

COMMITTEE PRINT

(SHOWING THE TEXT OF H.R. 847 AS FORWARDED BY THE SUBCOMMITTEE
ON HEALTH ON MARCH 16, 2010)

111TH CONGRESS
1ST SESSION

H. R. 847

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

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
8 this 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 XXXI—WORLD TRADE CENTER HEALTH PROGRAM

“Subtitle A—Establishment of Program; Advisory Committee

“Sec. 3101. Establishment of World Trade Center Health Program within
NIOSH.

“Sec. 3102. WTC Health Program Scientific/Technical Advisory Com-
mittee; WTC Health Program Steering Committees.

“Sec. 3103. Community education and outreach.

“Sec. 3104. Uniform data collection and analysis.

“Sec. 3105. Clinical Centers of Excellence and Data Centers.

“Sec. 3106. Definitions.

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

“PART 1—WTC RESPONDERS

“Sec. 3111. Identification of eligible WTC responders and provision of
WTC-related monitoring services.

“Sec. 3112. Treatment of certified-eligible WTC responders for WTC-re-
lated health conditions.

“Sec. 3113. National arrangement for benefits for eligible individuals out-
side New York.

“PART 2—WTC SURVIVORS

“Sec. 3121. Identification and initial health evaluation of screening-Eligi-
ble and certified-Eligible WTC Survivors.

“Sec. 3122. Followup monitoring and treatment of certified-eligible WTC
survivors for WTC-related health conditions.

“Sec. 3123. Followup monitoring and treatment of other individuals with
WTC-related health conditions.

“PART 3—PAYOR PROVISIONS

- “Sec. 3131. Payment of claims.
- “Sec. 3132. Administrative arrangement authority.

“Subtitle C—Research Into Conditions

- “Sec. 3141. Research regarding certain health conditions related to September 11 terrorist attacks in New York City.
- “Sec. 3142. World Trade Center Health Registry.

“Subtitle D—Funding

- “Sec. 3151. 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 XXXI—WORLD TRADE**
7 **CENTER HEALTH PROGRAM**
8 **“Subtitle A—Establishment of**
9 **Program; Advisory Committee**

10 **“SEC. 3101. ESTABLISHMENT OF WORLD TRADE CENTER**
11 **HEALTH PROGRAM WITHIN NIOSH.**

12 “(a) IN GENERAL.—There is hereby established with-
13 in the National Institute for Occupational Safety and
14 Health a program to be known as the ‘World Trade Center
15 Health Program’ (in this title referred to as the ‘WTC
16 program’), which shall be administered by the Director of

1 the National Institute for Occupational Safety and Health,
2 or a designee of such Director, to provide—

3 “(1) medical monitoring and treatment benefits
4 to eligible emergency responders and recovery and
5 cleanup workers (including those who are Federal
6 employees) who responded to the September 11,
7 2001, terrorist attacks on the World Trade Center;
8 and

9 “(2) initial health evaluation, monitoring, and
10 treatment benefits to residents and other building
11 occupants and area workers in New York City who
12 were directly impacted and adversely affected by
13 such attacks.

14 “(b) COMPONENTS OF PROGRAM.—The WTC pro-
15 gram includes the following components:

16 “(1) MEDICAL MONITORING FOR RESPOND-
17 ERS.—Medical monitoring under section 3111, in-
18 cluding clinical examinations and long-term health
19 monitoring and analysis for responders who were
20 likely to have been exposed to airborne toxins that
21 were released, or to other hazards, as a result of the
22 September 11, 2001, terrorist attacks on the World
23 Trade Center.

24 “(2) INITIAL HEALTH EVALUATION FOR SUR-
25 VIVORS.—An initial health evaluation under section

1 3121, including an evaluation to determine eligibility
2 for followup monitoring and treatment.

3 “(3) FOLLOWUP MONITORING AND TREATMENT
4 FOR WTC-RELATED HEALTH CONDITIONS FOR RE-
5 SPONDERS AND SURVIVORS.—Provision under sec-
6 tions 3112, 3122, and 3123 of followup monitoring
7 and treatment and payment, subject to the provi-
8 sions of subsection (d), for all medically necessary
9 health and mental health care expenses (including
10 necessary prescription drugs) of individuals with a
11 WTC-related health condition.

12 “(4) OUTREACH.—Establishment under section
13 3103 of an outreach program to potentially eligible
14 individuals concerning the benefits under this title.

15 “(5) CLINICAL DATA COLLECTION AND ANAL-
16 YSIS.—Collection and analysis under section 3104 of
17 health and mental health data relating to individuals
18 receiving medical monitoring or treatment benefits
19 in a uniform manner in collaboration with the collec-
20 tion of epidemiological data under section 3142.

21 “(6) RESEARCH ON WTC CONDITIONS.—Estab-
22 lishment under subtitle C of a research program on
23 health conditions resulting from the September 11,
24 2001, terrorist attacks on the World Trade Center.

1 “(c) NO COST SHARING.—Monitoring and treatment
2 benefits and initial health evaluation benefits are provided
3 under subtitle B without any deductibles, copayments, or
4 other cost sharing to an eligible WTC responder or cer-
5 tified-eligible WTC survivor. Initial health evaluation ben-
6 efits are provided under subtitle B without any
7 deductibles, copayments, or other cost sharing to a screen-
8 ing-eligible WTC survivor.

9 “(d) FRAUD PREVENTION.—The Inspector General
10 of the Department of Health and Human Services shall
11 develop and implement a program to review the Program’s
12 health care expenditures to detect fraudulent or duplicate
13 billing and payment for inappropriate services. This title
14 is a Federal health care program (as defined in section
15 1128B(f) of the Social Security Act) and is a health plan
16 (as defined in section 1128C(c) of such Act) for purposes
17 of applying sections 1128 through 1128E of such Act. Any
18 funds recovered pursuant to this subsection shall be depos-
19 ited into the World Trade Center Health Program Fund.

20 “(e) QUALITY ASSURANCE.—The WTC Program Ad-
21 ministrator working with the Clinical Centers of Excel-
22 lence shall develop and implement a quality assurance pro-
23 gram for the medical monitoring and treatment delivered
24 by such Centers of Excellence and any other participating
25 health care providers. Such program shall include—

1 “(1) adherence to medical monitoring and
2 treatment protocols;

3 “(2) appropriate diagnostic and treatment re-
4 ferrals for participants;

5 “(3) prompt communication of test results to
6 participants; and

7 “(4) such other elements as the Administrator
8 specifies in consultation with the Clinical Centers of
9 Excellence.

10 “(f) ANNUAL PROGRAM REPORT.—

11 “(1) IN GENERAL.—Not later than 6 months
12 after the end of each fiscal year in which the WTC
13 program is in operation, the WTC Program Admin-
14 istrator shall submit an annual report to the Con-
15 gress on the operations of this title for such fiscal
16 year and for the entire period of operation of the
17 program.

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

21 “(A) ELIGIBLE INDIVIDUALS.—Informa-
22 tion for each clinical program described in para-
23 graph (3)—

24 “(i) on the number of individuals who
25 applied for certification under subtitle B

1 and the number of such individuals who
2 were so certified;

3 “(ii) of the individuals who were cer-
4 tified, on the number who received medical
5 monitoring under the program and the
6 number of such individuals who received
7 medical treatment under the program;

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

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

16 “(B) MONITORING, INITIAL HEALTH EVAL-
17 UATION, AND TREATMENT COSTS.—For each
18 clinical program so described—

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

1 “(ii) an estimate of the cost of med-
2 ical treatment for WTC-related health con-
3 ditions that have been paid for or reim-
4 bursed by workers’ compensation, by public
5 or private health plans, or by New York
6 City under section 3131.

7 “(C) ADMINISTRATIVE COSTS.—Informa-
8 tion on the cost of administering the program,
9 including costs of program support, data collec-
10 tion and analysis, and research conducted under
11 the program.

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

15 “(i) the performance of the program
16 in 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
20 participating in the program.

21 “(E) SCIENTIFIC REPORTS.—A summary
22 of the findings of any new scientific reports or
23 studies on the health effects associated with ex-
24 posure described in section 3106(1), including

1 the findings of research conducted under sec-
2 tion 3141(a).

3 “(F) ADVISORY COMMITTEE REC-
4 OMMENDATIONS.—A list of recommendations by
5 the WTC Scientific/Technical Advisory Com-
6 mittee on additional WTC program eligibility
7 criteria and on additional WTC-related health
8 conditions and the action of the WTC Program
9 Administrator concerning each such rec-
10 ommendation.

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

15 “(A) FIREFIGHTERS AND RELATED PER-
16 SONNEL.—The benefits provided for eligible
17 WTC responders described in section
18 3111(a)(2)(A).

19 “(B) OTHER ELIGIBLE WTC RESPOND-
20 ERS.—The benefits provided for eligible WTC
21 responders not described in subparagraph (A).

22 “(C) ELIGIBLE WTC SURVIVORS.—The
23 benefits provided for screening-eligible WTC
24 survivors and certified-eligible WTC survivors
25 in section 3121(a).

1 “(g) NOTIFICATION TO CONGRESS UPON REACHING
2 80 PERCENT OF ELIGIBILITY NUMERICAL LIMITS OR 80
3 PERCENT OF AUTHORIZED EXPENDITURES.—The WTC
4 Program Administrator shall promptly notify the Congress
5 of each of the following:

6 “(1) When the number of certifications for eli-
7 gible WTC responders subject to the limit estab-
8 lished under section 3111(a)(5) has reached 80 per-
9 cent of such limit.

10 “(2) When the number of certifications for cer-
11 tified-eligible WTC survivors subject to the limit es-
12 tablished under section 3121(a)(3) has reached 80
13 percent of such limit.

14 “(3) When the total amount of funds expended
15 to carry out this title has reached 80 percent of the
16 amount available for expenditure from amounts re-
17 quired to be deposited under section 3151(a)(2)(A).

18 “(h) CONSULTATION.—The WTC Program Adminis-
19 trator shall engage in ongoing outreach and consultation
20 with relevant stakeholders, including the WTC Health
21 Program Steering Committees and the Advisory Com-
22 mittee under section 3102, regarding the implementation
23 and improvement of programs under this title.

1 **“SEC. 3102. WTC HEALTH PROGRAM SCIENTIFIC/TECH-**
2 **NICAL ADVISORY COMMITTEE; WTC HEALTH**
3 **PROGRAM STEERING COMMITTEES.**

4 “(a) ADVISORY COMMITTEE.—

5 “(1) ESTABLISHMENT.—The WTC Program
6 Administrator shall establish an advisory committee
7 to be known as the WTC Health Program Scientific/
8 Technical Advisory Committee (in this subsection re-
9 ferred to as the ‘Advisory Committee’) to review sci-
10 entific and medical evidence and to make rec-
11 ommendations to the Administrator on additional
12 WTC program eligibility criteria and on additional
13 WTC-related health conditions.

14 “(2) COMPOSITION.—The WTC Program Ad-
15 ministrator shall appoint the members of the Advi-
16 sory Committee and shall include at least—

17 “(A) 4 occupational physicians, at least 2
18 of whom have experience treating WTC rescue
19 and recovery workers;

20 “(B) 1 physician with expertise in pul-
21 monary medicine;

22 “(C) 2 environmental medicine or environ-
23 mental health specialists;

24 “(D) 2 representatives of eligible WTC re-
25 sponders;

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

3 “(F) an industrial hygienist;

4 “(G) a toxicologist;

5 “(H) an epidemiologist; and

6 “(I) a mental health professional.

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

10 “(4) REPORTS.—The WTC Program Adminis-
11 trator shall provide for publication of recommenda-
12 tions of the Advisory Committee on the public Web
13 site established for the WTC program.

14 “(5) DURATION.—Notwithstanding any other
15 provision of law, the Advisory Committee shall con-
16 tinue in operation during the period in which the
17 WTC program is in operation.

18 “(6) APPLICATION OF FACA.—Except as other-
19 wise specifically provided, the Advisory Committee
20 shall be subject to the Federal Advisory Committee
21 Act.

