

107<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 3345

Making additional supplemental appropriations for fiscal year 2002 for relief and recovery from the September 11, 2001, terrorist attacks on the United States, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 19, 2001

Mr. SWEENEY introduced the following bill; which was referred to the Committee on Appropriations

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## A BILL

Making additional supplemental appropriations for fiscal year 2002 for relief and recovery from the September 11, 2001, terrorist attacks on the United States, and for other purposes.

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 “Emergency Relief and  
5       Recovery Supplemental Appropriations Act for Fiscal  
6       Year 2002”.

1 **SEC. 2. STATEMENT OF APPROPRIATION.**

2 The following sums are appropriated, out of any  
3 money in the Treasury not otherwise appropriated, for fis-  
4 cal year 2002, and for other purposes.

5 **TITLE I—EMERGENCY RELIEF**  
6 **AND RECOVERY PROVISIONS**

7 DEPARTMENT OF LABOR

8 EMPLOYMENT AND TRAINING ADMINISTRATION

9 TEMPORARY EMERGENCY UNEMPLOYMENT ASSISTANCE

10 FOR THE STATE OF NEW YORK

11 For emergency expenses to respond to the September  
12 11, 2001, terrorist attacks on the United States, for pay-  
13 ment to the special fund established and administered by  
14 the State of New York for the payment of unemployment  
15 compensation (as referred to in section 3306(f) of the In-  
16 ternal Revenue Code of 1986), \$880,000,000, to remain  
17 available until expended: *Provided*, That such amount  
18 shall be available only to provide assistance to dislocated  
19 workers in New York City and the State of New York who  
20 are unemployed as a consequence of those attacks, in ac-  
21 cordance with succeeding provisions of this paragraph:  
22 *Provided further*, That such amount shall not be paid over  
23 to such special fund until such time as the State of New  
24 York enters into an agreement with the Secretary of  
25 Labor, under the terms of which such amount shall be  
26 used only (1) to provide for up to 26 weeks of regular

1 compensation to displaced workers (described in the pre-  
2 ceding proviso) in accordance with the unemployment  
3 compensation law of that State, (2) to provide for up to  
4 26 weeks of extended compensation, under a program es-  
5 tablished under such agreement, for any such displaced  
6 workers who have, beginning with any week that begins  
7 on or after September 11, 2001, and before the week that  
8 includes December 31, 2002, exhausted all rights to reg-  
9 ular compensation under the unemployment compensation  
10 law of that State, (3) to provide for up to 26 weeks of  
11 benefits, under a program established under such agree-  
12 ment, for any such displaced workers not otherwise eligible  
13 for benefits under the unemployment compensation law of  
14 that State (weekly benefits under such program not to ex-  
15 ceed the maximum weekly amount authorized under the  
16 unemployment compensation law of that State), and (4)  
17 notwithstanding any other provision of State or Federal  
18 law, to cover administrative expenses incurred by that  
19 State in connection with any compensation or benefits pro-  
20 vided for under clauses (1)–(3); and the State of New  
21 York has taken such measures as may be necessary to en-  
22 sure that the provisions of such agreement relating to  
23 clauses (2) and (3) will be implemented: *Provided further,*  
24 That such amount may be used to reimburse the appro-  
25 priate fund or account of the State of New York for any

1 amounts described in clause (1) or (4) of the preceding  
2 proviso which were paid or incurred after September 11,  
3 2001, and before the date of the enactment of this Act  
4 with respect to such displaced workers: *Provided further,*  
5 That, in determining (for purposes of this paragraph)  
6 whether an individual's separation from employment was  
7 as a consequence of the September 11, 2001, terrorist at-  
8 tacks on the United States, the relevant authority may  
9 consider the displacement of businesses in and around the  
10 World Trade Center area, dislocations for workers em-  
11 ployed in businesses serving clients in and around the  
12 World Trade Center area, the effect of the attacks on trav-  
13 el and tourism in the New York City area, and the effect  
14 of the attacks on the ability of businesses to distribute  
15 goods and services in the New York City area: *Provided*  
16 *further,* That, in connection with any compensation pay-  
17 able under chapter 85 of title 5, United States Code, and  
18 any compensation payable on the basis of services to which  
19 section 3309(a)(1) of the Internal Revenue Code of 1986  
20 applies, any amounts paid out of the amount appropriated  
21 by this paragraph shall not be required to be repaid: *Pro-*  
22 *vided further,* That the amount provided in this paragraph  
23 is designated by the Congress as an emergency require-  
24 ment pursuant to section 251(b)(2)(A) of the Balanced  
25 Budget and Emergency Deficit Control Act of 1985: *Pro-*

1 *vided further*, That such amount shall be available only  
2 to the extent that an official budget request, that includes  
3 designation of the entire amount of the request as an  
4 emergency requirement as defined in the Balanced Budget  
5 and Emergency Deficit Control Act of 1985, is trans-  
6 mitted by the President to the Congress.

7 PREMIUM ASSISTANCE FOR COBRA CONTINUATION COV-  
8 ERAGE FOR CERTAIN INDIVIDUALS IMPACTED BY  
9 THE TERRORIST ATTACKS  
10 SEC. 101. (a) ESTABLISHMENT.—

11 (1) IN GENERAL.—Not later than 60 days after  
12 the date of enactment of this Act, the Secretary of  
13 the Treasury, in consultation with the Secretary of  
14 Labor, shall establish a program under which pre-  
15 mium assistance for COBRA continuation coverage  
16 shall be provided for qualified individuals under this  
17 section.

18 (2) QUALIFIED INDIVIDUALS.—For purposes of  
19 this section, a qualified individual is an individual  
20 who—

21 (A)(i) becomes entitled to elect COBRA  
22 continuation coverage—

23 (I) as a result of the loss of employ-  
24 ment in New York City or New York State  
25 of the individual as a consequence of the

1 September 11, 2001, terrorist attacks on  
2 the United States; or

3 (II) as a result of a reduction of hours  
4 of employment in New York City or New  
5 York State of the individual as a con-  
6 sequence of such attacks; or

7 (ii) is the beneficiary of an individual  
8 who—

9 (I) is described in clause (i); or

10 (II) was employed in New York  
11 City or New York State at the time of  
12 such attacks and was killed as a re-  
13 sult of such attacks;

14 (B) has elected such coverage; and

15 (C) enrolls in the premium assistance pro-  
16 gram under this section by not later than the  
17 end of the 1-year period beginning on the date  
18 of the enactment of this Act.

