

to add the Martin Luther King Jr. holiday to the list of days on which the flag should especially be displayed, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

Mr. BENTSEN. Reserving the right to object, Mr. Speaker, I yield to the gentleman from Florida (Mr. MCCOLLUM) for an explanation.

Mr. MCCOLLUM. Mr. Speaker, this text is virtually identical to the Martin Luther King corrections bill we just passed in the House. It has already passed the Senate. This way we can send it immediately to the President, and it becomes law, and it is purely technical in that regard. But I thank the gentleman for yielding.

Mr. BENTSEN. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 322

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

**SECTION 1. ADDITION OF MARTIN LUTHER KING JR. HOLIDAY TO LIST OF DAYS.**

Section 6(d) of title 4, United States Code, is amended by inserting "Martin Luther King Jr.'s birthday, third Monday in January;" after "January 20;".

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 576) was laid on the table.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 8 of rule XX, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered or on which the vote is objected to under clause 6 of rule XX.

Such rollcall votes, if postponed, will be taken after debate has concluded on all motions to suspend the rules, but not before 6 p.m. today.

FEDERAL LAW ENFORCEMENT ANIMAL PROTECTION ACT OF 1999

Mr. MCCOLLUM. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1791) to amend title 18, United States Code, to provide pen-

alties for harming animals used in Federal law enforcement, as amended.

The Clerk read as follows:

H.R. 1791

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Federal Law Enforcement Animal Protection Act of 1999".

**SEC. 2. HARMING ANIMALS USED IN LAW ENFORCEMENT.**

(a) IN GENERAL.—Chapter 65 of title 18, United States Code, is amended by adding at the end the following:

**"§ 1368. Harming animals used in law enforcement**

"(a) Whoever willfully and maliciously harms any police animal, or attempts to conspire to do so, shall be fined under this title and imprisoned not more than one year. If the offense permanently disables or disfigures the animal, or causes serious bodily injury or the death of the animal, the maximum term of imprisonment shall be 10 years.

"(b) In this section, the term 'police animal' means a dog or horse employed by a Federal agency (whether in the executive, legislative, or judicial branch) for the principal purpose of aiding in the detection of criminal activity, enforcement of laws, or apprehension of criminal offenders."

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 65 of title 18, United States Code, is amended by adding at the end the following new item:

"1368. Harming animals used in law enforcement."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. MCCOLLUM) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. MCCOLLUM).

GENERAL LEAVE

Mr. MCCOLLUM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on H.R. 1791, the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. MCCOLLUM. Mr. Speaker, I yield myself such time as I may consume.

The Federal Law Enforcement Animal Protection Act of 1999 was introduced by the gentleman from Illinois (Mr. WELLER) and passed both the Subcommittee on Crime and the full Committee on the Judiciary by voice votes. This bill proposes to add a new section to the Federal Criminal Code that would make it a crime to willfully and maliciously harm any police animal or attempt to conspire or attempt to conspire to do so. The bill defines police animal as a dog or horse employed by a Federal agency for the principal purpose of detecting criminal activity, enforcing the laws or apprehending criminal offenders.

Under current law, harming an animal used by the Federal Government for law enforcement purposes can only be punished under the statute that punishes damage to government prop-

erty. The statute imposes punishment based on the value of the damage done in monetary terms. Under that statute a criminal who kills a police dog might receive only a misdemeanor sentence due to the low monetary value of the dog; but, as we all know, the government spends a considerable amount of time and money to train these animals. And the government employees who use these dogs during the course of their law enforcement work often form a close bond with them, and so their work can suffer when the animal they work with each day is harmed.

In many cases these animals have prevented harm to citizens and even saved the lives of children, and so it is appropriate that we punish criminal acts towards these animals more harshly than we punish damage done to inanimate government property. Under the bill, the maximum punishment that could be imposed for harming a police animal is 1 year in prison. If the offense permanently disables or disfigures the animal or results in the serious bodily injury or death of the animal, the maximum punishment that can be imposed increases to 10 years in prison.

I support the bill. I believe the bill strikes the right balance. I thank the gentleman from Illinois (Mr. WELLER) for his leadership in bringing this issue to the attention of the Committee on the Judiciary, and I urge all my colleagues to support it.

Mr. Speaker, I reserve the balance of my time.

Mr. SCOTT. Mr. Speaker, I yield myself such time as I may consume.

Under current law, Mr. Speaker, as the gentleman has indicated, damage from an animal owned by the Federal Government is punishable as destruction of Federal property. More specifically, willful harm to an animal owned by the Federal Government whose damage or injury is valued at less than a thousand dollars and results in a 1-year maximum imprisonment if the damage exceeds the thousand dollars, the maximum punishment is 10 years.

