

Suspend the Rules and Pass the Bill, H.R. 847, with An Amendment**(The amendment strikes all after the enacting clause and inserts a new text)**111TH CONGRESS
2^D SESSION**H. R. 847**

To amend the Public Health Service Act to extend and improve protections and services to individuals directly impacted by the terrorist attack in New York City on September 11, 2001, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 4, 2009

Mrs. MALONEY (for herself, Mr. NADLER of New York, Mr. KING of New York, Mr. MCMAHON, Mr. RANGEL, Mr. ACKERMAN, Mr. ARCURI, Mr. BISHOP of New York, Mr. BURGESS, Mr. CROWLEY, Mr. ENGEL, Mr. HALL of New York, Mr. HIGGINS, Mr. HIMES, Mr. HINCHEY, Mr. ISRAEL, Mr. LEE of New York, Mrs. LOWEY, Mr. MAFFEI, Mr. MASSA, Mrs. MCCARTHY of New York, Mr. MCGOVERN, Mr. MCHUGH, Mr. MEEKS of New York, Mr. PASCRELL, Mr. SERRANO, Ms. SUTTON, Mr. TONKO, Mr. TOWNS, Mr. WEINER, Ms. WOOLSEY, and Ms. CLARKE) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Public Health Service Act to extend and improve protections and services to individuals directly impacted by the terrorist attack in New York City on September 11, 2001, and for other purposes.

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

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

4 (a) SHORT TITLE.—This Act may be cited as the
5 “James Zadroga 9/11 Health and Compensation Act of
6 2010”.

7 (b) TABLE OF CONTENTS.—The table of contents of
8 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 Com-
mittee; 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-re-
lated monitoring services.

“Sec. 3312. Treatment of enrolled WTC responders for WTC-related
health conditions.

“Sec. 3313. National arrangement for benefits for eligible individuals out-
side New York.

“PART 2—WTC SURVIVORS

“Sec. 3321. Identification and initial health evaluation of screening-eligible
and certified-eligible WTC survivors.

“Sec. 3322. Followup monitoring and treatment of certified-eligible WTC
survivors for WTC-related health conditions.

“Sec. 3323. Followup monitoring and treatment of other individuals with
WTC-related health conditions.

“PART 3—PAYOR PROVISIONS

“Sec. 3331. Payment of claims.

“Sec. 3332. Administrative arrangement authority.

“Subtitle C—Research Into Conditions

“Sec. 3341. Research regarding certain health conditions related to September 11 terrorist attacks.

“Sec. 3342. World Trade Center Health Registry.

“Subtitle D—Funding

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

TITLE II—SEPTEMBER 11TH VICTIM COMPENSATION FUND OF
2001

Sec. 201. Definitions.

Sec. 202. Extended and expanded eligibility for compensation.

Sec. 203. Requirement to update regulations.

Sec. 204. Limited liability for certain claims.

Sec. 205. Funding; attorney fees.

TITLE III—LIMITATION ON TREATY BENEFITS FOR CERTAIN DEDUCTIBLE PAYMENTS; TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES

Sec. 301. Limitation on treaty benefits for certain deductible payments.

Sec. 302. Time for payment of corporate estimated taxes.

TITLE IV—BUDGETARY EFFECTS

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

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

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

4 The Public Health Service Act is amended by adding

5 at the end the following new title:

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 July 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; and

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

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

24 “(1) MEDICAL MONITORING FOR RESPOND-
25 ERS.—Medical monitoring under section 3311, in-

1 including clinical examinations and long-term health
2 monitoring and analysis for enrolled WTC respond-
3 ers who were likely to have been exposed to airborne
4 toxins that were released, or to other hazards, as a
5 result of the September 11, 2001, terrorist attacks.

6 “(2) INITIAL HEALTH EVALUATION FOR SUR-
7 VIVORS.—An initial health evaluation under section
8 3321, including an evaluation to determine eligibility
9 for followup monitoring and treatment.

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

19 “(4) OUTREACH.—Establishment under section
20 3303 of an education and outreach program to po-
21 tentially eligible individuals concerning the benefits
22 under this title.

23 “(5) CLINICAL DATA COLLECTION AND ANAL-
24 YSIS.—Collection and analysis under section 3304 of
25 health and mental health data relating to individuals

1 receiving monitoring or treatment benefits in a uni-
2 form manner in collaboration with the collection of
3 epidemiological data under section 3342.

4 “(6) RESEARCH ON HEALTH CONDITIONS.—Es-
5 tablishment under subtitle C of a research program
6 on health conditions resulting from the September
7 11, 2001, terrorist attacks.

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

16 “(d) PREVENTING FRAUD AND UNREASONABLE AD-
17 MINISTRATIVE COSTS.—

18 “(1) FRAUD.—The Inspector General of the
19 Department of Health and Human Services shall de-
20 velop and implement a program to review the WTC
21 Program’s health care expenditures to detect fraudu-
22 lent or duplicate billing and payment for inappro-
23 priate services. This title is a Federal health care
24 program (as defined in section 1128B(f) of the So-
25 cial Security Act) and is a health plan (as defined

1 in section 1128C(c) of such Act) for purposes of ap-
2 plying sections 1128 through 1128E of such Act.

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

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

16 “(1) adherence to monitoring and treatment
17 protocols;

18 “(2) appropriate diagnostic and treatment re-
19 ferrals for participants;

20 “(3) prompt communication of test results to
21 participants; and

22 “(4) such other elements as the Administrator
23 specifies in consultation with the Clinical Centers of
24 Excellence.

25 “(f) ANNUAL PROGRAM REPORT.—

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

8 “(2) CONTENTS INCLUDED IN REPORT.—Each
9 annual report under paragraph (1) shall include at
10 least the following:

11 “(A) ELIGIBLE INDIVIDUALS.—Informa-
12 tion for each clinical program described in para-
13 graph (3)—

14 “(i) on the number of individuals who
15 applied for certification under subtitle B
16 and the number of such individuals who
17 were so certified;

18 “(ii) of the individuals who were cer-
19 tified, on the number who received moni-
20 toring under the program and the number
21 of such individuals who received medical
22 treatment under the program;

23 “(iii) with respect to individuals so
24 certified who received such treatment, on

1 the WTC-related health conditions for
2 which they were treated; and

3 “(iv) on the projected number of indi-
4 viduals who will be certified under subtitle
5 B in the succeeding fiscal year and the
6 succeeding 10-year period.

7 “(B) MONITORING, INITIAL HEALTH EVAL-
8 UATION, AND TREATMENT COSTS.—For each
9 clinical program so described—

10 “(i) information on the costs of moni-
11 toring and initial health evaluation and the
12 costs of treatment and on the estimated
13 costs of such monitoring, evaluation, and
14 treatment in the succeeding fiscal year;
15 and

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

22 “(C) ADMINISTRATIVE COSTS.—Informa-
23 tion on the cost of administering the program,
24 including costs of program support, data collec-

1 tion and analysis, and research conducted under
2 the program.

3 “(D) ADMINISTRATIVE EXPERIENCE.—In-
4 formation on the administrative performance of
5 the program, including—

6 “(i) the performance of the program
7 in providing timely evaluation of and treat-
8 ment to eligible individuals; and

9 “(ii) a list of the Clinical Centers of
10 Excellence and other providers that are
11 participating in the program.

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

18 “(F) ADVISORY COMMITTEE REC-
19 COMMENDATIONS.—A list of recommendations by
20 the WTC Scientific/Technical Advisory Com-
21 mittee on additional WTC Program eligibility
22 criteria and on additional WTC-related health
23 conditions and the action of the WTC Program
24 Administrator concerning each such rec-
25 ommendation.

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

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

9 “(B) OTHER WTC RESPONDERS.—The ben-
10 efits provided for enrolled WTC responders not
11 described in subparagraph (A).

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

16 “(g) NOTIFICATION TO CONGRESS UPON REACHING
17 80 PERCENT OF ELIGIBILITY NUMERICAL LIMITS.—The
18 Secretary shall promptly notify the Congress of each of
19 the following:

20 “(1) When the number of enrollments of WTC
21 responders subject to the limit established under sec-
22 tion 3311(a)(4) has reached 80 percent of such
23 limit.

24 “(2) When the number of certifications for cer-
25 tified-eligible WTC survivors subject to the limit es-

1 tablished under section 3321(a)(3) has reached 80
2 percent of such limit.

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

9 **“SEC. 3302. WTC HEALTH PROGRAM SCIENTIFIC/TECH-**
10 **NICAL ADVISORY COMMITTEE; WTC HEALTH**
11 **PROGRAM STEERING COMMITTEES.**

12 “(a) ADVISORY COMMITTEE.—

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

22 “(2) COMPOSITION.—The WTC Program Ad-
23 ministrator shall appoint the members of the Advi-
24 sory Committee and shall include at least—

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

4 “(B) 1 physician with expertise in pul-
5 monary medicine;

6 “(C) 2 environmental medicine or environ-
7 mental health specialists;

8 “(D) 2 representatives of WTC responders;

9 “(E) 2 representatives of certified-eligible
10 WTC survivors;

11 “(F) an industrial hygienist;

12 “(G) a toxicologist;

13 “(H) an epidemiologist; and

14 “(I) a mental health professional.

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

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

22 “(5) DURATION.—Notwithstanding any other
23 provision of law, the Advisory Committee shall con-
24 tinue in operation during the period in which the
25 WTC Program is in operation.

1 “(6) APPLICATION OF FACA.—Except as other-
2 wise specifically provided, the Advisory Committee
3 shall be subject to the Federal Advisory Committee
4 Act.

5 “(b) WTC HEALTH PROGRAM STEERING COMMIT-
6 TEES.—

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

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

19 “(B) WTC SURVIVORS STEERING COM-
20 MITTEE.—One Steering Committee, to be
21 known as the WTC Survivors Steering Com-
22 mittee, for the purpose of receiving input from
23 affected stakeholders and facilitating the coordi-
24 nation of initial health evaluations, monitoring,
25 and treatment programs for screening-eligible

1 and certified-eligible WTC survivors under part
2 of subtitle B.

3 “(2) MEMBERSHIP.—

4 “(A) WTC RESPONDERS STEERING COM-
5 MITTEE.—

6 “(i) REPRESENTATION.—The WTC
7 Responders Steering Committee shall in-
8 clude—

9 “(I) representatives of the Cen-
10 ters of Excellence providing services
11 to WTC responders;

12 “(II) representatives of labor or-
13 ganizations representing firefighters,
14 police, other New York City employ-
15 ees, and recovery and cleanup workers
16 who responded to the September 11,
17 2001, terrorist attacks; and

18 “(III) 3 representatives of New
19 York City, 1 of whom will be selected
20 by the police commissioner of New
21 York City, 1 by the health commis-
22 sioner of New York City, and 1 by the
23 mayor of New York City.

