

## HR 2765

### SPEECH Act

**Congress:** 111 (2009–2011, Ended)

**Chamber:** House

**Policy Area:** Law

**Introduced:** Jun 9, 2009

**Current Status:** Became Public Law No: 111-223.

**Latest Action:** Became Public Law No: 111-223. (Aug 10, 2010)

**Law:** 111-223 (Enacted Aug 10, 2010)

**Official Text:** <https://www.congress.gov/bill/111th-congress/house-bill/2765>

### Sponsor

**Name:** Rep. Cohen, Steve [D-TN-9]

**Party:** Democratic • **State:** TN • **Chamber:** House

### Cosponsors (11 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Coble, Howard [R-NC-6]	R · NC		Jun 9, 2009
Rep. Conyers, John, Jr. [D-MI-14]	D · MI		Jun 9, 2009
Rep. Franks, Trent [R-AZ-2]	R · AZ		Jun 9, 2009
Rep. Issa, Darrell E. [R-CA-49]	R · CA		Jun 9, 2009
Rep. Lofgren, Zoe [D-CA-16]	D · CA		Jun 9, 2009
Rep. Nadler, Jerrold [D-NY-8]	D · NY		Jun 9, 2009
Rep. Poe, Ted [R-TX-2]	R · TX		Jun 9, 2009
Rep. Jackson-Lee, Sheila [D-TX-18]	D · TX		Jun 11, 2009
Rep. Johnson, Henry C. "Hank," Jr. [D-GA-4]	D · GA		Jun 11, 2009
Rep. Maffei, Daniel B. [D-NY-25]	D · NY		Jun 11, 2009
Rep. Sherman, Brad [D-CA-27]	D · CA		Jun 11, 2009

### Committee Activity

Committee	Chamber	Activity	Date
Judiciary Committee	House	Reported By	Jun 15, 2009
Judiciary Committee	Senate	Reported By	Jul 14, 2010

### Subjects & Policy Tags

#### Policy Area:

Law

### Related Bills

Bill	Relationship	Last Action
111 S 3518	Related bill	Jun 22, 2010: Read twice and referred to the Committee on the Judiciary.

**(This measure has not been amended since it was passed by the Senate on July 19, 2010. The summary of that version is repeated here.)**

Securing the Protection of Our Enduring and Established Constitutional Heritage Act or SPEECH Act - (Sec. 3) Prohibits a domestic court from recognizing or enforcing a foreign judgment for defamation unless the domestic court determines that: (1) the defamation law applied in the foreign court's adjudication provided at least as much protection for freedom of speech and press in that case as would be provided by the First Amendment to the Constitution and by the constitution and law of the state in which the domestic court is located; or (2) even if the defamation law applied in the foreign court's adjudication did not provide as much protection for freedom of speech and press as the First Amendment to the Constitution and law of the state, the party opposing recognition or enforcement of that foreign judgment would have been found liable for defamation by a domestic court applying the First Amendment to the Constitution and the constitution and law of the state in which the domestic court is located.

Prohibits a domestic court from recognizing or enforcing a foreign judgment for defamation unless the domestic court determines that the exercise of personal jurisdiction by the foreign court comported with the due process requirements imposed on domestic courts by the Constitution. Requires the party seeking recognition or enforcement of the foreign judgment to bear the burden of making the showing that the foreign court's exercise of personal jurisdiction comported with such due process requirements.

Prohibits a domestic court from recognizing or enforcing a foreign judgment for defamation against the provider of an interactive computer service unless the domestic court determines that the judgment would be consistent with provisions of the Communications Act of 1934 affording protection for private blocking and screening of offensive material, if the information that is the subject of such judgment had been provided in the United States. Requires the party seeking recognition or enforcement of the foreign judgment to bear the burden of establishing that the judgment is consistent with such provisions.

Provides that an appearance by a party in a foreign court rendering a foreign judgment to which this Act applies shall not deprive such party of the right to oppose the recognition or enforcement of the judgment under this Act, or represent a waiver of any jurisdictional claims.

