

***In the Senate of the United States,***

*December 22, 2010.*

*Resolved*, That the bill from the House of Representatives (H.R. 847) entitled “An Act to amend the Public Health Service Act to extend and improve protections and services to individuals directly impacted by the terrorist attack in New York City on September 11, 2001, and for other purposes.”, do pass with the following

**AMENDMENT:**

Strike all after the enacting clause and insert the following:

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

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

5 (b) *TABLE OF CONTENTS.*—*The table of contents of this*  
6 *Act is as follows:*

*Sec. 1. Short title; table of contents.*

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

*Sec. 101. World Trade Center Health Program.*

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

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

*“Subtitle B—Program of Monitoring, Initial Health Evaluations, and Treatment**“PART 1—WTC RESPONDERS*

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

*“PART 2—WTC SURVIVORS*

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

*“PART 3—PAYOR PROVISIONS*

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

*“Subtitle C—Research Into Conditions*

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

*“Subtitle D—Funding*

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

*TITLE II—SEPTEMBER 11TH VICTIM COMPENSATION FUND OF 2001*

- Sec. 201. Definitions.*  
*Sec. 202. Extended and expanded eligibility for compensation.*  
*Sec. 203. Requirement to update regulations.*  
*Sec. 204. Limited liability for certain claims.*  
*Sec. 205. Funding; attorney fees.*

*TITLE III—REVENUE RELATED PROVISIONS*

- Sec. 301. Excise tax on foreign procurement.*

*Sec. 302. Renewal of fees for visa-dependent employers.*

*TITLE IV—BUDGETARY EFFECTS*

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

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

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

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

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

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

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

17 *“(1) medical monitoring and treatment benefits*  
18 *to eligible emergency responders and recovery and*  
19 *cleanup workers (including those who are Federal em-*  
20 *ployees) who responded to the September 11, 2001,*  
21 *terrorist attacks; and*

22 *“(2) initial health evaluation, monitoring, and*  
23 *treatment benefits to residents and other building oc-*

1        *cupants and area workers in New York City who were*  
2        *directly impacted and adversely affected by such at-*  
3        *tacks.*

4        “(b) *COMPONENTS OF PROGRAM.—The WTC Program*  
5        *includes the following components:*

6                “(1) *MEDICAL MONITORING FOR RESPONDERS.—*  
7        *Medical monitoring under section 3311, including*  
8        *clinical examinations and long-term health moni-*  
9        *toring and analysis for enrolled WTC responders who*  
10        *were likely to have been exposed to airborne toxins*  
11        *that were released, or to other hazards, as a result of*  
12        *the September 11, 2001, terrorist attacks.*

13                “(2) *INITIAL HEALTH EVALUATION FOR SUR-*  
14        *VIVORS.—An initial health evaluation under section*  
15        *3321, including an evaluation to determine eligibility*  
16        *for followup monitoring and treatment.*

17                “(3) *FOLLOWUP MONITORING AND TREATMENT*  
18        *FOR WTC-RELATED HEALTH CONDITIONS FOR RE-*  
19        *SPONDERS AND SURVIVORS.—Provision under sections*  
20        *3312, 3322, and 3323 of followup monitoring and*  
21        *treatment and payment, subject to the provisions of*  
22        *subsection (d), for all medically necessary health and*  
23        *mental health care expenses of an individual with re-*  
24        *spect to a WTC-related health condition (including*  
25        *necessary prescription drugs).*

1           “(4) *OUTREACH.*—*Establishment under section*  
2           *3303 of an education and outreach program to poten-*  
3           *tially eligible individuals concerning the benefits*  
4           *under this title.*

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

11          “(6) *RESEARCH ON HEALTH CONDITIONS.*—*Es-*  
12          *tablishment under subtitle C of a research program on*  
13          *health conditions resulting from the September 11,*  
14          *2001, terrorist attacks.*

15          “(c) *NO COST SHARING.*—*Monitoring and treatment*  
16          *benefits and initial health evaluation benefits are provided*  
17          *under subtitle B without any deductibles, copayments, or*  
18          *other cost sharing to an enrolled WTC responder or cer-*  
19          *tified-eligible WTC survivor. Initial health evaluation bene-*  
20          *fits are provided under subtitle B without any deductibles,*  
21          *copayments, or other cost sharing to a screening-eligible*  
22          *WTC survivor.*

23          “(d) *PREVENTING FRAUD AND UNREASONABLE AD-*  
24          *MINISTRATIVE COSTS.*—

1           “(1) *FRAUD.*—*The Inspector General of the De-*  
2           *partment of Health and Human Services shall de-*  
3           *velop and implement a program to review the WTC*  
4           *Program’s health care expenditures to detect fraudu-*  
5           *lent or duplicate billing and payment for inappro-*  
6           *prate services. This title is a Federal health care pro-*  
7           *gram (as defined in section 1128B(f) of the Social Se-*  
8           *curity Act) and is a health plan (as defined in section*  
9           *1128C(c) of such Act) for purposes of applying sec-*  
10           *tions 1128 through 1128E of such Act.*

11           “(2) *UNREASONABLE ADMINISTRATIVE COSTS.*—  
12           *The Inspector General of the Department of Health*  
13           *and Human Services shall develop and implement a*  
14           *program to review the WTC Program for unreason-*  
15           *able administrative costs, including with respect to*  
16           *infrastructure, administration, and claims processing.*

17           “(e) *QUALITY ASSURANCE.*—*The WTC Program Ad-*  
18           *ministrator working with the Clinical Centers of Excellence*  
19           *shall develop and implement a quality assurance program*  
20           *for the monitoring and treatment delivered by such Centers*  
21           *of Excellence and any other participating health care pro-*  
22           *viders. Such program shall include—*

23           “(1) *adherence to monitoring and treatment pro-*  
24           *ocols;*

1           “(2) *appropriate diagnostic and treatment refer-*  
2           *als for participants;*

3           “(3) *prompt communication of test results to*  
4           *participants; and*

5           “(4) *such other elements as the Administrator*  
6           *specifies in consultation with the Clinical Centers of*  
7           *Excellence.*

8           “(f) *ANNUAL PROGRAM REPORT.—*

9           “(1) *IN GENERAL.—Not later than 6 months*  
10           *after the end of each fiscal year in which the WTC*  
11           *Program is in operation, the WTC Program Adminis-*  
12           *trator shall submit an annual report to the Congress*  
13           *on the operations of this title for such fiscal year and*  
14           *for the entire period of operation of the program.*

15           “(2) *CONTENTS INCLUDED IN REPORT.—Each*  
16           *annual report under paragraph (1) shall include at*  
17           *least the following:*

18           “(A) *ELIGIBLE INDIVIDUALS.—Information*  
19           *for each clinical program described in paragraph*  
20           *(3)—*

21           “(i) *on the number of individuals who*  
22           *applied for certification under subtitle B*  
23           *and the number of such individuals who*  
24           *were so certified;*

1           “(i) of the individuals who were cer-  
2           tified, on the number who received moni-  
3           toring under the program and the number  
4           of such individuals who received medical  
5           treatment under the program;

6           “(iii) with respect to individuals so  
7           certified who received such treatment, on the  
8           WTC-related health conditions for which  
9           they were treated; and

10          “(iv) on the projected number of indi-  
11          viduals who will be certified under subtitle  
12          B in the succeeding fiscal year and the suc-  
13          ceeding 10-year period.

14          “(B) *MONITORING, INITIAL HEALTH EVAL-*  
15          *UATION, AND TREATMENT COSTS.—For each clin-*  
16          *ical program so described—*

17               “(i) information on the costs of moni-  
18               toring and initial health evaluation and the  
19               costs of treatment and on the estimated  
20               costs of such monitoring, evaluation, and  
21               treatment in the succeeding fiscal year; and

22               “(ii) an estimate of the cost of medical  
23               treatment for WTC-related health conditions  
24               that have been paid for or reimbursed by  
25               workers’ compensation, by public or private



1           *health plans, or by New York City under*  
2           *section 3331.*

3           “(C) *ADMINISTRATIVE COSTS.*—*Information*  
4           *on the cost of administering the program, includ-*  
5           *ing costs of program support, data collection and*  
6           *analysis, and research conducted under the pro-*  
7           *gram.*

8           “(D) *ADMINISTRATIVE EXPERIENCE.*—*In-*  
9           *formation on the administrative performance of*  
10          *the program, including—*

11                 “(i) *the performance of the program in*  
12                 *providing timely evaluation of and treat-*  
13                 *ment to eligible individuals; and*

14                 “(ii) *a list of the Clinical Centers of*  
15                 *Excellence and other providers that are par-*  
16                 *ticipating in the program.*

17          “(E) *SCIENTIFIC REPORTS.*—*A summary of*  
18          *the findings of any new scientific reports or*  
19          *studies on the health effects associated with expo-*  
20          *sure described in section 3306(1), including the*  
21          *findings of research conducted under section*  
22          *3341(a).*

23          “(F) *ADVISORY COMMITTEE RECOMMENDA-*  
24          *TIONS.*—*A list of recommendations by the WTC*  
25          *Scientific/Technical Advisory Committee on ad-*

1           *ditional WTC Program eligibility criteria and*  
2           *on additional WTC-related health conditions and*  
3           *the action of the WTC Program Administrator*  
4           *concerning each such recommendation.*

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

9                   “(A) *FIREFIGHTERS AND RELATED PER-*  
10                   *SONNEL.—The benefits provided for enrolled*  
11                   *WTC responders described in section*  
12                   *3311(a)(2)(A).*

13                   “(B) *OTHER WTC RESPONDERS.—The bene-*  
14                   *fits provided for enrolled WTC responders not de-*  
15                   *scribed in subparagraph (A).*

16                   “(C) *WTC SURVIVORS.—The benefits pro-*  
17                   *vided for screening-eligible WTC survivors and*  
18                   *certified-eligible WTC survivors in section*  
19                   *3321(a).*

20           “(g) *NOTIFICATION TO CONGRESS UPON REACHING 80*  
21           *PERCENT OF ELIGIBILITY NUMERICAL LIMITS.—The Sec-*  
22           *retary shall promptly notify the Congress of each of the fol-*  
23           *lowing:*

1           “(1) When the number of enrollments of WTC re-  
2           sponders subject to the limit established under section  
3           3311(a)(4) has reached 80 percent of such limit.

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

8           “(h) *CONSULTATION.*—The WTC Program Adminis-  
9           trator shall engage in ongoing outreach and consultation  
10           with relevant stakeholders, including the WTC Health Pro-  
11           gram Steering Committees and the Advisory Committee  
12           under section 3302, regarding the implementation and im-  
13           provement of programs under this title.

14   **“SEC. 3302. WTC HEALTH PROGRAM SCIENTIFIC/TECHNICAL**  
15                   **ADVISORY COMMITTEE; WTC HEALTH PRO-**  
16                   **GRAM STEERING COMMITTEES.**

17           “(a) *ADVISORY COMMITTEE.*—

18           “(1) *ESTABLISHMENT.*—The WTC Program Ad-  
19           ministrator shall establish an advisory committee to  
20           be known as the WTC Health Program Scientific/  
21           Technical Advisory Committee (in this subsection re-  
22           ferred to as the ‘Advisory Committee’) to review sci-  
23           entific and medical evidence and to make rec-  
24           ommendations to the Administrator on additional

1     *WTC Program eligibility criteria and on additional*  
2     *WTC-related health conditions.*

3             “(2) *COMPOSITION.*—*The WTC Program Admin-*  
4     *istrator shall appoint the members of the Advisory*  
5     *Committee and shall include at least—*

6             “(A) *4 occupational physicians, at least 2*  
7     *of whom have experience treating WTC rescue*  
8     *and recovery workers;*

9             “(B) *1 physician with expertise in pul-*  
10     *monary medicine;*

11             “(C) *2 environmental medicine or environ-*  
12     *mental health specialists;*

13             “(D) *2 representatives of WTC responders;*

14             “(E) *2 representatives of certified-eligible*  
15     *WTC survivors;*

16             “(F) *an industrial hygienist;*

17             “(G) *a toxicologist;*

18             “(H) *an epidemiologist; and*

19             “(I) *a mental health professional.*

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

23             “(4) *REPORTS.*—*The WTC Program Adminis-*  
24     *trator shall provide for publication of recommenda-*

1        *tions of the Advisory Committee on the public Web*  
2        *site established for the WTC Program.*

3                “(5) *DURATION.*—*Notwithstanding any other*  
4        *provision of law, the Advisory Committee shall con-*  
5        *tinue in operation during the period in which the*  
6        *WTC Program is in operation.*

7                “(6) *APPLICATION OF FACIA.*—*Except as other-*  
8        *wise specifically provided, the Advisory Committee*  
9        *shall be subject to the Federal Advisory Committee*  
10        *Act.*

11                “(b) *WTC HEALTH PROGRAM STEERING COMMIT-*  
12        *TEES.*—

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

17                “(A) *WTC RESPONDERS STEERING COM-*  
18        *MITTEE.*—*One Steering Committee, to be known*  
19        *as the WTC Responders Steering Committee, for*  
20        *the purpose of receiving input from affected*  
21        *stakeholders and facilitating the coordination of*  
22        *monitoring and treatment programs for the en-*  
23        *rolled WTC responders under part 1 of subtitle*  
24        *B.*

1           “(B) *WTC SURVIVORS STEERING COM-*  
2           *MITTEE.—One Steering Committee, to be known*  
3           *as the WTC Survivors Steering Committee, for*  
4           *the purpose of receiving input from affected*  
5           *stakeholders and facilitating the coordination of*  
6           *initial health evaluations, monitoring, and treat-*  
7           *ment programs for screening-eligible and cer-*  
8           *tified-eligible WTC survivors under part 2 of*  
9           *subtitle B.*

10          “(2) *MEMBERSHIP.—*

11           “(A) *WTC RESPONDERS STEERING COM-*  
12           *MITTEE.—*

13           “(i) *REPRESENTATION.—The WTC Re-*  
14           *sponders Steering Committee shall in-*  
15           *clude—*

16                   “(I) *representatives of the Centers*  
17                   *of Excellence providing services to*  
18                   *WTC responders;*

19                   “(II) *representatives of labor or-*  
20                   *ganizations representing firefighters,*  
21                   *police, other New York City employees,*  
22                   *and recovery and cleanup workers who*  
23                   *responded to the September 11, 2001,*  
24                   *terrorist attacks; and*

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

7                   “(ii) INITIAL MEMBERSHIP.—The WTC  
8                   Responders Steering Committee shall ini-  
9                   tially be composed of members of the WTC  
10                  Monitoring and Treatment Program Steer-  
11                  ing Committee (as in existence on the day  
12                  before the date of the enactment of this  
13                  title).

