

questions, please feel free to contact me directly, or your staff can contact my Legislative Director, Coby Dolan.

Sincerely,

DEBBIE WASSERMAN SCHULTZ,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted. There was no objection.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, September 20, 2011.

Hon. JOHN A. BOEHNER,
The Speaker, U.S. Capitol, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on September 20, 2011 at 11:18 a.m.:

That the Senate agreed to S. Res. 271.

Appointments:

Library of Congress Trust Fund Board.

With best wishes, I am,

Sincerely,

KAREN L. HAAS.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

UNITED STATES PAROLE COMMISSION EXTENSION ACT OF 2011

Mr. SMITH of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2944) to provide for the continued performance of the functions of the United States Parole Commission, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2944

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "United States Parole Commission Extension Act of 2011".

SEC. 2. AMENDMENT OF SENTENCING REFORM ACT OF 1984.

For purposes of section 235(b) of the Sentencing Reform Act of 1984 (18 U.S.C. 3551 note; Public Law 98-473; 98 Stat. 2032), as such section relates to chapter 311 of title 18, United States Code, and the United States Parole Commission, each reference in such section to "24 years" or "24-year period" shall be deemed a reference to "27 years" or "27-year period", respectively.

SEC. 3. PAROLE COMMISSION REPORT.

Not later than 180 days after the date of enactment of this Act, the United States Pa-

role Commission shall report to the Committees on the Judiciary of the Senate and House of Representatives the following:

(1) The number of offenders in each type of case over which the Commission has jurisdiction, including the number of Sexual or Violent Offender Registry offenders and Tier Levels offenders, for fiscal years 2006 through 2011.

(2) The number of hearings, record reviews and National Appeals Board considerations conducted by the Commission in each type of case over which the Commission has jurisdiction for fiscal years 2006 through 2011.

(3) The number of hearings conducted by the Commission by type of hearing in each type of case over which the Commission has jurisdiction for fiscal years 2006 through 2011.

(4) The number of record reviews conducted by the Commission by type of consideration in each type of case over which the Commission has jurisdiction for fiscal years 2006 through 2011.

(5) The number of warrants issued and executed compared to the number requested in each type of case over which the Commission has jurisdiction for fiscal years 2006 through 2011.

(6) The number of revocation determinations by the Commission in each type of case over which the Commission has jurisdiction for fiscal years 2006 through 2011.

(7) The distribution of initial offenses, including violent offenses, for offenders in each type of case over which the Commission has jurisdiction for fiscal years 2006 through 2011.

(8) The distribution of subsequent offenses, including violent offenses, for offenders in each type of case over which the Commission has jurisdiction for fiscal years 2006 through 2011.

(9) The percentage of offenders paroled or re-paroled compared with the percentage of offenders continued to expiration of sentence (less any good time) in each type of case over which the Commission has jurisdiction for fiscal years 2006 through 2011.

(10) The percentage of cases (except probable cause hearings and hearings in which a continuance was ordered) in which the primary and secondary examiner disagreed on the appropriate disposition of the case (the amount of time to be served before release), the release conditions to be imposed, or the reasons for the decision in each type of case over which the Commission has jurisdiction for fiscal years 2006 through 2011.

(11) The percentage of decisions within, above, or below the Commission's decision guidelines for Federal initial hearings (28 C.F.R. 2.20) and Federal and D.C. Code revocation hearings (28 C.F.R. 2.21).

(12) The percentage of revocation and non-revocation hearings in which the offender is accompanied by a representative in each type of case over which the Commission has jurisdiction for fiscal years 2006 through 2011.

(13) The number of administrative appeals and the action of the National Appeals Board in relation to those appeals in each type of case over which the Commission has jurisdiction for fiscal years 2006 through 2011.

(14) The projected number of Federal offenders that will be under the Commission's jurisdiction as of October 31, 2014.

(15) An estimate of the date on which no Federal offenders will remain under the Commission's jurisdiction.

(16) The Commission's annual expenditures for offenders in each type of case over which the Commission has jurisdiction for fiscal years 2006 through 2011.

