

## Calendar No. 641

111<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION**H. R. 847**

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IN THE SENATE OF THE UNITED STATES

SEPTEMBER 29, 2010

Received; read the first time

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Read the second time and placed on the calendar

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**AN ACT**

To amend the Public Health Service Act to extend and improve protections and services to individuals directly impacted by the terrorist attack in New York City on September 11, 2001, 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “James Zadroga 9/11 Health and Compensation Act of  
6 2010”.

7 (b) TABLE OF CONTENTS.—The table of contents of  
8 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—WORLD TRADE CENTER HEALTH PROGRAM

Sec. 101. World Trade Center Health Program.

“TITLE XXXIII—WORLD TRADE CENTER HEALTH PROGRAM

“Subtitle A—Establishment of Program; Advisory Committee

- “Sec. 3301. Establishment of World Trade Center Health Program.
- “Sec. 3302. WTC Health Program Scientific/Technical Advisory Committee; WTC Health Program Steering Committees.
- “Sec. 3303. Education and outreach.
- “Sec. 3304. Uniform data collection and analysis.
- “Sec. 3305. Clinical Centers of Excellence and Data Centers.
- “Sec. 3306. Definitions.

“Subtitle B—Program of Monitoring, Initial Health Evaluations, and Treatment

“PART 1—WTC RESPONDERS

- “Sec. 3311. Identification of WTC responders and provision of WTC-related monitoring services.
- “Sec. 3312. Treatment of enrolled WTC responders for WTC-related health conditions.
- “Sec. 3313. National arrangement for benefits for eligible individuals outside New York.

“PART 2—WTC SURVIVORS

- “Sec. 3321. Identification and initial health evaluation of screening-eligible and certified-eligible WTC survivors.
- “Sec. 3322. Followup monitoring and treatment of certified-eligible WTC survivors for WTC-related health conditions.
- “Sec. 3323. Followup monitoring and treatment of other individuals with WTC-related health conditions.

“PART 3—PAYOR PROVISIONS

- “Sec. 3331. Payment of claims.
- “Sec. 3332. Administrative arrangement authority.

“Subtitle C—Research Into Conditions

- “Sec. 3341. Research regarding certain health conditions related to September 11 terrorist attacks.
- “Sec. 3342. World Trade Center Health Registry.

“Subtitle D—Funding

- “Sec. 3351. World Trade Center Health Program Fund.

TITLE II—SEPTEMBER 11TH VICTIM COMPENSATION FUND OF 2001

- Sec. 201. Definitions.
- Sec. 202. Extended and expanded eligibility for compensation.

Sec. 203. Requirement to update regulations.  
 Sec. 204. Limited liability for certain claims.  
 Sec. 205. Funding; attorney fees.

**TITLE III—LIMITATION ON TREATY BENEFITS FOR CERTAIN DEDUCTIBLE PAYMENTS; TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES**

Sec. 301. Limitation on treaty benefits for certain deductible payments.  
 Sec. 302. Time for payment of corporate estimated taxes.

**TITLE IV—BUDGETARY EFFECTS**

Sec. 401. Compliance with Statutory Pay-As-You-Go Act of 2010.

1 **TITLE I—WORLD TRADE CENTER**  
 2 **HEALTH PROGRAM**

3 **SEC. 101. WORLD TRADE CENTER HEALTH PROGRAM.**

4 The Public Health Service Act is amended by adding  
 5 at the end the following new title:

6 **“TITLE XXXIII—WORLD TRADE**  
 7 **CENTER HEALTH PROGRAM**  
 8 **“Subtitle A—Establishment of**  
 9 **Program; Advisory Committee**

10 **“SEC. 3301. ESTABLISHMENT OF WORLD TRADE CENTER**  
 11 **HEALTH PROGRAM.**

12 “(a) IN GENERAL.—There is hereby established with-  
 13 in the Department of Health and Human Services a pro-  
 14 gram to be known as the World Trade Center Health Pro-  
 15 gram, which shall be administered by the WTC Program  
 16 Administrator, to provide beginning on July 1, 2011—

17 “(1) medical monitoring and treatment benefits  
 18 to eligible emergency responders and recovery and  
 19 cleanup workers (including those who are Federal

1 employees) who responded to the September 11,  
2 2001, terrorist attacks; and

3 “(2) initial health evaluation, monitoring, and  
4 treatment benefits to residents and other building  
5 occupants and area workers in New York City who  
6 were directly impacted and adversely affected by  
7 such attacks.

8 “(b) COMPONENTS OF PROGRAM.—The WTC Pro-  
9 gram includes the following components:

10 “(1) MEDICAL MONITORING FOR RESPOND-  
11 ERS.—Medical monitoring under section 3311, in-  
12 cluding clinical examinations and long-term health  
13 monitoring and analysis for enrolled WTC respond-  
14 ers who were likely to have been exposed to airborne  
15 toxins that were released, or to other hazards, as a  
16 result of the September 11, 2001, terrorist attacks.

17 “(2) INITIAL HEALTH EVALUATION FOR SUR-  
18 VIVORS.—An initial health evaluation under section  
19 3321, including an evaluation to determine eligibility  
20 for followup monitoring and treatment.

21 “(3) FOLLOWUP MONITORING AND TREATMENT  
22 FOR WTC-RELATED HEALTH CONDITIONS FOR RE-  
23 SPONDERS AND SURVIVORS.—Provision under sec-  
24 tions 3312, 3322, and 3323 of followup monitoring  
25 and treatment and payment, subject to the provi-

1 sions of subsection (d), for all medically necessary  
2 health and mental health care expenses of an indi-  
3 vidual with respect to a WTC-related health condi-  
4 tion (including necessary prescription drugs).

5 “(4) OUTREACH.—Establishment under section  
6 3303 of an education and outreach program to po-  
7 tentially eligible individuals concerning the benefits  
8 under this title.

9 “(5) CLINICAL DATA COLLECTION AND ANAL-  
10 YSIS.—Collection and analysis under section 3304 of  
11 health and mental health data relating to individuals  
12 receiving monitoring or treatment benefits in a uni-  
13 form manner in collaboration with the collection of  
14 epidemiological data under section 3342.

15 “(6) RESEARCH ON HEALTH CONDITIONS.—Es-  
16 tablishment under subtitle C of a research program  
17 on health conditions resulting from the September  
18 11, 2001, terrorist attacks.

19 “(c) NO COST SHARING.—Monitoring and treatment  
20 benefits and initial health evaluation benefits are provided  
21 under subtitle B without any deductibles, copayments, or  
22 other cost sharing to an enrolled WTC responder or cer-  
23 tified-eligible WTC survivor. Initial health evaluation ben-  
24 efits are provided under subtitle B without any

1 deductibles, copayments, or other cost sharing to a screen-  
2 ing-eligible WTC survivor.

3 “(d) PREVENTING FRAUD AND UNREASONABLE AD-  
4 MINISTRATIVE COSTS.—

5 “(1) FRAUD.—The Inspector General of the  
6 Department of Health and Human Services shall de-  
7 velop and implement a program to review the WTC  
8 Program’s health care expenditures to detect fraudu-  
9 lent or duplicate billing and payment for inappro-  
10 priate services. This title is a Federal health care  
11 program (as defined in section 1128B(f) of the So-  
12 cial Security Act) and is a health plan (as defined  
13 in section 1128C(c) of such Act) for purposes of ap-  
14 plying sections 1128 through 1128E of such Act.

15 “(2) UNREASONABLE ADMINISTRATIVE  
16 COSTS.—The Inspector General of the Department  
17 of Health and Human Services shall develop and im-  
18 plement a program to review the WTC Program for  
19 unreasonable administrative costs, including with re-  
20 spect to infrastructure, administration, and claims  
21 processing.

22 “(e) QUALITY ASSURANCE.—The WTC Program Ad-  
23 ministrators working with the Clinical Centers of Excel-  
24 lence shall develop and implement a quality assurance pro-  
25 gram for the monitoring and treatment delivered by such

1 Centers of Excellence and any other participating health  
2 care providers. Such program shall include—

3 “(1) adherence to monitoring and treatment  
4 protocols;

5 “(2) appropriate diagnostic and treatment re-  
6 ferrals for participants;

7 “(3) prompt communication of test results to  
8 participants; and

9 “(4) such other elements as the Administrator  
10 specifies in consultation with the Clinical Centers of  
11 Excellence.

12 “(f) ANNUAL PROGRAM REPORT.—

13 “(1) IN GENERAL.—Not later than 6 months  
14 after the end of each fiscal year in which the WTC  
15 Program is in operation, the WTC Program Admin-  
16 istrator shall submit an annual report to the Con-  
17 gress on the operations of this title for such fiscal  
18 year and for the entire period of operation of the  
19 program.

20 “(2) CONTENTS INCLUDED IN REPORT.—Each  
21 annual report under paragraph (1) shall include at  
22 least the following:

23 “(A) ELIGIBLE INDIVIDUALS.—Informa-  
24 tion for each clinical program described in para-  
25 graph (3)—

1           “(i) on the number of individuals who  
2           applied for certification under subtitle B  
3           and the number of such individuals who  
4           were so certified;

5           “(ii) of the individuals who were cer-  
6           tified, on the number who received moni-  
7           toring under the program and the number  
8           of such individuals who received medical  
9           treatment under the program;

10          “(iii) with respect to individuals so  
11          certified who received such treatment, on  
12          the WTC-related health conditions for  
13          which they were treated; and

14          “(iv) on the projected number of indi-  
15          viduals who will be certified under subtitle  
16          B in the succeeding fiscal year and the  
17          succeeding 10-year period.

18          “(B) MONITORING, INITIAL HEALTH EVAL-  
19          UATION, AND TREATMENT COSTS.—For each  
20          clinical program so described—

21                 “(i) information on the costs of moni-  
22                 toring and initial health evaluation and the  
23                 costs of treatment and on the estimated  
24                 costs of such monitoring, evaluation, and

1 treatment in the succeeding fiscal year;  
2 and

3 “(ii) an estimate of the cost of med-  
4 ical treatment for WTC-related health con-  
5 ditions that have been paid for or reim-  
6 bursed by workers’ compensation, by public  
7 or private health plans, or by New York  
8 City under section 3331.

9 “(C) ADMINISTRATIVE COSTS.—Informa-  
10 tion on the cost of administering the program,  
11 including costs of program support, data collec-  
12 tion and analysis, and research conducted under  
13 the program.

14 “(D) ADMINISTRATIVE EXPERIENCE.—In-  
15 formation on the administrative performance of  
16 the program, including—

17 “(i) the performance of the program  
18 in providing timely evaluation of and treat-  
19 ment to eligible individuals; and

20 “(ii) a list of the Clinical Centers of  
21 Excellence and other providers that are  
22 participating in the program.

23 “(E) SCIENTIFIC REPORTS.—A summary  
24 of the findings of any new scientific reports or  
25 studies on the health effects associated with ex-

1           posure described in section 3306(1), including  
2           the findings of research conducted under sec-  
3           tion 3341(a).

4           “(F) ADVISORY COMMITTEE REC-  
5           COMMENDATIONS.—A list of recommendations by  
6           the WTC Scientific/Technical Advisory Com-  
7           mittee on additional WTC Program eligibility  
8           criteria and on additional WTC-related health  
9           conditions and the action of the WTC Program  
10          Administrator concerning each such rec-  
11          ommendation.

12          “(3) SEPARATE CLINICAL PROGRAMS DE-  
13          SCRIBED.—In paragraph (2), each of the following  
14          shall be treated as a separate clinical program of the  
15          WTC Program:

16               “(A) FIREFIGHTERS AND RELATED PER-  
17               SONNEL.—The benefits provided for enrolled  
18               WTC responders described in section  
19               3311(a)(2)(A).

20               “(B) OTHER WTC RESPONDERS.—The ben-  
21               efits provided for enrolled WTC responders not  
22               described in subparagraph (A).

23               “(C) WTC SURVIVORS.—The benefits pro-  
24               vided for screening-eligible WTC survivors and

1 certified-eligible WTC survivors in section  
2 3321(a).

3 “(g) NOTIFICATION TO CONGRESS UPON REACHING  
4 80 PERCENT OF ELIGIBILITY NUMERICAL LIMITS.—The  
5 Secretary shall promptly notify the Congress of each of  
6 the following:

7 “(1) When the number of enrollments of WTC  
8 responders subject to the limit established under sec-  
9 tion 3311(a)(4) has reached 80 percent of such  
10 limit.

11 “(2) When the number of certifications for cer-  
12 tified-eligible WTC survivors subject to the limit es-  
13 tablished under section 3321(a)(3) has reached 80  
14 percent of such limit.

15 “(h) CONSULTATION.—The WTC Program Adminis-  
16 trator shall engage in ongoing outreach and consultation  
17 with relevant stakeholders, including the WTC Health  
18 Program Steering Committees and the Advisory Com-  
19 mittee under section 3302, regarding the implementation  
20 and improvement of programs under this title.

21 **“SEC. 3302. WTC HEALTH PROGRAM SCIENTIFIC/TECH-**  
22 **NICAL ADVISORY COMMITTEE; WTC HEALTH**  
23 **PROGRAM STEERING COMMITTEES.**

24 “(a) ADVISORY COMMITTEE.—

1           “(1) ESTABLISHMENT.—The WTC Program  
2 Administrator shall establish an advisory committee  
3 to be known as the WTC Health Program Scientific/  
4 Technical Advisory Committee (in this subsection re-  
5 ferred to as the ‘Advisory Committee’) to review sci-  
6 entific and medical evidence and to make rec-  
7 ommendations to the Administrator on additional  
8 WTC Program eligibility criteria and on additional  
9 WTC-related health conditions.

10           “(2) COMPOSITION.—The WTC Program Ad-  
11 ministrator shall appoint the members of the Advi-  
12 sory Committee and shall include at least—

13           “(A) 4 occupational physicians, at least 2  
14 of whom have experience treating WTC rescue  
15 and recovery workers;

16           “(B) 1 physician with expertise in pul-  
17 monary medicine;

18           “(C) 2 environmental medicine or environ-  
19 mental health specialists;

20           “(D) 2 representatives of WTC responders;

21           “(E) 2 representatives of certified-eligible  
22 WTC survivors;

23           “(F) an industrial hygienist;

24           “(G) a toxicologist;

25           “(H) an epidemiologist; and

1           “(I) a mental health professional.

2           “(3) MEETINGS.—The Advisory Committee  
3 shall meet at such frequency as may be required to  
4 carry out its duties.

5           “(4) REPORTS.—The WTC Program Adminis-  
6 trator shall provide for publication of recommenda-  
7 tions of the Advisory Committee on the public Web  
8 site established for the WTC Program.

9           “(5) DURATION.—Notwithstanding any other  
10 provision of law, the Advisory Committee shall con-  
11 tinue in operation during the period in which the  
12 WTC Program is in operation.

13           “(6) APPLICATION OF FACIA.—Except as other-  
14 wise specifically provided, the Advisory Committee  
15 shall be subject to the Federal Advisory Committee  
16 Act.

17           “(b) WTC HEALTH PROGRAM STEERING COMMIT-  
18 TEES.—

19           “(1) CONSULTATION.—The WTC Program Ad-  
20 ministrator shall consult with 2 steering committees  
21 (each in this section referred to as a ‘Steering Com-  
22 mittee’) that are established as follows:

23           “(A) WTC RESPONDERS STEERING COM-  
24 MITTEE.—One Steering Committee, to be  
25 known as the WTC Responders Steering Com-

1           mittee, for the purpose of receiving input from  
2           affected stakeholders and facilitating the coordi-  
3           nation of monitoring and treatment programs  
4           for the enrolled WTC responders under part 1  
5           of subtitle B.

6           “(B) WTC SURVIVORS STEERING COM-  
7           MITTEE.—One Steering Committee, to be  
8           known as the WTC Survivors Steering Com-  
9           mittee, for the purpose of receiving input from  
10          affected stakeholders and facilitating the coordi-  
11          nation of initial health evaluations, monitoring,  
12          and treatment programs for screening-eligible  
13          and certified-eligible WTC survivors under part  
14          2 of subtitle B.

15          “(2) MEMBERSHIP.—

16                 “(A) WTC RESPONDERS STEERING COM-  
17                 MITTEE.—

18                         “(i) REPRESENTATION.—The WTC  
19                         Responders Steering Committee shall in-  
20                         clude—

21                                 “(I) representatives of the Cen-  
22                                 ters of Excellence providing services  
23                                 to WTC responders;

24                                 “(II) representatives of labor or-  
25                                 ganizations representing firefighters,

1 police, other New York City employ-  
2 ees, and recovery and cleanup workers  
3 who responded to the September 11,  
4 2001, terrorist attacks; and

5 “(III) 3 representatives of New  
6 York City, 1 of whom will be selected  
7 by the police commissioner of New  
8 York City, 1 by the health commis-  
9 sioner of New York City, and 1 by the  
10 mayor of New York City.

