Cases do get thrown out every day in this country without the trouble of a jury trial, and the Seventh Amendment right to a jury trial is not preserved. That is why wrongdoer corporations prefer to be in the Federal court.

Federal court has become candy land for corporate wrongdoers in this country, and this bill helps them stay there and fight consumers in Federal court. It changes the law to allow corporate wrongdoers to do that.

I want to give you some very strong reasons, Mr. Chairman, why this bill is so bad.

Number one, it is discriminatory. Unless you are a multistate or multinational corporation, this bill doesn't help you. If you are an individual sued in State court, this bill does not help you. If you are a small-business owner only doing work in your State, this bill does not help you. Only multistate, multinational corporations get help from this bill, and that is why I call it the wrongdoers protection act for multistate and multinational corporations.

Number two, it is burdensome. The Federal courts are already overworked and understaffed. The civil caseload is growing at 12 percent a year. There are currently 123 vacancies in our Federal judiciary. There is no reason to add to this burden by changing the law.

Number three, this bill forces State court cases into Federal court. We have a crowd in this House that consistently preaches about states' rights and the need to cut back on the Federal Government's reach, but a bill like this comes along and they drop that state's rights banner like it is a hot potato and pick up the coat of arms of the multistate, multinational corporations.

If you really do care about states' rights, you should be voting ''no'' on this bill.

You see, these cases called diversity cases are filed in State court under State law. Ever since the 1930s, in the Erie Railroad case, if you take these cases and handle them in Federal court, the Federal judges are bound by law to follow State law, not Federal law.

Mr. Chairman, there is nobody better at interpreting and following State law than State court judges. It stands to reason.

I offer this amendment that is at the desk to exempt consumer cases against insurance companies for bad faith in insurance practices. If the majority is going to persist and present this gift to multistate and multinational corporations, at least include this amendment and protect consumers trying to fight insurance companies.

Mr. Chairman, I yield back the balance of my time.

Mr. FARENTHOLD. Mr. Chair, I claim the time in opposition.

The Acting CHAIR. The gentleman from Texas is recognized for 5 minutes.

Mr. FARENTHOLD. Mr. Chairman, this amendment continues to victimize innocent local parties just because they happen to be in an insurance case.

The underlying bill is designed to protect folks from being dragged into a lawsuit just to facilitate forum shopping by plaintiffs' attorneys.

The purpose of this bill is to allow judges greater discretion to free these innocent local parties. They are the ones that are suffering as a result of this.

This amendment denies the bill's protection to innocent local parties joined to a lawsuit simply because the legal allegations in the case fall into one arbitrary category rather than another, just like the previous amendment. It is terribly unfair. Innocent people are innocent people, and they should be protected from being dragged into a lawsuit regardless of the nature of the case.

The rules we have developed in this great country to protect the innocent are rules of general application, such as the rules protecting people's rights to have their side of the story told and the rules protecting people from biased or inaccurate testimony.

We should all be appalled by the suggestion that these general protections designed to protect innocent people from criminal liability should be suspended because the case is one of assault and battery or murder or somehow relates to insurance. It is the same kind of logic.

□ 1545

Our country is rightfully proud of its principles providing due process and equal protection, but these concepts are meaningless if they are only selectively applied to some type of cases and not others. And for the same reason, we should all be outraged at the suggestion that the rules of fairness, designed to protect the innocent, should be suspended in civil law cases because a case involves one particular subject matter or another. But that is exactly what this misguided amendment does.

This amendment would allow a plaintiff's lawyer to drag an individual insurance adjuster into a lawsuit even when the applicable State law makes it absolutely clear that only insurers, not individual people, are subject to bad faith claims. How does the sponsor explain this to a person like Jack Stout, why a lawyer pulled him into a bad faith lawsuit targeting State Farm? Mr. Stout was a local insurance agent who merely sold a policy to the plaintiff, met and spoke with the plaintiff once, and had nothing to do with processing the plaintiff's homeowner's insurance claim. A Federal District Court in Oklahoma found he was fraudulently joined and dismissed the claim against him, but under this amendment, the innocent person would have been stuck back in the lawsuit.

What about a person like Douglas Bradley, where the plaintiff's lawyer named him as a defendant in a bad faith lawsuit against an insurer? In that case, the complaint included Mr. Bradley, an insurance agent, as a defendant in the caption of the case. It referred to defendant, singular, not defendants. Throughout the entire pleadings, it didn't even mention his name. A Federal District Court in Indiana dismissed this claim against him as fraudulently joined, but under this amendment, this innocent person would have been stuck back in the lawsuit. It is not fair, it is expensive, and it is emotionally draining to these innocent parties.

For that reason, I urge opposition to the amendment and support of the underlying bill.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. CARTWRIGHT).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. CARTWRIGHT. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Pennsylvania will be postponed.

Mr. FARENTHOLD. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. NUNES) having assumed the chair, Mr. SIMPSON, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 725) to amend title 28, United States Code, to prevent fraudulent joinder, had come to no resolution thereon.

FAIRNESS IN CLASS ACTION LITIGATION ACT OF 2017

GENERAL LEAVE

Mr. FARENTHOLD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous materials to H.R. 985.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 180 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 985.

The Chair appoints the gentleman from Idaho (Mr. SIMPSON) to preside over the Committee of the Whole.

□ 1549

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 985) to

amend the procedures used in Federal court class actions and multidistrict litigation proceedings to assure fairer, more efficient outcomes for claimants and defendants, and for other purposes, with Mr. SIMPSON in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Texas (Mr. FARENTHOLD) and the gentleman from Maryland (Mr. RASKIN) each will control 30 minutes.

The Chair recognizes the gentleman from Texas.

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

Mr. Chairman, recently an independent research firm surveyed companies in 26 countries and found that 80 percent of those companies that were subject to class action lawsuits were U.S. companies, putting those U.S. companies at a distinct economic disadvantage when competing with companies worldwide.

But the problem of overbroad class action doesn't just affect U.S. companies. It affects consumers in the United States who are forced into lawsuits they don't want to be in. How do we know that? We know that because the median rate at which consumer class action members take the compensation offered in a settlement is incredibly low. That would be 0.023 percent. That is two-hundredths of a percent. That is right, only the tiniest fraction of consumer class action members bother to claim the compensation awarded them in a settlement. That is clear proof that vastly large numbers of class members are satisfied with the products they purchase, don't want compensation, and don't want to be lumped into a ginormous class action lawsuit.

Federal judges are crying out for Congress to reform the class action lawsuit system, which currently allows trial lawyers to fill classes with hundreds and thousands of unmeritorious claims and use those artificially inflated claims to force defendants to settle the case. Liberal Justice Ruth Bader Ginsburg has recognized that ''A court's decision to certify a class . . . places pressure on the defendant to settle even unmeritorious claims.''

Judge Diane Wood of the Seventh Circuit Court of Appeals, appointed by President Clinton, has explained that class certification ''is, in effect, the whole case.'' And as one appeals court judge, nominated by President Obama, wrote in his dissent in a recent class action case, ''The chief difficulty we confront in this case arises from the fact that some of the members of the class have not suffered the . . . injury upon which this entire case is predicated and that could constitute as many as 24,000 consumers who would have no valid claim against the defendants under the state laws even if the named plaintiffs win on the merits.''

He went on to chastise the other judges who allowed the class action to proceed, writing ''if the district court does not identify a culling method to ensure that the class, by judgment, includes only members who were actually injured, this court has no business simply hoping that one will work.''

The purpose of a class action is to provide a fair means of evaluating similar, meritorious claims, not to provide a way for lawyers to artificially inflate the size of a class to extort a larger settlement fee for themselves, siphoning money away from those actually injured, and increasing prices for everyone.

Just look at an accounting of recent class action settlements. The SUBWAY food chain was sued in a class action because trial lawyers complained their foot-long subs weren't a full foot long. As part of the settlement, small amounts were paid to the 10 class representatives, but the millions of other class members received nothing; not a dime, not a sandwich. Meanwhile, the lawyers were awarded $520,000 in fees. The settlement was appealed, and during oral arguments Judge Diane Sykes remarked that ''A class action that seeks only worthless benefits for the class should be dismissed out of hand. That's what should have happened here. . . . This is a racket.''

The Coca-Cola Company was sued in a class action lawsuit involving Vitaminwater. Class members received zero dollars in the settlement. The lawyers were awarded $1.2 million in fees.

In a case involving Facebook, the company agreed to settle the case by paying class counsel $3 million. Zero dollars were paid to class members. The Ninth Circuit affirmed the deal, but in a withering dissent, Judge Kleinfeld observed that ''Facebook users who had suffered damages . . . got no money, not a nickel, from the defendants. Class counsel, on the other hand, got millions.''

This bill includes several reforms. It prevents people from being forced into a class with other uninjured or minimally injured class members, only to have the compensation of injured parties reduced. It prevents trial lawyers from using incestuous, litigation-factory arrangements to gin up lawsuits. It requires courts to use objective criteria in determining who is injured in a class action and how compensation will actually reach the victims. It requires that injured victims get paid first, before the lawyers, and that lawyer fees be limited to a reasonable percentage of the money received by victims.

It requires judges to itemize exactly who gets what in a class action settlement and who is paying and controlling the lawyers. It requires all the rules governing class action be followed, that expensive pretrial proceedings be put on hold while the court determines if the case can't meet class certification requirements, and allows appeals of those class certification orders so justice can be done faster.

It ensures lawyers don't add plaintiffs just for forum shopping purposes, and it requires the verification of allegations in multidistrict pretrial proceedings, ensuring defendants receive due process while plaintiffs, not lawyers, get the benefits of any cost savings achieved by the multidistrict pretrial process.

H.R. 985 also contains provisions to include much-needed transparency into the asbestos bankruptcy trust system. On too frequent an occasion, by the time asbestos victims assert their claims for compensation, the bankruptcy trust formed for their benefit has been diluted by fraudulent claims, leaving these victims without their entitled recovery.

The reason that fraud is allowed to exist within the asbestos trust system is the excessive lack of transparency created by plaintiffs' firms. The predictable result of this reduced transparency has been a growing wave of claims and reports of fraud.

This bill strikes the proper balance of transparency and preserving the dignity and medical privacy of asbestos victims while also minimizing the administrative impact on the asbestos trusts. This bill saves the money in these trusts, which is a limited amount of money, to make sure future claimants, many of whom are veterans, have the opportunity to seek and receive compensation for their injuries and prevent double-dipping and fraud.

Please join me in supporting this bill on behalf of consumers and injured parties everywhere.

Mr. Chairman, I reserve the balance of my time.

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

Mr. Chairman, I rise in strong opposition to H.R. 985, the so-called Fairness in Class Action Litigation and Furthering Asbestos Claims Transparency Act of 2017.

I want to thank my distinguished colleague from Texas for his presentation and for also making clear that the overriding purpose here is really to give the class action mechanism the guillotine. Now, this doesn't formally abolish the class action mechanism. It is not the guillotine, but it is a straitjacket. Let's be very clear, the whole purpose of this legislation is to make it virtually impossible for class action lawsuits to be brought by groups of citizens who share a common injury from things such as consumer rip-offs, pharmaceutical drug mistakes, faulty product design, sex discrimination, sexual harassment, poisonous breast implants, asbestos poisoning, lead poisoning, and so on—all of the billions of dollars worth of tort actions, nothing fraudulent about them, all of them already determined by courts and by juries to have taken place against our citizens, and they want to make it virtually impossible for people to proceed in court under the class action mechanism.

I began with a very important process observation which I noted before, Mr. Chairman. There has been no hearing on this legislation. There have been

no calls for this legislation from people allegedly suffering the horrors of the reviled class action lawyers. I notice that while my thoughtful colleague from Texas uses much of his time to deplore the work of plaintiffs' lawyers, he says nothing about defendants' lawyers, who have defended guilty parties in all of the cases we have mentioned before—all of the mass toxic torts, all of the drug injury cases, all of the environmental crimes and torts, all the asbestos poisoning and so on—and they have got a right to do that. They are simply doing their job. But the plaintiffs' lawyers have a right to do their job, too. That is how our system works.

I find it fundamentally disturbing that anybody would be out denouncing lawyers for representing people who have been injured in a tort case. But I oppose this misguided legislation because it sends another huge Valentine and wet kiss to large corporate polluters and tortfeasors but gives the finger to millions of American citizens who suffer injuries from these defendants.

This legislation would shield corporate wrongdoers by making it far more difficult for them to get together to obtain justice in a class action lawsuit. So whether it is by making it almost impossible for Americans to pursue their day in court through the class action vehicle or threatening the privacy of asbestos victims, it is clear that H.R. 985 wants to give corporate polluters and tortfeasors the power to play hide-and-go-seek with their victims in Federal court whenever they want to.

□ 1600

And it raises the broader question of who rightfully should hold power in a representative democracy like ours. Should it be large, private corporations, who are seeking rightfully their own profits? Or should it be the people, who are supposed to be sovereign?

I say it is the people.

This bill only favors the interests of the already powerful, to the detriment of the vast majority of the American people.

In cases seeking monetary relief, the bill requires a party seeking class certification to show that every potential class member suffered the same type and scope of injury at the certification stage, something that is virtually impossible to do. This requirement alone would sound the death knell for class actions, which are the principal means we have in court for consumers to hold wrongdoers accountable, without having to engage in multiple duplicative actions all over a State or all over the country, piling up the expenses for courts.

Most importantly, class actions make it feasible for those who have smaller but not inconsequential injuries to get justice. These injuries include diverse matters like products liability, employment discrimination, sexual harassment, and so on.

It is already very difficult to pursue class actions. Under current law, the courts strictly limit the grounds by which a large group of plaintiffs may be certified as a class, including the existing requirement that their claims raise common and factual legal questions, and that the class representative's claims must be typical of those of the other class members.

Finally, title II of H.R. 985 gives asbestos defendants—the very entities whose products have injured millions of Americans—new weapons with which to go out and harm their victims. This part of the bill would require a bankruptcy asbestos trust to report on the court's public case docket—which is then made immediately available on the internet—the name and exposure history of each asbestos victim who gets payment from a trust, as well as the basis of any payment made to that victim.

As a result, the confidential personal information of asbestos claimants, including their names and entire exposure histories, would be irretrievably released into the public domain. Imagine what identity thieves, reporters, insurers, potential employers, lenders, and data collectors could do with this sensitive information.

The proper title of this section of H.R. 985 should be the alternative fact act, not the FACT Act, because it penalizes the victims while favoring the perpetrators.

The bill requires the trusts to make intrusive disclosures of victims' personal information, but it makes no comparable demands on asbestos manufacturers, some of which intentionally concealed the life-threatening dangers of their products not just for months or years, but for decades, the result of which millions of unsuspecting workers and consumers were exposed to this toxic substance.

Essentially, this bill re-victimizes asbestos victims by exposing their private information to all of the world—information that has absolutely nothing to do with compensation for asbestos exposure.

Accordingly, I must oppose also this highly flawed provision of the legislation.

Mr. Chairman, I reserve the balance of my time.

Mr. FARENTHOLD. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to point out to my colleague across the aisle that over the past several Congresses, we have had multiple hearings on class action reform and asbestos trust litigation, all of which are easily and publicly available.

I further would like to go on to say this bill doesn't prevent any claim from being brought as a class action—zero, zip, none. All it does is maximize the recovery of the victims.

Under this bill, a class action lawyer's fees are pegged to a reasonable percentage of the money actually received by the client under the settlement. What that will do is incentivize lawyers to make the maximum amount available to their clients, to seek the maximum recovery for their client.

Under this bill, class action lawyers will no longer be able to agree to settlements that give them millions of dollars and get their clients absolutely nothing, or maybe a coupon, if they are lucky.

Under this bill, a class action lawyer will get more in fees as long as they agree to a settlement that actually means that their clients, the actual plaintiffs, are getting a reasonable amount of money. Imagine that: incentivizing lawyers to do the best work for their clients. That is what this bill does.

I would also like to talk for a second about the asbestos portion of this. I have to say that this is a little troubling for me. The disclosure requirements in the FACT Act portion of this bill requires less than would be required in a State court pleading for damages. It is the minimum amount of information necessary to make sure somebody isn't double-dipping. It specifically protects medical records and social security numbers. It is designed as a fraud prevention tool.

The argument that this is designed to protect companies that manufactured asbestos is flawed. This is designed for the asbestos trust—companies that have gone bankrupt and set aside large amounts of money to be paid to the victims of asbestos. This protects the assets in those trusts, not the tortfeasor companies. We are making sure there is enough money in these trusts to pay future victims by stopping fraudulent claims today.

Mr. Chairman, I urge my colleagues to support this bill, and I reserve the balance of my time.

Mr. RASKIN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am afraid that the eloquence of my opponent might cloud the issue for some of the people in America. So rather than having us go back and forth disputing the character of the legislation before you, I urge everybody to go to it. But let's go to some of the people who care most about protecting innocent Americans from corporate wrongdoing and injury in the marketplace and in the workplace, and let's see what they have got to say about it.

Mr. Chairman, I have a letter to the House from groups who oppose this legislation as an assault on the rights of consumers and workers, including the Alliance for Justice, the American Association for Justice, Americans for Financial Reform, the Asbestos Disease Awareness Organization, the California Kids IAQ, the Center for Justice and Democracy, the Center for Science in the Public Interest, Central Florida Jobs with Justice, Coal River Mountain Watch, the Committee to Support the Antitrust Laws, Consumer Action, Consumer Federation of America, Consumer Watchdog, Consumers for Auto

Reliability and Safety, Consumers Union.

I have just gone through the Cs. I am not going to take us all the way through the Zs, Mr. Chairman. But America's consumer groups are opposed to this legislation, and America's workers' groups are opposed to this legislation. It is a wolf in sheep's clothing, Mr. Chairman.

I have also gotten, specifically on the asbestos point, a letter from groups concerned with occupational health and safety who strongly oppose the Furthering Asbestos Claim Transparency Act, saying that this bill will drain critical resources that have been set aside to secure justice for victims of asbestos diseases, while simultaneously publishing those victims' personal information on the internet. Included in this very long list of opponents are the Asbestos Disease Awareness Organization, the Communications Workers of America, the Maine Labor Group on Health, the National Council for Occupational Safety and Health, the New Jersey State Industrial Union Council, and on and on.

So, again, they pushed this legislation through the House of Representatives at the speed of light, but under the cloak of darkness with no hearing at all. And then they come out and say: It is really for you, trust us. We are the Federal Government. We are here to help you. We are going to move all of the cases into Federal Court, and we are going to make it a lot easier to nullify class actions.

Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise in strong opposition to H.R. 985, the so-called Fairness in Class Action Litigation and Furthering Asbestos Claim Transparency Act.

This outrageous legislation would severely limit the ability of injured consumers and workers to obtain relief through class action lawsuits. If that were not bad enough, the bill also contains a totally unrelated measure to violate the privacy of asbestos victims, and subject them to potential discrimination. Together, this legislation is just one more measure in the Republican parade of bills this week to further tilt the playing field in favor of wealthy corporations over ordinary people.

Class action suits are an essential tool to enable victims of corporate wrongdoing to be compensated for their injuries and to deter future misconduct. Plaintiffs often seek to band together as a class when the potential damages they could receive individually are too low to make it practical to hire a lawyer and bring a lawsuit alone. But, as members of a class, they have the power to secure relief from a multimillion-dollar company and put an end to its illegal practices.

That is exactly why the big corporations oppose them. It makes it harder for those companies to operate with impunity from the law, with little regard for the injuries they may cause.

It was class action lawsuits that helped uncover years of corrupt practices in the tobacco industry and began to turn around a public health disaster, not to mention recover billions of dollars. It was class action lawsuits that revealed contamination of groundwater that cause certain forms of cancer. It was class action lawsuits that revealed fraudulent pricing practices and misleading advertising by drug companies, widespread employment discrimination, and predatory payday lending practices. Class action lawsuits also helped expose and bring down the sham university peddled on winning victims by the current occupant of the White House.

But this bill includes a range of provisions that would make such class action suits practically impossible. For example, it would require each member of a class to suffer ''the same type and scope of injury'' as the named class representative. What this means is that if two people use a defective product, but one suffers first-degree burns while the other person suffers third-degree burns, they cannot join together in a class because their injuries are of a different scope. Or take a company with a pattern of racial discrimination. If some workers are being paid less than others for doing the same job while other workers find themselves repeatedly passed over for deserved promotions, they cannot join in the same class action because they would not be deemed to have suffered the same type of injury—one having been paid less, the other having been passed over for promotions—despite being victims of the same discriminatory policies.

This is just one of a host of unnecessary and onerous requirements placed on victims by this bill that makes it virtually impossible to form a class. When added together, it amounts to a giant bailout for wealthy corporations at the expense of injured consumers and workers.

Mr. Chairman, we do not want the Federal courts to be simply collection agencies to large corporations. We need justice for the small, ordinary person.

Mr. Chairman, I urge my colleagues to defeat this legislation.

Mr. FARENTHOLD. Mr. Chairman, I reserve the balance of my time.

Mr. RASKIN. Mr. Chairman, I thank Mr. NADLER for his excellent comments.

Mr. Chairman, I yield 3 minutes to the gentleman from Georgia (Mr. JOHNSON).

Mr. JOHNSON of Georgia. Mr. Chairman, I rise in opposition to H.R. 985, a monster of a bill, combining the anticonsumer Fairness in Class Action Litigation Act and the antivictim Furthering Asbestos Claim Transparency Act.

H.R. 985 has the same goals and objectives as the bill that just slithered out of this body just a few moments ago, the so-called Innocent Party Protection Act, which more appropriately should be called, the Corporate Wrongdoer Protection Act.

H.R. 985 is part of a wave of anticonsumer corporate wrongdoer protection bills being considered this week by this Republican-controlled Congress. The purpose of these bills is to protect and insulate big corporations from being held accountable when they rob, hurt, and maim everyday Americans struggling to make it here in America.

As a former and long-term Member of the House Armed Services Committee, I would like to first remind this body of Susan Vento and Judy Van Ness, brave widows, who joined us during the Judiciary Committee markup of the FACT Act and shared with us the heartbreak asbestos exposure has caused their families.

Susan is the widow of our late colleague, Congressman Bruce Vento. Judy's husband, Richard, was a Navy veteran, who served this country with distinction. Both men saw their lives tragically cut short—Bruce at 60 and Richard at 62—both by mesothelioma.

