for drafting of the regulations which we would issue within 90 days of the effective date of the Diplomatic Security Authorization Act. As you will note from the list of subjects covered, these will be extensive regulations. We have obtained the services of an exceptionally well-qualified expert who has already begun this project and will be devoting his entire time to this effort in order that it can be completed on schedule.

We will, of course, keep you and your staff informed on the progress we are making and will be ready to discuss any concerns or issues you wish to raise at any time.

With best wishes.

Sincerely,

J. EDWARD FOX,
*Assistant Secretary,
 Legislative and Intergovernmental Affairs.*

Attachment: As stated.

PROPOSED PROCEDURAL SECURITY PRINCIPLES

Architects and subcontractor engineering firms to have DISCO facility clearances with appropriate personnel to have personal clearances.

Prime construction contractors to have DISCO facility clearances with appropriate personnel to have personal clearances.

Subcontractors installing classified material and systems to have DISCO facility clearances with appropriate personnel to have personal clearances.

Subcontractors installing unclassified yet sensitive electronic systems within the restricted area to have DISCO facility clearances with appropriate personnel to have personal clearances.

Revise existing classification guidelines to provide a finite means of identifying those portions of architectural drawings which should be protected.

Insure control of classified drawings in accordance with existing requirements.

Conduct name checks of foreign subcontractors by Regional Security Officer.

Identify the degree of protection required for the various elements of the construction documents.

Release unclassified drawings only on a controlled, need-to-know basis.

Develop regulatory procedures to insure proper storage and handling of construction documents.

Establish criteria for cleared American construction surveillance personnel.

Establish the criteria and scope of work for the assignment of a security site supervisor.

Insure access control to the site by construction site security standards.

Establish the criteria for use of cleared American guards in the buildings under construction after normal working hours.

NOTE.—This is a list of principles to be embodied in the proposed regulations. The final regulations will codify these points for inclusion in the Foreign Affairs Manual.

SURETY BONDS AND GUARANTEES

The Senate amendment (sec. 403(b)) directs the Director of the Office of Foreign Buildings to require each person awarded a contract for work under this act to post a surety bond or guarantee to assure the performance under such contract.

The House bill contains no comparable provision.

The conference substitute (sec. 406(b)) is identical to the Senate amendment.

DISQUALIFICATION OF CONTRACTORS

The Senate amendment (sec. 403(c)) directs that no person doing business with Libya may be eligible for a contract under this act.

The House bill contains no comparable provision.

The conference substitute (sec. 406(c)) is identical to the Senate amendment.

ADVISORY PANEL ON OVERSEAS SECURITY

The House bill (sec. 406) directs the Secretary of State to submit a report to Congress within 90 days after the enactment of this act on the implementation of the 91 recommendations of the Inman Panel on Overseas Security. If any of the recommendations have been rejected, the Secretary shall provide justifications for such rejection.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 407) is identical to the House bill.

TRAINING TO IMPROVE PERIMETER SECURITY AT U.S. DIPLOMATIC MISSIONS ABROAD

The House bill (sec. 407) expresses the sense of Congress that the President should use his authorities under chapter 8 of title II of the Foreign Assistance Act relating to antiterrorism training assistance to improve the security provided along the perimeter of U.S. missions abroad. In addition, the House bill requires the President to submit an annual report on progress and problems associated with improving perimeter security of U.S. missions abroad.

The Senate amendment is identical to the House bill except that it does not mandate an annual report.

The conference substitute (sec. 408) is identical to the House bill.

PROTECTION OF ENTRANCES OF U.S. DIPLOMATIC MISSIONS ABROAD

The House bill (sec. 408) directs the Secretary of State to install metal detectors at the entrance of U.S. missions abroad.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 409) directs the Secretary of State to install metal detectors or other screening devices at all public entrances of U.S. missions abroad.

REIMBURSEMENT OF THE DEPARTMENT OF TREASURY

The Senate amendment (sec. 408) requires the Department of State to reimburse the Department of Treasury for the actual costs incurred by the Secret Service in providing protection for spouses of heads of State. This responsibility, previously carried out by the Department of State's Office of Security, was transferred to the Department of Treasury on May 1, 1986 by National Security Directive 207.

The House bill contains no comparable provision.

The conference substitute (sec. 411) limits this reimbursement requirement to fiscal years 1986 and 1987.

INSPECTOR GENERAL FOR THE U.S. INFORMATION AGENCY

The Senate amendment (sec. 715) establishes an Independent Inspector General for the U.S. Information Agency (USIA) and earmarks \$5 million of the funds authorized for the USIA for the operation of the office of the Inspector General.

The House bill contains no comparable provision.

The conference substitute (sec. 412) is essentially the same as the Senate amendment except that the earmarking of funds for the Inspector General for fiscal year 1987 is \$3 million. In addition, the substitute provides authority to pay the Inspector General at Executive Level IV.

INSPECTOR GENERAL FOR THE DEPARTMENT OF STATE

The Senate amendment (sec. 716) earmarks \$2 million for fiscal year 1986 and \$12 million for fiscal year 1987 of the funds authorized for the Department of State for the establishment of an Independent Inspector General for the Department of State. In addition, it abolishes the Office of Program Inspector General and prohibits the appointment of any member of the Foreign Service to the post of Inspector General for the Department of State.

The House bill contains no comparable provision.

The conference substitute (sec. 413) directs the Department of State to establish an office of Inspector General not later than October 1, 1986 and to report to the Committee on Foreign Relations and the Committee on Foreign Affairs on establishment of the office by January 31, 1987. The substitute further provides that the Inspector General is authorized to perform all of the duties and responsibilities stated in section 209 of the Foreign Service Act of

1980, including section 209(g) and section 3 of the Inspector General Act of 1978. The substitute earmarks \$6.5 million of funds made available for fiscal year 1987 for salaries and expenses of the Department of State only for the establishment and maintenance of the Office of Inspector General. In addition the substitute provides that no career member of the Foreign Service may be appointed Inspector General and provides authority for the Inspector General to be paid at Executive Level IV.

The conference substitute also directs the Secretary of State to establish an Office of Policy and Program Review to review activities and operations under authority of chiefs of mission to ascertain their consonance with U.S. foreign policy and their consistency with the responsibilities of the Secretary of State and the chief of mission. The substitute further provides that the office shall be headed by a Director of Policy and Program Review who shall function under the general supervision of the Secretary of State and who shall be selected on a nonpartisan basis from among persons exceptionally qualified for the position by virtue of their integrity and their knowledge and experience in the conduct of foreign affairs; places a ceiling of \$4 million for fiscal year 1987 on funds available to the Office of Policy and Program Review; makes explicit the authority of the Inspector General to inspect the Office of Policy and Program Review; and amends the Foreign Relations Authorization Act, fiscal year 1986 and fiscal year 1987 to abolish the Inspector General of the Department of State and the Foreign Service (an officer distinct from the Inspector General referred to in this act) and to abolish the Office of Program Inspector General.

This provision was incorporated due to the failure of the Department of State to fully organize the Office of Inspector General as called for in the Foreign Relations Authorization Act, fiscal years 1986 and 1987. It is the concern of the committee of conference that the Department of State is being appropriated substantial sums for building and security programs and that no full justification for continued funding can be made without the presence of an aggressive, competent Inspector General to inspect the terms and conditions under which these sums are being obligated.

