

HR 1360

FAIR Act of 2005

Congress: 109 (2005–2007, Ended)

Chamber: House

Policy Area: Law

Introduced: Mar 17, 2005

Current Status: Referred to the Subcommittee on Capital Markets, Insurance and Government Sponsored Enterprises.

Latest Action: Referred to the Subcommittee on Capital Markets, Insurance and Government Sponsored Enterprises.  
(May 19, 2005)

Official Text: <https://www.congress.gov/bill/109th-congress/house-bill/1360>

Sponsor

Name: Rep. Kirk, Mark Steven [R-IL-10]

Party: Republican • State: IL • Chamber: Senate

Cosponsors (9 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Bass, Charles F. [R-NH-2]	R · NH		Mar 17, 2005
Rep. Dent, Charles W. [R-PA-15]	R · PA		Mar 17, 2005
Rep. Kennedy, Mark R. [R-MN-6]	R · MN		Mar 17, 2005
Rep. Platts, Todd Russell [R-PA-19]	R · PA		Mar 17, 2005
Rep. Shimkus, John [R-IL-19]	R · IL		Mar 17, 2005
Rep. Cantor, Eric [R-VA-7]	R · VA		May 23, 2005
Rep. Schwarz, John J.H. "Joe" [R-MI-7]	R · MI		May 26, 2005
Rep. Simmons, Rob [R-CT-2]	R · CT		May 26, 2005
Rep. Weldon, Curt [R-PA-7]	R · PA		Feb 8, 2006

Committee Activity

Committee	Chamber	Activity	Date
Education and Workforce Committee	House	Referred to	Apr 29, 2005
Energy and Commerce Committee	House	Referred to	Apr 22, 2005
Financial Services Committee	House	Referred to	May 19, 2005
Judiciary Committee	House	Referred To	Mar 17, 2005
Ways and Means Committee	House	Referred to	Apr 14, 2005

Subjects & Policy Tags

Policy Area:

Law

## Related Bills

Bill	Relationship	Last Action
109 S 3274	Related bill	<b>Jun 7, 2006:</b> Committee on the Judiciary. Hearings held. Hearings printed: S.Hrg. 109-594.
109 S 852	Related bill	<b>Feb 14, 2006:</b> Cloture motion on the measure withdrawn by unanimous consent in Senate.
109 HR 1957	Related bill	<b>Apr 28, 2005:</b> Referred to the House Committee on the Judiciary.

## Summary (as of Mar 17, 2005)

Fairness in Asbestos Injury Resolution Act of 2005 or FAIR Act of 2005 - 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 (EPA) 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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- **May 19, 2005:** Referred to the Subcommittee on Capital Markets, Insurance and Government Sponsored Enterprises.
- **Apr 29, 2005:** Referred to the Subcommittee on Workforce Protections.
- **Apr 22, 2005:** Referred to the Subcommittee on Health, for a period to be subsequently determined by the Chairman.
- **Apr 14, 2005:** Referred to the Subcommittee on Health.
- **Mar 17, 2005:** Introduced in House
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- **Mar 17, 2005:** Sponsor introductory remarks on measure. (CR E506)
- **Mar 17, 2005:** Referred to the Committee on the Judiciary, and in addition to the Committees on Energy and Commerce, Ways and Means, Education and the Workforce, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.
- **Mar 17, 2005:** Referred to the Committee on the Judiciary, and in addition to the Committees on Energy and Commerce, Ways and Means, Education and the Workforce, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.
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