

George W. Bush Presidential Library

Collection: Counsel's Office, White House

Series: Kavanaugh, Brett – Subject Files

Folder Title: Victims Compensation - Armitage
Letter

Withdrawn/Redacted Material

The George W. Bush Library

DOCUMENT NO.	FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
001	Draft	A Bill	7	N.D.	P5; P6/b6;
002	Memorandum	Questions	1	N.D.	P5;
003	Draft	A Bill	6	N.D.	P5;
004	Memorandum	Victims of Terrorism Amendments - To: Annette Rooney - From: Paul V. Kelly	2	06/05/2002	P5;
005	List	Points Concerning Amendment	2	06/05/2002	P5;
006	List	Points Concerning Amendment	4	06/05/2002	P5;

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Victims Compensation - Armitage Letter

FRC ID:

9695

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THE DEPUTY SECRETARY OF STATE
WASHINGTON

JUN 12 2002

703-614-6745

see
page 3

Dear President Cheney:

I am writing to express the Administration's commitment to working with Congress to ensure that victims of terrorism receive appropriate financial assistance following a terrorist attack and to provide our views on legislation pending in Congress on this issue.

As you know, pending legislation would create compensation funds modeled on the September 11th Victim Compensation Fund for certain victims of terrorist attacks. The Administration believes, however, that based on our experience with managing the September 11th fund, we can make substantial improvements to any future program to compensate victims of international terrorism in order to ensure more equitable, expeditious assistance. Recognizing the many substantial concerns voiced by Americans to the structure of the September 11th fund, the Administration proposes to model any additional program for compensation for victims of international terrorism after the federal benefit provided to the families of public safety officers killed in the line of duty (see 42 U.S.C. 3796), and to fund the program out of the International Affairs 150 Account.

The Honorable
Richard B. Cheney,
President of the Senate.

Last fall, recognizing the tremendous sacrifices of our nation's public safety officers, overwhelming majorities in Congress voted to streamline the Public Safety Officer Benefit program and to increase payments under the program from approximately \$150,000 to \$250,000, indexed for inflation. This program has been a tremendous success in providing prompt compensation to the families of public safety officers killed on September 11th and other public safety officers killed in the line of duty. We believe that designing a program for victims of international terrorism based on the public safety officer benefit model will make the following important improvements to the September 11th program:

First, this approach will ensure that the victim compensation program provides victims with lower incomes the same awards that it provides to victims with higher incomes. While wealthy plaintiffs in tort suits may receive greater awards than do victims with lower incomes, the federal government generally does not draw such distinctions in victim compensation programs.

Second, the claims process under this approach will be quick, streamlined, and simple, in order to help victims' families in their time of need. We should not create a lengthy administrative process that will prevent victims from quickly receiving assistance and that will force victims to submit complicated financial records or to relive their tragedies. The need for a prompt compensation process further weighs against providing different amounts to different victims based upon their individual financial circumstances, because any program with differential awards necessarily would require an administrative claims process.

Third, the amount of compensation should be on par with that provided to families of public safety officers killed in the line of duty. Like the Public Safety Officer Benefit program, the approach we are proposing would provide fixed amounts of compensation, without offsetting collateral sources or requiring victims to waive rights to civil litigation. (In order to prevent double recovery, the government should have a right of reimbursement if an individual

actually receives compensation from the defendants in a lawsuit for the same injuries for which they were compensated under this program.)

Importantly, this approach would preserve the President's ability to conduct foreign policy. The Administration opposes the use of blocked assets to fund victim compensation or to satisfy judgments. Using blocked assets would preclude their use to pressure regimes to improve their policies on terrorism, risk taxpayer liability for third-party claims against the assets, eliminate their availability to satisfy current U.S. Government claims (currently more than \$2 billion), and put at risk diplomatic property.

This letter has been approved by the Office of Management and Budget and represents the Administration's policy on compensating U.S. victims of international terrorism.

We recognize the Congressional interest in this matter, as reflected in Section 626 of Public Law 107-77, and we look forward to working with the Congress on a proposal that would meet those principles.

Sincerely,



Richard L. Armitage

-4-

The Honorable Richard Chaney

The Honorable Patrick J. Leahy

The Honorable C.W. Bill Young

The Honorable Dave R. Obey

The Honorable Ernest F. Hollings

The Honorable F. James Sensenbrenner

The Honorable Frank R. Wolf

The Honorable Henry J. Hyde

The Honorable J. Dennis Hastert

The Honorable Jesse A. Helms

The Honorable John Conyers, Jr.

The Honorable Jose E. Serrano

The Honorable Joseph R. Biden, Jr.

The Honorable Judd Gregg

The Honorable Mitch McConnell

The Honorable Nita M. Lowey

The Honorable Orrin G. Hatch

The Honorable Robert C. Byrd

The Honorable Ted Stevens

The Honorable Thomas A. Daschle

The Honorable Tom Lantos

The Honorable Trent Lott

The Honorable Jim Kolbe

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