

§ 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

to the Committee on Rules and Administration:

S. RES. 165

Resolved,

SECTION 1. ESTABLISHMENT OF SELECT COMMITTEE ON HOMELAND SECURITY AND TERRORISM.

(a) **ESTABLISHMENT.**—There is established a select committee of the Senate, to be known as the Select Committee on Homeland Security and Terrorism (in this resolution referred to as the “Select Committee”).

(b) **PURPOSES.**—

(1) **IN GENERAL.**—The purposes of the Select Committee are—

(A) to assist the Senate in coordinating and prioritizing Federal reforms, initiatives, and proposals to detect, deter, and manage the consequences of terrorism and incidents of terrorism in the United States;

(B) to consult with and receive testimony from the President’s Office of Homeland Security and other appropriate Federal agencies;

(C) to make such findings of fact as are warranted and appropriate; and

(D) to make such recommendations, including recommendations for new legislation and amendments to existing laws and any administrative or other actions, as the Select Committee may determine to be necessary or desirable.

(2) **LEGISLATIVE JURISDICTION.**—There shall be referred to the Select Committee all proposed legislation, messages, petitions, memorials, and other matters relating to Federal reforms, initiatives, and proposals to detect, deter, and manage the consequences of terrorism and incidents of terrorism in the United States.

(c) **COMPOSITION.**—

(1) **IN GENERAL.**—The Select Committee shall be composed, as follows:

(A) The Majority Leader of the Senate and the Minority Leader of the Senate.

(B) The chairman and ranking minority member of each of the committees designated by the Majority and Minority Leaders of the Senate, acting jointly, as having primary and preeminent jurisdiction over homeland security and terrorism.

(C) Two Members of the Senate who do not serve on any committee designated under subparagraph (B), appointed by the Majority Leader.

(D) Two Members of the Senate who do not serve on any committee designated under subparagraph (B), appointed by the Minority Leader.

(E) Two Members with expertise and experience in homeland security and terrorism, appointed by the Majority Leader.

(F) Two Members with expertise and experience in homeland security and terrorism, appointed by the Minority Leader.

(2) **COCHAIRMEN.**—The Majority and Minority Leaders of the Senate shall serve as co-chairmen of the Select Committee.

(3) **CO-VICE CHAIRMEN.**—The Majority Leader of the Senate shall designate one of the Members of the Senate appointed under paragraph (1)(C) to serve as co-vice chairman. The Minority Leader of the Senate shall designate one of the Members of the Senate appointed under paragraph (1)(D) to serve as co-vice chairman.

(4) **SERVICE.**—For the purpose of paragraph 4 or rule XXV of the Standing Rules of the Senate, service of a Senator as a member, chairman, or vice chairman of the Select Committee shall not be taken into account.

SEC. 2. POWERS.

(a) **IN GENERAL.**—For the purposes of this resolution, the Select Committee is authorized—

(1) to make investigations into any matter within its jurisdiction;

(2) to make expenditures from the contingent fund of the Senate;

(3) to employ personnel;

(4) to hold hearings;

(5) to sit and act at any time or place during the sessions, recesses, and adjourned periods of the Senate;

(6) to procure the service of individual consultants or organizations thereof, in accordance with the provisions of section 202(i) of the Legislative Reorganization Act of 1946;

(7) to require, by subpoena or otherwise, the attendance of witnesses and the production of correspondence, books, papers, and documents; and

(8) to take depositions and other testimony.

(b) **ADMINISTRATION OF OATHS.**—The chairman of the Select Committee or any member thereof may administer oaths to witnesses.

(c) **SUBPOENAS.**—Subpoenas authorized by the Select Committee may be issued over the signature of the chairman, the vice chairman or any member of the Select Committee designated by the chairman, and may be served by any person designated by the chairman or any member signing the subpoenas.

SEC. 3. REPORTS.

(a) **TO THE SENATE.**—The Select Committee, for the purposes of accountability to the Senate, shall make regular and periodic reports to the Senate on the nature and extent of the homeland security and antiterrorism activities of the various departments and agencies of the United States. Such committee shall promptly call to the attention of the Senate or to any other appropriate committee or committees of the Senate any matters requiring the attention of the Senate or such other committee or committees.

