

This chapter, referred to in text, was in the original “this Act”, meaning Pub. L. 101-179, Nov. 28, 1989, 103 Stat. 1298, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 5401 of this title and Tables.

#### § 5495. Certain uses of excess foreign currencies

##### (a) Authority to use

During fiscal year 1990, the Administrator of the Agency for International Development may use, for the purposes described in subsection (b) of this section, such sums of foreign currencies described in subsection (c) of this section as the Administrator may determine, subject to subsection (f) of this section.

##### (b) Purposes for which currency may be used

Foreign currencies may be used under this section—

(1) for the same purposes for which assistance may be provided under part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 and following; relating to economic assistance), and

(2) for the support of any institution providing education for a significant number of United States nationals (who may include members of the United States Armed Forces or the Foreign Service or dependents of such members).

##### (c) Currencies which may be used

The foreign currencies which may be used under this section are United States-owned excess foreign currencies that are in excess of amounts necessary for satisfaction of preexisting commitments to use such currencies for other purposes specified by law.

##### (d) Where currencies may be used

Foreign currencies may be used under this section in the country where such currencies are held or in other foreign countries.

##### (e) Nonapplicability of other provisions of law

Foreign currencies may be used under this section notwithstanding section 1306 of title 31 or any other provision of law.

##### (f) Requirement for appropriations action

The authority of this section may be exercised only to such extent or in such amount as may be provided in advance in an appropriation Act.

(Pub. L. 101-179, title VIII, § 805, Nov. 28, 1989, 103 Stat. 1323.)

#### REFERENCES IN TEXT

The Foreign Assistance Act of 1961, referred to in subsec. (b)(1), is Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424. Part I of the Act is classified generally to subchapter I (§2151 et seq.) of chapter 32 of this title. For provisions deeming references to subchapter I to include parts IV (§2346 et seq.), VI (§2348 et seq.), and VIII (§2349aa et seq.) of subchapter II of chapter 32, see section 202(b) of Pub. L. 92-226, set out as a note under section 2346 of this title, and sections 2348c and 2349aa-5 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables.

## CHAPTER 64—UNITED STATES RESPONSE TO TERRORISM AFFECTING AMERICANS ABROAD

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### § 5501. International negotiations concerning aviation security

#### (a) United States policy

It is the policy of the United States—

(1) to seek bilateral agreements to achieve United States aviation security objectives with foreign governments;

(2) to continue to press vigorously for security improvements through the Foreign Airport Security Act<sup>1</sup> and the foreign airport assessment program; and

(3) to continue to work through the International Civil Aviation Organization to improve aviation security internationally.

#### (b) Negotiations for aviation security

(1) The Department of State, in consultation with the Department of Transportation, shall be responsible for negotiating requisite aviation security agreements with foreign governments concerning the implementation of United States rules and regulations which affect the foreign operations of United States air carriers, foreign air carriers, and foreign international airports. The Secretary of State is directed to enter, expeditiously, into negotiations for bilateral and multilateral agreements—

(A) for enhanced aviation security objectives;

(B) to implement the Foreign Airport Security Act<sup>1</sup> and the foreign airport assessment program to the fullest extent practicable; and

(C) to achieve improved availability of passenger manifest information.

(2) A principal objective of bilateral and multilateral negotiations with foreign governments and the International Civil Aviation Organization shall be improved availability of passenger manifest information.

(Pub. L. 101-604, title II, §201, Nov. 16, 1990, 104 Stat. 3081.)

#### REFERENCES IN TEXT

No act with the title Foreign Airport Security Act, referred to in subsecs. (a)(2) and (b)(1)(B), has been en-

<sup>1</sup> See References in Text note below.

acted. The Foreign Airport Security Act probably means part B (§§551-559) of title V of Pub. L. 99-83, Aug. 8, 1985, 99 Stat. 222. For complete classification of part B to the Code, see Tables.

