

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.

REPORT ON RESOLUTION WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS AND PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Mr. PERLMUTTER, from the Committee on Rules, submitted a privileged report (Rept. No. 111-674) on the resolution (H. Res. 1752) waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, and providing for consideration of motions to suspend the rules, which was referred to the House Calendar and ordered to be printed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order: H.R. 6400, House Resolution 1642, and House Resolution 1264, in each case by the yeas and nays.

Remaining postponed proceedings will resume later in the week.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

EARL WILSON, JR. POST OFFICE

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 6400) to designate the facility of the United States Postal Service located at 111 North 6th Street in St. Louis, Missouri, as the "Earl Wilson, Jr. Post Office," on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CLAY) that the House suspend the rules and pass the bill.

The vote was taken by electronic device, and there were—yeas 382, nays 0, not voting 51, as follows:

[Roll No. 608]

YEAS—382

Ackerman	Bishop (GA)	Burgess
Aderholt	Bishop (NY)	Burton (IN)
Adler (NJ)	Bishop (UT)	Butterfield
Akin	Blackburn	Buyer
Alexander	Blumenauer	Calvert
Altmire	Boccieri	Camp
Andrews	Bonner	Campbell
Austria	Bono Mack	Cantor
Bachmann	Boozman	Cao
Bachus	Boren	Capito
Baird	Boswell	Capps
Baldwin	Boucher	Capuano
Barrett (SC)	Boustany	Cardoza
Barrow	Boyd	Carnahan
Bartlett	Brady (TX)	Carson (IN)
Barton (TX)	Braley (IA)	Cassidy
Becerra	Broun (GA)	Castle
Berkley	Brown (SC)	Castor (FL)
Berman	Brown, Corrine	Chaffetz
Biggert	Brown-Waite,	Chandler
Bilbray	Ginny	Childers
Bilirakis	Buchanan	Chu

Clarke	Issa	Olson	Van Hollen	Waters	Wilson (OH)
Clay	Jackson (IL)	Oliver	Velázquez	Watson	Wilson (SC)
Cleaver	Jackson Lee	Ortiz	Visclosky	Watt	Wittman
Clyburn	(TX)	Owens	Walden	Waxman	Wolf
Coble	Jenkins	Pallone	Walz	Weiner	Woolsey
Coffman (CO)	Johnson (GA)	Pascarell	Wamp	Welch	Wu
Cole	Johnson (IL)	Pastor (AZ)	Wasserman	Westmoreland	Young (AK)
Conaway	Johnson, E. B.	Paulsen	Schultz	Whitfield	Young (FL)
Connolly (VA)	Johnson, Sam	Payne			
Conyers	Jones	Pence			
Cooper	Jordan (OH)	Perlmutter	Arcuri	Ellsworth	Murphy, Patrick
Costello	Kagen	Perriello	Baca	Fallin	Oberstar
Courtney	Kanjorski	Peters	Bean	Garamendi	Paul
Crenshaw	Kaptur	Peterson	Berry	Granger	Poe (TX)
Critz	Kennedy	Petri	Blunt	Graves (MO)	Putnam
Crowley	Kildee	Pingree (ME)	Boehner	Griffith	Radanovich
Cuellar	Kilpatrick (MI)	Pitts	Brady (PA)	Gutierrez	Salazar
Cummings	Kilroy	Platts	Bright	Harman	Shea-Porter
Dahlkemper	Kind	Polis (CO)	Carney	Hoekstra	Sires
Davis (CA)	King (IA)	Pomeroy	Carter	Langevin	Speier
Davis (KY)	King (NY)	Posey	Cohen	Lewis (CA)	Stark
Davis (TN)	Kingston	Price (GA)	Costa	Linder	Sutton
DeFazio	Kirkpatrick (AZ)	Price (NC)	Culberson	Marchant	Terry
DeGette	Kissell	Quigley	Davis (AL)	McMahon	Tiahrt
DeLauro	Klein (FL)	Rahall	Davis (IL)	McMorris	Tiberi
Dent	Kline (MN)	Rangel	Delahunt	Rodgers	Yarmuth
Deutch	Kosmas	Reed	Diaz-Balart, M.	Moran (KS)	
Diaz-Balart, L.	Kratovil	Rehberg	Edwards (TX)	Murphy (NY)	
Dicks	Kucinich	Reichert			
Dingell	Lamborn	Reyes			
Djou	Lance	Richardson			
Doggett	Larsen (WA)	Rodriguez			
Donnelly (IN)	Larson (CT)	Roe (TN)			
Doyle	Latham	Rogers (AL)			
Dreier	LaTourette	Rogers (KY)			
Driehaus	Latta	Rogers (MI)			
Duncan	Lee (CA)	Rohrabacher			
Edwards (MD)	Lee (NY)	Rooney			
Ehlers	Levin	Ros-Lehtinen			
Ellison	Lewis (GA)	Roskam			
Emerson	Lipinski	Ross			
Engel	LoBiondo	Rothman (NJ)			
Eshoo	Loeb sack	Roybal-Allard			
Etheridge	Lofgren, Zoe	Royce			
Farr	Lowey	Ruppersberger			
Fattah	Lucas	Rush			
Filner	Luetkemeyer	Ryan (OH)			
Flake	Lujan	Ryan (WI)			
Fleming	Lummis	Sanchez, Linda			
Forbes	Lungren, Daniel	T.			
Fortenberry	E.	Sanchez, Loretta			
Foster	Lynch	Sarbanes			
Fox	Mack	Scalise			
Frank (MA)	Maffei	Schakowsky			
Franks (AZ)	Maloney	Schauer			
Frelinghuysen	Manzullo	Schiff			
Fudge	Markey (CO)	Schmidt			
Galleghy	Markey (MA)	Schock			
Gallego	Marshall	Schrader			
Garrett (NJ)	Matheson	Schwartz			
Gerlach	Matsui	Scott (GA)			
Giffords	McCarthy (CA)	Scott (VA)			
Gingrey (GA)	McCarthy (NY)	Sensenbrenner			
Gohmert	McCauley	Serrano			
Gonzalez	McClintock	Sessions			
Goodlatte	McCollum	Sestak			
Gordon (TN)	McCotter	Shadeegg			
Graves (GA)	McDermott	Sherman			
Grayson	McGovern	Shimkus			
Green, Al	McHenry	Shuler			
Green, Gene	Grijalva	Shuster			
Guthrie	McIntyre	Simpson			
Hal (NY)	McKeon	Skelton			
Hall (TX)	McNerney	Slaughter			
Halvorson	Meek (FL)	Smith (NE)			
Hare	Meeks (NY)	Smith (NJ)			
Harper	Melancon	Smith (TX)			
Hastings (FL)	Mica	Smith (WA)			
Hastings (WA)	Michaud	Snyder			
Heinrich	Miller (FL)	Space			
Heller	Miller (MI)	Spratt			
Hensarling	Miller (NC)	Stearns			
Herger	Miller, Gary	Stupak			
Hersegh Sandlin	Minick	Stutzman			
Higgins	Mitchell	Sullivan			
Hill	Mollohan	Tanner			
Himes	Moore (KS)	Taylor			
Hinchev	Moore (WI)	Teague			
Hinojosa	Moran (VA)	Thompson (CA)			
Hirono	Murphy (CT)	Thompson (MS)			
Hodes	Murphy, Tim	Thompson (PA)			
Holden	Myrick	Thornberry			
Holt	Nadler (NY)	Tierney			
Honda	Napolitano	Titus			
Hoyer	Neal (MA)	Tonko			
Hunter	Neugebauer	Towns			
Inglis	Nunes	Tsongas			
Inslee	Nye	Turner			
Israel	Obey	Upton			

