

the State. It was named the William S. Richardson School of Law upon his retirement from the bench.

I urge my colleagues to support this important resolution.

Mr. Speaker, I yield such time as she may consume to the gentlelady from Hawaii (Ms. HIRONO).

Ms. HIRONO. Mr. Speaker, I thank my colleague, Mr. SCOTT, for yielding me time.

I rise today in support of House Resolution 1470, which recognizes the life, achievements, and distinguished career of the late Bill Richardson, Chief Justice of the Hawaii Supreme Court.

William Shaw Richardson was born in Honolulu on December 22, 1919. Raised in Kaimuki and a graduate of a public school, Roosevelt High School, Bill worked in pineapple canneries to pay his way through the University of Hawaii. He then earned a law degree from the University of Cincinnati. Bill later enlisted in the Army and served as platoon leader with the 1st Filipino Infantry Regiment during World War II.

In 1956, Bill served as chairman of Hawaii's Democratic Party. He was elected to the office of Lieutenant Governor in 1962. In 1966, Governor John A. Burns appointed him as chief justice of the Hawaii Supreme Court. C.J. Richardson served on the court for 16 years.

C.J. Richardson was our Nation's first native Hawaiian Supreme Court chief justice. Working closely with his fellow justices, C.J. incorporated native Hawaiian traditional and customary practices into State law and expanded public rights. In perhaps his most famous case, in 1968, C.J. Richardson, in essence, asked, "Why should Hawaii follow Anglo-American common law rather than its own ancient traditions regarding the use of property?" C.J. recalled not being allowed on the beach in front of Waikiki's Royal Hawaiian and Moana hotels as a boy. The historic 4-to-1 ruling he wrote incorporated Hawaiian customs by preserving public access to the shoreline. No Hawaii beach could be considered a private beach like on the mainland.

Under his leadership, the court also established the water rights of people living downstream from privately owned property that surrounded rivers or streams. It awarded new land created by lava flows to the State instead of adjacent property owners, and it ruled that native Hawaiians could cross private property to gather traditional cultural resources, like particular plants used by hula dancers as part of their ceremonies.

Among C.J. Richardson's proudest achievements was the opening of Hawaii's only law school in 1973. He knew that those with the greatest stake in building a more just and equitable society were often denied the opportunity to attend law school because of the high cost. He fought a lengthy uphill battle to create and shape the law school that now proudly bears his name. Over the last years, C.J. had an

office at the school, where he was a regular source of support and inspiration to students and faculty alike.

I would like to extend my deepest condolences to C.J. Richardson's son, William; his two daughters, Barbara Richardson-Phillips and Corinne Wolfe; his two sisters, Amy Kahoiwai and Pearl Nishimura; his six grandchildren and two great grandchildren. Mahalo nui loa—Hawaiian for thank you very much—for sharing the great C.J. with all of us.

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Mr. DJOU. I yield myself such time as I may consume.

Mr. Speaker, I support House Resolution 1470.

I want to thank my colleague from Hawaii for her kind words, and I want to echo much of her sentiment—a voice on the life of Chief Justice William S. Richardson.

Mr. Speaker and colleagues, this resolution honors the life, achievements, and the distinguished career of William S. Richardson, the former chief justice of the Hawaii Supreme Court, Lieutenant Governor of the State of Hawaii and former Democratic chairman of the Democratic Party of Hawaii.

Chief Justice Richardson passed away on June 21 of this year. He was one of Hawaii's most influential figures. As Hawaii's Governor, Linda Lingle, recently stated, "The former chief justice played an integral role in shaping Hawaii's political and legal landscape."

For myself and my family, personally, Chief Justice Richardson touched my wife and I, as my wife is a graduate of the William S. Richardson School of Law, and I taught at the law school that bears his name.

Chief Justice Richardson was born on December 22, 1919, and always referred to himself as "just a local boy from Hawaii." He graduated from the University of Hawaii at Manoa, and he later attended law school at the University of Cincinnati.

Then, at the outset of World War II, he volunteered to serve in the U.S. Army. He saw combat as a platoon leader with the 1st Filipino Infantry Regiment. He was later inducted into the Infantry Officer Candidate School Hall of Fame.

After service in World War II, he returned to Hawaii where he played a key role in promoting Hawaii statehood. In 1959, when Hawaii became a State, Chief Justice Richardson was one of the most prominent figures, and he deserves the thanks of all of us for Hawaii's becoming the 50th State.