11 “(ii) INITIAL MEMBERSHIP.—The  
12 WTC Responders Steering Committee shall  
13 initially be composed of members of the  
14 WTC Monitoring and Treatment Program  
15 Steering Committee (as in existence on the  
16 day before the date of the enactment of  
17 this title).

18 “(B) WTC SURVIVORS STEERING COM-  
19 MITTEE.—

20 “(i) REPRESENTATION.—The WTC  
21 Survivors Steering Committee shall include  
22 representatives of—

23 “(I) the Centers of Excellence  
24 providing services to screening-eligible  
25 and certified-eligible WTC survivors;

1           “(II) the population of residents,  
2           students, and area and other workers  
3           affected by the September 11, 2001,  
4           terrorist attacks;

5           “(III) screening-eligible and cer-  
6           tified-eligible survivors receiving initial  
7           health evaluations, monitoring, or  
8           treatment under part 2 of subtitle B  
9           and organizations advocating on their  
10          behalf; and

11          “(IV) New York City.

12          “(ii) INITIAL MEMBERSHIP.—The  
13          WTC Survivors Steering Committee shall  
14          initially be composed of members of the  
15          WTC Environmental Health Center Sur-  
16          vivor Advisory Committee (as in existence  
17          on the day before the date of the enact-  
18          ment of this title).

19          “(C) ADDITIONAL APPOINTMENTS.—Each  
20          Steering Committee may recommend, if ap-  
21          proved by a majority of voting members of the  
22          Committee, additional members to the Com-  
23          mittee.

1           “(D) VACANCIES.—A vacancy in a Steer-  
2           ing Committee shall be filled by an individual  
3           recommended by the Steering Committee.

4   **“SEC. 3303. EDUCATION AND OUTREACH.**

5           “The WTC Program Administrator shall institute a  
6           program that provides education and outreach on the ex-  
7           istence and availability of services under the WTC Pro-  
8           gram. The outreach and education program—

9           “(1) shall include—

10           “(A) the establishment of a public Web  
11           site with information about the WTC Program;

12           “(B) meetings with potentially eligible pop-  
13           ulations;

14           “(C) development and dissemination of  
15           outreach materials informing people about the  
16           program; and

17           “(D) the establishment of phone informa-  
18           tion services; and

19           “(2) shall be conducted in a manner intended—

20           “(A) to reach all affected populations; and

21           “(B) to include materials for culturally and  
22           linguistically diverse populations.

23   **“SEC. 3304. UNIFORM DATA COLLECTION AND ANALYSIS.**

24           “(a) IN GENERAL.—The WTC Program Adminis-  
25           trator shall provide for the uniform collection of data (and

1 analysis of data and regular reports to the Administrator)  
2 on the prevalence of WTC-related health conditions and  
3 the identification of new WTC-related health conditions.  
4 Such data shall be collected for all individuals provided  
5 monitoring or treatment benefits under subtitle B and re-  
6 gardless of their place of residence or Clinical Center of  
7 Excellence through which the benefits are provided. The  
8 WTC Program Administrator shall provide, through the  
9 Data Centers or otherwise, for the integration of such data  
10 into the monitoring and treatment program activities  
11 under this title.

12       “(b) COORDINATING THROUGH CENTERS OF EXCEL-  
13 LENCE.—Each Clinical Center of Excellence shall collect  
14 data described in subsection (a) and report such data to  
15 the corresponding Data Center for analysis by such Data  
16 Center.

17       “(c) COLLABORATION WITH WTC HEALTH REG-  
18 ISTRY.—The WTC Program Administrator shall provide  
19 for collaboration between the Data Centers and the World  
20 Trade Center Health Registry described in section 3342.

21       “(d) PRIVACY.—The data collection and analysis  
22 under this section shall be conducted and maintained in  
23 a manner that protects the confidentiality of individually  
24 identifiable health information consistent with applicable  
25 statutes and regulations, including, as applicable, HIPAA

1 privacy and security law (as defined in section 3009(a)(2))  
2 and section 552a of title 5, United States Code.

3 **“SEC. 3305. CLINICAL CENTERS OF EXCELLENCE AND DATA**  
4 **CENTERS.**

5 “(a) IN GENERAL.—

6 “(1) CONTRACTS WITH CLINICAL CENTERS OF  
7 EXCELLENCE.—The WTC Program Administrator  
8 shall, subject to subsection (b)(1)(B), enter into con-  
9 tracts with Clinical Centers of Excellence (as defined  
10 in subsection (b)(1)(A))—

11 “(A) for the provision of monitoring and  
12 treatment benefits and initial health evaluation  
13 benefits under subtitle B;

14 “(B) for the provision of outreach activities  
15 to individuals eligible for such monitoring and  
16 treatment benefits, for initial health evaluation  
17 benefits, and for followup to individuals who are  
18 enrolled in the monitoring program;

19 “(C) for the provision of counseling for  
20 benefits under subtitle B, with respect to WTC-  
21 related health conditions, for individuals eligible  
22 for such benefits;

23 “(D) for the provision of counseling for  
24 benefits for WTC-related health conditions that  
25 may be available under workers’ compensation

1 or other benefit programs for work-related inju-  
2 ries or illnesses, health insurance, disability in-  
3 surance, or other insurance plans or through  
4 public or private social service agencies and as-  
5 sisting eligible individuals in applying for such  
6 benefits;

7 “(E) for the provision of translational and  
8 interpretive services for program participants  
9 who are not English language proficient; and

10 “(F) for the collection and reporting of  
11 data in accordance with section 3304.

12 “(2) CONTRACTS WITH DATA CENTERS.—

13 “(A) IN GENERAL.—The WTC Program  
14 Administrator shall enter into contracts with  
15 Data Centers (as defined in subsection  
16 (b)(2))—

17 “(i) for receiving, analyzing, and re-  
18 porting to the WTC Program Adminis-  
19 trator on data, in accordance with section  
20 3304, that have been collected and re-  
21 ported to such Data Centers by the cor-  
22 responding Clinical Centers of Excellence  
23 under subsection (b)(1)(B)(iii);

24 “(ii) for the development of moni-  
25 toring, initial health evaluation, and treat-

1           ment protocols, with respect to WTC-re-  
2           lated health conditions;

3           “(iii) for coordinating the outreach ac-  
4           tivities conducted under paragraph (1)(B)  
5           by each corresponding Clinical Center of  
6           Excellence;

7           “(iv) for establishing criteria for the  
8           credentialing of medical providers partici-  
9           pating in the nationwide network under  
10          section 3313;

11          “(v) for coordinating and admin-  
12          istering the activities of the WTC Health  
13          Program Steering Committees established  
14          under section 3002(b); and

15          “(vi) for meeting periodically with the  
16          corresponding Clinical Centers of Excel-  
17          lence to obtain input on the analysis and  
18          reporting of data collected under clause (i)  
19          and on the development of monitoring, ini-  
20          tial health evaluation, and treatment proto-  
21          cols under clause (ii).

22          “(B) MEDICAL PROVIDER SELECTION.—  
23          The medical providers under subparagraph  
24          (A)(iv) shall be selected by the WTC Program  
25          Administrator on the basis of their experience

1           treating or diagnosing the health conditions in-  
2           cluded in the list of WTC-related health condi-  
3           tions.

4           “(C) CLINICAL DISCUSSIONS.—In carrying  
5           out subparagraph (A)(ii), a Data Center shall  
6           engage in clinical discussions across the WTC  
7           Program to guide treatment approaches for in-  
8           dividuals with a WTC-related health condition.

9           “(D) TRANSPARENCY OF DATA.—A con-  
10          tract entered into under this subsection with a  
11          Data Center shall require the Data Center to  
12          make any data collected and reported to such  
13          Center under subsection (b)(1)(B)(iii) available  
14          to health researchers and others as provided in  
15          the CDC/ATSDR Policy on Releasing and  
16          Sharing Data.

17          “(3) AUTHORITY FOR CONTRACTS TO BE CLASS  
18          SPECIFIC.—A contract entered into under this sub-  
19          section with a Clinical Center of Excellence or a  
20          Data Center may be with respect to one or more  
21          class of enrolled WTC responders, screening-eligible  
22          WTC survivors, or certified-eligible WTC survivors.

23          “(4) USE OF COOPERATIVE AGREEMENTS.—  
24          Any contract under this title between the WTC Pro-  
25          gram Administrator and a Data Center or a Clinical

1 Center of Excellence may be in the form of a cooper-  
2 ative agreement.

3 “(b) CENTERS OF EXCELLENCE.—

4 “(1) CLINICAL CENTERS OF EXCELLENCE.—

5 “(A) DEFINITION.—For purposes of this  
6 title, the term ‘Clinical Center of Excellence’  
7 means a Center that demonstrates to the satis-  
8 faction of the Administrator that the Center—

9 “(i) uses an integrated, centralized  
10 health care provider approach to create a  
11 comprehensive suite of health services  
12 under this title that are accessible to en-  
13 rolled WTC responders, screening-eligible  
14 WTC survivors, or certified-eligible WTC  
15 survivors;

16 “(ii) has experience in caring for  
17 WTC responders and screening-eligible  
18 WTC survivors or includes health care pro-  
19 viders who have been trained pursuant to  
20 section 3313(c);

21 “(iii) employs health care provider  
22 staff with expertise that includes, at a min-  
23 imum, occupational medicine, environ-  
24 mental medicine, trauma-related psychiatry

1 and psychology, and social services coun-  
2 seling; and

3 “(iv) meets such other requirements  
4 as specified by the Administrator.

5 “(B) CONTRACT REQUIREMENTS.—The  
6 WTC Program Administrator shall not enter  
7 into a contract with a Clinical Center of Excel-  
8 lence under subsection (a)(1) unless the Center  
9 agrees to do each of the following:

10 “(i) Establish a formal mechanism for  
11 consulting with and receiving input from  
12 representatives of eligible populations re-  
13 ceiving monitoring and treatment benefits  
14 under subtitle B from such Center.

15 “(ii) Coordinate monitoring and treat-  
16 ment benefits under subtitle B with rou-  
17 tine medical care provided for the treat-  
18 ment of conditions other than WTC-related  
19 health conditions.

20 “(iii) Collect and report to the cor-  
21 responding Data Center data in accordance  
22 with section 3304(b).

23 “(iv) Have in place safeguards against  
24 fraud that are satisfactory to the Adminis-  
25 trator, in consultation with the Inspector

1 General of the Department of Health and  
2 Human Services.

3 “(v) Treat or refer for treatment all  
4 individuals who are enrolled WTC respon-  
5 ders or certified-eligible WTC survivors with  
6 respect to such Center who present them-  
7 selves for treatment of a WTC-related  
8 health condition.

9 “(vi) Have in place safeguards, con-  
10 sistent with section 3304(c), to ensure the  
11 confidentiality of an individual’s individ-  
12 ually identifiable health information, in-  
13 cluding requiring that such information  
14 not be disclosed to the individual’s em-  
15 ployer without the authorization of the in-  
16 dividual.

17 “(vii) Use amounts paid under sub-  
18 section (c)(1) only for costs incurred in  
19 carrying out the activities described in sub-  
20 section (a), other than those described in  
21 subsection (a)(1)(A).

22 “(viii) Utilize health care providers  
23 with occupational and environmental medi-  
24 cine expertise to conduct physical and  
25 mental health assessments, in accordance

1 with protocols developed under subsection  
2 (a)(2)(A)(ii).

3 “(ix) Communicate with WTC re-  
4 sponders and screening-eligible and cer-  
5 tified-eligible WTC survivors in appropriate  
6 languages and conduct outreach activities  
7 with relevant stakeholder worker or com-  
8 munity associations.

9 “(x) Meet all the other applicable re-  
10 quirements of this title, including regula-  
11 tions implementing such requirements.

12 “(C) TRANSITION RULE TO ENSURE CON-  
13 TINUITY OF CARE.—The WTC Program Admin-  
14 istrator shall to the maximum extent feasible  
15 ensure continuity of care in any period of tran-  
16 sition from monitoring and treatment of an en-  
17 rolled WTC responder or certified-eligible WTC  
18 survivor by a provider to a Clinical Center of  
19 Excellence or a health care provider partici-  
20 pating in the nationwide network under section  
21 3313.

22 “(2) DATA CENTERS.—For purposes of this  
23 title, the term ‘Data Center’ means a Center that  
24 the WTC Program Administrator determines has the

1 capacity to carry out the responsibilities for a Data  
2 Center under subsection (a)(2).

3 “(3) CORRESPONDING CENTERS.—For purposes  
4 of this title, a Clinical Center of Excellence and a  
5 Data Center shall be treated as ‘corresponding’ to  
6 the extent that such Clinical Center and Data Cen-  
7 ter serve the same population group.

8 “(c) PAYMENT FOR INFRASTRUCTURE COSTS.—

9 “(1) IN GENERAL.—The WTC Program Admin-  
10 istrator shall reimburse a Clinical Center of Excel-  
11 lence for the fixed infrastructure costs of such Cen-  
12 ter in carrying out the activities described in subtitle  
13 B at a rate negotiated by the Administrator and  
14 such Centers. Such negotiated rate shall be fair and  
15 appropriate and take into account the number of en-  
16 rolled WTC responders receiving services from such  
17 Center under this title.

18 “(2) FIXED INFRASTRUCTURE COSTS.—For  
19 purposes of paragraph (1), the term ‘fixed infra-  
20 structure costs’ means, with respect to a Clinical  
21 Center of Excellence, the costs incurred by such  
22 Center that are not reimbursable by the WTC Pro-  
23 gram Administrator under section 3312(c).

24 **“SEC. 3306. DEFINITIONS.**

25 “In this title:

1           “(1) The term ‘aggravating’ means, with re-  
2           spect to a health condition, a health condition that  
3           existed on September 11, 2001, and that, as a result  
4           of exposure to airborne toxins, any other hazard, or  
5           any other adverse condition resulting from the Sep-  
6           tember 11, 2001, terrorist attacks, requires medical  
7           treatment that is (or will be) in addition to, more  
8           frequent than, or of longer duration than the med-  
9           ical treatment that would have been required for  
10          such condition in the absence of such exposure.

11          “(2) The term ‘certified-eligible WTC survivor’  
12          has the meaning given such term in section  
13          3321(a)(2).

14          “(3) The terms ‘Clinical Center of Excellence’  
15          and ‘Data Center’ have the meanings given such  
16          terms in section 3305.

17          “(4) The term ‘enrolled WTC responder’ means  
18          a WTC responder enrolled under section 3311(a)(3).

19          “(5) The term ‘initial health evaluation’ in-  
20          cludes, with respect to an individual, a medical and  
21          exposure history, a physical examination, and addi-  
22          tional medical testing as needed to evaluate whether  
23          the individual has a WTC-related health condition  
24          and is eligible for treatment under the WTC Pro-  
25          gram.

1           “(6) The term ‘list of WTC-related health con-  
2           ditions’ means—

3                   “(A) for WTC responders, the health con-  
4                   ditions listed in section 3312(a)(3); and

5                   “(B) for screening-eligible and certified-eli-  
6                   gible WTC survivors, the health conditions list-  
7                   ed in section 3322(b).

8           “(7) The term ‘New York City disaster area’  
9           means the area within New York City that is—

10                   “(A) the area of Manhattan that is south  
11                   of Houston Street; and

12                   “(B) any block in Brooklyn that is wholly  
13                   or partially contained within a 1.5-mile radius  
14                   of the former World Trade Center site.

15           “(8) The term ‘New York metropolitan area’  
16           means an area, specified by the WTC Program Ad-  
17           ministrator, within which WTC responders and eligi-  
18           ble WTC screening-eligible survivors who reside in  
19           such area are reasonably able to access monitoring  
20           and treatment benefits and initial health evaluation  
21           benefits under this title through a Clinical Center of  
22           Excellence described in subparagraphs (A), (B), or  
23           (C) of section 3305(b)(1).

1           “(9) The term ‘screening-eligible WTC survivor’  
2 has the meaning given such term in section  
3 3321(a)(1).

4           “(10) Any reference to ‘September 11, 2001’  
5 shall be deemed a reference to the period on such  
6 date subsequent to the terrorist attacks at the World  
7 Trade Center, Shanksville, Pennsylvania, or the  
8 Pentagon, as applicable, on such date.

9           “(11) The term ‘September 11, 2001, terrorist  
10 attacks’ means the terrorist attacks that occurred on  
11 September 11, 2001, in New York City, in  
12 Shanksville, Pennsylvania, and at the Pentagon, and  
13 includes the aftermath of such attacks.

14           “(12) The term ‘WTC Health Program Steer-  
15 ing Committee’ means such a Steering Committee  
16 established under section 3302(b).

17           “(13) The term ‘WTC Program’ means the  
18 Word Trade Center Health Program established  
19 under section 3301(a).

