

S 1751

Class Action Fairness Act of 2003

Congress: 108 (2003–2005, Ended)

Chamber: Senate

Policy Area: Law

Introduced: Oct 16, 2003

Current Status: Cloture on the motion to proceed to the measure not invoked in Senate by Yea-Nay Vote. 59 - 39. Reco

Latest Action: Cloture on the motion to proceed to the measure not invoked in Senate by Yea-Nay Vote. 59 - 39. Record Vote Number: 403. (Oct 22, 2003)

Official Text: <https://www.congress.gov/bill/108th-congress/senate-bill/1751>

Sponsor

Name: Sen. Grassley, Chuck [R-IA]

Party: Republican • **State:** IA • **Chamber:** Senate

Cosponsors (13 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Carper, Thomas R. [D-DE]	D · DE		Oct 16, 2003
Sen. Chafee, Lincoln [R-RI]	R · RI		Oct 16, 2003
Sen. Hatch, Orrin G. [R-UT]	R · UT		Oct 16, 2003
Sen. Kohl, Herb [D-WI]	D · WI		Oct 16, 2003
Sen. Lugar, Richard G. [R-IN]	R · IN		Oct 16, 2003
Sen. Miller, Zell [D-GA]	D · GA		Oct 16, 2003
Sen. Specter, Arlen [R-PA]	R · PA		Oct 16, 2003
Sen. Cornyn, John [R-TX]	R · TX		Oct 20, 2003
Sen. Sununu, John E. [R-NH]	R · NH		Oct 21, 2003
Sen. Voinovich, George V. [R-OH]	R · OH		Oct 21, 2003
Sen. Alexander, Lamar [R-TN]	R · TN		Oct 22, 2003
Sen. Allen, George [R-VA]	R · VA		Oct 22, 2003
Sen. Hagel, Chuck [R-NE]	R · NE		Oct 28, 2003

Committee Activity

No committee referrals or activity are recorded for this bill.

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 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 HR 1115	Related bill	Jun 12, 2003: Received in the Senate and Read twice and referred to the Committee on the Judiciary.

Summary (as of Oct 17, 2003)

Class Action Fairness Act of 2003 - 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. Sets forth requirements for: (1) notices of class actions to class members, including a requirement that such notice include a summary written in plain, easily understood language of class member legal consequences, rights, and benefits, obligations of defendants, and attorney fees; and (2) notices of proposed settlements to be served upon appropriate State and Federal regulatory officials.

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 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.

Sets forth considerations based upon which a district court may 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, including consideration of whether: (1) the claims asserted involve matters of national or interstate interest; and (2) the class action has been pleaded in a manner that seeks to avoid Federal jurisdiction.

Provides that district courts shall not be granted jurisdiction over any class action: (1) in which two-thirds or more of the members of all proposed plaintiff classes and the primary defendants are citizens of the State in which the action was originally filed; (2) in which the primary defendants are States; (3) in which the number of members of all proposed plaintiff classes is less than 100; or (4) involving certain securities claims or claims involving the internal governance of a corporation that arise under the laws of the State of incorporation.

Sets forth provisions governing: (1) the removal of interstate class actions to U.S. district court; and (2) review by appeal of orders remanding class actions to State courts.

Directs the Judicial Conference of the United States to report on class action settlements, including recommendations for best court practices to ensure that settlements are fair to class members.

Actions Timeline

- **Oct 22, 2003:** Motion to proceed to measure considered in Senate.
- **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.
- **Oct 21, 2003:** Motion to proceed to measure considered in Senate.
- **Oct 20, 2003:** Motion to proceed to measure considered in Senate.
- **Oct 20, 2003:** Cloture motion presented in Senate.
- **Oct 17, 2003:** Introduced in the Senate. Read the first time. Placed on Senate Legislative Calendar under Read the First Time.
- **Oct 17, 2003:** Read the second time. Placed on Senate Legislative Calendar under General Orders. Calendar No. 315.
- **Oct 17, 2003:** Motion to proceed to measure considered in Senate.
- **Oct 16, 2003:** Introduced in Senate

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