

were added as cosponsors of S. 721, a bill to amend the Public Health Service Act to establish a Nurse Corps and recruitment and retention strategies to address the nursing shortage, and for other purposes.

S. 836

At the request of Mr. CRAIG, the name of the Senator from Nebraska (Mr. NELSON of Nebraska) was added as a cosponsor of S. 836, a bill to amend part C of title XI of the Social Security Act to provide for coordination of implementation of administrative simplification standards for health care information.

S. 1140

At the request of Mr. HATCH, the names of the Senator from South Carolina (Mr. HOLLINGS), the Senator from Hawaii (Mr. AKAKA), and the Senator from Nevada (Mr. ENSIGN) were added as cosponsors of S. 1140, a bill to amend chapter 1 of title 9, United States Code, to provide for greater fairness in the arbitration process relating to motor vehicle franchise contracts.

S. 1147

At the request of Mr. NICKLES, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1147, a bill to amend title X and title XI of the Energy Policy Act of 1992.

S. 1169

At the request of Mr. FEINGOLD, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 1169, a bill to streamline the regulatory processes applicable to home health agencies under the medicare program under title XVIII of the Social Security Act and the medicaid program under title XIX of such Act, and for other purposes.

S. 1214

At the request of Mr. HOLLINGS, the name of the Senator from Florida (Mr. NELSON of Florida) was added as a cosponsor of S. 1214, a bill to amend the Merchant Marine Act, 1936, to establish a program to ensure greater security for United States seaports, and for other purposes.

S. 1379

At the request of Mr. KENNEDY, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 1379, a bill to amend the Public Health Service Act to establish an Office of Rare Diseases at the National Institutes of Health, and for other purposes.

S. 1454

At the request of Mrs. CARNAHAN, the names of the Senator from Maryland (Ms. MIKULSKI) and the Senator from Kansas (Mr. BROWNBACK) were added as cosponsors of S. 1454, a bill to provide assistance for employees who are separated from employment as a result of reductions in service by air carriers, and closures of airports, caused by terrorist actions or security measures.

S. 1465

At the request of Mr. JOHNSON, his name was added as a cosponsor of S. 1465, a bill to authorize the President to provide assistance to Pakistan and India through September 30, 2003.

S.J. RES. 8

At the request of Ms. LANDRIEU, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S.J. Res. 8, a joint resolution designating 2002 as the "Year of the Rose".

AMENDMENT NO. 1721

At the request of Mr. SMITH of New Hampshire, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of amendment No. 1721 intended to be proposed to S. 1438, a bill to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 1724

At the request of Mr. HELMS, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of amendment No. 1724 proposed to S. 1438, a bill to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 1750

At the request of Mr. DEWINE, his name was added as a cosponsor of amendment No. 1750 proposed to S. 1438, a bill to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 1755

At the request of Mr. ALLEN, his name was added as a cosponsor of amendment No. 1755 proposed to S. 1438, a bill to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

At the request of Mr. CLELAND, his name was added as a cosponsor of amendment No. 1755 proposed to S. 1438, *supra*.

At the request of Mr. CORZINE, his name was added as a cosponsor of amendment No. 1755 proposed to S. 1438, *supra*.

At the request of Mr. HAGEL, his name was added as a cosponsor of amendment No. 1755 proposed to S. 1438, *supra*.

At the request of Mr. LEVIN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of amendment No. 1755 proposed to S. 1438, *supra*.

At the request of Mr. NELSON of Florida, his name was added as a cosponsor of amendment No. 1755 proposed to S. 1438, *supra*.

At the request of Mr. WARNER, his name was added as a cosponsor of amendment No. 1755 proposed to S. 1438, *supra*.

AMENDMENT NO. 1760

At the request of Mr. REID, the names of the Senator from North Dakota (Mr. DORGAN), the Senator from Florida (Mr. NELSON of Florida), the Senator from Oregon (Mr. SMITH of Oregon), the Senator from Arkansas (Mrs. LINCOLN), and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of amendment No. 1760 proposed to S. 1438, a bill to authorize ap-

propriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 1806

At the request of Mr. BOND, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of amendment No. 1806 proposed to S. 1438, a bill to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WYDEN (for himself, Mr. McCRAIN, and Mr. LEAHY):

S. 1481. A bill to extend the moratorium enacted by the Internet Tax Freedom Act for 2 years, and encourage States to simplify their sales and use taxes; to the Committee on Commerce, Science, and Transportation.

Mr. LEAHY. Mr. President, I want to add my support to promoting electronic commerce and keeping it free from discriminatory and multiple State and local taxes. I am pleased to join the senior Senator from Oregon and the senior Senator from Arizona as an original cosponsor of the Internet Tax Moratorium Extension Act. I commend Senator WYDEN and Senator McCRAIN for their continued leadership on Internet tax policy.

Although electronic commerce is beginning to blossom, it is still in its infancy. Stability is key to reaching its full potential, and creating new tax categories for the Internet is exactly the wrong thing to do. E-commerce should not be subject to new taxes that do not apply to other commerce.

Indeed, without the current moratorium, there are 30,000 different jurisdictions around the country that could levy discriminatory or multiple Internet taxes on E-commerce. Let's not allow the future of electronic commerce, with its great potential to expand the markets of Main Street businesses, to be crushed by the weight of discriminatory taxation.

We also need a national policy to make sure that the traditional State and local sales taxes on Internet sales are applied and collected fairly and uniformly. This two-year extension of the current moratorium gives our Governors and State legislatures time to simplify their sale tax rules and reach consensus on a workable national system for collecting sales taxes on E-commerce.

E-commerce is growing, our moratorium law is working, and we should keep a good thing going. I am proud to cosponsor the Internet Tax Moratorium Extension Act to encourage online commerce to continue to grow with confidence. I urge my colleagues to support its swift passage into law.

By Mr. HARKIN (for himself, Mr. LUGAR, Mr. HATCH, Mr. DAYTON, Mr. AKAKA, Mr. JOHNSON, Mr. ALLARD, Mr. CRAPO, Mr. CRAIG, Mrs. LINCOLN, Mr. HELMS, and Mr. NELSON of Florida):

S. 1482. A bill to consolidate and revise the authority of the Secretary of Agriculture relating to protection of animal health; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. HARKIN. Mr. President, today, I am pleased to introduce the Animal Health Protection Act, AHPA, of 2001. I am proud that my good friend from Indiana, Senator LUGAR, stands with me today, as well as Senators HATCH, DAYTON, AKAKA, JOHNSON, ALLARD, CRAPO, CRAIG, LINCOLN, and HELMS. This legislation modernizes and consolidates important animal health statutes. We support the AHPA as a means towards improved domestic livestock protection.

As many of my colleagues are aware, the U.S. Department of Agriculture, USDA, is currently more prepared to protect our Nation's plants from foreign pests and diseases than to protect our domestic livestock from the same threats. Last year, the Plant Protection Act, a bill that greatly improved plant protection regulations, was signed into law. We need similar action to protect animal agriculture. The AHPA will expand USDA's legal authority to protect animals to that currently afforded for plant agriculture.

The AHPA updates and consolidates animal quarantine and related laws, some of which date back to the late 1800's and replaces them with one flexible statutory framework. USDA will be better prepared to take more effective, expeditious action to protect animal health.

