

# **George W. Bush Presidential Library**

**Collection:** Counsel's Office, White House

**Series:** Kavanaugh, Brett - Subject Files

**Folder Title:** Terrorism Insurance [Folder 3]:  
Message

# Withdrawn/Redacted Material

## The George W. Bush Library

DOCUMENT NO.	FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
001	Email	Final Draft on President's Statement - Terrorism Insurance - To: Scott McClellan & Claire E. Buchan - From: Kevin Walsh	2	10/17/2002	P5;
002	Email	talking points for friends on why liability provisions are good - To: See the distribution list... - From: Brett M. Kavanaugh	1	10/17/2002	P5;
003	Report	Terrorism Risk Insurance - Summary of Compromise [with attachments]	5	10/16/2002	P5;
004	Email	Terrorism reinsurance and the personal injury lawyers... - To: Kristen Silverberg & Brett M. Kavanaugh - From: Kirk Blalock	1	10/17/2002	P5;
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**FRC ID:**

9633

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PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

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1825

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October 17, 2002

To Members of the House Republican Leadership:

On behalf of the U.S. Chamber of Commerce, the world's largest business federation representing more than three million businesses and organizations of every size, sector and region, I write to urge you to support the proposed terrorism insurance compromise negotiated today and to explain why we strongly support the liability provisions of the proposed terrorism insurance compromise.

It is vital that the Congress pass this legislation before adjourning for the year. The economy has lost more than \$15 billion and 300,000 jobs in the construction industry alone as a result of a lack of terrorism insurance coverage. We expect this legislation to provide a much needed boost to the economy, providing jobs to hundreds of thousands of workers across the country.

Although the U.S. Chamber would have preferred more extensive litigation management provisions, providing a federal cause of action and consolidation of claims has significant benefits:

- First, without this legislation, and the federal cause of action that it provides, businesses would have absolutely NO protection from predatory lawsuits that result from any future terrorist incident – they would still face forum shopping and multiple claims in state courts; courts known for rendering outrageous awards.
- Second, having these trials in federal court will provide consistent rulings, fair procedures for both plaintiffs and defendants, and provide for the use of relevant state laws that ban or otherwise limit the availability of punitive damages;
- Third, this legislation will prevent a “rush to the court-house,” which would otherwise give early lawsuit filers an advantage over later claimants; and
- Fourth, the proposal represents an improvement over the Senate bill, which did not contain consolidation for trial purposes. This provision

will significantly reduce administrative and legal costs, reduce redundant, repetitive and costly discovery, and will enable both plaintiffs and defendants to deal with only one trial, rather than multiple trials with potentially inconsistent outcomes.

Of course, we would have preferred to improve the legal system even more, particularly with respect to punitive damages. However, these improvements are substantial, which will add some needed momentum to the economy and is far preferable to no improvements. Ultimately we believe that this bill will improve the legal rights of both plaintiffs and defendants and, importantly will help American workers and the economy.

Considering the negative impacts on the economy that doing nothing will entail, moving a bill that backstops reinsurers and provides for exclusive federal court jurisdiction and consolidation is preferable to a continued stalemate. In short, it is the U.S. Chamber's view that this proposed solution is preferable to no action and that it should be enacted into law.

Sincerely,

R. Bruce Josten

cc: Chairman James Sensenbrenner  
Chairman Michael Oxley

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