14                  “(B) WTC SURVIVORS STEERING COM-  
15                  MITTEE.—

16                  “(i) REPRESENTATION.—The WTC  
17                  Survivors Steering Committee shall include  
18                  representatives of—

19                          “(I) the Centers of Excellence pro-  
20                          viding services to screening-eligible and  
21                          certified-eligible WTC survivors;

22                          “(II) the population of residents,  
23                          students, and area and other workers  
24                          affected by the September 11, 2001, ter-  
25                          rorist attacks;

1                   “(III) screening-eligible and cer-  
2                   tified-eligible survivors receiving ini-  
3                   tial health evaluations, monitoring, or  
4                   treatment under part 2 of subtitle B  
5                   and organizations advocating on their  
6                   behalf; and

7                   “(IV) New York City.

8                   “(ii) INITIAL MEMBERSHIP.—The WTC  
9                   Survivors Steering Committee shall ini-  
10                  tially be composed of members of the WTC  
11                  Environmental Health Center Survivor Ad-  
12                  visory Committee (as in existence on the  
13                  day before the date of the enactment of this  
14                  title).

15                  “(C) ADDITIONAL APPOINTMENTS.—Each  
16                  Steering Committee may recommend, if ap-  
17                  proved by a majority of voting members of the  
18                  Committee, additional members to the Com-  
19                  mittee.

20                  “(D) VACANCIES.—A vacancy in a Steering  
21                  Committee shall be filled by an individual rec-  
22                  ommended by the Steering Committee.

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

24                  “The WTC Program Administrator shall institute a  
25                  program that provides education and outreach on the exist-



1 *ence and availability of services under the WTC Program.*

2 *The outreach and education program—*

3 *“(1) shall include—*

4 *“(A) the establishment of a public Web site*  
5 *with information about the WTC Program;*

6 *“(B) meetings with potentially eligible pop-*  
7 *ulations;*

8 *“(C) development and dissemination of out-*  
9 *reach materials informing people about the pro-*  
10 *gram; and*

11 *“(D) the establishment of phone information*  
12 *services; and*

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

14 *“(A) to reach all affected populations; and*

15 *“(B) to include materials for culturally and*  
16 *linguistically diverse populations.*

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

18 *“(a) IN GENERAL.—The WTC Program Administrator*  
19 *shall provide for the uniform collection of data, including*  
20 *claims data (and analysis of data and regular reports to*  
21 *the Administrator) on the prevalence of WTC-related health*  
22 *conditions and the identification of new WTC-related health*  
23 *conditions. Such data shall be collected for all individuals*  
24 *provided monitoring or treatment benefits under subtitle B*  
25 *and regardless of their place of residence or Clinical Center*



1           “(1) *CONTRACTS WITH CLINICAL CENTERS OF*  
2           *EXCELLENCE.—The WTC Program Administrator*  
3           *shall, subject to subsection (b)(1)(B), enter into con-*  
4           *tracts with Clinical Centers of Excellence (as defined*  
5           *in subsection (b)(1)(A))—*

6                     “(A) *for the provision of monitoring and*  
7                     *treatment benefits and initial health evaluation*  
8                     *benefits under subtitle B;*

9                     “(B) *for the provision of outreach activities*  
10                    *to individuals eligible for such monitoring and*  
11                    *treatment benefits, for initial health evaluation*  
12                    *benefits, and for followup to individuals who are*  
13                    *enrolled in the monitoring program;*

14                    “(C) *for the provision of counseling for ben-*  
15                    *efits under subtitle B, with respect to WTC-re-*  
16                    *lated health conditions, for individuals eligible*  
17                    *for such benefits;*

18                    “(D) *for the provision of counseling for ben-*  
19                    *efits for WTC-related health conditions that may*  
20                    *be available under workers’ compensation or*  
21                    *other benefit programs for work-related injuries*  
22                    *or illnesses, health insurance, disability insur-*  
23                    *ance, or other insurance plans or through public*  
24                    *or private social service agencies and assisting*  
25                    *eligible individuals in applying for such benefits;*

1           “(E) for the provision of translational and  
2           interpretive services for program participants  
3           who are not English language proficient; and

4           “(F) for the collection and reporting of  
5           data, including claims data, in accordance with  
6           section 3304.

7           “(2) CONTRACTS WITH DATA CENTERS.—

8           “(A) IN GENERAL.—The WTC Program Ad-  
9           ministrators shall enter into contracts with one or  
10          more Data Centers (as defined in subsection  
11          (b)(2))—

12           “(i) for receiving, analyzing, and re-  
13           porting to the WTC Program Administrator  
14           on data, in accordance with section 3304,  
15           that have been collected and reported to such  
16           Data Centers by the corresponding Clinical  
17           Centers of Excellence under subsection  
18           (b)(1)(B)(iii);

19           “(ii) for the development of moni-  
20           toring, initial health evaluation, and treat-  
21           ment protocols, with respect to WTC-related  
22           health conditions;

23           “(iii) for coordinating the outreach ac-  
24           tivities conducted under paragraph (1)(B)

1           by each corresponding Clinical Center of  
2           *Excellence*;

3           “(iv) for establishing criteria for the  
4           credentialing of medical providers partici-  
5           pating in the nationwide network under  
6           section 3313;

7           “(v) for coordinating and admin-  
8           istering the activities of the WTC Health  
9           Program Steering Committees established  
10          under section 3002(b); and

11          “(vi) for meeting periodically with the  
12          corresponding Clinical Centers of Excellence  
13          to obtain input on the analysis and report-  
14          ing of data collected under clause (i) and on  
15          the development of monitoring, initial  
16          health evaluation, and treatment protocols  
17          under clause (ii).

18          “(B) *MEDICAL PROVIDER SELECTION.*—The  
19          medical providers under subparagraph (A)(iv)  
20          shall be selected by the WTC Program Adminis-  
21          trator on the basis of their experience treating or  
22          diagnosing the health conditions included in the  
23          list of WTC-related health conditions.

24          “(C) *CLINICAL DISCUSSIONS.*—In carrying  
25          out subparagraph (A)(ii), a Data Center shall

1           *engage in clinical discussions across the WTC*  
2           *Program to guide treatment approaches for indi-*  
3           *viduals with a WTC-related health condition.*

4           “(D) *TRANSPARENCY OF DATA.*—*A contract*  
5           *entered into under this subsection with a Data*  
6           *Center shall require the Data Center to make*  
7           *any data collected and reported to such Center*  
8           *under subsection (b)(1)(B)(iii) available to*  
9           *health researchers and others as provided in the*  
10          *CDC/ATSDR Policy on Releasing and Sharing*  
11          *Data.*

12          “(3) *AUTHORITY FOR CONTRACTS TO BE CLASS*  
13          *SPECIFIC.*—*A contract entered into under this sub-*  
14          *section with a Clinical Center of Excellence or a Data*  
15          *Center may be with respect to one or more class of*  
16          *enrolled WTC responders, screening-eligible WTC sur-*  
17          *vivors, or certified-eligible WTC survivors.*

18          “(4) *USE OF COOPERATIVE AGREEMENTS.*—*Any*  
19          *contract under this title between the WTC Program*  
20          *Administrator and a Data Center or a Clinical Cen-*  
21          *ter of Excellence may be in the form of a cooperative*  
22          *agreement.*

23          “(5) *REVIEW ON FEASIBILITY OF CONSOLIDATING*  
24          *DATA CENTERS.*—*Not later than July 1, 2011, the*  
25          *Comptroller General of the United States shall submit*

1 *to the Committee on Energy and Commerce of the*  
2 *House of Representatives and the Committee on*  
3 *Health, Education, Labor, and Pensions of the Senate*  
4 *a report on the feasibility of consolidating Data Cen-*  
5 *ters into a single Data Center.*

6 “(b) *CENTERS OF EXCELLENCE.*—

7 “(1) *CLINICAL CENTERS OF EXCELLENCE.*—

8 “(A) *DEFINITION.*—*For purposes of this*  
9 *title, the term ‘Clinical Center of Excellence’*  
10 *means a Center that demonstrates to the satisfac-*  
11 *tion of the Administrator that the Center—*

12 “(i) *uses an integrated, centralized*  
13 *health care provider approach to create a*  
14 *comprehensive suite of health services under*  
15 *this title that are accessible to enrolled WTC*  
16 *responders, screening-eligible WTC sur-*  
17 *vivors, or certified-eligible WTC survivors;*

18 “(ii) *has experience in caring for WTC*  
19 *responders and screening-eligible WTC sur-*  
20 *vivors or includes health care providers who*  
21 *have been trained pursuant to section*  
22 *3313(c);*

23 “(iii) *employs health care provider*  
24 *staff with expertise that includes, at a min-*  
25 *imum, occupational medicine, environ-*

1           *mental medicine, trauma-related psychiatry*  
2           *and psychology, and social services coun-*  
3           *seling; and*

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

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

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

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

21                     “(iii) *Collect and report to the cor-*  
22                     *responding Data Center data, including*  
23                     *claims data, in accordance with section*  
24                     *3304(b).*



1           “(iv) *Have in place safeguards against*  
2 *fraud that are satisfactory to the Adminis-*  
3 *trator, in consultation with the Inspector*  
4 *General of the Department of Health and*  
5 *Human Services.*

6           “(v) *Treat or refer for treatment all in-*  
7 *dividuals who are enrolled WTC responders*  
8 *or certified-eligible WTC survivors with re-*  
9 *spect to such Center who present themselves*  
10 *for treatment of a WTC-related health con-*  
11 *dition.*

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

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

24           “(viii) *Utilize health care providers*  
25 *with occupational and environmental medi-*

1            *cine expertise to conduct physical and men-*  
2            *tal health assessments, in accordance with*  
3            *protocols developed under subsection*  
4            *(a)(2)(A)(ii).*

5            *“(ix) Communicate with WTC re-*  
6            *sponders and screening-eligible and cer-*  
7            *tified-eligible WTC survivors in appropriate*  
8            *languages and conduct outreach activities*  
9            *with relevant stakeholder worker or commu-*  
10           *nity associations.*

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

14           *“(C) TRANSITION RULE TO ENSURE CON-*  
15           *TINUITY OF CARE.—The WTC Program Admin-*  
16           *istrator shall to the maximum extent feasible en-*  
17           *sure continuity of care in any period of transi-*  
18           *tion from monitoring and treatment of an en-*  
19           *rolled WTC responder or certified-eligible WTC*  
20           *survivor by a provider to a Clinical Center of*  
21           *Excellence or a health care provider partici-*  
22           *pating in the nationwide network under section*  
23           *3313.*

24           *“(2) DATA CENTERS.—For purposes of this title,*  
25           *the term ‘Data Center’ means a Center that the WTC*

1     *Program Administrator determines has the capacity*  
2     *to carry out the responsibilities for a Data Center*  
3     *under subsection (a)(2).*

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

9             “(c) *PAYMENT FOR INFRASTRUCTURE COSTS.*—

10             “(1) *IN GENERAL.*—*The WTC Program Adminis-*  
11     *trator shall reimburse a Clinical Center of Excellence*  
12     *for the fixed infrastructure costs of such Center in*  
13     *carrying out the activities described in subtitle B at*  
14     *a rate negotiated by the Administrator and such Cen-*  
15     *ters. Such negotiated rate shall be fair and appro-*  
16     *priate and take into account the number of enrolled*  
17     *WTC responders receiving services from such Center*  
18     *under this title.*

19             “(2) *FIXED INFRASTRUCTURE COSTS.*—*For pur-*  
20     *poses of paragraph (1), the term ‘fixed infrastructure*  
21     *costs’ means, with respect to a Clinical Center of Ex-*  
22     *cellence, the costs incurred by such Center that are*  
23     *not otherwise reimbursable by the WTC Program Ad-*  
24     *ministrator under section 3312(c) for patient evalua-*  
25     *tion, monitoring, or treatment but which are needed*

1     *to operate the WTC program such as the costs in-*  
2     *volved in outreach to participants or recruiting par-*  
3     *ticipants, data collection and analysis, social services*  
4     *for counseling patients on other available assistance*  
5     *outside the WTC program, and the development of*  
6     *treatment protocols. Such term does not include costs*  
7     *for new construction or other capital costs.*

