

to ensure that law enforcement within the guidelines of our own Constitution and beliefs have all the resources that they need to protect our children I believe is extremely important.

I look forward to working with my colleagues to move this legislation, to hold hearings on this legislation, and to ensure that we give every tool to law enforcement to protect our children.

□ 1700

But in the instance of this legislation, this is, in fact, a very important statement about our commitment to protecting our children.

I congratulate Senator SCHUMER. And to all of the organizations that every day encounter adults that work with children, this gives you an added extra tool that I know that you will use to be able to ensure that our children have a full and complete quality of life, enjoy the activities that you provide for them, and, yes, have the opportunity to volunteer themselves and work with adults who they know are concerned about their best interests and not those who may have a record that would undermine the purpose and goals of the organization in which they work.

So, in conclusion, let me thank those who have supported this legislation and ask my colleagues to enthusiastically support S. 3998, the Criminal History Background Checks Pilot Extension Act.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I reiterate my support for this piece of legislation and yield back the balance of my time.

Mr. SCOTT of Virginia. 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 Virginia (Mr. SCOTT) that the House suspend the rules and pass the bill, S. 3998.

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. SCOTT of Virginia. 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 and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

TREATING AMERICAN SAMOA AND NORTHERN MARIANA ISLANDS AS SEPARATE STATES FOR CERTAIN CRIMINAL JUSTICE PROGRAMS

Mr. SCOTT of Virginia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3353) to provide for American Samoa and the Commonwealth of the Northern Marianas to be treated as States for certain criminal justice programs.

The Clerk read the title of the bill. The text of the bill is as follows:

H.R. 3353

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

SECTION 1. TREATMENT AS A STATE FOR AMERICAN SAMOA AND CNMI.

Section 901(a)(2) of Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3791(a)(2)) is amended by striking "Islands;" and all that follows through the period and inserting "Islands;".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. SCOTT) and the gentleman from California (Mr. DANIEL E. LUNGREN) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

Mr. SCOTT of Virginia. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

Mr. SCOTT of Virginia. I yield myself such time as I may consume.

Mr. Speaker, H.R. 3353 will allow the Commonwealth of the Northern Mariana Islands and American Samoa to be treated as two separate entities for the purposes of the Edward Byrne Memorial Justice Assistance Grant Program. Currently, these two areas are treated as one State for the distribution of Federal Byrne grants.

The Byrne Justice Assistance grants are a leading source of Federal justice funding to State and local jurisdictions. The program provides States, tribes, and local governments with critical funding necessary to support a range of program areas, including law enforcement, prosecution, courts, prevention, education, corrections, and crime victim and witness initiatives.

Although this bill does not change the Byrne grant formula, particularly the statutory minimum amount of the 0.25 percent that each State or territory is entitled to, it does change how the Northern Mariana Islands and American Samoa will be given funding under the grant program. The statutory minimum is granted to a State regardless of its population or crime rates. However, the Byrne grant funding increases if States have larger populations and higher crime rates. The three other territories—Puerto Rico, Guam, and the United States Virgin Islands—are presently entitled to the minimum funding, as are all 50 States. The objective of this legislation is to provide the Northern Mariana Islands and American Samoa with the same statutory minimum to which every other State and territory is entitled.

I urge my colleagues to support the legislation.

I reserve the balance of my time.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I yield myself such time as I may consume.

Today, Mr. Speaker, I rise in support of H.R. 3353, which does provide for American Samoa and the Commonwealth of the Northern Mariana Islands to be treated as States for certain criminal justice programs.

This is sponsored by Mr. SABLAN from the Northern Mariana Islands. We thank him for bringing this forward to us. As the gentleman from Virginia said, this will allow these two territories to be treated individually for the Byrne Grant Program. This will assist both of them in dealing with some of the law enforcement challenges that they have.

This increase in formula grant funding will provide additional resources to territorial law enforcement officials to help them combat crime. For example, this additional funding will help officials cover the costs of purchasing and maintaining police vehicles and other equipment which have to be shipped to the island.

