

will always be grateful for those making a difference by defeating terrorists overseas to protect American families at home.

Most importantly, let us not forget the victims of the September 11th attacks, their families, the memories of that fateful day, and the constant challenges our country faces in winning the global war on terrorism.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

### RECESS

The SPEAKER pro tempore (Mr. CAMPBELL). Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 4 p.m. today.

Accordingly (at 2 o'clock and 4 minutes p.m.), the House stood in recess until approximately 4 p.m.

□ 1600

### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. CAMPBELL) at 4 p.m.

### MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

### 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.

### INVESTIGATIVE ASSISTANCE FOR VIOLENT CRIMES ACT OF 2011

Mr. GOWDY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2076) to amend title 28, United States Code, to clarify the statutory authority for the longstanding practice of the Department of Justice of providing investigatory assistance on request of State and local authorities with respect to certain serious violent crimes, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2076

*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 "Investigative Assistance for Violent Crimes Act of 2011".*

#### SEC. 2. INVESTIGATION OF MASS KILLING OR ATTEMPTED MASS KILLING AND OTHER VIOLENT CRIMES.

*Title 28, United States Code, is amended—*

*(1) in section 530C(b)(1)(L)(i), by striking "2,000,000" and inserting "\$3,000,000";*

*(2) in section 530C(b)(4), by adding at the end the following: "The authority to conduct or assist in investigations includes the authority to deploy tactical response, command and control, and other crisis-management assets of the Bureau, as appropriate; and any such conduct or assistance shall be understood presumptively to be within the scope of Federal office or employment.";*

*(3) in section 540A—*

*(A) in the section heading, by striking "Investigation of certain violent crimes;" and inserting "Investigation of certain violent crimes";*

*(B) in subsection (a), by inserting "in the investigation of violent acts and shootings occurring in venues such as schools, colleges, universities, non-Federal office buildings, malls, and other public places, and in the investigation of mass killings and attempted mass killings" after "traveler"; and*

*(C) in subsection (c), by adding the following new paragraph at the end:*

*"(4) 'mass killings' means three or more killings in a single incident.";* and

*(4) in the table of sections at the beginning of chapter 33, by striking the item relating to section 540A and inserting the following:*

*"540A. Investigation of certain violent crimes.".*

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from South Carolina (Mr. GOWDY) and the gentleman from Michigan (Mr. CONYERS) each will control 20 minutes.

The Chair recognizes the gentleman from South Carolina.

#### GENERAL LEAVE

Mr. GOWDY. 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. 2076, as amended, currently under consideration.

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

There was no objection.

Mr. GOWDY. I yield myself such time as I may consume.

Mr. Speaker, violent crimes that impact multiple victims in mass shootings in particular are unpredictable and, in addition to sending shock waves through the communities impacted, often test the resources of the State and local law enforcement jurisdictions involved. Regrettably, within our lifetime, there have been scores of mass shootings ranging from restaurants to high schools to universities and churches. No place is safe.

There are no sanctuaries left any more, Mr. Speaker, in our culture. And despite the tremendous training, education, and hard work of the brave women and men in State and local law enforcement, these types of tragedies can test even the most well-resourced law enforcement agencies. Not only is there an active crime scene with victims, there are hundreds of pieces of forensic or ballistic evidence, and the gathering of evidence is taking place sometimes contemporaneous with the search for an assailant.

There is a deep and rich history of cooperation and collaboration between and among law enforcement agencies. This is true at the local level, the State level and, indeed, at the Federal level. Federal law enforcement agencies have unique skill sets, access to resources and equipment and other investigative techniques that can and do assist smaller police departments on a regular basis.

But, Mr. Speaker, currently the FBI does not have the specific statutory authority to assist in all investigations, specifically with respect to the investigation of mass shootings or other violent crimes occurring in non-Federal venues.

