

111TH CONGRESS
1ST SESSION

H. R. 847

[Report No. 111-]

To amend the Public Health Service Act to extend and improve protections and services to individuals directly impacted by the terrorist attack in New York City on September 11, 2001, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 4, 2009

Mrs. MALONEY (for herself, Mr. NADLER of New York, Mr. KING of New York, Mr. MCMAHON, Mr. RANGEL, Mr. ACKERMAN, Mr. ARCURI, Mr. BISHOP of New York, Mr. BURGESS, Mr. CROWLEY, Mr. ENGEL, Mr. HALL of New York, Mr. HIGGINS, Mr. HIMES, Mr. HINCHEY, Mr. ISRAEL, Mr. LEE of New York, Mrs. LOWEY, Mr. MAFFEI, Mr. MASSA, Mrs. MCCARTHY of New York, Mr. MCGOVERN, Mr. MCHUGH, Mr. MEEKS of New York, Mr. PASCRELL, Mr. SERRANO, Ms. SUTTON, Mr. TONKO, Mr. TOWNS, Mr. WEINER, Ms. WOOLSEY, and Ms. CLARKE) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

SEPTEMBER --, 2009

Reported from the Committee on Judiciary with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

[For text of introduced bill, see copy of bill as introduced on February 4, 2009]

A BILL

To amend the Public Health Service Act to extend and improve protections and services to individuals directly impacted by the terrorist attack in New York City on September 11, 2001, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
 2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) *SHORT TITLE.*—*This Act may be cited as the*
 5 *“James Zadroga 9/11 Health and Compensation Act of*
 6 *2009”.*

7 (b) *TABLE OF CONTENTS.*—*The table of contents of this*
 8 *Act is as follows:*

Sec. 1. Short title; table of contents.

Sec. 2. Findings.

TITLE I—WORLD TRADE CENTER HEALTH PROGRAM

Sec. 101. World Trade Center Health Program.

“TITLE XXX—WORLD TRADE CENTER HEALTH PROGRAM

“Subtitle A—Establishment of Program; Advisory and Steering Committees

“Sec. 3001. Establishment of World Trade Center Health Program within
NIOSH.

“Sec. 3002. WTC Health Program Scientific/Technical Advisory Committee.

“Sec. 3003. WTC Health Program Steering Committees.

“Sec. 3004. Community education and outreach.

“Sec. 3005. Uniform data collection.

“Sec. 3006. Centers of excellence.

“Sec. 3007. Entitlement authorities.

“Sec. 3008. Definitions.

“Subtitle B—Program of Monitoring, Initial Health Evaluations, and
Treatment

“PART 1—FOR WTC RESPONDERS

“Sec. 3011. Identification of eligible WTC responders and provision of WTC-
related monitoring services.

“Sec. 3012. Treatment of certified eligible WTC responders for WTC-related
health conditions.

“PART 2—COMMUNITY PROGRAM

“Sec. 3021. Identification and initial health evaluation of eligible WTC com-
munity members.

“Sec. 3022. Followup monitoring and treatment of certified eligible WTC
community members for WTC-related health conditions.

“Sec. 3023. Followup monitoring and treatment of other individuals with
WTC-related health conditions.

*“PART 3—NATIONAL ARRANGEMENT FOR BENEFITS FOR ELIGIBLE
INDIVIDUALS OUTSIDE NEW YORK*

*“Sec. 3031. National arrangement for benefits for eligible individuals outside
New York.*

“Subtitle C—Research Into Conditions

*“Sec. 3041. Research regarding certain health conditions related to Sep-
tember 11 terrorist attacks in New York City.*

*“Subtitle D—Programs of the New York City Department of Health and
Mental Hygiene*

“Sec. 3051. World Trade Center Health Registry.

“Sec. 3052. Mental health services.

TITLE II—SEPTEMBER 11TH VICTIM COMPENSATION FUND OF 2001

Sec. 201. Definitions.

Sec. 202. Extended and expanded eligibility for compensation.

Sec. 203. Requirement to update regulations.

Sec. 204. Limited liability for certain claims.

Sec. 205. Funding; attorney fees.

1 SEC. 2. FINDINGS.

2 *Congress finds the following:*

3 *(1) Thousands of rescue workers who responded*
4 *to the areas devastated by the terrorist attacks of Sep-*
5 *tember 11, local residents, office and area workers,*
6 *and school children continue to suffer significant*
7 *medical problems as a result of compromised air*
8 *quality and the release of other toxins from the attack*
9 *sites.*

10 *(2) In a September 2006 peer-reviewed study*
11 *conducted by the World Trade Center Medical Moni-*
12 *toring Program, of 9,500 World Trade Center re-*
13 *sponders, almost 70 percent of World Trade Center re-*
14 *sponders had a new or worsened respiratory symptom*
15 *that developed during or after their time working at*

1 *the World Trade Center; among the responders who*
2 *were asymptomatic before 9/11, 61 percent developed*
3 *respiratory symptoms while working at the World*
4 *Trade Center; close to 60 percent still had a new or*
5 *worsened respiratory symptom at the time of their ex-*
6 *amination; one-third had abnormal pulmonary func-*
7 *tion tests; and severe respiratory conditions including*
8 *pneumonia were significantly more common in the 6*
9 *months after 9/11 than in the prior 6 months.*

10 *(3) An April 2006 study documented that, on av-*
11 *erage, a New York City firefighter who responded to*
12 *the World Trade Center has experienced a loss of 12*
13 *years of lung capacity.*

14 *(4) A peer-reviewed study of residents who lived*
15 *near the World Trade Center titled “The World Trade*
16 *Center Residents’ Respiratory Health Study: New*
17 *Onset Respiratory Symptoms and Pulmonary Func-*
18 *tion”, found that data demonstrated a three-fold in-*
19 *crease in new-onset, persistent lower respiratory*
20 *symptoms in residents near the former World Trade*
21 *Center as compared to a control population.*

22 *(5) Previous research on the health impacts of*
23 *the devastation caused by the September 11 terrorist*
24 *attacks has shown relationships between the air qual-*
25 *ity from Ground Zero and a host of health impacts,*

1 *including lower pregnancy rates, higher rates of res-*
2 *piratory and lung disorders, and a variety of post-*
3 *disaster mental health conditions (including*
4 *posttraumatic stress disorder) in workers and resi-*
5 *dents near Ground Zero.*

6 *(6) A variety of tests conducted by independent*
7 *scientists have concluded that significant WTC con-*
8 *tamination settled in indoor environments sur-*
9 *rounding the disaster site. The Environmental Protec-*
10 *tion Agency's (EPA) cleanup programs for indoor*
11 *residential spaces, in 2003 and 2005, though limited,*
12 *are an acknowledgment that indoor contamination*
13 *continued after the WTC attacks.*

14 *(7) At the request of the Department of Energy,*
15 *the Davis DELTA Group at the University of Cali-*
16 *ifornia conducted outdoor dust sampling in October*
17 *2001 at Varick and Houston Streets (approximately*
18 *1.2 miles north of Ground Zero) and found that the*
19 *contamination from the World Trade Center "outdid*
20 *even the worst pollution from the Kuwait oil fields*
21 *fires". Further, the United States Geological Survey*
22 *(USGS) reported on November 27, 2001, that dust*
23 *samples collected from indoor surfaces registered at*
24 *levels that were "as caustic as liquid drain cleaners".*

1 (8) *According to both the EPA's own Inspector*
2 *General's (EPA IG) report of August 21, 2003 and*
3 *General Accountability Offices's (GAO) report of Sep-*
4 *tember 2007, no comprehensive program has ever been*
5 *conducted in order to characterize the full extent of*
6 *WTC contamination, and therefore the full impact of*
7 *that contamination—geographic or otherwise—re-*
8 *mains unknown.*

9 (9) *Such reports found that there has never been*
10 *a comprehensive program to remediate WTC toxins*
11 *from indoor spaces. Thus, area residents, workers and*
12 *students may continue to be exposed to WTC contami-*
13 *nation in their homes, workplaces and schools.*

14 (10) *Because of the failure to release federally*
15 *appropriated funds for community care, a lack of suf-*
16 *ficient outreach, the fact that many community mem-*
17 *bers are receiving care from physicians outside the*
18 *current City-funded World Trade Center Environ-*
19 *mental Health Center program and thus fall outside*
20 *data collection efforts, and other factors, the number*
21 *of community members being treated at the World*
22 *Trade Center Environmental Health Center underrep-*
23 *resents the total number in the community that have*
24 *been affected by exposure to Ground Zero toxins.*

1 (11) *Research by Columbia University's Center*
2 *for Children's Environmental Health has shown nega-*
3 *tive health effects on babies born to women living*
4 *within 2 miles of the World Trade Center in the*
5 *month following 9/11.*

6 (12) *Federal funding allocated for the moni-*
7 *toring of rescue workers' health is not sufficient to en-*
8 *sure the long-term study of health impacts of Sep-*
9 *tember 11.*

10 (13) *A significant portion of those who have de-*
11 *veloped health problems as result of exposures to air-*
12 *borne toxins or other hazards resulting from the Sep-*
13 *tember 11, 2001, attacks on the World Trade Center*
14 *have no health insurance, have lost their health insur-*
15 *ance as a result of the attacks, or have inadequate*
16 *health insurance.*

17 (14) *The Federal program to provide medical*
18 *treatments to those who responded to the September*
19 *11 aftermath, and who continue to experience health*
20 *problems as a result, was finally established more*
21 *than five years after the attacks, but has no certain*
22 *long-term funding.*

23 (15) *Rescue workers and volunteers seeking work-*
24 *ers' compensation have reported that their applica-*
25 *tions have been denied, delayed for months, or redi-*

1 *rected, instead of receiving assistance in a timely and*
2 *supportive manner.*

3 *(16) A February 2007 report released by the City*
4 *of New York estimated that approximately 410,000*
5 *people were the most heavily exposed to the environ-*
6 *mental hazards and trauma of the September 11 ter-*
7 *rorist attacks. More than 30 percent of the Fire De-*
8 *partment of the City of New York first responders*
9 *were still experiencing some respiratory symptoms*
10 *more than five years after the attacks and according*
11 *to the report, 59 percent of those seen by the WTC*
12 *Environmental Health Center at Bellevue Hospital*
13 *(which serves community members) are without in-*
14 *surance and 65 percent have incomes less than*
15 *\$15,000 per year. The report also found a need to*
16 *continue and expand mental health services.*

17 *(17) Since the 5th anniversary of the attack*
18 *(September 11, 2006), hundreds of workers a month*
19 *have been signing up with the monitoring and treat-*
20 *ment programs.*

21 *(18) In April 2008, the Department of Health*
22 *and Human Services reported to Congress that in fis-*
23 *cal year 2007 11,359 patients received medical treat-*
24 *ment in the existing WTC Responder Medical and*
25 *Treatment program for WTC-related health problems,*

1 *and that number of responders who need treatment*
2 *and the severity of health problems is expected to in-*
3 *crease.*

4 (19) *The September 11 Victim Compensation*
5 *Fund of 2001 was established to provide compensa-*
6 *tion to individuals who were physically injured or*
7 *killed as a result of the terrorist-related aircraft*
8 *crashes of September 11, 2001.*

9 (20) *The deadline for filing claims for compensa-*
10 *tion under the Victim Compensation Fund was De-*
11 *cember 22, 2003.*

12 (21) *Some individuals did not know they were*
13 *eligible to file claims for compensation for injuries or*
14 *did not know they had suffered physical harm as a*
15 *result of the terrorist-related aircraft crashes until*
16 *after the December 22, 2003, deadline.*

17 (22) *Further research is needed to evaluate more*
18 *comprehensively the extent of the health impacts of*
19 *September 11, including research for emerging health*
20 *problems such as cancer, which have been predicted.*

21 (23) *Research is needed regarding possible treat-*
22 *ment for the illnesses and injuries of September 11.*

23 (24) *The Federal response to medical and finan-*
24 *cial issues arising from the September 11 response ef-*
25 *forts needs a comprehensive, coordinated long-term re-*

1 **“TITLE XXX—WORLD TRADE**
2 **CENTER HEALTH PROGRAM**
3 **“Subtitle A—Establishment of Pro-**
4 **gram; Advisory and Steering**
5 **Committees**

6 **“SEC. 3001. ESTABLISHMENT OF WORLD TRADE CENTER**
7 **HEALTH PROGRAM WITHIN NIOSH.**

8 “(a) *IN GENERAL.*—*There is hereby established within*
9 *the National Institute for Occupational Safety and Health*
10 *a program to be known as the ‘World Trade Center Health*
11 *Program’ (in this title referred to as the ‘WTC program’)*
12 *to provide—*

13 “(1) *medical monitoring and treatment benefits*
14 *to eligible emergency responders and recovery and*
15 *clean-up workers (including those who are Federal*
16 *employees) who responded to the September 11, 2001,*
17 *terrorist attacks on the World Trade Center; and*

18 “(2) *initial health evaluation, monitoring, and*
19 *treatment benefits to residents and other building oc-*
20 *cupants and area workers in New York City who were*
21 *directly impacted and adversely affected by such at-*
22 *tacks.*

23 “(b) *COMPONENTS OF PROGRAM.*—*The WTC program*
24 *includes the following components:*

1 “(1) *MEDICAL MONITORING FOR RESPONDERS.*—
2 *Medical monitoring under section 3011, including*
3 *clinical examinations and long-term health moni-*
4 *toring and analysis for individuals who were likely to*
5 *have been exposed to airborne toxins that were re-*
6 *leased, or to other hazards, as a result of the Sep-*
7 *tember 11, 2001, terrorist attacks on the World Trade*
8 *Center.*

9 “(2) *INITIAL HEALTH EVALUATION FOR COMMU-*
10 *NITY MEMBERS.*—*An initial health evaluation under*
11 *section 3021, including an evaluation to determine*
12 *eligibility for followup monitoring and treatment.*

13 “(3) *FOLLOW-UP MONITORING AND TREATMENT*
14 *FOR WTC-RELATED CONDITIONS FOR RESPONDERS*
15 *AND COMMUNITY MEMBERS.*—*Provision under sections*
16 *3012, 3022, and 3023 of follow-up monitoring and*
17 *treatment and payment, subject to the provisions of*
18 *subsection (d), for all medically necessary health and*
19 *mental health care expenses (including necessary pre-*
20 *scription drugs) of individuals with a WTC-related*
21 *health condition.*

22 “(4) *OUTREACH.*—*Establishment under section*
23 *3004 of an outreach program to potentially eligible*
24 *individuals concerning the benefits under this title.*

1 “(5) *UNIFORM DATA COLLECTION.*—*Collection*
2 *under section 3005 of health and mental health data*
3 *on individuals receiving monitoring or treatment ben-*
4 *efits, using a uniform system of data collection.*

5 “(6) *RESEARCH ON WTC CONDITIONS.*—*Estab-*
6 *lishment under subtitle C of a research program on*
7 *health conditions resulting from the September 11,*
8 *2001, terrorist attacks on the World Trade Center.*

9 “(c) *NO COST-SHARING.*—*Monitoring and treatment*
10 *benefits and initial health evaluation benefits are provided*
11 *under subtitle B without any deductibles, copayments, or*
12 *other cost-sharing to an eligible WTC responder or any eli-*
13 *gible WTC community member.*

14 “(d) *PAYOR.*—

15 “(1) *IN GENERAL.*—*Except as provided in para-*
16 *graphs (2) and (3), the cost of monitoring and treat-*
17 *ment benefits and initial health evaluation benefits*
18 *provided under subtitle B shall be paid for by the*
19 *WTC program.*

20 “(2) *WORKERS’ COMPENSATION PAYMENT.*—

21 “(A) *IN GENERAL.*—*Except as provided in*
22 *subparagraph (B), payment for treatment under*
23 *subtitle B of a WTC-related condition in an in-*
24 *dividual that is work-related shall be reduced or*
25 *recouped to the extent that the Secretary deter-*

1 *mines that payment has been made, or can rea-*
2 *sonably be expected to be made, under a workers'*
3 *compensation law or plan of the United States*
4 *or a State, or other work-related injury or illness*
5 *benefit plan of the employer of such individual,*
6 *for such treatment. The provisions of clauses*
7 *(iii), (iv), (v), and (vi) of paragraph (2)(B) of*
8 *section 1862(b) of the Social Security Act (42*
9 *U.S.C. 1395y(b)(2)) and paragraph (3) of such*
10 *section shall apply to the recoupment under this*
11 *paragraph of a payment to the WTC program*
12 *with respect to a workers' compensation law or*
13 *plan, or other work-related injury or illness plan*
14 *of the employer involved, and such individual in*
15 *the same manner as such provisions apply to the*
16 *reimbursement of a payment under section*
17 *1862(b)(2) of such Act to the Secretary, with re-*
18 *spect to such a law or plan and an individual*
19 *entitled to benefits under title XVIII of such Act.*