Allows removal by any defendant to the U.S. district court for the district and division embracing the place where such action is pending, without regard to the amount in controversy, of any action brought in a state domestic court to enforce a foreign judgment for defamation in which: (1) any plaintiff is a citizen of a state different from any defendant; (2) any plaintiff is a foreign state or a citizen or subject of a foreign state and any defendant is a citizen of a state; or (3) any plaintiff is a citizen of a state and any defendant is a foreign state or citizen or subject of a foreign state.

Provides that any U.S. person, against whom a foreign judgment is entered on the basis of the content of any writing, utterance, or other speech by that person that has been published, may bring an action in a U.S. district court for a declaration that the foreign judgment is repugnant to the Constitution or laws of the United States.

Allows the award of reasonable attorney fees under certain conditions if the party opposing recognition or enforcement of the judgment prevails.

Expresses the sense of the Congress that, for the purpose of pleading a cause of action for a declaratory judgment, a foreign judgment for defamation or any similar offense shall constitute a case of actual controversy under the federal

judicial code.

## Actions Timeline

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- **Aug 10, 2010:** Signed by President.
- **Aug 10, 2010:** Became Public Law No: 111-223.
- **Jul 29, 2010:** Presented to President.
- **Jul 27, 2010:** Mr. Cohen moved that the House suspend the rules and agree to the Senate amendment. (consideration: CR H6126-6129)
- **Jul 27, 2010:** DEBATE - The House proceeded with forty minutes of debate on the motion to suspend the rules and agree to the Senate amendment to H.R. 2765.
- **Jul 27, 2010:** Resolving differences -- House actions: On motion that the House suspend the rules and agree to the Senate amendment Agreed to by voice vote.(text as House agreed to Senate amendment: CR H6126-6127)
- **Jul 27, 2010:** On motion that the House suspend the rules and agree to the Senate amendment Agreed to by voice vote. (text as House agreed to Senate amendment: CR H6126-6127)
- **Jul 27, 2010:** Motion to reconsider laid on the table Agreed to without objection.
- **Jul 27, 2010:** Cleared for White House.
- **Jul 19, 2010:** Passed/agreed to in Senate: Passed Senate with an amendment by Unanimous Consent.(consideration: CR S5978-5980; text as passed Senate: CR S5978-5979)
- **Jul 19, 2010:** Passed Senate with an amendment by Unanimous Consent. (consideration: CR S5978-5980; text as passed Senate: CR S5978-5979)
- **Jul 19, 2010:** Message on Senate action sent to the House.
- **Jul 19, 2010:** By Senator Leahy from Committee on the Judiciary filed written report. Report No. 111-224. Additional views filed.
- **Jul 14, 2010:** Committee on the Judiciary. Reported by Senator Leahy with an amendment in the nature of a substitute. Without written report.
- **Jul 14, 2010:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 460.
- **Jul 13, 2010:** Committee on the Judiciary. Ordered to be reported with an amendment in the nature of a substitute favorably.
- **Feb 23, 2010:** Committee on the Judiciary. Hearings held.
- **Jun 16, 2009:** Received in the Senate and Read twice and referred to the Committee on the Judiciary.
- **Jun 15, 2009:** Reported by the Committee on Judiciary. H. Rept. 111-154.
- **Jun 15, 2009:** Placed on the Union Calendar, Calendar No. 77.
- **Jun 15, 2009:** Mr. Cohen moved to suspend the rules and pass the bill, as amended.
- **Jun 15, 2009:** Considered under suspension of the rules. (consideration: CR H6770-6773)
- **Jun 15, 2009:** DEBATE - The House proceeded with forty minutes of debate on H.R. 2765.
- **Jun 15, 2009:** Passed/agreed to in House: On motion to suspend the rules and pass the bill, as amended Agreed to by voice vote.(text: CR H6771-6772)
- **Jun 15, 2009:** On motion to suspend the rules and pass the bill, as amended Agreed to by voice vote. (text: CR H6771-6772)
- **Jun 15, 2009:** Motion to reconsider laid on the table Agreed to without objection.
- **Jun 10, 2009:** Committee Consideration and Mark-up Session Held.
- **Jun 10, 2009:** Ordered to be Reported by Voice Vote.
- **Jun 9, 2009:** Introduced in House
- **Jun 9, 2009:** Referred to the House Committee on the Judiciary.