

Cosponsors of this bill include the chairman of the Judiciary Committee, JOHN CONYERS; as well as the full committee ranking member, LAMAR SMITH; the Courts Subcommittee chairman, HANK JOHNSON; and the Courts Subcommittee ranking member, HOWARD COBLE.

As anyone who has practiced law knows, calculating court deadlines can be extremely confusing. Even experienced lawyers have to expend considerable time and effort determining deadlines for filing. This can be especially problematic when there is a holiday or a deadline falls on the weekend. Calculating deadlines is also complicated by the fact that the Federal court rules for banking, civil and criminal proceedings currently do not use one standard method for determining time periods.

Unfortunately, because of the confusion and discrepancies involved with calculating deadlines under the current system, parties can too easily lose their right to their day in court because of procedural mistakes, regardless of the merits of the case.

The Judicial Conference has sent Congress amended rules for calculating these deadlines. The new rules are easier to understand and apply, and are also the same across the board.

Under the new rules, deadlines will not fall on weekends, and every calendar day will be counted when calculating deadlines—a commonsense “days are days” approach. The new rules will also standardize deadline calculation for very short time periods, taking weekends into account. This bill complements the Judicial Conference’s rules package by changing the deadlines in several important statutes so that the statutes match up with the Judicial Conference’s rule changes.

The bill is widely supported by judges and by the lawyers who practice before them in court. It will help ensure that courts are able to reach the merits of the cases before them rather than having to dismiss them due to an inadvertently missed deadline filing.

I urge my colleagues to support this important legislation.

I reserve the balance of my time.

Mr. KING of Iowa. Mr. Speaker, I yield myself as much time as I may consume.

(Mr. KING of Iowa asked and was given permission to revise and extend his remarks.)

Mr. KING of Iowa. After thorough study and deliberation, the United States Judicial Conference developed draft language that slightly alters time deadlines in 28 statutory provisions that affect court proceedings. This text is incorporated in H.R. 1626, the Statutory Time-Periods Technical Amendments Act of 2009.

These statutory provisions are limited to those that have short time periods, that use a rules method for calculating time periods, that are frequently applied or are otherwise important,

and that do not prescribe a method to calculate time.

These legislative changes are necessary to account for the effect of amendments to the time computation rules in the Federal Rules of Practice and Procedure that are due to take effect on December 1, 2009, unless Congress acts to modify or reject them.

The rules amendments simplify the provisions for calculating deadlines and make those rules consistent in each set of the Federal rules. They respond to years of complaints by practitioners that the present rules are confusing and can lead to missing deadlines and to losing important rights.

To simplify calculating deadlines, the amended rules count intermediate weekends and holidays for all time periods rather than excluding them for some short time periods and including them for longer time periods. This simple “days are days” approach can have the effect of shortening a time period.

A large number of statutory time periods could theoretically be affected by the proposed shift in the Federal rules’ time-computation approach. However, the number of statutory provisions to which case law has applied the rules’ time-computation method is much smaller. An even smaller number of statutes is either frequently used or has time periods that could hopefully be adjusted to avoid inconsistency and confusion when the rules’ time-computation method changes.

The proposed legislation provides short extensions of short time deadlines in a small number of statutes to offset the effective shortening caused by the new rules approach.

Mr. Speaker, the proposed statutory amendments are noncontroversial. They were the subject of extensive study and public comment during the Rules Enabling Act process. They have been vetted by numerous legal and bar organizations, including the Department of Justice. The Judicial Conference, led by District Judge Lee H. Rosenthal, Chair of the Committee on Rules of Practice and Procedure, provided bipartisan staff briefings on the need for the legislation.

H.R. 1626 addresses obscure but important subject matter that will allow our Federal courts to operate more smoothly. I urge the Members to support the bill.

I reserve the balance of my time.

Mr. WEINER. Mr. Speaker, I inquire of my colleague:

Do you have any more speakers?

Mr. KING of Iowa. I have no more speakers.

Mr. WEINER. In that case, I just want to offer my thanks to all of the Members and the staff who worked on this bill, including Talia Wenzel, who did a great job working on this and who wrote my opening remarks.

