

1 **TITLE III—JAMES ZADROGA 9/11**
2 **HEALTH AND COMPENSATION**
3 **REAUTHORIZATION ACT**

4 **SEC. 301. SHORT TITLE.**

5 This title may be cited as the “James Zadroga 9/11
6 Health and Compensation Reauthorization Act”.

7 **SEC. 302. REAUTHORIZING THE WORLD TRADE CENTER**
8 **HEALTH PROGRAM.**

9 (a) **WORLD TRADE CENTER HEALTH PROGRAM**
10 **FUND.**—Section 3351 of the Public Health Service Act
11 (42 U.S.C. 300mm–61) is amended—

12 (1) in subsection (a)—

13 (A) in paragraph (2)—

14 (i) in the matter preceding subpara-
15 graph (A), by striking “each of fiscal years
16 2012” and all that follows through
17 “2011)” and inserting “fiscal year 2016
18 and each subsequent fiscal year through
19 fiscal year 2090”; and

20 (ii) by striking subparagraph (A) and
21 inserting the following:

22 “(A) the Federal share, consisting of an
23 amount equal to—

24 “(i) for fiscal year 2016,
25 \$330,000,000;

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1 “(ii) for fiscal year 2017,
2 \$345,610,000;
3 “(iii) for fiscal year 2018,
4 \$380,000,000;
5 “(iv) for fiscal year 2019,
6 \$440,000,000;
7 “(v) for fiscal year 2020,
8 \$485,000,000;
9 “(vi) for fiscal year 2021,
10 \$501,000,000;
11 “(vii) for fiscal year 2022,
12 \$518,000,000;
13 “(viii) for fiscal year 2023,
14 \$535,000,000;
15 “(ix) for fiscal year 2024,
16 \$552,000,000;
17 “(x) for fiscal year 2025,
18 \$570,000,000; and
19 “(xi) for each subsequent fiscal year
20 through fiscal year 2090, the amount spec-
21 ified under this subparagraph for the pre-
22 vious fiscal year increased by the percent-
23 age increase in the consumer price index
24 for all urban consumers (all items; United
25 States city average) as estimated by the

1 Secretary for the 12-month period ending
2 with March of the previous year; plus”;
3 and

4 (B) by striking paragraph (4) and insert-
5 ing the following:

6 “(4) AMOUNTS FROM PRIOR FISCAL YEARS.—

7 Amounts that were deposited, or identified for de-
8 posit, into the Fund for any fiscal year under para-
9 graph (2), as such paragraph was in effect on the
10 day before the date of enactment of the James
11 Zadroga 9/11 Health and Compensation Reauthor-
12 ization Act, that were not expended in carrying out
13 this title for any such fiscal year, shall remain de-
14 posited, or be deposited, as the case may be, into the
15 Fund.

16 “(5) AMOUNTS TO REMAIN AVAILABLE UNTIL
17 EXPENDED.—Amounts deposited into the Fund
18 under this subsection, including amounts deposited
19 under paragraph (2) as in effect on the day before
20 the date of enactment of the James Zadroga 9/11
21 Health and Compensation Reauthorization Act, for a
22 fiscal year shall remain available, for the purposes
23 described in this title, until expended for such fiscal
24 year and any subsequent fiscal year through fiscal
25 year 2090.”;

1 (2) in subsection (b)(1), by striking “sections
2 3302(a)” and all that follows through “3342” and
3 inserting “sections 3301(e), 3301(f), 3302(a),
4 3302(b), 3303, 3304, 3305(a)(1), 3305(a)(2),
5 3305(c), 3341, and 3342”; and

6 (3) in subsection (c)—

7 (A) in paragraph (1)—

8 (i) by striking subparagraph (B);

9 (ii) by redesignating subparagraph
10 (C) as subparagraph (B); and

11 (iii) by amending subparagraph (A) to
12 read as follows:

13 “(A) for fiscal year 2016, the amount de-
14 termined for such fiscal year under subpara-
15 graph (C) as in effect on the day before the
16 date of enactment of the James Zadroga 9/11
17 Health and Compensation Reauthorization Act;
18 and”;

19 (B) in paragraph (2)—

20 (i) by amending subparagraph (A) to
21 read as follows:

22 “(A) for fiscal year 2016, \$200,000;”;

23 (ii) by striking subparagraph (B); and

24 (iii) by redesignating subparagraph
25 (C) as subparagraph (B);

1 (C) in paragraph (3), by striking “section
2 3303” and all that follows and inserting “sec-
3 tion 3303, for fiscal year 2016 and each subse-
4 quent fiscal year, \$750,000.”;

