

Testimony of

The Honorable Orrin Hatch

July 10, 2003

Statement of Chairman Orrin G. Hatch

Before the United States Senate Committee on the Judiciary

Executive Business Meeting on

S. 1125, "The Fairness in Asbestos Injury Resolution Act of 2003" (The "FAIR Act")

Here we are at the 4th consecutive meeting of this Committee to mark up S. 1125, the Fairness in Asbestos Injury Resolution Act of 2003 (FAIR Act). I think it goes without saying that a great deal of work has been put into this bill, and I have continually made concessions in an effort to reach consensus. We have studied this issue for several years. Held numerous hearings. Heard from numerous witnesses and victims. And we have worked and negotiated in good faith. But even with all of these concessions already made, more are demanded. I must say that I am disappointed that we have not made more progress than we have, but I don't think it is for lack of trying. I am convinced that there are those that are determined to prevent passage of any kind of reform of the current asbestos litigation crisis, no matter how reasonable. They are the ones hurting the system for a quick buck and don't want their lottery taken away. They should be ashamed.

Our biggest outstanding issue to resolve relates to award values for the claims. We have made concession after concession, and at our last markup I had every reason to believe we could reach a bipartisan agreement, especially since we made even further adjustments to the claim values pursuant to Senator Graham's proposal in response to concerns raised by Senators Feinstein and Kohl. However, the more time this bill sits in committee, the more time those opposed to any kind of reform have to distort the issues, and misinform those who would benefit under this fund. And yes I am convinced the victims of asbestos exposure would be better off under our proposal. They would receive money faster, have certainty that they could recover and not be faced with the uncertainty caused by runaway litigation that is bankrupting companies and diminishing amounts available to pay legitimate claimants.

Members of this Committee must recognize the major crisis our economy is facing as a result of the current asbestos litigation crisis, and I hope we realize that each day we delay the process we are failing to act to help the victims. Not only is the economic viability of companies threatened, but with it hundreds of thousands of jobs continue to be lost, pensions threatened and legitimate victims of deadly asbestos exposure are losing out as funds are going to non-sick plaintiffs and unscrupulous attorneys who are making a sick, but very good living targeting and squeezing company after company in our economy. The National Association of Governors has written a letter dated June 20th in which they implore me to bring resolution to this issue. In the letter, they note the truly national implication of the crisis - that 47 states have already been affected by asbestos related bankruptcies. The Governors recognize that this is harmful to everyone involved, "delaying and reducing resources available to pay those who are sick or may become sick" and also impacting the jobs and pensions of employees.

I agreed, in good faith, to delay the mark up last time we met at the request of my Democrat colleagues. Unfortunately, this good faith was responded to with numerous poison-pill amendments that were circulated last night. I am prepared to deal with them, but my intention is to move forward and complete the mark-up of this bill today. Addressing this crisis is one of the most important actions we as a body can take.

#

Statement of Chairman Orrin G. Hatch
Before the United States Senate Committee on the Judiciary
Executive Business Meeting on

"PROTECT ACT OF 2003 TECHNICAL AMENDMENT"

I would urge my colleagues to vote in favor of the Substitute to S. 1280 proposed by Senator Biden and me. This measure affects that part of the Protect Act of 2003 that authorized a pilot program to study the feasibility of instituting a national background check for those who volunteer in children's activities. The National Center for Missing and Exploited Children will provide its expertise to assist volunteer organizations in evaluating the criminal records of volunteers to determine if the volunteers are fit to interact and provide care for children.

Currently, the Protect Act tasks the National Center with operating the cyber tip line in addition to its participation in the pilot program. The Protect Act presently immunizes the National Center

for operating the cyber tip line as long as it does so consistent with the purpose of the tip line. However, no similar protection was provided with respect to the National Center's activities related to the pilot program. The substitute Senator Biden and I have offered will extend the immunity to the National Center for its participation in the pilot program.

I would urge my colleagues to vote in favor of this technical fix so that the worthy goals of the pilot program can commence.

#

Statement of Senator Orrin G. Hatch
Before the United States Senate Committee on the Judiciary
Executive Business Meeting on

"THE BULLETPROOF VEST PARTNERSHIP GRANT ACT OF 2003"

During the 106th Congress, we enacted The Bulletproof Vest Partnership Grant Act of 2000. In that legislation, Congress found that the number of law enforcement officers killed in the line of duty would significantly decrease if they wore body armor. The Bulletproof Vest Partnership Act partnered the Federal government with local units of State governments to provide funds for local law enforcement officers to buy body armor.

