

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE  
SENSENBRENNER OF WISCONSIN, OR HIS DESIGNEE, DEBATABLE FOR  
10 MINUTES:

**AMENDMENT TO H.R. 420, AS REPORTED  
OFFERED BY MR. SENSENBRENNER OF  
WISCONSIN**

Page 4, strike lines 8 through 11 and insert the following:

1 (a) IN GENERAL.—Subject to subsection (b), a per-  
2 sonal injury claim filed in State or Federal court may be  
3 filed only in the State and, within that State, in the county  
4 (or if there is no State court in the county, the nearest  
5 county where a court of general jurisdiction is located) or  
6 Federal district in which—

Page 5, line 23, strike “and”.

Page 5, line 25, strike the period at the end and insert “; and”.

Page 5, after line 25, insert the following:

7 (C) does not include a claim against a  
8 debtor in a case pending under title 11 of the  
9 United States Code that is a personal injury  
10 tort or wrongful death claim within the mean-  
11 ing of section 157(b)(5) of title 28, United  
12 States Code.



Page, 7, strike line 16 and all that follows through the end of the bill and insert the following new sections:

1 **SEC. 7. PRESUMPTION OF RULE 11 VIOLATION FOR RE-**  
2 **PEATEDLY RELITIGATING SAME ISSUE.**

3 Whenever a party presents to a Federal court a  
4 pleading, written motion, or other paper, that includes a  
5 claim or defense that the party has already litigated and  
6 lost on the merits in any forum in final decisions not sub-  
7 ject to appeal on 3 consecutive occasions, and the claim  
8 or defense involves the same plaintiff and the same de-  
9 fendant, there shall be a rebuttable presumption that the  
10 presentation of such paper is in violation of Rule 11 of  
11 the Federal Rules of Civil Procedure.

12 **SEC. 8. ENHANCED SANCTIONS FOR DOCUMENT DESTRUC-**  
13 **TION IN PENDING FEDERAL COURT PRO-**  
14 **CEEDINGS.**

15 Whoever willfully and intentionally influences, ob-  
16 structs, or impedes, or attempts to influence, or obstruct,  
17 or impede, a pending Federal court proceeding through  
18 the willful and intentional destruction of documents  
19 sought pursuant to the rules of such Federal court pro-  
20 ceeding and highly relevant to that proceeding—

21 (1) shall be punished with mandatory civil sanc-  
22 tions of a degree commensurate with the civil sanc-  
23 tions available under Rule 11 of the Federal Rules



1 of Civil Procedure, in addition to any other civil  
2 sanctions that otherwise apply; and

3 (2) shall be held in contempt of court and, if  
4 an attorney, referred to one or more appropriate  
5 State bar associations for disciplinary proceedings.

6 **SEC. 9. BAN ON CONCEALMENT OF UNLAWFUL CONDUCT.**

7 (a) **IN GENERAL.**—In any Rule 11 of the Federal  
8 Rules of Civil Procedure proceeding, a court may not order  
9 that a court record not be disclosed unless the court makes  
10 a finding of fact that identifies the interest that justifies  
11 the order and determines that that interest outweighs any  
12 interest in the public health and safety that the court de-  
13 termines would be served by disclosing the court record.

14 (b) **APPLICABILITY.**—This section applies to any  
15 record formally filed with the court, but shall not include  
16 any records subject to—

17 (1) the attorney-client privilege or any other  
18 privilege recognized under Federal or State law that  
19 grants the right to prevent disclosure of certain in-  
20 formation unless the privilege has been waived; or

21 (2) applicable State or Federal laws that pro-  
22 tect the confidentiality of crime victims, including  
23 victims of sexual abuse.

