

Union Calendar No. 321

111TH CONGRESS
2^D SESSION

H. R. 847

[Report No. 111-560, Parts I and II]

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

JULY 22, 2010

Reported from the Committee on Energy and Commerce with an amendment

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

JULY 22, 2010

Additional sponsors: Ms. BERKLEY, Mr. GENE GREEN of Texas, Ms. SCHAKOWSKY, Mr. SMITH of New Jersey, Mr. CONNOLLY of Virginia, Mr. LANCE, Mr. KLEIN of Florida, Mr. KUCINICH, Ms. DELAURO, Ms. LEE of California, Mr. LEWIS of Georgia, Mr. GRIJALVA, Mr. BISHOP of Georgia, Mr. DOYLE, Mr. DENT, Mr. MURPHY of Connecticut, Mr. HOLT, Mr. LARSON of Connecticut, Mr. SESTAK, Mr. PIERLUISI, Ms. SLAUGHTER, Ms. VELÁZQUEZ, Mrs. DAHLKEMPER, Mr. ETHERIDGE, Mr. CONYERS, Mr. WEXLER, Mrs. CHRISTENSEN, Mr. COHEN, Mr. AN-

DREWS, Mr. BRADY of Pennsylvania, Mr. SCHAUER, Mr. GARRETT of New Jersey, Mr. MCCAUL, Mr. HODES, Ms. SCHWARTZ, Mr. MURPHY of New York, Mr. FATTAH, Mr. GONZALEZ, Mr. COURTNEY, Mr. JONES, Mr. STUPAK, Mrs. CAPPS, Ms. CASTOR of Florida, Mr. SARBANES, Mr. TIM MURPHY of Pennsylvania, Mr. SIRES, Mr. LIPINSKI, Mr. THOMPSON of Mississippi, Mr. RUSH, Ms. BALDWIN, Mr. ELLSWORTH, Mr. CARNEY, Ms. JACKSON LEE of Texas, Mr. NEAL of Massachusetts, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. UPTON, Mr. FILNER, Ms. HARMAN, Ms. NORTON, Mr. HOLDEN, Mr. CUMMINGS, Ms. SHEA-PORTER, Mr. ROTHMAN of New Jersey, Mrs. NAPOLITANO, Mr. LYNCH, Mr. CAO, Mr. MARKEY of Massachusetts, Mr. NYE, Mr. WALZ, Ms. MCCOLLUM, Mr. BRALEY of Iowa, Mr. REICHERT, Mr. OWENS, Mr. WELCH, Mr. DAVIS of Illinois, Ms. ESHOO, Mr. BUTTERFIELD, Mr. GARAMENDI, Mr. BACA, Mr. MILLER of North Carolina, Mr. OBERSTAR, Mr. LOBIONDO, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. PAYNE

JULY 22, 2010

Reported from the Committee on the Judiciary with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in boldface roman]

[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 *2010”.*

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

Sec. 1. Short title; table of contents.

TITLE I—WORLD TRADE CENTER HEALTH PROGRAM

Sec. 101. World Trade Center Health Program.

“TITLE XXXIII—WORLD TRADE CENTER HEALTH PROGRAM

“Subtitle A—Establishment of Program; Advisory Committee

“Sec. 3301. Establishment of World Trade Center Health Program.

“Sec. 3302. WTC Health Program Scientific/Technical Advisory Committee;
WTC Health Program Steering Committees.

“Sec. 3303. Education and outreach.

“Sec. 3304. Uniform data collection and analysis.

“Sec. 3305. Clinical Centers of Excellence and Data Centers.

“Sec. 3306. Definitions.

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

“PART 1—WTC RESPONDERS

“Sec. 3311. Identification of WTC responders and provision of WTC-related
monitoring services.

“Sec. 3312. Treatment of enrolled WTC responders for WTC-related health
conditions.

“Sec. 3313. National arrangement for benefits for eligible individuals outside
New York.

“PART 2—WTC SURVIVORS

“Sec. 3321. Identification and initial health evaluation of screening-eligible
and certified-eligible WTC survivors.

“Sec. 3322. Followup monitoring and treatment of certified-eligible WTC
survivors for WTC-related health conditions.

“Sec. 3323. Followup monitoring and treatment of other individuals with
WTC-related health conditions.

*“PART 3—PAYOR PROVISIONS**“Sec. 3331. Payment of claims.**“Sec. 3332. Administrative arrangement authority.**“Subtitle C—Research Into Conditions**“Sec. 3341. Research regarding certain health conditions related to September 11 terrorist attacks in New York City.**“Sec. 3342. World Trade Center Health Registry.**“Subtitle D—Funding**“Sec. 3351. World Trade Center Health Program Fund.**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.*

1 ***TITLE I—WORLD TRADE CENTER***
 2 ***HEALTH PROGRAM***

3 ***SEC. 101. WORLD TRADE CENTER HEALTH PROGRAM.***

4 *The Public Health Service Act is amended by adding*
 5 *at the end the following new title:*

6 ***“TITLE XXXIII—WORLD TRADE***
 7 ***CENTER HEALTH PROGRAM***
 8 ***“Subtitle A—Establishment of***
 9 ***Program; Advisory Committee***

10 ***“SEC. 3301. ESTABLISHMENT OF WORLD TRADE CENTER***
 11 ***HEALTH PROGRAM.***

12 *“(a) IN GENERAL.—There is hereby established within*
 13 *the Department of Health and Human Services a program*
 14 *to be known as the World Trade Center Health Program,*
 15 *which shall be administered by the WTC Program Adminis-*
 16 *trator, to provide beginning on July 1, 2011—*

1 “(1) *medical monitoring and treatment benefits*
2 *to eligible emergency responders and recovery and*
3 *cleanup workers (including those who are Federal em-*
4 *ployees) who responded to the September 11, 2001,*
5 *terrorist attacks; and*

6 “(2) *initial health evaluation, monitoring, and*
7 *treatment benefits to residents and other building oc-*
8 *cupants and area workers in New York City who were*
9 *directly impacted and adversely affected by such at-*
10 *tacks.*

11 “(b) *COMPONENTS OF PROGRAM.—The WTC Program*
12 *includes the following components:*

13 “(1) *MEDICAL MONITORING FOR RESPONDERS.—*
14 *Medical monitoring under section 3311, including*
15 *clinical examinations and long-term health moni-*
16 *toring and analysis for enrolled WTC responders who*
17 *were likely to have been exposed to airborne toxins*
18 *that were released, or to other hazards, as a result of*
19 *the September 11, 2001, terrorist attacks.*

20 “(2) *INITIAL HEALTH EVALUATION FOR SUR-*
21 *VIVORS.—An initial health evaluation under section*
22 *3321, including an evaluation to determine eligibility*
23 *for followup monitoring and treatment.*

24 “(3) *FOLLOWUP MONITORING AND TREATMENT*
25 *FOR WTC-RELATED HEALTH CONDITIONS FOR RE-*

1 *SPONDERS AND SURVIVORS.—Provision under sections*
2 *3312, 3322, and 3323 of followup monitoring and*
3 *treatment and payment, subject to the provisions of*
4 *subsection (d), for all medically necessary health and*
5 *mental health care expenses of an individual with re-*
6 *spect to a WTC-related health condition (including*
7 *necessary prescription drugs).*

8 *“(4) OUTREACH.—Establishment under section*
9 *3303 of an education and outreach program to poten-*
10 *tially eligible individuals concerning the benefits*
11 *under this title.*

12 *“(5) CLINICAL DATA COLLECTION AND ANAL-*
13 *YSIS.—Collection and analysis under section 3304 of*
14 *health and mental health data relating to individuals*
15 *receiving monitoring or treatment benefits in a uni-*
16 *form manner in collaboration with the collection of*
17 *epidemiological data under section 3342.*

18 *“(6) RESEARCH ON HEALTH CONDITIONS.—Es-*
19 *tablishment under subtitle C of a research program on*
20 *health conditions resulting from the September 11,*
21 *2001, terrorist attacks.*

22 *“(c) NO COST SHARING.—Monitoring and treatment*
23 *benefits and initial health evaluation benefits are provided*
24 *under subtitle B without any deductibles, copayments, or*
25 *other cost sharing to an enrolled WTC responder or cer-*

1 *tified-eligible WTC survivor. Initial health evaluation bene-*
2 *fits are provided under subtitle B without any deductibles,*
3 *copayments, or other cost sharing to a screening-eligible*
4 *WTC survivor.*

5 “(d) *PREVENTING FRAUD AND UNREASONABLE AD-*
6 *MINISTRATIVE COSTS.—*

7 “(1) *FRAUD.—The Inspector General of the De-*
8 *partment of Health and Human Services shall de-*
9 *velop and implement a program to review the WTC*
10 *Program’s health care expenditures to detect fraudu-*
11 *lent or duplicate billing and payment for inappro-*
12 *priate services. This title is a Federal health care pro-*
13 *gram (as defined in section 1128B(f) of the Social Se-*
14 *curity Act) and is a health plan (as defined in section*
15 *1128C(c) of such Act) for purposes of applying sec-*
16 *tions 1128 through 1128E of such Act.*

17 “(2) *UNREASONABLE ADMINISTRATIVE COSTS.—*
18 *The Inspector General of the Department of Health*
19 *and Human Services shall develop and implement a*
20 *program to review the WTC Program for unreason-*
21 *able administrative costs, including with respect to*
22 *infrastructure, administration, and claims processing.*

23 “(e) *QUALITY ASSURANCE.—The WTC Program Ad-*
24 *ministrator working with the Clinical Centers of Excellence*
25 *shall develop and implement a quality assurance program*

1 *for the monitoring and treatment delivered by such Centers*
2 *of Excellence and any other participating health care pro-*
3 *viders. Such program shall include—*

4 “(1) *adherence to monitoring and treatment pro-*
5 *tocols;*

6 “(2) *appropriate diagnostic and treatment refer-*
7 *als for participants;*

8 “(3) *prompt communication of test results to*
9 *participants; and*

10 “(4) *such other elements as the Administrator*
11 *specifies in consultation with the Clinical Centers of*
12 *Excellence.*

13 “(f) *ANNUAL PROGRAM REPORT.—*

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

20 “(2) *CONTENTS INCLUDED IN REPORT.—Each*
21 *annual report under paragraph (1) shall include at*
22 *least the following:*

23 “(A) *ELIGIBLE INDIVIDUALS.—Information*
24 *for each clinical program described in paragraph*

25 (3)—

1 “(i) on the number of individuals who
2 applied for certification under subtitle B
3 and the number of such individuals who
4 were so certified;

5 “(ii) of the individuals who were cer-
6 tified, on the number who received moni-
7 toring under the program and the number
8 of such individuals who received medical
9 treatment under the program;

10 “(iii) with respect to individuals so
11 certified who received such treatment, on the
12 WTC-related health conditions for which
13 they were treated; and

14 “(iv) on the projected number of indi-
15 viduals who will be certified under subtitle
16 B in the succeeding fiscal year and the suc-
17 ceeding 10-year period.

18 “(B) MONITORING, INITIAL HEALTH EVAL-
19 UATION, AND TREATMENT COSTS.—For each clin-
20 ical program so described—

21 “(i) information on the costs of moni-
22 toring and initial health evaluation and the
23 costs of treatment and on the estimated
24 costs of such monitoring, evaluation, and
25 treatment in the succeeding fiscal year; and

1 “(ii) an estimate of the cost of medical
2 treatment for WTC-related health conditions
3 that have been paid for or reimbursed by
4 workers’ compensation, by public or private
5 health plans, or by New York City under
6 section 3331.

7 “(C) ADMINISTRATIVE COSTS.—Information
8 on the cost of administering the program, includ-
9 ing costs of program support, data collection and
10 analysis, and research conducted under the pro-
11 gram.

12 “(D) ADMINISTRATIVE EXPERIENCE.—In-
13 formation on the administrative performance of
14 the program, including—

15 “(i) the performance of the program in
16 providing timely evaluation of and treat-
17 ment to eligible individuals; and

18 “(ii) a list of the Clinical Centers of
19 Excellence and other providers that are par-
20 ticipating in the program.

21 “(E) SCIENTIFIC REPORTS.—A summary of
22 the findings of any new scientific reports or
23 studies on the health effects associated with expo-
24 sure described in section 3306(1), including the

1 *findings of research conducted under section*
2 *3341(a).*

3 “(F) *ADVISORY COMMITTEE RECOMMENDA-*
4 *TIONS.—A list of recommendations by the WTC*
5 *Scientific/Technical Advisory Committee on ad-*
6 *ditional WTC Program eligibility criteria and*
7 *on additional WTC-related health conditions and*
8 *the action of the WTC Program Administrator*
9 *concerning each such recommendation.*

10 “(3) *SEPARATE CLINICAL PROGRAMS DE-*
11 *SCRIBED.—In paragraph (2), each of the following*
12 *shall be treated as a separate clinical program of the*
13 *WTC Program:*

14 “(A) *FIREFIGHTERS AND RELATED PER-*
15 *SONNEL.—The benefits provided for enrolled*
16 *WTC responders described in section*
17 *3311(a)(2)(A).*

18 “(B) *OTHER WTC RESPONDERS.—The bene-*
19 *fits provided for enrolled WTC responders not de-*
20 *scribed in subparagraph (A).*

21 “(C) *WTC SURVIVORS.—The benefits pro-*
22 *vided for screening-eligible WTC survivors and*
23 *certified-eligible WTC survivors in section*
24 *3321(a).*

1 “(g) *NOTIFICATION TO CONGRESS UPON REACHING 80*
2 *PERCENT OF ELIGIBILITY NUMERICAL LIMITS.*—*The Sec-*
3 *retary shall promptly notify the Congress of each of the fol-*
4 *lowing:*

5 “(1) *When the number of enrollments of WTC re-*
6 *sponders subject to the limit established under section*
7 *3311(a)(4) has reached 80 percent of such limit.*

8 “(2) *When the number of certifications for cer-*
9 *tified-eligible WTC survivors subject to the limit es-*
10 *tablished under section 3321(a)(3) has reached 80*
11 *percent of such limit.*

12 “(h) *CONSULTATION.*—*The WTC Program Adminis-*
13 *trator shall engage in ongoing outreach and consultation*
14 *with relevant stakeholders, including the WTC Health Pro-*
15 *gram Steering Committees and the Advisory Committee*
16 *under section 3302, regarding the implementation and im-*
17 *provement of programs under this title.*

18 “**SEC. 3302. WTC HEALTH PROGRAM SCIENTIFIC/TECHNICAL**
19 **ADVISORY COMMITTEE; WTC HEALTH PRO-**
20 **GRAM STEERING COMMITTEES.**

21 “(a) *ADVISORY COMMITTEE.*—

22 “(1) *ESTABLISHMENT.*—*The WTC Program Ad-*
23 *ministrator shall establish an advisory committee to*
24 *be known as the WTC Health Program Scientific/*
25 *Technical Advisory Committee (in this subsection re-*

1 ferred to as the ‘Advisory Committee’) to review sci-
2 entific and medical evidence and to make rec-
3 ommendations to the Administrator on additional
4 WTC Program eligibility criteria and on additional
5 WTC-related health conditions.

6 “(2) COMPOSITION.—The WTC Program Admin-
7 istrator shall appoint the members of the Advisory
8 Committee and shall include at least—

9 “(A) 4 occupational physicians, at least 2
10 of whom have experience treating WTC rescue
11 and recovery workers;

12 “(B) 1 physician with expertise in pul-
13 monary medicine;

14 “(C) 2 environmental medicine or environ-
15 mental health specialists;

16 “(D) 2 representatives of WTC responders;

17 “(E) 2 representatives of certified-eligible
18 WTC survivors;

19 “(F) an industrial hygienist;

20 “(G) a toxicologist;

21 “(H) an epidemiologist; and

22 “(I) a mental health professional.

23 “(3) MEETINGS.—The Advisory Committee shall
24 meet at such frequency as may be required to carry
25 out its duties.

1 “(4) *REPORTS.*—*The WTC Program Adminis-*
2 *trator shall provide for publication of recommenda-*
3 *tions of the Advisory Committee on the public Web*
4 *site established for the WTC Program.*

5 “(5) *DURATION.*—*Notwithstanding any other*
6 *provision of law, the Advisory Committee shall con-*
7 *tinue in operation during the period in which the*
8 *WTC Program is in operation.*

9 “(6) *APPLICATION OF FACA.*—*Except as other-*
10 *wise specifically provided, the Advisory Committee*
11 *shall be subject to the Federal Advisory Committee*
12 *Act.*

13 “(b) *WTC HEALTH PROGRAM STEERING COMMIT-*
14 *TEES.*—

15 “(1) *CONSULTATION.*—*The WTC Program Ad-*
16 *ministrator shall consult with 2 steering committees*
17 *(each in this section referred to as a ‘Steering Com-*
18 *mittee’) that are established as follows:*

19 “(A) *WTC RESPONDERS STEERING COM-*
20 *MITTEE.*—*One Steering Committee, to be known*
21 *as the WTC Responders Steering Committee, for*
22 *the purpose of receiving input from affected*
23 *stakeholders and facilitating the coordination of*
24 *monitoring and treatment programs for the en-*

1 *rolled WTC responders under part 1 of subtitle*
2 *B.*

3 “(B) *WTC SURVIVORS STEERING COM-*
4 *MITTEE.—One Steering Committee, to be known*
5 *as the WTC Survivors Steering Committee, for*
6 *the purpose of receiving input from affected*
7 *stakeholders and facilitating the coordination of*
8 *initial health evaluations, monitoring, and treat-*
9 *ment programs for screening-eligible and cer-*
10 *tified-eligible WTC survivors under part 2 of*
11 *subtitle B.*

12 “(2) *MEMBERSHIP.—*

13 “(A) *WTC RESPONDERS STEERING COM-*
14 *MITTEE.—*

15 “(i) *REPRESENTATION.—The WTC Re-*
16 *sponders Steering Committee shall in-*
17 *clude—*

18 “(I) *representatives of the Centers*
19 *of Excellence providing services to*
20 *WTC responders;*

21 “(II) *representatives of labor or-*
22 *ganizations representing firefighters,*
23 *police, other New York City employees,*
24 *and recovery and cleanup workers who*

1 *responded to the September 11, 2001,*
2 *terrorist attacks; and*

3 “(III) 3 representatives of New
4 York City, 1 of whom will be selected
5 by the police commissioner of New
6 York City, 1 by the health commis-
7 sioner of New York City, and 1 by the
8 mayor of New York City.

9 “(ii) INITIAL MEMBERSHIP.—The WTC
10 *Responders Steering Committee shall ini-*
11 *tially be composed of members of the WTC*
12 *Monitoring and Treatment Program Steer-*
13 *ing Committee (as in existence on the day*
14 *before the date of the enactment of this*
15 *title).*

16 “(B) WTC SURVIVORS STEERING COM-
17 MITTEE.—

18 “(i) REPRESENTATION.—The WTC
19 Survivors Steering Committee shall include
20 representatives of—

21 “(I) the Centers of Excellence pro-
22 viding services to screening-eligible and
23 certified-eligible WTC survivors;

24 “(II) the population of residents,
25 students, and area and other workers

1 *affected by the September 11, 2001, ter-*
2 *rorist attacks;*

3 “(III) *screening-eligible and cer-*
4 *tified-eligible survivors receiving ini-*
5 *tial health evaluations, monitoring, or*
6 *treatment under part 2 of subtitle B*
7 *and organizations advocating on their*
8 *behalf; and*

9 “(IV) *New York City.*

10 “(i) *INITIAL MEMBERSHIP.—The WTC*
11 *Survivors Steering Committee shall ini-*
12 *tially be composed of members of the WTC*
13 *Environmental Health Center Survivor Ad-*
14 *visory Committee (as in existence on the*
15 *day before the date of the enactment of this*
16 *title).*

17 “(C) *ADDITIONAL APPOINTMENTS.—Each*
18 *Steering Committee may recommend, if ap-*
19 *proved by a majority of voting members of the*
20 *Committee, additional members to the Com-*
21 *mittee.*

22 “(D) *VACANCIES.—A vacancy in a Steering*
23 *Committee shall be filled by an individual rec-*
24 *ommended by the Steering Committee.*

1 **“SEC. 3303. EDUCATION AND OUTREACH.**

2 *“The WTC Program Administrator shall institute a*
3 *program that provides education and outreach on the exist-*
4 *ence and availability of services under the WTC Program.*
5 *The outreach and education program—*

6 *“(1) shall include—*

7 *“(A) the establishment of a public Web site*
8 *with information about the WTC Program;*

9 *“(B) meetings with potentially eligible pop-*
10 *ulations;*

11 *“(C) development and dissemination of out-*
12 *reach materials informing people about the pro-*
13 *gram; and*

14 *“(D) the establishment of phone information*
15 *services; and*

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

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

18 *“(B) to include materials for culturally and*
19 *linguistically diverse populations.*

20 **“SEC. 3304. UNIFORM DATA COLLECTION AND ANALYSIS.**

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 prevalence of WTC-related health conditions and the*
25 *identification of new WTC-related health conditions. Such*
26 *data shall be collected for all individuals provided moni-*

1 *toring or treatment benefits under subtitle B and regardless*
 2 *of their place of residence or Clinical Center of Excellence*
 3 *through which the benefits are provided. The WTC Program*
 4 *Administrator shall provide, through the Data Centers or*
 5 *otherwise, for the integration of such data into the moni-*
 6 *toring and treatment program activities under this title.*

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 Data Center for analysis by such Data*
 11 *Center.*

12 “(c) *COLLABORATION WITH WTC HEALTH REG-*
 13 *ISTRY.—The WTC Program Administrator shall provide for*
 14 *collaboration between the Data Centers and the World*
 15 *Trade Center Health Registry described in section 3342.*

16 “(d) *PRIVACY.—The data collection and analysis*
 17 *under this section shall be conducted and maintained in*
 18 *a manner that protects the confidentiality of individually*
 19 *identifiable health information consistent with applicable*
 20 *statutes and regulations, including, as applicable, HIPAA*
 21 *privacy and security law (as defined in section 3009(a)(2))*
 22 *and section 552a of title 5, United States Code.*

23 **“SEC. 3305. CLINICAL CENTERS OF EXCELLENCE AND DATA**
 24 **CENTERS.**

25 “(a) *IN GENERAL.—*

1 “(1) *CONTRACTS WITH CLINICAL CENTERS OF*
2 *EXCELLENCE.—The WTC Program Administrator*
3 *shall, subject to subsection (b)(1)(B), enter into con-*
4 *tracts with Clinical Centers of Excellence (as defined*
5 *in subsection (b)(1)(A))—*

6 “(A) *for the provision of monitoring and*
7 *treatment benefits and initial health evaluation*
8 *benefits under subtitle B;*

9 “(B) *for the provision of outreach activities*
10 *to individuals eligible for such monitoring and*
11 *treatment benefits, for initial health evaluation*
12 *benefits, and for followup to individuals who are*
13 *enrolled in the monitoring program;*

14 “(C) *for the provision of counseling for ben-*
15 *efits under subtitle B, with respect to WTC-re-*
16 *lated health conditions, for individuals eligible*
17 *for such benefits;*

18 “(D) *for the provision of counseling for ben-*
19 *efits for WTC-related health conditions that may*
20 *be available under workers’ compensation or*
21 *other benefit programs for work-related injuries*
22 *or illnesses, health insurance, disability insur-*
23 *ance, or other insurance plans or through public*
24 *or private social service agencies and assisting*
25 *eligible individuals in applying for such benefits;*

1 “(E) for the provision of translational and
2 interpretive services for program participants
3 who are not English language proficient; and

4 “(F) for the collection and reporting of data
5 in accordance with section 3304.

6 “(2) CONTRACTS WITH DATA CENTERS.—

7 “(A) IN GENERAL.—The WTC Program Ad-
8 ministrators shall enter into contracts with Data
9 Centers (as defined in subsection (b)(2))—

10 “(i) for receiving, analyzing, and re-
11 porting to the WTC Program Administrator
12 on data, in accordance with section 3304,
13 that have been collected and reported to such
14 Data Centers by the corresponding Clinical
15 Centers of Excellence under subsection
16 (b)(1)(B)(iii);

17 “(ii) for the development of moni-
18 toring, initial health evaluation, and treat-
19 ment protocols, with respect to WTC-related
20 health conditions;

21 “(iii) for coordinating the outreach ac-
22 tivities conducted under paragraph (1)(B)
23 by each corresponding Clinical Center of
24 Excellence;

1 “(iv) for establishing criteria for the
2 credentialing of medical providers partici-
3 pating in the nationwide network under
4 section 3313;

5 “(v) for coordinating and admin-
6 istering the activities of the WTC Health
7 Program Steering Committees established
8 under section 3002(b); and

9 “(vi) for meeting periodically with the
10 corresponding Clinical Centers of Excellence
11 to obtain input on the analysis and report-
12 ing of data collected under clause (i) and on
13 the development of monitoring, initial
14 health evaluation, and treatment protocols
15 under clause (ii).

16 “(B) *MEDICAL PROVIDER SELECTION.*—The
17 medical providers under subparagraph (A)(iv)
18 shall be selected by the WTC Program Adminis-
19 trator on the basis of their experience treating or
20 diagnosing the health conditions included in the
21 list of WTC-related health conditions.

22 “(C) *CLINICAL DISCUSSIONS.*—In carrying
23 out subparagraph (A)(ii), a Data Center shall
24 engage in clinical discussions across the WTC

1 *Program to guide treatment approaches for indi-*
2 *viduals with a WTC-related health condition.*

3 “(D) *TRANSPARENCY OF DATA.*—*A contract*
4 *entered into under this subsection with a Data*
5 *Center shall require the Data Center to make*
6 *any data collected and reported to such Center*
7 *under subsection (b)(1)(B)(iii) available to*
8 *health researchers and others as provided in the*
9 *CDC/ATSDR Policy on Releasing and Sharing*
10 *Data.*

11 “(3) *AUTHORITY FOR CONTRACTS TO BE CLASS*
12 *SPECIFIC.*—*A contract entered into under this sub-*
13 *section with a Clinical Center of Excellence or a Data*
14 *Center may be with respect to one or more class of*
15 *enrolled WTC responders, screening-eligible WTC sur-*
16 *vivors, or certified-eligible WTC survivors.*

17 “(4) *USE OF COOPERATIVE AGREEMENTS.*—*Any*
18 *contract under this title between the WTC Program*
19 *Administrator and a Data Center or a Clinical Cen-*
20 *ter of Excellence may be in the form of a cooperative*
21 *agreement.*

22 “(b) *CENTERS OF EXCELLENCE.*—

23 “(1) *CLINICAL CENTERS OF EXCELLENCE.*—

24 “(A) *DEFINITION.*—*For purposes of this*
25 *title, the term ‘Clinical Center of Excellence’*

1 means a Center that demonstrates to the satisfac-
2 tion of the Administrator that the Center—

3 “(i) uses an integrated, centralized
4 health care provider approach to create a
5 comprehensive suite of health services under
6 this title that are accessible to enrolled WTC
7 responders, screening-eligible WTC sur-
8 vivors, or certified-eligible WTC survivors;

9 “(ii) has experience in caring for WTC
10 responders and screening-eligible WTC sur-
11 vivors or includes health care providers who
12 have been trained pursuant to section
13 3313(c);

14 “(iii) employs health care provider
15 staff with expertise that includes, at a min-
16 imum, occupational medicine, environ-
17 mental medicine, trauma-related psychiatry
18 and psychology, and social services coun-
19 seling; and

20 “(iv) meets such other requirements as
21 specified by the Administrator.

22 “(B) CONTRACT REQUIREMENTS.—The
23 WTC Program Administrator shall not enter
24 into a contract with a Clinical Center of Excel-

1 *lence under subsection (a)(1) unless the Center*
2 *agrees to do each of the following:*

3 *“(i) Establish a formal mechanism for*
4 *consulting with and receiving input from*
5 *representatives of eligible populations re-*
6 *ceiving monitoring and treatment benefits*
7 *under subtitle B from such Center.*

8 *“(ii) Coordinate monitoring and treat-*
9 *ment benefits under subtitle B with routine*
10 *medical care provided for the treatment of*
11 *conditions other than WTC-related health*
12 *conditions.*

13 *“(iii) Collect and report to the cor-*
14 *responding Data Center data in accordance*
15 *with section 3304(b).*

16 *“(iv) Have in place safeguards against*
17 *fraud that are satisfactory to the Adminis-*
18 *trator, in consultation with the Inspector*
19 *General of the Department of Health and*
20 *Human Services.*

21 *“(v) Treat or refer for treatment all in-*
22 *dividuals who are enrolled WTC responders*
23 *or certified-eligible WTC survivors with re-*
24 *spect to such Center who present themselves*

1 *for treatment of a WTC-related health con-*
2 *dition.*

3 “(vi) *Have in place safeguards, con-*
4 *sistent with section 3304(c), to ensure the*
5 *confidentiality of an individual’s individ-*
6 *ually identifiable health information, in-*
7 *cluding requiring that such information not*
8 *be disclosed to the individual’s employer*
9 *without the authorization of the individual.*

10 “(vii) *Use amounts paid under sub-*
11 *section (c)(1) only for costs incurred in car-*
12 *rying out the activities described in sub-*
13 *section (a), other than those described in*
14 *subsection (a)(1)(A).*

15 “(viii) *Utilize health care providers*
16 *with occupational and environmental medi-*
17 *cine expertise to conduct physical and men-*
18 *tal health assessments, in accordance with*
19 *protocols developed under subsection*
20 *(a)(2)(A)(ii).*

21 “(ix) *Communicate with WTC re-*
22 *sponders and screening-eligible and cer-*
23 *tified-eligible WTC survivors in appropriate*
24 *languages and conduct outreach activities*

1 *with relevant stakeholder worker or commu-*
2 *nity associations.*

3 “(x) *Meet all the other applicable re-*
4 *quirements of this title, including regula-*
5 *tions implementing such requirements.*

6 “(C) *TRANSITION RULE TO ENSURE CON-*
7 *TINUITY OF CARE.—The WTC Program Admin-*
8 *istrator shall to the maximum extent feasible en-*
9 *sure continuity of care in any period of transi-*
10 *tion from monitoring and treatment of an en-*
11 *rolled WTC responder or certified-eligible WTC*
12 *survivor by a provider to a Clinical Center of*
13 *Excellence or a health care provider partici-*
14 *pating in the nationwide network under section*
15 *3313.*

16 “(2) *DATA CENTERS.—For purposes of this title,*
17 *the term ‘Data Center’ means a Center that the WTC*
18 *Program Administrator determines has the capacity*
19 *to carry out the responsibilities for a Data Center*
20 *under subsection (a)(2).*

21 “(3) *CORRESPONDING CENTERS.—For purposes*
22 *of this title, a Clinical Center of Excellence and a*
23 *Data Center shall be treated as ‘corresponding’ to the*
24 *extent that such Clinical Center and Data Center*
25 *serve the same population group.*

1 “(c) *PAYMENT FOR INFRASTRUCTURE COSTS.*—

2 “(1) *IN GENERAL.*—*The WTC Program Adminis-*
3 *trator shall reimburse a Clinical Center of Excellence*
4 *for the fixed infrastructure costs of such Center in*
5 *carrying out the activities described in subtitle B at*
6 *a rate negotiated by the Administrator and such Cen-*
7 *ters. Such negotiated rate shall be fair and appro-*
8 *priate and take into account the number of enrolled*
9 *WTC responders receiving services from such Center*
10 *under this title.*

11 “(2) *FIXED INFRASTRUCTURE COSTS.*—*For pur-*
12 *poses of paragraph (1), the term ‘fixed infrastructure*
13 *costs’ means, with respect to a Clinical Center of Ex-*
14 *cellence, the costs incurred by such Center that are*
15 *not reimbursable by the WTC Program Administrator*
16 *under section 3312(c).*

17 **“SEC. 3306. DEFINITIONS.**

18 *“In this title:*

19 “(1) *The term ‘aggravating’ means, with respect*
20 *to a health condition, a health condition that existed*
21 *on September 11, 2001, and that, as a result of expo-*
22 *sure to airborne toxins, any other hazard, or any*
23 *other adverse condition resulting from the September*
24 *11, 2001, terrorist attacks, requires medical treatment*
25 *that is (or will be) in addition to, more frequent than,*

1 or of longer duration than the medical treatment that
2 would have been required for such condition in the
3 absence of such exposure.

