

**Suspend the Rules and Pass the Bill, H.R. 847, with An Amendment**

**(The amendment strikes all after the enacting clause and inserts a new text)**

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

# H. R. 847

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.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 4, 2009

Mrs. MALONEY (for herself, Mr. NADLER of New York, Mr. KING of New York, Mr. MCMAHON, Mr. RANGEL, Mr. ACKERMAN, Mr. ARCURI, Mr. BISHOP of New York, Mr. BURGESS, Mr. CROWLEY, Mr. ENGEL, Mr. HALL of New York, Mr. HIGGINS, Mr. HIMES, Mr. HINCHEY, Mr. ISRAEL, Mr. LEE of New York, Mrs. LOWEY, Mr. MAFFEI, Mr. MASSA, Mrs. MCCARTHY of New York, Mr. MCGOVERN, Mr. MCHUGH, Mr. MEEKS of New York, Mr. PASCRELL, Mr. SERRANO, Ms. SUTTON, Mr. TONKO, Mr. TOWNS, Mr. WEINER, Ms. WOOLSEY, and Ms. CLARKE) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

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 Com-  
mittee; 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-re-  
lated monitoring services.

“Sec. 3312. Treatment of enrolled WTC responders for WTC-related  
health conditions.

“Sec. 3313. National arrangement for benefits for eligible individuals out-  
side 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:

1     **“TITLE XXXIII—WORLD TRADE**  
2     **CENTER HEALTH PROGRAM**  
3     **“Subtitle A—Establishment of**  
4     **Program; Advisory Committee**

5     **“SEC. 3301. ESTABLISHMENT OF WORLD TRADE CENTER**  
6             **HEALTH PROGRAM.**

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

12                 “(1) medical monitoring and treatment benefits  
13 to eligible emergency responders and recovery and  
14 cleanup workers (including those who are Federal  
15 employees) who responded to the September 11,  
16 2001, terrorist attacks; and

17                 “(2) initial health evaluation, monitoring, and  
18 treatment benefits to residents and other building  
19 occupants and area workers in New York City who  
20 were directly impacted and adversely affected by  
21 such attacks.

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

24                 “(1) MEDICAL MONITORING FOR RESPOND-  
25 ERS.—Medical monitoring under section 3311, in-

1 including clinical examinations and long-term health  
2 monitoring and analysis for enrolled WTC respon-  
3 ders who were likely to have been exposed to airborne  
4 toxins that were released, or to other hazards, as a  
5 result of the September 11, 2001, terrorist attacks.

6 “(2) INITIAL HEALTH EVALUATION FOR SUR-  
7 VIVORS.—An initial health evaluation under section  
8 3321, including an evaluation to determine eligibility  
9 for followup monitoring and treatment.

10 “(3) FOLLOWUP MONITORING AND TREATMENT  
11 FOR WTC-RELATED HEALTH CONDITIONS FOR RE-  
12 SPONDERS AND SURVIVORS.—Provision under sec-  
13 tions 3312, 3322, and 3323 of followup monitoring  
14 and treatment and payment, subject to the provi-  
15 sions of subsection (d), for all medically necessary  
16 health and mental health care expenses of an indi-  
17 vidual with respect to a WTC-related health condi-  
18 tion (including necessary prescription drugs).

19 “(4) OUTREACH.—Establishment under section  
20 3303 of an education and outreach program to po-  
21 tentially eligible individuals concerning the benefits  
22 under this title.

23 “(5) CLINICAL DATA COLLECTION AND ANAL-  
24 YSIS.—Collection and analysis under section 3304 of  
25 health and mental health data relating to individuals

1 receiving monitoring or treatment benefits in a uni-  
2 form manner in collaboration with the collection of  
3 epidemiological data under section 3342.

4 “(6) RESEARCH ON HEALTH CONDITIONS.—Es-  
5 tablishment under subtitle C of a research program  
6 on health conditions resulting from the September  
7 11, 2001, terrorist attacks.

8 “(c) NO COST SHARING.—Monitoring and treatment  
9 benefits and initial health evaluation benefits are provided  
10 under subtitle B without any deductibles, copayments, or  
11 other cost sharing to an enrolled WTC responder or cer-  
12 tified-eligible WTC survivor. Initial health evaluation ben-  
13 efits are provided under subtitle B without any  
14 deductibles, copayments, or other cost sharing to a screen-  
15 ing-eligible WTC survivor.

16 “(d) PREVENTING FRAUD AND UNREASONABLE AD-  
17 MINISTRATIVE COSTS.—

18 “(1) FRAUD.—The Inspector General of the  
19 Department of Health and Human Services shall de-  
20 velop and implement a program to review the WTC  
21 Program’s health care expenditures to detect fraudu-  
22 lent or duplicate billing and payment for inappro-  
23 priate services. This title is a Federal health care  
24 program (as defined in section 1128B(f) of the So-  
25 cial Security Act) and is a health plan (as defined

1 in section 1128C(c) of such Act) for purposes of ap-  
2 plying sections 1128 through 1128E of such Act.

3 “(2) UNREASONABLE ADMINISTRATIVE  
4 COSTS.—The Inspector General of the Department  
5 of Health and Human Services shall develop and im-  
6 plement a program to review the WTC Program for  
7 unreasonable administrative costs, including with re-  
8 spect to infrastructure, administration, and claims  
9 processing.

10 “(e) QUALITY ASSURANCE.—The WTC Program Ad-  
11 ministrator working with the Clinical Centers of Excel-  
12 lence shall develop and implement a quality assurance pro-  
13 gram for the monitoring and treatment delivered by such  
14 Centers of Excellence and any other participating health  
15 care providers. Such program shall include—

16 “(1) adherence to monitoring and treatment  
17 protocols;

18 “(2) appropriate diagnostic and treatment re-  
19 ferrals for participants;

20 “(3) prompt communication of test results to  
21 participants; and

22 “(4) such other elements as the Administrator  
23 specifies in consultation with the Clinical Centers of  
24 Excellence.

25 “(f) ANNUAL PROGRAM REPORT.—

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

8           “(2) CONTENTS INCLUDED IN REPORT.—Each  
9 annual report under paragraph (1) shall include at  
10 least the following:

11           “(A) ELIGIBLE INDIVIDUALS.—Informa-  
12 tion for each clinical program described in para-  
13 graph (3)—

14           “(i) on the number of individuals who  
15 applied for certification under subtitle B  
16 and the number of such individuals who  
17 were so certified;

18           “(ii) of the individuals who were cer-  
19 tified, on the number who received moni-  
20 toring under the program and the number  
21 of such individuals who received medical  
22 treatment under the program;

23           “(iii) with respect to individuals so  
24 certified who received such treatment, on



1 the WTC-related health conditions for  
2 which they were treated; and

3 “(iv) on the projected number of indi-  
4 viduals who will be certified under subtitle  
5 B in the succeeding fiscal year and the  
6 succeeding 10-year period.

7 “(B) MONITORING, INITIAL HEALTH EVAL-  
8 UATION, AND TREATMENT COSTS.—For each  
9 clinical program so described—

10 “(i) information on the costs of moni-  
11 toring and initial health evaluation and the  
12 costs of treatment and on the estimated  
13 costs of such monitoring, evaluation, and  
14 treatment in the succeeding fiscal year;  
15 and

16 “(ii) an estimate of the cost of med-  
17 ical treatment for WTC-related health con-  
18 ditions that have been paid for or reim-  
19 bursed by workers’ compensation, by public  
20 or private health plans, or by New York  
21 City under section 3331.

22 “(C) ADMINISTRATIVE COSTS.—Informa-  
23 tion on the cost of administering the program,  
24 including costs of program support, data collec-

1           tion and analysis, and research conducted under  
2           the program.

3           “(D) ADMINISTRATIVE EXPERIENCE.—In-  
4           formation on the administrative performance of  
5           the program, including—

6                   “(i) the performance of the program  
7                   in providing timely evaluation of and treat-  
8                   ment to eligible individuals; and

9                   “(ii) a list of the Clinical Centers of  
10                  Excellence and other providers that are  
11                  participating in the program.

12           “(E) SCIENTIFIC REPORTS.—A summary  
13           of the findings of any new scientific reports or  
14           studies on the health effects associated with ex-  
15           posure described in section 3306(1), including  
16           the findings of research conducted under sec-  
17           tion 3341(a).

18           “(F) ADVISORY COMMITTEE REC-  
19           COMMENDATIONS.—A list of recommendations by  
20           the WTC Scientific/Technical Advisory Com-  
21           mittee on additional WTC Program eligibility  
22           criteria and on additional WTC-related health  
23           conditions and the action of the WTC Program  
24           Administrator concerning each such rec-  
25           ommendation.

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

5                   “(A) FIREFIGHTERS AND RELATED PER-  
6                   SONNEL.—The benefits provided for enrolled  
7                   WTC responders described in section  
8                   3311(a)(2)(A).

9                   “(B) OTHER WTC RESPONDERS.—The ben-  
10                   efits provided for enrolled WTC responders not  
11                   described in subparagraph (A).

12                   “(C) WTC SURVIVORS.—The benefits pro-  
13                   vided for screening-eligible WTC survivors and  
14                   certified-eligible WTC survivors in section  
15                   3321(a).

16           “(g) NOTIFICATION TO CONGRESS UPON REACHING  
17           80 PERCENT OF ELIGIBILITY NUMERICAL LIMITS.—The  
18           Secretary shall promptly notify the Congress of each of  
19           the following:

20                   “(1) When the number of enrollments of WTC  
21                   responders subject to the limit established under sec-  
22                   tion 3311(a)(4) has reached 80 percent of such  
23                   limit.

24                   “(2) When the number of certifications for cer-  
25                   tified-eligible WTC survivors subject to the limit es-

1        established under section 3321(a)(3) has reached 80  
2        percent of such limit.

3        “(h) CONSULTATION.—The WTC Program Adminis-  
4        trator shall engage in ongoing outreach and consultation  
5        with relevant stakeholders, including the WTC Health  
6        Program Steering Committees and the Advisory Com-  
7        mittee under section 3302, regarding the implementation  
8        and improvement of programs under this title.

9        **“SEC. 3302. WTC HEALTH PROGRAM SCIENTIFIC/TECH-**  
10        **NICAL ADVISORY COMMITTEE; WTC HEALTH**  
11        **PROGRAM STEERING COMMITTEES.**

12        “(a) ADVISORY COMMITTEE.—

13                “(1) ESTABLISHMENT.—The WTC Program  
14        Administrator shall establish an advisory committee  
15        to be known as the WTC Health Program Scientific/  
16        Technical Advisory Committee (in this subsection re-  
17        ferred to as the ‘Advisory Committee’) to review sci-  
18        entific and medical evidence and to make rec-  
19        ommendations to the Administrator on additional  
20        WTC Program eligibility criteria and on additional  
21        WTC-related health conditions.

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

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

4           “(B) 1 physician with expertise in pul-  
5           monary medicine;

6           “(C) 2 environmental medicine or environ-  
7           mental health specialists;

8           “(D) 2 representatives of WTC responders;

9           “(E) 2 representatives of certified-eligible  
10          WTC survivors;

11          “(F) an industrial hygienist;

12          “(G) a toxicologist;

13          “(H) an epidemiologist; and

14          “(I) a mental health professional.

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

18          “(4) REPORTS.—The WTC Program Adminis-  
19          trator shall provide for publication of recommenda-  
20          tions of the Advisory Committee on the public Web  
21          site established for the WTC Program.

22          “(5) DURATION.—Notwithstanding any other  
23          provision of law, the Advisory Committee shall con-  
24          tinue in operation during the period in which the  
25          WTC Program is in operation.

1           “(6) APPLICATION OF FAC~~E~~.—Except as other-  
2           wise specifically provided, the Advisory Committee  
3           shall be subject to the Federal Advisory Committee  
4           Act.

5           “(b) WTC HEALTH PROGRAM STEERING COMMIT-  
6           TEES.—

7           “(1) CONSULTATION.—The WTC Program Ad-  
8           ministrato~~r~~ shall consult with 2 steering committees  
9           (each in this section referred to as a ‘Steering Com-  
10          mittee’) that are established as follows:

11                   “(A) WTC RESPONDERS STEERING COM-  
12                   MITTEE.—One Steering Committee, to be  
13                   known as the WTC Responders Steering Com-  
14                   mittee, for the purpose of receiving input from  
15                   affected stakeholders and facilitating the coordi-  
16                   nation of monitoring and treatment programs  
17                   for the enrolled WTC responders under part 1  
18                   of subtitle B.

19                   “(B) WTC SURVIVORS STEERING COM-  
20                   MITTEE.—One Steering Committee, to be  
21                   known as the WTC Survivors Steering Com-  
22                   mittee, for the purpose of receiving input from  
23                   affected stakeholders and facilitating the coordi-  
24                   nation of initial health evaluations, monitoring,  
25                   and treatment programs for screening-eligible

1 and certified-eligible WTC survivors under part  
2 of subtitle B.

3 “(2) MEMBERSHIP.—

4 “(A) WTC RESPONDERS STEERING COM-  
5 MITTEE.—

6 “(i) REPRESENTATION.—The WTC  
7 Responders Steering Committee shall in-  
8 clude—

9 “(I) representatives of the Cen-  
10 ters of Excellence providing services  
11 to WTC responders;

12 “(II) representatives of labor or-  
13 ganizations representing firefighters,  
14 police, other New York City employ-  
15 ees, and recovery and cleanup workers  
16 who responded to the September 11,  
17 2001, terrorist attacks; and

18 “(III) 3 representatives of New  
19 York City, 1 of whom will be selected  
20 by the police commissioner of New  
21 York City, 1 by the health commis-  
22 sioner of New York City, and 1 by the  
23 mayor of New York City.

24 “(ii) INITIAL MEMBERSHIP.—The  
25 WTC Responders Steering Committee shall

1 initially be composed of members of the  
2 WTC Monitoring and Treatment Program  
3 Steering Committee (as in existence on the  
4 day before the date of the enactment of  
5 this title).

