

Tiabrt	Wamp	Wicker
Toomey	Watkins	Wilson
Traficant	Watts (OK)	Wolf
Upton	Weldon (FL)	Young (AK)
Vitter	Weldon (PA)	Young (FL)
Walden	Weller	
Walsh	Whitfield	

NAYS—181

Abercrombie	Hastings (FL)	Oberstar
Ackerman	Hill (IN)	Obey
Allen	Hilliard	Olver
Andrews	Hinchey	Ortiz
Baird	Hinojosa	Owens
Baldacci	Hoeffel	Pallone
Baldwin	Holt	Pascrell
Barcia	Hooley	Pastor
Barrett (WI)	Hoyer	Payne
Becerra	Inslee	Pelosi
Bentsen	Jackson (IL)	Pickett
Berkley	Jackson-Lee	Price (NC)
Berman	(TX)	Rahall
Berry	Johnson, E. B.	Reyes
Bishop	Jones (OH)	Rivers
Blagojevich	Kanjorski	Rodriguez
Bonior	Kaptur	Roemer
Borski	Kennedy	Rothman
Boswell	Kildee	Royal-Allard
Brady (PA)	Kilpatrick	Rush
Brown (FL)	Kind (WI)	Sabo
Brown (OH)	Kleckzka	Sanchez
Capps	Klink	Sanders
Capuano	Kucinich	Sandlin
Cardin	LaFalce	Sawyer
Carson	Lampson	Schakowsky
Clay	Lantos	Scott
Clayton	Larson	Serrano
Clement	Lee	Sherman
Clyburn	Levin	Shows
Conyers	Lewis (GA)	Skelton
Costello	Lipinski	Slaughter
Coyne	Lofgren	Smith (WA)
Crowley	Lowey	Snyder
Cummings	Luther	Spratt
Danner	Maloney (CT)	Stabenow
Davis (FL)	Maloney (NY)	Stark
Davis (IL)	Markey	Stearns
DeFazio	Mascara	Stupak
DeGette	Matsui	Sweeney
Delahunt	McCarthy (MO)	Tancredo
DeLauro	McCarthy (NY)	Tauscher
Deutsch	McDermott	Taylor (MS)
Dicks	McGovern	Thomas
Dingell	McIntyre	Thompson (CA)
Dixon	McKinney	Thompson (MS)
Doggett	McNulty	Thurman
Edwards	Meehan	Tierney
Etheridge	Meeks (FL)	Towns
Evans	Meeks (NY)	Traficant
Farr	Menendez	Udall (CO)
Fattah	Millender	Udall (NM)
Filner	McDonald	Oxley
Ford	Miller, George	Upton
Frost	Minge	Packard
Gejdenson	Mink	Kleckzka
Gephart	Moakley	Pallone
Gonzalez	Mollohan	Pascrell
Gordon	Nadler	Visclosky
Green (TX)	Napolitano	Knollenberg
Gutierrez	Neal	Pastor

NOT VOTING—11

Coble	Holden	Scarborough
Diaz-Balart	Jefferson	Sweeney
Engel	Rangel	Waters
Hall (OH)	Royce	

□ 1127

Messrs. DELAHUNT, SPRATT, TAYLOR of Mississippi and RODRIQUEZ changed their vote from "yea" to "nay."

Mr. HALL of Texas changed his vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MOTION TO INSTRUCT CONFEREES
ON H.R. 1501, JUVENILE JUSTICE
REFORM ACT OF 1999

The SPEAKER pro tempore (Mr. HEFLEY). The unfinished business is the question of agreeing to the motion to instruct on the bill (H.R. 1501) to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide grants to ensure increased accountability for juvenile offenders; to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to provide quality prevention programs and accountability programs relating to juvenile delinquency; and for other purposes, offered by the gentlewoman from California (Ms. LOFGREN), on which the yeas and nays were ordered.

The Clerk will designate the motion.

