

106TH CONGRESS
1ST SESSION

S. 679

To authorize appropriations to the Department of State for construction and security of United States diplomatic facilities, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 23, 1999

Mr. GRAMS introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To authorize appropriations to the Department of State for construction and security of United States diplomatic facilities, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Secure Embassy Con-
5 struction and Counterterrorism Act of 1999”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

8 (1) On August 17, 1998, two United States em-
9 bassies in Nairobi, Kenya, and in Dar Es Salaam,
10 Tanzania, were destroyed by simultaneously explod-

1 ing bombs. The resulting explosions killed 220 per-
2 sons and injured more than 4,000 others. Twelve
3 Americans and 40 Kenyan and Tanzanian employees
4 of the United States Foreign Service were killed in
5 the attack.

6 (2) The United States personnel in both Dar
7 Es Salaam and Nairobi showed leadership and per-
8 sonal courage in their response to the attacks. De-
9 spite the havoc wrecked upon the embassies, staff in
10 both embassies provided rapid response in locating
11 and rescuing victims, providing emergency assist-
12 ance, and quickly restoring embassy operations dur-
13 ing a crisis.

14 (3) The bombs are believed to have been set by
15 individuals associated with Osama bin Laden, leader
16 of a known transnational terrorist organization. In
17 February of 1998 Bin Laden issued a directive to
18 his followers that called for attacks against Amer-
19 ican interests anywhere in the world.

20 (4) Following the bombings, additional threats
21 have been made against United States diplomatic fa-
22 cilities.

23 (5) A review board was convened following the
24 bombings, as required by Public Law 99-399. The

1 panel was chaired by Admiral William J. Crowe,
2 United States Navy (Ret).

3 (6) The conclusions of the Crowe panel are
4 strikingly similar to those stated by the Inman Com-
5 mission, which issued an extensive embassy security
6 report more than 14 years ago.

7 (7) Admiral Crowe's panel issued a report set-
8 ting out the following two striking problems:

9 (A) The United States has devoted inad-
10 equate resources towards security against ter-
11 rorist attacks.

12 (B) The United States Government places
13 too low a priority on security concerns. The re-
14 sult has been a failure to take adequate steps
15 to prevent tragedies such as the bombings in
16 Kenya and Tanzania.

17 (8) The Crowe panel found that there was an
18 institutional failure on the part of the Department
19 of State and embassies under its direction, to recog-
20 nize threats posed by transnational terrorism and
21 vehicular bombs.

22 (9) Responsibility for obtaining adequate re-
23 sources for security programs is widely shared
24 throughout the United States Government, including
25 Congress. Unless the vulnerabilities identified in the

1 Crowe report are addressed in a sustained and fi-
2 nancially realistic manner, the lives and safety of
3 United States employees in diplomatic facilities will
4 continue to be at risk from further terrorist attacks.

5 (10) Although service in the Foreign Service or
6 other Government positions in foreign countries can
7 never be completely without risk, the United States
8 must ensure that the risks are kept to a minimum.

9 **SEC. 3. UNITED STATES DIPLOMATIC FACILITY DEFINED.**

10 In this Act, the term “United States diplomatic facil-
11 ity” means any embassy, chancery, legation, consulate or
12 other office building or structure used by a United States
13 diplomatic mission or consular post or by any agency of
14 the United States.

15 **SEC. 4. AUTHORIZATION OF APPROPRIATIONS.**

16 (a) **AUTHORITY.**—The Secretary of State may use
17 funds available under the account established in sub-
18 section (b) for the purposes of constructing, or providing
19 security upgrades to, United States diplomatic facilities in
20 order to meet the security requirements set forth in sec-
21 tion 6.

22 (b) **ESTABLISHMENT OF ACCOUNT.**—There is estab-
23 lished in the general fund of the Treasury of the United
24 States an appropriations account for the Department of

1 State which shall be known as the “EMBASSY CONSTRUC-
2 TION AND SECURITY” account.

3 (c) CERTIFICATION.—Prior to obligation of any
4 amount from the EMBASSY CONSTRUCTION AND SECUR-
5 RITY account, the Secretary of State shall certify to Con-
6 gress, in classified form, that construction or upgrading
7 of the United States diplomatic facility is necessary to
8 bring the United States into compliance with all applicable
9 security requirements, including those requirements set
10 forth in section 6.

11 (d) AUTHORIZATION OF APPROPRIATIONS.—

12 (1) IN GENERAL.—There are authorized to be
13 appropriated to the Department of State under
14 “EMBASSY CONSTRUCTION AND SECURITY”—

15 (A) for fiscal year 2000, \$600,000,000;

16 (B) for fiscal year 2001, \$600,000,000;

17 (C) for fiscal year 2002, \$600,000,000;

18 (D) for fiscal year 2003, \$600,000,000;

19 and

20 (E) for fiscal year 2004, \$600,000,000.

