

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

(I) in accordance with such subparagraph; and

(II) to such number, as determined by the Administrator based on the best available information and subject to amounts made available under this subchapter, that will ensure sufficient funds will be available to provide treatment and monitoring benefits under this subchapter, with respect to all individuals receiving such certifications; and

(ii) provide priority in such certifications in the order in which individuals apply for a determination under paragraph (2)(B).

(4) Disqualification of individuals on terrorist watch list

No individual who is on the terrorist watch list maintained by the Department of Homeland Security shall qualify as a screening-eligible WTC survivor or a certified-eligible WTC survivor. Before determining any individual to be a screening-eligible WTC survivor under paragraph (1) or certifying any individual as a certified eligible¹ WTC survivor under paragraph (2), the Administrator, in consultation with the Secretary of Homeland Security, shall determine whether the individual is on such list.

(b) Initial health evaluation to determine eligibility for followup monitoring or treatment

(1) In general

In the case of a screening-eligible WTC survivor, the WTC Program shall provide for an initial health evaluation to determine if the survivor has a WTC-related health condition and is eligible for followup monitoring and treatment benefits under the WTC Program. Initial health evaluation protocols under section 300mm-4(a)(2)(A)(ii) of this title shall be subject to approval by the WTC Program Administrator.

(2) Initial health evaluation providers

The initial health evaluation described in paragraph (1) shall be provided through a Clinical Center of Excellence with respect to the individual involved.

(3) Limitation on initial health evaluation benefits

Benefits for an initial health evaluation under this subpart for a screening-eligible WTC survivor shall consist only of a single medical initial health evaluation consistent with initial health evaluation protocols described in paragraph (1). Nothing in this paragraph shall be construed as preventing such an individual from seeking additional medical initial health evaluations at the expense of the individual.

(July 1, 1944, ch. 373, title XXXIII, § 3321, as added Pub. L. 111-347, title I, § 101, Jan. 2, 2011, 124 Stat. 3648; amended Pub. L. 114-113, div. O, title III, § 302(f), Dec. 18, 2015, 129 Stat. 3000; Pub.

L. 116-59, div. B, title VI, § 1602(b), Sept. 27, 2019, 133 Stat. 1107; Pub. L. 117-328, div. FF, title VII, § 7701(b)(2), Dec. 29, 2022, 136 Stat. 5965; Pub. L. 118-31, div. A, title XVIII, § 1851(c)(2), Dec. 22, 2023, 137 Stat. 708.)

Editorial Notes

AMENDMENTS

2023—Subsec. (a)(3)(B)(i)(II). Pub. L. 118-31 substituted “this subchapter” for “sections 300mm-61 and 300mm-62 of this title”.

2022—Subsec. (a)(3)(B)(i)(II). Pub. L. 117-328 substituted “sections 300mm-61 and 300mm-62 of this title” for “section 300mm-61 of this title”.

2019—Subsec. (a)(3)(A). Pub. L. 116-59 substituted “75,000” for “25,000”.

2015—Subsec. (a)(3)(B)(i)(II). Pub. L. 114-113 struck out “through the end of fiscal year 2020” after “certifications”.

Statutory Notes and Related Subsidiaries

RULE OF CONSTRUCTION

Nothing in amendment made by Pub. L. 116-59 to alter the annual limitations on amounts appropriated to the World Trade Center Health Program Fund under section 300mm-61(a)(2) of this title, see section 1602(c) of Pub. L. 116-59, set out as a note under section 300mm-21 of this title.

§ 300mm-32. Followup monitoring and treatment of certified-eligible WTC survivors for WTC-related health conditions

(a) In general

Subject to subsection (b), the provisions of sections 300mm-21 and 300mm-22 of this title shall apply to followup monitoring and treatment of WTC-related health conditions for certified-eligible WTC survivors in the same manner as such provisions apply to the monitoring and treatment of WTC-related health conditions for enrolled WTC responders.

(b) List of WTC-related health conditions for survivors

The list of health conditions for screening-eligible WTC survivors and certified-eligible WTC survivors consists of the following:

(1) Aerodigestive disorders

- (A) Interstitial lung diseases.
- (B) Chronic respiratory disorder—fumes/vapors.
- (C) Asthma.
- (D) Reactive airways dysfunction syndrome (RADS).
- (E) WTC-exacerbated chronic obstructive pulmonary disease (COPD).
- (F) Chronic cough syndrome.
- (G) Upper airway hyperreactivity.
- (H) Chronic rhinosinusitis.
- (I) Chronic nasopharyngitis.
- (J) Chronic laryngitis.
- (K) Gastroesophageal reflux disorder (GERD).

