

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:

1 **SEC. 18__.** **9/11 RESPONDER AND SURVIVOR HEALTH**
2 **FUNDING CORRECTION ACT OF 2023.**

3 (a) **SHORT TITLE.**—This section may be cited as the
4 “9/11 Responder and Survivor Health Funding Correction
5 Act of 2023”.

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

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

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

17 (B) by inserting after paragraph (4) the
18 following:

1 “(5) The term ‘Federal agency’ means an agen-
2 cy, office, or other establishment in the executive,
3 legislative, or judicial branch of the Federal Govern-
4 ment.”; and

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

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

10 (2) in section 3311(a) (42 U.S.C. 300mm-
11 21(a))—

12 (A) in paragraph (2)(C)(i)—

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

15 (ii) in subclause (II), by striking “Ad-
16 ministrator; and” and inserting “Adminis-
17 trator;”; and

18 (iii) by adding at the end the fol-
19 lowing:

20 “(III) was an employee of the Depart-
21 ment of Defense or any other Federal
22 agency, worked during the period begin-
23 ning on September 11, 2001, and ending
24 on September 18, 2001, for a contractor of
25 the Department of Defense or any other

1 Federal agency, or was a member of a reg-
2 ular or reserve component of the uni-
3 formed services; and performed rescue, re-
4 covery, demolition, debris cleanup, or other
5 related services at the Pentagon site of the
6 terrorist-related aircraft crash of Sep-
7 tember 11, 2001, during the period begin-
8 ning on September 11, 2001, and ending
9 on the date on which the cleanup of the
10 site was concluded, as determined by the
11 WTC Program Administrator; or

12 “(IV) was an employee of the Depart-
13 ment of Defense or any other Federal
14 agency, worked during the period begin-
15 ning on September 11, 2001, and ending
16 on September 18, 2001, for a contractor of
17 the Department of Defense or any other
18 Federal agency, or was a member of a reg-
19 ular or reserve component of the uni-
20 formed services; and performed rescue, re-
21 covery, demolition, debris cleanup, or other
22 related services at the Shanksville, Penn-
23 sylvania, site of the terrorist-related air-
24 craft crash of September 11, 2001, during
25 the period beginning on September 11,

1 2001, and ending on the date on which the
2 cleanup of the site was concluded, as deter-
3 mined by the WTC Program Adminis-
4 trator; and”;

5 (B) in paragraph (4)(A)—

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

8 “(A) LIMIT.—

9 “(i) IN GENERAL.—The”;

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

13 (iii) by adding at the end the fol-
14 lowing:

15 “(ii) CERTAIN RESPONDERS TO THE
16 SEPTEMBER 11 ATTACKS AT THE PEN-
17 TAGON AND SHANKSVILLE, PENNSYLV-
18 ANIA.—The total number of individuals
19 who may be enrolled under paragraph
20 (3)(A)(ii) based on eligibility criteria de-
21 scribed in subclause (III) or (IV) of para-
22 graph (2)(C)(i) shall not exceed 500 at any
23 time.”.

24 (c) FLEXIBILITY FOR CERTIFICATIONS UNDER THE
25 WORLD TRADE CENTER HEALTH PROGRAM.—

1 (1) IN GENERAL.—Section 3305(a) of the Pub-
2 lic Health Service Act (42 U.S.C. 300mm–4(a)) is
3 amended—

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

6 (B) by adding at the end the following:

7 “(6) LICENSED HEALTH CARE PROVIDER
8 FLEXIBILITY.—

9 “(A) IN GENERAL.—For purposes of an
10 initial health evaluation described in paragraph
11 (1)(A) (including any such evaluation provided
12 under section 3321(b) or through the nation-
13 wide network under section 3313), such evalua-
14 tion may be conducted by a physician or any
15 other licensed health care provider in a category
16 of health care providers determined by the
17 WTC Program Administrator under subpara-
18 graph (B).

19 “(B) CATEGORIES OF LICENSED HEALTH
20 CARE PROVIDERS.—Not later than 180 days
21 after the date of enactment of the 9/11 Re-
22 sponder and Survivor Health Funding Correc-
23 tion Act of 2023, the WTC Program Adminis-
24 trator shall issue regulations for the categories
25 of licensed health care providers who, in addi-

1 tion to licensed physicians, may conduct evalua-
2 tions under subparagraph (A) and make deter-
3 minations under section 3312(b).”.