6 “(B) WTC SURVIVORS STEERING COM-  
7 MITTEE.—

8 “(i) REPRESENTATION.—The WTC  
9 Survivors Steering Committee shall include  
10 representatives of—

11 “(I) the Centers of Excellence  
12 providing services to screening-eligible  
13 and certified-eligible WTC survivors;

14 “(II) the population of residents,  
15 students, and area and other workers  
16 affected by the September 11, 2001,  
17 terrorist attacks;

18 “(III) screening-eligible and cer-  
19 tified-eligible survivors receiving initial  
20 health evaluations, monitoring, or  
21 treatment under part 2 of subtitle B  
22 and organizations advocating on their  
23 behalf; and

24 “(IV) New York City.



1                   “(ii) INITIAL MEMBERSHIP.—The  
2                   WTC Survivors Steering Committee shall  
3                   initially be composed of members of the  
4                   WTC Environmental Health Center Sur-  
5                   vivor Advisory Committee (as in existence  
6                   on the day before the date of the enact-  
7                   ment of this title).

8                   “(C) ADDITIONAL APPOINTMENTS.—Each  
9                   Steering Committee may recommend, if ap-  
10                  proved by a majority of voting members of the  
11                  Committee, additional members to the Com-  
12                  mittee.

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

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

17                  “The WTC Program Administrator shall institute a  
18                  program that provides education and outreach on the ex-  
19                  istence and availability of services under the WTC Pro-  
20                  gram. The outreach and education program—

21                         “(1) shall include—

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

24                                 “(B) meetings with potentially eligible pop-  
25                                 ulations;

1           “(C) development and dissemination of  
2           outreach materials informing people about the  
3           program; and

4           “(D) the establishment of phone informa-  
5           tion services; and

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

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

8           “(B) to include materials for culturally and  
9           linguistically diverse populations.

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

11       “(a) IN GENERAL.—The WTC Program Adminis-  
12       trator shall provide for the uniform collection of data (and  
13       analysis of data and regular reports to the Administrator)  
14       on the prevalence of WTC-related health conditions and  
15       the identification of new WTC-related health conditions.  
16       Such data shall be collected for all individuals provided  
17       monitoring or treatment benefits under subtitle B and re-  
18       gardless of their place of residence or Clinical Center of  
19       Excellence through which the benefits are provided. The  
20       WTC Program Administrator shall provide, through the  
21       Data Centers or otherwise, for the integration of such data  
22       into the monitoring and treatment program activities  
23       under this title.

24       “(b) COORDINATING THROUGH CENTERS OF EXCEL-  
25       LENCE.—Each Clinical Center of Excellence shall collect

1 data described in subsection (a) and report such data to  
2 the corresponding Data Center for analysis by such Data  
3 Center.

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

8 “(d) PRIVACY.—The data collection and analysis  
9 under this section shall be conducted and maintained in  
10 a manner that protects the confidentiality of individually  
11 identifiable health information consistent with applicable  
12 statutes and regulations, including, as applicable, HIPAA  
13 privacy and security law (as defined in section 3009(a)(2))  
14 and section 552a of title 5, United States Code.

15 **“SEC. 3305. CLINICAL CENTERS OF EXCELLENCE AND DATA**  
16 **CENTERS.**

17 “(a) IN GENERAL.—

18 “(1) CONTRACTS WITH CLINICAL CENTERS OF  
19 EXCELLENCE.—The WTC Program Administrator  
20 shall, subject to subsection (b)(1)(B), enter into con-  
21 tracts with Clinical Centers of Excellence (as defined  
22 in subsection (b)(1)(A))—

23 “(A) for the provision of monitoring and  
24 treatment benefits and initial health evaluation  
25 benefits under subtitle B;

1           “(B) for the provision of outreach activities  
2 to individuals eligible for such monitoring and  
3 treatment benefits, for initial health evaluation  
4 benefits, and for followup to individuals who are  
5 enrolled in the monitoring program;

6           “(C) for the provision of counseling for  
7 benefits under subtitle B, with respect to WTC-  
8 related health conditions, for individuals eligible  
9 for such benefits;

10           “(D) for the provision of counseling for  
11 benefits for WTC-related health conditions that  
12 may be available under workers’ compensation  
13 or other benefit programs for work-related inju-  
14 ries or illnesses, health insurance, disability in-  
15 surance, or other insurance plans or through  
16 public or private social service agencies and as-  
17 sisting eligible individuals in applying for such  
18 benefits;

19           “(E) for the provision of translational and  
20 interpretive services for program participants  
21 who are not English language proficient; and

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

24           “(2) CONTRACTS WITH DATA CENTERS.—

1           “(A) IN GENERAL.—The WTC Program  
2 Administrator shall enter into contracts with  
3 Data Centers (as defined in subsection  
4 (b)(2))—

5           “(i) for receiving, analyzing, and re-  
6 porting to the WTC Program Adminis-  
7 trator on data, in accordance with section  
8 3304, that have been collected and re-  
9 ported to such Data Centers by the cor-  
10 responding Clinical Centers of Excellence  
11 under subsection (b)(1)(B)(iii);

12           “(ii) for the development of moni-  
13 toring, initial health evaluation, and treat-  
14 ment protocols, with respect to WTC-re-  
15 lated health conditions;

16           “(iii) for coordinating the outreach ac-  
17 tivities conducted under paragraph (1)(B)  
18 by each corresponding Clinical Center of  
19 Excellence;

20           “(iv) for establishing criteria for the  
21 credentialing of medical providers partici-  
22 pating in the nationwide network under  
23 section 3313;

24           “(v) for coordinating and admin-  
25 istering the activities of the WTC Health

1           Program Steering Committees established  
2           under section 3002(b); and

3                   “(vi) for meeting periodically with the  
4                   corresponding Clinical Centers of Excel-  
5                   lence to obtain input on the analysis and  
6                   reporting of data collected under clause (i)  
7                   and on the development of monitoring, ini-  
8                   tial health evaluation, and treatment proto-  
9                   cols under clause (ii).

10                   “(B) MEDICAL PROVIDER SELECTION.—  
11                   The medical providers under subparagraph  
12                   (A)(iv) shall be selected by the WTC Program  
13                   Administrator on the basis of their experience  
14                   treating or diagnosing the health conditions in-  
15                   cluded in the list of WTC-related health condi-  
16                   tions.

17                   “(C) CLINICAL DISCUSSIONS.—In carrying  
18                   out subparagraph (A)(ii), a Data Center shall  
19                   engage in clinical discussions across the WTC  
20                   Program to guide treatment approaches for in-  
21                   dividuals with a WTC-related health condition.

22                   “(D) TRANSPARENCY OF DATA.—A con-  
23                   tract entered into under this subsection with a  
24                   Data Center shall require the Data Center to  
25                   make any data collected and reported to such

1 Center under subsection (b)(1)(B)(iii) available  
2 to health researchers and others as provided in  
3 the CDC/ATSDR Policy on Releasing and  
4 Sharing Data.

5 “(3) AUTHORITY FOR CONTRACTS TO BE CLASS  
6 SPECIFIC.—A contract entered into under this sub-  
7 section with a Clinical Center of Excellence or a  
8 Data Center may be with respect to one or more  
9 class of enrolled WTC responders, screening-eligible  
10 WTC survivors, or certified-eligible WTC survivors.

11 “(4) USE OF COOPERATIVE AGREEMENTS.—  
12 Any contract under this title between the WTC Pro-  
13 gram Administrator and a Data Center or a Clinical  
14 Center of Excellence may be in the form of a cooper-  
15 ative agreement.

16 “(b) CENTERS OF EXCELLENCE.—

17 “(1) CLINICAL CENTERS OF EXCELLENCE.—

18 “(A) DEFINITION.—For purposes of this  
19 title, the term ‘Clinical Center of Excellence’  
20 means a Center that demonstrates to the satis-  
21 faction of the Administrator that the Center—

22 “(i) uses an integrated, centralized  
23 health care provider approach to create a  
24 comprehensive suite of health services  
25 under this title that are accessible to en-

1 rolled WTC responders, screening-eligible  
2 WTC survivors, or certified-eligible WTC  
3 survivors;

4 “(ii) has experience in caring for  
5 WTC responders and screening-eligible  
6 WTC survivors or includes health care pro-  
7 viders who have been trained pursuant to  
8 section 3313(c);

9 “(iii) employs health care provider  
10 staff with expertise that includes, at a min-  
11 imum, occupational medicine, environ-  
12 mental medicine, trauma-related psychiatry  
13 and psychology, and social services coun-  
14 seling; and

15 “(iv) meets such other requirements  
16 as specified by the Administrator.

17 “(B) CONTRACT REQUIREMENTS.—The  
18 WTC Program Administrator shall not enter  
19 into a contract with a Clinical Center of Excel-  
20 lence under subsection (a)(1) unless the Center  
21 agrees to do each of the following:

22 “(i) Establish a formal mechanism for  
23 consulting with and receiving input from  
24 representatives of eligible populations re-



1 ceiving monitoring and treatment benefits  
2 under subtitle B from such Center.

3 “(ii) Coordinate monitoring and treat-  
4 ment benefits under subtitle B with rou-  
5 tine medical care provided for the treat-  
6 ment of conditions other than WTC-related  
7 health conditions.

8 “(iii) Collect and report to the cor-  
9 responding Data Center data in accordance  
10 with section 3304(b).

11 “(iv) Have in place safeguards against  
12 fraud that are satisfactory to the Adminis-  
13 trator, in consultation with the Inspector  
14 General of the Department of Health and  
15 Human Services.

16 “(v) Treat or refer for treatment all  
17 individuals who are enrolled WTC respond-  
18 ers or certified-eligible WTC survivors with  
19 respect to such Center who present them-  
20 selves for treatment of a WTC-related  
21 health condition.

22 “(vi) Have in place safeguards, con-  
23 sistent with section 3304(c), to ensure the  
24 confidentiality of an individual’s individ-  
25 ually identifiable health information, in-

1 cluding requiring that such information  
2 not be disclosed to the individual's em-  
3 ployer without the authorization of the in-  
4 dividual.

5 “(vii) Use amounts paid under sub-  
6 section (c)(1) only for costs incurred in  
7 carrying out the activities described in sub-  
8 section (a), other than those described in  
9 subsection (a)(1)(A).

10 “(viii) Utilize health care providers  
11 with occupational and environmental medi-  
12 cine expertise to conduct physical and  
13 mental health assessments, in accordance  
14 with protocols developed under subsection  
15 (a)(2)(A)(ii).

16 “(ix) Communicate with WTC re-  
17 sponders and screening-eligible and cer-  
18 tified-eligible WTC survivors in appropriate  
19 languages and conduct outreach activities  
20 with relevant stakeholder worker or com-  
21 munity associations.

22 “(x) Meet all the other applicable re-  
23 quirements of this title, including regula-  
24 tions implementing such requirements.

1           “(C) TRANSITION RULE TO ENSURE CON-  
2           TINUITY OF CARE.—The WTC Program Admin-  
3           istrator shall to the maximum extent feasible  
4           ensure continuity of care in any period of tran-  
5           sition from monitoring and treatment of an en-  
6           rolled WTC responder or certified-eligible WTC  
7           survivor by a provider to a Clinical Center of  
8           Excellence or a health care provider partici-  
9           pating in the nationwide network under section  
10          3313.

11          “(2) DATA CENTERS.—For purposes of this  
12          title, the term ‘Data Center’ means a Center that  
13          the WTC Program Administrator determines has the  
14          capacity to carry out the responsibilities for a Data  
15          Center under subsection (a)(2).

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

21          “(c) PAYMENT FOR INFRASTRUCTURE COSTS.—

22          “(1) IN GENERAL.—The WTC Program Admin-  
23          istrator shall reimburse a Clinical Center of Excel-  
24          lence for the fixed infrastructure costs of such Cen-  
25          ter in carrying out the activities described in subtitle

1 B at a rate negotiated by the Administrator and  
2 such Centers. Such negotiated rate shall be fair and  
3 appropriate and take into account the number of en-  
4 rolled WTC responders receiving services from such  
5 Center under this title.

6 “(2) **FIXED INFRASTRUCTURE COSTS.**—For  
7 purposes of paragraph (1), the term ‘fixed infra-  
8 structure costs’ means, with respect to a Clinical  
9 Center of Excellence, the costs incurred by such  
10 Center that are not reimbursable by the WTC Pro-  
11 gram Administrator under section 3312(c).

12 **“SEC. 3306. DEFINITIONS.**

13 “In this title:

14 “(1) The term ‘aggravating’ means, with re-  
15 spect to a health condition, a health condition that  
16 existed on September 11, 2001, and that, as a result  
17 of exposure to airborne toxins, any other hazard, or  
18 any other adverse condition resulting from the Sep-  
19 tember 11, 2001, terrorist attacks, requires medical  
20 treatment that is (or will be) in addition to, more  
21 frequent than, or of longer duration than the med-  
22 ical treatment that would have been required for  
23 such condition in the absence of such exposure.

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

4           “(3) The terms ‘Clinical Center of Excellence’  
5           and ‘Data Center’ have the meanings given such  
6           terms in section 3305.

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

9           “(5) The term ‘initial health evaluation’ in-  
10          cludes, with respect to an individual, a medical and  
11          exposure history, a physical examination, and addi-  
12          tional medical testing as needed to evaluate whether  
13          the individual has a WTC-related health condition  
14          and is eligible for treatment under the WTC Pro-  
15          gram.

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

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

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

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

1           “(A) the area of Manhattan that is south  
2           of Houston Street; and

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

6           “(8) The term ‘New York metropolitan area’  
7           means an area, specified by the WTC Program Ad-  
8           ministrator, within which WTC responders and eligi-  
9           ble WTC screening-eligible survivors who reside in  
10          such area are reasonably able to access monitoring  
11          and treatment benefits and initial health evaluation  
12          benefits under this title through a Clinical Center of  
13          Excellence described in subparagraphs (A), (B), or  
14          (C) of section 3305(b)(1).

15          “(9) The term ‘screening-eligible WTC survivor’  
16          has the meaning given such term in section  
17          3321(a)(1).

18          “(10) Any reference to ‘September 11, 2001’  
19          shall be deemed a reference to the period on such  
20          date subsequent to the terrorist attacks at the World  
21          Trade Center, Shanksville, Pennsylvania, or the  
22          Pentagon, as applicable, on such date.

