both the Senate-passed version of the legislation and the House Commerce Committee bill. Those two provisions directly appropriate funds for grants to states to establish support services for working individuals with disabilities and funds for demonstration projects to the states to extend Medicaid coverage to a wider group of workers with potentially severe disabilities.

Those two Medicaid improvements are very important—they expand the number of people helped by this legislation and they are both strongly supported by the disability community.

I am pleased that the bill before us today does now include those key provisions, but it has been a struggle to make sure that was the case.

The Senate passed their version of this legislation unanimously more than 4 months ago. I don't understand why it's taken 4 months for the House to act, but I am glad this day is finally here. Let's pass this bill, get to conference, and enact this law which will finally correct a serious problem in our disability system by empowering disabled people to enter the workforce without fear of losing their health coverage.

Mr. DINGELL. Mr. Speaker, I am pleased that the Work Incentives Improvement Act has finally made it to the floor. This bill had its origins in the 105th Congress and has been accumulating an impressive array of support ever since. H.R. 1180, the Work Incentives Act as introduced by my colleagues Mr. LAZIO and Mr. WAXMAN, has 247 cosponsors. The Senate passed a similar bill by a vote of 99 to 0. Finally, the people whom his bill would benefit—the disability groups—have shown us how important this legislation is by campaigning tirelessly for its passage.

During the past months, the House has seen many controversial pieces of legislation. However, no one disputes the value of the Work Incentives Improvement Act. This bill helps people with disabilities who want to get off cash assistance and start working. The bill allows people to keep their Medicaid or Medicare health benefits when they return to work, so that they can stay healthy enough to keep working. It provides grants to states to help set up the kinds of personal services that working people with disabilities require. The bill creates a demonstration project that would give Medicaid coverage to working people with serious medical conditions—such as multiple sclerosis or Parkinson's disease—before their diseases become so disabling that they have to apply for cash assistance. This bill makes sense.

The only argument against the Work Incentives Act as it was originally introduced was its cost. The Commerce Committee has acted in a fiscally prudent manner by providing offsets for the provisions in its jurisdiction. However, these offsets are about 100 million dollars shy of fully funding the Work Incentives Improvement Act as reported by the Commerce Committee. Consequently, the bill before us today omits the Committee's improved Medicaid buy-in option and leaves the demonstration program partially funded.

But I do note that, just a few weeks ago, the House passed a measure to provide tax deductions for individuals to purchase health coverage. This bill would cost about $43 billion, provided benefits mainly to the healthy and wealthy, and none of it was funded. This double standard for the disabled prevented us from passing the entire bill here today. I hope we can do better in conference.

Mr. DAVIS of Virginia. Mr. Speaker, I rise today to offer my strong support for H.R. 1180, and particularly the provisions within the bill that will help financially modernize the private student loan industry. Not only will we assure the future of the private student loan industry and protect student's interest rates, we will also be providing at least a $20 million offset to help pay for other provisions in this very important bill.

The Federal Family Education Loan Program (FFELP), the largest source of federal student loans to college students and parents, has undergone a revolution in recent years. FFELP service providers are employing a range of new technologies, such as the Internet, to vastly improve the delivery of student loans. Intense competition among FFELP providers has generated efficiencies that have driven down cost to both education loan borrowers and to U.S. taxpayers. Regrettably, the gains in efficiency and cost-reduction are being hampered by an archaic federal financing system that does not promote the most modern, efficient practices for student loan providers.

Private student loan lenders and student loan secondary markets tap global capital markets to raise the $25 billion needed annually to support new student loans. The job of raising this private capital is more difficult, because federal law ties student loan interest rates to the 91-day Treasury bill, which does not necessarily reflect supply and demand issues in private capital markets. The student loam program, and the students, families and colleges that rely on it, will benefit from a more reliable supply of funding if Congress adopts a true market-based index for determining lender yields on student loans.

Importantly, the fundamental improvement to the private sector student loan program can be achieved with a savings to the U.S. taxpayer, Mr. Speaker, that bears repeating. We can vastly improve the ability of private student loan providers to more efficiently and cheaply deliver their products to student and family borrowers, while saving the America people more than $20 million over the next four years alone. In addition, this proposal would not change the index or formula used for determining interest rates paid by student loan borrowers.

Ironically, Mr. Speaker, the necessity of this provision was not highlighted until our economy began booming and the Federal Government began operating with a non-Social Security surplus. The Treasury bill is not a market-based index. By definition, only the U.S. government borrows at the T-bill rate. Other than the federal government and Government-Sponsored Enterprises (GSEs), virtually no organizations issue market securities that are tied to the T-bill.

Unfortunately, private student loan lenders are statutorily required to raise the capital they need from private capital markets at the T-bill rate. The capital raised privately to fund student loans is typically pegged to market indices that do not necessarily move in tandem with the T-bill rate. This means that lenders and student loan secondary markets have to account for the risk that the T-bill rate and these market rates will be different. To do so, lenders partly protect themselves against this risk through hedging agreements, whereby others bear the risk. These hedging agreements inject uncertainly and add to the lenders' cost of funds.

When the difference between T-bill rates and market-based rates widen, lenders incur significant additional cost to finance student loans. This scenario was realized in the last half of 1998 when the wide spreads between T-bill rates and market-based rates effectively "dried up" the market for student loan asset-backed securities, which represent a major source of student loan funding. In essence, the Treasury Department stopped issuing T-bills and the supply disappeared.

Mr. Speaker, it is situations like these, that if allowed to continue, could drive private lenders out of the student loan business. That is why I am very grateful that this bill could include the provisions that will shift the index for determining lender yields on Federal Education Loans from the 91-day T-bill rate to the 90-day Commercial Paper rate. This is an important amendment. It will protect private student loans lenders, increase efficiency and reduce the cost of delivering the funds, save the taxpayer a minimum of $20 million, while guaranteeing the interest rate student and family borrowers pay does not increase.

The SPEAKER pro tempore (Mr. BURR of North Carolina). The question is on the motion offered by the gentleman from Texas (Mr. ARCHER) that the House suspend the rules and pass the bill, H.R. 1180, as amended.

The question was taken.

Mr. HULSHOF. 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.

AMENDING TITLE 18, UNITED STATES CODE, TO PUNISH THE DEPICTION OF ANIMAL CRUELTY

Mr. MCCOLLUM. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1887), a bill to amend title 18, United States Code, to punish the depiction of animal cruelty, as amended.

The Clerk read as follows:

H.R. 1887

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

SECTION 1. PUNISHMENT FOR DEPICTION OF ANIMAL CRUELTY.

