

EC-2301. A communication from the Chairman of the U.S. Merit Systems Protection Board, transmitting, pursuant to law, the annual report for fiscal year 1995; to the Committee on Governmental Affairs.

EC-2302. A communication from the Chairman of the Pennsylvania Avenue Development Corporation, transmitting, pursuant to law, the report under the Chief Financial Officers Act for fiscal year 1995; to the Committee on Governmental Affairs.

EC-2303. A communication from the U.S. Commissioner of the Delaware River Basin Commission, transmitting, pursuant to law, the report under the Inspector General Act; to the Committee on Governmental Affairs.

EC-2304. A communication from the U.S. Commissioner of the Susquehanna River Basin Commission, transmitting, pursuant to law, the report under the Inspector General Act; to the Committee on Governmental Affairs.

EC-2305. A communication from the Executive Director of the Japan-U.S. Friendship Commission, transmitting, pursuant to law, the report under the Inspector General Act; to the Committee on Governmental Affairs.

EC-2306. A communication from the Executive Director of the Neighborhood Reinvestment Corporation, transmitting, pursuant to law, the report under the Government in the Sunshine Act for calendar year 1995; to the Committee on Governmental Affairs.

EC-2307. A communication from the Chair of the Foreign Claims Settlement Commission, Department of Justice, transmitting, pursuant to law, the report under the Government in the Sunshine Act for calendar year 1995; to the Committee on Governmental Affairs.

EC-2308. A communication from the Employee Benefits Manager of the AgFirst Farm Credit Bank, transmitting, pursuant to law, the annual reports of federal pension plans for calendar year 1995; to the Committee on Governmental Affairs.

EC-2309. A communication from the President and Chief Executive Officer of the Overseas Private Investment Corporation, transmitting, pursuant to law, the report under the Chief Financial Officers Act for fiscal year 1995; to the Committee on Governmental Affairs.

EC-2310. A communication from the Office of Special Counsel, transmitting, pursuant to law, the annual report for fiscal year 1995; to the Committee on Governmental Affairs.

EC-2311. A communication from the Director of the Institute of Museum Services, transmitting, pursuant to law, the report under the Federal Managers' Financial Integrity Act for fiscal year 1995; to the Committee on Governmental Affairs.

EC-2312. A communication from the Executive Director of the Interstate Commission on the Potomac River Basin, transmitting, pursuant to law, the report under the Federal Managers' Financial Integrity Act for fiscal year 1995; to the Committee on Governmental Affairs.

EC-2313. A communication from the Comptroller General of the United States, transmitting, pursuant to law, the report of General Accounting Office reports and testimony for February 1996; to the Committee on Governmental Affairs.

EC-2314. A communication from the Secretary of Veterans' Affairs, transmitting, pursuant to law, the report under the Federal Managers' Financial Integrity Act for fiscal year 1995; to the Committee on Governmental Affairs.

EC-2315. A communication from the Chairman of the Federal Election Commission, transmitting, pursuant to law, the report of proposed regulations; to the Committee on Rules and Administration.

EC-2316. A communication from the Director of Audit Oversight and Liaison, General

Accounting Office, transmitting, pursuant to law, the report of the audit of the U.S. Government Printing Office's financial statements for fiscal year 1995; to the Committee on Rules and Administration.

EC-2317. A communication from the Director of the Office of Management and Budget, the Executive Office of the President, transmitting, pursuant to law, the report on direct spending or receipts legislation within five days of enactment; referred jointly, pursuant to the order of August 4, 1977, to the Committee on the Budget, and to the Committee on Governmental Affairs.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. BINGAMAN (for himself, Mr. DASCHLE, and Mr. DORGAN):

S. 1697. A bill to amend the independent counsel statute to require that an individual appointed to be an independent counsel must agree to suspend any outside legal work or affiliation with a law firm until the individual's service as independent counsel is complete; to the Committee on Governmental Affairs.

By Mr. DASCHLE:

S. 1698. A bill entitled the "Health Insurance Reform Act of 1996"; read the first time.

By Mr. BINGAMAN:

S. 1699. A bill to establish the National Cave and Karst Research Institute in the State of New Mexico, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. HATCH (for himself, Mrs. FEINSTEIN, Mr. KERRY, Mr. HARKIN, Mr. REID, and Mr. D'AMATO):

S. 1700. A bill to reduce interstate street gang and organized crime activity, and for other purposes; to the Committee on the Judiciary.

By Mr. PELL:

S. 1701. A bill to end the use of steel jaw leghold traps on animals in the United States, and for other purposes; to the Committee on Environment and Public Works.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BROWN (for himself, Mr. FAIRCLOTH, Ms. MOSELEY-BRAUN, and Mr. SHELBY):

S. Res. 250. A resolution expressing the sense of the Senate regarding tactile currency for the blind and visually impaired; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. LOTT:

S. Con. Res. 54. A concurrent resolution to correct the enrollment of the bill S. 735, to prevent and punish acts of terrorism, and for other purposes; considered and agreed to.

S. Con. Res. 55. A concurrent resolution to correct the enrollment of the bill S. 735, to prevent and punish acts of terrorism, and for other purposes; considered and agreed to.

By Mr. LAUTENBERG (for himself, Mr. DOLE, Mr. HELMS, Mr. PELL, and Mr. LEVIN):

S. Con. Res. 56. A concurrent resolution recognizing the tenth anniversary of the Chernobyl nuclear disaster, and supporting the closing of the Chernobyl nuclear power plant; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BINGAMAN (for himself, Mr. DASCHLE and Mr. DORGAN):

S. 1697. A bill to amend the independent counsel statute to require that an individual appointed to be an independent counsel must agree to suspend any outside legal work or affiliation with a law firm until the individual's service as independent counsel is complete; to the Committee on Governmental Affairs.

THE INDEPENDENT COUNSEL AMENDMENT ACT OF 1996

Mr. BINGAMAN. Mr. President, I rise to introduce legislation on behalf of the distinguished Minority leader and myself that amends the independent counsel statute.

In my opinion recent events have made clear that Congress should review the statute providing for the appointment of an independent counsel. The specific problem that concerns me, and which my bill will address, is the perception that an independent counsel who continues to practice law and represent clients while serving as independent counsel opens himself or herself to charges of conflict of interest resulting from continued representation of private clients.

The bill I am introducing today amends the independent counsel statute to eliminate the possibility that such a conflict of interest will arise by requiring that, upon assuming the duties of independent counsel, an attorney refrain from representing clients until her duties as independent counsel have been completed. Additionally, my bill requires that the independent counsel not receive any compensation for affiliating with or being employed by an entity that provides professional legal services during the time of their service as independent counsel.

This bill would not apply to the current independent counsel investigating the Whitewater matter. It would only apply to independent counsels appointed after the effective date of this legislation.

Mr. President, as my friend and colleague from Arkansas, Senator PRYOR pointed out yesterday, the Washington Post reported that the current independent counsel, Mr. Starr, has retained the services of Sam Dash, former chief counsel to the Senate Watergate Committee and a noted scholar on issues relating to legal ethics to advise Mr. Starr on matters stemming from his continued affiliation with his law firm and continued representation of clients.

Setting aside for a moment the fact that Mr. Starr has seen fit to retain Mr. Dash on a part-time basis at a cost to the taxpayers of over \$166,000, it strikes many as a little odd, Mr. President, that an independent counsel has for the first time hired someone to advise him on what is ethical and what is not. It is my understanding from published reports in the Washington Post, the New Yorker, and other sources,

that the primary "ethical" concern that Mr. Dash is advising the Whitewater independent counsel on, is related to issues that have arisen as a result of Mr. Starr's continued private practice of law and his continued representation of clients who, at the very least, have agendas that are diametrically opposed to one of the primary targets of the Whitewater investigation—the Clinton administration. Commenting on the issues that have been raised by Mr. Starr's involvement with the Bradley Foundation, a conservative foundation that gives money to many virulent critics of the Clinton administration, Ellen Miller, executive director of the Center for Responsive Politics said, "But you don't have to scratch far beneath the surface to find not just one but many, many, many conflicts of interest."

Mr. President, I am not here to judge the numerous allegations of conflicts of interests that have been brought against the current Whitewater independent counsel. Those issues need to be addressed by the special panel of judges from the U.S. Court of Appeals for the District of Columbia which appointed Mr. Starr. However, I do think that the Congress has an opportunity and indeed the obligation to ensure that the current troubles plaguing Mr. Starr do not plague future independent counsels.

Mr. President, I think that too often we search for complicated solutions to simple problems. We devise complex mechanisms to deal with rather straightforward issues. I believe that we can and should avoid doing that in this case. My legislation addresses a serious concern with a simple and straightforward response. Potential conflicts of interest resulting from continued, outside employment by a law firm and from representation of outside clients can be avoided by simply requiring that the independent counsel devote her fulltime attention to the duties of the independent counsel's office.