(b) **FROM THE EXECUTIVE BRANCH.**—The Select Committee shall obtain an annual report from the President. The report shall review the activities of the agencies or departments concerned to detect, deter, and manage the consequences of terrorism and incidents of terrorism in the United States. An unclassified version of the report may be made available to the public at the discretion of the Select Committee.

SEC. 4. INFORMATION SHARING.

It is the sense of the Senate that the head of each department and agency of the United States should keep the Select Committee fully and currently informed with respect to homeland security and antiterrorism activities, including any significant anticipated activities, which are the responsibility of or engaged in by such department or agency, except that this does not constitute a condition precedent to the implementation of any such activity.

SEC. 5. CONSTRUCTION.

Nothing in this resolution shall be construed as prohibiting or otherwise restricting the authority of any other committee to study and review any homeland security or antiterrorism matter to the extent that such matter directly affects a matter otherwise within the jurisdiction of such committee.

SENATE CONCURRENT RESOLUTION 74—CONDEMNING BIGOTRY AND VIOLENCE AGAINST SIKH-AMERICANS IN THE WAKE OF TERRORIST ATTACKS IN NEW YORK CITY AND WASHINGTON, D.C. ON SEPTEMBER 11, 2001

Mr. DURBIN (for himself, Mr. SPENCER, Mr. LEAHY, Mr. DEWINE, Mr. KENNEDY, Mr. BROWNBACK, Mr. BIDEN, Mr. FITZGERALD, Mrs. FEINSTEIN, Mr. ALLEN, Mr. FEINGOLD, Mr. BENNETT,

Mr. SCHUMER, Mr. JEFFORDS, Ms. CANTWELL, Mr. EDWARDS, Mrs. CLINTON, Mr. BINGAMAN, Mr. KERRY, Mrs. MURRAY, Mr. CORZINE, Mrs. BOXER, Ms. LANDRIEU, Ms. MIKULSKI, Mr. CLELAND, Mr. LIEBERMAN, Mr. CARPER, Mr. TORRICELLI, Mr. SARBANES, Mr. LEVIN, Mr. INOUYE, Mr. JOHNSON, and Mr. REID) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary

S. CON. RES. 74

Whereas all Americans are united in condemning, in the strongest possible terms, the terrorists who planned and carried out the attacks against the United States on September 11, 2001, and in pursuing all those responsible for those attacks and their sponsors until they are brought to justice;

Whereas Sikh-Americans form a vibrant, peaceful, and law-abiding part of America’s people;

Whereas approximately 500,000 Sikhs reside in the United States and are a vital part of the Nation;

Whereas Sikh-Americans stand resolutely in support of the commitment of our Government to bring the terrorists and those that harbor them to justice;

Whereas the Sikh faith is a distinct religion with a distinct religious and ethnic identity that has its own places of worship and a distinct holy text and religious tenets;

Whereas many Sikh-Americans, who are easily recognizable by their turbans and beards, which are required articles of their faith, have suffered both verbal and physical assaults as a result of misguided anger toward Arab-Americans and Muslim-Americans in the wake of the September 11, 2001 terrorist attack;

Whereas Sikh-Americans, as do all Americans, condemn acts of hate and prejudice against any American; and

Whereas Congress is seriously concerned by the number of hate crimes against Sikh-Americans and other Americans all across the Nation that have been reported in the wake of the tragic events that unfolded on September 11, 2001: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) declares that, in the quest to identify, locate, and bring to justice the perpetrators and sponsors of the terrorist attacks on the United States on September 11, 2001, the civil rights and civil liberties of all Americans, including Sikh-Americans, should be protected;

(2) condemns bigotry and any acts of violence or discrimination against any Americans, including Sikh-Americans;

(3) calls upon local and Federal law enforcement authorities to work to prevent hate crimes against all Americans, including Sikh-Americans; and

(4) calls upon local and Federal law enforcement authorities to prosecute to the fullest extent of the law all those who commit hate crimes.

Mr. DURBIN. Mr. President, today I rise with 31 of my Senate colleagues to submit a resolution condemning bigotry and violence toward Sikh-Americans.

Last week, Amrit Kau Mago, a student at George Washington University, from my home State of Illinois, came to my office and brought the serious issue of hate crimes against Sikh-Americans in the wake of terrorist attacks on September 11, to my attention.