

111TH CONGRESS
2^D SESSION

H. R. 847

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 29, 2010

Received; read the first time

AN ACT

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,*

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

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

5 (b) TABLE OF CONTENTS.—The table of contents of
6 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—WORLD TRADE CENTER HEALTH PROGRAM

Sec. 101. World Trade Center Health Program.

“TITLE XXXIII—WORLD TRADE CENTER HEALTH PROGRAM

“Subtitle A—Establishment of Program; Advisory Committee

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

“Sec. 3302. WTC Health Program Scientific/Technical Advisory 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:

6 **“TITLE XXXIII—WORLD TRADE**
7 **CENTER HEALTH PROGRAM**
8 **“Subtitle A—Establishment of**
9 **Program; Advisory Committee**

10 **“SEC. 3301. ESTABLISHMENT OF WORLD TRADE CENTER**
11 **HEALTH PROGRAM.**

12 “(a) IN GENERAL.—There is hereby established with-
13 in the Department of Health and Human Services a pro-
14 gram to be known as the World Trade Center Health Pro-

1 gram, which shall be administered by the WTC Program
2 Administrator, to provide beginning on July 1, 2011—

3 “(1) medical monitoring and treatment benefits
4 to eligible emergency responders and recovery and
5 cleanup workers (including those who are Federal
6 employees) who responded to the September 11,
7 2001, terrorist attacks; and

8 “(2) initial health evaluation, monitoring, and
9 treatment benefits to residents and other building
10 occupants and area workers in New York City who
11 were directly impacted and adversely affected by
12 such attacks.

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

15 “(1) MEDICAL MONITORING FOR RESPOND-
16 ERS.—Medical monitoring under section 3311, in-
17 cluding clinical examinations and long-term health
18 monitoring and analysis for enrolled WTC respond-
19 ers who were likely to have been exposed to airborne
20 toxins that were released, or to other hazards, as a
21 result of the September 11, 2001, terrorist attacks.

22 “(2) INITIAL HEALTH EVALUATION FOR SUR-
23 VIVORS.—An initial health evaluation under section
24 3321, including an evaluation to determine eligibility
25 for followup monitoring and treatment.

1 “(3) FOLLOWUP MONITORING AND TREATMENT
2 FOR WTC-RELATED HEALTH CONDITIONS FOR RE-
3 SPONDERS AND SURVIVORS.—Provision under sec-
4 tions 3312, 3322, and 3323 of followup monitoring
5 and treatment and payment, subject to the provi-
6 sions of subsection (d), for all medically necessary
7 health and mental health care expenses of an indi-
8 vidual with respect to a WTC-related health condi-
9 tion (including necessary prescription drugs).

10 “(4) OUTREACH.—Establishment under section
11 3303 of an education and outreach program to po-
12 tentially eligible individuals concerning the benefits
13 under this title.

14 “(5) CLINICAL DATA COLLECTION AND ANAL-
15 YSIS.—Collection and analysis under section 3304 of
16 health and mental health data relating to individuals
17 receiving monitoring or treatment benefits in a uni-
18 form manner in collaboration with the collection of
19 epidemiological data under section 3342.

20 “(6) RESEARCH ON HEALTH CONDITIONS.—Es-
21 tablishment under subtitle C of a research program
22 on health conditions resulting from the September
23 11, 2001, terrorist attacks.

24 “(c) NO COST SHARING.—Monitoring and treatment
25 benefits and initial health evaluation benefits are provided

1 under subtitle B without any deductibles, copayments, or
2 other cost sharing to an enrolled WTC responder or cer-
3 tified-eligible WTC survivor. Initial health evaluation ben-
4 efits are provided under subtitle B without any
5 deductibles, copayments, or other cost sharing to a screen-
6 ing-eligible WTC survivor.

7 “(d) PREVENTING FRAUD AND UNREASONABLE AD-
8 MINISTRATIVE COSTS.—

9 “(1) FRAUD.—The Inspector General of the
10 Department of Health and Human Services shall de-
11 velop and implement a program to review the WTC
12 Program’s health care expenditures to detect fraudu-
13 lent or duplicate billing and payment for inappro-
14 priate services. This title is a Federal health care
15 program (as defined in section 1128B(f) of the So-
16 cial Security Act) and is a health plan (as defined
17 in section 1128C(c) of such Act) for purposes of ap-
18 plying sections 1128 through 1128E of such Act.

19 “(2) UNREASONABLE ADMINISTRATIVE
20 COSTS.—The Inspector General of the Department
21 of Health and Human Services shall develop and im-
22 plement a program to review the WTC Program for
23 unreasonable administrative costs, including with re-
24 spect to infrastructure, administration, and claims
25 processing.

1 “(e) QUALITY ASSURANCE.—The WTC Program Ad-
2 ministrator working with the Clinical Centers of Excel-
3 lence shall develop and implement a quality assurance pro-
4 gram for the monitoring and treatment delivered by such
5 Centers of Excellence and any other participating health
6 care providers. Such program shall include—

7 “(1) adherence to monitoring and treatment
8 protocols;

9 “(2) appropriate diagnostic and treatment re-
10 ferrals for participants;

11 “(3) prompt communication of test results to
12 participants; and

13 “(4) such other elements as the Administrator
14 specifies in consultation with the Clinical Centers of
15 Excellence.

16 “(f) ANNUAL PROGRAM REPORT.—

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

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

4 “(A) ELIGIBLE INDIVIDUALS.—Informa-
5 tion for each clinical program described in para-
6 graph (3)—

7 “(i) on the number of individuals who
8 applied for certification under subtitle B
9 and the number of such individuals who
10 were so certified;

11 “(ii) of the individuals who were cer-
12 tified, on the number who received moni-
13 toring under the program and the number
14 of such individuals who received medical
15 treatment under the program;

16 “(iii) with respect to individuals so
17 certified who received such treatment, on
18 the WTC-related health conditions for
19 which they were treated; and

20 “(iv) on the projected number of indi-
21 viduals who will be certified under subtitle
22 B in the succeeding fiscal year and the
23 succeeding 10-year period.

1 “(B) MONITORING, INITIAL HEALTH EVAL-
2 UATION, AND TREATMENT COSTS.—For each
3 clinical program so described—

4 “(i) information on the costs of moni-
5 toring and initial health evaluation and the
6 costs of treatment and on the estimated
7 costs of such monitoring, evaluation, and
8 treatment in the succeeding fiscal year;
9 and

10 “(ii) an estimate of the cost of med-
11 ical treatment for WTC-related health con-
12 ditions that have been paid for or reim-
13 bursed by workers’ compensation, by public
14 or private health plans, or by New York
15 City under section 3331.

16 “(C) ADMINISTRATIVE COSTS.—Informa-
17 tion on the cost of administering the program,
18 including costs of program support, data collec-
19 tion and analysis, and research conducted under
20 the program.

21 “(D) ADMINISTRATIVE EXPERIENCE.—In-
22 formation on the administrative performance of
23 the program, including—

1 “(i) the performance of the program
2 in providing timely evaluation of and treat-
3 ment to eligible individuals; and

4 “(ii) a list of the Clinical Centers of
5 Excellence and other providers that are
6 participating in the program.

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

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

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

1 “(A) FIREFIGHTERS AND RELATED PER-
2 SONNEL.—The benefits provided for enrolled
3 WTC responders described in section
4 3311(a)(2)(A).

5 “(B) OTHER WTC RESPONDERS.—The ben-
6 efits provided for enrolled WTC responders not
7 described in subparagraph (A).

8 “(C) WTC SURVIVORS.—The benefits pro-
9 vided for screening-eligible WTC survivors and
10 certified-eligible WTC survivors in section
11 3321(a).

12 “(g) NOTIFICATION TO CONGRESS UPON REACHING
13 80 PERCENT OF ELIGIBILITY NUMERICAL LIMITS.—The
14 Secretary shall promptly notify the Congress of each of
15 the following:

16 “(1) When the number of enrollments of WTC
17 responders subject to the limit established under sec-
18 tion 3311(a)(4) has reached 80 percent of such
19 limit.

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

24 “(h) CONSULTATION.—The WTC Program Adminis-
25 trator shall engage in ongoing outreach and consultation

1 with relevant stakeholders, including the WTC Health
2 Program Steering Committees and the Advisory Com-
3 mittee under section 3302, regarding the implementation
4 and improvement of programs under this title.

5 **“SEC. 3302. WTC HEALTH PROGRAM SCIENTIFIC/TECH-**
6 **NICAL ADVISORY COMMITTEE; WTC HEALTH**
7 **PROGRAM STEERING COMMITTEES.**

8 “(a) ADVISORY COMMITTEE.—

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

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

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

24 “(B) 1 physician with expertise in pul-
25 monary medicine;

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

3 “(D) 2 representatives of WTC responders;

4 “(E) 2 representatives of certified-eligible
5 WTC survivors;

6 “(F) an industrial hygienist;

7 “(G) a toxicologist;

8 “(H) an epidemiologist; and

9 “(I) a mental health professional.

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

13 “(4) REPORTS.—The WTC Program Adminis-
14 trator shall provide for publication of recommenda-
15 tions of the Advisory Committee on the public Web
16 site established for the WTC Program.

17 “(5) DURATION.—Notwithstanding any other
18 provision of law, the Advisory Committee shall con-
19 tinue in operation during the period in which the
20 WTC Program is in operation.

21 “(6) APPLICATION OF FACAA.—Except as other-
22 wise specifically provided, the Advisory Committee
23 shall be subject to the Federal Advisory Committee
24 Act.

1 “(b) WTC HEALTH PROGRAM STEERING COMMIT-
2 TEES.—

3 “(1) CONSULTATION.—The WTC Program Ad-
4 ministrator shall consult with 2 steering committees
5 (each in this section referred to as a ‘Steering Com-
6 mittee’) that are established as follows:

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

15 “(B) WTC SURVIVORS STEERING COM-
16 MITTEE.—One Steering Committee, to be
17 known as the WTC Survivors Steering Com-
18 mittee, for the purpose of receiving input from
19 affected stakeholders and facilitating the coordi-
20 nation of initial health evaluations, monitoring,
21 and treatment programs for screening-eligible
22 and certified-eligible WTC survivors under part
23 2 of subtitle B.

24 “(2) MEMBERSHIP.—

1 “(A) WTC RESPONDERS STEERING COM-
2 MITTEE.—

3 “(i) REPRESENTATION.—The WTC
4 Responders Steering Committee shall in-
5 clude—

6 “(I) representatives of the Cen-
7 ters of Excellence providing services
8 to WTC responders;

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

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

21 “(ii) INITIAL MEMBERSHIP.—The
22 WTC Responders Steering Committee shall
23 initially be composed of members of the
24 WTC Monitoring and Treatment Program
25 Steering Committee (as in existence on the

1 day before the date of the enactment of
2 this title).

