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S. 2236

[Report No. 95-908]

[Report No. 95-970]

[Report No. 95-1079]

IN THE SENATE OF THE UNITED STATES

OCTOBER 25 (legislative day, OCTOBER 21), 1977

Mr. RIBICOFF (for himself, Mr. JAVITS, Mr. PERCY, Mr. BENTSEN, Mr. CASE, Mr. CHILES, Mr. DOLE, Mr. DURKIN, Mr. EAGLETON, Mr. GARN, Mr. GLENN, Mr. GRIFFIN, Mr. MARK O. HATFIELD, Mr. HEINZ, Mr. HELMS, Mrs. HUMPHREY, Mr. JACKSON, Mr. MATHIAS, Mr. MATSUNAGA, Mr. McCLELLAN, Mr. MCGOVERN, Mr. MCINTYRE, Mr. MELCHER, Mr. METCALF, Mr. METZENBAUM, Mr. MORGAN, Mr. MOYNIHAN, Mr. NUNN, Mr. RANDOLPH, Mr. SARBANES, Mr. SASSER, Mr. SCHMITT, Mr. SCHWEIKER, Mr. STAFFORD, Mr. STEVENS, and Mr. YOUNG) introduced the following bill; which was read twice and referred to the Committee on Governmental Affairs and if and when reported to be referred jointly by unanimous consent to the Committees on Commerce, Science, and Transportation and Foreign Relations for not to exceed thirty days

DECEMBER 7, 1977

Referred to the Committee on Governmental Affairs and if and when reported to be referred by unanimous consent jointly to the Committees on Commerce, Science, and Transportation and Foreign Relations for not to exceed thirty days, with further instructions that when reported by those two committees, it then be referred to the Select Committee on Intelligence under the provisions of S. Res. 400 (94th Cong. 2d Sess.)

MAY 23 (legislative day, MAY 17), 1978

Reported by Mr. RIBICOFF, with an amendment, and an amendment to the title
[Strike out all after the enacting clause and insert the part printed in italic]

MAY 23 (legislative day, MAY 17), 1978

Referred jointly to the Committees on Commerce, Science, and Transportation and Foreign Relations, pursuant to previous order, through June 22, 1978

JUNE 23 (legislative day, MAY 17), 1978

Referred jointly to the Committee on Foreign Relations and the Committee on Commerce, Science, and Transportation for a period not to extend beyond July 10, 1978, and at the conclusion of this period, that the bill be referred to the Select Committee on Intelligence under the provisions of S. Res. 400 (94th Cong. 2d Sess.).

JULY 10 (legislative day, MAY 17), 1978

Reported by Mr. SPARKMAN, with amendments, and referred to the Select Committee on Intelligence, under the provisions of S. Res. 400, 94th Cong. 2d Sess., to be reported back not later than Wednesday, August 9, 1978.

[Strike out all in boldface brackets and insert the part in boldface italic]

AUGUST 9 (legislative day, MAY 17), 1978

Reported by Mr. BAYH, with amendments

[Omit the part printed in linetype italic and insert the part printed in boldface roman]

A BILL

To effect certain reorganization of the Federal Government to strengthen Federal programs and policies for combating international and domestic terrorism.

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

1 ~~SECTION 1. This Act may be cited as the "Omnibus~~
2 ~~Antiterrorism Act of 1977".~~

3 ~~SEC. 2. TABLE OF CONTENTS.—~~

- ~~Sec. 1. Title.~~
- ~~Sec. 2. Table of contents.~~
- ~~Sec. 3. Declaration of findings.~~
- ~~Sec. 4. Declaration of purposes.~~
- ~~Sec. 5. Definitions.~~

~~TITLE I REORGANIZATION OF EXECUTIVE OFFICE OF THE PRESIDENT~~

- ~~Sec. 101. Establishment of Council to Combat Terrorism.~~
- ~~Sec. 102. Council functions.~~
- ~~Sec. 103. Council membership.~~
- ~~Sec. 104. Report on terrorist enterprises.~~
- ~~Sec. 105. List of Countries Aiding Terrorist Enterprises.~~
- ~~Sec. 106. Sanctions against countries aiding terrorist enterprises.~~
- ~~Sec. 107. List of Dangerous Foreign Airports.~~
- ~~Sec. 108. Sanctions against dangerous foreign airports.~~
- ~~Sec. 109. Transfer of existing functions and property.~~

~~TITLE II REORGANIZATION OF THE DEPARTMENT OF STATE~~

- ~~Sec. 201. Establishment of Bureau for Combating International Terrorism.~~
- ~~Sec. 202. Bureau functions.~~
- ~~Sec. 203. Priorities for negotiation of international agreements.~~
- ~~Sec. 204. Implementation of Montreal Convention.~~
- ~~Sec. 205. Defense sales to individuals, groups.~~
- ~~Sec. 206. United States Munitions List.~~
- ~~Sec. 207. Transfer of existing functions and property.~~

~~TITLE III REORGANIZATION OF THE DEPARTMENT OF JUSTICE~~

- ~~Sec. 301. Establishment of Office for Combating Terrorism.~~
- ~~Sec. 302. Office functions.~~
- ~~Sec. 303. Extension of existing safety and security measures.~~
- ~~Sec. 305. Mandatory use of explosive taggants.~~

21 ~~TITLE IV AIRCRAFT SABOTAGE AND PIRACY~~

- ~~Sec. 401. Aircraft sabotage.~~
- ~~Sec. 402. Aircraft piracy.~~

22 ~~DECLARATION OF FINDINGS~~

23 ~~SEC. 3. The Congress hereby finds and declares that~~
24 ~~because of the serious threat to human life, property, the~~
25 ~~sovereign rights of United States citizens, international trade~~
26

1 ~~and travel, which is posed by terrorism, coordination and~~
2 ~~the assignment of a high priority in the executive branch~~
3 ~~to United States policy for combating such terrorism is im-~~
4 ~~perative. Further, the Congress finds that a Council for~~
5 ~~Combating Terrorism (hereinafter referred to as "Council")~~
6 ~~must be established in the Executive Office of the President~~
7 ~~to assure consistency in the management of such policy, to~~
8 ~~assure an efficient response to emergency and crisis situa-~~
9 ~~tions, and to press for international sanctions against con-~~
10 ~~victed terrorists. Further, the Congress finds and declares it~~
11 ~~necessary to provide for an Assistant Secretary of State and~~
12 ~~an Assistant Attorney General to assure high-level attention~~
13 ~~to activities to combat terrorism in the United States De-~~
14 ~~partment of State and United States Department of Justice.~~
15 ~~Further, the Congress finds and declares that economic sanc-~~
16 ~~tions should be directed at countries which harbor, aid, abet,~~
17 ~~or assist terrorists.~~

18 ~~DECLARATION OF PURPOSES~~

19 ~~SEC. 4. The Congress therefore declares that the estab-~~
20 ~~lishment of a Council for Combating Terrorism and the as-~~
21 ~~signment of a high priority to antiterrorist policy is in the~~
22 ~~public interest to promote the welfare of American citizens~~
23 ~~by assuring coordinated and effective administration of Fed-~~
24 ~~eral programs and policies for combating terrorism. It is~~
25 ~~the purpose of this Act—~~

1 ~~(a) to establish in the Executive Office of the Pres-~~
2 ~~ident a permanent Council for Combating Terrorism;~~

3 ~~(b) to establish in the Department of State a Bu-~~
4 ~~reau, headed by an Assistant Secretary, to coordinate~~
5 ~~the responsibilities of that Department for combating~~
6 ~~international terrorism;~~

7 ~~(c) to establish in the Department of Justice an~~
8 ~~Office, headed by an Assistant Attorney General, to~~
9 ~~coordinate the responsibilities of that Department for~~
10 ~~combating terrorism;~~

11 ~~(d) to bring together in the new offices the responsi-~~
12 ~~bility for coordinated management of all of the antiter-~~
13 ~~rorist policies and programs;~~

14 ~~(e) to provide an appropriate organizational frame-~~
15 ~~work for the implementation of such programs;~~

16 ~~(f) to provide for effective permanent mechanisms~~
17 ~~for development and implementation of a comprehensive~~
18 ~~national antiterrorist policy;~~

19 ~~(g) to assure coordinated and effective research in~~
20 ~~antiterrorist measures;~~

21 ~~(h) to improve the effectiveness of the information-~~
22 ~~gathering system regarding terrorist acts and results;~~

23 ~~(i) to establish effective sanctions against those~~
24 ~~countries which harbor, aid, or abet international~~
25 ~~terrorists;~~

26 ~~(j) to coordinate and supervise the implementa-~~

1 ~~tion of United States policy with respect to international~~
2 ~~acts of terrorism;~~

3 ~~(k) to oversee and administer the provisions of this~~
4 ~~Act;~~

5 ~~(l) to develop new initiatives which the United~~
6 ~~States can implement unilaterally or with other nations~~
7 ~~to control international acts of terrorism;~~

8 ~~(m) to participate in international conferences and~~
9 ~~negotiations on the control of international acts of ter-~~
10 ~~rorism; and~~

11 ~~(n) to devise procedures for reacting swiftly and~~
12 ~~effectively to acts of terrorism that occur.~~

13 **DEFINITIONS**

14 ~~SEC. 5. For the purposes of this Act—~~

15 ~~(a) “terrorism” includes but is not limited to the~~
16 ~~calculated use of violence or the threat of violence to~~
17 ~~obtain political goals through instilling fear, intimidation,~~
18 ~~or coercion. It usually involves a criminal act, often sym-~~
19 ~~bolic in nature and intended to influence an audience~~
20 ~~beyond the immediate victims; and~~

21 ~~(b) “international terrorism” is terrorism transcend-~~
22 ~~ing national boundaries in the carrying out of the act,~~
23 ~~the purpose of the act, the nationalities of the victims or~~
24 ~~the resolution of the incident. These acts are usually de-~~
25 ~~signed to attract wide publicity to focus attention on~~
26 ~~the existence, cause or demands of the terrorists.~~

1 ~~TITLE I REORGANIZATION OF EXECUTIVE~~
2 ~~OFFICE OF THE PRESIDENT~~

3 ~~ESTABLISHMENT OF COUNCIL TO COMBAT TERRORISM~~

4 ~~SEC. 101. There is hereby established in the Executive~~
5 ~~Office of the President an entity to be known as the Council~~
6 ~~to Combat Terrorism (hereinafter referred to as the "Coun-~~
7 ~~cil"). The Council shall be headed by, and its activities shall~~
8 ~~be administered under the supervision and direction of, the~~
9 ~~Assistant to the President for National Security Affairs.~~

10 ~~COUNCIL FUNCTIONS~~

11 ~~SEC. 102. The Council shall—~~

12 ~~(a) assist the President in the implementation of~~
13 ~~this Act and shall provide staff support and assistance~~
14 ~~in the preparation of the Lists required by sections 105~~
15 ~~and 107.~~

16 ~~(b) consider the most effective means by which to~~
17 ~~combat terrorism in the United States and abroad;~~

18 ~~(c) serve as the lead group in establishing pro-~~
19 ~~cedures to insure that the United States Government~~
20 ~~can take appropriate action in response to acts of ter-~~
21 ~~rorism which directly or indirectly affect United States~~
22 ~~citizens;~~

23 ~~(d) coordinate, among the Government agencies,~~
24 ~~ongoing activity for the prevention of terrorism, includ-~~
25 ~~ing the collection of worldwide intelligence, the physi-~~

1 ~~cal protection of United States personnel and installa-~~
2 ~~tions abroad, and foreign diplomats and diplomatic in-~~
3 ~~stallations in the United States;~~

4 ~~(e) evaluate all such programs and activities and,~~
5 ~~where necessary, recommend methods for increasing the~~
6 ~~effectiveness of their implementation; and~~

7 ~~(f) make recommendations to the Director of the~~
8 ~~Office of Management and Budget concerning proposed~~
9 ~~funding of such programs.~~

10 ~~COUNCIL MEMBERSHIP~~

11 ~~SEC. 103. The Council shall consist of the following~~
12 ~~individuals:~~

13 ~~(1) the Assistant to the President for National~~
14 ~~Security Affairs;~~

15 ~~(2) the Secretary of State;~~

16 ~~(3) the Secretary of the Treasury;~~

17 ~~(4) the Secretary of Defense;~~

18 ~~(5) the Attorney General;~~

19 ~~(6) the Secretary of Transportation;~~

20 ~~(7) the United States Ambassador to the United~~
21 ~~Nations;~~

22 ~~(8) the Director of Central Intelligence;~~

23 ~~(9) the Assistant to the President for Domestic~~
24 ~~Affairs;~~

1 ~~(10) the Director of the Federal Bureau of In-~~
2 ~~vestigation;~~
3 ~~or their delegates, and any additional members which the~~
4 ~~Assistant to the President for National Security Affairs may~~
5 ~~determine are necessary.~~

6 ~~REPORT ON TERRORIST ENTERPRISES~~

7 ~~SEC. 104. (a) In the event of an act of terrorism which~~
8 ~~affects or involves citizens of the United States, the Presi-~~
9 ~~dent shall submit to Congress an unclassified report regard-~~
10 ~~ing such act of terrorism within forty-five days following the~~
11 ~~commencement of such act.~~

12 ~~(b) Such report shall include, but not be limited to,~~
13 ~~the following information—~~

14 ~~(1) the identity of any individual, entity, group,~~
15 ~~and/or organization responsible for, or implicated in, the~~
16 ~~commission of such act;~~

17 ~~(2) the identity of any country responsible for, or~~
18 ~~which may have willfully contributed to, aided, abetted,~~
19 ~~facilitated, or assisted the planning, execution, or com-~~
20 ~~mission of such act, or which grants safe haven or sanc-~~
21 ~~tuary from prosecution to the perpetrators of such act;~~

22 ~~(3) a description of the activities, actions, and~~
23 ~~involvement of each individual, entity, group, organiza-~~
24 ~~tion, and country described in paragraphs (1) and (2);~~

25 ~~(4) the names of any countries the President has~~

1 ~~added to the List of Countries Aiding Terrorist Enter-~~
2 ~~prises (LOCATE) established pursuant to section 105,~~
3 ~~and the reasons for the inclusion of each country on~~
4 ~~the List; and~~

5 ~~(5) if any country described in paragraph (2) is~~
6 ~~not already on the List of Countries Aiding Terrorist~~
7 ~~Enterprises (LOCATE) established pursuant to sec-~~
8 ~~tion 105 and is not described in paragraph (4), the~~
9 ~~reasons that country has not been added to the List.~~

10 ~~(c) When the disclosure of information required in sec-~~
11 ~~tion 104 (a) would directly threaten the safety of an inform-~~
12 ~~ant or confidential source or seriously compromise a covert~~
13 ~~information gathering program or source of information, the~~
14 ~~information may be withheld from the unclassified report.~~
15 ~~Such information shall instead be reported in classified form~~
16 ~~to the Senate and House Intelligence Committees.~~

17 ~~LIST OF COUNTRIES AIDING TERRORIST ENTERPRISES~~

18 ~~SEC. 105. (a) Within sixty days after enactment of~~
19 ~~this Act the President shall prepare and submit to Congress~~
20 ~~a List of Countries Aiding Terrorist Enterprises (LOCATE).~~

21 ~~(b) The LOCATE shall contain names of countries~~
22 ~~which have been found to have willfully contributed to, aided,~~
23 ~~abetted, facilitated, or assisted in the planning, execution,~~
24 ~~or commission of any act of terrorism which affects or in-~~
25 ~~volves citizens of the United States, or which grants safe~~

~~1 haven or sanctuary from prosecution to the perpetrators of
2 such act, and the reasons for inclusion of each country on
3 the list.~~

~~4 (c) After the submission of the first LOCATE (required
5 by subsection (a)), the development of the LOCATE shall
6 be based on information submitted to Congress as required
7 by section 104 of this Act.~~

~~8 (d) At the time the report required by section 104 is
9 submitted to Congress, the President, based upon the informa-
10 tion in the report, shall add the names of any countries to
11 the LOCATE which he finds to have willfully contributed to,
12 aided, abetted, facilitated, or assisted in the planning, execu-
13 tion, or commission of any act of terrorism or which grants
14 safe haven or sanctuary from prosecution to the perpetrators
15 of any such act which affects or involves citizens of the
16 United States.~~

~~17 (e) Within thirty days after the submission of the report
18 required by section 104, either House of Congress may pass
19 a resolution adding the name of a country to the LOCATE
20 which that House of Congress believes willfully contributed
21 to, aided, abetted, facilitated, or assisted in the planning,
22 execution, or commission of an act of terrorism (described
23 in the report) which affects or involves citizens of the United
24 States or which grants safe haven or sanctuary from prose-
25 cution to the perpetrators of such act. The name of that~~

1 ~~country shall be added to the LOCATE thirty days after~~
2 ~~the approval of such a resolution unless prior to that time~~
3 ~~the other House of Congress passes a resolution disapprov-~~
4 ~~ing the addition of that country's name to the LOCATE.~~

5 ~~(f) The LOCATE shall be reviewed periodically by~~
6 ~~the President. After a country has been on the List for a~~
7 ~~period of at least one year, the President may submit to~~
8 ~~Congress "A Request of Removal," which shall constitute~~
9 ~~a request to remove that country's name from the list. Such~~
10 ~~a request shall be accompanied by the reasons for such~~
11 ~~request.~~

12 ~~(g) The name of a country contained in "A Request~~
13 ~~of Removal" shall be removed from the LOCATE thirty~~
14 ~~days after the submission of that Request to the Congress~~
15 ~~unless either House of Congress by resolution disapproves~~
16 ~~that Request.~~

17 ~~SANCTIONS AGAINST COUNTRIES AIDING TERRORIST~~

18 ~~ENTERPRISES~~

19 ~~SEC. 106. (a) Within thirty days of the listing of any~~
20 ~~country on the List (LOCATE), the President shall impose~~
21 ~~sanctions against each such country including, but not~~
22 ~~limited to—~~

23 ~~(1) issuance of a declaration that the country is~~
24 ~~"dangerous for United States citizens to travel to or re-~~
25 ~~side in";~~

1 ~~(2) suspension of all direct commercial air service~~
2 ~~between the country and the United States, including all~~
3 ~~direct flights by the country's own carriers, third party~~
4 ~~carriers, and United States carriers;~~

5 ~~(3) suspension of all indirect flights between the~~
6 ~~country and the United States by both the country's own~~
7 ~~carriers and United States carriers;~~

8 ~~(4) refusal of admittance into the United States~~
9 ~~to any person who has traveled to or through a country~~
10 ~~on the LOCATE, unless (i) his passport contains a~~
11 ~~visa issued by a third country in the third country and~~
12 ~~(ii) such visa was issued after the date of his departure~~
13 ~~from the country on the List;~~

14 ~~(5) refusal of permission to permit the deplaning of~~
15 ~~baggage belonging to a person who has traveled to or~~
16 ~~through a country on the LOCATE unless the baggage~~
17 ~~subsequently has been thoroughly examined in a third~~
18 ~~country not on the LOCATE;~~

19 ~~(6) refusal of permission for the landing of any~~
20 ~~plane if it has landed in any country on the LOCATE~~
21 ~~unless the plane subsequently has been serviced and~~
22 ~~thoroughly inspected in a third country not on the~~
23 ~~LOCATE;~~

24 ~~(7) inspection of all freight and mail that has come~~
25 ~~from or passed through a country on the LOCATE;~~

1 ~~(8) refusal to grant new export licenses for the~~
2 ~~sale or transfer of items contained on the United States~~
3 ~~Munitions List to any country on the LOCATE, includ-~~
4 ~~ing government-to-government and commercial transac-~~
5 ~~tions; and~~

6 ~~(9) the refusal to grant new export licenses for the~~
7 ~~sale or transfer of any nuclear equipment, materials or~~
8 ~~technology to any country on the LOCATE.~~

9 ~~(b) Within thirty days after a country is added to~~
10 ~~the List (LOCATE), the President shall consider the im-~~
11 ~~position of sanctions (in addition to those automatically im-~~
12 ~~posed by subsection (a)) against any country on the~~
13 ~~LOCATE, including but not limited to suspension or cur-~~
14 ~~tailment of trade, and suspension or curtailment of the ship-~~
15 ~~ment of spare or replacement parts and training, in connec-~~
16 ~~tion with military and commercial purchases.~~

17 ~~LIST OF DANGEROUS FOREIGN AIRPORTS~~

18 ~~SEC. 107. (a) The President is required to prepare and~~
19 ~~submit to Congress, one hundred and eighty days after enact-~~
20 ~~ment of this Act, a List of Dangerous Foreign Airports.~~

21 ~~(b) An airport shall be considered dangerous and,~~
22 ~~therefore, included on the List of Dangerous Foreign Air-~~
23 ~~ports, if the airport is not as safe as an airport which meets~~
24 ~~the minimum United States safety criteria as established by~~
25 ~~title 49, United States Code.~~

1 ~~(c) The List of Dangerous Foreign Airports shall in-~~
2 ~~clude, but not be limited to, the following:~~

3 ~~(1) a list of airports, country by country, which~~
4 ~~are found to be dangerous pursuant to subsection (b);~~

5 ~~(2) a description of the safety and security defi-~~
6 ~~ciencies of each airport on the list.~~

7 ~~(d) The List of Dangerous Foreign Airports shall be~~
8 ~~open for public inspection.~~

9 ~~(e) Whenever the President finds that a foreign coun-~~
10 ~~try has purposely obstructed the collection of information~~
11 ~~required to be gathered pursuant to this section, he shall~~
12 ~~submit such information to the Congress at the time of the~~
13 ~~submission of the List of Dangerous Foreign Airports, and~~
14 ~~shall add the name of that country to the list.~~

15 ~~(f) The President shall periodically review and revise~~
16 ~~the List of Dangerous Foreign Airports.~~

17 ~~SANCTIONS AGAINST DANGEROUS FOREIGN AIRPORTS~~

18 ~~SEC. 108. Within thirty days of the listing of any air-~~
19 ~~port on the List of Dangerous Foreign Airports, the Presi-~~
20 ~~dent shall impose sanctions against each airport including,~~
21 ~~but not limited to—~~

22 ~~(1) suspension of all direct commercial air service~~
23 ~~between that airport and the United States, including~~
24 ~~all direct flights by the country's own carriers, third~~
25 ~~party carriers, and United States carriers;~~

1 ~~(2) suspension of all indirect flights between that~~
2 ~~airport and the United States by both the carriers of the~~
3 ~~country in which the airport is located and United States~~
4 ~~carriers; and~~

5 ~~(3) refusal of permission for the landing of any~~
6 ~~plane if it has landed in that airport unless the plane~~
7 ~~subsequently has been serviced and thoroughly inspected~~
8 ~~at any airport not on the list of dangerous airports.~~

9 ~~TRANSFER OF EXISTING FUNCTIONS AND PROPERTY~~

10 ~~SEC. 109. There are hereby transferred to and vested~~
11 ~~in the Council all functions and authorities, personnel, prop-~~
12 ~~erty, and records vested in the Cabinet Committee to Com-~~
13 ~~bat Terrorism, and its working group.~~

14 ~~TITLE II—REORGANIZATION OF THE~~

15 ~~DEPARTMENT OF STATE~~

16 ~~ESTABLISHMENT OF BUREAU FOR COMBATING~~

17 ~~INTERNATIONAL TERRORISM~~

18 ~~SEC. 201. (a) There is hereby established in the De-~~
19 ~~partment of State a Bureau for Combating International~~
20 ~~Terrorism (hereinafter referred to as the "Bureau"), which~~
21 ~~shall be headed by an Assistant Secretary of State, appointed~~
22 ~~by the President, by and with the advice and consent of the~~
23 ~~Senate.~~

24 ~~(b) Section 5315(22) of title 5, United States Code,~~

1 is amended by striking out “(11)” and inserting in lieu
2 thereof “(12)”.