Georgia is ranked 23rd in the Nation for mesothelioma and asbestos-caused deaths, in part due to the large number of military operations, facilities, and military industrial complex projects throughout the State. Virtually every ship commissioned by the U.S. Navy between World War II and the Korean war contained several tons of asbestos in the engine room insulation, fireproof doors, and miles of pipes. While the military discontinued asbestos products around 1980, hundreds of military and civilian installations were left with asbestos in the flooring and ceiling tiles, cement foundations, as well as in thousands of military vehicles.

□ 1615

After defending our freedom abroad, many veterans returned to the civilian workforce where they were further exposed to asbestos, people such as Richard Van Ness, who suffered asbestos exposure while on a Navy destroyer and during his career as a union pipefitter. Unfortunately, veterans like Richard comprise over 30 percent of all asbestos-caused mesothelioma deaths, despite making up only 8 percent of the Nation's population.

Eighteen veterans' groups, including the Military Order of the Purple Heart, AMVETS, and the Vietnam Veterans of America, these organizations have expressed their strong opposition to this bill. I include a letter from them in the RECORD.

FEBRUARY 14, 2017.

Re Veterans Service Organization oppose the ''Furthering Asbestos Claims Transparency (FACT) Act''.

Hon. PAUL RYAN,
Speaker of the House, House of Representatives, Washington DC.
Hon. KEVIN MCCARTHY,
Majority Leader, House of Representatives, Washington DC.
Hon. BOB GOODLATTE,
Chairman, House Judiciary Committee, House of Representatives, Washington DC.
Hon. NANCY PELOSI,
Minority Leader, House of Representatives, Washington, DC.
Hon. STENY HOYER,
Minority Whip, House of Representatives, Washington, DC.
Hon. JOHN CONYERS,
Ranking Member, House Judiciary Committee, House of Representatives, Washington, DC.

DEAR SPEAKER RYAN, LEADER MCCARTHY, LEADER PELOSI, WHIP HOYER, CHAIRMAN GOODLATTE, AND RANKING MEMBER CONYERS: We, the undersigned Veterans Service Organizations oppose the ''Furthering Asbestos Claims Transparency (FACT) Act.'' We have continuously expressed our united opposition to this legislation via written testimony to the House Judiciary Committee, House Leadership, in-person meetings and phone calls with members of Congress. It is extremely disappointing that even with our combined opposition, the FACT Act will be marked up in the House Judiciary Committee later this week.

Veterans across the country disproportionately make up those who are dying and afflicted with mesothelioma and other asbestos related illnesses and injuries. Although veterans represent only 8% of the nation's population, they comprise 30% of all known mesothelioma deaths.

When our veterans and their family members file claims with the asbestos bankruptcy trusts to receive compensation for harm caused by asbestos companies, they submit personal, highly sensitive information such as how and when they were exposed to the deadly product, sensitive health information, and more. The FACT Act would require asbestos trusts to publish their sensitive information on a public database, and include how much money they received for their claim as well as other private information. Forcing our veterans to publicize their work histories, medical conditions, majority of their social security numbers, and information about their children and families is an offensive invasion of privacy to the men and women who have honorably served, and it does nothing to assure their adequate compensation or to prevent future asbestos exposures and deaths.

Additionally, the FACT Act helps asbestos companies add significant time and delay paying trust claims to our veterans and their families by putting burdensome and costly reporting requirements on trusts, including those that already exist. Trusts will instead spend valuable time and resources complying with these additional and unnecessary requirements delaying desperately needed compensation for our veterans and their families to cover medical bills and end of life care.

The FACT Act is a bill that its supporters claim will help asbestos victims, but the reality is that this bill only helps companies and manufacturers who knowingly exposed asbestos to our honorable men and women who have made sacrifices for our country.

We urgently ask on behalf of our members across the nation that you oppose the FACT Act.

Signed:

Air Force Association; Air Force Sergeants Association; Air ForceWomen Officers Associated; AMVETS; AMSUS, the Society of Federal Health Professionals; Association of the United Statse Navy; Commissioned Officers Associatuion of the US Public Health Service, Inc.; Fleet Reserve Association; Jewish War Veterans of the USA; Military Officers Association of America; Military Order of the Purple Heart of the U.S.A.; National Defense Council; Naval Enlisted Reserve Association; Non Commissioned Officers Association of the United States of America; The Retired Enlisted Association, USCG; Chief Petty Officers Association; US Army Warrant Officers Association; Vietnam Veterans of America.

The CHAIR. The time of the gentleman has expired.

Mr. RASKIN. I yield an additional 30 seconds to the gentleman.

Mr. JOHNSON of Georgia. I thank the gentleman, and I would ask my colleagues to join me and the distinguished members of those 18 veterans' organizations and oppose this bill.

Mr. FARENTHOLD. Mr. Chairman, I yield myself such time as I may consume.

Clearly there are two groups of individuals who we are not fearful will commit fraud. It is our Nation's veterans and servicemembers. At the same time, there is no reason to distinguish between the disclosure obligation of veteran servicemembers and the disclosure obligations of ordinary citizens.

This FACT Act provision is designed to protect veterans from fraud and make sure our future veterans who are exposed and other people who are exposed in their jobs to asbestos have the resources available because the company that actually made the asbestos is most likely bankrupt and out of business now.

There are finite resources in these trusts, and we owe it to our servicemembers and to future victims of asbestosis or mesothelioma to make sure there is money there to take care of their medical bills and compensate them for the injuries. That is the purpose of the FACT Act portion of this bill.

Mr. Chair, I reserve the balance of my time.

Mr. RASKIN. Mr. Chair, I yield 3 minutes to the gentleman from Rhode Island (Mr. CICILLINE).

Mr. CICILLINE. Mr. Chairman, I rise in opposition to H.R. 985, the Fairness in Class Action Litigation and Furthering Asbestos Claim Transparency Act of 2017.

Mr. Chairman, there can be no doubt that this legislation is an assault on the civil justice system. By effectively banning class actions, H.R. 985 would give wrongdoers a permission slip to avoid public scrutiny or liability for their unlawful conduct. Worse still, this legislation also contains the text of the so-called FACT Act, which is designed to delay justice for asbestos victims and deny accountability for corporate defendants.

As the ranking member of the House Judiciary Subcommittee that exercises jurisdiction over this bill, I am strongly opposed to this dangerous and offensive measure.

For decades, medical experts have closely linked asbestos exposure with mesothelioma, a form of lung cancer, and other forms of lung disease. Asbestos manufacturers have also known about the deadly effects of asbestos exposure; but, as a Federal judge noted in 1991, there is compelling evidence that these companies sought to conceal this information from workers and the general public. Instead of sharing this critical information, which could have saved countless lives through exposure prevention, asbestos companies ''continued to manufacture one of the most widely used asbestos products without informing workers or the public,'' as the nonprofit Environmental Working Group has reported.

Real examples of this widespread corporate deception are legion, but one in particular stands out. In 1966, the senior executive of a corporation that currently operates as a subsidiary of Honeywell wrote that, if asbestos victims ''enjoyed a good life while working with asbestos products, why not die from it.''

In the wake of numerous lawsuits related to asbestos-related deaths, Congress amended the bankruptcy code in 1994 to authorize the use of trusts for the settlement of asbestos liability.

In 2001, the nonpartisan Government Accountability Office conducted an exhaustive study of these trusts but did not find a single example of fraudulent conduct. Despite this finding, proponents of H.R. 985 now make the outrageous and totally unsupported claim that victims of asbestos exposure have committed fraud—more alternative facts.

In the name of what they describe as transparency, the bill would force trusts to publicly disclose asbestos victims' sensitive personal information, including their names, partial Social Security numbers, and the like. Beyond the obvious consequences these requirements would have in the form of hacking and identity theft, this information is already available to relevant parties on a confidential basis through the discovery process, as both the GAO and the RAND Corporation have reported.

I agree with the majority that asbestos trusts must be accountable and transparent to both present and future claimants, but there is no evidence to suggest any wrongdoing or any fraud. This legislation would only make it easier for wrongdoers to get away with harming others and to make it harder for Americans to be compensated for these injuries.

Mr. Chairman, I urge my colleagues to oppose H.R. 985.

Mr. FARENTHOLD. Mr. Chairman, I yield myself such time as I may consume.

I am going to have to beg to differ with my colleague from across the aisle.

Fraud has been documented in news reports, State court cases, and in testimony before the Judiciary Committee.

The Wall Street Journal conducted an investigation that found thousands of dispiritedly filed claims. Court documents in many States, including Delaware, Louisiana, Maryland, New York, Ohio, Oklahoma, and Virginia, attest to widespread fraud. Most recently, a bankruptcy case in North Carolina uncovered a startling number of dispiritedly filed claims.

Additionally, the Judiciary Committee heard testimony over the course of four hearings about the FACT Act, during which witnesses repeatedly testified that fraud existed within the asbestos trust bankruptcy situation. Keep in mind that the fraud reported today has been in spite of the lack of disclosure that exists.

Consistent with other multimillion-dollar compensation programs, there is fraud occurring in the asbestos trust system, and the FACT Act will go a long way to uncovering that fraud. The FACT Act is designed to provide the minimum amount of transparency necessary to prevent this fraud while protecting the personal information of those victims of asbestos.

Mr. Chair, I reserve the balance of my time.

Mr. RASKIN. Mr. Chairman, I yield 2 minutes to the gentlewoman from Minnesota (Ms. MCCOLLUM).

Ms. MCCOLLUM. Mr. Chair, asbestos is a deadly poison. It can cause lung cancer and mesothelioma. Once detected, these patients survive only, on average, 8 to 14 months. It was true for Congressman Bruce Vento, who proudly served the families of Minnesota's Fourth District for more than 23 years in this House.

Bruce was a friend, and he died from mesothelioma 8½ months after he was diagnosed. Congress has a responsibility to find real solutions to support mesothelioma victims and their families, but H.R. 985 would not support the families. In fact, it exposes families at a time of great vulnerableness.

It exposes them by putting their identity, their name, their address, and the last four digits of their Social Security number on a public website—a public website—when this information has already been given in a confidential manner.

It is especially outrageous to me that once again this legislation is on the floor and it fails to protect children who are victims of asbestos exposure from having their information shared publicly. Parents should have the peace of mind knowing that their child's privacy is secure and not on the internet where who knows who would be out possibly preying on them.

I ask my colleagues to stand with me, stand with the mesothelioma victims, stand with their families, stand with their children, and oppose this bill, as they have asked me to do.

Mr. FARENTHOLD. I reserve the balance of my time.

Mr. RASKIN. Mr. Chair, I yield 4 minutes to the gentleman from Virginia (Mr. SCOTT.)

Mr. SCOTT of Virginia. Mr. Chair, I thank the gentleman for yielding.

I rise in opposition to H.R. 985. In addition to the legislation's many problems that have already been mentioned by my colleagues, I am particularly concerned about what the bill does in the so-called FACT Act, which will have a devastating impact on workers exposed to asbestos.

I am acutely aware of the devastating impact that asbestos exposure has on working men and women in this country because I represent an area with several shipyards. In the last few decades, in my district alone, several thousand local shipyard workers have developed asbestosis, lung cancer, and mesothelioma from asbestos exposure that occurred between the 1940s and 1970s. Hundreds of these workers have already died, and asbestos deaths and disabilities are continuing due to the long latency period associated with this illness.

I believe that we cannot consider the legislation affecting the victims of asbestos exposure without remembering exactly who caused the problem. Court findings show that the companies made willful and malicious decisions to expose their employees to asbestos. Here are a couple of examples.

One case, in 1986, after hearing both sides, the New Jersey Supreme Court declared:

> It is indeed appalling to us that the company had so much information of the hazards of asbestos workers as early as the mid-1930s and that it not only failed to use that information to protect the workers, but, more egregiously, it also attempted to withhold this information from the public.

A few years earlier, the Superior Court, Appellate Division, in New Jersey said that: ''The jury here was justified in concluding that both defendants, fully appreciating the nature, extent, and gravity of the risk, nevertheless made a conscious and coldblooded business decision, in utter and flagrant disregard of the rights of others, to take no protective or remedial action.''

In a separate case in Florida, after hearing both sides, the court declared that:

> The clear and convincing evidence in this case revealed that, for more than 30 years, the company concealed what it knew about the dangers of asbestos. In fact, the company's conduct was even worse than concealment. It also included intentional and knowing misrepresentations concerning the danger of its asbestos-containing product.

That is who we are talking about. These are the types of companies who will benefit from this legislation. Any suggestion that people are getting paid more than once is absurd. The fact of the matter is, because of bankruptcies, most of them aren't getting anywhere close to what they actually should be receiving, but the bill before us does not help those victims. It actually hurts them.

The bill is nothing more than a scheme to delay the proceedings and allow the victims to get even less than they are getting now. Because of the delay, many of the victims will die before they get to court. This helps the guilty corporations that have inflicted this harm on innocent victims because, if the plaintiffs die before they get to court, their pain and suffering damages are extinguished. If they can delay the cases enough so that the plaintiffs die before they get to trial, the corporations will not only get to delay their payments, but when they finally pay, they will pay much less.

These are the people who made those conscious and coldblooded business decisions. Those are the ones who will actually benefit from this legislation at the expense of hardworking, innocent victims. The victims of this corporate wrongdoing oppose this bill.

Regrettably, many of those victims are our veterans because they were working aboard Navy ships.

Mr. Chair, we should reject this legislation.

Mr. FARENTHOLD. Mr. Chair, I reserve the balance of my time.

Mr. RASKIN. Mr. Chairman, I yield myself such time as I may consume.

We obviously have a different vantage point on what is taking place in the civil courtrooms of America today. On our side, we look out over America and in the courts and we see millions of our neighbors, our fellow citizens who are suffering the effects of asbestos poisoning, which is real, not imaginary; lead poisoning, which is real, not imaginary; and manufacturing defects by large automobile manufacturers and others.

They look at it and all they see is fraud, and they want to put the class action mechanism in a straightjacket to make it extremely difficult, if not impossible, for people to pursue class actions. They want to put the names of asbestos victims up online for the whole world to see.

Obviously, we have got a division of opinion within the legislative branch. What about the judiciary itself?

Well, the Judicial Conference of the United States, the policymaking arm of the Federal judiciary, and the American Bar Association both strongly oppose H.R. 985. The conference report that has been studying class actions for 5 years has considered many of the issues addressed in H.R. 985. It strongly urges Congress not to amend the class action procedures found in rule 23 outside the Rules Enabling Act process.

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Likewise, the ABA observes the many problems of advancing comprehensive class action reform without a hearing to examine all the complicated issues involved with so many rule changes.

Mr. Chairman, the other side invoked some hearings. I was astonished to hear it because I have been here for several months. I just joined Congress. I didn't have any hearings. It turns out I understand they were referring to

hearings that took place last year, perhaps the year before, where I understand—but all of it is hearsay to me because I wasn't here—that actual victims of asbestos poisoning were not permitted themselves to testify. It was a completely one-sided, lopsided process, and I will try to get to the bottom of that in order to determine it.

This is what happens when they are moving legislation through this body at lightening speed, but really in the thick of darkness because we don't have any meaningful, transparent communication about what the underlying issues are.

Well, I restate my opposition to this. The class action mechanism has been a central vehicle for justice for Americans for many decades. And now without so much as a hearing, without the mobilization of any proof that this should be done over the objections of the Judicial Conference of the United States, over the objections of the American Bar Association, and over the objections of every consumer group and worker group that has written in that I have seen, they are purporting to be acting in the name of the American people. In fact, what they are doing is they are pulling the rug out from underneath the class action vehicle.

Class actions have been so central to vindicating the rights of people who have been victimized by corporate polluters and toxic contaminators and automobile manufacturers who knowingly put defective instruments into cars, leading to people's deaths and injuries, and they want to make it more difficult for people to pursue justice in the courts.

I urge all of my colleagues to study this legislation the best they can and to reject it.

Mr. Chairman, I yield back the balance of my time.

Mr. FARENTHOLD. Mr. Chairman, I yield myself such time as I may consume.

I want to address the fact that there have been numerous hearings on the FACT Act and the problems associated with it. There was one hearing before the Judiciary Committee on the Constitution on September 9, 2011. There were three legislative hearings before the Subcommittee on Regulatory Reform, Commercial, and Antitrust Law, one during the 112th Congress, one during the 113th Congress, and one during the 114th Congress. I am sure the gentleman's staff could have gotten him copies of those.

I also point out that the minority used these opportunities to call witnesses that were representatives of the plaintiffs' asbestos trial bar. They called the attorneys to voice their concern about the bill, not the victims. In fact, the minority called the same witness for three out of the four hearings. Now they claim that asbestos victims were never provided an opportunity to testify.

The Judiciary Committee has provided ample opportunity to include asbestos victims' views on the legislation in the record, and there are many letters and statements from victims in the record.

In closing, I do want to say—going back to the class action part of this bill for a second only—that only the tiniest fraction of consumers in class actions bother to claim the compensation awarded them in the settlement. That is clear proof that the vastly large number of class members are satisfied with the products they have purchased, don't want compensation, and don't want to be lumped into a gigantic class action lawsuit.

Federal judges are crying out for Congress to reform the class action system, which currently allows trial lawyers to fill classes with hundreds and thousands of meritorious claims and use those artificially inflated classes to force defendants to settle the case.

As I recounted, class action settlements have left lawyers with millions of dollars while victims receive absolutely nothing or a coupon, at best. The bill prevents people from being forced into class actions with other uninjured or minimally injured members only to have the compensation of injured parties reduced. It requires that lawyer fees be limited to a reasonable percentage of the money injured victims actually receive. I urge my colleagues to support the bill.

I also want to talk a second about the FACT Act. We hear these stories about these corporations that did all of this wrong. Many of them are bankrupt, and the only money available to the victims are the money that has been set aside in these asbestos trust funds. When an unscrupulous attorney makes a claim against multiple trusts or files claims in Federal court and State court, it is difficult, if not impossible, to find out if that claim has already been made. The FACT Act makes that easily available while providing privacy necessary to protect the victims.

The FACT Act is designed to protect the future victims and make sure there is money there for the children, for the veterans, for the hardworking Americans who are injured by asbestos but whose symptoms have not yet manifested. Sometimes these asbestos-related diseases take decades to show up, and there needs to be money there to take care of those folks. That is what this legislation is intending to do, not to protect corporations.

I urge my colleagues to support this bill that provides much-needed reform to the class action system and to the asbestos trust system.

Mr. Chairman, I yield back the balance of my time.

Ms. JACKSON LEE. Mr. Chair, I rise in strong opposition to Rules Committee Print 115–5 of H.R. 985, the Fairness in Class Action Litigation and Furthering Asbestos Claim Transparency Act of 2017, which is a radical measure that would overturn centuries of American law.

This committee print buries the ''Furthering Asbestos Claim Transparency Act of 2017,'' crammed through committee on a party-line vote, within the overarching legislation intended to effectively obliterate class actions in America, H.R. 985, the Fairness in Class Action Litigation Act of 2017.

I oppose this two-for-one bill combination because it will, in sum, undermine the enforcement of this Nation's civil rights laws and upend decades of settled class action law.

The fact that the House would even consider such sweeping, reckless legislation without holding a single hearing is an outrage.

This poorly drafted legislation will create needless chaos in the courts without actually solving any demonstrated problem.

Class action lawsuits are among the most important tools to enable injured, cheated, and or victimized individuals and small businesses to hold large corporations and institutions accountable and deter future misconduct.

H.R. 985 would eviscerate that tool.

Let me remind my colleagues that class actions are critical for the enforcement of laws prohibiting discrimination in employment, housing, education, and access to public areas and services.

As the Supreme Court has recognized in Amchem Products, Inc. v. Windsor, class actions provide ''vindication of the rights of groups of people who individually would be without effective strength to bring their opponents into court at all.''

Amchem Products, Inc. v. Windsor, 521 U.S. 591, 617 (1997). Courts have interpreted Rule 23 of the Federal Rules of Civil Procedure, the federal class action rule, over decades and the Advisory Committee on Civil Rules has, through its deliberative process, reviewed and amended the rule to ensure its fair and efficient operation.

No further revisions are needed at this time.

Civil rights injuries are never identical and are already subject to rigorous judicial review.

H.R. 985 imposes a new and impossible hurdle for class certification.

This alone would sound the death knell for most class actions.

It requires that the proponents of the class demonstrate that each class member has suffered the same type and scope of injury.

At this early stage of a civil rights class action, it is frequently impossible to identify all of the victims or the precise nature of each of their injuries.

Classes inherently include a range of affected individuals, and in no case does every member of the class suffer the same scope of injury from the same wrongful act.

But even if this information were knowable, class members' injuries would not be the same.

As a simple example, those overcharged for rent will have different injuries.

In an employment discrimination class action, the extent of a class member's injuries will depend on a range of factors, including their job position, tenure, employment status, salary, and length of exposure to the discriminatory conditions.

For this reason, nearly forty years ago, the Supreme Court developed a two-stage process for such cases in International Brotherhood of Teamsters v. U.S., 431 U.S. 324, 371–72 (1977).

In the first stage, the court determines whether the employer engaged in a pattern or practice of discrimination.

If the employer is found liable, the court holds individual hearings to determine the relief (if any) for each victim.

The Supreme Court recently reaffirmed the use of the Teamsters model for discrimination class actions in part because of the individualized nature of injuries.

In the case of Wal-Mart Stores, Inc. v. Dukes, 564 U.S. 338, 366 (2011).

Thus, this bill would overturn the approach established four decades ago to permit a class of victims of discrimination to seek effective relief.

Certainly, many civil rights, discrimination and employment class actions, including cases involving refusals by companies to properly pay workers, would not satisfy these criteria.

Some provisions would make it even more difficult to bring race and gender discrimination class actions.

Other provisions would have a dramatic impact on cases against toxic polluters.

For example, arbitrary and unworkable standards for attorneys' fees undermine civil rights enforcement.

If a case is successful, the judge awards a reasonable fee based upon the time that the advocates have spent working on the case.

This method of determining attorneys' fees provides for consistent and predictable outcomes, which is a benefit to all parties in a lawsuit.

H.R. 985 would entirely displace this well-settled law with a standard long ago rejected as arbitrary and unworkable.

Under the bill, attorneys' fees would be calculated as a percentage of the value of the equitable relief. § 1718(b)(3).

But how is a judge to determine the cash value of an integrated school, a well-operating foster care system, the deinstitutionalization of individuals with disabilities, or myriad other forms of equitable relief secured by civil rights class actions?

