

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 847
OFFERED BY M . _____**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

2 (a) SHORT TITLE.—This Act may be cited as the
3 “James Zadroga 9/11 Health and Compensation Act of
4 2010”.

5 (b) TABLE OF CONTENTS.—The table of contents of
6 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. Centers of excellence.

“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-related health conditions.

“Sec. 3113. National arrangement for benefits for eligible individuals outside New York.

“PART 2—WTC SURVIVORS

“Sec. 3121. Identification and initial health evaluation of screening-eligible and certified-eligible WTC Survivors.

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

“Sec. 3123. Follow-up 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:

1 **“TITLE XXXI—WORLD TRADE**
2 **CENTER HEALTH PROGRAM**
3 **“Subtitle A—Establishment of**
4 **Program; Advisory Committee**

5 **“SEC. 3101. ESTABLISHMENT OF WORLD TRADE CENTER**
6 **HEALTH PROGRAM WITHIN NIOSH.**

7 “(a) IN GENERAL.—There is hereby established with-
8 in the National Institute for Occupational Safety and
9 Health a program to be known as the ‘World Trade Center
10 Health Program’ (in this title referred to as the ‘WTC
11 program’), which shall be administered by the Director of
12 the National Institute for Occupational Safety and Health,
13 or a designee of such Director, to provide—

14 “(1) medical monitoring and treatment benefits
15 to eligible emergency responders and recovery and
16 clean-up workers (including those who are Federal
17 employees) who responded to the September 11,
18 2001, terrorist attacks on the World Trade Center;
19 and

20 “(2) initial health evaluation, monitoring, and
21 treatment benefits to residents and other building
22 occupants and area workers in New York City who
23 were directly impacted and adversely affected by
24 such attacks.

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

3 “(1) MEDICAL MONITORING FOR RESPOND-
4 ERS.—Medical monitoring under section 3111, in-
5 cluding clinical examinations and long-term health
6 monitoring and analysis for responders who were
7 likely to have been exposed to airborne toxins that
8 were released, or to other hazards, as a result of the
9 September 11, 2001, terrorist attacks on the World
10 Trade Center.

11 “(2) INITIAL HEALTH EVALUATION FOR SUR-
12 VIVORS.—An initial health evaluation under section
13 3121, including an evaluation to determine eligibility
14 for follow-up monitoring and treatment.

15 “(3) FOLLOW-UP MONITORING AND TREAT-
16 MENT FOR WTC-RELATED HEALTH CONDITIONS FOR
17 RESPONDERS AND SURVIVORS.—Provision under sec-
18 tions 3112, 3122, and 3123 of follow-up monitoring
19 and treatment and payment, subject to the provi-
20 sions of subsection (d), for all medically necessary
21 health and mental health care expenses (including
22 necessary prescription drugs) of individuals with a
23 WTC-related health condition.

1 “(4) OUTREACH.—Establishment under section
2 3103 of an outreach program to potentially eligible
3 individuals concerning the benefits under this title.

4 “(5) CLINICAL DATA COLLECTION AND ANAL-
5 YSIS.—Collection and analysis under section 3104 of
6 health and mental health data relating to individuals
7 receiving medical monitoring or treatment benefits
8 in a uniform manner in collaboration with the collec-
9 tion of epidemiological data under section 3142.

10 “(6) RESEARCH ON WTC CONDITIONS.—Estab-
11 lishment under subtitle C of a research program on
12 health conditions resulting from the September 11,
13 2001, terrorist attacks on the World Trade Center.

14 “(c) NO COST-SHARING.—Monitoring and treatment
15 benefits and initial health evaluation benefits are provided
16 under subtitle B without any deductibles, copayments, or
17 other cost-sharing to an eligible WTC responder or cer-
18 tified-eligible WTC survivor. Initial health evaluation ben-
19 efits are provided under subtitle B without any
20 deductibles, copayments, or other cost-sharing to a screen-
21 ing-eligible WTC survivor.

