

passes. It is just a means to sabotage the Affordable Care Act, and I will not be in support of it.

There are over 100,000 people who have now been able to obtain insurance under the Affordable Care Act. It is working. We need to work to improve it. I stand ready to do so.

□ 1245

MOTION TO INSTRUCT CONFEREES ON H.R. 3080, WATER RESOURCES DEVELOPMENT ACT OF 2013

Mr. SHUSTER. Madam Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3080) to provide for improvements to the rivers and harbors of the United States, to provide for the conservation and development of water and related resources, and for other purposes, with the Senate amendment thereto, disagree to the Senate amendment, and agree to the conference requested by the Senate.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

A motion to reconsider was laid on the table.

Mr. SEAN PATRICK MALONEY of New York. Madam Speaker, I have a motion at the desk.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. Sean Patrick Maloney of New York 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. 3080 be instructed to recede from disagreement with the provisions contained in title IX of the Senate amendment (relating to reducing the risks to life and property from dam failure in the United States through reauthorization of an effective dam safety program).

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from New York (Mr. SEAN PATRICK MALONEY) and the gentleman from Pennsylvania (Mr. SHUSTER) each will control 30 minutes.

The Chair recognizes the gentleman from New York.

Mr. SEAN PATRICK MALONEY of New York. Madam Speaker, I yield myself such time as I may consume.

Since joining the Congress, I have been working across the aisle on a piece of critical legislation, the Dam Safety Act, which gives communities all across America the support they need to ensure that dams have the highest safety standards possible.

Many of these provisions were included in the bipartisan Water Resources Reform and Development Act, known as WRRDA, which overwhelmingly passed the House just a few weeks ago by a 417-3 vote margin.

I certainly want to thank Chairman SHUSTER, Ranking Member RAHALL, and subcommittee Ranking Member BISHOP for their leadership on WRRDA and for working closely with me on this important issue.

With major storms like Irene, Hurricane Sandy and Tropical Storm Lee becoming more and more frequent, I believe Congress needs to place a higher priority on strengthening our infrastructure, particularly on our oldest and often most vulnerable infrastructure—our dams. Should our dam infrastructure fail in the midst of these storms, the effects could be far more catastrophic and immediate than most other components of our States' infrastructure, endangering people's lives, their property and their livelihoods.

Our country has over 87,000 dams, and approximately 10,000 of these dams are what are known as "high-hazard dams." There are dams in virtually every congressional district and community across the country. The failure of any of these high-hazard dams would cause widespread damage and loss of life and, of course, major economic disruption; and approximately 40 percent of these high-hazard dams do not have an emergency action plan. I would like to say that again: more than 40 percent of our most important dams—the high-hazard dams—the failure of which could cause the loss of life or major property damage, do not have an emergency action plan. We live in a world now in which we have these extreme weather events, and you don't want to find out the dam is going to fail when you have a superstorm.

The Hudson Valley—the communities I represent—is home to over 800 dams, and nearly 100 of those dams are known as high-hazard dams, the failure of which could pose a serious risk to the economy and well-being of these communities and families. Unfortunately, during Hurricane Irene, many folks were impacted because of a dam failure. Many of my neighbors in Tuxedo's East Village were devastated when the Echo Lake Dam released an estimated 100 million gallons of water. Some people in Tuxedo reported seeing an 8-foot wall of water rushing towards the town, causing catastrophic damage to the infrastructure and costing millions of dollars in property damage.

For folks like John and Lisa Petriello, who live in the East Village, the failure of this dam flooded their home, cracked their foundation, and ripped the deck off their home. For Gary Phelps, it meant more than \$125,000 in property damage. Then for businesses such as SOS Fuels, it meant their headquarters were condemned. In mere minutes, the flood carried away cars and appliances. Folks lost their furniture, their valuables, and their homes.

From 2005 to 2009, 132 dams failed. So it is critical that every single community across the country be prepared and be protected, and they can be with this program.

This important motion will make the final version of the Dam Safety program even better by authorizing the Dam Safety program at \$9.2 million per year over the next 5 years. This is \$9.2 million which could, itself, be less than

the cost of a single dam failure; yet we know that in just a 5-year period 132 dams failed. The National Dam Safety Program provides vital support to assist States like mine, New York, in developing emergency action plans, in implementing existing dam safety programs, in assisting with the purchase of equipment, and in conducting dam inspections.

