I want to thank the ranking member of the Courts Subcommittee, Mr. COHEN, the distinguished gentleman from Tennessee, and the ranking member of the full committee, Mr. CONYERS, the distinguished gentleman from Michigan, for their having cosponsored the bill.

I introduced the bill, H.R. 2633, at the behest of the United States Judicial Conference. It addresses a small problem that must be fixed or attended to prior to December 1 of this year.

Under the existing Rules Enabling Act, the Judicial Conference may develop changes to existing Federal rules of procedure and evidence. The Supreme Court submits any agreed-upon amendments to Congress no later than May 1 of a given calendar year. The changes take effect on December 1 unless Congress intervenes during the interim.

This year, as part of its rules package, the Supreme Court submitted proposed amendments to Appellate Rule 4 that clarify the treatment of the time to appeal in civil cases involving a United States officer or employee. Because the time to appeal in a civil case is set not only by Appellate Rule 4 but also by section 2107 of title 28 of the U.S. Code, the Advisory Committee on Appellate Rules has proposed that the Judicial Conference seek legislation to make the same clarifying change to section 2107.

Appellate Rule 4 and section 2107 currently provide that the time to appeal is 30 days for most civil cases, but that the appeal time for all parties is 60 days when the parties to the case include ''the United States,'' a United States ''officer,'' or a United States ''agency.'' The problem is that current law is not clear concerning the applicability of the longer period in cases in which the Federal party is a United States officer or employee sued in an individual capacity. The proposed amendments in H.R. 2633 simply clarify that the longer period applies to such an individual or employee, just as it does to the United States Government or a United States agency.

A lawsuit against a Federal officer or employee under these conditions requires the Federal Government to decide whether to represent that individual. This requires time, as the government must evaluate the case, determine whether an appeal should be taken, and ultimately obtain the Solicitor General's approval.

The proposed revisions to Appellant Rule 4 are on a glide path to December 1. It's important to promote the consistency between the rules and title 28 by ensuring that we enact H.R. 2633, which also takes effect on December 1.

The only change to the bill as reported by our committee is the inclusion of ''findings'' language developed by the Senate Judiciary Committee. The main point of this text is to clarify that the 60-day period applies to cases involving article I litigants, including Members of the House of Representatives and Senators. This addition is entirely consistent with the legislative history of the bill and is fully supported by the Judicial Conference. This will also help to expedite passage of H.R. 2633 by the other body.

Mr. Speaker, this is bipartisan legislation devoid of controversy. It treats Federal litigants fairly under the Appellate Rules and assists the courts in correctly interpreting those rules. I urge my colleagues to support H.R. 2633, and I reserve the balance of my time.

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

I begin by congratulating HOWARD COBLE of North Carolina, a senior member of the Judiciary Committee, who is the sponsor of this bill, and agree with him entirely. It was reported by our committee by voice vote and no amendment. His explanation was thorough, and I appreciate his inclination for detail which had us make this important modification of appeal time clarification.

Mr. Speaker, I rise in support of H.R. 2633, the ''Appeal Time Clarification Act of 2011,'' as amended.

This noncontroversial legislation simply clarifies the time for filing an appeal in federal civil cases.

It does so by amending section 2107 of title 28 of the United States Code to provide that current or former officers or employees of the United States who are sued in their individual capacities for acts or omissions in connection with the performance of their federal duties are entitled to 60 days from the entry of a judgment, order, or decree to file their appeals, rather than the normal 30 days.

The bill resolves an ambiguity in current law as to whether officers or employees of the United States who are sued in their individual capacities—as opposed to their official capacities—are entitled to the 60-day period.

The amendments made by H.R. 2633 would make it clear that they are indeed entitled to the longer appeal period.

This change would also bring section 2107 in line with a pending revision to Federal Rule of Appellate Procedure 4, which also governs the time for appeals in civil cases.

The amendment to Rule 4 was approved by the Supreme Court in April and is set to take effect on December 1, 2011.

