

117TH CONGRESS
1ST SESSION

S. 2683

To amend title XXXIII of the Public Health Service Act with respect to flexibility and funding for the World Trade Center Health Program, and for other purposes.

IN THE SENATE OF THE UNITED STATES

AUGUST 9, 2021

Mrs. GILLIBRAND (for herself, Mr. SCHUMER, Mr. MENENDEZ, Mr. BOOKER, Mr. MURPHY, and Mr. BLUMENTHAL) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To amend title XXXIII of the Public Health Service Act with respect to flexibility and funding for the World Trade Center Health Program, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “9/11 Responder and
5 Survivor Health Funding Correction Act”.

1 **SEC. 2. FLEXIBILITY FOR CERTIFICATIONS UNDER THE**
 2 **WORLD TRADE CENTER HEALTH PROGRAM.**

3 (a) IN GENERAL.—Section 3305(a) of the Public
 4 Health Service Act (42 U.S.C. 300mm–4(a)) is amend-
 5 ed—

6 (1) in paragraph (2)(A)(ii), by inserting “sub-
 7 ject to paragraph (6),” before “for”; and

8 (2) by adding at the end the following:

9 “(6) LICENSED HEALTH CARE PROVIDER
 10 FLEXIBILITY.—

11 “(A) IN GENERAL.—For purposes of an
 12 initial health evaluation described in paragraph
 13 (2)(A)(ii) (including any such evaluation pro-
 14 vided under section 3321(b) or through the na-
 15 tionwide network under section 3313), such
 16 evaluation may be conducted by a physician or
 17 any other licensed health care provider in a cat-
 18 egory of health care providers determined by
 19 the Secretary under subparagraph (B).

20 “(B) CATEGORIES OF LICENSED HEALTH
 21 CARE PROVIDERS.—Not later than 60 days
 22 after the date of enactment of the 9/11 Re-
 23 sponder and Survivor Health Funding Correc-
 24 tion Act, the WTC Program Administrator
 25 shall issue regulations for the categories of li-
 26 censed health care providers who, in addition to

1 licensed physicians, may conduct evaluations
 2 under subparagraph (A) and make determina-
 3 tions under section 3312(b).”.

4 (b) FLEXIBILITY FOR WTC RESPONDERS.—Section
 5 3312(b) of such Act (42 U.S.C. 300mm–22(b)) is amend-
 6 ed—

7 (1) in paragraph (1), by striking “physician”
 8 each place it appears and inserting “physician or
 9 other licensed health care provider in a category de-
 10 termined by the Secretary under section
 11 3305(a)(6)(B)”;

12 (2) in paragraph (2)—

13 (A) in subparagraph (A)—

14 (i) in the matter preceding clause (i),
 15 by striking “physician” and inserting
 16 “physician or other licensed health care
 17 provider in a category determined by the
 18 Secretary under section 3305(a)(6)(B)”;

19 (ii) in clause (i), by striking “physi-
 20 cian” and inserting “physician or other li-
 21 censed health care provider”; and

22 (iii) in clause (ii), by striking “such
 23 physician’s determination” and inserting
 24 “the determination of such physician or
 25 other licensed health care provider”; and

1 (B) in subparagraph (B)—

2 (i) in the matter preceding clause (i),
 3 by striking “physician determinations” and
 4 inserting “determinations by physicians or
 5 other licensed health care providers in cat-
 6 egories determined by the Secretary under
 7 section 3305(a)(6)(B)”; and

8 (ii) in clause (i), by striking “physi-
 9 cian panel” and inserting “panel of physi-
 10 cians or other licensed health care pro-
 11 viders in categories determined by the Sec-
 12 retary under section 3305(a)(6)(B)”; and

13 (3) in paragraph (5), by striking “examining
 14 physician” and inserting “examining physician or
 15 other licensed health care provider in a category de-
 16 termined by the Secretary under section
 17 3305(a)(6)(B)”.

18 **SEC. 3. CRITERIA FOR CREDENTIALING HEALTH CARE**
 19 **PROVIDERS PARTICIPATING IN THE NATION-**
 20 **WIDE NETWORK.**

21 Title XXXIII of the Public Health Service Act (42
 22 U.S.C. 300mm et seq.) is amended—

23 (1) in section 3305(a)(2) (42 U.S.C. 300mm–
 24 4(a)(2))—

25 (A) in subparagraph (A)—

1 (i) by striking clause (iv); and
 2 (ii) by redesignating clauses (v) and
 3 (vi) as clauses (iv) and (v), respectively;
 4 (B) by striking subparagraph (B); and
 5 (C) by redesignating subparagraphs (C)
 6 and (D) as subparagraphs (B) and (C), respec-
 7 tively; and
 8 (2) in section 3313(b)(1) (42 U.S.C. 300mm-
 9 23(b)(1)), by striking “Data Centers” and inserting
 10 “WTC Program Administrator”.

