

115TH CONGRESS
2D SESSION

H. R. 7062

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

OCTOBER 12, 2018

Mrs. CAROLYN B. MALONEY of New York (for herself, Mr. NADLER, Mr. KING of New York, Miss RICE of New York, Mr. SUOZZI, Ms. MENG, Ms. VELÁZQUEZ, Mr. JEFFRIES, Mr. DONOVAN, Mr. ESPAILLAT, Mr. CROWLEY, Mr. SERRANO, Mr. ENGEL, Mrs. LOWEY, Mr. TONKO, Ms. TENNEY, Mr. HIGGINS of New York, Mr. MACARTHUR, Mr. SMITH of New Jersey, Mr. GOTTHEIMER, Mr. PALLONE, Mr. LANCE, Mr. SIRES, Mr. PASCRELL, Mrs. WATSON COLEMAN, Mr. NORCROSS, Mr. PRICE of North Carolina, Ms. ESTY of Connecticut, Mr. BRENDAN F. BOYLE of Pennsylvania, Ms. SINEMA, Mrs. NAPOLITANO, Mr. CICILLINE, Mr. POE of Texas, Mrs. COMSTOCK, and Mr. FITZPATRICK) 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,*

1 **SECTION 1. SHORT TITLE.**

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

5 **SEC. 2. SEPTEMBER 11TH VICTIM COMPENSATION FUND OF**
6 **2001.**

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

10 (1) in subsection (e), by striking
11 “\$4,600,000,000” and all that follows through “ex-
12 pended” and inserting “such sums as may be nec-
13 essary for fiscal year 2019 and each fiscal year
14 thereafter through fiscal year 2090, to remain avail-
15 able through such fiscal year”; and

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

19 (b) **EXTENDING FILING DEADLINE.**—Section
20 405(a)(3)(B) of the Air Transportation Safety and Sys-
21 tem Stabilization Act (49 U.S.C. 40101 note) is amended
22 by striking “the date that is 5 years after the date of en-
23 actment of the James Zadroga 9/11 Victim Compensation
24 Fund Reauthorization Act” and inserting “October 1,
25 2089”.

1 (c) COMPENSATION REDUCED BY SPECIAL MASTER
2 DUE TO LACK OF FUNDING.—Section 406(d)(2) of the
3 Air Transportation Safety and System Stabilization Act
4 (49 U.S.C. 40101 note) is amended—

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

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

9 “(D) COMPENSATION REDUCED BY SPE-
10 CIAL MASTER DUE TO INSUFFICIENT FUND-
11 ING.—

12 “(i) IN GENERAL.—With respect to
13 any claim in Group B as described in sec-
14 tion 405(a)(3)(C)(iii) for which, prior to
15 the date of enactment of this subpara-
16 graph, the Special Master had advised the
17 claimant that the amount of compensation
18 for such claim has been reduced on the
19 basis of insufficient funding, the Special
20 Master shall, in the first fiscal year fol-
21 lowing such date of enactment that suffi-
22 cient funding becomes available under this
23 title, pay to the claimant an amount that
24 is, as determined by the Special Master,
25 equal to the difference between—

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

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

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

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

15 “(aa) that is available to the
16 Special Master under section
17 410(c), as in effect on the day
18 before the date of enactment of
19 this subparagraph, for purposes
20 of compensating claims in Group
21 B as described in section
22 405(a)(3)(C)(iii); and

23 “(bb) that the Special Mas-
24 ter determines is insufficient for
25 purposes of compensating all

1 such claims and complying with
2 subparagraph (A).

3 “(II) SUFFICIENT FUNDING.—
4 The term ‘sufficient funding’ means
5 funding—

6 “(aa) made available to the
7 Special Master for purposes of
8 compensating claims in Group B
9 as described in section
10 405(a)(3)(C)(iii) through an Act
11 of Congress that is enacted after
12 the date on which the amount of
13 the claim described in clause (i)
14 has been reduced; and

15 “(bb) that the Special Mas-
16 ter determines is sufficient for
17 purposes of compensating all
18 claims in such Group B.”.

19 (d) LIMITATIONS ON NONECONOMIC LOSS.—Section
20 405(b)(7)(A) of the Air Transportation Safety and System
21 Stabilization Act (49 U.S.C. 40101 note) is amended—

22 (1) by redesignating clauses (i) and (ii) as sub-
23 clauses (I) and (II) respectively, and adjusting the
24 margins accordingly;

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

3 “(i) IN GENERAL.—Except as pro-
4 vided in clause (ii), with respect to”; and
5 (3) by adding at the end the following:

6 “(ii) EXCEPTION.—The Special Mas-
7 ter may exceed the applicable limitation
8 under clause (i) for a claim in Group B as
9 described in subsection (a)(3)(C)(iii) if the
10 Special Master determines that the claim
11 presents special circumstances.”.

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

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

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

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

21 “(II) ADJUSTMENT.—The Spe-
22 cial Master shall adjust the amount of
23 the limitation under subclause (I) not
24 more frequently than once every 5
25 years to reflect the percentage by

1 which the Consumer Price Index for
2 All Urban Consumers published by
3 the Department of Labor for the
4 month of October immediately pre-
5 ceding the date of adjustment exceeds
6 the Consumer Price Index for All
7 Urban Consumers published by the
8 Department of Labor for the month
9 of October that immediately precedes
10 the date that is 5 years before the
11 date of adjustment.”.

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