20           “(14) The term ‘WTC Program Administrator’  
21 means—

22                   “(A) with respect to paragraphs (3) and  
23                   (4) of section 3311(a) (relating to enrollment of  
24                   WTC responders), section 3312(c) and the cor-  
25                   responding provisions of section 3322 (relating

1 to payment for initial health evaluation, moni-  
2 toring, and treatment), paragraphs (1)(C),  
3 (2)(B), and (3) of section 3321(a) (relating to  
4 determination or certification of screening-eli-  
5 ble or certified-eligible WTC responders), and  
6 part 3 of subtitle B (relating to payor provi-  
7 sions), an official in the Department of Health  
8 and Human Services, to be designated by the  
9 Secretary; and

10 “(B) with respect to any other provision of  
11 this title, the Director of the National Institute  
12 for Occupational Safety and Health, or a des-  
13 ignee of such Director.

14 “(15) The term ‘WTC-related health condition’  
15 is defined in section 3312(a).

16 “(16) The term ‘WTC responder’ is defined in  
17 section 3311(a).

18 “(17) The term ‘WTC Scientific/Technical Ad-  
19 visory Committee’ means such Committee estab-  
20 lished under section 3302(a).

1 **“Subtitle B—Program of Moni-**  
2 **toring, Initial Health Evalua-**  
3 **tions, and Treatment**

4 **“PART 1—WTC RESPONDERS**

5 **“SEC. 3311. IDENTIFICATION OF WTC RESPONDERS AND**  
6 **PROVISION OF WTC-RELATED MONITORING**  
7 **SERVICES.**

8 “(a) WTC RESPONDER DEFINED.—

9 “(1) IN GENERAL.—For purposes of this title,  
10 the term ‘WTC responder’ means any of the fol-  
11 lowing individuals, subject to paragraph (4):

12 “(A) CURRENTLY IDENTIFIED RE-  
13 SPONDER.—An individual who has been identi-  
14 fied as eligible for monitoring under the ar-  
15 rangements as in effect on the date of the en-  
16 actment of this title between the National Insti-  
17 tute for Occupational Safety and Health and—

18 “(i) the consortium coordinated by  
19 Mt. Sinai Hospital in New York City that  
20 coordinates the monitoring and treatment  
21 for enrolled WTC responders other than  
22 with respect to those covered under the ar-  
23 rangement with the Fire Department of  
24 New York City; or

1                   “(ii) the Fire Department of New  
2                   York City.

3                   “(B) RESPONDER WHO MEETS CURRENT  
4                   ELIGIBILITY CRITERIA.—An individual who  
5                   meets the current eligibility criteria described in  
6                   paragraph (2).

7                   “(C) RESPONDER WHO MEETS MODIFIED  
8                   ELIGIBILITY CRITERIA.—An individual who—

9                   “(i) performed rescue, recovery, demo-  
10                  lition, debris cleanup, or other related serv-  
11                  ices in the New York City disaster area in  
12                  response to the September 11, 2001, ter-  
13                  rorist attacks, regardless of whether such  
14                  services were performed by a State or Fed-  
15                  eral employee or member of the National  
16                  Guard or otherwise; and

17                  “(ii) meets such eligibility criteria re-  
18                  lating to exposure to airborne toxins, other  
19                  hazards, or adverse conditions resulting  
20                  from the September 11, 2001, terrorist at-  
21                  tacks as the WTC Program Administrator,  
22                  after consultation with the WTC Scientific/  
23                  Technical Advisory Committee, determines  
24                  appropriate.

1           The WTC Program Administrator shall not  
2           modify such eligibility criteria on or after the  
3           date that the number of enrollments of WTC  
4           responders has reached 80 percent of the limit  
5           described in paragraph (4) or on or after the  
6           date that the number of certifications for cer-  
7           tified-eligible WTC survivors under section  
8           3321(a)(2)(B) has reached 80 percent of the  
9           limit described in section 3321(a)(3).

10           “(2) CURRENT ELIGIBILITY CRITERIA.—The  
11           eligibility criteria described in this paragraph for an  
12           individual is that the individual is described in any  
13           of the following categories:

14                   “(A) FIREFIGHTERS AND RELATED PER-  
15                   SONNEL.—The individual—

16                           “(i) was a member of the Fire De-  
17                           partment of New York City (whether fire  
18                           or emergency personnel, active or retired)  
19                           who participated at least one day in the  
20                           rescue and recovery effort at any of the  
21                           former World Trade Center sites (includ-  
22                           ing Ground Zero, Staten Island Landfill,  
23                           and the New York City Chief Medical Ex-  
24                           aminer’s Office) for any time during the

1 period beginning on September 11, 2001,  
2 and ending on July 31, 2002; or

3 “(ii)(I) is a surviving immediate fam-  
4 ily member of an individual who was a  
5 member of the Fire Department of New  
6 York City (whether fire or emergency per-  
7 sonnel, active or retired) and was killed at  
8 the World Trade site on September 11,  
9 2001; and

10 “(II) received any treatment for a  
11 WTC-related health condition described in  
12 section 3312(a)(1)(A)(ii) (relating to men-  
13 tal health conditions) on or before Sep-  
14 tember 1, 2008.

15 “(B) LAW ENFORCEMENT OFFICERS AND  
16 WTC RESCUE, RECOVERY, AND CLEANUP WORK-  
17 ERS.—The individual—

18 “(i) worked or volunteered onsite in  
19 rescue, recovery, debris cleanup, or related  
20 support services in lower Manhattan (south  
21 of Canal St.), the Staten Island Landfill,  
22 or the barge loading piers, for at least 4  
23 hours during the period beginning on Sep-  
24 tember 11, 2001, and ending on Sep-  
25 tember 14, 2001, for at least 24 hours

1 during the period beginning on September  
2 11, 2001, and ending on September 30,  
3 2001, or for at least 80 hours during the  
4 period beginning on September 11, 2001,  
5 and ending on July 31, 2002;

6 “(ii)(I) was a member of the Police  
7 Department of New York City (whether  
8 active or retired) or a member of the Port  
9 Authority Police of the Port Authority of  
10 New York and New Jersey (whether active  
11 or retired) who participated onsite in res-  
12 cue, recovery, debris cleanup, or related  
13 services in lower Manhattan (south of  
14 Canal St.), including Ground Zero, the  
15 Staten Island Landfill, or the barge load-  
16 ing piers, for at least 4 hours during the  
17 period beginning September 11, 2001, and  
18 ending on September 14, 2001;

19 “(II) participated onsite in rescue, re-  
20 covery, debris cleanup, or related services  
21 in at Ground Zero, the Staten Island  
22 Landfill, or the barge loading piers, for at  
23 least one day during the period beginning  
24 on September 11, 2001, and ending on  
25 July 31, 2002;

1           “(III) participated onsite in rescue,  
2           recovery, debris cleanup, or related services  
3           in lower Manhattan (south of Canal St.)  
4           for at least 24 hours during the period be-  
5           ginning on September 11, 2001, and end-  
6           ing on September 30, 2001; or

7           “(IV) participated onsite in rescue, re-  
8           covery, debris cleanup, or related services  
9           in lower Manhattan (south of Canal St.)  
10          for at least 80 hours during the period be-  
11          ginning on September 11, 2001, and end-  
12          ing on July 31, 2002;

13          “(iii) was an employee of the Office of  
14          the Chief Medical Examiner of New York  
15          City involved in the examination and han-  
16          dling of human remains from the World  
17          Trade Center attacks, or other morgue  
18          worker who performed similar post-Sep-  
19          tember 11 functions for such Office staff,  
20          during the period beginning on September  
21          11, 2001, and ending on July 31, 2002;

22          “(iv) was a worker in the Port Au-  
23          thority Trans-Hudson Corporation Tunnel  
24          for at least 24 hours during the period be-

1 ginning on February 1, 2002, and ending  
2 on July 1, 2002; or

3 “(v) was a vehicle-maintenance worker  
4 who was exposed to debris from the former  
5 World Trade Center while retrieving, driv-  
6 ing, cleaning, repairing, and maintaining  
7 vehicles contaminated by airborne toxins  
8 from the September 11, 2001, terrorist at-  
9 tacks during a duration and period de-  
10 scribed in subparagraph (A).

11 “(C) RESPONDERS TO THE SEPTEMBER 11  
12 ATTACKS AT THE PENTAGON AND  
13 SHANKSVILLE, PENNSYLVANIA.—The indi-  
14 vidual—

15 “(i)(I) was a member of a fire or po-  
16 lice department (whether fire or emergency  
17 personnel, active or retired), worked for a  
18 recovery or cleanup contractor, or was a  
19 volunteer; and performed rescue, recovery,  
20 demolition, debris cleanup, or other related  
21 services at the Pentagon site of the ter-  
22 rorist-related aircraft crash of September  
23 11, 2001, during the period beginning on  
24 September 11, 2001, and ending on the  
25 date on which the cleanup of the site was

1 concluded, as determined by the WTC Pro-  
2 gram Administrator; or

3 “(II) was a member of a fire or police  
4 department (whether fire or emergency  
5 personnel, active or retired), worked for a  
6 recovery or cleanup contractor, or was a  
7 volunteer; and performed rescue, recovery,  
8 demolition, debris cleanup, or other related  
9 services at the Shanksville, Pennsylvania,  
10 site of the terrorist-related aircraft crash  
11 of September 11, 2001, during the period  
12 beginning on September 11, 2001, and  
13 ending on the date on which the cleanup of  
14 the site was concluded, as determined by  
15 the WTC Program Administrator; and

16 “(ii) is determined by the WTC Pro-  
17 gram Administrator to be at an increased  
18 risk of developing a WTC-related health  
19 condition as a result of exposure to air-  
20 borne toxins, other hazards, or adverse  
21 conditions resulting from the September  
22 11, 2001, terrorist attacks, and meets such  
23 eligibility criteria related to such expo-  
24 sures, as the WTC Program Administrator  
25 determines are appropriate, after consulta-

1                   tion with the WTC Scientific/Technical Ad-  
2                   visory Committee.

3                   “(3) ENROLLMENT PROCESS.—

4                   “(A) IN GENERAL.—The WTC Program  
5                   Administrator shall establish a process for en-  
6                   rolling WTC responders in the WTC Program.

7                   Under such process—

8                   “(i) WTC responders described in  
9                   paragraph (1)(A) shall be deemed to be en-  
10                  rolled in such Program;

11                  “(ii) subject to clause (iii), the Admin-  
12                  istrator shall enroll in such program indi-  
13                  viduals who are determined to be WTC re-  
14                  sponders;

15                  “(iii) the Administrator shall deny  
16                  such enrollment to an individual if the Ad-  
17                  ministrator determines that the numerical  
18                  limitation in paragraph (4) on enrollment  
19                  of WTC responders has been met;

20                  “(iv) there shall be no fee charged to  
21                  the applicant for making an application for  
22                  such enrollment;

23                  “(v) the Administrator shall make a  
24                  determination on such an application not

1 later than 60 days after the date of filing  
2 the application; and

3 “(vi) an individual who is denied en-  
4 rollment in such Program shall have an op-  
5 portunity to appeal such determination in  
6 a manner established under such process.

7 “(B) TIMING.—

8 “(i) CURRENTLY IDENTIFIED RE-  
9 SPONDERS.—In accordance with subpara-  
10 graph (A)(i), the WTC Program Adminis-  
11 trator shall enroll an individual described  
12 in paragraph (1)(A) in the WTC Program  
13 not later than July 1, 2011.

14 “(ii) OTHER RESPONDERS.—In ac-  
15 cordance with subparagraph (A)(ii) and  
16 consistent with paragraph (4), the WTC  
17 Program Administrator shall enroll any  
18 other individual who is determined to be a  
19 WTC responder in the WTC Program at  
20 the time of such determination.

21 “(4) NUMERICAL LIMITATION ON ELIGIBLE  
22 WTC RESPONDERS.—

23 “(A) IN GENERAL.—The total number of  
24 individuals not described in paragraph (1)(A) or  
25 (2)(A)(ii) who may be enrolled under paragraph

1 (3)(A)(ii) shall not exceed 25,000 at any time,  
2 of which no more than 2,500 may be individ-  
3 uals enrolled based on modified eligibility cri-  
4 teria established under paragraph (1)(C).

5 “(B) PROCESS.—In implementing subpara-  
6 graph (A), the WTC Program Administrator  
7 shall—

8 “(i) limit the number of enrollments  
9 made under paragraph (3)—

10 “(I) in accordance with such sub-  
11 paragraph; and

12 “(II) to such number, as deter-  
13 mined by the Administrator based on  
14 the best available information and  
15 subject to amounts available under  
16 section 3351, that will ensure suffi-  
17 cient funds will be available to provide  
18 treatment and monitoring benefits  
19 under this title, with respect to all in-  
20 dividuals who are enrolled through the  
21 end of fiscal year 2020; and

22 “(ii) provide priority (subject to para-  
23 graph (3)(A)(i)) in such enrollments in the  
24 order in which individuals apply for enroll-  
25 ment under paragraph (3).

1           “(5) DISQUALIFICATION OF INDIVIDUALS ON  
2           TERRORIST WATCH LIST.—No individual who is on  
3           the terrorist watch list maintained by the Depart-  
4           ment of Homeland Security shall qualify as an eligi-  
5           ble WTC responder. Before enrolling any individual  
6           as a WTC responder in the WTC Program under  
7           paragraph (3), the Administrator, in consultation  
8           with the Secretary of Homeland Security, shall de-  
9           termine whether the individual is on such list.

10          “(b) MONITORING BENEFITS.—

11                 “(1) IN GENERAL.—In the case of an enrolled  
12                 WTC responder (other than one described in sub-  
13                 section (a)(2)(A)(ii)), the WTC Program shall pro-  
14                 vide for monitoring benefits that include monitoring  
15                 consistent with protocols approved by the WTC Pro-  
16                 gram Administrator and including clinical examina-  
17                 tions and long-term health monitoring and analysis.  
18                 In the case of an enrolled WTC responder who is an  
19                 active member of the Fire Department of New York  
20                 City, the responder shall receive such benefits as  
21                 part of the individual’s periodic company medical  
22                 exams.

23                 “(2) PROVISION OF MONITORING BENEFITS.—

24                 The monitoring benefits under paragraph (1) shall  
25                 be provided through the Clinical Center of Excel-

1 lence for the type of individual involved or, in the  
2 case of an individual residing outside the New York  
3 metropolitan area, under an arrangement under sec-  
4 tion 3313.

5 **“SEC. 3312. TREATMENT OF ENROLLED WTC RESPONDERS**  
6 **FOR WTC-RELATED HEALTH CONDITIONS.**

7 “(a) WTC-RELATED HEALTH CONDITION DE-  
8 FINED.—

9 “(1) IN GENERAL.—For purposes of this title,  
10 the term ‘WTC-related health condition’ means a  
11 condition that—

12 “(A)(i) is an illness or health condition for  
13 which exposure to airborne toxins, any other  
14 hazard, or any other adverse condition resulting  
15 from the September 11, 2001, terrorist attacks,  
16 based on an examination by a medical profes-  
17 sional with experience in treating or diagnosing  
18 the health conditions included in the applicable  
19 list of WTC-related health conditions, is sub-  
20 stantially likely to be a significant factor in ag-  
21 gravating, contributing to, or causing the illness  
22 or health condition, as determined under para-  
23 graph (2); or

24 “(ii) is a mental health condition for which  
25 such attacks, based on an examination by a

1 medical professional with experience in treating  
2 or diagnosing the health conditions included in  
3 the applicable list of WTC-related health condi-  
4 tions, is substantially likely to be a significant  
5 factor in aggravating, contributing to, or caus-  
6 ing the condition, as determined under para-  
7 graph (2); and

8 “(B) is included in the applicable list of  
9 WTC-related health conditions or—

10 “(i) with respect to a WTC responder,  
11 is provided certification of coverage under  
12 subsection (b)(2)(B)(iii); or

13 “(ii) with respect to a screening-eli-  
14 ble WTC survivor or certified-eligible WTC  
15 survivor, is provided certification of cov-  
16 erage under subsection (b)(2)(B)(iii), as  
17 applied under section 3322(a).

18 In the case of a WTC responder described in section  
19 3311(a)(2)(A)(ii) (relating to a surviving immediate  
20 family member of a firefighter), such term does not  
21 include an illness or health condition described in  
22 subparagraph (A)(i).

23 “(2) DETERMINATION.—The determination  
24 under paragraph (1) or subsection (b) of whether  
25 the September 11, 2001, terrorist attacks were sub-

1       stantially likely to be a significant factor in aggra-  
2       vating, contributing to, or causing an individual’s ill-  
3       ness or health condition shall be made based on an  
4       assessment of the following:

5               “(A) The individual’s exposure to airborne  
6       toxins, any other hazard, or any other adverse  
7       condition resulting from the terrorist attacks.  
8       Such exposure shall be—

9               “(i) evaluated and characterized  
10       through the use of a standardized, popu-  
11       lation-appropriate questionnaire approved  
12       by the Director of the National Institute  
13       for Occupational Safety and Health; and

14              “(ii) assessed and documented by a  
15       medical professional with experience in  
16       treating or diagnosing health conditions in-  
17       cluded on the list of WTC-related health  
18       conditions.