PROHIBITION ON THE USE OF FUNDS FOR FACILITIES IN ISRAEL, JERUSALEM, OR THE WEST BANK

The Senate amendment (sec. 717) prohibits the use of any funds authorized under this act to be used for site acquisition, development or construction of any facility in Israel, Jerusalem, or the West Bank. This provision does allow for \$83.423 million for site acquisition, development or construction in Israel of a chancery and residence within 5 miles of the Israeli Knesset building and within the boundaries of Israel as they existed before June 1, 1967.

The House bill contains no comparable provision.

The conference substitute (sec. 414) does not provide any funds for site acquisition, development or construction of any facility in Israel, Jerusalem, or the West Bank.

TITLE V—STATE DEPARTMENT AUTHORITIES TO COMBAT INTERNATIONAL TERRORISM

REWARDS FOR INTERNATIONAL TERRORISTS

The House bill (sec. 501) directs the Secretary of State to maintain and publish a list of most wanted international terrorists.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 501) expresses the sense of Congress that the Secretary of State should more vigorously use the monies available under existing rewards-for-information authority and should consider publicizing these rewards more widely as a means to apprehend international terrorists.

It is the intent of the committee of conference that the rewards-for-information on international terrorism should be made better known and more effectively utilized in order to enhance the U.S. Government's efforts to apprehend and bring to justice international terrorists. Enacted into law 2 years ago at the request of the executive branch, the rewards for information fund has yet to be employed despite numerous terrorists acts against American citizens. Although the committee of conference did not agree to a provision in the House bill which would have raised the permissible individual reward level from \$500,000 to \$1 million, it is the intent of the committee of conference that the executive branch should more effectively use existing tools, such as the rewards-for-information program and other authorities, as a means to combat international terrorism.

AMOUNT OF REWARDS FOR INFORMATION ABOUT INTERNATIONAL TERRORISTS

The House bill (sec. 502) amends section 36(b) of the State Department Basic Authorities Act by authorizing up to \$1 million to be paid with respect to each individual on the most wanted international terrorist list established pursuant to section 501 of this bill and each individual sought for an act of international terrorism resulting in the death or detention for more than 60 days of a citizen or national of the United States.

The Senate amendment contains no comparable provision.

The conference substitute deletes this provision.

REWARDS FOR INFORMATION RELATING TO INTERNATIONAL NARCOTERRORISM AND DRUG TRAFFICKING

The House bill (sec. 503) amends section 36(a) of the State Department Basic Authorities Act to permit the Secretary of State to offer information rewards on major narcotics traffickers and on narcoterrorist acts. Such rewards could be offered to any individual who furnishes information leading to (1) the arrest or conviction in any country of any individual for committing (or conspiring to commit) primarily outside the United States a major violation of U.S. drug laws, or (2) the arrest or conviction of any individual for the killing or kidnapping outside the United States of any officer, employee, or contract employee of the U.S. Government while that individual is engaged in official duties in connection with the en-

forcement of U.S. drugs laws or the implementation of U.S. drug control objectives. A reward could also be offered for the prevention or frustration of the acts described above. The House bill also requires the Secretary of State to advise and consult with the Attorney General before paying any such information rewards, earmarks \$2 million for information rewards on narcoterrorist and narcotics trafficking acts out of the \$5 million currently available for information rewards on terrorist acts, authorizes \$10 million for fiscal year 1987 for use in paying such rewards, of which \$5 million is earmarked for narcotics-related acts, and requires the Secretary of State to report to the Congress within 30 days after paying any reward under this section.

The Senate amendment is similar to the House bill, except that it requires the concurrence of the Attorney General before such rewards are paid, requires the establishment of procedures jointly approved by the Secretary of State and the Attorney General to ensure that these information rewards do not duplicate or interfere with the current information rewards system of the Department of Justice, and requires that rewards can only be paid upon the request of a chief of mission.

The Senate amendment further does not limit the payment of such rewards to acts which are major violations of U.S. drug laws, but does limit the payments to acts committed entirely outside the United States.

The conference substitute (sec. 502) adopts the Senate language with amendments which clarify that rewards are for acts committed primarily outside the territorial jurisdiction of the United States.

The conference substitute reflects the intention of the committee of conference that the rewards offered under this section in no way duplicate or interfere with the current information rewards system of the Department of Justice, and that the rewards be provided only for information on major, not minor, narcotics-related offenses overseas. The adoption of the House language permitting information rewards for acts committed "primarily outside the territorial jurisdiction of the United States" is a recognition of the fact that narcoterrorist acts committed overseas may be planned in part in the United States. In addition, the committee of conference agrees that the funds provided may be available for reasonable expenses incurred in publicizing reward offers.

Finally, it is the intent of the committee of conference that the first rewards offered pursuant to this section be offered for information on the brutal murder in Mexico last year of DEA agent Enrique Camarena and DEA contract pilot Alfredo Zavala Avelar, and that the rewards offered be the maximum permitted, in the amount of \$500,000.

COORDINATION OF TERRORISM-RELATED ASSISTANCE

The House bill (sec. 504) amends section 502 of the International Security and Development Cooperation Act of 1985 by changing the term "anti-terrorism" to "terrorism-related" assistance in order to more fully encompass the various terrorism-related assistance pro-

grams which are provided to foreign governments by the U.S. Government.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 503) is similar to the House bill but clarifies the language regarding intelligence activities with respect to Executive Order 12333.

The committee of conference found that the initial report pursuant to section 502 of the International Security and Development Cooperation Act of 1985 did not meet the requirements of that section since the report did not provide the full range of information regarding all terrorism-related assistance provided by the U.S. Government to foreign governments.

It is the intention of the committee of conference that the Secretary of State should be informed of, and coordinate, all U.S. Government terrorism-related assistance programs. Further, the committee of conference does not intend to modify or alter the understanding with respect to the authorities of the Director of Central Intelligence or the existing congressional oversight procedures regarding intelligence activities and the handling of such intelligence information.

TERRORISM-RELATED TRAVEL ADVISORIES

The House bill (sec. 506) directs the Secretary of State to promptly report to Congress whenever the Department of State issues a travel advisory or other public warning because of a terrorist threat or other security concern.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 505) amends the House bill by stating that the Secretary of State shall "advise promptly" rather than "report promptly to" the Congress when a travel advisory is issued because of a terrorist threat or other security concern.

This provision expresses the view of the committee of conference that Congress should be informed promptly when such travel advisories are issued. The change to the word "advise" reflects the informal nature such communication could take and the desire of the committee of conference to avoid additional executive branch reporting requirements.

It is the intention of the committee of conference to conduct, through their respective committees, extensive and thorough oversight hearings on the policy which governs the issuance of travel advisories. Travel advisories issued in recent years for Leningrad, Greece, and the congressionally mandated travel advisory for Jalisco Province in Mexico are salient examples of the importance travel advisories can take in U.S. bilateral relations. The committee of conference recognizes the pitfalls of using a travel advisory as a political instrument. However, travel advisories or some other mechanism need to be formulated to better inform the travelling American public about overseas security situations or international terrorist incidents.

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

The House bill (sec. 507) expresses the sense of Congress that the Secretary of State should consider the issuance of travel advisories warning U.S. citizens of the dangers of travelling in any foreign country in which U.S. citizens are attacked by terrorists supported by Libya or Iran, or by any other foreign government that uses its official missions to support such an attack, if the government of that country fails to act immediately to require the closing of any official missions of Libya, Iran or said foreign government in that country.