20 *“(B) EXCEPTION.—If the WTC Program*
21 *Administrator certifies that the City of New York*
22 *has contributed the matching contribution re-*
23 *quired under section 3006(a)(3) for a 12-month*
24 *period (specified by the WTC Program Adminis-*
25 *trator), subparagraph (A) shall not apply for*

1 *that 12-month period with respect to a workers'*
2 *compensation law or plan, including line of duty*
3 *compensation, to which the City is obligated to*
4 *make payments.*

5 “(3) *HEALTH INSURANCE COVERAGE.*—

6 “(A) *IN GENERAL.*—*In the case of an indi-*
7 *vidual who has a WTC-related condition that is*
8 *not work-related and has health coverage for such*
9 *condition through any public or private health*
10 *plan, the provisions of section 1862(b) of the So-*
11 *cial Security Act (42 U.S.C. 1395y(b)) shall*
12 *apply to such a health plan and such individual*
13 *in the same manner as they apply to a group*
14 *health plan and an individual entitled to bene-*
15 *fits under title XVIII of such Act pursuant to*
16 *section 226(a). Any costs for items and services*
17 *covered under such plan that are not reimbursed*
18 *by such health plan, due to the application of*
19 *deductibles, copayments, coinsurance, other cost-*
20 *sharing, or otherwise, are reimbursable under*
21 *this title to the extent that they are covered*
22 *under the WTC program.*

23 “(B) *RECOVERY BY INDIVIDUAL PRO-*
24 *VIDERS.*—*Nothing in subparagraph (A) shall be*
25 *construed as requiring an entity providing mon-*

1 *itoring and treatment under this title to seek re-*
2 *imbursement under a health plan with which the*
3 *entity has no contract for reimbursement.*

4 *“(4) WORK-RELATED DESCRIBED.—For the pur-*
5 *poses of this subsection, a WTC-related condition shall*
6 *be treated as a condition that is work-related if—*

7 *“(A) the condition is diagnosed in an eligi-*
8 *ble WTC responder, or in an individual who*
9 *qualifies as an eligible WTC community member*
10 *on the basis of being a rescue, recovery, or clean-*
11 *up worker; or*

12 *“(B) with respect to the condition the indi-*
13 *vidual has filed and had established a claim*
14 *under a workers’ compensation law or plan of*
15 *the United States or a State, or other work-re-*
16 *lated injury or illness benefit plan of the em-*
17 *ployer of such individual.*

18 *“(e) QUALITY ASSURANCE AND MONITORING OF CLIN-*
19 *ICAL EXPENDITURES.—*

20 *“(1) QUALITY ASSURANCE.—The WTC Program*
21 *Administrator working with the Clinical Centers of*
22 *Excellence shall develop and implement a quality as-*
23 *urance program for the medical monitoring and*
24 *treatment delivered by such Centers of Excellence and*

1 *any other participating health care providers. Such*
2 *program shall include—*

3 *“(A) adherence to medical monitoring and*
4 *treatment protocols;*

5 *“(B) appropriate diagnostic and treatment*
6 *referrals for participants;*

7 *“(C) prompt communication of test results*
8 *to participants; and*

9 *“(D) such other elements as the Adminis-*
10 *trator specifies in consultation with the Clinical*
11 *Centers of Excellence.*

12 *“(2) FRAUD PREVENTION.—The WTC Program*
13 *Administrator shall develop and implement a pro-*
14 *gram to review the program’s health care expendi-*
15 *tures to detect fraudulent or duplicate billing and*
16 *payment for inappropriate services. Such program*
17 *shall be similar to current methods used in connection*
18 *with the Medicare program under title XVIII of the*
19 *Social Security Act. This title is a Federal health*
20 *care program (as defined in section 1128B(f) of such*
21 *Act) and is a health plan (as defined in section*
22 *1128C(c) of such Act) for purposes of applying sec-*
23 *tions 1128 through 1128E of such Act.*

24 *“(f) WTC PROGRAM ADMINISTRATION.—The WTC*
25 *program shall be administered by the Director of the Na-*

1 *tional Institute for Occupational Safety and Health, or a*
2 *designee of such Director.*

3 “(g) *ANNUAL PROGRAM REPORT.*—

4 “(1) *IN GENERAL.*—*Not later than 6 months*
5 *after the end of each fiscal year in which the WTC*
6 *program is in operation, the WTC Program Adminis-*
7 *trator shall submit an annual report to the Congress*
8 *on the operations of this title for such fiscal year and*
9 *for the entire period of operation of the program.*

10 “(2) *CONTENTS OF REPORT.*—*Each annual re-*
11 *port under paragraph (1) shall include the following:*

12 “(A) *ELIGIBLE INDIVIDUALS.*—*Information*
13 *for each clinical program described in paragraph*
14 *(3)—*

15 “(i) *on the number of individuals who*
16 *applied for certification under subtitle B*
17 *and the number of such individuals who*
18 *were so certified;*

19 “(ii) *of the individuals who were cer-*
20 *tified, on the number who received medical*
21 *monitoring under the program and the*
22 *number of such individuals who received*
23 *medical treatment under the program;*

24 “(iii) *with respect to individuals so*
25 *certified who received such treatment, on the*

1 *WTC-related health conditions for which*
2 *they were treated; and*

3 “(iv) *on the projected number of indi-*
4 *viduals who will be certified under subtitle*
5 *B in the succeeding fiscal year.*

6 “(B) *MONITORING, INITIAL HEALTH EVAL-*
7 *UATION, AND TREATMENT COSTS.—For each clin-*
8 *ical program so described—*

9 “(i) *information on the costs of moni-*
10 *toring and initial health evaluation and the*
11 *costs of treatment and on the estimated*
12 *costs of such monitoring, evaluation, and*
13 *treatment in the succeeding fiscal year; and*

14 “(ii) *an estimate of the cost of medical*
15 *treatment for WTC-related conditions that*
16 *have been paid for or reimbursed by work-*
17 *ers’ compensation, by public or private*
18 *health plans, or by the City of New York*
19 *under section 3012(c)(4).*

20 “(C) *ADMINISTRATIVE COSTS.—Information*
21 *on the cost of administering the program, includ-*
22 *ing costs of program support, data collection and*
23 *analysis, and research conducted under the pro-*
24 *gram.*

1 “(D) *ADMINISTRATIVE EXPERIENCE.*—In-
2 formation on the administrative performance of
3 the program, including—

4 “(i) the performance of the program in
5 providing timely evaluation of and treat-
6 ment to eligible individuals; and

7 “(ii) a list of the Clinical Centers of
8 Excellence and other providers that are par-
9 ticipating in the program.

10 “(E) *SCIENTIFIC REPORTS.*—A summary of
11 the findings of any new scientific reports or
12 studies on the health effects associated with WTC
13 center exposures, including the findings of re-
14 search conducted under section 3041(a).

15 “(F) *ADVISORY COMMITTEE RECOMMENDA-*
16 *TIONS.*—A list of recommendations by the WTC
17 Scientific/Technical Advisory Committee on ad-
18 ditional WTC program eligibility criteria and
19 on additional WTC-related health conditions and
20 the action of the WTC Program Administrator
21 concerning each such recommendation.

22 “(3) *SEPARATE CLINICAL PROGRAMS DE-*
23 *SCRIBED.*—In paragraph (2), each of the following
24 shall be treated as a separate clinical program of the
25 WTC program:

1 “(A) *FDNY RESPONDERS.*—*The benefits*
2 *provided for eligible WTC responders described*
3 *in section 3006(b)(1)(A).*

4 “(B) *OTHER ELIGIBLE WTC RESPONDERS.*—
5 *The benefits provided for eligible WTC respond-*
6 *ers not described in subparagraph (A).*

7 “(C) *ELIGIBLE WTC COMMUNITY MEM-*
8 *BERS.*—*The benefits provided for eligible WTC*
9 *community members in section 3006(b)(1)(C).*

10 “(h) *NOTIFICATION TO CONGRESS WHEN REACH 80*
11 *PERCENT OF ELIGIBILITY NUMERICAL LIMITS.*—*The WTC*
12 *Program Administrator shall promptly notify the Con-*
13 *gress—*

14 “(1) *when the number of certifications for eligi-*
15 *ble WTC responders subject to the limit established*
16 *under section 3011(a)(5) has reached 80 percent of*
17 *such limit; and*

18 “(2) *when the number of certifications for eligi-*
19 *ble WTC community members subject to the limit es-*
20 *tablished under section 3021(a)(5) has reached 80*
21 *percent of such limit.*

22 “(i) *GAO REPORT.*—*Not later than 3 years after the*
23 *date of the enactment of this Act, the Comptroller General*
24 *of the United States shall submit to the Congress a report*

1 *on the costs of the monitoring and treatment programs pro-*
2 *vided under this title.*

3 “(j) *NYC RECOMMENDATIONS.—The City of New York*
4 *may make recommendations to the WTC Program Adminis-*
5 *trator on ways to improve the monitoring and treatment*
6 *programs under this title for both eligible WTC responders*
7 *and eligible WTC community members.*

8 “**SEC. 3002. WTC HEALTH PROGRAM SCIENTIFIC/TECHNICAL**
9 **ADVISORY COMMITTEE.**

10 “(a) *ESTABLISHMENT.—The WTC Program Adminis-*
11 *trator shall establish an advisory committee to be known*
12 *as the WTC Health Program Scientific/Technical Advisory*
13 *Committee (in this section referred to as the ‘Advisory Com-*
14 *mittee’) to review scientific and medical evidence and to*
15 *make recommendations to the Administrator on additional*
16 *WTC program eligibility criteria and on additional WTC-*
17 *related health conditions.*

18 “(b) *COMPOSITION.—The WTC Program Adminis-*
19 *trator shall appoint the members of the Advisory Committee*
20 *and shall include at least—*

21 “(1) *4 occupational physicians, at least two of*
22 *whom have experience treating WTC rescue and re-*
23 *covery workers;*

24 “(2) *1 physician with expertise in pulmonary*
25 *medicine;*

1 “(3) 2 environmental medicine or environmental
2 health specialists;

3 “(4) 2 representatives of eligible WTC respond-
4 ers;

5 “(5) 2 representatives of WTC community mem-
6 bers;

7 “(6) an industrial hygienist;

8 “(7) a toxicologist;

9 “(8) an epidemiologist; and

10 “(9) a mental health professional.

11 “(c) *MEETINGS.*—*The Advisory Committee shall meet*
12 *at such frequency as may be required to carry out its duties.*

13 “(d) *REPORTS.*—*The WTC Program Administrator*
14 *shall provide for publication of recommendations of the Ad-*
15 *visory Committee on the public website established for the*
16 *WTC program.*

17 “(e) *AUTHORIZATION OF APPROPRIATIONS.*—*For the*
18 *purpose of carrying out this section, there are authorized*
19 *to be appropriated such sums as may be necessary, not to*
20 *exceed \$100,000, for each fiscal year beginning with fiscal*
21 *year 2009.*

22 “(f) *DURATION.*—*Notwithstanding any other provision*
23 *of law, the Advisory Committee shall continue in operation*
24 *during the period in which the WTC program is in oper-*
25 *ation.*

1 “(g) *APPLICATION OF FACCA.—Except as otherwise*
2 *specifically provided, the Advisory Committee shall be sub-*
3 *ject to the Federal Advisory Committee Act.*

4 “**SEC. 3003. WTC HEALTH PROGRAM STEERING COMMIT-**
5 **TEES.**

6 “(a) *ESTABLISHMENT.—The WTC Program Adminis-*
7 *trator shall establish two steering committees (each in this*
8 *section referred to as a ‘Steering Committee’) as follows:*

9 “(1) *WTC RESPONDERS STEERING COM-*
10 *MITTEE.—One steering committee, to be known as the*
11 *WTC Responders Steering Committee, for the purpose*
12 *of facilitating the coordination of medical monitoring*
13 *and treatment programs for the eligible WTC re-*
14 *sponders under part 1 of subtitle B.*

15 “(2) *WTC COMMUNITY PROGRAM STEERING COM-*
16 *MITTEE.—One steering committee, to be known as the*
17 *WTC Community Program Steering Committee, for*
18 *the purpose of facilitating the coordination of initial*
19 *health evaluations, monitoring, and treatment pro-*
20 *grams for eligible WTC community members under*
21 *part 2 of subtitle B.*

22 “(b) *MEMBERSHIP.—*

23 “(1) *INITIAL MEMBERSHIP OF WTC RESPONDERS*
24 *STEERING COMMITTEE.—The WTC Responders Steer-*
25 *ing Committee shall initially be composed of members*

1 *of the WTC Monitoring and Treatment Program*
2 *Steering Committee (as in existence on the day before*
3 *the date of the enactment of this title). In addition,*
4 *the committee membership shall include—*

5 “(A) *a representative of the Police Commis-*
6 *sioner of the City of New York;*

7 “(B) *a representative of the Department of*
8 *Health of the City of New York;*

9 “(C) *a representative of another agency of*
10 *the City of New York, selected by the Mayor of*
11 *New York City, which had a large number of*
12 *non-uniformed City workers who responded to*
13 *the WTC disaster; and*

14 “(D) *three representatives of eligible WTC*
15 *responders;*

16 *in order that eligible WTC responders constitute half*
17 *the members of the Steering Committee.*

18 “(2) *INITIAL MEMBERSHIP OF WTC COMMUNITY*
19 *PROGRAM STEERING COMMITTEE.—*

20 “(A) *IN GENERAL.—The WTC Community*
21 *Program Steering Committee shall initially be*
22 *composed of members of the WTC Environmental*
23 *Health Center Community Advisory Committee*
24 *(as in existence on the day before the date of the*

1 *enactment of this title) and shall initially have,*
2 *as voting members, the following:*

3 “(i) *11 representatives of the affected*
4 *populations of residents, students, area*
5 *workers, and other community members.*

6 “(ii) *The Medical Director of the WTC*
7 *Environmental Health Center.*

8 “(iii) *The Executive Director of the*
9 *WTC Environmental Health Center.*

10 “(iv) *Three physicians, one each rep-*
11 *resenting the three WTC Environmental*
12 *Health Center treatment sites of Bellevue*
13 *Hospital Center, Gouverneur Healthcare*
14 *Services, and Elmhurst Hospital Center.*

15 “(v) *Five specialists with WTC related*
16 *expertise or experience in treating non-re-*
17 *sponder WTC diseases, such as a pediatri-*
18 *cian, an epidemiologist, a psychiatrist or*
19 *psychologist, an environmental/occupational*
20 *specialists or a social worker from a WTC*
21 *Environmental Health Center treatment*
22 *site, or other relevant specialists.*

23 “(vi) *A representative of the Depart-*
24 *ment of Health and Mental Hygiene of the*
25 *City of New York.*

1 “(B) *APPOINTMENTS.*—

2 “*(i) WTC EHC COMMUNITY ADVISORY*
3 *COMMITTEE.*—*The WTC Environmental*
4 *Health Center Community Advisory Com-*
5 *mittee as in existence on the date of the en-*
6 *actment of this title shall nominate mem-*
7 *bers for positions described in subparagraph*
8 *(A)(i).*

9 “*(ii) NYC HEALTH AND HOSPITALS*
10 *CORPORATION.*—*The New York City Health*
11 *and Hospitals Corporation shall nominate*
12 *members for positions described in clauses*
13 *(iv) and (v) of subparagraph (A).*

14 “*(iii) TIMING.*—*Nominations under*
15 *clauses (i) and (ii) shall be recommended to*
16 *the WTC Program Administrator not later*
17 *than 60 days after the date of the enactment*
18 *of this title.*

19 “*(iv) APPOINTMENT.*—*The WTC Pro-*
20 *gram Administrator shall appoint members*
21 *of the WTC Community Program Steering*
22 *Committee not later than 90 days after the*
23 *date of the enactment of this title.*

1 “(v) *GENERAL REPRESENTATIVES.*—Of
2 *the members appointed under subparagraph*
3 *(A)(i)*—

4 “(I) *the representation shall re-*
5 *fect the broad and diverse WTC-af-*
6 *ected populations and constituencies*
7 *and the diversity of impacted neighbor-*
8 *hoods, including residents, hard-to-*
9 *reach populations, students, area work-*
10 *ers, school parents, community-based*
11 *organizations, Community Boards,*
12 *WTC Environmental Health Center*
13 *patients, labor unions, and labor advo-*
14 *cacy organizations; and*