22 “(b) WTC HEALTH PROGRAM STEERING COMMIT-
23 TEES.—

24 “(1) CONSULTATION.—The WTC Program Ad-
25 ministrators shall consult with 2 steering committees

1 (each in this section referred to as a ‘Steering Com-
2 mittee’) that are established as follows:

3 “(A) WTC RESPONDERS STEERING COM-
4 MITTEE.—One Steering Committee, to be
5 known as the WTC Responders Steering Com-
6 mittee, for the purpose of receiving input from
7 affected stakeholders and facilitating the coordi-
8 nation of medical monitoring and treatment
9 programs for the eligible WTC responders
10 under part 1 of subtitle B.

11 “(B) WTC SURVIVORS STEERING COM-
12 MITTEE.—One Steering Committee, to be
13 known as the WTC Survivors Steering Com-
14 mittee, for the purpose of receiving input from
15 affected stakeholders and facilitating the coordi-
16 nation of initial health evaluations, monitoring,
17 and treatment programs for screening-eligible
18 and certified-eligible WTC survivors under part
19 2 of subtitle B.

20 “(2) MEMBERSHIP.—

21 “(A) WTC RESPONDERS STEERING COM-
22 MITTEE.—

23 “(i) REPRESENTATION.—The WTC
24 Responders Steering Committee shall in-
25 clude—

1 “(I) representatives of the Cen-
2 ters of Excellence providing services
3 to eligible WTC responders;

4 “(II) representatives of labor or-
5 ganizations representing firefighters,
6 police, other New York City employ-
7 ees, and recovery and cleanup workers
8 who responded to the September 11,
9 2001, terrorist attacks on the World
10 Trade Center; and

11 “(III) 3 representatives of the
12 City of New York, 1 of whom will be
13 selected by the Police Commissioner
14 of the City of New York, 1 by the
15 Health Commissioner of the City of
16 New York, and 1 by the Mayor of the
17 City of New York.

18 “(ii) INITIAL MEMBERSHIP.—The
19 WTC Responders Steering Committee shall
20 initially be composed of members of the
21 WTC Monitoring and Treatment Program
22 Steering Committee (as in existence on the
23 day before the date of the enactment of
24 this title).

1 “(B) WTC SURVIVORS STEERING COM-
2 MITTEE.—

3 “(i) REPRESENTATION.—The WTC
4 Survivors Steering Committee shall include
5 representatives of—

6 “(I) the Centers of Excellence
7 providing services to screening-eligible
8 and certified-eligible WTC survivors;

9 “(II) the population of residents,
10 students, and area and other workers
11 affected by the September 11, 2001,
12 terrorist attacks on the World Trade
13 Center;

14 “(III) screening-eligible and cer-
15 tified-eligible survivors receiving initial
16 health evaluations, monitoring, or
17 treatment under part 2 of subtitle B
18 and organizations advocating on their
19 behalf; and

20 “(IV) the City of New York.

21 “(ii) INITIAL MEMBERSHIP.—The
22 WTC Survivors Steering Committee shall
23 initially be composed of members of the
24 WTC Environmental Health Center Sur-
25 vivor Advisory Committee (as in existence

1 on the day before the date of the enact-
2 ment of this title).

3 “(C) **ADDITIONAL APPOINTMENTS.**—Each
4 Steering Committee may recommend, if ap-
5 proved by a majority of voting members of the
6 Committee, additional members to the Com-
7 mittee.

8 “(D) **VACANCIES.**—A vacancy in a Steer-
9 ing Committee shall be filled by an individual
10 recommended by the Steering Committee.

11 “(3) **RELATION TO FAC.**—Each Steering Com-
12 mittee shall not be subject to the Federal Advisory
13 Committee Act.

14 **“SEC. 3103. COMMUNITY EDUCATION AND OUTREACH.**

15 “(a) **IN GENERAL.**—The WTC Program Adminis-
16 trator shall institute a program that provides education
17 and outreach on the existence and availability of services
18 under the WTC program. The outreach and education
19 program—

20 “(1) shall include—

21 “(A) the establishment of a public Web
22 site with information about the WTC program;

23 “(B) meetings with potentially eligible pop-
24 ulations;

1 “(C) development and dissemination of
2 outreach materials informing people about the
3 program; and

4 “(D) the establishment of phone informa-
5 tion services; and

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

7 “(A) to reach all affected populations; and

8 “(B) to include materials for culturally and
9 linguistically diverse populations.

10 “(b) PARTNERSHIPS.—To the greatest extent pos-
11 sible, in carrying out this section, the WTC Program Ad-
12 ministrators shall enter into partnerships with local govern-
13 ments and organizations with experience performing out-
14 reach to the affected populations, including community-
15 and labor-based organizations.

16 **“SEC. 3104. UNIFORM DATA COLLECTION AND ANALYSIS.**

17 “(a) IN GENERAL.—The WTC Program Adminis-
18 trator shall provide for the uniform collection of data (and
19 analysis of data and regular reports to the Administrator)
20 on the prevalence of WTC-related health conditions and
21 the identification of new WTC-related medical conditions.
22 Such data shall be collected for all individuals provided
23 monitoring or treatment benefits under subtitle B and re-
24 gardless of their place of residence or Clinical Center of
25 Excellence through which the benefits are provided. The

1 WTC Program Administrator shall provide, through the
2 Data Centers or otherwise, for the integration of such data
3 into the monitoring and treatment program activities
4 under this title.

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

10 “(c) COLLABORATION WITH WTC HEALTH REG-
11 ISTRY.—The WTC Program Administrator shall provide
12 for collaboration between the Data Centers and the World
13 Trade Center Health Registry described in section 3142.

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

21 **“SEC. 3105. CLINICAL CENTERS OF EXCELLENCE AND DATA**
22 **CENTERS.**

23 “(a) IN GENERAL.—

24 “(1) CONTRACTS WITH CLINICAL CENTERS OF
25 EXCELLENCE.—The WTC Program Administrator

1 shall, subject to subsection (b)(1)(B), enter into con-
2 tracts with Clinical Centers of Excellence (as defined
3 in subsection (b)(1)(A))—

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

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

12 “(C) for the provision of counseling for
13 benefits under subtitle B, with respect to WTC-
14 related health conditions, for individuals eligible
15 for such benefits;

16 “(D) for the provision of counseling for
17 benefits for WTC-related health conditions that
18 may be available under workers’ compensation
19 or other benefit programs for work-related inju-
20 ries or illnesses, health insurance, disability in-
21 surance, or other insurance plans or through
22 public or private social service agencies and as-
23 sisting eligible individuals in applying for such
24 benefits;

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

4 “(F) for the collection and reporting of
5 data in accordance with section 3104.

6 “(2) CONTRACTS WITH DATA CENTERS.—

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

11 “(i) for receiving, analyzing, and re-
12 porting to the WTC Program Adminis-
13 trator on data, in accordance with section
14 3104, that have been collected and re-
15 ported to such Data Centers by the cor-
16 responding Clinical Centers of Excellence
17 under subsection (b)(1)(B)(iii);

18 “(ii) for the development of medical
19 monitoring, initial health evaluation, and
20 treatment protocols, with respect to WTC-
21 related health conditions;

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

1 “(iv) for establishing criteria for the
2 credentialing of medical providers partici-
3 pating in the nationwide network under
4 section 3113;

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 Excel-
11 lence to obtain input on the analysis and
12 reporting of data collected under subpara-
13 graph (A) and on the development of med-
14 ical monitoring, initial health evaluation,
15 and treatment protocols under subpara-
16 graph (B).

17 “(B) MEDICAL PROVIDER SELECTION.—
18 The medical providers under clause (iv) shall be
19 selected by the WTC Program Administrator on
20 the basis of their experience treating or diag-
21 nosing the medical conditions included in the
22 list of identified WTC-related health conditions
23 for eligible WTC responders and of identified
24 WTC-related health conditions for WTC sur-
25 vivors.

1 “(C) CLINICAL DISCUSSIONS.—In carrying
2 out subparagraph (A)(ii), a Data Center shall
3 engage in clinical discussions across the WTC
4 program to guide treatment approaches for in-
5 dividuals with a WTC-related health condition
6 described in section 3112(a)(1)(A) and WTC-
7 related mental health condition described in sec-
8 tion 3112(a)(1)(B).

9 “(D) TRANSPARENCY OF DATA.—A con-
10 tract entered into under this subsection with a
11 Data Center shall require the Data Center to
12 make any data collected and reported to such
13 Center under subsection (b)(1)(B)(iii) available
14 to health researchers and others as provided in
15 the CDC/ATSDR Policy on Releasing and
16 Sharing Data.

17 “(3) AUTHORITY FOR CONTRACTS TO BE CLASS
18 SPECIFIC.—A contract entered into under this sub-
19 section with a Clinical Center of Excellence or a
20 Data Center may be with respect to one or more
21 class of eligible WTC responders, screening-eligible
22 WTC survivors, or certified-eligible WTC survivors.

23 “(b) CENTERS OF EXCELLENCE.—

24 “(1) CLINICAL CENTERS OF EXCELLENCE.—

1 “(A) DEFINITION.—For purposes of this
2 title, the term ‘Clinical Center of Excellence’
3 means a Center that demonstrates to the satis-
4 faction of the Administrator that the Center—

5 “(i) uses an integrated, centralized
6 health care provider approach to create a
7 comprehensive suite of health services
8 under this title that are accessible to eligi-
9 ble WTC responders, screening-eligible
10 WTC survivors, or certified-eligible WTC
11 survivors;

12 “(ii) has experience in caring for
13 WTC responders and community cohorts
14 or includes health care providers who have
15 been trained pursuant to section 3113(e);

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

22 “(iv) meets such other requirements
23 as specified by the Administrator.

24 “(B) CONTRACT REQUIREMENTS.—The
25 WTC Program Administrator shall not enter

1 into a contract with a Clinical Center of Excel-
2 lence under subsection (a)(1) unless the Center
3 agrees to do each of the following:

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

9 “(ii) Provide for the coordination of
10 monitoring and treatment benefits under
11 subtitle B with routine medical care pro-
12 vided for the treatment of conditions other
13 than WTC-related health conditions.

14 “(iii) Collect and report to the cor-
15 responding Data Center data in accordance
16 with section 3104(b).

17 “(iv) Have in place safeguards against
18 fraud that are satisfactory to the Adminis-
19 trator.

20 “(v) Treat or refer for treatment all
21 individuals who are eligible WTC respon-
22 ders or certified-eligible WTC survivors with
23 respect to such Center who present them-
24 selves for treatment of a WTC-related
25 health condition.

1 “(vi) Have in place safeguards, con-
2 sistent with section 3104(c), to ensure the
3 confidentiality of an individual’s individ-
4 ually identifiable health information, in-
5 cluding requiring that such information
6 not be disclosed to the individual’s em-
7 ployer without the authorization of the in-
8 dividual.

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

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

20 “(ix) Communicate with eligible WTC
21 responders and screening-eligible and cer-
22 tified-eligible WTC survivors in appropriate
23 languages and conducting outreach activi-
24 ties with relevant stakeholder worker or
25 community associations.

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

4 “(C) TRANSITION RULE TO ENSURE CON-
5 TINUITY OF CARE.—The WTC Program Admin-
6 istrator shall to the maximum extent feasible
7 ensure continuity of care in any period of tran-
8 sition from medical monitoring and treatment
9 of an eligible WTC responder or certified-eligi-
10 ble WTC survivor by a provider to a Clinical
11 Center of Excellence or a health care provider
12 participating in the nationwide network under
13 section 3113.

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

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

24 “(c) PAYMENT FOR INFRASTRUCTURE COSTS.—

1 “(1) IN GENERAL.—The WTC Program Admin-
2 istrator shall reimburse a Clinical Center of Excel-
3 lence for the fixed infrastructure costs of such Cen-
4 ter in carrying out the activities described in subtitle
5 B at a rate negotiated by the Administrator and
6 such Centers. Such negotiated rate shall be fair and
7 appropriate and take into account the number of
8 WTC responders receiving services from such Center
9 under this title.

