AMENDMENT TO
RULES COMMITTEE PRINT 118–10
OFFERED BY MR. GARBARINO OF NEW YORK

On page 1033, after line 14, insert the following new section:

SEC. 18. 9/11 RESPONDER AND SURVIVOR HEALTH
FUNDING CORRECTION ACT OF 2023.

(a) SHORT TITLE.—This section may be cited as the
"9/11 Responder and Survivor Health Funding Correction
Act of 2023".

(b) DEPARTMENT OF DEFENSE, ARMED FORCES, OR
OTHER FEDERAL WORKER RESPONDERS TO THE SEP-
TEMBER 11 ATTACKS AT THE PENTAGON AND
SHANKSVILLE, PENNSYLVANIA.—Title XXXIII of the
Public Health Service Act (42 U.S.C. 300mm et seq.) is
amended—

(1) in section 3306 (42 U.S.C. 300mm–5)—

(A) by redesignating paragraphs (5)
through (11) and paragraphs (12) through (17)
as paragraphs (6) through (12) and paragraphs
(14) through (19), respectively;

(B) by inserting after paragraph (4) the
following:
“(5) The term ‘Federal agency’ means an agency, office, or other establishment in the executive, legislative, or judicial branch of the Federal Government.”; and

(C) by inserting after paragraph (12), as so redesignated, the following:

“(13) The term ‘uniformed services’ has the meaning given the term in section 101(a) of title 10, United States Code.”; and

(2) in section 3311(a) (42 U.S.C. 300mm–21(a))—

(A) in paragraph (2)(C)(i)—

(i) in subclause (I), by striking “; or” and inserting a semicolon;

(ii) in subclause (II), by striking “Administrator; and” and inserting “Administrator;”; and

(iii) by adding at the end the following:

“(III) was an employee of the Department of Defense or any other Federal agency, worked during the period beginning on September 11, 2001, and ending on September 18, 2001, for a contractor of the Department of Defense or any other
Federal agency, or was a member of a regular or reserve component of the uniformed services; and performed rescue, recovery, demolition, debris cleanup, or other related services at the Pentagon site of the terrorist-related aircraft crash of September 11, 2001, during the period beginning on September 11, 2001, and ending on the date on which the cleanup of the site was concluded, as determined by the WTC Program Administrator; or

“(IV) was an employee of the Department of Defense or any other Federal agency, worked during the period beginning on September 11, 2001, and ending on September 18, 2001, for a contractor of the Department of Defense or any other Federal agency, or was a member of a regular or reserve component of the uniformed services; and performed rescue, recovery, demolition, debris cleanup, or other related services at the Shanksville, Pennsylvania, site of the terrorist-related aircraft crash of September 11, 2001, during the period beginning on September 11,
2001, and ending on the date on which the cleanup of the site was concluded, as determined by the WTC Program Administrator; and

(B) in paragraph (4)(A)—

(i) by striking “(A) IN GENERAL.—The” and inserting the following:

“(A) LIMIT.—

“(i) IN GENERAL.—The”;

(ii) by inserting “or subclause (III) or (IV) of paragraph (2)(C)(i)” after “or (2)(A)(ii)”;

(iii) by adding at the end the following:

“(ii) CERTAIN RESPONDERS TO THE SEPTEMBER 11 ATTACKS AT THE PENTAGON AND SHANKSVILLE, PENNSYLVANIA.—The total number of individuals who may be enrolled under paragraph (3)(A)(ii) based on eligibility criteria described in subclause (III) or (IV) of paragraph (2)(C)(i) shall not exceed 500 at any time.”.

(c) FLEXIBILITY FOR CERTIFICATIONS UNDER THE WORLD TRADE CENTER HEALTH PROGRAM.—
(1) IN GENERAL.—Section 3305(a) of the Public Health Service Act (42 U.S.C. 300mm–4(a)) is amended—

(A) in paragraph (1)(A), by inserting “subject to paragraph (6),” before “for”; and

(B) by adding at the end the following:

“(6) LICENSED HEALTH CARE PROVIDER FLEXIBILITY.—

“(A) IN GENERAL.—For purposes of an initial health evaluation described in paragraph (1)(A) (including any such evaluation provided under section 3321(b) or through the nationwide network under section 3313), such evaluation may be conducted by a physician or any other licensed health care provider in a category of health care providers determined by the WTC Program Administrator under subparagraph (B).

