

LAWSUIT ABUSE REDUCTION ACT OF 2013

SPEECH OF

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 14, 2013

Mr. VAN HOLLEN. Mr. Speaker, I rise in opposition to H.R. 2655, the misleadingly-named "Lawsuit Abuse Reduction Act." This legislation would amend Rule 11 of the Federal Rules of Civil Procedure to reinstate a previous, failed version of the rule that was in place from 1983–1993.

Rule 11 allows for the imposition of sanctions on the plaintiff in a civil case if it is determined that a claim lacks sufficient evidence. Currently, Rule 11 allows judges to exercise discretion in determining when to impose these sanctions. This bill, H.R. 2655, mirrors the policy from 1983–1993, when Rule 11 was amended to mandate that sanctions be automatically applied regardless of the specific circumstance of a Rule 11 violation. This policy erodes judicial discretion by forcing judges to apply sanctions in every instance of a violation regardless of the merits. The effect of this change was—and would be under H.R. 2655—disastrous for our judicial system and victims alike. For this reason, the Judicial Conference, the American Bar Association, and the American Association for Justice all strongly oppose this legislation.

As the Judicial Conference Chairs wrote to Judiciary Committee Ranking Member JOHN CONYERS, Jr. in July, from 1983–1993, the "... mandatory sanctions provision quickly became a tool of abuse in civil litigation. Seeking to use mandatory sanctions to their advantage, aggressive lawyers filed motions for Rule 11 sanctions in response to virtually every filing in a civil case. Much time and money was spent in Rule 11 battles that had everything to do with strategic gamesmanship and little to do with underlying claims." The Judicial Conference also points out that the 1993 rule changes that corrected this misguided policy "... followed years of examination and were made on the Judicial Conference's strong recommendation, with the Supreme Court's approval, and after congressional review."

Unfortunately, we are wasting precious legislative days in this Congress re-litigating this already-solved issue. All empirical evidence from the 1983–1993 existence of the mandatory sanctions points to increased litigation costs and a distraction from the administering of justice.

I urge my colleagues to oppose H.R. 2655.

PERSONAL EXPLANATION

HON. CAROLYN MCCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 15, 2013

Mrs. MCCARTHY of New York. Mr. Speaker, I was unavoidably absent during the week of October 28, 2013. If I were present, I would have voted on the following—

Rollcall #561: On Motion to Suspend the Rules and Pass, as Amended H.R.2189, "yea";

Rollcall #562: On the Motion to Suspend the Rules and Pass H.R. 2011, "yea";

Rollcall #563: On ordering the Previous Question and Providing for consideration of H.R. 992, the Swaps Regulatory Improvement Act and H.R. 2347, the Retail Investor Protection Act, "nay";

Rollcall #564: On agreeing to the resolution providing for consideration of H.R. 992, the Swaps Regulatory Improvement Act and H.R. 2347, the Retail Investor Protection Act, "no";

Rollcall #565: On agreeing to the amendment on H.R. 2347 offered by George Miller of California, "nay";

Rollcall #566: On Motion to recommit with instructions on H.R. 2347, "aye";

Rollcall #567: On passage of H.R. 2347, "aye";

Rollcall #568: On Motion to Recommit with Instructions on H.R. 992, "yea";

Rollcall #569: On Passage of H.R. 992, "aye";

Rollcall #570 On passage of H.J. Res. 99, "nay."

THE PERSECUTION OF BAHAI COMMUNITY IN IRAN

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 15, 2013

Mr. MORAN. Mr. Speaker, I rise today to mark the passing of Mr. Ataollah Rezvani, a Baha'i community leader in the port city of Bandar Abbas, Iran. In late August, Mr. Rezvani was found murdered in his car on the outskirts of the city, a gunshot to the back of his head. Before his death, he was subject to persistent threats and intimidation from agents of the Iranian Ministry of Intelligence. And ultimately, his steadfast refusal to submit or cower in the face of this oppression resulted in the loss of his livelihood and his life. His only crime was the practice of his faith.

Over the last several months, the Iranian regime has taken a new and welcome posture toward the resolution of the nuclear issue. While the talks between Iran and the P5-plus-1 have not yielded an agreement, we are in a better position to come to a sustainable agreement than ever before. These efforts are welcome. However, Iran's steps toward reconciling with the global community must be paired with progress on human rights at home, and an end to religious-based persecution of Iran's Baha'i and other minority communities.

Although the Iranian authorities released 91 political prisoners in recent months, not a single Baha'i was among them. Instead, 115 Baha'is remain imprisoned, solely because of their faith, including the leadership of the "Yaran-i-Iran," or "Friends in Iran." The seven leaders of this group, which oversaw the welfare of the Iranian Baha'i community, have now each served five years of their 20-year sentences—the longest sentences given to any prisoner of conscience in Iran.

Dating back to the 1979 Islamic Revolution, the Iranian government has implemented a program of active, systematic discrimination against the Baha'i community. As a result, the Baha'i have been reduced to second-class citizens within their own country, stripped of their property, denied access to an education, and deprived of the freedom to worship. All human beings are entitled to these liberties, not simply because of a statute or a constitution.