H.R. 3353 will also help the territorial governments to provide much-needed services to the victims of crime. Because of the remoteness of the Northern Mariana Islands and American Samoa, these costs are quite high and services are very limited. For instance, there are three main inhabited islands in the Northern Mariana Islands but only one shelter that provides services for victims of domestic violence.

The increase in Byrne JAG grants will also help to build capacity and sustain programs to serve crime victims. As there are a limited number of crime victim specialists and advocates in the territories, these funds can be used to hire and relocate additional staff from the U.S. mainland.

This is important legislation that will help law enforcement officials in the Northern Marianas and American Samoa to accomplish their mission. So I support this bill, and I ask my colleagues to vote in favor of its adoption.

I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 5 minutes to the gentleman from the Northern Mariana Islands (Mr. SABLAN).

Mr. SABLAN. Mr. Speaker, I rise in support of H.R. 3353, the bill I introduced to improve the effectiveness of the Byrne Justice Assistance Grant Program in the Northern Mariana Islands and in American Samoa.

I want to thank Chairman JOHN CONYERS, Chairman BOBBY SCOTT, and their staff for their help in bringing this bill to the House floor. I also want to thank my colleagues on the other side of the aisle for their support for my bill under a suspension of the rules.

Approval of H.R. 3353 would further our national policy to support a broad range of activities carried out by State and territorial governments to prevent and control crime, as well as to improve their criminal justice systems. Program funds are allocated using a formula that provides a minimum amount for each jurisdiction to accomplish these goals. The sole exceptions

are the Northern Marianas and American Samoa, which are funded as the equivalent of a single jurisdiction despite that these two are two separate jurisdictions with entirely separate local governments, and each of those governments has responsibility for the same basic criminal justice system as any other State or territory.

In the Northern Mariana Islands, this includes a system of district, superior, and supreme courts, a probation system, a prison for long-term incarceration, a juvenile detention facility, and programs to assist the victims of crimes. This is the same range of activities as is found in any other jurisdiction in America. Yet, as currently structured, the Byrne JAG Program only provides one-third of the base level of support for these activities that is provided everywhere else in our country. H.R. 3353 rectifies that difference.

The result will be a more robust criminal justice system. For example, law enforcement officers have described to me the lack of resources or outdated equipment they possess for many years. In particular, one Captain explained that, "[p]atrol vehicles are breaking down faster than we can get them out of the auto shops." It is my hope that law enforcement officers in Saipan, Tinian and Rota can have the necessary resources to carry out their duties without having to worry about what they do not have when they respond to a shooting, a robbery, or a domestic violence dispute. Adequately providing for our law enforcement officers is one example of improving our criminal justice system.

Since its inception in 1988, the Byrne JAG Program has supported law enforcement officers, corrections and community corrections programs, crime victim initiatives, and prosecution and court programs in all States and Territories, but not to the same degree. H.R. 3353 will finally bridge that gap for the Northern Marianas and for American Samoa, helping to create safer and more just communities for all.

I ask my colleagues to support H.R. 3353.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 4 minutes to the gentlelady from California (Ms. RICHARDSON).

Ms. RICHARDSON. Mr. Speaker, as representative of a district with 28,000 Samoan Americans, the largest Samoan population in this country, I rise today in support of H.R. 3353, which will provide for American Samoa and the Northern Mariana Islands to be treated as States for criminal justice funding.

This legislation will protect the people of these islands by securing the resources necessary to employ criminal justice programs that are most capable of addressing the specific needs in their area. It's kind of like asking why I wouldn't think that the city of Long Beach and the city of Los Angeles wouldn't garner equal funding appropriately.

I thank Chairman CONYERS and Chairman SCOTT, as well, for their

leadership in bringing forth this bill. I also applaud Congressman SABLON, the sponsor of this legislation, for his dedicated leadership on this issue and many others that have been promoting the interests and safety of the people of the Northern Marianas and American Samoa, which is represented by ENI FALEOMAVAEGA.

□ 1710

When we amend the Omnibus Crime Control and Safe Streets Act of 1968 to treat American Samoa and the Northern Mariana Islands as separate States, we will allow the appropriation of funding for vital criminal justice programs that will keep these communities safe. And they deserve them.

