

115TH CONGRESS
1ST SESSION

H. R. 985

IN THE SENATE OF THE UNITED STATES

MARCH 13, 2017

Received; read twice and referred to the Committee on the Judiciary

AN ACT

To amend the procedures used in Federal court class actions and multidistrict litigation proceedings to assure fairer, more efficient outcomes for claimants and defendants, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

This bill has been marked up by Elizabeth Chamblee Burch, the Charles H. Kirbo Chair of Law at the University of Georgia School of Law. It reflects her own opinions and not those of the University.

This mark-up explains in non-legalese which provisions help and hurt mass-tort plaintiffs (e.g., victims of Mesh, Essure, Power Morcellator, Yaz, etc.) and consumers.

For academic commentary and legal analysis, please see <http://lawprofessors.typepad.com/files/burch-final-comments-on-fairness-in-class-action-litigation-act.pdf>

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) **SHORT TITLE.**—This Act may be cited as the
 3 “Fairness in Class Action Litigation and Furthering As-
 4bestos Claim Transparency Act of 2017”.

5 (b) **TABLE OF CONTENTS.**—The table of contents for
 6 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—FAIRNESS IN CLASS ACTION LITIGATION

Sec. 101. Short title; reference; table of contents.

Sec. 102. Purposes.

Sec. 103. Class action procedures.

Sec. 104. Misjoinder of plaintiffs in personal injury and wrongful death actions.

Sec. 105. Multidistrict litigation proceedings procedures.

Sec. 106. Rulemaking authority of Supreme Court and Judicial Conference.

Sec. 107. Effective date.

TITLE II—FURTHERING ASBESTOS CLAIM TRANSPARENCY

Sec. 201. Short title.

Sec. 202. Amendments.

Sec. 203. Effective date; application of amendments.

7 **TITLE I—FAIRNESS IN CLASS**
 8 **ACTION LITIGATION**

9 **SEC. 101. SHORT TITLE; REFERENCE; TABLE OF CONTENTS.**

10 (a) **SHORT TITLE.**—This title may be cited as the
 11 “Fairness in Class Action Litigation Act of 2017”.

12 (b) **REFERENCE.**—Whenever, in this title, reference
 13 is made to an amendment to, or repeal of, a section or
 14 other provision, the reference shall be considered to be
 15 made to a section or other provision of title 28, United
 16 States Code.

17 (c) **TABLE OF CONTENTS.**—The table of contents of
 18 this title is as follows:

Sec. 101. Short title; reference; table of contents.
 Sec. 102. Purposes.
 Sec. 103. Class action procedures.
 Sec. 104. Misjoinder of plaintiffs in personal injury and wrongful death actions.
 Sec. 105. Multidistrict litigation proceedings procedures.
 Sec. 106. Rulemaking authority of Supreme Court and Judicial Conference.
 Sec. 107. Effective date.

1 **SEC. 102. PURPOSES.**

2 The purposes of this title are to—

3 (1) assure fair and prompt recoveries for class
 4 members and multidistrict litigation plaintiffs with
 5 legitimate claims;

6 (2) diminish abuses in class action and mass
 7 tort litigation that are undermining the integrity of
 8 the U.S. legal system; and

9 (3) restore the intent of the framers of the
 10 United States Constitution by ensuring Federal
 11 court consideration of interstate controversies of na-
 12 tional importance consistent with diversity jurisdic-
 13 tion principles.

14 **SEC. 103. CLASS ACTION PROCEDURES.**

15 (a) IN GENERAL.—Chapter 114 is amended by in-
 16 serting after section 1715 the following:

17 ~~“§ 1716. Class action injury allegations~~

18 ~~“(a) IN GENERAL. A Federal court shall not issue~~
 19 ~~an order granting certification of a class action seeking~~
 20 ~~monetary relief for personal injury or economic loss unless~~
 21 ~~the party seeking to maintain such a class action affirma-~~
 22 ~~tively demonstrates that each proposed class member suf-~~

1716 makes class actions very difficult to certify. It thus helps corporate defendants and would result in less money being paid out to victims of corporate greed.