Asking judges to assign a price tag in such cases is an impossible task and would lead to uncertainty and inconsistency.

Non-profit organizations cannot bear the risk of these long and expensive cases if, at the end, their fees are calculated under this incoherent and capricious standard.

Indeed, the bill creates an incentive for defendants to prolong the litigation so as to make it economically impossible for plaintiffs' attorneys to continue to prosecute the litigation.

In addition, by considering this bill now, Congress is circumventing the process that Congress itself established for promulgation of federal court rules under the Rules Enabling Act, bypassing both the Judicial Conference of the United States and the U.S. Supreme Court.

Civil rights class actions are often about systemic reforms that benefit the most vulnerable.

Interference with the proper federal court rules process is reckless and irresponsible, particularly when this proposal is so damaging to victims.

Mr. Chair, the only beneficiaries of the so-called FACT Act, are the very entities that knowingly produced a toxic substance that killed or seriously injured thousands of unsuspecting American consumers and workers.

The FACT Act would force asbestos patients seeking any compensation from a private asbestos trust fund to reveal on a public web site private information including the last four digits of their Social Security numbers, and personal information about their families and children.

In fact, not a single asbestos victim has come forward in support of this legislation.

Worse, this bill would allow victims of asbestos exposure to be further victimized by requiring this information about their illness to be made publicly available to virtually anyone who has access to the Internet.

For example, the bill requires all payment demands, as well as, the names and exposure histories of each claimant—together with the basis for any payment the trust made to such claimants—to be publicly disclosed.

This sensitive information must be posted on the court's public docket, which is easily accessible through the Internet with the payment of a nominal fee.

Once irretrievably released into the public domain, this information would be a virtual treasure trove for data collectors and other entities for purposes that have absolutely nothing to do with compensation for asbestos exposure.

Insurance companies, prospective employers, lenders, and predatory scam artists as well as the victim's neighbors would have access to this information.

Many of the people who would be hurt by the FACT Act are veterans, who are disproportionately affected by asbestos disease.

To address this serious failing of the bill, I offered an amendment which would ensure that the quarterly reports required under the FACT Act, contain only aggregate payment information.

My amendment also deletes the bill's burdensome discovery requirement.

As noted by the widow of our former colleague Congressman Bruce Vento who passed away from asbestos-induced mesothelioma, the bill's public disclosure of victims' private information: ''could be used to deny employment, credit, and health, life, and disability insurance.''

Mrs. Vento also warned that asbestos victims ''would be more vulnerable to identity thieves, con men, and other types of predators.''

Supporters of this legislation say that Bankruptcy Code section 107 will prevent such results.

But, they are wrong; this provision only permits—it does not require—the bankruptcy court to issue a protective order.

In fact, such relief may only be granted for cause if the court finds that ''disclosure of such information would create undue risk of identity theft or other unlawful injury to the individual.''

What this means is that an asbestos victim would have to retain counsel and go to court in order to prove cause to obtain relief.

And, even though Bankruptcy Rule 9037 does require certain types of personal information to be redacted from a document filed in a bankruptcy case, said Rule would be overridden by this legislation, as written.

Accordingly, for these reasons and more, I oppose this harmful legislation.

The Acting CHAIR (Mr. JOYCE of Ohio). All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

It shall be in order to consider as an original bill for the purpose of amendment under the 5-minute rule an amendment in the nature of a substitute consisting of the text of Rules Committee Print 115–5. That amendment in the nature of a substitute shall be considered as read.

The text of the amendment in the nature of a substitute is as follows:

H.R. 985

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Fairness in Class Action Litigation and Furthering Asbestos Claim Transparency Act of 2017''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—FAIRNESS IN CLASS ACTION LITIGATION

Sec. 101. Short title; reference; table of contents.
Sec. 102. Purposes.
Sec. 103. Class action procedures.
Sec. 104. Misjoinder of plaintiffs in personal injury and wrongful death actions.
Sec. 105. Multidistrict litigation proceedings procedures.
Sec. 106. Rulemaking authority of Supreme Court and Judicial Conference.
Sec. 107. Effective date.

TITLE II—FURTHERING ASBESTOS CLAIM TRANSPARENCY

Sec. 201. Short title.
Sec. 202. Amendments.
Sec. 203. Effective date; application of amendments.

TITLE I—FAIRNESS IN CLASS ACTION LITIGATION

SEC. 101. SHORT TITLE; REFERENCE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This title may be cited as the ''Fairness in Class Action Litigation Act of 2017''.

(b) REFERENCE.—Whenever, in this title, reference is made to an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 28, United States Code.

(c) TABLE OF CONTENTS.—The table of contents of this title is as follows:

Sec. 101. Short title; reference; table of contents.
Sec. 102. Purposes.
Sec. 103. Class action procedures.
Sec. 104. Misjoinder of plaintiffs in personal injury and wrongful death actions.
Sec. 105. Multidistrict litigation proceedings procedures.
Sec. 106. Rulemaking authority of Supreme Court and Judicial Conference.
Sec. 107. Effective date.

SEC. 102. PURPOSES.

The purposes of this title are to—

(1) assure fair and prompt recoveries for class members and multidistrict litigation plaintiffs with legitimate claims;

(2) diminish abuses in class action and mass tort litigation that are undermining the integrity of the U.S. legal system; and

(3) restore the intent of the framers of the United States Constitution by ensuring Federal court consideration of interstate controversies of national importance consistent with diversity jurisdiction principles.

SEC. 103. CLASS ACTION PROCEDURES.

(a) IN GENERAL.—Chapter 114 is amended by inserting after section 1715 the following:

''§ 1716. Class action injury allegations

''(a) IN GENERAL.—A Federal court shall not issue an order granting certification of a class

action seeking monetary relief for personal injury or economic loss unless the party seeking to maintain such a class action affirmatively demonstrates that each proposed class member suffered the same type and scope of injury as the named class representative or representatives.

''(b) CERTIFICATION ORDER.—An order issued under Rule 23(c)(1) of the Federal Rules of Civil Procedure that certifies a class seeking monetary relief for personal injury or economic loss shall include a determination, based on a rigorous analysis of the evidence presented, that the requirement in subsection (a) of this section is satisfied.

''§ 1717. Conflicts of interest

''(a) REQUIRED DISCLOSURES.—In a class action complaint, class counsel shall state whether any proposed class representative or named plaintiff in the complaint is a relative of, is a present or former employee of, is a present or former client of (other than with respect to the class action), or has any contractual relationship with (other than with respect to the class action) class counsel. In addition, the complaint shall describe the circumstances under which each class representative or named plaintiff agreed to be included in the complaint and shall identify any other class action in which any proposed class representative or named plaintiff has a similar role.

''(b) PROHIBITION OF CONFLICTS.—A Federal court shall not issue an order granting certification of any class action in which any proposed class representative or named plaintiff is a relative of, is a present or former employee of, is a present or former client of (other than with respect to the class action), or has any contractual relationship with (other than with respect to the class action) class counsel.

''(c) DEFINITION.—For purposes of this section, 'relative' shall be defined by reference to section 3110(a)(3) of title 5, United States Code.

''§ 1718. Class member benefits

''(a) DISTRIBUTION OF BENEFITS TO CLASS MEMBERS.—A Federal court shall not issue an order granting certification of a class action seeking monetary relief unless the class is defined with reference to objective criteria and the party seeking to maintain such a class action affirmatively demonstrates that there is a reliable and administratively feasible mechanism (a) for the court to determine whether putative class members fall within the class definition and (b) for distributing directly to a substantial majority of class members any monetary relief secured for the class.

''(b) ATTORNEYS' FEES IN CLASS ACTIONS.—

''(1) FEE DISTRIBUTION TIMING.—In a class action seeking monetary relief, no attorneys' fees may be determined or paid pursuant to Rule 23(h) of the Federal Rules of Civil Procedure or otherwise until the distribution of any monetary recovery to class members has been completed.

''(2) FEE DETERMINATIONS BASED ON MONETARY AWARDS.—Unless otherwise specified by Federal statute, if a judgment or proposed settlement in a class action provides for a monetary recovery, the portion of any attorneys' fee award to class counsel that is attributed to the monetary recovery shall be limited to a reasonable percentage of any payments directly distributed to and received by class members. In no event shall the attorneys' fee award exceed the total amount of money directly distributed to and received by all class members.

''(3) FEE DETERMINATIONS BASED ON EQUITABLE RELIEF.—Unless otherwise specified by Federal statute, if a judgment or proposed settlement in a class action provides for equitable relief, the portion of any attorneys' fee award to class counsel that is attributed to the equitable relief shall be limited to a reasonable percentage of the value of the equitable relief, including any injunctive relief.

''§ 1719. Money distribution data

''(a) SETTLEMENT ACCOUNTINGS.—In any settlement of a class action that provides for monetary benefits, the court shall order class counsel to submit to the Director of the Federal Judicial Center and the Director of the Administrative Office of the United States Courts an accounting of the disbursement of all funds paid by the defendant pursuant to the settlement agreement. The accounting shall state the total amount paid directly to all class members, the actual or estimated total number of class members, the number of class members who received payments, the average amount (both mean and median) paid directly to all class members, the largest amount paid to any class member, the smallest amount paid to any class member and, separately, each amount paid to any other person (including class counsel) and the purpose of the payment. In stating the amounts paid to class members, no individual class member shall be identified. No attorneys' fees may be paid to class counsel pursuant to Rule 23(h) of the Federal Rules of Civil Procedure until the accounting has been submitted.

''(b) ANNUAL SETTLEMENT DISTRIBUTION REPORTS.—Commencing not later than 12 months after the date of enactment of this section, the Judicial Conference of the United States, with the assistance of the Director of the Federal Judicial Center and the Director of the Administrative Office of the United States Courts, shall annually prepare and transmit to the Committees on the Judiciary of the Senate and the House of Representatives for public dissemination a report summarizing how funds paid by defendants in class actions have been distributed, based on the settlement accountings submitted pursuant to subsection (a).

''§ 1720. Issues classes

''(a) IN GENERAL.—A Federal court shall not issue an order granting certification of a class action with respect to particular issues pursuant to Rule 23(c)(4) of the Federal Rules of Civil Procedure unless the entirety of the cause of action from which the particular issues arise satisfies all the class certification prerequisites of Rule 23(a) and Rule 23(b)(1), Rule 23(b)(2), or Rule 23(b)(3).

''(b) CERTIFICATION ORDER.—An order issued under Rule 23(c)(4) of the Federal Rules of Civil Procedure that certifies a class with respect to particular issues shall include a determination, based on a rigorous analysis of the evidence presented, that the requirement in subsection (a) of this section is satisfied.

''§ 1721. Stay of discovery

''In any class action, all discovery and other proceedings shall be stayed during the pendency of any motion to transfer, motion to dismiss, motion to strike class allegations, or other motion to dispose of the class allegations, unless the court finds upon the motion of any party that particularized discovery is necessary to preserve evidence or to prevent undue prejudice to that party.

''§ 1722. Third-party litigation funding disclosure

''In any class action, class counsel shall promptly disclose in writing to the court and all other parties the identity of any person or entity, other than a class member or class counsel of record, who has a contingent right to receive compensation from any settlement, judgment, or other relief obtained in the action.

''§ 1723. Appeals

''A court of appeals shall permit an appeal from an order granting or denying class-action certification under Rule 23 of the Federal Rules of Civil Procedure.''.

(b) CONFORMING AMENDMENT.—The table of sections for such chapter is amended by inserting after the item pertaining to section 1715 the following:

''''Sec. 1716. Class action injury allegations.
''''Sec. 1717. Conflicts of interest.
''''Sec. 1718. Class member benefits.
''''Sec. 1719. Money distribution data.
''''Sec. 1720. Issues classes.
''''Sec. 1721. Stay of discovery.
''''Sec. 1722. Third-party litigation funding disclosure.
''''Sec. 1723. Appeals.''.

SEC. 104. MISJOINDER OF PLAINTIFFS IN PERSONAL INJURY AND WRONGFUL DEATH ACTIONS.

Section 1447 is amended—

(1) by redesignating subsection (d) as subsection (e);

(2) by redesignating subsection (e) as subsection (f); and

(3) by inserting after subsection (c) the following:

''(d) MISJOINDER OF PLAINTIFFS IN PERSONAL INJURY AND WRONGFUL DEATH ACTIONS.—

''(1) This subsection shall apply to any civil action in which—

''(A) two or more plaintiffs assert personal injury or wrongful death claims;

''(B) the action is removed on the basis of the jurisdiction conferred by section 1332(a); and

''(C) a motion to remand is made on the ground that one or more defendants are citizens of the same State as one or more plaintiffs.

''(2) In deciding the remand motion in any such case, the court shall apply the jurisdictional requirements of section 1332(a) to the claims of each plaintiff individually, as though that plaintiff were the sole plaintiff in the action.

''(3) The court shall sever the claims that do not satisfy the jurisdictional requirements of section 1332(a) and shall remand those claims to the State court from which the action was removed. The court shall retain jurisdiction over the claims that satisfy the jurisdictional requirements of section 1332(a).''.

SEC. 105. MULTIDISTRICT LITIGATION PROCEEDINGS PROCEDURES.

Section 1407 is amended by adding at the end the following:

''(i) ALLEGATIONS VERIFICATION.—In any coordinated or consolidated pretrial proceedings conducted pursuant to subsection (b), counsel for a plaintiff asserting a claim seeking redress for personal injury whose civil action is assigned to or directly filed in the proceedings shall make a submission sufficient to demonstrate that there is evidentiary support (including but not limited to medical records) for the factual contentions in plaintiff's complaint regarding the alleged injury, the exposure to the risk that allegedly caused the injury, and the alleged cause of the injury. The submission must be made within the first 45 days after the civil action is transferred to or directly filed in the proceedings. That deadline shall not be extended. Within 30 days after the submission deadline, the judge or judges to whom the action is assigned shall enter an order determining whether the submission is sufficient and shall dismiss the action without prejudice if the submission is found to be insufficient. If a plaintiff in an action dismissed without prejudice fails to tender a sufficient submission within the following 30 days, the action shall be dismissed with prejudice.

''(j) TRIAL PROHIBITION.—In any coordinated or consolidated pretrial proceedings conducted pursuant to subsection (b), the judge or judges to whom actions are assigned by the Judicial Panel on Multidistrict Litigation may not conduct any trial in any civil action transferred to or directly filed in the proceedings unless all parties to the civil action consent to trial of the specific case sought to be tried.

''(k) REVIEW OF ORDERS.—

''(1) IN GENERAL.—The Court of Appeals having jurisdiction over the transferee district shall permit an appeal to be taken from any order issued in the conduct of coordinated or consolidated pretrial proceedings conducted pursuant to subsection (b), provided that an immediate appeal from the order may materially advance the ultimate termination of one or more civil actions in the proceedings.

''(2) REMAND ORDERS.—Notwithstanding section 1447(e), a court of appeals may accept an appeal from an order issued in any coordinated or consolidated proceedings conducted pursuant to subsection (b) granting or denying a motion to remand a civil action to the State court from which it was removed if application is made to the court of appeals within 14 days after the order is entered.

''(l) ENSURING PROPER RECOVERY FOR PLAINTIFFS.—The claimants in any civil action asserting a claim for personal injury transferred to or directly filed in coordinated or consolidated pretrial proceedings conducted pursuant to subsection (b) shall receive not less than 80 percent of any monetary recovery obtained in that action by settlement, judgment or otherwise. The judge or judges to whom the coordinated or consolidated pretrial proceedings have been assigned shall have jurisdiction over any disputes regarding compliance with this requirement.''.

SEC. 106. RULEMAKING AUTHORITY OF SUPREME COURT AND JUDICIAL CONFERENCE.

Nothing in this title shall restrict in any way the authority of the Judicial Conference and the Supreme Court to propose and prescribe general rules of practice and procedure under chapter 131 of title 28, United States Code.

SEC. 107. EFFECTIVE DATE.

The amendments made by the title shall apply to any civil action pending on the date of enactment of this title or commenced thereafter.

TITLE II—FURTHERING ASBESTOS CLAIM TRANSPARENCY

SEC. 201. SHORT TITLE.

This title may be cited as the ''Furthering Asbestos Claim Transparency (FACT) Act of 2017''.

SEC. 202. AMENDMENTS.

Section 524(g) of title 11, United States Code, is amended by adding at the end the following:

''(8) A trust described in paragraph (2) shall, subject to section 107—

''(A) file with the bankruptcy court, not later than 60 days after the end of every quarter, a report that shall be made available on the court's public docket and with respect to such quarter—

''(i) describes each demand the trust received from, including the name and exposure history of, a claimant and the basis for any payment from the trust made to such claimant; and

''(ii) does not include any confidential medical record or the claimant's full social security number; and

''(B) upon written request, and subject to payment (demanded at the option of the trust) for any reasonable cost incurred by the trust to comply with such request, provide in a timely manner any information related to payment from, and demands for payment from, such trust, subject to appropriate protective orders, to any party to any action in law or equity if the subject of such action concerns liability for asbestos exposure.''.

SEC. 203. EFFECTIVE DATE; APPLICATION OF AMENDMENTS.

(a) EFFECTIVE DATE.—Except as provided in subsection (b), this title and the amendments made by this title shall take effect on the date of the enactment of this title.

(b) APPLICATION OF AMENDMENTS.—The amendments made by this title shall apply with respect to cases commenced under title 11 of the United States Code before, on, or after the date of the enactment of this title.

The ACTING Chair. No amendment to that amendment in the nature of a substitute shall be in order except those printed in part B of House Report 115–29. Each such amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. GOODLATTE

The Acting CHAIR. It is now in order to consider amendment No. 1 printed in part B of House Report 115–29.

Mr. GOODLATTE. Mr. Chairman, I have amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 4, line 12, strike ''of,'' and all that follows through line 15, and insert ''or employee of''.

Page 4, insert after line 19 the following:

''(d) EXCEPTION.—This section shall not apply to a private action brought as a class action that is subject to section 27(a) of the Securities Act of 1933 (15 U.S.C. 77z–1(a)) or section 21D(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78u–4(a)).''.

Page 8, line 14, add at the end the following: ''This section shall not apply to a private action brought as a class action that is subject to section 27(a) of the Securities Act of 1933 (15 U.S.C. 77z–1(a)) or section 21D(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78u–4(a)).''.

Page 9, line 6, strike ''amended—'' and all that follows through line 12 and inserting the following: ''amended by inserting after subsection (e) the following:''.

Page 9, line 13, strike ''(d)'' and insert ''(f)''.

Page 9, line 16, insert ''commenced in a State court'' before ''in which''.

Page 10, line 2, strike ''defendants'' and insert ''plaintiffs''.

Page 10, line 3, strike ''plaintiffs'' and insert ''defendants''.

Page 10, line 9, strike ''The court'' and insert ''Except as provided in paragraph (4), the court''.

Page 10, line 14, insert after ''section 1332(a).'' the following:

''(4) The court shall retain jurisdiction over a claim that does not satisfy the jurisdictional requirements of section 1332(a) if—

''(A) the claim is so related to the claims that satisfy the jurisdictional requirements of section 1332(a) that they form part of the same case or controversy under Article III of the United States Constitution; and

''(B) the plaintiff consents to the removal of the claim.''.

Page 11, line 7, strike ''30 days'' and insert ''90 days''.

Page 11, line 19, strike ''any trial in any civil action'' and insert ''a trial in a civil action''.

Page 11, line 21, strike ''to the civil action'' and insert ''to that civil action''.

Page 11, line 21, strike ''to trial of'' and all that follows through ''to be tried'' on line 22.

Page 12, line 4, insert after ''provided that'' the following: ''the order is applicable to one or more civil actions seeking redress for personal injury and that''.

Page 12, line 8, strike ''1447(e)'' and insert ''1447(d)''.

Page 12, strike line 15, and all that follows through ''requirement.'' on line 25, and insert the following:

''(l) ENSURING PROPER RECOVERY FOR PLAINTIFFS.—A plaintiff who asserts personal injury claims in any civil action transferred to or directly filed in coordinated or consolidated pretrial proceedings conducted pursuant to subsection (b) shall receive not less than 80 percent of any monetary recovery obtained for those claims by settlement, judgment, or otherwise, subject to the satisfaction of any liens for medical services provided to the plaintiff related to those claims. The judge or judges to whom the coordinated or consolidated pretrial proceedings have been assigned shall have jurisdiction over any disputes regarding compliance with this requirement.''.

The Acting CHAIR. Pursuant to House Resolution 180, the gentleman from Virginia (Mr. GOODLATTE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. GOODLATTE. Mr. Chairman, the manager's amendment makes several technical changes to the bill, none of which alter its basic policy, but all of which add clarity to the bill where necessary.

First, in the section of the bill governing conflicts of interest, this amendment strikes the prohibition on the use of the same class counsel if the named plaintiff is a present or former client or has a contractual relationship with the class counsel. In some instances, those restrictions may unduly limit the availability of class counsel or class representatives, so this amendment would remove them. It also clarifies that nothing in the conflicts of interest section of the bill applies to securities class actions, which have their own provisions for selection of class representatives and counsel elsewhere in the U.S. Code. The same exemption for securities class actions is made to the stay of discovery section of the bill because, again, securities class actions have their own discovery stay provisions elsewhere in the U.S. Code.

Second, the amendment makes technical changes to the misjoinder section of the bill, making clear it applies only to civil actions commenced in State court and subsequently removed to Federal court, and that a Federal court can retain jurisdiction over claims that are so related to each other that they form part of the same case and controversy under Article III of the Constitution, and the plaintiff consents to the removal of the claim.

Third, the amendment extends from 30 days to 90 days the amount of time for Federal courts to review the sufficiency of the allegations verification submissions made in the section on multidistrict litigation. The amendment also makes clear that a particular case may not be tried in a multidistrict proceeding unless all parties in that particular case consent—not all parties in the entire multidistrict proceeding. And it also makes clear in the section providing that the claimant shall not receive less than 80 percent of any monetary recovery, that such section does not alter the claimant's obligations to satisfy liens on the recovery—that is, debts owed to the Federal Government or to private insurers—for medical services received by the claimant for the treatment of the injuries alleged in the litigation. So, for example, if a person took a medicine and alleges he suffered injury as a result, a Federal program may

have paid for the treatment of the injury. If the person gets a settlement of his claim, it would include money for those medical services that should be paid back to the Federal Government. The revision makes clear that the satisfaction of such liens should come out of the 80 percent received by the claimant. The amendment also makes clear that the authorization for appeals from orders in MDL proceedings is limited to cases seeking redress for personal injury.