8     “(d) *GAO ANALYSIS.*—*Not later than July 1, 2011,*  
9     *the Comptroller General shall submit to the Committee on*  
10    *Energy and Commerce of the House of Representatives and*  
11    *the Committee on Health, Education, Labor, and Pensions*  
12    *of the Senate an analysis on whether Clinical Centers of*  
13    *Excellence with which the WTC Program Administrator en-*  
14    *ters into a contract under this section have financial sys-*  
15    *tems that will allow for the timely submission of claims*  
16    *data for purposes of section 3304 and subsections (a)(1)(F)*  
17    *and (b)(1)(B)(iii).*

18    **“SEC. 3306. DEFINITIONS.**

19     *“In this title:*

20         “(1) *The term ‘aggravating’ means, with respect*  
21     *to a health condition, a health condition that existed*  
22     *on September 11, 2001, and that, as a result of expo-*  
23     *sure to airborne toxins, any other hazard, or any*  
24     *other adverse condition resulting from the September*  
25     *11, 2001, terrorist attacks, requires medical treatment*

1 *that is (or will be) in addition to, more frequent than,*  
2 *or of longer duration than the medical treatment that*  
3 *would have been required for such condition in the*  
4 *absence of such exposure.*

5 “(2) *The term ‘certified-eligible WTC survivor’*  
6 *has the meaning given such term in section*  
7 *3321(a)(2).*

8 “(3) *The terms ‘Clinical Center of Excellence’*  
9 *and ‘Data Center’ have the meanings given such*  
10 *terms in section 3305.*

11 “(4) *The term ‘enrolled WTC responder’ means a*  
12 *WTC responder enrolled under section 3311(a)(3).*

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

19 “(6) *The term ‘list of WTC-related health condi-*  
20 *tions’ means—*

21 “(A) *for WTC responders, the health condi-*  
22 *tions listed in section 3312(a)(3); and*

23 “(B) *for screening-eligible and certified-eli-*  
24 *gible WTC survivors, the health conditions listed*  
25 *in section 3322(b).*

1           “(7) *The term ‘New York City disaster area’*  
2           *means the area within New York City that is—*

3                   “(A) *the area of Manhattan that is south of*  
4                   *Houston Street; and*

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

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

17           “(9) *The term ‘screening-eligible WTC survivor’*  
18           *has the meaning given such term in section*  
19           *3321(a)(1).*

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

1           “(11) The term ‘September 11, 2001, terrorist at-  
2       *tacks*’ means the terrorist attacks that occurred on  
3       *September 11, 2001, in New York City, in*  
4       *Shanksville, Pennsylvania, and at the Pentagon, and*  
5       *includes the aftermath of such attacks.*

6           “(12) The term ‘WTC Health Program Steering  
7       *Committee*’ means such a *Steering Committee* estab-  
8       *lished under section 3302(b).*

9           “(13) The term ‘WTC Program’ means the *Word*  
10       *Trade Center Health Program* established under sec-  
11       *tion 3301(a).*

12          “(14)(A) The term ‘WTC Program Adminis-  
13       *trator*’ means—

14               “(i) subject to subparagraph (B), with re-  
15       *spect to paragraphs (3) and (4) of section*  
16       *3311(a) (relating to enrollment of WTC respond-*  
17       *ers), section 3312(c) and the corresponding pro-*  
18       *visions of section 3322 (relating to payment for*  
19       *initial health evaluation, monitoring, and treat-*  
20       *ment, paragraphs (1)(C), (2)(B), and (3) of sec-*  
21       *tion 3321(a) (relating to determination or cer-*  
22       *tification of screening-eligible or certified-eligible*  
23       *WTC responders), and part 3 of subtitle B (re-*  
24       *lating to payor provisions), an official in the*

1            *Department of Health and Human Services, to*  
2            *be designated by the Secretary; and*

3            *“(ii) with respect to any other provision of*  
4            *this title, the Director of the National Institute*  
5            *for Occupational Safety and Health, or a des-*  
6            *ignee of such Director.*

7            *“(B) In no case may the Secretary designate*  
8            *under subparagraph (A)(i) the Director of the Na-*  
9            *tional Institute for Occupational Safety and Health*  
10           *or a designee of such Director with respect to section*  
11           *3322 (relating to payment for initial health evalua-*  
12           *tion, monitoring, and treatment).*

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

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

17           *“(17) The term ‘WTC Scientific/Technical Advi-*  
18           *sory Committee’ means such Committee established*  
19           *under section 3302(a).*



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

4 **“PART 1—WTC RESPONDERS**

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

8 *“(a) WTC RESPONDER DEFINED.—*

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

12 *“(A) CURRENTLY IDENTIFIED RE-*  
13 *SPONDER.—An individual who has been identi-*  
14 *fied as eligible for monitoring under the arrange-*  
15 *ments as in effect on the date of the enactment*  
16 *of this title between the National Institute for*  
17 *Occupational Safety and Health and—*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24           *“(III) participated onsite in rescue, re-*  
25           *covery, debris cleanup, or related services in*

1           *lower Manhattan (south of Canal St.) for at*  
2           *least 24 hours during the period beginning*  
3           *on September 11, 2001, and ending on Sep-*  
4           *tember 30, 2001; or*

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

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

20          “(iv) *was a worker in the Port Author-*  
21          *ity Trans-Hudson Corporation Tunnel for*  
22          *at least 24 hours during the period begin-*  
23          *ning on February 1, 2002, and ending on*  
24          *July 1, 2002; or*

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

9           “(C) RESPONDERS TO THE SEPTEMBER 11  
10          ATTACKS AT THE PENTAGON AND SHANKSVILLE,  
11          PENNSYLVANIA.—The individual—

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

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

14           “(ii) is determined by the WTC Pro-  
15          gram Administrator to be at an increased  
16          risk of developing a WTC-related health  
17          condition as a result of exposure to airborne  
18          toxins, other hazards, or adverse conditions  
19          resulting from the September 11, 2001, ter-  
20          rorist attacks, and meets such eligibility cri-  
21          teria related to such exposures, as the WTC  
22          Program Administrator determines are ap-  
23          propriate, after consultation with the WTC  
24          Scientific/Technical Advisory Committee.

25          “(3) *ENROLLMENT PROCESS.*—



1           “(A) *IN GENERAL.*—*The WTC Program Ad-*  
2           *ministrator shall establish a process for enrolling*  
3           *WTC responders in the WTC Program. Under*  
4           *such process—*

5                     “(i) *WTC responders described in*  
6                     *paragraph (1)(A) shall be deemed to be en-*  
7                     *rolled in such Program;*

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

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

17                    “(iv) *there shall be no fee charged to*  
18                    *the applicant for making an application for*  
19                    *such enrollment;*

20                    “(v) *the Administrator shall make a*  
21                    *determination on such an application not*  
22                    *later than 60 days after the date of filing*  
23                    *the application; and*

24                    “(vi) *an individual who is denied en-*  
25                    *rollment in such Program shall have an op-*

1            *portunity to appeal such determination in*  
2            *a manner established under such process.*

3            *“(B) TIMING.—*

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

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

17            *“(4) NUMERICAL LIMITATION ON ELIGIBLE WTC*  
18            *RESPONDERS.—*

19                   *“(A) IN GENERAL.—The total number of in-*  
20                   *dividuals not described in paragraph (1)(A) or*  
21                   *(2)(A)(ii) who may be enrolled under paragraph*  
22                   *(3)(A)(ii) shall not exceed 25,000 at any time, of*  
23                   *which no more than 2,500 may be individuals*  
24                   *enrolled based on modified eligibility criteria es-*  
25                   *tablished under paragraph (1)(C).*

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

4                   “(i) *limit the number of enrollments*  
5                   *made under paragraph (3)—*

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 sub-*  
11                                   *ject to amounts available under section*  
12                                   *3351, that will ensure sufficient funds*  
13                                   *will be available to provide treatment*  
14                                   *and monitoring benefits under this*  
15                                   *title, with respect to all individuals*  
16                                   *who are enrolled through the end of fis-*  
17                                   *cal year 2020; and*

18                           “(ii) *provide priority (subject to para-*  
19                           *graph (3)(A)(i)) in such enrollments in the*  
20                           *order in which individuals apply for enroll-*  
21                           *ment under paragraph (3).*

22           “(5) *DISQUALIFICATION OF INDIVIDUALS ON*  
23           *TERRORIST WATCH LIST.*—*No individual who is on*  
24           *the terrorist watch list maintained by the Department*  
25           *of Homeland Security shall qualify as an eligible*

1     *WTC responder. Before enrolling any individual as a*  
2     *WTC responder in the WTC Program under para-*  
3     *graph (3), the Administrator, in consultation with the*  
4     *Secretary of Homeland Security, shall determine*  
5     *whether the individual is on such list.*

6     “(b) *MONITORING BENEFITS.*—

7             “(1) *IN GENERAL.*—*In the case of an enrolled*  
8     *WTC responder (other than one described in sub-*  
9     *section (a)(2)(A)(ii)), the WTC Program shall provide*  
10    *for monitoring benefits that include monitoring con-*  
11    *sistent with protocols approved by the WTC Program*  
12    *Administrator and including clinical examinations*  
13    *and long-term health monitoring and analysis. In the*  
14    *case of an enrolled WTC responder who is an active*  
15    *member of the Fire Department of New York City, the*  
16    *responder shall receive such benefits as part of the in-*  
17    *dividual’s periodic company medical exams.*

18             “(2) *PROVISION OF MONITORING BENEFITS.*—*The*  
19    *monitoring benefits under paragraph (1) shall be pro-*  
20    *vided through the Clinical Center of Excellence for the*  
21    *type of individual involved or, in the case of an indi-*  
22    *vidual residing outside the New York metropolitan*  
23    *area, under an arrangement under section 3313.*

1 **“SEC. 3312. TREATMENT OF ENROLLED WTC RESPONDERS**  
2 **FOR WTC-RELATED HEALTH CONDITIONS.**

3 *“(a) WTC-RELATED HEALTH CONDITION DEFINED.—*

4 *“(1) IN GENERAL.—For purposes of this title, the*  
5 *term ‘WTC-related health condition’ means a condi-*  
6 *tion that—*

7 *“(A)(i) is an illness or health condition for*  
8 *which exposure to airborne toxins, any other*  
9 *hazard, or any other adverse condition resulting*  
10 *from the September 11, 2001, terrorist attacks,*  
11 *based on an examination by a medical profes-*  
12 *sional with experience in treating or diagnosing*  
13 *the health conditions included in the applicable*  
14 *list of WTC-related health conditions, is substan-*  
15 *tially likely to be a significant factor in aggra-*  
16 *vating, contributing to, or causing the illness or*  
17 *health condition, as determined under paragraph*  
18 *(2); or*

19 *“(ii) is a mental health condition for which*  
20 *such attacks, based on an examination by a med-*  
21 *ical professional with experience in treating or*  
22 *diagnosing the health conditions included in the*  
23 *applicable list of WTC-related health conditions,*  
24 *is substantially likely to be a significant factor*  
25 *in aggravating, contributing to, or causing the*

1           *condition, as determined under paragraph (2);*  
2           *and*

3           *“(B) is included in the applicable list of*  
4           *WTC-related health conditions or—*

5           *“(i) with respect to a WTC responder,*  
6           *is provided certification of coverage under*  
7           *subsection (b)(2)(B)(iii); or*

8           *“(ii) with respect to a screening-eligible*  
9           *WTC survivor or certified-eligible WTC*  
10           *survivor, is provided certification of cov-*  
11           *erage under subsection (b)(2)(B)(iii), as ap-*  
12           *plied under section 3322(a).*

13           *In the case of a WTC responder described in section*  
14           *3311(a)(2)(A)(ii) (relating to a surviving immediate*  
15           *family member of a firefighter), such term does not*  
16           *include an illness or health condition described in*  
17           *subparagraph (A)(i).*

18           “(2)    *DETERMINATION.—The determination*  
19           *under paragraph (1) or subsection (b) of whether the*  
20           *September 11, 2001, terrorist attacks were substan-*  
21           *tially likely to be a significant factor in aggravating,*  
22           *contributing to, or causing an individual’s illness or*  
23           *health condition shall be made based on an assess-*  
24           *ment of the following:*

1           “(A) *The individual’s exposure to airborne*  
2           *toxins, any other hazard, or any other adverse*  
3           *condition resulting from the terrorist attacks.*  
4           *Such exposure shall be—*

5                   “(i) *evaluated and characterized*  
6                   *through the use of a standardized, popu-*  
7                   *lation-appropriate questionnaire approved*  
8                   *by the Director of the National Institute for*  
9                   *Occupational Safety and Health; and*

10                   “(ii) *assessed and documented by a*  
11                   *medical professional with experience in*  
12                   *treating or diagnosing health conditions in-*  
13                   *cluded on the list of WTC-related health*  
14                   *conditions.*

15           “(B) *The type of symptoms and temporal*  
16           *sequence of symptoms. Such symptoms shall be—*

17                   “(i) *assessed through the use of a*  
18                   *standardized, population-appropriate med-*  
19                   *ical questionnaire approved by the Director*  
20                   *of the National Institute for Occupational*  
21                   *Safety and Health and a medical examina-*  
22                   *tion; and*

23                   “(ii) *diagnosed and documented by a*  
24                   *medical professional described in subpara-*  
25                   *graph (A)(i).*

