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ACQUISITIONS

96TH CONGRESS  
1ST SESSION

**S. 333**

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

IN THE SENATE OF THE UNITED STATES

FEBRUARY 5 (legislative day, JANUARY 15), 1979

Mr. RIBICOFF (for himself, Mr. JAVITS, Mr. BAKER, Mr. BENTSEN, Mr. DOLE, Mr. HEINZ, Mr. MATHIAS, Mr. MATSUNAGA, Mr. MCGOVERN, Mr. MOYNIHAN, Mr. PELL, Mr. RANDOLPH, Mr. SARBANES, Mr. STAFFORD, Mr. TSONGAS, and Mr. YOUNG) introduced the following bill; which was read twice and referred, by unanimous consent, to the Committee on Governmental Affairs, with instructions that if and when reported, it be referred jointly to the Committees on Commerce, Science, and Transportation, Foreign Relations, Intelligence, and the Judiciary for not to exceed 30 days.

**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,*

3 SECTION 1. This Act may be cited as the "Omnibus  
4 Antiterrorism Act of 1979".

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1

DECLARATION OF FINDINGS

2

SEC. 3. (a) The Congress hereby finds that—

3

(1) innocent persons have been killed, injured, and

4

victimized, human rights violated, property destroyed

2022

1 and damaged, and international commerce obstructed  
2 as a result of terrorist acts;

3 (2) such acts represent an intolerable attack  
4 against the fundamental right to life and security of all  
5 peoples of the world;

6 (3) such acts constitute a threat to the orderly and  
7 civilized functions of the international community;

8 (4) certain nations exhibit a pattern of support for  
9 international terrorist acts; and

10 (5) certain international airports fail to maintain  
11 consistently effective security measures.

12 (b) Further, the Congress finds that a Council for Com-  
13 bating Terrorism (hereinafter referred to as "Council") must  
14 be established in the Executive Office of the President to  
15 assure consistency in the management of such policy, to  
16 assure an efficient response to emergency and crisis situa-  
17 tions, and to press for international sanctions against convict-  
18 ed terrorists.

19 (c) Further, the Congress finds and declares it necessary  
20 to provide for an Assistant Secretary of State, an Assistant  
21 Attorney General, and an Assistant Secretary of Transporta-  
22 tion to assure high-level attention to activities to combat ter-  
23 rorism in the United States Department of State, United  
24 States Department of Transportation, and United States De-  
25 partment of Justice.

1 (d) Further, the Congress finds and declares that eco-  
2 nomic sanctions should be directed at countries which harbor,  
3 aid, abet, or assist terrorists.

4 DECLARATION OF PURPOSES

5 SEC. 4. The Congress therefore declares that the estab-  
6 lishment of a Council for Combating Terrorism and the as-  
7 signment of a high priority to antiterrorist policy is in the  
8 public interest to promote the welfare of American citizens  
9 by assuring coordinated and effective administration of Fed-  
10 eral programs and policies for combating terrorism. It is the  
11 purpose of this Act—

12 (a) to establish in the Executive Office of the  
13 President a permanent Council for Combating Terror-  
14 ism;

15 (b) to establish in the Department of State an  
16 Office, headed by an Assistant Secretary, to coordinate  
17 the responsibilities of that Department for combating  
18 international terrorism;

19 (c) to establish in the Department of Justice an  
20 Office, headed by an Assistant Attorney General, to  
21 coordinate the responsibilities of that Department for  
22 combating terrorism;

23 (d) to establish in the Department of Transporta-  
24 tion an Office, headed by an Assistant Secretary, to

1 coordinate the responsibilities of that Department for  
2 combating terrorism;

3 (e) to bring together in the new offices the respon-  
4 sibility for coordinating management of all of the anti-  
5 terrorist policies and programs;

6 (f) to provide an appropriate organizational frame-  
7 work for the implementation of such programs;

8 (g) to provide for effective permanent mechanisms  
9 for development and implementation of a comprehen-  
10 sive national antiterrorist policy;

11 (h) to assure coordinated and effective research in  
12 antiterrorist measures;

13 (i) to improve the effectiveness of the information-  
14 gathering system regarding terrorist acts and results;

15 (j) to establish effective sanctions against those  
16 countries which harbor, aid, or abet international ter-  
17 rorists;

18 (k) to coordinate and supervise the implementation  
19 of United States policy with respect to international  
20 acts of terrorism;

21 (l) to oversee and administer the provisions of this  
22 Act;

