during World War II with a deep humility that defines the Greatest Generation. He said: ''We were there to do the job, and we did it. And I came back.''

Our country can never repay Charles for his service and sacrifice, but we can stand as a grateful nation to honor his life and legacy with our deepest respect.

Our thoughts and prayers are with his wife, Helen, and the rest of the Geraci family.

Truly, it is men and women like Charles Geraci whom we can credit for the gift of freedom that we are able to pass along to our children and grandchildren. They protected and preserved that gift with their very lives. For that, we remain eternally grateful.

## PRESERVING HEALTH CARE FOR VETERANS

(Mr. GALLEGO asked and was given permission to address the House for 1 minute.)

Mr. GALLEGO. Mr. Speaker, today I rise as a proud marine on behalf of countless veterans across America whose healthcare options will vanish if House Republicans succeed in repealing the Affordable Care Act. The ACA has provided an invaluable safety net for our Nation's veterans, fulfilling critical gaps in coverage within the VA system.

Mr. Speaker, in the first 2 years after the ACA's implementation, the rate of uninsured veterans dropped by an astonishing 43 percent. This was largely due to the fact that, through the ACA's Medicaid expansion, 7 out of 10 previously uninsured veterans became eligible for coverage.

The Republicans' so-called repeal-and-replace plan would slash veterans' options by abandoning our commitment to a more inclusive Medicaid program. Democrats refuse to compromise on care for our Nation's heroes, and we absolutely refuse to compromise in the fight to preserve the lifesaving Affordable Care Act.

## THE PEOPLE'S RIGHTS AMENDMENT

(Mr. MCGOVERN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCGOVERN. Mr. Speaker, it has been 7 years since the dreadful Citizens United ruling.

In upholding the rights of corporations to donate to political campaigns under the First Amendment, the Supreme Court created an election system that is now corrupted by limitless, unregulated donations. Ordinary citizens are left powerless, and politicians are increasingly beholden to wealthy special interests.

Since Citizens United, we have seen a major telecommunications company, oil companies, and the tobacco industry all attempt to dismantle regulations and disclosure rules by claiming First Amendment rights. Today, I am reintroducing the People's Rights Amendment to overturn Citizens United and declare, once and for all, that corporations are not people.

The Constitution was never intended to give corporations the same rights as the American people. Corporations don't breathe; they don't have kids; they don't die in wars.

The Preamble to the Constitution is ''We the people,'' not ''We the corporations.''

Let us hope this Congress doesn't forget that.

## LAWSUIT ABUSE REDUCTION ACT OF 2017

GENERAL LEAVE

Mr. GOODLATTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 720.

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

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. 720.

The Chair appoints the gentleman from West Virginia (Mr. JENKINS) to preside over the Committee of the Whole.

□ 0915

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. 720) to amend Rule 11 of the Federal Rules of Civil Procedure to improve attorney accountability, and for other purposes, with Mr. JENKINS of West Virginia 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 Virginia (Mr. GOODLATTE) and the gentleman from Michigan (Mr. CONYERS) each will control 30 minutes.

The Chair recognizes the gentleman from Virginia.

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

H.R. 720, the Lawsuit Abuse Reduction Act, would restore mandatory sanctions for frivolous lawsuits filed in Federal court.

Many Americans may not realize it, but today, under what is called rule 11 of the Federal Rules of Civil Procedure, there is no requirement that those who file frivolous lawsuits pay for the unjustified legal costs they impose on their victims, even when those victims prove to a judge the lawsuit was without any basis in law or fact.

As a result, the current rule 11 goes largely unenforced because the victims of frivolous lawsuits have little incentive to pursue additional litigation to have the case declared frivolous when there is no guarantee of compensation at the end of the day.

H.R. 720 would finally provide light at the end of the tunnel for the victims of frivolous lawsuits by requiring sanctions against the filers of frivolous lawsuits, sanctions which include paying back victims for the full cost of their reasonable expenses incurred as a direct result of the rule 11 violation, including attorneys' fees.

The bill also strikes the current provisions in rule 11 that allow lawyers to avoid sanctions for making frivolous claims and demands by simply withdrawing them within 21 days. This change eliminates the ''free pass'' lawyers now have to file frivolous lawsuits in Federal court.

The current lack of mandatory sanctions leads to the regular filing of lawsuits that are baseless. So many frivolous pleadings currently go under the radar because the lack of mandatory sanctions for frivolous filings forces victims of frivolous lawsuits to roll over and settle the case, because doing that is less expensive than litigating the case to a victory in court.

Correspondence written by someone filing a frivolous lawsuit, which became public, concisely illustrates how the current lack of mandatory sanctions for filing frivolous lawsuits leads to legal extortion. That correspondence to the victim of a frivolous lawsuit states: ''I really don't care what the law allows you to do. It's a more practical issue. Do you want to send your attorney a check every month indefinitely as I continue to pursue this?''

Under the Lawsuit Abuse Reduction Act, those who file frivolous lawsuits would no longer be able to get off scot-free and, therefore, they couldn't get away with those sorts of extortionary threats any longer.

The victims of lawsuit abuse are not just those who are actually sued. Rather, we all suffer under a system in which innocent Americans everywhere live under the constant fear of a potentially bankrupting frivolous lawsuit.

As the former chairman of The Home Depot company has written: ''An unpredictable legal system casts a shadow over every plan and investment. It is devastating for startups. The cost of even one ill-timed abusive lawsuit can bankrupt a growing company and cost hundreds of thousands of jobs.''

The prevalence of frivolous lawsuits in America is reflected in the absurd warning labels companies must place on their products to limit their exposure to frivolous claims. A 5-inch brass fishing lure with three hooks is labeled ''Harmful if swallowed.'' A household iron contains the warning ''Never iron clothes while they are being worn.'' A piece of ovenware warns, ''Ovenware will get hot when used in oven.''

And here are just a couple of examples of frivolous lawsuits brought in Federal court, where judges failed to award compensation to the victims:

A man sued a television network for $2.5 million because he said a show it aired raised his blood pressure. When the network publicized his frivolous lawsuit, he demanded the court make them stop. Although the court found the case frivolous, not only did it not compensate the victim, it granted the man who filed the frivolous lawsuit an exemption from even paying the ordinary court filing fees.

In another case, lawyers filed a case against a parent, claiming the parent's discipline of their child violated the Eighth Amendment of the Constitution, which prohibits cruel and unusual punishment by the government, not private citizens. One of the lawyers even admitted signing the complaint without reading it.

The court found the case frivolous, but awarded the victim only about a quarter of its legal costs because rule 11 currently doesn't require that a victim's legal costs be paid in full. The Lawsuit Abuse Reduction Act would change that.

I thank the former chairman of the Judiciary Committee, LAMAR SMITH, for introducing this simple, commonsense legislation that would do so much to prevent lawsuit abuse and restore Americans' confidence in the legal system. I urge my colleagues to support it today.

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

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

I rise in strong opposition to H.R. 720, the so-called Lawsuit Abuse Reduction Act.

This bill amends rule 11 of the Federal Rules of Civil Procedure in ways that will chill the advancement of civil rights claims and increase exponentially the volume and costs of litigation in the Federal courts.

These concerns are not hypothetical. H.R. 720 restores the deeply flawed version of rule 11 in effect from 1983 to 1993 in two ways: by requiring mandatory sanctions for even unintentional violations rather than leaving the imposition of sanctions to the court's discretion, as is currently the case; and secondly, by eliminating the current rule's 21-day safe harbor provision, which allows the defending party to correct or withdraw allegedly offending submissions.

Simply put, H.R. 720 will have a disastrous impact on the administration of justice in numerous ways. To begin with, the bill will chill legitimate civil rights litigation, which, to me, of course, is very important.

Civil rights cases often raise novel legal arguments, which made such cases particularly susceptible to sanction motions under the 1983 rule. For example, a Federal Judicial Center study found that the incidence of rule 11 motions under the 1983 rule was ''higher in civil rights cases than in some other types of cases.''

Another study showed that, while civil rights cases comprised about 11 percent of the cases filed, more than 22 percent of the cases in which sanctions had been imposed were, in fact, civil rights cases.

Under the 1983 rule, civil rights cases were clearly disadvantaged. Yet, H.R. 720 would reserve this problematic regime.

Although the bill's rule of construction is a welcome acknowledgment of the problem, it does nothing to prevent defendants from using rule 11 as a weapon to discourage civil rights plaintiffs. Even a landmark case like Brown v. Board of Education might not have been pursued had H.R. 720's changes to rule 11 been in effect at that time, because the legal arguments in the case were novel and not based on then-existing law.

In addition, H.R. 720 will substantially increase the amount, cost, and intensity of civil litigation and create more grounds for unnecessary delay and harassment in the courtroom itself.

By making sanctions mandatory and having no safe harbor, the 1983 rule spawned a cottage industry of rule 11 litigation. Each party had a financial incentive to tie up the other in rule 11 proceedings.

We heard testimony on a previous version of this bill that almost one-third of all Federal lawsuits during the decade that the 1983 rule was in effect were burdened by such satellite litigation, where the parties tried the underlying case and then put each side's counsel on trial.

Finally, H.R. 720 strips the judiciary of its discretion and independence. H.R. 720 overrides judicial independence by removing the discretion that rule 11 currently gives judges in determining whether to impose sanctions and what type of sanctions would be most appropriate. It also circumvents the painstakingly thorough Rules Enabling Act process that Congress established more than 80 years ago.

For all of these reasons, I urge my colleagues to join us in opposing this highly problematic legislation.

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

Mr. SMITH of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the Lawsuit Abuse Reduction Act, known as LARA, is just over one-page long, but it would prevent the filing of thousands of frivolous lawsuits in Federal courts. These absurd lawsuits cost many innocent families their savings and often ruin their reputations.

Frivolous lawsuits have been filed against a weather channel for failing to accurately predict storms, against television shows people claimed were too scary, against a university that awarded a low grade, and against a high school that dropped a member from the track team.

Lawyers who bring these cases have everything to gain and nothing to lose under current rules, which allow plaintiffs' lawyers to file frivolous suits without any penalty. Meanwhile, defendants are often faced with years of litigation and substantial attorneys' fees.

Prior to 1993, it was mandatory for judges to impose sanctions, such as orders to pay for the other side's legal expenses, when lawyers filed frivolous lawsuits. Then, the Civil Rules Advisory Committee, an obscure branch of the courts, made penalties optional. This needs to be reversed by Congress.

LARA requires lawyers who file frivolous lawsuits to pay attorneys' fees and court costs of innocent defendants. This will serve as a disincentive to file junk lawsuits.

Further, LARA specifically requires that no changes ''shall be construed to bar or impede the assertion or development of new claims, defenses, or remedies under Federal, State, or local laws, including civil rights laws, or under the Constitution of the United States.''

So civil rights law would not be affected in any way by LARA, and that might go a long way to reassuring the ranking member's concerns about its impact on civil rights.

Opponents argue that reinstating mandatory sanctions for frivolous lawsuits impedes judicial discretion, but this is false. Under LARA, judges retain the discretion to determine whether or not a claim is frivolous. If a judge determines that a claim is frivolous, then they must award sanctions. This ensures that victims of frivolous lawsuits obtain compensation. But the decision to determine whether a claim is frivolous or not remains with the judge.

The American people are looking for solutions to obvious lawsuit abuse. LARA restores accountability to our legal system by reinstating sanctions for attorneys who are found by a judge to have filed frivolous lawsuits. Though it will not stop all lawsuit abuse, LARA encourages attorneys to think twice before making an innocent party's life miserable.

□ 0930

These attorneys engage in legalized extortion and try to force individuals to settle out of court instead of paying huge legal costs. There is currently no disincentive to deter attorneys from filing frivolous claims. By requiring attorneys who file junk lawsuits to pay the court costs of those they sue, such lawsuits will be discouraged.

I thank Chairman GOODLATTE, the chairman of the Committee on the Judiciary, for bringing this much-needed legislation to the House floor. I ask my colleagues who oppose frivolous lawsuits and who want to protect innocent Americans from false charges to support the Lawsuit Abuse Reduction Act.

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

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

the senior member of the House Committee on the Judiciary.

Mr. NADLER. Mr. Chairman, I rise in opposition to H.R. 720, the Lawsuit Abuse Reduction Act. This bill is supposedly aimed at preventing frivolous litigation, but it would, in fact, generate a whole new set of litigation, further clogging our overburdened Federal courts.