19 (3) SCOPE OF CONSEQUENCES OF ATTACK.—

20 For purposes of this section (and the succeeding sec-  
21 tion), in determining whether an individual's loss of  
22 employment or reduction in hours of employment is  
23 a consequence of the September 11, 2001, terrorist  
24 attacks on the United States, there shall be taken  
25 into consideration the displacement of businesses in

1 and around the World Trade Center area, disloca-  
2 tions for workers employed in businesses serving cli-  
3 ents in and around the World Trade Center area,  
4 the effect of the attacks on travel and tourism in the  
5 New York City area, and the effect of the attacks  
6 on the ability of businesses to distribute goods and  
7 services in the New York City area.

8 (4) STATE OPTION TO ELECT ADMINISTRATION  
9 OF PROGRAM.—

10 (A) IN GENERAL.—A State may elect to  
11 administer the premium assistance program es-  
12 tablished under this section if the State submits  
13 to the Secretary of the Treasury, not later than  
14 January 1, 2002, a plan that describes how the  
15 State will administer such program on behalf of  
16 qualified individuals who reside in the State be-  
17 ginning on that date.

18 (B) PAYMENTS.—In the case of a State  
19 that submits a plan under subparagraph (A),  
20 subject to subsection (k), the Secretary of the  
21 Treasury shall pay to each such State an  
22 amount for each quarter equal to the total  
23 amount of premium subsidies provided in that  
24 quarter on behalf of such individuals.

1           (5) IMMEDIATE IMPLEMENTATION.—The pro-  
2           gram established under this section shall be imple-  
3           mented without regard to whether or not final regu-  
4           lations to carry out such program have been promul-  
5           gated by the deadline described in paragraph (1).

6           (b) LIMITATION OF PERIOD OF PREMIUM ASSIST-  
7           ANCE.—Premium assistance provided under this sub-  
8           section shall end with respect to an individual on the ear-  
9           lier of—

10           (1) the date the individual is no longer covered  
11           under COBRA continuation coverage; or

12           (2) 12 months after the date the individual is  
13           first enrolled in the premium assistance program es-  
14           tablished under this section.

15           (c) PAYMENT AND CREDITING OF ASSISTANCE.—

16           (1) AMOUNT OF ASSISTANCE.—Premium assist-  
17           ance provided under this section shall be equal to  
18           100 percent of the amount of the premium required  
19           for the COBRA continuation coverage.

20           (2) PROVISION OF ASSISTANCE.—Premium as-  
21           sistance provided under this section shall be pro-  
22           vided through the establishment of direct payment  
23           arrangements with a group health plan (including a  
24           multiemployer plan), an issuer of health insurance  
25           coverage, an administrator, or an employer as appro-



1        appropriate with respect to the individual provided such  
2        assistance. It shall be a fiduciary duty of the plan,  
3        issuer, administrator, or employer to enter into such  
4        arrangements under this section.

5            (3) PREMIUMS PAYABLE BY QUALIFIED INDI-  
6        VIDUAL REDUCED BY AMOUNT OF ASSISTANCE.—

7        Premium assistance provided under this section shall  
8        be credited by such plan, issuer, administrator, or  
9        employer against the premium otherwise owed by the  
10       individual involved for such coverage.

11       (d) CHANGE IN COBRA NOTICE.—

12            (1) GENERAL NOTICE.—

13            (A) IN GENERAL.—In the case of notices  
14        provided under section 4980B(f)(6) of the In-  
15        ternal Revenue Code of 1986 with respect to in-  
16        dividuals who, on or after September 11, 2001,  
17        and before the end of the 1-year period begin-  
18        ning on the date of the enactment of this Act,  
19        become entitled to elect COBRA continuation  
20        coverage, such notices shall include an addi-  
21        tional notification to the recipient of the avail-  
22        ability of premium assistance for such coverage  
23        under this section.

24            (B) ALTERNATIVE NOTICE.—In the case of  
25        COBRA continuation coverage to which the no-

1           tice provision under section 4980B(f)(6) of the  
2           Internal Revenue Code of 1986 does not apply,  
3           the Secretary of the Treasury shall, in coordi-  
4           nation with group health plans, health insur-  
5           ance issuers, administrators, and employers  
6           that provide or administer the COBRA continu-  
7           ation coverage involved, assure provision of  
8           such notice.

9           (C) FORM.—The requirement of the addi-  
10          tional notification under this paragraph may be  
11          met by amendment of existing notice forms or  
12          by inclusion of a separate document with the  
13          notice otherwise required.

14          (2) SPECIFIC REQUIREMENTS.—Each additional  
15          notification under paragraph (1) shall include—

16                (A) the forms necessary for establishing  
17                eligibility under subsection (a)(2)(A) and enroll-  
18                ment under subsection (a)(2)(C) in connection  
19                with the coverage with respect to each qualified  
20                individual;

21                (B) the name, address, and telephone num-  
22                ber necessary to contact the plan administrator  
23                and any other person maintaining relevant in-  
24                formation in connection with the premium as-  
25                sistance; and

1 (C) the following statement displayed in a  
2 prominent manner:

3 “You may be eligible to receive assistance with pay-  
4 ment of 100 percent of your COBRA continuation cov-  
5 erage premiums for a duration of not to exceed 12  
6 months.”.

7 (3) NOTICE RELATING TO RETROACTIVE COV-  
8 ERAGE.—In the case of such notices previously  
9 transmitted before the date of the enactment of this  
10 Act in the case of a qualified individual who has  
11 elected (or is still eligible to elect) COBRA continu-  
12 ation coverage as of the date of the enactment of  
13 this Act, the group health plan, health insurance  
14 issuer, administrator, or employer involved or the  
15 Secretary of the Treasury (in the case described in  
16 the paragraph (1)(B)) shall provide (within 60 days  
17 after the date of the enactment of this Act) for the  
18 additional notification required to be provided under  
19 paragraph (1).

