

if the writing did not constitute defamation under U.S. law. It would also bar enforcement of foreign libel judgments and provide other appropriate injunctive relief by U.S. Courts if a cause of action was established. H.R. 1304 would award damages to the U.S. person who brought the action in the amount of the foreign judgment, the costs related to the foreign lawsuit, and the harm caused due to the decreased opportunities to publish, conduct research, or generate funding. Furthermore, it would award treble damages if the person bringing the foreign lawsuit intentionally engaged in a scheme to suppress First Amendment rights. It would allow for expedited discovery if the court determines that the speech at issue in the foreign defamation action is protected by the First Amendment.

Nothing in H.R. 1304 would limit the rights of foreign litigants who bring good faith defamation actions to prevail against journalists and others who have failed to adhere to standards of professionalism by publishing false information maliciously or recklessly. The Free Speech Protection Act does, however, attempt to discourage those foreign libel suits that aim to intimidate, threaten, and restrict the freedom of speech of Americans. I am proud to have worked closely with Senators ARLEN SPECTER, JOE LIEBERMAN, and CHUCK SCHUMER who introduced companion legislation in the Senate.

The King/Specter/Lieberman/Schumer legislation also has the backing of various organizations including the Association of American Publishers, College Art Association, Anti-Defamation League, American Jewish Congress, American Library Association, 9/11 Families for a Secure America, American Booksellers Foundation for Free Expression, and the American Civil Liberties Union. In addition, various columnists and editorial boards have written in support of our approach including Floyd Abrams, Andrew McCarthy, the New York Times, New York Post, and the Washington Times.

The impetus for a federal law is the case of Dr. Rachel Ehrenfeld, a U.S. citizen and Director of the American Center for Democracy. Dr. Ehrenfeld's 2003 book, "Funding Evil: How Terrorism is Financed and How to Stop it," which was published solely in the United States by a U.S. publisher, alleged that a Saudi Arabian subject and his family financially supported alQaeda in the years preceding the attacks of September 11, 2001. He sued Dr. Ehrenfeld for libel in England because under English law, it is not necessary for a libel plaintiff to prove falsity or actual malice as is required in the U.S. After the English court entered a judgment against Dr. Ehrenfeld, she sought to shield herself with a declaration from both federal and state courts that her book did not create liability under American law, but jurisdictional barriers prevented both the federal and New York State courts from acting. Reacting to this problem, the Governor of New York, on May 1, 2008, signed into law the "Libel Terrorism Protection Act", commonly known as "Rachel's Law."

As I said last year, I believe any libel tourism bill should include punitive measures to discourage these ridiculous lawsuits from being filed in the first place. It was my hope that during this new Congress we could work together to introduce a bill that would solve this problem once and for all, legislation which would not only ban the enforcement of these

foreign libel judgments but would also create a federal cause of action allowing American authors and journalists to sue those foreign plaintiffs here in the United States. This should be the essential component of any libel tourism bill. The real issue here is not the judgment or even the libel case itself. Rather, it is the attempt by certain individuals to muzzle those who dare speak out about terrorism and the financiers of it. Lawyers are cleverly exploiting foreign libel laws not only to injure American authors and publishing companies, but more importantly to shut them up. And it is working. But we must stop it!

In September, I supported and the House passed H.R. 6146, legislation sponsored by Representative COHEN, to prohibit U.S. Courts from enforcing these outrageous defamation suits. At the time, I stated that I believed that bill did not go far enough to combat the threat of libel tourism and that pertains to H.R. 2765 as well.

Nevertheless, I will support H.R. 2765 because it prohibits U.S. (domestic) courts from enforcing these outrageous defamation suits. We must stand up to the terrorists and their financiers, supporters, and sympathizers. However, this bill does not go far enough nor does it resolve the problem of "libel tourism." Foreign litigants will still be allowed to file these libel suits overseas with no worry of being countersued here in the U.S. If this bill were to be signed into law, the litigants would never see a dime of the judgments they are awarded, but it's not money they are after in the first place. They want the publicity, an apology, and they want these books to disappear. Most of all they want to intimidate authors and publishers. And it's working!

