

PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 2655) TO AMEND RULE 11 OF THE FEDERAL RULES OF CIVIL PROCEDURE TO IMPROVE ATTORNEY ACCOUNTABILITY, AND FOR OTHER PURPOSES, AND PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 982) TO AMEND TITLE 11 OF THE UNITED STATES CODE TO REQUIRE THE PUBLIC DISCLOSURE BY TRUSTS ESTABLISHED UNDER SECTION 524(G) OF SUCH TITLE, OF QUARTERLY REPORTS THAT CONTAIN DETAILED INFORMATION REGARDING THE RECEIPT AND DISPOSITION OF CLAIMS FOR INJURIES BASED ON EXPOSURE TO ASBESTOS; AND FOR OTHER PURPOSES

NOVEMBER 12, 2013.—Referred to the House Calendar and ordered to be printed

Mr. WOODALL, from the Committee on Rules,
submitted the following

R E P O R T

[To accompany H. Res. 403]

The Committee on Rules, having had under consideration House Resolution 403, by a nonrecord vote, 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. 2655, the Law-suit Abuse Reduction Act of 2013, under a closed rule. The resolution provides one hour of 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 and provides that it shall be considered as read. The resolution waives all points of order against provisions in the bill. The resolution provides one motion to recommit.

The resolution also provides for consideration of H.R. 982, the Furthering Asbestos Claim Transparency (FACT) Act of 2013, 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 and provides that it shall be considered as read. The resolution waives all points of order against provisions in the bill. The resolution makes in order only those 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 speci-

fied 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.

EXPLANATION OF WAIVERS

Although the resolution waives all points of order against consideration of H.R. 2655, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

Although the resolution waives all points of order against provisions in H.R. 2655, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

Although the resolution waives all points of order against consideration of H.R. 982, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

Although the resolution waives all points of order against provisions in H.R. 982, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

Although the resolution waives all points of order against the amendments to H.R. 982 printed in this report, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

SUMMARY OF THE AMENDMENTS MADE IN ORDER

1. Cohen (TN): Exempts from the bill asbestos trusts with internal anti-fraud procedures. (10 minutes)

2. Nadler (NY): Protects public health and safety by adding a requirement that any party seeking payment information from a trust must also make available information relevant to such action that pertains to public health or safety. (10 minutes)

3. Jackson Lee (TX): Applies the transparency rules in the bill equally to asbestos industry defendants by requiring asbestos companies to report information about the location of their asbestos-containing products and provides an exception for trade secrets. (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

Page 3, line 9, insert “that does not have a claims audit program intended to ensure that claims are valid and supported and that is” after “trust”.

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

Page 4, beginning on line 5, strike “if” and all that follows through “exposure.”, and insert the following:

if—

(i) the subject of such action concerns liability for asbestos exposure; and

(ii) such party agrees to make available (upon written request) information relevant to such action that pertains to the protection of public health or safety to any other person or to any Federal or State entity that has authority to enforce a law regulating an activity relating to such information.

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

Beginning on page 3, strike line 9 and all that follows through line 6 on page 4, and insert the following:

“(8)(A) A trust described in paragraph (2) shall, subject to subsection (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 relates to the plaintiff’s claim in such action.

“(B) A defendant requesting information under subparagraph (A) shall first disclose to such plaintiff and such trust, subject to an appropriate protective order—

“(i) the name of each asbestos-containing product mined, manufactured, sold, or purchased by the defendant at any point in time and the name and location of each worksite under such defendant’s control at any point in time at which such asbestos was mined or such product was manufactured; and

“(ii) each location at which such product was sold or purchased by such defendant;
except that such information shall not include any information that is a trade secret.”.