

HR 1957

Asbestos Compensation Fairness Act of 2005

Congress: 109 (2005–2007, Ended)

Chamber: House

Policy Area: Law

Introduced: Apr 28, 2005

Current Status: Referred to the House Committee on the Judiciary.

Latest Action: Referred to the House Committee on the Judiciary. (Apr 28, 2005)

Official Text: <https://www.congress.gov/bill/109th-congress/house-bill/1957>

Sponsor

Name: Rep. Cannon, Chris [R-UT-3]

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

Cosponsors (62 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Bachus, Spencer [R-AL-6]	R · AL		Apr 28, 2005
Rep. Baker, Richard H. [R-LA-6]	R · LA		Apr 28, 2005
Rep. Bartlett, Roscoe G. [R-MD-6]	R · MD		Apr 28, 2005
Rep. Bishop, Rob [R-UT-1]	R · UT		Apr 28, 2005
Rep. Blackburn, Marsha [R-TN-7]	R · TN		Apr 28, 2005
Rep. Burgess, Michael C. [R-TX-26]	R · TX		Apr 28, 2005
Rep. Carter, John R. [R-TX-31]	R · TX		Apr 28, 2005
Rep. Chabot, Steve [R-OH-1]	R · OH		Apr 28, 2005
Rep. Cole, Tom [R-OK-4]	R · OK		Apr 28, 2005
Rep. Conaway, K. Michael [R-TX-11]	R · TX		Apr 28, 2005
Rep. Cubin, Barbara [R-WY-At Large]	R · WY		Apr 28, 2005
Rep. Davis, Tom [R-VA-11]	R · VA		Apr 28, 2005
Rep. English, Phil [R-PA-3]	R · PA		Apr 28, 2005
Rep. Feeney, Tom [R-FL-24]	R · FL		Apr 28, 2005
Rep. Flake, Jeff [R-AZ-6]	R · AZ		Apr 28, 2005
Rep. Gohmert, Louie [R-TX-1]	R · TX		Apr 28, 2005
Rep. Goodlatte, Bob [R-VA-6]	R · VA		Apr 28, 2005
Rep. Hart, Melissa A. [R-PA-4]	R · PA		Apr 28, 2005
Rep. Hensarling, Jeb [R-TX-5]	R · TX		Apr 28, 2005
Rep. Herger, Wally [R-CA-2]	R · CA		Apr 28, 2005
Rep. Hostettler, John N. [R-IN-8]	R · IN		Apr 28, 2005
Rep. Johnson, Sam [R-TX-3]	R · TX		Apr 28, 2005
Rep. Keller, Ric [R-FL-8]	R · FL		Apr 28, 2005
Rep. King, Steve [R-IA-5]	R · IA		Apr 28, 2005
Rep. Kirk, Mark Steven [R-IL-10]	R · IL		Apr 28, 2005
Rep. Linder, John [R-GA-7]	R · GA		Apr 28, 2005
Rep. Manzullo, Donald A. [R-IL-16]	R · IL		Apr 28, 2005
Rep. McHenry, Patrick T. [R-NC-10]	R · NC		Apr 28, 2005
Rep. Myrick, Sue Wilkins [R-NC-9]	R · NC		Apr 28, 2005
Rep. Otter, C. L. (Butch) [R-ID-1]	R · ID		Apr 28, 2005
Rep. Pearce, Stevan [R-NM-2]	R · NM		Apr 28, 2005
Rep. Pence, Mike [R-IN-6]	R · IN		Apr 28, 2005
Rep. Pitts, Joseph R. [R-PA-16]	R · PA		Apr 28, 2005
Rep. Schwarz, John J.H. "Joe" [R-MI-7]	R · MI		Apr 28, 2005
Rep. Sessions, Pete [R-TX-32]	R · TX		Apr 28, 2005
Rep. Simmons, Rob [R-CT-2]	R · CT		Apr 28, 2005
Rep. Smith, Lamar [R-TX-21]	R · TX		Apr 28, 2005
Rep. Souder, Mark E. [R-IN-3]	R · IN		Apr 28, 2005
Rep. Tiberi, Patrick J. [R-OH-12]	R · OH		Apr 28, 2005
Rep. Weldon, Dave [R-FL-15]	R · FL		Apr 28, 2005
Rep. Hayes, Robin [R-NC-8]	R · NC		May 9, 2005