One problem with the provision is that police dogs rarely have a technical value which exceeds a thousand dollars, so no matter how vicious or cruel the offense, under current law the felony provisions cannot be invoked. H.R. 1791, the Federal Law Enforcement Animal Protection Act of 1999, would make it a crime to willfully harm any police animal or attempt to do so. The maximum punishment would be 1 year imprisonment unless that harm inflicted disables or disfigures the animal, in which case the maximum penalty would increase to 10 years.

At full committee markup, the amendments were offered to specify that we are talking about an act done out of malice to the animal as opposed to simply responding to an attack by the animal and to establish a clear line between the felony injury and the misdemeanor. The amendments were accepted and were incorporated in the bill as we are now considering it.

With those changes, Mr. Speaker, I support H.R. 1791.

Mr. Speaker, I reserve the balance of my time.

Mr. MCCOLLUM. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. WELLER), the author of this bill.

(Mr. WELLER asked and was given permission to revise and extend his remarks.)

Mr. WELLER. Mr. Speaker, I particularly want to thank my friend, the gentleman from Florida (Mr. MCCOLLUM) for his help and assistance in moving this legislation forward.

Mr. Speaker, it is a simple question. Is it right that Federal law enforcement animals, dogs and horses, have no more protection under the law than a computer or a government desk? Is it right that if one maims or kills a drug sniffing dog that they are held no more accountable than if they smash a chair?

Well, under current law that is true. It is exactly the case, and our federal law enforcement animals, both dogs and horses, are afforded no more protection under the law than a piece of furniture. Today these highly-trained animals are covered under the same statutes that deal with the destruction of government property. While this is a tool, the problem with the destruction of government property statute is that it is very hard to prosecute in cases where a dog or horse is injured or assaulted but not killed. Additionally, the current statute does not include any mandatory jail time for those who would injure or kill these valuable animals.

Our legislation cosponsored with my friend, the gentleman from New Jersey (Mr. ROTHMAN), H.R. 1791, the Federal Law Enforcement Animal Protection Act which was drafted in cooperative effort with United States Border Patrol, United States Customs Service, United States Park Police, and other agencies as well as the Humane Society of the United States will address these problems. H.R. 1791 will use the same fine structure as the current destruction of government property statute but will add two sections to current law, one for assaults on police animals and one for disablement, disfigurement or death of the animal.

For the lesser assault violation, offenders will be subject for a fine of up to \$1,000 with mandatory jail time of up to 1 year. For the more serious offense of death or disfigurement, violators will be subject to a fine in excess of \$1,000 with mandatory jail time ranging from 1 to 10 years.

All federal law enforcement animals and all three branches of government will be covered by H.R. 1791 from the horses used in law enforcement here in Washington on the mall or at the Grand Canyon to agricultural inspection canines and drug-sniffing dogs used by the Customs Service and Border Patrol. These are highly trained animals and they are often a human of-

ficer's first line of defense when fighting crime. Federal canines, Federal police dogs cost the taxpayers up to \$20,000 to train, up to \$3500 to purchase and over a thousand dollars a year to feed and keep healthy every year. Park police tells me that it costs them almost \$2,500 a year also to keep their horses maintained and healthy as well.

To illustrate the value of these animals who are a human officer's first line of defense in fighting drugs and other crimes, let me give these statistics:

In 1998 alone, 164 canine teams of the Border Patrol apprehended over 32,000 illegal aliens, uncovered over 4 tons of cocaine, 150 tons of marijuana, and over \$2 million in illegal drug moneys. Customs Service canines have had similar success with 627 canine teams serving over 75 locations nationwide including most of our international airports and port cities. Customs Service has canine teams stationed at O'Hare Airport, my home State of Illinois, and it has also come to my attention that the Eleventh Congressional District which I have the privilege of representing is a source where federal law enforcement agencies go to get canines from local breeders in my home State of Illinois.

Mr. Speaker, just take a moment and listen to the people who know firsthand the value of these animals. Russ Hess, Executive Director of the United States Police Canine Association wrote me back in May, and I quote, the increase in assault on law enforcement animals is at an all time high. In 1998, we had eight dogs killed in the line of duty. The passage of H.R. 1791 will increase the penalty for injuring or killing these valuable animals.

Wayne Pacelle, of the Humane Society of the United States, writes quote, Officers often spend more hours of the day with their police animals than with family. As the first line of defense for an officer, police animals daily put themselves in dangerous positions on behalf of their officer and ultimately our communities as a whole.

Mr. Speaker, this is not ground breaking legislation. In fact, we here in the Congress at the Federal level are behind the eight ball. Already 27 States have similar laws on the books to protect their local and State law enforcement animals particularly police dogs. Fortunately, attacks on our federal law enforcement animals are not widespread; but, unfortunately, they are on the rise. In fact, just last week my office received a call from the United States Park Police because one of their dogs, one of their canines, was injured by a suspect attempting to flee arrest.

