

tions of our riverine and coastal floodplains help to maintain the viability of natural systems and provide multiple benefits for people.

Effective implementation of the Unified National Program for Floodplain Management will mitigate the tragic loss of life and property, and disruption of families and communities, that are caused by floods every year in the United States. It will also mitigate the unacceptable losses of natural resources and result in a reduction in the financial burdens placed upon governments to compensate for flood damages caused by unwise land use decisions made by individuals, as well as governments.

WILLIAM J. CLINTON.

THE WHITE HOUSE, March 6, 1995.

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on Banking and Financial Services.

38.9 MESSAGE FROM THE PRESIDENT— NATIONAL ENDOWMENT FOR DEMOCRACY

The SPEAKER pro tempore, Mr. KNOLLENBERG, laid before the House a message from the President, which was read as follows:

To the Congress of the United States:

Pursuant to the provisions of section 504(h) of Public Law 98-164, as amended (22 U.S.C. 4413(i)), I transmit herewith the 11th Annual Report of the National Endowment for Democracy, which covers fiscal year 1994.

Promoting democracy abroad is one of the central pillars of the United States' security strategy. The National Endowment for Democracy has proved to be a unique and remarkable instrument for spreading and strengthening the rule of democracy. By continuing our support, we will advance America's interests in the world.

WILLIAM J. CLINTON.

THE WHITE HOUSE, March 6, 1995.

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on International Relations.

38.10 ATTORNEY ACCOUNTABILITY

The SPEAKER pro tempore, Mr. KNOLLENBERG, pursuant to House Resolution 104 and rule XXIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 988) to reform the Federal civil justice system.

The SPEAKER pro tempore, Mr. KNOLLENBERG, by unanimous consent, designated Mr. HOBSON as Chairman of the Committee of the Whole.

The Acting Chairman, Mr. GOSS assumed the Chair; and after some time spent therein,

38.11 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. GOODLATTE:

Page 3, line 20, insert before the period the following: "or, if the offeree made an offer

under this subsection, from the date the last such offer by the offeree was made".

Page 4, line 3, insert after "offer was made" the following: "or, if the offeree made an offer under this subsection, from the date the last such offer by the offeree was made".

It was decided in the } Yeas 317
affirmative } Nays 89

38.12 [Roll No. 200] AYES—317

- | | | |
|--------------|---------------|---------------|
| Archer | Ensign | Leach |
| Armey | Eshoo | Levin |
| Bachus | Everett | Lewis (CA) |
| Baker (CA) | Ewing | Lewis (KY) |
| Baker (LA) | Fawell | Lightfoot |
| Baldacci | Fields (TX) | Lincoln |
| Ballenger | Flanagan | Linder |
| Barcia | Foley | Livingston |
| Barr | Forbes | LoBiondo |
| Barrett (NE) | Fowler | Lofgren |
| Barrett (WI) | Fox | Longley |
| Bartlett | Frank (MA) | Lucas |
| Bass | Franks (CT) | Luther |
| Bateman | Franks (NJ) | Manzullo |
| Beilenson | Frelinghuysen | Martinez |
| Bentsen | Frisa | Martini |
| Bereuter | Funderburk | Mascara |
| Berman | Furse | McCarthy |
| Bevill | Gallegly | McCollum |
| Bilbray | Ganske | McCrery |
| Bilirakis | Gejdenson | McHale |
| Bishop | Gekas | McHugh |
| Bliley | Geren | McInnis |
| Blute | Gibbons | McKeon |
| Boehlert | Gilchrest | McNulty |
| Boehner | Gilman | Meehan |
| Bonilla | Goodlatte | Menendez |
| Bono | Goodling | Metcalf |
| Boucher | Gordon | Meyers |
| Brewster | Goss | Mica |
| Browder | Graham | Miller (FL) |
| Brownback | Green | Minge |
| Bryant (TN) | Greenwood | Molinari |
| Bunn | Gunderson | Mollohan |
| Burr | Gutknecht | Montgomery |
| Burton | Hall (OH) | Moorhead |
| Buyer | Hall (TX) | Moran |
| Callahan | Hamilton | Morella |
| Calvert | Hancock | Myers |
| Camp | Hansen | Myrick |
| Canady | Harman | Nadler |
| Cardin | Hastert | Neal |
| Castle | Hastings (WA) | Nethercutt |
| Chabot | Hayes | Neumann |
| Chambliss | Hayworth | Ney |
| Chapman | Heineman | Norwood |
| Chenoweth | Herger | Nussle |
| Christensen | Hillery | Obey |
| Chryslers | Hobson | Olver |
| Clayton | Hoekstra | Ortiz |
| Clement | Hoke | Orton |
| Clinger | Holden | Oxley |
| Coble | Horn | Packard |
| Coburn | Hostettler | Pallone |
| Collins (GA) | Houghton | Parker |
| Combest | Hoyer | Paxon |
| Cooley | Hunter | Payne (VA) |
| Cox | Hutchinson | Peterson (FL) |
| Cramer | Hyde | Peterson (MN) |
| Crane | Inglis | Pombo |
| Crapo | Istook | Pomeroy |
| Creameans | Jackson-Lee | Porter |
| Cubin | Johnson (CT) | Pryce |
| Cunningham | Johnson, Sam | Quillen |
| Danner | Jones | Quinn |
| Davis | Kaptur | Rahall |
| de la Garza | Kasich | Ramstad |
| Deal | Kelly | Reed |
| DeFazio | Kennedy (MA) | Regula |
| DeLay | Kennedy (RI) | Riggs |
| Diaz-Balart | Kennelly | Roberts |
| Dickey | Kim | Roemer |
| Dicks | King | Rohrabacher |
| Dixon | Kingston | Ros-Lehtinen |
| Doggett | Klecza | Royce |
| Doolittle | Klink | Salmon |
| Dornan | Klug | Sanford |
| Doyle | Knollenberg | Sawyer |
| Dreier | Kolbe | Saxton |
| Duncan | LaFalce | Scarborough |
| Dunn | LaHood | Schroeder |
| Edwards | Lantos | Schumer |
| Ehlers | Largent | Seastrand |
| Ehrlich | Latham | Sensenbrenner |
| Emerson | LaTourrette | Shaw |
| Engel | Laughlin | Shays |
| English | Lazio | Shuster |

- | | | |
|------------|-------------|-------------|
| Sisisky | Tauzin | Wamp |
| Skaggs | Taylor (MS) | Ward |
| Skeen | Taylor (NC) | Watts (OK) |
| Smith (MI) | Tejeda | Waxman |
| Smith (NJ) | Thomas | Weldon (FL) |
| Smith (TX) | Thornberry | Weldon (PA) |
| Smith (WA) | Thurman | Weller |
| Solomon | Tiahrt | White |
| Souder | Torkildsen | Whitfield |
| Spence | Torres | Wicker |
| Spratt | Torricelli | Wilson |
| Stearns | Traficant | Wolf |
| Stenholm | Upton | Woolsey |
| Stockman | Vento | Wyden |
| Stump | Volkmer | Young (AK) |
| Stupak | Vucanovich | Young (FL) |
| Talent | Waldholtz | Zeliff |
| Tanner | Walker | Zimmer |
| Tate | Walsh | |

NOES—89

- | | | |
|--------------|----------------|---------------|
| Abercrombie | Gutierrez | Reynolds |
| Ackerman | Hastings (FL) | Richardson |
| Allard | Hefley | Rivers |
| Andrews | Hilliard | Rose |
| Baessler | Hinchey | Roybal-Allard |
| Bonior | Jacobs | Rush |
| Borski | Jefferson | Sabo |
| Clay | Johnson (SD) | Sanders |
| Clyburn | Johnson, E. B. | Schaefer |
| Coleman | Kanjorski | Scott |
| Collins (IL) | Kildee | Serrano |
| Collins (MI) | Lewis (GA) | Shadegg |
| Conyers | Lipinski | Skelton |
| Costello | Lowe | Slaughter |
| Coyne | Manton | Stark |
| DeLauro | Markey | Stokes |
| Dellums | Matsui | Studds |
| Deutsch | McDermott | Thompson |
| Dingell | McKinney | Thornton |
| Durbin | Mineta | Towns |
| Evans | Mink | Tucker |
| Farr | Moakley | Velazquez |
| Fattah | Murtha | Visclosky |
| Fazio | Oberstar | Waters |
| Filner | Owens | Watt (NC) |
| Flake | Pastor | Williams |
| Foglietta | Payne (NJ) | Wise |
| Frost | Petri | Wynn |
| Gephardt | Pickett | Yates |
| Gonzalez | Poshard | |

NOT VOTING—28

- | | | |
|-------------|-------------|------------|
| Barton | Ford | Pelosi |
| Becerra | Gillmor | Portman |
| Brown (CA) | Hefner | Radanovich |
| Brown (FL) | Johnston | Rangel |
| Brown (OH) | Maloney | Rogers |
| Bryant (TX) | McDade | Roth |
| Bunning | McIntosh | Roukema |
| Condit | Meek | Schiff |
| Dooley | Mfume | |
| Fields (LA) | Miller (CA) | |

So the amendment was agreed to. After some further time,

38.13 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. BERMAN to the amendment submitted by Mr. MCHALE: Amendment submitted by Mr. BERMAN:

Strike section 2 and insert the following:

SEC. 2. FRIVOLOUS ACTIONS.

(a) GENERAL RULE.—

(1) SIGNING OF COMPLAINT.—The signing or verification of a complaint in all civil actions in Federal court constitutes a certificate that to the signatory's or verifier's best knowledge, information, and belief, formed after reasonable inquiry, the action is not frivolous as determined under paragraph (2).

(2) DEFINITIONS.—

(A) For purposes of this section, an action is frivolous if the complaint is—

- (i) groundless and brought in bad faith;
- (ii) groundless and brought for the purpose of harassment; or
- (iii) groundless and brought for any improper purpose.

(B) For purposes of subparagraph (A), the term "groundless" means—

(i) no basis in fact; or
 (ii) not warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law.

(b) DETERMINATION THAT AN ACTION IS FRIVOLOUS.—

(1) MOTION FOR DETERMINATION.—Not later than 90 days after the date the complaint in any action in a Federal court is filed, the defendant to the action may make a motion that the court determine if the action is frivolous.

(2) COURT ACTION.—The court in any action in Federal court shall on the motion of a defendant or on its own motion determine if the action is frivolous.

(c) CONSIDERATIONS.—In making its determination of whether an action is frivolous, the court shall take into account—

- (1) the multiplicity of parties;
- (2) the complexity of the claims and defenses;
- (3) the length of time available to the party to investigate and conduct discovery; and
- (4) affidavits, depositions, and any other relevant matter.

(d) SANCTION.—If the court determines that the action is frivolous, the court shall impose an appropriate sanction on the signatory or verifier of the complaint and the attorney of record. The sanction shall include the following—

- (1) the striking of the complaint;
- (2) the dismissal of the party; and
- (3) an order to pay to the defendant the amounts of the reasonable expenses incurred because of the filing of the action, including costs, witness fees, fees of experts, discovery expenses, and reasonable attorney's fees calculated on the basis of an hourly rate which may not exceed that which the court considers acceptable in the community in which the attorney practices law, taking into account the attorney's qualifications and experience and the complexity of the case, except that the amount of expenses which may be ordered under this paragraph may not exceed—

(A) the actual expenses incurred by the plaintiff because of the filing of the action; and

(B) to the extent that such expenses were not incurred because of a contingency agreement, the reasonable expenses that would have been incurred in the absence of the contingency agreement.

(e) CONSTRUCTION.—For purposes of this section the amount requested for damages in a complaint does not constitute a frivolous action.

Page 7, line 7, strike "The amendment made by section" and insert "Section".

Amendment submitted by Mr.MCHALE:

After section 4, insert the following:

SEC. 5. FRIVOLOUS ACTIONS.

(a) GENERAL RULE.—

(1) SIGNING OF COMPLAINT.—The signing or verification of a complaint in all civil actions in Federal court constitutes a certificate that to the signatory's or verifier's best knowledge, information, and belief, formed after reasonable inquiry, the action is not frivolous as determined under paragraph (2).

(2) DEFINITIONS.—

(A) For purposes of this section, an action is frivolous if the complaint is—

- (i) groundless and brought in bad faith;
- (ii) groundless and brought for the purpose of harassment; or
- (iii) groundless and brought for any improper purpose.

(B) For purposes of subparagraph (A), the term "groundless" means—

- (i) no basis in fact; or
- (ii) not warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law.

(b) DETERMINATION THAT AN ACTION IS FRIVOLOUS.—

(1) MOTION FOR DETERMINATION.—Not later than 90 days after the date the complaint in any action in a Federal court is filed, the defendant to the action may make a motion that the court determine if the action is frivolous.

(2) COURT ACTION.—The court in any action in Federal court shall on the motion of a defendant or on its own motion determine if the action is frivolous.

(c) CONSIDERATIONS.—In making its determination of whether an action is frivolous, the court shall take into account—

- (1) the multiplicity of parties;
- (2) the complexity of the claims and defenses;
- (3) the length of time available to the party to investigate and conduct discovery; and
- (4) affidavits, depositions, and any other relevant matter.

(d) SANCTION.—If the court determines that the action is frivolous, the court shall impose an appropriate sanction on the signatory or verifier of the complaint and the attorney of record. The sanction shall include the following—

- (1) the striking of the complaint;
- (2) the dismissal of the party; and
- (3) an order to pay to the defendant the amounts of the reasonable expenses incurred because of the filing of the action, including costs, witness fees, fees of experts, discovery expenses, and reasonable attorney's fees calculated on the basis of an hourly rate which may not exceed that which the court considers acceptable in the community in which the attorney practices law, taking into account the attorney's qualifications and experience and the complexity of the case, except that the amount of expenses which may be ordered under this paragraph may not exceed—

(A) the actual expenses incurred by the plaintiff because of the filing of the action; and

(B) to the extent that such expenses were not incurred because of a contingency agreement, the reasonable expenses that would have been incurred in the absence of the contingency agreement.

(e) CONSTRUCTION.—For purposes of this section the amount requested for damages in a complaint does not constitute a frivolous action.

Page 7, line 1, strike "SEC. 5." and insert "SEC. 6.".

Page 7, line 7, strike "The" and insert "Section 5 and the".

It was decided in the { Yeas 186
 negative } Nays 235

38.14 [Roll No. 201] AYES—186

Ackerman	Clyburn	Eshoo
Andrews	Collins (IL)	Evans
Baessler	Collins (MI)	Farr
Baldacci	Conyers	Fattah
Barcia	Costello	Fazio
Barrett (WI)	Coyne	Fields (LA)
Bateman	Cramer	Finler
Beilenson	DeFazio	Flake
Bentsen	DeLauro	Foglietta
Berman	Dellums	Ford
Bevill	Deutsch	Fox
Bishop	Diaz-Balart	Frank (MA)
Bonior	Dicks	Frost
Borski	Dingell	Furse
Boucher	Dixon	Gejdenson
Browder	Doggett	Gephardt
Brown (CA)	Gilman	Gilman
Brown (FL)	Doyle	Gonzalez
Brown (OH)	Duncan	Gordon
Bryant (TX)	Durbin	Green
Cardin	Edwards	Gutierrez
Clay	Ehrlich	Hall (OH)
Clayton	Engel	Hamilton
Clement	English	Harman

Hastings (FL)	McDermott	Sawyer
Hayes	McKinney	Schroeder
Hilliard	Meehan	Schumer
Hinchey	Meek	Scott
Holden	Menendez	Serrano
Hoyer	Mfume	Sisisky
Jackson-Lee	Minge	Skaggs
Jacobs	Mink	Skelton
Jefferson	Moakley	Slaughter
Johnson (SD)	Mollohan	Spratt
Johnson, E. B.	Moran	Stark
Johnston	Morella	Stokes
Kanjorski	Murtha	Studds
Kaptur	Nadler	Stupak
Kennedy (MA)	Neal	Tanner
Kennedy (RI)	Oberstar	Thompson
Kennelly	Obey	Thornton
Kildee	Olver	Thurman
Klecza	Orton	Torres
Klink	Owens	Torricelli
LaFalce	Pallone	Towns
Lantos	Pastor	Tucker
Laughlin	Payne (NJ)	Velazquez
Levin	Peterson (FL)	Vento
Lewis (GA)	Peterson (MN)	Visclosky
Lincoln	Pomeroy	Volkmer
Lipinski	Poshard	Ward
Lofgren	Rahall	Waters
Longley	Reed	Watt (NC)
Lowe	Reynolds	Waxman
Luther	Richardson	Weldon (PA)
Maloney	Rivers	Williams
Manton	Roemer	Wilson
Markey	Rose	Wise
Martinez	Roybal-Allard	Woolsey
Mascara	Rush	Wyden
Matsui	Sabo	Wynn
McCarthy	Sanders	Yates

NOES—235

Abercrombie	Dunn	Knollenberg
Allard	Ehlers	Kolbe
Archer	Emerson	LaHood
Armey	Ensign	Largent
Bachus	Everett	Latham
Baker (CA)	Ewing	LaTourette
Baker (LA)	Fawell	Lazio
Ballenger	Fields (TX)	Leach
Barr	Flanagan	Lewis (CA)
Barrett (NE)	Foley	Lewis (KY)
Bartlett	Forbes	Lightfoot
Barton	Fowler	Linder
Bass	Franks (CT)	Livingston
Bereuter	Franks (NJ)	LoBiondo
Bilbray	Frelinghuysen	Lucas
Bilirakis	Frisa	Manzullo
Bliley	Funderburk	Martini
Blute	Gallely	McCollum
Boehlert	Ganske	McCrery
Boehner	Gekas	McHale
Bonilla	Geren	McHugh
Bono	Gilchrest	McInnis
Brewster	Gillmor	McKeon
Brownback	Goodlatte	McNulty
Bryant (TN)	Goodling	Metcalf
Bunn	Goss	Meyers
Burr	Graham	Mica
Burton	Greenwood	Miller (FL)
Buyer	Gunderson	Mineta
Callahan	Gutknecht	Molinari
Calvert	Hall (TX)	Montgomery
Camp	Hancock	Moorhead
Canady	Hansen	Myers
Castle	Hastert	Myrick
Chabot	Hastings (WA)	Nethercutt
Chambliss	Hayworth	Neumann
Chapman	Hefley	Ney
Chenoweth	Heineman	Norwood
Christensen	Herger	Nussle
Chrysler	Hilleary	Ortiz
Clinger	Hobson	Oxley
Coble	Hoekstra	Packard
Collins (GA)	Hoke	Parker
Combest	Horn	Paxon
Cooley	Hostettler	Payne (VA)
Cox	Houghton	Petri
Crane	Hunter	Pickett
Crapo	Hutchinson	Pombo
Creameans	Hyde	Porter
Cubin	Inglis	Portman
Cunningham	Istook	Pryce
Danner	Johnson (CT)	Quillen
Davis	Johnson, Sam	Quinn
de la Garza	Jones	Radanovich
Deal	Kasich	Ramstad
DeLay	Kelly	Regula
Dickey	Kim	Riggs
Doolittle	King	Roberts
Dornan	Kingston	Rogers
Dreier	Klug	Rohrabacher