



H.R. 6146 – To amend title 28, United States Code, to prohibit recognition and enforcement of foreign defamation judgments

FLOOR SITUATION

H.R. 6146 is being considered on the House floor under suspension of the rules and will require a two-thirds majority vote for passage. This legislation was introduced by Representative Steve Cohen (D-TN) on May 22, 2008. The bill was referred to the Committee on the Judiciary, but was not considered.

H.R. 6146 is expected to be considered on the House floor on September 26, 2008.

SUMMARY

H.R. 6146 states that a domestic court shall not recognize or enforce a foreign judgment concerning defamation that is based upon a publication concerning a public figure or a matter of public concern unless the domestic court determines that the foreign judgment is consistent with the first amendment to the Constitution of the United States.

BACKGROUND

The First Amendment to the United States Constitution reads "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances." The freedom of speech, religion, and assembly is a fundamental right in the United States, however many foreign countries do not provide this right to their citizens.

The courts of these foreign nations are not constrained by the first amendment and thereby provide less protection to defamation defendants than our Constitution requires. Our nation generally will enforce foreign judgments as a matter of comity. The purpose of this legislation is to protect freedom of speech under the first amendment from the potentially weakening effects of foreign judgments concerning defamation.

COST

At the time of publication, the Congressional Budget Office (CBO) had not yet scored this legislation.

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