

H. Res. __

H.R. 720 - Lawsuit Abuse Reduction Act of 2017

H.R. 985 - Fairness in Class Action Litigation Act of 2017

1. Structured rule for H.R. 720.
2. Provides one hour of general debate equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary.
3. Waives all points of order against consideration of the bill.
4. Provides that the bill shall be considered as read.
5. Waives all points of order against provisions in the bill.
6. Makes in order only those amendments printed in part A of the Rules Committee report. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as 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.
7. Waives all points of order against the amendments printed in part A of the report.
8. Provides one motion to recommit with or without instructions.
9. Structured rule for H.R. 985.
10. Provides one hour of general debate equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary.
11. Waives all points of order against consideration of the bill.
12. Makes in order as original text for the purpose of amendment an amendment in the nature of a substitute consisting of the text of Rules Committee Print 115-5 and provides that it shall be considered as read.
13. Waives all points of order against that amendment in the nature of a substitute.
14. Makes in order only those further amendments printed in part B of the Rules Committee report. Each such amendment may be offered only in

the order printed in the report, may be offered only by a Member designated in the report, shall be considered as 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.

15. Waives all points of order against the amendments printed in part B of the report.
16. Provides one motion to recommit with or without instructions.

RESOLUTION

Resolved, That at any time after adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for 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. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read. All points of order against provisions in the bill are waived. No amendment to the bill shall be in order except those printed in part A of the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as 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 in the House or in the Committee of the Whole. All points of order against such amendments 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 with or without instructions.

Sec. 2. At any time after adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 985) to amend the procedures used in Federal court class actions and multidistrict litigation proceedings to assure fairer, more efficient outcomes for

claimants and defendants, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule an amendment in the nature of a substitute consisting of the text of Rules Committee Print 115-5. That amendment in the nature of a substitute shall be considered as read. All points of order against that amendment in the nature of a substitute are waived. No amendment to that amendment in the nature of a substitute shall be in order except those printed in part B of the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as 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 in the House or in the Committee of the Whole. All points of order against such amendments 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. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. 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 with or without instructions.

SUMMARY OF AMENDMENTS TO H.R 720 IN PART A PROPOSED TO BE MADE IN ORDER

(summaries derived from information provided by sponsors)

| Sponsor | # Description | Debate Time |
|----------------------------|---|--------------------|
| 1. Soto (FL) | #6 Reinstates the FRCP 11(c)(2) safe harbor provision to allow 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. | (10 minutes) |
| 2. Jackson Lee (TX) | #1 Strikes provision mandating the award of reasonable attorney’s fees and costs, restoring judicial discretion to award such fees and costs, when warranted. | (10 minutes) |

- 3. Conyers (MI)** #2 Exempts from the bill civil actions alleging any violation of a constitutional or civil right (10 minutes)
- 4. Jeffries (NY)** #5 Exempts actions pertaining to whistleblowers (10 minutes)

SUMMARY OF AMENDMENTS TO H.R. 985 IN PART B PROPOSED TO BE MADE IN ORDER

(summaries derived from information provided by sponsors)

| Sponsor | # Description | Debate Time |
|------------------------------|--|--------------------|
| 1. Goodlatte (VA) | #3 MANAGER’S Strikes the prohibition on the use of the same class counsel if the named plaintiff is a present or former client, or has a contractual relationship with, the class counsel. Carves out private securities litigation class actions from the conflict of interest and stay of discovery sections, gives federal courts 90 days to review the sufficiency of the allegations verification submissions made in the section on multi-district litigation, and makes other technical, conforming, and clarifying changes. | (10 minutes) |
| 2. Deutch (FL) | #11 Strikes the provision on conflicts of interest. | (10 minutes) |
| 3. Deutch (FL) | #8 Strikes the fee determination based on equitable relief provision. | (10 minutes) |
| 4. Soto (FL) | #15 Strikes section 1721 to allow discovery to proceed while motions are pending. | (10 minutes) |
| 5. Johnson, Hank (GA) | #5 Exempts civil actions alleging fraud. | (10 minutes) |
| 6. Conyers (MI) | #7 Exempts civil rights actions from the bill's class action provisions. | (10 minutes) |
| 7. Jackson Lee (TX) | #4 Replaces the substantive text of the bill with a requirement that the bankruptcy asbestos trust report quarterly an aggregate list of demands received and payments made. | (10 minutes) |
| 8. Espaillat (NY) | #17 Exempts a claimant who is or has been living in public housing or any dwelling unit for which rental assistance provided under section 8. | (10 minutes) |