

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;

(B) any State or local government facility used by such Federal law enforcement agency; or

(C) any Federal correctional facility or Federal pre-trial detention facility located within the United States.

(b) INFORMATION REQUIRED.—Each report required by this section shall include, at a minimum, the information required by section 2(b).

(c) STUDY AND REPORT.—Information reported under subsection (a) shall be analyzed and included in the study and report required by section 2(f).

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. 2189 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. Mr. Speaker, I yield myself such time as I may consume.

The Death in Custody Reporting Act of 2000 directed the Justice Department's Bureau of Justice Statistics to collect data on deaths that occur at two stages of the criminal justice system: deaths that occur in the process of arrest and deaths that occur in jails and prisons. The provisions of that Act expired in 2006.

H.R. 2189 reauthorizes this data collection program. It further directs the Attorney General not only to collect the data, but also to study the data to determine how to reduce deaths in custody in the future.

The bill also extends the reporting requirements to deaths that occur in Federal custody. And it ensures that those States that make a good faith effort to report this data to the Attorney General will not lose 10 percent of their Federal justice assistance funds if their data submissions are untimely.

The Bureau of Justice Statistics reports that between 2001 and 2006 there were over 18,000 state prisoner deaths. There were an additional 7,000 local prisoner deaths between 2000 and 2006.

□ 1420

More than nine out of every 10 State prisoner deaths were the result of illness or suicide, and eight out of 10 deaths at the local jail level were from those same causes. Although illness-related deaths have increased slightly in recent years, the homicide and suicide rates in the State prisons have dramatically decreased over the last 25 years.

The collection of this data will help Federal, State, and local governments examine the relationship between

deaths in custody and the proper management of jail and prison facilities. It will also provide important information to Congress on any need to improve Federal custody procedures.

Because the Bureau of Justice Statistics has continued to collect the information even though the prior law has expired, this bill will not impose any new costs on the agency.

The House passed similar legislation in the 110th and the 111th Congresses with overwhelming bipartisan support. I want to thank the gentleman from Virginia (Mr. SCOTT) for introducing this bill and for his interest and knowledge of the subject. I urge my colleagues to support this legislation, and I reserve the balance of my time.

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

Mr. Speaker, I'm pleased to support H.R. 2189, the Death in Custody Reporting Act of 2011.

The bill would require local, State, and Federal law enforcement agencies to report to the Department of Justice information about deaths of individuals which occur while in their custody. We've learned from history about how useful this information can be.

In the 1980s, there was an increased focus on conditions in State and local jails and prisons and the problem of prisoners dying in custody. The interest in oversight of this issue was generated primarily because of the rising tide of expensive wrongful death cases brought in relation to these deaths. Press reports in the 1990s concerning prison abuses and deaths of those incarcerated being attributed to suicide led Congress to develop legislation in response to this problem.

The Death in Custody Reporting Act of 2000 was enacted to require States to report quarterly to the Attorney General brief information regarding the death of any person in the process of arrest or who is otherwise in custody, including jails, prisons, and juvenile facilities.

That law expired in 2006, which led to the effort to reauthorize substantially the same requirements on States and to extend them to Federal agencies as well, which is what H.R. 2189 would do.

This extension, as the gentleman from Texas has mentioned, modifies the sanctions applied for those who do not comply with providing the information. It is expected that the information will be given and negotiations, rather than mandatory sanctions, should result in the information being available.

With detailed statistical data, policymakers at the local, State, and Federal levels can make informed judgments about the appropriate treatment of prisoners and develop ways to lower the prisoner death rate. In fact, since the focus on deaths in custody emerged in the 1980s and the enactment of the law in 2000, there have been significant declines in deaths of those in custody.

This bill is an important reaffirmation of the importance of requiring

that States submit this information and expands this commitment to Federal law enforcement agencies as well.

This initiative has a history of strong bipartisan support; and I thank my colleagues from the other side of the aisle, particularly the gentleman from Texas, the chair of the Judiciary Committee, Mr. SMITH, for bringing the bill to the floor today.

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

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

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise today in support of H.R. 2189, "the Death in Custody Reporting Act of 2011," would require Federal law enforcement agencies and States that receive certain Federal funds to report to the Department of Justice (DOJ) any deaths of persons arrested or detained by law enforcement personnel under their jurisdiction. H.R. 2189 directs DOJ to prepare a report, within two years of enactment, on the information provided by Federal agencies and States and on ways to reduce the number of such deaths.

