

108TH CONGRESS
1ST SESSION

S. _____

IN THE SENATE OF THE UNITED STATES

Mr. LEAHY (for himself, Mr. DASCHLE, Mr. LAUTENBERG, Mr. NELSON of Florida, Mr. FEINGOLD, Mr. CORZINE, Ms. MIKULSKI, and Mr. SARBANES) introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To amend the September 11th Victim Compensation Fund of 2001 (Public Law 107-42; 49 U.S.C. 40101 note) to provide compensation for the United States Citizens who were victims of a terrorist-related laboratory-confirmed anthrax infection in the United States during the period beginning on September 13, 2001, through November 30, 2001, on the same basis as compensation 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Anthrax Victims Fund
3 Fairness Act of 2003”.

4 **SEC. 2. REFERENCES.**

5 Except as otherwise expressly provided, wherever in
6 this Act an amendment or repeal is expressed in terms
7 of an amendment to, or repeal of, a section or other provi-
8 sion, the reference shall be considered a reference to the
9 September 11th Victim Compensation Fund of 2001
10 (Public Law 107–42; 49 U.S.C. 40101 note).

11 **SEC. 3. COMPENSATION FOR VICTIMS OF TERRORIST ACTS.**

12 (a) **DEFINITIONS.**—Section 402(6) is amended by in-
13 serting “or related to a terrorist-related laboratory-con-
14 firmed anthrax infection in the United States during the
15 period beginning on September 13, 2001, through Novem-
16 ber 30, 2001” before the period.

17 (b) **PURPOSE.**—Section 403 is amended by inserting
18 “or as a result of a terrorist-related laboratory-confirmed
19 anthrax infection in the United States during the period
20 beginning on September 13, 2001, through November 30,
21 2001” before the period.

22 (c) **DETERMINATION OF ELIGIBILITY FOR COM-**
23 **PENSATION.**—

24 (1) **CLAIM FORM CONTENTS.**—Section
25 405(a)(2)(B) is amended—

1 (A) in clause (i), by inserting “or as a re-
2 sult of a terrorist-related laboratory-confirmed
3 anthrax infection in the United States during
4 the period beginning on September 13, 2001,
5 through November 30, 2001” before the semi-
6 colon;

7 (B) in clause (ii), by inserting “or ter-
8 rorist-related laboratory-confirmed anthrax in-
9 fection” before the semicolon; and

10 (C) in clause (iii), by inserting “or ter-
11 rorist-related laboratory-confirmed anthrax in-
12 fection” before the period.

13 (2) LIMITATION.—Section 405(a)(3) is amend-
14 ed by striking “2 years” and inserting “3 years”.

15 (3) COLLATERAL COMPENSATION.—Section
16 405(b)(6) is amended by inserting “or as a result of
17 a terrorist-related laboratory-confirmed anthrax in-
18 fection in the United States during the period begin-
19 ning on September 13, 2001, through November 30,
20 2001” before the period.

21 (4) ELIGIBILITY.—

22 (A) INDIVIDUALS.—Section 405(c)(2) is
23 amended—

24 (i) in subparagraph (B), by striking
25 “or” after the semicolon;

- 1 (ii) in subparagraph (C)—
2 (I) by striking “or (B)” and in-
3 serting “, (B), or (C)”; and
4 (II) striking “(C)” and inserting
5 “(D)”; and
6 (iii) by inserting after subparagraph
7 (B) the following:

8 “(C) an individual who suffered physical
9 harm or death as a result of a terrorist-related
10 laboratory-confirmed anthrax infection in the
11 United States during the period beginning on
12 September 13, 2001, through November 30,
13 2001; or ”.

14 (B) REQUIREMENTS.—Section 405(c)(3) is
15 amended—

16 (i) in the heading for subparagraph
17 (B) by inserting “RELATING TO SEP-
18 TEMBER 11TH TERRORIST ACTS” before the
19 period; and

20 (ii) by adding at the end the fol-
21 lowing:

22 “(C) LIMITATION ON CIVIL ACTION RELAT-
23 ING TO OTHER TERRORIST ACTS.—

24 “(i) IN GENERAL.—Upon the submis-
25 sion of a claim under this title, the claim-

1 ant waives the right to file a civil action
2 (or to be a party to an action) in any Fed-
3 eral or State court for damages sustained
4 as a result of a terrorist-related laboratory-
5 confirmed anthrax infection in the United
6 States during the period beginning on Sep-
7 tember 13, 2001, through November 30,
8 2001. The preceding sentence does not
9 apply to a civil action to recover any collat-
10 eral source obligation based on contract, or
11 to a civil action against any person who is
12 a knowing participant in any conspiracy to
13 commit any terrorist act.

14 “(ii) PENDING ACTIONS.—In the case
15 of an individual who is a party to a civil
16 action described in clause (i), such indi-
17 vidual may not submit a claim under this
18 title unless such individual withdraws from
19 such action by the date that is 90 days
20 after the date on which regulations are
21 promulgated under section 4 of the An-
22 thrax Victims Fund Fairness Act of 2003.

23 “(D) INDIVIDUALS WITH PRIOR COM-
24 PENSATION.—

1 “(i) IN GENERAL.—Subject to clause
2 (ii), an individual is not an eligible indi-
3 vidual for purposes of this subsection if
4 that individual, or the estate of that indi-
5 vidual, has received any compensation from
6 a civil action or settlement based on tort
7 related to a terrorist-related laboratory-
8 confirmed anthrax infection in the United
9 States during the period beginning on Sep-
10 tember 13, 2001, through November 30,
11 2001.

12 “(ii) EXCEPTION.—Clause (i) shall
13 not apply to compensation received from a
14 civil action against any person who is a
15 knowing participant in any conspiracy to
16 commit any terrorist act.”.

17 (C) INELIGIBILITY OF PARTICIPANTS AND
18 CONSPIRATORS.—Section 405(c) is amended by
19 adding at the end the following:

20 “(4) INELIGIBILITY OF PARTICIPANTS AND
21 CONSPIRATORS.—An individual, or a representative
22 of that individual, shall not be eligible to receive
23 compensation under this title if that individual is
24 identified by the Attorney General to have been a
25 participant or conspirator in a terrorist-related lab-

1 oratory-confirmed anthrax infection in the United
2 States during the period beginning on September
3 13, 2001, through November 30, 2001.”.

4 **SEC. 4. REGULATIONS.**

5 Not later than 90 days after the date of enactment
6 of this Act, the Attorney General, in consultation with the
7 Special Master, shall promulgate regulations to carry out
8 the amendments made by this Act, including regulations
9 with respect to—

10 (1) forms to be used in submitting claims under
11 this Act;

12 (2) the information to be included in such
13 forms;

14 (3) procedures for hearing and the presentation
15 of evidence;

16 (4) procedures to assist an individual in filing
17 and pursuing claims under this Act; and

18 (5) other matters determined appropriate by
19 the Attorney General.