Cosponsor	Party / State	Role	Date Joined
Rep. Jones, Walter B., Jr. [R-NC-3]	R · NC		May 9, 2005
Rep. McCrery, Jim [R-LA-4]	R · LA		May 9, 2005
Rep. Price, Tom [R-GA-6]	R · GA		May 12, 2005
Rep. Radanovich, George [R-CA-19]	R · CA		May 12, 2005
Rep. Wilson, Joe [R-SC-2]	R · SC		May 12, 2005
Rep. Brady, Kevin [R-TX-8]	R · TX		May 18, 2005
Rep. Gillmor, Paul E. [R-OH-5]	R · OH		May 18, 2005
Rep. Cantor, Eric [R-VA-7]	R · VA		May 19, 2005
Rep. Foxx, Virginia [R-NC-5]	R · NC		May 26, 2005
Rep. Harris, Katherine [R-FL-13]	R · FL		May 26, 2005
Rep. Marchant, Kenny [R-TX-24]	R · TX		May 26, 2005
Rep. Boustany, Charles W., Jr. [R-LA-7]	R · LA		Jun 9, 2005
Rep. Forbes, J. Randy [R-VA-4]	R · VA		Jun 9, 2005
Rep. Barrett, J. Gresham [R-SC-3]	R · SC		Jun 24, 2005
Rep. McCaul, Michael T. [R-TX-10]	R · TX		Jun 30, 2005
Rep. Pombo, Richard W. [R-CA-11]	R · CA		Jun 30, 2005
Rep. Kelly, Sue W. [R-NY-19]	R · NY		Jul 14, 2005
Rep. Mack, Connie [R-FL-14]	R · FL		Jul 27, 2005
Rep. Shadegg, John B. [R-AZ-3]	R · AZ		Nov 15, 2005
Rep. Bass, Charles F. [R-NH-2]	R · NH		Feb 28, 2006
Rep. Young, Don [R-AK-At Large]	R · AK		Sep 21, 2006

Committee Activity

Committee	Chamber	Activity	Date
Judiciary Committee	House	Referred To	Apr 28, 2005

Subjects & Policy Tags

Policy Area:

Law

Related Bills

Bill	Relationship	Last Action
109 S 3274	Related bill	Jun 7, 2006: Committee on the Judiciary. Hearings held. Hearings printed: S.Hrg. 109-594.
109 S 852	Related bill	Feb 14, 2006: Cloture motion on the measure withdrawn by unanimous consent in Senate.
109 HR 1360	Related bill	May 19, 2005: Referred to the Subcommittee on Capital Markets, Insurance and Government Sponsored Enterprises.

Asbestos Compensation Fairness Act of 2005 - Requires as an essential element of a nonmalignant asbestos or silica claim that there be physical impairment to which asbestos or silica exposure was a substantial contributing factor.

Sets forth evidentiary requirements for a prima facie showing of: (1) physical impairment for nonmalignant asbestos or silica claims; (2) asbestos- or silica-related lung cancer; (3) asbestos-related other cancer; and (4) asbestos claims based upon mesothelioma.

Requires evidence relating to physical impairment to comply with the AMA Guides to the Evaluation of Permanent Impairment. States that presentation of prima facie evidence meeting the foregoing requirements (excluding evidentiary requirements for mesothelioma) shall not: (1) result in a presumption of impairment at trial; (2) be conclusive as to any defendant's liability; and (3) be admissible at trial.

Addresses claim consolidation, Federal jurisdiction and venue, preliminary proceedings, and the plaintiff's burden of proof.

Delineates the statute of limitations for asbestos- and silica-related claims. States that an asbestos or silica claim arising out of a nonmalignant condition shall be a distinct cause of action from such a claim relating to the same exposed person arising out of asbestos- or silica-related cancer. Prohibits damage awards for fear or risk of cancer in civil actions premised on asbestos or silica claims.

Specifies the scope of liability and damages for civil actions under this Act, providing that: (1) a defendant shall be liable only for that portion of a judgment for which the defendant is responsible; and (2) no punitive damages may be awarded. Establishes a cap for damages relating to noneconomic losses. Requires plaintiffs to disclose collateral source payments based upon the same claim at the time of filing suit. Reduces the amount of an award otherwise available by the amount of such collateral compensation.

Sets forth liability rules applicable to product sellers, renters, lessors, and premises owners.

Makes this Act applicable to any civil action asserting an asbestos or silica claim in which final judgment has not been entered as of the date of enactment.

Actions Timeline

- **Apr 28, 2005:** Introduced in House
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