22 “(d) FRAUD PREVENTION.—The Inspector General
23 of the Department of Health and Human Services shall
24 develop and implement a program to review the Program’s
25 health care expenditures to detect fraudulent or duplicate

1 billing and payment for inappropriate services. This title
2 is a Federal health care program (as defined in section
3 1128B(f) of the Social Security Act) and is a health plan
4 (as defined in section 1128C(c) of such Act) for purposes
5 of applying sections 1128 through 1128E of such Act. Any
6 funds recovered pursuant to this subsection shall be depos-
7 ited into the World Trade Center Health Program Fund.

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

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

16 “(2) appropriate diagnostic and treatment re-
17 ferrals for participants;

18 “(3) prompt communication of test results to
19 participants; and

20 “(4) such other elements as the Administrator
21 specifies in consultation with the Clinical Centers of
22 Excellence.

23 “(f) ANNUAL PROGRAM REPORT.—

24 “(1) IN GENERAL.—Not later than 6 months
25 after the end of each fiscal year in which the WTC

1 program is in operation, the WTC Program Admin-
2 istrator shall submit an annual report to the Con-
3 gress on the operations of this title for such fiscal
4 year and for the entire period of operation of the
5 program.

6 “(2) CONTENTS INCLUDED IN REPORT.—Each
7 annual report under paragraph (1) shall include at
8 least the following:

9 “(A) ELIGIBLE INDIVIDUALS.—Informa-
10 tion for each clinical program described in para-
11 graph (3)—

12 “(I) on the number of individuals who
13 applied for certification under subtitle B
14 and the number of such individuals who
15 were so certified;

16 “(ii) of the individuals who were cer-
17 tified, on the number who received medical
18 monitoring under the program and the
19 number of such individuals who received
20 medical treatment under the program;

21 “(iii) with respect to individuals so
22 certified who received such treatment, on
23 the WTC-related health conditions for
24 which they were treated; and

1 “(iv) on the projected number of indi-
2 viduals who will be certified under subtitle
3 B in the succeeding fiscal year and the
4 succeeding 10-year period.

5 “(B) MONITORING, INITIAL HEALTH EVAL-
6 UATION, AND TREATMENT COSTS.—For each
7 clinical program so described—

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

14 “(ii) an estimate of the cost of med-
15 ical treatment for WTC-related health con-
16 ditions that have been paid for or reim-
17 bursed by workers’ compensation, by public
18 or private health plans, or by New York
19 City under section 3131.

20 “(c) ADMINISTRATIVE COSTS.—Informa-
21 tion on the cost of administering the program,
22 including costs of program support, data collec-
23 tion and analysis, and research conducted under
24 the program.

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

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

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

10 “(E) SCIENTIFIC REPORTS.—A summary
11 of the findings of any new scientific reports or
12 studies on the health effects associated with
13 WTC center exposures, including the findings
14 of research conducted under section 3141(a).

15 “(F) ADVISORY COMMITTEE REC-
16 COMMENDATIONS.—A list of recommendations by
17 the WTC Scientific/Technical Advisory Com-
18 mittee on additional WTC program eligibility
19 criteria and on additional WTC-related health
20 conditions and the action of the WTC Program
21 Administrator concerning each such rec-
22 ommendation.

23 “(3) SEPARATE CLINICAL PROGRAMS DE-
24 SCRIBED.—In paragraph (2), each of the following

1 shall be treated as a separate clinical program of the
2 WTC program:

3 “(A) FIRE FIGHTERS AND RELATED PER-
4 SONNEL.—The benefits provided for eligible
5 WTC responders described in section
6 3111(a)(2)(A).

7 “(B) OTHER ELIGIBLE WTC RESPOND-
8 ERS.—The benefits provided for eligible WTC
9 responders not described in subparagraph (A).