Mr. Chairman, I urge my colleagues to join me in supporting these clarifying and improving amendments, and I reserve the balance of my time.

Mr. RASKIN. Mr. Chairman, I claim the time in opposition.

The Acting CHAIR. The gentleman from Maryland is recognized for 5 minutes.

Mr. RASKIN. Mr. Chairman, I rise in opposition to the manager's amendment to H.R. 985 with all due deference to the chair of our committee.

Although the amendment makes a number of mostly technical amendments to the bill, it still fails to address the numerous fundamental flaws that we have identified in the underlying legislation, which is a dagger pointing at the heart of class action lawsuits in America.

The major substantive change that I noted under the manager's amendment was that class certification would still be prohibited when a named plaintiff or class representative is a relative or employee of the class counsel, but made some other changes narrowing the scope of the conflict of interest provision slightly. The amendment still fails to address the fundamental problem with that provision, which is that there is no justification for concluding that the specified relationships are, per se, problematic or that class certification should be denied just because such a relationship exists.

The general problem pervading the legislation remains. The first is a procedural problem, which we have identified.

I was delighted that the gentleman from Texas (Mr. FARENTHOLD) responded to our complaint that we had had no hearings on the bill. In response to that, he directed my attention to a hearing that took place in 2011, 6 years ago.

There are nine members of the Judiciary Committee who just joined this year and many dozens of Members who have joined the House since 2011. It is true that we could go back and read it within the 24 hours we had to do that before the markup took place. We could also go back and just read at that point the Constitution of the United States, which guarantees to everybody a jury trial which attempts to establish civil justice in America.

What we are getting instead is an attempt to put class action lawsuits and civil liability into a straitjacket. It is an attempt to make it far harder for people to see their rights vindicated when they have been violated by an auto manufacturer, someone who is putting asbestos into materials that are being used near servicemembers, those who are selling poisonous breast implants, and so on.

I am rising in opposition to the amendment simply because it does nothing to answer the many massive objections leveled against this legislation by consumer groups like the Consumer Federation of America, by groups defending civil justice, like the Alliance for Justice, and indeed by the Judicial Conference of the United States and the American Bar Association, both of which strongly oppose this legislation because they do not think it is warranted. They don't think that it responds to any problems that are really out there.

Mr. Chairman, I yield back the balance of my time.

Mr. GOODLATTE. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Virginia (Mr. GOODLATTE).

The amendment was agreed to.

□ 1645

AMENDMENT NO. 2 OFFERED BY MR. DEUTCH

The Acting CHAIR. It is now in order to consider amendment No. 2 printed in part B of House Report 115–29.

Mr. DEUTCH. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 3, strike line 22, and insert the following: ''In a class action''.

Page 4, strike line 9, and all that follows through line 19.

The Acting CHAIR. Pursuant to House Resolution 180, the gentleman from Florida (Mr. DEUTCH) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

Mr. DEUTCH. Mr. Chairman, the right to choose one's own counsel is a basic right in our democracy. This is a right that is a foundation of a fair and impartial judicial system.

Having the right to choose one's own attorney ensures that a person can hire an attorney who will best represent their interests and protect their rights in the judicial process.

H.R. 985, the Fairness in Class Action Litigation Act, undermines this basic right by requiring a court to deny any class action certification based solely on a proposed class representative or named plaintiff being represented by a family member. The bill provides no discretion to the court and no exceptions.

The bill uses an expansive definition that includes not only immediate family members, but extended parts of a family tree by blood and marriage. Such a broad definition is an unfair restriction on the right to an attorney of one's own choosing.

Previously, the manager's amendment modified this provision but did not relieve these concerns. Such broad, blanket assumptions about family relationships fail to recognize the importance of trust and expertise into the attorney-client relationship.

In many instances, a family member will best represent their interests in court or could have specialized training and experience relevant to the case, yet the language in this bill does not provide for any discretion or any exceptions.

The fact that a lawyer representing a potential class is a family member of a named class member does not, in itself, create a conflict of interest; and under current law, there is a process for courts to address real conflicts of interest when they arise.

Under the Federal Rules of Civil Procedure Rule 23(g), courts have an extensive list that must be satisfied when appointing counsel to represent a class. There also already is a strong disincentive against conflicts through fairness hearings after settlement is reached. Any potential conflict of interest risks spoiling the agreement and wasting the efforts of counsel and the class.

Removing the discretion of the courts is overly broad and will remove access to appropriate counsel where no conflict exists. I urge strong support for my amendment and the removal of this provision from this bill.

I reserve the balance of my time.

Mr. GOODLATTE. Mr. Chairman, I claim the time in opposition to the amendment.

The Acting CHAIR. The gentleman from Virginia is recognized for 5 minutes.

Mr. GOODLATTE. Mr. Chairman, this amendment should be defeated. Abraham Lincoln left behind pages of notes on a lecture he was to give to lawyers. They say: ''Never stir up litigation. A worse man can scarcely be found than one who does this. Who can be more nearly a fiend than he who habitually overhauls the register of deeds in search of defects in titles, whereon to stir up strife and put money in his pocket?''

That was Lincoln in the 1850s. Here is Forbes Magazine just a couple of years ago:

The lead plaintiff in the 5-Hour case . . . worked in marketing for a cosmetic surgery center in California. But in a grueling 5-hour deposition, she admitted she had been recruited to serve as a plaintiff by her cousin, who worked for a Texas lawyer; had purchased two bottles of 5–Hour ENERGY specifically to sue the manufacturer; had never complained to the company or sought a refund; and had signed a backdated retainer agreement with the trial lawyer, Rubinstein, the fellow seen here at his own deposition. . . . Another one of Rubinstein's clients . . . admitted she had served as a plaintiff for Rubinstein in at least four class actions over products like Swanson pot pies and lipstick. . . . Emails and other communications 5–Hour's lawyers uncovered in their suit showed that Rubinstein belonged to a loose affiliation of lawyers who ran an assembly-line process of identifying companies to sue and then helping each other find plaintiffs.

Lawsuits are supposed to be initiated by truly injured plaintiffs seeking redress, not invented by lawyers who hunt for a plaintiff to assert a supposed injury made up by the lawyer.

Few class members bother to collect the payments available in class action settlements, in large part because they don't feel injured by the supposedly wrongful conduct in the first place.

In too many cases, trial lawyers come up with an idea for a lawsuit and then search for a person who has bought the product, or they send a relative or employee to buy the product so they will have someone who can sue on behalf of a proposed class of all other buyers. No product purchaser has actually complained or feels cheated; it is just lawyers in pursuit of money. That is a major reason why so few class members bother to collect the payments available in class action settlements. They don't feel injured by the supposedly wrongful conduct in the first place.

This abuse of the class action lawyer-driven lawsuits must end. The base bill, therefore, requires lawyers to disclose how proposed class representatives became involved in the class action. Further, it prohibits class actions in which any proposed class representative, that is, a named plaintiff that will be representing everyone else in the class action, is a relative of or an employee of the class action lawyer.

Further clarifications making clear that this provision will not apply to present or former clients of, or those who have had any contractual relationship with, class counsel have already been made to the bill in the manager's amendment. The only prohibition that remains in the bill is the bar on class counsel using a relative or employee as a class representative. Clearly, that shouldn't be permitted.

The class representative is supposed to be representing the class interests, to independently ''be the client'' for the class, and tell counsel what to do. That independence will be gone if the class representative is a relative or employee of the class counsel. This amendment should be defeated.

Mr. Chairman, I yield back the balance of my time.

Mr. DEUTCH. Mr. Chairman, I urge my colleagues to adopt this important amendment to ensure that they have an opportunity to be heard when they are injured by an attorney of their choice.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Florida (Mr. DEUTCH).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. DEUTCH. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Florida will be postponed.

AMENDMENT NO. 3 OFFERED BY MR. DEUTCH

The Acting CHAIR. It is now in order to consider amendment No. 3 printed in part B of House Report 115–29.

Mr. DEUTCH. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 6, strike line 1 and all that follows through line 8.

The Acting CHAIR. Pursuant to House Resolution 180, the gentleman from Florida (Mr. DEUTCH) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

Mr. DEUTCH. Mr. Chairman, freedom of speech, freedom of religion, the right to vote, the right to be free from cruel and unusual punishment, and other rights enumerated in the Constitution have an intrinsic value that cannot be adequately expressed in dollars and cents. When a person's constitutional rights are violated, they cannot be made whole entirely with money, and yet the bill that we have before us today would require our judicial system to hang a price tag on our most cherished constitutional rights.

Under H.R. 985, the Fairness in Class Action Litigation Act, if a ''judgment or proposed settlement in a class action provides for equitable relief, the portion of any attorney's fee award to class counsel that is attributed to the equitable relief shall be limited to a reasonable percentage of the value of the equitable relief, including any injunctive relief.''

Mr. Chairman, when a court grants such relief, it is not awarding money to a plaintiff. In these cases, the courts are stepping in to say this is a violation of constitutional rights and it must stop.

My amendment would strike the provision in this bill that would devalue our fundamental rights by requiring a highly subjective and wasteful, costly, and demeaning process of putting a price tag on these rights. Worse, it would deter attorneys from bringing critical civil lawsuits that reform systemic and widespread violations of individual rights.

When we think of class actions, we usually imagine a group of people seeking money to compensate them for an injury or a harm—a toxic spill, a horrific accident, an Erin Brockovich-type story. But the reality is that there are many class actions that do not seek monetary damages but are fighting to right a systemic wrong in our society.

These class actions have made lasting changes to our legal system and society that have moved our country closer to equality and justice, landmark class actions such as: Brown v. Board of Education, ending separate but equal as a basis for racial segregation in our schools; Allen v. State Board of Elections, finding that section 5 of the Voting Rights Act requires preclearance of any changes in voting practices; and Alexander v. Holmes County School District, requiring immediate integration of the schools. In these cases, plaintiffs asked the courts to protect and preserve their constitutional rights for themselves and others in similar situations in the future.

Under the system set forward by H.R. 985, a court would have to also set a dollar value to the judgment. How do you place a price tag on desegregating our Nation's public schools? How do you place a price tag on protecting the right to vote? How do you put a price tag on preserving the Constitution's Sixth Amendment right to counsel? How do you put a price tag on the fundamental right of marriage? It is not possible. These are fundamental, constitutional rights, and these rights are priceless.

If this bill were to become law, courts and civil cases would become bogged down in ancillary litigation aimed at establishing the value of rights, rights that are protected through equitable and injunctive relief. It would be a mess, and we don't have to make this unforced error.

I oppose the underlying bill, but it is my sincere hope that, if the House is going to pass it, the least that we can do is remove this provision from the bill and end this insulting pretense that the courts or anyone else can put a dollar value on our constitutional freedoms.

I urge support for my amendment, and I reserve the balance of my time.

Mr. GOODLATTE. Mr. Chairman, I claim the time in opposition to the amendment.

The Acting CHAIR. The gentleman from Virginia is recognized for 5 minutes.

Mr. GOODLATTE. Mr. Chairman, this amendment should be defeated.

Insofar as a class action seeks equitable relief, that is, the nonmonetary relief, including any injunctive relief that seeks to stop the defendant from doing something wrong, the portion of any class action lawyer's fee should be limited to a reasonable percentage of the value of that relief as determined by the court.

This provision won't affect fee awards in civil rights cases because both the monetary and equitable relief attorney's fees provision in this bill are qualified with the initial phrase, ''unless otherwise specified by Federal statute.''

The Civil Rights Attorney's Fee Award Act of 1976 allows a court, in its discretion, to award reasonable attorney's fees as part of the costs to a prevailing party in Federal civil rights lawsuits, including cases brought under 28 U.S.C. section 1983, the statute most commonly used to assert civil rights claims. Consequently, this bill won't affect attorney's fees in civil rights class actions at all.

Regarding other equitable relief cases that don't involve civil rights claims, Federal courts routinely determine the value of intangible relief such

as equitable or injunctive relief for purposes of determining whether the amount in controversy requirement—currently, $75,000 to get into court—is met.

A majority of courts consider only the value of the injunctive relief from the plaintiff's perspective or viewpoint. Some courts determine the jurisdictional amount by evaluating the claim from the perspective of the party seeking Federal court jurisdiction. Others have adopted the ''either viewpoint'' rule, which allows the court to look to either the plaintiff's or the defendant's viewpoint in establishing the amount in controversy in cases seeking some form of injunctive relief.

The bottom line is that, under this bill, Federal courts will be able to use either approach in deciding the value of the injunctive relief provided to class members; and generally speaking, counsel should be paid on the basis of what lawyers actually deliver to their clients.

This base bill, of course, does not alter in any way the relief that would be granted to equitable relief class action members. It only limits the fees attorneys would receive to a reasonable percentage of the value of what the class members actually received. So all this amendment would do would be to put more money in the hands of lawyers and less in the hands of victims.

I urge my colleagues to oppose this amendment, and I reserve the balance of my time.

Mr. DEUTCH. Mr. Chairman, section 1983 that my friend, the chairman, refers to as to providing attorney's fees, requires a determination of attorney's fees by the number of hours reasonably expended on litigation multiplied by a reasonable hourly fee.

□ 1700

This bill is very different from that. Instead of referring to hours and an hourly rate reasonably spent by an attorney, this bill requires the court to establish the value of the actual, equitable, or injunctive relief.

As I have suggested already, I cannot think of anyone who would believe that we should leave it up to a court to put a value on our constitutional rights that are, without question, priceless in our democracy.

Mr. Chairman, I urge my colleagues to support this good amendment, and I yield back the balance of my time.

Mr. GOODLATTE. Mr. Chairman, constitutional rights are priceless, but attorney's fees have to be set by the court. Who else is going to set them in those cases?

I want to correct the gentleman, again, on this point about section 1983 cases because this bill says very clearly: unless otherwise specified by Federal statute.

So this bill is not affected by the very example that he cites because that is something that is otherwise specified by Federal statute.

Mr. Chairman, I urge my colleagues to oppose this needless and harmful amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Florida (Mr. DEUTCH).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. DEUTCH. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Florida will be postponed.

AMENDMENT NO. 4 OFFERED BY MR. SOTO

The Acting CHAIR. It is now in order to consider amendment No. 4 printed in part B of House Report 115–29.

Mr. SOTO. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 8, strike line 7 and all that follows through line 14 (and amend the amendment to the table of contents on page 9 after line 3 accordingly).

The Acting CHAIR. Pursuant to House Resolution 180, the gentleman from Florida (Mr. SOTO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

Mr. SOTO. Mr. Chairman, my amendment would strike section 1721 of this Fairness in Class Action Litigation Act of 2017. The irony of section 1721 is it unfairly subjects class action plaintiffs to an inevitable deluge of prolonged delay.

A stay of discovery means no depositions. It means injured people will not get essential documents. It means victims will not be entitled to the names of necessary witnesses and more as long as a motion that may dispose of the case is pending. There is nothing to prevent a corporation from filing motion after motion to obstruct a victim's path to justice.

Numerous consumer, civil rights, environmental, labor, and other public interest groups oppose this bill because it builds in an automatic stay of discovery in the district court whenever an alleged wrongdoer files any one of a list of motions, including common motions like a motion to strike, a motion to dismiss, and a motion to dispose of class action allegations. There will be no end to the filing of these motions. This is an invitation for gamesmanship and delay and will deprive judges of the ability to properly manage their cases.

The framers of the bill want you to believe that plaintiffs are greedy, undeserving people who want to hinder small business. This could not be further from the truth. If there are big settlements, it is because the damage to the victims was heinous.

Is there any doubt that huge corporations would file motion after motion to obstruct these victims from getting the facts they need?

Class actions are critical for enforcement of laws prohibiting discrimination in employment, housing, education, and access to public areas and services.

At the end of the day, if we are trying to reduce litigation, why have this glaring loophole where someone continues to file motions to stop ordinary discovery from going forward?

Mr. Chairman, I urge Members to support my amendment, and I reserve the balance of my time.

Mr. GOODLATTE. Mr. Chairman, I claim time in opposition to the amendment.

The Acting CHAIR (Mr. BYRNE). The gentleman from Virginia is recognized for 5 minutes.

Mr. GOODLATTE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment should be rejected. The discovery process—the pretrial process in a lawsuit in which trial lawyers demand documents and other things from the people they are suing—imposes huge costs on defendants, particularly because of the astronomical costs associated with the discovery of electronic information, such as emails.

Law Technology News has reported that the total cost of electronic discovery rose from $2 billion in 2006 to $2.8 billion in 2009 and estimated that the total cost would rise 10 to 15 percent annually over the next few years. In a more recent case study of Fortune 500 companies, the RAND Institute found that the median total cost for electronic discovery among participants totaled $1.8 million per case.

These costs are asymmetric. While defendants typically are subject to gigantic discovery costs, because they are large organizations possessing large amounts of data, plaintiffs have little information in their possession, and, therefore, are subject to a very small financial burden during the discovery process.

Moreover, discovery conducted before a motion to dismiss is decided is unfair. Why should defendants bear the burden of paying for discovery before a complaint is held legally sufficient, especially when the threat of huge costs may coerce an unjustified settlement?

The reality for most civil litigation is that the defendants' obligation to bear these exorbitant discovery costs incentivizes plaintiffs to serve burdensome discovery requests on defendants with zero downside risk to themselves. As professor Martin Redish has explained: ''The fact that a party's opponents will have to bear the financial burden of preparing the discovery response actually gives litigants an incentive to make discovery requests, and the bigger expense to be borne by the opponent, the bigger incentive to make the request.''

Because defendants seek to avoid these exorbitant costs, discovery is all too often used as a weapon to coerce settlement of claims regardless of their

merit. Even the Supreme Court has recognized this problem, lamenting that the threat of discovery expense will push cost-conscious defendants to settle even anemic cases before reaching trial.

For example, assume that a defendant moves to dismiss a class action because it doesn't assert any valid claims. Under current law, the named plaintiff can serve massive discovery requests that force defendants to spend $10 million to collect the requested documents. A rational decision for that defendant is to settle the case for millions, even if 4 months later the court grants the motion to dismiss, finding the class claims to be totally without merit. That is because, without a stay in discovery, the defendants will, in the meantime, have been required to spend all or part of the $10 million costs complying with the discovery requests for, it turns out, no legitimate reason. Trial lawyers pursue discovery in this circumstance primarily in an effort to pressure the defendant to settle invalid claims.

The subsection of the bill entitled ''Stay of discovery'' would stop the use of discovery to coerce unjustified settlements by requiring Federal courts to stay discovery pending resolution of rule 12 motions—that is, motions to dismiss for failure to state a claim—motions to strike class allegations, motions to transfer, and other motions that would dispose of class allegations unless the court finds that particularized discovery is necessary to preserve evidence or to prevent undue prejudice to a party.

Mr. Chairman, this amendment should be defeated, and I reserve the balance of my time.

Mr. SOTO. Mr. Chairman, even if we included motions to dismiss in the stay, which are at the beginning of the case because they are dispositive motions, there are still motions to strike that are left in this bill.

After surviving a motion to dismiss, motions to strike are regularly filed. Anybody who has had any time in the courtroom know they can be filed over and over and over again. There is no limit of them under the Federal Rules of Civil Procedure. So simply by filing motion to strike after motion to strike, a defendant can continue to delay justice; and justice delayed is justice denied.

Mr. Chairman, I yield back the balance of my time.

Mr. GOODLATTE. Mr. Chairman, the gentleman will be pleased to know that tomorrow we will consider on the floor of this House legislation that, under rule XI, would impose mandatory sanctions on attorneys who engage in the type of activity he just described. That is an abuse as well. It will be covered by that legislation. But this legislation is appropriate to make sure that justice is done in class action litigation.

Mr. Chairman, I urge my colleagues to oppose this amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Florida (Mr. SOTO).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. SOTO. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Florida will be postponed.

AMENDMENT NO. 5 OFFERED BY MR. JOHNSON OF GEORGIA

The Acting CHAIR. It is now in order to consider amendment No. 5 printed in part B of House Report 115–29.

Mr. JOHNSON of Georgia. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 8, line 21, insert after ''Civil Procedure.'' the following (and amend the amendment to the table of contents on page 9 after line 3 accordingly):

''§ 1724. Applicability

''Sections 1716 through 1723 shall not apply in the case of any civil action alleging fraud.''.

The Acting CHAIR. Pursuant to House Resolution 180, the gentleman from Georgia (Mr. JOHNSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. JOHNSON of Georgia. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my amendment ensures the draconian class action rules created by H.R. 985 do not apply to cases alleging fraud.

Corporate malfeasance and fraudulent practices are an ongoing problem facing American consumers. We saw this firsthand with the recent Wells Fargo case. In response to the company creating over 2 million phony bank and credit card accounts, thousands of account holders certified as a class to hold Wells Fargo accountable in court. However, under H.R. 985's new requirements, this class action would have been stopped dead in its tracks at the certification phase. This is because the bill does not clearly define exactly how similar the scope and how similar the type of injury a class member must suffer. Since each individual Wells Fargo account holder endured varying degrees of financial harm from the company's unauthorized actions, it is unclear if the victims would be considered a class under these new rules.

The Volkswagen Dieselgate scandal is another example of a fraud case that would be at risk under these new rules. The German company defrauded thousands of consumers by selling cars that did not meet EPA emissions standards. The cars were, instead, fitted with illegal defeat software, which allowed them to pass routine emissions tests while still producing up to 35 times the legal limits of nitrogen oxides. A new MIT study found that the excess emissions generated by these cars between 2008 and 2015 will cause 1,200 premature deaths in Europe and 60 in the United States. This is in addition to the thousands of consumers who faced financial loss because they owned these defective vehicles that they could not trade in or sell.

As part of the class action settlement, consumers were able to recoup their losses through a buyback program. As currently drafted, H.R. 985 would have made such a settlement unlikely because of the restrictions on cases involving financial injuries.

Finally, we have the notorious and infamous Trump University class action. Class certification was granted for the thousands of students who were hurt by the President's allegedly fraudulent for-profit scheme. Over 7,000 students were eligible for the class action because they were cheated into thinking they would become the next big real estate mogul. Instead, students lost thousands of dollars and wasted valuable time at this joke of a school.