This legislation also gives USDA authority to specifically address modern threats to all aspects of animal health. One such threat is foot-and-mouth disease. As our friends in Great Britain can attest, an outbreak of this destructive disease can cost a Nation billions of dollars and millions of livestock. In the U.K. alone, over one million animals had to be destroyed as a result of FMD. If we do not update our laws, I worry that our Nation will be vulnerable to the introduction and spread of foreign animal diseases like FMD or "mad cow disease", BSE. The recent discovery of BSE in Japan shows that the threats are still current. The price of prevention is vigilance.

Finally, this legislation has become even more important since the tragic events of September 11. Concerns about biosecurity and possible biological or chemical attacks directed at our Nation's food supply must be taken very seriously. This legislation is crucial to fully protect domestic livestock and the U.S. food supply from these threats.

I hope that the Senate will be able to move quickly on this legislation, and I thank Senator LUGAR and others for working with me to get it introduced.

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. 1482

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the "Animal Health Protection Act".

(b) **TABLE OF CONTENTS.**—The table of contents of this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings.
- Sec. 3. Definitions.
- Sec. 4. Restriction on importation or entry.
- Sec. 5. Exportation.
- Sec. 6. Interstate movement.
- Sec. 7. Seizure, quarantine, and disposal.
- Sec. 8. Inspections, seizures, and warrants.
- Sec. 9. Detection, control, and eradication of diseases and pests.
- Sec. 10. Veterinary accreditation program.
- Sec. 11. Cooperation.
- Sec. 12. Reimbursable agreements.
- Sec. 13. Administration and claims.
- Sec. 14. Penalties.
- Sec. 15. Enforcement.
- Sec. 16. Regulations and orders.
- Sec. 17. Authorization of appropriations.
- Sec. 18. Repeals and conforming amendments.

SEC. 2. FINDINGS.

Congress finds that—

(1) the prevention, detection, control, and eradication of diseases and pests of animals are essential to protect—

- (A) animal health;
- (B) the health and welfare of the people of the United States;
- (C) the economic interests of the livestock and related industries of the United States;
- (D) the environment of the United States; and

(E) interstate commerce and foreign commerce of the United States in animals and other articles;

(2) animal diseases and pests are primarily transmitted by animals and articles regulated under this Act;

(3) the health of animals is affected by the methods by which animals and articles are transported in interstate commerce and foreign commerce;

(4) the Secretary must continue to conduct research on animal diseases and pests that constitute a threat to the livestock of the United States; and

(5)(A) all animals and articles regulated under this Act are in or affect interstate commerce or foreign commerce; and

(B) regulation by the Secretary and cooperation by the Secretary with foreign countries, States or other jurisdictions, or persons are necessary—

(i) to prevent and eliminate burdens on interstate commerce and foreign commerce;

(ii) to regulate effectively interstate commerce and foreign commerce; and

(iii) to protect the agriculture, environment, economy, and health and welfare of the people of the United States.

SEC. 3. DEFINITIONS.

In this Act:

(1) **ANIMAL.**—The term "animal" means any member of the animal kingdom (except a human).

(2) **ARTICLE.**—The term "article" means any pest or disease or any material or tangible object that could harbor a pest or disease.

(3) **DISEASE.**—The term "disease" means—

(A) any infectious or noninfectious disease or condition affecting the health of livestock; or

(B) any condition detrimental to production of livestock.

(4) **ENTER.**—The term "enter" means to move into the commerce of the United States.

(5) **EXPORT.**—The term "export" means to move from a place within the territorial limits of the United States to a place outside the territorial limits of the United States.

(6) **FACTORY.**—The term "factory" means any structure.

(7) **IMPORT.**—The term "import" means to move from a place outside the territorial limits of the United States to a place within the territorial limits of the United States.

(8) **INDIAN TRIBE.**—The term "Indian tribe" has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(9) **INTERSTATE COMMERCE.**—The term "interstate commerce" means trade, traffic, or other commerce—

(A) between a place in a State and a place in another State, or between places within the same State but through any place outside that State; or

(B) within the District of Columbia or any territory or possession of the United States.

(10) **LIVESTOCK.**—The term "livestock" means all farm-raised animals.

(11) **MEANS OF CONVEYANCE.**—The term "means of conveyance" means any personal property used for or intended for use for the movement of any other personal property.

(12) **MOVE.**—The term "move" means—

(A) to carry, enter, import, mail, ship, or transport;

(B) to aid, abet, cause, or induce carrying, entering, importing, mailing, shipping, or transporting;

(C) to offer to carry, enter, import, mail, ship, or transport;

(D) to receive in order to carry, enter, import, mail, ship, or transport;

(E) to release into the environment; or

(F) to allow any of the activities described in this paragraph.

(13) **PEST.**—The term "pest" means any of the following that can directly or indirectly injure, cause damage to, or cause disease in livestock:

(A) A protozoan.

(B) A plant.

(C) A bacteria.

(D) A fungus.

(E) A virus or viroid.

(F) An infectious agent or other pathogen.

(G) An arthropod.

(H) A parasite.

(I) A prion.

(J) A vector.

(K) An animal.

(L) Any organism similar to or allied with any of the organisms described in this paragraph.

(14) **SECRETARY.**—The term "Secretary" means the Secretary of Agriculture.

(15) **STATE.**—The term "State" means any of the States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Commonwealth of the Northern Mariana Islands, the Virgin Islands of the United States, or any territory or possession of the United States.

(16) **THIS ACT.**—Except when used in this section, the term "this Act" includes any regulation or order issued by the Secretary under the authority of this Act.

(17) **UNITED STATES.**—The term "United States" means all of the States.

SEC. 4. RESTRICTION ON IMPORTATION OR ENTRY.

(a) **IN GENERAL.**—The Secretary may prohibit or restrict—

(1) the importation or entry of any animal, article, or means of conveyance, or use of any means of conveyance or facility, if the Secretary determines that the prohibition or restriction is necessary to prevent the introduction into or dissemination within the United States of any pest or disease of livestock;

(2) the further movement of any animal that has strayed into the United States if the Secretary determines that the prohibition or restriction is necessary to prevent the introduction into or dissemination within the United States of any pest or disease of livestock; and

(3) the use of any means of conveyance in connection with the importation or entry of livestock if the Secretary determines that the prohibition or restriction is necessary because the means of conveyance has not been maintained in a clean and sanitary condition or does not have accommodations for the safe and proper movement of livestock.

(b) **REGULATIONS.**—The Secretary may promulgate regulations requiring that any animal imported or entered be raised or handled

under post-importation quarantine conditions by or under the supervision of the Secretary for the purpose of determining whether the animal is or may be affected by any pest or disease of livestock.

(c) DESTRUCTION OR REMOVAL.—

(1) IN GENERAL.—The Secretary may order the destruction or removal from the United States of—

(A) any animal, article, or means of conveyance that has been imported but has not entered the United States if the Secretary determines that destruction or removal from the United States is necessary to prevent the introduction into or dissemination within the United States of any pest or disease of livestock;

(B) any animal or progeny of any animal, article, or means of conveyance that has been imported or entered in violation of this Act; or

(C) any animal that has strayed into the United States if the Secretary determines that destruction or removal from the United States is necessary to prevent the introduction into or dissemination within the United States of any pest or disease of livestock.

(2) REQUIREMENTS OF OWNERS.—

(A) ORDERS TO DISINFECT.—The Secretary may require the disinfection of—

(i) a means of conveyance used in connection with the importation of an animal;

(ii) an individual involved in the importation of an animal and personal articles of the individual; and

(iii) any article used in the importation of an animal.

(B) FAILURE TO COMPLY WITH ORDERS.—If an owner fails to comply with an order of the Secretary under this section, the Secretary may—

(i) take remedial action, destroy, or remove from the United States the animal or progeny of any animal, article, or means of conveyance as authorized under paragraph (1); and

(ii) recover from the owner the costs of any care, handling, disposal, or other action incurred by the Secretary in connection with the remedial action, destruction, or removal.