23          “(11) The term ‘September 11, 2001, terrorist  
24          attacks’ means the terrorist attacks that occurred on  
25          September 11, 2001, in New York City, in

1 Shanksville, Pennsylvania, and at the Pentagon, and  
2 includes the aftermath of such attacks.

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

6 “(13) The term ‘WTC Program’ means the  
7 Word Trade Center Health Program established  
8 under section 3301(a).

9 “(14) The term ‘WTC Program Administrator’  
10 means—

11 “(A) with respect to paragraphs (3) and  
12 (4) of section 3311(a) (relating to enrollment of  
13 WTC responders), section 3312(c) and the cor-  
14 responding provisions of section 3322 (relating  
15 to payment for initial health evaluation, moni-  
16 toring, and treatment), paragraphs (1)(C),  
17 (2)(B), and (3) of section 3321(a) (relating to  
18 determination or certification of screening-eli-  
19 gible or certified-eligible WTC responders), and  
20 part 3 of subtitle B (relating to payor provi-  
21 sions), an official in the Department of Health  
22 and Human Services, to be designated by the  
23 Secretary; and

24 “(B) with respect to any other provision of  
25 this title, the Director of the National Institute

1 for Occupational Safety and Health, or a des-  
2 ignee of such Director.

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

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

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

10 **“Subtitle B—Program of Moni-**  
11 **toring, Initial Health Evalua-**  
12 **tions, and Treatment**

13 **“PART 1—WTC RESPONDERS**

14 **“SEC. 3311. IDENTIFICATION OF WTC RESPONDERS AND**  
15 **PROVISION OF WTC-RELATED MONITORING**  
16 **SERVICES.**

17 “(a) WTC RESPONDER DEFINED.—

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

21 “(A) CURRENTLY IDENTIFIED RE-  
22 SPONDER.—An individual who has been identi-  
23 fied as eligible for monitoring under the ar-  
24 rangements as in effect on the date of the en-



1 actment of this title between the National Insti-  
2 tute for Occupational Safety and Health and—

3 “(i) the consortium coordinated by  
4 Mt. Sinai Hospital in New York City that  
5 coordinates the monitoring and treatment  
6 for enrolled WTC responders other than  
7 with respect to those covered under the ar-  
8 rangement with the Fire Department of  
9 New York City; or

10 “(ii) the Fire Department of New  
11 York City.

12 “(B) RESPONDER WHO MEETS CURRENT  
13 ELIGIBILITY CRITERIA.—An individual who  
14 meets the current eligibility criteria described in  
15 paragraph (2).

16 “(C) RESPONDER WHO MEETS MODIFIED  
17 ELIGIBILITY CRITERIA.—An individual who—

18 “(i) performed rescue, recovery, demo-  
19 lition, debris cleanup, or other related serv-  
20 ices in the New York City disaster area in  
21 response to the September 11, 2001, ter-  
22 rorist attacks, regardless of whether such  
23 services were performed by a State or Fed-  
24 eral employee or member of the National  
25 Guard or otherwise; and

1                   “(ii) meets such eligibility criteria re-  
2                   lating to exposure to airborne toxins, other  
3                   hazards, or adverse conditions resulting  
4                   from the September 11, 2001, terrorist at-  
5                   tacks as the WTC Program Administrator,  
6                   after consultation with the WTC Scientific/  
7                   Technical Advisory Committee, determines  
8                   appropriate.

9                   The WTC Program Administrator shall not  
10                  modify such eligibility criteria on or after the  
11                  date that the number of enrollments of WTC  
12                  responders has reached 80 percent of the limit  
13                  described in paragraph (4) or on or after the  
14                  date that the number of certifications for cer-  
15                  tified-eligible WTC survivors under section  
16                  3321(a)(2)(B) has reached 80 percent of the  
17                  limit described in section 3321(a)(3).

18                  “(2) CURRENT ELIGIBILITY CRITERIA.—The  
19                  eligibility criteria described in this paragraph for an  
20                  individual is that the individual is described in any  
21                  of the following categories:

22                                 “(A) FIREFIGHTERS AND RELATED PER-  
23                                 SONNEL.—The individual—

24   “(i) was a member of the Fire De-  
25   partment of New York City (whether fire

1 or emergency personnel, active or retired)  
2 who participated at least one day in the  
3 rescue and recovery effort at any of the  
4 former World Trade Center sites (includ-  
5 ing Ground Zero, Staten Island Landfill,  
6 and the New York City Chief Medical Ex-  
7 aminer’s Office) for any time during the  
8 period beginning on September 11, 2001,  
9 and ending on July 31, 2002; or

10 “(ii)(I) is a surviving immediate fam-  
11 ily member of an individual who was a  
12 member of the Fire Department of New  
13 York City (whether fire or emergency per-  
14 sonnel, active or retired) and was killed at  
15 the World Trade site on September 11,  
16 2001; and

17 “(II) received any treatment for a  
18 WTC-related health condition described in  
19 section 3312(a)(1)(A)(ii) (relating to men-  
20 tal health conditions) on or before Sep-  
21 tember 1, 2008.

22 “(B) LAW ENFORCEMENT OFFICERS AND  
23 WTC RESCUE, RECOVERY, AND CLEANUP WORK-  
24 ERS.—The individual—

1           “(i) worked or volunteered onsite in  
2 rescue, recovery, debris cleanup, or related  
3 support services in lower Manhattan (south  
4 of Canal St.), the Staten Island Landfill,  
5 or the barge loading piers, for at least 4  
6 hours during the period beginning on Sep-  
7 tember 11, 2001, and ending on Sep-  
8 tember 14, 2001, for at least 24 hours  
9 during the period beginning on September  
10 11, 2001, and ending on September 30,  
11 2001, or for at least 80 hours during the  
12 period beginning on September 11, 2001,  
13 and ending on July 31, 2002;

14           “(ii)(I) was a member of the Police  
15 Department of New York City (whether  
16 active or retired) or a member of the Port  
17 Authority Police of the Port Authority of  
18 New York and New Jersey (whether active  
19 or retired) who participated onsite in res-  
20 cue, recovery, debris cleanup, or related  
21 services in lower Manhattan (south of  
22 Canal St.), including Ground Zero, the  
23 Staten Island Landfill, or the barge load-  
24 ing piers, for at least 4 hours during the

1 period beginning September 11, 2001, and  
2 ending on September 14, 2001;

3 “(II) participated onsite in rescue, re-  
4 covery, debris cleanup, or related services  
5 in at Ground Zero, the Staten Island  
6 Landfill, or the barge loading piers, for at  
7 least one day during the period beginning  
8 on September 11, 2001, and ending on  
9 July 31, 2002;

10 “(III) participated onsite in rescue,  
11 recovery, debris cleanup, or related services  
12 in lower Manhattan (south of Canal St.)  
13 for at least 24 hours during the period be-  
14 ginning on September 11, 2001, and end-  
15 ing on September 30, 2001; or

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

22 “(iii) was an employee of the Office of  
23 the Chief Medical Examiner of New York  
24 City involved in the examination and han-  
25 dling of human remains from the World

1 Trade Center attacks, or other morgue  
2 worker who performed similar post-Sep-  
3 tember 11 functions for such Office staff,  
4 during the period beginning on September  
5 11, 2001, and ending on July 31, 2002;

6 “(iv) was a worker in the Port Au-  
7 thority Trans-Hudson Corporation Tunnel  
8 for at least 24 hours during the period be-  
9 ginning on February 1, 2002, and ending  
10 on July 1, 2002; or

11 “(v) was a vehicle-maintenance worker  
12 who was exposed to debris from the former  
13 World Trade Center while retrieving, driv-  
14 ing, cleaning, repairing, and maintaining  
15 vehicles contaminated by airborne toxins  
16 from the September 11, 2001, terrorist at-  
17 tacks during a duration and period de-  
18 scribed in subparagraph (A).

19 “(C) RESPONDERS TO THE SEPTEMBER 11  
20 ATTACKS AT THE PENTAGON AND  
21 SHANKSVILLE, PENNSYLVANIA.—The indi-  
22 vidual—

23 “(i)(I) was a member of a fire or po-  
24 lice department (whether fire or emergency  
25 personnel, active or retired), worked for a

1 recovery or cleanup contractor, or was a  
2 volunteer; and performed rescue, recovery,  
3 demolition, debris cleanup, or other related  
4 services at the Pentagon site of the ter-  
5 rorist-related aircraft crash of September  
6 11, 2001, during the period beginning on  
7 September 11, 2001, and ending on the  
8 date on which the cleanup of the site was  
9 concluded, as determined by the WTC Pro-  
10 gram Administrator; or

11 “(II) was a member of a fire or police  
12 department (whether fire or emergency  
13 personnel, active or retired), worked for a  
14 recovery or cleanup contractor, or was a  
15 volunteer; and performed rescue, recovery,  
16 demolition, debris cleanup, or other related  
17 services at the Shanksville, Pennsylvania,  
18 site of the terrorist-related aircraft crash  
19 of September 11, 2001, during the period  
20 beginning on September 11, 2001, and  
21 ending on the date on which the cleanup of  
22 the site was concluded, as determined by  
23 the WTC Program Administrator; and

24 “(ii) is determined by the WTC Pro-  
25 gram Administrator to be at an increased

1 risk of developing a WTC-related health  
2 condition as a result of exposure to air-  
3 borne toxins, other hazards, or adverse  
4 conditions resulting from the September  
5 11, 2001, terrorist attacks, and meets such  
6 eligibility criteria related to such expo-  
7 sures, as the WTC Program Administrator  
8 determines are appropriate, after consulta-  
9 tion with the WTC Scientific/Technical Ad-  
10 visory Committee.

11 “(3) ENROLLMENT PROCESS.—

12 “(A) IN GENERAL.—The WTC Program  
13 Administrator shall establish a process for en-  
14 rolling WTC responders in the WTC Program.  
15 Under such process—

16 “(i) WTC responders described in  
17 paragraph (1)(A) shall be deemed to be en-  
18 rolled in such Program;

19 “(ii) subject to clause (iii), the Admin-  
20 istrator shall enroll in such program indi-  
21 viduals who are determined to be WTC re-  
22 sponders;

23 “(iii) the Administrator shall deny  
24 such enrollment to an individual if the Ad-  
25 ministrator determines that the numerical



1 limitation in paragraph (4) on enrollment  
2 of WTC responders has been met;

3 “(iv) there shall be no fee charged to  
4 the applicant for making an application for  
5 such enrollment;

6 “(v) the Administrator shall make a  
7 determination on such an application not  
8 later than 60 days after the date of filing  
9 the application; and

10 “(vi) an individual who is denied en-  
11 rollment in such Program shall have an op-  
12 portunity to appeal such determination in  
13 a manner established under such process.

14 “(B) TIMING.—

15 “(i) CURRENTLY IDENTIFIED RE-  
16 SPONDERS.—In accordance with subpara-  
17 graph (A)(i), the WTC Program Adminis-  
18 trator shall enroll an individual described  
19 in paragraph (1)(A) in the WTC Program  
20 not later than July 1, 2011.

21 “(ii) OTHER RESPONDERS.—In ac-  
22 cordance with subparagraph (A)(ii) and  
23 consistent with paragraph (4), the WTC  
24 Program Administrator shall enroll any  
25 other individual who is determined to be a

1           WTC responder in the WTC Program at  
2           the time of such determination.

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

5           “(A) IN GENERAL.—The total number of  
6           individuals not described in paragraph (1)(A) or  
7           (2)(A)(ii) who may be enrolled under paragraph  
8           (3)(A)(ii) shall not exceed 25,000 at any time,  
9           of which no more than 2,500 may be individ-  
10          uals enrolled based on modified eligibility cri-  
11          teria established under paragraph (1)(C).

12          “(B) PROCESS.—In implementing subpara-  
13          graph (A), the WTC Program Administrator  
14          shall—

15                 “(i) limit the number of enrollments  
16                 made under paragraph (3)—

17                         “(I) in accordance with such sub-  
18                         paragraph; and

19                         “(II) to such number, as deter-  
20                         mined by the Administrator based on  
21                         the best available information and  
22                         subject to amounts available under  
23                         section 3351, that will ensure suffi-  
24                         cient funds will be available to provide  
25                         treatment and monitoring benefits

1 under this title, with respect to all in-  
2 dividuals who are enrolled through the  
3 end of fiscal year 2020; and

4 “(ii) provide priority (subject to para-  
5 graph (3)(A)(i)) in such enrollments in the  
6 order in which individuals apply for enroll-  
7 ment under paragraph (3).

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

17 “(b) MONITORING BENEFITS.—

18 “(1) IN GENERAL.—In the case of an enrolled  
19 WTC responder (other than one described in sub-  
20 section (a)(2)(A)(ii)), the WTC Program shall pro-  
21 vide for monitoring benefits that include monitoring  
22 consistent with protocols approved by the WTC Pro-  
23 gram Administrator and including clinical examina-  
24 tions and long-term health monitoring and analysis.

25 In the case of an enrolled WTC responder who is an

1 active member of the Fire Department of New York  
2 City, the responder shall receive such benefits as  
3 part of the individual's periodic company medical  
4 exams.

5 “(2) PROVISION OF MONITORING BENEFITS.—  
6 The monitoring benefits under paragraph (1) shall  
7 be provided through the Clinical Center of Excel-  
8 lence for the type of individual involved or, in the  
9 case of an individual residing outside the New York  
10 metropolitan area, under an arrangement under sec-  
11 tion 3313.

12 **“SEC. 3312. TREATMENT OF ENROLLED WTC RESPONDERS**  
13 **FOR WTC-RELATED HEALTH CONDITIONS.**

14 “(a) WTC-RELATED HEALTH CONDITION DE-  
15 FINED.—

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

19 “(A)(i) is an illness or health condition for  
20 which exposure to airborne toxins, any other  
21 hazard, or any other adverse condition resulting  
22 from the September 11, 2001, terrorist attacks,  
23 based on an examination by a medical profes-  
24 sional with experience in treating or diagnosing  
25 the health conditions included in the applicable

1 list of WTC-related health conditions, is sub-  
2 stantially likely to be a significant factor in ag-  
3 gravating, contributing to, or causing the illness  
4 or health condition, as determined under para-  
5 graph (2); or

6 “(ii) is a mental health condition for which  
7 such attacks, based on an examination by a  
8 medical professional with experience in treating  
9 or diagnosing the health conditions included in  
10 the applicable list of WTC-related health condi-  
11 tions, is substantially likely to be a significant  
12 factor in aggravating, contributing to, or caus-  
13 ing the condition, as determined under para-  
14 graph (2); and

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

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

20 “(ii) with respect to a screening-eli-  
21 gible WTC survivor or certified-eligible WTC  
22 survivor, is provided certification of cov-  
23 erage under subsection (b)(2)(B)(iii), as  
24 applied under section 3322(a).