The text of the motion is as follows:

Ms. Lofgren moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill, H.R. 1501, be instructed to insist that the committee of conference recommend a conference substitute that—

(1) includes a loophole-free system that assures that no criminals or other prohibited purchasers (e.g. murderers, rapists, child molesters, fugitives from justice, undocumented aliens, stalkers, and batterers) obtain firearms from non-licensed persons and federally licensed firearms dealers at gun shows;

(2) does not include provisions that weaken current gun safety law; and

(3) includes provisions that aid in the enforcement of current laws against criminals who use guns (e.g. murderers, rapists, child molesters, fugitives from justice, stalkers and batterers).

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentlewoman from California (Ms. LOFGREN) on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 305, nays 117, not voting 11, as follows:

[Roll No. 438]

YEAS—305

Abercrombie	Buyer	Diaz-Balart	
Ackerman	Calvert	Dickey	Lofgren
Allen	Camp	Dicks	Lowey
Andrews	Campbell	Dixon	Luther
Baird	Canady	Doggett	
Baldacci	Capps	Dooley	Aderholt
Baldwin	Capuano	Doolittle	
Ballenger	Cardin	Doyle	Archer
Barrett (WI)	Carson	Dreier	Armey
Bartlett	Castle	Duncan	Bachus
Barton	Chambliss	Dunn	Baker
Bateman	Clay	Edwards	Barcia
Becerra	Clayton	Ehlers	Barrett (NE)
Bentsen	Clement	Ehrlich	Gekas
Bereuter	Clyburn	English	Bass
Berkley	Combest	Eshoo	Bishop
Berman	Condit	Etheridge	Bliley
Biggert	Conyers	Evans	Boehner
Bilirakis	Cook	Ewing	Bonilla
Blagojevich	Coyne	Farr	Boucher
Blumenauer	Crane	Fattah	Bryant
Boehlert	Crowley	Filner	Burr
Boehler	Cummings	Foley	Burton
Bonior	Cunningham	Forbes	Callahan
Bono	Davis (FL)	Ford	Hastings (WA)
Borski	Davis (IL)	Fossella	Hayes
Boswell	Davis (VA)	Fowler	Chabot
Boyd	Deal	Frank (MA)	Hayworth
Brady (PA)	DeFazio	Franks (NJ)	Hill (IN)
Brady (TX)	DeGette	Frelinghuysen	Hill (MT)
Brown (FL)	Delahunt	Frost	Hilliard
Brown (OH)	DeLaurio	Gallegly	Hostettler
	Deutsch	Ganske	Hulshof