SEC. 5. EXPORTATION.

(a) IN GENERAL.—The Secretary may prohibit or restrict—

(1) the exportation of any animal, article, or means of conveyance if the Secretary determines that the prohibition or restriction is necessary to prevent the dissemination from or within the United States of any pest or disease of livestock;

(2) the exportation of any livestock if the Secretary determines that the livestock is unfit to be moved;

(3) the use of any means of conveyance or facility in connection with the exportation of any animal or article if the Secretary determines that the prohibition or restriction is necessary to prevent the dissemination from or within the United States of any pest or disease of livestock; or

(4) the use of any means of conveyance in connection with the exportation of livestock if the Secretary determines that the prohibition or restriction is necessary because the means of conveyance has not been maintained in a clean and sanitary condition or does not have accommodations for the safe and proper movement and humane treatment of livestock.

(b) REQUIREMENTS OF OWNERS.—

(1) ORDERS TO DISINFECT.—The Secretary may require the disinfection of—

(A) a means of conveyance used in connection with the exportation of an animal;

(B) an individual involved in the exportation of an animal and personal articles of the individual; and

(C) any article used in the exportation of an animal.

(2) FAILURE TO COMPLY WITH ORDERS.—If an owner fails to comply with an order of the Secretary under this section, the Secretary may—

(A) take remedial action with respect to the animal, article, or means of conveyance referred to in paragraph (1); and

(B) recover from the owner the costs of any care, handling, disposal, or other action incurred by the Secretary in connection with the remedial action.

(c) CERTIFICATION.—The Secretary may certify the classification, quality, quantity, condition, processing, handling, or storage of any animal or article intended for export.

SEC. 6. INTERSTATE MOVEMENT.

The Secretary may prohibit or restrict—

(1) the movement in interstate commerce of any animal, article, or means of conveyance if the Secretary determines that the prohibition or restriction is necessary to prevent the introduction or dissemination of any pest or disease of livestock; and

(2) the use of any means of conveyance or facility in connection with the movement in interstate commerce of any animal or article if the Secretary determines that the prohibition or restriction is necessary to prevent the introduction or dissemination of any pest or disease of livestock.

SEC. 7. SEIZURE, QUARANTINE, AND DISPOSAL.

(a) IN GENERAL.—The Secretary may hold, seize, quarantine, treat, destroy, dispose of, or take other remedial action with respect to—

(1) any animal or progeny of any animal, article, or means of conveyance that—

(A) is moving or has been moved in interstate commerce or has been imported and entered; and

(B) the Secretary has reason to believe may carry, may have carried, or may have been affected with or exposed to any pest or disease of livestock at the time of movement or that is otherwise in violation of this Act;

(2) any animal or progeny of any animal, article, or means of conveyance that is moving or is being handled, or has moved or has been handled, in interstate commerce in violation of this Act;

(3) any animal or progeny of any animal, article, or means of conveyance that has been imported, and is moving or is being handled or has moved or has been handled, in violation of this Act; or

(4) any animal or progeny of any animal, article, or means of conveyance that the Secretary finds is not being maintained, or has not been maintained, in accordance with any post-importation quarantine, post-importation condition, post-movement quarantine, or post-movement condition in accordance with this Act.

(b) EXTRAORDINARY EMERGENCIES.—

(1) IN GENERAL.—Subject to paragraph (2), if the Secretary determines that an extraordinary emergency exists because of the presence in the United States of a pest or disease of livestock and that the presence of the pest or disease threatens the livestock of the United States, the Secretary may—

(A) hold, seize, treat, apply other remedial actions to, destroy (including preventative slaughter), or otherwise dispose of, any animal, article, facility, or means of conveyance if the Secretary determines the action is necessary to prevent the dissemination of the pest or disease; and

(B) prohibit or restrict the movement or use within a State, or any portion of a State of any animal or article, means of conveyance, or facility if the Secretary determines that the prohibition or restriction is necessary to prevent the dissemination of the pest or disease.

(2) STATE ACTION.—

(A) IN GENERAL.—The Secretary may take action in a State under this subsection only on finding that measures being taken by the State are inadequate to control or eradicate the pest or disease, after review and consultation with—

(i) the Governor or an appropriate animal health official of the State; or

(ii) in the case of any animal, article, facility, or means of conveyance under the jurisdiction of an Indian tribe, the head of the Indian tribe.

(B) NOTICE.—Subject to subparagraph (C), before any action is taken in a State under subparagraph (A), the Secretary shall—

(i) notify the Governor, an appropriate animal health official of the State, or head of the Indian tribe of the proposed action;

(ii) issue a public announcement of the proposed action; and

(iii) publish in the Federal Register—

(I) the findings of the Secretary;

(II) a description of the proposed action; and

(III) a statement of the reasons for the proposed action.

(C) NOTICE AFTER ACTION.—If it is not practicable to publish in the Federal Register the information required under subparagraph (B)(iii) before taking action under subparagraph (A), the Secretary shall publish the information as soon as practicable, but not later than 10 business days, after commencement of the action.

(c) QUARANTINE, DISPOSAL, OR OTHER REMEDIAL ACTION.—

(1) IN GENERAL.—The Secretary, in writing, may order the owner of any animal, article, facility, or means of conveyance referred to in subsection (a) or (b) to maintain in quarantine, dispose of, or take other remedial action with respect to the animal, article, facility, or means of conveyance, in a manner determined by the Secretary.

(2) FAILURE TO COMPLY WITH ORDERS.—If the owner fails to comply with the order of the Secretary, the Secretary may—

(A) seize, quarantine, dispose of, or take other remedial action with respect to the animal, article, facility, or means of conveyance under subsection (a) or (b); and

(B) recover from the owner the costs of any care, handling, disposal, or other remedial action incurred by the Secretary in connection with the seizure, quarantine, disposal, or other remedial action.

(d) COMPENSATION.—

(1) IN GENERAL.—Except as provided in paragraph (3), the Secretary shall compensate the owner of any animal, article, facility, or means of conveyance that the Secretary requires to be destroyed under this section.

(2) AMOUNT.—

(A) IN GENERAL.—Subject to subparagraphs (B) and (C), the compensation shall be based on the fair market value, as determined by the Secretary, of the destroyed animal, article, facility, or means of conveyance.

(B) LIMITATION.—Compensation paid any owner under this subsection shall not exceed the difference between—

(i) the fair market value of the destroyed animal, article, facility, or means of conveyance; and

(ii) any compensation received by the owner from a State or other source for the destroyed animal, article, facility, or means of conveyance.

(C) REVIEWABILITY OF DETERMINATION.—The determination by the Secretary of the amount to be paid under this subsection shall be final and not subject to judicial review.

(3) EXCEPTIONS.—No payment shall be made by the Secretary under this subsection for—

(A) any animal, article, facility, or means of conveyance that has been moved or handled by the owner in violation of an agreement for the control and eradication of diseases or pests or in violation of this Act;

(B) any progeny of any animal or article, which animal or article has been moved or handled by the owner of the animal or article in violation of this Act;

(C) any animal, article, or means of conveyance that is refused entry under this Act; or

(D) any animal, article, facility, or means of conveyance that becomes or has become affected with or exposed to any pest or disease of livestock because of a violation of an agreement for the control and eradication of diseases or pests or a violation of this Act by the owner.

SEC. 8. INSPECTIONS, SEIZURES, AND WARRANTS.

