

107TH CONGRESS
2D SESSION

S. 2214

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 SENATE OF THE UNITED STATES

APRIL 18, 2002

Mr. CORZINE (for himself, Mr. TORRICELLI, Mr. SCHUMER, and Mrs. CLINTON) introduced the following bill; which was read twice and referred to the Committee on Finance

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,*

3 **SECTION 1. SHORT TITLE.**

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

TITLE I—COMPENSATION PROVISIONS

SEC. 101. DEFINITIONS.

In this title, the following definitions apply:

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

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

(3) ECONOMIC LOSS.—The term “economic loss” means any pecuniary loss resulting from harm (including the loss of earnings or other benefits related to employment, medical expense loss, replacement services loss, loss due to death, burial costs, and loss of business or employment opportunities) to the extent recovery for such loss is allowed under applicable State law.

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

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

9 (6) SPECIAL MASTER.—The term “Special Mas-
 10 ter” means the Special Master appointed under sec-
 11 tion 404(a) of the September 11th Victim Com-
 12 pensation Fund of 2001 (title IV of the Air Trans-
 13 portation Safety and System Stabilization Act (Pub-
 14 lic Law 107–42; 115 Stat. 237)).

15 **SEC. 102. PURPOSE.**

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

21 **SEC. 103. ADMINISTRATION.**

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

24 (1) administer the compensation program es-
 25 tablished under this title;

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

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

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

10 **SEC. 104. DETERMINATION OF ELIGIBILITY FOR COM-**
11 **PENSATION.**

12 (a) FILING OF CLAIM.—

13 (1) IN GENERAL.—A claimant may file a claim
14 for compensation under this title with the Special
15 Master. The claim shall be on the form developed
16 under paragraph (2) and shall state the factual basis
17 for eligibility for compensation and the amount of
18 compensation sought.

19 (2) CLAIM FORM.—

20 (A) IN GENERAL.—The Special Master
21 shall develop a claim form that claimants shall
22 use when submitting claims under paragraph
23 (1). The Special Master shall ensure that such
24 form can be filed electronically, if determined to
25 be practicable.

1 (B) CONTENTS.—The form developed
2 under subparagraph (A) shall request—

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

11 (ii) information from the claimant
12 concerning any possible economic and non-
13 economic losses that the claimant suffered
14 as a result of such bombing; and

15 (iii) information regarding collateral
16 sources of compensation the claimant has
17 received or is entitled to receive as a result
18 of such bombing.

19 (3) LIMITATION.—No claim may be filed under
20 paragraph (1) after the date that is 2 years after
21 the date on which regulations are promulgated
22 under section 106.

23 (b) REVIEW AND DETERMINATION.—

1 (1) REVIEW.—The Special Master shall review
2 a claim submitted under subsection (a) and
3 determine—

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

6 (B) with respect to a claimant determined
7 to be an eligible individual—

8 (i) the extent of the harm to the
9 claimant, including any economic and non-
10 economic losses; and

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

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

19 (3) DETERMINATION.—Not later than 120 days
20 after that date on which a claim is filed under sub-
21 section (a), the Special Master shall complete a re-
22 view, make a determination, and provide written no-
23 tice to the claimant, with respect to the matters that
24 were the subject of the claim under review. Such a

1 determination shall be final and not subject to judi-
2 cial review.

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

5 (A) the right to be represented by an at-
6 torney;

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

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

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

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

23 (c) ELIGIBILITY.—

24 (1) IN GENERAL.—A claimant shall be deter-
25 mined to be an eligible individual for purposes of

1 this subsection if the Special Master determines that
2 such claimant—

3 (A) is an individual described in paragraph
4 (2); and

5 (B) meets the requirements of paragraph
6 (3).

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

9 (A) an individual who—

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

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

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

21 (B) in the case of a decedent who is an in-
22 dividual described in subparagraph (A), the per-
23 sonal representative of the decedent who files a
24 claim on behalf of the decedent.

25 (3) REQUIREMENTS.—

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

4 (B) LIMITATION ON CIVIL ACTION.—

5 (i) IN GENERAL.—Upon the submis-
 6 sion of a claim under this title, the claim-
 7 ant waives the right to file a civil action
 8 (or to be a party to an action) in any Fed-
 9 eral or State court for damages sustained
 10 as a result of the terrorist-related bombing
 11 of the World Trade Center in New York
 12 City on February 26, 1993. The preceding
 13 sentence does not apply to a civil action to
 14 recover collateral source obligations.

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

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

24 (a) IN GENERAL.—Not later than 20 days after the
 25 date on which a determination is made by the Special Mas-

1 ter regarding the amount of compensation due a claimant
2 under this title, the Special Master shall authorize pay-
3 ment to such claimant of the amount determined with re-
4 spect to the claimant.

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

10 (c) ADDITIONAL FUNDING.—

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

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

21 **SEC. 106. REGULATIONS.**

22 Not later than 90 days after the date of enactment
23 of this Act, the Attorney General, in consultation with the
24 Special Master, shall promulgate regulations to carry out
25 this title, including regulations with respect to—

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

3 (2) the information to be included in such
4 forms;

5 (3) procedures for hearing and the presentation
6 of evidence;

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

9 (5) other matters determined appropriate by
10 the Attorney General.

11 **SEC. 107. RIGHT OF SUBROGATION.**

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

15 **TITLE II—INCOME TAX**
16 **PROVISIONS**

17 **SEC. 201. INCOME TAX RELIEF.**

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

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

23 (1) EFFECTIVE DATE.—The amendment made
24 by this section shall apply to taxable years ending

1 before, on, or after the date of the enactment of this
2 Act.

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

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