Gejdenson	Maloney (CT)	Rothman
Gephart	Maloney (NY)	Roukema
Gilchrest	Manzullo	Royal-Allard
Gillmor	Markey	Rush
Gilman	Martinez	Ryan (WI)
Gonzalez	Mascara	Sabo
Goss	Matsui	Salmon
Granger	McCarthy (MO)	Sanchez
Green (WI)	McCarthy (NY)	Sanders
Greenwood	McCollum	Sawyer
Gutierrez	McDermott	Saxton
Gutknecht	McGovern	Schaffer
Hastings (FL)	McHugh	Schakowsky
Hefley	McInnis	Scott
Herger	McKeon	Sensenbrenner
Hilleary	McKinney	Serrano
Hinchey	McNulty	Shaw
Hinojosa	Meehan	Shays
Hobson	Meek (FL)	Sherman
Hoeffel	Meeks (NY)	Simpson
Hoekstra	Menendez	Skeen
Holt	Metcalf	Slaughter
Hooley	Mica	Smith (NJ)
Horn	Millender-	Smith (WA)
Houghton	McDonald	Snyder
Hoyer	Miller (FL)	Spratt
Hunter	Miller, Gary	Stabenow
Hutchinson	Miller, George	Stark
Hyde	Minge	Stearns
Inslee	Mink	Stupak
Isakson	Moakley	Sweeney
Jackson (IL)	Mollohan	Tancredo
Jackson-Lee	Moran (VA)	Tauscher
John	Morella	Taylor (MS)
Johnson (CT)	Nadler	Terry
Johnson, E. B.	Napolitano	Thomas
Jones (OH)	Neal	Thompson (CA)
Kanjorski	Nethercutt	Thompson (MS)
Kaptur	Northup	Thurman
Kasich	Nussle	Tierney
Kelly	Obey	Towns
Kennedy	Olver	Traficant
Kildee	Ose	Udall (CO)
Kilpatrick	Owens	Udall (NM)
Kind (WI)	Oxley	Upton
King (NY)	Packard	Velazquez
Kleckzka	Pallone	Vento
Klink	Pascrell	Visclosky
Klollenberg	Pastor	Walden
Kolbe	Payne	Walsh
Kucinich	Pelosi	Waters
Kuykendall	Petri	Watt (NC)
LaFalce	Pomeroy	Waxman
Lantos	Porter	Weiner
Larson	Portman	Weldon (FL)
Latham	Price (NC)	Weldon (PA)
LaTourette	Pryce (OH)	Weller
Lazio	Quinn	Wexler
Leach	Radanovich	Weygand
Lee	Ramstad	Wilson
Levin	Regula	Wise
Lewis (CA)	Reyes	Wolf
Lewis (GA)	Reynolds	Woolsey
Linder	Rivers	Wu
Lipinski	Rodriguez	Wynn
LoBiondo	Roemer	Young (AK)
Rogan	Rohrabacher	Young (FL)
Ros-Lehtinen		

NAYS—117

Danner	Jones (NC)
DeLay	Kingston
DeMint	LaHood
Dingell	Lampson
Emerson	Largent
Everett	Lewis (KY)
Fletcher	Lucas (KY)
Gekas	Lucas (OK)
Gibbons	McCrery
Goodale	McIntosh
Goodling	McIntyre
Gordon	Moran (KS)
Murtha	Myrick
McGraw	Ney
Goodale	Norwood
Goodling	Oberstar
Gordon	Ortiz
Pease	Paul
Peterson (MN)	Peterson (PA)
Peterson (PA)	Phelps
Pickering	Pickett
Pitts	Pombo

Rahall	Sisisky	Taylor (NC)
Riley	Skelton	Thornberry
Rogers	Smith (MI)	Thune
Ryun (KS)	Smith (TX)	Tiahrt
Sandlin	Souder	Toomey
Sanford	Spence	Turner
Sessions	Stenholm	Vitter
Shadegg	Strickland	Wamp
Sherwood	Stump	Watkins
Shimkus	Sununu	Watts (OK)
Shows	Talent	Whitfield
Shuster	Tanner	Wicker

NOT VOTING—11

Cannon	Hall (OH)	Rangel
Coble	Holden	Royce
Cox	Istook	Scarborough
Engel	Jefferson	

□ 1137

Messrs. BURTON of Indiana, NEY, DELAY, SHOWS, WHITFIELD, ADERHOLT, STRICKLAND, LARGENT, and KINGSTON changed their vote from "yea" to "nay."

Mr. RADANOVICH changed his vote from "nay" to "yea."

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. YOUNG of Alaska. Mr. Speaker, I mistakenly voted in favor of the motion to instruct conferees on H.R. 1501 offered by Ms. LOFGREN. My vote should have been recorded as a vote in opposition to the motion.

GENERAL LEAVE

Mr. GOODLATTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 1875, the bill to be considered in the Committee on the Whole shortly.

The SPEAKER pro tempore (Mr. HEFLEY). Is there objection to the request of the gentleman from Virginia?

There was no objection.

INTERSTATE CLASS ACTION JURISDICTION ACT OF 1999

The SPEAKER pro tempore. Pursuant to House Resolution 295 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1875.

The Chair designates the gentleman from Utah (Mr. HANSEN) as chairman of the Committee of the Whole, and requests the gentleman from Colorado (Mr. HEFLEY) to assume the chair temporarily.