19              “(B) The type of symptoms and temporal  
20       sequence of symptoms. Such symptoms shall  
21       be—

22              “(i) assessed through the use of a  
23       standardized, population-appropriate med-  
24       ical questionnaire approved by the Director  
25       of the National Institute for Occupational

1 Safety and Health and a medical examina-  
2 tion; and

3 “(ii) diagnosed and documented by a  
4 medical professional described in subpara-  
5 graph (A)(ii).

6 “(3) LIST OF HEALTH CONDITIONS FOR WTC  
7 RESPONDERS.—The list of health conditions for  
8 WTC responders consists of the following:

9 “(A) AERODIGESTIVE DISORDERS.—

10 “(i) Interstitial lung diseases.

11 “(ii) Chronic respiratory disorder—  
12 fumes/vapors.

13 “(iii) Asthma.

14 “(iv) Reactive airways dysfunction  
15 syndrome (RADS).

16 “(v) WTC-exacerbated chronic ob-  
17 structive pulmonary disease (COPD).

18 “(vi) Chronic cough syndrome.

19 “(vii) Upper airway hyperreactivity.

20 “(viii) Chronic rhinosinusitis.

21 “(ix) Chronic nasopharyngitis.

22 “(x) Chronic laryngitis.

23 “(xi) Gastroesophageal reflux disorder  
24 (GERD).

1           “(xii) Sleep apnea exacerbated by or  
2           related to a condition described in a pre-  
3           vious clause.

4           “(B) MENTAL HEALTH CONDITIONS.—

5           “(i) Posttraumatic stress disorder  
6           (PTSD).

7           “(ii) Major depressive disorder.

8           “(iii) Panic disorder.

9           “(iv) Generalized anxiety disorder.

10          “(v) Anxiety disorder (not otherwise  
11          specified).

12          “(vi) Depression (not otherwise speci-  
13          fied).

14          “(vii) Acute stress disorder.

15          “(viii) Dysthymic disorder.

16          “(ix) Adjustment disorder.

17          “(x) Substance abuse.

18          “(C) MUSCULOSKELETAL DISORDERS FOR  
19          CERTAIN WTC RESPONDERS.—In the case of a  
20          WTC responder described in paragraph (4), a  
21          condition described in such paragraph.

22          “(D) ADDITIONAL CONDITIONS.—Any can-  
23          cer (or type of cancer) or other condition added,  
24          pursuant to paragraph (5) or (6), to the list  
25          under this paragraph.

1 “(4) MUSCULOSKELETAL DISORDERS.—

2 “(A) IN GENERAL.—For purposes of this  
3 title, in the case of a WTC responder who re-  
4 ceived any treatment for a WTC-related mus-  
5 culoskeletal disorder on or before September 11,  
6 2003, the list of health conditions in paragraph  
7 (3) shall include:

8 “(i) Low back pain.

9 “(ii) Carpal tunnel syndrome (CTS).

10 “(iii) Other musculoskeletal disorders.

11 “(B) DEFINITION.—The term ‘WTC-re-  
12 lated musculoskeletal disorder’ means a chronic  
13 or recurrent disorder of the musculoskeletal  
14 system caused by heavy lifting or repetitive  
15 strain on the joints or musculoskeletal system  
16 occurring during rescue or recovery efforts in  
17 the New York City disaster area in the after-  
18 math of the September 11, 2001, terrorist at-  
19 tacks.

20 “(5) CANCER.—

21 “(A) IN GENERAL.—The WTC Program  
22 Administrator shall periodically conduct a re-  
23 view of all available scientific and medical evi-  
24 dence, including findings and recommendations  
25 of Clinical Centers of Excellence, published in

1 peer-reviewed journals to determine if, based on  
2 such evidence, cancer or a certain type of can-  
3 cer should be added to the applicable list of  
4 WTC-related health conditions. The WTC Pro-  
5 gram Administrator shall conduct the first re-  
6 view under this subparagraph not later than  
7 180 days after the date of the enactment of this  
8 title.

9 “(B) PROPOSED REGULATIONS AND RULE-  
10 MAKING.—Based on the periodic reviews under  
11 subparagraph (A), if the WTC Program Admin-  
12 istrator determines that cancer or a certain  
13 type of cancer should be added to such list of  
14 WTC-related health conditions, the WTC Pro-  
15 gram Administrator shall propose regulations,  
16 through rulemaking, to add cancer or the cer-  
17 tain type of cancer to such list.

18 “(C) FINAL REGULATIONS.—Based on all  
19 the available evidence in the rulemaking record,  
20 the WTC Program Administrator shall make a  
21 final determination of whether cancer or a cer-  
22 tain type of cancer should be added to such list  
23 of WTC-related health conditions. If such a de-  
24 termination is made to make such an addition,  
25 the WTC Program Administrator shall by regu-

1           lation add cancer or the certain type of cancer  
2           to such list.

3           “(D) DETERMINATIONS NOT TO ADD CAN-  
4           CER OR CERTAIN TYPES OF CANCER.—In the  
5           case that the WTC Program Administrator de-  
6           termines under subparagraph (B) or (C) that  
7           cancer or a certain type of cancer should not be  
8           added to such list of WTC-related health condi-  
9           tions, the WTC Program Administrator shall  
10          publish an explanation for such determination  
11          in the Federal Register. Any such determina-  
12          tion to not make such an addition shall not pre-  
13          clude the addition of cancer or the certain type  
14          of cancer to such list at a later date.

15          “(6) ADDITION OF HEALTH CONDITIONS TO  
16          LIST FOR WTC RESPONDERS.—

17                 “(A) IN GENERAL.—Whenever the WTC  
18                 Program Administrator determines that a pro-  
19                 posed rule should be promulgated to add a  
20                 health condition to the list of health conditions  
21                 in paragraph (3), the Administrator may re-  
22                 quest a recommendation of the Advisory Com-  
23                 mittee or may publish such a proposed rule in  
24                 the Federal Register in accordance with sub-  
25                 paragraph (D).

1           “(B) ADMINISTRATOR’S OPTIONS AFTER  
2 RECEIPT OF PETITION.—In the case that the  
3 WTC Program Administrator receives a written  
4 petition by an interested party to add a health  
5 condition to the list of health conditions in  
6 paragraph (3), not later than 60 days after the  
7 date of receipt of such petition the Adminis-  
8 trator shall—

9                   “(i) request a recommendation of the  
10                   Advisory Committee;

11                   “(ii) publish a proposed rule in the  
12                   Federal Register to add such health condi-  
13                   tion, in accordance with subparagraph (D);

14                   “(iii) publish in the Federal Register  
15                   the Administrator’s determination not to  
16                   publish such a proposed rule and the basis  
17                   for such determination; or

18                   “(iv) publish in the Federal Register a  
19                   determination that insufficient evidence ex-  
20                   ists to take action under clauses (i)  
21                   through (iii).

22           “(C) ACTION BY ADVISORY COMMITTEE.—  
23 In the case that the Administrator requests a  
24 recommendation of the Advisory Committee  
25 under this paragraph, with respect to adding a

1 health condition to the list in paragraph (3),  
2 the Advisory Committee shall submit to the Ad-  
3 ministrator such recommendation not later than  
4 60 days after the date of such request or by  
5 such date (not to exceed 180 days after such  
6 date of request) as specified by the Adminis-  
7 trator. Not later than 60 days after the date of  
8 receipt of such recommendation, the Adminis-  
9 trator shall, in accordance with subparagraph  
10 (D), publish in the Federal Register a proposed  
11 rule with respect to such recommendation or a  
12 determination not to propose such a proposed  
13 rule and the basis for such determination.

14 “(D) PUBLICATION.—The WTC Program  
15 Administrator shall, with respect to any pro-  
16 posed rule under this paragraph—

17 “(i) publish such proposed rule in ac-  
18 cordance with section 553 of title 5,  
19 United States Code; and

20 “(ii) provide interested parties a pe-  
21 riod of 30 days after such publication to  
22 submit written comments on the proposed  
23 rule.

24 The WTC Program Administrator may extend  
25 the period described in clause (ii) upon a find-

1           ing of good cause. In the case of such an exten-  
2           sion, the Administrator shall publish such ex-  
3           tension in the Federal Register.

4                   “(E) INTERESTED PARTY DEFINED.—For  
5           purposes of this paragraph, the term ‘interested  
6           party’ includes a representative of any organi-  
7           zation representing WTC responders, a nation-  
8           ally recognized medical association, a Clinical or  
9           Data Center, a State or political subdivision, or  
10          any other interested person.

11          “(b) COVERAGE OF TREATMENT FOR WTC-RELATED  
12       HEALTH CONDITIONS.—

13                   “(1) DETERMINATION FOR ENROLLED WTC RE-  
14       SPONDERS BASED ON A WTC-RELATED HEALTH CON-  
15       DITION.—

16                   “(A) IN GENERAL.—If a physician at a  
17       Clinical Center of Excellence that is providing  
18       monitoring benefits under section 3311 for an  
19       enrolled WTC responder makes a determination  
20       that the responder has a WTC-related health  
21       condition that is in the list in subsection (a)(3)  
22       and that exposure to airborne toxins, other haz-  
23       ards, or adverse conditions resulting from the  
24       September 1, 2001, terrorist attacks is substan-  
25       tially likely to be a significant factor in aggra-

1 vating, contributing to, or causing the condi-  
2 tion—

3 “(i) the physician shall promptly  
4 transmit such determination to the WTC  
5 Program Administrator and provide the  
6 Administrator with the medical facts sup-  
7 porting such determination; and

8 “(ii) on and after the date of such  
9 transmittal and subject to subparagraph  
10 (B), the WTC Program shall provide for  
11 payment under subsection (c) for medically  
12 necessary treatment for such condition.

13 “(B) REVIEW; CERTIFICATION; AP-  
14 PEALS.—

15 “(i) REVIEW.—A Federal employee  
16 designated by the WTC Program Adminis-  
17 trator shall review determinations made  
18 under subparagraph (A).

19 “(ii) CERTIFICATION.—The Adminis-  
20 trator shall provide a certification of such  
21 condition based upon reviews conducted  
22 under clause (i). Such a certification shall  
23 be provided unless the Administrator de-  
24 termines that the responder’s condition is  
25 not a WTC-related health condition in the

1 list in subsection (a)(3) or that exposure to  
2 airborne toxins, other hazards, or adverse  
3 conditions resulting from the September 1,  
4 2001, terrorist attacks is not substantially  
5 likely to be a significant factor in aggra-  
6 vating, contributing to, or causing the con-  
7 dition.

8 “(iii) APPEAL PROCESS.—The Admin-  
9 istrator shall establish, by rule, a process  
10 for the appeal of determinations under  
11 clause (ii).

12 “(2) DETERMINATION BASED ON MEDICALLY  
13 ASSOCIATED WTC-RELATED HEALTH CONDITIONS.—

14 “(A) IN GENERAL.—If a physician at a  
15 Clinical Center of Excellence determines pursu-  
16 ant to subsection (a) that the enrolled WTC re-  
17 sponder has a health condition described in sub-  
18 section (a)(1)(A) that is not in the list in sub-  
19 section (a)(3) but which is medically associated  
20 with a WTC-related health condition—

21 “(i) the physician shall promptly  
22 transmit such determination to the WTC  
23 Program Administrator and provide the  
24 Administrator with the facts supporting  
25 such determination; and

1           “(ii) the Administrator shall make a  
2           determination under subparagraph (B)  
3           with respect to such physician’s determina-  
4           tion.

5           “(B) PROCEDURES FOR REVIEW, CERTIFI-  
6           CATION, AND APPEAL.—The WTC Program Ad-  
7           ministrator shall, by rule, establish procedures  
8           for the review and certification of physician de-  
9           terminations under subparagraph (A). Such  
10          rule shall provide for—

11           “(i) the timely review of such a deter-  
12           mination by a physician panel with appro-  
13           priate expertise for the condition and rec-  
14           ommendations to the WTC Program Ad-  
15           ministrator;

16           “(ii) not later than 60 days after the  
17           date of the transmittal under subpara-  
18           graph (A)(i), a determination by the WTC  
19           Program Administrator on whether or not  
20           the condition involved is described in sub-  
21           section (a)(1)(A) and is medically associ-  
22           ated with a WTC-related health condition;

23           “(iii) certification in accordance with  
24           paragraph (1)(B)(ii) of coverage of such  
25           condition if determined to be described in

1 subsection (a)(1)(A) and medically associ-  
2 ated with a WTC-related health condition;  
3 and

4 “(iv) a process for appeals of deter-  
5 minations relating to such conditions.

6 “(C) INCLUSION IN LIST OF HEALTH CON-  
7 DITIONS.—If the WTC Program Administrator  
8 provides certification under subparagraph  
9 (B)(iii) for coverage of a condition, the Admin-  
10 istrator may, pursuant to subsection (a)(6), add  
11 the condition to the list in subsection (a)(3).

12 “(D) CONDITIONS ALREADY DECLINED  
13 FOR INCLUSION IN LIST.—If the WTC Program  
14 Administrator publishes a determination under  
15 subsection (a)(6)(B) not to include a condition  
16 in the list in subsection (a)(3), the WTC Pro-  
17 gram Administrator shall not provide certifi-  
18 cation under subparagraph (B)(iii) for coverage  
19 of the condition. In the case of an individual  
20 who is certified under subparagraph (B)(iii)  
21 with respect to such condition before the date  
22 of the publication of such determination the  
23 previous sentence shall not apply.

24 “(3) REQUIREMENT OF MEDICAL NECESSITY.—

1           “(A) IN GENERAL.—In providing treat-  
2           ment for a WTC-related health condition, a  
3           physician or other provider shall provide treat-  
4           ment that is medically necessary and in accord-  
5           ance with medical treatment protocols estab-  
6           lished under subsection (d).

7           “(B) REGULATIONS RELATING TO MED-  
8           ICAL NECESSITY.—For the purpose of this title,  
9           the WTC Program Administrator shall issue  
10          regulations specifying a standard for deter-  
11          mining medical necessity with respect to health  
12          care services and prescription pharmaceuticals,  
13          a process for determining whether treatment  
14          furnished and pharmaceuticals prescribed under  
15          this title meet such standard (including any  
16          prior authorization requirement), and a process  
17          for appeal of a determination under subsection  
18          (c)(3).

19          “(4) SCOPE OF TREATMENT COVERED.—

20                 “(A) IN GENERAL.—The scope of treat-  
21                 ment covered under this subsection includes  
22                 services of physicians and other health care pro-  
23                 viders, diagnostic and laboratory tests, prescrip-  
24                 tion drugs, inpatient and outpatient hospital

1 services, and other medically necessary treat-  
2 ment.

3 “(B) PHARMACEUTICAL COVERAGE.—With  
4 respect to ensuring coverage of medically nec-  
5 essary outpatient prescription drugs, such drugs  
6 shall be provided, under arrangements made by  
7 the WTC Program Administrator, directly  
8 through participating Clinical Centers of Excel-  
9 lence or through one or more outside vendors.

10 “(C) TRANSPORTATION EXPENSES FOR  
11 NATIONWIDE NETWORK.—The WTC Program  
12 Administrator may provide for necessary and  
13 reasonable transportation and expenses incident  
14 to the securing of medically necessary treat-  
15 ment through the nationwide network under  
16 section 3313 involving travel of more than 250  
17 miles and for which payment is made under this  
18 section in the same manner in which individuals  
19 may be furnished necessary and reasonable  
20 transportation and expenses incident to services  
21 involving travel of more than 250 miles under  
22 regulations implementing section 3629(c) of the  
23 Energy Employees Occupational Illness Com-  
24 pensation Program Act of 2000 (title XXXVI  
25 of Public Law 106–398; 42 U.S.C. 7384t(e)).

1           “(5) PROVISION OF TREATMENT PENDING CER-  
2           TIFICATION.—With respect to an enrolled WTC re-  
3           sponder for whom a determination is made by an ex-  
4           amining physician under paragraph (1) or (2), but  
5           for whom the WTC Program Administrator has not  
6           yet determined whether to certify the determination,  
7           the WTC Program Administrator may establish by  
8           rule a process through which the Administrator may  
9           approve the provision of medical treatment under  
10          this subsection (and payment under subsection (e))  
11          with respect to such responder and such responder’s  
12          WTC-related health condition (under such terms and  
13          conditions as the Administrator may provide) until  
14          the Administrator makes a decision on whether to  
15          certify the determination.