I urge a “yes” vote, and I yield back my time.

Mr. KING of Iowa. Mr. Speaker, I yield myself the balance of my time.

I will just recognize that the gentleman from New York, in spite of the

fury of our previous debate, has significant confidence that I won’t close with anything except an endorsement of the passage of the bill. I appreciate that.

Mr. Speaker, I urge the adoption of this legislation.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. WEINER) that the House suspend the rules and pass the bill, H.R. 1626.

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.

EXCHANGE OF LETTERS BETWEEN JUDICIARY COMMITTEE CHAIRMAN AND ENERGY AND COMMERCE COMMITTEE CHAIRMAN

Mr. WEINER. Mr. Speaker, I ask unanimous consent to insert in the RECORD at this point an exchange of letters between Judiciary Chairman JOHN CONYERS and Energy and Commerce Chairman HENRY WAXMAN on the bill that we just debated.

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

There was no objection.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, April 20, 2009.

Hon. JOHN CONYERS, Jr.,
Chairman, House Committee on the Judiciary,
Rayburn House Office Building, Washington DC.

DEAR CHAIRMAN CONYERS: I am writing to confirm our understanding regarding H.R. 1626, the “Statutory Time-Periods Technical Amendments Act of 2009.” As you know, this bill was referred to the Committee on Energy and Commerce, which has jurisdictional interest in provisions of the bill. In light of the interest in moving this bill forward promptly, I do not intend to exercise the jurisdiction of the Committee on Energy and Commerce by conducting further proceedings on H.R. 1626. I do this, however, only with the understanding that foregoing further consideration of H.R. 1626 at this time will not be construed as prejudicing this Committee’s jurisdictional interests and prerogatives on the subject matter contained in this or similar legislation.

In addition, we reserve the right to seek appointment of an appropriate number of conferees to any House-Senate conference involving this legislation. I would appreciate your including this letter in the Congressional Record during consideration of the bill on the House floor. Thank you for your cooperation on this matter.

Sincerely,

HENRY A. WAXMAN,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, April 20, 2009.

Hon. HENRY A. WAXMAN,
Chairman, Committee on Energy and Commerce,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding your Committee’s jurisdictional interest in H.R. 1626, the Statutory Time-Periods Technical Amendments Act of 2009.

I appreciate your willingness to support expediting floor consideration of this important legislation. I acknowledge that H.R. 1626 contains provisions under the jurisdiction of the Committee on Energy and Commerce, and understand and agree that your willingness to waive further consideration of the bill is without prejudice to your Committee's jurisdictional interests in this or similar legislation in the future. In the event a House-Senate conference on this or similar legislation is convened, I would support your request for an appropriate number of conferees.

I will include a copy of your letter and this response in the Congressional Record in the debate on the bill. Thank you for your cooperation as we work towards enactment of this legislation.

Sincerely,

JOHN CONYERS, Jr.,
Chairman.

**RECOGNIZING EARTH DAY AND
REINTRODUCING NO CHILD LEFT
INSIDE ACT**

(Mr. SARBANES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SARBANES. Mr. Speaker, I rise today in recognition of Earth Day and to reintroduce the No Child Left Inside Act, which will strengthen environmental education in our Nation's schools. By enhancing environmental education, we can teach our youth how to be environmental stewards and grow the next generation of scientists and innovators to solve our energy and environment challenges.

This Earth is the only home we have. If we do not put ourselves on a more sustainable path, if we do not reach across party lines, if we do not reach out across culture, faith, class, and race to meet these challenges, our children and grandchildren will pay the price. They will inherit a planet in peril with increasingly diminished resources and even less time to act.

I rise today to call on all Americans to think locally about how they can have a positive impact on our environment, and I urge my colleagues to think globally when we consider a long-term responsible and sustainable energy strategy.

THE BOYCOTTING OF DURBAN II

(Mr. ENGEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ENGEL. Thank you, Mr. Speaker.

Just the other day, the United Nations, shamefully, had a so-called "conference" on racism, dubbed Durban II, held in Geneva. The United States boycotted this charade, rightfully so, and I want to commend President Obama for making the decision to boycott because Durban I turned into a tirade of racism against Israel, of racism against the Jewish people, anti-Semitism, and we knew that so-called "Durban II" would be the same. Sure enough, it was.

