

a plan for and demonstrate ongoing, measurable progress toward achieving self-sufficiency of cord blood collection and banking operations.

Extends the length of a cord blood bank contract from three years to five years. A five year extension of cord blood contracts will be permitted if such entities: (1) demonstrate a superior ability to satisfy the requirements included in the original statute to be federal cord blood banks; (2) provide a plan for increasing cord blood unit collections at collection sites that exist at the time of consideration of such extension, assist with the establishment of new collection sites, or contract with new collection sites; and (3) annually provide to the HHS Secretary a plan for and demonstrate ongoing, measurable progress toward achieving self-sufficiency of cord blood collection and banking operations.

Redefines the term, "first-degree relative" as a sibling of the individual requiring a transplant. Authorizes appropriations for the National Cord Blood Inventory Program (NCBI) at \$23 million in fiscal years 2011-2014 and \$20 million in fiscal year 2015. The substitute amendment eliminates language in the law which allows funds to remain available until expended since this is overridden by long-standing policy in appropriations bills. The statutory language was originally necessary because the 2005 authorization law passed after funds had been appropriated.

(b) Clarifies that the C.W. Bill Young Cell Transplantation Program, known as the Program, shall support studies and outreach projects to increase cord collection donation and collection from a genetically diverse population, including exploring novel approaches or incentives, such as remote or other innovative technological advances that could be used to collect cord blood units, to expand the number of cord blood collection sites partnering with cord blood banks that receive a contract under the NCBI program.

Directs the Secretary, acting through the Administrator of the Health Resources and Services Administration, to submit to Congress an annual report on activities conducted through the National Program including novel approaches for the purpose of increasing cord blood unit donation and collection. Directs the Secretary to set an annual goal of increasing collections of high quality cord blood units through remote collection or other novel approaches. The Secretary shall identify at least one of these approaches to replicate and expand nationwide as appropriate. If such a project cannot be identified by the Secretary, then the Secretary shall submit a plan for expanding remote collection of high quality cord blood units. Remote collection is defined as cord blood unit collections occurring at locations that do not hold written contracts with existing cord blood banks for collection support.

Requires the Secretary, in consultation with the Advisory Council, to submit to Congress an interim report not later than 6 months after date of enactment, describing the existing methods used to distribute federal funds to cord blood banks; how cord blood banks contract with collection sites for the collection of cord blood units; and recommendations to improve these methods to encourage the efficient collection of high quality and diverse cord blood units.

Requires the Advisory Council shall submit recommendations to the Secretary one year after enactment about whether:

1. remote models for cord blood unit collection should be allowed with only limited, scientifically justified safety protections; and
2. HHS should allow for cord blood unit collection from routine deliveries without temperature or humidity monitoring of de-

livery rooms in hospitals approved by the Joint Commission.

Authorizes appropriations for the C.W. Bill Young Cell Transplantation Program (the Program) at \$30 million in fiscal years 2011-2014 and \$33 million in fiscal year 2015. The substitute amendment eliminates language in the law which allows funds to remain available until expended since this is overridden by long-standing policy in appropriations bills. The statutory language was originally necessary because the 2005 authorization law passed after funds had been appropriated.

Directs the Government Accountability Office (GAO) to submit a report on cord blood unit donation and collection as well as methods used to distribute funds to cord blood banks no later than one year after enactment. The report shall be submitted to the Senate Committee on Health, Education, Labor and Pensions, the Senate Committee on Appropriations, the House Energy and Commerce Committee and the House Committee on Appropriations.

Mr. FRANKEN. Mr. President, I ask unanimous consent that the committee-reported substitute amendment be agreed to, the bill, as amended, be read three times, passed, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 3751), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

VIETNAM VETERANS MEMORIAL VISITOR CENTER

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 406, H.R. 3689.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 3689) to provide for an extension of the legislative authority of the Vietnam Veterans Memorial Fund, Inc. to establish a Vietnam Veterans Memorial visitor center, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. DURBIN. Mr. President, I ask unanimous consent that the bill be read three times, passed, and the motion to reconsider be laid upon the table, that any statements relating to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3689) was ordered to a third reading, was read the third time, and passed.

PREVENTION OF INTERSTATE COMMERCE IN ANIMAL CRUSH VIDEOS ACT OF 2010

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Judiciary be discharged from further consideration of H.R. 5566, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 5566) to amend title 18, United States Code, to prohibit interstate commerce in animal crush videos, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY. Mr. President, I am pleased that the Senate will pass the Animal Crush Video Prohibition Act. In doing so, we have taken this important step toward banning obscene animal crush videos, and I thank Senators KYL, MERKLEY and BURR for their leadership on this issue. We worked on a bipartisan basis to ensure that this legislation respects the first amendment and the role of our court system, while at the same time giving law enforcement a valuable and necessary tool to stop obscene animal cruelty. I urge the House to quickly adopt the legislation.

Earlier this year, in *United States v. Stevens*, the Supreme Court struck down a Federal statute banning depictions of animal cruelty because it held the statute to be overbroad and in violation of the first amendment. Animal crush videos, which can depict obscene, extreme acts of animal cruelty, were a primary target of that legislation.

Two months ago, in response to the Stevens decision, the House overwhelmingly passed a narrower bill banning animal crush videos on obscenity grounds. The Senate Judiciary Committee regularly looks at questions raised by Supreme Court decisions and the first amendment, and the House-passed bill was referred to the Senate Judiciary Committee for consideration.

There are a few well-established exceptions to the first amendment. The United States has long prohibited the interstate sale of obscene materials, and the Supreme Court recognized this exception to the first amendment in 1957. Earlier this month, the Judiciary Committee held a hearing focused on the obscene nature of many animal crush videos. We heard testimony from experts who confirmed that many animal crush videos depict extreme acts of animal cruelty which are designed to appeal to a specific, prurient, sexual fetish. Indeed, these animal crush videos are patently offensive, lack any redeeming social value, and can be banned consistent with the Supreme Court's obscenity jurisprudence. In drafting the substitute amendment to the House bill, we were careful to respect the role that courts and juries play in determining obscenity. In any given case, it will be up to the prosecutor to prove and the jury to determine whether a given depiction is obscene, because obscenity is a separate element of the crime. The other element that occurs in animal crush videos and which warrants a higher punishment than simple obscenity is that