In 1962, Hawaii elected John Burns as its Governor. Chief Justice Richardson was his Lieutenant Governor, serving one term as the Lieutenant Governor of Hawaii from 1962 to 1966, as a Democrat. He was the first person of Hawaiian ancestry to hold that office.

Then, from 1966 to 1982, Richardson served as the chief justice of Hawaii's Supreme Court. During his 16 years as

chief justice, he made a number of landmark rulings that have shaped Hawaii and our Nation's case law to this day.

Most of all, he is much loved by his family. As his son Bill Richardson recently stated, we should always remember him as a grandfather: "When school ended, I could always count on him ready to pick me up. He'd come by and watch my practices as much as he could."

I think that is the legacy all of us want to remember Chief Justice Richardson for.

For many years, Chief Justice Richardson fought for the establishment of a law school. His efforts culminated in 1973, establishing the first and, thus far, only law school in the State of Hawaii: the University of Hawaii's William S. Richardson School of Law. Chief Justice Richardson shared his wealth of knowledge with students, attorneys and judges; and he leaves a lasting legacy in our State.

Mr. Speaker and colleagues, this resolution honors this long-time leader and path-breaking American. I urge my colleagues to join me in support of this resolution.

Mahalo and aloha.

I yield back the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I want to thank my two colleagues from Hawaii for their bipartisan cooperation on this resolution. I urge my colleagues to support it.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. SCOTT) that the House suspend the rules and agree to the resolution, H. Res. 1470.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

PREVENTION OF INTERSTATE COMMERCE IN ANIMAL CRUSH VIDEOS ACT OF 2010

Mr. SCOTT of Virginia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5566) to amend title 18, United States Code, to prohibit interstate commerce in animal crush videos, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5566

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 "Prevention of Interstate Commerce in Animal Crush Videos Act of 2010".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) The Federal Government and the several States have a compelling interest in preventing animal cruelty.

(2) Each of the several States and the District of Columbia criminalize intentional acts of animal cruelty.

(3) The clandestine nature of certain acts of animal cruelty allows the perpetrators of such crimes to remain anonymous, thus frustrating the ability of Federal and State authorities to enforce the criminal statutes prohibiting such behavior.

(4) These criminal acts constitute an integral part of the production of and market for so-called crush videos and other depictions of animal cruelty.

(5) The creation and sale of crush videos provide an economic incentive for, and are intrinsically related to, the underlying acts of the criminal conduct.

(6) The United States has a long history of prohibiting the interstate sale of obscene and illegal materials.

(7) Animal crush videos appeal to the prurient interest and are obscene.

SEC. 3. ANIMAL CRUSH VIDEOS.

(a) IN GENERAL.—Section 48 of title 18, United States Code, is amended to read as follows:

“§ 48. Animal crush videos

“(a) PROHIBITION.—Whoever knowingly and for the purpose of commercial advantage or private financial gain sells or offers to sell, or distributes or offers to distribute, an animal crush video in interstate or foreign commerce shall be fined under this title or imprisoned not more than 5 years, or both.

“(b) RULE OF CONSTRUCTION.—Subsection (a) does not prohibit the sale, distribution, or offer for sale or distribution, of any visual depiction of—

“(1) customary and normal veterinary or agricultural husbandry practices; or

“(2) hunting, trapping, or fishing.

“(c) DEFINITION.—In this section the term ‘animal crush video’ means any obscene photograph, motion-picture film, video recording, or electronic image that depicts actual conduct in which one or more living animals is intentionally crushed, burned, drowned, suffocated, or impaled in a manner that would violate a criminal prohibition on cruelty to animals under Federal law or the law of the State in which the depiction is created, sold, distributed, or offered for sale or distribution.”.

(b) CLERICAL AMENDMENT.—The item relating to section 48 in the table of sections at the beginning of chapter 3 of title 18, United States Code, is amended to read as follows:

“48. Animal crush videos.”.

SEC. 4. BUDGETARY EFFECTS PROVISION.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the Committee on the Budget of the House of Representatives, provided that such statement has been submitted prior to the vote on passage.

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

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

Mr. SCOTT of Virginia. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and to include extraneous material on the bill under consideration.

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

There was no objection.

Mr. SCOTT of Virginia. I yield myself such time as I may consume.

Mr. Speaker, this legislation addresses a disturbing subject in need of congressional action.

