

Houghton	Moran (VA)	Shaw
Hoyer	Morella	Shays
Hulshof	Myrick	Sherman
Hunter	Nethercutt	Shimkus
Hutchinson	Neumann	Shuster
Hyde	Ney	Sisisky
Inglis	Northup	Skaggs
Jenkins	Norwood	Skeen
John	Nussle	Smith (MI)
Johnson (CT)	Oxley	Smith (NJ)
Johnson, Sam	Packard	Smith (OR)
Jones	Pappas	Smith (TX)
Kasich	Parker	Smith, Adam
Kelly	Pease	Smith, Linda
Kim	Peterson (PA)	Snyder
Kingston	Petri	Solomon
Klecza	Pickering	Souder
Klug	Pickett	Spence
Knollenberg	Pitts	Stearns
Kolbe	Pombo	Stenholm
Kucinich	Porter	Stump
LaHood	Portman	Sununu
Largent	Pryce (OH)	Talent
Latham	Quinn	Tauzin
LaTourette	Radanovich	Taylor (NC)
Lazio	Ramstad	Thomas
Levin	Redmond	Thornberry
Lewis (CA)	Regula	Thune
Lewis (KY)	Riggs	Tiahrt
Linder	Riley	Tierney
Lipinski	Rivers	Towns
Livingston	Roemer	Turner
Lucas	Rogan	Upton
Manton	Rogers	Walsh
Manzullo	Rohrabacher	Wamp
McCarthy (MO)	Ros-Lehtinen	Watkins
McCollum	Roukema	Watts (OK)
McCrery	Royce	Weldon (FL)
McGovern	Ryun	Weldon (PA)
McHale	Salmon	Wexler
McHugh	Sawyer	White
McInnis	Saxton	Whitfield
McIntosh	Scarborough	Wicker
McIntyre	Schaefer, Dan	Wise
McKeon	Schaffer, Bob	Wolf
Metcalf	Scott	Young (AK)
Mica	Sensenbrenner	Young (FL)
Moakley	Sessions	
Moran (KS)	Shadegg	

NOT VOTING—14

Bateman	Gonzalez	Paxon
Clay	Hastings (FL)	Snowbarger
Davis (FL)	Istook	Spratt
Dixon	Meek (FL)	Tanner
Fattah	Miller (FL)	

So the amendment was not agreed to. After some further time,

§33.14 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. CONYERS:

Add the following at the end:

SEC. 12. FOREIGN JURISDICTION AND PROCESS.

(a) IN GENERAL.—Chapter 113 of title 28, United States Code, is amended by adding at the end the following new section:

“§ 1697. Foreign jurisdiction; service of process; compliance with rules of discovery

“(a) FOREIGN JURISDICTION AND PROCESS.—In any civil action for harm sustained in the United States, that is brought in a Federal court against a defendant located outside the United States, the court in which the action is brought shall have jurisdiction over such defendant if the defendant knew or reasonably should have known that its conduct would cause harm in the United States. Process in such civil action may be served wherever the defendant is located, has an agent, or transacts business.

“(b) COMPLIANCE WITH RULES OF DISCOVERY.—In any action described in subsection (a), any party who is a citizen or national of a foreign country shall comply with the rules governing the conduct of discovery in the same manner and to the same extent as a party that is a citizen of the United States, except that the deposition of a person who is a citizen or national of a foreign country may be taken only by leave of the

court on such terms as the court prescribes.”.

(b) CONFORMING AMENDMENT.—The table of sections for chapter 113 of title 28, United States Code, is amended by adding at the end the following new item:

“1697. Foreign jurisdiction; service of process; compliance with rules of discovery.”.