3 ~~BUREAU FUNCTIONS~~

4 ~~SEC. 202. The Bureau shall—~~

5 ~~(a) coordinate, supervise, and insure the efficient~~
6 ~~management, implementation, and development of all~~
7 ~~antiterrorist policies, programs, and activities of the De-~~
8 ~~partment of State;~~

9 ~~(b) work closely with the Council to Combat Ter-~~
10 ~~rorism, in assisting that Council in the performance of~~
11 ~~its functions; and~~

12 ~~(c) assist the President in the implementation of~~
13 ~~section 203 and the other provisions of this Act.~~

14 ~~PRIORITIES FOR NEGOTIATION OF INTERNATIONAL~~

15 ~~AGREEMENTS~~

16 ~~SEC. 203. (a) The President is hereby urged to seek~~
17 ~~international agreement to assure more effective international~~
18 ~~cooperation in combating terrorism.~~

19 ~~(b) High priority in the negotiation of such agree-~~
20 ~~ments should be given to agreements which include, but~~
21 ~~which need not be limited to the following:~~

22 ~~(1) establishment of a permanent international~~
23 ~~working group, including subgroups on topics such as~~
24 ~~law enforcement, intelligence sharing, and crisis man-~~

1 ~~agement, which would combat international terrorism~~
2 ~~by—~~

3 ~~(A) promoting international cooperation among~~
4 ~~countries; and~~

5 ~~(B) developing new methods, procedures, and~~
6 ~~standards to combat international terrorism;~~

7 ~~(2) establishment of sanctions to assure compli-~~
8 ~~ance with—~~

9 ~~(A) the Convention for the Suppression of Un-~~
10 ~~lawful Seizure of Aircraft (the Hague, December~~
11 ~~16, 1970);~~

12 ~~(B) the Convention for the Suppression of Un-~~
13 ~~lawful Acts Against the Safety of Civil Aviation~~
14 ~~(Montreal, September 23, 1971); and~~

15 ~~(C) the Convention on the Prevention and~~
16 ~~Punishment of Crimes Against Internationally Pro-~~
17 ~~TECTED Persons, Including Diplomatic Agents (New~~
18 ~~York, December 14, 1973);~~

19 ~~(3) establishment of international legal require-~~
20 ~~ments to prohibit and punish the act of taking hostages,~~
21 ~~and~~

22 ~~(4) the strengthening of nuclear nonproliferation~~
23 ~~efforts by—~~

24 ~~(A) the establishment of physical security~~

1 standards for nuclear materials and facilities, includ-
2 ing international shipments;

3 ~~(B) the incorporation of standards developed~~
4 ~~in subparagraph (A) into New Agreements for Co-~~
5 ~~operation;~~

6 ~~(C) the establishment of an information ex-~~
7 ~~change system between signatory nations involving~~
8 ~~technical, administrative, and intelligence informa-~~
9 ~~tion relating to physical security; and~~

10 ~~(D) the establishment of guidelines by an inter-~~
11 ~~national agency or organization for contingency~~
12 ~~plans for action by signatory nations in the event~~
13 ~~of theft of nuclear materials.~~

14 ~~IMPLEMENTATION OF MONTREAL CONVENTION~~

15 ~~SEC. 204. The President shall develop standards and~~
16 ~~programs to insure the full implementation of the provisions~~
17 ~~of the Convention for the Suppression of Unlawful Acts~~
18 ~~Against the Safety of Civil Aviation (Montreal, September~~
19 ~~23, 1971).~~

20 ~~DEFENSE SALES TO INDIVIDUALS, GROUPS~~

21 ~~SEC. 205. (a) No sale, credit, or guarantee shall be~~
22 ~~made or extended or shall any export license be issued by~~
23 ~~the United States with respect to any defense article or~~
24 ~~defense service for any individual, group, or organization~~
25 ~~without the specific prior approval of the President.~~

1 ~~(b) No such sale, credit, guarantee, or license may be~~
2 ~~made, extended, or issued, as the case may be, with respect~~
3 ~~to any defense article or service for any country unless such~~
4 ~~country shall have agreed not to transfer title to, or posses-~~
5 ~~sion of, such defense article or defense service to any other~~
6 ~~individual, group, or organization.~~

7 ~~UNITED STATES MUNITIONS LIST~~

8 ~~SEC. 206. The President shall include the names of all~~
9 ~~types of explosives on the United States Munitions List (22~~
10 ~~U.S.C. 2278).~~

11 ~~TRANSFER OF EXISTING FUNCTIONS AND PROPERTY~~

12 ~~SEC. 207. There are hereby transferred to and vested in~~
13 ~~the Bureau all functions and authorities, personnel, property,~~
14 ~~and records now vested in the present Office for Combating~~
15 ~~International Terrorism established by the Secretary of~~
16 ~~State.~~

17 ~~TITLE III—REORGANIZATION OF THE~~

18 ~~DEPARTMENT OF JUSTICE~~

19 ~~ESTABLISHMENT OF OFFICE FOR COMBATING TERRORISM~~

20 ~~SEC. 301. (a) There is hereby established in the De-~~
21 ~~partment of Justice an Office for Combating Terrorism, which~~
22 ~~shall be headed by an Assistant Attorney General, appointed~~
23 ~~by the President, by and with the advice and consent of the~~
24 ~~Senate.~~

25 ~~(b) Section 5315 (19) of title 5, United States Code,~~

1 ~~is amended by striking out “(9)” and by inserting in lieu~~
2 ~~thereof “(10)”.~~

3 ~~OFFICE FUNCTIONS~~

4 ~~SEC. 302. The Office shall—~~

5 ~~(a) coordinate, supervise, and insure the efficient~~
6 ~~management, implementation, and development of all~~
7 ~~antiterrorist policies, programs, and activities of the~~
8 ~~Department of Justice; and~~

9 ~~(b) work closely with the Council to Combat Ter-~~
10 ~~rorism, in assisting that Council in the performance of~~
11 ~~its functions.~~

12 ~~EXTENSION OF EXISTING SAFETY AND SECURITY MEASURES~~

13 ~~SEC. 303. The President shall extend existing safety~~
14 ~~and security requirements of title 49, United States Code, to~~
15 ~~supplemental means of air transportation, foreign or domestic,~~
16 ~~including the charter operations of regularly scheduled air-~~
17 ~~lines, commuter services regulated by Civil Aeronautics~~
18 ~~Board, and other regularly scheduled interstate or intra-~~
19 ~~state passenger operations; and to any airport in the United~~
20 ~~States serving aircraft subject to the above provisions.~~

21 ~~MANDATORY USE OF EXPLOSIVE TAGGANTS~~

22 ~~SEC. 304. No explosive may be imported, manufactured,~~
23 ~~or exported unless such explosive contains identification and~~
24 ~~detection taggants. Such taggants must identify the source~~

1 ~~and time of manufacture of that explosive, regardless of~~
 2 ~~whether such explosive has been detonated and permit the~~
 3 ~~detection of concealed explosives.~~

4 ~~The President shall issue regulations to implement this~~
 5 ~~provision to the maximum extent possible under existing~~
 6 ~~technology so that the taggants will provide maximum as-~~
 7 ~~sistance to law enforcement agencies in locating, identifying,~~
 8 ~~and prosecuting individuals illegally utilizing such explo-~~
 9 ~~sives. The President shall periodically review and revise the~~
 10 ~~regulations to take into account improvements in taggant~~
 11 ~~technology.~~

12 ~~TITLE IV AIRCRAFT SABOTAGE AND PIRACY~~

13 ~~AIRCRAFT SABOTAGE~~

14 ~~SEC. 401. (a) Section 31 of title 18, United States~~
 15 ~~Code, is amended—~~

16 ~~(a) by striking out "Civil Aeronautics Act of~~
 17 ~~1938" and inserting in lieu thereof the words "Federal~~
 18 ~~Aviation Act of 1958"; and~~

19 ~~(b) by adding at the end of the first paragraph~~
 20 ~~thereof the following two paragraphs:~~

21 ~~"In flight" means any time from the moment all the~~
 22 ~~external doors of an aircraft are closed following embarka-~~
 23 ~~tion until the moment when any such door is opened for~~
 24 ~~disembarkation. In the case of a forced landing the flight~~

1 shall be deemed to continue until competent authorities take
2 over the responsibility for the aircraft and the persons and
3 property aboard.

4 ~~“‘In service’ means any time from the beginning of~~
5 ~~preflight preparation of the aircraft by ground personnel or~~
6 ~~by the crew for a specific flight until twenty-four hours~~
7 ~~after any landing; the period of service shall, in any event,~~
8 ~~extend for the entire period during which the aircraft is in~~
9 ~~flight.”.~~

10 (b) ~~Section 32, title 18, United States Code, is amended~~
11 ~~to read as follows:~~

12 ~~“§ 32. Destruction of aircraft or aircraft facilities~~

13 ~~“Whoever willfully sets fire to, damages, destroys, dis-~~
14 ~~ables, or interferes with the operation of, or makes unsuitable~~
15 ~~for use any civil aircraft used, operated, or employed in inter-~~
16 ~~state, overseas, or foreign air commerce, or willfully places~~
17 ~~a destructive substance in, upon, or in proximity to any such~~
18 ~~aircraft which is likely to damage, destroy, or disable any~~
19 ~~such aircraft, or any part or other material used, or intended~~
20 ~~to be used, in connection with the operation of such aircraft,~~
21 ~~or willfully sets fire to, damages, destroys, or disables any air~~
22 ~~navigation facility, or interferes with the operation of such air~~
23 ~~navigation facility, if any such act is likely to endanger the~~
24 ~~safety of any such aircraft in flight; or~~

25 ~~“Whoever, with intent to damage, destroy, or disable any~~

1 ~~such aircraft, willfully sets fire to, damages, destroys, or~~
2 ~~disables or places a destructive substance in, upon, or in the~~
3 ~~proximity of any appliance, structure, ramp, landing area,~~
4 ~~property, machine, or apparatus, or any facility, or other~~
5 ~~material used, or intended to be used, in connection with the~~
6 ~~operation, maintenance, or loading or unloading or storage~~
7 ~~of any such aircraft or any cargo carried or intended to be~~
8 ~~carried on any such aircraft; or~~

9 ~~“Whoever willfully performs an act of violence against or~~
10 ~~incapacitates any passenger or member of the crew of any~~
11 ~~such aircraft if such act of violence or incapacitation is likely~~
12 ~~to endanger the safety of such aircraft in service; or~~

13 ~~“Whoever communicates information, which he knows~~
14 ~~to be false, thereby endangering the safety of any such air-~~
15 ~~craft while in flight; or~~

16 ~~“Whoever willfully attempts to do any of the aforesaid~~
17 ~~acts shall be fined not more than \$10,000 or imprisoned~~
18 ~~not more than twenty years, or both.”~~

19 ~~(e) Chapter 2, title 18, United States Code, is amended~~
20 ~~by adding immediately after section 32 the following:~~

21 ~~“§ 32A. Offenses in violation of the Convention for the~~
22 ~~Suppression of Unlawful Acts Against the~~
23 ~~Safety of Civil Aviation~~

24 ~~“(a) Whoever commits an offense as defined in subsec-~~
25 ~~tion (b), against or on board an aircraft registered in a coun-~~

1 ~~try other than the United States and is afterward found in~~
2 ~~the United States—~~

3 ~~shall be fined not more than \$10,000 or imprisoned not~~
4 ~~more than twenty years, or both.~~

5 ~~“(b) For purposes of this section, a person commits an~~
6 ~~‘offense’ when he willfully—~~

7 ~~“(1) performs an act of violence against a person on~~
8 ~~board an aircraft in flight if such act is likely to endanger~~
9 ~~the safety of such aircraft; or~~

10 ~~“(2) destroys an aircraft in service or causes dam-~~
11 ~~age to such an aircraft which renders such aircraft in-~~
12 ~~capable of flight or which is likely to endanger the safety~~
13 ~~in flight of such aircraft; or~~

14 ~~“(3) places or causes to be placed on an aircraft in~~
15 ~~service, by any means whatsoever, a device or substance~~
16 ~~which is likely to destroy such aircraft, or to cause such~~
17 ~~damage as to render such aircraft incapable of flight,~~
18 ~~or to cause such damage as is likely to endanger the~~
19 ~~safety in flight of such aircraft; or~~

20 ~~“(4) attempts to commit, or is an accomplice of a~~
21 ~~person who commits or attempts to commit, an offense~~
22 ~~under this subsection.”~~

23 (d) The analysis of chapter 2 of title 18, United States

1 Code, is amended by inserting between items 32 and 33
2 the following new item:

~~“32A. Offenses in violation of the Convention for the Suppression of
Unlawful Acts Against the Safety of Civil Aviation.”~~

3 (e) Section 101 (31) (d) of the Federal Aviation Act
4 of 1958, as amended, is amended as follows:

5 (a) by striking out “or” at the end of subclause (i);

6 (b) by striking out “and” at the end of subclause

7 (ii) and inserting in lieu thereof “or”; and

8 (c) by adding at the end thereof the following:

9 “(iii) regarding which an offense as defined in
10 subsections (d) and (e) of the first section of article
11 1 of the Convention for the Suppression of Un-
12 lawful Acts Against the Safety of Civil Aviation,
13 done at Montreal on September 23, 1971, is com-
14 mitted, if such aircraft lands in the United States
15 with an alleged offender on board; and”.

16 (f) Section 902 (k) of the Federal Aviation Act of
17 1958, as amended, is further amended by adding at the end
18 thereof the following:

19 “(3) Whoever while aboard an aircraft in the
20 special aircraft jurisdiction of the United States commits
21 an act which would be an offense under section 32 of

1 title 18, United States Code, shall be punished as pro-
2 vided therein.”.

3 (g) Chapter 2 of title 18, United States Code, is
4 amended by adding at the end thereof the following new
5 section:

6 **“§ 36. Imparting or conveying threats**

7 ~~“Whoever imparts or conveys, or causes to be imparted~~
8 ~~or conveyed, any threat to do an act which would be a felony~~
9 ~~punishable under section 32 or 33 of this chapter or section~~
10 ~~1992 of chapter 97 or section 2275 of chapter 111 of this~~
11 ~~title with an apparent determination and will to carry the~~
12 ~~threat into execution, shall be fined not more than \$5,000~~
13 ~~or imprisoned not more than five years, or both.”.~~

14 (h) The analysis of chapter 2 of title 18, United States
15 Code, is amended by adding at the end thereof the following
16 new item:

~~“36. Imparting or conveying threats.”.~~

17 **AIRCRAFT PIRACY**

18 ~~SEC. 402. (a) Section 901 of the Federal Aviation Act~~
19 ~~of 1958 is amended by adding at the end thereof the follow-~~
20 ~~ing new subsections:~~

21 ~~“(e) Whoever imparts or conveys, or causes to be im-~~
22 ~~parted or conveyed, false information, knowing the in-~~
23 ~~formation to be false, concerning an attempt or alleged at-~~
24 ~~tempt being made or to be made, to do any act which would~~

1 ~~be a crime prohibited by subsection (i), (j), (k), or (l)~~
2 ~~of section 902, shall be subject to a civil penalty of not more~~
3 ~~than \$1,000 which shall be recoverable in a civil proceed-~~
4 ~~ing brought in the name of the United States.~~

5 ~~“(d) Except for law enforcement officers of any mu-~~
6 ~~nicipal or State government, or the Federal Government,~~
7 ~~who are authorized or required within their official capacities~~
8 ~~to carry arms, or except for other persons who may be so~~
9 ~~authorized, under regulations issued by the Administrator,~~
10 ~~whoever, while aboard, or while attempting to board, any~~
11 ~~aircraft in, or intended for operation in, air transportation~~
12 ~~or intrastate air transportation, has on or about his person~~
13 ~~or his property a concealed deadly or dangerous weapon,~~
14 ~~which is, or would be, accessible to such person in flight~~
15 ~~shall be subject to a civil penalty of not more than \$1,000~~
16 ~~which shall be recoverable in a civil proceeding brought in~~
17 ~~the name of the United States.”~~

18 ~~(b) Subsection (a) of section 1395 of title 28, United~~
19 ~~States Code, is amended by inserting before the period at~~
20 ~~the end of such subsection a comma and the following: “and~~
21 ~~in any proceeding to recover a civil penalty under section~~
22 ~~35 (a) of title 18, United States Code, or sections 901 (c)~~
23 ~~or (d) of the Federal Aviation Act of 1958, all process~~
24 ~~against any defendant or witness, otherwise not authorized~~
25 ~~under the Federal Rules of Civil Procedure, may be served~~

1 ~~in any judicial district of the United States upon an ex parte~~
2 ~~order for good cause shown”.~~

3 ~~(c) Section 902 (m) of the Federal Aviation Act of~~
4 ~~1958 is amended to read as follows:~~

5 ~~“FALSE INFORMATION AND THREATS~~

6 ~~“(m) (1) Whoever willfully and maliciously, or with~~
7 ~~reckless disregard for the safety of human life, imparts or~~
8 ~~conveys, or causes to be imparted or conveyed, false informa-~~
9 ~~tion knowing the information to be false, concerning an~~
10 ~~attempt or alleged attempt being made or to be made, to do~~
11 ~~any act which would be a felony punishable under subsection~~
12 ~~(i), (j), or (1) (2) of this section, shall be fined not more~~
13 ~~than \$5,000 or imprisoned not more than five years, or both.~~

14 ~~“(2) Whoever imparts or conveys, or causes to be~~
15 ~~imparted or conveyed, any threat to do an act which would~~
16 ~~be a felony punishable under subsection (i), (j), or (1) (2)~~
17 ~~of this section, with an apparent determination and will to~~
18 ~~carry the threat into execution, shall be fined not more than~~
19 ~~\$5,000 or imprisoned not more than five years, or both.”.~~

20 ~~(d) The analysis of section 902 (m) of the Federal~~
21 ~~Aviation Act of 1958 is amended by adding “and threats”~~
22 ~~immediately after “information”.~~

1 (e) ~~Section 903 (b) (1) of the Federal Aviation Act of~~
2 1958 is amended by striking out "Such" at the beginning of
3 the second sentence and inserting in lieu thereof "Except
4 with respect to civil penalties under section 901 (e) and (d)
5 of this title, such".

6 SECTION 1. *This Act shall be known as An Act to*
7 *Combat International Terrorism.*

8 STATEMENT OF FINDINGS AND PURPOSE

9 SEC. 2. (a) *The Congress hereby finds that—*

10 (1) *innocent persons have been killed, injured, and*
11 *victimized, human rights violated, property destroyed*
12 *and damaged, and international commerce obstructed as*
13 *a result of terrorist acts;*

14 (2) *such acts represent an intolerable attack against*
15 *the fundamental right to life and security of all peoples*
16 *of the world;*

17 (3) *such acts constitute a threat to the orderly and*
18 *civilized functions of the international community;*

19 (4) *certain nations exhibit a pattern of support for*
20 *international terrorist acts; and*

21 (5) *certain international airports fail to maintain*
22 *consistently effective security measures.*

1 *ment of Crimes Against Internationally Protected Per-*
2 *sons, including Diplomatic Agents (adopted by the*
3 *General Assembly of the United Nations at New York,*
4 *December 14, 1973); or*

5 *(4) any other unlawful act which results in the*
6 *death, bodily harm, or forcible deprivation of liberty*
7 *to any person, or in the violent destruction of property,*
8 *or in interference with facilities and installations vital*
9 *to public health, safety, welfare and commerce, or an*
10 *attempt or credible threat to commit any such act, if the*
11 *act, threat, or attempt is committed or takes effect—*

12 *(A) outside the territory of a state of which*
13 *the alleged offender is a national; or*

14 *(B) outside the territory of the state against*
15 *which the act is directed; or*

16 *(C) within the territory of the state against*
17 *which the act is directed and the alleged offender*
18 *knows or has reason to know that a person against*
19 *whom the act is directed is not a national of that*
20 *state, or*

21 *(D) within the territory of any state when*
22 *found to have been supported by a foreign state as*
23 *defined in section 3(b), irrespective of the national-*
24 *ity of the alleged offender:*

25 *Provided, That the act of international terrorism is—*

1 (i) intended to damage or threaten the inter-
2 ests of or obtain concessions from a state or an
3 international organization; and

4 (ii) not committed in the course of military or
5 paramilitary operations directed essentially against
6 military forces or military targets of a state or an
7 organized armed group.

8 (b) "State support of international terrorism" shall
9 consist of any of the following acts when committed delib-
10 erately by a state:

11 (1) furnishing arms, explosives, or lethal substances
12 to individuals, groups, or organizations with the likeli-
13 hood that they will be used in the commission of any act
14 of international terrorism;

15 (2) planning, directing, providing training for, or
16 assisting in the execution of any act of international
17 terrorism;

18 (3) providing direct financial support for the com-
19 mission of any act of international terrorism;

20 (4) providing diplomatic facilities intended to aid
21 or abet the commission of any act of international terror-
22 ism; or

23 (5) allowing the use of its territory as a sanctuary
24 from extradition or prosecution for any act of interna-
25 tional terrorism.