~~1 fered the same type and scope of injury as the named class
2 representative or representatives.~~

~~3 “(b) CERTIFICATION ORDER. An order issued under
4 Rule 23(c)(1) of the Federal Rules of Civil Procedure that
5 certifies a class seeking monetary relief for personal injury
6 or economic loss shall include a determination, based on
7 a rigorous analysis of the evidence presented, that the re-
8 quirement in subsection (a) of this section is satisfied.~~

~~9 **“§ 1717. Conflicts of interest**~~

~~10 “(a) REQUIRED DISCLOSURES. In a class action
11 complaint, class counsel shall state whether any proposed
12 class representative or named plaintiff in the complaint
13 is a relative of, is a present or former employee of, is a
14 present or former client of (other than with respect to the
15 class action), or has any contractual relationship with
16 (other than with respect to the class action) class counsel.
17 In addition, the complaint shall describe the circumstances
18 under which each class representative or named plaintiff
19 agreed to be included in the complaint and shall identify
20 any other class action in which any proposed class rep-
21 resentative or named plaintiff has a similar role.~~

~~22 “(b) PROHIBITION OF CONFLICTS. A Federal court
23 shall not issue an order granting certification of any class
24 action in which any proposed class representative or
25 named plaintiff is a relative or employee of class counsel.~~

1717 prevents plaintiffs from selecting the attorney of their own choosing.

People naturally turn to those they trust most to prosecute their claims.

Conflicts of interest are already policed through class action procedure under Rule 23(a) and through the ethics (class counsel must act in the class’s best interest, not just the best interest of the named representative).

There is no need for this overly restrictive provision.

1 ~~“(c) DEFINITION. For purposes of this section, ‘rel-~~
 2 ~~ative’ shall be defined by reference to section 3110(a)(3)~~
 3 ~~of title 5, United States Code.~~

4 ~~“(d) EXCEPTION. This section shall not apply to a~~
 5 ~~private action brought as a class action that is subject to~~
 6 ~~section 27(a) of the Securities Act of 1933 (15 U.S.C.~~
 7 ~~77z 1(a)) or section 21D(a) of the Securities Exchange~~
 8 ~~Act of 1934 (15 U.S.C. 78u 4(a)).~~

9 ~~“§ 1718. Class member benefits~~

10 ~~“(a) DISTRIBUTION OF BENEFITS TO CLASS MEM-~~
 11 ~~BERS.—A Federal court shall not issue an order granting~~
 12 ~~certification of a class action seeking monetary relief un-~~
 13 ~~less the class is defined with reference to objective criteria~~
 14 ~~and the party seeking to maintain such a class action af-~~
 15 ~~firmatively demonstrates that there is a reliable and ad-~~
 16 ~~ministratively feasible mechanism (a) for the court to de-~~
 17 ~~termine whether putative class members fall within the~~
 18 ~~class definition and (b) for distributing directly to a sub-~~
 19 ~~stantial majority of class members any monetary relief se-~~
 20 ~~cured for the class.~~

21 “(b) ATTORNEYS’ FEES IN CLASS ACTIONS.—

22 “(1) FEE DISTRIBUTION TIMING.—In a class
 23 action seeking monetary relief, no attorneys’ fees
 24 may be determined or paid pursuant to Rule 23(h)
 25 of the Federal Rules of Civil Procedure or otherwise

1718(a) makes class actions more difficult to certify and thus helps corporate defendants and hurts plaintiffs.

It would codify an interpretation of the federal rules that has been considered and rejected by the Advisory Committee on Civil Rules as well as a number of circuit courts.

1718(b)(1) Fees should be tied to class members’ outcomes, but some provision should be made for long settlements such as that in NFL, which will last for 65 years (proposed change in language is in blue).

1 until the distribution of any monetary recovery to
 2 class members has been completed: [↗], unless recovery will be paid out over more
 than three years in which case interim fee
 distributions may be reasonable.

3 “(2) FEE DETERMINATIONS BASED ON MONE-
 4 TARY AWARDS.—Unless otherwise specified by Fed-
 5 eral statute, if a judgment or proposed settlement in
 6 a class action provides for a monetary recovery, the
 7 portion of any attorneys’ fee award to class counsel
 8 that is attributed to the monetary recovery shall be
 9 limited to a reasonable percentage of any payments
 10 directly distributed to and received by class mem-
 11 bers. ~~In no event shall the~~ attorneys’ fee award ex-
 12 ceed the total amount of money directly distributed
 13 to and received by all class members.