16          “(c) PAYMENT FOR INITIAL HEALTH EVALUATION,  
17          MONITORING, AND TREATMENT OF WTC-RELATED  
18          HEALTH CONDITIONS.—

19                 “(1) MEDICAL TREATMENT.—

20                         “(A) USE OF FECA PAYMENT RATES.—  
21                         Subject to subparagraphs (B) and (C), the  
22                         WTC Program Administrator shall reimburse  
23                         costs for medically necessary treatment under  
24                         this title for WTC-related health conditions ac-  
25                         cording to the payment rates that would apply

1 to the provision of such treatment and services  
2 by the facility under the Federal Employees  
3 Compensation Act. For treatment not covered  
4 under the previous sentence or subparagraph  
5 (B), the WTC Program Administrator shall es-  
6 tablish by regulation a reimbursement rate for  
7 such treatment.

8 “(B) PHARMACEUTICALS.—

9 “(i) IN GENERAL.—The WTC Pro-  
10 gram Administrator shall establish a pro-  
11 gram for paying for the medically nec-  
12 essary outpatient prescription pharma-  
13 ceuticals prescribed under this title for  
14 WTC-related health conditions through one  
15 or more contracts with outside vendors.

16 “(ii) COMPETITIVE BIDDING.—Under  
17 such program the Administrator shall—

18 “(I) select one or more appro-  
19 priate vendors through a Federal com-  
20 petitive bid process; and

21 “(II) select the lowest bidder (or  
22 bidders) meeting the requirements for  
23 providing pharmaceutical benefits for  
24 participants in the WTC Program.

1                   “(iii) TREATMENT OF FDNY PARTICI-  
2                   PANTS.—Under such program the Admin-  
3                   istrator may enter into an agreement with  
4                   a separate vendor to provide pharma-  
5                   ceutical benefits to enrolled WTC respond-  
6                   ers for whom the Clinical Center of Excel-  
7                   lence is described in section 3305 if such  
8                   an arrangement is deemed necessary and  
9                   beneficial to the program by the WTC Pro-  
10                  gram Administrator.

11                  “(C) IMPROVING QUALITY AND EFFI-  
12                  CIENCY THROUGH MODIFICATION OF PAYMENT  
13                  AMOUNTS AND METHODOLOGIES.—The WTC  
14                  Program Administrator may modify the  
15                  amounts and methodologies for making pay-  
16                  ments for initial health evaluations, monitoring,  
17                  or treatment, if, taking into account utilization  
18                  and quality data furnished by the Clinical Cen-  
19                  ters of Excellence under section  
20                  3305(b)(1)(B)(iii), the Administrator deter-  
21                  mines that a bundling, capitation, pay for per-  
22                  formance, or other payment methodology would  
23                  better ensure high quality and efficient delivery  
24                  of initial health evaluations, monitoring, or  
25                  treatment to an enrolled WTC responder,

1 screening-eligible WTC survivor, or certified-eli-  
2 gible WTC survivor.

3 “(2) MONITORING AND INITIAL HEALTH EVAL-  
4 UATION.—The WTC Program Administrator shall  
5 reimburse the costs of monitoring and the costs of  
6 an initial health evaluation provided under this title  
7 at a rate set by the Administrator by regulation.

8 “(3) DETERMINATION OF MEDICAL NECES-  
9 SITY.—

10 “(A) REVIEW OF MEDICAL NECESSITY AND  
11 PROTOCOLS.—As part of the process for reim-  
12 bursement or payment under this subsection,  
13 the WTC Program Administrator shall provide  
14 for the review of claims for reimbursement or  
15 payment for the provision of medical treatment  
16 to determine if such treatment is medically nec-  
17 essary and in accordance with medical treat-  
18 ment protocols established under subsection (d).

19 “(B) WITHHOLDING OF PAYMENT FOR  
20 MEDICALLY UNNECESSARY TREATMENT.—The  
21 Administrator shall withhold such reimburse-  
22 ment or payment for treatment that the Admin-  
23 istrator determines is not medically necessary  
24 or is not in accordance with such medical treat-  
25 ment protocols.

1 “(d) MEDICAL TREATMENT PROTOCOLS.—

2 “(1) DEVELOPMENT.—The Data Centers shall  
3 develop medical treatment protocols for the treat-  
4 ment of enrolled WTC responders and certified-eli-  
5 ble WTC survivors for health conditions included in  
6 the applicable list of WTC-related health conditions.

7 “(2) APPROVAL.—The medical treatment proto-  
8 cols developed under paragraph (1) shall be subject  
9 to approval by the WTC Program Administrator.

10 **“SEC. 3313. NATIONAL ARRANGEMENT FOR BENEFITS FOR**  
11 **ELIGIBLE INDIVIDUALS OUTSIDE NEW YORK.**

12 “(a) IN GENERAL.—In order to ensure reasonable ac-  
13 cess to benefits under this subtitle for individuals who are  
14 enrolled WTC responders, screening-eligible WTC sur-  
15 vivors, or certified-eligible WTC survivors and who reside  
16 in any State, as defined in section 2(f), outside the New  
17 York metropolitan area, the WTC Program Administrator  
18 shall establish a nationwide network of health care pro-  
19 viders to provide monitoring and treatment benefits and  
20 initial health evaluations near such individuals’ areas of  
21 residence in such States. Nothing in this subsection shall  
22 be construed as preventing such individuals from being  
23 provided such monitoring and treatment benefits or initial  
24 health evaluation through any Clinical Center of Excel-  
25 lence.

1       “(b) NETWORK REQUIREMENTS.—Any health care  
2 provider participating in the network under subsection (a)  
3 shall—

4           “(1) meet criteria for credentialing established  
5 by the Data Centers;

6           “(2) follow the monitoring, initial health evalua-  
7 tion, and treatment protocols developed under sec-  
8 tion 3305(a)(2)(A)(ii);

9           “(3) collect and report data in accordance with  
10 section 3304; and

11           “(4) meet such fraud, quality assurance, and  
12 other requirements as the WTC Program Adminis-  
13 trator establishes, including sections 1128 through  
14 1128E of the Social Security Act, as applied by sec-  
15 tion 3301(d).

16       “(c) TRAINING AND TECHNICAL ASSISTANCE.—The  
17 WTC Program Administer may provide, including through  
18 contract, for the provision of training and technical assist-  
19 ance to health care providers participating in the network  
20 under subsection (a).

1                   **“PART 2—WTC SURVIVORS**

2   **“SEC. 3321. IDENTIFICATION AND INITIAL HEALTH EVALUA-**  
3                   **TION OF SCREENING-ELIGIBLE AND CER-**  
4                   **TIFIED-ELIGIBLE WTC SURVIVORS.**

5           “(a) IDENTIFICATION OF SCREENING-ELIGIBLE  
6 WTC SURVIVORS AND CERTIFIED-ELIGIBLE WTC SUR-  
7 VIVORS.—

8                   “(1) SCREENING-ELIGIBLE WTC SURVIVORS.—

9                           “(A) DEFINITION.—In this title, the term  
10                   ‘screening-eligible WTC survivor’ means, sub-  
11                   ject to subparagraph (C) and paragraph (3), an  
12                   individual who is described in any of the fol-  
13                   lowing clauses:

14                                   “(i) CURRENTLY IDENTIFIED SUR-  
15                                   VIVOR.—An individual, including a WTC  
16                                   responder, who has been identified as eligi-  
17                                   ble for medical treatment and monitoring  
18                                   by the WTC Environmental Health Center  
19                                   as of the date of enactment of this title.

20                                   “(ii) SURVIVOR WHO MEETS CURRENT  
21                                   ELIGIBILITY CRITERIA.—An individual who  
22                                   is not a WTC responder, for purposes of  
23                                   the initial health evaluation under sub-  
24                                   section (b), claims symptoms of a WTC-re-  
25                                   lated health condition and meets any of the

1 current eligibility criteria described in sub-  
2 paragraph (B).

3 “(iii) SURVIVOR WHO MEETS MODI-  
4 FIED ELIGIBILITY CRITERIA.—An indi-  
5 vidual who is not a WTC responder, for  
6 purposes of the initial health evaluation  
7 under subsection (b), claims symptoms of a  
8 WTC-related health condition and meets  
9 such eligibility criteria relating to exposure  
10 to airborne toxins, other hazards, or ad-  
11 verse conditions resulting from the Sep-  
12 tember 11, 2001, terrorist attacks as the  
13 WTC Administrator determines, after con-  
14 sultation with the Data Centers described  
15 in section 3305 and the WTC Scientific/  
16 Technical Advisory Committee and WTC  
17 Health Program Steering Committees  
18 under section 3302.

19 The Administrator shall not modify such cri-  
20 teria under clause (iii) on or after the date that  
21 the number of certifications for certified-eligible  
22 WTC survivors under paragraph (2)(B) has  
23 reached 80 percent of the limit described in  
24 paragraph (3) or on or after the date that the  
25 number of enrollments of WTC responders has

1 reached 80 percent of the limit described in sec-  
2 tion 3311(a)(4).

3 “(B) CURRENT ELIGIBILITY CRITERIA.—  
4 The eligibility criteria described in this subpara-  
5 graph for an individual are that the individual  
6 is described in any of the following clauses:

7 “(i) A person who was present in the  
8 New York City disaster area in the dust or  
9 dust cloud on September 11, 2001.

10 “(ii) A person who worked, resided, or  
11 attended school, childcare, or adult daycare  
12 in the New York City disaster area for—

13 “(I) at least 4 days during the 4-  
14 month period beginning on September  
15 11, 2001, and ending on January 10,  
16 2002; or

17 “(II) at least 30 days during the  
18 period beginning on September 11,  
19 2001, and ending on July 31, 2002.

20 “(iii) Any person who worked as a  
21 cleanup worker or performed maintenance  
22 work in the New York City disaster area  
23 during the 4-month period described in  
24 subparagraph (B)(i) and had extensive ex-

1           posure to WTC dust as a result of such  
2           work.

3           “(iv) A person who was deemed eligi-  
4           ble to receive a grant from the Lower  
5           Manhattan Development Corporation Resi-  
6           dential Grant Program, who possessed a  
7           lease for a residence or purchased a resi-  
8           dence in the New York City disaster area,  
9           and who resided in such residence during  
10          the period beginning on September 11,  
11          2001, and ending on May 31, 2003.

12          “(v) A person whose place of employ-  
13          ment—

14                 “(I) at any time during the pe-  
15                 riod beginning on September 11,  
16                 2001, and ending on May 31, 2003,  
17                 was in the New York City disaster  
18                 area; and

19                 “(II) was deemed eligible to re-  
20                 ceive a grant from the Lower Manhat-  
21                 tan Development Corporation WTC  
22                 Small Firms Attraction and Retention  
23                 Act program or other government in-  
24                 centive program designed to revitalize  
25                 the lower Manhattan economy after

1 the September 11, 2001, terrorist at-  
2 tacks.

3 “(C) APPLICATION AND DETERMINATION  
4 PROCESS FOR SCREENING ELIGIBILITY.—

5 “(i) IN GENERAL.—The WTC Pro-  
6 gram Administrator in consultation with  
7 the Data Centers shall establish a process  
8 for individuals, other than individuals de-  
9 scribed in subparagraph (A)(i), to be de-  
10 termined to be screening-eligible WTC sur-  
11 vivors. Under such process—

12 “(I) there shall be no fee charged  
13 to the applicant for making an appli-  
14 cation for such determination;

15 “(II) the Administrator shall  
16 make a determination on such an ap-  
17 plication not later than 60 days after  
18 the date of filing the application;

19 “(III) the Administrator shall  
20 make such a determination relating to  
21 an applicant’s compliance with this  
22 title and shall not determine that an  
23 individual is not so eligible or deny  
24 written documentation under clause

1 (ii) to such individual unless the Ad-  
2 ministrator determines that—

3 “(aa) based on the applica-  
4 tion submitted, the individual  
5 does not meet the eligibility cri-  
6 teria; or

7 “(bb) the numerical limita-  
8 tion on certifications of certified-  
9 eligible WTC survivors set forth  
10 in paragraph (3) has been met;  
11 and

12 “(IV) an individual who is deter-  
13 mined not to be a screening-eligible  
14 WTC survivor shall have an oppor-  
15 tunity to appeal such determination in  
16 a manner established under such  
17 process.

18 “(ii) WRITTEN DOCUMENTATION OF  
19 SCREENING-ELIGIBILITY.—

20 “(I) IN GENERAL.—In the case  
21 of an individual who is described in  
22 subparagraph (A)(i) or who is deter-  
23 mined under clause (i) (consistent  
24 with paragraph (3)) to be a screening-  
25 eligible WTC survivor, the WTC Pro-

1                   gram Administrator shall provide an  
2                   appropriate written documentation of  
3                   such fact.

4                   “(II) TIMING.—

5                   “(aa) CURRENTLY IDENTI-  
6                   FIED SURVIVORS.—In the case of  
7                   an individual who is described in  
8                   subparagraph (A)(i), the WTC  
9                   Program Administrator shall pro-  
10                  vide the written documentation  
11                  under subclause (I) not later  
12                  than July 1, 2011.

13                  “(bb) OTHER MEMBERS.—

14                  In the case of another individual  
15                  who is determined under clause  
16                  (i) and consistent with paragraph  
17                  (3) to be a screening-eligible  
18                  WTC survivor, the WTC Pro-  
19                  gram Administrator shall provide  
20                  the written documentation under  
21                  subclause (I) at the time of such  
22                  determination.

23                  “(2) CERTIFIED-ELIGIBLE WTC SURVIVORS.—

24                  “(A) DEFINITION.—The term ‘certified-eli-  
25                  gible WTC survivor’ means, subject to para-

1 graph (3), a screening-eligible WTC survivor  
2 who the WTC Program Administrator certifies  
3 under subparagraph (B) to be eligible for fol-  
4 lowup monitoring and treatment under this  
5 part.

6 “(B) CERTIFICATION OF ELIGIBILITY FOR  
7 MONITORING AND TREATMENT.—

8 “(i) IN GENERAL.—The WTC Pro-  
9 gram Administrator shall establish a cer-  
10 tification process under which the Adminis-  
11 trator shall provide appropriate certifi-  
12 cation to screening-eligible WTC survivors  
13 who, pursuant to the initial health evalua-  
14 tion under subsection (b), are determined  
15 to be eligible for followup monitoring and  
16 treatment under this part.

17 “(ii) TIMING.—

18 “(I) CURRENTLY IDENTIFIED  
19 SURVIVORS.—In the case of an indi-  
20 vidual who is described in paragraph  
21 (1)(A)(i), the WTC Program Adminis-  
22 trator shall provide the certification  
23 under clause (i) not later than July 1,  
24 2011.

1                   “(II) OTHER MEMBERS.—In the  
2                   case of another individual who is de-  
3                   termined under clause (i) to be eligi-  
4                   ble for followup monitoring and treat-  
5                   ment, the WTC Program Adminis-  
6                   trator shall provide the certification  
7                   under such clause at the time of such  
8                   determination.

9                   “(3) NUMERICAL LIMITATION ON CERTIFIED-  
10                  ELIGIBLE WTC SURVIVORS.—

11                  “(A) IN GENERAL.—The total number of  
12                  individuals not described in paragraph (1)(A)(i)  
13                  who may be certified as certified-eligible WTC  
14                  survivors under paragraph (2)(B) shall not ex-  
15                  ceed 25,000 at any time.

16                  “(B) PROCESS.—In implementing subpara-  
17                  graph (A), the WTC Program Administrator  
18                  shall—

19                         “(i) limit the number of certifications  
20                         provided under paragraph (2)(B)—

21                                 “(I) in accordance with such sub-  
22                                 paragraph; and

23                                 “(II) to such number, as deter-  
24                                 mined by the Administrator based on  
25                                 the best available information and

1 subject to amounts made available  
2 under section 3351, that will ensure  
3 sufficient funds will be available to  
4 provide treatment and monitoring  
5 benefits under this title, with respect  
6 to all individuals receiving such cer-  
7 tifications through the end of fiscal  
8 year 2020; and

9 “(ii) provide priority in such certifi-  
10 cations in the order in which individuals  
11 apply for a determination under paragraph  
12 (2)(B).

13 “(4) DISQUALIFICATION OF INDIVIDUALS ON  
14 TERRORIST WATCH LIST.—No individual who is on  
15 the terrorist watch list maintained by the Depart-  
16 ment of Homeland Security shall qualify as a screen-  
17 ing-eligible WTC survivor or a certified-eligible WTC  
18 survivor. Before determining any individual to be a  
19 screening-eligible WTC survivor under paragraph (1)  
20 or certifying any individual as a certified eligible  
21 WTC survivor under paragraph (2), the Adminis-  
22 trator, in consultation with the Secretary of Home-  
23 land Security, shall determine whether the individual  
24 is on such list.

1       “(b) INITIAL HEALTH EVALUATION TO DETERMINE  
2 ELIGIBILITY FOR FOLLOWUP MONITORING OR TREAT-  
3 MENT.—

4           “(1) IN GENERAL.—In the case of a screening-  
5 eligible WTC survivor, the WTC Program shall pro-  
6 vide for an initial health evaluation to determine if  
7 the survivor has a WTC-related health condition and  
8 is eligible for followup monitoring and treatment  
9 benefits under the WTC Program. Initial health  
10 evaluation protocols under section 3305(a)(2)(A)(ii)  
11 shall be subject to approval by the WTC Program  
12 Administrator.