23 (m) to develop new initiatives which the United  
24 States can implement unilaterally or with other nations  
25 to control international acts of terrorism;

1 (n) to participate in international conferences and  
 2 negotiations on the control of international acts of ter-  
 3 rorism;

4 (o) to devise procedures for reacting swiftly and  
 5 effectively to acts of terrorism that occur;

6 (p) to strengthen Federal capabilities in policy and  
 7 planning, coordination, intelligence, and response capa-  
 8 bility, and to enlist the cooperation of all other nations  
 9 and national and international organizations in initia-  
 10 tives to counter terrorist acts more effectively through-  
 11 out the world, while safeguarding democratic values;

12 (q) to promote appropriate action by the United  
 13 States and other governments in order to combat inter-  
 14 national terrorism; and

15 (r) to provide public notice to persons traveling in  
 16 international air commerce of deficient security pro-  
 17 grams and facilities at certain foreign airports.

#### 18 DEFINITIONS

19 SEC. 5. For the purposes of this Act, the following defi-  
 20 nitions are established:

21 (a) "International terrorism" includes any act designat-  
 22 ed as an offense or crime under—

23 (1) the Convention for the Suppression of Unlaw-  
 24 ful Seizure of Aircraft (done at The Hague, December  
 25 16, 1970);

1           (2) the Convention for the Suppression of Unlaw-  
2 ful Acts Against the Safety of Civil Aviation (done at  
3 Montreal, September 23, 1971); and

4           (3) the Convention on the Prevention and Punish-  
5 ment of Crimes Against Internationally Protected Per-  
6 sons, including diplomatic agents (adopted by the Gen-  
7 eral Assembly of the United Nations at New York,  
8 December 14, 1973); or

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

16           (A) outside the territory of a state of which  
17 the alleged offender is a national; or

18           (B) outside the territory of the state against  
19 which the act is directed; or

20           (C) within the territory of the state against  
21 which the act is directed and the alleged offender  
22 knows or has reason to know that a person  
23 against whom the act is directed is not a national  
24 of that state; or

1 (D) within the territory of any state when  
2 found to have been supported by a foreign state  
3 as defined in section 5(b), irrespective of the na-  
4 tionality of the alleged offender:

5 *Provided*, That the act of international terrorism  
6 is—

7 (i) intended to damage or threaten the inter-  
8 ests of or obtain concessions from a state or an  
9 international organization; and

10 (ii) not committed in the course of military or  
11 paramilitary operations directed essentially  
12 against military forces or military targets of a  
13 state or an organized armed group.

14 (b) "State support of international terrorism" shall con-  
15 sist of any of the following acts when committed deliberately  
16 by a state:

17 (1) furnishing arms, explosives, or lethal sub-  
18 stances to individuals, groups, or organizations with  
19 the likelihood that they will be used in the commission  
20 of any act of international terrorism;

21 (2) planning, directing, providing training for, or  
22 assisting in the execution of any act of international  
23 terrorism;

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



1           (4) providing diplomatic facilities intended to aid  
2           or abet the commission of any act of international ter-  
3           rorism; or

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

7           **TITLE I—REORGANIZATION OF EXECUTIVE**  
8                           **OFFICE OF THE PRESIDENT**

9           **ESTABLISHMENT OF COUNCIL TO COMBAT TERRORISM**

10          **SEC. 101.** There is hereby established in the Executive  
11          Office of the President an entity to be known as the Council  
12          To Combat Terrorism (hereinafter referred to as the "Coun-  
13          cil"). The Council shall be headed by, and its activities shall  
14          be administered under the supervision and direction of, the  
15          Assistant to the President for National Security Affairs.

16                           **COUNCIL FUNCTIONS**

17          **SEC. 102.** The Council shall—

18               (a) assist the President in the implementation of  
19               this Act and shall provide staff support and assistance  
20               in the preparation of the Lists of States Supporting In-  
21               ternational Terrorism;

22               (b) consider the most effective means by which to  
23               combat terrorism in the United States and abroad;

24               (c) serve as the lead group in establishing proce-  
25               dures to insure that the United States Government can

1 take appropriate action in response to acts of terrorism  
2 which directly or indirectly affect United States citi-  
3 zens;

4 (d) coordinate, among the Government agencies,  
5 ongoing activity for the prevention of terrorism, includ-  
6 ing the collection of worldwide intelligence, the physi-  
7 cal protection of United States personnel and installa-  
8 tions abroad, and foreign diplomats and diplomatic in-  
9 stallations in the United States;

10 (e) evaluate all such programs and activities and,  
11 where necessary, recommend methods for increasing  
12 the effectiveness of their implementation; and

13 (f) make recommendations to the Director of the  
14 Office of Management and Budget concerning proposed  
15 funding of such programs.