20 (4) MODEL NOTICES.—The Secretary shall pre-  
21 scribe models for the additional notification required  
22 under this subsection.

23 (e) OBLIGATION OF FUNDS.—Subject to subsection  
24 (k), this section constitutes budget authority in advance  
25 of appropriations Acts and represents the obligation of the

1 Federal Government to provide for the payment of pre-  
2 mium assistance under this section.

3 (f) PROMPT ISSUANCE OF GUIDANCE.—The Sec-  
4 retary of the Treasury, in consultation with the Secretary  
5 of Labor, shall issue guidance under this section not later  
6 than 30 days after the date of the enactment of this Act.

7 (g) DEFINITIONS.—In this section:

8 (1) ADMINISTRATOR.—The term “adminis-  
9 trator” has the meaning given such term in section  
10 3(16) of the Employee Retirement Income Security  
11 Act of 1974.

12 (2) BENEFICIARY.—The term “beneficiary” has  
13 the meaning given such term under section 1002 of  
14 the Employee Retirement Income Security Act of  
15 1974.

16 (3) COBRA CONTINUATION COVERAGE.—The  
17 term “COBRA continuation coverage” means con-  
18 tinuation coverage provided pursuant to title XXII  
19 of the Public Health Service Act, section 4980B of  
20 the Internal Revenue Code of 1986 (other than sub-  
21 section (f)(1) of such section insofar as it relates to  
22 pediatric vaccines), part 6 of subtitle B of title I of  
23 the Employee Retirement Income Security Act of  
24 1974 (other than under section 609), section 8905a  
25 of title 5, United States Code, under a State pro-

1       gram that provides continuation coverage com-  
2       parable to such continuation coverage, or other com-  
3       parable continuation coverage offered to a bene-  
4       ficiary under a group health plan.

5           (4) FEDERAL PUBLIC BENEFIT.—The term  
6       “Federal public benefit” has the meaning given that  
7       term in section 401(c) of the Personal Responsibility  
8       and Work Opportunity Reconciliation Act of 1996 (8  
9       U.S.C. 1611(c)).

10          (5) GROUP HEALTH PLAN.—The term “group  
11       health plan” has the meaning given that term in sec-  
12       tion 2791(a) of the Public Health Service Act (42  
13       U.S.C. 300gg–91(a)) and in section 607(1) of the  
14       Employee Retirement Income Security Act of 1974  
15       (29 U.S.C. 1167(1)).

16          (6) MULTIEMPLOYER PLAN.—The term “multi-  
17       employer plan” has the meaning given that term in  
18       section 3(37) of the Employee Retirement Income  
19       Security Act of 1974 (29 U.S.C. 1002(37)).

20          (7) STATE.—The term “State” means the State  
21       of New York.

22          (8) STATE OR LOCAL PUBLIC BENEFIT.—The  
23       term “State or local public benefit” has the meaning  
24       given that term in section 411(c) of the Personal

1        Responsibility and Work Opportunity Reconciliation  
2        Act of 1996 (8 U.S.C. 1621(c)).

3        (h) EMERGENCY DESIGNATION.—The amount pro-  
4        vided in this section is designated by the Congress as an  
5        emergency requirement pursuant to the Balanced Budget  
6        and Emergency Deficit Control Act of 1985. Such amount  
7        shall be available only to the extent that an official budget  
8        request, that includes designation of the entire amount of  
9        the request as an emergency requirement as defined in  
10       the Balanced Budget and Emergency Deficit Control Act  
11       of 1985, is transmitted by the President to the Congress.

12       (i) DISREGARD OF SUBSIDIES FOR PURPOSES OF  
13       FEDERAL AND STATE PROGRAMS.—Notwithstanding any  
14       other provision of law, any premium assistance provided  
15       to, or on behalf of, an individual under this section, shall  
16       not be considered income or resources in determining eligi-  
17       bility for, or the amount of assistance or benefits provided  
18       under, any other Federal public benefit or State or local  
19       public benefit.

20       (j) LIMITATION ON AMOUNT.—

21                (1) IN GENERAL.—Notwithstanding any other  
22       provision of this section or section 102, in no case  
23       shall the total amount that may be obligated under  
24       this section and section 102 exceed \$1,025,000,000.

25                (2) CONTINGENCY MECHANISM.—

1           (A) IN GENERAL.—The Secretaries of the  
2 Treasury and Health and Human Services shall  
3 cooperatively establish a mechanism to assure  
4 that the total amount obligated under this sec-  
5 tion and section 102 does not exceed the  
6 amount specified in paragraph (1).

7           (B) USE OF FIRST COME, FIRST SERVED  
8 MECHANISM.—Under such mechanism—

9           (i) with respect to this section, the  
10 Secretary of the Treasury shall provide, in  
11 coordination with States to the extent ap-  
12 plicable, the assistance under this section  
13 giving priority based upon the order in  
14 which a qualified individual applies for as-  
15 sistance in a manner consistent with sub-  
16 paragraph (A); and

17           (ii) with respect to section 102, the  
18 Secretary of Health and Human Services  
19 shall provide that the Federal financial  
20 participation provided under such section  
21 shall be available to States giving priority  
22 based upon the order of qualifying expendi-  
23 tures under State plans in a manner con-  
24 sistent with subparagraph (A).

1 OPTIONAL TEMPORARY MEDICAID COVERAGE FOR CER-  
2 TAIN UNINSURED INDIVIDUALS IMPACTED BY THE  
3 TERRORIST ATTACKS

4 SEC. 102. (a) IN GENERAL.—Notwithstanding any  
5 other provision of law, with respect to any month before  
6 the ending month, a State may elect to provide, under its  
7 medicaid program under title XIX of the Social Security  
8 Act, medical assistance in the case of an individual—

9 (1)(A) who lost employment in New York City  
10 or New York State as a consequence of the Sep-  
11 tember 11, 2001, terrorist attacks on the United  
12 States;

13 (B) who experienced a reduction of hours of  
14 employment in New York City or New York State  
15 as a consequence of such attacks; or

16 (C) who is the spouse or dependent child of—

17 (i) an individual described in subparagraph  
18 (A) or (B); or

19 (ii) an individual who was employed in  
20 New York City or New York State and was  
21 killed as a result of such attacks;

22 (2) who is not eligible for COBRA continuation  
23 coverage (as defined in section 101(h)(3)); and

24 (3) who is uninsured.