15 “(II) *no one individual organiza-*
16 *tion can have more than one represent-*
17 *ative.*

18 “(3) *ADDITIONAL APPOINTMENTS.*—*Each Steer-*
19 *ing Committee may appoint, if approved by a major-*
20 *ity of voting members of the Committee, additional*
21 *members to the Committee.*

22 “(4) *VACANCIES.*—*A vacancy in a Steering Com-*
23 *mittee shall be filled by the Steering Committee, sub-*
24 *ject to the approval of the WTC Program Adminis-*
25 *trator, so long as—*

1 “(A) *in the case of the WTC Responders*
2 *Steering Committee, the composition of the Com-*
3 *mittee includes representatives of eligible WTC*
4 *responders and representatives of each Clinical*
5 *Center of Excellence and each Coordinating Cen-*
6 *ter of Excellence that serves eligible WTC re-*
7 *sponders and such composition has eligible WTC*
8 *responders constituting half of the membership of*
9 *the Steering Committee; or*

10 “(B) *in the case of the WTC Community*
11 *Program Steering Committee, the composition of*
12 *the Committee includes representatives of eligible*
13 *WTC community members and representatives of*
14 *each Clinical Center of Excellence and each Co-*
15 *ordinating Center of Excellence that serves eligi-*
16 *ble WTC community members and the nomi-*
17 *nating process is consistent with paragraph*
18 *(2)(B).*

19 “(5) *CO-CHAIRS OF WTC COMMUNITY PROGRAM*
20 *STEERING COMMITTEE.—The WTC Community Pro-*
21 *gram Steering Committee shall have two Co-Chairs as*
22 *follows:*

23 “(A) *COMMUNITY/LABOR CO-CHAIR.—A*
24 *Community/Labor Co-Chair who shall be chosen*

1 *by the community and labor-based members of*
2 *the Steering Committee.*

3 “(B) *ENVIRONMENTAL HEALTH CLINIC CO-*
4 *CHAIR.—A WTC Environmental Health Clinic*
5 *Co-Chair who shall be chosen by the WTC Envi-*
6 *ronmental Health Center members on the Steer-*
7 *ing Committee.*

8 “(c) *RELATION TO FACIA.—Each Steering Committee*
9 *shall not be subject to the Federal Advisory Committee Act.*

10 “(d) *MEETINGS.—Each Steering Committee shall meet*
11 *at such frequency necessary to carry out its duties, but not*
12 *less than 4 times each calendar year and at least two such*
13 *meetings each year shall be a joint meeting with the voting*
14 *membership of the other Steering Committee for the purpose*
15 *of exchanging information regarding the WTC program.*

16 “(e) *DURATION.—Notwithstanding any other provi-*
17 *sion of law, each Steering Committee shall continue in oper-*
18 *ation during the period in which the WTC program is in*
19 *operation.*

20 “**SEC. 3004. COMMUNITY EDUCATION AND OUTREACH.**”

21 “(a) *IN GENERAL.—The WTC Program Administrator*
22 *shall institute a program that provides education and out-*
23 *reach on the existence and availability of services under the*
24 *WTC program. The outreach and education program—*

25 “(1) *shall include—*

1 “(A) *the establishment of a public website*
2 *with information about the WTC program;*

3 “(B) *meetings with potentially eligible pop-*
4 *ulations;*

5 “(C) *development and dissemination of out-*
6 *reach materials informing people about the pro-*
7 *gram; and*

8 “(D) *the establishment of phone information*
9 *services; and*

10 “(2) *shall be conducted in a manner intended—*

11 “(A) *to reach all affected populations; and*

12 “(B) *to include materials for culturally and*
13 *linguistically diverse populations.*

14 “(b) *PARTNERSHIPS.—To the greatest extent possible,*
15 *in carrying out this section, the WTC Program Adminis-*
16 *trator shall enter into partnerships with local governments*
17 *and organizations with experience performing outreach to*
18 *the affected populations, including community and labor-*
19 *based organizations.*

20 **“SEC. 3005. UNIFORM DATA COLLECTION.**

21 “(a) *IN GENERAL.—The WTC Program Administrator*
22 *shall provide for the uniform collection of data (and anal-*
23 *ysis of data and regular reports to the Administrator) on*
24 *the utilization of monitoring and treatment benefits pro-*
25 *vided to eligible WTC responders and eligible WTC commu-*

1 nity members, the prevalence of WTC-related health condi-
2 tions, and the identification of new WTC-related medical
3 conditions. Such data shall be collected for all individuals
4 provided monitoring or treatment benefits under subtitle B
5 and regardless of their place of residence or Clinical Center
6 of Excellence through which the benefits are provided.

7 “(b) *COORDINATING THROUGH CENTERS OF EXCEL-*
8 *LENCE.*—Each Clinical Center of Excellence shall collect
9 data described in subsection (a) and report such data to
10 the corresponding Coordinating Center of Excellence for
11 analysis by such Coordinating Center of Excellence.

12 “(c) *PRIVACY.*—The data collection and analysis under
13 this section shall be conducted in a manner that protects
14 the confidentiality of individually identifiable health infor-
15 mation consistent with applicable legal requirements.

16 **“SEC. 3006. CENTERS OF EXCELLENCE.**

17 “(a) *IN GENERAL.*—

18 “(1) *CONTRACTS WITH CLINICAL CENTERS OF*
19 *EXCELLENCE.*—The WTC Program Administrator
20 shall enter into contracts with Clinical Centers of Ex-
21 cellence specified in subsection (b)(1)—

22 “(A) for the provision of monitoring and
23 treatment benefits and initial health evaluation
24 benefits under subtitle B;

1 “(B) for the provision of outreach activities
2 to individuals eligible for such monitoring and
3 treatment benefits, for initial health evaluation
4 benefits, and for follow-up to individuals who
5 are enrolled in the monitoring program;

6 “(C) for the provision of counseling for ben-
7 efits under subtitle B, with respect to WTC-re-
8 lated health conditions, for individuals eligible
9 for such benefits;

10 “(D) for the provision of counseling for ben-
11 efits for WTC-related health conditions that may
12 be available under Workers’ Compensation or
13 other benefit programs for work-related injuries
14 or illnesses, health insurance, disability insur-
15 ance, or other insurance plans or through public
16 or private social service agencies and assisting
17 eligible individuals in applying for such benefits;

18 “(E) for the provision of translational and
19 interpretive services as for program participants
20 who are not English language proficient; and

21 “(F) for the collection and reporting of data
22 in accordance with section 3005.

23 “(2) CONTRACTS WITH COORDINATING CENTERS
24 OF EXCELLENCE.—The WTC Program Administrator

1 *shall enter into contracts with Coordinating Centers*
2 *of Excellence specified in subsection (b)(2)—*

3 “(A) *for receiving, analyzing, and reporting*
4 *to the WTC Program Administrator on data, in*
5 *accordance with section 3005, that has been col-*
6 *lected and reported to such Coordinating Centers*
7 *by the corresponding Clinical Centers of Excel-*
8 *lence under subsection (d)(3);*

9 “(B) *for the development of medical moni-*
10 *toring, initial health evaluation, and treatment*
11 *protocols, with respect to WTC-related health*
12 *conditions;*

13 “(C) *for coordinating the outreach activities*
14 *conducted under paragraph (1)(B) by each cor-*
15 *responding Clinical Center of Excellence;*

16 “(D) *for establishing criteria for the*
17 *credentialing of medical providers participating*
18 *in the nationwide network under section 3031;*

19 “(E) *for coordinating and administrating*
20 *the activities of the WTC Health Program Steer-*
21 *ing Committees established under section*
22 *3003(a); and*

23 “(F) *for meeting periodically with the cor-*
24 *responding Clinical Centers of Excellence to ob-*
25 *tain input on the analysis and reporting of data*

1 *collected under subparagraph (A) and on the de-*
2 *velopment of medical monitoring, initial health*
3 *evaluation, and treatment protocols under sub-*
4 *paragraph (B).*

5 *The medical providers under subparagraph (D) shall*
6 *be selected by the WTC Program Administrator on the*
7 *basis of their experience treating or diagnosing the*
8 *medical conditions included in the list of identified*
9 *WTC-related conditions for responders and of identi-*
10 *fied WTC-related conditions for community members.*

11 “(3) *REQUIRED PARTICIPATION BY NEW YORK*
12 *CITY IN MONITORING AND TREATMENT PROGRAM AND*
13 *COSTS.—*

14 “(A) *IN GENERAL.—In order for New York*
15 *City, any agency or Department thereof, or the*
16 *New York City Health and Hospitals Corpora-*
17 *tion to qualify for a contract for the provision of*
18 *monitoring and treatment benefits and other*
19 *services under section 3006, New York City is re-*
20 *quired to contribute a matching amount of 10*
21 *percent of the amount of the covered monitoring*
22 *and treatment payment (as defined in subpara-*
23 *graph (B)).*

24 “(B) *COVERED MONITORING AND TREAT-*
25 *MENT PAYMENT DEFINED.—For the purposes of*

1 *this paragraph, the term ‘covered monitoring*
2 *and treatment payment’ means payment under*
3 *paragraphs (1) and (2), including under such*
4 *paragraph as applied under section 3021(b),*
5 *3022(a), and 3023, and reimbursement under*
6 *3006(c) for items and services furnished by a*
7 *Clinical Center of Excellence or Coordinating*
8 *Center of Excellence, and providers designated by*
9 *the WTC Program under section 3031, after the*
10 *application of paragraphs (2) and (3) of section*
11 *3001 (d).*

12 “(C) *PAYMENT OF NEW YORK CITY SHARE*
13 *OF MONITORING AND TREATMENT COSTS.—The*
14 *WTC Program Administrator shall—*

15 “(i) *bill the amount specified in sub-*
16 *paragraph (A) directly to New York City;*
17 *and*

18 “(ii) *certify periodically, for purposes*
19 *of section 3001(d)(2), whether or not New*
20 *York City has paid the amount so billed.*

21 “(D) *LIMITATION ON REQUIRED AMOUNT.—*
22 *In no case is New York City required under this*
23 *paragraph to contribute more than a total of*
24 *\$500,000,000 over any 10-year period.*

25 “(b) *CENTERS OF EXCELLENCE DEFINED.—*

1 “(1) *CLINICAL CENTER OF EXCELLENCE.*—*In*
2 *this title, the term ‘Clinical Center of Excellence’*
3 *means the following:*

4 “(A) *FOR FDNY RESPONDERS.*—*With re-*
5 *spect to an eligible WTC responder who re-*
6 *sponded to the 9/11 attacks as an employee of the*
7 *Fire Department of the City of New York and*
8 *who—*

9 “(i) *is an active employee of such De-*
10 *partment—*

11 “(I) *with respect to monitoring,*
12 *such Fire Department; and*

13 “(II) *with respect to treatment,*
14 *such Fire Department (or such entity*
15 *as has entered into a contract with the*
16 *Fire Department for treatment of such*
17 *responders) or any other Clinical Cen-*
18 *ter of Excellence described in subpara-*
19 *graph (B), (C), or (D); or*

20 “(ii) *is not an active employee of such*
21 *Department, such Fire Department (or such*
22 *entity as has entered into a contract with*
23 *the Fire Department for monitoring or*
24 *treatment of such responders) or any other*

1 *or any other Clinical Center of Excellence*
2 *described in subparagraph (B), (C), or (D).*

3 *“(B) OTHER ELIGIBLE WTC RESPONDERS.—*

4 *With respect to other eligible WTC responders,*
5 *whether or not they reside in the New York Met-*
6 *ropolitan area, the Mt. Sinai coordinated consor-*
7 *tium, Queens College, State University of New*
8 *York at Stony Brook, University of Medicine*
9 *and Dentistry of New Jersey, and Bellevue Hos-*
10 *pital.*

11 *“(C) WTC COMMUNITY MEMBERS.—With*

12 *respect to eligible WTC community members,*
13 *whether or not they reside in the New York Met-*
14 *ropolitan area, the World Trade Center Environ-*
15 *mental Health Center at Bellevue Hospital and*
16 *such hospitals or other facilities, including but*
17 *not limited to those within the New York City*
18 *Health and Hospitals Corporation, as are identi-*
19 *fied by the WTC Program Administrator.*

20 *“(D) ALL ELIGIBLE WTC RESPONDERS AND*

21 *ELIGIBLE WTC COMMUNITY MEMBERS.—With re-*
22 *spect to all eligible WTC responders and eligible*
23 *WTC community members, such other hospitals*
24 *or other facilities as are identified by the WTC*
25 *Program Administrator.*

1 *The WTC Program Administrator shall limit the*
2 *number of additional Centers of Excellence identified*
3 *under subparagraph (D) to ensure that the partici-*
4 *pating centers have adequate experience in the treat-*
5 *ment and diagnosis of identified WTC-related medical*
6 *conditions.*

7 “(2) *COORDINATING CENTER OF EXCELLENCE.—*
8 *In this title, the term ‘Coordinating Center of Excel-*
9 *lence’ means the following:*

10 “(A) *FOR FDNY RESPONDERS.—With re-*
11 *spect to an eligible WTC responder who re-*
12 *sponded to the 9/11 attacks as an employee of the*
13 *Fire Department of the City of New York, such*
14 *Fire Department.*

15 “(B) *OTHER WTC RESPONDERS.—With re-*
16 *spect to other eligible WTC responders, the Mt.*
17 *Sinai coordinated consortium.*

18 “(C) *WTC COMMUNITY MEMBERS.—With re-*
19 *spect to eligible WTC community members, the*
20 *World Trade Center Environmental Health Cen-*
21 *ter at Bellevue Hospital.*

22 “(3) *CORRESPONDING CENTERS.—In this title, a*
23 *Clinical Center of Excellence and a Coordinating*
24 *Center of Excellence shall be treated as ‘cor-*
25 *responding’ to the extent that such Clinical Center*

1 *and Coordinating Center serve the same population*
2 *group.*

3 “(c) *REIMBURSEMENT FOR NON-TREATMENT, NON-*
4 *MONITORING PROGRAM COSTS.—A Clinical or Coordi-*
5 *nating Center of Excellence with a contract under this sec-*
6 *tion shall be reimbursed for the costs of such Center in car-*
7 *rying out the activities described in subsection (a), other*
8 *than those described in subsection (a)(1)(A), subject to the*
9 *provisions of section 3001(d), as follows:*

10 “(1) *CLINICAL CENTERS OF EXCELLENCE.—For*
11 *carrying out subparagraphs (B) through (F) of sub-*
12 *section (a)(1)—*

13 “(A) *CLINICAL CENTER FOR FDNY RE-*
14 *SPONDERS IN NEW YORK.—The Clinical Center*
15 *of Excellence for FDNY Responders in New York*
16 *specified in subsection (b)(1)(A) shall be reim-*
17 *bursed—*

18 “(i) *in the first year of the contract*
19 *under this section, \$600 per certified eligible*
20 *WTC responder in the medical treatment*
21 *program, and \$300 per certified eligible*
22 *WTC responder in the monitoring program;*
23 *and*

24 “(ii) *in each subsequent contract year,*
25 *subject to paragraph (3), at the rates speci-*

1 *fied in this subparagraph for the previous*
2 *contract year adjusted by the WTC Pro-*
3 *gram Administrator to reflect the rate of*
4 *medical care inflation during the previous*
5 *contract year.*

6 “(B) *CLINICAL CENTERS SERVING OTHER*
7 *ELIGIBLE WTC RESPONDERS IN NEW YORK.—A*
8 *Clinical Center of Excellence for other WTC re-*
9 *sponders in New York specified in subsection*
10 *(b)(1)(B) shall be reimbursed the amounts speci-*
11 *fied in subparagraph (A).*

12 “(C) *CLINICAL CENTERS SERVING WTC COM-*
13 *MUNITY MEMBERS.—A Clinical Center of Excel-*
14 *lence for eligible WTC community members in*
15 *New York specified in subsection (b)(1)(C) shall*
16 *be reimbursed—*

17 “(i) *in the first year of the contract*
18 *under this section, for each certified eligible*
19 *WTC community member in a medical*
20 *treatment program enrolled at a non-hos-*
21 *pital-based facility, \$600, and for each cer-*
22 *tified eligible WTC community member in a*
23 *medical treatment program enrolled at a*
24 *hospital-based facility, \$300; and*

1 “(ii) in each subsequent contract year,
2 subject to paragraph (3), at the rates speci-
3 fied in this subparagraph for the previous
4 contract year adjusted by the WTC Pro-
5 gram Administrator to reflect the rate of
6 medical care inflation during the previous
7 contract year.