For the first time, the Senate provision would provide public awareness and outreach funding, an essential step to ensuring that all citizens understand the need to prepare for, to mitigate for, to respond to, and to recover from dam incidents and failures. It is far past time to start paying attention to a program that can make a real difference in people's lives, especially a program that has been passed on a bipartisan basis since 1974.

Madam Speaker, I reserve the balance of my time.

Mr. SHUSTER. Madam Speaker, I yield myself such time as I may consume.

The committee supports the National Dam Safety Program. In fact, I commend the gentleman from New York in his freshman term to be working on the Dam Act because, as a freshman several years ago—12 years ago—my first piece of legislation that I authored was the dam bill.

Again, this is a critical program. It saves lives, it protects communities, and that is why we included language in H.R. 3080—to improve the Dam Safety program. There are minor differences between the House and the Senate language. We look forward to working on reconciling those differences as the legislation moves forward; and while we expect we will continue to have some negotiations with the Senate on this issue, I am not opposed to the motion to instruct on this provision.

With that, I reserve the balance of my time.

Mr. SEAN PATRICK MALONEY of New York. Madam Speaker, at this time, I yield such time as he may consume to the gentleman from West Virginia (Mr. RAHALL), my friend, the distinguished ranking member of the committee.

Mr. RAHALL. I commend the gentleman from New York (Mr. MALONEY) for offering this motion to instruct and for his leadership on this most vital issue for the safety of the American people. I also want to commend the full committee chairman, Mr. SHUSTER, the ranking member of our subcommittee, Mr. BISHOP, and the subcommittee chairman, Mr. GIBBS, for their tremendous work on the underlying bill and for getting this to the point at which we are today.

Madam Speaker, I am in strong support of the motion to instruct. This motion directs the conferees to recede to the Senate provision that includes the Dam Safety Act of 2013, which reauthorizes the Dam Safety program at reasonable levels.

The Dam Safety program is about protecting lives. It is a critical program that provides much-needed education, training, and assistance to State dam safety officials. Dams protect our people, our homes, and our businesses from flooding. They provide essential drinking water, power to homes and businesses, critical irrigation for our Nation's food supply, and recreational opportunities for our citizens. West Virginians understand the importance of dams, the role they play in our daily lives, and the critical need to keep them safe.

In 1972, a dam failure occurred at Buffalo Creek, West Virginia, claiming 125 lives and injuring 1,000 more, destroying over 500 homes and causing more than \$400 million in property damage. While this incident occurred more than 40 years ago, West Virginians still remember the devastation caused by the dam failure and continue to mourn that loss of life. Out of this tragedy, Congress passed and created the National Inventory of Dams, which led to the National Dam Safety Program that this motion urges us to reauthorize today.

Today, West Virginia has more than 600 dams included in the Army Corps of Engineers' National Inventory of Dams. Two-thirds of these dams are considered high-hazard dams, meaning that dam failure would result in loss of life and do serious damage to homes, businesses, public utilities, or highways. Moreover, 110 of these high-hazard dams do not have an emergency action plan, putting the lives of West Virginia citizens at greater risk. This motion to instruct will ensure that the program and investment are in place to help States and other dam owners inspect their dams and develop the emergency action plans that are necessary to ensure the continued safety of our citizens.

Across the country, almost one-third of the Nation's 87,000 dams pose a high or a significant hazard to life and property if failure occurs, and these dams consistently receive failing grades from the American Society of Civil Engineers. This year is no different. The 2013 Engineers report card gives our dams a "D." Let me repeat that—a "D." Madam Speaker, it is critical that Congress reauthorize the National Dam Safety Program and ensure the safety of our citizens.

I, again, commend the gentleman from New York, SEAN PATRICK MALONEY, and I urge my colleagues to join him in supporting the motion to instruct conferees on H.R. 3080.

Mr. SHUSTER. Madam Speaker, I continue to reserve the balance of my time.

Mr. SEAN PATRICK MALONEY of New York. At this time, Madam Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. GALLEGOS), my friend.

Mr. GALLEGOS. Madam Speaker, I rise in support of Mr. MALONEY's motion and to underscore the importance of the safety of dams.

