

113TH CONGRESS
1ST SESSION

H. R. 2723

To enhance security for facilities and personnel at United States diplomatic and consular posts abroad, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 18, 2013

Mr. ENGEL (for himself, Mr. FALCOMA, Mr. SHERMAN, Mr. MEEKS, Mr. SIRES, Mr. CONNOLLY, Mr. DEUTCH, Mr. HIGGINS, Ms. BASS, Mr. KEATING, Mr. CICILLINE, Mr. GRAYSON, Mr. VARGAS, Mr. SCHNEIDER, Mr. KENNEDY, Mr. BERA of California, Mr. LOWENTHAL, Ms. MENG, Ms. FRANKEL of Florida, Ms. GABBARD, and Mr. CASTRO of Texas) introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To enhance security for facilities and personnel at United States diplomatic and consular posts abroad, 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 AND TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Embassy Security and Enhancement Act of 2013”.

1 (b) TABLE OF CONTENTS.—The table of contents for
 2 this Act is as follows:

- Sec. 1. Short title and table of contents.
- Sec. 2. Findings.
- Sec. 3. Definitions.

TITLE I—REVIEW AND PLANNING REQUIREMENTS

- Sec. 101. Designation of high risk, high threat posts and working groups.
- Sec. 102. Contingency plans for high risk, high threat posts.
- Sec. 103. Sense of Congress regarding strategic review of Bureau of Diplomatic Security.

TITLE II—PHYSICAL SECURITY AND PERSONNEL REQUIREMENTS

- Sec. 201. Capital Security Cost Sharing Program.
- Sec. 202. Local guard contracts abroad under diplomatic security program.
- Sec. 203. Transfer authority.
- Sec. 204. Physical security of certain soft targets.
- Sec. 205. Reemployment of annuitants.
- Sec. 206. Exemptions from certain protest procedures for non-compete contracting in exigent circumstances.
- Sec. 207. Sense of Congress on minimum security standards for temporary United States diplomatic and consular posts.
- Sec. 208. Sense of Congress on assignment of personnel at high risk, high threat posts.

TITLE III—SECURITY TRAINING

- Sec. 301. Security training for personnel assigned to high risk, high threat posts.
- Sec. 302. Report to Congress.

TITLE IV—DEATH GRATUITY

- Sec. 401. Death gratuity.
- Sec. 402. Increased group life insurance and survivors' educational benefits applicable to those killed in terrorist attacks.
- Sec. 403. Retroactive payment.
- Sec. 404. Authorization of appropriations.
- Sec. 405. Conforming amendment.

3 **SEC. 2. FINDINGS.**

4 Congress finds the following:

- 5 (1) On September 11 and 12, 2012, terrorists
- 6 attacked the United States Special Mission com-
- 7 pound and Annex in Benghazi, Libya.

1 (2) The attacks resulted in the deaths of Am-
2 bassador John Christopher Stevens, Sean Smith,
3 Tyrone Woods, and Glen Doherty, in addition to se-
4 verely wounding other United States personnel and
5 Libyan guards.

6 (3) The United States personnel in Benghazi
7 performed bravely in protecting their colleagues de-
8 spite the scale and intensity of the attacks.

9 (4) An Accountability Review Board chaired
10 ably by Ambassador Thomas R. Pickering and vice-
11 chaired by Admiral Michael Mullen, former Chair-
12 man of the Joint Chiefs of Staff, was subsequently
13 convened to examine security failures leading to the
14 attacks.

15 (5) The Board found, in particular, the fol-
16 lowing:

17 (A) Systemic failures in leadership and
18 management at the Department of State led to
19 inadequate security and unclear lines of respon-
20 sibility for security considerations in Benghazi.

21 (B) Physical security at the site was inad-
22 equate and local Libyan responders failed to
23 adequately respond to the sudden penetration of
24 the mission.

1 (C) There were no immediate, specific tac-
2 tical warnings of an attack although officials
3 were aware of intelligence gaps on militia activ-
4 ity in Libya and the threat such activity posed
5 to United States interests.

6 (6) The Board made 29 recommendations for
7 the Department of State, including—

8 (A) enhancing security in high risk, high
9 threat posts and reviewing the balance between
10 the risk and benefits of a particular post;

11 (B) reexamining organization and manage-
12 ment with a focus on security planning in the
13 Bureau of Diplomatic Security;

14 (C) establishing minimum security stand-
15 ards for temporary facilities, such as Benghazi,
16 in high risk, high threat environments; and

17 (D) improving training for personnel serv-
18 ing in high risk, high threat posts.