It was decided in the { Yeas 200
negative } Nays 216

§33.15 [Roll No. 107] AYES—200

Abercrombie	Green	Nadler
Ackerman	Gutierrez	Neal
Allen	Hall (OH)	Oberstar
Andrews	Hamilton	Obey
Baessler	Harman	Olver
Baldacci	Hefner	Ortiz
Ballenger	Hilleary	Owens
Barcia	Hinchey	Pallone
Barrett (WI)	Holden	Pappas
Becerra	Hooley	Pascrell
Bentsen	Hoyer	Pastor
Berman	Hunter	Payne
Berry	Jackson (IL)	Pelosi
Bishop	Jackson-Lee	Pomeroy
Blagojevich	(TX)	Price (NC)
Blumenauer	Jefferson	Rahall
Bonior	John	Rangel
Borski	Johnson (WI)	Reyes
Boswell	Johnson, E. B.	Rivers
Boucher	Kanjorski	Rodriguez
Brown (CA)	Kaptur	Roemer
Brown (FL)	Kennedy (MA)	Roybal-Allard
Brown (OH)	Kennedy (RI)	Rush
Capps	Kennelly	Sabo
Cardin	Kildee	Salmon
Carson	Kilpatrick	Sanchez
Chabot	Kind (WI)	Sanders
Clayton	Klecza	Sandlin
Clement	Klink	Sawyer
Clyburn	Kucinich	Schumer
Condit	LaFalce	Scott
Conyers	Lampson	Serrano
Costello	Lantos	Sherman
Coyne	Lee	Skaggs
Cummings	Levin	Skelton
Danner	Lewis (GA)	Slaughter
Davis (FL)	LoBiondo	Smith (MI)
Davis (IL)	Lofgren	Smith, Adam
Deal	Lowey	Snyder
DeFazio	Luther	Spratt
DeGette	Maloney (CT)	Stabenow
DeLahunt	Maloney (NY)	Stark
DeLauro	Manton	Stearns
Deutsch	Markey	Stokes
Dicks	Martinez	Strickland
Dingell	Mascara	Stupak
Doggett	Matsui	Tauscher
Dooley	McCarthy (MO)	Taylor (MS)
Doyle	McCarthy (NY)	Thompson
Duncan	McDermott	Thurman
Edwards	McGovern	Tierney
Ehrlich	McHale	Torres
Engel	McHugh	Towns
English	McIntyre	Traficant
Ensign	McKinney	Velazquez
Eshoo	McNulty	Vento
Etheridge	Meehan	Visclosky
Evans	Meeks (NY)	Wamp
Farr	Menendez	Waters
Fazio	Millender-McDonald	Watt (NC)
Filner	Miller (CA)	Waxman
Ford	Minge	Weygand
Frank (MA)	Mink	Wise
Franks (NJ)	Moakley	Woolsey
Frost	Mollohan	Wynn
Furse	Moran (VA)	Yates
Gejdenson	Morella	
Gephardt		

NOES—216

Aderholt	Bliley	Callahan
Archer	Blunt	Calvert
Armey	Boehler	Camp
Bachus	Boehner	Campbell
Baker	Bonilla	Canady
Barr	Bono	Cannon
Barrett (NE)	Boyd	Castle
Bartlett	Brady	Chambliss
Barton	Bryant	Chenoweth
Bass	Bunning	Christensen
Bereuter	Burr	Coburn
Bilbray	Burton	Collins
Bilirakis	Buyer	Combest