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

(2) Mental health conditions

- (A) Posttraumatic stress disorder (PTSD).
- (B) Major depressive disorder.
- (C) Panic disorder.

¹ So in original. Probably should be “certified-eligible”.

- (D) Generalized anxiety disorder.
- (E) Anxiety disorder (not otherwise specified).
- (F) Depression (not otherwise specified).
- (G) Acute stress disorder.
- (H) Dysthymic disorder.
- (I) Adjustment disorder.
- (J) Substance abuse.

(3) Additional conditions

Any cancer (or type of cancer) or other condition added to the list in section 300mm-22(a)(3) of this title pursuant to paragraph (5) or (6) of section 300mm-22(a) of this title, as such provisions are applied under subsection (a) with respect to certified-eligible WTC survivors.

(July 1, 1944, ch. 373, title XXXIII, §3322, as added Pub. L. 111-347, title I, §101, Jan. 2, 2011, 124 Stat. 3652.)

§ 300mm-33. Followup monitoring and treatment of other individuals with WTC-related health conditions

(a) In general

Subject to subsection (c), the provisions of section 300mm-32 of this title shall apply to the followup monitoring and treatment of WTC-related health conditions in the case of individuals described in subsection (b) in the same manner as such provisions apply to the followup monitoring and treatment of WTC-related health conditions for certified-eligible WTC survivors.

(b) Individuals described

An individual described in this subsection is an individual who, regardless of location of residence—

- (1) is not an enrolled WTC responder or a certified-eligible WTC survivor; and
- (2) is diagnosed at a Clinical Center of Excellence with a WTC-related health condition for certified-eligible WTC survivors.

(c) Limitation

(1) In general

The WTC Program Administrator shall limit benefits for any fiscal year under subsection (a) in a manner so that payments under this section for such fiscal year do not exceed the amount specified in paragraph (2) for such fiscal year.

(2) Limitation

The amount specified in this paragraph for—

- (A) the last calendar quarter of fiscal year 2011 is \$5,000,000;
- (B) fiscal year 2012 is \$20,000,000; or
- (C) a succeeding fiscal year is the amount specified in this paragraph for the previous fiscal year increased by the annual percentage increase in the medical care component of the consumer price index for all urban consumers.

(July 1, 1944, ch. 373, title XXXIII, §3323, as added Pub. L. 111-347, title I, §101, Jan. 2, 2011, 124 Stat. 3652.)

SUBPART 3—PAYOR PROVISIONS

§ 300mm-41. Payment of claims

(a) In general

Except as provided in subsections (b) and (c), the cost of monitoring and treatment benefits and initial health evaluation benefits provided under subparts 1 and 2 of this part shall be paid for by the WTC Program from (as applicable) the Funds established under sections 300mm-61, 300mm-62, 300mm-63, and 300mm-64 of this title.

(b) Workers' compensation payment

(1) In general

Subject to paragraph (2), payment for treatment under subparts 1 and 2 of this part of a WTC-related health condition of an individual that is work-related shall be reduced or recouped to the extent that the WTC Program Administrator determines that payment has been made, or can reasonably be expected to be made, under a workers' compensation law or plan of the United States, a State, or a locality, or other work-related injury or illness benefit plan of the employer of such individual, for such treatment. The provisions of clauses (iii), (iv), (v), and (vi) of paragraph (2)(B) of section 1862(b) of the Social Security Act [42 U.S.C. 1395y(b)] and paragraphs (3) and (4) of such section shall apply to the recoupment under this subsection of a payment to the WTC Program (with respect to a workers' compensation law or plan, or other work-related injury or illness plan of the employer involved, and such individual) in the same manner as such provisions apply to the reimbursement of a payment under section 1862(b)(2) of such Act [42 U.S.C. 1395y(b)(2)] to the Secretary (with respect to such a law or plan and an individual entitled to benefits under title XVIII of such Act [42 U.S.C. 1395 et seq.]) except that any reference in such paragraph (4) to payment rates under title XVIII of the Social Security Act shall be deemed a reference to payment rates under this subchapter.

(2) Exception

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

(3) Rules of construction

Nothing in this subchapter shall be construed to affect, modify, or relieve any obligations under a worker's compensation law or plan, other work-related injury or illness benefit plan of an employer, or any health insurance plan.

(c) Health insurance coverage

(1) In general

In the case of an individual who has a WTC-related health condition that is not work-related and has health coverage for such condi-