1718(b)(2) If class members can be identified, they should be paid directly. The proposed language recognizes the value of cy pres awards in deterring corporate wrongdoing.

, unless the judge has deemed a cy pres settlement reasonable. Unless a cy pres settlement exists,

14 “(3) FEE DETERMINATIONS BASED ON EQUI-
 15 TABLE RELIEF.—Unless otherwise specified by Fed-
 16 eral statute, if a judgment or proposed settlement in
 17 a class action provides for equitable relief, the por-
 18 tion of any attorneys’ fee award to class counsel that
 19 is attributed to the equitable relief shall be limited
 20 to a reasonable percentage of the value of the equi-
 21 table relief, including any injunctive relief.

22 **“§ 1719. Money distribution data**

23 “(a) SETTLEMENT ACCOUNTINGS.—In any settle-
 24 ment of a class action that provides for monetary benefits,
 25 the court shall order class counsel to submit to the Direc-

1719 - Data collection is sorely needed and the Federal Judicial Center is the best unit to house and collect such data, through doing so would require additional resources.

1 tor of the Federal Judicial Center and the Director of the
 2 Administrative Office of the United States Courts an ac-
 3 counting of the disbursement of all funds paid by the de-
 4 fendant pursuant to the settlement agreement. The ac-
 5 counting shall state the total amount paid directly to all
 6 class members, the actual or estimated total number of
 7 class members, the number of class members who received
 8 payments, the average amount (both mean and median)
 9 paid directly to all class members, the largest amount paid
 10 to any class member, the smallest amount paid to any
 11 class member and, separately, each amount paid to any
 12 other person (including class counsel) and the purpose of
 13 the payment. In stating the amounts paid to class mem-
 14 bers, no individual class member shall be identified. ~~No~~
 15 ~~attorneys' fees may be paid to class counsel pursuant to~~
 16 ~~Rule 23(h) of the Federal Rules of Civil Procedure until~~
 17 ~~the accounting has been submitted.~~

Awarding attorneys' fees should be left to the judge's discretion subject to the provisions above.

18 “(b) ANNUAL SETTLEMENT DISTRIBUTION RE-
 19 PORTS.—Commencing not later than 12 months after the
 20 date of enactment of this section, the Judicial Conference
 21 of the United States, with the assistance of the Director
 22 of the Federal Judicial Center and the Director of the Ad-
 23 ministrative Office of the United States Courts, shall an-
 24 nually prepare and transmit to the Committees on the Ju-
 25 diciary of the Senate and the House of Representatives

1 for public dissemination a report summarizing how funds
 2 paid by defendants in class actions have been distributed,
 3 based on the settlement accountings submitted pursuant
 4 to subsection (a).

5 ~~“§ 1720. Issues classes~~

6 ~~“(a) IN GENERAL.—A Federal court shall not issue~~
 7 ~~an order granting certification of a class action with re-~~
 8 ~~spect to particular issues pursuant to Rule 23(c)(4) of the~~
 9 ~~Federal Rules of Civil Procedure unless the entirety of the~~
 10 ~~cause of action from which the particular issues arise sat-~~
 11 ~~isfies all the class certification prerequisites of Rule 23(a)~~
 12 ~~and Rule 23(b)(1), Rule 23(b)(2), or Rule 23(b)(3).~~

1720 harms plaintiffs by making issue classes harder to certify.

This change contradicts the wisdom and interpretation of every single circuit court, as well as the Federal Rules Advisory Committee and the American Law Institute.

13 ~~“(b) CERTIFICATION ORDER.—An order issued under~~
 14 ~~Rule 23(c)(4) of the Federal Rules of Civil Procedure that~~
 15 ~~certifies a class with respect to particular issues shall in-~~
 16 ~~clude a determination, based on a rigorous analysis of the~~
 17 ~~evidence presented, that the requirement in subsection (a)~~
 18 ~~of this section is satisfied.~~

19 ~~“§ 1721. Stay of discovery~~

20 ~~“In any class action, all discovery and other pro-~~
 21 ~~ceedings shall be stayed during the pendency of any mo-~~
 22 ~~tion to transfer, motion to dismiss, motion to strike class~~
 23 ~~allegations, or other motion to dispose of the class allega-~~
 24 ~~tions, unless the court finds upon the motion of any party~~
 25 ~~that particularized discovery is necessary to preserve evi-~~

1721 hurts plaintiffs and class members by unduly prolonging litigation that is already protracted.