(a) IN GENERAL.—Chapter 3 of title 18, United States Code, is amended by adding at the end the following:

"§ 48. Depiction of animal cruelty

"(a) CREATION, SALE, OR POSSESSION.—Whoever knowingly creates, sells, or possesses a depiction of animal cruelty with the intention of placing that depiction in interstate or foreign commerce for commercial gain, shall be fined under this title or imprisoned not more than 5 years, or both.

''(b) EXCEPTION.—Subsection (a) does not apply to any depiction that has serious religious, political, scientific, educational, journalistic, historical, or artistic value.

''(c) DEFINITIONS.—In this section—

''(1) the term 'depiction of animal cruelty' means any visual or auditory depiction, including any photograph, motion-picture film, video recording, electronic image, or sound recording of conduct in which a living animal is intentionally maimed, mutilated, tortured, wounded, or killed, if such conduct is illegal under Federal law or the law of the State in which the creation, sale, or possession takes place, regardless of whether the maiming, mutilation, torture, wounding, or killing took place in the State; and

''(2) the term 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any other commonwealth, territory, or possession of the United States.''.

(b) CLERICAL AMENDMENT.—The table of sections for such chapter is amended by adding at the end the following:

''48. Depiction of animal cruelty.''.

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 within which to revise and extend their remarks and to include extraneous material on the bill under consideration.

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.

Mr. Speaker, H.R. 1887, introduced by the gentleman from California (Mr. GALLEGLY), would make it a crime to place in interstate commerce any visual depiction of animals being tortured.

At a hearing on this bill in the Subcommittee on Crime of the Committee on the Judiciary, a California State prosecutor and police officer each described how they came to learn about the growing industry that deals in the depiction of animals being tortured. In most instances, videotapes are offered for sale that show women wearing high heeled shoes slowly and sadistically crushing small animals, such as hamsters, and in some cases even cats, dogs, and monkeys. The witnesses explained that these types of videos, together with other visual and audio depictions of similar behavior, appeal to persons with very specific sexual fetishes who find these depictions sexually arousing.

They also testified that because the faces of the women inflicting the torture in the videos are often not depicted and there often is no way to ascertain when or where the depiction was made, State authorities have been prevented from using State cruelty-to-animals statutes to prosecute those who make and distribute these depictions.

During the Subcommittee on Crime hearing, one of the witnesses played a short clip from one of these videos. In it a small animal was slowly tortured to death. And let me say to my colleagues that most of those in attendance had a hard time looking at it, and I do not believe in my entire time in Congress I have ever seen anything quite like this that is as repulsive as the videotape that I had to watch a portion of. And I doubt anyone else who had to watch it would say anything definitely. The clip we watched was just the beginning of the tape, which also is kind of a sad feature. The witnesses testified it was even more gruesome as the tape wore on.

H.R. 1887 will stop the interstate sale of these videos, and perhaps stop some of the international sales of these videos. Because we have learned in that hearing is that, unfortunately, entire industries have sprung up appealing to these unusual sexual fetishes throughout the world, and the Internet is the way and the means through which these are procured. Of course, most of them are originating in the United States.

The bill of the gentleman from California (Mr. GALLEGLY), H.R. 1887, would prohibit the creation, sale, or possession of a depiction of animal cruelty with the intention of placing that depiction in interstate or foreign commerce. Depiction of animal cruelty is defined in the bill to mean any visual or auditory depiction, including any photograph, motion picture film, video recording, electronic image, or sound record in which a living animal is intentionally maimed, mutilated, tortured, wounded, or killed.

The bill as amended by the subcommittee provides for an exception to the bill's prohibition if the material in question has serious religious, political, scientific, educational, journalistic, historic, or artistic value. These exceptions would ensure that an entertainment program on Spain depicting bull fighting or a news documentary on elephant poachers, to state two examples, would not violate the new statute. Also, the bill further requires that the conduct depicted be illegal under Federal law or the law of the State in which the creation, sale, or possession takes place. Thus, the sale of depictions of legal activities, such as hunting and fishing, would not be illegal under this bill.

The bill does not criminalize the mere possession of such depictions, only possession with the intent to transmit the depictions in interstate commerce for commercial gain is prohibited. The Government would bear the burden of proving that intent.

I believe this bill is a necessary complement to State animal cruelty laws. Congress alone has the power to regulate interstate commerce, and this bill does just that. It regulates the commerce in these depictions. It does not create a new Federal crime to punish the harm to the animals itself, rather it leaves that to State law, where it properly lies. What it does do is restrict the conduct that heretofore has gone on unchecked by State law, the sale across State lines of these horrible depictions for commercial gain.

And I can assure anyone who is listening to my comments today that there is nothing redeeming, socially or otherwise, about any of the depictions I witnessed in our hearing the other day. The little animal was literally pinned down on the floor as this woman took a high-heeled stiletto shoe, talking vulgar language to it, slowly crushing each of its limbs, listening to its sound on the audio, and working her way to the final death of that animal before, we are told, the part we did not see, the animal was literally crushed into the ground over a period of 10 or 12 minutes.

The bill was favorably reported by the Subcommittee on Crime by a vote of 8 to 2. The full Committee on the Judiciary favorably reported the bill to the House by a vote of 22 to 4. I believe it is a good bill, narrowly tailored to address the harm, and one that does not federalize State criminal laws but, instead, addresses only that conduct which State law does not reach, namely the interstate sale of the depictions of animals being tortured.

I thank the gentleman from California (Mr. GALLEGLY) for bringing the matter to the attention of the committee and for his leadership on the bill. I certainly encourage my colleagues to support the bill. Based on what we witnessed during the Subcommittee on Crime hearing, this clearly is a bill that is needed.

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

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

Mr. Speaker, H.R. 1887 would make it a violation of Federal law to knowingly create, sell, or possess with intent to sell a depiction of animal cruelty. At the subcommittee markup, we added a provision which exempted possession and distribution of such materials for scientific, political, historical, educational, artistic religious, or journalistic purposes. Although this narrows the application of the bill considerably, I am not convinced that the bill meets the provisions of the First Amendment to the United States Constitution which prohibits reinstructions on speech, including speech that most find disgusting or unpopular.

Mr. Speaker, in U.S. v. Eichman, a 1990 case, the Supreme Court said, and I quote, ''If there is a bedrock principle underlying the First Amendment, it is that the government may not prohibit

expression of an idea simply because society finds the idea itself offensive or disagreeable.''

Mr. Speaker, it is without question that the conduct at issue today is offensive and disagreeable, and it is also clear that we can constitutionally prohibit cruelty to animals. However, it is clear that we cannot prohibit the communications regarding such acts, including the film communications done for purely commercial gains.