#### 16 COUNCIL MEMBERSHIP

17 SEC. 103. The Council shall consist of the following  
18 individuals:

19 (1) the Assistant to the President for National Se-  
20 curity Affairs;

21 (2) the Secretary of State;

22 (3) the Secretary of the Treasury;

23 (4) the Secretary of Defense;

24 (5) the Attorney General;

25 (6) the Secretary of Transportation;

1           (7) the United States Ambassador to the United  
2 Nations;

3           (8) the Director of Central Intelligence;

4           (9) the Assistant to the President for Domestic  
5 Affairs;

6           (10) the Director of the Federal Bureau of Inves-  
7 tigation;

8 or their delegates, and any additional members which the  
9 Assistant to the President for National Security Affairs may  
10 determine are necessary.

11           REPORT ON ACTS OF INTERNATIONAL TERRORISM

12           SEC. 104. (a) Six months after the date of enactment of  
13 this Act and each year thereafter, the President shall trans-  
14 mit to the President pro tempore of the Senate and the  
15 Speaker of the House of Representatives a report on those  
16 incidents he determines to be acts of international terrorism  
17 pursuant to section 5 of this Act: *Provided, however,* That  
18 any such incident which affects or involves citizens or signifi-  
19 cant interests or property of the United States shall be re-  
20 ported to Congress not later than sixty days after the occur-  
21 rence of such an incident.

22           (b) With respect to any such incident which affects or  
23 involves citizens or significant interests or property of the  
24 United States, and with respect to any major act of interna-

1 tional terrorism, such reports shall include, but not be limited  
2 to, the following information:

3 (1) a description of the incident and of the in-  
4 volvement and identity of each individual, entity,  
5 group, or organization involved in such incident;

6 (2) the identity of any government providing state  
7 support for such acts of international terrorism, and a  
8 statement setting forth the exact nature and extent of  
9 such government's involvement;

10 (3) a description of the actions of any government  
11 which assisted in bringing about a positive termination  
12 of the incident;

13 (4) a description of the response of the United  
14 States Government to such incident.

15 (c) Nothing in this section is intended to require the  
16 public disclosure of information which is properly classified  
17 under criteria established by Executive order, or is otherwise  
18 protected by law. Such information shall be provided to the  
19 President pro tempore of the Senate and the Speaker of the  
20 House of Representatives in a written classified report. In  
21 such case, an unclassified summary of such information shall  
22 be prepared and submitted to the President pro tempore of  
23 the Senate and the Speaker of the House of Representatives.

24 (b) Nothing in this section is intended to require dislo-  
25 sure of investigatory records compiled for law enforcement

1 purposes specifically protected by section 552(b)(7) of title 5,  
2 United States Code.

3 LIST OF STATES SUPPORTING INTERNATIONAL TERRORISM

4 SEC. 105. (a) Six months after the date of enactment of  
5 this Act and each year thereafter, the President shall consid-  
6 er which, if any, states have demonstrated a pattern of sup-  
7 port for acts of international terrorism. If the President deter-  
8 mines that any states have so acted, he shall submit a list of  
9 states supporting international terrorism to the President pro  
10 tempore of the Senate and the Speaker of the House of Rep-  
11 resentatives, and set forth his reasons for listing any such  
12 states. The President may at any time add to any such list  
13 the name of any state supporting international terrorism by  
14 transmitting the name of such state to the President pro tem-  
15 pore of the Senate and the Speaker of the House of Repre-  
16 sentatives together with his reasons for adding the name of  
17 such state to the list. If the President determines that no  
18 states have undertaken such acts, he shall report the same  
19 with a detailed explanation.

20 (b) Such list shall also identify any states against which  
21 sanctions have been applied pursuant to section 106 of this  
22 Act, and any other initiatives of the United States with re-  
23 spect to such states.

24 (c) Nothing in this section is intended to require the  
25 public disclosure of information which is properly classified

1 under criteria established by Executive order, or is otherwise  
2 protected by law. Such information shall be provided to the  
3 President pro tempore of the Senate and the Speaker of the  
4 House of Representatives in a written classified report. In  
5 such case, an unclassified summary of such information shall  
6 be prepared and submitted to the President pro tempore of  
7 the Senate and the Speaker of the House of Representatives.

