

**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO H.R. 847  
OFFERED BY MR. WAXMAN OF CALIFORNIA**

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  
6 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—WORLD TRADE CENTER HEALTH PROGRAM

Sec. 101. World Trade Center Health Program.

“TITLE XXXIII—WORLD TRADE CENTER HEALTH PROGRAM

“Subtitle A—Establishment of Program; Advisory Committee

“Sec. 3301. Establishment of World Trade Center Health Program.

“Sec. 3302. WTC Health Program Scientific/Technical Advisory 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 in New York City.

“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.

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

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

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

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

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

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

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

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

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

1           “(1) MEDICAL MONITORING FOR RESPOND-  
2           ERS.—Medical monitoring under section 3311, in-  
3           cluding clinical examinations and long-term health  
4           monitoring and analysis for enrolled WTC respond-  
5           ers who were likely to have been exposed to airborne  
6           toxins that were released, or to other hazards, as a  
7           result of the September 11, 2001, terrorist attacks  
8           on the World Trade Center.

9           “(2) INITIAL HEALTH EVALUATION FOR SUR-  
10          VIVORS.—An initial health evaluation under section  
11          3321, including an evaluation to determine eligibility  
12          for followup monitoring and treatment.

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

22          “(4) OUTREACH.—Establishment under section  
23          3303 of an education and outreach program to po-  
24          tentially eligible individuals concerning the benefits  
25          under this title.

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

7           “(6) RESEARCH ON HEALTH CONDITIONS.—Es-  
8           tablishment under subtitle C of a research program  
9           on health conditions resulting from the September  
10          11, 2001, terrorist attacks on the World Trade Cen-  
11          ter.

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

20          “(d) PREVENTING FRAUD AND UNREASONABLE AD-  
21          MINISTRATIVE COSTS.—

22                 “(1) FRAUD.—The Inspector General of the  
23          Department of Health and Human Services shall de-  
24          velop and implement a program to review the WTC  
25          Program’s health care expenditures to detect fraudu-

1       lent or duplicate billing and payment for inappro-  
2       priate services. This title is a Federal health care  
3       program (as defined in section 1128B(f) of the So-  
4       cial Security Act) and is a health plan (as defined  
5       in section 1128C(c) of such Act) for purposes of ap-  
6       plying sections 1128 through 1128E of such Act.

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

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

20           “(1) adherence to monitoring and treatment  
21      protocols;

22           “(2) appropriate diagnostic and treatment re-  
23      ferrals for participants;

24           “(3) prompt communication of test results to  
25      participants; and

1           “(4) such other elements as the Administrator  
2 specifies in consultation with the Clinical Centers of  
3 Excellence.

4           “(f) ANNUAL PROGRAM REPORT.—

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

12           “(2) CONTENTS INCLUDED IN REPORT.—Each  
13 annual report under paragraph (1) shall include at  
14 least the following:

15           “(A) ELIGIBLE INDIVIDUALS.—Informa-  
16 tion for each clinical program described in para-  
17 graph (3)—

18           “(i) on the number of individuals who  
19 applied for certification under subtitle B  
20 and the number of such individuals who  
21 were so certified;

22           “(ii) of the individuals who were cer-  
23 tified, on the number who received moni-  
24 toring under the program and the number

1 of such individuals who received medical  
2 treatment under the program;

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

7 “(iv) on the projected number of indi-  
8 viduals who will be certified under subtitle  
9 B in the succeeding fiscal year and the  
10 succeeding 10-year period.

11 “(B) MONITORING, INITIAL HEALTH EVAL-  
12 UATION, AND TREATMENT COSTS.—For each  
13 clinical program so described—

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

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

1           “(C) ADMINISTRATIVE COSTS.—Informa-  
2           tion on the cost of administering the program,  
3           including costs of program support, data collec-  
4           tion and analysis, and research conducted under  
5           the program.

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

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

12                   “(ii) a list of the Clinical Centers of  
13                  Excellence and other providers that are  
14                  participating in the program.

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

21           “(F) ADVISORY COMMITTEE REC-  
22           COMMENDATIONS.—A list of recommendations by  
23           the WTC Scientific/Technical Advisory Com-  
24           mittee on additional WTC Program eligibility  
25           criteria and on additional WTC-related health

1 conditions and the action of the WTC Program  
2 Administrator concerning each such rec-  
3 ommendation.

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

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

12 “(B) OTHER WTC RESPONDERS.—The ben-  
13 efits provided for enrolled WTC responders not  
14 described in subparagraph (A).

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

19 “(g) NOTIFICATION TO CONGRESS UPON REACHING  
20 80 PERCENT OF ELIGIBILITY NUMERICAL LIMITS.—The  
21 Secretary shall promptly notify the Congress of each of  
22 the following:

23 “(1) When the number of enrollments of WTC  
24 responders subject to the limit established under sec-

1       tion 3311(a)(4) has reached 80 percent of such  
2       limit.

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

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

13      **“SEC. 3302. WTC HEALTH PROGRAM SCIENTIFIC/TECH-**  
14                              **NICAL ADVISORY COMMITTEE; WTC HEALTH**  
15                              **PROGRAM STEERING COMMITTEES.**

16      “(a) ADVISORY COMMITTEE.—

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

1           “(2) COMPOSITION.—The WTC Program Ad-  
2           ministrators shall appoint the members of the Advi-  
3           sory Committee and shall include at least—

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

7                   “(B) 1 physician with expertise in pul-  
8                   monary medicine;

9                   “(C) 2 environmental medicine or environ-  
10                  mental health specialists;

11                  “(D) 2 representatives of WTC responders;

12                  “(E) 2 representatives of certified-eligible  
13                  WTC survivors;

14                  “(F) an industrial hygienist;

15                  “(G) a toxicologist;

16                  “(H) an epidemiologist; and

17                  “(I) a mental health professional.

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

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

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

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

9           “(b) WTC HEALTH PROGRAM STEERING COMMIT-  
10          TEES.—

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

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

23           “(B) WTC SURVIVORS STEERING COM-  
24           MITTEE.—One Steering Committee, to be  
25           known as the WTC Survivors Steering Com-

1           mittee, for the purpose of receiving input from  
2           affected stakeholders and facilitating the coordi-  
3           nation of initial health evaluations, monitoring,  
4           and treatment programs for screening-eligible  
5           and certified-eligible WTC survivors under part  
6           2 of subtitle B.

7           “(2) MEMBERSHIP.—

8                   “(A) WTC RESPONDERS STEERING COM-  
9           MITTEE.—

10                   “(i) REPRESENTATION.—The WTC  
11           Responders Steering Committee shall in-  
12           clude—

13                           “(I) representatives of the Cen-  
14                   ters of Excellence providing services  
15                   to WTC responders;

16                           “(II) representatives of labor or-  
17                   ganizations representing firefighters,  
18                   police, other New York City employ-  
19                   ees, and recovery and cleanup workers  
20                   who responded to the September 11,  
21                   2001, terrorist attacks on the World  
22                   Trade Center; and

23                           “(III) 3 representatives of New  
24                   York City, 1 of whom will be selected  
25                   by the police commissioner of New

1 York City, 1 by the health commis-  
2 sioner of New York City, and 1 by the  
3 mayor of New York City.

4 “(ii) INITIAL MEMBERSHIP.—The  
5 WTC Responders Steering Committee shall  
6 initially be composed of members of the  
7 WTC Monitoring and Treatment Program  
8 Steering Committee (as in existence on the  
9 day before the date of the enactment of  
10 this title).

11 “(B) WTC SURVIVORS STEERING COM-  
12 MITTEE.—

13 “(i) REPRESENTATION.—The WTC  
14 Survivors Steering Committee shall include  
15 representatives of—

16 “(I) the Centers of Excellence  
17 providing services to screening-eligible  
18 and certified-eligible WTC survivors;

19 “(II) the population of residents,  
20 students, and area and other workers  
21 affected by the September 11, 2001,  
22 terrorist attacks on the World Trade  
23 Center;

24 “(III) screening-eligible and cer-  
25 tified-eligible survivors receiving initial

1 health evaluations, monitoring, or  
2 treatment under part 2 of subtitle B  
3 and organizations advocating on their  
4 behalf; and

5 “(IV) New York City.

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

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

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

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

22 “The WTC Program Administrator shall institute a  
23 program that provides education and outreach on the ex-  
24 istence and availability of services under the WTC Pro-  
25 gram. The outreach and education program—

1 “(1) shall include—

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

4 “(B) meetings with potentially eligible pop-  
5 ulations;

6 “(C) development and dissemination of  
7 outreach materials informing people about the  
8 program; and

9 “(D) the establishment of phone informa-  
10 tion services; and

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

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

13 “(B) to include materials for culturally and  
14 linguistically diverse populations.

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

16 “(a) IN GENERAL.—The WTC Program Adminis-  
17 trator shall provide for the uniform collection of data (and  
18 analysis of data and regular reports to the Administrator)  
19 on the prevalence of WTC-related health conditions and  
20 the identification of new WTC-related health conditions.