4 “(2) The term ‘certified-eligible WTC survivor’
5 has the meaning given such term in section
6 3321(a)(2).

7 “(3) The terms ‘Clinical Center of Excellence’
8 and ‘Data Center’ have the meanings given such
9 terms in section 3305.

10 “(4) The term ‘enrolled WTC responder’ means a
11 WTC responder enrolled under section 3311(a)(3).

12 “(5) The term ‘initial health evaluation’ in-
13 cludes, with respect to an individual, a medical and
14 exposure history, a physical examination, and addi-
15 tional medical testing as needed to evaluate whether
16 the individual has a WTC-related health condition
17 and is eligible for treatment under the WTC Program.

18 “(6) The term ‘list of WTC-related health condi-
19 tions’ means—

20 “(A) for WTC responders, the health condi-
21 tions listed in section 3312(a)(3); and

22 “(B) for screening-eligible and certified-eli-
23 gible WTC survivors, the health conditions listed
24 in section 3322(b).

1 “(7) *The term ‘New York City disaster area’*
2 *means the area within New York City that is—*

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

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

8 “(8) *The term ‘New York metropolitan area’*
9 *means an area, specified by the WTC Program Ad-*
10 *ministrator, within which WTC responders and eligi-*
11 *ble WTC screening-eligible survivors who reside in*
12 *such area are reasonably able to access monitoring*
13 *and treatment benefits and initial health evaluation*
14 *benefits under this title through a Clinical Center of*
15 *Excellence described in subparagraphs (A), (B), or*
16 *(C) of section 3305(b)(1).*

17 “(9) *The term ‘screening-eligible WTC survivor’*
18 *has the meaning given such term in section*
19 *3321(a)(1).*

20 “(10) *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 at the World Trade*
23 *Center, Shanksville, Pennsylvania, or the Pentagon,*
24 *as applicable, on such date.*

1 “(11) The term ‘September 11, 2001, terrorist at-
2 tacks’ means the terrorist attacks that occurred on
3 September 11, 2001, in New York City, in
4 Shanksville, Pennsylvania, and at the Pentagon, and
5 includes the aftermath of such attacks.

6 “(12) The term ‘WTC Health Program Steering
7 Committee’ means such a Steering Committee estab-
8 lished under section 3302(b).

9 “(13) The term ‘WTC Program’ means the Word
10 Trade Center Health Program established under sec-
11 tion 3301(a).

12 “(14) The term ‘WTC Program Administrator’
13 means—

14 “(A) with respect to paragraphs (3) and (4)
15 of section 3311(a) (relating to enrollment of
16 WTC responders), section 3312(c) and the cor-
17 responding provisions of section 3322 (relating
18 to payment for initial health evaluation, moni-
19 toring, and treatment), paragraphs (1)(C),
20 (2)(B), and (3) of section 3321(a) (relating to
21 determination or certification of screening-eli-
22 gible or certified-eligible WTC responders), and
23 part 3 of subtitle B (relating to payor provi-
24 sions), an official in the Department of Health

1 *and Human Services, to be designated by the*
 2 *Secretary; and*

3 “(B) *with respect to any other provision of*
 4 *this title, the Director of the National Institute*
 5 *for Occupational Safety and Health, or a des-*
 6 *ignee of such Director.*

7 “(15) *The term ‘WTC-related health condition’ is*
 8 *defined in section 3312(a).*

9 “(16) *The term ‘WTC responder’ is defined in*
 10 *section 3311(a).*

11 “(17) *The term ‘WTC Scientific/Technical Advi-*
 12 *sory Committee’ means such Committee established*
 13 *under section 3302(a).*

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

17 **“PART 1—WTC RESPONDERS**

18 **“SEC. 3311. IDENTIFICATION OF WTC RESPONDERS AND**
 19 **PROVISION OF WTC-RELATED MONITORING**
 20 **SERVICES.**

21 “(a) *WTC RESPONDER DEFINED.—*

22 “(1) *IN GENERAL.—For purposes of this title, the*
 23 *term ‘WTC responder’ means any of the following in-*
 24 *dividuals, subject to paragraph (4):*

1 “(A) *CURRENTLY IDENTIFIED RE-*
2 *SPONDER.—An individual who has been identi-*
3 *fied as eligible for monitoring under the arrange-*
4 *ments as in effect on the date of the enactment*
5 *of this title between the National Institute for*
6 *Occupational Safety and Health and—*

7 “(i) *the consortium coordinated by Mt.*
8 *Sinai Hospital in New York City that co-*
9 *ordinates the monitoring and treatment for*
10 *enrolled WTC responders other than with*
11 *respect to those covered under the arrange-*
12 *ment with the Fire Department of New*
13 *York City; or*

14 “(ii) *the Fire Department of New York*
15 *City.*

16 “(B) *RESPONDER WHO MEETS CURRENT*
17 *ELIGIBILITY CRITERIA.—An individual who*
18 *meets the current eligibility criteria described in*
19 *paragraph (2).*

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

22 “(i) *performed rescue, recovery, demoli-*
23 *tion, debris cleanup, or other related serv-*
24 *ices in the New York City disaster area in*
25 *response to the September 11, 2001, ter-*

1 rorist attacks, regardless of whether such
2 services were performed by a State or Fed-
3 eral employee or member of the National
4 Guard or otherwise; and

5 “(ii) meets such eligibility criteria re-
6 lating to exposure to airborne toxins, other
7 hazards, or adverse conditions resulting
8 from the September 11, 2001, terrorist at-
9 tacks as the WTC Program Administrator,
10 after consultation with the WTC Scientific/
11 Technical Advisory Committee, determines
12 appropriate.

13 *The WTC Program Administrator shall not mod-*
14 *ify such eligibility criteria on or after the date*
15 *that the number of enrollments of WTC respond-*
16 *ers has reached 80 percent of the limit described*
17 *in paragraph (4) or on or after the date that the*
18 *number of certifications for certified-eligible*
19 *WTC survivors under section 3321(a)(2)(B) has*
20 *reached 80 percent of the limit described in sec-*
21 *tion 3321(a)(3).*

22 “(2) *CURRENT ELIGIBILITY CRITERIA.—The eli-*
23 *gibility criteria described in this paragraph for an*
24 *individual is that the individual is described in any*
25 *of the following categories:*

1 “(A) *FIREFIGHTERS AND RELATED PER-*
2 *SONNEL.—The individual—*

3 “(i) *was a member of the Fire Depart-*
4 *ment of New York City (whether fire or*
5 *emergency personnel, active or retired) who*
6 *participated at least one day in the rescue*
7 *and recovery effort at any of the former*
8 *World Trade Center sites (including Ground*
9 *Zero, Staten Island Landfill, and the New*
10 *York City Chief Medical Examiner’s Office)*
11 *for any time during the period beginning*
12 *on September 11, 2001, and ending on July*
13 *31, 2002; or*

14 “(ii)(I) *is a surviving immediate fam-*
15 *ily member of an individual who was a*
16 *member of the Fire Department of New*
17 *York City (whether fire or emergency per-*
18 *sonnel, active or retired) and was killed at*
19 *the World Trade site on September 11,*
20 *2001; and*

21 “(II) *received any treatment for a*
22 *WTC-related health condition described in*
23 *section 3312(a)(1)(A)(ii) (relating to mental*
24 *health conditions) on or before September 1,*
25 *2008.*

1 “(B) *LAW ENFORCEMENT OFFICERS AND*
2 *WTC RESCUE, RECOVERY, AND CLEANUP WORK-*
3 *ERS.—The individual—*

4 “(i) *worked or volunteered onsite in*
5 *rescue, recovery, debris cleanup, or related*
6 *support services in lower Manhattan (south*
7 *of Canal St.), the Staten Island Landfill, or*
8 *the barge loading piers, for at least 4 hours*
9 *during the period beginning on September*
10 *11, 2001, and ending on September 14,*
11 *2001, for at least 24 hours during the pe-*
12 *riod beginning on September 11, 2001, and*
13 *ending on September 30, 2001, or for at*
14 *least 80 hours during the period beginning*
15 *on September 11, 2001, and ending on July*
16 *31, 2002;*

17 “(ii)(I) *was a member of the Police De-*
18 *partment of New York City (whether active*
19 *or retired) or a member of the Port Author-*
20 *ity Police of the Port Authority of New York*
21 *and New Jersey (whether active or retired)*
22 *who participated onsite in rescue, recovery,*
23 *debris cleanup, or related services in lower*
24 *Manhattan (south of Canal St.), including*
25 *Ground Zero, the Staten Island Landfill, or*

1 *the barge loading piers, for at least 4 hours*
2 *during the period beginning September 11,*
3 *2001, and ending on September 14, 2001;*

4 *“(II) participated onsite in rescue, re-*
5 *covery, debris cleanup, or related services in*
6 *at Ground Zero, the Staten Island Landfill,*
7 *or the barge loading piers, for at least one*
8 *day during the period beginning on Sep-*
9 *tember 11, 2001, and ending on July 31,*
10 *2002;*

11 *“(III) participated onsite in rescue, re-*
12 *covery, debris cleanup, or related services in*
13 *lower Manhattan (south of Canal St.) for at*
14 *least 24 hours during the period beginning*
15 *on September 11, 2001, and ending on Sep-*
16 *tember 30, 2001; or*

17 *“(IV) participated onsite in rescue, re-*
18 *covery, debris cleanup, or related services in*
19 *lower Manhattan (south of Canal St.) for at*
20 *least 80 hours during the period beginning*
21 *on September 11, 2001, and ending on July*
22 *31, 2002;*

23 *“(iii) was an employee of the Office of*
24 *the Chief Medical Examiner of New York*
25 *City involved in the examination and han-*

1 *dling of human remains from the World*
2 *Trade Center attacks, or other morgue work-*
3 *er who performed similar post-September 11*
4 *functions for such Office staff, during the*
5 *period beginning on September 11, 2001,*
6 *and ending on July 31, 2002;*

7 *“(iv) was a worker in the Port Author-*
8 *ity Trans-Hudson Corporation Tunnel for*
9 *at least 24 hours during the period begin-*
10 *ning on February 1, 2002, and ending on*
11 *July 1, 2002; or*

12 *“(v) was a vehicle-maintenance worker*
13 *who was exposed to debris from the former*
14 *World Trade Center while retrieving, driv-*
15 *ing, cleaning, repairing, and maintaining*
16 *vehicles contaminated by airborne toxins*
17 *from the September 11, 2001, terrorist at-*
18 *tacks during a duration and period de-*
19 *scribed in subparagraph (A).*

20 *“(C) RESPONDERS TO THE SEPTEMBER 11*
21 *ATTACKS AT THE PENTAGON AND SHANKSVILLE,*
22 *PENNSYLVANIA.—The individual—*

23 *“(i)(I) was a member of a fire or po-*
24 *lice department (whether fire or emergency*
25 *personnel, active or retired), worked for a*

1 *recovery or cleanup contractor, or was a*
2 *volunteer; and performed rescue, recovery,*
3 *demolition, debris cleanup, or other related*
4 *services at the Pentagon site of the terrorist-*
5 *related aircraft crash of September 11,*
6 *2001, during the period beginning on Sep-*
7 *tember 11, 2001, and ending on the date on*
8 *which the cleanup of the site was concluded,*
9 *as determined by the WTC Program Ad-*
10 *ministrator; or*

11 “(II) *was a member of a fire or police*
12 *department (whether fire or emergency per-*
13 *sonnel, active or retired), worked for a re-*
14 *covery or cleanup contractor, or was a vol-*
15 *unteer; and performed rescue, recovery,*
16 *demolition, debris cleanup, or other related*
17 *services at the Shanksville, Pennsylvania,*
18 *site of the terrorist-related aircraft crash of*
19 *September 11, 2001, during the period be-*
20 *ginning on September 11, 2001, and ending*
21 *on the date on which the cleanup of the site*
22 *was concluded, as determined by the WTC*
23 *Program Administrator; and*

24 “(ii) *is determined by the WTC Pro-*
25 *gram Administrator to be at an increased*

1 *risk of developing a WTC-related health*
2 *condition as a result of exposure to airborne*
3 *toxins, other hazards, or adverse conditions*
4 *resulting from the September 11, 2001, ter-*
5 *rorist attacks, and meets such eligibility cri-*
6 *teria related to such exposures, as the WTC*
7 *Program Administrator determines are ap-*
8 *propriate, after consultation with the WTC*
9 *Scientific/Technical Advisory Committee.*

10 “(3) *ENROLLMENT PROCESS.*—

11 “(A) *IN GENERAL.*—*The WTC Program Ad-*
12 *ministrator shall establish a process for enrolling*
13 *WTC responders in the WTC Program. Under*
14 *such process—*

15 “(i) *WTC responders described in*
16 *paragraph (1)(A) shall be deemed to be en-*
17 *rolled in such Program;*

18 “(ii) *subject to clause (iii), the Admin-*
19 *istrator shall enroll in such program indi-*
20 *viduals who are determined to be WTC re-*
21 *sponders;*

22 “(iii) *the Administrator shall deny*
23 *such enrollment to an individual if the Ad-*
24 *ministrator determines that the numerical*

1 *limitation in paragraph (4) on enrollment*
2 *of WTC responders has been met;*

3 “(iv) *there shall be no fee charged to*
4 *the applicant for making an application for*
5 *such enrollment;*

6 “(v) *the Administrator shall make a*
7 *determination on such an application not*
8 *later than 60 days after the date of filing*
9 *the application; and*

10 “(vi) *an individual who is denied en-*
11 *rollment in such Program shall have an op-*
12 *portunity to appeal such determination in*
13 *a manner established under such process.*

14 “(B) *TIMING.—*

15 “(i) *CURRENTLY IDENTIFIED RE-*
16 *SPONDERS.—In accordance with subpara-*
17 *graph (A)(i), the WTC Program Adminis-*
18 *trator shall enroll an individual described*
19 *in paragraph (1)(A) in the WTC Program*
20 *not later than July 1, 2011.*

21 “(ii) *OTHER RESPONDERS.—In ac-*
22 *cordance with subparagraph (A)(ii) and*
23 *consistent with paragraph (4), the WTC*
24 *Program Administrator shall enroll any*
25 *other individual who is determined to be a*

1 *WTC responder in the WTC Program at the*
2 *time of such determination.*

3 “(4) *NUMERICAL LIMITATION ON ELIGIBLE WTC*
4 *RESPONDERS.—*

5 “(A) *IN GENERAL.—The total number of in-*
6 *dividuals not described in paragraph (1)(A) or*
7 *(2)(A)(ii) who may be enrolled under paragraph*
8 *(3)(A)(ii) shall not exceed 25,000 at any time, of*
9 *which no more than 2,500 may be individuals*
10 *enrolled based on modified eligibility criteria es-*
11 *tablished under paragraph (1)(C).*

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

15 “(i) *limit the number of enrollments*
16 *made under paragraph (3)—*

17 “(I) *in accordance with such sub-*
18 *paragraph; and*

19 “(II) *to such number, as deter-*
20 *mined by the Administrator based on*
21 *the best available information and sub-*
22 *ject to amounts available under section*
23 *3351, that will ensure sufficient funds*
24 *will be available to provide treatment*
25 *and monitoring benefits under this*

1 *title, with respect to all individuals*
2 *who are enrolled through the end of fis-*
3 *cal year 2020; and*

4 “(i) provide priority (subject to para-

5 *graph (3)(A)(i)) in such enrollments in the*
6 *order in which individuals apply for enroll-*
7 *ment under paragraph (3).*

8 “(5) *DISQUALIFICATION OF INDIVIDUALS ON*
9 *TERRORIST WATCH LIST.—No individual who is on*
10 *the terrorist watch list maintained by the Department*
11 *of Homeland Security shall qualify as an eligible*
12 *WTC responder. Before enrolling any individual as a*
13 *WTC responder in the WTC Program under para-*
14 *graph (3), the Administrator, in consultation with the*
15 *Secretary of Homeland Security, shall determine*
16 *whether the individual is on such list.*

17 “(b) *MONITORING BENEFITS.—*

18 “(1) *IN GENERAL.—In the case of an enrolled*
19 *WTC responder (other than one described in sub-*
20 *section (a)(2)(A)(ii)), the WTC Program shall provide*
21 *for monitoring benefits that include monitoring con-*
22 *sistent with protocols approved by the WTC Program*
23 *Administrator and including clinical examinations*
24 *and long-term health monitoring and analysis. In the*
25 *case of an enrolled WTC responder who is an active*

1 *member of the Fire Department of New York City, the*
2 *responder shall receive such benefits as part of the in-*
3 *dividual's periodic company medical exams.*

4 “(2) *PROVISION OF MONITORING BENEFITS.—The*
5 *monitoring benefits under paragraph (1) shall be pro-*
6 *vided through the Clinical Center of Excellence for the*
7 *type of individual involved or, in the case of an indi-*
8 *vidual residing outside the New York metropolitan*
9 *area, under an arrangement under section 3313.*

10 **“SEC. 3312. TREATMENT OF ENROLLED WTC RESPONDERS**
11 **FOR WTC-RELATED HEALTH CONDITIONS.**

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

13 “(1) *IN GENERAL.—For purposes of this title, the*
14 *term ‘WTC-related health condition’ means a condi-*
15 *tion that—*

16 “(A)(i) *is an illness or health condition for*
17 *which exposure to airborne toxins, any other*
18 *hazard, or any other adverse condition resulting*
19 *from the September 11, 2001, terrorist attacks,*
20 *based on an examination by a medical profes-*
21 *sional with experience in treating or diagnosing*
22 *the health conditions included in the applicable*
23 *list of WTC-related health conditions, is substan-*
24 *tially likely to be a significant factor in aggra-*
25 *vating, contributing to, or causing the illness or*

1 *health condition, as determined under paragraph*
2 *(2); or*

3 *“(i) is a mental health condition for which*
4 *such attacks, based on an examination by a med-*
5 *ical professional with experience in treating or*
6 *diagnosing the health conditions included in the*
7 *applicable list of WTC-related health conditions,*
8 *is substantially likely to be a significant factor*
9 *in aggravating, contributing to, or causing the*
10 *condition, as determined under paragraph (2);*
11 *and*

12 *“(B) is included in the applicable list of*
13 *WTC-related health conditions or—*

14 *“(i) with respect to a WTC responder,*
15 *is provided certification of coverage under*
16 *subsection (b)(2)(B)(iii); or*

17 *“(ii) with respect to a screening-eligi-*
18 *ble WTC survivor or certified-eligible WTC*
19 *survivor, is provided certification of cov-*
20 *erage under subsection (b)(2)(B)(iii), as ap-*
21 *plied under section 3322(a).*

22 *In the case of a WTC responder described in section*
23 *3311(a)(2)(A)(ii) (relating to a surviving immediate*
24 *family member of a firefighter), such term does not*

1 *include an illness or health condition described in*
2 *subparagraph (A)(i).*

3 “(2) *DETERMINATION.—The determination*
4 *under paragraph (1) or subsection (b) of whether the*
5 *September 11, 2001, terrorist attacks were substan-*
6 *tially likely to be a significant factor in aggravating,*
7 *contributing to, or causing an individual’s illness or*
8 *health condition shall be made based on an assess-*
9 *ment of the following:*

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

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

19 “(ii) *assessed and documented by a*
20 *medical professional with experience in*
21 *treating or diagnosing health conditions in-*
22 *cluded on the list of WTC-related health*
23 *conditions.*

24 “(B) *The type of symptoms and temporal*
25 *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 the Director
4 of 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)(ii).

10 “(3) LIST OF HEALTH CONDITIONS FOR WTC RE-
11 SPONDERS.—The list of health conditions for WTC re-
12 sponders consists of the following:

13 “(A) AERODIGESTIVE DISORDERS.—

14 “(i) Interstitial lung diseases.

15 “(ii) Chronic respiratory disorder—
16 fumes/vapors.

17 “(iii) Asthma.

18 “(iv) Reactive airways dysfunction
19 syndrome (RADS).

20 “(v) WTC-exacerbated chronic obstruc-
21 tive pulmonary disease (COPD).

22 “(vi) Chronic cough syndrome.

23 “(vii) Upper airway hyperreactivity.

24 “(viii) Chronic rhinosinusitis.

25 “(ix) Chronic nasopharyngitis.

1 “(x) *Chronic laryngitis.*

2 “(xi) *Gastroesophageal reflux disorder*
3 *(GERD).*

4 “(xii) *Sleep apnea exacerbated by or*
5 *related to a condition described in a pre-*
6 *vious clause.*

7 “(B) *MENTAL HEALTH CONDITIONS.—*

8 “(i) *Posttraumatic stress disorder*
9 *(PTSD).*

10 “(ii) *Major depressive disorder.*

11 “(iii) *Panic disorder.*

12 “(iv) *Generalized anxiety disorder.*

13 “(v) *Anxiety disorder (not otherwise*
14 *specified).*

15 “(vi) *Depression (not otherwise speci-*
16 *fied).*

17 “(vii) *Acute stress disorder.*

18 “(viii) *Dysthymic disorder.*

19 “(ix) *Adjustment disorder.*

20 “(x) *Substance abuse.*

21 “(C) *MUSCULOSKELETAL DISORDERS FOR*
22 *CERTAIN WTC RESPONDERS.—In the case of a*
23 *WTC responder described in paragraph (4), a*
24 *condition described in such paragraph.*

1 “(D) *ADDITIONAL CONDITIONS.*—*Any can-*
2 *cer (or type of cancer) or other condition added,*
3 *pursuant to paragraph (5) or (6), to the list*
4 *under this paragraph.*

5 “(4) *MUSCULOSKELETAL DISORDERS.*—

6 “(A) *IN GENERAL.*—*For purposes of this*
7 *title, in the case of a WTC responder who re-*
8 *ceived any treatment for a WTC-related mus-*
9 *culoskeletal disorder on or before September 11,*
10 *2003, the list of health conditions in paragraph*
11 *(3) shall include:*

12 “(i) *Low back pain.*

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

14 “(iii) *Other musculoskeletal disorders.*

15 “(B) *DEFINITION.*—*The term ‘WTC-related*
16 *musculoskeletal disorder’ means a chronic or re-*
17 *current disorder of the musculoskeletal system*
18 *caused by heavy lifting or repetitive strain on*
19 *the joints or musculoskeletal system occurring*
20 *during rescue or recovery efforts in the New York*
21 *City disaster area in the aftermath of the Sep-*
22 *tember 11, 2001, terrorist attacks.*

23 “(5) *CANCER.*—

24 “(A) *IN GENERAL.*—*The WTC Program Ad-*
25 *ministrator shall periodically conduct a review*

1 *of all available scientific and medical evidence,*
2 *including findings and recommendations of*
3 *Clinical Centers of Excellence, published in peer-*
4 *reviewed journals to determine if, based on such*
5 *evidence, cancer or a certain type of cancer*
6 *should be added to the applicable list of WTC-re-*
7 *lated health conditions. The WTC Program Ad-*
8 *ministrator shall conduct the first review under*
9 *this subparagraph not later than 180 days after*
10 *the date of the enactment of this title.*

11 “(B) *PROPOSED REGULATIONS AND RULE-*
12 *MAKING.—Based on the periodic reviews under*
13 *subparagraph (A), if the WTC Program Admin-*
14 *istrator determines that cancer or a certain type*
15 *of cancer should be added to such list of WTC-*
16 *related health conditions, the WTC Program Ad-*
17 *ministrator shall propose regulations, through*
18 *rulemaking, to add cancer or the certain type of*
19 *cancer to such list.*

20 “(C) *FINAL REGULATIONS.—Based on all*
21 *the available evidence in the rulemaking record,*
22 *the WTC Program Administrator shall make a*
23 *final determination of whether cancer or a cer-*
24 *tain type of cancer should be added to such list*
25 *of WTC-related health conditions. If such a de-*

1 *termination is made to make such an addition,*
2 *the WTC Program Administrator shall by regu-*
3 *lation add cancer or the certain type of cancer*
4 *to such list.*

5 “(D) *DETERMINATIONS NOT TO ADD CAN-*
6 *CER OR CERTAIN TYPES OF CANCER.—In the case*
7 *that the WTC Program Administrator deter-*
8 *mines under subparagraph (B) or (C) that can-*
9 *cer or a certain type of cancer should not be*
10 *added to such list of WTC-related health condi-*
11 *tions, the WTC Program Administrator shall*
12 *publish an explanation for such determination*
13 *in the Federal Register. Any such determination*
14 *to not make such an addition shall not preclude*
15 *the addition of cancer or the certain type of can-*
16 *cer to such list at a later date.*

17 “(6) *ADDITION OF HEALTH CONDITIONS TO LIST*
18 *FOR WTC RESPONDERS.—*

19 “(A) *IN GENERAL.—Whenever the WTC*
20 *Program Administrator determines that a pro-*
21 *posed rule should be promulgated to add a health*
22 *condition to the list of health conditions in para-*
23 *graph (3), the Administrator may request a rec-*
24 *ommendation of the Advisory Committee or may*

1 *publish such a proposed rule in the Federal Reg-*
2 *ister in accordance with subparagraph (D).*

3 “(B) *ADMINISTRATOR’S OPTIONS AFTER RE-*
4 *CEIPT OF PETITION.—In the case that the WTC*
5 *Program Administrator receives a written peti-*
6 *tion by an interested party to add a health con-*
7 *dition to the list of health conditions in para-*
8 *graph (3), not later than 60 days after the date*
9 *of receipt of such petition the Administrator*
10 *shall—*

11 “(i) *request a recommendation of the*
12 *Advisory Committee;*

13 “(ii) *publish a proposed rule in the*
14 *Federal Register to add such health condi-*
15 *tion, in accordance with subparagraph (D);*

16 “(iii) *publish in the Federal Register*
17 *the Administrator’s determination not to*
18 *publish such a proposed rule and the basis*
19 *for such determination; or*

20 “(iv) *publish in the Federal Register a*
21 *determination that insufficient evidence ex-*
22 *ists to take action under clauses (i) through*
23 *(iii).*

24 “(C) *ACTION BY ADVISORY COMMITTEE.—In*
25 *the case that the Administrator requests a rec-*

1 *ommendation of the Advisory Committee under*
2 *this paragraph, with respect to adding a health*
3 *condition to the list in paragraph (3), the Advi-*
4 *sory Committee shall submit to the Adminis-*
5 *trator such recommendation not later than 60*
6 *days after the date of such request or by such*
7 *date (not to exceed 180 days after such date of*
8 *request) as specified by the Administrator. Not*
9 *later than 60 days after the date of receipt of*
10 *such recommendation, the Administrator shall,*
11 *in accordance with subparagraph (D), publish in*
12 *the Federal Register a proposed rule with respect*
13 *to such recommendation or a determination not*
14 *to propose such a proposed rule and the basis for*
15 *such determination.*

16 “(D) *PUBLICATION.*—*The WTC Program*
17 *Administrator shall, with respect to any pro-*
18 *posed rule under this paragraph—*

19 “(i) *publish such proposed rule in ac-*
20 *cordance with section 553 of title 5, United*
21 *States Code; and*

22 “(ii) *provide interested parties a pe-*
23 *riod of 30 days after such publication to*
24 *submit written comments on the proposed*
25 *rule.*

1 *The WTC Program Administrator may extend*
2 *the period described in clause (ii) upon a finding*
3 *of good cause. In the case of such an extension,*
4 *the Administrator shall publish such extension in*
5 *the Federal Register.*

6 “(E) *INTERESTED PARTY DEFINED.*—*For*
7 *purposes of this paragraph, the term ‘interested*
8 *party’ includes a representative of any organiza-*
9 *tion representing WTC responders, a nationally*
10 *recognized medical association, a Clinical or*
11 *Data Center, a State or political subdivision, or*
12 *any other interested person.*

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

15 “(1) *DETERMINATION FOR ENROLLED WTC RE-*
16 *SPONDERS BASED ON A WTC-RELATED HEALTH CON-*
17 *DITION.*—

18 “(A) *IN GENERAL.*—*If a physician at a*
19 *Clinical Center of Excellence that is providing*
20 *monitoring benefits under section 3311 for an*
21 *enrolled WTC responder makes a determination*
22 *that the responder has a WTC-related health con-*
23 *dition that is in the list in subsection (a)(3) and*
24 *that exposure to airborne toxins, other hazards,*
25 *or adverse conditions resulting from the Sep-*

1 *tember 1, 2001, terrorist attacks is substantially*
2 *likely to be a significant factor in aggravating,*
3 *contributing to, or causing the condition—*

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

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

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

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

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 *a WTC-related health condition in the list*

1 *in subsection (a)(3) or that exposure to air-*
2 *borne toxins, other hazards, or adverse con-*
3 *ditions resulting from the September 1,*
4 *2001, terrorist attacks is not substantially*
5 *likely to be a significant factor in aggra-*
6 *vating, contributing to, or causing the con-*
7 *dition.*

8 “(iii) *APPEAL PROCESS.—The Admin-*
9 *istrator shall establish, by rule, a process for*
10 *the appeal of determinations under clause*
11 *(ii).*

12 “(2) *DETERMINATION BASED ON MEDICALLY AS-*
13 *SOCIATED WTC-RELATED HEALTH CONDITIONS.—*

14 “(A) *IN GENERAL.—If a physician at a*
15 *Clinical Center of Excellence determines pursu-*
16 *ant to subsection (a) that the enrolled WTC re-*
17 *sponder has a health condition described in sub-*
18 *section (a)(1)(A) that is not in the list in sub-*
19 *section (a)(3) but which is medically associated*
20 *with a WTC-related health condition—*

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

1 “(i) the Administrator shall make a
2 determination under subparagraph (B)
3 with respect to such physician’s determina-
4 tion.