21 (2) AVAILABILITY OF FUNDS.—Amounts appro-
22 priated pursuant to paragraph (1) are authorized to
23 remain available until expended.

1 **SEC. 5. OBLIGATION OF FUNDS.**

2 (a) REPORT.—Not later than 90 days after the date
3 of enactment of this Act, the Secretary of State shall sub-
4 mit a classified report to Congress containing an identi-
5 fication of those United States diplomatic facilities that
6 are most vulnerable to terrorist attack and setting out,
7 in tiers of 20, those facilities from the most to the least
8 vulnerable to such an attack.

9 (b) PRIORITY OF REBUILDING EFFORTS.—Funds in
10 the EMBASSY CONSTRUCTION AND SECURITY account al-
11 located for construction of new embassies shall be used
12 to rebuild only those embassies in the top three tiers, as
13 designated by the Secretary of State.

14 (c) ADVANCED CONGRESSIONAL NOTIFICATIONS.—
15 Prior to obligation of funds in the EMBASSY CONSTRUC-
16 TION AND SECURITY account, or the reprogramming of
17 funds out of that account, the Secretary of State shall no-
18 tify the Committee on Foreign Relations of the Senate and
19 the Committee on International Relations of the House
20 of Representatives in accordance with section 34(a) of the
21 State Department Basic Authorities Act of 1956 (22
22 U.S.C. 2706(a)), of the Secretary's intent to obligate or
23 reprogram the funds, as the case may be.

1 **SEC. 6. SECURITY REQUIREMENTS FOR UNITED STATES**
2 **DIPLOMATIC FACILITIES.**

3 (a) DESCRIPTION OF REQUIREMENTS.—The fol-
4 lowing security requirements shall apply with respect to
5 United States diplomatic facilities:

6 (1) THREAT ASSESSMENTS.—

7 (A) The Emergency Action Plan (EAP) of
8 each United States mission shall address
9 threats from large vehicular bombs and
10 transnational terrorism.

11 (B) The “Composite Threat List” shall
12 contain a section that addresses acts of inter-
13 national terrorism against United States diplo-
14 matic facilities based on criteria for identifying
15 threats that emphasize the threat of
16 transnational terrorism and includes such other
17 criteria as the physical security environment,
18 host government support, and cultural realities.

19 (2) SITE SELECTION.—

20 (A) In selecting sites for new United
21 States diplomatic facilities abroad, all United
22 States Government agencies (except military in-
23 stallations) shall be located on the same com-
24 pound.

25 (B) The Secretary of State and the rel-
26 evant agency head may waive subparagraph (A)

1 if the Secretary and the agency head jointly
2 certify to Congress that security requirements
3 so permit.

4 (C) Any waiver under this paragraph shall
5 be exercised only in accordance with the proce-
6 dures applicable to reprogramming notifications
7 under section 34 of the State Department Basic
8 Authorities Act of 1956 (22 U.S.C. 2706).

9 (3) PERIMETER DISTANCE.—Each newly con-
10 structed or acquired United States diplomatic facil-
11 ity shall be sited not less than 100 feet from the pe-
12 rimeter of the property on which the facility is situ-
13 ated.

14 (4) CRISIS MANAGEMENT TRAINING.—

15 (A) The appropriate personnel of the De-
16 partment of State shall undertake crisis man-
17 agement training for mass casualty and mass
18 destruction incidents relating to diplomatic fa-
19 cilities which are designed to bring about a
20 rapid response to such incidents from Depart-
21 ment of State headquarters in Washington,
22 D.C.

23 (B) A program of appropriate instruction
24 in crisis management shall be provided to per-

1 sonnel at United States diplomatic facilities
2 abroad.

3 (5) FOREIGN EMERGENCY SUPPORT TEAM.—

4 The Foreign Emergency Support Team (FEST) of
5 the Department of State shall receive sufficient sup-
6 port from the Department, including—

7 (A) conducting routine training exercises
8 through the FEST;

9 (B) providing personnel identified to serve
10 on the FEST as a collateral duty;

11 (C) providing personnel to assist in med-
12 ical relief, public affairs, engineering, and build-
13 ing safety; and

14 (D) providing such additional support as
15 may be necessary to enable the FEST to pro-
16 vide support in a post-crisis environment involv-
17 ing mass casualties and physical damage.

18 (6) RAPID RESPONSE PROCEDURES.—The Sec-
19 retary of State shall enter into a memorandum of
20 understanding with the Secretary of Defense setting
21 out rapid response procedures for mobilization of
22 personnel and equipment of their respective depart-
23 ments to provide more effective assistance in times
24 of emergency with respect to United States diplo-
25 matic facilities.