21 Such data shall be collected for all individuals provided  
22 monitoring or treatment benefits under subtitle B and re-  
23 gardless of their place of residence or Clinical Center of  
24 Excellence through which the benefits are provided. The  
25 WTC Program Administrator shall provide, through the

1 Data Centers or otherwise, for the integration of such data  
2 into the monitoring and treatment program activities  
3 under this title.

4 “(b) COORDINATING THROUGH CENTERS OF EXCEL-  
5 LENCE.—Each Clinical Center of Excellence shall collect  
6 data described in subsection (a) and report such data to  
7 the corresponding Data Center for analysis by such Data  
8 Center.

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

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

20 **“SEC. 3305. CLINICAL CENTERS OF EXCELLENCE AND DATA**  
21 **CENTERS.**

22 “(a) IN GENERAL.—

23 “(1) CONTRACTS WITH CLINICAL CENTERS OF  
24 EXCELLENCE.—The WTC Program Administrator  
25 shall, subject to subsection (b)(1)(B), enter into con-

1       tracts with Clinical Centers of Excellence (as defined  
2       in subsection (b)(1)(A))—

3               “(A) for the provision of monitoring and  
4               treatment benefits and initial health evaluation  
5               benefits under subtitle B;

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

11              “(C) for the provision of counseling for  
12              benefits under subtitle B, with respect to WTC-  
13              related health conditions, for individuals eligible  
14              for such benefits;

15              “(D) for the provision of counseling for  
16              benefits for WTC-related health conditions that  
17              may be available under workers’ compensation  
18              or other benefit programs for work-related inju-  
19              ries or illnesses, health insurance, disability in-  
20              surance, or other insurance plans or through  
21              public or private social service agencies and as-  
22              sisting eligible individuals in applying for such  
23              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 in accordance with section 3304.

6           “(2) CONTRACTS WITH DATA CENTERS.—

7           “(A) IN GENERAL.—The WTC Program  
8           Administrator shall enter into contracts with  
9           Data Centers (as defined in subsection  
10          (b)(2))—

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

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

22           “(iii) for coordinating the outreach ac-  
23           tivities conducted under paragraph (1)(B)  
24           by each corresponding Clinical Center of  
25           Excellence;

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

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

9           “(vi) for meeting periodically with the  
10          corresponding Clinical Centers of Excel-  
11          lence to obtain input on the analysis and  
12          reporting of data collected under clause (i)  
13          and on the development of monitoring, ini-  
14          tial health evaluation, and treatment proto-  
15          cols under clause (ii).

16          “(B) MEDICAL PROVIDER SELECTION.—  
17          The medical providers under subparagraph  
18          (A)(iv) shall be selected by the WTC Program  
19          Administrator on the basis of their experience  
20          treating or diagnosing the health conditions in-  
21          cluded in the list of WTC-related health condi-  
22          tions.

23          “(C) CLINICAL DISCUSSIONS.—In carrying  
24          out subparagraph (A)(ii), a Data Center shall  
25          engage in clinical discussions across the WTC

1           Program to guide treatment approaches for in-  
2           dividuals with a WTC-related health condition.

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

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

17          “(4) USE OF COOPERATIVE AGREEMENTS.—  
18          Any contract under this title between the WTC Pro-  
19          gram Administrator and a Data Center or a Clinical  
20          Center of Excellence may be in the form of a cooper-  
21          ative agreement.

22          “(b) CENTERS OF EXCELLENCE.—

23                  “(1) CLINICAL CENTERS OF EXCELLENCE.—

24                          “(A) DEFINITION.—For purposes of this  
25                          title, the term ‘Clinical Center of Excellence’

1 means a Center that demonstrates to the satis-  
2 faction of the Administrator that the Center—

3 “(i) uses an integrated, centralized  
4 health care provider approach to create a  
5 comprehensive suite of health services  
6 under this title that are accessible to en-  
7 rolled WTC responders, screening-eligible  
8 WTC survivors, or certified-eligible WTC  
9 survivors;

10 “(ii) has experience in caring for  
11 WTC responders and screening-eligible  
12 WTC survivors or includes health care pro-  
13 viders who have been trained pursuant to  
14 section 3313(c);

15 “(iii) employs health care provider  
16 staff with expertise that includes, at a min-  
17 imum, occupational medicine, environ-  
18 mental medicine, trauma-related psychiatry  
19 and psychology, and social services coun-  
20 seling; and

21 “(iv) meets such other requirements  
22 as specified by the Administrator.

23 “(B) CONTRACT REQUIREMENTS.—The  
24 WTC Program Administrator shall not enter  
25 into a contract with a Clinical Center of Excel-

1 lence under subsection (a)(1) unless the Center  
2 agrees to do each of the following:

3 “(i) Establish a formal mechanism for  
4 consulting with and receiving input from  
5 representatives of eligible populations re-  
6 ceiving monitoring and treatment benefits  
7 under subtitle B from such Center.

8 “(ii) Coordinate monitoring and treat-  
9 ment benefits under subtitle B with rou-  
10 tine medical care provided for the treat-  
11 ment of conditions other than WTC-related  
12 health conditions.

13 “(iii) Collect and report to the cor-  
14 responding Data Center data in accordance  
15 with section 3304(b).

16 “(iv) Have in place safeguards against  
17 fraud that are satisfactory to the Adminis-  
18 trator, in consultation with the Inspector  
19 General of the Department of Health and  
20 Human Services.

21 “(v) Treat or refer for treatment all  
22 individuals who are enrolled WTC respon-  
23 ders or certified-eligible WTC survivors with  
24 respect to such Center who present them-

1           selves for treatment of a WTC-related  
2           health condition.

3           “(vi) Have in place safeguards, con-  
4           sistent with section 3304(c), to ensure the  
5           confidentiality of an individual’s individ-  
6           ually identifiable health information, in-  
7           cluding requiring that such information  
8           not be disclosed to the individual’s em-  
9           ployer without the authorization of the in-  
10          dividual.

11          “(vii) Use amounts paid under sub-  
12          section (c)(1) only for costs incurred in  
13          carrying out the activities described in sub-  
14          section (a), other than those described in  
15          subsection (a)(1)(A).

16          “(viii) Utilize health care providers  
17          with occupational and environmental medi-  
18          cine expertise to conduct physical and  
19          mental health assessments, in accordance  
20          with protocols developed under subsection  
21          (a)(2)(A)(ii).

22          “(ix) Communicate with WTC re-  
23          sponders and screening-eligible and cer-  
24          tified-eligible WTC survivors in appropriate  
25          languages and conduct outreach activities

1 with relevant stakeholder worker or com-  
2 munity associations.

3 “(x) Meet all the other applicable re-  
4 quirements of this title, including regula-  
5 tions implementing such requirements.

6 “(C) TRANSITION RULE TO ENSURE CON-  
7 TINUITY OF CARE.—The WTC Program Admin-  
8 istrator shall to the maximum extent feasible  
9 ensure continuity of care in any period of tran-  
10 sition from monitoring and treatment of an en-  
11 rolled WTC responder or certified-eligible WTC  
12 survivor by a provider to a Clinical Center of  
13 Excellence or a health care provider partici-  
14 pating in the nationwide network under section  
15 3313.

16 “(2) DATA CENTERS.—For purposes of this  
17 title, the term ‘Data Center’ means a Center that  
18 the WTC Program Administrator determines has the  
19 capacity to carry out the responsibilities for a Data  
20 Center under subsection (a)(2).

21 “(3) CORRESPONDING CENTERS.—For purposes  
22 of this title, a Clinical Center of Excellence and a  
23 Data Center shall be treated as ‘corresponding’ to  
24 the extent that such Clinical Center and Data Cen-  
25 ter serve the same population group.

1 “(c) PAYMENT FOR INFRASTRUCTURE COSTS.—

2 “(1) IN GENERAL.—The WTC Program Admin-  
3 istrator shall reimburse a Clinical Center of Excel-  
4 lence for the fixed infrastructure costs of such Cen-  
5 ter in carrying out the activities described in subtitle  
6 B at a rate negotiated by the Administrator and  
7 such Centers. Such negotiated rate shall be fair and  
8 appropriate and take into account the number of en-  
9 rolled WTC responders receiving services from such  
10 Center under this title.

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

17 **“SEC. 3306. DEFINITIONS.**

18 “In this title:

19 “(1) The term ‘aggravating’ means, with re-  
20 spect to a health condition, a health condition that  
21 existed on September 11, 2001, and that, as a result  
22 of exposure to airborne toxins, any other hazard, or  
23 any other adverse condition resulting from the Sep-  
24 tember 11, 2001, terrorist attacks on the World  
25 Trade Center, requires medical treatment that is (or

1 will be) in addition to, more frequent than, or of  
2 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  
12 a 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 Pro-  
19 gram.