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

6 “(2) DETERMINATION.—The determination  
7 under paragraph (1) or subsection (b) of whether  
8 the September 11, 2001, terrorist attacks were sub-  
9 stantially likely to be a significant factor in aggra-  
10 vating, contributing to, or causing an individual’s ill-  
11 ness or health condition shall be made based on an  
12 assessment of the following:

13 “(A) The individual’s exposure to airborne  
14 toxins, any other hazard, or any other adverse  
15 condition resulting from the terrorist attacks.  
16 Such exposure shall be—

17 “(i) evaluated and characterized  
18 through the use of a standardized, popu-  
19 lation-appropriate questionnaire approved  
20 by the Director of the National Institute  
21 for Occupational Safety and Health; and

22 “(ii) assessed and documented by a  
23 medical professional with experience in  
24 treating or diagnosing health conditions in-

1           cluded on the list of WTC-related health  
2           conditions.

3           “(B) The type of symptoms and temporal  
4           sequence of symptoms. Such symptoms shall  
5           be—

6                   “(i) assessed through the use of a  
7                   standardized, population-appropriate med-  
8                   ical questionnaire approved by the Director  
9                   of the National Institute for Occupational  
10                  Safety and Health and a medical examina-  
11                  tion; and

12                   “(ii) diagnosed and documented by a  
13                   medical professional described in subpara-  
14                   graph (A)(ii).

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

18                   “(A) AERODIGESTIVE DISORDERS.—

19                           “(i) Interstitial lung diseases.

20                           “(ii) Chronic respiratory disorder—  
21                           fumes/vapors.

22                           “(iii) Asthma.

23                           “(iv) Reactive airways dysfunction  
24                           syndrome (RADS).

1                   “(v) WTC-exacerbated chronic ob-  
2                   structive pulmonary disease (COPD).

3                   “(vi) Chronic cough syndrome.

4                   “(vii) Upper airway hyperreactivity.

5                   “(viii) Chronic rhinosinusitis.

6                   “(ix) Chronic nasopharyngitis.

7                   “(x) Chronic laryngitis.

8                   “(xi) Gastroesophageal reflux disorder  
9                   (GERD).

10                  “(xii) Sleep apnea exacerbated by or  
11                  related to a condition described in a pre-  
12                  vious clause.

13                  “(B) MENTAL HEALTH CONDITIONS.—

14                  “(i) Posttraumatic stress disorder  
15                  (PTSD).

16                  “(ii) Major depressive disorder.

17                  “(iii) Panic disorder.

18                  “(iv) Generalized anxiety disorder.

19                  “(v) Anxiety disorder (not otherwise  
20                  specified).

21                  “(vi) Depression (not otherwise speci-  
22                  fied).

23                  “(vii) Acute stress disorder.

24                  “(viii) Dysthymic disorder.

25                  “(ix) Adjustment disorder.



1                   “(x) Substance abuse.

2                   “(C) MUSCULOSKELETAL DISORDERS FOR  
3 CERTAIN WTC RESPONDERS.—In the case of a  
4 WTC responder described in paragraph (4), a  
5 condition described in such paragraph.

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

10                  “(4) MUSCULOSKELETAL DISORDERS.—

11                  “(A) IN GENERAL.—For purposes of this  
12 title, in the case of a WTC responder who re-  
13 ceived any treatment for a WTC-related mus-  
14 culoskeletal disorder on or before September 11,  
15 2003, the list of health conditions in paragraph  
16 (3) shall include:

17                         “(i) Low back pain.

18                         “(ii) Carpal tunnel syndrome (CTS).

19                         “(iii) Other musculoskeletal disorders.

20                  “(B) DEFINITION.—The term ‘WTC-re-  
21 lated musculoskeletal disorder’ means a chronic  
22 or recurrent disorder of the musculoskeletal  
23 system caused by heavy lifting or repetitive  
24 strain on the joints or musculoskeletal system  
25 occurring during rescue or recovery efforts in

1 the New York City disaster area in the after-  
2 math of the September 11, 2001, terrorist at-  
3 tacks.

4 “(5) CANCER.—

5 “(A) IN GENERAL.—The WTC Program  
6 Administrator shall periodically conduct a re-  
7 view of all available scientific and medical evi-  
8 dence, including findings and recommendations  
9 of Clinical Centers of Excellence, published in  
10 peer-reviewed journals to determine if, based on  
11 such evidence, cancer or a certain type of can-  
12 cer should be added to the applicable list of  
13 WTC-related health conditions. The WTC Pro-  
14 gram Administrator shall conduct the first re-  
15 view under this subparagraph not later than  
16 180 days after the date of the enactment of this  
17 title.

18 “(B) PROPOSED REGULATIONS AND RULE-  
19 MAKING.—Based on the periodic reviews under  
20 subparagraph (A), if the WTC Program Admin-  
21 istrator determines that cancer or a certain  
22 type of cancer should be added to such list of  
23 WTC-related health conditions, the WTC Pro-  
24 gram Administrator shall propose regulations,

1 through rulemaking, to add cancer or the cer-  
2 tain type of cancer to such list.

3 “(C) FINAL REGULATIONS.—Based on all  
4 the available evidence in the rulemaking record,  
5 the WTC Program Administrator shall make a  
6 final determination of whether cancer or a cer-  
7 tain type of cancer should be added to such list  
8 of WTC-related health conditions. If such a de-  
9 termination is made to make such an addition,  
10 the WTC Program Administrator shall by regu-  
11 lation add cancer or the certain type of cancer  
12 to such list.

13 “(D) DETERMINATIONS NOT TO ADD CAN-  
14 CER OR CERTAIN TYPES OF CANCER.—In the  
15 case that the WTC Program Administrator de-  
16 termines under subparagraph (B) or (C) that  
17 cancer or a certain type of cancer should not be  
18 added to such list of WTC-related health condi-  
19 tions, the WTC Program Administrator shall  
20 publish an explanation for such determination  
21 in the Federal Register. Any such determina-  
22 tion to not make such an addition shall not pre-  
23 clude the addition of cancer or the certain type  
24 of cancer to such list at a later date.

1           “(6) ADDITION OF HEALTH CONDITIONS TO  
2 LIST FOR WTC RESPONDERS.—

3           “(A) IN GENERAL.—Whenever the WTC  
4 Program Administrator determines that a pro-  
5 posed rule should be promulgated to add a  
6 health condition to the list of health conditions  
7 in paragraph (3), the Administrator may re-  
8 quest a recommendation of the Advisory Com-  
9 mittee or may publish such a proposed rule in  
10 the Federal Register in accordance with sub-  
11 paragraph (D).

12           “(B) ADMINISTRATOR’S OPTIONS AFTER  
13 RECEIPT OF PETITION.—In the case that the  
14 WTC Program Administrator receives a written  
15 petition by an interested party to add a health  
16 condition to the list of health conditions in  
17 paragraph (3), not later than 60 days after the  
18 date of receipt of such petition the Adminis-  
19 trator shall—

20                   “(i) request a recommendation of the  
21 Advisory Committee;

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

1                   “(iii) publish in the Federal Register  
2                   the Administrator’s determination not to  
3                   publish such a proposed rule and the basis  
4                   for such determination; or

5                   “(iv) publish in the Federal Register a  
6                   determination that insufficient evidence ex-  
7                   ists to take action under clauses (i)  
8                   through (iii).

9                   “(C) ACTION BY ADVISORY COMMITTEE.—  
10                  In the case that the Administrator requests a  
11                  recommendation of the Advisory Committee  
12                  under this paragraph, with respect to adding a  
13                  health condition to the list in paragraph (3),  
14                  the Advisory Committee shall submit to the Ad-  
15                  ministrator such recommendation not later than  
16                  60 days after the date of such request or by  
17                  such date (not to exceed 180 days after such  
18                  date of request) as specified by the Adminis-  
19                  trator. Not later than 60 days after the date of  
20                  receipt of such recommendation, the Adminis-  
21                  trator shall, in accordance with subparagraph  
22                  (D), publish in the Federal Register a proposed  
23                  rule with respect to such recommendation or a  
24                  determination not to propose such a proposed  
25                  rule and the basis for such determination.

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

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

7                   “(ii) provide interested parties a pe-  
8 riod of 30 days after such publication to  
9 submit written comments on the proposed  
10 rule.

11           The WTC Program Administrator may extend  
12 the period described in clause (ii) upon a find-  
13 ing of good cause. In the case of such an exten-  
14 sion, the Administrator shall publish such ex-  
15 tension in the Federal Register.

16           “(E) INTERESTED PARTY DEFINED.—For  
17 purposes of this paragraph, the term ‘interested  
18 party’ includes a representative of any organi-  
19 zation representing WTC responders, a nation-  
20 ally recognized medical association, a Clinical or  
21 Data Center, a State or political subdivision, or  
22 any other interested person.

23           “(b) COVERAGE OF TREATMENT FOR WTC-RELATED  
24 HEALTH CONDITIONS.—

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

4                   “(A) IN GENERAL.—If a physician at a  
5           Clinical Center of Excellence that is providing  
6           monitoring benefits under section 3311 for an  
7           enrolled WTC responder makes a determination  
8           that the responder has a WTC-related health  
9           condition that is in the list in subsection (a)(3)  
10          and that exposure to airborne toxins, other haz-  
11          ards, or adverse conditions resulting from the  
12          September 1, 2001, terrorist attacks is substan-  
13          tially likely to be a significant factor in aggra-  
14          vating, contributing to, or causing the condi-  
15          tion—

16                   “(i) the physician shall promptly  
17          transmit such determination to the WTC  
18          Program Administrator and provide the  
19          Administrator with the medical facts sup-  
20          porting such determination; and

21                   “(ii) on and after the date of such  
22          transmittal and subject to subparagraph  
23          (B), the WTC Program shall provide for  
24          payment under subsection (c) for medically  
25          necessary treatment for such condition.

1                   “(B) REVIEW; CERTIFICATION; AP-  
2                   PEALS.—

3                   “(i) REVIEW.—A Federal employee  
4                   designated by the WTC Program Adminis-  
5                   trator shall review determinations made  
6                   under subparagraph (A).

7                   “(ii) CERTIFICATION.—The Adminis-  
8                   trator shall provide a certification of such  
9                   condition based upon reviews conducted  
10                  under clause (i). Such a certification shall  
11                  be provided unless the Administrator de-  
12                  termines that the responder’s condition is  
13                  not a WTC-related health condition in the  
14                  list in subsection (a)(3) or that exposure to  
15                  airborne toxins, other hazards, or adverse  
16                  conditions resulting from the September 1,  
17                  2001, terrorist attacks is not substantially  
18                  likely to be a significant factor in aggra-  
19                  vating, contributing to, or causing the con-  
20                  dition.

21                  “(iii) APPEAL PROCESS.—The Admin-  
22                  istrator shall establish, by rule, a process  
23                  for the appeal of determinations under  
24                  clause (ii).



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

3           “(A) IN GENERAL.—If a physician at a  
4           Clinical Center of Excellence determines pursu-  
5           ant to subsection (a) that the enrolled WTC re-  
6           sponder has a health condition described in sub-  
7           section (a)(1)(A) that is not in the list in sub-  
8           section (a)(3) but which is medically associated  
9           with a WTC-related health condition—

10           “(i) the physician shall promptly  
11           transmit such determination to the WTC  
12           Program Administrator and provide the  
13           Administrator with the facts supporting  
14           such determination; and

15           “(ii) the Administrator shall make a  
16           determination under subparagraph (B)  
17           with respect to such physician’s determina-  
18           tion.

19           “(B) PROCEDURES FOR REVIEW, CERTIFI-  
20           CATION, AND APPEAL.—The WTC Program Ad-  
21           ministrators shall, by rule, establish procedures  
22           for the review and certification of physician de-  
23           terminations under subparagraph (A). Such  
24           rule shall provide for—

1 “(i) the timely review of such a deter-  
2 mination by a physician panel with appro-  
3 priate expertise for the condition and rec-  
4 ommendations to the WTC Program Ad-  
5 ministrator;

6 “(ii) not later than 60 days after the  
7 date of the transmittal under subpara-  
8 graph (A)(i), a determination by the WTC  
9 Program Administrator on whether or not  
10 the condition involved is described in sub-  
11 section (a)(1)(A) and is medically associ-  
12 ated with a WTC-related health condition;

13 “(iii) certification in accordance with  
14 paragraph (1)(B)(ii) of coverage of such  
15 condition if determined to be described in  
16 subsection (a)(1)(A) and medically associ-  
17 ated with a WTC-related health condition;  
18 and

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

21 “(C) INCLUSION IN LIST OF HEALTH CON-  
22 DITIONS.—If the WTC Program Administrator  
23 provides certification under subparagraph  
24 (B)(iii) for coverage of a condition, the Admin-

1           istrator may, pursuant to subsection (a)(6), add  
2           the condition to the list in subsection (a)(3).

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

15          “(3) REQUIREMENT OF MEDICAL NECESSITY.—

16                 “(A) IN GENERAL.—In providing treat-  
17                 ment for a WTC-related health condition, a  
18                 physician or other provider shall provide treat-  
19                 ment that is medically necessary and in accord-  
20                 ance with medical treatment protocols estab-  
21                 lished under subsection (d).

22                 “(B) REGULATIONS RELATING TO MED-  
23                 ICAL NECESSITY.—For the purpose of this title,  
24                 the WTC Program Administrator shall issue  
25                 regulations specifying a standard for deter-

1           mining medical necessity with respect to health  
2           care services and prescription pharmaceuticals,  
3           a process for determining whether treatment  
4           furnished and pharmaceuticals prescribed under  
5           this title meet such standard (including any  
6           prior authorization requirement), and a process  
7           for appeal of a determination under subsection  
8           (c)(3).

