

¶39.6 ATTORNEY ACCOUNTABILITY

The SPEAKER pro tempore, Mr. HEFLEY, 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 further consideration of the bill (H.R. 988) to reform the Federal civil justice system.

Mr. HOBSON, Chairman of the Committee of the Whole, resumed the chair; and after some time spent therein,

¶39.7 RECORDED VOTE

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

In section 2, page 4, line 1, insert at the beginning of the line "25 percent of".

And on line 5, strike the period, insert a comma and add the following new language "or the Court may increase the percentage above the 25 percent if in the opinion of the Court the offeree was not reasonable in rejecting the last offer."

It was decided in the { Yeas ..... 202  
negative ..... Nays ..... 214

¶39.8 [Roll No. 204] AYES—202

Ackerman	Evans	Martinez
Andrews	Farr	Martini
Baesler	Fattah	Mascara
Baker (LA)	Fazio	Matsui
Baldacci	Fields (LA)	McCarthy
Barcia	Filner	McCollum
Barrett (WI)	Foglietta	McDermott
Bateman	Ford	Meehan
Becerra	Fox	Menendez
Beilenson	Frank (MA)	Mfume
Bentsen	Frost	Miller (CA)
Berman	Furse	Mineta
Bevill	Gephardt	Minge
Bilirakis	Gilman	Moakley
Bishop	Gonzalez	Mollohan
Bonior	Gordon	Moran
Borski	Graham	Morella
Boucher	Green	Murtha
Browder	Greenwood	Myers
Brown (CA)	Gutierrez	Nadler
Brown (FL)	Hall (OH)	Neal
Brown (OH)	Hamilton	Oberstar
Burton	Harman	Obey
Buyer	Hastings (FL)	Olver
Cardin	Hayes	Ortiz
Chapman	Hefner	Owens
Clay	Hilliard	Pallone
Clayton	Hinchev	Pastor
Clement	Holden	Payne (NJ)
Clyburn	Hoyer	Pelosi
Coleman	Hunter	Peterson (FL)
Collins (IL)	Jackson-Lee	Pomeroy
Conyers	Jacobs	Poshard
Costello	Johnson (SD)	Quillen
Coyne	Johnson, E. B.	Rahall
Cramer	Johnston	Reed
Danner	Kanjorski	Regula
Davis	Kaptur	Reynolds
de la Garza	Kennedy (MA)	Richardson
Deal	Kennedy (RI)	Rivers
DeFazio	Kennelly	Roemer
DeLauro	Kildee	Ros-Lehtinen
Dellums	Kleccka	Rose
Deusch	Klink	Roybal-Allard
Diaz-Balart	LaFalce	Rush
Dicks	Lantos	Sabo
Dingell	Laughlin	Sanders
Dixon	Levin	Sawyer
Doggett	Lewis (GA)	Schroeder
Dooley	Lincoln	Schumer
Doolittle	Lipinski	Scott
Doyle	Livingston	Serrano
Duncan	Lofgren	Skaggs
Durbin	Longley	Skelton
Edwards	Lowey	Slaughter
Ehrlich	Luther	Spratt
Engel	Maloney	Stark
English	Manton	Stokes
Eshoo	Markley	Studds

Stupak  
Tanner  
Tejeda  
Thompson  
Thornton  
Thurman  
Torres  
Torrice  
Towns

Traficant  
Tucker  
Velazquez  
Vento  
Visclosky  
Volkmer  
Ward  
Watt (NC)  
Waxman

