

caller ID is used to mask the fraudulent calls. To address this, the PHONE Act specifically prohibits the use of an actual person's caller ID information for spoofing.

Although the technology needed to spoof has been available for some time, it previously required specialized equipment. Now an identity thief can simply purchase Internet telephone equipment or use a Web site specifically set up for spoofing.

The PHONE Act imposes penalties for modifying a caller ID with the intent to deceive the recipient of a telephone call as to the identity of the caller. This legislation will help deter telephone fraud, protect consumers from harassment, and protect consumers and their personally identifiable information from identity thieves. Similar legislation passed the House with bipartisan support in the last two Congresses. I urge my colleagues to join all of us in supporting this bill.

Mr. JOHNSON of Georgia. Mr. Speaker, I rise today in support of H.R. 1110, the Preventing Harassment through Outbound Number Enforcement, "PHONE," Act of 2009. I strongly support this important piece of legislation that aims to protect Americans from spoofing.

Spoofing involves the use of a false caller ID to hide the caller's true identity in order to commit fraud or some other abusive act. The PHONE Act of 2009 targets spoofing by prohibiting the use of caller ID information to hide the caller's true identity in order to wrongfully obtain anything of value or to commit other abusive acts. In recent years, spoofing technology has become readily available through Internet telephone equipment and Web sites specifically set up to spoof. Because call recipients are under the impression that the telephone call is legitimate, they sometimes divulge personal and private information to the spoofer. Identity thieves have used spoofing to mislead call recipients into revealing personal financial information to commit identity theft, fraudulently authorize stolen credit cards, and to arrange for fraudulent money transfers.

According to the Federal Trade Commission's 2008 Identity Theft Consumer Complaint Data, Georgia ranked 7, out of the 50 States, for identity theft complaints. Last year, Georgians made 10,748 identity theft complaints. The Federal Trade Commission calculated that 111 complaints were made for every 100,000 Georgia residents.

I join the Chairman in urging my colleagues to support this bill. This legislation can protect constituents in my district from identity thieves who use spoofing as their vice.

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

Mr. CONYERS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and pass the bill, H.R. 1110, 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, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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.

The point of no quorum is considered withdrawn.

RECOGNIZING 70TH ANNIVERSARY OF RETIREMENT OF JUSTICE LOUIS D. BRANDEIS

Mr. COHEN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 905) recognizing the 70th anniversary of the retirement of Justice Louis D. Brandeis from the United States Supreme Court.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 905

Whereas the United States Supreme Court has played a fundamental role in interpreting the Nation's laws;

Whereas Louis D. Brandeis, born in Louisville, Kentucky, on November 13, 1856, led a selfless career as a practicing lawyer helping to create the pro bono tradition in the United States through his devotion to public causes, becoming known as the "people's lawyer" for challenging the power of railroad, bank, and insurance company monopolies;

Whereas Justice Brandeis was nominated an Associate Justice of the Supreme Court by appointment of President Woodrow Wilson and confirmed by the United States Senate in 1916 as the first Jewish Justice of the Supreme Court;

Whereas Justice Brandeis vastly contributed to constitutional jurisprudence, particularly in the areas of free speech, right to privacy, labor relations, and women's suffrage;

Whereas through the marshalling of evidence and development of the doctrine of judicial notice, Justice Brandeis concerned himself as a citizen, attorney, and Justice of the Supreme Court with the power and role of education in the Nation's democracy;

Whereas Justice Brandeis supported the University of Louisville and its law school (named the Louis D. Brandeis School of Law in 1997) by contributing funding and his personal papers and ensuring that the law school library received Supreme Court briefs for its archives;

Whereas Justice Brandeis provided the role model for public service which served as the inspiration for the University of Louisville adopting a public service requirement for all students;

Whereas Justice Brandeis resigned from the Supreme Court 70 years ago in 1939; and

Whereas, to this day, schools, universities, the United States Postal Service, and other institutions remember the name of Justice Brandeis and commemorate his service: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the 70th anniversary of Justice Louis D. Brandeis's retirement from the United States Supreme Court and the significant contribution he made in United States Supreme Court jurisprudence; and

(2) directs the Clerk of the House of Representatives to make available enrolled cop-

ies of this resolution to the University of Louisville Louis D. Brandeis School of Law for appropriate display.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. COHEN) and the gentleman from California (Mr. DANIEL E. LUNGREN) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee.

GENERAL LEAVE

Mr. COHEN. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous material on the resolution under consideration.

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

There was no objection.

