

Frist Says Odds Against Asbestos Deal

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WASHINGTON - Chances are slim that legislation to create a \$108 billion asbestos liability trust fund in exchange for an end to litigation can make it through the Senate this year, Majority Leader Bill Frist says.

"I'm not sure it can be done in the next few weeks," Frist, R-Tenn., told reporters Thursday. The only remaining "must-do" items on the Senate's agenda this year are appropriations bills, changes in the Medicare program and an energy bill, he said.

The Senate is tentatively scheduled to leave Oct. 3 for the year.

With those three issues unresolved and additional judicial nomination battles and a bill to move virtually all national class-action lawsuits from state courts into federal courts still on the horizon, time may run out before agreement on the asbestos legislation can be worked out, Frist said.

Sen. Orrin Hatch, R-Utah, chairman of the Judiciary Committee, insisted on Friday that the Senate would vote on the legislation he pushed out of his committee in early July.

"It's definitely coming up this year," Hatch said. "One way or another, we're going to have to vote."

Both Republicans and Democrats say legislation is needed because asbestos liability is driving companies out of business and leaving asbestos victims with little money for medical bills.

"I'm committed to it," Frist said.

But the two parties appear sharply divided on the legislation approved by the Senate Judiciary Committee, and even some Republicans have expressed misgivings about the bill Hatch pushed out of committee on almost a party-line vote.

"Although the goal of this legislation to compensate those harmed from asbestos exposure is both noble and necessary, the means chosen are susceptible to abuses that could bankrupt the fund and, ultimately, impose financial obligations upon the taxpayer," GOP Sens. Charles Grassley of Iowa, Jon Kyl of Arizona, Jeff Sessions of Alabama, Larry Craig of Idaho and John Cornyn of Texas wrote in the committee report.

Hatch said he was working with senators on both sides to try and settle differences and save the legislation. "They'll vote for it," Hatch said confidently.

But only one Democrat voted for the bill, Sen. Dianne Feinstein of California, with the rest saying more debate is needed.

"We believe that forcing the act through the Senate, in its present form, would prove counterproductive, even fatal, to this legislative effort," the other eight Judiciary Democrats wrote. "Proceeding without consensus would open this matter to weeks of debate on the floor, just as it has required weeks of consideration before the Judiciary Committee."

Asbestos is a fibrous mineral commonly used until the mid-1970s for insulation and fireproofing. When inhaled, its tiny fibers can cause cancer and other ailments. The diseases often take decades to develop.

A trust fund would speed money to those people and give companies assurances they would not be sued out of existence, supporters of the plan say.

Under the bill, insurers would contribute \$45 billion and companies that have been sued would pay \$45 billion to the trust fund, and the fund would pay people who are sick from asbestos without their having to go to court.

Asbestos victims would lose their litigation rights.

Even if the Senate should complete the legislation this session, the House has yet to consider a bill.