

**(B) Report**

The report provided for in subparagraph (A)(ii) shall—

(i) include—

(I) a statement of the assets of, and the disbursements made from, the CLASS Independence Fund during the preceding fiscal year;

(II) an estimate of the expected income to, and disbursements to be made from, the CLASS Independence Fund during the current fiscal year and each of the next 2 fiscal years;

(III) a statement of the actuarial status of the CLASS Independence Fund for the current fiscal year, each of the next 2 fiscal years, and as projected over the 75-year period beginning with the current fiscal year; and

(IV) an actuarial opinion by the Chief Actuary of the Centers for Medicare & Medicaid Services certifying that the techniques and methodologies used are generally accepted within the actuarial profession and that the assumptions and cost estimates used are reasonable; and

(ii) be printed as a House document of the session of the Congress to which the report is made.

**(C) Recommendations**

If the Board of Trustees determines that enrollment trends and expected future benefit claims on the CLASS Independence Fund are not actuarially sound in regards to the projection under section 3001-2(b)(1)(B)(i) of this title and are unlikely to be resolved with reasonable premium increases or through other means, the Board of Trustees shall include in the report provided for in subparagraph (A)(ii) recommendations for such legislative action as the Board of Trustees determine<sup>2</sup> to be appropriate, including whether to adjust monthly premiums or impose a temporary moratorium on new enrollments.

(July 1, 1944, ch. 373, title XXXII, § 3206, as added Pub. L. 111-148, title VIII, § 8002(a)(1), Mar. 23, 2010, 124 Stat. 842.)

## REFERENCES IN TEXT

Section 1395t of this title, referred to in subsec. (b), was in the original “section 1841(d) of the Social Security Act”, and was translated as meaning section 1841 of act Aug. 14, 1935, ch. 531, to reflect the probable intent of Congress.

**§ 3001-6. CLASS Independence Advisory Council****(a) Establishment**

There is hereby created an Advisory Committee to be known as the “CLASS Independence Advisory Council”.

**(b) Membership****(1) In general**

The CLASS Independence Advisory Council shall be composed of not more than 15 individuals, not otherwise in the employ of the United States—

(A) who shall be appointed by the President without regard to the civil service laws and regulations; and

(B) a majority of whom shall be representatives of individuals who participate or are likely to participate in the CLASS program, and shall include representatives of older and younger workers, individuals with disabilities, family caregivers of individuals who require services and supports to maintain their independence at home or in another residential setting of their choice in the community,<sup>1</sup> individuals with expertise in long-term care or disability insurance, actuarial science, economics, and other relevant disciplines, as determined by the Secretary.

**(2) Terms****(A) In general**

The members of the CLASS Independence Advisory Council shall serve overlapping terms of 3 years (unless appointed to fill a vacancy occurring prior to the expiration of a term, in which case the individual shall serve for the remainder of the term).

**(B) Limitation**

A member shall not be eligible to serve for more than 2 consecutive terms.

**(3) Chair**

The President shall, from time to time, appoint one of the members of the CLASS Independence Advisory Council to serve as the Chair.

**(c) Duties**

The CLASS Independence Advisory Council shall advise the Secretary on matters of general policy in the administration of the CLASS program established under this subchapter and in the formulation of regulations under this subchapter including with respect to—

(1) the development of the CLASS Independence Benefit Plan under section 3001-2 of this title;

(2) the determination of monthly premiums under such plan; and

(3) the financial solvency of the program.

**(d) Application of FACA**

The Federal Advisory Committee Act (5 U.S.C. App.), other than section 14 of that Act, shall apply to the CLASS Independence Advisory Council.

**(e) Authorization of appropriations****(1) In general**

There are authorized to be appropriated to the CLASS Independence Advisory Council to carry out its duties under this section, such sums as may be necessary for fiscal year 2011 and for each fiscal year thereafter.

**(2) Availability**

Any sums appropriated under the authorization contained in this section shall remain available, without fiscal year limitation, until expended.

(July 1, 1944, ch. 373, title XXXII, § 3207, as added Pub. L. 111-148, title VIII, § 8002(a)(1), Mar. 23, 2010, 124 Stat. 844.)

<sup>2</sup> So in original. Probably should be “determines”.

<sup>1</sup> So in original. The word “and” probably should appear.

## REFERENCES IN TEXT

The Federal Advisory Committee Act, referred to in subsec. (d), is Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, which is set out in the Appendix to Title 5, Government Organization and Employees.