1 (b) LIMITATION OF PERIOD OF COVERAGE.—Assist-  
2 ance under this section shall end with respect to an indi-  
3 vidual on the earlier of—

4 (1) the date the individual is no longer unin-  
5 sured; or

6 (2) 12 months after the date the individual is  
7 first determined to be eligible for medical assistance  
8 under this section.

9 (c) SPECIAL RULES.—In the case of medical assist-  
10 ance provided under this section—

11 (1) the Federal medical assistance percentage  
12 under section 1905(b) of the Social Security Act  
13 shall be 100 percent;

14 (2) a State may elect to disregard (or apply al-  
15 ternative) income, asset, and resource limitations  
16 and the provisions of section 1916(g) of such Act,  
17 except that in no case shall a State cover individuals  
18 with higher family income without covering individ-  
19 uals with a lower family income;

20 (3) such medical assistance shall not be pro-  
21 vided for periods before the date the individual be-  
22 comes uninsured;

23 (4) individuals eligible for medical assistance  
24 under this section shall be deemed to be described  
25 in the list of individuals described in the matter pre-

1 ceding paragraph (1) of section 1905(a) of such Act;  
2 and

3 (5) the Federal financial participation with re-  
4 spect to such assistance is subject to the limitations  
5 specified in section 101(k).

6 (d) DEFINITIONS.—For purposes of this Act:

7 (1) UNINSURED.—The term “uninsured”  
8 means, with respect to an individual, that the indi-  
9 vidual is not covered under—

10 (A) a group health plan (as defined in sec-  
11 tion 2791(a) of the Public Health Service Act),

12 (B) health insurance coverage (as defined  
13 in section 2791(b)(1) of the Public Health  
14 Service Act), or

15 (C) a program under title XVIII, XIX, or  
16 XXI of the Social Security Act, other than  
17 under such title XIX pursuant to this section.

18 For purposes of this paragraph, such coverage under  
19 subparagraph (A) or (B) shall not include coverage  
20 consisting solely of coverage of excepted benefits (as  
21 defined in section 2791(c) of the Public Health Serv-  
22 ice Act).

23 (2) STATE.—The term “State” has the mean-  
24 ing given such term for purposes of title XIX of the  
25 Social Security Act.

1           (3) ENDING MONTH.—The term “ending  
2           month” means the last month that begins before the  
3           date that is 1 year after the date of the enactment  
4           of this Act.

5           (e) EFFECTIVE DATE.—This section shall take effect  
6           upon its enactment, whether or not regulations imple-  
7           menting this section are issued.

8           (f) EMERGENCY DESIGNATION.—The amount pro-  
9           vided in this section is designated by the Congress as an  
10          emergency requirement pursuant to the Balanced Budget  
11          and Emergency Deficit Control Act of 1985. Such amount  
12          shall be available only to the extent that an official budget  
13          request, that includes designation of the entire amount of  
14          the request as an emergency requirement as defined in  
15          the Balanced Budget and Emergency Deficit Control Act  
16          of 1985, is transmitted by the President to the Congress.

17       **TITLE II—ADDITIONAL EMER-**  
18       **GENCY RELIEF AND RECOV-**  
19       **ERY PROVISIONS**

20                CHAPTER 1—LABOR PROGRAMS

21                    DEPARTMENT OF LABOR

22                      EMPLOYMENT AND TRAINING ADMINISTRATION

23                        TRAINING AND EMPLOYMENT SERVICES

24           Of the amounts provided under this heading in sup-  
25          plemental appropriation Acts for fiscal year 2002 to be

1 obligated from amounts made available in Public Law  
2 107–38, \$32,400,000 shall be provided to the Consortium  
3 for Worker Education, established by the New York City  
4 Central Labor Council and the New York City Partner-  
5 ship, for an Emergency Employment Clearinghouse.

6 STATE UNEMPLOYMENT SECURITY OFFICE

7 WORKERS COMPENSATION PROGRAMS

8 (INCLUDING TRANSFER OF FUNDS)

9 For emergency expenses to respond to the September  
10 11, 2001, terrorist attacks on the United States, for work-  
11 ers compensation programs in accordance with this para-  
12 graph, \$195,000,000, to remain available until expended:  
13 *Provided*, That, of such amount, \$145,000,000 shall be  
14 for payment to the New York State Workers Compensa-  
15 tion Review Board, for the processing of claims related  
16 to the terrorist attacks: *Provided further*, That, of such  
17 amount, \$25,000,000 shall be for payment to the New  
18 York State Uninsured Employers Fund, for reimburse-  
19 ment of claims related to the terrorist attacks: *Provided*  
20 *further*, That, of such amount, \$25,000,000 shall be for  
21 payment to the New York State Uninsured Employers  
22 Fund, for reimbursement of claims related to the first re-  
23 sponse emergency services personnel who were injured,  
24 were disabled, or died due to the terrorist attacks: *Pro-*  
25 *vided further*, That the amount provided in this paragraph

1 is designated by the Congress as an emergency require-  
2 ment pursuant to section 251(b)(2)(A) of the Balanced  
3 Budget and Emergency Deficit Control Act of 1985: *Pro-*  
4 *vided further*, That such amount shall be available only  
5 to the extent that an official budget request, that includes  
6 designation of the entire amount of the request as an  
7 emergency requirement as defined in the Balanced Budget  
8 and Emergency Deficit Control Act of 1985, is trans-  
9 mitted by the President to the Congress.