“(B) CATEGORIES OF LICENSED HEALTH CARE PROVIDERS.—Not later than 180 days after the date of enactment of the 9/11 Responder and Survivor Health Funding Correction Act of 2023, the WTC Program Administrator shall issue regulations for the categories of licensed health care providers who, in addi-
tion to licensed physicians, may conduct evaluations under subparagraph (A) and make determinations under section 3312(b).’’.

(2) **FLEXIBILITY FOR WTC RESPONDERS.**—Section 3312(b) of such Act (42 U.S.C. 300mm–22(b)) is amended—

(A) in paragraph (1), by striking “physician” each place it appears and inserting “physician or other licensed health care provider in a category determined by the WTC Program Administrator under section 3305(a)(6)(B)”;

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) in the matter preceding clause (i), by striking “physician” and inserting “physician or other licensed health care provider in a category determined by the WTC Program Administrator under section 3305(a)(6)(B)”;

(II) in clause (i), by striking “physician” and inserting “physician or other licensed health care provider”; and
(III) in clause (ii), by striking “such physician’s determination” and inserting “the determination of such physician or other licensed health care provider”; and

(ii) in subparagraph (B)—

(I) in the matter preceding clause (i), by striking “physician determinations” and inserting “determinations by physicians or other licensed health care providers in categories determined by the WTC Program Administrator under section 3305(a)(6)(B)”;

and

(II) in clause (i), by striking “physician panel” and inserting “panel of physicians or other licensed health care providers in categories determined by the WTC Program Administrator under section 3305(a)(6)(B)”;

and

(C) in paragraph (5), by striking “examining physician” and inserting “examining physician or other licensed health care provider in
a category determined by the WTC Program Administrator under section 3305(a)(6)(B)”.

(d) CRITERIA FOR CREDENTIALING HEALTH CARE PROVIDERS PARTICIPATING IN THE NATIONWIDE NETWORK.—Title XXXIII of the Public Health Service Act (42 U.S.C. 300mm et seq.) is amended—

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

(A) in subparagraph (A)—

(i) by striking clause (iv); and

(ii) by redesigning clauses (v) and (vi) as clauses (iv) and (v), respectively;

(B) by striking subparagraph (B); and

(C) by redesigning subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively; and

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

(e) CLARIFYING CALCULATION OF ENROLLMENT.—

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

“(6) DECEASED WTC RESPONDERS.—An individual known to the WTC Program Administrator to
be deceased shall not be included in any count of enrollees under this subsection or section 3351.”.

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

“(5) **DECEASED WTC SURVIVORS.**—An individual known to the WTC Program Administrator to be deceased shall not be included in any count of certified-eligible survivors under this section or in any count of enrollees under section 3351.”.

(f) **TIME PERIOD FOR ADDING HEALTH CONDITIONS TO LIST FOR WTC RESPONDERS.**—Section 3312(a)(6) of the Public Health Service Act (42 U.S.C. 300mm–22(a)(6)) is amended—

(1) in subparagraph (B), by striking “90” and inserting “180”; and

(2) in subparagraph (C), in the second sentence, by striking “90” and inserting “180”.