10 “(2) FIXED INFRASTRUCTURE COSTS.—For
11 purposes of paragraph (1), the term ‘fixed infra-
12 structure costs’ means, with respect to a Clinical
13 Center of Excellence, the costs incurred by such
14 Center that are not reimbursable by the WTC Pro-
15 gram Administrator under section 3112(c).

16 **“SEC. 3106. DEFINITIONS.**

17 “‘In this title:

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

1 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 re-
5 sponder’ means an individual who has been certified
6 as an eligible WTC responder under section
7 3111(a)(4).

8 “(3) The term ‘certified-eligible WTC survivor’
9 has the meaning given such term in section
10 3121(a)(2).

11 “(4) The terms ‘Clinical Center of Excellence’
12 and ‘Data Center’ have the meanings given such
13 terms in section 3105.

14 “(5) The term ‘eligible WTC responder’ is de-
15 fined in section 3111(a).

16 “(6) The term ‘initial health evaluation’ in-
17 cludes, with respect to an individual, a medical and
18 exposure history, a physical examination, and addi-
19 tional medical testing as needed to evaluate whether
20 the individual has a WTC-related health condition
21 and is eligible for treatment under the WTC pro-
22 gram.

23 “(7) The term ‘list of identified WTC-related
24 health conditions’ means—

1 “(A) for eligible WTC responders, the
2 identified WTC-related health conditions for eli-
3 gible WTC responders under section 3112(a)(3)
4 or 3112(a)(4); or

5 “(B) for screening-eligible and certified-eli-
6 gible WTC survivors, the identified WTC-re-
7 lated health conditions for certified-eligible
8 WTC survivors under section 3122(b)(1) or
9 3122(b)(2).

10 “(8) The term ‘New York City disaster area’
11 means the area within New York City that is—

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

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

17 “(9) The term ‘New York metropolitan area’
18 means an area, specified by the WTC Program Ad-
19 ministrator, within which eligible WTC responders
20 and eligible WTC survivors who reside in such area
21 are reasonably able to access monitoring and treat-
22 ment benefits and initial health evaluation benefits
23 under this title through a Clinical Center of Excel-
24 lence described in subparagraphs (A), (B), or (C) of
25 section 3105(b)(1).

1 “(10) The term ‘screening-eligible WTC sur-
2 vivor’ has the meaning given such term in section
3 3121(a)(2).

4 “(11) Any reference to ‘September 11, 2001’
5 shall be deemed a reference to the period on such
6 date subsequent to the terrorist attacks on the
7 World Trade Center on such date.

8 “(12) The term ‘September 11, 2001, terrorist
9 attacks on the World Trade Center’ means the ter-
10 rorist attacks that occurred on September 11, 2001,
11 in New York City and includes the aftermath of
12 such attacks.

13 “(13) The term ‘WTC Health Program Steer-
14 ing Committee’ means such a Steering Committee
15 established under section 3002(b).

16 “(14) The term ‘WTC Program Administrator’
17 means the individual responsible under section
18 3101(f) for the administration of the WTC program.

19 “(15) The term ‘WTC-related health condition’
20 is defined in section 3112(a).

21 “(16) The term ‘WTC Scientific/Technical Ad-
22 visory Committee’ means such Committee estab-
23 lished under section 3102(a).

1 **“Subtitle B—Program of Moni-**
2 **toring, Initial Health Evalua-**
3 **tions, and Treatment**

4 **“PART 1—WTC RESPONDERS**

5 **“SEC. 3111. 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 title,
10 the term ‘eligible WTC responder’ means any of the
11 following individuals, subject to paragraph (5):

12 “(A) CURRENTLY IDENTIFIED RE-
13 SPONDER.—An individual who has been identi-
14 fied as eligible for medical monitoring under the
15 arrangements as in effect on the date of the en-
16 actment of this title between the National Insti-
17 tute for Occupational Safety and Health and—

18 “(i) the consortium coordinated by
19 Mt. Sinai Hospital in New York City that
20 coordinates the monitoring and treatment
21 for eligible WTC responders other than
22 with respect to those covered under the ar-
23 rangement with the Fire Department of
24 New York City; or

1 “(ii) the Fire Department of New
2 York City.

3 “(B) RESPONDER WHO MEETS CURRENT
4 ELIGIBILITY CRITERIA.—An individual who
5 meets the current eligibility criteria described in
6 paragraph (2).

7 “(C) RESPONDER WHO MEETS MODIFIED
8 ELIGIBILITY CRITERIA.—An individual who—

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

18 “(ii) meets such eligibility criteria re-
19 lating to exposure to airborne toxins, other
20 hazards, or adverse conditions resulting
21 from the September 11, 2001, terrorist at-
22 tacks on the World Trade Center as the
23 WTC Program Administrator, after con-
24 sultation with the WTC Scientific/Tech-

1 nical Advisory Committee, determines ap-
2 propriate.

3 The WTC Program Administrator shall not
4 modify such eligibility criteria on or after the
5 date that the number of certifications for eligi-
6 ble responders has reached 80 percent of the
7 limit described in paragraph (5) or on or after
8 the date that the number of certifications for
9 certified-eligible WTC survivors under section
10 3121(a)(2)(B) has reached 80 percent of the
11 limit described in section 3121(a)(3).

12 “(2) CURRENT ELIGIBILITY CRITERIA.—The
13 eligibility criteria described in this paragraph for an
14 individual is that the individual is described in either
15 of the following categories:

16 “(A) FIREFIGHTERS AND RELATED PER-
17 SONNEL.—The individual—

18 “(i) was a member of the Fire De-
19 partment of New York City (whether fire
20 or emergency personnel, active or retired)
21 who participated at least one day in the
22 rescue and recovery effort at any of the
23 former World Trade Center sites (includ-
24 ing Ground Zero, Staten Island landfill,
25 and the New York City Chief Medical Ex-

1 aminer’s Office) for any time during the
2 period beginning on September 11, 2001,
3 and ending on July 31, 2002; or

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

11 “(II) received any treatment for a
12 WTC-related mental health condition de-
13 scribed in section 3112(a)(1)(B) on or be-
14 fore September 1, 2008.

15 “(B) LAW ENFORCEMENT OFFICERS AND
16 WTC RESCUE, RECOVERY, AND CLEANUP WORK-
17 ERS.—The individual—

18 “(i) worked or volunteered onsite in
19 rescue, recovery, debris cleanup, or related
20 support services in lower Manhattan (south
21 of Canal St.), the Staten Island Landfill,
22 or the barge loading piers, for at least 4
23 hours during the period beginning on Sep-
24 tember 11, 2001, and ending on Sep-
25 tember 14, 2001, for at least 24 hours

1 during the period beginning on September
2 11, 2001, and ending on September 30,
3 2001, or for at least 80 hours during the
4 period beginning on September 11, 2001,
5 and ending on July 31, 2002;

6 “(ii)(I) was a member of the Police
7 Department of New York City (whether
8 active or retired) or a member of the Port
9 Authority Police of the Port Authority of
10 New York and New Jersey (whether active
11 or retired) who participated onsite in res-
12 cue, recovery, debris cleanup, or related
13 services in lower Manhattan (south of
14 Canal St.), including Ground Zero, the
15 Staten Island Landfill or the barge loading
16 piers, for at least 4 hours during the pe-
17 riod beginning September 11, 2001, and
18 ending on September 14, 2001;

19 “(II) participated onsite in rescue, re-
20 covery, debris cleanup, or related services
21 in at Ground Zero, the Staten Island
22 Landfill or the barge loading piers, for at
23 least one day during the period beginning
24 on September 11, 2001, and ending on
25 July 31, 2002;

1 “(III) participated onsite in rescue,
2 recovery, debris cleanup, or related services
3 in lower Manhattan (south of Canal St.)
4 for at least 24 hours during the period be-
5 ginning on September 11, 2001, and end-
6 ing on September 30, 2001; or

7 “(IV) participated onsite in rescue, re-
8 covery, debris cleanup, or related services
9 in lower Manhattan (south of Canal St.)
10 for at least 80 hours during the period be-
11 ginning on September 11, 2001, and end-
12 ing on July 31, 2002;

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

22 “(iv) was a worker in the Port Au-
23 thority Trans-Hudson Corporation Tunnel
24 for at least 24 hours during the period be-

1 ginning on February 1, 2002, and ending
2 on July 1, 2002; or

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

12 “(3) APPLICATION PROCESS.—The WTC Pro-
13 gram Administrator shall establish a process for in-
14 dividuals, other than eligible WTC responders de-
15 scribed in paragraph (1)(A), to apply to be deter-
16 mined to be eligible WTC responders. Under such
17 process—

18 “(A) there shall be no fee charged to the
19 applicant for making an application for such
20 determination;

21 “(B) the Administrator shall make a deter-
22 mination on such an application not later than
23 60 days after the date of filing the application;
24 and

1 “(C) an individual who is determined not
2 to be an eligible WTC responder shall have an
3 opportunity to appeal such determination in a
4 manner established under such process.

5 “(4) CERTIFICATION.—

6 “(A) IN GENERAL.—In the case of an indi-
7 vidual who is described in paragraph (1)(A) or
8 who is determined under paragraph (3) (con-
9 sistent with paragraph (5)) to be an eligible
10 WTC responder, the WTC Program Adminis-
11 trator shall provide an appropriate certification
12 of such fact and of eligibility for monitoring
13 and treatment benefits under this part. The Ad-
14 ministrators shall make determinations of eligi-
15 bility relating to an applicant’s compliance with
16 this title and shall not deny such a certification
17 to an individual unless the Administrator deter-
18 mines that—

19 “(i) based on the application sub-
20 mitted, the individual does not meet the
21 eligibility criteria; or

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

25 “(B) TIMING.—

1 “(i) CURRENTLY IDENTIFIED RE-
2 SPONDERS.—In the case of an individual
3 who is described in paragraph (1)(A), the
4 WTC Program Administrator shall provide
5 the certification under subparagraph (A)
6 not later than 60 days after the date of the
7 enactment of this title.

8 “(ii) OTHER RESPONDERS.—In the
9 case of another individual who is deter-
10 mined under paragraph (3) and consistent
11 with paragraph (5) to be an eligible WTC
12 responder, the WTC Program Adminis-
13 trator shall provide the certification under
14 subparagraph (A) at the time of the deter-
15 mination.

16 “(5) NUMERICAL LIMITATION ON ELIGIBLE
17 WTC RESPONDERS.—

18 “(A) IN GENERAL.—The total number of
19 individuals not described in paragraph (1)(A)
20 who may be certified as eligible WTC respond-
21 ers under paragraph (4), shall be subject to
22 amounts made available under section 3151 and
23 shall not exceed 15,000, of which no more than
24 2,500 may be individuals certified based on
25 modified eligibility criteria established under

1 paragraph (1)(C). In applying the previous sen-
2 tence, any individual who at any time so quali-
3 fies as an eligible WTC responder shall be
4 counted against such numerical limitation.

5 “(B) PROCESS.—In implementing subpara-
6 graph (A), the WTC Program Administrator
7 shall—

8 “(i) limit the number of certifications
9 provided under paragraph (4)—

10 “(I) in accordance with such sub-
11 paragraph; and

12 “(II) to such number, as deter-
13 mined by the Administrator based on
14 the best available information and
15 subject to amounts available under
16 section 3151, that will ensure suffi-
17 cient funds will be available to provide
18 treatment and monitoring benefits
19 under this title, with respect to all in-
20 dividuals receiving such certifications
21 through the end of the period de-
22 scribed in section 3151(a)(2)(A); and

23 “(ii) provide priority in such certifi-
24 cations in the order in which individuals

1 apply for a determination under paragraph
2 (3).

3 “(b) MONITORING BENEFITS.—

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

16 “(2) PROVISION OF MONITORING BENEFITS.—

17 The monitoring benefits under paragraph (1) shall
18 be provided through the Clinical Center of Excel-
19 lence for the type of individual involved or, in the
20 case of an individual residing outside the New York
21 metropolitan area, under an arrangement under sec-
22 tion 3113.

1 **“SEC. 3112. TREATMENT OF CERTIFIED-ELIGIBLE WTC RE-**
2 **SPONDERS FOR WTC-RELATED HEALTH CON-**
3 **DITIONS.**

4 “(a) WTC-RELATED HEALTH CONDITION DE-
5 FINED.—

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

8 “(A) an illness or health condition for
9 which exposure to airborne toxins, any other
10 hazard, or any other adverse condition resulting
11 from the September 11, 2001, terrorist attacks
12 on the World Trade Center, based on an exam-
13 ination by a medical professional with experi-
14 ence in treating or diagnosing the medical con-
15 ditions included in the applicable list of identi-
16 fied WTC-related health conditions, is substan-
17 tially likely to be a significant factor in aggra-
18 vating, contributing to, or causing the illness or
19 health condition, as determined under para-
20 graph (2); or

21 “(B) a mental health condition for which
22 such attacks, based on an examination by a
23 medical professional with experience in treating
24 or diagnosing the medical conditions included in
25 the applicable list of identified WTC-related
26 health conditions, is substantially likely to be a

1 significant factor in aggravating, contributing
2 to, or causing the condition, as determined
3 under paragraph (2).

4 In the case of an eligible WTC responder described
5 in section 3111(a)(2)(A)(ii), such term only includes
6 the mental health condition described in subpara-
7 graph (B).

8 “(2) DETERMINATION.—The determination of
9 whether the September 11, 2001, terrorist attacks
10 on the World Trade Center were substantially likely
11 to be a significant factor in aggravating, contrib-
12 uting to, or causing an individual’s illness or health
13 condition shall be made based on an assessment of
14 the following:

15 “(A) The individual’s exposure to airborne
16 toxins, any other hazard, or any other adverse
17 condition resulting from the terrorist attacks.
18 Such exposure shall be—

19 “(i) evaluated and characterized
20 through the use of a standardized, popu-
21 lation-appropriate questionnaire approved
22 by the Director of the National Institute
23 for Occupational Safety and Health; and

24 “(ii) assessed and documented by a
25 medical professional with experience in

1 treating or diagnosing medical conditions
2 included on the list of identified WTC-re-
3 lated health conditions.

4 “(B) The type of symptoms and temporal
5 sequence of symptoms. Such symptoms shall
6 be—

7 “(i) assessed through the use of a
8 standardized, population-appropriate med-
9 ical questionnaire approved by the Director
10 of the National Institute for Occupational
11 Safety and Health and a medical examina-
12 tion; and

13 “(ii) diagnosed and documented by a
14 medical professional described in subpara-
15 graph (A)(ii).

16 “(3) IDENTIFIED WTC-RELATED HEALTH CON-
17 DITIONS FOR ELIGIBLE WTC RESPONDERS.—For
18 purposes of this title, the term ‘identified WTC-re-
19 lated health condition for eligible WTC responders’
20 means any of the following health conditions:

21 “(A) AERODIGESTIVE DISORDERS.—

22 “(i) Interstitial lung diseases.

23 “(ii) Chronic respiratory disorder-
24 fumes/vapors.

25 “(iii) Asthma.

1 “(iv) Reactive airways dysfunction
2 syndrome (RADS).

3 “(v) WTC-exacerbated chronic ob-
4 structive pulmonary disease (COPD).

5 “(vi) Chronic cough syndrome.

6 “(vii) Upper airway hyperreactivity.

7 “(viii) Chronic rhinosinusitis.

8 “(ix) Chronic nasopharyngitis.

9 “(x) Chronic laryngitis.

10 “(xi) Gastro-esophageal reflux dis-
11 order (GERD).

12 “(xii) Sleep apnea exacerbated by or
13 related to a condition described in a pre-
14 vious clause.

15 “(B) MENTAL HEALTH CONDITIONS.—

16 “(i) Posttraumatic stress disorder
17 (PTSD).

18 “(ii) Major depressive disorder.

19 “(iii) Panic disorder.

20 “(iv) Generalized anxiety disorder.

21 “(v) Anxiety disorder (not otherwise
22 specified).

23 “(vi) Depression (not otherwise speci-
24 fied).

25 “(vii) Acute stress disorder.

1 “(viii) Dysthymic disorder.

2 “(ix) Adjustment disorder.

3 “(x) Substance abuse.

4 “(xi) V codes (treatments not specifi-
5 cally related to psychiatric disorders, such
6 as marital problems, parenting problems,
7 etc.), secondary to another identified
8 WTC-related health condition for eligible
9 WTC responders.

10 “(4) MUSCULOSKELETAL DISORDERS.—

11 “(A) IN GENERAL.—For purposes of this
12 title, in the case of an eligible WTC responder
13 who received any treatment for a WTC-related
14 musculoskeletal disorder on or before Sep-
15 tember 11, 2003, the term ‘identified WTC-re-
16 lated health condition for eligible WTC respon-
17 ders’ shall include:

18 “(i) Low back pain.

19 “(ii) Carpal tunnel syndrome (CTS).

20 “(iii) Other musculoskeletal disorders.

21 “(B) DEFINITION.—The term ‘WTC-re-
22 lated musculoskeletal disorder’ means a chronic
23 or recurrent disorder of the musculoskeletal
24 system caused by heavy lifting or repetitive
25 strain on the joints or musculoskeletal system

1 occurring during rescue or recovery efforts in
2 the New York City disaster area in the after-
3 math of the September 11, 2001, terrorist at-
4 tacks on the World Trade Center.

5 “(5) ADDITION OF IDENTIFIED WTC-RELATED
6 HEALTH CONDITIONS FOR ELIGIBLE WTC RESPOND-
7 ERS.—

8 “(A) IN GENERAL.—Whenever the WTC
9 Program Administrator determines that a pro-
10 posed rule should be promulgated to add a
11 health condition to the list of identified WTC-
12 related health conditions for eligible WTC re-
13 sponders described in paragraph (3), the Ad-
14 ministrator may request a recommendation of
15 the Advisory Committee or may publish such a
16 proposed rule in the Federal Register in accord-
17 ance with subparagraph (D).

18 “(B) ADMINISTRATOR’S OPTIONS AFTER
19 RECEIPT OF PETITION.—In the case that the
20 WTC Program Administrator receives a written
21 petition by an interested party to add a health
22 condition to the list of identified WTC-related
23 health conditions for eligible WTC responders
24 described in paragraph (3), not later than 60

1 days after the date of receipt of such petition
2 the Administrator shall—

3 “(i) request a recommendation of the
4 Advisory Committee;

5 “(ii) publish a proposed rule in the
6 Federal Register to add such health condi-
7 tion, in accordance with subparagraph (D);
8 or

9 “(iii) publish in the Federal Register
10 the Administrator’s determination not to
11 publish such a proposed rule and the basis
12 for such determination.

13 “(C) ACTION BY ADVISORY COMMITTEE.—

14 In the case that the Administrator requests a
15 recommendation of the Advisory Committee
16 under this paragraph, with respect to adding a
17 health condition to the list described in para-
18 graph (3), the Advisory Committee shall submit
19 to the Administrator such recommendation not
20 later than 60 days after the date of such re-
21 quest or by such date (not to exceed 180 days
22 after such date of request) as specified by the
23 Administrator. Not later than 60 days after the
24 date of receipt of such recommendation, the Ad-
25 ministrator shall, in accordance with subpara-

1 graph (D), publish in the Federal Register a
2 proposed rule with respect to such recommenda-
3 tion or a determination not to propose such a
4 proposed rule and the basis for such determina-
5 tion.

6 “(D) PUBLICATION.—The WTC Program
7 Administrator shall, with respect to any pro-
8 posed rule under this paragraph—

9 “(i) publish such proposed rule in ac-
10 cordance with section 553 of title 5,
11 United States Code; and

12 “(ii) provide interested parties a pe-
13 riod of 30 days after such publication to
14 submit written comments on the proposed
15 rule.

16 The WTC Program Administrator may extend
17 the period described in clause (ii) upon a find-
18 ing of good cause. In the case of such an exten-
19 sion, the Administrator shall publish such ex-
20 tension in the Federal Register.

21 “(E) INTERESTED PARTY DEFINED.—For
22 purposes of this paragraph, the term ‘interested
23 party’ includes a representative of any organi-
24 zation representing the certified-eligible WTC
25 responders, a nationally recognized medical as-

1 sociation, a Clinical or Data Center, a State or
2 political subdivision, or any other interested
3 person.

4 “(6) CANCER.—

5 “(A) IN GENERAL.—The WTC Program
6 Administrator shall periodically conduct a re-
7 view of all available scientific and medical evi-
8 dence, including findings and recommendations
9 of Clinical Centers of Excellence, published in
10 peer-reviewed journals to determine if, based on
11 such evidence, cancer or a certain type of can-
12 cer should be added to the list of identified
13 WTC-related health conditions for eligible WTC
14 responders under paragraph (3) or certified-eli-
15 gible WTC survivors under section 3122(b)(2).
16 The WTC Program Administrator shall conduct
17 the first review under this subparagraph not
18 later than 180 days after the enactment of this
19 title.

20 “(B) PROPOSED REGULATIONS AND RULE-
21 MAKING.—Based on the periodic reviews under
22 subparagraph (A), if the WTC Program Admin-
23 istrator determines that cancer or a certain
24 type of cancer should be added to such list of
25 identified WTC-related health conditions, the

1 WTC Program Administrator shall propose reg-
2 ulations, through rulemaking, to add cancer or
3 the certain type of cancer to such list.

4 “(C) FINAL REGULATIONS.—Based on all
5 the available evidence in the rulemaking record,
6 the WTC Program Administrator shall make a
7 final determination of whether cancer or a cer-
8 tain type of cancer should be added to such list
9 of identified WTC-related health conditions. If
10 such a determination is made to make such an
11 addition, the WTC Program Administrator
12 shall by regulation add cancer or the certain
13 type of cancer to such list.

14 “(D) DETERMINATIONS NOT TO ADD CAN-
15 CER OR CERTAIN TYPES OF CANCER.—In the
16 case that the WTC Program Administrator de-
17 termines under subparagraph (B) or (C) that
18 cancer or a certain type of cancer should not be
19 added to such list of identified WTC-related
20 health conditions, the WTC Program Adminis-
21 trator shall publish an explanation for such de-
22 termination in the Federal Register. Any such
23 determination to not make such an addition
24 shall not preclude the addition of cancer or the

1 certain type of cancer to such list at a later
2 date.

3 “(b) COVERAGE OF TREATMENT FOR WTC-RELATED
4 HEALTH CONDITIONS.—

5 “(1) DETERMINATION FOR CERTIFIED-ELIGI-
6 BLE WTC RESPONDERS BASED ON AN IDENTIFIED
7 WTC-RELATED HEALTH CONDITION.—

8 “(A) IN GENERAL.—If a physician at a
9 Clinical Center of Excellence that is providing
10 monitoring benefits under section 3111 for a
11 certified-eligible WTC responder determines
12 that the responder has an identified WTC-re-
13 lated health condition for eligible WTC respon-
14 ders, and the physician makes a clinical deter-
15 mination that exposure to airborne toxins, other
16 hazards, or adverse conditions resulting from
17 the 9/11 terrorist attacks is substantially likely
18 to be a significant factor in aggravating, con-
19 tributing to, or causing the condition—

20 “(i) the physician shall promptly
21 transmit such determination to the WTC
22 Program Administrator and provide the
23 Administrator with the medical facts sup-
24 porting such determination; and

1 “(ii) on and after the date of such
2 transmittal and subject to subparagraph
3 (B), the WTC program shall provide for
4 payment under subsection (c) for medically
5 necessary treatment for such condition.

6 “(B) REVIEW; CERTIFICATION; AP-
7 PEALS.—

8 “(i) REVIEW.—A Federal employee
9 designated by the WTC Program Adminis-
10 trator shall review determinations made
11 under subparagraph (A) of a WTC-related
12 health condition.

13 “(ii) CERTIFICATION.—The Adminis-
14 trator shall provide a certification of such
15 condition based upon reviews conducted
16 under clause (i). Such a certification shall
17 be provided unless the Administrator de-
18 termines that the responder’s condition is
19 not an identified WTC-related health con-
20 dition for eligible WTC responders or that
21 exposure to airborne toxins, other hazards,
22 or adverse conditions resulting from the 9/
23 11 terrorist attacks is not substantially
24 likely to be a significant factor in signifi-

1 cantly aggravating, contributing to, or
2 causing the condition.

