

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from the District of Columbia (Ms. NORTON) and the gentleman from California (Mr. BILBRAY) each will control 20 minutes.

The Chair recognizes the gentlewoman from the District of Columbia.

GENERAL LEAVE

Ms. NORTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the District of Columbia? There was no objection.

Ms. NORTON. Mr. Speaker, I yield myself such time as I may consume and rise to support H.R. 6278, the Kingman and Heritage Islands Act of 2010. This bill would permit the District of Columbia to use the Kingman and Heritage Islands for recreational, environmental, and educational purposes. I introduced this bill on September 29, 2010.

The bulk of the language in the bill was considered by the Oversight Committee, the full House, and the Senate in another measure, H.R. 2092. However, because of a clerical error in the Senate, minor changes were not included in the bill when it was considered by the Senate. I have introduced H.R. 6278 to ensure the correct language is passed by both Houses. This bill includes the House-passed language in H.R. 2092, and captures the minor changes agreed upon in a bipartisan fashion by the Senate Homeland Security and Government Affairs Committee.

The amendment agreed to by the Senate Homeland Security and Government Affairs Committee makes it clear that the islands may revert back to the Federal Government in the future if they are not used for the purposes specified in the bill.

I should note that the House Oversight Committee did file a report on H.R. 2092, and that report is an important part of the legislative history of the bill we are considering now.

Mr. Speaker, we are very pleased that this bill has come in time before the House. The original act transferred title of this land on the Anacostia bill, but a prior Congress authorized it for another purpose, and, therefore, since we in the District of Columbia want to use this for environmental, recreational, and educational purposes, it was necessary to come again with a bill.

This is a bill that involves 40 acres of tidal marsh in Kingman Lake, currently being restored by the Army Corps, the District, and local environmental teaching groups. These islands are beautiful little places in the midst of the concrete of a big city. They, for example, have a memorial tree grove dedicated to the three District of Columbia schoolchildren who were on a trip sponsored by the National Geographic on a plane that went down in the September 11 attack on our coun-

try. This quaint set of islands has guided trails and interpretive stations.

As far as my own work in the Congress is concerned, Mr. Speaker, the dedication of these islands to environmental, teaching, and recreation purposes complements my own work on the Anacostia River. I am the primary sponsor of the Anacostia River initiative. There's already a 10-year plan of the jurisdictions in this region to restore the Anacostia River so that it is no longer one of the most polluted rivers in America.

To that end, I regard this bill as another manifestation of our determination to return the river to its original state and to allow the use of these small islands for the recreational and environmental purposes of the citizens of the District of Columbia and to all of those who visit our city and would like some relief from the big-city life and will find it right in the midst of what appears to be nothing other than a big-city landscape and will be relieved if they are privileged to visit these islands.

I reserve the balance of my time.

Mr. BILBRAY. Mr. Speaker, I yield myself such time as I may consume. I rise today in support of H.R. 6278, the Kingman and Heritage Islands Act, and would just ask for support for it.

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

Ms. NORTON. Mr. Speaker, I urge my colleagues to join me in supporting this measure, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from the District of Columbia (Ms. NORTON) that the House suspend the rules and pass the bill, H.R. 6278.

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

A motion to reconsider was laid on the table.

□ 1510

#### D.C. COURTS AND PUBLIC DEFENDER SERVICE ACT OF 2010

Ms. NORTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5367) to amend title 11, District of Columbia Official Code, to revise certain administrative authorities of the District of Columbia courts, and to authorize the District of Columbia Public Defender Service to provide professional liability insurance for officers and employees of the Service for claims relating to services furnished within the scope of employment with the Service, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5367

*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 "D.C. Courts and Public Defender Service Act of 2010".

#### SEC. 2. AUTHORITIES OF DISTRICT OF COLUMBIA COURTS.

(a) PERMITTING JUDICIAL CONFERENCE ON BIENNIAL BASIS; ATTENDANCE OF MAGISTRATE JUDGES.—Section 11-744, District of Columbia Official Code, is amended—

(1) in the first sentence, by striking "annually" and inserting "biennially or annually";

(2) in the first sentence, by striking "active judges" and inserting "active judges and magistrate judges";

(3) in the third sentence, by striking "Every judge" and inserting "Every judge and magistrate judge"; and

(4) in the third sentence, by striking "Courts of Appeals" and inserting "Court of Appeals".