H.R. 2076, the Investigative Assistance for Violent Crimes Act of 2011, is a commonsense bill that allows the FBI to provide assistance to State and local law enforcement authorities, if requested, in response to a mass shooting or other mass casualty. This bill addresses when the FBI is asked to assist State or local authorities with mass shootings and mass killings at a public place, such as a shopping mall or a school.

The FBI has traditionally assisted State and local law enforcement authorities, but the statutory authority explicitly granting the FBI jurisdiction is lacking. To be sure, the FBI helps and is willing to help, but the absence of a specific statutory grant of jurisdiction, even jurisdiction by invitation, needs to be resolved.

This bill is not an expansion of Federal authority, and it does not expand the authority of the FBI. Any assistance from the FBI must be requested by the State or local authority and agreed to by Federal authorities. The FBI will only assist when State or local counterparts ask for help and they agree to provide it.

This legislation, Mr. Speaker, is simple, but it is also critical. State and local authorities often look to the FBI for assistance in handling large, violent crimes, but the FBI must look to Federal law to determine what authority it has been granted by Congress before it can offer assistance.

Accordingly, H.R. 2076 gives the FBI the specific authority to respond to requests for assistance from State and local law enforcement authorities when mass killings or other acts of violence are committed or attempted.

H.R. 2076, Mr. Speaker, was passed out of the House Judiciary Committee by a voice vote with broad bipartisan support. This bill is also supported by the FBI Agents Association, a voluntary professional association currently representing over 12,000 active duty and retired FBI special agents.

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

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

I begin by commending my colleague on Judiciary, TREY GOWDY, for introducing this bill and being the sponsor

of it. I agree with everything that has been said.

I would like to ask my colleague about a shooting I read about just today—it wasn't a mass killing, but some of these things are so awful—a 17-year-old young girl athlete shot mysteriously. Do you see that that might be a role that we may want the FBI to be able to intervene in if they are invited as well?

Mr. GOWDY. Will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from South Carolina.

Mr. GOWDY. I thank the gentleman from Michigan, and I would tell the distinguished former chairman of Judiciary, I am not aware of a single instance in my 16 years as a prosecutor where the FBI was asked to provide help and didn't do so, and I know that my friend from Michigan would want the FBI to be on solid, legal footing.

So with respect to the shooting that you are referencing—and I fear that I am familiar with that shooting; I believe I read about it, the tragic loss of life of a wonderful high school young lady who happened to be a tremendous basketball player—the FBI agents that I know would gladly help in that case.

And if the gentleman from Michigan wanted to provide a way for the Bureau to help whenever requested, I would be happy to work on that with him.

Mr. CONYERS. I thank the gentleman, and I think this is something that our community might well want to look into, because the general impression is that crime is going down, and I assume that's accurate, but in some places it isn't. I thank the gentleman for making sure that this assistance from the FBI has a statutory basis, which it hasn't enjoyed until now.

I join with him in providing this assistance as a matter of law, and I urge the passage of the measure.

Mr. Speaker, I am pleased to support H.R. 2076. This bill will improve the ability of the FBI to assist state and local law enforcement in response to certain types of incidents.

H.R. 2076 would give the Federal Bureau of Investigation, FBI, specific statutory authority to respond to requests from state and local law enforcement authorities for assistance in the investigation of felony crimes of violence that are violent acts, shootings, mass killings, and attempted mass killings.

The FBI does not currently have specific statutory authority to assist in the investigation of mass killings or attempted mass killings occurring in venues such as schools, colleges, universities, non-federal office buildings, malls, and/or other public places.

While the FBI continues to receive requests for such assistance from state and local law enforcement, there is no federal statute that directly provides jurisdiction to the FBI to respond to such requests.

Legislation granting the proposed investigative authority would allow the FBI to provide state and local law enforcement with the assistance requested when the violent act does not appear to otherwise violate a federal law.