19 (7) Former Secretary of State Hillary Clinton
20 accepted all of the Board's recommendations and di-
21 rected that they be implemented.

22 (8) United States public servants work in dan-
23 gerous places around the world to advance United
24 States interests and values, and it is not possible to

1 conduct robust diplomatic and development efforts
2 without inherent risk.

3 (9) The dedicated men and women of the for-
4 foreign and civil service are worthy of a serious and
5 sustained commitment to enhancing security and
6 better protecting them when they serve in hostile en-
7 vironments.

8 **SEC. 3. DEFINITIONS.**

9 In this Act:

10 (1) **APPROPRIATE CONGRESSIONAL COMMIT-**
11 **TEES.**—The term “appropriate congressional com-
12 mittees” means the Committee on Foreign Affairs of
13 the House of Representatives and the Committee on
14 Foreign Relations of the Senate.

15 (2) **HIGH RISK, HIGH THREAT POST.**—The term
16 “high risk, high threat post” means a United States
17 diplomatic or consular post, as determined by the
18 Secretary of State, that, among other factors, is—

19 (A) located in a country—

20 (i) with high to critical levels of polit-
21 ical violence and terrorism; and

22 (ii) the government of which lacks the
23 capacity or willingness to provide adequate
24 security; and

1 (B) with mission physical security plat-
2 forms that fall below the Department of State's
3 established standards.

4 (3) SECRETARY.—The term “Secretary” means
5 the Secretary of State.

6 **TITLE I—REVIEW AND** 7 **PLANNING REQUIREMENTS**

8 **SEC. 101. DESIGNATION OF HIGH RISK, HIGH THREAT** 9 **POSTS AND WORKING GROUPS.**

10 (a) IN GENERAL.—Title I of the Omnibus Diplomatic
11 Security and Antiterrorism Act of 1986 (22 U.S.C. 4801
12 et seq.; relating to diplomatic security) is amended by in-
13 serting after section 103 the following new sections:

14 **“SEC. 104. DESIGNATION OF HIGH RISK, HIGH THREAT** 15 **POSTS.**

16 “(a) INITIAL DESIGNATION.—Not later than 30 days
17 after the date of the enactment of this section, the Sec-
18 retary shall submit to the appropriate congressional com-
19 mittees a report, in classified form, that contains an initial
20 list of diplomatic and consular posts designated as high
21 risk, high threat posts.

22 “(b) DESIGNATIONS BEFORE OPENING OR REOPEN-
23 ING POSTS.—Before opening or reopening a diplomatic or
24 consular post, the Secretary shall determine if such post
25 should be designated as a high risk, high threat post.

1 “(c) DESIGNATING EXISTING POSTS.—The Secretary
2 shall regularly review existing diplomatic and consular
3 posts to determine if any such post should be designated
4 as a high risk, high threat post if conditions at such post
5 or the surrounding security environment require such a
6 designation.

7 “(d) DEFINITIONS.—In this section and section 105:

8 “(1) APPROPRIATE CONGRESSIONAL COMMIT-
9 TEES.—The term ‘appropriate congressional com-
10 mittees’ means the Committee on Foreign Affairs of
11 the House of Representatives and the Committee on
12 Foreign Relations of the Senate.

13 “(2) HIGH RISK, HIGH THREAT POST.—The
14 term ‘high risk, high threat post’ means a United
15 States diplomatic or consular post, as determined by
16 the Secretary, that, among other factors, is—

17 “(A) located in a country—

18 “(i) with high to critical levels of po-
19 litical violence and terrorism; and

20 “(ii) the government of which lacks
21 the ability or willingness to provide ade-
22 quate security; and

23 “(B) with mission physical security plat-
24 forms that fall below the Department of State’s
25 established standards.

1 **“SEC. 105. WORKING GROUPS FOR HIGH RISK, HIGH**
2 **THREAT POSTS.**

3 “(a) **ESTABLISHMENT.**—Before opening or reopening
4 a high risk, high threat post, the Secretary shall establish
5 a working group that is responsible for the geographic
6 area in which such post is to be opened or reopened.