The Senate amendment contains no comparable provision.

The conference substitute deletes the provision.

The committee of conference is extremely concerned about the continuing and growing problem of state-sponsored terrorism. Further, the committee of conference is extremely concerned about the use of diplomatic privilege for terrorist purposes such as the use of diplomatic pouches and official diplomatic missions, i.e. the Libyan People's Bureaus, for transferring and storing weapons and explosives, and views such continued abuses of the Vienna Convention with the utmost gravity.

In addition, the committee of conference is concerned about the potential misuse of airlines and airline ticket offices, and other "unofficial" entities such as trade missions, of countries which engage in state-sponsored terrorism, especially as those countries are forced to reduce their diplomatic/official presence.

In this respect, the committee of conference takes note of the measures agreed to by the European Economic Community (EEC) on Libya and international terrorism. Specifically, the EEC agreed to restrictions on the freedom of movement of diplomatic and consular personnel, reductions of the staff of diplomatic and consular missions, and the imposition of stricter visa requirements and procedures. Most of the 12 member nations of the EEC have already taken steps to reduce the official Libyan presence in their countries. To the extent that these measures have not been fully and completely implemented, travel advisories may be an appropriate tool to encourage such compliance with the EEC measures and would serve as a warning to the American public considering travel to those countries which have not decreased the official Libyan presence in their country.

AUTHORITY TO CONTROL CERTAIN TERRORISM RELATED SERVICES

The House bill (sec. 508) contains a provision allowing the Secretary of State to impose controls on the provision of certain services to countries who are determined to aid or abet international terrorism.

The Senate amendment contains a similar provision.

The conference substitute (sec. 506) amends the State Department Basic Authorities Act of 1956 to authorize the Secretary of State, by regulation, to impose controls on the provision of certain services directly to military, police and/or intelligence agencies of those countries identified, pursuant to the Export Administration Act, as governments who support terrorism (currently, Libya, Iran,

South Yemen, Syria, and Cuba). In addition, the Attorney General and the Secretary of Treasury are authorized to investigate violations of regulations which may be issued under this provision.

The committee of conference wishes to emphasize the fact that this section is far more limited in its applications than the executive branch's previous proposal and authorizes the Secretary of State to impose controls on services only if he determines that, in so doing, he will discourage support for international terrorism. This places a burden on the Secretary of State to demonstrate a link between the type of services covered by his regulations and the improved physical or technical capacity of a hostile foreign power to carry out or to support acts of terrorism.

The committee of conference is concerned with both the burden of proof placed on the prosecutor, as well as the rights of the defendant, in prosecutions brought under this section. Although there is no requirement that it be proven that the services were provided with the intent to aid or abet a specific act of international terrorism, any prosecution under this provision will require proof beyond a reasonable doubt that: (1) The services were provided without the required license; (2) those services were designated in regulations promulgated by the Secretary of State on a determination, in his discretion, that those services provided a direct and identifiable link to actual or potential acts of international terrorism; and (3) those services were knowingly provided, or were attempted to be provided, to the security forces, in name or in fact, of a country whose government has been identified, pursuant to the Export Administration Act, as repeatedly supporting acts of international terrorism, and with the knowledge that such action would aid or abet international terrorism.

The committee of conference intends that this provision be patterned after that of the Export Administration Act and the Arms Export Control Act, which regulates the transfer of goods, technology, and munitions to controlled countries. No other restrictions on American citizens are authorized by this section.

It is the intent of the committee of conference that the Attorney General and the Secretary of Treasury should take the lead in conducting investigations under this provision. This provision is not intended to undermine the Secretary of State's existing authority to investigate violations under the Arms Export Control Act.

Finally, it is not the intent of the committee of conference to undermine lawfully authorized U.S. Government antiterrorism activities around the world.

MANAGEMENT OF ANTITERRORISM ASSISTANCE PROGRAMS

The Senate amendment (sec. 504) amends the Foreign Assistance Act to provide that articles on the U.S. Munitions Control List may only be made available from certain categories if they are directly related to antiterrorism assistance; that the President must notify the Committee on Foreign Affairs of the House and the Committee on Foreign Relations of the Senate 15 days before the articles are made available to a foreign country; and that the value of all equipment and commodities provided may not exceed 25 percent of

the funds made available to carry out this chapter for that fiscal year.

The House bill contains no comparable provision.

The conference substitute (sec. 507) is similar to the Senate amendment, but retains the current prohibitions contained in the Arms Export Control Act and the Foreign Assistance Act.

The Antiterrorism Training Assistance Program as originally enacted had as its focus training, not equipment transfers. Congress only recently allowed limited equipment transfers, but only as it was related to a training component. It is the explicit intention of the committee of conference that the program's emphasis remain on training in humane antiterrorism techniques. This limited expansion of the types of equipment which may be provided to friendly foreign governments and the replacement of the \$325,000 worldwide ceiling on equipment and commodities transferred under this program reflects the congressional support for this program.

Further, the committee of conference wishes to express its clear desire that the program continue to place a high priority on training and equipment as they relate to the requirements of the Foreign Airport Security Act and the newly enacted requirements of the maritime security provisions in this act.

NONLETHAL AIRPORT SECURITY EQUIPMENT AND COMMODITIES FOR EGYPT

The Senate amendment (sec. 705) provides that assistance authorized to carry out chapter 4 of part II of the Foreign Assistance Act for fiscal years 1986 and 1987 which is obligated for Egypt may be furnished, notwithstanding section 660 of such act, for the provision of nonlethal airport security equipment and commodities, and training in the use of such equipment or commodities.

The House bill contains no comparable provision.

The conference substitute (sec. 508) is similar to the Senate amendment with a clarification that it is the Department of State which is intended to be the lead agency, and that the Agency for International Development (AID) should coordinate its procurement and related activities with the Department of State.

It is the specific intent of the committee of conference that the use of economic support funds for the provision of nonlethal airport security equipment and commodities is a one-time transfer and is not intended to set a precedent. The committee of conference also intends to make it clear that AID should be responsible for the procurement of such equipment, but that all equipment and commodity transfers be administered through the Department of State's Anti-Terrorism Training Assistance (ATA) Program Office. Further, none of this equipment may be provided without an adequate and well designed training program to complement such transfers.

The Cairo International Airport does have pressing equipment needs, but the committee of conference strongly believes that all ATA assistance should be conducted by the Department of State's ATA program office in order to insure that the training and equipment will be most effectively utilized in order to provide the highest level of security possible at that airport.

EXPORTS TO COUNTRIES SUPPORTING TERRORISM

The House bill (sec. 509) amends section 6(j) of the Export Administration Act of 1979, as amended, to prohibit the export of any item on the U.S. Munitions Control List to any country which the Secretary of State determines engages in or provides support for international terrorism. In addition, this section provides for a Presidential waiver of the prohibition if the President determines that the proposed export is important to the national interests of the United States and he submits to the Congress a report justifying the determination and describing the proposed export. The waiver is applicable only for 90 calendar days unless the Congress enacts a law extending such a waiver.

The House bill also prohibits the exports of goods or technology to a terrorist country if the Secretary of State determines that such exports would make a significant contribution to that country's military potential or would enhance the ability of such country to support international terrorism, except pursuant to a validated export license. In addition, this section provides for 30 legislative days for congressional review before any license is issued pursuant to this section.