(b) EMERGENCY AUTHORITY TO TOLL OR DELAY JUDICIAL PROCEEDINGS.—

(1) PROCEEDINGS IN SUPERIOR COURT.—

(A) IN GENERAL.—Subchapter III of Chapter 9 of title 11, District of Columbia Official Code, is amended by adding at the end the following new section:

#### "§ 11-947. Emergency authority to toll or delay proceedings.

"(a) TOLLING OR DELAYING PROCEEDINGS.—

"(1) IN GENERAL.—In the event of a natural disaster or other emergency situation requiring the closure of Superior Court or a natural disaster or other emergency situation rendering it impracticable for the United States or District of Columbia Government or a class of litigants to comply with deadlines imposed by any Federal or District of Columbia law or rule that applies in the Superior Court, the chief judge of the Superior Court may exercise emergency authority in accordance with this section.

"(2) SCOPE OF AUTHORITY.—(A) The chief judge may enter such order or orders as may be appropriate to delay, toll, or otherwise grant relief from the time deadlines imposed by otherwise applicable laws or rules for such period as may be appropriate for any class of cases pending or thereafter filed in the Superior Court.

"(B) The authority conferred by this section extends to all laws and rules affecting criminal and juvenile proceedings (including, pre-arrest, post-arrest, pretrial, trial, and post-trial procedures) and civil, family, domestic violence, probate and tax proceedings.

"(3) UNAVAILABILITY OF CHIEF JUDGE.—If the chief judge of the Superior Court is absent or disabled, the authority conferred by this section may be exercised by the judge designated under section 11-907(a) or by the Joint Committee on Judicial Administration.

"(4) HABEAS CORPUS UNAFFECTED.—Nothing in this section shall be construed to authorize suspension of the writ of habeas corpus.

"(5) DEFINITIONS.—For purposes of this subsection—

"(A) the term 'natural disaster' means any natural catastrophe (including any hurricane, tornado, storm, high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, or drought), or, regardless of cause, any fire, flood, or explosion; and

"(B) the term 'other emergency situation' includes but is not limited to any occasion or instance of terrorism, enemy attack, sabotage, other hostile action, disease, or any manmade cause which results in an imminent threat, severe damage, or injury to life or property, or loss thereof, or results in the destruction of or severe damage to a court house, or impairs the ability to access a courthouse, or the ability to staff the courts.

"(b) CRIMINAL CASES.—In exercising the authority under this section for criminal cases, the chief judge shall consider the ability of the United States or District of Columbia Government to investigate, litigate,

and process defendants during and after the emergency situation, as well as the ability of criminal defendants as a class to prepare their defenses.

“(c) **ISSUANCE OF ORDERS.**—The United States Attorney for the District of Columbia or the Attorney General for the District of Columbia or the designee of either may request issuance of an order under this section, or the chief judge may act on his or her own motion.

“(d) **DURATION OF ORDERS.**—An order entered under this section may not toll or extend a time deadline for a period of more than 14 days, except that if the chief judge determines that an emergency situation requires additional extensions of the period during which deadlines are tolled or extended, the chief judge may, with the consent of the Joint Committee on Judicial Administration, enter additional orders under this section in order to further toll or extend such time deadline.

“(e) **NOTICE.**—Upon issuing an order under this section, the chief judge—

“(1) shall make all reasonable efforts to publicize the order, including, when possible, announcing the order on the District of Columbia Courts web site; and

“(2) shall send notice of the order, including the reasons for the issuance of the order, to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives.

“(f) **REQUIRED REPORTS.**—Not later than 180 days after the expiration of the last extension or tolling of a time period made by the order or orders relating to an emergency situation, the chief judge shall submit a brief report to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and the Joint Committee on Judicial Administration describing the orders, including—

“(1) the reasons for issuing the orders;

“(2) the duration of the orders;

“(3) the effects of the orders on litigants; and

“(4) the costs to the court resulting from the orders.

“(g) **EXCEPTIONS.**—The notice under subsection (e)(2) and the report under subsection (f) are not required in the case of an order that tolls or extends a time deadline for a period of less than 14 days.”.