8 “(D) OTHER CLINICAL CENTERS.—A Clin-
9 ical Center of Excellence or other providers not
10 described in a previous subparagraph shall be re-
11 imbursed at a rate set by the WTC Program Ad-
12 ministrator.

13 “(E) REIMBURSEMENT RULES.—The reim-
14 bursement provided under subparagraphs (A),
15 (B) and (C) shall be made for each certified eli-
16 gible WTC responder and for each WTC commu-
17 nity member in the WTC program per year that
18 the member receives such services, regardless of
19 the volume or cost of services required.

20 “(2) COORDINATING CENTERS OF EXCEL-
21 LENCE.—A Coordinating Centers of Excellence speci-
22 fied in section (a)(2) shall be reimbursed for the pro-
23 vision of services set forth in this section at such levels
24 as are established by the WTC Program Adminis-
25 trator.

1 “(3) *REVIEW OF RATES.*—

2 “(A) *INITIAL REVIEW.*—*Before the end of*
3 *the third contract year of the WTC program, the*
4 *WTC Program Administrator shall conduct a re-*
5 *view to determine whether the reimbursement*
6 *rates set forth in this subsection provide fair and*
7 *appropriate reimbursement for such program*
8 *services. Based on such review, the Adminis-*
9 *trator may, by rule beginning with the fourth*
10 *contract year, may modify such rates, taking*
11 *into account a reasonable and fair rate for the*
12 *services being provided.*

13 “(B) *SUBSEQUENT REVIEWS.*—*After the*
14 *fourth contract year, the WTC Program Admin-*
15 *istrator shall conduct periodic reviews to deter-*
16 *mine whether the reimbursement rates in effect*
17 *under this subsection provide fair and appro-*
18 *priate reimbursement for such program services.*
19 *Based upon such a review, the Administrator*
20 *may by rule modify such rates, taking into ac-*
21 *count a reasonable and fair rate for the services*
22 *being provided.*

23 “(C) *GAO REVIEW.*—*The Comptroller Gen-*
24 *eral of the United States shall review the WTC*
25 *Program Administrator’s determinations regard-*

1 *ing fair and appropriate reimbursement for pro-*
2 *gram services under this paragraph.*

3 “(d) *REQUIREMENTS.—The WTC Program Adminis-*
4 *trator shall not enter into a contract with a Clinical Center*
5 *of Excellence under subsection (a)(1) unless—*

6 “(1) *the Center establishes a formal mechanism*
7 *for consulting with and receiving input from rep-*
8 *resentatives of eligible populations receiving moni-*
9 *toring and treatment benefits under subtitle B from*
10 *such Center;*

11 “(2) *the Center provides for the coordination of*
12 *monitoring and treatment benefits under subtitle B*
13 *with routine medical care provided for the treatment*
14 *of conditions other than WTC-related health condi-*
15 *tions;*

16 “(3) *the Center collects and reports to the cor-*
17 *responding Coordinating Center of Excellence data in*
18 *accordance with section 3005;*

19 “(4) *the Center has in place safeguards against*
20 *fraud that are satisfactory to the Administrator;*

21 “(5) *the Center agrees to treat or refer for treat-*
22 *ment all individuals who are eligible WTC responders*
23 *or eligible WTC community members with respect to*
24 *such Center who present themselves for treatment of*
25 *a WTC-related health condition;*

1 “(6) the Center has in place safeguards to ensure
2 the confidentiality of an individual’s individually
3 identifiable health information, including requiring
4 that such information not be disclosed to the individ-
5 ual’s employer without the authorization of the indi-
6 vidual;

7 “(7) the Center provides assurances that the
8 amounts paid under subsection (c)(1) are used only
9 for costs incurred in carrying out the activities de-
10 scribed in subsection (a), other than those described in
11 subsection (a)(1)(A); and

12 “(8) the Center agrees to meet all the other ap-
13 plicable requirements of this title, including regula-
14 tions implementing such requirements.

15 **“SEC. 3007. ENTITLEMENT AUTHORITIES.**

16 “Subject to subsections (b)(4)(C) and (c)(5) of section
17 3012, subtitle B constitutes budget authority in advance of
18 appropriations Acts and represents the obligation of the
19 Federal Government to provide for the payment for moni-
20 toring, initial health evaluations, and treatment in accord-
21 ance with such subtitle and section 3006(c) constitutes such
22 budget authority and represents the obligation of the Fed-
23 eral Government to provide for the payment described in
24 such section.

1 **“SEC. 3008. DEFINITIONS.**

2 *“In this title:*

3 *“(1) The term ‘aggravating’ means, with respect*
4 *to a health condition, a health condition that existed*
5 *on September 11, 2001, and that, as a result of expo-*
6 *sure to airborne toxins, any other hazard, or any*
7 *other adverse condition resulting from the September*
8 *11, 2001, terrorist attacks on the World Trade Center*
9 *requires medical treatment that is (or will be) in ad-*
10 *dition to, more frequent than, or of longer duration*
11 *than the medical treatment that would have been re-*
12 *quired for such condition in the absence of such expo-*
13 *sure.*

14 *“(2) The terms ‘certified eligible WTC responder’*
15 *and ‘certified eligible WTC community member’ mean*
16 *an individual who has been certified as an eligible*
17 *WTC responder under section 3011(a)(4) or an eligi-*
18 *ble WTC community member under section*
19 *3021(a)(4), respectively.*

20 *“(3) The terms ‘Clinical Center of Excellence’*
21 *and ‘Coordinating Center of Excellence’ have the*
22 *meanings given such terms in section 3006(b).*

23 *“(4) The term ‘current consortium arrangements’*
24 *means the arrangements as in effect on the date of the*
25 *enactment of this title between the National Institute*
26 *for Occupational Safety and Health and the Mt.*

1 *Sinai-coordinated consortium and the Fire Depart-*
2 *ment of the City of New York.*

3 “(5) *The terms ‘eligible WTC responder’ and ‘eli-*
4 *gible WTC community member’ are defined in sec-*
5 *tions 3011(a) and 3021(a), respectively.*

6 “(6) *The term ‘initial health evaluation’ in-*
7 *cludes, with respect to an individual, a medical and*
8 *exposure history, a physical examination, and addi-*
9 *tional medical testing as needed to evaluate whether*
10 *the individual has a WTC-related health condition*
11 *and is eligible for treatment under the WTC program.*

12 “(7) *The term ‘list of identified WTC-related*
13 *health conditions’ means—*

14 “(A) *for eligible WTC responders, the iden-*
15 *tified WTC-related health condition for eligible*
16 *WTC responders under section 3012(a)(3) or*
17 *3012(a)(4); or*

18 “(B) *for eligible WTC community members,*
19 *the identified WTC-related health condition for*
20 *WTC community members under section*
21 *3022(b)(1) or 3022(b)(2).*

22 “(8) *The term ‘Mt.-Sinai-coordinated consor-*
23 *tium’ means the consortium coordinated by Mt. Sinai*
24 *hospital in New York City that coordinates the moni-*
25 *toring and treatment under the current consortium*

1 *arrangements for eligible WTC responders other than*
2 *with respect to those covered under the arrangement*
3 *with the Fire Department of the City of New York.*

4 “(9) *The term ‘New York City disaster area’*
5 *means the area within New York City that is—*

6 “(A) *the area of Manhattan that is south of*
7 *Houston Street; and*

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

11 “(10) *The term ‘New York metropolitan area’*
12 *means an area, specified by the WTC Program Ad-*
13 *ministrator, within which eligible WTC responders*
14 *and eligible WTC community members who reside in*
15 *such area are reasonably able to access monitoring*
16 *and treatment benefits and initial health evaluation*
17 *benefits under this title through a Clinical Centers of*
18 *Excellence described in subparagraphs (A), (B), or*
19 *(C) of section 3006(b)(1).*

20 “(11) *Any reference to ‘September 11, 2001’ shall*
21 *be deemed a reference to the period on such date sub-*
22 *sequent to the terrorist attacks on the World Trade*
23 *Center on such date.*

24 “(12) *The term ‘September 11, 2001, terrorist at-*
25 *tacks on the World Trade Center’ means the terrorist*

1 *attacks that occurred on September 11, 2001, in New*
2 *York City and includes the aftermath of such attacks.*

3 “(13) *The term ‘WTC Health Program Steering*
4 *Committee’ means such a Steering Committee estab-*
5 *lished under section 3003.*

6 “(14) *The term ‘WTC Program Administrator’*
7 *means the individual responsible under section*
8 *3001(f) for the administration of the WTC program.*

9 “(15) *The term ‘WTC-related health condition’ is*
10 *defined in section 3012(a).*

11 “(16) *The term ‘WTC Scientific/Technical Advi-*
12 *sory Committee’ means such Committee established*
13 *under section 3002.*

14 **“Subtitle B—Program of Moni-**
15 **toring, Initial Health Evalua-**
16 **tions, and Treatment**

17 **“PART 1—FOR WTC RESPONDERS**

18 **“SEC. 3011. IDENTIFICATION OF ELIGIBLE WTC RESPOND-**
19 **ERS AND PROVISION OF WTC-RELATED MONI-**
20 **TORING SERVICES.**

21 “(a) *ELIGIBLE WTC RESPONDER DEFINED.—*

22 “(1) *IN GENERAL.—For purposes of this title, the*
23 *term ‘eligible WTC responder’ means any of the fol-*
24 *lowing individuals, subject to paragraph (5):*

1 “(A) *CURRENTLY IDENTIFIED RE-*
2 *SPONDER.—An individual who has been identi-*
3 *fied as eligible for medical monitoring under the*
4 *current consortium arrangements (as defined in*
5 *section 3008(4)).*

6 “(B) *RESPONDER WHO MEETS CURRENT*
7 *ELIGIBILITY CRITERIA.—An individual who*
8 *meets the current eligibility criteria described in*
9 *paragraph (2).*

10 “(C) *RESPONDER WHO MEETS MODIFIED*
11 *ELIGIBILITY CRITERIA.—An individual who—*

12 “(i) *performed rescue, recovery, demoli-*
13 *tion, debris cleanup, or other related serv-*
14 *ices in the New York City disaster area in*
15 *response to the September 11, 2001, ter-*
16 *rorist attacks on the World Trade Center,*
17 *regardless of whether such services were per-*
18 *formed by a State or Federal employee or*
19 *member of the National Guard or otherwise;*
20 *and*

21 “(ii) *meets such eligibility criteria re-*
22 *lating to exposure to airborne toxins, other*
23 *hazards, or adverse conditions resulting*
24 *from the September 11, 2001, terrorist at-*
25 *tacks on the World Trade Center as the*

1 *WTC Program Administrator, after con-*
2 *sultation with the WTC Responders Steer-*
3 *ing Committee and the WTC Scientific/*
4 *Technical Advisory Committee, determines*
5 *appropriate.*

6 *The WTC Program Administrator shall not mod-*
7 *ify such eligibility criteria on or after the date*
8 *that the number of certifications for eligible re-*
9 *sponders has reached 80 percent of the limit de-*
10 *scribed in paragraph (5) or on or after the date*
11 *that the number of certifications for eligible com-*
12 *munity members has reached 80 percent of the*
13 *limit described in section 3021(a)(5).*

14 *“(2) CURRENT ELIGIBILITY CRITERIA.—The eli-*
15 *gibility criteria described in this paragraph for an*
16 *individual is that the individual is described in either*
17 *of the following categories:*

18 *“(A) FIRE FIGHTERS AND RELATED PER-*
19 *SONNEL.—The individual—*

20 *“(i) was a member of the Fire Depart-*
21 *ment of the City of New York (whether fire*
22 *or emergency personnel, active or retired)*
23 *who participated at least one day in the*
24 *rescue and recovery effort at any of the*
25 *former World Trade sites (including*

1 *Ground Zero, Staten Island land fill, and*
2 *the NYC Chief Medical Examiner's office)*
3 *for any time during the period beginning*
4 *on September 11, 2001, and ending on July*
5 *31, 2002; or*

6 “(ii)(I) *is a surviving immediate fam-*
7 *ily member of an individual who was a*
8 *member of the Fire Department of the City*
9 *of New York (whether fire or emergency per-*
10 *sonnel, active or retired) and was killed at*
11 *the World Trade site on September 11,*
12 *2001; and*

13 “(II) *received any treatment for a*
14 *WTC-related mental health condition de-*
15 *scribed in section 3012(a)(1)(B) on or before*
16 *September 1, 2008.*

17 “(B) *LAW ENFORCEMENT OFFICERS AND*
18 *WTC RESCUE, RECOVERY, AND CLEAN-UP WORK-*
19 *ERS.—The individual—*

20 “(i) *worked or volunteered on-site in*
21 *rescue, recovery, debris-cleanup or related*
22 *support services in lower Manhattan (south*
23 *of Canal St.), the Staten Island Landfill, or*
24 *the barge loading piers, for at least 4 hours*
25 *during the period beginning on September*

1 11, 2001, and ending on September 14,
2 2001, for at least 24 hours during the pe-
3 riod beginning on September 11, 2001, and
4 ending on September 30, 2001, or for at
5 least 80 hours during the period beginning
6 on September 11, 2001, and ending on July
7 31, 2002;

8 “(ii)(I) was a member of the Police De-
9 partment of the City of New York (whether
10 active or retired) or a member of the Port
11 Authority Police of the Port Authority of
12 New York and New Jersey (whether active
13 or retired) who participated on-site in res-
14 cue, recovery, debris clean-up, or related
15 services in lower Manhattan (south of Canal
16 St.), including Ground Zero, the Staten Is-
17 land Landfill or the barge loading piers, for
18 at least 4 hours during the period beginning
19 September 11, 2001, and ending on Sep-
20 tember 14, 2001;

21 “(II) participated on-site in rescue, re-
22 covery, debris clean-up, or related services
23 in at Ground Zero, the Staten Island Land-
24 fill or the barge loading piers, for at least
25 one day during the period beginning on

1 *September 11, 2001, and ending on July*
2 *31, 2002;*

3 *“(III) participated on-site in rescue,*
4 *recovery, debris clean-up, or related services*
5 *in lower Manhattan (south of Canal St.) for*
6 *at least 24 hours during the period begin-*
7 *ning on September 11, 2001, and ending on*
8 *September 30, 2001; or*

9 *“(IV) participated on-site in rescue, re-*
10 *covery, debris clean-up, or related services*
11 *in lower Manhattan (south of Canal St.) for*
12 *at least 80 hours during the period begin-*
13 *ning on September 11, 2001, and ending on*
14 *July 31, 2002;*

15 *“(iii) was an employee of the Office of*
16 *the Chief Medical Examiner of the City of*
17 *New York involved in the examination and*
18 *handling of human remains from the World*
19 *Trade Center attacks, or other morgue work-*
20 *er who performed similar post-September 11*
21 *functions for such Office staff, during the*
22 *period beginning on September 11, 2001*
23 *and ending on July 31, 2002;*

24 *“(iv) was a worker in the Port Author-*
25 *ity Trans-Hudson Corporation tunnel for at*

1 *least 24 hours during the period beginning*
2 *on February 1, 2002, and ending on July*
3 *1, 2002; or*

4 *“(v) was a vehicle-maintenance worker*
5 *who was exposed to debris from the former*
6 *World Trade Center while retrieving, driv-*
7 *ing, cleaning, repairing, and maintaining*
8 *vehicles contaminated by airborne toxins*
9 *from the September 11, 2001, terrorist at-*
10 *tacks on the World Trade Center during a*
11 *duration and period described in subpara-*
12 *graph (A).*

13 *“(3) APPLICATION PROCESS.—The WTC Pro-*
14 *gram Administrator in consultation with the Coordi-*
15 *nating Centers of Excellence shall establish a process*
16 *for individuals, other than eligible WTC responders*
17 *described in paragraph (1)(A), to apply to be deter-*
18 *mined to be eligible WTC responders. Under such*
19 *process—*

20 *“(A) there shall be no fee charged to the ap-*
21 *plicant for making an application for such de-*
22 *termination;*

23 *“(B) the Administrator shall make a deter-*
24 *mination on such an application not later than*

1 60 days after the date of filing the application;
2 and

3 “(C) an individual who is determined not
4 to be an eligible WTC responder shall have an
5 opportunity to appeal such determination before
6 an administrative law judge in a manner estab-
7 lished under such process.

