

the vehicle, it serves as the convener of conversations around injustices today and freedoms which are challenged today, making it relevant to you and I and all Americans as we discuss civil rights. So I'm proud to have the Underground Railroad Freedom Center being part of this celebration. I think it is very much appropriate that the Freedom Center is participating in the luncheon, celebrating our heroes. And I am proud to be a Cincinnati and to welcome this game to the city of Cincinnati. I join with the Cincinnati Reds in thanking Major League Baseball.

Mr. GOHMERT. Mr. Speaker, I continue to reserve my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield such time as he may consume to the gentleman from Tennessee (Mr. COHEN), who represents Memphis, the location of the first Civil Rights Baseball Game.

Mr. COHEN. I would like to thank Mr. SCOTT for the time.

I would like to congratulate Cincinnati on their good fortune to be the host of this game. Memphis was the host for the first two games. The final exhibition game of spring training, the only game that was televised on ESPN, and a great event in our city, where the National Civil Rights Museum exists and the site of civil rights struggles and civil rights victories. We really enjoyed the opportunity to have players honored there, Willie Mays, Minnie Minoso, my hero, and others over the years, who have brought great pride to the city of Memphis where we have the finest minor league baseball park ever constructed, AutoZone Park. We felt that the game should permanently stay in Memphis, but it has moved on.

I want to congratulate Cincinnati, and I congratulate Major League Baseball for having such a game. Jackie Robinson has been immortalized as a civil rights hero whose number 42 was retired by Major League Baseball in an appropriate manner. There were many great players in the Negro baseball leagues who we honored last year with a resolution—such as Satchel Paige, who was written up, I think, in today's New York Times—and the great careers they had, great ballplayers. So it's appropriate that civil rights, which baseball and sports have contributed to so much, be remembered by Major League Baseball. I congratulate Major League Baseball and the city of Cincinnati.

I just want to say to my colleague from Texas—Noah.

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

In conclusion, I would encourage my colleagues to support House Resolution 530. My friend from Tennessee mentioned Satchel Paige. He had some great quotes. Many people quote him as saying, "Don't look back. They may be gaining on you." But I read a quote that I like even better than that, attributed to him later in life, when he said, "It's okay to look back. Just

don't stare." And it seems to me that that's what this bill does. We look forward, but we look back. We don't stare, but we recognize the greatness that has gotten us to where we are today.

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

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself as much time as I may consume.

I thank the gentleman from Ohio for introducing the resolution. I urge my colleagues to support it.

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 agree to the resolution, H. Res. 530.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SCOTT of Virginia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H. Res. 309, as amended.

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

There was no objection.

PROHIBITING ENFORCEMENT OF FOREIGN DEFAMATION JUDGMENTS

Mr. COHEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2765) to amend title 28, United States Code, to prohibit recognition and enforcement of foreign defamation judgments and certain foreign judgments against the providers of interactive computer services.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2765

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

SECTION 1. RECOGNITION OF FOREIGN DEFAMATION JUDGMENTS.

(a) IN GENERAL.—Part VI of title 28, United States Code, is amended by adding at the end the following:

“CHAPTER 181—FOREIGN JUDGMENTS

“Sec.

“4101. Definitions.

“4102. Recognition of foreign defamation judgments.

“4103. Attorneys' fees.

“§ 4101. Definitions

“In this chapter:

“(1) DOMESTIC COURT.—The term ‘domestic court’ means a Federal court or a court of any State.

“(2) FOREIGN COURT.—The term ‘foreign court’ means a court, administrative body, or other tribunal of a foreign country.

“(3) FOREIGN JUDGMENT.—The term ‘foreign judgment’ means a final judgment rendered by a foreign court.

“(4) STATE.—The term ‘State’ means each of the several States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

“§ 4102. Recognition of foreign defamation judgments

“(a) FIRST AMENDMENT CONSIDERATIONS.—Notwithstanding any other provision of Federal or State law, a domestic court shall not recognize or enforce a foreign judgment for defamation whenever the party opposing recognition or enforcement of the judgment claims that the judgment is inconsistent with the first amendment to the Constitution of the United States, unless the domestic court determines that the judgment is consistent with the first amendment. The burden of establishing that the foreign judgment is consistent with the first amendment shall lie with the party seeking recognition or enforcement of the judgment.

