



United States Department of Agriculture

Office of the Secretary
Washington, D.C. 20250

The Honorable Robert Bennett
United States Senate
431 Dirksen Senate Office Building
Washington, DC 20510

MAY 24 2004

Dear Senator Bennett:

During this year's Senate Appropriations hearing, I was asked by Ranking Member Kohl about the Department of Agriculture's (USDA) position on S. 736, which, among other things, would make it a felony to violate Animal Welfare Act (AWA) provisions pertaining to animal fighting

At the time, I had not reviewed the legislation in question. Since then, I have had the opportunity to do so; I support its enactment.

In addition to strengthening the AWA's enforcement provisions relating to prosecution of those charged with the inhumane practice of animal fighting, the bill would also enhance USDA's ability to safeguard the health of U.S. poultry against deadly diseases, such as exotic Newcastle disease and avian influenza. As you know, fighting birds have been implicated in the introduction and spread of exotic Newcastle disease in California in 2002-2003, which cost U.S. taxpayers nearly \$200 million to eradicate, and cost the U.S. poultry industry many millions more in lost export markets. Many birds used in illegal fighting are smuggled into the United States or across State lines, thereby avoiding inspections and certifications by State or Federal veterinarians verifying whether they are disease free. Active monitoring and surveillance of all birds that enter the United States and move interstate is critical to protecting the health of U.S. poultry and to preserving trade markets with foreign countries. We believe that tougher penalties and prosecution will help to deter illegal movement of birds as well as the inhumane practice of cockfighting itself.

Under S. 736, violating the AWA provisions pertaining to animal fighting would no longer be a misdemeanor but a felony, punishable by up to 2 years in jail. It would also make it unlawful to sell, buy, transport or deliver in interstate or foreign commerce a knife, gaff, or other sharp instrument used in bird-fighting ventures. The legislation builds on provisions in the Farm Security and Rural Investment Act of 2002, Public Law 107-171 (Farm Bill), that strengthened the AWA by removing a longstanding exemption that allowed fighting birds to be transported from States where cockfighting is illegal to States where the practice is legal. Finally, the Farm Bill increased the maximum penalty for a violation from \$5,000 to \$15,000.

USDA's Animal and Plant Health Inspection Service and Office of the Inspector General (OIG) work cooperatively with other Federal, State, and local authorities to conduct investigations and

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enforce the AWA's animal fighting provisions. OIG typically initiates investigations based upon the potential for criminal prosecution. Together with the provisions in the Farm Bill, S. 736 further enhances the ability to prosecute those charged with animal-fighting violations. We are committed to enforcing the AWA to the fullest extent of the law in order to protect birds and other animals from the cruel practice of fighting and to safeguard the health of U.S. poultry.

The Department of Justice has advised, however, that it has concerns about the responsibilities that would be assigned by the bill to the U.S. Marshals Service (USMA) and therefore requests that all references to the USMA be deleted from the bill.

The Office of Management and Budget advises that there is no objection to the presentation of this report from the standpoint of the Administration's Program.

Thank you for the opportunity to comment on this legislation

Sincerely,

A handwritten signature in black ink, appearing to read "Ann M. Veneman", with a long horizontal flourish extending to the right.

Ann M. Veneman
Secretary