□ 1138

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1875) to amend title 28, United States Code, to allow the application of the principles of Federal diversity jurisdiction to interstate class actions, with Mr. HEFLEY (Chairman pro tempore) in the chair.

The Clerk read the title of the bill. The CHAIRMAN pro tempore. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Virginia (Mr. GOODLATTE) and the gentleman from Michigan (Mr. CONYERS) each will control 30 minutes.

The Chair recognizes the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this much-needed bipartisan legislation corrects a serious flaw in our Federal jurisdiction statutes. At present, those statutes forbid our Federal courts from hearing most interstate class actions, the lawsuits that involve more money and touch more Americans than virtually any other litigation pending in our legal system.

Mr. Chairman, the class action device is a necessary and important part of our legal system. It promotes efficiency by allowing plaintiffs with similar claims to adjudicate their cases in one proceeding. It also allows claims to be heard in cases where there are small harms to a large number of people, which would go otherwise unaddressed because the cost to the individuals suing could far exceed the benefit to the individual. However, class actions have been used with an increasing frequency and in ways that do not promote the interests they were intended to serve.

In recent years, State courts have been flooded with class actions. As a result of the adoption of different class action certification standards in the various States, the same class might be certifiable in one State and not another or certifiable in State court but not in Federal court. This creates the potential for abuse of the class action device, particularly when the class involves parties from multiple States or requires the application of the laws of many States.

For example, some State courts routinely certify classes before the defendant is even served with a complaint and given a chance to defend. Other State courts employ very lax class certification criteria rendering virtually any controversy subject to class action treatment.

There are instances where a State court, in order to certify a class, has determined that the law of that State applies to all claims, including those of purported class members who live in other jurisdictions. This has the effect of making the law of that State applicable nationwide.

The existence of State courts which broadly apply class certification rules encourages plaintiffs to forum shop for the court which is most likely to certify a purported class. In addition to forum shopping, parties frequently exploit major loopholes in the Federal jurisdiction statutes to block the removal of class actions that belong in Federal court.

For example, plaintiffs' counsel may name parties that are not really relevant to the class claims in an effort to destroy diversity. In other cases, counsel may waive Federal law claims or shave the amount of damages claimed to ensure that the action will remain in State court.

Another problem created by the ability of State courts to certify class actions which adjudicate the right of citizens of many States is that oftentimes more than one case involving the same class is certified at the same time. In the Federal court system, these cases involving common questions of fact may be transferred to one district for coordinated or consolidated pretrial proceedings.

When these class actions are pending in State courts, however, there is no corresponding mechanism for consolidating the competing suits. Instead, a settlement or judgment in any of the cases make the other class actions moot. This creates an incentive for each class counsel to obtain a quick settlement of the case and an opportunity for the defendant to play the various class counsel against each other and drive the settlement value down. The loser in this system is the class member whose claim is extinguished by the settlement at the expense of counsel seeking to be the one entitled to recovery of fees.

Our bill is designed to prevent these abuses by allowing large interstate class action cases to be heard in Federal court. It would expand the statutory diversity jurisdiction of the Federal courts to allow class action cases involving minimal diversity. That is when any plaintiff and any defendant are citizens of different States to be brought in or removed to Federal court.

Article 3 of the Constitution empowers Congress to establish Federal jurisdiction over diversity cases, cases between citizens of different States. The grant of Federal diversity jurisdiction was premised on concerns that State courts might discriminate against out-of-state defendants.

In a class action, only the citizenship of the named plaintiff is considered for determining diversity, which means that Federal diversity jurisdiction will not exist if the named plaintiff is a citizen of the same State as the defendant regardless of the citizenship of the rest of the class.

□ 1145

Congress also imposes a monetary threshold, now \$75,000, for Federal diversity claims. However the amount in controversy requirement is satisfied in a class action only if all of the class members are seeking damages in excess of the minimum required by the statute.

These jurisdictional statutes were originally enacted years ago, well before the modern class action arose, and they now lead to perverse results. For example, under current law a citizen of