The House bill also directs the President to take all feasible steps to secure the cooperation of appropriate foreign governments in prohibiting or controlling any exports to terrorist countries of items, goods, and technology which is prohibited or controlled by this section.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 509) amends the Arms Export Control Act by prohibiting exports of any item on the Munitions Control List to any country which has been designated as a supporter of international terrorism as defined by section 6(j) of the EAA. The President may waive the prohibition if he certifies to Congress that the export is important to the national interests of the United States. The conference substitute retains the present statutory language of the EAA but changes the congressional notification requirement of export licenses approved for countries designated as supporters of international terrorism in section 6(j) of the act from exports valued at more than \$7 million to more than \$1 million.

TITLE VI—INTERNATIONAL NUCLEAR TERRORISM

ACTIONS TO COMBAT INTERNATIONAL NUCLEAR TERRORISM

The House bill (sec. 601) directs the President to seek universal adherence to the Convention on the Physical Protection of Nuclear Materials, and to conduct a review, with the participation of all relevant U.S. Government agencies, as to whether the International Atomic Energy Agency (IAEA) recommendations on protection of nuclear materials are adequate to deter theft, sabotage, and the use of nuclear facilities and materials in acts of international terrorism. It also directs the President to take steps to minimize the amount of weapons-grade nuclear material in international transit and to insure that when any such material is transported internationally it is protected effectively, and to seek agreement in the

U.N. Security Council to establish an effective regime of international sanctions against any nation or subnational group which conducts or sponsors acts of international terrorism. In addition the President is required to report to the Congress annually on the progress made in the preceding year in achieving these objectives.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 601) is similar to the House bill with several modifications. The substitute clarifies the steps which the President should take regarding the transfer of nuclear materials.

The committee of conference recognizes that close cooperation and commonality of purpose among the Allies is necessary to ensure successful cooperation on the steps the President is directed to take pursuant to this section. Nonetheless, the executive branch should understand that it is the purpose of the Congress in enacting this section to charge the United States to take the lead in identifying the necessary steps and forging effective agreements.

The committee of conference does not intend to prescribe a single method or standard of physical protection and recognizes that differing combinations of measures may similarly afford effective means of adequately protecting nuclear material from terrorist diversion or sabotage. The committee of conference understands that the method of transport chosen, the constitution of the nuclear material, and legal requirements, among other variables, affect judgments on the most effective means of adequately protecting nuclear material; those judgments will therefore differ from case to case.

Further, the committee of conference believes that joint efforts under agreements for nuclear cooperation with other nations represent the best means to achieve nonproliferation goals and to continue the use of nuclear energy for peaceful purposes.

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

The House bill (sec. 602) authorizes the President to suspend nuclear cooperation with any nation or group of nations which has not ratified the Convention on the Physical Protection of Nuclear Material.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 602) is identical to the House bill. This provision demonstrates the committee of conference's strong support for the Convention, and it is the intention of the committee of conference that nuclear cooperation be conducted subject to effective physical protection standards.

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

The House bill (sec. 603) expresses congressional intent that the perspective of the Department of Defense on the physical protection of nuclear material should be fully incorporated into the interagency executive branch review process of nuclear export cases and subsequent arrangements.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 603) is similar to the House bill but clarifies that the Secretary of Defense should rely on all available intelligence information as provided by the Director of Central Intelligence.

The committee of conference intends that the Secretary of Defense, through the regular consultation process with the Nuclear Regulatory Commission and the Secretary of Energy, should make his assessment regarding a terrorist threat to the export or transfer of nuclear weapons-grade material and the adequacy of the physical protection of that material according to all available intelligence information and the coordinated threat assessment as provided by the Director of Central Intelligence.

REVIEW OF PHYSICAL SECURITY STANDARDS

The House bill (sec. 604) requires five Government agencies to review the adequacy of physical protection measures applied to shipments and storage (outside the United States) of nuclear material subject to U.S. prior consent rights. It also requires a report from each agency of Congress on their review within 6 months of the date of enactment of this act.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 604) is similar to the House bill with an amendment reordering the listing of the Government agencies.

The committee of conference intends that these reports be submitted to the Congress as individual departmental reports and not be consolidated. Further, each department or agency in providing its final report to the Congress pursuant to this section, should provide its unique perspective, analysis, and recommendations regarding the adequacy of the actual physical security conditions and requirements. This provision does not require onsite visits to inspect such material.

INTERNATIONAL REVIEW OF THE NUCLEAR TERRORISM PROBLEM

The House bill (sec. 605) directs the President to seek a comprehensive review of the problem of nuclear terrorism by an international conference.

The Senate bill contains no comparable provision.

The conference substitute (sec. 605) is similar to the House bill but replaces the word "directs" with "strongly urges".

CRIMINAL HISTORY RECORD CHECKS

The Senate amendment (sec. 703) contains a provision requiring fingerprinting and criminal history record checks for certain employees of nuclear power plants.

The House bill contains no comparable provision.

The conference substitute (sec. 606) is similar to the Senate amendment with some modifications. The substitute, which incorporates the substance of S. 274, passed by the Senate on October 3, 1985, adds a new section to the Atomic Energy Act of 1954 which is intended to establish a uniform procedure for criminal history

checks, applicable to all commercial licensees, regardless of ownership.

The committee of conference agrees that the Nuclear Regulatory Commission (NRC) will serve as the channeling agency, in order to collect fingerprint cards from licensees and applicants, forward them to the Federal Bureau of Investigation for identification and a criminal history record check, and distribute the results to the licensees and applicants. The NRC will not screen the results. It will, however, be responsible for checking incoming cards to ensure that they are complete and legible, and have been submitted by a licensee or applicant entitled to receive criminal history information under this law. The NRC may refuse to accept requests from, or return results to, a licensee or applicant the Commission finds is mishandling or misusing information obtained under this provision.

The conference substitute specifies that the regulations the Commission is to promulgate under this section must include provisions to ensure that no final adverse action may be taken against an employee or job applicant solely on the basis of information obtained under this provision involving an arrest more than 1 year old for which there is no information of the disposition or that resulted in dismissal of the charge or an acquittal. A licensee or applicant receiving a criminal record showing an arrest not accompanied by a disposition may seek to determine the disposition of the charge, but if no disposition information can be obtained, the arrest cannot be used as a basis for adverse action.

The conference substitute also specifies that the Commission's regulations must protect individuals subject to fingerprinting from misuse of criminal history records provided under this provision. Misuse would include, for example, use of the records to discriminate against minorities or to penalize union members or whistleblowers, or to accomplish any other unlawful purpose. As the Senate indicated in its report on S. 274, the statutory requirements for the Commission's regulations are minimum requirements and are not meant to limit the discretion of the Commission to implement a practical program for carrying out the purposes of this provision and protecting the due process and privacy interests of prospective employees.

The committee of conference also added language authorizing the Commission to collect and retain fees for its services as channeling agency. The FBI already has established and is authorized to collect fees for its processing of noncriminal justice fingerprint checks. It is the intent of the committee of conference that this language ensure that the FBI will be able to collect its normal fee for the work it will do in processing record checks under this provision.

TITLE VII—MULTILATERAL COOPERATION TO COMBAT INTERNATIONAL TERRORISM

CONSIDERATION OF INTERNATIONAL TERRORISM AT THE TOKYO ECONOMIC SUMMIT CONFERENCE

The House bill (sec. 701) directs the President to seek the inclusion of international terrorism on the agenda of the 1986 Tokyo

Economic Summit and to reaffirm and broaden the principles of the 1978 Bonn Declaration regarding hijacking to include all forms of transportation, and to require the extradition or prosecution of those responsible for planning such a hijacking.

