

of President Richard M. Nixon's resignation adorned the mantelpiece. "I wanted that since the day he was inaugurated," Mr. Merhige was quoted as saying.

Conclusion

Mr. Speaker, Judge Robinson and Judge Merhige were men who stood their ground, followed their conscience and the law. I am pleased to see the good State of Virginia—known as the Capitol of the South—recognizing two men who sought to change it—for the better.

I urge my colleagues to support S. 2403, and the new Federal courthouse that celebrates these two great civil rights advocates.

Mr. OBERSTAR. Mr. Speaker, I rise in strong support of S. 2403, a bill to designate the United States courthouse, located at 700 East Broad Street, Richmond, Virginia, as the "Spottswood W. Robinson III and Robert R. Merhige, Jr., United States Courthouse". Spottswood W. Robinson III and Robert R. Merhige, Jr., were appointed to the Federal bench by President Lyndon B. Johnson in 1964 and 1967, respectively. Judge Robinson graduated from Howard University Law School, was a prominent civil rights lawyer, and was appointed by President Kennedy to the U.S. Commission on Civil Rights. Judge Merhige graduated from the University of Richmond, served in the U.S. Army, and was considered one of the most formidable lawyers in Virginia. Judge Merhige was known for presiding over several high-profile cases and was noted for ordering the University of Virginia to admit women.

Both judges served with distinction and played a key role in the racial integration of Virginia schools so it is fitting and proper to name the U.S. courthouse in Richmond, Virginia, as the "Spottswood W. Robinson III and Robert R. Merhige, Jr., United States Courthouse".

I urge my colleagues to join me in support of S. 2403, the "Spottswood W. Robinson III and Robert R. Merhige, Jr., United States Courthouse".

Mr. CARNEY. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. CARNEY) that the House suspend the rules and pass the Senate bill, S. 2403, 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. CARNEY. 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 and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1430

THEODORE ROOSEVELT UNITED STATES COURTHOUSE

Mr. CARNEY. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2837) to designate the United States courthouse located at 225 Cadman Plaza East, Brooklyn, New

York, as the "Theodore Roosevelt United States Courthouse".

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 2837

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

SECTION 1. THEODORE ROOSEVELT UNITED STATES COURTHOUSE.

(a) DESIGNATION.—The United States courthouse located at 225 Cadman Plaza East, Brooklyn, New York, shall be known and designated as the "Theodore Roosevelt United States Courthouse".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in subsection (a) shall be deemed to be a reference to the "Theodore Roosevelt United States Courthouse".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. CARNEY) and the gentleman from Iowa (Mr. KING) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. CARNEY).

GENERAL LEAVE

Mr. CARNEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on S. 2837.

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

There was no objection.

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

Mr. Speaker, I rise in support of S. 2837, a bill which designates the courthouse located at 225 Cadman Plaza East, Brooklyn, New York, as the Theodore Roosevelt United States Courthouse.

As we all know, President Roosevelt was the 26th President of the United States. He led an extraordinary life. He steered the United States into world politics and was a polished and accomplished public servant and indeed was a Nobel Peace Prize winner.

Theodore Roosevelt was born in New York City on October 27, 1858, and died in Oyster Bay, New York, in 1919. He served as the 26th President of the United States. During his youth, he struggled with ill health and later dedicated his life to strenuous outdoor activities and Spartan living. He served during the Spanish American War, leading the Rough Rider Regiment, which became famous during the battle of San Juan Hill.

He was elected Governor of New York in 1898. Upon the assassination of President McKinley in 1901, he became President, and served until 1909. He believed the government should serve as an equal and fair arbiter between great economic forces such as labor and management.

Roosevelt's life was rich with varied experiences. He served as Police Commissioner of New York City, Governor

of New York, and was an avid outdoorsman and naturalist, an ardent conservationist, and the author of 26 books. As I mentioned before, he was awarded the Nobel Peace Prize in 1905. He died peacefully in his sleep in 1919.

I support this bill, and I urge my colleagues to join me in supporting it.

I reserve the balance of my time.

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

S. 2837 designates the United States Courthouse in Brooklyn, New York, as the Theodore Roosevelt United States Courthouse.

Theodore Roosevelt, one of our most famous Presidents and a true American icon, was born in New York City in 1858. In many ways, Teddy Roosevelt defies easy description. Over the course of his amazing life he was an historian, explorer, a hunter, a frontiersman, a conservationist, an author, a soldier, a political reformer, a Governor, and he was our Nation's youngest President.