It makes it difficult for the court and the parties to conduct discovery and to make informed decisions about whether to certify a class.

~~1 dence or to prevent undue prejudice to that party. This
2 section shall not apply to a private action brought as a
3 class action that is subject to section 27(a) of the Securi-
4 ties Act of 1933 (15 U.S.C. 77z-1(a)) or section 21D(a)
5 of the Securities Exchange Act of 1934 (15 U.S.C. 78u-
6 4(a)).~~

7 “§ 1722. Third-party litigation funding disclosure

8 “In any class action, class counsel shall promptly dis-
9 close in writing to the court and all other parties the iden-
10 tity of any person or entity, other than a class member
11 or class counsel of record, who has a contingent right to
12 receive compensation from any settlement, judgment, or
13 other relief obtained in the action.

1722 is overly broad. Third-party litigation financiers should be disclosed, but this covers law firms that may be doing work on behalf of class counsel as well. I’m not sure why this disclosure is necessary.

14 ~~“§ 1723. Appeals~~

~~15 “A court of appeals shall permit an appeal from an
16 order granting or denying class-action certification under
17 Rule 23 of the Federal Rules of Civil Procedure.”.~~

1723 Appellate courts have already developed guidelines as to when appeals are appropriate. Making appeals mandatory will delay monetary payments to class members and will waste appellate resources.

~~18 (b) CONFORMING AMENDMENT.—The table of sec-
19 tions for such chapter is amended by inserting after the
20 item pertaining to section 1715 the following:~~

~~“Sec. 1716. Class action injury allegations.~~

~~“Sec. 1717. Conflicts of interest.~~

~~“Sec. 1718. Class member benefits.~~

~~“Sec. 1719. Money distribution data.~~

~~“Sec. 1720. Issues classes.~~

~~“Sec. 1721. Stay of discovery.~~

~~“Sec. 1722. Third-party litigation funding disclosure.~~

~~“Sec. 1723. Appeals.”.~~

1 ~~SEC. 104. MISJOINDER OF PLAINTIFFS IN PERSONAL IN-~~
 2 ~~JURY AND WRONGFUL DEATH ACTIONS.~~

3 ~~Section 1447 is amended by inserting after sub-~~
 4 ~~section (e) the following:~~

5 ~~“(f) MISJOINDER OF PLAINTIFFS IN PERSONAL IN-~~
 6 ~~JURY AND WRONGFUL DEATH ACTIONS.==~~

7 ~~“(1) This subsection shall apply to any civil ac-~~
 8 ~~tion commenced in a State court in which==~~

9 ~~“(A) two or more plaintiffs assert personal~~
 10 ~~injury or wrongful death claims,~~

11 ~~“(B) the action is removed on the basis of~~
 12 ~~the jurisdiction conferred by section 1332(a);~~
 13 ~~and~~

14 ~~“(C) a motion to remand is made on the~~
 15 ~~ground that one or more plaintiffs are citizens~~
 16 ~~of the same State as one or more defendants.~~

17 ~~“(2) In deciding the remand motion in any such~~
 18 ~~case, the court shall apply the jurisdictional require-~~
 19 ~~ments of section 1332(a) to the claims of each plain-~~
 20 ~~tiff individually, as though that plaintiff were the~~
 21 ~~sole plaintiff in the action.~~

22 ~~“(3) Except as provided in paragraph (4), the~~
 23 ~~court shall sever the claims that do not satisfy the~~
 24 ~~jurisdictional requirements of section 1332(a) and~~
 25 ~~shall remand those claims to the State court from~~
 26 ~~which the action was removed. The court shall retain~~

Sec. 104 is confusing, non-sensical, and appears to partially repeal a number of statutes including 1332(d)(11)(b) of the Class Action Fairness Act.