Under rule 11 of the Federal Rules of Civil Procedure, a court may impose sanctions on a party that files a frivolous case or motion. A party subject to a rule 11 violation has a 21-day safe harbor period to withdraw or correct its filing, and sanctions are purely discretionary. This rule serves a vital role in maintaining the integrity of our legal system without creating a chilling effect on presenting novel claims. Judges, when they see frivolous suits, can sanction them and do.

This bill, however, would restore a failed version of rule 11 that was enacted by the Judicial Conference in 1983, but which was repealed 10 years later because it led to disastrous results. Under this bill, sanctions would be mandatory whenever a court rules that rule 11 has been violated. The safe harbor period, when filings can be withdrawn or corrected, would be eliminated.

We do not have to speculate about what would happen as a result of this bill because we have a decade of experience that shows us how catastrophic it would be and was. Under the 1983 rule, which this bill would restore, rule 11 battles became a routine part of civil litigation, affecting one-third of all cases. Rather than serving as a disincentive, the old rule 11 actually made the system even more litigious.

In the decade following the 1983 amendments, there were almost 7,000 reported rule 11 cases, becoming part of approximately one-third of all Federal civil lawsuits. Civil cases effectively became two cases, one on the merits and the other on a set of dueling rule 11 allegations by both parties. The drain on the courts and the parties' resources caused the Judicial Conference to revisit the rule and adopt the changes that this bill would now have us undo.

More troubling was the 1983 rule's impact on civil rights cases, which are often based on novel claims that require significant discovery to establish. A 1991 Federal Judicial Center study found that whereas civil rights cases made up 11.4 percent of Federal cases filed, they constituted 22.7 percent of the cases in which sanctions were imposed. If we return to the old rule, we could see a chilling effect in which untested, but no less valid, civil rights claims are never brought for fear of sanctions.

The courts have ample authority to sanction conduct that undermines the integrity of our legal system. But this legislation is not just a solution in search of a problem. By taking us back to a time when rule 11 actually promoted routine, costly, and unnecessary litigation, this bill is a cure worse than the disease.

Given that we already know this bill will be a failure, one wonders how it would survive its own rule 11 motion if Congress had such a thing. The courts, having tried it for 10 years with disastrous results, rightly rejected this approach 20 years ago, and we should reject it again. I urge a ''no'' vote.

Mr. SMITH of Texas. Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio (Mr. CHABOT), a senior member of the Committee on the Judiciary.

Mr. CHABOT. Mr. Chairman, I rise in strong support of the Lawsuit Abuse Reduction Act. I want to commend my colleague from Texas (Mr. SMITH) for his leadership on this important bill. Mr. SMITH, of course, who is now the chairman of the Committee on Science, Space, and Technology, was, for a number of years, the chairman of the Committee on the Judiciary, and he has a long reputation, much experience in trying to find ways to make the legal system work better for more people all across the country, and this is part of that, because there is a huge cost associated with the abusive lawsuits that have been filed for many years in this country.

Businesses are a popular target for frivolous lawsuits that lack any legal or factual basis. These lawsuits can easily result in hundreds of thousands of dollars in legal fees and discovery costs. Small businesses oftentimes don't have the financial resources to obtain a dismissal or sometimes even good legal counsel, and, therefore, their only option, in many cases, is to settle the case. In fact, many businesses and other entities put aside—insurance companies do this as well—a nuisance value of many of these cases because they realize so many cases are basically filed for not really legitimate reasons, but because there is a cash payout at the end of this, and some who are able to will actually put that in their budget. But these expenses don't just cost small businesses time and productivity. Too often they force small businesses into bankruptcy, and that means real people lose their jobs. This happens thousands and thousands and thousands of times all across this country.

Mr. Chairman, as chairman of the House Committee on Small Business, I cannot emphasize enough that we absolutely cannot afford to lose any more small businesses in this country and the associated jobs that go with them.

By ensuring that there are penalties for lawyers filing frivolous lawsuits, H.R. 720 will deter abusive litigation practices that pose a real threat to the stability of many small businesses all across this country. After all, small businesses are the backbone of the economy. About 70 percent of the new jobs created in the American economy nowadays are created by small-business folks, so we should do everything we can to make sure that they are successful and able to hire more and more Americans so that we can get this economy moving again.

I urge my colleagues to support H.R. 720. I again thank Mr. SMITH for putting forth this very wise and thoughtful legislation which I think will go a long way toward improving the legal system that we have in this country.

Mr. CONYERS. Mr. Chairman, I am pleased to yield 4 minutes to the distinguished gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE. Mr. Chairman, I thank the ranking member of the Committee on the Judiciary for his distinguished service and my good friend from Texas for his managing of this bill on which we have a vigorous and active disagreement, but realize that the role of the Committee on the Judiciary is to enhance justice for all Americans, no matter what size business, what ethnicity, racial background, what issue they bring, whether they bring a commercial issue or whether they are for criminal justice.

That is why I rise to oppose this legislation, for it is important that we monitor, promote, coddle, and respect justice. I oppose the legislation that aims to restore a long-discredited version of Federal Rule of Civil Procedure 11, in effect from 1983 to 1993. I use as a premise of my argument a letter from the Committee on Rules of Practice and Procedure of the Judicial Conference of the United States, in particular written by two distinguished Federal judges from Arizona, the chair of the Committee on Rules and the chair of the Advisory Committee on Rules, both Federal district court judges. But more importantly, my luck was to meet with a series of judges in the past week, Federal judges, Republican appointees and some Democratic appointees, and there was a vocal outcry of the outrage of this legislation, asking and begging that this legislation not be put in place.

Let me give you a description from the Federal courts, recognizing: ''We of course share the desire of the sponsors of LARA to improve the civil justice system''—and that is the Lawsuit Abuse Reduction Act—''in our Federal courts, including the desire to reduce frivolous filings. But LARA creates a cure worse than the problem it is meant to solve.''

''Moreover, as we are both Federal trial judges, our perspective is informed by our ongoing daily experience with the practical operation of the rules.''

I, too, am concerned about small businesses. That is why we need to proceed as we are proceeding. It gives thoughtful judges the ability to protect those entities. The facts do not, according to the letter, support any assumption that mandatory sanctions deter frivolous filings.

''A decade of experience with the 1983 mandatory sanctions provision,'' they go on to say, ''demonstrated that it failed to provide meaningful relief from

the litigation behavior it was meant to address, and instead generated wasteful satellite litigation that had little to do with the merits of cases.''

What good is that for the small litigant? What good will they have when they might be subject to satellite litigation? And so, Mr. Chairman, why would we want to return to the failed, discredited sanction regime rightly abandoned in 1993? H.R. 720 would require courts to impose monetary sanctions for any rule 11 violation, eliminating the safe harbor provision that currently allows attorneys to correct or withdraw a filing before rule 11 proceedings commence. That is justice: I made a mistake, I want to withdraw it. I am suing a small business, I have a different perspective. I know the facts, let me withdraw it.

The cost-shifting provision was eliminated by the courts because it encouraged satellite litigation, and many cases required parallel proceedings. Here is the worst of it: Suppose we were back in 1954. Would Brown v. Board of Education be a frivolous lawsuit subject to sanctions, a landmark decision of the United States Supreme Court that declared State laws establishing separate public schools for Black and White students unconstitutional? What about Griswold in 1965? It would also be judged as a frivolous lawsuit.

The CHAIR. The time of the gentlewoman has expired.

Mr. CONYERS. Mr. Chairman, I yield an additional 1 minute to the gentlewoman.

Ms. JACKSON LEE. Mr. Chairman, Griswold was a landmark case in which the Supreme Court ruled that we had a right to privacy. Or what about the famous case that was made into a movie, Loving v. Virginia? I think for almost 25 years this mixed-marriage couple could not live in their own State. A lawsuit would have been considered frivolous. Loving was a landmark case which decided Virginia's antimiscegenation statute was unconstitutional.

New York Times Co. v. United States in 1971, the question was on the constitutional freedom of the press. It reinforced the First Amendment.

Mr. Chairman, it is impossible to go back to the old days. I ask my colleagues to support the Jackson Lee amendment, to come up and to oppose the underlying bill in the name of justice for all.

Mr. Chairman, I include in the RECORD a list of seven notable cases the Lawsuit Abuse Reduction Act may have barred from a courtroom.

SEVEN NOTABLE CASES THE ''LAWSUIT ABUSE REDUCTION ACT'' MAY HAVE BARRED FROM A COURTROOM

Contrary to proponents' claims, LARA does not deter frivolous lawsuits. Rather it deters meritorious cases by imposing a one-size-fits-all mandate for federal judges. Mandatory sanctions inevitably chill meritorious claims particularly in cases of first impression or involving new legal theories, including cases to protect civil rights, the right to privacy, the environment, collective bargaining and the First Amendment. Our system of justice is a moving body of law, and novel legal theories have the ability to shift public policy and law.

Below are seven notable cases that LARA may have prevented because the cases presented what—at the time they were presented to the court—would have been considered novel legal theories:

Brown v. Board of Education of Topeka, 347 U.S. 483 (1954): Brown was a landmark decision of the United States Supreme Court that declared state laws establishing separate public schools for black and white students unconstitutional. The decision overturned the Plessy v. Ferguson decision of 1896 which allowed state-sponsored segregation. The Court's unanimous decision stated that ''separate educational facilities are inherently unequal.'' As a result, de jure racial segregation was ruled a violation of the Equal Protection Clause of the Fourteenth Amendment of the United States Constitution. This ruling paved the way for integration and the civil rights movement.

Griswold v. Connecticut, 381 U.S. 479 (1965): Griswold was a landmark case in which the Supreme Court ruled that the Constitution protected a right to privacy. The case involved a Connecticut law that prohibited the use of contraceptives. By a vote of 7–2, the Supreme Court invalidated the law on the grounds that it violated the ''right to marital privacy.''

Lawrence v. Texas, 539 U.S. 558 (2003): In Lawrence, the Supreme Court considered the issue of whether adult consensual sexual activity is protected by the Fourteenth Amendment guarantee of equal protection under the law. The Court found that the petitioners were free as adults to engage in the private conduct in the exercise of their liberty under the Due Process Clause. The decision decriminalized the Texas law that made it illegal for two persons of the same sex to engage in certain intimate sexual conduct.

Massachusetts v. Environmental Protection Agency, 549 U.S. 497 (2007): In this case, twelve states and several cities of the United States brought suit against the United States Environmental Protection Agency (EPA) to force the federal agency to regulate carbon dioxide and other greenhouse gases as pollutants. The Supreme Court found that Massachusetts, due to its ''stake in protecting its quasi-sovereign interests'' as a state, had standing to sue the EPA over potential damage caused to its territory by global warming. The Court rejected the EPA's argument that the Clean Air Act was not meant to refer to carbon emissions in the section giving the EPA authority to regulate ''air pollution agent[s].''

Loving v. Virginia, 388 U.S. 1 (1967): Loving was a landmark civil rights case in which the United States Supreme Court, by a 9–0 vote, declared Virginia's anti-miscegenation statute, the ''Racial Integrity Act of 1924,'' unconstitutional, thereby ending all race-based legal restrictions on marriage in the United States.

New York Times Co. v. United States, 403 U.S. 713 (1971): This case considered whether the New York Times and Washington Post newspapers could publish the then-classified Pentagon Papers without risk of government censure. The question before the Court was whether the constitutional freedom of the press, guaranteed by the First Amendment, was subordinate to a claimed need of the executive branch of government to maintain the secrecy of information. The Supreme Court ruled that the First Amendment protected the right of the New York Times to print the materials.

Tennessee Valley Authority v. Hill, 437 U.S. 153 (1978) (The Snail Darter Case): In TVA, the Supreme Court affirmed a court of appeals' judgment, which agreed with the Secretary of Interior that operation of the federal Tellico Dam would eradicate an endangered species. The Court held that a prima facie violation of §7 of the Endangered Species Act, 16 U.S.C. §1536, occurred, and ruled that an injunction requested by respondents should have been issued.

Mr. Chair, I rise in strong opposition to H.R. 720, the ''Lawsuit Abuse Reduction Act of 2017,'' because it is both unnecessary and counterproductive.

