

for the sick and poor. The Administration has not sought to mandate the Bolar provision in trade agreements, however.

#### LOCAL LAW ENFORCEMENT ENHANCEMENT ACT OF 2005

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

Last summer, a gay man was attacked outside of a club in Seattle, WA. Micah Painter was leaving for the night when he was beaten and stabbed with a broken bottle. His attackers shouted anti-gay slurs at him and demanded to know if he was gay. The incident is being investigated as a hate crime.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

#### ANIMAL FIGHTING PROHIBITION ENFORCEMENT ACT

Mr. ENSIGN. Mr. President, I rise to reintroduce the Animal Fighting Prohibition Enforcement Act, legislation that garnered the support of 51 Senate cosponsors and 201 House cosponsors in the 108th Congress but didn't quite make it over the finish line. I thank my colleagues for their support in this endeavor to protect the welfare of animals and express my hope that we will get the job done early in this session. This legislation targets the troubling, widespread, and often underground activities of dogfighting and cockfighting where dogs and birds are bred and trained to fight to the death. This is done for the sheer enjoyment and illegal wagering of the animals' handlers and spectators.

These activities are reprehensible and despicable. Our States' laws reflect this sentiment. All 50 States have prohibited dogfighting. It is considered a felony in 48 States. Cockfighting is illegal in 48 States, and it is a felony in 31 States. In my home State of Nevada, both dogfighting and cockfighting are considered felonies. In fact, it is a felony to even attend a dogfighting or cockfighting match.

Unfortunately, in spite of public opposition to extreme animal suffering, these animal fighting industries thrive. There are 11 underground dogfighting

publications and several above-ground cockfighting magazines. These national magazines advertise and sell animals and the materials associated with animal fighting. They also seek to legitimize this shocking practice.

During the consideration of the farm bill in 2001, a provision was included that closed loopholes in the Federal animal fighting law. Both the House and the Senate also increased the maximum jail time for individuals who violate this law from 1 year to 2 years, making any violation a Federal felony. However, during the conference, the jail time increase was removed.

Then in 2003, I offered an amendment to the Healthy Forests bill that would have had the same effect as the bill I am introducing today. The Senate agreed to this amendment by unanimous consent, but it was again taken out in conference.

Now, I am hoping the third time is the charm. In the form that is being introduced today, this legislation passed the House Judiciary Committee in September 2004. It is ripe for enactment early in the 109th Congress. This legislation has been endorsed by the USDA, the American Veterinary Medical Association, more than 150 State and local police and sheriffs departments across the country, and a host of others. The only groups opposing it are the cockfighters and the dogfighters.

The bill seeks to do two things. First, it increases the penalty to the felony level—up to 2 years jail time for offenders. I am informed by U.S. attorneys that they are hesitant to pursue animal fighting cases with merely a misdemeanor penalty. The USDA has received innumerable tips from informants and requests to assist with State and local prosecutions but has only been able to help in a handful of cases since Congress first passed the Federal animal fighting law in 1976. For example, in my own State last year, law enforcement authorities raided an ongoing cockfight involving about 200 people from Nevada and other States. The USDA wanted to pursue Federal charges, to complement the local effort, but the U.S. Attorney's Office declined to prosecute because the Federal crime was only a misdemeanor. Increased penalties will provide a greater incentive for Federal authorities to pursue animal fighting cases.

Second, the bill prohibits the interstate shipment of cockfighting implements, such as razor-sharp knives and gaffs. The specific knives are commonly known as "slashers." The slashers and icepick-like gaffs are attached to the legs of birds to make the cockfights more violent and to induce bleeding of the animals. These weapons are used only in cockfights. Since Congress has restricted shipment of birds for fighting, it should also restrict implements designed specifically for fights.

This is commonsense, long-overdue legislation. It does not expand the Federal Government's reach into a new area but simply aims to make current law more effective. It is explicitly limited to interstate and foreign commerce, so it protects States rights in the two States, Louisiana and New Mexico, where cockfighting is still allowed. Further, it protects States rights in the other 48 States where weak Federal law is compromising their ability to keep animal fighting outside their borders.

Mr. President, this legislation is needed for humane reasons. But it is also urgently needed to protect poultry health and public health. In 2002 to 2003, we had an outbreak of exotic Newcastle disease among poultry in my home State of Nevada, as well as in California, Arizona, and Texas. According to the USDA, this deadly disease was spread in large part by illegal cockfighters. It cost taxpayers about \$200 million to contain and cost the poultry industry many millions more in lost export markets. In Asia, at least four children died last year due to exposure to bird flu from cockfighting activity, according to news reports. One Malaysian news agency noted that surveys by the "Veterinary Department show that irresponsible cockfighting enthusiasts are the main 'culprits' for bringing the avian influenza virus into the state." Fortunately, bird flu has not yet jumped the species barrier in this country, but we ought to do all we can to minimize the risk. One of the ways to ensure greater protection against the spread of these dangerous avian diseases is to enforce the ban on interstate and foreign shipment of birds for the purpose of fighting. Our bill ensures that penalties are in place to encourage meaningful enforcement of this ban.

I appreciate the strong support of Senators SPECTER, CANTWELL, FEINSTEIN, DEWINE, KENNEDY, KYL, KOHL, LUGAR, VITTER, LEAHY, and SANTORUM in this effort and look forward to the overwhelming support of my other colleagues in the Senate. I also wish to recognize Representative MARK GREEN for his leadership in reintroducing an identical bill in the House today. Surely, this is an issue that must be addressed as soon as possible. We cannot allow this barbaric practice to continue in our civilized society.

#### REDUCING CRIME AT AMERICA'S SEAPORTS ACT OF 2005

Mrs. FEINSTEIN. Mr. President, yesterday I introduced legislation to improve our Nation's ability to use the criminal law to guard against and respond to terrorist attacks at our seaports—the Reducing Crime at America's Seaports Act of 2005.

I am pleased to join my colleagues Senators BIDEN, SPECTER, KYL, and