The Senate amendment contains no comparable provision.

The conference substitute deletes the provision.

The committee of conference wishes to express their satisfaction at the strong statement on international terrorism issued by the summit partners in Tokyo and congratulate the executive branch for this notable diplomatic achievement. It is the firm hope of the committee of conference that the Tokyo statement will be looked upon in the future as a significant milestone and point of departure in allied cooperation in combating international terrorism.

INTERNATIONAL ANTITERRORISM COMMITTEE

The House bill (sec. 702) directs the President to continue to seek the establishment of an international committee, composed of representatives from the NATO countries, Japan, and such other countries that may be invited and choose to participate, that would focus attention and secure the cooperation of the governments and public of these and other countries on the problems and responses to international terrorism.

The Senate amendment contains a similar provision.

The conference substitute (sec. 701) merges the language of the two provisions by directing the President to continue to seek the establishment of an international coordinating committee, with the first step being a proposal to the North Atlantic Treaty Organization to establish a standing political committee to examine all aspects of international terrorism, review opportunities for cooperation and make recommendations to member nations. After the establishment of such a committee, the President should invite such other countries who may choose to participate.

The committee of conference notes the excellent work being done on this subject by the North Atlantic Assembly, particularly the Political Affairs Committee's Working Group on Terrorism. It is the intention of the committee of conference that a proposed NATO coordinating committee on international terrorism work in close consultation with the North Atlantic Assembly on this issue. This is especially important in light of the fact that the Assembly has admitted observers from Japan and Australia to its plenary sessions, thereby providing an opportunity for broader informal discussions on international terrorism within the framework of the North Atlantic Assembly. These informal consultations could, in turn, contribute to laying the groundwork for an international antiterrorism committee.

The committee of conference also notes that the Deputy Secretary of State has testified favorably before the Committee on Foreign Affairs of the House on such a proposal. The committee of conference therefore strongly urges the Department of State to actively seek the establishment of such a committee.

INTERNATIONAL ARRANGEMENTS RELATING TO PASSPORTS AND VISAS

The House bill (sec. 703) directs the President to seek the negotiation of international agreements or other appropriate arrangements to provide for information sharing relating to passports and visas to enhance cooperation in combatting international terrorism.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 702) is similar to the House bill but replaces the word "directs" with "strongly urges".

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

The House bill (sec. 704) found that including an American citizen's place of birth on his/her passport may place him/her in special danger in the event of a hijacking or similar terrorist incident. It directs the President to enter into negotiations to obtain general agreement to delete the place of birth as a required item of information on the passport.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 703) omits the requirement that the President negotiate for the deletion of the place of birth item.

Several executive branch agencies have stated they consider the place of birth item important in preventing the entry of undesirable aliens into the United States. The committee of conference is deferring a decision on the issue pending the completion of a study to be conducted by the General Accounting Office (GAO). The GAO will be asked to determine the utility of the place of birth entry in detecting undesirable aliens and preventing their entrance into the United States and in other relevant governmental activities. Once objective information on the utility of the information is obtained, the committee of conference intends that the committees of jurisdiction will revisit the issue early in the next Congress.

The committee of conference agrees with the findings in the House bill and report, and also note that carrying a passport with certain foreign places of birth constitutes a special psychological burden even if the traveler does not become a direct victim of terrorism.

The committee of conference notes that the Department of State has been studying the issue of deleting the place of birth entry for some time and have received a positive response to the idea of dropping the entry from several nations. The committee of conference urges the Department to act on its own should its study determine that the place of birth entry is no longer appropriate.

USE OF DIPLOMATIC PRIVILEGES AND IMMUNITIES FOR TERRORISM PURPOSES

The House bill (sec. 705) directs the President to instruct the U.S. Permanent Representative to the United Nations to seek the adoption of a resolution in the United Nations condemning the use of diplomatic privileges and immunities, especially the use of diplomatic missions and pouches, for terrorist purposes.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 704) is similar to the House bill but replaces the word "directs" with "strongly urges".

REPORTS ON PROGRESS IN INCREASING MULTILATERAL COOPERATION

The House bill (sec. 706) requires the President to submit a report to Congress on the steps taken to carry out each of the preceding sections of this title and the progress being made in achieving the objectives of those sections. This report is required no later than 6 months after the date of enactment of this act.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 705) is similar to the House bill, but changes the reporting date to February 1, 1987.

TITLE VIII—VICTIMS OF TERRORISM COMPENSATION ACT

The House bill (title VIII) provides benefits to an individual in the civil service, or a citizen, national, or resident alien of the United States who is rendering personal service to the United States, who is taken captive as a result of the individual's relationship with the U.S. Government. This title also provides benefits to a captive's family, during and after the period of captivity, and provides for compensation in cases of disability and death, for employees, dependents of employees, and foreign national employees.

Benefits for captives and their families include: The establishment of a special savings account, the provision of medical and health care to the extent that the care is incident to captivity and is not covered by Government or other health insurance, a cash payment to captives, certain civil relief provisions of the Soldiers and Sailors Civil Relief Act of 1940, certain educational benefits for captives and family members.

Section 806 of the bill also includes members of the uniformed services as beneficiaries, unless the Congress provides monetary payment in recognition of a member's captivity as a prisoner of war in legislation enacted after the enactment of this bill.

The Senate amendment contains no comparable provision.

The conference substitute is identical to the House bill, with the exception of a new cash payment for captives. The cash payment will be \$50 for each day of captivity for individuals held in a captive status during a period beginning on or after November 4, 1979, and ending on or before January 21, 1981. The substitute provides a base for all other cash payments for days of captivity after January 21, 1981, at not less than one-half of the amount of the worldwide average per diem rate in effect for each day the captive is held.

The committee of conference expects that in implementing section 5570, specific and generous consideration must be given to Mr. William J. Calkins. Mr. Calkins, a communications officer in the Department of State assigned to the American Embassy in the Sudan, was shot by terrorists in April 1986. He had just commenced his career in the communications field and had less than 1 year's service. As a young man in his 30's, he currently receives only workmen's compensation. The committee of conference commends to the President the compassionate treatment of James

Brady, who suffered a similar attack, as a model for the consideration to be given to Mr. Calkins.

In addition, while implementing this section, the committee of conference expects that the family members of Mary Metni, a long-time employee of the American Embassy in Beirut killed in the April 18, 1983, terrorist bombing, will be compensated for her death in a manner and amount comparable to gratuities paid to other survivors of the Beirut bombings; that is, an amount equivalent to a 1-year salary (at April 1983 rates) at the grade she held at the time of her 1979 retirement.

The committee of conference requests that a report be sent to the Congress within 180 days of enactment of this act setting forth the benefits to which Mr. Calkins and family members of Mrs. Metni will be entitled under section 5570.

TITLE IX—MARITIME SECURITY

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

The House bill (sec. 903) directs the Secretary of Transportation and the Secretary of State to jointly report to Congress on the progress of the International Maritime Organization (IMO) in developing recommendations on measures to prevent unlawful acts against passengers and crews on board ships. This report shall be submitted by December 31, 1986, and shall contain information concerning areas of agreement and disagreement on recommendations among member nations of the IMO, the activities of the relevant committees of the IMO, and the security measures specified in the recommendations. In addition, if the member nations have not finalized and accepted these recommendations by December 31, 1986, the Secretary of Transportation is directed to include in the report proposed legislation for the implementation of security measures at U.S. ports and on vessels operating from those ports.