8 (d) Nothing in this section is intended to require disclo-  
9 sure of investigatory records compiled for law enforcement  
10 purposes specifically protected by section 552(b)(7) of title 5,  
11 United States Code.

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

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

20 SANCTIONS AGAINST STATES SUPPORTING

21 INTERNATIONAL TERRORISM

22 SEC. 106. (a) When a foreign government is listed pur-  
23 suant to section 105 of this Act, the President shall—

24 (1) provide no assistance under the Foreign As-  
25 sistance Act of 1961, or

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

5           (3) approve no export license for the export of  
6 commodities or technical data which would enhance  
7 the military potential of the foreign government or  
8 which would otherwise enhance its ability to support  
9 acts of international terrorism, or

10          (4) extend no duty-free treatment under title V of  
11 the Trade Act of 1974, or

12          (5) permit no entry to the United States by na-  
13 tionals of such country, or foreign nationals sponsored  
14 by such country, for the purpose of acquiring training  
15 or education in nuclear sciences or subjects having  
16 military applicability.

17       (b)(1) If the President finds that the interests of national  
18 security so require, he may suspend the applicability of all or  
19 any part of the prohibitions listed in subsection (a) of this  
20 section in such case: *Provided*, That the President consults  
21 with the appropriate committees of Congress prior to the sus-  
22 pension of such prohibitions. He shall report his reasons  
23 therefor in writing in detail to the President pro tempore of  
24 the Senate, and the Speaker of the House of Representatives  
25 and those prohibitions shall not apply.

1           (2) In determining which of the prohibitions in subsec-  
2 tion (a) of this section should be taken, the President, in con-  
3 sultation with Congress, shall consider—

4           (A) the effectiveness of suspending any prohibition  
5 in inducing change in a country's policy or practice of  
6 supporting acts of international terrorism;

7           (B) the effect of such suspension on United States  
8 relations with other governments; and

9           (C) the effects of such suspension on other nation-  
10 al interests of the United States.

11          (c) In devising initiatives to combat international terror-  
12 ist actions and to reduce state support for such actions, the  
13 President shall take such other measures available to him as  
14 he deems appropriate; he shall take into account the effec-  
15 tiveness of specific sanctions in inducing change in a coun-  
16 try's policy or practice of supporting acts of international ter-  
17 rorism; the likely effect of sanctions on overall United States  
18 relations with such country or with other countries; and the  
19 effect such sanctions would have on other United States na-  
20 tional interests.

21          (d) The President shall take all appropriate diplomatic  
22 measures consistent with international obligations to support  
23 the effectiveness of actions taken pursuant to this authority in  
24 the accomplishment of the purposes of this Act.



1 (e) The President shall promptly and fully inform the  
2 President pro tempore of the Senate and the Speaker of the  
3 House of Representatives of each exercise of authority grant-  
4 ed under the Act.

5 (f) Nothing in this section is intended to require the  
6 public disclosure of information that 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 to the Speaker of  
10 the House of Representatives in a written classified report.  
11 In such case, an unclassified summary of such information  
12 shall be prepared and submitted to the President pro tempore  
13 of the Senate and the Speaker of the House of Representa-  
14 tives.

15 REPORT ON FEDERAL AND INTERNATIONAL CAPABILITIES  
16 TO COMBAT TERRORISM

17 SEC. 107. (a) Not later than six months after the date of  
18 enactment of this Act, and at intervals of two years thereaf-  
19 ter, the President shall submit to the President pro tempore  
20 of the Senate and the Speaker of the House of Representa-  
21 tives a Report on Federal and International Capabilities To  
22 Combat Terrorism. Such report shall include a comprehen-  
23 sive and specific review of Federal antiterrorism organiza-  
24 tion, policies, and activities. It shall include a description and  
25 evaluate of the effectiveness of relevant Federal organization-

1 al structures, planning, coordination, including with State  
2 and local authorities, response capability, intelligence gather-  
3 ing and analysis, assistance to and cooperation with United  
4 Stated business representatives abroad, and security prepar-  
5 edness and security adequacy of the United States diplomatic  
6 and military installations. Such report shall further include a  
7 statement and evaluation of all relevant Federal policies, in-  
8 cluding those with respect to responding to threats, and the  
9 management of a terrorist incident. The report shall contain  
10 an assessment of the capability and effectiveness of the Inter-  
11 national Civil Aviation Organization and other international  
12 programs and organizations to establish appropriate airport  
13 security standards and combat terrorist activities.

