

PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 1927) TO AMEND
TITLE 28, UNITED STATES CODE, TO IMPROVE FAIRNESS IN CLASS AC-
TION LITIGATION

JANUARY 6, 2016.—Referred to the House Calendar and ordered to be printed

Mr. COLLINS of Georgia, from the Committee on Rules,
submitted the following

R E P O R T

[To accompany H. Res. 581]

The Committee on Rules, having had under consideration House Resolution 581, by a record vote of 8 to 4, report the same to the House with the recommendation that the resolution be adopted.

SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for consideration of H.R. 1927, the Fairness in Class Action Litigation Act of 2015, under a structured rule. The resolution provides one hour of general debate equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary. The resolution waives all points of order against consideration of the bill. The resolution makes in order as original text for the purpose of amendment an amendment in the nature of a substitute consisting of the text of Rules Committee Print 114-38 and provides that it shall be considered as read. The resolution waives all points of order against that amendment in the nature of a substitute. The resolution makes in order only those further amendments printed in this report. Each such amendment may be offered only in the order printed in this report, may be offered only by a Member designated in this report, shall be considered as read, shall be debatable for the time specified in this report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The resolution waives all points of order against the amendments printed in this report. The resolution provides one motion to recommit with or without instructions.

Section 2 of the resolution provides that a vote on any motion relating to the disposition of the veto message for H.R. 3762 may be postponed through the legislative day of January 25, 2016, as though under clause 8 of rule XX.

EXPLANATION OF WAIVERS

Although the resolution waives all points of order against consideration of the bill, the Committee is not aware of any points of order. The waiver of all points of order prophylactic in nature.

The waiver of all points of order against the amendment in the nature of a substitute to H.R. 1927 made in order as original text includes a waiver of clause 7 of rule XVI, which requires that no motion or proposition on a subject different from that under consideration shall be admitted under color of amendment. However, it is important to note that Rules Committee Print 114–38 contains the texts of H.R. 1927 and H.R. 526 as reported by the Committee on the Judiciary, with conforming changes.

Although the resolution waives all points of order against the amendments printed in this report, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

COMMITTEE VOTES

The results of each record vote on an amendment or motion to report, together with the names of those voting for and against, are printed below:

Rules Committee record vote No. 136

Motion by Ms. Slaughter to strike section 2 of the resolution. Defeated: 4–8

Majority Members	Vote	Minority Members	Vote
Ms. Foxx	Nay	Ms. Slaughter	Yea
Mr. Cole	Nay	Mr. McGovern	Yea
Mr. Woodall	Nay	Mr. Hastings of Florida	Yea
Mr. Burgess	Nay	Mr. Polis	Yea
Mr. Stivers	Nay		
Mr. Collins	Nay		
Mr. Byrne	Nay		
Mr. Newhouse		
Mr. Sessions, Chairman	Nay		

Rules Committee record vote No. 137

Motion by Mr. McGovern to report an open rule. Defeated: 4–8

Majority Members	Vote	Minority Members	Vote
Ms. Foxx	Nay	Ms. Slaughter	Yea
Mr. Cole	Nay	Mr. McGovern	Yea
Mr. Woodall	Nay	Mr. Hastings of Florida	Yea
Mr. Burgess	Nay	Mr. Polis	Yea
Mr. Stivers	Nay		
Mr. Collins	Nay		
Mr. Byrne	Nay		
Mr. Newhouse		
Mr. Sessions, Chairman	Nay		

Rules Committee record vote No. 138

Motion by Mr. Hastings of Florida to make in order and provide the appropriate waivers for amendment #11, offered by Rep. Fitzpatrick (PA), which clarifies that a patient harmed by an FDA approved medical device is not barred from having his or her claim of injury heard by a State court. Defeated: 4–8

Majority Members	Vote	Minority Members	Vote
Ms. Foxx	Nay	Ms. Slaughter	Yea
Mr. Cole	Nay	Mr. McGovern	Yea
Mr. Woodall	Nay	Mr. Hastings of Florida	Yea
Mr. Burgess	Nay	Mr. Polis	Yea
Mr. Stivers	Nay		
Mr. Collins	Nay		
Mr. Byrne	Nay		
Mr. Newhouse		
Mr. Sessions, Chairman	Nay		

Rules Committee record vote No. 139

Motion by Ms. Foxx to report the rule. Adopted: 8–4

Majority Members	Vote	Minority Members	Vote
Ms. Foxx	Yea	Ms. Slaughter	Nay
Mr. Cole	Yea	Mr. McGovern	Nay
Mr. Woodall	Yea	Mr. Hastings of Florida	Nay
Mr. Burgess	Yea	Mr. Polis	Nay
Mr. Stivers	Yea		
Mr. Collins	Yea		
Mr. Byrne	Yea		
Mr. Newhouse		
Mr. Sessions, Chairman	Yea		

SUMMARY OF THE AMENDMENTS MADE IN ORDER

1. Cohen (TN): Makes an exception from the bill's required showings for class certification for claims for monetary relief against the perpetrator of a terrorist attack by victims of such attack. (10 minutes)

2. Cohen (TN): Makes an exception from the bill's required showings for class certification for claims for monetary relief arising from a foreign-made product. (10 minutes)

3. Conyers (MI): Exception from the bill's required showings for class certification for claims for monetary relief pursuant to Title VII of the Civil Rights Act of 1964. (10 minutes)