(a) GUIDELINES.—The activities authorized by this section shall be carried out consistent with guidelines approved by the Attorney General.

(b) WARRANTLESS INSPECTIONS.—The Secretary may stop and inspect, without a warrant, any person or means of conveyance moving—

(1) into the United States, to determine whether the person or means of conveyance is carrying any animal or article regulated under this Act;

(2) in interstate commerce, on probable cause to believe that the person or means of conveyance is carrying any animal or article regulated under this Act; or

(3) in intrastate commerce from any State, or any portion of a State, quarantined under section 7(b), on probable cause to believe that the person or means of conveyance is carrying any animal or article quarantined under section 7(b).

(c) INSPECTIONS WITH WARRANTS.—

(1) IN GENERAL.—The Secretary may enter, with a warrant, any premises in the United States for the purpose of making inspections and seizures under this Act.

(2) APPLICATION AND ISSUANCE OF WARRANTS.—

(A) IN GENERAL.—On proper oath or affirmation showing probable cause to believe that there is on certain premises any animal, article, facility, or means of conveyance regulated under this Act, a United States judge, a judge of a court of record in the United States, or a United States magistrate judge may issue a warrant for the entry on premises within the jurisdiction of the judge or magistrate to make any inspection or seizure under this Act.

(B) EXECUTION.—The warrant may be applied for and executed by the Secretary or any United States marshal.

SEC. 9. DETECTION, CONTROL, AND ERADICATION OF DISEASES AND PESTS.

(a) IN GENERAL.—The Secretary may carry out operations and measures to detect, control, or eradicate any pest or disease of livestock (including the drawing of blood and diagnostic testing of animals), including animals at a slaughterhouse, stockyard, or other point of concentration.

(b) COMPENSATION.—The Secretary may pay a claim arising out of the destruction of any animal, article, or means of conveyance consistent with the purposes of this Act.

SEC. 10. VETERINARY ACCREDITATION PROGRAM.

(a) IN GENERAL.—The Secretary may establish a veterinary accreditation program that is consistent with this Act, including the establishment of standards of conduct for accredited veterinarians.

(b) CONSULTATION.—The Secretary shall consult with State animal health officials regarding the establishment of the veterinary accreditation program.

SEC. 11. COOPERATION.

(a) IN GENERAL.—To carry out this Act, the Secretary may cooperate with other Federal agencies, States or political subdivisions of States, national governments of foreign countries, local governments of foreign countries, domestic or international organizations, domestic or international associations, Indian tribes, and other persons.

(b) RESPONSIBILITY.—The person or other entity cooperating with the Secretary shall be responsible for the authority necessary to carry out operations or measures—

(1) on all land and property within a foreign country or State, or under the jurisdiction of an Indian tribe, other than on land and property owned or controlled by the United States; and

(2) using other facilities and means, as determined by the Secretary.

(c) SCREWWORMS.—

(1) IN GENERAL.—The Secretary may, independently or in cooperation with national governments of foreign countries or international organizations or associations, produce and sell sterile screwworms to any national government of a foreign country or international organization or association, if the Secretary determines that the livestock industry and related industries of the United States will not be adversely affected by the production and sale.

(2) PROCEEDS.—

(A) INDEPENDENT PRODUCTION AND SALE.—If the Secretary independently produces and sells sterile screwworms under paragraph (1), the proceeds of the sale shall be—

(i) deposited into the Treasury of the United States; and

(ii) credited to the account from which the operating expenses of the facility producing the sterile screwworms have been paid.

(B) COOPERATIVE PRODUCTION AND SALE.—

(i) IN GENERAL.—If the Secretary cooperates to produce and sell sterile screwworms under paragraph (1), the proceeds of the sale shall be divided between the United States and the cooperating national government or international organization or association in a manner determined by the Secretary.

(ii) ACCOUNT.—The United States portion of the proceeds shall be—

(I) deposited into the Treasury of the United States; and

(II) credited to the account from which the operating expenses of the facility producing the sterile screwworms have been paid.

(d) COOPERATION IN PROGRAM ADMINISTRATION.—The Secretary may cooperate with State authorities, Indian tribe authorities, or other persons in the administration of regulations for the improvement of livestock and livestock products.

(e) CONSULTATION WITH OTHER FEDERAL AGENCIES.—

(1) IN GENERAL.—The Secretary shall consult with the head of a Federal agency with respect to any activity that is under the jurisdiction of the Federal agency.

(2) LEAD AGENCY.—The Department of Agriculture shall be the lead agency with respect to issues related to pests and diseases of livestock.

SEC. 12. REIMBURSABLE AGREEMENTS.

(a) AUTHORITY TO ENTER INTO AGREEMENTS.—The Secretary may enter into reimbursable fee agreements with persons for preclearance of animals or articles at locations outside the United States for movement into the United States.

(b) FUNDS COLLECTED FOR PRECLEARANCE.—Funds collected for preclearance activities shall—

(1) be credited to accounts that may be established by the Secretary for carrying out this section; and

(2) remain available until expended for the preclearance activities, without fiscal year limitation.

(c) PAYMENT OF EMPLOYEES.—

(1) IN GENERAL.—Notwithstanding any other law, the Secretary may pay an officer or employee of the Department of Agriculture performing services under this Act relating to imports into and exports from the United States for all overtime, night, or holiday work performed by the officer or employee at a rate of pay determined by the Secretary.

(2) REIMBURSEMENT.—

(A) IN GENERAL.—The Secretary may require a person for whom the services are performed to reimburse the Secretary for any expenses paid by the Secretary for the services under this subsection.

(B) USE OF FUNDS.—All funds collected under this subsection shall—

(i) be credited to the account that incurs the costs; and

(ii) remain available until expended, without fiscal year limitation.

(d) LATE PAYMENT PENALTIES.—

(1) COLLECTION.—On failure by a person to reimburse the Secretary in accordance with this section, the Secretary may assess a late payment penalty against the person, including interest on overdue funds, as required by section 3717 of title 31, United States Code.

(2) USE OF FUNDS.—Any late payment penalty and any accrued interest shall—

(A) be credited to the account that incurs the costs; and

(B) remain available until expended, without fiscal year limitation.

SEC. 13. ADMINISTRATION AND CLAIMS.

(a) ADMINISTRATION.—To carry out this Act, the Secretary may—

(1) acquire and maintain real or personal property;

(2) employ a person;

(3) make a grant; and

(4) notwithstanding chapter 63 of title 31, United States Code, enter into a contract, cooperative agreement, memorandum of understanding, or other agreement.

(b) TORT CLAIMS.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary may pay a tort claim, in the manner authorized by the first paragraph of section 2672 of title 28, United States Code, if the claim arises outside the United States in connection with an activity authorized under this Act.

(2) REQUIREMENTS.—A claim may not be allowed under this subsection unless the claim is presented in writing to the Secretary not later than 2 years after the date on which the claim arises.

SEC. 14. PENALTIES.

(a) CRIMINAL PENALTIES.—Any person that knowingly violates this Act, or that knowingly forges, counterfeits, or, without authority from the Secretary, uses, alters, defaces, or destroys any certificate, permit, or other document provided under this Act shall be guilty of a misdemeanor, and, on conviction, shall be fined in accordance with title 18, United States Code, imprisoned not more than 1 year, or both.

