

HR 1115

Class Action Fairness Act of 2003

Congress: 108 (2003–2005, Ended)

Chamber: House

Policy Area: Law

Introduced: Mar 6, 2003

Current Status: Received in the Senate and Read twice and referred to the Committee on the Judiciary.

Latest Action: Received in the Senate and Read twice and referred to the Committee on the Judiciary. (Jun 12, 2003)

Official Text: <https://www.congress.gov/bill/108th-congress/house-bill/1115>

Sponsor

Name: Rep. Goodlatte, Bob [R-VA-6]

Party: Republican • **State:** VA • **Chamber:** House

Cosponsors (50 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Boucher, Rick [D-VA-9]	D · VA		Mar 6, 2003
Rep. Cox, Christopher [R-CA-48]	R · CA		Mar 6, 2003
Rep. Cramer, Robert E. (Bud), Jr. [D-AL-5]	D · AL		Mar 6, 2003
Rep. DeLay, Tom [R-TX-22]	R · TX		Mar 6, 2003
Rep. Dooley, Calvin M. [D-CA-20]	D · CA		Mar 6, 2003
Rep. Holden, Tim [D-PA-17]	D · PA		Mar 6, 2003
Rep. Hyde, Henry J. [R-IL-6]	R · IL		Mar 6, 2003
Rep. Moran, James P. [D-VA-8]	D · VA		Mar 6, 2003
Rep. Sensenbrenner, F. James, Jr. [R-WI-5]	R · WI		Mar 6, 2003
Rep. Smith, Lamar [R-TX-21]	R · TX		Mar 6, 2003
Rep. Stenholm, Charles W. [D-TX-17]	D · TX		Mar 6, 2003
Rep. Rogers, Mike J. [R-MI-8]	R · MI		Mar 12, 2003
Rep. Flake, Jeff [R-AZ-6]	R · AZ		Mar 20, 2003
Rep. Emanuel, Rahm [D-IL-5]	D · IL		Mar 27, 2003
Rep. Shays, Christopher [R-CT-4]	R · CT		Apr 2, 2003
Rep. Hostettler, John N. [R-IN-8]	R · IN		Apr 9, 2003
Rep. Scott, David [D-GA-13]	D · GA		Apr 10, 2003
Rep. Chocola, Chris [R-IN-2]	R · IN		Apr 11, 2003
Rep. Chabot, Steve [R-OH-1]	R · OH		May 9, 2003
Rep. McHugh, John M. [R-NY-23]	R · NY		May 9, 2003
Rep. Northup, Anne M. [R-KY-3]	R · KY		May 9, 2003
Rep. Cannon, Chris [R-UT-3]	R · UT		May 13, 2003
Rep. Coble, Howard [R-NC-6]	R · NC		May 13, 2003
Rep. Cunningham, Randy (Duke) [R-CA-50]	R · CA		May 13, 2003
Rep. Hart, Melissa A. [R-PA-4]	R · PA		May 13, 2003
Rep. Barrett, J. Gresham [R-SC-3]	R · SC		May 15, 2003
Rep. Baker, Richard H. [R-LA-6]	R · LA		May 19, 2003
Rep. Feeney, Tom [R-FL-24]	R · FL		May 19, 2003
Rep. Forbes, J. Randy [R-VA-4]	R · VA		May 21, 2003
Rep. Gallegly, Elton [R-CA-24]	R · CA		May 21, 2003
Rep. Keller, Ric [R-FL-8]	R · FL		May 21, 2003
Rep. Pence, Mike [R-IN-6]	R · IN		May 21, 2003
Rep. Burgess, Michael C. [R-TX-26]	R · TX		Jun 2, 2003
Rep. Miller, Jeff [R-FL-1]	R · FL		Jun 2, 2003
Rep. Bradley, Jeb [R-NH-1]	R · NH		Jun 4, 2003
Rep. Goode, Virgil H., Jr. [R-VA-5]	R · VA		Jun 4, 2003
Rep. Wicker, Roger F. [R-MS-1]	R · MS		Jun 4, 2003
Rep. Biggert, Judy [R-IL-13]	R · IL		Jun 9, 2003
Rep. Calvert, Ken [R-CA-44]	R · CA		Jun 9, 2003
Rep. DeMint, Jim [R-SC-4]	R · SC		Jun 9, 2003
Rep. Franks, Trent [R-AZ-2]	R · AZ		Jun 9, 2003

Cosponsor	Party / State	Role	Date Joined
Rep. Hensarling, Jeb [R-TX-5]	R · TX		Jun 9, 2003
Rep. Kennedy, Mark R. [R-MN-6]	R · MN		Jun 9, 2003
Rep. Mica, John L. [R-FL-7]	R · FL		Jun 9, 2003
Rep. Osborne, Tom [R-NE-3]	R · NE		Jun 9, 2003
Rep. Putnam, Adam H. [R-FL-12]	R · FL		Jun 9, 2003
Rep. Schrock, Edward L. [R-VA-2]	R · VA		Jun 9, 2003
Rep. Sessions, Pete [R-TX-32]	R · TX		Jun 9, 2003
Rep. Souder, Mark E. [R-IN-3]	R · IN		Jun 9, 2003
Rep. Sullivan, John [R-OK-1]	R · OK		Jun 9, 2003