No one will argue, Mr. President, that the office of independent counsel has not served an important function since the days of Watergate. The integrity and impartiality of the office is far too important to its proper functioning to risk under circumstances like those swirling around the current Whitewater independent counsel. That is why I offer this legislation. I am trying by this pro-active legislation to eliminate the need for other independent counsel to hire Mr. Dash or anyone else to advise them on potential conflicts of interest they might have.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1697

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. STANDARDS OF CONDUCT FOR INDEPENDENT COUNSELS.

Paragraph (1) of section 594(j) of title 28, United States Code, is amended to read as follows:

"(1) RESTRICTIONS ON EMPLOYMENT WHILE INDEPENDENT COUNSEL AND APPOINTEES ARE SERVING.—(A) During the period in which an independent counsel is serving under this chapter, the independent counsel shall not—

"(i) engage in any legal work other than as required for service under this chapter; or

"(ii) receive any compensation for affiliating with or being employed by an entity that provides professional legal services.

"(B) During the period in which an independent counsel is serving under this chapter, any person associated with a firm with which such independent counsel is associated, may not represent in any matter any person involved in any investigation or prosecution under this chapter. During the period in which any person appointed by an independent counsel under subsection (c) is serving in the office of independent counsel, such person may not represent in any matter any person involved in any investigation or prosecution under this chapter."

By Mr. BINGAMAN:

S. 1699. A bill to establish the National Cave and Karst Research Institute in the State of New Mexico, and for other purposes; to the Committee on Energy and Natural Resources.

THE NATIONAL CAVE AND KARST RESEARCH INSTITUTE ACT OF 1996

Mr. BINGAMAN. Mr. President, in December 1994, Congress received the National Cave and Karst Research Institute Study from the National Park Service. The report studied the feasibility of creating a National Cave and Karst Research Institute in the vicinity of Carlsbad Caverns National Park, NM, as directed by Public Law 101-578. Today, I am here to introduce a bill which follows the guidelines of that report and which will establish the National Cave and Karst Research Institute in Carlsbad, NM.

While other nations have recognized the importance of cave resource management information and have sponsored cave and karst research, the United States has failed, until recently, to appreciate or work to understand cave and karst systems and their importance. As we approach the 21st century, the protection and management of our water resources has been identified as one of the major issues facing the world. In America, the majority of the Nation's freshwater is ground water—of which 25 percent is located in cave and karst regions.

Recent studies have also indicated that caves contain valuable information related to global climate change, waste disposal, ground water supply and contamination, petroleum recovery, and biomedical investigations. Caves provide a unique understanding of the historic events of humankind. Further they are considered sacred and have religious significance for American Indians and other native Americans.

According to the Federal Cave Resources Protection Act, karst is defined as a landform characterized by sinkholes, caves, dry valleys, fluted

rocks, enclosed depressions, underground streamways and spring resurgences. As a whole, 20 percent of the United States is karst. In fact, east of central Oklahoma, 40 percent of the country is karst. Our National Park System manages 58 units with caves and karst features, yet academic programs on these systems are virtually nonexistent. Most research is conducted with little or no funding and the resulting data is scattered and often hard to locate. The few cave and karst organizations and programs which do exist, have substantially different missions, locations, and funding sources and there is no centralized program to analyze data or determine future research needs.

In 1988, Congress directed the Secretaries of the Interior and Agriculture to provide an inventory of caves on Federal lands and to provide for the management and dissemination of information about the caves. That directive has served only to make Federal land management agencies more aware of the need for a cave research program and a repository for cave and karst resources. In 1990, Congress further directed the Secretary of the Interior, through the Director of the National Park Service, to establish and administer a cave research program and prepare a proposal for Congress on the feasibility of a centralized National Cave and Karst Research Institute.

The National Cave and Karst Research Institute study report to Congress was released in December 1994 and not only supports establishing the institute, but lists several serious threats to continued uninformed management practices. Threats such as: alterations in the surface waterflow patterns in karst regions, alterations in or pollution of water infiltration routes, inappropriately placed toxic waste repositories, and poorly managed or designed sewage systems and landfills. The findings of the report conclude that it is only through a better understanding of cave resources that we can prevent detrimental impacts to America's natural resources and cave ecosystems.

The goals of the National Cave and Karst Research Institute, as outlined in the report, would be to further the science of speleology, to centralize speleological information, to further interdisciplinary cooperation in cave and karst research programs, and to promote environmentally sound, sustainable resource management practices. These goals would work hand in hand with the proposed objectives of the institute to establish a comprehensive cave and karst library and information data base, to sponsor national and international cave and karst symposiums, to develop longterm research studies, to produce cave-related educational publications and to develop cooperative agreements with all Federal agencies having cave management responsibilities.

The vicinity of Carlsbad Caverns National Park is ideal due to the community support which already exists for the establishment of the institute and the diverse cave and karst resources which are found throughout the region.

Carlsbad, NM has grown from a small railroad stop on what is now the Santa Fe Railroad to a growing city with a population of over 170,000 in the tricounty area. It continues to attract new businesses, small manufacturers, retirees, and research facilities, including the U.S. Department of Energy's Carlsbad area office. In addition, Carlsbad Caverns National Park attracts over 700,000 visitors per year.

The National Cave and Karst Research Institute would be jointly administered by the National Park Service and another public or private agency, organization or institution as determined by the Secretary. The Carlsbad Department of Development [CDOD], after reviewing the National Cave and Karst Research Institute study report, has developed proposals to obtain financial support from available and supportive organizational resources—including personnel, facilities, equipment, and volunteers. They further believe that they can obtain serious financial support from the private sector and would seek a matching grant from the State of New Mexico equal to the available Federal funds.

Carlsbad already has in place many of the needed cooperative institutions, facilities, and volunteers that will work toward the success of the National Cave and Karst Institute. I strongly urge my colleagues to support this legislation to increase our understanding of cave and karst systems.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1699

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Cave and Karst Research Institute Act of 1996".

SEC. 2. PURPOSES.

The purposes of this Act are—

- (1) to further the science of speleology;
- (2) to centralize and standardize speleological information;
- (3) to foster interdisciplinary cooperation in cave and karst research programs;
- (4) to promote public education;
- (5) to promote national and international cooperation in protecting the environment for the benefit of cave and karst landforms; and
- (6) to promote and develop environmentally sound and sustainable resource management practices.

SEC. 3. ESTABLISHMENT OF THE INSTITUTE.

(a) IN GENERAL.—The Secretary of the Interior (referred to in this Act as the "Secretary"), acting through the Director of the National Park Service, shall establish the National Cave and Karst Research Institute (referred to in this Act as the "Institute").

(b) PURPOSES.—The Institute shall, to the extent practicable, further the purposes of this Act.

(c) LOCATION.—The Institute shall be located in the vicinity of Carlsbad Caverns National Park, in the State of New Mexico. The Institute shall not be located inside the boundaries of Carlsbad Caverns National Park.

SEC. 4. ADMINISTRATION OF THE INSTITUTE.

(a) MANAGEMENT.—The Institute shall be jointly administered by the National Park Service and a public or private agency, organization, or institution, as determined by the Secretary.

(b) GUIDELINES.—The Institute shall be operated and managed in accordance with the study prepared by the National Park Service pursuant to section 203 of the Act entitled "An Act to conduct certain studies in the State of New Mexico", approved November 15, 1990 (Public Law 101-578; 16 U.S.C. 4310 note).

(c) CONTRACTS AND COOPERATIVE AGREEMENTS.—The Secretary may enter into a contract or cooperative agreement with a public or private agency, organization, or institution to carry out this Act.

(d) FACILITY.—

(1) LEASING OR ACQUIRING A FACILITY.—The Secretary may lease or acquire a facility for the Institute.

(2) CONSTRUCTION OF A FACILITY.—If the Secretary determines that a suitable facility is not available for a lease or acquisition under paragraph (1), the Secretary may construct a facility for the Institute.

(e) ACCEPTANCE OF GRANTS AND TRANSFERS.—To carry out this Act, the Secretary may accept—

- (1) a grant or donation from a private person;
- (2) a transfer of funds from another Federal agency.

SEC. 5. FUNDING.

(a) MATCHING FUNDS.—The Secretary may spend only such amount of Federal funds to carry out this Act as is matched by an equal amount of funds from non-Federal sources.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this Act.

By Mr. HATCH (for himself, Mrs. FEINSTEIN, Mr. KERRY, Mr. HARKIN, Mr. REID, and Mr. D'AMATO):

S. 1700. A bill to reduce interstate street gang and organized crime activity, and for other purposes; to the Committee on the Judiciary.

THE FEDERAL GANG VIOLENCE ACT OF 1996

Mr. HATCH. Mr. President, I rise today to introduce the Federal Gang Violence Act. I am pleased to be joined in this important effort by Senator FEINSTEIN, as well as by Senators KERRY, HARKIN, REID, and D'AMATO.