Passage of H.R. 1791 sends a strong message to the thugs who will think of causing harm to our law enforcement animals. Let us make it clear. Someone hits or kills a law enforcement animal, they go to jail just as if they hit any other law federal enforcement officer.

Mr. Speaker, this is good bipartisan legislation with a wide spectrum of

support. I particularly want to thank my colleague, the gentleman from New Jersey (Mr. ROTHMAN) and the gentleman from Ohio (Mr. CHABOT) who both serve on the Committee on the Judiciary and helped move this legislation along. I also want to thank the gentleman from Florida (Mr. MCCOLLUM) and the gentleman from Illinois (Mr. HYDE) as well as the gentleman from Michigan (Mr. CONYERS) and the gentleman from Virginia (Mr. SCOTT) and their staffs for their quick action on H.R. 1791.

I also want to thank the assistance of director Carl Newcombe, the Customs Service Canine Center; associate chief, Bill Carter; and Manny Flores of the United States Border Patrol; Wayne Pacelle of the Humane Society; Russ Hess, United States Police Canine Association; and the officers of the Park Police and the U.S. Capitol Police who have helped with this legislation.

Mr. Speaker, our federal law enforcement has asked for this tool. I ask that this House answer their call and pass H.R. 1791 today. Please vote to hold accountable those who would maim, wound, or kill a police dog or police horse, Mr. Speaker.

Mr. SCOTT. Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey (Mr. ROTHMAN), a distinguished member of the Committee on the Judiciary and a cosponsor of the legislation.

(Mr. ROTHMAN asked and was given permission to revise and extend his remarks.)

Mr. ROTHMAN. Mr. Speaker, I first want to begin by thanking my dear colleague, the gentleman from Illinois (Mr. WELLER). He put together a wonderful bill to help protect Federal law enforcement animals, invited me to get on right away, and we worked together with our Subcommittee on Crime chair, the gentleman from Florida (Mr. MCCOLLUM), and our ranking member, the gentleman from Virginia (Mr. SCOTT), and the entire committee to move this piece of legislation forward in a bipartisan manner.

□ 1445

Last week, we did the Patients' Bill of Rights in a bipartisan manner. This week we are going to do the Federal Law Enforcement Animal Protection Act in a bipartisan manner. Who knows what is next? Hopefully, this is the start of something good.

Mr. Speaker, I rise in support of H.R. 1791, the Federal Law Enforcement Animal Protection Act. Most people think of those who protect us in law enforcement as dedicated men and women who put their lives on the line daily, make innumerable sacrifices, take enormous risks, put their families and their lives in jeopardy, and that is true. They represent the thin, blue line that separates civilized society from anarchists and criminals; and we have to do all in our power to give law enforcement people the tools, the resources, and the support that they need to do their job.

But there are other living creatures who assist us in our law enforcement endeavors, and they are the dogs and the horses who work with our law enforcement personnel to sniff out drugs, to apprehend the bad guys who are fleeing the scene, and to otherwise keep order in our society.

Mr. Speaker, I spoke this morning at a high school in Wallington, New Jersey, and among the many other things we talked about, I told them I was coming today to work with the gentleman from Illinois (Mr. WELLER) and my other colleagues to pass this Federal Law Enforcement Animal Protection Act to protect those dogs and Federal police dogs and horses who are intentionally injured or killed by criminals. And they said, gee, is that not a law already? And I said, well, no, it is not. It is the law in several States in the United States, but it has never been the law of the land, the Federal law.

So I thank the gentleman from Illinois (Mr. WELLER) and others for bringing this matter to our attention, allowing us to work to put this matter finally to rest, to protect those brave police animals who do so much for our society.

Mr. Speaker, it is not just the cost of the animals, which is significant in a tight budget; there are tight budgets of the Federal level, State, county and local, and we know that there is a significant investment of thousands of dollars in the purchase and the training of police dogs and police horses. It is also the time and the energy of the humans who have to train them, care for them, and oversee their well-being, as well as lead them in the course of their daily work.

But beyond the mere costs, we can also, I think, recognize that these are the lives of animals. And so while this is a bill for law enforcement, to give law enforcement the tools, protect their resources that these animals certainly are, it is also to recognize that these are living creatures that we want to protect, not just like a desk or a chair that a criminal would destroy to flee a crime or to obstruct a pursuit of law enforcement men and women who are following him or her, but these are police animals who we want to protect as well.

So this law would give the discretion to a judge to impose a fine of up to \$1,000 and the discretion to impose some kind of jail time if the animal was disabled or died, and that that was the intention of the perpetrator, to injure or disable or kill the animal. The offender would be subject to a fine not in excess of \$1,000 and will be imprisoned for up to 10 years in the discretion of the judge.

