

118TH CONGRESS
2D SESSION

S. 4724

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

IN THE SENATE OF THE UNITED STATES

JULY 11 (legislative day, JULY 10), 2024

Mrs. GILLIBRAND (for herself, Mr. SCHUMER, Mr. CASEY, Mr. WARNER, Mr. KAINE, and Mr. BRAUN) 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.

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 of 2024”.

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

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

7 (1) in paragraph (1)(A), by inserting “subject
 8 to paragraph (6),” before “for”; and

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

10 “(6) LICENSED MENTAL HEALTH PROVIDER
 11 FLEXIBILITY FOR MENTAL HEALTH CONDITION CER-
 12 TIFICATIONS.—

13 “(A) IN GENERAL.—For purposes of an
 14 initial health evaluation described in paragraph
 15 (1)(A) with respect to a mental health condition
 16 (including any such evaluation provided under
 17 section 3321(b) or through the nationwide net-
 18 work under section 3313), such evaluation may
 19 be conducted by a physician or any other li-
 20 censed mental health provider in a category of
 21 mental health care providers determined by the
 22 WTC Program Administrator under subpara-
 23 graph (B).

24 “(B) CATEGORIES OF LICENSED MENTAL
 25 HEALTH PROVIDERS.—Not later than 180 days
 26 after the date of enactment of the 9/11 Re-

1 sponder and Survivor Health Funding Correc-
 2 tion Act of 2024, the WTC Program Adminis-
 3 trator shall issue regulations for the categories
 4 of licensed mental health providers who, in ad-
 5 dition to licensed physicians, may conduct eval-
 6 uations under subparagraph (A) with respect to
 7 a mental health condition and make determina-
 8 tions under section 3312(b) with respect to
 9 such a condition.”.

10 (b) FLEXIBILITY FOR WTC RESPONDERS.—Section
 11 3312(b) of such Act (42 U.S.C. 300mm–22(b)) is amend-
 12 ed—

13 (1) in paragraph (1)(A)—

14 (A) in the matter preceding clause (i), by
 15 striking “physician” and inserting “physician
 16 (or, in the case of a mental health condition, a
 17 physician or any other qualified mental health
 18 provider)”; and

19 (B) in clause (i), by striking “physician”
 20 and inserting “physician or other qualified men-
 21 tal health provider”;

22 (2) in paragraph (2)—

23 (A) in subparagraph (A)—

24 (i) in the matter preceding clause (i),
 25 by striking “physician” and inserting

“physician (or, in the case of a mental health condition, a physician or any other qualified mental health provider)”;

(ii) in clause (i), by striking “physician” and inserting “physician or other qualified mental health provider”; and

(iii) in clause (ii), by striking “such physician’s determination” and inserting “the determination of such physician or other qualified mental health provider”; and

(B) in subparagraph (B)—

(i) in the matter preceding clause (i), by striking “physician determinations” and inserting “determinations by physicians (or, in the case of a mental health condition, physicians or other qualified mental health providers)”; and

(ii) in clause (i), by striking “physician panel” and inserting “panel of physicians (or, in the case of a mental health condition, physicians or other qualified mental health providers)”; and

(3) in paragraph (5), by striking “examining physician” and inserting “examining physician (or,

1 in the case of a mental health condition, examining
 2 physician or other qualified mental health pro-
 3 vider)”; and

4 (4) by adding at the end the following:

5 “(6) DEFINITION OF ‘QUALIFIED MENTAL
 6 HEALTH PROVIDER’.—For purposes of this sub-
 7 section, the term ‘qualified mental health provider’
 8 means a licensed mental health provider in a cat-
 9 egory determined by the WTC Program Adminis-
 10 trator under section 3305(a)(6)(B).”.

11 **SEC. 3. CRITERIA FOR CREDENTIALING HEALTH CARE**
 12 **PROVIDERS PARTICIPATING IN THE NATION-**
 13 **WIDE NETWORK.**

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

16 (1) in section 3305(a)(2) (42 U.S.C. 300mm–
 17 4(a)(2))—

18 (A) in subparagraph (A)—

19 (i) by striking clause (iv); and

20 (ii) by redesignating clauses (v) and
 21 (vi) as clauses (iv) and (v), respectively;

22 (B) by striking subparagraph (B); and

23 (C) by redesignating subparagraphs (C)
 24 and (D) as subparagraphs (B) and (C), respec-
 25 tively; and

1 (2) in section 3313(b)(1) (42 U.S.C. 300mm–
 2 23(b)(1)), by striking “Data Centers” and inserting
 3 “WTC Program Administrator”.