24 “(ii) INITIAL MEMBERSHIP.—The
25 WTC Responders Steering Committee shall

1 initially be composed of members of the
2 WTC Monitoring and Treatment Program
3 Steering Committee (as in existence on the
4 day before the date of the enactment of
5 this title).

6 “(B) WTC SURVIVORS STEERING COM-
7 MITTEE.—

8 “(i) REPRESENTATION.—The WTC
9 Survivors Steering Committee shall include
10 representatives of—

11 “(I) the Centers of Excellence
12 providing services to screening-eligible
13 and certified-eligible WTC survivors;

14 “(II) the population of residents,
15 students, and area and other workers
16 affected by the September 11, 2001,
17 terrorist attacks;

18 “(III) screening-eligible and cer-
19 tified-eligible survivors receiving initial
20 health evaluations, monitoring, or
21 treatment under part 2 of subtitle B
22 and organizations advocating on their
23 behalf; and

24 “(IV) New York City.

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

8 “(C) ADDITIONAL APPOINTMENTS.—Each
9 Steering Committee may recommend, if ap-
10 proved by a majority of voting members of the
11 Committee, additional members to the Com-
12 mittee.

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

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

17 “The WTC Program Administrator shall institute a
18 program that provides education and outreach on the ex-
19 istence and availability of services under the WTC Pro-
20 gram. The outreach and education program—

21 “(1) shall include—

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

24 “(B) meetings with potentially eligible pop-
25 ulations;

1 “(C) development and dissemination of
2 outreach materials informing people about the
3 program; and

4 “(D) the establishment of phone informa-
5 tion services; and

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

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

8 “(B) to include materials for culturally and
9 linguistically diverse populations.

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

11 “(a) IN GENERAL.—The WTC Program Adminis-
12 trator shall provide for the uniform collection of data (and
13 analysis of data and regular reports to the Administrator)
14 on the prevalence of WTC-related health conditions and
15 the identification of new WTC-related health conditions.
16 Such data shall be collected for all individuals provided
17 monitoring or treatment benefits under subtitle B and re-
18 gardless of their place of residence or Clinical Center of
19 Excellence through which the benefits are provided. The
20 WTC Program Administrator shall provide, through the
21 Data Centers or otherwise, for the integration of such data
22 into the monitoring and treatment program activities
23 under this title.

24 “(b) COORDINATING THROUGH CENTERS OF EXCEL-
25 LENCE.—Each Clinical Center of Excellence shall collect

1 data described in subsection (a) and report such data to
2 the corresponding Data Center for analysis by such Data
3 Center.

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

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

15 **“SEC. 3305. CLINICAL CENTERS OF EXCELLENCE AND DATA**
16 **CENTERS.**

17 “(a) IN GENERAL.—

18 “(1) CONTRACTS WITH CLINICAL CENTERS OF
19 EXCELLENCE.—The WTC Program Administrator
20 shall, subject to subsection (b)(1)(B), enter into con-
21 tracts with Clinical Centers of Excellence (as defined
22 in subsection (b)(1)(A))—

23 “(A) for the provision of monitoring and
24 treatment benefits and initial health evaluation
25 benefits under subtitle B;

1 “(B) for the provision of outreach activities
2 to individuals eligible for such monitoring and
3 treatment benefits, for initial health evaluation
4 benefits, and for followup to individuals who are
5 enrolled in the monitoring program;

6 “(C) for the provision of counseling for
7 benefits under subtitle B, with respect to WTC-
8 related health conditions, for individuals eligible
9 for such benefits;

10 “(D) for the provision of counseling for
11 benefits for WTC-related health conditions that
12 may be available under workers’ compensation
13 or other benefit programs for work-related inju-
14 ries or illnesses, health insurance, disability in-
15 surance, or other insurance plans or through
16 public or private social service agencies and as-
17 sisting eligible individuals in applying for such
18 benefits;

19 “(E) for the provision of translational and
20 interpretive services for program participants
21 who are not English language proficient; and

22 “(F) for the collection and reporting of
23 data in accordance with section 3304.

24 “(2) CONTRACTS WITH DATA CENTERS.—

1 “(A) IN GENERAL.—The WTC Program
2 Administrator shall enter into contracts with
3 Data Centers (as defined in subsection
4 (b)(2))—

5 “(i) for receiving, analyzing, and re-
6 porting to the WTC Program Adminis-
7 trator on data, in accordance with section
8 3304, that have been collected and re-
9 ported to such Data Centers by the cor-
10 responding Clinical Centers of Excellence
11 under subsection (b)(1)(B)(iii);

12 “(ii) for the development of moni-
13 toring, initial health evaluation, and treat-
14 ment protocols, with respect to WTC-re-
15 lated health conditions;

16 “(iii) for coordinating the outreach ac-
17 tivities conducted under paragraph (1)(B)
18 by each corresponding Clinical Center of
19 Excellence;

20 “(iv) for establishing criteria for the
21 credentialing of medical providers partici-
22 pating in the nationwide network under
23 section 3313;

24 “(v) for coordinating and admin-
25 istering the activities of the WTC Health

1 Program Steering Committees established
2 under section 3002(b); and

3 “(vi) for meeting periodically with the
4 corresponding Clinical Centers of Excel-
5 lence to obtain input on the analysis and
6 reporting of data collected under clause (i)
7 and on the development of monitoring, ini-
8 tial health evaluation, and treatment proto-
9 cols under clause (ii).

10 “(B) MEDICAL PROVIDER SELECTION.—
11 The medical providers under subparagraph
12 (A)(iv) shall be selected by the WTC Program
13 Administrator on the basis of their experience
14 treating or diagnosing the health conditions in-
15 cluded in the list of WTC-related health condi-
16 tions.

17 “(C) CLINICAL DISCUSSIONS.—In carrying
18 out subparagraph (A)(ii), a Data Center shall
19 engage in clinical discussions across the WTC
20 Program to guide treatment approaches for in-
21 dividuals with a WTC-related health condition.

22 “(D) TRANSPARENCY OF DATA.—A con-
23 tract entered into under this subsection with a
24 Data Center shall require the Data Center to
25 make any data collected and reported to such

1 Center under subsection (b)(1)(B)(iii) available
2 to health researchers and others as provided in
3 the CDC/ATSDR Policy on Releasing and
4 Sharing Data.

5 “(3) AUTHORITY FOR CONTRACTS TO BE CLASS
6 SPECIFIC.—A contract entered into under this sub-
7 section with a Clinical Center of Excellence or a
8 Data Center may be with respect to one or more
9 class of enrolled WTC responders, screening-eligible
10 WTC survivors, or certified-eligible WTC survivors.

11 “(4) USE OF COOPERATIVE AGREEMENTS.—
12 Any contract under this title between the WTC Pro-
13 gram Administrator and a Data Center or a Clinical
14 Center of Excellence may be in the form of a cooper-
15 ative agreement.

16 “(b) CENTERS OF EXCELLENCE.—

17 “(1) CLINICAL CENTERS OF EXCELLENCE.—

18 “(A) DEFINITION.—For purposes of this
19 title, the term ‘Clinical Center of Excellence’
20 means a Center that demonstrates to the satis-
21 faction of the Administrator that the Center—

22 “(i) uses an integrated, centralized
23 health care provider approach to create a
24 comprehensive suite of health services
25 under this title that are accessible to en-

1 rolled WTC responders, screening-eligible
2 WTC survivors, or certified-eligible WTC
3 survivors;

4 “(ii) has experience in caring for
5 WTC responders and screening-eligible
6 WTC survivors or includes health care pro-
7 viders who have been trained pursuant to
8 section 3313(c);

9 “(iii) employs health care provider
10 staff with expertise that includes, at a min-
11 imum, occupational medicine, environ-
12 mental medicine, trauma-related psychiatry
13 and psychology, and social services coun-
14 seling; and

15 “(iv) meets such other requirements
16 as specified by the Administrator.

17 “(B) CONTRACT REQUIREMENTS.—The
18 WTC Program Administrator shall not enter
19 into a contract with a Clinical Center of Excel-
20 lence under subsection (a)(1) unless the Center
21 agrees to do each of the following:

22 “(i) Establish a formal mechanism for
23 consulting with and receiving input from
24 representatives of eligible populations re-

1 ceiving monitoring and treatment benefits
2 under subtitle B from such Center.

3 “(ii) Coordinate monitoring and treat-
4 ment benefits under subtitle B with rou-
5 tine medical care provided for the treat-
6 ment of conditions other than WTC-related
7 health conditions.

8 “(iii) Collect and report to the cor-
9 responding Data Center data in accordance
10 with section 3304(b).

11 “(iv) Have in place safeguards against
12 fraud that are satisfactory to the Adminis-
13 trator, in consultation with the Inspector
14 General of the Department of Health and
15 Human Services.

16 “(v) Treat or refer for treatment all
17 individuals who are enrolled WTC respond-
18 ers or certified-eligible WTC survivors with
19 respect to such Center who present them-
20 selves for treatment of a WTC-related
21 health condition.

22 “(vi) Have in place safeguards, con-
23 sistent with section 3304(c), to ensure the
24 confidentiality of an individual’s individ-
25 ually identifiable health information, in-

1 cluding requiring that such information
2 not be disclosed to the individual's em-
3 ployer without the authorization of the in-
4 dividual.

5 “(vii) Use amounts paid under sub-
6 section (c)(1) only for costs incurred in
7 carrying out the activities described in sub-
8 section (a), other than those described in
9 subsection (a)(1)(A).

10 “(viii) Utilize health care providers
11 with occupational and environmental medi-
12 cine expertise to conduct physical and
13 mental health assessments, in accordance
14 with protocols developed under subsection
15 (a)(2)(A)(ii).

16 “(ix) Communicate with WTC re-
17 sponders and screening-eligible and cer-
18 tified-eligible WTC survivors in appropriate
19 languages and conduct outreach activities
20 with relevant stakeholder worker or com-
21 munity associations.

22 “(x) Meet all the other applicable re-
23 quirements of this title, including regula-
24 tions implementing such requirements.

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

11 “(2) DATA CENTERS.—For purposes of this
12 title, the term ‘Data Center’ means a Center that
13 the WTC Program Administrator determines has the
14 capacity to carry out the responsibilities for a Data
15 Center under subsection (a)(2).