The Federal Bureau of Investigation estimates that the risk of fatality to law enforcement officers while not wearing body armor is 14 times higher than for officers wearing body armor. According to studies, between 1985 and 1994, bullet-resistant materials helped save the lives of more than 2,000 law enforcement officers in the United States.

The Bulletproof Vest Partnership Grant Act of 2000 expires next year. Senators Campbell, Leahy and I have filed S. 764, The Bulletproof Vest Partnership Grant Act of 2003, to continue this valuable Federal/State partnership until 2007.

This is an important and worthy program and I would urge my colleagues to vote in favor of extending it as set out in S. 764.

#

Statement of Chairman Orrin G. Hatch
Before the United States Senate Committee on the Judiciary
Executive Business Meeting on

S. 1125, "THE FAIRNESS IN ASBESTOS INJURY RESOLUTION ACT OF 2003" (THE "FAIR ACT")

Here we are at the 4th consecutive meeting of this Committee to mark up S. 1125, the Fairness in Asbestos Injury Resolution Act of 2003 (FAIR Act). I think it goes without saying that a great deal of work has been put into this bill, and I have continually made concessions in an effort to reach consensus. We have studied this issue for several years. Held numerous hearings. Heard from numerous witnesses and victims. And we have worked and negotiated in good faith. But even with all of these concessions already made, more are demanded. I must say that I am disappointed that we have not made more progress than we have, but I don't think it is for lack of trying. I am convinced that there are those that are determined to prevent passage of any kind of reform of the current asbestos litigation crisis, no matter how reasonable. They are the ones hurting the system for a quick buck and don't want their lottery taken away. They should be ashamed.

Our biggest outstanding issue to resolve relates to award values for the claims. We have made concession after concession, and at our last markup I had every reason to believe we could reach a bipartisan agreement, especially since we made even further adjustments to the claim values pursuant to Senator Graham's proposal in response to concerns raised by Senators Feinstein and Kohl. However, the more time this bill sits in committee, the more time those opposed to any kind of reform have to distort the issues, and misinform those who would benefit under this fund. And yes I am convinced the victims of asbestos exposure would be better off under our proposal. They would receive money faster, have certainty that they could recover and not be faced with the uncertainty caused by runaway litigation that is bankrupting companies and diminishing amounts available to pay legitimate claimants.

Members of this Committee must recognize the major crisis our economy is facing as a result of the current asbestos litigation crisis, and I hope we realize that each day we delay the process we are failing to act to help the victims. Not only is the economic viability of companies threatened, but with it hundreds of thousands of jobs continue to be lost, pensions threatened and legitimate victims of deadly asbestos exposure are losing out as funds are going to non-sick plaintiffs and unscrupulous attorneys who are making a sick, but very good living targeting and squeezing company after company in our economy. The National Association of Governors has written a letter dated June 20th in which they implore me to bring resolution to this issue. In the letter, they note the truly national implication of the crisis - that 47 states have already been affected by asbestos related bankruptcies. The Governors recognize that this is harmful to everyone involved, "delaying and reducing resources available to pay those who are sick or may become sick" and also impacting the jobs and pensions of employees.

I agreed, in good faith, to delay the mark up last time we met at the request of my Democrat colleagues. Unfortunately, this good faith was responded to with numerous poison-pill amendments that were circulated last night. I am prepared to deal with them, but my intention is to move forward and complete the mark-up of this bill today. Addressing this crisis is one of the most important actions we as a body can take.

#

KAREN P. TANDY FOR ADMINISTRATOR OF THE
DRUG ENFORCEMENT ADMINISTRATION
REPORTED FAVORABLY BY JUDICIARY COMMITTEE

Washington -- Sen. Orrin G. Hatch (R-Utah), Chairman of the Senate Judiciary Committee, today expressed his endorsement of Karen P. Tandy, President Bush's nominee for Administrator of the Drug Enforcement Administration.

Sen. Hatch issued the following statement:

"Karen Tandy is well qualified to serve as the Administrator of the Drug Enforcement Administration.

"Ms. Tandy has a long and impressive 25-year career with the Department of Justice. During that time she has gained tremendous experience in narcotics prosecutions, investigations, and asset forfeiture.

"She presently serves as Associate Deputy Attorney General and Director of the Organized Crime and Drug Enforcement Task Forces. In that position, she has reinvigorated and refocused the OCEDTF program to target the most significant drug traffickers who threaten our communities. I urge my colleagues to support Ms. Tandy's nomination."

#