1           “(3) *LIST OF HEALTH CONDITIONS FOR WTC RE-*  
2           *SPONDERS.—The list of health conditions for WTC re-*  
3           *sponders consists of the following:*

4                   “(A) *AERODIGESTIVE DISORDERS.—*

5                           “(i) *Interstitial lung diseases.*

6                           “(ii) *Chronic respiratory disorder—*  
7                           *fumes/vapors.*

8                           “(iii) *Asthma.*

9                           “(iv) *Reactive airways dysfunction*  
10                           *syndrome (RADS).*

11                           “(v) *WTC-exacerbated chronic obstructive*  
12                           *pulmonary disease (COPD).*

13                           “(vi) *Chronic cough syndrome.*

14                           “(vii) *Upper airway hyperreactivity.*

15                           “(viii) *Chronic rhinosinusitis.*

16                           “(ix) *Chronic nasopharyngitis.*

17                           “(x) *Chronic laryngitis.*

18                           “(xi) *Gastroesophageal reflux disorder*  
19                           *(GERD).*

20                           “(xii) *Sleep apnea exacerbated by or*  
21                           *related to a condition described in a pre-*  
22                           *vious clause.*

23                           “(B) *MENTAL HEALTH CONDITIONS.—*

24                           “(i) *Posttraumatic stress disorder*  
25                           *(PTSD).*



1                   “(ii) *Major depressive disorder.*

2                   “(iii) *Panic disorder.*

3                   “(iv) *Generalized anxiety disorder.*

4                   “(v) *Anxiety disorder (not otherwise*  
5                   *specified).*

6                   “(vi) *Depression (not otherwise speci-*  
7                   *fied).*

8                   “(vii) *Acute stress disorder.*

9                   “(viii) *Dysthymic disorder.*

10                  “(ix) *Adjustment disorder.*

11                  “(x) *Substance abuse.*

12                  “(C) *MUSCULOSKELETAL DISORDERS FOR*  
13                  *CERTAIN WTC RESPONDERS.—In the case of a*  
14                  *WTC responder described in paragraph (4), a*  
15                  *condition described in such paragraph.*

16                  “(D) *ADDITIONAL CONDITIONS.—Any can-*  
17                  *cer (or type of cancer) or other condition added,*  
18                  *pursuant to paragraph (5) or (6), to the list*  
19                  *under this paragraph.*

20                  “(4) *MUSCULOSKELETAL DISORDERS.—*

21                  “(A) *IN GENERAL.—For purposes of this*  
22                  *title, in the case of a WTC responder who re-*  
23                  *ceived any treatment for a WTC-related mus-*  
24                  *culoskeletal disorder on or before September 11,*

1           2003, the list of health conditions in paragraph  
2           (3) shall include:

3                     “(i) Low back pain.

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

5                     “(iii) Other musculoskeletal disorders.

6                     “(B) *DEFINITION.*—The term ‘WTC-related  
7                     musculoskeletal disorder’ means a chronic or re-  
8                     current disorder of the musculoskeletal system  
9                     caused by heavy lifting or repetitive strain on  
10                    the joints or musculoskeletal system occurring  
11                    during rescue or recovery efforts in the New York  
12                    City disaster area in the aftermath of the Sep-  
13                    tember 11, 2001, terrorist attacks.

14                    “(5) *CANCER.*—

15                    “(A) *IN GENERAL.*—The WTC Program Ad-  
16                    ministrators shall periodically conduct a review  
17                    of all available scientific and medical evidence,  
18                    including findings and recommendations of  
19                    Clinical Centers of Excellence, published in peer-  
20                    reviewed journals to determine if, based on such  
21                    evidence, cancer or a certain type of cancer  
22                    should be added to the applicable list of WTC-re-  
23                    lated health conditions. The WTC Program Ad-  
24                    ministrators shall conduct the first review under

1           *this subparagraph not later than 180 days after*  
2           *the date of the enactment of this title.*

3           “(B) *PROPOSED REGULATIONS AND RULE-*  
4           *MAKING.—Based on the periodic reviews under*  
5           *subparagraph (A), if the WTC Program Admin-*  
6           *istrator determines that cancer or a certain type*  
7           *of cancer should be added to such list of WTC-*  
8           *related health conditions, the WTC Program Ad-*  
9           *ministrator shall propose regulations, through*  
10           *rulemaking, to add cancer or the certain type of*  
11           *cancer to such list.*

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

22           “(D) *DETERMINATIONS NOT TO ADD CAN-*  
23           *CER OR CERTAIN TYPES OF CANCER.—In the case*  
24           *that the WTC Program Administrator deter-*  
25           *mines under subparagraph (B) or (C) that can-*

1            *cer or a certain type of cancer should not be*  
2            *added to such list of WTC-related health condi-*  
3            *tions, the WTC Program Administrator shall*  
4            *publish an explanation for such determination*  
5            *in the Federal Register. Any such determination*  
6            *to not make such an addition shall not preclude*  
7            *the addition of cancer or the certain type of can-*  
8            *cer to such list at a later date.*

9            *“(6) ADDITION OF HEALTH CONDITIONS TO LIST*  
10          *FOR WTC RESPONDERS.—*

11            *“(A) IN GENERAL.—Whenever the WTC*  
12            *Program Administrator determines that a pro-*  
13            *posed rule should be promulgated to add a health*  
14            *condition to the list of health conditions in para-*  
15            *graph (3), the Administrator may request a rec-*  
16            *ommendation of the Advisory Committee or may*  
17            *publish such a proposed rule in the Federal Reg-*  
18            *ister in accordance with subparagraph (D).*

19            *“(B) ADMINISTRATOR’S OPTIONS AFTER RE-*  
20            *CEIPT OF PETITION.—In the case that the WTC*  
21            *Program Administrator receives a written peti-*  
22            *tion by an interested party to add a health con-*  
23            *dition to the list of health conditions in para-*  
24            *graph (3), not later than 60 days after the date*

1           *of receipt of such petition the Administrator*  
2           *shall—*

3                     “(i) *request a recommendation of the*  
4                     *Advisory Committee;*

5                     “(ii) *publish a proposed rule in the*  
6                     *Federal Register to add such health condi-*  
7                     *tion, in accordance with subparagraph (D);*

8                     “(iii) *publish in the Federal Register*  
9                     *the Administrator’s determination not to*  
10                    *publish such a proposed rule and the basis*  
11                    *for such determination; or*

12                    “(iv) *publish in the Federal Register a*  
13                    *determination that insufficient evidence ex-*  
14                    *ists to take action under clauses (i) through*  
15                    *(iii).*

16                    “(C) *ACTION BY ADVISORY COMMITTEE.—In*  
17                    *the case that the Administrator requests a rec-*  
18                    *ommendation of the Advisory Committee under*  
19                    *this paragraph, with respect to adding a health*  
20                    *condition to the list in paragraph (3), the Advi-*  
21                    *sory Committee shall submit to the Adminis-*  
22                    *trator such recommendation not later than 60*  
23                    *days after the date of such request or by such*  
24                    *date (not to exceed 180 days after such date of*  
25                    *request) as specified by the Administrator. Not*

1           *later than 60 days after the date of receipt of*  
2           *such recommendation, the Administrator shall,*  
3           *in accordance with subparagraph (D), publish in*  
4           *the Federal Register a proposed rule with respect*  
5           *to such recommendation or a determination not*  
6           *to propose such a proposed rule and the basis for*  
7           *such determination.*

8           “(D) *PUBLICATION.*—*The WTC Program*  
9           *Administrator shall, with respect to any pro-*  
10          *posed rule under this paragraph—*

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

14                 “(ii) *provide interested parties a pe-*  
15                 *riod of 30 days after such publication to*  
16                 *submit written comments on the proposed*  
17                 *rule.*

18          *The WTC Program Administrator may extend*  
19          *the period described in clause (ii) upon a finding*  
20          *of good cause. In the case of such an extension,*  
21          *the Administrator shall publish such extension in*  
22          *the Federal Register.*

23                 “(E) *INTERESTED PARTY DEFINED.*—*For*  
24                 *purposes of this paragraph, the term ‘interested*  
25                 *party’ includes a representative of any organiza-*

1            *tion representing WTC responders, a nationally*  
2            *recognized medical association, a Clinical or*  
3            *Data Center, a State or political subdivision, or*  
4            *any other interested person.*

5            “(b) *COVERAGE OF TREATMENT FOR WTC-RELATED*  
6            *HEALTH CONDITIONS.—*

7            “(1) *DETERMINATION FOR ENROLLED WTC RE-*  
8            *SPONDERS BASED ON A WTC-RELATED HEALTH CON-*  
9            *DITION.—*

10            “(A) *IN GENERAL.—If a physician at a*  
11            *Clinical Center of Excellence that is providing*  
12            *monitoring benefits under section 3311 for an*  
13            *enrolled WTC responder makes a determination*  
14            *that the responder has a WTC-related health con-*  
15            *dition that is in the list in subsection (a)(3) and*  
16            *that exposure to airborne toxins, other hazards,*  
17            *or adverse conditions resulting from the Sep-*  
18            *tember 1, 2001, terrorist attacks is substantially*  
19            *likely to be a significant factor in aggravating,*  
20            *contributing to, or causing the condition—*

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

1           “(i) on and after the date of such  
2           transmittal and subject to subparagraph  
3           (B), the WTC Program shall provide for  
4           payment under subsection (c) for medically  
5           necessary treatment for such condition.

6           “(B) REVIEW; CERTIFICATION; APPEALS.—

7           “(i) REVIEW.—A Federal employee  
8           designated by the WTC Program Adminis-  
9           trator shall review determinations made  
10          under subparagraph (A).

11          “(ii) CERTIFICATION.—The Adminis-  
12          trator shall provide a certification of such  
13          condition based upon reviews conducted  
14          under clause (i). Such a certification shall  
15          be provided unless the Administrator deter-  
16          mines that the responder’s condition is not  
17          a WTC-related health condition in the list  
18          in subsection (a)(3) or that exposure to air-  
19          borne toxins, other hazards, or adverse con-  
20          ditions resulting from the September 1,  
21          2001, terrorist attacks is not substantially  
22          likely to be a significant factor in aggra-  
23          vating, contributing to, or causing the con-  
24          dition.



1                   “(iii) *APPEAL PROCESS.*—*The Admin-*  
2                   *istrator shall establish, by rule, a process for*  
3                   *the appeal of determinations under clause*  
4                   *(ii).*

5                   “(2) *DETERMINATION BASED ON MEDICALLY AS-*  
6                   *SOCIATED WTC-RELATED HEALTH CONDITIONS.*—

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

14                   “(i) *the physician shall promptly*  
15                   *transmit such determination to the WTC*  
16                   *Program Administrator and provide the*  
17                   *Administrator with the facts supporting*  
18                   *such determination; and*

19                   “(ii) *the Administrator shall make a*  
20                   *determination under subparagraph (B)*  
21                   *with respect to such physician’s determina-*  
22                   *tion.*

23                   “(B) *PROCEDURES FOR REVIEW, CERTIFI-*  
24                   *CATION, AND APPEAL.*—*The WTC Program Ad-*  
25                   *ministrator shall, by rule, establish procedures*

1           *for the review and certification of physician de-*  
2           *terminations under subparagraph (A). Such rule*  
3           *shall provide for—*

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

9                     “(ii) *not later than 60 days after the*  
10                    *date of the transmittal under subparagraph*  
11                    *(A)(i), a determination by the WTC Pro-*  
12                    *gram Administrator on whether or not the*  
13                    *condition involved is described in subsection*  
14                    *(a)(1)(A) and is medically associated with*  
15                    *a WTC-related health condition;*

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

22                    “(iv) *a process for appeals of deter-*  
23                    *minations relating to such conditions.*

24                    “(C) *INCLUSION IN LIST OF HEALTH CONDI-*  
25                    *TIONS.—If the WTC Program Administrator*

1 provides certification under subparagraph  
2 (B)(iii) for coverage of a condition, the Adminis-  
3 trator may, pursuant to subsection (a)(6), add  
4 the condition to the list in subsection (a)(3).

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

17 “(3) *REQUIREMENT OF MEDICAL NECESSITY.*—

18 “(A) *IN GENERAL.*—In providing treatment  
19 for a WTC-related health condition, a physician  
20 or other provider shall provide treatment that is  
21 medically necessary and in accordance with  
22 medical treatment protocols established under  
23 subsection (d).