13           “(2) INITIAL HEALTH EVALUATION PRO-  
14 VIDERS.—The initial health evaluation described in  
15 paragraph (1) shall be provided through a Clinical  
16 Center of Excellence with respect to the individual  
17 involved.

18           “(3) LIMITATION ON INITIAL HEALTH EVALUA-  
19 TION BENEFITS.—Benefits for an initial health eval-  
20 uation under this part for a screening-eligible WTC  
21 survivor shall consist only of a single medical initial  
22 health evaluation consistent with initial health eval-  
23 uation protocols described in paragraph (1). Nothing  
24 in this paragraph shall be construed as preventing  
25 such an individual from seeking additional medical

1 initial health evaluations at the expense of the indi-  
2 vidual.

3 **“SEC. 3322. FOLLOWUP MONITORING AND TREATMENT OF**  
4 **CERTIFIED-ELIGIBLE WTC SURVIVORS FOR**  
5 **WTC-RELATED HEALTH CONDITIONS.**

6 “(a) IN GENERAL.—Subject to subsection (b), the  
7 provisions of sections 3311 and 3312 shall apply to fol-  
8 lowup monitoring and treatment of WTC-related health  
9 conditions for certified-eligible WTC survivors in the same  
10 manner as such provisions apply to the monitoring and  
11 treatment of WTC-related health conditions for enrolled  
12 WTC responders.

13 “(b) LIST OF WTC-RELATED HEALTH CONDITIONS  
14 FOR SURVIVORS.—The list of health conditions for screen-  
15 ing-eligible WTC survivors and certified-eligible WTC sur-  
16 vivors consists of the following:

17 “(1) AERODIGESTIVE DISORDERS.—

18 “(A) Interstitial lung diseases.

19 “(B) Chronic respiratory disorder—fumes/  
20 vapors.

21 “(C) Asthma.

22 “(D) Reactive airways dysfunction syn-  
23 drome (RADS).

24 “(E) WTC-exacerbated chronic obstructive  
25 pulmonary disease (COPD).

1           “(F) Chronic cough syndrome.

2           “(G) Upper airway hyperreactivity.

3           “(H) Chronic rhinosinusitis.

4           “(I) Chronic nasopharyngitis.

5           “(J) Chronic laryngitis.

6           “(K) Gastroesophageal reflux disorder  
7           (GERD).

8           “(L) Sleep apnea exacerbated by or related  
9           to a condition described in a previous clause.

10          “(2) MENTAL HEALTH CONDITIONS.—

11           “(A) Posttraumatic stress disorder  
12           (PTSD).

13           “(B) Major depressive disorder.

14           “(C) Panic disorder.

15           “(D) Generalized anxiety disorder.

16           “(E) Anxiety disorder (not otherwise speci-  
17           fied).

18           “(F) Depression (not otherwise specified).

19           “(G) Acute stress disorder.

20           “(H) Dysthymic disorder.

21           “(I) Adjustment disorder.

22           “(J) Substance abuse.

23          “(3) ADDITIONAL CONDITIONS.—Any cancer  
24          (or type of cancer) or other condition added to the  
25          list in section 3312(a)(3) pursuant to paragraph (5)

1 or (6) of section 3312(a), as such provisions are ap-  
2 plied under subsection (a) with respect to certified-  
3 eligible WTC survivors.

4 **“SEC. 3323. FOLLOWUP MONITORING AND TREATMENT OF**  
5 **OTHER INDIVIDUALS WITH WTC-RELATED**  
6 **HEALTH CONDITIONS.**

7 “(a) IN GENERAL.—Subject to subsection (e), the  
8 provisions of section 3322 shall apply to the followup mon-  
9 itoring and treatment of WTC-related health conditions  
10 in the case of individuals described in subsection (b) in  
11 the same manner as such provisions apply to the followup  
12 monitoring and treatment of WTC-related health condi-  
13 tions for certified-eligible WTC survivors.

14 “(b) INDIVIDUALS DESCRIBED.—An individual de-  
15 scribed in this subsection is an individual who, regardless  
16 of location of residence—

17 “(1) is not an enrolled WTC responder or a cer-  
18 tified-eligible WTC survivor; and

19 “(2) is diagnosed at a Clinical Center of Excel-  
20 lence with a WTC-related health condition for cer-  
21 tified-eligible WTC survivors.

22 “(c) LIMITATION.—

23 “(1) IN GENERAL.—The WTC Program Admin-  
24 istrator shall limit benefits for any fiscal year under  
25 subsection (a) in a manner so that payments under

1 this section for such fiscal year do not exceed the  
2 amount specified in paragraph (2) for such fiscal  
3 year.

4 “(2) LIMITATION.—The amount specified in  
5 this paragraph for—

6 “(A) the last calendar quarter of fiscal  
7 year 2011 is \$5,000,000;

8 “(B) fiscal year 2012 is \$20,000,000; or

9 “(C) a succeeding fiscal year is the amount  
10 specified in this paragraph for the previous fis-  
11 cal year increased by the annual percentage in-  
12 crease in the medical care component of the  
13 consumer price index for all urban consumers.

14 **“PART 3—PAYOR PROVISIONS**

15 **“SEC. 3331. PAYMENT OF CLAIMS.**

16 “(a) IN GENERAL.—Except as provided in sub-  
17 sections (b) and (c), the cost of monitoring and treatment  
18 benefits and initial health evaluation benefits provided  
19 under parts 1 and 2 of this subtitle shall be paid for by  
20 the WTC Program from the World Trade Center Health  
21 Program Fund.

22 “(b) WORKERS’ COMPENSATION PAYMENT.—

23 “(1) IN GENERAL.—Subject to paragraph (2),  
24 payment for treatment under parts 1 and 2 of this  
25 subtitle of a WTC-related health condition of an in-

1       dividual that is work-related shall be reduced or re-  
2       couped to the extent that the WTC Program Admin-  
3       istrator determines that payment has been made, or  
4       can reasonably be expected to be made, under a  
5       workers' compensation law or plan of the United  
6       States, a State, or a locality, or other work-related  
7       injury or illness benefit plan of the employer of such  
8       individual, for such treatment. The provisions of  
9       clauses (iii), (iv), (v), and (vi) of paragraph (2)(B)  
10      of section 1862(b) of the Social Security Act and  
11      paragraphs (3) and (4) of such section shall apply  
12      to the recoupment under this subsection of a pay-  
13      ment to the WTC Program (with respect to a work-  
14      ers' compensation law or plan, or other work-related  
15      injury or illness plan of the employer involved, and  
16      such individual) in the same manner as such provi-  
17      sions apply to the reimbursement of a payment  
18      under section 1862(b)(2) of such Act to the Sec-  
19      retary (with respect to such a law or plan and an  
20      individual entitled to benefits under title XVIII of  
21      such Act) except that any reference in such para-  
22      graph (4) to payment rates under title XVIII of the  
23      Social Security Act shall be deemed a reference to  
24      payment rates under this title.

1           “(2) EXCEPTION.—Paragraph (1) shall not  
2           apply for any quarter, with respect to any workers’  
3           compensation law or plan, including line of duty  
4           compensation, to which New York City is obligated  
5           to make payments, if, in accordance with terms  
6           specified under the contract under subsection  
7           (d)(1)(A), New York City has made the full payment  
8           required under such contract for such quarter.

9           “(3) RULES OF CONSTRUCTION.—Nothing in  
10          this title shall be construed to affect, modify, or re-  
11          lieve any obligations under a worker’s compensation  
12          law or plan, other work-related injury or illness ben-  
13          efit plan of an employer, or any health insurance  
14          plan.

15          “(c) HEALTH INSURANCE COVERAGE.—

16          “(1) IN GENERAL.—In the case of an individual  
17          who has a WTC-related health condition that is not  
18          work-related and has health coverage for such condi-  
19          tion through any public or private health plan (in-  
20          cluding health benefits under title XVIII, XIX, or  
21          XXI of the Social Security Act) the provisions of  
22          section 1862(b) of the Social Security Act shall  
23          apply to such a health plan and such individual in  
24          the same manner as they apply to group health plan  
25          and an individual entitled to benefits under title

1 XVIII of such Act pursuant to section 226(a) of  
2 such Act. Any costs for items and services covered  
3 under such plan that are not reimbursed by such  
4 health plan, due to the application of deductibles, co-  
5 payments, coinsurance, other cost sharing, or other-  
6 wise, are reimbursable under this title to the extent  
7 that they are covered under the WTC Program. The  
8 program under this title shall not be treated as a le-  
9 gally liable party for purposes of applying section  
10 1902(a)(25) of the Social Security Act.

11 “(2) RECOVERY BY INDIVIDUAL PROVIDERS.—  
12 Nothing in paragraph (1) shall be construed as re-  
13 quiring an entity providing monitoring and treat-  
14 ment under this title to seek reimbursement under  
15 a health plan with which the entity has no contract  
16 for reimbursement.

17 “(3) MAINTENANCE OF REQUIRED MINIMUM  
18 ESSENTIAL COVERAGE.—No payment may be made  
19 for monitoring and treatment under this title for an  
20 individual for a month (beginning with July 2014)  
21 if with respect to such month the individual—

22 “(A) is an applicable individual (as defined  
23 in subsection (d) of section 5000A of Internal  
24 Revenue Code of 1986) for whom the exemption

1 under subsection (e) of such section does not  
2 apply; and

3 “(B) is not covered under minimum essen-  
4 tial coverage, as required under subsection (a)  
5 of such section.

6 “(d) REQUIRED CONTRIBUTION BY NEW YORK CITY  
7 IN PROGRAM COSTS.—

8 “(1) CONTRACT REQUIREMENT.—

9 “(A) IN GENERAL.—No funds may be dis-  
10 bursed from the World Trade Center Health  
11 Program Fund under section 3351 unless New  
12 York City has entered into a contract with the  
13 WTC Program Administrator under which New  
14 York City agrees, in a form and manner speci-  
15 fied by the Administrator, to pay the full con-  
16 tribution described in subparagraph (B) in ac-  
17 cordance with this subsection on a timely basis,  
18 plus any interest owed pursuant to subpara-  
19 graph (E)(i). Such contract shall specify the  
20 terms under which New York City shall be con-  
21 sidered to have made the full payment required  
22 for a quarter for purposes of subsection (b)(2).

23 “(B) FULL CONTRIBUTION AMOUNT.—

24 Under such contract, with respect to the last  
25 calendar quarter of fiscal year 2011 and each

1           calendar quarter in fiscal years 2012 through  
2           2018 the full contribution amount under this  
3           subparagraph shall be equal to 10 percent of  
4           the expenditures in carrying out this title for  
5           the respective quarter and with respect to cal-  
6           endar quarters in fiscal years 2019 and 2020,  
7           such full contribution amount shall be equal to  
8            $\frac{1}{9}$  of the Federal expenditures in carrying out  
9           this title for the respective quarter.

10           “(C) SATISFACTION OF PAYMENT OBLIGA-  
11           TION.—The payment obligation under such con-  
12           tract may not be satisfied through any of the  
13           following:

14                   “(i) An amount derived from Federal  
15                   sources.

16                   “(ii) An amount paid before the date  
17                   of the enactment of this title.

18                   “(iii) An amount paid to satisfy a  
19                   judgment or as part of a settlement related  
20                   to injuries or illnesses arising out of the  
21                   September 11, 2001, terrorist attacks.

22           “(D) TIMING OF CONTRIBUTION.—The  
23           payment obligation under such contract for a  
24           calendar quarter in a fiscal year shall be paid

1 not later than the last day of the second suc-  
2 ceeding calendar quarter.

3 “(E) COMPLIANCE.—

4 “(i) INTEREST FOR LATE PAYMENT.—

5 If New York City fails to pay to the WTC  
6 Program Administrator pursuant to such  
7 contract the amount required for any cal-  
8 endar quarter by the day specified in sub-  
9 paragraph (D), interest shall accrue on the  
10 amount not so paid at the rate (deter-  
11 mined by the Administrator) based on the  
12 average yield to maturity, plus 1 percent-  
13 age point, on outstanding municipal bonds  
14 issued by New York City with a remaining  
15 maturity of at least 1 year.

16 “(ii) RECOVERY OF AMOUNTS

17 OWED.—The amounts owed to the WTC  
18 Program Administrator under such con-  
19 tract shall be recoverable by the United  
20 States in an action in the same manner as  
21 payments made under title XVIII of the  
22 Social Security Act may be recoverable in  
23 an action brought under section  
24 1862(b)(2)(B)(iii) of such Act.

1           “(F) DEPOSIT IN FUND.—The WTC Pro-  
2           gram Administer shall deposit amounts paid  
3           under such contract into the World Trade Cen-  
4           ter Health Program Fund under section 3351.

5           “(2) PAYMENT OF NEW YORK CITY SHARE OF  
6           MONITORING AND TREATMENT COSTS.—With respect  
7           to each calendar quarter for which a contribution is  
8           required by New York City under the contract under  
9           paragraph (1), the WTC Program Administrator  
10          shall—

11           “(A) provide New York City with an esti-  
12          mate of such amount of the required contribu-  
13          tion at the beginning of such quarter and with  
14          an updated estimate of such amount at the be-  
15          ginning of each of the subsequent 2 quarters;

16           “(B) bill such amount directly to New  
17          York City; and

18           “(C) certify periodically, for purposes of  
19          this subsection, whether or not New York City  
20          has paid the amount so billed.

21          Such amount shall initially be estimated by the  
22          WTC Program Administrator and shall be subject to  
23          adjustment and reconciliation based upon actual ex-  
24          penditures in carrying out this title.

1           “(3) RULE OF CONSTRUCTION.—Nothing in  
2 this subsection shall be construed as authorizing the  
3 WTC Administrator, with respect to a fiscal year, to  
4 reduce the numerical limitation under section  
5 3311(a)(4) or 3321(a)(3) for such fiscal year if New  
6 York City fails to comply with paragraph (1) for a  
7 calendar quarter in such fiscal year.

8           “(e) WORK-RELATED DESCRIBED.—For the pur-  
9 poses of this section, a WTC-related health condition shall  
10 be treated as a condition that is work-related if—

11           “(1) the condition is diagnosed in an enrolled  
12 WTC responder, or in an individual who qualifies as  
13 a certified-eligible WTC survivor on the basis of  
14 being a rescue, recovery, or cleanup worker; or

15           “(2) with respect to the condition the individual  
16 has filed and had established a claim under a work-  
17 ers’ compensation law or plan of the United States  
18 or a State, or other work-related injury or illness  
19 benefit plan of the employer of such individual.

20 **“SEC. 3332. ADMINISTRATIVE ARRANGEMENT AUTHORITY.**

21           “The WTC Program Administrator may enter into  
22 arrangements with other government agencies, insurance  
23 companies, or other third-party administrators to provide  
24 for timely and accurate processing of claims under sec-  
25 tions 3312, 3313, 3322, and 3323.

1           **“Subtitle C—Research Into**  
2                                   **Conditions**

3   **“SEC. 3341. RESEARCH REGARDING CERTAIN HEALTH CON-**  
4                                   **DITIONS RELATED TO SEPTEMBER 11 TER-**  
5                                   **RORIST ATTACKS.**

6           “(a) IN GENERAL.—With respect to individuals, in-  
7   cluding enrolled WTC responders and certified-eligible  
8   WTC survivors, receiving monitoring or treatment under  
9   subtitle B, the WTC Program Administrator shall conduct  
10   or support—

11                   “(1) research on physical and mental health  
12                   conditions that may be related to the September 11,  
13                   2001, terrorist attacks;

14                   “(2) research on diagnosing WTC-related  
15                   health conditions of such individuals, in the case of  
16                   conditions for which there has been diagnostic un-  
17                   certainty; and

18                   “(3) research on treating WTC-related health  
19                   conditions of such individuals, in the case of condi-  
20                   tions for which there has been treatment uncer-  
21                   tainty.

22   The Administrator may provide such support through con-  
23   tinuation and expansion of research that was initiated be-  
24   fore the date of the enactment of this title and through  
25   the World Trade Center Health Registry (referred to in

1 section 3342), through a Clinical Center of Excellence, or  
2 through a Data Center.

3 “(b) TYPES OF RESEARCH.—The research under  
4 subsection (a)(1) shall include epidemiologic and other re-  
5 search studies on WTC-related health conditions or  
6 emerging conditions—

7 “(1) among enrolled WTC responders and cer-  
8 tified-eligible WTC survivors under treatment; and

9 “(2) in sampled populations outside the New  
10 York City disaster area in Manhattan as far north  
11 as 14th Street and in Brooklyn, along with control  
12 populations, to identify potential for long-term ad-  
13 verse health effects in less exposed populations.

14 “(c) CONSULTATION.—The WTC Program Adminis-  
15 trator shall carry out this section in consultation with the  
16 WTC Scientific/Technical Advisory Committee.