Again, this is a law that was a long time in coming, and certainly very necessary. We live in a very dangerous, hostile world with lots of problems facing the United States of America. We have lots of problems here at home, and we need to deal with them as well.

Last week was the Patient's Bill of Rights, and now the Federal Law Enforcement Animal Protection Act. Hopefully, we will get together in a bipartisan fashion to do who knows, maybe even to pass a budget.

Mr. Speaker, I strongly support H.R. 1791, and I thank my colleagues for their support as well, and I urge the entire House to do the same.

Mr. FARR of California. Mr. Speaker, I rise in support of H.R. 1791, the Federal Law Enforcement Animal Protection Act. This is a good bill because it enables us to convict criminals for harming police animals. As part of their job, police animals risk their lives side-by-side with their human partners in law enforcement. These animals patrol our national parks, our national borders, our airports, and even our United States Capitol is guarded by 30 K-9 units.

Police officers depend on these animals to do their job and therefore, it is critical that we protect them. The U.S. Border Patrol uses 164 K-9 Teams, which in 1998 alone detected over 4 tons of cocaine, 150 tons of marijuana and over \$2 million in drug money. Unfortunately, last year 8 K-9 dogs were killed and many more sustained injuries from attacks while on the job. Mr. WELLER's bill would appropriately penalize this misconduct.

Under current Federal law, Federal K-9s and horses are only protected by the U.S. statutes that govern destruction of government property. Current law places fines of up to \$1,000 if the act is under \$1,000 with the option of jail for up to 1 year. If the damage exceeds \$1,000, then the fine would be in excess of \$1,000 with the option of jail for up to 10 years.

The Federal Law Enforcement Animal Protection Act makes it a Federal crime to willfully harm any police animal, or to attempt to conspire to do so. This would include simple assaults, bites, kicks, punches, and plots to injure animals. The penalty would be a fine up to \$1,000 and mandatory jail for up to 1 year. The bill also recognizes the important law enforcement function these animals perform, the cost of training to the government, and the bond between handler and animal.

Twenty-seven States have passed similar legislation. The bill passed the Judiciary Committee by voice vote with 25 bipartisan co-sponsors. I urge my colleagues to join me in supporting Mr. WELLER's bill.

Mr. SCOTT. Mr. Speaker, I yield back the balance of my time.

Mr. MCCOLLUM. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. STEARNS). The question is on the motion offered by the gentleman from Florida (Mr. MCCOLLUM) that the House suspend the rules and pass the bill, H.R. 1791, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### WILLIAM H. AVERY POST OFFICE

Mr. MCHUGH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2591) to designate the United

States Post Office located at 713 Elm Street in Wakefield, Kansas, as the "William H. Avery Post Office."

The Clerk read as follows:

H.R. 2591

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

#### SECTION 1. DESIGNATION.

The United States Post Office located at 713 Elm Street in Wakefield, Kansas, shall be known and designated as the "William H. Avery Post Office".

#### SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the post office referred to in section 1 shall be deemed to be a reference to the "William H. Avery Post Office".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. MCHUGH) and the gentleman from Pennsylvania (Mr. FATTAH) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. MCHUGH).

Mr. MCHUGH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the bill before us, H.R. 2591, was introduced by our colleague, the gentleman from Kansas (Mr. MORAN) and is sponsored by each Member of the House delegation from the great State of Kansas, which is pursuant to a long-standing policy of the Committee on Government Reform. This legislation, as noted by the Clerk, designates the United States Post Office located at 713 Elm Street in Wakefield, Kansas as the William H. Avery Post Office.

Mr. Speaker, I want to begin by commending the gentleman from Kansas for his leadership on this issue, for bringing to our attention I think a very, very laudable, worthy designation and express my appreciation as well from the gentleman from Pennsylvania (Mr. FATTAH), the ranking member, and all of the members of the subcommittee and the committee and its Chairman, the gentleman from Indiana (Mr. BURTON), for processing this bill in a very timely manner.

As to the designee, Mr. Avery was born the son of a farmer and rancher near Wakefield, Kansas, in 1911 and attended Wakefield High School in that town. He later graduated from the University of Kansas in 1934, after which he returned home to raise crops and livestock on his family farm. During that time, he served on the local school board.

Mr. Avery was elected to the State House of Representatives and served from 1951 to 1955. He was a Member of the legislative council from 1953 to 1955. Mr. Avery won the Republican nomination for the United States Congress and served in this House from 1955 to 1965. In 1965, the people of Kansas elected him to serve one term as the 37th governor of Kansas. Mr. Avery continues to this day to live in his hometown of Wakefield, Kansas.

Mr. Speaker, it is, it seems to me, especially meaningful to honor a person during his or her lifetime. Quite often,