□ 1700

Mr. Speaker, all States already have some form of animal protection laws which would likely prohibit the crushing of animals in a manner depicted in the so-called crush video films. And prohibiting the crushing of animals in the manner suggested in the bill raises no constitutional issues. But the communication through film is speech, which is protected by the First Amendment of the United States Constitution. Films of animals being crushed are communications about the acts depicted, not doing the acts.

In fact, the content in these films is no different than the content of a closed-circuit film of actual robberies or other crimes which are used on the Cops on the Beat TV shows in order to compete for rates and advertising revenues that they bring in. In those videos, human beings are intentionally killed or pistol whipped by criminals, and those videos would not be affected by this bill.

The Supreme Court has consistently refused to carve out new exceptions to the First Amendment. Although one cannot endanger the public by yelling ''fire'' in a crowded theater and one cannot traffic in child pornography, speech has been restricted in precious few examples.

Obscene speech is one type of speech which has been restricted. First, to be obscene, it has to appeal to prurient or sexually unhealthy and degrading interest. Second, it has to violate contemporary community standards which are judged on a State-by-State, indeed community-by-community basis, not a national basis. And third, when taken as a whole, it must be entirely lacking in redeeming literary, artistic, political, or scientific merit.

While H.R. 1887 would apply to some obscene material, many videos covered by the bill are clearly not obscene.

We have other Supreme Court cases, Mr. Speaker, which indicate that speech can also be restricted when there is a compelling State interest to do so. However, such restrictions must meet the strict scrutiny test, which requires that it is necessary to serve a compelling governmental interest and is narrowly tailored to achieve that end.

Although it is clear that the governmental interests in protecting human rights may be sufficiently compelling to justify restrictions on rights otherwise protected by the Constitution, the question posed by this bill is whether protecting animals' rights counterbalances citizens' fundamental constitutional rights.

It would seem from the case in 1993, City of Hialeah, that the answer to that question is no. In that case, the City of Hialeah enacted various ordinances to prevent cruelty to animals by prohibiting animal sacrifices which were part of the Santerian religion.

One of the asserted bases for the ordinance was protection of animals. Although the district court found a compelling governmental interest in protecting animals, the Supreme Court invalidated those ordinances as an infringement on the First Amendment's free exercise of religion clause.

Although the Supreme Court recognized the governmental interest in protecting animals from cruelty, that interest did not justify violating the rights of citizens to freely exercise their religion. Therefore, on balance, animal rights do not supersede fundamental human constitutional rights.

So while the Government can and does protect animals from acts of cruelty, making of the films of such acts are unlikely to constitute compelling State interest sufficient to justify rights which are otherwise protected by the Constitution.

Now, one argument to justify this as a compelling State interest is the suggestion of the correlation between serial killers and the indication that they often begin by torturing animals. Yet the suggestion is that the serial killers actually torture the animals themselves, not just watch videos. And certainly there is no indication that a store clerk selling videos is a danger to society. Therefore, it does not appear that there is a compelling State interest to violate the freedom of speech constitutional right. But even if there were a compelling State interest, it fails the strict scrutiny test because it is not narrowly tailored.

Although the bill is tailored to avoid some of the more obvious First Amendment issues, it leaves so much of what it is purportedly aimed at is, in fact, uncovered that it falls into the problem encountered by the Hialeah case. There the ordinances prohibited the practices of the Santerians in a way of protecting public health but it did not prohibit practices generally or pursue less offensive ways to accomplish the goals such as requiring the same sanitation activities throughout the city.

Here the bill prohibits the commercial use of videos in a way to prohibit the cruelty to animals but does not prohibit personal creation or use of the videos. The bill also exempts serious political, scientific, educational, historical, religious, artistical or journalistic uses of such films as legitimate purposes for disseminating them. It is also apparent the bill does not prohibit maiming, mutilating, wounding, or killing animals in connection with food preparation or for clothing preparation such as bashing heads of baby seals and skinning them sometimes alive and those kinds of videos for hunting and fishing or for pest control.

On the other hand, the bill makes illegal depictions of activities that are not illegal when or where made and if those activities are illegal in the State where the depictions are possessed. For example, bullfighting may be illegal in Virginia, so possessing for sale of a film in Virginia depicting a bullfight in Spain would violate the act.

Thus, as in the Hialeah case, the bill purports to prevent animal cruelty by stopping the creation and distribution of films but only when it is used for commercial purposes. A more narrowly tailored way to get at such cruelty would be to prosecute those who are actually engaged in the activities considered cruel.

So although I commend the author of the bill, the gentleman from California (Mr. MCCOLLUM) on his efforts to write a bill which addresses the problems consistent with free speech, I am not convinced that the bill meets the strict scrutiny test for limiting speech because it has not established a compelling State interest, nor is it narrowly tailored to meet that need. I, therefore, must urge my colleagues to vote against the bill.

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

Mr. MCCOLLUM. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. SMITH), a member of the committee.

Mr. SMITH of Texas. Mr. Speaker, I thank the chairman of the Subcommittee on Crime for yielding me the time.

Mr. Speaker, I am pleased to support H.R. 1887, which was introduced by my friend the gentleman from California (Mr. GALLEGLY).

This bill, which passed overwhelmingly in the Committee on the Judiciary with overwhelming votes on both sides of the aisle, will put a stop to the production and sale of videos that feature the crushing and often the killing of small, innocent animals.

First, let us be clear as to what this legislation will not do. It will in no way prohibit hunting, fishing, or wildlife videos. It will only prevent the interstate trafficking of videos that feature people crushing small animals to death with their feet.

Furthermore, this bill does not expand the legal definition of what is cruelty to animals. It would only outlaw the selling of videos that depict the torture of animals in violation of existing stated laws.

Mr. Speaker, some of society's most brutal killers first began their violent ways by killing and maiming small

animals. By putting an end to these disgusting and cruel videos, we could discourage the behavior of these individuals before it escalates to more serious crimes directed not towards animals but towards people.

Mr. Speaker, I urge the passage of this common-sense legislation. I thank the gentleman from California (Mr. GALLEGLY) for introducing this bill.

Mr. SCOTT. Mr. Speaker, I yield 5 minutes to the gentleman from Georgia (Mr. BARR), a member of the Committee on the Judiciary.

Mr. BARR of Georgia. Mr. Speaker, I appreciate the gentleman from Virginia (Mr. SCOTT), my distinguished colleague on the Committee on the Judiciary, for yielding me the time on this important matter, important matter only because what we are trying to do here today, at least those of us who oppose this legislation, is bring some common sense back to this body, some common sense that tells us that where we have improper activity or abhorrent or disgusting activity, use whatever legitimate and accurate characterization of this activity one would like, that is already illegal under either Federal and/or State law, common sense tells us to ask the question why are we taking up the time of this distinguished body, with all of the extremely important matters before us on the Committee on the Judiciary, before every other committee in this body, why are we doing this?

