

that such Clinical Center and Data Center serve the same population group.

(c) Payment for infrastructure costs

(1) In general

The WTC Program Administrator shall reimburse a Clinical Center of Excellence for the fixed infrastructure costs of such Center in carrying out the activities described in part B at a rate negotiated by the Administrator and such Centers. Such negotiated rate shall be fair and appropriate and take into account the number of enrolled WTC responders receiving services from such Center under this subchapter.

(2) Fixed infrastructure costs

For purposes of paragraph (1), the term “fixed infrastructure costs” means, with respect to a Clinical Center of Excellence, the costs incurred by such Center that are not otherwise reimbursable by the WTC Program Administrator under section 300mm-22(c) of this title for patient evaluation, monitoring, or treatment but which are needed to operate the WTC program such as the costs involved in outreach to participants or recruiting participants, data collection and analysis, social services for counseling patients on other available assistance outside the WTC program, and the development of treatment protocols. Such term does not include costs for new construction or other capital costs.

(d) GAO analysis

Not later than July 1, 2011, the Comptroller General shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate an analysis on whether Clinical Centers of Excellence with which the WTC Program Administrator enters into a contract under this section have financial systems that will allow for the timely submission of claims data for purposes of section 300mm-3 of this title and subsections (a)(1)(F) and (b)(1)(B)(iii).

(July 1, 1944, ch. 373, title XXXIII, §3305, as added Pub. L. 111-347, title I, §101, Jan. 2, 2011, 124 Stat. 3630; amended Pub. L. 114-113, div. O, title III, §302(c), Dec. 18, 2015, 129 Stat. 2998.)

REFERENCES IN TEXT

Section 300mm-1(b) of this title, referred to in subsec. (a)(2)(A)(v), was in the original “section 3002(b)” and was translated as meaning section 3302(b) of act July 1, 1944, to reflect the probable intent of Congress.

AMENDMENTS

2015—Subsec. (a)(1)(B). Pub. L. 114-113, §302(c)(1)(A), inserted “and retention” after “outreach”.

Subsec. (a)(2)(A)(iii). Pub. L. 114-113, §302(c)(1)(B), inserted “and retention” after “outreach”.

Subsec. (b)(1)(B)(vi). Pub. L. 114-113, §302(c)(2), substituted “section 300mm-3(d)” for “section 300mm-3(c)”.

§ 300mm-5. Definitions

In this subchapter:

(1) The term “aggravating” means, with respect to a health condition, a health condition that existed on September 11, 2001, and that,

as a result of exposure to airborne toxins, any other hazard, or any other adverse condition resulting from the September 11, 2001, terrorist attacks, requires medical treatment that is (or will be) in addition to, more frequent than, or of longer duration than the medical treatment that would have been required for such condition in the absence of such exposure.

(2) The term “certified-eligible WTC survivor” has the meaning given such term in section 300mm-31(a)(2) of this title.

(3) The terms “Clinical Center of Excellence” and “Data Center” have the meanings given such terms in section 300mm-4 of this title.

(4) The term “enrolled WTC responder” means a WTC responder enrolled under section 300mm-21(a)(3) of this title.

(5) The term “initial health evaluation” includes, with respect to an individual, a medical and exposure history, a physical examination, and additional medical testing as needed to evaluate whether the individual has a WTC-related health condition and is eligible for treatment under the WTC Program.

(6) The term “list of WTC-related health conditions” means—

(A) for WTC responders, the health conditions listed in section 300mm-22(a)(3) of this title; and

(B) for screening-eligible and certified-eligible WTC survivors, the health conditions listed in section 300mm-32(b) of this title.

(7) The term “New York City disaster area” means the area within New York City that is—

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

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

(8) The term “New York metropolitan area” means an area, specified by the WTC Program Administrator, within which WTC responders and eligible WTC screening-eligible survivors who reside in such area are reasonably able to access monitoring and treatment benefits and initial health evaluation benefits under this subchapter through a Clinical Center of Excellence described in subparagraphs (A), (B), or (C) of section 300mm-4(b)(1) of this title.

(9) The term “screening-eligible WTC survivor” has the meaning given such term in section 300mm-31(a)(1) of this title.

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

(11) The term “September 11, 2001, terrorist attacks” means the terrorist attacks that occurred on September 11, 2001, in New York City, in Shanksville, Pennsylvania, and at the Pentagon, and includes the aftermath of such attacks.