8 “(4) CERTIFICATION.—

9 “(A) IN GENERAL.—In the case of an indi-
10 vidual who is described in paragraph (1)(A) or
11 who is determined under paragraph (3) (con-
12 sistent with paragraph (5)) to be an eligible
13 WTC responder, the WTC Program Adminis-
14 trator shall provide an appropriate certification
15 of such fact and of eligibility for monitoring and
16 treatment benefits under this part. The Adminis-
17 trator shall make determinations of eligibility re-
18 lating to an applicant’s compliance with this
19 title, including the verification of information
20 submitted in support of the application, and
21 shall not deny such a certification to an indi-
22 vidual unless the Administrator determines
23 that—

1 “(i) based on the application sub-
2 mitted, the individual does not meet the eli-
3 gibility criteria; or

4 “(ii) the numerical limitation on eligi-
5 ble WTC responders set forth in paragraph
6 (5) has been met.

7 “(B) TIMING.—

8 “(i) CURRENTLY IDENTIFIED RE-
9 SPONDERS.—In the case of an individual
10 who is described in paragraph (1)(A), the
11 WTC Program Administrator shall provide
12 the certification under subparagraph (A)
13 not later than 60 days after the date of the
14 enactment of this title.

15 “(ii) OTHER RESPONDERS.—In the
16 case of another individual who is deter-
17 mined under paragraph (3) and consistent
18 with paragraph (5) to be an eligible WTC
19 responder, the WTC Program Administrator
20 shall provide the certification under sub-
21 paragraph (A) at the time of the determina-
22 tion.

23 “(5) NUMERICAL LIMITATION ON ELIGIBLE WTC
24 RESPONDERS.—

1 “(A) *IN GENERAL.*—The total number of in-
2 dividuals not described in subparagraph (C) who
3 may qualify as eligible WTC responders for pur-
4 poses of this title, and be certified as eligible
5 WTC responders under paragraph (4), shall not
6 exceed 15,000, subject to adjustment under para-
7 graph (6), of which no more than 2,500 may be
8 individuals certified based on modified eligibility
9 criteria established under paragraph (1)(C). In
10 applying the previous sentence, any individual
11 who at any time so qualifies as an eligible WTC
12 responder shall be counted against such numer-
13 ical limitation.

14 “(B) *PROCESS.*—In implementing subpara-
15 graph (A), the WTC Program Administrator
16 shall—

17 “(i) limit the number of certifications
18 provided under paragraph (4) in accord-
19 ance with such subparagraph; and

20 “(ii) provide priority in such certifi-
21 cations in the order in which individuals
22 apply for a determination under paragraph
23 (3).

24 “(C) *CURRENTLY IDENTIFIED RESPONDERS*
25 *NOT COUNTED.*—Individuals described in this

1 *subparagraph are individuals who are described*
2 *in paragraph (1)(A).*

3 “(6) *POTENTIAL ADJUSTMENT IN NUMERICAL*
4 *LIMITATIONS DEPENDENT UPON ACTUAL SPENDING*
5 *RELATIVE TO ESTIMATED SPENDING.—*

6 “(A) *INITIAL CALCULATION FOR FISCAL*
7 *YEARS 2009 THROUGH 2011.—If the WTC Pro-*
8 *gram Administrator determines as of December*
9 *1, 2011, that the WTC expenditure-to-CBO-esti-*
10 *mate percentage (as defined in subparagraph*
11 *(D)(iii)) for fiscal years 2009 through 2011 does*
12 *not exceed 90 percent, then, effective January 1,*
13 *2012, the WTC Program Administrator may in-*
14 *crease the numerical limitation under paragraph*
15 *(5)(A), the numerical limitation under section*
16 *3021(a)(5), or both, by a number of percentage*
17 *points not to exceed the number of percentage*
18 *points specified in subparagraph (C) for such pe-*
19 *riod of fiscal years.*

20 “(B) *SUBSEQUENT CALCULATION FOR FIS-*
21 *CAL YEARS 2009 THROUGH 2015.—If the Secretary*
22 *determines as of December 1, 2015, that the*
23 *WTC expenditure-to-CBO-estimate percentages*
24 *for fiscal years 2009 through 2015 and for fiscal*
25 *years 2012 through 2015 do not exceed 90 per-*

1 *cent, then, effective January 1, 2015, the WTC*
2 *Program Administrator may increase the nu-*
3 *merical limitation under paragraph (5)(A), the*
4 *numerical limitation under section 3021(a)(5),*
5 *or both, as in effect after the application of sub-*
6 *paragraph (A), by a number of percentage points*
7 *not to exceed twice the lesser of—*

8 *“(i) the number of percentage points*
9 *specified in subparagraph (C) for fiscal*
10 *years 2009 through 2012, or*

11 *“(ii) the number of percentage points*
12 *specified in subparagraph (C) for fiscal*
13 *years 2012 through 2015.*

14 *“(C) MAXIMUM PERCENTAGE INCREASE IN*
15 *NUMERICAL LIMITATIONS FOR PERIOD OF FISCAL*
16 *YEARS.—The number of percentage points speci-*
17 *fied in this clause for a period of fiscal years*
18 *is—*

19 *“(i) 100 percentage points, multiplied*
20 *by*

21 *“(ii) one minus a fraction the numer-*
22 *ator of which is the net Federal WTC*
23 *spending for such period, and the denomi-*
24 *nator of which is the CBO WTC spending*
25 *estimate under this title for such period.*

1 “(D) *DEFINITIONS.*—*For purposes of this*
2 *paragraph:*

3 “(i) *NET FEDERAL SPENDING.*—*The*
4 *term ‘net Federal WTC spending’ means,*
5 *with respect to a period of fiscal years, the*
6 *net Federal spending under this title for*
7 *such fiscal years.*

8 “(ii) *CBO WTC SPENDING ESTIMATE*
9 *UNDER THIS TITLE.*—*The term ‘CBO WTC*
10 *medical spending estimate under this title’*
11 *means, with respect to—*

12 “(I) *fiscal years 2009 through*
13 *2011, \$900,000,000;*

14 “(II) *fiscal years 2012 through*
15 *2015, \$1,890,000,000; and*

16 “(III) *fiscal years 2009 through*
17 *2015, the sum of the amounts specified*
18 *in subclauses (I) and (II).*

19 “(iii) *WTC EXPENDITURE-TO-CBO-ES-*
20 *TIMATE PERCENTAGE.*—*The term ‘WTC ex-*
21 *penditure-to-estimate percentage’ means,*
22 *with respect to a period of fiscal years, the*
23 *ratio (expressed as a percentage) of—*

24 “(I) *the net Federal WTC spend-*
25 *ing for such period, to*

1 “(II) the CBO WTC spending es-
2 timate under this title for such period.

3 “(b) *MONITORING BENEFITS.*—

4 “(1) *IN GENERAL.*—In the case of an eligible
5 WTC responder under section 3011(a)(4) (other than
6 one described in subsection (a)(2)(A)(ii)), the WTC
7 program shall provide for monitoring benefits that in-
8 clude medical monitoring consistent with protocols
9 approved by the WTC Program Administrator and
10 including clinical examinations and long-term health
11 monitoring and analysis. In the case of an eligible
12 WTC responder who is an active member of the Fire
13 Department of the City of New York, the responder
14 shall receive such benefits as part of the individual’s
15 periodic company medical exams.

16 “(2) *PROVISION OF MONITORING BENEFITS.*—The
17 monitoring benefits under paragraph (1) shall be pro-
18 vided through the Clinical Center of Excellence for the
19 type of individual involved or, in the case of an indi-
20 vidual residing outside the New York metropolitan
21 area, under an arrangement under section 3031.

22 “**SEC. 3012. TREATMENT OF CERTIFIED ELIGIBLE WTC RE-**
23 **SPONDERS FOR WTC-RELATED HEALTH CON-**
24 **DITIONS.**

25 “(a) *WTC-RELATED HEALTH CONDITION DEFINED.*—

1 “(1) *IN GENERAL.*—*For purposes of this title, the*
2 *term ‘WTC-related health condition’ means—*

3 “(A) *an illness or health condition for*
4 *which exposure to airborne toxins, any other*
5 *hazard, or any other adverse condition resulting*
6 *from the September 11, 2001, terrorist attacks on*
7 *the World Trade Center, based on an examina-*
8 *tion by a medical professional with experience in*
9 *treating or diagnosing the medical conditions in-*
10 *cluded in the applicable list of identified WTC-*
11 *related conditions, is substantially likely to be a*
12 *significant factor in aggravating, contributing*
13 *to, or causing the illness or health condition, as*
14 *determined under paragraph (2); or*

15 “(B) *a mental health condition for which*
16 *such attacks, based on an examination by a med-*
17 *ical professional with experience in treating or*
18 *diagnosing the medical conditions included in*
19 *the applicable list of identified WTC-related con-*
20 *ditions, is substantially likely be a significant*
21 *factor in aggravating, contributing to, or caus-*
22 *ing the condition, as determined under para-*
23 *graph (2).*

24 *In the case of an eligible WTC responder described in*
25 *section 3011(a)(2)(A)(ii), such term only includes the*

1 *mental health condition described in subparagraph*
2 *(B).*

3 “(2) *DETERMINATION.*—*The determination of*
4 *whether the September 11, 2001, terrorist attacks on*
5 *the World Trade Center were substantially likely to be*
6 *a significant factor in aggravating, contributing to,*
7 *or causing an individual’s illness or health condition*
8 *shall be made based on an assessment of the following:*

9 “(A) *The individual’s exposure to airborne*
10 *toxins, any other hazard, or any other adverse*
11 *condition resulting from the terrorist attacks.*
12 *Such exposure shall be—*

13 “(i) *evaluated and characterized*
14 *through the use of a standardized, popu-*
15 *lation appropriate questionnaire approved*
16 *by the Director of the National Institute for*
17 *Occupational Safety and Health; and*

18 “(ii) *assessed and documented by a*
19 *medical professional with experience in*
20 *treating or diagnosing medical conditions*
21 *included on the list of identified WTC-re-*
22 *lated conditions.*

23 “(B) *The type of symptoms and temporal*
24 *sequence of symptoms. Such symptoms shall be—*

1 “(i) assessed through the use of a
2 standardized, population appropriate med-
3 ical questionnaire approved by Director of
4 the National Institute for Occupational
5 Safety and Health and a medical examina-
6 tion; and

7 “(ii) diagnosed and documented by a
8 medical professional described in subpara-
9 graph (A)(i).

10 “(3) LIST OF IDENTIFIED WTC-RELATED HEALTH
11 CONDITIONS FOR CERTIFIED ELIGIBLE WTC RESPOND-
12 ERS.—For purposes of this title, the term ‘identified
13 WTC-related health condition for eligible WTC re-
14 sponders’ means any of the following health condi-
15 tions:

16 “(A) AERODIGESTIVE DISORDERS.—

17 “(i) Interstitial lung diseases.

18 “(ii) Chronic respiratory disorder-
19 fumes/vapors.

20 “(iii) Asthma.

21 “(iv) Reactive airways dysfunction
22 syndrome (RADS).

23 “(v) WTC-exacerbated chronic obstruc-
24 tive pulmonary disease (COPD).

25 “(vi) Chronic cough syndrome.

1 “(vii) *Upper airway hyperreactivity.*

2 “(viii) *Chronic rhinosinusitis.*

3 “(ix) *Chronic nasopharyngitis.*

4 “(x) *Chronic laryngitis.*

5 “(xi) *Gastro-esophageal reflux disorder*
6 *(GERD).*

7 “(xii) *Sleep apnea exacerbated by or*
8 *related to a condition described in a pre-*
9 *vious clause.*

10 “(B) *MENTAL HEALTH CONDITIONS.—*

11 “(i) *Post traumatic stress disorder*
12 *(PTSD).*

13 “(ii) *Major depressive disorder.*

14 “(iii) *Panic disorder.*

15 “(iv) *Generalized anxiety disorder.*

16 “(v) *Anxiety disorder (not otherwise*
17 *specified).*

18 “(vi) *Depression (not otherwise speci-*
19 *fied).*

20 “(vii) *Acute stress disorder.*

21 “(viii) *Dysthymic disorder.*

22 “(ix) *Adjustment disorder.*

23 “(x) *Substance abuse.*

24 “(xi) *V codes (treatments not specifi-*
25 *cally related to psychiatric disorders, such*

1 *as marital problems, parenting problems*
2 *etc.), secondary to another identified WTC-*
3 *related health condition for WTC eligible re-*
4 *sponders.*

5 “(C) *MUSCULOSKELETAL DISORDERS.—*

6 “(i) *Low back pain.*

7 “(ii) *Carpal tunnel syndrome (CTS).*

8 “(iii) *Other musculoskeletal disorders.*

9 “(4) *ADDITION OF IDENTIFIED WTC-RELATED*
10 *HEALTH CONDITIONS FOR ELIGIBLE WTC RESPOND-*
11 *ERS.—*

12 “(A) *IN GENERAL.—The WTC Program Ad-*
13 *ministrator may promulgate regulations to add*
14 *an illness or health condition not described in*
15 *paragraph (3) to be added to the list of identified*
16 *WTC-related conditions for eligible WTC re-*
17 *sponders. In promulgating such regulations, the*
18 *Secretary shall provide for notice and oppor-*
19 *tunity for a public hearing and at least 90 days*
20 *of public comment. In promulgating such regula-*
21 *tions, the WTC Program Administrator shall*
22 *take into account the findings and recommenda-*
23 *tions of Clinical Centers of Excellence published*
24 *in peer reviewed journals in the determination of*
25 *whether an additional illness or health condition,*

1 *such as cancer, should be added to the list of*
2 *identified WTC-related health conditions for eli-*
3 *gible WTC responders.*

4 “(B) *PETITIONS.*—*Any person (including*
5 *the WTC Health Program Scientific/Technical*
6 *Advisory Committee) may petition the WTC*
7 *Program Administrator to propose regulations*
8 *described in subparagraph (A). Unless clearly*
9 *frivolous, or initiated by such Committee, any*
10 *such petition shall be referred to such Committee*
11 *for its recommendations. Following—*

12 “(i) *receipt of any recommendation of*
13 *the Committee; or*

14 “(ii) *180 days after the date of the re-*
15 *ferral to the Committee,*

16 *whichever occurs first, the WTC Program Ad-*
17 *ministrator shall conduct a rulemaking pro-*
18 *ceeding on the matters proposed in the petition*
19 *or publish in the Federal Register a statement of*
20 *reasons for not conducting such proceeding.*

21 “(C) *EFFECTIVENESS.*—*Any addition under*
22 *subparagraph (A) of an illness or health condi-*
23 *tion shall apply only with respect to applica-*
24 *tions for benefits under this title which are filed*
25 *after the effective date of such regulation.*

1 “(D) *ROLE OF ADVISORY COMMITTEE.*—*Ex-*
2 *cept with respect to a regulation recommended*
3 *by the WTC Health Program Scientific/Tech-*
4 *nical Advisory Committee), the WTC Program*
5 *Administrator may not propose a regulation*
6 *under this paragraph, unless the Administrator*
7 *has first provided to the Committee a copy of the*
8 *proposed regulation, requested recommendations*
9 *and comments by the Committee, and afforded*
10 *the Committee at least 90 days to make such rec-*
11 *ommendations.*

12 “(b) *COVERAGE OF TREATMENT FOR WTC-RELATED*
13 *HEALTH CONDITIONS.*—

14 “(1) *DETERMINATION BASED ON AN IDENTIFIED*
15 *WTC-RELATED HEALTH CONDITION FOR CERTIFIED*
16 *ELIGIBLE WTC RESPONDERS.*—

17 “(A) *IN GENERAL.*—*If a physician at a*
18 *Clinical Center of Excellence that is providing*
19 *monitoring benefits under section 3011 for a cer-*
20 *tified eligible WTC responder determines that the*
21 *responder has an identified WTC-related health*
22 *condition, and the physician makes a clinical*
23 *determination that exposure to airborne toxins,*
24 *other hazards, or adverse conditions resulting*
25 *from the 9/11 terrorist attacks is substantially*

1 *likely to be a significant factor in aggravating,*
2 *contributing to, or causing the condition—*

3 “(i) *the physician shall promptly*
4 *transmit such determination to the WTC*
5 *Program Administrator and provide the*
6 *Administrator with the medical facts sup-*
7 *porting such determination; and*

8 “(ii) *on and after the date of such*
9 *transmittal and subject to subparagraph*
10 *(B), the WTC program shall provide for*
11 *payment under subsection (c) for medically*
12 *necessary treatment for such condition.*

13 “(B) *REVIEW; CERTIFICATION; APPEALS.—*

14 “(i) *REVIEW.—A Federal employee*
15 *designated by the WTC Program Adminis-*
16 *trator shall review determinations made*
17 *under subparagraph (A) of a WTC-related*
18 *health condition.*

19 “(ii) *CERTIFICATION.—The Adminis-*
20 *trator shall provide a certification of such*
21 *condition based upon reviews conducted*
22 *under clause (i). Such a certification shall*
23 *be provided unless the Administrator deter-*
24 *mines that the responder’s condition is not*
25 *an identified WTC-related health condition*

1 or that exposure to airborne toxins, other
2 hazards, or adverse conditions resulting
3 from the 9/11 terrorist attacks is not sub-
4 stantially likely to be a significant factor in
5 significantly aggravating, contributing to,
6 or causing the condition.