Cook	Jenkins	Ramstad
Cooksey	Johnson (CT)	Redmond
Cox	Johnson, Sam	Regula
Cramer	Jones	Riley
Crane	Kasich	Rogan
Crapo	Kelly	Rogers
Cubin	Kim	Rohrabacher
Cunningham	King (NY)	Ros-Lehtinen
Davis (VA)	Kingston	Rothman
DeLay	Klug	Roukema
Diaz-Balart	Knollenberg	Royce
Dickey	Kolbe	Ryun
Doolittle	LaHood	Sanford
Dreier	Largent	Saxton
Dunn	Latham	Scarborough
Ehlers	LaTourette	Schaefer, Dan
Emerson	Lazio	Schaffer, Bob
Everett	Leach	Sensenbrenner
Ewing	Lewis (CA)	Sessions
Fawell	Lewis (KY)	Shadegg
Foley	Linder	Shaw
Forbes	Lipinski	Shays
Fossella	Livingston	Shimkus
Fowler	Lucas	Shuster
Frelinghuysen	Manzullo	Sisisky
Galleghy	McCollum	Skeen
Ganske	McCrery	Smith (NJ)
Gekas	McDade	Smith (OR)
Gibbons	McInnis	Smith (TX)
Gilchrist	McIntosh	Smith, Linda
Gillmor	McKeon	Snowbarger
Gilman	Metcalf	Solomon
Goode	Mica	Souder
Goodlatte	Moran (KS)	Spence
Goonding	Murtha	Stenholm
Gordon	Myrick	Stump
Goss	Nethercutt	Sununu
Graham	Neumann	Talent
Granger	Ney	Tauzin
Greenwood	Northup	Taylor (NC)
Gutknecht	Norwood	Thomas
Hansen	Oxley	Thornberry
Hastert	Packard	Thune
Hastings (WA)	Parker	Tiahrt
Hayworth	Paul	Turner
Hefley	Pease	Upton
Herger	Peterson (MN)	Walsh
Hill	Peterson (PA)	Watkins
Hilliard	Petri	Watts (OK)
Hobson	Pickering	Weldon (FL)
Hoekstra	Pickett	Weldon (PA)
Horn	Pitts	Weller
Hostettler	Pombo	Wexler
Houghton	Porter	White
Hulshof	Portman	Whitfield
Hutchinson	Pryce (OH)	Wicker
Hyde	Quinn	Wolf
Inglis	Radanovich	Young (AK)
		Young (FL)

NOT VOTING—16

Bateman	Gonzalez	Paxon
Clay	Hastings (FL)	Poshard
Coble	Hinojosa	Riggs
Dixon	Istook	Tanner
Fattah	Meek (FL)	
Fox	Miller (FL)	

So the amendment was not agreed to.

§33.16 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. ADERHOLT:

Page 8, line 15, insert “or to disburse any funds to remedy the deprivation of a right under the Constitution,” after “tax.”.

Page 8, line 21, strike “or assessment” and insert “assessment, or disbursement”.

Page 9, strike lines 1 through 24 and insert the following:

“(C) the tax or assessment will not contribute to or exacerbate the deprivation intended to be remedied, including through its effect on property values or otherwise;

“(D) plans submitted to the court by State and local authorities will not effectively redress the deprivations at issue; and

“(E) the interests of State and local authorities in managing their affairs are not usurped, in violation of the Constitution, by the proposed imposition, increase, levying, or assessment.

"(2) The limitation contained in paragraph (1) shall apply only to any order or settlement which—

"(A) expressly directs any State, or political subdivision of a State, to impose, increase, levy, or assess any tax or disburse any funds to remedy the deprivation of a right under the Constitution; or

"(B) will necessarily require a State, or political subdivision of a State, to impose, increase, levy, or assess any tax or disburse any funds to remedy the deprivation of a right under the Constitution.

"(3) If the court finds that the conditions set forth in paragraph (1) have been satisfied, it shall enter an order incorporating that finding, and that order shall be subject to immediate interlocutory de novo review.

Page 10, line 7, insert after "tax," the following: "and any person or entity that is a resident of the State or political subdivision that would be required to disburse funds under paragraph (1) shall have the right to intervene in any proceeding concerning such disbursement."

Page 10, line 16, insert ", or disburse the funds," after "tax".

Page 10, line 21, insert ", or the disbursement of funds," after "tax".

Page 10, line 25, insert "or the disbursement of funds, as the case may be" after "tax".

Page 11, line 10, insert ", or a disbursement of funds that is made," after "imposed".