To avoid any admission of wrongdoing or face an embarrassing trial, the President and the now-defunct Trump University opted for a $25 million settlement. Because of the impossible certification requirements in H.R. 985, it is safe to assume that Trump University's lawyers would have had a field day dismantling this class action from the very beginning of the litigation.

Earlier this week, it was reported in The New York Times that one of the students is opting out of the settlement, and if this bill passes, the risk will be that the class action could fall apart to the benefit of President Trump.

□ 1715

Knowing how litigious our President is, this outcome is highly likely, as H.R. 985 applies not just to future cases but, suspiciously, pending ones as well—an almost unheard of clause to include in legislation.

We cannot allow corporations, whether foreign or domestic, whether controlled by an unnamed board or by the President of the United States, to defraud consumers without facing accountability. My amendment looks to protect Americans in such cases and allows them to move forward in the courts as part of a class action.

Mr. Chairman, I ask my colleagues to support my amendment, and I reserve the balance of my time.

Mr. GOODLATTE. Mr. Chairman, I claim the time in opposition to the amendment.

The Acting CHAIR. The gentleman from Virginia is recognized for 5 minutes.

Mr. GOODLATTE. Mr. Chairman, this amendment would subject certain class members to unfair treatment and should be rejected.

The purpose of a class action is to provide a fair means of evaluating like

claims, not to provide a means of artificially inflating the size of a class to extort a larger settlement value. Exempting a subset of cases from the bill, as this amendment would do, would serve only to incentivize the creation of artificially large classes to extort larger and unfair settlements from innocent parties for the purpose of disproportionately awarding uninjured parties.

Why should only the claimants covered by the amendment be subject to particularly unfair treatment by being allowed to be forced into a class action with other uninjured or minimally injured members, only to see their own compensation reduced? This does a disservice to those claimants. Yet, that is exactly what this amendment would do.

Regardless of the subject matter, class action plaintiffs are increasingly inclined to include fraud claims in their complaints. If they are suing about an allegedly defective product, they will add fraud claims, alleging that the manufacturer committed fraud by not disclosing the defect. If they are suing for a breach of contract, they will add fraud allegations, saying that the defendant didn't disclose the alleged breach, and so on and so forth.

Thus, this amendment would effectively gut the entire bill, since, to avoid its important reforms, class action lawyers would simply add fraud claims to their complaints, as they are increasingly prone to do in any event.

Regarding the Volkswagen case, some opponents have urged that, if enacted, the base bill would have prevented the filing of the class actions related to the Volkswagen diesel emission controversy. Those assertions are false.

This bill's injury provision would be readily satisfied in the VW cases, as class members presumably would argue that they have been injured by their purchase of vehicles with noncompliant emission systems.

Further, if the scope or type of injury differed among class members, separate class actions could be filed for each group, as actually occurred with respect to differing models in the Volkswagen MDL proceeding.

The bill's requirement about class representative disclosures would be easily satisfied. Many class members are interested in the litigation and presumably ready to serve as conflict-free class representatives who would not run afoul of these provisions.

The bill's ascertainability provisions would pose no obstacles because vehicle registration records would provide reliable class member lists and counsel could easily demonstrate a method to get any relief to class members.

Requiring that payment of counsel fees await distribution of class benefits and that fees reflect a reasonable percentage of benefits actually received by class members would not impede bringing such cases.

The cases would be litigated without resort to issues classes. Disclosure of any third-party litigation funding of the class actions wouldn't preclude such cases. The provision doesn't prohibit such funding. Only disclosure is required. Staying discovery while motions to dismiss are pending also poses no roadblock.

Mr. Chairman, again, I urge my colleagues to defeat this gutting amendment, and I reserve the balance of my time.

Mr. JOHNSON of Georgia. Mr. Chairman, protecting big, multinational corporations from fraud claims is not only unfair, it is odious. If you can't hold a big, multinational corporation accountable for fraud, then your money is at risk, your health is at risk, and the lives of innocent people are at risk.

Mr. Chairman, I ask that all of my colleagues support this amendment, which protects the American people from fraud.

Mr. Chairman, I yield back the balance of my time.

Mr. GOODLATTE. Mr. Chairman, I would just say to the gentleman that there is nothing in this bill that would restrict access to class actions based upon fraud claims. And in fact, this bill is designed to maximize the recovery for those fraud victims, rather than lining the pockets of attorneys.

Mr. Chairman, I urge my colleagues to oppose the amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Georgia (Mr. JOHNSON).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. JOHNSON of Georgia. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Georgia will be postponed.

AMENDMENT NO. 6 OFFERED BY MR. CONYERS

The Acting CHAIR. It is now in order to consider amendment No. 6 printed in part B of House Report 115–29.

Mr. CONYERS. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 8, line 25, insert after ''Civil Procedure.'' the following (and amend the amendment to the table of contents on page 9 after line 3 accordingly):

''§ 1724. Applicability

''Sections 1716 through 1723 shall not apply in the case of any civil action alleging a violation of a civil right.''.

The Acting CHAIR. Pursuant to House Resolution 180, the gentleman from Michigan (Mr. CONYERS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, I rise in support of my amendment, which would exempt H.R. 985's unnecessary and burdensome class action provisions all class actions asserting civil rights claims.

Class actions are an important litigation tool that consumers, workers, and anyone else who has suffered injury can use to vindicate their rights. They are also a critical mechanism for enforcing public policy and are especially key in the enforcement of Federal civil rights laws.

For instance, plaintiffs in employment discrimination cases who seek backpay because of an adverse employment decision often pursue class actions because such cases tend to be the kind that are well-suited for class treatment. These cases typically concern multiple victims who were subjected to the same discriminatory employment practice or policy.

While damages awarded pursuant to a single plaintiff may not be large enough to deter the employer's alleged wrongdoing, aggregate damages awarded to plaintiffs as a result of class action would have a deterrent effect.

Unfortunately, this bill, H.R. 985, requires class action plaintiffs to prove at the certification stage that every potential class member suffered the same type and same scope of injury, a requirement that is obviously virtually impossible and cost prohibitive to meet.

This onerous requirement would effectively deter employment discrimination and other civil rights plaintiffs from proceeding with any class action.

As if this provision were not onerous enough, H.R. 985 would also harm civil rights plaintiffs by making it virtually impossible to pursue class actions pursuant to Rule 23(c)(4) of the Federal Rules of Civil Procedure.

All Federal appeals courts interpret that provision as allowing courts to certify a class limited to one issue in a case, such as liability, without having to certify a putative class for the entire cause of action.

Allowing courts to decide common questions within a case, while permitting other issues to be determined on an individual basis, would promote judicial efficiency, which is also one of the principal benefits of class actions.

H.R. 985, however, would prohibit certification of such ''issue'' class actions unless the putative class for the entire cause of action is certified, which would only further delay and possibly deny justice for plaintiffs.

This provision would have a particularly devastating impact on civil rights class actions that often can only be maintained as to particular issues, such as liability.

Indeed, for these, and many other reasons, including the bill's mandatory appeals provision, its automatic stay of discovery, and its draconian and unworkable standards for setting attorneys' fees, 123 civil rights groups and organizations have written a letter to the Judiciary Committee in strong opposition to H.R. 985, which I include in the RECORD.

MARCH 7, 2017.

Re Strong Opposition to H.R. 985—Section 2.

Hon. PAUL RYAN,
Speaker, House of Representatives,
Washington, DC.
Hon. NANCY PELOSI,
Minority Leader, House of Representatives,
Washington, DC.

DEAR SPEAKER RYAN AND LEADER PELOSI: We understand that the House will soon consider H.R. 985, the ''Fairness in Class Action Litigation and Furthering Asbestos Claim Transparency Act of 2015.'' The 123 signatory civil rights organizations and advocates write to strongly oppose Section 2 of H.R. 985. The bill will undermine the enforcement of this nation's civil rights laws and upend decades of settled class action law. This sweeping and poorly drafted legislation will create needless chaos in the courts without actually solving any demonstrated problem. In this letter, we highlight the most egregious of its many harms.

As advocates for the marginalized and often invisible members of our society, we write to remind House members that class actions are critical for the enforcement of laws prohibiting discrimination in employment, housing, education, and access to public areas and services. As the Supreme Court has recognized, class actions provide ''vindication of the rights of groups of people who individually would be without effective strength to bring their opponents into court at all.'' Amchem Products, Inc. v. Windsor, 521 U.S. 591, 617 (1997). Courts have interpreted Rule 23 of the Federal Rules of Civil Procedure, the federal class action rule, over decades and the Advisory Committee on Civil Rules has, through its deliberative process, reviewed and amended the rule to ensure its fair and efficient operation. No further revisions are needed at this time.

H.R. 985 ADDS YEARS OF ADDITIONAL DELAY, EXPENSE, AND DISRUPTION

One of the stated purposes of the bill is to ''assure . . . prompt recoveries,'' yet it includes provisions that will extend the duration of cases by years and add exponentially to the expense on both sides.

The bill allows for an automatic appeal—in the middle of every case—of the class certification order. Such appeals are extraordinarily disruptive and typically add one to three years to the life of the case. While the case sits in an appellate court, expenses and fees rise, memories fade, and injured victims remain without justice. Automatic appeals of all class certification orders will clog our already-taxed Courts of Appeals. Appeals of class certification rulings are already permitted at the discretion of the Courts of Appeals. An appeal of every class certification ruling is unnecessary.

The bill similarly builds in an automatic stay of discovery in the district court whenever an alleged wrongdoer files any one of a list of motions. This is an invitation for gamesmanship and delay, and will deprive judges of the ability to properly manage their cases.

The bill, by its terms, applies to all cases pending upon the date of enactment. This means that hundreds of cases that have been litigated and certified under existing law would start from scratch with new standards, new class certification motions, and new automatic interlocutory appeals. The resulting waste of judicial resources would be enormous.

CIVIL RIGHTS INJURIES ARE NEVER IDENTICAL AND ARE ALREADY SUBJECT TO RIGOROUS JUDICIAL REVIEW

H.R. 985 imposes a new and impossible hurdle for class certification. It requires that the proponents of the class demonstrate that ''each class member has suffered the same type and scope of injury.'' At this early stage of a civil rights class action, it is frequently impossible to identify all of the victims or the precise nature of each of their injuries.

But even if this information were knowable, class members' injuries would not be ''the same.'' As a simple example, those overcharged for rent will have different injuries. In an employment discrimination class action, the extent of a class member's injuries will depend on a range of factors, including their job position, tenure, employment status, salary, and length of exposure to the discriminatory conditions. For this reason, nearly forty years ago, the Supreme Court developed a two-stage process for such cases in International Brotherhood of Teamsters v. U.S., 431 U.S. 324, 371–72 (1977). In the first stage, the court determines whether the employer engaged in a pattern or practice of discrimination. If the employer is found liable, the court holds individual hearings to determine the relief (if any) for each victim. The Supreme Court recently reaffirmed the use of the Teamsters model for discrimination class actions in part because of the individualized nature of injuries. Wal-Mart Stores, Inc. v. Dukes, 564 U.S. 338, 366 (2011). Thus, this bill would overturn the approach established four decades ago to permit a class of victims of discrimination to seek effective relief.

For the same reason, the bill's limitation on ''issue classes'' will impede the enforcement of civil rights laws. Under current practice, the district court will decide in some cases that the best approach is to resolve the illegality of a discriminatory practice in an initial proceeding, and then allow class members to pursue individual remedies on their own. In such cases, class certification for the core question of liability (often a complex proceeding) will be tried and resolved just once for the benefit of the many affected individuals. These issue classes can promote both efficiency and fairness. Section 1720, however, would deprive courts of this ability that they currently have to manage class actions to ensure justice.

REQUIRING THE EARLY IDENTIFICATION OF CLASS MEMBERS IS UNNECESSARY

Section 1718 seeks to impose a heightened standard for identifying class members, an approach that has been rejected by the majority of circuits to have considered the question. This stringent standard would not further any interest that is not already adequately protected by Rule 23, which requires that the court consider whether the case is manageable and the class action device is the ''superior'' method for fairly and efficiently resolving the case.

Moreover, §1718 would impose a nearly insurmountable hurdle in situations where a class action is the only viable way to pursue valid but low-value claims. In such cases, records of who has been affected may have been destroyed by the wrongdoer, may be incomplete, or may have never existed at all. In those cases, individual notice to all class members may be impossible. But, without class certification in these situations, class members who have valid claims and who can be identified would not be allowed to recover. The bill also ignores the important objective of deterring and punishing wrongdoing, and encourages defendants not to maintain relevant records.

ARBITRARY AND UNWORKABLE STANDARDS FOR ATTORNEYS' FEES UNDERMINE CIVIL RIGHTS ENFORCEMENT

Civil rights class actions are often about systemic reforms that benefit the most vulnerable. In many cases, the sole remedy is an injunction to change illegal laws or practices. To ensure that non-profit legal organizations and other advocates are able to undertake these important, complex, and often risky cases, dozens of our civil rights laws incorporate fee-shifting provisions. If a case is successful, the judge awards a reasonable fee based upon the time that the advocates have spent working on the case. This method of determining attorneys' fees provides for consistent and predictable outcomes, which is a benefit to all parties in a lawsuit.

H.R. 985 would entirely displace this well-settled law with a standard long ago rejected as arbitrary and unworkable. Under the bill, attorneys' fees would be calculated as a ''percentage of the value of the equitable relief.'' §1718(b)(3). But how is a judge to determine the cash value of an integrated school, a well-operating foster care system, the deinstitutionalization of individuals with disabilities, or myriad other forms of equitable relief secured by civil rights class actions? Asking judges to assign a price tag in such cases is an impossible task and would lead to uncertainty and inconsistency.

Non-profit organizations cannot bear the risk of these long and expensive cases if, at the end, their fees are calculated under this incoherent and capricious standard. Indeed, the bill creates an incentive for defendants to prolong the litigation so as to make it economically impossible for plaintiffs' attorneys to continue to prosecute the litigation.

These serious issues warrant, at a minimum, careful consideration and public hearings. A rush to pass such far-reaching and flawed legislation will deny access to justice for many and undermine the rule of law.

Respectfully Submitted,

JOCELYN D. LARKIN,
Executive Director, Impact Fund.

SIGNATORIES

1. 9to5, National Association of Working Women
2. A Better Balance
3. Advancement Project
4. American Association of University Women
5. American Civil Liberties Union
6. Asian American Legal Defense and Education Fund
7. Asian Americans Advancing Justice—Asian Law Caucus
8. Asian Americans Advancing Justice—Los Angeles
9. Association of Late Deafened Adults
10. Atlanta Women for Equality
11. Baltimore Neighborhoods, Inc
12. Business and Professional Women/St. Petersburg-Pinellas
13. California Employment Lawyers Association
14. California Women's Law Center
15. Campaign for Educational Equity, Teachers College, Columbia University
16. Center for Children's Advocacy
17. Center for Independence of the Disabled, New York
18. Center for Justice and Accountability
19. Center for Popular Democracy
20. Center for Public Representation
21. Center for Responsible Lending
22. Central Alabama Fair Housing Center
23. Centro Legal de la Raza
24. Chet Levitt Fund for Employment Law
25. Child Care Law Center
26. Children's Law Center, Inc.
27. Children's Rights
28. Civil Rights Education and Enforcement Center
29. Colorado Cross-Disability Coalition
30. Columbia Legal Services
31. Communities for a Better Environment
32. Community Development Project of the Urban Justice Center
33. Community Justice Project
34. Community Legal Services in East Palo Alto

35. Dade County Bar Association Legal Aid Society
36. Disability Law Center
37. Disability Rights Advocates
38. Disability Rights Education and Defense Fund
39. Disability Rights Maryland
40. Domestic Violence Legal Empowerment and Appeals Project
41. Earthjustice
42. EarthRights International
43. Empire Justice Center
44. Environmental Justice Coalition for Water
45. Equal Justice Center
46. Equal Justice Society
47. Equal Rights Advocates
48. Farmworker Justice
49. Florida Justice Institute, Inc.
50. Florida Legal Services, Inc.
51. Florida's Children First
52. Freedom Network USA
53. Heart of Florida Legal Aid Society Inc
54. Homeowners Against Deficient Dwellings
55. Human Rights Defense Center
56. Human Trafficking Pro Bono Legal Center
57. Impact Fund
58. Institute for Science and Human Values
59. Jacksonville Area Legal Aid, Inc.
60. Justice in Motion
61. Lambda Legal
62. LatinoJustice PRLDEF
63. Law Foundation of Silicon Valley
64. Lawyers Civil Rights Coalition
65. Lawyers' Committee for Civil Rights of the San Francisco Bay Area
66. Lawyers' Committee for Civil Rights Under Law
67. Legal Aid at Work (formerly Legal Aid Society—Employment Law Center)
68. Legal Aid Justice Center
69. Legal Aid of Manasota
70. Legal Aid of Marin
71. Legal Aid Service of Broward County, Inc.
72. Legal Aid Society of NYC
73. Legal Aid Society of Palm Beach County, Inc.
74. Los Angeles Center for Community Law and Action
75. Make the Road New York
76. MALDEF
77. Maurice & Jane Sugar Law Center for Economic & Social Justice
78. Metropolitan Washington Employment Lawyers Association
79. Mississippi Center for Justice
80. NAACP Legal Defense and Educational Fund, Inc.
81. National Advocacy Center of the Sisters of the Good Shepherd
82. National Center for Lesbian Rights
83. National Center for Transgender Equality
84. National Center for Youth Law
85. National Disability Rights Network
86. National Employment Law Project
87. National Employment Lawyers' Association
88. National Employment Lawyers' Association—New York
89. National Housing Law Project
90. National Immigration Law Center
91. National Law Center on Homelessness & Poverty
92. National Partnership for Women & Families
93. National Women's Law Center
94. New Mexico Environmental Law Center
95. North Carolina Justice Center
96. North Florida Center for Equal Justice, Inc.
97. Northwest Health Law Advocates
98. Oregon Communication Access Project
99. Prisoners' Legal Services of Massachusetts
100. Prison Law Office
101. Public Advocates
102. Public Counsel
103. Public Interest Law Project
104. Public Justice
105. Public Justice Center
106. Public Utility Law Project of New York
107. Rhode Island Center for Justice
108. San Diego Volunteer Lawyer Program, Inc.
109. Southern Center for Human Rights
110. Southern Legal Counsel, Inc.
111. Southern Poverty Law Center
112. Southwest Pennsylvania Chapter, National Organization for Women
113. Southwest Women's Law Center
114. Tenants Together
115. Texas Fair Defense Project
116. Transgender Law Center
117. Uptown People's Law Center
118. Washington Lawyers' Committee for Civil Rights and Urban Affairs
119. Washington State Communication Access Project
120. Western Center on Law & Poverty
121. Women's Employment Rights Clinic, Golden Gate University
122. Women's Law Project
123. Workplace Fairness

Mr. Chairman, I yield back the balance of my time.

Mr. GOODLATTE. Mr. Chairman, I claim the time in opposition.

The Acting CHAIR. The gentleman from Virginia is recognized for 5 minutes.

Mr. GOODLATTE. Mr. Chairman, with great deference and respect to my friend and colleague, the ranking member, this amendment would subject certain class members to unfair treatment and, thus, should be rejected.

First, the bill's provisions on type and scope of injury only apply to proposed classes ''seeking monetary relief for personal injury or economic loss.'' Insofar as civil rights cases do not seek money damages, they are completely unaffected by the bill and would proceed just as they do today.

However, if money damages are sought by a proposed class, then, of course, they should be subject to the procedures in the bill. The purpose of a class action is to provide a fair means of evaluating like claims, not to provide a means of artificially inflating the size of a class to extort a larger settlement value.

Exempting a subset of money damage cases from the bill, as this amendment would do, would serve only to incentivize the creation of artificially large classes to extort larger and unfair settlements from innocent parties for the purpose of disproportionately awarding uninjured parties.

Any claims seeking monetary relief for personal injury or economic loss should be grouped in classes in which those who are the most injured receive the most compensation. Why should civil rights claimants seeking money damages be subject to particularly unfair treatment by being allowed to be forced into a class action with other uninjured or minimally injured members, only to see their own compensation reduced? That does a disservice to those claimants. Yes, that is exactly what this amendment would do.

Further, the bill's provision on attorneys' fees won't affect fee awards in civil rights cases at all because both the monetary and equitable relief attorneys' fees provision in the bill are qualified with the initial phrase ''unless otherwise specified by Federal statute.''

The Civil Rights Attorney's Fee Award Act of 1976 allows a court, in its discretion, to award reasonable attorneys' fees as part of the costs to a prevailing party in Federal civil rights lawsuits, including cases brought under 28 U.S.C. section 1983, the statute most commonly used to assert civil rights claims.

Consequently, this bill will not affect attorneys' fees in civil rights class actions at all, including, of course, cases brought under the Americans with Disabilities Act, which has its own attorneys' fees provision.

The conflicts of interest provision reflects a valid concern in all class actions. The courts need to know how the named plaintiffs came to be involved in class actions in all types of cases to ensure there aren't conflicts and that the due process rights of all class members are protected.

The issues class provision won't disrupt the manner in which civil rights cases are normally litigated. Discovery stays while dispositive motions are pending won't disrupt civil rights cases. Like any other case, the plaintiffs need to show they have a facially valid complaint before discovery should commence.

Disclosure of third-party funding is no less important in civil rights cases than in other class actions. The appeals provision benefits both plaintiffs and defendants, giving either side the right to appeal if class certification is granted or denied.

I urge all my colleagues to oppose this amendment, which would set back the just causes of civil rights claimants.

Mr. Chairman, I yield back the balance of my time.

□ 1730

The Acting CHAIR. The question is on the amendment offered by the gentleman from Michigan (Mr. CONYERS).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. CONYERS. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Michigan will be postponed.

AMENDMENT NO. 7 OFFERED BY MS. JACKSON LEE

The Acting CHAIR. It is now in order to consider amendment No. 7 printed in part B of House Report 115–29.

Ms. JACKSON LEE. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Beginning on page 13, strike line 19 and all that follows through line 15 on page 14, and insert the following:

''(8) A trust described in paragraph (2) shall file with the bankruptcy court, not later than 60 days after the end of every quarter, a report that shall be made available on the court's public docket and with respect to each such reporting period contains an aggregate list of demands received and an aggregate list of payments made.''.

The Acting CHAIR. Pursuant to House Resolution 180, the gentlewoman from Texas (Ms. JACKSON LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON LEE. Mr. Chairman, I think the question is: Is there any collegiality and respect for the Federal judicial system?