I oppose this legislation that aims to restore a long-discredited version of Federal Rule of Civil Procedure 11, in effect from 1983 to 1993.

The current Rule 11 allows federal courts, in their discretion, to impose sanctions for frivolous filings and it encourages litigants to resolve such issues without court intervention.

As written, H.R. 720 would change the sanctions for a violation of Federal Rules of Civil Procedure 11 to a cost-shifting sanction payable to the opposing party, an antiquated version of the Rule in effect from 1983 until 1993.

Why, Mr. Chair would we return to the failed and discredited sanction regime rightly abandoned in 1993?

H.R. 720 would require courts to impose monetary sanctions for any Rule 11 violation, eliminating the safe harbor provision that currently allows attorneys to correct or withdraw a filing before Rule 11 proceedings commence.

That cost-shifting provision was eliminated by the courts because it encouraged satellite litigation; many cases required parallel proceedings—one on the merits of the lawsuit and one on the Rule 11 motion.

The 1983 rule had a particularly negative disproportionate impact on plaintiffs, especially plaintiffs in civil rights cases, because plaintiffs in such cases often raise novel legal arguments, leaving them vulnerable to a Rule 11 motion by a defendant.

Reinstating this mandatory fee shifting rule, as H.R. 720 does, will again have a chilling effect on plaintiffs' claims, especially individual plaintiffs taking on large corporate interests.

Sanctions were more often imposed against plaintiffs than defendants and more often imposed against plaintiffs in certain kinds of cases, primarily in civil rights and certain kinds of discrimination cases.

A leading study on this issue showed that although civil rights cases made up 11.4% of federal cases filed, 22.7% of the cases in which sanctions had been imposed were civil rights cases.

The imposition of mandatory fees and costs ultimately shifts the purpose of the Rule from deterrence to compensation, encouraging parties to always file Rule 11 motions in the hopes of gaining additional compensation.

Both the Judicial Conference of the United States and the U.S. Supreme Court support preservation of the current version of Rule 11(c) and restoring the true balance between punishing unwarranted conduct and deterring unnecessary litigation.

Given the highly problematic experience under the 1983 rule, which sparked extensive and costly litigation, the rule burdened already strained federal court system, adversely affecting cases of all types, including civil litigation among businesses.

Congress should be looking for ways to decrease, not increase wasteful burdens on

courts, and should avoid rule changes that have a discriminatory impact on civil rights, employment, environmental, and consumer cases.

For these reasons and more, I oppose this bill.

Mr. SMITH of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the Judicial Conference, by its own admission, objects to any amendments to the Federal rules it doesn't propose itself, but Congress has the constitutional authority and responsibility to establish and amend the Federal rules. It also has the duty to address problems with the judicial system that fall within its enumerated powers. Reducing frivolous lawsuits and ensuring that those who face meritless filings are able to receive compensation for losses caused by frivolous claims is a significant improvement to our justice system.

Also, Mr. Chairman, I would ask my colleagues, does a bill that grants the victims of corporate fraud the right to damages create satellite litigation? Of course it doesn't. What it does is create a means of guaranteed compensation for a wrong suffered. This bill does just that. It creates a means of guaranteed compensation for a wrong suffered; namely, the wrong of a frivolous lawsuit.

It is the job of judges to apply the law. It is the job of Members of Congress to write the law. We are the people's representatives, and all of us have constituents who have been the victims of frivolous lawsuits. We are responsible for the lack of any redress today for the victims of frivolous lawsuits, and we aim to remedy that today by passing this bill on behalf of the constituents who sent us here. If you deny that the victims of frivolous lawsuits are real victims, then vote against this bill, but if you think the victims of frivolous lawsuits should be entitled to compensation, just like anyone else who proves their legal claims in court, you should support this bill.

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

□ 0945

Mr. CONYERS. Mr. Chairman, it is my pleasure to yield 4 minutes to the gentleman from Georgia (Mr. JOHNSON).

Mr. JOHNSON of Georgia. Mr. Chairman, I thank the ranking member for yielding.

Mr. Chairman, I rise in opposition to H.R. 720, the Lawsuit Abuse Reduction Act of 2017—which is misnamed, just as all of the other bills that we have considered this week that are trying to crush the ability of plaintiffs, people who have been injured, due to the negligence or intentional acts of others—legislation designed to keep plaintiffs out of court and protect wrongdoing corporations.

This bill is misnamed the Lawsuit Abuse Reduction Act. I would propose that we take out the word ''abuse'' and just leave it as it really is, which is the Lawsuit Reduction Act of 2017. That is what this legislation is designed to do, is to stop litigation in its tracks.

We have been debating the merits of a bill that the Judicial Conference itself does not find useful, especially considering the fact that they have already been through so-called lawsuit abuse reduction reform in the past. The Judicial Conference, of course, is the group of judges that helps to formulate policy for the judiciary, and they are the ones who know. We should consult with them. Of course, we have, as the legislative branch, the ability to legislate in those areas; but it doesn't make much sense for us to override or to ignore the views of the Judicial Conference when it comes to their own business.

That is what this legislation does. It doesn't lend itself to the support of the Judicial Conference, which is important, especially since they have already been through lawsuit abuse reduction reform efforts that were put into place by this body, the same ones that we are considering today. They didn't work then; they don't work today.

H.R. 720 ignores the discretion of well-versed judges to impose sanctions against attorneys engaging in unnecessary litigation. Because there have been critiques that the pleading standards in rule 8 of the Federal Rules of Civil Procedure give parties a license to bring a multiplicity of frivolous lawsuits, rule 11 is meant to act like a check.

Under rule 11, judges can sanction attorneys when they deem it is appropriate to curb unmeritorious lawsuits, and they use it. There is no question about that. Parties are being sanctioned every day under rule 11.

H.R. 720 now requires that judges impose mandatory sanctions with monetary compensation and deprive litigants of the opportunity to cure a defective lawsuit. The problem with this approach is that it makes the cost of litigation skyrocket as litigants are required to pay for attorneys' fees and other filing fees.

In addition, it creates a vicious cycle of litigation where parties engage in many trials over penalties to be paid as a result of rule 11 sanction motions rather than getting to the actual merits of the case. This approach was tried 20 years ago. It didn't work then, and there is no compelling reason to think that it is going to work today.

I ask my colleagues to oppose H.R. 720, just as I ask them to oppose these other attacks on the ability of plaintiffs to bring cases in court against wrongdoing corporate defendants, many of them multinationals.

Mr. SMITH of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, a few minutes ago, a judicial poll was mentioned. But I would point out to all of my colleagues that only one survey was done that consisted mostly of judges who had experience under both the stronger rule with mandatory sanctions. That poll showed overwhelming support for mandatory sanctions. When judges who had experience under both the stronger and weaker versions of rule 11 were polled, they overwhelmingly supported mandatory sanctions for frivolous lawsuits.

The survey of 751 Federal judges found that an overwhelming majority of Federal judges believed, based on their experience under both a weaker and stronger rule 11, that a stronger rule 11 did not impede development of the law: 95 percent; the benefits of the rule outweighed any additional requirement of judicial time: 72 percent; the stronger version of rule 11 had a positive effect on litigation in the Federal courts: 81 percent; and the rule should be retained in its then current form: 80 percent. Incredible.

A 2005 survey was also mentioned. In that survey, only 278 judges responded, as opposed to the 751 who responded to the survey done in 1990. Over half of the judges who responded to the 2005 survey had no experience under the stronger rule 11 because they were appointed to the bench after 1992. So that 2005 survey tells us very little about how judges comparatively view the stronger versus the weaker rule 11.

I would also point out that in the 1990 survey, roughly twice as many responded as in the 2005 survey.

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

Mr. CONYERS. Mr. Chairman, I yield myself such time as I may consume. These constitute my closing observations on this measure.

Mr. Chairman, H.R. 720 would turn back the clock to a time when rule 11 discouraged civil rights cases, restricted judicial discretion, and engendered vast amounts of time-consuming and costly so-called satellite litigation.

Not surprisingly, the Judicial Conference of the United States, the principal policymaking body for the judicial branch charged with proposing amendments to the Federal Rules of Civil Procedure under the careful, deliberate process specified in the Rules Enabling Act, opposes this measure, noting that it creates a cure worse than the problem it is meant to solve.

Likewise, the American Bar Association opposes this legislation, as do numerous consumer and environmental groups, including: Public Citizen, the Alliance for Justice, the Center for Justice and Democracy, the Consumer Federation of America, Consumers Union, Earthjustice, the National Association of Consumer Advocates, and six other major organizations.

Finally, last Congress, the Obama administration, strongly opposed a substantively identical measure, noting that the bill was ''both unnecessary and counterproductive,'' and that it ''actually increases litigation.''

Accordingly, I urge my colleagues in this body to reject this flawed bill.

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

Mr. SMITH of Texas. Mr. Chairman, I yield myself such time as I may consume.

Let me first point out that this bill is being key voted by the United States Chamber of Commerce. It has been endorsed by the National Federation of Independent Business, and also endorsed by the Physicians Insurance Association of America.

Mr. Chairman, let me remind Members what the base bill—which is just a page long—actually does. It makes it mandatory for the victims of frivolous lawsuits filed in Federal Court to be compensated for the harm done to them by the filers of frivolous lawsuits. The bill doesn't change the existing standards for determining what is or is not a frivolous lawsuit. So under the bill, mandatory sanctions would only be awarded to victims of frivolous lawsuits when those lawsuits have no basis in law or fact.

The victims of frivolous lawsuits are real victims. They have to shell out thousands of dollars, endure sleepless nights, and spend time away from their family, work, and customers, just to respond to frivolous pleadings. Few would ever claim that judges should have the discretion to deny damage awards to victims of legal wrongs proved in court.

So why should judges have the discretion to deny damage awards to victims of frivolous lawsuits who prove in court that the case brought against them was, indeed, frivolous?

A vote against LARA, including a vote for the motion to recommit, is a denial of the fact that victims of frivolous lawsuits are real victims. But they are real victims, and they deserve to be guaranteed compensation when they prove in court that the claims against them are frivolous. This bill would do just that, and for these reasons, I urge my colleagues to support it.

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

The Acting CHAIR (Mr. HULTGREN). All time for general debate has expired.

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

The text of the bill is as follows:

H.R. 720

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Lawsuit Abuse Reduction Act of 2017''.

**SEC. 2. ATTORNEY ACCOUNTABILITY.**

(a) SANCTIONS UNDER RULE 11.—Rule 11(c) of the Federal Rules of Civil Procedure is amended—

(1) in paragraph (1), by striking ''may'' and inserting ''shall'';

(2) in paragraph (2), by striking ''Rule 5'' and all that follows through ''motion.'' and inserting ''Rule 5.''; and

(3) in paragraph (4), by striking ''situated'' and all that follows through the end of the paragraph and inserting ''situated, and to compensate the parties that were injured by such conduct. Subject to the limitations in paragraph (5), the sanction shall consist of an order to pay to the party or parties the amount of the reasonable expenses incurred as a direct result of the violation, including reasonable attorneys' fees and costs. The court may also impose additional appropriate sanctions, such as striking the pleadings, dismissing the suit, or other directives of a non-monetary nature, or, if warranted for effective deterrence, an order directing payment of a penalty into the court.''.

(b) RULE OF CONSTRUCTION.—Nothing in this Act or an amendment made by this Act shall be construed to bar or impede the assertion or development of new claims, defenses, or remedies under Federal, State, or local laws, including civil rights laws, or under the Constitution of the United States.

The Acting CHAIR. No amendment to the bill shall be in order except those printed in part A 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. SOTO

The Acting CHAIR. It is now in order to consider amendment No. 1 printed in part A 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 3, strike line 11 and all that follows through line 13, and insert the following:

(2) in paragraph (2)—

(A) by inserting after ''be presented to the court if'' the following: ''discovery has not been completed and if'' ; and

(B) by striking ''within 21 days'' and inserting ''within 14 days''; and

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 reinstate the Federal Rules of Civil Procedure rule 11(c)(2) safe harbor provision, which allows parties to avoid penalties, by withdrawing or correcting the claims within 14 days from when the alleged violation of rule 11(b) becomes known, anytime up until the end of the discovery period.

This bill would force attorneys to assess their case blindly as it stands. Every attorney knows to assess their case based upon an objective set of facts regarding the situation.