1 ~~jurisdiction over the claims that satisfy the jurisdic-~~
 2 ~~tional requirements of section 1332(a).~~

3 ~~“(4) The court shall retain jurisdiction over a~~
 4 ~~claim that does not satisfy the jurisdictional require-~~
 5 ~~ments of section 1332(a) if—~~

6 ~~“(A) the claim is so related to the claims~~
 7 ~~that satisfy the jurisdictional requirements of~~
 8 ~~section 1332(a) that they form part of the same~~
 9 ~~case or controversy under Article III of the~~
 10 ~~United States Constitution; and~~

11 ~~“(B) the plaintiff consents to the removal~~
 12 ~~of the claim.”.~~

13 **SEC. 105. MULTIDISTRICT LITIGATION PROCEEDINGS PRO-**
 14 **CEDURES.**

15 Section 1407 is amended by adding at the end the
 16 following:

17 ~~“(i) ALLEGATIONS VERIFICATION.—In any coordi-~~
 18 ~~nated or consolidated pretrial proceedings conducted pur-~~
 19 ~~suant to subsection (b), counsel for a plaintiff asserting~~
 20 ~~a claim seeking redress for personal injury whose civil ac-~~
 21 ~~tion is assigned to or directly filed in the proceedings shall~~
 22 ~~make a submission sufficient to demonstrate that there~~
 23 ~~is evidentiary support (including but not limited to medical~~
 24 ~~records) for the factual contentions in plaintiff’s complaint~~
 25 ~~regarding the alleged injury, the exposure to the risk that~~

Sec. 105(i) would make it easier for corporate defendants to quickly dismiss plaintiffs from a lawsuit before plaintiffs even have a chance to get to discovery.

It robs plaintiffs of the ability to develop and narrow their claims through the discovery process—a core feature of our civil justice system.

~~1 allegedly caused the injury, and the alleged cause of the
2 injury. The submission must be made within the first 45
3 days after the civil action is transferred to or directly filed
4 in the proceedings. That deadline shall not be extended.
5 Within 90 days after the submission deadline, the judge
6 or judges to whom the action is assigned shall enter an
7 order determining whether the submission is sufficient and
8 shall dismiss the action without prejudice if the submis-
9 sion is found to be insufficient. If a plaintiff in an action
10 dismissed without prejudice fails to tender a sufficient
11 submission within the following 30 days, the action shall
12 be dismissed with prejudice.~~

~~13 “(j) TRIAL PROHIBITION.—In any coordinated or
14 consolidated pretrial proceedings conducted pursuant to
15 subsection (b), the judge or judges to whom actions are
16 assigned by the Judicial Panel on Multidistrict Litigation
17 may not conduct a trial in a civil action transferred to
18 or directly filed in the proceedings unless all parties to
19 that civil action consent.~~

20 “(k) REVIEW OF ORDERS.—

21 “(1) IN GENERAL.—The Court of Appeals hav-
22 ing jurisdiction over the transferee district ~~shall~~ ^{may} per-
23 mit an appeal to be taken from any order issued in
24 the conduct of coordinated or consolidated pretrial
25 proceedings conducted pursuant to subsection (b);

(j) Trials rarely occur in an MDL, yet settlements should be driven more by what occurs during trials—not what happens in backroom deal.

This provision would further decrease the number of trials in an MDL that help provide information about settlement value. As explained below, plaintiffs should have the opportunity to have a trial in their chosen court.

(k)(1) Multidistrict proceedings could use more appellate involvement. But this language is too broad and will create unnecessary satellite litigation that delays plaintiffs’ compensation.

~~1 provided that the order is applicable to one or more
2 civil actions seeking redress for personal injury and
3 that an immediate appeal from the order may mate-
4 rially advance the ultimate termination of one or
5 more civil actions in the proceedings.~~

~~6 “(2) REMAND ORDERS.—Notwithstanding sec-
7 tion 1447(d), a court of appeals may accept an ap-
8 peal from an order issued in any coordinated or con-
9 solidated proceedings conducted pursuant to sub-
10 section (b) granting or denying a motion to remand
11 a civil action to the State court from which it was
12 removed if application is made to the court of ap-
13 peals within 14 days after the order is entered.~~

~~14 “(1) ENSURING PROPER RECOVERY FOR PLAIN-
15 TIFFS.—A plaintiff who asserts personal injury claims in
16 any civil action transferred to or directly filed in coordi-
17 nated or consolidated pretrial proceedings conducted pur-
18 suant to subsection (b) shall receive not less than 80 per-
19 cent of any monetary recovery obtained for those claims
20 by settlement, judgment, or otherwise, subject to the satis-
21 faction of any liens for medical services provided to the
22 plaintiff related to those claims. The judge or judges to
23 whom the coordinated or consolidated pretrial proceedings
24 have been assigned shall have jurisdiction over any dis-
25 putes regarding compliance with this requirement.”:~~

Unless otherwise specified by Federal statute, if a judgment or settlement provides for a monetary recovery, the portion of any attorneys’ fee award that is attributed to the monetary recovery obtained for those claims by settlement, judgment, or otherwise shall be limited to a reasonable percentage of any payments directly distributed to and received by plaintiffs in the multidistrict proceeding, subject to the satisfaction of any liens for medical services provided to the plaintiff related to those claims. In no event shall the aggregate attorneys’ fee awards exceed the total amount of money directly distributed to and received by all plaintiffs with claims in the multidistrict proceeding.