10 “(c) ELIGIBLE WTC SURVIVORS.—The ben-
11 efits provided for screening-eligible WTC sur-
12 vivors and certified-eligible WTC survivors in
13 section 3121(a).

14 “(g) NOTIFICATION TO CONGRESS WHEN REACH 80
15 PERCENT OF ELIGIBILITY NUMERICAL LIMITS OR 80
16 PERCENT OF AUTHORIZED EXPENDITURES.—The WTC
17 Program Administrator shall promptly notify the Congress
18 of each of the following:

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

23 “(2) When the number of certifications for cer-
24 tified-eligible WTC survivors subject to the limit es-

1 “(2) COMPOSITION.—The WTC Program Ad-
2 ministrators shall appoint the members of the Advi-
3 sory Committee and shall include at least—

4 “(A) 4 occupational physicians, at least
5 two of whom have experience treating WTC res-
6 cue and recovery workers;

7 “(B) 1 physician with expertise in pul-
8 monary medicine;

9 “(C) 2 environmental medicine or environ-
10 mental health specialists;

11 “(D) 2 representatives of eligible WTC re-
12 sponders;

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

15 “(F) an industrial hygienist;

16 “(G) a toxicologist;

17 “(H) an epidemiologist; and

18 “(I) a mental health professional.

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

22 “(4) REPORTS.—The WTC Program Adminis-
23 trator shall provide for publication of recommenda-
24 tions of the Advisory Committee on the public
25 website established for the WTC program.

1 “(5) DURATION.—Notwithstanding any other
2 provision of law, the Advisory Committee shall con-
3 tinue in operation during the period in which the
4 WTC program is in operation.

5 “(6) APPLICATION OF FACa.—Except as other-
6 wise specifically provided, the Advisory Committee
7 shall be subject to the Federal Advisory Committee
8 Act.

9 “(b) WTC HEALTH PROGRAM STEERING COMMIT-
10 TEES.—

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

15 “(A) WTC RESPONDERS STEERING COM-
16 MITTEE.—One steering committee, to be known
17 as the WTC Responders Steering Committee,
18 for the purpose of receiving input from affected
19 stakeholders and facilitating the coordination of
20 medical monitoring and treatment programs for
21 the eligible WTC responders under part 1 of
22 subtitle B.

23 “(B) WTC SURVIVORS STEERING COM-
24 MITTEE.—One steering committee, to be known
25 as the WTC Survivors Steering Committee, for

1 the purpose of receiving input from affected
2 stakeholders and facilitating the coordination of
3 initial health evaluations, monitoring, and treat-
4 ment programs for screening-eligible and cer-
5 tified-eligible WTC survivors under part 2 of
6 subtitle B.

7 “(2) MEMBERSHIP.—

8 “(A) WTC RESPONDERS STEERING COM-
9 MITTEE.—

10 “(I) REPRESENTATION.—The WTC
11 Responders Steering Committee shall in-
12 clude—

13 “(I) representatives of the Cen-
14 ters of Excellence providing services
15 to eligible WTC responders;

16 “(II) representatives of labor or-
17 ganizations representing firefighters,
18 police, other New York City employ-
19 ees, and recovery and clean-up work-
20 ers who responded to the September
21 11, 2001, terrorist attacks on the
22 World Trade Center; and

23 “(III) three representatives of
24 the City of New York, one of whom
25 will be selected by the Police Commis-

1 sioner of the City of New York, one
2 by the Health Commissioner of the
3 City of New York, and one by the
4 Mayor of the City of New York.

5 “(ii) INITIAL MEMBERSHIP.—The
6 WTC Responders Steering Committee shall
7 initially be composed of members of the
8 WTC Monitoring and Treatment Program
9 Steering Committee (as in existence on the
10 day before the date of the enactment of
11 this title).