#### CONGRESSIONAL FINDINGS

Section 2 of Pub. L. 101-604 provided that: "Congress finds that—

"(1) the safety and security of passengers of United States air carriers against terrorist threats should be given the highest priority by the United States Government;

"(2) the report of the President's Commission on Aviation Security and Terrorism, dated May 15, 1990, found that current aviation security systems are inadequate to provide such protection;

"(3) the United States Government should immediately take steps to ensure fuller compliance with existing laws and regulations relating to aviation security;

"(4) the United States Government should work through the International Civil Aviation Organization and directly with foreign governments to enhance aviation security of foreign carriers and at foreign airports;

"(5) the United States Government should ensure that enhanced security measures are fully implemented by both United States and foreign air carriers;

"(6) all nations belonging to the Summit Seven should promptly amend the Bonn Declaration to extend sanctions for all terrorist acts, including attacks against airports and air carrier ticket offices;

"(7) the United States Government, in bilateral negotiations with foreign governments, should emphasize upgrading international aviation security objectives;

"(8) the United States Government should have in place a mechanism by which the Government notifies the public, on a case-by-case basis and through the application of a uniform national standard, of certain credible threats to civil aviation security;

"(9) the United States Government has a special obligation to United States victims of acts of terrorism directed against this Nation and should provide prompt assistance to the families of such victims and assure that fair and prompt compensation is provided to such victims and their families;

"(10) the United States should work with other nations to treat as outlaws state sponsors of terrorism, isolating such sponsors politically, economically, and militarily;

"(11) the United States must develop a clear understanding that state-sponsored terrorism threatens United States values and interests, and that active measures are needed to counter more effectively the terrorist threat; and

"(12) the United States must have the national will to take every feasible action to prevent, counter, and respond to terrorist activities."

#### § 5502. Coordinator for Counterterrorism

The Coordinator for Counterterrorism shall be responsible for the coordination of international aviation security for the Department of State.

(Pub. L. 101-604, title II, §202, Nov. 16, 1990, 104 Stat. 3082.)

#### § 5503. Department of State notification of families of victims

##### (a) Department of State policy

It is the policy of the Department of State pursuant to section 2715 of this title to directly and promptly notify the families of victims of aviation disasters abroad concerning citizens of the United States directly affected by such a

disaster, including timely written notice. The Secretary of State shall ensure that such notification by the Department of State is carried out notwithstanding notification by any other person.

##### (b) Department of State guidelines

Not later than 60 days after November 16, 1990, the Secretary of State shall issue such regulations, guidelines, and circulars as are necessary to ensure that the policy under subsection (a) of this section is fully implemented.

(Pub. L. 101-604, title II, §204, Nov. 16, 1990, 104 Stat. 3083.)

#### § 5504. Designation of State Department-family liaison and toll-free family communications system

##### (a) Designation of State Department-family liaison

Not later than 60 days after November 16, 1990, the Secretary of State shall issue such rules and guidelines as are necessary to provide that in the event of an aviation disaster directly involving United States citizens abroad, if possible, the Department of State will assign a specific individual, and an alternate, as the Department of State liaison for the family of each such citizen.

##### (b) Toll-free communications system

In the establishment of the Department of State toll-free communications system to facilitate inquiries concerning the affect of any disaster abroad on United States citizens residing or traveling abroad, the Secretary of State shall ensure that a toll-free telephone number is reserved for the exclusive use of the families of citizens who have been determined to be directly involved in any such disaster.

(Pub. L. 101-604, title II, §205, Nov. 16, 1990, 104 Stat. 3083.)

#### § 5505. Disaster training for State Department personnel

##### (a) Additional training

The Secretary of State shall institute a supplemental program of training in disaster management for all consular officers.

##### (b) Training improvements

(1) In expanding the training program under subsection (a) of this section, the Secretary of State shall consult with death and bereavement counselors concerning the particular demands posed by aviation tragedies and terrorist activities.

(2) In providing such additional training under subsection (a) of this section the Secretary of State shall consider supplementing the current training program through—

(A) providing specialized training to create a team of "disaster specialists" to deploy immediately in a crisis; or

(B) securing outside experts to be brought in during the initial phases to assist consular personnel.

(Pub. L. 101-604, title II, §206, Nov. 16, 1990, 104 Stat. 3084.)

**§ 5506. Department of State responsibilities and procedures at international disaster site**

**(a) Dispatch of senior State Department official to site**

Not later than 60 days after November 16, 1990, the Secretary of State shall issue such rules and guidelines as are necessary to provide that in the event of an international disaster, particularly an aviation tragedy, directly involving significant numbers of United States citizens abroad not less than one senior officer from the Bureau of Consular Affairs of the Department of State shall be dispatched to the site of such disaster.

**(b) Criteria for Department of State staffing at disaster site**

Not later than 60 days after November 16, 1990, the Secretary of State shall promulgate criteria for Department of State staffing of disaster sites abroad. Such criteria shall define responsibility for staffing decisions and shall consider the deployment of crisis teams under subsection (d) of this section. The Secretary of State shall promptly issue such rules and guidelines as are necessary to implement criteria developed pursuant to this subsection.

**(c) State Department ombudsman**

Not later than 60 days after November 16, 1990, the Secretary of State shall issue such rules and guidelines as are necessary to provide that in the event of an international aviation disaster involving significant numbers of United States citizens abroad not less than one officer or employee of the Department of State shall be dispatched to the disaster site to provide on-site assistance to families who may visit the site and to act as an ombudsman in matters involving the foreign local government authorities and social service agencies.

**(d) Crisis teams**

Not later than 60 days after November 16, 1990, the Secretary of State shall promulgate procedures for the deployment of a “crisis team”, which may include public affairs, forensic, and bereavement experts, to the site of any international disaster involving United States citizens abroad to augment in-country Embassy and consulate staff. The Secretary of State shall promptly issue such rules and guidelines as are necessary to implement procedures developed pursuant to this subsection.

(Pub. L. 101-604, title II, §207, Nov. 16, 1990, 104 Stat. 3084.)

AUTHORITY OF SECRETARY OF STATE

Except as otherwise provided, Secretary of State to have and exercise any authority vested by law in any official or office of Department of State and references to such officials or offices deemed to refer to Secretary of State or Department of State, as appropriate, see section 2651a of this title and section 161(d) of Pub. L. 103-236, set out as a note under section 2651a of this title.

**§ 5507. Recovery and disposition of remains and personal effects**

It is the policy of the Department of State (pursuant to section 2715 of this title) to provide

liaison with foreign governments and persons and with United States air carriers concerning arrangements for the preparation and transport to the United States of the remains of citizens who die abroad, as well as the disposition of personal effects. The Secretary of State shall ensure that regulations and guidelines of the Department of State reflect such policy and that such assistance is rendered to the families of United States citizens who are killed in terrorist incidents and disasters abroad.

(Pub. L. 101-604, title II, §208, Nov. 16, 1990, 104 Stat. 3085.)

**§ 5508. Assessment of Lockerbie experience**

**(a) Assessment**

The Secretary of State shall compile an assessment of the Department of State response to the Pan American Airways Flight 103 aviation disaster over Lockerbie, Scotland, on December 21, 1988.

**(b) Guidelines**

The Secretary of State shall establish, based on the assessment compiled under subsection (a) of this section and other relevant factors, guidelines for future Department of State responses to comparable disasters and shall distribute such guidelines to all United States diplomatic and consular posts abroad.

(Pub. L. 101-604, title II, §209, Nov. 16, 1990, 104 Stat. 3085.)

**§ 5509. Official Department of State recognition**

Not later than 60 days after November 16, 1990, the Secretary of State shall promulgate guidelines for appropriate ceremonies or other official expressions of respect and support for the families of United States citizens who are killed through acts of terrorism abroad.

(Pub. L. 101-604, title II, §210, Nov. 16, 1990, 104 Stat. 3085.)

**§ 5510. United States Government compensation for victims of terrorism**

**(a) Compensation**

The President shall submit to the Congress, not later than one year after November 16, 1990, recommendations on whether or not legislation should be enacted to authorize the United States to provide monetary and tax relief as compensation to United States citizens who are victims of terrorism.

**(b) Board**

The President may establish a board to develop criteria for compensation and to recommend changes to existing laws to establish a single comprehensive approach to victim compensation for terrorist acts.

**(c) Income tax benefit for victims of Lockerbie terrorism**

**(1) In general**

Subject to paragraph (2), in the case of any individual whose death was a direct result of the Pan American Airways Flight 103 terrorist disaster over Lockerbie, Scotland, on December 21, 1988, any tax imposed by subtitle A of title 26 shall not apply—

(A) with respect to the taxable year which includes December 21, 1988, and

(B) with respect to the prior taxable year.

**(2) Limitation**

In no case may the tax benefit pursuant to paragraph (1) for any taxable year, for any individual, exceed an amount equal to 28 percent of the annual rate of basic pay at Level V of the Executive Schedule of the United States as of December 21, 1988.

(Pub. L. 101-604, title II, §211, Nov. 16, 1990, 104 Stat. 3085.)

REFERENCES IN TEXT

Level V of the Executive Schedule, referred to in subsec. (c)(2), is set out in section 5316 of Title 5, Government Organization and Employees.

**§ 5511. Overseas Security Electronic Bulletin Board**

Not later than 60 days after November 16, 1990, the Secretary of State shall issue such rules and regulations as may be necessary to establish, under the Bureau of Consular Affairs, an electronic bulletin board accessible to the general public. Such bulletin board shall contain all information, updated daily, which is available on the Overseas Security Electronic Bulletin Board of the Bureau of Diplomatic Security.

(Pub. L. 101-604, title II, §212, Nov. 16, 1990, 104 Stat. 3086.)

AUTHORITY OF SECRETARY OF STATE

Except as otherwise provided, Secretary of State to have and exercise any authority vested by law in any official or office of Department of State and references to such officials or offices deemed to refer to Secretary of State or Department of State, as appropriate, see section 2651a of this title and section 161(d) of Pub. L. 103-236, set out as a note under section 2651a of this title.

**§ 5512. Antiterrorism measures**

**(a) Guidelines for international aviation travelers**

For the purpose of notifying the public, the Secretary of State, in consultation with the Secretary of Transportation, shall develop and publish guidelines for thwarting efforts by international terrorists to enlist the unwitting assistance of international aviation travelers in terrorist activities. Notices concerning such guidelines shall be posted and prominently displayed domestically and abroad in international airports.

**(b) Development of international standards**

The Secretary of State and the Secretary of Transportation in all appropriate fora, particularly talks and meetings related to international civil aviation, shall enter into negotiations with other nations for the establishment of international standards regarding guidelines for thwarting efforts by international terrorists to enlist the unwitting assistance of international aviation travelers in terrorist activities.

**(c) Publication of rewards for terrorism-related information**

For the purpose of notifying the public, the Secretary of State shall publish the availability

of United States Government rewards for information on international terrorist-related activities, including rewards available under section 2708(a)<sup>1</sup> of this title and chapter 204 of title 18. To the extent appropriate and feasible, notices making such publication shall be posted and prominently displayed domestically and abroad in international airports.

**(d) Sense of Congress**

It is the sense of Congress that the Secretary of Transportation should take appropriate measures to utilize and train properly the officers and employees of other United States Government agencies who have functions at international airports in the United States and abroad in the detection of explosives and firearms which could be a threat to international civil aviation.

(Pub. L. 101-604, title II, §214, Nov. 16, 1990, 104 Stat. 3087.)

REFERENCES IN TEXT

Section 2708 of this title, referred to in subsec. (c), was amended generally by Pub. L. 105-323, title I, §101, Oct. 30, 1998, 112 Stat. 3029, and, as so amended, provisions authorizing awards, formerly contained in section 2708(a), are now contained in section 2708(b).

**§ 5513. Proposal for consideration by International Civil Aviation Organization**

Not later than 60 days after November 16, 1990, the Secretary of State, in consultation with the Secretary of Transportation, shall propose to the International Civil Aviation Organization the establishment of a comprehensive aviation security program which shall include (1) training for airport security personnel, (2) grants for security equipment acquisition for certain nations, and (3) expansion of the appropriate utilization of canine teams in the detection of explosive devices in all airport areas, including use in passenger screening areas and nonpublic baggage assembly and processing areas.

(Pub. L. 101-604, title II, §215, Nov. 16, 1990, 104 Stat. 3087.)

**CHAPTER 65—CONTROL AND ELIMINATION OF CHEMICAL AND BIOLOGICAL WEAPONS**

Sec.	
5601.	Purposes.
5602.	Multilateral efforts.
5603.	United States export controls.
5604.	Determinations regarding use of chemical or biological weapons.
5605.	Sanctions against use of chemical or biological weapons.
5606.	Repealed.

PRIOR PROVISIONS

A prior chapter 65, enacted by Pub. L. 102-138, title V, Oct. 28, 1991, 105 Stat. 722, contained provisions substantially identical to those enacted by Pub. L. 102-182, title III, Dec. 4, 1991, 105 Stat. 1245, prior to repeal by Pub. L. 102-182, title III, §309(a), Dec. 4, 1991, 105 Stat. 1258.

**§ 5601. Purposes**

The purposes of this chapter are—

<sup>1</sup> See References in Text note below.