Committee Activity

Committee	Chamber	Activity	Date
Judiciary Committee	House	Reported By	Jun 9, 2003
Judiciary Committee	Senate	Referred To	Jun 12, 2003

Subjects & Policy Tags

Policy Area:

Law

Related Bills

Bill	Relationship	Last Action
108 S 2062	Related bill	Jul 8, 2004: Cloture not invoked in Senate by Yea-Nay Vote. 44 - 43. Record Vote Number: 154. (consideration: CR S7818-7819)
108 S 1751	Related bill	Oct 22, 2003: Cloture on the motion to proceed to the measure not invoked in Senate by Yea-Nay Vote. 59 - 39. Record Vote Number: 403.
108 S 274	Related bill	Jul 31, 2003: By Senator Hatch from Committee on the Judiciary filed written report. Report No. 108-123. Minority views filed.
108 HRES 269	Procedurally related	Jun 12, 2003: Motion to reconsider laid on the table Agreed to without objection.

Class Action Fairness Act of 2003 - (Sec. 3) Amends the Federal judicial code to prohibit a Federal district court from approving a proposed class action settlement under which: (1) members would receive non-cash benefits or would be required to expend funds in order to obtain proposed benefits unless the court finds, after a hearing, that the settlement is fair, reasonable, and adequate; (2) any member is obligated to pay sums to class counsel that would result in a net loss to the member unless the court finds that non-monetary benefits to the member outweigh the monetary loss; (3) greater sums would be paid to some class members than to others solely on the basis of their closer geographic proximity to the court; or (4) a greater share would be paid to a class representative than to other class members (with an exception for any court approved payment for reasonable time or costs for fulfilling representative obligations).

(Sec. 4) Grants Federal district courts original jurisdiction of any civil action in which the matter in controversy exceeds \$5 million, exclusive of interest and costs, and is a class action in which any member of a class of plaintiffs is: (1) a citizen of a State different from any defendant; (2) a foreign state or a citizen or subject of a foreign state and any defendant is a citizen of a State; or (3) a citizen of a State and any defendant is a foreign state or a citizen or subject of a foreign state.

Authorizes a district court to decline to exercise jurisdiction over a class action in which greater than one-third but less than two-thirds of the members of all proposed plaintiff classes in the aggregate and the primary defendants are citizens of the State in which the action was originally filed, based on consideration of whether: (1) the claims asserted involve matters of national or interstate interest; (2) the claims asserted will be governed by laws other than those of the State in which the action was originally filed; (3) in the case of a class action originally filed in a State court, the class action has been pleaded in a manner that seeks to avoid Federal jurisdiction; (4) the number of citizens of the State in which the action was originally filed in all proposed plaintiff classes in the aggregate is substantially larger than the number of citizens from any other State, and the citizenship of the other members of the proposed class is dispersed among a substantial number of States; and (5) one or more class actions asserting the same or similar claims on behalf of the same or other persons have been or may be filed.

Makes exceptions where: (1) two-thirds or more of the members of all proposed plaintiff classes in the aggregate and the primary defendants are citizens of the State in which the action was originally filed; (2) the primary defendants are States, State officials, or other governmental entities against whom the district court may be foreclosed from ordering relief; or (3) the number of members of all proposed plaintiff classes in the aggregate is less than 100. Lists other exceptions, including class actions involving certain securities claims and claims involving the internal affairs or governance of a corporation that arise under the laws of the State of incorporation.

(Sec. 5) Sets forth provisions governing the removal of interstate class actions to U.S. district court. Permits removal by: (1) any defendant without the consent of all defendants; or (2) any plaintiff class member who is not a named or representative class member without the consent of all class members (after a class certification order has been entered). Provides for review by appeal of orders remanding class actions to State courts.

(Sec. 6) Grants the courts of appeals jurisdiction for appeals of U.S. district court orders granting or denying class certification if notice of appeal is filed within ten days after entry of the order.

(Sec. 7) Directs that the amendments to rule 23 of the Federal Rules of Civil Procedure by the order entered by the U.S. Supreme Court on March 27, 2003 (pertaining to the manner in which Federal courts handle class actions, including a requirement that class certification notices to class members present specified information in plain, easily understood language) take effect on the date of this Act's enactment or on December 1, 2003, whichever occurs first.

(Sec. 8) Makes this Act applicable to any civil action commenced: (1) on or after this Act's enactment date; and (2) before

such date if a class certification order is entered on or after such date.

