

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

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

Mr. COLLINS of Georgia, from the Committee on Rules,
submitted the following

R E P O R T

[To accompany H. Res. 618]

The Committee on Rules, having had under consideration House Resolution 618, 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

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

Page 5, after line 2, insert the following:

"(5) This subsection shall not apply to a case in which the plaintiff seeks compensation resulting from the bad faith of an insurer."