

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: Permanent Authorization of the September 11th Vic-
6 tim Compensation Fund Act”.

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

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

12 (1) in subsection (c), by striking
13 “\$4,600,000,000” and all that follows through “ex-
14 pended” and inserting “such sums as may be nec-
15 essary for fiscal year 2019 and each fiscal year
16 thereafter through fiscal year 2090, to remain avail-
17 able through such fiscal year”; and

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

1 (b) EXTENDING FILING DEADLINE.—Section
2 405(a)(3)(B) of the Air Transportation Safety and Sys-
3 tem Stabilization Act (49 U.S.C. 40101 note) is amended
4 by striking “the date that is 5 years after the date of en-
5 actment of the James Zadroga 9/11 Victim Compensation
6 Fund Reauthorization Act” and inserting “October 1,
7 2089”.

8 (c) COMPENSATION REDUCED BY SPECIAL MASTER
9 DUE TO LACK OF FUNDING.—Section 406(d)(2) of the
10 Air Transportation Safety and System Stabilization Act
11 (49 U.S.C. 40101 note) is amended—

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

15 (2) by adding at the end the following:

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

19 “(i) IN GENERAL.—With respect to
20 any claim in Group B as described in sec-
21 tion 405(a)(3)(C)(iii) for which, prior to
22 the date of enactment of this subpara-
23 graph, the Special Master had advised the
24 claimant that the amount of compensation
25 for such claim has been reduced on the

1 basis of insufficient funding, the Special
2 Master shall, in the first fiscal year fol-
3 lowing such date of enactment that suffi-
4 cient funding becomes available under this
5 title, pay to the claimant an amount that
6 is, as determined by the Special Master,
7 equal to the difference between—

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

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

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

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

22 “(aa) that is available to the
23 Special Master under section
24 410(c), as in effect on the day
25 before the date of enactment of

1 this subparagraph, for purposes
2 of compensating claims in Group
3 B as described in section
4 405(a)(3)(C)(iii); and

5 “(bb) that the Special Mas-
6 ter determines is insufficient for
7 purposes of compensating all
8 such claims and complying with
9 subparagraph (A).

10 “(II) SUFFICIENT FUNDING.—
11 The term ‘sufficient funding’ means
12 funding—

13 “(aa) made available to the
14 Special Master for purposes of
15 compensating claims in Group B
16 as described in section
17 405(a)(3)(C)(iii) through an Act
18 of Congress that is enacted after
19 the date on which the amount of
20 the claim described in clause (i)
21 has been reduced; and

22 “(bb) that the Special Mas-
23 ter determines is sufficient for
24 purposes of compensating all
25 claims in such Group B.”.

1 (d) LIMITATIONS ON NONECONOMIC LOSS.—Section
2 405(b)(7)(A) of the of the Air Transportation Safety and
3 System Stabilization Act (49 U.S.C. 40101 note) is
4 amended—

5 (1) by redesignating clauses (i) and (ii) as sub-
6 clauses (I) and (II) respectively, and adjusting the
7 margins accordingly;

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

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

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

13 “(ii) EXCEPTION.—The Special Mas-
14 ter may exceed the applicable limitation
15 under clause (i) for a claim in Group B as
16 described in subsection (a)(3)(C)(iii) if the
17 Special Master determines that the pain
18 and suffering of the claimant is so exces-
19 sive as to render the amount of the appli-
20 cable limitation under clause (i) insuffi-
21 ciently compensatory.”.

22 (e) ADJUSTMENT OF GROSS INCOME LIMITATION.—
23 Section 405(b)(7)(B)(ii) of the Air Transportation Safety
24 and System Stabilization Act (40 U.S.C. 40101 note) is
25 amended—

1 (1) by striking “In considering” and inserting
2 the following:

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

5 (2) by adding at the end the following:

6 “(II) ADJUSTMENT.—The Spe-
7 cial Master shall adjust the amount of
8 the limitation under subclause (I) not
9 more frequently than once every 5
10 years to reflect the percentage by
11 which the Consumer Price Index for
12 All Urban Consumers published by
13 the Department of Labor for the
14 month of October immediately pre-
15 ceding the date of adjustment exceeds
16 the Consumer Price Index for All
17 Urban Consumers published by the
18 Department of Labor for the month
19 of October that immediately precedes
20 the date that is 5 years before the
21 date of adjustment.”.

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