16 “(3) CORRESPONDING CENTERS.—For purposes
17 of this title, a Clinical Center of Excellence and a
18 Data Center shall be treated as ‘corresponding’ to
19 the extent that such Clinical Center and Data Cen-
20 ter serve the same population group.

21 “(c) PAYMENT FOR INFRASTRUCTURE COSTS.—

22 “(1) IN GENERAL.—The WTC Program Admin-
23 istrator shall reimburse a Clinical Center of Excel-
24 lence for the fixed infrastructure costs of such Cen-
25 ter in carrying out the activities described in subtitle

1 B at a rate negotiated by the Administrator and
2 such Centers. Such negotiated rate shall be fair and
3 appropriate and take into account the number of en-
4 rolled WTC responders receiving services from such
5 Center under this title.

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

12 **“SEC. 3306. DEFINITIONS.**

13 “In this title:

14 “(1) The term ‘aggravating’ means, with re-
15 spect to a health condition, a health condition that
16 existed on September 11, 2001, and that, as a result
17 of exposure to airborne toxins, any other hazard, or
18 any other adverse condition resulting from the Sep-
19 tember 11, 2001, terrorist attacks, requires medical
20 treatment that is (or will be) in addition to, more
21 frequent than, or of longer duration than the med-
22 ical treatment that would have been required for
23 such condition in the absence of such exposure.

1 “(2) The term ‘certified-eligible WTC survivor’
2 has the meaning given such term in section
3 3321(a)(2).

4 “(3) The terms ‘Clinical Center of Excellence’
5 and ‘Data Center’ have the meanings given such
6 terms in section 3305.

7 “(4) The term ‘enrolled WTC responder’ means
8 a WTC responder enrolled under section 3311(a)(3).

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

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

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

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

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

1 “(A) the area of Manhattan that is south
2 of Houston Street; and

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

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

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

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

23 “(11) The term ‘September 11, 2001, terrorist
24 attacks’ means the terrorist attacks that occurred on
25 September 11, 2001, in New York City, in

1 Shanksville, Pennsylvania, and at the Pentagon, and
2 includes the aftermath of such attacks.

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

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

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

11 “(A) with respect to paragraphs (3) and
12 (4) of section 3311(a) (relating to enrollment of
13 WTC responders), section 3312(c) and the cor-
14 responding provisions of section 3322 (relating
15 to payment for initial health evaluation, moni-
16 toring, and treatment), paragraphs (1)(C),
17 (2)(B), and (3) of section 3321(a) (relating to
18 determination or certification of screening-eli-
19 gible or certified-eligible WTC responders), and
20 part 3 of subtitle B (relating to payor provi-
21 sions), an official in the Department of Health
22 and Human Services, to be designated by the
23 Secretary; and

24 “(B) with respect to any other provision of
25 this title, the Director of the National Institute

1 for Occupational Safety and Health, or a des-
2 ignee of such Director.

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

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

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

10 **“Subtitle B—Program of Moni-**
11 **toring, Initial Health Evalua-**
12 **tions, and Treatment**

13 **“PART 1—WTC RESPONDERS**

14 **“SEC. 3311. IDENTIFICATION OF WTC RESPONDERS AND**
15 **PROVISION OF WTC-RELATED MONITORING**
16 **SERVICES.**

17 “(a) WTC RESPONDER DEFINED.—

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

21 “(A) CURRENTLY IDENTIFIED RE-
22 SPONDER.—An individual who has been identi-
23 fied as eligible for monitoring under the ar-
24 rangements as in effect on the date of the en-

1 actment of this title between the National Insti-
2 tute for Occupational Safety and Health and—

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

10 “(ii) the Fire Department of New
11 York City.

12 “(B) RESPONDER WHO MEETS CURRENT
13 ELIGIBILITY CRITERIA.—An individual who
14 meets the current eligibility criteria described in
15 paragraph (2).

16 “(C) RESPONDER WHO MEETS MODIFIED
17 ELIGIBILITY CRITERIA.—An individual who—

18 “(i) performed rescue, recovery, demo-
19 lition, debris cleanup, or other related serv-
20 ices in the New York City disaster area in
21 response to the September 11, 2001, ter-
22 rorist attacks, regardless of whether such
23 services were performed by a State or Fed-
24 eral employee or member of the National
25 Guard or otherwise; and

1 “(ii) meets such eligibility criteria re-
2 lating to exposure to airborne toxins, other
3 hazards, or adverse conditions resulting
4 from the September 11, 2001, terrorist at-
5 tacks as the WTC Program Administrator,
6 after consultation with the WTC Scientific/
7 Technical Advisory Committee, determines
8 appropriate.

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

18 “(2) CURRENT ELIGIBILITY CRITERIA.—The
19 eligibility criteria described in this paragraph for an
20 individual is that the individual is described in any
21 of the following categories:

22 “(A) FIREFIGHTERS AND RELATED PER-
23 SONNEL.—The individual—

24 “(i) was a member of the Fire De-
25 partment of New York City (whether fire

1 or emergency personnel, active or retired)
2 who participated at least one day in the
3 rescue and recovery effort at any of the
4 former World Trade Center sites (includ-
5 ing Ground Zero, Staten Island Landfill,
6 and the New York City Chief Medical Ex-
7 aminer's Office) for any time during the
8 period beginning on September 11, 2001,
9 and ending on July 31, 2002; or

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

17 “(II) received any treatment for a
18 WTC-related health condition described in
19 section 3312(a)(1)(A)(ii) (relating to men-
20 tal health conditions) on or before Sep-
21 tember 1, 2008.

22 “(B) LAW ENFORCEMENT OFFICERS AND
23 WTC RESCUE, RECOVERY, AND CLEANUP WORK-
24 ERS.—The individual—

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

14 “(ii)(I) was a member of the Police
15 Department of New York City (whether
16 active or retired) or a member of the Port
17 Authority Police of the Port Authority of
18 New York and New Jersey (whether active
19 or retired) who participated onsite in res-
20 cue, recovery, debris cleanup, or related
21 services in lower Manhattan (south of
22 Canal St.), including Ground Zero, the
23 Staten Island Landfill, or the barge load-
24 ing piers, for at least 4 hours during the

1 period beginning September 11, 2001, and
2 ending on September 14, 2001;

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

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

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

22 “(iii) was an employee of the Office of
23 the Chief Medical Examiner of New York
24 City involved in the examination and han-
25 dling of human remains from the World

1 Trade Center attacks, or other morgue
2 worker who performed similar post-Sep-
3 tember 11 functions for such Office staff,
4 during the period beginning on September
5 11, 2001, and ending on July 31, 2002;

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

11 “(v) was a vehicle-maintenance worker
12 who was exposed to debris from the former
13 World Trade Center while retrieving, driv-
14 ing, cleaning, repairing, and maintaining
15 vehicles contaminated by airborne toxins
16 from the September 11, 2001, terrorist at-
17 tacks during a duration and period de-
18 scribed in subparagraph (A).

19 “(C) RESPONDERS TO THE SEPTEMBER 11
20 ATTACKS AT THE PENTAGON AND
21 SHANKSVILLE, PENNSYLVANIA.—The indi-
22 vidual—

23 “(i)(I) was a member of a fire or po-
24 lice department (whether fire or emergency
25 personnel, active or retired), worked for a

1 recovery or cleanup contractor, or was a
2 volunteer; and performed rescue, recovery,
3 demolition, debris cleanup, or other related
4 services at the Pentagon site of the ter-
5 rorist-related aircraft crash of September
6 11, 2001, during the period beginning on
7 September 11, 2001, and ending on the
8 date on which the cleanup of the site was
9 concluded, as determined by the WTC Pro-
10 gram Administrator; or

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

24 “(ii) is determined by the WTC Pro-
25 gram Administrator to be at an increased

1 risk of developing a WTC-related health
2 condition as a result of exposure to air-
3 borne toxins, other hazards, or adverse
4 conditions resulting from the September
5 11, 2001, terrorist attacks, and meets such
6 eligibility criteria related to such expo-
7 sures, as the WTC Program Administrator
8 determines are appropriate, after consulta-
9 tion with the WTC Scientific/Technical Ad-
10 visory Committee.

11 “(3) ENROLLMENT PROCESS.—

12 “(A) IN GENERAL.—The WTC Program
13 Administrator shall establish a process for en-
14 rolling WTC responders in the WTC Program.
15 Under such process—

16 “(i) WTC responders described in
17 paragraph (1)(A) shall be deemed to be en-
18 rolled in such Program;

19 “(ii) subject to clause (iii), the Admin-
20 istrator shall enroll in such program indi-
21 viduals who are determined to be WTC re-
22 sponders;

23 “(iii) the Administrator shall deny
24 such enrollment to an individual if the Ad-
25 ministrator determines that the numerical

1 limitation in paragraph (4) on enrollment
2 of WTC responders has been met;

3 “(iv) there shall be no fee charged to
4 the applicant for making an application for
5 such enrollment;

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

10 “(vi) an individual who is denied en-
11 rollment in such Program shall have an op-
12 portunity to appeal such determination in
13 a manner established under such process.

14 “(B) TIMING.—

15 “(i) CURRENTLY IDENTIFIED RE-
16 SPONDERS.—In accordance with subpara-
17 graph (A)(i), the WTC Program Adminis-
18 trator shall enroll an individual described
19 in paragraph (1)(A) in the WTC Program
20 not later than July 1, 2011.

21 “(ii) OTHER RESPONDERS.—In ac-
22 cordance with subparagraph (A)(ii) and
23 consistent with paragraph (4), the WTC
24 Program Administrator shall enroll any
25 other individual who is determined to be a

1 WTC responder in the WTC Program at
2 the time of such determination.

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

5 “(A) IN GENERAL.—The total number of
6 individuals not described in paragraph (1)(A) or
7 (2)(A)(ii) who may be enrolled under paragraph
8 (3)(A)(ii) shall not exceed 25,000 at any time,
9 of which no more than 2,500 may be individ-
10 uals enrolled based on modified eligibility cri-
11 teria established under paragraph (1)(C).

12 “(B) PROCESS.—In implementing subpara-
13 graph (A), the WTC Program Administrator
14 shall—

15 “(i) limit the number of enrollments
16 made under paragraph (3)—

17 “(I) in accordance with such sub-
18 paragraph; and

19 “(II) to such number, as deter-
20 mined by the Administrator based on
21 the best available information and
22 subject to amounts available under
23 section 3351, that will ensure suffi-
24 cient funds will be available to provide
25 treatment and monitoring benefits

1 under this title, with respect to all in-
2 dividuals who are enrolled through the
3 end of fiscal year 2020; and

4 “(ii) provide priority (subject to para-
5 graph (3)(A)(i)) in such enrollments in the
6 order in which individuals apply for enroll-
7 ment under paragraph (3).