9           “(4) SCOPE OF TREATMENT COVERED.—

10           “(A) IN GENERAL.—The scope of treat-  
11           ment covered under this subsection includes  
12           services of physicians and other health care pro-  
13           viders, diagnostic and laboratory tests, prescrip-  
14           tion drugs, inpatient and outpatient hospital  
15           services, and other medically necessary treat-  
16           ment.

17           “(B) PHARMACEUTICAL COVERAGE.—With  
18           respect to ensuring coverage of medically nec-  
19           essary outpatient prescription drugs, such drugs  
20           shall be provided, under arrangements made by  
21           the WTC Program Administrator, directly  
22           through participating Clinical Centers of Excel-  
23           lence or through one or more outside vendors.

24           “(C) TRANSPORTATION EXPENSES FOR  
25           NATIONWIDE NETWORK.—The WTC Program

1 Administrator may provide for necessary and  
2 reasonable transportation and expenses incident  
3 to the securing of medically necessary treat-  
4 ment through the nationwide network under  
5 section 3313 involving travel of more than 250  
6 miles and for which payment is made under this  
7 section in the same manner in which individuals  
8 may be furnished necessary and reasonable  
9 transportation and expenses incident to services  
10 involving travel of more than 250 miles under  
11 regulations implementing section 3629(c) of the  
12 Energy Employees Occupational Illness Com-  
13 pensation Program Act of 2000 (title XXXVI  
14 of Public Law 106–398; 42 U.S.C. 7384t(c)).

15 “(5) PROVISION OF TREATMENT PENDING CER-  
16 TIFICATION.—With respect to an enrolled WTC re-  
17 sponder for whom a determination is made by an ex-  
18 amining physician under paragraph (1) or (2), but  
19 for whom the WTC Program Administrator has not  
20 yet determined whether to certify the determination,  
21 the WTC Program Administrator may establish by  
22 rule a process through which the Administrator may  
23 approve the provision of medical treatment under  
24 this subsection (and payment under subsection (c))  
25 with respect to such responder and such responder’s

1 WTC-related health condition (under such terms and  
2 conditions as the Administrator may provide) until  
3 the Administrator makes a decision on whether to  
4 certify the determination.

5 “(c) PAYMENT FOR INITIAL HEALTH EVALUATION,  
6 MONITORING, AND TREATMENT OF WTC-RELATED  
7 HEALTH CONDITIONS.—

8 “(1) MEDICAL TREATMENT.—

9 “(A) USE OF FECA PAYMENT RATES.—  
10 Subject to subparagraphs (B) and (C), the  
11 WTC Program Administrator shall reimburse  
12 costs for medically necessary treatment under  
13 this title for WTC-related health conditions ac-  
14 cording to the payment rates that would apply  
15 to the provision of such treatment and services  
16 by the facility under the Federal Employees  
17 Compensation Act. For treatment not covered  
18 under the previous sentence or subparagraph  
19 (B), the WTC Program Administrator shall es-  
20 tablish by regulation a reimbursement rate for  
21 such treatment.

22 “(B) PHARMACEUTICALS.—

23 “(i) IN GENERAL.—The WTC Pro-  
24 gram Administrator shall establish a pro-  
25 gram for paying for the medically nec-

1           essary outpatient prescription pharma-  
2           ceuticals prescribed under this title for  
3           WTC-related health conditions through one  
4           or more contracts with outside vendors.

5           “(ii) COMPETITIVE BIDDING.—Under  
6           such program the Administrator shall—

7                   “(I) select one or more appro-  
8                   priate vendors through a Federal com-  
9                   petitive bid process; and

10                   “(II) select the lowest bidder (or  
11                   bidders) meeting the requirements for  
12                   providing pharmaceutical benefits for  
13                   participants in the WTC Program.

14           “(iii) TREATMENT OF FDNY PARTICI-  
15           PANTS.—Under such program the Admin-  
16           istrator may enter into an agreement with  
17           a separate vendor to provide pharma-  
18           ceutical benefits to enrolled WTC respond-  
19           ers for whom the Clinical Center of Excel-  
20           lence is described in section 3305 if such  
21           an arrangement is deemed necessary and  
22           beneficial to the program by the WTC Pro-  
23           gram Administrator.

24           “(C) IMPROVING QUALITY AND EFFI-  
25           CIENCY THROUGH MODIFICATION OF PAYMENT

1           AMOUNTS AND METHODOLOGIES.—The WTC  
2           Program Administrator may modify the  
3           amounts and methodologies for making pay-  
4           ments for initial health evaluations, monitoring,  
5           or treatment, if, taking into account utilization  
6           and quality data furnished by the Clinical Cen-  
7           ters of Excellence under section  
8           3305(b)(1)(B)(iii), the Administrator deter-  
9           mines that a bundling, capitation, pay for per-  
10          formance, or other payment methodology would  
11          better ensure high quality and efficient delivery  
12          of initial health evaluations, monitoring, or  
13          treatment to an enrolled WTC responder,  
14          screening-eligible WTC survivor, or certified-eli-  
15          gible WTC survivor.

16          “(2) MONITORING AND INITIAL HEALTH EVAL-  
17          UATION.—The WTC Program Administrator shall  
18          reimburse the costs of monitoring and the costs of  
19          an initial health evaluation provided under this title  
20          at a rate set by the Administrator by regulation.

21          “(3) DETERMINATION OF MEDICAL NECES-  
22          SITY.—

23                  “(A) REVIEW OF MEDICAL NECESSITY AND  
24                  PROTOCOLS.—As part of the process for reim-  
25                  bursement or payment under this subsection,



1 the WTC Program Administrator shall provide  
2 for the review of claims for reimbursement or  
3 payment for the provision of medical treatment  
4 to determine if such treatment is medically nec-  
5 essary and in accordance with medical treat-  
6 ment protocols established under subsection (d).

7 “(B) WITHHOLDING OF PAYMENT FOR  
8 MEDICALLY UNNECESSARY TREATMENT.—The  
9 Administrator shall withhold such reimburse-  
10 ment or payment for treatment that the Admin-  
11 istrator determines is not medically necessary  
12 or is not in accordance with such medical treat-  
13 ment protocols.

14 “(d) MEDICAL TREATMENT PROTOCOLS.—

15 “(1) DEVELOPMENT.—The Data Centers shall  
16 develop medical treatment protocols for the treat-  
17 ment of enrolled WTC responders and certified-eli-  
18 gible WTC survivors for health conditions included in  
19 the applicable list of WTC-related health conditions.

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

1 **“SEC. 3313. NATIONAL ARRANGEMENT FOR BENEFITS FOR**  
2 **ELIGIBLE INDIVIDUALS OUTSIDE NEW YORK.**

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

17 “(b) NETWORK REQUIREMENTS.—Any health care  
18 provider participating in the network under subsection (a)  
19 shall—

20 “(1) meet criteria for credentialing established  
21 by the Data Centers;

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

25 “(3) collect and report data in accordance with  
26 section 3304; and

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

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

11                           **“PART 2—WTC SURVIVORS**

12          **“SEC. 3321. IDENTIFICATION AND INITIAL HEALTH EVALUA-**  
13                           **TION OF SCREENING-ELIGIBLE AND CER-**  
14                           **TIFIED-ELIGIBLE WTC SURVIVORS.**

15          “(a) IDENTIFICATION OF SCREENING-ELIGIBLE  
16          WTC SURVIVORS AND CERTIFIED-ELIGIBLE WTC SUR-  
17          VIVORS.—

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

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

24                                   “(i) CURRENTLY IDENTIFIED SUR-  
25                   VIVOR.—An individual, including a WTC

1 responder, who has been identified as eligi-  
2 ble for medical treatment and monitoring  
3 by the WTC Environmental Health Center  
4 as of the date of enactment of this title.

5 “(ii) SURVIVOR WHO MEETS CURRENT  
6 ELIGIBILITY CRITERIA.—An individual who  
7 is not a WTC responder, for purposes of  
8 the initial health evaluation under sub-  
9 section (b), claims symptoms of a WTC-re-  
10 lated health condition and meets any of the  
11 current eligibility criteria described in sub-  
12 paragraph (B).

13 “(iii) SURVIVOR WHO MEETS MODI-  
14 FIED ELIGIBILITY CRITERIA.—An indi-  
15 vidual who is not a WTC responder, for  
16 purposes of the initial health evaluation  
17 under subsection (b), claims symptoms of a  
18 WTC-related health condition and meets  
19 such eligibility criteria relating to exposure  
20 to airborne toxins, other hazards, or ad-  
21 verse conditions resulting from the Sep-  
22 tember 11, 2001, terrorist attacks as the  
23 WTC Administrator determines, after con-  
24 sultation with the Data Centers described  
25 in section 3305 and the WTC Scientific/

1           Technical Advisory Committee and WTC  
2           Health Program Steering Committees  
3           under section 3302.

4           The Administrator shall not modify such cri-  
5           teria under clause (iii) on or after the date that  
6           the number of certifications for certified-eligible  
7           WTC survivors under paragraph (2)(B) has  
8           reached 80 percent of the limit described in  
9           paragraph (3) or on or after the date that the  
10          number of enrollments of WTC responders has  
11          reached 80 percent of the limit described in sec-  
12          tion 3311(a)(4).

13           “(B) CURRENT ELIGIBILITY CRITERIA.—  
14          The eligibility criteria described in this subpara-  
15          graph for an individual are that the individual  
16          is described in any of the following clauses:

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

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

23           “(I) at least 4 days during the 4-  
24          month period beginning on September

1 11, 2001, and ending on January 10,  
2 2002; or

3 “(II) at least 30 days during the  
4 period beginning on September 11,  
5 2001, and ending on July 31, 2002.

6 “(iii) Any person who worked as a  
7 cleanup worker or performed maintenance  
8 work in the New York City disaster area  
9 during the 4-month period described in  
10 subparagraph (B)(i) and had extensive ex-  
11 posure to WTC dust as a result of such  
12 work.

13 “(iv) A person who was deemed eligi-  
14 ble to receive a grant from the Lower  
15 Manhattan Development Corporation Resi-  
16 dential Grant Program, who possessed a  
17 lease for a residence or purchased a resi-  
18 dence in the New York City disaster area,  
19 and who resided in such residence during  
20 the period beginning on September 11,  
21 2001, and ending on May 31, 2003.

22 “(v) A person whose place of employ-  
23 ment—

24 “(I) at any time during the pe-  
25 riod beginning on September 11,

1 2001, and ending on May 31, 2003,  
2 was in the New York City disaster  
3 area; and

4 “(II) was deemed eligible to re-  
5 ceive a grant from the Lower Manhat-  
6 tan Development Corporation WTC  
7 Small Firms Attraction and Retention  
8 Act program or other government in-  
9 centive program designed to revitalize  
10 the lower Manhattan economy after  
11 the September 11, 2001, terrorist at-  
12 tacks.

13 “(C) APPLICATION AND DETERMINATION  
14 PROCESS FOR SCREENING ELIGIBILITY.—

15 “(i) IN GENERAL.—The WTC Pro-  
16 gram Administrator in consultation with  
17 the Data Centers shall establish a process  
18 for individuals, other than individuals de-  
19 scribed in subparagraph (A)(i), to be de-  
20 termined to be screening-eligible WTC sur-  
21 vivors. Under such process—

22 “(I) there shall be no fee charged  
23 to the applicant for making an appli-  
24 cation for such determination;

1           “(II) the Administrator shall  
2           make a determination on such an ap-  
3           plication not later than 60 days after  
4           the date of filing the application;

5           “(III) the Administrator shall  
6           make such a determination relating to  
7           an applicant’s compliance with this  
8           title and shall not determine that an  
9           individual is not so eligible or deny  
10          written documentation under clause  
11          (ii) to such individual unless the Ad-  
12          ministrators determines that—

13                   “(aa) based on the applica-  
14                   tion submitted, the individual  
15                   does not meet the eligibility cri-  
16                   teria; or

17                   “(bb) the numerical limita-  
18                   tion on certifications of certified-  
19                   eligible WTC survivors set forth  
20                   in paragraph (3) has been met;  
21                   and

22           “(IV) an individual who is deter-  
23           mined not to be a screening-eligible  
24           WTC survivor shall have an oppor-  
25           tunity to appeal such determination in



1 a manner established under such  
2 process.

3 “(ii) WRITTEN DOCUMENTATION OF  
4 SCREENING-ELIGIBILITY.—

5 “(I) IN GENERAL.—In the case  
6 of an individual who is described in  
7 subparagraph (A)(i) or who is deter-  
8 mined under clause (i) (consistent  
9 with paragraph (3)) to be a screening-  
10 eligible WTC survivor, the WTC Pro-  
11 gram Administrator shall provide an  
12 appropriate written documentation of  
13 such fact.

14 “(II) TIMING.—

15 “(aa) CURRENTLY IDENTI-  
16 FIED SURVIVORS.—In the case of  
17 an individual who is described in  
18 subparagraph (A)(i), the WTC  
19 Program Administrator shall pro-  
20 vide the written documentation  
21 under subclause (I) not later  
22 than July 1, 2011.

23 “(bb) OTHER MEMBERS.—  
24 In the case of another individual  
25 who is determined under clause

1 (i) and consistent with paragraph  
2 (3) to be a screening-eligible  
3 WTC survivor, the WTC Pro-  
4 gram Administrator shall provide  
5 the written documentation under  
6 subelause (I) at the time of such  
7 determination.

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

9 “(A) DEFINITION.—The term ‘certified-eli-  
10 gible WTC survivor’ means, subject to para-  
11 graph (3), a screening-eligible WTC survivor  
12 who the WTC Program Administrator certifies  
13 under subparagraph (B) to be eligible for fol-  
14 lowup monitoring and treatment under this  
15 part.

16 “(B) CERTIFICATION OF ELIGIBILITY FOR  
17 MONITORING AND TREATMENT.—

18 “(i) IN GENERAL.—The WTC Pro-  
19 gram Administrator shall establish a cer-  
20 tification process under which the Adminis-  
21 trator shall provide appropriate certifi-  
22 cation to screening-eligible WTC survivors  
23 who, pursuant to the initial health evalua-  
24 tion under subsection (b), are determined

1 to be eligible for followup monitoring and  
2 treatment under this part.

3 “(ii) TIMING.—

4 “(I) CURRENTLY IDENTIFIED  
5 SURVIVORS.—In the case of an indi-  
6 vidual who is described in paragraph  
7 (1)(A)(i), the WTC Program Adminis-  
8 trator shall provide the certification  
9 under clause (i) not later than July 1,  
10 2011.