(17) The annual expenditures of the Commission, including travel expenses and the annual salaries of the members and staff of the Commission, for fiscal years 2006 through 2011.

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

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 2944 currently under consideration.

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

There was no objection.

Mr. SMITH of Texas. I yield myself such time as I may consume.

Mr. Speaker, on October 31, the authorization for the United States Parole Commission will expire. H.R. 2944, the United States Parole Commission Extension Act of 2011, extends the Commission's authorization for an additional 3 years.

I thank Judiciary Committee Ranking Member JOHN CONYERS, Crime Subcommittee Chairman JIM SENSENBRENNER, and Ranking Member BOBBY SCOTT, who is here on the floor today, for joining me in sponsoring this legislation.

The Parole Commission is an independent agency within the Department of Justice that supervises Federal offenders who are eligible for parole.

In 1984, Congress abolished Federal parole and replaced it with a determinate sentencing system. Federal offenders who were sentenced prior to November 1, 1987, were grandfathered under the parole system. The Parole Commission has been kept in place since then on a temporary basis to continue supervision of these Federal offenders.

In an effort to lower local crime rates, the District of Columbia followed the Federal example and also abolished parole. Under the new D.C. system, the D.C. Superior Court imposes a term of incarceration and supervised release.

Congress subsequently expanded the jurisdiction of the Parole Commission to include both parole and supervised release offenders from the District of Columbia. The group of offenders the Parole Commission was originally intended to supervise, Federal offenders who are eligible for parole, is a finite number of offenders that is growing smaller every year.

Today, however, the majority of the Commission's workload concerns the District of Columbia offenders. Like the population of Federal offenders eligible for parole, the parole-eligible D.C. offender population is also declining over time, although at a slower rate than Federal offenders. However, because all incoming offenders are now sentenced under the new law, the D.C. supervised release offender population is increasing.

At some point in the future, no Federal offenders will remain under the Commission's jurisdiction. At that time, Congress should assess the need to continue a Federal Parole Commission within the Justice Department.

In addition to extending the Commission authorization for 3 years, H.R. 2944 requires the Commission to submit a report to the House and Senate Judiciary Committee within 180 days of enactment. The commission last provided such a report in 2006.

H.R. 2944 requests the Commission to provide a variety of information relating to each category of offenders under the Commission's jurisdiction for fiscal years 2006 through 2011. The report asks the Commission to provide the projected number of Federal offenders who will be under the Commission's jurisdiction as of October 31, 2014, the date this authorization is set to expire. The report also requests an estimate of the date on which no Federal offenders will remain under the Commission's jurisdiction.

This report will inform Congress about where the Commission's resources are being directed, and enable us to decide whether any changes to the Commission are necessary to reflect its decreasing Federal parole responsibilities.

Mr. Speaker, I urge my colleagues to support this bill, and I reserve the balance of my time.

Mr. SCOTT of Virginia. I rise in support of H.R. 2944, and I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 2944, which will extend the United States Parole Commission's authority for an additional 3 years. The current authority is set to expire October 31, 2011.

Although Federal parole was abolished with the passage of the Sentencing Reform Act effective November 1, 1987, those sentenced for an offense committed prior to the effect of the date of the abolition, and those sentences that have not yet been completed, remain eligible for parole.

Moreover, the Parole Commission has jurisdiction over other offenders, including the Uniform Code of Military Justice offenders and those under transfer treaties between the United States and other countries. Currently there are over 1,000 parole-eligible prisoners under the Commission authority.

The Sentencing Reform Act requires that release dates be set for all remaining offenders eligible for parole prior to the expiration of the Parole Commission. The Department of Justice is concerned that if the Commission's current authority is allowed to expire, Federal offenders who were sentenced for offenses committed prior to November 1, 1987, will begin to file motions for release under the Sentencing Reform Act, since the act requires such offenders to be given release dates 3 to 6 months prior to the expiration of the commission. We are now beyond that period at this point and no release dates have been set.

For this reason, it is important that we extend the U.S. Parole Commission's authority as soon as possible. I urge my colleagues to support this bill and thank the chairman of the committee, the gentleman from Texas, for his leadership.