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

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

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

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

6                   “(A) the area of Manhattan that is south  
7                   of Houston Street; and

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

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

20           “(9) The term ‘screening-eligible WTC survivor’  
21           has the meaning given such term in section  
22           3321(a)(1).

23           “(10) Any reference to ‘September 11, 2001’  
24           shall be deemed a reference to the period on such

1 date subsequent to the terrorist attacks on the  
2 World Trade Center on such date.

3 “(11) The term ‘September 11, 2001, terrorist  
4 attacks on the World Trade Center’ means the ter-  
5 rorist attacks that occurred on September 11, 2001,  
6 in New York City and includes the aftermath of  
7 such attacks.

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

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

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

16 “(A) with respect to paragraphs (3) and  
17 (4) of section 3311(a) (relating to enrollment of  
18 WTC responders), section 3312(c) and the cor-  
19 responding provisions of section 3322 (relating  
20 to payment for initial health evaluation, moni-  
21 toring, and treatment), paragraphs (1)(C),  
22 (2)(B), and (3) of section 3321(a) (relating to  
23 determination or certification of screening-eli-  
24 gible or certified-eligible WTC responders), and  
25 part 3 of subtitle B (relating to payor provi-

1           sions), an official in the Department of Health  
2           and Human Services, to be designated by the  
3           Secretary; and

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

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

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

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

15           **“Subtitle B—Program of Moni-**  
16           **toring, Initial Health Evalua-**  
17           **tions, and Treatment**

18                   **“PART 1—WTC RESPONDERS**

19           **“SEC. 3311. IDENTIFICATION OF WTC RESPONDERS AND**  
20                   **PROVISION OF WTC-RELATED MONITORING**  
21                   **SERVICES.**

22           “(a) WTC RESPONDER DEFINED.—

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

1           “(A) CURRENTLY IDENTIFIED RE-  
2 SPONDER.—An individual who has been identi-  
3 fied as eligible for monitoring under the ar-  
4 rangements as in effect on the date of the en-  
5 actment of this title between the National Insti-  
6 tute for Occupational Safety and Health and—

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

14           “(ii) the Fire Department of New  
15 York City.

16           “(B) RESPONDER WHO MEETS CURRENT  
17 ELIGIBILITY CRITERIA.—An individual who  
18 meets the current eligibility criteria described in  
19 paragraph (2).

20           “(C) RESPONDER WHO MEETS MODIFIED  
21 ELIGIBILITY CRITERIA.—An individual who—

22           “(i) performed rescue, recovery, demo-  
23 lition, debris cleanup, or other related serv-  
24 ices in the New York City disaster area in  
25 response to the September 11, 2001, ter-

1           rorist attacks on the World Trade Center,  
2           regardless of whether such services were  
3           performed by a State or Federal employee  
4           or member of the National Guard or other-  
5           wise; and

6                   “(ii) meets such eligibility criteria re-  
7           lating to exposure to airborne toxins, other  
8           hazards, or adverse conditions resulting  
9           from the September 11, 2001, terrorist at-  
10          tacks on the World Trade Center as the  
11          WTC Program Administrator, after con-  
12          sultation with the WTC Scientific/Tech-  
13          nical Advisory Committee, determines ap-  
14          propriate.

15          The WTC Program Administrator shall not  
16          modify such eligibility criteria on or after the  
17          date that the number of enrollments of WTC  
18          responders has reached 80 percent of the limit  
19          described in paragraph (4) or on or after the  
20          date that the number of certifications for cer-  
21          tified-eligible WTC survivors under section  
22          3321(a)(2)(B) has reached 80 percent of the  
23          limit described in section 3321(a)(3).

24                   “(2) CURRENT ELIGIBILITY CRITERIA.—The  
25          eligibility criteria described in this paragraph for an

1 individual is that the individual is described in either  
2 of the following categories:

3 “(A) FIREFIGHTERS AND RELATED PER-  
4 SONNEL.—The individual—

5 “(i) was a member of the Fire De-  
6 partment of New York City (whether fire  
7 or emergency personnel, active or retired)  
8 who participated at least one day in the  
9 rescue and recovery effort at any of the  
10 former World Trade Center sites (includ-  
11 ing Ground Zero, Staten Island Landfill,  
12 and the New York City Chief Medical Ex-  
13 aminer’s Office) for any time during the  
14 period beginning on September 11, 2001,  
15 and ending on July 31, 2002; or

16 “(ii)(I) is a surviving immediate fam-  
17 ily member of an individual who was a  
18 member of the Fire Department of New  
19 York City (whether fire or emergency per-  
20 sonnel, active or retired) and was killed at  
21 the World Trade site on September 11,  
22 2001; and

23 “(II) received any treatment for a  
24 WTC-related health condition described in  
25 section 3312(a)(1)(A)(ii) (relating to men-

1                   tal health conditions) on or before Sep-  
2                   tember 1, 2008.

3                   “(B) LAW ENFORCEMENT OFFICERS AND  
4                   WTC RESCUE, RECOVERY, AND CLEANUP WORK-  
5                   ERS.—The individual—

6                   “(i) worked or volunteered onsite in  
7                   rescue, recovery, debris cleanup, or related  
8                   support services in lower Manhattan (south  
9                   of Canal St.), the Staten Island Landfill,  
10                  or the barge loading piers, for at least 4  
11                  hours during the period beginning on Sep-  
12                  tember 11, 2001, and ending on Sep-  
13                  tember 14, 2001, for at least 24 hours  
14                  during the period beginning on September  
15                  11, 2001, and ending on September 30,  
16                  2001, or for at least 80 hours during the  
17                  period beginning on September 11, 2001,  
18                  and ending on July 31, 2002;

19                  “(ii)(I) was a member of the Police  
20                  Department of New York City (whether  
21                  active or retired) or a member of the Port  
22                  Authority Police of the Port Authority of  
23                  New York and New Jersey (whether active  
24                  or retired) who participated onsite in res-  
25                  cue, recovery, debris cleanup, or related

1 services in lower Manhattan (south of  
2 Canal St.), including Ground Zero, the  
3 Staten Island Landfill, or the barge load-  
4 ing piers, for at least 4 hours during the  
5 period beginning September 11, 2001, and  
6 ending on September 14, 2001;

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

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

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

1           “(iii) was an employee of the Office of  
2           the Chief Medical Examiner of New York  
3           City involved in the examination and han-  
4           dling of human remains from the World  
5           Trade Center attacks, or other morgue  
6           worker who performed similar post-Sep-  
7           tember 11 functions for such Office staff,  
8           during the period beginning on September  
9           11, 2001, and ending on July 31, 2002;

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

15           “(v) was a vehicle-maintenance worker  
16           who was exposed to debris from the former  
17           World Trade Center while retrieving, driv-  
18           ing, cleaning, repairing, and maintaining  
19           vehicles contaminated by airborne toxins  
20           from the September 11, 2001, terrorist at-  
21           tacks on the World Trade Center during a  
22           duration and period described in subpara-  
23           graph (A).

24           “(3) ENROLLMENT PROCESS.—

1                   “(A) IN GENERAL.—The WTC Program  
2 Administrator shall establish a process for en-  
3 rolling WTC responders in the WTC Program.  
4 Under 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  
16 the time of such determination.

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

19 “(A) IN GENERAL.—The total number of  
20 individuals 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,  
23 of which no more than 2,500 may be individ-  
24 uals enrolled based on modified eligibility cri-  
25 teria established 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  
11 subject to amounts available under  
12 section 3351, that will ensure suffi-  
13 cient funds will be available to provide  
14 treatment and monitoring benefits  
15 under this title, with respect to all in-  
16 dividuals who are enrolled through the  
17 end of fiscal 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           “(b) MONITORING BENEFITS.—

23           “(1) IN GENERAL.—In the case of an enrolled  
24 WTC responder (other than one described in sub-  
25 section (a)(2)(A)(ii)), the WTC Program shall pro-

1       vide for monitoring benefits that include monitoring  
2       consistent with protocols approved by the WTC Pro-  
3       gram Administrator and including clinical examina-  
4       tions and long-term health monitoring and analysis.  
5       In the case of an enrolled WTC responder who is an  
6       active member of the Fire Department of New York  
7       City, the responder shall receive such benefits as  
8       part of the individual's periodic company medical  
9       exams.

10               “(2) PROVISION OF MONITORING BENEFITS.—

11       The monitoring benefits under paragraph (1) shall  
12       be provided through the Clinical Center of Excel-  
13       lence for the type of individual involved or, in the  
14       case of an individual residing outside the New York  
15       metropolitan area, under an arrangement under sec-  
16       tion 3313.

17       **“SEC. 3312. TREATMENT OF ENROLLED WTC RESPONDERS**  
18               **FOR WTC-RELATED HEALTH CONDITIONS.**

19               “(a) WTC-RELATED HEALTH CONDITION DE-  
20       FINED.—

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

24                       “(A)(i) is an illness or health condition for  
25       which exposure to airborne toxins, any other

1 hazard, or any other adverse condition resulting  
2 from the September 11, 2001, terrorist attacks  
3 on the World Trade Center, based on an exam-  
4 ination by a medical professional with experi-  
5 ence in treating or diagnosing the health condi-  
6 tions included in the applicable list of WTC-re-  
7 lated health conditions, is substantially likely to  
8 be a significant factor in aggravating, contrib-  
9 uting to, or causing the illness or health condi-  
10 tion, as determined under paragraph (2); or

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

20 “(B) is included in the applicable list of  
21 WTC-related conditions or—

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

1                   “(ii) with respect to a screening-eligible  
2                   ble WTC survivor or certified-eligible WTC  
3                   survivor, is provided certification of coverage  
4                   under subsection (b)(2)(B)(iii), as  
5                   applied under section 3322(a).

6                   In the case of a WTC responder described in section  
7                   3311(a)(2)(A)(ii) (relating to a surviving immediate  
8                   family member of a firefighter), such term does not  
9                   include an illness or health condition described in  
10                  subparagraph (A)(i).

11                  “(2) DETERMINATION.—The determination  
12                  under paragraph (1) or subsection (b) of whether  
13                  the September 11, 2001, terrorist attacks on the  
14                  World Trade Center were substantially likely to be  
15                  a significant factor in aggravating, contributing to,  
16                  or causing an individual’s illness or health condition  
17                  shall be made based on an assessment of the following:  
18                  

19                  “(A) The individual’s exposure to airborne  
20                  toxins, any other hazard, or any other adverse  
21                  condition resulting from the terrorist attacks.  
22                  Such exposure shall be—

23                  “(i) evaluated and characterized  
24                  through the use of a standardized, population-appropriate  
25                  questionnaire approved

1 by the Director of the National Institute  
2 for Occupational Safety and Health; and

3 “(ii) assessed and documented by a  
4 medical professional with experience in  
5 treating or diagnosing health conditions in-  
6 cluded on the list of WTC-related health  
7 conditions.

8 “(B) The type of symptoms and temporal  
9 sequence of symptoms. Such symptoms shall  
10 be—

11 “(i) assessed through the use of a  
12 standardized, population-appropriate med-  
13 ical questionnaire approved by the Director  
14 of the National Institute for Occupational  
15 Safety and Health and a medical examina-  
16 tion; and

17 “(ii) diagnosed and documented by a  
18 medical professional described in subpara-  
19 graph (A)(ii).

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

23 “(A) AERODIGESTIVE DISORDERS.—

24 “(i) Interstitial lung diseases.

1                   “(ii) Chronic respiratory disorder—  
2 fumes/vapors.

3                   “(iii) Asthma.

4                   “(iv) Reactive airways dysfunction  
5 syndrome (RADS).

6                   “(v) WTC-exacerbated chronic ob-  
7 structive pulmonary disease (COPD).

8                   “(vi) Chronic cough syndrome.

9                   “(vii) Upper airway hyperreactivity.

10                  “(viii) Chronic rhinosinusitis.

11                  “(ix) Chronic nasopharyngitis.

12                  “(x) Chronic laryngitis.

13                  “(xi) Gastroesophageal reflux disorder  
14 (GERD).

15                  “(xii) Sleep apnea exacerbated by or  
16 related to a condition described in a pre-  
17 vious clause.

18                  “(B) MENTAL HEALTH CONDITIONS.—

19                   “(i) Posttraumatic stress disorder  
20 (PTSD).

21                   “(ii) Major depressive disorder.

22                   “(iii) Panic disorder.

23                   “(iv) Generalized anxiety disorder.

24                   “(v) Anxiety disorder (not otherwise  
25 specified).

1                   “(vi) Depression (not otherwise speci-  
2                   fied).

3                   “(vii) Acute stress disorder.

4                   “(viii) Dysthymic disorder.

5                   “(ix) Adjustment disorder.

6                   “(x) Substance abuse.

7                   “(C) MUSCULOSKELETAL DISORDERS FOR  
8                   CERTAIN WTC RESPONDERS.—In the case of a  
9                   WTC responder described in paragraph (4), a  
10                  condition described in such paragraph.

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

15                  “(4) MUSCULOSKELETAL DISORDERS.—

16                  “(A) IN GENERAL.—For purposes of this  
17                  title, in the case of a WTC responder who re-  
18                  ceived any treatment for a WTC-related mus-  
19                  culoskeletal disorder on or before September 11,  
20                  2003, the list of health conditions in paragraph  
21                  (3) shall include:

22                         “(i) Low back pain.

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

24                         “(iii) Other musculoskeletal disorders.

1           “(B) DEFINITION.—The term ‘WTC-re-  
2           lated musculoskeletal disorder’ means a chronic  
3           or recurrent disorder of the musculoskeletal  
4           system caused by heavy lifting or repetitive  
5           strain on the joints or musculoskeletal system  
6           occurring during rescue or recovery efforts in  
7           the New York City disaster area in the after-  
8           math of the September 11, 2001, terrorist at-  
9           tacks on the World Trade Center.

10          “(5) CANCER.—

11                 “(A) IN GENERAL.—The WTC Program  
12           Administrator shall periodically conduct a re-  
13           view of all available scientific and medical evi-  
14           dence, including findings and recommendations  
15           of Clinical Centers of Excellence, published in  
16           peer-reviewed journals to determine if, based on  
17           such evidence, cancer or a certain type of can-  
18           cer should be added to the applicable list of  
19           WTC-related health conditions. The WTC Pro-  
20           gram Administrator shall conduct the first re-  
21           view under this subparagraph not later than  
22           180 days after the date of the enactment of this  
23           title.

24                 “(B) PROPOSED REGULATIONS AND RULE-  
25           MAKING.—Based on the periodic reviews under

1           subparagraph (A), if the WTC Program Admin-  
2           istrator determines that cancer or a certain  
3           type of cancer should be added to such list of  
4           WTC-related health conditions, the WTC Pro-  
5           gram Administrator shall propose regulations,  
6           through rulemaking, to add cancer or the cer-  
7           tain type of cancer to such list.

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

18          “(D) DETERMINATIONS NOT TO ADD CAN-  
19          CER OR CERTAIN TYPES OF CANCER.—In the  
20          case that the WTC Program Administrator de-  
21          termines under subparagraph (B) or (C) that  
22          cancer or a certain type of cancer should not be  
23          added to such list of WTC-related health condi-  
24          tions, the WTC Program Administrator shall  
25          publish an explanation for such determination

1 in the Federal Register. Any such determina-  
2 tion to not make such an addition shall not pre-  
3 clude the addition of cancer or the certain type  
4 of cancer to such list at a later date.

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

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

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

24 “(i) request a recommendation of the  
25 Advisory Committee;

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

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

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

12                  “(C) ACTION BY ADVISORY COMMITTEE.—

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

1 rule with respect to such recommendation or a  
2 determination not to propose such a proposed  
3 rule and the basis for such determination.

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

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

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

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

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

1           “(b) COVERAGE OF TREATMENT FOR WTC-RELATED  
2 HEALTH CONDITIONS.—

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

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

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

23           “(ii) on and after the date of such  
24 transmittal and subject to subparagraph  
25 (B), the WTC Program shall provide for

1 payment under subsection (c) for medically  
2 necessary treatment for such condition.

3 “(B) REVIEW; CERTIFICATION; AP-  
4 PEALS.—

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

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

23 “(iii) APPEAL PROCESS.—The Admin-  
24 istrator shall establish, by rule, a process

1           for the appeal of determinations under  
2           clause (ii).

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

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

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

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

21           “(B) PROCEDURES FOR REVIEW, CERTIFI-  
22           CATION, AND APPEAL.—The WTC Program Ad-  
23           ministrator shall, by rule, establish procedures  
24           for the review and certification of physician de-

1 terminations under subparagraph (A). Such  
2 rule shall provide for—

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

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

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

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

23 “(C) INCLUSION IN LIST OF HEALTH CON-  
24 DITIONS.—If the WTC Program Administrator  
25 provides certification under subparagraph

1 (B)(iii) for coverage of a condition, the Admin-  
2 istrator may, pursuant to subsection (a)(6), add  
3 the condition to the list in subsection (a)(3).

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

16 “(3) REQUIREMENT OF MEDICAL NECESSITY.—

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

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

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

10 “(4) SCOPE OF TREATMENT COVERED.—

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

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

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

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

1       this subsection (and payment under subsection (e))  
2       with respect to such responder and such responder's  
3       WTC-related health condition (under such terms and  
4       conditions as the Administrator may provide) until  
5       the Administrator makes a decision on whether to  
6       certify the determination.

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

10           “(1) MEDICAL TREATMENT.—

11                   “(A) USE OF FECA PAYMENT RATES.—

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

24                   “(B) PHARMACEUTICALS.—

1                   “(i) IN GENERAL.—The WTC Pro-  
2                   gram Administrator shall establish a pro-  
3                   gram for paying for the medically nec-  
4                   essary outpatient prescription pharma-  
5                   ceuticals prescribed under this title for  
6                   WTC-related health conditions through one  
7                   or more contracts with outside vendors.