5 “(B) PROCEDURES FOR REVIEW, CERTIFI-
6 CATION, AND APPEAL.—The WTC Program Ad-
7 ministrators shall, by rule, establish procedures
8 for the review and certification of physician de-
9 terminations under subparagraph (A). Such rule
10 shall provide for—

11 “(i) the timely review of such a deter-
12 mination by a physician panel with appro-
13 priate expertise for the condition and rec-
14 ommendations to the WTC Program Ad-
15 ministrators;

16 “(ii) not later than 60 days after the
17 date of the transmittal under subparagraph
18 (A)(i), a determination by the WTC Pro-
19 gram Administrator on whether or not the
20 condition involved is described in subsection
21 (a)(1)(A) and is medically associated with
22 a WTC-related health condition;

23 “(iii) certification in accordance with
24 paragraph (1)(B)(ii) of coverage of such
25 condition if determined to be described in

1 *subsection (a)(1)(A) and medically associ-*
2 *ated with a WTC-related health condition;*
3 *and*

4 *“(iv) a process for appeals of deter-*
5 *minations relating to such conditions.*

6 *“(C) INCLUSION IN LIST OF HEALTH CONDI-*
7 *TIONS.—If the WTC Program Administrator*
8 *provides certification under subparagraph*
9 *(B)(iii) for coverage of a condition, the Adminis-*
10 *trator may, pursuant to subsection (a)(6), add*
11 *the condition to the list in subsection (a)(3).*

12 *“(D) CONDITIONS ALREADY DECLINED FOR*
13 *INCLUSION IN LIST.—If the WTC Program Ad-*
14 *ministrator publishes a determination under*
15 *subsection (a)(6)(B) not to include a condition*
16 *in the list in subsection (a)(3), the WTC Pro-*
17 *gram Administrator shall not provide certifi-*
18 *cation under subparagraph (B)(iii) for coverage*
19 *of the condition. In the case of an individual*
20 *who is certified under subparagraph (B)(iii)*
21 *with respect to such condition before the date of*
22 *the publication of such determination the pre-*
23 *vious sentence shall not apply.*

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

1 “(A) *IN GENERAL.*—*In providing treatment*
2 *for a WTC-related health condition, a physician*
3 *or other provider shall provide treatment that is*
4 *medically necessary and in accordance with*
5 *medical treatment protocols established under*
6 *subsection (d).*

7 “(B) *REGULATIONS RELATING TO MEDICAL*
8 *NECESSITY.*—*For the purpose of this title, the*
9 *WTC Program Administrator shall issue regula-*
10 *tions specifying a standard for determining med-*
11 *ical necessity with respect to health care services*
12 *and prescription pharmaceuticals, a process for*
13 *determining whether treatment furnished and*
14 *pharmaceuticals prescribed under this title meet*
15 *such standard (including any prior authoriza-*
16 *tion requirement), and a process for appeal of a*
17 *determination under subsection (c)(3).*

18 “(4) *SCOPE OF TREATMENT COVERED.*—

19 “(A) *IN GENERAL.*—*The scope of treatment*
20 *covered under this subsection includes services of*
21 *physicians and other health care providers, diag-*
22 *nostic and laboratory tests, prescription drugs,*
23 *inpatient and outpatient hospital services, and*
24 *other medically necessary treatment.*

1 “(B) *PHARMACEUTICAL COVERAGE.*—With
2 respect to ensuring coverage of medically nec-
3 essary outpatient prescription drugs, such drugs
4 shall be provided, under arrangements made by
5 the *WTC Program Administrator*, directly
6 through participating *Clinical Centers of Excel-*
7 *lence* or through one or more outside vendors.

8 “(C) *TRANSPORTATION EXPENSES FOR NA-*
9 *TIONWIDE NETWORK.*—The *WTC Program Ad-*
10 *ministrator* may provide for necessary and rea-
11 sonable transportation and expenses incident to
12 the securing of medically necessary treatment
13 through the nationwide network under section
14 3313 involving travel of more than 250 miles
15 and for which payment is made under this sec-
16 tion in the same manner in which individuals
17 may be furnished necessary and reasonable
18 transportation and expenses incident to services
19 involving travel of more than 250 miles under
20 regulations implementing section 3629(c) of the
21 *Energy Employees Occupational Illness Com-*
22 *ensation Program Act of 2000 (title XXXVI of*
23 *Public Law 106–398; 42 U.S.C. 7384t(c)).*

24 “(5) *PROVISION OF TREATMENT PENDING CER-*
25 *TIFICATION.*—With respect to an enrolled *WTC re-*

1 *sponder for whom a determination is made by an ex-*
2 *amining physician under paragraph (1) or (2), but*
3 *for whom the WTC Program Administrator has not*
4 *yet determined whether to certify the determination,*
5 *the WTC Program Administrator may establish by*
6 *rule a process through which the Administrator may*
7 *approve the provision of medical treatment under this*
8 *subsection (and payment under subsection (c)) with*
9 *respect to such responder and such responder’s WTC-*
10 *related health condition (under such terms and condi-*
11 *tions as the Administrator may provide) until the*
12 *Administrator makes a decision on whether to certify*
13 *the determination.*

14 *“(c) PAYMENT FOR INITIAL HEALTH EVALUATION,*
15 *MONITORING, AND TREATMENT OF WTC-RELATED HEALTH*
16 *CONDITIONS.—*

17 *“(1) MEDICAL TREATMENT.—*

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

1 *For treatment not covered under the previous*
2 *sentence or subparagraph (B), the WTC Program*
3 *Administrator shall establish by regulation a re-*
4 *imbursement rate for such treatment.*

5 “(B) *PHARMACEUTICALS.*—

6 “(i) *IN GENERAL.*—*The WTC Program*
7 *Administrator shall establish a program for*
8 *paying for the medically necessary out-*
9 *patient prescription pharmaceuticals pre-*
10 *scribed under this title for WTC-related*
11 *health conditions through one or more con-*
12 *tracts with outside vendors.*

13 “(ii) *COMPETITIVE BIDDING.*—*Under*
14 *such program the Administrator shall—*

15 “(I) *select one or more appro-*
16 *prate vendors through a Federal com-*
17 *petitive bid process; and*

18 “(II) *select the lowest bidder (or*
19 *bidders) meeting the requirements for*
20 *providing pharmaceutical benefits for*
21 *participants in the WTC Program.*

22 “(iii) *TREATMENT OF FDNY PARTICI-*
23 *PANTS.*—*Under such program the Adminis-*
24 *trator may enter into an agreement with a*
25 *separate vendor to provide pharmaceutical*

1 *benefits to enrolled WTC responders for*
2 *whom the Clinical Center of Excellence is*
3 *described in section 3305 if such an ar-*
4 *rangement is deemed necessary and bene-*
5 *ficial to the program by the WTC Program*
6 *Administrator.*

7 “(C) *IMPROVING QUALITY AND EFFICIENCY*
8 *THROUGH MODIFICATION OF PAYMENT AMOUNTS*
9 *AND METHODOLOGIES.—The WTC Program Ad-*
10 *ministrator may modify the amounts and meth-*
11 *odologies for making payments for initial health*
12 *evaluations, monitoring, or treatment, if, taking*
13 *into account utilization and quality data fur-*
14 *nished by the Clinical Centers of Excellence*
15 *under section 3305(b)(1)(B)(iii), the Adminis-*
16 *trator determines that a bundling, capitation,*
17 *pay for performance, or other payment method-*
18 *ology would better ensure high quality and effi-*
19 *cient delivery of initial health evaluations, moni-*
20 *toring, or treatment to an enrolled WTC re-*
21 *sponder, screening-eligible WTC survivor, or cer-*
22 *tified-eligible WTC survivor.*

23 “(2) *MONITORING AND INITIAL HEALTH EVALUA-*
24 *TION.—The WTC Program Administrator shall reim-*
25 *burse the costs of monitoring and the costs of an ini-*

1 *tial health evaluation provided under this title at a*
2 *rate set by the Administrator by regulation.*

3 “(3) *DETERMINATION OF MEDICAL NECESSITY.—*

4 “(A) *REVIEW OF MEDICAL NECESSITY AND*
5 *PROTOCOLS.—As part of the process for reim-*
6 *bursement or payment under this subsection, the*
7 *WTC Program Administrator shall provide for*
8 *the review of claims for reimbursement or pay-*
9 *ment for the provision of medical treatment to*
10 *determine if such treatment is medically nec-*
11 *essary and in accordance with medical treatment*
12 *protocols established under subsection (d).*

13 “(B) *WITHHOLDING OF PAYMENT FOR*
14 *MEDICALLY UNNECESSARY TREATMENT.—The*
15 *Administrator shall withhold such reimburse-*
16 *ment or payment for treatment that the Admin-*
17 *istrator determines is not medically necessary or*
18 *is not in accordance with such medical treatment*
19 *protocols.*

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

21 “(1) *DEVELOPMENT.—The Data Centers shall*
22 *develop medical treatment protocols for the treatment*
23 *of enrolled WTC responders and certified-eligible*
24 *WTC survivors for health conditions included in the*
25 *applicable list of WTC-related health conditions.*

1 “(2) *APPROVAL.*—*The medical treatment proto-*
2 *cols developed under paragraph (1) shall be subject to*
3 *approval by the WTC Program Administrator.*

4 **“SEC. 3313. 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 *enrolled WTC responders, screening-eligible WTC survivors,*
9 *or certified-eligible WTC survivors and who reside in any*
10 *State, as defined in section 2(f), outside the New York met-*
11 *ropolitan area, the WTC Program Administrator shall es-*
12 *tablish a nationwide network of health care providers to*
13 *provide monitoring and treatment benefits and initial*
14 *health evaluations near such individuals’ areas of residence*
15 *in such States. Nothing in this subsection shall be construed*
16 *as preventing such individuals from being provided such*
17 *monitoring and treatment benefits or initial health evalua-*
18 *tion through any Clinical Center of 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 Data Centers;*

1 “(2) follow the monitoring, initial health evalua-
 2 tion, and treatment protocols developed under section
 3 3305(a)(2)(A)(ii);

4 “(3) collect and report data in accordance with
 5 section 3304; and

6 “(4) meet such fraud, quality assurance, and
 7 other requirements as the WTC Program Adminis-
 8 trator establishes, including sections 1128 through
 9 1128E of the Social Security Act, as applied by sec-
 10 tion 3301(d).

11 “(c) *TRAINING AND TECHNICAL ASSISTANCE.*—The
 12 WTC Program Administer may provide, including through
 13 contract, for the provision of training and technical assist-
 14 ance to health care providers participating in the network
 15 under subsection (a).

16 **“PART 2—WTC SURVIVORS**

17 **“SEC. 3321. IDENTIFICATION AND INITIAL HEALTH EVALUA-**
 18 **TION OF SCREENING-ELIGIBLE AND CER-**
 19 **TIFIED-ELIGIBLE WTC SURVIVORS.**

20 “(a) *IDENTIFICATION OF SCREENING-ELIGIBLE WTC*
 21 *SURVIVORS AND CERTIFIED-ELIGIBLE WTC SURVIVORS.*—

22 “(1) *SCREENING-ELIGIBLE WTC SURVIVORS.*—

23 “(A) *DEFINITION.*—In this title, the term
 24 ‘screening-eligible WTC survivor’ means, subject
 25 to subparagraph (C) and paragraph (3), an in-

1 *dividual who is described in any of the following*
2 *clauses:*

3 “(i) *CURRENTLY IDENTIFIED SUR-*
4 *VIVOR.—An individual, including a WTC*
5 *responder, who has been identified as eligi-*
6 *ble for medical treatment and monitoring*
7 *by the WTC Environmental Health Center*
8 *as of the date of enactment of this title.*

9 “(ii) *SURVIVOR WHO MEETS CURRENT*
10 *ELIGIBILITY CRITERIA.—An individual who*
11 *is not a WTC responder, for purposes of the*
12 *initial health evaluation under subsection*
13 *(b), claims symptoms of a WTC-related*
14 *health condition and meets any of the cur-*
15 *rent eligibility criteria described in sub-*
16 *paragraph (B).*

17 “(iii) *SURVIVOR WHO MEETS MODI-*
18 *FIED ELIGIBILITY CRITERIA.—An indi-*
19 *vidual who is not a WTC responder, for*
20 *purposes of the initial health evaluation*
21 *under subsection (b), claims symptoms of a*
22 *WTC-related health condition and meets*
23 *such eligibility criteria relating to exposure*
24 *to airborne toxins, other hazards, or adverse*
25 *conditions resulting from the September 11,*

1 2001, terrorist attacks as the WTC Admin-
2 istrator determines, after consultation with
3 the Data Centers described in section 3305
4 and the WTC Scientific/Technical Advisory
5 Committee and WTC Health Program
6 Steering Committees under section 3302.

7 *The Administrator shall not modify such criteria*
8 *under clause (iii) on or after the date that the*
9 *number of certifications for certified-eligible*
10 *WTC survivors under paragraph (2)(B) has*
11 *reached 80 percent of the limit described in*
12 *paragraph (3) or on or after the date that the*
13 *number of enrollments of WTC responders has*
14 *reached 80 percent of the limit described in sec-*
15 *tion 3311(a)(4).*

16 “(B) *CURRENT ELIGIBILITY CRITERIA.*—*The*
17 *eligibility criteria described in this subpara-*
18 *graph for an individual are that the individual*
19 *is described in any of the following clauses:*

20 “(i) *A person who was present in the*
21 *New York City disaster area in the dust or*
22 *dust cloud on September 11, 2001.*

23 “(ii) *A person who worked, resided, or*
24 *attended school, childcare, or adult daycare*
25 *in the New York City disaster area for—*

1 “(I) at least 4 days during the 4-
2 month period beginning on September
3 11, 2001, and ending on January 10,
4 2002; or

5 “(II) at least 30 days during the
6 period beginning on September 11,
7 2001, and ending on July 31, 2002.

8 “(iii) Any person who worked as a
9 cleanup worker or performed maintenance
10 work in the New York City disaster area
11 during the 4-month period described in sub-
12 paragraph (B)(i) and had extensive expo-
13 sure to WTC dust as a result of such work.

14 “(iv) A person who was deemed eligible
15 to receive a grant from the Lower Manhat-
16 tan Development Corporation Residential
17 Grant Program, who possessed a lease for a
18 residence or purchased a residence in the
19 New York City disaster area, and who re-
20 sided in such residence during the period
21 beginning on September 11, 2001, and end-
22 ing on May 31, 2003.

23 “(v) A person whose place of employ-
24 ment—

1 “(I) at any time during the pe-
2 riod beginning on September 11, 2001,
3 and ending on May 31, 2003, was in
4 the New York City disaster area; and

5 “(II) was deemed eligible to re-
6 ceive a grant from the Lower Manhat-
7 tan Development Corporation WTC
8 Small Firms Attraction and Retention
9 Act program or other government in-
10 centive program designed to revitalize
11 the lower Manhattan economy after the
12 September 11, 2001, terrorist attacks.

13 “(C) APPLICATION AND DETERMINATION
14 PROCESS FOR SCREENING ELIGIBILITY.—

15 “(i) IN GENERAL.—The WTC Program
16 Administrator in consultation with the
17 Data Centers shall establish a process for
18 individuals, other than individuals de-
19 scribed in subparagraph (A)(i), to be deter-
20 mined to be screening-eligible WTC sur-
21 vivors. Under such process—

22 “(I) there shall be no fee charged
23 to the applicant for making an appli-
24 cation for such determination;

1 “(II) the Administrator shall
2 make a determination on such an ap-
3 plication not later than 60 days after
4 the date of filing the application;

5 “(III) the Administrator shall
6 make such a determination relating to
7 an applicant’s compliance with this
8 title and shall not determine that an
9 individual is not so eligible or deny
10 written documentation under clause
11 (ii) to such individual unless the Ad-
12 ministrator determines that—

13 “(aa) based on the applica-
14 tion submitted, the individual
15 does not meet the eligibility cri-
16 teria; or

17 “(bb) the numerical limita-
18 tion on certifications of certified-
19 eligible WTC survivors set forth in
20 paragraph (3) has been met; and

21 “(IV) an individual who is deter-
22 mined not to be a screening-eligible
23 WTC survivor shall have an oppor-
24 tunity to appeal such determination in

1 *a manner established under such proc-*
2 *ess.*

3 “(i) *WRITTEN DOCUMENTATION OF*
4 *SCREENING-ELIGIBILITY.—*

5 “(I) *IN GENERAL.—In the case of*
6 *an individual who is described in sub-*
7 *paragraph (A)(i) or who is determined*
8 *under clause (i) (consistent with para-*
9 *graph (3)) to be a screening-eligible*
10 *WTC survivor, the WTC Program Ad-*
11 *ministrator shall provide an appro-*
12 *priate written documentation of such*
13 *fact.*

14 “(II) *TIMING.—*

15 “(aa) *CURRENTLY IDENTI-*
16 *FIED SURVIVORS.—In the case of*
17 *an individual who is described in*
18 *subparagraph (A)(i), the WTC*
19 *Program Administrator shall pro-*
20 *vide the written documentation*
21 *under subclause (I) not later than*
22 *July 1, 2011.*

23 “(bb) *OTHER MEMBERS.—In*
24 *the case of another individual who*
25 *is determined under clause (i)*

1 *and consistent with paragraph (3)*
2 *to be a screening-eligible WTC*
3 *survivor, the WTC Program Ad-*
4 *ministrator shall provide the*
5 *written documentation under sub-*
6 *clause (I) at the time of such de-*
7 *termination.*

8 “(2) *CERTIFIED-ELIGIBLE WTC SURVIVORS.—*

9 “*(A) DEFINITION.—The term ‘certified-eli-*
10 *gible WTC survivor’ means, subject to paragraph*
11 *(3), a screening-eligible WTC survivor who the*
12 *WTC Program Administrator certifies under*
13 *subparagraph (B) to be eligible for followup*
14 *monitoring and treatment under this part.*

15 “*(B) CERTIFICATION OF ELIGIBILITY FOR*
16 *MONITORING AND TREATMENT.—*

17 “*(i) IN GENERAL.—The WTC Program*
18 *Administrator shall establish a certification*
19 *process under which the Administrator shall*
20 *provide appropriate certification to screen-*
21 *ing-eligible WTC survivors who, pursuant*
22 *to the initial health evaluation under sub-*
23 *section (b), are determined to be eligible for*
24 *followup monitoring and treatment under*
25 *this part.*

1 “(i) *TIMING.*—

2 “(I) *CURRENTLY IDENTIFIED SUR-*
3 *VIVORS.*—*In the case of an individual*
4 *who is described in paragraph*
5 *(1)(A)(i), the WTC Program Adminis-*
6 *trator shall provide the certification*
7 *under clause (i) not later than July 1,*
8 *2011.*

9 “(II) *OTHER MEMBERS.*—*In the*
10 *case of another individual who is de-*
11 *termined under clause (i) to be eligible*
12 *for followup monitoring and treatment,*
13 *the WTC Program Administrator shall*
14 *provide the certification under such*
15 *clause at the time of such determina-*
16 *tion.*

17 “(3) *NUMERICAL LIMITATION ON CERTIFIED-ELI-*
18 *GIBLE WTC SURVIVORS.*—

19 “(A) *IN GENERAL.*—*The total number of in-*
20 *dividuals not described in paragraph (1)(A)(i)*
21 *who may be certified as certified-eligible WTC*
22 *survivors under paragraph (2)(B) shall not ex-*
23 *ceed 25,000 at any time.*

1 “(B) *PROCESS.*—*In implementing subpara-*
2 *graph (A), the WTC Program Administrator*
3 *shall—*

4 “(i) *limit the number of certifications*
5 *provided under paragraph (2)(B)—*

6 “(I) *in accordance with such sub-*
7 *paragraph; and*

8 “(II) *to such number, as deter-*
9 *mined by the Administrator based on*
10 *the best available information and sub-*
11 *ject to amounts made available under*
12 *section 3351, that will ensure sufficient*
13 *funds will be available to provide*
14 *treatment and monitoring benefits*
15 *under this title, with respect to all in-*
16 *dividuals receiving such certifications*
17 *through the end of fiscal year 2020;*
18 *and*

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

23 “(4) *DISQUALIFICATION OF INDIVIDUALS ON*
24 *TERRORIST WATCH LIST.*—*No individual who is on*
25 *the terrorist watch list maintained by the Department*

1 of Homeland Security shall qualify as a screening-eli-
2 gible WTC survivor or a certified-eligible WTC sur-
3 vivor. Before determining any individual to be a
4 screening-eligible WTC survivor under paragraph (1)
5 or certifying any individual as a certified eligible
6 WTC survivor under paragraph (2), the Adminis-
7 trator, in consultation with the Secretary of Home-
8 land Security, shall determine whether the individual
9 is on such list.

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

13 “(1) *IN GENERAL.—*In the case of a screening-eli-
14 gible WTC survivor, the WTC Program shall provide
15 for an initial health evaluation to determine if the
16 survivor has a WTC-related health condition and is
17 eligible for followup monitoring and treatment bene-
18 fits under the WTC Program. Initial health evalua-
19 tion protocols under section 3305(a)(2)(A)(ii) shall be
20 subject to approval by the WTC Program Adminis-
21 trator.

22 “(2) *INITIAL HEALTH EVALUATION PRO-*
23 *VIDERS.—*The initial health evaluation described in
24 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 an initial health eval-*
5 *uation under this part for a screening-eligible WTC*
6 *survivor 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. 3322. FOLLOWUP MONITORING AND TREATMENT OF**
14 **CERTIFIED-ELIGIBLE WTC SURVIVORS FOR**
15 **WTC-RELATED HEALTH CONDITIONS.**

16 “(a) *IN GENERAL.—Subject to subsection (b), the pro-*
17 *visions of sections 3311 and 3312 shall apply to followup*
18 *monitoring and treatment of WTC-related health conditions*
19 *for certified-eligible WTC survivors in the same manner as*
20 *such provisions apply to the monitoring and treatment of*
21 *WTC-related health conditions for enrolled WTC responders.*

22 “(b) *LIST OF WTC-RELATED HEALTH CONDITIONS*
23 *FOR SURVIVORS.—The list of health conditions for screen-*
24 *ing-eligible WTC survivors and certified-eligible WTC sur-*
25 *vivors consists of the following:*

1 “(1) *AERODIGESTIVE DISORDERS.*—

2 “(A) *Interstitial lung diseases.*

3 “(B) *Chronic respiratory disorder—fumes/*
4 *vapors.*

5 “(C) *Asthma.*

6 “(D) *Reactive airways dysfunction syn-*
7 *drome (RADS).*

8 “(E) *WTC-exacerbated chronic obstructive*
9 *pulmonary disease (COPD).*

10 “(F) *Chronic cough syndrome.*

11 “(G) *Upper airway hyperreactivity.*

12 “(H) *Chronic rhinosinusitis.*

13 “(I) *Chronic nasopharyngitis.*

14 “(J) *Chronic laryngitis.*

15 “(K) *Gastroesophageal reflux disorder*
16 *(GERD).*

17 “(L) *Sleep apnea exacerbated by or related*
18 *to a condition described in a previous clause.*

19 “(2) *MENTAL HEALTH CONDITIONS.*—

20 “(A) *Posttraumatic stress disorder (PTSD).*

21 “(B) *Major depressive disorder.*

22 “(C) *Panic disorder.*

23 “(D) *Generalized anxiety disorder.*

24 “(E) *Anxiety disorder (not otherwise speci-*
25 *fied).*

1 “(F) *Depression (not otherwise specified).*

2 “(G) *Acute stress disorder.*

3 “(H) *Dysthymic disorder.*

4 “(I) *Adjustment disorder.*

5 “(J) *Substance abuse.*

6 “(3) *ADDITIONAL CONDITIONS.—Any cancer (or*
7 *type of cancer) or other condition added to the list in*
8 *section 3312(a)(3) pursuant to paragraph (5) or (6)*
9 *of section 3312(a), as such provisions are applied*
10 *under subsection (a) with respect to certified-eligible*
11 *WTC survivors.*

12 **“SEC. 3323. FOLLOWUP MONITORING AND TREATMENT OF**
13 **OTHER INDIVIDUALS WITH WTC-RELATED**
14 **HEALTH CONDITIONS.**

15 “(a) *IN GENERAL.—Subject to subsection (c), the pro-*
16 *visions of section 3322 shall apply to the followup moni-*
17 *toring and treatment of WTC-related health conditions in*
18 *the case of individuals described in subsection (b) in the*
19 *same manner as such provisions apply to the followup moni-*
20 *toring and treatment of WTC-related health conditions for*
21 *certified-eligible WTC survivors.*

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

1 “(1) is not an enrolled WTC responder or a cer-
2 tified-eligible WTC survivor; and

3 “(2) is diagnosed at a Clinical Center of Excel-
4 lence with a WTC-related health condition for cer-
5 tified-eligible WTC survivors.

6 “(c) *LIMITATION.*—

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

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

15 “(A) *the last calendar quarter of fiscal year*
16 *2011 is \$5,000,000;*

17 “(B) *fiscal year 2012 is \$20,000,000; or*

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

“PART 3—PAYOR PROVISIONS**2 “SEC. 3331. PAYMENT OF CLAIMS.**

3 “(a) *IN GENERAL.*—*Except as provided in subsections*
4 *(b) and (c), the cost of monitoring and treatment benefits*
5 *and initial health evaluation benefits provided under parts*
6 *1 and 2 of this subtitle shall be paid for by the WTC Pro-*
7 *gram from the World Trade Center Health Program Fund.*

8 “(b) *WORKERS’ COMPENSATION PAYMENT.*—

9 “(1) *IN GENERAL.*—*Subject to paragraph (2),*
10 *payment for treatment under parts 1 and 2 of this*
11 *subtitle of a WTC-related health condition of an indi-*
12 *vidual that is work-related shall be reduced or re-*
13 *couped to the extent that the WTC Program Adminis-*
14 *trator determines that payment has been made, or*
15 *can reasonably be expected to be made, under a work-*
16 *ers’ compensation law or plan of the United States,*
17 *a State, or a locality, or other work-related injury or*
18 *illness benefit plan of the employer of such individual,*
19 *for such treatment. The provisions of clauses (iii),*
20 *(iv), (v), and (vi) of paragraph (2)(B) of section*
21 *1862(b) of the Social Security Act and paragraphs*
22 *(3) and (4) of such section shall apply to the*
23 *recoupment under this subsection of a payment to the*
24 *WTC Program (with respect to a workers’ compensa-*
25 *tion law or plan, or other work-related injury or ill-*
26 *ness plan of the employer involved, and such indi-*

1 *vidual) in the same manner as such provisions apply*
2 *to the reimbursement of a payment under section*
3 *1862(b)(2) of such Act to the Secretary (with respect*
4 *to such a law or plan and an individual entitled to*
5 *benefits under title XVIII of such Act) except that any*
6 *reference in such paragraph (4) to payment rates*
7 *under title XVIII of the Social Security Act shall be*
8 *deemed a reference to payment rates under this title.*

9 *“(2) EXCEPTION.—Paragraph (1) shall not*
10 *apply for any quarter, with respect to any workers’*
11 *compensation law or plan, including line of duty*
12 *compensation, to which New York City is obligated to*
13 *make payments, if, in accordance with terms specified*
14 *under the contract under subsection (d)(1)(A), New*
15 *York City has made the full payment required under*
16 *such contract for such quarter.*

17 *“(3) RULES OF CONSTRUCTION.—Nothing in this*
18 *title shall be construed to affect, modify, or relieve*
19 *any obligations under a worker’s compensation law or*
20 *plan, other work-related injury or illness benefit plan*
21 *of an employer, or any health insurance plan.*

22 *“(c) HEALTH INSURANCE COVERAGE.—*

23 *“(1) IN GENERAL.—In the case of an individual*
24 *who has a WTC-related health condition that is not*
25 *work-related and has health coverage for such condi-*

1 *tion through any public or private health plan (in-*
2 *cluding health benefits under title XVIII, XIX, or XXI*
3 *of the Social Security Act) the provisions of section*
4 *1862(b) of the Social Security Act shall apply to such*
5 *a health plan and such individual in the same man-*
6 *ner as they apply to group health plan and an indi-*
7 *vidual entitled to benefits under title XVIII of such*
8 *Act pursuant to section 226(a) of such Act. Any costs*
9 *for items and services covered under such plan that*
10 *are not reimbursed by such health plan, due to the*
11 *application of deductibles, copayments, coinsurance,*
12 *other cost sharing, or otherwise, are reimbursable*
13 *under this title to the extent that they are covered*
14 *under the WTC Program. The program under this*
15 *title shall not be treated as a legally liable party for*
16 *purposes of applying section 1902(a)(25) of the Social*
17 *Security Act.*

18 *“(2) RECOVERY BY INDIVIDUAL PROVIDERS.—*
19 *Nothing in paragraph (1) shall be construed as re-*
20 *quiring an entity providing monitoring and treat-*
21 *ment under this title to seek reimbursement under a*
22 *health plan with which the entity has no contract for*
23 *reimbursement.*

24 *“(3) MAINTENANCE OF REQUIRED MINIMUM ES-*
25 *SENTIAL COVERAGE.—No payment may be made for*

1 *monitoring and treatment under this title for an in-*
2 *dividual for a month (beginning with July 2014) if*
3 *with respect to such month the individual—*

4 *“(A) is an applicable individual (as defined*
5 *in subsection (d) of section 5000A of Internal*
6 *Revenue Code of 1986) for whom the exemption*
7 *under subsection (e) of such section does not*
8 *apply; and*

9 *“(B) is not covered under minimum essen-*
10 *tial coverage, as required under subsection (a) of*
11 *such section.*

