

109TH CONGRESS
2D SESSION

S. 3891

To extend the time for filing certain claims under the September 11th Victim Compensation Fund of 2001, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 12, 2006

Mr. MENENDEZ (for himself, Mrs. CLINTON, Mr. LAUTENBERG, and Mr. SCHUMER) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To extend the time for filing certain claims under the September 11th Victim Compensation Fund of 2001, 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 “James Zadroga Act
5 of 2006”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) The September 11th Victim Compensation
9 Fund of 2001 was established to provide compensa-

tion to individuals (or relatives of deceased individuals) who were physically injured or killed as a result of the terrorist-related aircraft crashes of September 11, 2001.

(2) The deadline for filing claims for compensation under the Victim Compensation Fund was December 22, 2003.

(3) Some individuals did not know they were eligible to file claims for compensation or did not know they had suffered physical harm as a result of the terrorist-related aircraft crashes until after the December 22, 2003, deadline.

**SEC. 3. DEADLINE EXTENSION FOR CERTAIN CLAIMS
UNDER SEPTEMBER 11TH VICTIM COMPENSATION FUND OF 2001.**

Section 405(a)(3) of the Air Transportation Safety and System Stabilization Act (49 U.S.C. 40101 note) is amended to read as follows:

“(3) LIMITATION.—

“(A) IN GENERAL.—Except as provided by subparagraph (B), no claim may be filed under paragraph (1) after December 22, 2003.

“(B) EXCEPTIONS.—A claim may be filed under paragraph (1) by an individual (or by a

1 personal representative on behalf of a deceased
2 individual)—

3 “(i) during the 5-year period after the
4 date of enactment of this subparagraph, if
5 the Special Master determines that the in-
6 dividual—

7 “(I) did not know that the indi-
8 vidual had suffered physical harm as
9 a result of the terrorist-related air-
10 craft crashes of September 11, 2001,
11 until after December 22, 2003, and
12 before the date of the enactment of
13 this subparagraph;

14 “(II) did not for any reason
15 other than as described in subclause
16 (I) know that the individual was eligi-
17 ble to file a claim under paragraph
18 (1) until after December 22, 2003;

19 “(III) suffered psychological
20 harm as a result of the terrorist-re-
21 lated aircraft crashes; or

22 “(IV) in the case of an individual
23 who had previously filed a claim under
24 this title, suffered a significantly
25 greater physical harm than was

1 known to the individual as of the date
2 the claim was filed and did not know
3 the full extent of the physical harm
4 suffered as a result of the terrorist-re-
5 lated aircraft crashes until after the
6 date on which the claim was filed and
7 before the date of enactment of this
8 subparagraph; and

9 “(ii) during the 5-year period after
10 the date that the individual—

11 “(I) first knew that the indi-
12 vidual had suffered physical or psy-
13 chological harm as a result of the ter-
14 rorist-related aircraft crashes of Sep-
15 tember 11, 2001, if the Special Mas-
16 ter determines that the individual did
17 not know that the individual had suf-
18 fered such physical or psychological
19 harm until a date that is on or after
20 the date of enactment of this subpara-
21 graph; or

22 “(II) in the case of an individual
23 who had previously filed a claim under
24 this title and had suffered a signifi-
25 cantly greater physical harm than was

1 known to the individual as of the date
 2 the claim was filed, or had suffered
 3 psychological harm as a result of the
 4 terrorist-related crashes, first knew
 5 the full extent of the physical and psy-
 6 chological harm suffered as a result of
 7 the terrorist-related aircraft crashes,
 8 if the Special Master determines that
 9 the individual did not know the full
 10 extent of the harm suffered until a
 11 date that is on or after the date of the
 12 enactment of this subparagraph.”.

13 **SEC. 4. EXCEPTION TO SINGLE CLAIM REQUIREMENT IN**
 14 **CERTAIN CIRCUMSTANCES.**

15 Section 405(c)(3)(A) of the Air Transportation Safe-
 16 ty and System Stabilization Act (49 U.S.C. 40101 note)
 17 is amended to read as follows:

18 “(A) SINGLE CLAIM.—

19 “(i) IN GENERAL.—Except as pro-
 20 vided by clause (ii), not more than 1 claim
 21 may be submitted under this title by an in-
 22 dividual or on behalf of a deceased indi-
 23 vidual.

24 “(ii) EXCEPTION.—A second claim
 25 may be filed under subsection (a)(1) by an

1 individual (or by a personal representative
 2 on behalf of a deceased individual) if the
 3 individual is an individual described in ei-
 4 ther of clauses (i)(IV) or (ii)(II) of sub-
 5 section (a)(3)(B).”.

6 **SEC. 5. ELIGIBILITY OF CLAIMANTS SUFFERING FROM PSY-**
 7 **CHOLOGICAL HARM.**

8 (a) IN GENERAL.—Section 405(c)(2)(A)(ii) of the Air
 9 Transportation Safety and System Stabilization Act (49
 10 U.S.C. 40101 note) is amended by inserting “, psycho-
 11 logical harm,” before “or death”.

12 (b) CONFORMING AMENDMENT.—Section
 13 405(a)(2)(B)(i) of such Act is amended by striking “phys-
 14 ical harm” and inserting “physical or psychological
 15 harm”.

16 **SEC. 6. IMMEDIATE AFTERMATH DEFINED.**

17 Section 402 of the Air Transportation Safety and
 18 System Stabilization Act (49 U.S.C. 40101 note) is
 19 amended by adding at the end the following new para-
 20 graph:

21 “(11) IMMEDIATE AFTERMATH.—In section
 22 405(c)(2)(A)(i), the term ‘immediate aftermath’
 23 means any period of time after the terrorist-related
 24 aircraft crashes of September 11, 2001, as deter-
 25 mined by the Special Master, that was sufficiently

1 close in time to the crashes that there was a demon-
2 strable risk to the claimant of physical or psycho-
3 logical harm resulting from the crashes, including
4 the period of time during which rescue, recovery,
5 and cleanup activities relating to the crashes were
6 conducted.”.

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