Are we no longer cognizant of principles of federalism that brought many of us here, principles of federalism that say, only if a particular activity falls within the legitimate ambit of principles well-established of federalism as a clear Federal responsibility and, further, unless that activity is not already covered adequately by State law that results in prosecutions or can result in prosecutions, we should not be saddling our Federal officials, those who investigate and prosecute these crimes and who come before Congress year after year after year, and say we do not have enough resources to do the job they have already given us, why in heaven's name are we saying do not worry about that, do not do their job in some other area, do not prosecute or investigate cases of drug dealing, do not investigate or prosecute cases of trafficking in firearms, do not investigate or prosecute cases involving corruption, terrorism, mail fraud, arson, assault, whatever it is, we want you to go after animal cruelty videos.

Mr. Speaker, every one of the 50 States of this Union already has on the books laws that address precisely the activity that we are seeking to now make a violation of Federal criminal law here today. The very language of this proposed legislation is based on the underlying activity being against State law.

I have asked the Library of Congress and they have provided me a report from the CRS outlining the fact that every single one of our 50 States already criminalizes cruelty to animals.

Now, yes, it may very well be as Loretta Switt and others from Hollywood who are so offended by this, and they ought to be, it may very well be that prosecutors in California have a difficult job prosecuting these cases. If that is, in fact, the case, and I am not making a judgment on it, but if it is, then the remedy, Mr. Speaker, is not to come running to the Congress and say, oh, give us a Federal statute to make our job easier. The proper response, at least for those of us who I thought supported principles of federalism, would be, if they in California believe that their State laws are insufficient to enable them to properly investigate, prosecute, and put behind bars those who conduct this disgusting activity, then they have a remedy, change their State laws, give their prosecutors more tools that they might need to do this. And the same would apply for every one of the 50 States.

I would urge my colleagues on the other side and I asked them this during the debate in the Committee on the Judiciary to identify for me which among all of the provisions of the U.S. Criminal Code, this massive volume here, Mr. Speaker, they do not think are being handled sufficiently.

Because if we pass this legislation telling the FBI that it now will have, in addition to all this other responsibility, the responsibility for investigating videos of cruelty to animals by women in high heels, then we are telling them we want them to take away their time from prosecuting these other provisions of the criminal law in order to go after women in high heels crushing animals or bugs or whatever it is.

I am not making a judgment on whether or not that is improper behavior. Clearly it is. It is disgusting. It is abhorrent. But it is already illegal under State law.

I would much prefer, Mr. Speaker, to tell our Department of Justice, and we have great difficulty getting them to properly prosecute existing laws with regard to violence against children involving firearms, for example, to say, oh, in addition to that, they are not doing a good job of that, but here are some more things they have to do. Go after these videos.

I would urge my colleagues to just step back for a moment and recognize that, yes, this behavior is disgusting. A lot of behavior is disgusting. That does not mean, nor should it mean, that we need to federalize this crime where there are already, Mr. Speaker, the laws of the 50 States that make this illegal, there are the laws of the 50 States against pornography, obscenity, and the Federal law.

There is no need for this legislation. Defeat it and bring common-sense principles of federalism back to this body.

Mr. SCOTT. Mr. Speaker, could the Chair advise us as to the time remaining.

The SPEAKER pro tempore. The gentleman from Virginia (Mr. SCOTT) has 6½ minutes remaining. The gentleman from Florida (Mr. MCCOLLUM) has 13½ minutes remaining.

Mr. MCCOLLUM. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. GALLEGLY), the author of the bill.

Mr. GALLEGLY. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, first of all, I cannot let a couple of the statements of my distinguished colleague the gentleman from Georgia (Mr. BARR) stand.

Number one, the gentleman knows better. This has nothing to do with bugs and insects and cockroaches, things like that. This has to do with living animals like kittens, monkeys, hamsters, and so on and so forth.

Furthermore, it is the prosecutors from around this country, Federal prosecutors as well as State prosecutors, that have made an appeal to us for this. And further, it is not a requirement of them to prosecute the cases. This statute only gives them more tools at their option to prosecute if they deem necessary rather than taking away from, as the gentleman says, maybe more important cases.

□ 1715

So I think that that argument is very invalid.

Mr. Speaker, I do appreciate the opportunity to address the House today on H.R. 1887, a bill to prohibit the sale of depictions of animal cruelty.

What do Ted Bundy and Ted Kaczynski have in common? They tortured or killed animals before killing people. Many studies have found that people who commit violent acts on animals will later commit violent acts on people.

District Attorney Michael Bradbury of Ventura County in my home district of California came to me because he cannot prosecute people who are involved in promoting and profiting from violent acts to animals. The people are making and selling crush videos. These videos feature kittens, hamsters, birds, sometimes even monkeys and they are taped to the floor while women slowly torture and crush them to death. These videos, over 2,000 titles, sell for as much as $300 apiece.

Federal and State prosecutors from around the country have contacted me to express the difficulty they have in prosecuting people for crush videos because the only evidence of the crime is on videotape. It is difficult to prove that the tape was filmed within the statute of limitations and it is difficult to identify the person in the video. Further, the producer and distributor of the video, the person making the big

bucks, is not violating any current State or Federal laws.

H.R. 1887 was drafted very narrowly to protect the freedom of speech guaranteed under the first amendment. The House Committee on the Judiciary passed the bill with bipartisan support by a vote of 22–4.

I want to thank the gentleman from Florida (Mr. MCCOLLUM), the chairman of the subcommittee; his staff, the gentleman from Illinois (Mr. HYDE), the gentleman from Michigan (Mr. CONYERS) and all the cosponsors of the bill. I want to thank my district attorney Michael Bradbury for bringing this to my attention, his deputy attorney Tom Connors and my staff along with the Doris Day Animal League for helping me in my efforts to put an end to this crush video business.

I ask my colleagues to join in supporting H.R. 1887.

I appreciate the opportunity to rise and speak in favor of H.R. 1887, a bill to prohibit the sale of depictions of animal cruelty.

What do Ted Bundy, David Berkowitz (the "Son of Sam" murderer), and Ted Kaczynski have in common? They all tortured or killed animals before they started killing people. The FBI recently stated that children who torture animals should be considered "potentially violent" and this may be a factor in profiling a child as the next school shooter. Many studies have found that people who commit violent acts on animals will later commit violent acts on people. Planned, acts of animal cruelty is a problem that should be taken seriously.