Gang violence in many of our communities is reaching frightening levels. Recently, Asipeli Mohi, a 17-year-old Utahn, was tried and convicted of the gang-related beating and shooting death of another teenager, Aaron Chapman. Why was Aaron Chapman murdered? He was wearing red, apparently the color of a rival gang. Ironically, Mr. Chapman was on his way home from attending an antigang benefit concert when he was killed. Before committing this murder, the killer had racked up a record of 5 felonies and 15

misdeemeanors in juvenile court. Sadly, this example of senseless gang violence is not an isolated incident in my State or elsewhere. It is a scene replayed daily with disturbing frequency.

Gang violence is now common even in places where this would have been unthinkable several years ago. Indeed, many people find it hard to believe that Salt Lake City or Ogden could have such a problem—gangs, they think, are a problem in cities like New York, Chicago, and Los Angeles, but not in our smaller cities.

However, reality is much grimmer. Since 1992, gang activity in Salt Lake City has increased tremendously. For instance, the number of identified gangs has increased 55 percent, from 185 to 288, and the number of gang members has increased 115 percent, from 1,438 to 3,104.

The number of gang-related crimes has increased a staggering 388 percent, from 1,741 in 1992 to 8,496 in 1995. In 1995, 174 of these involved drive-by shootings, and in the first quarter of 1996 alone, there were 64 gang-related drive-by shootings.

Our problem is severe. Moreover, there is a significant role the Federal Government can play in fighting this battle. I am not one to advocate the unbridled extension of Federal jurisdiction. Indeed, I often think that we have federalized too many crimes. However, in the case of criminal street gangs, which increasingly are moving interstate to commit crimes, there is a very proper role for the Federal Government to play.

This bill will strengthen the coordinated, cooperative response of Federal, State, and local law enforcement to criminal street gangs by providing more flexibility to the Federal partners in this effort. Among the important provisions of this bill:

This legislation increases the ability of the Federal Government to prosecute criminal street gangs that operate interstate or commit Federal or State gang related crimes, by updating the criminal gang and Travel Act provisions of the Federal criminal code. Under our bill, these laws will cover criminal activities typically engaged in by gangs.

Our bill adds a 1- to 10-year sentence for the recruitment of persons into a gang. Importantly, there are even tougher penalties for recruiting a minor into a gang, including a 4-year mandatory minimum sentence.

The bill adds the use of a minor in a crime to the list of offenses for which a person can be prosecuted under the Federal racketeering laws, known as RICO.

It enhances the penalties for transferring a handgun to a minor, knowing that it will be used in a crime of violence; and adds a new Federal penalty for the use of body armor in the commission of a Federal crime.

Finally, the legislation we introduce today adds serious juvenile drug offenses to the list of predicates under

the Federal Armed Career Criminal Act, and authorizes \$20 million over 5 years to hire Federal prosecutors to crack down on criminal gangs.

Mr. President, this legislation is not a panacea for our youth violence crisis. But it is a large and critical step in addressing this issue. I look forward to working with my colleagues on this bill, and urge their support.

Mr. President, I ask unanimous consent that the bill and a section analysis be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1700

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Gang Violence Act".

SEC. 2. INCREASE IN OFFENSE LEVEL FOR PARTICIPATION IN CRIME AS GANG MEMBER.

(a) AMENDMENT OF SENTENCING GUIDELINES.—

(1) IN GENERAL.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall amend chapter 3 of the Federal Sentencing Guidelines so that, except with respect to trafficking in cocaine base, if a defendant was a member of a criminal street gang at the time of the offense, the offense level is increased by 6 levels.

(2) CONSTRUCTION WITH OTHER GUIDELINES.—The amendment made pursuant to paragraph (1) shall provide that the increase in the offense level shall be in addition to any other adjustment under chapter 3 of the Federal Sentencing Guidelines.

(3) DEFINITION.—For purposes of this section, the term "criminal street gang" has the meaning given that term in section 521(a) of title 18, United States Code, as amended by section 3 of this Act.

SEC. 3. AMENDMENT OF TITLE 18 WITH RESPECT TO CRIMINAL STREET GANGS.

Section 521 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) by striking "(a) DEFINITIONS.—" and inserting "(a) DEFINITIONS.—For purposes of this section the following definitions shall apply:";

(B) by striking "'conviction'" and inserting the following:

"(1) CONVICTION.—The term 'conviction'";

(C) in paragraph (1), as so designated, by striking "violent or controlled substances felony" and inserting "predicate gang crime"; and

(D) by striking "'criminal street gang'" and all that follows through the end of the subsection and inserting the following:

"(2) CRIMINAL STREET GANG.—The term 'criminal street gang' means an ongoing group, club, organization, or association of 3 or more persons, whether formal or informal—

"(A) a primary activity of which is the commission of 1 or more predicate gang crimes;

"(B) the members of which engage, or have engaged during the 5-year period preceding the date in question, in a pattern of criminal activity involving 1 or more predicate gang crimes; and

"(C) the activities of which affect interstate or foreign commerce.

"(3) PATTERN OF CRIMINAL ACTIVITY.—The term 'pattern of criminal activity' means the commission of 2 or more predicate gang crimes—

"(A) at least 1 of which was committed after the date of enactment of the Federal Gang Violence Act;

"(B) the last of which was committed not later than 3 years after the commission of another predicate gang crime; and

"(C) which were committed on separate occasions.

"(4) PREDICATE GANG CRIME.—The term 'predicate gang crime' means—

"(A) an offense described in subsection (c);

"(B) a State offense—

"(i) involving a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)) for which the maximum penalty is imprisonment for not less than 5 years; or

"(ii) that is a felony crime of violence that has as an element the use or attempted use of physical force against the person of another;

"(C) any Federal or State felony offense that by its nature involves a substantial risk that physical force against the person of another may be used in the course of committing the offense, including—

"(i) assault with a deadly weapon;

"(ii) homicide or manslaughter;

"(iii) shooting at an occupied dwelling or motor vehicle;

"(iv) kidnaping;

"(v) carjacking;

"(vi) robbery;

"(vii) drive-by-shooting;

"(viii) tampering with or retaliating against a witness, victim, informant, or juror;

"(ix) rape;

"(x) mayhem;

"(xi) torture; and

"(xii) arson;

"(D) any Federal or State offense that is—

"(i) grand theft;

"(ii) burglary;

"(iii) looting;

"(iv) felony extortion;

"(v) possessing a concealed weapon;

"(vi) grand theft auto;

"(vii) money laundering;

"(viii) felony vandalism;

"(ix) unlawful sale of a firearm; or

"(x) obstruction of justice; and

"(E) a conspiracy, attempt, or solicitation to commit any offense described in subparagraphs (A) through (D)."; and

(2) in subsection (d)—

(A) in paragraph (1), by striking "continuing series of offenses described in subsection (c)" and inserting "pattern of criminal activity; and

(B) in paragraph (3), by striking "years for—" and all that follows through the end of the paragraph and inserting "years for a predicate gang crime.".

SEC. 4. INTERSTATE AND FOREIGN TRAVEL OR TRANSPORTATION IN AID OF CRIMINAL STREET GANGS.

(a) TRAVEL ACT AMENDMENTS.—

(1) PROHIBITED CONDUCT AND PENALTIES.—Section 1952(a) of title 18, United States Code, is amended to read as follows:

"(a) Whoever travels in interstate or foreign commerce or uses the mail or any facility in interstate or foreign commerce, with intent to—

"(1) distribute the proceeds of any unlawful activity;

"(2) commit any crime of violence to further any unlawful activity; or

"(3) otherwise promote, manage, establish, carry on, or facilitate the promotion, management, establishment, or carrying on, of any unlawful activity,

and thereafter performs, attempts to perform, or conspires to perform—

"(A) an act described in paragraph (1) or (3) shall be fined under this title, imprisoned not more than 10 years, or both; or

"(B) an act described in paragraph (2) shall be fined under this title, imprisoned for not more than 20 years, or both, and if death results shall be sentenced to death or be imprisoned for any term of years or for life.".

(2) UNLAWFUL ACTIVITIES.—Section 1952(b) of title 18, United States Code, is amended to read as follows:

"(b) As used in this section—

"(1) the term 'unlawful activity' means—

"(A) activity of a criminal street gang as defined in section 521 of this title;

"(B) any business enterprise involving gambling, liquor on which the Federal excise tax has not been paid, narcotics or controlled substances (as defined in section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6))), or prostitution offenses in violation of the laws of the State in which the offense is committed or of the United States;

"(C) extortion; bribery; arson; robbery; burglary; assault with a deadly weapon; retaliation against or intimidation of witnesses, victims, jurors, or informants; assault resulting in bodily injury; possession or trafficking of stolen property; trafficking in firearms; kidnapping; alien smuggling; shooting at an occupied dwelling or motor vehicle; or insurance fraud; in violation of the laws of the State in which the offense is committed or of the United States; or

"(D) any act that is indictable under subchapter II of chapter 53 of title 31, United States Code, or under section 1956 or 1957 of this title; and

"(2) the term 'State' includes a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.".