3 “(iii) APPEAL PROCESS.—The Admin-
4 istrator shall establish, by rule, a process
5 for the appeal of determinations under
6 clause (ii).

7 “(2) DETERMINATION BASED ON OTHER WTC-
8 RELATED HEALTH CONDITION.—

9 “(A) IN GENERAL.—If a physician at a
10 Clinical Center of Excellence determines pursu-
11 ant to subsection (a) that the certified-eligible
12 WTC responder has a WTC-related health con-
13 dition that is not an identified WTC-related
14 health condition for eligible WTC responders
15 but which is medically associated with a WTC-
16 related health condition—

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

22 “(ii) the Administrator shall make a
23 determination under subparagraph (B)
24 with respect to such physician’s determina-
25 tion.

1 “(B) PROCEDURES FOR REVIEW, CERTIFI-
2 CATION, AND APPEAL.—The WTC Program Ad-
3 ministrators shall, by rule, establish procedures
4 for the review and certification of physician de-
5 terminations relating to WTC-related health
6 conditions made under subparagraph (A)(i).
7 Such rule shall provide for—

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

13 “(ii) not later than 60 days after the
14 date of the transmittal under subpara-
15 graph (A)(i), a determination by the WTC
16 Program Administrator on whether or not
17 the condition involved is a WTC-related
18 health condition;

19 “(iii) certification under paragraph
20 (1)(B)(ii) of coverage of such condition if
21 determined to be a WTC-related health
22 condition; and

23 “(iv) a process for appeals of deter-
24 minations relating to such conditions.

25 “(3) REQUIREMENT OF MEDICAL NECESSITY.—

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

7 “(B) REGULATIONS RELATING TO MED-
8 ICAL NECESSITY.—For the purpose of this title,
9 the WTC Program Administrator shall issue
10 regulations specifying a standard for deter-
11 mining medical necessity with respect to health
12 care services and prescription pharmaceuticals,
13 a process for determining whether treatment
14 furnished and pharmaceuticals prescribed under
15 this title meet such standard (including any
16 prior authorization requirement), and a process
17 for appeal of a determination under subpara-
18 graph (C)(ii).

19 “(C) DETERMINATION OF MEDICAL NE-
20 CESSITY.—

21 “(i) REVIEW OF MEDICAL NECES-
22 SITY.—As part of the reimbursement pay-
23 ment process under subsection (c), the
24 WTC Program Administrator shall provide
25 for the review of claims for reimbursement

1 for the provision of medical treatment to
2 determine if such treatment is medically
3 necessary.

4 “(ii) WITHHOLDING OF PAYMENT FOR
5 MEDICALLY UNNECESSARY TREATMENT.—

6 The Administrator shall withhold such
7 payment for treatment that the Adminis-
8 trator determines is not medically nec-
9 essary.

10 “(4) SCOPE OF TREATMENT COVERED.—

11 “(A) IN GENERAL.—The scope of treat-
12 ment covered under such paragraphs includes
13 services of physicians and other health care pro-
14 viders, diagnostic and laboratory tests, prescrip-
15 tion drugs, inpatient and outpatient hospital
16 services, and other medically necessary treat-
17 ment.

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

1 “(C) TRANSPORTATION EXPENSES FOR
2 NATIONWIDE NETWORK.—The WTC Program
3 Administrator may provide for necessary and
4 reasonable transportation and expenses incident
5 to the securing of medically necessary treat-
6 ment through the nationwide network under
7 section 3113 involving travel of more than 250
8 miles and for which payment is made under this
9 section in the same manner in which individuals
10 may be furnished necessary and reasonable
11 transportation and expenses incident to services
12 involving travel of more than 250 miles under
13 regulations implementing section 3629(c) of the
14 Energy Employees Occupational Illness Com-
15 pensation Program Act of 2000 (title XXXVI
16 of Public Law 106–398; 42 U.S.C. 7384t(e)).

17 “(5) PROVISION OF TREATMENT PENDING CER-
18 TIFICATION.—With respect to an eligible WTC re-
19 sponder who has been determined by an examining
20 physician under paragraph (1) to have an identified
21 WTC-related health condition for eligible WTC re-
22 sponders, but for whom the WTC Program Adminis-
23 trator has not yet determined whether to certify the
24 determination, the WTC Program Administrator
25 may establish by rule a process through which the

1 Administrator may approve the provision of medical
2 treatment under this subsection (and payment under
3 subsection (c)) with respect to such responder and
4 condition (under such terms and conditions as the
5 Administrator may provide) until the Administrator
6 makes a decision on whether to certify the deter-
7 mination.

8 “(c) PAYMENT FOR INITIAL HEALTH EVALUATION,
9 MEDICAL MONITORING, AND TREATMENT OF WTC-RE-
10 LATED HEALTH CONDITIONS.—

11 “(1) MEDICAL TREATMENT.—

12 “(A) USE OF FECA PAYMENT RATES.—
13 Subject to subparagraph (B), the WTC Pro-
14 gram Administrator shall reimburse costs for
15 medically necessary treatment under this title
16 for WTC-related health conditions according to
17 the payment rates that would apply to the pro-
18 vision of such treatment and services by the fa-
19 cility under the Federal Employees Compensa-
20 tion Act.

21 “(B) PHARMACEUTICALS.—

22 “(i) IN GENERAL.—The WTC Pro-
23 gram Administrator shall establish a pro-
24 gram for paying for the medically nec-
25 essary outpatient prescription pharma-

1 ceuticals prescribed under this title for
2 WTC-related health conditions through one
3 or more contracts with outside vendors.

4 “(ii) COMPETITIVE BIDDING.—Under
5 such program the Administrator shall—

6 “(I) select one or more appro-
7 priate vendors through a Federal com-
8 petitive bid process; and

9 “(II) select the lowest bidder (or
10 bidders) meeting the requirements for
11 providing pharmaceutical benefits for
12 participants in the WTC program.

13 “(iii) TREATMENT OF FDNY PARTICI-
14 PANTS.—Under such program the Admin-
15 istrator may enter into an agreement with
16 a separate vendor to provide pharma-
17 ceutical benefits to certified-eligible WTC
18 responders for whom the Clinical Center of
19 Excellence is described in section 3105 if
20 such an arrangement is deemed necessary
21 and beneficial to the program by the WTC
22 Program Administrator.

23 “(C) OTHER TREATMENT.—For treatment
24 not covered under a preceding subparagraph,
25 the WTC Program Administrator shall establish

1 by regulation a reimbursement rate for each
2 such service.

3 “(2) MEDICAL MONITORING AND INITIAL
4 HEALTH EVALUATION.—The WTC Program Admin-
5 istrator shall reimburse the costs of medical moni-
6 toring and the costs of an initial health evaluation
7 provided under this title at a rate set by the Admin-
8 istrator by regulation.

9 “(d) MEDICAL TREATMENT PROTOCOLS.—

10 “(1) DEVELOPMENT.—The Data Centers shall
11 develop medical treatment protocols for the treat-
12 ment of certified-eligible WTC responders and cer-
13 tified-eligible WTC survivors for health conditions
14 included in the applicable list of identified WTC-re-
15 lated health conditions.

16 “(2) APPROVAL.—The WTC Program Adminis-
17 trator shall approve the medical treatment protocols.

18 **“SEC. 3113. NATIONAL ARRANGEMENT FOR BENEFITS FOR**
19 **ELIGIBLE INDIVIDUALS OUTSIDE NEW YORK.**

20 “(a) IN GENERAL.—In order to ensure reasonable ac-
21 cess to benefits under this subtitle for individuals who are
22 eligible WTC responders, screening-eligible WTC sur-
23 vivors, or certified-eligible WTC survivors and who reside
24 in any State, as defined in section 2(f), outside the New
25 York metropolitan area, the WTC Program Administrator

1 shall establish a nationwide network of health care pro-
2 viders to provide monitoring and treatment benefits and
3 initial health evaluations near such individuals' areas of
4 residence in such States. Nothing in this subsection shall
5 be construed as preventing such individuals from being
6 provided such monitoring and treatment benefits or initial
7 health evaluation through any Clinical Center of Excel-
8 lence.

9 “(b) NETWORK REQUIREMENTS.—Any health care
10 provider participating in the network under subsection (a)
11 shall—

12 “(1) meet criteria for credentialing established
13 by the Data Centers;

14 “(2) follow the monitoring, initial health evalua-
15 tion, and treatment protocols developed under sec-
16 tion 3105(a)(2)(A)(ii);

17 “(3) collect and report data in accordance with
18 section 3104; and

19 “(4) meet such fraud, quality assurance, and
20 other requirements as the WTC Program Adminis-
21 trator establishes, including sections 1128 through
22 1128E of the Social Security Act, as applied by sec-
23 tion 3101(d).

24 “(c) TRAINING AND TECHNICAL ASSISTANCE.—The
25 WTC Program Administer may provide, including through

1 contract, for the provision of training and technical assist-
2 ance to health care providers participating in the network
3 under subsection (a).

4 **“PART 2—WTC SURVIVORS**

5 **“SEC. 3121. IDENTIFICATION AND INITIAL HEALTH EVALUA-**
6 **TION OF SCREENING-ELIGIBLE AND CER-**
7 **TIFIED-ELIGIBLE WTC SURVIVORS.**

8 “(a) IDENTIFICATION OF SCREENING-ELIGIBLE WTC
9 SURVIVORS AND CERTIFIED-ELIGIBLE WTC SUR-
10 VIVORS.—

11 “(1) SCREENING-ELIGIBLE WTC SURVIVORS.—

12 “(A) DEFINITION.—In this title, the term
13 ‘screening-eligible WTC survivor’ means, sub-
14 ject to subparagraph (C) and paragraph (3), an
15 individual who is described in any of the fol-
16 lowing subparagraphs:

17 “(i) CURRENTLY IDENTIFIED SUR-
18 VIVOR.—An individual, including an eligi-
19 ble WTC responder, who has been identi-
20 fied as eligible for medical treatment and
21 monitoring by the WTC Environmental
22 Health Center as of the date of enactment
23 of this title.

24 “(ii) SURVIVOR WHO MEETS CURRENT
25 ELIGIBILITY CRITERIA.—An individual who

1 is not an eligible WTC responder, for pur-
2 poses of the initial health evaluation under
3 subsection (b) claims symptoms of a WTC-
4 relation health condition, and meets any of
5 the current eligibility criteria described in
6 subparagraph (B).

7 “(iii) SURVIVOR WHO MEETS MODI-
8 FIED ELIGIBILITY CRITERIA.—An indi-
9 vidual who is not an eligible WTC re-
10 sponder, for purposes of the initial health
11 evaluation under subsection (b) claims
12 symptoms of a WTC-relation health condi-
13 tion, and meets such eligibility criteria re-
14 lating to exposure to airborne toxins, other
15 hazards, or adverse conditions resulting
16 from the September 11, 2001, terrorist at-
17 tacks on the World Trade Center as the
18 WTC Administrator determines, after con-
19 sultation with the Data Centers described
20 in section 3105 and the WTC Scientific/
21 Technical Advisory Committee and WTC
22 Health Program Steering Committees
23 under section 3102.

24 The Administrator shall not modify such cri-
25 teria under clause (iii) on or after the date that

1 the number of certifications for certified-eligible
2 WTC survivors under paragraph (2)(B) has
3 reached 80 percent of the limit described in
4 paragraph (3) or on or after the date that the
5 number of certifications for eligible responders
6 has reached 80 percent of the limit described in
7 section 3111(a)(5).

8 “(B) CURRENT ELIGIBILITY CRITERIA.—
9 The eligibility criteria described in this subpara-
10 graph for an individual are that the individual
11 is described in any of the following clauses:

12 “(i) A person who was present in the
13 New York City disaster area in the dust or
14 dust cloud on September 11, 2001.