In the late 1990s, Congress was made aware of a growing market of videotapes and still photographs depicting animals, typically small animals, being slowly and sadistically crushed to death. These depictions are commonly referred to as “crush videos.” Much of the material features women inflicting torture with their bare feet or while wearing high-heeled shoes. The depictions often appeal to people with a very specific sexual fetish.

Even in States where harming the animals in such a way itself violates State laws prohibiting cruelty to animals, prosecutors had difficulty obtaining convictions. For example, the faces of the persons inflicting the torture were often not shown in the videos; and the locations, times and dates of the acts could not be ascertained from the depictions themselves. So defendants were often able to successfully assert as a defense that the State could not prove its jurisdiction over the place where the acts occurred nor that it could prove that the actions took place within the statute of limitations.

In short, it has been difficult enough to find the perpetrators of the underlying acts of cruelty to animals. Then, even after they have been found, it has been difficult to obtain convictions.

So Congress enacted a new law prohibiting the creation, sale, and possession of the depictions of such acts. The new law was codified as section 48 of title XVIII of the U.S. Code. The motivation for passing the law was to address the sale of crush videos, but the statute was written in such a way that it also could be read, in some circumstances, to apply to more mainstream material, such as videos depicting hunting and fishing and other activity protected by the First Amendment of the Constitution.

Because of this susceptibility to a broader reading, in April the United States Supreme Court invalidated the entire statute in the case *United States v. Stevens*, holding that the law was overbroad and violated the First Amendment. The Court made it clear, however, it did not rule out the possibility of Congress’ adopting a bill that would hold up under constitutional scrutiny.

In May, the Subcommittee on Crime held a hearing about the decision. It heard from witnesses who testified that a narrower legislative approach would likely be constitutional and survive court challenge.

The bill before us is much more narrow than the original law. The most important difference is that the bill would only prohibit the sale of crush videos that are obscene under current

law. This would address a key flaw in the original statute because obscenity is outside the protections of the First Amendment. Whereas some of the activity covered by the prior law under the broader reading was, in fact, protected by the First Amendment, a much narrower range of conduct is covered in the depictions prohibited by this bill. Furthermore, this legislation specifically makes it clear that hunting and fishing videos would not be covered by the prohibition.

I commend my colleague from California (Mr. GALLEGLY) and my colleague from Michigan (Mr. PETERS), who worked together to produce this bipartisan bill. I urge my colleagues to support the bill.

I reserve the balance of my time.

Mr. GALLEGLY. I yield myself such time as I may consume.

Mr. Speaker, I want to thank Chairman CONYERS; my good friend, subcommittee chairman BOBBY SCOTT; and, of course, our ranking member, LAMAR SMITH, for working closely with me to draft a bill that would help put a stop to the sale of animal crush videos while, at the same time, addressing the First Amendment concerns that were raised by a recent Supreme Court ruling.

The district attorney of Ventura County, California, first brought this issue to my attention back in 1999. He explained that, although crush videos were illegal under State laws, the crime was difficult to prosecute because video producers moved their goods through interstate commerce to avoid prosecution.

The FBI, the U.S. Department of Education, and the U.S. Department of Justice consider animal cruelty to be one of the early warning signs of potential violent youth. The Boston Strangler, the Unabomber, Jeffrey Dahmer, and Ted Bundy all tortured animals before they began to murder people.

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Everyone agrees that these disgusting videos must be stopped. My first bill passed the House in 1999 by a bipartisan vote of 372-42, by unanimous consent in the Senate, and was signed into law by then-President Bill Clinton. The Supreme Court ruled in April of this year that the 1999 law was too broad, but indicated it may uphold a law that is more narrowly drafted.

In response to the court’s decision, I, along with my good friend Representative GARY PETERS, introduced H.R. 5566, the Prevention of Interstate Commerce in Animal Crush Videos Act of 2010. Based on the testimony of the constitutional experts at the May 26 Crime Subcommittee hearing, I worked with Members on both sides of the aisle to craft legislation that is narrowly focused on prohibiting crush videos rather than prohibiting depiction of animal cruelty.

Immediately after the 1999 bill became law, the crush video business virtually disappeared. It has recently re-emerged in light of the court ruling.

Quick passage of H.R. 5566 will once again stop these revolting videos that depict the torture of animals and killing defenseless animals.

I strongly urge my colleagues to join me in support of H.R. 5566.