4 (2) FLEXIBILITY FOR WTC RESPONDERS.—Sec-
5 tion 3312(b) of such Act (42 U.S.C. 300mm–22(b))
6 is amended—

7 (A) in paragraph (1), by striking “physi-
8 cian” each place it appears and inserting “phy-
9 sician or other licensed health care provider in
10 a category determined by the WTC Program
11 Administrator under section 3305(a)(6)(B)”;

12 (B) in paragraph (2)—

13 (i) in subparagraph (A)—

14 (I) in the matter preceding clause
15 (i), by striking “physician” and in-
16 serting “physician or other licensed
17 health care provider in a category de-
18 termined by the WTC Program Ad-
19 ministrator under section
20 3305(a)(6)(B)”;

21 (II) in clause (i), by striking
22 “physician” and inserting “physician
23 or other licensed health care pro-
24 vider”; and

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

6 (ii) in subparagraph (B)—

7 (I) in the matter preceding clause
8 (i), by striking “physician determina-
9 tions” and inserting “determinations
10 by physicians or other licensed health
11 care providers in categories deter-
12 mined by the WTC Program Adminis-
13 trator under section 3305(a)(6)(B)”;
14 and

15 (II) in clause (i), by striking
16 “physician panel” and inserting
17 “panel of physicians or other licensed
18 health care providers in categories de-
19 termined by the WTC Program Ad-
20 ministrator under section
21 3305(a)(6)(B)”;

22 (C) in paragraph (5), by striking “exam-
23 ining physician” and inserting “examining phy-
24 sician or other licensed health care provider in

1 a category determined by the WTC Program
2 Administrator under section 3305(a)(6)(B)”.

3 (d) CRITERIA FOR CREDENTIALING HEALTH CARE
4 PROVIDERS PARTICIPATING IN THE NATIONWIDE NET-
5 WORK.—Title XXXIII of the Public Health Service Act
6 (42 U.S.C. 300mm et seq.) is amended—

7 (1) in section 3305(a)(2) (42 U.S.C. 300mm–
8 4(a)(2))—

9 (A) in subparagraph (A)—

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

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

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

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

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

20 (e) CLARIFYING CALCULATION OF ENROLLMENT.—

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

24 “(6) DECEASED WTC RESPONDERS.—An indi-
25 vidual known to the WTC Program Administrator to

1 be deceased shall not be included in any count of en-
2 rollees under this subsection or section 3351.”.

3 (2) SURVIVORS.—Section 3321(a) of such Act
4 (42 U.S.C. 300mm–31(a)) is amended by adding at
5 the end the following:

6 “(5) DECEASED WTC SURVIVORS.—An indi-
7 vidual known to the WTC Program Administrator to
8 be deceased shall not be included in any count of
9 certified-eligible survivors under this section or in
10 any count of enrollees under section 3351.”.

11 (f) TIME PERIOD FOR ADDING HEALTH CONDITIONS
12 TO LIST FOR WTC RESPONDERS.—Section 3312(a)(6) of
13 the Public Health Service Act (42 U.S.C. 300mm–
14 22(a)(6)) is amended—

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

17 (2) in subparagraph (C), in the second sen-
18 tence, by striking “90” and inserting “180”.

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

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

24 (A) in subsection (a)—

25 (i) in paragraph (2)(A)—

1 (I) in clause (x), by striking
2 “and”;

3 (II) in clause (xi)—

4 (aa) by striking “subsequent
5 fiscal year through fiscal year
6 2090” and inserting “of fiscal
7 years 2026 through 2033”; and

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

10 (III) by adding at the end the
11 following:

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

14 “(I) the amount determined
15 under this subparagraph for the pre-
16 vious fiscal year (plus the sum of any
17 amount expended in the previous fis-
18 cal year from the World Trade Center
19 Health Program Special Fund estab-
20 lished under section 3353 or the
21 World Trade Center Health Program
22 Fund for Certain WTC Responders at
23 the Pentagon and Shanksville, Penn-
24 sylvania established under section
25 3354 and any amount expended from

1 the World Trade Center Health Pro-
2 gram Fund established under this sec-
3 tion in the previous fiscal year that
4 was carried over from any fiscal year
5 prior to the previous fiscal year in-
6 cluding as carried over pursuant to a
7 deposit into such Fund under para-
8 graph (6)) multiplied by 1.05; multi-
9 plied by

10 “(II) the ratio of—

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

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

19 (ii) by adding at the end the fol-
20 lowing:

21 “(6) REMAINING AMOUNTS FROM SPECIAL
22 FUND AND PENTAGON/SHANKSVILLE FUND.—Any
23 amounts that remain available, on September 30,
24 2033, in the World Trade Center Health Program
25 Special Fund under section 3353 or the World

1 Trade Center Health Program Fund for Certain
2 WTC Responders at the Pentagon and Shanksville,
3 Pennsylvania under section 3354 shall be deposited
4 into the Fund.”; and

5 (B) in subsection (c)—

6 (i) in paragraph (4)—

7 (I) by amending subparagraph

8 (A) to read as follows:

9 “(A) for fiscal year 2023, the amount de-
10 termined for such fiscal year under this para-
11 graph as in effect on the day before the date of
12 enactment of the 9/11 Responder and Survivor
13 Health Funding Correction Act of 2023;” and

14 (II) in subparagraph (B), by
15 striking “2017, \$15,000,000” and in-
16 sserting “2024, \$20,000,000”; and

17 (ii) in paragraph (5)—

18 (I) by amending subparagraph

19 (A) to read as follows:

20 “(A) for fiscal year 2023, the amount de-
21 termined for such fiscal year under this para-
22 graph as in effect on the day before the date of
23 enactment of the 9/11 Responder and Survivor
24 Health Funding Correction Act of 2023;”;

1 (II) by redesignating subpara-
2 graph (B) as subparagraph (C); and
3 (III) by inserting after subpara-
4 graph (A) the following:

5 “(B) for fiscal year 2024, the greater of—
6 “(i) the amount determined for such
7 fiscal year under this paragraph as in ef-
8 fect on the day before the date of enact-
9 ment of the 9/11 Responder and Survivor
10 Health Funding Correction Act of 2023; or
11 “(ii) \$20,000,000; and”.

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

17 **“SEC. 3353. SPECIAL FUND.**

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

23 “(b) AMOUNT.—Out of any money in the Treasury
24 not otherwise appropriated, there is appropriated for fiscal
25 year 2024 \$1,784,358,336 for deposit into the Special

1 Fund, which amounts shall remain available in such Fund
2 through fiscal year 2033.

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

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

15 **“SEC. 3354. PENTAGON/SHANKSVILLE FUND.**

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

23 “(b) AMOUNT.—Out of any money in the Treasury
24 not otherwise appropriated, there is appropriated for fiscal
25 year 2024 \$257,000,000 for deposit into the Pentagon/

1 Shanksville Fund, which amounts shall remain available
2 in such Fund through fiscal year 2033.

3 “(c) USES OF FUNDS.—

4 “(1) IN GENERAL.—Amounts deposited into the
5 Pentagon/Shanksville Fund under subsection (b)
6 shall be available, without further appropriation and
7 without regard to any spending limitation under sec-
8 tion 3351(c), to the WTC Program Administrator
9 for the purpose of carrying out section 3312 with re-
10 gard to WTC responders enrolled in the WTC Pro-
11 gram based on eligibility criteria described in sub-
12 clause (III) or (IV) of section 3311(a)(2)(C)(i).

13 “(2) LIMITATION ON OTHER FUNDING.—Not-
14 withstanding sections 3331(a), 3351(b)(1), 3352(c),
15 and 3353(c), and any other provision in this title,
16 for the period of fiscal years 2024 through 2033, no
17 amounts made available under this title other than
18 those amounts appropriated under subsection (b)
19 may be available for the purpose described in para-
20 graph (1).

21 “(d) REMAINING AMOUNTS.—Any amounts that re-
22 main in the Pentagon/Shanksville Fund on September 30,
23 2033, shall be deposited into the World Trade Center
24 Health Program Fund in accordance with section

1 3351(a)(6) and remain available in accordance with sec-
2 tion 3351(a)(5).”.

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

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

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

14 (C) in section 3331 (42 U.S.C. 300mm–
15 41)—

16 (i) in subsection (a), by striking “the
17 World Trade Center Health Program
18 Fund and the World Trade Center Health
19 Program Supplemental Fund” and insert-
20 ing “(as applicable) the Funds established
21 under sections 3351, 3352, 3353, and
22 3354”; and

23 (ii) in subsection (d)—

24 (I) in paragraph (1)(A), by in-
25 serting “or the World Trade Center

1 Health Program Special Fund under
2 section 3353” after “section 3351”;

3 (II) in paragraph (1)(B), by in-
4 serting “or the World Trade Center
5 Health Program Fund for Certain
6 WTC Responders at the Pentagon
7 and Shanksville, Pennsylvania under
8 section 3354” after “section 3352”;
9 and

10 (III) in paragraph (2), in the
11 flush text following subparagraph (C),
12 by inserting “or the World Trade
13 Center Health Program Fund for Cer-
14 tain WTC Responders at the Pen-
15 tagon and Shanksville, Pennsylvania
16 under section 3354” after “section
17 3352”; and

18 (D) in section 3351(b) (42 U.S.C.
19 300mm–61(b))—

20 (i) in paragraph (1), by striking “sub-
21 section (a)(2)” and inserting “paragraph
22 (2) or (6) of subsection (a)”;

23 (ii) in paragraph (2), by inserting “,
24 the World Trade Center Health Program
25 Special Fund under section 3353, or the

1 World Trade Center Health Program
2 Fund for Certain WTC Responders at the
3 Pentagon and Shanksville, Pennsylvania
4 under section 3354” before the period at
5 the end; and

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

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

17 (1) in paragraph (8), by striking
18 “\$1,525,000,000;” and inserting “\$700,000,000;”;

19 (2) in paragraph (9), by striking
20 “1,725,000,000; and” and inserting
21 “\$900,000,000;”

22 (3) by striking paragraph (10) and inserting
23 the following:

24 “(10) for fiscal year 2030, \$1,175,000,000;”;

25 and

- 1 (4) by adding at the end the following:
- 2 “(11) for fiscal year 2031, \$1,700,000,000; and
- 3 “(12) for fiscal year 2032 and each fiscal year
- 4 thereafter, \$2,000,000,000.”.