Let me read a letter in reference to the underlying bill:

We strongly urge Congress not to amend the class action procedures found in rule 23 outside of the Rules Enabling Act process.

It goes on to talk about an advisory committee, but I don't know any sentence more clear than that. I know that as a parent raising a child, ''do not'' and ''no'' are very clear, yet we maintain this debate on the floor of the House.

Let me also mention a debate that is tomorrow, but I think it is relevant to my amendment, LARA. This is a rule that was in in 1983. In 1993, it was thrown out because it had a deleterious effect on meritorious civil rights cases, employment cases, and others. The Lawsuit Abuse Reduction Act, that is tomorrow. The courts also don't want you to do that, and most of the courts say it is a waste of resources.

My amendment is going to help us solve the problem for this bill, H.R. 985. It would improve the rules of the committee print by replacing the substantive text of the bill with a requirement that the bankruptcy asbestos trust report quarterly an aggregate list of demands received and payments made. Specifically, the Jackson Lee amendment protects the privacy of asbestos victims from overly broad and invasive disclosure requirements by striking from the bill's text personal information disclosure mandates.

Mr. Chairman, the only beneficiaries of the so-called FACT Act are the very entities that knowingly produced a toxic substance that killed or seriously injured thousands of unsuspecting American consumers and workers—it is the defendants. And, no, it does not provide for a safety for the trust.

Worse, this bill would allow victims of asbestos exposure to be further victimized by requiring information about their illness to be made publicly available to virtually anyone who has access to the internet. Once irretrievably released into the public domain, this information would be a virtual treasure trove for data collectors and other entities for purposes that have absolutely nothing to do with the compensation for asbestos exposure.

Why do these people have to be doubly, triply penalized? They are already dying, many of them.

Insurance companies, prospective employers, lenders, predatory scam artists all have access to these unsuspecting and devastated families or victims. I ask my colleagues to support this commonsense Jackson Lee amendment.

Mr. Chair, I wish to thank the Chair and Ranking Member of the Rules Committee for making the Jackson Lee Amendment in order.

Mr. Chair, thank you for this opportunity to explain the Jackson Lee Amendment to Rules Committee Print 115–5 of H.R. 985, the ''Fairness in Class Action Litigation And Furthering Asbestos Claim Transparency Act of 2017.''

My amendment would improve the Rules Committee Print 115–5 to H.R. 985 by replacing the substantive text of the bill with a requirement that the bankruptcy asbestos trust report quarterly an aggregate list of demands received and payments made.

Specifically, the Jackson Lee Amendment protects the privacy of asbestos victim plaintiffs from overly broad and invasive disclosure requirements, by striking from the bill's text personal information disclosure mandates.

Mr. Chair, the only beneficiaries of the so-called ''FACT Act,'' are the very entities that knowingly produced a toxic substance that killed or seriously injured thousands of unsuspecting American consumers and workers.

In fact, I am unaware of any asbestos victim who supports this legislation.

Worse yet, this bill would allow victims of asbestos exposure to be further victimized by requiring information about their illness to be made publicly available to virtually anyone who has access to the Internet.

For example, the bill requires all payment demands, as well as, the names and exposure histories of each claimant together with the basis for any payment the trust made to such claimants to be publicly disclosed.

This sensitive information must be posted on the court's public docket, which is easily accessible through the Internet with the payment of a nominal file.

Once irretrievably released into the public domain, this information would be a virtual treasure trove for data collectors and other entities for purposes that have absolutely nothing to do with compensation for asbestos exposure.

Insurance companies, prospective employers, lenders, and predatory scam artists as well as the victim's neighbors would have access to this information.

To address this serious failing of the bill, my amendment would ensure that the quarterly reports required under the ''FACT Act,'' contain only aggregate payment information.

My amendment also deletes the bill's burdensome discovery requirement.

As noted by the widow of our former colleague Representative Bruce Vento who passed away from asbestos-induced mesothelioma, the bill's public disclosure of victims' private information: ''could be used to deny employment, credit, and health, life, and disability insurance.''

Mrs. Vento also warned that asbestos victims ''would be more vulnerable to identity thieves, con men, and other types of predators.''

I am sure that the supporters of this legislation will say that Bankruptcy Code section 107 will prevent such results.

But this provision only permits—it does not require—the bankruptcy court to issue a protective order.

In fact, such relief may only be granted ''for cause'' if the court finds that ''disclosure of such information would create undue risk of identity theft or other unlawful injury to the individual.''

What this means is that an asbestos victim would have to retain counsel and go to court in order to prove ''cause'' to obtain relief.

And, even though Bankruptcy Rule 9037 does require certain types of personal information to be redacted from a document filed in a bankruptcy case, said Rule would be overridden by this legislation, as written.

Accordingly, I urge my colleagues to support the Jackson Lee amendment to ensure that the privacy of asbestos victims is protected.

Mr. Chairman, I reserve the balance of my time.

Mr. FARENTHOLD. Mr. Chairman, I claim the time in opposition to the amendment.

The Acting CHAIR. The gentleman from Texas is recognized for 5 minutes.

Mr. FARENTHOLD. Mr. Chairman, the FACT Act is designed to require increased transparency to combat fraud committed against asbestos trusts. This amendment strikes the requirement that asbestos trusts publish the very data that is necessary to detect fraud between the trusts and State tort proceedings. In its place, this amendment calls for only a quarterly report with an aggregate list of demands received by the trusts.

The simple aggregation of information is worthless in allowing parties to make a meaningful inquiry into whether or not they are being defrauded. This amendment guts the bill, and I urge opposition.

Mr. Chairman, I reserve the balance of my time.

Ms. JACKSON LEE. Mr. Chairman, how much time is remaining on my side?

The Acting CHAIR. The gentlewoman from Texas has 2 minutes remaining.

Ms. JACKSON LEE. Mr. Chairman, let me say whose side I want to stand on, and that is the side of Mrs. Vento, the widow of our former colleague, Representative Bruce Vento, who passed away from asbestos-induced cancer.

The bill's public disclosure of victims' private information could be used to deny employment, credit, and health, life, and disability insurance. Mrs. Vento also warned that asbestos victims would be more vulnerable to identity thieves, con men, and other types of predators.

There is no reason for this bill. Not only is the Judicial Conference of Federal Judges against it, but victims are crying out: Stop it, and stop it now.

Mr. Chairman, how much time do I have remaining?

The Acting CHAIR. The gentlewoman from Texas has 1½ minutes remaining.

Ms. JACKSON LEE. Mr. Chairman, I include in the RECORD a StarTribune article.

[From the StarTribune]

STAND WITH FAMILIES AFFECTED BY ASBESTOS, AND HELP KILL FACT ACT

My husband was the late U.S. Rep. Bruce F. Vento, who served for almost 24 years in the House of Representatives representing Minnesota's Fourth Congressional District. He died from mesothelioma in 2000 within eight and a half months of being diagnosed.

Mesothelioma is an aggressive cancer caused by asbestos exposure. Bruce was exposed while working his way through college as a laborer, years before he became involved in public life.

With his death, our country lost a hard-working and humble public servant years before his time. Bruce's parents, siblings, children, grandchildren and I lost so much more.

Since his death, I have worked with asbestos patients and family members from across the country to fight for a ban on asbestos and to protect the rights of people whose lives have been forever affected by this terrible poison.

I have recently been involved in the effort to stop the so-called ''Furthering Asbestos Claims Transparency Act,'' or FACT Act, which would obstruct justice for victims dying from asbestos-related diseases while giving a handout to the very corporations that knowingly poisoned and killed them.

The FACT Act would require that the personal information of sick and dying asbestos patients and their families be posted on a public website, including names, addresses, medical diagnoses, financial compensation received and the last four digits of our Social Security numbers.

This is precisely the kind of information that law enforcement officials tell the public we should not share on the Internet because it leaves us vulnerable to identity thieves and con artists.

The House could be considering a vote on this bad legislation in the coming weeks, making it all the more urgent that we act now to protect the privacy of asbestos victims and their families.

Supporters of the FACT Act are the corporations that exposed innocent workers, consumers and their family members to asbestos, while concealing what they knew about this dangerous poison. They claim that this gross violation of our privacy is necessary in order to protect asbestos patients from fraud against the asbestos trust funds that were set up to compensate asbestos victims and their families. Yet, not a single instance of fraud against the trust funds has been identified.

What is worse, while the bill's supporters claim that they are doing it for asbestos victims, not one victim of asbestos exposure or an affected family member has been allowed to be heard on this legislation. The only people who would be directly affected by the bill have been completely shut out of the process.

The FACT Act would also bog down the asbestos trust funds in endless paperwork to respond to information requests from asbestos companies. This would drain the funds of money that is desperately needed to compensate sick and dying victims. As the victims get more and more desperate, they will be willing to settle cases for pennies on the dollar, taking needed compensation away from families and leaving it in the pockets of the responsible companies.

I recently traveled to Washington, D.C., and met with Sens. Al Franken and Amy Klobuchar and Rep. Betty McCollum, all of whom committed to work with asbestos patients and family members to stop the FACT Act from becoming law. I hope that we can count on the rest of Minnesota's congressional delegation to stand with asbestos patients and families and against the FACT Act.

Ms. JACKSON LEE. Mr. Chairman, without having the ability to hear my colleague's opposition, I know that the supporters of this legislation will say that Bankruptcy Code section 107 will prevent these devastating results, but it is not true. This provision only permits it. It does not require the bankruptcy court to issue a protective order.

My amendment protects these vulnerable victims against the release of their data, making them, in addition to the devastating disease that they got from asbestos—and our good friend Bruce Vento, many of us knew Congressman Vento, we knew his wife, and we knew that his death was both untimely and devastating, and now you are saying to victims like him: Release all the data. Open yourself up to more. Open your families up to more.

The Jackson Lee amendment is a commonsense amendment that will provide for an asbestos trust report quarterly, an aggregate list of demands received and payments made. As well, it would protect the privacy of asbestos victim plaintiffs from overly broad and invasive disclosure requirements by striking down the bill's text about personal information disclosure mandates. No matter what my good friend from Texas says, he does not have an answer to protecting the privacy of these victims.

I ask our colleagues to support a commonsense response. Stop it now. The courts don't want it, and it is horrible for the victims. It is doubling down on people who have lost loved ones and victims who are suffering from asbestos-induced cancer. I ask my colleagues to support the Jackson Lee amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. FARENTHOLD. Mr. Chairman, the FACT Act requires that a very basic amount of information be released to protect against fraud against the asbestos trust system. I am standing with future victims of asbestos.

The diseases associated with asbestos typically don't manifest themselves for decades, in some cases, beyond or after exposure. These trusts are being drained by fraudulent and duplicative claims. These requirements of disclosure prevent that fraud by requiring the minimal amount of information being required. In fact, a judge with 29 years of bench experience testified before the Committee on the Judiciary that the FACT Act provides more protection in terms of confidentiality of records than the legal system is able to do.

This is commonsense legislation, does not invade people's privacy, and preserves these trust funds to make sure all victims are compensated. Mr. Chairman, I urge my colleagues to oppose the Jackson Lee amendment.

Mr. Chair, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON LEE).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Ms. JACKSON LEE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Texas will be postponed.

AMENDMENT NO. 8 OFFERED BY MR. ESPAILLAT

The Acting CHAIR. It is now in order to consider amendment No. 8 printed in part B of House Report 115–29.

Mr. ESPAILLAT. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 13, line 21, insert ''subject to subparagraph (C),'' after ''(A)''.

Page 14, line 6, strike ''and'' at the end.

Page 14, line 7, insert ''subject to subparagraph (C),'' after ''(B)''.

Page 14, line 15, strike the close quotation marks and the period at the end, and insert ''; and''.

Page 14, after line 15, insert the following:

''(C) not comply with subparagraphs (A) and (B) with respect to such claimant who is or has been living in public housing (as such term is defined in section 3(b) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b))) or any dwelling unit for which rental assistance is provided under section 8 of such Act (42 U.S.C. 1437f).''.

The Acting CHAIR. Pursuant to House Resolution 180, the gentleman from New York (Mr. ESPAILLAT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. ESPAILLAT. Mr. Chairman, I rise in support of my amendment to H.R. 985, the Fairness in Class Action Litigation and Furthering Asbestos Claim Transparency Act of 2017.

My amendment would exempt a claimant who is or has been living in public housing or any dwelling unit for which rental assistance was provided under the Section 8 housing program. While I firmly believe that every individual should be exempt from this outrageous provision, my amendment recognizes that we, the Federal Government, are the landlords, the owners, if you may, of public housing.

Speaker RYAN is a landlord of public housing. Our leader, the gentlewoman from California, is a landlord of public housing. The President is a tenant of public housing. The White House is public housing. While the White House has hot water, a nice roof, and likely no asbestos, it is still public housing. We, the taxpayers, pay the rent. We, as the Federal Government on both sides of the aisle, are the owners and the landlords of public housing.

As the owners of public housing, we have a unique obligation to the people living in these units. We are responsible for the dilapidated conditions of

our public housing units, and we are responsible for the health and well-being of low-income tenants living in them.

Much of our public housing was built in the 1950s and 1960s, coinciding with what was perhaps the peak time for the use of asbestos-containing products in building and construction materials. This has left thousands of our most vulnerable citizens at risk of exposure to asbestos, which has killed as many as 15,000 Americans each year.

People who have a legitimate claim and have been exposed to asbestos while living in either public housing or Section 8 housing should be afforded the due process they deserve and given the opportunity to bring their claims in a timely manner. I think this entire bill is a misnomer and should be renamed the unfairness in class action litigation act.

No one—no one—should have their due process rights delayed or denied. There is no doubt that the consequences of this legislation will be especially and uniquely detrimental to low-income individuals. This legislation will completely upend privacy and bankruptcy laws.

As it stands today, our laws guarantee that a claimant's information is protected. This bill, however, will require that an individual claimant's personal information and the amount they have received from the trust be made available on a public website. Not only is this a complete and total disregard for the individual's privacy, but it makes the most vulnerable in our society prey for financial predators.

My amendment will guarantee that tenants living in public housing and Section 8 housing are not subjected to such an outrageous shift in privacy rights. The bill sends trusts on a wild goose chase for information that may not even be there, while they should be spending their time working through the pending claims.

These companies hid the dangers of asbestos for decades, for far too long, and there is absolutely no reason why we should be helping them now. Rather than wasting time and taxpayer dollars obstructing the judicial system, we should be focusing on initiatives that will update our crumbling infrastructure. And, yes, public housing is undoubtedly infrastructure.

Finally, the CBO has indicated that, financially, this amendment will cost nothing. This amendment will cost absolutely nothing. But I can promise you that not adopting it will come at a great cost to our system of justice. I ask my colleagues to adopt this amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. FARENTHOLD. Mr. Chairman, I claim the time in opposition to the amendment.

The Acting CHAIR. The gentleman from Texas is recognized for 5 minutes.

Mr. FARENTHOLD. Mr. Chairman, this amendment would prevent asbestos trusts from disclosing claims information submitted by individuals living in public housing in its quarterly reports and in response to information requests.

There is no reason to distinguish between the disclosure obligations of individuals living in public housing and the disclosure obligations of ordinary citizens. To the extent that claimants do not affirmatively identify themselves as living in public housing, this amendment would require asbestos trusts to determine whether claimants qualify in these categories, further draining them of funds needed to compensate future victims.

The FACT Act balances the need for transparency and protecting claimants' privacy. The FACT Act excludes any confidential medical records and the claimants' Social Security numbers. We should ensure that bankruptcy asbestos claims are processed in an open, fair, and transparent method in order to protect the limited amount of money reserved for compensating future asbestos victims.

□ 1745

The FACT Act should apply uniformly to all claimants, and it should not impose disparate burdens relating to individuals living in public housing.

Mr. Chairman, for that reason, I urge my colleagues to oppose the amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New York (Mr. ESPAILLAT).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. ESPAILLAT. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New York will be postponed.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in part B of House Report 115–29 on which further proceedings were postponed, in the following order:

Amendment No. 2 by Mr. DEUTCH of Florida.

Amendment No. 3 by Mr. DEUTCH of Florida.

Amendment No. 4 by Mr. SOTO of Florida.

Amendment No. 5 by Mr. JOHNSON of Georgia.

Amendment No. 6 by Mr. CONYERS of Michigan.

Amendment No. 7 by Ms. JACKSON LEE of Texas.

Amendment No. 8 by Mr. ESPAILLAT of New York.

The Chair will reduce to 2 minutes the minimum time for any electronic vote after the first vote in this series.

AMENDMENT NO. 2 OFFERED BY MR. DEUTCH

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Florida (Mr. DEUTCH) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 182, noes 227, not voting 20, as follows:

[Roll No. 140]

AYES—182

Adams
Aguilar
Amash
Barragán
Bass
Beatty
Bera
Beyer
Bishop (GA)
Blumenauer
Blunt Rochester
Bonamici
Boyle, Brendan F.
Brady (PA)
Brown (MD)
Brownley (CA)
Bustos
Butterfield
Capuano
Carbajal
Cárdenas
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Conyers
Cooper
Correa
Costa
Courtney
Crist
Crowley
Cuellar
Cummings
Davis, Danny
DeFazio
Delaney
DeLauro
DelBene
Demings
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael F.
Ellison
Engel
Eshoo
Esty
Evans
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Gonzalez (TX)
Gottheimer
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hanabusa
Hastings
Heck
Higgins (NY)
Himes
Hoyer
Huffman
Jackson Lee
Jeffries
Johnson (GA)
Johnson, E. B.
Jones
Kaptur
Keating
Kennedy
Khanna
Kihuen
Kildee
Kilmer
Kind
Krishnamoorthi
Kuster (NH)
Larsen (WA)
Larson (CT)
Lawrence
Lawson (FL)
Lee
Levin
Lewis (GA)
Lieu, Ted
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham, M.
Luján, Ben Ray
Lynch
Maloney, Carolyn B.
Maloney, Sean
McCollum
McEachin
McGovern
McNerney
Meeks
Meng
Moulton
Murphy (FL)
Nadler
Napolitano
Neal
Nolan
Norcross
O'Halleran
O'Rourke
Pallone
Panetta
Pascrell
Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree
Pocan
Polis
Price (NC)
Quigley
Raskin
Rice (NY)
Ros-Lehtinen
Rosen
Roybal-Allard
Ruiz
Ruppersberger
Russell
Ryan (OH)
Sánchez
Sarbanes
Schakowsky
Schiff
Schneider
Schrader
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Shea-Porter
Sherman
Sires
Slaughter
Smith (WA)
Soto
Suozzi
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Tonko
Torres
Tsongas
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters, Maxine
Watson Coleman
Welch
Yarmuth

NOES—227

Abraham
Aderholt
Allen
Amodei
Arrington
Babin
Bacon
Banks (IN)
Barr
Barton
Bergman
Biggs
Bilirakis
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Bost
Brat
Bridenstine
Brooks (AL)
Brooks (IN)
Buchanan
Buck
Bucshon
Budd
Burgess
Byrne
Calvert

Carter (GA)
Carter (TX)
Chabot
Chaffetz
Cheney
Coffman
Cole
Collins (GA)
Collins (NY)
Comer
Comstock
Conaway
Cook
Costello (PA)
Cramer
Crawford
Culberson
Davidson
Davis, Rodney
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Donovan
Duffy
Duncan (SC)
Duncan (TN)
Dunn
Emmer
Farenthold
Faso
Ferguson
Fitzpatrick
Fleischmann
Flores
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gaetz
Gallagher
Garrett
Gibbs
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Griffith
Grothman
Guthrie
Harper
Harris
Hartzler
Hensarling
Herrera Beutler
Hice, Jody B.
Higgins (LA)
Hill
Holding
Hollingsworth
Hudson
Huizenga
Hultgren
Hunter
Hurd
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (LA)
Johnson (OH)
Johnson, Sam
Jordan
Katko
Kelly (MS)
Kelly (PA)
King (IA)
King (NY)
Kinzinger
Knight
Kustoff (TN)
Labrador
LaHood
LaMalfa
Lamborn
Lance
Latta
Lewis (MN)
LoBiondo
Long
Loudermilk
Love
Lucas
Luetkemeyer
MacArthur
Marchant
Marino
Marshall
Massie
Mast
McCarthy
McClintock
McHenry
McKinley
McMorris Rodgers
McSally
Meadows
Meehan
Messer
Mitchell
Moolenaar
Mooney (WV)
Mullin
Murphy (PA)
Newhouse
Noem
Nunes
Olson
Palazzo
Palmer
Paulsen
Pearce
Perry
Pittenger
Poe (TX)
Poliquin
Posey
Ratcliffe
Reed
Reichert
Renacci
Rice (SC)
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney, Francis
Rooney, Thomas J.
Roskam
Ross
Rothfus
Rouzer
Royce (CA)
Rutherford
Sanford
Scalise
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Smucker
Stefanik
Stewart
Stivers
Taylor
Tenney
Thompson (PA)
Thornberry
Tiberi
Tipton
Trott
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Zeldin

NOT VOTING—20

Barletta
Brady (TX)
Carson (IN)
Curbelo (FL)
Davis (CA)
DeGette
Espaillat
Jayapal
Joyce (OH)
Kelly (IL)
Langevin
Matsui
McCaul
Moore
Richmond
Rush
Sinema
Speier
Titus
Wilson (FL)

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There are 2 minutes remaining.

□ 1807

Messrs. POSEY, STIVERS, and TURNER changed their vote from ''aye'' to ''no.''

Messrs. KRISHNAMOORTHI, SOTO, CORREA, and CLEAVER changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Ms. WILSON of Florida. Mr. Speaker, I was unavoidably detained. Had I been present, I would have voted ''yea'' on rollcall No. 140.

Mr. ESPAILLAT. Mr. Speaker, I was unavoidably detained. Had I been present, I would have voted ''yea'' on rollcall No. 140.