“(b) JURISDICTIONAL CONSIDERATIONS.—Notwithstanding any other provision of Federal or State law, a domestic court shall not recognize or enforce a foreign judgment for defamation if the party opposing recognition or enforcement establishes that the exercise of personal jurisdiction over such party by the foreign court that rendered the judgment failed to comport with the due process requirements imposed on domestic courts by the Constitution of the United States.

“(c) JUDGMENT AGAINST PROVIDER OF INTERACTIVE COMPUTER SERVICE.—Notwithstanding any other provision of Federal or State law, a domestic court shall not recognize or enforce a foreign judgment for defamation against the provider of an interactive computer service, as defined in section 230 of the Communications Act of 1934 (47 U.S.C. 230), whenever the party opposing recognition or enforcement of the judgment claims that the judgment is inconsistent with such section 230, unless the domestic court determines that the judgment is consistent with such section 230. The burden of establishing that the foreign judgment is consistent with such section 230 shall lie with the party seeking recognition or enforcement of the judgment.

“(d) APPEARANCES NOT A BAR.—An appearance by a party in a foreign court rendering a foreign judgment to which this section applies for the purpose of contesting the foreign court's exercise of jurisdiction in the case, moving the foreign court to abstain from exercising jurisdiction in the case, defending on the merits any claims brought before the foreign court, or for any other purpose, shall not deprive such party of the right to oppose the recognition or enforcement of the judgment under this section.

“§ 4103. Attorneys' fees

“In any action brought in a domestic court to enforce a foreign judgment for defamation, the court may allow the party opposing recognition or enforcement of the judgment a reasonable attorney's fee if such party prevails in the action on a ground specified in subsection (a), (b), or (c).”

(b) CLERICAL AMENDMENT.—The table of chapters for part VI of title 28, United States Code, is amended by adding at the end the following:

“181. Foreign judgments 4101.”

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. First 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 Tennessee?

There was no objection.

Mr. COHEN. I yield myself as much time as I may consume.

Mr. Speaker, H.R. 2765 prohibits U.S. courts from recognizing or enforcing foreign defamation judgments that are inconsistent with our First Amendment or fundamental due process. This legislation addresses what has come to be referred to as libel tourism, doing an end run around the First Amendment by suing American authors and publishers for defamation in the courts of foreign countries with more plaintiff-friendly defamation laws, particularly Britain. Britain has become a favorite destination for libel tourists for a number of reasons. First, British law lacks our constitutional free speech protections and instead, specifically disfavors speech critical of public officials and public figures.

Second, British libel law places the burden of proving the truth of the allegedly defamatory statement on the defendant. This distinction has drawn criticism not only from American defenders of free speech but also from some Members of the British Parliament.

And third, Britain takes a very expansive view of personal jurisdiction. A British court can exercise personal jurisdiction over a libel defendant if his or her statement, wherever it was made or aimed, can be said to cause "real or substantial" harm or injury to reputation in Britain.

Combined with the Internet, this expansive view has rendered American authors and publishers especially vulnerable to libel suits in Britain. As one commentator has said, "In the Internet age, the British libel laws can bite you no matter where you live."

H.R. 2765 will deter libel tourists from taking advantage of these differences in the laws of Britain and other foreign jurisdictions and our precious First Amendment by imposing important limitations on the enforcement of foreign defamation judgments in our courts. Under the bill, a U.S. court cannot enforce a foreign defamation judgment inconsistent with the First Amendment to our Constitution or when the foreign court's exercise of personal jurisdiction over the defendant does not comport with our due process requirements. And a U.S. court cannot enforce a foreign defamation judgment against an interactive computer service if doing so is inconsistent with section 230 of the Communications Act of 1934. This will ensure that libel tourists cannot chill speech by suing a third-party interactive computer service rather than the actual author of the statement.