Finally, I will support H.R. 2765 because it is a first step in the right direction. H.R. 2765 is an important and necessary part of any "libel tourism" bill. Unfortunately, it doesn't put an end to the problem and doesn't provide any deterrence from these suits being filed in the first place. I regret that we could not have come up with a more comprehensive bill on the House side but I pledge to work with our Senate sponsors to improve this legislation over in the other Chamber.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today to voice my support for House Resolution 2765, prohibiting recognition and enforcement of foreign defamation judgments and certain foreign judgments against the providers of interactive computer services, introduced by Representative COHEN, which articulates the sense of Congress regarding the United States commitment to freedom of speech. I would also like to thank Congressman COHEN for this important legislation, his leadership in bringing this legislation forth and for working together to see that the First Amendment to the Constitution is not just something we talk about, but something that is achieved. The heart of this bill lies in interactive computer services.

Interactive computer services provide an opportunity for free enterprise to take place. "I am convinced," asserts RICHARD LUGAR "that the majority of American people do understand that we have a moral responsibility to foster the concepts of opportunity, free enterprise, the rule of law, and democracy. They understand that these values are the hope of the world".

TEXAS

In my state of Texas there are a variety of small interactive foreign computer service en-

terprises that are struggling to be valued resources in their community, a community full of individuals that struggle with all the woes of technology and deserve not only local businesses for their convenience but also their relationship.

Many of these businesses promise hope for many citizens unfamiliar with computers and technology by advocating that they do not treat their customers like another invoice number or item on a list of things to do.

#### CONCLUSION

I urge my colleagues to remember that certain companies that fall within the category of "interactive computer service" providers are extremely beneficial to the communities they serve. I do not advocate that all judgments against these providers are inappropriate, but we must remember the benefits of such a business and its legitimate concurrence with the First Amendment.

If we do not support the improvement of the technological community as it is then we should not support this bill. However, if we are for access to quality computer services, if we are for greater understanding of the communities we serve, if we are for fair enforcement of judgments against and for hardworking American citizens, then we must give our full support to this bill.

I urge my colleagues to join me in support of Resolution 2765, which will work to effectively help Americans prepare for the future with the appropriate resources. This is just one more step to a more responsible society.

Mr. Speaker, I vote in support of House Resolution 2765.

Mr. COHEN. I yield the remainder my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. COHEN) that the House suspend the rules and pass the bill, H.R. 2765, as amended.

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

A motion to reconsider was laid on the table.

#### CONGRESSIONAL REVIEW ACT IMPROVEMENT ACT

Mr. COHEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2247) to amend title 5, United States Code, to make technical amendments to certain provisions of title 5, United States Code, enacted by the Congressional Review Act, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2247

*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 "Congressional Review Act Improvement Act".

#### SEC. 2. TECHNICAL AMENDMENTS TO THE CONGRESSIONAL REVIEW ACT.

(a) GOVERNMENT PAPERWORK REDUCTION.—Section 801 of title 5, United States Code, is amended as follows:

(1) REPEAL OF REQUIREMENT FOR SUBMITTAL OF TEXT OF RULES AND CERTAIN OTHER MATERIALS TO BOTH HOUSES OF CONGRESS.—Subsection (a)(1) is amended—

(A) by striking “each House of the Congress and to” in subparagraph (A);

(B) by striking “each House of”, and inserting “on request” after “Congress”, in subparagraph (B); and

(C) by striking subparagraph (C).

(2) LISTING IN CONGRESSIONAL RECORD OF EACH RULE RECEIVED BY THE COMPTROLLER GENERAL.—Subsection (e) is amended to read as follows:

“(e)(1) The Comptroller General shall submit to each House of Congress a weekly report containing a list of each rule received by the Comptroller General pursuant to subsection (a) since the last such report was submitted. The report shall include a notation for each such rule indicating whether or not the rule is a major rule.