After graduating from Harvard in 1880, he was elected to the New York Assembly, where he was a prolific Republican activist.

In 1884, after the tragic loss of his first wife and his mother, he struck out for the Western Frontier. In the Dakotas, Roosevelt became an avid hunter and rancher. As a deputy sheriff, he chased down horse thieves and criminals. The tough cowboy persona Roosevelt developed on the frontier would stay with him for the rest of his life.

Roosevelt made his mark as a political reformer when he became President of the New York City Police Commissioners and took on the corrupt practices of the time.

When the Spanish American War broke out in 1898, Roosevelt resigned his position as Assistant Secretary of the Navy to organize and lead a volunteer cavalry brigade, known as the Rough Riders. Roosevelt and the Rough Riders became famous for their assault on San Juan Hill.

After Roosevelt's success on the battlefield, he was elected the Governor of New York, as a Republican. Roosevelt's reputation as a political reformer grew as he took on the State's machine politics and corruption.

His reputation as a reformer helped put him on the McKinley Presidential ticket. Roosevelt was a powerful campaign asset and helped lead the landslide Republican victory in the 1900 election. Roosevelt became the youngest American President ever, at age 42, when President McKinley was tragically assassinated. The year then was 1901.

Teddy Roosevelt was a strong political reformer, a conservationist, which I identify with, and the President that elevated the United States to a world power. Roosevelt busted up monopolies and trusts. He created the National Park Service, the Forest Service, he built the Panama Canal, and he expanded the United States Navy into a fleet capable of projecting U.S. power

into every corner of the globe. Roosevelt's foreign policy can be summed up in one sentence: "Speak softly and carry a big stick."

President Roosevelt will be forever known as an American icon and one of our best Presidents. It is fitting that this courthouse in Brooklyn will bear his name. I look forward to the inspiration that will be given from that courthouse to especially the young people who walk into those doors in Brooklyn. I urge that my colleagues support this bill.

Mr. OBERSTAR. Mr. Speaker, I rise in strong support of S. 2837, a bill to designate the U.S. courthouse located at 225 Cadman Plaza East, Brooklyn, New York, as the "Theodore Roosevelt United States Courthouse". This bill honors former President Theodore Roosevelt, who at various times served as a member of the United States Civil Service Commission, President of the New York Board of Police Commissioners, Assistant Secretary of the Navy, and as a Colonel of a voluntary cavalry regiment of the United States Army during the Spanish-American War, which became known as "Roosevelt's Rough Riders".

President Roosevelt also has the distinction of becoming, at the age of 42 in 1901, the youngest serving president at that time. During his two terms in office, President Roosevelt's list of achievements include facilitating and ensuring the construction of the Panama Canal, establishing the Department of Commerce and the Department of Labor, signing the Elkins Anti-Rebate Act for railroads, and greatly advancing environmental conservation efforts by providing Federal protection for close to 230 million acres of land. He was also awarded the Nobel Peace Prize in 1906, for his work in ending the Russo-Japanese War.

Because of his honorable and distinguished service it is appropriate to name the U.S. courthouse in Brooklyn, New York, as the "Theodore Roosevelt United States Courthouse".

I urge my colleagues to join me in support of S. 2837.

Mr. KING of Iowa. I yield back the balance of my time.

Mr. CARNEY. I yield back as well.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. CARNEY) that the House suspend the rules and pass the Senate bill, S. 2837.

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. CARNEY. 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 and the Chair's prior announcement, further proceedings on this motion will be postponed.

ADDRESSING WAIVER OF ATTORNEY-CLIENT PRIVILEGE

Ms. JACKSON-LEE of Texas. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2450) to amend the Federal Rules of Evidence

to address the waiver of the attorney-client privilege and the work product doctrine.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 2450

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

SECTION 1. ATTORNEY-CLIENT PRIVILEGE AND WORK PRODUCT; LIMITATIONS ON WAIVER.

(a) IN GENERAL.—Article V of the Federal Rules of Evidence is amended by adding at the end the following:

"Rule 502. Attorney-Client Privilege and Work Product; Limitations on Waiver

"The following provisions apply, in the circumstances set out, to disclosure of a communication or information covered by the attorney-client privilege or work-product protection.