District Attorney Michael Bradbury of Ventura County, California, came to me because he cannot prosecute people who are involved in promoting and profiting from violent acts to animals. The people are making and selling "crush videos." These videos feature kittens, hamsters, birds, and even moneys that are taped to the floor while women, sometimes barefooted, and sometimes in spiked heels, slowly torture and crush the animal to death. The videos sell for up to $300 and more than two thousand titles are available for sale nationwide. People who buy the videos purchase them to satisfy their sexual foot fetish.

Federal and state prosecutors from around the country have contacted me to express the difficulty they have in prosecuting people for crush videos because the only evidence of the crime is the videotape. It is difficult to prove that the tape was filmed within the statute of limitations, and it is difficult to identify the person in the video. Further, the producer and distributor of the video, the person making the big bucks, is not violating any federal or state laws. The state law on the books and the lack of a relevant federal law leave the prosecutors empty handed. The current law is insufficient to prosecute crush videos.

H.R. 1887 targets the profits made from promoting illegal cruel acts toward animals. The bill was drafted very narrowly to protect the freedom of speech guaranteed by the First Amendment. In order to be prosecuted for this proposed law, one must first violate a state or federal animal cruelty law in creating a depiction of a live animal. Then the person must sell the video or intend to sell the video across state lines. The First Amendment would not protect videos that are made for profit and that are filming someone violating an existing law. The state has an interest in enforcing its existing laws. Right now, the laws are not only being violated, but people are making huge profits from promoting the violations.

Some of the leading constitutional lawyers in the nation helped me draft the bill. In addition, following a hearing in the Crime Subcommittee, this legislation was amended to further ensure that it does not infringe upon the First Amendment. The bill specifically excludes any depiction that has serious political, scientific, educational, historical, artistic, religious, or journalistic value. As amended, the bill does not prohibit groups such as the Humane Society of the United States from creating an educational documentary on animal cruelty.

The value of crush videos is de minimis. Crush videos would not fall within the specific exceptions to the bill.

The sick crush video business must end. The cruelty to animals must stop. The House Committee on the Judiciary agreed that crush videos should not be sold and passed the bill with bipartisan support by a vote of 22–4. Please support H.R. 1887.

I want to thank the Chairman of the Crime Subcommittee, Congressman BILL MCCOLLUM and his staff, Chairman HENRY HYDE and Ranking Member JOHN CONYERS, and all of the cosponsors of the bill. I also want to thank District Attorney Michael Bradbury and his Deputy District Attorney, Tom Connors, and the Doris Day Animal League for helping me in my efforts to put an end to the crush video business.

Mr. SCOTT. Mr. Speaker, I yield 5 minutes to the gentleman from Texas (Mr. PAUL).

Mr. PAUL. I thank the gentleman from Virginia for yielding me the time.

Mr. Speaker, I rise in opposition to this bill. If ever there were a bill unnecessary, this is one. It is an example of us here in the Congress looking for dragons to slay. This is absolutely unnecessary. There is no real purpose in passing this legislation. As has been said, all 50 States have laws against violence and cruelty to animals. That should be adequate. But the way this bill is written really opens up a Pandora's box. It is a can of worms.

Take, for instance, it says, "whoever knowingly possesses a depiction of animal cruelty with the intention of placing that depiction in interstate commerce." That, you can get 5 years for. How do you prove intention? This is subjective, purely subjective. This is not narrowly written, this is very broadly written. This is a first amendment concern to many, but it is also so unnecessary.

Chief Justice Rehnquist, along with Ed Meese, has stated recently, there is just no need for more Federal laws. We do not need more Federal laws. We cannot even enforce the ones that we have. And besides, this is strictly a State matter.

Now, if they want to use the interstate commerce clause, they should be reminded, up until this century at least, the interstate commerce clause was used in its original intent to open up trade between the States. It was never the excuse to regulate everything between the States. That is a 20th century distortion of the interstate commerce clause. So that is not even a real good excuse for this.

Now, cruelty to animals, nobody is going to come and defend cruelty to animals. But quite frankly there will be times it will be difficult to define. The motivation for most cruelty to animals is because people are sick. This is a mental illness. We are dealing with mental illness here and we are going to write a Federal law against it. So if somebody, and it was even mentioned by the proponents of this bill, that people like Ted Bundy delight in this. Yes. These people are psychopaths. They are nuts. It is an illness. We cannot pass a law to deal with mental illness. I strongly object to this approach. We should be thinking not only about the process but of the unintended consequences of passing legislation like this.

I have seen some pretty violent ads on television of killing cockroaches. I know that is not their intention. I went fishing one time and it was rather ghastly. I am not a very good fisherman nor a hunter. I cannot see the killing of animals. But to see the hook pulled up on a kingfish and have the fish thrown on the deck and the fish suffocate, we make movies of this. This is on television. They say this will not be affected. How do we know? There are hunting films on television. Animals are shot. Maybe people are delighting in looking at the cruelty or the killing of animals on television even though they are sporting or fishing shows.

Yes, I agree that is not what is intended, but so often our legislation gets carried away and is misinterpreted. I would ask my colleagues not to pass this legislation. This legislation does not have any redeeming value whatsoever. It is well-intended in the sense that people object to cruelty to animals but quite frankly I have not had one single request from my 595,000 constituents in my district for this bill, and I would like to see how many others who would honestly get up here and say, oh, I have had dozens or hundreds or thousands of people.

The only people that I have heard that have requested this piece of legislation are law enforcement officials, not the judges who have to deal with this, not the people in the country, not the State legislative bodies, not the governors, but people who may want to have a lot more activity to do things they are not doing well enough anyway. Federal law enforcement is lagging. So to put another law on the books which is not well written, and it is subjective in that we have to decide

whether or not the person who possesses this material is intending to sell it to somebody.

This bill really is something that we need to just reject, vote down. We do not need it. The States will take care of this. We do not need to be bashful and say that if we do not vote for this bill for some reason that we endorse the idea of animal cruelty. That is not the case. Nobody endorses this. I just think that the qualifications in here to exempt certain people like journalistic and historical and artistic, these categories, quite frankly, who will be the judge? It will be very difficult to do.

Mr. MCCOLLUM. Mr. Speaker, I yield 3 minutes to the gentleman from Alabama (Mr. BACHUS).