24 “(B) *REGULATIONS RELATING TO MEDICAL*  
25 *NECESSITY.*—For the purpose of this title, the

1        *WTC Program Administrator shall issue regula-*  
2        *tions specifying a standard for determining med-*  
3        *ical necessity with respect to health care services*  
4        *and prescription pharmaceuticals, a process for*  
5        *determining whether treatment furnished and*  
6        *pharmaceuticals prescribed under this title meet*  
7        *such standard (including any prior authoriza-*  
8        *tion requirement), and a process for appeal of a*  
9        *determination under subsection (c)(3).*

10        *“(4) SCOPE OF TREATMENT COVERED.—*

11                *“(A) IN GENERAL.—The scope of treatment*  
12        *covered under this subsection includes services of*  
13        *physicians and other health care providers, diag-*  
14        *nostic and laboratory tests, prescription drugs,*  
15        *inpatient and outpatient hospital services, and*  
16        *other medically necessary treatment.*

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 NA-*  
25        *TIONWIDE NETWORK.—The WTC Program Ad-*

1            *ministrator may provide for necessary and rea-*  
2            *sonable transportation and expenses incident to*  
3            *the securing of medically necessary treatment*  
4            *through the nationwide network under section*  
5            *3313 involving travel of more than 250 miles*  
6            *and for which payment is made under this sec-*  
7            *tion 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           *ensation Program Act of 2000 (title XXXVI of*  
14           *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 this*  
24           *subsection (and payment under subsection (c)) with*  
25           *respect to such responder and such responder’s WTC-*

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

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

8             “(1) *MEDICAL TREATMENT.—*

9                     “(A) *USE OF FECA PAYMENT RATES.—*

10                             “(i) *IN GENERAL.—Subject to clause*  
11                             *(ii):*

12                                     “(I) *Subject to subparagraphs (B)*  
13                                     *and (C), the WTC Program Adminis-*  
14                                     *trator shall reimburse costs for medi-*  
15                                     *cally necessary treatment under this*  
16                                     *title for WTC-related health conditions*  
17                                     *according to the payment rates that*  
18                                     *would apply to the provision of such*  
19                                     *treatment and services by the facility*  
20                                     *under the Federal Employees Com-*  
21                                     *ensation Act.*

22                                     “(II) *For treatment not covered*  
23                                     *under subclause (i) or subparagraph*  
24                                     *(B), the WTC Program Administrator*

1           *shall establish by regulation a reim-*  
2           *bursement rate for such treatment.*

3           “(i) *EXCEPTION.—In no case shall*  
4           *payments for products or services under*  
5           *clause (i) be made at a rate higher than the*  
6           *Office of Worker’s Compensation Programs*  
7           *in the Department Labor would pay for*  
8           *such products or services rendered at the*  
9           *time such products or services were pro-*  
10          *vided.*

11          “(B) *PHARMACEUTICALS.—*

12           “(i) *IN GENERAL.—The WTC Program*  
13           *Administrator shall establish a program for*  
14           *paying for the medically necessary out-*  
15           *patient prescription pharmaceuticals pre-*  
16           *scribed under this title for WTC-related*  
17           *health conditions through one or more con-*  
18           *tracts with outside vendors.*

19           “(ii) *COMPETITIVE BIDDING.—Under*  
20           *such program the Administrator shall—*

21                   “(I) *select one or more appro-*  
22                   *prate vendors through a Federal com-*  
23                   *petitive bid process; and*

24                   “(II) *select the lowest bidder (or*  
25                   *bidders) meeting the requirements for*

1                   *providing pharmaceutical benefits for*  
2                   *participants in the WTC Program.*

3                   “(iii) *TREATMENT OF FDNY PARTICI-*  
4                   *PANTS.—Under such program the Adminis-*  
5                   *trator may enter into an agreement with a*  
6                   *separate vendor to provide pharmaceutical*  
7                   *benefits to enrolled WTC responders for*  
8                   *whom the Clinical Center of Excellence is*  
9                   *described in section 3305 if such an ar-*  
10                  *rangment is deemed necessary and bene-*  
11                  *ficial to the program by the WTC Program*  
12                  *Administrator.*

13                  “(iv) *PHARMACEUTICALS.—Not later*  
14                  *than July 1, 2011, the Comptroller General*  
15                  *of the United States shall submit to the*  
16                  *Committee on Energy and Commerce of the*  
17                  *House of Representatives and the Committee*  
18                  *on Health, Education, Labor, and Pensions*  
19                  *of the Senate a report on whether existing*  
20                  *Federal pharmaceutical purchasing pro-*  
21                  *grams can provide pharmaceutical benefits*  
22                  *more efficiently and effectively than through*  
23                  *the WTC program.*

24                  “(C) *IMPROVING QUALITY AND EFFICIENCY*  
25                  *THROUGH MODIFICATION OF PAYMENT AMOUNTS*



1            *AND METHODOLOGIES.—The WTC Program Ad-*  
2            *ministrator may modify the amounts and meth-*  
3            *odologies for making payments for initial health*  
4            *evaluations, monitoring, or treatment, if, taking*  
5            *into account utilization and quality data fur-*  
6            *nished by the Clinical Centers of Excellence*  
7            *under section 3305(b)(1)(B)(iii), the Adminis-*  
8            *trator determines that a bundling, capitation,*  
9            *pay for performance, or other payment method-*  
10           *ology would better ensure high quality and effi-*  
11           *cient delivery of initial health evaluations, moni-*  
12           *toring, or treatment to an enrolled WTC re-*  
13           *sponder, screening-eligible WTC survivor, or cer-*  
14           *tified-eligible WTC survivor.*

15           “(2) *MONITORING AND INITIAL HEALTH EVALUA-*  
16           *TION.—The WTC Program Administrator shall reim-*  
17           *burse the costs of monitoring and the costs of an ini-*  
18           *tial health evaluation provided under this title at a*  
19           *rate set by the Administrator by regulation.*

20           “(3) *DETERMINATION OF MEDICAL NECESSITY.—*

21                  *“(A) REVIEW OF MEDICAL NECESSITY AND*  
22           *PROTOCOLS.—As part of the process for reim-*  
23           *bursement or payment under this subsection, the*  
24           *WTC Program Administrator shall provide for*  
25           *the review of claims for reimbursement or pay-*



1 *or certified-eligible WTC survivors and who reside in any*  
2 *State, as defined in section 2(f), outside the New York met-*  
3 *ropolitan area, the WTC Program Administrator shall es-*  
4 *tablish a nationwide network of health care providers to*  
5 *provide monitoring and treatment benefits and initial*  
6 *health evaluations near such individuals' areas of residence*  
7 *in such States. Nothing in this subsection shall be construed*  
8 *as preventing such individuals from being provided such*  
9 *monitoring and treatment benefits or initial health evalua-*  
10 *tion through any Clinical Center of Excellence.*

11       “(b) *NETWORK REQUIREMENTS.—Any health care*  
12 *provider participating in the network under subsection (a)*  
13 *shall—*

14               “(1) *meet criteria for credentialing established*  
15 *by the Data Centers;*

16               “(2) *follow the monitoring, initial health evalua-*  
17 *tion, and treatment protocols developed under section*  
18 *3305(a)(2)(A)(ii);*

19               “(3) *collect and report data in accordance with*  
20 *section 3304; and*

21               “(4) *meet such fraud, quality assurance, and*  
22 *other requirements as the WTC Program Adminis-*  
23 *trator establishes, including sections 1128 through*  
24 *1128E of the Social Security Act, as applied by sec-*  
25 *tion 3301(d).*

1       “(c) *TRAINING AND TECHNICAL ASSISTANCE.*—*The*  
2 *WTC Program Administer may provide, including through*  
3 *contract, for the provision of training and technical assist-*  
4 *ance to health care providers participating in the network*  
5 *under subsection (a).*

6       “(d) *PROVISION OF SERVICES THROUGH THE VA.*—

7               “(1) *IN GENERAL.*—*The WTC Program Adminis-*  
8 *trator may enter into an agreement with the Sec-*  
9 *retary of Veterans Affairs for the Secretary to provide*  
10 *services under this section through facilities of the De-*  
11 *partment of Veterans Affairs.*

12               “(2) *NATIONAL PROGRAM.*—*Not later than July*  
13 *1, 2011, the Comptroller General of the United States*  
14 *shall submit to the Committee on Energy and Com-*  
15 *merce of the House of Representatives and the Com-*  
16 *mittee on Health, Education, Labor, and Pensions of*  
17 *the Senate a report on whether the Department of*  
18 *Veterans Affairs can provide monitoring and treat-*  
19 *ment services to individuals under this section more*  
20 *efficiently and effectively than through the nationwide*  
21 *network to be established under subsection (a).*

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

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

7                   “(1) *SCREENING-ELIGIBLE WTC SURVIVORS.—*

8                           “(A) *DEFINITION.—In this title, the term*  
9 *‘screening-eligible WTC survivor’ means, subject*  
10 *to subparagraph (C) and paragraph (3), an in-*  
11 *dividual who is described in any of the following*  
12 *clauses:*

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

19                                   “(ii) *SURVIVOR WHO MEETS CURRENT*  
20 *ELIGIBILITY CRITERIA.—An individual who*  
21 *is not a WTC responder, for purposes of the*  
22 *initial health evaluation under subsection*  
23 *(b), claims symptoms of a WTC-related*  
24 *health condition and meets any of the cur-*  
25 *rent eligibility criteria described in sub-*  
26 *paragraph (B).*

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

16           *The Administrator shall not modify such criteria*  
17           *under clause (iii) on or after the date that the*  
18           *number of certifications for certified-eligible*  
19           *WTC survivors under paragraph (2)(B) has*  
20           *reached 80 percent of the limit described in*  
21           *paragraph (3) or on or after the date that the*  
22           *number of enrollments of WTC responders has*  
23           *reached 80 percent of the limit described in sec-*  
24           *tion 3311(a)(4).*

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

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

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

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

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

18                     “(iii) *Any person who worked as a*  
19                     *cleanup worker or performed maintenance*  
20                     *work in the New York City disaster area*  
21                     *during the 4-month period described in sub-*  
22                     *paragraph (B)(i) and had extensive expo-*  
23                     *sure to WTC dust as a result of such work.*

24                     “(iv) *A person who was deemed eligible*  
25                     *to receive a grant from the Lower Manhat-*

1 *tan Development Corporation Residential*  
2 *Grant Program, who possessed a lease for a*  
3 *residence or purchased a residence in the*  
4 *New York City disaster area, and who re-*  
5 *sided in such residence during the period*  
6 *beginning on September 11, 2001, and end-*  
7 *ing on May 31, 2003.*

8 “(v) *A person whose place of employ-*  
9 *ment—*

10 “(I) *at any time during the pe-*  
11 *riod beginning on September 11, 2001,*  
12 *and ending on May 31, 2003, was in*  
13 *the New York City disaster area; and*

14 “(II) *was deemed eligible to re-*  
15 *ceive a grant from the Lower Manhat-*  
16 *tan Development Corporation WTC*  
17 *Small Firms Attraction and Retention*  
18 *Act program or other government in-*  
19 *centive program designed to revitalize*  
20 *the lower Manhattan economy after the*  
21 *September 11, 2001, terrorist attacks.*

22 “(C) *APPLICATION AND DETERMINATION*  
23 *PROCESS FOR SCREENING ELIGIBILITY.—*

24 “(i) *IN GENERAL.—The WTC Program*  
25 *Administrator in consultation with the*



1           *Data Centers shall establish a process for*  
2           *individuals, other than individuals de-*  
3           *scribed in subparagraph (A)(i), to be deter-*  
4           *mined to be screening-eligible WTC sur-*  
5           *vivors. Under such process—*

6                     *“(I) there shall be no fee charged*  
7                     *to the applicant for making an appli-*  
8                     *cation for such determination;*

9                     *“(II) the Administrator shall*  
10                    *make a determination on such an ap-*  
11                    *plication not later than 60 days after*  
12                    *the date of filing the application;*

13                    *“(III) the Administrator shall*  
14                    *make such a determination relating to*  
15                    *an applicant’s compliance with this*  
16                    *title and shall not determine that an*  
17                    *individual is not so eligible or deny*  
18                    *written documentation under clause*  
19                    *(ii) to such individual unless the Ad-*  
20                    *ministrator determines that—*

21                             *“(aa) based on the applica-*  
22                             *tion submitted, the individual*  
23                             *does not meet the eligibility cri-*  
24                             *teria; or*

1           “(bb) *the numerical limita-*  
2           *tion on certifications of certified-*  
3           *eligible WTC survivors set forth in*  
4           *paragraph (3) has been met; and*

5           “(IV) *an individual who is deter-*  
6           *mined not to be a screening-eligible*  
7           *WTC survivor shall have an oppor-*  
8           *tunity to appeal such determination in*  
9           *a manner established under such proc-*  
10          *ess.*

11          “(ii) *WRITTEN DOCUMENTATION OF*  
12          *SCREENING-ELIGIBILITY.—*

13           “(I) *IN GENERAL.—In the case of*  
14           *an individual who is described in sub-*  
15           *paragraph (A)(i) or who is determined*  
16           *under clause (i) (consistent with para-*  
17           *graph (3)) to be a screening-eligible*  
18           *WTC survivor, the WTC Program Ad-*  
19           *ministrator shall provide an appro-*  
20           *priate written documentation of such*  
21           *fact.*

22          “(II) *TIMING.—*

23           “(aa) *CURRENTLY IDENTI-*  
24           *FIED SURVIVORS.—In the case of*  
25           *an individual who is described in*

1            *subparagraph (A)(i), the WTC*  
2            *Program Administrator shall pro-*  
3            *vide the written documentation*  
4            *under subclause (I) not later than*  
5            *July 1, 2011.*

6            *“(bb) OTHER MEMBERS.—In*  
7            *the case of another individual who*  
8            *is determined under clause (i)*  
9            *and consistent with paragraph (3)*  
10           *to be a screening-eligible WTC*  
11           *survivor, the WTC Program Ad-*  
12           *ministrator shall provide the*  
13           *written documentation under sub-*  
14           *clause (I) at the time of such de-*  
15           *termination.*

16           *“(2) CERTIFIED-ELIGIBLE WTC SURVIVORS.—*

17           *“(A) DEFINITION.—The term ‘certified-eli-*  
18           *gible WTC survivor’ means, subject to paragraph*  
19           *(3), a screening-eligible WTC survivor who the*  
20           *WTC Program Administrator certifies under*  
21           *subparagraph (B) to be eligible for followup*  
22           *monitoring and treatment under this part.*

23           *“(B) CERTIFICATION OF ELIGIBILITY FOR*  
24           *MONITORING AND TREATMENT.—*

1           “(i) *IN GENERAL.*—*The WTC Program*  
2           *Administrator shall establish a certification*  
3           *process under which the Administrator shall*  
4           *provide appropriate certification to screen-*  
5           *ing-eligible WTC survivors who, pursuant*  
6           *to the initial health evaluation under sub-*  
7           *section (b), are determined to be eligible for*  
8           *followup monitoring and treatment under*  
9           *this part.*

10           “(ii) *TIMING.*—

11           “(I) *CURRENTLY IDENTIFIED SUR-*  
12           *VIVORS.*—*In the case of an individual*  
13           *who is described in paragraph*  
14           *(1)(A)(i), the WTC Program Adminis-*  
15           *trator shall provide the certification*  
16           *under clause (i) not later than July 1,*  
17           *2011.*

18           “(II) *OTHER MEMBERS.*—*In the*  
19           *case of another individual who is de-*  
20           *termined under clause (i) to be eligible*  
21           *for followup monitoring and treatment,*  
22           *the WTC Program Administrator shall*  
23           *provide the certification under such*  
24           *clause at the time of such determina-*  
25           *tion.*

1           “(3) NUMERICAL LIMITATION ON CERTIFIED-ELI-  
2           GIBLE WTC SURVIVORS.—

3           “(A) IN GENERAL.—The total number of in-  
4           dividuals not described in paragraph (1)(A)(i)  
5           who may be certified as certified-eligible WTC  
6           survivors under paragraph (2)(B) shall not ex-  
7           ceed 25,000 at any time.