5 (D) in paragraph (4), by striking subpara-
6 graphs (A) and (B) and inserting the following:

7 “(A) for fiscal year 2016, the amount de-
8 termined for such fiscal year under subpara-
9 graph (C) as in effect on the day before the
10 date of enactment of the James Zadroga 9/11
11 Health and Compensation Reauthorization Act;

12 “(B) for fiscal year 2017, \$15,000,000;
13 and”;

14 (E) in paragraph (5)—

15 (i) by striking subparagraph (B);

16 (ii) by redesignating subparagraph
17 (C) as subparagraph (B); and

18 (iii) by amending subparagraph (A) to
19 read as follows:

20 “(A) for fiscal year 2016, the amount de-
21 termined for such fiscal year under subpara-
22 graph (C) as in effect on the day before the
23 date of enactment of the James Zadroga 9/11
24 Health and Compensation Reauthorization Act;
25 and”;

1 (F) in paragraph (6)—
2 (i) by striking subparagraph (B);
3 (ii) by redesignating subparagraph
4 (C) as subparagraph (B); and
5 (iii) by amending subparagraph (A) to
6 read as follows:

7 “(A) for fiscal year 2016, the amount de-
8 termined for such fiscal year under subpara-
9 graph (C) as in effect on the day before the
10 date of enactment of the James Zadroga 9/11
11 Health and Compensation Reauthorization Act;
12 and”.

13 (b) GAO STUDIES; REGULATIONS; TERMINATION.—
14 Section 3301 of the Public Health Service Act (42 U.S.C.
15 300mm) is amended by adding at the end the following:

16 “(i) GAO STUDIES.—
17 “(1) REPORT.—Not later than 18 months after
18 the date of the enactment of the James Zadroga 9/
19 11 Health and Compensation Reauthorization Act,
20 the Comptroller General of the United States shall
21 submit to the Committee on Energy and Commerce
22 of the House of Representatives and the Committee
23 on Health, Education, Labor, and Pensions of the
24 Senate a report that assesses, with respect to the

1 WTC Program, the effectiveness of each of the fol-
2 lowing:

3 “(A) The quality assurance program devel-
4 oped and implemented under subsection (e).

5 “(B) The procedures for providing certifi-
6 cations of coverage of conditions as WTC-re-
7 lated health conditions for enrolled WTC re-
8 sponders under section 3312(b)(2)(B)(iii) and
9 for screening-eligible WTC survivors and cer-
10 tified-eligible WTC survivors under such section
11 as applied under section 3322(a).

12 “(C) Any action under the WTC Program
13 to ensure appropriate payment (including the
14 avoidance of improper payments), including de-
15 termining the extent to which individuals en-
16 rolled in the WTC Program are eligible for
17 workers compensation or sources of health cov-
18 erage, ascertaining the liability of such com-
19 pensation or sources of health coverage, and
20 making recommendations for ensuring effective
21 and efficient coordination of benefits for indi-
22 viduals enrolled in the WTC Program that does
23 not place an undue burden on such individuals.

24 “(2) SUBSEQUENT ASSESSMENTS.—Not later
25 than 6 years and 6 months after the date of enact-

1 ment of the James Zadroga 9/11 Health and Com-
2 pensation Reauthorization Act, and every 5 years
3 thereafter through fiscal year 2042, the Comptroller
4 General of the United States shall—

5 “(A) consult the Committee on Energy and
6 Commerce of the House of Representatives and
7 the Committee on Health, Education, Labor,
8 and Pensions of the Senate on the objectives in
9 assessing the WTC Program; and

10 “(B) prepare and submit to such Commit-
11 tees a report that assesses the WTC Program
12 for the applicable reporting period, including
13 the objectives described in subparagraph (A).

14 “(j) **REGULATIONS.—The WTC Program Adminis-**
15 **trator is authorized to promulgate such regulations as the**
16 **Administrator determines necessary to administer this**
17 **title.**

18 “(k) **TERMINATION.—The WTC Program shall ter-**
19 **minate on October 1, 2090.”.**

20 (c) **CLINICAL CENTERS OF EXCELLENCE AND DATA**
21 **CENTERS.—Section 3305 of the Public Health Service Act**
22 **(42 U.S.C. 300mm–4) is amended—**

23 (1) in subsection (a)—

24 (A) in paragraph (1)(B), by inserting “and
25 retention” after “outreach”; and

1 (B) in paragraph (2)(A)(iii), by inserting
2 “and retention” after “outreach”; and
3 (2) in subsection (b)(1)(B)(vi), by striking “sec-
4 tion 3304(c)” and inserting “section 3304(d)”.