7 “(iii) *APPEAL PROCESS.*—The Admin-
8 istrator shall provide a process for the ap-
9 peal of determinations under clause (ii) be-
10 fore an administrative law judge.

11 “(2) *DETERMINATION BASED ON OTHER WTC-RE-*
12 *LATED HEALTH CONDITION.*—

13 “(A) *IN GENERAL.*—If a physician at a
14 Clinical Center of Excellence determines pursu-
15 ant to subsection (a) that the certified eligible
16 WTC responder has a WTC-related health condi-
17 tion that is not an identified WTC-related health
18 condition for eligible WTC responders—

19 “(i) the physician shall promptly
20 transmit such determination to the WTC
21 Program Administrator and provide the
22 Administrator with the facts supporting
23 such determination; and

24 “(ii) the Administrator shall make a
25 determination under subparagraph (B)

1 *with respect to such physician's determina-*
2 *tion.*

3 “(B) *REVIEW; CERTIFICATION.*—

4 “*(i) USE OF PHYSICIAN PANEL.*—*With*
5 *respect to each determination relating to a*
6 *WTC-related health condition transmitted*
7 *under subparagraph (A)(i), the WTC Pro-*
8 *gram Administrator shall provide for the*
9 *review of the condition to be made by a*
10 *physician panel with appropriate expertise*
11 *appointed by the WTC Program Adminis-*
12 *trator. Such a panel shall make rec-*
13 *ommendations to the Administrator on the*
14 *evidence supporting such determination.*

15 “*(ii) REVIEW OF RECOMMENDATIONS*
16 *OF PANEL; CERTIFICATION.*—*The Adminis-*
17 *trator, based on such recommendations shall*
18 *determine, within 60 days after the date of*
19 *the transmittal under subparagraph (A)(i),*
20 *whether or not the condition is a WTC-re-*
21 *lated health condition and, if it is, provide*
22 *for a certification under paragraph*
23 *(1)(B)(ii) of coverage of such condition. The*
24 *Administrator shall provide a process for*
25 *the appeal of determinations that the re-*

1 *sponder's condition is not a WTC-related*
2 *health condition before an administrative*
3 *law judge.*

4 *“(3) REQUIREMENT OF MEDICAL NECESSITY.—*

5 *“(A) IN GENERAL.—In providing treatment*
6 *for a WTC-health condition, a physician shall*
7 *provide treatment that is medically necessary*
8 *and in accordance with medical protocols estab-*
9 *lished under subsection (d).*

10 *“(B) MEDICALLY NECESSARY STANDARD.—*

11 *For the purpose of this title, health care services*
12 *shall be treated as medically necessary for an in-*
13 *dividual if a physician, exercising prudent clin-*
14 *ical judgment, would consider the services to be*
15 *medically necessary for the individual for the*
16 *purpose of evaluating, diagnosing, or treating an*
17 *illness, injury, disease or its symptoms, and that*
18 *are—*

19 *“(i) in accordance with the generally*
20 *accepted standards of medical practice;*

21 *“(ii) clinically appropriate, in terms*
22 *of type, frequency, extent, site, and dura-*
23 *tion, and considered effective for the indi-*
24 *vidual's illness, injury, or disease; and*

1 “(iii) not primarily for the conven-
2 ience of the patient or physician, or another
3 physician, and not more costly than an al-
4 ternative service or sequence of services at
5 least as likely to produce equivalent thera-
6 peutic or diagnostic results as to the diag-
7 nosis or treatment of the individual’s ill-
8 ness, injury, or disease.

9 “(C) DETERMINATION OF MEDICAL NECES-
10 SITY.—

11 “(i) REVIEW OF MEDICAL NECES-
12 SITY.—As part of the reimbursement pay-
13 ment process under subsection (c), the WTC
14 Program Administrator shall review claims
15 for reimbursement for the provision of med-
16 ical treatment to determine if such treat-
17 ment is medically necessary.

18 “(ii) WITHHOLDING OF PAYMENT FOR
19 MEDICALLY UNNECESSARY TREATMENT.—
20 The Administrator may withhold such pay-
21 ment for treatment that the Administrator
22 determines is not medically necessary.

23 “(iii) REVIEW OF DETERMINATIONS OF
24 MEDICAL NECESSITY.—The Administrator
25 shall provide a process for providers to ap-

1 *peal a determination under clause (i) that*
2 *medical treatment is not medically nec-*
3 *essary. Such appeals shall be reviewed*
4 *through the use of a physician panel with*
5 *appropriate expertise.*

6 *“(4) SCOPE OF TREATMENT COVERED.—*

7 *“(A) IN GENERAL.—The scope of treatment*
8 *covered under such paragraphs includes services*
9 *of physicians and other health care providers, di-*
10 *agnostic and laboratory tests, prescription drugs,*
11 *inpatient and outpatient hospital services, and*
12 *other medically necessary treatment.*

13 *“(B) PHARMACEUTICAL COVERAGE.—With*
14 *respect to ensuring coverage of medically nec-*
15 *essary outpatient prescription drugs, such drugs*
16 *shall be provided, under arrangements made by*
17 *the WTC Program Administrator, directly*
18 *through participating Clinical Centers of Excel-*
19 *lence or through one or more outside vendors.*

20 *“(C) TRANSPORTATION EXPENSES.—To the*
21 *extent provided in advance in appropriations*
22 *Acts, the WTC Program Administrator may pro-*
23 *vide for necessary and reasonable transportation*
24 *and expenses incident to the securing of medi-*
25 *cally necessary treatment involving travel of*

1 *more than 250 miles and for which payment is*
2 *made under this section in the same manner in*
3 *which individuals may be furnished necessary*
4 *and reasonable transportation and expenses inci-*
5 *dent to services involving travel of more than*
6 *250 miles under regulations implementing sec-*
7 *tion 3629(c) of the Energy Employees Occupa-*
8 *tional Illness Compensation Program Act of*
9 *2000 (title XXXVI of Public Law 106–398; 42*
10 *U.S.C. 7384t(c)).*

11 “(5) *PROVISION OF TREATMENT PENDING CER-*
12 *TIFICATION.—In the case of a certified eligible WTC*
13 *responder who has been determined by an examining*
14 *physician under subsection (b)(1) to have an identi-*
15 *fied WTC-related health condition, but for whom a*
16 *certification of the determination has not yet been*
17 *made by the WTC Program Administrator, medical*
18 *treatment may be provided under this subsection, sub-*
19 *ject to paragraph (6), until the Administrator makes*
20 *a decision on such certification. Medical treatment*
21 *provided under this paragraph shall be considered to*
22 *be medical treatment for which payment may be*
23 *made under subsection (c).*

24 “(6) *PRIOR APPROVAL PROCESS FOR NON-CER-*
25 *TIFIED NON-EMERGENCY INPATIENT HOSPITAL SERV-*

1 *ICES.—Non-emergency inpatient hospital services for*
2 *a WTC-related health condition identified by an ex-*
3 *amining physician under paragraph (b)(1) that is*
4 *not certified under paragraph (1)(B)(ii) is not cov-*
5 *ered unless the services have been determined to be*
6 *medically necessary and approved through a process*
7 *established by the WTC Program Administrator. Such*
8 *process shall provide for a decision on a request for*
9 *such services within 15 days of the date of receipt of*
10 *the request. The WTC Administrator shall provide a*
11 *process for the appeal of a decision that the services*
12 *are not medically necessary.*

13 *“(c) PAYMENT FOR INITIAL HEALTH EVALUATION,*
14 *MEDICAL MONITORING, AND TREATMENT OF WTC-RE-*
15 *LATED HEALTH CONDITIONS.—*

16 *“(1) MEDICAL TREATMENT.—*

17 *“(A) USE OF FECA PAYMENT RATES.—Sub-*
18 *ject to subparagraph (B), the WTC Program Ad-*
19 *ministrator shall reimburse costs for medically*
20 *necessary treatment under this title for WTC-re-*
21 *lated health conditions according to the payment*
22 *rates that would apply to the provision of such*
23 *treatment and services by the facility under the*
24 *Federal Employees Compensation Act.*

25 *“(B) PHARMACEUTICALS.—*

1 “(i) *IN GENERAL.*—*The WTC Program*
2 *Administrator shall establish a program for*
3 *paying for the medically necessary out-*
4 *patient prescription pharmaceuticals pre-*
5 *scribed under this title for WTC-related con-*
6 *ditions through one or more contracts with*
7 *outside vendors.*

8 “(ii) *COMPETITIVE BIDDING.*—*Under*
9 *such program the Administrator shall—*

10 “(I) *select one or more appro-*
11 *priate vendors through a Federal com-*
12 *petitive bid process; and*

13 “(II) *select the lowest bidder (or*
14 *bidders) meeting the requirements for*
15 *providing pharmaceutical benefits for*
16 *participants in the WTC program.*

17 “(iii) *TREATMENT OF FDNY PARTICI-*
18 *PANTS.*—*Under such program the Adminis-*
19 *trator may enter select a separate vendor to*
20 *provide pharmaceutical benefits to certified*
21 *eligible WTC responders for whom the Clin-*
22 *ical Center of Excellence is described in sec-*
23 *tion 3006(b)(1)(A) if such an arrangement*
24 *is deemed necessary and beneficial to the*

1 *program by the WTC Program Adminis-*
2 *trator.*

3 *“(C) OTHER TREATMENT.—For treatment*
4 *not covered under a preceding subparagraph, the*
5 *WTC Program Administrator shall designate a*
6 *reimbursement rate for each such service.*

7 *“(2) MEDICAL MONITORING AND INITIAL HEALTH*
8 *EVALUATION.—The WTC Program Administrator*
9 *shall reimburse the costs of medical monitoring and*
10 *the costs of an initial health evaluation provided*
11 *under this title at a rate set by the Administrator.*

12 *“(3) ADMINISTRATIVE ARRANGEMENT AUTHOR-*
13 *ITY.—The WTC Program Administrator may enter*
14 *into arrangements with other government agencies,*
15 *insurance companies, or other third-party adminis-*
16 *trators to provide for timely and accurate processing*
17 *of claims under this section.*

18 *“(4) CLAIMS PROCESSING SUBJECT TO APPRO-*
19 *PRIATIONS.—The payment by the WTC Program Ad-*
20 *ministrator for the processing of claims under this*
21 *title is limited to the amounts provided in advance in*
22 *appropriations Acts.*

23 *“(d) MEDICAL TREATMENT PROTOCOLS.—*

24 *“(1) DEVELOPMENT.—The Coordinating Centers*
25 *of Excellence shall develop medical treatment proto-*

1 *cols for the treatment of certified eligible WTC re-*
2 *sponders and certified eligible WTC community mem-*
3 *bers for identified WTC-related health conditions.*

4 *“(2) APPROVAL.—The WTC Program Adminis-*
5 *trator shall approve the medical treatment protocols,*
6 *in consultation with the WTC Health Program Steer-*
7 *ing Committees.*

8 **“PART 2—COMMUNITY PROGRAM**

9 **“SEC. 3021. IDENTIFICATION AND INITIAL HEALTH EVALUA-**
10 **TION OF ELIGIBLE WTC COMMUNITY MEM-**
11 **BERS.**

12 *“(a) ELIGIBLE WTC COMMUNITY MEMBER DE-*
13 *FINED.—*

14 *“(1) IN GENERAL.—In this title, the term ‘eligi-*
15 *ble WTC community member’ means, subject to para-*
16 *graphs (3) and (5), an individual who claims symp-*
17 *toms of a WTC-related health condition and is de-*
18 *scribed in any of the following subparagraphs:*

19 *“(A) CURRENTLY IDENTIFIED COMMUNITY*
20 *MEMBER.—An individual, including an eligible*
21 *WTC responder, who has been identified as eligi-*
22 *ble for medical treatment or monitoring by the*
23 *WTC Environmental Health Center as of the*
24 *date of enactment of this title.*

1 “(B) *COMMUNITY MEMBER WHO MEETS*
2 *CURRENT ELIGIBILITY CRITERIA.*—*An individual*
3 *who is not an eligible WTC responder and meets*
4 *any of the current eligibility criteria described*
5 *in a subparagraph of paragraph (2).*

6 “(C) *COMMUNITY MEMBER WHO MEETS*
7 *MODIFIED ELIGIBILITY CRITERIA.*—*An indi-*
8 *vidual who is not an eligible WTC responder and*
9 *meets such eligibility criteria relating to expo-*
10 *sure to airborne toxins, other hazards, or adverse*
11 *conditions resulting from the September 11,*
12 *2001, terrorist attacks on the World Trade Cen-*
13 *ter as the WTC Administrator determines eligi-*
14 *ble, after consultation with the WTC Community*
15 *Program Steering Committee, Coordinating Cen-*
16 *ters of Excellence described in section*
17 *3006(b)(1)(C), and the WTC Scientific/Technical*
18 *Advisory Committee.*

19 *The Administrator shall not modify such criteria*
20 *under subparagraph (C) on or after the date that the*
21 *number of certifications for eligible community mem-*
22 *bers has reached 80 percent of the limit described in*
23 *paragraph (5) or on or after the date that the number*
24 *of certifications for eligible responders has reached 80*
25 *percent of the limit described in section 3021(a)(5).*

1 “(2) *CURRENT ELIGIBILITY CRITERIA.*—*The eli-*
2 *gibility criteria described in this paragraph for an*
3 *individual are that the individual is described in any*
4 *of the following subparagraphs:*

5 “(A) *A person who was present in the New*
6 *York City disaster area in the dust or dust cloud*
7 *on September 11, 2001.*

8 “(B) *A person who worked, resided or at-*
9 *tended school, child care or adult day care in the*
10 *New York City disaster area for—*

11 “(i) *at least four days during the 4-*
12 *month period beginning on September 11,*
13 *2001, and ending on January 10, 2002; or*

14 “(ii) *at least 30 days during the period*
15 *beginning on September 11, 2001, and end-*
16 *ing on July 31, 2002.*

17 “(C) *Any person who worked as a clean-up*
18 *worker or performed maintenance work in the*
19 *New York City disaster area during the 4-month*
20 *period described in subparagraph (B)(i) and had*
21 *extensive exposure to WTC dust as a result of*
22 *such work.*

23 “(D) *A person who was deemed eligible to*
24 *receive a grant from the Lower Manhattan De-*
25 *velopment Corporation Residential Grant Pro-*

1 *gram, who possessed a lease for a residence or*
2 *purchased a residence in the New York City dis-*
3 *aster area, and who resided in such residence*
4 *during the period beginning on September 11,*
5 *2001, and ending on May 31, 2003.*

6 “(E) A person whose place of employment—

7 “(i) at any time during the period be-

8 ginning on September 11, 2001, and ending

9 on May 31, 2003, was in the New York City

10 disaster area; and

11 “(ii) was deemed eligible to receive a

12 grant from the Lower Manhattan Develop-

13 ment Corporation WTC Small Firms At-

14 traction and Retention Act program or

15 other government incentive program de-

16 signed to revitalize the Lower Manhattan

17 economy after the September 11, 2001, ter-

18 rorist attacks on the World Trade Center.

