

Suspend the Rules And Pass the Bill, H.R. 1327, with Amendments

(The amendments strike all after the enacting clause and insert a new text and a new title)

116TH CONGRESS
1ST SESSION

H. R. 1327

To extend authorization for the September 11th Victim Compensation Fund of 2001 through fiscal year 2090, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 25, 2019

Mrs. CAROLYN B. MALONEY of New York (for herself, Mr. NADLER, Mr. KING of New York, Mr. ROSE of New York, Mr. MORELLE, Ms. SCANLON, Mr. FITZPATRICK, Miss RICE of New York, Mr. BRENDAN F. BOYLE of Pennsylvania, Mr. ENGEL, Mr. ESPAILLAT, Mr. HIGGINS of New York, Mr. SERRANO, Ms. CLARKE of New York, Ms. WILSON of Florida, Ms. DELAURO, Mr. PAYNE, Mr. ZELDIN, Mrs. DINGELL, Ms. DELBENE, Ms. JUDY CHU of California, Mr. RUPPERSBERGER, Ms. KELLY of Illinois, Mr. CUMMINGS, Mr. GARAMENDI, Miss GONZÁLEZ-COLÓN of Puerto Rico, Mr. KATKO, Mr. AGUILAR, Mr. HIMES, Mr. MCGOVERN, Ms. NORTON, Ms. ESHOO, Mr. MEEKS, Mr. CISNEROS, Mrs. WATSON COLEMAN, Mr. COLLINS of New York, Mrs. LURIA, Ms. BLUNT ROCHESTER, Mr. PASCRELL, Mrs. DEMINGS, Ms. JACKSON LEE, Mr. SEAN PATRICK MALONEY of New York, Mr. SUOZZI, Mr. GRIJALVA, Mr. SIRES, Ms. MENG, Ms. VELÁZQUEZ, Mr. TONKO, Mr. DELGADO, Ms. OCASIO-CORTEZ, Mrs. LOWEY, Mr. PALLONE, Ms. STEFANIK, Mr. BRINDISI, Mr. COURTNEY, Mr. MICHAEL F. DOYLE of Pennsylvania, Mr. JEFFRIES, Mr. COOK, Ms. SHERRILL, Ms. ROYBAL-ALLARD, Mr. SMITH of New Jersey, Mr. LOWENTHAL, Ms. WILD, Mr. NORCROSS, Mr. GOTTHEIMER, Mr. KIM, Ms. SCHAKOWSKY, Mr. CLAY, Mrs. HAYES, Mr. TAKANO, Mr. LARSON of Connecticut, Mr. CARBAJAL, Mr. YOUNG, Mr. MALINOWSKI, Mr. VAN DREW, Mr. REED, Ms. MATSUI, Mr. AUSTIN SCOTT of Georgia, Mrs. NAPOLITANO, Mr. KHANNA, Mr. LYNCH, Mrs. KIRKPATRICK, Mr. COSTA, Ms. DEAN, Mr. NEGUSE, Mr. BROWN of Maryland, Mr. HASTINGS, Mr. BEYER, Ms. SPANBERGER, Ms. SHALALA, Mr. COLE, Mr. HURD of Texas, and Mr. MCHENRY) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To extend authorization for the September 11th Victim Compensation Fund of 2001 through fiscal year 2090, 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 “Never Forget the He-
5 roes: James Zadroga, Ray Pfeifer, and Luis Alvarez Per-
6 manent Authorization of the September 11th Victim Com-
7 pensation Fund Act”.

8 **SEC. 2. SEPTEMBER 11TH VICTIM COMPENSATION FUND OF**
9 **2001.**

10 (a) **AUTHORIZATION AND FUNDING.**—Section 410 of
11 the Air Transportation Safety and System Stabilization
12 Act (49 U.S.C. 40101 note) is amended—

13 (1) in subsection (e), by striking
14 “\$4,600,000,000” and all that follows through “ex-
15 pended” and inserting “such sums as may be nec-
16 essary for fiscal year 2019 and each fiscal year
17 thereafter through fiscal year 2092, to remain avail-
18 able until expended”; and

19 (2) in subsection (e), by striking “Upon comple-
20 tion of all payments under this title” and inserting

1 “On October 1, 2092, or at such time thereafter as
2 all funds are expended”.

3 (b) EXTENSION OF LIMITATION ON CLAIM FILING.—
4 Section 405(a)(3)(B) of the Air Transportation Safety
5 and System Stabilization Act (40 U.S.C. 401010 note) is
6 amended by striking “the date that is 5 years after the
7 date of enactment of the James Zadroga 9/11 Victim
8 Compensation Fund Reauthorization Act” and inserting
9 “October 1, 2090”.

