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Anti-Terrorism

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THE WHITE HOUSE

WASHINGTON

July 28, 1996

MEETING WITH HOUSE AND SENATE LEADERSHIP TO DISCUSS NEW COUNTERTERRORISM LEGISLATIVE INITIATIVES

DATE: Monday, July 29, 1996
LOCATION: Cabinet Room
TIME: 2:00 p.m. to 2:45 p.m.
From: John Hilley /ll
Peter Jacoby

I. PURPOSE

To discuss Congressional initiatives designed to combat terrorism.

II. BACKGROUND

In February, 1995 the Administration proposed a tough counterterrorism bill to respond to both domestic and foreign terrorist threats. Immediately following the April 19, 1995 Oklahoma City bombing the Administration sent a supplementary set of proposals to Capitol Hill to provide additional antiterrorism law enforcement capabilities. The Senate responded quickly to pass legislation (S. 735) which consisted primarily of provisions from the Administration's two proposals. In the House, however, the legislation soon stalled as both liberals and conservatives opposed the legislation as too great an infringement on civil liberties.

On March 13, 1996 House opposition came to a head when a majority of the Republican caucus combined with a handful of liberal Democrats to adopt a House floor amendment sponsored by Congressman Bob Barr (R-GA). The Barr amendment deleted the measure's toughest antiterrorism provisions, including many provisions that would prevent terrorism or allow law enforcement to more effectively track and capture terrorists. The amendment immediately sparked criticism from leading law enforcement officials. In a March 13 press release, Attorney General Janet Reno denounced the House's action noting that the Barr amendment would keep Americans vulnerable to terrorists and madmen by stripping away provisions to help trace explosives and allow law enforcement to more effectively trace terrorists' phone calls.

During a House-Senate conference on the legislation much of the damage done to the legislation by the Barr amendment was mitigated as many tough law enforcement provisions were reinserted into the final agreement in an effort to gain your

signature on the legislation. On April 24th you signed the legislation, largely due to the merit and necessity of the reinserted provisions. However, in your signing statement you noted your disappointment with the failure of Congress to include some of the Administration's best terrorism prevention provisions in the legislation. All of these provisions had been deleted in the House, by either the Barr amendment or Judiciary Committee redrafting of the legislation.

The key missing provisions highlighted in the April 24th signing statement include: enhanced authority to use "roving" wiretaps and emergency electronic surveillance orders; requiring the addition of identifying microscopic taggants to all explosive materials (including black and smokeless powder); permitting FBI access to hotel, telephone and other records in terrorism investigations; implementing a mandatory penalty for those who knowingly transfer a firearm for use in a violent felony; providing for a 5 year statute of limitation period for prosecution of such offenses as possession of explosive devices, machine guns, sawed-off shotguns and silencers; implementing a ban on cop-killer bullets.

The explosion aboard TWA Flight 800 and the bomb in Olympic Centennial Park have considerably elevated the fight against terrorism as a domestic priority. Speaker Gingrich's remarks on Meet the Press earlier today, in which he said that a taggant requirement is a "possibility" and roving wiretaps may be necessary given cellular technology, are a clear indicator of the new environment. As a response to this important priority, during Monday's meeting you should propose a two-part anti-terrorism legislative package that you would work closely with the bipartisan Congressional leadership to enact as quickly as possible. Part one of the package would consist primarily of previous Administration antiterrorism proposals, including the roving wiretaps and taggants provisions, that Congress failed to include in the antiterrorism bill. You should ask Congress to pass this package before the August recess. Part two of the package would consist of several supplemental funding requests totalling \$1 billion for resources that will help prevent and combat terrorism and help those who are victimized by terrorist acts (a two-page outline of the package is attached.)

Finally, it should be noted that many of the Administration's original counterterrorism proposals that failed to make it into law as part of the anti-terrorism legislation (including the roving wiretaps and taggants provisions), have already been reintroduced as new legislation (H.R. 3409) in the House by Congressman Schumer and House Judiciary Committee Ranking Member John Conyers.

III. PARTICIPANTS

See attached list of participants.

IV. PRESS PLAN

Pool spray at the top of the meeting.

V. SEQUENCE OF EVENTS

You will make a brief statement with the pool in the room. Following your remarks to the pool, they will exit and an informal discussion will begin.

VI. REMARKS

To be provided by Speechwriting.

VII. ATTACHMENTS

- (1) A list of meeting attendees.
- (2) A two-page outline of a new Administration antiterrorism proposal.