There are over 66,000 people living in American Samoa, and there are over 48,000 people living in the Northern Marianas. Each of these islands has their own unique culture, history, and their own way of dealing with things, including their challenges. The people of these islands deserve separate funding under this legislation that will allow them to appropriately and innovatively address their specific criminal justice issues. Protecting communities and fighting crime requires not just a fair share of funding, but it also requires flexibility to apply for the funding in a way that suits that specific community.

I have traveled to American Samoa. I had an opportunity to go there this year. And we worked on the earthquake and the subsequent tsunami. And many people in my district helped to bring tons and tons of items, over 90,000 tons to be specific, to help the people in the communities. Having learned about their culture, government, and their unique identity, I am certain that passing this bill is the right thing and the fair thing to do. Again, as Representative of this district, I stand in full support of the efforts today. It's imperative that we pass this legislation now, without delay.

I urge my colleagues to join me in supporting H.R. 3353.

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today in strong support of H.R. 3353, legislation to provide for American Samoa and the Commonwealth of the Northern Mariana Islands (CNMI) to be treated as States in the Edward Byrne Memorial Justice Grant program, also known as JAG.

First I want to commend the gentleman from the CNMI, Mr. GREGORIO KILILI SABLON, for his authorship of this important legislation, and I also want to commend the gentleman from Puerto Rico, Mr. PEDRO PIERLUISI, for his work and assistance. I want to also thank Mrs. DONNA CHRISTENSEN and Mrs. MADELEINE BORDALLO and all my colleagues for their support.

The proposed legislation, H.R. 3353, will fix an inconsistency in the method used to allocate funding through the JAG program. The current proposal provides that American Samoa and the CNMI be treated the same as other States, each will receive a 100 percent allocation.

Historically, the JAG program memorializes Officer Edward R. Byrne of the 103rd precinct of the New York City police, who was gunned down in the line of duty in the early morning of February 26, 1988. Officer Byrne was shot five times in the head. He was only 22 years old.

Since its existence, the JAG program has provided critical funding to States and Territories to aid several justice programs including: law enforcement, prosecution and court, prevention and education, corrections and community corrections, drug treatment, planning, evaluation, and technology improvement, crime victims and witness protections.

But while the Territories are treated as States, not all receive the same share. In particular, while the rest of the Territories and States are funded at 100 percent each, only American Samoa at 67 percent and the CNMI at 33 percent are treated as less than one whole. American Samoa and the CNMI combined is equivalent to the share of one State.

Fixing this inconsistency is important to us because, as part of the American family, we all serve the U.S. Constitution. It is the same constitution that provides equality for all Americans in as far away and isolated insular areas as in American Samoa and the CNMI. Therefore, despite population sizes and other statistical indices that serve as basis for allocation, constitutionally, the degree of need in American Samoa and the CNMI is no less critical than elsewhere in the United States.

Earlier this year, Lt. Detective Lusila Brown, a veteran of the American Samoa police force, was gunned down in the line of duty. In broad daylight with many watching unexpectedly, he was shot and killed in front of our High Court building. Gruesome images of the gunman with gun in hand standing over the fallen officer serve as a brutal reminder to all that even in a remote and isolated place, a place known mainly for its vast natural resources and peaceful surroundings, we are no less vulnerable to the most heinous and violent crimes known to society.

Mr. Speaker, I urge my colleagues to support H.R. 3353 and give American Samoa and CNMI their fair share of this important program.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, again I reiterate my support for H.R. 3353.

I yield back the balance of my time.

Mr. SCOTT of Virginia. 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 Virginia (Mr. SCOTT) that the House suspend the rules and pass the bill, H.R. 3353.

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. SCOTT of Virginia. 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 and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

ACCESS TO CRIMINAL HISTORY RECORDS FOR STATE SENTENCING COMMISSIONS ACT OF 2010

Mr. SCOTT of Virginia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6412) to amend title 28, United States Code, to require the Attorney General to share criminal records with State sentencing commissions, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6412

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 "Access to Criminal History Records for State Sentencing Commissions Act of 2010".

SEC. 2. ATTORNEY GENERAL TO SHARE CRIMINAL RECORDS WITH STATE SENTENCING COMMISSIONS.