12 “(B) WTC SURVIVORS STEERING COM-
13 MITTEE.—

14 “(I) REPRESENTATION.—The WTC
15 Survivors Steering Committee shall include
16 representatives of—

17 “(I) the Centers of Excellence
18 providing services to screening-eligible
19 and certified-eligible WTC survivors;

20 “(II) the population of residents,
21 students, and area and other workers
22 affected by the September 11, 2001,
23 terrorist attacks on the World Trade
24 Center;

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

7 “(IV) the City of New York.

8 “(ii) INITIAL MEMBERSHIP.—The
9 WTC Survivors Steering Committee shall
10 initially be composed of members of the
11 WTC Environmental Health Center Sur-
12 vivor Advisory Committee (as in existence
13 on the day before the date of the enact-
14 ment of this title).

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

20 “(D) VACANCIES.—A vacancy in a Steer-
21 ing Committee shall be filled by an individual
22 recommended by the Steering Committee.

23 “(3) RELATION TO FACIA.—Each Steering Com-
24 mittee shall not be subject to the Federal Advisory
25 Committee Act.

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

2 “(a) IN GENERAL.—The WTC Program Adminis-
3 trator shall institute a program that provides education
4 and outreach on the existence and availability of services
5 under the WTC program. The outreach and education
6 program—

7 “(1) shall include—

8 “(A) the establishment of a public website
9 with information about the WTC program;

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

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

15 “(D) the establishment of phone informa-
16 tion services; and

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

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

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

21 “(b) PARTNERSHIPS.—To the greatest extent pos-
22 sible, in carrying out this section, the WTC Program Ad-
23 ministrator shall enter into partnerships with local govern-
24 ments and organizations with experience performing out-
25 reach to the affected populations, including community
26 and labor-based organizations.

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

2 “(a) IN GENERAL.—The WTC Program Adminis-
3 trator shall provide for the uniform collection of data (and
4 analysis of data and regular reports to the Administrator)
5 on the prevalence of WTC-related health conditions and
6 the identification of new WTC-related medical conditions.
7 Such data shall be collected for all individuals provided
8 monitoring or treatment benefits under subtitle B and re-
9 gardless of their place of residence or Clinical Center of
10 Excellence through which the benefits are provided. The
11 WTC Program Administrator shall provide, through the
12 Data Centers or otherwise, for the integration of such data
13 into the monitoring and treatment program activities
14 under this title.

15 “(b) COORDINATING THROUGH CENTERS OF EXCEL-
16 LENCE.—Each Clinical Center of Excellence shall collect
17 data described in subsection (a) and report such data to
18 the corresponding Data Center for analysis by such Data
19 Center.

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

24 “(d) PRIVACY.—The data collection and analysis
25 under this section shall be conducted and maintained in
26 a manner that protects the confidentiality of individually

1 identifiable health information consistent with applicable
2 statutes and regulations, including, as applicable, HIPAA
3 privacy and security law (as defined in section 3009(a)(2))
4 and section 552a of title 5, United States Code.

5 **“SEC. 3105. CENTERS OF EXCELLENCE.**

6 “(a) IN GENERAL.—

7 “(1) CONTRACTS WITH CLINICAL CENTERS OF
8 EXCELLENCE.—The WTC Program Administrator
9 shall, subject to subsection (b)(1)(B), enter into con-
10 tracts with Clinical Centers of Excellence (as defined
11 in subsection (b)(1)(A))—

12 “(A) for the provision of monitoring and
13 treatment benefits and initial health evaluation
14 benefits under subtitle B;

15 “(B) for the provision of outreach activities
16 to individuals eligible for such monitoring and
17 treatment benefits, for initial health evaluation
18 benefits, and for follow-up to individuals who
19 are enrolled in the monitoring program;

20 “(c) for the provision of counseling for
21 benefits under subtitle B, with respect to WTC-
22 related health conditions, for individuals eligible
23 for such benefits;

24 “(D) for the provision of counseling for
25 benefits for WTC-related health conditions that