H.R. 2633's amendment to section 2107 will avoid confusion and inconsistency between the two provisions that pertain to the time to file an appeal in civil cases.

Finally, the change made by H.R. 2633 is consistent with the policy that underlies the longer appeal period involving federal parties generally.

If the United States represents a federal party, the government typically needs time to review the case, determine whether an appeal should be taken, and secure the Solicitor General's approval for that appeal.

The same concern applies when the United States—through the Justice Department or some other federal litigating entity such as the House Office of General Counsel or the Senate Office of Legal Counsel—decides to represent a current or former officer or employee sued in his or her individual capacity.

Therefore, making it clear that the 60-day time period to file an appeal is available in such cases serves that policy goal.

H.R. 2633 was reported by the Judiciary Committee without amendment by voice vote. The version of the bill we are considering today is identical, but for the addition of certain findings made at the Senate's recommendation.

For these reasons, I urge my colleagues to support this commonsense legislation.

I yield back the balance of my time.

Mr. COBLE. I thank my friend from Michigan for his kind words.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. COBLE) that the House suspend the rules and pass the bill, H.R. 2633, as amended.

The question was taken.

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

Mr. CONYERS. 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, further proceedings on this question will be postponed.

EXTENSION OF REDACTION AUTHORITY CONCERNING SENSITIVE SECURITY INFORMATION

Mr. COBLE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1059) to protect the safety of judges by extending the authority of the Judicial Conference to redact sensitive information contained in their financial disclosure reports, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1059

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

SECTION 1. EXTENSION OF REDACTION AUTHORITY CONCERNING SENSITIVE SECURITY INFORMATION.

Section 105(b)(3) of the Ethics in Government Act of 1978 (5 U.S.C. App.) is amended—

(1) in subparagraph (A), by striking ''Marshall'' and inserting ''Marshals''; and

(2) by striking subparagraph (E).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. COBLE) and the gentleman from Michigan (Mr. CONYERS) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina.

GENERAL LEAVE

Mr. COBLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 1059 currently under consideration.

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

There was no objection.

□ 1620

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

I support H.R. 1059 and again thank the distinguished gentleman from Michigan (Mr. CONYERS) for having sponsored it. I also thank the distinguished gentleman from Tennessee (Mr. COHEN) and the distinguished gentleman from Georgia (Mr. JOHNSON) for having served as cosponsors.

H.R. 1059 promotes an important goal—providing security for Federal judges. Under the Ethics in Government Act, judges and other high-level judicial branch officials must file annual financial disclosure reports. This requirement increases public confidence in government officials and better enables the public to judge the performance of those officials.

However, recognizing the nature of the judicial function and the increased security risks it entails, Congress also enacted legislation that allowed the Judicial Conference to redact statutorily required information in a financial disclosure report where release of such information could possibly endanger the filer or his or her family.

Those seeking to harm or intimidate Federal judges might use a disclosure form to identify where someone's spouse or child works or goes to school on a regular basis. However, individuals targeting judges for harassment have also been known to file false liens on properties owned by judges and their families. Harassers could use judicial financial disclosure reports to more easily identify such property.

The Judicial Conference delegated to its Committee on Financial Disclosure the responsibility for implementing the financial disclosure requirements for judges and judicial employees under the Ethics in Government Act. The committee monitors the release of financial disclosure reports to ensure compliance with the statute. In consultation with the U.S. Marshals Service, the committee also reviews and approves or disapproves any request for the redaction of statutorily mandated information where the filer believes the release of the information could endanger the filer or his or her family.

Under the Judicial Conference's regulations, no redaction will be granted without a clear nexus between a security risk and the information for which a redaction is sought. The law has worked well through the years and has been reauthorized twice since 2001. But it expires at the end of this calendar year if we fail to act—an outcome that is unacceptable. Last year, the Marshals Service investigated and analyzed almost 1,400 threats and inappropriate communications to judicial officials—nearly three times as many threats recorded in 2003. There were more than 3,900 ''incidents'' and arrests at U.S. court facilities in 2010.