19 “(3) APPLICATION PROCESS.—The WTC Pro-

20 gram Administrator in consultation with the Coordi-

21 nating Centers of Excellence shall establish a process

22 for individuals, other than individuals described in

23 paragraph (1)(A), to be determined eligible WTC

24 community member. Under such process—

1 “(A) *there shall be no fee charged to the ap-*
2 *plicant for making an application for such de-*
3 *termination;*

4 “(B) *the Administrator shall make a deter-*
5 *mination on such an application not later than*
6 *60 days after the date of filing the application;*
7 *and*

8 “(C) *an individual who is determined not*
9 *to be an eligible WTC community member shall*
10 *have an opportunity to appeal such determina-*
11 *tion before an administrative law judge in a*
12 *manner established under such process.*

13 “(4) *CERTIFICATION.—*

14 “(A) *IN GENERAL.—In the case of an indi-*
15 *vidual who is described in paragraph (1)(A) or*
16 *who is determined under paragraph (3) (con-*
17 *sistent with paragraph (5)) to be an eligible*
18 *WTC community member, the WTC Program*
19 *Administrator shall provide an appropriate cer-*
20 *tification of such fact and of eligibility for fol-*
21 *lowup monitoring and treatment benefits under*
22 *this part. The Administrator shall make deter-*
23 *minations of eligibility relating to an appli-*
24 *cant’s compliance with this title, including the*
25 *verification of information submitted in support*

1 *of the application and shall not deny such a cer-*
2 *tification to an individual unless the Adminis-*
3 *trator determines that—*

4 “(i) *based on the application sub-*
5 *mitted, the individual does not meet the eli-*
6 *gibility criteria; or*

7 “(ii) *the numerical limitation on cer-*
8 *tification of eligible WTC community mem-*
9 *bers set forth in paragraph (5) has been*
10 *met.*

11 “(B) *TIMING.—*

12 “(i) *CURRENTLY IDENTIFIED COMMU-*
13 *NITY MEMBERS.—In the case of an indi-*
14 *vidual who is described in paragraph*
15 *(1)(A), the WTC Program Administrator*
16 *shall provide the certification under sub-*
17 *paragraph (A) not later than 60 days after*
18 *the date of the enactment of this title.*

19 “(ii) *OTHER MEMBERS.—In the case of*
20 *another individual who is determined under*
21 *paragraph (3) and consistent with para-*
22 *graph (5) to be an eligible WTC community*
23 *member, the WTC Program Administrator*
24 *shall provide the certification under sub-*

1 *paragraph (A) at the time of such deter-*
2 *mination.*

3 “(5) *NUMERICAL LIMITATION ON CERTIFICATION*
4 *OF ELIGIBLE WTC COMMUNITY MEMBERS.—*

5 “(A) *IN GENERAL.—The total number of in-*
6 *dividuals not described in subparagraph (C) who*
7 *may be certified as eligible WTC community*
8 *members under paragraph (4) shall not exceed*
9 *15,000. In applying the previous sentence, any*
10 *individual who at any time so qualifies as an el-*
11 *igible WTC community member shall be counted*
12 *against such numerical limitation.*

13 “(B) *PROCESS.—In implementing subpara-*
14 *graph (A), the WTC Program Administrator*
15 *shall—*

16 “(i) *limit the number of certifications*
17 *provided under paragraph (4) in accord-*
18 *ance with such subparagraph; and*

19 “(ii) *provide priority in such certifi-*
20 *cations in the order in which individuals*
21 *apply for a determination under paragraph*
22 *(4).*

23 “(C) *INDIVIDUALS CURRENTLY RECEIVING*
24 *TREATMENT NOT COUNTED.—Individuals de-*

1 *scribed in this subparagraph are individuals*
2 *who—*

3 *“(i) are described in paragraph (1)(A);*

4 *or*

5 *“(ii) before the date of the enactment of*
6 *this title, have received monitoring or treat-*
7 *ment at the World Trade Center Environ-*
8 *mental Health Center at Bellevue Hospital*
9 *Center, Gouverneur Health Care Services,*
10 *or Elmhurst Hospital Center.*

11 *The New York City Health and Hospitals Cor-*
12 *poration shall, not later than 6 months after the*
13 *date of enactment of this title, enter into ar-*
14 *rangements with the Mt. Sinai Data and Clin-*
15 *ical Coordination Center for the reporting of*
16 *medical data concerning eligible WTC responders*
17 *described in paragraph (1)(A), as determined by*
18 *the WTC Program Administrator and consistent*
19 *with applicable Federal and State laws and reg-*
20 *ulations relating to confidentiality of individ-*
21 *ually identifiable health information.*

22 *“(D) REPORT TO CONGRESS IF NUMERICAL*
23 *LIMITATION TO BE REACHED.—If the WTC Pro-*
24 *gram Administrator determines that the number*
25 *of individuals subject to the numerical limitation*

1 *of subparagraph (A) is likely to exceed such nu-*
2 *merical limitation, the Administrator shall sub-*
3 *mit to Congress a report on such determination.*
4 *Such report shall include an estimate of the*
5 *number of such individuals in excess of such nu-*
6 *merical limitation and of the additional expend-*
7 *itures that would result under this title if such*
8 *numerical limitation were removed.*

9 “(b) *INITIAL HEALTH EVALUATION TO DETERMINE*
10 *ELIGIBILITY FOR FOLLOWUP MONITORING OR TREAT-*
11 *MENT.—*

12 “(1) *IN GENERAL.—In the case of a certified eli-*
13 *gible WTC community member, the WTC program*
14 *shall provide for an initial health evaluation to deter-*
15 *mine if the member has a WTC-related health condi-*
16 *tion and is eligible for followup monitoring and treat-*
17 *ment benefits under the WTC program. Initial health*
18 *evaluation protocols shall be approved by the WTC*
19 *Program Administrator, in consultation with the*
20 *World Trade Center Environmental Health Center at*
21 *Bellevue Hospital and the WTC Community Program*
22 *Steering Committee.*

23 “(2) *INITIAL HEALTH EVALUATION PRO-*
24 *VIDERS.—The initial health evaluation described in*
25 *paragraph (1) shall be provided through a Clinical*

1 *Center of Excellence with respect to the individual in-*
2 *volved.*

3 “(3) *LIMITATION ON INITIAL HEALTH EVALUA-*
4 *TION BENEFITS.—Benefits for initial health evalua-*
5 *tion under this part for an eligible WTC community*
6 *member shall consist only of a single medical initial*
7 *health evaluation consistent with initial health eval-*
8 *uation protocols described in paragraph (1). Nothing*
9 *in this paragraph shall be construed as preventing*
10 *such an individual from seeking additional medical*
11 *initial health evaluations at the expense of the indi-*
12 *vidual.*

13 **“SEC. 3022. FOLLOWUP MONITORING AND TREATMENT OF**
14 **CERTIFIED ELIGIBLE WTC COMMUNITY MEM-**
15 **BERS FOR WTC-RELATED HEALTH CONDI-**
16 **TIONS.**

17 “(a) *IN GENERAL.—Subject to subsection (b), the pro-*
18 *visions of sections 3011 and 3012 shall apply to followup*
19 *monitoring and treatment of WTC-related health conditions*
20 *for certified eligible WTC community members in the same*
21 *manner as such provisions apply to the monitoring and*
22 *treatment of identified WTC-related health conditions for*
23 *certified eligible WTC responders, except that such moni-*
24 *toring shall only be available to those certified as eligible*
25 *for treatment under this title. Under section 3006(a)(3), the*

1 *City of New York is required to contribute a share of the*
2 *costs of such treatment.*

3 “(b) *LIST OF IDENTIFIED WTC-RELATED HEALTH*
4 *CONDITIONS FOR WTC COMMUNITY MEMBERS.—*

5 “(1) *IDENTIFIED WTC-RELATED HEALTH CONDI-*
6 *TIONS FOR WTC COMMUNITY MEMBERS.—For purposes*
7 *of this title, the term ‘identified WTC-related health*
8 *conditions for WTC community members’ means any*
9 *of the following health conditions:*

10 “(A) *AERODIGESTIVE DISORDERS.—*

11 “(i) *Interstitial lung diseases.*

12 “(ii) *Chronic respiratory disorder—*
13 *fumes/vapors.*

14 “(iii) *Asthma.*

15 “(iv) *Reactive airways dysfunction*
16 *syndrome (RADS).*

17 “(v) *WTC-exacerbated chronic obstruc-*
18 *tive pulmonary disease (COPD).*

19 “(vi) *Chronic cough syndrome.*

20 “(vii) *Upper airway hyperreactivity.*

21 “(viii) *Chronic rhinosinusitis.*

22 “(ix) *Chronic nasopharyngitis.*

23 “(x) *Chronic laryngitis.*

24 “(xi) *Gastro-esophageal reflux disorder*
25 *(GERD).*

1 “(xii) *Sleep apnea exacerbated by or*
2 *related to a condition described in a pre-*
3 *vious clause.*

4 “(B) *MENTAL HEALTH CONDITIONS.—*

5 “(i) *Post traumatic stress disorder*
6 *(PTSD).*

7 “(ii) *Major depressive disorder.*

8 “(iii) *Panic disorder.*

9 “(iv) *Generalized anxiety disorder.*

10 “(v) *Anxiety disorder (not otherwise*
11 *specified).*

12 “(vi) *Depression (not otherwise speci-*
13 *fied).*

14 “(vii) *Acute stress disorder.*

15 “(viii) *Dysthymic disorder.*

16 “(ix) *Adjustment disorder.*

17 “(x) *Substance abuse.*

18 “(xi) *V codes (treatments not specifi-*
19 *cally related to psychiatric disorders, such*
20 *as marital problems, parenting problems*
21 *etc.), secondary to another identified WTC-*
22 *related health condition for WTC commu-*
23 *nity members.*

24 “(2) *ADDITIONS TO IDENTIFIED WTC-RELATED*
25 *HEALTH CONDITIONS FOR WTC COMMUNITY MEM-*

1 *BERS.—The provisions of paragraph (4) of section*
2 *3012(a) shall apply with respect to an addition to the*
3 *list of identified WTC-related conditions for eligible*
4 *WTC community members under paragraph (1) in*
5 *the same manner as such provisions apply to an ad-*
6 *dition to the list of identified WTC-related conditions*
7 *for eligible WTC responders under section 3012(a)(3).*

8 **“SEC. 3023. FOLLOWUP MONITORING AND TREATMENT OF**
9 **OTHER INDIVIDUALS WITH WTC-RELATED**
10 **HEALTH CONDITIONS.**

11 *“(a) IN GENERAL.—Subject to subsection (c), the pro-*
12 *visions of section 3022 shall apply to the followup moni-*
13 *toring and treatment of WTC-related health conditions for*
14 *eligible WTC community members in the case of individuals*
15 *described in subsection (b) in the same manner as such pro-*
16 *visions apply to the followup monitoring and treatment of*
17 *WTC-related health conditions for WTC community mem-*
18 *bers. Under section 3006(a)(3), the City of New York is re-*
19 *quired to contribute a share of the costs of such monitoring*
20 *and treatment.*

21 *“(b) INDIVIDUALS DESCRIBED.—An individual de-*
22 *scribed in this subsection is an individual who, regardless*
23 *of location of residence—*

24 *“(1) is not a eligible WTC responder or an eligi-*
25 *ble WTC community member; and*

1 “(2) is diagnosed at a Clinical Center of Excel-
2 lence (with respect to an eligible WTC community
3 member) with an identified WTC-related health con-
4 dition for WTC community members.

5 “(c) *LIMITATION.*—

6 “(1) *IN GENERAL.*—*The WTC Program Adminis-*
7 *trator shall limit benefits for any fiscal year under*
8 *subsection (a) in a manner so that payments under*
9 *this section for such fiscal year do not exceed the*
10 *amount specified in paragraph (2) for such fiscal*
11 *year.*

12 “(2) *LIMITATION.*—*The amount specified in this*
13 *paragraph for—*

14 “(A) *fiscal year 2009 is \$20,000,000; or*

15 “(B) *a succeeding fiscal year is the amount*
16 *specified in this paragraph for the previous fis-*
17 *cal year increased by the annual percentage in-*
18 *crease in the medical care component of the con-*
19 *sumer price index for all urban consumers.*

1 **“PART 3—NATIONAL ARRANGEMENT FOR BENE-**
2 **FITS FOR ELIGIBLE INDIVIDUALS OUTSIDE**
3 **NEW YORK**

4 **“SEC. 3031. NATIONAL ARRANGEMENT FOR BENEFITS FOR**
5 **ELIGIBLE INDIVIDUALS OUTSIDE NEW YORK.**

6 *“(a) IN GENERAL.—In order to ensure reasonable ac-*
7 *cess to benefits under this subtitle for individuals who are*
8 *eligible WTC responders or eligible WTC community mem-*
9 *bers and who reside in any State, as defined in section 2(f),*
10 *outside the New York metropolitan area, the WTC Program*
11 *Administrator shall establish a nationwide network of*
12 *health care providers to provide monitoring and treatment*
13 *benefits and initial health evaluations near such individ-*
14 *uals’ areas of residence in such States. Nothing in this sub-*
15 *section shall be construed as preventing such individuals*
16 *from being provided such monitoring and treatment benefits*
17 *or initial health evaluation through any Clinical Center of*
18 *Excellence.*

19 *“(b) NETWORK REQUIREMENTS.—Any health care*
20 *provider participating in the network under subsection (a)*
21 *shall—*

22 *“(1) meet criteria for credentialing established*
23 *by the Coordinating Centers of Excellence;*

24 *“(2) follow the monitoring, initial health evalua-*
25 *tion, and treatment protocols developed under section*
26 *3006(a)(2)(B);*

1 “(3) collect and report data in accordance with
2 section 3005; and

3 “(4) meet such fraud, quality assurance, and
4 other requirements as the WTC Program Adminis-
5 trator establishes.

6 **“Subtitle C—Research Into**
7 **Conditions**

8 **“SEC. 3041. RESEARCH REGARDING CERTAIN HEALTH CON-**
9 **DITIONS RELATED TO SEPTEMBER 11 TER-**
10 **RORIST ATTACKS IN NEW YORK CITY.**

11 “(a) *IN GENERAL.*—With respect to individuals, in-
12 cluding eligible WTC responders and eligible WTC commu-
13 nity members, receiving monitoring or treatment under
14 subtitle B, the WTC Program Administrator shall conduct
15 or support—

16 “(1) research on physical and mental health con-
17 ditions that may be related to the September 11,
18 2001, terrorist attacks;

19 “(2) research on diagnosing WTC-related health
20 conditions of such individuals, in the case of condi-
21 tions for which there has been diagnostic uncertainty;
22 and

23 “(3) research on treating WTC-related health
24 conditions of such individuals, in the case of condi-
25 tions for which there has been treatment uncertainty.

1 *The Administrator may provide such support through con-*
2 *tinuation and expansion of research that was initiated be-*
3 *fore the date of the enactment of this title and through the*
4 *World Trade Center Health Registry (referred to in section*
5 *3051), through a Clinical Center of Excellence, or through*
6 *a Coordinating Center of Excellence.*

7 “(b) *TYPES OF RESEARCH.*—*The research under sub-*
8 *section (a)(1) shall include epidemiologic and other research*
9 *studies on WTC-related conditions or emerging condi-*
10 *tions—*

11 “(1) *among WTC responders and community*
12 *members under treatment; and*

13 “(2) *in sampled populations outside the New*
14 *York City disaster area in Manhattan as far north as*
15 *14th Street and in Brooklyn, along with control pop-*
16 *ulations, to identify potential for long-term adverse*
17 *health effects in less exposed populations.*

18 “(c) *CONSULTATION.*—*The WTC Program Adminis-*
19 *trator shall carry out this section in consultation with the*
20 *WTC Health Program Steering Committees and the WTC*
21 *Scientific/Technical Advisory Committee.*

22 “(d) *APPLICATION OF PRIVACY AND HUMAN SUBJECT*
23 *PROTECTIONS.*—*The privacy and human subject protec-*
24 *tions applicable to research conducted under this section*

1 *shall not be less than such protections applicable to research*
2 *otherwise conducted by the National Institutes of Health.*

3 “(e) *AUTHORIZATION OF APPROPRIATIONS.—For the*
4 *purpose of carrying out this section, there are authorized*
5 *to be appropriated \$15,000,000 for each fiscal year, in ad-*
6 *dition to any other authorizations of appropriations that*
7 *are available for such purpose.*

8 ***“Subtitle D—Programs of the New***
9 ***York City Department of Health***
10 ***and Mental Hygiene***

11 ***“SEC. 3051. WORLD TRADE CENTER HEALTH REGISTRY.***

12 “(a) *PROGRAM EXTENSION.—For the purpose of en-*
13 *sureing on-going data collection for victims of the September*
14 *11, 2001, terrorist attacks on the World Trade Center, the*
15 *WTC Program Administrator, shall extend and expand the*
16 *arrangements in effect as of January 1, 2008, with the New*
17 *York City Department of Health and Mental Hygiene that*
18 *provide for the World Trade Center Health Registry.*

19 “(b) *AUTHORIZATION OF APPROPRIATIONS.—There*
20 *are authorized to be appropriated \$7,000,000 for each fiscal*
21 *year to carry out this section.*

22 ***“SEC. 3052. MENTAL HEALTH SERVICES.***

23 “(a) *IN GENERAL.—The WTC Program Administrator*
24 *may make grants to the New York City Department of*
25 *Health and Mental Hygiene to provide mental health serv-*

1 *ices to address mental health needs relating to the Sep-*
2 *tember 11, 2001, terrorist attacks on the World Trade Cen-*
3 *ter.*

4 “(b) *AUTHORIZATION OF APPROPRIATIONS.*—*There*
5 *are authorized to be appropriated \$8,500,000 for each fiscal*
6 *year to carry out this section.*”.