“(2) The Speaker of the House of Representatives shall cause to be published in the Congressional Record, in that portion of the Record relating to the proceedings of the House of Representatives, each report received from the Comptroller General under paragraph (1) since the last such publication in the House portion of the Record and, for each rule listed in such report, a statement of referral by the Speaker to the committee or committees of the House with responsibility for review of that rule.

“(3) There shall be published in the Congressional Record, in that portion of the Record relating to the proceedings of the Senate, each report received from the Comptroller General under paragraph (1) since the last such publication in the Senate portion of the Record and, for each rule listed in such report, a statement of the referral, if any, to the committee or committees of the Senate with responsibility for review of that rule.”.

(b) CONFORMING AMENDMENTS.—Chapter 8 of such title is further amended—

(1) in section 801(a)(3)(A)(i), by striking “Congress” and inserting “Comptroller General”;

(2) in section 801(a)(4), by striking “Congress” and inserting “the Comptroller General”;

(3) in section 801(d)(2)(B), by striking “Congress” and inserting “the Comptroller General”;

(4) in section 802(a), by striking “Congress” the first place it appears and inserting “the Comptroller General”; and

(5) in section 802(b)(2)(A), by striking “Congress” and inserting “Comptroller General”.

(c) EFFECTIVE DATE.—The amendments made by this Act shall take effect 60 days after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. COHEN) and the gentleman from Texas (Mr. GOHMERT) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee.

#### GENERAL LEAVE

Mr. COHEN. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to extend and revise 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 Tennessee?

There was no objection.

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

H.R. 2247, the Congressional Review Act Improvement Act, would cut governmental waste by reducing duplicative paperwork and relieving some of

the administrative burdens currently mandated by the Congressional Review Act.

The Congressional Review Act is the congressional mechanism for reviewing agency rules. It currently requires that when an agency promulgates a rule, it must submit documents to both Houses of Congress and to the Comptroller General of the Government Accountability Office.

The agency must submit a report that contains a copy of the rule, a concise general statement describing it, and its proposed effective date. Thus, under current law, the same material is submitted to, housed in, and printed by four different government entities.

This approach creates unnecessary burdens. For example, the House Parliamentarian has testified before the House Judiciary Subcommittee on Commercial and Administrative Law in three separate Congresses about the ever-increasing volume of executive branch communications under the Congressional Review Act and its overwhelming impact on the operations of the Parliamentarian's office.

This bill eliminates the requirement that agencies submit copies of rules with accompanying reports to each House of Congress. Instead, the House and Senate will receive a weekly list of all rules from the Comptroller General. The House and Senate would then have the list printed in the CONGRESSIONAL RECORD with a statement of referral for each rule.

Under the bill, the House and Senate retain the option to directly obtain reports on major rules. Importantly, the bill makes no changes to the authority of Congress under the Congressional Review Act to disapprove agency rules. What it basically does is it cuts out some unnecessary paperwork and saves forests.

I thank Judiciary Committee Chairman John Conyers, Ranking Member Lamar Smith, and Trent Franks, ranking member of the Subcommittee on Commercial and Administrative Law, for being original cosponsors of this bill with me.

This is a commonsense bill that rightfully has strong bipartisan support. I urge my colleagues to support it.

I reserve the balance of my time.

Mr. GOHMERT. Mr. Speaker, I join my colleague in support of H.R. 2247, the Congressional Review Act Improvement Act.

The Congressional Review Act provides Congress with a vital but underused tool to oversee how agencies exercise the legislative authority Congress delegates to them. This bipartisan reform, the Congressional Review Act Improvement Act, is an important first step towards improving the act's efficiency and effectiveness. It is a measure first proposed in the 106th Congress by the late Henry Hyde. It had bipartisan support then, just as it does today.