10 CHAPTER 2—HEALTH AND HUMAN SERVICES

11 PROGRAMS

12 DEPARTMENT OF HEALTH AND HUMAN

13 SERVICES

14 HEALTH RESOURCES AND SERVICES ADMINISTRATION

15 HEALTH RESOURCES AND SERVICES

16 For an additional amount for “Health Resources and  
17 Services” to reimburse local area public and private hos-  
18 pitals for unreimbursed care provided in response to the  
19 September 11, 2001, terrorist attacks on the United  
20 States, including overtime costs, equipment and supplies  
21 destroyed or damaged in the attack, \$140,000,000, to re-  
22 main available until expended: *Provided*, That the amount  
23 provided in this paragraph is designated by the Congress  
24 as an emergency requirement pursuant to section  
25 251(b)(2)(A) of the Balanced Budget and Emergency

1 Deficit Control Act of 1985: *Provided further*, That such  
2 amount shall be available only to the extent that an official  
3 budget request, that includes designation of the entire  
4 amount of the request as an emergency requirement as  
5 defined in the Balanced Budget and Emergency Deficit  
6 Control Act of 1985, is transmitted by the President to  
7 the Congress.

8       CENTERS FOR DISEASE CONTROL AND PREVENTION  
9             DISEASE CONTROL, RESEARCH, AND TRAINING

10       For an additional amount for “Disease Control, Re-  
11 search, and Training” for baseline safety screening for the  
12 emergency services personnel and rescue and recovery per-  
13 sonnel who served in response to the September 11, 2001,  
14 terrorist attacks on the United States, \$12,000,000, to re-  
15 main available until expended: *Provided*, That the amount  
16 provided in this paragraph is designated by the Congress  
17 as an emergency requirement pursuant to section  
18 251(b)(2)(A) of the Balanced Budget and Emergency  
19 Deficit Control Act of 1985: *Provided further*, That such  
20 amount shall be available only to the extent that an official  
21 budget request, that includes designation of the entire  
22 amount of the request as an emergency requirement as  
23 defined in the Balanced Budget and Emergency Deficit  
24 Control Act of 1985, is transmitted by the President to  
25 the Congress.

1                   NATIONAL INSTITUTES OF HEALTH  
2       NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH  
3                   SCIENCES

4       For an additional amount for “National Institute of  
5 Environmental Health Sciences” to respond to the Sep-  
6 tember 11, 2001, terrorist attacks on the United States,  
7 for carrying out activities set forth in section 311(a) of  
8 the Comprehensive Environmental Response, Compensa-  
9 tion, and Liability Act of 1980, \$10,450,000, to remain  
10 available until expended: *Provided*, That the amount pro-  
11 vided in this paragraph is designated by the Congress as  
12 an emergency requirement pursuant to section  
13 251(b)(2)(A) of the Balanced Budget and Emergency  
14 Deficit Control Act of 1985: *Provided further*, That such  
15 amount shall be available only to the extent that an official  
16 budget request, that includes designation of the entire  
17 amount of the request as an emergency requirement as  
18 defined in the Balanced Budget and Emergency Deficit  
19 Control Act of 1985, is transmitted by the President to  
20 the Congress.

1           CHAPTER 3—COMMERCE PROGRAMS  
2                   DEPARTMENT OF COMMERCE  
3    NATIONAL TELECOMMUNICATIONS AND INFORMATION  
4                   ADMINISTRATION  
5    PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING  
6                   AND CONSTRUCTION

7           For an additional amount for emergency grants au-  
8 thorized by section 392 of the Communications Act of  
9 1934 to respond to the September 11, 2001, terrorist at-  
10 tacks on the World Trade Center, \$6,500,000, to remain  
11 available until expended: *Provided*, That such amount is  
12 designated by the Congress as an emergency requirement  
13 pursuant to section 251(b)(2)(A) of the Balanced Budget  
14 and Emergency Deficit Control Act of 1985: *Provided fur-*  
15 *ther*, That such amount shall be available only to the ex-  
16 tent that an official budget request, that includes designa-  
17 tion of the entire amount of the request as an emergency  
18 requirement as defined in the Balanced Budget and Emer-  
19 gency Deficit Control Act of 1985, is transmitted by the  
20 President to the Congress.



1 CHAPTER 4—COMMUNITY DEVELOPMENT AND  
2 FEMA PROGRAMS  
3 DEPARTMENT OF HOUSING AND URBAN  
4 DEVELOPMENT  
5 COMMUNITY PLANNING AND DEVELOPMENT  
6 COMMUNITY DEVELOPMENT FUND

7 For an additional amount for “Community Develop-  
8 ment Fund”, to respond to the September 11, 2001, ter-  
9 rorist attacks on the United States, \$900,000,000, to re-  
10 main available until expended: *Provided*, That such funds  
11 shall be subject to the first through sixth provisos in sec-  
12 tion 434 of the Departments of Veterans Affairs and  
13 Housing and Urban Development, and Independent Agen-  
14 cies Appropriations Act, 2002 : *Provided further*, That, of  
15 the amount provided in this paragraph, \$10,000,000 shall  
16 be used for a program to aid the travel and tourism indus-  
17 try in New York City: *Provided further*, That the amount  
18 provided in this paragraph is designated by the Congress  
19 as an emergency requirement pursuant to section  
20 251(b)(2)(A) of the Balanced Budget and Emergency  
21 Deficit Control Act of 1985: *Provided further*, That such  
22 amount shall be available only to the extent that an official  
23 budget request, that includes designation of the entire  
24 amount of the request as an emergency requirement as  
25 defined in the Balanced Budget and Emergency Deficit

1 Control Act of 1985, is transmitted by the President to  
2 the Congress.

3 INDEPENDENT AGENCIES

4 FEDERAL EMERGENCY MANAGEMENT AGENCY

5 DISASTER RELIEF

6 For an additional amount for “Disaster Relief”, to  
7 respond to the September 11, 2001, terrorist attacks on  
8 the United States, \$6,560,000,000, to remain available  
9 until expended: *Provided*, That such amount shall be for  
10 recovery activities and assistance in New York City and  
11 the State of New York, Northern Virginia, and Pennsyl-  
12 vania: *Provided further*, That, of the amount provided in  
13 this paragraph, \$1,350,000,000 shall be for the Office of  
14 World Trade Center Attack Claims, created in chapter 5  
15 of this title: *Provided further*, That, of the amount pro-  
16 vided in this paragraph, the Federal Emergency Manage-  
17 ment Agency may provide up to \$110,000,000 to the New  
18 York City Board of Education to compensate the Board  
19 for the costs of providing additional classroom instruction  
20 and related activities to students who lost instructional  
21 time as a result of the September 11, 2001, terrorist at-  
22 tack on New York City: *Provided further*, That, of the  
23 amount provided in this paragraph, not less than  
24 \$600,000,000 shall be for public facilities defined in sec-  
25 tion 261 of this title: *Provided further*, That the amount

