

AMENDMENT TO H.R. 4318
OFFERED BY MR. HUFFMAN OF CALIFORNIA

Page 2, beginning at line 1, amend section 2 to read
as follows:

1 SEC. 2 PROHIBITION AGAINST FRIVOLOUS LAWSUITS.

2 Section 11(g)(4) of the Endangered Species Act of
3 1973 (16 U.S.C. 1540(g)(4)) is amended by inserting
4 “(A)” after “(4)”, and by adding at the end the following:

5 “(B) The court may impose an appropriate sanction
6 on any attorney, law firm, or party that files a signed
7 pleading, written motion, or other paper that—

8 “(i) was presented for any improper purpose,
9 such as to harass, cause unnecessary delay, or need-
10 lessly increase the cost of litigation;

11 “(ii) contains any claim, defense, or other legal
12 contention not warranted by—

13 “(I) existing law; or

14 “(II) a nonfrivolous argument for extend-
15 ing, modifying, or reversing existing law or for
16 establishing new law;

17 “(iii) contains factual contentions which have
18 no evidentiary support; or

1 “(iv) contains denials of factual contentions not
2 warranted on the evidence.”