This legislation will streamline the House Parliamentarian's role under the

Congressional Review Act, shifting some of the Parliamentarian's paperwork responsibilities to the Comptroller General.

The day-to-day volume of paperwork that the small staff of the Parliamentarian's office confronts under the act is large. By reducing this burden on the Parliamentarian, this bill will improve the efficiency of House operations while at the same time not hampering oversight of agency rules.

We obtained this measure's passage in the last Congress, but the Senate, unfortunately, did not act upon it. I urge the House to pass it again this term, and I am hopeful the Senate will pass it as well. The goal is to provide assistance to the overworked Parliamentarian's office.

I have remained grateful to the Parliamentarian's office ever since the first time in my first term here I went up to be Speaker pro tem and was advised by the Parliamentarian to be careful when I leaned back because the chair didn't have much back support, therefore averting me from on-camera falling back and flailing my arms, as I would have without the Parliamentarian's assistance.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of H.R. 2247, the “Congressional Review Act Improvement Act.” I would like to thank my colleague, Congressman STEVE COHEN, for introducing this bill, and for providing leadership on this important issue.

I support this bill. It eliminates waste by requiring that federal agencies must submit specified information about a rule to both Houses of Congress before such rule can take effect; (thus requiring that the information be submitted to only the Comptroller General). Moreover, it requires the Comptroller General to submit to each House a weekly report containing a list of the rules received, including a notation identifying each major rule.

These reductions and minimization of waste standards provided by this bill should result in a substantial cost savings to the federal government. In times like we are in now, it is important that the government cut costs. I support this bill.

H.R. 2247 amends the current law. The primary purpose of the legislation is to have the Comptroller general replace congress. H.R. 2247 eliminates the requirement that agencies submit paper copies of their rules that are printed in the Federal Register to each House while continuing a referral of all rules printed in the Federal Register and the periodic indication of those referrals in the CONGRESSIONAL RECORD. Instead, the Comptroller General will send out the weekly list of rules to both the House and the Senate from the GAO, and then the Comptroller General would put that list in the CONGRESSIONAL RECORD.

This bill eliminates the excessive duplication and printing of rules. This bill adds a commonsense approach to rulemaking, the printing, publication and dissemination of those rules. It is simple and the reforms that it brings should yield a substantial cost savings to the U.S. Treasury.

I am proud to support this bill because it eliminates duplicative and needless paperwork and should provide a cost savings. I urge my colleagues to support this bill.

Mr. Speaker, I have no further speakers. I yield back the balance of my time and urge my colleagues to support this bill.

Mr. COHEN. Mr. Speaker, I too would yield the balance of my time and ask for a favorable vote on the proposition before us, as amended.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. COHEN) that the House suspend the rules and pass the bill, H.R. 2247, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the yeas have it.

Mr. COHEN. 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 and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### COURT SECURITY ENHANCEMENT ACT OF 2009

Mr. SCOTT of Virginia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2661) to amend title 18, United States Code, to increase the penalty for violations of section 119 (relating to protection of individuals performing certain official duties), as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2661

*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 "Court Security Enhancement Act of 2009".

##### SEC. 2. INCREASE OF PENALTY.

Section 119(a) of title 18, United States Code, is amended by striking "5 years" and inserting "10 years".

##### SEC. 3. RESOLVING A WORKLOAD REQUIREMENT FOR SENIOR JUDGE PARTICIPATION IN COURT GOVERNANCE.

Section 631(a) of title 28, United States Code, is amended by striking "(including any judge in regular active service and any judge who has retired from regular active service under section 371(b) of this title, when designated and assigned to the court to which such judge was appointed)".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. SCOTT) and the gentleman from Texas (Mr. GOHMERT) 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 may consume.