14 (b) Nothing in this section is intended to require the  
15 public disclosure of information which is properly classified  
16 under criteria established by Executive order, or is otherwise  
17 protected by law. Such information shall be provided to the  
18 President pro tempore of the Senate and the Speaker of the  
19 House of Representatives in a written classified report. In  
20 such case, an unclassified summary of such information shall  
21 be prepared and submitted to the President pro tempore of  
22 the Senate and the Speaker of the House of Representatives.

23 **TRANSFER OF EXISTING FUNCTIONS AND PROPERTY**

24 **SEC. 108.** There are hereby transferred to and vested in  
25 the Council all functions and authorities, personnel, property,

1 and records vested in the National Security Council/Special  
2 Coordination Committee, Working Group on Terrorism.

3           **TITLE II—REORGANIZATION OF THE**  
4           **DEPARTMENT OF TRANSPORTATION**

5           **ESTABLISHMENT OF OFFICE FOR COMBATING TERRORISM**

6           **SEC. 201.** (a) There is hereby established in the De-  
7 partment of Transportation an Office for Combating Terror-  
8 ism, which shall be headed by an Assistant Secretary, ap-  
9 pointed by the President, by and with the advice and consent  
10 of the Senate.

11           (b) Section 5315(81) of title 5, United States Code, is  
12 amended by striking out “(4)” and by inserting in lieu thereof  
13 “(5)”.

14   **OFFICE FUNCTIONS**

15           **SEC. 202.** The Office shall—

16           (a) coordinate, supervise, and insure the efficient  
17 management, implementation, and development of all  
18 antiterrorist policies, programs, and activities of the  
19 Department of Transportation; and

20           (b) work closely with the Council To Combat  
21 Terrorism, in assisting that Council in the performance  
22 of its functions.

## 1                    INFORMATION ON AIRPORT SECURITY

2            SEC 203. Section 1115 of the Federal Aviation Act of  
3 1958 (49 U.S.C. 1515) relating to security standards in for-  
4 eign 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 neces-  
9 sary 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 air  
12 carriers serve the United States, and at such other foreign  
13 airports as the Secretary may deem appropriate. Such as-  
14 sessments 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  
17 extent to which an airport effectively maintains and adminis-  
18 ters security measures. The criteria utilized by the Secretary  
19 in assessing the effectiveness of security at United States air-  
20 ports 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 sessment 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, me-  
2 chanical, or other detection devices, airport police and secu-  
3 rity forces, and control of unauthorized access to the airport  
4 aircraft, airport perimeter, passenger boarding, and cargo,  
5 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 recom-  
12 mended.

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

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

23 “(d)(1) Not later than 60 days after the notification re-  
24 quired in subsection (c) of this section and upon a determina-  
25 tion by the Secretary that the foreign government has failed

1 to bring the security measures at the identified airport to the  
2 level of effectiveness specified in subsection (a) of this section,  
3 the Secretary—

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

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

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

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

1 In such case, an unclassified summary of such information  
2 shall be prepared and submitted to the President pro tempore  
3 of the Senate and the Speaker of the House of Representa-  
4 tives.”.

5 AVIATION SECURITY ASSISTANCE TO FOREIGN  
6 GOVERNMENTS

7 SEC. 204. (a)(1) The Secretary of Transportation is  
8 authorized to promote the achievement of international avi-  
9 ation security by providing technical assistance concerning  
10 aviation security to foreign governments. Such technical as-  
11 sistance may include the conduct of surveys to analyze the  
12 level of aviation security in airports and the provision of  
13 training in aviation security to foreign nationals. Such train-  
14 ing in aviation security may be conducted either in the  
15 United States or in foreign nations. The Secretary may pro-  
16 vide for the payment of subsistence and expenses for travel  
17 within the United States for foreign nationals receiving such  
18 aviation security training in the United States.

19 (2) The Secretary may require a foreign government to  
20 reimburse the United States for all, part, or none of the cost  
21 of providing the technical assistance authorized under para-  
22 graph (1).

23 (b) There is authorized to be appropriated to carry out  
24 the provisions of this subsection an amount not to exceed  
25 \$100,000 for each of the fiscal years 1980, 1981, and 1982.

## 1 TITLE III—REORGANIZATION OF THE

## 2 DEPARTMENT OF JUSTICE

## 3 ESTABLISHMENT OF OFFICE FOR COMBATING TERRORISM

4 SEC. 301. (a) There is hereby established in the Depart-  
5 ment of Justice an Office for Combating Terrorism, which  
6 shall be headed by an Assistant Attorney General, appointed  
7 by the President, by and with the advice and consent of the  
8 Senate.