It was decided in the { Yeas 174 negative 236

33.17 [Roll No. 108] AYES—174

- Aderholt Archer Armeey Bachus Baker Ballenger Barr Barrett (NE) Bartlett Barton Bereuter Bilirakis Bilely Blunt Boehner Bonilla Bono Brady Bryant Bunning Burr Burton Callahan Calvert Canady Cannon Chabot Chambliss Chenoweth Christensen Coburn Collins Combest Condit Cook Cooksey Cramer Crane Crapo Cubin Cunningham Danner Deal DeLay Dickey Doolittle Dreier Duncan Dunn Ehrlich Emerson Ensign Everett Foley Fossella Fowler Gallegly Gekas Gibbons Gillmor Goode Goodlatte Goodling Goss Graham Granger Hall (TX) Hansen Hastert Hastings (WA) Hayworth Hefley Hefner Herger Hill Hilleary Hoekstra Hostettler Hulshof Hunter Hutchinson Hyde Inglis Jenkins Johnson, Sam Jones Kasich Sessions Kim King (NY) Kingston Knollenberg Kolbe Largent Latham Lewis (CA) Lewis (KY) Linder Livingston Lucas Manzullo McCollum McCrery McHugh McInnis McIntosh McIntyre McKeon Metcalf Mica Moran (KS) Myrick Nethercutt Neumann Northup Norwood Nussle Packard Parker Paul Pease Peterson (MN) Peterson (PA) Pickering Pickett Pitts Pombo Portman Radanovich Redmond Riley Rogan Rogers Rohrabacher Royce Ryun Salmon Sanford Scarborough Schaefer, Dan Schaffer, Bob Sensenbrenner Sessions Shadegg Shaw Shimkus Shuster Sisisky Skeen Smith (MI) Smith (OR) Smith (TX) Smith, Linda Snowbarger Solomon Spence Stearns Stenholm Stump Talent Tauzin Taylor (NC) Thomas Thornberry Thune Tiahrt

- Traficant Wamp Watkins Watts (OK) Weldon (FL) Wicker Wolf Young (AK) Young (FL)

NOES—236

- Abercrombie Ackerman Allen Andrews Baesler Baldacci Barcia Barrett (WI) Bass Becerra Bentsen Berman Berry Bilbray Bishop Blagojevich Blumenauer Boehlert Bonior Borski Boswell Boucher Boyd Brown (CA) Brown (FL) Brown (OH) Campbell Capps Cardin Carson Castle Clayton Clement Clyburn Conyers Costello Coyne Cummings Davis (FL) Davis (VA) DeFazio DeGette Delahunt DeLauro Deutsch Diaz-Balart Dicks Dingell Doggett Dooley Doyle Edwards Ehlers Engel English Eshoo Etheridge Evans Ewing Farr Fawell Fazio Filner Forbes Ford Frank (MA) Franks (NJ) Frelinghuysen Frost Furse Ganske Gejdenson Gephardt Gilchrist Gilman Gordon Green Greenwood Gutierrez Gutknecht Hall (OH) Hamilton Harman Hilliard Hinchey Hobson Holden Hooley Horn Houghton Hoyer Jackson (IL) Jackson-Lee (TX) Jefferson John Johnson (CT) Johnson (WI) Johnson, E. B. Kanjorski Kelly Kennedy (MA) Kennedy (RI) Kennelly Kildee Kilpatrick Kind (WI) Kleczka Klink Klug Kucinich LaFalce LaHood Lampton Lantos LaTourette Lazio Leach Lee Levin Lewis (GA) Lipinski LoBiondo Lofgren Lowey Luther Maloney (CT) Maloney (NY) Manton Markey Martinez Mascara Matsui McCarthy (MO) McCarthy (NY) McDade McDermott McGovern McHale McKinney McNulty Meehan Meeks (NY) Menendez Millender McDonald Miller (CA) Minge Mink Moakley Molohan Moran (VA) Morella Murtha Nadler Neal Ney Oberstar Obey Olver Ortiz Owens Oxley Pallone Pappas Pascarell Pastor Payne Pelosi Petri Pomeroy Porter Price (NC) Pryce (OH) Quinn Rahall Ramstad Rangel Regula Reyes Rivers Rodriguez Roemer Ros-Lehtinen Rothman Roukema Roybal-Allard Rush Sabo Sanchez Sanders Sandlin Sawyer Saxton Schumer Scott Serrano Shays Sherman Skaggs Skelton Slaughter Smith (NJ) Smith, Adam Snyder Spratt Stabenow Stark Stokes Strickland Stupak Sununu Tauscher Taylor (MS) Thompson Thurman Tierney Torres Towns Turner Upton Velazquez Vento Visclosky Walsh Waters Watt (NC) Waxman Weldon (PA) Weller Wexler Weygand White Whitfield Wise Woolsey Wynn Yates

