

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
Combust Kolbe Smith (MI)
Cooley LaHood Smith (NJ)
Cox Largent Smith (TX)
Crane Latham Smith (WA)
Crapo LaTourette Solomon
Creameans 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 Tauzin
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 { Yeas ..... 177
negative ..... } 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
Brown (CA) Hilliard Poshard
Brown (FL) Hinchey Rahall
Brown (OH) Holden Reed
Bryant (TX) Hoyer Reynolds
Cardin Jackson-Lee Richardson
Chapman Jacobs Rivers
Johnson (SD) Johnson, E.B. Roybal-Allard
Clay Johnson, E.B. Rush
Clayton Johnston Sabo
Clement Kanjorski Sanders
Clyburn Kennedy (MA) Schroeder
Coleman Kennedy (RI) Schumer
Collins (IL) Kennedy (RI) Scott
Collins (MI) Kennedy (RI) Serrano
Conyers Kildee Skelton
Costello Costello Kleczka Slaughter
Coyne Klink Spratt
Cramer LaFalce Stark
Danner Lantos Stokes
de la Garza Laughlin Studds
DeFazio Lewis (GA) Stupak
DeLauro Lincoln Tanner
Dellums Lipinski Tejeda
Deutsch Lofgren Thompson
Dicks Lowey Thornton
Dingell Dixon Luther
Dixon Doggett Maloney
Doyle Dooley Manton
Duncan Doyle Markey
Durbin Martinez
Edwards Mascara
Engel Matsui Velazquez
Ensign McCarthey Vento
McDermott Visclosky
McHale McHale Volkmer
Meehan Meehan Ward
Menendez Menendez Waters
Mfume Mfume Watt (NC)
Miller (CA) Miller (CA) Waxman
Mineta Mineta Wilson
Mink Mink Wise
Moakley Moakley Woolsey
Mollohan Mollohan Wyden
Murtha Murtha Wynn
Nadler Nadler Yates

NOES—244

Ackerman Calvert Everett
Allard Camp Ewing
Archer Canady Fawell
Army Castle Fields (TX)
Bachus Chabot Flanagan
Baker (CA) Chambliss Foley
Baker (LA) Chenoweth Forbes
Ballenger Christensen Fowler
Barr Chrysler Fox
Clinger Clinger Franks (CT)
Coble Coble Franks (NJ)
Coburn Coburn Frelinghuysen
Collins (GA) Collins (GA) Frisa
Combust Combust Funderburk
Cooley Cooley Gallegly
Crane Crane Ganske
Crapo Crapo Gekas
Creameans Creameans Geren
Cubin Cubin Gilchrest
Cunningham Cunningham Gillmor
Davis Davis Gilman
Deal Deal Goodlatte
DeLay DeLay Goodling
Diaz-Balart Diaz-Balart Goss
Dickey Dickey Graham
Doolittle Doolittle Greenwood
Dornan Dornan Gunderson
Dreier Dreier Gutknecht
Dunn Dunn Hall (TX)
Ehlers Ehlers Hancock
Ehrlich Ehrlich Hansen
Emerson Emerson Hastert
English 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) Johnson, Sam Norwood
Johnson, Sam Nussle Stearns
Jones Orton Stenholm
Kasich Oxley Stockman
Kelly Packard Stump
Kim Parker Talent
King Parker Tate
Kingston Payne (VA) Tauzin
Klug Petri Taylor (MS)
Knollenberg Pickett Taylor (NC)
Kolbe Pombo Thomas
LaHood Porter Thornberry
Largent Portman Tiahrt
Latham Pryce Torkildsen
LaTourette Quillen Upton
Lazio Quinn Vucanovich
Leach Radanovich Waldholtz
Lewis (CA) Ramstad Walker
Lewis (KY) Regula Walsh
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
McCullum 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

terms of the offer. Any such offer, together with proof of service thereof, shall be filed with the clerk of the court.

"(2) If the party receiving an offer under paragraph (1) serves written notice on the offeror that the offer is accepted, either party may then file with the clerk of the court the notice of acceptance, together with proof of service thereof.

"(3) The fact that an offer under paragraph (1) is made but not accepted does not preclude a subsequent offer under paragraph (1). Evidence of an offer is not admissible for any purpose except in proceedings to enforce a settlement, or to determine costs and expenses under this subsection.