9 (b) Section 5315(19) of title 5, United States Code, is  
10 amended by striking out “(9)” and by inserting in lieu thereof  
11 “(10)”.

## 12 OFFICE FUNCTIONS

13 SEC. 302. The Office shall—

14 (a) coordinate, supervise, and insure the efficient  
15 management, implementation, and development of all  
16 antiterrorist policies, programs, and activities of the  
17 Department of Justice; and

18 (b) work closely with the Council To Combat Ter-  
19 rorism, in assisting that Council in the performance of  
20 its functions.

## 21 EXPLOSIVE TAGGANTS

22 SEC. 303. (a) Section 841 of title 18, United States  
23 Code, is amended by adding at the end thereof the following:

24 “(o) ‘Identification taggant’ means any substance which  
25 (1) is added to an explosive material during the manufacture



1 of such material and (2) is retrievable after detonation and  
2 permits the identification of the manufacturer, the date of  
3 manufacture of such material, and provides such other infor-  
4 mation as determined by the Secretary of the Treasury.

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

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

11 “(l) One year after the date of the enactment of this Act,  
12 it shall be unlawful for any person or persons to manufacture  
13 any explosive material which does not contain an identifica-  
14 tion taggant which satisfies the standards promulgated by the  
15 Secretary as provided in section 847.

16 “(m) Two years after the date of the enactment of this  
17 Act, it shall be unlawful for any person or persons to manu-  
18 facture any explosive material which does not contain a de-  
19 tection taggant which satisfies the standards promulgated by  
20 the Secretary as provided in section 847.

21 “(n) Two years after the date of the enactment of this  
22 Act, it shall be unlawful for any person or persons to trans-  
23 port, ship, distribute, or receive, or cause to be transported,  
24 shipped, distributed, or received, in interstate or foreign com-  
25 merce any explosive material which does not contain an iden-

1 tification taggant which satisfies the standards promulgated  
2 by the Secretary as provided in section 847.

3       “(o) Three years after the date of the enactment of this  
4 Act, it shall be unlawful for any person or persons to trans-  
5 port, ship, distribute, or receive, or cause to be transported,  
6 shipped, distributed, or received, in interstate or foreign com-  
7 merce any explosive material which does not contain a detec-  
8 tion taggant which satisfies the standards promulgated by the  
9 Secretary as provided in section 847.

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

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

20       “(r) Two years after the date of the enactment of this  
21 Act, it shall be unlawful for any person to resell or otherwise  
22 dispose of any explosive material sold as surplus by a military  
23 or naval service or other agency of the United States which  
24 does not contain an identification taggant which satisfies the  
25 standards promulgated by the Secretary as provided in sec-

1 tion 847. The shipment of surplus explosive materials from  
2 the Military Establishment where sold to the purchaser's  
3 place of business shall be in accordance with regulations pro-  
4 mulgated by the Secretary.

5       “(s) Three years after the date of the enactment of this  
6 Act, it shall be unlawful for any person to resell or otherwise  
7 dispose of any explosive material sold as surplus by a military  
8 or naval service or other agency of the United States which  
9 does not contain a detection taggant which satisfies the  
10 standards promulgated by the Secretary as provided in sec-  
11 tion 847. The shipment of surplus explosive materials from  
12 the Military Establishment where sold to the purchaser's  
13 place of business shall be in accordance with regulations pro-  
14 mulgated by the Secretary.

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

1       “(u) The requirements of paragraphs (l) through (q) of  
2 this subsection shall not apply to any explosive material des-  
3 ignated by the President or his designee as an explosive ma-  
4 terial to be used by the Department of Defense or another  
5 agency of Government for national defense or international  
6 security purposes. Any explosive material so designated shall  
7 be reported promptly to the Secretary of the Treasury.”.

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

12       “(2) Any person who violates subsection (l) of section  
13 842 of this chapter shall be fined not more than \$10,000 or  
14 imprisoned not more than ten years, or both.”.

15       (d) Section 845(a) of title 18, United States Code, is  
16 amended—

17           (1) by striking “and” at the end of paragraph (5)  
18 thereof;

19           (2) by striking the period at the end of paragraph  
20 (6); and by inserting in lieu thereof the following:  
21 “; and”; and

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

23           “(7) the provisions of subsection (l) of section 842  
24 of this title shall apply to paragraphs (4) and (5) of this  
25 subsection.”.

