

107TH CONGRESS
1ST SESSION

S. 1484

To prevent fraud in the solicitation of charitable contributions, and for other purposes.

IN THE SENATE OF THE UNITED STATES

OCTOBER 2, 2001

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

A BILL

To prevent fraud in the solicitation of charitable contributions, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Crimes Against Chari-
5 table Americans Act of 2001”.

6 **SEC. 2. FRAUD AND FALSE STATEMENTS.**

7 Chapter 47 of title 18, United States Code, is amend-
8 ed by adding at the end the following:

1 **“§ 1037. Fraud and related activity in the solicitation**
 2 **of charitable contributions**

3 “(a) OFFENSE.—It shall be unlawful for any person
 4 to knowingly and fraudulently solicit, cause to be solicited,
 5 or receive contributions, donations, or gifts of money or
 6 any other thing of value—

7 “(1) for an alleged charitable or beneficial orga-
 8 nization, or an alleged charitable or beneficial pur-
 9 pose; and

10 “(2) in connection with a disaster or emergency
 11 which has been officially designated a Federal dis-
 12 aster or Federal emergency by the President or any
 13 other appropriate Federal official.

14 “(b) PENALTY.—A person who is convicted of an of-
 15 fense under subsection (a)—

16 “(1) shall be fined under this title or impris-
 17 oned for not less than 5 years, or both; and

18 “(2) shall be ordered by the court to pay res-
 19 titution to any victim, and may be ordered to pay
 20 restitution to others, who sustained losses as a result
 21 of fraudulent activity of the offender under sub-
 22 section (a).”.

23 **SEC. 3. TELEMARKETING AND CONSUMER FRAUD ABUSE.**

24 The Telemarketing and Consumer Fraud and Abuse
 25 Prevention Act (15 U.S.C. 6101 et seq.) is amended—

1 (1) in section 3(a)(2), by inserting after “prac-
2 tices” the second place it appears the following:
3 “which shall include fraudulent charitable solicita-
4 tions, and”;

5 (2) in section 3(a)(3)—

6 (A) in subparagraph (B), by striking
7 “and” at the end;

8 (B) in subparagraph (C), by striking the
9 period at the end and inserting “; and”; and

10 (C) by adding at the end the following:

11 “(D) a requirement that any person en-
12 gaged in telemarketing for the solicitation of
13 charitable contributions, donations, or gifts of
14 money or any other thing of value, shall
15 promptly and clearly disclose to the person re-
16 ceiving the call that the purpose of the call is
17 to solicit charitable contributions, donations, or
18 gifts, and make such other disclosures as the
19 Commission considers appropriate, including
20 the name and mailing address of the charitable
21 organization on behalf of which the solicitation
22 is made.”; and

23 (3) in section 7(4), by inserting “, or a chari-
24 table contribution, donation, or gift of money or any
25 other thing of value,” after “services”.

1 **SEC. 4. RED CROSS MEMBERS OR AGENTS.**

2 Section 917 of title 18, United States Code, is
3 amended by striking “one year” and inserting “5 years”.

4 **SEC. 5. TELEMARKETING FRAUD.**

5 Section 2325(1) of title 18, United States Code, is
6 amended—

7 (1) in subparagraph (A), by striking “or” at
8 the end;

9 (2) in subparagraph (B), by striking the comma
10 at the end and inserting “; or”;

11 (3) by inserting after subparagraph (B) the fol-
12 lowing:

13 “(C) a charitable contribution, donation, or
14 gift of money or any other thing of value,”; and

15 (4) in the flush language, by inserting “or char-
16 itable contributor, or donor” after “participant”.

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