

FLOOR SCHEDULE FOR FRIDAY, JANUARY 8, 2016

HOUSE MEETS AT:	FIRST VOTE PREDICTED:	LAST VOTE PREDICTED:
9:00 a.m.: Legislative Business	11:30 a.m. – 12:00 p.m.	12:00 – 12:30 p.m.
Five "One Minutes"		

H.R. 1927 – Fairness in Class Action Litigation (Rep. Goodlatte – Judiciary) (One hour of debate). This bill would change the rules of the federal tort system by prohibiting federal courts from certifying any class action unless the party pursuing the class action demonstrates, through admissible evidentiary proof, "that each proposed class member suffered the same type and scope of injury as the named class representative or representatives."

With respect to federal class action lawsuits, under current law, individuals with injuries based on the same operative facts and law can hold entities such as corporations accountable for unlawful conduct by joining in a class-action lawsuit. Such lawsuits can proceed even when their injuries vary in certain ways, such as where one plaintiff receives a head injury and another suffers a broken rib from the same kind of faulty automobile airbag. H.R. 1927 would not allow such individuals to pursue a class action lawsuit because they did not suffer the exact same type of injury and would thereby make it more difficult for these victims to obtain just compensation for their injuries. As a result, H.R. 1927 will effectively shield corporate wrongdoers while denying plaintiffs access to the justice they deserve by forcing victims to bring separate lawsuits, which would be much more costly, burdensome, and time-consuming.

Additionally, H.R. 1927 would further burden an already overextended court system. By requiring that each individual in a suit have an injury of the "same type and scope," the bill would exponentially increase the number of suits by forcing parties to file suits in smaller groups or even individually, leading to delays and additional unnecessary demands on our judicial system. H.R. 1927 is opposed by a broad coalition of consumer protection, public interest, labor, and civil rights groups, including the American Association for Justice, the AFSCME, the American Civil Liberties Union, Consumer Federation of America, Consumers Union, Public Citizen, and the Leadership Conference on Civil and Human Rights.

By requiring that each member of a class action has the same type and scope of injury, the bill would make it almost impossible for plaintiffs to pursue most class actions in federal court by effectively requiring them to prove the merits of their case twice – once at the certification stage and once during the trial on the merits of their case, which will result in increased litigation costs and delay and thereby deter plaintiffs from pursuing credible claims.

The requirements imposed by this bill are based on the false premise that federal courts are routinely certifying class action cases in instances when not every class member has suffered the alleged injury. This bill will create unnecessary legal disputes that will raise litigation costs and delay justice for those who have suffered serious injuries.

The bill also incorporates unrelated language from **H.R. 526**, the Furthering Asbestos Claim Transparency (FACT) Act of 2015, which provides disincentives to victims seeking reimbursement for their injuries from an asbestos settlement trust set up through a Chapter 11 bankruptcy reorganization by making their personally identifiable information publicly available through the Internet and by establishing burdensome new reporting requirements on these asbestos settlement trusts.

This language would change the rules of the tort system with regard to asbestos-related injuries by requiring quarterly reports of claims made against the trusts and any payouts made by the trusts to asbestos victims. These reports, which would include the name, exposure history, and amount of payment made from the trust to each claimant, are required to be made available on the court's public docket that, in turn, can be accessed through the Internet. The disclosure of such sensitive information in a public manner creates new risks for asbestos victims. Such information could be used for inappropriate purposes by prospective employers, insurers, and lenders as well as by identity thieves.

The asbestos provisions are opposed by asbestos victims and their families, the Military Order of the Purple Heart, the AFL-CIO, the American Federation of State, County and Municipal Employees, Asbestos Disease Awareness Organization, the Environmental Working Group, Public Citizen, the Alliance for Justice, various consumer organizations, and legal representatives for future asbestos personal injury claimants with respect to asbestos bankruptcy trusts.

When the House last considered the asbestos provisions as H.R. 982 on November 13, 2013, all but five House Democrats opposed it.

In the Statement of Administration Policy, the President's senior advisors stated that they would recommend he veto this bill. **Members are urged to VOTE NO.**

The Rule, which was adopted yesterday, makes in order 10 amendments, debatable for 10 minutes, equally divided between the offeror and an opponent. The amendments are:

Rep. Cohen Amendment #1. Makes an exception from the bill's class action provision for claims for monetary relief against the perpetrator of a terrorist attack by victims of such attack.

Rep. Cohen Amendment #2. Makes an exception from the bill's class action provision for claims for monetary relief arising from a foreign-made product.

Rep. Conyers Amendment. Makes an exception from the bill's class action provision for claims for monetary relief pursuant to Title VII of the Civil Rights Act of 1964.

Rep. Deutch Amendment. Makes an exception from the bill's class action provision for claims brought by a gun owner seeking monetary relief involving the defective design or manufacturing of a firearm.

Rep. Moore Amendment #5. Exempts from the bill's class action provision causes of action arising under the Fair Housing Act or the Equal Credit Opportunity Act from the bill's requirements.

Rep. Moore Amendment #6. Exempts from the bill's class action provision 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.

Rep. Waters Amendment. Makes 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.

Rep. Johnson (GA) Amendment. Strikes the "scope" and "economic loss" language from the bill.

Rep. Jackson-Lee Amendment. Requires a defendant that requests information from a bankruptcy asbestos trust to first disclose to the plaintiff and the trust the median amount of claims paid by the defendant by disease category within the preceding 5 years.

Rep. Nadler Amendment. Replaces the bill's requirement for asbestos trusts to disclose detailed personal information with aggregate reporting of demands received and payments made by the trusts.

Bill Text for H.R. 1927:

[PDF Version](#)

Background for H.R. 1927:

[House Report \(HTML Version\)](#)

[House Report \(PDF Version\)](#)

The Daily Quote

"Many members of the conservative House group have yet to see a federal spending bill they liked. And while Republicans will have greater control over the appropriations process by starting with all 12 bills early than in a deadline-driven mad dash to file an omnibus, it's unlikely that [House Speaker Paul] Ryan [R-WI] can count on the votes of Freedom Caucus members for any of the appropriations bills."

- National Journal, 1/8/2016