15 “(ii) A person who worked, resided, or
16 attended school, child care, or adult day
17 care in the New York City disaster area
18 for—

19 “(I) at least four days during the
20 4-month period beginning on Sep-
21 tember 11, 2001, and ending on Jan-
22 uary 10, 2002; or

23 “(II) at least 30 days during the
24 period beginning on September 11,
25 2001, and ending on July 31, 2002.

1 “(iii) Any person who worked as a
2 cleanup worker or performed maintenance
3 work in the New York City disaster area
4 during the 4-month period described in
5 subparagraph (B)(i) and had extensive ex-
6 posure to WTC dust as a result of such
7 work.

8 “(iv) A person who was deemed eligi-
9 ble to receive a grant from the Lower
10 Manhattan Development Corporation Resi-
11 dential Grant Program, who possessed a
12 lease for a residence or purchased a resi-
13 dence in the New York City disaster area,
14 and who resided in such residence during
15 the period beginning on September 11,
16 2001, and ending on May 31, 2003.

17 “(v) A person whose place of employ-
18 ment—

19 “(I) at any time during the pe-
20 riod beginning on September 11,
21 2001, and ending on May 31, 2003,
22 was in the New York City disaster
23 area; and

24 “(II) was deemed eligible to re-
25 ceive a grant from the Lower Manhat-

1 tan Development Corporation WTC
2 Small Firms Attraction and Retention
3 Act program or other government in-
4 centive program designed to revitalize
5 the Lower Manhattan economy after
6 the September 11, 2001, terrorist at-
7 tacks on the World Trade Center.

8 “(C) APPLICATION AND DETERMINATION
9 PROCESS FOR SCREENING ELIGIBILITY.—

10 “(i) IN GENERAL.—The WTC Pro-
11 gram Administrator in consultation with
12 the Data Centers shall establish a process
13 for individuals, other than individuals de-
14 scribed in subparagraph (A)(i), to be de-
15 termined to be screening-eligible WTC sur-
16 vivors. Under such process—

17 “(I) there shall be no fee charged
18 to the applicant for making an appli-
19 cation for such determination;

20 “(II) the Administrator shall
21 make a determination on such an ap-
22 plication not later than 60 days after
23 the date of filing the application;

24 “(III) the Administrator shall
25 make such a determination relating to

1 an applicant's compliance with this
2 title and shall not determine that an
3 individual is not so eligible or deny
4 written documentation under clause
5 (ii) to such individual unless the Ad-
6 ministrator determines that—

7 “(aa) based on the applica-
8 tion submitted, the individual
9 does not meet the eligibility cri-
10 teria; or

11 “(bb) the numerical limita-
12 tion on certifications of certified-
13 eligible WTC survivors set forth
14 in paragraph (3) has been met;
15 and

16 “(IV) an individual who is deter-
17 mined not to be a screening-eligible
18 WTC survivor shall have an oppor-
19 tunity to appeal such determination in
20 a manner established under such
21 process.

22 “(ii) WRITTEN DOCUMENTATION OF
23 SCREENING-ELIGIBILITY.—

24 “(I) IN GENERAL.—In the case
25 of an individual who is described in

1 subparagraph (A)(i) or who is deter-
2 mined under clause (i) (consistent
3 with paragraph (3)) to be a screening-
4 eligible WTC survivor, the WTC Pro-
5 gram Administrator shall provide an
6 appropriate written documentation of
7 such fact.

8 “(II) TIMING.—

9 “(aa) CURRENTLY IDENTI-
10 FIED SURVIVORS.—In the case of
11 an individual who is described in
12 subparagraph (A)(i), the WTC
13 Program Administrator shall pro-
14 vide the written documentation
15 under subclause (I) not later
16 than 60 days after the date of
17 the enactment of this title.

18 “(bb) OTHER MEMBERS.—
19 In the case of another individual
20 who is determined under clause
21 (i) and consistent with paragraph
22 (3) to be a screening-eligible
23 WTC survivor, the WTC Pro-
24 gram Administrator shall provide
25 the written documentation under

1 subclause (I) at the time of such
2 determination.

3 “(2) CERTIFIED-ELIGIBLE WTC SURVIVORS.—

4 “(A) DEFINITION.—The term ‘certified-eli-
5 gible WTC survivor’ means, subject to para-
6 graph (3), a screening-eligible WTC survivor
7 who the WTC Program Administrator certifies
8 under subparagraph (B) to be eligible for fol-
9 lowup monitoring and treatment under this
10 part.

11 “(B) CERTIFICATION OF ELIGIBILITY FOR
12 MONITORING AND TREATMENT.—

13 “(i) IN GENERAL.—The WTC Pro-
14 gram Administrator shall establish a cer-
15 tification process under which the Adminis-
16 trator shall provide appropriate certifi-
17 cation to screening-eligible WTC survivors
18 who, pursuant to the initial health evalua-
19 tion under subsection (b), are determined
20 to be eligible for followup monitoring and
21 treatment under this part.

22 “(ii) TIMING.—

23 “(I) CURRENTLY IDENTIFIED
24 SURVIVORS.—In the case of an indi-
25 vidual who is described in paragraph

1 (1)(A)(i), the WTC Program Adminis-
2 trator shall provide the certification
3 under clause (i) not later than 60
4 days after the date of the enactment
5 of this title.

6 “(II) OTHER MEMBERS.—In the
7 case of another individual who is de-
8 termined under clause (i) to be eligi-
9 ble for followup monitoring and treat-
10 ment, the WTC Program Adminis-
11 trator shall provide the certification
12 under such clause at the time of such
13 determination.

14 “(3) NUMERICAL LIMITATION ON CERTIFIED-
15 ELIGIBLE WTC SURVIVORS.—

16 “(A) IN GENERAL.—The total number of
17 individuals not described in paragraph (1)(A)(i)
18 who may be certified as certified-eligible WTC
19 survivors under paragraph (2)(B) shall be sub-
20 ject to amounts made available under section
21 3151 and shall not exceed 15,000. In applying
22 the previous sentence, any individual who at
23 any time so qualifies as a certified-eligible WTC
24 survivor shall be counted against such numer-
25 ical limitation.

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
11 subject to amounts made available
12 under section 3151, that will ensure
13 sufficient funds will be available to
14 provide treatment and monitoring
15 benefits under this title, with respect
16 to all individuals receiving such cer-
17 tifications through the end of the pe-
18 riod described in section
19 3151(a)(2)(A); and

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

1 “(b) INITIAL HEALTH EVALUATION TO DETERMINE
2 ELIGIBILITY FOR FOLLOWUP MONITORING OR TREAT-
3 MENT.—

4 “(1) IN GENERAL.—In the case of a screening-
5 eligible WTC survivor, the WTC program shall pro-
6 vide for an initial health evaluation to determine if
7 the member has a WTC-related health condition and
8 is eligible for followup monitoring and treatment
9 benefits under the WTC program. Initial health
10 evaluation protocols under section 3105(a)(2)(A)(ii)
11 shall be approved by the WTC Program Adminis-
12 trator.

13 “(2) INITIAL HEALTH EVALUATION PRO-
14 VIDERS.—The initial health evaluation described in
15 paragraph (1) shall be provided through a Clinical
16 Center of Excellence with respect to the individual
17 involved.

18 “(3) LIMITATION ON INITIAL HEALTH EVALUA-
19 TION BENEFITS.—Benefits for an initial health eval-
20 uation under this part for a screening-eligible WTC
21 survivor shall consist only of a single medical initial
22 health evaluation consistent with initial health eval-
23 uation protocols described in paragraph (1). Nothing
24 in this paragraph shall be construed as preventing
25 such an individual from seeking additional medical

1 initial health evaluations at the expense of the indi-
2 vidual.

3 **“SEC. 3122. FOLLOWUP MONITORING AND TREATMENT OF**
4 **CERTIFIED-ELIGIBLE WTC SURVIVORS FOR**
5 **WTC-RELATED HEALTH CONDITIONS.**

6 “(a) IN GENERAL.—Subject to subsection (b), the
7 provisions of sections 3111 and 3112 shall apply to fol-
8 lowup monitoring and treatment of WTC-related health
9 conditions for certified-eligible WTC survivors in the same
10 manner as such provisions apply to the monitoring and
11 treatment of identified WTC-related health conditions for
12 certified-eligible WTC responders.

13 “(b) LIST OF IDENTIFIED WTC-RELATED HEALTH
14 CONDITIONS FOR CERTIFIED-ELIGIBLE WTC SUR-
15 VIVORS.—

16 “(1) IDENTIFIED WTC-RELATED HEALTH CON-
17 DITIONS FOR CERTIFIED-ELIGIBLE WTC SUR-
18 VIVORS.—For purposes of this title, the term ‘identi-
19 fied WTC-related health conditions for certified-eli-
20 ble WTC survivors’ means any of the following
21 health conditions:

22 “(A) AERODIGESTIVE DISORDERS.—

23 “(i) Interstitial lung diseases.

24 “(ii) Chronic respiratory disorder—
25 fumes/vapors.

1 “(iii) Asthma.

2 “(iv) Reactive airways dysfunction
3 syndrome (RADS).

4 “(v) WTC-exacerbated chronic ob-
5 structive pulmonary disease (COPD).

6 “(vi) Chronic cough syndrome.

7 “(vii) Upper airway hyperreactivity.

8 “(viii) Chronic rhinosinusitis.

9 “(ix) Chronic nasopharyngitis.

10 “(x) Chronic laryngitis.

11 “(xi) Gastro-esophageal reflux dis-
12 order (GERD).

13 “(xii) Sleep apnea exacerbated by or
14 related to a condition described in a pre-
15 vious clause.

16 “(B) MENTAL HEALTH CONDITIONS.—

17 “(i) Posttraumatic stress disorder
18 (PTSD).

19 “(ii) Major depressive disorder.

20 “(iii) Panic disorder.

21 “(iv) Generalized anxiety disorder.

22 “(v) Anxiety disorder (not otherwise
23 specified).

24 “(vi) Depression (not otherwise speci-
25 fied).

1 “(vii) Acute stress disorder.

2 “(viii) Dysthymic disorder.

3 “(ix) Adjustment disorder.

4 “(x) Substance abuse.

5 “(xi) V codes (treatments not specifi-
6 cally related to psychiatric disorders, such
7 as marital problems, parenting problems,
8 etc.), secondary to another identified
9 WTC-related health condition for certified-
10 eligible WTC survivors.

11 “(2) ADDITIONS TO IDENTIFIED WTC-RELATED
12 HEALTH CONDITIONS FOR CERTIFIED-ELIGIBLE WTC
13 SURVIVORS.—The provisions of paragraph (4) of
14 section 3112(a) shall apply with respect to an addi-
15 tion to the list of identified WTC-related health con-
16 ditions for certified-eligible WTC survivors under
17 paragraph (1) in the same manner as such provi-
18 sions apply to an addition to the list of identified
19 WTC-related health conditions for eligible WTC re-
20 sponders under section 3112(a)(3).

21 **“SEC. 3123. FOLLOWUP MONITORING AND TREATMENT OF**
22 **OTHER INDIVIDUALS WITH WTC-RELATED**
23 **HEALTH CONDITIONS.**

24 “(a) IN GENERAL.—Subject to subsection (c), the
25 provisions of section 3122 shall apply to the followup mon-

1 itoring and treatment of WTC-related health conditions
2 in the case of individuals described in subsection (b) in
3 the same manner as such provisions apply to the followup
4 monitoring and treatment of WTC-related health condi-
5 tions for certified-eligible WTC survivors.

6 “(b) INDIVIDUALS DESCRIBED.—An individual de-
7 scribed in this subsection is an individual who, regardless
8 of location of residence—

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

11 “(2) is diagnosed at a Clinical Center of Excel-
12 lence with an identified WTC-related health condi-
13 tion for certified-eligible WTC survivors.

14 “(c) LIMITATION.—

15 “(1) IN GENERAL.—The WTC Program Admin-
16 istrator shall limit benefits for any fiscal year under
17 subsection (a) in a manner so that payments under
18 this section for such fiscal year do not exceed the
19 amount specified in paragraph (2) for such fiscal
20 year.