1 (7) STORAGE OF EMERGENCY EQUIPMENT AND
2 RECORDS.—All United States diplomatic missions
3 shall have emergency equipment and records stored
4 at a secure off-site facility.

5 (b) REVIEW AND REVISION BY THE SECRETARY OF
6 STATE.—The Secretary of State shall review and revise
7 security requirements in effect for United States diplo-
8 matic facilities as of the date of enactment of this Act
9 to ensure their compliance with the security requirements
10 described in subsection (a).

11 **SEC. 7. CLOSURE OF VULNERABLE POSTS.**

12 (a) REVIEW.—The Secretary of State shall review the
13 findings of the Overseas Presence Advisory Panel.

14 (b) REPORT.—

15 (1) IN GENERAL.—Not later than January 1,
16 2000, the Secretary of State shall submit a report
17 to Congress in classified form setting forth the re-
18 sults of the review conducted under subsection (a).

19 (2) ELEMENTS OF THE REPORT.—The report
20 shall—

21 (A) specify whether any United States diplo-
22 matic facility should be closed because—

23 (i) the facility is high vulnerability
24 and subject to threat of terrorist attack;
25 and

1 (ii) adequate security enhancements
2 cannot be provided to the facility; and

3 (B) identify plans to provide secure prem-
4 ises for permanent use by the United States
5 diplomatic mission, whether in country or in a
6 regional United States diplomatic facility, or for
7 temporary occupancy pending construction of
8 new buildings.

9 **SEC. 8. CURRENT AND PROJECTED ROLE AND FUNCTION**
10 **OF EACH UNITED STATES DIPLOMATIC FA-**
11 **CILITY.**

12 Not later than January 1, 2000, the Secretary of
13 State shall submit a report to Congress, in classified and
14 unclassified form, on the role and function of each United
15 States diplomatic facility through 2010. The report shall
16 describe—

17 (1) the potential for reduction or transfer of
18 personnel and equipment if technology is adequately
19 exploited for maximum efficiencies;

20 (2) the balance between the cost of maintaining
21 a secure United States diplomatic facility and the
22 benefit of a United States presence;

23 (3) the potential for relying on regional United
24 States diplomatic facilities in certain parts of the
25 world; and

1 (4) necessary upgrades, in order of importance,
2 for such facilities.

3 **SEC. 9. OVERSEAS SERVICE STAR.**

4 The State Department Basic Authorities Act of 1956
5 is amended by inserting after section 36 (22 U.S.C. 2708)
6 the following new section:

7 **“SEC. 36A. THE OVERSEAS SERVICE STAR.**

8 “(a) **AUTHORITY.**—The President, upon the rec-
9 ommendation of the Secretary, may award an overseas
10 service star to any member of the Foreign Service or any
11 other civilian employee of the Government of the United
12 States who, after August 1, 1998, while employed at, or
13 assigned permanently or temporarily to, an official mission
14 overseas or while traveling abroad on official business, in-
15 curred a wound or other injury or an illness (whether or
16 not the wound, other injury, or illness resulted in death)—

17 “(1) as the person was performing official du-
18 ties;

19 “(2) as the person was on the premises of a
20 United States mission abroad; or

21 “(3) by reason of the person’s status as a
22 United States Government employee.

23 “(b) **CASES RESULTING FROM UNLAWFUL CON-**
24 **DUCT.**—Cases covered by subsection (a) include cases of
25 wounds or other injuries incurred as a result of terrorist

1 or military action, civil unrest, or criminal activities di-
2 rected at any facility of the Government of the United
3 States.

4 “(c) SELECTION CRITERIA.—The Secretary shall pre-
5 scribe the procedures for identifying and considering per-
6 sons eligible for award of an overseas service star and for
7 selecting the persons to be recommended for the award.

8 “(d) AWARD IN THE EVENT OF DEATH.—If a person
9 selected for award of an overseas service star dies before
10 being presented the award, the award may be made and
11 the star presented to the person’s family or to the person’s
12 representative, as designated by the President.

13 “(e) FORM OF AWARD.—The Secretary shall pre-
14 scribe the design of the overseas service star. The award
15 may not include a stipend or any other cash payment.

16 “(f) FUNDING.—

17 “(1) Any expenses incurred for awarding a per-
18 son an overseas service star may be paid out of ap-
19 propriations available at the time of the award for
20 personnel of the department or agency of the United
21 States Government in which the person was em-
22 ployed when the person incurred the wound, injury,
23 or illness upon which the award is based.

1 “(2) LIMITATION.—No funds may be made
2 available under this section for cash payments to re-
3 cipients.”.

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