8 “(5) DISQUALIFICATION OF INDIVIDUALS ON
9 TERRORIST WATCH LIST.—No individual who is on
10 the terrorist watch list maintained by the Depart-
11 ment of Homeland Security shall qualify as an eligi-
12 ble WTC responder. Before enrolling any individual
13 as a WTC responder in the WTC Program under
14 paragraph (3), the Administrator, in consultation
15 with the Secretary of Homeland Security, shall de-
16 termine whether the individual is on such list.

17 “(b) MONITORING BENEFITS.—

18 “(1) IN GENERAL.—In the case of an enrolled
19 WTC responder (other than one described in sub-
20 section (a)(2)(A)(ii)), the WTC Program shall pro-
21 vide for monitoring benefits that include monitoring
22 consistent with protocols approved by the WTC Pro-
23 gram Administrator and including clinical examina-
24 tions and long-term health monitoring and analysis.
25 In the case of an enrolled WTC responder who is an

1 active member of the Fire Department of New York
2 City, the responder shall receive such benefits as
3 part of the individual's periodic company medical
4 exams.

5 “(2) PROVISION OF MONITORING BENEFITS.—

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

12 **“SEC. 3312. TREATMENT OF ENROLLED WTC RESPONDERS**
13 **FOR WTC-RELATED HEALTH CONDITIONS.**

14 “(a) WTC-RELATED HEALTH CONDITION DE-
15 FINED.—

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

19 “(A)(i) is an illness or health condition for
20 which exposure to airborne toxins, any other
21 hazard, or any other adverse condition resulting
22 from the September 11, 2001, terrorist attacks,
23 based on an examination by a medical profes-
24 sional with experience in treating or diagnosing
25 the health conditions included in the applicable

1 list of WTC-related health conditions, is sub-
2 stantially likely to be a significant factor in ag-
3 gravating, contributing to, or causing the illness
4 or health condition, as determined under para-
5 graph (2); or

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

15 “(B) is included in the applicable list of
16 WTC-related health conditions or—

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

20 “(ii) with respect to a screening-eligi-
21 ble WTC survivor or certified-eligible WTC
22 survivor, is provided certification of cov-
23 erage under subsection (b)(2)(B)(iii), as
24 applied under section 3322(a).

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

6 “(2) DETERMINATION.—The determination
7 under paragraph (1) or subsection (b) of whether
8 the September 11, 2001, terrorist attacks were sub-
9 stantially likely to be a significant factor in aggra-
10 vating, contributing to, or causing an individual’s ill-
11 ness or health condition shall be made based on an
12 assessment of the following:

13 “(A) The individual’s exposure to airborne
14 toxins, any other hazard, or any other adverse
15 condition resulting from the terrorist attacks.
16 Such exposure shall be—

17 “(i) evaluated and characterized
18 through the use of a standardized, popu-
19 lation-appropriate questionnaire approved
20 by the Director of the National Institute
21 for Occupational Safety and Health; and

22 “(ii) assessed and documented by a
23 medical professional with experience in
24 treating or diagnosing health conditions in-

1 cluded on the list of WTC-related health
2 conditions.

3 “(B) The type of symptoms and temporal
4 sequence of symptoms. Such symptoms shall
5 be—

6 “(i) assessed through the use of a
7 standardized, population-appropriate med-
8 ical questionnaire approved by the Director
9 of the National Institute for Occupational
10 Safety and Health and a medical examina-
11 tion; and

12 “(ii) diagnosed and documented by a
13 medical professional described in subpara-
14 graph (A)(ii).

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

18 “(A) AERODIGESTIVE DISORDERS.—

19 “(i) Interstitial lung diseases.

20 “(ii) Chronic respiratory disorder—
21 fumes/vapors.

22 “(iii) Asthma.

23 “(iv) Reactive airways dysfunction
24 syndrome (RADS).

1 “(v) WTC-exacerbated chronic ob-
2 structive pulmonary disease (COPD).

3 “(vi) Chronic cough syndrome.

4 “(vii) Upper airway hyperreactivity.

5 “(viii) Chronic rhinosinusitis.

6 “(ix) Chronic nasopharyngitis.

7 “(x) Chronic laryngitis.

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

10 “(xii) Sleep apnea exacerbated by or
11 related to a condition described in a pre-
12 vious clause.

13 “(B) MENTAL HEALTH CONDITIONS.—

14 “(i) Posttraumatic stress disorder
15 (PTSD).

16 “(ii) Major depressive disorder.

17 “(iii) Panic disorder.

18 “(iv) Generalized anxiety disorder.

19 “(v) Anxiety disorder (not otherwise
20 specified).

21 “(vi) Depression (not otherwise speci-
22 fied).

23 “(vii) Acute stress disorder.

24 “(viii) Dysthymic disorder.

25 “(ix) Adjustment disorder.

1 “(x) Substance abuse.

2 “(C) MUSCULOSKELETAL DISORDERS FOR
3 CERTAIN WTC RESPONDERS.—In the case of a
4 WTC responder described in paragraph (4), a
5 condition described in such paragraph.

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

10 “(4) MUSCULOSKELETAL DISORDERS.—

11 “(A) IN GENERAL.—For purposes of this
12 title, in the case of a WTC responder who re-
13 ceived any treatment for a WTC-related mus-
14 culoskeletal disorder on or before September 11,
15 2003, the list of health conditions in paragraph
16 (3) shall include:

17 “(i) Low back pain.

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

19 “(iii) Other musculoskeletal disorders.

20 “(B) DEFINITION.—The term ‘WTC-re-
21 lated musculoskeletal disorder’ means a chronic
22 or recurrent disorder of the musculoskeletal
23 system caused by heavy lifting or repetitive
24 strain on the joints or musculoskeletal system
25 occurring during rescue or recovery efforts in

1 the New York City disaster area in the after-
2 math of the September 11, 2001, terrorist at-
3 tacks.

4 “(5) CANCER.—

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

18 “(B) PROPOSED REGULATIONS AND RULE-
19 MAKING.—Based on the periodic reviews under
20 subparagraph (A), if the WTC Program Admin-
21 istrator determines that cancer or a certain
22 type of cancer should be added to such list of
23 WTC-related health conditions, the WTC Pro-
24 gram Administrator shall propose regulations,

1 through rulemaking, to add cancer or the cer-
2 tain type of cancer to such list.

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

13 “(D) DETERMINATIONS NOT TO ADD CAN-
14 CER OR CERTAIN TYPES OF CANCER.—In the
15 case that the WTC Program Administrator de-
16 termines under subparagraph (B) or (C) that
17 cancer or a certain type of cancer should not be
18 added to such list of WTC-related health condi-
19 tions, the WTC Program Administrator shall
20 publish an explanation for such determination
21 in the Federal Register. Any such determina-
22 tion to not make such an addition shall not pre-
23 clude the addition of cancer or the certain type
24 of cancer to such list at a later date.

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

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

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

20 “(i) request a recommendation of the
21 Advisory Committee;

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

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

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

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

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

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

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

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

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

23 “(b) COVERAGE OF TREATMENT FOR WTC-RELATED
24 HEALTH CONDITIONS.—

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

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

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

21 “(ii) on and after the date of such
22 transmittal and subject to subparagraph
23 (B), the WTC Program shall provide for
24 payment under subsection (c) for medically
25 necessary treatment for such condition.

1 “(B) REVIEW; CERTIFICATION; AP-
2 PEALS.—

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

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

21 “(iii) APPEAL PROCESS.—The Admin-
22 istrator shall establish, by rule, a process
23 for the appeal of determinations under
24 clause (ii).

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

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

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

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

19 “(B) PROCEDURES FOR REVIEW, CERTIFI-
20 CATION, AND APPEAL.—The WTC Program Ad-
21 ministrators shall, by rule, establish procedures
22 for the review and certification of physician de-
23 terminations under subparagraph (A). Such
24 rule shall provide for—

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

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

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

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

21 “(C) INCLUSION IN LIST OF HEALTH CON-
22 DITIONS.—If the WTC Program Administrator
23 provides certification under subparagraph
24 (B)(iii) for coverage of a condition, the Admin-

1 istrator may, pursuant to subsection (a)(6), add
2 the condition to the list in subsection (a)(3).

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

15 “(3) REQUIREMENT OF MEDICAL NECESSITY.—

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

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

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

9 “(4) SCOPE OF TREATMENT COVERED.—

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

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

24 “(C) TRANSPORTATION EXPENSES FOR
25 NATIONWIDE NETWORK.—The WTC Program

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

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

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

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

8 “(1) MEDICAL TREATMENT.—

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

22 “(B) PHARMACEUTICALS.—

23 “(i) IN GENERAL.—The WTC Pro-
24 gram Administrator shall establish a pro-
25 gram for paying for the medically nec-

1 essary outpatient prescription pharma-
2 ceuticals prescribed under this title for
3 WTC-related health conditions through one
4 or more contracts with outside vendors.

5 “(ii) COMPETITIVE BIDDING.—Under
6 such program the Administrator shall—

7 “(I) select one or more appro-
8 priate vendors through a Federal com-
9 petitive bid process; and

10 “(II) select the lowest bidder (or
11 bidders) meeting the requirements for
12 providing pharmaceutical benefits for
13 participants in the WTC Program.

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

24 “(C) IMPROVING QUALITY AND EFFI-
25 CIENCY THROUGH MODIFICATION OF PAYMENT

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

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

21 “(3) DETERMINATION OF MEDICAL NECES-
22 SITY.—

23 “(A) REVIEW OF MEDICAL NECESSITY AND
24 PROTOCOLS.—As part of the process for reim-
25 bursement or payment under this subsection,

1 the WTC Program Administrator shall provide
2 for the review of claims for reimbursement or
3 payment for the provision of medical treatment
4 to determine if such treatment is medically nec-
5 essary and in accordance with medical treat-
6 ment protocols established under subsection (d).

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

14 “(d) MEDICAL TREATMENT PROTOCOLS.—

15 “(1) DEVELOPMENT.—The Data Centers shall
16 develop medical treatment protocols for the treat-
17 ment of enrolled WTC responders and certified-eli-
18 ble WTC survivors for health conditions included in
19 the applicable list of WTC-related health conditions.