AMENDMENT NO. 3 OFFERED BY MR. DEUTCH

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Florida (Mr. DEUTCH) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 189, noes 228, not voting 12, as follows:

[Roll No. 141]

AYES—189

Adams
Aguilar
Amash
Barragán
Bass
Beatty
Bera
Beyer
Bishop (GA)
Blumenauer
Blunt Rochester
Bonamici
Boyle, Brendan F.
Brady (PA)
Brown (MD)
Brownley (CA)
Bustos
Butterfield
Capuano
Carbajal
Cárdenas
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Clyburn
Cohen
Connolly
Conyers
Cooper
Correa
Costa
Courtney
Crist
Crowley
Cuellar
Cummings
Curbelo (FL)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
Demings
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael F.
Engel
Eshoo
Espaillat
Esty
Evans
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Gonzalez (TX)
Gottheimer
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hanabusa
Hastings
Heck
Higgins (NY)
Himes
Hoyer
Huffman
Jackson Lee
Jayapal
Jeffries
Johnson (GA)
Johnson, E. B.
Jones
Keating
Kelly (IL)
Kennedy
Khanna
Kihuen
Kildee
Kilmer
Kind
Krishnamoorthi
Kuster (NH)
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lawson (FL)
Lee
Levin
Lewis (GA)
Lieu, Ted
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham, M.
Luján, Ben Ray
Lynch
Maloney, Carolyn B.
Maloney, Sean
McCollum
McEachin
McGovern
McNerney
Meeks
Meng
Moore
Moulton
Murphy (FL)
Nadler
Napolitano
Neal
Nolan
Norcross
O'Halleran
O'Rourke
Pallone
Panetta
Pascrell
Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree
Pocan
Polis
Price (NC)
Quigley
Raskin
Rice (NY)
Rooney, Thomas J.
Ros-Lehtinen
Rosen
Roybal-Allard
Ruiz
Ruppersberger
Russell
Ryan (OH)
Sánchez
Sarbanes
Schakowsky
Schiff
Schneider
Schrader
Scott (VA)
Scott, David
Sewell (AL)
Shea-Porter
Sherman
Sires
Slaughter
Smith (WA)
Soto
Speier
Suozzi
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Tonko
Torres
Tsongas
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters, Maxine
Watson Coleman
Welch
Wilson (FL)
Yarmuth

NOES—228

Abraham
Allen
Amodei
Arrington
Babin
Bacon
Banks (IN)
Barr
Barton
Bergman
Biggs
Bilirakis
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Bost
Brady (TX)
Brat
Bridenstine
Brooks (AL)
Brooks (IN)
Buchanan
Buck
Bucshon
Budd
Burgess
Byrne
Calvert
Carter (GA)
Carter (TX)
Chabot
Chaffetz
Cheney
Coffman
Cole
Collins (GA)
Collins (NY)
Comer
Comstock
Conaway
Cook
Costello (PA)
Cramer
Crawford
Culberson
Davidson
Davis, Rodney
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Donovan
Duffy
Duncan (SC)
Duncan (TN)
Dunn
Emmer
Farenthold
Faso
Ferguson
Fitzpatrick
Fleischmann
Flores
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gaetz
Gallagher
Garrett
Gibbs
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Griffith
Grothman
Guthrie
Harper
Harris
Hartzler
Hensarling
Herrera Beutler
Hice, Jody B.
Higgins (LA)
Hill
Holding
Hollingsworth
Hudson
Huizenga
Hultgren
Hunter
Hurd
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (LA)
Johnson (OH)
Johnson, Sam
Jordan
Joyce (OH)
Kelly (MS)
Kelly (PA)
King (IA)
King (NY)
Kinzinger
Knight
Kustoff (TN)
Labrador
LaHood
LaMalfa
Lamborn
Lance
Latta
Lewis (MN)
LoBiondo
Long
Loudermilk
Love
Lucas
Luetkemeyer
MacArthur
Marchant
Marino
Marshall
Massie
Mast
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris Rodgers
McSally
Meadows
Meehan
Messer
Mitchell
Moolenaar
Mooney (WV)
Mullin
Murphy (PA)
Newhouse
Noem
Nunes
Olson
Palazzo
Palmer
Paulsen
Pearce
Perry
Pittenger
Poe (TX)
Poliquin
Posey
Ratcliffe
Reed
Reichert
Renacci
Rice (SC)
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney, Francis
Roskam
Ross
Rothfus
Rouzer
Royce (CA)
Rutherford
Sanford
Scalise
Schweikert
Scott, Austin
Sensenbrenner
Serrano
Sessions
Shimkus
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Smucker
Stefanik
Stewart
Stivers
Taylor
Tenney
Thompson (PA)
Thornberry
Tiberi
Tipton
Trott
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Zeldin

NOT VOTING—12

Aderholt
Barletta
Cleaver
Davis (CA)
Ellison
Kaptur
Katko
Matsui
Richmond
Rush
Sinema
Titus

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 1811

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 4 OFFERED BY MR. SOTO

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the

gentleman from Florida (Mr. SOTO) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 192, noes 230, not voting 7, as follows:

[Roll No. 142]

AYES—192

Adams
Aguilar
Amash
Barragán
Bass
Beatty
Bera
Beyer
Bishop (GA)
Blumenauer
Blunt Rochester
Bonamici
Boyle, Brendan F.
Brady (PA)
Brown (MD)
Brownley (CA)
Bustos
Butterfield
Capuano
Carbajal
Cárdenas
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Conyers
Cooper
Correa
Costa
Courtney
Crist
Crowley
Cuellar
Cummings
Curbelo (FL)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
Demings
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael F.
Ellison
Engel
Eshoo
Espaillat
Esty
Evans
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Gonzalez (TX)
Gottheimer
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hanabusa
Hastings
Heck
Higgins (NY)
Himes
Hoyer
Huffman
Jackson Lee
Jayapal
Jeffries
Johnson (GA)
Johnson, E. B.
Jones
Kaptur
Keating
Kelly (IL)
Kennedy
Khanna
Kihuen
Kildee
Kilmer
Kind
Krishnamoorthi
Kuster (NH)
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lawson (FL)
Lee
Levin
Lewis (GA)
Lieu, Ted
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham, M.
Luján, Ben Ray
Lynch
Maloney, Carolyn B.
Maloney, Sean
McCollum
McEachin
McGovern
McNerney
Meeks
Meng
Moore
Moulton
Murphy (FL)
Nadler
Napolitano
Neal
Nolan
Norcross
O'Halleran
O'Rourke
Pallone
Panetta
Pascrell
Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree
Pocan
Polis
Price (NC)
Quigley
Raskin
Rice (NY)
Ros-Lehtinen
Rosen
Roybal-Allard
Ruiz
Ruppersberger
Russell
Ryan (OH)
Sánchez
Sarbanes
Schakowsky
Schiff
Schneider
Schrader
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Shea-Porter
Sherman
Sires
Slaughter
Smith (WA)
Soto
Speier
Suozzi
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Tonko
Torres
Tsongas
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters, Maxine
Watson Coleman
Welch
Wilson (FL)
Yarmuth

NOES—230

Abraham
Aderholt
Allen
Amodei
Arrington
Babin
Bacon
Banks (IN)
Barr
Barton
Bergman
Biggs
Bilirakis
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Bost
Brady (TX)
Brat
Bridenstine
Brooks (AL)
Brooks (IN)
Buchanan
Buck
Bucshon
Budd
Burgess
Byrne
Calvert
Carter (GA)
Carter (TX)
Chabot
Chaffetz
Cheney
Coffman
Cole
Collins (GA)
Collins (NY)
Comer
Comstock
Conaway
Cook
Costello (PA)
Cramer
Crawford
Culberson
Davidson
Davis, Rodney
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Donovan
Duffy
Duncan (SC)
Duncan (TN)
Dunn
Emmer
Farenthold
Faso
Ferguson
Fitzpatrick
Fleischmann
Flores
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gaetz
Gallagher
Garrett
Gibbs
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Griffith
Grothman
Guthrie
Harper
Harris
Hartzler
Hensarling
Herrera Beutler
Hice, Jody B.
Higgins (LA)
Hill
Holding
Hollingsworth
Hudson
Huizenga
Hultgren
Hunter
Hurd
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (LA)
Johnson (OH)
Johnson, Sam
Jordan
Joyce (OH)
Katko
Kelly (MS)
Kelly (PA)
King (IA)
King (NY)
Kinzinger
Knight
Kustoff (TN)
Labrador
LaHood
LaMalfa
Lamborn
Lance
Latta
Lewis (MN)
LoBiondo
Long
Loudermilk
Love
Lucas
Luetkemeyer
MacArthur
Marchant
Marino
Marshall
Massie
Mast
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris Rodgers
McSally
Meadows
Meehan
Messer
Mitchell
Moolenaar
Mooney (WV)
Mullin
Murphy (PA)
Newhouse
Noem
Nunes
Olson
Palazzo
Palmer
Paulsen
Pearce
Perry
Pittenger
Poe (TX)
Poliquin
Posey
Ratcliffe
Reed
Reichert
Renacci
Rice (SC)
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney, Francis
Rooney, Thomas J.
Roskam
Ross
Rothfus
Rouzer
Royce (CA)
Rutherford
Sanford
Scalise
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Smucker
Stefanik
Stewart
Stivers
Taylor
Tenney
Thompson (PA)
Thornberry
Tiberi
Tipton
Trott
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Zeldin

NOT VOTING—7

Barletta
Davis (CA)
Matsui
Richmond
Rush
Sinema
Titus

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 1815

Mr. GAETZ changed his vote from ''aye'' to ''no.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 5 OFFERED BY MR. JOHNSON OF GEORGIA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Georgia (Mr. JOHNSON) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 190, noes 230, not voting 9, as follows:

[Roll No. 143]

AYES—190

Adams
Aguilar
Barragán
Bass
Beatty
Bera
Beyer
Bishop (GA)
Blumenauer
Blunt Rochester
Bonamici
Boyle, Brendan F.
Brady (PA)
Brown (MD)
Brownley (CA)
Bustos
Butterfield
Capuano
Carbajal
Cárdenas
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Conyers
Cooper
Correa
Costa
Courtney
Crist
Crowley
Cuellar
Cummings
Curbelo (FL)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
Demings
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael F.
Ellison
Engel
Eshoo
Espaillat
Esty
Evans
Faso
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Gonzalez (TX)
Gottheimer
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hanabusa
Hastings
Heck
Higgins (NY)
Himes
Hoyer
Huffman
Jackson Lee
Jayapal
Jeffries
Johnson (GA)
Johnson, E. B.
Jones
Kaptur
Keating
Kelly (IL)
Kennedy
Khanna
Kihuen
Kildee
Kilmer
Kind
Krishnamoorthi
Kuster (NH)
Langevin
Larsen (WA)
Lawrence
Lawson (FL)
Lee
Levin
Lewis (GA)
Lieu, Ted
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham, M.
Luján, Ben Ray
Lynch
Maloney, Carolyn B.
Maloney, Sean
McCollum
McEachin
McGovern
McNerney
Meeks
Meng
Moore
Moulton
Murphy (FL)
Nadler
Napolitano
Neal
Nolan
Norcross
O'Halleran
O'Rourke
Pallone
Panetta
Pascrell
Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree
Pocan
Polis
Price (NC)
Quigley
Raskin
Rice (NY)
Rosen
Roybal-Allard
Ruiz
Ruppersberger
Russell
Ryan (OH)
Sánchez
Sarbanes
Schakowsky
Schiff
Schneider
Schrader
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Shea-Porter
Sherman
Sires
Slaughter
Smith (WA)
Soto
Speier
Suozzi
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Tonko
Torres
Tsongas
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters, Maxine
Watson Coleman
Welch
Wilson (FL)
Yarmuth

NOES—230

Abraham
Aderholt
Allen
Amash
Amodei
Arrington
Babin
Bacon
Banks (IN)
Barr
Barton
Bergman
Biggs
Bilirakis
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Bost
Brady (TX)
Brat
Bridenstine
Brooks (AL)
Brooks (IN)
Buchanan
Buck

Bucshon
Budd
Burgess
Byrne
Calvert
Carter (GA)
Carter (TX)
Chabot
Chaffetz
Cheney
Coffman
Cole
Collins (GA)
Collins (NY)
Comer
Comstock
Conaway
Cook
Costello (PA)
Cramer
Crawford
Culberson
Davidson
Davis, Rodney
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Donovan
Duffy
Duncan (SC)
Duncan (TN)
Dunn
Emmer
Farenthold
Ferguson
Fitzpatrick
Fleischmann
Flores
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gaetz
Gallagher
Garrett
Gibbs
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Griffith
Grothman
Guthrie
Harper
Harris
Hartzler
Hensarling
Herrera Beutler
Hice, Jody B.
Higgins (LA)
Hill
Holding
Hollingsworth
Hudson
Huizenga
Hultgren
Hunter
Hurd
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (LA)
Johnson (OH)
Johnson, Sam
Jordan
Joyce (OH)
Katko
Kelly (MS)
Kelly (PA)
King (IA)
King (NY)
Kinzinger
Knight
Kustoff (TN)
Labrador
LaHood
LaMalfa
Lamborn
Lance
Latta
Lewis (MN)
LoBiondo
Long
Loudermilk
Love
Lucas
Luetkemeyer
MacArthur
Marchant
Marino
Marshall
Massie
Mast
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris Rodgers
McSally
Meadows
Meehan
Messer
Mitchell
Moolenaar
Mooney (WV)
Mullin
Murphy (PA)
Newhouse
Noem
Nunes
Olson
Palazzo
Palmer
Paulsen
Pearce
Perry
Pittenger
Poe (TX)
Poliquin
Posey
Ratcliffe
Reed
Reichert
Renacci
Rice (SC)
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney, Francis
Rooney, Thomas J.
Ros-Lehtinen
Roskam
Ross
Rothfus
Rouzer
Royce (CA)
Rutherford
Sanford
Scalise
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Smucker
Stefanik
Stewart
Stivers
Taylor
Tenney
Thompson (PA)
Thornberry
Tiberi
Tipton
Trott
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Young (AK)
Young (IA)
Zeldin

NOT VOTING—9

Barletta
Davis (CA)
Larson (CT)
Matsui
Richmond
Rush
Sinema
Titus
Yoho

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 1818

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. YOHO. Mr. Speaker, had I been present, I would have voted "Nay" on rollcall No. 143, the Hank Johnson Amendment No. 5.

AMENDMENT NO. 6 OFFERED BY MR. CONYERS

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Michigan (Mr. CONYERS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 191, noes 230, not voting 8, as follows:

[Roll No. 144]

AYES—191

Adams
Aguilar
Barragán
Bass
Beatty
Bera
Beyer
Bishop (GA)
Blumenauer
Blunt Rochester
Bonamici
Boyle, Brendan F.
Brady (PA)
Brown (MD)
Brownley (CA)
Bustos
Butterfield
Capuano
Carbajal
Cárdenas
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Cleaver
Clyburn
Cohen
Connolly
Conyers
Cooper
Correa
Costa
Courtney
Crist
Crowley
Cuellar
Cummings
Curbelo (FL)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
Demings
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael F.
Ellison
Engel
Eshoo
Espaillat
Esty
Evans
Faso
Fitzpatrick
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Gonzalez (TX)
Gottheimer
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hanabusa
Hastings
Heck
Higgins (NY)
Himes
Hoyer
Huffman
Jackson Lee
Jayapal
Jeffries
Johnson (GA)
Johnson, E. B.
Jones
Kaptur
Keating
Kelly (IL)
Kennedy
Khanna
Kihuen
Kildee
Kilmer
Kind
Krishnamoorthi
Kuster (NH)
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lawson (FL)
Lee
Levin
Lewis (GA)
Lieu, Ted
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham, M.
Luján, Ben Ray
Lynch
Maloney, Carolyn B.
Maloney, Sean
McCollum
McEachin
McGovern
McNerney
Meeks
Meng
Moore
Moulton
Murphy (FL)
Nadler
Napolitano
Neal
Nolan
Norcross
O'Halleran
O'Rourke
Pallone
Panetta
Pascrell
Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree
Pocan
Polis
Price (NC)
Quigley
Raskin
Rice (NY)
Rosen
Roybal-Allard
Ruiz
Ruppersberger
Russell
Ryan (OH)
Sánchez
Sarbanes
Schakowsky
Schiff
Schneider
Schrader
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Shea-Porter
Sherman
Sires
Slaughter
Smith (WA)
Soto
Speier
Suozzi
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Tonko
Torres
Tsongas
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters, Maxine
Watson Coleman
Welch
Wilson (FL)
Yarmuth

NOES—230

Abraham
Aderholt
Allen
Amash
Amodei
Arrington
Babin
Bacon
Banks (IN)
Barr
Barton
Bergman
Biggs
Bilirakis
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Bost
Brady (TX)
Brat
Bridenstine
Brooks (AL)
Brooks (IN)
Buchanan
Buck
Bucshon
Budd
Burgess
Byrne
Calvert
Carter (GA)
Carter (TX)
Chabot
Chaffetz
Cheney
Coffman
Cole
Collins (GA)
Collins (NY)
Comer
Comstock
Conaway
Cook
Costello (PA)
Cramer
Crawford
Culberson
Davidson
Davis, Rodney
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Donovan
Duffy
Duncan (SC)
Duncan (TN)
Dunn
Emmer
Farenthold
Ferguson
Fleischmann
Flores
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gaetz
Gallagher
Garrett
Gibbs
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Griffith
Grothman
Guthrie
Harper
Harris
Hartzler
Hensarling
Herrera Beutler
Hice, Jody B.
Higgins (LA)
Hill
Holding
Hollingsworth
Hudson
Huizenga
Hultgren
Hunter
Hurd
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (LA)
Johnson (OH)
Johnson, Sam
Jordan
Joyce (OH)
Katko
Kelly (MS)
Kelly (PA)
King (IA)
King (NY)
Kinzinger
Knight
Kustoff (TN)
Labrador
LaHood
LaMalfa
Lamborn
Lance
Latta
Lewis (MN)
LoBiondo
Long
Loudermilk
Love
Lucas
Luetkemeyer
MacArthur
Marchant
Marino
Marshall
Massie
Mast
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris Rodgers
McSally
Meadows
Meehan
Messer
Mitchell
Moolenaar
Mooney (WV)
Mullin
Murphy (PA)
Newhouse
Noem
Nunes
Olson
Palazzo
Palmer
Paulsen
Pearce
Perry
Pittenger
Poe (TX)
Poliquin
Posey
Ratcliffe
Reed
Reichert
Renacci
Rice (SC)
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney, Francis
Rooney, Thomas J.
Ros-Lehtinen
Roskam
Ross
Rothfus
Rouzer
Royce (CA)
Rutherford
Sanford
Scalise
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Smucker
Stefanik
Stewart
Stivers
Taylor
Tenney
Thompson (PA)
Thornberry
Tiberi
Tipton
Trott
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Zeldin

NOT VOTING—8

Barletta
Clay
Davis (CA)
Matsui
Richmond
Rush
Sinema
Titus

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 1821

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 7 OFFERED BY MS. JACKSON LEE

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Texas (Ms. JACKSON LEE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 193, noes 229, not voting 7, as follows:

[Roll No. 145]

AYES—193

Adams
Aguilar
Barragán
Bass
Beatty
Bera
Beyer
Bishop (GA)
Blumenauer
Blunt Rochester
Bonamici
Boyle, Brendan F.
Brady (PA)
Brown (MD)
Brownley (CA)
Bustos
Butterfield
Capuano
Carbajal
Cárdenas
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Conyers
Cooper
Correa
Costa
Courtney
Crist
Crowley
Cuellar
Cummings
Curbelo (FL)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
Demings
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael F.
Ellison
Engel
Eshoo
Espaillat
Esty
Evans
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Gonzalez (TX)
Gottheimer
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hanabusa
Hastings
Heck
Higgins (NY)
Himes
Hoyer
Huffman
Jackson Lee
Jayapal
Jeffries
Johnson (GA)
Johnson, E. B.
Jones
Kaptur
Keating
Kelly (IL)
Kennedy
Khanna
Kihuen
Kildee
Kilmer
Kind
Krishnamoorthi
Kuster (NH)
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lawson (FL)
Lee
Levin
Lewis (GA)
Lieu, Ted
Lipinski
LoBiondo
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham, M.
Luján, Ben Ray
Lynch
Maloney, Carolyn B.
Maloney, Sean
McCollum
McEachin
McGovern
McKinley
McNerney
Meeks
Meng
Moore
Moulton
Murphy (FL)
Nadler
Napolitano
Neal
Nolan
Norcross
O'Halleran
O'Rourke
Pallone
Panetta
Pascrell
Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree
Pocan
Polis
Price (NC)
Quigley
Raskin
Rice (NY)
Ros-Lehtinen
Rosen
Roybal-Allard
Ruiz
Ruppersberger
Russell
Ryan (OH)
Sánchez
Sarbanes
Schakowsky
Schiff
Schneider
Schrader
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Shea-Porter
Sherman
Sires
Slaughter
Smith (WA)
Soto
Speier
Suozzi
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Tonko
Torres
Tsongas
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters, Maxine
Watson Coleman
Welch
Wilson (FL)
Yarmuth

NOES—229

Abraham
Aderholt
Allen
Amash
Amodei
Arrington
Babin
Bacon
Banks (IN)
Barr
Barton
Bergman
Biggs
Bilirakis
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Bost
Brady (TX)
Brat
Bridenstine
Brooks (AL)
Brooks (IN)
Buchanan
Buck
Bucshon
Budd
Burgess
Byrne
Calvert
Carter (GA)
Carter (TX)
Chabot
Chaffetz
Cheney
Coffman
Cole
Collins (GA)
Collins (NY)
Comer
Comstock
Conaway
Cook
Costello (PA)
Cramer
Crawford
Culberson
Davidson
Davis, Rodney
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Donovan
Duffy
Duncan (SC)
Duncan (TN)
Dunn
Emmer
Farenthold
Faso
Ferguson
Fitzpatrick
Fleischmann
Flores
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gaetz
Gallagher
Garrett
Gibbs
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Griffith
Grothman
Guthrie
Harper
Harris
Hartzler
Hensarling
Herrera Beutler
Hice, Jody B.
Higgins (LA)
Hill
Holding
Hollingsworth
Hudson
Huizenga
Hultgren
Hunter
Hurd
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (LA)
Johnson (OH)
Johnson, Sam
Jordan
Joyce (OH)
Katko
Kelly (MS)
Kelly (PA)
King (IA)
King (NY)
Kinzinger
Knight
Kustoff (TN)
Labrador
LaHood
LaMalfa
Lamborn
Lance
Latta
Lewis (MN)
Long
Loudermilk
Love
Lucas
Luetkemeyer
MacArthur
Marchant
Marino
Marshall
Massie
Mast
McCarthy
McCaul
McClintock
McHenry
McMorris Rodgers
McSally
Meadows
Meehan
Messer
Mitchell
Moolenaar
Mooney (WV)
Mullin
Murphy (PA)
Newhouse
Noem
Nunes
Olson
Palazzo
Palmer
Paulsen
Pearce
Perry
Pittenger
Poe (TX)
Poliquin
Posey
Ratcliffe
Reed
Reichert
Renacci
Rice (SC)
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney, Francis
Rooney, Thomas J.
Roskam
Ross
Rothfus
Rouzer
Royce (CA)
Rutherford
Sanford
Scalise
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Smucker
Stefanik
Stewart
Stivers
Taylor
Tenney
Thompson (PA)
Thornberry
Tiberi
Tipton
Trott
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Zeldin

