

the other questions that hopefully we'll have the opportunity to address.

So it is my distinct pleasure to be able to rise to support the underlying bill, H.R. 3971, and as well the previous bill, H.R. 3992. And I thank the chairman for his leadership. And I think the criminal justice system will be better for the passage of these two initiatives.

Madam Speaker, I rise today in strong support of H.R. 3992, the Mentally Ill Offender Treatment and Crime Reduction Reauthorization and Improvement Act of 2007, introduced by my distinguished colleague from Virginia, Representative ROBERT SCOTT. This bipartisan legislation is designed to increase public safety by enabling coordination between the criminal justice and mental health care systems to increase treatment among this segment of the population.

The enormous growth in the national prison population has intensified the problems presented by the needs of mentally ill inmates. Frequently, mentally ill defendants are inappropriately placed into criminal or juvenile corrections facilities, and the harmful impact that this has on the individual and society is reflected in increased recidivism rates, wasted administrative costs, and superfluous overcrowding of corrections facilities, among other things. Among the utmost dilemmas involved in managing the mentally ill prisoners is that correctional staffing is seldom at an adequate level to supervise and care for these prisoners, and correctional officers in many state prisons have never received training in working with the mentally ill.

The Bureau of Justice reported that in 1998 over 280,000 individuals in jail or prison and approximately 550,000 of those on probation had a mental impairment. The mentally ill are disproportionately represented in jails and prisons. Five percent of all Americans have a serious mental illness, but 16 to 20 percent of incarcerated individuals have a mental impairment. Any individual who is enrolled in a juris doctorate program is familiar with two key terms in criminal law, *Actus Reas* and *Mens Rea*. *Actus Reas* is associated with the guilty act, while *Mens Rea* is associated with the guilty mind. Both elements are required to achieve a successful conviction in our criminal law system. Mental health offenders may have committed the physical, guilty act, but they are incapable of having the mind capacity to commit the crime. The act does not make a person guilty unless the mind is also guilty.

The prevalence of the mentally ill in the criminal justice system has been the subject of many recent studies. The U.S. Department of Justice, Bureau of Justice Statistics reported last July that at least 16 percent of the U.S. prison population is seriously mentally ill. The highest rate of reported serious mental illness is among white female inmates, at 29 percent. For white females age 24 or younger, this level rises to almost 40 percent. The American Jail Association estimates that 600,000 to 700,000 people suffering from serious mental illness are being booked into jail each year.

The National Alliance for the Mentally Ill reports that on any given day, at least 284,000 schizophrenic and manic depressive individuals and manic depressive individuals are incarcerated, while only 187,000 seriously mentally ill individuals are in mental health facilities. Additionally, there are approximately 547,800 seriously mentally ill people who are

currently on probation. These statistics seem to indicate that the mentally ill are unjustifiably burdening the criminal justice system.

There is a dire need for resources that will provide vital resolutions to the crisis, expand diversion programs, community-based treatment, re-entry services, and improved treatment during incarceration. The reauthorization of the Mentally Ill Offender Treatment and Crime Reduction Act of 2004 recognizes that true partnerships between the mental health and criminal and juvenile corrections systems and between the Federal and State Governments are needed to meet these challenges. Indeed, this bill requires that Federal funds authorized under this program be supplemented with contributions from the States, local governments, and tribal organizations.

Madam Speaker, Congress has an obligation to legislate to protect the community from those who become aggressive or violent because of mental illness. We also have a responsibility to see that the offender receives the proper treatment for his or her illness. Far too often, mental illness goes undiagnosed, and many in our prison system would do better in alternative settings designed to handle their particular needs.

In Texas, past treatment of mentally ill offenders illustrates the need for legislation such as H.R. 3992. Senior U.S. District Judge William Wayne Justice, who is experienced in dealing with mentally ill prisoners in Texas, ruled in 1980 that the Texas prison system is unconstitutional and placed it under Federal control for 30 years. In Judge Justice's estimation, the Texas laws that apply to the mentally ill "lack compassion and emphasize vengeance." KPFT news reported him as having said,

We have allowed the spirit of vengeance such unrivaled sway in our dealings with those who commit crime that we have ceased to consider properly whether we have taken adequate account of the role that mental impairment may play in the determination of moral responsibility. As a result, we punish those who we cannot justly blame. Such result is not, I believe worthy of a civil society.

This legislation in an important first step towards restructuring a system that has operated in a disjointed and unsympathetic manner for far too long. We must continue to make this legislation adequately effective to preserve the lives of defendants who are actually victims.

I am proud to support this legislation and I strongly urge my colleagues to join me in supporting this legislation and calling for the appropriate treatment and recognition of mentally ill offenders.

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Mr. SMITH of Texas. Madam Speaker, I have no other speakers on this side, and I yield back the balance of my time.

Mr. SCOTT of Virginia. Madam Speaker, I have no other speakers, and I urge my colleagues to support the legislation. 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. 3971, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "A bill 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."

A motion to reconsider was laid on the table.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

HONORING THE SERVICE OF MARY LOUISE PLUNKETT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. CROWLEY) is recognized for 5 minutes.

Mr. CROWLEY. Madam Speaker, it is indeed an honor for me to rise here today on the floor of the House of Representatives to pay tribute and to say thank you to a very close personal friend of mine, Ms. Mary Lu Plunkett, one of the most influential people in my life for the past 25 years and one of the most valued members of the community of Queens County in New York State and New York City for more than the last 50 years.

I was blessed to meet Mary Lu Plunkett in my early 20s, when I stepped into the Queens County Democratic headquarters while running errands at the time for my then-Uncle Walter Crowley. That day was the start of one of the most important friendships in my personal and political life, Madam Speaker. But long before Mary Lu became a valued part of my life, she was already a valued and well-established force in Queens County and in Queens County Democratic politics.

Mary Lu was born in Brooklyn, and she moved to Jackson Heights, Queens, in 1949 with her husband Jack. Mary Lu was quick to engage in her community and in her local church, and we were just as quick to forgive Mary Lu for her Brooklyn past.

Mary Lu's foray into politics started when she joined the Amerind Democratic Club. She went on to volunteer at Queens County Democratic Headquarters, where she became a full-time member of the staff in 1956. While working at county headquarters, Mary Lu served some of Queens County's finest political leaders, including Moses Weinstein, Jim Roe, and my predecessor Tom Manton, and her influence on them and our community was felt and has been felt by all of us since.

No political event or dinner has been held without Mary Lu and her charm. She helped to welcome such dignitaries and luminaries as John Kennedy, TED