I yield back the balance of my time.
Mr. SMITH of Texas. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 2944.

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. SMITH of Texas. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

DEATH IN CUSTODY REPORTING ACT OF 2011

Mr. SMITH of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2189) to encourage States to report to the Attorney General certain information regarding the deaths of individuals in the custody of law enforcement agencies, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2189

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Death in Custody Reporting Act of 2011".

SEC. 2. STATE INFORMATION REGARDING INDIVIDUALS WHO DIE IN THE CUSTODY OF LAW ENFORCEMENT.

(a) IN GENERAL.—For each fiscal year after the expiration of the period specified in subsection (c)(1) in which a State receives funds for a program referred to in subsection (c)(2), the State shall report to the Attorney General, on a quarterly basis and pursuant to guidelines established by the Attorney General, information regarding the death of any person who is detained, under arrest, or is in the process of being arrested, is en route to be incarcerated, or is incarcerated at a municipal or county jail, State prison, State-run boot camp prison, boot camp prison that is contracted out by the State, any State or local contract facility, or other local or State correctional facility (including any juvenile facility).

(b) INFORMATION REQUIRED.—The report required by this section shall contain information that, at a minimum, includes—

- (1) the name, gender, race, ethnicity, and age of the deceased;
- (2) the date, time, and location of death;
- (3) the law enforcement agency that detained, arrested, or was in the process of arresting the deceased; and
- (4) a brief description of the circumstances surrounding the death.

(c) COMPLIANCE AND INELIGIBILITY.—

(1) COMPLIANCE DATE.—Each State shall have not more than 120 days from the date of enactment of this Act to comply with subsection (a), except that—

(A) the Attorney General may grant an additional 120 days to a State that is making good faith efforts to comply with such subsection; and

(B) the Attorney General shall waive the requirements of subsection (a) if compliance with such subsection by a State would be unconstitutional under the constitution of such State.

(2) INELIGIBILITY FOR FUNDS.—For any fiscal year after the expiration of the period specified in paragraph (1), a State that fails to comply with subsection (a), shall, at the discretion of the Attorney General, be subject to not more than a 10 percent reduction of the funds that would otherwise be allocated for that fiscal year to the State under subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3750 et seq.), whether characterized as the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs, the Local Government Law Enforcement Block Grants Program, the Edward Byrne Memorial Justice Assistance Grant Program, or otherwise.

(d) REALLOCATION.—Amounts not allocated under a program referred to in subsection (c)(2) to a State for failure to fully comply with subsection (a) shall be reallocated under that program to States that have not failed to comply with such subsection.

(e) DEFINITIONS.—In this section the terms "boot camp prison" and "State" have the meaning given those terms, respectively, in section 901(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3791(a)).

(f) STUDY AND REPORT OF INFORMATION RELATING TO DEATHS IN CUSTODY.—

(1) STUDY REQUIRED.—The Attorney General shall carry out a study of the information reported under subsection (b) and section 3(a) to—

(A) determine means by which such information can be used to reduce the number of such deaths; and

(B) examine the relationship, if any, between the number of such deaths and the actions of management of such jails, prisons, and other specified facilities relating to such deaths.

(2) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Attorney General shall prepare and submit to Congress a report that contains the findings of the study required by paragraph (1).

SEC. 3. FEDERAL LAW ENFORCEMENT DEATH IN CUSTODY REPORTING REQUIREMENT.

(a) IN GENERAL.—For each fiscal year (beginning after the date that is 120 days after the date of the enactment of this Act), the head of each Federal law enforcement agency shall submit to the Attorney General a report (in such form and manner specified by the Attorney General) that contains information regarding the death of any person who is—

(1) detained, under arrest, or is in the process of being arrested by any officer of such Federal law enforcement agency (or by any State or local law enforcement officer while participating in and for purposes of a Federal law enforcement operation, task force, or any other Federal law enforcement capacity carried out by such Federal law enforcement agency); or

(2) en route to be incarcerated or detained, or is incarcerated or detained at—

(A) any facility (including any immigration or juvenile facility) pursuant to a contract with such Federal law enforcement agency;