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

5 (a) RESPONDERS.—Section 3311(a) of such Act (42
 6 U.S.C. 300mm–21(a)) is amended by adding at the end
 7 the following:

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

12 (b) SURVIVORS.—Section 3321(a) of such Act (42
 13 U.S.C. 300mm–31(a)) is amended by adding at the end
 14 the following:

15 “(5) DECEASED WTC SURVIVORS.—An indi-
 16 vidual known to the WTC Program Administrator to
 17 be deceased shall not be included in any count of
 18 certified-eligible survivors under this section or in
 19 any count of enrollees under section 3351.”.

20 **SEC. 5. TIME PERIOD FOR ADDING HEALTH CONDITIONS**
 21 **TO LIST FOR WTC RESPONDERS.**

22 Section 3312(a)(6) of the Public Health Service Act
 23 (42 U.S.C. 300mm–22(a)(6)) is amended—

24 (1) in subparagraph (B), by striking “90” and
 25 inserting “180”; and

1 (2) in subparagraph (C), in the second sen-
 2 tence, by striking “90” and inserting “180”.

3 **SEC. 6. FUNDING FOR THE WORLD TRADE CENTER HEALTH**
 4 **PROGRAM.**

5 (a) IN GENERAL.—Section 3351 of the Public Health
 6 Service Act (42 U.S.C. 300mm–61) is amended—

7 (1) in subsection (a)(2)(A)—

8 (A) in clause (x), by striking “and”;

9 (B) in clause (xi)—

10 (i) by striking “subsequent fiscal year
 11 through fiscal year 2090” and inserting
 12 “of fiscal years 2026 through 2034”; and

13 (ii) by striking “plus” and inserting
 14 “and”; and

15 (C) by adding at the end the following:

16 “(xii) for each of fiscal years 2035
 17 through 2090—

18 “(I) the amount determined
 19 under this subparagraph for the pre-
 20 vious fiscal year (plus any amount ex-
 21 pended from the Fund in the previous
 22 fiscal year that was carried over from
 23 any fiscal year prior to the previous
 24 fiscal year including as carried over
 25 pursuant to a deposit into such Fund

1 under section 3352(d), 3353(d), or
 2 3354(d)) multiplied by 1.05; multi-
 3 plied by

4 “(II) the ratio of—

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

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

13 (2) in subsection (c)—

14 (A) in paragraph (4)—

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

17 “(A) for fiscal year 2024, the amount de-
 18 termined for such fiscal year under this para-
 19 graph as in effect on the day before the date of
 20 enactment of the 9/11 Responder and Survivor
 21 Health Funding Correction Act of 2024;”; and

22 (ii) by amending subparagraph (B) to
 23 read as follows:

24 “(B) for fiscal year 2025, the greater of—

1 “(i) the amount determined for such
 2 fiscal year under this paragraph as in ef-
 3 fect on the day before the date of enact-
 4 ment of the 9/11 Responder and Survivor
 5 Health Funding Correction Act of 2024; or

6 “(ii) \$20,000,000; and”; and
 7 (B) in paragraph (5)—

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

10 “(A) for fiscal year 2024, the amount de-
 11 termined for such fiscal year under this para-
 12 graph as in effect on the day before the date of
 13 enactment of the 9/11 Responder and Survivor
 14 Health Funding Correction Act of 2024;”;

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

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

19 “(B) for fiscal year 2025, the greater of—

20 “(i) the amount determined for such
 21 fiscal year under this paragraph as in ef-
 22 fect on the day before the date of enact-
 23 ment of the 9/11 Responder and Survivor
 24 Health Funding Correction Act of 2024; or

25 “(ii) \$20,000,000; and”.

1 (b) ADDITIONAL AMOUNTS FOR THE WORLD TRADE
 2 CENTER HEALTH PROGRAM SPECIAL FUND.—Section
 3 3353(b) of the Public Health Service Act (42 U.S.C.
 4 300mm–63(b)) is amended—

5 (1) by striking “Out” and inserting the fol-
 6 lowing:

7 “(1) INITIAL DEPOSIT.—Out”; and

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

9 “(2) ADDITIONAL DEPOSIT.—Out of any money
 10 in the Treasury not otherwise appropriated, there is
 11 appropriated for fiscal year 2024 \$2,970,406,593
 12 for deposit into the Special Fund, which amounts
 13 shall remain available in such Fund through fiscal
 14 year 2033.”.