11 **SEC. 4. CLARIFYING CALCULATION OF ENROLLMENT.**

12 (a) RESPONDERS.—Section 3311(a) of such Act (42
 13 U.S.C. 300mm-21(a)) is amended by adding at the end
 14 the following:

15 “(6) DECEASED WTC RESPONDERS.—An indi-
 16 vidual known to the WTC Program Administrator to
 17 be deceased shall not be included in any count of en-
 18 rollees under this subsection or section 3351.”.

19 (b) SURVIVORS.—Section 3321(a) of such Act (42
 20 U.S.C. 300mm-31(a)) is amended by adding at the end
 21 the following:

22 “(5) DECEASED WTC SURVIVORS.—An indi-
 23 vidual known to the WTC Program Administrator to
 24 be deceased shall not be included in any count of en-
 25 rollees under this subsection or section 3351.”.

1 **SEC. 5. FUNDING FOR THE WORLD TRADE CENTER HEALTH**
 2 **PROGRAM.**

3 Section 3351 of the Public Health Service Act (42
 4 U.S.C. 300mm–61) is amended—

5 (1) in subsection (a)(2)(A)—

6 (A) in clause (x), by striking
 7 “\$570,000,000; and” and inserting
 8 “\$689,130,000;”; and

9 (B) by striking clause (xi) and inserting
 10 the following:

11 “(xi) for fiscal year 2026,
 12 \$930,325,500;

13 “(xii) for fiscal year 2027,
 14 \$1,004,751,540;

15 “(xiii) for fiscal year 2028,
 16 \$1,085,131,663;

17 “(xiv) for fiscal year 2029,
 18 \$1,139,388,246;

19 “(xv) for fiscal year 2030,
 20 \$1,196,357,659;

21 “(xvi) for fiscal year 2031,
 22 \$1,256,175,542; and

23 “(xvii) for each subsequent fiscal year
 24 through fiscal year 2090—

25 “(I) the amount determined
 26 under this subparagraph for the pre-

1 vious fiscal year multiplied by 1.05;
2 multiplied by

3 “(II) the ratio of—

4 “(aa) the total number of
5 individuals enrolled in the WTC
6 program on July 1 of such pre-
7 vious fiscal year; to

8 “(bb) the total number of
9 individuals so enrolled on July 1
10 of the fiscal year prior to such
11 previous fiscal year; plus”; and

12 (2) in subsection (c)—

13 (A) by amending paragraph (3) to read as
14 follows:

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

17 “(A) for each of fiscal years 2016 through
18 2021, \$750,000; and

19 “(B) for fiscal year 2022 and each subse-
20 quent fiscal year, \$2,000,000.”;

21 (B) in paragraph (4)—

22 (i) by amending subparagraph (A) to
23 read as follows:

24 “(A) for fiscal year 2021, the amount de-
25 termined for such fiscal year under this para-

graph as in effect on the day before the date of
 enactment of the 9/11 Responder and Survivor
 Health Funding Correction Act”; and

(ii) in subparagraph (B), by striking
 “2017, \$15,000,000” and inserting “2022,
 \$20,000,000”; and

(C) in paragraph (5)—

(i) by amending subparagraph (A) to
 read as follows:

“(A) for fiscal year 2021, the amount de-
 termined for such fiscal year under this para-
 graph as in effect on the day before the date of
 enactment of the 9/11 Responder and Survivor
 Health Funding Correction Act;”;

(ii) by redesignating subparagraph
 (B) as subparagraph (C); and

(iii) by inserting after subparagraph
 (A) the following:

“(B) for fiscal year 2022, \$20,000,000;
 and”.

**SEC. 6. RESEARCH COHORT FOR EMERGING HEALTH IM-
 PACTS ON YOUTH.**

(a) IN GENERAL.—Section 3341 of the Public Health
 Service Act (42 U.S.C. 300mm–51) is amended—

1 (1) by redesignating subsections (c) and (d) as
 2 subsections (d) and (e), respectively; and

3 (2) by inserting after subsection (b) the fol-
 4 lowing:

5 “(c) RESEARCH COHORT FOR EMERGING HEALTH
 6 IMPACTS ON YOUTH.—The WTC Program Administrator
 7 shall establish a research cohort of sufficient size to con-
 8 duct research studies on the health and educational im-
 9 pacts of exposure to airborne toxins, or any other hazard
 10 or adverse condition, resulting from the September 11,
 11 2001, terrorist attacks on the population of individuals
 12 who were 21 years of age or younger at the time of expo-
 13 sure and who are enrolled in the WTC Program or other-
 14 wise eligible for enrollment in the Program under section
 15 3321.”.

16 (b) SPENDING LIMITATION EXEMPTION.—Section
 17 3351(c)(5) of such Act (42 U.S.C. 300mm–61(c)(5)) is
 18 amended in the matter preceding subparagraph (A), by
 19 inserting “(other than subsection (c) of such section)”
 20 after “section 3341”.

21 (c) CONFORMING AMENDMENT.—Section
 22 3301(f)(2)(E) of such Act (42 U.S.C. 300mm(f)(2)(E))
 23 is amended by striking “section 3341(a)” and inserting
 24 “subsection (a) or (c) of section 3341”.

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