(b) CIVIL PENALTIES.—

(1) IN GENERAL.—Any person that violates this Act, or that forges, counterfeits, or, without authority from the Secretary, uses, alters, defaces, or destroys any certificate, permit, or other document provided under this Act may, after notice and opportunity for a hearing on the record, be assessed a civil penalty by the Secretary that does not exceed the greater of—

(A)(i) \$50,000 in the case of any individual, except that the civil penalty may not exceed \$1,000 in the case of an initial violation of this Act by an individual moving regulated articles not for monetary gain;

(ii) \$250,000 in the case of any other person for each violation; and

(iii) \$500,000 for all violations adjudicated in a single proceeding; or

(B) twice the gross gain or gross loss for any violation or forgery, counterfeiting, or unauthorized use, alteration, defacing or destruction of a certificate, permit, or other document provided under this Act that results in the person's deriving pecuniary gain or causing pecuniary loss to another person.

(2) FACTORS IN DETERMINING CIVIL PENALTY.—In determining the amount of a civil penalty, the Secretary shall take into account the nature, circumstance, extent, and gravity of the violation or violations and the Secretary may consider, with respect to the violator—

(A) the ability to pay;

(B) the effect on ability to continue to do business;

(C) any history of prior violations;

(D) the degree of culpability; and

(E) such other factors as the Secretary considers to be appropriate.

(3) SETTLEMENT OF CIVIL PENALTIES.—The Secretary may compromise, modify, or remit, with or without conditions, any civil penalty that may be assessed under this subsection.

(4) FINALITY OF ORDERS.—

(A) FINAL ORDER.—The order of the Secretary assessing a civil penalty shall be treated as a final order reviewable under chapter 158 of title 28, United States Code.

(B) REVIEW.—The validity of the order of the Secretary may not be reviewed in an action to collect the civil penalty.

(C) INTEREST.—Any civil penalty not paid in full when due under an order assessing the civil penalty shall thereafter accrue interest until paid at the rate of interest applicable to civil judgments of the courts of the United States.

(c) SUSPENSION OR REVOCATION OF ACCREDITATION.—

(1) IN GENERAL.—The Secretary may, after notice and opportunity for a hearing on the record, suspend or revoke the accreditation of any veterinarian accredited under this Act that violates this Act.

(2) FINAL ORDER.—The order of the Secretary suspending or revoking accreditation shall be treated as a final order reviewable under chapter 158 of title 28, United States Code.

(3) SUMMARY SUSPENSION.—

(A) IN GENERAL.—Notwithstanding paragraph (1), the Secretary may summarily suspend the accreditation of a veterinarian who the Secretary has reason to believe has violated this Act.

(B) HEARINGS.—The Secretary shall provide the accredited veterinarian with a subsequent notice and an opportunity for a prompt post-suspension hearing on the record.

(d) LIABILITY FOR ACTS OF AGENTS.—In the construction and enforcement of this Act, the act, omission, or failure of any officer, agent, or person acting for or employed by any other person within the scope of the employment or office of the officer, agent, or person, shall be deemed also to be the act, omission, or failure of the other person.

(e) GUIDELINES FOR CIVIL PENALTIES.—The Secretary shall coordinate with the Attorney General to establish guidelines to determine under what circumstances the Secretary may issue a civil penalty or suitable notice of warning in lieu of prosecution by the Attorney General of a violation of this Act.

SEC. 15. ENFORCEMENT.

(a) COLLECTION OF INFORMATION.—

(1) IN GENERAL.—The Secretary may gather and compile information and conduct any inspection or investigation that the Secretary considers to be necessary for the administration or enforcement of this Act.

(2) SUBPOENAS.—

(A) IN GENERAL.—The Secretary shall have power to issue a subpoena to compel the attendance and testimony of any witness and the production of any documentary evidence relating to the administration or enforcement of this Act or any matter under investigation in connection with this Act.

(B) LOCATION OF PRODUCTION.—The attendance of any witness and production of documentary evidence relevant to the inquiry may be required from any place in the United States.

(C) ENFORCEMENT.—

(i) IN GENERAL.—In case of disobedience to a subpoena by any person, the Secretary may request the Attorney General to invoke the aid of any court of the United States within the jurisdiction in which the investigation is conducted, or where the person resides, is found, transacts business, is licensed to do business, or is incorporated, to require the attendance and testimony of any witness and the production of documentary evidence.

(ii) NONCOMPLIANCE.—In case of a refusal to obey a subpoena issued to any person, a court may order the person to appear before the Secretary and give evidence concerning the matter in question or to produce documentary evidence.

(iii) CONTEMPT.—Any failure to obey the order of the court may be punished by the court as contempt of the court.

(D) COMPENSATION.—

(i) WITNESSES.—A witness summoned by the Secretary under this Act shall be paid the same fees and mileage that are paid to a witness in a court of the United States.

(ii) DEPOSITIONS.—A witness whose deposition is taken, and the person taking the deposition, shall be entitled to the same fees that are paid for similar services in a court of the United States.

(E) PROCEDURES.—

(i) PUBLICATION.—The Secretary shall publish procedures for the issuance of subpoenas under this section.

(ii) REVIEW.—The procedures shall include a requirement that subpoenas be reviewed for legal sufficiency and, to be effective, be signed by the Secretary.

(iii) DELEGATION.—If the authority to sign a subpoena is delegated to an agency other than the Office of Administrative Law Judges, the agency receiving the delegation shall seek review of the subpoena for legal sufficiency outside that agency.

(b) AUTHORITY OF ATTORNEY GENERAL.—The Attorney General may—

(1) prosecute, in the name of the United States, all criminal violations of this Act that are referred to the Attorney General by the Secretary or are brought to the notice of the Attorney General by any person;

(2) bring an action to enjoin the violation of or to compel compliance with this Act, or to enjoin any interference by any person with the Secretary in carrying out this Act, in any case in which the Secretary has reason to believe that the person has violated, or is about to violate this Act or has interfered, or is about to interfere, with the actions of the Secretary; or

(3) bring an action for the recovery of any unpaid civil penalty, funds under a reimbursable agreement, late payment penalty, or interest assessed under this Act.

(c) COURT JURISDICTION.—

(1) IN GENERAL.—The United States district courts, the District Court of Guam, the District Court of the Northern Mariana Islands, the District Court of the Virgin Islands, the highest court of American Samoa, and the United States courts of the other territories and possessions are vested with jurisdiction in all cases arising under this Act.

(2) VENUE.—Any action arising under this Act may be brought, and process may be served, in the judicial district where a violation or interference occurred or is about to occur, or where the person charged with the violation, interference, impending violation, impending interference, or failure to pay resides, is found, transacts business, is licensed to do business, or is incorporated.

(3) EXCEPTION.—Paragraphs (1) and (2) do not apply to subsections (b) and (c) of section 14.

SEC. 16. REGULATIONS AND ORDERS.

The Secretary may promulgate such regulations, and issue such orders, as the Secretary determines necessary to carry out this Act.

SEC. 17. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated such sums as are necessary to carry out this Act.

(b) TRANSFER OF FUNDS.—

(1) IN GENERAL.—In connection with an emergency under which a pest or disease of livestock threatens any segment of agricultural production in the United States, the Secretary may transfer from other appropriations or funds available to the agencies or corporations of the Department of Agriculture such funds as the Secretary determines are necessary for the arrest, control, eradication, or prevention of the spread of the pest or disease of livestock and for related expenses.

(2) AVAILABILITY.—Any funds transferred under this subsection shall remain available until expended, without fiscal year limitation.

(c) USE OF FUNDS.—In carrying out this Act, the Secretary may use funds made available to carry out this Act for—

(1) printing and binding, without regard to section 501 of title 44, United States Code;

(2) the employment of civilian nationals in foreign countries; and

(3) the construction and operation of research laboratories, quarantine stations, and other buildings and facilities for special purposes.