Mr. BACHUS. Mr. Speaker, let me say this to the gentleman from Texas. I do not want to have to wait till my district attorney calls me. Recently in Arkansas, Andrew Golden, a little 11-year-old boy, shot 10 of his classmates. He had a history of animal cruelty. Luke Woodham in Mississippi, a little boy who opened fire on his fellow students, he had a history of animal cruelty. The sponsor of this bill mentioned Ted Bundy, and I commend the gentleman from California (Mr. GALLEGLY). He mentioned the Unabomber. Let us add to that list. How about ''Son of Sam'' David Berkowitz and Jeffrey Dahmer? What do all these people have in common? They have a history of abusing animals, of animal cruelty.

What does that matter to what we are discussing here today? Psychologists tell us that when we view these activities, they desensitize our young people to a behavior which appears to be a gateway to violent acts of indiscriminate, cold-blooded murder. Now, we might not have much of a compelling state interest in bugs and beetles and hamsters but we do in our children, and we do not want any activity which desensitizes our children, which might be a gateway to more violent acts.

Yes, these people are mentally ill but people are not always mentally ill. There are things that cause them to be mentally ill, and it is clear to some of us that these videos can push people, they can desensitize people. Why are we so upset? Not because it is disgusting as disgusting as it is, but because it is dangerous. What are we trying to protect? We are trying to protect the first amendment, but we are also trying to protect our children. The Supreme Court has already ruled on several occasions that animal cruelty is not protected, and this statute is necessary to stop the interstate sale of videos which show this animal cruelty and which get in the hands of our children.

Why do we need such a law? Somebody said we have got all the laws on the books. Let me address that last argument. In these videos, all we see is the feet and the hands of these people crushing these small animals. Our law enforcement officers cannot identify these people. In every State it is against the law for them to do it, but we cannot identify these people. But we can identify who is selling them. They are selling them for $100 and $50 and $30 and there are over 2,000 of them.

It is time to close this loophole and protect our children. This is about children, not about beetles.

Mr. MCCOLLUM. Mr. Speaker, I yield 2 minutes to the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Mr. Speaker, I do not need 2 minutes. I would like to concur with what we just heard. The gentleman from Alabama said it right on target. It is not about animals, it is about people. It is not about freedom of speech, it is not about federalism, it is about people. It is certainly not about needing to do it because we do need to. It is about a sick society we are trying to make better. This is an obvious way to do it. We cannot prosecute these people without this law. It will continue. It will grow. It will just fester and fester and fester. It is just gross and it is sick and we need to put an end to it.

Mr. MCCOLLUM. Mr. Speaker, I yield 2½ minutes to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. I thank the gentleman for yielding me this time.

Mr. Speaker, I rise as a cosponsor of H.R. 1887 which my friend the gentleman from California (Mr. GALLEGLY) introduced in order to prevent and punish those who create videos which depict violent acts of animal cruelty in violation of State laws.

My experience in working on domestic violence issues alerted me to the connection between animal abuse and violent behavior. Often, women in domestic violence shelters report that their abusers victimize the family pet in order to control their behavior or the children's behavior. Abusers often threaten to harm or inflict pain to the animal to demonstrate control within the home. Not surprisingly, children raised in such homes often learned that cruelty to animals is acceptable behavior, certainly when they are watching such videos. In turn, this behavior becomes the first step in repeating a legacy of violence and the conditioning of referring to violence in demonstration of power or frustration. Raising awareness about the link between animal cruelty and domestic violence, child abuse and other forms of violent behavior I think is an important step in trying to prevent such violence. This bill would address one source of animal cruelty by punishing those who create, sell or possess depictions of animal cruelty with the intention of earning commercial gain from that depiction.

The legislation reflects a growing awareness, a growing concern, that violence perpetrated on animals is unacceptable and often escalates to violence against humans. FBI Special agent Allan Brantly stated last year that, quote, ''animal violence does not occur in a vacuum. It is highly predictive in identifying children being abused and cases of spousal abuse.'' He continues to say, ''In many cases we have seen examples whereby enjoyment from killing animals is a rehearsal for targeting humans.'' I would say the same of viewing this.

In a survey of domestic violence shelters in every State, 85 percent of the women reported situations where their abuser abused or threatened abuse on the family pet. Increasingly, the intentional harming or killing of pets by adults or children is recognized as an indicator of violence in the home. It is essential that our society recognizes this link and punishes acts of animal cruelty. I urge support of H.R. 1887. I hope its passage will increase awareness of the serious nature of animal cruelty.

□ 1730

Mr. MCCOLLUM. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE), a member of the committee.

Ms. JACKSON-LEE of Texas. Mr. Speaker, some things are just plain wrong. I am gratified that most of this Congress did not have the unpleasant experience of viewing what those of us on the Subcommittee on Crime had the opportunity to view. This was the physical and actual crushing, as they are called, crush videos, of kittens and hamsters and birds taped to the floor while women with either bare feet or high heels are crushing these animals for either the sexual pleasure of those who are viewing these videos or something else.

There is something to the value of the Federal Government making a moral statement that this is abhorrent and intolerable behavior.

I think it is important to delineate why we are passing such legislation on the Federal level. First of all, it deals with interstate commerce. Secondarily, it deals with the creation, the selling or possessing of such. We realize that mental illness comes into play, but the idea that there is profiteering because these videos are being sold and potentially our children are having access to seeing them on the Internet makes it, for me, something that should not be protected by the First Amendment.

I am gratified by the amendment offered by the gentleman from Florida (Mr. MCCOLLUM), and I thank the gentleman from California (Mr. GALLEGLY) for his leadership on this bill that takes away the potential of interfering with religion or journalistic issues.

Mr. Speaker, this is an abhorrent act. This is someone engaging in producing such videos to attract an audience and to sell it. Our law enforcement has said we can do nothing with State cruelty laws, because we cannot see the stomping person, but we can find the person who produced it.

I would hope that America would stand for something better than that, that we would stand against this kind of reckless and random violence so that our children will understand the moral values of the sanctity of life. This is unnecessary, this is profiteering, and it is unnecessary to have these kinds of acts.

Mr. Speaker, I would simply add that we outlaw it and outlaw it now.

Mr. Speaker, I wish to rise to support H.R. 1887, a bill to amend Title 18, United States Code, to punish the depiction of animal cruelty. Recently, we heard compelling testimony about the heinous practice of crush videos. After hearing these insightful witnesses, I am more certain than ever that legislative action is needed.

A depraved video market has emerged which features women crushing small animals to death with their feet. Generally, these "Crush Videos" depict kittens, hamsters, and birds taped to the floor while women, sometimes, barefooted, sometimes in spiked heels, step on the animals until they die. The videos sell for $30 to $100 and more than 3,000 titles are available for sale nationwide.

The acts of animal cruelty featured in the video are illegal under many State laws. However, it is difficult to prosecute these acts under State animal cruelty laws because it is difficult to identify the individual in the video. This is primarily because only the women's leg is shown in the video. Further, it is difficult to determine when the act depicted in the video occurred for purposes of proving it was done within the statute of limitation.