I reserve the balance of my time.

Mr. SCOTT of Virginia. I yield such time as he may consume to the gentleman from Michigan (Mr. PETERS), who has worked extremely hard on this legislation.

Mr. PETERS. Mr. Speaker, animal torture videos are heinous, barbaric, and completely unacceptable, and we must stop them once and for all. It's hard to believe that this sort of thing even exists, and that a new law is needed to prevent it. Animal torture is outrageously disturbing, and common decency and morality dictates that those engaged in it should not be profiting from it. They should be in prison.

This is why I have introduced H.R. 5566, along with Representatives GALLEGLY and MORAN, the Prevention of Interstate Commerce in Animal Crush Videos Act of 2010. This legislation will ban the sale or distribution of so-called crush videos, depictions of small animals being tortured and slowly crushed to death, and other videos depicting abhorrent animal torture. Our bill responds to the Supreme Court's recent holding that a 1999 statute banning crush videos was overbroad, and therefore invalid under the First Amendment. H.R. 5566 carefully parses and responds to the Stevens decision, and it is written to survive another round of judicial review if challenged after enactment.

I appreciate the leadership of my colleagues, Representatives GALLEGLY, MORAN, and BLUMENAUER, on animal protection issues generally, and specifically on animal crush legislation. As cochairs of the Congressional Animal Protection Caucus, of which I am a member, Representatives MORAN and GALLEGLY are committed to advancing commonsense animal protection legislation.

I would also like to thank the Humane Society for their help throughout the drafting process, and for all of their tireless animal protection efforts. Finally, I would like to thank Chairman CONYERS, Chairman SCOTT, and the members of the Judiciary Committee for their commitment to advancing this necessary, commonsense legislation. I urge its passage.

Mr. SCOTT of Virginia. Mr. Speaker, I yield as much time as she may consume to the gentlelady from Ohio (Ms. SUTTON).

Ms. SUTTON. I thank the gentleman from Virginia for the time and for his leadership on this very important issue.

I rise today in strong support and as a cosponsor for the Prevention of Interstate Commerce in Animal Crush Videos Act. And I thank Mr. GALLEGLY and Mr. PETERS, and all of those who are involved in dealing with this horrific, horrific problem.

The recent Supreme Court decision overturned 10 years of Federal law that outlawed animal crush videos. They said that the 1999 law was overbroad. And the Supreme Court also left open an avenue for a more targeted law. So today we make it clear, again, that the intentional crushing, burning, drowning, suffocating, and impaling of animals for profit is beyond sick, and it must be stopped.

Today, with this narrowly tailored measure, we will end the trade of crush videos, videos where animals are tortured for profit. Animal abuse and profiting from these actions are beyond wrong. It's our responsibility to close the loopholes to crack down and end the trade in crush videos, and I urge a "yes" on the Prevention of Interstate Commerce in Animal Crush Videos Act to end this unconscionable practice.

Mr. SCOTT of Virginia. Mr. Speaker, I yield such time as he may consume to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentleman's courtesy in permitting me to speak on this, as I appreciate his hard work with the Judiciary Committee, and my friend Mr. GALLEGLY from California.

This is an area, Mr. Speaker, that I personally think that we ought to be able to come together. I supported the original legislation. I found it horrific that we would have people profiting from the most obscene displays of cruelty to animals. I understand the arguments that were made before the Supreme Court, but I think they made it clear that there was an opportunity to craft it more narrowly, and I think the Judiciary Committee has done a good job in doing so.

I am pleased that this is one of the areas where Congress has been able to come together, people on both sides of the aisle, to act quickly in an area that actually is important to avoid demeaning us all.

Mr. Speaker, cruelty to animals is not something that is just sort of an esoteric issue that is one that is only nominally of interest. This is something that speaks to the fundamentals of whether or not our communities are going to be livable, whether or not we can relate positively to one another. There is study after study that documents that people who are abusive to animals are also people who are likely to be abusive to their fellow human beings. It is a broad, far-reaching problem we have in our communities still.

Having worked with the committee in the past on issues that relate to animal fighting, there is a dark subculture here with people who get satisfaction, emotional, sexual, out of seeing animals suffer. It seems to me that it is important for us to respond quickly to be able to fill the gap. I don't think anybody benefits from this type of activity other than people who profit from it and people who have their own sadomasochistic satisfaction.