As a Senior Member on the Judiciary Committee, I am always concerned about the care of all persons detained by Federal, State, and local authorities. Whenever a death occurs in local jails, State prisons, or during the process of arrests by local and State law enforcement, we must ensure that there are systems in place which can identify the reasons behind each death—in the hope that when possible we can prevent these deaths. The collection of this type of information is a vital first step in this process. The Bureau of Justice Statistics (BJS) collects and disseminates this type of data. Originally the program was initiated by The Death in Custody Reporting Act of 2000, upon the expiration of the Act; the BJS continued to collect this information. The BJS needs our support as they represent a unique national resource for understanding mortality in the criminal justice system.

We all know the important role that law enforcement officers play in protecting our streets and our neighborhoods. This data reflects the challenges that they must face in the line of duty and how to best address those challenges. According to the Bureau of Justice Statistics, forty-seven States and the District of Columbia reported 2,002 arrest-related deaths during the three years from 2003 through 2005. Homicides by State and local law enforcement officers were the leading cause of such deaths at 55 percent of deaths, followed by alcohol and drug intoxication incidents, which accounted for 13 percent of deaths, and suicides that represented 12 percent of deaths. In 80 percent of homicides by law enforcement officers, the person being arrested reportedly used a weapon to threaten or assault the arresting officer. Virtually all homicides by officers which accounts for 96 percent of deaths were caused by firearm use. According to the FBI during the same period 380 law enforcement officers were killed in the line of duty of which 159 were homicides. Having these facts readily available will allow authorities to find ways to address the issues faced by those being detained, in detention, and those responsible for safeguarding our neighborhoods and upholding our laws.

H.R. 2189 requires States to report to the Attorney General on quarterly basis information regarding the death of any person who is detained, arrested, en route to incarceration, or incarcerated in state or local facilities or a boot camp prison. To encourage compliance with this requirement States that fail to comply must pay a penalty. H.R. 2189 also requires the head of each Federal law enforcement agency to provide a report directly to the Attorney General. The Attorney General will then study the information and report on means by which it can be used to reduce the number of such deaths.

Summarily H.R. 2189 reauthorizes the Death in Custody Reporting Act. This legislation requires the submission of death statistics at the Federal, State and local levels. The legislation also provides for reductions of up to ten percent of Federal Byrne JAG grant funds at the discretion of the Attorney General, in the event of a State's non-compliance with the reporting requirements. H.R. 2189 also requires an accurate and complete study and report of information on deaths that occurred in custody. Further, H.R. 2189 does not authorize or require any additional spending.

For these reasons I support this legislation and firmly believe it can be used to advance our understanding of mortality in the criminal justice system, which will one day save a life. We must continue to protect persons who are in the custody of Federal, State, and local authorities. I urge my colleagues to lend their support to the bill.

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. 2189.

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.

## RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 3:30 p.m. today.

Accordingly (at 2 o'clock and 25 minutes p.m.), the House stood in recess until approximately 3:30 p.m.

□ 1533

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. HARRIS) at 3 o'clock and 33 minutes p.m.

## VETERANS HEALTH CARE FACILITIES CAPITAL IMPROVEMENT ACT OF 2011

Mr. JOHNSON of Ohio. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2646) to authorize certain Department of Veterans Affairs major medical facility projects and leases, to extend certain expiring provisions of law, and to modify certain authorities of the Secretary of Veterans Affairs, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2646

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

### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Veterans Health Care Facilities Capital Improvement Act of 2011”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Authorization of fiscal year 2012 major medical facility projects.

Sec. 3. Modification of authorization for certain major medical facility construction projects previously authorized.

Sec. 4. Authorization of fiscal year 2012 major medical facility leases.

Sec. 5. Authorization of appropriations.

Sec. 6. Modification of requirements relating to congressional approval of certain medical facility acquisitions.

Sec. 7. Limitation on authority of Secretary of Veterans Affairs to use bid savings on major construction projects to expand purpose of major medical facility projects.

Sec. 8. Name of Department of Veterans Affairs telehealth clinic, Craig, Colorado.

Sec. 9. George H. O'Brien, Jr., Department of Veterans Affairs Medical Center.

Sec. 10. Extension of certain expiring authorities.

Sec. 11. Authorization of appropriations for comprehensive service programs for homeless veterans.

Sec. 12. Reauthorization of appropriations for financial assistance for supportive services for very low-income veteran families in permanent housing.

Sec. 13. Extension of grant program for homeless veterans with special needs.

Sec. 14. Extension of specially adapted housing assistance for individuals residing temporarily in housing owned by a family member.