H.R. 1887 was introduced by Representative ELTON GALLEGLY (R–CA) to address this problem. The bill would make it violation of Federal law to knowingly create, sell, or possess a depiction of animal cruelty with the intent of placing that depiction in interstate or foreign commerce for commercial gain. The term "depiction of animal cruelty" is defined to mean a depiction in which a living animal is intentionally maimed, mutilated, tortured, a wounded or killed, if such conduct is illegal under Federal or State law. The bill further provides for a fine and/or imprisonment of not more than 5 years.

I believe that H.R. 1887 is a good measure and would go a long way in eradicating this blight on civilized society. Having said that, I am concerned that H.R. 1887 may violate the first amendment right to free speech. Representative MCCOLLUM offered an amendment in the nature of a substitute during Judiciary Committee markup that provided for an exception to its provisions where otherwise prohibited depictions are for serious political, religious, artistic, scientific, newsworthy or educational purposes. The purpose of the amendment was to ensure that, for example, an entertainment program on bullfighting in Spain would not violate the new statute where it is possesses or distributed in a State where bullfighting is prohibited.

I am of the opinion that the McCollum amendment addresses the first amendment concerns. Specifically, the legislative language in H.R. 1887 in its amended form is distinguishable from the statutes struck down in cases such as *Church of the Lukumi Babalu Aye* v. *City of Hialeah,* 508 U.S. 520 (1993), striking down a city ordinance that prohibited ritual animal sacrifice but that allowed other forms of animal slaughter, and *Simon & Schuster* v. *Crime Victims Bd.*, 502 U.S. 105 (1991), striking down New York's "Son of Sam" prohibition against criminals profiting from the sale of stories about their crimes.

The court in Simon & Schuster stated that "[a] statute is presumptively inconsistent with the First Amendment if it imposes a financial burden on speakers because of the content of their speech." The case goes on to state that "The Son of Sam laws establishes a financial disincentive to create or publish works with a particular content." In order to justify such differential treatment, "the State must show that its regulation is necessary to serve a compelling state interest and is narrowly drawn to achieve that end."

H.R. 1887 addresses the compelling State interest of preventing the crime of animal cruelty. Additionally, H.R. 1887 narrowly tailored to the knowing depiction of specifically outlined illegal conduct, and that conduct already determined by state statute to be animal abuse, with the intent to place that depiction in interstate commerce. I believe that the legislation is therefore sufficiently narrowly drawn to only prevent depictions of criminal conduct.

Accordingly, I urge my colleagues to support this measure to stop this barbaric activity.

Mr. MCCOLLUM. Mr. Speaker, I would inquire of the Chair how much time each side has remaining.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Florida (Mr. MCCOLLUM) has 2½ minutes remaining; the gentleman from Virginia (Mr. SCOTT) has 1½ minutes remaining.

Mr. MCCOLLUM. Mr. Speaker, I have no other speakers but myself to close.

Mr. SCOTT. Mr. Speaker, I yield the remainder of our time to the gentleman from South Carolina (Mr. SANFORD).

The SPEAKER pro tempore. The gentleman from South Carolina (Mr. SANFORD) is recognized for 1½ minutes.

Mr. SANFORD. Mr. Speaker, I do not know if this would mean somehow that the Kentucky Derby would become a Federal crime as the jockey whips the horse; I do not know if one of the biggest times in the low country of South Carolina would now suddenly become a Federal crime as one literally throws live crabs into hot boiling water to steam crabs. However, what I do know is that the Federal Government cannot keep up with what is already on its plate, and the Justice Department is already very busy trying to prosecute what is before it. The idea of adding another Federal crime to again, as the gentleman from Texas (Mr. PAUL) has suggested earlier, this is something that I am not hearing from my constituents back home and it does not make sense to me.

There has been a lot of talk about the children, how are we going to protect the children. I can assure my colleagues, my kids will not be checking out from Blockbuster Video crush videos, and the responsibility, if we are serious about this as Republicans on who is going to control which videos my kids or your kids are watching, I think comes back to the home.

Mr. MCCOLLUM. Mr. Speaker, I yield 40 seconds to the gentleman from California (Mr. GALLEGLY), the author.

Mr. GALLEGLY. Mr. Speaker, I thank the gentleman for yielding, and with all due respect to my good friend from South Carolina (Mr. SANFORD), and he is my good friend, when he said he does not know whether it would be in effect for a jockey whipping a horse at the Kentucky Derby or crustaceans or the like, I can assure him that if he had read the bill a little more carefully, he would find that that absolutely is not a part of this legislation.

As it relates to adding another statute, it does not add another statute as it relates to the issue of animal cruelty. It only gives the prosecutors one more tool to prosecute existing law.

Mr. MCCOLLUM. Mr. Speaker, I yield myself the remainder of the time.

If I might in closing, the gentleman from California (Mr. GALLEGLY), the author, is quite right. I just want to amplify this point. This bill in no way affects insects or bugs or crabs. First of all, we have to have animal cruelty under State law before this applies.

Secondly, there is no Federalization of State law involved here. No animal cruelty law is brought into the Federal scheme of things, only the interstate sale we are dealing with of these horrible products. This is the same type of thing we have when we deal with the drug issue about the intent to sell and the sales that occur across State lines. Of course those could be just relegated to the States to enforce these laws, but now we have the Internet, we have interstate sales, we have the invidious, horrible things that happen to children when they see these depictions, just as when they are involved in the receiving end of the drugs.

So I think this is a very important statute and not federalizing anything else we are proposing.

Last but not least, this is clearly constitutional, because the bottom line of it is there is no redeeming value whatsoever. It does not rise to that level at all to be protected as free speech when we are talking about torturing an animal under the purposes here with all the exemptions we have for journalistic and religious and other reasons.

So I encourage in the strongest of terms the adoption of this bill today. We need to protect our kids. This is

about children and it is about cruelty, and it is about teaching the lessons of morality, but it is most importantly about giving law enforcement the tools to make this really effective in the world of the Internet we live in today and the interstate commerce where people are making videos today, taking hamsters and kittens and literally torturing them to death for 10 or 15 or 20 minutes, slowly, to get the voice over it for sexual fetishes to sell around the world.

I urge the adoption of this bill.

Mr. LANTOS. Mr. Speaker, I rise today in strong support of H.R. 1887—legislation that will put a stop to the outrageous production and sale of so-called "crush videos." These disturbing videos show women crushing small animals to death with their feet. Kittens, hamsters, guinea pigs, birds, small dogs and other animals are taped to the floor while a woman, sometimes barefooted and sometimes in spiked heels, step on the animal until it dies. These vicious videos sell for as much as $100 and, as incredible as it seems, there are over three thousand titles now for sale.