3 “(B) WTC SURVIVORS STEERING COM-
4 MITTEE.—

5 “(i) REPRESENTATION.—The WTC
6 Survivors Steering Committee shall include
7 representatives of—

8 “(I) the Centers of Excellence
9 providing services to screening-eligible
10 and certified-eligible WTC survivors;

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

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

21 “(IV) New York City.

22 “(ii) INITIAL MEMBERSHIP.—The
23 WTC Survivors Steering Committee shall
24 initially be composed of members of the
25 WTC Environmental Health Center Sur-

1 vivor Advisory Committee (as in existence
2 on the day before the date of the enact-
3 ment of this title).

4 “(C) **ADDITIONAL APPOINTMENTS.**—Each
5 Steering Committee may recommend, if ap-
6 proved by a majority of voting members of the
7 Committee, additional members to the Com-
8 mittee.

9 “(D) **VACANCIES.**—A vacancy in a Steer-
10 ing Committee shall be filled by an individual
11 recommended by the Steering Committee.

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

13 “The WTC Program Administrator shall institute a
14 program that provides education and outreach on the ex-
15 istence and availability of services under the WTC Pro-
16 gram. The outreach and education program—

17 “(1) shall include—

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

20 “(B) meetings with potentially eligible pop-
21 ulations;

22 “(C) development and dissemination of
23 outreach materials informing people about the
24 program; and

1 “(D) the establishment of phone informa-
2 tion services; and

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

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

5 “(B) to include materials for culturally and
6 linguistically diverse populations.

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

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

21 “(b) COORDINATING THROUGH CENTERS OF EXCEL-
22 LENCE.—Each Clinical Center of Excellence shall collect
23 data described in subsection (a) and report such data to
24 the corresponding Data Center for analysis by such Data
25 Center.

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

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

12 **“SEC. 3305. CLINICAL CENTERS OF EXCELLENCE AND DATA**
13 **CENTERS.**

14 “(a) IN GENERAL.—

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

20 “(A) for the provision of monitoring and
21 treatment benefits and initial health evaluation
22 benefits under subtitle B;

23 “(B) for the provision of outreach activities
24 to individuals eligible for such monitoring and
25 treatment benefits, for initial health evaluation

1 benefits, and for followup to individuals who are
2 enrolled in the monitoring program;

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

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

16 “(E) for the provision of translational and
17 interpretive services for program participants
18 who are not English language proficient; and

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

21 “(2) CONTRACTS WITH DATA CENTERS.—

22 “(A) IN GENERAL.—The WTC Program
23 Administrator shall enter into contracts with
24 Data Centers (as defined in subsection
25 (b)(2))—

1 “(i) for receiving, analyzing, and re-
2 porting to the WTC Program Adminis-
3 trator on data, in accordance with section
4 3304, that have been collected and re-
5 ported to such Data Centers by the cor-
6 responding Clinical Centers of Excellence
7 under subsection (b)(1)(B)(iii);

8 “(ii) for the development of moni-
9 toring, initial health evaluation, and treat-
10 ment protocols, with respect to WTC-re-
11 lated health conditions;

12 “(iii) for coordinating the outreach ac-
13 tivities conducted under paragraph (1)(B)
14 by each corresponding Clinical Center of
15 Excellence;

16 “(iv) for establishing criteria for the
17 credentialing of medical providers partici-
18 pating in the nationwide network under
19 section 3313;

20 “(v) for coordinating and admin-
21 istering the activities of the WTC Health
22 Program Steering Committees established
23 under section 3002(b); and

24 “(vi) for meeting periodically with the
25 corresponding Clinical Centers of Excel-

1 lence to obtain input on the analysis and
2 reporting of data collected under clause (i)
3 and on the development of monitoring, ini-
4 tial health evaluation, and treatment proto-
5 cols under clause (ii).

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

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

18 “(D) TRANSPARENCY OF DATA.—A con-
19 tract entered into under this subsection with a
20 Data Center shall require the Data Center to
21 make any data collected and reported to such
22 Center under subsection (b)(1)(B)(iii) available
23 to health researchers and others as provided in
24 the CDC/ATSDR Policy on Releasing and
25 Sharing Data.

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

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

12 “(b) CENTERS OF EXCELLENCE.—

13 “(1) CLINICAL CENTERS OF EXCELLENCE.—

14 “(A) DEFINITION.—For purposes of this
15 title, the term ‘Clinical Center of Excellence’
16 means a Center that demonstrates to the satis-
17 faction of the Administrator that the Center—

18 “(i) uses an integrated, centralized
19 health care provider approach to create a
20 comprehensive suite of health services
21 under this title that are accessible to en-
22 rolled WTC responders, screening-eligible
23 WTC survivors, or certified-eligible WTC
24 survivors;

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

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

12 “(iv) meets such other requirements
13 as specified by the Administrator.

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

19 “(i) Establish a formal mechanism for
20 consulting with and receiving input from
21 representatives of eligible populations re-
22 ceiving monitoring and treatment benefits
23 under subtitle B from such Center.

24 “(ii) Coordinate monitoring and treat-
25 ment benefits under subtitle B with rou-

1 tine medical care provided for the treat-
2 ment of conditions other than WTC-related
3 health conditions.

4 “(iii) Collect and report to the cor-
5 responding Data Center data in accordance
6 with section 3304(b).

7 “(iv) Have in place safeguards against
8 fraud that are satisfactory to the Adminis-
9 trator, in consultation with the Inspector
10 General of the Department of Health and
11 Human Services.

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

18 “(vi) Have in place safeguards, con-
19 sistent with section 3304(c), to ensure the
20 confidentiality of an individual’s individ-
21 ually identifiable health information, in-
22 cluding requiring that such information
23 not be disclosed to the individual’s em-
24 ployer without the authorization of the in-
25 dividual.

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

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

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

18 “(x) Meet all the other applicable re-
19 quirements of this title, including regula-
20 tions implementing such requirements.

21 “(C) TRANSITION RULE TO ENSURE CON-
22 TINUITY OF CARE.—The WTC Program Admin-
23 istrator shall to the maximum extent feasible
24 ensure continuity of care in any period of tran-
25 sition from monitoring and treatment of an en-

1 rolled WTC responder or certified-eligible WTC
2 survivor by a provider to a Clinical Center of
3 Excellence or a health care provider partici-
4 pating in the nationwide network under section
5 3313.

6 “(2) DATA CENTERS.—For purposes of this
7 title, the term ‘Data Center’ means a Center that
8 the WTC Program Administrator determines has the
9 capacity to carry out the responsibilities for a Data
10 Center under subsection (a)(2).

11 “(3) CORRESPONDING CENTERS.—For purposes
12 of this title, a Clinical Center of Excellence and a
13 Data Center shall be treated as ‘corresponding’ to
14 the extent that such Clinical Center and Data Cen-
15 ter serve the same population group.

16 “(c) PAYMENT FOR INFRASTRUCTURE COSTS.—

17 “(1) IN GENERAL.—The WTC Program Admin-
18 istrator shall reimburse a Clinical Center of Excel-
19 lence for the fixed infrastructure costs of such Cen-
20 ter in carrying out the activities described in subtitle
21 B at a rate negotiated by the Administrator and
22 such Centers. Such negotiated rate shall be fair and
23 appropriate and take into account the number of en-
24 rolled WTC responders receiving services from such
25 Center under this title.

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

7 **“SEC. 3306. DEFINITIONS.**

8 “In this title:

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

19 “(2) The term ‘certified-eligible WTC survivor’
20 has the meaning given such term in section
21 3321(a)(2).

22 “(3) The terms ‘Clinical Center of Excellence’
23 and ‘Data Center’ have the meanings given such
24 terms in section 3305.

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

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

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

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

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

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

19 “(A) the area of Manhattan that is south
20 of Houston Street; and

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

24 “(8) The term ‘New York metropolitan area’
25 means an area, specified by the WTC Program Ad-

1 administrator, within which WTC responders and eligi-
2 ble WTC screening-eligible survivors who reside in
3 such area are reasonably able to access monitoring
4 and treatment benefits and initial health evaluation
5 benefits under this title through a Clinical Center of
6 Excellence described in subparagraphs (A), (B), or
7 (C) of section 3305(b)(1).

8 “(9) The term ‘screening-eligible WTC survivor’
9 has the meaning given such term in section
10 3321(a)(1).

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

16 “(11) The term ‘September 11, 2001, terrorist
17 attacks’ means the terrorist attacks that occurred on
18 September 11, 2001, in New York City, in
19 Shanksville, Pennsylvania, and at the Pentagon, and
20 includes the aftermath of such attacks.

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

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

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

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

19 “(B) with respect to any other provision of
20 this title, the Director of the National Institute
21 for Occupational Safety and Health, or a des-
22 ignee of such Director.

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

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

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

6 **“Subtitle B—Program of Moni-
7 toring, Initial Health Evalua-
8 tions, and Treatment**

9 **“PART 1—WTC RESPONDERS**

10 **“SEC. 3311. IDENTIFICATION OF WTC RESPONDERS AND
11 PROVISION OF WTC-RELATED MONITORING
12 SERVICES.**

13 “(a) WTC RESPONDER DEFINED.—

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

17 “(A) CURRENTLY IDENTIFIED RE-
18 SPONDER.—An individual who has been identi-
19 fied as eligible for monitoring under the ar-
20 rangements as in effect on the date of the en-
21 actment of this title between the National Insti-
22 tute for Occupational Safety and Health and—

23 “(i) the consortium coordinated by
24 Mt. Sinai Hospital in New York City that
25 coordinates the monitoring and treatment

1 for enrolled WTC responders other than
2 with respect to those covered under the ar-
3 rangement with the Fire Department of
4 New York City; or

5 “(ii) the Fire Department of New
6 York City.

7 “(B) RESPONDER WHO MEETS CURRENT
8 ELIGIBILITY CRITERIA.—An individual who
9 meets the current eligibility criteria described in
10 paragraph (2).

11 “(C) RESPONDER WHO MEETS MODIFIED
12 ELIGIBILITY CRITERIA.—An individual who—

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

21 “(ii) meets such eligibility criteria re-
22 lating to exposure to airborne toxins, other
23 hazards, or adverse conditions resulting
24 from the September 11, 2001, terrorist at-
25 tacks as the WTC Program Administrator,

1 after consultation with the WTC Scientific/
2 Technical Advisory Committee, determines
3 appropriate.