7 “(b) **DUTIES.**—The duties of the working group es-
8 tablished in accordance with subsection (a) shall include—

9 “(1) evaluating the importance of the objectives
10 of the proposed post to the national security of the
11 United States, and the type and level of security
12 threats such post could encounter;

13 “(2) completing working plans to expedite the
14 approval and funding for establishing and operating
15 such post, implementing physical security measures,
16 providing necessary security and management per-
17 sonnel, and the provision of necessary equipment;
18 and

19 “(3) establishing security benchmarks that
20 would determine specific action, including enhanced
21 security measures or evacuation of such post, based
22 on the improvement or deterioration of the local se-
23 curity environment.

24 “(c) **COMPOSITION.**—The working group may be
25 composed of representatives of the—

26 “(1) appropriate regional bureau;

1 “(2) Bureau of Diplomatic Security;
2 “(3) Bureau of Overseas Building Operations;
3 “(4) Bureau of Intelligence and Research; and
4 “(5) other bureaus or offices as determined by
5 the Secretary.

6 “(d) CONGRESSIONAL NOTIFICATION.—Not less than
7 15 days before opening or reopening a high risk, high
8 threat post, the Secretary shall notify the appropriate con-
9 gressional committees in classified form of—

10 “(1) the decision to open or reopen such post;
11 and

12 “(2) the results of the working group under
13 subsection (b).”.

14 (b) CONFORMING AMENDMENT.—The table of con-
15 tents of the Omnibus Diplomatic Security and
16 Antiterrorism Act of 1986 is amended by inserting after
17 the item relating to section 103 the following new items:

“Sec. 104. Designation of high risk, high threat posts.

“Sec. 105. Working groups for high risk, high threat posts.”.

18 **SEC. 102. CONTINGENCY PLANS FOR HIGH RISK, HIGH**
19 **THREAT POSTS.**

20 Section 606(a) of the Secure Embassy Construction
21 and Counterterrorism Act of 1999 (22 U.S.C. 4865(a);
22 relating to diplomatic security) is amended—

23 (1) in paragraph (1)(A)—

1 (A) by inserting “and from complex at-
2 tacks” after “attacks from vehicles”; and

3 (B) by inserting “or such a complex at-
4 tack” before the period at the end;

5 (2) in paragraph (7), by inserting before the pe-
6 riod at the end the following: “, including at high
7 risk, high threat posts (as such term is defined in
8 section 104 of the Omnibus Diplomatic Security and
9 Antiterrorism Act of 1986), including options for the
10 deployment of additional military personnel or equip-
11 ment to bolster security and rapid deployment of
12 armed or surveillance assets in response to an at-
13 tack”.

14 **SEC. 103. SENSE OF CONGRESS REGARDING STRATEGIC RE-**
15 **VIEW OF BUREAU OF DIPLOMATIC SECURITY.**

16 (a) IN GENERAL.—It is the sense of Congress that
17 the Secretary of State should complete a strategic review
18 of the Bureau of Diplomatic Security of the Department
19 of State to ensure that the mission and activities of the
20 Bureau are fulfilling the current and projected needs of
21 the Department of State.

22 (b) CONTENTS OF REVIEW.—The strategic review de-
23 scribed in subsection (a) should include assessments of—

24 (1) staffing needs for both domestic and inter-
25 national operations;

1 (2) facilities under chief of mission authority
2 adhering to security standards;

3 (3) security personnel with the necessary lan-
4 guage skills for assignment to overseas posts;

5 (4) programs being carried out by personnel
6 with the necessary experience and at commensurate
7 grade levels;

8 (5) necessary security training provided to per-
9 sonnel under chief of mission authority for expected
10 assignments and objectives;

11 (6) balancing security needs with an ability to
12 carry out the diplomatic mission of the Department
13 of State; and

14 (7) the budgetary implications of balancing
15 multiple missions.

16 **TITLE II—PHYSICAL SECURITY**
17 **AND PERSONNEL REQUIRE-**
18 **MENTS**

19 **SEC. 201. CAPITAL SECURITY COST SHARING PROGRAM.**

20 (a) AUTHORIZATION OF APPROPRIATIONS.—There is
21 authorized to be appropriated for fiscal year 2014 for the
22 Department of State \$1,383,000,000, to be available until
23 expended, for the Capital Security Cost Sharing Program,
24 authorized by section 604(e) of Secure Embassy Construc-
25 tion and Counterterrorism Act of 1999 (title VI of division

1 A of H.R. 3427, as enacted into law by section 1000(a)(7)
2 of Public Law 106–113; 113 Stat. 1501A–453; 22 U.S.C.
3 4865 note).