5 (d) WORLD TRADE CENTER RESPONDERS.—Section
6 3311(a)(4)(B)(i)(II) of the Public Health Service Act (42
7 U.S.C. 300mm–21(a)(4)(B)(i)(II)) is amended by striking
8 “through the end of fiscal year 2020”.

9 (e) ADDITIONS TO LIST OF HEALTH CONDITIONS
10 FOR WTC RESPONDERS.—

11 (1) EXPANDING TIME FOR ACTIONS BY ADMIN-
12 STRATOR AND BY ADVISORY COMMITTEE.—Section
13 3312(a)(6) of the Public Health Service Act (42
14 U.S.C. 300mm–22(a)(6)) is amended—

15 (A) in subparagraph (B), in the matter
16 preceding clause (i), by striking “60 days” and
17 inserting “90 days”; and

18 (B) in subparagraph (C), by striking “60
19 days” each place such term appears and insert-
20 ing “90 days”.

21 (2) PEER REVIEW FOR DECISIONS; ENHANCED
22 ROLE OF ADVISORY COMMITTEE.—Section
23 3312(a)(6) of the Public Health Service Act (42
24 U.S.C. 300mm–22(a)(6)), as amended by paragraph

1 (1), is further amended by adding at the end the fol-
2 lowing:

3 “(F) INDEPENDENT PEER REVIEWS.—
4 Prior to issuing a final rule to add a health
5 condition to the list in paragraph (3), the WTC
6 Program Administrator shall provide for an
7 independent peer review of the scientific and
8 technical evidence that would be the basis for
9 issuing such final rule.

10 “(G) ADDITIONAL ADVISORY COMMITTEE
11 RECOMMENDATIONS.—

12 “(i) PROGRAM POLICIES.—

13 “(I) EXISTING POLICIES.—Not
14 later than 1 year after the date of en-
15 actment of the James Zadroga 9/11
16 Health and Compensation Reauthor-
17 ization Act, the WTC Program Ad-
18 ministrator shall request the Advisory
19 Committee to review and evaluate the
20 policies and procedures, in effect at
21 the time of the review and evaluation,
22 that are used to determine whether
23 sufficient evidence exists to support
24 adding a health condition to the list in
25 paragraph (3).

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1 “(II) SUBSEQUENT POLICIES.—

2 Prior to establishing any substantive
3 new policy or procedure used to make
4 the determination described in sub-
5 clause (I) or prior to making any sub-
6 stantive amendment to any policy or
7 procedure described in such subclause,
8 the WTC Program Administrator
9 shall request the Advisory Committee
10 to review and evaluate such sub-
11 stantive policy, procedure, or amend-
12 ment.

13 “(ii) IDENTIFICATION OF INDIVID-
14 UALS CONDUCTING INDEPENDENT PEER
15 REVIEWS.—Not later than 1 year after the
16 date of enactment of the James Zadroga 9/
17 11 Health and Compensation Reauthoriza-
18 tion Act and not less than every 2 years
19 thereafter, the WTC Program Adminis-
20 trator shall seek recommendations from
21 the Advisory Committee regarding the
22 identification of individuals to conduct the
23 independent peer reviews under subpara-
24 graph (F).”.

1 (f) WORLD TRADE CENTER SURVIVORS.—Section
2 3321(a)(3)(B)(i)(II) of the Public Health Service Act (42
3 U.S.C. 300mm–31(a)(3)(B)(i)(II)) is amended by striking
4 “through the end of fiscal year 2020”.

5 (g) PAYMENT OF CLAIMS.—Section 3331(d)(1)(B) of
6 the Public Health Service Act (42 U.S.C. 300mm–
7 41(d)(1)(B)) is amended—

8 (1) by striking “the last calendar quarter” and
9 all that follows through “2015” and inserting “each
10 calendar quarter of fiscal year 2016 and of each
11 subsequent fiscal year through fiscal year 2090,”;
12 and

13 (2) by striking “and with respect to calendar
14 quarters in fiscal year 2016” and all that follows
15 and inserting a period.

16 (h) WORLD TRADE CENTER HEALTH REGISTRY.—
17 Section 3342 of the Public Health Service Act (42 U.S.C.
18 300mm–52) is amended by striking “April 20, 2009” and
19 inserting “January 1, 2015”.

