

S 2290

FAIR Act of 2004

**Congress:** 108 (2003–2005, Ended)

**Chamber:** Senate

**Policy Area:** Law

**Introduced:** Apr 7, 2004

**Current Status:** Cloture on the motion to proceed not invoked in Senate by Yea-Nay Vote. 50 - 47. Record Vote Number:

**Latest Action:** Cloture on the motion to proceed not invoked in Senate by Yea-Nay Vote. 50 - 47. Record Vote Number: 69. (Apr 22, 2004)

**Official Text:** <https://www.congress.gov/bill/108th-congress/senate-bill/2290>

Sponsor

**Name:** Sen. Hatch, Orrin G. [R-UT]

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

Cosponsors (8 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Allen, George [R-VA]	R · VA		Apr 7, 2004
Sen. Chambliss, Saxby [R-GA]	R · GA		Apr 7, 2004
Sen. DeWine, Mike [R-OH]	R · OH		Apr 7, 2004
Sen. Domenici, Pete V. [R-NM]	R · NM		Apr 7, 2004
Sen. Frist, William H. [R-TN]	R · TN		Apr 7, 2004
Sen. Hagel, Chuck [R-NE]	R · NE		Apr 7, 2004
Sen. Miller, Zell [D-GA]	D · GA		Apr 7, 2004
Sen. Voinovich, George V. [R-OH]	R · OH		Apr 7, 2004

Committee Activity

No committee referrals or activity are recorded for this bill.

Subjects & Policy Tags

**Policy Area:**

Law

Related Bills

No related bills are listed.

Fairness in Asbestos Injury Resolution Act of 2004 or FAIR Act of 2004 - Establishes within the Department of Labor the Office of Asbestos Disease Compensation, to be headed by an Administrator responsible for processing claims for compensation for asbestos-related injuries and managing the Asbestos Injury Claims Resolution Fund (Fund) (established within such Office).

Authorizes the Administrator to establish a Medical Advisory Committee. Requires the Administrator to: (1) establish an Advisory Committee on Asbestos Disease Compensation; (2) establish a comprehensive asbestos claimant assistance program that includes legal assistance; and (3) appoint physicians to claim-specific Physicians Panels.

Establishes: (1) procedures for handling claims of asbestos-related disease and injury; (2) medical evidence auditing and review procedures and applicable medical criteria; and (3) award amounts and payment methods. Imposes a general four-year statute of limitations for filing claims, with special provisions for pending claims and multiple injuries. Allows certain asymptomatic claimants to receive medical monitoring reimbursement.

Specifies the funding allocation for asbestos defendants required to pay into the Fund. Establishes the Asbestos Insurers Commission to determine Fund payment obligations of insurers up to a specified aggregate amount.

Vests exclusive jurisdiction to review: (1) final determinations regarding fund obligations and actions for declaratory and injunctive relief under this Act in the United States Court of Appeals for the District of Columbia; and (2) award decisions in the U.S. Court of Appeals for the circuit in which the claimant resides.

Amends the criminal code to prohibit and establish penalties for fraud and false information in connection with Fund claims. Amends the bankruptcy code to state that Fund contribution obligations are not subject to an automatic stay or dischargeable in bankruptcy. Requires remedies provided by this Act to be the exclusive remedy for asbestos claims. Addresses the effect of this Act on insurance and reinsurance contracts.

Requires the sunset of specified provisions of this Act if the Administrator determines that the Fund has insufficient resources.

Requires the Administrator to refer possible violations of the Toxic Substances Control Act (TSCA), the Clean Air Act, and the Occupational Safety and Health Act of 1970 to specified officials for possible civil or criminal penalties. Requires the U.S. Sentencing Commission to review Federal sentencing guidelines to ensure that environmental crimes relating to asbestos are sufficiently punished.

Prohibits discrimination in health insurance coverage against persons who participate in medical monitoring programs under this Act.

Amends the TSCA to require the Administrator of the Environmental Protection Agency to promulgate regulations prohibiting the manufacture, processing, or distribution in commerce of asbestos containing products, subject to specified exemptions.

## Actions Timeline

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- **Apr 22, 2004:** Motion to proceed to measure considered in Senate. (consideration: CR S4247-4260)
- **Apr 22, 2004:** Cloture on the motion to proceed not invoked in Senate by Yea-Nay Vote. 50 - 47. Record Vote Number: 69.
- **Apr 21, 2004:** Motion to proceed to measure considered in Senate. (consideration: CR S4184-4218, S4233-4234)
- **Apr 20, 2004:** Motion to proceed to consideration of measure made in Senate. (consideration: CR S4123-4127, S4144-4146)
- **Apr 20, 2004:** Motion to proceed to measure considered in Senate.
- **Apr 20, 2004:** Cloture motion on the motion to proceed presented in Senate.
- **Apr 19, 2004:** Sponsor introductory remarks on measure. (CR S4078-4083)
- **Apr 8, 2004:** Read the second time. Placed on Senate Legislative Calendar under General Orders. Calendar No. 472.
- **Apr 7, 2004:** Introduced in Senate
- **Apr 7, 2004:** Sponsor introductory remarks on measure. (CR S3922-3924)
- **Apr 7, 2004:** Introduced in the Senate. Read the first time. Placed on Senate Legislative Calendar under Read the First Time.