NOT VOTING—7

Barletta
Davis (CA)
Matsui
Richmond
Rush
Sinema
Titus

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 1825

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 8 OFFERED BY MR. ESPAILLAT

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. ESPAILLAT) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 193, noes 228, not voting 8, as follows:

[Roll No. 146]

AYES—193

Adams
Aguilar
Barragán
Bass
Beatty
Bera
Beyer
Bishop (GA)
Blumenauer
Blunt Rochester
Bonamici
Boyle, Brendan F.
Brady (PA)
Brown (MD)
Brownley (CA)
Bustos
Butterfield
Capuano
Carbajal
Cárdenas
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Conyers
Cooper
Correa
Costa
Courtney
Crist
Crowley
Cuellar
Cummings
Curbelo (FL)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
Demings
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael F.
Ellison
Engel
Eshoo
Espaillat
Esty
Evans
Faso
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Gonzalez (TX)
Gottheimer
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hanabusa
Hastings
Heck
Higgins (NY)
Himes
Hoyer
Huffman
Jackson Lee
Jayapal
Jeffries
Johnson (GA)
Johnson, E. B.
Jones
Kaptur
Keating
Kelly (IL)
Kennedy
Khanna
Kihuen
Kildee
Kilmer
Kind
Krishnamoorthi
Kuster (NH)
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lawson (FL)
Lee
Levin
Lewis (GA)
Lieu, Ted
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham, M.
Luján, Ben Ray
Lynch
Maloney, Carolyn B.
Maloney, Sean
McCollum
McEachin
McGovern
McNerney
Meeks
Meng
Moore
Moulton
Murphy (FL)
Nadler
Napolitano
Neal
Nolan
Norcross
O'Halleran
O'Rourke
Pallone
Panetta
Pascrell
Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree
Pocan
Polis
Price (NC)
Quigley
Raskin
Rice (NY)
Ros-Lehtinen
Rosen
Roybal-Allard
Ruiz
Ruppersberger
Russell
Ryan (OH)
Sánchez
Sarbanes
Schakowsky
Schiff
Schneider
Schrader
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Shea-Porter
Sherman
Sires
Slaughter
Smith (WA)
Soto
Speier
Suozzi
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Tonko
Torres
Tsongas
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters, Maxine
Watson Coleman
Welch
Wilson (FL)
Yarmuth

NOES—228

Abraham
Aderholt
Allen
Amash
Amodei
Arrington
Babin
Bacon
Banks (IN)
Barr
Barton
Bergman
Biggs
Bilirakis
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Bost
Brady (TX)
Brat
Bridenstine
Brooks (AL)
Brooks (IN)
Buchanan
Buck
Bucshon
Budd
Burgess
Byrne
Calvert
Carter (GA)
Carter (TX)
Chabot
Chaffetz
Cheney
Coffman
Cole
Collins (GA)
Collins (NY)
Comer
Comstock
Conaway
Cook
Costello (PA)
Cramer
Crawford
Culberson
Davidson
Davis, Rodney
Denham
Dent
DeSantis
DesJarlais
Donovan
Duffy
Duncan (SC)
Duncan (TN)
Dunn

Emmer
Farenthold
Ferguson
Fitzpatrick
Fleischmann
Flores
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gaetz
Gallagher
Garrett
Gibbs
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Griffith
Grothman
Guthrie
Harper
Harris
Hartzler
Hensarling
Herrera Beutler
Hice, Jody B.
Higgins (LA)
Hill
Holding
Hollingsworth
Hudson
Huizenga
Hultgren
Hunter
Hurd
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (LA)
Johnson (OH)
Johnson, Sam
Jordan
Katko
Kelly (MS)
Kelly (PA)
King (IA)
King (NY)
Kinzinger
Knight
Kustoff (TN)
Labrador
LaHood
LaMalfa
Lamborn
Lance
Latta
Lewis (MN)
LoBiondo
Long
Loudermilk
Love
Lucas
Luetkemeyer
MacArthur
Marchant
Marino
Marshall
Massie
Mast
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris Rodgers
McSally
Meadows
Meehan
Messer
Mitchell
Moolenaar
Mooney (WV)
Mullin
Murphy (PA)
Newhouse
Noem
Nunes
Olson
Palazzo
Palmer
Paulsen
Pearce
Perry
Pittenger
Poe (TX)
Poliquin
Posey
Ratcliffe
Reed
Reichert
Renacci
Rice (SC)
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney, Francis
Rooney, Thomas J.
Roskam
Ross
Rothfus
Rouzer
Royce (CA)
Rutherford
Sanford
Scalise
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Smucker
Stefanik
Stewart
Stivers
Taylor
Tenney
Thompson (PA)
Thornberry
Tiberi
Tipton
Trott
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Zeldin

NOT VOTING—8

Barletta
Davis (CA)
Joyce (OH)
Matsui
Richmond
Rush
Sinema
Titus

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 1828

So the amendment was rejected.

The result of the vote was announced as above recorded.

The Acting CHAIR. The question is on the amendment in the nature of a substitute, as amended.

The amendment was agreed to.

The Acting CHAIR. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SIMPSON) having assumed the chair, Mr. BYRNE, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 985) to amend the procedures used in Federal court class actions and multidistrict litigation proceedings to assure fairer, more efficient outcomes for claimants and defendants, and for other purposes, and, pursuant to House Resolution 180, he reported the bill back to the House with an amendment adopted in the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on the amendment to the amendment reported from the Committee of the Whole?

If not, the question is on the amendment in the nature of a substitute, as amended.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Mr. KILDEE. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. KILDEE. I am opposed.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Kildee moves to recommit the bill H.R. 985 to the Committee on the Judiciary with instructions to report the same back to the House forthwith with the following amendment:

Page 13, insert after line 10 the following (and conform the table of contents accordingly):

SEC. 108. PROTECTING SAFE DRINKING WATER.

Nothing in this title or the amendments made by this title shall apply to any civil action brought to protect public drinking water supplies.

The SPEAKER pro tempore. The gentleman from Michigan is recognized for 5 minutes.

Mr. KILDEE. Mr. Speaker, this is the final amendment to the bill, which will not kill the bill or send it back to committee. If adopted, the bill will immediately proceed to final passage, as amended.

My motion to recommit is quite simple. It exempts class action lawsuits that are brought to protect public water supplies.

I know some of you have heard me speak of this. I am from Flint, Michigan, and we know, in my community, what happens when we fail to protect drinking water.

In the course of the day, most Americans take for granted that water that comes from the tap is safe. But for my community of 100,000 people, that is not true. It hasn't been true for years. Since the State government switched to a corrosive water source, the Flint River, they have not been able to drink water out of the tap.

This terrible decision poisoned the city's water supply with corrosive water, resulting in high levels of lead leaching into their water system, going into their pipes, into their homes, into their bodies, 100,000 people, 7,000 children under the age of 6. Nearly 3 years later, those same families are still reeling from this crisis. It is unacceptable. It is an injustice.

Lead is a potent neurotoxin. There is no safe level of lead. Lead exposure can lead to serious health effects felt for years.

But the impacts are not limited just to health. Those high levels of lead also damaged Flint's infrastructure, and we now have to remove thousands of pipes in order to provide safe water.

Thankfully, this Congress, Democrats and Republicans, came together to provide necessary help for my hometown to fix those pipes. But Flint residents will continue to suffer. That was important, but not enough. There are lots of health effects.

Just recently we learned that many cases, in fact, many deaths that we thought were attributable to pneumonia, were, in fact, Legionnaires' disease, traceable to the bacteria caused by this terrible crisis. A dozen people have already died as a result of Legionnaires' disease, and others, whose deaths may be reclassified, could bring that number much higher.

The corrosiveness of that water not only had health impacts, but it literally destroyed people's homes from the inside out. So, in addition to those service lines, people's plumbing in their homes, their water heaters, their washing machines destroyed, ruined, and their lives potentially ruined as well.

So where does the support, where does the funding come for those losses experienced by residents of my hometown?

It comes from the justice system. This bill would create more barriers for people in my hometown to access that justice system, to seek justice for what happened to them. They have suffered a terrible crisis, and they should be able to seek justice and restitution.

Unfortunately, this bill could prevent people from Flint, and other Americans, from seeking justice, and that is what my motion intends to correct.

In order to receive justice from the harm that they have experienced from this public water source, residents have filed class action suits. This bill severely curtails their access to the courts to seek redress, to seek that restitution. This bill would weaken their access to justice.

My motion is simple. It would allow lawsuits that are brought to protect our precious public water supplies to be exempt from the additional hurdles, from the additional barriers that this underlying bill sets out.

Having safe drinking water is a human right, and the access to that and the access to justice related to that basic human right ought to be completely unfettered. My motion to recommit would assure that, and I ask all of my colleagues to join me in supporting this motion.

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

Mr. GOODLATTE. Mr. Speaker, I rise in opposition to the motion.

The SPEAKER pro tempore. The gentleman from Virginia is recognized for 5 minutes.

Mr. GOODLATTE. Mr. Speaker, the base bill contains provisions that allow all claims to go forward as class actions and also maximize awards to deserving victims.

Why would anyone want to single out safe drinking water victims for adverse treatment and deny them the benefits of the base bill that would maximize any recovery they might receive in a class action?

This motion to recommit would do that, and it should be defeated.

In closing, let me say that we know that only the tiniest fraction of consumer class action members ever bother to claim the compensation awarded them in a settlement. That is clear proof that the vast majority—the vast large numbers of class members are satisfied with the product they purchased. They don't want compensation. They don't want to be lumped into gigantic class action lawsuits.

Federal judges are crying out for the Congress to reform the class action system, which currently allows trial lawyers to file classes with hundreds and thousands of unmeritorious claims and use those artificially inflated classes to force defendants to settle the case.

As I have recounted, some class action settlements have left lawyers with millions in fees while the alleged victims receive absolutely nothing.

This bill prevents people from being forced into class actions with other uninjured or minimally injured members, only to have the compensation of injured parties reduced. It requires that lawyer fees be limited to a reasonable percentage of the money injured victims actually receive.

I urge my colleagues to join me in opposing this motion to recommit and supporting this bill on behalf of the consumers and injured parties everywhere.

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

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. KILDEE. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—ayes 188, noes 234, not voting 7, as follows:

[Roll No. 147]

AYES—188

Adams
Aguilar
Barragán
Bass
Beatty
Bera
Beyer
Bishop (GA)
Blumenauer
Blunt Rochester
Bonamici
Boyle, Brendan F.
Brady (PA)
Brown (MD)
Brownley (CA)
Bustos
Butterfield
Capuano
Carbajal
Cárdenas
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Conyers
Cooper
Correa
Costa
Courtney
Crist
Crowley
Cuellar
Cummings
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
Demings
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael F.
Ellison
Engel
Eshoo
Espaillat
Esty
Evans
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Gonzalez (TX)
Gottheimer
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hanabusa
Hastings
Heck
Higgins (NY)
Himes
Hoyer
Huffman
Jackson Lee
Jayapal
Jeffries
Johnson (GA)
Johnson, E. B.
Jones
Kaptur
Keating
Kelly (IL)
Kennedy
Khanna
Kihuen
Kildee
Kilmer
Kind
Krishnamoorthi
Kuster (NH)
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lawson (FL)
Lee
Levin
Lewis (GA)
Lieu, Ted
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham, M.
Luján, Ben Ray
Lynch
Maloney, Carolyn B.
Maloney, Sean
McCollum
McEachin
McGovern
McNerney
Meeks
Meng
Moore
Moulton
Murphy (FL)
Nadler
Napolitano
Neal
Nolan
Norcross
O'Halleran
O'Rourke
Pallone
Panetta
Pascrell
Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree
Pocan
Polis
Price (NC)
Quigley
Raskin
Rice (NY)
Rosen
Roybal-Allard
Ruiz
Ruppersberger
Ryan (OH)
Sánchez
Sarbanes
Schakowsky
Schiff
Schneider
Schrader
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Shea-Porter
Sherman
Sires
Slaughter
Smith (WA)
Soto
Speier
Suozzi
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Tonko
Torres
Tsongas
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters, Maxine
Watson Coleman
Welch
Wilson (FL)
Yarmuth

NOES—234

Abraham
Aderholt
Allen
Amash
Amodei
Arrington
Babin
Bacon
Banks (IN)
Barr
Barton
Bergman
Biggs
Bilirakis
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Bost
Brady (TX)
Brat
Bridenstine
Brooks (AL)
Brooks (IN)
Buchanan
Buck
Bucshon
Budd
Burgess
Byrne
Calvert
Carter (GA)
Carter (TX)
Chabot
Chaffetz
Cheney
Coffman
Cole
Collins (GA)
Collins (NY)
Comer
Comstock
Conaway
Cook
Costello (PA)
Cramer
Crawford
Culberson
Curbelo (FL)
Davidson
Davis, Rodney
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Donovan
Duffy
Duncan (SC)
Duncan (TN)
Dunn
Emmer
Farenthold
Faso
Ferguson
Fitzpatrick
Fleischmann
Flores
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gaetz
Gallagher
Garrett
Gibbs
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Griffith
Grothman
Guthrie
Harper
Harris
Hartzler
Hensarling
Herrera Beutler
Hice, Jody B.
Higgins (LA)
Hill
Holding
Hollingsworth
Hudson
Huizenga
Hultgren
Hunter
Hurd
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (LA)
Johnson (OH)
Johnson, Sam
Jordan
Joyce (OH)
Katko
Kelly (MS)
Kelly (PA)
King (IA)
King (NY)
Kinzinger
Knight
Kustoff (TN)
Labrador
LaHood
LaMalfa
Lamborn
Lance
Latta
Lewis (MN)
LoBiondo
Long
Loudermilk
Love
Lucas
Luetkemeyer
MacArthur
Marchant
Marino
Marshall
Massie
Mast
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris Rodgers
McSally
Meadows
Meehan
Messer
Mitchell
Moolenaar
Mooney (WV)
Mullin
Murphy (PA)
Newhouse
Noem
Nunes
Olson
Palazzo
Palmer
Paulsen
Pearce
Perry
Pittenger
Poe (TX)
Poliquin
Posey
Ratcliffe
Reed
Reichert
Renacci
Rice (SC)
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney, Francis
Rooney, Thomas J.
Ros-Lehtinen
Roskam
Ross
Rothfus
Rouzer
Royce (CA)
Russell
Rutherford
Sanford
Scalise
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Smucker
Stefanik
Stewart
Stivers
Taylor
Tenney
Thompson (PA)
Thornberry
Tiberi
Tipton
Trott
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Zeldin

NOT VOTING—7

Barletta
Davis (CA)
Matsui
Richmond
Rush
Sinema
Titus

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1846

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. CONYERS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 220, noes 201, answered ''present'' 1, not voting 7, as follows:

[Roll No. 148]

AYES—220

Abraham
Aderholt
Allen
Amodei
Arrington
Babin
Bacon
Banks (IN)
Barr
Barton
Bergman
Biggs
Bilirakis
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Bost
Brady (TX)
Brat
Bridenstine
Brooks (AL)
Brooks (IN)
Buchanan
Buck
Bucshon
Budd
Burgess
Byrne
Calvert
Carter (GA)
Carter (TX)
Chabot
Chaffetz
Cheney
Coffman
Cole
Collins (GA)

Collins (NY)
Comer
Comstock
Conaway
Cook
Costello (PA)
Cramer
Crawford
Culberson
Davidson
Davis, Rodney
Denham
Dent
DeSantis
DesJarlais
Donovan
Duffy
Duncan (SC)
Dunn
Emmer
Farenthold
Ferguson
Fitzpatrick
Fleischmann
Flores
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gaetz
Gallagher
Garrett
Gibbs
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Grothman
Guthrie
Harper
Harris
Hartzler
Hensarling
Herrera Beutler
Hice, Jody B.
Higgins (LA)
Hill
Holding
Hollingsworth
Hudson
Huizenga
Hultgren
Hunter
Hurd
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (LA)
Johnson (OH)
Johnson, Sam
Jordan
Joyce (OH)
Katko
Kelly (MS)
Kelly (PA)
King (IA)
King (NY)
Kinzinger
Knight
Kustoff (TN)
Labrador
LaHood
LaMalfa
Lamborn
Lance
Latta
Lewis (MN)
Long
Loudermilk
Love
Lucas
Luetkemeyer
MacArthur
Marchant
Marino
Marshall
Mast
McCarthy
McCaul
McClintock
McHenry
McMorris Rodgers
McSally
Meadows
Messer
Mitchell
Moolenaar
Mooney (WV)
Mullin
Murphy (PA)
Newhouse
Noem
Nunes
Olson
Palazzo
Palmer
Paulsen
Pearce
Perry
Pittenger
Poliquin
Posey
Ratcliffe
Reed
Reichert
Renacci
Rice (SC)
Roby
Roe (TN)
Rogers (KY)
Rohrabacher
Rokita
Rooney, Francis
Rooney, Thomas J.
Roskam
Ross
Rothfus
Rouzer
Royce (CA)
Rutherford
Sanford
Scalise
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Smucker
Stefanik
Stewart
Stivers
Taylor
Tenney
Thompson (PA)
Thornberry
Tiberi
Tipton
Trott
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Zeldin

NOES—201

Adams
Aguilar
Amash
Barragán
Bass
Beatty
Bera
Beyer
Bishop (GA)
Blumenauer
Blunt Rochester
Bonamici
Boyle, Brendan F.
Brady (PA)
Brown (MD)
Brownley (CA)
Bustos
Butterfield
Capuano
Carbajal
Cárdenas
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Conyers
Cooper
Correa
Costa
Courtney
Crist
Crowley
Cuellar
Cummings
Curbelo (FL)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
Demings
DeSaulnier
Deutch
Diaz-Balart
Dingell
Doggett
Doyle, Michael F.
Duncan (TN)
Ellison
Engel
Eshoo
Espaillat
Esty
Evans
Faso
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Gonzalez (TX)
Gottheimer
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hanabusa
Hastings
Heck
Higgins (NY)
Himes
Hoyer
Huffman
Jackson Lee
Jayapal
Jeffries
Johnson (GA)
Johnson, E. B.
Jones
Kaptur
Keating
Kelly (IL)
Kennedy
Khanna
Kihuen
Kildee
Kilmer
Kind
Krishnamoorthi
Kuster (NH)
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lawson (FL)
Lee
Levin
Lewis (GA)
Lieu, Ted
Lipinski
LoBiondo
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham, M.
Luján, Ben Ray
Lynch
Maloney, Carolyn B.
Maloney, Sean
Massie
McCollum
McEachin
McGovern
McKinley
McNerney
Meehan
Meeks
Meng
Moore
Moulton
Murphy (FL)
Nadler
Napolitano
Neal
Nolan
Norcross
O'Halleran
O'Rourke
Pallone
Panetta
Pascrell
Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree
Pocan
Poe (TX)
Polis
Price (NC)
Quigley
Raskin
Rice (NY)
Rogers (AL)
Ros-Lehtinen
Rosen
Roybal-Allard
Ruiz
Ruppersberger
Russell
Ryan (OH)
Sánchez
Sarbanes
Schakowsky
Schiff
Schneider
Schrader
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Shea-Porter
Sherman
Sires
Slaughter
Smith (WA)
Soto
Speier
Suozzi
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Tonko
Torres
Tsongas
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters, Maxine
Watson Coleman
Welch
Wilson (FL)
Yarmuth

ANSWERED ''PRESENT''—1

Griffith

NOT VOTING—7

Barletta
Davis (CA)
Matsui
Richmond
Rush
Sinema
Titus

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1852

Mr. SUOZZI changed his vote from ''aye'' to ''no.''

Mr. POSEY changed his vote from ''no'' to ''aye.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY COMMITTEE ON RULES REGARDING AMENDMENT PROCESS FOR H.R. 1259 AND H.R. 1367

Mr. SESSIONS. Mr. Speaker, this morning, the Rules Committee issued announcements outlining the amendment processes for two measures likely to be on the floor next week.

An amendment deadline has been set for Monday, March 13 at 3 p.m. for H.R. 1259, the VA Accountability First Act of 2007; and H.R. 1367, to improve the authority of the Secretary of Veterans Affairs to hire and retain physicians and other employees.

The text of these measures is available on the Rules Committee website.

Feel free to contact me or my staff.

INNOCENT PARTY PROTECTION ACT

The SPEAKER pro tempore. Pursuant to House Resolution 175 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 725.

Will the gentleman from Alabama (Mr. BYRNE) kindly take the chair.

□ 1854

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 725) to amend title 28, United States Code, to prevent fraudulent joinder, with Mr. BYRNE (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose earlier today, a request for a recorded vote on amendment No. 2 printed in House Report 115–27 offered by the gentleman from Pennsylvania (Mr. CARTWRIGHT) had been postponed.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in House Report 115–27 on which further proceedings were postponed, in the following order:

Amendment No. 1 by Mr. SOTO of Florida.

Amendment No. 2 by Mr. CARTWRIGHT of Pennsylvania.

The Chair will reduce to 2 minutes the minimum time for any electronic vote in this series.

AMENDMENT NO. 1 OFFERED BY MR. SOTO

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Florida (Mr. SOTO) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 189, noes 233, not voting 7, as follows:

[Roll No. 149]

AYES—189

Adams
Aguilar
Barragán
Bass
Beatty
Bera
Beyer
Bishop (GA)
Blumenauer
Blunt Rochester
Bonamici
Boyle, Brendan F.
Brady (PA)
Brown (MD)
Brownley (CA)
Bustos
Butterfield
Capuano
Carbajal
Cárdenas
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Conyers
Cooper
Correa
Costa
Courtney
Crist
Crowley
Cuellar
Cummings
Curbelo (FL)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
Demings
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael F.
Ellison
Engel
Eshoo
Espaillat
Esty
Evans
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi