

Union Calendar No. 114

116TH CONGRESS
1ST SESSION

H. R. 1327

[Report No. 116-152]

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

JULY 12, 2019

Additional sponsors: Ms. BROWNLEY of California, Ms. TITUS, Mr. MEUSER, Mr. LEVIN of Michigan, Ms. GABBARD, Mr. QUIGLEY, Mr. COHEN, Mr. HORSFORD, Mr. NEAL, Ms. HILL of California, Mr. SARBANES, Ms. MCCOLLUM, Mr. CARTWRIGHT, Ms. FUDGE, Mr. CUELLAR, Ms. WEXTON, Ms. WASSERMAN SCHULTZ, Mr. CONNOLLY, Ms. OMAR, Mr. PHILLIPS, Mr. POSEY, Mr. TURNER, Mr. GOMEZ, Ms. SPEIER, Ms. ESCOBAR, Mr. RASKIN, Mrs. LEE of Nevada, Mr. BURGESS, Mr. GREEN of Texas, Mr. STAUBER, Ms. CRAIG, Mrs. BEATTY, Ms. ADAMS, Ms. DEGETTE, Ms. JOHNSON of Texas, Mr. WELCH, Mr. GOLDEN, Mr. AMODEI, Mr. PAPPAS, Mr. GOODEN, Mr. DANNY K. DAVIS of Illinois, Mr. SWALWELL of California, Ms. BONAMICI, Ms. KUSTER of New Hampshire, Ms. PRESSLEY, Ms. HAALAND, Mr. LEVIN of California, Mr. HECK, Mrs. TRAHAN, Mr. CASE, Mr. MAST, Ms. STEVENS, Mr. ALLRED, Mr. PERLMUTTER, Mr. JOYCE of Ohio, Mr. TRONE, Mr. ROUDA, Mr. RUSH, Mr. FOSTER, Mr. RODNEY DAVIS of Illinois, Mr. CROW, Mr. POCAN, Mr. SCHNEIDER, Mr. RUTHERFORD, Mr. PANETTA, Mr. PERRY, Mr. PETERS, Ms. SLOTKIN, Mr. SOTO, Mr. RYAN, Mr. CUNNINGHAM, Mrs. MURPHY, Mr. SHERMAN, Mr. MCKINLEY, Mr. THOMPSON of California, Mr. LOEBSACK, Ms. TLAIB, Mr. WALDEN, Mr. BERA, Mr. KRISHNAMOORTHY, Mr. KILMER, Mr. UPTON, Mrs. AXNE, Ms. CASTOR of Florida, Mr. STANTON, Mr. CASTEN of Illinois, Ms. CHENEY, Mr. LAMB, Mr. GARCÍA of Illinois, Mr. GONZALEZ of Ohio, Mr. COX of California, Mr. DEFAZIO, Mr. HARDER of California, Ms. BASS, Mr. STIVERS, Mr. BOST, Mr. RIGGLEMAN, Mr. CRIST, Mr. JOYCE of Pennsylvania, Mr. RESCHENTHALER, Ms. HOULAHAN, Mrs. FLETCHER, Ms. FINKENAUER, Mr. BUDD, Ms. DAVIDS of Kansas, Mr. BARR, Mr. MCADAMS, Mr. KENNEDY, Ms. SEWELL of Alabama, Mr. WITTMAN, Ms. CLARK of Massachusetts, Mr. DESAULNIER, Mr. CICILLINE, Mr. LUJÁN, Mr. JOHNSON of South Dakota, Mrs. MILLER, Mr. KILDEE, Mrs. BUSTOS, Mr. SCHIFF, Ms. BARRAGÁN, Mr. CLYBURN, Mr. MCCAUL, Mr. BALDERSON, Mr. MOULTON, Mr. HUDSON, Mr. TED LIEU of California, Mr. PRICE of North Carolina, Ms. UNDERWOOD, Mr. RUIZ, Ms. KENDRA S. HORN of Oklahoma, Mr. EVANS, Ms. SCHRIER, Ms. PINGREE, Mr. SCOTT of Virginia, Ms. MUCARSEL-POWELL, Mr. THOMPSON of Mississippi, Mr. BACON, Mr. GONZALEZ of Texas, Mr. HUFFMAN, Ms. GARCIA of Texas, Mr. RICHMOND, Mr. GALLEGO, Ms. PORTER, Mrs. MCBATH, Mr. MOONEY of West Virginia, Ms. JAYAPAL, Mr. DIAZ-BALART, Mr. MARSHALL, Mr. KIND, Mr. KELLY of Pennsylvania, Mr. GALLAGHER, Ms. LOFGREN, Mr. HOLDING, Mr. LAMALFA, Mr. CORREA, Mr. LIPINSKI, Mr. CASTRO of Texas, Mr. BLUMENAUER, Mr. LAHOOD, Mr. SMUCKER, Mrs. WAGNER, Mr. YOHO, Mr. WOODALL, Mr. CLEAVER, Mrs. WALORSKI, Mr. BUCSHON, Mrs. BROOKS of Indiana, Mr. HAGEDORN, Ms. WATERS, Mr. LAWSON of Florida, Ms. SÁNCHEZ, Mr. CÁRDENAS, Mrs. DAVIS of California, Mr. WATKINS, Mr. O'HALLERAN, Ms. FRANKEL, Mr. SAN NICOLAS, Mr. TIMMONS, Mr. DOGGETT, Mr. SMITH of Missouri, Mr. WILSON of South Carolina, Mr. GIANFORTE, Mr. MARCHANT, Mr. YARMUTH, Mr. VARGAS, Ms. TORRES SMALL of New Mexico, Mr. DEUTCH, Ms. LEE of California, Ms. HERRERA BEUTLER, Mr. COLLINS of Georgia, Mr. CLINE, Mr. LARSEN of Washington, Mr.

