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. Scallon, 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. Scutti, 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. Carabajal, 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.

Be it enacted by the Senate and House of Representa-
tives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Never Forget the Her-
roes: Permanent Authorization of the September 11th Vic-
tim Compensation Fund Act”.

SEC. 2. SEPTEMBER 11TH VICTIM COMPENSATION FUND OF


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

(1) in subsection (e), by striking
“$4,600,000,000” and all that follows through “ex-
pended” and inserting “such sums as may be nec-
necessary for fiscal year 2019 and each fiscal year
thereafter through fiscal year 2090, to remain avail-
able through such fiscal year”; and

(2) in subsection (e), by striking “Upon comple-
tion of all payments under this title” and inserting
“On October 1, 2090”.

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(b) Extending Filing Deadline.—Section 405(a)(3)(B) of the Air Transportation Safety and System Stabilization Act (49 U.S.C. 40101 note) is amended by striking “the date that is 5 years after the date of enactment of the James Zadroga 9/11 Victim Compensation Fund Reauthorization Act” and inserting “October 1, 2089”.

(c) Compensation Reduced by Special Master Due to Lack of Funding.—Section 406(d)(2) of the Air Transportation Safety and System Stabilization Act (49 U.S.C. 40101 note) is amended—

(1) in subparagraph (C)(ii), by striking “each year thereafter” and inserting “not less than once every 5 years thereafter”; and

(2) by adding at the end the following:

“(D) Compensation reduced by special master due to insufficient funding.—

“(i) In general.—With respect to any claim in Group B as described in section 405(a)(3)(C)(iii) for which, prior to the date of enactment of this subparagraph, the Special Master had advised the claimant that the amount of compensation for such claim has been reduced on the
basis of insufficient funding, the Special Master shall, in the first fiscal year following such date of enactment that sufficient funding becomes available under this title, pay to the claimant an amount that is, as determined by the Special Master, equal to the difference between—

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

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

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

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

“(aa) that is available to the Special Master under section 410(c), as in effect on the day before the date of enactment of
this subparagraph, for purposes of compensating claims in Group B as described in section 405(a)(3)(C)(iii); and

“(bb) that the Special Master determines is insufficient for purposes of compensating all such claims and complying with subparagraph (A).

“(II) SUFFICIENT FUNDING.—

The term ‘sufficient funding’ means funding—

“(aa) made available to the Special Master for purposes of compensating claims in Group B as described in section 405(a)(3)(C)(iii) through an Act of Congress that is enacted after the date on which the amount of the claim described in clause (i) has been reduced; and

“(bb) that the Special Master determines is sufficient for purposes of compensating all claims in such Group B.”.
(d) LIMITATIONS ON NONECONOMIC LOSS.—Section 405(b)(7)(A) of the Air Transportation Safety and System Stabilization Act (49 U.S.C. 40101 note) is amended—

(1) by redesignating clauses (i) and (ii) as subclauses (I) and (II) respectively, and adjusting the margins accordingly;

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

“(i) IN GENERAL.—Except as provided in clause (ii), with respect to”;

(3) by adding at the end the following:

“(ii) EXCEPTION.—The Special Master may exceed the applicable limitation under clause (i) for a claim in Group B as described in subsection (a)(3)(C)(iii) if the Special Master determines that the pain and suffering of the claimant is so excessive as to render the amount of the applicable limitation under clause (i) insufficiently compensatory.”.

(e) ADJUSTMENT OF GROSS INCOME LIMITATION.—

Section 405(b)(7)(B)(ii) of the Air Transportation Safety and System Stabilization Act (40 U.S.C. 40101 note) is amended—
(1) by striking “In considering” and inserting the following:

“(I) IN GENERAL.—Subject to subclause (II), in considering”; and

(2) by adding at the end the following:

“(II) ADJUSTMENT.—The Special Master shall adjust the amount of the limitation under subclause (I) not more frequently than once every 5 years to reflect the percentage by which the Consumer Price Index for All Urban Consumers published by the Department of Labor for the month of October immediately preceding the date of adjustment exceeds the Consumer Price Index for All Urban Consumers published by the Department of Labor for the month of October that immediately precedes the date that is 5 years before the date of adjustment.”.