

# LAWSUIT ABUSE REDUCTION ACT OF 2013

SPEECH OF

**HON. CHRIS VAN HOLLEN**

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 14, 2013*

Mr. VAN HOLLEN. Mr. Speaker, I rise in opposition to H.R. 2655, the misleadingly-named "Lawsuit Abuse Reduction Act." This legislation would amend Rule 11 of the Federal Rules of Civil Procedure to reinstate a previous, failed version of the rule that was in place from 1983–1993.

Rule 11 allows for the imposition of sanctions on the plaintiff in a civil case if it is determined that a claim lacks sufficient evidence. Currently, Rule 11 allows judges to exercise discretion in determining when to impose these sanctions. This bill, H.R. 2655, mirrors the policy from 1983–1993, when Rule 11 was amended to mandate that sanctions be automatically applied regardless of the specific circumstance of a Rule 11 violation. This policy erodes judicial discretion by forcing judges to apply sanctions in every instance of a violation regardless of the merits. The effect of this change was—and would be under H.R. 2655—disastrous for our judicial system and victims alike. For this reason, the Judicial Conference, the American Bar Association, and the American Association for Justice all strongly oppose this legislation.

As the Judicial Conference Chairs wrote to Judiciary Committee Ranking Member JOHN CONYERS, Jr. in July, from 1983–1993, the "... mandatory sanctions provision quickly became a tool of abuse in civil litigation. Seeking to use mandatory sanctions to their advantage, aggressive lawyers filed motions for Rule 11 sanctions in response to virtually every filing in a civil case. Much time and money was spent in Rule 11 battles that had everything to do with strategic gamesmanship and little to do with underlying claims." The Judicial Conference also points out that the 1993 rule changes that corrected this misguided policy "... followed years of examination and were made on the Judicial Conference's strong recommendation, with the Supreme Court's approval, and after congressional review."

Unfortunately, we are wasting precious legislative days in this Congress re-litigating this already-solved issue. All empirical evidence from the 1983–1993 existence of the mandatory sanctions points to increased litigation costs and a distraction from the administering of justice.

I urge my colleagues to oppose H.R. 2655.

## PERSONAL EXPLANATION

**HON. CAROLYN MCCARTHY**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 15, 2013*

Mrs. MCCARTHY of New York. Mr. Speaker, I was unavoidably absent during the week of October 28, 2013. If I were present, I would have voted on the following—

Rollcall #561: On Motion to Suspend the Rules and Pass, as Amended H.R.2189, "yea";

Rollcall #562: On the Motion to Suspend the Rules and Pass H.R. 2011, "yea";

Rollcall #563: On ordering the Previous Question and Providing for consideration of H.R. 992, the Swaps Regulatory Improvement Act and H.R. 2347, the Retail Investor Protection Act, "nay";

Rollcall #564: On agreeing to the resolution providing for consideration of H.R. 992, the Swaps Regulatory Improvement Act and H.R. 2347, the Retail Investor Protection Act, "no";

Rollcall #565: On agreeing to the amendment on H.R. 2347 offered by George Miller of California, "nay";

Rollcall #566: On Motion to recommit with instructions on H.R. 2347, "aye";

Rollcall #567: On passage of H.R. 2347, "aye";

Rollcall #568: On Motion to Recommit with Instructions on H.R. 992, "yea";

Rollcall #569: On Passage of H.R. 992, "aye";

Rollcall #570 On passage of H.J. Res. 99, "nay."

## THE PERSECUTION OF BAHAI COMMUNITY IN IRAN

**HON. JAMES P. MORAN**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 15, 2013*

Mr. MORAN. Mr. Speaker, I rise today to mark the passing of Mr. Ataollah Rezvani, a Baha'i community leader in the port city of Bandar Abbas, Iran. In late August, Mr. Rezvani was found murdered in his car on the outskirts of the city, a gunshot to the back of his head. Before his death, he was subject to persistent threats and intimidation from agents of the Iranian Ministry of Intelligence. And ultimately, his steadfast refusal to submit or cower in the face of this oppression resulted in the loss of his livelihood and his life. His only crime was the practice of his faith.

Over the last several months, the Iranian regime has taken a new and welcome posture toward the resolution of the nuclear issue. While the talks between Iran and the P5-plus-1 have not yielded an agreement, we are in a better position to come to a sustainable agreement than ever before. These efforts are welcome. However, Iran's steps toward reconciling with the global community must be paired with progress on human rights at home, and an end to religious-based persecution of Iran's Baha'i and other minority communities.

Although the Iranian authorities released 91 political prisoners in recent months, not a single Baha'i was among them. Instead, 115 Baha'is remain imprisoned, solely because of their faith, including the leadership of the "Yaran-i-Iran," or "Friends in Iran." The seven leaders of this group, which oversaw the welfare of the Iranian Baha'i community, have now each served five years of their 20-year sentences—the longest sentences given to any prisoner of conscience in Iran.

Dating back to the 1979 Islamic Revolution, the Iranian government has implemented a program of active, systematic discrimination against the Baha'i community. As a result, the Baha'i have been reduced to second-class citizens within their own country, stripped of their property, denied access to an education, and deprived of the freedom to worship. All human beings are entitled to these liberties, not simply because of a statute or a constitution.

Rather, these are the basic human rights of every person, regardless of race, color, or creed, by virtue of our very humanity.

It is my fervent hope that Iran's leadership will move forward towards rapprochement with the international community, but we must also see progress toward internal reform, and a restitution of rights to all minority communities and the Baha'i citizens of Iran particularly.

## INTRODUCTION OF THE TECHNOLOGY, EQUALITY, AND ACCESSIBILITY IN COLLEGE AND HIGHER EDUCATION (TEACH) ACT

**HON. THOMAS E. PETRI**

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 15, 2013*

Mr. PETRI. Mr. Speaker, today I introduced the Technology, Equality, and Accessibility in College and Higher Education (TEACH) Act to ensure that students with disabilities have equal access to the benefits of electronic instructional materials used in today's colleges and universities.

Colleges and universities across the country are using a wide array of new technologies and instructional materials in the classroom. While the use of these new technologies is a positive development, it can also pose a challenge for accessibility. We have an obligation to ensure that students with disabilities have an equal opportunity to obtain a quality education.

The bill would require that any instructional technology, such as digital content, tablets, online platforms, interactive computer software, etc., used by a postsecondary school either be accessible to students with disabilities or that the school provide accommodations or modifications so that the ease-of-use and benefits of the technology for students with disabilities is on par with other students.

These requirements are consistent with joint guidance issued in 2010 by the Departments of Education and Justice regarding the use of new technologies in the classroom and the accessibility requirements of the Americans with Disabilities Act and the Rehabilitation Act of 1973. The guidance was issued in response to the use of electronic book readers by some colleges and universities that were not fully accessible to visually impaired students.

To help schools meet these requirements, the TEACH Act directs the Access Board, an independent federal agency, to develop guidelines for electronic instructional materials used by institutions of higher education. Schools would not be limited to using materials or technologies that are consistent with the guidelines, but those materials that do conform to the guidelines would automatically be considered to be accessible under the law.

In 2008, the Higher Education Opportunity Act created the Advisory Commission on Accessible Instructional Materials in Postsecondary Education for Students with Disabilities, otherwise known as the AIM Commission. One of the commission's recommendations was that the Access Board be directed by Congress to develop guidelines to help guide the development of accessible instructional materials in the marketplace. This bill would implement that recommendation.

For decades, schools have been required to provide equal access to all students. What this