

Public Law 116–34
116th Congress

An Act

July 29, 2019
[H.R. 1327]

To extend authorization for the September 11th Victim Compensation Fund of 2001 through fiscal year 2092, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Never Forget
the Heroes:
James Zadroga,
Ray Pfeifer, and
Luis Alvarez
Permanent
Authorization of
the September
11th Victim
Compensation
Fund Act.
49 USC 40101
note.

SECTION 1. SHORT TITLE.

This Act may be cited as the “Never Forget the Heroes: James Zadroga, Ray Pfeifer, and Luis Alvarez Permanent Authorization of the September 11th Victim Compensation Fund Act”.

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

(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 (c), 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 2092, to remain available until expended”; and

(2) in subsection (e), by striking “Upon completion of all payments under this title” and inserting “On October 1, 2092, or at such time thereafter as all funds are expended”.

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(b) **EXTENSION OF LIMITATION ON CLAIM FILING.**—Section 405(a)(3)(B) of the Air Transportation Safety and System Stabilization Act (40 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, 2090”.

(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 by adding at the end the following:

“(D) **COMPENSATION REDUCED BY SPECIAL MASTER DUE TO INSUFFICIENT FUNDING.**—

Effective date.
Determination.

“(i) **IN GENERAL.**—In any claim in Group B as described in section 405(a)(3)(C)(iii) in which, prior to the enactment of the Never Forget the Heroes: James Zadroga, Ray Pfeifer, and Luis Alvarez Permanent Authorization of the September 11th Victim Compensation Fund Act, the Special Master had advised the claimant that the amount of compensation has been reduced on the basis of insufficient funding, the Special Master shall, in the first fiscal year beginning after sufficient funding becomes available under such

Act, 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) on the day before the date of enactment of the Never Forget the Heroes: James Zadroga, Ray Pfeifer, and Luis Alvarez Permanent Authorization of the September 11th Victim Compensation Fund Act 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 provided in clause (ii), with respect to”; and

(3) by adding at the end the following:

“(ii) EXCEPTION.—The Special Master may exceed the applicable limitation in 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.”.

Determination.

(e) ADJUSTMENT OF ANNUAL 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 by striking “\$200,000.” and inserting “the annual gross income limitation. The

49 USC 40101
note.

annual gross income limitation in effect on the date of enactment of the Never Forget the Heroes: James Zadroga, Ray Pfeifer, and Luis Alvarez Permanent Authorization of the September 11th Victim Compensation Fund Act is \$200,000. The Special Master shall periodically adjust that annual gross income limitation to account for inflation.”.

SEC. 3. APPOINTMENT OF SPECIAL MASTER AND DEPUTY SPECIAL MASTERS.

Section 404 of the Air Transportation Safety and System Stabilization Act (49 U.S.C. 40101 note) is amended—

- (1) by redesignating subsection (b) as subsection (c); and
- (2) by inserting after subsection (a) the following:

“(b) **APPOINTMENT OF SPECIAL MASTER AND DEPUTY SPECIAL MASTERS.**—The Attorney General may appoint a Special Master and no more than two Deputy Special Masters without regard to the provisions of title 5, United States Code, governing appointments in the competitive service. Any such employee shall serve at the pleasure of the Attorney General. The Attorney General shall fix the annual salary of the Special Master and the Deputy Special Masters.”.

SEC. 4. BUDGETARY EFFECTS.

(a) **STATUTORY PAYGO SCORECARDS.**—The budgetary effects of this Act shall not be entered on either PAYGO scorecard maintained pursuant to section 4(d) of the Statutory Pay-As-You-Go Act of 2010.

(b) **SENATE PAYGO SCORECARDS.**—The budgetary effects of this Act shall not be entered on any PAYGO scorecard maintained for purposes of section 4106 of House Concurrent Resolution 71 (115th Congress).

Approved July 29, 2019.

LEGISLATIVE HISTORY—H.R. 1327:

HOUSE REPORTS: No. 116–152 (Comm. on the Judiciary).

CONGRESSIONAL RECORD, Vol. 165 (2019):

July 12, considered and passed House.

July 23, considered and passed Senate.

DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2019):

July 29, Presidential remarks.