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

Mr. Speaker, this resolution honors Louis D. Brandeis, one of America's greatest jurists and legal minds, on the occasion of the 70th anniversary of his retirement from the United States Supreme Court.

In any listing of great Supreme Court justices, Brandeis would have to be among one of the top three. Among his lasting accomplishments, he has greatly influenced constitutional jurisprudence, especially in the areas of labor relations, free speech, right to privacy, and women's suffrage.

Louis Brandeis was born in Louisville, Kentucky, to Jewish parents who had emigrated from Europe, having come from Bohemia after the Bohemian Revolution trying to create Bohemia as an independent state in the 1850s.

After graduating from Harvard Law School at age 20 with the highest grade average in the college's history, he embarked on a legal career in which he devoted so much of his time and energy to important social justice causes—often pro bono—that he became widely known as "the people's lawyer." Indeed, he pioneered the pro bono legal tradition. In a ranking of lawyers in America, he would have to rank among the top 10, independent of his 23-year service on the United States Supreme Court. He was allowed to enter Harvard Law School even though he wasn't a high school graduate, and he graduated prior to the requisite age of 21 and he was given his degree by special resolution.

His significant contributions are so numerous that it would be impossible to discuss them all, but I will mention a few. In 1890, he and his law partner, Samuel Warren, published an article in the Harvard Law Review entitled *The Right to Privacy*, which is credited with creating the foundation for that right in American constitutional law. Brandeis felt one of the most significant parts of the American experience was people's right to be left alone and that's where the right to privacy came into his thinking as he expressed it in his law work.

He took on the life insurance industry and J.P. Morgan's railroad monopoly. He was a leading advocate for stronger labor protections. He was a strong advocate for States having the opportunity to go into new endeavors and said that the States were the laboratories of democracy; that we had a number of States—today 50, less when he was serving on the Supreme Court—but that each had the opportunity to try some particular new idea and see if it worked so the other States could rely on the work of that State to see whether it should expand and be used throughout the country.

□ 1145

The laboratories of democracy were important as States, such as California, looked at medical marijuana and the other States could then learn, and that spread throughout 12 or 13 other States, but there was an opportunity to learn, rather than doing it all at one time and seeing if one policy fit the whole Nation. He was a chief economic adviser to President Woodrow Wilson, and helped develop the Federal Reserve Act and the Federal Trade Commission Act. In 1916 President Wilson nominated him for the Supreme Court. He became the first Jewish Supreme Court Justice, where he continued his work on great legal issues and left a lasting legacy in American jurisprudence.

Unfortunately, in his confirmation hearing, anti-Semitism was one of the issues that came about and was raised in the Senate. But our country overcame that, and he became the first Jewish Supreme Court Justice.

Through this resolution we recognize and celebrate the 70th anniversary of the retirement of Justice Brandeis from the United States Supreme Court, and remember, with deep gratitude, his many contributions to our Nation's life and to the founding also of the State of Israel.

I reserve the balance of my time.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H. Res. 905, which recognizes the 70th anniversary of the retirement of Justice Louis Brandeis from the U.S. Supreme Court. There is no doubt he was a brilliant man, and he believed the law was best served as a vehicle to correct injustices, rather than a gateway to make money.

Justice Brandeis was born in Louisville, Kentucky, in 1856, the son of Jewish immigrants from Prague, now in the Czech Republic. He excelled in the public schools of his hometown and later studied in Germany. He grew up in a refined and engaged household in which history, politics, and culture were discussed regularly at the dinner table. I might add that one of his early influences was his uncle, Lewis Dembitz, who I'm proud to note attended the Republican Party Convention in 1860 that nominated Abraham

Lincoln as President of the United States.

He enrolled in Harvard Law School at age 19, studied so hard that his eyesight failed. Rather than quit school, he paid fellow students to read his textbooks out loud so he could memorize their content. He graduated with the highest grade point average in the history of Harvard Law School at that time. He was best known for his work as a lawyer and justice, and while he eventually earned good money practicing law, he devoted most of his professional life to public causes.

He argued cases and wrote treatises on privacy, labor relations and anti-trust matters, and he assisted the Wilson administration in crafting the Federal Reserve Act and the Federal Trade Commission. He served on the Supreme Court for 23 years and issued seminal opinions on many of the subjects that consumed him as a lawyer.

And yes, he did believe in States being the laboratories of democracy. I enjoyed the gentleman's comments of reference to my home State of California and, I might say, rather than choose the subject he chose as an example of California being one of those laboratories, I would suggest Proposition 13, or perhaps three strikes and you're out, as guiding lights to the rest of the Nation as to how we ought to organize ourselves. Unfortunately, my home State has forgotten some of those messages in the recent past.