7 ***TITLE II—SEPTEMBER 11TH VIC-***
8 ***TIM COMPENSATION FUND OF***
9 ***2001***

10 ***SEC. 201. DEFINITIONS.***

11 *Section 402 of the Air Transportation Safety and Sys-*
12 *tem Stabilization Act (49 U.S.C. 40101 note) is amended—*

13 (1) *in paragraph (6) by inserting “, or debris re-*
14 *moval, including under the World Trade Center*
15 *Health Program established under section 3001 of the*
16 *Public Health Service Act” after “September 11,*
17 *2001”;*

18 (2) *by inserting after paragraph (6) the fol-*
19 *lowing new paragraphs and redesignating subsequent*
20 *paragraphs accordingly:*

21 “(7) *CONTRACTOR AND SUBCONTRACTOR.*—*The*
22 *term ‘contractor and subcontractor’ means any con-*
23 *tractor or subcontractor (at any tier of a subcon-*
24 *tracting relationship), including any general con-*
25 *tractor, construction manager, prime contractor, con-*

1 *sultant, or any parent, subsidiary, associated or al-*
2 *lied company, affiliated company, corporation, firm,*
3 *organization, or joint venture thereof that partici-*
4 *pated in debris removal at any 9/11 crash site. Such*
5 *term shall not include any entity, including the Port*
6 *Authority of New York and New Jersey, with a prop-*
7 *erty interest in the World Trade Center, on September*
8 *11, 2001, whether fee simple, leasehold or easement,*
9 *direct or indirect.*

10 *“(8) DEBRIS REMOVAL.—The term ‘debris re-*
11 *moval’ means rescue and recovery efforts, removal of*
12 *debris, cleanup, remediation, and response during the*
13 *immediate aftermath of the terrorist-related aircraft*
14 *crashes of September 11, 2001, with respect to a 9/11*
15 *crash site.”;*

16 *(3) by inserting after paragraph (10), as so re-*
17 *designated, the following new paragraph and redesign-*
18 *ating the subsequent paragraphs accordingly:*

19 *“(11) IMMEDIATE AFTERMATH.—The term ‘im-*
20 *mediate aftermath’ means any period beginning with*
21 *the terrorist-related aircraft crashes of September 11,*
22 *2001, and ending on August 30, 2002.”; and*

23 *(4) by adding at the end the following new para-*
24 *graph:*

1 “(14) 9/11 CRASH SITE.—The term ‘9/11 crash
2 site’ means—

3 “(A) the World Trade Center site, Pentagon
4 site, and Shanksville, Pennsylvania site;

5 “(B) the buildings or portions of buildings
6 that were destroyed as a result of the terrorist-
7 related aircraft crashes of September 11, 2001;

8 “(C) any area contiguous to a site of such
9 crashes that the Special Master determines was
10 sufficiently close to the site that there was a de-
11 monstrable risk of physical harm resulting from
12 the impact of the aircraft or any subsequent fire,
13 explosions, or building collapses (including the
14 immediate area in which the impact occurred,
15 fire occurred, portions of buildings fell, or debris
16 fell upon and injured individuals); and

17 “(D) any area related to, or along, routes of
18 debris removal, such as barges and Fresh Kills.”.

19 **SEC. 202. EXTENDED AND EXPANDED ELIGIBILITY FOR**
20 **COMPENSATION.**

21 (a) **INFORMATION ON LOSSES RESULTING FROM DE-**
22 **BRIS REMOVAL INCLUDED IN CONTENTS OF CLAIM**
23 **FORM.**—Section 405(a)(2)(B) of the Air Transportation
24 **Safety and System Stabilization Act (49 U.S.C. 40101**
25 **note) is amended—**

1 (1) in clause (i), by inserting “, or debris re-
2 removal during the immediate aftermath” after “Sep-
3 tember 11, 2001”;

4 (2) in clause (ii), by inserting “or debris re-
5 removal during the immediate aftermath” after “crash-
6 es”; and

7 (3) in clause (iii), by inserting “or debris re-
8 removal during the immediate aftermath” after “crash-
9 es”.

10 (b) *EXTENSION OF DEADLINE FOR CLAIMS UNDER*
11 *SEPTEMBER 11TH VICTIM COMPENSATION FUND OF*
12 *2001.—Section 405(a)(3) of such Act is amended to read*
13 *as follows:*

14 “(3) *LIMITATION.—*

15 “(A) *IN GENERAL.—Except as provided by*
16 *subparagraph (B), no claim may be filed under*
17 *paragraph (1) after the date that is 2 years after*
18 *the date on which regulations are promulgated*
19 *under section 407(a).*

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 under*

1 *section 407(b) and ending on December 22,*
2 *2031.”.*

3 *(c) REQUIREMENTS FOR FILING CLAIMS DURING EX-*
4 *TENDED FILING PERIOD.—Section 405(c)(3) of such Act is*
5 *amended—*

6 *(1) by redesignating subparagraphs (A) and (B)*
7 *as subparagraphs (B) and (C), respectively; and*

8 *(2) by inserting before subparagraph (B), as so*
9 *redesignated, the following new subparagraph:*

10 *“(A) REQUIREMENTS FOR FILING CLAIMS*
11 *DURING EXTENDED FILING PERIOD.—*

12 *“(i) TIMING REQUIREMENTS FOR FIL-*
13 *ING CLAIMS.—An individual (or a personal*
14 *representative on behalf of a deceased indi-*
15 *vidual) may file a claim during the period*
16 *described in subsection (a)(3)(B) as follows:*

17 *“(I) In the case that the Special*
18 *Master determines the individual knew*
19 *(or reasonably should have known) be-*
20 *fore the date specified in clause (iii)*
21 *that the individual suffered a physical*
22 *harm at a 9/11 crash site as a result*
23 *of the terrorist-related aircraft crashes*
24 *of September 11, 2001, or as a result*
25 *of debris removal, and that the indi-*

1 *vidual knew (or should have known)*
2 *before such specified date that the indi-*
3 *vidual was eligible to file a claim*
4 *under this title, the individual may*
5 *file a claim not later than the date*
6 *that is 2 years after such specified*
7 *date.*

8 *“(II) In the case that the Special*
9 *Master determines the individual first*
10 *knew (or reasonably should have*
11 *known) on or after the date specified*
12 *in clause (iii) that the individual suf-*
13 *fered such a physical harm or that the*
14 *individual first knew (or should have*
15 *known) on or after such specified date*
16 *that the individual was eligible to file*
17 *a claim under this title, the individual*
18 *may file a claim not later than the last*
19 *day of the 2-year period beginning on*
20 *the date the Special Master determines*
21 *the individual first knew (or should*
22 *have known) that the individual both*
23 *suffered from such harm and was eligi-*
24 *ble to file a claim under this title.*

1 “(ii) *OTHER ELIGIBILITY REQUIRE-*
2 *MENTS FOR FILING CLAIMS.*—*An individual*
3 *may file a claim during the period de-*
4 *scribed in subsection (a)(3)(B) only if—*

5 “(I) *the individual was treated by*
6 *a medical professional for suffering*
7 *from a physical harm described in*
8 *clause (i)(I) within a reasonable time*
9 *from the date of discovering such harm;*
10 *and*

11 “(II) *the individual’s physical*
12 *harm is verified by contemporaneous*
13 *medical records created by or at the di-*
14 *rection of the medical professional who*
15 *provided the medical care.*

16 “(iii) *DATE SPECIFIED.*—*The date*
17 *specified in this clause is the date on which*
18 *the regulations are updated under section*
19 *407(a).”.*

20 “(d) *CLARIFYING APPLICABILITY TO ALL 9/11 CRASH*
21 *SITES.*—*Section 405(c)(2)(A)(i) of such Act is amended by*
22 *striking “or the site of the aircraft crash at Shanksville,*
23 *Pennsylvania” and inserting “the site of the aircraft crash*
24 *at Shanksville, Pennsylvania, or any other 9/11 crash site”.*

1 (e) *INCLUSION OF PHYSICAL HARM RESULTING FROM*
2 *DEBRIS REMOVAL.*—Section 405(c) of such Act is amended
3 in paragraph (2)(A)(ii), by inserting “or debris removal”
4 after “air crash”.

5 (f) *LIMITATIONS ON CIVIL ACTIONS.*—

6 (1) *APPLICATION TO DAMAGES RELATED TO DE-*
7 *BRIS REMOVAL.*—Clause (i) of section 405(c)(3)(C) of
8 such Act, as redesignated by subsection (c), is amend-
9 ed by inserting “, or for damages arising from or re-
10 lated to debris removal” after “September 11, 2001”.

11 (2) *PENDING ACTIONS.*—Clause (ii) of such sec-
12 tion, as so redesignated, is amended to read as fol-
13 lows:

14 “(ii) *PENDING ACTIONS.*—In the case
15 of an individual who is a party to a civil
16 action described in clause (i), such indi-
17 vidual may not submit a claim under this
18 title—

19 “(I) during the period described
20 in subsection (a)(3)(A) unless such in-
21 dividual withdraws from such action
22 by the date that is 90 days after the
23 date on which regulations are promul-
24 gated under section 407(a); and

1 “(II) during the period described
2 in subsection (a)(3)(B) unless such in-
3 dividual withdraws from such action
4 by the date that is 90 days after the
5 date on which the regulations are up-
6 dated under section 407(b).”.

7 (3) *AUTHORITY TO REINSTITUTE CERTAIN LAW-*
8 *SUITS.—Such section, as so redesignated, is further*
9 *amended by adding at the end the following new*
10 *clause:*

11 “(iii) *AUTHORITY TO REINSTITUTE*
12 *CERTAIN LAWSUITS.—In the case of a*
13 *claimant who was a party to a civil action*
14 *described in clause (i), who withdrew from*
15 *such action pursuant to clause (ii), and*
16 *who is subsequently determined to not be an*
17 *eligible individual for purposes of this sub-*
18 *section, such claimant may reinstitute such*
19 *action without prejudice during the 90-day*
20 *period beginning after the date of such in-*
21 *eligibility determination.”.*

22 **SEC. 203. REQUIREMENT TO UPDATE REGULATIONS.**

23 *Section 407 of the Air Transportation Safety and Sys-*
24 *tem Stabilization Act (49 U.S.C. 40101 note) is amended—*

1 (1) *by striking “Not later than” and inserting*
2 *“(a) IN GENERAL.—Not later than”; and*

3 (2) *by adding at the end the following new sub-*
4 *section:*

5 “(b) *UPDATED REGULATIONS.—Not later than 90 days*
6 *after the date of the enactment of the James Zadroga 9/*
7 *11 Health and Compensation Act of 2008, the Special Mas-*
8 *ter shall update the regulations promulgated under sub-*
9 *section (a) to the extent necessary to comply with the provi-*
10 *sions of title II of such Act.”.*

11 **SEC. 204. LIMITED LIABILITY FOR CERTAIN CLAIMS.**

12 *Section 408(a) of the Air Transportation Safety and*
13 *System Stabilization Act (49 U.S.C. 40101 note) is amend-*
14 *ed by adding at the end the following new paragraphs:*

15 “(4) *LIABILITY FOR CERTAIN CLAIMS.—Notwith-*
16 *standing any other provision of law, liability for all*
17 *claims and actions (including claims or actions that*
18 *have been previously resolved, that are currently*
19 *pending, and that may be filed through December 22,*
20 *2031) for compensatory damages, contribution or in-*
21 *demnity, or any other form or type of relief, arising*
22 *from or related to debris removal, against the City of*
23 *New York, any entity (including the Port Authority*
24 *of New York and New Jersey) with a property inter-*
25 *est in the World Trade Center on September 11, 2001*

1 *(whether fee simple, leasehold or easement, or direct*
2 *or indirect) and any contractors and subcontractors,*
3 *shall not be in an amount that exceeds the sum of the*
4 *following, as may be applicable:*

5 “(A) *The amount of funds of the WTC Cap-*
6 *tive Insurance Company, including the cumu-*
7 *lative interest.*

8 “(B) *The amount of all available insurance*
9 *identified in schedule 2 of the WTC Captive In-*
10 *surance Company insurance policy.*

11 “(C) *As it relates to the limitation of liabil-*
12 *ity of the City of New York, the amount that is*
13 *the greater of the City of New York’s insurance*
14 *coverage or \$350,000,000. In determining the*
15 *amount of the City’s insurance coverage for pur-*
16 *poses of the previous sentence, any amount de-*
17 *scribed in clauses (i) and (ii) shall not be in-*
18 *cluded.*

19 “(D) *As it relates to the limitation of liabil-*
20 *ity of any entity, including the Port Authority*
21 *of New York and New Jersey, with a property*
22 *interest in the World Trade Center on September*
23 *11, 2001 (whether fee simple, leasehold or ease-*
24 *ment, or direct or indirect), the amount of all*

1 *available liability insurance coverage main-*
2 *tained by any such entity.*

3 “(E) *As it relates to the limitation of liabil-*
4 *ity of any individual contractor or subcon-*
5 *tractor, the amount of all available liability in-*
6 *surance coverage maintained by such contractor*
7 *or subcontractor on September 11, 2001.*

8 “(5) *PRIORITY OF CLAIMS PAYMENTS.—Pay-*
9 *ments to plaintiffs who obtain a settlement or judg-*
10 *ment with respect to a claim or action to which para-*
11 *graph (4)(A) applies, shall be paid solely from the fol-*
12 *lowing funds in the following order, as may be appli-*
13 *cable:*

14 “(A) *The funds described in clause (i) or*
15 *(ii) of paragraph (4)(A).*

16 “(B) *If there are no funds available as de-*
17 *scribed in clause (i) or (ii) of paragraph (4)(A),*
18 *the funds described in clause (iii) of such para-*
19 *graph.*

20 “(C) *If there are no funds available as de-*
21 *scribed in clause (i), (ii), or (iii) of paragraph*
22 *(4)(A), the funds described in clause (iv) of such*
23 *paragraph.*

24 “(D) *If there are no funds available as de-*
25 *scribed in clause (i), (ii), (iii), or (iv) of para-*

1 *graph (4)(A), the funds described in clause (v) of*
2 *such paragraph.*

3 “(6) *DECLARATORY JUDGMENT ACTIONS AND DI-*
4 *RECT ACTION.—Any party to a claim or action to*
5 *which paragraph (4)(A) applies may, with respect to*
6 *such claim or action, either file an action for a de-*
7 *claratory judgment for insurance coverage or bring a*
8 *direct action against the insurance company in-*
9 *volved.”.*

10 **SEC. 205. FUNDING; ATTORNEY FEES.**

11 *Section 406 of the Air Transportation Safety and Sys-*
12 *tem Stabilization Act (49 U.S.C. 40101 note) is amended—*

13 (1) *in subsection (a), by striking “Not later*
14 *than” and inserting “Subject to subsection (d), not*
15 *later than”;*

16 (2) *in subsection (b), by striking “This title” and*
17 *inserting “Subject to subsection (d), this title”;* and

18 (3) *by adding at the end the following new sub-*
19 *sections:*

20 “(d) *LIMITATION.—The total payment of amounts for*
21 *compensation under this title, with respect to claims filed*
22 *on or after the date on which the regulations are updated*
23 *under section 407(b), shall not exceed \$8,400,000,000.*

24 “(e) *ATTORNEY FEES.—*

1 “(1) *IN GENERAL.*—Notwithstanding any con-
2 tract, and except as provided in paragraph (2), the
3 representative of an individual may not charge, for
4 services rendered in connection with the claim of an
5 individual under this title, more than 10 percent of
6 an award made under this title on such claim.

7 “(2) *EXCEPTION.*—With respect to a claim made
8 on behalf of an individual for whom a lawsuit was
9 filed in the Southern District of New York prior to
10 January 1, 2009, in the event that the representative
11 believes in good faith that the fee limit set by para-
12 graph (1) will not provide adequate compensation for
13 services rendered in connection with such claim be-
14 cause of the substantial amount of legal work pro-
15 vided on behalf of the claimant (including work per-
16 formed before the enactment of this legislation), appli-
17 cation for greater compensation may be made to the
18 Special Master. Upon such application, the Special
19 Master may, in his or her discretion, award as rea-
20 sonable compensation for services rendered an amount
21 greater than that allowed for in paragraph (1). Such
22 fee award will be final, binding, and non-appeal-
23 able.”.