1 provided in this paragraph is designated by the Congress  
2 as an emergency requirement pursuant to section  
3 251(b)(2)(A) of the Balanced Budget and Emergency  
4 Deficit Control Act of 1985: *Provided further*, That such  
5 amount shall be available only to the extent that an official  
6 budget request, that includes designation of the entire  
7 amount of the request as an emergency requirement as  
8 defined in the Balanced Budget and Emergency Deficit  
9 Control Act of 1985, is transmitted by the President to  
10 the Congress.

## 11 CHAPTER 5—WORLD TRADE CENTER ATTACK

### 12 CLAIMS

#### 13 SHORT TITLE

14 SEC. 251. This chapter may be cited as the “World  
15 Trade Center Attack Claims Act”.

#### 16 DEFINITIONS

17 SEC. 252. In this chapter, the following definitions  
18 apply:

19 (1) AFFECTED AREA.—The term “affected  
20 area” means the area south of Canal Street in the  
21 borough of Manhattan, New York City, New York.

22 (2) ATTACK.—The term “attack” means the at-  
23 tack on the World Trade Center in New York City  
24 that occurred on September 11, 2001.

25 (3) CLAIM.—The term “claim” means a claim  
26 by an injured person under this chapter for payment

1 for injury suffered by the injured person as a result  
2 of the attack.

3 (4) CLAIMANT.—The term “claimant” means  
4 an injured person that submits a claim under section  
5 254(b).

6 (5) DIRECTOR.—The term “Director” means—

7 (A) the Director of the Federal Emergency  
8 Management Agency; or

9 (B) if an Independent Claims Manager is  
10 appointed under section 253(d)(4), the Inde-  
11 pendent Claims Manager.

12 (6) INJURED PERSON.—

13 (A) IN GENERAL.—The term “injured per-  
14 son” means an individual, corporation, partner-  
15 ship, company, association, cooperative, joint  
16 venture, limited liability company, estate, trust,  
17 or nonprofit organization that—

18 (i) suffered injury as a result of the  
19 attack; and

20 (ii) resides or maintains a place of  
21 business in the affected area.

22 (B) EXCLUSIONS.—The term “injured per-  
23 son” does not include—

1 (i) a lender that holds a mortgage on  
2 or security interest in real or personal  
3 property affected by the attack; or

4 (ii) a person that holds a lien on real  
5 or personal property affected by the at-  
6 tack.

7 (7) OFFICE.—The term “Office” means the Of-  
8 fice of World Trade Center Attack Claims estab-  
9 lished by section 253.

10 OFFICE OF WORLD TRADE CENTER ATTACK CLAIMS

11 SEC. 253. (a) IN GENERAL.—There is established  
12 within the Federal Emergency Management Agency an of-  
13 fice to be known as the “Office of World Trade Center  
14 Attack Claims”.

15 (b) PURPOSE.—The Office shall receive, process, and  
16 pay claims in accordance with section 254.

17 (c) FUNDING.—The Office—

18 (1) shall be funded from funds made available  
19 under this chapter; and

20 (2) may reimburse any other Federal agency  
21 for provision of assistance in the receipt and proc-  
22 essing of claims.

23 (d) PERSONNEL.—

24 (1) IN GENERAL.—The Office may appoint and  
25 fix the compensation of such temporary personnel as  
26 are necessary to carry out the duties of the Office,

1 without regard to the provisions of title 5, United  
2 States Code, governing appointments in the competi-  
3 tive service.

4 (2) PERSONNEL FROM OTHER AGENCIES.—On  
5 the request of the Director, the head of any other  
6 Federal agency may detail, on a reimbursable basis,  
7 any of the personnel of the agency to the Federal  
8 Emergency Management Agency to assist the Office  
9 in carrying out the duties of the Office under this  
10 chapter.

11 (3) EFFECT ON OTHER FEMA DUTIES.—The es-  
12 tablishment of the Office shall not diminish the au-  
13 thority of, or funding available to, the Director to  
14 carry out the responsibilities of the Federal Emer-  
15 gency Management Agency under the Robert T.  
16 Stafford Disaster Relief and Emergency Assistance  
17 Act (42 U.S.C. 5121 et seq.), including the timely  
18 provision of disaster assistance to any area with re-  
19 spect to which a major disaster or emergency is de-  
20 clared by the President to exist during the period in  
21 which the Director carries out this chapter.

22 (4) APPOINTMENT OF INDEPENDENT CLAIMS  
23 MANAGER.—The Director may appoint an Inde-  
24 pendent Claims Manager to head the Office and to

1       assume the duties of the Director under this chap-  
2       ter.

3           COMPENSATION FOR VICTIMS OF THE ATTACK

4       SEC. 254. (a) IN GENERAL.—Each injured person  
5       may receive from the United States compensation for in-  
6       jury suffered by the injured person as a result of the at-  
7       tack, as determined by the Director in accordance with  
8       subsection (d).

9       (b) SUBMISSION OF CLAIMS.—Not later than 2 years  
10      after the date on which interim final regulations are pro-  
11      mulgated under subsection (h), an injured person may  
12      submit to the Director a written claim for payment of in-  
13      jury suffered by the injured person as a result of the at-  
14      tack in accordance with such requirements as the Director  
15      determines to be appropriate.

16      (c) INVESTIGATION OF CLAIMS.—The Director shall  
17      investigate, adjust, grant, deny, settle, or compromise any  
18      claim submitted under subsection (b).