NOT VOTING—51

Arcuri	Ellsworth	Murphy, Patrick
Baca	Fallin	Oberstar
Bean	Garamendi	Paul
Berry	Granger	Poe (TX)
Blunt	Graves (MO)	Putnam
Boehner	Griffith	Radanovich
Brady (PA)	Gutierrez	Salazar
Bright	Harman	Shea-Porter
Carney	Hoekstra	Sires
Carter	Langevin	Speier
Cohen	Lewis (CA)	Stark
Costa	Linder	Sutton
Culberson	Marchant	Terry
Davis (AL)	McMahon	Tiahrt
Davis (IL)	McMorris	Tiberi
Delahunt	Rodgers	Yarmuth
Diaz-Balart, M.	Moran (KS)	
Edwards (TX)	Murphy (NY)	

□ 1830

Mr. McCAUL changed his vote from "nay" to "yea."

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

RECOGNIZING CENTENNIAL OF LILBURN, GEORGIA

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution (H. Res. 1642) recognizing the centennial of the City of Lilburn, Georgia and supporting the goals and ideals of a City of Lilburn Day, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CLAY) that the House suspend the rules and agree to the resolution.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 379, nays 0, not voting 54, as follows:

[Roll No. 609]

YEAS—379

Ackerman	Bishop (NY)	Butterfield
Aderholt	Bishop (UT)	Buyer
Adler (NJ)	Blackburn	Calvert
Akin	Blumenauer	Camp
Alexander	Boccieri	Campbell
Altmire	Bonner	Cao
Andrews	Bono Mack	Capito
Austria	Boozman	Capps
Bachmann	Boren	Capuano
Bachus	Boswell	Cardoza
Baird	Boucher	Carnahan
Baldwin	Boustany	Carson (IN)
Barrett (SC)	Boyd	Carter
Barrow	Brady (TX)	Cassidy
Bartlett	Braley (IA)	Castle
Barton (TX)	Broun (GA)	Castor (FL)
Becerra	Brown (SC)	Chaffetz
Berkley	Brown, Corrine	Chandler
Berman	Brown-Waite,	Childers
Biggert	Ginny	Clarke
Bilbray	Buchanan	Clay
Bilirakis	Burgess	Cleaver
Bishop (GA)	Burton (IN)	Clyburn