115TH CONGRESS
2D SESSION

H. R. ______

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

Mrs. CAROLYN B. MALONEY of New York introduced the following bill; which was referred to the Committee on ______________________

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”.

(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 “expended” and inserting “such sums as may be necessary for fiscal year 2019 and each fiscal year thereafter through fiscal year 2090, to remain available through such fiscal year”; and

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

(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 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 pro-
vided in clause (ii), with respect to”; and

(3) by adding at the end the following:

“(ii) EXCEPTION.—The Special Mas-
ter 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 claim
presents special circumstances.”.

(c) 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 Spec-
cial 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.”.