12 *“(d) REQUIRED CONTRIBUTION BY NEW YORK CITY IN*
13 *PROGRAM COSTS.—*

14 *“(1) CONTRACT REQUIREMENT.—*

15 *“(A) IN GENERAL.—No funds may be dis-*
16 *bursed from the World Trade Center Health Pro-*
17 *gram Fund under section 3351 unless New York*
18 *City has entered into a contract with the WTC*
19 *Program Administrator under which New York*
20 *City agrees, in a form and manner specified by*
21 *the Administrator, to pay the full contribution*
22 *described in subparagraph (B) in accordance*
23 *with this subsection on a timely basis, plus any*
24 *interest owed pursuant to subparagraph (E)(i).*
25 *Such contract shall specify the terms under*

1 *which New York City shall be considered to have*
2 *made the full payment required for a quarter for*
3 *purposes of subsection (b)(2).*

4 “(B) *FULL CONTRIBUTION AMOUNT.*—*Under*
5 *such contract, with respect to the last calendar*
6 *quarter of fiscal year 2011 and each calendar*
7 *quarter in fiscal years 2012 through 2020 the*
8 *full contribution amount under this subpara-*
9 *graph shall be equal to 10 percent of the expendi-*
10 *tures in carrying out this title for the respective*
11 *quarter.*

12 “(C) *SATISFACTION OF PAYMENT OBLIGA-*
13 *TION.*—*The payment obligation under such con-*
14 *tract may not be satisfied through any of the fol-*
15 *lowing:*

16 “(i) *An amount derived from Federal*
17 *sources.*

18 “(ii) *An amount paid before the date*
19 *of the enactment of this title.*

20 “(iii) *An amount paid to satisfy a*
21 *judgment or as part of a settlement related*
22 *to injuries or illnesses arising out of the*
23 *September 11, 2001, terrorist attacks.*

24 “(D) *TIMING OF CONTRIBUTION.*—*The pay-*
25 *ment obligation under such contract for a cal-*

1 *endar quarter in a fiscal year shall be paid not*
2 *later than the last day of the second succeeding*
3 *calendar quarter.*

4 “(E) COMPLIANCE.—

5 “(i) INTEREST FOR LATE PAYMENT.—

6 *If New York City fails to pay to the WTC*
7 *Program Administrator pursuant to such*
8 *contract the amount required for any cal-*
9 *endar quarter by the day specified in sub-*
10 *paragraph (D), interest shall accrue on the*
11 *amount not so paid at the rate (determined*
12 *by the Administrator) based on the average*
13 *yield to maturity, plus 1 percentage point,*
14 *on outstanding municipal bonds issued by*
15 *New York City with a remaining maturity*
16 *of at least 1 year.*

17 “(ii) RECOVERY OF AMOUNTS OWED.—

18 *The amounts owed to the WTC Program*
19 *Administrator under such contract shall be*
20 *recoverable by the United States in an ac-*
21 *tion in the same manner as payments made*
22 *under title XVIII of the Social Security Act*
23 *may be recoverable in an action brought*
24 *under section 1862(b)(2)(B)(iii) of such Act.*

1 “(F) *DEPOSIT IN FUND.*—*The WTC Pro-*
2 *gram Administer shall deposit amounts paid*
3 *under such contract into the World Trade Center*
4 *Health Program Fund under section 3351.*

5 “(2) *PAYMENT OF NEW YORK CITY SHARE OF*
6 *MONITORING AND TREATMENT COSTS.*—*With respect*
7 *to each calendar quarter for which a contribution is*
8 *required by New York City under the contract under*
9 *paragraph (1), the WTC Program Administrator*
10 *shall—*

11 “(A) *provide New York City with an esti-*
12 *mate of such amount of the required contribution*
13 *at the beginning of such quarter and with an up-*
14 *dated estimate of such amount at the beginning*
15 *of each of the subsequent 2 quarters;*

16 “(B) *bill such amount directly to New York*
17 *City; and*

18 “(C) *certify periodically, for purposes of*
19 *this subsection, whether or not New York City*
20 *has paid the amount so billed.*

21 *Such amount shall initially be estimated by the WTC*
22 *Program Administrator and shall be subject to adjust-*
23 *ment and reconciliation based upon actual expendi-*
24 *tures in carrying out this title.*

1 “(3) *RULE OF CONSTRUCTION.*—*Nothing in this*
2 *subsection shall be construed as authorizing the WTC*
3 *Administrator, with respect to a fiscal year, to reduce*
4 *the numerical limitation under section 3311(a)(4) or*
5 *3321(a)(3) for such fiscal year if New York City fails*
6 *to comply with paragraph (1) for a calendar quarter*
7 *in such fiscal year.*

8 “(e) *WORK-RELATED DESCRIBED.*—*For the purposes*
9 *of this section, a WTC-related health condition shall be*
10 *treated as a condition that is work-related if—*

11 “(1) *the condition is diagnosed in an enrolled*
12 *WTC responder, or in an individual who qualifies as*
13 *a certified-eligible WTC survivor on the basis of being*
14 *a rescue, recovery, or cleanup worker; or*

15 “(2) *with respect to the condition the individual*
16 *has filed and had established a claim under a work-*
17 *ers’ compensation law or plan of the United States or*
18 *a State, or other work-related injury or illness benefit*
19 *plan of the employer of such individual.*

20 **“SEC. 3332. ADMINISTRATIVE ARRANGEMENT AUTHORITY.**

21 *“The WTC Program Administrator may enter into ar-*
22 *rangements with other government agencies, insurance com-*
23 *panies, or other third-party administrators to provide for*
24 *timely and accurate processing of claims under sections*
25 *3312, 3313, 3322, and 3323.*

1 **“Subtitle C—Research Into**
2 **Conditions**

3 **“SEC. 3341. RESEARCH REGARDING CERTAIN HEALTH CON-**
4 **DITIONS RELATED TO SEPTEMBER 11 TER-**
5 **RORIST ATTACKS.**

6 “(a) *IN GENERAL.*—*With respect to individuals, in-*
7 *cluding enrolled WTC responders and certified-eligible WTC*
8 *survivors, receiving monitoring or treatment under subtitle*
9 *B, the WTC Program Administrator shall conduct or sup-*
10 *port—*

11 “(1) *research on physical and mental health con-*
12 *ditions that may be related to the September 11,*
13 *2001, terrorist attacks;*

14 “(2) *research on diagnosing WTC-related health*
15 *conditions of such individuals, in the case of condi-*
16 *tions for which there has been diagnostic uncertainty;*
17 *and*

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

21 *The Administrator may provide such support through con-*
22 *tinuation and expansion of research that was initiated be-*
23 *fore the date of the enactment of this title and through the*
24 *World Trade Center Health Registry (referred to in section*

1 3342), through a Clinical Center of Excellence, or through
2 a Data Center.

3 “(b) *TYPES OF RESEARCH.*—The research under sub-
4 section (a)(1) shall include epidemiologic and other research
5 studies on WTC-related health conditions or emerging con-
6 ditions—

7 “(1) among enrolled WTC responders and cer-
8 tified-eligible WTC survivors under treatment; and

9 “(2) in sampled populations outside the New
10 York City disaster area in Manhattan as far north as
11 14th Street and in Brooklyn, along with control pop-
12 ulations, to identify potential for long-term adverse
13 health effects in less exposed populations.

14 “(c) *CONSULTATION.*—The WTC Program Adminis-
15 trator shall carry out this section in consultation with the
16 WTC Scientific/Technical Advisory Committee.

17 “(d) *APPLICATION OF PRIVACY AND HUMAN SUBJECT*
18 *PROTECTIONS.*—The privacy and human subject protec-
19 tions applicable to research conducted under this section
20 shall not be less than such protections applicable to research
21 conducted or funded by the Department of Health and
22 Human Services.

23 **“SEC. 3342. WORLD TRADE CENTER HEALTH REGISTRY.**

24 “For the purpose of ensuring ongoing data collection
25 relating to victims of the September 11, 2001, terrorist at-

1 *tacks, the WTC Program Administrator shall ensure that*
2 *a registry of such victims is maintained that is at least*
3 *as comprehensive as the World Trade Center Health Reg-*
4 *istry maintained under the arrangements in effect as of*
5 *April 20, 2009, with the New York City Department of*
6 *Health and Mental Hygiene.*

7 **“Subtitle D—Funding**

8 **“SEC. 3351. WORLD TRADE CENTER HEALTH PROGRAM** 9 **FUND.**

10 *“(a) ESTABLISHMENT OF FUND.—*

11 *“(1) IN GENERAL.—There is established a fund*
12 *to be known as the World Trade Center Health Pro-*
13 *gram Fund (referred to in this section as the ‘Fund’).*

14 *“(2) FUNDING.—Out of any money in the Treas-*
15 *ury not otherwise appropriated, there shall be depos-*
16 *ited into the Fund for each of fiscal years 2012*
17 *through 2020 (and the last calendar quarter of fiscal*
18 *year 2011)—*

19 *“(A) the Federal share, consisting of an*
20 *amount equal to the lesser of—*

21 *“(i) 90 percent of the expenditures in*
22 *carrying out this title for the respective fis-*
23 *cal year (initially based on estimates, sub-*
24 *ject to subsequent reconciliation based on*
25 *actual expenditures); or*

1 “(i) \$71,000,000 for the last calendar
2 quarter of fiscal year 2011, \$318,000,000
3 for fiscal year 2012, \$354,000,000 for fiscal
4 year 2013, \$382,000,000 for fiscal year
5 2014, \$431,000,000 for fiscal year 2015,
6 \$481,000,000 for fiscal year 2016,
7 \$537,000,000 for fiscal year 2017,
8 \$601,000,000 for fiscal year 2018,
9 \$672,000,000 for fiscal year 2019, and
10 \$743,000,000 for fiscal year 2020; plus

11 “(B) the New York City share, consisting of
12 the amount contributed under the contract under
13 section 3331(d).

14 “(3) CONTRACT REQUIREMENT.—

15 “(A) IN GENERAL.—No funds may be dis-
16 bursed from the Fund unless New York City has
17 entered into a contract with the WTC Program
18 Administrator under section 3331(d)(1).

19 “(B) BREACH OF CONTRACT.— In the case
20 of a failure to pay the amount so required under
21 the contract—

22 “(i) the amount is recoverable under
23 subparagraph (E)(ii) of such section;

1 “(ii) such failure shall not affect the
2 disbursement of amounts from the Fund;
3 and

4 “(iii) the Federal share described in
5 paragraph (2)(A) shall not be increased by
6 the amount so unpaid.

7 “(b) MANDATORY FUNDS FOR MONITORING, INITIAL
8 HEALTH EVALUATIONS, TREATMENT, AND CLAIMS PROC-
9 ESSING.—

10 “(1) IN GENERAL.—The amounts deposited into
11 the Fund under subsection (a)(2) shall be available,
12 without further appropriation, consistent with para-
13 graph (2) and subsection (c), to carry out subtitle B
14 and sections 3302(a), 3303, 3304, 3305(a)(2),
15 3305(c), 3341, and 3342.

16 “(2) LIMITATION ON MANDATORY FUNDING.—
17 This title does not establish any Federal obligation for
18 payment of amounts in excess of the amounts avail-
19 able from the Fund for such purpose.

20 “(3) LIMITATION ON AUTHORIZATION FOR FUR-
21 THER APPROPRIATIONS.—This title does not establish
22 any authorization for appropriation of amounts in
23 excess of the amounts available from the Fund under
24 paragraph (1).

1 “(c) *LIMITS ON SPENDING FOR CERTAIN PURPOSES.*—
2 *Of the amounts made available under subsection (b)(1), not*
3 *more than each of the following amounts may be available*
4 *for each of the following purposes:*

5 “(1) *SURVIVING IMMEDIATE FAMILY MEMBERS*
6 *OF FIREFIGHTERS.*—*For the purposes of carrying out*
7 *subtitle B with respect to WTC responders described*
8 *in section 3311(a)(2)(A)(ii)—*

9 “(A) *for the last calendar quarter of fiscal*
10 *year 2011, \$100,000;*

11 “(B) *for fiscal year 2012, \$400,000; and*

12 “(C) *for each subsequent fiscal year, the*
13 *amount specified under this paragraph for the*
14 *previous fiscal year increased by the percentage*
15 *increase in the consumer price index for all*
16 *urban consumers (all items; United States city*
17 *average) as estimated by the Secretary for the*
18 *12-month period ending with March of the pre-*
19 *vious year.*

20 “(2) *WTC HEALTH PROGRAM SCIENTIFIC/TECH-*
21 *NICAL ADVISORY COMMITTEE.*—*For the purpose of*
22 *carrying out section 3302(a)—*

23 “(A) *for the last calendar quarter of fiscal*
24 *year 2011, \$25,000;*

25 “(B) *for fiscal year 2012, \$100,000; and*

1 “(C) for each subsequent fiscal year, the
2 amount specified under this paragraph for the
3 previous fiscal year increased by the percentage
4 increase in the consumer price index for all
5 urban consumers (all items; United States city
6 average) as estimated by the Secretary for the
7 12-month period ending with March of the pre-
8 vious year.

9 “(3) *EDUCATION AND OUTREACH.*—For the pur-
10 pose of carrying out section 3303—

11 “(A) for the last calendar quarter of fiscal
12 year 2011, \$500,000;

13 “(B) for fiscal year 2012, \$2,000,000; and

14 “(C) for each subsequent fiscal year, the
15 amount specified under this paragraph for the
16 previous fiscal year increased by the percentage
17 increase in the consumer price index for all
18 urban consumers (all items; United States city
19 average) as estimated by the Secretary for the
20 12-month period ending with March of the pre-
21 vious year.

22 “(4) *UNIFORM DATA COLLECTION.*—For the pur-
23 pose of carrying out section 3304 and for reimbursing
24 Data Centers (as defined in section 3305(b)(2)) for
25 the costs incurred by such Centers in carrying out ac-

1 *tivities under contracts entered into under section*
2 *3305(a)(2)—*

3 *“(A) for the last calendar quarter of fiscal*
4 *year 2011, \$2,500,000;*

5 *“(B) for fiscal year 2012, \$10,000,000; and*

6 *“(C) for each subsequent fiscal year, the*
7 *amount specified under this paragraph for the*
8 *previous fiscal year increased by the percentage*
9 *increase in the consumer price index for all*
10 *urban consumers (all items; United States city*
11 *average) as estimated by the Secretary for the*
12 *12-month period ending with March of the pre-*
13 *vious year.*

14 *“(5) RESEARCH REGARDING CERTAIN HEALTH*
15 *CONDITIONS.—For the purpose of carrying out section*
16 *3341—*

17 *“(A) for the last calendar quarter of fiscal*
18 *year 2011, \$3,750,000;*

19 *“(B) for fiscal year 2012, \$15,000,000; and*

20 *“(C) for each subsequent fiscal year, the*
21 *amount specified under this paragraph for the*
22 *previous fiscal year increased by the percentage*
23 *increase in the consumer price index for all*
24 *urban consumers (all items; United States city*
25 *average) as estimated by the Secretary for the*

1 12-month period ending with March of the pre-
2 vious year.

3 “(6) *WORLD TRADE CENTER HEALTH REG-*
4 *ISTRY.—For the purpose of carrying out section*
5 3342—

6 “(A) *for the last calendar quarter of fiscal*
7 *year 2011, \$1,750,000;*

8 “(B) *for fiscal year 2012, \$7,000,000; and*

9 “(C) *for each subsequent fiscal year, the*
10 *amount specified under this paragraph for the*
11 *previous fiscal year increased by the percentage*
12 *increase in the consumer price index for all*
13 *urban consumers (all items; United States city*
14 *average) as estimated by the Secretary for the*
15 *12-month period ending with March of the pre-*
16 *vious year.”.*

17 **TITLE II—SEPTEMBER 11TH VIC-**
18 **TIM COMPENSATION FUND OF**
19 **2001**

20 **SEC. 201. DEFINITIONS.**

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

23 (1) *in paragraph (6) by inserting “, or debris re-*
24 *moval, including under the World Trade Center*
25 *Health Program established under section 3001 of the*

1 *Public Health Service Act,” after “September 11,*
2 *2001”;*

3 *(2) by inserting after paragraph (6) the fol-*
4 *lowing new paragraphs and redesignating subsequent*
5 *paragraphs accordingly:*

6 *“(7) CONTRACTOR AND SUBCONTRACTOR.—The*
7 *term ‘contractor and subcontractor’ means any con-*
8 *tractor or subcontractor (at any tier of a subcon-*
9 *tracting relationship), including any general con-*
10 *tractor, construction manager, prime contractor, con-*
11 *sultant, or any parent, subsidiary, associated or al-*
12 *lied company, affiliated company, corporation, firm,*
13 *organization, or joint venture thereof that partici-*
14 *pated in debris removal at any 9/11 crash site. Such*
15 *term shall not include any entity, including the Port*
16 *Authority of New York and New Jersey, with a prop-*
17 *erty interest in the World Trade Center, on September*
18 *11, 2001, whether fee simple, leasehold or easement,*
19 *direct or indirect.*

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

1 (3) by inserting after paragraph (10), as so re-
2 designated, the following new paragraph and redesign-
3 nating the subsequent paragraphs accordingly:

4 “(11) *IMMEDIATE AFTERMATH.*—The term ‘im-
5 mediate aftermath’ means any period beginning with
6 the terrorist-related aircraft crashes of September 11,
7 2001, and ending on August 30, 2002.”; and

8 (4) by adding at the end the following new para-
9 graph:

10 “(14) *9/11 CRASH SITE.*—The term ‘9/11 crash
11 site’ means—

12 “(A) the World Trade Center site, Pentagon
13 site, and Shanksville, Pennsylvania site;

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

17 “(C) any area contiguous to a site of such
18 crashes that the Special Master determines was
19 sufficiently close to the site that there was a de-
20 monstrable risk of physical harm resulting from
21 the impact of the aircraft or any subsequent fire,
22 explosions, or building collapses (including the
23 immediate area in which the impact occurred,
24 fire occurred, portions of buildings fell, or debris
25 fell upon and injured individuals); and

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

3 **SEC. 202. EXTENDED AND EXPANDED ELIGIBILITY FOR**
4 **COMPENSATION.**

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

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

13 (2) in clause (ii), by inserting “or debris re-
14 moval during the immediate aftermath” after “crash-
15 es”; and

16 (3) in clause (iii), by inserting “or debris re-
17 moval during the immediate aftermath” after “crash-
18 es”.

19 (b) *EXTENSION OF DEADLINE FOR CLAIMS UNDER*
20 *SEPTEMBER 11TH VICTIM COMPENSATION FUND OF*
21 *2001.*—Section 405(a)(3) of such Act is amended to read
22 *as follows:*

23 “(3) *LIMITATION.*—

24 “(A) *IN GENERAL.*—Except as provided by
25 subparagraph (B), no claim may be filed under

1 paragraph (1) after the date that is 2 years after
2 the date on which regulations are promulgated
3 under section 407(a).

4 “(B) *EXCEPTION.*—A claim may be filed
5 under paragraph (1), in accordance with sub-
6 section (c)(3)(A)(i), by an individual (or by a
7 personal representative on behalf of a deceased
8 individual) during the period beginning on the
9 date on which the regulations are updated under
10 section 407(b) and ending on December 22,
11 2031.”.

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

15 (1) by redesignating subparagraphs (A) and (B)
16 as subparagraphs (B) and (C), respectively; and

17 (2) by inserting before subparagraph (B), as so
18 redesignated, the following new subparagraph:

19 “(A) *REQUIREMENTS FOR FILING CLAIMS*
20 *DURING EXTENDED FILING PERIOD.*—

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

1 “(I) In the case that the Special
2 Master determines the individual knew
3 (or reasonably should have known) be-
4 fore the date specified in clause (iii)
5 that the individual suffered a physical
6 harm at a 9/11 crash site as a result
7 of the terrorist-related aircraft crashes
8 of September 11, 2001, or as a result
9 of debris removal, and that the indi-
10 vidual knew (or should have known)
11 before such specified date that the indi-
12 vidual was eligible to file a claim
13 under this title, the individual may
14 file a claim not later than the date
15 that is 2 years after such specified
16 date.

17 “(II) In the case that the Special
18 Master determines the individual first
19 knew (or reasonably should have
20 known) on or after the date specified
21 in clause (iii) that the individual suf-
22 fered such a physical harm or that the
23 individual first knew (or should have
24 known) on or after such specified date
25 that the individual was eligible to file

1 *a claim under this title, the individual*
2 *may file a claim not later than the last*
3 *day of the 2-year period beginning on*
4 *the date the Special Master determines*
5 *the individual first knew (or should*
6 *have known) that the individual both*
7 *suffered from such harm and was eligi-*
8 *ble to file a claim under this title.*

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

13 “(I) *the individual was treated by*
14 *a medical professional for suffering*
15 *from a physical harm described in*
16 *clause (i)(I) within a reasonable time*
17 *from the date of discovering such harm;*
18 *and*

19 “(II) *the individual’s physical*
20 *harm is verified by contemporaneous*
21 *medical records created by or at the di-*
22 *rection of the medical professional who*
23 *provided the medical care.*

24 “(iii) *DATE SPECIFIED.—The date*
25 *specified in this clause is the date on which*

1 the regulations are updated under section
2 407(a).”.

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

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

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

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

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

21 “(ii) *PENDING ACTIONS.*—In the case
22 of an individual who is a party to a civil
23 action described in clause (i), such indi-
24 vidual may not submit a claim under this
25 title—

1 “(I) during the period described
2 in subsection (a)(3)(A) unless such in-
3 dividual withdraws from such action
4 by the date that is 90 days after the
5 date on which regulations are promul-
6 gated under section 407(a); and

7 “(II) during the period described
8 in subsection (a)(3)(B) unless such in-
9 dividual withdraws from such action
10 by the date that is 90 days after the
11 date on which the regulations are up-
12 dated under section 407(b).”.

13 (3) *AUTHORITY TO REINSTITUTE CERTAIN LAW-*
14 *SUITS.—Such section, as so redesignated, is further*
15 *amended by adding at the end the following new*
16 *clause:*

17 “(iii) *AUTHORITY TO REINSTITUTE*
18 *CERTAIN LAWSUITS.—In the case of a*
19 *claimant who was a party to a civil action*
20 *described in clause (i), who withdrew from*
21 *such action pursuant to clause (ii), and*
22 *who is subsequently determined to not be an*
23 *eligible individual for purposes of this sub-*
24 *section, such claimant may reinstitute such*
25 *action without prejudice during the 90-day*

1 *period beginning after the date of such in-*
2 *eligibility determination.”.*

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

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

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

8 *(2) by adding at the end the following new sub-*
9 *section:*

10 *“(b) UPDATED REGULATIONS.—Not later than 90 days*
11 *after the date of the enactment of the James Zadroga 9/*
12 *11 Health and Compensation Act of 2008, the Special Mas-*
13 *ter shall update the regulations promulgated under sub-*
14 *section (a) to the extent necessary to comply with the provi-*
15 *sions of title II of such Act.”.*

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

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

20 *“(4) LIABILITY FOR CERTAIN CLAIMS.—*

21 *“(A) IN GENERAL.—Notwithstanding any*
22 *other provision of law, subject to subparagraph*
23 *(B), liability for all claims and actions (includ-*
24 *ing claims or actions that have been previously*
25 *resolved, that are currently pending, and that*

1 *may be filed through December 22, 2031) for*
2 *compensatory damages, contribution or indem-*
3 *nity, or any other form or type of relief, arising*
4 *from or related to debris removal, against New*
5 *York City, any entity (including the Port Au-*
6 *thority of New York and New Jersey) with a*
7 *property interest in the World Trade Center on*
8 *September 11, 2001 (whether fee simple, lease-*
9 *hold or easement, or direct or indirect) and any*
10 *contractors and subcontractors thereof, shall not*
11 *be in an amount that exceeds the sum of the fol-*
12 *lowing:*

13 *“(i) The amount of funds of the WTC*
14 *Captive Insurance Company, including the*
15 *cumulative interest.*

16 *“(ii) The amount of all available in-*
17 *surance identified in schedule 2 of the WTC*
18 *Captive Insurance Company insurance pol-*
19 *icy.*

20 *“(iii) The amount that is the greater of*
21 *New York City’s insurance coverage or*
22 *\$350,000,000. In determining the amount of*
23 *the City’s insurance coverage for purposes of*
24 *the previous sentence, any amount described*
25 *in clauses (i) and (ii) shall not be included.*

1 “(iv) *The amount of all available li-*
2 *ability insurance coverage maintained by*
3 *any entity, including the Port Authority of*
4 *New York and New Jersey, with a property*
5 *interest in the World Trade Center, on Sep-*
6 *tember 11, 2001, whether fee simple, lease-*
7 *hold or easement, or direct or indirect.*

8 “(v) *The amount of all available liabil-*
9 *ity insurance coverage maintained by con-*
10 *tractors and subcontractors.*

11 “(B) *EXCEPTION.—Subparagraph (A) shall*
12 *not apply to claims or actions based upon con-*
13 *duct held to be intentionally tortious in nature*
14 *or to acts of gross negligence or other such acts*
15 *to the extent to which punitive damages are*
16 *awarded as a result of such conduct or acts.*

17 “(5) *PRIORITY OF CLAIMS PAYMENTS.—Pay-*
18 *ments to plaintiffs who obtain a settlement or judg-*
19 *ment with respect to a claim or action to which para-*
20 *graph (4)(A) applies, shall be paid solely from the fol-*
21 *lowing funds in the following order:*

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

24 “(B) *If there are no funds available as de-*
25 *scribed in clause (i) or (ii) of paragraph (4)(A),*

1 *the funds described in clause (iii) of such para-*
 2 *graph.*

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

7 “(D) *If there are no funds available as de-*
 8 *scribed in clause (i), (ii), (iii), or (iv) of para-*
 9 *graph (4)(A), the funds described in clause (v) of*
 10 *such paragraph.*

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

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

19 **(a) SHORT TITLE.—This Act may be cited as**
 20 **the “James Zadroga 9/11 Health and Com-**
 21 **ensation Act of 2010”.**

22 **(b) TABLE OF CONTENTS.—The table of con-**
 23 **tents of this 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 community 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 September 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**
4 **responded to the areas devastated by the**
5 **terrorist attacks of September 11, local**
6 **residents, office and area workers, and**
7 **school children continue to suffer signifi-**
8 **cant medical problems as a result of com-**
9 **promised air quality and the release of**
10 **other toxins from the attack sites.**

11 (2) **In a September 2006 peer-re-**
12 **viewed study conducted by the World**
13 **Trade Center Medical Monitoring Pro-**
14 **gram, of 9,500 World Trade Center re-**
15 **sponders, almost 70 percent of World**
16 **Trade Center responders had a new or**
17 **worsened respiratory symptom that de-**
18 **veloped during or after their time work-**
19 **ing at the World Trade Center; among the**
20 **responders who were asymptomatic be-**
21 **fore 9/11, 61 percent developed res-**
22 **piratory symptoms while working at the**
23 **World Trade Center; close to 60 percent**
24 **still had a new or worsened respiratory**

1 **symptom at the time of their examina-**
2 **tion; one-third had abnormal pulmonary**
3 **function tests; and severe respiratory**
4 **conditions including pneumonia were sig-**
5 **nificantly more common in the 6 months**
6 **after 9/11 than in the prior 6 months.**

7 **(3) An April 2006 study documented**
8 **that, on average, a New York City fire-**
9 **fighter who responded to the World**
10 **Trade Center has experienced a loss of 12**
11 **years of lung capacity.**

12 **(4) A peer-reviewed study of residents**
13 **who lived near the World Trade Center**
14 **titled “The World Trade Center Resi-**
15 **dents’ Respiratory Health Study: New**
16 **Onset Respiratory Symptoms and Pul-**
17 **monary Function”, found that data dem-**
18 **onstrated a three-fold increase in new-**
19 **onset, persistent lower respiratory symp-**
20 **toms in residents near the former World**
21 **Trade Center as compared to a control**
22 **population.**

23 **(5) Previous research on the health**
24 **impacts of the devastation caused by the**
25 **September 11 terrorist attacks has shown**

1 relationships between the air quality
2 from Ground Zero and a host of health
3 impacts, including lower pregnancy
4 rates, higher rates of respiratory and
5 lung disorders, and a variety of post-dis-
6 aster mental health conditions (including
7 posttraumatic stress disorder) in workers
8 and residents near Ground Zero.

9 (6) A variety of tests conducted by
10 independent scientists have concluded
11 that significant WTC contamination set-
12 tled in indoor environments surrounding
13 the disaster site. The Environmental Pro-
14 tection Agency's (EPA) cleanup programs
15 for indoor residential spaces, in 2003 and
16 2005, though limited, are an acknowledg-
17 ment that indoor contamination contin-
18 ued after the WTC attacks.

19 (7) At the request of the Department
20 of Energy, the Davis DELTA Group at the
21 University of California conducted out-
22 door dust sampling in October 2001 at
23 Varick and Houston Streets (approx-
24 imately 1.2 miles north of Ground Zero)
25 and found that the contamination from

1 the World Trade Center “outdid even the
2 worst pollution from the Kuwait oil fields
3 fires”. Further, the United States Geologi-
4 cal Survey (USGS) reported on November
5 27, 2001, that dust samples collected from
6 indoor surfaces registered at levels that
7 were “as caustic as liquid drain clean-
8 ers”.

9 (8) According to both the EPA’s own
10 Inspector General’s (EPA IG) report of
11 August 21, 2003 and General Account-
12 ability Offices’s (GAO) report of Sep-
13 tember 2007, no comprehensive program
14 has ever been conducted in order to char-
15 acterize the full extent of WTC contami-
16 nation, and therefore the full impact of
17 that contamination—geographic or other-
18 wise—remains unknown.

19 (9) Such reports found that there has
20 never been a comprehensive program to
21 remediate WTC toxins from indoor
22 spaces. Thus, area residents, workers and
23 students may continue to be exposed to
24 WTC contamination in their homes, work-
25 places and schools.