(b) SENTENCING GUIDELINES.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall amend chapter 2 of the Federal Sentencing Guidelines so that—

(1) the base offense level for traveling in interstate or foreign commerce in aid of a street gang or other racketeering enterprise is increased to 12; and

(2) the base offense level for the commission of a violent crime in aid of a street gang or other racketeering enterprise is increased to 24.

SEC. 5. SOLICITATION OR RECRUITMENT OF PERSONS IN CRIMINAL GANG ACTIVITY.

(a) PROHIBITED ACTS.—Chapter 26 of title 18, United States Code, is amended by adding at the end the following new section:

"§ 522. Recruitment of persons to participate in criminal gang activity

"(a) PROHIBITED ACT.—It shall be unlawful for any person to—

"(1) use any facility of, or travel in, interstate or foreign commerce, or cause another to do so, to solicit, request, induce, counsel, command, cause or facilitate the participation of, a person to participate in a criminal street gang, or otherwise cause another to do so, or conspire to do so; or

"(2) solicit, request, induce, counsel, command, cause, or facilitate the participation of a person to engage in crime for which such person may be prosecuted in a court of the United States, or otherwise cause another to do so, or conspire to do so.

"(b) PENALTIES.—A person who violates subsection (a) shall—

"(1)(A) if the person is a minor, be imprisoned for not less than 4 years and not more than 10 years, fined not more than \$250,000, or both; or

"(B) if the person is not a minor, be imprisoned for not less than 1 year and not more than 10 years, fined not more than \$250,000, or both; and

"(2) be liable for any cost incurred by the Federal Government or by any State or local

government for housing, maintaining, and treating the minor until the minor reaches the age of 18.

“(c) DEFINITIONS.—For purposes of this section—

“(1) the term ‘criminal street gang’ has the same meaning given such term in section 521; and

“(2) the term ‘minor’ means a person who is younger than 18 years of age.”

(b) SENTENCING GUIDELINES.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall amend chapter 2 of the Federal Sentencing Guidelines so that the base offense level for recruitment of a minor to participate in a gang activity is 12.

(c) TECHNICAL AMENDMENT.—The analysis for chapter 26 of title 18, United States Code, is amended by adding at the end the following new item:

“522. Recruitment of persons to participate in criminal gang activity.”

SEC. 6. CRIMES INVOLVING THE USE OF MINORS AS RICO PREDICATES.

Section 1961(l) of title 18, United States Code, is amended—

(1) by striking “or” before “(E)”; and
(2) by inserting before the semicolon at the end of the paragraph the following: “, or (F) any offense against the United States that is punishable by imprisonment for more than 1 year and that involved the use of a person under the age of 18 years in the commission of the offense”.

SEC. 7. TRANSFER OF FIREARMS TO MINORS FOR USE IN CRIME.

Section 924(h) of title 18, United States Code, is amended by striking “10 years, fined in accordance with this title, or both” and inserting “10 years, and if the transferee is a person who is under 18 years of age, not less than 3 years; fined under this title; or both”.

SEC. 8. PENALTIES.

Section 924(a) of title 18, United States Code, is amended—

(1) by redesignating paragraph (5), as added by section 110201(b)(2) of the Violent Crime Control and Law Enforcement Act of 1994, as paragraph (6); and

(2) in paragraph (6), as so redesignated—
(A) by striking subparagraph (A);
(B) in subparagraph (B)—

(i) by striking “(B) A person other than a juvenile who knowingly” and inserting “(A) A person who knowingly”;
(ii) in clause (i), by striking “1 year” and inserting “not less than 1 year and not more than 5 years”; and

(iii) in clause (ii), by inserting “not less than 1 year and” after “imprisoned”; and
(C) by adding at the end of the following new subparagraph:

“(B) Notwithstanding subparagraph (A), no mandatory minimum sentence shall apply to a juvenile who is less than 13 years of age.”

SEC. 9. THE JAMES GUELFF BODY ARMOR ACT.

(a) IN GENERAL.—Chapter 44 of title 18, United States Code, is amended by adding at the end the following new section:

“§931. Use of body armor in Federal offenses

“(a) PROHIBITED ACTIVITY.—It shall be unlawful to use body armor in the commission of a Federal crime.

“(b) APPLICABILITY.—This section shall not apply if the Federal crime in which the body armor is used constitutes a violation of the civil rights of a person by a law enforcement officer acting under color of the authority of such law enforcement officer.

“(c) DEFINITIONS.—For purposes of this section—

“(1) the term ‘body armor’ means any product sold or offered for sale as personal protective body covering intended to protect against gunfire, regardless of whether the product is to be worn alone or is sold as a complement to another product or garment; and

“(2) the term ‘law enforcement officer’ means any officer, agent, or employee of the United States, a State, or a political subdivision of a State, authorized by law or by a government agency to engage in or supervise the prevention, detection, investigation, or prosecution of any violation of criminal law.

“(d) PENALTIES.—

“(1) IMPRISONMENT.—Whoever knowingly violates this section shall be imprisoned for a term of 2 years.

“(2) CONSTRUCTION.—A sentence under this paragraph shall be consecutive to any sentence imposed for the Federal crime in which the body armor was used.”

(b) CONFORMING AMENDMENT.—The analysis for chapter 44 of title 18, United States Code, is amended by adding at the end the following new item:

“931. Use of body armor in Federal offenses.”

SEC. 10. SERIOUS JUVENILE DRUG OFFENSES AS ARMED CAREER CRIMINAL ACT PREDICATES.

Section 924(e)(2)(A) of title 18, United States Code, is amended—

(1) by striking “or” at the end of clause (i);
(2) by adding “or” at the end of clause (ii); and
(3) by adding at the end the following new clause:

“(iii) any act of juvenile delinquency that if committed by an adult would be an offense described in clause (i) or (ii);”

SEC. 11. INCREASE IN TIME LIMITS FOR JUVENILE PROCEEDINGS.

Section 5036 of title 18, United States Code, is amended by striking “thirty” and inserting “70”.

SEC. 12. APPLYING RACKETEERING OFFENSES TO ALIEN SMUGGLING AND FIREARMS OFFENSES.

Section 1961(l) of title 18, United States Code, as amended by section 6 of this Act, is amended by inserting before the semicolon at the end the following: “, (G) any act, or conspiracy to commit any act, in violation of section 274(a)(1)(A), 277, or 278 of the Immigration and Nationality Act (8 U.S.C.

1324(a)(1)(A), 1327, or 1328), or (H) any act or conspiracy to commit any act in violation of chapter 44 of this title (relating to firearms)”.

SEC. 13. USE OF LINGUISTS.

(a) IN GENERAL.—The Secretary of State shall identify qualified translators who the Secretary shall identify qualified translators who the Secretary shall make available to assist Federal law enforcement agencies in criminal investigations by monitoring legal wiretaps and translating recorded conversations.

(b) EMPHASIS.—In carrying out subsection (a), the Secretary of State shall place special emphasis on translators in States in which most criminal street gangs and organized crime syndicates operate.

SEC. 14. ADDITIONAL PROSECUTORS.

There are authorized to be appropriated \$20,000,000 for each of fiscal years 1997, 1998, 1999, 2000, and 2001 for the hiring of additional Assistant United States Attorneys to prosecute violent youth gangs.

SUMMARY OF THE FEDERAL GANG VIOLENCE ACT

(Senators Orrin Hatch, Dianne Feinstein, John Kerry, Tom Harkin, Harry Reid, and Alfonse D'Amato, April 24, 1996)

Section 1. Short title

This section identifies the Act as the “Federal Gang Violence Act.”

Section 2. Increase in offense level for participation of crime as gang member

This legislation doubles the penalty for any member of an organized criminal street gang who commits a federal crime.

Current federal law increases the penalties for organizers, leaders, managers and supervisors of criminal activity—including gang leaders—who commit a federal crime. However, members of known criminal street gangs currently are not subjected to higher penalties when a federal crime is committed. Many prosecutors and law enforcement leaders indicate that gang members—in addition to the leaders and supervisors of gangs—should see their penalties increased to provide a stronger deterrent for children to stay away from gangs.

This legislation amends the Sentencing Guidelines so that individual gang members convicted of felonies would have their sentencing level approximately doubled, by adding six levels to the base offense level for the crime they committed. Gang leaders and organizers would also have their sentences increased by six sentencing levels.