Actions Timeline

- **Jun 12, 2003:** Rule H. Res. 269 passed House.
- **Jun 12, 2003:** Considered under the provisions of rule H. Res. 269. (consideration: CR H5271-5307)
- **Jun 12, 2003:** Rule provides for consideration of H.R. 1115 with 1 hour of general debate. Previous question shall be considered as ordered without intervening motions except motion to recommit with or without instructions. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill. Measure will be considered read. Specified amendments are in order.
- **Jun 12, 2003:** House resolved itself into the Committee of the Whole House on the state of the Union pursuant to H. Res. 269 and Rule XXIII.
- **Jun 12, 2003:** The Speaker designated the Honorable Steven C. LaTourette to act as Chairman of the Committee.
- **Jun 12, 2003:** GENERAL DEBATE - The Committee of the Whole proceeded with one hour of general debate on H.R. 1115.
- **Jun 12, 2003:** DEBATE - Pursuant to H. Res. 269 the Committee of the Whole proceeded with 10 minutes of debate on the Sensenbrenner amendment.
- **Jun 12, 2003:** DEBATE - Pursuant to H. Res. 269 the Committee of the Whole proceeded with 10 minutes of debate on the Jackson-Lee amendment.
- **Jun 12, 2003:** POSTPONED VOTE - At the conclusion of debate on the Jackson-Lee amendment, the Chair put the question on adoption of the amendment and by voice vote, announced that the noes had prevailed. Ms. Jackson-Lee demanded a recorded vote and the Chair postponed further proceedings until later in the legislative day.
- **Jun 12, 2003:** DEBATE - Pursuant to H. Res. 269 the Committee of the Whole proceeded with 10 minutes of debate on the Lofgren amendment.
- **Jun 12, 2003:** POSTPONED VOTE - At the conclusion of debate on the Lofgren amendment, the Chair put the question on adoption of the amendment and by voice vote, announced that the noes had prevailed. Ms. Lofgren demanded a recorded vote and the Chair postponed further proceedings until later in the legislative day.
- **Jun 12, 2003:** DEBATE - Pursuant to H. Res. 269 the Committee of the Whole proceeded with 20 minutes of debate on the Sandlin amendment.
- **Jun 12, 2003:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Sandlin amendment, the Chair put the question on adoption of the amendment and by voice vote, announced that the noes had prevailed. Mr. Sandlin demanded a recorded vote and the Chair postponed further proceedings until later in the legislative day.
- **Jun 12, 2003:** ORDER OF PROCEEDINGS - The Chair announced that proceedings will resume on the following amendments postponed earlier today in the following order: Amendment offered by Ms. Jackson-Lee of Texas, amendment offered by Ms. Lofgren, and amendment in the nature of a substitute offered by Mr. Sandlin.
- **Jun 12, 2003:** The House rose from the Committee of the Whole House on the state of the Union to report H.R. 1115.
- **Jun 12, 2003:** The previous question was ordered pursuant to the rule.
- **Jun 12, 2003:** The House adopted the amendment in the nature of a substitute as agreed to by the Committee of the Whole House on the state of the Union.
- **Jun 12, 2003:** Mr. Weiner moved to recommit with instructions to Judiciary. (consideration: CR H5405-5406; text: CR H5305)
- **Jun 12, 2003:** DEBATE - The House proceeded with 10 minutes of debate on the Weiner motion to recommit with instructions. The instructions contained in the motion seek to require the bill be reported back to the House with amendments which change the effective date of the bill and also, strike section 6 of the bill (APPEALS OF CLASS ACTION CERTIFICATION ORDERS).
- **Jun 12, 2003:** The previous question on the motion to recommit with instructions was ordered without objection.
- **Jun 12, 2003:** On motion to recommit with instructions Failed by recorded vote: 185 - 240 (Roll no. 271).
- **Jun 12, 2003:** Passed/agreed to in House: On passage Passed by the Yeas and Nays: 253 - 170 (Roll no. 272).
- **Jun 12, 2003:** On passage Passed by the Yeas and Nays: 253 - 170 (Roll no. 272).
- **Jun 12, 2003:** Motion to reconsider laid on the table Agreed to without objection.
- **Jun 12, 2003:** Received in the Senate and Read twice and referred to the Committee on the Judiciary.
- **Jun 11, 2003:** Rules Committee Resolution H. Res. 269 Reported to House. Rule provides for consideration of H.R. 1115 with 1 hour of general debate. Previous question shall be considered as ordered without intervening motions except motion to recommit with or without instructions. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee

on the Judiciary now printed in the bill. Measure will be considered read. Specified amendments are in order.

- **Jun 9, 2003:** Reported (Amended) by the Committee on Judiciary. H. Rept. 108-144.
- **Jun 9, 2003:** Reported (Amended) by the Committee on Judiciary. H. Rept. 108-144.
- **Jun 9, 2003:** Placed on the Union Calendar, Calendar No. 73.
- **May 21, 2003:** Committee Consideration and Mark-up Session Held.
- **May 21, 2003:** Ordered to be Reported (Amended) by the Yeas and Nays: 20 - 14.
- **May 15, 2003:** Committee Hearings Held.
- **Mar 6, 2003:** Introduced in House
- **Mar 6, 2003:** Introduced in House
- **Mar 6, 2003:** Sponsor introductory remarks on measure. (CR E405-406)
- **Mar 6, 2003:** Referred to the House Committee on the Judiciary.