1 may be available under Workers' Compensation
2 or other benefit programs for work-related inju-
3 ries or illnesses, health insurance, disability in-
4 surance, or other insurance plans or through
5 public or private social service agencies and as-
6 sisting eligible individuals in applying for such
7 benefits;

8 “(E) for the provision of translational and
9 interpretive services as for program participants
10 who are not English language proficient; and

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

13 “(2) CONTRACTS WITH DATA CENTERS.—

14 “(A) IN GENERAL.—The WTC Program
15 Administrator shall enter into contracts with
16 Data Centers (as defined in subsection
17 (b)(2))—

18 “(I) for receiving, analyzing, and re-
19 porting to the WTC Program Adminis-
20 trator on data, in accordance with section
21 3104, that has been collected and reported
22 to such Data Centers by the corresponding
23 Clinical Centers of Excellence under sub-
24 section (b)(1)(B)(iii);

1 “(ii) for the development of medical
2 monitoring, initial health evaluation, and
3 treatment protocols, with respect to WTC-
4 related health conditions;

5 “(iii) for coordinating the outreach ac-
6 tivities conducted under paragraph (1)(B)
7 by each corresponding Clinical Center of
8 Excellence;

9 “(iv) for establishing criteria for the
10 credentialing of medical providers partici-
11 pating in the nationwide network under
12 section 3113;

13 “(v) for coordinating and admin-
14 istering the activities of the WTC Health
15 Program Steering Committees established
16 under section 3002(b); and

17 “(vi) for meeting periodically with the
18 corresponding Clinical Centers of Excel-
19 lence to obtain input on the analysis and
20 reporting of data collected under subpara-
21 graph (A) and on the development of med-
22 ical monitoring, initial health evaluation,
23 and treatment protocols under subpara-
24 graph (B).

1 “(B) MEDICAL PROVIDER SELECTION.—
2 The medical providers under clause (iv) shall be
3 selected by the WTC Program Administrator on
4 the basis of their experience treating or diag-
5 nosing the medical conditions included in the
6 list of identified WTC-related health conditions
7 for responders and of identified WTC-related
8 health conditions for survivors.

9 “(c) CLINICAL DISCUSSIONS.—In carrying
10 out subparagraph (A)(ii), a Data Center shall
11 engage in clinical discussions across the WTC
12 program to guide treatment approaches for in-
13 dividuals with a WTC-related health condition
14 described in section 3112(a)(1)(A) and WTC-
15 related mental health condition described in sec-
16 tion 3112(a)(1)(B).

17 “(D) TRANSPARENCY OF DATA.—A con-
18 tract entered into under this subsection with a
19 Data Center shall require the Data Center to
20 make any data collected and reported to such
21 Center under subsection (b)(1)(B)(iii) available
22 to health researchers and others as provided in
23 the CDC/ATSDR Policy on Releasing and
24 Sharing Data.

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

7 “(b) CENTERS OF EXCELLENCE.—

8 “(1) CLINICAL CENTERS OF EXCELLENCE.—

9 “(A) DEFINITION.—For purposes of this
10 title, the term ‘Clinical Center of Excellence’
11 means a Center that demonstrates to the satis-
12 faction of the Administrator that the Center—

13 “(I) uses an integrated, centralized
14 health care provider approach to create a
15 comprehensive suite of health services
16 under this title that are accessible to eligi-
17 ble WTC responders, screening-eligible
18 WTC survivors, or certified-eligible WTC
19 survivors;

20 “(ii) has experience in caring for
21 WTC responders and community cohorts
22 or includes health care providers who have
23 been trained pursuant to section 3113(c);

24 “(iii) employs health care provider
25 staff with expertise that includes, at a min-

1 imum, occupational medicine, environ-
2 mental medicine, trauma-related psychiatry
3 and psychology, and social services coun-
4 seling; and

5 “(iv) meets such other requirements
6 as specified by the Administrator.