"(4) At any time before judgment is entered, the court, upon its own motion or upon the motion of any party, may exempt from this subsection any claim that the court finds presents a question of law or fact that is novel and important and that substantially affects nonparties. If a claim is exempted from this subsection, all offers made by any party under paragraph (1) with respect to that claim shall be void and have no effect.

"(5) If all offers made by a party under paragraph (1) with respect to a claim or claims, including any motion to dismiss all claims, are not accepted and the judgment, verdict, or order finally issued (exclusive of costs, expenses, and attorneys' fees incurred after judgment or trial) in the action under this section is not more favorable to the offeree with respect to the claim or claims than the last such offer, the offeror may file with the court, within 10 days after the final judgment, verdict, or order is issued, a petition for payment of costs and expenses, including attorneys' fees, incurred with respect to the claim or claims from the date the last such offer was made or, if the offeree made an offer under this subsection, from the date the last such offer by the offeree was made.

"(6) If the court finds, pursuant to a petition filed under paragraph (5) with respect to a claim or claims, that the judgment, verdict, or order finally obtained is not more favorable to the offeree with respect to the claim or claims than the last offer, the court shall order the offeree to pay the offeror's costs and expenses, including attorneys' fees, incurred with respect to the claim or claims from the date the last offer was made or, if the offeree made an offer under this subsection, from the date the last such offer by the offeree was made, unless the court finds that requiring the payment of such costs and expenses would be manifestly unjust.

"(7) Attorney's fees under paragraph (6) shall be a reasonable attorney's fee attributable to the claim or claims involved, 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 attorney's fees under paragraph (6) may not exceed—

"(A) the actual cost incurred by the offeree for an attorney's fee payable to an attorney for services in connection with the claim or claims; or

"(B) if no such cost was incurred by the offeree due to a contingency fee agreement, a reasonable cost that would have been incurred by the offeree for an attorney's noncontingent fee payable to an attorney for services in connection with the claim or claims.

"(8) This subsection does not apply to any claim seeking an equitable remedy."

### SEC. 3. HONESTY IN EVIDENCE.

Rule 702 of the Federal Rules of Evidence (28 U.S.C. App.) is amended—

(1) by inserting "(a) In general.—" before "If"; and

(2) by adding at the end the following:

"(b) Adequate basis for opinion.—Testimony in the form of an opinion by a witness that is based on scientific knowledge shall be inadmissible in evidence unless the court determines that such opinion—

"(1) is scientifically valid and reliable;

"(2) has a valid scientific connection to the fact it is offered to prove; and

"(3) is sufficiently reliable so that the probative value of such evidence outweighs the dangers specified in rule 403.

"(c) Disqualification.—Testimony by a witness who is qualified as described in subdivision (a) is inadmissible in evidence if the witness is entitled to receive any compensation contingent on the legal disposition of any claim with respect to which the testimony is offered.

"(d) Scope.—Subdivision (b) does not apply to criminal proceedings."

### SEC. 4. ATTORNEY ACCOUNTABILITY.

(a) SANCTIONS.—Rule 11(c) of the Federal Rules of Civil Procedure (28 U.S.C. App.) is amended—

(1) in the matter preceding paragraph (1) by striking "may" and inserting "shall";

(2) in paragraph (1)(A)—

(A) in the second sentence by striking ", but shall" and all that follows through "corrected"; and

(B) in the third sentence by striking "may" and inserting "shall"; and

(3) in paragraph (2) by striking "A sanction imposed" and all that follows through "violation." and inserting the following: "A sanction imposed for a violation of this rule shall be sufficient to deter repetition of such conduct or comparable conduct by others similarly situated, and to compensate the parties that were injured by such conduct. Subject to the limitations in subparagraphs (A) and (B), the sanction may consist of an order to pay to the other party or parties the amount of the reasonable expenses incurred as a direct result of the filing of the pleading, motion, or other paper that is the subject of the violation, including a reasonable attorney's fee."

(b) APPLICABILITY TO DISCOVERY.—Rule 11 of the Federal Rules of Civil Procedure is amended by striking subdivision (d).

### SEC. 5. EFFECTIVE DATE; APPLICATION OF AMENDMENTS.

(a) EFFECTIVE DATE.—Subject to subsection (b), this Act and the amendments made by this Act shall take effect on the first day of the first month beginning more than 180 days after the date of the enactment of this Act.