(B) **CLERICAL AMENDMENT.**—The table of contents of chapter 9 of title 11, District of Columbia Official Code, is amended by adding at the end of the items relating to subchapter III the following:

“11-947. Emergency authority to toll or delay proceedings.”.

(2) **PROCEEDINGS IN COURT OF APPEALS.**—

(A) **IN GENERAL.**—Subchapter III of Chapter 7 of title 11, District of Columbia Official Code, is amended by adding at the end the following new section:

“§ 11-745. Emergency authority to toll or delay proceedings.

“(a) **TOLLING OR DELAYING PROCEEDINGS.**—

“(1) **IN GENERAL.**—In the event of a natural disaster or other emergency situation requiring the closure of the Court of Appeals or a natural disaster or other emergency situation rendering it impracticable for the United States or District of Columbia Government or a class of litigants to comply with deadlines imposed by any Federal or District of Columbia law or rule that applies in the Court of Appeals, the chief judge of the Court of Appeals may exercise emergency authority in accordance with this section.

“(2) **SCOPE OF AUTHORITY.**—The chief judge may enter such order or orders as may be ap-

propriate to delay, toll, or otherwise grant relief from the time deadlines imposed by otherwise applicable laws or rules for such period as may be appropriate for any class of cases pending or thereafter filed in the Court of Appeals.

“(3) **UNAVAILABILITY OF CHIEF JUDGE.**—If the chief judge of the Court of Appeals is absent or disabled, the authority conferred by this section may be exercised by the judge designated under section 11-706(a) or by the Joint Committee on Judicial Administration.

“(4) **HABEAS CORPUS UNAFFECTED.**—Nothing in this section shall be construed to authorize suspension of the writ of habeas corpus.

“(5) **DEFINITIONS.**—For purposes of this subsection—

“(A) the term ‘natural disaster’ means any natural catastrophe (including any hurricane, tornado, storm, high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, or drought), or, regardless of cause, any fire, flood, or explosion; and

“(B) the term ‘other emergency situation’ includes but is not limited to any occasion or instance of terrorism, enemy attack, sabotage, other hostile action, disease, or any manmade cause which results in an imminent threat, severe damage, or injury to life or property, or loss thereof, or results in the destruction of or severe damage to a court house, or impairs the ability to access a courthouse, or the ability to staff the courts.

“(b) **ISSUANCE OF ORDERS.**—The United States Attorney for the District of Columbia or the Attorney General for the District of Columbia or the designee of either may request issuance of an order under this section, or the chief judge may act on his or her own motion.

“(c) **DURATION OF ORDERS.**—An order entered under this section may not toll or extend a time deadline for a period of more than 14 days, except that if the chief judge determines that an emergency situation requires additional extensions of the period during which deadlines are tolled or extended, the chief judge may, with the consent of the Joint Committee on Judicial Administration, enter additional orders under this section in order to further toll or extend such time deadline.

“(d) **NOTICE.**—Upon issuing an order under this section, the chief judge—

“(1) shall make all reasonable efforts to publicize the order, including, when possible, announcing the order on the District of Columbia Courts web site; and

“(2) shall send notice of the order, including the reasons for the issuance of the order, to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives.

“(e) **REQUIRED REPORTS.**—Not later than 180 days after the expiration of the last extension or tolling of a time period made by the order or orders relating to an emergency situation, the chief judge shall submit a brief report to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and the Joint Committee on Judicial Administration describing the orders, including—

“(1) the reasons for issuing the orders;

“(2) the duration of the orders;

“(3) the effects of the orders on litigants; and

“(4) the costs to the court resulting from the orders.

“(f) **EXCEPTIONS.**—The notice under subsection (d)(2) and the report under subsection (e) are not required in the case of an order that tolls or extends a time deadline for a period of less than 14 days.”.

(B) **CLERICAL AMENDMENT.**—The table of contents of chapter 7 of title 11, District of Columbia Official Code, is amended by adding at the end of the items relating to subchapter III the following:

“11-745. Emergency authority to toll or delay proceedings.”.