19      (d) AMOUNT OF PAYMENT.—

20           (1) IN GENERAL.—Any payment on a claim by  
21      an injured person—

22           (A) shall be limited to the amount nec-  
23           essary to compensate the injured person for in-  
24           jury described in paragraph (2) suffered as a  
25           result of the attack during the period beginning

1 on September 11, 2001, and ending on March  
2 11, 2003;

3 (B) shall be subject to subsection  
4 (e)(1)(D);

5 (C) shall not include—

6 (i) interest on the amount of the pay-  
7 ment before the date of settlement or pay-  
8 ment of a claim; or

9 (ii) punitive damages or any other  
10 form of noncompensatory damages; and

11 (D) shall not exceed \$500,000, except in  
12 the case of a claim for which the Director de-  
13 termines that a greater amount is appropriate.

14 (2) TYPES OF INJURY.—

15 (A) RESIDENTIAL LOSS.—Under para-  
16 graph (1), an injured person may receive pay-  
17 ment for a residential loss consisting of 1 or  
18 more of the following:

19 (i) An uninsured or underinsured  
20 property loss.

21 (ii) Damage to or destruction of phys-  
22 ical infrastructure.

23 (iii) An insurance deductible.

24 (iv) A temporary living or relocation  
25 expense.



1 (v) Debris removal and other cleanup  
2 costs.

3 (vi) Any other type of related injury  
4 that the Director determines to be appro-  
5 priate.

6 (B) BUSINESS LOSS.—Under paragraph  
7 (1), an injured person may receive payment for  
8 a business loss consisting of 1 or more of the  
9 following:

10 (i) An uninsured or underinsured  
11 property loss.

12 (ii) Damage to or destruction of phys-  
13 ical infrastructure.

14 (iii) Damage to or destruction of tan-  
15 gible assets or inventory.

16 (iv) A business interruption loss.

17 (v) Overhead costs.

18 (vi) Employee wages for work not per-  
19 formed.

20 (vii) An insurance deductible.

21 (viii) A temporary relocation expense.

22 (ix) Debris removal and other cleanup  
23 costs.

24 (x) Any other type of injury that the  
25 Director determines to be appropriate.

1 (3) BURDEN OF PROOF.—

2 (A) IN GENERAL.—Subject to subpara-  
3 graph (B), a claimant shall have the burden of  
4 demonstrating injury suffered by the claimant.

5 (B) ABSENCE OF DOCUMENTS.—If docu-  
6 mentary evidence substantiating injury is not  
7 reasonably available, the Director may pay a  
8 claim based on an affidavit or other documenta-  
9 tion executed by the claimant.

10 (e) PAYMENT OF CLAIMS.—

11 (1) DETERMINATION AND PAYMENT OF  
12 AMOUNT.—

13 (A) IN GENERAL.—To the maximum ex-  
14 tent practicable, not later than 180 days after  
15 the date on which a claim is submitted under  
16 subsection (b), the Director shall—

17 (i) determine the amount, if any, to  
18 be paid for the claim; and

19 (ii) pay the amount.

20 (B) PRIORITY.—The Director may estab-  
21 lish priorities for processing and paying claims  
22 based on—

23 (i) an assessment of the needs of the  
24 claimants; and

1                   (ii) any other criteria that the Direc-  
2                   tor determines to be appropriate.

3                   (C) PARAMETERS OF DETERMINATION.—

4                   In determining and paying a claim, the Director  
5                   shall determine only—

6                   (i) whether the claimant is an injured  
7                   person;

8                   (ii) whether the injuries that are the  
9                   subject of the claim resulted from the at-  
10                  tack;

11                  (iii) the amount, if any, to be paid  
12                  under this section; and

13                  (iv) the person or persons entitled to  
14                  receive the amount.

15                  (D) INSURANCE AND OTHER BENEFITS.—

16                  (i) IN GENERAL.—Subject to clause  
17                  (ii), to prevent recovery by a claimant in  
18                  excess of the equivalent of actual compen-  
19                  satory damages in accordance with sub-  
20                  section (d), the Director, in determining  
21                  the amount of, and paying, a claim, shall  
22                  reduce the amount to be paid for the claim  
23                  by an amount that is equal to the sum of  
24                  the payments or settlements of any kind

1                   that were paid, or will be paid, with re-  
2                   spect to the claim, including—

3                                 (I) payments on insurance poli-  
4                                 cies; and

5                                 (II) benefits under the public as-  
6                                 sistance program, individual assist-  
7                                 ance program, or other program of  
8                                 the Federal Emergency Management  
9                                 Agency or under a program of any  
10                                other Federal, State, or local agency.

11                               (ii) GOVERNMENT LOANS.—Clause (i)  
12                               shall not apply to the receipt by a claimant  
13                               of any Federal, State, or local government  
14                               loan that is required to be repaid by the  
15                               claimant.

16                               (2) ADVANCE OR PARTIAL PAYMENTS.—At the  
17                               request of a claimant, the Director may make 1 or  
18                               more advance or partial payments before the final  
19                               settlement of a claim.

20                               (f) RECOVERY OF FUNDS IMPROPERLY PAID OR MIS-  
21                               USED.—The United States may recover any portion of a  
22                               payment on a claim that was improperly paid to the claim-  
23                               ant as a result of—

24                               (1) fraud or misrepresentation on the part of  
25                               the claimant or a representative of the claimant;

1           (2) a material mistake on the part of the  
2 United States;

3           (3) the payment of benefits described in sub-  
4 section (e)(1)(D) that were not taken into account  
5 in determining the amount of the payment; or

6           (4) the failure of the claimant to cooperate in  
7 an audit.

8 (g) APPEALS OF DECISIONS.—

9           (1) RIGHT OF APPEAL.—A claimant may appeal  
10 a decision concerning payment of a claim by filing,  
11 not later than 60 days after the date on which the  
12 claimant is notified that the claim of the claimant  
13 will or will not be paid, a notice of appeal—

14           (A) in the case of a decision on a claim re-  
15 lating to a business loss, with the Administrator  
16 of the Small Business Administration; and

17           (B) in the case of a decision on a claim re-  
18 lating to a residential loss, with the Director.