4. Deutch (FL): Creates an exception for claims brought by a gun owner seeking monetary relief involving the defective design or manufacturing of a firearm. (10 minutes)

5. Moore, Gwen (WI): Exempts causes of action arising under the Fair Housing Act or the Equal Credit Opportunity Act from the bill's requirements. (10 minutes)

6. Moore, Gwen (WI): Exempts causes of action arising from a pay equity claim under Title VII of the Civil Rights Act or the Equal Pay Act from the requirements of the bill. (10 minutes)

7. Waters (CA): Creates an exception for claims brought by students, service members and veterans seeking relief from institutions of higher education that have engaged in fraudulent activities and unfair practices (10 minutes)

8. Johnson, Hank (GA): Strikes the "scope" and "economic loss" language from the bill. (10 minutes)

9. Jackson Lee (TX): Provides litigants in a pending class action access to information held in a trust that is directly related to a plaintiff's claim for asbestos exposure. (10 minutes)

10. Nadler (NY): Replaces the bill's requirement for asbestos trusts to disclose detailed personal information with aggregate re-

porting of demands received and payments made by the trusts. (10 minutes)

TEXT OF AMENDMENTS MADE IN ORDER

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE COHEN OF TENNESSEE OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Line 6 on the first page, strike “No” and insert “Except as provided in subsection (c), no”.

After line 18 on the first page, insert the following:

(c) EXCEPTION.—Subsection (a) does not apply with respect to a claim for monetary relief brought against a perpetrator of a terrorist attack by a victim of the attack.

2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE COHEN OF TENNESSEE OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Line 6 on the first page, strike “No” and insert “Except as provided in subsection (c), no”.

After line 18 on the first page, insert the following:

(c) EXCEPTION.—Subsection (a) does not apply with respect to a claim for monetary relief arising from a foreign-made product.

3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CONYERS, JR. OF MICHIGAN OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Line 6 on the first page, strike “No” and insert “Except as provided in subsection (c), no”.

After line 18 on the first page, insert the following:

(c) EXCEPTION.—Subsection (a) does not apply with respect to a claim for monetary relief under title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.).

4. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE DEUTCH OF FLORIDA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Line 6 on the first page, strike “No” and insert “Except as provided in subsection (c), no”.

After line 18 on the first page, insert the following:

(c) EXCEPTION.—This section does not apply with respect to a claim brought by a gun owner seeking monetary relief involving the defective design or manufacturing of a firearm.

5. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MOORE OF WISCONSIN OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Line 6 on the first page, strike “No” and insert “Except as provided in subsection (c), no”.

After line 18 on the first page, insert the following:

(c) EXCEPTION.—Subsection (a) does not apply with respect to causes of action arising under the Fair Housing Act (42 U.S.C. 3601 et seq.) or the Equal Credit Opportunity Act (15 U.S.C. 1691 et seq.).

6. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MOORE OF WISCONSIN OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Line 6 on the first page, strike “No” and insert “Except as provided in subsection (c), no”.

After line 18 on the first page, insert the following:

(c) EXCEPTION.—Subsection (a) does not apply with respect to any cause of action arising from a pay equity claim under Title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.) or that portion of the Fair Labor Standards Act (29 U.S.C. 206(d)) known as the Equal Pay Act of 1963.

7. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE WATERS OF CALIFORNIA OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

On the first page, line 6, strike “No” and insert “Except as provided in subsection (c), no”.

On the first page, after line 18 insert the following:

(c) EXCEPTION.—The requirements for a demonstration under subsection (a) and the inclusion of a determination relating to that requirement under subsection (b) do not apply with respect to a claim against—

(1) any institution or third party servicer that receives or services funds under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.);

(2) any institution that originates, services, or otherwise administers qualified education loans (as defined in section 221 of the Internal Revenue Code of 1986); or

(3) any institution providing a course of education approved for purposes of chapter 33 of title 38, United States Code.

8. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE JOHNSON OF GEORGIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Line 10 on the first page, strike “and scope”.

Line 8 on the first page, strike “or economic loss”.

9. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE JACKSON LEE OF TEXAS OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Beginning on page 2, strike line 5 and all that follows through line 2 on page 3, and insert the following:

“(8)(A) A trust described in paragraph (2) shall, subject to subparagraph (B) and section 107, provide upon written request and subject to payment (demanded at the option of the trust) for any reasonable cost incurred by the trust to comply with such request, to any party that is a defendant in a pending court action relating to asbestos exposure, information that is directly related to the plaintiff’s claim in that pending action.

“(B) A defendant requesting information under subparagraph (A) shall first disclose to such plaintiff and such trust, subject to an appropriate protective order the median settlement amount paid by that defendant for claims settled or paid within 5 years of the date of the request, by disease category, for the State in which the plaintiff’s action was filed. No personally identifiable information

shall be included in any exchange of information under this paragraph.”.

10. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE NADLER
OF NEW YORK OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Beginning on page 2, strike line 5 and all that follows through line 2 on page 3, and insert the following:

“(8) A trust described in paragraph (2) shall file with the bankruptcy court, not later than 60 days after the end of every quarter, a report that shall be made available on the court’s public docket and with respect to each such reporting period contains an aggregate list of demands received and an aggregate list of payments made.”.