(c) **PERMITTING AGREEMENTS TO PROVIDE SERVICES ON A REIMBURSABLE BASIS TO OTHER DISTRICT GOVERNMENT OFFICES.**—

(1) **IN GENERAL.**—Section 11-1742, District of Columbia Official Code, is amended by adding at the end the following new subsection:

“(d) To prevent duplication and to promote efficiency and economy, the Executive Officer may enter into agreements to provide the Mayor of the District of Columbia with equipment, supplies, and services and credit reimbursements received from the Mayor for such equipment, supplies, and services to the appropriation of the District of Columbia Courts against which they were charged.”.

(2) **EFFECTIVE DATE.**—The amendment made by paragraph (1) shall apply with respect to fiscal year 2010 and each succeeding fiscal year.

### SEC. 3. LIABILITY INSURANCE FOR PUBLIC DEFENDER SERVICE.

Section 307 of the District of Columbia Court Reform and Criminal Procedure Act of 1970 (sec. 2-1607, D.C. Official Code) is amended by adding at the end the following new subsection:

“(e) The Service shall, to the extent the Director considers appropriate, provide representation for and hold harmless, or provide liability insurance for, any person who is an employee, member of the Board of Trustees, or officer of the Service for money damages arising out of any claim, proceeding, or case at law relating to the furnishing of representational services or management services or related services under this Act while acting within the scope of that person's office or employment, including but not limited to such claims, proceedings, or cases at law involving employment actions, injury, loss of liberty, property damage, loss of property, or personal injury, or death arising from malpractice or negligence of any such officer or employee.”.

### SEC. 4. REDUCTION IN TERM OF SERVICE OF JUDGES ON FAMILY COURT OF THE SUPERIOR COURT.

(a) **REDUCTION IN TERM OF SERVICE.**—Section 11-908A(c)(1), District of Columbia Official Code, is amended by striking “5 years” and inserting “3 years”.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply with respect to any individual serving as a judge on the Family Court of the Superior Court of the District of Columbia on or after the date of the enactment of this Act.

The **SPEAKER** pro tempore. Pursuant to the rule, the gentlewoman from the District of Columbia (Ms. NORTON) and the gentleman from California (Mr. BILBRAY) each will control 20 minutes. The Chair recognizes the gentlewoman from the District of Columbia.

GENERAL LEAVE

Ms. NORTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The **SPEAKER** pro tempore. Is there objection to the request of the gentlewoman from the District of Columbia? There was no objection.

Ms. NORTON. Mr. Speaker, I now yield myself such time as I may consume.

I rise in support of H.R. 5367, the District of Columbia Courts and Public

Defender Service Act of 2010. I introduced this bill on May 24, 2010, and the Oversight and Government Reform Committee ordered the bill reported on September 23. H.R. 5367 expands the administrative authorities of the District of Columbia Court system and increases the efficiency of the system.

Mr. Speaker, this bill is at the special request of the Article I Courts of the District of Columbia where changes need the consent of Congress in order to be made. These are small but important changes to the court. It wishes the desire to hold its conferences other than on an annual basis, particularly given the fact that the court has access to Web sites and other ways to communicate to judges. Therefore, this bill simply leaves this matter to the discretion of the judiciary.

The bill also has an important section, allowing the court to toll judicial proceedings in the event of an emergency. We know that the District of Columbia is in the cross-hairs of al Qaeda. We also know that we are not immune to natural disasters. While the court has the authority to conduct emergency sessions outside of the District of Columbia, it is imperative that it be able to delay proceedings so that it can reconfigure what to do in the event of an emergency. Similar bills have been introduced here in the Congress regarding the Federal court system, and several States have enacted similar legislation. I do not need to tell Members of this House what it would mean to a court of jurisdiction to be faced with a calendar and then an emergency as to what to do with, for example, commercial transactions or criminal matters. Clearly the court needs discretion to delay, according to the circumstances, such justice as it sees fit.

I urge my colleagues to join me in supporting H.R. 5367.

I reserve the balance of my time.

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

I rise today in support of H.R. 5367, the D.C. Courts and Public Defender Service Act of 2010, and I would ask for support for the bill.

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

Ms. NORTON. Mr. Speaker, may I also indicate that this bill gives the public defender of the District of Columbia the right to purchase liability insurance, a right that the Federal public defenders have throughout the United States. The reason the bill is necessary in order to give them this right is that the public defender of the District of Columbia exists in a twilight zone, as it were. It handles local matters, but it is a Federal agency. So we need the imprimatur of this Congress.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from the District of Columbia (Ms. NORTON) that the House suspend the rules and pass the bill, H.R. 5367, 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 amend title 11, District of Columbia Official Code, to revise certain administrative authorities of the District of Columbia courts, to authorize the District of Columbia Public Defender Service to provide professional liability insurance for officers and employees of the Service for claims relating to services furnished within the scope of employment with the Service, and for other purposes."

