

February 1, 2016

The Honorable Chuck E. Grassley
Chairman
Committee on the Judiciary
United States Senate
135 Hart Senate Office Building
Washington, D.C. 20510

The Honorable Patrick Leahy
Ranking Member
Committee on the Judiciary
United States Senate
437 Russell Senate Office Building
Washington, D.C. 20510

Re: Veterans Service Organizations OPPOSE S.357, the “Furthering Asbestos Claims Transparency (FACT) Act”.

Dear Chairman Grassley and Ranking Member Leahy:

We, the undersigned Veterans Service Organizations oppose S.357 the “Furthering Asbestos Claims Transparency (FACT) Act of 2015”.

Last month, 211 members of the House voted for this proposal that puts many of our fellow veterans who are ill and likely dying from asbestos-related diseases at greater risk of becoming victims of identity theft. The legislation, known as the FACT Act, is the brainchild of the U.S. Chamber of Commerce and some of its biggest members of the asbestos manufacturing and utilization industries. It should be noted that 16 House Republicans opposed this bill—more than two times as many as last Congress—and not a single Democrat supported it.

Our veterans are disproportionately impacted by asbestos disease, including the painful and almost-always fatal mesothelioma. In fact, while veterans make up about 8 percent of the U.S. population, they account for 30 percent of those who are diagnosed with and die from the disease.

The bill is a cynical ploy by the asbestos industry to avoid compensating its victims who are seeking justice in court—many of whom are veterans who were doubly exposed; first while in uniform and when they went on to work for companies that knowingly exposed them to the deadly fiber.

Now that the House has passed its bill (H.R. 1927), the Senate version, S.357, will be the focus of a hearing on Tuesday, February 3rd before the Senate Judiciary Committee. When our veterans and their family members file claims with the asbestos bankruptcy trusts to receive compensation for harm caused by asbestos companies, they submit personal, highly sensitive information such as how and when they were exposed to the deadly product, sensitive health information, and more. S.357 would require asbestos trusts to publish their sensitive information on a public database, and also include how much money they received for their claim as well as other private information. Forcing our veterans to publicize their work histories, medical conditions, social security numbers, and information about their children

and families is an offensive invasion of privacy to the men and women who have honorably served, and it does nothing to assure their adequate compensation or to prevent further asbestos exposure and deaths.

All of this to give big asbestos corporations an advantage in litigation and shift the cost of discovery to asbestos compensation trusts. Attorneys for the asbestos compensation trusts estimate that compliance with the bill would require an additional 20,000 hours of staff time. In short, the production of the enormous database of victims' private information would only further deplete the trusts' already-dwindling resources, which are meant to help offset mounting medical bills and other expenses for Americans who are already ill. The FACT Act erects enormous administrative hurdles that will undoubtedly delay vital compensation to veterans and other victims.

One must ask what is the real motivation for this legislation brought forward by Senator Flake? Rather than pursuing legislation to make it easier and less burdensome for our veterans and their families to get the compensation they so desperately need for medical bills and end of life care. Instead, under the FACT Act, trusts will have to spend time and resources complying with these additional and unnecessary requirements at the expense of our veterans.

S.357 is a bill that its supporters claim will help asbestos victims, but the reality is that this bill only helps companies and manufacturers who knowingly exposed this deadly substance to our honorable men and women who have made sacrifices for our country. These veterans do not forget.

We hope every member of the Senate, including those who sit on the Judiciary Committee, will take note of the growing opposition by their colleagues in the House and strongly oppose this anti-veterans bill.

Rhetorically showing support for our veterans in speeches, while voting against their interests and wellbeing is nothing short of a slap in the face to these brave men and women who often put their lives in harm's way serving their country.

Please contact Hershel Gober, National Legislative Director, Military Order of the Purple Heart at (202) 550-2491 or goberh@aol.com with any questions.

Signed:

Air Force Sergeants Association (AFSA)

Air Force Women Officers Associated (AFWOA)

American Veterans (AMVETS)

Association of the United States Navy (AUSN)

Commissioned Officers Association of the US Public Health Service

Fleet Reserve Association (FRA)

Jewish War Veterans of the USA (JWV)

Marine Corps Reserve Association (MCRA)

Military Officers Association of America (MOAA)

Military Order of the Purple Heart (MOPH)

National Association for Uniformed Services (NAUS)

National Defense Council

Naval Enlisted Reserve Association (NERA)

The Retired Enlisted Association (TREA)

U.S. Coast Guard Chief Petty Officers Association

U.S. Army Warrant Officers Association

Vietnam Veterans of America (VVA)