



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

October 21, 2003
(Senate)

STATEMENT OF ADMINISTRATION POLICY

(THIS STATEMENT HAS BEEN COORDINATED BY OMB WITH THE CONCERNED AGENCIES.)

S. 1751 - Class Action Fairness Act of 2003

(Senator Grassley (R) Iowa and 7 cosponsors)

The Administration strongly supports the enactment of S. 1751 as an important step in reforming class action litigation. The bill will remove significant burdens on class action litigants and provide greater protections for the victims whom the class action device originally was designed to benefit.

The Administration strongly supports the bill's proposal to establish a consumer class action bill of rights that would require heightened judicial review of settlements that either result in a net loss to the class members or give class members only "coupons" or other non-cash benefits. The Administration also supports prohibiting a court from approving a settlement that discriminates among plaintiffs on account of their geographical location or status as class representatives.

The bill also would make long-needed changes to the requirements for Federal diversity jurisdiction over class action cases. The Administration strongly supports the proposal to permit removal of a class action to Federal court if the aggregate amount in controversy exceeds \$5 million and there is minimal diversity (at least one claimant and one defendant are from different States). The Administration also strongly supports the bill's coverage of mass actions in its diversity jurisdiction and removal reform sections. Like class actions, mass actions can be used to adjudicate substantial numbers of claims simultaneously in a single trial. Failure to include mass actions would create a significant loophole and would undermine the purpose of this legislation. Combined with existing Federal rules for consolidation of related Federal cases, this proposal would help avoid the inefficiency, waste, and unfairness that have too often resulted from multiple overlapping class action suits.

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