

***In the House of Representatives, U. S.,***

*July 20, 2010.*

*Resolved*, That the bill from the Senate (S. 1749) entitled “An Act to amend title 18, United States Code, to prohibit the possession or use of cell phones and similar wireless devices by Federal prisoners.”, do pass with the following

**AMENDMENT:**

Strike out all after the enacting clause and insert:

1 **SECTION 1. SHORT TITLE.**

2 *This Act may be cited as the “Cell Phone Contraband*  
3 *Act of 2010”.*

4 **SEC. 2. WIRELESS DEVICES IN PRISON.**

5 *Section 1791 of title 18, United States Code, is amend-*  
6 *ed—*

7 *(1) in subsection (b)—*

8 *(A) in paragraph (4), by striking “or*  
9 *(d)(1)(E)” and inserting “, (d)(1)(E), or*  
10 *(d)(1)(F)”;* and

11 *(B) in paragraph (5), by striking*  
12 *“(d)(1)(F)” and inserting “(d)(1)(G)”;* and

13 *(2) in subsection (d)(1)—*

14 *(A) in subparagraph (E), by striking “and”*  
15 *at the end;*

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

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

5           “(F) a phone or other device used by a user  
6           of commercial mobile service (as defined in sec-  
7           tion 332(d) of the Communications Act of 1934  
8           (47 U.S.C. 332(d))) in connection with such  
9           service; and”.

10 **SEC. 3. GAO STUDY.**

11           Not later than 1 year after the date of enactment of  
12           this Act, the Comptroller General shall submit a report to  
13           Congress with research and findings on the following issues:

14           (1) A study of telephone rates within Federal  
15           prisons to include information on interstate, intra-  
16           state and collect calls made by prisoners, including—

17           (A) the costs of operating inmate telephone  
18           services;

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

22           (C) the revenue obtained from inmate tele-  
23           phone systems;

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

1           (E) options for lowering telephone costs to  
2 inmates and their families, while still maintain-  
3 ing sufficient security.

4           (2) A study of selected State and Federal efforts  
5 to prevent the smuggling of cell phones and other  
6 wireless devices into prisons, including efforts that se-  
7 lected State and Federal authorities are making to  
8 minimize trafficking of cell phones by guards and  
9 other prison officials and recommendations to reduce  
10 the number of cell phones that are trafficked into  
11 prisons.

12           (3) A study of cell phone use by inmates in se-  
13 lected State and Federal prisons, including—

14           (A) the quantity of cell phones confiscated  
15 by authorities in selected State and Federal pris-  
16 ons; and

17           (B) the reported impact, if any, of: (1) in-  
18 mate cell phone use on the overall security of  
19 prisons; and (2) connections to criminal activity  
20 from within prisons.

21 **SEC. 4. COMPLIANCE WITH PAYGO.**

22           The budgetary effects of this Act, for the purpose of  
23 complying with the Statutory Pay-As-You-Go Act of 2010,  
24 shall be determined by reference to the latest statement titled  
25 “Budgetary Effects of PAYGO Legislation” for this Act,

1 *submitted for printing in the Congressional Record by the*  
2 *Chairman of the Committee on the Budget of the House of*  
3 *Representatives, provided that such statement has been sub-*  
4 *mitted prior to the vote on passage.*

Attest:

*Clerk.*



# **S. 1749**

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## **AMENDMENT**