PARTICIPANTS FOR THE CONGRESSIONAL MEETING ON ANTI-TERRORISM

The President
The Vice President
The Attorney General
FBI Director Louis Freeh
Leon Panetta
Tony Lake
John Hilley
Jack Quinn
Ray Kelly, Undersecretary for Enforcement, Department of Treasury
Larry Summers, Deputy Secretary for Treasury
John White, Deputy Secretary for Defense

Sen. Trent Lott (R-MS)
Sen. Tom Daschle (D-SD)
Sen. Orrin Hatch (R-UT)
Sen. Joe Biden (D-DE)

Speaker Newt Gingrich (R-GA)
Rep. Dick Gephardt (D-MO)
Rep. Henry Hyde (R-IL)
Rep. John Conyers (D-MI)

Congressional Action on Terrorism

The Administration seeks immediate passage of several key anti-terrorism provisions and agreement in principle now to a package of additional anti-terrorism resources, which would be submitted following the Recess.

Legislative Authorities: The seven key provisions which the Administration seeks to have passed immediately are:

- roving wiretaps of a named person and broadened electronic surveillance authority for terrorism related crimes

- pen registers and trap-and-trace for foreign intelligence investigations

- amend the "taggants" study to provide for a six month study following which Treasury could promulgate regulations, which would be subject to a 45 day review period; fund the study at \$25 million; and include black powder and smokeless powder in the study and possible regulations;

- access to common carrier and public accommodation records in foreign intelligence investigations

- emergency wiretap and telephone record authorities in terrorist investigations

- terrorist offenses as a RICO predicate

- extend the statute of limitations on bombing and firearms related offenses to five years;

In addition, the Administration will seek passage of legislation to strengthen our ability to deal with terrorists who use encryption to prevent law enforcement and intelligence agencies from learning of their activities.

Funding: The Administration will submit a resource package which will be slightly in excess of \$1 billion. It would fund:

- replenishment of the terrorist incident funds in DOJ and PHS;

- overtime for terrorist related activities of Federal law enforcement agencies;

- additional Federal anti-terrorist law enforcement agents and specialists (e.g. linguists for FBI)

-- DOD security and anti-terrorism programs, including funds for the US share of the movement of facilities in Saudi Arabia ;

--a funding procedure within DOD's budget to provide support (e.g. airlift) to other agencies engaged in a counter-terrorism activity;

--additional bomb dogs and sniffer equipment for several agencies

--operation of the Gore Commission on Aviation Safety and Security, including a small fund to jump start (e.g. long lead items) procurement of bomb detection equipment;

--funds for FEMA and Public Health Service to do consequence management of terrorist incidents

-- a program in FEMA to provide counselling and travel assistance for the relatives of victims of terrorist incidents and airline crashes.

--funding for program to permit wiretapping of new digital telephone switches (digital telephony)

--additional CIA resources.

Blinken, Antony J.

From: Blinken, Antony J.
To: @NSA - Natl Security Advisor; @EXECSEC - Executive Secretary; @GLOBAL - Global Affairs
Cc: /R, Record at A1
Subject: ~~(CONFIDENTIAL)~~ DAV Terror Insert
Date: Saturday, July 27, 1996 3:40PM
Priority: High

<<File Attachment: DAVINS.DOC>> FOR TL, SRB, NES, DICK CLARKE IMMEDIATE

Attached, draft terrorism insert for tomorrow's Disabled Veterans of America speech. Comments to me, please. Blinken

cc. Lieberman
Stephanopoulos
Radd/Baer

7/27/96 2 p.m.

INSERT TO DAV SPEECH - For Top of Speech

I know that all of you share my outrage at the bombing at Centennial Olympic Park in Atlanta. Probably more than any other group of Americans, you veterans who have given so much to defend our nation's freedom understand what's at stake.

This act of evil was aimed at the Olympic spirit -- and the spirit of freedom and tolerance we Americans hold as our birthright. Our responsibility now is to bring those responsible to justice... to continue to do everything we can to prevent future attacks... and above all never to let such cowardly, inhuman acts stop us from moving forward with our lives. If we allow terror to turn us from our path, then terror wins. My fellow Americans, terror will not win. The Olympic spirit and the American spirit will prevail.