Rather, these are the basic human rights of every person, regardless of race, color, or creed, by virtue of our very humanity.

It is my fervent hope that Iran's leadership will move forward towards rapprochement with the international community, but we must also see progress toward internal reform, and a restitution of rights to all minority communities and the Baha'i citizens of Iran particularly.

INTRODUCTION OF THE TECHNOLOGY, EQUALITY, AND ACCESSIBILITY IN COLLEGE AND HIGHER EDUCATION (TEACH) ACT

HON. THOMAS E. PETRI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, November 15, 2013

Mr. PETRI. Mr. Speaker, today I introduced the Technology, Equality, and Accessibility in College and Higher Education (TEACH) Act to ensure that students with disabilities have equal access to the benefits of electronic instructional materials used in today's colleges and universities.

Colleges and universities across the country are using a wide array of new technologies and instructional materials in the classroom. While the use of these new technologies is a positive development, it can also pose a challenge for accessibility. We have an obligation to ensure that students with disabilities have an equal opportunity to obtain a quality education.

The bill would require that any instructional technology, such as digital content, tablets, online platforms, interactive computer software, etc., used by a postsecondary school either be accessible to students with disabilities or that the school provide accommodations or modifications so that the ease-of-use and benefits of the technology for students with disabilities is on par with other students.

These requirements are consistent with joint guidance issued in 2010 by the Departments of Education and Justice regarding the use of new technologies in the classroom and the accessibility requirements of the Americans with Disabilities Act and the Rehabilitation Act of 1973. The guidance was issued in response to the use of electronic book readers by some colleges and universities that were not fully accessible to visually impaired students.

To help schools meet these requirements, the TEACH Act directs the Access Board, an independent federal agency, to develop guidelines for electronic instructional materials used by institutions of higher education. Schools would not be limited to using materials or technologies that are consistent with the guidelines, but those materials that do conform to the guidelines would automatically be considered to be accessible under the law.

In 2008, the Higher Education Opportunity Act created the Advisory Commission on Accessible Instructional Materials in Postsecondary Education for Students with Disabilities, otherwise known as the AIM Commission. One of the commission's recommendations was that the Access Board be directed by Congress to develop guidelines to help guide the development of accessible instructional materials in the marketplace. This bill would implement that recommendation.

For decades, schools have been required to provide equal access to all students. What this

bill would do is ensure that students with disabilities are given equal treatment now and in the future as new, innovative technologies are developed and used more often in the classroom.

I hope that my colleagues will join me in support of this legislation.

THE PASSING OF WILLIAM J.
COYNE

HON. MICHAEL F. DOYLE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 15, 2013

Mr. DOYLE. Mr. Speaker, I rise today to pay tribute to former Member of Congress William J. Coyne, who represented Pennsylvania's 14th District from 1981 until 2003. Bill passed away on November 3, 2013.

I was honored to work with Bill for eight years as members of Pennsylvania's Congressional delegation from adjacent districts, and I have had the privilege of serving many of his former constituents since he retired in January 2003. I wanted to take this opportunity to remember Bill.

Bill was born on August 24, 1936. He grew up in a house on Halket Street in Pittsburgh's Oakland neighborhood, and he lived in that house for most of his life.

Bill graduated from Central Catholic High School in 1954. He served in the U.S. Army in Korea from 1955 through 1957. He returned to Pittsburgh after completing his military service and began working as an accountant for a trucking company. He subsequently attended Robert Morris College, graduating with a B.S. in accounting in 1965. In all, he worked as an accountant for 13 years.

Bill became involved in local politics in the 1960s, doing volunteer work on a number of local Democratic campaigns. He ran for office himself in 1970 and was elected to the Pennsylvania House of Representatives, where he served one term. He was elected to Pittsburgh City Council in 1973, and he served as a City Councilman from 1974 until 1980.

In 1980, Bill ran for Congress, and was elected to represent Pennsylvania's 14th Congressional District in the U.S. House of Representatives. At that time, the 14th District consisted of the City of Pittsburgh and a number of adjacent communities in Allegheny County. He was re-elected 10 times and represented the 14th District in Congress for 22 years from 1981 until 2003.

During his first 2 terms in Congress, Bill served on the House Banking Committee and the Committee on House Administration. He also served on the Committee on Standards of Official Conduct, known unofficially as the House Ethics Committee.

In 1985, he was appointed to serve on the Ways and Means Committee. In addition, from 1993 through 1998, he served on the House Budget Committee.

In the 1980s, when Bill started serving in Congress, southwestern Pennsylvania was experiencing high unemployment and economic disruption as a result of the decline of the steel industry, which up until then had been the dominant driver of the region's economy. Consequently, job creation and economic re-

development were his top priorities when he began serving in Congress and throughout his service there.