SEC. 18. REPEALS AND CONFORMING AMENDMENTS.

(a) REPEALS.—The following provisions of law are repealed:

(1) Public Law 97-46 (7 U.S.C. 147b).

(2) Section 101(b) of the Act of September 21, 1944 (7 U.S.C. 429).

(3) The Act of August 28, 1950 (7 U.S.C. 2260).

(4) Section 919 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 2260a).

(5) Section 306 of the Tariff Act of 1930 (19 U.S.C. 1306).

(6) Sections 6 through 8 and 10 of the Act of August 30, 1890 (21 U.S.C. 102 through 105).

(7) The Act of February 2, 1903 (21 U.S.C. 111, 120 through 122).

(8) Sections 2 through 9, 11, and 13 of the Act of May 29, 1884 (21 U.S.C. 112, 113, 114, 114a-1, 115 through 120, 130).

(9) The first section and sections 2, 3, and 5 of the Act of February 28, 1947 (21 U.S.C. 114b, 114c, 114d, 114d-1).

(10) The Act of June 16, 1948 (21 U.S.C. 114e, 114f).

(11) Public Law 87-209 (21 U.S.C. 114g, 114h).

(12) Section 2506 of the Food, Agriculture, Conservation, and Trade Act of 1990 (21 U.S.C. 114i).

(13) The third and fourth provisos of the fourth paragraph under the heading "BUREAU OF ANIMAL INDUSTRY" of the Act of May 31, 1920 (21 U.S.C. 116).

(14) The first section and sections 2, 3, 4, and 6 of the Act of March 3, 1905 (21 U.S.C. 123 through 127).

(15) The first proviso under the heading “GENERAL EXPENSES, BUREAU OF ANIMAL INDUSTRY” under the heading “BUREAU OF ANIMAL INDUSTRY” of the Act of June 30, 1914 (21 U.S.C. 128).

(16) The fourth proviso under the heading “SALARIES AND EXPENSES” under the heading “ANIMAL AND PLANT HEALTH INSPECTION SERVICE” of title I of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (21 U.S.C. 129).

(17) The third paragraph under the heading “MISCELLANEOUS” of the Act of May 26, 1910 (21 U.S.C. 131).

(18) The first section and sections 2 through 6 and 11 through 13 of Public Law 87-518 (21 U.S.C. 134 through 134h).

(19) Public Law 91-239 (21 U.S.C. 135 through 135b).

(20) Sections 12 through 14 of the Federal Meat Inspection Act (21 U.S.C. 612 through 614).

(21) Chapter 39 of title 46, United States Code.

(b) CONFORMING AMENDMENTS.—

(1) Section 414(b) of the Plant Protection Act (7 U.S.C. 7714(b)) is amended—

(A) in paragraph (1), by striking “, or the owner’s agent,”; and

(B) in paragraph (2), by striking “or agent of the owner” each place it appears.

(2) Section 423 of the Plant Protection Act (7 U.S.C. 7733) is amended—

(A) by striking subsection (b) and inserting the following:

“(b) LOCATION OF PRODUCTION.—The attendance of any witness and production of documentary evidence relevant to the inquiry may be required from any place in the United States.”;

(B) in the third sentence of subsection (e), by inserting “to an agency other than the Office of Administrative Law Judges” after “is delegated”; and

(C) by striking subsection (f).

(3) Section 11(h) of the Endangered Species Act of 1973 (16 U.S.C. 1540(h)) is amended in the first sentence by striking “animal quarantine laws (21 U.S.C. 101-105, 111-135b, and 612-614)” and inserting “animal quarantine laws (as defined in section 2509(f) of the Food, Agriculture, Conservation, and Trade Act of 1990 (21 U.S.C. 136a(f)))”.

(4) Section 18 of the Federal Meat Inspection Act (21 U.S.C. 618) is amended by striking “of the cattle” and all that follows through “as herein described” and inserting “of the carcasses and products of cattle, sheep, swine, goats, horses, mules, and other equines”.

(5) Section 2509 of the Food, Agriculture, Conservation, and Trade Act of 1990 (21 U.S.C. 136a) is amended—

(A) in subsection (c), by inserting after paragraph (1) the following:

“(2) VETERINARY DIAGNOSTICS.—The Secretary may prescribe and collect fees to recover the costs of carrying out the provisions of the Animal Health Protection Act that relate to veterinary diagnostics.”; and

(B) in subsection (f)(1), by striking subparagraphs (B) through (O) and inserting the following:

“(B) section 9 of the Act of August 30, 1890 (21 U.S.C. 101);

“(C) the Animal Health Protection Act; or

“(D) any other Act administered by the Secretary relating to plant or animal diseases or pests.”.

(c) EFFECT ON REGULATIONS.—A regulation issued under a provision of law repealed by subsection (a) shall remain in effect until the Secretary issues a regulation under section 16 that supersedes the earlier regulation.

By Mr. WELLSTONE (for himself and Mrs. MURRAY):

S. 1483. A bill to amend Family Violence Prevention and Services Act to reduce the impact of domestic violence, sexual assault, and stalking on the lives of youth and children and provide appropriate services for children and youth experiencing or exposed to domestic violence, sexual assault, or stalking; to the Committee on Health, Education, Labor, and Pensions.

Mr. WELLSTONE. Mr. President, I am introducing legislation today, with Senator MURRAY, that would address one of the most challenging and tragic crimes in our society. This bill is the Children Who Witness Domestic Violence Act. It is a comprehensive first step towards confronting the impact of domestic violence on children. This bill addresses the issue from multiple perspectives by providing funds for several key programs.

The bill would support multi-system interventions for children who witness domestic violence by providing non-profit agencies with funding to bring various service providers together to design and implement intervention programs for children who witness domestic violence. These working partnerships would take advantage of local resources such as counselors, courts, schools, health care providers and battered women’s programs to best address the needs of children in violent homes.

The bill would also create opportunities for domestic violence community agencies and elementary and secondary schools to work together to address the needs of children who witness and experience domestic violence. For example, domestic violence agencies could work with schools to provide domestic violence training to school officials and to students so they can make appropriate referrals and can understand how witnessing domestic violence impacts children’s behavior and achievement. The groups could provide anger management and other educational programming to students so they can learn about and deal with the problem as they experience it.

The bill would also provide training to child welfare, and where appropriate, to court and law enforcement personnel to assist them in recognizing and treating domestic violence as a serious problem threatening the safety and well being to both children and adults. Training would include teaching staff to recognize the overlap between child abuse and domestic violence and to better identify the presence of domestic violence in child welfare cases. Staff would also be taught how to increase the safety and well-being of child witnesses of domestic violence as well as the safety of the non-abusing parent so that children can stay with their non-abusing parent when it is safe to do so.

The bill would provide funds to shelters so they can run programs to address the physical, emotional and

logistical needs of children who stay there. The bill also would give funds to States to assist private and public agencies and organizations in expanding crisis nurseries—temporary respite care for children who are at risk of abuse in their homes. Such nurseries have proven effective in preventing child abuse and in keeping families together in a safe way, when possible.

Finally, the bill would fund comprehensive research to investigate the link between domestic violence and child abuse, the link between childhood exposure to domestic violence and violent behavior in youth and adults, and other key issues that can provide insight into appropriate remedies for this devastating problem.