There are some examples of the effect of this increase for gang members, assuming they have no other aggravating or mitigating factors:

Crime	First-time offender		Second-time offender	
	Current	Proposed	Current	Proposed
Drive-by shooting related to 20 grams of cocaine	1 1/4 to 1 3/4	2 3/4 to 3 1/2	1 3/4 to 2 1/4	3 1/2 to 4 3/4
Burglary	2 to 2 1/2	4 to 4 1/4	2 1/2 to 3	4 3/4 to 6
Extortion	2 3/4 to 3 1/2	5 1/4 to 6 1/2	3 1/2 to 4 1/4	6 3/4 to 8
Witness intimidation	2 3/4 to 3 1/2	5 1/4 to 6 1/2	3 1/2 to 4 1/4	6 1/2 to 8
Gun trafficking	4 3/4 to 6	9 to 11 1/4	6 to 7 1/4	11 1/4 to 14
Robbery with a handgun	5 1/4 to 6 1/2	10 to 12 1/2	6 1/2 to 8	12 1/2 to 15 1/4

Section 3. Amendment to title 18 with respect to criminal street gangs

This legislation expands the definition of criminal street gangs to better reflect modern day gang activity.

Current federal law bases the definition and penalties for criminal street gangs upon the commission of a *federal crime of violence*

or a *federal crime involving a controlled substance*. Under existing federal law, a person eligible for prosecution as a criminal street gang member must have been convicted within the previous 5 years of a federal or state drug crime or crime of violence, as well as having participated in, or furthered the activities of, a gang. This legislation broadens the definition of criminal street gang ac-

tivity to include many types of state crimes, such as drive-by shootings, rape, torture, carjacking, kidnapping, and assault with a deadly weapon.

By expanding the definition of gang membership, more gang members—who commit state crimes—will be subjected to the higher penalties if they subsequently commit a federal crime.

Current federal law also requires that there must be five members to meet the requirements of being a gang. Prosecutors and law enforcement officials indicate this number is arbitrary and that some dangerous street gangs consist of fewer members. For that reason, this legislation also lowers the number of participants—from five members to three members—required to meet the definition of a gang.

Section 4. Interstate and foreign travel of transportation in aid of criminal street gangs

Doubles penalties for inter-state, gang-related crimes. Also expands Travel Act, passed in 1961 with Mafia-related criminal activity in mind, to respond more effectively to the growing problem of highly sophisticated, mobile and organized street gangs.

The Travel Act now makes it a federal crime to travel in interstate commerce, or use the mail or other facilities of interstate commerce, to commit or help establish, promote, manage, or carry out extortion, bribery, arson, or any business enterprise involving narcotics, controlled substances, prostitution, gambling, or liquor on which the excise taxes were not paid.

While the Travel Act allows prosecutors to target some gang activities—such as drug trafficking—the list is not complete. Law enforcement leaders and prosecutors have indicated that the Act needs to be “modernized” to better reflect current crimes by gang members.

Under this legislation, the list of unlawful activities in the Travel Act will be expanded to include crimes that are most committed by gang members. The expanded list will include: drive-by shooting, robbery, burglary, assault with a deadly weapon, intimidation of witnesses, victims, jurors or informants, assault resulting in bodily injury, possession and/or trafficking in stolen property, alien smuggling, firearms trafficking, kidnapping, and insurance fraud.

In addition, under this legislation, the maximum penalties are doubled from 5 to 10 years for those who violate these provisions without intending to commit violent crimes themselves.

A conspiracy provision is also added to this statute to make it easier to prosecute all the gang members who help to commit these crimes.

This Act also doubles the base offense levels for:

Traveling in interstate or foreign commerce in aid of a street gang, from 6 to 12, which increases the base sentencing range from a low of zero to six months and a high of twelve to eighteen months, to a new low of ten to sixteen months and a new high of thirty to thirty-seven months; and

Committing violent crimes in aid of street gang or racketeering activity from 12 to 24, which increases the base sentencing range from a low of ten to sixteen months and a high of thirty to thirty-seven months, to a new low of 51–63 months and a new high of 100–125 months.

Section 5. Solicitation or recruitment of persons in gang activity

Current federal law contains no penalty for recruiting minors to participate in gang activity. Law enforcement officials indicate that sophisticated crime syndicates will recruit minors to do the “dirty work” so that the organizers of the criminal activity cannot be convicted of a crime.

This legislation makes the recruitment or solicitation of persons to participate in gang activity subject to a one-year minimum and 10-year maximum penalty, or a fine of up to \$250,000. If a minor is recruited or solicited, the minimum penalty is increased to four years. In addition, the person convicted of this crime would have to pay the costs of

housing, maintaining and treating the juvenile until the juvenile reaches the age of 18 years.

Section 6. Crimes involving the use of minors as RICO predicates

To identify a racketeering influenced corrupt organization (RICO), the organization must have engaged in at least two of the more than 25 criminal activities listed under the RICO statute.

This bill makes the use of a minor in the commission of a federal crime a RICO predicate.

Section 7. Transfer of firearms to minors for use in crime

It is now a crime under federal law to knowingly transfer a firearm to be used to commit a violent crime or a drug trafficking crime.

This legislation adds a mandatory minimum penalty of three years imprisonment if the gun to be used in crime is transferred to a minor.

Section 8. Penalties

Increases penalties for transferring handguns to minors.

The Youth Handgun Safety Act, passed by Congress as part of the 1994 Crime Bill, does not contain sufficient penalties. In fact, one provision of the current Youth Handgun Safety Act requires mandatory probation for a first-time juvenile offender who possesses a handgun. Such a weak penalty meant few prosecutors would utilize the Youth Handgun Safety Act to target gang members. In addition, current law sets different penalties for juveniles and adults who transfer a weapon to a minor.

The Federal Gang Violence Act toughens the penalties against juveniles and adult who transfer a handgun to a minor—and subjects juveniles and adults to the same penalties for violating this law.

This legislation changes the Youth Handgun Safety Act by:

(A) Setting a one-year minimum sentence for anyone—adult or juvenile—who provides a minor with a handgun.

(B) Holding juveniles accountable when they unlawfully give another minor a handgun by applying the same five-year maximum sentence now given to adults.

(C) Setting a one-year minimum sentence and applying the same 10-year maximum sentence to adults and juveniles who give a handgun to a minor and should have known the gun would be used in a crime of violence. Currently, the 10-year maximum sentence only applies to adults.

Section 9. The James Guelff Body Armor Act

Many police officers around the country are confronting heavily-armed gang members who are wearing bullet-proof vests. This legislation creates a two-year mandatory, consecutive sentence for anyone who wears body armor in the commission of a federal offense.

Section 10. Serious juvenile drug offense as Armed Career Criminal Act predicates

The Armed Career Criminal Act provides that if a person has three or more prior convictions of certain crimes (is a career criminal), and he possess, ships, transports or receives a gun or ammunition (is armed), he will be subject to a mandatory minimum 15 year penalty and fine of up to \$25,000. Serious drug offenses are already in the list of crimes which count toward the three-conviction minimum; this bill would allow juvenile convictions for serious drug offenses to also count toward that three-conviction minimum.

Section 11. Increase in time limits for juvenile proceedings

Expands the time limit for bringing juvenile proceedings to trial.

Presently, a 30-day time limit exists. With crimes being committed by juveniles becoming increasingly violent and complex, prosecutors need additional time to adequately develop cases. This legislation increases the time limit to 70 days.

Section 12. Applying racketeering offenses to firearms offenses

Adds firearms violations, such as trafficking, to the list of crimes that can be attacked by prosecutors under RICO.

Currently, firearms violations are not RICO predicate acts. Prosecutors and law enforcement officials indicate an increasing use of firearms by criminal street gangs to commit home robberies, business invasions, and attacks on rival gangs. Since most of the firearms have moved in interstate commerce—and because firearms are such an integral part of the gang's activity—law enforcement officials have suggested that firearms violations become predicate acts under RICO. Since two criminal activities must be proven before RICO organizations can be identified, firearms violations alone would not lead a group to be pursued under the RICO laws.

This legislation would amend the list of RICO predicate acts to include firearms violations.

Identifying an organization dedicated to criminal activity in accordance with the RICO statute results in asset forfeiture and a maximum of 20 years in prison. In addition, the RICO Statute allows federal prosecutors to charge such an organization with state crimes they may have committed as well as federal crimes.

Section 13. Use of linguists

Promotes the use of State Department linguists to assist in translating and monitoring wiretaps in gang investigations. Federal law enforcement and courts are experiencing difficulty and high costs in locating and employing certified translators for southeastern Asian languages and Chinese dialects used by some gangs.

Section 14. Additional prosecutors

The Federal Gang Violence Act authorize appropriations of \$100 million over the next five years for hiring additional federal prosecutors to prosecute violent youth gangs.

Mrs. FEINSTEIN. Mr. President, I rise today, along with Senators, HATCH, KERRY, HARKIN, REID, and D'AMATO to introduce the Federal Gang Violence Act of 1996—legislation that makes the Federal Government a more active partner in the war against violent and deadly organized gangs.

Mr. President, today's gangs are not the bands of loosely organized street kids glamorized in West Side Story. Today's gangs are very different. Consider this:

Just last week, the U.S. attorney's office in San Francisco made arrests in a major alien smuggling operation run by organized gangs based in New York and San Francisco. Operation Sea Dragon netted 23 people in connection with a large-scale plan to smuggle two boatloads of more than 270 aliens from China into the United States in 1993.