When that lunatic, the President of Iran, Ahmadinejad, got up and made hateful speeches against Jews, against Israel, anti-Semitic speeches, it really made a mockery of this whole so-called "Durban II." This conference was supposed to attack racism, not deal and aid and abet racism. Ahmadinejad, shamefully, was the only President of any country to address this charade.

The United Nations, unfortunately, only discredits itself when it has conferences like this, and I'm glad. It was the right thing to do that the United States boycotted. As for the European nations, many walked out in disgust, and that was also good because that showed that racism, anti-Semitism and beating up on Israel was not going to be tolerated.

I commend the President, and I am glad the United States stood tall.

**THE CLOSING OF GUANTANAMO
BAY**

(Ms. JENKINS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JENKINS. Just days after taking the oath of office, President Obama signed an Executive order calling for the closure of the detention facility at Guantanamo Bay within 1 year. Since then, despite requests to the House Armed Services Committee, no congressional hearing has been held.

I'm concerned that President Obama is willing to request \$80 million in the fiscal year 2009 war supplemental to fund closing Guantanamo Bay but won't work with Congress on a strategy on where to transfer the detainees after closing it.

As a Representative of Fort Leavenworth, which has been discussed as a potential relocation site for the Guantanamo detainees, I am very troubled that \$50 million of the funds are earmarked for the relocation to an unknown site. Moving suspected terrorists to the United States will place an unnecessary risk on Americans. It's my priority to look out for the safety of the Leavenworth community, and I cannot in good conscience say to the people in and around Leavenworth that they would be secure with suspected terrorists nearby.

If the President is serious about closing Guantanamo, he should work directly with Congress on a comprehensive plan.

□ 1730

**REJECT THE PLAN TO ELIMINATE
PRIVATE LENDING**

(Mr. CARTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARTER. Mr. Speaker, this past work period that I was home, I visited with some folks with Sallie Mae and Texas Guaranteed Loans. These are

two private programs that have been providing student loans for our students in Texas and for the rest of the country. Over 80 percent of the students chose a private lender as their choice to finance their school program. But now, the Democratic party is, by their action, forcing us into a government-only program. And I looked into a room that a year and a half ago was full of hundreds of people, it now stands empty, not because of a recession but because of the action of the Federal Government as led by the Democratic majority.

It is a shame not to give the choice to our students, and when they make that choice, they choose private industry to the tune of 80 percent. This is estimated to cost 30,000 jobs in the Nation this year. And I don't have a problem with jobs in my district unless the government takes those jobs away. This is a shame. I think they should apologize to those hardworking people, most of whom are spouses of fighting soldiers.

**HONORING MITCH KING IN HIS
RETIREMENT**

(Mr. HOYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOYER. Mr. Speaker, I rise today in honor of Mitch King, a government relations manager at the U.S. Postal Service, who, on May 1, is retiring after 36 years of work for the Postal Service, for Congress, and our Nation.

Mitch King began his postal career in 1973 as a letter carrier in Falls Church, Virginia, just a few miles from here, and then became supervisor of letter carriers before becoming an instructor in the delivery service branch of the Postal Management Academy in Pottomac, Maryland.

In the spring of 1982, he began working in the government relations department at Postal Service headquarters in Washington, D.C. In 1992, he was promoted to the position of government relations manager, a postal career executive position equivalent to the executive branch's senior executive service. During the latter part of his career, he managed postal service congressional liaison activities for the States of Maryland, Virginia, Pennsylvania, Ohio, West Virginia, Kentucky, Mississippi, Alabama, Florida, and the District of Columbia. He also served on the Election Mail Task Force.

Mitch has managed government relations activities with many Members of Congress, addressing an ever-expanding variety of postal-related issues. He has also served as the principal postal contact for the House Appropriations Committee and the Financial Services Subcommittee. When I chaired the Treasury Postal Subcommittee of the Appropriations Subcommittee, I dealt with Mitch on a regular basis.

Since that time, as whip and majority leader, I have continued to deal