

DECEMBER 15, 2015

RULES COMMITTEE PRINT 114-38
TEXT OF H.R. 1927, FAIRNESS IN CLASS ACTION
LITIGATION ACT OF 2015

**[Showing the texts of H.R. 1927 and H.R. 526 as reported by
the Committee on the Judiciary; with conforming changes.]**

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 2015”

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.

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

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

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

7 “(A) file with the bankruptcy court, not later
8 than 60 days after the end of every quarter, a report
9 that shall be made available on the court’s public
10 docket and with respect to such quarter—

11 “(i) describes each demand the trust re-
12 ceived from, including the name and exposure
13 history of, a claimant and the basis for any
14 payment from the trust made to such claimant;
15 and

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

19 “(B) upon written request, and subject to pay-
20 ment (demanded at the option of the trust) for any
21 reasonable cost incurred by the trust to comply with
22 such request, provide in a timely manner any infor-
23 mation related to payment from, and demands for
24 payment from, such trust, subject to appropriate
25 protective orders, to any party to any action in law

1 or equity if the subject of such action concerns li-
2 ability for asbestos exposure.”.

3 (b) EFFECTIVE DATE; APPLICATION OF AMEND-
4 MENTS.—

5 (1) EFFECTIVE DATE.—Except as provided in
6 paragraph (2), this section and the amendments
7 made by this section take effect on the date of the
8 enactment of this Act.

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