## 1 IMPLEMENTATION OF MONTREAL CONVENTION

2 SEC. 304. The President shall develop standards and  
3 programs to insure the full implementation of the provisions  
4 of the Convention for the Suppression of Unlawful Acts  
5 Against the Safety of Civil Aviation (Montreal, September  
6 23, 1971).

## 7 AIRCRAFT SABOTAGE

8 SEC. 305. (a) Section 31 of title 18, United States  
9 Code, is amended—

10 (1) by striking out the words "Civil Aeronautics  
11 Act of 1938" and inserting in lieu thereof the words  
12 "Federal Aviation Act of 1958";

13 (2) by striking "and" at the end of the third  
14 undesignated paragraph thereof;

15 (3) by striking the period at the end thereof and  
16 inserting in lieu thereof ","; and

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

18 "‘In flight’ means any time from the moment all the  
19 external doors of an aircraft are closed following embarkation  
20 until the moment when any such door is opened for disembar-  
21 kation. In the case of a forced landing the flight shall be  
22 deemed to continue until competent authorities take over the  
23 responsibility for the aircraft and the persons and property  
24 aboard.

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

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

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

20           “Whoever, with intent to damage, destroy, or disable  
21 any such aircraft, willfully sets fire to, damages, destroys, or  
22 disables or places a destructive substance in, upon, or in the  
23 proximity of any appliance or structure, ramp, landing area,  
24 property, machine, or apparatus, or any facility, or other ma-  
25 terial used, or intended to be used, in connection with the

1 operation, maintenance, or loading or unloading or storage of  
2 any such aircraft or any cargo carried or intended to be car-  
3 ried on any such aircraft; or

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

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

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

14 (c)(1) Chapter 2, title 18, United States Code, is  
15 amended by adding a new section after section 32 to read as  
16 follows:

17 **“§ 32A. Offenses in violation of the Convention for the**  
18 **Suppression of Unlawful Acts Against the**  
19 **Safety of Civil Aviation**

20 “(a) Whoever commits an offense as defined in subsec-  
21 tion (b) against or on board an aircraft registered in a state  
22 other than the United States and is afterward found in this  
23 country—

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

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

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

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

10              “(3) places or causes to be placed on an aircraft  
11 in service, by any means whatsoever, a device or sub-  
12 stance which is likely to destroy that aircraft, or to  
13 cause damage to it which renders it incapable of flight,  
14 or to cause damage to it which is likely to endanger its  
15 safety in flight; or

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

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

“32. Destruction of aircraft or aircraft facilities.”

21 the following new item:

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

22       (d) Section 101(34) of the Federal Aviation Act of 1958,  
23 as amended (49 U.S.C. 1301(34)), relating to the definition of



1 the term "special aircraft jurisdiction of the United States,"  
2 is amended as follows:

3 (1) by deleting the word "or" at the end of sub-  
4 section (d)(i);

5 (2) by deleting the word "and" at the end of sub-  
6 section (d)(ii) and inserting in lieu thereof the word  
7 "or"; and

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

9 "(iii) regarding which an offense as defined in sub-  
10 section (d) or (e) of article I, section I of the (Montreal)  
11 Convention for the Suppression of Unlawful Acts  
12 Against the Safety of Civil Aviation is committed: *Pro-*  
13 *vided*, That the aircraft lands in the United States with  
14 an alleged offender still on board; and".

15 (e) Section 902(k) of the Federal Aviation Act of 1958,  
16 as amended (49 U.S.C. 1472(k)), is amended by adding sub-  
17 section (3) to the end thereof, to read as follows:

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

22 (f)(1) Chapter 2 of title 18, United States Code, is  
23 amended by adding at the end thereof the following new sec-  
24 tion:

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

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

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

“36. Imparting or conveying threats.”.

12

AIRCRAFT PIRACY

13       SEC. 306. (a) Section 901 of the Federal Aviation Act  
14 of 1958, as amended (49 U.S.C. 1471), is amended by adding  
15 at the end thereof the following new subsections:

16       “(c) Whoever imparts or conveys or causes to be im-  
17 parted or conveyed false information, knowing the informa-  
18 tion to be false, concerning an attempt or alleged attempt  
19 being made or to be made, to do any act which would be a  
20 crime prohibited by subsection (i), (j), (k), or (l) of section 902  
21 of this Act, shall be subject to a civil penalty of not more  
22 than \$1,000 which shall be recoverable in a civil action  
23 brought in the name of the United States.