8           “(B) PROCESS.—In implementing subpara-  
9           graph (A), the WTC Program Administrator  
10          shall—

11          “(i) limit the number of certifications  
12          provided under paragraph (2)(B)—

13                  “(I) in accordance with such sub-  
14                  paragraph; and

15                  “(II) to such number, as deter-  
16                  mined by the Administrator based on  
17                  the best available information and sub-  
18                  ject to amounts made available under  
19                  section 3351, that will ensure sufficient  
20                  funds will be available to provide  
21                  treatment and monitoring benefits  
22                  under this title, with respect to all in-  
23                  dividuals receiving such certifications  
24                  through the end of fiscal year 2020;  
25                  and

1                   “(ii) provide priority in such certifi-  
2                   cations in the order in which individuals  
3                   apply for a determination under paragraph  
4                   (2)(B).

5                   “(4) *DISQUALIFICATION OF INDIVIDUALS ON*  
6                   *TERRORIST WATCH LIST.*—No individual who is on  
7                   the terrorist watch list maintained by the Department  
8                   of Homeland Security shall qualify as a screening-eli-  
9                   gible WTC survivor or a certified-eligible WTC sur-  
10                  vivor. Before determining any individual to be a  
11                  screening-eligible WTC survivor under paragraph (1)  
12                  or certifying any individual as a certified eligible  
13                  WTC survivor under paragraph (2), the Adminis-  
14                  trator, in consultation with the Secretary of Home-  
15                  land Security, shall determine whether the individual  
16                  is on such list.

17                  “(b) *INITIAL HEALTH EVALUATION TO DETERMINE*  
18                  *ELIGIBILITY FOR FOLLOWUP MONITORING OR TREAT-*  
19                  *MENT.*—

20                  “(1) *IN GENERAL.*—In the case of a screening-eli-  
21                  gible WTC survivor, the WTC Program shall provide  
22                  for an initial health evaluation to determine if the  
23                  survivor has a WTC-related health condition and is  
24                  eligible for followup monitoring and treatment bene-  
25                  fits under the WTC Program. Initial health evalua-

1        *tion protocols under section 3305(a)(2)(A)(ii) shall be*  
2        *subject to approval by the WTC Program Adminis-*  
3        *trator.*

4            “(2) *INITIAL HEALTH EVALUATION PRO-*  
5        *VIDERS.—The initial health evaluation described in*  
6        *paragraph (1) shall be provided through a Clinical*  
7        *Center of Excellence with respect to the individual in-*  
8        *volved.*

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

19        **“SEC. 3322. FOLLOWUP MONITORING AND TREATMENT OF**  
20                            **CERTIFIED-ELIGIBLE WTC SURVIVORS FOR**  
21                            **WTC-RELATED HEALTH CONDITIONS.**

22            “(a) *IN GENERAL.—Subject to subsection (b), the pro-*  
23        *visions of sections 3311 and 3312 shall apply to followup*  
24        *monitoring and treatment of WTC-related health conditions*  
25        *for certified-eligible WTC survivors in the same manner as*

1 *such provisions apply to the monitoring and treatment of*  
 2 *WTC-related health conditions for enrolled WTC responders.*

3       “(b) *LIST OF WTC-RELATED HEALTH CONDITIONS*  
 4 *FOR SURVIVORS.—The list of health conditions for screen-*  
 5 *ing-eligible WTC survivors and certified-eligible WTC sur-*  
 6 *vivors consists of the following:*

7               “(1) *AERODIGESTIVE DISORDERS.—*

8                       “(A) *Interstitial lung diseases.*

9                       “(B) *Chronic respiratory disorder—fumes/*  
 10 *vapors.*

11                      “(C) *Asthma.*

12                      “(D) *Reactive airways dysfunction syn-*  
 13 *drome (RADS).*

14                      “(E) *WTC-exacerbated chronic obstructive*  
 15 *pulmonary disease (COPD).*

16                      “(F) *Chronic cough syndrome.*

17                      “(G) *Upper airway hyperreactivity.*

18                      “(H) *Chronic rhinosinusitis.*

19                      “(I) *Chronic nasopharyngitis.*

20                      “(J) *Chronic laryngitis.*

21                      “(K) *Gastroesophageal reflux disorder*  
 22 *(GERD).*

23                      “(L) *Sleep apnea exacerbated by or related*  
 24 *to a condition described in a previous clause.*

25               “(2) *MENTAL HEALTH CONDITIONS.—*



1           “(A) *Posttraumatic stress disorder (PTSD).*

2           “(B) *Major depressive disorder.*

3           “(C) *Panic disorder.*

4           “(D) *Generalized anxiety disorder.*

5           “(E) *Anxiety disorder (not otherwise speci-*  
6           *fied).*

7           “(F) *Depression (not otherwise specified).*

8           “(G) *Acute stress disorder.*

9           “(H) *Dysthymic disorder.*

10          “(I) *Adjustment disorder.*

11          “(J) *Substance abuse.*

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

18   **“SEC. 3323. FOLLOWUP MONITORING AND TREATMENT OF**  
19               **OTHER INDIVIDUALS WITH WTC-RELATED**  
20               **HEALTH CONDITIONS.**

21               “(a) *IN GENERAL.—Subject to subsection (c), the pro-*  
22               *visions of section 3322 shall apply to the followup moni-*  
23               *toring and treatment of WTC-related health conditions in*  
24               *the case of individuals described in subsection (b) in the*  
25               *same manner as such provisions apply to the followup mon-*

1 *itoring and treatment of WTC-related health conditions for*  
2 *certified-eligible WTC survivors.*

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

6 “(1) *is not an enrolled WTC responder or a cer-*  
7 *tified-eligible WTC survivor; and*

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

11 “(c) *LIMITATION.*—

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

18 “(2) *LIMITATION.*—*The amount specified in this*  
19 *paragraph for—*

20 “(A) *the last calendar quarter of fiscal year*  
21 *2011 is \$5,000,000;*

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

23 “(C) *a succeeding fiscal year is the amount*  
24 *specified in this paragraph for the previous fis-*  
25 *cal year increased by the annual percentage in-*

1           crease in the medical care component of the con-  
2           sumer price index for all urban consumers.

3                           **“PART 3—PAYOR PROVISIONS**

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

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

10           “(b) *WORKERS’ COMPENSATION PAYMENT.*—

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

1     *WTC Program (with respect to a workers' compensa-*  
2     *tion law or plan, or other work-related injury or ill-*  
3     *ness plan of the employer involved, and such indi-*  
4     *vidual) in the same manner as such provisions apply*  
5     *to the reimbursement of a payment under section*  
6     *1862(b)(2) of such Act to the Secretary (with respect*  
7     *to such a law or plan and an individual entitled to*  
8     *benefits under title XVIII of such Act) except that any*  
9     *reference in such paragraph (4) to payment rates*  
10    *under title XVIII of the Social Security Act shall be*  
11    *deemed a reference to payment rates under this title.*

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

20           “(3) *RULES OF CONSTRUCTION.—Nothing in this*  
21    *title shall be construed to affect, modify, or relieve*  
22    *any obligations under a worker’s compensation law or*  
23    *plan, other work-related injury or illness benefit plan*  
24    *of an employer, or any health insurance 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 XXI*  
6 *of the Social Security Act) the provisions of section*  
7 *1862(b) of the Social Security Act shall apply to such*  
8 *a health plan and such individual in the same man-*  
9 *ner as they apply to group health plan and an indi-*  
10 *vidual entitled to benefits under title XVIII of such*  
11 *Act pursuant to section 226(a) of such Act. Any costs*  
12 *for items and services covered under such plan that*  
13 *are not reimbursed by such health plan, due to the*  
14 *application of deductibles, copayments, coinsurance,*  
15 *other cost sharing, or otherwise, are reimbursable*  
16 *under this title to the extent that they are covered*  
17 *under the WTC Program. The program under this*  
18 *title shall not be treated as a legally liable party for*  
19 *purposes of applying section 1902(a)(25) of the Social*  
20 *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 a*

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

3 “(3) *MAINTENANCE OF REQUIRED MINIMUM ES-*  
4 *SENTIAL COVERAGE.*—*No payment may be made for*  
5 *monitoring and treatment under this title for an in-*  
6 *dividual for a month (beginning with July 2014) if*  
7 *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) of*  
15 *such section.*

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

18 “(1) *CONTRACT REQUIREMENT.*—

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

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

8                *“(B) FULL CONTRIBUTION AMOUNT.—Under*  
9        *such contract, with respect to the last calendar*  
10        *quarter of fiscal year 2011 and each calendar*  
11        *quarter in fiscal years 2012 through 2015 the*  
12        *full contribution amount under this subpara-*  
13        *graph shall be equal to 10 percent of the expendi-*  
14        *tures in carrying out this title for the respective*  
15        *quarter and with respect to calendar quarters in*  
16        *fiscal year 2016, such full contribution amount*  
17        *shall be equal to  $\frac{1}{9}$  of the Federal expenditures*  
18        *in carrying out this title for the respective quar-*  
19        *ter.*

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

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 pay-*  
8           *ment obligation under such contract for a cal-*  
9           *endar quarter in a fiscal year shall be paid not*  
10          *later than the last day of the second succeeding*  
11          *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 (determined*  
20               *by the Administrator) based on the average*  
21               *yield to maturity, plus 1 percentage point,*  
22               *on outstanding municipal bonds issued by*  
23               *New York City with a remaining maturity*  
24               *of at least 1 year.*



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

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

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

19                         “(A) *provide New York City with an esti-*  
20                         *mate of such amount of the required contribution*  
21                         *at the beginning of such quarter and with an up-*  
22                         *dated estimate of such amount at the beginning*  
23                         *of each of the subsequent 2 quarters;*

24                         “(B) *bill such amount directly to New York*  
25                         *City; and*

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

4           *Such amount shall initially be estimated by the WTC*  
5           *Program Administrator and shall be subject to adjust-*  
6           *ment and reconciliation based upon actual expendi-*  
7           *tures in carrying out this title.*

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

15          “(e) *WORK-RELATED DESCRIBED.—For the purposes*  
16          *of this section, a WTC-related health condition shall be*  
17          *treated as a condition that is work-related if—*

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

22                 “(2) *with respect to the condition the individual*  
23                 *has filed and had established a claim under a work-*  
24                 *ers’ compensation law or plan of the United States or*

1        *a State, or other work-related injury or illness benefit*  
2        *plan of the employer of such individual.*

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

4        *“The WTC Program Administrator may enter into ar-*  
5        *rangements with other government agencies, insurance com-*  
6        *panies, or other third-party administrators to provide for*  
7        *timely and accurate processing of claims under sections*  
8        *3312, 3313, 3322, and 3323.*

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

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

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

19                    *“(1) research on physical and mental health con-*  
20                    *ditions that may be related to the September 11,*  
21                    *2001, terrorist attacks;*

22                    *“(2) research on diagnosing WTC-related health*  
23                    *conditions of such individuals, in the case of condi-*  
24                    *tions for which there has been diagnostic uncertainty;*  
25                    *and*

1           “(3) *research on treating WTC-related health*  
2           *conditions of such individuals, in the case of condi-*  
3           *tions for which there has been treatment uncertainty.*  
4           *The Administrator may provide such support through con-*  
5           *tinuation and expansion of research that was initiated be-*  
6           *fore the date of the enactment of this title and through the*  
7           *World Trade Center Health Registry (referred to in section*  
8           *3342), through a Clinical Center of Excellence, or through*  
9           *a Data Center.*

10          “(b) *TYPES OF RESEARCH.—The research under sub-*  
11          *section (a)(1) shall include epidemiologic and other research*  
12          *studies on WTC-related health conditions or emerging con-*  
13          *ditions—*