11 “(II) OTHER MEMBERS.—In the  
12 case of another individual who is de-  
13 termined under clause (i) to be eligi-  
14 ble for followup monitoring and treat-  
15 ment, the WTC Program Adminis-  
16 trator shall provide the certification  
17 under such clause at the time of such  
18 determination.

19 “(3) NUMERICAL LIMITATION ON CERTIFIED-  
20 ELIGIBLE WTC SURVIVORS.—

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

1           “(B) PROCESS.—In implementing subpara-  
2 graph (A), the WTC Program Administrator  
3 shall—

4           “(i) limit the number of certifications  
5 provided under paragraph (2)(B)—

6           “(I) in accordance with such sub-  
7 paragraph; and

8           “(II) to such number, as deter-  
9 mined by the Administrator based on  
10 the best available information and  
11 subject to amounts made available  
12 under section 3351, that will ensure  
13 sufficient funds will be available to  
14 provide treatment and monitoring  
15 benefits under this title, with respect  
16 to all individuals receiving such cer-  
17 tifications through the end of fiscal  
18 year 2020; and

19           “(ii) provide priority in such certifi-  
20 cations in the order in which individuals  
21 apply for a determination under paragraph  
22 (2)(B).

23           “(4) DISQUALIFICATION OF INDIVIDUALS ON  
24 TERRORIST WATCH LIST.—No individual who is on  
25 the terrorist watch list maintained by the Depart-

1       ment of Homeland Security shall qualify as a screen-  
2       ing-eligible WTC survivor or a certified-eligible WTC  
3       survivor. Before determining any individual to be a  
4       screening-eligible WTC survivor under paragraph (1)  
5       or certifying any individual as a certified eligible  
6       WTC survivor under paragraph (2), the Adminis-  
7       trator, in consultation with the Secretary of Home-  
8       land Security, shall determine whether the individual  
9       is on such list.

10       “(b) INITIAL HEALTH EVALUATION TO DETERMINE  
11       ELIGIBILITY FOR FOLLOWUP MONITORING OR TREAT-  
12       MENT.—

13               “(1) IN GENERAL.—In the case of a screening-  
14       eligible WTC survivor, the WTC Program shall pro-  
15       vide for an initial health evaluation to determine if  
16       the survivor has a WTC-related health condition and  
17       is eligible for followup monitoring and treatment  
18       benefits under the WTC Program. Initial health  
19       evaluation protocols under section 3305(a)(2)(A)(ii)  
20       shall be subject to approval by the WTC Program  
21       Administrator.

22               “(2) INITIAL HEALTH EVALUATION PRO-  
23       VIDERS.—The initial health evaluation described in  
24       paragraph (1) shall be provided through a Clinical

1 Center of Excellence with respect to the individual  
2 involved.

3 “(3) LIMITATION ON INITIAL HEALTH EVALUA-  
4 TION BENEFITS.—Benefits for an initial health eval-  
5 uation under this part for a screening-eligible WTC  
6 survivor shall consist only of a single medical initial  
7 health evaluation consistent with initial health eval-  
8 uation protocols described in paragraph (1). Nothing  
9 in this paragraph shall be construed as preventing  
10 such an individual from seeking additional medical  
11 initial health evaluations at the expense of the indi-  
12 vidual.

13 **“SEC. 3322. FOLLOWUP MONITORING AND TREATMENT OF**  
14 **CERTIFIED-ELIGIBLE WTC SURVIVORS FOR**  
15 **WTC-RELATED HEALTH CONDITIONS.**

16 “(a) IN GENERAL.—Subject to subsection (b), the  
17 provisions of sections 3311 and 3312 shall apply to fol-  
18 lowup monitoring and treatment of WTC-related health  
19 conditions for certified-eligible WTC survivors in the same  
20 manner as such provisions apply to the monitoring and  
21 treatment of WTC-related health conditions for enrolled  
22 WTC responders.

23 “(b) LIST OF WTC-RELATED HEALTH CONDITIONS  
24 FOR SURVIVORS.—The list of health conditions for screen-

1 ing-eligible WTC survivors and certified-eligible WTC sur-  
2 vivors consists of the following:

3 “(1) AERODIGESTIVE DISORDERS.—

4 “(A) Interstitial lung diseases.

5 “(B) Chronic respiratory disorder—fumes/  
6 vapors.

7 “(C) Asthma.

8 “(D) Reactive airways dysfunction syn-  
9 drome (RADS).

10 “(E) WTC-exacerbated chronic obstructive  
11 pulmonary disease (COPD).

12 “(F) Chronic cough syndrome.

13 “(G) Upper airway hyperreactivity.

14 “(H) Chronic rhinosinusitis.

15 “(I) Chronic nasopharyngitis.

16 “(J) Chronic laryngitis.

17 “(K) Gastroesophageal reflux disorder  
18 (GERD).

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

21 “(2) MENTAL HEALTH CONDITIONS.—

22 “(A) Posttraumatic stress disorder  
23 (PTSD).

24 “(B) Major depressive disorder.

25 “(C) Panic disorder.

1                   “(D) Generalized anxiety disorder.

2                   “(E) Anxiety disorder (not otherwise speci-  
3                   fied).

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

5                   “(G) Acute stress disorder.

6                   “(H) Dysthymic disorder.

7                   “(I) Adjustment disorder.

8                   “(J) Substance abuse.

9                   “(3) **ADDITIONAL CONDITIONS.**—Any cancer  
10                  (or type of cancer) or other condition added to the  
11                  list in section 3312(a)(3) pursuant to paragraph (5)  
12                  or (6) of section 3312(a), as such provisions are ap-  
13                  plied under subsection (a) with respect to certified-  
14                  eligible WTC survivors.

15                  **“SEC. 3323. FOLLOWUP MONITORING AND TREATMENT OF**  
16                                 **OTHER INDIVIDUALS WITH WTC-RELATED**  
17                                 **HEALTH CONDITIONS.**

18                  “(a) **IN GENERAL.**—Subject to subsection (c), the  
19                  provisions of section 3322 shall apply to the followup mon-  
20                  itoring and treatment of WTC-related health conditions  
21                  in the case of individuals described in subsection (b) in  
22                  the same manner as such provisions apply to the followup  
23                  monitoring and treatment of WTC-related health condi-  
24                  tions for certified-eligible WTC survivors.



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

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

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

9       “(c) LIMITATION.—

10               “(1) IN GENERAL.—The WTC Program Admin-  
11 istrator shall limit benefits for any fiscal year under  
12 subsection (a) in a manner so that payments under  
13 this section for such fiscal year do not exceed the  
14 amount specified in paragraph (2) for such fiscal  
15 year.

16               “(2) LIMITATION.—The amount specified in  
17 this paragraph for—

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

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

21                       “(C) a succeeding fiscal year is the amount  
22 specified in this paragraph for the previous fis-  
23 cal year increased by the annual percentage in-  
24 crease in the medical care component of the  
25 consumer price index for all urban consumers.

1                   **“PART 3—PAYOR PROVISIONS**

2   **“SEC. 3331. PAYMENT OF CLAIMS.**

3           “(a) IN GENERAL.—Except as provided in sub-  
4 sections (b) and (c), the cost of monitoring and treatment  
5 benefits and initial health evaluation benefits provided  
6 under parts 1 and 2 of this subtitle shall be paid for by  
7 the WTC Program from the World Trade Center Health  
8 Program Fund.

9           “(b) WORKERS’ COMPENSATION PAYMENT.—

10           “(1) IN GENERAL.—Subject to paragraph (2),  
11 payment for treatment under parts 1 and 2 of this  
12 subtitle of a WTC-related health condition of an in-  
13 dividual that is work-related shall be reduced or re-  
14 couped to the extent that the WTC Program Admin-  
15 istrator determines that payment has been made, or  
16 can reasonably be expected to be made, under a  
17 workers’ compensation law or plan of the United  
18 States, a State, or a locality, or other work-related  
19 injury or illness benefit plan of the employer of such  
20 individual, for such treatment. The provisions of  
21 clauses (iii), (iv), (v), and (vi) of paragraph (2)(B)  
22 of section 1862(b) of the Social Security Act and  
23 paragraphs (3) and (4) of such section shall apply  
24 to the recoupment under this subsection of a pay-  
25 ment to the WTC Program (with respect to a work-  
26 ers’ compensation law or plan, or other work-related

1 injury or illness plan of the employer involved, and  
2 such individual) in the same manner as such provi-  
3 sions apply to the reimbursement of a payment  
4 under section 1862(b)(2) of such Act to the Sec-  
5 retary (with respect to such a law or plan and an  
6 individual entitled to benefits under title XVIII of  
7 such Act) except that any reference in such para-  
8 graph (4) to payment rates under title XVIII of the  
9 Social Security Act shall be deemed a reference to  
10 payment rates under this title.

11 “(2) EXCEPTION.—Paragraph (1) shall not  
12 apply for any quarter, with respect to any workers’  
13 compensation law or plan, including line of duty  
14 compensation, to which New York City is obligated  
15 to make payments, if, in accordance with terms  
16 specified under the contract under subsection  
17 (d)(1)(A), New York City has made the full payment  
18 required under such contract for such quarter.

19 “(3) RULES OF CONSTRUCTION.—Nothing in  
20 this title shall be construed to affect, modify, or re-  
21 lieve any obligations under a worker’s compensation  
22 law or plan, other work-related injury or illness ben-  
23 efit plan of an employer, or any health insurance  
24 plan.

25 “(c) HEALTH INSURANCE COVERAGE.—

1           “(1) IN GENERAL.—In the case of an individual  
2           who has a WTC-related health condition that is not  
3           work-related and has health coverage for such condi-  
4           tion through any public or private health plan (in-  
5           cluding health benefits under title XVIII, XIX, or  
6           XXI of the Social Security Act) the provisions of  
7           section 1862(b) of the Social Security Act shall  
8           apply to such a health plan and such individual in  
9           the same manner as they apply to group health plan  
10          and an individual entitled to benefits under title  
11          XVIII of such Act pursuant to section 226(a) of  
12          such Act. Any costs for items and services covered  
13          under such plan that are not reimbursed by such  
14          health plan, due to the application of deductibles, co-  
15          payments, coinsurance, other cost sharing, or other-  
16          wise, are reimbursable under this title to the extent  
17          that they are covered under the WTC Program. The  
18          program under this title shall not be treated as a le-  
19          gally liable party for purposes of applying section  
20          1902(a)(25) of the Social Security Act.

21           “(2) RECOVERY BY INDIVIDUAL PROVIDERS.—  
22          Nothing in paragraph (1) shall be construed as re-  
23          quiring an entity providing monitoring and treat-  
24          ment under this title to seek reimbursement under

1 a health plan with which the entity has no contract  
2 for reimbursement.

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

8 “(A) is an applicable individual (as defined  
9 in subsection (d) of section 5000A of Internal  
10 Revenue Code of 1986) for whom the exemption  
11 under subsection (e) of such section does not  
12 apply; and

13 “(B) is not covered under minimum essen-  
14 tial coverage, as required under subsection (a)  
15 of such section.

16 “(d) REQUIRED CONTRIBUTION BY NEW YORK CITY  
17 IN PROGRAM COSTS.—

18 “(1) CONTRACT REQUIREMENT.—

19 “(A) IN GENERAL.—No funds may be dis-  
20 bursed from the World Trade Center Health  
21 Program Fund under section 3351 unless New  
22 York City has entered into a contract with the  
23 WTC Program Administrator under which New  
24 York City agrees, in a form and manner speci-  
25 fied by the Administrator, to pay the full con-

1           tribution described in subparagraph (B) in ac-  
2           cordance with this subsection on a timely basis,  
3           plus any interest owed pursuant to subpara-  
4           graph (E)(i). Such contract shall specify the  
5           terms under which New York City shall be con-  
6           sidered to have made the full payment required  
7           for a quarter for purposes of subsection (b)(2).

8           “(B) FULL CONTRIBUTION AMOUNT.—  
9           Under such contract, with respect to the last  
10          calendar quarter of fiscal year 2011 and each  
11          calendar quarter in fiscal years 2012 through  
12          2018 the full contribution amount under this  
13          subparagraph shall be equal to 10 percent of  
14          the expenditures in carrying out this title for  
15          the respective quarter and with respect to cal-  
16          endar quarters in fiscal years 2019 and 2020,  
17          such full contribution amount shall be equal to  
18           $\frac{1}{9}$  of the Federal expenditures in carrying out  
19          this title for the respective quarter.

20          “(C) SATISFACTION OF PAYMENT OBLIGA-  
21          TION.—The payment obligation under such con-  
22          tract may not be satisfied through any of the  
23          following:

24                  “(i) An amount derived from Federal  
25                  sources.

1                   “(ii) An amount paid before the date  
2                   of the enactment of this title.

3                   “(iii) An amount paid to satisfy a  
4                   judgment or as part of a settlement related  
5                   to injuries or illnesses arising out of the  
6                   September 11, 2001, terrorist attacks.

7                   “(D) TIMING OF CONTRIBUTION.—The  
8                   payment obligation under such contract for a  
9                   calendar quarter in a fiscal year shall be paid  
10                  not later than the last day of the second suc-  
11                  ceeding calendar quarter.

12                  “(E) COMPLIANCE.—

13                  “(i) INTEREST FOR LATE PAYMENT.—  
14                  If New York City fails to pay to the WTC  
15                  Program Administrator pursuant to such  
16                  contract the amount required for any cal-  
17                  endar quarter by the day specified in sub-  
18                  paragraph (D), interest shall accrue on the  
19                  amount not so paid at the rate (deter-  
20                  mined by the Administrator) based on the  
21                  average yield to maturity, plus 1 percent-  
22                  age point, on outstanding municipal bonds  
23                  issued by New York City with a remaining  
24                  maturity of at least 1 year.

1                   “(ii) RECOVERY OF AMOUNTS  
2                   OWED.— The amounts owed to the WTC  
3                   Program Administrator under such con-  
4                   tract shall be recoverable by the United  
5                   States in an action in the same manner as  
6                   payments made under title XVIII of the  
7                   Social Security Act may be recoverable in  
8                   an action brought under section  
9                   1862(b)(2)(B)(iii) of such Act.