Section 534(a) of title 28, United States Code, is amended by inserting after "the States" the following: ", including State sentencing commissions".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. SCOTT) and the gentleman from California (Mr. DANIEL E. LUNGREN) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

Mr. SCOTT of Virginia. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

Mr. SCOTT of Virginia. I yield myself such time as I may consume.

Mr. Speaker, H.R. 6412 is a short, but very important, piece of legislation. The bill will allow State sentencing commissions to obtain direct national criminal history record information maintained by the Department of Justice. These commissions, the State commissions, perform critical functions. They shape State policies that promote fairer, more consistent sentencing practices. They help protect public safety and address the impacts of crime on victims and the community. They develop tools to assess the seriousness and risk of offenders so that high-risk, dangerous offenders can be handled appropriately, and low-risk low-level offenders can be placed in appropriate evidence-based programs.

They project the impacts of State legislation, regulations, and policies on correctional populations, personnel needs, and fiscal requirements. They evaluate the effectiveness of sentencing and corrections programs, particularly in terms of outcomes, offender recidivism, and cost-benefit analysis.

Currently, State sentencing commissions are only able to receive out-of-

State and Federal criminal history information through third parties, if at all. The effectiveness of the work of these commissions is consequently undermined by missing or incomplete information, particularly with respect to research relating to recidivism in jurisdictions with large populations near their State borders. Allowing State sentencing commissions to access complete and accurate criminal history information will improve the administration of justice by enhancing the effectiveness of sentencing decisions and program placements. Access to this information will also improve research concerning sentencing outcomes and recidivism.

This bill will simply put State commissions in the same position as the Federal Sentencing Commission in terms of access to this information. The United States Sentencing Commission is already afforded access to this information, subject to a transfer agreement with the Department of Justice, which protects the confidentiality of these records. I would expect the Department of Justice to treat State commissions the same way once the legislation is enacted.

I appreciate the assistance of Chairman CONYERS and Ranking Member SMITH for their bipartisan support of this important legislation. I urge my colleagues to support the bill.

I reserve the balance of my time.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 6412, the Access to Criminal History Records for State Sentencing Commissions Act of 2010. This amends the Federal law to direct the Attorney General to share criminal history records with State sentencing commissions.

I am proud to say that although it's not as rare as the chances I have to agree with the Senator from New York, I do agree with my friend from Virginia more often than that, and it is good to be able to be here and support the legislation which he brings to the floor.

Over a dozen States operate sentencing commissions that, similar to the U.S. Sentencing Commission, promulgate guidelines to provide uniform sentences for criminal offenses. Many State sentencing commissions also collect and report statistics on the types of crimes, the lengths of sentences, the rates of recidivism, and other important public safety data.

Federal law has required the Attorney General to collect criminal history records and share such records with State and local governments, Indian tribes, penal institutions, and the U.S. Sentencing Commission. However, interestingly enough, State sentencing commissions are not currently eligible to participate in this exchange. H.R. 6412 corrects this omission by amending the Federal law to add State sentencing commissions to the list of entities authorized to obtain criminal history records.

There is an old adage that all crime is local. And in many respects, that is still true today. But while crime still may be local, oftentimes the criminal is not. Today, more than ever, criminals move from one State to the next, or across the country, leaving a trail of criminal records behind them. Public safety officials rely upon shared criminal history records to apprehend fugitives and to identify dangerous criminals.

Prosecutors and the courts depend on these records to assess penalties. And sentencing commissions need this data to accurately report sentencing data and to ensure that their sentencing guidelines provide fair and appropriate punishment. So I urge my colleagues to support this bill brought to us by Mr. SCOTT of Virginia.

I yield back the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume to thank the gentleman from California for supporting bills introduced by this side of the aisle. In light of the change in leadership next year, I hope he continues in that great tradition.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. SCOTT) that the House suspend the rules and pass the bill, H.R. 6412.

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. SCOTT of Virginia. 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 and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6 p.m. today.

Accordingly (at 5 o'clock and 19 minutes p.m.), the House stood in recess until approximately 6 p.m.

□ 1800

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. ALTMIRE) at 6 p.m.