14                 “(1) *among enrolled WTC responders and cer-*  
15                 *tified-eligible WTC survivors under treatment; and*

16                 “(2) *in sampled populations outside the New*  
17                 *York City disaster area in Manhattan as far north as*  
18                 *14th Street and in Brooklyn, along with control pop-*  
19                 *ulations, to identify potential for long-term adverse*  
20                 *health effects in less exposed populations.*

21          “(c) *CONSULTATION.—The WTC Program Adminis-*  
22          *trator shall carry out this section in consultation with the*  
23          *WTC Scientific/Technical Advisory Committee.*

24          “(d) *APPLICATION OF PRIVACY AND HUMAN SUBJECT*  
25          *PROTECTIONS.—The privacy and human subject protec-*

1 *tions applicable to research conducted under this section*  
 2 *shall not be less than such protections applicable to research*  
 3 *conducted or funded by the Department of Health and*  
 4 *Human Services.*

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

6 *“For the purpose of ensuring ongoing data collection*  
 7 *relating to victims of the September 11, 2001, terrorist at-*  
 8 *tacks, the WTC Program Administrator shall ensure that*  
 9 *a registry of such victims is maintained that is at least*  
 10 *as comprehensive as the World Trade Center Health Reg-*  
 11 *istry maintained under the arrangements in effect as of*  
 12 *April 20, 2009, with the New York City Department of*  
 13 *Health and Mental Hygiene.*

14 **“Subtitle D—Funding**

15 **“SEC. 3351. WORLD TRADE CENTER HEALTH PROGRAM**  
 16 **FUND.**

17 *“(a) ESTABLISHMENT OF FUND.—*

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

21 *“(2) FUNDING.—Out of any money in the Treas-*  
 22 *ury not otherwise appropriated, there shall be depos-*  
 23 *ited into the Fund for each of fiscal years 2012*  
 24 *through 2016 (and the last calendar quarter of fiscal*  
 25 *year 2011)—*

1           “(A) *the Federal share, consisting of an*  
2 *amount equal to the lesser of—*

3                   “(i) *90 percent of the expenditures in*  
4 *carrying out this title for the respective fis-*  
5 *cal year (initially based on estimates, sub-*  
6 *ject to subsequent reconciliation based on*  
7 *actual expenditures); or*

8                   “(ii)(I) *\$71,000,000 for the last cal-*  
9 *endar quarter of fiscal year 2011,*  
10 *\$318,000,000 for fiscal year 2012,*  
11 *\$354,000,000 for fiscal year 2013,*  
12 *\$382,000,000 for fiscal year 2014, and*  
13 *\$431,000,000 for fiscal year 2015; and*

14                   “(II) *subject to paragraph (4), an ad-*  
15 *ditional amount for fiscal year 2016 from*  
16 *unexpended amounts for previous fiscal*  
17 *years; plus*

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

21           “(3) *CONTRACT REQUIREMENT.—*

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

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

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

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

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

12           “(4) *AGGREGATE LIMITATION ON FUNDING BE-*  
13            *GINNING WITH FISCAL YEAR 2016.*—*Beginning with*  
14            *fiscal year 2016, in no case shall the share of Federal*  
15            *funds deposited into the Fund under paragraph (2)*  
16            *for such fiscal year and previous fiscal years and*  
17            *quarters exceed the sum of the amounts specified in*  
18            *paragraph (2)(A)(ii)(I).*

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

22                     “(1) *IN GENERAL.*—*The amounts deposited into*  
23                     *the Fund under subsection (a)(2) shall be available,*  
24                     *without further appropriation, consistent with para-*  
25                     *graph (2) and subsection (c), to carry out subtitle B*

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

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

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

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

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

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

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

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



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

6           “(2) *WTC HEALTH PROGRAM SCIENTIFIC/TECH-*  
7           *NICAL ADVISORY COMMITTEE.—For the purpose of*  
8           *carrying out section 3302(a)—*

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

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

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

20           “(3) *EDUCATION AND OUTREACH.—For the pur-*  
21           *pose of carrying out section 3303—*

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

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

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

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

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

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

18                 “(C) for each subsequent fiscal year, the  
19                 amount specified under this paragraph for the  
20                 previous fiscal year increased by the percentage  
21                 increase in the consumer price index for all  
22                 urban consumers (all items; United States city  
23                 average) as estimated by the Secretary for the  
24                 12-month period ending with March of the pre-  
25                 vious year.

1           “(5) *RESEARCH REGARDING CERTAIN HEALTH*  
2           *CONDITIONS.—For the purpose of carrying out section*  
3           *3341—*

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

6                   “(B) *for fiscal year 2012, \$15,000,000; and*

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

15           “(6) *WORLD TRADE CENTER HEALTH REG-*  
16           *ISTRY.—For the purpose of carrying out section*  
17           *3342—*

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

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

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

1           *average) as estimated by the Secretary for the*  
 2           *12-month period ending with March of the pre-*  
 3           *vious year.”.*

4   **TITLE II—SEPTEMBER 11TH VIC-**  
 5       **TIM COMPENSATION FUND OF**  
 6       **2001**

7   **SEC. 201. DEFINITIONS.**

8           *Section 402 of the Air Transportation Safety and Sys-*  
 9   *tem Stabilization Act (49 U.S.C. 40101 note) is amended—*

10           (1) *in paragraph (6) by inserting “, or debris re-*  
 11           *moval, including under the World Trade Center*  
 12           *Health Program established under section 3001 of the*  
 13           *Public Health Service Act, and payments made pur-*  
 14           *suant to the settlement of a civil action described in*  
 15           *section 405(c)(3)(C)(iii)” after “September 11, 2001”;*

16           (2) *by inserting after paragraph (6) the fol-*  
 17           *lowing new paragraphs and redesignating subsequent*  
 18           *paragraphs accordingly:*

19           “(7) *CONTRACTOR AND SUBCONTRACTOR.—The*  
 20           *term ‘contractor and subcontractor’ means any con-*  
 21           *tractor or subcontractor (at any tier of a subcon-*  
 22           *tracting relationship), including any general con-*  
 23           *tractor, construction manager, prime contractor, con-*  
 24           *sultant, or any parent, subsidiary, associated or al-*  
 25           *lied company, affiliated company, corporation, firm,*

1     *organization, or joint venture thereof that partici-*  
2     *ipated in debris removal at any 9/11 crash site. Such*  
3     *term shall not include any entity, including the Port*  
4     *Authority of New York and New Jersey, with a prop-*  
5     *erty interest in the World Trade Center, on September*  
6     *11, 2001, whether fee simple, leasehold or easement,*  
7     *direct or indirect.*

8             “(8) *DEBRIS REMOVAL.*—*The term ‘debris re-*  
9     *moval’ means rescue and recovery efforts, removal of*  
10    *debris, cleanup, remediation, and response during the*  
11    *immediate aftermath of the terrorist-related aircraft*  
12    *crashes of September 11, 2001, with respect to a 9/11*  
13    *crash site.’;*

14            (3) *by inserting after paragraph (10), as so re-*  
15    *designated, the following new paragraph and redesign-*  
16    *ating the subsequent paragraphs accordingly:*

17             “(11) *IMMEDIATE AFTERMATH.*—*The term ‘im-*  
18    *mediate aftermath’ means any period beginning with*  
19    *the terrorist-related aircraft crashes of September 11,*  
20    *2001, and ending on May 30, 2002.’; and*

21            (4) *by adding at the end the following new para-*  
22    *graph:*

23             “(14) *9/11 CRASH SITE.*—*The term ‘9/11 crash*  
24    *site’ means—*

1           “(A) *the World Trade Center site, Pentagon*  
2           *site, and Shanksville, Pennsylvania site;*

3           “(B) *the buildings or portions of buildings*  
4           *that were destroyed as a result of the terrorist-*  
5           *related aircraft crashes of September 11, 2001;*

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

15          “(D) *any area related to, or along, routes of*  
16          *debris removal, such as barges and Fresh Kills.”.*

17 **SEC. 202. EXTENDED AND EXPANDED ELIGIBILITY FOR**  
18 **COMPENSATION.**

19          (a) *INFORMATION ON LOSSES RESULTING FROM DE-*  
20 *BRIS REMOVAL INCLUDED IN CONTENTS OF CLAIM*  
21 *FORM.—Section 405(a)(2)(B) of the Air Transportation*  
22 *Safety and System Stabilization Act (49 U.S.C. 40101*  
23 *note) is amended—*

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

4           (2) *in clause (ii), by inserting “or debris re-*  
5 *moval during the immediate aftermath” after “crash-*  
6 *es”;* and

7           (3) *in clause (iii), by inserting “or debris re-*  
8 *moval during the immediate aftermath” after “crash-*  
9 *es”.*

10       (b) *EXTENSION OF DEADLINE FOR CLAIMS UNDER*  
11 *SEPTEMBER 11TH VICTIM COMPENSATION FUND OF*  
12 *2001.—Section 405(a)(3) of such Act is amended to read*  
13 *as follows:*

14           “(3) *LIMITATION.—*

15               “(A) *IN GENERAL.—Except as provided by*  
16 *subparagraph (B), no claim may be filed under*  
17 *paragraph (1) after the date that is 2 years after*  
18 *the date on which regulations are promulgated*  
19 *under section 407(a).*

20               “(B) *EXCEPTION.—A claim may be filed*  
21 *under paragraph (1), in accordance with sub-*  
22 *section (c)(3)(A)(i), by an individual (or by a*  
23 *personal representative on behalf of a deceased*  
24 *individual) during the period beginning on the*  
25 *date on which the regulations are updated under*

1            *section 407(b) and ending on the date that is 5*  
2            *years after the date on which such regulations*  
3            *are updated.”.*

4            *(c) REQUIREMENTS FOR FILING CLAIMS DURING EX-*  
5            *TENDED FILING PERIOD.—Section 405(c)(3) of such Act is*  
6            *amended—*

7            *(1) by redesignating subparagraphs (A) and (B)*  
8            *as subparagraphs (B) and (C), respectively; and*

9            *(2) by inserting before subparagraph (B), as so*  
10           *redesignated, the following new subparagraph:*

11                    *“(A) REQUIREMENTS FOR FILING CLAIMS*  
12                    *DURING EXTENDED FILING PERIOD.—*

13                            *“(i) TIMING REQUIREMENTS FOR FIL-*  
14                            *ING CLAIMS.—An individual (or a personal*  
15                            *representative on behalf of a deceased indi-*  
16                            *vidual) may file a claim during the period*  
17                            *described in subsection (a)(3)(B) as follows:*

18                                    *“(I) In the case that the Special*  
19                                    *Master determines the individual knew*  
20                                    *(or reasonably should have known) be-*  
21                                    *fore the date specified in clause (iii)*  
22                                    *that the individual suffered a physical*  
23                                    *harm at a 9/11 crash site as a result*  
24                                    *of the terrorist-related aircraft crashes*  
25                                    *of September 11, 2001, or as a result*



1           of debris removal, and that the indi-  
2           vidual knew (or should have known)  
3           before such specified date that the indi-  
4           vidual was eligible to file a claim  
5           under this title, the individual may  
6           file a claim not later than the date  
7           that is 2 years after such specified  
8           date.

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

1           “(ii) *OTHER ELIGIBILITY REQUIRE-*  
2           *MENTS FOR FILING CLAIMS.—An individual*  
3           *may file a claim during the period de-*  
4           *scribed in subsection (a)(3)(B) only if—*

5                     “(I) *the individual was treated by*  
6                     *a medical professional for suffering*  
7                     *from a physical harm described in*  
8                     *clause (i)(I) within a reasonable time*  
9                     *from the date of discovering such harm;*  
10                    *and*

11                   “(II) *the individual’s physical*  
12                    *harm is verified by contemporaneous*  
13                    *medical records created by or at the di-*  
14                    *rection of the medical professional who*  
15                    *provided the medical care.*

16           “(iii) *DATE SPECIFIED.—The date*  
17           *specified in this clause is the date on which*  
18           *the regulations are updated under section*  
19           *407(a).”.*

20           (d) *CLARIFYING APPLICABILITY TO ALL 9/11 CRASH*  
21           *SITES.—Section 405(c)(2)(A)(i) of such Act is amended by*  
22           *striking “or the site of the aircraft crash at Shanksville,*  
23           *Pennsylvania” and inserting “the site of the aircraft crash*  
24           *at Shanksville, Pennsylvania, or any other 9/11 crash site”.*

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

5       (f) *LIMITATIONS ON CIVIL ACTIONS.*—

6           (1) *APPLICATION TO DAMAGES RELATED TO DE-*  
 7 *BRIS REMOVAL.*—Clause (i) of section 405(c)(3)(C) of  
 8 such Act, as redesignated by subsection (c), is amend-  
 9 ed by inserting “, or for damages arising from or re-  
 10 lated to debris removal” after “September 11, 2001”.

11           (2) *PENDING ACTIONS.*—Clause (ii) of such sec-  
 12 tion, as so redesignated, is amended to read as fol-  
 13 lows:

14                   “(ii) *PENDING ACTIONS.*—In the case  
 15 of an individual who is a party to a civil  
 16 action described in clause (i), such indi-  
 17 vidual may not submit a claim under this  
 18 title—

19                           “(I) during the period described  
 20 in subsection (a)(3)(A) unless such in-  
 21 dividual withdraws from such action  
 22 by the date that is 90 days after the  
 23 date on which regulations are promul-  
 24 gated under section 407(a); and

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

7                   (3) *SETTLED ACTIONS*.—Such section, as so re-  
8                   designated, is further amended by adding at the end  
9                   the following new clause:

10                   “(iii) *SETTLED ACTIONS*.—In the case  
11                   of an individual who settled a civil action  
12                   described in clause (i), such individual may  
13                   not submit a claim under this title unless  
14                   such action was commenced after December  
15                   22, 2003, and a release of all claims in such  
16                   action was tendered prior to the date on  
17                   which the James Zadroga 9/11 Health and  
18                   Compensation Act of 2010 was enacted.”.