1 *REPORT ON ACTS OF INTERNATIONAL TERRORISM*

2 *SEC. 4. (a) Six months after the date of enactment of this*
3 *Act and every six months each year thereafter, the [Secretary*
4 *of State] President shall transmit to the President pro tem-*
5 *pore of the Senate and the Speaker of the House of Represent-*
6 *atives a report on those incidents he determines to be acts of*
7 *international terrorism pursuant to section 3 of this Act: Pro-*
8 *vided, however, That any such incident which affects or in-*
9 *volves citizens or significant interests or property of the*
10 *United States shall be reported to Congress not later than*
11 *thirty ninety days after the occurrence of such an incident.*

12 *(b) Such report With respect to any such incident*
13 *which affects or involves citizens or significant interests*
14 *or property of the United States, and with respect to any*
15 *major act of international terrorism, such reports shall*
16 *include, but not be limited to, the following information:*

17 *(1) a description of the incident and of the involve-*
18 *ment and identity of each individual, entity, group, or*
19 *organization involved in such incident;*

20 *(2) the identity of any government providing state*
21 *support for such acts of international terrorism, and*
22 *a statement setting forth the exact nature and extent of*
23 *such government's involvement;*

24 *(3) a description of the actions of any government*

1 *which assisted in bringing about a positive termination*
2 *of the incident;*

3 (4) *a description of the response of the United States*
4 *Government to such incident.*

5 (c) *Nothing in this section is intended to require the*
6 *public disclosure of information which is properly classified*
7 *under criteria established by Executive order, or is otherwise*
8 *protected by law. Such information shall be provided to the*
9 *President pro tempore of the Senate and the Speaker of the*
10 *House of Representatives in a written classified report. Any*
11 *intelligence information classified by Executive order or*
12 *otherwise protected by law furnished Congress under this*
13 *section shall be held for the Senate by the Select Committee*
14 *on Intelligence of the Senate and for the House of Repre-*
15 *sentatives by the Permanent Select Committee on Intelli-*
16 *gence of the House of Representatives. In such case, an*
17 *unclassified summary of such information shall be prepared*
18 *and submitted to the President pro tempore of the Senate*
19 *and the Speaker of the House of Representatives.*

20 (d) *Nothing in this section is intended to require dis-*
21 *closure of investigatory records compiled for law enforcement*
22 *purposes specifically protected by section [522(C)(b)(7)]*
23 *552(b)(7) of title 5, United States Code.*

24 LIST OF STATES SUPPORTING INTERNATIONAL TERRORISM

25 SEC. 5. (a) *Six months after the date of enactment of*
26 *this Act and every six months each year thereafter, the Presi-*

1 dent shall consider which, if any, states have demonstrated a
2 pattern of support for acts of international terrorism. If the
3 President determines that any states have so acted, he shall
4 submit a list of states supporting international terrorism to
5 the President pro tempore of the Senate and the Speaker of
6 the House of Representatives, and set forth his reasons for
7 listing any such states. **The President may at any time add**
8 **to any such list the name of any state supporting inter-**
9 **national terrorism by transmitting the name of such state**
10 **to the President pro tempore of the Senate and the Speaker**
11 **of the House of Representatives together with his reasons**
12 **for adding the name of such state to the list. If the**
13 *President determines that no states have undertaken such acts,*
14 *he shall report the same with a detailed explanation.*

15 (b) *Such list shall also identify any states against which*
16 *sanctions have been applied pursuant to section 6 of this Act,*
17 *and any other initiatives of the United States with respect to*
18 *such states.*

19 (c) *Nothing in this section is intended to require the pub-*
20 *lic disclosure of information which is properly classified*
21 *under criteria established by Executive order, or is otherwise*
22 *protected by law. Such information shall be provided to the*
23 *President pro tempore of the Senate and the Speaker of the*
24 *House of Representatives in a written classified report. Any*
25 **intelligence information classified by Executive order or**

1 otherwise protected by law furnished Congress under this
2 section shall be held for the Senate by the Select Committee
3 on Intelligence of the Senate and for the House of Repre-
4 sentatives by the Permanent Select Committee on Intelli-
5 gence of the House of Representatives. *In such case, an*
6 *unclassified summary of such information shall be prepared*
7 *and submitted to the President pro tempore of the Senate and*
8 *the Speaker of the House of Representatives.*

9 (d) *Nothing in this section is intended to require dis-*
10 *closure of investigatory records compiled for law enforce-*
11 *ment purposes specifically protected by section [522(C)(b)*
12 *(7)] 552(b)(7) of title 5, United States Code.*

13 (e)(1) *The list shall be reviewed periodically by the*
14 *President. The President may propose to Congress a request*
15 *for removal of any state from the list. Such request shall be*
16 *accompanied by the reasons therefor.*

17 (2) *A state requested by the President to be deleted from*
18 *the list shall be removed from the list thirty days after the*
19 *submission of that request to the Congress unless Congress by*
20 *concurrent resolution disapproves that request.*

21 **PRESIDENTIAL AUTHORITY TO COMBAT INTERNATIONAL**
22 **TERRORIST ACTS**

23 **SEC. 6. (a)** *When a foreign government is listed pur-*
24 *suant to section 5 of this Act, the President shall—*

1 (1) *provide no assistance under the Foreign As-*
2 *istance Act of 1961, or*

3 (2) *not authorize any sale, or extend any credit or*
4 *guaranty, with respect to any defense article or service*
5 *as defined by section 47 of the Arms Export Control Act,*
6 *or*

7 ~~(3)~~ *approve no export license for the export of com-*
8 *modities or technical data which has a potential military*
9 *application or which would otherwise enable a foreign*
10 *government to support acts of international terrorism, or*

11 (3) **approve no export license for the export of**
12 **commodities or technical data which would enhance**
13 **the military potential of the foreign government or**
14 **which would otherwise enhance its ability to support**
15 **acts of international terrorism, or**

16 (4) *extend no duty-free treatment under title V of*
17 *the Trade Act of 1974[.], or*

18 **[(b) If the President finds that the interests of national**
19 *security so require, he may suspend the applicability of any*
20 *part of the prohibitions listed in subsection (a) of this section*
21 *in such case. He shall report his reasons therefor in writing*
22 *to the President pro tempore of the Senate, and the Speaker*
23 *of the House of Representatives and those prohibitions shall*
24 *not apply.]*

1 (5) *permit no entry to the United States by na-*
2 *tionals of such country, or foreign nationals sponsored*
3 *by such country, for the purpose of acquiring training*
4 *or education in nuclear sciences or subject having*
5 *military applicability.*

6 (b)(1) *If the President finds that the interests of*
7 *national security so require, he may suspend the applica-*
8 *bility of all or any part of the prohibitions listed in subsec-*
9 *tion (a) of this section in such case: Provided, That the*
10 *President consults with the appropriate committees of Con-*
11 *gress prior to the suspension of such prohibitions. He shall*
12 *report his reasons therefore in writing in detail to the*
13 *President pro tempore of the Senate, and the Speaker of*
14 *the House of Representatives and those prohibitions shall*
15 *not apply.*

16 (2) *In determining which of the prohibitions in sub-*
17 *section (a) of this section should be taken, the President,*
18 *in consultation with Congress, shall consider:*

19 (A) *the effectiveness of suspending any prohibition*
20 *in inducing change in a country's policy or practice*
21 *of supporting acts of international terrorism;*

22 (B) *the effect of such suspension on United States*
23 *relations with other governments; and*

24 (C) *the effects of such suspension on other national*
25 *interests of the United States.*

1 (c) *In devising initiatives to combat international ter-*
2 *rorist actions and to reduce state support for such actions, the*
3 *President shall take such other measures available to him as*
4 *he deems appropriate; he shall take into account the effective-*
5 *ness of specific sanctions in inducing change in a country's*
6 *policy or practice of supporting acts of international terror-*
7 *ism; the likely effect of sanctions on overall United States*
8 *relations with such country or with other countries; and the*
9 *effect such sanctions would have on other United States na-*
10 *tional interests.*

11 (d) *The President shall take all appropriate diplomatic*
12 *measures consistent with international obligations to support*
13 *the effectiveness of actions taken pursuant to this authority*
14 *in the accomplishment of the purposes of this Act.*

15 (e) *The President shall promptly and fully inform the*
16 *President pro tempore of the Senate and the Speaker of the*
17 *House of Representatives of each exercise of authority*
18 *granted under the Act.*

19 (f) **Nothing in this section is intended to require the**
20 **public disclosure of information that is properly classified**
21 **under criteria established by Executive order or is other-**
22 **wise protected by law. Such information shall be provided**
23 **to the President pro tempore of the Senate and to the**
24 **Speaker of the House of Representatives in a written**
25 **classified report. Any intelligence information classified**

1 by Executive order or otherwise protected by law furnished
2 Congress under this section shall be held for the Senate
3 by the Select Committee on Intelligence of the Senate and
4 held for the House of Representatives by the Permanent
5 Select Committee on Intelligence of the House of Repre-
6 sentatives. In any such case where such information is
7 furnished to the Congress, an unclassified summary of
8 such information shall be prepared and submitted to the
9 President pro tempore of the Senate and the Speaker of
10 the House of Representatives.

11 *REPORT ON FEDERAL AND INTERNATIONAL CAPABILITIES*
12 *TO COMBAT TERRORISM*

13 *SEC. 7. (a) Not later than six months after the date of*
14 *enactment of this Act, and at intervals of two years thereafter,*
15 *for eight years thereafter at two-year intervals, the Presi-*
16 *dent shall submit to the President pro tempore of the Senate*
17 *and the Speaker of the House of Representatives a Report on*
18 *Federal and International Capabilities To Combat Terror-*
19 *ism. Such report shall include a comprehensive and specific*
20 *review of Federal antiterrorism organization, policies, and*
21 *activities. It shall include a description and evaluation of the*
22 *effectiveness of relevant Federal organizational structures,*
23 *planning, coordination, including with State and local au-*
24 *thorities, response capability, intelligence gathering and analy-*
25 *sis, assistance to and cooperation with United States business*

1 *representatives abroad, and security preparedness and se-*
2 *curity adequacy of United States diplomatic and military*
3 *installations. Such report shall further include a statement and*
4 *evaluation of all relevant Federal policies, including those*
5 *with respect to responding to threats, and the management*
6 *of a terrorist incident. The report shall contain an assessment*
7 *of the capability and effectiveness of the International Civil*
8 *Aviation Organization and other international programs and*
9 *organizations to establish appropriate airport security stand-*
10 *ards and combat terrorist activities.*

11 *(b) Nothing in this section is intended to require the*
12 *public disclosure of information which is properly classified*
13 *under criteria established by Executive order, or is otherwise*
14 *protected by law. Such information shall be provided to the*
15 *President pro tempore of the Senate and the Speaker of the*
16 *House of Representatives in a written classified report. Any*
17 **intelligence information classified by Executive order or**
18 **otherwise protected by law furnished Congress under this**
19 **section shall be held for the Senate by the Select Committee**
20 **on Intelligence of the Senate and for the House of Repre-**
21 **sentatives by the Permanent Select Committee on Intelli-**
22 **gence of the House of Representatives. In such case, an**
23 *unclassified summary of such information shall be prepared*
24 *and submitted to the President pro tempore of the Senate*
25 *and the Speaker of the House of Representatives.*

1 *INFORMATION ON FOREIGN AIRPORT SECURITY*

2 *SEC. 8. Section 1115 of the Federal Aviation Act of*
3 *1958 (49 U.S.C. 1515) relating to security standards in*
4 *foreign air transportation is amended to read as follows:*

5 *“SECURITY STANDARDS IN FOREIGN AIR*
6 *TRANSPORTATION*

7 *“SEC. 1115. (a) The Secretary of Transportation shall*
8 *conduct at such intervals as the Secretary shall deem nec-*
9 *essary an assessment of the effectiveness of the security meas-*
10 *ures maintained at those foreign airports serving United*
11 *States carriers, those foreign airports from which foreign*
12 *air carriers serve the United States, and at such other foreign*
13 *airports as the Secretary may deem appropriate. Such*
14 *assessments shall be made by the Secretary in consultation*
15 *with the appropriate aeronautic authorities of the concerned*
16 *foreign government. The assessment shall determine the ex-*
17 *tent to which an airport effectively maintains and administers*
18 *security measures. The criteria utilized by the Secretary*
19 *in assessing the effectiveness of security at United States*
20 *airports shall be considered in making such assessments and*
21 *shall be equal to or above the standards established pursuant*
22 *to the Convention on International Civil Aviation. The as-*
23 *essment shall include consideration of specific security pro-*
24 *grams and techniques, including but not limited to, physical*
25 *and personnel security programs and procedures, passenger*

1 security and baggage examination, the use of electronic,
2 mechanical or other detection devices, airport police and
3 security forces, and control of unauthorized access to the
4 airport aircraft, airport perimeter, passenger boarding, and
5 cargo, storage, and handling areas.

6 “(b) The report to the Congress required by section 315
7 of this Act shall contain:

8 “(1) A summary of those assessments conducted
9 pursuant to subsection (a) of this section. The summary
10 shall identify the airports assessed and describe any
11 significant deficiencies and actions taken or recommended.

12 “(2) A description of the extent if any to which
13 specific deficiencies previously identified, if any, have
14 been eliminated.

15 “(c) When the Secretary finds that an airport does
16 not maintain and administer effective security measures at
17 the level of effectiveness specified in subsection (a) of this
18 section, he shall notify the appropriate authorities of such
19 foreign government of his finding, and recommend the steps
20 necessary to bring the security measures in use at that airport
21 to the acceptable level of effectiveness.

22 “(d) (1) Not later than sixty days after the notifica-
23 tion required in subsection (c) of this section and upon a
24 determination by the Secretary that the foreign government
25 has failed to bring the security measures at the identified

1 *airport to the level of effectiveness specified in subsection*
2 *(a) of this section, he—*

3 “(A) shall publish in the Federal Register and
4 cause to be posted and prominently displayed at all
5 United States airports regularly serving scheduled air
6 carrier operations the identification of such airport; and

7 “(B) after consultation with the appropriate aero-
8 nautical authorities of such government and, notwith-
9 standing section 1102 of this Act, may, with the approval
10 of the Secretary of State, withhold, revoke, or impose
11 conditions on the operating authority of any carrier or
12 foreign air carrier to engage in foreign air transporta-
13 tion utilizing that airport.

14 “(2) The Secretary shall promptly report to the Con-
15 gress any action taken under this subsection setting forth
16 information concerning the attempts he has made to secure
17 the cooperation of the nation in attaining the acceptable level
18 of effectiveness.”. effectiveness.

19 “(e) Nothing in this section is intended to require
20 the public disclosure of information that is properly classi-
21 fied under criteria established by Executive order or is
22 otherwise protected by law. Such information shall be
23 provided to the President pro tempore of the Senate and
24 to the Speaker of the House of Representatives in a written
25 classified report. Any intelligence information classified

1 by Executive order or otherwise protected by law and
2 furnished to Congress under this section shall be held
3 for the Senate by the Select Committee on Intelligence
4 of the Senate and held for the House of Representatives
5 by the Permanent Select Committee on Intelligence of
6 the House of Representatives. In any such case where
7 such information is furnished to Congress, an unclassified
8 summary of such information shall be prepared and sub-
9 mitted to the President pro tempore of the Senate and
10 the Speaker of the House of Representatives.”

11 *AVIATION SECURITY ASSISTANCE TO FOREIGN*

12 *GOVERNMENTS*

13 *SEC. 9. (a) (1) The Secretary of Transportation is au-*
14 *thorized to promote the achievement of international avia-*
15 *tion security by providing technical assistance concerning*
16 *aviation security to foreign governments. Such technical*
17 *assistance may include the conduct of surveys to analyze*
18 *the level of aviation security in airports and the provision*
19 *of training in aviation security to foreign nationals. Such*
20 *training in aviation security may be conducted either in the*
21 *United States or in foreign nations. The Secretary may*
22 *provide for the payment of subsistence and expenses for*
23 *travel within the United States for foreign nationals receiv-*
24 *ing such aviation security training in the United States.*
25 *(2) The Secretary may require a foreign government*

1 to reimburse the United States for all, part, or none of the
2 cost of providing the technical assistance authorized under
3 paragraph (1).

4 (b) There is authorized to be appropriated to carry out
5 the provisions of this subsection an amount not to exceed
6 \$100,000 for each of the fiscal years 1980, 1981, and 1982.

7 **PRIORITIES FOR NEGOTIATION OF INTERNATIONAL**
8 **AGREEMENTS**

9 **SEC. 10.** (a) The President is hereby urged to seek in-
10 ternational agreements to assure more effective international
11 cooperation in combating terrorism.

12 (b) High priority in the negotiation of such agreements
13 should be given to agreements which include, but which need
14 not be limited to the following:

15 (1) establishment of a permanent international
16 working group, including subgroups on topics as may be
17 appropriate, including but not limited to, law enforce-
18 ment and crisis management, which would combat inter-
19 national terrorism by—

20 (A) promoting international cooperation
21 among countries; and

22 (B) developing new methods, procedures, and
23 standards to combat international terrorism;

24 (2) establishment of means to effect observance of—

25 (A) the Convention for the Suppression of Un-

1 *lawful Seizure of Aircraft (The Hague, Decem-*
2 *ber 16, 1970);*

3 *(B) the Convention for the Suppression of Un-*
4 *lawful Acts Against the Safety of Civil Aviation*
5 *(Montreal, September 23, 1971); and*

6 *(C) the Convention on the Prevention and*
7 *Punishment of Crimes Against Internationally Pro-*
8 *TECTED Persons, Including Diplomatic Agents (New*
9 *York, December 14, 1973);*

10 *(3) establishment of international legal requirements*
11 *to prohibit and punish the act of taking hostages.*

12 *EXTENSION OF EXISTING SECURITY MEASURES*

13 *SEC. 11. Section 315(b) of the Federal Aviation Act of*
14 *1958 (49 U.S.C. 1356(b)) is amended by adding the words*
15 *“or charter” immediately after the word “scheduled” where*
16 *it first appears.*

17 *EXPLOSIVE TAGGANTS*

18 *SEC. 12. (a) Section 841 of title 18, United States*
19 *Code, is amended by adding at the end thereof the following:*
20 *“(o) ‘Identification taggant’ means any substance*
21 *which (1) is added to an explosive material during the man-*
22 *ufacture of such material and (2) is retrievable after detona-*
23 *tion and permits the identification of the manufacturer, the*
24 *date of manufacture of such material, and provides such other*
25 *information as determined by the Secretary of the Treasury.*

1 “(p) ‘Detective taggant’ means any substance which (1)
2 is added to an explosive material during the manufacture of
3 such material, and (2) permits detection of such material
4 prior to its detonation.”

5 (b) Section 842 of title 18, United States Code, is
6 amended by adding at the end thereof the following:

7 “(l) One year after the date of the enactment of this
8 Act, it shall be unlawful for any person or persons to manu-
9 facture any explosive material which does not contain an
10 identification taggant which satisfies the standards promul-
11 gated by the Secretary as provided in section 847.

12 “(m) Two years after the date of the enactment of this
13 Act, it shall be unlawful for any person or persons to manu-
14 facture any explosive material which does not contain a detec-
15 tion taggant which satisfies the standards promulgated by the
16 Secretary as provided in section 847.

17 “(n) Two years after the date of the enactment of this
18 Act, it shall be unlawful for any person or persons to trans-
19 port, ship, distribute, or receive, or cause to be transported,
20 shipped, distributed, or received, in interstate or foreign com-
21 merce any explosive material which does not contain an identi-
22 fication taggant which satisfies the standards promulgated by
23 the Secretary as provided in section 847.

24 “(o) Three years after the date of the enactment of this
25 Act, it shall be unlawful for any person or persons to trans-

1 port, ship, distribute, or receive, or cause to be transported,
2 shipped, distributed, or received, in interstate or foreign com-
3 merce any explosive material which does not contain a detec-
4 tion taggant which satisfies the standards promulgated by the
5 Secretary as provided in section 847.

6 “(p) One year after the date of the enactment of this
7 Act, it shall be unlawful for any person or persons to import
8 any explosive material which does not contain an identifica-
9 tion taggant which satisfies the standards promulgated by
10 the Secretary as provided in section 847.

11 “(q) Two years after the date of the enactment of this
12 Act, it shall be unlawful for any person or persons to import
13 any explosive material which does not contain a detection
14 taggant which satisfies the standard promulgated by the Secre-
15 tary as provided in section 847.

16 “(r) Two years after the date of the enactment of this
17 Act, it shall be unlawful for any person to resell or otherwise
18 dispose of any explosive material sold as surplus by a mili-
19 tary or naval service or other agency of the United States
20 which does not contain an identification taggant which satis-
21 fies the standards promulgated by the Secretary as provided
22 in section 847. The shipment of surplus explosive materials
23 from the military establishment where sold to the purchaser's
24 place of business shall be in accordance with regulations
25 promulgated by the Secretary.

1 “(s) Three years after the date of the enactment of this
2 Act, it shall be unlawful for any person to resell or otherwise
3 dispose of any explosive material sold as surplus by a military
4 or naval service or other agency of the United States which
5 does not contain a detection taggant which satisfies the stand-
6 ards promulgated by the Secretary as provided in section 847.
7 The shipment of surplus explosive materials from the military
8 establishment where sold to the purchaser's place of business
9 shall be in accordance with regulations promulgated by the
10 Secretary.

11 “(t) The Secretary shall by regulation defer one or
12 more of the time periods specified in paragraphs ± 1 through
13 $\& s$ by extensions of not more than one year at a time until he
14 is satisfied that taggants: are available in sufficient quantity
15 for commercial purposes; will not impair the quality of the
16 explosive materials for their intended use; are not unsafe;
17 or will not adversely affect the environment. The Secretary
18 shall inform the Congress sixty days prior to each extension,
19 specifying the reasons for such extension, and estimating the
20 time he expects the provisions of this section will become
21 effective.