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

13 “(2) CURRENT ELIGIBILITY CRITERIA.—The
14 eligibility criteria described in this paragraph for an
15 individual is that the individual is described in any
16 of the following categories:

17 “(A) FIREFIGHTERS AND RELATED PER-
18 SONNEL.—The individual—

19 “(i) was a member of the Fire De-
20 partment of New York City (whether fire
21 or emergency personnel, active or retired)
22 who participated at least one day in the
23 rescue and recovery effort at any of the
24 former World Trade Center sites (includ-
25 ing Ground Zero, Staten Island Landfill,

1 and the New York City Chief Medical Ex-
2 aminer’s Office) for any time during the
3 period beginning on September 11, 2001,
4 and ending on July 31, 2002; or

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

12 “(II) received any treatment for a
13 WTC-related health condition described in
14 section 3312(a)(1)(A)(ii) (relating to men-
15 tal health conditions) on or before Sep-
16 tember 1, 2008.

17 “(B) LAW ENFORCEMENT OFFICERS AND
18 WTC RESCUE, RECOVERY, AND CLEANUP WORK-
19 ERS.—The individual—

20 “(i) worked or volunteered onsite in
21 rescue, recovery, debris cleanup, or related
22 support services in lower Manhattan (south
23 of Canal St.), the Staten Island Landfill,
24 or the barge loading piers, for at least 4
25 hours during the period beginning on Sep-

1 tember 11, 2001, and ending on Sep-
2 tember 14, 2001, for at least 24 hours
3 during the period beginning on September
4 11, 2001, and ending on September 30,
5 2001, or for at least 80 hours during the
6 period beginning on September 11, 2001,
7 and ending on July 31, 2002;

8 “(ii)(I) was a member of the Police
9 Department of New York City (whether
10 active or retired) or a member of the Port
11 Authority Police of the Port Authority of
12 New York and New Jersey (whether active
13 or retired) who participated onsite in res-
14 cue, recovery, debris cleanup, or related
15 services in lower Manhattan (south of
16 Canal St.), including Ground Zero, the
17 Staten Island Landfill, or the barge load-
18 ing piers, for at least 4 hours during the
19 period beginning September 11, 2001, and
20 ending on September 14, 2001;

21 “(II) participated onsite in rescue, re-
22 covery, debris cleanup, or related services
23 in at Ground Zero, the Staten Island
24 Landfill, or the barge loading piers, for at
25 least one day during the period beginning

1 on September 11, 2001, and ending on
2 July 31, 2002;

3 “(III) participated onsite in rescue,
4 recovery, debris cleanup, or related services
5 in lower Manhattan (south of Canal St.)
6 for at least 24 hours during the period be-
7 ginning on September 11, 2001, and end-
8 ing on September 30, 2001; or

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

15 “(iii) was an employee of the Office of
16 the Chief Medical Examiner of New York
17 City involved in the examination and han-
18 dling of human remains from the World
19 Trade Center attacks, or other morgue
20 worker who performed similar post-Sep-
21 tember 11 functions for such Office staff,
22 during the period beginning on September
23 11, 2001, and ending on July 31, 2002;

24 “(iv) was a worker in the Port Au-
25 thority Trans-Hudson Corporation Tunnel

1 for at least 24 hours during the period be-
2 ginning on February 1, 2002, and ending
3 on July 1, 2002; or

4 “(v) was a vehicle-maintenance worker
5 who was exposed to debris from the former
6 World Trade Center while retrieving, driv-
7 ing, cleaning, repairing, and maintaining
8 vehicles contaminated by airborne toxins
9 from the September 11, 2001, terrorist at-
10 tacks during a duration and period de-
11 scribed in subparagraph (A).

12 “(C) RESPONDERS TO THE SEPTEMBER 11
13 ATTACKS AT THE PENTAGON AND
14 SHANKSVILLE, PENNSYLVANIA.—The indi-
15 vidual—

16 “(i)(I) was a member of a fire or po-
17 lice department (whether fire or emergency
18 personnel, active or retired), worked for a
19 recovery or cleanup contractor, or was a
20 volunteer; and performed rescue, recovery,
21 demolition, debris cleanup, or other related
22 services at the Pentagon site of the ter-
23 rorist-related aircraft crash of September
24 11, 2001, during the period beginning on
25 September 11, 2001, and ending on the

1 date on which the cleanup of the site was
2 concluded, as determined by the WTC Pro-
3 gram Administrator; or

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

17 “(ii) is determined by the WTC Pro-
18 gram Administrator to be at an increased
19 risk of developing a WTC-related health
20 condition as a result of exposure to air-
21 borne toxins, other hazards, or adverse
22 conditions resulting from the September
23 11, 2001, terrorist attacks, and meets such
24 eligibility criteria related to such expo-
25 sures, as the WTC Program Administrator

1 determines are appropriate, after consulta-
2 tion with the WTC Scientific/Technical Ad-
3 visory Committee.

4 “(3) ENROLLMENT PROCESS.—

5 “(A) IN GENERAL.—The WTC Program
6 Administrator shall establish a process for en-
7 rolling WTC responders in the WTC Program.
8 Under such process—

9 “(i) WTC responders described in
10 paragraph (1)(A) shall be deemed to be en-
11 rolled in such Program;

12 “(ii) subject to clause (iii), the Admin-
13 istrator shall enroll in such program indi-
14 viduals who are determined to be WTC re-
15 sponders;

16 “(iii) the Administrator shall deny
17 such enrollment to an individual if the Ad-
18 ministrator determines that the numerical
19 limitation in paragraph (4) on enrollment
20 of WTC responders has been met;

21 “(iv) there shall be no fee charged to
22 the applicant for making an application for
23 such enrollment;

24 “(v) the Administrator shall make a
25 determination on such an application not

1 later than 60 days after the date of filing
2 the application; and

3 “(vi) an individual who is denied en-
4 rollment in such Program shall have an op-
5 portunity to appeal such determination in
6 a manner established under such process.

7 “(B) TIMING.—

8 “(i) CURRENTLY IDENTIFIED RE-
9 SPONDERS.—In accordance with subpara-
10 graph (A)(i), the WTC Program Adminis-
11 trator shall enroll an individual described
12 in paragraph (1)(A) in the WTC Program
13 not later than July 1, 2011.

14 “(ii) OTHER RESPONDERS.—In ac-
15 cordance with subparagraph (A)(ii) and
16 consistent with paragraph (4), the WTC
17 Program Administrator shall enroll any
18 other individual who is determined to be a
19 WTC responder in the WTC Program at
20 the time of such determination.

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

23 “(A) IN GENERAL.—The total number of
24 individuals not described in paragraph (1)(A) or
25 (2)(A)(ii) who may be enrolled under paragraph

1 (3)(A)(ii) shall not exceed 25,000 at any time,
2 of which no more than 2,500 may be individ-
3 uals enrolled based on modified eligibility cri-
4 teria established under paragraph (1)(C).

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

8 “(i) limit the number of enrollments
9 made under paragraph (3)—

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

12 “(II) to such number, as deter-
13 mined by the Administrator based on
14 the best available information and
15 subject to amounts available under
16 section 3351, that will ensure suffi-
17 cient funds will be available to provide
18 treatment and monitoring benefits
19 under this title, with respect to all in-
20 dividuals who are enrolled through the
21 end of fiscal year 2020; and

22 “(ii) provide priority (subject to para-
23 graph (3)(A)(i)) in such enrollments in the
24 order in which individuals apply for enroll-
25 ment under paragraph (3).

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

10 “(b) MONITORING BENEFITS.—

11 “(1) IN GENERAL.—In the case of an enrolled
12 WTC responder (other than one described in sub-
13 section (a)(2)(A)(ii)), the WTC Program shall pro-
14 vide for monitoring benefits that include monitoring
15 consistent with protocols approved by the WTC Pro-
16 gram Administrator and including clinical examina-
17 tions and long-term health monitoring and analysis.
18 In the case of an enrolled WTC responder who is an
19 active member of the Fire Department of New York
20 City, the responder shall receive such benefits as
21 part of the individual’s periodic company medical
22 exams.

23 “(2) PROVISION OF MONITORING BENEFITS.—

24 The monitoring benefits under paragraph (1) shall
25 be provided through the Clinical Center of Excel-

1 lence for the type of individual involved or, in the
2 case of an individual residing outside the New York
3 metropolitan area, under an arrangement under sec-
4 tion 3313.

5 **“SEC. 3312. TREATMENT OF ENROLLED WTC RESPONDERS**
6 **FOR WTC-RELATED HEALTH CONDITIONS.**

7 “(a) WTC-RELATED HEALTH CONDITION DE-
8 FINED.—

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

12 “(A)(i) is an illness or health condition for
13 which exposure to airborne toxins, any other
14 hazard, or any other adverse condition resulting
15 from the September 11, 2001, terrorist attacks,
16 based on an examination by a medical profes-
17 sional with experience in treating or diagnosing
18 the health conditions included in the applicable
19 list of WTC-related health conditions, is sub-
20 stantially likely to be a significant factor in ag-
21 gravating, contributing to, or causing the illness
22 or health condition, as determined under para-
23 graph (2); or

24 “(ii) is a mental health condition for which
25 such attacks, based on an examination by a

1 medical professional with experience in treating
2 or diagnosing the health conditions included in
3 the applicable list of WTC-related health condi-
4 tions, is substantially likely to be a significant
5 factor in aggravating, contributing to, or caus-
6 ing the condition, as determined under para-
7 graph (2); and

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

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

13 “(ii) with respect to a screening-eli-
14 ble WTC survivor or certified-eligible WTC
15 survivor, is provided certification of cov-
16 erage under subsection (b)(2)(B)(iii), as
17 applied under section 3322(a).

18 In the case of a WTC responder described in section
19 3311(a)(2)(A)(ii) (relating to a surviving immediate
20 family member of a firefighter), such term does not
21 include an illness or health condition described in
22 subparagraph (A)(i).

23 “(2) DETERMINATION.—The determination
24 under paragraph (1) or subsection (b) of whether
25 the September 11, 2001, terrorist attacks were sub-

1 stantially likely to be a significant factor in aggra-
2 vating, contributing to, or causing an individual’s ill-
3 ness or health condition shall be made based on an
4 assessment of the following:

5 “(A) The individual’s exposure to airborne
6 toxins, any other hazard, or any other adverse
7 condition resulting from the terrorist attacks.
8 Such exposure shall be—

9 “(i) evaluated and characterized
10 through the use of a standardized, popu-
11 lation-appropriate questionnaire approved
12 by the Director of the National Institute
13 for Occupational Safety and Health; and

14 “(ii) assessed and documented by a
15 medical professional with experience in
16 treating or diagnosing health conditions in-
17 cluded on the list of WTC-related health
18 conditions.