(b) APPLICATION OF AMENDMENTS.—

(1) The amendment made by section 2 shall apply only with respect to civil actions commenced after the effective date of this Act.

(2) The amendments made by section 3 shall apply only with respect to cases in which a trial begins after the effective date of this Act.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

Mr. CONYERS moved to recommit the bill to the Committee on the Judiciary with instructions to report the bill back to the House forthwith with the following amendment:

Strike section 2 of the bill, and insert the following:

### SEC. 2. AWARD OF COSTS AND ATTORNEY'S FEES IN FEDERAL CIVIL DIVERSITY LITIGATION.

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

"(e) AWARDS OF FEES AND EXPENSES.—

"(1) AUTHORITY TO AWARD FEES AND EXPENSES.—In any action over which the court has jurisdiction under this section, if the court enters a final judgment against a party litigant on the basis of a motion to dismiss, motion for summary judgment, or a trial on the merits, the court shall, upon motion by the prevailing party, determine whether (A) the position of the losing party was not substantially justified, (B) imposing fees and expenses on the losing party or the losing party's attorney would be just, and (C) the cost of such fees and expenses to the prevailing party is substantially burdensome or unjust. If the court makes the determinations described in clauses (A), (B), and (C), the court shall award the prevailing party reasonable fees and other expenses incurred by that party. The determination of whether the position of the losing party was substantially justified shall be made on the basis of the record in the action for which fees and other expenses are sought, but the burden of persuasion shall be on the prevailing party.

"(2) SECURITY FOR PAYMENT OF COSTS IN CLASS ACTIONS.—In any private action arising under this section that is certified as a class action under the Federal Rules of Civil Procedure, the court shall require an undertaking from the attorneys for the plaintiff class, the plaintiff class, or both, in such proportions and at such times as the court determines are just and equitable, for the payment of fees and expenses that may be awarded under paragraph (1).

"(3) APPLICATION FOR FEES.—A party seeking an award of fees and other expenses shall, within 30 days of a final, nonappealable judgment in the action, submit to the court an application for fees and other expenses that verifies that the party is entitled to such an award under paragraph (1) and the amount sought, including an itemized statement from any attorney or expert witness representing or appearing on behalf of the party stating the actual time expended and the rate at which fees and other expenses are computed.

"(4) ALLOCATION AND SIZE OF AWARD.—The court, in its discretion, may—

"(A) determine whether the amount to be awarded pursuant to this subsection shall be awarded against the losing party, its attorney, or both; and

"(B) reduce the amount to be awarded pursuant to this subsection, or deny an award, to the extent that the prevailing party during the course of the proceedings engaged in conduct that unduly and unreasonably protracted the final resolution of the action.

"(5) AWARD IN DISCOVERY PROCEEDINGS.—In adjudicating any motion for an order compelling discovery or any motion for a protective order made in any action over which the court has jurisdiction under this section, the court shall award the prevailing party reasonable fees and other expenses incurred by the party in bringing or defending against the motion, including reasonable attorneys' fees, unless the court finds that special circumstances make an award unjust.

"(6) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to limit or impair the discretion of the court to award costs pursuant to other provisions of law.

"(7) PROTECTION AGAINST ABUSE OF PROCESS.—In any action to which this subsection applies, a court shall not permit a plaintiff to withdraw from or voluntarily dismiss such action if the court determines that such withdrawal or dismissal is taken for purposes of evasion of the requirements of this subsection.

"(8) DEFINITIONS.—For purposes of this subsection—

"(A) The term 'fees and other expenses' includes the reasonable expenses of expert witnesses, the reasonable cost of any study,

analysis, report, test, or project which is found by the court to be necessary for the preparation of the party's case, and reasonable attorneys' fees and expenses. The amount of fees awarded under this subsection shall be based upon prevailing market rates for the kind and quality of services furnished.

"(B) The term 'substantially justified' shall have the same meaning as in section 2412(d)(1) of title 28, United States Code."

By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, viva voce, Will the House recommit said bill with instructions?

The SPEAKER pro tempore, Mr. BARRETT of Nebraska, announced that the yeas had it.

So the motion to recommit with instructions was not agreed to.

The question being put, viva voce, Will the House pass said bill?

The SPEAKER pro tempore, Mr. BARRETT of Nebraska, announced that the yeas had it.

Mr. CONYERS demanded a recorded vote on passage of said bill, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the { Yeas ..... 232 affirmative ..... Nays ..... 193

39.13 [Roll No. 207] AYES—232

- Allard, Archer, Armey, Bachus, Baker (CA), Baker (LA), Ballenger, Barcia, Barr, Barrett (NE), Bartlett, Barton, Bass, Bereuter, Bilbray, Billirakis, Bliley, Blute, Boehlert, Boehner, Bonilla, Bono, Brewster, Brownback, Bryant (TN), Bunn, Bunning, Burr, Burton, Callahan, Calvert, Camp, Canady, Castle, Chabot, Chambliss, Chenoweth, Christensen, Chrysler, Clinger, Coble, Coburn, Collins (GA), Combust, Cooley, Cox, Crane, Crapo, Cremeans, Cubin, Cunningham, Davis, de la Garza, Deal, DeLay, Dickey, Doolittle, Dornan, Dreier, Duncan, Dunn, Ehlers, Emerson, English, Ensign, Everett, Ewing, Fawell, Fields (TX), Flanagan, Foley, Forbes, Fowler, Fox, Franks (CT), Franks (NJ), Frelinghuysen, Frisa, Funderburk, Gallegly, Ganske, Gekas, Geren, Gilchrest, Gillmor, Gilman, Gingrich, Goodlatte, Goodling, Goss, Graham, Greenwood, Gunderson, Gutknecht, Hall (TX), Hancock, Hansen, Hastert, Hastings (WA), Hayworth, Hefley, Heineman, Herger, Hilleary, Hobson, Hoekstra, Hoke, Horn, Hostettler, Houghton, Hunter, Hutchinson, Hyde, Inglis, Istook, Johnson, Sam, Jones, Kasich, Kelly, Kim, Kingston, Klug, Knollenberg, Kolbe, LaHood, Largent, Latham, Leach, Lewis (CA), Lewis (KY), Lightfoot, Linder, Livingston, LoBiondo, Lucas, Manzullo, McCollum, McCrery, McHugh, McInnis, McIntosh, McKeon, McNulty, Metcalf, Meyers, Mica, Miller (FL), Minge, Molinari, Montgomery, Moorhead, Morella, Myers

- Myrick, Neumann, Ney, Norwood, Nussle, Ortiz, Oxley, Packard, Parker, Paxon, Payne (VA), Peterson (MN), Petri, Pombo, Porter, Portman, Pryce, Quillen, Quinn, Radanovich, Ramstad, Regula, Riggs, Roberts, Rogers, Rohrabacher, Roukema, Royce, Salmon, Sanford, Saxton, Scarborough, Schaefer, Schiff, Seastrand, Sensenbrenner, Shadegg, Shaw, Shays, Shuster, Skeen, Smith (MI), Smith (NJ), Smith (TX), Smith (WA), Solomon, Souder, Spence, Stearns, Stenholm, Stockman, Stump, Talent, Tate

NOES—193

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

NOT VOTING—10

- Condit, Flake, Gibbons, Jefferson, Johnson (CT), McDade, McKinney, Meek, Rangel, Roth

So the bill was passed. A motion to reconsider the vote whereby the bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

39.14 PROVIDING FOR THE CONSIDERATION OF H.R. 1058

Mr. DERIER, by direction of the Committee on Rules, called up the following resolution (H. Res. 105):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1058) to reform Federal securities litigation, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Commerce. After general debate the bill shall be considered for amendment under the five-minute rule for a period not to exceed eight hours. The bill shall be considered as read. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. Points of order under clause 7 of rule XVI against the amendments printed in the report of the Committee on Rules accompanying this resolution are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

When said resolution was considered. After debate,

On motion of Mr. DREIER, the previous question was ordered on the resolution to its adoption or rejection.

The question being put, viva voce, Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. DICKEY, announced that the yeas had it.

Mr. FROST objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present, The roll was called under clause 4, rule XV, and the call was taken by electronic device.

It was decided in the { Yeas ..... 257 affirmative ..... Nays ..... 155 Answered present 1

39.15 [Roll No. 208] YEAS—257

- Allard, Archer, Armey, Bachus, Baker (CA), Baker (LA), Ballenger, Barr, Barrett (NE), Bartlett, Barton, Bass, Bateman, Bereuter, Bevill, Bilbray, Billirakis, Bishop, Bliley, Blute, Boehlert, Boehner, Bonilla, Brewster, Browder, Brownback, Bryant (TN), Bunn, Bunning, Burr