As we enter a new era of remarkable possibility, those of us who live in free and open societies have a duty to face up to its perils, especially terrorism. And we have to do it together, because, as we have seen in the Tokyo subway, the streets of Tel Aviv, Khobar Towers in Saudia Arabia and right here in America, terrorism is an equal opportunity destroyer with no respect for borders.

That's why, since taking office, I have made the fight against terrorism a top national security priority. We are cooperating as never before with countries around the world -- sharing information, providing military support and taking joint action, as we did at the G-7 Summit in Lyon and as we will at the Terrorism Conference I called for in Paris this week. We've opened FBI training centers abroad. We've kept the heat on states that sponsor terrorism like Iran, Iraq,

Libya and Sudan with tough economic sanctions. We've increased the funding, personnel and training for our law enforcement agencies. And we pushed Congress to pass tough anti-terrorism legislation.

But the forces of terrorism never give up. So we must not -- and we will not -- give in. I am constantly looking at new tools to help our law enforcement officials fight terror. If executive action is required, I will take it. If new legislation is needed, I will send it to Congress immediately. Provided America remains vigilant, we will be victorious in the struggle against terrorism.

THE WHITE HOUSE

March 14, 1996

TO: LEON PANETTA
G.STEPHANOPOULOS

FROM: JACK QUINN

Here are the notes for a statement on the Terrorism Bill. I haven't had a chance to look over them, but presumably, they can be given to the speech writers for revision.

G-
I'll send this
to Shipley?
Lum

★ More value
as issue
than bill

April 11, 1996

ANTICIPATED OUTCOME FOR THE PRESIDENT'S KEY ANTITERRORISM PROPOSALS IN CURRENT HOUSE-SENATE CONFERENCE NEGOTIATIONS

President's Proposals (2/95 & 5/95)	Conference Report
Clearcut federal criminal jurisdiction for: 1) conspiracy in U.S. to commit terrorist acts abroad; or 2) if victim or perpetrator is a U.S. national even if terrorist act is committed abroad.	Inclusion likely; language subject to negotiation.
Designation of terrorist groups and authority to preclude U.S. fundraising to support international terrorism.	Inclusion likely; language subject to negotiation
Modify, streamline and expedite alien terrorist deportation provisions.	Inclusion likely; language subject to negotiation.
Expedited law enforcement access to credit reports.	Already included in P.L. 104-93, the intelligence authorization bill.
Plastic Explosives Convention requirements to add chemicals to plastic explosives for tracing purposes.	Inclusion likely.
Enhanced penalties for transferring firearms or explosives with the knowledge they will be used violently.	Inclusion likely.
New mandatory penalties for knowing possession of stolen explosives.	Inclusion likely.
New mandatory penalties for terrorist attacks against federal employees and their families.	Inclusion likely.
New mandatory penalties for unauthorized use of chemical weapons in solid and liquid form.	Inclusion likely.
Addition of taggants to explosives for tracing purposes.	Inclusion is <u>not</u> likely. Will include a weak study provision.
Expedited law enforcement access to hotel, motel, common carrier, storage and rental records.	Inclusion is <u>not</u> likely.
Expanded wiretap authority including authority for "roving wiretaps" and 48 hour emergency wiretaps.	Inclusion is <u>not</u> likely.

President's Proposals (2/95 & 5/95)	Conference Report
New authority for the military to provide technical assistance when chemical or biological weapons have been used.	Inclusion is <u>not</u> likely. P.L. 104-106, DOD authorizing bill, includes limited authority.
Funding for Digital Telephony initiative.	Inclusion is <u>not</u> likely.

ANTICIPATED OUTCOME FOR ADDITIONAL KEY ANTITERRORISM PROPOSALS IN CURRENT HOUSE-SENATE CONFERENCE NEGOTIATIONS

Key Additional Issues	Conference Report
Habeas Corpus Reform	Inclusion is likely.
Authority to allow civil suits against terrorist nations and foreign nationals in federal court.	Inclusion is likely; subject to negotiations on acceptable language.
Enhanced authority to deny visas to alien terrorists.	Inclusion is likely.
Study of criminal gunfire against police. [This replaces tough "Cop Killer" bullets study.]	Inclusion is likely.
Mandatory restitution for victims of terrorism.	Inclusion is likely.
Ban on the distribution of bomb-making information.	Inclusion is likely.
Commission to study federal law enforcement actions including Ruby Ridge and Waco.	Inclusion is uncertain.

Proposal: POTUS offers to accept Senate habeas in return for 5 Amendments.