I would like to talk for a moment about a small town in which I grew up in west Texas. I heard often the story of a fateful night in Sanderson, Texas, in June of 1965 after heavy rains caused a 15-foot wall of water to come rolling through Sanderson Canyon. The water came down with such force that it turned bridges and buildings into torpedoes. The two cemeteries lost burial markers, and caskets were washed out. Families lost homes. Many lost everything. There were 28 people in Sanderson, Texas, who died, and two were never recovered. Since that flood in 1965, 11 dams have been built, which in unison have acted as a flood control system for Sanderson Canyon.

We don't want any more Sanderson flood-type experiences. El Paso, Presidio, and Del Rio all have experiences with water rushing through canyons and, in coming through, causing damage. The only things that have saved life and property have been these dams that have been in existence now for some time.

As the ranking member mentioned earlier, those dams are incredibly important. They are incredibly important in saving property, and they are incredibly important in saving lives. Significantly, across the country, nearly half of these dams are more than 50 years old. It is incredibly important that they be maintained and maintained well.

In Del Rio, the Amistad Dam holds water from the Rio Grande, the Pecos River, and the Devils River. Imagine the importance of that dam. While that dam is maintained by a binational commission, there are many other dams in that region and in that area that serve not only to save water for agricultural purposes but for many other purposes as well. In fact, even in San Antonio, the world-famous River Walk is controlled by a series of small dams; and when it rains there, as it has recently, those dams have become incredibly, incredibly important.

In the Sanderson example that I gave earlier, households, up until recently, have been spending \$700 a year on flood insurance annually even if there hasn't been a flood in 4½ decades. We can save a lot of people a lot of money if we just make sure that these dams are built well, that they are maintained well, and that they serve their functions not only now but in the foreseeable future.

So, with that, Madam Speaker, I again thank Mr. MALONEY for bringing this issue to the attention of the membership of the Congress, and I rise in support of his motion to instruct.

Mr. SHUSTER. Madam Speaker, I continue to reserve the balance of my time.

Mr. SEAN PATRICK MALONEY of New York. Madam Speaker, in my opening remarks, I also should have mentioned the chair of the subcommittee, Mr. GIBBS. I would like to thank him in addition to the chairman and my ranking member of the subcommittee, Mr. BISHOP, for the excellent work they have done on this.

With that, I yield such time as he may consume to the gentleman from Minnesota (Mr. NOLAN), my colleague.

(Mr. NOLAN asked and was given permission to revise and extend his remarks.)

Mr. NOLAN. Madam Speaker and Members of the House, I rise in support of the motion to recommit.

I would like to also commend Chairman SHUSTER, Ranking Member RAHALL and, in particular, my colleague SEAN PATRICK MALONEY for bringing this important issue to the attention of the House and, Mr. MALONEY, for your motion to instruct.

□ 1300

We clearly have 14,000 dams throughout the country that have been designated as high hazards. That is a well known fact. Another fact is that there are 20,000 dams that are over a half a century old. These facts underscore the neglect, as well as the profound need, to put forth better inspection plans and to invest more in the rebuilding of our dams and our infrastructure.

Quite frankly what the whole WRRDA bill is really all about is not just investing in our dams, but investing in our roads, our bridges, our ports, our rivers, our lakes, our health, our safety, our tourism, and our economy. In some respects, that is what has laid the foundation for the great economic success and prosperity that we enjoy here in this country. We have neglected it, and this is an important and profound motion to address the dam issue, if you will pardon the expression in that manner.

This whole bill is important for us to embrace. I commend the members of the committee for putting this together. I hope that we will all join and continue through this House in the way that we did in committee, in a bipartisan manner, to recognize the profound need that we have here and start reinvesting in America. It will create jobs. It will increase our prosperity. It will help reduce the deficit in our budgets. It will have so many profound and positive rippling effects throughout our country and throughout our economy.

It is with great pleasure that I have the opportunity to stand here and embrace this and urge my support for the motion to recommit, and perhaps even more importantly, the importance of passing the WRRDA legislation.

Mr. SHUSTER. Madam Speaker, I continue to reserve the balance of my time.

Mr. SEAN PATRICK MALONEY of New York. Madam Speaker, I would like to forgive the gentleman from Minnesota for his vulgarity on the House floor. It is hard not to curse when mentioning the title of this motion. It is also hard not to curse when you realize that only 60 percent of the high hazard dams have an emergency action plan. That is one of the reasons why this bill is so important.