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

14                   “(2) PAYMENT OF NEW YORK CITY SHARE OF  
15                   MONITORING AND TREATMENT COSTS.—With respect  
16                   to each calendar quarter for which a contribution is  
17                   required by New York City under the contract under  
18                   paragraph (1), the WTC Program Administrator  
19                   shall—

20                   “(A) provide New York City with an esti-  
21                   mate of such amount of the required contribu-  
22                   tion at the beginning of such quarter and with  
23                   an updated estimate of such amount at the be-  
24                   ginning of each of the subsequent 2 quarters;



1           “(B) bill such amount directly to New  
2           York City; and

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

6           Such amount shall initially be estimated by the  
7           WTC Program Administrator and shall be subject to  
8           adjustment and reconciliation based upon actual ex-  
9           penditures in carrying out this title.

10          “(3) RULE OF CONSTRUCTION.—Nothing in  
11          this subsection shall be construed as authorizing the  
12          WTC Administrator, with respect to a fiscal year, to  
13          reduce the numerical limitation under section  
14          3311(a)(4) or 3321(a)(3) for such fiscal year if New  
15          York City fails to comply with paragraph (1) for a  
16          calendar quarter in such fiscal year.

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

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

24                 “(2) with respect to the condition the individual  
25                 has filed and had established a claim under a work-

1       ers’ compensation law or plan of the United States  
2       or a State, or other work-related injury or illness  
3       benefit plan of the employer of such individual.

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

5       “The WTC Program Administrator may enter into  
6 arrangements with other government agencies, insurance  
7 companies, or other third-party administrators to provide  
8 for timely and accurate processing of claims under sec-  
9 tions 3312, 3313, 3322, and 3323.

10                   **“Subtitle C—Research Into**  
11                                   **Conditions**

12       **“SEC. 3341. RESEARCH REGARDING CERTAIN HEALTH CON-**  
13                   **DITIONS RELATED TO SEPTEMBER 11 TER-**  
14                   **RORIST ATTACKS.**

15       “(a) IN GENERAL.—With respect to individuals, in-  
16 cluding enrolled WTC responders and certified-eligible  
17 WTC survivors, receiving monitoring or treatment under  
18 subtitle B, the WTC Program Administrator shall conduct  
19 or support—

20               “(1) research on physical and mental health  
21 conditions that may be related to the September 11,  
22 2001, terrorist attacks;

23               “(2) research on diagnosing WTC-related  
24 health conditions of such individuals, in the case of

1 conditions for which there has been diagnostic un-  
2 certainty; and

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

7 The Administrator may provide such support through con-  
8 tinuation and expansion of research that was initiated be-  
9 fore the date of the enactment of this title and through  
10 the World Trade Center Health Registry (referred to in  
11 section 3342), through a Clinical Center of Excellence, or  
12 through a Data Center.

13 “(b) TYPES OF RESEARCH.—The research under  
14 subsection (a)(1) shall include epidemiologic and other re-  
15 search studies on WTC-related health conditions or  
16 emerging conditions—

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

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

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

4           “(d) APPLICATION OF PRIVACY AND HUMAN SUB-  
5 JECT PROTECTIONS.—The privacy and human subject  
6 protections applicable to research conducted under this  
7 section shall not be less than such protections applicable  
8 to research conducted or funded by the Department of  
9 Health and Human Services.

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

11           “For the purpose of ensuring ongoing data collection  
12 relating to victims of the September 11, 2001, terrorist  
13 attacks, the WTC Program Administrator shall ensure  
14 that a registry of such victims is maintained that is at  
15 least as comprehensive as the World Trade Center Health  
16 Registry maintained under the arrangements in effect as  
17 of April 20, 2009, with the New York City Department  
18 of Health and Mental Hygiene.

19                           **“Subtitle D—Funding**

20 **“SEC. 3351. WORLD TRADE CENTER HEALTH PROGRAM**  
21                           **FUND.**

22           “(a) ESTABLISHMENT OF FUND.—

23                           “(1) IN GENERAL.—There is established a fund  
24           to be known as the World Trade Center Health Pro-

1       gram Fund (referred to in this section as the  
2       ‘Fund’).

3           “(2) FUNDING.—Out of any money in the  
4       Treasury not otherwise appropriated, there shall be  
5       deposited into the Fund for each of fiscal years  
6       2012 through 2020 (and the last calendar quarter of  
7       fiscal year 2011)—

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

10           “(i) 90 percent of the expenditures in  
11       carrying out this title for the respective fis-  
12       cal year (initially based on estimates, sub-  
13       ject to subsequent reconciliation based on  
14       actual expenditures); or

15           “(ii)(I) \$71,000,000 for the last cal-  
16       endar quarter of fiscal year 2011,  
17       \$318,000,000 for fiscal year 2012,  
18       \$354,000,000 for fiscal year 2013,  
19       \$382,000,000 for fiscal year 2014,  
20       \$431,000,000 for fiscal year 2015,  
21       \$481,000,000 for fiscal year 2016,  
22       \$537,000,000 for fiscal year 2017,  
23       \$601,000,000 for fiscal year 2018, and  
24       \$173,000,000 for fiscal year 2019; and

1                   “(II) subject to paragraph (4), an ad-  
2                   ditional \$499,000,000 for fiscal year 2019  
3                   and \$743,000,000 for fiscal year 2020;  
4                   plus

5                   “(B) the New York City share, consisting  
6                   of the amount contributed under the contract  
7                   under section 3331(d).

8                   “(3) CONTRACT REQUIREMENT.—

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

13                  “(B) BREACH OF CONTRACT.— In the case  
14                  of a failure to pay the amount so required  
15                  under the contract—

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

18                  “(ii) such failure shall not affect the  
19                  disbursement of amounts from the Fund;  
20                  and

21                  “(iii) the Federal share described in  
22                  paragraph (2)(A) shall not be increased by  
23                  the amount so unpaid.

24                  “(4) AGGREGATE LIMITATION ON FUNDING BE-  
25                  GINNING WITH FISCAL YEAR 2019.—Beginning with

1 fiscal year 2019, in no case shall the share of Fed-  
2 eral funds deposited into the Fund under paragraph  
3 (2) for such fiscal year and previous fiscal years and  
4 quarters exceed the sum of the amounts specified in  
5 paragraph (2)(A)(ii)(I).

6 “(b) MANDATORY FUNDS FOR MONITORING, INITIAL  
7 HEALTH EVALUATIONS, TREATMENT, AND CLAIMS PROC-  
8 ESSING.—

9 “(1) IN GENERAL.—The amounts deposited  
10 into the Fund under subsection (a)(2) shall be avail-  
11 able, without further appropriation, consistent with  
12 paragraph (2) and subsection (c), to carry out sub-  
13 title B and sections 3302(a), 3303, 3304,  
14 3305(a)(2), 3305(c), 3341, and 3342.

15 “(2) LIMITATION ON MANDATORY FUNDING.—  
16 This title does not establish any Federal obligation  
17 for payment of amounts in excess of the amounts  
18 available from the Fund for such purpose.

19 “(3) LIMITATION ON AUTHORIZATION FOR FUR-  
20 THER APPROPRIATIONS.—This title does not estab-  
21 lish any authorization for appropriation of amounts  
22 in excess of the amounts available from the Fund  
23 under paragraph (1).

24 “(c) LIMITS ON SPENDING FOR CERTAIN PUR-  
25 POSES.—Of the amounts made available under subsection

1 (b)(1), not more than each of the following amounts may  
2 be available for each of the following purposes:

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

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

9 “(B) for fiscal year 2012, \$400,000; 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 “(2) WTC HEALTH PROGRAM SCIENTIFIC/  
19 TECHNICAL ADVISORY COMMITTEE.—For the pur-  
20 pose of carrying out section 3302(a)—

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

23 “(B) for fiscal year 2012, \$100,000; 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 “(3) EDUCATION AND OUTREACH.—For the  
8 purpose of carrying out section 3303—

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

11 “(B) for fiscal year 2012, \$2,000,000; 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 “(4) UNIFORM DATA COLLECTION.—For the  
21 purpose of carrying out section 3304 and for reim-  
22 bursing Data Centers (as defined in section  
23 3305(b)(2)) for the costs incurred by such Centers  
24 in carrying out activities under contracts entered  
25 into under section 3305(a)(2)—

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

3           “(B) for fiscal year 2012, \$10,000,000;  
4           and

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

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

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

18                 “(B) for fiscal year 2012, \$15,000,000;  
19                 and

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

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

3 “(6) WORLD TRADE CENTER HEALTH REG-  
4 ISTRY.—For the purpose of carrying out section  
5 3342—

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

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

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

17 **TITLE II—SEPTEMBER 11TH VIC-**  
18 **TIM COMPENSATION FUND OF**  
19 **2001**

20 **SEC. 201. DEFINITIONS.**

21 Section 402 of the Air Transportation Safety and  
22 System Stabilization Act (49 U.S.C. 40101 note) is  
23 amended—

24 (1) in paragraph (6) by inserting “, or debris  
25 removal, including under the World Trade Center

1 Health Program established under section 3001 of  
2 the Public Health Service Act, and payments made  
3 pursuant to the settlement of a civil action described  
4 in section 405(e)(3)(C)(iii)” after “September 11,  
5 2001”;

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

9 “(7) CONTRACTOR AND SUBCONTRACTOR.—The  
10 term ‘contractor and subcontractor’ means any con-  
11 tractor or subcontractor (at any tier of a subcon-  
12 tracting relationship), including any general con-  
13 tractor, construction manager, prime contractor,  
14 consultant, or any parent, subsidiary, associated or  
15 allied company, affiliated company, corporation,  
16 firm, organization, or joint venture thereof that par-  
17 ticipated in debris removal at any 9/11 crash site.  
18 Such term shall not include any entity, including the  
19 Port Authority of New York and New Jersey, with  
20 a property interest in the World Trade Center, on  
21 September 11, 2001, whether fee simple, leasehold  
22 or easement, direct or indirect.

23 “(8) DEBRIS REMOVAL.—The term ‘debris re-  
24 moval’ means rescue and recovery efforts, removal of  
25 debris, cleanup, remediation, and response during

1 the immediate aftermath of the terrorist-related air-  
2 craft crashes of September 11, 2001, with respect to  
3 a 9/11 crash site.”;

4 (3) by inserting after paragraph (10), as so re-  
5 designated, the following new paragraph and redesi-  
6 gnating the subsequent paragraphs accordingly:

7 “(11) IMMEDIATE AFTERMATH.—The term ‘im-  
8 mediate aftermath’ means any period beginning with  
9 the terrorist-related aircraft crashes of September  
10 11, 2001, and ending on August 30, 2002.”; and

11 (4) by adding at the end the following new  
12 paragraph:

13 “(14) 9/11 CRASH SITE.—The term ‘9/11 crash  
14 site’ means—

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

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

20 “(C) any area contiguous to a site of such  
21 crashes that the Special Master determines was  
22 sufficiently close to the site that there was a de-  
23 monstrable risk of physical harm resulting from  
24 the impact of the aircraft or any subsequent  
25 fire, explosions, or building collapses (including

1 the immediate area in which the impact oc-  
2 curred, fire occurred, portions of buildings fell,  
3 or debris fell upon and injured individuals); and

4 “(D) any area related to, or along, routes  
5 of debris removal, such as barges and Fresh  
6 Kills.”.

7 **SEC. 202. EXTENDED AND EXPANDED ELIGIBILITY FOR**  
8 **COMPENSATION.**

9 (a) INFORMATION ON LOSSES RESULTING FROM DE-  
10 BRIS REMOVAL INCLUDED IN CONTENTS OF CLAIM  
11 FORM.—Section 405(a)(2)(B) of the Air Transportation  
12 Safety and System Stabilization Act (49 U.S.C. 40101  
13 note) is amended—

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

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

20 (3) in clause (iii), by inserting “or debris re-  
21 moval during the immediate aftermath” after  
22 “crashes”.

23 (b) EXTENSION OF DEADLINE FOR CLAIMS UNDER  
24 SEPTEMBER 11TH VICTIM COMPENSATION FUND OF

1 2001.—Section 405(a)(3) of such Act is amended to read  
2 as follows:

3 “(3) LIMITATION.—

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

9 “(B) EXCEPTION.—A claim may be filed  
10 under paragraph (1), in accordance with sub-  
11 section (c)(3)(A)(i), by an individual (or by a  
12 personal representative on behalf of a deceased  
13 individual) during the period beginning on the  
14 date on which the regulations are updated  
15 under section 407(b) and ending on December  
16 22, 2031.”.

17 (c) REQUIREMENTS FOR FILING CLAIMS DURING  
18 EXTENDED FILING PERIOD.—Section 405(c)(3) of such  
19 Act is amended—

20 (1) by redesignating subparagraphs (A) and  
21 (B) as subparagraphs (B) and (C), respectively; and  
22 (2) by inserting before subparagraph (B), as so  
23 redesignated, the following new subparagraph:

24 “(A) REQUIREMENTS FOR FILING CLAIMS  
25 DURING EXTENDED FILING PERIOD.—

1           “(i) TIMING REQUIREMENTS FOR FIL-  
2           ING CLAIMS.—An individual (or a personal  
3           representative on behalf of a deceased indi-  
4           vidual) may file a claim during the period  
5           described in subsection (a)(3)(B) as fol-  
6           lows:

7                   “(I) In the case that the Special  
8           Master determines the individual  
9           knew (or reasonably should have  
10          known) before the date specified in  
11          clause (iii) that the individual suffered  
12          a physical harm at a 9/11 crash site  
13          as a result of the terrorist-related air-  
14          craft crashes of September 11, 2001,  
15          or as a result of debris removal, and  
16          that the individual knew (or should  
17          have known) before such specified  
18          date that the individual was eligible to  
19          file a claim under this title, the indi-  
20          vidual may file a claim not later than  
21          the date that is 2 years after such  
22          specified date.

23                   “(II) In the case that the Special  
24          Master determines the individual first  
25          knew (or reasonably should have



1 known) on or after the date specified  
2 in clause (iii) that the individual suf-  
3 fered such a physical harm or that the  
4 individual first knew (or should have  
5 known) on or after such specified date  
6 that the individual was eligible to file  
7 a claim under this title, the individual  
8 may file a claim not later than the  
9 last day of the 2-year period begin-  
10 ning on the date the Special Master  
11 determines the individual first knew  
12 (or should have known) that the indi-  
13 vidual both suffered from such harm  
14 and was eligible to file a claim under  
15 this title.