1 **(10) Because of the failure to release**
2 **federally appropriated funds for commu-**
3 **nity care, a lack of sufficient outreach,**
4 **the fact that many community members**
5 **are receiving care from physicians out-**
6 **side the current City-funded World Trade**
7 **Center Environmental Health Center pro-**
8 **gram and thus fall outside data collection**
9 **efforts, and other factors, the number of**
10 **community members being treated at the**
11 **World Trade Center Environmental**
12 **Health Center underrepresents the total**
13 **number in the community that have been**
14 **affected by exposure to Ground Zero tox-**
15 **ins.**

16 **(11) Research by Columbia Univer-**
17 **sity's Center for Children's Environ-**
18 **mental Health has shown negative health**
19 **effects on babies born to women living**
20 **within 2 miles of the World Trade Center**
21 **in the month following 9/11.**

22 **(12) Federal funding allocated for the**
23 **monitoring of rescue workers' health is**
24 **not sufficient to ensure the long-term**
25 **study of health impacts of September 11.**

1 **(13) A significant portion of those**
2 **who have developed health problems as**
3 **result of exposures to airborne toxins or**
4 **other hazards resulting from the Sep-**
5 **tember 11, 2001, attacks on the World**
6 **Trade Center have no health insurance,**
7 **have lost their health insurance as a re-**
8 **sult of the attacks, or have inadequate**
9 **health insurance.**

10 **(14) The Federal program to provide**
11 **medical treatments to those who re-**
12 **sponded to the September 11 aftermath,**
13 **and who continue to experience health**
14 **problems as a result, was finally estab-**
15 **lished more than five years after the at-**
16 **tacks, but has no certain long-term fund-**
17 **ing.**

18 **(15) Rescue workers and volunteers**
19 **seeking workers' compensation have re-**
20 **ported that their applications have been**
21 **denied, delayed for months, or redi-**
22 **rected, instead of receiving assistance in**
23 **a timely and supportive manner.**

24 **(16) A February 2007 report released**
25 **by the City of New York estimated that**

1 **approximately 410,000 people were the**
2 **most heavily exposed to the environ-**
3 **mental hazards and trauma of the Sep-**
4 **tember 11 terrorist attacks. More than 30**
5 **percent of the Fire Department of the**
6 **City of New York first responders were**
7 **still experiencing some respiratory symp-**
8 **toms more than five years after the at-**
9 **tacks and according to the report, 59 per-**
10 **cent of those seen by the WTC Environ-**
11 **mental Health Center at Bellevue Hos-**
12 **pital (which serves community members)**
13 **are without insurance and 65 percent**
14 **have incomes less than \$15,000 per year.**
15 **The report also found a need to continue**
16 **and expand mental health services.**

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

22 **(18) In April 2008, the Department of**
23 **Health and Human Services reported to**
24 **Congress that in fiscal year 2007 11,359**
25 **patients received medical treatment in**

1 **the existing WTC Responder Medical and**
2 **Treatment program for WTC-related**
3 **health problems, and that number of re-**
4 **sponders who need treatment and the se-**
5 **verity of health problems is expected to**
6 **increase.**

7 **(19) The September 11 Victim Com-**
8 **ensation Fund of 2001 was established**
9 **to provide compensation to individuals**
10 **who were physically injured or killed as**
11 **a result of the terrorist-related aircraft**
12 **crashes of September 11, 2001.**

13 **(20) The deadline for filing claims for**
14 **compensation under the Victim Com-**
15 **ensation Fund was December 22, 2003.**

16 **(21) Some individuals did not know**
17 **they were eligible to file claims for com-**
18 **ensation for injuries or did not know**
19 **they had suffered physical harm as a re-**
20 **sult of the terrorist-related aircraft**
21 **crashes until after the December 22, 2003,**
22 **deadline.**

23 **(22) Further research is needed to**
24 **evaluate more comprehensively the ex-**
25 **tent of the health impacts of September**

1 **11, including research for emerging**
2 **health problems such as cancer, which**
3 **have been predicted.**

4 **(23) Research is needed regarding**
5 **possible treatment for the illnesses and**
6 **injuries of September 11.**

7 **(24) The Federal response to medical**
8 **and financial issues arising from the Sep-**
9 **tember 11 response efforts needs a com-**
10 **prehensive, coordinated long-term re-**
11 **sponse in order to meet the needs of all**
12 **the individuals who were exposed to the**
13 **toxins of Ground Zero and are suffering**
14 **health problems from the disaster.**

15 **(25) The failure to extend the ap-**
16 **pointment of Dr. John Howard as Direc-**
17 **tor of the National Institute for Occupa-**
18 **tional Safety and Health in July 2008 is**
19 **not in the interests of the administration**
20 **of such Institute nor the continued oper-**
21 **ation of the World Trade Center Medical**
22 **Monitoring and Treatment Program**
23 **which he has headed, and the Secretary**
24 **of Health and Human Services should re-**
25 **consider extending such appointment.**

1 **TITLE I—WORLD TRADE CENTER**
2 **HEALTH PROGRAM**

3 **SEC. 101. WORLD TRADE CENTER HEALTH PROGRAM.**

4 **The Public Health Service Act is amended**
5 **by adding at the end the following new title:**

6 **“TITLE XXX—WORLD TRADE**
7 **CENTER HEALTH PROGRAM**

8 **“Subtitle A—Establishment of Pro-**
9 **gram; Advisory and Steering**
10 **Committees**

11 **“SEC. 3001. ESTABLISHMENT OF WORLD TRADE CENTER**
12 **HEALTH PROGRAM WITHIN NIOSH.**

13 **“(a) IN GENERAL.—There is hereby estab-**
14 **lished within the National Institute for Occu-**
15 **pational Safety and Health a program to be**
16 **known as the ‘World Trade Center Health**
17 **Program’ (in this title referred to as the ‘WTC**
18 **program’) to provide—**

19 **“(1) medical monitoring and treat-**
20 **ment benefits to eligible emergency re-**
21 **sponders and recovery and clean-up**
22 **workers (including those who are Federal**
23 **employees) who responded to the Sep-**
24 **tember 11, 2001, terrorist attacks on the**
25 **World Trade Center; and**

1 **“(2) initial health evaluation, moni-**
2 **toring, and treatment benefits to resi-**
3 **dents and other building occupants and**
4 **area workers in New York City who were**
5 **directly impacted and adversely affected**
6 **by such attacks.**

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

9 **“(1) MEDICAL MONITORING FOR RE-**
10 **SPONDERS.—Medical monitoring under**
11 **section 3011, including clinical examina-**
12 **tions and long-term health monitoring**
13 **and analysis for individuals who were**
14 **likely to have been exposed to airborne**
15 **toxins that were released, or to other**
16 **hazards, as a result of the September 11,**
17 **2001, terrorist attacks on the World**
18 **Trade Center.**

19 **“(2) INITIAL HEALTH EVALUATION FOR**
20 **COMMUNITY MEMBERS.—An initial health**
21 **evaluation under section 3021, including**
22 **an evaluation to determine eligibility for**
23 **followup monitoring and treatment.**

24 **“(3) FOLLOW-UP MONITORING AND**
25 **TREATMENT FOR WTC-RELATED CONDITIONS**

1 FOR RESPONDERS AND COMMUNITY MEM-
2 BERS.—Provision under sections 3012,
3 3022, and 3023 of follow-up monitoring
4 and treatment and payment, subject to
5 the provisions of subsection (d), for all
6 medically necessary health and mental
7 health care expenses (including nec-
8 essary prescription drugs) of individuals
9 with a WTC-related health condition.

10 “(4) OUTREACH.—Establishment under
11 section 3004 of an outreach program to
12 potentially eligible individuals con-
13 cerning the benefits under this title.

14 “(5) UNIFORM DATA COLLECTION.—Col-
15 lection under section 3005 of health and
16 mental health data on individuals receiv-
17 ing monitoring or treatment benefits,
18 using a uniform system of data collection.

19 “(6) RESEARCH ON WTC CONDITIONS.—
20 Establishment under subtitle C of a re-
21 search program on health conditions re-
22 sulting from the September 11, 2001, ter-
23 rorist attacks on the World Trade Center.

24 “(c) NO COST-SHARING.—Monitoring and
25 treatment benefits and initial health evalua-

1 tion benefits are provided under subtitle B
2 without any deductibles, copayments, or
3 other cost-sharing to an eligible WTC re-
4 sponder or any eligible WTC community mem-
5 ber.

6 “(d) PAYOR.—

7 “(1) IN GENERAL.—Except as provided
8 in paragraphs (2) and (3), the cost of
9 monitoring and treatment benefits and
10 initial health evaluation benefits pro-
11 vided under subtitle B shall be paid for
12 by the WTC program.

13 “(2) WORKERS’ COMPENSATION PAY-
14 MENT.—

15 “(A) IN GENERAL.—Except as pro-
16 vided in subparagraph (B), payment
17 for treatment under subtitle B of a
18 WTC-related condition in an indi-
19 vidual that is work-related shall be
20 reduced or recouped to the extent
21 that the Secretary determines that
22 payment has been made, or can rea-
23 sonably be expected to be made,
24 under a workers’ compensation law
25 or plan of the United States or a

1 **State, or other work-related injury or**
2 **illness benefit plan of the employer of**
3 **such individual, for such treatment.**
4 **The provisions of clauses (iii), (iv),**
5 **(v), and (vi) of paragraph (2)(B) of**
6 **section 1862(b) of the Social Security**
7 **Act (42 U.S.C. 1395y(b)(2)) and para-**
8 **graph (3) of such section shall apply**
9 **to the recoupment under this para-**
10 **graph of a payment to the WTC pro-**
11 **gram with respect to a workers' com-**
12 **ensation law or plan, or other work-**
13 **related injury or illness plan of the**
14 **employer involved, and such indi-**
15 **vidual in the same manner as such**
16 **provisions apply to the reimburse-**
17 **ment of a payment under section**
18 **1862(b)(2) of such Act to the Sec-**
19 **retary, with respect to such a law or**
20 **plan and an individual entitled to**
21 **benefits under title XVIII of such Act.**

22 **“(B) EXCEPTION.—If the WTC Pro-**
23 **gram Administrator certifies that the**
24 **City of New York has contributed the**
25 **matching contribution required**

1 under section 3006(a)(3) for a 12-
2 month period (specified by the WTC
3 Program Administrator), subpara-
4 graph (A) shall not apply for that 12-
5 month period with respect to a work-
6 ers' compensation law or plan, includ-
7 ing line of duty compensation, to
8 which the City is obligated to make
9 payments.

10 **“(3) HEALTH INSURANCE COVERAGE.—**

11 **“(A) IN GENERAL.—**In the case of
12 an individual who has a WTC-related
13 condition that is not work-related
14 and has health coverage for such con-
15 dition through any public or private
16 health plan, the provisions of section
17 1862(b) of the Social Security Act (42
18 U.S.C. 1395y(b)) shall apply to such a
19 health plan and such individual in
20 the same manner as they apply to a
21 group health plan and an individual
22 entitled to benefits under title XVIII
23 of such Act pursuant to section
24 226(a). Any costs for items and serv-
25 ices covered under such plan that are

1 not reimbursed by such health plan,
2 due to the application of deductibles,
3 copayments, coinsurance, other cost-
4 sharing, or otherwise, are reimburs-
5 able under this title to the extent that
6 they are covered under the WTC pro-
7 gram.

8 “(B) RECOVERY BY INDIVIDUAL PRO-
9 VIDERS.—Nothing in subparagraph (A)
10 shall be construed as requiring an en-
11 tity providing monitoring and treat-
12 ment under this title to seek reim-
13 bursement under a health plan with
14 which the entity has no contract for
15 reimbursement.

16 “(4) WORK-RELATED DESCRIBED.—For
17 the purposes of this subsection, a WTC-
18 related condition shall be treated as a
19 condition that is work-related if—

20 “(A) the condition is diagnosed in
21 an eligible WTC responder, or in an
22 individual who qualifies as an eligible
23 WTC community member on the basis
24 of being a rescue, recovery, or clean-
25 up worker; or

1 **“(B) with respect to the condition**
2 **the individual has filed and had es-**
3 **tablished a claim under a workers’**
4 **compensation law or plan of the**
5 **United States or a State, or other**
6 **work-related injury or illness benefit**
7 **plan of the employer of such indi-**
8 **vidual.**

9 **“(e) QUALITY ASSURANCE AND MONITORING**
10 **OF CLINICAL EXPENDITURES.—**

11 **“(1) QUALITY ASSURANCE.—The WTC**
12 **Program Administrator working with the**
13 **Clinical Centers of Excellence shall de-**
14 **velop and implement a quality assurance**
15 **program for the medical monitoring and**
16 **treatment delivered by such Centers of**
17 **Excellence and any other participating**
18 **health care providers. Such program**
19 **shall include—**

20 **“(A) adherence to medical moni-**
21 **toring and treatment protocols;**

22 **“(B) appropriate diagnostic and**
23 **treatment referrals for participants;**

24 **“(C) prompt communication of**
25 **test results to participants; and**

1 **“(D) such other elements as the**
2 **Administrator specifies in consulta-**
3 **tion with the Clinical Centers of Ex-**
4 **cellence.**

5 **“(2) FRAUD PREVENTION.—The WTC**
6 **Program Administrator shall develop and**
7 **implement a program to review the pro-**
8 **gram’s health care expenditures to detect**
9 **fraudulent or duplicate billing and pay-**
10 **ment for inappropriate services. Such**
11 **program shall be similar to current meth-**
12 **ods used in connection with the Medicare**
13 **program under title XVIII of the Social**
14 **Security Act. This title is a Federal health**
15 **care program (as defined in section**
16 **1128B(f) of such Act) and is a health plan**
17 **(as defined in section 1128C(c) of such**
18 **Act) for purposes of applying sections**
19 **1128 through 1128E of such Act.**

20 **“(f) WTC PROGRAM ADMINISTRATION.—The**
21 **WTC program shall be administered by the**
22 **Director of the National Institute for Occupa-**
23 **tional Safety and Health, or a designee of**
24 **such Director.**

25 **“(g) ANNUAL PROGRAM REPORT.—**

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

9 **“(2) CONTENTS OF REPORT.—Each an-**
10 **ual report under paragraph (1) shall in-**
11 **clude the following:**

12 **“(A) ELIGIBLE INDIVIDUALS.—Infor-**
13 **mation for each clinical program de-**
14 **scribed in paragraph (3)—**

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

20 **“(ii) of the individuals who**
21 **were certified, on the number**
22 **who received medical monitoring**
23 **under the program and the num-**
24 **ber of such individuals who re-**

1 **ceived medical treatment under**
2 **the program;**

3 **“(iii) with respect to individ-**
4 **uals so certified who received**
5 **such treatment, on the WTC-re-**
6 **lated health conditions for which**
7 **they were treated; and**

8 **“(iv) on the projected number**
9 **of individuals who will be cer-**
10 **tified under subtitle B in the suc-**
11 **ceeding fiscal year.**

12 **“(B) MONITORING, INITIAL HEALTH**
13 **EVALUATION, AND TREATMENT COSTS.—**
14 **For each clinical program so de-**
15 **scribed—**

16 **“(i) information on the costs**
17 **of monitoring and initial health**
18 **evaluation and the costs of treat-**
19 **ment and on the estimated costs**
20 **of such monitoring, evaluation,**
21 **and treatment in the succeeding**
22 **fiscal year; and**

23 **“(ii) an estimate of the cost of**
24 **medical treatment for WTC-re-**
25 **lated conditions that have been**

1 paid for or reimbursed by work-
2 ers' compensation, by public or
3 private health plans, or by the
4 City of New York under section
5 3012(c)(4).

6 “(C) ADMINISTRATIVE COSTS.—Infor-
7 mation on the cost of administering
8 the program, including costs of pro-
9 gram support, data collection and
10 analysis, and research conducted
11 under the program.

12 “(D) ADMINISTRATIVE EXPERI-
13 ENCE.—Information on the adminis-
14 trative performance of the program,
15 including—

16 “(i) the performance of the
17 program in providing timely eval-
18 uation of and treatment to eligi-
19 ble individuals; and

20 “(ii) a list of the Clinical Cen-
21 ters of Excellence and other pro-
22 viders that are participating in
23 the program.

24 “(E) SCIENTIFIC REPORTS.—A sum-
25 mary of the findings of any new sci-

1 entific reports or studies on the
2 health effects associated with WTC
3 center exposures, including the find-
4 ings of research conducted under sec-
5 tion 3041(a).

6 “(F) ADVISORY COMMITTEE REC-
7 COMMENDATIONS.—A list of rec-
8 ommendations by the WTC Scientific/
9 Technical Advisory Committee on ad-
10 ditional WTC program eligibility cri-
11 teria and on additional WTC-related
12 health conditions and the action of
13 the WTC Program Administrator con-
14 cerning each such recommendation.

15 “(3) SEPARATE CLINICAL PROGRAMS DE-
16 SCRIBED.—In paragraph (2), each of the
17 following shall be treated as a separate
18 clinical program of the WTC program:

19 “(A) FDNY RESPONDERS.—The ben-
20 efits provided for eligible WTC re-
21 sponders described in section
22 3006(b)(1)(A).

23 “(B) OTHER ELIGIBLE WTC RESPOND-
24 ERS.—The benefits provided for eligi-

1 **ble WTC responders not described in**
2 **subparagraph (A).**

3 **“(C) ELIGIBLE WTC COMMUNITY**
4 **MEMBERS.—The benefits provided for**
5 **eligible WTC community members in**
6 **section 3006(b)(1)(C).**

7 **“(h) NOTIFICATION TO CONGRESS WHEN**
8 **REACH 80 PERCENT OF ELIGIBILITY NUMERICAL**
9 **LIMITS.—The WTC Program Administrator**
10 **shall promptly notify the Congress—**

11 **“(1) when the number of certifi-**
12 **cations for eligible WTC responders sub-**
13 **ject to the limit established under section**
14 **3011(a)(5) has reached 80 percent of such**
15 **limit; and**

16 **“(2) when the number of certifi-**
17 **cations for eligible WTC community mem-**
18 **bers subject to the limit established**
19 **under section 3021(a)(5) has reached 80**
20 **percent of such limit.**

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

1 “(1) 4 occupational physicians, at
2 least two of whom have experience treat-
3 ing WTC rescue and recovery workers;

4 “(2) 1 physician with expertise in pul-
5 monary medicine;

6 “(3) 2 environmental medicine or en-
7 vironmental health specialists;

8 “(4) 2 representatives of eligible WTC
9 responders;

10 “(5) 2 representatives of WTC commu-
11 nity members;

12 “(6) an industrial hygienist;

13 “(7) a toxicologist;

14 “(8) an epidemiologist; and

15 “(9) a mental health professional.

16 “(c) MEETINGS.—The Advisory Committee
17 shall meet at such frequency as may be re-
18 quired to carry out its duties.

19 “(d) REPORTS.—The WTC Program Admin-
20 istrator shall provide for publication of rec-
21 ommendations of the Advisory Committee on
22 the public website established for the WTC
23 program.

24 “(e) AUTHORIZATION OF APPROPRIATIONS.—
25 For the purpose of carrying out this section,

1 **there are authorized to be appropriated such**
2 **sums as may be necessary, not to exceed**
3 **\$100,000, for each fiscal year beginning with**
4 **fiscal year 2009.**

5 **“(f) DURATION.—Notwithstanding any**
6 **other provision of law, the Advisory Com-**
7 **mittee shall continue in operation during the**
8 **period in which the WTC program is in oper-**
9 **ation.**

10 **“(g) APPLICATION OF FACCA.—Except as oth-**
11 **erwise specifically provided, the Advisory**
12 **Committee shall be subject to the Federal Ad-**
13 **visory Committee Act.**

14 **“SEC. 3003. WTC HEALTH PROGRAM STEERING COMMIT-**
15 **TEES.**

16 **“(a) ESTABLISHMENT.—The WTC Program**
17 **Administrator shall establish two steering**
18 **committees (each in this section referred to as**
19 **a ‘Steering Committee’) as follows:**

20 **“(1) WTC RESPONDERS STEERING COM-**
21 **MITTEE.—One steering committee, to be**
22 **known as the WTC Responders Steering**
23 **Committee, for the purpose of facilitating**
24 **the coordination of medical monitoring**
25 **and treatment programs for the eligible**

1 **WTC responders under part 1 of subtitle**
2 **B.**

3 **“(2) WTC COMMUNITY PROGRAM STEER-**
4 **ING COMMITTEE.—One steering committee,**
5 **to be known as the WTC Community Pro-**
6 **gram Steering Committee, for the pur-**
7 **pose of facilitating the coordination of**
8 **initial health evaluations, monitoring,**
9 **and treatment programs for eligible WTC**
10 **community members under part 2 of sub-**
11 **title B.**

12 **“(b) MEMBERSHIP.—**

13 **“(1) INITIAL MEMBERSHIP OF WTC RE-**
14 **SPONDERS STEERING COMMITTEE.—The WTC**
15 **Responders Steering Committee shall ini-**
16 **tially be composed of members of the**
17 **WTC Monitoring and Treatment Program**
18 **Steering Committee (as in existence on**
19 **the day before the date of the enactment**
20 **of this title). In addition, the committee**
21 **membership shall include—**

22 **“(A) a representative of the Police**
23 **Commissioner of the City of New**
24 **York;**

1 **“(B) a representative of the De-**
2 **partment of Health of the City of New**
3 **York;**

4 **“(C) a representative of another**
5 **agency of the City of New York, se-**
6 **lected by the Mayor of New York**
7 **City, which had a large number of**
8 **non-uniformed City workers who re-**
9 **sponded to the WTC disaster; and**

10 **“(D) three representatives of eligi-**
11 **ble WTC responders;**

12 **in order that eligible WTC responders**
13 **constitute half the members of the Steer-**
14 **ing Committee.**

15 **“(2) INITIAL MEMBERSHIP OF WTC COM-**
16 **MUNITY PROGRAM STEERING COMMITTEE.—**

17 **“(A) IN GENERAL.—The WTC Com-**
18 **munity Program Steering Committee**
19 **shall initially be composed of mem-**
20 **bers of the WTC Environmental**
21 **Health Center Community Advisory**
22 **Committee (as in existence on the day**
23 **before the date of the enactment of**
24 **this title) and shall initially have, as**
25 **voting members, the following:**

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

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

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

11 “(iv) Three physicians, one
12 each representing the three WTC
13 Environmental Health Center
14 treatment sites of Bellevue Hos-
15 pital Center, Gouverneur
16 Healthcare Services, and Elm-
17 hurst Hospital Center.

18 “(v) Five specialists with WTC
19 related expertise or experience in
20 treating non-responder WTC dis-
21 eases, such as a pediatrician, an
22 epidemiologist, a psychiatrist or
23 psychologist, an environmental/
24 occupational specialists or a so-
25 cial worker from a WTC Environ-

1 **mental Health Center treatment**
2 **site, or other relevant specialists.**

3 **“(vi) A representative of the**
4 **Department of Health and Mental**
5 **Hygiene of the City of New York.**

6 **“(B) APPOINTMENTS.—**

7 **“(i) WTC EHC COMMUNITY ADVI-**
8 **SORY COMMITTEE.—The WTC Envi-**
9 **ronmental Health Center Commu-**
10 **nity Advisory Committee as in ex-**
11 **istence on the date of the enact-**
12 **ment of this title shall nominate**
13 **members for positions described**
14 **in subparagraph (A)(i).**

15 **“(ii) NYC HEALTH AND HOS-**
16 **PITALS CORPORATION.—The New**
17 **York City Health and Hospitals**
18 **Corporation shall nominate mem-**
19 **bers for positions described in**
20 **clauses (iv) and (v) of subpara-**
21 **graph (A).**

22 **“(iii) TIMING.—Nominations**
23 **under clauses (i) and (ii) shall be**
24 **recommended to the WTC Pro-**
25 **gram Administrator not later**

1 **than 60 days after the date of the**
2 **enactment of this title.**

3 **“(iv) APPOINTMENT.—The WTC**
4 **Program Administrator shall ap-**
5 **point members of the WTC Com-**
6 **munity Program Steering Com-**
7 **mittee not later than 90 days after**
8 **the date of the enactment of this**
9 **title.**

10 **“(v) GENERAL REPRESENTA-**
11 **TIVES.—Of the members appointed**
12 **under subparagraph (A)(i)—**

13 **“(I) the representation**
14 **shall reflect the broad and di-**
15 **verse WTC-affected popu-**
16 **lations and constituencies and**
17 **the diversity of impacted**
18 **neighborhoods, including resi-**
19 **dents, hard-to-reach popu-**
20 **lations, students, area work-**
21 **ers, school parents, commu-**
22 **nity-based organizations,**
23 **Community Boards, WTC En-**
24 **vironmental Health Center**
25 **patients, labor unions, and**

1 **labor advocacy organizations;**
2 **and**

3 **“(II) no one individual or-**
4 **ganization can have more**
5 **than one representative.**

6 **“(3) ADDITIONAL APPOINTMENTS.—Each**
7 **Steering Committee may appoint, if ap-**
8 **proved by a majority of voting members**
9 **of the Committee, additional members to**
10 **the Committee.**

11 **“(4) VACANCIES.—A vacancy in a Steer-**
12 **ing Committee shall be filled by the**
13 **Steering Committee, subject to the ap-**
14 **proval of the WTC Program Adminis-**
15 **trator, so long as—**

16 **“(A) in the case of the WTC Re-**
17 **sponders Steering Committee, the**
18 **composition of the Committee in-**
19 **cludes representatives of eligible**
20 **WTC responders and representatives**
21 **of each Clinical Center of Excellence**
22 **and each Coordinating Center of Ex-**
23 **cellence that serves eligible WTC re-**
24 **sponders and such composition has**
25 **eligible WTC responders constituting**

1 half of the membership of the Steer-
2 ing Committee; or

3 “(B) in the case of the WTC Com-
4 munity Program Steering Committee,
5 the composition of the Committee in-
6 cludes representatives of eligible
7 WTC community members and rep-
8 resentatives of each Clinical Center
9 of Excellence and each Coordinating
10 Center of Excellence that serves eligi-
11 ble WTC community members and the
12 nominating process is consistent with
13 paragraph (2)(B).

14 “(5) CO-CHAIRS OF WTC COMMUNITY PRO-
15 GRAM STEERING COMMITTEE.—The WTC
16 Community Program Steering Committee
17 shall have two Co-Chairs as follows:

18 “(A) COMMUNITY/LABOR CO-CHAIR.—
19 A Community/Labor Co-Chair who
20 shall be chosen by the community
21 and labor-based members of the
22 Steering Committee.

23 “(B) ENVIRONMENTAL HEALTH CLIN-
24 IC CO-CHAIR.—A WTC Environmental
25 Health Clinic Co-Chair who shall be

1 **chosen by the WTC Environmental**
2 **Health Center members on the Steer-**
3 **ing Committee.**

4 **“(c) RELATION TO FACCA.—Each Steering**
5 **Committee shall not be subject to the Federal**
6 **Advisory Committee Act.**

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

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

21 **“SEC. 3004. COMMUNITY EDUCATION AND OUTREACH.**

22 **“(a) IN GENERAL.—The WTC Program Ad-**
23 **ministrators shall institute a program that pro-**
24 **vides education and outreach on the exist-**
25 **ence and availability of services under the**

1 **WTC program. The outreach and education**
2 **program—**

3 **“(1) shall include—**

4 **“(A) the establishment of a public**
5 **website with information about the**
6 **WTC program;**

7 **“(B) meetings with potentially eli-**
8 **gible populations;**

9 **“(C) development and dissemina-**
10 **tion of outreach materials informing**
11 **people about the program; and**

12 **“(D) the establishment of phone**
13 **information services; and**

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

16 **“(A) to reach all affected popu-**
17 **lations; and**

18 **“(B) to include materials for cul-**
19 **tureally and linguistically diverse pop-**
20 **ulations.**

21 **“(b) PARTNERSHIPS.—To the greatest ex-**
22 **tent possible, in carrying out this section, the**
23 **WTC Program Administrator shall enter into**
24 **partnerships with local governments and or-**
25 **ganizations with experience performing out-**

1 reach to the affected populations, including
2 community and labor-based organizations.

3 “SEC. 3005. UNIFORM DATA COLLECTION.

4 “(a) IN GENERAL.—The WTC Program Ad-
5 ministrator shall provide for the uniform col-
6 lection of data (and analysis of data and reg-
7 ular reports to the Administrator) on the utili-
8 zation of monitoring and treatment benefits
9 provided to eligible WTC responders and eli-
10 gible WTC community members, the preva-
11 lence of WTC-related health conditions, and
12 the identification of new WTC-related medical
13 conditions. Such data shall be collected for all
14 individuals provided monitoring or treatment
15 benefits under subtitle B and regardless of
16 their place of residence or Clinical Center of
17 Excellence through which the benefits are
18 provided.

19 “(b) COORDINATING THROUGH CENTERS OF
20 EXCELLENCE.—Each Clinical Center of Excel-
21 lence shall collect data described in sub-
22 section (a) and report such data to the cor-
23 responding Coordinating Center of Excel-
24 lence for analysis by such Coordinating Cen-
25 ter of Excellence.

