

117TH CONGRESS
1ST SESSION

H. R. 4965

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

IN THE HOUSE OF REPRESENTATIVES

AUGUST 6, 2021

Mrs. CAROLYN B. MALONEY of New York (for herself, Mr. NADLER, Mr. GARBARINO, Mr. SUOZZI, Mr. SEAN PATRICK MALONEY of New York, Ms. MENG, Ms. VELÁZQUEZ, Mr. ESPAILLAT, Ms. MALLIOTAKIS, Mr. TORRES of New York, Mr. PASCRELL, Mr. GOTTHEIMER, Mr. SIRES, Mr. PAYNE, Mr. TONKO, Ms. CLARKE of New York, Mr. HIGGINS of New York, Mr. FITZPATRICK, Mr. JACOBS of New York, Mr. ZELDIN, Mrs. HAYES, Mr. MCKINLEY, Mrs. WATSON COLEMAN, Mr. VAN DREW, Mr. HIMES, Mr. SMITH of New Jersey, Ms. STEFANIK, Mr. BACON, Mr. JEFFRIES, Mr. KATKO, Mr. MORELLE, Mr. JOYCE of Ohio, Miss RICE of New York, Mr. DELGADO, Ms. TENNEY, Mr. REED, Mr. BOWMAN, Mr. MEEKS, Mr. JONES, and Ms. OCASIO-CORTEZ) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

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

2 This Act may be cited as the “9/11 Responder and
3 Survivor Health Funding Correction Act”.

4 **SEC. 2. FLEXIBILITY FOR CERTIFICATIONS UNDER THE**
5 **WORLD TRADE CENTER HEALTH PROGRAM.**

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

9 (1) in paragraph (2)(A)(ii), by inserting “sub-
10 ject to paragraph (6),” before “for”; and

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

12 “(6) LICENSED HEALTH CARE PROVIDER
13 FLEXIBILITY.—

14 “(A) IN GENERAL.—For purposes of an
15 initial health evaluation described in paragraph
16 (2)(A)(ii) (including any such evaluation pro-
17 vided under section 3321(b) or through the na-
18 tionwide network under section 3313), such
19 evaluation may be conducted by a physician or
20 any other licensed health care provider in a cat-
21 egory of health care providers determined by
22 the Secretary under subparagraph (B).

23 “(B) CATEGORIES OF LICENSED HEALTH
24 CARE PROVIDERS.—Not later than 60 days
25 after the date of enactment of the 9/11 Re-
26 sponder and Survivor Health Funding Correc-

1 tion Act, the WTC Program Administrator
2 shall issue regulations for the categories of li-
3 censed health care providers who, in addition to
4 licensed physicians, may conduct evaluations
5 under subparagraph (A) and make determina-
6 tions under section 3312(b).”.

7 (b) FLEXIBILITY FOR WTC RESPONDERS.—Section
8 3312(b) of such Act (42 U.S.C. 300mm–22(b)) is amend-
9 ed—

10 (1) in paragraph (1), by striking “physician”
11 each place it appears and inserting “physician or
12 other licensed health care provider in a category de-
13 termined by the Secretary under section
14 3305(a)(6)(B)”;

15 (2) in paragraph (2)—

16 (A) in subparagraph (A)—

17 (i) in the matter preceding clause (i),
18 by striking “physician” and inserting
19 “physician or other licensed health care
20 provider in a category determined by the
21 Secretary under section 3305(a)(6)(B)”;

22 (ii) in clause (i), by striking “physi-
23 cian” and inserting “physician or other li-
24 censed health care provider”; and

1 (iii) in clause (ii), by striking “such
2 physician’s determination” and inserting
3 “the determination of such physician or
4 other licensed health care provider”; and
5 (B) in subparagraph (B)—

6 (i) in the matter preceding clause (i),
7 by striking “physician determinations” and
8 inserting “determinations by physicians or
9 other licensed health care providers in cat-
10 egories determined by the Secretary under
11 section 3305(a)(6)(B)”; and

12 (ii) in clause (i), by striking “physi-
13 cian panel” and inserting “panel of physi-
14 cians or other licensed health care pro-
15 viders in categories determined by the Sec-
16 retary under section 3305(a)(6)(B)”; and

17 (3) in paragraph (5), by striking “examining
18 physician” and inserting “examining physician or
19 other licensed health care provider in a category de-
20 termined by the Secretary under section
21 3305(a)(6)(B)”.

1 **SEC. 3. CRITERIA FOR CREDENTIALING HEALTH CARE**
2 **PROVIDERS PARTICIPATING IN THE NATION-**
3 **WIDE NETWORK.**

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

6 (1) in section 3305(a)(2) (42 U.S.C. 300mm–
7 4(a)(2))—

8 (A) in subparagraph (A)—

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

10 (ii) by redesignating clauses (v) and
11 (vi) as clauses (iv) and (v), respectively;

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

13 (C) by redesignating subparagraphs (C)
14 and (D) as subparagraphs (B) and (C), respec-
15 tively; and

16 (2) in section 3313(b)(1) (42 U.S.C. 300mm–
17 23(b)(1)), by striking “Data Centers” and inserting
18 “WTC Program Administrator”.

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

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

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

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

4 “(5) DECEASED WTC SURVIVORS.—An indi-
5 vidual known to the WTC Program Administrator to
6 be deceased shall not be included in any count of en-
7 rollees under this subsection or section 3351.”.

8 **SEC. 5. FUNDING FOR THE WORLD TRADE CENTER HEALTH**
9 **PROGRAM.**

10 Section 3351 of the Public Health Service Act (42
11 U.S.C. 300mm–61) is amended—

12 (1) in subsection (a)(2)(A)—

13 (A) in clause (x), by striking
14 “\$570,000,000; and” and inserting
15 “\$689,130,000;” and

16 (B) by striking clause (xi) and inserting
17 the following:

18 “(xi) for fiscal year 2026,
19 \$930,325,500;

20 “(xii) for fiscal year 2027,
21 \$1,004,751,540;

22 “(xiii) for fiscal year 2028,
23 \$1,085,131,663;

24 “(xiv) for fiscal year 2029,
25 \$1,139,388,246;

1 “(xv) for fiscal year 2030,
2 \$1,196,357,659;

3 “(xvi) for fiscal year 2031,
4 \$1,256,175,542; and

5 “(xvii) for each subsequent fiscal year
6 through fiscal year 2090—

7 “(I) the amount determined
8 under this subparagraph for the pre-
9 vious fiscal year multiplied by 1.05;
10 multiplied by

11 “(II) the ratio of—

12 “(aa) the total number of
13 individuals enrolled in the WTC
14 program on July 1 of such pre-
15 vious fiscal year; to

16 “(bb) the total number of
17 individuals so enrolled on July 1
18 of the fiscal year prior to such
19 previous fiscal year; plus”; and

20 (2) in subsection (c)—

21 (A) by amending paragraph (3) to read as
22 follows:

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

1 “(A) for each of fiscal years 2016 through
2 2021, \$750,000; and

3 “(B) for fiscal year 2022 and each subse-
4 quent fiscal year, \$2,000,000.”;

5 (B) in paragraph (4)—

6 (i) by amending subparagraph (A) to
7 read as follows:

8 “(A) for fiscal year 2021, the amount de-
9 termined for such fiscal year under this para-
10 graph as in effect on the day before the date of
11 enactment of the 9/11 Responder and Survivor
12 Health Funding Correction Act;”;

13 (ii) in subparagraph (B), by striking
14 “2017, \$15,000,000” and inserting “2022,
15 \$20,000,000”; and

16 (C) in paragraph (5)—

17 (i) by amending subparagraph (A) to
18 read as follows:

19 “(A) for fiscal year 2021, the amount de-
20 termined for such fiscal year under this para-
21 graph as in effect on the day before the date of
22 enactment of the 9/11 Responder and Survivor
23 Health Funding Correction Act;”;

24 (ii) by redesignating subparagraph
25 (B) as subparagraph (C); and

1 (iii) by inserting after subparagraph

2 (A) the following:

3 “(B) for fiscal year 2022, \$20,000,000;

4 and”.

5 **SEC. 6. RESEARCH COHORT FOR EMERGING HEALTH IM-**
6 **PACTS ON YOUTH.**

7 (a) IN GENERAL.—Section 3341 of the Public Health
8 Service Act (42 U.S.C. 300mm–51) is amended—

9 (1) by redesignating subsections (c) and (d) as
10 subsections (d) and (e), respectively; and

11 (2) by inserting after subsection (b) the fol-
12 lowing:

13 “(c) RESEARCH COHORT FOR EMERGING HEALTH
14 IMPACTS ON YOUTH.—The WTC Program Administrator
15 shall establish a research cohort of sufficient size to con-
16 duct research studies on the health and educational im-
17 pacts of exposure to airborne toxins, or any other hazard
18 or adverse condition, resulting from the September 11,
19 2001, terrorist attacks on the population of individuals
20 who were 21 years of age or younger at the time of expo-
21 sure and who are enrolled in the WTC Program or other-
22 wise eligible for enrollment in the Program under section
23 3321.”.

24 (b) SPENDING LIMITATION EXEMPTION.—Section
25 3351(c)(5) of such Act (42 U.S.C. 300mm–61(c)(5)) is

1 amended in the matter preceding subparagraph (A), by
2 inserting “(other than subsection (c) of such section)”
3 after “section 3341”.

4 (c) CONFORMING AMENDMENT.—Section
5 3301(f)(2)(E) of such Act (42 U.S.C. 300mm(f)(2)(E))
6 is amended by striking “section 3341(a)” and inserting
7 “subsection (a) or (c) of section 3341”.

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