A motion to reconsider was laid on the table.

#### NAVY CORPSMAN JEFFREY L. WIENER POST OFFICE BUILDING

Ms. NORTON. Mr. Speaker, I move to suspend the rules and pass the bill (S. 3567) to designate the facility of the United States Postal Service located at 100 Broadway in Lynbrook, New York, as the "Navy Corpsman Jeffrey L. Wiener Post Office Building".

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 3567

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

#### SECTION 1. NAVY CORPSMAN JEFFREY L. WIENER POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 100 Broadway in Lynbrook, New York, shall be known and designated as the "Navy Corpsman Jeffrey L. Wiener Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Navy Corpsman Jeffrey L. Wiener Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from the District of Columbia (Ms. NORTON) and the gentleman from California (Mr. BILBRAY) each will control 20 minutes.

The Chair recognizes the gentlewoman from the District of Columbia.

#### GENERAL LEAVE

Ms. NORTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the District of Columbia?

There was no objection.

Ms. NORTON. Mr. Speaker, I now yield myself such time as I may consume.

On behalf of the House Committee on Oversight and Government Reform, I present S. 3567 for consideration. This measure designates the facility of the United States Postal Service located at 100 Broadway in Lynbrook, New York, as the Navy Corpsman Jeffrey L. Wiener Post Office Building.

S. 3567 was introduced by the gentleman from New York, Senator CHARLES SCHUMER, on July 12, 2010. The measure passed the Senate by unani-

mous consent on July 30, 2010. After being received by the House, the measure was referred to the Committee on Oversight and Government Reform which ordered it reported favorably by unanimous consent on September 23, 2010. The measure enjoys the support of both Senators from New York.

Mr. Speaker, Hospital Corpsman Jeffrey L. Wiener enlisted with the U.S. Navy on May 1, 2003, with the goal of serving as a medic with a Marine infantry company. After undergoing the Navy's basic training, he attended the Marine Corps' Field Medical School at Camp Lejeune, North Carolina, where he was trained as a fighting infantryman also tasked with delivering medical attention to infantry wounded in combat.

He arrived in Iraq in late February 2005 and volunteered for duty on the front lines with a Marine assault platoon. Sadly, Corpsman Wiener was killed on May 7, 2005, in an ambush and bombing in Haditha, Iraq. Corpsman Wiener is survived by his wife, Maria, and two daughters, Mikayla Lynn and Theodora Rose.

Corpsman Wiener deserves this tribute not only for his service as a dedicated infantry medic but also for his service as a member and ex-captain of Tally-Ho Engine 3 of the Lynbrook Fire Department. He also served as a medic for the Lynbrook Fire Department as well as the Nassau County Police Department before he enlisted in the Navy.

Mr. Speaker, let us now pay tribute to the life and service of this brave man, Corpsman Jeffrey L. Wiener, through the passage of S. 3567, to designate the Lynbrook, New York, post office building in his honor.

I urge all my colleagues to join me in supporting S. 3567.

I reserve the balance of my time.

□ 1520

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

Mr. Speaker, I rise today to strongly urge support for Senate bill 3567, and I yield back the balance of my time.

Ms. NORTON. Mr. Speaker, I am pleased to yield such time as she may consume to our colleague from New York State, Representative CAROLYN MCCARTHY.

Mrs. MCCARTHY of New York. Mr. Speaker, I want to thank my colleague from New York, Senator SCHUMER, for sponsoring this legislation in the Senate. I also want to thank Chairman TOWNS and Ranking Member ISSA for bringing this bill to the floor with my colleagues, Representative NORTON and Representative BILBRAY.

I rise today to ask for support to rename the post office located in my district at 100 Broadway in Lynbrook, New York, in honor of Navy Corpsman Jeffrey L. Wiener.

Mr. Speaker, I know a lot of times we are here renaming post offices. Post offices, whether in an urban setting, whether in a suburban setting, whether