Mr. President, I introduce this legislation today, because, as I have said before, nowhere is violence more isolated from view, more difficult to combat and more far reaching in its impact than violence in the home. To turn a blind eye to the suffering of the victims of domestic violence and their children is to be, however unwittingly, complicitous in the crime because it is out of sight and behind closed doors that domestic violence thrives.

This bill reflects the fact that the effects of domestic violence extend far beyond the moment when violence occurs. One of the most compelling marks that violence against women leaves is on our children. I am reminded of the voice of Quinese Robinson, a teenager from Minneapolis, who just last year, came home to find that her mother’s husband had brutally murdered her mother. Quinese simply said, “My Mom is the most important person in our life. When he killed her, he basically killed all four of us, because we do not have a mother.”

This is one story among millions. It is estimated that as many as 10 million children witness violence in the home each year, and much of this violence is repetitive. As many as 70 percent of children who witness domestic violence are also victims of child abuse. If we are serious about helping children and reducing youth violence, we cannot ignore the impact of domestic violence on children.

Studies indicate that children who witness their fathers beating their mothers suffer emotional problems, including slowed development, sleep disturbances, and feelings of hopelessness, depression, and anxiety. Many of these children exhibit more aggressive, anti-social, and fearful behaviors. They also show lower social competence than other children.

Children in homes where their mothers were abused have also shown less skill in understanding how others feel when compared to children from non-violent households. Even one episode of violence can produce post-traumatic stress disorder in children. Children who witness domestic violence are at higher risk of suicide.

Jeffrey Edleson and others at the Minnesota Center Against Violence and

Abuse at the University of Minnesota collected multiple studies on the devastating results of this trauma. The examples are painful, but they deserve telling. One 4 year old girl named Julie witnessed her father stab her mother to death. In describing the event, Julie consistently placed her father at the scene of the crime and recounted her father's efforts to clean up after the crime. She could not describe her father's actions but when the district attorney saw Julie stabbing a pillow and crying "Daddy pushed Mommy down," he was sure that the father had committed the crime.

A child who was being treated at San Francisco General Hospital saw his father cut his mother's throat. For a period of time after the crime, the child could not speak.

Not surprisingly, Edleson found that children growing up in violent families are more likely to engage in youth violence and that the social and economic risk factors for youth violence correspond to the risk factors for domestic violence and child abuse.

The Office of Juvenile Justice and Delinquency Prevention at the U.S. Dept. of Justice identifies family violence as a major risk factor in the lives of serious, violent and chronic juvenile offenders. It is estimated that as many as 40 percent of violent juvenile offenders come from homes where there is domestic violence.

In addition to increasing violence, witnessing domestic violence directly hinders school achievement. Child witnesses have higher incidences of impaired concentration, poor school attendance, being labeled an underachiever, and difficulties in cognitive and academic functioning.

As this overwhelming research indicates, domestic violence and violence against women permeate our entire society. People who try to keep family violence quiet and hidden behind the walls of the home ignore its tragic echoes in the hearts and minds of our children, in our schools, on the streets and in our human relationships.

In the face of this devastating situation, I call on my colleagues to say to these child witnesses around the country, that they will not suffer in silence, for that is what their abusers want them to do. Their cries will not be muffled behind closed doors and by the fear inflicted by abusive parents. We need to provide these children with a way out of violence and a way to deal with the pain of violence.

This bill represents a modest step to address this devastating problem. I urge my colleagues, in the names of all of these children, to support this critical legislation.

By Mr. McCANNELL:

S. 1484. A bill to prevent fraud in the solicitation of charitable contributions, and for other purposes; to the Committee on the Judiciary.

Mr. McCANNELL. Mr. President, the Nation's armies of compassion have

rallied in response to the events of September 11 and thus far have contributed more than \$676 million to our Nation's charities. But this largess have proven an irresistible target to criminals who prey upon the generous and good-hearted nature of Americans in this time of national emergency. We heard reports of false charities exploiting well-intentioned Americans during the Gulf War and after the Oklahoma City bombing and we now hear similar reports that the September 11 attacks have given these unusually heartless criminals new opportunities to perpetrate fraud.

Almost daily we hear of American citizens receiving solicitations from phony charities. News reports from more than a dozen States, from New York to Florida to California, reveal that Americans are being asked to contribute to what turn out to be bogus victim funds, phony firefighter funds and questionable charitable organizations. The fraudulent solicitation of charitable contributions is a problem all across our Nation.

Well-meaning Americans unwittingly contribute an estimated \$1.5 billion per year in contributions to fraudulent charities. This \$1.5 billion is intended to feed rescue workers, shelter the homeless, and care for those who have lost loved ones. Instead, this money is siphoned into the pockets of cold-hearted criminals. In the wake of the September 11 attacks, the amount of misappropriated contributions will surely increase. The Better Business Bureau reports that inquiries from consumers about dubious fund-raising practices have increased approximately 40 percent since September 11. Unfortunately, these criminals frequently prey upon our Nation's seniors, whose fervent patriotism and generous hearts can make them easy marks for a grifter's scam.

These crooks often try to confuse their victims by using names that sound like reputable charities and relief efforts. For example, some scam artists ask for donations to the Red Cross of America or the Armenian Red Cross, not the legitimate relief organization known the world over as the American Red Cross. Other crooks use the name "firefighter fund" or "victim's survivors fund" in their fraudulent appeals.

While an informed donor is the first line of defense against sham solicitors, there also are steps Congress should take in addressing this problem. Current Federal law targets fraudulent solicitations and telemarketing scams related to the sale of products and services and sweepstakes and contests, but does not specifically cover the fraudulent solicitation of charitable contributions. That is why I rise today to offer legislation, the Crimes Against Charitable Americans Act, which would authorize law enforcement and regulatory agencies to specifically target these fraudulent solicitations.

My bill, the Crimes Against Charitable Americans Act, strengthens Fed-

eral law by first, making it a Federal crime to fraudulent solicit charitable contributions or donations. This crime would be punishable by a fine and imprisonment for 5 years, or both, and those convicted would be ordered to provide restitution to their victims. Second, my bill increases the penalty from 1 year to 5 years for those convicted of impersonating members or agents of the Red Cross in order to solicit contributions. Third, my bill directs the Federal Trade Commission, the Federal agency with primary enforcement against consumer fraud, to include charitable solicitations within its definition of telemarketing and to promulgate rules designed to end such fraudulent practices. These FTC regulations also give local and state officials the authority to persecute violators, which will increase the possibility that scam artists will be caught and punished. Finally, this legislation broadens the definition of telemarketing in federal law to include charitable solicitations and provides for up to a 10-year sentence enhancement for anyone who fraudulently solicits charitable contributions in connection with the commission of other Federal crimes. This maximum sentence enhancement of 10 years is reserved for those criminals who target our generous seniors with fraudulent appeals for money.

There are more than half-a-million federally recognized charities in America that raised more than \$200 billion in contributions last year. Those who seek to profit from tragedy, especially the events of September 11, deserve a special degree of society's scorn and a special punishment under federal law. Not only do they steal valuable resources from the most worthy of recipients, but they erode the trust of the American people in legitimate charitable organizations. America is a generous and compassionate Nation and we must preserve the integrity of our charities and their ability to help others. The Senate can protect the noble work of our Nation's charities by passing the Crimes Against Charitable Americans Act.

I ask unanimous consent that the text of the bill, a letter of endorsement from the Bluegrass Area Chapter of the American Red Cross, and information sheets from the Federal Trade Commission and the AARP about fraud and charitable donations be printed in the RECORD.

There being no objection, the bill and the additional material were ordered to be printed in the RECORD, as follows:

S. 1484

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 "Crimes Against Charitable Americans Act of 2001".