According to the U.S. attorney's office, a number of powerful New York-based gangs, including the White Tigers, Fuk Ching, and the Broom Street Boys joined forces with two bay area gangs to off load the smuggled aliens. A San Francisco-based Vietnamese gang was responsible for furnishing the

fishing boats to ferry the smuggled aliens ashore, where a Chinese gang out of Oakland had provided land transportation and drop houses to facilitate the aliens travel to New York. Presumably, once in New York, these illegal aliens were to live in indentured servitude while they paid off the up to \$30,000 in crossing debts that the gangs typically charge each passenger.

Alien smuggling is a very lucrative international business—law enforcement estimates it brings in \$3 billion a year for smugglers.

But alien smuggling is just one example of the kinds of dangerous criminal activities modern gangs are engaged in. Today's gangs are organized and sophisticated traveling crime syndicates—much like the Mafia—that regularly cross State lines to recruit new members, traffick in drugs, weapons, and illegal aliens, and steal and murder.

In just one city, Los Angeles, nearly 7,300 of its citizens were murdered in the last 16 years from gang warfare. This is more people than have been killed in all the terrorist fighting in northern Ireland.

Gangs were responsible for: 43 percent of all homicides in Los Angeles in 1994; 41 percent of homicides in Omaha, Nebraska in 1995; and more than half of all violent crimes in Buffalo, NY, in 1994.

In Phoenix, AZ, gang-related homicides jumped 800 percent between 1990 and 1994; and

In Wichita, KS, drive-by shootings jumped from 8 in 1991 to 267 in 1993—a 3000-percent increase in just 2 years. This in a small city of 300,000.

These are just a few examples of the alarming rise in gang violence gripping our streets. We are becoming numb to the violence.

In Los Angeles in February, City Councilwoman Laura Chick, chair of the LA Public Safety Committee, received a faxed report that six people had been murdered over the weekend in LA—and it was not even reported in the press.

Criminal gangs are now engaged in million dollar heists, home and business invasions, major narcotics and weapons trafficking, and yes, illegal alien smuggling.

And they are crossing State lines to establish criminal operations in other States looking for untapped markets.

Sgt. Jerry Flowers with the gang crime unit in Oklahoma City captured the migration instinct of these gangs when he said: "the gang leaders realized that the same ounce of crack cocaine they sold for \$300 in Los Angeles was worth nearly \$2,000 in Oklahoma City".

BLOODS AND CRIPS

The Bloods and the Crips, gangs that originated in Los Angeles in the late 1960's, are the Nation's two largest street gangs. And they are expanding.

Local police and the FBI have traced factions of these gangs to more than 119 cities in the West and Midwest with

more than 60,000 members. According to the FBI, narcotics trafficking is their principle source of income.

GANGSTER DISCIPLES

The Gangster Disciples, according to local authorities, is a Chicago-based 30,000 member multimillion dollar gang operation spanning 35 States.

They traffic in narcotics and weapons, and are said to operate much like a "Fortune 500 Company" with two boards of directors—one in prison and one outside—a layer of Governors and regents, a tax collector and some 6,000 salespersons. Their income is estimated at \$300,000 daily.

RUSSIAN CRIME GANGS

Russian organized crime activity in the United States has been expanding for the past 20 years, but its most significant growth has occurred during the past 5 years. Twenty-nine States now report activities by Russian crime groups.

FBI Director Louis Freeh stated that more than 200 of Russia's 6,000 crime gangs operate with American counterparts in the United States.

Russian gangs tend to be more loosely organized than other gangs, but they have formed networks that operate and shift alliances to meet particular needs.

The California Attorney General indicates that the most common criminal activities by Russian organized crime gangs are fraud schemes involving fuel tax, insurance, and credit card fraud. But they also engage in more common organized crime activities—extortion, loan sharking, drug trafficking, auto theft, and prostitution.

ASIAN GANGS

The Department of Justice indicates that, among ethnic gangs, Jamaican and Asian gangs are considered by many law enforcement officials to pose the largest threat. Asian gangs have been identified as major threats in more than 17 cities.

In Los Angeles alone there are more than 100 Asian gangs with 10,000 members.

Illegal activities include: alien smuggling, murder, kidnapping, extortion, home invasion robberies, high-technology heists, and firearms trafficking.

Vietnamese gangs, in particular, have become a serious threat in many cities. They tend to be very violent, are more sophisticated organizationally, and have specialized in stealing multimillion dollar quantities of computer chips.

At least 400 Silicon Valley businesses that deal in computer chips have been hit in the last year and a half, losing tens of millions of dollars. Computer firms lose as much as \$1 million a week in thefts.

CURRENT LAWS NOT ENOUGH

Mr. President, Federal laws now on the books were designed to fight one type of organized crime—the Mafia. And I believe today's laws just are not enough to take on these modern gangs.

For the past 7 months, my staff has met with prosecutors, law enforcement

officers, and community leaders to search for solutions to the problem of gang violence. The legislation I am introducing today, The Federal Gang Violence Act of 1996, is the result of our work.

This legislation strengthens Federal law by attacking gang violence on three fronts:

It doubles the sentence for any member of an organized criminal gang who commits a Federal crime;

Expands the scope of gang-related criminal acts to include such activities as carjacking and drive-by shootings, and significantly increases penalties for those crimes; and

Checks the growth of gangs by making the recruitment of minors into criminal gangs a Federal offense with stiff penalties.

Specifically, this legislation:

First, doubles the actual sentence for any member of an organized criminal street gang who commits a Federal crime.

Current Federal law increases the penalties for organizers, leaders, managers, and supervisors of criminal activity—including gang leaders—who commit a federal crime. However, members of known criminal street gangs currently are not subjected to higher penalties when a Federal crime is committed.

Many prosecutors and law enforcement leaders indicate that gang members—in addition to the leaders and supervisors of gangs—should see their penalties increased to provide a stronger deterrent for children to stay away from gangs.

This legislation amends the sentencing guidelines so that individual gang members convicted of felonies would have their sentencing level approximately doubled. For example: Now if a first-time offender who is a member of a gang is convicted of gun trafficking, he would get a minimum of 4½–6 years in jail. Under this legislation, the sentence would be increased to 9–11½ years.

Second, expands the definition of criminal street gangs in Federal law to better reflect modern-day gang activity.

The bill broadens the definition of criminal street gang activity in title 18 of the Criminal Code to include many types of State crimes, such as drive-by shootings, rape, torture, carjacking, kidnapping, and assault with a deadly weapon.

This legislation also lowers the number of participants—from five members to three members—required to meet the definition of a gang.

Third, doubles penalties for interstate, gang-related crimes and expands the Travel Act to respond more effectively to the growing problem of highly sophisticated, mobile, and organized street gangs.

The Travel Act was originally written in 1961 with Mafia-style activity in mind. While the Travel Act as it is now written allows prosecutors to target

some gang activities—such as drug trafficking—the list is not complete. Law enforcement leaders and prosecutors have indicated that the act needs to be modernized to better reflect current crimes by gang members.

Under this legislation, the list of unlawful activities in the Travel Act will be expanded to include the following crimes: Drive-by shooting; robbery; burglary; assault with a deadly weapon; intimidation of witnesses, victims, jurors, or informants; assault resulting in bodily injury; possession and/or trafficking of stolen property; alien smuggling; firearms trafficking; kidnapping; and insurance fraud.

In addition, under this legislation, the maximum penalties are doubled from 5 to 10 years for those who violate these provisions without intending to commit violent crimes themselves.

A conspiracy provision is also added to this statute to make it easier to prosecute all the gang members who help to commit these crimes.

This act also doubles the base offense levels under the sentencing guidelines for: Traveling in interstate or foreign commerce in aid of a street gang, from 6 to 12, which increases the base sentencing range from a low of zero to 6 months and a high of 12 to 18 months, to a new low of 10 to 16 months and a new high of 30 to 37 months; and committing violent crimes in aid of street gang or racketeering activity from 12 to 24, which increases the base sentencing range from a low of 10 to 16 months and a high of 30 to 37 months, to a new low of 51 to 63 months and a new high of 100 to 125 months.

Fourth, solicitation or recruitment of persons into gang activity: Current Federal law contains no penalty for recruiting minors to participate in gang activity. Law enforcement officials indicate that sophisticated organized crime syndicates will recruit minors to do the dirty work so that the organizers of the criminal activity cannot be convicted of a crime.

This legislation makes the recruitment or solicitation of persons to participate in gang activity subject to a 1-year minimum and 10-year maximum penalty, or a fine of up to \$250,000. If a minor is recruited or solicited, the minimum penalty is increased to 4 years. In addition, the person convicted of this crime would have to pay the costs of housing, maintaining and treating the juvenile until the juvenile reaches the age of 18 years.

Fifth, this bill makes the use of a minor in the commission of a Federal crime a RICO predicate.