Mr. Speaker, H.R. 2661, the Court Security Enhancement Act, addresses improper public disclosure of private information regarding all Federal employees, Federal officers, and persons involved in the judicial system. Specifically, this bill addresses the public disclosure of private information with the intent to threaten, intimidate or incite violence against a Federal employee or officer, a person involved in the judicial system, or his or her family.

The safety of all who participate in our judicial process is essential to the integrity of our judicial system. Threats and attacks against citizens and court officials are also attacks on the fair and effective administration of justice.

It is already a felony to knowingly disclose with harmful intent restricted personal information, including a Federal employee's home address, home phone number or Social Security number. However, the maximum penalty is currently 5 years. This bill will increase that penalty to 10 years.

The United States Sentencing Commission has brought to our attention the disparity between the 5-year penalty for this crime and the 10-year penalty for another serious form of harassment and attack on Federal employees, that of filing false liens against the Federal employee.

The Sentencing Commission has asked whether or not we intended that disparity. We did not. To reduce the disparity and to bring the penalty for disclosing private information with a criminal intent in line with the seriousness of the offense, the Court Security Enhancement Act increases the penalty from 5 to 10 years.

This bill also corrects a conflict we inadvertently created last session in sections 503 and 504 of the Court Security Improvement Act of 2007. This bill eliminates that conflict and clarifies that senior judges must perform at least the equivalent of a 6-month workload of an active judge to participate in court governance matters, including the selection of magistrate judges.

I urge my colleagues to support this important legislation and thank the gentleman from Texas for introducing the bill.

I reserve the balance of my time.

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

On January 7th of last year, President Bush did sign into law a critical piece of legislation, the Court Security Improvement Act. I was pleased to join Chairman CONYERS and Chairman SCOTT as an original cosponsor of the bill.

This bipartisan, bicameral effort improves security for Federal judges, their staffs, victims, witnesses, and all those who participate in our Federal justice system. I had the honor and privilege to sit down with a number of judges and witnesses and victims and

staff members to discuss this problem back before the legislation was originated and we were trying to address some of the problems that had been created.

In recent years, we have seen an increase in violence and threats against judges, prosecutors, defense counsel, law enforcement officers, and courthouse employees. According to the Administrative Office of the U.S. Courts, almost 700 threats a year are made against Federal judges. In numerous cases, it has been necessary to assign Federal judges security details for fear of attack by criminal defendants and disgruntled litigants.

We now have in place procedures to improve coordination between U.S. marshals and the Federal judiciary and strengthen security measures for Federal prosecutors handling dangerous trials against terrorists and drug organizations, as well as organized crime figures.

The law now also prohibits public disclosure on the Internet or other public sources of personal information about judges, law enforcement officers, victims and witnesses, and also protects Federal judges and prosecutors from organized efforts to harass and intimidate them through false filings of liens or other encumbrances against their personal property.

I introduced H.R. 2661, the Court Security Enhancement Act, to make two important corrections to the court security statutes. At the recommendation of the U.S. Sentencing Commission, the bill does increase, as my colleague from Virginia mentioned, the penalty for violations of section 119 of title 18 from a maximum of 5 to a maximum of 10 years.

This action prohibits the public disclosure of certain personal information of Federal judges, prosecutors, defense counsel, jurors, witnesses, or the family members of these individuals. This commonsense, straightforward change will conform the penalties for section 119 offenses to the penalties of the other comparable court security provisions.

At the recommendation of the U.S. Judicial Conference, the bill also eliminates an inconsistency unintentionally created by the Court Security Improvement Act pertaining to requirements for senior district court judge participation in court governance. This simple amendment will ensure consistent application of the statutes governing senior district court judges.

I do want to thank Chairman CONYERS, Chairman SCOTT and Ranking Member SMITH for their support and prompt consideration of the bill. It is imperative we continue to work together in a bipartisan effort to ensure that judges, witnesses, courthouse personnel, and law enforcement officers do not face threats and violence while carrying out their duties, and, if there is, that there are serious consequences.

With that, I urge my colleagues to support the bill.