

S 1624

World Trade Center Attack Claims Act

Congress: 107 (2001–2003, Ended)

Chamber: Senate

Policy Area: Emergency Management

Introduced: Nov 1, 2001

Current Status: Placed on Senate Legislative Calendar under General Orders. Calendar No. 269.

Latest Action: Placed on Senate Legislative Calendar under General Orders. Calendar No. 269. (Dec 7, 2001)

Official Text: <https://www.congress.gov/bill/107th-congress/senate-bill/1624>

Sponsor

Name: Sen. Clinton, Hillary Rodham [D-NY]

Party: Democratic • **State:** NY • **Chamber:** Senate

Cosponsors (1 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Schumer, Charles E. [D-NY]	D · NY		Nov 1, 2001

Committee Activity

Committee	Chamber	Activity	Date
Environment and Public Works Committee	Senate	Reported By	Dec 8, 2001

Subjects & Policy Tags

Policy Area:

Emergency Management

Related Bills

Bill	Relationship	Last Action
107 HR 3272	Related bill	Nov 14, 2001: Referred to the Subcommittee on Economic Development, Public Buildings and Emergency Management.

Summary (as of Dec 7, 2001)

World Trade Center Attack Claims Act - Establishes within the Federal Emergency Management Agency (FEMA) the Office of World Trade Center Attack Claims. Authorizes the Director of FEMA to appoint an Independent Claims Manager to head the Office and to assume the duties of the Director.

(Sec. 5) Requires the Director to investigate, adjust, grant, deny, settle, or compromise any claim submitted for compensation for injury suffered as a result of the September 11, 2001, attack. Subjects any qualifying claim to a payment ceiling and other offsets. Specifies that: (1) payment on a claim may not exceed the amount necessary to compensate for injuries suffered during the 18-month period following the September 11th attack; and (2) payment on a claim may not exceed \$500,000, except in those instances where the Director determines that a greater amount is appropriate.

Specifies two categories of compensable loss: residential and business. Includes among residential losses uninsured or under-insured property loss, damage to or destruction of physical infrastructure, insurance deductibles, temporary living or relocation expenses, debris removal and other cleanup costs, or any other type of related injury that the Director deems appropriate. Includes among business loss uninsured or under-insured property loss, damage to or destruction of tangible assets or inventory, business interruption loss, overhead costs, employee wages for work not performed, insurance deductibles, temporary relocation expenses, debris removal and cleanup costs, and any other type of related injury that the Director deems appropriate; but requires, as an additional limitation, that the injured person may receive compensation only if the injured person's business facility has suffered disruption of power, disruption in telecommunications capacity, damage to or destruction of physical infrastructure, or disruption in physical access by employees or customers in the business facility.

Places the burden of proof upon the claimant, but if documentary evidence is not reasonably available allows payment of a claim based on an affidavit or other documentation executed by the claimant.

Authorizes the Director to: (1) determine the amount, if any, to be paid for the claim, and to pay the amount within 180 days, if practicable; and (2) establish priorities for processing and paying claims based on an assessment of the needs of the claimants and any other appropriate criteria.

Requires the Director, to prevent recovery by a claimant in excess of actual compensatory damages, to reduce any amount to be paid for the claim by an amount that is equal to the sum of the payments or settlements of any kind that were paid, or will be paid, with respect to the claim, including: (1) payments on insurance policies; and (2) benefits under the public assistance program, individual assistance program, or other program of FEMA or of any other Federal, State, or local agency.

Authorizes the United States to recover any portion of a payment on a claim that was improperly paid to the claimant as a result of: (1) fraud or misrepresentation on the part of the claimant or a representative of the claimant; (2) a material mistake on the part of the United States; (3) the payment of benefits that were not taken into account in determining the amount of the payment; or (4) the failure of the claimant to cooperate in an audit.

Establishes an appeals process under which, if the claimant disagrees with the Director's disposition of a claim, the claimant may appeal the decision in accordance with the appellate process regulations jointly promulgated by FEMA and the Small Business Administration (SBA). Requires the claimant to file notice of appeal within 60 days after the date the Director notifies the claimant that the claim will or will not be paid. Provides for consideration by the Administrator of the SBA (for business loss appeals) and by the Director (for residential loss appeals), but in either case appellate decisions

must be rendered within 90 days after receipt of the notice of appeal.

Specifies that the Debt Collection Act shall not preclude the payment of any claim. Disallows the assignment of claims by injured persons. Exempts paid claims from creditors. Authorizes the Director to require repayment of SBA disaster loans from the proceeds of claims paid under this Act.

(Sec. 6) Allows the Director to: (1) accept and use the facilities or employees of any State or local government or agency with the consent of the government; and (2) accept voluntary and uncompensated services by individuals or organizations and gifts of supplies, equipment, and facilities.

(Sec. 7) States that: (1) nothing in this Act prevents an injured person from seeking benefits under any Federal entitlement program; and (2) calculation of eligibility for any Federal benefit or entitlement program should not include any compensation received under this Act.

(Sec. 8) Requires the Director to report annually to Congress on the amounts, nature, and status of submitted claims. Directs the Comptroller General to annually audit the payment of claims and report the results to Congress.

(Sec. 9) Authorizes appropriations. Excludes use of FEMA funds to carry out this Act.

(Sec. 10) Terminates authority under this Act 42 months after enactment.

Actions Timeline

- **Dec 7, 2001:** Committee on Environment and Public Works. Reported by Senator Jeffords with an amendment in the nature of a substitute. With written report No. 107-116.
- **Dec 7, 2001:** Committee on Environment and Public Works. Reported by Senator Jeffords with an amendment in the nature of a substitute. With written report No. 107-116.
- **Dec 7, 2001:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 269.
- **Nov 8, 2001:** Committee on Environment and Public Works. Ordered to be reported with an amendment in the nature of a substitute favorably.
- **Nov 1, 2001:** Introduced in Senate
- **Nov 1, 2001:** Read twice and referred to the Committee on Environment and Public Works.