Sec. 15. Extension of funding fees.

Sec. 16. Notice and verification of the use of income information from other agencies.

Sec. 17. Termination or reduction of certain benefits and services based on income information obtained from other agencies.

### SEC. 2. AUTHORIZATION OF FISCAL YEAR 2012 MAJOR MEDICAL FACILITY PROJECTS.

The Secretary of Veterans Affairs may carry out the following major medical facility projects in fiscal year 2012, with each project to be carried out in the amount specified for each project:

(1) Construction of seismic corrections for Building 100 at the Department of Veterans Affairs Medical Center in Seattle, Wash-

ington, in an amount not to exceed \$51,800,000.

(2) Construction of seismic corrections and renovation of various buildings to include Building 209 for housing facilities for homeless veterans at the Department of Veterans Affairs Medical Center in West Los Angeles, California, in an amount not to exceed \$35,500,000.

### SEC. 3. MODIFICATION OF AUTHORIZATION FOR CERTAIN MAJOR MEDICAL FACILITY CONSTRUCTION PROJECTS PREVIOUSLY AUTHORIZED.

(a) MODIFICATION OF AUTHORIZATION OF FISCAL YEAR 2007 MAJOR MEDICAL FACILITY PROJECT AT DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER IN FAYETTEVILLE, ARKANSAS.—Section 803(3) of the Veterans Benefits, Health Care, and Information Technology Act of 2006 (Public Law 109-461) is amended—

(1) by inserting “and a parking garage” after “clinical addition”; and

(2) by striking “\$56,163,000” and inserting “\$90,600,000”.

(b) MODIFICATION OF EXTENSION OF AUTHORIZATION FOR MAJOR MEDICAL FACILITY CONSTRUCTION PROJECT IN ORLANDO, FLORIDA, PREVIOUSLY AUTHORIZED IN CONNECTION WITH CAPITAL ASSET REALIGNMENT INITIATIVE.—Section 802(11) of the Veterans Benefits, Health Care, and Information Technology Act of 2006 (Public Law 109-461), as amended by section 702(b)(4) of the Veterans' Mental Health and Other Care Improvements Act of 2008 (Public Law 110-387; 122 Stat. 4137), is amended by inserting “, including a Simulation, Learning, Education, and Research Network Center,” after “Florida, area”.

(c) INCREASE IN AMOUNT OF AUTHORIZATION OF FISCAL YEAR 2008 MAJOR MEDICAL FACILITY PROJECT AT DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER IN PALO ALTO, CALIFORNIA.—The Secretary of Veterans Affairs may carry out the major medical facility project at the Department of Veterans Affairs Medical Center in Palo Alto, California, for which amounts were appropriated under chapter 3 of title I of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 122 Stat. 2326) under the heading “CONSTRUCTION, MAJOR PROJECTS” under the heading “DEPARTMENT OF VETERANS AFFAIRS” in an amount not to exceed \$716,600,000.

(d) INCREASE IN AMOUNT OF AUTHORIZATION OF FISCAL YEAR 2009 MAJOR MEDICAL FACILITY PROJECT AT DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER, SAN JUAN, PUERTO RICO.—Section 701(3) of the Veterans' Mental Health and Other Care Improvements Act of 2008 (Public Law 110-387; 122 Stat. 4137) is amended by striking “\$225,900,000” and inserting “\$277,000,000”.

(e) INCREASE IN AMOUNT OF AUTHORIZATION OF FISCAL YEAR 2007 MAJOR MEDICAL FACILITY PROJECT AT DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER, ST. LOUIS, MISSOURI.—Section 803(5) of the Veterans Benefits, Health Care, and Information Technology Act of 2006 (Public Law 109-461) is amended by striking “\$69,053,000” and inserting “\$346,300,000”.

### SEC. 4. AUTHORIZATION OF FISCAL YEAR 2012 MAJOR MEDICAL FACILITY LEASES.

The Secretary of Veterans Affairs may carry out the following fiscal year 2012 major medical facility leases at the locations specified, in an amount not to exceed the amount shown for that location:

(1) Columbus, Georgia, Community-Based Outpatient Clinic, in an amount not to exceed \$5,335,000.

(2) Fort Wayne, Indiana, Outpatient Clinic, in an amount not to exceed \$2,845,000.

(3) Mobile, Alabama, Outpatient Clinic, in an amount not to exceed \$6,565,000.

(4) Rochester, New York, Outpatient Clinic, in an amount not to exceed \$9,232,000.