8                   “(ii) COMPETITIVE BIDDING.—Under  
9                   such program the Administrator shall—

10                   “(I) select one or more appro-  
11                   priate vendors through a Federal com-  
12                   petitive bid process; and

13                   “(II) select the lowest bidder (or  
14                   bidders) meeting the requirements for  
15                   providing pharmaceutical benefits for  
16                   participants in the WTC Program.

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

1           beneficial to the program by the WTC Pro-  
2           gram Administrator.

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

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

1           “(3) DETERMINATION OF MEDICAL NECES-  
2           SITY.—

3                   “(A) REVIEW OF MEDICAL NECESSITY AND  
4           PROTOCOLS.—As part of the process for reim-  
5           bursement or payment under this subsection,  
6           the WTC Program Administrator shall provide  
7           for the review of claims for reimbursement or  
8           payment for the provision of medical treatment  
9           to determine if such treatment is medically nec-  
10          essary and in accordance with medical treat-  
11          ment protocols established under subsection (d).

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

19          “(d) MEDICAL TREATMENT PROTOCOLS.—

20                   “(1) DEVELOPMENT.—The Data Centers shall  
21          develop medical treatment protocols for the treat-  
22          ment of enrolled WTC responders and certified-eli-  
23          gible WTC survivors for health conditions included in  
24          the applicable list of WTC-related health conditions.

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

4   **“SEC. 3313. NATIONAL ARRANGEMENT FOR BENEFITS FOR**  
5           **ELIGIBLE INDIVIDUALS OUTSIDE NEW YORK.**

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

20          “(b) NETWORK REQUIREMENTS.—Any health care  
21          provider participating in the network under subsection (a)  
22          shall—

23                  “(1) meet criteria for credentialing established  
24          by the Data Centers;

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

4           “(3) collect and report data in accordance with  
5           section 3304; and

6           “(4) meet such fraud, quality assurance, and  
7           other requirements as the WTC Program Adminis-  
8           trator establishes, including sections 1128 through  
9           1128E of the Social Security Act, as applied by sec-  
10          tion 3301(d).

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

16                                   **“PART 2—WTC SURVIVORS**

17          **“SEC. 3321. IDENTIFICATION AND INITIAL HEALTH EVALUA-**  
18                                   **TION OF SCREENING-ELIGIBLE AND CER-**  
19                                   **TIFIED-ELIGIBLE WTC SURVIVORS.**

20          “(a) IDENTIFICATION OF SCREENING-ELIGIBLE  
21          WTC SURVIVORS AND CERTIFIED-ELIGIBLE WTC SUR-  
22          VIVORS.—

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

24                                   “(A) DEFINITION.—In this title, the term  
25                                   ‘screening-eligible WTC survivor’ means, sub-

1           ject to subparagraph (C) and paragraph (3), an  
2           individual who is described in any of the fol-  
3           lowing clauses:

4                   “(i) CURRENTLY IDENTIFIED SUR-  
5                   VIVOR.—An individual, including a WTC  
6                   responder, who has been identified as eligi-  
7                   ble for medical treatment and monitoring  
8                   by the WTC Environmental Health Center  
9                   as of the date of enactment of this title.

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

18                   “(iii) SURVIVOR WHO MEETS MODI-  
19                   FIED ELIGIBILITY CRITERIA.—An indi-  
20                   vidual who is not a WTC responder, for  
21                   purposes of the initial health evaluation  
22                   under subsection (b), claims symptoms of a  
23                   WTC-related health condition and meets  
24                   such eligibility criteria relating to exposure  
25                   to airborne toxins, other hazards, or ad-

1                   verse conditions resulting from the Sep-  
2                   tember 11, 2001, terrorist attacks on the  
3                   World Trade Center as the WTC Adminis-  
4                   trator determines, after consultation with  
5                   the Data Centers described in section 3305  
6                   and the WTC Scientific/Technical Advisory  
7                   Committee and WTC Health Program  
8                   Steering Committees under section 3302.

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

18                  “(B) CURRENT ELIGIBILITY CRITERIA.—  
19                  The eligibility criteria described in this subpara-  
20                  graph for an individual are that the individual  
21                  is described in any of the following clauses:

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

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

4                               “(I) at least 4 days during the 4-  
5                               month period beginning on September  
6                               11, 2001, and ending on January 10,  
7                               2002; or

8                               “(II) at least 30 days during the  
9                               period beginning on September 11,  
10                              2001, and ending on July 31, 2002.

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

18                   “(iv) A person who was deemed eligi-  
19                   ble to receive a grant from the Lower  
20                   Manhattan Development Corporation Resi-  
21                   dential Grant Program, who possessed a  
22                   lease for a residence or purchased a resi-  
23                   dence in the New York City disaster area,  
24                   and who resided in such residence during

1 the period beginning on September 11,  
2 2001, and ending on May 31, 2003.

3 “(v) A person whose place of employ-  
4 ment—

5 “(I) at any time during the pe-  
6 riod beginning on September 11,  
7 2001, and ending on May 31, 2003,  
8 was in the New York City disaster  
9 area; and

10 “(II) was deemed eligible to re-  
11 ceive a grant from the Lower Manhat-  
12 tan Development Corporation WTC  
13 Small Firms Attraction and Retention  
14 Act program or other government in-  
15 centive program designed to revitalize  
16 the lower Manhattan economy after  
17 the September 11, 2001, terrorist at-  
18 tacks on the World Trade Center.

19 “(C) APPLICATION AND DETERMINATION  
20 PROCESS FOR SCREENING ELIGIBILITY.—

21 “(i) IN GENERAL.—The WTC Pro-  
22 gram Administrator in consultation with  
23 the Data Centers shall establish a process  
24 for individuals, other than individuals de-  
25 scribed in subparagraph (A)(i), to be de-

1                   terminated to be screening-eligible WTC sur-  
2                   vivors. Under such process—

3                               “(I) there shall be no fee charged  
4                               to the applicant for making an appli-  
5                               cation for such determination;

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

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

18                                      “(aa) based on the applica-  
19                                      tion submitted, the individual  
20                                      does not meet the eligibility cri-  
21                                      teria; or

22                                      “(bb) the numerical limita-  
23                                      tion on certifications of certified-  
24                                      eligible WTC survivors set forth

1 in paragraph (3) has been met;  
2 and

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

9 “(ii) WRITTEN DOCUMENTATION OF  
10 SCREENING-ELIGIBILITY.—

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

20 “(II) TIMING.—

21 “(aa) CURRENTLY IDENTI-  
22 FIED SURVIVORS.—In the case of  
23 an individual who is described in  
24 subparagraph (A)(i), the WTC  
25 Program Administrator shall pro-

1                   vide the written documentation  
2                   under subclause (I) not later  
3                   than July 1, 2011.

4                   “(bb) OTHER MEMBERS.—  
5                   In the case of another individual  
6                   who is determined under clause  
7                   (i) and consistent with paragraph  
8                   (3) to be a screening-eligible  
9                   WTC survivor, the WTC Pro-  
10                  gram Administrator shall provide  
11                  the written documentation under  
12                  subclause (I) at the time of such  
13                  determination.

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

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

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

24                  “(i) IN GENERAL.—The WTC Pro-  
25                  gram Administrator shall establish a cer-

1                   tification process under which the Adminis-  
2                   trator shall provide appropriate certifi-  
3                   cation to screening-eligible WTC survivors  
4                   who, pursuant to the initial health evalua-  
5                   tion under subsection (b), are determined  
6                   to be eligible for followup monitoring and  
7                   treatment under this part.

8                   “(ii) TIMING.—

9                   “(I) CURRENTLY IDENTIFIED  
10                  SURVIVORS.—In the case of an indi-  
11                  vidual who is described in paragraph  
12                  (1)(A)(i), the WTC Program Adminis-  
13                  trator shall provide the certification  
14                  under clause (i) not later than July 1,  
15                  2011.

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

24                  “(3) NUMERICAL LIMITATION ON CERTIFIED-  
25                  ELIGIBLE WTC SURVIVORS.—

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

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

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

11                           “(I) in accordance with such sub-  
12 paragraph; and

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

24                           “(ii) provide priority in such certifi-  
25 cations in the order in which individuals

1                   apply for a determination under paragraph  
2                   (2)(B).

3           “(b) INITIAL HEALTH EVALUATION TO DETERMINE  
4 ELIGIBILITY FOR FOLLOWUP MONITORING OR TREAT-  
5 MENT.—

6                   “(1) IN GENERAL.—In the case of a screening-  
7 eligible WTC survivor, the WTC Program shall pro-  
8 vide for an initial health evaluation to determine if  
9 the survivor has a WTC-related health condition and  
10 is eligible for followup monitoring and treatment  
11 benefits under the WTC Program. Initial health  
12 evaluation protocols under section 3305(a)(2)(A)(ii)  
13 shall be subject to approval by the WTC Program  
14 Administrator.

