

114TH CONGRESS
2D SESSION

H. R. 1927

IN THE SENATE OF THE UNITED STATES

JANUARY 11, 2016

Received; read twice and referred to the Committee on the Judiciary

AN ACT

To amend title 28, United States Code, to improve fairness
in class action litigation.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Fairness in Class Ac-
3 tion Litigation and Furthering Asbestos Claim Trans-
4 parency Act of 2016”.

5 **SEC. 2. FAIRNESS IN CLASS ACTION LITIGATION.**

6 (a) IN GENERAL.—No Federal court shall certify any
7 proposed class seeking monetary relief for personal injury
8 or economic loss unless the party seeking to maintain such
9 a class action affirmatively demonstrates that each pro-
10 posed class member suffered the same type and scope of
11 injury as the named class representative or representa-
12 tives.

13 (b) CERTIFICATION ORDER.—An order issued under
14 Rule 23(c)(1) of the Federal Rules of Civil Procedure that
15 certifies a class seeking monetary relief for personal injury
16 or economic loss shall include a determination, based on
17 a rigorous analysis of the evidence presented, that the re-
18 quirement in subsection (a) of this section is satisfied.

19 **SEC. 3. FURTHERING ASBESTOS CLAIM TRANSPARENCY.**

20 (a) AMENDMENTS TO TITLE 11, UNITED STATES
21 CODE.—Section 524(g) of title 11, United States Code,
22 is amended by adding at the end the following:

23 “(8) A trust described in paragraph (2) shall, subject
24 to section 107—

25 “(A) file with the bankruptcy court, not later
26 than 60 days after the end of every quarter, a report

1 that shall be made available on the court’s public
2 docket and with respect to such quarter—

3 “(i) describes each demand the trust re-
4 ceived from, including the name and exposure
5 history of, a claimant and the basis for any
6 payment from the trust made to such claimant;
7 and

8 “(ii) does not include any confidential med-
9 ical record or the claimant’s full social security
10 number; and

11 “(B) upon written request, and subject to pay-
12 ment (demanded at the option of the trust) for any
13 reasonable cost incurred by the trust to comply with
14 such request, provide in a timely manner any infor-
15 mation related to payment from, and demands for
16 payment from, such trust, subject to appropriate
17 protective orders, to any party to any action in law
18 or equity if the subject of such action concerns li-
19 ability for asbestos exposure.”.

20 (b) EFFECTIVE DATE; APPLICATION OF AMEND-
21 MENTS.—

22 (1) EFFECTIVE DATE.—Except as provided in
23 paragraph (2), this section and the amendments
24 made by this section take effect on the date of the
25 enactment of this Act.

1 (2) APPLICATION OF AMENDMENTS.—The
2 amendments made by this section shall apply with
3 respect to cases commenced under title 11 of the
4 United States Code before, on, or after the date of
5 the enactment of this Act.

Passed the House of Representatives January 8,
2016.

Attest:

KAREN L. HAAS,
Clerk.