NOT VOTING—22

- Bateman Buyer Camp Clay Coble Cox Davis (IL) Dixon Fattah Fox Gonzalez Hastings (FL) Hinojosa Istook Kaptur Meek (FL) Miller (FL) Paxon Poshard Riggs Souder Tanner

So the amendment was not agreed to. After some further time, The SPEAKER pro tempore, Mr. SNOWBARGER, assumed the Chair.

When Mr. ROGERS, Acting Chairman, pursuant to House Resolution 408, reported the bill back to the House with an amendment adopted by the Committee.

The previous question having been ordered by said resolution.

The following amendment, reported from the Committee of the Whole House on the state of the Union, was agreed to:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Judicial Reform Act of 1998".

SEC. 2. 3-JUDGE COURT FOR ANTICIPATORY RELIEF.

(a) REQUIREMENT OF 3-JUDGE COURT.—Any application for anticipatory relief against the enforcement, operation, or execution of a State law adopted by referendum shall not be granted by a United States district court or judge thereof upon the ground that the State law is repugnant to the Constitution, treaties, or laws of the United States unless the application for anticipatory relief is heard and determined by a court of 3 judges in accordance with section 2284 of title 28, United States Code. Any appeal of a determination on such application shall be to the Supreme Court. In any case to which this section applies, the additional judges who will serve on the 3-judge court shall be designated under section 2284(b)(1) of title 28, United States Code, as soon as practicable, and the court shall expedite the consideration of the application for anticipatory relief.

(b) DEFINITIONS.—As used in this section—

(1) the term "State" means each of the several States and the District of Columbia;

(2) the term "State law" means the constitution of a State, or any statute, rule, regulation, or other measure of a State that has the force of law, and any amendment thereto;

(3) the term "referendum" means the submission to popular vote, by the voters of the State, of a measure passed upon or proposed by a legislative body or by popular initiative; and

(4) the term "anticipatory relief" means an interlocutory or permanent injunction or a declaratory judgment.

(c) EFFECTIVE DATE.—This section applies to any application for anticipatory relief that is filed on or after the date of the enactment of this Act.

SEC. 3. INTERLOCUTORY APPEALS OF COURT ORDERS RELATING TO CLASS ACTIONS.

(a) INTERLOCUTORY APPEALS.—Section 1292(b) of title 28, United States Code, is amended—

(1) by inserting "(1)" after "(b)"; and

(2) by adding at the end the following:

"(2) A party to an action in which the district court has made a determination of whether the action may be maintained as a class action may make application for appeal of that determination to the court of appeals which would have jurisdiction of an appeal of that action. The court of appeals may, in its discretion, permit the appeal to be taken from such determination if the application is made within 10 days after the entry of the court's determination relating to the class action. Application for an appeal under this paragraph shall not stay proceedings in the district court unless the district judge or the court of appeals or a judge thereof shall so order."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies to any action commenced on or after the date of the enactment of this Act.