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

14           (b) Subsection (a) of section 1395 of title 28, United  
15 States Code, is amended by striking the period at the end of  
16 such subsection and adding the following: “, and in any pro-  
17 ceeding to recover a civil penalty under section 35(a) of title  
18 18 of the United States Code or section 901(c) or 901(d) of  
19 the Federal Aviation Act of 1958, all process against any  
20 defendant or witness, otherwise not authorized under the  
21 Federal Rules of Civil Procedure, may be served in any judi-  
22 cial district of the United States upon an ex parte order for  
23 good cause shown.”.

24           (c)(1) Section 902(m) of the Federal Aviation Act of  
25 1958 (49 U.S.C. 1472(m)) is amended to read as follows:

## 1 "FALSE INFORMATION AND THREATS

2 "(m)(1) Whoever willfully and maliciously, or with reck-  
3 less disregard for the safety of human life, imparts or conveys  
4 or causes to be imparted or conveyed false information know-  
5 ing the information to be false, concerning an attempt or al-  
6 leged attempt being made or to be made, to do any act which  
7 would be a felony prohibited by subsection (i), (j), or (l)(2) of  
8 this section, shall be fined not more than \$5,000 or impris-  
9 oned not more than five years, or both

10 "(2) Whoever imparts or conveys or causes to be im-  
11 parted or conveyed any threat to do an act which would be a  
12 felony prohibited by subsection (i), (j), or (l)(2) of this section,  
13 with an apparent determination and will to carry the threat  
14 into execution, shall be fined not more than \$5,000 or impris-  
15 oned not more than five years, or both."

16 (2) The table of contents of the Federal Aviation Act of  
17 1958, in the matter of title II (subchapter IX, chapter 20 of  
18 title 49, United States Code, section 1472(m)), is amended by  
19 redesignating

"(m) False information."

20 to read

"(m) False information and threats."

21 (d) Section 903 of the Federal Aviation Act of 1958 (49  
22 U.S.C. 1473) is amended by striking "Such" at the begin-  
23 ning of the second sentence of subsection (b)(1) of that sec-

1 tion, and substituting therefor "Except with respect to civil  
2 penalties under section 901 (c) and (d) of this Act, such".

3 TITLE IV—REORGANIZATION OF THE  
4 DEPARTMENT OF STATE  
5 ESTABLISHMENT OF OFFICE FOR COMBATING  
6 INTERNATIONAL TERRORISM

7 SEC. 401. (a) There is hereby established in the De-  
8 partment of State an Office for Combating International Ter-  
9 rorism (hereinafter referred to as the "Office"), which shall  
10 be headed by an Assistant Secretary of State, appointed by  
11 the President, by and with the advice and consent of the  
12 Senate.

13 (b) Section 5315(22) of title 5, United States Code, is  
14 amended by striking out "(11)" and inserting in lieu thereof  
15 "(12)".

16 OFFICE FUNCTIONS

17 SEC. 402. The Office shall—

18 (a) coordinate, supervise, and insure the efficient  
19 management, implementation, and development of all  
20 antiterrorist policies, programs, and activities of the  
21 Department of State;

22 (b) work closely with the Council to Combat Ter-  
23 rorism, in assisting that Council in the performance of  
24 its functions; and

1 (c) assist the President in the implementation of  
2 section 105 and the other provisions of this Act.

3 PRIORITIES FOR NEGOTIATION OF INTERNATIONAL  
4 AGREEMENTS

5 SEC. 403. (a) The President is hereby urged to seek  
6 international agreements to assure more effective internation-  
7 al cooperation in combating terrorism.

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

11 (1) establishment of a permanent international  
12 working group, including subgroups on topics as may  
13 be appropriate, including but not limited to, law en-  
14 forcement and crisis management, which would combat  
15 international terrorism by—

16 (A) promoting international cooperation  
17 among countries; and

18 (B) developing new methods, procedures,  
19 and standards to combat international terrorism;

20 (2) establishment of means to effect observance  
21 of—

22 (A) the Convention for the Suppression of  
23 Unlawful Seizure of Aircraft (The Hague, Decem-  
24 ber 16, 1970);

1           (B) the Convention for the Suppression of  
2           Unlawful Acts Against the Safety of Civil Avi-  
3           ation (Montreal, September 23, 1971); and

4           (C) the Convention on the Prevention and  
5           Punishment of Crimes Against Internationally  
6           Protected Persons, Including Diplomatic Agents  
7           (New York, December 14, 1973);

8           (3) establishment of international legal require-  
9           ments to prohibit and punish the act of taking  
10          hostages.

○