

June 9 / Administration of William J. Clinton, 1998

The White House,
June 9, 1998.

Message to the Congress Transmitting Proposed International Crime Control Legislation

June 9, 1998

To the Congress of the United States:

I am transmitting for immediate consideration and enactment the “International Crime Control Act of 1998” (ICCA). The ICCA is one of the foremost initiatives highlighted in my Administration’s International Crime Control Strategy, which I announced on May 12, 1998. The proposed legislation would substantially improve the ability of U.S. law enforcement agencies to investigate and prosecute international criminals, seize their money and assets, intercept them at our borders, and prevent them from striking at our people and institutions.

Advances in technology, the resurgence of democracy, and the lowering of global political and economic barriers have brought increased freedom and higher living standards to countries around the world, including our own. However, these changes have also provided new opportunities for international criminals trafficking in drugs, firearms, weapons of mass destruction, and human beings, and engaging in fraud, theft, extortion, and terrorism.

In response to these formidable threats to the American people, I have directed the Departments of Justice, State, and the Treasury, as well as the Federal law enforcement and intelligence communities, to intensify their ongoing efforts to combat international crime. In order to carry out this mandate most effectively, the many departments and agencies involved need the additional tools in the proposed ICCA that will enhance Federal law enforcement authority in several key areas, close gaps in existing laws, and facilitate global cooperation against international crime.

The ICCA’s provisions focus on seven essential areas to improve the Federal Government’s ability to prevent, investigate, and punish international crimes and criminals:

(1) *Investigating and Punishing Acts of Violence Committed Against Americans Abroad*

- Broadens existing criminal law to authorize the investigation and punishment of organized crime groups who commit serious criminal acts against Americans abroad. (Current law generally requires a link to terrorist activity.)
- Provides jurisdiction in the United States over violent acts committed abroad against State and local officials while in other countries on official Federal business.

(2) *Strengthening U.S. Air, Land, and Sea Borders*

- Increases penalties for smugglers who endanger Federal law enforcement officials seeking to interdict their activities, introducing the Federal criminal offense of “portrunning” (i.e., evading border inspections, often through the use of force).
- Addresses gaps in current law relating to maritime drug interdiction operations, introducing the criminal offense of failing to stop (“heave to”) a vessel at the direction of a Coast Guard or other Federal law enforcement official seeking to board that vessel.
- Provides clear authority to search international, outbound letter-class mail if there is reasonable cause to suspect that the mail contains monetary instruments, drugs, weapons of mass destruction, or merchandise mailed in violation of several enumerated statutes (including obscenity and export control laws).
- Broadens the ability to prosecute criminals smuggling goods out of the United States.

(3) *Denying Safe Haven to International Fugitives*

- Authorizes the extradition, in certain circumstances, of suspected criminals to foreign nations in two separate cases not covered by a treaty: (1) when the United States has an extradition treaty with the

nation, but the applicable treaty is an outdated “list” treaty that does not cover the offense for which extradition is sought; and (2) when the United States does not have an extradition treaty with the requesting nation.

- Provides for exclusion from the United States of drug traffickers and their immediate family members and of persons who attempt to enter the United States in order to avoid prosecution in another country.

(4) *Seizing and Forfeiting the Assets of International Criminals*

- Expands the list of money laundering “predicate crimes” to include certain violent crimes, international terrorism, and bribery of public officials, thus increasing the availability of money laundering enforcement tools.
- Broadens the definition of “financial institution” to include foreign banks, thereby closing a loophole involving criminally derived funds laundered through foreign banks doing business here.
- Provides new tools to crack down on businesses illegally transmitting money, and to investigate money laundering under the Bank Secrecy Act.
- Toughens penalties for violations of the International Emergency Economic Powers Act.
- Criminalizes attempted violations of the Trading With the Enemy Act.

(5) *Responding to Emerging International Crime Problems*

- Enhances enforcement tools for combating arms trafficking, including requiring “instant checks” of the criminal history of those acquiring explosive materials from Federal licensees and clarifying Federal authority to conduct undercover transactions subject to the Arms Export Control Act for investigative purposes.

- Addresses the increasing problem of alien smuggling by authorizing the forfeiture of the proceeds and all instrumentalities of alien smuggling.
- Cracks down on the international shipment of “precursor chemicals” used to manufacture illicit drugs, primarily by authorizing the Drug Enforcement Administration to require additional “end-use” verification.
- Provides extraterritorial jurisdiction for fraud involving credit cards and other “access devices,” which cost U.S. businesses hundreds of millions of dollars every year.
- Authorizes wiretapping for investigations of felony computer crime offenses.

(6) *Promoting Global Cooperation*

- Expands the authority of U.S. law enforcement agencies to share the seized assets of international criminals with foreign law enforcement agencies.
- Provides new authority, applicable in cases where there is no mutual legal assistance treaty provision, to transfer a person in United States Government custody to a requesting country temporarily for purposes of a criminal proceeding.

(7) *Streamlining the Investigation and Prosecution of International Crime in U.S. Courts*

- Authorizes the Attorney General to use funds to defray translation, transportation, and other costs of State and local law enforcement agencies in cases involving fugitives or evidence overseas.
- Facilitates the admission into evidence in U.S. court proceedings of certain foreign government records.

The details of this proposal are described in the enclosed section-by-section analysis. I urge the prompt and favorable consideration of this legislative proposal by the Congress.

WILLIAM J. CLINTON

The White House,
June 9, 1998.