22 “(u) Black and smokeless powders, used as propellant
23 powders, shall be excluded from the provisions of this Sec-
24 tion. [until the Secretary of the Treasury, in consultation
25 with the Committees on Commerce and Governmental Af-

1 *fairs of the Senate, deems that appropriate technology allows*
2 *inclusion of taggants in propellant powders】.*

3 *“(v) The requirements of paragraphs [(1)] (l)*
4 *through [(6)] (q) of this subsection shall not apply to any*
5 *explosive material designated by the President or the Secre-*
6 *tary of Defense his designee as an explosive material to be*
7 *used by the Department of Defense or another agency of*
8 *Government for national defense or international security*
9 *purposes. Any explosive material so designated shall be re-*
10 *ported promptly to the Secretary of the Treasury.”.*

11 *(c) Section 844(a) of title 18, United States Code, is*
12 *amended (1) by striking out “(a) Any” and inserting in*
13 *lieu thereof “(a)(1) Any”, and (2) by adding at the end*
14 *thereof the following new subsection:*

15 *“(2) Any person who violates subsection (1) of section*
16 *842 of this chapter shall be fined not more than \$10,000 or*
17 *imprisoned not more than ten years, or both.”.*

18 *[(d) Section 845(a) of title 18, United States Code, is*
19 *amended by inserting a new paragraph immediately follow-*
20 *ing paragraph (6) as follows:】*

21 *(d) Section 845(a) of title 18, United States Code,*
22 *is amended—*

23 *(1) by striking “and” at the end of paragraph (5)*
24 *thereof;*

25 *(2) by striking the period at the end of paragraph*

1 (6); and by inserting in lieu thereof the following: “;
2 and”; and
3 [(1)] (3) by adding at the end thereof the following:
4 “(7) the provisions of subsection (1) of section 842
5 of this title shall apply to paragraphs (4) and (5) of
6 this subsection.”.

7 *IMPLEMENTATION OF MONTREAL CONVENTION*

8 *SEC. 13. The President shall develop standards and*
9 *programs to insure the full implementation of the provisions*
10 *of the Convention for the Suppression of Unlawful Acts*
11 *Against the Safety of Civil Aviation (Montreal, September*
12 *23, 1971).*

13 *AIRCRAFT SABOTAGE*

14 [SEC. 14. (a) Section 31 of title 18, United States Code,
15 is amended by striking out the words “Civil Aeronautics Act
16 of 1938” and inserting in lieu thereof the words “Federal
17 Aviation Act of 1958” and by adding at the end thereof the
18 following two paragraphs:]

19 *SEC. 14. (a) Section 31 of title 18, United States Code,*
20 *is amended—*

21 (1) by striking out the words “Civil Aeronautics
22 Act of 1938” and inserting in lieu thereof the words
23 “Federal Aviation Act of 1958”;

24 (2) by striking “and” at the end of the third
25 undesignated paragraph thereof;

1 (3) by striking the period at the end thereof and
2 inserting in lieu thereof “;”; and

3 (4) by adding at the end thereof the following:

4 “‘In flight’ means any time from the moment all the
5 external doors of an aircraft are closed following embarka-
6 tion until the moment when any such door is opened for dis-
7 embarkation. In the case of a forced landing the flight shall
8 be deemed to continue until competent authorities take over the
9 responsibility for the aircraft and the persons and property
10 aboard.

11 “‘In service’ means any time from the beginning of pre-
12 flight preparation of the aircraft by ground personnel or by
13 the crew for a specific flight until twenty-four hours after
14 any landing; the period of service shall, in any event, extend
15 for the entire period during which the aircraft is in flight.”.

16 (b) Section 32, title 18, United States Code, is amended
17 to read as follows:

18 “Whoever willfully sets fire to, damages, destroys, dis-
19 ables, or interferes with the operation of, or makes unsuitable
20 for use any civil aircraft used, operated, or employed in
21 interstate, overseas, or foreign air commerce; or willfully
22 places a destructive substance in, upon, or in proximity to
23 any such aircraft which is likely to damage, destroy, or dis-
24 able any such aircraft, or any part or other material used,
25 or intended to be used, in connection with the operation of

1 such aircraft; or willfully sets fire to, damages, destroys, or
2 disables any air navigation facility or interferes with the
3 operation of such air navigation facility, if any such act is
4 likely to endanger the safety of such aircraft in flight; or

5 "Whoever, with intent to damage, destroy, or disable any
6 such aircraft, willfully sets fire to, damages, destroys, or dis-
7 ables or places a destructive substance in, upon, or in the
8 proximity of any appliance or structure, ramp, landing area,
9 property, machine, or apparatus, or any facility, or other
10 material used, or intended to be used, in connection with the
11 operation, maintenance, or loading or unloading or storage
12 of any such aircraft or any cargo carried or intended to be
13 carried on any such aircraft; or

14 "Whoever willfully performs an act of violence against
15 or incapacitates any passenger or member of the crew of any
16 such aircraft if such act of violence or incapacitation is likely
17 to endanger the safety of such aircraft in service; or

18 "Whoever willfully communicates information, which
19 he knows to be false, thereby endangering the safety of any
20 such aircraft while in flight; or

21 "Whoever willfully attempts to do any of the aforesaid
22 acts—shall be fined not more than \$10,000 or imprisoned
23 not more than twenty years, or both."

24 (c) (1) Chapter 2, title 18, United States Code, is

1 *amended by adding a new section after section 32 to read as*
2 *follows:*

3 *“§ 32A. Offenses in violation of the Convention for the*
4 *Suppression of Unlawful Acts Against the Safety*
5 *of Civil Aviation*

6 *“(a) Whoever commits an offense as defined in sub-*
7 *section (b) against or on board an aircraft registered in a*
8 *state other than the United States and is afterward found in*
9 *this country—shall be fined not more than \$10,000 or im-*
10 *prisoned not more than twenty years, or both.*

11 *“(b) For purposes of this section a person commits an*
12 *‘offense’ when he willfully—*

13 *“(1) performs an act of violence against a person*
14 *on board an aircraft in flight if that act is likely to en-*
15 *danger the safety of that aircraft; or*

16 *“(2) destroys an aircraft in service or causes dam-*
17 *age to such an aircraft which renders it incapable of*
18 *flight or which is likely to endanger its safety in flight; or*

19 *“(3) places or causes to be placed on an aircraft in*
20 *service, by any means whatsoever, a device or substance*
21 *which is likely to destroy that aircraft, or to cause dam-*
22 *age to it which renders it incapable of flight, or to cause*
23 *damage to it which is likely to endanger its safety in*
24 *flight; or*

1 “(4) attempts to commit, or is an accomplice of a
2 person who commits or attempts to commit, an offense
3 enumerated in this subsection.”.

4 (2) The analysis of chapter 2 of title 18 of the United
5 States Code is amended by adding after item

 “32. Destruction of aircraft or aircraft facilities.”

6 the following new item:

 “32A. Offenses in violation of the Convention for the Suppression of Un-
 lawful Acts Against the Safety of Civil Aviation.”.

7 (d) Section 101(34) of the Federal Aviation Act of
8 1958, as amended (49 U.S.C. 1301(34)), relating to the
9 definition of the term “special aircraft jurisdiction of the
10 United States,” is amended as follows:

11 (1) by deleting the word “or” at the end of subsec-
12 tion (d) (i);

13 (2) by deleting the word “and” at the end of sub-
14 section (d) (ii) and inserting in lieu thereof the word
15 “or”; and

16 (3) by adding a new subsection (d) (iii) as follows:

17 “(iii) regarding which an offense as defined in sub-
18 section (d) or (e) of article I, section I of the (Mon-
19 treal) Convention for the Suppression of Unlawful Acts
20 Against the Safety of Civil Aviation is committed, pro-
21 vided the aircraft lands in the United States with an
22 alleged offender still on board; and”.

23 (e) Section 902(k) of the Federal Aviation Act of

1 1958, as amended (49 U.S.C. 1472(k)), is amended by
2 adding subsection (3) to the end thereof, to read as follows:

3 “(3) Whoever while aboard an aircraft in the special
4 aircraft jurisdiction of the United States commits an act
5 which would be an offense under section 32 of title 18, United
6 States Code, shall be punished as provided therein.”

7 (f)(1) Chapter 2 of title 18, United States Code, is
8 amended by adding at the end thereof the following new
9 section:

10 “§ 36. *Imparting or conveying threats*

11 “(a) Whoever imparts or conveys or causes to be im-
12 parted or conveyed any threat to do an act which would be
13 a felony prohibited by section 32 or 33 of this chapter or
14 section 1992 of chapter 97 or section 2275 of chapter 111
15 of this title with an apparent determination and will to carry
16 the threat into execution shall be fined not more than \$5,000
17 or imprisoned not more than five years, or both.”

18 (2) The analysis of chapter 2 of title 18 of the United
19 States Code is amended by adding at the end thereof the
20 following new item:

“36. *Imparting or conveying threats.*”

21 AIRCRAFT PIRACY

22 SEC. 15. (a) Section 901 of the Federal Aviation Act
23 of 1958, as amended (49 U.S.C. 1471), is amended by
24 adding at the end thereof the following new subsections:

1 “(c) Whoever imparts or conveys or causes to be
2 imparted or conveyed false information, knowing the infor-
3 mation to be false, concerning an attempt or alleged attempt
4 being made or to be made, to do any act which would be a
5 crime prohibited by subsection (i), (j), (k), or (l) of sec-
6 tion 902 of this Act, shall be subject to a civil penalty of
7 not more than \$1,000 which shall be recoverable in a civil
8 action brought in the name of the United States.

9 “(d) Except for law enforcement officers of any municipi-
10 pal or State government, or the Federal Government, who
11 are authorized or required within their official capacities
12 to carry arms, or other persons who may be so authorized
13 under regulations issued by the Administrator, whoever,
14 while aboard, or while attempting to board, any aircraft in,
15 or intended for operation in, air transportation or intrastate
16 air transportation, has on or about his person or his prop-
17 erty a concealed deadly or dangerous weapon, which is, or
18 would be, accessible to such person in flight shall be subject
19 to a civil penalty of not more than \$1,000 which shall be
20 recoverable in a civil action brought in the name of the
21 United States.”.

22 (b) Subsection (a) of section 1395 of title 28, United
23 States Code, is amended by striking the period at the end
24 of such subsection and adding the following: “, and in any
25 proceeding to recover a civil penalty under section 35(a) of

1 *title 18 of the United States Code or section 901(c) or 901*
2 *(d) of the Federal Aviation Act of 1958, all process*
3 *against any defendant or witness, otherwise not authorized*
4 *under the Federal Rules of Civil Procedure, may be served*
5 *in any judicial district of the United States upon an ex*
6 *parte order for good cause shown.”.*

7 *(c)(1) Section 902(m) of the Federal Aviation Act of*
8 *1958 (49 U.S.C. 1472(m)) is amended to read as follows:*

9 *FALSE INFORMATION AND THREATS*

10 *“(m)(1) Whoever willfully and maliciously, or with*
11 *reckless disregard for the safety of human life, imparts or*
12 *conveys or causes to be imparted or conveyed false informa-*
13 *tion knowing the information to be false, concerning an*
14 *attempt or alleged attempt being made or to be made, to do*
15 *any act which would be a felony prohibited by subsection (i),*
16 *(j), or (l)(2) of this section, shall be fined not more than*
17 *\$5,000 or imprisoned not more than five years, or both.*

18 *“(2) Whoever imparts or conveys or causes to be im-*
19 *parted or conveyed any threat to do an act which would be*
20 *a felony prohibited by subsection (i), (j), or (l)(2) of this*
21 *section, with an apparent determination and will to carry the*
22 *threat into execution, shall be fined not more than \$5,000 or*
23 *imprisoned not more than five years, or both.”.*

24 *(2) The table of contents of the Federal Aviation Act*
25 *of 1958, in the matter of title II (subchapter IX, chapter 20*

1 of title 49, United States Code, section 1472(m)), is
 2 amended by redesignating

“(m) False information.”

3 to read

“(m) False information and threats.”

3 (d) Section 903 of the Federal Aviation Act of 1958
 4 (49 U.S.C. 1473) is amended by striking “Such” at the
 5 beginning of the second sentence of subsection (b) (1) of that
 6 section, and substituting therefor “Except with respect to civil
 7 penalties under section 901 (c) and (d) of this Act, such”.

8 NUCLEAR MATERIAL SECURITY INFORMATION

9 SEC. 16. (a) The Atomic Energy Act of 1954 is
 10 amended by inserting the following new section after section
 11 146:

12 “SEC. 147. NUCLEAR MATERIAL SECURITY IN-
 13 FORMATION.—

14 “a. In addition to any other authority or requirement
 15 regarding protection or disclosure of information and not-
 16 withstanding section 552 of title 5, United States Code, relat-
 17 ing to the availability of records, the Commission shall pre-
 18 scribe such regulations and orders as it may deem necessary
 19 to prohibit the unauthorized disclosure of nuclear material
 20 security information, by whomever possessed, whose un-
 21 authorized disclosure the Commission determines could sub-
 22 stantially facilitate, in transit or at fixed sites as the case

1 may be, the theft or diversion of plutonium, uranium-233,
2 uranium enriched to greater than 20 percent in the isotope
3 235, or any other special nuclear material determined by the
4 Commission to be readily usable as the fissionable component
5 of a nuclear explosive device so as to endanger the common
6 defense and security or the public health and safety.

7 "b. For the purposes of this section the term 'nuclear
8 material security information' means:

9 "(1) information identifying a licensee's or appli-
10 cant's detailed material control and accounting proce-
11 dures for, or measures for the physical protection of,
12 plutonium, uranium-233, or uranium enriched to
13 greater than 20 percent in the isotope 235, or any other
14 special nuclear material determined by the Commission
15 to be readily usable as the fissionable component of a nu-
16 clear explosive device including (A) information identi-
17 fying aspects of facility design, but only if such aspects
18 of facility design are directly and predominantly related
19 to the foregoing procedures and measures, and (B) in-
20 formation identifying inventory differences of such ma-
21 terial, but only for a period of six months after such in-
22 formation is compiled or for any longer period of active,
23 ongoing investigation by any duly authorized agency
24 or department of the United States Government; and
25 "(2) any studies reports, or analyses concerning

1 *the protection of nuclear materials against theft or di-*
2 *version whose disclosure could reasonably be expected*
3 *to have a direct and significant adverse impact on the*
4 *effectiveness of the material control and accounting pro-*
5 *cedures or physical protection measures of licensees for*
6 *plutonium, uranium-233, uranium enriched to greater*
7 *than 20 percent in the isotope 235, or any other special*
8 *nuclear material determined by the Commission to be*
9 *readily usable as the fissionable component of a nuclear*
10 *explosive device.*

11 *“c. The Commission shall exercise the authority herein*
12 *conferred so as to apply the minimum restriction on the*
13 *disclosure of such nuclear material security information to*
14 *the public, consistent with the objectives of this section. Any*
15 *person who violates any provision of this section or rule or*
16 *regulation promulgated thereunder, shall be subject to the*
17 *civil monetary penalties of section 234 of this Act. Nothing*
18 *in this section shall be construed to authorize the withhold-*
19 *ing of information from the duly authorized Committees of*
20 *the Congress.*

21 *“d. The Commission is authorized to prescribe such*
22 *regulations or orders as it may deem necessary to ensure*
23 *that information which is protected from unauthorized dis-*
24 *closure under this section shall be disclosed only to persons*
25 *as to whom the Commission shall have determined that per-*

1 *mitting each such person access to such information will*
2 *not substantially facilitate the theft or diversion of pluto-*
3 *onium, uranium-233, uranium enriched to greater than 20*
4 *percent in the isotope 235, or any other special nuclear*
5 *material determined by the Commission to be readily usable*
6 *as the fissionable component of a nuclear explosive device.*
7 *In support of the foregoing determination, such persons may*
8 *be investigated under standards and specifications estab-*
9 *lished by the Commission: Provided, That any such stand-*
10 *ards and specifications shall be no more stringent than those*
11 *established by the Commission pursuant to section 161i(2)*
12 *of this Act for the investigation of persons engaged in acti-*
13 *vities involving special nuclear material: And provided*
14 *further, That the Commission shall exercise the authority*
15 *conferred herein to the minimum extent necessary to permit*
16 *the foregoing determination.”.*

17 *(b) Section 181 of the Atomic Energy Act of 1954 is*
18 *amended as follows:*

19 *Following the term “Restricted Data” the first time*
20 *that term appears, delete “or” and insert “,”;*

21 *Following the term “defense information,” the first*
22 *time it appears insert “or nuclear material security in-*
23 *formation protected from disclosure under section 147*
24 *of this Act,”;*

1 Following the term "Restricted Data" the second
2 and third times it appears, delete "or" and insert ",";

3 Following the term "defense information" the sec-
4 ond and third times it appears, insert ", or such pro-
5 tected nuclear material security information".

6 (c) Section 223 of the Atomic Energy Act of 1954
7 is amended as follows:

8 Following the phrase "subsections 161b., i., or o."
9 insert ", or subsection 147a."

 Amend the title so as to read: "A bill to strengthen
Federal policies and programs and international cooperation
to combat international terrorism."

95TH CONGRESS
2D SESSION

Calendar No. 1001

S. 2236

[Report No. 95-908]
[Report No. 95-970]
[Report No. 95-1079]

A BILL

To effect certain reorganization of the Federal Government to strengthen Federal programs and policies for combating international and domestic terrorism.

By Mr. RIBICOFF, Mr. JAVITS, Mr. PERCY, Mr. BENTSEN, Mr. CASE, Mr. CHILES, Mr. DOLE, Mr. DURKIN, Mr. BAGLETON, Mr. GARN, Mr. GLENN, Mr. GRIFFIN, Mr. MARK O. HATFIELD, Mr. HEINZ, Mr. HELMS, Mrs. HUMPHREY, Mr. JACKSON, Mr. MATHIAS, Mr. MATSUNAGA, Mr. MCCLELLAN, Mr. MCGOVERN, Mr. MCINTYRE, Mr. MELCHER, Mr. METCALF, Mr. METZENBAUM, Mr. MORGAN, Mr. MOYNIHAN, Mr. NUNN, Mr. RANDOLPH, Mr. SARBANES, Mr. SASSEB, Mr. SCHMITT, Mr. SCHWEIKER, Mr. STAFFORD, Mr. STEVENS, and Mr. YOUNG

OCTOBER 25 (legislative day, OCTOBER 21), 1977

Read twice and referred to the Committee on Governmental Affairs and if and when reported to be referred jointly by unanimous consent to the Committees on Commerce, Science, and Transportation and Foreign Relations for not to exceed thirty days

DECEMBER 7, 1977

Referred to the Committee on Governmental Affairs and if and when reported to be referred by unanimous consent jointly to the Committees on Commerce, Science, and Transportation and Foreign Relations for not to exceed thirty days, with further instructions that when reported by those two committees, it then be referred to the Select Committee on Intelligence under the provisions of S. Res. 400 (94th Cong. 2d sess.)

MAY 23 (legislative day, MAY 17), 1978

Reported with an amendment and an amendment to the title and referred jointly to the Committees on Commerce, Science, and Transportation and Foreign Relations pursuant to previous order, through June 22, 1978

JUNE 23 (legislative day, MAY 17), 1978

Referred jointly to the Committee on Foreign Relations and the Committee on Commerce, Science, and Transportation for a period not to extend beyond July 10, 1978, and at the conclusion of this period, that the bill be referred to the Select Committee on Intelligence under the provisions of S. Res. 400 (94th Cong. 2d Sess.).

JULY 10 (legislative day, MAY 17), 1978

Reported with amendments and referred to the Select Committee on Intelligence under the provisions of S. Res. 400, 94th Cong. 2d Sess., to be reported back not later than Wednesday, August 9, 1978.

AUGUST 9 (legislative day, May 17), 1978
Reported with amendments

2

Calendar No. 1001

95TH CONGRESS }
2d Session }

SENATE }

REPORT
No. 95-1079

AN ACT TO COMBAT INTERNATIONAL TERRORISM

AUGUST 9 (legislative day, MAY 17,) 1978.—Ordered to be printed

Mr. BAYH, from the Select Committee on Intelligence,
submitted the following

R E P O R T

[To accompany S. 2236]

The Select Committee on Intelligence, to which was referred the bill (S. 2236) to effect certain reorganization of the Federal Government to strengthen Federal programs and policies for combating international and domestic terrorism, having considered the same, reports the bill with amendments. The committee makes no recommendation on the bill as a whole.

PURPOSE

The purpose of S. 2236, as reported, is to authorize such antiterrorist measures as the listing of states supporting terrorism, the imposition of sanctions against states so listed, the evaluation of security measure at foreign airports, the use of detection and identification taggants for explosives, the implementation of existing international agreements on terrorism, and the encouragement of further international antiterrorist activities.

BACKGROUND

International terrorism must be placed high on the agenda of the world's problems. It demands the serious consideration of world leaders and a coordinated, effective response. Terrorist incidents have not only become more frequent and destructive, but have taken on an international character as well. Experts fear that as air-piracy, hostage-taking, and bombing become commonplace, terrorists will resort to incidents involving weapons of mass destruction in attempts to cripple the vital systems of an entire city or region. Whereas terrorism was once motivated by such political motives as frustrated nationalism, as was the Palestinian movement, it has now taken on an increasingly nihilistic character, for example, in such groups as the Baader-

Meinhof Gang and the Japanese Red Army. The mounting evidence of international cooperation among diverse terrorist groups and increasing state support of international terrorism underscore the growing threat of international terrorism.

Although the United States has been relatively free of major incidents of international terrorism within its borders, it must prepare itself for this eventuality. The most careful study and concerted action are in order.

ACTION BY THE SELECT COMMITTEE ON INTELLIGENCE

On December 7, 1977, S. 2236 was ordered to be referred sequentially to the Select Committee on Intelligence under the provisions of Senate Resolution 400. After being reported by the Committee on Governmental Affairs, the Committee on Commerce, Science and Transportation, and the Committee on Foreign Relations, the bill was referred to the Intelligence Committee on July 10, 1978, for a period of 30 days.

On July 25, 1978, the Senate Select Committee on Intelligence held a closed hearing on S. 2236 and received testimony from:

Ambassador Anthony Quainton, Director of the Office to Combat Terrorism, Department of State, and Chairman of the Interagency Working Group on Terrorism.