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

1 **“SEC. 3313. NATIONAL ARRANGEMENT FOR BENEFITS FOR**
2 **ELIGIBLE INDIVIDUALS OUTSIDE NEW YORK.**

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

17 “(b) NETWORK REQUIREMENTS.—Any health care
18 provider participating in the network under subsection (a)
19 shall—

20 “(1) meet criteria for credentialing established
21 by the Data Centers;

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

25 “(3) collect and report data in accordance with
26 section 3304; and

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

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

11 **“PART 2—WTC SURVIVORS**

12 **“SEC. 3321. IDENTIFICATION AND INITIAL HEALTH EVALUA-**
13 **TION OF SCREENING-ELIGIBLE AND CER-**
14 **TIFIED-ELIGIBLE WTC SURVIVORS.**

15 “(a) IDENTIFICATION OF SCREENING-ELIGIBLE
16 WTC SURVIVORS AND CERTIFIED-ELIGIBLE WTC SUR-
17 VIVORS.—

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

19 “(A) DEFINITION.—In this title, the term
20 ‘screening-eligible WTC survivor’ means, sub-
21 ject to subparagraph (C) and paragraph (3), an
22 individual who is described in any of the fol-
23 lowing clauses:

24 “(i) CURRENTLY IDENTIFIED SUR-
25 VIVOR.—An individual, including a WTC

1 responder, who has been identified as eligi-
2 ble for medical treatment and monitoring
3 by the WTC Environmental Health Center
4 as of the date of enactment of this title.

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

13 “(iii) SURVIVOR WHO MEETS MODI-
14 FIED ELIGIBILITY CRITERIA.—An indi-
15 vidual who is not a WTC responder, for
16 purposes of the initial health evaluation
17 under subsection (b), claims symptoms of a
18 WTC-related health condition and meets
19 such eligibility criteria relating to exposure
20 to airborne toxins, other hazards, or ad-
21 verse conditions resulting from the Sep-
22 tember 11, 2001, terrorist attacks as the
23 WTC Administrator determines, after con-
24 sultation with the Data Centers described
25 in section 3305 and the WTC Scientific/

1 Technical Advisory Committee and WTC
2 Health Program Steering Committees
3 under section 3302.

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

13 “(B) CURRENT ELIGIBILITY CRITERIA.—
14 The eligibility criteria described in this subpara-
15 graph for an individual are that the individual
16 is described in any of the following clauses:

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

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

23 “(I) at least 4 days during the 4-
24 month period beginning on September

1 11, 2001, and ending on January 10,
2 2002; or

3 “(II) at least 30 days during the
4 period beginning on September 11,
5 2001, and ending on July 31, 2002.

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

13 “(iv) A person who was deemed eligi-
14 ble to receive a grant from the Lower
15 Manhattan Development Corporation Resi-
16 dential Grant Program, who possessed a
17 lease for a residence or purchased a resi-
18 dence in the New York City disaster area,
19 and who resided in such residence during
20 the period beginning on September 11,
21 2001, and ending on May 31, 2003.

22 “(v) A person whose place of employ-
23 ment—

24 “(I) at any time during the pe-
25 riod beginning on September 11,

1 2001, and ending on May 31, 2003,
2 was in the New York City disaster
3 area; and

4 “(II) was deemed eligible to re-
5 ceive a grant from the Lower Manhat-
6 tan Development Corporation WTC
7 Small Firms Attraction and Retention
8 Act program or other government in-
9 centive program designed to revitalize
10 the lower Manhattan economy after
11 the September 11, 2001, terrorist at-
12 tacks.

13 “(C) APPLICATION AND DETERMINATION
14 PROCESS FOR SCREENING ELIGIBILITY.—

15 “(i) IN GENERAL.—The WTC Pro-
16 gram Administrator in consultation with
17 the Data Centers shall establish a process
18 for individuals, other than individuals de-
19 scribed in subparagraph (A)(i), to be de-
20 termined to be screening-eligible WTC sur-
21 vivors. Under such process—

22 “(I) there shall be no fee charged
23 to the applicant for making an appli-
24 cation for such determination;

1 “(II) the Administrator shall
2 make a determination on such an ap-
3 plication not later than 60 days after
4 the date of filing the application;

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

13 “(aa) based on the applica-
14 tion submitted, the individual
15 does not meet the eligibility cri-
16 teria; or

17 “(bb) the numerical limita-
18 tion on certifications of certified-
19 eligible WTC survivors set forth
20 in paragraph (3) has been met;
21 and

22 “(IV) an individual who is deter-
23 mined not to be a screening-eligible
24 WTC survivor shall have an oppor-
25 tunity to appeal such determination in

1 a manner established under such
2 process.

3 “(ii) WRITTEN DOCUMENTATION OF
4 SCREENING-ELIGIBILITY.—

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

14 “(II) TIMING.—

15 “(aa) CURRENTLY IDENTI-
16 FIED SURVIVORS.—In the case of
17 an individual who is described in
18 subparagraph (A)(i), the WTC
19 Program Administrator shall pro-
20 vide the written documentation
21 under subclause (I) not later
22 than July 1, 2011.

23 “(bb) OTHER MEMBERS.—
24 In the case of another individual
25 who is determined under clause

1 (i) and consistent with paragraph
2 (3) to be a screening-eligible
3 WTC survivor, the WTC Pro-
4 gram Administrator shall provide
5 the written documentation under
6 subclause (I) at the time of such
7 determination.

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

9 “(A) DEFINITION.—The term ‘certified-eli-
10 gible WTC survivor’ means, subject to para-
11 graph (3), a screening-eligible WTC survivor
12 who the WTC Program Administrator certifies
13 under subparagraph (B) to be eligible for fol-
14 lowup monitoring and treatment under this
15 part.

16 “(B) CERTIFICATION OF ELIGIBILITY FOR
17 MONITORING AND TREATMENT.—

18 “(i) IN GENERAL.—The WTC Pro-
19 gram Administrator shall establish a cer-
20 tification process under which the Adminis-
21 trator shall provide appropriate certifi-
22 cation to screening-eligible WTC survivors
23 who, pursuant to the initial health evalua-
24 tion under subsection (b), are determined

1 to be eligible for followup monitoring and
2 treatment under this part.

3 “(ii) TIMING.—

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

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

19 “(3) NUMERICAL LIMITATION ON CERTIFIED-
20 ELIGIBLE WTC SURVIVORS.—

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

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

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

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 made available
12 under section 3351, that will ensure
13 sufficient funds will be available to
14 provide treatment and monitoring
15 benefits under this title, with respect
16 to all individuals receiving such cer-
17 tifications through the end of fiscal
18 year 2020; and

19 “(ii) provide priority in such certifi-
20 cations in the order in which individuals
21 apply for a determination under paragraph
22 (2)(B).

23 “(4) DISQUALIFICATION OF INDIVIDUALS ON
24 TERRORIST WATCH LIST.—No individual who is on
25 the terrorist watch list maintained by the Depart-

1 ment of Homeland Security shall qualify as a screen-
2 ing-eligible WTC survivor or a certified-eligible WTC
3 survivor. Before determining any individual to be a
4 screening-eligible WTC survivor under paragraph (1)
5 or certifying any individual as a certified eligible
6 WTC survivor under paragraph (2), the Adminis-
7 trator, in consultation with the Secretary of Home-
8 land Security, shall determine whether the individual
9 is on such list.

10 “(b) INITIAL HEALTH EVALUATION TO DETERMINE
11 ELIGIBILITY FOR FOLLOWUP MONITORING OR TREAT-
12 MENT.—

13 “(1) IN GENERAL.—In the case of a screening-
14 eligible WTC survivor, the WTC Program shall pro-
15 vide for an initial health evaluation to determine if
16 the survivor has a WTC-related health condition and
17 is eligible for followup monitoring and treatment
18 benefits under the WTC Program. Initial health
19 evaluation protocols under section 3305(a)(2)(A)(ii)
20 shall be subject to approval by the WTC Program
21 Administrator.

22 “(2) INITIAL HEALTH EVALUATION PRO-
23 VIDERS.—The initial health evaluation described in
24 paragraph (1) shall be provided through a Clinical

1 Center of Excellence with respect to the individual
2 involved.

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

13 **“SEC. 3322. FOLLOWUP MONITORING AND TREATMENT OF**
14 **CERTIFIED-ELIGIBLE WTC SURVIVORS FOR**
15 **WTC-RELATED HEALTH CONDITIONS.**

16 “(a) IN GENERAL.—Subject to subsection (b), the
17 provisions of sections 3311 and 3312 shall apply to fol-
18 lowup monitoring and treatment of WTC-related health
19 conditions for certified-eligible WTC survivors in the same
20 manner as such provisions apply to the monitoring and
21 treatment of WTC-related health conditions for enrolled
22 WTC responders.

23 “(b) LIST OF WTC-RELATED HEALTH CONDITIONS
24 FOR SURVIVORS.—The list of health conditions for screen-

1 ing-eligible WTC survivors and certified-eligible WTC sur-
2 vivors consists of the following:

3 “(1) AERODIGESTIVE DISORDERS.—

4 “(A) Interstitial lung diseases.

5 “(B) Chronic respiratory disorder—fumes/
6 vapors.

7 “(C) Asthma.

8 “(D) Reactive airways dysfunction syn-
9 drome (RADS).

10 “(E) WTC-exacerbated chronic obstructive
11 pulmonary disease (COPD).

12 “(F) Chronic cough syndrome.

13 “(G) Upper airway hyperreactivity.

14 “(H) Chronic rhinosinusitis.

15 “(I) Chronic nasopharyngitis.

16 “(J) Chronic laryngitis.

17 “(K) Gastroesophageal reflux disorder
18 (GERD).

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

21 “(2) MENTAL HEALTH CONDITIONS.—

22 “(A) Posttraumatic stress disorder
23 (PTSD).

24 “(B) Major depressive disorder.

25 “(C) Panic disorder.

1 “(D) Generalized anxiety disorder.

2 “(E) Anxiety disorder (not otherwise speci-
3 fied).

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

5 “(G) Acute stress disorder.

6 “(H) Dysthymic disorder.

7 “(I) Adjustment disorder.

8 “(J) Substance abuse.

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

15 **“SEC. 3323. FOLLOWUP MONITORING AND TREATMENT OF**
16 **OTHER INDIVIDUALS WITH WTC-RELATED**
17 **HEALTH CONDITIONS.**

18 “(a) **IN GENERAL.**—Subject to subsection (c), the
19 provisions of section 3322 shall apply to the followup mon-
20 itoring and treatment of WTC-related health conditions
21 in the case of individuals described in subsection (b) in
22 the same manner as such provisions apply to the followup
23 monitoring and treatment of WTC-related health condi-
24 tions for certified-eligible WTC survivors.

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

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

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

9 “(c) LIMITATION.—

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

16 “(2) LIMITATION.—The amount specified in
17 this paragraph for—

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

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

21 “(C) a succeeding fiscal year is the amount
22 specified in this paragraph for the previous fis-
23 cal year increased by the annual percentage in-
24 crease in the medical care component of the
25 consumer price index for all urban consumers.

1 **“PART 3—PAYOR PROVISIONS**

2 **“SEC. 3331. PAYMENT OF CLAIMS.**

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

9 “(b) WORKERS’ COMPENSATION PAYMENT.—

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

1 injury or illness plan of the employer involved, and
2 such individual) in the same manner as such provi-
3 sions apply to the reimbursement of a payment
4 under section 1862(b)(2) of such Act to the Sec-
5 retary (with respect to such a law or plan and an
6 individual entitled to benefits under title XVIII of
7 such Act) except that any reference in such para-
8 graph (4) to payment rates under title XVIII of the
9 Social Security Act shall be deemed a reference to
10 payment rates under this title.

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

19 “(3) RULES OF CONSTRUCTION.—Nothing in
20 this title shall be construed to affect, modify, or re-
21 lieve any obligations under a worker’s compensation
22 law or plan, other work-related injury or illness ben-
23 efit plan of an employer, or any health insurance
24 plan.

25 “(c) HEALTH INSURANCE COVERAGE.—

1 “(1) IN GENERAL.—In the case of an individual
2 who has a WTC-related health condition that is not
3 work-related and has health coverage for such condi-
4 tion through any public or private health plan (in-
5 cluding health benefits under title XVIII, XIX, or
6 XXI of the Social Security Act) the provisions of
7 section 1862(b) of the Social Security Act shall
8 apply to such a health plan and such individual in
9 the same manner as they apply to group health plan
10 and an individual entitled to benefits under title
11 XVIII of such Act pursuant to section 226(a) of
12 such Act. Any costs for items and services covered
13 under such plan that are not reimbursed by such
14 health plan, due to the application of deductibles, co-
15 payments, coinsurance, other cost sharing, or other-
16 wise, are reimbursable under this title to the extent
17 that they are covered under the WTC Program. The
18 program under this title shall not be treated as a le-
19 gally liable party for purposes of applying section
20 1902(a)(25) of the Social Security Act.

21 “(2) RECOVERY BY INDIVIDUAL PROVIDERS.—
22 Nothing in paragraph (1) shall be construed as re-
23 quiring an entity providing monitoring and treat-
24 ment under this title to seek reimbursement under

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

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

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

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

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

18 “(1) CONTRACT REQUIREMENT.—

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

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

8 “(B) FULL CONTRIBUTION AMOUNT.—
9 Under such contract, with respect to the last
10 calendar quarter of fiscal year 2011 and each
11 calendar quarter in fiscal years 2012 through
12 2018 the full contribution amount under this
13 subparagraph shall be equal to 10 percent of
14 the expenditures in carrying out this title for
15 the respective quarter and with respect to cal-
16 endar quarters in fiscal years 2019 and 2020,
17 such full contribution amount shall be equal to
18 $\frac{1}{9}$ of the Federal expenditures in carrying out
19 this title for the respective quarter.

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

24 “(i) An amount derived from Federal
25 sources.

1 “(ii) An amount paid before the date
2 of the enactment of this title.

3 “(iii) An amount paid to satisfy a
4 judgment or as part of a settlement related
5 to injuries or illnesses arising out of the
6 September 11, 2001, terrorist attacks.

7 “(D) TIMING OF CONTRIBUTION.—The
8 payment obligation under such contract for a
9 calendar quarter in a fiscal year shall be paid
10 not later than the last day of the second suc-
11 ceeding calendar quarter.

12 “(E) COMPLIANCE.—

13 “(i) INTEREST FOR LATE PAYMENT.—
14 If New York City fails to pay to the WTC
15 Program Administrator pursuant to such
16 contract the amount required for any cal-
17 endar quarter by the day specified in sub-
18 paragraph (D), interest shall accrue on the
19 amount not so paid at the rate (deter-
20 mined by the Administrator) based on the
21 average yield to maturity, plus 1 percent-
22 age point, on outstanding municipal bonds
23 issued by New York City with a remaining
24 maturity of at least 1 year.

1 “(ii) RECOVERY OF AMOUNTS
2 OWED.— The amounts owed to the WTC
3 Program Administrator under such con-
4 tract shall be recoverable by the United
5 States in an action in the same manner as
6 payments made under title XVIII of the
7 Social Security Act may be recoverable in
8 an action brought under section
9 1862(b)(2)(B)(iii) of such Act.

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

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

20 “(A) provide New York City with an esti-
21 mate of such amount of the required contribu-
22 tion at the beginning of such quarter and with
23 an updated estimate of such amount at the be-
24 ginning of each of the subsequent 2 quarters;

1 “(B) bill such amount directly to New
2 York City; and

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

6 Such amount shall initially be estimated by the
7 WTC Program Administrator and shall be subject to
8 adjustment and reconciliation based upon actual ex-
9 penditures in carrying out this title.

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

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

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

24 “(2) with respect to the condition the individual
25 has filed and had established a claim under a work-

1 ers’ compensation law or plan of the United States
2 or a State, or other work-related injury or illness
3 benefit plan of the employer of such individual.

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

5 “The WTC Program Administrator may enter into
6 arrangements with other government agencies, insurance
7 companies, or other third-party administrators to provide
8 for timely and accurate processing of claims under sec-
9 tions 3312, 3313, 3322, and 3323.

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

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

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

20 “(1) research on physical and mental health
21 conditions that may be related to the September 11,
22 2001, terrorist attacks;

23 “(2) research on diagnosing WTC-related
24 health conditions of such individuals, in the case of

1 conditions for which there has been diagnostic un-
2 certainty; and

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

7 The Administrator may provide such support through con-
8 tinuation and expansion of research that was initiated be-
9 fore the date of the enactment of this title and through
10 the World Trade Center Health Registry (referred to in
11 section 3342), through a Clinical Center of Excellence, or
12 through a Data Center.

13 “(b) TYPES OF RESEARCH.—The research under
14 subsection (a)(1) shall include epidemiologic and other re-
15 search studies on WTC-related health conditions or
16 emerging conditions—

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

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

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

4 “(d) APPLICATION OF PRIVACY AND HUMAN SUB-
5 JECT PROTECTIONS.—The privacy and human subject
6 protections applicable to research conducted under this
7 section shall not be less than such protections applicable
8 to research conducted or funded by the Department of
9 Health and Human Services.

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

11 “For the purpose of ensuring ongoing data collection
12 relating to victims of the September 11, 2001, terrorist
13 attacks, the WTC Program Administrator shall ensure
14 that a registry of such victims is maintained that is at
15 least as comprehensive as the World Trade Center Health
16 Registry maintained under the arrangements in effect as
17 of April 20, 2009, with the New York City Department
18 of Health and Mental Hygiene.

19 **“Subtitle D—Funding**

20 **“SEC. 3351. WORLD TRADE CENTER HEALTH PROGRAM**
21 **FUND.**

22 “(a) ESTABLISHMENT OF FUND.—

23 “(1) IN GENERAL.—There is established a fund
24 to be known as the World Trade Center Health Pro-

1 gram Fund (referred to in this section as the
2 ‘Fund’).

3 “(2) FUNDING.—Out of any money in the
4 Treasury not otherwise appropriated, there shall be
5 deposited into the Fund for each of fiscal years
6 2012 through 2020 (and the last calendar quarter of
7 fiscal year 2011)—

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

10 “(i) 90 percent of the expenditures in
11 carrying out this title for the respective fis-
12 cal year (initially based on estimates, sub-
13 ject to subsequent reconciliation based on
14 actual expenditures); or

15 “(ii)(I) \$71,000,000 for the last cal-
16 endar quarter of fiscal year 2011,
17 \$318,000,000 for fiscal year 2012,
18 \$354,000,000 for fiscal year 2013,
19 \$382,000,000 for fiscal year 2014,
20 \$431,000,000 for fiscal year 2015,
21 \$481,000,000 for fiscal year 2016,
22 \$537,000,000 for fiscal year 2017,
23 \$601,000,000 for fiscal year 2018, and
24 \$173,000,000 for fiscal year 2019; and

1 “(II) subject to paragraph (4), an ad-
2 ditional \$499,000,000 for fiscal year 2019
3 and \$743,000,000 for fiscal year 2020;
4 plus

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

8 “(3) CONTRACT REQUIREMENT.—

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

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

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

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

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

24 “(4) AGGREGATE LIMITATION ON FUNDING BE-
25 GINNING WITH FISCAL YEAR 2019.—Beginning with

1 fiscal year 2019, in no case shall the share of Fed-
2 eral funds deposited into the Fund under paragraph
3 (2) for such fiscal year and previous fiscal years and
4 quarters exceed the sum of the amounts specified in
5 paragraph (2)(A)(ii)(I).

6 “(b) MANDATORY FUNDS FOR MONITORING, INITIAL
7 HEALTH EVALUATIONS, TREATMENT, AND CLAIMS PROC-
8 ESSING.—

9 “(1) IN GENERAL.—The amounts deposited
10 into the Fund under subsection (a)(2) shall be avail-
11 able, without further appropriation, consistent with
12 paragraph (2) and subsection (c), to carry out sub-
13 title B and sections 3302(a), 3303, 3304,
14 3305(a)(2), 3305(c), 3341, and 3342.

15 “(2) LIMITATION ON MANDATORY FUNDING.—
16 This title does not establish any Federal obligation
17 for payment of amounts in excess of the amounts
18 available from the Fund for such purpose.

19 “(3) LIMITATION ON AUTHORIZATION FOR FUR-
20 THER APPROPRIATIONS.—This title does not estab-
21 lish any authorization for appropriation of amounts
22 in excess of the amounts available from the Fund
23 under paragraph (1).

24 “(c) LIMITS ON SPENDING FOR CERTAIN PUR-
25 POSES.—Of the amounts made available under subsection

1 (b)(1), not more than each of the following amounts may
2 be available for each of the following purposes:

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

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

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

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

18 “(2) WTC HEALTH PROGRAM SCIENTIFIC/
19 TECHNICAL ADVISORY COMMITTEE.—For the pur-
20 pose of carrying out section 3302(a)—

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

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

24 “(C) for each subsequent fiscal year, the
25 amount specified under this paragraph for the

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

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

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

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

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

20 “(4) UNIFORM DATA COLLECTION.—For the
21 purpose of carrying out section 3304 and for reim-
22 bursing Data Centers (as defined in section
23 3305(b)(2)) for the costs incurred by such Centers
24 in carrying out activities under contracts entered
25 into under section 3305(a)(2)—

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

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

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

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

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

18 “(B) for fiscal year 2012, \$15,000,000;
19 and

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

1 12-month period ending with March of the pre-
2 vious year.

3 “(6) WORLD TRADE CENTER HEALTH REG-
4 ISTRY.—For the purpose of carrying out section
5 3342—

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

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

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

17 **TITLE II—SEPTEMBER 11TH VIC-**
18 **TIM COMPENSATION FUND OF**
19 **2001**

20 **SEC. 201. DEFINITIONS.**

21 Section 402 of the Air Transportation Safety and
22 System Stabilization Act (49 U.S.C. 40101 note) is
23 amended—

24 (1) in paragraph (6) by inserting “, or debris
25 removal, including under the World Trade Center

1 Health Program established under section 3001 of
2 the Public Health Service Act, and payments made
3 pursuant to the settlement of a civil action described
4 in section 405(c)(3)(C)(iii)” after “September 11,
5 2001”;

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

9 “(7) CONTRACTOR AND SUBCONTRACTOR.—The
10 term ‘contractor and subcontractor’ means any con-
11 tractor or subcontractor (at any tier of a subcon-
12 tracting relationship), including any general con-
13 tractor, construction manager, prime contractor,
14 consultant, or any parent, subsidiary, associated or
15 allied company, affiliated company, corporation,
16 firm, organization, or joint venture thereof that par-
17 ticipated in debris removal at any 9/11 crash site.
18 Such term shall not include any entity, including the
19 Port Authority of New York and New Jersey, with
20 a property interest in the World Trade Center, on
21 September 11, 2001, whether fee simple, leasehold
22 or easement, direct or indirect.

23 “(8) DEBRIS REMOVAL.—The term ‘debris re-
24 moval’ means rescue and recovery efforts, removal of
25 debris, cleanup, remediation, and response during

1 the immediate aftermath of the terrorist-related air-
2 craft crashes of September 11, 2001, with respect to
3 a 9/11 crash site.”;

4 (3) by inserting after paragraph (10), as so re-
5 designated, the following new paragraph and redes-
6 ignating the subsequent paragraphs accordingly:

7 “(11) IMMEDIATE AFTERMATH.—The term ‘im-
8 mediate aftermath’ means any period beginning with
9 the terrorist-related aircraft crashes of September
10 11, 2001, and ending on August 30, 2002.”; and

11 (4) by adding at the end the following new
12 paragraph:

13 “(14) 9/11 CRASH SITE.—The term ‘9/11 crash
14 site’ means—

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

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

20 “(C) any area contiguous to a site of such
21 crashes that the Special Master determines was
22 sufficiently close to the site that there was a de-
23 monstrable risk of physical harm resulting from
24 the impact of the aircraft or any subsequent
25 fire, explosions, or building collapses (including

1 the immediate area in which the impact oc-
2 curred, fire occurred, portions of buildings fell,
3 or debris fell upon and injured individuals); and
4 “(D) any area related to, or along, routes
5 of debris removal, such as barges and Fresh
6 Kills.”.

7 **SEC. 202. EXTENDED AND EXPANDED ELIGIBILITY FOR**
8 **COMPENSATION.**

9 (a) INFORMATION ON LOSSES RESULTING FROM DE-
10 BRIS REMOVAL INCLUDED IN CONTENTS OF CLAIM
11 FORM.—Section 405(a)(2)(B) of the Air Transportation
12 Safety and System Stabilization Act (49 U.S.C. 40101
13 note) is amended—

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

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

20 (3) in clause (iii), by inserting “or debris re-
21 moval during the immediate aftermath” after
22 “crashes”.

23 (b) EXTENSION OF DEADLINE FOR CLAIMS UNDER
24 SEPTEMBER 11TH VICTIM COMPENSATION FUND OF

1 2001.—Section 405(a)(3) of such Act is amended to read
2 as follows:

3 “(3) LIMITATION.—

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

9 “(B) EXCEPTION.—A claim may be filed
10 under paragraph (1), in accordance with sub-
11 section (c)(3)(A)(i), by an individual (or by a
12 personal representative on behalf of a deceased
13 individual) during the period beginning on the
14 date on which the regulations are updated
15 under section 407(b) and ending on December
16 22, 2031.”.

17 (c) REQUIREMENTS FOR FILING CLAIMS DURING
18 EXTENDED FILING PERIOD.—Section 405(c)(3) of such
19 Act is amended—

20 (1) by redesignating subparagraphs (A) and
21 (B) as subparagraphs (B) and (C), respectively; and
22 (2) by inserting before subparagraph (B), as so
23 redesignated, the following new subparagraph:

24 “(A) REQUIREMENTS FOR FILING CLAIMS
25 DURING EXTENDED FILING PERIOD.—

1 “(i) TIMING REQUIREMENTS FOR FIL-
2 ING CLAIMS.—An individual (or a personal
3 representative on behalf of a deceased indi-
4 vidual) may file a claim during the period
5 described in subsection (a)(3)(B) as fol-
6 lows:

7 “(I) In the case that the Special
8 Master determines the individual
9 knew (or reasonably should have
10 known) before the date specified in
11 clause (iii) that the individual suffered
12 a physical harm at a 9/11 crash site
13 as a result of the terrorist-related air-
14 craft crashes of September 11, 2001,
15 or as a result of debris removal, and
16 that the individual knew (or should
17 have known) before such specified
18 date that the individual was eligible to
19 file a claim under this title, the indi-
20 vidual may file a claim not later than
21 the date that is 2 years after such
22 specified date.

23 “(II) In the case that the Special
24 Master determines the individual first
25 knew (or reasonably should have

1 known) on or after the date specified
2 in clause (iii) that the individual suf-
3 fered such a physical harm or that the
4 individual first knew (or should have
5 known) on or after such specified date
6 that the individual was eligible to file
7 a claim under this title, the individual
8 may file a claim not later than the
9 last day of the 2-year period begin-
10 ning on the date the Special Master
11 determines the individual first knew
12 (or should have known) that the indi-
13 vidual both suffered from such harm
14 and was eligible to file a claim under
15 this title.

16 “(ii) OTHER ELIGIBILITY REQUIRE-
17 MENTS FOR FILING CLAIMS.—An indi-
18 vidual may file a claim during the period
19 described in subsection (a)(3)(B) only if—

20 “(I) the individual was treated by
21 a medical professional for suffering
22 from a physical harm described in
23 clause (i)(I) within a reasonable time
24 from the date of discovering such
25 harm; and

1 “(II) the individual’s physical
2 harm is verified by contemporaneous
3 medical records created by or at the
4 direction of the medical professional
5 who provided the medical care.

6 “(iii) DATE SPECIFIED.—The date
7 specified in this clause is the date on which
8 the regulations are updated under section
9 407(a).”.

10 (d) CLARIFYING APPLICABILITY TO ALL 9/11 CRASH
11 SITES.—Section 405(c)(2)(A)(i) of such Act is amended
12 by striking “or the site of the aircraft crash at Shanksville,
13 Pennsylvania” and inserting “the site of the aircraft crash
14 at Shanksville, Pennsylvania, or any other 9/11 crash
15 site”.

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

20 (f) LIMITATIONS ON CIVIL ACTIONS.—

21 (1) APPLICATION TO DAMAGES RELATED TO
22 DEBRIS REMOVAL.—Clause (i) of section
23 405(c)(3)(C) of such Act, as redesignated by sub-
24 section (c), is amended by inserting “, or for dam-

1 ages arising from or related to debris removal” after
2 “September 11, 2001”.

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

6 “(ii) PENDING ACTIONS.—In the case
7 of an individual who is a party to a civil
8 action described in clause (i), such indi-
9 vidual may not submit a claim under this
10 title—

11 “(I) during the period described
12 in subsection (a)(3)(A) unless such in-
13 dividual withdraws from such action
14 by the date that is 90 days after the
15 date on which regulations are promul-
16 gated under section 407(a); and

17 “(II) during the period described
18 in subsection (a)(3)(B) unless such in-
19 dividual withdraws from such action
20 by the date that is 90 days after the
21 date on which the regulations are up-
22 dated under section 407(b).”.

23 (3) SETTLED ACTIONS; AUTHORITY TO RE-
24 INSTITUTE CERTAIN LAWSUITS.—Such section, as so

1 redesignated, is further amended by adding at the
2 end the following new clauses:

3 “(iii) SETTLED ACTIONS.—In the case
4 of an individual who settled a civil action
5 described in clause (i), such individual may
6 not submit a claim under this title unless
7 such action was commenced after Decem-
8 ber 22, 2003, and a release of all claims in
9 such action was tendered prior to the date
10 on which the James Zadroga 9/11 Health
11 and Compensation Act of 2010 was en-
12 acted.

13 “(iv) AUTHORITY TO REINSTITUTE
14 CERTAIN LAWSUITS.—In the case of a
15 claimant who was a party to a civil action
16 described in clause (i), who withdrew from
17 such action pursuant to clause (ii), and
18 who is subsequently determined to not be
19 an eligible individual for purposes of this
20 subsection, such claimant may reinstitute
21 such action without prejudice during the
22 90-day period beginning after the date of
23 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 2010, 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.—Not-
21 withstanding any other provision of law, liability for
22 all claims and actions (including claims or actions
23 that have been previously resolved, that are cur-
24 rently pending, and that may be filed through De-
25 cember 22, 2031) for compensatory damages, con-
26 tribution or indemnity, or any other form or type of

1 relief, arising from or related to debris removal,
2 against the City of New York, any entity (including
3 the Port Authority of New York and New Jersey)
4 with a property interest in the World Trade Center
5 on September 11, 2001 (whether fee simple, lease-
6 hold or easement, or direct or indirect) and any con-
7 tractors and subcontractors, shall not be in an
8 amount that exceeds the sum of the following, as
9 may be applicable:

10 “(A) The amount of funds of the WTC
11 Captive Insurance Company, including the cu-
12 mulative interest.

13 “(B) The amount of all available insurance
14 identified in schedule 2 of the WTC Captive In-
15 surance Company insurance policy.

16 “(C) As it relates to the limitation of li-
17 ability of the City of New York, the amount
18 that is the greater of the City of New York’s
19 insurance coverage or \$350,000,000. In deter-
20 mining the amount of the City’s insurance cov-
21 erage for purposes of the previous sentence, any
22 amount described in clauses (i) and (ii) shall
23 not be included.