Mr. Speaker, Justice Brandeis was not without his critics, but this is not the time nor the place to air old grievances. Rather, we're here to honor a man, and so I would use somebody else as a reference point, William O. Douglas, who described Justice Brandeis as being "dangerous because he was incorruptible."

I urge the Members to support H. Res. 905.

I reserve the balance of my time.

Mr. COHEN. Mr. Speaker, I yield as many minutes as the gentleman from Kentucky (Mr. YARMUTH) needs. Mr. YARMUTH is the genesis of this particular resolution. He hails from the same city that Justice Brandeis did and brings this to memorialize this man's great talents.

Mr. YARMUTH. Mr. Speaker, in Louisville we are proud of many of the great things our most legendary residents have achieved. From Muhammad Ali's success in and out of the boxing ring to Diane Sawyer's groundbreaking work in journalism to Harlan Sanders' achievements as an entrepreneur, there's evidence of their legacies throughout our community. It's in the stories we tell, it's found in the history embedded in our neighborhoods, and it's seen on the banners hung in their honor throughout town. We are proud that our city has been home to people who have changed the world in the realms of athletics, literature, art, music, business, and, in the case of the man we are celebrating today, law.

Louis D. Brandeis was born in Louisville, Kentucky, in 1856, the son of im-

migrants, and it was to Louisville that he would return throughout his life. It was from the cradle of the burgeoning immigrant communities of 19th-century Louisville that Brandeis began his distinguished career. He excelled first at Louisville's Male High School and then Harvard Law before beginning a successful career as a lawyer and academic. That led, in 1916, to the bench of the United States Supreme Court, when he was nominated by Woodrow Wilson as the first Jewish Justice.

The achievements of Justice Brandeis, however, go far beyond breaking that ground. His legacy as a jurist and litigator has had a long-standing impact, not just in the courtrooms and law books but in the lives of every American citizen. His accomplishments were far-ranging, and their influence resonates today and will do so far into the future.

To those of us who treasure the First Amendment and its protection of free speech, we can thank the work of Louis Brandeis. To those who value the extension of equal rights to all Americans, we can thank Louis Brandeis. The right to privacy, groundbreaking work in the field of labor relations, successful challenges to once powerful corporate monopolies, the list is long and establishes Justice Brandeis' career as one well-deserving of our recognition in this House, a recognition he has not yet received in the 70 years since he retired from the Supreme Court.

The work of Louis Brandeis deserves not just our honor but our attention. Though the battles we fight today may have changed from those of Brandeis' era, his work is rich and relevant for all of us involved in lawmaking. When few others would, Brandeis took on the powerful monopolies that caused economic havoc during the first half of the 20th century. He was continuously skeptical of large banks and their relationship to corporations whose failure could threaten the entire economy, and he helped develop the Federal Reserve Act of 1913 which clamped down on the banking industry's most egregious practices.

In his book, "Other People's Money: And How the Bankers Use It," and in a series of columns, Brandeis warned his contemporaries of the dangers posed by massive financial corporations accumulating resources and using them irresponsibly, lessons that forewarned the economic crisis we faced in this country just last year. As a litigator, educator, philanthropist, and jurist, Louis Brandeis did nothing short of ensuring that the rights we now regard as commonplace would endure. His contributions are those for which the entire country should be grateful, and his legacy is something for which all of us in Louisville can be proud. In fact, his legacy in Louisville lives on at the University of Louisville, where the law school now bears the name of Justice Louis Brandeis.

I join Justice Brandeis' grandson, Frank Gilbert, and the rest of his family in urging my colleagues to support H. Res. 905, recognizing the 70th anniversary of the retirement of this legendary American educator, litigator, and jurist.

Mr. COHEN. I appreciate Mr. YARMUTH bringing this resolution and his comments. I reserve my time.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I yield myself such time as I may consume.

It is interesting that we have heard of Justice Brandeis' commitment to the First Amendment. One can only wonder what he would think of the current state of interpretation of the First Amendment where, unfortunately, it appears that we give greater protection to nude dancing than we do to political speech.

One would hope that the Supreme Court, as we anticipate its decision in the most recent challenge to aspects of McCain-Feingold, might listen to some of the interpretations and wisdom of Louis Brandeis with respect to the essence of the First Amendment.

