

the laws of the State in which such corporation or business enterprise is incorporated or organized; or

“(B) the rights, duties (including fiduciary duties), and obligations relating to or created by or pursuant to any security (as defined under section 2(a)(1) of the Securities Act of 1933 and the regulations issued thereunder).”.

(b) REMOVAL LIMITATIONS.—Section 1446(b) is amended in the second sentence—

(1) by inserting “, by exercising due diligence,” after “ascertained”; and

(2) by inserting “(a)” after “section 1332”.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—The table of sections for chapter 89 is amended by adding after the item relating to section 1452 the following:

“1453. Removal of class actions.”.

(d) APPLICATION OF SUBSTANTIVE STATE LAW.—Nothing in this section or the amendments made by this section shall alter the substantive law applicable to an action to which the amendments made by section 3 of this Act apply.

(e) PROCEDURE AFTER REMOVAL.—Section 1447 is amended by adding at the end the following new subsection:

“(f) If, after removal, the court determines that no aspect of an action that is subject to its jurisdiction solely under the provisions of section 1332(b) may be maintained as a class action under Rule 23 of the Federal Rules of Civil Procedure, it shall dismiss the action. An action dismissed pursuant to this subsection may be amended and filed again in a State court, but any such refiled action may be removed again if it is an action of which the district courts of the United States have original jurisdiction. In any action that is dismissed pursuant to this subsection and that is refiled by any of the named plaintiffs therein in the same State court venue in which the dismissed action was originally filed, the limitations periods on all reasserted claims shall be deemed tolled for the period during which the dismissed class action was pending. The limitations periods on any claims that were asserted in a class action dismissed pursuant to this subsection that are subsequently asserted in an individual action shall be deemed tolled for the period during which the dismissed class action was pending.”.

SEC. 5. APPLICABILITY.

The amendments made by this Act shall apply to any action commenced on or after the date of the enactment of this Act.

SEC. 6. GAO STUDY.

The Comptroller General of the United States shall, by not later than 1 year after the date of the enactment of this Act, conduct a study of the impact of the amendments made by this Act on the workload of the Federal courts and report to the Congress on the results of the study.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. LAHOOD, announced that the yeas had it.

Mr. CONYERS demanded a recorded vote on passage of said bill, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative { Yeas ..... 222 Nays ..... 207

¶100.18 [Roll No. 443] AYES—222

- Aderholt Goode Peterson (PA)
Archer Goodlatte Petri
Armye Goodling Pickering
Bachus Gordon Pitts
Baker Goss Pombo
Ballenger Granger Porter
Barcia Green (WI) Portman
Barr Gutknecht Pryce (OH)
Barrett (NE) Hall (TX) Quinn
Bartlett Hansen Ramstad
Barton Hastings (WA) Regula
Bass Hayes Reynolds
Bateman Hayworth Riley
Bereuter Hefley Rogan
Biggert Herger Hill (MT) Rogers
Bilbray Hilleary Rohrabacher
Bilirakis Hironaka Ros-Lehtinen
Bliley Blunt Roukema
Blunt Hoeft Royce
Boehler Hostettler Ryan (WI)
Boehner Houghton Ryon (KS)
Bonilla Hulshof Salmon
Bono Hunter Sanford
Boucher Hutchinson Saxton
Boyd Hyde Schaffer
Brady (TX) Isakson Sensenbrenner
Bryant Istook Sessions
Burr Jenkins Shadegg
Burton John Shaw
Buyer Johnson (CT) Shaub
Callahan Johnson (NC) Shays
Calvert Jones (NC) Sherwood
Camp Kasich Shimkus
Canady Kelly Shuster
Cannon King Kelly Simpson
Castle Kingston Sisisky
Chabot Knollenberg Skeen
Chambliss Kolbe Smith (MI)
Coburn Kuykendall Smith (NJ)
Collins LaHood Smith (TX)
Combest Largent Souder
Condit Latham Spence
Cook LaTourrette Stearns
Cooksey Lazio Stenholm
Cox Leach Stump
Cramer Lewis (CA) Sununu
Crane Lewis (KY) Sweeney
Cubin Linder Talent
Cunningham LoBiondo Tancredo
Danner Lucas (KY) Tanner
Davis (VA) Lucas (OK) Tauzin
Deal Manzullo Taylor (MS)
DeLay McCollum Taylor (NC)
DeMint McCreery Thomas
Dickey McHugh Thornberry
Dooley McInnis Thune
Dreier McIntosh Tiahrt
Duncan McKeon Toomey
Dunn Metcalf Upton
Ehlers Mica Vitter
Ehrlich Miller (FL) Walden
Emerson Miller, Gary Walsh
Everett Moran (KS) Wamp
Ewing Moran (VA) Watkins
Fletcher Myrick Watts (OK)
Fossella Ney Weldon (FL)
Fowler Northup Weldon (PA)
Franks (NJ) Norwood Weller
Frelinghuysen Nussle Whitfield
Gallegly Ose Wicker
Gekas Oxley Wilson
Gibbons Packard Wolf
Gilchrist Pease Young (AK)
Gillmor Peterson (MN) Young (FL)

NOES—207

- Abercrombie Boswell Cummings
Ackerman Brady (PA) Davis (FL)
Allen Brown (FL) Davis (IL)
Andrews Brown (OH) DeFazio
Baird Campbell DeGette
Baldacci Capps Delahunt
Baldwin Capuano DeLauro
Barrett (WI) Cardin Deutsch
Becerra Carson Diaz-Balart
Bentsen Chenoweth Dicks
Berkley Clay Dingell
Berman Clayton Dixon
Berry Clement Doggett
Bishop Clyburn Doolittle
Blagojevich Conyers Doyle
Blumenauer Costello Edwards
Bonior Coyne Engel
Borski Crowley English

- Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Foley
Forbes
Ford
Frank (MA)
Frost
Ganske
Gedjenson
Gephardt
Gilman
Gonzalez
Graham
Green (TX)
Greenwood
Gutierrez
Hall (OH)
Hastings (FL)
Hill (IN)
Hilliard
Hinchev
Hinojosa
Hoeffel
Holt
Hoolley
Hoyer
Insee
Jackson (IL)
Jackson-Lee
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Klecicka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Miller
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Morella
Murtha
Nader
Napolitano
Neal
Nethercutt
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Phelps
Pickett
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Shows
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Strickland
Stupak
Tauscher
Terry
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NOT VOTING—4

- Coble Jefferson
Holden Scarborough

So the bill was passed. A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶100.19 FURTHER NOTICE—MOTION TO INSTRUCT CONFEREES—H.R. 1501

Mr. DOOLITTLE, pursuant to clause 7(c)(1)(B) of rule XXII, announced his intention to instruct the managers on the part of the House at the conference with the Senate on the disagreeing votes of the two Houses on the bill (H.R. 1501) to provide grants to ensure increased accountability for juvenile offenders, to insist that the conference report not include Senate provisions that (1) do not recognize that the second amendment to the Constitution protects the individual right of American citizens to keep and bear arms; and (2) impose unconstitutional restrictions on the second amendment rights of individuals.

¶100.20 NOTICE REQUIREMENT—MOTION TO INSTRUCT CONFEREES—H.R. 1501

Mrs. MCCARTHY, pursuant to clause 7(c)(1)(B) of rule XXII, announced his intention to instruct the managers on the part of the House at the conference with the Senate on the disagreeing votes of the two Houses on the bill