I appreciate what the committee has done to meet the court's First Amend-

ment concerns and still speak to making sure that there are not people who are engaged in these activities and profiting from it. At the time of the original legislation, there were thousands of animal crush videos, for example on the Internet. But after the enactment of the original ban, they essentially disappeared. Now, after the Supreme Court decision, we have seen a resurgence, one that is not in anybody's interests. I hope that we are able to move with dispatch passing this today, and moving onto the Senate, to be able to enact this and have one significant, discrete area of progress that we can all take pride in.

Mr. GALLEGLY. Mr. Speaker, I ask my colleagues to join us in passing this bill, and yield back the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I want to thank all the people who have spoken and worked hard on this bill to get it in a form which we believe will pass constitutional muster. Any time you deal with a subject like this you have to deal with the First Amendment. The last bill didn't quite make it, but we believe, based on the testimony we have had today and the testimony we had at the hearing, that this bill will survive constitutional muster and deal with the trash that is being profited on.

So I thank my colleagues and urge my colleagues to support the bill.

Mr. MORAN of Virginia. Mr. Speaker, I want to first thank Congressman GALLEGLY for his effort to bring this to the floor.

It is Congressman GALLEGLY who originally brought this issue to the attention of Congress 10 years ago, and I have enjoyed working with him as Co-Chairs of the Animal Protection Caucus to pass this important bill.

Quite simply, animal crush videos contain some of the vilest treatment of animals imaginable. They feature scantily clad women crushing, impaling, or burning small animals of all types, apparently for the sexual gratification of some sick people. These videos have no redeeming value and clearly fall outside the realm of protected speech.

But although these videos contain behavior that would be considered animal cruelty under state and federal laws, it is nearly impossible to prove who produces the videos, making a ban on their sale through interstate commerce the only means of ending the market for this smut.

A law was passed by Congress 11 years ago that did just that, but earlier this year the Supreme Court struck down that law, claiming it could be used to violate free speech rights.

While I didn't agree with that decision, it was clear that Congress could not just stand by while these videos once again proliferated on the Internet. Not only are they viciously inhumane to the animals involved, but they also teach behavior that can lead to other violent crimes against animals and humans.

As demonstrated by the its long list of bipartisan cosponsors and its unanimous passage out of Committee, this bill represents a good faith effort by Members of both parties to maintain the effectiveness of the original law while addressing the constitutional concerns raised by the Court.

Those who attempt to make a profit off the sale of crush videos showing the torture of animals should not be allowed to hide behind the claim that they did not produce the content.

This bill will take away that pathetic excuse, and I urge my colleagues to support its passage.

Mr. GOODLATTE. Mr. Speaker, I rise in support of H.R. 5566, the Prevention of Interstate Commerce in Animal Crush Videos Act.

Crush videos are videotapes depicting small animals, including cats, dogs, and even monkeys, being slowly crushed to death. Many of these videos feature women inflicting the torture with their bare feet or while wearing high heeled shoes. These videos capture the cries and squeals of the animals, obviously in great pain.

In 1999, Congress enacted H.R. 1887 to criminalize the commercial creation, sale, or possession of these heinous videos. However, in April of this year, the Supreme Court struck down as unconstitutional this Federal statute. The court held that the language of the statute was overly broad and would have extended to legitimate activities.

In response, Congressman GALLEGLY introduced and I cosponsored The Prevention of Interstate Commerce in Animal Crush Videos Act. This legislation amends the Federal criminal code to cure the defects in the Federal statute. The bill prohibits a person from knowingly selling or distributing an animal crush video in interstate or foreign commerce for the purpose of commercial advantage of private financial gain. This legislation also excludes from its scope the sale or distribution of any visual depiction of hunting, trapping, fishing, or customary and normal veterinary or agricultural husbandry practices.

In addition, the bill narrows the definition of "Animal Crush Video" to make clear that it is not targeting legitimate products and to tie the activity to the violation of a state or Federal law.

I believe it is important to stop these heinous activities, and I support this legislation that more effectively targets these crimes without affecting other, legitimate activities like hunting and fishing videos.

Mr. JOHNSON of Georgia. Mr. Speaker, I rise today in support of H.R. 5566, Prevention of Interstate Commerce in Animal Crush Videos Act of 2010. As a cosponsor of this bill, I know how important it is to pass this piece of legislation to protect animals from being abused for crush videos.