17 “(d) APPLICATION OF PRIVACY AND HUMAN SUB-  
18 JECT PROTECTIONS.—The privacy and human subject  
19 protections applicable to research conducted under this  
20 section shall not be less than such protections applicable  
21 to research conducted or funded by the Department of  
22 Health and Human Services.

23 **“SEC. 3342. WORLD TRADE CENTER HEALTH REGISTRY.**

24 “For the purpose of ensuring ongoing data collection  
25 relating to victims of the September 11, 2001, terrorist

1 attacks, the WTC Program Administrator shall ensure  
2 that a registry of such victims is maintained that is at  
3 least as comprehensive as the World Trade Center Health  
4 Registry maintained under the arrangements in effect as  
5 of April 20, 2009, with the New York City Department  
6 of Health and Mental Hygiene.

## 7 **“Subtitle D—Funding**

### 8 **“SEC. 3351. WORLD TRADE CENTER HEALTH PROGRAM** 9 **FUND.**

10 “(a) ESTABLISHMENT OF FUND.—

11 “(1) IN GENERAL.—There is established a fund  
12 to be known as the World Trade Center Health Pro-  
13 gram Fund (referred to in this section as the  
14 ‘Fund’).

15 “(2) FUNDING.—Out of any money in the  
16 Treasury not otherwise appropriated, there shall be  
17 deposited into the Fund for each of fiscal years  
18 2012 through 2020 (and the last calendar quarter of  
19 fiscal year 2011)—

20 “(A) the Federal share, consisting of an  
21 amount equal to the lesser of—

22 “(i) 90 percent of the expenditures in  
23 carrying out this title for the respective fis-  
24 cal year (initially based on estimates, sub-

1           ject to subsequent reconciliation based on  
2           actual expenditures); or

3           “(ii)(I) \$71,000,000 for the last cal-  
4           endar quarter of fiscal year 2011,  
5           \$318,000,000 for fiscal year 2012,  
6           \$354,000,000 for fiscal year 2013,  
7           \$382,000,000 for fiscal year 2014,  
8           \$431,000,000 for fiscal year 2015,  
9           \$481,000,000 for fiscal year 2016,  
10          \$537,000,000 for fiscal year 2017,  
11          \$601,000,000 for fiscal year 2018, and  
12          \$173,000,000 for fiscal year 2019; and

13          “(II) subject to paragraph (4), an ad-  
14          ditional \$499,000,000 for fiscal year 2019  
15          and \$743,000,000 for fiscal year 2020;  
16          plus

17          “(B) the New York City share, consisting  
18          of the amount contributed under the contract  
19          under section 3331(d).

20          “(3) CONTRACT REQUIREMENT.—

21          “(A) IN GENERAL.—No funds may be dis-  
22          bursed from the Fund unless New York City  
23          has entered into a contract with the WTC Pro-  
24          gram Administrator under section 3331(d)(1).

1           “(B) BREACH OF CONTRACT.—In the case  
2 of a failure to pay the amount so required  
3 under the contract—

4           “(i) the amount is recoverable under  
5 subparagraph (E)(ii) of such section;

6           “(ii) such failure shall not affect the  
7 disbursement of amounts from the Fund;  
8 and

9           “(iii) the Federal share described in  
10 paragraph (2)(A) shall not be increased by  
11 the amount so unpaid.

12           “(4) AGGREGATE LIMITATION ON FUNDING BE-  
13 GINNING WITH FISCAL YEAR 2019.—Beginning with  
14 fiscal year 2019, in no case shall the share of Fed-  
15 eral funds deposited into the Fund under paragraph  
16 (2) for such fiscal year and previous fiscal years and  
17 quarters exceed the sum of the amounts specified in  
18 paragraph (2)(A)(ii)(I).

19           “(b) MANDATORY FUNDS FOR MONITORING, INITIAL  
20 HEALTH EVALUATIONS, TREATMENT, AND CLAIMS PROC-  
21 ESSING.—

22           “(1) IN GENERAL.—The amounts deposited  
23 into the Fund under subsection (a)(2) shall be avail-  
24 able, without further appropriation, consistent with  
25 paragraph (2) and subsection (c), to carry out sub-

1 title B and sections 3302(a), 3303, 3304,  
2 3305(a)(2), 3305(c), 3341, and 3342.

3 “(2) LIMITATION ON MANDATORY FUNDING.—  
4 This title does not establish any Federal obligation  
5 for payment of amounts in excess of the amounts  
6 available from the Fund for such purpose.

7 “(3) LIMITATION ON AUTHORIZATION FOR FUR-  
8 THER APPROPRIATIONS.—This title does not estab-  
9 lish any authorization for appropriation of amounts  
10 in excess of the amounts available from the Fund  
11 under paragraph (1).

12 “(c) LIMITS ON SPENDING FOR CERTAIN PUR-  
13 POSES.—Of the amounts made available under subsection  
14 (b)(1), not more than each of the following amounts may  
15 be available for each of the following purposes:

16 “(1) SURVIVING IMMEDIATE FAMILY MEMBERS  
17 OF FIREFIGHTERS.—For the purposes of carrying  
18 out subtitle B with respect to WTC responders de-  
19 scribed in section 3311(a)(2)(A)(ii)—

20 “(A) for the last calendar quarter of fiscal  
21 year 2011, \$100,000;

22 “(B) for fiscal year 2012, \$400,000; and

23 “(C) for each subsequent fiscal year, the  
24 amount specified under this paragraph for the  
25 previous fiscal year increased by the percentage

1 increase in the consumer price index for all  
2 urban consumers (all items; United States city  
3 average) as estimated by the Secretary for the  
4 12-month period ending with March of the pre-  
5 vious year.

6 “(2) WTC HEALTH PROGRAM SCIENTIFIC/  
7 TECHNICAL ADVISORY COMMITTEE.—For the pur-  
8 pose of carrying out section 3302(a)—

9 “(A) for the last calendar quarter of fiscal  
10 year 2011, \$25,000;

11 “(B) for fiscal year 2012, \$100,000; and

12 “(C) for each subsequent fiscal year, the  
13 amount specified under this paragraph for the  
14 previous fiscal year increased by the percentage  
15 increase in the consumer price index for all  
16 urban consumers (all items; United States city  
17 average) as estimated by the Secretary for the  
18 12-month period ending with March of the pre-  
19 vious year.

20 “(3) EDUCATION AND OUTREACH.—For the  
21 purpose of carrying out section 3303—

22 “(A) for the last calendar quarter of fiscal  
23 year 2011, \$500,000;

24 “(B) for fiscal year 2012, \$2,000,000; and

1           “(C) for each subsequent fiscal year, the  
2           amount specified under this paragraph for the  
3           previous fiscal year increased by the percentage  
4           increase in the consumer price index for all  
5           urban consumers (all items; United States city  
6           average) as estimated by the Secretary for the  
7           12-month period ending with March of the pre-  
8           vious year.

9           “(4) UNIFORM DATA COLLECTION.—For the  
10          purpose of carrying out section 3304 and for reim-  
11          bursing Data Centers (as defined in section  
12          3305(b)(2)) for the costs incurred by such Centers  
13          in carrying out activities under contracts entered  
14          into under section 3305(a)(2)—

15                 “(A) for the last calendar quarter of fiscal  
16                 year 2011, \$2,500,000;

17                 “(B) for fiscal year 2012, \$10,000,000;  
18                 and

19                 “(C) for each subsequent fiscal year, the  
20                 amount specified under this paragraph for the  
21                 previous fiscal year increased by the percentage  
22                 increase in the consumer price index for all  
23                 urban consumers (all items; United States city  
24                 average) as estimated by the Secretary for the

1           12-month period ending with March of the pre-  
2           vious year.

3           “(5) RESEARCH REGARDING CERTAIN HEALTH  
4           CONDITIONS.—For the purpose of carrying out sec-  
5           tion 3341—

6                   “(A) for the last calendar quarter of fiscal  
7                   year 2011, \$3,750,000;

8                   “(B) for fiscal year 2012, \$15,000,000;  
9                   and

10                   “(C) for each subsequent fiscal year, the  
11                   amount specified under this paragraph for the  
12                   previous fiscal year increased by the percentage  
13                   increase in the consumer price index for all  
14                   urban consumers (all items; United States city  
15                   average) as estimated by the Secretary for the  
16                   12-month period ending with March of the pre-  
17                   vious year.

18           “(6) WORLD TRADE CENTER HEALTH REG-  
19           ISTRY.—For the purpose of carrying out section  
20           3342—

21                   “(A) for the last calendar quarter of fiscal  
22                   year 2011, \$1,750,000;

23                   “(B) for fiscal year 2012, \$7,000,000; and

24                   “(C) for each subsequent fiscal year, the  
25                   amount specified under this paragraph for the

1 previous fiscal year increased by the percentage  
2 increase in the consumer price index for all  
3 urban consumers (all items; United States city  
4 average) as estimated by the Secretary for the  
5 12-month period ending with March of the pre-  
6 vious year.”.

7 **TITLE II—SEPTEMBER 11TH VIC-**  
8 **TIM COMPENSATION FUND OF**  
9 **2001**

10 **SEC. 201. DEFINITIONS.**

11 Section 402 of the Air Transportation Safety and  
12 System Stabilization Act (49 U.S.C. 40101 note) is  
13 amended—

14 (1) in paragraph (6) by inserting “, or debris  
15 removal, including under the World Trade Center  
16 Health Program established under section 3001 of  
17 the Public Health Service Act, and payments made  
18 pursuant to the settlement of a civil action described  
19 in section 405(e)(3)(C)(iii)” after “September 11,  
20 2001”;

21 (2) by inserting after paragraph (6) the fol-  
22 lowing new paragraphs and redesignating subse-  
23 quent paragraphs accordingly:

24 “(7) CONTRACTOR AND SUBCONTRACTOR.—The  
25 term ‘contractor and subcontractor’ means any con-

1 contractor or subcontractor (at any tier of a subcon-  
2 tracting relationship), including any general con-  
3 tractor, construction manager, prime contractor,  
4 consultant, or any parent, subsidiary, associated or  
5 allied company, affiliated company, corporation,  
6 firm, organization, or joint venture thereof that par-  
7 ticipated in debris removal at any 9/11 crash site.  
8 Such term shall not include any entity, including the  
9 Port Authority of New York and New Jersey, with  
10 a property interest in the World Trade Center, on  
11 September 11, 2001, whether fee simple, leasehold  
12 or easement, direct or indirect.

13 “(8) DEBRIS REMOVAL.—The term ‘debris re-  
14 moval’ means rescue and recovery efforts, removal of  
15 debris, cleanup, remediation, and response during  
16 the immediate aftermath of the terrorist-related air-  
17 craft crashes of September 11, 2001, with respect to  
18 a 9/11 crash site.”;

19 (3) by inserting after paragraph (10), as so re-  
20 designated, the following new paragraph and reded-  
21 ignating the subsequent paragraphs accordingly:

22 “(11) IMMEDIATE AFTERMATH.—The term ‘im-  
23 mediate aftermath’ means any period beginning with  
24 the terrorist-related aircraft crashes of September  
25 11, 2001, and ending on August 30, 2002.”; and

1 (4) by adding at the end the following new  
2 paragraph:

3 “(14) 9/11 CRASH SITE.—The term ‘9/11 crash  
4 site’ means—

5 “(A) the World Trade Center site, Pen-  
6 tagon site, and Shanksville, Pennsylvania site;

7 “(B) the buildings or portions of buildings  
8 that were destroyed as a result of the terrorist-  
9 related aircraft crashes of September 11, 2001;

10 “(C) any area contiguous to a site of such  
11 crashes that the Special Master determines was  
12 sufficiently close to the site that there was a de-  
13 monstrable risk of physical harm resulting from  
14 the impact of the aircraft or any subsequent  
15 fire, explosions, or building collapses (including  
16 the immediate area in which the impact oc-  
17 curred, fire occurred, portions of buildings fell,  
18 or debris fell upon and injured individuals); and

19 “(D) any area related to, or along, routes  
20 of debris removal, such as barges and Fresh  
21 Kills.”.

22 **SEC. 202. EXTENDED AND EXPANDED ELIGIBILITY FOR**  
23 **COMPENSATION.**

24 (a) INFORMATION ON LOSSES RESULTING FROM DE-  
25 BRIS REMOVAL INCLUDED IN CONTENTS OF CLAIM

1 FORM.—Section 405(a)(2)(B) of the Air Transportation  
2 Safety and System Stabilization Act (49 U.S.C. 40101  
3 note) is amended—

4 (1) in clause (i), by inserting “, or debris re-  
5 moval during the immediate aftermath” after “Sep-  
6 tember 11, 2001”;

7 (2) in clause (ii), by inserting “or debris re-  
8 moval during the immediate aftermath” after  
9 “crashes”; and

10 (3) in clause (iii), by inserting “or debris re-  
11 moval during the immediate aftermath” after  
12 “crashes”.

13 (b) EXTENSION OF DEADLINE FOR CLAIMS UNDER  
14 SEPTEMBER 11TH VICTIM COMPENSATION FUND OF  
15 2001.—Section 405(a)(3) of such Act is amended to read  
16 as follows:

17 “(3) LIMITATION.—

18 “(A) IN GENERAL.—Except as provided by  
19 subparagraph (B), no claim may be filed under  
20 paragraph (1) after the date that is 2 years  
21 after the date on which regulations are promul-  
22 gated under section 407(a).

23 “(B) EXCEPTION.—A claim may be filed  
24 under paragraph (1), in accordance with sub-  
25 section (c)(3)(A)(i), by an individual (or by a

1 personal representative on behalf of a deceased  
2 individual) during the period beginning on the  
3 date on which the regulations are updated  
4 under section 407(b) and ending on December  
5 22, 2031.”.

6 (c) REQUIREMENTS FOR FILING CLAIMS DURING  
7 EXTENDED FILING PERIOD.—Section 405(c)(3) of such  
8 Act is amended—

9 (1) by redesignating subparagraphs (A) and  
10 (B) as subparagraphs (B) and (C), respectively; and

11 (2) by inserting before subparagraph (B), as so  
12 redesignated, the following new subparagraph:

13 “(A) REQUIREMENTS FOR FILING CLAIMS  
14 DURING EXTENDED FILING PERIOD.—

15 “(i) TIMING REQUIREMENTS FOR FILING  
16 CLAIMS.—An individual (or a personal  
17 representative on behalf of a deceased indi-  
18 vidual) may file a claim during the period  
19 described in subsection (a)(3)(B) as fol-  
20 lows:

21 “(I) In the case that the Special  
22 Master determines the individual  
23 knew (or reasonably should have  
24 known) before the date specified in  
25 clause (iii) that the individual suffered

1 a physical harm at a 9/11 crash site  
2 as a result of the terrorist-related air-  
3 craft crashes of September 11, 2001,  
4 or as a result of debris removal, and  
5 that the individual knew (or should  
6 have known) before such specified  
7 date that the individual was eligible to  
8 file a claim under this title, the indi-  
9 vidual may file a claim not later than  
10 the date that is 2 years after such  
11 specified date.

12 “(II) In the case that the Special  
13 Master determines the individual first  
14 knew (or reasonably should have  
15 known) on or after the date specified  
16 in clause (iii) that the individual suf-  
17 fered such a physical harm or that the  
18 individual first knew (or should have  
19 known) on or after such specified date  
20 that the individual was eligible to file  
21 a claim under this title, the individual  
22 may file a claim not later than the  
23 last day of the 2-year period begin-  
24 ning on the date the Special Master  
25 determines the individual first knew

1 (or should have known) that the indi-  
2 vidual both suffered from such harm  
3 and was eligible to file a claim under  
4 this title.

5 “(ii) OTHER ELIGIBILITY REQUIRE-  
6 MENTS FOR FILING CLAIMS.—An indi-  
7 vidual may file a claim during the period  
8 described in subsection (a)(3)(B) only if—

9 “(I) the individual was treated by  
10 a medical professional for suffering  
11 from a physical harm described in  
12 clause (i)(I) within a reasonable time  
13 from the date of discovering such  
14 harm; and

15 “(II) the individual’s physical  
16 harm is verified by contemporaneous  
17 medical records created by or at the  
18 direction of the medical professional  
19 who provided the medical care.

20 “(iii) DATE SPECIFIED.—The date  
21 specified in this clause is the date on which  
22 the regulations are updated under section  
23 407(a).”.

24 (d) CLARIFYING APPLICABILITY TO ALL 9/11 CRASH  
25 SITES.—Section 405(c)(2)(A)(i) of such Act is amended

1 by striking “or the site of the aircraft crash at Shanksville,  
2 Pennsylvania” and inserting “the site of the aircraft crash  
3 at Shanksville, Pennsylvania, or any other 9/11 crash  
4 site”.