Williams  
Wilson  
Wise  
Woolsey  
Wyden  
Wynn  
Yates

NOES—214

Abercrombie	Gilchrest	Oxley
Allard	Gillmor	Packard
Archer	Goodlatte	Parker
Armey	Goodling	Paxon
Bachus	Goss	Payne (VA)
Baker (CA)	Gunderson	Peterson (MN)
Balleger	Gutknecht	Petri
Barr	Hall (TX)	Pickett
Barrett (NE)	Hancock	Pombo
Bartlett	Hansen	Porter
Barton	Hastert	Portman
Bass	Hastings (WA)	Pryce
Bereuter	Hayworth	Quinn
Bilbray	Hefley	Radanovich
Billey	Heineman	Ramstad
Blute	Herger	Riggs
Boehlert	Hillery	Roberts
Boehner	Hobson	Rohrabacher
Bonilla	Hoekstra	Roukema
Bono	Hoke	Royce
Brewster	Horn	Salmon
Brownback	Hostettler	Sanford
Brown (TN)	Houghton	Saxton
Bryant (TX)	Hutchinson	Scarborough
Bunn	Hyde	Schaefer
Bunning	Inglis	Schiff
Burr	Istook	Seastrand
Callahan	Johnson (CT)	Sensenbrenner
Calvert	Johnson, Sam	Shadegg
Camp	Jones	Shaw
Canady	Kasich	Shays
Castle	Kelly	Shuster
Chabot	Kim	Sisisky
Chambliss	King	Skeen
Chenoweth	Kingston	Smith (MI)
Christensen	Klug	Smith (NJ)
Chrysler	Knollenberg	Smith (TX)
Clinger	Kolbe	Smith (WA)
Coble	LaHood	Solomon
Coburn	Largent	Souder
Collins (GA)	Latham	Spence
Combest	LaTourrette	Stearns
Cooley	Lazio	Stenholm
Cox	Leach	Stump
Crane	Lewis (CA)	Talent
Crapo	Lewis (KY)	Tate
Creameans	Lightfoot	Tauzin
Cuban	Linder	Taylor (MS)
Cunningham	LoBiondo	Taylor (NC)
DeLay	Lucas	Thomas
Dickey	Manzullo	Thornberry
Dreier	McCrery	Tiahrt
Dunn	McHale	Torkildsen
Ehlers	McHugh	Upton
Emerson	McInnis	Vucanovich
Ensign	McIntosh	Waldholtz
Everett	McKeon	Walker
Ewing	McNulty	Walsh
Fawell	Metcalf	Wamp
Fields (TX)	Meyers	Watts (OK)
Flanagan	Mica	Weldon (FL)
Foley	Miller (FL)	Weller
Forbes	Mink	White
Fowler	Molinari	Whitfield
Franks (CT)	Montgomery	Wicker
Franks (NJ)	Moorhead	Wolf
Frelinghuysen	Myrick	Young (AK)
Frisa	Nethercutt	Young (FL)
Galleghy	Neumann	Zeliff
Ganske	Ney	Zimmer
Gekas	Norwood	
Geren	Nussle	

NOT VOTING—18

Collins (MI)	Gibbons	Rangel
Condit	Jefferson	Rogers
Dornan	McDade	Roth
Flake	McKinney	Stockman
Funderburk	Meek	Waters
Gejdenson	Orton	Weldon (PA)

So the amendment was not agreed to. After some further time,

¶39.9 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the

Whole on the following amendment submitted by Mr. CONYERS:

Page 6, after line 24, insert the following:  
(e) LIMITATION ON APPLICATION OF AMENDMENTS.—The amendments made by this section shall not apply with respect to civil actions to which any of the following applies:

- (1) Section 772 of the Revised Statutes of the United States (42 U.S.C. 1988).
- (2) Title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.).
- (3) The Fair Housing Act (42 U.S.C. 3601 et seq.).
- (4) The Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.).
- (5) The Equal Access Act (20 U.S.C. 4071 et seq.).

Rule 11 of the Federal Rules of Civil Procedure, as in effect immediately before the effective date of such amendments, shall apply with respect to such civil actions.

It was decided in the { Yeas ..... 194  
negative ..... Nays ..... 229

¶39.10 [Roll No. 205] AYES—194

Abercrombie	Gilman	Owens
Ackerman	Gonzalez	Pallone
Andrews	Goodlatte	Pastor
Baldacci	Gordon	Payne (NJ)
Barcia	Green	Payne (VA)
Barrett (WI)	Gutierrez	Pelosi
Becerra	Hall (OH)	Peterson (FL)
Beilenson	Hamilton	Peterson (MN)
Bentsen	Harman	Pomeroy
Berman	Hastings (FL)	Poshard
Bevill	Hayes	Rahall
Bishop	Hefner	Reed
Bonior	Hilliard	Reynolds
Borski	Hinchev	Richardson
Boucher	Hobson	Rivers
Browder	Holden	Roemer
Brown (CA)	Hoyer	Rose
Brown (FL)	Jackson-Lee	Roybal-Allard
Brown (OH)	Jacobs	Rush
Bryant (TX)	Johnson (SD)	Sabo
Chapman	Johnson, E. B.	Sanders
Clay	Johnston	Sawyer
Clayton	Kanjorski	Schroeder
Clement	Kaptur	Schumer
Clyburn	Kennedy (MA)	Scott
Coleman	Kennedy (RI)	Serrano
Collins (IL)	Kennelly	Sisisky
Conyers	Kildee	Skaggs
Costello	Kleccka	Skelton
Coyne	Klink	Slaughter
Cramer	LaFalce	Spratt
Danner	Lantos	Stark
Davis	Laughlin	Stenholm
de la Garza	Levin	Stokes
DeFazio	Lewis (GA)	Studds
DeLauro	Lincoln	Stupak
Dellums	Lipinski	Tanner
Deusch	Lofgren	Taylor (MS)
Dicks	Luther	Tejeda
Dingell	Maloney	Thompson
Dixon	Manton	Thornton
Doggett	Markley	Thurman
Dooley	Martinez	Torres
Doolittle	Mascara	Torrice
Doyle	Matsui	Towns
Duncan	McCarthy	Traficant
Durbin	McDermott	Tucker
Edwards	McNulty	Velazquez
Ehlers	Meehan	Vento
Engel	Menendez	Visclosky
Eshoo	Mfume	Volkmer
Evans	Miller (CA)	Ward
Farr	Mineta	Waters
Fattah	Minge	Watt (NC)
Fazio	Mink	Watts (OK)
Fields (LA)	Moakley	Waxman
Filner	Mollohan	Weldon (FL)
Foglietta	Montgomery	Williams
Ford	Murtha	Wilson
Fox	Nadler	Wise
Frank (MA)	Neal	Woolsey
Frost	Oberstar	Wyden
Furse	Obey	Wynn
Gejdenson	Ortiz	Yates
Gephardt	Orton	
Geren		

NOES—229

Allard	Armey	Baesler
Archer	Bachus	Baker (CA)

Baker (LA) Ganske Nethercutt  
 Ballenger Gekas Neumann  
 Barr Gilchrest Ney  
 Barrett (NE) Gillmor Norwood  
 Bartlett Goodling Nussle  
 Barton Goss Oxley  
 Bass Graham Packard  
 Bateman Greenwood Parker  
 Bereuter Gunderson Paxon  
 Bilbray Gutknecht Petri  
 Bilirakis Hall (TX) Pickett  
 Bliley Hancock Pombo  
 Blute Hansen Porter  
 Boehlert Hastert Portman  
 Boehner Hastings (WA) Pryce  
 Bonilla Hayworth Quillen  
 Bono Hefley Quinn  
 Brewster Heineman Radanovich  
 Brownback Herger Ramstad  
 Bryant (TN) Hilleary Regula  
 Bunn Hoekstra Riggs  
 Bunning Hoke Roberts  
 Burr Horn Rogers  
 Burton Hostettler Rohrabacher  
 Buyer Houghton Ros-Lehtinen  
 Callahan Hunter Roukema  
 Calvert Hutchinson Royce  
 Camp Hyde Salmon  
 Canady Inglis Sanford  
 Cardin Istook Saxton  
 Castle Johnson (CT) Scarborough  
 Chabot Johnson, Sam Schaefer  
 Chambliss Jones Schiff  
 Chenoweth Kasich Seastrand  
 Christensen Kelly Sensenbrenner  
 Chrysler Kim Shadegg  
 Clinger King Shaw  
 Coble Kingston Shays  
 Coburn Klug Shuster  
 Collins (GA) Knollenberg Skeen  
 Combest Kolbe Smith (MI)  
 Cooley LaHood Smith (NJ)  
 Cox Largent Smith (TX)  
 Crane Latham Smith (WA)  
 Crapo LaTourette Solomon  
 Cremeans Lazio Souder  
 Cubin Leach Spence  
 Cunningham Lewis (CA) Stearns  
 Deal Lewis (KY) Stockman  
 DeLay Lightfoot Stump  
 Diaz-Balart Linder Talent  
 Dickey Livingston Tate  
 Doolittle LoBiondo Tazuin  
 Dornan Longley Taylor (NC)  
 Dreier Lowey Thomas  
 Duncan Lucas Thornberry  
 Dunn Manzullo Tiahrt  
 Ehrlich Martini Torkildsen  
 Emerson McCollum Upton  
 English McCrery Vucanovich  
 Ensign McHale Waldholtz  
 Everett McHugh Walker  
 Ewing McInnis Walsh  
 Fawell McIntosh Wamp  
 Fields (TX) McKeon Weller  
 Flanagan Metcalf White  
 Foley Meyers Whitfield  
 Forbes Mica Wicker  
 Fowler Miller (FL) Wolf  
 Franks (CT) Molinari Young (AK)  
 Franks (NJ) Moorhead Young (FL)  
 Frelinghuysen Moran Zeliff  
 Frisa Morella Zimmer  
 Funderburk Myers  
 Gallegly Myrick

NOT VOTING—11

Condit McDade Rangel  
 Flake McKinney Roth  
 Gibbons Meek Weldon (PA)  
 Jefferson Olver

So the amendment was not agreed to. After some further time,

39.11 RECORDED VOTE

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

Page 4, insert the following after line 21 and redesignate the succeeding paragraph accordingly:

“(8) This subsection applies only to a claim brought against a small business concern as defined under section 3 of the Small Business Act.”.

It was decided in the negative { Yeas ..... 177 Nays ..... 244

39.12 [Roll No. 206] AYES—177

Abercrombie Furse Neal  
 Baesler Gejdenson Oberstar  
 Baldacci Gephardt Obey  
 Barcia Gonzalez Olver  
 Becerra Gordon Ortiz  
 Beilenson Green Owens  
 Bentsen Gutierrez Pallone  
 Berman Hall (OH) Pastor  
 Bevill Hamilton Payne (NJ)  
 Bishop Harman Pelosi  
 Bonior Hastings (FL) Peterson (FL)  
 Borski Hayes Peterson (MN)  
 Boucher Hefner Pomeroy  
 Browder Hilliard Poshard  
 Brown (CA) Hinchey Rahall  
 Brown (FL) Holden Reed  
 Brown (OH) Hoyer Reynolds  
 Bryant (TX) Jackson-Lee Richardson  
 Cardin Jacobs Rivers  
 Chapman Johnson (SD) Roemer  
 Clay Johnson, E.B. Rose  
 Clayton Johnston Roybal-Allard  
 Clement Kanjorski Rush  
 Clyburn Kaptur Sabo  
 Coleman Kennedy (MA) Sanders  
 Collins (IL) Kennedy (RI) Schroeder  
 Collins (MI) Kennelly Schumer  
 Conyers Kildee Scott  
 Costello Klecza Serrano  
 Coyne Klink Skelton  
 Cramer LaFalce Slaughter  
 Danner Lantos Spratt  
 de la Garza Laughlin Stark  
 DeFazio Levin Stokes  
 DeLauro Lewis (GA) Studds  
 Dellums Lincoln Stupak  
 Deutsch Lipinski Tanner  
 Dicks Lofgren Tejada  
 Dingell Lowey Thompson  
 Dixon Luther Thornton  
 Doggett Maloney Thurman  
 Dooley Manton Torres  
 Doyle Markey Towns  
 Duncan Martinez Traficant  
 Durbin Mascara Tucker  
 Edwards Matsui Velazquez  
 Engel McCarthy Vento  
 Ensign McDermott Visclosky  
 Eshoo McHale Volkmer  
 Evans Meehan Ward  
 Farr Menendez Waters  
 Fattah Mfume Watt (NC)  
 Fazio Miller (CA) Waxman  
 Fields (LA) Mineta Wilson  
 Filner Mink Wise  
 Foglietta Moakley Woolsey  
 Ford Mollohan Wyden  
 Frank (MA) Murtha Wynn  
 Frost Nadler Yates

NOES—244

Ackerman Calvert Everett  
 Allard Camp Ewing  
 Archer Canady Fawell  
 Arney Castle Fields (TX)  
 Bachus Chabot Flanagan  
 Baker (CA) Chambliss Foley  
 Baker (LA) Chenoweth Forbes  
 Ballenger Christensen Fowler  
 Barr Chrysler Fox  
 Barrett (NE) Clinger Franks (CT)  
 Barrett (WI) Coble Franks (NJ)  
 Bartlett Coburn Frelinghuysen  
 Barton Collins (GA) Frisa  
 Bass Combest Funderburk  
 Bateman Cooley Gallely  
 Bereuter Crane Ganske  
 Bilbray Crapo Gekas  
 Bilirakis Cremeans Geren  
 Bliley Cubin Gilchrest  
 Blute Cunningham Gillmor  
 Boehlert Davis Gilman  
 Boehner Deal Goodlatte  
 Bonilla DeLay Goodling  
 Bono Diaz-Balart Goss  
 Brewster Dickey Graham  
 Brownback Doolittle Greenwood  
 Bryant (TN) Dornan Gunderson  
 Bunn Dreier Gutknecht  
 Bunning Dunn Hall (TX)  
 Burr Ehlers Hancock  
 Burton Ehrlich Hansen  
 Buyer Emerson Hastert  
 Callahan English Hastings (WA)

Hayworth McNulty Seastrand  
 Hefley Metcalf Sensenbrenner  
 Heineman Meyers Shadegg  
 Herger Mica Shaw  
 Hilleary Miller (FL) Shays  
 Hobson Minge Shuster  
 Hoekstra Molinari Sisisky  
 Hoke Montgomery Skaggs  
 Horn Moorhead Skeen  
 Hostettler Moran Smith (MI)  
 Houghton Morella Smith (NJ)  
 Hunter Myers Smith (TX)  
 Hutchinson Myrick Smith (WA)  
 Hyde Nethercutt Solomon  
 Inglis Neumann Souder  
 Istook Ney Spence  
 Johnson (CT) Norwood Stearns  
 Johnson, Sam Nussle Stenholm  
 Jones Orton Stockman  
 Kasich Oxley Stump  
 Kelly Packard Talent  
 Kim Parker Tate  
 King Paxon Tazuin  
 Kingston Payne (VA) Taylor (MS)  
 Klug Petri Taylor (NC)  
 Knollenberg Pickett Thomas  
 Kolbe Pombo Thornberry  
 LaHood Porter Tiahrt  
 Largent Portman Torkildsen  
 Latham Pryce Upton  
 LaTourette Quillen Vucanovich  
 Lazio Quinn Waldholtz  
 Leach Radanovich Walker  
 Lewis (CA) Ramstad Walsh  
 Lewis (KY) Regula Wamp  
 Lightfoot Riggs Watts (OK)  
 Linder Roberts Weldon (FL)  
 Livingston Rogers Weldon (PA)  
 LoBiondo Rohrabacher Weller  
 Longley Ros-Lehtinen White  
 Lucas Roukema Whitfield  
 Manzullo Royce Wicker  
 Martini Salmon Wolf  
 McCollum Sanford Young (AK)  
 McCrery Sawyer Young (FL)  
 McHugh Saxton Zeliff  
 McInnis Scarborough Zimmer  
 McIntosh Schaefer  
 McKeon Schiff

NOT VOTING—13

Andrews Jefferson Roth  
 Condit McDade Torricelli  
 Cox McKinney Williams  
 Flake Meek  
 Gibbons Rangel

So the amendment was not agreed to.

After some further time,

The SPEAKER pro tempore, Mr. BARRETT of Nebraska, assumed the Chair.

When Mr. HOBSON, Chairman, pursuant to House Resolution 104, reported the bill back to the House with an amendment adopted by the Committee.

The previous question having been ordered by said resolution.

The following amendment, reported from the Committee of the Whole House on the state of the Union, was agreed to:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Attorney Accountability Act of 1995”.

SEC. 2. AWARD OF COSTS AND ATTORNEY'S FEES IN FEDERAL CIVIL DIVERSITY LITIGATION AFTER AN OFFER OF SETTLEMENT.

Section 1332 of title 28, United States Code, is amended by adding at the end the following:

“(e)(1) In any action over which the court has jurisdiction under this section, any party may, at any time not less than 10 days before trial, serve upon any adverse party a written offer to settle a claim or claims for money or property or to the effect specified in the offer, including a motion to dismiss all claims, and to enter into a stipulation dismissing the claim or claims or allowing judgment to be entered according to the