15                   “(2) INITIAL HEALTH EVALUATION PRO-  
16 VIDERS.—The initial health evaluation described in  
17 paragraph (1) shall be provided through a Clinical  
18 Center of Excellence with respect to the individual  
19 involved.

20                   “(3) LIMITATION ON INITIAL HEALTH EVALUA-  
21 TION BENEFITS.—Benefits for an initial health eval-  
22 uation under this part for a screening-eligible WTC  
23 survivor shall consist only of a single medical initial  
24 health evaluation consistent with initial health eval-  
25 uation protocols described in paragraph (1). Nothing

1 in this paragraph shall be construed as preventing  
2 such an individual from seeking additional medical  
3 initial health evaluations at the expense of the indi-  
4 vidual.

5 **“SEC. 3322. FOLLOWUP MONITORING AND TREATMENT OF**  
6 **CERTIFIED-ELIGIBLE WTC SURVIVORS FOR**  
7 **WTC-RELATED HEALTH CONDITIONS.**

8 “(a) IN GENERAL.—Subject to subsection (b), the  
9 provisions of sections 3311 and 3312 shall apply to fol-  
10 lowup monitoring and treatment of WTC-related health  
11 conditions for certified-eligible WTC survivors in the same  
12 manner as such provisions apply to the monitoring and  
13 treatment of WTC-related health conditions for enrolled  
14 WTC responders.

15 “(b) LIST OF WTC-RELATED HEALTH CONDITIONS  
16 FOR SURVIVORS.—The list of health conditions for screen-  
17 ing-eligible WTC survivors and certified-eligible WTC sur-  
18 vivors consists of the following:

19 “(1) AERODIGESTIVE DISORDERS.—

20 “(A) Interstitial lung diseases.

21 “(B) Chronic respiratory disorder—fumes/  
22 vapors.

23 “(C) Asthma.

24 “(D) Reactive airways dysfunction syn-  
25 drome (RADS).

1                   “(E) WTC-exacerbated chronic obstructive  
2 pulmonary disease (COPD).

3                   “(F) Chronic cough syndrome.

4                   “(G) Upper airway hyperreactivity.

5                   “(H) Chronic rhinosinusitis.

6                   “(I) Chronic nasopharyngitis.

7                   “(J) Chronic laryngitis.

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

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

12                  “(2) MENTAL HEALTH CONDITIONS.—

13                  “(A) Posttraumatic stress disorder  
14 (PTSD).

15                  “(B) Major depressive disorder.

16                  “(C) Panic disorder.

17                  “(D) Generalized anxiety disorder.

18                  “(E) Anxiety disorder (not otherwise speci-  
19 fied).

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

21                  “(G) Acute stress disorder.

22                  “(H) Dysthymic disorder.

23                  “(I) Adjustment disorder.

24                  “(J) Substance abuse.

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

7           **“SEC. 3323. FOLLOWUP MONITORING AND TREATMENT OF**  
8                           **OTHER INDIVIDUALS WITH WTC-RELATED**  
9                           **HEALTH CONDITIONS.**

10          “(a) **IN GENERAL.**—Subject to subsection (e), the  
11          provisions of section 3322 shall apply to the followup mon-  
12          itoring and treatment of WTC-related health conditions  
13          in the case of individuals described in subsection (b) in  
14          the same manner as such provisions apply to the followup  
15          monitoring and treatment of WTC-related health condi-  
16          tions for certified-eligible WTC survivors.

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

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

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

25          “(c) **LIMITATION.**—

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

7           “(2) LIMITATION.—The amount specified in  
8           this paragraph for—

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

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

12                   “(C) a succeeding fiscal year is the amount  
13                   specified in this paragraph for the previous fis-  
14                   cal year increased by the annual percentage in-  
15                   crease in the medical care component of the  
16                   consumer price index for all urban consumers.

17                   **“PART 3—PAYOR PROVISIONS**

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

19           “(a) IN GENERAL.—Except as provided in sub-  
20           sections (b) and (c), the cost of monitoring and treatment  
21           benefits and initial health evaluation benefits provided  
22           under parts 1 and 2 of this subtitle shall be paid for by  
23           the WTC Program from the World Trade Center Health  
24           Program Fund.

25           “(b) WORKERS’ COMPENSATION PAYMENT.—

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

1 Social Security Act shall be deemed a reference to  
2 payment rates under this title.

3 “(2) EXCEPTION.—Paragraph (1) shall not  
4 apply for any quarter, with respect to any workers’  
5 compensation law or plan, including line of duty  
6 compensation, to which New York City is obligated  
7 to make payments, if, in accordance with terms  
8 specified under the contract under subsection  
9 (d)(1)(A), New York City has made the full payment  
10 required under such contract for such quarter.

11 “(3) RULES OF CONSTRUCTION.—Nothing in  
12 this title shall be construed to affect, modify, or re-  
13 lieve any obligations under a worker’s compensation  
14 law or plan, other work-related injury or illness ben-  
15 efit plan of an employer, or any health insurance  
16 plan.

17 “(c) HEALTH INSURANCE COVERAGE.—

18 “(1) IN GENERAL.—In the case of an individual  
19 who has a WTC-related health condition that is not  
20 work-related and has health coverage for such condi-  
21 tion through any public or private health plan (in-  
22 cluding health benefits under title XVIII, XIX, or  
23 XXI of the Social Security Act) the provisions of  
24 section 1862(b) of the Social Security Act shall  
25 apply to such a health plan and such individual in

1 the same manner as they apply to group health plan  
2 and an individual entitled to benefits under title  
3 XVIII of such Act pursuant to section 226(a) of  
4 such Act. Any costs for items and services covered  
5 under such plan that are not reimbursed by such  
6 health plan, due to the application of deductibles, co-  
7 payments, coinsurance, other cost sharing, or other-  
8 wise, are reimbursable under this title to the extent  
9 that they are covered under the WTC Program. The  
10 program under this title shall not be treated as a le-  
11 gally liable party for purposes of applying section  
12 1902(a)(25) of the Social Security Act.

13 “(2) RECOVERY BY INDIVIDUAL PROVIDERS.—  
14 Nothing in paragraph (1) shall be construed as re-  
15 quiring an entity providing monitoring and treat-  
16 ment under this title to seek reimbursement under  
17 a health plan with which the entity has no contract  
18 for reimbursement.

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

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

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

14           “(d) REQUIRED CONTRIBUTION BY NEW YORK CITY  
15           IN PROGRAM COSTS.—

16                   “(1) CONTRACT REQUIREMENT.—

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

1 plus any interest owed pursuant to subpara-  
2 graph (E)(i). Such contract shall specify the  
3 terms under which New York City shall be con-  
4 sidered to have made the full payment required  
5 for a quarter for purposes of subsection (b)(2).

6 “(B) FULL CONTRIBUTION AMOUNT.—

7 “(i) IN GENERAL.—Under such con-  
8 tract, with respect to each calendar quarter  
9 in fiscal years 2012 through 2020, subject  
10 to clause (ii), the full contribution amount  
11 under this subparagraph shall be equal to  
12 10 percent of the expenditures in carrying  
13 out this title for the respective quarter.

14 “(ii) LIMITATION ON FULL CONTRIBU-  
15 TION REQUIRED.—New York City shall not  
16 be obligated to contribute as its full con-  
17 tribution amount under this subparagraph  
18 for the last calendar quarter of fiscal year  
19 2011 more than \$14,000,000, or, with re-  
20 spect to calendar quarters in other fiscal  
21 years, more than \$35,000,000 for fiscal  
22 year 2012, \$42,000,000 for fiscal year  
23 2013, \$42,000,000 for fiscal year 2014,  
24 \$49,000,000 for fiscal year 2015,  
25 \$56,000,000 for fiscal year 2016,

1                   \$56,000,000 for fiscal year 2017,  
2                   \$63,000,000 for fiscal year 2018,  
3                   \$70,000,000 for fiscal year 2019, and  
4                   \$84,000,000 for fiscal year 2020.

5                   “(C) SATISFACTION OF PAYMENT OBLIGA-  
6                   TION.—The payment obligation under such con-  
7                   tract may not be satisfied through any of the  
8                   following:

9                   “(i) An amount derived from Federal  
10                   sources.

11                   “(ii) An amount paid before the date  
12                   of the enactment of this title.

13                   “(iii) An amount paid to satisfy a  
14                   judgment or as part of a settlement related  
15                   to injuries or illnesses arising out of the  
16                   September 11, 2001, terrorist attacks on  
17                   the World Trade Center.

18                   “(D) TIMING OF CONTRIBUTION.—The  
19                   payment obligation under such contract for a  
20                   calendar quarter in a fiscal year shall be paid  
21                   not later than the last day of the second suc-  
22                   ceeding calendar quarter.