Mr. Speaker, numerous studies have demonstrated that the individuals who commit violent acts against animals are also the same individuals who commit violent acts against humans. In the last Congress I introduced legislation which dealt with that problem. The Congressional Friends of Animals, of which I am the Democratic Co-Chair, held a briefing last year to explore the link between animal abuse and domestic violence. Based on the information we received at that briefing, I introduced a resolution which recognized this link and called on Federal and local law enforcement officials to treat animal cruelty seriously "because such cruelty is a crime in its own right in all 50 states, and because it is a reliable indicator of the potential for domestic and other forms of violence against humans." My resolution urged Federal agencies to focus greater research in order to understand the link between animal cruelty and violent crime.

It is no surprise that individuals who brutalize animals are very often guilty of committing similar crimes against people. Violence against animals in many cases precedes and frequently coexists with spouse abuse, elder abuse, as well as murder and assault. A 1997 survey found that over 85 percent of women in shelters, who suffered violence in the home, also reported violence directed against pets or other animals. The American Psychiatric Association considers animal abuse as one of the diagnostic criteria of a conduct disorder. Brutality against animals is not normal behavior, and we must make that clear, as this legislation does, that this is a crime and it will be punished.

Mr. Speaker, H.R. 1887 is a narrowly drafted bill tailored to prohibit the creation, sale or possession with the intent to sell or distribute the depiction of animal cruelty in interstate commerce for commercial gain. It does not preempt state laws on animal cruelty, but rather strengthens the reach of state laws in the state where the cruelty occurred. The bill provides our nation's law enforcement officials with the tool they need in order to prosecute the vicious and vile individuals who produce these "crush videos."

Mr. Speaker, this is an important step to stop this abhorrent practice. I strongly urge my colleagues to support this legislation.

Mr. FARR of California. Mr. Speaker, I rise in support of Mr. GALLEGLY's bill H.R. 1887. I would like to congratulate the Crime Subcommittee for producing this excellent legislation and I look forward to working with them on my own bill to end the cruel treatment of elephants in circuses.

H.R. 1887 will put a stop to the production and sale of "crush videos" which feature women crushing small animals to death with their feet. Kittens, hamsters, and birds are taped to the floor while the women, sometimes barefooted, and sometimes in spiked heels, step on the animal until it dies. The videos sell for $30–$100 and more than three thousand titles are available for sale nationwide.

The acts of animal cruelty featured in animal "crush videos" are illegal under state law. However, it is difficult to prosecute these acts under state animal cruelty laws. First, a District Attorney must identify the individual in the video. This is a difficult task given the fact that most of the time, only the actress' legs are shown. Second it is difficult to prove that the act featured in the video occurred within the statute of limitations. Third, local animal cruelty laws do not prohibit the production, sale, or possession of the video. There are no applicable federal laws.

H.R. 1887 is narrowly tailored to prohibit the creation, sale or possession with the intent to sell a depiction of animal cruelty in interstate commerce for commercial gain. The bill does not preempt state laws on animal cruelty. Rather, it incorporates the animal cruelty law of the state where the offense occurs.

The bill would provide prosecutors with the tool they need to prosecute people for making "crush videos." By targeting the profits made from this disgusting video, we will put a stop to its production.

Mr. Speaker, there is no place for this kind of cruelty in the entertainment industry. I am pleased to support Mr. GALLEGLY's bill, H.R. 1887, and encourage my colleagues to do the same.

The SPEAKER pro tempore. All time has expired.

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. 1887, as amended.

The question was taken.

Mr. BARR of Georgia. 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.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Debate has concluded on all motions to suspend the rules.

Pursuant to clause 8 of rule XX, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed earlier today in the order in which that motion was entertained. Votes will be taken in the following order:

H.R. 1180 by the yeas and nays, and

H.R. 1887 by the yeas and nays.

The Chair will reduce to 5 minutes the time for the second electronic vote.

TICKET TO WORK AND WORK INCENTIVES IMPORVEMENT ACT OF 1999

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 1180, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. ARCHER) that the House suspend the rules and pass the bill, H.R. 1180, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 412, nays 9, not voting 12, as follows:

[Roll No. 513]

YEAS—412

Abercrombie	Capuano	Eshoo
Ackerman	Cardin	Etheridge
Aderholt	Carson	Evans
Allen	Castle	Everett
Andrews	Chabot	Ewing
Archer	Chambliss	Farr
Bachus	Chenoweth-Hage	Fattah
Baird	Clay	Filner
Baker	Clayton	Fletcher
Baldacci	Clement	Foley
Baldwin	Clyburn	Forbes
Ballenger	Coble	Ford
Barcia	Collins	Fossella
Barr	Combest	Frank (MA)
Barrett (NE)	Condit	Franks (NJ)
Barrett (WI)	Conyers	Frelinghuysen
Bartlett	Cooksey	Frost
Barton	Costello	Gallegly
Bass	Cox	Ganske
Bateman	Coyne	Gejdenson
Becerra	Cramer	Gekas
Bentsen	Crane	Gibbons
Bereuter	Crowley	Gilchrest
Berkley	Cubin	Gillmor
Berman	Cummings	Gilman
Berry	Cunningham	Gonzalez
Biggert	Danner	Goode
Bilbray	Davis (FL)	Goodlatte
Bilirakis	Davis (IL)	Goodling
Bishop	Davis (VA)	Gordon
Blagojevich	Deal	Goss
Bliley	DeFazio	Graham
Blumenauer	DeGette	Granger
Blunt	Delahunt	Green (TX)
Boehlert	DeLauro	Green (WI)
Boehner	DeLay	Greenwood
Bonilla	DeMint	Gutierrez
Bonior	Deutsch	Gutknecht
Bono	Diaz-Balart	Hall (OH)
Borski	Dickey	Hall (TX)
Boswell	Dicks	Hastings (FL)
Boucher	Dingell	Hastings (WA)
Boyd	Dixon	Hayes
Brady (PA)	Doggett	Hayworth
Brady (TX)	Dooley	Hefley
Brown (FL)	Doyle	Herger
Brown (OH)	Dreier	Hill (IN)
Bryant	Duncan	Hill (MT)
Burr	Dunn	Hilleary
Burton	Edwards	Hilliard
Callahan	Ehlers	Hinchey
Calvert	Ehrlich	Hinojosa
Campbell	Emerson	Hobson
Canady	Engel	Hoeffel
Capps	English	Hoekstra