Mohandas Gandhi once said "The greatness of a nation and its moral progress can be judged by the way its animals are treated." This wise man was correct; and we must uphold our nation's moral standards by protecting our animals. Animal crush videos depict conduct in which a living animal is intentionally maimed, mutilated, tortured, wounded or killed. In 1999, Congress passed a law outlawing the creation and trafficking of these videos. Recently, however, the Supreme Court struck down that law on first amendment grounds; arguing that law covered too much speech. This legislation was written, in response to the Supreme Court ruling, to narrowly outlaw animal crush videos while preserving all American's first amendment rights. I support this bill because animal crush videos depict living animals being tortured for human gratification. While all Americans have the

right to free speech and expression, I can not in good conscience use the first amendment to justify allowing torture and abuse of animals.

I urge my colleagues to support this bill.

Mr. SCOTT of Virginia. I yield back the balance of my time.

The SPEAKER pro tempore (Mr. HIMES). The question is on the motion offered by the gentleman from Virginia (Mr. SCOTT) that the House suspend the rules and pass the bill, H.R. 5566, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. GALLEGLY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

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CELL PHONE CONTRABAND ACT OF 2010

Mr. SCOTT of Virginia. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1749) to amend title 18, United States Code, to prohibit the possession or use of cell phones and similar wireless devices by Federal prisoners, as amended.

The Clerk read the title of the bill.

The text of the amendment is as follows:

Amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Cell Phone Contraband Act of 2010".

SEC. 2. WIRELESS DEVICES IN PRISON.

Section 1791 of title 18, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (4), by striking "or (d)(1)(E)" and inserting " , (d)(1)(E), or (d)(1)(F)"; and

(B) in paragraph (5), by striking "(d)(1)(F)" and inserting "(d)(1)(G)"; and

(2) in subsection (d)(1)—

(A) in subparagraph (E), by striking "and" at the end;

(B) by redesignating subparagraph (F) as subparagraph (G); and

(C) by inserting after subparagraph (E) the following:

"(F) a phone or other device used by a user of commercial mobile service (as defined in section 332(d) of the Communications Act of 1934 (47 U.S.C. 332(d))) in connection with such service; and".

SEC. 3. GAO STUDY.

Not later than one year after the date of enactment of this Act, the Comptroller General shall submit a report to Congress with research and findings on the following issues:

(1) A study of telephone rates within Federal prisons to include information on interstate, intrastate and collect calls made by prisoners, including—

(A) the costs of operating inmate telephone services;

(B) the general cost to prison telephone service providers of providing telephone services to the Federal prisons;

(C) the revenue obtained from inmate telephone systems;

(D) how the revenue from these systems is used by the Bureau of Prisons; and

(E) options for lowering telephone costs to inmates and their families, while still maintaining sufficient security.

(2) A study of selected State and Federal efforts to prevent the smuggling of cell phones and other wireless devices into prisons, including efforts that selected State and Federal authorities are making to minimize trafficking of cell phones by guards and other prison officials and recommendations to reduce the number of cell phones that are trafficked into prisons.

(3) A study of cell phone use by inmates in selected State and Federal prisons, including—

(A) the quantity of cell phones confiscated by authorities in selected State and Federal prisons; and

(B) the reported impact, if any, of (1) inmate cell phone use on the overall security of prisons and (2) connections to criminal activity from within prisons.

SEC. 4. COMPLIANCE WITH PAYGO.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled "Budgetary Effects of PAYGO Legislation" for this Act, submitted for printing in the Congressional Record by the Chairman of the Committee on the Budget of the House of Representatives, provided that such statement has been submitted prior to the vote on passage.

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

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

Mr. SCOTT of Virginia. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

Mr. SCOTT of Virginia. I yield myself such time as I may consume.

Mr. Speaker, the Cell Phone Contraband Act of 2010 will address an ongoing problem of cell phones being smuggled into prisons by visitors and prison guards. Prison inmate cell phone accessibility has resulted in offenders facilitating and committing crimes with the use of the cell phones. Gangs have also become far more organized because members in prison have cell phone access.

S. 1749 amends Federal law to make cell phones and similar devices contraband that Federal prisoners are prohibited from possessing. Some have argued that cell phone smuggling is a direct reaction to the outrageous costs inmates and their families pay for telephone calls while a person is incarcerated. Prisons and jails require that inmates call their families collect or pay for calls with their prison accounts. And, indeed, phone companies charge much more for calls from prisons than