At that time, due to many young and working-age individuals leaving the region to seek work elsewhere, Pittsburgh had a disproportionately large elderly population—with more senior citizens than any Congressional District outside of Miami. As a result, Bill also focused his efforts on programs which, like Social Security, Medicare, and Medicaid, were essential to the health and well-being of older Americans. He worked on the Ways and Means Committee, for example, to protect Americans' pensions and other retirement benefits, enact a Medicare prescription drug benefit, and oppose efforts to cut federal safety net programs.

Bill worked closely with local and state elected leaders to develop a plan for the region's renewal, which consisted of building on the region's greatest assets—its research universities, hospitals, and financial institutions—while attempting to preserve the region's remaining manufacturing base. His efforts to achieve those goals focused on federal investments in scientific and biomedical research, higher education, housing and community development, transportation, and the clean-up and redevelopment of abandoned industrial sites. He also pursued complementary tax and trade policies. He was actively involved in securing federal funding for important projects in southwestern Pennsylvania as well as efforts to preserve and expand federal programs nationwide.

With hundreds of acres of shuttered steel mills in the region, Bill worked on the Ways and Means Committee to provide tax incentives for businesses and municipalities to clean up and redevelop vacant, often polluted industrial sites—often referred to as brownfields—including a provision in the Taxpayer Relief Act of 1997 which allowed businesses to deduct the cost of cleaning up brownfields sites in certain targeted areas. He also worked successfully to expand the brownfields tax incentive and delay its expiration date by several years. In addition, he supported legislation to create federal empowerment zones and enterprise communities, which provided tax breaks for businesses that operated in economically distressed areas.

Bill believed that the federal tax code could and should be used to create or preserve American manufacturing jobs, and he worked successfully to make the federal tax-exempt Industrial Development Bond program permanent to keep U.S. manufacturing jobs from moving overseas.

Bill also worked successfully to secure hundreds of millions of dollars in federal funding for local infrastructure projects—including reconstruction of the Drake, Library, and Overbrook trolley lines in Allegheny County and construction of an extension of the MLK Jr. Busway. He worked successfully to get local locks and dams updated—most notably, Locks and Dams 2, 3, and 4 on the Lower Monongahela River—and a flood control project built along Saw Mill Run. Bill also secured the cost-free transfer of the Hays Ammunition Plant to the City of Pittsburgh for redevelopment. He secured millions of dollars in seed money for the Software Engineering Institute at Carnegie Mellon University and the NASA Robotics Engineering Consortium. In addition, he worked successfully to enact a bill

designating the Steel Industry Heritage Project in Homestead as a national heritage area to preserve the region's history and culture and promote local tourism.

Bill was also an unabashed liberal—a vocal defender of workers' rights, women's rights, and gay rights as well as all of the New Deal and Great Society programs. He believed in tougher federal gun control laws—voting, for example, in support of the 1994 assault weapons ban. He opposed efforts to roll back American workers' rights to organize and bargain collectively, and he worked to expand protection for workers' rights in international trade agreements.

Bill strongly opposed efforts to cut domestic spending programs in the 1980s and 1990s, especially programs to help local governments undertake important redevelopment activities—programs like Community Development Block Grants, Urban Development Action Grants, the Economic Development Administration, and General Revenue Sharing. Bill also worked with many of his colleagues to protect federal programs that served children, senior citizens, the disabled, and working families. On the other side of the ledger, he opposed increased defense spending in the 1980s and supported deep defense cuts in the 1990s after the end of the Cold War and the demise of the Soviet Union. Bill worked on the House Ways and Means Committee to reduce the tax burden on low- and middle-income families. He was also actively involved in developing and enacting legislation to reform the Internal Revenue Service.

In 2002, Bill decided to retire at the end of his 11th term. In January of 2003, he wrapped up his career in politics and returned home to Pittsburgh. In the 10 years since then, Bill has enjoyed retirement, dividing his time between his home in Pittsburgh and a home in Ireland.

When you take into account his military service, his service in the Pennsylvania State legislature, his service on Pittsburgh City Council, and his 22 years in Congress, you can't help but conclude that Bill Coyne was a dedicated public servant. He was quiet but effective—and he was living proof that nice guys can get ahead. Bill Coyne was a credit to this institution and to his home town. Those of us who had the privilege to know him will miss him.

He is survived by his long-time companion Kathy Kozdemba, his brother Philip Coyne, Jr. and many nieces and nephews.

I'd like to include this eulogy given by his nephew Daniel Coyne at his funeral in Pittsburgh last week.

BILLY: A EULOGY FOR CONGRESSMAN BILL COYNE DELIVERED AT HIS FUNERAL, NOVEMBER 7, 2013

(By Daniel V. Coyne, Managing Editor,
Boston Consulting Group)

Bill Coyne was my father's older brother, and I have the honor and privilege of saying a few words about who he was and the full life he lived.

Bill, or Billy as I called him, was devoted to his long-time companion Kathy; to his surviving brother Philly; to his nieces, nephews, cousins, and extended family; to his faith; to the city of Pittsburgh, which he served for decades; and to his neighborhood of Oakland, which gave rise to characters, stories, and legends that made me wish I'd grown up in a different time.