Finally, the bill allows a court to award attorney's fees to the party resisting enforcement of the foreign judgment if that party prevails. This

puts some added teeth in the bill. That was a recommendation at our hearing on the bill. This will not only compensate the American author or publishers for the expense of defending a nonmeritorious enforcement action but will help dissuade the would-be libel tourist from putting them to that expense in the first place.

I am joined in introducing this legislation by my colleague DARRELL ISSA of California. Last year our bill passed the House overwhelmingly, and I ask my colleagues to support it again this year. I would like to thank Judiciary Committee Chairman JOHN CONYERS and Ranking Member LAMAR SMITH and all the cosponsors of this bill for their help and support in bringing it to this point.

I reserve the balance of my time.

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

Thomas Jefferson observed that "the only security of all is in a free press. The agitation it produces must be submitted to. It is necessary to keep the waters pure." Were he alive today, Jefferson would not take too kindly to libel tourists, the subject of H.R. 2765. Oh, it seems true that some U.S. media more recently have become fan clubs rather than objective pursuers of truth, but there are still some very dedicated journalists in the United States who should be free from harassment from inappropriate libel suits in overseas courts.

In the wake of 9/11, the American media have become increasingly alarmed over a phenomenon called libel tourism. The term refers to the subject of a critical news story suing an American author or reporter of an article, story or book for defamation in a plaintiff-friendly overseas or foreign forum. These suits are filed mostly in Great Britain, as its libel and slander laws provide writers and journalists with less protection than those under the U.S. system that honors a First Amendment and a free press. Persons identified in news stories as terrorists or terrorist sympathizers have brought some of the higher-profile suits.

So how would American courts treat foreign judgments that clash with American legal values under this bill? A foreign judgment will not be enforced in the U.S. court when the foreign judgment is offensive to State public policy or the Constitution. And that's what this bill does.

Last September, as my friend from Tennessee indicated, the House passed a libel tourism bill that codified existing U.S. treatment of the subject. The other body did not act on the measure. So we revisit the issue today, better informed, thanks to a subcommittee hearing, full committee markup and substantial input by legal experts on the subject matter.

H.R. 2765 contains four major provisions, as my colleague from Tennessee has outlined.

Mr. Speaker, this bipartisan legislation provides appropriate and nec-

essary protection for U.S. journalists and authors and represents the strongest constitutionally sound policy in response to libel tourism. The issue has been thoroughly considered by the Judiciary Committee, and I would urge Members to support H.R. 2765.

Mr. Speaker, I have no further speakers. So when my colleague across the aisle is ready to close, I will likewise be ready.

Mr. COHEN. Mr. Speaker, I would like to withdraw the motion.

The SPEAKER pro tempore. The motion to suspend the rules and pass H.R. 2765 is withdrawn.

PROHIBITING ENFORCEMENT OF FOREIGN DEFAMATION JUDGMENTS

Mr. COHEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2765) to amend title 28, United States Code, to prohibit recognition and enforcement of foreign defamation judgments and certain foreign judgments against the providers of interactive computer services, as amended.

The Clerk read the title of the bill.

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"(4) STATE.—The term 'State' means each of the several States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

"§ 4102. Recognition of foreign defamation judgments

"(a) FIRST AMENDMENT CONSIDERATIONS.—Notwithstanding any other provision of Federal or State law, a domestic court shall not recognize or enforce a foreign judgment for defamation whenever the party opposing recognition or enforcement of the judgment claims that the judgment is inconsistent with the first amendment to the Constitution of the United States, unless the domestic court determines that the judgment is consistent with the first amendment. The burden of establishing that the foreign judgment is consistent with the first amendment shall lie with the party seeking recognition or enforcement of the judgment.

"(b) JURISDICTIONAL CONSIDERATIONS.—Notwithstanding any other provision of Federal or State law, a domestic court shall not recognize or enforce a foreign judgment for defamation if the party opposing recognition or