JOHNSON of Ohio, Mr. WENSTRUP, Mr. BUTTERFIELD, Mr. MCEACHIN, Mr. GRAVES of Georgia, Mr. WESTERMAN, Mrs. LAWRENCE, Ms. MOORE, Mr. VELA, Mr. THOMPSON of Pennsylvania, Mr. CRENSHAW, Mr. SMITH of Washington, Mr. LANGEVIN, Mr. EMMER, Mr. CARSON of Indiana, Mrs. TORRES of California, Mr. ROUZER, Mr. KEATING, Mr. DAVID SCOTT of Georgia, Mr. MCNERNEY, Mr. JOHNSON of Georgia, Mr. VEASEY, Mr. SCHRADER, Mr. LEWIS, Ms. KAPTUR, Mr. JOHNSON of Louisiana, Mr. COOPER, Mrs. RODGERS of Washington, Mr. BISHOP of Georgia, Mr. PETERSON, Mr. HUIZENGA, Mr. HIGGINS of Louisiana, Mr. LONG, Mrs. LESKO, Mr. ABRAHAM, Mr. CARTER of Texas, Mr. VIS-CLOSKY, Mr. WALKER, Mr. OLSON, Mr. GREEN of Tennessee, Mr. DUNN, Mr. MULLIN, Mr. ROGERS of Kentucky, Mr. NEWHOUSE, Mr. LUETKEMEYER, Mr. HOYER, Ms. PELOSI, and Mr. FORTENBERRY

JULY 12, 2019

Committed to the Committee of the Whole House on the State of the Union
and ordered to be printed

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”.

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

1 Fund Reauthorization Act” and inserting “October 1,
2 2089”.

3 (c) COMPENSATION REDUCED BY SPECIAL MASTER
4 DUE TO LACK OF FUNDING.—Section 406(d)(2) of the
5 Air Transportation Safety and System Stabilization Act
6 (49 U.S.C. 40101 note) is amended—

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

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

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

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

1 is, as determined by the Special Master,
2 equal to the difference between—

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

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

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

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

17 “(aa) that is available to the
18 Special Master under section
19 410(c), as in effect on the day
20 before the date of enactment of
21 this subparagraph, for purposes
22 of compensating claims in Group
23 B as described in section
24 405(a)(3)(C)(iii); and

1 “(bb) that the Special Mas-
2 ter determines is insufficient for
3 purposes of compensating all
4 such claims and complying with
5 subparagraph (A).

6 “(II) SUFFICIENT FUNDING.—
7 The term ‘sufficient funding’ means
8 funding—

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

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

22 (d) LIMITATIONS ON NONECONOMIC LOSS.—Section
23 405(b)(7)(A) of the of the Air Transportation Safety and
24 System Stabilization Act (49 U.S.C. 40101 note) is
25 amended—

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

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

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

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

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

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

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

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

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

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

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