A good attorney would never overpromise a cause of action, but this bill prevents even a fair assessment of a case. A full and accurate analysis of the merits of the case must be done on day one, because this bill requires mandatory sanctions with no grace period. We have tried this already, and it did not work.

This bill will eliminate rule 11(c)(2)'s safe harbor provision, which currently allows the target of a rule 11 motion for sanctions to withdraw or correct the paper claim, defense, contention, or denial that is the subject of the motion for sanctions within 21 days after service.

Between 1938 and 1983, there were only 19 rule 11 filings. In 1983, rule 11 was changed to the standard being proposed by this bill. In the 10 years without this safe harbor provision, nearly 7,000 motions for sanctions were made. A 1989 study showed that roughly one-third of all Federal civil lawsuits involved rule 11 satellite litigation, and approximately one-fourth of all those cases on the docket involved rule 11 actions that did not result in sanctions. Thus, attorneys had a dual job: one to try the case, and the other to try the opposing counsel.

We can't go back to a failed system. The amount of sanction litigation that clogged the system was so extensive that in 1993, a mere 10 years after this failed legal experiment began, a safe harbor provision was established to unclog the system, and it worked. Since then, the amount of rule 11 sanction satellite litigation has come down, and the courts are now better able to focus on the case at hand.

In committee, Mr. CICILLINE of Rhode Island, recommended the re-implementation of the 21-day safe harbor provision.

□ 1000

Instead of following this commonsense proposal, the committee rejected it by an 18–4 vote. I believe such an important provision needs to be revisited, but with a compromise. That is why I drafted this amendment that offers a 14-day safe harbor provision; and as a measure to protect further abuse, my safe harbor amendment is only available prior to the completion of discovery, yet another attempt to have a compromise here.

The intent for this discovery provision is that an attorney, during discovery, may realize a flaw in their case. Such a revelation should allow an attorney to correct or withdraw their claim without having the fear of having mandatory automatic sanctions imposed on them. Instead, this bill, as written, immediately places sanctions on the mistaken lawyer. This is well-intentioned, but it does not acknowledge the realities of litigation or the legal process.

In the real world, clients can easily misrepresent a situation to their counsel, and the truth won't be known until discovery. This bill will have a stifling effect on the legal community and will lead to denied justice because attorneys will not be willing to take a case unless it is a guaranteed win.

We should take the lessons learned from the 1983 experiment and preserve the safe harbor provision to protect well-intended plaintiffs' attorneys and not stack the deck against those who seek justice.

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

Mr. SMITH of Texas. Mr. Chairman, I claim the time in opposition to the amendment.

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

Mr. SMITH of Texas. Mr. Chairman, I oppose this amendment which allows lawyers who file frivolous claims to escape any sanction.

It is essential that LARA reverse the 1993 amendments to rule 11. The current rule allows those who file frivolous lawsuits to avoid sanctions by withdrawing claims within 21 days after a motion for sanctions has been filed. This loophole, which LARA closes, gives unscrupulous lawyers an unlimited number of free passes to file frivolous pleadings with impunity.

Justice Scalia correctly predicted that such amendments would, in fact, encourage frivolous lawsuits. Opposing the 1993 amendments in which the 21-day rule was instated, Justice Scalia wrote:

> In my view, those who file frivolous suits in pleadings should have no safe harbor. The rules should be solicitous of the abused and not of the abuser. Under the revised rule, parties will be able to file thoughtless, reckless, and harassing pleadings, secure in the knowledge that they have nothing to lose: if objection is raised, they can retreat without penalty.

LARA would eliminate the free pass lawyers use to file frivolous lawsuits. This amendment would eliminate that free pass that is so costly to innocent Americans.

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

Mr. SOTO. Mr. Chair, there is a sanction in place. You have to remove your claim or your assertion that is in question, and there is the cost of time that any attorney has to put in. But at the end of the day, we have already been down this road and it has failed. Now all we are going to see is more litigation again without the requisite increase in funding to our Federal courts.

And so what we are going to see is anybody who sued—whether you are a plaintiff suing or defendant—is going to now have far more complex, dual-track litigation, and that is going to increase costs on businesses and on individuals who are facing litigation in our Federal courts. I believe we need to keep the lessons learned from the past, and I urge Members to adopt my amendment.

Mr. Chair, 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. Chair, 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. 2 OFFERED BY MS. JACKSON LEE

The Acting CHAIR. It is now in order to consider amendment No. 2 printed in part A 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:

> Page 3, beginning on line 19, strike ''shall consist of an order to pay'' and all that follows through ''reasonable expenses incurred'' on line 20, and insert ''may consist of an order to pay the reasonable expenses incurred by the party or parties''.

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, let me again emphasize our mutual commitment to justice and why I think the underlying bill skews justice and tips the scale of justice on Lady Justice.

I again refer you to the sitting experts, and that is the Judicial Conference of the United States, comprised of Federal judges all across America. I can't help but recite this sentence that strikes me as one as strong as possible to have been cited in a letter.

Their referral to LARA, the Lawsuit Abuse Reduction Act, in this one sentence, recognizing the concern about frivolous lawsuits or filings, they say:

> But LARA creates a curse worse than the problem it is meant to solve.

I think that that one sentence says it all. We are not here solving a problem. We are here creating a problem.

I am particularly struck by the comments regarding small businesses. My amendment improves H.R. 720 by preserving the current law and practice of courts awarding attorneys' fees when justice requires.

As written, H.R. 720 would change the sanctions for violation of Federal Rules of Civil Procedure 11 to a cost-shifting sanction, payable to the opposing party, an antiquated version of the rule in effect from 1983 until 1993. That cost-shifting provision was eliminated by the courts because it encouraged satellite litigation.

The Jackson Lee amendment would preserve the sanctions currently available under rule 11, which provide the correct balance in punishing unwarranted conduct—this is under the present status of rule 11—without encouraging unnecessary litigation.

Specifically, my amendment will strike a provision of the legislation that mandates the award of reasonable attorney fees and costs. Instead, it restores judicial discretion to award such fees and costs when warranted.

Take small business A, who is mad at big bank XYZ. They mishandled my account, and they filed a lawsuit. Unfortunately, the bookkeeper—not accountant—bookkeeper that the small business used really made the mistake, but the judge, recognizing the small business had good intentions, would not have to mandatorily force them to be sanctioned and to pay attorneys' fees but might then have discretion. That is how you help small business A.

I ask my colleagues to support the reasonable Jackson Lee amendment.

Mr. Chair, thank you for this opportunity to explain the Jackson Lee Amendment to H.R. 720.

My amendment improves H.R. 720 by preserving the current law and practice of courts awarding attorney fees when justice so requires.

As written, H.R. 720 would change the sanctions for a violation of Federal Rules of Civil Procedure (FRCP) 11 to a cost-shifting sanction payable to the opposing party, an antiquated version of the Rule in effect from 1983 until 1993.

That cost-shifting provision was eliminated by the courts because it encouraged satellite litigation.

The Jackson Lee Amendment would preserve the sanctions currently available under Rule 11, which provide the correct balance in punishing unwarranted conduct, without encouraging unnecessary litigation.

Specifically, my amendment will strike a provision of the legislation that mandates the award of reasonable attorneys' fees and costs, and instead restores judicial discretion to award such fees and costs when warranted.

The Jackson Lee Amendment preserves the balance found in the current version of Rule 11, which gives the court discretion to determine an appropriate sanction.

H.R. 720 seeks a return to the failed and discredited sanction regime rightly abandoned in 1993.

By eliminating the mandatory fee-shifting provision, the 1993 Rule discouraged satellite litigation and encouraged parties to move forward with the merits of the case.

Under the prior Rule 11, during the 1983–1993 time, mandatory fee-shifting was used to discourage plaintiffs from bringing meritorious claims using novel legal theories in civil rights and employment rights cases.

Reinstating this mandatory fee shifting rule, as H.R. 720 does, will again have a chilling effect on plaintiffs claims, especially individual plaintiffs taking on large corporate interests.

The Jackson Lee Amendment would preserve the current version of Rule 11(c) and restore the true balance between punishing unwarranted conduct and deterring unnecessary litigation.

The old rule disproportionately affected plaintiffs, especially plaintiffs in civil rights cases.

Sanctions were more often imposed against plaintiffs than defendants and more often imposed against plaintiffs in certain kinds of cases, primarily in civil rights and certain kinds of discrimination cases.

A leading study on this issue showed that although civil rights cases made up 11.4% of federal cases filed, 22.7% of the cases in which sanctions had been imposed were civil rights cases.

The imposition of mandatory fees and costs shifts the purpose of the Rule from deterrence to compensation, encouraging parties to always file Rule 11 motions in the hopes of gaining additional compensation.

For these reasons, I urge my colleagues to join me in supporting the Jackson Lee Amendment.

COMMITTEE ON RULES OF PRACTICE AND PROCEDURE OF THE JUDICIAL CONFERENCE OF THE UNITED STATES,

*Washington, DC, April 13, 2015.*

Hon. BOB GOODLATTE,
*Chairman, Committee on the Judiciary, House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: We write to present the views of the Judicial Conference Rules Committees on H.R. 758, the Lawsuit Abuse Reduction Act of 2015.

As the current chairs of the Judicial Conference's Committee on the Rules of Practice and Procedure (the ''Standing Committee'') and the Advisory Committee on the Federal Rules of Civil Procedure (the ''Advisory Committee''), we oppose H.R. 758, which seeks to reduce lawsuit abuse by amending Rule 11 of the Federal Rules of Civil Procedure. The bill would reinstate a mandatory sanctions provision of Rule 11 adopted in 1983 and removed as counterproductive in 1993. The bill would also eliminate a provision adopted in 1993 that allows a party to withdraw challenged pleadings. Our concerns mirror the views expressed by the Judicial Conference in 2004 and 2005, and by the Standing Committee and Advisory Committee in 2011 and 2013, in response to similar legislation, and reflect our ongoing daily experience with the practical operation of the rules.

We share the desire of the sponsors of H.R. 758 to improve the civil justice system in our federal courts, including the desire to reduce frivolous filings. But legislation that would restore the 1983 version of Rule 11 would create a cure worse than the problem it is meant to solve. Such legislation also contravenes the longstanding Judicial Conference policy opposing direct amendment of the federal rules by legislation rather than through the deliberative process Congress established in the Rules Enabling Act, 28 U.S.C. §§ 2071–2077.

A decade of experience with the 1983 mandatory sanctions provision demonstrated that it failed to provide meaningful relief from the litigation behavior it was meant to address, and instead generated wasteful satellite litigation that had little to do with the merits of cases. The 1983 version of Rule 11 required sanctions for every violation of the rule, and quickly became a tool of abuse. Aggressive filings of Rule 11 sanctions motions required expenditure of tremendous resources on Rule 11 battles having nothing to do with the merits of the case and everything to do with strategic gamesmanship. Many Rule 11 motions in turn triggered counter-motions seeking Rule 11 sanctions as a penalty for filing of the original Rule 11 motion.

The 1993 changes to Rule 11 followed years of examination and were made on the Judicial Conference's strong recommendation, with the Supreme Court's approval, and effective only following a period of congressional review. The 1993 amendments were designed to remedy the major problems with the rule, strike a fair balance between competing interests, and allow parties and courts to focus on the merits of the underlying cases. Since 1993, the rule has included a safe harbor, providing a party 21 days within which to withdraw a particular claim or defense before sanctions can be imposed. If the party fails to withdraw an allegedly frivolous claim or defense within that time, a court may impose sanctions, including assessing reasonable attorney fees. Under the 1993 amendments, sanctioning of discovery-related abuse remains available under Rules 26 and 37, which provide for sanctions that include awards of reasonable attorney fees.

Minimizing frivolous filings is vital. The current rules give judges tools to deal with frivolous pleadings, including the imposition of sanctions where warranted. Rule 12(b)(6) authorizes courts to dismiss pleadings that fail to state a claim. Section 1927 of Title 28 of the United States Code authorizes sanctions against lawyers for ''unreasonably and vexatiously'' multiplying the proceedings in any case. Other tools to address frivolous filings include 28 U.S.C. §1915(e), which requires courts to dismiss cases brought in forma pauperis that are frivolous, malicious, or fail to state a claim, and 28 U.S.C. §1915A, which requires courts to dismiss prisoner complaints against governmental entities, officers, or employees that are frivolous, malicious, or fail to state a claim.