One would hope that we would, once again, regain the notion that protection of political speech is at the forefront of the First Amendment, not an afterthought to the First Amendment, and that when we have gone so far as to have someone representing the Solicitor General of the United States, responding to a question in the Supreme Court, saying in response to the question, So, the law would give you the right to ban books if they said what is contained in the script of the movie that the FEC believes it has the right to stop during the period of time before an election, the response from the representative of the executive branch was, yes. If we have come so far that banning books is seen as something allowed under the First Amendment because of the pursuit of purity in political campaigns, then we have lost sight of the First Amendment as understood and expressed by Louis Brandeis.

And so I would hope that as we look forward to the end of this year that we could look forward to a Supreme Court that comes to its senses and understands the essence of the First Amendment.

Once again, I would urge my colleagues to unanimously support this recognition on the 70th anniversary of the retirement from the Supreme Court of Louis Brandeis.

I yield back the balance of my time.

Mr. COHEN. Mr. Speaker, indeed, Justice Brandeis had a great impact on this country, not only as a jurist, as we've mentioned, but as a lawyer. And one of his innovations was something called the Brandeis Brief, where not only were precedents used to make an argument but social data, factual data about changes in society to support the Court's positions.

Brandeis was not alive at the time of *Brown v. Board of Education of Topeka*, one of the great decisions of our

Supreme Court, but it was a Brandeis Brief argument that was used to win that case, for there was little law on the subject that was favorable, but there was much social analysis and facts that helped the Court make its decision that separate, in fact, was not equal, and that we needed a change in this country that we had in 1954 that we're continuing to experience today.

Justice Brandeis had many quotes which were of great significance, one of which is inscribed in the walls of Congress, I think just beneath this Chamber on the first floor. If you look up towards the ceiling, The greatest dangers to liberty lurk in insidious encroachment by men of zeal, well-meaning, but without understanding. That quote, which is inscribed on the walls of Congress, is one that I've long thought about, and people making arguments that sometimes are well meant but they take away from the rights that people should have in this country and freedoms.

□ 1200

Brandeis also said we can have democracy in this country or we can have great wealth concentrated in the hands of the few, but we can't have both. And that thought permeates much of what we debate in this Congress today and see as the differences in wealth grow greater and greater.

Indeed, Georgia O'Keeffe, one of my favorite painters, and Warren Zevon, one of my favorite songwriters, singers and friends, would appreciate this resolution today, for the right to be alone, the most comprehensive of rights and the right most valued by civilized man, was something Louis Brandeis espoused, as did O'Keeffe and Zevon. Justice Brandeis said the most political office is that of a private citizen. And I think we should all remember that.

Mr. Speaker, I yield back my time.
The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. COHEN) that the House suspend the rules and agree to the resolution, H. Res. 905.

The question was taken.
The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the yeas have it.

Mr. COHEN. 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.

LAW STUDENT CLINIC PARTICIPATION ACT OF 2009

Mr. COHEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4194) to amend title 18, United States Code, to exempt qualifying law school students participating in legal clinics or externships from the application of the conflict of interest rules under section 205 of such title.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4194

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Law Student Clinic Participation Act of 2009".

SEC. 2. LAW STUDENT CONFLICT OF INTEREST EXEMPTION.

Section 205 of title 18, United States Code, is amended by adding at the end the following:

"(j) Subsections (a) and (b) do not apply to a law student or legal clinic staff member participating in the legal clinic or externship of an accredited law school, with respect to a matter within the scope of the clinic or externship, unless—

"(1) the student or staff has participated personally and substantially in the matter as a Government employee or special Government employee through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise; or

"(2) the matter is pending in the department or agency of the Government in which the student is serving."

SEC. 3. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect upon the expiration of the 60-day period beginning on the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. COHEN) and the gentleman from California (Mr. DANIEL E. LUNGREN) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee.

GENERAL LEAVE

Mr. COHEN. 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 gentleman from Tennessee?

There was no objection.

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

Mr. Speaker, H.R. 4194 would address an unfortunate consequence of current law that hinders participation by law students in pro bono clinics, which limits the provisions of these needed services to the community. It is appropriate that this resolution follow that of Justice Brandeis, who really was the father of pro bono work.

Title 18, section U.S.C. 205 makes it a crime for a Federal Government employee to provide legal assistance to anyone bringing a case adverse to the United States or in bringing a case adverse to a substantial U.S. interest. Section 205(b) applies the same rule to employees of the District of Columbia.

For law school students or legal clinic staff who hold government jobs, this criminalizes participation in a wide range of political programs, including those funded by the Federal Government. Law students or legal clinic staff who are full- or part-time government employees face criminal penalties if they participate in law school pro bono