24 “(D) As it relates to the limitation of li-
25 ability of any entity, including the Port Author-

1 ity of New York and New Jersey, with a prop-
2 erty interest in the World Trade Center on Sep-
3 tember 11, 2001 (whether fee simple, leasehold
4 or easement, or direct or indirect), the amount
5 of all available liability insurance coverage
6 maintained by any such entity.

7 “(E) As it relates to the limitation of li-
8 ability of any individual contractor or subcon-
9 tractor, the amount of all available liability in-
10 surance coverage maintained by such contractor
11 or subcontractor on September 11, 2001.

12 “(5) PRIORITY OF CLAIMS PAYMENTS.—Pay-
13 ments to plaintiffs who obtain a settlement or judg-
14 ment with respect to a claim or action to which
15 paragraph (4)(A) applies, shall be paid solely from
16 the following funds in the following order, as may be
17 applicable:

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

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

24 “(C) If there are no funds available as de-
25 scribed in clause (i), (ii), or (iii) of paragraph

1 (4)(A), the funds described in clause (iv) of
2 such paragraph.

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

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

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

15 Section 406 of the Air Transportation Safety and
16 System Stabilization Act (49 U.S.C. 40101 note) is
17 amended—

18 (1) in subsection (a), by striking “Not later
19 than” and inserting “Subject to the limitations
20 under subsection (d), not later than”;

21 (2) in subsection (b)—

22 (A) by inserting “in the amounts provided
23 under subsection (d)(1)” after “appropriations
24 Acts”; and

1 (B) by inserting “subject to the limitations
2 under subsection (d)” before the period; and

3 (3) by adding at the end the following new sub-
4 sections:

5 “(d) LIMITATION.—

6 “(1) IN GENERAL.—The total amount of Fed-
7 eral funds paid for compensation under this title,
8 with respect to claims filed on or after the date on
9 which the regulations are updated under section
10 407(b), shall not exceed \$8,400,000,000. Of such
11 amounts, \$4,200,000,000 shall be available to pay
12 such claims during the 10-year period beginning on
13 such date and \$4,200,000,000 shall be available to
14 pay such claims after such period.

15 “(2) PRO-RATION AND PAYMENT OF REMAINING
16 CLAIMS.—

17 “(A) IN GENERAL.—With respect to the
18 one-year period beginning on the date on which
19 the first payment is made under this title for
20 claims filed pursuant to the regulations updated
21 under section 407(b), the Special Master shall
22 examine the total number of such claims paid
23 during such period and the amounts of the pay-
24 ments made for such claims to project the total
25 number and amount of claims expected to be

1 paid under this title during the 10-year period
2 described in paragraph (1). If, based on such
3 projection, the Special Master determines that
4 there will be insufficient funds available under
5 paragraph (1) to pay such claims during such
6 10-year period, beginning on the first day fol-
7 lowing such one-year period, the Special Master
8 shall ratably reduce the amount of compensa-
9 tion due claimants under this title in a manner
10 to ensure, to the extent possible, that—

11 “(i) all claimants who, before applica-
12 tion of the limitation under the second sen-
13 tence of paragraph (1), would have been
14 determined to be entitled to a payment
15 under this title during such 10-year period,
16 receive a payment during such period; and

17 “(ii) the total amount of all such pay-
18 ments made during such 10-year period do
19 not exceed the amount available under the
20 second sentence of paragraph (1) to pay
21 claims during such period.

22 “(B) PAYMENT OF REMAINDER OF CLAIM
23 AMOUNTS.—In any case in which the amount of
24 a claim is ratably reduced pursuant to subpara-
25 graph (A), on or after the first day after the

1 10-year period described in paragraph (1), the
2 Special Master shall pay to the claimant the
3 amount that is equal to the difference be-
4 tween—

5 “(i) the amount that the claimant
6 would have been paid under this title dur-
7 ing such period without regard to the limi-
8 tation under the second sentence of para-
9 graph (1) applicable to such period; and

10 “(ii) the amount the claimant was
11 paid under this title during such period.

12 “(e) ATTORNEY FEES.—

13 “(1) IN GENERAL.—Notwithstanding any con-
14 tract, and except as provided in paragraphs (2) and
15 (3), the representative of an individual may not
16 charge, for services rendered in connection with the
17 claim of an individual under this title, more than 10
18 percent of an award made under this title on such
19 claim.

20 “(2) LIMITATION.—

21 “(A) IN GENERAL.—Except as provided in
22 subparagraph (B), in the case of an individual
23 who was charged a legal fee in connection with
24 the settlement of a civil action described in sec-
25 tion 405(c)(3)(C)(iii), the representative of

1 the individual may not charge any amount for
2 compensation for services rendered in connec-
3 tion with a claim filed under this title.

4 “(B) EXCEPTION.—If the legal fee charged
5 in connection with the settlement of a civil ac-
6 tion described in section 405(c)(3)(C)(iii) of an
7 individual is less than 10 percent of the aggre-
8 gate amount of compensation awarded to such
9 individual through such settlement and the
10 claim of the individual under this title, the rep-
11 resentative of such individual may charge an
12 amount for compensation for services rendered
13 in connection with such claim under this title to
14 the extent that such amount charged is not
15 more than—

16 “(i) 10 percent of such aggregate
17 amount, minus

18 “(ii) the total amount of all legal fees
19 charged for services rendered in connection
20 with such settlement.

21 “(3) EXCEPTION.—With respect to a claim
22 made on behalf of an individual for whom a lawsuit
23 was filed in the Southern District of New York prior
24 to January 1, 2009, in the event that the represent-
25 ative believes in good faith that the fee limit set by

1 paragraph (1) or (2) will not provide adequate com-
2 pensation for services rendered in connection with
3 such claim because of the substantial amount of
4 legal work provided on behalf of the claimant (in-
5 cluding work performed before the enactment of this
6 legislation), application for greater compensation
7 may be made to the Special Master. Upon such ap-
8 plication, the Special Master may, in his or her dis-
9 cretion, award as reasonable compensation for serv-
10 ices rendered an amount greater than that allowed
11 for in paragraph (1). Such fee award will be final,
12 binding, and non-appealable.”.

13 **TITLE III—LIMITATION ON TREA-**
14 **TY BENEFITS FOR CERTAIN**
15 **DEDUCTIBLE PAYMENTS;**
16 **TIME FOR PAYMENT OF COR-**
17 **PORATE ESTIMATED TAXES**

18 **SEC. 301. LIMITATION ON TREATY BENEFITS FOR CERTAIN**
19 **DEDUCTIBLE PAYMENTS.**

20 (a) IN GENERAL.—Section 894 of the Internal Rev-
21 enue Code of 1986 (relating to income affected by treaty)
22 is amended by adding at the end the following new sub-
23 section:

24 “(d) LIMITATION ON TREATY BENEFITS FOR CER-
25 TAIN DEDUCTIBLE PAYMENTS.—

1 “(1) IN GENERAL.—In the case of any deduct-
2 ible related-party payment, any withholding tax im-
3 posed under chapter 3 (and any tax imposed under
4 subpart A or B of this part) with respect to such
5 payment may not be reduced under any treaty of the
6 United States unless any such withholding tax would
7 be reduced under a treaty of the United States if
8 such payment were made directly to the foreign par-
9 ent corporation.

10 “(2) DEDUCTIBLE RELATED-PARTY PAY-
11 MENT.—For purposes of this subsection, the term
12 ‘deductible related-party payment’ means any pay-
13 ment made, directly or indirectly, by any person to
14 any other person if the payment is allowable as a de-
15 duction under this chapter and both persons are
16 members of the same foreign controlled group of en-
17 tities.

18 “(3) FOREIGN CONTROLLED GROUP OF ENTI-
19 TIES.—For purposes of this subsection—

20 “(A) IN GENERAL.—The term ‘foreign
21 controlled group of entities’ means a controlled
22 group of entities the common parent of which
23 is a foreign corporation.

24 “(B) CONTROLLED GROUP OF ENTITIES.—
25 The term ‘controlled group of entities’ means a

1 controlled group of corporations as defined in
2 section 1563(a)(1), except that—

3 “(i) ‘more than 50 percent’ shall be
4 substituted for ‘at least 80 percent’ each
5 place it appears therein, and

6 “(ii) the determination shall be made
7 without regard to subsections (a)(4) and
8 (b)(2) of section 1563.

9 A partnership or any other entity (other than a
10 corporation) shall be treated as a member of a
11 controlled group of entities if such entity is con-
12 trolled (within the meaning of section
13 954(d)(3)) by members of such group (includ-
14 ing any entity treated as a member of such
15 group by reason of this sentence).

16 “(4) FOREIGN PARENT CORPORATION.—For
17 purposes of this subsection, the term ‘foreign parent
18 corporation’ means, with respect to any deductible
19 related-party payment, the common parent of the
20 foreign controlled group of entities referred to in
21 paragraph (3)(A).

22 “(5) REGULATIONS.—The Secretary may pre-
23 scribe such regulations or other guidance as are nec-
24 essary or appropriate to carry out the purposes of

1 this subsection, including regulations or other guid-
2 ance which provide for—

3 “(A) the treatment of two or more persons
4 as members of a foreign controlled group of en-
5 tities if such persons would be the common par-
6 ent of such group if treated as one corporation,
7 and

8 “(B) the treatment of any member of a
9 foreign controlled group of entities as the com-
10 mon parent of such group if such treatment is
11 appropriate taking into account the economic
12 relationships among such entities.”.

13 (b) **EFFECTIVE DATE.**—The amendment made by
14 this section shall apply to payments made after the date
15 of the enactment of this Act.

16 **SEC. 302. TIME FOR PAYMENT OF CORPORATE ESTIMATED**
17 **TAXES.**

18 The percentage under paragraph (2) of section 561
19 of the Hiring Incentives to Restore Employment Act in
20 effect on the date of the enactment of this Act is increased
21 by 3 percentage points.

1 **TITLE IV—BUDGETARY EFFECTS**

2 **SEC. 401. COMPLIANCE WITH STATUTORY PAY-AS-YOU-GO**

3 **ACT OF 2010.**

4 The budgetary effects of this Act, for the purpose of
5 complying with the Statutory Pay-As-You-Go-Act of 2010,
6 shall be determined by reference to the latest statement
7 titled “Budgetary Effects of PAYGO Legislation” for this
8 Act, submitted for printing in the Congressional Record
9 by the Chairman of the House Budget Committee, pro-
10 vided that such statement has been submitted prior to the
11 vote on passage.