The Senate amendment contains a similar provision, but does not include a provision regarding security measures at U.S. ports.

The conference substitute (sec. 903) is similar to the House bill but changes the reporting requirements to February 28, 1987, and clarifies that the report submitted by the Secretary of Transportation should include a proposed plan of action and legislation if necessary regarding security measures at U.S. ports and on vessels operating from those ports. The committee of conference wishes to clarify that all reports under title IX of this act should be submitted to the Committee on Foreign Affairs and the Committee on Merchant Marine and Fisheries of the House, and the Committee on Foreign Relations and the Committee on Commerce, Science and Transportation of the Senate.

PANAMA CANAL SECURITY

The House bill (sec. 904) requires the President to report to Congress not later than 6 months after the date of enactment of this act on the status of physical security at the Panama Canal.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 904) is essentially the same as the House bill.

THREAT OF TERRORISM TO U.S. PORTS AND VESSELS

The House bill (sec. 905) directs the Secretary of Transportation to report to Congress on the threat of acts of terrorism to U.S. ports and vessels operating from those ports. The first report is due not later than December 31, 1986, and is required semiannually thereafter.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 905) is similar to the House bill but changes the reporting date to February 28, 1987, and an annual report thereafter.

PORT, HARBOR, AND COASTAL FACILITY SECURITY

The House bill (sec. 906) amends the Ports and Waterways Safety Act (33 U.S.C. et seq.) by establishing a new section 7 dealing with port, harbor, and coastal facility security. The new section authorizes the Secretary of the department in which the Coast Guard is operating to help prevent and respond to acts of terrorism against an individual, vessel, or public or commercial structure that is subject to the jurisdiction of the United States and that is located within or adjacent to the marine environment.

The term "marine environment," as defined in the Ports and Waterways Safety Act, means the navigable waters of the United States and the land and resources therein and thereunder; the waters and fisheries resources of any area over which the United States asserts exclusive fishery management authority; the seabed and subsoil of the Outer Continental Shelf of the United States, the resources thereof and the waters superjacent thereto; and the recreational, economic, and scenic values of such waters and resources. It is being used as a descriptive term and not one of jurisdiction.

Specific authority is granted to the Secretary under this section to carry out or require measures, including inspections, port and harbor patrols, the establishment of security and safety zones, the development of contingency plans and procedures, and the recruitment and training of members of the regular Coast Guard and the Coast Guard Reserve, in order to prevent or respond to acts of terrorism.

The Senate amendment contains no comparable provision.

Under the conference substitute (sec. 906) the general authority granted to the Secretary of Transportation is similar to the House bill, but clarifies that vessels of the United States and all individuals on board are included in the scope of the Secretary's authority to prevent or respond to acts of terrorism wherever that vessel is found. The specific authority granted to the Secretary is limited to (1) carrying out or requiring measures, including inspections, port and harbor patrols, the establishment of security and safety zones, and the development of contingency plans and procedures to prevent acts of terrorism and (2) to recruiting members of the regular Coast Guard and the Coast Guard Reserve, and training them in antiterrorism techniques.

SECURITY STANDARDS AT FOREIGN PORTS

The House bill (sec. 907) establishes a regime for the assessment of security standards at foreign ports which pose a high risk of acts of international terrorism. These assessments will be conducted by the Secretary of Transportation, in consultation with the Secretary of State with respect to the terrorist threat that exists in each country and in which ports are not under the de facto control of the government of the country in which they are located. A report on the plan for assessments shall be submitted to the Congress not later than 6 months after the date of enactment of this act.

If after the implementation of this plan, the Secretary of Transportation determines that a port does not maintain effective security measures, the Secretary of State shall notify the appropriate government authorities and recommend steps to bring security up to standard.

The President is also encouraged to provide antiterrorism training assistance related to maritime security to a country which does not maintain and administer effective security measures at its ports.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 907) is similar to the House bill, but omits the specific reference to foreign ports which are not under the de facto control of the government of the country in which they are located.

The committee of conference believes that, at the present time, passengers are the most visible targets for terrorist attack, and the immediate focus should be on risks to passenger vessels. The committee of conference, however, remains concerned that U.S. cargo vessels, especially those carrying volatile cargoes, could become terrorist targets. Piracy, whether freebootery or sanctioned, exists and poses a risk to commerce in several areas of the world. The committee of conference understands that a mechanism is already in place to warn U.S. cargo vessels to avoid those areas where those risks exist, and expects continued vigilance to safeguard our commercial vessels and crews. Congress intends to monitor the situation and, if appropriate, revise the legislation to extend its requirements to the broader risk.

It is the intent of the committee of conference that the assessment of security measures at foreign ports be performed by security experts currently stationed at U.S. diplomatic missions in the proximity of such ports, such as the post security officer. If there is a maritime attache assigned to such post, he should participate in the security assessments.

It is the intent of the committee of conference that the Secretary of Transportation, in consultation with the Secretary of State, shall take into account the risk that is posed at a foreign port which is not under the de facto control of the government of the country in which it is located and poses a high risk of acts of terrorism against passenger vessels, as determined by the Secretary of State, in developing and implementing a plan to assess the security measures at such a foreign port.

The committee of conference intends that the Secretary of Transportation shall report to the Committee on Foreign Affairs and the

Committee on Merchant Marine and Fisheries of the House, and the Committee on Foreign Relations and the Committee on Commerce, Science and Transportation of the Senate with respect to assessment, as well as the determination notification pursuant to this section.

The committee of conference also directs the Secretary of Transportation to comply with the reporting requirements established under the Foreign Airport Security Act (Public Law 99-83) and to submit such reports to the Committees on Foreign Affairs, and on Public Works and Transportation of the House, and the Committees on Foreign Relations, and on Commerce, Science and Transportation of the Senate, in a timely fashion as envisioned by that act.

TRAVEL ADVISORIES CONCERNING SECURITY AT FOREIGN PORTS

The House bill (sec. 908) directs the Secretary of State to immediately issue a travel advisory with respect to any port where a condition exists that threatens the safety and security of passengers, passenger vessels, or crews traveling to or from a port which the Secretary of Transportation has determined does not maintain effective security measures.

This travel advisory may be lifted only if it is determined that effective security measures are being maintained at that port. The Congress shall be notified upon the lifting of any travel advisory.

The Senate bill contains no comparable provision.

The conference substitute (sec. 908) is essentially the same as the House bill.

SUSPENSION OF PASSENGER SERVICES

The House bill (sec. 909) authorizes the President to suspend passenger services to any port in a foreign country which he determines in any way arms, aids, or abets any terrorist organization which knowingly uses the illegal seizure of passenger vessels, or the threat thereof, as an instrument of policy.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 909) is similar to the House bill but clarifies the prohibitions for violating this section by providing authority to deny entry, as well as a civil penalty.

SANCTIONS FOR THE SEIZURE OF VESSELS BY TERRORISTS

The House bill (sec. 910) encourages the President to review the adequacy of criminal sanctions against terrorists who seize or attempt to seize vessels, and to strengthen where necessary, through bilateral and multilateral negotiations, the effectiveness of such sanctions. In addition, this section directs the President to submit a report to Congress on this review and efforts to improve sanctions not later than 1 year after the date of enactment.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 910) is similar to the House bill, but deletes the word "criminal".