Financial disclosures are an important part of maintaining an open and transparent government, Mr. Speaker. But government transparency should not come at the cost of personal security for government officials. Judges and other judicial employees perform important work that is integral to our democratic system of government. In order to preserve the integrity of our democracy, we must protect the integrity of our courts. And that means ensuring the security of judges and other judicial employees from intimidation and threats.

In conclusion, there's no evidence that the law is being abused. I support H.R. 1059 and urge my colleagues to extend the redaction authority permanently.

I reserve the balance of my time.

Mr. CONYERS. I yield myself such time as I may consume.

Mr. Speaker, I want to commend the chairman of Judiciary, LAMAR SMITH, as well as the subcommittee chair, Mr. COBLE, for swiftly moving this through the Judiciary Committee. I think it has been explained that the redaction of sensitive information for the benefit of members of the judiciary is obvious and important. I am hoping that with my consultation with the chairman of the Senate Judiciary Committee we would be able to make the permanent feature that HOWARD COBLE has discussed a permanent one and a part of the law as it now exists.

H.R. 1059 gives the Judicial Conference of the United States permanent authority to redact certain sensitive information from public financial disclosures required by the Ethics in Government Act.

This important legislation, which was ordered reported from the Judiciary Committee by voice vote, deserves the support of the entire House for a number of reasons.

First, H.R. 1059 properly balances the purposes of the Ethics in Government Act with the need to ensure the security of judges, judicial employees, and their families.

The Ethics in Government Act serves to promote ethics and openness in the federal government by reducing the risk of corruption or preventing the appearance of impropriety.

The Act accomplishes this objective by requiring the public disclosure of certain information, including identification of personal financial information, non-governmental sources of income, gifts, property interests, and liabilities.

Unfortunately, the required disclosures can also include critical information about the filer's residence, a spouse's workplace, a child's workplace, or a vacation home. This information has the potential to place individual judges, employees, and their families at risk. The bill's redaction authority is critical to ensuring that this information does not get into the wrong hands.

Second, the risk to the personal safety of federal judges and court employees from disclosure of personal location information is real.

But, without further action, this important protection for judicial security will expire at the end of this year.

And, finally, making this redaction authority permanent will not lead to abuse of such authority.

The federal judiciary has utilized such authority very sparingly.

For instance, there were 17,658 financial disclosure filings between 2007 and 2010. Of those, there were 750 instances where filers requested redaction. Of that number, 645 redaction requests were granted in full, while 70 requests were granted in part, and 35 requests were denied.

Thus, in only 4.2 percent of filings was redaction even requested, and not all of those were granted.

It's clear, based on these statistics, that the federal judiciary exercises considerable restraint in applying its redaction authority in recognition of the need for public disclosure.

The Government Accountability Office similarly reported in 2004 that the judiciary's exercise of its redaction authority provided a measure of security to at-risk individuals, while not substantially interfering with dissemination of information to the public.

Congress first recognized the value of granting redaction authority to the judiciary back in 1998. It has repeatedly reauthorized redaction authority on a temporary basis since then, except for a two-year lapse in 2006 and 2007.

In order to avoid future lapses, this redaction authority should be made permanent.

In closing, I would like to thank Chairman LAMAR SMITH and Subcommittee Chair HOWARD COBLE for moving this important legislation through the committee and swiftly to the floor. I urge my colleagues to support this legislation.

I yield back the balance of my time.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. COBLE) that the House suspend the rules and pass the bill, H.R. 1059.

The question was taken.

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

Mr. CONYERS. 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, further proceedings on this question will be postponed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 4 o'clock and 26 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

□ 1833

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SIMPSON) at 6 o'clock and 33 minutes p.m.

AMERICAN JOBS ACT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 112–53)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committees on Education and