

107TH CONGRESS
2D SESSION

H. R. 3978

To provide compensation and income tax relief for the individuals who were victims of the terrorist-related bombing of the World Trade Center in 1993 on the same basis as compensation and income tax relief is provided to victims of the terrorist-related aircraft crashes on September 11, 2001.

IN THE HOUSE OF REPRESENTATIVES

MARCH 14, 2002

Mr. MENENDEZ introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To provide compensation and income tax relief for the individuals who were victims of the terrorist-related bombing of the World Trade Center in 1993 on the same basis as compensation and income tax relief is provided to victims of the terrorist-related aircraft crashes on September 11, 2001.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “1993 World Trade
3 Center Victims Compensation Act”.

4 **TITLE I—COMPENSATION**
5 **PROVISIONS**

6 **SEC. 101. DEFINITIONS.**

7 In this title, the following definitions apply:

8 (1) CLAIMANT.—The term “claimant” means
9 an individual filing a claim for compensation under
10 section 104(a)(1).

11 (2) COLLATERAL SOURCE.—The term “collat-
12 eral source” means all collateral sources, including
13 life insurance, pension funds, death benefit pro-
14 grams, and payments by Federal, State, or local
15 governments related to the terrorist-related bombing
16 of the World Trade Center in New York City on
17 February 26, 1993.

18 (3) ECONOMIC LOSS.—The term “economic
19 loss” means any pecuniary loss resulting from harm
20 (including the loss of earnings or other benefits re-
21 lated to employment, medical expense loss, replace-
22 ment services loss, loss due to death, burial costs,
23 and loss of business or employment opportunities) to
24 the extent recovery for such loss is allowed under ap-
25 plicable State law.

1 (4) ELIGIBLE INDIVIDUAL.—The term “eligible
2 individual” means an individual determined to be eli-
3 gible for compensation under section 104(c).

4 (5) NONECONOMIC LOSSES.—The term “non-
5 economic losses” means losses for physical and emo-
6 tional pain, suffering, inconvenience, physical im-
7 pairment, mental anguish, disfigurement, loss of en-
8 joyment of life, loss of society and companionship,
9 loss of consortium (other than loss of domestic serv-
10 ice), hedonic damages, injury to reputation, and all
11 other nonpecuniary losses of any kind or nature.

12 (6) SPECIAL MASTER.—The term “Special Mas-
13 ter” means the Special Master appointed under sec-
14 tion 404(a) of the September 11th Victim Com-
15 pensation Fund of 2001 (title IV of the Air Trans-
16 portation Safety and System Stabilization Act (Pub-
17 lic Law 107–42; 115 Stat. ____)).

18 **SEC. 102. PURPOSE.**

19 It is the purpose of this title to provide compensation
20 to any individual (or relatives of a deceased individual)
21 who was physically injured or killed as a result of the ter-
22 rorist-related bombing of the World Trade Center in New
23 York City on February 26, 1993.

1 **SEC. 103. ADMINISTRATION.**

2 (a) IN GENERAL.—The Attorney General, acting
3 through the Special Master, shall—

4 (1) administer the compensation program es-
5 tablished under this title;

6 (2) promulgate all procedural and substantive
7 rules for the administration of this title; and

8 (3) employ and supervise hearing officers and
9 other administrative personnel to perform the duties
10 of the Special Master under this title.

11 (b) AUTHORIZATION OF APPROPRIATIONS.—There
12 are authorized to be appropriated such sums as may be
13 necessary to pay the administrative and support costs for
14 the Special Master in carrying out this title.

15 **SEC. 104. DETERMINATION OF ELIGIBILITY FOR COM-**
16 **PENSATION.**

17 (a) FILING OF CLAIM.—

18 (1) IN GENERAL.—A claimant may file a claim
19 for compensation under this title with the Special
20 Master. The claim shall be on the form developed
21 under paragraph (2) and shall state the factual basis
22 for eligibility for compensation and the amount of
23 compensation sought.

24 (2) CLAIM FORM.—

25 (A) IN GENERAL.—The Special Master
26 shall develop a claim form that claimants shall

1 use when submitting claims under paragraph
2 (1). The Special Master shall ensure that such
3 form can be filed electronically, if determined
4 to be practicable.

5 (B) CONTENTS.—The form developed
6 under subparagraph (A) shall request—

7 (i) information from the claimant con-
8 cerning the physical harm that the claim-
9 ant suffered, or in the case of a claim filed
10 on behalf of a decedent information con-
11 firming the decedent's death, as a result of
12 the terrorist-related bombing of the World
13 Trade Center in New York City on Feb-
14 ruary 26, 1993;

15 (ii) information from the claimant
16 concerning any possible economic and non-
17 economic losses that the claimant suffered
18 as a result of such bombing; and

19 (iii) information regarding collateral
20 sources of compensation the claimant has
21 received or is entitled to receive as a result
22 of such bombing.

23 (3) LIMITATION.—No claim may be filed under
24 paragraph (1) after the date that is 2 years after

1 the date on which regulations are promulgated
2 under section 106.

3 (b) REVIEW AND DETERMINATION.—

4 (1) REVIEW.—The Special Master shall review
5 a claim submitted under subsection (a) and
6 determine—

7 (A) whether the claimant is an eligible in-
8 dividual under subsection (c);

9 (B) with respect to a claimant determined
10 to be an eligible individual—

11 (i) the extent of the harm to the
12 claimant, including any economic and non-
13 economic losses; and

14 (ii) the amount of compensation to
15 which the claimant is entitled based on the
16 harm to the claimant, the facts of the
17 claim, and the individual circumstances of
18 the claimant.

19 (2) NEGLIGENCE.—With respect to a claimant,
20 the Special Master shall not consider negligence or
21 any other theory of liability.

22 (3) DETERMINATION.—Not later than 120 days
23 after that date on which a claim is filed under sub-
24 section (a), the Special Master shall complete a re-
25 view, make a determination, and provide written no-

1 tice to the claimant, with respect to the matters that
2 were the subject of the claim under review. Such a
3 determination shall be final and not subject to judi-
4 cial review.

5 (4) RIGHTS OF CLAIMANT.—A claimant in a re-
6 view under paragraph (1) shall have—

7 (A) the right to be represented by an at-
8 torney;

9 (B) the right to present evidence, including
10 the presentation of witnesses and documents;
11 and

12 (C) any other due process rights deter-
13 mined appropriate by the Special Master.

14 (5) NO PUNITIVE DAMAGES.—The Special Mas-
15 ter may not include amounts for punitive damages
16 in any compensation paid under a claim under this
17 title.

18 (6) COLLATERAL COMPENSATION.—The Special
19 Master shall reduce the amount of compensation de-
20 termined under paragraph (1)(B)(ii) by the amount
21 of the collateral source compensation the claimant
22 has received or is entitled to receive as a result of
23 the terrorist-related bombing of the World Trade
24 Center in New York City on February 26, 1993.

25 (c) ELIGIBILITY.—

1 (1) IN GENERAL.—A claimant shall be deter-
2 mined to be an eligible individual for purposes of
3 this subsection if the Special Master determines that
4 such claimant—

5 (A) is an individual described in paragraph
6 (2); and

7 (B) meets the requirements of paragraph
8 (3).

9 (2) INDIVIDUALS.—A claimant is an individual
10 described in this paragraph if the claimant is—

11 (A) an individual who—

12 (i) was present at the World Trade
13 Center in New York City at the time, or
14 in the immediate aftermath, of the ter-
15 rorist-related bombing of the World Trade
16 Center in New York City on February 26,
17 1993;

18 (ii) suffered physical harm or death as
19 a result of such bombing; and

20 (iii) is not identified by the Attorney
21 General to have been a participant or con-
22 spirator in such bombing; or

23 (B) in the case of a decedent who is an in-
24 dividual described in subparagraph (A), the per-

sonal representative of the decedent who files a claim on behalf of the decedent.

(3) REQUIREMENTS.—

(A) SINGLE CLAIM.—Not more than one claim may be submitted under this title by an individual or on behalf of a deceased individual.

(B) LIMITATION ON CIVIL ACTION.—

(i) IN GENERAL.—Upon the submission of a claim under this title, the claimant waives the right to file a civil action (or to be a party to an action) in any Federal or State court for damages sustained as a result of the terrorist-related bombing of the World Trade Center in New York City on February 26, 1993. The preceding sentence does not apply to a civil action to recover collateral source obligations.

(ii) PENDING ACTIONS.—In the case of an individual who is a party to a civil action described in clause (i), such individual may not submit a claim under this title unless such individual withdraws from such action by the date that is 90 days after the date on which regulations are promulgated under section 106.

1 **SEC. 105. PAYMENTS TO ELIGIBLE INDIVIDUALS.**

2 (a) IN GENERAL.—Not later than 20 days after the
3 date on which a determination is made by the Special Mas-
4 ter regarding the amount of compensation due a claimant
5 under this title, the Special Master shall authorize pay-
6 ment to such claimant of the amount determined with re-
7 spect to the claimant.

8 (b) PAYMENT AUTHORITY.—This title constitutes
9 budget authority in advance of appropriations Acts and
10 represents the obligation of the Federal Government to
11 provide for the payment of amounts for compensation
12 under this title.

13 (c) ADDITIONAL FUNDING.—

14 (1) IN GENERAL.—The Attorney General is au-
15 thorized to accept such amounts as may be contrib-
16 uted by individuals, business concerns, or other enti-
17 ties to carry out this title, under such terms and
18 conditions as the Attorney General may impose.

19 (2) USE OF SEPARATE ACCOUNT.—In making
20 payments under this section, amounts contained in
21 any account containing funds provided under para-
22 graph (1) shall be used prior to using appropriated
23 amounts.

24 **SEC. 106. REGULATIONS.**

25 Not later than 90 days after the date of enactment
26 of this Act, the Attorney General, in consultation with the

1 Special Master, shall promulgate regulations to carry out
2 this title, including regulations with respect to—

3 (1) forms to be used in submitting claims under
4 this title;

5 (2) the information to be included in such
6 forms;

7 (3) procedures for hearing and the presentation
8 of evidence;

9 (4) procedures to assist an individual in filing
10 and pursuing claims under this title; and

11 (5) other matters determined appropriate by
12 the Attorney General.

13 **SEC. 107. RIGHT OF SUBROGATION.**

14 The United States shall have the right of subrogation
15 with respect to any claim paid by the United States under
16 this title.

17 **TITLE II—INCOME TAX**
18 **PROVISIONS**

19 **SEC. 201. INCOME TAX RELIEF.**

20 (a) IN GENERAL.—Section 692(d)(4) of the Internal
21 Revenue Code of 1986 (relating to definition of specified
22 terrorist victim) is amended by inserting “February 26,
23 1993,” before “April 19, 1995”.

24 (b) EFFECTIVE DATE; WAIVER OF LIMITATIONS.—

1 (1) EFFECTIVE DATE.—The amendment made
2 by this section shall apply to taxable years ending
3 before, on, or after the date of the enactment of this
4 Act.

5 (2) WAIVER OF LIMITATIONS.—If refund or
6 credit of any overpayment of tax resulting from the
7 amendment made by this section is prevented at any
8 time before the close of the 1-year period beginning
9 on the date of the enactment of this Act by the oper-
10 ation of any law or rule of law (including res judi-
11 cata), such refund or credit may nevertheless be
12 made or allowed if claim therefor is filed before the
13 close of such period.

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