

105TH CONGRESS  
1ST SESSION

# S. 400

To amend rule 11 of the Federal Rules of Civil Procedure, relating to representations in court and sanctions for violating such rule, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

MARCH 5, 1997

Mr. GRASSLEY introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To amend rule 11 of the Federal Rules of Civil Procedure, relating to representations in court and sanctions for violating such rule, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Frivolous Lawsuit Pre-  
5 vention Act of 1997”.

1 **SEC. 2. REPRESENTATIONS AND SANCTIONS UNDER RULE**  
 2 **11 OF THE FEDERAL RULES OF CIVIL PROCE-**  
 3 **DURE.**

4 (a) IN GENERAL.—Rule 11(c) of the Federal Rules  
 5 of Civil Procedure is amended—

6 (1) in the first sentence by striking “may, sub-  
 7 ject to the conditions stated below,” and inserting  
 8 “shall”;

9 (2) in paragraph (2) by striking the first and  
 10 second sentences and inserting “A sanction imposed  
 11 for violation of this rule may consist of reasonable  
 12 attorneys’ fees and other expenses incurred as a re-  
 13 sult of the violation, directives of a nonmonetary na-  
 14 ture, or an order to pay penalty into court or to a  
 15 party.”; and

16 (3) in paragraph (2)(A) by inserting before the  
 17 period “, although such sanctions may be awarded  
 18 against a party’s attorneys”.

19 (b) EFFECTIVE DATE.—The provisions of this sec-  
 20 tion shall take effect 30 days after the date of the enact-  
 21 ment of this Act.

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