



NEW YORK STATE SENATOR

Timothy M. Kennedy

## One Step Closer: Kennedy, Ryan-Sponsored Bill to Boost Settlement Payouts for Families of Victims of Terrorist Attacks Moves to Governor Cuomo's Desk

TIMOTHY M. KENNEDY June 25, 2015

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*NYS Senate & Assembly Pass Legislation Allowing Insurance Representatives to Waive Structured Settlement Commissions to Family Members of Victims of Terrorist Attacks*

*Waiver Already Available to Families of Victims of September 11 Attacks Now Expanded*

*As Beirut Bombing of 1983 Case Comes to a Close, \$1.75 Billion in Seized Assets Could be Structured Pro Bono, Granting Families of Victims a Greater Payout*

BUFFALO, NY – On one of the final days of the 2015 legislative session, Senator Tim Kennedy (D-Buffalo) and Assemblyman Sean Ryan (D-Buffalo) announced that both houses have taken a crucial step towards providing further financial relief to victims of terrorist attacks and their families. Through S.2152/A.2026, agents who arrange structured settlements to the families of victims of terrorist attacks will now be allowed to waive their commission, allowing for families to receive greater compensation and agents to work pro-bono in these specific cases.

Currently, this type of waiver is only available to immediate family members of victims of the terrorist attacks carried out on September 11, 2001. This legislation expands the eligibility criteria, and would permit families of all victims of terrorist attacks against the United States

to receive these waivers, including attacks carried out in the past such as the Boston Marathon bombings and the 1993 World Trade Center bombing.

“These families have already suffered the ultimate heartbreak at the hands of callous extremists, and while no financial settlement can ever equate to the pain they’ve suffered, we need to do our part to make sure they are receiving what is rightfully theirs,” said **Senator Tim Kennedy**. “So many Americans search for ways to help after witnessing terrorist attacks on our nation, and it is our responsibility to make sure we’re doing everything we can to facilitate that aid. By allowing agents to waive commission fees for settlement cases involving any victim of a terrorist attack, we’re helping these families and opening a door that has remained locked for far too long.

**Assemblyman Sean Ryan** said, “Whenever tragedy strikes, Americans always look for ways to assist their fellow citizens, and help them to recover. One of the ways insurance agents can provide assistance, is to waive their structured settlement commission fees for victims of terrorist attacks who have won settlements. Unfortunately, state law actually prevents them from legally offering this gesture of assistance. We should not put these agents at risk of losing their license because they want to extend a measure of gratitude to people who have had to endure the horror of a terrorist attack. This bill is the right thing to do, and I hope it will be quickly signed into law.”

This bill was created after Senator Kennedy’s office was approached by a Buffalo firm that handles structured settlements. The firm’s founder, John Bair, has helped the families of the victims lost in the Flight of 3407 crash in Clarence Center, NY, and he has also prepared structured settlements for families of victims of the attacks on September 11<sup>th</sup>, offering his services pro-bono. Although Bair wanted to work pro-bono for families of victims of other terrorist attacks, he noted that these commission waivers were only available to families involved in the September 11<sup>th</sup> attacks. Under current law, he could risk losing his license if

he offered them to families affected by other attacks of terrorism.

**John T. Bair, founder and owner of Milestone Consulting, LLC** said, "After working pro-bono for many families after September 11th, and seeing how beneficial this core planning tool is in putting their lives back together, you can't overstate how critical this law will be to survivors and the families Americans devastated by acts of terrorism. We hope to offer structured settlements from the primary market of insurers to the servicemen and their families that stand to recover, on a pro-bono basis. This bill is also timely, in that many of the survivors and families of Marines killed in the Beirut Bombing can leverage this altruistic law."

**Lockport resident and US Marine Corp Sergeant Dan Kremer, who is a survivor of the Beirut Bombing** said, "This legislation is going to be good for many of my fellow marines who survived, or for their family members. Having the ability to do a structured settlement is valuable, and now being able to work with professionals who want to offer them pro-bono makes a good planning tool even better."

The Senate and Assembly passage of the bill comes at a critical time. The U.S. Supreme Court is deciding whether to consider an appeal to a U.S. District Court decision requiring Iran's central bank to pay \$1.75 billion to relatives of the 241 Americans killed in the 1983 bombing of Marine Corps barracks in Lebanon. If the appeal is declined by the Court, or if the Court declines to grant Certiorari to the case, the money would be turned over to the families of the victims and would be used towards paying off a \$2.65 billion settlement won by the families against Iran. Once signed by Governor Cuomo this year, many of these awards could be structured pro-bono, providing a greater payout to families and more security for them.

This legislation's impact extends nationwide, allowing any individual affected to receive a pro-bono structure regardless of where they live, because nearly all life insurance companies are domiciled in New York State and therefore are subject to New York State statutory

requirements.

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