Frederick P. Hitz, Legislative Counsel to the Director of Central Intelligence, who was accompanied by other representatives of the intelligence community.

J. Robert McBrien, Special Assistant to the Secretary of the Treasury on Enforcement and Operations.

The following issues or concerns were highlighted at the hearing:

Ambassador Anthony Quainton, Chairman of the Interagency Working Group on Terrorism, stated that lines of operational authority within the Federal Government with respect to combating terrorism were clearer now than in the past. He did acknowledge that, to the best of his knowledge, there have been no interagency simulations or "antiterrorist games" which would further clarify lines of responsibility and authority.

The Ambassador pledged to encourage each of the 28 agencies which make up the Interagency Working Group to review S. 2525, the select committee's charter legislation, from the perspective of the bill's impact on the agency's antiterrorist capabilities.

The intelligence community witnesses and the representative of the Department of the Treasury were united in their deep concern about the absence in the bill of any requirements which would protect the security of classified information. They emphasized that the incident report and the U.S. capability report required by the bill could contain highly classified intelligence information including information regarding intelligence sources and methods. They felt strongly that any reports created under the terms of the bill which included intelligence information should be handled through the channels established by Congress for receiving and controlling access to such information; namely, through the House Permanent Select Committee on Intelligence and the Senate Select Committee on Intelligence. They stressed that only these committees possess secure storage facilities

commensurate with the sensitivity and fragility of the information the reports would contain.

The intelligence community witnesses also pointed out that because of the bill's reporting requirements, friendly foreign governments would be less likely to share information about terrorist groups unless they believed that the information they provided would be afforded appropriate security.

One witness said that if the bill caused any decrease in the sharing of information about terrorists between the United States and friendly foreign governments, it would result in a net loss in our antiterrorist capabilities.

Two witnesses suggested that the terrorist incident report required by the bill might, in fact, be an inducement to terrorists, many of whom perform their deeds for the sake of publicity. They said that a public report from the President of the United States to Congress would constitute significant publicity.

The Department of the Treasury witness stated that tagging explosives would provide the Government with "critical tools" in combating terrorism. Identification taggants are microscopic elements added to explosive material that after detonation will enable the explosive to be traced. Detection taggants would enable the presence of explosive material to be detected before detonation. According to the Treasury, technology for tagging programs, though not perfected, will permit tagging of all types of explosives by 1981. The Treasury admitted that tagging in itself would not end bombings. Identification taggants will help solve some bombings, but not all. Detection taggants will not allow all planted bombs to be discovered before explosion. However, Treasury felt tagging would be a major advance in combating terrorism.

The Treasury Department witness supported reinsertion of a provision into the bill which would permit tagging black and smokeless powders once technology has advanced to the point where placing taggants in these powders would not affect their use in firearms. Under this proposal, powder in prepackaged ammunition would remain untagged because the small amounts of powder in ammunition would be impractical for use in bombs.

As written, the bill eliminates the tagging requirement for black and smokeless powders. According to testimony before this committee, if these powders were tagged, bombs using them could be traced to the production run in the factory where they were manufactured. The Treasury Department believes this additional intelligence information would help significantly in apprehending terrorists and other bombers, because while ordinarily used as propellants in firearms, black and smokeless powders are also the second most widely used type of explosive in illegal bombings in the United States. According to the Bureau of Alcohol, Tobacco and Firearms, 19.8 percent of all bombings in the United States in 1976 used black and smokeless powder. Bombs of this type caused 20 percent of the injuries and 12 percent of the deaths caused by bombings that year. The FBI estimates that 33 percent of terrorist bombings used these powders.

In addition to the security problems associated with the classified reports, the witnesses also argued that the quantity and frequency of

the reports required by the bill constituted an unnecessarily onerous burden. Each semiannual incident report, for example, would normally cover half of the 300 terrorist incidents which occur throughout the world each year. In 1976, 61 terrorist incidents involved U.S. citizens or U.S. property. The bill required that any incident involving U.S. citizens or significant interests or property of the United States be reported within 30 days. Intelligence community witnesses stated that, while the occurrence of the incident may be known rather quickly, it takes more than 30 days to collect, collate, and assess reports about it.

Additionally, the semiannual incident report, the semiannual report of states supporting international terrorism, and the biennial report on U.S. antiterrorist capabilities would require large numbers of intelligence officers to be engaged in report writing rather than intelligence collection and analysis.

Near the end of the hearing, one of the Senators called the committee's attention to problems associated with section 3(b). That section sets forth criteria for defining "state support of international terrorism." Under the bill, a state could be found to support international terrorism if it deliberately committed any one of five specific acts. The use of words and phrases such as "the likelihood that they would be used * * *," "direct financial support * * *," and "intended by those acts to aid and abet * * *" sets standards of evidence which the intelligence community witnesses admitted they would not normally be able to provide. An intelligence community representative stated that the definition is drawn so stringently that, theoretically, a U.S. official, if he so desired, could make a reasonable case to exclude even the most proterrorist state.

COMMENTS

The Select Committee on Intelligence requested sequential jurisdiction to consider S. 2236 because the bill imposes certain tasks on the intelligence community. The committee has concerned itself with those aspects of the bill which relate directly to the responsibilities of the Government for the collection, analysis, production, and dissemination of intelligence information concerning international terrorism. During the past year, the committee has paid considerable attention to the challenges posed by international terrorism to the United States and to the U.S. responses to such challenges. The Subcommittee on Collection, Production and Quality, chaired by Senator Stevenson, has been conducting a thorough examination of the capabilities of our intelligence agencies in this field. That study will recommend improvements in the management, direction, and policies of the Government's counterterrorist activities.

Virtually every assessment of the problems of terrorism by experts within and without the Government has emphasized the importance of accurate, complete, and timely intelligence dealing with terrorist incidents. Strengthening the ability of our intelligence agencies to obtain necessary information, and to make that information available to all policy makers and Government agencies having the responsibility for protective measures, can make a significant contribution to our Nation's defense against terrorism.

The select committee has a continuing commitment to provide necessary legal authority and appropriate resources for the Government's counterterrorism intelligence operations. In the months ahead the committee will complete its work on charter legislation for the U.S. intelligence community, further clarifying the legal authority of our intelligence agencies. Additional proposals may be introduced in the next session upon the completion of the select committee's indepth inquiry into the counterterrorism intelligence capabilities of the United States.

It is with this background and perspective that the Select Committee on Intelligence has considered S. 2236. The amendments recommended in this bill are designed, in general, to insure that its provisions do not impair the effective performance of the responsibilities that the U.S. intelligence community must bear if the United States is to cope adequately with the challenges of international terrorism. The committee is reporting S. 2236, as further amended by the committee, without recommendation. If the Senate acts favorably upon S. 2236, the committee believes its amendments are necessary and appropriate to satisfy the objectives of the bill without unduly interfering with the ability of our intelligence agencies to discharge their central functions.

Among the more important concerns of the committee were the various reporting and listing requirements established by sections 4, 5, 6, 7, and 8 of the bill; the committee was anxious to insure that any highly sensitive information which might be reported to Congress pursuant to these sections be accorded adequate security. In the opinion of the select committee, this requires that the procedures established by Senate Resolution 400 in the Senate and by House Resolution 658 in the House of Representatives be invoked whenever classified intelligence information is involved in a report to Congress.

Section 3(a) of Senate Resolution 400 requires that all proposed legislation, messages, petitions, memorials, and other matters relating to the intelligence community, be referred to the Senate Select Committee on Intelligence. Nothing in Senate Resolution 400 is meant to be construed as prohibiting or restricting the authority of any other committee to study and review any intelligence activity to the extent that such activity directly affects a matter otherwise within the jurisdiction of such committee. Certain highly sensitive information requires very careful handling and Senate Resolution 400 sets conditions under which that information is to be shared. In all of its considerations and in its amendments to S. 2236, the Senate Select Committee on Intelligence does not wish to be interpreted as encouraging the classification of information which could be made available to Congress and the American people without damaging our intelligence capabilities in any way. Our sole concern is that appropriately classified intelligence information be protected through mechanisms already accepted by Congress. Similarly, the committee intends that nothing in S. 2236 or in the amendments proposed by this committee be interpreted in such a manner as to require even the classified reporting of specific sensitive sources or methods of intelligence unless such is required for a full and complete understanding of the event being reported.

The select committee was deeply concerned about the definition of "state support of international terrorism" as set forth in section 3(b) of the bill. It must be emphasized that, in determining whether the actions of a state meet the criteria of this definition, it would not be necessary to provide the sort of evidence which could obtain a guilty verdict in a court of law. It is not necessary to prove "beyond a reasonable doubt" that a state has supported terrorism. In particular, in proving that a state has acted "deliberately" or that it "intended" to aid or abet the commission of any act of international terrorism, reliance can be placed on circumstantial, as opposed to direct, evidence of the state's intention. Similarly, if a state supplies arms to a group which has carried out terrorist acts in the past, direct evidence would not be necessary to establish that the arms were given in the "likelihood" that they would be used in the commission of an act of international terrorism.

The definition of "state support of international terrorism" is a key to implementing sections 5 and 6 which require the listing of, and the imposing of sanctions on, states which "have demonstrated a pattern of support for acts of international terrorism." The drafters intended this definition to exclude from its coverage indirect or inadvertent support for acts of international terrorism or indiscriminate moral support for groups which espouse terrorist tactics.

In attempting, however, to restrict the applicability of the definition to those states which are directly and actively involved in the support of international terrorism, the definition imposes strict standards of proof that it may be very difficult for the intelligence community to meet. For example, the "deliberateness" of a state's actions will of necessity be judged from circumstantial evidence, often of fairly limited scope and low quality. There is little certainty that we would possess a source of intelligence with access to a state's leadership to tell us just what the leadership intended when it agreed to furnish arms, money, diplomatic facilities, et cetera; and if such a source did exist, it would of course be impossible to disclose publicly either its existence or any information it supplied which might suggest its existence.

Similarly, it will be difficult to establish the precise conditions under which arms, explosives, or lethal substances were furnished by a state to a terrorist group; consequently, the judgment of whether or not the "likelihood" existed that they would be used in the commission of a terrorist act would necessarily contain a subjective element.

The remaining clauses of the definition pose similar problems for the intelligence community. In each clause, state support is defined as providing a particular kind of support "for any act of international terrorism." If this is interpreted as requiring that the intelligence community demonstrate a direct connection between the actions of the state and a particular terrorist act, it may be that the available evidence will not be found equal to the task. Rather, the executive branch and Congress may only be able to obtain evidence that demonstrates a close connection between a state and a terrorist group but which may not illuminate the precise relationship between the state and the given terrorist act.

The American people and Congress have a right to know which states support individuals or groups who commit acts of international

terrorism by furnishing arms, explosives or lethal substances, providing training, money, cover, or diplomatic facilities, or by allowing their territory to be used as a sanctuary. The intelligence community is capable of providing some information on those matters with reasonable regularity. Of less material concern to Congress and the American people, at least for the purposes of this bill, is detailed information about the precise routes by which arms and money reach terrorists, and about the precise relationship between the terrorists and those who provide training camps for them, those who supply passports, and those who let them cross their countries' borders. The intelligence community often cannot provide such information.

The inherent subjectivity of the determinations which are required by the definition of state support has led some members of the select committee to fear that the determinations will be influenced unduly by foreign policy concerns independent of the available evidence. This development conceivably could lead to an arbitrary application of the sanctions and would deprive the list of moral authority. Since the public stigmatizing of a state as a supporter of international terrorism might be considered to be the strongest sanction available under the bill, it is of the utmost importance that the list not appear as being tailored to the particular foreign policy interests of a particular administration.

For this reason, some members of the select committee discussed the possibility of modifying the definition of "state support of international terrorism." These members agreed that those provisions which invite subjective application could be eliminated, without penalizing states whose inadvertent actions might have the effect of aiding terrorists. The standards as written require, in most cases, that a connection be made between specific actions of states and given acts of terrorism. The standards considered require only the existence of evidence showing that states cooperate with groups or individuals which commit acts of terrorism. The committee considered rewriting subsection (b) of section 3 as follows:

(b) "State support of international terrorism" shall consist of any of the following acts when committed by a state:

- (1) Furnishing arms, explosives, or lethal substances to any individual, group, or organization which engages in acts of international terrorism;
- (2) Directing, providing training for, or assisting any individual, group, or organization which plans or executes any act of international terrorism;
- (3) Providing financial support for any individual, group, or organization which plans or executes any act of international terrorism;
- (4) Providing diplomatic facilities which aid or abet the commission of any act of international terrorism; or
- (5) Failing to permit the extradition or prosecution of any individual within its territory who has committed any act of international terrorism.

It was thought by some that this definition would allow for more objective determinations of which states belong on the list and, hence, would avoid the temptations to which decisionmakers faced with the necessity of making subjective decisions might succumb.

On the other hand, other members of the select committee felt that the definition as currently written more precisely denoted those countries which ought to be placed on the list and that the elements of deliberateness and intention were necessary in order to keep the list from becoming too inclusive.

An extensive list of states supporting international terrorism would require an excessive number of exemptions under section 6 of the bill and the effectiveness of the sanctions would be lost. These members, furthermore, felt that the flexibility inherent in the application of the current definition was appropriate and necessary for the successful conduct of foreign policy.

Given these conflicting points of view, and given the fact that the current definition had been laboriously negotiated between the Department of State and the Senate committees which have considered the bill previously, the select committee decided not to amend this definition. Individual members indicated, however, that they might attempt to do so during Senate consideration of the bill.

Some Senators voiced strong support for the taggant program and expressed belief in its efficacy. One Senator said this provision was the most important one in the bill. Others were concerned that the program would make little difference in combating terrorism; that the technology for tagging explosives was not yet adequate to warrant inclusion of a taggant program in the bill; that tagging explosives at the point of manufacture might lead to increased volatility of the explosives material, hence making reprocessing and handling more dangerous.

Senators had strong feelings both pro and con concerning the inclusion of taggants in black and smokeless powders. Some Senators questioned whether black powders and smokeless powders should be treated in the same manner.

International terrorism is a burgeoning phenomenon. We need to defend ourselves against it. The contribution this bill will make to combatting the terrorist threat remains to be seen. Certain provisions may enhance to some degree the Government's ability to persuade foreign countries to improve airport security and may aid in the identification of terrorists through tracing explosives used in bombings. The requirements for biennial reports to Congress on the organization of counterterrorist capabilities may stimulate the administration to greater efforts in this area. There are some risks in giving wide distribution to a detailed analysis of our vulnerabilities, but the amendments adopted by this committee are designed to minimize those risks where the information deals with sensitive intelligence sources and methods.

Section 4

This section of the bill provides for a comprehensive report on all acts of international terrorism, detailing the nature of the incident, the identity of the participants, the extent of state support of the act, and the U.S. response. The committee has amended this section in four respects:

1. The earlier draft required that each incident involving U.S. interest be reported to Congress not later than 30 days after it occurred.

Since specific intelligence information of the kind required by this section is not available immediately and since it often takes several months for a complete and meaningful picture of what took place to be collected, analyzed, and produced, the committee felt it would be more reasonable to allow 90 days after each incident to file a report. It therefore amended this provision of the bill (section 4(a)) to allow a 90-day reporting period.

2. The committee decided to require an annual rather than a semi-annual incident report. Since the data for these reports is drawn in large part from the intelligence community, and since the analytical manpower and resources devoted to antiterrorism in the intelligence community are limited, it was the belief of the committee that the intelligence community's larger antiterrorism effort would be better served if there was one yearly report of this nature rather than two. Accordingly, the committee amended section 4(a) to require annual reports.

3. The original bill requires reports on all incidents of international terrorism. Given the large number of such incidents which occur each year, and given the specificity required of the individual reports, this would represent an unreasonable and unnecessary drain on the anti-terrorist resources of the intelligence community. The committee has therefore amended the bill to require full reports only on those incidents of international terrorism "which affect citizens or significant interest or property of the United States," or which are otherwise "significant terrorist acts." "Significant terrorist acts" would include terrorist acts which are targeted against foreign leaders or which threaten severely the political stability of a foreign government, incidents which incorporate significant new terrorist tactics or weapons, incidents or attempted incidents of mass destruction, and incidents which point clearly to the complicity of foreign governments in international terrorism. Other international terrorist incidents of lesser significance should be identified in a way which will allow identification and further research if such is desired. A series of related terrorist acts may be summarized in a single section of the report.

4. In light of intelligence community testimony at the committee hearing, the committee believes that the provisions of the bill must be strengthened to allow for secure reception, storage, and dissemination of classified intelligence information. Intelligence community representatives emphasized that the incident report required by the bill would most likely contain highly classified intelligence information including information about sources and methods. The committee believes that all intelligence information reported pursuant to the requirements of the bill should be handled through the secure channels established by Congress for receiving and controlling access to such information, namely, the Senate Select Committee on Intelligence and the House Permanent Select Committee on Intelligence. Only these committees possess secure storage facilities commensurate with the sensitivity and fragility of the information the report may contain. The committee, therefore, amends the bill to require that all classified intelligence information "be held for Congress" by the House and Senate Intelligence Committees. It is the understanding of the committee that this shall be carried out in accordance with

the terms set forth in Senate Resolution 400, 94th Congress, and in House Resolution 658, 95th Congress, governing the reception, storage, and dissemination of classified intelligence information.

Section 5

This section of the bill requires a semiannual list of all states which have demonstrated a pattern of support for acts of international terrorism. In addition to supplying the list, the President must submit his reasons for including each state on the list. The committee has amended the bill language in two respects:

1. The committee has changed what was a semiannual report to an annual report. Reducing the frequency of this list will lessen the drain on the intelligence community's antiterrorist resources. The committee has also inserted a provision which will allow the President the flexibility of including an additional state on the list at any time. This would permit the emergency inclusion of a state should it openly support an act of terrorism of such a blatant nature that it would be unwise to delay inclusion of that state until such a time as a new annual list was prepared. The committee did not feel it was necessary to specify in the amendment a means through which the President could remove a state from this list since both section 5(e) and the annual redoing of the list provide an opportunity to remove a State from the list.

It is the understanding of the committee that, while the President's statement of reasons for including a country on the list should be clear and complete, it need not present all the detailed evidence that went into the determination. Should such detailed information become necessary, it would always be readily available upon request.

2. The committee also amended section 5 to strengthen its provisions for handling classified intelligence information in a secure manner. The reasons for doing this are outlined in the committee's comments on section 4.

Section 6

The select committee made two amendments to section 6. First, it rewrote section 6(a)(3) in order to include a clearer definition of the sorts of commodities and technical data which are not to be exported to states supporting international terrorism. Second, it added a new paragraph, 6(b)(2), to enable the President to submit a classified report justifying his suspension of any of the prohibitions listed in section 6(a), should such be necessary.

The new language of 6(a)(3) deletes the term "potential military application" which was thought to be too vague to provide clear guidance to the executive branch. The new language prohibits the export of any commodities or technical data which enhance either the government's military potential or its ability to support acts of international terrorism. This prohibition includes all lethal equipment and any logistic equipment (such as trucks, helicopters, fixed-wing airplanes, or ships) which would contribute materially to the ability of the government to conduct military operations or to support acts of international terrorism. Furthermore, the export of any commodities or technical data is prohibited even if similar commodities would be available to that government from other suppliers. The new language

does not include items (for example, food or medicine) which might be said to have potential military application but which do not enhance the state's military potential.

The new paragraph 6(b) (2) enables the President to make a classified report of his reasons for suspending the sanctions in a particular case. If the classified report contains intelligence information, it will be held for Congress by the Senate Select Committee on Intelligence and the House Permanent Select Committee on Intelligence in accordance with the applicable rules of each House.

There are several circumstances which might give rise to the need for a classified report. The nature of the "other national interests" of the United States, which the President is to take into consideration in determining whether sanctions might be suspended, may be such that an unclassified report about them would be limited in what it could say. Of course, as much information as possible should be included in the unclassified summary and presented to the President pro tempore of the Senate and the Speaker of the House; but Congress should not be limited in what it receives from the President solely to that which can be contained in an unclassified report.

In addition, there may be sensitive intelligence information available to the President which suggests that a state on the list of these supporting international terrorism has made some adjustments in its policy. While these adjustments may not be so great as to enable the President to propose removing the state from the list, he may nevertheless wish to reward the forces behind those adjustments by making some exceptions to the sanctions. In cases of "signaling" of this sort, it is envisioned that the President might wish to relax the sanctions with respect to nonlethal equipment. Since the sources of the information on which the President might be acting could be quite sensitive, and since the information itself, if made public, might bring to an end the favorable processes taking place in the state, the reasons for the President's actions could be submitted in a classified intelligence report.

Section 7

This section calls for a very extensive report of U.S. capabilities to be made biennially. Since it was the desire of the drafters of this bill to allow the Committee on Governmental Affairs to assess the effectiveness of any Government reorganization or efforts to enhance its ability to combat international terrorism, they required this extensive report. They did not mean that this obligation should exist in perpetuity. Therefore, the select committee has added a sunset clause to this section, the effect of which will be to terminate this reporting requirement after the fifth such report. These first few reports could be very helpful in assessing the effectiveness of U.S. policies to combat international terrorism; there is, however, no need to carry on this requirement indefinitely.

Although these reports are to be comprehensive, they need not indicate specific deficiencies of particular U.S. installations.

The select committee has also inserted language in this section similar to that introduced in sections 4, 5, and 6, which will allow for the more secure handling of any classified intelligence information which might be generated under the requirements of this section of the bill.

Section 8

This section requires a semiannual report to Congress concerning the security of foreign airports based on assessments made by the Secretary of Transportation. To the extent possible, this report should avoid classified information by summarizing the detailed assessments required by subsection (a). However, the select committee has amended this section to allow for the submission of a classified report should that prove necessary. In no case should the report describe specific vulnerabilities of foreign airports.

To produce these assessments, the cooperation of foreigners will be necessary. If foreign governments thought that the United States would publish the details of its inquiries, they would be reluctant to furnish us with data on their airports' security. In this connection, it should be noted that information supplied to this Government by a foreign government which is considered classified by the foreign government is classifiable according to paragraph 1-301(b) of Executive Order 12065 on national security information. The detailed assessments referred to in subsection (a) of this section of this bill will most likely be classifiable on this ground and, hence, not subject to release by means of freedom of information requests.

