

115TH CONGRESS
2D SESSION

S. 3591

To extend authorization for the September 11th Victim Compensation Fund of 2001 through fiscal year 2090, and for other purposes.

IN THE SENATE OF THE UNITED STATES

OCTOBER 11, 2018

Mrs. GILLIBRAND (for herself, Mr. GARDNER, Mr. BENNET, Mr. BLUMENTHAL, Mrs. SHAHEEN, Mr. BOOKER, Ms. BALDWIN, Mr. MARKEY, Mr. COONS, Mr. CASEY, Mr. SCHUMER, Mr. MENENDEZ, Mr. MURPHY, Ms. WARREN, Mrs. MURRAY, Mr. WHITEHOUSE, Ms. KLOBUCHAR, and Ms. DUCKWORTH) introduced the following bill; which was read twice and 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”.

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

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

6 (1) in subsection (c), by striking
7 “\$4,600,000,000” and all that follows through “ex-
8 pended” and inserting “such sums as may be nec-
9 essary for fiscal year 2019 and each fiscal year
10 thereafter through fiscal year 2090, to remain avail-
11 able through such fiscal year”; and

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

15 (b) EXTENDING FILING DEADLINE.—Section
16 405(a)(3)(B) of the Air Transportation Safety and Sys-
17 tem Stabilization Act (49 U.S.C. 40101 note) is amended
18 by striking “the date that is 5 years after the date of en-
19 actment of the James Zadroga 9/11 Victim Compensation
20 Fund Reauthorization Act” and inserting “October 1,
21 2089”.

22 (c) COMPENSATION REDUCED BY SPECIAL MASTER
23 DUE TO LACK OF FUNDING.—Section 406(d)(2) of the
24 Air Transportation Safety and System Stabilization Act
25 (49 U.S.C. 40101 note) is amended—

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

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

5 “(D) COMPENSATION REDUCED BY SPE-
6 CIAL MASTER DUE TO INSUFFICIENT FUND-
7 ING.—

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

22 “(I) the amount the claimant
23 would have been paid under this title
24 if sufficient funding was available to
25 the Special Master at the time the

1 Special Master determined the
2 amount due the claimant under this
3 title; and

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

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

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

11 “(aa) that is available to the
12 Special Master under section
13 410(c), as in effect on the day
14 before the date of enactment of
15 this subparagraph, for purposes
16 of compensating claims in Group
17 B as described in section
18 405(a)(3)(C)(iii); and

19 “(bb) that the Special Mas-
20 ter determines is insufficient for
21 purposes of compensating all
22 such claims and complying with
23 subparagraph (A).

1 “(II) SUFFICIENT FUNDING.—

2 The term ‘sufficient funding’ means
3 funding—

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

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

17 (d) LIMITATIONS ON NONECONOMIC LOSS.—Section
18 405(b)(7)(A) of the of the Air Transportation Safety and
19 System Stabilization Act (49 U.S.C. 40101 note) is
20 amended—

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

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

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

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

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

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

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

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

19 “(II) ADJUSTMENT.—The Spe-
 20 cial Master shall adjust the amount of
 21 the limitation under subclause (I) not
 22 more frequently than once every 5
 23 years to reflect the percentage by
 24 which the Consumer Price Index for
 25 All Urban Consumers published by

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

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