10 (c) COMPENSATION REDUCED BY SPECIAL MASTER
11 DUE TO LACK OF FUNDING.—Section 406(d)(2) of the
12 Air Transportation Safety and System Stabilization Act
13 (49 U.S.C. 40101 note) is amended by adding at the end
14 the following:

15 “(D) COMPENSATION REDUCED BY SPE-
16 CIAL MASTER DUE TO INSUFFICIENT FUND-
17 ING.—

18 “(i) IN GENERAL.—In any claim in
19 Group B as described in section
20 405(a)(3)(C)(iii) in which, prior to the en-
21 actment of the Never Forget the Heroes:
22 James Zadroga, Ray Pfeifer, and Luis Al-
23 varez Permanent Authorization of the Sep-
24 tember 11th Victim Compensation Fund
25 Act, the Special Master had advised the

1 claimant that the amount of compensation
2 has been reduced on the basis of insuffi-
3 cient funding, the Special Master shall, in
4 the first fiscal year beginning after suffi-
5 cient funding becomes available under such
6 Act, pay to the claimant an amount that
7 is, as determined by the Special Master,
8 equal to the difference between—

9 “(I) the amount the claimant
10 would have been paid under this title
11 if sufficient funding was available to
12 the Special Master at the time the
13 Special Master determined the
14 amount due the claimant under this
15 title; and

16 “(II) the amount the claimant
17 was paid under this title.

18 “(ii) DEFINITIONS.—For purposes of
19 this subparagraph:

20 “(I) INSUFFICIENT FUNDING.—
21 The term ‘insufficient funding’ means
22 funding—

23 “(aa) that is available to the
24 Special Master under section
25 410(c) on the day before the date

1 of enactment of the Never Forget
2 the Heroes: James Zadroga, Ray
3 Pfeifer, and Luis Alvarez Perma-
4 nent Authorization of the Sep-
5 tember 11th Victim Compensa-
6 tion Fund Act for purposes of
7 compensating claims in Group B
8 as described in section
9 405(a)(3)(C)(iii); and

10 “(bb) that the Special Mas-
11 ter determines is insufficient for
12 purposes of compensating all
13 such claims and complying with
14 subparagraph (A).

15 “(II) SUFFICIENT FUNDING.—
16 The term ‘sufficient funding’ means
17 funding—

18 “(aa) made available to the
19 Special Master for purposes of
20 compensating claims in Group B
21 as described in section
22 405(a)(3)(C)(iii) through an Act
23 of Congress that is enacted after
24 the date on which the amount of

1 the claim described in clause (i)
2 has been reduced; and

3 “(bb) that the Special Mas-
4 ter determines is sufficient for
5 purposes of compensating all
6 claims in such Group B.”.

7 (d) LIMITATIONS ON NONECONOMIC LOSS.—Section
8 405(b)(7)(A) of the of the Air Transportation Safety and
9 System Stabilization Act (49 U.S.C. 40101 note) is
10 amended—

11 (1) by redesignating clauses (i) and (ii) as sub-
12 clauses (I) and (II) respectively, and adjusting the
13 margins accordingly;

14 (2) by striking “With respect to” and inserting
15 the following:

16 “(i) IN GENERAL.—Except as pro-
17 vided in clause (ii), with respect to”; and

18 (3) by adding at the end the following:

19 “(ii) EXCEPTION.—The Special Mas-
20 ter may exceed the applicable limitation in
21 clause (i) for a claim in Group B as de-
22 scribed in subsection (a)(3)(C)(iii) if the
23 Special Master determines that the claim
24 presents special circumstances.”.

1 (e) ADJUSTMENT OF ANNUAL GROSS INCOME LIMI-
2 TATION.—Section 405(b)(7)(B)(ii) of the Air Transpor-
3 tation Safety and System Stabilization Act (40 U.S.C.
4 40101 note) is amended by striking “\$200,000.” and in-
5 serting “the annual gross income limitation. The annual
6 gross income limitation in effect on the date of enactment
7 of the Never Forget the Heroes: James Zadroga, Ray
8 Pfeifer, and Luis Alvarez Permanent Authorization of the
9 September 11th Victim Compensation Fund Act is
10 \$200,000. The Special Master shall periodically adjust
11 that annual gross income limitation to account for infla-
12 tion.”.

13 **SEC. 3. APPOINTMENT OF SPECIAL MASTER AND DEPUTY**
14 **SPECIAL MASTERS.**

15 Section 404 of the Air Transportation Safety and
16 System Stabilization Act (49 U.S.C. 40101 note) is
17 amended—

18 (1) by redesignating subsection (b) as sub-
19 section (c); and

20 (2) by inserting after subsection (a) the fol-
21 lowing:

22 “(b) APPOINTMENT OF SPECIAL MASTER AND DEP-
23 UTY SPECIAL MASTERS.—The Attorney General may ap-
24 point a Special Master and no more than two Deputy Spe-
25 cial Masters without regard to the provisions of title 5,

1 United States Code, governing appointments in the com-
2 petitive service. Any such employee shall serve at the
3 pleasure of the Attorney General. The Attorney General
4 shall fix the annual salary of the Special Master and the
5 Deputy Special Masters.”.

6 **SEC. 4. BUDGETARY EFFECTS.**

7 (a) **STATUTORY PAYGO SCORECARDS.**—The budg-
8 etary effects of this Act shall not be entered on either
9 PAYGO scorecard maintained pursuant to section 4(d) of
10 the Statutory Pay-As-You-Go Act of 2010.

11 (b) **SENATE PAYGO SCORECARDS.**—The budgetary
12 effects of this Act shall not be entered on any PAYGO
13 scorecard maintained for purposes of section 4106 of
14 House Concurrent Resolution 71 (115th Congress).

Amend the title so as to read: “A bill to extend au-
thorization for the September 11th Victim Compensation
Fund of 2001 through fiscal year 2092, and for other
purposes.”.