21 “(2) LIMITATION.—The amount specified in
22 this paragraph for—

23 “(A) fiscal year 2011 is \$20,000,000; or

24 “(B) a succeeding fiscal year is the
25 amount specified in this paragraph for the pre-

1 vious fiscal year increased by the annual per-
2 centage increase in the medical care component
3 of the consumer price index for all urban con-
4 sumers.

5 **“PART 3—PAYOR PROVISIONS**

6 **“SEC. 3131. PAYMENT OF CLAIMS.**

7 “(a) IN GENERAL.—Except as provided in sub-
8 sections (b) and (c), the cost of monitoring and treatment
9 benefits and initial health evaluation benefits provided
10 under parts 1 and 2 of this subtitle shall be paid for by
11 the WTC program.

12 “(b) WORKERS’ COMPENSATION PAYMENT.—Pay-
13 ment for treatment under parts 1 and 2 of this subtitle
14 of a WTC-related health condition of an individual that
15 is work-related shall be reduced or recouped to the extent
16 that the WTC Program Administrator determines that
17 payment has been made, or can reasonably be expected
18 to be made, under a workers’ compensation law or plan
19 of the United States, a State, or a locality (including pay-
20 ment described in subsection (d)(3)), or other work-related
21 injury or illness benefit plan of the employer of such indi-
22 vidual, for such treatment. The provisions of clauses (iii),
23 (iv), (v), and (vi) of paragraph (2)(B) of section 1862(b)
24 of the Social Security Act and paragraphs (3) and (4) of
25 such section shall apply to the recoupment under this sub-

1 section of a payment to the WTC program (with respect
2 to a workers' compensation law or plan, or other work-
3 related injury or illness plan of the employer involved, and
4 such individual) in the same manner as such provisions
5 apply to the reimbursement of a payment under section
6 1862(b)(2) of such Act to the Secretary (with respect to
7 such a law or plan and an individual entitled to benefits
8 under title XVIII of such Act) except that any reference
9 in such paragraph (4) to payment rates under title XVIII
10 of the Social Security Act shall be deemed a reference to
11 payment rates under this title.

12 “(c) HEALTH INSURANCE COVERAGE.—

13 “(1) IN GENERAL.—In the case of an individual
14 who has a WTC-related health condition that is not
15 work-related and has health coverage for such condi-
16 tion through any public or private health plan, the
17 provisions of section 1862(b) of the Social Security
18 Act shall apply to such a health plan and such indi-
19 vidual in the same manner as they apply to a group
20 health plan and an individual entitled to benefits
21 under title XVIII of such Act pursuant to section
22 226(a) of such Act. Any costs for items and services
23 covered under such plan that are not reimbursed by
24 such health plan, due to the application of
25 deductibles, copayments, coinsurance, other cost

1 sharing, or otherwise, are reimbursable under this
2 title to the extent that they are covered under the
3 WTC program.

4 “(2) RECOVERY BY INDIVIDUAL PROVIDERS.—
5 Nothing in paragraph (1) shall be construed as re-
6 quiring an entity providing monitoring and treat-
7 ment under this title to seek reimbursement under
8 a health plan with which the entity has no contract
9 for reimbursement.

10 “(d) REQUIRED CONTRIBUTION BY NEW YORK CITY
11 IN PROGRAM COSTS.—

12 “(1) IN GENERAL.—

13 “(A) AMOUNT TO BE CONTRIBUTED.—

14 With respect to fiscal year 2011 and each sub-
15 sequent fiscal year, subject to the succeeding
16 provisions of this subsection, New York City
17 shall contribute an amount equal to 10 percent
18 of the expenditures in carrying out this title for
19 such fiscal year.

20 “(B) DEPOSIT IN FUND.—Funds contrib-
21 uted under this subsection shall be deposited in
22 the World Trade Center Health Program Fund
23 under section 3151(a)(3)(B). New York City
24 shall so deposit the contribution required by
25 subparagraph (A) for a fiscal year not later

1 than the end of March of the following fiscal
2 year.

3 “(C) LIMITATION ON CONTRIBUTION RE-
4 QUIRED.—New York City is not required to
5 contribute under this subsection more than—

6 “(i) \$510,000,000 for the period of
7 fiscal years 2011 through 2020; and

8 “(ii) the amount described in section
9 3151(a)(3)(B) for any subsequent fiscal
10 year.

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

14 “(A) bill the amount specified in para-
15 graph (1) directly to New York City; and

16 “(B) certify periodically, for purposes of
17 this subsection, whether or not New York City
18 has paid the amount so billed.

19 Such amount may be estimated by the WTC Pro-
20 gram Administrator, subject to reconciliation.

21 “(3) CREDITS TOWARDS REQUIRED CONTRIBU-
22 TION.—The amount paid by New York City under
23 subsection (b), with respect to a workers’ compensa-
24 tion law or plan including line of duty compensation,
25 shall be counted towards and reduce the contribution

1 amount required of New York City under paragraph
2 (1).

3 “(4) COMPLIANCE.—If New York City fails to
4 pay to the WTC Program Administrator an amount
5 required under paragraph (1), interest shall accrue
6 on such amount at the rate (determined by the Ad-
7 ministrator) based on the average of the bond equiv-
8 alent of the weekly 90-day treasury bill auction rates
9 during such period. The amount so owed and appli-
10 cable interest shall be recoverable by the United
11 States in an action in the same manner as payments
12 made under title XVIII of the Social Security Act
13 may be recoverable in an action brought under sec-
14 tion 1862(b)(2)(B)(iii) of such Act.

15 “(5) RULE OF CONSTRUCTION.—Nothing in
16 this subsection shall be construed as authorizing the
17 WTC Administrator, with respect to a fiscal year, to
18 reduce any amount of payment under this title for
19 items and services, reduce amounts specified in sec-
20 tion 3123(c) for such fiscal year, or reduce the nu-
21 merical limitation under section 3111(a)(5) or
22 3121(a)(3) for such fiscal year if New York City
23 fails to comply with paragraph (1) for such fiscal
24 year.

1 “(e) WORK-RELATED DESCRIBED.—For the pur-
2 poses of this subsection, a WTC-related health condition
3 shall be treated as a condition that is work-related if—

4 “(1) the condition is diagnosed in an eligible
5 WTC responder, or in an individual who qualifies as
6 a certified-eligible WTC survivor on the basis of
7 being a rescue, recovery, or cleanup worker; or

8 “(2) with respect to the condition the individual
9 has filed and had established a claim under a work-
10 ers’ compensation law or plan of the United States
11 or a State, or other work-related injury or illness
12 benefit plan of the employer of such individual.

13 **“SEC. 3132. ADMINISTRATIVE ARRANGEMENT AUTHORITY.**

14 “The WTC Program Administrator shall enter into
15 arrangements with other government agencies, insurance
16 companies, or other third-party administrators to provide
17 for timely and accurate processing of claims under sec-
18 tions 3112, 3113, 3122, and 3123.

19 **“Subtitle C—Research Into**
20 **Conditions**

21 **“SEC. 3141. 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 individuals, in-
25 cluding eligible WTC responders and certified-eligible

1 WTC survivors, receiving monitoring or treatment under
2 subtitle B, the WTC Program Administrator shall conduct
3 or support—

4 “(1) research on physical and mental health
5 conditions that may be related to the September 11,
6 2001, terrorist attacks;

7 “(2) research on diagnosing WTC-related
8 health conditions of such individuals, in the case of
9 conditions for which there has been diagnostic un-
10 certainty; and

11 “(3) research on treating WTC-related health
12 conditions of such individuals, in the case of condi-
13 tions for which there has been treatment uncer-
14 tainty.

15 The Administrator may provide such support through con-
16 tinuation and expansion of research that was initiated be-
17 fore the date of the enactment of this title and through
18 the World Trade Center Health Registry (referred to in
19 section 3142), through a Clinical Center of Excellence, or
20 through a Data Center.

21 “(b) TYPES OF RESEARCH.—The research under
22 subsection (a)(1) shall include epidemiologic and other re-
23 search studies on WTC-related health conditions or
24 emerging conditions—

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

3 “(2) in sampled populations outside the New
4 York City disaster area in Manhattan as far north
5 as 14th Street and in Brooklyn, along with control
6 populations, to identify potential for long-term ad-
7 verse health effects in less exposed populations.

8 “(c) CONSULTATION.—The WTC Program Adminis-
9 trator shall carry out this section in consultation with the
10 WTC Scientific/Technical Advisory Committee.

11 “(d) APPLICATION OF PRIVACY AND HUMAN SUB-
12 JECT PROTECTIONS.—The privacy and human subject
13 protections applicable to research conducted under this
14 section shall not be less than such protections applicable
15 to research conducted or funded by the Department of
16 Health and Human Services.

17 **“SEC. 3142. WORLD TRADE CENTER HEALTH REGISTRY.**

18 “For the purpose of ensuring ongoing data collection
19 relating to victims of the September 11, 2001, terrorist
20 attacks on the World Trade Center, the WTC Program
21 Administrator shall ensure that a registry of such victims
22 is maintained that is at least as comprehensive as the
23 World Trade Center Health Registry maintained under
24 the arrangements in effect as of April 20, 2009, with the

1 New York City Department of Health and Mental Hy-
2 giene.

3 **“Subtitle D—Funding**

4 **“SEC. 3151. WORLD TRADE CENTER HEALTH PROGRAM**

5 **FUND.**

6 “(a) ESTABLISHMENT OF FUND.—

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

11 “(2) FUNDING.—Out of any money in the
12 Treasury not otherwise appropriated, subject to
13 paragraph (4), there shall be deposited into the
14 Fund—

15 “(A) for the period of fiscal years 2011
16 through 2020, \$5,100,000,000;

17 “(B) for fiscal year 2021, \$700,000,000;
18 and

19 “(C) for each subsequent fiscal year, the
20 dollar amount specified in subparagraph (B) (or
21 this subparagraph) for the previous year in-
22 creased by the percentage increase in the con-
23 sumer price index for all urban consumers (all
24 items; United States city average) as estimated

1 by the Secretary for the 12-month period end-
2 ing with March of the previous year.

3 Any amount deposited into the Fund under section
4 3101(d) (relating to fraud prevention) shall be in
5 addition to the amounts to be deposited into the
6 Fund under subparagraphs (A), (B), and (C).

7 “(3) ALLOCATION OF CONTRIBUTIONS.—Of the
8 amount required by subparagraphs (A), (B), and (C)
9 of paragraph (2) to be deposited into the Fund for
10 the period of fiscal years 2011 through 2020, and
11 each fiscal year thereafter—

12 “(A) an amount equivalent to 90 percent
13 of such required amount shall be from general
14 revenues of the Treasury; and

15 “(B) subject to paragraph (4), an amount
16 equivalent to 10 percent of such required
17 amount shall be contributed by New York City
18 in accordance with section 3131(d).

19 “(4) PAYMENTS WITH RESPECT TO WORKERS’
20 COMPENSATION LAW OR PLAN.—The amount re-
21 quired by paragraph (3)(B) to be contributed by
22 New York City (and the dollar amount required by
23 paragraph (2) to be deposited into the Fund) shall
24 be reduced in accordance with section 3131(d)(3).

1 “(b) MANDATORY FUNDS FOR MONITORING, INITIAL
2 HEALTH EVALUATIONS, TREATMENT, AND CLAIMS PROC-
3 ESSING.—

4 “(1) IN GENERAL.—The amounts deposited
5 into the Fund under subsection (a)(2) and section
6 3101(d) shall be available, without further appro-
7 priation, in accordance with paragraph (2), to pro-
8 vide for the payment for monitoring, initial health
9 evaluations, treatment, and claims processing under
10 subtitle B.

11 “(2) LIMITATION ON MANDATORY FUNDING.—
12 This subsection does not establish any obligation for
13 payment of amounts in excess of the amounts avail-
14 able from the Fund for such purpose.

15 “(c) AUTHORIZATION OF APPROPRIATIONS FOR CER-
16 TAIN OTHER PURPOSES.—

17 “(1) IN GENERAL.—Out of the amounts depos-
18 ited into the Fund under subsection (a)(2) and sec-
19 tion 3101(d) that are not obligated under subsection
20 (b)(2) there are authorized to be appropriated, to
21 the extent provided in advance in appropriation
22 Acts, for carrying out the purposes described in
23 paragraph (2), such amounts as described in such
24 paragraph for the respective purpose.