I yield as much time as he may consume to the gentleman from Tennessee (Mr. COHEN), my friend.

Mr. COHEN. Madam Speaker, I want to thank Mr. MALONEY for his work and Mr. SHUSTER for his work. We “dam” well better get prepared to increase our infrastructure spending, or we will have more problems in this country.

The motion to instruct conferees is well-taken and well-drafted. Our roads, rivers, railways, and runways got a D-plus on the American Society of Engineers’ 2013 report card for America’s infrastructure. That is inexcusable, a D-plus on our infrastructure. It used to be the pride of our country and one of the ways that we produced jobs and took goods to market. The fact that this score was awarded to a world superpower and a leader in technological innovation is completely unacceptable.

Passing WRRDA is an important step towards turning around our Nation’s infrastructure investment program. I was proud to work with and support our outstanding chairman, Chairman SHUSTER, and Ranking Member RAHALL when we passed the bill in both the Transportation Committee and on the House floor.

Our committee understands—I think not totally, I can’t speak for the whole committee, but in general—that earmarks aren’t a bad thing and earmarks are something that greases the wheels that make the engine of government run and work effectively and bipartisanship. We need to bring those back to make this House work together, Democrats and Republicans, so we all have something invested for our districts. That is important.

People ask about dysfunction here and people not working together. It is because everybody doesn’t have some part of the pie, something for their districts that they can be proud of. We need to get that back. People need to understand that article I says this Congress is supposed to appropriate the moneys. That is why our infrastructure has weakened. That is why we have so many projects along rivers where the Corps of Engineers don’t have adequate funding and direction to keep our rivers moving and moving commerce forward.

WRRDA doesn’t mean that just our Nation’s waterways, locks, and dams will be the subjects of targeted investments, which it needs to be. It means that thousands of people will be put to work on making the improvements necessary to improve the national infrastructure.

The effect of sequestration on our Nation’s infrastructure is real. It is time to get back on track toward smart investments that make our Nation more competitive in the global marketplace.

The Corps of Engineers has a backlog of authorized projects in excess of \$60 billion. The Corps construction account has been reduced by \$688 million since 2010. We should be doing more to build that infrastructure and create jobs, not less.

According to a study by the American Society of Civil Engineers, if we

don’t make new investments in our new water infrastructure, we will lose \$416 billion in GDP by 2020 due to increased costs and loss of work productivity. This means real loss for real American families.

Madam Speaker, I think in Turkey they are probably improving their infrastructure. We should be doing the same thing here in America, Madam Speaker. It is important we do that.

Without investment, the average American family would have to adjust their household income to account for a \$900 squeeze as a result of rising water rates and falling personal incomes. The longer we put off investment in our Nation’s infrastructure, the more that investment will cost and the more people will be out of work and the more difficult it will be for our economy to get righted.

I support this motion to instruct conferees today. I thank Mr. MALONEY and Mr. SHUSTER, and hopefully we can put America’s infrastructure investments back on the right back. But to do that in the long run, we need bipartisanship, which will involve earmarks and making the transportation bills like they used to be when Mr. SHUSTER’s father was there and like Mr. SHUSTER would like to make them. If we can just take Mr. SHUSTER and clone him, we can work together and have a greater America and more jobs and a greater country.

Mr. SHUSTER. I would like to inquire, does the gentleman have other speakers?

Mr. SEAN PATRICK MALONEY of New York. No, Mr. Chairman. I am prepared to close.

Mr. SHUSTER. Madam Speaker, again, we expect to continue to work with the Senate on this language. It is a critical program. It saves lives and protects communities. So again, we accept the motion to instruct.

With that, I yield back the balance of my time.

Mr. SEAN PATRICK MALONEY of New York. Madam Speaker, I would like to thank, again, the chairman, Mr. SHUSTER.

I yield myself such time as I may consume.

In closing, as frustrating as Washington can be for many of us who are new to the Congress, we can actually get results and make a difference by conferencing the Water Resources Reform and Development Act. We have the opportunity for the Congress to set aside petty politics and partisanship to actually get something done for the American people.

WRRDA is a critical and strategic investment in our Nation’s aging infrastructure and creates jobs, strengthens our local economies, and keeps families all across the country safe. We can make it even better by ensuring that every State and community has the resources to conduct safety inspections and to create emergency action plans. Again, there are 14,000 high hazard dams in this country, 60 percent of

which—only 60 percent of which—have an emergency action plan.