In any case, it is not envisaged that any detailed intelligence information which might be helpful to a potential terrorist will be released publicly in accordance with this section. Any classified intelligence information will be held for Congress by the two Intelligence Committees in accordance with the rules of each House.

Section 12

Various agencies of the U.S. Government concerned with national security may have need of untagged explosives from time to time. This committee has decided to allow the President to designate persons other than the Secretary of Defense to exempt explosive materials from the provisions of section 12 of this bill should such be necessary.

BUDGETARY IMPACT STATEMENT AND COST ESTIMATE

The Senate Select Committee on Intelligence has been provided with the following information on the budget impact of the bill and the cost estimate by the Congressional Budget Office.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

AUGUST 9, 1978.

1. Bill number: S. 2236.
2. Bill title: An Act to Combat International Terrorism.
3. Bill status: As ordered reported by the Senate Select Committee on Intelligence, August 9, 1978.
4. Bill purpose: The purpose of this legislation is to strengthen federal capabilities in countering acts of international terrorism. The Secretary of State is to report to Congress on any incidents of international terrorism, and on any states which have demonstrated a pattern of support for such acts. When a foreign government is listed in the report, the President is directed to withhold foreign assistance and

duty-free treatment, and is not allowed to authorize any sale, credit or guaranty with respect to defense articles or services, or approve any export licenses for commodities or technical data which could potentially have a military application. The Secretary of Transportation is directed by this legislation to assess the effectiveness of security measures maintained at certain foreign airports, and report the findings to Congress. The Secretary is also authorized to provide technical assistance to foreign governments concerning aviation security. The Federal Aviation Act of 1958 is amended to require that the Secretary of Transportation extend security measures to charter operations. The bill also requires that certain identification and detection taggants are to be contained in any explosive materials manufactured, shipped, distributed, received, sold, disposed of, or imported. The legislation clarifies what type of nuclear material information may be kept classified by the Nuclear Regulatory Commission.

5. Cost estimate:

		[In millions of dollars]
Authorization level: ¹		
Fiscal Year:		
1979	-----	
1980	-----	0.1
1981	-----	.1
1982	-----	.1
1983	-----	
Estimated costs:		
Fiscal Year:		
1979	-----	1.9
1980	-----	2.3
1981	-----	2.5
1982	-----	2.6
1983	-----	2.5

¹ Does not include sums for required activities of the Department of Transportation and the Department of the Treasury, for which no specific authorization is provided in the bill.

6. Basis of estimate: For the purpose of this estimate, an enactment date of October 1, 1978, has been assumed. The provision of this legislation determined to have the greatest impact on costs is the requirement that the Department of Transportation (DOT) assess the effectiveness of security measures maintained in certain foreign airports. Based on information obtained from DOT, it is estimated that the cost of inspecting the approximately 170 airports involved would be \$1.4 million per year. In order to insure compliance by charter airlines of the security requirements, it is estimated that the cost to DOT for the additional inspections would be approximately \$0.4 million each year. Any increases in the costs of these two activities due to inflation are expected to be offset by the need for fewer inspections each year as it is determined that adequate security measures are being taken. The \$100,000 authorized for each of the fiscal years 1980, 1981, and 1982 for aviation security assistance to foreign governments is assumed to be fully appropriated each year, and is expected to be spent at a rate of 80 percent in the first year and 20 percent in the second. Based on information obtained from the Department of the Treasury, regulation and enforcement of the detection and identification taggants will

cost approximately \$0.1 million in fiscal year 1979, increasing to \$0.4 million in 1980, \$0.6 million in 1981, \$0.7 million in 1982, and \$0.7 million in 1983.

The other provisions of this legislation, such as the reporting requirements by the Department of State, are not expected to have a significant impact on costs.

7. Estimate comparison: None.

8. Previous CBO estimate: CBO has prepared two previous cost estimates on S. 2236—the first on May 18, 1978, for the version of the bill as reported by the Senate Committee on Governmental Affairs, and the second on June 7, 1978, as reported by the Senate Committee on Foreign Relations. The estimated costs are the same for all versions.

9. Estimate prepared by: Kathy Weiss.

10. Estimate approved by:

JAMES L. BLUM,
Assistant Director for Budget Analysis.

EVALUATION OF REGULATORY IMPACT

In accordance with rule XXIX of the Standing Rules of the Senate, the Senate Select Committee on Intelligence has evaluated the regulatory impact of this legislation and the committee's amendments to the legislation as reported by the Committees on Governmental Affairs, Foreign Relations, and Commerce, Science and Transportation.

The amendments adopted by this committee will have no appreciable effect on the regulatory impact of the bill and the report of the Committee on Governmental Affairs evaluation contained in Senate Report No. 95-908.

CHANGES IN EXISTING LAW

In compliance with section 4 of rule XXIX of the Standing Rules of the Senate, change in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, and exiting law in which no change is proposed is shown in roman).

TITLE 18—UNITED STATES CODE—CRIMES AND CRIMINAL PROCEDURE

* * * * *

Chapter 2.—AIRCRAFT AND MOTOR VEHICLES

SEC. 31 * * *

* * * * *

32A. Offenses in violation of the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation.

* * * * *

36. Imparting or conveying threats.

* * * * *

§ 31. Definitions.

When used in this chapter the term—

“Aircraft engine”, “air navigation facility”, “appliance”, “civil aircraft”, “foreign air commerce”, “interstate air commerce”, “landing area”, “overseas air commerce”, “propeller”, and “spare part” shall have the meaning ascribed to those terms in the [Civil Aeronautics Act of 1938,] *Federal Aviation Act of 1958* as amended.

* * * * *

“Destructive substance” means any explosive substance, flammable material, infernal machine, or other chemical, mechanical, or radioactive device or matter of a combustible, contaminative, corrosive, or explosive nature; [and]

“Used for commercial purposes” means the carriage of persons or property for any fare, fee, rate, charge or other consideration, or directly or indirectly in connection with any business, or other undertaking intended for profit[.];

“*In flight*” means any time from the moment all the external doors of an aircraft are closed following embarkation until the moment when any such door is opened for disembarkation. In the case of a forced landing the flight shall be deemed to continue until competent authorities take over the responsibility for the aircraft and the persons and property aboard; and

“*In service*” means any time from the beginning of preflight preparation of the aircraft by ground personnel or by the crew for a specific flight until twenty-four hours after any landing; the period of service shall, in any event, extend for the entire period during which the aircraft is in flight.

§ 32. Destruction of aircraft or aircraft facilities

[Whoever willfully sets fire to, damages, destroys, disables, or wrecks any civil aircraft used, operated, or employed in interstate, overseas, or foreign air commerce; or

[Whoever willfully sets fire to, damages, destroys, disables, or wrecks any aircraft engine, propeller, appliance, or spare part with intent to damage, destroy, disable, or wreck any such aircraft; or

[Whoever, with like intent, willfully places or causes to be placed any destructive substance in, upon, or in proximity to any such aircraft, or any aircraft engine, propeller, appliance, spare part, fuel, lubricant, hydraulic fluid, or other material used or intended to be used in connection with the operation of any such aircraft, or any cargo carried or intended to be carried on any such aircraft, or otherwise makes or causes to be made any such aircraft, aircraft engine, propeller, appliance, spare part, fuel, lubricant, hydraulic fluid, or other material unworkable or unusable or hazardous to work or use; or

[Whoever, with like intent, willfully sets fire to, damages, destroys, disables, or wrecks, or places or causes to be placed any destructive substance in, upon, or in proximity to any shop, supply, structure, station, depot, terminal, hangar, ramp, landing area, air-navigation facility or other facility, warehouse, property, machine, or apparatus used or intended to be used in connection with the operation, loading, or unloading of any such aircraft or making any such aircraft ready for flight, or otherwise makes or causes to be made any such shop,

supply, structure, station, depot, terminal, hangar, ramp, landing area, air-navigation facility or other facility, warehouse, property, machine, or apparatus unworkable or unusable or hazardous to work or use; or
 [Whoever, with like intent, willfully incapacitates any member of the crew of any such aircraft; or

[Whoever willfully attempts to do any of the aforesaid acts or things—

[shall be fined not more than \$10,000 or imprisoned not more than twenty years, or both.]

Whoever willfully sets fire to, damages, destroys, disables, or interferes with the operation of, or makes unsuitable for use any civil aircraft used, operated, or employed in interstate, overseas, or foreign air commerce; or willfully places a destructive substance in, upon, or in proximity to any such aircraft which is likely to damage, destroy, or disable any such aircraft, or any part or other material used, or intended to be used, in connection with the operation of such aircraft; or willfully sets fire to, damages, or disables any air navigation facility or interferes with the operation of such air navigation facility, if any such act is likely to endanger the safety of such aircraft in flight; or

Whoever, with intent to damage, destroy, or disable any such aircraft, willfully sets fire to, damages, destroys, or disables or places a destructive substance in, upon, or in the proximity of any appliance or structure, ramp, landing area, property, machine, or apparatus, or any facility, or other material used, or intended to be used, in connection with the operation, maintenance, or loading or unloading or storage of any such aircraft or any cargo carried or intended to be carried on any such aircraft;

or
Whoever willfully performs an act of violence against or incapacitates any passenger or member of the crew of any such aircraft if such act of violence or incapacitation is likely to endanger the safety of such aircraft in service; or

Whoever willfully communicates information, which he knows to be false, thereby endangering the safety of any such aircraft while in flight;

or
Whoever willfully attempts to do any of the aforesaid acts—shall be fined not more than \$10,000 or imprisoned not more than twenty years, or both.

Sec. 32A. Offenses in violation of the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation

“(a) Whoever commits an offense as defined in subsection (b) against or on board an aircraft registered in a state other than the United States and is afterward found in this country—shall be fined not more than \$10,000 or imprisoned not more than twenty years, or both.

“(b) For purposes of this section a person commits an ‘offense’ when he willfully—

“(1) performs an act of violence against a person on board an aircraft in flight if that act is likely to endanger the safety of that aircraft; or

“(2) destroys an aircraft in service or causes damage to such an aircraft which renders it incapable of flight or which is likely to endanger its safety in flight; or

“(3) places or causes to be placed on an aircraft in service, by any means whatsoever, a device or substance which is likely to destroy that aircraft, or to cause damage to it which renders it incapable of flight, or to cause damage to it which is likely to endanger its safety in flight; or

“(4) attempts to commit, or is an accomplice of a person who commits or attempts to commit, an offense enumerated in this subsection.”.

* * * * *

Sec. 36. Imparting or conveying threats

(a) *Whoever imparts or conveys or causes to be imparted or conveyed any threat to do an act which would be a felony prohibited by section 32 or 33 of this chapter or section 1992 of chapter 97 or section 2275 of chapter 111 of this title with an apparent determination and will to carry the threat into execution shall be fined not more than \$5,000 or imprisoned not more than five years, or both.*

Chapter 40.—IMPORTATION, MANUFACTURE, DISTRIBUTION AND STORAGE OF EXPLOSIVE MATERIALS

Sec. 841. Definitions

As used in this chapter—

(a) * * *

* * * * *

(o) *“Identification taggant” means any substance which (1) is added to an explosive material during the manufacture of such material and (2) is retrievable after detonation and permits the identification of the manufacturer, the date of manufacture of such material, and provides such other information as determined by the Secretary of the Treasury.*

(p) *“Detective taggant” means any substance which (1) is added to an explosive material during the manufacture of such material, and (2) permits detection of such material prior to its detonation.*

* * * * *

Sec. 842. Unlawful acts

(a) * * *

* * * * *

(l) *One year after the date of the enactment of this Act, it shall be unlawful for any person or persons to manufacture any explosive material which does not contain an identification taggant which satisfies the standards promulgated by the Secretary as provided in section 847.*

(m) *Two years after the date of the enactment of this Act, it shall be unlawful for any person or persons to manufacture any explosive material which does not contain a detection taggant which satisfies the standards promulgated by the Secretary as provided in section 847.*

(n) *Two years after the date of the enactment of this Act, it shall be unlawful for any person or persons to transport, ship,*

distribute, or receive, or cause to be transported, shipped, distributed or received, in interstate or foreign commerce any explosive material which does not contain an identification taggant which satisfies the standards promulgated by the Secretary as provided in section 847.

(o) Three years after the date of the enactment of this Act, it shall be unlawful for any person or persons to transport, ship, distribute, or receive, or cause to be transported, shipped, distributed, or received, in interstate or foreign commerce any explosive material which does not contain a detection taggant which satisfies the standards promulgated by the Secretary as provided in section 847.

(p) One year after the date of the enactment of this Act, it shall be unlawful for any person or persons to import any explosive material which does not contain an identification taggant which satisfies the standards promulgated by the Secretary as provided in section 847.

(q) Two years after the date of the enactment of this Act, it shall be unlawful for any person or persons to import any explosive material which does not contain a detection taggant which satisfies the standard promulgated by the Secretary as provided in section 847.

(r) Two years after the date of the enactment of this Act, it shall be unlawful for any person to resell or otherwise dispose of any explosive material sold as surplus by a military or naval service or other agency of the United States which does not contain an identification taggant which satisfies the standards promulgated by the Secretary as provided in section 847. The shipment of surplus explosive materials from the military establishment where sold to the purchaser's place of business shall be in accordance with regulations promulgated by the Secretary.

(s) Three years after the date of the enactment of this Act, it shall be unlawful for any person to resell or otherwise dispose of any explosive material sold as surplus by a military or naval service or other agency of the United States which does not contain a detection taggant which satisfies the standards promulgated by the Secretary as provided in section 847. The shipment of surplus explosive materials from the military establishment where sold to the purchaser's place of business shall be in accordance with regulations promulgated by the Secretary.

(t) The Secretary shall by regulation defer one or more of the time periods specified in paragraphs [1] through [8]s by extensions of not more than one year at a time until he is satisfied that taggants: are available in sufficient quantity for commercial purposes; will not impair the quality of the explosive materials for their use; are not unsafe; or will not adversely affect the environment. The Secretary shall inform the Congress sixty days prior to each extension, specifying the reasons for such extensions, and estimating the time he expects the provisions of this section will become effective.

(u) Black and smokeless powders, used as propellant powders, shall be excluded from the provisions of this Section.

(v) The requirements of paragraphs (l) through (q) of this subsection shall not apply to any explosive material designated by the President or the [Secretary of Defense] his designee as

an explosive material to be used by the Department of Defense or another agency of Government for national defense or international security purposes. Any explosive material so designated shall be reported promptly to the Secretary of the Treasury.

* * * * *

Sec. 844. Penalties

(a)(1) Any person who violates subsections (a) through (i) of section 842 of this chapter shall be fined not more than \$10,000 or imprisoned not more than ten years, or both.

(2) *Any person who violates subsection (1) of section 842 of this chapter shall be fined not more than \$10,000 or imprisoned not more than ten years, or both.*

* * * * *

Sec. 845. Exceptions; relief from disabilities

(a) Except in the case of subsections (d), (e), (f), (g), (h), and (i) of section 844 of this title, this chapter shall not apply to:

(1) * * *

* * * * *

(5) commercially manufactured black powder in quantities not to exceed fifty pounds, percussion caps, safety and pyrotechnic fuses, quills, quick and slow matches, and friction primers, intended to be used solely for sporting, recreational, or cultural purposes in antique firearms as defined in section 921(a)(16) of title 18 of the United States Code, or in antique devices as exempted from the term "destructive device" in section 921(a)(4) of title 18 of the United States Code; [and]

(6) the manufacture under the regulation of the military department of the United States of explosive materials for, or their distribution to or storage or possession by the military or naval services or other agencies of the United States; or to arsenals, navy yards, depots, or other establishments owned by, or operated by or on behalf of the United States[.]; and

(7) *the provisions of subsection (1) of section 842 of this title shall apply to paragraphs (4) and (5) of this subsection.*

TITLE 28—UNITED STATES CODE—JUDICIARY AND JUDICIAL PROCEDURE

Chapter 87.—DISTRICT COURTS; VENUE

* * * * *

Sec. 1395. Fine, penalty or forfeiture

(a) A civil proceeding for the recovery of a pecuniary fine, penalty or forfeiture may be prosecuted in the district where it accrues or the defendant is [found.] *found and in any proceeding to recover a civil penalty under section 35(a) of title 18 of the United States Code or section 901(c) or 901(d) of the Federal Aviation Act of 1958, all process*

against any defendant or witness, otherwise not authorized under the Federal Rules of Civil Procedures, may be served in any judicial district of the United States upon an ex parte order for good cause shown.

FEDERAL AVIATION ACT OF 1958, AMENDMENTS
PUBLIC LAW 93-366

AN ACT to amend the Federal Aviation Act of 1958 to implement the Convention for the Suppression of Unlawful Seizure of Aircraft; to provide a more effective program to prevent aircraft piracy; and for other purposes

TITLE I—ANTIHIJACKING ACT OF 1974

SEC. 101. * * *

* * * * *

SEC. 106. Title XI of such Act (49 U.S.C. 1501-1513) is amended by adding at the end thereof the following new sections:

* * * * *

["SECURITY STANDARDS IN FOREIGN AIR TRANSPORTATION

["SEC. 1115. (a) Not later than 30 days after the date of enactment of this section, the Secretary of State shall notify each nation with which the United States has a bilateral air transport agreement or, in the absence of such agreement, each nation whose airline or airlines hold a foreign air carrier permit or permits issued pursuant to section 402 of this Act, of the provisions of subsection (b) of this section.

["(b) In any case where the Secretary of Transportation, after consultation with the competent aeronautical authorities of a foreign nation with which the United States has a bilateral air transport agreement and in accordance with the provisions of that agreement or, in the absence of such agreement, of a nation whose airline or airlines hold a foreign air carrier permit or permits issued pursuant to section 402 of this Act, finds that such nation does not effectively maintain and administer security measures relating to transportation of persons or property or mail in foreign air transportation that are equal to or above the minimum standards which are established pursuant to the Convention on International Civil Aviation, he shall notify that nation of such finding and the steps considered necessary to bring the security measures of that nation to standards at least equal to the minimum standards of such convention. In the event of failure of that nation to take such steps, the Secretary of Transportation, with the approval of the Secretary of State, may withhold, revoke, or impose conditions on the operating authority of the airline or airlines of that nation."]

SECURITY STANDARDS IN FOREIGN AIR TRANSPORTATION

Sec. 1115. (a) The Secretary of Transportation shall conduct at such intervals as the Secretary shall deem necessary an assessment of the effectiveness of the security measures maintained at those foreign airports serving United States carriers, those foreign airports from which

foreign air carriers serve the United States, and at such other foreign airports as the Secretary may deem appropriate. Such assessments shall be made by the Secretary in consultation with the appropriate aeronautic authorities of the concerned foreign government. The assessment shall determine the extent to which an airport effectively maintains and administers security measures. The criteria utilized by the Secretary in assessing the effectiveness of security at United States airports shall be considered in making such assessments and shall be equal to or above the standards established pursuant to the Convention on International Civil Aviation. The assessment shall include consideration of specific security programs and techniques, including but not limited to, physical and personnel security programs and procedures, passenger security and baggage examination, the use of electronic, mechanical or other detection devices, airport police and security forces, and control of unauthorized access to the airport aircraft, airport perimeter, passenger boarding, and cargo, storage, and handling areas.

(b) The report to the Congress required by section 315 of this Act shall contain:

(1) A summary of those assessments conducted pursuant to subsection (a) of this section. The summary shall identify the airports assessed and describe any significant deficiencies and actions taken or recommended.

(2) A description of the extent if any to which specific deficiencies previously identified, if any, have been eliminated.

(c) When the Secretary finds that an airport does not maintain and administer effective security measures at the level of effectiveness specified in subsection (a) of this section, he shall notify the appropriate authorities of such foreign government of his finding, and recommend the steps necessary to bring the security measures in use at that airport to the acceptable level of effectiveness.

(d)(1) Not later than sixty days after the notification required in subsection (c) of this section and upon a determination by the Secretary that the foreign government has failed to bring the security measures at the identified airport to the level of effectiveness specified in subsection (a) of this section, he—

(A) shall publish in the Federal Register and cause to be posted and prominently displayed at all United States airports regularly serving scheduled air carrier operations the identification of such airport; and

(B) after consultation with the appropriate aeronautical authorities of such government and, notwithstanding section 11C2 of this Act, may, with the approval of the Secretary of State, withhold, revoke, or impose conditions on the operating authority of any carrier or foreign air carrier to engage in foreign air transportation utilizing that airport.

(2) The Secretary shall promptly report to the Congress any action taken under this subsection setting forth information concerning the attempts he has made to secure the cooperation of the nation in attaining the acceptable level of effectiveness.

(e) Nothing in this section is intended to require the public disclosure of information that is properly classified under criteria established by Executive Order or is otherwise protected by law. Such information shall be provided to the President pro tempore of the

Senate and to the Speaker of the House of Representatives in a written classified report. Any intelligence information classified by Executive Order or otherwise protected by law and furnished to Congress under this section shall be held for the Senate by the Select Committee on Intelligence of the Senate and held for the House of Representatives by the Permanent Select Committee on Intelligence of the House of Representatives. In any such case where such information is furnished to Congress, an unclassified summary of such information shall be prepared and submitted to the President pro tempore of the Senate and the Speaker of the House of Representatives.

* * * * *

TITLE II—AIR TRANSPORTATION SECURITY ACT OF 1974

SEC. 201. * * *

SEC. 206. Title III of the Federal Aviation Act of 1958 (49 U.S.C. 1345-1355), relating to organization of the Federal Aviation Administration and the powers and duties of the Administrator, is amended by adding at the end thereof the following new sections:

“SCREENING OF PASSENGERS

SEC. 315. (a) * * *

“EXEMPTION AUTHORITY

“(b) The Administrator may exempt from the provisions of this section, in whole or in part, air transportation operations, other than those scheduled or charter passenger operations performed by air carriers engaging in interstate, overseas, or foreign air transportation under a certificate of public convenience and necessity issued by the Civil Aeronautics Board under section 401 of this Act or under a foreign air carrier permit issued by the Board under section 402 of this Act.”