1 **“(c) PRIVACY.—The data collection and**
2 **analysis under this section shall be conducted**
3 **in a manner that protects the confidentiality**
4 **of individually identifiable health informa-**
5 **tion consistent with applicable legal require-**
6 **ments.**

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

8 **“(a) IN GENERAL.—**

9 **“(1) CONTRACTS WITH CLINICAL CENTERS**
10 **OF EXCELLENCE.—The WTC Program Ad-**
11 **ministrator shall enter into contracts**
12 **with Clinical Centers of Excellence speci-**
13 **fied in subsection (b)(1)—**

14 **“(A) for the provision of moni-**
15 **toring and treatment benefits and ini-**
16 **tial health evaluation benefits under**
17 **subtitle B;**

18 **“(B) for the provision of outreach**
19 **activities to individuals eligible for**
20 **such monitoring and treatment bene-**
21 **fits, for initial health evaluation bene-**
22 **fits, and for follow-up to individuals**
23 **who are enrolled in the monitoring**
24 **program;**

1 **“(C) for the provision of coun-**
2 **seling for benefits under subtitle B,**
3 **with respect to WTC-related health**
4 **conditions, for individuals eligible for**
5 **such benefits;**

6 **“(D) for the provision of coun-**
7 **seling for benefits for WTC-related**
8 **health conditions that may be avail-**
9 **able under Workers’ Compensation or**
10 **other benefit programs for work-re-**
11 **lated injuries or illnesses, health in-**
12 **surance, disability insurance, or**
13 **other insurance plans or through**
14 **public or private social service agen-**
15 **cies and assisting eligible individuals**
16 **in applying for such benefits;**

17 **“(E) for the provision of**
18 **translational and interpretive serv-**
19 **ices as for program participants who**
20 **are not English language proficient;**
21 **and**

22 **“(F) for the collection and report-**
23 **ing of data in accordance with sec-**
24 **tion 3005.**

1 **“(2) CONTRACTS WITH COORDINATING**
2 **CENTERS OF EXCELLENCE.—The WTC Pro-**
3 **gram Administrator shall enter into con-**
4 **tracts with Coordinating Centers of Ex-**
5 **cellence specified in subsection (b)(2)—**

6 **“(A) for receiving, analyzing, and**
7 **reporting to the WTC Program Ad-**
8 **ministrator on data, in accordance**
9 **with section 3005, that has been col-**
10 **lected and reported to such Coordi-**
11 **nating Centers by the corresponding**
12 **Clinical Centers of Excellence under**
13 **subsection (d)(3);**

14 **“(B) for the development of med-**
15 **ical monitoring, initial health evalua-**
16 **tion, and treatment protocols, with**
17 **respect to WTC-related health condi-**
18 **tions;**

19 **“(C) for coordinating the outreach**
20 **activities conducted under paragraph**
21 **(1)(B) by each corresponding Clinical**
22 **Center of Excellence;**

23 **“(D) for establishing criteria for**
24 **the credentialing of medical pro-**

1 **viders participating in the nation-**
2 **wide network under section 3031;**

3 **“(E) for coordinating and admin-**
4 **istrating the activities of the WTC**
5 **Health Program Steering Committees**
6 **established under section 3003(a);**
7 **and**

8 **“(F) for meeting periodically with**
9 **the corresponding Clinical Centers of**
10 **Excellence to obtain input on the**
11 **analysis and reporting of data col-**
12 **lected under subparagraph (A) and**
13 **on the development of medical moni-**
14 **toring, initial health evaluation, and**
15 **treatment protocols under subpara-**
16 **graph (B).**

17 **The medical providers under subpara-**
18 **graph (D) shall be selected by the WTC**
19 **Program Administrator on the basis of**
20 **their experience treating or diagnosing**
21 **the medical conditions included in the**
22 **list of identified WTC-related conditions**
23 **for responders and of identified WTC-re-**
24 **lated conditions for community members.**

1 **“(3) REQUIRED PARTICIPATION BY NEW**
2 **YORK CITY IN MONITORING AND TREATMENT**
3 **PROGRAM AND COSTS.—**

4 **“(A) IN GENERAL.—In order for**
5 **New York City, any agency or Depart-**
6 **ment thereof, or the New York City**
7 **Health and Hospitals Corporation to**
8 **qualify for a contract for the provi-**
9 **sion of monitoring and treatment**
10 **benefits and other services under sec-**
11 **tion 3006, New York City is required**
12 **to contribute a matching amount of**
13 **10 percent of the amount of the cov-**
14 **ered monitoring and treatment pay-**
15 **ment (as defined in subparagraph**
16 **(B)).**

17 **“(B) COVERED MONITORING AND**
18 **TREATMENT PAYMENT DEFINED.—For**
19 **the purposes of this paragraph, the**
20 **term ‘covered monitoring and treat-**
21 **ment payment’ means payment under**
22 **paragraphs (1) and (2), including**
23 **under such paragraph as applied**
24 **under section 3021(b), 3022(a), and**
25 **3023, and reimbursement under**

1 **3006(c) for items and services fur-**
2 **nished by a Clinical Center of Excel-**
3 **lence or Coordinating Center of Ex-**
4 **cellence, and providers designated by**
5 **the WTC Program under section 3031,**
6 **after the application of paragraphs**
7 **(2) and (3) of section 3001 (d).**

8 **“(C) PAYMENT OF NEW YORK CITY**
9 **SHARE OF MONITORING AND TREATMENT**
10 **COSTS.—The WTC Program Adminis-**
11 **trator shall—**

12 **“(i) bill the amount specified**
13 **in subparagraph (A) directly to**
14 **New York City; and**

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

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

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

1 **“(1) CLINICAL CENTER OF EXCEL-**
2 **LENCE.—In this title, the term ‘Clinical**
3 **Center of Excellence’ means the fol-**
4 **lowing:**

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

10 **“(i) is an active employee of**
11 **such Department—**

12 **“(I) with respect to moni-**
13 **toring, such Fire Department;**
14 **and**

15 **“(II) with respect to treat-**
16 **ment, such Fire Department**
17 **(or such entity as has entered**
18 **into a contract with the Fire**
19 **Department for treatment of**
20 **such responders) or any other**
21 **Clinical Center of Excellence**
22 **described in subparagraph**
23 **(B), (C), or (D); or**

24 **“(ii) is not an active employee**
25 **of such Department, such Fire De-**

1 **partment (or such entity as has**
2 **entered into a contract with the**
3 **Fire Department for monitoring**
4 **or treatment of such responders)**
5 **or any other or any other Clinical**
6 **Center of Excellence described in**
7 **subparagraph (B), (C), or (D).**

8 **“(B) OTHER ELIGIBLE WTC RESPOND-**
9 **ERS.—With respect to other eligible**
10 **WTC responders, whether or not they**
11 **reside in the New York Metropolitan**
12 **area, the Mt. Sinai coordinated con-**
13 **sortium, Queens College, State Uni-**
14 **versity of New York at Stony Brook,**
15 **University of Medicine and Dentistry**
16 **of New Jersey, and Bellevue Hospital.**

17 **“(C) WTC COMMUNITY MEMBERS.—**
18 **With respect to eligible WTC commu-**
19 **nity members, whether or not they**
20 **reside in the New York Metropolitan**
21 **area, the World Trade Center Envi-**
22 **ronmental Health Center at Bellevue**
23 **Hospital and such hospitals or other**
24 **facilities, including but not limited to**
25 **those within the New York City**

1 **Health and Hospitals Corporation, as**
2 **are identified by the WTC Program**
3 **Administrator.**

4 **“(D) ALL ELIGIBLE WTC RESPONDERS**
5 **AND ELIGIBLE WTC COMMUNITY MEM-**
6 **BERS.—With respect to all eligible**
7 **WTC responders and eligible WTC**
8 **community members, such other hos-**
9 **pitals or other facilities as are identi-**
10 **fied by the WTC Program Adminis-**
11 **trator.**

12 **The WTC Program Administrator shall**
13 **limit the number of additional Centers of**
14 **Excellence identified under subpara-**
15 **graph (D) to ensure that the participating**
16 **centers have adequate experience in the**
17 **treatment and diagnosis of identified**
18 **WTC-related medical conditions.**

19 **“(2) COORDINATING CENTER OF EXCEL-**
20 **LENCE.—In this title, the term ‘Coordi-**
21 **nating Center of Excellence’ means the**
22 **following:**

23 **“(A) FOR FDNY RESPONDERS.—With**
24 **respect to an eligible WTC responder**
25 **who responded to the 9/11 attacks as**

1 **an employee of the Fire Department**
2 **of the City of New York, such Fire De-**
3 **partment.**

4 **“(B) OTHER WTC RESPONDERS.—**
5 **With respect to other eligible WTC re-**
6 **sponders, the Mt. Sinai coordinated**
7 **consortium.**

8 **“(C) WTC COMMUNITY MEMBERS.—**
9 **With respect to eligible WTC commu-**
10 **nity members, the World Trade Cen-**
11 **ter Environmental Health Center at**
12 **Bellevue Hospital.**

13 **“(3) CORRESPONDING CENTERS.—In this**
14 **title, a Clinical Center of Excellence and**
15 **a Coordinating Center of Excellence shall**
16 **be treated as ‘corresponding’ to the ex-**
17 **tent that such Clinical Center and Co-**
18 **ordinating Center serve the same popu-**
19 **lation group.**

20 **“(c) REIMBURSEMENT FOR NON-TREATMENT,**
21 **NON-MONITORING PROGRAM COSTS.—A Clinical**
22 **or Coordinating Center of Excellence with a**
23 **contract under this section shall be reim-**
24 **bursed for the costs of such Center in car-**
25 **rying out the activities described in sub-**

1 **section (a), other than those described in sub-**
2 **section (a)(1)(A), subject to the provisions of**
3 **section 3001(d), as follows:**

4 **“(1) CLINICAL CENTERS OF EXCEL-**
5 **LENCE.—For carrying out subparagraphs**
6 **(B) through (F) of subsection (a)(1)—**

7 **“(A) CLINICAL CENTER FOR FDNY RE-**
8 **SPONDERS IN NEW YORK.—The Clinical**
9 **Center of Excellence for FDNY Re-**
10 **sponders in New York specified in**
11 **subsection (b)(1)(A) shall be reim-**
12 **bursed—**

13 **“(i) in the first year of the**
14 **contract under this section, \$600**
15 **per certified eligible WTC re-**
16 **sponder in the medical treatment**
17 **program, and \$300 per certified**
18 **eligible WTC responder in the**
19 **monitoring program; and**

20 **“(ii) in each subsequent con-**
21 **tract year, subject to paragraph**
22 **(3), at the rates specified in this**
23 **subparagraph for the previous**
24 **contract year adjusted by the**
25 **WTC Program Administrator to**

1 reflect the rate of medical care in-
2 flation during the previous con-
3 tract year.

4 “(B) CLINICAL CENTERS SERVING
5 OTHER ELIGIBLE WTC RESPONDERS IN
6 NEW YORK.—A Clinical Center of Ex-
7 cellence for other WTC responders in
8 New York specified in subsection
9 (b)(1)(B) shall be reimbursed the
10 amounts specified in subparagraph
11 (A).

12 “(C) CLINICAL CENTERS SERVING
13 WTC COMMUNITY MEMBERS.—A Clinical
14 Center of Excellence for eligible WTC
15 community members in New York
16 specified in subsection (b)(1)(C) shall
17 be reimbursed—

18 “(i) in the first year of the
19 contract under this section, for
20 each certified eligible WTC com-
21 munity member in a medical
22 treatment program enrolled at a
23 non-hospital-based facility, \$600,
24 and for each certified eligible
25 WTC community member in a

1 **medical treatment program en-**
2 **rolled at a hospital-based facility,**
3 **\$300; and**

4 **“(ii) in each subsequent con-**
5 **tract year, subject to paragraph**
6 **(3), at the rates specified in this**
7 **subparagraph for the previous**
8 **contract year adjusted by the**
9 **WTC Program Administrator to**
10 **reflect the rate of medical care in-**
11 **flation during the previous con-**
12 **tract year.**

13 **“(D) OTHER CLINICAL CENTERS.—A**
14 **Clinical Center of Excellence or other**
15 **providers not described in a previous**
16 **subparagraph shall be reimbursed at**
17 **a rate set by the WTC Program Ad-**
18 **ministrator.**

19 **“(E) REIMBURSEMENT RULES.—The**
20 **reimbursement provided under sub-**
21 **paragraphs (A), (B) and (C) shall be**
22 **made for each certified eligible WTC**
23 **responder and for each WTC commu-**
24 **nity member in the WTC program per**
25 **year that the member receives such**

1 **services, regardless of the volume or**
2 **cost of services required.**

3 **“(2) COORDINATING CENTERS OF EXCEL-**
4 **LENCE.—A Coordinating Centers of Excel-**
5 **lence specified in section (a)(2) shall be**
6 **reimbursed for the provision of services**
7 **set forth in this section at such levels as**
8 **are established by the WTC Program Ad-**
9 **ministrators.**

10 **“(3) REVIEW OF RATES.—**

11 **“(A) INITIAL REVIEW.—Before the**
12 **end of the third contract year of the**
13 **WTC program, the WTC Program Ad-**
14 **ministrators shall conduct a review to**
15 **determine whether the reimburse-**
16 **ment rates set forth in this subsection**
17 **provide fair and appropriate reim-**
18 **bursement for such program services.**
19 **Based on such review, the Adminis-**
20 **trators may, by rule beginning with**
21 **the fourth contract year, may modify**
22 **such rates, taking into account a rea-**
23 **sonable and fair rate for the services**
24 **being provided.**

1 **“(B) SUBSEQUENT REVIEWS.—**After
2 **the fourth contract year, the WTC**
3 **Program Administrator shall conduct**
4 **periodic reviews to determine wheth-**
5 **er the reimbursement rates in effect**
6 **under this subsection provide fair**
7 **and appropriate reimbursement for**
8 **such program services. Based upon**
9 **such a review, the Administrator may**
10 **by rule modify such rates, taking into**
11 **account a reasonable and fair rate for**
12 **the services being provided.**

13 **“(C) GAO REVIEW.—**The Comp-
14 **troller General of the United States**
15 **shall review the WTC Program Ad-**
16 **ministrator’s determinations regard-**
17 **ing fair and appropriate reimburse-**
18 **ment for program services under this**
19 **paragraph.**

20 **“(d) REQUIREMENTS.—**The WTC Program
21 **Administrator shall not enter into a contract**
22 **with a Clinical Center of Excellence under**
23 **subsection (a)(1) unless—**

24 **“(1) the Center establishes a formal**
25 **mechanism for consulting with and re-**

1 **ceiving input from representatives of eli-**
2 **gible populations receiving monitoring**
3 **and treatment benefits under subtitle B**
4 **from such Center;**

5 **“(2) the Center provides for the co-**
6 **ordination of monitoring and treatment**
7 **benefits under subtitle B with routine**
8 **medical care provided for the treatment**
9 **of conditions other than WTC-related**
10 **health conditions;**

11 **“(3) the Center collects and reports to**
12 **the corresponding Coordinating Center**
13 **of Excellence data in accordance with**
14 **section 3005;**

15 **“(4) the Center has in place safe-**
16 **guards against fraud that are satisfactory**
17 **to the Administrator;**

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

1 **“(6) the Center has in place safe-**
2 **guards to ensure the confidentiality of an**
3 **individual’s individually identifiable**
4 **health information, including requiring**
5 **that such information not be disclosed to**
6 **the individual’s employer without the au-**
7 **thorization of the individual;**

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

14 **“(8) the Center agrees to meet all the**
15 **other applicable requirements of this**
16 **title, including regulations implementing**
17 **such requirements.**

18 **“SEC. 3007. ENTITLEMENT AUTHORITIES.**

19 **“Subject to subsections (b)(4)(C) and (c)(5)**
20 **of section 3012, subtitle B constitutes budget**
21 **authority in advance of appropriations Acts**
22 **and represents the obligation of the Federal**
23 **Government to provide for the payment for**
24 **monitoring, initial health evaluations, and**
25 **treatment in accordance with such subtitle**

1 and section 3006(c) constitutes such budget
2 authority and represents the obligation of the
3 Federal Government to provide for the pay-
4 ment described in such section.

5 “SEC. 3008. DEFINITIONS.

6 “In this title:

7 “(1) The term ‘aggravating’ means,
8 with respect to a health condition, a
9 health condition that existed on Sep-
10 tember 11, 2001, and that, as a result of
11 exposure to airborne toxins, any other
12 hazard, or any other adverse condition
13 resulting from the September 11, 2001,
14 terrorist attacks on the World Trade Cen-
15 ter requires medical treatment that is (or
16 will be) in addition to, more frequent
17 than, or of longer duration than the med-
18 ical treatment that would have been re-
19 quired for such condition in the absence
20 of such exposure.

21 “(2) The terms ‘certified eligible WTC
22 responder’ and ‘certified eligible WTC
23 community member’ mean an individual
24 who has been certified as an eligible WTC
25 responder under section 3011(a)(4) or an

1 **eligible WTC community member under**
2 **section 3021(a)(4), respectively.**

3 **“(3) The terms ‘Clinical Center of Ex-**
4 **cellence’ and ‘Coordinating Center of Ex-**
5 **cellence’ have the meanings given such**
6 **terms in section 3006(b).**

7 **“(4) The term ‘current consortium ar-**
8 **rangements’ means the arrangements as**
9 **in effect on the date of the enactment of**
10 **this title between the National Institute**
11 **for Occupational Safety and Health and**
12 **the Mt. Sinai-coordinated consortium and**
13 **the Fire Department of the City of New**
14 **York.**

15 **“(5) The terms ‘eligible WTC re-**
16 **sponder’ and ‘eligible WTC community**
17 **member’ are defined in sections 3011(a)**
18 **and 3021(a), respectively.**

19 **“(6) The term ‘initial health evalua-**
20 **tion’ includes, with respect to an indi-**
21 **vidual, a medical and exposure history, a**
22 **physical examination, and additional**
23 **medical testing as needed to evaluate**
24 **whether the individual has a WTC-re-**

1 **lated health condition and is eligible for**
2 **treatment under the WTC program.**

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

5 **“(A) for eligible WTC responders,**
6 **the identified WTC-related health**
7 **condition for eligible WTC responders**
8 **under section 3012(a)(3) or 3012(a)(4);**
9 **or**

10 **“(B) for eligible WTC community**
11 **members, the identified WTC-related**
12 **health condition for WTC community**
13 **members under section 3022(b)(1) or**
14 **3022(b)(2).**

15 **“(8) The term ‘Mt.-Sinai-coordinated**
16 **consortium’ means the consortium co-**
17 **ordinated by Mt. Sinai hospital in New**
18 **York City that coordinates the moni-**
19 **toring and treatment under the current**
20 **consortium arrangements for eligible**
21 **WTC responders other than with respect**
22 **to those covered under the arrangement**
23 **with the Fire Department of the City of**
24 **New York.**

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

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

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

10 **“(10) The term ‘New York metropoli-**
11 **tan area’ means an area, specified by the**
12 **WTC Program Administrator, within**
13 **which eligible WTC responders and eligi-**
14 **ble WTC community members who reside**
15 **in such area are reasonably able to ac-**
16 **cess monitoring and treatment benefits**
17 **and initial health evaluation benefits**
18 **under this title through a Clinical Cen-**
19 **ters of Excellence described in subpara-**
20 **graphs (A), (B), or (C) of section**
21 **3006(b)(1).**

22 **“(11) Any reference to ‘September 11,**
23 **2001’ shall be deemed a reference to the**
24 **period on such date subsequent to the**

1 **terrorist attacks on the World Trade Cen-**
2 **ter on such date.**

3 **“(12) The term ‘September 11, 2001,**
4 **terrorist attacks on the World Trade Cen-**
5 **ter’ means the terrorist attacks that oc-**
6 **curred on September 11, 2001, in New**
7 **York City and includes the aftermath of**
8 **such attacks.**

9 **“(13) The term ‘WTC Health Program**
10 **Steering Committee’ means such a Steer-**
11 **ing Committee established under section**
12 **3003.**

13 **“(14) The term ‘WTC Program Admin-**
14 **istrator’ means the individual responsible**
15 **under section 3001(f) for the administra-**
16 **tion of the WTC program.**

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

19 **“(16) The term ‘WTC Scientific/Tech-**
20 **nical Advisory Committee’ means such**
21 **Committee established under section**
22 **3002.**

1 **“Subtitle B—Program of Moni-**
2 **toring, Initial Health Evalua-**
3 **tions, and Treatment**

4 **“PART 1—FOR WTC RESPONDERS**

5 **“SEC. 3011. IDENTIFICATION OF ELIGIBLE WTC RESPOND-**
6 **ERS AND PROVISION OF WTC-RELATED MONI-**
7 **TORING SERVICES.**

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

9 **“(1) IN GENERAL.—For purposes of this**
10 **title, the term ‘eligible WTC responder’**
11 **means any of the following individuals,**
12 **subject to paragraph (5):**

13 **“(A) CURRENTLY IDENTIFIED RE-**
14 **SPONDER.—An individual who has**
15 **been identified as eligible for medical**
16 **monitoring under the current consor-**
17 **tium arrangements (as defined in sec-**
18 **tion 3008(4)).**

19 **“(B) RESPONDER WHO MEETS CUR-**
20 **RENT ELIGIBILITY CRITERIA.—An indi-**
21 **vidual who meets the current eligi-**
22 **bility criteria described in paragraph**
23 **(2).**

1 **“(C) RESPONDER WHO MEETS MODI-**
2 **FIED ELIGIBILITY CRITERIA.—An indi-**
3 **vidual who—**

4 **“(i) performed rescue, recov-**
5 **ery, demolition, debris cleanup,**
6 **or other related services in the**
7 **New York City disaster area in re-**
8 **sponse to the September 11, 2001,**
9 **terrorist attacks on the World**
10 **Trade Center, regardless of**
11 **whether such services were per-**
12 **formed by a State or Federal em-**
13 **ployee or member of the National**
14 **Guard or otherwise; and**

15 **“(ii) meets such eligibility cri-**
16 **teria relating to exposure to air-**
17 **borne toxins, other hazards, or**
18 **adverse conditions resulting from**
19 **the September 11, 2001, terrorist**
20 **attacks on the World Trade Cen-**
21 **ter as the WTC Program Adminis-**
22 **trator, after consultation with the**
23 **WTC Responders Steering Com-**
24 **mittee and the WTC Scientific/**

1 **Technical Advisory Committee,**
2 **determines appropriate.**

3 **The WTC Program Administrator**
4 **shall not modify such eligibility cri-**
5 **teria on or after the date that the**
6 **number of certifications for eligible**
7 **responders has reached 80 percent of**
8 **the limit described in paragraph (5)**
9 **or on or after the date that the num-**
10 **ber of certifications for eligible com-**
11 **munity members has reached 80 per-**
12 **cent of the limit described in section**
13 **3021(a)(5).**

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

19 **“(A) FIRE FIGHTERS AND RELATED**
20 **PERSONNEL.—The individual—**

21 **“(i) was a member of the Fire**
22 **Department of the City of New**
23 **York (whether fire or emergency**
24 **personnel, active or retired) who**
25 **participated at least one day in**

1 **the rescue and recovery effort at**
2 **any of the former World Trade**
3 **sites (including Ground Zero,**
4 **Staten Island land fill, and the**
5 **NYC Chief Medical Examiner’s of-**
6 **fice) for any time during the pe-**
7 **riod beginning on September 11,**
8 **2001, and ending on July 31, 2002;**
9 **or**

10 **“(ii)(I) is a surviving imme-**
11 **diat family member of an indi-**
12 **vidual who was a member of the**
13 **Fire Department of the City of**
14 **New York (whether fire or emer-**
15 **gency personnel, active or re-**
16 **tired) and was killed at the World**
17 **Trade site on September 11, 2001;**
18 **and**

19 **“(II) received any treatment**
20 **for a WTC-related mental health**
21 **condition described in section**
22 **3012(a)(1)(B) on or before Sep-**
23 **tember 1, 2008.**

1 **“(B) LAW ENFORCEMENT OFFICERS**
2 **AND WTC RESCUE, RECOVERY, AND**
3 **CLEAN-UP WORKERS.—The individual—**

4 **“(i) worked or volunteered on-**
5 **site in rescue, recovery, debris-**
6 **cleanup or related support serv-**
7 **ices in lower Manhattan (south of**
8 **Canal St.), the Staten Island**
9 **Landfill, or the barge loading**
10 **piers, for at least 4 hours during**
11 **the period beginning on Sep-**
12 **tember 11, 2001, and ending on**
13 **September 14, 2001, for at least 24**
14 **hours during the period begin-**
15 **ning on September 11, 2001, and**
16 **ending on September 30, 2001, or**
17 **for at least 80 hours during the**
18 **period beginning on September**
19 **11, 2001, and ending on July 31,**
20 **2002;**

21 **“(ii)(I) was a member of the**
22 **Police Department of the City of**
23 **New York (whether active or re-**
24 **tired) or a member of the Port**
25 **Authority Police of the Port Au-**

1 **thority of New York and New Jer-**
2 **sey (whether active or retired)**
3 **who participated on-site in res-**
4 **cue, recovery, debris clean-up, or**
5 **related services in lower Manhat-**
6 **tan (south of Canal St.), including**
7 **Ground Zero, the Staten Island**
8 **Landfill or the barge loading**
9 **piers, for at least 4 hours during**
10 **the period beginning September**
11 **11, 2001, and ending on Sep-**
12 **tember 14, 2001;**

13 **“(II) participated on-site in**
14 **rescue, recovery, debris clean-up,**
15 **or related services in at Ground**
16 **Zero, the Staten Island Landfill or**
17 **the barge loading piers, for at**
18 **least one day during the period**
19 **beginning on September 11, 2001,**
20 **and ending on July 31, 2002;**

21 **“(III) participated on-site in**
22 **rescue, recovery, debris clean-up,**
23 **or related services in lower Man-**
24 **hattan (south of Canal St.) for at**
25 **least 24 hours during the period**

1 **beginning on September 11, 2001,**
2 **and ending on September 30,**
3 **2001; or**

4 **“(IV) participated on-site in**
5 **rescue, recovery, debris clean-up,**
6 **or related services in lower Man-**
7 **hattan (south of Canal St.) for at**
8 **least 80 hours during the period**
9 **beginning on September 11, 2001,**
10 **and ending on July 31, 2002;**

11 **“(iii) was an employee of the**
12 **Office of the Chief Medical Exam-**
13 **iner of the City of New York in-**
14 **volved in the examination and**
15 **handling of human remains from**
16 **the World Trade Center attacks,**
17 **or other morgue worker who per-**
18 **formed similar post-September 11**
19 **functions for such Office staff,**
20 **during the period beginning on**
21 **September 11, 2001 and ending on**
22 **July 31, 2002;**

23 **“(iv) was a worker in the Port**
24 **Authority Trans-Hudson Corpora-**
25 **tion tunnel for at least 24 hours**

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

4 **“(v) was a vehicle-mainte-**
5 **nance worker who was exposed to**
6 **debris from the former World**
7 **Trade Center while retrieving,**
8 **driving, cleaning, repairing, and**
9 **maintaining vehicles contami-**
10 **nated by airborne toxins from the**
11 **September 11, 2001, terrorist at-**
12 **tacks on the World Trade Center**
13 **during a duration and period de-**
14 **scribed in subparagraph (A).**

15 **“(3) APPLICATION PROCESS.—The WTC**
16 **Program Administrator in consultation**
17 **with the Coordinating Centers of Excel-**
18 **lence shall establish a process for indi-**
19 **viduals, other than eligible WTC respond-**
20 **ers described in paragraph (1)(A), to**
21 **apply to be determined to be eligible**
22 **WTC responders. Under such process—**

23 **“(A) there shall be no fee charged**
24 **to the applicant for making an appli-**
25 **cation for such determination;**

1 “(B) the Administrator shall make
2 a determination on such an applica-
3 tion not later than 60 days after the
4 date of filing the application; and

5 “(C) an individual who is deter-
6 mined not to be an eligible WTC re-
7 sponder shall have an opportunity to
8 appeal such determination before an
9 administrative law judge in a manner
10 established under such process.

11 “(4) CERTIFICATION.—

12 “(A) IN GENERAL.—In the case of
13 an individual who is described in
14 paragraph (1)(A) or who is deter-
15 mined under paragraph (3) (con-
16 sistent with paragraph (5)) to be an
17 eligible WTC responder, the WTC Pro-
18 gram Administrator shall provide an
19 appropriate certification of such fact
20 and of eligibility for monitoring and
21 treatment benefits under this part.
22 The Administrator shall make deter-
23 minations of eligibility relating to an
24 applicant’s compliance with this title,
25 including the verification of informa-

1 **tion submitted in support of the ap-**
2 **plication, and shall not deny such a**
3 **certification to an individual unless**
4 **the Administrator determines that—**

5 **“(i) based on the application**
6 **submitted, the individual does not**
7 **meet the eligibility criteria; or**

8 **“(ii) the numerical limitation**
9 **on eligible WTC responders set**
10 **forth in paragraph (5) has been**
11 **met.**

12 **“(B) TIMING.—**

13 **“(i) CURRENTLY IDENTIFIED RE-**
14 **SPONDERS.—In the case of an indi-**
15 **vidual who is described in para-**
16 **graph (1)(A), the WTC Program**
17 **Administrator shall provide the**
18 **certification under subparagraph**
19 **(A) not later than 60 days after**
20 **the date of the enactment of this**
21 **title.**

22 **“(ii) OTHER RESPONDERS.—In**
23 **the case of another individual**
24 **who is determined under para-**
25 **graph (3) and consistent with**

1 paragraph (5) to be an eligible
2 WTC responder, the WTC Pro-
3 gram Administrator shall provide
4 the certification under subpara-
5 graph (A) at the time of the deter-
6 mination.

7 “(5) NUMERICAL LIMITATION ON ELIGI-
8 BLE WTC RESPONDERS.—

9 “(A) IN GENERAL.—The total num-
10 ber of individuals not described in
11 subparagraph (C) who may qualify as
12 eligible WTC responders for purposes
13 of this title, and be certified as eligi-
14 ble WTC responders under paragraph
15 (4), shall not exceed 15,000, subject to
16 adjustment under paragraph (6), of
17 which no more than 2,500 may be in-
18 dividuals certified based on modified
19 eligibility criteria established under
20 paragraph (1)(C). In applying the pre-
21 vious sentence, any individual who at
22 any time so qualifies as an eligible
23 WTC responder shall be counted
24 against such numerical limitation.

1 **“(B) PROCESS.—In implementing**
2 **subparagraph (A), the WTC Program**
3 **Administrator shall—**

4 **“(i) limit the number of cer-**
5 **tifications provided under para-**
6 **graph (4) in accordance with such**
7 **subparagraph; and**

8 **“(ii) provide priority in such**
9 **certifications in the order in**
10 **which individuals apply for a de-**
11 **termination under paragraph (3).**

12 **“(C) CURRENTLY IDENTIFIED RE-**
13 **SPONDERS NOT COUNTED.—Individuals**
14 **described in this subparagraph are**
15 **individuals who are described in**
16 **paragraph (1)(A).**

17 **“(6) POTENTIAL ADJUSTMENT IN NUMER-**
18 **ICAL LIMITATIONS DEPENDENT UPON ACTUAL**
19 **SPENDING RELATIVE TO ESTIMATED SPEND-**
20 **ING.—**

21 **“(A) INITIAL CALCULATION FOR FIS-**
22 **CAL YEARS 2009 THROUGH 2011.—If the**
23 **WTC Program Administrator deter-**
24 **mines as of December 1, 2011, that**
25 **the WTC expenditure-to-CBO-esti-**

1 **mate percentage (as defined in sub-**
2 **paragraph (D)(iii)) for fiscal years**
3 **2009 through 2011 does not exceed 90**
4 **percent, then, effective January 1,**
5 **2012, the WTC Program Adminis-**
6 **trator may increase the numerical**
7 **limitation under paragraph (5)(A), the**
8 **numerical limitation under section**
9 **3021(a)(5), or both, by a number of**
10 **percentage points not to exceed the**
11 **number of percentage points speci-**
12 **fied in subparagraph (C) for such pe-**
13 **riod of fiscal years.**

14 **“(B) SUBSEQUENT CALCULATION FOR**
15 **FISCAL YEARS 2009 THROUGH 2015.—If the**
16 **Secretary determines as of December**
17 **1, 2015, that the WTC expenditure-to-**
18 **CBO-estimate percentages for fiscal**
19 **years 2009 through 2015 and for fiscal**
20 **years 2012 through 2015 do not ex-**
21 **ceed 90 percent, then, effective Janu-**
22 **ary 1, 2015, the WTC Program Admin-**
23 **istrator may increase the numerical**
24 **limitation under paragraph (5)(A), the**
25 **numerical limitation under section**

1 **3021(a)(5), or both, as in effect after**
2 **the application of subparagraph (A),**
3 **by a number of percentage points not**
4 **to exceed twice the lesser of—**

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

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

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

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

20 **“(ii) one minus a fraction the**
21 **numerator of which is the net**
22 **Federal WTC spending for such**
23 **period, and the denominator of**
24 **which is the CBO WTC spending**

1 estimate under this title for such
2 period.

