

Statement of

The Honorable Patrick Leahy

United States Senator
Vermont
April 28, 2005

Opening Statement of Senator Patrick Leahy
Executive Business Meeting
Senate Judiciary Committee
April 28, 2005

At last week's Committee meeting, there was a request made for a hearing on the FAIR Act, the bipartisan asbestos litigation bill, S.852. Showing his characteristic fairness, Chairman Specter agreed immediately to the request, although it came without warning. Rather than seek to proceed to the bill last week, the Chairman provided all Members of the Committee with printed copies of the bill and deferred consideration. On an expedited basis a hearing was arranged and convened with witnesses suggested by interested Senators.

It was an extensive hearing lasting several hours and contained comprehensive testimony from a variety of witnesses. It was a productive hearing. I hope it will prove useful to the Committee in moving this legislation forward today. I also thank the Chairman for not pressing ahead with a markup earlier this week but working with me to maintain our normal schedule. We have had the printed bill since last Thursday. Before the bill's introduction, the Chairman had included in the Congressional Record earlier working drafts, as well.

We have worked cooperatively and persistently on this issue for the last several years to produce a bill that will fairly and equitably compensate victims for their asbestos exposure. That work accelerated toward the end of last year and since the Chairman's designation. Through our negotiations, we were able to make significant improvements to this bipartisan legislation. I remain committed to enacting legislation that, first and foremost, compensates victims harmed by exposure to asbestos for their illnesses.

Among the many improvements we have made, the legislation provides higher compensation awards for victims and provides medical monitoring for all unimpaired asbestos victims. The FAIR Act will also provide medical screening for high-risk workers. I thank all the bill's sponsors and supporters for accepting these improvements. The bill will also ensure that awards under the trust fund will not be subject to subrogation by insurance companies, and we made changes that will allow the fund to get up and running quickly so that it can fulfill its intended purpose: compensating victims. I commend all the bill's sponsors and supporters for accepting these improvements.

This bill marks a significant improvement over similar efforts in past Congresses. We have traveled a long road from the early days of bills that provided no funding but would have imposed restrictive medical criteria. We have increased the resources devoted to providing fair compensation from last year's \$108 billion to \$140 billion.

I helped create the fund for 9/11 victims. I have been honored to secure funding and assistance for our nation's crime victims. Along with many Members of this Committee, I have devoted significant efforts to victims of tragedy, disaster and disease. I am pleased to join with Chairman Specter in this important effort to provide fair compensation to asbestos victims. We have made progress on this legislation. I look forward to our moving this legislation forward in this Congress.