

Calendar No. 153

116TH CONGRESS
1ST SESSION

H. R. 1327

IN THE SENATE OF THE UNITED STATES

JULY 15, 2019

Received

JULY 16, 2019

Read the first time

JULY 17, 2019

Read the second time and placed on the calendar

AN ACT

To extend authorization for the September 11th Victim Compensation Fund of 2001 through fiscal year 2092, 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: James Zadroga, Ray Pfeifer, and Luis Alvarez Per-
6 manent Authorization of the September 11th Victim Com-
7 pensation 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 2092, to remain avail-
11 able until expended”; and

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

16 (b) EXTENSION OF LIMITATION ON CLAIM FILING.—
17 Section 405(a)(3)(B) of the Air Transportation Safety
18 and System Stabilization Act (40 U.S.C. 401010 note) is
19 amended by striking “the date that is 5 years after the
20 date of enactment of the James Zadroga 9/11 Victim
21 Compensation Fund Reauthorization Act” and inserting
22 “October 1, 2090”.

23 (c) COMPENSATION REDUCED BY SPECIAL MASTER
24 DUE TO LACK OF FUNDING.—Section 406(d)(2) of the
25 Air Transportation Safety and System Stabilization Act

1 (49 U.S.C. 40101 note) is amended by adding at the end
2 the following:

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

6 “(i) IN GENERAL.—In any claim in
7 Group B as described in section
8 405(a)(3)(C)(iii) in which, prior to the en-
9 actment of the Never Forget the Heroes:
10 James Zadroga, Ray Pfeifer, and Luis Al-
11 varez Permanent Authorization of the Sep-
12 tember 11th Victim Compensation Fund
13 Act, the Special Master had advised the
14 claimant that the amount of compensation
15 has been reduced on the basis of insuffi-
16 cient funding, the Special Master shall, in
17 the first fiscal year beginning after suffi-
18 cient funding becomes available under such
19 Act, 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) on the day before the date
14 of enactment of the Never Forget
15 the Heroes: James Zadroga, Ray
16 Pfeifer, and Luis Alvarez Perma-
17 nent Authorization of the Sep-
18 tember 11th Victim Compensa-
19 tion Fund Act for purposes of
20 compensating claims in Group B
21 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 of the Air Transportation Safety and
21 System Stabilization Act (49 U.S.C. 40101 note) is
22 amended—

23 (1) by redesignating clauses (i) and (ii) as sub-
24 clauses (I) and (II) respectively, and adjusting the
25 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 in
8 clause (i) for a claim in Group B as de-
9 scribed in subsection (a)(3)(C)(iii) if the
10 Special Master determines that the claim
11 presents special circumstances.”.

12 (e) ADJUSTMENT OF ANNUAL GROSS INCOME LIM-
13 TATION.—Section 405(b)(7)(B)(ii) of the Air Transpor-
14 tation Safety and System Stabilization Act (40 U.S.C.
15 40101 note) is amended by striking “\$200,000.” and in-
16 serting “the annual gross income limitation. The annual
17 gross income limitation in effect on the date of enactment
18 of the Never Forget the Heroes: James Zadroga, Ray
19 Pfeifer, and Luis Alvarez Permanent Authorization of the
20 September 11th Victim Compensation Fund Act is
21 \$200,000. The Special Master shall periodically adjust
22 that annual gross income limitation to account for infla-
23 tion.”.

1 **SEC. 3. APPOINTMENT OF SPECIAL MASTER AND DEPUTY**
2 **SPECIAL MASTERS.**

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

6 (1) by redesignating subsection (b) as sub-
7 section (c); and

8 (2) by inserting after subsection (a) the fol-
9 lowing:

10 “(b) APPOINTMENT OF SPECIAL MASTER AND DEP-
11 UTY SPECIAL MASTERS.—The Attorney General may ap-
12 point a Special Master and no more than two Deputy Spe-
13 cial Masters without regard to the provisions of title 5,
14 United States Code, governing appointments in the com-
15 petitive service. Any such employee shall serve at the
16 pleasure of the Attorney General. The Attorney General
17 shall fix the annual salary of the Special Master and the
18 Deputy Special Masters.”.

19 **SEC. 4. BUDGETARY EFFECTS.**

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

24 (b) SENATE PAYGO SCORECARDS.—The budgetary
25 effects of this Act shall not be entered on any PAYGO

1 scorecard maintained for purposes of section 4106 of
2 House Concurrent Resolution 71 (115th Congress).

Passed the House of Representatives July 12, 2019.

Attest: CHERYL L. JOHNSON,
Clerk.

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