4 (b) SENSE OF CONGRESS ON THE CAPITAL SECURITY
5 COST SHARING PROGRAM.—It is the sense of Congress
6 that the Capital Security Cost Sharing Program should
7 prioritize the construction of new facilities and the mainte-
8 nance of existing facilities at high risk, high threat posts.

9 (c) RESTRICTION ON CONSTRUCTION OF OFFICE
10 SPACE.—Section 604(e)(2) of the Secure Embassy Con-
11 struction and Counterterrorism Act of 1999 (title VI of
12 division A of H.R. 3427, as enacted into law by section
13 1000(a)(7) of Public Law 106–113; 113 Stat. 1501A–
14 453; 22 U.S.C. 4865 note) is amended by adding at the
15 end the following new sentence: “A project to construct
16 a diplomatic facility of the United States may not include
17 office space or other accommodations for an employee of
18 a Federal department or agency if the Secretary of State
19 determines that such department or agency has not pro-
20 vided to the Department of State the full amount of fund-
21 ing required by paragraph (1), except that such project
22 may include office space or other accommodations for
23 members of the United States Marine Corps.”.

1 **SEC. 202. LOCAL GUARD CONTRACTS ABROAD UNDER DIP-**
2 **LOMATIC SECURITY PROGRAM.**

3 (a) IN GENERAL.—Section 136(c)(3) of the Foreign
4 Relations Authorization Act, Fiscal Years 1990 and 1991
5 (22 U.S.C. 4864(c)(3)) is amended to read as follows:

6 “(3) in evaluating proposals for such contracts,
7 award contracts to technically acceptable firms offer-
8 ing the lowest evaluated price, except that—

9 “(A) the Secretary may award contracts on
10 the basis of best value (as determined by a cost-
11 technical tradeoff analysis); and

12 “(B) proposals received from United
13 States persons and qualified United States joint
14 venture persons shall be evaluated by reducing
15 the bid price by 10 percent;”.

16 (b) REPORT.—Not later than 1 year after the date
17 of the enactment of this Act, the Secretary shall submit
18 to the appropriate congressional committees a report that
19 includes—

20 (1) an explanation of the implementation of
21 paragraph (3) of section 136(c) of the Foreign Rela-
22 tions Authorization Act, Fiscal Years 1990 and
23 1991, as amended by subsection (a); and

24 (2) for each instance in which an award is
25 made pursuant to subparagraph (A) of such para-
26 graph, as so amended, a written justification and ap-

1 proval, providing the basis for such award and an
2 explanation of the inability to satisfy the needs of
3 the Department of State by technically acceptable,
4 lowest price evaluation award.

5 **SEC. 203. TRANSFER AUTHORITY.**

6 Section 4 of the Foreign Service Buildings Act, 1926
7 (22 U.S.C. 295) is amended by adding at the end the fol-
8 lowing new subsections:

9 “(j) In addition to exercising any other transfer au-
10 thority available to the Secretary of State, and subject to
11 subsection (k), the Secretary may transfer to, and merge
12 with, any appropriation for embassy security, construc-
13 tion, and maintenance such amounts appropriated for any
14 other purpose related to the administration of foreign af-
15 fairs on or after October 1, 2013, as the Secretary deter-
16 mines necessary to provide for the security of sites and
17 buildings in foreign countries under the jurisdiction and
18 control of the Secretary.

19 “(k) Not later than 15 days before any transfer of
20 funds pursuant to subsection (j), the Secretary of State
21 shall notify the Committees on Foreign Relations and Ap-
22 propriations of the Senate and the Committees on Foreign
23 Affairs and Appropriations of the House of Representa-
24 tives of such transfer.”.

1 **SEC. 204. PHYSICAL SECURITY OF CERTAIN SOFT TARGETS.**

2 Section 29 of the State Department Basic Authorities
3 Act of 1956 (22 U.S.C. 2701) is amended, in the third
4 sentence, by inserting “physical security enhancements
5 and” after “may include”.

6 **SEC. 205. REEMPLOYMENT OF ANNUITANTS.**

7 Section 824(g) of the Foreign Service Act of 1980
8 (22 U.S.C. 4064(g)) is amended—

9 (1) in paragraph (1)—

10 (A) in subparagraph (B), by striking “to
11 facilitate the” and all that follows through “Af-
12 ghanistan,”; and

13 (B) by aligning the margins of subpara-
14 graph (C) with the margins of subparagraph
15 (B);

16 (2) by striking paragraph (2); and

17 (3) by redesignating paragraph (3) as para-
18 graph (2).