3 **“(D) DEFINITIONS.—For purposes**
4 **of this paragraph:**

5 **“(i) NET FEDERAL SPENDING.—**
6 **The term ‘net Federal WTC spend-**
7 **ing’ means, with respect to a pe-**
8 **riod of fiscal years, the net Fed-**
9 **eral spending under this title for**
10 **such fiscal years.**

11 **“(ii) CBO WTC SPENDING ESTI-**
12 **MATE UNDER THIS TITLE.—The term**
13 **‘CBO WTC medical spending esti-**
14 **mate under this title’ means, with**
15 **respect to—**

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

18 **“(II) fiscal years 2012**
19 **through 2015, \$1,890,000,000;**
20 **and**

21 **“(III) fiscal years 2009**
22 **through 2015, the sum of the**
23 **amounts specified in sub-**
24 **clauses (I) and (II).**

1 **“(iii) WTC EXPENDITURE-TO-**
2 **CBO-ESTIMATE PERCENTAGE.—The**
3 **term ‘WTC expenditure-to-esti-**
4 **mate percentage’ means, with re-**
5 **spect to a period of fiscal years,**
6 **the ratio (expressed as a percent-**
7 **age) of—**

8 **“(I) the net Federal WTC**
9 **spending for such period, to**

10 **“(II) the CBO WTC spend-**
11 **ing estimate under this title**
12 **for such period.**

13 **“(b) MONITORING BENEFITS.—**

14 **“(1) IN GENERAL.—In the case of an eli-**
15 **gible WTC responder under section**
16 **3011(a)(4) (other than one described in**
17 **subsection (a)(2)(A)(ii)), the WTC pro-**
18 **gram shall provide for monitoring bene-**
19 **fits that include medical monitoring con-**
20 **sistent with protocols approved by the**
21 **WTC Program Administrator and includ-**
22 **ing clinical examinations and long-term**
23 **health monitoring and analysis. In the**
24 **case of an eligible WTC responder who is**
25 **an active member of the Fire Department**

1 of the City of New York, the responder
2 shall receive such benefits as part of the
3 individual's periodic company medical
4 exams.

5 “(2) PROVISION OF MONITORING BENE-
6 FITS.—The monitoring benefits under
7 paragraph (1) shall be provided through
8 the Clinical Center of Excellence for the
9 type of individual involved or, in the case
10 of an individual residing outside the New
11 York metropolitan area, under an ar-
12 rangement under section 3031.

13 “SEC. 3012. TREATMENT OF CERTIFIED ELIGIBLE WTC RE-
14 SPONDERS FOR WTC-RELATED HEALTH CON-
15 DITIONS.

16 “(a) WTC-RELATED HEALTH CONDITION DE-
17 FINED.—

18 “(1) IN GENERAL.—For purposes of this
19 title, the term ‘WTC-related health condi-
20 tion’ means—

21 “(A) an illness or health condition
22 for which exposure to airborne tox-
23 ins, any other hazard, or any other
24 adverse condition resulting from the
25 September 11, 2001, terrorist attacks

1 **on the World Trade Center, based on**
2 **an examination by a medical profes-**
3 **sional with experience in treating or**
4 **diagnosing the medical conditions in-**
5 **cluded in the applicable list of identi-**
6 **fied WTC-related conditions, is sub-**
7 **stantially likely to be a significant**
8 **factor in aggravating, contributing to,**
9 **or causing the illness or health condi-**
10 **tion, as determined under paragraph**
11 **(2); or**

12 **“(B) a mental health condition for**
13 **which such attacks, based on an ex-**
14 **amination by a medical professional**
15 **with experience in treating or diag-**
16 **nosizing the medical conditions in-**
17 **cluded in the applicable list of identi-**
18 **fied WTC-related conditions, is sub-**
19 **stantially likely be a significant fac-**
20 **tor in aggravating, contributing to, or**
21 **causing the condition, as determined**
22 **under paragraph (2).**

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

1 term only includes the mental health con-
2 dition described in subparagraph (B).

3 “(2) DETERMINATION.—The determina-
4 tion of whether the September 11, 2001,
5 terrorist attacks on the World Trade Cen-
6 ter were substantially likely to be a sig-
7 nificant factor in aggravating, contrib-
8 uting to, or causing an individual’s illness
9 or health condition shall be made based
10 on an assessment of the following:

11 “(A) The individual’s exposure to
12 airborne toxins, any other hazard, or
13 any other adverse condition resulting
14 from the terrorist attacks. Such expo-
15 sure shall be—

16 “(i) evaluated and character-
17 ized through the use of a stand-
18 ardized, population appropriate
19 questionnaire approved by the Di-
20 rector of the National Institute
21 for Occupational Safety and
22 Health; and

23 “(ii) assessed and documented
24 by a medical professional with ex-
25 perience in treating or diagnosing

1 **medical conditions included on**
2 **the list of identified WTC-related**
3 **conditions.**

4 **“(B) The type of symptoms and**
5 **temporal sequence of symptoms. Such**
6 **symptoms shall be—**

7 **“(i) assessed through the use**
8 **of a standardized, population ap-**
9 **propriate medical questionnaire**
10 **approved by Director of the Na-**
11 **tional Institute for Occupational**
12 **Safety and Health and a medical**
13 **examination; and**

14 **“(ii) diagnosed and docu-**
15 **mented by a medical professional**
16 **described in subparagraph (A)(ii).**

17 **“(3) LIST OF IDENTIFIED WTC-RELATED**
18 **HEALTH CONDITIONS FOR CERTIFIED ELIGI-**
19 **BLE WTC RESPONDERS.—For purposes of**
20 **this title, the term ‘identified WTC-re-**
21 **lated health condition for eligible WTC**
22 **responders’ means any of the following**
23 **health conditions:**

24 **“(A) AERODIGESTIVE DISORDERS.—**

25 **“(i) Interstitial lung diseases.**

1 **“(ii) Chronic respiratory dis-**
2 **order-fumes/vapors.**

3 **“(iii) Asthma.**

4 **“(iv) Reactive airways dys-**
5 **function syndrome (RADS).**

6 **“(v) WTC-exacerbated chronic**
7 **obstructive pulmonary disease**
8 **(COPD).**

9 **“(vi) Chronic cough syndrome.**

10 **“(vii) Upper airway**
11 **hyperreactivity.**

12 **“(viii) Chronic rhinosinusitis.**

13 **“(ix) Chronic nasopharyngitis.**

14 **“(x) Chronic laryngitis.**

15 **“(xi) Gastro-esophageal reflux**
16 **disorder (GERD).**

17 **“(xii) Sleep apnea exacerbated**
18 **by or related to a condition de-**
19 **scribed in a previous clause.**

20 **“(B) MENTAL HEALTH CONDITIONS.—**

21 **“(i) Post traumatic stress dis-**
22 **order (PTSD).**

23 **“(ii) Major depressive dis-**
24 **order.**

25 **“(iii) Panic disorder.**

1 **“(iv) Generalized anxiety dis-**
2 **order.**

3 **“(v) Anxiety disorder (not oth-**
4 **erwise specified).**

5 **“(vi) Depression (not other-**
6 **wise specified).**

7 **“(vii) Acute stress disorder.**

8 **“(viii) Dysthymic disorder.**

9 **“(ix) Adjustment disorder.**

10 **“(x) Substance abuse.**

11 **“(xi) V codes (treatments not**
12 **specifically related to psychiatric**
13 **disorders, such as marital prob-**
14 **lems, parenting problems etc.),**
15 **secondary to another identified**
16 **WTC-related health condition for**
17 **WTC eligible responders.**

18 **“(C) MUSCULOSKELETAL DIS-**
19 **ORDERS.—**

20 **“(i) Low back pain.**

21 **“(ii) Carpal tunnel syndrome**
22 **(CTS).**

23 **“(iii) Other musculoskeletal**
24 **disorders.**

1 **“(4) ADDITION OF IDENTIFIED WTC-RE-**
2 **LATED HEALTH CONDITIONS FOR ELIGIBLE**
3 **WTC RESPONDERS.—**

4 **“(A) IN GENERAL.—The WTC Pro-**
5 **gram Administrator may promulgate**
6 **regulations to add an illness or health**
7 **condition not described in paragraph**
8 **(3) to be added to the list of identified**
9 **WTC-related conditions for eligible**
10 **WTC responders. In promulgating**
11 **such regulations, the Secretary shall**
12 **provide for notice and opportunity**
13 **for a public hearing and at least 90**
14 **days of public comment. In promul-**
15 **gating such regulations, the WTC Pro-**
16 **gram Administrator shall take into**
17 **account the findings and rec-**
18 **ommendations of Clinical Centers of**
19 **Excellence published in peer re-**
20 **viewed journals in the determination**
21 **of whether an additional illness or**
22 **health condition, such as cancer,**
23 **should be added to the list of identi-**
24 **fied WTC-related health conditions**
25 **for eligible WTC responders.**

1 **“(B) PETITIONS.—Any person (in-**
2 **cluding the WTC Health Program Sci-**
3 **entific/Technical Advisory Com-**
4 **mittee) may petition the WTC Pro-**
5 **gram Administrator to propose regu-**
6 **lations described in subparagraph**
7 **(A). Unless clearly frivolous, or initi-**
8 **ated by such Committee, any such pe-**
9 **tion shall be referred to such Com-**
10 **mittee for its recommendations. Fol-**
11 **lowing—**

12 **“(i) receipt of any rec-**
13 **ommendation of the Committee;**
14 **or**

15 **“(ii) 180 days after the date of**
16 **the referral to the Committee,**
17 **whichever occurs first, the WTC Pro-**
18 **gram Administrator shall conduct a**
19 **rulemaking proceeding on the mat-**
20 **ters proposed in the petition or pub-**
21 **lish in the Federal Register a state-**
22 **ment of reasons for not conducting**
23 **such proceeding.**

24 **“(C) EFFECTIVENESS.—Any addi-**
25 **tion under subparagraph (A) of an ill-**

1 ness or health condition shall apply
2 only with respect to applications for
3 benefits under this title which are
4 filed after the effective date of such
5 regulation.

6 “(D) ROLE OF ADVISORY COM-
7 MITTEE.—Except with respect to a reg-
8 ulation recommended by the WTC
9 Health Program Scientific/Technical
10 Advisory Committee), the WTC Pro-
11 gram Administrator may not propose
12 a regulation under this paragraph,
13 unless the Administrator has first
14 provided to the Committee a copy of
15 the proposed regulation, requested
16 recommendations and comments by
17 the Committee, and afforded the
18 Committee at least 90 days to make
19 such recommendations.

20 “(b) COVERAGE OF TREATMENT FOR WTC-RE-
21 LATED HEALTH CONDITIONS.—

22 “(1) DETERMINATION BASED ON AN IDEN-
23 TIFIED WTC-RELATED HEALTH CONDITION FOR
24 CERTIFIED ELIGIBLE WTC RESPONDERS.—

1 **“(A) IN GENERAL.—If a physician at**
2 **a Clinical Center of Excellence that is**
3 **providing monitoring benefits under**
4 **section 3011 for a certified eligible**
5 **WTC responder determines that the**
6 **responder has an identified WTC-re-**
7 **lated health condition, and the physi-**
8 **cian makes a clinical determination**
9 **that exposure to airborne toxins,**
10 **other hazards, or adverse conditions**
11 **resulting from the 9/11 terrorist at-**
12 **tacks is substantially likely to be a**
13 **significant factor in aggravating, con-**
14 **tributing to, or causing the condi-**
15 **tion—**

16 **“(i) the physician shall**
17 **promptly transmit such deter-**
18 **mination to the WTC Program Ad-**
19 **ministrator and provide the Ad-**
20 **ministrator with the medical facts**
21 **supporting such determination;**
22 **and**

23 **“(ii) on and after the date of**
24 **such transmittal and subject to**
25 **subparagraph (B), the WTC pro-**

1 **gram shall provide for payment**
2 **under subsection (c) for medically**
3 **necessary treatment for such con-**
4 **dition.**

5 **“(B) REVIEW; CERTIFICATION; AP-**
6 **PEALS.—**

7 **“(i) REVIEW.—A Federal em-**
8 **ployee designated by the WTC**
9 **Program Administrator shall re-**
10 **view determinations made under**
11 **subparagraph (A) of a WTC-re-**
12 **lated health condition.**

13 **“(ii) CERTIFICATION.—The Ad-**
14 **ministrator shall provide a certifi-**
15 **cation of such condition based**
16 **upon reviews conducted under**
17 **clause (i). Such a certification**
18 **shall be provided unless the Ad-**
19 **ministrator determines that the**
20 **responder’s condition is not an**
21 **identified WTC-related health**
22 **condition or that exposure to air-**
23 **borne toxins, other hazards, or**
24 **adverse conditions resulting from**
25 **the 9/11 terrorist attacks is not**

1 **substantially likely to be a signifi-**
2 **cant factor in significantly aggra-**
3 **vating, contributing to, or causing**
4 **the condition.**

5 **“(iii) APPEAL PROCESS.—The**
6 **Administrator shall provide a**
7 **process for the appeal of deter-**
8 **minations under clause (ii) before**
9 **an administrative law judge.**

10 **“(2) DETERMINATION BASED ON OTHER**
11 **WTC-RELATED HEALTH CONDITION.—**

12 **“(A) IN GENERAL.—If a physician at**
13 **a Clinical Center of Excellence deter-**
14 **mines pursuant to subsection (a) that**
15 **the certified eligible WTC responder**
16 **has a WTC-related health condition**
17 **that is not an identified WTC-related**
18 **health condition for eligible WTC re-**
19 **sponders—**

20 **“(i) the physician shall**
21 **promptly transmit such deter-**
22 **mination to the WTC Program Ad-**
23 **ministrator and provide the Ad-**
24 **ministrator with the facts sup-**
25 **porting such determination; and**

1 “(ii) the Administrator shall
2 make a determination under sub-
3 paragraph (B) with respect to
4 such physician’s determination.

5 “(B) REVIEW; CERTIFICATION.—

6 “(i) USE OF PHYSICIAN PANEL.—
7 With respect to each determina-
8 tion relating to a WTC-related
9 health condition transmitted
10 under subparagraph (A)(i), the
11 WTC Program Administrator shall
12 provide for the review of the con-
13 dition to be made by a physician
14 panel with appropriate expertise
15 appointed by the WTC Program
16 Administrator. Such a panel shall
17 make recommendations to the Ad-
18 ministrator on the evidence sup-
19 porting such determination.

20 “(ii) REVIEW OF RECOMMENDA-
21 TIONS OF PANEL; CERTIFICATION.—

22 The Administrator, based on such
23 recommendations shall deter-
24 mine, within 60 days after the
25 date of the transmittal under sub-

1 paragraph (A)(i), whether or not
2 the condition is a WTC-related
3 health condition and, if it is, pro-
4 vide for a certification under
5 paragraph (1)(B)(ii) of coverage of
6 such condition. The Adminis-
7 trator shall provide a process for
8 the appeal of determinations that
9 the responder's condition is not a
10 WTC-related health condition be-
11 fore an administrative law judge.

12 **“(3) REQUIREMENT OF MEDICAL NECES-**
13 **SITY.—**

14 **“(A) IN GENERAL.—**In providing
15 treatment for a WTC-health condi-
16 tion, a physician shall provide treat-
17 ment that is medically necessary and
18 in accordance with medical protocols
19 established under subsection (d).

20 **“(B) MEDICALLY NECESSARY STAND-**
21 **ARD.—**For the purpose of this title,
22 health care services shall be treated
23 as medically necessary for an indi-
24 vidual if a physician, exercising pru-
25 dent clinical judgment, would con-

1 **sider the services to be medically nec-**
2 **essary for the individual for the pur-**
3 **pose of evaluating, diagnosing, or**
4 **treating an illness, injury, disease or**
5 **its symptoms, and that are—**

6 **“(i) in accordance with the**
7 **generally accepted standards of**
8 **medical practice;**

9 **“(ii) clinically appropriate, in**
10 **terms of type, frequency, extent,**
11 **site, and duration, and considered**
12 **effective for the individual’s ill-**
13 **ness, injury, or disease; and**

14 **“(iii) not primarily for the**
15 **convenience of the patient or phy-**
16 **sician, or another physician, and**
17 **not more costly than an alter-**
18 **native service or sequence of**
19 **services at least as likely to**
20 **produce equivalent therapeutic**
21 **or diagnostic results as to the di-**
22 **agnosis or treatment of the indi-**
23 **vidual’s illness, injury, or disease.**

24 **“(C) DETERMINATION OF MEDICAL**
25 **NECESSITY.—**

1 **“(i) REVIEW OF MEDICAL NECES-**
2 **SITY.—As part of the reimburse-**
3 **ment payment process under sub-**
4 **section (c), the WTC Program Ad-**
5 **ministrator shall review claims**
6 **for reimbursement for the provi-**
7 **sion of medical treatment to de-**
8 **termine if such treatment is medi-**
9 **cally necessary.**

10 **“(ii) WITHHOLDING OF PAYMENT**
11 **FOR MEDICALLY UNNECESSARY**
12 **TREATMENT.—The Administrator**
13 **may withhold such payment for**
14 **treatment that the Administrator**
15 **determines is not medically nec-**
16 **essary.**

17 **“(iii) REVIEW OF DETERMINA-**
18 **TIONS OF MEDICAL NECESSITY.—The**
19 **Administrator shall provide a**
20 **process for providers to appeal a**
21 **determination under clause (ii)**
22 **that medical treatment is not**
23 **medically necessary. Such ap-**
24 **peals shall be reviewed through**

1 the use of a physician panel with
2 appropriate expertise.

3 **“(4) SCOPE OF TREATMENT COVERED.—**

4 **“(A) IN GENERAL.—**The scope of
5 treatment covered under such para-
6 graphs includes services of physi-
7 cians and other health care pro-
8 viders, diagnostic and laboratory
9 tests, prescription drugs, inpatient
10 and outpatient hospital services, and
11 other medically necessary treatment.

12 **“(B) PHARMACEUTICAL COVERAGE.—**
13 With respect to ensuring coverage of
14 medically necessary outpatient pre-
15 scription drugs, such drugs shall be
16 provided, under arrangements made
17 by the WTC Program Administrator,
18 directly through participating Clin-
19 ical Centers of Excellence or through
20 one or more outside vendors.

21 **“(C) TRANSPORTATION EXPENSES.—**
22 To the extent provided in advance in
23 appropriations Acts, the WTC Pro-
24 gram Administrator may provide for
25 necessary and reasonable transpor-

1 **tation and expenses incident to the**
2 **securing of medically necessary treat-**
3 **ment involving travel of more than**
4 **250 miles and for which payment is**
5 **made under this section in the same**
6 **manner in which individuals may be**
7 **furnished necessary and reasonable**
8 **transportation and expenses incident**
9 **to services involving travel of more**
10 **than 250 miles under regulations im-**
11 **plementing section 3629(c) of the En-**
12 **ergy Employees Occupational Illness**
13 **Compensation Program Act of 2000**
14 **(title XXXVI of Public Law 106-398; 42**
15 **U.S.C. 7384t(c)).**

16 **“(5) PROVISION OF TREATMENT PENDING**
17 **CERTIFICATION.—In the case of a certified**
18 **eligible WTC responder who has been de-**
19 **termined by an examining physician**
20 **under subsection (b)(1) to have an identi-**
21 **fied WTC-related health condition, but**
22 **for whom a certification of the deter-**
23 **mination has not yet been made by the**
24 **WTC Program Administrator, medical**
25 **treatment may be provided under this**

1 subsection, subject to paragraph (6), until
2 the Administrator makes a decision on
3 such certification. Medical treatment pro-
4 vided under this paragraph shall be con-
5 sidered to be medical treatment for
6 which payment may be made under sub-
7 section (c).

8 “(6) PRIOR APPROVAL PROCESS FOR NON-
9 CERTIFIED NON-EMERGENCY INPATIENT HOS-
10 PITAL SERVICES.—Non-emergency inpa-
11 tient hospital services for a WTC-related
12 health condition identified by an exam-
13 ining physician under paragraph (b)(1)
14 that is not certified under paragraph
15 (1)(B)(ii) is not covered unless the serv-
16 ices have been determined to be medi-
17 cally necessary and approved through a
18 process established by the WTC Program
19 Administrator. Such process shall pro-
20 vide for a decision on a request for such
21 services within 15 days of the date of re-
22 ceipt of the request. The WTC Adminis-
23 trator shall provide a process for the ap-
24 peal of a decision that the services are
25 not medically necessary.

1 **“(c) PAYMENT FOR INITIAL HEALTH EVALUA-**
2 **TION, MEDICAL MONITORING, AND TREATMENT OF**
3 **WTC-RELATED HEALTH CONDITIONS.—**

4 **“(1) MEDICAL TREATMENT.—**

5 **“(A) USE OF FECA PAYMENT RATES.—**

6 **Subject to subparagraph (B), the WTC**
7 **Program Administrator shall reim-**
8 **burse costs for medically necessary**
9 **treatment under this title for WTC-re-**
10 **lated health conditions according to**
11 **the payment rates that would apply**
12 **to the provision of such treatment**
13 **and services by the facility under the**
14 **Federal Employees Compensation**
15 **Act.**

16 **“(B) PHARMACEUTICALS.—**

17 **“(i) IN GENERAL.—The WTC**
18 **Program Administrator shall es-**
19 **tablish a program for paying for**
20 **the medically necessary out-**
21 **patient prescription pharma-**
22 **ceuticals prescribed under this**
23 **title for WTC-related conditions**
24 **through one or more contracts**
25 **with outside vendors.**

1 **“(ii) COMPETITIVE BIDDING.—**
2 **Under such program the Adminis-**
3 **trator shall—**

4 **“(I) select one or more ap-**
5 **propriate vendors through a**
6 **Federal competitive bid proc-**
7 **ess; and**

8 **“(II) select the lowest bid-**
9 **der (or bidders) meeting the**
10 **requirements for providing**
11 **pharmaceutical benefits for**
12 **participants in the WTC pro-**
13 **gram.**

14 **“(iii) TREATMENT OF FDNY PAR-**
15 **TICIPANTS.—Under such program**
16 **the Administrator may enter se-**
17 **lect a separate vendor to provide**
18 **pharmaceutical benefits to cer-**
19 **tified eligible WTC responders for**
20 **whom the Clinical Center of Ex-**
21 **cellence is described in section**
22 **3006(b)(1)(A) if such an arrange-**
23 **ment is deemed necessary and**
24 **beneficial to the program by the**
25 **WTC Program Administrator.**

1 **“(C) OTHER TREATMENT.—For**
2 **treatment not covered under a pre-**
3 **ceding subparagraph, the WTC Pro-**
4 **gram Administrator shall designate a**
5 **reimbursement rate for each such**
6 **service.**

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

14 **“(3) ADMINISTRATIVE ARRANGEMENT AU-**
15 **THORITY.—The WTC Program Adminis-**
16 **trator may enter into arrangements with**
17 **other government agencies, insurance**
18 **companies, or other third-party adminis-**
19 **trators to provide for timely and accurate**
20 **processing of claims under this section.**

21 **“(4) CLAIMS PROCESSING SUBJECT TO AP-**
22 **PROPRIATIONS.—The payment by the WTC**
23 **Program Administrator for the proc-**
24 **essing of claims under this title is limited**

1 to the amounts provided in advance in
2 appropriations Acts.

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

4 **“(1) DEVELOPMENT.—The Coordinating**
5 **Centers of Excellence shall develop med-**
6 **ical treatment protocols for the treatment**
7 **of certified eligible WTC responders and**
8 **certified eligible WTC community mem-**
9 **bers for identified WTC-related health**
10 **conditions.**

11 **“(2) APPROVAL.—The WTC Program**
12 **Administrator shall approve the medical**
13 **treatment protocols, in consultation with**
14 **the WTC Health Program Steering Com-**
15 **mittees.**

16 **“PART 2—COMMUNITY PROGRAM**

17 **“SEC. 3021. IDENTIFICATION AND INITIAL HEALTH EVALUA-**
18 **TION OF ELIGIBLE WTC COMMUNITY MEM-**
19 **BERS.**

20 **“(a) ELIGIBLE WTC COMMUNITY MEMBER**
21 **DEFINED.—**

22 **“(1) IN GENERAL.—In this title, the**
23 **term ‘eligible WTC community member’**
24 **means, subject to paragraphs (3) and (5),**
25 **an individual who claims symptoms of a**

1 **WTC-related health condition and is de-**
2 **scribed in any of the following subpara-**
3 **graphs:**

4 **“(A) CURRENTLY IDENTIFIED COM-**
5 **MUNITY MEMBER.—An individual, in-**
6 **cluding an eligible WTC responder,**
7 **who has been identified as eligible**
8 **for medical treatment or monitoring**
9 **by the WTC Environmental Health**
10 **Center as of the date of enactment of**
11 **this title.**

12 **“(B) COMMUNITY MEMBER WHO**
13 **MEETS CURRENT ELIGIBILITY CRITERIA.—**
14 **An individual who is not an eligible**
15 **WTC responder and meets any of the**
16 **current eligibility criteria described**
17 **in a subparagraph of paragraph (2).**

18 **“(C) COMMUNITY MEMBER WHO**
19 **MEETS MODIFIED ELIGIBILITY CRI-**
20 **TERIA.—An individual who is not an**
21 **eligible WTC responder and meets**
22 **such eligibility criteria relating to ex-**
23 **posure to airborne toxins, other haz-**
24 **ards, or adverse conditions resulting**
25 **from the September 11, 2001, terrorist**

1 attacks on the World Trade Center as
2 the WTC Administrator determines
3 eligible, after consultation with the
4 WTC Community Program Steering
5 Committee, Coordinating Centers of
6 Excellence described in section
7 3006(b)(1)(C), and the WTC Scientific/
8 Technical Advisory Committee.

9 The Administrator shall not modify such
10 criteria under subparagraph (C) on or
11 after the date that the number of certifi-
12 cations for eligible community members
13 has reached 80 percent of the limit de-
14 scribed in paragraph (5) or on or after
15 the date that the number of certifications
16 for eligible responders has reached 80
17 percent of the limit described in section
18 3021(a)(5).

19 “(2) CURRENT ELIGIBILITY CRITERIA.—

20 The eligibility criteria described in this
21 paragraph for an individual are that the
22 individual is described in any of the fol-
23 lowing subparagraphs:

24 “(A) A person who was present in
25 the New York City disaster area in

1 **the dust or dust cloud on September**
2 **11, 2001.**

3 **“(B) A person who worked, re-**
4 **sided or attended school, child care**
5 **or adult day care in the New York**
6 **City disaster area for—**

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

11 **“(ii) at least 30 days during**
12 **the period beginning on Sep-**
13 **tember 11, 2001, and ending on**
14 **July 31, 2002.**

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

22 **“(D) A person who was deemed el-**
23 **igible to receive a grant from the**
24 **Lower Manhattan Development Cor-**
25 **poration Residential Grant Program,**

1 **who possessed a lease for a residence**
2 **or purchased a residence in the New**
3 **York City disaster area, and who re-**
4 **sided in such residence during the**
5 **period beginning on September 11,**
6 **2001, and ending on May 31, 2003.**

7 **“(E) A person whose place of em-**
8 **ployment—**

9 **“(i) at any time during the pe-**
10 **riod beginning on September 11,**
11 **2001, and ending on May 31, 2003,**
12 **was in the New York City disaster**
13 **area; and**

14 **“(ii) was deemed eligible to re-**
15 **ceive a grant from the Lower**
16 **Manhattan Development Corpora-**
17 **tion WTC Small Firms Attraction**
18 **and Retention Act program or**
19 **other government incentive pro-**
20 **gram designed to revitalize the**
21 **Lower Manhattan economy after**
22 **the September 11, 2001, terrorist**
23 **attacks on the World Trade Cen-**
24 **ter.**

1 **“(3) APPLICATION PROCESS.—The WTC**
2 **Program Administrator in consultation**
3 **with the Coordinating Centers of Excel-**
4 **lence shall establish a process for indi-**
5 **viduals, other than individuals described**
6 **in paragraph (1)(A), to be determined eli-**
7 **gible WTC community member. Under**
8 **such process—**

9 **“(A) there shall be no fee charged**
10 **to the applicant for making an appli-**
11 **cation for such determination;**

12 **“(B) the Administrator shall make**
13 **a determination on such an applica-**
14 **tion not later than 60 days after the**
15 **date of filing the application; and**

16 **“(C) an individual who is deter-**
17 **mined not to be an eligible WTC com-**
18 **munity member shall have an oppor-**
19 **tunity to appeal such determination**
20 **before an administrative law judge in**
21 **a manner established under such**
22 **process.**

23 **“(4) CERTIFICATION.—**

24 **“(A) IN GENERAL.—In the case of**
25 **an individual who is described in**

1 paragraph (1)(A) or who is deter-
2 mined under paragraph (3) (con-
3 sistent with paragraph (5)) to be an
4 eligible WTC community member, the
5 WTC Program Administrator shall
6 provide an appropriate certification
7 of such fact and of eligibility for fol-
8 lowup monitoring and treatment ben-
9 efits under this part. The Adminis-
10 trator shall make determinations of
11 eligibility relating to an applicant's
12 compliance with this title, including
13 the verification of information sub-
14 mitted in support of the application
15 and shall not deny such a certifi-
16 cation to an individual unless the Ad-
17 ministrator determines that—

18 “(i) based on the application
19 submitted, the individual does not
20 meet the eligibility criteria; or

21 “(ii) the numerical limitation
22 on certification of eligible WTC
23 community members set forth in
24 paragraph (5) has been met.