Identifying an organization dedicated to criminal activity in accordance with the RICO Statute results in asset forfeiture and a maximum of 20 years in prison.

Sixth, transfer of firearms to minors for use in crime.

It is now a crime under Federal law to knowingly transfer a firearm to be used to commit a violent crime or a drug trafficking crime.

This legislation adds a mandatory minimum penalty of 3 years imprisonment if the gun to be used in crime is transferred to a minor.

Seventh, this legislation increases penalties for transferring handguns to minors.

The Youth Handgun Safety Act, passed by Congress as part of the 1994 crime bill, does not contain sufficient penalties against juveniles who possess handguns.

In fact, one provision of the current Youth Handgun Safety Act requires only mandatory probation for a first-time juvenile offender who possesses a handgun. Such a weak penalty has meant few prosecutors would utilize the Youth Handgun Safety Act to target gang members. In addition, current law sets different penalties for juveniles and adults who transfer a weapon to a minor.

The Federal Gang Violence Act toughens the penalties against juveniles and adults who transfer a firearm to a minor—and subjects juveniles and adults to the same penalties for violating this law.

This legislation changes the Youth Handgun Safety Act by:

Setting a 1-year minimum sentence for anyone—adult or juvenile—who provides a minor with a handgun.

Holding juveniles accountable when they unlawfully give another minor a firearm by applying the same 5-year maximum sentence now given to adults.

Setting a 1-year minimum sentence and applying the same 10-year maximum sentence to adults and juveniles who give a firearm to a minor and should have known the gun would be used in a crime of violence. Currently, the 10-year maximum sentence only applies to adults.

Juveniles under 13 years old, however, would not be subject to these mandatory minimum sentences.

Eighth, the James Guelff Body Armor Act: Many police officers around the country are confronting heavily armed gang members who are wearing bullet-proof vests. This legislation makes it a separate crime to wear body armor in the commission of a Federal offense, which would be punished by automatically adding 2 years to the sentence for the original crime.

Ninth, serious juvenile drug offenses as Armed Career Criminal Act predicates:

The Armed Career Criminal Act provides that if a person has three or more prior convictions for certain crimes—is a career criminal—and he possesses, ships, transports, or receives a gun or ammunition, is armed, he will be subject to a mandatory minimum 15-year penalty and fine of up to \$25,000.

Serious drug offenses are already in the list of crimes which count toward the three-conviction minimum; this bill would allow juvenile convictions for serious drug offenses to also count toward that three-conviction minimum. This would not apply to nickel-

and-dime possession offenses, but to drug dealing which is punishable by ten or more years in prison.

Tenth, expands the time limit for bringing juvenile proceedings to trial.

Presently, a 30-day time limit exists. With crimes being committed by juveniles becoming increasingly violent and complex, prosecutors need additional time to adequately develop cases. This legislation increases the time limit to 70 days.

Eleventh, adds firearms violations, such as trafficking, to the list of crimes that can be attacked by prosecutors under RICO.

Currently, firearms violations are not RICO predicate acts. Prosecutors and law enforcement officials indicate an increasing use of firearms by criminal street gangs to commit home robberies, business invasions, and attacks on rival gangs.

Since most of the firearms have moved in interstate commerce—and because firearms are such an integral part of the gang's activity—law enforcement officials have suggested that firearms violations become predicate acts under RICO.

Twelfth, this legislation promotes the use of State Department linguists to assist in translating and monitoring wiretaps in gang investigations. Federal law enforcement and courts report that they are experiencing difficulty and high costs in locating and employing certified translators for Southeastern Asian languages and Chinese dialects used by some gangs.

Thirteenth, this legislation provides \$100 million over the next 5 years for hiring additional Federal prosecutors to prosecute violent youth gangs.

Mr. President, the legislation I have laid out for you today is a starting point, and I think it is long overdue. I know there is no silver bullet to cure our Nation of the ills wrought by street gangs. But this legislation takes an important step forward by adding the Federal Government's weight to what has thus far been largely State and local war on gangs by significantly strengthening the Federal laws that deal with gang crime.

It is my belief that the only real long-term solution lies in combining forces at the Federal, State, and local level.

And I am pleased to say that thus far, this legislation has received nearly 80 endorsements from local California law enforcement, including Los Angeles County District Attorney Gil Garcetti, Los Angeles County Sheriff Sherman Block, and Police Chiefs in Fresno, Oakland, and Sacramento.

I urge my colleagues to support this legislation, and I welcome their input as this bill moves forward.

Mr. KERRY. Mr. President, today I rise to support the Federal Gang Violence Act which we are introducing to combat the growing problem of gang violence. According to the FBI, juvenile gang killings rose by 371 percent from 1980 to 1992, the fastest growing of

all the homicide categories. But, Mr. President, this problem is not just a series of statistics.

Less than a year ago in Massachusetts, a young prosecutor, Assistant Attorney General Paul McLaughlin, was gunned down by a hooded youth in a display of gang violence and brutality unprecedented in my State. It was a brutal assassination of a public servant doing his job—the kind of violence we see in other nations, but thankfully, only rarely in America.

Earlier this year, I met with law enforcement officials, local elected officials, and Justice Department officials in western Massachusetts where gang activity has grown dramatically. The officials told me that in the Route 91 corridor, gangs operate from Connecticut through Massachusetts and up into Vermont. In fact, last year a major incident involving gangs from western Massachusetts occurred in Rutland, VT.

Because of this and similar meetings with law enforcement officials across Massachusetts, I went to Senators FEINSTEIN and HATCH to offer my assistance in developing this antigang legislation. Although officials in western Massachusetts told me that the area is already benefiting from the COPS Program, we must do more. I am proud of the role I played in getting the COPS Program expanded in the crime bill, so that we will put 100,000 police officers on the beat to fight crime. The COPS Program is beneficial but not a sufficient Federal response to youth gangs.

Nationally, juvenile arrests for violent crime increased by 75 percent during the past decade. According to a Department of Justice survey of law enforcement officials in 35 cities with organized antigang programs, there are almost 1,500 gangs and over 120,000 gang members across the country.

The legislation we are introducing today would crack down on violent gangs by toughening Federal penalties against criminal street gangs and organized crime syndicates. Gang members who commit Federal crimes or recruit other youths—and especially gangs who cross State lines to commit crimes—would receive stricter penalties.

Of course, the overwhelming majority of America's 27 million youths between the ages of 10 and 17 never commit violent crimes or enter the juvenile or criminal justice systems. Overall, children remain far more likely to be the victims of violent crime than offenders. According to the most recent data from the Department of Justice, one in nine children ages 12 to 19 was a victim of violent crime in 1993, while fewer than one in 200 youths was arrested for a violent offense.

But ultimately, Mr. President, the solution to youth violence must address the fact that too many young people live in poverty, which puts children at particular risk for violent behavior by reducing the quality of their

community supports such as housing and schools, limiting their opportunities for education and employment, and dimming their sense of hope about the future. We can pass tougher and tougher laws but without at least an ounce of prevention we will not solve the problem.

We also must deal with the fact that handguns are too accessible. Handguns pose an ever-increasing danger to the safety and welfare of the American public. Nearly one-third of children ages 10 to 17 surveyed in 1993 said they knew how to get a gun. The source is often their own home. School security and law enforcement officials estimate that 80 percent of the firearms that students bring to school come from home. And according to the most recent figures, over 25 Americans are killed each day by handguns. If it's true that "people kill people," it's also true that they most frequently do so with handguns.

But we must also learn more about gang violence. Despite continuing research on the nature and extent of gang problems, data on youth gangs remain spotty. The Department of Justice's Office of Juvenile Justice and Delinquency Prevention [OJJDP] recently reported that "because research has been limited and because researchers have no real consensus on the definition of a gang or gang incident, the scope and seriousness of the youth gang problem are not reliably known." Better information is clearly needed.

I look forward to working with Senators FEINSTEIN and HATCH to making further refinements to the bill to ensure the delicate balance between bringing criminals to justice and protecting civil liberties. In particular, I'm interested in examining the provision which requires serious drug offenses committed as a juvenile to count toward the provision which imposes a mandatory minimum 15 year sentence for juveniles or adults who have a record of three serious drug offense convictions and commit a gun offense. We must be careful not to eliminate the juvenile justice system as the "second chance" it is intended to provide.

Finally, I want to recognize the leadership of Senator FEINSTEIN and Senator HATCH for their efforts to combat gang violence through this legislation. I also want to express my admiration for the Senator from California for her leadership on the assault weapons ban, both in her courageous efforts to pass it through Congress and her tenacity in stopping efforts to repeal it.

Too many children in the United States go to sleep to the sounds of gunfire and accept as normal the violent deaths of siblings, friends, and schoolmates. Working together, we can combat gang violence, poverty, and handguns to ensure we no longer have to live under the constant threat of violence.