This program makes sense. Don’t take it from me. You can take it from the folks in Warwick, New York, where one of these high hazard dams exists. After experiencing nearly a foot of rain in 24 hours, many families were forced to evacuate for fear of a potential series of dam failures and catastrophic flooding. Warwick had a plan in place, though, and conducted a safe evacuation.

Dams like those in Warwick rely on the National Dam Safety Program to enhance the safety of their dams by hiring staff to conduct inspections, to purchase equipment, and to develop emergency action plans for dam safety. These plans save lives and prevent catastrophe. Investing in the National Dam Safety Program provides our communities with the resources they need to protect our families and our economy by conducting safety inspections and creating plans. Simply put, a stitch in time saves nine. Nowhere is that more true than here.

I hope we can join together in a bipartisan way to support communities all across America by passing this motion to make the final version of this bill even better.

I yield back the balance of my time.

Mr. KIND. Madam Speaker, I rise today in support of Congressman MALONEY’s Motion to Instruct Conferees to recede to the Senate on the Dam Safety Provision of the Water Resources Reform and Development Act. Dams are an integral part of our nation’s economy and provide water for agricultural and drinking purposes, flood control, navigation, and hydropower. Unfortunately, of the 87,000 dams listed on the 2013 National Inventory of Dams (NID), over 14,000 are deemed “high hazard.” This means that failure of these dams would result in the loss of life and serious damage to homes, businesses, and infrastructure. In the state of Wisconsin, there are 252 high hazard dams. Furthermore, only 60 percent of the nation’s high hazard dams have Emergency Action Plans, and over 20,000 dams nationwide were constructed prior to 1960. Aging dams add not only to construction costs but also increase the risk of failure. In fact, the American Society of Civil Engineers recently gave the nation’s dam infrastructure an unacceptable “D” grade in their annual report.

Though states are responsible for regulating about 80 percent of the nation’s dams, most states are understaffed and underfunded. The Model State Dam Safety Program has determined that 10 state regulators are necessary per 25 dams in order to carry out the regulatory mandates set in most state dam safety laws. However, in 2012, the Association of State Dam Safety Officials reported that due to lack of funding, most states only have 8 dam inspectors; this means that on average, each dam inspector is responsible for overseeing the safety of about 208 existing dams, or more than seven times the amount recommended. Wisconsin’s dam safety program has 6.25 employees that oversee an average of 152 state regulated dams, or more than five times the amount recommended by the Model State Dam Safety Program.

For the first time, this Senate provision would provide for public awareness outreach

funding, an essential step to ensure that all citizens understand the need to prepare for, mitigate for, respond to, and recover from dam incidents and failures. Investment in infrastructure is critical to the long-term economic health of our nation, and that is why I support Congressman MALONEY's efforts to authorize funding for the Dam Safety Provision of WRRDA.

The SPEAKER pro tempore. All time for debate has expired.

Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SEAN PATRICK MALONEY of New York. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

LAWSUIT ABUSE REDUCTION ACT OF 2013

Mr. GOODLATTE. Madam Speaker, pursuant to House Resolution 403, I call up the bill (H.R. 2655) to amend rule 11 of the Federal Rules of Civil Procedure to improve attorney accountability, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 403, the bill is considered read.

The text of the bill is as follows:

H.R. 2655

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Lawsuit Abuse Reduction Act of 2013".

SEC. 2. ATTORNEY ACCOUNTABILITY.

(a) SANCTIONS UNDER RULE 11.—Rule 11(c) of the Federal Rules of Civil Procedure is amended—

(1) in paragraph (1), by striking "may" and inserting "shall";

(2) in paragraph (2), by striking "Rule 5" and all that follows through "motion." and inserting "Rule 5."; and

(3) in paragraph (4), by striking "situated" and all that follows through the end of the paragraph and inserting "situated, and to compensate the parties that were injured by such conduct. Subject to the limitations in paragraph (5), the sanction shall consist of an order to pay to the party or parties the amount of the reasonable expenses incurred as a direct result of the violation, including reasonable attorneys' fees and costs. The court may also impose additional appropriate sanctions, such as striking the pleadings, dismissing the suit, or other directives of a nonmonetary nature, or, if warranted for effective deterrence, an order directing payment of a penalty into the court."