(k)(1) cont’d - Appellate courts should have discretion about when to permit an appeal and could look to class action decisions under Rule 23(f) for guidance. In general, appellate courts focus on factors such as: 1) whether the decision raises a novel or unsettled question of law; 2) whether the decision spells the death knell of the lawsuit.

(k)(2) Plaintiffs have a hard time getting judges to rule on their motions to remand in the first place; appeals are not the issue.

Judges often retain cases in hopes of forcing a global settlement, but there should be a new provision that remands plaintiffs’ cases to their chosen court of origin (where they initially filed suit) after discovery into common issues has concluded.

(l) Increasing plaintiffs’ recoveries is an important goal, but this provision is not the best way to achieve that goal because it undercuts state laws on contingent fees. The proposed language in blue, to the left mirrors 1718(b)(1) and (2) above, and ties fees to the benefits plaintiffs’ receive. In short, the better the plaintiffs fare, the better their lawyers fare, which incentives lawyers to represent their clients to their best abilities.

1 **SEC. 106. RULEMAKING AUTHORITY OF SUPREME COURT**
 2 **AND JUDICIAL CONFERENCE.**

3 Nothing in this title shall restrict in any way the au-
 4 thority of the Judicial Conference and the Supreme Court
 5 to propose and prescribe general rules of practice and pro-
 6 cedure under chapter 131 of title 28, United States Code.

7 **SEC. 107. EFFECTIVE DATE.**

8 The amendments made by the title shall apply to any
 9 civil action pending on the date of enactment of this title
 10 or commenced thereafter.

11 ~~**TITLE II—FURTHERING ASBES-**~~
 12 ~~**TOS CLAIM TRANSPARENCY**~~

13 ~~**SEC. 201. SHORT TITLE.**~~

14 ~~This title may be cited as the “Furthering Asbestos~~
 15 ~~Claim Transparency (FACT) Act of 2017”.~~

16 ~~**SEC. 202. AMENDMENTS.**~~

17 ~~Section 524(g) of title 11, United States Code, is~~
 18 ~~amended by adding at the end the following:~~

19 ~~“(8) A trust described in paragraph (2) shall, subject~~
 20 ~~to section 107—~~

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

25 ~~“(i) describes each demand the trust re-~~
 26 ~~ceived from, including the name and exposure~~

This is part of a different bill and it would put a lot of private information about asbestos claimants and their families on a public court docket, which could subject them to identity theft.

~~1 history of, a claimant and the basis for any
2 payment from the trust made to such claimant;
3 and~~

~~4 “(ii) does not include any confidential med-
5 ical record or the claimant’s full social security
6 number, and~~

~~7 “(B) upon written request, and subject to pay-
8 ment (demanded at the option of the trust) for any
9 reasonable cost incurred by the trust to comply with
10 such request, provide in a timely manner any infor-
11 mation related to payment from, and demands for
12 payment from, such trust, subject to appropriate
13 protective orders, to any party to any action in law
14 or equity if the subject of such action concerns li-
15 ability for asbestos exposure.”~~

~~16 **SEC. 203. EFFECTIVE DATE; APPLICATION OF AMEND-
17 MENTS.**~~

~~18 (a) EFFECTIVE DATE.—Except as provided in sub-
19 section (b), this title and the amendments made by this
20 title shall take effect on the date of the enactment of this
21 title.~~

~~22 (b) APPLICATION OF AMENDMENTS.—The amend-
23 ments made by this title shall apply with respect to cases~~

~~1 commenced under title 11 of the United States Code be-~~
~~2 fore, on, or after the date of the enactment of this title.~~

Passed the House of Representatives March 9,
2017.

Attest:

KAREN L. HAAS,

Clerk.