"(a) DISCLOSURE MADE IN A FEDERAL PROCEEDING OR TO A FEDERAL OFFICE OR AGENCY; SCOPE OF A WAIVER.—When the disclosure is made in a Federal proceeding or to a Federal office or agency and waives the attorney-client privilege or work-product protection, the waiver extends to an undisclosed communication or information in a Federal or State proceeding only if:

- "(1) the waiver is intentional;
- "(2) the disclosed and undisclosed communications or information concern the same subject matter; and
- "(3) they ought in fairness to be considered together.

"(b) INADVERTENT DISCLOSURE.—When made in a Federal proceeding or to a Federal office or agency, the disclosure does not operate as a waiver in a Federal or State proceeding if:

- "(1) the disclosure is inadvertent;
- "(2) the holder of the privilege or protection took reasonable steps to prevent disclosure; and
- "(3) the holder promptly took reasonable steps to rectify the error, including (if applicable) following Federal Rule of Civil Procedure 26(b)(5)(B).

"(c) DISCLOSURE MADE IN A STATE PROCEEDING.—When the disclosure is made in a State proceeding and is not the subject of a State-court order concerning waiver, the disclosure does not operate as a waiver in a Federal proceeding if the disclosure:

- "(1) would not be a waiver under this rule if it had been made in a Federal proceeding; or
- "(2) is not a waiver under the law of the State where the disclosure occurred.

"(d) CONTROLLING EFFECT OF A COURT ORDER.—A Federal court may order that the privilege or protection is not waived by disclosure connected with the litigation pending before the court—in which event the disclosure is also not a waiver in any other Federal or State proceeding.

"(e) CONTROLLING EFFECT OF A PARTY AGREEMENT.—An agreement on the effect of disclosure in a Federal proceeding is binding only on the parties to the agreement, unless it is incorporated into a court order.

"(f) CONTROLLING EFFECT OF THIS RULE.—Notwithstanding Rules 101 and 1101, this rule applies to State proceedings and to Federal court-annexed and Federal court-mandated arbitration proceedings, in the circumstances set out in the rule. And notwithstanding Rule 501, this rule applies even if State law provides the rule of decision.

"(g) DEFINITIONS.—In this rule:

- "(1) 'attorney-client privilege' means the protection that applicable law provides for

confidential attorney-client communications; and

"(2) 'work-product protection' means the protection that applicable law provides for tangible material (or its intangible equivalent) prepared in anticipation of litigation or for trial."

(b) TECHNICAL AND CONFORMING CHANGES.—The table of contents for the Federal Rules of Evidence is amended by inserting after the item relating to rule 501 the following:

"502. Attorney-client privilege and work-product doctrine; limitations on waiver."

(c) EFFECTIVE DATE.—The amendments made by this Act shall apply in all proceedings commenced after the date of enactment of this Act and, insofar as is just and practicable, in all proceedings pending on such date of enactment.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Texas (Ms. JACKSON-LEE) and the gentleman from Iowa (Mr. KING) each will control 20 minutes.

The Chair recognizes the gentlewoman from Texas.

GENERAL LEAVE

Ms. JACKSON-LEE of Texas. Mr. Speaker, 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 gentlewoman from Texas?

There was no objection.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this legislation enacts a new Federal Rule of Evidence, proposed by the Judicial Conference, to address a growing problem that is adding inordinate and unnecessary burden, expense, uncertainty, and inefficiency to litigation.

The new rule 502 reaffirms and reinforces the attorney-client privilege and work product protection by clarifying how they are affected by, and withstanding, inadvertent disclosure in discovery.

As the author of the companion bill, H.R. 6610, in the House, I urge my colleagues to join me in supporting the Senate-passed bill so that we can send it to the President and enact it into law without further delay.

Doing the research on this legislation and spending time with a number of lawyers, and the American Bar Association, Mr. Speaker, I can assure you that this has no negative impact on those lawyers representing defendants or those lawyers representing plaintiffs. In fact, unlike the courthouse and the courtroom, plaintiff lawyers and defendant lawyers, the plaintiff bar and the defendant bar, have come together in a unanimous voice, indicating that this will in fact enhance their ability to represent their clients and to ensure that they may have the broadest based discovery possible.

We have asked and answered a series of questions that impact this particular legislation, including engaging the Federal bench. And so I move that