

the great State of Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Chairman, I wanted to commend the creative inquiry of the gentlelady from Texas in examining this measure to make it clear to us, through her amendment, that this places disclosure burdens on trusts and asbestos victims but not on the corporations, and that is what she seeks to deal with. So this bill helps this be accomplished. And what is so critical about it is that we now have a more balanced approach than is currently in the bill. So please support the Jackson Lee amendment.

I thank the gentlelady for yielding.

Ms. JACKSON LEE. I thank the distinguished gentleman for his important remarks.

Mr. Chairman, let me quickly say, Mr. CONYERS, Mr. Ranking Member, you were superbly right. The plaintiffs in litigation have had their right of exchange of information. What our friends are trying to do on the other side of the aisle is to make the trusts, now, a courtroom where information is dragged out of the victim, but it is not asked for from the defendants, the ones who have filed for bankruptcy, the ones who have left the victims to suffer and to fend for themselves.

I ask my colleagues to make this fair and require the asbestos company to give us where the asbestos-remaining products are so that we can save lives. If there is transparency, if the FACT bill would be fair, they would then have information coming from both parties, not only the victims, the plaintiffs, but they would have it coming from the asbestos companies that have driven up the numbers of those suffering from lung disease and cancer.

I ask my colleagues to support the Jackson Lee amendment.

Mr. Chairman, I yield back the balance of my time.

AMERICAN FEDERATION OF LABOR  
AND CONGRESS OF INDUSTRIAL  
ORGANIZATIONS,

Washington, DC, November 12, 2013.

DEAR REPRESENTATIVE: I am writing to express the strong opposition of the AFL-CIO to H.R. 982, the "Furthering Asbestos Claim Transparency Act" (FACT Act). This legislation would invade the privacy of asbestos victims by posting personal exposure and medical information online and create new barriers to victims receiving compensation for their asbestos diseases. The AFL-CIO urges you to oppose this harmful bill.

Decades of uncontrolled use of asbestos, even after its hazards were known, have resulted in a legacy of disease and death. Hundreds of thousands of workers and family members have suffered or died of asbestos-related cancers and lung disease, and the toll continues. Each year an estimated 10,000 people in the United States are expected to die from asbestos related diseases.

Asbestos victims have faced huge barriers and obstacles to receiving compensation for their diseases. Major asbestos producers refused to accept responsibility and most declared bankruptcy in an attempt to limit their future liability. In 1994 Congress passed special legislation that allowed the asbestos companies to set up bankruptcy trusts to compensate asbestos victims and reorganize under the bankruptcy law. But these trusts don't have adequate funding to provide just compensation, and according to a 2010 RAND

study, the median payment across the trusts is only 25 percent of the claim's value. With compensation from these trusts so limited, asbestos victims have sought redress from the manufacturers of other asbestos products to which they were exposed.

The AFL-CIO is well aware that the system for compensating asbestos disease victims has had its share of problems, with victims facing delays and inadequate compensation and too much money being spent on defendant and plaintiff lawyers. We have spent years of effort trying to seek solutions to make the asbestos compensation system fairer and more effective. But H.R. 982 does nothing to improve compensation for asbestos victims and would in fact make the situation even worse. In our view, the bill is simply an effort by asbestos manufacturers who still are subject to asbestos lawsuits to avoid liability for diseases caused by exposure to their products.

H.R. 982 would require personally identifiable exposure histories and disease information for each asbestos victim filing a claim with an asbestos trust, and related payment information, to be posted on a public docket. This public posting is an extreme invasion of privacy. It would give unfettered access to employers, insurance companies, workers compensation carriers and others who could use this information for any purpose including blacklisting workers from employment and fighting compensation claims.

The bill would also require asbestos trusts to provide on demand to asbestos defendants and litigants any information related to payments made by and claims filed with the trusts. This would place unnecessary and added burdens on the trusts, delaying much-needed compensation for asbestos victims. Such a provision allows asbestos defendants to bypass the established rules of discovery in the civil justice system, and provides broad, unrestricted access to personal information with no limitations on its use.

Congress should be helping the hundreds of thousands of individuals who are suffering from disabling and deadly asbestos diseases, not further victimizing them by invading their privacy and subjecting them to potential blacklisting and discrimination. The AFL-CIO strongly urges you to oppose H.R. 982.

Sincerely,

WILLIAM SAMUEL,  
*Director,*  
*Government Affairs Department.*

Mr. GOODLATTE. Mr. Chairman, I yield myself the balance of the time in opposition to the amendment.

I just have to say that this amendment goes well beyond the scope of this legislation in terms of what it would do in terms of discovery in State courts and gathering various types of information that is already readily and easily discoverable in those proceedings, including, if necessary, in the bankruptcy court.

What it doesn't get at, and the FACT Act does, is information that is not otherwise available to all of the parties to all of those proceedings to determine whether there are duplicative claims, whether there are fraudulent claims, whether there are claims where one party is claiming to have the same disease caused by two different places of employment or having claimed the same disease caused by two different instrumentalities in two different places. That is what we need to know. That is why the FACT Act is necessary.

I oppose the amendment, urge my colleagues to oppose the amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON LEE).

The question was taken; and the Chair announced that the noes appeared to have it.

Ms. JACKSON LEE. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Texas will be postponed.

Mr. GOODLATTE. Mr. Chairman, I move that the Committee do now rise. The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. FARENTHOLD) having assumed the chair, Mr. BISHOP of Utah, Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 982) to amend title 11 of the United States Code to require the public disclosure by trusts established under section 524(g) of such title, of quarterly reports that contain detailed information regarding the receipt and disposition of claims for injuries based on exposure to asbestos; and for other purposes, had come to no resolution thereon.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 3 o'clock and 55 minutes p.m.), the House stood in recess.

□ 1617

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. WALORSKI) at 4 o'clock and 17 minutes p.m.

#### FURTHERING ASBESTOS CLAIM TRANSPARENCY (FACT) ACT OF 2013

The SPEAKER pro tempore. Pursuant to House Resolution 403 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 982.

Will the gentleman from Utah (Mr. BISHOP) kindly resume the chair.

□ 1618

#### IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 982) to amend title 11 of the United States Code to require the public disclosure by trusts established under section 524(g) of such title, of quarterly reports that contain detailed information