**§ 300I-7. Solvency and fiscal independence; regulations; annual report**

**(a) Solvency**

The Secretary shall regularly consult with the Board of Trustees of the CLASS Independence Fund and the CLASS Independence Advisory Council, for purposes of ensuring that enrollees<sup>1</sup> premiums are adequate to ensure the financial solvency of the CLASS program, both with respect to fiscal years occurring in the near-term and fiscal years occurring over 20- and 75-year periods, taking into account the projections required for such periods under subsections (a)(1)(A)(i) and (b)(1)(B)(i) of section 300I-2<sup>2</sup> of this title.

**(b) No taxpayer funds used to pay benefits**

No taxpayer funds shall be used for payment of benefits under a CLASS Independent Benefit Plan. For purposes of this subsection, the term “taxpayer funds” means any Federal funds from a source other than premiums deposited by CLASS program participants in the CLASS Independence Fund and any associated interest earnings.

**(c) Regulations**

The Secretary shall promulgate such regulations as are necessary to carry out the CLASS program in accordance with this subchapter. Such regulations shall include provisions to prevent fraud and abuse under the program.

**(d) Annual report**

Beginning January 1, 2014, the Secretary shall submit an annual report to Congress on the CLASS program. Each report shall include the following:

- (1) The total number of enrollees in the program.
- (2) The total number of eligible beneficiaries during the fiscal year.
- (3) The total amount of cash benefits provided during the fiscal year.
- (4) A description of instances of fraud or abuse identified during the fiscal year.
- (5) Recommendations for such administrative or legislative action as the Secretary determines is necessary to improve the program, ensure the solvency of the program, or to prevent the occurrence of fraud or abuse.

(July 1, 1944, ch. 373, title XXXII, § 3208, as added Pub. L. 111-148, title VIII, § 8002(a)(1), Mar. 23, 2010, 124 Stat. 845.)

## REFERENCES IN TEXT

Section 300I-2 of this title, referred to in subsec. (a), was in the original section “3202”, and was translated as meaning section 3203 of act July 1, 1944, to reflect the probable intent of Congress. Section 3202, which is classified to section 300I-1 of this title, does not contain a subsec. (a) or (b).

<sup>1</sup> So in original. Probably should be “enrollees”.

<sup>2</sup> See References in Text note below.

**§ 300I-8. Inspector General's report**

The Inspector General of the Department of Health and Human Services shall submit an annual report to the Secretary and Congress relating to the overall progress of the CLASS program and of the existence of waste, fraud, and abuse in the CLASS program. Each such report shall include findings in the following areas:

- (1) The eligibility determination process.
- (2) The provision of cash benefits.
- (3) Quality assurance and protection against waste, fraud, and abuse.
- (4) Recouping of unpaid and accrued benefits.

(July 1, 1944, ch. 373, title XXXII, § 3209, as added Pub. L. 111-148, title VIII, § 8002(a)(1), Mar. 23, 2010, 124 Stat. 845.)

**§ 300I-9. Tax treatment of program**

The CLASS program shall be treated for purposes of title 26 in the same manner as a qualified long-term care insurance contract for qualified long-term care services.

(July 1, 1944, ch. 373, title XXXII, § 3210, as added Pub. L. 111-148, title VIII, § 8002(a)(1), Mar. 23, 2010, 124 Stat. 846.)

SUBCHAPTER XXXI—WORLD TRADE CENTER HEALTH PROGRAM

PART A—ESTABLISHMENT OF PROGRAM; ADVISORY COMMITTEE

**§ 300mm. Establishment of World Trade Center Health Program**

**(a) In general**

There is hereby established within the Department of Health and Human Services a program to be known as the World Trade Center Health Program, which shall be administered by the WTC Program Administrator, to provide beginning on July 1, 2011—

- (1) medical monitoring and treatment benefits to eligible emergency responders and recovery and cleanup workers (including those who are Federal employees) who responded to the September 11, 2001, terrorist attacks; and
- (2) initial health evaluation, monitoring, and treatment benefits to residents and other building occupants and area workers in New York City who were directly impacted and adversely affected by such attacks.

**(b) Components of program**

The WTC Program includes the following components:

**(1) Medical monitoring for responders**

Medical monitoring under section 300mm-21 of this title, including clinical examinations and long-term health monitoring and analysis for enrolled WTC responders who were likely to have been exposed to airborne toxins that were released, or to other hazards, as a result of the September 11, 2001, terrorist attacks.

**(2) Initial health evaluation for survivors**

An initial health evaluation under section 300mm-31 of this title, including an evaluation to determine eligibility for followup monitoring and treatment.