16 “(ii) OTHER ELIGIBILITY REQUIRE-  
17 MENTS FOR FILING CLAIMS.—An indi-  
18 vidual may file a claim during the period  
19 described in subsection (a)(3)(B) only if—

20 “(I) the individual was treated by  
21 a medical professional for suffering  
22 from a physical harm described in  
23 clause (i)(I) within a reasonable time  
24 from the date of discovering such  
25 harm; and

1                   “(II) the individual’s physical  
2                   harm is verified by contemporaneous  
3                   medical records created by or at the  
4                   direction of the medical professional  
5                   who provided the medical care.

6                   “(iii) DATE SPECIFIED.—The date  
7                   specified in this clause is the date on which  
8                   the regulations are updated under section  
9                   407(a).”.

10           (d) CLARIFYING APPLICABILITY TO ALL 9/11 CRASH  
11 SITES.—Section 405(c)(2)(A)(i) of such Act is amended  
12 by striking “or the site of the aircraft crash at Shanksville,  
13 Pennsylvania” and inserting “the site of the aircraft crash  
14 at Shanksville, Pennsylvania, or any other 9/11 crash  
15 site”.

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

20           (f) LIMITATIONS ON CIVIL ACTIONS.—

21                   (1) APPLICATION TO DAMAGES RELATED TO  
22 DEBRIS REMOVAL.—Clause (i) of section  
23 405(c)(3)(C) of such Act, as redesignated by sub-  
24 section (c), is amended by inserting “, or for dam-

1       ages arising from or related to debris removal” after  
2       “September 11, 2001”.

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

6                   “(ii) PENDING ACTIONS.—In the case  
7       of an individual who is a party to a civil  
8       action described in clause (i), such indi-  
9       vidual may not submit a claim under this  
10      title—

11                   “(I) during the period described  
12      in subsection (a)(3)(A) unless such in-  
13      dividual withdraws from such action  
14      by the date that is 90 days after the  
15      date on which regulations are promul-  
16      gated under section 407(a); and

17                   “(II) during the period described  
18      in subsection (a)(3)(B) unless such in-  
19      dividual withdraws from such action  
20      by the date that is 90 days after the  
21      date on which the regulations are up-  
22      dated under section 407(b).”.

23           (3) SETTLED ACTIONS; AUTHORITY TO RE-  
24      INSTITUTE CERTAIN LAWSUITS.—Such section, as so

1 redesignated, is further amended by adding at the  
2 end the following new clauses:

3 “(iii) SETTLED ACTIONS.—In the case  
4 of an individual who settled a civil action  
5 described in clause (i), such individual may  
6 not submit a claim under this title unless  
7 such action was commenced after Decem-  
8 ber 22, 2003, and a release of all claims in  
9 such action was tendered prior to the date  
10 on which the James Zadroga 9/11 Health  
11 and Compensation Act of 2010 was en-  
12 acted.

13 “(iv) AUTHORITY TO REINSTITUTE  
14 CERTAIN LAWSUITS.—In the case of a  
15 claimant who was a party to a civil action  
16 described in clause (i), who withdrew from  
17 such action pursuant to clause (ii), and  
18 who is subsequently determined to not be  
19 an eligible individual for purposes of this  
20 subsection, such claimant may reinstitute  
21 such action without prejudice during the  
22 90-day period beginning after the date of  
23 such ineligibility determination.”.

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

2 Section 407 of the Air Transportation Safety and  
3 System Stabilization Act (49 U.S.C. 40101 note) is  
4 amended—

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

7 (2) by adding at the end the following new sub-  
8 section:

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

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

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

20 “(4) LIABILITY FOR CERTAIN CLAIMS.—Not-  
21 withstanding any other provision of law, liability for  
22 all claims and actions (including claims or actions  
23 that have been previously resolved, that are cur-  
24 rently pending, and that may be filed through De-  
25 cember 22, 2031) for compensatory damages, con-  
26 tribution or indemnity, or any other form or type of

1 relief, arising from or related to debris removal,  
2 against the City of New York, any entity (including  
3 the Port Authority of New York and New Jersey)  
4 with a property interest in the World Trade Center  
5 on September 11, 2001 (whether fee simple, lease-  
6 hold or easement, or direct or indirect) and any con-  
7 tractors and subcontractors, shall not be in an  
8 amount that exceeds the sum of the following, as  
9 may be applicable:

10 “(A) The amount of funds of the WTC  
11 Captive Insurance Company, including the cu-  
12 mulative interest.

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

16 “(C) As it relates to the limitation of li-  
17 ability of the City of New York, the amount  
18 that is the greater of the City of New York’s  
19 insurance coverage or \$350,000,000. In deter-  
20 mining the amount of the City’s insurance cov-  
21 erage for purposes of the previous sentence, any  
22 amount described in clauses (i) and (ii) shall  
23 not be included.

24 “(D) As it relates to the limitation of li-  
25 ability of any entity, including the Port Author-

1           ity of New York and New Jersey, with a prop-  
2           erty interest in the World Trade Center on Sep-  
3           tember 11, 2001 (whether fee simple, leasehold  
4           or easement, or direct or indirect), the amount  
5           of all available liability insurance coverage  
6           maintained by any such entity.

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

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

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

20                 “(B) If there are no funds available as de-  
21                 scribed in clause (i) or (ii) of paragraph (4)(A),  
22                 the funds described in clause (iii) of such para-  
23                 graph.

24                 “(C) If there are no funds available as de-  
25                 scribed in clause (i), (ii), or (iii) of paragraph

1 (4)(A), the funds described in clause (iv) of  
2 such paragraph.

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

7 “(6) DECLARATORY JUDGMENT ACTIONS AND  
8 DIRECT ACTION.—Any party to a claim or action to  
9 which paragraph (4)(A) applies may, with respect to  
10 such claim or action, either file an action for a de-  
11 claratory judgment for insurance coverage or bring  
12 a direct action against the insurance company in-  
13 volved.”.

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

15 Section 406 of the Air Transportation Safety and  
16 System Stabilization Act (49 U.S.C. 40101 note) is  
17 amended—

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

21 (2) in subsection (b)—

22 (A) by inserting “in the amounts provided  
23 under subsection (d)(1)” after “appropriations  
24 Acts”; and



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

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

5 “(d) LIMITATION.—

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

15 “(2) PRO-RATION AND PAYMENT OF REMAINING  
16 CLAIMS.—

17 “(A) IN GENERAL.—With respect to the  
18 one-year period beginning on the date on which  
19 the first payment is made under this title for  
20 claims filed pursuant to the regulations updated  
21 under section 407(b), the Special Master shall  
22 examine the total number of such claims paid  
23 during such period and the amounts of the pay-  
24 ments made for such claims to project the total  
25 number and amount of claims expected to be

1           paid under this title during the 10-year period  
2           described in paragraph (1). If, based on such  
3           projection, the Special Master determines that  
4           there will be insufficient funds available under  
5           paragraph (1) to pay such claims during such  
6           10-year period, beginning on the first day fol-  
7           lowing such one-year period, the Special Master  
8           shall ratably reduce the amount of compensa-  
9           tion due claimants under this title in a manner  
10          to ensure, to the extent possible, that—

11                   “(i) all claimants who, before applica-  
12                   tion of the limitation under the second sen-  
13                   tence of paragraph (1), would have been  
14                   determined to be entitled to a payment  
15                   under this title during such 10-year period,  
16                   receive a payment during such period; and

17                   “(ii) the total amount of all such pay-  
18                   ments made during such 10-year period do  
19                   not exceed the amount available under the  
20                   second sentence of paragraph (1) to pay  
21                   claims during such period.

22                   “(B) PAYMENT OF REMAINDER OF CLAIM  
23                   AMOUNTS.—In any case in which the amount of  
24                   a claim is ratably reduced pursuant to subpara-  
25                   graph (A), on or after the first day after the

1           10-year period described in paragraph (1), the  
2           Special Master shall pay to the claimant the  
3           amount that is equal to the difference be-  
4           tween—

5                   “(i) the amount that the claimant  
6                   would have been paid under this title dur-  
7                   ing such period without regard to the limi-  
8                   tation under the second sentence of para-  
9                   graph (1) applicable to such period; and

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

12           “(e) ATTORNEY FEES.—

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

20                   “(2) LIMITATION.—

21                   “(A) IN GENERAL.—Except as provided in  
22                   subparagraph (B), in the case of an individual  
23                   who was charged a legal fee in connection with  
24                   the settlement of a civil action described in sec-  
25                   tion 405(c)(3)(C)(iii), the representative of

1 the individual may not charge any amount for  
2 compensation for services rendered in connec-  
3 tion with a claim filed under this title.

4 “(B) EXCEPTION.—If the legal fee charged  
5 in connection with the settlement of a civil ac-  
6 tion described in section 405(c)(3)(C)(iii) of an  
7 individual is less than 10 percent of the aggre-  
8 gate amount of compensation awarded to such  
9 individual through such settlement and the  
10 claim of the individual under this title, the rep-  
11 resentative of such individual may charge an  
12 amount for compensation for services rendered  
13 in connection with such claim under this title to  
14 the extent that such amount charged is not  
15 more than—

16 “(i) 10 percent of such aggregate  
17 amount, minus

18 “(ii) the total amount of all legal fees  
19 charged for services rendered in connection  
20 with such settlement.

21 “(3) EXCEPTION.—With respect to a claim  
22 made on behalf of an individual for whom a lawsuit  
23 was filed in the Southern District of New York prior  
24 to January 1, 2009, in the event that the represent-  
25 ative believes in good faith that the fee limit set by

1 paragraph (1) or (2) will not provide adequate com-  
2 pensation for services rendered in connection with  
3 such claim because of the substantial amount of  
4 legal work provided on behalf of the claimant (in-  
5 cluding work performed before the enactment of this  
6 legislation), application for greater compensation  
7 may be made to the Special Master. Upon such ap-  
8 plication, the Special Master may, in his or her dis-  
9 cretion, award as reasonable compensation for serv-  
10 ices rendered an amount greater than that allowed  
11 for in paragraph (1). Such fee award will be final,  
12 binding, and non-appealable.”.

13 **TITLE III—LIMITATION ON TREA-**  
14 **TY BENEFITS FOR CERTAIN**  
15 **DEDUCTIBLE PAYMENTS;**  
16 **TIME FOR PAYMENT OF COR-**  
17 **PORATE ESTIMATED TAXES**

18 **SEC. 301. LIMITATION ON TREATY BENEFITS FOR CERTAIN**  
19 **DEDUCTIBLE PAYMENTS.**

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

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

1           “(1) IN GENERAL.—In the case of any deduct-  
2           ible related-party payment, any withholding tax im-  
3           posed under chapter 3 (and any tax imposed under  
4           subpart A or B of this part) with respect to such  
5           payment may not be reduced under any treaty of the  
6           United States unless any such withholding tax would  
7           be reduced under a treaty of the United States if  
8           such payment were made directly to the foreign par-  
9           ent corporation.

10           “(2) DEDUCTIBLE RELATED-PARTY PAY-  
11           MENT.—For purposes of this subsection, the term  
12           ‘deductible related-party payment’ means any pay-  
13           ment made, directly or indirectly, by any person to  
14           any other person if the payment is allowable as a de-  
15           duction under this chapter and both persons are  
16           members of the same foreign controlled group of en-  
17           tities.

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

20           “(A) IN GENERAL.—The term ‘foreign  
21           controlled group of entities’ means a controlled  
22           group of entities the common parent of which  
23           is a foreign corporation.

24           “(B) CONTROLLED GROUP OF ENTITIES.—  
25           The term ‘controlled group of entities’ means a

1 controlled group of corporations as defined in  
2 section 1563(a)(1), except that—

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

6 “(ii) the determination shall be made  
7 without regard to subsections (a)(4) and  
8 (b)(2) of section 1563.

9 A partnership or any other entity (other than a  
10 corporation) shall be treated as a member of a  
11 controlled group of entities if such entity is con-  
12 trolled (within the meaning of section  
13 954(d)(3)) by members of such group (includ-  
14 ing any entity treated as a member of such  
15 group by reason of this sentence).

16 “(4) FOREIGN PARENT CORPORATION.—For  
17 purposes of this subsection, the term ‘foreign parent  
18 corporation’ means, with respect to any deductible  
19 related-party payment, the common parent of the  
20 foreign controlled group of entities referred to in  
21 paragraph (3)(A).

22 “(5) REGULATIONS.—The Secretary may pre-  
23 scribe such regulations or other guidance as are nec-  
24 essary or appropriate to carry out the purposes of

1 this subsection, including regulations or other guid-  
2 ance which provide for—

3 “(A) the treatment of two or more persons  
4 as members of a foreign controlled group of en-  
5 tities if such persons would be the common par-  
6 ent of such group if treated as one corporation,  
7 and

8 “(B) the treatment of any member of a  
9 foreign controlled group of entities as the com-  
10 mon parent of such group if such treatment is  
11 appropriate taking into account the economic  
12 relationships among such entities.”.

13 (b) EFFECTIVE DATE.—The amendment made by  
14 this section shall apply to payments made after the date  
15 of the enactment of this Act.

16 **SEC. 302. TIME FOR PAYMENT OF CORPORATE ESTIMATED**  
17 **TAXES.**

18 The percentage under paragraph (2) of section 561  
19 of the Hiring Incentives to Restore Employment Act in  
20 effect on the date of the enactment of this Act is increased  
21 by 3 percentage points.



1 **TITLE IV—BUDGETARY EFFECTS**

2 **SEC. 401. COMPLIANCE WITH STATUTORY PAY-AS-YOU-GO**

3 **ACT OF 2010.**

4       The budgetary effects of this Act, for the purpose of  
5 complying with the Statutory Pay-As-You-Go-Act of 2010,  
6 shall be determined by reference to the latest statement  
7 titled “Budgetary Effects of PAYGO Legislation” for this  
8 Act, submitted for printing in the Congressional Record  
9 by the Chairman of the House Budget Committee, pro-  
10 vided that such statement has been submitted prior to the  
11 vote on passage.