5 (e) INCLUSION OF PHYSICAL HARM RESULTING  
6 FROM DEBRIS REMOVAL.—Section 405(c) of such Act is  
7 amended in paragraph (2)(A)(ii), by inserting “or debris  
8 removal” after “air crash”.

9 (f) LIMITATIONS ON CIVIL ACTIONS.—

10 (1) APPLICATION TO DAMAGES RELATED TO  
11 DEBRIS REMOVAL.—Clause (i) of section  
12 405(c)(3)(C) of such Act, as redesignated by sub-  
13 section (c), is amended by inserting “, or for dam-  
14 ages arising from or related to debris removal” after  
15 “September 11, 2001”.

16 (2) PENDING ACTIONS.—Clause (ii) of such sec-  
17 tion, as so redesignated, is amended to read as fol-  
18 lows:

19 “(ii) PENDING ACTIONS.—In the case  
20 of an individual who is a party to a civil  
21 action described in clause (i), such indi-  
22 vidual may not submit a claim under this  
23 title—

24 “(I) during the period described  
25 in subsection (a)(3)(A) unless such in-

1 individual withdraws from such action  
2 by the date that is 90 days after the  
3 date on which regulations are promul-  
4 gated under section 407(a); and

5 “(II) during the period described  
6 in subsection (a)(3)(B) unless such in-  
7 dividual withdraws from such action  
8 by the date that is 90 days after the  
9 date on which the regulations are up-  
10 dated under section 407(b).”.

11 (3) SETTLED ACTIONS; AUTHORITY TO RE-  
12 INSTITUTE CERTAIN LAWSUITS.—Such section, as so  
13 redesignated, is further amended by adding at the  
14 end the following new clauses:

15 “(iii) SETTLED ACTIONS.—In the case  
16 of an individual who settled a civil action  
17 described in clause (i), such individual may  
18 not submit a claim under this title unless  
19 such action was commenced after Decem-  
20 ber 22, 2003, and a release of all claims in  
21 such action was tendered prior to the date  
22 on which the James Zadroga 9/11 Health  
23 and Compensation Act of 2010 was en-  
24 acted.

1           “(iv) AUTHORITY TO REINSTITUTE  
2           CERTAIN LAWSUITS.—In the case of a  
3           claimant who was a party to a civil action  
4           described in clause (i), who withdrew from  
5           such action pursuant to clause (ii), and  
6           who is subsequently determined to not be  
7           an eligible individual for purposes of this  
8           subsection, such claimant may reinstitute  
9           such action without prejudice during the  
10          90-day period beginning after the date of  
11          such ineligibility determination.”.

12 **SEC. 203. REQUIREMENT TO UPDATE REGULATIONS.**

13          Section 407 of the Air Transportation Safety and  
14          System Stabilization Act (49 U.S.C. 40101 note) is  
15          amended—

16               (1) by striking “Not later than” and inserting  
17               “(a) IN GENERAL.—Not later than”; and

18               (2) by adding at the end the following new sub-  
19          section:

20               “(b) UPDATED REGULATIONS.—Not later than 90  
21          days after the date of the enactment of the James Zadroga  
22          9/11 Health and Compensation Act of 2010, the Special  
23          Master shall update the regulations promulgated under  
24          subsection (a) to the extent necessary to comply with the  
25          provisions of title II of such Act.”.

1 **SEC. 204. LIMITED LIABILITY FOR CERTAIN CLAIMS.**

2 Section 408(a) of the Air Transportation Safety and  
3 System Stabilization Act (49 U.S.C. 40101 note) is  
4 amended by adding at the end the following new para-  
5 graphs:

6 “(4) LIABILITY FOR CERTAIN CLAIMS.—Not-  
7 withstanding any other provision of law, liability for  
8 all claims and actions (including claims or actions  
9 that have been previously resolved, that are cur-  
10 rently pending, and that may be filed through De-  
11 cember 22, 2031) for compensatory damages, con-  
12 tribution or indemnity, or any other form or type of  
13 relief, arising from or related to debris removal,  
14 against the City of New York, any entity (including  
15 the Port Authority of New York and New Jersey)  
16 with a property interest in the World Trade Center  
17 on September 11, 2001 (whether fee simple, lease-  
18 hold or easement, or direct or indirect) and any con-  
19 tractors and subcontractors, shall not be in an  
20 amount that exceeds the sum of the following, as  
21 may be applicable:

22 “(A) The amount of funds of the WTC  
23 Captive Insurance Company, including the cu-  
24 mulative interest.

1           “(B) The amount of all available insurance  
2 identified in schedule 2 of the WTC Captive In-  
3 surance Company insurance policy.

4           “(C) As it relates to the limitation of li-  
5 ability of the City of New York, the amount  
6 that is the greater of the City of New York’s  
7 insurance coverage or \$350,000,000. In deter-  
8 mining the amount of the City’s insurance cov-  
9 erage for purposes of the previous sentence, any  
10 amount described in clauses (i) and (ii) shall  
11 not be included.

12           “(D) As it relates to the limitation of li-  
13 ability of any entity, including the Port Author-  
14 ity of New York and New Jersey, with a prop-  
15 erty interest in the World Trade Center on Sep-  
16 tember 11, 2001 (whether fee simple, leasehold  
17 or easement, or direct or indirect), the amount  
18 of all available liability insurance coverage  
19 maintained by any such entity.

20           “(E) As it relates to the limitation of li-  
21 ability of any individual contractor or subcon-  
22 tractor, the amount of all available liability in-  
23 surance coverage maintained by such contractor  
24 or subcontractor on September 11, 2001.

1           “(5) PRIORITY OF CLAIMS PAYMENTS.—Pay-  
2           ments to plaintiffs who obtain a settlement or judg-  
3           ment with respect to a claim or action to which  
4           paragraph (4)(A) applies, shall be paid solely from  
5           the following funds in the following order, as may be  
6           applicable:

7                   “(A) The funds described in clause (i) or  
8                   (ii) of paragraph (4)(A).

9                   “(B) If there are no funds available as de-  
10                  scribed in clause (i) or (ii) of paragraph (4)(A),  
11                  the funds described in clause (iii) of such para-  
12                  graph.

13                  “(C) If there are no funds available as de-  
14                  scribed in clause (i), (ii), or (iii) of paragraph  
15                  (4)(A), the funds described in clause (iv) of  
16                  such paragraph.

17                  “(D) If there are no funds available as de-  
18                  scribed in clause (i), (ii), (iii), or (iv) of para-  
19                  graph (4)(A), the funds described in clause (v)  
20                  of such paragraph.

21           “(6) DECLARATORY JUDGMENT ACTIONS AND  
22           DIRECT ACTION.—Any party to a claim or action to  
23           which paragraph (4)(A) applies may, with respect to  
24           such claim or action, either file an action for a de-  
25           claratory judgment for insurance coverage or bring

1 a direct action against the insurance company in-  
2 volved.”.

3 **SEC. 205. FUNDING; ATTORNEY FEES.**

4 Section 406 of the Air Transportation Safety and  
5 System Stabilization Act (49 U.S.C. 40101 note) is  
6 amended—

7 (1) in subsection (a), by striking “Not later  
8 than” and inserting “Subject to the limitations  
9 under subsection (d), not later than”;

10 (2) in subsection (b)—

11 (A) by inserting “in the amounts provided  
12 under subsection (d)(1)” after “appropriations  
13 Acts”; and

14 (B) by inserting “subject to the limitations  
15 under subsection (d)” before the period; and

16 (3) by adding at the end the following new sub-  
17 sections:

18 “(d) LIMITATION.—

19 “(1) IN GENERAL.—The total amount of Fed-  
20 eral funds paid for compensation under this title,  
21 with respect to claims filed on or after the date on  
22 which the regulations are updated under section  
23 407(b), shall not exceed \$8,400,000,000. Of such  
24 amounts, \$4,200,000,000 shall be available to pay  
25 such claims during the 10-year period beginning on

1 such date and \$4,200,000,000 shall be available to  
2 pay such claims after such period.

3 “(2) PRO-RATION AND PAYMENT OF REMAINING  
4 CLAIMS.—

5 “(A) IN GENERAL.—With respect to the  
6 one-year period beginning on the date on which  
7 the first payment is made under this title for  
8 claims filed pursuant to the regulations updated  
9 under section 407(b), the Special Master shall  
10 examine the total number of such claims paid  
11 during such period and the amounts of the pay-  
12 ments made for such claims to project the total  
13 number and amount of claims expected to be  
14 paid under this title during the 10-year period  
15 described in paragraph (1). If, based on such  
16 projection, the Special Master determines that  
17 there will be insufficient funds available under  
18 paragraph (1) to pay such claims during such  
19 10-year period, beginning on the first day fol-  
20 lowing such one-year period, the Special Master  
21 shall ratably reduce the amount of compensa-  
22 tion due claimants under this title in a manner  
23 to ensure, to the extent possible, that—

24 “(i) all claimants who, before applica-  
25 tion of the limitation under the second sen-

1           tence of paragraph (1), would have been  
2           determined to be entitled to a payment  
3           under this title during such 10-year period,  
4           receive a payment during such period; and

5           “(ii) the total amount of all such pay-  
6           ments made during such 10-year period do  
7           not exceed the amount available under the  
8           second sentence of paragraph (1) to pay  
9           claims during such period.

10           “(B) PAYMENT OF REMAINDER OF CLAIM  
11           AMOUNTS.—In any case in which the amount of  
12           a claim is ratably reduced pursuant to subpara-  
13           graph (A), on or after the first day after the  
14           10-year period described in paragraph (1), the  
15           Special Master shall pay to the claimant the  
16           amount that is equal to the difference be-  
17           tween—

18           “(i) the amount that the claimant  
19           would have been paid under this title dur-  
20           ing such period without regard to the limi-  
21           tation under the second sentence of para-  
22           graph (1) applicable to such period; and

23           “(ii) the amount the claimant was  
24           paid under this title during such period.

25           “(e) ATTORNEY FEES.—

1           “(1) IN GENERAL.—Notwithstanding any con-  
2           tract, and except as provided in paragraphs (2) and  
3           (3), the representative of an individual may not  
4           charge, for services rendered in connection with the  
5           claim of an individual under this title, more than 10  
6           percent of an award made under this title on such  
7           claim.

8           “(2) LIMITATION.—

9           “(A) IN GENERAL.—Except as provided in  
10           subparagraph (B), in the case of an individual  
11           who was charged a legal fee in connection with  
12           the settlement of a civil action described in sec-  
13           tion 405(c)(3)(C)(iii), the representative of  
14           the individual may not charge any amount for  
15           compensation for services rendered in connec-  
16           tion with a claim filed under this title.

17           “(B) EXCEPTION.—If the legal fee charged  
18           in connection with the settlement of a civil ac-  
19           tion described in section 405(c)(3)(C)(iii) of an  
20           individual is less than 10 percent of the aggre-  
21           gate amount of compensation awarded to such  
22           individual through such settlement and the  
23           claim of the individual under this title, the rep-  
24           resentative of such individual may charge an  
25           amount for compensation for services rendered

1 in connection with such claim under this title to  
2 the extent that such amount charged is not  
3 more than—

4 “(i) 10 percent of such aggregate  
5 amount, minus

6 “(ii) the total amount of all legal fees  
7 charged for services rendered in connection  
8 with such settlement.

9 “(3) EXCEPTION.—With respect to a claim  
10 made on behalf of an individual for whom a lawsuit  
11 was filed in the Southern District of New York prior  
12 to January 1, 2009, in the event that the represent-  
13 ative believes in good faith that the fee limit set by  
14 paragraph (1) or (2) will not provide adequate com-  
15 pensation for services rendered in connection with  
16 such claim because of the substantial amount of  
17 legal work provided on behalf of the claimant (in-  
18 cluding work performed before the enactment of this  
19 legislation), application for greater compensation  
20 may be made to the Special Master. Upon such ap-  
21 plication, the Special Master may, in his or her dis-  
22 cretion, award as reasonable compensation for serv-  
23 ices rendered an amount greater than that allowed  
24 for in paragraph (1). Such fee award will be final,  
25 binding, and non-appealable.”

1 **TITLE III—LIMITATION ON TREA-**  
2 **TY BENEFITS FOR CERTAIN**  
3 **DEDUCTIBLE PAYMENTS;**  
4 **TIME FOR PAYMENT OF COR-**  
5 **PORATE ESTIMATED TAXES**

6 **SEC. 301. LIMITATION ON TREATY BENEFITS FOR CERTAIN**  
7 **DEDUCTIBLE PAYMENTS.**

8 (a) IN GENERAL.—Section 894 of the Internal Rev-  
9 enue Code of 1986 (relating to income affected by treaty)  
10 is amended by adding at the end the following new sub-  
11 section:

12 “(d) LIMITATION ON TREATY BENEFITS FOR CER-  
13 TAIN DEDUCTIBLE PAYMENTS.—

14 “(1) IN GENERAL.—In the case of any deduct-  
15 ible related-party payment, any withholding tax im-  
16 posed under chapter 3 (and any tax imposed under  
17 subpart A or B of this part) with respect to such  
18 payment may not be reduced under any treaty of the  
19 United States unless any such withholding tax would  
20 be reduced under a treaty of the United States if  
21 such payment were made directly to the foreign par-  
22 ent corporation.

23 “(2) DEDUCTIBLE RELATED-PARTY PAY-  
24 MENT.—For purposes of this subsection, the term  
25 ‘deductible related-party payment’ means any pay-

1       ment made, directly or indirectly, by any person to  
2       any other person if the payment is allowable as a de-  
3       duction under this chapter and both persons are  
4       members of the same foreign controlled group of en-  
5       tities.

6               “(3) FOREIGN CONTROLLED GROUP OF ENTI-  
7       TIES.—For purposes of this subsection—

8               “(A) IN GENERAL.—The term ‘foreign  
9       controlled group of entities’ means a controlled  
10      group of entities the common parent of which  
11      is a foreign corporation.

12              “(B) CONTROLLED GROUP OF ENTITIES.—  
13      The term ‘controlled group of entities’ means a  
14      controlled group of corporations as defined in  
15      section 1563(a)(1), except that—

16              “(i) ‘more than 50 percent’ shall be  
17      substituted for ‘at least 80 percent’ each  
18      place it appears therein, and

19              “(ii) the determination shall be made  
20      without regard to subsections (a)(4) and  
21      (b)(2) of section 1563.

22      A partnership or any other entity (other than a  
23      corporation) shall be treated as a member of a  
24      controlled group of entities if such entity is con-  
25      trolled (within the meaning of section

1           954(d)(3)) by members of such group (includ-  
2           ing any entity treated as a member of such  
3           group by reason of this sentence).

4           “(4) FOREIGN PARENT CORPORATION.—For  
5           purposes of this subsection, the term ‘foreign parent  
6           corporation’ means, with respect to any deductible  
7           related-party payment, the common parent of the  
8           foreign controlled group of entities referred to in  
9           paragraph (3)(A).

10          “(5) REGULATIONS.—The Secretary may pre-  
11          scribe such regulations or other guidance as are nec-  
12          essary or appropriate to carry out the purposes of  
13          this subsection, including regulations or other guid-  
14          ance which provide for—

15                 “(A) the treatment of two or more persons  
16                 as members of a foreign controlled group of en-  
17                 tities if such persons would be the common par-  
18                 ent of such group if treated as one corporation,  
19                 and

20                 “(B) the treatment of any member of a  
21                 foreign controlled group of entities as the com-  
22                 mon parent of such group if such treatment is  
23                 appropriate taking into account the economic  
24                 relationships among such entities.”.

1 (b) EFFECTIVE DATE.—The amendment made by  
2 this section shall apply to payments made after the date  
3 of the enactment of this Act.

4 **SEC. 302. TIME FOR PAYMENT OF CORPORATE ESTIMATED**  
5 **TAXES.**

6 The percentage under paragraph (2) of section 561  
7 of the Hiring Incentives to Restore Employment Act in  
8 effect on the date of the enactment of this Act is increased  
9 by 3 percentage points.

10 **TITLE IV—BUDGETARY EFFECTS**

11 **SEC. 401. COMPLIANCE WITH STATUTORY PAY-AS-YOU-GO**  
12 **ACT OF 2010.**

13 The budgetary effects of this Act, for the purpose of  
14 complying with the Statutory Pay-As-You-Go Act of 2010,  
15 shall be determined by reference to the latest statement  
16 titled “Budgetary Effects of PAYGO Legislation” for this  
17 Act, submitted for printing in the Congressional Record  
18 by the Chairman of the House Budget Committee, pro-  
19 vided that such statement has been submitted prior to the  
20 vote on passage.

Passed the House of Representatives September 29,  
2010.

Attest: LORRAINE C. MILLER,  
*Clerk.*



**Calendar No. 641**

11<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**H. R. 847**

**AN ACT**

To amend the Public Health Service Act to extend and improve protections and services to individuals directly impacted by the terrorist attack in New York City on September 11, 2001, and for other purposes.

NOVEMBER 15, 2010

Read the second time and placed on the calendar