15 (c) REALLOCATION OF ANY REMAINING AMOUNTS IN
 16 SEPARATE FUNDS.—

17 (1) SUPPLEMENTAL FUND.—Section 3352(d) of
 18 the Public Health Service Act (42 U.S.C. 300mm–
 19 62(d)) is amended—

20 (A) in the subsection heading, by striking
 21 “RETURN OF FUNDS” and inserting “REMAIN-
 22 ING AMOUNTS”; and

23 (B) by striking “the Treasury as miscella-
 24 neous receipts” and inserting “the World Trade
 25 Center Health Program Fund under section

1 3351 for fiscal year 2033 and, notwithstanding
 2 subsections (b) and (c), remain available, for
 3 the purposes described in this title, through fis-
 4 cal year 2090 in accordance with subsection
 5 (a)(5) of section 3351 and subject to the spend-
 6 ing limitations under subsection (c) of such sec-
 7 tion”.

8 (2) SPECIAL FUND.—Section 3353(d) of the
 9 Public Health Service Act (42 U.S.C. 300mm–
 10 63(d)) is amended by striking “the Treasury as mis-
 11 cellaneous receipts” and inserting “the World Trade
 12 Center Health Program Fund under section 3351
 13 for fiscal year 2034 and, notwithstanding sub-
 14 sections (b) and (c), remain available, for the pur-
 15 poses described in this title, through fiscal year 2090
 16 in accordance with subsection (a)(5) of section 3351
 17 and subject to the spending limitations under sub-
 18 section (c) of such section”.

19 (3) PENTAGON/SHANKSVILLE FUND.—Section
 20 3354(d) of the Public Health Service Act (42 U.S.C.
 21 300mm–64(d)) is amended by striking “the Treas-
 22 ury as miscellaneous receipts” and inserting “the
 23 World Trade Center Health Program Fund under
 24 section 3351 for fiscal year 2034 and, notwith-
 25 standing subsections (b) and (c), remain available,

1 for the purposes described in this title, through fis-
 2 cal year 2090 in accordance with subsection (a)(5)
 3 of section 3351 and subject to the spending limita-
 4 tions under subsection (c) of such section”.

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

8 (A) in subsection (a)(5), by inserting “or
 9 deposited into the Fund under any other sec-
 10 tion in this title,” before “for a fiscal year”;
 11 and

12 (B) in subsection (b)(1), by inserting “or
 13 any other section in this title” after “subsection
 14 (a)(2)”.

15 **SEC. 7. OFFSET.**

16 (a) IN GENERAL.—Section 251A(6)(D) of the Bal-
 17 anced Budget and Emergency Deficit Control Act of 1985
 18 (2 U.S.C. 901a(6)(D)) is amended—

19 (1) in clause (i), by striking “8 months” and
 20 inserting “10 months”; and

21 (2) in clause (ii), by striking “4 months” and
 22 inserting “2 months”.

23 (b) DEPOSIT OF EXCESS SAVINGS IN THE MEDICARE
 24 IMPROVEMENT FUND.—

1 (1) DEFINITION.—In this subsection, the term
2 “excess savings” means the difference obtained by
3 subtracting—

4 (A) the amount of the budgetary effects
5 (as determined in accordance with the Statu-
6 tory Pay-As-You-Go Act of 2010 (2 U.S.C. 931
7 et seq.)) of sections 2 through 6 of this Act;
8 from

9 (B) the amount of the budgetary effects
10 (as determined in accordance with the Statu-
11 tory Pay-As-You-Go Act of 2010 (2 U.S.C. 931
12 et seq.)) of the amendment made by subsection
13 (a) of this section.

14 (2) DEPOSIT.—The amount of any excess sav-
15 ings shall be transferred to and merged with
16 amounts in the Medicare Improvement Fund estab-
17 lished under section 1898 of the Social Security Act
18 (42 U.S.C. 1395iii). Amounts transferred under this
19 paragraph shall remain available until expended.

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