19 “(B) The type of symptoms and temporal
20 sequence of symptoms. Such symptoms shall
21 be—

22 “(i) assessed through the use of a
23 standardized, population-appropriate med-
24 ical questionnaire approved by the Director
25 of the National Institute for Occupational

1 Safety and Health and a medical examina-
2 tion; and

3 “(ii) diagnosed and documented by a
4 medical professional described in subpara-
5 graph (A)(ii).

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

9 “(A) AERODIGESTIVE DISORDERS.—

10 “(i) Interstitial lung diseases.

11 “(ii) Chronic respiratory disorder—
12 fumes/vapors.

13 “(iii) Asthma.

14 “(iv) Reactive airways dysfunction
15 syndrome (RADS).

16 “(v) WTC-exacerbated chronic ob-
17 structive pulmonary disease (COPD).

18 “(vi) Chronic cough syndrome.

19 “(vii) Upper airway hyperreactivity.

20 “(viii) Chronic rhinosinusitis.

21 “(ix) Chronic nasopharyngitis.

22 “(x) Chronic laryngitis.

23 “(xi) Gastroesophageal reflux disorder
24 (GERD).

1 “(xii) Sleep apnea exacerbated by or
2 related to a condition described in a pre-
3 vious clause.

4 “(B) MENTAL HEALTH CONDITIONS.—

5 “(i) Posttraumatic stress disorder
6 (PTSD).

7 “(ii) Major depressive disorder.

8 “(iii) Panic disorder.

9 “(iv) Generalized anxiety disorder.

10 “(v) Anxiety disorder (not otherwise
11 specified).

12 “(vi) Depression (not otherwise speci-
13 fied).

14 “(vii) Acute stress disorder.

15 “(viii) Dysthymic disorder.

16 “(ix) Adjustment disorder.

17 “(x) Substance abuse.

18 “(C) MUSCULOSKELETAL DISORDERS FOR
19 CERTAIN WTC RESPONDERS.—In the case of a
20 WTC responder described in paragraph (4), a
21 condition described in such paragraph.

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

1 “(4) MUSCULOSKELETAL DISORDERS.—

2 “(A) IN GENERAL.—For purposes of this
3 title, in the case of a WTC responder who re-
4 ceived any treatment for a WTC-related mus-
5 culoskeletal disorder on or before September 11,
6 2003, the list of health conditions in paragraph
7 (3) shall include:

8 “(i) Low back pain.

9 “(ii) Carpal tunnel syndrome (CTS).

10 “(iii) Other musculoskeletal disorders.

11 “(B) DEFINITION.—The term ‘WTC-re-
12 lated musculoskeletal disorder’ means a chronic
13 or recurrent disorder of the musculoskeletal
14 system caused by heavy lifting or repetitive
15 strain on the joints or musculoskeletal system
16 occurring during rescue or recovery efforts in
17 the New York City disaster area in the after-
18 math of the September 11, 2001, terrorist at-
19 tacks.

20 “(5) CANCER.—

21 “(A) IN GENERAL.—The WTC Program
22 Administrator shall periodically conduct a re-
23 view of all available scientific and medical evi-
24 dence, including findings and recommendations
25 of Clinical Centers of Excellence, published in

1 peer-reviewed journals to determine if, based on
2 such evidence, cancer or a certain type of can-
3 cer should be added to the applicable list of
4 WTC-related health conditions. The WTC Pro-
5 gram Administrator shall conduct the first re-
6 view under this subparagraph not later than
7 180 days after the date of the enactment of this
8 title.

9 “(B) PROPOSED REGULATIONS AND RULE-
10 MAKING.—Based on the periodic reviews under
11 subparagraph (A), if the WTC Program Admin-
12 istrator determines that cancer or a certain
13 type of cancer should be added to such list of
14 WTC-related health conditions, the WTC Pro-
15 gram Administrator shall propose regulations,
16 through rulemaking, to add cancer or the cer-
17 tain type of cancer to such list.

18 “(C) FINAL REGULATIONS.—Based on all
19 the available evidence in the rulemaking record,
20 the WTC Program Administrator shall make a
21 final determination of whether cancer or a cer-
22 tain type of cancer should be added to such list
23 of WTC-related health conditions. If such a de-
24 termination is made to make such an addition,
25 the WTC Program Administrator shall by regu-

1 lation add cancer or the certain type of cancer
2 to such list.

3 “(D) DETERMINATIONS NOT TO ADD CAN-
4 CER OR CERTAIN TYPES OF CANCER.—In the
5 case that the WTC Program Administrator de-
6 termines under subparagraph (B) or (C) that
7 cancer or a certain type of cancer should not be
8 added to such list of WTC-related health condi-
9 tions, the WTC Program Administrator shall
10 publish an explanation for such determination
11 in the Federal Register. Any such determina-
12 tion to not make such an addition shall not pre-
13 clude the addition of cancer or the certain type
14 of cancer to such list at a later date.

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

17 “(A) IN GENERAL.—Whenever the WTC
18 Program Administrator determines that a pro-
19 posed rule should be promulgated to add a
20 health condition to the list of health conditions
21 in paragraph (3), the Administrator may re-
22 quest a recommendation of the Advisory Com-
23 mittee or may publish such a proposed rule in
24 the Federal Register in accordance with sub-
25 paragraph (D).

1 “(B) ADMINISTRATOR’S OPTIONS AFTER
2 RECEIPT OF PETITION.—In the case that the
3 WTC Program Administrator receives a written
4 petition by an interested party to add a health
5 condition to the list of health conditions in
6 paragraph (3), not later than 60 days after the
7 date of receipt of such petition the Adminis-
8 trator shall—

9 “(i) request a recommendation of the
10 Advisory Committee;

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

14 “(iii) publish in the Federal Register
15 the Administrator’s determination not to
16 publish such a proposed rule and the basis
17 for such determination; or

18 “(iv) publish in the Federal Register a
19 determination that insufficient evidence ex-
20 ists to take action under clauses (i)
21 through (iii).

22 “(C) ACTION BY ADVISORY COMMITTEE.—
23 In the case that the Administrator requests a
24 recommendation of the Advisory Committee
25 under this paragraph, with respect to adding a

1 health condition to the list in paragraph (3),
2 the Advisory Committee shall submit to the Ad-
3 ministrator such recommendation not later than
4 60 days after the date of such request or by
5 such date (not to exceed 180 days after such
6 date of request) as specified by the Adminis-
7 trator. Not later than 60 days after the date of
8 receipt of such recommendation, the Adminis-
9 trator shall, in accordance with subparagraph
10 (D), publish in the Federal Register a proposed
11 rule with respect to such recommendation or a
12 determination not to propose such a proposed
13 rule and the basis for such determination.

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

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

20 “(ii) provide interested parties a pe-
21 riod of 30 days after such publication to
22 submit written comments on the proposed
23 rule.

24 The WTC Program Administrator may extend
25 the period described in clause (ii) upon a find-

1 ing of good cause. In the case of such an exten-
2 sion, the Administrator shall publish such ex-
3 tension in the Federal Register.

4 “(E) INTERESTED PARTY DEFINED.—For
5 purposes of this paragraph, the term ‘interested
6 party’ includes a representative of any organi-
7 zation representing WTC responders, a nation-
8 ally recognized medical association, a Clinical or
9 Data Center, a State or political subdivision, or
10 any other interested person.

11 “(b) COVERAGE OF TREATMENT FOR WTC-RELATED
12 HEALTH CONDITIONS.—

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

16 “(A) IN GENERAL.—If a physician at a
17 Clinical Center of Excellence that is providing
18 monitoring benefits under section 3311 for an
19 enrolled WTC responder makes a determination
20 that the responder has a WTC-related health
21 condition that is in the list in subsection (a)(3)
22 and that exposure to airborne toxins, other haz-
23 ards, or adverse conditions resulting from the
24 September 1, 2001, terrorist attacks is substan-
25 tially likely to be a significant factor in aggra-

1 vating, contributing to, or causing the condi-
2 tion—

3 “(i) the physician shall promptly
4 transmit such determination to the WTC
5 Program Administrator and provide the
6 Administrator with the medical facts sup-
7 porting such determination; and

8 “(ii) on and after the date of such
9 transmittal and subject to subparagraph
10 (B), the WTC Program shall provide for
11 payment under subsection (c) for medically
12 necessary treatment for such condition.

13 “(B) REVIEW; CERTIFICATION; AP-
14 PEALS.—

15 “(i) REVIEW.—A Federal employee
16 designated by the WTC Program Adminis-
17 trator shall review determinations made
18 under subparagraph (A).

19 “(ii) CERTIFICATION.—The Adminis-
20 trator shall provide a certification of such
21 condition based upon reviews conducted
22 under clause (i). Such a certification shall
23 be provided unless the Administrator de-
24 termines that the responder’s condition is
25 not a WTC-related health condition in the

1 list in subsection (a)(3) or that exposure to
2 airborne toxins, other hazards, or adverse
3 conditions resulting from the September 1,
4 2001, terrorist attacks is not substantially
5 likely to be a significant factor in aggra-
6 vating, contributing to, or causing the con-
7 dition.

8 “(iii) APPEAL PROCESS.—The Admin-
9 istrator shall establish, by rule, a process
10 for the appeal of determinations under
11 clause (ii).

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

14 “(A) IN GENERAL.—If a physician at a
15 Clinical Center of Excellence determines pursu-
16 ant to subsection (a) that the enrolled WTC re-
17 sponder has a health condition described in sub-
18 section (a)(1)(A) that is not in the list in sub-
19 section (a)(3) but which is medically associated
20 with a WTC-related health condition—

21 “(i) the physician shall promptly
22 transmit such determination to the WTC
23 Program Administrator and provide the
24 Administrator with the facts supporting
25 such determination; and

1 “(ii) the Administrator shall make a
2 determination under subparagraph (B)
3 with respect to such physician’s determina-
4 tion.