(b) RULE OF CONSTRUCTION.—Nothing in this Act or an amendment made by this Act shall be construed to bar or impede the assertion or development of new claims, de-

fenses, or remedies under Federal, State, or local laws, including civil rights laws, or under the Constitution of the United States.

The SPEAKER pro tempore. 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.

GENERAL LEAVE

Mr. GOODLATTE. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 2655, currently under consideration.

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

There was no objection.

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

H.R. 2655, the Lawsuit Abuse Reduction Act, would restore mandatory sanctions for frivolous lawsuits filed in Federal Court.

Many Americans may not realize it, but today, under what is called rule 11 of the Federal Rules of Civil Procedure, there is no requirement that those who file frivolous lawsuits pay for the unjustified legal costs they impose on their victims. As a result, the current rule 11 goes largely unenforced. When there is no guarantee of compensation, the victims of frivolous lawsuits have little incentive to spend even more money to pursue additional litigation to have the case declared frivolous.

H.R. 2655 would finally provide light at the end of the tunnel for the victims of frivolous lawsuits by requiring sanctions against those who file them, sanctions that include paying their victims the full cost of their reasonable expenses incurred as a direct result of the rule 11 violation, including attorneys' fees.

The bill also strikes the current provision in rule 11 that allows lawyers to avoid sanctions by making frivolous claims and demands by simply withdrawing them within 21 days. This change eliminates the "free pass" lawyers now have to file frivolous lawsuits in Federal Court.

To be clear, under rule 11, a lawsuit is frivolous if it is presented for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation if it is not warranted by existing law or if the factual contentions have no evidentiary support. In other words, a lawsuit will only be found frivolous if it has no basis in law or fact.

Yet the current lack of mandatory sanctions leads to the regular filing of lawsuits that are clearly baseless. For example, in just the last year, a small business owner was sued for violations of Federal regulations in a parking lot that he doesn't own or lease. A woman had her car repossessed and then filed a \$5 million Federal lawsuit for the half tank of gas she had left in the car.

□ 1315

A high school teacher sued a school district claiming it discriminated against her because she has a phobia—a fear of young children. Her case was dismissed by the Equal Employment Opportunity Commission, but that didn't prevent her from filing a Federal lawsuit.

These real yet absurd cases have real-life consequences for their victims who have to shell out thousands of dollars just to respond to frivolous pleadings, endure sleepless nights, and spend time away from their family, work, and customers. Let's not forget that the victims of frivolous lawsuits are real victims.

Do any of my colleagues on the other side of the aisle claim that judges should have the discretion to deny damage awards to victims of legal wrongs proved in court? If not, why should judges have the discretion to deny damage awards to victims of frivolous lawsuits who prove in court that the case against them was frivolous?

It is difficult to see how a vote against the bill before us today could be interpreted as anything other than a denial that victims of frivolous lawsuits are indeed real victims. But indeed they are real victims, and they deserve to be guaranteed compensation when they prove the claims against them are frivolous in court.

Let's also remember that the victims of lawsuit abuse are not just those who are actually sued. Rather, we all suffer under a system in which innocent Americans everywhere live under the constant fear of a potentially bankrupting frivolous lawsuit.

As the former chairman of The Home Depot Company has written:

An unpredictable legal system casts a shadow over every plan and investment. It is devastating for start-ups. The cost of even one ill-timed abusive lawsuit can bankrupt a growing company and cost hundreds of thousands of jobs.

The prevalence of frivolous lawsuits is reflected in the absurd warning labels companies must place on their products to limit their liability. A 5-inch brass fishing lure with three hooks is labeled, "Harmful if swallowed." A vanishing fabric marker with disappearing ink warns it should not be used as a writing instrument for signing checks or any legal documents. A label on a Scooter says, "Warning: This product moves when used." A household iron contains the warning, "Never iron clothes while they are being worn." And a cardboard sun shield that keeps sun off the dashboard warns, "Do not drive with sun shade up."

The potential for frivolous lawsuits are behind all these absurd warning labels which, while humorous in their own way, serve as a warning to us about what the world will increasingly look like if we don't make the rules more fair.

Today, absurd lawsuits can sometimes bring sanctions against those