Some may ask, why not give courts another tool to deter frivolous filings by reinstating the 1983 version of Rule 11? The answer is that the very process Congress established to consider rule proposals exposed the 1983 version of Rule 11 as superficially appealing, but replete with unintended consequences, chiefly an explosion of satellite litigation. Congress designed the Rules Enabling Act process in 1934, and reformed it in 1988, to produce the best rules possible through broad public participation and review by the bench, the bar, and the academy. The Enabling Act charges the judiciary with the task of neutral, independent, and thorough analysis of the rules and their operation. The Rules Committees undertake extensive study of the rules, including empirical research, so that they can propose rules that will best serve the American justice system while avoiding unintended consequences. Experience has shown that this process works well. Direct amendment of Rule 11 will not only circumvent the effective Rules Enabling Act process Congress implemented, but as the careful study of Rule 11 undertaken by the Rules Committees over many years demonstrates, direct amendment of Rule 11 as envisioned by H.R. 758 would work against the laudable purpose of improving the administration of justice.

Before proposing the 1993 amendments, the Advisory Committee reviewed several empirical studies of the 1983 version of Rule 11, including studies conducted by the Federal Judicial Center in 1985 and 1988, a Third Circuit Task Force report on Rule 11 in 1989, and a New York State Bar Committee report in 1987. In 1990, the Advisory Committee issued a call for general comments on the rule. The response was substantial and clearly called for a change. The Advisory Committee concluded that Rule 11's cost-shifting provision created an incentive for too many unnecessary Rule 11 motions. Amendments to Rule 11 were drafted by the Advisory Committee and approved by the Standing Committee and Judicial Conference. The Supreme Court approved the amendments and transmitted them to Congress in May 1993 after extensive scrutiny and debate by the bench, bar, and public in accordance with the Rules Enabling Act process.

The amended rule has produced a marked decline in Rule 11 satellite litigation without any noticeable increase in frivolous filings. In June 1995, the Federal Judicial Center conducted a survey of 1,130 lawyers and 148 judges on the effects of the 1993 amendments. The Center found general satisfaction with the amended rule, and that a majority of the responding judges and lawyers did not favor a return to mandatory sanctions when the rule is violated.

In 2005, the Federal Judicial Center surveyed federal trial judges to get a clearer picture of how the revised Rule 11 was operating. A copy of the study is enclosed. The study showed that judges on the front lines—those who must contend with frivolous litigation and apply Rule II—strongly believe that the current rule works well. The study's findings include the following highlights:

More than 80 percent of the 278 district judges surveyed indicated that ''Rule 11 is needed and it is just right as it now stands'';

87 percent prefer the existing Rule 11 to the 1983 version or the version proposed by legislation (e.g., H.R. 4571 (the Lawsuit Abuse Reduction Act of 2004) or H.R. 420 (the Lawsuit Abuse Reduction Act of 2005));

85 percent strongly or moderately support Rule 11's safe harbor provisions;

91 percent oppose the proposed requirement that sanctions be imposed for every Rule 11 violation;

84 percent disagree with the proposition that an award of attorney fees should be mandatory for every Rule 11 violation;

85 percent believe that the amount of groundless civil litigation has not grown since the promulgation of the 1993 rule (for judges commissioned before 1992) or since their first year as a federal district judge (for judges commissioned after January 1, 1992); and

72 percent believe that addressing sanctions for discovery abuse in Rules 26(g) and 37 is better than in Rule 11.

The findings of the Federal Judicial Center underscore the judiciary's united opposition to legislation amending Rule 11. Lawyers share this view. The American Bar Association has opposed H.R. 758. Indeed, of the 200 lawyers, litigants, judges, and academics who participated in the 2010 conference at Duke University Law School convened by the Advisory Committee to search for ways to address the problems of costs and delay in civil litigation, nobody proposed a return to the 1983 version of Rule 11.

Thank you for considering the views of the Standing Committee and Advisory Committee. We look forward to continuing to work with you to ensure that our civil justice system fulfills its vital role. If you or your staff have any questions, please contact Rebecca Womeldorf, Secretary to the Standing Committee.

Sincerely,

JEFFREY S. SUTTON,
*United States Circuit Judge Sixth Circuit,Chair, Committee on Rules of Practice and Procedure.*

DAVID G. CAMPBELL,
*United States District Judge District of Arizona, Chair, Advisory Committee on Civil Rules.*

Ms. JACKSON LEE. Mr. Chair, I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Chairman, I claim the time in opposition to the amendment.

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

Mr. SMITH of Texas. Mr. Chairman, I oppose this amendment which would strike the provision for penalties for frivolous lawsuits and, thus, defeat the purpose of the bill.

Today, there is no guarantee that a victim of a frivolous lawsuit will be compensated, even when a court finds that the lawsuit is frivolous. This legislation gives the victims of frivolous lawsuits the ability to receive compensation from those who abuse the legal system. The underlying bill enables innocent Americans to protect

themselves and their families from absolutely absurd lawsuits, which can cost them their reputations and their livelihoods.

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

Ms. JACKSON LEE. Mr. Chairman, reading again from the Judicial Conference letter, it says: The facts do not support any assumption that mandatory sanctions under H.R. 720—that is what the bill is about—deter frivolous filings. All it does, after a decade of experience, is that it demonstrates that it failed to provide meaningful relief from the litigation behavior it was supposed to address.

What it will do is it will punish the small business. By eliminating the mandatory fee-shifting provision, the 1993 rule discouraged satellite litigation. Reinstating this mandatory fee-shifting rule, as H.R. 720 does, will again have a chilling effect.

The Jackson Lee amendment would give the courts discretion to protect against the mom-and-pop business from having to pay because they mistakenly thought big bank XYZ did them in, and it really was a mistake on their part.

Sanctions are more often imposed against plaintiffs than defendants, more often imposed against plaintiffs in certain kind of cases, primarily civil rights and certain kinds of discrimination cases.

The Brown v. Board of Education of Topeka might have been perceived to be outrageous—how dare you try to strike down the separate but equal—and yet it has had an amazing impact and a case of moment in history.

Or the Loving v. Virginia, when two individuals who loved each other still were kept out of Virginia because they were of different races, it was absurd to file that lawsuit at that time. Yet, if they had not, or if these kinds of penalties were in place, they might be suffering mandatory sanctions and kept out of the courthouse.

A leading study on this issue showed that, although civil rights cases make up 11.4 percent, 22.7 percent of the cases in which sanctions have been imposed are civil rights cases.

Mr. Chair, I ask my colleagues to support the Jackson Lee amendment. In order to foster justice, support the Jackson Lee amendment, which restores to the courts judicial discretion on penalties and sanctions, if you will, and listen to the Judicial Conference: this is a curse worse than the problem.

Mr. Chair, I urge support of the Jackson Lee amendment, and I yield back the balance of my time.

Mr. SMITH of Texas. Mr. Chairman, let me just summarize this bill in one sentence, and that is that no reputable attorney is going to have any concerns with this legislation.

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. Chair, 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 Texas will be postponed.

AMENDMENT NO. 3 OFFERED BY MR. CONYERS

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

Mr. CONYERS. Mr. Chairman, I ask that my amendment be brought forward at this time.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Add, at the end of the bill, the following:

**SEC. 3. PROTECTING ACTIONS PERTAINING TO CONSTITUTIONAL CLAIMS OR CIVIL RIGHTS.**

Nothing in this Act, or the amendments made by this Act, shall be construed to apply to actions alleging any violation of a right protected by the Constitution or any civil right protected by law.

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 am very concerned that H.R. 720 may have a serious, deleterious impact on the ability of individuals to protect their civil and constitutional rights in Federal court. This is a point that has been emphasized on this side ever since we have started examining, more carefully, H.R. 720. Accordingly, my amendment would simply exempt these types of cases from the bill.

Based on a decade of experience with the 1983 version of the Federal Rules of Civil Procedure, we know that the civil rights cases were, in fact, disproportionately impacted because they often raised novel arguments.

For example, a 1991 Federal Judicial Center study found that the incidence of rule 11 motions was ''higher in civil rights cases than in some other types of cases.'' Another study shows that, while civil rights cases comprised only 11 percent of the Federal cases filed, more than 22 percent of the cases in which sanctions had been imposed were, in fact, civil rights cases.

The bill contains a rule of construction intended to clarify that ''it not be construed to bar the assertion of new claims or defenses or remedies, including those arising under civil rights laws or the Constitution.''

The inclusion of this language is an acknowledgment of the disproportionate impact that the 1983 rule had on civil rights cases, and we should applaud—and I am sure we do—its intent.

Nevertheless, I fear this rule of construction, by itself, will not prevent defendants from using rule 11 as a weapon to dissuade civil rights plaintiffs from pursuing their claims.

□ 1015

My amendment makes an explicit exception for civil rights and constitutional actions. As a result, litigants will be clearly aware of its existence and will not be able to force opposing parties into satellite litigation when the case is brought under a civil rights law.

This amendment is necessary to avoid even the possibility of a chilling effect that the revisions made by the bill to rule 11 could have on those advocating for civil rights and constitutional law protections. As the late Robert Carter, a former United States judge for the Southern District of New York, who earlier in his career represented one of the plaintiffs in the Brown v. Board of Education case, said of the 1983 version of rule 11:

''I have no doubt that the Supreme Court's opportunity to pronounce separate schools inherently unequal in Brown v. Board of Education would have been delayed for a decade had my colleagues and I been required, upon pain of potential sanctions, to plead our legal theory explicitly from the start.''

For that reason alone, I urge the adoption of this amendment.

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

Mr. SMITH of Texas. Mr. Chairman, I claim the time in opposition to the amendment.

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

Mr. SMITH of Texas. Mr. Chairman, let me say, first of all, that the ranking member of the Judiciary Committee, the gentleman from Michigan (Mr. CONYERS), has been a champion of civil rights all of his life. I recognize and respect that.

For that reason, I would like to try to reassure him that the base bill already says, as I mentioned in my opening statement:

''Nothing in this Act or an amendment made by this Act shall be construed to bar or impede the assertion or development of new claims, defenses, or remedies under Federal, State, or local laws, including civil rights laws, or under the Constitution of the United States.''

This provision clearly preserves the right to assert claims under the civil rights laws or the Constitution. I don't know how this language could be more clear.

This amendment would allow frivolous claims to be brought under civil rights laws without any of the penalties required in the base bill. If this amendment were adopted, the bill would invite the filing of frivolous civil rights claims without any penalty whatsoever.

I urge my colleagues to oppose this amendment, which regrettably would expose innocent Americans to abusive and frivolous lawsuits.

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

Mr. CONYERS. Mr. Chairman, I yield the balance of my time to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE. Mr. Chairman, I support Representative CONYERS' amendment.

I include in the RECORD in support of our amendment a Judicial Conference letter dated April 13, 2015, and letters from a number of organizations, including the Alliance for Justice and the American Association for Justice.

I also include in the RECORD a letter from the American Bar Association, who begins their message:

''On behalf of the American Bar Association, ABA, and its over 400,000 members, I am writing to urge you to vote against H.R. 720, the Lawsuit Abuse Reduction Act . . . which is scheduled for a floor vote this week.''

Re Groups Strongly Oppose Attacks on Civil Justice.

Hon. BOB GOODLATTE,
*Chairman, Committee on the Judiciary, House of Representatives, Washington, DC.*
Hon. JOHN CONYERS, Jr.,
*Ranking Member, Committee on the Judiciary, House of Representatives, Washington, DC.*

DEAR CHAIRMAN GOODLATTE AND RANKING MEMBER CONYERS: On February 2, the House Committee on the Judiciary is scheduled to mark up several bills that collectively would make it more difficult for Americans to enforce their legal rights, and would place unreasonable burdens on the federal judiciary and federal enforcement officials. The undersigned organizations strongly oppose these bills as harmful and unnecessary.