DEFINITIONS

The House bill (sec. 911) contained definitions for the purposes of title IX.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 911) is identical to the House bill.

AUTHORIZATION OF APPROPRIATIONS

The House bill (sec. 906) authorizes to be appropriated for fiscal year 1986 \$125 million to carry out this section and to conduct assessments required by sections 905 and 907 of this bill.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 912) authorizes to be appropriated \$12.5 million for each of the fiscal years 1987-91 to the Secretary of Transportation to carry out the purposes of title IX, including the amendment made by this title.

TITLE XI—SECURITY AT MILITARY BASES ABROAD

The House bill (title XI) expresses the sense of Congress that the Secretary of Defense should review the security of each base or installation of the Department of Defense outside the United States and take any steps that may be necessary to improve the security of such bases or installations. In addition, the Secretary of Defense should institute an antiterrorism training program for all members of the Armed Forces and members of their families.

The Senate amendment contains no comparable provision.

The conference substitute (title XI) is similar to the House bill but changes the reporting date to June 30, 1987.

TITLE XII—CRIMINAL PUNISHMENT OF INTERNATIONAL TERRORISM

ENCOURAGEMENT FOR NEGOTIATIONS OF A CONVENTION

The Senate amendment (sec. 713) expresses the sense of the Senate that the President should call for international negotiations for the purpose of agreeing on a definition of international terrorist crimes, and whether such crimes would constitute universal crimes under international law. In addition, the President should consider including in these negotiations the possibility of establishing an international tribunal that would have jurisdiction over the crime of international terrorism.

The House bill contains no comparable provision.

The conference substitute (sec. 1201) is essentially the same as the Senate amendment.

The committee of conference wishes to emphasize that the establishment of an international tribunal to prosecute terrorists may prove to be a laudable long term goal, but efforts in this regard should not detract from the more immediate priority of encouraging individual nations to develop more effective national laws and procedures to ensure prosecution of terrorists in the interim.

The negotiation of a definition of conduct constituting terrorism, effective intelligence sharing, joint counterterrorist training, and uniform rules for asylum and extradition for perpetrators of terror-

ism, as well as effective criminal penalties for the swift punishment of perpetrators of terrorism are the higher priorities.

**EXTRATERRITORIAL CRIMINAL JURISDICTION OVER TERRORIST
CONDUCT**

The Senate amendment (sec. 714) includes a provision extending jurisdiction over certain crimes by terrorists against American citizens abroad.

The House bill contains no comparable provision.

The conference substitute (sec. 1202) establishes extraterritorial jurisdiction over serious violent attacks by terrorists upon U.S. nationals. Presently, Federal law prohibits extraterritorial murder of and assaults upon only certain high ranking U.S. officials, diplomats, and law enforcement officers. Chapter 113A of title 18, U.S.C., will extend coverage to any terrorist murder or manslaughter of and serious physical assault on any U.S. national.

Paragraph (a) of the conference substitute is identical in substance to the Senate amendment, except that fines are not specifically delineated, in deference to the alternative Federal fines statute at 18 U.S.C. 3623. As in the Senate amendment, there is no requirement that the U.S. Government prove during the criminal prosecution the purpose of the murder. The elements are (1) the murder (2) of a U.S. national (3) outside the territorial jurisdiction of the United States.

The conspiracy paragraph of the conference substitute incorporates two conspiracy provisions from the Senate amendment and reaches terrorist conspiracies or attempts abroad to kill a U.S. national whether that national is outside the United States or within the United States. Paragraph (c) of the conference substitute is designed to provide jurisdiction over violent attacks against property, including but not limited to bombings and arson, as well as violent attacks against persons. In any case, the attack must be one that is intended to, or does, result in serious bodily injury to a U.S. national. The maximum prison sentence is set at 5 years.

The committee of conference does not intend that chapter 113A reach nonterrorist violence inflicted upon American victims. Simple barroom brawls or normal street crime, for example, are not intended to be covered by this provision. To ensure that this statute is used only for its intended purpose, the conference substitute requires that the Attorney General certify that in his judgment such offense was intended to coerce, intimidate, or retaliate against a government or civilian population.

This paragraph also limits the authority to make the necessary certification for prosecution under this statute to the Attorney General or "the highest ranking subordinate of the Attorney General with responsibility for criminal prosecutions." The quoted language refers either to the Deputy Attorney General or the Associate Attorney General depending on their respective responsibilities. Although the Deputy Attorney General is the second highest ranking official of the Department of Justice, if the Associate Attorney General has primary responsibility for criminal prosecutions, he/she is the appropriate certifying official in addition to the Attorney General.

The determination of the certifying official is final and not subject to judicial review.

The term "civilian population" includes a general population as well as other specific identifiable segments of society such as the membership of a religious faith or of a particular nationality, to give but two examples. Neither the targeted government nor civilian population, or segment thereof, has to be that of the United States.

TITLE XIII—MISCELLANEOUS PROVISIONS

PEACE CORPS AUTHORIZATION OF APPROPRIATIONS

The Senate amendment (sec. 701) amends the Peace Corps Act to authorize to be appropriated \$130 million for fiscal year 1986 and \$137.2 million for fiscal year 1987 to carry out the purposes of the act.

The House bill contains no comparable provision.

The conference substitute (sec. 1301) is identical to the Senate amendment.

DEMONSTRATIONS AT EMBASSIES IN THE DISTRICT OF COLUMBIA

The Senate amendment (sec. 702) amends section 112 of title 18, United States Code, to repeal the authority of the District of Columbia to set limits on the proximity of demonstrations at foreign diplomatic buildings.

The House bill contains no comparable provision.

Current District of Columbia law makes it a crime to congregate within 500 feet of a foreign mission and to refuse to disperse when ordered to do so by the police. The conference substitute (sec. 1302) expresses the sense of Congress that: the District law may be inconsistent with the rights of free speech and assembly, and that there may have been selected enforcement of the law resulting in the unfair arrest of peaceful demonstrators; the obligation of the United States and the District to provide adequate security for the diplomatic missions of foreign governments must be balanced with the reasonable exercise of the rights of free speech and assembly; and therefore, the District of Columbia law should be reviewed by the District of Columbia Council and revised, if appropriate, to make it less intrusive on freedom of speech and assembly, while carrying out the legitimate purposes of providing adequate security for foreign diplomatic missions.

DISTRIBUTION WITHIN THE UNITED STATES OF THE USIA FILM, "THE MARCH"

The Senate amendment (sec. 704) authorizes the distribution of the USIA film "The March" within the United States.

The House bill contains no comparable provision.

The conference substitute deletes the provision.

KURT WALDHEIM'S RETIREMENT ALLOWANCE

The Senate amendment (sec. 708) contains certain findings relative to Kurt Waldheim's past. It expresses the sense of the Senate

that the President should direct the U.S. Permanent Representative to the United Nations to introduce an amendment to the 1986-87 U.N. Regular Program Budget eliminating Kurt Waldheim's retirement allowance and a resolution denying his retirement allowance in all budgets after 1987.

The House bill contains no comparable provision.

The conference substitute (sec. 1303) is similar to the Senate amendment with certain editorial changes and permits the U.S. Permanent Representative some flexibility in deciding how to act to deny Kurt Waldheim his retirement allowance.

ERADICATION OF AMBLYOMMA VARIEGATUM

The Senate amendment (sec. 709) authorizes \$150,000 for fiscal year 1986 for a study of the feasibility of a program for the control and eradication of heartwater in bovine animals in the Caribbean to be completed 180 days after the enactment of this act. This provision also authorizes not less than \$4 million of the funds appropriated for fiscal year 1987 for the control and eradication of amblyomma variegatum in these countries.

The House bill contains no comparable provision.

The conference substitute (sec. 1304) is similar to the Senate amendment, but eliminates the earmarking for study and reduces the authorization for the control and eradication of amblyomma variegatum to \$2 million.

STRENGTHEN FOREIGN LANGUAGE SKILLS

The Senate amendment (sec. 710) expresses the sense of the Senate that the Secretary of State substantially strengthen the foreign language training of foreign service officers and other diplomatic personnel who may serve in embassies overseas and to implement a program focusing on acquisition and retention of effective linguistic skills throughout a foreign service officers career.

The House bill contains no comparable provision.

The conference substitute (sec. 1305) is similar to the Senate amendment but modifies the provision to a sense of Congress.

FORFEITURE OF PROCEEDS DERIVED FROM ESPIONAGE ACTIVITIES

The Senate amendment (sec. 711) contains a section which amends section 794 of title 18, U.S. Code, to establish forfeiture remedies against those convicted of espionage under section 793, 794 or 798 of title 18. In addition, the Senate amendment establishes forfeiture of proceeds resulting from any depiction of the offense for persons convicted of a violation of sections 793, 794, or 798 of title 18. It also establishes new authority for the Attorney General to pay up to \$100,000 for information leading to the arrest or conviction of persons for espionage offenses or leading to the prevention, frustration or mitigation of espionage.

The House bill contains no comparable provision.

The conference substitute (sec. 1306) establishes forfeiture remedies for a violation of section 794 and forfeiture under limited circumstances for a violation of 793. The conference substitute amends section 794 to establish forfeiture of any proceeds obtained

as a result of the offense, as well as forfeiture of any property used to commit the offense, but applies to section 794 only. The conference substitute also requires that any funds forfeited under section 794 be placed in the Crime Victims Funds.

The conference substitute amends section 793 to establish mandatory forfeiture of any payments from a foreign government, or any faction or party or military or naval force within a foreign country, as a result of a violation of this section. The substitute does not include forfeiture of property used to commit a violation of section 793. Funds forfeited under section 793 are placed in the Crime Victims Fund.

The committee of conference is concerned about the scope of section 793 of title 18, U.S.C., an espionage statute concerning the offense of gathering, transmitting or losing classified defense information. Some courts and commentators have suggested that this statute could apply where there is no intent to injure the United States or give advantage to a foreign power. Others suggest that the statute, like all other espionage laws, requires an intent to injure the United States. To the extent that the conference substitute provides a "proceeds forfeiture" penalty in connection with section 793, it is the intent of the committee of conference that such penalty will apply to a conviction under that section only if there was an intent to injure the United States or give advantage to a foreign power evidenced by the receipt of payment for the information from a foreign government, or any faction or party or military or naval force within a foreign country. Since "proceeds forfeiture" is a penalty imposed upon conviction, and not an element of the underlying offense, the court can, of course, consider a wider range of evidence in determining whether to order forfeiture than in determining guilt or innocence under section 793.

Nothing in these provisions is intended to interfere with a person's Sixth Amendment right to counsel of choice or to the effective assistance of counsel.

The conference substitute also amends section 3671 of title 18, U.S.C., to include section 794 among the offenses covered by its forfeiture provisions. Section 3671 provides that any person convicted of an offense against the United States resulting in physical harm to an individual can be ordered to forfeit any proceeds resulting from the depiction of the crime.

Including section 794 among the offenses covered by section 3671 accomplishes the purpose of the Senate amendment, with regard to section 794 alone, and places any forfeited funds into the Crime Victims Fund.

The conference substitute does not provide any new reward authority. The committee of conference encourages the Attorney General to exercise existing authority under section 3059 of title 18, U.S.C., or any other provision of law, to reward those who provide information on an espionage case. Espionage is increasingly motivated by the desire for personal gain. The offer of rewards for information on acts of espionage uses the same profit motive to fight espionage.

EXPRESSION OF SUPPORT OF ACTIVITIES OF THE U.S.
TELECOMMUNICATIONS TRAINING INSTITUTE

The Senate amendment (sec. 712) clarifies that nothing in this act, or any other act shall be construed to preclude the Department of State, the Agency for International Development or the U.S. Information Agency from participating (including use of staff, other appropriate resources or service on the board of the United States Telecommunications Training Institute (USTTI)) in support of any activities of the USTTI.

The House bill contains no comparable provision.

The conference substitute is (sec. 1307) identical to the Senate amendment.

POLICY TOWARD AFGHANISTAN

The Senate amendment (sec. 719) contains sense of Congress language with respect to the Soviet invasion of Afghanistan and U.S. policy toward the people of that country and their efforts to regain the sovereignty and territorial integrity of their nation.

The House bill contains no comparable provision.

The conference substitute (sec. 1308) is identical to the Senate amendment.

For consideration of the entire House bill and Senate amendment:

DANTE B. FASCELL,
GUS YATRON,
DAN MICA,
PETER H. KOSTMAYER,
LAWRENCE J. SMITH,
TED WEISS,
BUDDY MACKEY,
WM. BROOMFIELD,
BENJAMIN S. GILMAN,
OLYMPIA SNOWE,
CONNIE MACK,
JOHN MCCAIN,

For consideration of title IX of the House bill and modifications committed to conference:

WALTER B. JONES,
MARIO BIAGGI,
GERRY E. STUDDS,
BOB DAVIS,
GENE SNYDER,

For consideration of titles III, VIII, XI, and section 603 of the House bill and modifications committed to conference:

LES ASPIN,
MELVIN PRICE,
WILLIAM L. DICKINSON,

For consideration of sections 702, 703, 711, 713, and 714 of the Senate amendment and modifications committed to conference:

PETER W. RODINO, Jr.,
WILLIAM J. HUGHES,
DON EDWARDS,

JOHN CONYERS,
 BILL MCCOLLUM,
 DAN LUNGREN,
 GEORGE W. GEKAS,

For consideration of title III and title VIII of the House bill and modifications committed to conference:

WILLIAM D. FORD,
 PAT SCHROEDER,
 MARY ROSE OAKAR,
 FRANK HORTON,
 DON YOUNG,

Managers on the Part of the House.

For consideration of the entire House bill and Senate amendment:

RICHARD G. LUGAR,
 JESSE HELMS,
 CHARLES McC. MATHIAS, Jr.,
 NANCY KASSEBAUM,
 CLAIBORNE PELL,
 J.R. BIDEN, Jr.,
 PAUL SARBANES,

For consideration of sections 702, 703, 711, and 714 of the Senate amendment and modifications committed to conference:

CHUCK GRASSLEY,
 JEREMIAH DENTON,
 ARLEN SPECTER,
 DENNIS DeCONCINI,
 PAT LEAHY,

For consideration of section 702 of the Senate amendment and modifications committed to conference:

CHARLES McC. MATHIAS, Jr.,
 TOM EAGLETON,

For consideration of sections 706 and 707 of the Senate amendment and modifications committed to conference:

JOHN C. DANFORTH,
 ERNEST F. HOLLINGS,

Managers on the Part of the Senate.

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