5 “(B) PROCEDURES FOR REVIEW, CERTIFI-
6 CATION, AND APPEAL.—The WTC Program Ad-
7 ministrator shall, by rule, establish procedures
8 for the review and certification of physician de-
9 terminations under subparagraph (A). Such
10 rule shall provide for—

11 “(i) the timely review of such a deter-
12 mination by a physician panel with appro-
13 priate expertise for the condition and rec-
14 ommendations to the WTC Program Ad-
15 ministrator;

16 “(ii) not later than 60 days after the
17 date of the transmittal under subpara-
18 graph (A)(i), a determination by the WTC
19 Program Administrator on whether or not
20 the condition involved is described in sub-
21 section (a)(1)(A) and is medically associ-
22 ated with a WTC-related health condition;

23 “(iii) certification in accordance with
24 paragraph (1)(B)(ii) of coverage of such
25 condition if determined to be described in

1 subsection (a)(1)(A) and medically associ-
2 ated with a WTC-related health condition;
3 and

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

6 “(C) INCLUSION IN LIST OF HEALTH CON-
7 DITIONS.—If the WTC Program Administrator
8 provides certification under subparagraph
9 (B)(iii) for coverage of a condition, the Admin-
10 istrator may, pursuant to subsection (a)(6), add
11 the condition to the list in subsection (a)(3).

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

24 “(3) REQUIREMENT OF MEDICAL NECESSITY.—

1 “(A) IN GENERAL.—In providing treat-
2 ment for a WTC-related health condition, a
3 physician or other provider shall provide treat-
4 ment that is medically necessary and in accord-
5 ance with medical treatment protocols estab-
6 lished under subsection (d).

7 “(B) REGULATIONS RELATING TO MED-
8 ICAL NECESSITY.—For the purpose of this title,
9 the WTC Program Administrator shall issue
10 regulations specifying a standard for deter-
11 mining medical necessity with respect to health
12 care services and prescription pharmaceuticals,
13 a process for determining whether treatment
14 furnished and pharmaceuticals prescribed under
15 this title meet such standard (including any
16 prior authorization requirement), and a process
17 for appeal of a determination under subsection
18 (c)(3).

19 “(4) SCOPE OF TREATMENT COVERED.—

20 “(A) IN GENERAL.—The scope of treat-
21 ment covered under this subsection includes
22 services of physicians and other health care pro-
23 viders, diagnostic and laboratory tests, prescrip-
24 tion drugs, inpatient and outpatient hospital

1 services, and other medically necessary treat-
2 ment.

3 “(B) PHARMACEUTICAL COVERAGE.—With
4 respect to ensuring coverage of medically nec-
5 essary outpatient prescription drugs, such drugs
6 shall be provided, under arrangements made by
7 the WTC Program Administrator, directly
8 through participating Clinical Centers of Excel-
9 lence or through one or more outside vendors.

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

1 “(5) PROVISION OF TREATMENT PENDING CER-
2 TIFICATION.—With respect to an enrolled WTC re-
3 sponder for whom a determination is made by an ex-
4 amining physician under paragraph (1) or (2), but
5 for whom the WTC Program Administrator has not
6 yet determined whether to certify the determination,
7 the WTC Program Administrator may establish by
8 rule a process through which the Administrator may
9 approve the provision of medical treatment under
10 this subsection (and payment under subsection (e))
11 with respect to such responder and such responder’s
12 WTC-related health condition (under such terms and
13 conditions as the Administrator may provide) until
14 the Administrator makes a decision on whether to
15 certify the determination.

16 “(c) PAYMENT FOR INITIAL HEALTH EVALUATION,
17 MONITORING, AND TREATMENT OF WTC-RELATED
18 HEALTH CONDITIONS.—

19 “(1) MEDICAL TREATMENT.—

20 “(A) USE OF FECA PAYMENT RATES.—
21 Subject to subparagraphs (B) and (C), the
22 WTC Program Administrator shall reimburse
23 costs for medically necessary treatment under
24 this title for WTC-related health conditions ac-
25 cording to the payment rates that would apply

1 to the provision of such treatment and services
2 by the facility under the Federal Employees
3 Compensation Act. For treatment not covered
4 under the previous sentence or subparagraph
5 (B), the WTC Program Administrator shall es-
6 tablish by regulation a reimbursement rate for
7 such treatment.

8 “(B) PHARMACEUTICALS.—

9 “(i) IN GENERAL.—The WTC Pro-
10 gram Administrator shall establish a pro-
11 gram for paying for the medically nec-
12 essary outpatient prescription pharma-
13 ceuticals prescribed under this title for
14 WTC-related health conditions through one
15 or more contracts with outside vendors.

16 “(ii) COMPETITIVE BIDDING.—Under
17 such program the Administrator shall—

18 “(I) select one or more appro-
19 priate vendors through a Federal com-
20 petitive bid process; and

21 “(II) select the lowest bidder (or
22 bidders) meeting the requirements for
23 providing pharmaceutical benefits for
24 participants in the WTC Program.

1 “(iii) TREATMENT OF FDNY PARTICI-
2 PANTS.—Under such program the Admin-
3 istrator may enter into an agreement with
4 a separate vendor to provide pharma-
5 ceutical benefits to enrolled WTC respond-
6 ers for whom the Clinical Center of Excel-
7 lence is described in section 3305 if such
8 an arrangement is deemed necessary and
9 beneficial to the program by the WTC Pro-
10 gram Administrator.

11 “(C) IMPROVING QUALITY AND EFFI-
12 CIENCY THROUGH MODIFICATION OF PAYMENT
13 AMOUNTS AND METHODOLOGIES.—The WTC
14 Program Administrator may modify the
15 amounts and methodologies for making pay-
16 ments for initial health evaluations, monitoring,
17 or treatment, if, taking into account utilization
18 and quality data furnished by the Clinical Cen-
19 ters of Excellence under section
20 3305(b)(1)(B)(iii), the Administrator deter-
21 mines that a bundling, capitation, pay for per-
22 formance, or other payment methodology would
23 better ensure high quality and efficient delivery
24 of initial health evaluations, monitoring, or
25 treatment to an enrolled WTC responder,

1 screening-eligible WTC survivor, or certified-eli-
2 gible WTC survivor.

3 “(2) MONITORING AND INITIAL HEALTH EVAL-
4 UATION.—The WTC Program Administrator shall
5 reimburse the costs of monitoring and the costs of
6 an initial health evaluation provided under this title
7 at a rate set by the Administrator by regulation.

8 “(3) DETERMINATION OF MEDICAL NECES-
9 SITY.—

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

19 “(B) WITHHOLDING OF PAYMENT FOR
20 MEDICALLY UNNECESSARY TREATMENT.—The
21 Administrator shall withhold such reimburse-
22 ment or payment for treatment that the Admin-
23 istrator determines is not medically necessary
24 or is not in accordance with such medical treat-
25 ment protocols.

1 “(d) MEDICAL TREATMENT PROTOCOLS.—

2 “(1) DEVELOPMENT.—The Data Centers shall
3 develop medical treatment protocols for the treat-
4 ment of enrolled WTC responders and certified-eli-
5 ble WTC survivors for health conditions included in
6 the applicable list of WTC-related health conditions.

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

10 **“SEC. 3313. NATIONAL ARRANGEMENT FOR BENEFITS FOR**
11 **ELIGIBLE INDIVIDUALS OUTSIDE NEW YORK.**

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

1 “(b) NETWORK REQUIREMENTS.—Any health care
2 provider participating in the network under subsection (a)
3 shall—

4 “(1) meet criteria for credentialing established
5 by the Data Centers;

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

9 “(3) collect and report data in accordance with
10 section 3304; and

11 “(4) meet such fraud, quality assurance, and
12 other requirements as the WTC Program Adminis-
13 trator establishes, including sections 1128 through
14 1128E of the Social Security Act, as applied by sec-
15 tion 3301(d).

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

1 **“PART 2—WTC SURVIVORS**

2 **“SEC. 3321. IDENTIFICATION AND INITIAL HEALTH EVALUA-**
3 **TION OF SCREENING-ELIGIBLE AND CER-**
4 **TIFIED-ELIGIBLE WTC SURVIVORS.**

5 “(a) IDENTIFICATION OF SCREENING-ELIGIBLE
6 WTC SURVIVORS AND CERTIFIED-ELIGIBLE WTC SUR-
7 VIVORS.—

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

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

14 “(i) CURRENTLY IDENTIFIED SUR-
15 VIVOR.—An individual, including a WTC
16 responder, who has been identified as eligi-
17 ble for medical treatment and monitoring
18 by the WTC Environmental Health Center
19 as of the date of enactment of this title.

20 “(ii) SURVIVOR WHO MEETS CURRENT
21 ELIGIBILITY CRITERIA.—An individual who
22 is not a WTC responder, for purposes of
23 the initial health evaluation under sub-
24 section (b), claims symptoms of a WTC-re-
25 lated health condition and meets any of the

1 current eligibility criteria described in sub-
2 paragraph (B).

3 “(iii) SURVIVOR WHO MEETS MODI-
4 FIED ELIGIBILITY CRITERIA.—An indi-
5 vidual who is not a WTC responder, for
6 purposes of the initial health evaluation
7 under subsection (b), claims symptoms of a
8 WTC-related health condition and meets
9 such eligibility criteria relating to exposure
10 to airborne toxins, other hazards, or ad-
11 verse conditions resulting from the Sep-
12 tember 11, 2001, terrorist attacks as the
13 WTC Administrator determines, after con-
14 sultation with the Data Centers described
15 in section 3305 and the WTC Scientific/
16 Technical Advisory Committee and WTC
17 Health Program Steering Committees
18 under section 3302.

19 The Administrator shall not modify such cri-
20 teria under clause (iii) on or after the date that
21 the number of certifications for certified-eligible
22 WTC survivors under paragraph (2)(B) has
23 reached 80 percent of the limit described in
24 paragraph (3) or on or after the date that the
25 number of enrollments of WTC responders has

1 reached 80 percent of the limit described in sec-
2 tion 3311(a)(4).

3 “(B) CURRENT ELIGIBILITY CRITERIA.—
4 The eligibility criteria described in this subpara-
5 graph for an individual are that the individual
6 is described in any of the following clauses:

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

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

13 “(I) at least 4 days during the 4-
14 month period beginning on September
15 11, 2001, and ending on January 10,
16 2002; or

17 “(II) at least 30 days during the
18 period beginning on September 11,
19 2001, and ending on July 31, 2002.

20 “(iii) Any person who worked as a
21 cleanup worker or performed maintenance
22 work in the New York City disaster area
23 during the 4-month period described in
24 subparagraph (B)(i) and had extensive ex-

1 posure to WTC dust as a result of such
2 work.

3 “(iv) A person who was deemed eligi-
4 ble to receive a grant from the Lower
5 Manhattan Development Corporation Resi-
6 dential Grant Program, who possessed a
7 lease for a residence or purchased a resi-
8 dence in the New York City disaster area,
9 and who resided in such residence during
10 the period beginning on September 11,
11 2001, and ending on May 31, 2003.

12 “(v) A person whose place of employ-
13 ment—

14 “(I) at any time during the pe-
15 riod beginning on September 11,
16 2001, and ending on May 31, 2003,
17 was in the New York City disaster
18 area; and

19 “(II) was deemed eligible to re-
20 ceive a grant from the Lower Manhat-
21 tan Development Corporation WTC
22 Small Firms Attraction and Retention
23 Act program or other government in-
24 centive program designed to revitalize
25 the lower Manhattan economy after

1 the September 11, 2001, terrorist at-
2 tacks.

3 “(C) APPLICATION AND DETERMINATION
4 PROCESS FOR SCREENING ELIGIBILITY.—

5 “(i) IN GENERAL.—The WTC Pro-
6 gram Administrator in consultation with
7 the Data Centers shall establish a process
8 for individuals, other than individuals de-
9 scribed in subparagraph (A)(i), to be de-
10 termined to be screening-eligible WTC sur-
11 vivors. Under such process—

12 “(I) there shall be no fee charged
13 to the applicant for making an appli-
14 cation for such determination;

15 “(II) the Administrator shall
16 make a determination on such an ap-
17 plication not later than 60 days after
18 the date of filing the application;

19 “(III) the Administrator shall
20 make such a determination relating to
21 an applicant’s compliance with this
22 title and shall not determine that an
23 individual is not so eligible or deny
24 written documentation under clause

1 (ii) to such individual unless the Ad-
2 ministrator determines that—

3 “(aa) based on the applica-
4 tion submitted, the individual
5 does not meet the eligibility cri-
6 teria; or

7 “(bb) the numerical limita-
8 tion on certifications of certified-
9 eligible WTC survivors set forth
10 in paragraph (3) has been met;
11 and

12 “(IV) an individual who is deter-
13 mined not to be a screening-eligible
14 WTC survivor shall have an oppor-
15 tunity to appeal such determination in
16 a manner established under such
17 process.

18 “(ii) WRITTEN DOCUMENTATION OF
19 SCREENING-ELIGIBILITY.—

20 “(I) IN GENERAL.—In the case
21 of an individual who is described in
22 subparagraph (A)(i) or who is deter-
23 mined under clause (i) (consistent
24 with paragraph (3)) to be a screening-
25 eligible WTC survivor, the WTC Pro-

1 gram Administrator shall provide an
2 appropriate written documentation of
3 such fact.

4 “(II) TIMING.—

5 “(aa) CURRENTLY IDENTI-
6 FIED SURVIVORS.—In the case of
7 an individual who is described in
8 subparagraph (A)(i), the WTC
9 Program Administrator shall pro-
10 vide the written documentation
11 under subclause (I) not later
12 than July 1, 2011.

13 “(bb) OTHER MEMBERS.—

14 In the case of another individual
15 who is determined under clause
16 (i) and consistent with paragraph
17 (3) to be a screening-eligible
18 WTC survivor, the WTC Pro-
19 gram Administrator shall provide
20 the written documentation under
21 subclause (I) at the time of such
22 determination.

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

24 “(A) DEFINITION.—The term ‘certified-eli-
25 gible WTC survivor’ means, subject to para-

1 graph (3), a screening-eligible WTC survivor
2 who the WTC Program Administrator certifies
3 under subparagraph (B) to be eligible for fol-
4 lowup monitoring and treatment under this
5 part.

6 “(B) CERTIFICATION OF ELIGIBILITY FOR
7 MONITORING AND TREATMENT.—

8 “(i) IN GENERAL.—The WTC Pro-
9 gram Administrator shall establish a cer-
10 tification process under which the Adminis-
11 trator shall provide appropriate certifi-
12 cation to screening-eligible WTC survivors
13 who, pursuant to the initial health evalua-
14 tion under subsection (b), are determined
15 to be eligible for followup monitoring and
16 treatment under this part.

17 “(ii) TIMING.—

18 “(I) CURRENTLY IDENTIFIED
19 SURVIVORS.—In the case of an indi-
20 vidual who is described in paragraph
21 (1)(A)(i), the WTC Program Adminis-
22 trator shall provide the certification
23 under clause (i) not later than July 1,
24 2011.

1 “(II) OTHER MEMBERS.—In the
2 case of another individual who is de-
3 termined under clause (i) to be eligi-
4 ble for followup monitoring and treat-
5 ment, the WTC Program Adminis-
6 trator shall provide the certification
7 under such clause at the time of such
8 determination.

9 “(3) NUMERICAL LIMITATION ON CERTIFIED-
10 ELIGIBLE WTC SURVIVORS.—

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

16 “(B) PROCESS.—In implementing subpara-
17 graph (A), the WTC Program Administrator
18 shall—

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

21 “(I) in accordance with such sub-
22 paragraph; and

23 “(II) to such number, as deter-
24 mined by the Administrator based on
25 the best available information and

1 subject to amounts made available
2 under section 3351, that will ensure
3 sufficient funds will be available to
4 provide treatment and monitoring
5 benefits under this title, with respect
6 to all individuals receiving such cer-
7 tifications through the end of fiscal
8 year 2020; and

9 “(ii) provide priority in such certifi-
10 cations in the order in which individuals
11 apply for a determination under paragraph
12 (2)(B).

13 “(4) DISQUALIFICATION OF INDIVIDUALS ON
14 TERRORIST WATCH LIST.—No individual who is on
15 the terrorist watch list maintained by the Depart-
16 ment of Homeland Security shall qualify as a screen-
17 ing-eligible WTC survivor or a certified-eligible WTC
18 survivor. Before determining any individual to be a
19 screening-eligible WTC survivor under paragraph (1)
20 or certifying any individual as a certified eligible
21 WTC survivor under paragraph (2), the Adminis-
22 trator, in consultation with the Secretary of Home-
23 land Security, shall determine whether the individual
24 is on such list.

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

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

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

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

1 initial health evaluations at the expense of the indi-
2 vidual.

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

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

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

17 “(1) AERODIGESTIVE DISORDERS.—

18 “(A) Interstitial lung diseases.

19 “(B) Chronic respiratory disorder—fumes/
20 vapors.

21 “(C) Asthma.

22 “(D) Reactive airways dysfunction syn-
23 drome (RADS).

24 “(E) WTC-exacerbated chronic obstructive
25 pulmonary disease (COPD).

1 “(F) Chronic cough syndrome.

2 “(G) Upper airway hyperreactivity.

3 “(H) Chronic rhinosinusitis.

4 “(I) Chronic nasopharyngitis.

5 “(J) Chronic laryngitis.

6 “(K) Gastroesophageal reflux disorder
7 (GERD).

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

10 “(2) MENTAL HEALTH CONDITIONS.—

11 “(A) Posttraumatic stress disorder
12 (PTSD).

13 “(B) Major depressive disorder.

14 “(C) Panic disorder.

15 “(D) Generalized anxiety disorder.

16 “(E) Anxiety disorder (not otherwise speci-
17 fied).

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

19 “(G) Acute stress disorder.

20 “(H) Dysthymic disorder.

21 “(I) Adjustment disorder.

22 “(J) Substance abuse.

23 “(3) ADDITIONAL CONDITIONS.—Any cancer
24 (or type of cancer) or other condition added to the
25 list in section 3312(a)(3) pursuant to paragraph (5)

1 or (6) of section 3312(a), as such provisions are ap-
2 plied under subsection (a) with respect to certified-
3 eligible WTC survivors.

4 **“SEC. 3323. FOLLOWUP MONITORING AND TREATMENT OF**
5 **OTHER INDIVIDUALS WITH WTC-RELATED**
6 **HEALTH CONDITIONS.**

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

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

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

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

22 “(c) LIMITATION.—

23 “(1) IN GENERAL.—The WTC Program Admin-
24 istrator shall limit benefits for any fiscal year under
25 subsection (a) in a manner so that payments under

1 this section for such fiscal year do not exceed the
2 amount specified in paragraph (2) for such fiscal
3 year.

4 “(2) LIMITATION.—The amount specified in
5 this paragraph for—

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

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

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

14 **“PART 3—PAYOR PROVISIONS**

15 **“SEC. 3331. PAYMENT OF CLAIMS.**

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

22 “(b) WORKERS’ COMPENSATION PAYMENT.—

23 “(1) IN GENERAL.—Subject to paragraph (2),
24 payment for treatment under parts 1 and 2 of this
25 subtitle of a WTC-related health condition of an in-

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

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

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

15 “(c) HEALTH INSURANCE COVERAGE.—

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

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

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

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

22 “(A) is an applicable individual (as defined
23 in subsection (d) of section 5000A of Internal
24 Revenue Code of 1986) for whom the exemption

1 under subsection (e) of such section does not
2 apply; and

3 “(B) is not covered under minimum essen-
4 tial coverage, as required under subsection (a)
5 of such section.

6 “(d) REQUIRED CONTRIBUTION BY NEW YORK CITY
7 IN PROGRAM COSTS.—

8 “(1) CONTRACT REQUIREMENT.—

9 “(A) IN GENERAL.—No funds may be dis-
10 bursed from the World Trade Center Health
11 Program Fund under section 3351 unless New
12 York City has entered into a contract with the
13 WTC Program Administrator under which New
14 York City agrees, in a form and manner speci-
15 fied by the Administrator, to pay the full con-
16 tribution described in subparagraph (B) in ac-
17 cordance with this subsection on a timely basis,
18 plus any interest owed pursuant to subpara-
19 graph (E)(i). Such contract shall specify the
20 terms under which New York City shall be con-
21 sidered to have made the full payment required
22 for a quarter for purposes of subsection (b)(2).

23 “(B) FULL CONTRIBUTION AMOUNT.—
24 Under such contract, with respect to the last
25 calendar quarter of fiscal year 2011 and each

1 calendar quarter in fiscal years 2012 through
2 2018 the full contribution amount under this
3 subparagraph shall be equal to 10 percent of
4 the expenditures in carrying out this title for
5 the respective quarter and with respect to cal-
6 endar quarters in fiscal years 2019 and 2020,
7 such full contribution amount shall be equal to
8 $\frac{1}{9}$ of the Federal expenditures in carrying out
9 this title for the respective quarter.

10 “(C) SATISFACTION OF PAYMENT OBLIGA-
11 TION.—The payment obligation under such con-
12 tract may not be satisfied through any of the
13 following:

14 “(i) An amount derived from Federal
15 sources.

16 “(ii) An amount paid before the date
17 of the enactment of this title.

18 “(iii) An amount paid to satisfy a
19 judgment or as part of a settlement related
20 to injuries or illnesses arising out of the
21 September 11, 2001, terrorist attacks.

22 “(D) TIMING OF CONTRIBUTION.—The
23 payment obligation under such contract for a
24 calendar quarter in a fiscal year shall be paid

1 not later than the last day of the second suc-
2 ceeding calendar quarter.

3 “(E) COMPLIANCE.—

4 “(i) INTEREST FOR LATE PAYMENT.—

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

16 “(ii) RECOVERY OF AMOUNTS
17 OWED.—The amounts owed to the WTC
18 Program Administrator under such con-
19 tract shall be recoverable by the United
20 States in an action in the same manner as
21 payments made under title XVIII of the
22 Social Security Act may be recoverable in
23 an action brought under section
24 1862(b)(2)(B)(iii) of such Act.

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

5 “(2) PAYMENT OF NEW YORK CITY SHARE OF
6 MONITORING AND TREATMENT COSTS.—With respect
7 to each calendar quarter for which a contribution is
8 required by New York City under the contract under
9 paragraph (1), the WTC Program Administrator
10 shall—

11 “(A) provide New York City with an esti-
12 mate of such amount of the required contribu-
13 tion at the beginning of such quarter and with
14 an updated estimate of such amount at the be-
15 ginning of each of the subsequent 2 quarters;

16 “(B) bill such amount directly to New
17 York City; and

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

21 Such amount shall initially be estimated by the
22 WTC Program Administrator and shall be subject to
23 adjustment and reconciliation based upon actual ex-
24 penditures in carrying out this title.

1 “(3) RULE OF CONSTRUCTION.—Nothing in
2 this subsection shall be construed as authorizing the
3 WTC Administrator, with respect to a fiscal year, to
4 reduce the numerical limitation under section
5 3311(a)(4) or 3321(a)(3) for such fiscal year if New
6 York City fails to comply with paragraph (1) for a
7 calendar quarter in such fiscal year.

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

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

15 “(2) with respect to the condition the individual
16 has filed and had established a claim under a work-
17 ers’ compensation law or plan of the United States
18 or a State, or other work-related injury or illness
19 benefit plan of the employer of such individual.

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

21 “The WTC Program Administrator may enter into
22 arrangements with other government agencies, insurance
23 companies, or other third-party administrators to provide
24 for timely and accurate processing of claims under sec-
25 tions 3312, 3313, 3322, and 3323.

1 **“Subtitle C—Research Into**
2 **Conditions**

3 **“SEC. 3341. RESEARCH REGARDING CERTAIN HEALTH CON-**
4 **DITIONS RELATED TO SEPTEMBER 11 TER-**
5 **RORIST ATTACKS.**

6 “(a) IN GENERAL.—With respect to individuals, in-
7 cluding enrolled WTC responders and certified-eligible
8 WTC survivors, receiving monitoring or treatment under
9 subtitle B, the WTC Program Administrator shall conduct
10 or support—

11 “(1) research on physical and mental health
12 conditions that may be related to the September 11,
13 2001, terrorist attacks;

14 “(2) research on diagnosing WTC-related
15 health conditions of such individuals, in the case of
16 conditions for which there has been diagnostic un-
17 certainty; and

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

22 The Administrator may provide such support through con-
23 tinuation and expansion of research that was initiated be-
24 fore the date of the enactment of this title and through
25 the World Trade Center Health Registry (referred to in

1 section 3342), through a Clinical Center of Excellence, or
2 through a Data Center.

3 “(b) TYPES OF RESEARCH.—The research under
4 subsection (a)(1) shall include epidemiologic and other re-
5 search studies on WTC-related health conditions or
6 emerging conditions—

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

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

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

17 “(d) APPLICATION OF PRIVACY AND HUMAN SUB-
18 JECT PROTECTIONS.—The privacy and human subject
19 protections applicable to research conducted under this
20 section shall not be less than such protections applicable
21 to research conducted or funded by the Department of
22 Health and Human Services.

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

24 “For the purpose of ensuring ongoing data collection
25 relating to victims of the September 11, 2001, terrorist

1 attacks, the WTC Program Administrator shall ensure
2 that a registry of such victims is maintained that is at
3 least as comprehensive as the World Trade Center Health
4 Registry maintained under the arrangements in effect as
5 of April 20, 2009, with the New York City Department
6 of Health and Mental Hygiene.

7 **“Subtitle D—Funding**

8 **“SEC. 3351. WORLD TRADE CENTER HEALTH PROGRAM** 9 **FUND.**

10 “(a) ESTABLISHMENT OF FUND.—

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

15 “(2) FUNDING.—Out of any money in the
16 Treasury not otherwise appropriated, there shall be
17 deposited into the Fund for each of fiscal years
18 2012 through 2020 (and the last calendar quarter of
19 fiscal year 2011)—

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

22 “(i) 90 percent of the expenditures in
23 carrying out this title for the respective fis-
24 cal year (initially based on estimates, sub-

1 ject to subsequent reconciliation based on
2 actual expenditures); or

3 “(ii)(I) \$71,000,000 for the last cal-
4 endar quarter of fiscal year 2011,
5 \$318,000,000 for fiscal year 2012,
6 \$354,000,000 for fiscal year 2013,
7 \$382,000,000 for fiscal year 2014,
8 \$431,000,000 for fiscal year 2015,
9 \$481,000,000 for fiscal year 2016,
10 \$537,000,000 for fiscal year 2017,
11 \$601,000,000 for fiscal year 2018, and
12 \$173,000,000 for fiscal year 2019; and

13 “(II) subject to paragraph (4), an ad-
14 ditional \$499,000,000 for fiscal year 2019
15 and \$743,000,000 for fiscal year 2020;
16 plus

17 “(B) the New York City share, consisting
18 of the amount contributed under the contract
19 under section 3331(d).

20 “(3) CONTRACT REQUIREMENT.—

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

1 “(B) BREACH OF CONTRACT.—In the case
2 of a failure to pay the amount so required
3 under the contract—

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

6 “(ii) such failure shall not affect the
7 disbursement of amounts from the Fund;
8 and

9 “(iii) the Federal share described in
10 paragraph (2)(A) shall not be increased by
11 the amount so unpaid.

12 “(4) AGGREGATE LIMITATION ON FUNDING BE-
13 GINNING WITH FISCAL YEAR 2019.—Beginning with
14 fiscal year 2019, in no case shall the share of Fed-
15 eral funds deposited into the Fund under paragraph
16 (2) for such fiscal year and previous fiscal years and
17 quarters exceed the sum of the amounts specified in
18 paragraph (2)(A)(ii)(I).

19 “(b) MANDATORY FUNDS FOR MONITORING, INITIAL
20 HEALTH EVALUATIONS, TREATMENT, AND CLAIMS PROC-
21 ESSING.—

22 “(1) IN GENERAL.—The amounts deposited
23 into the Fund under subsection (a)(2) shall be avail-
24 able, without further appropriation, consistent with
25 paragraph (2) and subsection (c), to carry out sub-

1 title B and sections 3302(a), 3303, 3304,
2 3305(a)(2), 3305(c), 3341, and 3342.

3 “(2) LIMITATION ON MANDATORY FUNDING.—
4 This title does not establish any Federal obligation
5 for payment of amounts in excess of the amounts
6 available from the Fund for such purpose.

7 “(3) LIMITATION ON AUTHORIZATION FOR FUR-
8 THER APPROPRIATIONS.—This title does not estab-
9 lish any authorization for appropriation of amounts
10 in excess of the amounts available from the Fund
11 under paragraph (1).

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

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

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

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

23 “(C) for each subsequent fiscal year, the
24 amount specified under this paragraph for the
25 previous fiscal year increased by the percentage

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

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

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

11 “(B) for fiscal year 2012, \$100,000; 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 “(3) EDUCATION AND OUTREACH.—For the
21 purpose of carrying out section 3303—

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

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

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

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

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

17 “(B) for fiscal year 2012, \$10,000,000;
18 and

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

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

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

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

8 “(B) for fiscal year 2012, \$15,000,000;
9 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 “(6) WORLD TRADE CENTER HEALTH REG-
19 ISTRY.—For the purpose of carrying out section
20 3342—

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

23 “(B) for fiscal year 2012, \$7,000,000; 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 **TITLE II—SEPTEMBER 11TH VIC-**
8 **TIM COMPENSATION FUND OF**
9 **2001**

10 **SEC. 201. DEFINITIONS.**

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

14 (1) in paragraph (6) by inserting “, or debris
15 removal, including under the World Trade Center
16 Health Program established under section 3001 of
17 the Public Health Service Act, and payments made
18 pursuant to the settlement of a civil action described
19 in section 405(e)(3)(C)(iii)” after “September 11,
20 2001”;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17 “(3) LIMITATION.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9 (f) LIMITATIONS ON CIVIL ACTIONS.—

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

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

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

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

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

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

11 (3) SETTLED ACTIONS; AUTHORITY TO RE-
12 INSTITUTE CERTAIN LAWSUITS.—Such section, as so
13 redesignated, is further amended by adding at the
14 end the following new clauses:

15 “(iii) SETTLED ACTIONS.—In the case
16 of an individual who settled a civil action
17 described in clause (i), such individual may
18 not submit a claim under this title unless
19 such action was commenced after Decem-
20 ber 22, 2003, and a release of all claims in
21 such action was tendered prior to the date
22 on which the James Zadroga 9/11 Health
23 and Compensation Act of 2010 was en-
24 acted.

1 “(iv) **AUTHORITY TO REINSTITUTE**
2 **CERTAIN LAWSUITS.**—In the case of a
3 claimant who was a party to a civil action
4 described in clause (i), who withdrew from
5 such action pursuant to clause (ii), and
6 who is subsequently determined to not be
7 an eligible individual for purposes of this
8 subsection, such claimant may reinstitute
9 such action without prejudice during the
10 90-day period beginning after the date of
11 such ineligibility determination.”.

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

13 Section 407 of the Air Transportation Safety and
14 System Stabilization Act (49 U.S.C. 40101 note) is
15 amended—

16 (1) by striking “Not later than” and inserting
17 “(a) **IN GENERAL.**—Not later than”; and

18 (2) by adding at the end the following new sub-
19 section:

20 “(b) **UPDATED REGULATIONS.**—Not later than 90
21 days after the date of the enactment of the James Zadroga
22 9/11 Health and Compensation Act of 2010, the Special
23 Master shall update the regulations promulgated under
24 subsection (a) to the extent necessary to comply with the
25 provisions of title II of such Act.”.

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

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

6 “(4) LIABILITY FOR CERTAIN CLAIMS.—Not-
7 withstanding any other provision of law, liability for
8 all claims and actions (including claims or actions
9 that have been previously resolved, that are cur-
10 rently pending, and that may be filed through De-
11 cember 22, 2031) for compensatory damages, con-
12 tribution or indemnity, or any other form or type of
13 relief, arising from or related to debris removal,
14 against the City of New York, any entity (including
15 the Port Authority of New York and New Jersey)
16 with a property interest in the World Trade Center
17 on September 11, 2001 (whether fee simple, lease-
18 hold or easement, or direct or indirect) and any con-
19 tractors and subcontractors, shall not be in an
20 amount that exceeds the sum of the following, as
21 may be applicable:

22 “(A) The amount of funds of the WTC
23 Captive Insurance Company, including the cu-
24 mulative interest.

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

4 “(C) As it relates to the limitation of li-
5 ability of the City of New York, the amount
6 that is the greater of the City of New York’s
7 insurance coverage or \$350,000,000. In deter-
8 mining the amount of the City’s insurance cov-
9 erage for purposes of the previous sentence, any
10 amount described in clauses (i) and (ii) shall
11 not be included.

12 “(D) As it relates to the limitation of li-
13 ability of any entity, including the Port Author-
14 ity of New York and New Jersey, with a prop-
15 erty interest in the World Trade Center on Sep-
16 tember 11, 2001 (whether fee simple, leasehold
17 or easement, or direct or indirect), the amount
18 of all available liability insurance coverage
19 maintained by any such entity.

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

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

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

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

13 “(C) If there are no funds available as de-
14 scribed in clause (i), (ii), or (iii) of paragraph
15 (4)(A), the funds described in clause (iv) of
16 such paragraph.

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

21 “(6) DECLARATORY JUDGMENT ACTIONS AND
22 DIRECT ACTION.—Any party to a claim or action to
23 which paragraph (4)(A) applies may, with respect to
24 such claim or action, either file an action for a de-
25 claratory judgment for insurance coverage or bring

1 a direct action against the insurance company in-
2 volved.”.

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

4 Section 406 of the Air Transportation Safety and
5 System Stabilization Act (49 U.S.C. 40101 note) is
6 amended—

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

10 (2) in subsection (b)—

11 (A) by inserting “in the amounts provided
12 under subsection (d)(1)” after “appropriations
13 Acts”; and

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

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

18 “(d) LIMITATION.—

19 “(1) IN GENERAL.—The total amount of Fed-
20 eral funds paid for compensation under this title,
21 with respect to claims filed on or after the date on
22 which the regulations are updated under section
23 407(b), shall not exceed \$8,400,000,000. Of such
24 amounts, \$4,200,000,000 shall be available to pay
25 such claims during the 10-year period beginning on

1 such date and \$4,200,000,000 shall be available to
2 pay such claims after such period.

3 “(2) PRO-RATION AND PAYMENT OF REMAINING
4 CLAIMS.—

5 “(A) IN GENERAL.—With respect to the
6 one-year period beginning on the date on which
7 the first payment is made under this title for
8 claims filed pursuant to the regulations updated
9 under section 407(b), the Special Master shall
10 examine the total number of such claims paid
11 during such period and the amounts of the pay-
12 ments made for such claims to project the total
13 number and amount of claims expected to be
14 paid under this title during the 10-year period
15 described in paragraph (1). If, based on such
16 projection, the Special Master determines that
17 there will be insufficient funds available under
18 paragraph (1) to pay such claims during such
19 10-year period, beginning on the first day fol-
20 lowing such one-year period, the Special Master
21 shall ratably reduce the amount of compensa-
22 tion due claimants under this title in a manner
23 to ensure, to the extent possible, that—

24 “(i) all claimants who, before applica-
25 tion of the limitation under the second sen-

1 tence of paragraph (1), would have been
2 determined to be entitled to a payment
3 under this title during such 10-year period,
4 receive a payment during such period; and

5 “(ii) the total amount of all such pay-
6 ments made during such 10-year period do
7 not exceed the amount available under the
8 second sentence of paragraph (1) to pay
9 claims during such period.

10 “(B) PAYMENT OF REMAINDER OF CLAIM
11 AMOUNTS.—In any case in which the amount of
12 a claim is ratably reduced pursuant to subpara-
13 graph (A), on or after the first day after the
14 10-year period described in paragraph (1), the
15 Special Master shall pay to the claimant the
16 amount that is equal to the difference be-
17 tween—

18 “(i) the amount that the claimant
19 would have been paid under this title dur-
20 ing such period without regard to the limi-
21 tation under the second sentence of para-
22 graph (1) applicable to such period; and

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

25 “(e) ATTORNEY FEES.—

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

8 “(2) LIMITATION.—

9 “(A) IN GENERAL.—Except as provided in
10 subparagraph (B), in the case of an individual
11 who was charged a legal fee in connection with
12 the settlement of a civil action described in sec-
13 tion 405(c)(3)(C)(iii), the representative of
14 the individual may not charge any amount for
15 compensation for services rendered in connec-
16 tion with a claim filed under this title.

17 “(B) EXCEPTION.—If the legal fee charged
18 in connection with the settlement of a civil ac-
19 tion described in section 405(c)(3)(C)(iii) of an
20 individual is less than 10 percent of the aggre-
21 gate amount of compensation awarded to such
22 individual through such settlement and the
23 claim of the individual under this title, the rep-
24 resentative of such individual may charge an
25 amount for compensation for services rendered

1 in connection with such claim under this title to
2 the extent that such amount charged is not
3 more than—

4 “(i) 10 percent of such aggregate
5 amount, minus

6 “(ii) the total amount of all legal fees
7 charged for services rendered in connection
8 with such settlement.

9 “(3) EXCEPTION.—With respect to a claim
10 made on behalf of an individual for whom a lawsuit
11 was filed in the Southern District of New York prior
12 to January 1, 2009, in the event that the represent-
13 ative believes in good faith that the fee limit set by
14 paragraph (1) or (2) will not provide adequate com-
15 pensation for services rendered in connection with
16 such claim because of the substantial amount of
17 legal work provided on behalf of the claimant (in-
18 cluding work performed before the enactment of this
19 legislation), application for greater compensation
20 may be made to the Special Master. Upon such ap-
21 plication, the Special Master may, in his or her dis-
22 cretion, award as reasonable compensation for serv-
23 ices rendered an amount greater than that allowed
24 for in paragraph (1). Such fee award will be final,
25 binding, and non-appealable.”

1 **TITLE III—LIMITATION ON TREA-**
2 **TY BENEFITS FOR CERTAIN**
3 **DEDUCTIBLE PAYMENTS;**
4 **TIME FOR PAYMENT OF COR-**
5 **PORATE ESTIMATED TAXES**

6 **SEC. 301. LIMITATION ON TREATY BENEFITS FOR CERTAIN**
7 **DEDUCTIBLE PAYMENTS.**

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

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

14 “(1) IN GENERAL.—In the case of any deduct-
15 ible related-party payment, any withholding tax im-
16 posed under chapter 3 (and any tax imposed under
17 subpart A or B of this part) with respect to such
18 payment may not be reduced under any treaty of the
19 United States unless any such withholding tax would
20 be reduced under a treaty of the United States if
21 such payment were made directly to the foreign par-
22 ent corporation.

23 “(2) DEDUCTIBLE RELATED-PARTY PAY-
24 MENT.—For purposes of this subsection, the term
25 ‘deductible related-party payment’ means any pay-

1 ment made, directly or indirectly, by any person to
2 any other person if the payment is allowable as a de-
3 duction under this chapter and both persons are
4 members of the same foreign controlled group of en-
5 tities.

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

8 “(A) IN GENERAL.—The term ‘foreign
9 controlled group of entities’ means a controlled
10 group of entities the common parent of which
11 is a foreign corporation.

12 “(B) CONTROLLED GROUP OF ENTITIES.—
13 The term ‘controlled group of entities’ means a
14 controlled group of corporations as defined in
15 section 1563(a)(1), except that—

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

19 “(ii) the determination shall be made
20 without regard to subsections (a)(4) and
21 (b)(2) of section 1563.

22 A partnership or any other entity (other than a
23 corporation) shall be treated as a member of a
24 controlled group of entities if such entity is con-
25 trolled (within the meaning of section

1 954(d)(3)) by members of such group (includ-
2 ing any entity treated as a member of such
3 group by reason of this sentence).

4 “(4) FOREIGN PARENT CORPORATION.—For
5 purposes of this subsection, the term ‘foreign parent
6 corporation’ means, with respect to any deductible
7 related-party payment, the common parent of the
8 foreign controlled group of entities referred to in
9 paragraph (3)(A).

10 “(5) REGULATIONS.—The Secretary may pre-
11 scribe such regulations or other guidance as are nec-
12 essary or appropriate to carry out the purposes of
13 this subsection, including regulations or other guid-
14 ance which provide for—

15 “(A) the treatment of two or more persons
16 as members of a foreign controlled group of en-
17 tities if such persons would be the common par-
18 ent of such group if treated as one corporation,
19 and

20 “(B) the treatment of any member of a
21 foreign controlled group of entities as the com-
22 mon parent of such group if such treatment is
23 appropriate taking into account the economic
24 relationships among such entities.”.

1 (b) EFFECTIVE DATE.—The amendment made by
2 this section shall apply to payments made after the date
3 of the enactment of this Act.

4 **SEC. 302. TIME FOR PAYMENT OF CORPORATE ESTIMATED**
5 **TAXES.**

6 The percentage under paragraph (2) of section 561
7 of the Hiring Incentives to Restore Employment Act in
8 effect on the date of the enactment of this Act is increased
9 by 3 percentage points.

10 **TITLE IV—BUDGETARY EFFECTS**

11 **SEC. 401. COMPLIANCE WITH STATUTORY PAY-AS-YOU-GO**
12 **ACT OF 2010.**

13 The budgetary effects of this Act, for the purpose of
14 complying with the Statutory Pay-As-You-Go Act of 2010,
15 shall be determined by reference to the latest statement
16 titled “Budgetary Effects of PAYGO Legislation” for this
17 Act, submitted for printing in the Congressional Record
18 by the Chairman of the House Budget Committee, pro-
19 vided that such statement has been submitted prior to the
20 vote on passage.

Passed the House of Representatives September 29,
2010.

Attest: LORRAINE C. MILLER,
Clerk.