H.R. 720: THE LAWSUIT ABUSE REDUCTION ACT (LARA)

LARA would make major, substantive changes to Rule 11 of the Federal Rules of Civil Procedure, bypassing both the Judicial Conference of the United States and the U.S. Supreme Court in the process. Rule 11 provides judges with authority to sanction attorneys for filing frivolous claims and defenses. It provides judges with discretion to decide, on a case-by-case basis, if sanctions are appropriate. LARA would remove this judicial discretion, mandating sanctions. LARA would reinstate a rule put into effect in 1983 that was so unworkable it was rescinded in 1993 after many problems and nearly universal criticism. Among those problems were: the rule had a chilling effect on the filing of meritorious civil rights, employment, environmental, and consumer cases; the rule was overused in civil rights cases as sanctions were sought and imposed against civil rights plaintiffs more than against any other litigants in civil court; and the rule burdened the already strained federal court system with satellite litigation over compliance with the rule. These burdens adversely affected cases of all types, including business-to-business civil litigation. Congress should be looking for ways to decrease, not increase, wasteful burdens on the courts, and should avoid rules changes that have a discriminatory impact on civil rights, employment, environmental, and consumer cases.

H.R. 725: THE INNOCENT PARTY PROTECTION ACT

This bill would upend long established law in the area of federal court jurisdiction, specifically addressing the supposed overuse of ''fraudulent joinder'' to defeat complete diversity jurisdiction in a case. It was previously known as the ''Fraudulent Joinder Prevention Act.'' However, this bill is not about fraud. It is a corporate forum-shopping bill that would allow corporations to move cases properly brought in state courts into federal courts. Corporate defendants support this bill because they prefer to litigate in federal court, which usually results in less diverse jurors, more expensive proceedings, longer wait times for trials, and stricter limits on discovery. For plaintiffs, who are supposed to be able to choose their forums, this legislation would result in additional time, expense, and inconvenience for the plaintiff and witnesses. Moreover, there is no evidence that federal courts are not already properly handling allegations of so-called ''fraudulent joinder'' after removal under current laws. The bill would result in needless micromanagement of federal courts and a waste of judicial resources. While it purports to fix a non-existent problem, it creates problems itself.

H.R. 732: STOP SETTLEMENT SLUSH FUNDS ACT

Under existing laws, settlement terms that result from federal enforcement actions can sometimes include payments to third parties to advance programs that assist with recovery, benefits, and relief for communities harmed by lawbreakers, to the extent such payments further the objectives of the enforcement action. This bill would cut off any payments to third parties other than individualized restitution and other forms of direct payment for ''actual harm.'' That restriction would handcuff federal enforcement officials by limiting their ability to negotiate appropriate relief for real harms caused to the public by illegal conduct that is the subject of federal enforcement actions. This bill would be a gift to lawbreakers at the expense of families and communities suffering from injuries that cannot be addressed by direct restitution.

We urge you to oppose each of these bills. For more information, please contact Joanne Doroshow at the Center for Justice & Democracy or Susan Harley at Public Citizen's Congress Watch.

Very sincerely,

Alliance for Justice, American Association for Justice, Americans for Financial Reform, Asbestos Disease Awareness Organization, Brazilian Worker Center, California Kids IAQ, Center for Biological Diversity, Center for Justice & Democracy, Center for Science in the Public Interest, Coal River Mountain Watch, Comite Civico, Committee to Support the Antitrust Laws, Consumer Action, Consumer Federation of America, Consumers for Auto Reliability and Safety.

Daily Kos, DMV EJ Coalition Earthjustice, East Yard Communities for Environmental Justice, Environmental Working Group, Farmworker Association of Florida, Homeowners Against Deficient Dwellings, IDARE LLC, Impact Fund, Louisiana Bucket Brigade, M&M Occupational Health and Safety Services, Martinez Environmental Group, National Association of Consumer Advocates, National Center for Law and Economic Justice, National Consumer Law Center (on behalf of its low income clients).

National Consumers League, National Employment Lawyers Association, Natural Resources Defense Council, New Haven Legal Assistance Association, Ohio Citizen Action, Ohio Valley Environmental Coalition, Oregon Environmental Council, Progressive Congress Action Fund, Protect All Children's Environment, Public Citizen, Public Justice Center, Public Law Center, RootsAction.org, Southern Appalachia Mountain Stewards, Texas Watch, The Workers' Rights Center, U.S. PIRG, Western New Council on Occupational Safety and Health, WisCOSH, Inc., Workplace Fairness, Worksafe.

AMERICAN BAR ASSOCIATION,
*Washington, DC, March 7, 2017.*

ABA URGES YOU TO OPPOSE PASSAGE OF H.R. 720, THE LAWSUIT ABUSE REDUCTION ACT

DEAR REPRESENTATIVE: On behalf of the American Bar Association (ABA) and its over 400,000 members, I am writing to urge you to vote against H.R. 720, the Lawsuit Abuse Reduction Act of 2015, which is scheduled for a floor vote this week.

Even though this legislation may seem straightforward and appealing on initial review, a thorough examination of the concerns the bill is designed to address provides compelling evidence that, rather than reducing frivolous lawsuits, H.R. 720 will encourage civil litigation abuse and increase court costs and delays.

H.R. 720 seeks to amend Rule 11 of the Federal Rules of Civil Procedure by rolling back critical improvements made to the Rule in 1993. The legislation would reinstate a mandatory sanction provision that was adopted in 1983 and eliminated a decade later after experience revealed its unintended, adverse consequences. It also would eliminate the ''safe harbor'' provision, added in 1993, which has helped reduce frivolous lawsuits by allowing parties to withdraw claims within 21 days after a motion for sanctions is served.

The ABA urges you to oppose enactment of H.R. 720 for three main reasons. First, the legislation was drafted in an empirical and historical vacuum without the input of the judicial branch. Second, there is no demonstrated evidence that the existing Rule 11 is inadequate and needs to be amended. And third, by ignoring the lessons learned from ten years of experience under the 1983 mandatory version of Rule 11, Congress incurs the substantial risk that the proposed changes will harm litigants by encouraging additional litigation and increasing court costs and delays.

I. AMENDMENTS TO THE FEDERAL RULES SHOULD BE VETTED THROUGH THE RULES ENABLING ACT PROCESS

The Rules Enabling Act was established by Congress to assure that amendment of the Federal Rules occurs only after a comprehensive and balanced review of the problem and proposed solution is undertaken by the Judicial Conference of the United States, the policy-making arm of the federal judiciary, in consultation with lawyers, scholars, individuals, and organizations devoted to improving the administration of justice. Prior to submission to Congress, a proposed amendment undergoes extensive review and public comment, a process that often takes over two years and offers Members assurance the proposed amendment is necessary and wise.

In stark contrast, H.R. 720 proposes to amend the Federal Rules over the objections of the Judicial Conference and despite compelling evidence that it will adversely affect the administration of justice.

II. THERE IS NO EMPIRICAL EVIDENCE THAT RULE 11 IS INADEQUATE AND NEEDS TO BE AMENDED

Proponents state that the legislation is needed to stem the growth in frivolous lawsuits that, according to the written statement of the National Federation of Independent Business, has ''created a legal climate that hinders economic growth and hurts job creation.''

There simply is no proof that problems created by frivolous lawsuits have increased since 1993 or that the current Rule 11 is ineffective in deterring frivolous filings. In fact, it is more likely that problems have abated since 1993 because Rule 11's safe harbors provision provides an incentive to withdraw frivolous filings at the outset of litigation.

In addition, according to Professor Danielle Kie Hart and other researchers, after the current version of Rule 11 went into effect, there was an increased incidence of sanctions' being imposed under other sanction rules and laws, including 28 U.S.C. §1927, as well as pursuant to the court's inherent power. Judges have numerous tools at their disposal to impose sanctions and prevent frivolous lawsuits from going forward.

III. THERE IS SUBSTANTIAL RISK THAT H.R. 758 WOULD IMPEDE THE ADMINISTRATION OF JUSTICE BY ENCOURAGING ADDITIONAL LITIGATION AND INCREASING COURT COSTS AND DELAYS

Most importantly, there is no evidence that the proposed changes to Rule 11 would deter the filing of non-meritorious lawsuits. In fact, as stated earlier, past experience strongly suggests that the proposed changes would encourage new litigation over sanction motions, thereby increasing, not reducing, court costs and delays. This is a costly and completely avoidable outcome.

IV. CONCLUSION

The 1983 version of Rule 11 was ill-conceived and created significant unintended adverse consequences that harmed litigants and impeded the administration of justice. We urge you to avoid making the same mistake and to oppose passage of H.R. 720.

If you have any questions concerning the ABA's position on this bill, please feel free to contact me or Denise Cardman, Deputy Director of the Governmental Affairs Office.

Sincerely,

THOMAS M. SUSMAN.

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

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

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. 4 OFFERED BY MR. JEFFRIES

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

Mr. JEFFRIES. 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:

Add, at the end of the bill, the following:

**SEC. 3. PROTECTING ACTIONS PERTAINING TO WHISTLEBLOWERS.**

Nothing in this Act, or the amendments made by this Act, shall be construed to apply to actions brought by an individual, or individuals, under Federal whistleblower laws, Federal anti-retaliation laws, or any Federal laws which protect reporting government misconduct or malfeasance.

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

The Chair recognizes the gentleman from New York.

Mr. JEFFRIES. Mr. Chairman, I thank my distinguished colleagues in government and the lead Democrat on the House Judiciary Committee for their continued leadership.

My amendment would amend from the underlying bill all actions where whistleblowers allege misconduct or malfeasance in connection with the Federal Government. A whistleblower is defined as one who reveals wrongdoing within an organization in the hope of stopping it.

Our country has long recognized the importance of affording legal protections to whistleblowers. Under the protection and umbrella of these laws, whistleblowers have helped expose corruption, government waste, fraud, unconstitutional practices, and abuses of the public trust. They have risked, in many cases, their livelihoods to do what is right for this country and defend our democracy.

It should not be our objective to create barriers that will stop people in good faith from coming forward by subjecting them or their representatives to mandatory sanctions, but that is exactly what this bill is designed to do.

This amendment will ensure that whistleblowers are still protected under current law when they bring an action through our judicial system. The need for this amendment is clear now more than ever.

Donald Trump and his team appear, at times, to be paranoid about the information that comes out of 1600 Pennsylvania Avenue. If the 45th President of the United States chooses to run the White House and the government in the same way that he ran many of his businesses, their fear may be well-founded. He does not have a great track record.

Donald Trump has been sued by the Department of Justice for violating Federal antidiscrimination laws, refusing to rent apartments to people based on their race. I note that that lawsuit in the early 1970s was brought by the Nixon Justice Department.

He was forced to shut down Trump University, an apparent scam that he used to rip off students, swindling them out of tens of thousands of dollars. And he has repeatedly failed to pay his workers and contractors for their services—hardworking Americans.

He created a fake charity, the Trump Foundation, which apparently has been used to pay for a portrait of himself and pay off fines and bills. He has declared bankruptcy four times in his career after losing billions of dollars.

Now, as President, this is the first time that Donald Trump has had to act in the best interest of someone other than himself or his family.

His Cabinet, however, consists of the superwealthy, many of whom are unfamiliar with the programs that their departments oversee and who are inexperienced in handling billions and billions of taxpayer dollars. Many others seem more concerned about helping out interests that are corporate in nature, not the people's interests.

In the words of the legendary Supreme Court Justice Louis Brandeis:

''Sunlight is the best of disinfectants, electric light the most efficient policeman.''

Putting whistleblower protections at risk puts our democracy at risk, and for that reason, I urge adoption of this amendment.

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

The Acting CHAIR. Members are reminded to refrain from engaging in personalities toward the President.

Mr. SMITH of Texas. Mr. Chairman, I claim the time in opposition to the amendment.

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

Mr. SMITH of Texas. Mr. Chairman, I appreciate the Chair pointing out that it is improper to impugn the integrity or damage the reputation of the President of the United States or others. I thank the Chair for pointing that out.

Mr. Chairman, the Lawsuit Abuse Reduction Act makes three important changes to rule 11 to limit lawsuit abuse by imposing sanctions for bringing frivolous lawsuits. These changes apply to all cases brought in Federal district courts.

However, this amendment would change that. If this amendment is adopted, the changes to rule 11 made by LARA would not apply to lawsuits brought in relation to whistleblower claims. There is no reason to make this or other exceptions.

The changes made by the Lawsuit Abuse Reduction Act should apply uniformly throughout the Federal courts. Because this amendment excludes certain cases from the bill's coverage and thereby allows frivolous lawsuits to be filed without any of the penalties required by the bill, I oppose the amendment.

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

Mr. JEFFRIES. Mr. Chairman, I would add that, in a democracy, the ability to use the Article III Federal court system is incredibly important as it relates to the chance for individual citizens who recognize that wrongdoing is taking place to do something about it and save taxpayers from the waste, fraud, and abuse that so many in this Chamber appear to often be concerned about.

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

Mr. SMITH of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, proponents of this amendment want to allow lawsuits with no basis in law or fact to proceed without penalty if the lawsuit relates to whistleblowers. Think about that. The proponents of this amendment support lawsuits that apparently have no basis in law or fact, and they want those frivolous lawsuits to proceed without penalty.

Let me remind Members what the base bill—which is just one page long—actually does. It makes it mandatory for the victims of frivolous lawsuits filed in Federal court to be compensated for the harm done to them by the filers of frivolous lawsuits. The bill doesn't change the existing standards for determining what is or is not a frivolous lawsuit. So under the bill, mandatory sanctions would only be awarded to victims of frivolous lawsuits when those lawsuits, as determined by the judge, have no basis in law or fact, including cases related to whistleblowers that have no basis in law or fact.

This amendment would allow legally frivolous whistleblower cases to go without penalty and leave their victims uncompensated, so I urge all of my colleagues to oppose it.

Once again, I don't know how any reputable attorney would have any concerns with this legislation.

Mr. Chairman, 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. JEFFRIES).

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

Mr. JEFFRIES. 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 A of House Report 115–29 on which further proceedings were postponed, in the following order:

Amendment No. 1 by Mr. SOTO of Florida.

Amendment No. 2 by Ms. JACKSON LEE of Texas.

Amendment No. 3 by Mr. CONYERS of Michigan.

Amendment No. 4 by Mr. JEFFRIES 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. 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 vote was taken by electronic device, and there were—ayes 181, noes 225, not voting 23, as follows:

[Roll No. 153]

AYES—181

Adams
Aguilar
Barragán
Bass
Beatty
Bera
Beyer
Bishop (GA)
Blumenauer
Blunt Rochester
Bonamici
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
Courtney
Crist
Crowley
Cuellar
Cummings
Curbelo (FL)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
Demings
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.
Kaptur
Keating
Kelly (IL)
Kennedy
Khanna
Kihuen
Kildee
Kilmer
Kind
Krishnamoorthi
Larsen (WA)
Larson (CT)
Lawrence
Lawson (FL)
Lee
Levin
Lewis (GA)
Lieu, Ted
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham, M.
Luján, Ben Ray
Maloney, Carolyn B.
Maloney, Sean
Matsui
McCollum
McEachin
McGovern
McNerney
Meeks
Meng
Moulton
Murphy (FL)
Nadler
Napolitano
Neal
Nolan
Norcross
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
Wasserman Schultz
Watson Coleman
Welch
Wilson (FL)
Yarmuth

NOES—225

Abraham
Aderholt
Allen
Amash
Amodei
Arrington
Babin
Bacon
Barr
Barton
Bergman
Biggs
Bilirakis
Bishop (MI)
Black
Blackburn
Blum
Bost
Brady (TX)
Brat
Bridenstine
Brooks (AL)
Brooks (IN)
Buchanan
Bucshon
Budd
Burgess
Byrne
Calvert
Carter (TX)
Chabot
Chaffetz
Cheney
Coffman
Cole
Collins (GA)
Collins (NY)
Comer
Conaway
Cook
Costa
Costello (PA)
Cramer
Crawford
Culberson
Davidson
Davis, Rodney
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Donovan
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
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—23

Banks (IN)
Barletta
Bishop (UT)
Boyle, Brendan F.
Buck
Carter (GA)
Comstock
Davis (CA)
DeSaulnier
Duffy
Jones
Kuster (NH)
Langevin
Lynch
Moore
O'Halleran
Palazzo
Richmond
Rush
Sinema
Titus
Walz
Waters, Maxine

□ 1049

Messrs. BOST, LUETKEMEYER, BUDD, and BISHOP of Michigan changed their vote from ''aye'' to ''no.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. LANGEVIN. Mr. Chair, on rollcall No. 153, I was unavoidably detained. Had I been present, I would have voted "Aye."

Stated against:

Mrs. COMSTOCK. Mr. Chair, I was unavoidably detained. Had I been present, I would have voted "Nay" on rollcall No. 153.

Mr. CARTER of Georgia. Mr. Chair, I was unavoidably detained. Had I been present, I would have voted "Nay" on rollcall No. 153.

AMENDMENT NO. 2 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 185, noes 225, not voting 19, as follows:

[Roll No. 154]

AYES—185

Adams
Aguilar
Barragán
Bass
Beatty
Bera
Beyer
Bishop (GA)
Blumenauer
Blunt Rochester
Bonamici
Brady (PA)
Brown (MD)
Brownley (CA)
Bustos
Butterfield
Capuano
Carbajal
Cárdenas
Carson (IN)
Cartwright
Castor (FL)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Conyers
Cooper
Correa
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
Griffith
Grijalva
Gutiérrez
Hanabusa
Hastings
Heck
Higgins (NY)
Himes
Hoyer
Huffman
Jackson Lee
Jayapal
Jeffries
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kelly (IL)
Kennedy
Khanna
Kihuen
Kildee
Kilmer
Kind
Krishnamoorthi
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
Matsui
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
Ruiz
Ruppersberger
Russell
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—225

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
Bucshon
Budd
Burgess
Byrne
Calvert
Carter (GA)
Carter (TX)
Chabot
Chaffetz
Cheney
Coffman
Cole
Collins (GA)
Collins (NY)
Comer
Comstock
Conaway
Cook
Costa
Costello (PA)
Cramer
Crawford
Culberson
Davidson
Davis, Rodney
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Donovan
Duffy
Duncan (TN)
Dunn
Emmer
Farenthold
Ferguson
Fitzpatrick
Fleischmann
Flores
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
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)
LoBiondo
Long
Loudermilk
Love
Lucas
Luetkemeyer
MacArthur
Marchant
Marino
Marshall
Massie
Mast
McCarthy
McCaul
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—19

Amash
Barletta
Boyle, Brendan F.
Buck
Castro (TX)
Davis (CA)
Duncan (SC)
Faso
Gaetz
Jones
Kuster (NH)
McClintock
Moore
Richmond
Roybal-Allard
Rush
Ryan (OH)
Sinema
Titus

ANNOUNCEMENT BY THE ACTING CHAIR

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

□ 1053

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Ms. ROYBAL-ALLARD. Mr. Chair, I was unavoidably detained. Had I been present, I would have voted "yea" on rollcall No. 154.

Stated against:

Mr. AMASH. Mr. Chair, had I been present, I would have voted "nay" on rollcall No. 154.

AMENDMENT NO. 3 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 190, noes 227, not voting 12, as follows:

[Roll No. 155]

AYES—190

Adams
Aguilar
Barragán
Bass
Beatty
Bera
Beyer
Bishop (GA)
Blumenauer
Blunt Rochester
Bonamici
Brady (PA)
Brown (MD)
Brownley (CA)
Bustos
Butterfield
Capuano
Carbajal
Cárdenas
Carson (IN)
Cartwright
Castor (FL)
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
Fitzpatrick
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Gonzalez (TX)
Gottheimer
Green, Al
Green, Gene
Griffith
Grijalva
Gutiérrez
Hanabusa
Hastings
Heck
Higgins (NY)
Himes
Hoyer
Huffman
Jackson Lee
Jayapal
Jeffries
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kelly (IL)
Kennedy
Khanna
Kihuen
Kildee
Kilmer
Kind
Krishnamoorthi
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
Matsui
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—227

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
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, 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
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—12

Barletta
Boyle, Brendan F.
Castro (TX)
Davis (CA)
Johnson (OH)
Jones
Kuster (NH)
McClintock
Richmond
Rush
Sinema
Titus

ANNOUNCEMENT BY THE ACTING CHAIR

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

□ 1058

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 4 OFFERED BY MR. JEFFRIES

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. JEFFRIES) 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 229, not voting 11, as follows:

[Roll No. 156]

AYES—189

Adams
Aguilar
Barragán
Bass
Beatty
Bera
Beyer
Bishop (GA)
Blumenauer
Blunt Rochester
Bonamici
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
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, E. B.
Kaptur
Keating
Kelly (IL)
Kennedy
Khanna
Kihuen
Kildee
Kilmer
Kind
Krishnamoorthi
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
Matsui
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
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
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
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)
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
Young (AK)
Young (IA)
Zeldin

NOT VOTING—11

Barletta
Boyle, Brendan F.
Davis (CA)
Johnson (GA)
Jones
Kuster (NH)
Richmond
Rush
Sinema
Titus
Yoho

ANNOUNCEMENT BY THE ACTING CHAIR

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

□ 1102

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

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. YOHO. Mr. Chair, I was unavoidably detained. Had I been present, I would have voted "Nay" on rollcall No. 156.

The Acting CHAIR. There being no further amendments, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. WOMACK) having assumed the chair, Mr. HULTGREN, 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. 720) to amend Rule 11 of the Federal Rules of Civil Procedure to improve attorney accountability, and for other purposes, and, pursuant to House Resolution 180, he reported the bill back to the House.

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

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

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

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

Ms. LOFGREN. I am opposed in its current form.

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

The Clerk read as follows:

Ms. Lofgren moves to recommit the bill H.R. 720 to the Committee on the Judiciary with instructions to report the same back to the House forthwith with the following amendment:

Add, at the end of the bill, the following:

**SEC. 3. PROTECTING AMERICANS FROM FOREIGN GOVERNMENT INTERFERENCE.**

Nothing in this Act or the amendments made by this Act may be construed to apply to a civil action that implicates the foreign emoluments clause of the United States Constitution.

The SPEAKER pro tempore. The gentlewoman from California is recognized for 5 minutes.

Ms. LOFGREN. 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.

As has been amply discussed, the mandatory sanctions and fees in this bill would have a chilling effect on cutting-edge litigation. One type of cutting-edge litigation to suffer would be citizen lawsuits seeking enforcement of the foreign Emoluments Clause. The amendment proposed in this motion would exempt civil actions that implicate foreign emoluments.

Article I, section 9, clause 8 of the Constitution says: ''No person holding any office of profit or trust . . . shall, without the consent of the Congress, accept of any present, emolument, office, or title, of any kind whatever, from any king, prince, or foreign state.''

Why did the Founding Fathers write this? Concern that foreign governments might try to control America. They wanted to make sure that nothing—no gifts, no payments, no advantages of any kind—could be received by officers of the United States, including the President, unless Congress approved it. They wanted to make sure that loyalty was completely to America, not divided by obligations to foreign powers. So receipt of emoluments is a serious breach of the requirements of the Constitution unless Congress approves the payment.

Congress has not voted to approve payments by foreign governments to our President. Some Americans are considering legal action to protect America from a Presidential violation of the Emoluments Clause.

President Trump took the symbolic step of resigning from his businesses, but he still gets the income. Letting his family run his businesses doesn't solve the emoluments violations.

Here are some of the potential problems:

In February, China gave provisional approval for 31 new trademarks for The Trump Organization, which have been sought for a decade, to no avail, until he won the election. This is a benefit the Chinese Government gave to the President's business.

At Trump Tower in New York, the Industrial and Commercial Bank of China's large tenant, the United Arab Emirates, leases space, and the Saudi mission to the U.N. makes payments. Money from these foreign countries goes to the President.

The President is part owner of a New York building carrying a $950 million loan, partially held by the Bank of China. He literally owes the government of China.

The Embassy of Kuwait held its 600-guest National Day celebration at Trump Hotel in Washington, D.C., last month, proceeds to Trump.

The President has deals in Turkey. When he announced the Muslim ban, Turkey's President called for President Trump's name to be removed from Trump Towers Istanbul. His company is currently involved in major licensing deals for that property.

Shortly after the election, the President met with former U.K. Independent Party leader Nigel Farage, to get help to get the view from his golf resorts in Scotland resolved. Both golf resorts he owns there are promoted by Scotland's official tourism agency.

Foreign government-owned broadcasts in several countries air the President's television program ''The Apprentice,'' resulting in royalties and other payments from these governments.

There may be many more business violations to the Emoluments Clause that are unknown due to the President's refusal to disclose his tax returns.

Congress could move to approve these questionable payments and benefits under Article 1, section 9 to solve the constitutional violation, although, in my view, that would not resolve concerns about divided loyalties.

But Congress has done nothing—neither enforce the clause nor authorize the payments. That is why patriotic citizens are returning to the third branch of government to defend the Constitution and the country.

America has never faced this situation before, and any litigation will, of course, be breaking new ground and, therefore, be more susceptible to the mandatory rule 11 fees required by the bill.

Citizens who seek a President free from foreign influence by bringing actions in court should not be penalized with the mandatory fees required by this bill.

Mr. Speaker, I encourage my colleagues to vote for this motion to recommit, and 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, I will be brief.

Proponents of the motion to recommit want to allow lawsuits with no basis in law or fact to proceed without penalty in the area covered by their motion. Let that sink in for a moment—and just a brief moment.

The proponents of the motion to recommit support certain lawsuits that apparently have no basis in law or fact. Otherwise, they have no relevance to this bill. If they are relevant motions, they won't have to worry about it. They want those frivolous lawsuits to proceed without penalty.

Every time a judge decides a company made a defective product that ended up hurting people, damages are awarded. When a lawyer makes up a lawsuit that has no basis in law or fact, that lawsuit is a defective product. The victims harmed by that defective product should be compensated just like everyone else.

Oppose this motion to recommit, pass the base bill, and let's show America where we stand on frivolous lawsuits and on the compensation rightfully owed to the victims of frivolous lawsuits.

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

Ms. LOFGREN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. 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.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 186, noes 232, not voting 11, as follows:

[Roll No. 157]

AYES—186

| | | |
|---|---|---|
| Adams | Castor (FL) | DeFazio |
| Aguilar | Castro (TX) | DeGette |
| Barragán | Chu, Judy | Delaney |
| Bass | Cicilline | DeLauro |
| Beatty | Clark (MA) | DelBene |
| Bera | Clarke (NY) | Demings |
| Beyer | Clay | DeSaulnier |
| Bishop (GA) | Cleaver | Deutch |
| Blumenauer | Clyburn | Dingell |
| Blunt Rochester | Cohen | Doggett |
| Bonamici | Connolly | Doyle, Michael F. |
| Brady (PA) | Conyers | Ellison |
| Brown (MD) | Cooper | Engel |
| Brownley (CA) | Correa | Eshoo |
| Bustos | Costa | Espaillat |
| Butterfield | Courtney | Esty |
| Capuano | Crist | Evans |
| Carbajal | Crowley | Foster |
| Cárdenas | Cuellar | Frankel (FL) |
| Carson (IN) | Cummings | Fudge |
| Cartwright | Davis, Danny | |

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.
Kaptur
Keating
Kelly (IL)
Kennedy
Khanna
Kihuen
Kildee
Kilmer
Kind
Krishnamoorthi
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
Matsui
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—232

Abraham
Aderholt
Allen
Amash
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
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
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—11

Barletta
Boyle, Brendan F.
Brady (TX)
Davis (CA)
Jones
Kuster (NH)
Richmond
Rush
Sinema
Titus
Walden

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1118

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. BRADY of Texas. Mr. Speaker, on rollcall No. 157, I was unavoidably detained to cast my vote in time. Had I been present, I would have voted "No."

PERSONAL EXPLANATION

Ms. KUSTER of New Hampshire. Mr. Speaker, I was unavoidably detained. Had I been present, I would have voted "Yea" on rollcall No. 153, "Yea" on rollcall No. 154, "Yea" on rollcall No. 155, "Yea" on rollcall No. 156, and "Yea" on rollcall No. 157.

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 is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 230, noes 188, not voting 11, as follows:

[Roll No. 158]

AYES—230

Abraham
Aderholt
Allen
Amash
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
Costa
Costello (PA)
Cramer
Crawford
Cuellar
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)
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
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
Peterson
Pittenger
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
Walker
Walorski
Walters, Mimi
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Zeldin

NOES—188

Adams
Aguilar
Barragán
Bass
Beatty
Bera
Beyer
Bishop (GA)
Blumenauer
Blunt Rochester
Bonamici
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
Courtney
Crist
Crowley
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
Griffith
Grijalva
Gutiérrez
Hanabusa
Hastings
Heck
Higgins (NY)
Himes
Hoyer
Huffman
Jackson Lee
Jayapal
Jeffries
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kelly (IL)
Kennedy
Khanna
Kihuen
Kildee
Kilmer
Kind
Krishnamoorthi
Kuster (NH)
Kustoff (TN)
Langevin
Larsen (WA)
Larson (CT)
Lawson (FL)
Lee
Levin
Lewis (GA)
Lieu, Ted
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham, M.
Luján, Ben Ray
Lynch

| | | |
|---|---|---|
| Maloney, Carolyn B. | Pingree | Slaughter |
| Maloney, Sean | Pocan | Smith (WA) |
| Matsui | Poe (TX) | Soto |
| McCollum | Polis | Speier |
| McEachin | Price (NC) | Suozzi |
| McGovern | Quigley | Swalwell (CA) |
| McNerney | Raskin | Takano |
| Meeks | Rice (NY) | Thompson (CA) |
| Meng | Rosen | Thompson (MS) |
| Moore | Roybal-Allard | Tonko |
| Moulton | Ruiz | Torres |
| Murphy (FL) | Ruppersberger | Tsongas |
| Nadler | Russell | Vargas |
| Napolitano | Ryan (OH) | Veasey |
| Neal | Sánchez | Vela |
| Nolan | Sarbanes | Velázquez |
| Norcross | Schakowsky | Visclosky |
| O'Halleran | Schiff | Walz |
| O'Rourke | Schneider | Wasserman Schultz |
| Pallone | Schrader | Waters, Maxine |
| Panetta | Scott (VA) | Watson Coleman |
| Pascrell | Scott, David | Welch |
| Payne | Serrano | Wilson (FL) |
| Pelosi | Sewell (AL) | Yarmuth |
| Perlmutter | Shea-Porter | |
| Peters | Sherman | |
| | Sires | |

NOT VOTING—11

| | | |
|---|---|---|
| Barletta | Davis (CA) | Rush |
| Boyle, Brendan F. | Jones | Sinema |
| | Lawrence | Titus |
| Brady (TX) | Richmond | Walden |

□ 1129

Ms. ROSEN changed her vote from ''aye'' to ''no.''

Mr. MARCHANT 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.

Stated for:

Mr. BRADY of Texas. Mr. Speaker, on rollcall No. 158, I was unavoidably detained to cast my vote in time. Had I been present, I would have voted ''Yes.''

PERSONAL EXPLANATION

Ms. KUSTER of New Hampshire. Mr. Speaker, on Friday, March 10, 2017, I missed the following rollcall votes to H.R. 720: number 153 the Soto Amendment, number 154 the Jackson-Lee amendment, number 155 the Conyers amendment, number 156 the Jeffries amendment, number 157 on the Democratic motion to recommit and number 158 on final passage. Had I voted, I would have voted ''Aye'' on rollcall vote 153, ''Aye on rollcall vote 154, ''Aye'' on rollcall vote 155, ''Aye'' on rollcall vote 156, ''Aye'' on rollcall vote 157 the Democratic motion to recommit, and ''Nay'' on rollcall vote 158 on final passage of H.R. 720.

## LEGISLATIVE PROGRAM

(Mr. HOYER asked and was given permission to address the House for 1 minute.)

Mr. HOYER. Mr. Speaker, I yield to the gentleman from California (Mr. MCCARTHY), my friend, for the purpose of inquiring of the majority leader the schedule for the week to come.

(Mr. MCCARTHY asked and was given permission to revise and extend his remarks.)

Mr. MCCARTHY. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, on Monday, no votes are expected in the House. On Tuesday, the House will meet at noon for morning hour and 2 p.m. for legislative business. Votes will be postponed until 6:30. On Wednesday and Thursday, the House will meet at 10 a.m. for morning hour and noon for legislative business. On Friday, the House will meet at 9 a.m. for legislative business. Last votes of the week are expected no later than 3 p.m.

Mr. Speaker, the House will consider a number of suspensions next week, a complete list of which will be announced by close of business today.

In addition, the House will consider several important bills from the Veterans' Affairs Committee.

First, H.R. 1181, the Veterans Second Amendment Protection Act, sponsored by Chairman PHIL ROE, which ensures that the Second Amendment rights of VA beneficiaries are not restricted without due process.

Next, H.R. 1259, the VA Accountability First Act, also sponsored by Chairman ROE, which grants the VA Secretary increased discretion to remove or suspend VA employees due to poor performance.

Finally, H.R. 1367, sponsored by Representative BRAD WENSTRUP, which enhances the VA's ability to recruit and retain highly qualified employees.

The failures of the VA are well-documented and completely unacceptable. These bills are a step in the right direction towards creating greater accountability at the VA, and keeping our promise to Americans' veterans who have sacrificed so much for us.

Mr. HOYER. Mr. Speaker, I thank the gentleman for that information.

I would now like to ask him, we passed the DOD Appropriations bill and sent that to the Senate. We have already done the MILCON bill. And I am wondering—there are ten remaining bills—whether the majority leader could give me some idea, in light of the fact that the CR, which once it goes to April 28, we will either have to do those bills individually or in some sort of an omnibus, whether the gentleman has any idea how soon we might be considering the balance of the year's appropriation to September 30?

Mr. Speaker, I yield to my friend.

Mr. MCCARTHY. Mr. Speaker, I thank the gentleman for yielding.

I am pleased that we were able to pass the FY17 Defense Appropriations bill on a bipartisan basis this week. It is my hope that we can continue to pass the appropriation bills on a bipartisan basis as well.

As for future legislation, I would refer my friend to the Appropriations Committee, and, as always, I will keep Members posted of any scheduling updates.

Mr. HOYER. Mr. Speaker, I thank the gentleman for that insightful comment.

Let me say this, Mr. Leader, if, as we did in the Defense Appropriations bill, if we follow the template where we will reach bipartisan agreement on those bills in committee without any poison pills language in them—which you did on the appropriation bill, and, as you saw, we appreciated that, and we were overwhelmingly supportive of that effort—I would hope that, Mr. Leader, you would urge—and I think, very frankly, I am a big fan of Mr. FRELINGHUYSEN, who is the chairman of the committee. I think he is a Member that I have worked well with over the years, and I think he is somebody who is going to do the committee proud as its chairman—but I am hopeful that we can do, as we did with the appropriation bill for the Defense Department, a similar procedure. So I think that the majority leader will be pleased with our support if, in fact, that can happen.

Mr. Speaker, I yield to my friend.

Mr. MCCARTHY. Mr. Speaker, I thank the gentleman for yielding.

I have great trust in Chairman FRELINGHUYSEN. I think you will continue to see that behavior.

Mr. HOYER. Mr. Speaker, on a less happy collegial note, it comes as no surprise to the majority leader at the height of our displeasure and disappointment as it relates to what is going on, back to the consideration of the reconciliation process for the repeal or modification of the Affordable Care Act with the American Health Care Act. The bill was posted this Monday, this past Monday night, it was marked up on Wednesday, there were no hearings, there were no opportunities for witnesses to come forward. And as the gentleman knows, he is absolutely correct, I like these quotes, but I like these quotes because they point out theoretically what I would have great agreement with in terms of process.

Particularly, I call your attention to a quote of Speaker PAUL RYAN: ''Congress is moving fast to rush through a healthcare overhaul that lacks a key ingredient: the full participation of you, the American people.''

That quote was July 19, 2009. That quote was referring to the process involved in the adoption of the Affordable Care Act.

As the gentleman knows, the Affordable Care Act had 79 hearings. As the gentleman knows, there were 181 witnesses who testified about the Affordable Care Act. As the gentleman knows, that process took approximately 1½ years, 8 months of which was waiting to see whether Senator GRASSLEY would participate in a bipartisan way in forging healthcare reform in this country.

The gentleman is well aware, not only have we had literally hundreds of thousands of people around the country come to townhall meetings, many that his Members have held, and express their deep concern about the loss of healthcare security if the Affordable Care Act is repealed. So there is no doubt that the American public—I am not saying it is 100 percent—but a large number of the American public are very concerned.

The gentleman further knows, I am sure, because I am sure he has seen the letters, the American Medical Association, the American Hospital Association, the American Nurses Association,