
PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 3624) TO
AMEND TITLE 28, UNITED STATES CODE, TO PREVENT
FRAUDULENT JOINDER.

February 23, 2016.—Referred to the House Calendar and ordered to be
printed

MR. COLLINS (GA), from the Committee on Rules, submitted the following

R E P O R T

[To accompany H. Res. __]

The Committee on Rules, having had under consideration House
Resolution ____, by a record vote of 7 to 3, report the same to the House with
the recommendation that the resolution be adopted.

SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for consideration of H.R. 3624, the
Fraudulent Joinder Prevention Act of 2015, under a structured rule. The
resolution provides one hour of general debate equally divided and controlled
by the chair and ranking minority member of the Committee on the
Judiciary. The resolution waives all points of order against consideration of
the bill. The resolution makes in order as original text for the purpose of
amendment the amendment in the nature of a substitute recommended by
the Committee on the Judiciary now printed in the bill and provides that it
shall be considered as read. The resolution waives all points of order against
that amendment in the nature of a substitute. The resolution makes in
order only those further amendments printed in this report. Each such
amendment may be offered only in the order printed in this report, may be
offered only by a Member designated in this report, shall be considered as
read, shall be debatable for the time specified in this 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. The resolution waives all
points of order against the amendments printed in this report. The
resolution provides one motion to recommit with or without instructions.

EXPLANATION OF WAIVERS

The waiver of all points of order against consideration of the bill includes a waiver of clause 3(e)(1) of rule XIII ("Ramseyer"), requiring a committee report accompanying a bill amending or repealing statutes to show, by typographical device, parts of statute affected. The waiver is provided because the submission provided by the Committee on the Judiciary was insufficient to meet the standards established by the rule in its current form. The Committee on Rules continues to work with the House Office of Legislative Counsel and committees to determine the steps necessary to comply with the updated rule.

Although the resolution waives all points of order against the amendment in the nature of a substitute made in order as original text, the Committee is not aware of any points of order. The waiver of all points of order prophylactic in nature.

Although the resolution waives all points of order against the amendments printed in this report, the Committee is not aware of any points of order. The waiver of all points of order prophylactic in nature.

COMMITTEE VOTES

The results of each record vote on an amendment or motion to report, together with the names of those voting for and against, are printed below:

Rules Committee Record Vote No. 146

Motion by Ms. Slaughter to report an open rule. Defeated: 3-6

Majority Members	Vote	Minority Members	Vote
Ms. Foxx.....	Nay	Ms. Slaughter.....	Yea
Mr. Cole.....	Nay	Mr. McGovern.....	Yea
Mr. Woodall.....	Nay	Mr. Hastings of Florida.....	
Mr. Burgess.....	Nay	Mr. Polis.....	Yea
Mr. Stivers.....			
Mr. Collins.....	Nay		
Mr. Byrne.....			
Mr. Newhouse.....			
Mr. Sessions, Chairman.....	Nay		

Rules Committee Record Vote No. 147

Motion by Mr. Cole to report the rule. Adopted: 7-3

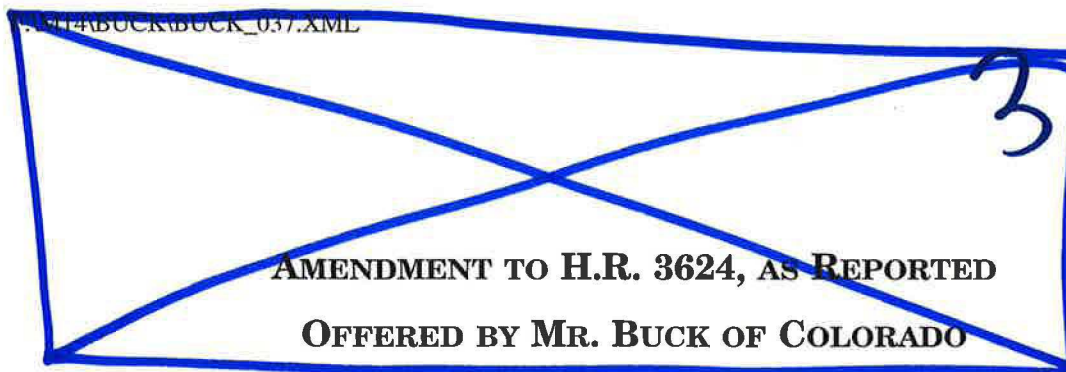
Majority Members	Vote	Minority Members	Vote
Ms. Foxx.....	Yea	Ms. Slaughter.....	Nay
Mr. Cole.....	Yea	Mr. McGovern.....	Nay
Mr. Woodall.....	Yea	Mr. Hastings of Florida.....	
Mr. Burgess.....	Yea	Mr. Polis.....	Nay
Mr. Stivers.....			
Mr. Collins.....	Yea		
Mr. Byrne.....			
Mr. Newhouse.....	Yea		
Mr. Sessions, Chairman.....	Yea		

SUMMARY OF THE AMENDMENTS MADE IN ORDER

- 1. Buck (CO): MANAGER'S Makes technical changes to the bill; striking references to multiple defendants and replacing them with references to single defendants. (10 minutes)**
- 2. Cartwright (PA): Creates a separate exception for plaintiffs seeking compensation resulting from the bad faith of an insurer. (10 minutes)**

TEXT OF AMENDMENTS MADE IN ORDER

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BUCK
OF COLORADO OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES



Page 4, line 1, strike “the defendant or defendants” and insert “a defendant”.

Page 4, line 5, after “facts” insert “with respect to that defendant”.

Page 4 beginning in line 9 and ending in line 10, strike “each defendant described in paragraph (1)(B)” and insert “that defendant”.

Page 4, beginning in line 12 and ending in line 13, strike “all defendants described in paragraph (1)(B)” and insert “that defendant”.

Page 4, beginning in line 16 and ending in line 17, strike “all defendants described in paragraph (1)(B)” and insert “that defendant”.

Page 4, line 17, after “joint judgment” insert “including that defendant”.

Page 4, line 23, strike “fraudulent joinder” and insert “that all defendants described in paragraph (1)(B) have been fraudulently joined”.

Page 4, beginning in line 25 and ending in line 1 of page 5 strike “the defendant or defendants found to have been fraudulently joined” and insert “those defendants”.



2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
CARTWRIGHT OF PENNSYLVANIA OR HIS DESIGNEE,
DEBATABLE FOR 10 MINUTES

**AMENDMENT TO H.R. 3624, AS REPORTED
OFFERED BY MR. CARTWRIGHT OF
PENNSYLVANIA**

Page 5, line 2, strike the close quotation mark and the period which follows.

Page 5, after line 2, insert the following:

- 1 “(5) This subsection shall not apply to a case
- 2 in which the plaintiff seeks compensation resulting
- 3 from the bad faith of an insurer.”.