(12) The term “WTC Health Program Steering Committee” means such a Steering Committee established under section 300mm-1(b) of this title.

(13) The term “WTC Program” means the World Trade Center Health Program established under section 300mm(a) of this title.

(14)(A) The term “WTC Program Administrator” means—

(i) subject to subparagraph (B), with respect to paragraphs (3) and (4) of section 300mm-21(a) of this title (relating to enrollment of WTC responders), section 300mm-22(c) of this title and the corresponding provisions of section 300mm-32 of this title (relating to payment for initial health evaluation, monitoring, and treatment,¹ paragraphs (1)(C), (2)(B), and (3) of section 300mm-31(a) of this title (relating to determination or certification of screening-eligible or certified-eligible WTC responders), and subpart 3 of part B (relating to payor provisions), an official in the Department of Health and Human Services, to be designated by the Secretary; and

(ii) with respect to any other provision of this subchapter, the Director of the National Institute for Occupational Safety and Health, or a designee of such Director.

(B) In no case may the Secretary designate under subparagraph (A)(i) the Director of the National Institute for Occupational Safety and Health or a designee of such Director with respect to section 300mm-32 of this title (relating to payment for initial health evaluation, monitoring, and treatment).

(15) The term “WTC-related health condition” is defined in section 300mm-22(a) of this title.

(16) The term “WTC responder” is defined in section 300mm-21(a) of this title.

(17) The term “WTC Scientific/Technical Advisory Committee” means such Committee established under section 300mm-1(a) of this title.

(July 1, 1944, ch. 373, title XXXIII, §3306, as added Pub. L. 111-347, title I, §101, Jan. 2, 2011, 124 Stat. 3633.)

PART B—PROGRAM OF MONITORING, INITIAL HEALTH EVALUATIONS, AND TREATMENT

SUBPART 1—WTC RESPONDERS

§ 300mm-21. Identification of WTC responders and provision of WTC-related monitoring services

(a) WTC responder defined

(1) In general

For purposes of this subchapter, the term “WTC responder” means any of the following individuals, subject to paragraph (4):

(A) Currently identified responder

An individual who has been identified as eligible for monitoring under the arrangements as in effect on January 2, 2011, between the National Institute for Occupational Safety and Health and—

(i) the consortium coordinated by Mt. Sinai Hospital in New York City that coordinates the monitoring and treatment for enrolled WTC responders other than with respect to those covered under the ar-

range ment with the Fire Department of New York City; or

(ii) the Fire Department of New York City.

(B) Responder who meets current eligibility criteria

An individual who meets the current eligibility criteria described in paragraph (2).

(C) Responder who meets modified eligibility criteria

An individual who—

(i) performed rescue, recovery, demolition, debris cleanup, or other related services in the New York City disaster area in response to the September 11, 2001, terrorist attacks, regardless of whether such services were performed by a State or Federal employee or member of the National Guard or otherwise; and

(ii) meets such eligibility criteria relating to exposure to airborne toxins, other hazards, or adverse conditions resulting from the September 11, 2001, terrorist attacks as the WTC Program Administrator, after consultation with the WTC Scientific/Technical Advisory Committee, determines appropriate.

The WTC Program Administrator shall not modify such eligibility criteria on or after the date that the number of enrollments of WTC responders has reached 80 percent of the limit described in paragraph (4) or on or after the date that the number of certifications for certified-eligible WTC survivors under section 300mm-31(a)(2)(B) of this title has reached 80 percent of the limit described in section 300mm-31(a)(3) of this title.

(2) Current eligibility criteria

The eligibility criteria described in this paragraph for an individual is that the individual is described in any of the following categories:

(A) Firefighters and related personnel

The individual—

(i) was a member of the Fire Department of New York City (whether fire or emergency personnel, active or retired) who participated at least one day in the rescue and recovery effort at any of the former World Trade Center sites (including Ground Zero, Staten Island Landfill, and the New York City Chief Medical Examiner’s Office) for any time during the period beginning on September 11, 2001, and ending on July 31, 2002; or

(ii)(I) is a surviving immediate family member of an individual who was a member of the Fire Department of New York City (whether fire or emergency personnel, active or retired) and was killed at the World Trade site on September 11, 2001; and

(II) received any treatment for a WTC-related health condition described in section 300mm-22(a)(1)(A)(ii) of this title (relating to mental health conditions) on or before September 1, 2008.

¹So in original. A closing parenthesis probably should precede the comma.