23                   “(E) COMPLIANCE.—

24                   “(i) INTEREST FOR LATE PAYMENT.—  
25                   If New York City fails to pay to the WTC

1 Program Administrator pursuant to such  
2 contract the amount required for any cal-  
3 endar quarter by the day specified in sub-  
4 paragraph (D), interest shall accrue on the  
5 amount not so paid at the rate (deter-  
6 mined by the Administrator) based on the  
7 average yield to maturity, plus 1 percent-  
8 age point, on outstanding municipal bonds  
9 issued by New York City with a remaining  
10 maturity of at least 1 year.

11 “(ii) RECOVERY OF AMOUNTS  
12 OWED.— The amounts owed to the WTC  
13 Program Administrator under such con-  
14 tract shall be recoverable by the United  
15 States in an action in the same manner as  
16 payments made under title XVIII of the  
17 Social Security Act may be recoverable in  
18 an action brought under section  
19 1862(b)(2)(B)(iii) of such Act.

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

24 “(2) PAYMENT OF NEW YORK CITY SHARE OF  
25 MONITORING AND TREATMENT COSTS.—With respect

1 to each calendar quarter for which a contribution is  
2 required by New York City under the contract under  
3 paragraph (1), the WTC Program Administrator  
4 shall—

5 “(A) provide New York City with an esti-  
6 mate of such amount of the required contribu-  
7 tion at the beginning of such quarter and with  
8 an updated estimate of such amount at the be-  
9 ginning of each of the subsequent 2 quarters;

10 “(B) bill such amount directly to New  
11 York City; and

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

15 Such amount shall initially be estimated by the  
16 WTC Program Administrator and shall be subject to  
17 adjustment and reconciliation based upon actual ex-  
18 penditures in carrying out this title.

19 “(3) RULE OF CONSTRUCTION.—Nothing in  
20 this subsection shall be construed as authorizing the  
21 WTC Administrator, with respect to a fiscal year, to  
22 reduce the numerical limitation under section  
23 3311(a)(4) or 3321(a)(3) for such fiscal year if New  
24 York City fails to comply with paragraph (1) for a  
25 calendar quarter in such fiscal year.

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

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

8 “(2) with respect to the condition the individual  
9 has filed and had established a claim under a work-  
10 ers’ compensation law or plan of the United States  
11 or a State, or other work-related injury or illness  
12 benefit plan of the employer of such individual.

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

14 “The WTC Program Administrator may enter into  
15 arrangements with other government agencies, insurance  
16 companies, or other third-party administrators to provide  
17 for timely and accurate processing of claims under sec-  
18 tions 3312, 3313, 3322, and 3323.

19 **“Subtitle C—Research Into**  
20 **Conditions**

21 **“SEC. 3341. RESEARCH REGARDING CERTAIN HEALTH CON-**  
22 **DITIONS RELATED TO SEPTEMBER 11 TER-**  
23 **RORIST ATTACKS IN NEW YORK CITY.**

24 “(a) IN GENERAL.—With respect to individuals, in-  
25 cluding enrolled WTC responders and certified-eligible

1 WTC survivors, receiving monitoring or treatment under  
2 subtitle B, the WTC Program Administrator shall conduct  
3 or support—

4           “(1) research on physical and mental health  
5 conditions that may be related to the September 11,  
6 2001, terrorist attacks;

7           “(2) research on diagnosing WTC-related  
8 health conditions of such individuals, in the case of  
9 conditions for which there has been diagnostic un-  
10 certainty; and

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

15 The Administrator may provide such support through con-  
16 tinuation and expansion of research that was initiated be-  
17 fore the date of the enactment of this title and through  
18 the World Trade Center Health Registry (referred to in  
19 section 3342), through a Clinical Center of Excellence, or  
20 through a Data Center.

21           “(b) TYPES OF RESEARCH.—The research under  
22 subsection (a)(1) shall include epidemiologic and other re-  
23 search studies on WTC-related health conditions or  
24 emerging conditions—

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

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

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

11          “(d) APPLICATION OF PRIVACY AND HUMAN SUB-  
12          JECT PROTECTIONS.—The privacy and human subject  
13          protections applicable to research conducted under this  
14          section shall not be less than such protections applicable  
15          to research conducted or funded by the Department of  
16          Health and Human Services.

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

18          “For the purpose of ensuring ongoing data collection  
19          relating to victims of the September 11, 2001, terrorist  
20          attacks on the World Trade Center, the WTC Program  
21          Administrator shall ensure that a registry of such victims  
22          is maintained that is at least as comprehensive as the  
23          World Trade Center Health Registry maintained under  
24          the arrangements in effect as of April 20, 2009, with the

1 New York City Department of Health and Mental Hy-  
2 giene.

3 **“Subtitle D—Funding**

4 **“SEC. 3351. WORLD TRADE CENTER HEALTH PROGRAM**  
5 **FUND.**

6 “(a) ESTABLISHMENT OF FUND.—

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

11 “(2) FUNDING.—Out of any money in the  
12 Treasury not otherwise appropriated, there shall be  
13 deposited into the Fund for each of fiscal years  
14 2011 through 2020—

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

17 “(i) 90 percent of the expenditures in  
18 carrying out this title for the respective fis-  
19 cal year (initially based on estimates, sub-  
20 ject to subsequent reconciliation based on  
21 actual expenditures); or

22 “(ii) \$71,000,000 for the last calendar  
23 quarter of fiscal year 2011, \$318,000,000  
24 for fiscal year 2012, \$354,000,000 for fis-  
25 cal year 2013, \$382,000,000 for fiscal year

1                   2014, \$431,000,000 for fiscal year 2015,  
2                   \$481,000,000 for fiscal year 2016,  
3                   \$537,000,000 for fiscal year 2017,  
4                   \$601,000,000 for fiscal year 2018,  
5                   \$672,000,000 for fiscal year 2019, and  
6                   \$743,000,000 for fiscal year 2020; plus

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

10                  “(3) CONTRACT REQUIREMENT.—

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

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

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

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

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

1       “(b) MANDATORY FUNDS FOR MONITORING, INITIAL  
2 HEALTH EVALUATIONS, TREATMENT, AND CLAIMS PROC-  
3 ESSING.—

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

10          “(2) LIMITATION ON MANDATORY FUNDING.—  
11 This title does not establish any Federal obligation  
12 for payment of amounts in excess of the amounts  
13 available from the Fund for such purpose.

14          “(c) LIMITS ON SPENDING FOR CERTAIN PUR-  
15 POSES.—Of the amounts made available under subsection  
16 (b)(1), not more than each of the following amounts may  
17 be available for each of the following purposes:

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

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

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

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

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

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

23           “(3) COMMUNITY EDUCATION AND OUT-  
24          REACH.—For the purpose of carrying out section  
25          3303—

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

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

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

12          “(4) UNIFORM DATA COLLECTION.—For the  
13          purpose of carrying out section 3304 and for reim-  
14          bursing Data Centers (as defined in section  
15          3305(b)(2)) for the costs incurred by such Centers  
16          in carrying out activities under contracts entered  
17          into under section 3305(a)(2)—

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

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

22                 “(C) for each subsequent fiscal year, the  
23                 amount specified under this paragraph for the  
24                 previous fiscal year increased by the percentage  
25                 increase in the consumer price index for all

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

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

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

10 “(B) for fiscal year 2012, \$15,000,000;  
11 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 “(6) WORLD TRADE CENTER HEALTH REG-  
21 ISTRY.—For the purpose of carrying out section  
22 3342—

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

25 “(B) for fiscal year 2012, \$7,000,000; 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   **TITLE II—SEPTEMBER 11TH VIC-**  
10   **TIM COMPENSATION FUND OF**  
11   **2001**

12   **SEC. 201. DEFINITIONS.**

13       Section 402 of the Air Transportation Safety and  
14   System Stabilization Act (49 U.S.C. 40101 note) is  
15   amended—

16           (1) in paragraph (6) by inserting “, or debris  
17       removal, including under the World Trade Center  
18       Health Program established under section 3001 of  
19       the Public Health Service Act,” after “September  
20       11, 2001”;

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

24           “(7) CONTRACTOR AND SUBCONTRACTOR.—The  
25       term ‘contractor and subcontractor’ means any con-

1 contractor or subcontractor (at any tier of a subcon-  
2 tracting relationship), including any general con-  
3 tractor, construction manager, prime contractor,  
4 consultant, or any parent, subsidiary, associated or  
5 allied company, affiliated company, corporation,  
6 firm, organization, or joint venture thereof that par-  
7 ticipated in debris removal at any 9/11 crash site.  
8 Such term shall not include any entity, including the  
9 Port Authority of New York and New Jersey, with  
10 a property interest in the World Trade Center, on  
11 September 11, 2001, whether fee simple, leasehold  
12 or easement, direct or indirect.

13 “(8) DEBRIS REMOVAL.—The term ‘debris re-  
14 moval’ means rescue and recovery efforts, removal of  
15 debris, cleanup, remediation, and response during  
16 the immediate aftermath of the terrorist-related air-  
17 craft crashes of September 11, 2001, with respect to  
18 a 9/11 crash site.”;

19 (3) by inserting after paragraph (10), as so re-  
20 designated, the following new paragraph and reded-  
21 signating the subsequent paragraphs accordingly:

22 “(11) IMMEDIATE AFTERMATH.—The term ‘im-  
23 mediate aftermath’ means any period beginning with  
24 the terrorist-related aircraft crashes of September  
25 11, 2001, and ending on August 30, 2002.”; and

1 (4) by adding at the end the following new  
2 paragraph:

3 “(14) 9/11 CRASH SITE.—The term ‘9/11 crash  
4 site’ means—

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

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

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

19 “(D) any area related to, or along, routes  
20 of debris removal, such as barges and Fresh  
21 Kills.”.

22 **SEC. 202. EXTENDED AND EXPANDED ELIGIBILITY FOR**  
23 **COMPENSATION.**

24 (a) INFORMATION ON LOSSES RESULTING FROM DE-  
25 BRIS REMOVAL INCLUDED IN CONTENTS OF CLAIM

1 FORM.—Section 405(a)(2)(B) of the Air Transportation  
2 Safety and System Stabilization Act (49 U.S.C. 40101  
3 note) is amended—

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

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

10 (3) in clause (iii), by inserting “or debris re-  
11 moval during the immediate aftermath” after  
12 “crashes”.

13 (b) EXTENSION OF DEADLINE FOR CLAIMS UNDER  
14 SEPTEMBER 11TH VICTIM COMPENSATION FUND OF  
15 2001.—Section 405(a)(3) of such Act is amended to read  
16 as follows:

17 “(3) LIMITATION.—

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

23 “(B) EXCEPTION.—A claim may be filed  
24 under paragraph (1), in accordance with sub-  
25 section (c)(3)(A)(i), by an individual (or by a

1 personal representative on behalf of a deceased  
2 individual) during the period beginning on the  
3 date on which the regulations are updated  
4 under section 407(b) and ending on December  
5 22, 2031.”.

6 (c) REQUIREMENTS FOR FILING CLAIMS DURING  
7 EXTENDED FILING PERIOD.—Section 405(c)(3) of such  
8 Act is amended—

9 (1) by redesignating subparagraphs (A) and  
10 (B) as subparagraphs (B) and (C), respectively; and

11 (2) by inserting before subparagraph (B), as so  
12 redesignated, the following new subparagraph:

13 “(A) REQUIREMENTS FOR FILING CLAIMS  
14 DURING EXTENDED FILING PERIOD.—

15 “(i) TIMING REQUIREMENTS FOR FILING CLAIMS.—An individual (or a personal  
16 representative on behalf of a deceased indi-  
17 vidual) may file a claim during the period  
18 described in subsection (a)(3)(B) as fol-  
19 lows:  
20

21 “(I) In the case that the Special  
22 Master determines the individual  
23 knew (or reasonably should have  
24 known) before the date specified in  
25 clause (iii) that the individual suffered

1 a physical harm at a 9/11 crash site  
2 as a result of the terrorist-related air-  
3 craft crashes of September 11, 2001,  
4 or as a result of debris removal, and  
5 that the individual knew (or should  
6 have known) before such specified  
7 date that the individual was eligible to  
8 file a claim under this title, the indi-  
9 vidual may file a claim not later than  
10 the date that is 2 years after such  
11 specified date.

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

1 (or should have known) that the indi-  
2 vidual both suffered from such harm  
3 and was eligible to file a claim under  
4 this title.

5 “(ii) OTHER ELIGIBILITY REQUIRE-  
6 MENTS FOR FILING CLAIMS.—An indi-  
7 vidual may file a claim during the period  
8 described in subsection (a)(3)(B) only if—

9 “(I) the individual was treated by  
10 a medical professional for suffering  
11 from a physical harm described in  
12 clause (i)(I) within a reasonable time  
13 from the date of discovering such  
14 harm; and

15 “(II) the individual’s physical  
16 harm is verified by contemporaneous  
17 medical records created by or at the  
18 direction of the medical professional  
19 who provided the medical care.

20 “(iii) DATE SPECIFIED.—The date  
21 specified in this clause is the date on which  
22 the regulations are updated under section  
23 407(a).”.

24 (d) CLARIFYING APPLICABILITY TO ALL 9/11 CRASH  
25 SITES.—Section 405(c)(2)(A)(i) of such Act is amended

1 by striking “or the site of the aircraft crash at Shanksville,  
2 Pennsylvania” and inserting “the site of the aircraft crash  
3 at Shanksville, Pennsylvania, or any other 9/11 crash  
4 site”.

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

9 (f) LIMITATIONS ON CIVIL ACTIONS.—

10 (1) APPLICATION TO DAMAGES RELATED TO  
11 DEBRIS REMOVAL.—Clause (i) of section  
12 405(c)(3)(C) of such Act, as redesignated by sub-  
13 section (c), is amended by inserting “, or for dam-  
14 ages arising from or related to debris removal” after  
15 “September 11, 2001”.

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

19 “(ii) PENDING ACTIONS.—In the case  
20 of an individual who is a party to a civil  
21 action described in clause (i), such indi-  
22 vidual may not submit a claim under this  
23 title—

24 “(I) during the period described  
25 in subsection (a)(3)(A) unless such in-

1 individual withdraws from such action  
2 by the date that is 90 days after the  
3 date on which regulations are promul-  
4 gated under section 407(a); and

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

11 (3) AUTHORITY TO REINSTITUTE CERTAIN  
12 LAWSUITS.—Such section, as so redesignated, is fur-  
13 ther amended by adding at the end the following  
14 new clause:

15 “(iii) AUTHORITY TO REINSTITUTE  
16 CERTAIN LAWSUITS.—In the case of a  
17 claimant who was a party to a civil action  
18 described in clause (i), who withdrew from  
19 such action pursuant to clause (ii), and  
20 who is subsequently determined to not be  
21 an eligible individual for purposes of this  
22 subsection, such claimant may reinstitute  
23 such action without prejudice during the  
24 90-day period beginning after the date of  
25 such ineligibility determination.”.

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

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

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

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

9 “(b) UPDATED REGULATIONS.—Not later than 90  
10 days after the date of the enactment of the James Zadroga  
11 9/11 Health and Compensation Act of 2008, the Special  
12 Master shall update the regulations promulgated under  
13 subsection (a) to the extent necessary to comply with the  
14 provisions of title II of such Act.”.

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

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

20 “(4) LIABILITY FOR CERTAIN CLAIMS.—

21 “(A) IN GENERAL.—Notwithstanding any  
22 other provision of law, subject to subparagraph  
23 (B), liability for all claims and actions (includ-  
24 ing claims or actions that have been previously  
25 resolved, that are currently pending, and that  
26 may be filed through December 22, 2031) for

1           compensatory damages, contribution or indem-  
2           nity, or any other form or type of relief, arising  
3           from or related to debris removal, against New  
4           York City, any entity (including the Port Au-  
5           thority of New York and New Jersey) with a  
6           property interest in the World Trade Center on  
7           September 11, 2001 (whether fee simple, lease-  
8           hold or easement, or direct or indirect) and any  
9           contractors and subcontractors thereof, shall  
10          not be in an amount that exceeds the sum of  
11          the following:

12                   “(i) The amount of funds of the WTC  
13                   Captive Insurance Company, including the  
14                   cumulative interest.

15                   “(ii) The amount of all available in-  
16                   surance identified in schedule 2 of the  
17                   WTC Captive Insurance Company insur-  
18                   ance policy.

19                   “(iii) The amount that is the greater  
20                   of New York City’s insurance coverage or  
21                   \$350,000,000. In determining the amount  
22                   of the City’s insurance coverage for pur-  
23                   poses of the previous sentence, any amount  
24                   described in clauses (i) and (ii) shall not be  
25                   included.

1           “(iv) The amount of all available li-  
2           ability insurance coverage maintained by  
3           any entity, including the Port Authority of  
4           New York and New Jersey, with a prop-  
5           erty interest in the World Trade Center,  
6           on September 11, 2001, whether fee sim-  
7           ple, leasehold or easement, or direct or in-  
8           direct.

9           “(v) The amount of all available liabil-  
10          ity insurance coverage maintained by con-  
11          tractors and subcontractors.

12          “(B)   EXCEPTION.—Subparagraph   (A)  
13          shall not apply to claims or actions based upon  
14          conduct held to be intentionally tortious in na-  
15          ture or to acts of gross negligence or other such  
16          acts to the extent to which punitive damages  
17          are awarded as a result of such conduct or acts.

18          “(5) PRIORITY OF CLAIMS PAYMENTS.—Pay-  
19          ments to plaintiffs who obtain a settlement or judg-  
20          ment with respect to a claim or action to which  
21          paragraph (4)(A) applies, shall be paid solely from  
22          the following funds in the following order:

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

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

5           “(C) If there are no funds available as de-  
6           scribed in clause (i), (ii), or (iii) of paragraph  
7           (4)(A), the funds described in clause (iv) of  
8           such paragraph.

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

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