1 “(2) AUTHORIZED ACTIVITIES.—The purposes
2 described in this paragraph and the corresponding
3 amounts described in this paragraph for such pur-
4 poses are as follows:

5 “(A) For the purpose of carrying out sec-
6 tion 3102(a) (relating to the WTC Health Pro-
7 gram Scientific/Technical Advisory Com-
8 mittee)—

9 “(i) for fiscal year 2011, such sums
10 as may be necessary, not to exceed
11 \$100,000; and

12 “(ii) for each subsequent fiscal year,
13 such sums as may be necessary, not to ex-
14 ceed the amount specified under this sub-
15 paragraph for the previous fiscal year in-
16 creased by the percentage increase in the
17 consumer price index for all urban con-
18 sumers (all items; United States city aver-
19 age) as estimated by the Secretary for the
20 12-month period ending with March of the
21 previous year.

22 “(B) For the purpose of carrying out sec-
23 tion 3103 (relating to community education and
24 outreach)—

1 “(i) for fiscal year 2011, such sums
2 as may be necessary, not to exceed
3 \$2,000,000; and

4 “(ii) for each subsequent fiscal year,
5 such sums as may be necessary, not to ex-
6 ceed the amount specified under this sub-
7 paragraph for the previous fiscal year in-
8 creased by the percentage increase in the
9 consumer price index for all urban con-
10 sumers (all items; United States city aver-
11 age) as estimated by the Secretary for the
12 12-month period ending with March of the
13 previous year.

14 “(C) For the purpose of carrying out sec-
15 tion 3104 (relating to uniform data collection)
16 and for reimbursing Data Centers (as defined
17 under section 3105(b)(2)) for the costs incurred
18 by such Centers in carrying out activities under
19 contracts entered into under section
20 3105(a)(2)—

21 “(i) for fiscal year 2011, such sums
22 as may be necessary, not to exceed
23 \$10,000,000; and

24 “(ii) for each subsequent fiscal year,
25 such sums as may be necessary, not to ex-

1 ceed the amount specified under this sub-
2 paragraph for the previous fiscal year in-
3 creased by the percentage increase in the
4 consumer price index for all urban con-
5 sumers (all items; United States city aver-
6 age) as estimated by the Secretary for the
7 12-month period ending with March of the
8 previous year.

9 “(D) For the purpose of carrying out sec-
10 tion 3141 (relating to research regarding cer-
11 tain health conditions)—

12 “(i) for fiscal year 2011, \$15,000,000;
13 and

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

23 “(E) For the purpose of carrying out sec-
24 tion 3142 (relating to the World Trade Center
25 Health Registry)—

1 “(i) for fiscal year 2011, \$7,000,000;
2 and
3 “(ii) for each subsequent fiscal year,
4 the amount specified under this subpara-
5 graph for the previous fiscal year increased
6 by the percentage increase in the consumer
7 price index for all urban consumers (all
8 items; United States city average) as esti-
9 mated by the Secretary for the 12-month
10 period ending with March of the previous
11 year.”.

12 **TITLE II—SEPTEMBER 11TH VIC-**
13 **TIM COMPENSATION FUND OF**
14 **2001**

15 **SEC. 201. DEFINITIONS.**

16 Section 402 of the Air Transportation Safety and
17 System Stabilization Act (49 U.S.C. 40101 note) is
18 amended—

19 (1) in paragraph (6) by inserting “, or debris
20 removal, including under the World Trade Center
21 Health Program established under section 3001 of
22 the Public Health Service Act,” after “September
23 11, 2001”;

1 (2) by inserting after paragraph (6) the fol-
2 lowing new paragraphs and redesignating subse-
3 quent paragraphs accordingly:

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

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

1 (3) by inserting after paragraph (10), as so re-
2 designated, the following new paragraph and redesi-
3 gnating 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
7 11, 2001, and ending on August 30, 2002.”; and

8 (4) by adding at the end the following new
9 paragraph:

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

12 “(A) the World Trade Center site, Pen-
13 tagon 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
22 fire, explosions, or building collapses (including
23 the immediate area in which the impact oc-
24 curred, fire occurred, portions of buildings fell,
25 or debris fell upon and injured individuals); and

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

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

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

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

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

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

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

24 “(3) LIMITATION.—

1 “(A) IN GENERAL.—Except as provided by
2 subparagraph (B), no claim may be filed under
3 paragraph (1) after the date that is 2 years
4 after the date on which regulations are promul-
5 gated under section 407(a).

6 “(B) EXCEPTION.—A claim may be filed
7 under paragraph (1), in accordance with sub-
8 section (c)(3)(A)(i), by an individual (or by a
9 personal representative on behalf of a deceased
10 individual) during the period beginning on the
11 date on which the regulations are updated
12 under section 407(b) and ending on December
13 22, 2031.”.

14 (c) REQUIREMENTS FOR FILING CLAIMS DURING
15 EXTENDED FILING PERIOD.—Section 405(c)(3) of such
16 Act is amended—

17 (1) by redesignating subparagraphs (A) and
18 (B) as subparagraphs (B) and (C), respectively; and
19 (2) by inserting before subparagraph (B), as so
20 redesignated, the following new subparagraph:

21 “(A) REQUIREMENTS FOR FILING CLAIMS
22 DURING EXTENDED FILING PERIOD.—

23 “(i) TIMING REQUIREMENTS FOR FIL-
24 ING CLAIMS.—An individual (or a personal
25 representative on behalf of a deceased indi-

1 vidual) may file a claim during the period
2 described in subsection (a)(3)(B) as fol-
3 lows:

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

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

1 individual first knew (or should have
2 known) on or after such specified date
3 that the individual was eligible to file
4 a claim under this title, the individual
5 may file a claim not later than the
6 last day of the 2-year period begin-
7 ning on the date the Special Master
8 determines the individual first knew
9 (or should have known) that the indi-
10 vidual both suffered from such harm
11 and was eligible to file a claim under
12 this title.

13 “(ii) OTHER ELIGIBILITY REQUIRE-
14 MENTS FOR FILING CLAIMS.—An indi-
15 vidual may file a claim during the period
16 described in subsection (a)(3)(B) only if—

17 “(I) the individual was treated by
18 a medical professional for suffering
19 from a physical harm described in
20 clause (i)(I) within a reasonable time
21 from the date of discovering such
22 harm; and

23 “(II) the individual’s physical
24 harm is verified by contemporaneous
25 medical records created by or at the

1 direction of the medical professional
2 who provided the medical care.

3 “(iii) DATE SPECIFIED.—The date
4 specified in this clause is the date on which
5 the regulations are updated under section
6 407(a).”.

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

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

17 (f) LIMITATIONS ON CIVIL ACTIONS.—

18 (1) APPLICATION TO DAMAGES RELATED TO
19 DEBRIS REMOVAL.—Clause (i) of section
20 405(c)(3)(C) of such Act, as redesignated by sub-
21 section (c), is amended by inserting “, or for dam-
22 ages arising from or related to debris removal” after
23 “September 11, 2001”.

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

4 “(ii) PENDING ACTIONS.—In the case
5 of an individual who is a party to a civil
6 action described in clause (i), such indi-
7 vidual may not submit a claim under this
8 title—

9 “(I) during the period described
10 in subsection (a)(3)(A) unless such in-
11 dividual withdraws from such action
12 by the date that is 90 days after the
13 date on which regulations are promul-
14 gated under section 407(a); and

15 “(II) during the period described
16 in subsection (a)(3)(B) unless such in-
17 dividual withdraws from such action
18 by the date that is 90 days after the
19 date on which the regulations are up-
20 dated under section 407(b).”.

21 (3) AUTHORITY TO REINSTITUTE CERTAIN
22 LAWSUITS.—Such section, as so redesignated, is fur-
23 ther amended by adding at the end the following
24 new clause:

1 “(iii) AUTHORITY TO REINSTITUTE
2 CERTAIN LAWSUITS.—In the case of a
3 claimant who was a party to a civil action
4 described in clause (i), who withdrew from
5 such action pursuant to clause (ii), and
6 who is subsequently determined to not be
7 an eligible individual for purposes of this
8 subsection, such claimant may reinstitute
9 such action without prejudice during the
10 90-day period beginning after the date of
11 such ineligibility determination.”.

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

13 Section 407 of the Air Transportation Safety and
14 System Stabilization Act (49 U.S.C. 40101 note) is
15 amended—

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

18 (2) by adding at the end the following new sub-
19 section:

20 “(b) UPDATED REGULATIONS.—Not later than 90
21 days after the date of the enactment of the James Zadroga
22 9/11 Health and Compensation Act of 2008, the Special
23 Master shall update the regulations promulgated under
24 subsection (a) to the extent necessary to comply with the
25 provisions of title II of such Act.”.

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

2 Section 408(a) of the Air Transportation Safety and
3 System Stabilization Act (49 U.S.C. 40101 note) is
4 amended by adding at the end the following new para-
5 graphs:

6 “(4) LIABILITY FOR CERTAIN CLAIMS.—

7 “(A) IN GENERAL.—Notwithstanding any
8 other provision of law, subject to subparagraph
9 (B), liability for all claims and actions (includ-
10 ing claims or actions that have been previously
11 resolved, that are currently pending, and that
12 may be filed through December 22, 2031) for
13 compensatory damages, contribution or indem-
14 nity, or any other form or type of relief, arising
15 from or related to debris removal, against the
16 City of New York, any entity (including the
17 Port Authority of New York and New Jersey)
18 with a property interest in the World Trade
19 Center on September 11, 2001 (whether fee
20 simple, leasehold or easement, or direct or indi-
21 rect) and any contractors and subcontractors
22 thereof, shall not be in an amount that exceeds
23 the sum of the following:

24 “(i) The amount of funds of the WTC
25 Captive Insurance Company, including the
26 cumulative interest.

1 “(ii) The amount of all available in-
2 surance identified in schedule 2 of the
3 WTC Captive Insurance Company insur-
4 ance policy.

5 “(iii) The amount that is the greater
6 of the City of New York’s insurance cov-
7 erage or \$350,000,000. In determining the
8 amount of the City’s insurance coverage
9 for purposes of the previous sentence, any
10 amount described in clauses (i) and (ii)
11 shall not be included.

12 “(iv) The amount of all available li-
13 ability insurance coverage maintained by
14 any entity, including the Port Authority of
15 New York and New Jersey, with a prop-
16 erty interest in the World Trade Center,
17 on September 11, 2001, whether fee sim-
18 ple, leasehold or easement, or direct or in-
19 direct.

20 “(v) The amount of all available liabil-
21 ity insurance coverage maintained by con-
22 tractors and subcontractors.

23 “(B) EXCEPTION.—Subparagraph (A)
24 shall not apply to claims or actions based upon
25 conduct held to be intentionally tortious in na-

1 ture or to acts of gross negligence or other such
2 acts to the extent to which punitive damages
3 are awarded as a result of such conduct or acts.

4 “(5) PRIORITY OF CLAIMS PAYMENTS.—Pay-
5 ments to plaintiffs who obtain a settlement or judg-
6 ment with respect to a claim or action to which
7 paragraph (4)(A) applies, shall be paid solely from
8 the following funds in the following order:

9 “(A) The funds described in clause (i) or
10 (ii) of paragraph (4)(A).

11 “(B) If there are no funds available as de-
12 scribed in clause (i) or (ii) of paragraph (4)(A),
13 the funds described in clause (iii) of such para-
14 graph.

15 “(C) If there are no funds available as de-
16 scribed in clause (i), (ii), or (iii) of paragraph
17 (4)(A), the funds described in clause (iv) of
18 such paragraph.

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

23 “(6) DECLARATORY JUDGMENT ACTIONS AND
24 DIRECT ACTION.—Any party to a claim or action to
25 which paragraph (4)(A) applies may, with respect to

1 such claim or action, either file an action for a de-
2 claratory judgment for insurance coverage or bring
3 a direct action against the insurance company in-
4 volved.”.