20 **TITLE IV—JAMES ZADROGA 9/11**

21 **VICTIM COMPENSATION**

22 **FUND REAUTHORIZATION**

23 **SEC. 401. SHORT TITLE.**

24 This title may be cited as the “James Zadroga 9/11
25 Victim Compensation Fund Reauthorization Act”.

1 **SEC. 402. REAUTHORIZING THE SEPTEMBER 11TH VICTIM**

2 **COMPENSATION FUND OF 2001.**

3 (a) DEFINITIONS.—Section 402 of the Air Transpor-
4 tation Safety and System Stabilization Act (49 U.S.C.
5 40101 note) is amended—

6 (1) in paragraph (9)—

7 (A) by striking “medical expense loss,”;

8 and

9 (B) by striking “and loss of business or
10 employment opportunities” and inserting “loss
11 of business or employment opportunities, and
12 past out-of-pocket medical expense loss but not
13 future medical expense loss”;

14 (2) by redesignating paragraph (14) as para-
15 graph (16);

16 (3) by inserting after paragraph (13), the fol-
17 lowing:

18 “(14) WTC PROGRAM ADMINISTRATOR.—The
19 term ‘WTC Program Administrator’ has the mean-
20 ing given such term in section 3306 of the Public
21 Health Service Act (42 U.S.C. 300mm–5).

22 “(15) WTC-RELATED PHYSICAL HEALTH CON-
23 DITION.—The term ‘WTC-related physical health
24 condition’—

25 “(A) means, subject to subparagraph (B),
26 a WTC-related health condition as defined by

1 section 3312(a) of the Public Health Service
2 Act (42 U.S.C. 300mm-22(a)), including the
3 conditions listed in section 3322(b) of such Act
4 (42 U.S.C. 300mm-32(b)); and

5 “(B) does not include—

6 “(i) a mental health condition de-
7 scribed in paragraph (1)(A)(ii) or (3)(B)
8 of section 3312(a) of such Act (42 U.S.C.
9 300mm-22(a));

10 “(ii) any mental health condition cer-
11 tified under section 3312(b)(2)(B)(iii) of
12 such Act (42 U.S.C. 300mm-
13 22(b)(2)(B)(iii)) (including such certifi-
14 cation as applied under section 3322(a) of
15 such Act (42 U.S.C. 300mm-32(a));

16 “(iii) a mental health condition de-
17 scribed in section 3322(b)(2) of such Act
18 (42 U.S.C. 300mm-32(b)(2)); or

19 “(iv) any other mental health condi-
20 tion.”; and

21 (4) in paragraph (16), as redesignated by para-
22 graph (2), by striking subparagraph (C) and insert-
23 ing the following:

24 “(C) the area in Manhattan that is south
25 of the line that runs along Canal Street from

1 the Hudson River to the intersection of Canal
2 Street and East Broadway, north on East
3 Broadway to Clinton Street, and east on Clin-
4 ton Street to the East River;”.

5 (b) PURPOSE.—Section 403 of the Air Transpor-
6 tation Safety and System Stabilization Act (49 U.S.C.
7 40101 note) is amended—

8 (1) by inserting “full” before “compensation”;
9 and

10 (2) by inserting “, or the rescue and recovery
11 efforts during the immediate aftermath of such
12 crashes” before the period.

13 (c) ELIGIBILITY REQUIREMENTS FOR FILING
14 CLAIMS.—Section 405 of the Air Transportation Safety
15 and System Stabilization Act (49 U.S.C. 40101 note) is
16 amended—

17 (1) in subsection (a)(3)—

18 (A) by striking subparagraph (B) and in-
19 serting the following:

20 “(B) EXCEPTION.—A claim may be filed
21 under paragraph (1), in accordance with sub-
22 section (c)(3)(A)(i), by an individual (or by a
23 personal representative on behalf of a deceased
24 individual) during the period beginning on the
25 date on which the regulations are updated

1 under section 407(b)(1) and ending on the date
2 that is 5 years after the date of enactment of
3 the James Zadroga 9/11 Victim Compensation
4 Fund Reauthorization Act.

5 **“(C) SPECIAL MASTER DETERMINATION.—**

6 “(i) IN GENERAL.—For claims filed
7 under this title during the period described
8 in subparagraph (B), the Special Master
9 shall establish a system for determining
10 whether, for purposes of this title, the
11 claim is—

12 **“(I) a claim in Group A, as de-**

13 **scribed in clause (ii); or**

14 **“(II) a claim in Group B, as de-**

15 **scribed in clause (iii).**

16 **“(ii) GROUP A CLAIMS.—**A claim

17 under this title is a claim in Group A if—

18 **“(I) the claim is filed under this**

19 **title during the period described in**
20 **subparagraph (B); and**

21 **“(II) on or before the day before**

22 **the date of enactment of the James**
23 **Zadroga 9/11 Victim Compensation**
24 **Fund Reauthorization Act, the Special**
25 **Master postmarks and transmits a**

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1 final award determination to the
2 claimant filing such claim.

3 **“(iii) GROUP B CLAIMS.**—A claim
4 under this title is a claim in Group B if
5 the claim—

6 “(I) is filed under this title dur-
7 ing the period described in subpara-
8 graph (B); and

9 “(II) is not a claim described in
10 clause (ii).

11 **“(iv) DEFINITION OF FINAL AWARD**
12 **DETERMINATION.**—For purposes of this
13 subparagraph, the term ‘final award deter-
14 mination’ means a letter from the Special
15 Master indicating the total amount of com-
16 pensation to which a claimant is entitled
17 for a claim under this title without regard
18 to the limitation under the second sentence
19 of section 406(d)(1), as such section was
20 in effect on the day before the date of en-
21 actment of the James Zadroga 9/11 Victim
22 Compensation Fund Reauthorization
23 Act.”;

24 (2) in subsection (b)—

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1 (A) in paragraph (1)(B)(ii), by inserting
2 “subject to paragraph (7),” before “the
3 amount”;

4 (B) in paragraph (6)—

5 (i) by striking “The Special Master”
6 and inserting the following:

7 “(A) IN GENERAL.—The Special Master”;

8 and

9 (ii) by adding at the end the fol-
10 lowing:

11 “(B) GROUP B CLAIMS.—Notwithstanding
12 any other provision of this title, in the case of
13 a claim in Group B as described in subsection
14 (a)(3)(C)(iii), a claimant filing such claim shall
15 receive an amount of compensation under this
16 title for such claim that is not greater than the
17 amount determined under paragraph (1)(B)(ii)
18 less the amount of any collateral source com-
19 pensation that such claimant has received or is
20 entitled to receive for such claim as a result of
21 the terrorist-related aircraft crashes of Sep-
22 tember 11, 2001.”; and

23 (C) by adding at the end the following:

24 “(7) LIMITATIONS FOR GROUP B CLAIMS.—

1 “(A) NONECONOMIC LOSSES.—With re-
2 spect to a claim in Group B as described in
3 subsection (a)(3)(C)(iii), the total amount of
4 compensation to which a claimant filing such
5 claim is entitled to receive for such claim under
6 this title on account of any noneconomic loss—

7 “(i) that results from any type of can-
8 cer shall not exceed \$250,000; and

9 “(ii) that does not result from any
10 type of cancer shall not exceed \$90,000.

11 “(B) DETERMINATION OF ECONOMIC
12 LOSS.—

13 “(i) IN GENERAL.—Subject to the
14 limitation described in clause (ii) and with
15 respect to a claim in Group B as described
16 in subsection (a)(3)(C)(iii), the Special
17 Master shall, for purposes of calculating
18 the amount of compensation to which a
19 claimant is entitled under this title for
20 such claim on account of any economic
21 loss, determine the loss of earnings or
22 other benefits related to employment by
23 using the applicable methodology described
24 in section 104.43 or 104.45 of title 28,
25 Code of Federal Regulations, as such Code

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1 was in effect on the day before the date of
2 enactment of the James Zadroga 9/11 Vic-
3 tim Compensation Fund Reauthorization
4 Act.

5 “(ii) ANNUAL GROSS INCOME LIMITA-
6 TION.—In considering annual gross income
7 under clause (i) for the purposes described
8 in such clause, the Special Master shall,
9 for each year of any loss of earnings or
10 other benefits related to employment, limit
11 the annual gross income of the claimant
12 (or decedent in the case of a personal rep-
13 resentative) for each such year to an
14 amount that is not greater than \$200,000.

15 “(C) GROSS INCOME DEFINED.—For pur-
16 poses of this paragraph, the term ‘gross income’
17 has the meaning given such term in section 61
18 of the Internal Revenue Code of 1986.”; and
19 (3) in subsection (c)(3)—

20 (A) in subparagraph (A)—

21 (i) in clause (ii), in the matter pre-
22 ceding subclause (I), by striking “An indi-
23 vidual” and inserting “Except with respect
24 to claims in Group B as described in sub-
25 section (a)(3)(C)(iii), an individual”;

1 (ii) in clause (iii), by striking “section
2 407(a)” and inserting “section 407(b)(1)”;
3 and

4 (iii) by adding at the end the fol-
5 lowing:

6 “(iv) GROUP B CLAIMS.—

7 (I) IN GENERAL.—Subject to
8 subclause (II), an individual filing a
9 claim in Group B as described in sub-
10 section (a)(3)(C)(iii) may be eligible
11 for compensation under this title only
12 if the Special Master, with assistance
13 from the WTC Program Adminis-
14 trator as necessary, determines based
15 on the evidence presented that the in-
16 dividual has a WTC-related physical
17 health condition, as defined by section
18 402 of this Act.

19 “(II) PERSONAL REPRESENTA-
20 TIVES.—An individual filing a claim
21 in Group B, as described in subsection
22 (a)(3)(C)(iii), who is a personal rep-
23 resentative described in paragraph
24 (2)(C) may be eligible for compensa-
25 tion under this title only if the Special

1 Master, with assistance from the
2 WTC Program Administrator as nec-
3 essary, determines based on the evi-
4 dence presented that the applicable
5 decedent suffered from a condition
6 that was, or would have been deter-
7 mined to be, a WTC-related physical
8 health condition, as defined by section
9 402 of this Act.”; and

10 (B) in subparagraph (C)(ii)(II), by striking
11 “section 407(b)” and inserting “section
12 407(b)(1)”.

13 **(d) PAYMENTS TO ELIGIBLE INDIVIDUALS.**—Section
14 406 of the Air Transportation Safety and System Sta-
15 bilization Act (49 U.S.C. 40101 note) is amended—

16 (1) in subsection (b), by striking “This title”
17 and inserting “For the purpose of providing com-
18 pensation for claims in Group A as described in sec-
19 tion 405(a)(3)(C)(ii), this title”; and

20 (2) by amending subsection (d) to read as fol-
21 lows:

22 **“(d) LIMITATIONS.—**

23 **“(1) GROUP A CLAIMS.—**

24 **“(A) IN GENERAL.—**The total amount of
25 Federal funds paid for compensation under this

1 title, with respect to claims in Group A as de-
2 scribed in section 405(a)(3)(C)(ii), shall not ex-
3 ceed \$2,775,000,000.

4 **“(B) REMAINDER OF CLAIM AMOUNTS.—**

5 In the case of a claim in Group A as described
6 in section 405(a)(3)(C)(ii) and for which the
7 Special Master has ratably reduced the amount
8 of compensation for such claim pursuant to
9 paragraph (2) of this subsection, as this sub-
10 section was in effect on the day before the date
11 of enactment of the James Zadroga 9/11 Victim
12 Compensation Fund Reauthorization Act, **the**
13 **Special Master shall, as soon as practicable**
14 **after the date of enactment of such Act, author-**
15 **ize payment of the amount of compensation**
16 **that is equal to the difference between—**

17 **“(i) the amount of compensation that**
18 **the claimant would have been paid under**
19 **this title for such claim without regard to**
20 **the limitation under the second sentence of**
21 **paragraph (1) of this subsection, as this**
22 **subsection was in effect on the day before**
23 **the date of enactment of the James**
24 **Zadroga 9/11 Victim Compensation Fund**
25 **Reauthorization Act; and**

1 “(ii) the amount of compensation the
2 claimant was paid under this title for such
3 claim prior to the date of enactment of
4 such Act.

5 “(2) GROUP B CLAIMS.—

6 “(A) IN GENERAL.—The total amount of
7 Federal funds paid for compensation under this
8 title, with respect to claims in Group B as de-
9 scribed in section 405(a)(3)(C)(iii), shall not ex-
10 ceed the amount of funds deposited into the
11 Victims Compensation Fund under section 410.

12 “(B) PAYMENT SYSTEM.—The Special
13 Master shall establish a system for providing
14 compensation for claims in Group B as de-
15 scribed in section 405(a)(3)(C)(iii) in accord-
16 ance with this subsection and section 405(b)(7).

17 “(C) DEVELOPMENT OF AGENCY POLICIES
18 AND PROCEDURES.—

19 “(i) DEVELOPMENT.—

20 “(I) IN GENERAL.—Not later
21 than 30 days after the date of enact-
22 ment of the James Zadroga 9/11 Vic-
23 tim Compensation Fund Reauthoriza-
24 tion Act, the Special Master shall de-
25 velop agency policies and procedures

1 that meet the requirements under
2 subclauses (II) and (III) for providing
3 compensation for claims in Group B
4 as described in section
5 405(a)(3)(C)(iii), including policies
6 and procedures for presumptive award
7 schedules, administrative expenses,
8 and related internal memoranda.

9 “(II) LIMITATION.—The policies
10 and procedures developed under sub-
11 clause (I) shall ensure that total ex-
12 penditures, including administrative
13 expenses, in providing compensation
14 for claims in Group B, as described in
15 section 405(a)(3)(C)(iii), do not ex-
16 ceed the amount of funds deposited
17 into the Victims Compensation Fund
18 under section 410.

19 “(III) PRIORITIZATION.—The
20 policies and procedures developed
21 under subclause (I) shall prioritize
22 claims for claimants who are deter-
23 mined by the Special Master as suf-
24 fering from the most debilitating
25 physical conditions to ensure, for pur-

1 poses of equity, that such claimants
2 are not unduly burdened by such poli-
3 cies or procedures.

4 “(ii) REASSESSMENT.—Beginning 1
5 year after the date of enactment of the
6 James Zadroga 9/11 Victim Compensation
7 Fund Reauthorization Act, and each year
8 thereafter until the Victims Compensation
9 Fund is permanently closed under section
10 410(e), the Special Master shall conduct a
11 reassessment of the agency policies and
12 procedures developed under clause (i) to
13 ensure that such policies and procedures
14 continue to satisfy the requirements under
15 subclauses (II) and (III) of such clause. If
16 the Special Master determines, upon reas-
17 sessment, that such agency policies or pro-
18 cedures do not achieve the requirements of
19 such subclauses, the Special Master shall
20 take additional actions or make such modi-
21 fications as necessary to achieve such re-
22 quirements.”.

23 (e) REGULATIONS.—Section 407(b) of the Air Trans-
24 portation Safety and System Stabilization Act (49 U.S.C.
25 40101 note) is amended—

1 (1) by striking “Not later than” and inserting
2 the following:

3 “(1) JAMES ZADROGA 9/11 HEALTH AND COM-
4 PENSATION ACT OF 2010.—Not later than”;

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

6 “(2) JAMES ZADROGA 9/11 VICTIM COMPENSA-
7 TION FUND REAUTHORIZATION ACT.—Not later than
8 180 days after the date of enactment of the James
9 Zadroga 9/11 Victim Compensation Fund Reauthor-
10 ization Act, the Special Master shall update the reg-
11 ulations promulgated under subsection (a), and up-
12 dated under paragraph (1), to the extent necessary
13 to comply with the amendments made by such Act.”.

14 (f) VICTIMS COMPENSATION FUND.—Title IV of the
15 Air Transportation Safety and System Stabilization Act
16 (49 U.S.C. 40101 note) is amended by adding at the end
17 the following:

18 **“SEC. 410. VICTIMS COMPENSATION FUND.**

19 “(a) IN GENERAL.—There is established in the
20 Treasury of the United States a fund to be known as the
21 ‘Victims Compensation Fund’, consisting of amounts de-
22 posited into such fund under subsection (b).

23 “(b) DEPOSITS INTO FUND.—There shall be depos-
24 ited into the Victims Compensation Fund each of the fol-
25 lowing:

1 “(1) Effective on the day after the date on
2 which all claimants who file a claim in Group A, as
3 described in section 405(a)(3)(C)(ii), have received
4 the full compensation due such claimants under this
5 title for such claim, any amounts remaining from
6 the total amount made available under section 406
7 to compensate claims in Group A as described in
8 section 405(a)(3)(C)(ii).

9 “(2) The amount appropriated under subsection
10 (c).

11 “(c) APPROPRIATIONS.—There is appropriated, out
12 of any money in the Treasury not otherwise appropriated,
13 \$4,600,000,000 for fiscal year 2017, to remain available
14 until expended, to provide compensation for claims in
15 Group B as described in section 405(a)(3)(C)(iii).

16 “(d) AVAILABILITY OF FUNDS.—Amounts deposited
17 into the Victims Compensation Fund shall be available,
18 without further appropriation, to the Special Master to
19 provide compensation for claims in Group B as described
20 in section 405(a)(3)(C)(iii).

21 “(e) TERMINATION.—Upon completion of all pay-
22 ments under this title, the Victims Compensation Fund
23 shall be permanently closed.”.

24 (g) 9-11 RESPONSE AND BIOMETRIC ENTRY-EXIT
25 FEE.—Title IV of the Air Transportation Safety and Sys-

1 tem Stabilization Act (49 U.S.C. 40101 note), as amended
2 by subsection (f), is further amended by adding at the end
3 the following:

4 **“SEC. 411. 9-11 RESPONSE AND BIOMETRIC ENTRY-EXIT**
5 **FEE.**

6 “(a) TEMPORARY L-1 VISA FEE INCREASE.—Not-
7 withstanding section 281 of the Immigration and Nation-
8 ality Act (8 U.S.C. 1351) or any other provision of law,
9 during the period beginning on the date of the enactment
10 of this section and ending on September 30, 2025, the
11 combined filing fee and fraud prevention and detection fee
12 required to be submitted with an application for admission
13 as a nonimmigrant under section 101(a)(15)(L) of the Im-
14 migration and Nationality Act (8 U.S.C. 1101(a)(15)(L)),
15 including an application for an extension of such status,
16 shall be increased by \$4,500 for applicants that employ
17 50 or more employees in the United States if more than
18 50 percent of the applicant’s employees are non-
19 immigrants admitted pursuant to subparagraph (H)(i)(b)
20 or (L) of section 101(a)(15) of such Act.