* * * * *

TITLE 49—UNITED STATES CODE—TRANSPORTATION

Chapter 20.—FEDERAL AVIATION PROGRAM

Subchapter I—General Provisions

Sec. 1301. Definitions

As used in this chapter, unless the context otherwise requires—
(22) * * *

* * * * *

(34) The term “special aircraft jurisdiction of the United States” includes—

(a) * * *

* * * * *

- (d) any other aircraft outside the United States—
 - (i) that has its next scheduled destination or last point of departure in the United States, if that aircraft next actually lands in the United States; **[or]**
 - (ii) having "an offense", as defined in the Convention for the Suppression of Unlawful Seizure of Aircraft, committed aboard, if that aircraft lands in the United States with the alleged offender still aboard; **[and]** or
 - "(iii) regarding which an offense as defined in subsection (d) or (e) of article I, section I of the (Montreal) Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation is committed, provided the aircraft lands in the United States with an alleged offender still on board; and".

Subchapter IX.—Penalties

Sec. 1471. Civil penalties; compromise; liens

(a) * * *

* * * * *

(c) *Whoever imparts or conveys or causes to be imparted or conveyed false information, knowing the information to be false, concerning an attempt or alleged attempt being made or to be made, to do any act which would be a crime prohibited by subsection (i), (j), (k), or (l) of section 902 of this Act, shall be subject to a civil penalty of not more than \$1,000 which shall be recoverable in a civil action brought in the name of the United States.*

(d) *Except for law enforcement officers of any municipal or State government, or the Federal Government, who are authorized or required within their official capacities to carry arms, or other persons who may be so authorized under regulations issued by the Administrator, whoever, while aboard, or while attempting to board, any aircraft in, or intended for operation in, air transportation or intrastate air transportation, has on or about his person or his property a concealed deadly or dangerous weapon, which is, or would be, accessible to such person in flight shall be subject to a civil penalty of not more than \$1,000 which shall be recoverable in a civil action brought in the name of the United States.*

Sec. 1472. Criminal penalties

(a) * * *

* * * * *

CERTAIN CRIMES ABOARD AIRCRAFT IN FLIGHT

(k)(1) *Whoever, while aboard an aircraft within the special aircraft jurisdiction of the United States, commits an act which, if committed within the special maritime and territorial jurisdiction of the United States, as defined in section 7 of Title 18, would be in violation of section 113, 114, 661, 662, 1111, 1112, 1113, 2031, 2032, or 2111 of such Title 18 shall be punished as provided therein.*

(2) *Whoever, while aboard an aircraft within the special aircraft jurisdiction of the United States, commits an act, which, if committed*

in the District of Columbia would be in violation of section 9 of the Act entitled "An Act for the preservation of public peace and the protection of property within the District of Columbia", approved July 29, 1892, as amended (D.C. Code, sec. 22-1112), shall be punished as provided therein.

(3) *Whoever while aboard an aircraft in the special aircraft jurisdiction of the United States commits an act which would be an offense under section 32 of title 18, United States Code, shall be punished as provided therein.*

* * * * *

[FALSE INFORMATION

[(m)(1) Whoever imparts or conveys or causes to be imparted or conveyed false information, knowing the information to be false, concerning an attempt or alleged attempt being made or to be made, to do any act which would be a crime prohibited by subsection (i), (j), (k), or (l) of this section, shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

[(2) Whoever willfully and maliciously, or with reckless disregard for the safety of human life, imparts or conveys or causes to be imparted or conveyed false information, knowing the information to be false, concerning an attempt or alleged attempt being made or to be made, to do any act which would be a crime prohibited by subsection (i), (j), (k), or (l) of this section, shall be fined not more than \$5,000 or imprisoned not more than five years, or both.]

FALSE INFORMATION AND THREATS

(m)(1) Whoever willfully and maliciously, or with reckless disregard for the safety of human life, imparts or conveys or causes to be imparted or conveyed false information knowing the information to be false, concerning an attempt or alleged attempt being made or to be made, to do any act which would be a felony prohibited by subsection (i), (j), or (l)(2) of this section, shall be fined not more than \$5,000 or imprisoned not more than five years, or both.

(2) Whoever, imparts or conveys or causes to be imparted or conveyed any threat to do an act which would be a felony prohibited by subsection (i), (j), or (l)(2) of this section, with an apparent determination and will to carry the threat into execution, shall be fined not more than \$5,000 or imprisoned not more than five years, or both.

* * * * *

Chapter 20.—FEDERAL AVIATION PROGRAM—Contents

Subchapter I * * *

* * * * *

Subchapter IX.—Penalties

Sec. 1472. Criminal penalties

(a) * * *

* * * * *

[(m) False information]

(m) False information and threats.

* * * * *

Sec. 1473. Venue and prosecution of offenses; procedures in respect of civil and aircraft piracy penalties

(a) * * *

(b)(1) Any civil penalty imposed under this chapter may be collected by proceedings in personam against the person subject to the penalty and, in case the penalty is a lien, by proceedings in rem against the aircraft, or by either method alone. [Such] *Except with respect to civil penalties under section 901 (c) and (d) of this Act, such proceedings shall conform as nearly as may be to civil suits in admiralty, except that either party may demand trial by jury of any issue of fact, if the value in controversy exceeds \$20, and the facts so tried shall not be reexamined other than in accordance with the rules of the common law. The fact that is a libel in rem the seizure is made at a place not upon the high seas or navigable waters of the United States shall not be held in any way limit the requirement of the conformity of the proceedings to civil suits in rem in admiralty.*

THE ATOMIC ENERGY ACT OF 1954

Public Law 83-703 (68 Stat. 9190)

* * * * *

Chapter 12.—CONTROL OF INFORMATION

Sec. 141. Policy

* * * * *

“**SEC. 147. NUCLEAR MATERIAL SECURITY INFORMATION.—**

“a. *In addition to any other authority or requirement regarding protection or disclosure of information and notwithstanding section 552 of title 5, United States Code, relating to the availability of records, the Commission shall prescribe such regulations and orders as it may deem necessary to prohibit the unauthorized disclosure of nuclear material security information, by whomever possessed, whose unauthorized disclosure the Commission determines could substantially facilitate, in transit or at fixed sites as the case may be, the theft or diversion of plutonium, uranium-233, uranium enriched to greater than 20 percent in the isotope 235, or any other special nuclear material determined by the Commission to be readily usable as the fissionable component of a nuclear explosive device so as to endanger the common defense and security or the public health and safety.*

“b. *For the purposes of this section the term ‘nuclear material security information’ means:*

“(1) *information identifying a licensee’s or applicant’s detailed material control and accounting procedures for, or measures for the physical protection of, plutonium, uranium-233, or uranium enriched to greater than 20 percent in the isotope 235, or any other special nuclear material determined by the Commission to be readily*

usable as the fissionable component of a nuclear explosive device including (A) information identifying aspects of facility design, but only if such aspects of facility design are directly and predominantly related to the foregoing procedures and measures, and (B) information identifying inventory differences of such material, but only for a period of six months after such information is compiled or for any longer period of active, ongoing investigation by any duly authorized agency or department of the United States Government; and

"(2) any studies reports, or analyses concerning the protection of nuclear materials against theft or diversion whose disclosure could reasonably be expected to have a direct and significant adverse impact on the effectiveness of the material control and accounting procedures or physical protection measures of licensees for plutonium, uranium-233, uranium enriched to greater than 20 percent in the isotope 235, or any other special nuclear material determined by the Commission to be readily usable as the fissionable component of a nuclear explosive device.

"c. The Commission shall exercise the authority herein conferred so as to apply the minimum restriction on the disclosure of such nuclear material security information to the public, consistent with the objectives of this section. Any person who violates any provision of this section or rule regulation promulgated thereunder, shall be subject to the civil monetary penalties of section 234 of this Act. Nothing in this section shall be construed to authorize the withholding of information from the duly authorized Committees of the Congress.

"d. The Commission is authorized to prescribe such regulations or orders as it may deem necessary to ensure that information which is protected from unauthorized disclosure under this section shall be disclosed only to persons as to whom the Commission shall have determined that permitting each such person access to such information will not substantially facilitate the theft or diversion of plutonium uranium 233, uranium enriched to greater than 20 percent in the isotope 235, or any other special nuclear material determined by the Commission to be readily usable as the fissionable component of a nuclear explosive device. In support of the foregoing determination, such persons may be investigated under standards and specifications established by the Commission: Provided, That any such standards and specifications shall be no more stringent than those established by the Commission pursuant to section 161i(2) of this Act for the investigation of persons engaged in activities involving special nuclear material: And provided further, That the Commission shall exercise the authority conferred herein to the minimum extent necessary to permit the foregoing determination".

* * * * *

Chapter 16.—JUDICIAL REVIEW AND ADMINISTRATIVE PROCEDURE

"SEC. 181. GENERAL.—The provisions of the Administrative Procedure Act (Public Law 404, Seventy-ninth Congress, approved June 11, 1946) shall apply to all agency action taken under this Act, and the terms 'agency' and 'agency action' shall have the meaning specified in the Administration Procedure Act: Provided, however, That in the case of agency proceedings or actions which involve Restricted

Data [or], defense information, or *nuclear material security information protected from disclosure under section 147 of this Act*, the Commission shall provide by regulation for such parallel procedures as will effectively safeguard and prevent disclosure of Restricted Data [or], defense information, or *such protected nuclear material security information* to unauthorized persons with minimum impairment of the procedural rights which would be available if Restricted Data [or], defense information, or *such protected nuclear material security information* were not involved.

* * * * *

Chapter 18.—ENFORCEMENT

* * * * *

“SEC. 223. VIOLATION OF SECTIONS GENERALLY.—Whoever willfully violates, attempts to violate, or conspires to violate, any provision of this Act for which no criminal penalty is specifically provided or of any regulation or order prescribed or issued under section 65 or subsections 161 b., i., or o, or *subsection 147a.* shall, upon conviction thereof, be punished by a fine of not more than \$5,000 or by imprisonment for not more than two years, or both, except that whoever commits such an offense with intent to injure the United States or with intent to secure an advantage to any foreign nation, shall, upon conviction thereof, be punished by a fine of not more than \$20,000 or by imprisonment for not more than twenty years, or both.

○

Q# 8226

MEMORANDUM

TO: Bill Miller Designees
 Earl Eisenhower
 Denny Sharon
 Cat Essoyan

FROM: Abe Shulsky

DATE: May 14, 1979

SUBJECT: Consideration of the Terrorism Report

The SSCI will meet on Thursday, May 17, at 2:00 p.m. in S-407 to consider the Terrorism Report. The report is in the Cage at Q#7343 and a 50-page summary, a copy of which will be made available to each Senator at the meeting, is at Q#7666.

Senator Stevenson will request Committee support and/or co-sponsors for his "Comprehensive Counterterrorism Bill," a draft of which is attached. Also attached is a draft of a "dear colleague" letter explaining the bill.

Please brief your Senators.

AS/sep

attachments

149610.063

96th CONGRESS
1st Session

S. _____

IN THE SENATE OF THE UNITED STATES

Mr. Stevenson introduced the following bill; which was read twice
and referred to the Committee on _____

A BILL

To provide coordination by the President of Federal, State, and
local programs for combatting terrorism, to amend the Omnibus
Crime Control and Safe Streets Act of 1968 to require
counterterrorism provisions in State plans, to amend title
18, United States Code, with respect to the interception of
wire or oral communications, and for other purposes.

1 Be it enacted by the Senate and House of Representatives
2 of the United States of America in Congress assembled,
3 That this Act may be cited as the ^{Comprehensive} Counterterrorism Act of
4 1979''.

5 TITLE I--PRESIDENTIAL COORDINATION OF COUNTERTERRORISM
6 PROGRAMS; EMERGENCY MEASURES; LEAA STATE PLANS

1 COORDINATION OF FEDERAL, STATE, AND LOCAL COUNTERTERRORISM
2 PROGRAMS

3 Sec. 101. (a) The President, in order to assure
4 coordinated and effective use of Federal, State, and local
5 programs relating to terrorism, shall perform the following
6 functions:

7 (1) Insure adequate collection, production, and
8 dissemination of intelligence concerning terrorism.

9 (2) Direct research and development efforts by
10 Federal agencies to develop and perfect technical means
11 for surveilling, preventing, and controlling terrorist
12 incidents.

13 (3) Coordinate, as appropriate, the sharing of State
14 and local information and experience with the Federal
15 Government and with other State and local authorities.

16 (4) Insure that State and local law enforcement and
17 political authorities have adequate access to, and are
18 able to make appropriate use of, unclassified information
19 collected by Federal agencies with responsibilities for
20 counterterrorism.

21 (5) Prepare an annual report with respect to
22 potential terrorist groups which pose a threat to the
23 United States, methods of operation of such groups, the
24 potential victims of terrorist threats of such groups,

1 and United States' interests in foreign countries which
2 may be affected by international terrorist threats.

3 (6) Prepare an annual report on the capabilities of
4 Federal, State, and local governments and of the private
5 sector to counter terrorist threats described in the
6 report required under paragraph (5), and assess the
7 adequacy of these capabilities with respect to such
8 threats.

9 (7) Coordinate the preparation of contingency plans
10 by Federal, State, and local governments with respect to
11 terrorist activities, and review periodically such plans.

12 (8) Review protective measures taken by the United
13 States Secret Service and the Department of State, with
14 respect to terrorist activities, and, if appropriate,
15 direct that additional protective measures be taken.

16 (9) Organize and direct exercises and tests which
17 will increase the coordination and efficient use of
18 counterterrorism capabilities and contingency plans by
19 Federal, State, and local governments.

20 (b) The President may designate the Attorney General to
21 perform any of the functions and responsibilities assigned to
22 the President under this section.

23 (c) For the purposes of this Act, 'terrorism' means
24 activities that involve violent acts or acts dangerous to
25 human life that are a violation of the criminal laws of the

1 United States and appear to be intended--

2 (1) to intimidate or coerce a civilian population;

3 (2) to influence the policy of a government by
4 intimidation or coercion; or

5 (3) to affect the conduct of a government by
6 assassination or kidnapping.

7 STATE OF TERRORIST EMERGENCY

8 Sec. 102. (a) Whenever the President determines that a
9 terrorist incident, a series of terrorist incidents, or the
10 threat or the consequences of a terrorist incident or a
11 series of terrorist incidents--

12 (1) so hinders the execution of the laws of a State
13 and of the United States within a State, that any person
14 or group of people in such State are deprived of a right,
15 privilege, immunity, or protection named in the
16 Constitution and secured by law, and the constituted
17 authorities of that State are unable to protect that
18 right, privilege, or immunity, or to give that
19 protection;

20 (2) opposes or obstructs the execution of the laws of
21 the United States or impedes the course of justice under
22 those laws; or

23 (3) impedes or obstructs interstate or foreign
24 commerce;

25 he may, by proclamation, declare that a state of terrorist

1 emergency exists.

2 (b) In any case under paragraph (1) of subsection (a),
3 the State shall be considered to have denied the equal
4 protection of the laws secured by the Constitution.

5 (c) During a state of terrorist emergency, the President,
6 by using the militia or the armed forces, or both, or by any
7 other means, shall take such measures as he considers
8 necessary to resolve the terrorist incident and to vindicate
9 the rights, privileges, immunities, and protections named in
10 the Constitution and secured by law, of any such person or
11 group of people, or to remove the obstruction to the
12 execution of the laws of the United States or the impediment
13 to the course of justice under those laws, or to remove the
14 impediment or obstruction to interstate or foreign commerce.

15 (d) During a state of terrorist emergency, the President
16 may, by proclamation, call upon all Federal officers and
17 officers of the constituted authorities of a State, having
18 authority, civil or military, to aid and assist by all means
19 in their power, by force of arms or otherwise, in the
20 vindication of the rights, privileges, immunities, and
21 protections named in the Constitution and secured by law, and
22 in the removal of the obstruction to the execution of the
23 laws of the United States or the impediment to the course of
24 justice under those laws, or the removal of the impediment or
25 obstruction to interstate or foreign commerce.

1 (e) The powers enumerated in this section may not be
2 exercised by any person other than the President of the
3 United States.

4 LAW ENFORCEMENT ASSISTANCE AMENDMENTS

5 Sec. 103. (a) Section 203 of title I of the Omnibus Crime
6 Control and Safe Streets Act of 1968 (42 U.S.C. 3723) is
7 amended by adding at the end thereof the following:

8 "(h) For the purposes of developing contingency plans
9 for dealing with terrorist activities and for otherwise
10 meeting the standards provided in the Comprehensive
11 Counterterrorism Act of 1979, the functions of the State
12 planning agency shall be performed by a ~~State~~
13 ~~counterterrorism council created and designated by, and~~
14 ~~subject to the jurisdiction of,~~ the chief executive of the
15 State. The Administration shall make grants to the States for
16 the ~~establishment and operation of such counterterrorism~~
17 ~~councils~~ *performance of such functions* in a manner similar to the grants made for the State-
18 planning agencies. The provisions of section 203 shall not
19 apply to the ~~operations of such counterterrorism councils.~~ *performance of such functions*."

20 (b) Section 303 (a) of title I of such Act (42 U.S.C.
21 3733 (a)) is amended by inserting immediately before "Each
22 such plan" the following: "No state plan shall be approved
23 as comprehensive unless it includes contingency plans for
24 dealing with terrorist activities, and otherwise meets the
25 standards provided in the Comprehensive Counterterrorism Act

1 of 1979.'''.

2 (c) Section 601 of title I of such Act (42 U.S.C. 3781)
3 is amended by adding at the end thereof the following:

4 ''(r) 'Terrorist activities' means activities that
5 involve violent acts or acts dangerous to human life that are
6 a violation of the criminal laws of the United States and
7 appear to be intended--

8 ''(1) to intimidate or coerce a civilian population;

9 ''(2) to influence the policy of a government by
10 intimidation or coercion; or

11 ''(3) to affect the conduct of a government by
12 assassination or kidnapping.'''.

13

14 TITLE II--INTERCEPTION OF WIRE OR ORAL COMMUNICATIONS
15 RELATING TO TERRORIST ACTIVITIES

16 DEFINITION

17 Sec. 201. Section 2510 of title 18, United States Code,
18 is amended--

19 (1) in paragraph (10), by striking out ''and'';

20 (2) in paragraph (11), by striking out the period and
21 inserting in lieu thereof a semicolon and ''and''; and

22 (3) by adding at the end thereof the following:

23 ''(12) 'terrorist activities' means activities that
24 involve violent acts or acts dangerous to human life that

1 are a violation of the criminal laws of the United States
2 and that appear to be intended--

3 "(a) to intimidate or coerce a civilian
4 population;

5 "(b) to influence the policy of a government by
6 intimidation or coercion; or

7 "(c) to affect the conduct of a government by
8 assassination or kidnapping.".

9 APPLICATION FOR JUDICIAL ORDER

10 Sec. 202. Section 2516 of title 18, United States Code,
11 is amended by adding at the end thereof the following:

12 "(3) The Attorney General or the Deputy Attorney General
13 may authorize an application to a Federal judge of competent
14 jurisdiction for, and such judge may grant in conformity with
15 section 2521 of this chapter, an order authorizing or
16 approving the interception of wire or oral communications by
17 the Federal Bureau of Investigation when such interception
18 may provide or has provided information that is necessary to
19 the ability of the United States to protect against terrorist
20 activities.".

21 REPORTING REQUIREMENT

22 Sec. 203. Section 2519 of title 18, United States Code,
23 is amended by adding at the end thereof the following:

24 "(4) On a semiannual basis the Attorney General shall
25 fully inform the Committees on the Judiciary in the United

1 States Senate and the House of Representatives concerning
 2 each interception of wire or oral communications under
 3 section 2516 (3) of this chapter. This section does not limit
 4 the authority and responsibility of the appropriate
 5 committees of the Congress to obtain such information as they
 6 may need to carry out their respective functions and
 7 duties.''.
 8

PROCEDURES FOR INTERCEPTION

9 Sec. 204. (a) Chapter 119 of title 18, United States
 10 Code, is amended by adding at the end thereof the following:

11 ``§ 2521. Procedure for interception of wire or oral
 12 communications relating to terrorist activities

13 ``The procedure for interception of wire or oral
 14 communications under section 2516 (3) shall be the same as
 15 that required by section 2518 of this chapter, except that--

16 ``(1) in lieu of the information concerning the
 17 commission of a particular offense required by section
 18 2518 (1) (b) (i) and (iv), the application may include a
 19 full and complete statement of the facts and
 20 circumstances relied upon by the applicant to justify his
 21 belief that the person whose communications are to be
 22 intercepted--

23 ``(A) knowingly engages in terrorist activities
 24 or activities that are in preparation therefor; or

25 ``(B) knowingly aids or abets any person in the

1 conduct of, or knowingly conspires with any person to
2 engage in, terrorist activities or activities that
3 are in preparation therefor;

4 “(2) in lieu of the determinations required by
5 section 2518 (3) (a), (b), and (d), the judge may issue
6 an order if the judge determines on the basis of the
7 facts submitted by the applicant that--

8 “(A) there is probable cause for belief that the
9 person whose communications are to be intercepted--

10 “(i) knowingly engages in terrorist
11 activities or activities that are in preparation
12 therefor; or

13 “(ii) knowingly aids or abets any person in
14 the conduct of, or knowingly conspires with any
15 person to engage in, terrorist activities or
16 activities that are in preparation therefor;

17 “(B) there is probable cause for belief that
18 communications concerning terrorist activities or
19 activities that are in preparation therefor will be
20 obtained through such interception;

21 “(C) there is probable cause for belief that the
22 facilities from which, or the place where, the wire
23 or oral communications are to be intercepted are
24 being used, or are about to be used, by such person;

25 “(3) in lieu of the statement of a particular

1 offense required by section 2518 (4) (c), the order shall
2 include a statement of the particular terrorist
3 activities to which the type of communication sought to
4 be intercepted relates; and

5 (4) the provisions of section 2518 (7) shall apply
6 when the Attorney General, the Deputy Attorney General,
7 or an official of the Federal Bureau of Investigation
8 specially designated by the Attorney General, reasonably
9 determines that an emergency situation exists with
10 respect to terrorist activities that requires a wire or
11 oral communication to be intercepted before an order
12 authorizing such interception can with due diligence be
13 obtained.".

14 (b) The table of sections for chapter 119 of such title
15 is amended by adding at the end thereof the following:

"2521. Procedure for interception of wire or oral
communications relating to terrorist activities.".

REVISED DRAFT

DEAR COLLEAGUE ON COMPREHENSIVE COUNTERTERRORISM BILL

Dear Colleague:

On _____, I will introduce the Comprehensive Counter-Terrorism Act of 1979, a bill designed to improve the counterterrorism capabilities of the Federal Government. This bill continues efforts already underway to clarify governmental authority and responsibility in this area, and also removes an anomaly concerning the use of electronic surveillance against terrorist groups.

The United States has been fortunate to escape the terrorism which has struck large parts of the world. Yet, it would be irresponsible for us to assume "it can't happen here."

A year-long study by the staff of the Select Committee on Intelligence has convinced me that we are not adequately prepared for the kind of terrorism we may face in the future. It could come from a sophisticated international terrorist group, or from a frustrated political or social protest movement within the United States. And it is possible that terrorist groups, finding that the more common tactics, such as airplane hijacking, no longer have their former shock value, will turn to more spectacular acts of mass disruption or destruction. Is the Federal Government adequately organized to anticipate these events, to make contingency plans for dealing with them and then to implement those plans if necessary?

I am afraid that the answer to this question is "no," primarily because the Government's counterterrorism capabilities are

so widely spread among the various agencies involved. Depending on whether a terrorist incident takes place on the ground in the U. S., in the air, or abroad, the "lead" Federal agency is the FBI, the FAA, or the Department of State. Expertise in such matters as explosives or nuclear materials resides in still other agencies. Policy coordination is the realm of a large interagency committee (led by an eight-member executive committee) while, in the case of a crisis, control would pass to the National Security Council, whose members and staff are otherwise not concerned with terrorism. Given this complex organizational structure in Washington, it is not surprising that state and local officials find it difficult to know where they could obtain help if a terrorist incident in their jurisdiction were to surpass their capabilities.

These problems are dealt with in the first Title of the Comprehensive Counter-Terrorism Bill which seeks to centralize the responsibility and authority for counterterrorism. The second Title allows for the use of electronic surveillance against domestic terrorist groups under the same criteria as the Congress enacted last year (the Foreign Intelligence Surveillance Act of 1978) for the surveillance of international terrorist groups. Terrorism is increasingly becoming an international phenomenon as terrorist groups have formed various connections across national borders. But what has emerged is not a "terrorist international," in which a terrorist group in one country typically acts on behalf of a foreign group or power; rather, it is an "international terrorist

scene," in the words of Brian Jenkins, the RAND corporation expert on terrorism, in which groups from different countries offer each other training, financial and operational support, and safe havens. Thus, a domestic terrorist group receiving wide foreign support might still not come under the criteria of the Foreign Intelligence Surveillance Act as a group engaged in terrorism "for or on behalf of a foreign power."

I hope you will join me in sponsoring this legislation. If you have any questions, please call Bruce Hubbard, of my staff, at 48825 or Abe Shulsky, of the Select Committee on Intelligence staff, at 41700.

Sincerely,

Adlai E. Stevenson

MEMORANDUM

TO: Bill Miller
Earl Eisenhower
Dennis Sharon
Staff

FROM: John Elliff

DATE: May 15, 1979

SUBJECT: Proposed Counterterrorism Bill

The following assessment of the proposed "Comprehensive Counterterrorism Bill" may be helpful in briefing Senators.

Title I -- Presidential Coordination, Emergency Measures, LEAA

The Staff Report on Terrorism does not indicate that the provisions for centralized Presidential and Federal Government authority are necessary. Instead, the report praises recent improvements in interagency cooperation and recognizes that different federal agencies have separate roles to perform with no need for a new bureaucratic structure.

The Presidential emergency authority raises serious questions of improper interference with local responsibility under our federal system. While there is precedent for sweeping emergency proclamations (Thomas Jefferson called on local officials to "suppress affrays" involving the Embargo Act), it is unwise to institutionalize such powers. The lesson of the Emergency Powers Act, passed under Senator Mathias' leadership, is that such power should be only temporary and subject to termination by the Congress.

The reliance on LEAA "state plans" is also a mistake, because the experience with such plans under LEAA has been poor.

State planning agencies add another bureaucratic layer superceding the primary responsibility of each state and local law enforcement agency. Where plans do not yet exist, the FBI emergency plans are ready to be implemented on a cooperative basis.

Title II -- Electronic Surveillance

This provision applies the "foreign intelligence" standards of the 1978 Surveillance Act to purely domestic terrorism. This approach conflicts directly with FBI policies and would undermine public support for domestic counterterrorism investigations.

FBI policies established by Directors Kelley and Webster under the Levi and Bell guidelines treat domestic terrorism as a law enforcement matter. Investigations focus on detecting and preventing specific terrorist crimes, rather than collection of "domestic intelligence."

This policy is designed to maintain broad public backing for FBI domestic counterterrorism investigations. The American people want the FBI to prevent terrorist acts without invading the privacy of innocent citizens by collecting "intelligence" without evidence of a specific crime in domestic matters.

Surveillance authority to collect intelligence about "international terrorism" is already fully provided in the 1978 Act, which defines a "foreign power" to include domestic groups whose activities transcend national boundaries. The line between "foreign intelligence" and domestic law enforcement was vital to the consensus supporting that authority,

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May 15, 1979

TO: Bill Miller
Earl Eisenhower
Denny Sharon
Designees
Cat Essoyan

FROM: Abe Shulsky

SUBJECT: Proposed Counterterrorism Bill

In connection with John Elliff's memo (Q#8244), the following points concerning the proposed "Comprehensive Counterterrorism Act" should be noted:

Title I:

On page 19, the staff report states:

Since the current capabilities [to combat terrorism] are widely disperse throughout the federal government, as well as among the federal, state and local levels of government, there is uncertainty concerning how well the structure would perform against these more serious threats. [i.e. large-scale terrorism or terrorism by a sophisticated group.] To enable the Committee to explore this question more thoroughly, the staff will draft a bill on which hearings can be held; the bill will impose on a single office the responsibility and authority to task the various intelligence agencies, [etc.]

The bill places ~~on~~ reliance on LEAA "state plans" or any other part of the LEAA-related bureaucracy. As §103(a) indicates, for the purposes of counterterrorist planning, the functions of the State planning agency are to be carried out by the State's chief executive. The tie-in with LEAA is in the bill only as a way of bringing to bear the federal government's spending power.

The emergency powers provision is limited in applicability to crises caused by terrorism; the addition of safeguards such as a Congressional veto and/or automatic termination could be accomplished without changing the basic thrust of the section.

Title II:

21
page 2

The report discusses in detail the necessity of approaching a well-organized and sophisticated terrorist cadre via a support group which is more visible to the public. Electronic surveillance could be a useful tool in this regard, just as the use of informants in the support group would be.

The question is whether the "American people" regard someone who "knowingly engages in activities that are in preparation" for terrorism as "innocent." Not having a direct pipeline to the thoughts of the "American people" I can't be sure; on the other hand, one should consider what the "American people" might think if, after a major terrorist incident, it were to appear that law enforcement agencies had been unnecessarily hampered in their attempts to prevent it.

COMMITTEE SENSITIVE

MEMORANDUM

To: Senator Chafee

From: Ken deGraffenreid *KED*

Date: May 17, 1979

Subject: Terrorism Report and "Comprehensive Counter-terrorism Act"

(1) The purpose of today's meeting is to consider the recently-completed terrorism report, a lengthy classified staff study which describes and evaluates the capability of the US intelligence community to provide information on, and to some extent, counter the threat posed by international terrorism.

(2) Senator Stevenson will recommend approval of the classified report and preparation of an unclassified version for public release.

RECOMMENDATION: It is respectfully recommended that you vote to approve the staff report and support preparation of an unclassified version.

(3) Senator Stevenson will also introduce his "Comprehensive Counterterrorism Act of 1979", a bill designed to improve the coordination of the counterterrorism capabilities of the federal government. The Comprehensive Counterterrorism Act seeks to:

- Centralize the responsibility and authority for counterterrorism in one Cabinet-level officer designated by the President (the Attorney General);
- Give the President the power to declare a state of terrorist emergency and call on the "militia or the armed forces or any other means" to respond to a terrorist incident;

-2-

-- Expand the Foreign Electronic Surveillance Act of 1978 to authorize electronic surveillance of domestic as well as foreign terrorist groups.

The last of these provisions is the most controversial. The proposal would apply the "foreign intelligence" standards of the 1978 Surveillance Act to domestic terrorism, thereby blurring the line between foreign intelligence and activities which have more of a domestic law enforcement flavor. It is likely to be opposed on these grounds. On the other hand, the bill offers a workable definition of a domestic terrorist group and reflects the difficulty in determining the exact foreign connection of terrorist groups. Electronic surveillance would be a most useful tool in this regard. The collection of intelligence on innocent Americans would be limited by the criteria stipulated for a definition of terrorist activities:

" Activities that involve violent acts or acts dangerous to human life and are a violation of the criminal laws of the United States and that appear to be intended--

- (a) to intimidate or coerce a civilian population;
- (b) to influence the policy of a government by intimidation or coercion; or
- (c) to affect the conduct of a government by assassination or kidnapping."

Terrains

Soviet-Bloc Aides Departed Early

By GRAHAM HOVEY
Special to The New York Times

WASHINGTON, Feb. 28 — Shortly before the Colombian guerrillas seized the Dominican Embassy in Bogotá yesterday, ambassadors of the Soviet Union and its East European allies left the building, Government officials said today.

The officials said that those envoys apparently left to attend a reception for the newly arrived East German ambassador, who had just presented his credentials to President Julio César Turbay Ayala.

Some State Department officials said they were inclined to accept as authentic the reason given for the departure of the Soviet-bloc ambassadors. They said that Colombia's Foreign Minister, Diego Uribe Vargas, had not yet arrived at the Dominican Embassy at the time of the guerrilla attack because he had first attended the East German credentials presentation and the traditional reception after it.

Some officials said they thought it unlikely that the M-19 guerrillas, described by the State Department as "Colombia's major urban terrorist organization," would have risked tipping off its surprise attack by arranging for the departure of the Soviet-bloc diplomats. Other officials remarked, however, that whether it had been arranged or not, the departures removed some complications and possible consequences that otherwise might have confronted the guerrillas.

A State Department analyst of the M-19 group describes it as an organization of

several hundred members embracing revolutionary principles ranging from those of Fidel Castro and Che Guevara to Mao Zedong and Leon Trotsky.

The group became known after it stole the sword of the South American liberator, Simón Bolívar, from a Bogotá museum on Jan. 17, 1974, and declared that this act signaled the beginning of a war against the "exploiters of the people."

According to the analysis, the M-19 has increased the size and scope of its terrorist activities since 1977. It is described as well organized and well financed from funds extorted as ransom for its kidnap victims.

The U.N. Today

Feb. 29, 1980

SECURITY COUNCIL

Meets on Israeli settlements in occupied territories at 3:30 P.M.

GENERAL ASSEMBLY

Preparatory committee for the new international development strategy — 3 P.M.

Tickets are available at the public desk in the main lobby, United Nations headquarters. Tours: 9 A.M.-4:45 P.M.

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Terrorism 25

DIPLOMATS ON GUARD

Terrorist Attacks Spur U.S. Security Measures

BY OSWALD JOHNSTON and RONALD J. OSTROW
Times Staff Writers

WASHINGTON—In many of the world's trouble spots, a U.S. ambassador does not leave the comparative safety of his embassy without a bodyguard, sometimes an escort car crammed with armed security agents.

But when the U.S. ambassador to Afghanistan, Adolph (Spike) Dubs, set out for the embassy at Kabul last Valentine's Day, he was accompanied only by his chauffeur. Although Afghanistan had recently undergone a violent pro-Soviet coup, American security officers thought local police and their Soviet advisers had the situation under control.

As it turned out, the American officers were tragically mistaken. Shortly after midnight here, the State Department learned that Dubs had been kidnaped by four terrorists. Immediately, in accord with established plans, a crisis center was set up, all U.S. intelligence agencies were alerted and special, secure communications were established with the Afghan capital.

Washington's effort was to no avail. Dubs was killed in a shootout between his abductors and the Afghan police.

His death, and the events leading up to it, illustrate an unhappy fact of life for the United States: its diplomats and its private citizens have become highly visible targets for terrorists, both abroad and at home—and in the subterranean war against such violence there is no such thing as a perfect defense.

Drawing on the experience of almost a decade of international terrorism and spurred by continued threats from radical groups, successive U.S. administrations have developed a growing number of programs to foil such terrorists before they strike or to deal with them after they have struck. They include:

—A 200-man elite volunteer corps drawn from the Army's Rangers, the Marine Corps and from commando forces in the other services is training at Ft. Bragg, N.C. This unit, called the "Delta Force" or the "Elite Force," is patterned after the Israeli commando team that carried out the 1976 airborne rescue at the airport in

Entebbe, Uganda. Its mission: to rescue hostages from terrorist captors.

—Security at U.S. borders has been tightened, with guards on the alert for suspected terrorists. Relying on photos of international terrorists, rapid new means of detecting false documents and other tools, the authorities have turned back "probes" by Arab operatives, according to a high-placed security source. The Immigration and Naturalization Service, regarded by some as a bureaucratic and administrative morass, is given high marks for its skill in spotting and stopping terrorists at the border.

—All U.S. diplomats going abroad are now required to take an intense course in antiterrorist defensive techniques before leaving Washington. There are 63 regional security officers in embassies overseas, and all embassies are equipped with metal detectors, bulletproof glass, closed-circuit television monitors and other devices to control access. A special security watch committee at each embassy meets periodically to assess local conditions.

—The hard-line policy of the Nixon and Ford administrations against negotiating with terrorists holding U.S. officials has been modified to take account of sophisticated techniques that psychiatrists have developed for dealing with terrorists. The U.S. government still refuses to pay ransom or make other concessions, such as releasing imprisoned terrorists, but policy guidelines now call for negotiating in an effort to persuade terrorists to free hostages unharmed.

—A network of international agreements—through the United Nations, or in some cases directly with nations such as Cuba which the past have offered a haven to airline hijackers—has sharply reduced air piracy in the United States and throughout the world. A worldwide program of airport security, still unevenly enforced, has also helped limit hijacking.

—Improved collection and assessment of intelligence on known terrorist groups, by the U.S. government

Please Turn to Page 7, Col. 1

LA TIMES

5/9/79

1 of 2

Continued from First Page

and by agents of other countries, has improved the chances of heading off an attack before it starts. Western European countries, Israel, Japan, some Arab countries and even the Soviet Union have quietly pooled information to foil terrorist attacks.

—A program of giving advice, warnings and in some cases direct protection to U.S. citizens abroad and American business firms in countries where Americans have been terrorist targets has been in effect in recent years. The State Department security office, on request, gives business representatives a directory that identifies the chief security officer at every embassy and includes a list of basic protective techniques.

A recent General Accounting Office report to Congress, based on a survey of terrorism in Europe, Latin America, the Middle East and the Far East, concluded that the program is generally paying off.

"The number of kidnaping and hostage situations or bombings against the U.S. diplomatic community has declined," the report said. It cited several reasons: improved security at American missions abroad, better cooperation with law enforcement authorities in other countries and "the end of the Vietnam war, an issue which provoked violent demonstrations against American personnel and facilities."

Beyond these factors, officials are quick to say, there has been old-fashioned good luck—"but luck that we helped make," as one said.

The FBI, meanwhile, has reported a sharp drop in terrorist attacks within the United States. There have been 14 incidents so far this year and 52 in all of 1978, down from 100 in 1977 and more than 100 in both 1976 and 1975. Statistics on purely terrorist activities were first compiled in 1975.

Security specialists are fearful, however, that the prominent American role in arranging a peace treaty between Egypt and Israel, fiercely opposed by mainstream Palestinian leaders, may once again make Americans high-profile targets for terrorists.

Yasser Arafat, chairman of the Palestine Liberation Organization and leader of Fatah, the main Palestinian guerrilla organization, has warned several times since the Middle East summit at Camp David last September that American interests will be under attack because of the U.S. role in arranging the Egyptian-Israeli peace treaty.

Analysts in Washington disagree as to whether Arafat's threat should be taken as a signal for physical violence against Americans or as a general warning of economic and political reprisals.

Since mid-1975, Arafat recently

told Americans visiting him, Fatah has taken steps to protect U.S. officials from attacks by more radical Palestinian groups in high-risk Middle East posts such as Beirut, Lebanon. U.S. officials privately confirm that informal security arrangements were worked out with Palestinian leaders to protect Americans during the Lebanese civil war.

At the same time, Arafat and other members of what U.S. analysts designate the "pragmatic" wing of the PLO have generally disavowed international terrorism aimed at third parties—such as the hijacking and wholesale taking of hostages.

But a recent upsurge in terrorist attacks against civilian targets in Israel has been traced by U.S. Middle East specialists to a series of meetings in December and January between Arafat and some of his more militant colleagues.

As a result, there is some apprehension that Black September, Fatah's international terrorist wing, may be revived from the dormant state into which it fell after a series of failed operations in 1974 and 1975 and after the assassination by Israeli intelligence agents of most of its known field operatives.

The PLO has disavowed a recent abortive attack by a group calling itself Black March on Israel-bound El Al airline passengers in Brussels. The operation, U.S. intelligence analysts believe, had all the earmarks of George Habash's Popular Front for the Liberation of Palestine, one of the PLO's most radical splinter groups.

But the analysts are generally concerned that whether or not Black September is revived, radical groups such as the PFLP may be planning an assault on U.S. targets, official and unofficial, in the arenas where international terrorists have traditionally found security to be lax: southern Europe and the Middle East.

Egyptian authorities late last month arrested a team of Palestinians carrying plastic explosives in toothpaste tubes. The Egyptians said the team had been instructed to blow up the Egyptian Foreign Ministry, the Sheraton Hotel in Cairo and other targets of opportunity. The captured men identified themselves as "Eagles of the Palestinian Revolution," presumably a name chosen for the occasion.

The Egyptians said they traced the operation to Syria, with which Egypt is bitterly feuding. U.S. officials are noncommittal on this point but are not surprised that Egypt was the target of such a raid. On the whole, intelligence analysts expect more of this kind of activity.

The Dubs attack in Afghanistan demonstrates a painful dilemma faced by U.S. security officers abroad: increasing the safety of an embassy is relatively easy, but protecting Foreign Service personnel when they travel in a foreign country requires difficult decisions.

Virtually all diplomats believe that heavy security arrangements inhibit their effectiveness. Thus, security officials are under pressure to take such precautions only when they seem absolutely necessary. And, forced to rely on imperfect information and to depend on local police for help, the U.S. security officials are almost certain to guess wrong sometimes—as they did in the case of Dubs.

The U.S. decision to mount an organized campaign against terrorism

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dates back to the high noon of Palestinian terrorism, when Black September captured 11 Israeli athletes at the Munich Olympic games on Sept. 5, 1972, then killed them all.

The next March, Black September struck in Sudan. Two U.S. diplomats and a Belgian were held hostage and later slain in the basement of the Saudi Arabian Embassy in Khartoum.

By this time, the Nixon administration had created a cabinet-level committee on terrorism and an interagency working group on counterterrorism based in the State Department.

After the Khartoum incident, the State Department's security office added 157 security officers and budgeted \$20 million exclusively for protection against terrorist attacks.

In the years since, the security operation at the State Department has stepped up training and intel-

ligence procedures, added a fleet of armored and semiarmored cars and installed electronic security equipment in embassy buildings around the world. Two hundred additional marine guards have been assigned to overseas missions, bringing the worldwide complement to about 1,200.

Organizationally, however, the program languished. The counterterrorism office was manned by a rapidly changing series of directors and, in an apparent downgrading during Henry A. Kissinger's tenure as secretary of state, the office has transferred from the secretary's immediate jurisdiction to that of a subordinate.

By the time the Carter Administration came into office in January, 1977, the cabinet committee found in 1972 had met only once. A White House study ordered by the national security adviser, Zbigniew Brzezinski, resulted in Presidential Review Memorandum 30—a wholesale reorganization of the system.

The cabinet committee was abolished and the interagency working group was streamlined by the addition of an executive committee representing the seven agencies most concerned with terrorism: State, Justice, Defense, Treasury, Transportation,

Energy and the CIA.

Midway through 1977, the Pentagon was ordered to organize an anti-terrorist force patterned on the Israeli unit that mounted the Entebbe rescue. The initial force, codenamed "Project Blue Light," was assembled from existing commando-type forces in the U.S. military, but it was recognized to be a transitional force that has since been disbanded and replaced by the Delta Force now in training at Ft. Bragg.

The Pentagon refuses to discuss the new force in detail, but other sources confirm that it alone among elite forces in the U.S. military is exclusively dedicated to hostage rescue and similar antiterrorist missions.

The 200-man group, commanded by an Army colonel, is under Army jurisdiction even though its personnel come from all the services.

Its training and skills are patterned after the Israeli 269 Headquarters Reconnaissance Regiment, the formal designation of the unit that rescued an Air France jetliner crew and 93 mostly Jewish passengers at Entebbe; the West German Border Guards Group 9 that rescued the passengers of a Lufthansa jetliner hijacked to Mogadishu, Somalia, in 1977, and the British Special Air Service.

HOW TO DEAL WITH TERROR

From a Times Staff Writer

WASHINGTON—To help counter terrorist activity against U.S. businessmen overseas, the State Department gives them a brochure that lists security precautions. Among them:

—To the extent possible, avoid establishing a pattern in the routes and times of your movements to and from work and around town. Unpredictability is one of your best weapons.

—On multilane highways, drive toward the center of the road to make it more difficult for your car to be forced to the curb.

—Avoid types of cars or actions that might identify you as an American or as someone rich or important.

—If it is necessary to leave keys with a parking attendant, leave the ignition key only.

—Before entering your car, ascertain that there are no suspicious objects or unexplained wires or strings inside or underneath.

—Recognize that your telephone will possibly be tapped by potential kidnapers. Be most discreet on the telephone in discussing information concerning travel.

—Be alert to persons disguised as public utility crew members and road repair workers who might station themselves near your house to observe your activities.

—Do not stand or place desks near windows.

If such measures fail, the State Department advises kidnaping victims not to "attempt to fight back or to struggle physically. No matter how 'reasonable' your captors may appear on the surface, they cannot be trusted to behave normally and their actions may be unpredictable."

A final bit of advice: "Try to establish some kind of rapport with your captors."

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