

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.

□ 1910

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

they charge for calls made from outside prison. For example, one organization found that a 15-minute collect call made from San Quentin Prison to Oakland, both in California, would cost \$5; whereas, the same collect call made from outside the prison would be about \$2.55. That's for a collect call. It would be even cheaper if a reliable way were established for inmates to pay for their own calls.

S. 1749 requires the GAO to study the issue of exorbitant prison telephone rates and the gulf between those rates as the first step to finally bringing those rates down to reasonable levels so that inmates and their families have a much easier time staying in touch. In addition, the study will look at State and Federal efforts to prevent smuggling of cell phones into prisons and jails.

Although we should not allow prisoners to have access to cell phones while incarcerated, it is appropriate to provide them with telephone service at reasonable rates in order for them to maintain ties with their families and children.

I urge my colleagues to support this important legislation, and I reserve the balance of my time.

Mr. POE of Texas. Mr. Speaker, I yield myself such time as I may consume.

The use of illegal cell phones by prisoners is on the rise. In California, for example, news stories report that the number of cell phones confiscated in prisons doubled from 2007 to 2008. In 2008, over 2,800 cell phones were found in California, but more than 2,800 were found just in the first 6 months of 2009. The Alabama Department of Corrections found more than 3,000 cell phones in 2009. In fact, there were more cell phones than any other type of contraband found in all of Alabama prisons.

Other State prison systems are experiencing the same increase in the number of contraband cell phones. As a result, many States are considering legislation that specifically prohibits prisoners from possessing cell phones in State prisons.

S. 1749 takes a step in the same direction at the Federal level. S. 1749, the Cell Phone Contraband Act of 2010, does two things. First, the bill makes it a crime for Federal prisoners to possess cell phones. Second, the bill directs the GAO to study the cost and use of landlines and smuggled cell phones in Federal and selected State prisons and jails.

This legislation is timely. Inmates use smuggled cell phones to coordinate drug deals on the outside, also, gang violence and other crimes, all committed outside the prison by use of smuggled cell phones to coordinate this activity that are used in the prison system.

Last year, an inmate in Maryland was accused of using a cell phone to arrange a murder of a witness who had testified against him at a trial. And in 2008, a condemned murderer on death row in my home State of Texas used a

smuggled cell phone to threaten a State senator. That State senator happened to be the chairman of the Criminal Justice Committee in the State senate. Since that time, at least nine death row inmates in Texas were found to be in possession of contraband cell phones.

I don't personally think that inmates should have such open access to cell phones at all in State prisons.

To get more data on this issue, S. 1749 directs the General Accountability Office, or the GAO, to study the costs and revenues associated with the operation of landline telephones in the prison system. The study will examine select State and Federal efforts to prevent the smuggling of cell phones and other wireless devices into prisons, including efforts made to minimize trafficking of cell phones by prison guards, who are the number one source of getting cell phones in the penitentiary, and also other officials.

News stories report that prison guards are a major means in which cell phones are smuggled into prison, and prisoners pay anywhere from \$300 for a normal cell phone and up to \$1,000 for the smartphone. A prison guard in California made \$100,000 just dealing in cell phones in the penitentiary.

It's my hope and expectation that the GAO study will help Congress and the States in the effort to combat the smuggling of cell phones into penitentiaries.

I support S. 1749. I'm also a cosponsor of another piece of legislation dealing with this specific issue, H.R. 560, the Safe Prisons Communications Act of 2009. This was introduced by my colleague from the Woodlands, Texas, area, KEVIN BRADY. This bill would allow the State or the Federal Bureau of Prisons to petition the FCC to permit them to use devices that jam cell phone signals within the prison boundary. Prisoners would then have no use for a smuggled cell phone as they would not work within the prison confinement. Along with making cell phone possession a crime, I believe Congress should also look at Mr. BRADY's bill, H.R. 560, as a way to prevent the use of cell phones in the penitentiary.

I urge all Members to support S. 1749.

Mr. BRADY of Texas. Mr. Speaker, no one disagrees prisoners shouldn't have cell phones. Prisons ban them already. But some prisoners have a habit of getting around the rules—even if it's a federal crime. And it's a dangerous problem. In Texas, we've had cases where prisoners on death row made threatening calls to victims, prosecutors and their families.

Senator FEINSTEIN's bill takes a baby step—but little more. We need to give our prison officials a more reliable weapon. The answer is allowing them to use devices that jam the cell signals—making it impossible for the phones to even work.

We have the technology to do this and do it in a way that doesn't interfere with legitimate use—such as for communities that live nearby.

I've introduced legislation, H.R. 560, the Safe Prisons Communications Act, that would create a process whereby a State or prison could petition the FCC to allow them to use the jamming devices, which are currently prohibited. This bill would save lives, and give our prisons the tools they need to really combat this problem.

I ask my House colleagues to support bringing my legislation to the floor.

Mr. GOODLATTE. Mr. Speaker, I rise in support of the Cell Phone Contraband Act.

The illegal use of wireless phones in prisons is a serious problem. Smuggled cell phones are used by prisoners to maintain connections with their criminal enterprises beyond prison walls and even to commit crimes from within prison.

A recent Washington Post article reported the following incidents:

A drug dealer behind bars in Maryland used a phone to arrange to have a witness assassinated outside his home last summer.

In Kansas, a convicted killer sneaked out of prison after planning the 2006 escape using a cell phone smuggled by an accomplice. The following year, two inmates escaped another Kansas prison with the help of a former guard and a smuggled cell phone.

California prison officials confiscated about 2,800 cell phones statewide in 2008, double the number discovered the year before.

The Cell Phone Contraband Act makes it a crime for Federal prisoners to possess cell phones while incarcerated. The bill also directs the GAO to study the cost and use of landlines and smuggled cell phones in Federal and selected State prisons and jails. The study will additionally examine selected State and Federal efforts to prevent the smuggling of cell phones and other wireless devices into prisons, including efforts made to minimize trafficking of cell phones by prison guards and other officials.

This is a commonsense bill to ensure that when criminals are locked up, their ability to harm citizens is completely cut off. This legislation will send a strong signal to those that either smuggle or receive contraband cell phones that they will be held accountable.

Mr. POE of Texas. I yield back the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I urge my colleagues to support the legislation, and 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 pass the bill, S. 1749, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

CHILD PROTECTION IMPROVEMENTS ACT OF 2010

Mr. SCOTT of Virginia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1469) to amend the National Child Protection Act of 1993 to establish a permanent background check system, as amended.