

107TH CONGRESS  
1ST SESSION

# H. R. 3503

To indemnify contractors for World Trade Center recovery efforts, and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

DECEMBER 13, 2001

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

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## A BILL

To indemnify contractors for World Trade Center recovery efforts, 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 “World Trade Center  
5 Worker and Contractor Protection Act of 2001”.

6 **SEC. 2. INDEMNIFICATION OF CONTRACTORS FOR WORLD**  
7 **TRADE CENTER RECOVERY EFFORTS.**

8 (a) IN GENERAL.—Regardless of any other provisions  
9 of law or any contract, including the law of any State,  
10 the United States Government shall, subject to the limita-

1 tions contained in this section, indemnify contractors and  
2 State and local governments against the following:

3 (1) Claims (including reasonable expenses of  
4 litigation or settlement) (including employees of the  
5 contractor) for death, personal injury, or loss of,  
6 damage to, or loss of use of property.

7 (2) Loss of, damage to, or loss of use of con-  
8 tractor property, excluding loss of profit.

9 (3) Loss of, damage to, or loss of use of United  
10 States Government property or property of any  
11 State or local government, excluding loss of profit.

12 (4) Professional liability.

13 (b) COORDINATION WITH INSURANCE.—The indem-  
14 nification under subsection (a) shall apply only to the ex-  
15 tent that the claim, loss, or damage is not compensated  
16 for by insurance procured by a State or local government.

17 (c) LIMITATION IN CASE OF WILLFUL MISCONDUCT  
18 OR LACK OF GOOD FAITH.—When any claim, loss or dam-  
19 age is caused by willful misconduct or lack of good faith  
20 on the part of any of the contractor's principal officials,  
21 the contractor shall not be indemnified under this section  
22 for the following:

23 (1) Government claims against the contractor  
24 (other than those arising through subrogation).

1           (2) Loss or damage affecting the contractor's  
2           property.

3           (d) RIGHTS AND OBLIGATIONS OF PARTIES.—The  
4           rights and obligations of the parties under this section  
5           shall survive any termination, expiration, or completion of  
6           a contract.

7           (e) PROCEDURE.—In order to obtain any indem-  
8           nification under this section, the State or local government  
9           or the contractor shall—

10           (1) promptly notify the Attorney General of any  
11           claim or action against, or any loss by, the State or  
12           local government or the contractor that may reason-  
13           ably be expected to involve indemnification under  
14           this section;

15           (2) immediately, upon request, furnish to the  
16           United States Government copies of all pertinent pa-  
17           pers the State or local government or the contractor  
18           receives;

19           (3) upon request, furnish evidence or proof of  
20           any claim, loss, or damage covered by this section in  
21           the manner and form the United States Government  
22           requires; and

23           (4) comply with the United States Govern-  
24           ment's directions and execute any authorizations re-

1       quired in connection with settlement or defense of  
2       claims or actions.

3       (f) GOVERNMENT PARTICIPATION IN ACTIONS ON  
4 CLAIMS.—The United States Government may direct, con-  
5 trol, or assist in settling or defending any claim or action  
6 that may involve indemnification under this section.

7       (g) DEFINITIONS.—For purposes of this section, the  
8 following definitions shall apply:

9           (1) RESPONSE TO THE WORLD TRADE CENTER  
10       ATTACK.—The term “response to the World Trade  
11       Center attack” means all actions or omissions by a  
12       State or local government, contractor, or volunteer  
13       in response to, in connection with, or arising out of  
14       the attack on September 11, 2001, in New York  
15       City, New York, including any rescue and evacuation  
16       of any individual, any recovery of a body, any clean  
17       up effort, any remediation, any removal of debris,  
18       and the protection of the public health, safety, and  
19       welfare.

20           (2) CONTRACTOR.—The term “contractor”  
21       means any person or entity, including contractors,  
22       subcontractors at any tier, construction managers,  
23       and design professionals, including their parent com-  
24       panies and other affiliates, officers, directors, part-  
25       ners, or employees, involved in providing work, labor,

1 equipment, materials or services in connection with  
2 any effort in response to the World Trade Center at-  
3 tack.

4 (3) CONTRACTOR'S PRINCIPAL OFFICIALS.—The  
5 term “contractor’s principal officials” means direc-  
6 tors, officers, managers, superintendents, or other  
7 representatives supervising or directing—

8 (A) all or substantially all of the contrac-  
9 tor’s business;

10 (B) all or substantially all of the contrac-  
11 tor’s operations at any one plant or separate lo-  
12 cation in which this contract is being per-  
13 formed; or

14 (C) a separate and complete major indus-  
15 trial operation in connection with the perform-  
16 ance of this contract.

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