Mr. D'AMATO. Mr. President, I am pleased to join my colleagues in intro-

ducing the Federal Gang Violence Act. The provisions of this bill are greatly needed in order to reduce the growing threat of gang violence.

The Department of Justice released a report last month stating that 79 of our largest cities have over 3,800 youth gangs, with a total of 200,000 gang members. The gangs are taking over our cities and towns. With an increase in the presence of gangs comes an increase in their criminal activities.

The Justice Department reports that while gang presence seems to be increasing, these gangs are also establishing an organizational sophistication that they did not possess before. With an expected surge in juvenile violent crimes, loopholes in the law must be corrected. And now.

Let me clarify one thing first. Gangs are not an urban problem; gangs are located in every geographical location—cities, suburbs, and rural areas. There is not one common gang activity; each gang performs different illegal activities. Gang activities are not restricted to certain areas of cities; the gangs' reach extends to our schools. It is clear that the response must be as varied as the problem. This bill takes the diversity into account and responds to those different activities by taking the most effective action—increasing the sentences. The penalty is doubled for any interstate gang-related crimes. Doubles the penalty for gang members that extort, bribe, deal in drugs, intimidate a witness or participate in a drive-by shooting. Any violent crime committed as part of gang activity gets an increased sentencing offense level.

Stiffer punishment is essential if we are to combat gang violence. A Department of Justice report states that 68 percent of male inmates in juvenile correctional facilities admit that their gang had regularly bought and sold guns and over 60 percent described driving around shooting at people regularly.

Because recruitment is so important to perpetuate the criminal gang activities, whether the person recruited is a minor or an adult, a new offense must be created. And this bill will do just that. It is imperative to stop the recruitment. Gangs can only continue to wreak havoc if they have the members to carry out their misdeeds.

A provision of the Federal Gang Violence Act treats alien smuggling as a predicate act under the RICO—racketeering. It will also make alien smuggling a money laundering crime. This is especially timely after the indictment last February of 64 violent organized crime gang members of the Flying Dragons in Chinatown. These smugglers brought in hundreds of illegal Chinese immigrants and then proceeded to kidnap, torture, and extort money. These provisions could only add to their sentences if convicted. These people should be in prison for decades for the acts alleged.

These provisions are a commonsense approach. For instance, any criminal

who wears body armor during the commission of a felony certainly deserves to get an additional 2 years mandatory minimum. The intent is clear; the gang member committing a felony wearing body armor knows the dangers involved.

The potential gang members have much to fear themselves. A special report completed by the National Gang Crime Research Center found that two-thirds of gang members have had friends or family members killed because of the gang violence. These victims may never have chosen the route of gang violence but were swept in by the activities of the gang members.

The violence committed by gangs affects our entire country. The wreak havoc on business owners, individuals, family members, and themselves. It is time to do something about it. I thank my colleagues for working to enhance the penalties of the crimes committed by gang members and am pleased to be an original cosponsor of this legislation. I urge my colleagues to cosponsor this bill.

By Mr. PELL:

S. 1701. A bill to end the use of steel jaw leghold traps on animals and for other purposes; to the Committee on Environment and Public Works.

STEEL JAW TRAP LEGISLATION

Mr. PELL. Mr. President, I rise today to introduce legislation to prohibit the use of steel jaw leghold traps in the United States.

While this bill does not prohibit trapping, it does outlaw a particularly savage method of trapping. Anything—wild animals, family pets, children—that comes in contact with a leghold trap is subjected to its bone-crushing force. Other, more discriminating trapping methods exist and should be used.

I think it is also instructive to note that well over 60 nations around the globe including all the nations of the European Community have already outlawed the use of this device and have also prohibited the sale of fur caught by leghold traps.

I should make it clear to my colleagues that I oppose the cruel treatment of any animal and support efforts to curb the unnecessary use of animals for purposes such as medical testing, especially when alternative testing procedures are available or when the tests are conducted for nonvital reasons and result in inhumane animal treatment. I do, however, support the humane use of animals which may provide crucial information for life-saving technologies when no other alternative testing mechanism exists.

ADDITIONAL COSPONSORS

S. 301

At the request of Mr. KYL, the name of the Senator from Texas [Mr. GRAMM] was added as a cosponsor of S. 301, a bill to provide for the negotiation of bilateral prisoner transfer treaties with foreign countries and to provide for the

training in the United States of border patrol and customs service personnel from foreign countries.

S. 358

At the request of Mr. WYDEN, his name was added as a cosponsor of S. 358, a bill to amend the Internal Revenue Code of 1986 to provide for an excise tax exemption for certain emergency medical transportation by air ambulance.

S. 553

At the request of Ms. MOSELEY-BRAUN, the name of the Senator from Texas [Mrs. HUTCHISON] was added as a cosponsor of S. 553, a bill to amend the Age Discrimination in Employment Act of 1967 to reinstate an exemption for certain bona fide hiring and retirement plans applicable to State and local firefighters and law enforcement officers, and for other purposes.

S. 1183

At the request of Mr. HATFIELD, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 1183, a bill to amend the act of March 3, 1931 (known as the Davis-Bacon Act), to revise the standards for coverage under the act, and for other purposes.

S. 1483

At the request of Mr. KYL, the name of the Senator from Utah [Mr. BENNETT] was added as a cosponsor of S. 1483, a bill to control crime, and for other purposes.

S. 1512

At the request of Mr. LUGAR, the name of the Senator from Ohio [Mr. DEWINE] was added as a cosponsor of S. 1512, a bill to amend title 23, United States Code, to improve safety at public railway-highway crossings, and for other purposes.

S. 1521

At the request of Mr. DOLE, the name of the Senator from New Jersey [Mr. BRADLEY] was added as a cosponsor of S. 1521, a bill to establish the Nicodemus National Historic Site in Kansas, and for other purposes.

S. 1578

At the request of Mr. FRIST, the name of the Senator from Alaska [Mr. MURKOWSKI] was added as a cosponsor of S. 1578, a bill to amend the Individuals with Disabilities Education Act to authorize appropriations for fiscal years 1997 through 2002, and for other purposes.

S. 1610

At the request of Mr. BOND, the name of the Senator from New Hampshire [Mr. SMITH] was added as a cosponsor of S. 1610, a bill to amend the Internal Revenue Code of 1986 to clarify the standards used for determining whether individuals are not employees.

S. 1623

At the request of Mr. WARNER, the names of the Senator from Wyoming [Mr. SIMPSON] and the Senator from Rhode Island [Mr. CHAFEE] were added as cosponsors of S. 1623, a bill to establish a National Tourism Board and a

National Tourism Organization, and for other purposes.

S. 1669

At the request of Mr. LOTT, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of S. 1669, a bill to name the Department of Veterans Affairs medical center in Jackson, MS, as the "G.V. (Sonny) Montgomery Department of Veterans Affairs Medical Center".

S. 1675

At the request of Mr. GRAMM, the names of the Senator from Alabama [Mr. SHELBY], the Senator from Colorado [Mr. CAMPBELL], the Senator from Kentucky [Mr. MCCONNELL], and the Senator from Alaska [Mr. STEVENS] were added as cosponsors of S. 1675, a bill to provide for the nationwide tracking of convicted sexual predators, and for other purposes.

S. 1690

At the request of Mr. CONRAD, the name of the Senator from Wisconsin [Mr. FEINGOLD] was added as a cosponsor of S. 1690, a bill to provide a grace period for the prohibition on Consolidated Farm Service Agency lending to delinquent borrowers, and for other purposes.

SENATE JOINT RESOLUTION 51

At the request of Mr. DOLE, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of Senate Joint Resolution 51, a joint resolution saluting and congratulating Polish people around the world as, on May 3, 1996, they commemorate the 205th anniversary of the adoption of Poland's first constitution.

SENATE CONCURRENT RESOLUTION 41

At the request of Mr. INOUE, the name of the Senator from Connecticut [Mr. DODD] was added as a cosponsor of Senate Concurrent Resolution 41, a concurrent resolution expressing the sense of the Congress that the George Washington University is important to the Nation and urging that the importance of the university be recognized and celebrated through regular ceremonies.

SENATE RESOLUTION 85

At the request of Mr. WYDEN, his name was added as a cosponsor of Senate Resolution 85, a resolution to express the sense of the Senate that obstetrician-gynecologists should be included in Federal laws relating to the provision of health care.

SENATE RESOLUTION 243

At the request of Mr. ROBB, the names of the Senator from Nevada [Mr. BRYAN], the Senator from North Dakota [Mr. CONRAD], the Senator from New York [Mr. D'AMATO], the Senator from New Mexico [Mr. DOMENICI], the Senator from Alabama [Mr. HEFLIN], the Senator from North Carolina [Mr. HELMS], the Senator from South Carolina [Mr. HOLLINGS], and the Senator from Virginia [Mr. WARNER] were added as cosponsors of Senate Resolution 243, a resolution to designate the week of May 5, 1996, as "National Correctional Officers and Employees Week."