State and local law enforcement agencies responsible for investigating mass killings in

the workplace or classroom often need the many resources which the FBI is well capable of providing. Further, the general public expects the FBI to be capable of responding when mass killings threaten the safety of our nation's citizens.

There is a need for legislation that grants the FBI authority to respond immediately to requests for assistance from state and local law enforcement authorities when mass killings are committed or attempted.

I commend the gentleman from South Carolina, Representative TREY GOWDY, for introducing H.R. 2076. I urge my colleagues to support this legislation.

I yield back the balance of my time.

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

□ 1610

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from South Carolina (Mr. GOWDY) that the House suspend the rules and pass the bill, H.R. 2076, as amended.

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. CONYERS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

#### APPEAL TIME CLARIFICATION ACT OF 2011

Mr. COBLE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2633) to amend title 28, United States Code, to clarify the time limits for appeals in civil cases to which United States officers or employees are parties, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2633

*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 "Appeal Time Clarification Act of 2011".

#### SEC. 2. FINDINGS.

Congress finds that—

(1) section 2107 of title 28, United States Code, and rule 4 of the Federal Rules of Appellate Procedure provide that the time to appeal for most civil actions is 30 days, but that the appeal time for all parties is 60 days when the parties in the civil action include the United States, a United States officer, or a United States agency;

(2) the 60-day period should apply if 1 of the parties is—

(A) the United States;

(B) a United States agency;

(C) a United States officer or employee sued in an official capacity; or

(D) a current or former United States officer or employee sued in an individual capacity for an act or omission occurring in connection with duties performed on behalf of the United States;

(3) section 2107 of title 28, United States Code, and rule 4 of the Federal Rules of Ap-

pellate Procedure (as amended to take effect on December 1, 2011, in accordance with section 2074 of that title) should uniformly apply the 60-day period to those civil actions relating to a Federal officer or employee sued in an individual capacity for an act or omission occurring in connection with Federal duties;

(4) the civil actions to which the 60-day periods should apply include all civil actions in which a legal officer of the United States represents the relevant officer or employee when the judgment or order is entered or in which the United States files the appeal for that officer or employee; and

(5) the application of the 60-day period in section 2107 of title 28, United States Code, and rule 4 of the Federal Rules of Appellate Procedure—

(A) is not limited to civil actions in which representation of the United States is provided by the Department of Justice; and

(B) includes all civil actions in which the representation of the United States is provided by a Federal legal officer acting in an official capacity, such as civil actions in which a Member, officer, or employee of the Senate or the House of Representatives is represented by the Office of Senate Legal Counsel or the Office of General Counsel of the House of Representatives.

#### SEC. 3. TIME FOR APPEALS IN CERTAIN CASES.

Section 2107 of title 28, United States Code, is amended—

(1) in subsection (a)—

(A) by striking "order or decree" each place it appears and inserting "order, or decree";

(B) by striking "suit or proceeding" and inserting "suit, or proceeding"; and

(C) by striking "filed, within thirty" and inserting "filed within 30"; and

(2) by amending subsection (b) to read as follows:

"(b) In any such action, suit, or proceeding, the time as to all parties shall be 60 days from such entry if one of the parties is—

"(1) the United States;

"(2) an agency of the United States;

"(3) an officer or employee of the United States who is sued in an official capacity; or

"(4) a current or former officer or employee of the United States who is sued in an individual capacity for an act or omission occurring in connection with duties performed on behalf of the United States, including any instance in which the United States represents that person when the judgment, order, or decree is entered or files the appeal for that person.".

#### SEC. 4. EFFECTIVE DATE.

The amendments made by this Act shall take effect on December 1, 2011.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. COBLE) and the gentleman from Michigan (Mr. CONYERS) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina.

GENERAL LEAVE

Mr. COBLE. 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 material on H.R. 2633, as amended, currently under consideration.

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

There was no objection.

Mr. COBLE. Mr. Speaker, I yield myself such time as I may consume.