(g) **FUNDING FOR THE WORLD TRADE CENTER HEALTH PROGRAM.**—

(1) **FEDERAL FUNDING.**—Section 3351 of the Public Health Service Act (42 U.S.C. 300mm–61) is amended—

(A) in subsection (a)—

(i) in paragraph (2)(A)—
(I) in clause (x), by striking “and”;

(II) in clause (xi)—

(aa) by striking “subsequent fiscal year through fiscal year 2090” and inserting “of fiscal years 2026 through 2033”; and

(bb) by striking “plus” and inserting “and”; and

(III) by adding at the end the following:

“(xii) for each of fiscal years 2034 through 2090—

“(I) the amount determined under this subparagraph for the previous fiscal year (plus the sum of any amount expended in the previous fiscal year from the World Trade Center Health Program Special Fund established under section 3353 or the World Trade Center Health Program Fund for Certain WTC Responders at the Pentagon and Shanksville, Pennsylvania established under section 3354 and any amount expended from
the World Trade Center Health Program Fund established under this section in the previous fiscal year that was carried over from any fiscal year prior to the previous fiscal year including as carried over pursuant to a deposit into such Fund under paragraph (6)) multiplied by 1.05; multiplied by

“(II) the ratio of—

“(aa) the total number of individuals enrolled in the WTC Program on July 1 of such previous fiscal year; to

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

(ii) by adding at the end the following:

“(6) REMAINING AMOUNTS FROM SPECIAL FUND AND PENTAGON/SHANKSVILLE FUND.—Any amounts that remain available, on September 30, 2033, in the World Trade Center Health Program Special Fund under section 3353 or the World
Trade Center Health Program Fund for Certain WTC Responders at the Pentagon and Shanksville, Pennsylvania under section 3354 shall be deposited into the Fund.”; and

(B) in subsection (c)—

(i) in paragraph (4)—

(I) by amending subparagraph (A) to read as follows:

“(A) for fiscal year 2023, the amount determined for such fiscal year under this paragraph as in effect on the day before the date of enactment of the 9/11 Responder and Survivor Health Funding Correction Act of 2023;”; and

(II) in subparagraph (B), by striking “2017, $15,000,000” and inserting “2024, $20,000,000”; and

(ii) in paragraph (5)—

(I) by amending subparagraph (A) to read as follows:

“(A) for fiscal year 2023, the amount determined for such fiscal year under this paragraph as in effect on the day before the date of enactment of the 9/11 Responder and Survivor Health Funding Correction Act of 2023;”;}
(II) by redesignating subparagraph (B) as subparagraph (C); and

(III) by inserting after subparagraph (A) the following:

“(B) for fiscal year 2024, the greater of—

“(i) the amount determined for such fiscal year under this paragraph as in effect on the day before the date of enactment of the 9/11 Responder and Survivor Health Funding Correction Act of 2023; or

“(ii) $20,000,000; and”.

(2) ADDITIONAL FUNDING FOR THE WORLD TRADE CENTER HEALTH PROGRAM.—Title XXXIII of the Public Health Service Act (42 U.S.C. 300mm et seq.) is amended by adding at the end the following:

“SEC. 3353. SPECIAL FUND.

“(a) IN GENERAL.—There is established a fund to be known as the World Trade Center Health Program Special Fund (referred to in this section as the ‘Special Fund’), consisting of amounts deposited into the Special Fund under subsection (b).

“(b) AMOUNT.—Out of any money in the Treasury not otherwise appropriated, there is appropriated for fiscal year 2024 $1,784,358,336 for deposit into the Special Fund.
Fund, which amounts shall remain available in such Fund through fiscal year 2033.

“(c) USES OF FUNDS.—Amounts deposited into the Special Fund under subsection (b) shall be available, without further appropriation and without regard to any spending limitation under section 3351(e), to the WTC Program Administrator as needed at the discretion of such Administrator, for carrying out any provision in this title (including sections 3303 and 3341(e)).

“(d) REMAINING AMOUNTS.—Any amounts that remain in the Special Fund on September 30, 2033, shall be deposited into the World Trade Center Health Program Fund in accordance with section 3351(a)(6) and remain available in accordance with section 3351(a)(5).

“SEC. 3354. PENTAGON/SHANKSVILLE FUND.

“(a) IN GENERAL.—There is established a fund to be known as the World Trade Center Health Program Fund for Certain WTC Responders at the Pentagon and Shanksville, Pennsylvania (referred to in this section as the ‘Pentagon/Shanksville Fund’), consisting of amounts deposited into the Pentagon/Shanksville Fund under subsection (b).

“(b) AMOUNT.—Out of any money in the Treasury not otherwise appropriated, there is appropriated for fiscal year 2024 $257,000,000 for deposit into the Pentagon/
Shanksville Fund, which amounts shall remain available in such Fund through fiscal year 2033.

“(c) USES OF FUNDS.—

“(1) IN GENERAL.—Amounts deposited into the Pentagon/Shanksville Fund under subsection (b) shall be available, without further appropriation and without regard to any spending limitation under section 3351(c), to the WTC Program Administrator for the purpose of carrying out section 3312 with regard to WTC responders enrolled in the WTC Program based on eligibility criteria described in subclause (III) or (IV) of section 3311(a)(2)(C)(i).

“(2) LIMITATION ON OTHER FUNDING.—Notwithstanding sections 3331(a), 3351(b)(1), 3352(c), and 3353(c), and any other provision in this title, for the period of fiscal years 2024 through 2033, no amounts made available under this title other than those amounts appropriated under subsection (b) may be available for the purpose described in paragraph (1).

“(d) REMAINING AMOUNTS.—Any amounts that remain in the Pentagon/Shanksville Fund on September 30, 2033, shall be deposited into the World Trade Center Health Program Fund in accordance with section
3351(a)(6) and remain available in accordance with section 3351(a)(5).”.

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

(A) in section 3311(a)(4)(B)(i)(II) (42 U.S.C. 300mm–21(a)(4)(B)(i)(II)), by striking “sections 3351 and 3352” and inserting “this title”;

(B) in section 3321(a)(3)(B)(i)(II) (42 U.S.C. 300mm–31(a)(3)(B)(i)(II)), by striking “sections 3351 and 3352” and inserting “this title”;

(C) in section 3331 (42 U.S.C. 300mm–41)—

(i) in subsection (a), by striking “the World Trade Center Health Program Fund and the World Trade Center Health Program Supplemental Fund” and inserting “(as applicable) the Funds established under sections 3351, 3352, 3353, and 3354”; and

(ii) in subsection (d)—

(I) in paragraph (1)(A), by inserting “or the World Trade Center
Health Program Special Fund under section 3353” after “section 3351”; 

(II) in paragraph (1)(B), by inserting “or the World Trade Center Health Program Fund for Certain WTC Responders at the Pentagon and Shanksville, Pennsylvania under section 3354” after “section 3352”; and 

(III) in paragraph (2), in the flush text following subparagraph (C), by inserting “or the World Trade Center Health Program Fund for Certain WTC Responders at the Pentagon and Shanksville, Pennsylvania under section 3354” after “section 3352”; and 

(D) in section 3351(b) (42 U.S.C. 300mm–61(b))—

(i) in paragraph (1), by striking “subsection (a)(2)” and inserting “paragraph (2) or (6) of subsection (a)”; 

(ii) in paragraph (2), by inserting “, the World Trade Center Health Program Special Fund under section 3353, or the
World Trade Center Health Program
Fund for Certain WTC Responders at the
Pentagon and Shanksville, Pennsylvania
under section 3354” before the period at
the end; and

(iii) in paragraph (3), by inserting “,
the World Trade Center Health Program
Special Fund under section 3353, or the
World Trade Center Health Program
Fund for Certain WTC Responders at the
Pentagon and Shanksville, Pennsylvania
under section 3354” before the period at
the end.

(h) PREVENTION AND PUBLIC HEALTH FUND.—Sec-
tion 4002(b) of the Patient Protection and Affordable
Care Act (42 U.S.C. 300u–11(b)) is amended—

(1) in paragraph (8), by striking
“$1,525,000,000;” and inserting “$700,000,000;”;

(2) in paragraph (9), by striking
“1,725,000,000; and” and inserting
“$900,000,000;”

(3) by striking paragraph (10) and inserting
the following:
“(10) for fiscal year 2030, $1,175,000,000;”;
and
(4) by adding at the end the following:

“(11) for fiscal year 2031, $1,700,000,000; and

“(12) for fiscal year 2032 and each fiscal year thereafter, $2,000,000,000.”.