25 “(B) TIMING.—

1 **“(i) CURRENTLY IDENTIFIED**
2 **COMMUNITY MEMBERS.—In the case**
3 **of an individual who is described**
4 **in paragraph (1)(A), the WTC Pro-**
5 **gram Administrator shall provide**
6 **the certification under subpara-**
7 **graph (A) not later than 60 days**
8 **after the date of the enactment of**
9 **this title.**

10 **“(ii) OTHER MEMBERS.—In the**
11 **case of another individual who is**
12 **determined under paragraph (3)**
13 **and consistent with paragraph (5)**
14 **to be an eligible WTC community**
15 **member, the WTC Program Ad-**
16 **ministrator shall provide the cer-**
17 **tification under subparagraph (A)**
18 **at the time of such determination.**

19 **“(5) NUMERICAL LIMITATION ON CERTIFI-**
20 **CATION OF ELIGIBLE WTC COMMUNITY MEM-**
21 **BERS.—**

22 **“(A) IN GENERAL.—The total num-**
23 **ber of individuals not described in**
24 **subparagraph (C) who may be cer-**
25 **tified as eligible WTC community**

1 **members under paragraph (4) shall**
2 **not exceed 15,000. In applying the**
3 **previous sentence, any individual**
4 **who at any time so qualifies as an eli-**
5 **gible WTC community member shall**
6 **be counted against such numerical**
7 **limitation.**

8 **“(B) PROCESS.—In implementing**
9 **subparagraph (A), the WTC Program**
10 **Administrator shall—**

11 **“(i) limit the number of cer-**
12 **tifications provided under para-**
13 **graph (4) in accordance with such**
14 **subparagraph; and**

15 **“(ii) provide priority in such**
16 **certifications in the order in**
17 **which individuals apply for a de-**
18 **termination under paragraph (4).**

19 **“(C) INDIVIDUALS CURRENTLY RE-**
20 **CEIVING TREATMENT NOT COUNTED.—In-**
21 **dividuals described in this subpara-**
22 **graph are individuals who—**

23 **“(i) are described in para-**
24 **graph (1)(A); or**

1 “(ii) before the date of the en-
2 actment of this title, have re-
3 ceived monitoring or treatment at
4 the World Trade Center Environ-
5 mental Health Center at Bellevue
6 Hospital Center, Gouverneur
7 Health Care Services, or Elmhurst
8 Hospital Center.

9 The New York City Health and Hos-
10 pitals Corporation shall, not later
11 than 6 months after the date of enact-
12 ment of this title, enter into arrange-
13 ments with the Mt. Sinai Data and
14 Clinical Coordination Center for the
15 reporting of medical data concerning
16 eligible WTC responders described in
17 paragraph (1)(A), as determined by
18 the WTC Program Administrator and
19 consistent with applicable Federal
20 and State laws and regulations relat-
21 ing to confidentiality of individually
22 identifiable health information.

23 “(D) REPORT TO CONGRESS IF NU-
24 MERICAL LIMITATION TO BE REACHED.—
25 If the WTC Program Administrator

1 **determines that the number of indi-**
2 **viduals subject to the numerical limi-**
3 **tation of subparagraph (A) is likely to**
4 **exceed such numerical limitation, the**
5 **Administrator shall submit to Con-**
6 **gress a report on such determination.**
7 **Such report shall include an estimate**
8 **of the number of such individuals in**
9 **excess of such numerical limitation**
10 **and of the additional expenditures**
11 **that would result under this title if**
12 **such numerical limitation were re-**
13 **moved.**

14 **“(b) INITIAL HEALTH EVALUATION TO DETER-**
15 **MINE ELIGIBILITY FOR FOLLOWUP MONITORING**
16 **OR TREATMENT.—**

17 **“(1) IN GENERAL.—In the case of a cer-**
18 **tified eligible WTC community member,**
19 **the WTC program shall provide for an**
20 **initial health evaluation to determine if**
21 **the member has a WTC-related health**
22 **condition and is eligible for followup**
23 **monitoring and treatment benefits under**
24 **the WTC program. Initial health evalua-**
25 **tion protocols shall be approved by the**

1 **WTC Program Administrator, in consulta-**
2 **tion with the World Trade Center Envi-**
3 **ronmental Health Center at Bellevue Hos-**
4 **pital and the WTC Community Program**
5 **Steering Committee.**

6 **“(2) INITIAL HEALTH EVALUATION PRO-**
7 **VIDERS.—The initial health evaluation de-**
8 **scribed in paragraph (1) shall be pro-**
9 **vided through a Clinical Center of Excel-**
10 **lence with respect to the individual in-**
11 **volved.**

12 **“(3) LIMITATION ON INITIAL HEALTH**
13 **EVALUATION BENEFITS.—Benefits for initial**
14 **health evaluation under this part for an**
15 **eligible WTC community member shall**
16 **consist only of a single medical initial**
17 **health evaluation consistent with initial**
18 **health evaluation protocols described in**
19 **paragraph (1). Nothing in this paragraph**
20 **shall be construed as preventing such an**
21 **individual from seeking additional med-**
22 **ical initial health evaluations at the ex-**
23 **penditure of the individual.**

1 **“SEC. 3022. FOLLOWUP MONITORING AND TREATMENT OF**
2 **CERTIFIED ELIGIBLE WTC COMMUNITY MEM-**
3 **BERS FOR WTC-RELATED HEALTH CONDI-**
4 **TIONS.**

5 **“(a) IN GENERAL.—Subject to subsection**
6 **(b), the provisions of sections 3011 and 3012**
7 **shall apply to followup monitoring and treat-**
8 **ment of WTC-related health conditions for**
9 **certified eligible WTC community members in**
10 **the same manner as such provisions apply to**
11 **the monitoring and treatment of identified**
12 **WTC-related health conditions for certified el-**
13 **igible WTC responders, except that such mon-**
14 **itoring shall only be available to those cer-**
15 **tified as eligible for treatment under this title.**
16 **Under section 3006(a)(3), the City of New York**
17 **is required to contribute a share of the costs**
18 **of such treatment.**

19 **“(b) LIST OF IDENTIFIED WTC-RELATED**
20 **HEALTH CONDITIONS FOR WTC COMMUNITY**
21 **MEMBERS.—**

22 **“(1) IDENTIFIED WTC-RELATED HEALTH**
23 **CONDITIONS FOR WTC COMMUNITY MEM-**
24 **BERS.—For purposes of this title, the term**
25 **‘identified WTC-related health conditions**

1 **for WTC community members’ means any**
2 **of the following health conditions:**

3 **“(A) AERODIGESTIVE DISORDERS.—**

4 **“(i) Interstitial lung diseases.**

5 **“(ii) Chronic respiratory dis-**
6 **order—fumes/vapors.**

7 **“(iii) Asthma.**

8 **“(iv) Reactive airways dys-**
9 **function syndrome (RADS).**

10 **“(v) WTC-exacerbated chronic**
11 **obstructive pulmonary disease**
12 **(COPD).**

13 **“(vi) Chronic cough syndrome.**

14 **“(vii) Upper airway**
15 **hyperreactivity.**

16 **“(viii) Chronic rhinosinusitis.**

17 **“(ix) Chronic nasopharyngitis.**

18 **“(x) Chronic laryngitis.**

19 **“(xi) Gastro-esophageal reflux**
20 **disorder (GERD).**

21 **“(xii) Sleep apnea exacerbated**
22 **by or related to a condition de-**
23 **scribed in a previous clause.**

24 **“(B) MENTAL HEALTH CONDITIONS.—**

1 “(i) Post traumatic stress dis-
2 order (PTSD).

3 “(ii) Major depressive dis-
4 order.

5 “(iii) Panic disorder.

6 “(iv) Generalized anxiety dis-
7 order.

8 “(v) Anxiety disorder (not oth-
9 erwise specified).

10 “(vi) Depression (not other-
11 wise specified).

12 “(vii) Acute stress disorder.

13 “(viii) Dysthymic disorder.

14 “(ix) Adjustment disorder.

15 “(x) Substance abuse.

16 “(xi) V codes (treatments not
17 specifically related to psychiatric
18 disorders, such as marital prob-
19 lems, parenting problems etc.),
20 secondary to another identified
21 WTC-related health condition for
22 WTC community members.

23 “(2) ADDITIONS TO IDENTIFIED WTC-RE-
24 LATED HEALTH CONDITIONS FOR WTC COMMU-
25 NITY MEMBERS.—The provisions of para-

1 **graph (4) of section 3012(a) shall apply**
2 **with respect to an addition to the list of**
3 **identified WTC-related conditions for eli-**
4 **gible WTC community members under**
5 **paragraph (1) in the same manner as**
6 **such provisions apply to an addition to**
7 **the list of identified WTC-related condi-**
8 **tions for eligible WTC responders under**
9 **section 3012(a)(3).**

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

13 **“(a) IN GENERAL.—Subject to subsection**
14 **(c), the provisions of section 3022 shall apply**
15 **to the followup monitoring and treatment of**
16 **WTC-related health conditions for eligible**
17 **WTC community members in the case of indi-**
18 **viduals described in subsection (b) in the**
19 **same manner as such provisions apply to the**
20 **followup monitoring and treatment of WTC-**
21 **related health conditions for WTC community**
22 **members. Under section 3006(a)(3), the City of**
23 **New York is required to contribute a share of**
24 **the costs of such monitoring and treatment.**

1 **“(b) INDIVIDUALS DESCRIBED.—An indi-**
2 **vidual described in this subsection is an indi-**
3 **vidual who, regardless of location of resi-**
4 **dence—**

5 **“(1) is not a eligible WTC responder**
6 **or an eligible WTC community member;**
7 **and**

8 **“(2) is diagnosed at a Clinical Center**
9 **of Excellence (with respect to an eligible**
10 **WTC community member) with an identi-**
11 **fied WTC-related health condition for**
12 **WTC community members.**

13 **“(c) LIMITATION.—**

14 **“(1) IN GENERAL.—The WTC Program**
15 **Administrator shall limit benefits for any**
16 **fiscal year under subsection (a) in a man-**
17 **ner so that payments under this section**
18 **for such fiscal year do not exceed the**
19 **amount specified in paragraph (2) for**
20 **such fiscal year.**

21 **“(2) LIMITATION.—The amount speci-**
22 **fied in this paragraph for—**

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

1 **“(B) a succeeding fiscal year is**
2 **the amount specified in this para-**
3 **graph for the previous fiscal year in-**
4 **creased by the annual percentage in-**
5 **crease in the medical care component**
6 **of the consumer price index for all**
7 **urban consumers.**

8 **“PART 3—NATIONAL ARRANGEMENT FOR BENE-**
9 **FITS FOR ELIGIBLE INDIVIDUALS OUTSIDE**
10 **NEW YORK**

11 **“SEC. 3031. NATIONAL ARRANGEMENT FOR BENEFITS FOR**
12 **ELIGIBLE INDIVIDUALS OUTSIDE NEW YORK.**

13 **“(a) IN GENERAL.—In order to ensure rea-**
14 **sonable access to benefits under this subtitle**
15 **for individuals who are eligible WTC respond-**
16 **ers or eligible WTC community members and**
17 **who reside in any State, as defined in section**
18 **2(f), outside the New York metropolitan area,**
19 **the WTC Program Administrator shall estab-**
20 **lish a nationwide network of health care pro-**
21 **viders to provide monitoring and treatment**
22 **benefits and initial health evaluations near**
23 **such individuals’ areas of residence in such**
24 **States. Nothing in this subsection shall be**
25 **construed as preventing such individuals**

1 from being provided such monitoring and
2 treatment benefits or initial health evaluation
3 through any Clinical Center of Excellence.

4 “(b) NETWORK REQUIREMENTS.—Any health
5 care provider participating in the network
6 under subsection (a) shall—

7 “(1) meet criteria for credentialing es-
8 tablished by the Coordinating Centers of
9 Excellence;

10 “(2) follow the monitoring, initial
11 health evaluation, and treatment proto-
12 cols developed under section
13 3006(a)(2)(B);

14 “(3) collect and report data in accord-
15 ance with section 3005; and

16 “(4) meet such fraud, quality assur-
17 ance, and other requirements as the WTC
18 Program Administrator establishes.

19 “Subtitle C—Research Into
20 Conditions

21 “SEC. 3041. RESEARCH REGARDING CERTAIN HEALTH CON-
22 DITIONS RELATED TO SEPTEMBER 11 TER-
23 RORIST ATTACKS IN NEW YORK CITY.

24 “(a) IN GENERAL.—With respect to individ-
25 uals, including eligible WTC responders and

1 eligible WTC community members, receiving
2 monitoring or treatment under subtitle B, the
3 WTC Program Administrator shall conduct or
4 support—

5 “(1) research on physical and mental
6 health conditions that may be related to
7 the September 11, 2001, terrorist attacks;

8 “(2) research on diagnosing WTC-re-
9 lated health conditions of such individ-
10 uals, in the case of conditions for which
11 there has been diagnostic uncertainty;
12 and

13 “(3) research on treating WTC-related
14 health conditions of such individuals, in
15 the case of conditions for which there has
16 been treatment uncertainty.

17 The Administrator may provide such support
18 through continuation and expansion of re-
19 search that was initiated before the date of
20 the enactment of this title and through the
21 World Trade Center Health Registry (referred
22 to in section 3051), through a Clinical Center
23 of Excellence, or through a Coordinating Cen-
24 ter of Excellence.

1 **“(b) TYPES OF RESEARCH.—The research**
2 **under subsection (a)(1) shall include epi-**
3 **demiologic and other research studies on**
4 **WTC-related conditions or emerging condi-**
5 **tions—**

6 **“(1) among WTC responders and com-**
7 **munity members under treatment; and**

8 **“(2) in sampled populations outside**
9 **the New York City disaster area in Man-**
10 **hattan as far north as 14th Street and in**
11 **Brooklyn, along with control populations,**
12 **to identify potential for long-term ad-**
13 **verse health effects in less exposed popu-**
14 **lations.**

15 **“(c) CONSULTATION.—The WTC Program**
16 **Administrator shall carry out this section in**
17 **consultation with the WTC Health Program**
18 **Steering Committees and the WTC Scientific/**
19 **Technical Advisory Committee.**

20 **“(d) APPLICATION OF PRIVACY AND HUMAN**
21 **SUBJECT PROTECTIONS.—The privacy and**
22 **human subject protections applicable to re-**
23 **search conducted under this section shall not**
24 **be less than such protections applicable to re-**

1 search otherwise conducted by the National
2 Institutes of Health.

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

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

12 “SEC. 3051. WORLD TRADE CENTER HEALTH REGISTRY.

13 “(a) PROGRAM EXTENSION.—For the pur-
14 pose of ensuring on-going data collection for
15 victims of the September 11, 2001, terrorist at-
16 tacks on the World Trade Center, the WTC
17 Program Administrator, shall extend and ex-
18 pand the arrangements in effect as of January
19 1, 2008, with the New York City Department
20 of Health and Mental Hygiene that provide
21 for the World Trade Center Health Registry.

22 “(b) AUTHORIZATION OF APPROPRIATIONS.—
23 There are authorized to be appropriated
24 \$7,000,000 for each fiscal year to carry out this
25 section.

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

2 **“(a) IN GENERAL.—The WTC Program Ad-**
3 **ministrators may make grants to the New York**
4 **City Department of Health and Mental Hy-**
5 **giene to provide mental health services to ad-**
6 **dress mental health needs relating to the Sep-**
7 **tember 11, 2001, terrorist attacks on the World**
8 **Trade Center.**

9 **“(b) AUTHORIZATION OF APPROPRIATIONS.—**
10 **There are authorized to be appropriated**
11 **\$8,500,000 for each fiscal year to carry out this**
12 **section.”.**

13 **TITLE II—SEPTEMBER 11TH VIC-**
14 **TIM COMPENSATION FUND OF**
15 **2001**

16 **SEC. 201. DEFINITIONS.**

17 **Section 402 of the Air Transportation**
18 **Safety and System Stabilization Act (49 U.S.C.**
19 **40101 note) is amended—**

20 **(1) in paragraph (6) by inserting “, or**
21 **debris removal, including under the**
22 **World Trade Center Health Program es-**
23 **tablished under section 3001 of the Pub-**
24 **lic Health Service Act” after “September**
25 **11, 2001”;**

1 **(2) by inserting after paragraph (6)**
2 **the following new paragraphs and redesi-**
3 **gnating subsequent paragraphs accord-**
4 **ingly:**

5 **“(7) CONTRACTOR AND SUBCON-**
6 **TRACTOR.—The term ‘contractor and sub-**
7 **contractor’ means any contractor or sub-**
8 **contractor (at any tier of a subcon-**
9 **tracting relationship), including any gen-**
10 **eral contractor, construction manager,**
11 **prime contractor, consultant, or any par-**
12 **ent, subsidiary, associated or allied com-**
13 **pany, affiliated company, corporation,**
14 **firm, organization, or joint venture there-**
15 **of that participated in debris removal at**
16 **any 9/11 crash site. Such term shall not**
17 **include any entity, including the Port Au-**
18 **thority of New York and New Jersey,**
19 **with a property interest in the World**
20 **Trade Center, on September 11, 2001,**
21 **whether fee simple, leasehold or ease-**
22 **ment, direct or indirect.**

23 **“(8) DEBRIS REMOVAL.—The term ‘de-**
24 **bris removal’ means rescue and recovery**
25 **efforts, removal of debris, cleanup, reme-**

1 diation, and response during the imme-
2 diate aftermath of the terrorist-related
3 aircraft crashes of September 11, 2001,
4 with respect to a 9/11 crash site.”;

5 (3) by inserting after paragraph (10),
6 as so redesignated, the following new
7 paragraph and redesignating the subse-
8 quent paragraphs accordingly:

9 “(11) IMMEDIATE AFTERMATH.—The
10 term ‘immediate aftermath’ means any
11 period beginning with the terrorist-re-
12 lated aircraft crashes of September 11,
13 2001, and ending on August 30, 2002.”;
14 and

15 (4) by adding at the end the following
16 new paragraph:

17 “(14) 9/11 CRASH SITE.—The term ‘9/11
18 crash site’ means—

19 “(A) the World Trade Center site,
20 Pentagon site, and Shanksville, Penn-
21 sylvania site;

22 “(B) the buildings or portions of
23 buildings that were destroyed as a re-
24 sult of the terrorist-related aircraft
25 crashes of September 11, 2001;

1 “(C) any area contiguous to a site
2 of such crashes that the Special Mas-
3 ter determines was sufficiently close
4 to the site that there was a demon-
5 strable risk of physical harm result-
6 ing from the impact of the aircraft or
7 any subsequent fire, explosions, or
8 building collapses (including the im-
9 mediate area in which the impact oc-
10 curred, fire occurred, portions of
11 buildings fell, or debris fell upon and
12 injured individuals); and

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

16 **SEC. 202. EXTENDED AND EXPANDED ELIGIBILITY FOR**
17 **COMPENSATION.**

18 **(a) INFORMATION ON LOSSES RESULTING**
19 **FROM DEBRIS REMOVAL INCLUDED IN CONTENTS**
20 **OF CLAIM FORM.—Section 405(a)(2)(B) of the**
21 **Air Transportation Safety and System Sta-**
22 **bilization Act (49 U.S.C. 40101 note) is amend-**
23 **ed—**

1 (1) in clause (i), by inserting “, or de-
2 bris removal during the immediate after-
3 math” after “September 11, 2001”;

4 (2) in clause (ii), by inserting “or de-
5 bris removal during the immediate after-
6 math” after “crashes”; and

7 (3) in clause (iii), by inserting “or de-
8 bris removal during the immediate after-
9 math” after “crashes”.

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

14 “(3) **LIMITATION.**—

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

21 “(B) **EXCEPTION.**—A claim may be
22 filed under paragraph (1), in accord-
23 ance with subsection (c)(3)(A)(i), by
24 an individual (or by a personal rep-
25 resentative on behalf of a deceased

1 individual) during the period begin-
2 ning on the date on which the regula-
3 tions are updated under section
4 407(b) and ending on December 22,
5 2031.”.

6 (c) REQUIREMENTS FOR FILING CLAIMS DUR-
7 ING EXTENDED FILING PERIOD.—Section
8 405(c)(3) of such Act is amended—

9 (1) by redesignating subparagraphs
10 (A) and (B) as subparagraphs (B) and (C),
11 respectively; and

12 (2) by inserting before subparagraph
13 (B), as so redesignated, the following new
14 subparagraph:

15 “(A) REQUIREMENTS FOR FILING
16 CLAIMS DURING EXTENDED FILING PE-
17 RIOD.—

18 “(i) TIMING REQUIREMENTS FOR
19 FILING CLAIMS.—An individual (or
20 a personal representative on be-
21 half of a deceased individual) may
22 file a claim during the period de-
23 scribed in subsection (a)(3)(B) as
24 follows:

1 **“(I) In the case that the**
2 **Special Master determines the**
3 **individual knew (or reason-**
4 **ably should have known) be-**
5 **fore the date specified in**
6 **clause (iii) that the individual**
7 **suffered a physical harm at a**
8 **9/11 crash site as a result of**
9 **the terrorist-related aircraft**
10 **crashes of September 11, 2001,**
11 **or as a result of debris re-**
12 **moval, and that the individual**
13 **knew (or should have known)**
14 **before such specified date**
15 **that the individual was eligi-**
16 **ble to file a claim under this**
17 **title, the individual may file a**
18 **claim not later than the date**
19 **that is 2 years after such spec-**
20 **ified date.**

21 **“(II) In the case that the**
22 **Special Master determines the**
23 **individual first knew (or rea-**
24 **sonably should have known)**
25 **on or after the date specified**

1 **in clause (iii) that the indi-**
2 **vidual suffered such a phys-**
3 **ical harm or that the indi-**
4 **vidual first knew (or should**
5 **have known) on or after such**
6 **specified date that the indi-**
7 **vidual was eligible to file a**
8 **claim under this title, the in-**
9 **dividual may file a claim not**
10 **later than the last day of the**
11 **2-year period beginning on**
12 **the date the Special Master**
13 **determines the individual**
14 **first knew (or should have**
15 **known) that the individual**
16 **both suffered from such harm**
17 **and was eligible to file a claim**
18 **under this title.**

19 **“(ii) OTHER ELIGIBILITY RE-**
20 **QUIREMENTS FOR FILING CLAIMS.—**
21 **An individual may file a claim**
22 **during the period described in**
23 **subsection (a)(3)(B) only if—**

24 **“(I) the individual was**
25 **treated by a medical profes-**

1 sional for suffering from a
2 physical harm described in
3 clause (i)(I) within a reason-
4 able time from the date of dis-
5 covering such harm; and

6 “(II) the individual’s phys-
7 ical harm is verified by con-
8 temporaneous medical
9 records created by or at the
10 direction of the medical pro-
11 fessional who provided the
12 medical care.

13 “(iii) DATE SPECIFIED.—The
14 date specified in this clause is the
15 date on which the regulations are
16 updated under section 407(a).”.

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

24 (e) INCLUSION OF PHYSICAL HARM RESULT-
25 ING FROM DEBRIS REMOVAL.—Section 405(c) of

1 such Act is amended in paragraph (2)(A)(ii),
2 by inserting “or debris removal” after “air
3 crash”.

4 (f) LIMITATIONS ON CIVIL ACTIONS.—

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

12 (2) PENDING ACTIONS.—Clause (ii) of
13 such section, as so redesignated, is
14 amended to read as follows:

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

21 “(I) during the period de-
22 scribed in subsection (a)(3)(A)
23 unless such individual with-
24 draws from such action by the
25 date that is 90 days after the

1 **date on which regulations are**
2 **promulgated under section**
3 **407(a); and**

4 **“(II) during the period de-**
5 **scribed in subsection (a)(3)(B)**
6 **unless such individual with-**
7 **draws from such action by the**
8 **date that is 90 days after the**
9 **date on which the regulations**
10 **are updated under section**
11 **407(b).”.**

12 **(3) AUTHORITY TO REINSTITUTE CERTAIN**
13 **LAWSUITS.—Such section, as so redesign-**
14 **ated, is further amended by adding at**
15 **the end the following new clause:**

16 **“(iii) AUTHORITY TO RE-**
17 **INSTITUTE CERTAIN LAWSUITS.—In**
18 **the case of a claimant who was a**
19 **party to a civil action described**
20 **in clause (i), who withdrew from**
21 **such action pursuant to clause**
22 **(ii), and who is subsequently de-**
23 **termined to not be an eligible in-**
24 **dividual for purposes of this sub-**
25 **section, such claimant may re-**

1 institute such action without
2 prejudice during the 90-day pe-
3 riod beginning after the date of
4 such ineligibility determination.”.

5 SEC. 203. REQUIREMENT TO UPDATE REGULATIONS.

6 Section 407 of the Air Transportation
7 Safety and System Stabilization Act (49 U.S.C.
8 40101 note) is amended—

9 (1) by striking “Not later than” and
10 inserting “(a) IN GENERAL.—Not later
11 than”; and

12 (2) by adding at the end the following
13 new subsection:

14 “(b) UPDATED REGULATIONS.—Not later
15 than 90 days after the date of the enactment
16 of the James Zadroga 9/11 Health and Com-
17 pensation Act of 2010, the Special Master shall
18 update the regulations promulgated under
19 subsection (a) to the extent necessary to com-
20 ply with the provisions of title II of such Act.”.

21 SEC. 204. LIMITED LIABILITY FOR CERTAIN CLAIMS.

22 Section 408(a) of the Air Transportation
23 Safety and System Stabilization Act (49 U.S.C.
24 40101 note) is amended by adding at the end
25 the following new paragraphs:

1 **“(4) LIABILITY FOR CERTAIN CLAIMS.—**
2 **Notwithstanding any other provision of**
3 **law, liability for all claims and actions**
4 **(including claims or actions that have**
5 **been previously resolved, that are cur-**
6 **rently pending, and that may be filed**
7 **through December 22, 2031) for compen-**
8 **satory damages, contribution or indem-**
9 **nity, or any other form or type of relief,**
10 **arising from or related to debris removal,**
11 **against the City of New York, any entity**
12 **(including the Port Authority of New**
13 **York and New Jersey) with a property in-**
14 **terest in the World Trade Center on Sep-**
15 **tember 11, 2001 (whether fee simple,**
16 **leasehold or easement, or direct or indi-**
17 **rect) and any contractors and sub-**
18 **contractors, shall not be in an amount**
19 **that exceeds the sum of the following, as**
20 **may be applicable:**

21 **“(A) The amount of funds of the**
22 **WTC Captive Insurance Company, in-**
23 **cluding the cumulative interest.**

24 **“(B) The amount of all available**
25 **insurance identified in schedule 2 of**

1 **the WTC Captive Insurance Company**
2 **insurance policy.**

3 **“(C) As it relates to the limitation**
4 **of liability of the City of New York,**
5 **the amount that is the greater of the**
6 **City of New York’s insurance cov-**
7 **erage or \$350,000,000. In determining**
8 **the amount of the City’s insurance**
9 **coverage for purposes of the previous**
10 **sentence, any amount described in**
11 **clauses (i) and (ii) shall not be in-**
12 **cluded.**

13 **“(D) As it relates to the limitation**
14 **of liability of any entity, including**
15 **the Port Authority of New York and**
16 **New Jersey, with a property interest**
17 **in the World Trade Center on Sep-**
18 **tember 11, 2001 (whether fee simple,**
19 **leasehold or easement, or direct or in-**
20 **direct), the amount of all available li-**
21 **ability insurance coverage main-**
22 **tained by any such entity.**

23 **“(E) As it relates to the limitation**
24 **of liability of any individual con-**
25 **tractor or subcontractor, the amount**

1 of all available liability insurance
2 coverage maintained by such con-
3 tractor or subcontractor on Sep-
4 tember 11, 2001.

5 **“(5) PRIORITY OF CLAIMS PAYMENTS.—**

6 **Payments to plaintiffs who obtain a set-**
7 **tlement or judgment with respect to a**
8 **claim or action to which paragraph (4)(A)**
9 **applies, shall be paid solely from the fol-**
10 **lowing funds in the following order, as**
11 **may be applicable:**

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

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

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

24 **“(D) If there are no funds avail-**
25 **able as described in clause (i), (ii),**

1 (iii), or (iv) of paragraph (4)(A), the
2 funds described in clause (v) of such
3 paragraph.

4 **“(6) DECLARATORY JUDGMENT ACTIONS**
5 **AND DIRECT ACTION.—Any party to a claim**
6 **or action to which paragraph (4)(A) ap-**
7 **plies may, with respect to such claim or**
8 **action, either file an action for a declara-**
9 **tory judgment for insurance coverage or**
10 **bring a direct action against the insur-**
11 **ance company involved.”.**

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

13 **Section 406 of the Air Transportation**
14 **Safety and System Stabilization Act (49 U.S.C.**
15 **40101 note) is amended—**

16 (1) in subsection (a), by striking “Not
17 later than” and inserting “Subject to sub-
18 section (d), not later than”;

19 (2) in subsection (b), by striking “This
20 title” and inserting “Subject to subsection
21 (d), this title”; and

22 (3) by adding at the end the following
23 new subsections:

24 **“(d) LIMITATION.—The total payment of**
25 **amounts for compensation under this title,**

1 with respect to claims filed on or after the
2 date on which the regulations are updated
3 under section 407(b), shall not exceed
4 \$8,400,000,000.

5 “(e) ATTORNEY FEES.—

6 “(1) IN GENERAL.—Notwithstanding
7 any contract, and except as provided in
8 paragraph (2), the representative of an
9 individual may not charge, for services
10 rendered in connection with the claim of
11 an individual under this title, more than
12 10 percent of an award made under this
13 title on such claim.

14 “(2) EXCEPTION.—With respect to a
15 claim made on behalf of an individual for
16 whom a lawsuit was filed in the Southern
17 District of New York prior to January 1,
18 2009, in the event that the representative
19 believes in good faith that the fee limit
20 set by paragraph (1) will not provide ade-
21 quate compensation for services ren-
22 dered in connection with such claim be-
23 cause of the substantial amount of legal
24 work provided on behalf of the claimant
25 (including work performed before the en-

1 **actment of this legislation), application**
2 **for greater compensation may be made to**
3 **the Special Master. Upon such applica-**
4 **tion, the Special Master may, in his or**
5 **her discretion, award as reasonable com-**
6 **penetration for services rendered an**
7 **amount greater than that allowed for in**
8 **paragraph (1). Such fee award will be**
9 **final, binding, and non-appealable.”.**

Union Calendar No. 321

11TH CONGRESS
2^D SESSION

H. R. 847

[Report No. 111-560, Parts I and II]

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.

JULY 22, 2010

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed