§ 100.20 Confidentiality of trade secrets/proprietary information.

With respect to any information provided to the FBI under this part that is identified as company proprietary information, it shall be treated as privileged and confidential and only shared within the government on a need-to-know basis. It shall not be disclosed outside the government for any reason inclusive of Freedom of Information requests, without the prior written approval of the company. Information provided will be used exclusively for the implementation of CALEA. This restriction does not limit the government’s right to use the information provided if obtained from any other source without limitation.

§ 100.21 Alternative dispute resolution.

(a) If an impasse arises in negotiations between the FBI and the carrier which precludes the execution of a cooperative agreement, the FBI will consider using mediation with the goal of achieving, in a timely fashion, a consensual resolution of all outstanding issues through facilitated negotiations.

(b) Should the carrier agree to mediation, the costs of that mediation process shall be shared equally by the FBI and the carrier.

(c) Each mediation shall be governed by a separate mediation agreement prepared by the FBI and the carrier.

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Subpart A—General; Eligibility

§ 104.1 Purpose.
This part implements the provisions of the September 11th Victim Compensation Fund of 2001, Title IV of Public Law 107–42, 115 Stat. 230 (Air Transportation Safety and System Stabilization Act) to provide compensation to eligible individuals who were physically injured as a result of the terrorist-related aircraft crashes of September 11, 2001, and to the “personal representatives” of those who were killed as a result of the crashes. All compensation provided through the Fund will be on account of personal physical injuries or death.

§ 104.2 Eligibility definitions and requirements.
(a) Eligible claimants. The term eligible claimants means:
(1) Individuals present at the World Trade Center, Pentagon, or Shanksville, Pennsylvania site at the time of or in the immediate aftermath of the crashes and who suffered physical harm, as defined herein, as a direct result of the terrorist-related aircraft crashes;
(2) The Personal Representatives of deceased individuals aboard American Airlines flights 11 or 77 and United Airlines flights 93 or 175; and
(3) The Personal Representatives of individuals who were present at the World Trade Center, Pentagon, or Shanksville, Pennsylvania site at the time of or in the immediate aftermath of the crashes and who died as a direct result of the terrorist-related aircraft crash.

(b) Immediate aftermath. The term immediate aftermath of the crashes shall mean, for purposes of all claimants other than rescue workers, the period of time from the crashes until 12 hours after the crashes. With respect to rescue workers who assisted in efforts to

Subpart B—Filing for Compensation; Application for Advance Benefits

§ 104.21 Filing for compensation.

Subpart C—Claim Intake, Assistance, and Review Procedures

§ 104.31 Procedure for claims evaluation.
§ 104.32 Eligibility review.
§ 104.33 Hearing.
§ 104.34 Publication of awards.
§ 104.35 Claims deemed abandoned by claimants.

Subpart D—Amount of Compensation for Eligible Claimants

§ 104.41 Amount of compensation.
§ 104.42 Applicable state law.
§ 104.43 Determination of presumed economic loss for decedents.
§ 104.44 Determination of presumed non-economic losses for decedents.
§ 104.45 Determination of presumed economic loss for claimants who suffered physical harm.
§ 104.46 Determination of presumed non-economic losses for claimants who suffered physical harm.
§ 104.47 Collateral sources.

Subpart E—Payment of Claims

§ 104.51 Payments to eligible individuals.
§ 104.52 Distribution of award to decedent’s beneficiaries.

Subpart F—Limitations

§ 104.61 Limitation on civil actions.
§ 104.62 Time limit on filing claims.
§ 104.63 Subrogation.

Subpart G—Measures To Protect the Integrity of the Compensation Program

§ 104.71 Procedures to prevent and detect fraud.