SEC. 2. FRAUD AND FALSE STATEMENTS.

Chapter 47 of title 18, United States Code, is amended by adding at the end the following:

§ 1037. Fraud and related activity in the solicitation of charitable contributions

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

“(1) for an alleged charitable or beneficial organization, or an alleged charitable or beneficial purpose; and

“(2) in connection with a disaster or emergency which has been officially designated a Federal disaster or Federal emergency by the President or any other appropriate Federal official.

“(b) PENALTY.—A person who is convicted of an offense under subsection (a)—

“(1) shall be fined under this title or imprisoned for not less than 5 years, or both; and

“(2) shall be ordered by the court to pay restitution to any victim, and may be ordered to pay restitution to others, who sustained losses as a result of fraudulent activity of the offender under subsection (a).”

SEC. 3. TELEMARKETING AND CONSUMER FRAUD ABUSE.

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

(1) in section 3(a)(2), by inserting after “practices” the second place it appears the following: “which shall include fraudulent charitable solicitations, and”;

(2) in section 3(a)(3)—

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

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

(C) by adding at the end the following:

“(D) a requirement that any person engaged in telemarketing for the solicitation of charitable contributions, donations, or gifts of money or any other thing of value, shall promptly and clearly disclose to the person receiving the call that the purpose of the call is to solicit charitable contributions, donations, or gifts, and make such other disclosures as the Commission considers appropriate, including the name and mailing address of the charitable organization on behalf of which the solicitation is made.”; and

(3) in section 7(4), by inserting “, or a charitable contribution, donation, or gift of money or any other thing of value,” after “services”.

SEC. 4. RED CROSS MEMBERS OR AGENTS.

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

SEC. 5. TELEMARKETING FRAUD.

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

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

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

(3) by inserting after subparagraph (B) the following:

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

(4) in the flush language, by inserting “or charitable contributor, or donor” after “participant”.

AMERICAN RED CROSS,
Lexington, KY, October 2, 2001.

Hon. MITCH MCCONNELL,
U.S. Senate, Russell Senate Office Building,
Washington, DC.

DEAR SENATOR MCCONNELL, I have reviewed your proposed Crime Against Charitable Americans Act of 2001 and on behalf of the Bluegrass Area Chapter of the American Red Cross fully endorse your efforts.

Whether handling donated funds or fees for products and services, upholding the public's trust is critically important to the Red Cross. The Red Cross is committed to high standards of financial stewardship and those who fraudulently solicit charitable contributions or donations erode the basic foundations of our organization.

I commend you for stepping forward in this effort to stop those who breed on opportunities of national disaster for personal gain. If I can be of assistance in promoting this act, let me know.

Sincerely,

PAUL B. HAY,
Executive Director.

HELPING VICTIMS OF THE TERRORIST ATTACKS: YOUR GUIDE TO GIVING WISELY

In the wake of the September 11 terrorist attacks on the World Trade Center and the Pentagon, Americans are opening their hearts and wallets to help the nation recover. If you're thinking about donating to the cause, here are some tips to help you give wisely:

Donate to recognized charities you have given to before. Watch out for similar sounding names. Some phony charities use names that sound or look for those of respected, legitimate organizations.

Give directly to the charity, not solicitors for the charity. That's because solicitors take a portion of the proceeds to cover their costs. That leaves less for the victims.

Do not give out personal or financial information—including your Social Security number or credit card and bank accounts numbers—to anyone who solicits a contribution from you. Scam artists use this information to commit fraud against you.

Check out charities. Contact the Better Business Bureau's Wise Giving Alliance: 4200 Wilson Blvd, Suite 800, Arlington, VA 22203; (703) 276-0100; www.give.org.

Don't give cash. For security and tax record purposes, pay by check. Write the official name of the charity on your check. Or you can contribute safety online through www.libertyunites.org.

Ask for identification if you're approached in person. Many states require paid fundraisers to identify themselves as such and to name the charity for which they're soliciting.

To report a fraud, contact the Federal Trade Commission toll-free: 1-877-FTC-HELP (1-877-382-4357) or use the complaint form at www.ftc.gov. The FTC works for the consumer to prevent fraudulent, deceptive and unfair business practices in the marketplace and to provide information to help consumers spot, stop and avoid them. The FTC enters Internet, telemarketing, identify theft and other fraud related complaints into Consumer Sentinel, a secure, online database available to hundreds of civil and criminal law enforcement agencies in the U.S. and abroad.

[From AARP Bulletin Online, Oct. 2001]

TRAGEDY CAN BE OPPORTUNITY FOR CON ARTISTS

Be very cautious of anyone soliciting money to help rescuers and victims of the recent tragic events in New York and Washington, D.C. The U.S. Postal Inspection Service, and other law enforcement agencies, are warning people about phone calls, e-mails or any other attempts to obtain donations.

Shortly after the tragedy, con artists claiming to represent victims, firefighters, law enforcement or charities were asking for money. If you want to donate, contact legitimate charities yourself rather than responding to requests.

Older consumers report that, on average, they get more than six calls or letters seek-

ing charitable donations every week. That's more than 300 calls or letters every year. More than two-thirds of older consumers are not confident that unknown callers “really represent the organization they say they do.” [For more information, visit the AARP website's Telemarketing Fraud section.]

TIPS FOR CHARITABLE GIVING

Before you give, get more information: Ask the charity's full name, address and telephone number.

Ask how much of your donation goes to the program that the request describes—and how much goes to administrative costs.

Call your state Attorney General or Secretary of State's office to see if the charity is registered.

Depending on your state, charities must file financial and other disclosure statements; get copies, and review them.

Don't provide your credit-card number or personal information to telephone or e-mail solicitors.

BE SURE YOU KNOW WHO IS CALLING

If a fundraiser calls, call the charity directly to ask if it is really sponsoring a fundraising drive.

Also beware of phony charity names that sound similar to legitimate organizations. Don't assume that you know a group because the name or symbols seem familiar.

PROTECT YOUR CHARITABLE DOLLARS

To ensure that your contributions actually benefit those in need, follow these guidelines:

Pay with a check or money order made out to the charity—not the fundraiser itself.

Don't give money at the door to a courier or messenger—nor by leaving a check under the doormat. Send your contribution directly to the charity.

Don't feel pressured to make a donation on the spot. There will be plenty of opportunities to contribute in the future.

Keep records of your donations and pledges, and check your records if someone says you made a pledge that you don't recall.

Know the difference between tax deductible and tax exempt. Donations to tax-exempt organizations are not necessarily tax deductible for you. If your donation is tax deductible, get a receipt.

ONLINE GIVING

The AARP Bulletin is providing links to some of the legitimate charities collecting money to help the victims of the September 11 tragedies.

The following Web sites can provide additional information on charitable giving and charity fraud.

Federal Trade Commission: If you suspect charity fraud, you can file a report online with the Federal Trade Commission. <http://www.ftc.gov>.

Better Business Bureau: The Better Business Bureau has much advice on charitable giving, including donating used cars and tax deductibility issues. <http://www.give.org/tips/index.asp>.

Wise Giving Alliance: Want to check out national charities? This site has reports on hundreds of charities, how much of the money raised goes to administrative or fund raising costs, contact information and charitable missions. <http://www.give.org>.

STATEMENTS ON SUBMITTED RESOLUTIONS**SENATE RESOLUTION 165—ESTABLISHING A SELECT COMMITTEE ON HOMELAND SECURITY AND TERRORISM**

Mr. ROBERTS submitted the following resolution; which was referred