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

20                   Section 407 of the Air Transportation Safety and Sys-  
21                   tem Stabilization Act (49 U.S.C. 40101 note) is amended—

22                   (1) by striking “Not later than” and inserting  
23                   “(a) *IN GENERAL*.—Not later than”; and

24                   (2) by adding at the end the following new sub-  
25                   section:

1       “(b) *UPDATED REGULATIONS.*—Not later than 180  
2 days after the date of the enactment of the James Zadroga  
3 9/11 Health and Compensation Act of 2010, the Special  
4 Master shall update the regulations promulgated under sub-  
5 section (a) to the extent necessary to comply with the provi-  
6 sions of title II of such Act.”.

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

8       Section 408(a) of the Air Transportation Safety and  
9 System Stabilization Act (49 U.S.C. 40101 note) is amend-  
10 ed by adding at the end the following new paragraphs:

11               “(4) *LIABILITY FOR CERTAIN CLAIMS.*—Notwith-  
12 standing any other provision of law, liability for all  
13 claims and actions (including claims or actions that  
14 have been previously resolved, that are currently  
15 pending, and that may be filed) for compensatory  
16 damages, contribution or indemnity, or any other  
17 form or type of relief, arising from or related to de-  
18bris removal, against the City of New York, any enti-  
19ty (including the Port Authority of New York and  
20 New Jersey) with a property interest in the World  
21 Trade Center on September 11, 2001 (whether fee  
22 simple, leasehold or easement, or direct or indirect)  
23 and any contractors and subcontractors, shall not be  
24 in an amount that exceeds the sum of the following,  
25 as may be applicable:

1           “(A) *The amount of funds of the WTC Cap-*  
2           *tive Insurance Company, including the cumu-*  
3           *lative interest.*

4           “(B) *The amount of all available insurance*  
5           *identified in schedule 2 of the WTC Captive In-*  
6           *surance Company insurance policy.*

7           “(C) *As it relates to the limitation of liabil-*  
8           *ity of the City of New York, the amount that is*  
9           *the greater of the City of New York’s insurance*  
10          *coverage or \$350,000,000. In determining the*  
11          *amount of the City’s insurance coverage for pur-*  
12          *poses of the previous sentence, any amount de-*  
13          *scribed in subparagraphs (A) and (B) shall not*  
14          *be included.*

15          “(D) *As it relates to the limitation of liabil-*  
16          *ity of any entity, including the Port Authority*  
17          *of New York and New Jersey, with a property*  
18          *interest in the World Trade Center on September*  
19          *11, 2001 (whether fee simple, leasehold or ease-*  
20          *ment, or direct or indirect), the amount of all*  
21          *available liability insurance coverage main-*  
22          *tained by any such entity.*

23          “(E) *As it relates to the limitation of liabil-*  
24          *ity of any individual contractor or subcon-*  
25          *tractor, the amount of all available liability in-*

1           *surance coverage maintained by such contractor*  
2           *or subcontractor on September 11, 2001.*

3           “(5) *PRIORITY OF CLAIMS PAYMENTS.—Pay-*  
4           *ments to plaintiffs who obtain a settlement or judg-*  
5           *ment with respect to a claim or action to which para-*  
6           *graph (4) applies, shall be paid solely from the fol-*  
7           *lowing funds in the following order, as may be appli-*  
8           *cable:*

9                   “(A) *The funds described in subparagraph*  
10            (A) *or (B) of paragraph (4).*

11                   “(B) *If there are no funds available as de-*  
12            scribed in subparagraph (A) or (B) of paragraph  
13            (4), the funds described in subparagraph (C) of  
14            such paragraph.

15                   “(C) *If there are no funds available as de-*  
16            scribed in subparagraph (A), (B), or (C) of  
17            paragraph (4), the funds described in subpara-  
18            graph (D) of such paragraph.

19                   “(D) *If there are no funds available as de-*  
20            scribed in subparagraph (A), (B), (C), or (D) of  
21            paragraph (4), the funds described in subpara-  
22            graph (E) of such paragraph.

23           “(6) *DECLARATORY JUDGMENT ACTIONS AND DI-*  
24            RECT ACTION.—*Any claimant to a claim or action to*  
25            *which paragraph (4) applies may, with respect to*

1 *such claim or action, either file an action for a de-*  
2 *claratory judgment for insurance coverage or bring a*  
3 *direct action against the insurance company involved,*  
4 *except that no such action for declaratory judgment*  
5 *or direct action may be commenced until after the*  
6 *funds available in subparagraph (A), (B), (C), and*  
7 *(D) of paragraph (5) have been exhausted consistent*  
8 *with the order described in such paragraph for pay-*  
9 *ment.”.*

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

11 *Section 406 of the Air Transportation Safety and Sys-*  
12 *tem Stabilization Act (49 U.S.C. 40101 note) is amended—*

13 *(1) in subsection (a), by striking “Not later*  
14 *than” and inserting “Subject to the limitations under*  
15 *subsection (d), not later than”;*

16 *(2) in subsection (b)—*

17 *(A) by inserting “in the amounts provided*  
18 *under subsection (d)(1)” after “appropriations*  
19 *Acts”; and*

20 *(B) by inserting “subject to the limitations*  
21 *under subsection (d)” before the period; and*

22 *(3) by adding at the end the following new sub-*  
23 *sections:*

24 *“(d) LIMITATION.—*



1           “(1) *IN GENERAL.*—*The total amount of Federal*  
2 *funds paid for compensation under this title, with re-*  
3 *spect to claims filed on or after the date on which the*  
4 *regulations are updated under section 407(b), shall*  
5 *not exceed \$2,775,000,000. Of such amounts, not to*  
6 *exceed \$875,000,000 shall be available to pay such*  
7 *claims during the 5-year period beginning on such*  
8 *date.*

9           “(2) *PRO-RATION AND PAYMENT OF REMAINING*  
10 *CLAIMS.*—

11           “(A) *IN GENERAL.*—*The Special Master*  
12 *shall ratably reduce the amount of compensation*  
13 *due claimants under this title in a manner to*  
14 *ensure, to the extent possible, that—*

15                   “(i) *all claimants who, before applica-*  
16 *tion of the limitation under the second sen-*  
17 *tence of paragraph (1), would have been de-*  
18 *termined to be entitled to a payment under*  
19 *this title during such 5-year period, receive*  
20 *a payment during such period; and*

21                   “(ii) *the total amount of all such pay-*  
22 *ments made during such 5-year period do*  
23 *not exceed the amount available under the*  
24 *second sentence of paragraph (1) to pay*  
25 *claims during such period.*

1           “(B) *PAYMENT OF REMAINDER OF CLAIM*  
2           *AMOUNTS.—In any case in which the amount of*  
3           *a claim is ratably reduced pursuant to subpara-*  
4           *graph (A), on or after the first day after the 5-*  
5           *year period described in paragraph (1), but in*  
6           *no event later than 1 year after such 5-year pe-*  
7           *riod, the Special Master shall pay to the claim-*  
8           *ant the amount that is equal to the difference be-*  
9           *tween—*

10                   “(i) *the amount that the claimant*  
11                   *would have been paid under this title dur-*  
12                   *ing such period without regard to the limi-*  
13                   *tation under the second sentence of para-*  
14                   *graph (1) applicable to such period; and*

15                   “(ii) *the amount the claimant was*  
16                   *paid under this title during such period.*

17           “(C) *TERMINATION.—Upon completion of*  
18           *all payments pursuant to this subsection, the*  
19           *Victim’s Compensation Fund shall be perma-*  
20           *nently closed.*

21           “(e) *ATTORNEY FEES.—*

22                   “(1) *IN GENERAL.—Notwithstanding any con-*  
23                   *tract, the representative of an individual may not*  
24                   *charge, for services rendered in connection with the*  
25                   *claim of an individual under this title, more than 10*

1     *percent of an award made under this title on such*  
2     *claim.*

3             “(2) *LIMITATION.*—

4                     “(A) *IN GENERAL.*—*Except as provided in*  
5                     *subparagraph (B), in the case of an individual*  
6                     *who was charged a legal fee in connection with*  
7                     *the settlement of a civil action described in sec-*  
8                     *tion 405(c)(3)(C)(iii), the representative of the*  
9                     *individual may not charge any amount for com-*  
10                    *ensation for services rendered in connection*  
11                    *with a claim filed under this title.*

12                    “(B) *EXCEPTION.*—*If the legal fee charged*  
13                    *in connection with the settlement of a civil ac-*  
14                    *tion described in section 405(c)(3)(C)(iii) of an*  
15                    *individual is less than 10 percent of the aggre-*  
16                    *gate amount of compensation awarded to such*  
17                    *individual through such settlement, the rep-*  
18                    *resentative of such individual may charge an*  
19                    *amount for compensation for services rendered to*  
20                    *the extent that such amount charged is not more*  
21                    *than—*

22                             “(i) *10 percent of such aggregate*  
23                             *amount through the settlement, minus*

1                   “(i) the total amount of all legal fees  
2                   charged for services rendered in connection  
3                   with such settlement.

4                   “(3) *DISCRETION TO LOWER FEE.*—In the event  
5                   that the special master finds that the fee limit set by  
6                   paragraph (1) or (2) provides excessive compensation  
7                   for services rendered in connection with such claim,  
8                   the Special Master may, in the discretion of the Spe-  
9                   cial Master, award as reasonable compensation for  
10                  services rendered an amount lesser than that per-  
11                  mitted for in paragraph (1).”.

12                  **TITLE III—REVENUE RELATED**  
13                  **PROVISIONS**

14                  **SEC. 301. EXCISE TAX ON CERTAIN FOREIGN PROCURE-**  
15                  **MENT.**

16                  (a) *IMPOSITION OF TAX.*—

17                         (1) *IN GENERAL.*—Subtitle D of the Internal  
18                         Revenue Code of 1986 is amended by adding at the  
19                         end the following new chapter:

20                  **“CHAPTER 50—FOREIGN PROCUREMENT**

*“Sec. 5000C. Imposition of tax on certain foreign procurement.*

21                  **“SEC. 5000C. IMPOSITION OF TAX ON CERTAIN FOREIGN**  
22                  **PROCUREMENT.**

23                         “(a) *IMPOSITION OF TAX.*—There is hereby imposed on  
24                         any foreign person that receives a specified Federal procure-

1 *ment payment a tax equal to 2 percent of the amount of*  
2 *such specified Federal procurement payment.*

3       “(b) *SPECIFIED FEDERAL PROCUREMENT PAY-*  
4 *MENT.—For purposes of this section, the term ‘specified*  
5 *Federal procurement payment’ means any payment made*  
6 *pursuant to a contract with the Government of the United*  
7 *States for—*

8               “(1) *the provision of goods, if such goods are*  
9 *manufactured or produced in any country which is*  
10 *not a party to an international procurement agree-*  
11 *ment with the United States, or*

12               “(2) *the provision of services, if such services are*  
13 *provided in any country which is not a party to an*  
14 *international procurement agreement with the United*  
15 *States.*

16       “(c) *FOREIGN PERSON.—For purposes of this section,*  
17 *the term ‘foreign person’ means any person other than a*  
18 *United States person.*

19       “(d) *ADMINISTRATIVE PROVISIONS.—*

20               “(1) *WITHHOLDING.—The amount deducted and*  
21 *withheld under chapter 3 shall be increased by the*  
22 *amount of tax imposed by this section on such pay-*  
23 *ment.*

1           “(2) *OTHER ADMINISTRATIVE PROVISIONS.*—For  
2           purposes of subtitle F, any tax imposed by this sec-  
3           tion shall be treated as a tax imposed by subtitle A.”.

4           (2) *CLERICAL AMENDMENT.*—The table of chap-  
5           ters for subtitle D of the Internal Revenue Code of  
6           1986 is amended by adding at the end the following  
7           new item:

“CHAPTER 50—FOREIGN PROCUREMENT”.

8           (3) *EFFECTIVE DATE.*—The amendments made  
9           by this subsection shall apply to payments received  
10          pursuant to contracts entered into on and after the  
11          date of the enactment of this Act.

12          (b) *PROHIBITION ON REIMBURSEMENT OF FEES.*—

13               (1) *IN GENERAL.*—The head of each executive  
14               agency shall take any and all measures necessary to  
15               ensure that no funds are disbursed to any foreign con-  
16               tractor in order to reimburse the tax imposed under  
17               section 5000C of the Internal Revenue Code of 1986.

18               (2) *ANNUAL REVIEW.*—The Administrator for  
19               Federal Procurement Policy shall annually review the  
20               contracting activities of each executive agency to mon-  
21               itor compliance with the requirements of paragraph  
22               (1).

23               (3) *EXECUTIVE AGENCY.*—For purposes of this  
24               subsection, the term “executive agency” has the mean-



1 *such statement has been submitted prior to the vote on pas-*  
2 *sage.*

Attest:

*Secretary.*





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

**H.R. 847**

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**AMENDMENT**