21 “(b) TEMPORARY H-1B VISA FEE INCREASE.—Not-
22 withstanding section 281 of the Immigration and Nation-
23 ality Act (8 U.S.C. 1351) or any other provision of law,
24 during the period beginning on the date of the enactment
25 of this section and ending on September 30, 2025, the

1 combined filing fee and fraud prevention and detection fee
2 required to be submitted with an application for admission
3 as a nonimmigrant under section 101(a)(15)(H)(i)(b) of
4 the Immigration and Nationality Act (8 U.S.C.
5 1101(a)(15)(H)(i)(b)), including an application for an ex-
6 tension of such status, shall be increased by \$4,000 for
7 applicants that employ 50 or more employees in the
8 United States if more than 50 percent of the applicant's
9 employees are nonimmigrants described in section
10 101(a)(15)(L) of such Act.

11 “(c) 9-11 RESPONSE AND BIOMETRIC EXIT AC-
12 COUNT.—

13 “(1) ESTABLISHMENT.—There is established in
14 the general fund of the Treasury a separate account,
15 which shall be known as the ‘9–11 Response and Bi-
16 ometric Exit Account’.

17 “(2) DEPOSITS.—

18 “(A) IN GENERAL.—Subject to subpara-
19 graph (B), of the amounts collected pursuant to
20 the fee increases authorized under subsections
21 (a) and (b)—

22 “(i) 50 percent shall be deposited in
23 the general fund of the Treasury; and

24 “(ii) 50 percent shall be deposited as
25 offsetting receipts into the 9–11 Response

1 and Biometric Exit Account, and shall re-
2 main available until expended.

3 “(B) TERMINATION OF DEPOSITS IN AC-
4 COUNT.—After a total of \$1,000,000,000 is de-
5 posited into the 9–11 Response and Biometric
6 Exit Account under subparagraph (A)(ii), all
7 amounts collected pursuant to the fee increases
8 authorized under subsections (a) and (b) shall
9 be deposited in the general fund of the Treas-
10 ury.

11 “(3) USE OF FUNDS.—For fiscal year 2017,
12 and each fiscal year thereafter, amounts in the 9–
13 11 Response and Biometric Exit Account shall be
14 available to the Secretary of Homeland Security
15 without further appropriation for implementing the
16 biometric entry and exit data system described in
17 section 7208 of the Intelligence Reform and Ter-
18 rorism Prevention Act of 2004 (8 U.S.C. 1365b).”.

19 (h) ADMINISTRATIVE COSTS.—Section 1347 of the
20 Full-Year Continuing Appropriations Act, 2011 (49
21 U.S.C. 40101 note) is amended—

22 (1) by inserting “and (2)” after “(d)(1)”; and

23 (2) by adding at the end the following: “Costs
24 for payments for compensation for claims in Group
25 A, as described in section 405(a)(3)(C)(ii) of such

1 Act, shall be paid from amounts made available
2 under section 406 of such Act. Costs for payments
3 for compensation for claims in Group B, as de-
4 scribed in section 405(a)(3)(C)(iii) of such Act, shall
5 be paid from amounts in the Victims Compensation
6 Fund established under section 410 of such Act.”.

7 **SEC. 403. AMENDMENT TO EXEMPT PROGRAMS.**

8 (a) IN GENERAL.—Section 255(g)(1)(B) of the Bal-
9 anced Budget and Emergency Deficit Control Act of 1985
10 (2 U.S.C. 905(g)(1)(B)) is amended by—

11 (1) inserting after the item relating to Retire-
12 ment Pay and Medical Benefits for Commissioned
13 Officers, Public Health Service the following:

14 “September 11th Victim Compensation Fund
15 (15–0340–0–1–754).”;

16 (2) inserting after the item relating to United
17 States Secret Service, DC Annuity the following:

18 “Victims Compensation Fund established under
19 section 410 of the Air Transportation Safety and
20 System Stabilization Act (49 U.S.C. 40101 note).

21 “United States Victims of State Sponsored Ter-
22 rorism Fund.”; and

23 (3) inserting after the item relating to the Vol-
24 untary Separation Incentive Fund the following:

