

## Legislative Tracking and Issue Report – One-Pager

**ISSUE:** Asbestos Litigation Reform

**Date:** March 31, 2003

### **BACKGROUND**

There are more than 600,000 asbestos-related lawsuits before U.S. courts today and many more are expected. As a result, asbestos-related industries are seeking legislative protection from an estimated \$200 billion in asbestos liability. However, with bills pending on medical malpractice, class action and asbestos litigation reforms, Congress has its hands full on tort reform and reform advocates could find themselves competing for members' time and patience during the 108<sup>th</sup> Congress. Significantly, earlier this year the American Bar Association (ABA) announced its support for the enactment of federal legislation that limits asbestos lawsuits brought over noncancerous lung injuries that plaintiffs allege were caused by exposure to asbestos.

### **RECENT DEVELOPMENTS**

Senate Democrats are stepping up their interest in asbestos litigation reform. Senator Christopher Dodd, (D-Connecticut), is holding a "summit" tomorrow to help broker a consensus on an asbestos litigation reform bill.

Last week, Senate Judiciary Chairman Orrin Hatch (R-Utah) met with executives for asbestos defendant companies, and insurers to get input on a consensus asbestos litigation reform bill.

If the Senate passes an asbestos litigation reform bill, House leaders have vowed to move it to the top of the House Judiciary Committee's agenda and through the House, where it would undoubtedly pass.

Bipartisan talks on asbestos litigation reform legislation in the House between Representative Chris Cannon, (R-Utah) and Representative Calvin Dooley, (D-California) have broken down, and the two will now introduce separate bills.

### **Senate Action:**

**Hearings:** January 29, 2003 Senate Budget Committee hearing, "The State of the Economy" – testimony on curbing asbestos liability claims to boost economy.

March 5, 2003, Senate Judiciary Committee hearing, "The Asbestos Litigation Crisis Continues – It is Time for Congress to Act."

**Legislation:** S. 413, the Asbestos Claims Criteria and Compensation Act of 2003. Introduced February 13, 2003 by Senator Don Nickles (R-Oklahoma).

Senate Judiciary Committee Chairman Hatch (R-Utah) and ranking member Patrick Leahy (D-Vermont) working on consensus asbestos reform bill.

### **House of Representatives Action:**

**Legislation:** Rep. Cannon likely to introduce asbestos litigation reform bill this week.

Rep. Dooley likely to introduce asbestos litigation reform bill next week.

# TransLegal®

## Glossary

**Amendment** - a proposal to alter the text of a pending bill or measure. An amendment can be proposed during Committee consideration or on the floor of the House or Senate. Before an amendment becomes part of the measure, the Committee or chamber must agree to it.

**Bill** - a legislative proposal of a general nature. It may address either a public or private matter (*Private bills* are designed to affect specific individuals or groups). Public bills are the most numerous. Bills account for a large majority of legislative proposals each Congress. The House and Senate number bills in sequence starting with 1, and each number is preceded by the designation "H.R." or "S" respectively.

**Caucus** – an informal organization of Members of the House or the Senate, or both, that exists to discuss issues of mutual concern and possibly to perform legislative research and policy planning. There are regional, political or ideological, ethnic, and economic-based caucuses.

**Cosponsor** - a member who formally adds his/her name as a supporter to another member's bill. An initial cosponsor is one who was listed at the time of the bill's introduction, not added on later.

**Enacted** - Legislation which has passed both chambers of Congress in identical form, been signed into law by the President, become law without his signature, or passed over his veto, is enacted.

**Floor** - refers to the chamber in the Capitol where members assemble to conduct debate and vote.

**Floor Debate** - formal presentation of and opposition to legislation or other matter (usually followed by a vote). Deliberations take place between members of Congress on the floor of the respective chamber. During these discussions, reasons (often carefully considered) are advanced for and against the bill, resolution, treaty or nominee.

**Hearing** - formal meeting of a Committee to review legislation or explore a topic. Hearings may also be called to investigate a matter or conduct oversight of existing programs. Witnesses are called to deliver testimony and answer questions in all hearings.

**Legislation** - a proposed or enacted law or group of laws proposed by and/or enacted by a legislature.

**Mark-Up** - meeting of a Congressional Committee or conference committee held to review the text of a bill before voting to report the measure to the respective chamber – i.e. the Senate or the House of Representatives. Committee members offer and vote on proposed changes (amendments) to the bill's language. Most mark-ups end with a vote on whether or not to send the new version of the bill to the floor for final approval.

**Quorum** - the number of Members of Congress who must be present before business may be conducted.

**Sponsor** - the member who introduces a bill and is its chief advocate.

**Testimony** - written or oral statement by a witness, often under oath, given before a Congressional Committee as part of a hearing, the purpose of which is to provide evidence in support of a fact or position.

**Vote** - a choice that is made by voting; the opinion of a group as determined by voting; the total number of votes cast; express one's preference for a measure or resolution; express one's choice or preference by vote; express a choice or opinion.