19 **SEC. 206. EXEMPTIONS FROM CERTAIN PROTEST PROCE-
20 DURES FOR NON-COMPETE CONTRACTING IN
21 EXIGENT CIRCUMSTANCES.**

22 A determination by the Department of State to use
23 a procurement competition exemption under section 3304
24 of title 41, United States Code, in order to meet emer-
25 gency security requirements shall not be subject to chal-
26 lenge by protest under either sections 3551 through 3557

1 of title 31, United States Code, or section 1491 of title
2 28, United States Code.

3 **SEC. 207. SENSE OF CONGRESS ON MINIMUM SECURITY**
4 **STANDARDS FOR TEMPORARY UNITED**
5 **STATES DIPLOMATIC AND CONSULAR POSTS.**

6 It is the sense of Congress that—

7 (1) the Overseas Security Policy Board’s secu-
8 rity standards for facilities should apply to all facili-
9 ties regardless of the duration of their occupancy;
10 and

11 (2) such facilities should comply with require-
12 ments for attaining a waiver or exception to applica-
13 ble standards if it is in the national interest of the
14 United States.

15 **SEC. 208. SENSE OF CONGRESS ON ASSIGNMENT OF PER-**
16 **SONNEL AT HIGH RISK, HIGH THREAT POSTS.**

17 It is the sense of Congress that the Secretary of State
18 should station key personnel for sustained periods of time
19 at high risk, high threat posts in order to—

20 (1) establish institutional knowledge and situa-
21 tional awareness that would allow for a fuller famil-
22 iarization of the local political and security environ-
23 ment; and

24 (2) ensure that necessary security steps are im-
25 plemented.

1 **TITLE III—SECURITY TRAINING**

2 **SEC. 301. SECURITY TRAINING FOR PERSONNEL ASSIGNED**
3 **TO HIGH RISK, HIGH THREAT POSTS.**

4 (a) IN GENERAL.—Title IV of the Omnibus Diplo-
5 matic Security and Antiterrorism Act of 1986 (22 U.S.C.
6 4851 et seq.; relating to diplomatic security) is amended
7 by adding at the end the following new sections:

8 **“SEC. 416. SECURITY TRAINING FOR PERSONNEL ASSIGNED**
9 **TO A HIGH RISK, HIGH THREAT POST.**

10 “(a) IN GENERAL.—Individuals assigned perma-
11 nently to or who are in long-term temporary duty status
12 as designated by the Secretary at a high risk, high threat
13 post shall receive security training described in subsection
14 (b) on a mandatory basis in order to prepare such individ-
15 uals for living and working at such posts.

16 “(b) SECURITY TRAINING DESCRIBED.—Security
17 training referred to in subsection (a)—

18 “(1) is training to improve basic knowledge and
19 skills; and

20 “(2) may include—

21 “(A) an ability to recognize, avoid, and re-
22 spond to potential terrorist situations, including
23 a complex attack;

24 “(B) conducting surveillance detection;

25 “(C) providing emergency medical care;

1 “(D) awareness of improvised explosive de-
2 vices;

3 “(E) firearms familiarization; and

4 “(F) defensive driving maneuvers.

5 “(c) EFFECTIVE DATE.—The requirements of this
6 section shall take effect beginning on the date that is one
7 year after the date of the enactment of this section.

8 “(d) DEFINITION.—In this section and sections 417
9 and 418, the term ‘high risk, high threat post’ has the
10 meaning given such term in section 104.

11 “(e) AUTHORIZATION OF APPROPRIATIONS.—There
12 is authorized to be appropriated such sums as may be nec-
13 essary to carry out this section.

14 **“SEC. 417. SECURITY MANAGEMENT TRAINING FOR OFFI-
15 CIALS ASSIGNED TO A HIGH RISK, HIGH
16 THREAT POST.**

17 “(a) IN GENERAL.—Officials described in subsection
18 (c) who are assigned to a high risk, high threat post shall
19 receive security training described in subsection (b) on a
20 mandatory basis in order to improve the ability of such
21 officials to make security-related management decisions.

22 “(b) SECURITY TRAINING DESCRIBED.—Security
23 training referred to in subsection (a) may include—

24 “(1) development of skills to better evaluate
25 threats;

1 “(2) effective use of security resources to miti-
2 gate such threats; and

3 “(3) improved familiarity of available security
4 resources.

5 “(c) OFFICIALS DESCRIBED.—Officials referred to in
6 subsection (a) are—

7 “(1) members of the Senior Foreign Service ap-
8 pointed under section 302(a)(1) or 303 of the For-
9 eign Service Act of 1980 (22 U.S.C. 3942(a)(1) and
10 3943) or members of the Senior Executive Service
11 (as such term is described in section 3132(a)(2) of
12 title 5, United States Code);

13 “(2) Foreign Service officers appointed under
14 section 302(a)(1) of the Foreign Service Act of 1980
15 (22 U.S.C. 3942(a)(1)) holding a position in classes
16 FS–1, FS–2, or FS–3; and

17 “(3) individuals holding a position in grades
18 GS–13, GS–14, or GS–15.

19 “(d) EFFECTIVE DATE.—The requirements of this
20 section shall take effect beginning on the date that is 1
21 year after the date of the enactment of this section.

22 “(e) AUTHORIZATION OF APPROPRIATIONS.—There
23 is authorized to be appropriated to carry out this section
24 such sums as may be necessary.

1 **“SEC. 418. LANGUAGE REQUIREMENTS FOR DIPLOMATIC**
2 **SECURITY PERSONNEL ASSIGNED TO HIGH**
3 **RISK, HIGH THREAT POST.**

4 “(a) IN GENERAL.—Diplomatic security personnel
5 assigned permanently to or who are in long-term tem-
6 porary duty status as designated by the Secretary at a
7 high risk, high threat post should receive language train-
8 ing described in subsection (b) in order to prepare such
9 personnel for duty requirements at such post.

10 “(b) LANGUAGE TRAINING DESCRIBED.—Language
11 training referred to in subsection (a) should prepare per-
12 sonnel described in such subsection to—

13 “(1) speak the language at issue with sufficient
14 structural accuracy and vocabulary to participate ef-
15 fectively in most formal and informal conversations;
16 and

17 “(2) read within a normal range of speed and
18 with almost complete comprehension.

19 “(c) AUTHORIZATION OF APPROPRIATIONS.—There
20 are authorized to be appropriated to carry out this section
21 such sums as may be necessary.”

22 (b) CONFORMING AMENDMENT.—The table of con-
23 tents of the Omnibus Diplomatic Security and
24 Antiterrorism Act of 1986 is amended by inserting after
25 the item relating to section 415 the following new items:

“Sec. 416. Security training for personnel assigned to a high risk, high threat post.

“Sec. 417. Security management training for officials assigned to a high risk, high threat post.

“Sec. 418. Language requirements for diplomatic security personnel assigned to high risk, high threat post.”.

1 **SEC. 302. REPORT TO CONGRESS.**

2 Not later than 18 months after the date of the enact-
3 ment of this Act, the Secretary shall submit to the appro-
4 priate congressional committees a report on the implemen-
5 tation of this title.

6 **TITLE IV—DEATH GRATUITY**

7 **SEC. 401. DEATH GRATUITY.**

8 Section 413 of the Foreign Service Act of 1980 (22
9 U.S.C. 3973) is amended—

10 (1) in subsection (a), by striking “at the time
11 of death” and inserting “at level II of the Executive
12 Schedule under section 5313 of title 5, United
13 States Code, as in effect at the time of death, except
14 that for employees compensated under local com-
15 pensation plans established under section 408, the
16 amount shall be equal to the greater of either one
17 year’s salary at the time of death, or one year’s
18 basic salary at the highest step of the highest grade
19 on the local compensation plan from which the em-
20 ployee was being paid at the time of death”;

21 (2) in subsection (b), by adding at the end the
22 following: “The Secretary may waive the require-

1 ment that the survivor be entitled to elect monthly
2 compensation under section 8133 of title 5, United
3 States Code, if the survivor would otherwise be enti-
4 tled to payment under this section and the Secretary
5 determines such waiver is appropriate under the cir-
6 cumstances.”;

7 (3) by amending subsection (c) to read as fol-
8 lows:

9 “(c) ORDER OF PAYMENT.—A death gratuity pay-
10 ment under this section shall be made as follows:

11 “(1) First, to the widow or widower.

12 “(2) Second, to the familial designee, if there is
13 no widow or widower.

14 “(3) Third, to the child, or children in equal
15 shares, if there is no widow, widower, or familial
16 designee.

17 “(4) Fourth, to the parent, or parents in equal
18 shares, if there is no widow, widower, familial des-
19 ignee, or child.

20 If there is no survivor entitled to payment under this sub-
21 section, no payment shall be made.”;

22 (4) in subsection (d)—

23 (A) in paragraph (1), by striking “and”
24 after the semicolon;

1 (B) in paragraph (2), by striking the pe-
2 riod and inserting “; and”; and

3 (C) adding at the end the following:

4 “(3) the term ‘familial designee’ means the eli-
5 gible family member whom the decedent has des-
6 igned as the recipient of this benefit under regula-
7 tions of the Department of State”;

8 (5) by redesignating subsections (b), (c), and
9 (d) as subsections (d), (e), and (f); and

10 (6) by inserting after subsection (a) the fol-
11 lowing new subsections:

12 “(b) PAYMENT TO SURVIVORS OF EMPLOYEES OF
13 AGENCIES.—The head of an executive agency shall, with
14 the concurrence of the Secretary of State, make a death
15 gratuity payment authorized by this section to the sur-
16 vivors, as set forth in subsection (e), of any employee of
17 that agency who dies as a result of injuries sustained in
18 the performance of duty abroad while subject to the au-
19 thority of the chief of mission under section 207.

20 “(c) PAYMENT TO SURVIVORS OF INTERNS.—The
21 Secretary may make a death gratuity payment of up to
22 \$500,000 to the survivors, as set forth in subsection (e),
23 of an intern serving at a United States diplomatic or con-
24 sular mission abroad without a regular salary who dies
25 as a result of injuries sustained because of an act of ter-

1 rorism occurring while on duty abroad, and who is not
2 otherwise compensated under this section.”.

3 **SEC. 402. INCREASED GROUP LIFE INSURANCE AND SUR-**
4 **VIVORS’ EDUCATIONAL BENEFITS APPLICA-**
5 **BLE TO THOSE KILLED IN TERRORIST AT-**
6 **TACKS.**

7 (a) IN GENERAL.—Chapter 4 of the Foreign Service
8 Act of 1980 (22 U.S.C. 3961 et seq.) is amended by add-
9 ing at the end the following new sections:

10 **“SEC. 415. GROUP LIFE INSURANCE SUPPLEMENT FOR**
11 **THOSE KILLED IN TERRORIST ATTACKS.**

12 “(a) FOREIGN SERVICE EMPLOYEES.—Notwith-
13 standing the amounts specified in chapter 87 of title 5,
14 United States Code, a Foreign Service employee who dies
15 while on duty abroad as a result of injuries sustained be-
16 cause of an act of terrorism occurring while on duty
17 abroad shall be eligible, at the Secretary’s discretion, for
18 an additional payment from the United States in an
19 amount equal to the difference between that employee’s
20 employer-provided group life insurance policy coverage (if
21 any) and \$400,000, except that for employees com-
22 pensated under local compensation plans established
23 under section 408, the amount shall be determined by reg-
24 ulations implemented by the Secretary and shall be no
25 greater than \$400,000. This payment shall be made to

1 the beneficiary designated under the employee's employer-
2 provided group life insurance policy. If no beneficiary is
3 named, the payment shall be made according to the order
4 of precedence specified by the Office of Personnel Manage-
5 ment under section 870.801 of title 5, Code of Federal
6 Regulations (or successor regulation).

7 “(b) EMPLOYEES OF OTHER AGENCIES.—The head
8 of an executive agency shall, with the concurrence of the
9 Secretary of State, provide the additional payment author-
10 ized by this section, consistent with the provisions set
11 forth in section (a), with respect to any employee of that
12 agency who dies as a result of injuries sustained because
13 of an act of terrorism occurring while on duty abroad and
14 while subject to the authority of a chief of mission under
15 section 207.

16 “(c) TERRORISM DEFINED.—In this section and sec-
17 tion 416, the term ‘terrorism’ has the meaning given that
18 term in section 140(d) of the Foreign Relations Authoriza-
19 tion Act, Fiscal Years 1988 and 1989 (22 U.S.C.
20 2656f(d)).

21 **“SEC. 416. EDUCATIONAL ASSISTANCE FOR SURVIVORS**
22 **AND DEPENDENTS.**

23 “(a) SURVIVORS OF FOREIGN SERVICE EMPLOY-
24 EES.—The Secretary shall provide educational assistance
25 to a widow, widower, familial designee, or child(ren) of any

1 United States national Foreign Service employee who dies
2 while on duty abroad as a result of injuries sustained be-
3 cause of an act of terrorism occurring while on duty
4 abroad, to meet, in whole or in part, the expenses incurred
5 by that widow, widower, familial designee, or child(ren)
6 in pursuing a program of education at an educational in-
7 stitution, including subsistence, tuition, fees, supplies,
8 books, equipment, and other educational costs.

9 “(b) SURVIVORS OF EMPLOYEES OF OTHER AGEN-
10 CIES.—The head of an executive agency shall, with the
11 concurrence of the Secretary of State, provide educational
12 assistance authorized by this section to a widow, widower,
13 familial designee, or child(ren) of any employee of that
14 agency who dies as a result of injuries sustained because
15 of an act of terrorism occurring while on duty abroad and
16 while subject to the authority of a chief of mission under
17 section 207.

18 “(c) LIMITATION ON AMOUNT OF ASSISTANCE.—
19 Educational assistance under this section may be made
20 available up to the amounts provided for in section 3532
21 of title 38, United States Code, as adjusted by section
22 3564 of title 38, United States Code, and for an aggregate
23 period of not more than 45 months.

24 “(d) DEFINITIONS.—For purposes of this section, the
25 terms ‘program of education’ and ‘educational institution’

1 have the meanings given those terms in section 3501 of
2 title 38, United States Code.”.

3 (b) CLERICAL AMENDMENT.—The table of contents
4 in section 2 of the Foreign Service Act of 1980 is amended
5 by inserting after the item relating to section 414 the fol-
6 lowing new items:

“Section 415. Group life insurance supplement for those killed in terrorist at-
tacks.

“Section 416. Educational assistance for survivors and dependents.”.

7 **SEC. 403. RETROACTIVE PAYMENT.**

8 At the discretion of the Secretary of State, and not-
9 withstanding any other provision of law, sections 413,
10 415, and 416 of the Foreign Service Act of 1980 may
11 apply in the case of a Foreign Service employee, executive
12 branch employee subject to the authority of the chief of
13 mission under section 207 of the Foreign Service Act of
14 1980, or intern serving at a United States diplomatic or
15 consular mission abroad without a regular salary, who
16 died on or after April 18, 1983, and before the date of
17 the enactment of this Act, as a result of injuries sustained
18 because of an act of terrorism, as defined in section 140(d)
19 of the Foreign Relations Authorization Act, Fiscal Years
20 1988 and 1989 (22 U.S.C. 2656f(d)). Any retroactive pay-
21 ments made under this section shall be reduced by the
22 amount of any death gratuity or employer-provided group
23 life insurance payment previously provided by the United

1 States to any widow, widower, familial designee,
2 child(ren), or other beneficiary based on the same death.

3 **SEC. 404. AUTHORIZATION OF APPROPRIATIONS.**

4 (a) FUNDING FROM AGENCY ACCOUNTS.—Any ben-
5 efit or payment made available under this Act by an agen-
6 cy of the United States shall be paid from available funds
7 of that agency.

8 (b) DEPARTMENT OF STATE FUNDS.—(1) Amounts
9 made available to the Department of State pursuant to
10 the sixth proviso under the heading “Department of
11 State—Administration of Foreign Affairs—Diplomatic and
12 Consular Programs” in title I of the Department of State,
13 Foreign Operations, and Related Programs Appropria-
14 tions Act, 2008 (division J of Public Law 110–161) are
15 authorized to be used by the Department of State to pay
16 benefits or payments made available under this Act.

17 (2) To pay benefits or payments made available
18 under this Act, the Secretary of State may merge with
19 the funds described in paragraph (1) unobligated balances
20 of funds appropriated under the heading “Department of
21 State—Administration of Foreign Affairs—Diplomatic and
22 Consular Programs” in an appropriations Act for fiscal
23 year 2013 or for any fiscal year hereafter, until not later
24 than the end of the fifth fiscal year after the fiscal year

1 for which such funds were first appropriated or otherwise
2 made available.

3 **SEC. 405. CONFORMING AMENDMENT.**

4 The table of contents of the Foreign Service Act of
5 1980 is amended by inserting after the item relating to
6 section 414 the following new items:

“Sec. 415. Group life insurance supplement for those killed in terrorist attacks.

“Sec. 416. Educational assistance for survivors and dependents.”.

