

Congress of the United States
House of Representatives
Washington, DC 20515-5401

June 1, 2009

Mr. Mauricio J. Tamargo
Office of the Chairman
Foreign Claims Settlement Commission
600 E Street, NW, Room 6002
Washington, DC 20579

Dear Chairman Tamargo:

I write on behalf of the Calderon-Molina and Tirado-Ayala families, who are residents of Puerto Rico. Members of both families were victims of the terrorist attack that occurred at Israel's Lod Airport on May 30, 1972. I am advised that, alone among the numerous American victims of that attack, these two families will be precluded from obtaining payment from the fund established to compensate victims of this and other attacks, because of a puzzling eligibility criterion established by the federal agencies overseeing administration of the fund. The purpose of this letter is to bring this important issue to your attention and to express my hope that steps can be taken to ensure that these two families are eligible to receive compensation on the same terms as their fellow victims. These families, who have suffered so much, deserve no less.

As you are aware, the Lod attack was perpetrated by Japanese Red Army terrorists who had received training and other material support from the government of Libya. Many of those killed or injured in the attack were U.S. citizens from Puerto Rico who were participating in a church-organized visit to holy sites in Israel. In the course of the attack, Carmelo Calderon-Molina was killed by gunfire and Pablo Tirado-Ayala was shot in the foot.

In October 2008, the U.S. Department of State publicly announced that the government of Libya had transferred \$1.5 billion into a special fund in the United States to compensate American victims of the Lod attack and certain other attacks. On December 11, 2008, the State Department referred all Libyan terror-related claims to the Foreign Claims Settlement Commission (FCSC) for processing under the Libya Claims Program. According to the fact sheet distributed by the FCSC at that time, the only U.S. citizens eligible to receive compensation were those who had filed lawsuits against Libya by August 14, 2008.

The Calderon-Molina and Tirado-Ayala families had not filed a lawsuit against Libya prior to the August 2008 cut-off date. Importantly, the families did not receive notice of the compensation fund's existence—or the August 14, 2008 cut-off date—until October 2008, when the State Department first announced the fund's establishment. By then, of course, it was already too late for the families to file a lawsuit against Libya in order to meet the deadline.

Other American victims of the Lod attack are eligible for compensation under the Libya Claims Program merely by virtue of their having filed a lawsuit against Libya before the August cut-off date. Yet, although their lives have been no less devastated by the Lod attack, the Calderon-Molina and Tirado-Ayala families will be ineligible to receive compensation under the current rules.

This is an inequitable result. First, it is unclear why the filing of a lawsuit against Libya should be a prerequisite to receive compensation from the fund, where (as here) there is no question that the claimants were victims of the Lod attack. Second, even assuming such a requirement were appropriate, it is surely unfair for the federal agencies overseeing the fund to impose that requirement without allowing families who had not previously satisfied the requirement any opportunity to do so.

Imposition of the August 2008 deadline was no doubt part of a well-meaning effort to streamline the claims process and to ease the administrative burden that such processes often entail. But it has caused a major injustice in the case of these two families. Bearing in mind that the deadline for filing claims with the FCSC is approaching, I very much hope that a mutually agreeable solution to this problem can be found.

Sincerely,



Pedro R. Pierluisi
Member of Congress

cc: Heather L. Cartwright, Director, Office of Justice for Victims of Overseas
Terrorism, U.S. Department of Justice
Nitsana Darshan-Leitner, Counsel for the Calderon-Molina and Tirado-Ayala
families