19           (2) PERIOD FOR DECISION.—A decision con-  
20 cerning an appeal under paragraph (1) shall be ren-  
21 dered not later than 90 days after the date on which  
22 the notice of appeal is received.

23           (h) REGULATIONS.—Notwithstanding any other pro-  
24 vision of law, not later than 45 days after the date of en-  
25 actment of this Act—

1           (1) the Director shall promulgate and publish  
2           in the Federal Register interim final regulations for  
3           the processing and payment of claims; and

4           (2) the Director and the Administrator of the  
5           Small Business Administration shall jointly promul-  
6           gate and publish in the Federal Register procedures  
7           under which a dispute concerning payment of a  
8           claim may be settled through an appeals process de-  
9           scribed in subsection (g).

10          (i) PUBLIC INFORMATION.—At the time of publica-  
11          tion of interim final regulations under subsection (h), the  
12          Director shall disseminate, through brochures, pamphlets,  
13          radio, television, the print news media, and such other  
14          media as the Director determines to be likely to reach pro-  
15          spective claimants, a clear, concise, and easily understand-  
16          able explanation, in English, Spanish, and any other lan-  
17          guage that the Director determines to be appropriate, of—

18                 (1) the rights conferred under this section; and

19                 (2) the procedural and other requirements of  
20          the regulations promulgated under subsection (h).

21          (j) COORDINATION.—In carrying out this section, the  
22          Director shall coordinate with the Administrator of the  
23          Small Business Administration, other Federal agencies,  
24          State and local agencies, and any other individual or enti-  
25          ty, as the Director determines to be necessary—

1           (1) to ensure the efficient administration of the  
2           claims process; and

3           (2) to provide for local concerns.

4           (k) APPLICABILITY OF DEBT COLLECTION REQUIRE-  
5           MENTS.—

6           (1) IN GENERAL.—Section 3716 of title 31,  
7           United States Code, shall not preclude any payment  
8           on a claim.

9           (2) ASSIGNMENT AND EXEMPTION FROM  
10          CLAIMS OF CREDITORS.—

11          (A) ASSIGNMENT.—No assignment, re-  
12          lease, or commutation of a payment due or pay-  
13          able under this section shall be valid.

14          (B) EXEMPTION.—

15               (i) IN GENERAL.—A payment under  
16               this section shall be exempt from all claims  
17               of creditors and from levy, execution, at-  
18               tachment, or other remedy for recovery or  
19               collection of a debt.

20               (ii) NONWAIVABLE EXEMPTION.—The  
21               exemption provided by clause (i) may not  
22               be waived.

23           (3) EXCEPTION.—Notwithstanding paragraph  
24           (2), the Director may—





1 submits a claim to submit a request for benefits under  
2 any Federal entitlement program.

3 (b) CONSIDERATION OF PAYMENTS AS RE-  
4 SOURCES.—A payment on a claim received by an injured  
5 person under section 254 shall not be taken into account  
6 in determining the assets or resources of any individual  
7 or household under any Federal program or federally as-  
8 sisted program that provides financial aid, assistance, or  
9 benefits based on need, including—

10 (1) the food stamp program under the Food  
11 Stamp Act of 1977 (7 U.S.C. 2011 et seq.); and

12 (2) any program established under the Social  
13 Security Act (42 U.S.C. 301 et seq.).

14 REPORTS AND AUDITS

15 SEC. 257. (a) REPORTS.—Not later than 1 year after  
16 the date of promulgation of interim final regulations under  
17 section 254(i) and annually thereafter, the Director shall  
18 submit to Congress a report that describes the claims sub-  
19 mitted under section 254(b) during the year preceding the  
20 date of submission of the report, including, with respect  
21 to each claim—

22 (1) the amount claimed;

23 (2) a brief description of the nature of the  
24 claim; and

25 (3) the status or disposition of the claim, in-  
26 cluding the amount of any payment on the claim.

1 (b) AUDITS.—The Comptroller General shall—

2 (1) conduct an annual audit of the payment of  
3 all claims submitted under section 254(b); and

4 (2) not later than 120 days after the date on  
5 which the Director submits to Congress the initial  
6 report required by subsection (a) and annually  
7 thereafter, submit to Congress a report on the re-  
8 sults of the audit.

9 AUTHORIZATION OF APPROPRIATIONS

10 SEC. 258. (a) IN GENERAL.—There are authorized  
11 to be appropriated to carry out this chapter—

12 (1) for administration by the Office of the com-  
13 pensation process \$100,000,000; and

14 (2) for payment of claims \$1,900,000,000.

15 (b) AVAILABILITY.—Amounts made available under  
16 subsection (a) shall remain available until expended.

17 (c) FEMA FUNDS.—None of the funds made avail-  
18 able to the Federal Emergency Management Agency for  
19 the administration of disaster relief shall be used to carry  
20 out this chapter.

21 TERMINATION OF AUTHORITY

22 SEC. 259. The authority provided by this chapter ter-  
23 minates effective 42 months after the date of enactment  
24 of this Act.

## 1           CHAPTER 6—GENERAL PROVISIONS

2   AUTHORITY TO OBTAIN REIMBURSEMENT FOR EXPENSES  
3       INCURRED IN RESTORATION OF UTILITY SERVICE  
4       AND TRADING OPERATIONS5       SEC. 261. (a) IN GENERAL.—For purposes of any  
6   appropriations made by Public Law 107–38 or this Act—7           (1) the term “public facilities” as used in such  
8   law and in section 102(8) of the Robert T. Stafford  
9   Disaster Relief and Emergency Assistance Act (42  
10   U.S.C. 5122(8)) includes facilities and equipment of  
11   public utility companies regulated by the New York  
12   Public Service Commission and the facilities and  
13   equipment of not-for-profit exchanges and boards of  
14   trade regulated by the Securities and Exchange  
15   Commission or the Commodity Futures Trading  
16   Commission; and17           (2) the term “repairing public facilities” in  
18   such law includes replacing and restoring facilities  
19   and equipment lost, damaged, and destroyed.20       (b) APPLICABILITY.—Subsection (a) shall apply  
21   through September 30, 2003.

○