7 “(B) CONTRACT REQUIREMENTS.—The
8 WTC Program Administrator shall not enter
9 into a contract with a Clinical Center of Excel-
10 lence under subsection (a)(1) unless the Center
11 agrees to do each of the following:

12 “(I) Establish a formal mechanism for
13 consulting with and receiving input from
14 representatives of eligible populations re-
15 ceiving monitoring and treatment benefits
16 under subtitle B from such Center.

17 “(ii) Provide for the coordination of
18 monitoring and treatment benefits under
19 subtitle B with routine medical care pro-
20 vided for the treatment of conditions other
21 than WTC-related health conditions.

22 “(iii) Collect and report to the cor-
23 responding Data Center data in accordance
24 with section 3104(b).

1 “(iv) Have in place safeguards against
2 fraud that are satisfactory to the Adminis-
3 trator.

4 “(v) Treat or refer for treatment all
5 individuals who are eligible WTC respond-
6 ers or certified-eligible WTC survivors with
7 respect to such Center who present them-
8 selves for treatment of a WTC-related
9 health condition.

10 “(vi) Have in place safeguards, con-
11 sistent with section 3104(c), to ensure the
12 confidentiality of an individual’s individ-
13 ually identifiable health information, in-
14 cluding requiring that such information
15 not be disclosed to the individual’s em-
16 ployer without the authorization of the in-
17 dividual.

18 “(vii) Use amounts paid under sub-
19 section (c)(1) only for costs incurred in
20 carrying out the activities described in sub-
21 section (a), other than those described in
22 subsection (a)(1)(A).

23 “(viii) Utilize health care providers
24 with occupational and environmental medi-
25 cine expertise to conduct physical and

1 mental health assessments, in accordance
2 with protocols developed under subsection
3 (a)(2)(A)(ii).

4 “(ix) Communicate with eligible WTC
5 responders and screening-eligible and cer-
6 tified-eligible WTC survivors in appropriate
7 languages and conducting outreach activi-
8 ties with relevant stakeholder worker or
9 community associations.

10 “(x) Meet all the other applicable re-
11 quirements of this title, including regula-
12 tions implementing such requirements.

13 “(c) TRANSITION RULE TO ENSURE CON-
14 TINUITY OF CARE.—The WTC Program Admin-
15 istrator shall to the maximum extent feasible
16 ensure continuity of care in any period of tran-
17 sition from medical monitoring and treatment
18 of an eligible WTC responder or certified-eli-
19 gible WTC survivor by a provider to a Clinical
20 Center of Excellence or a health care provider
21 participating in the nationwide network under
22 section 3113.

23 “(2) DATA CENTERS.—For purposes of this
24 title, the term ‘Data Center’ means a Center that
25 the WTC Program Administrator determines has the

1 capacity to carry out the responsibilities for a Data
2 Center under subsection (a)(2).

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

8 “(c) PAYMENT FOR INFRASTRUCTURE COSTS.—

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

18 “(2) FIXED INFRASTRUCTURE COSTS.—For
19 purposes of paragraph (1), the term ‘fixed infra-
20 structure costs’ means, with respect to a Clinical
21 Center of Excellence, the costs incurred by such
22 Center that are not reimbursable by the WTC Pro-
23 gram Administrator under section 3112(c).

24 **“SEC. 3106. DEFINITIONS.**

25 “In this title:

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

12 “(2) The term ‘certified eligible WTC re-
13 sponder’ means an individual who has been certified
14 as an eligible WTC responder under section
15 3111(a)(4).

16 “(3) The term ‘certified-eligible WTC survivor’
17 has the meaning given such term in section
18 3121(a)(2).

19 “(4) The terms ‘Clinical Center of Excellence’
20 and ‘Data Center’ have the meanings given such
21 terms in section 3105.

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

24 “(6) The term ‘initial health evaluation’ in-
25 cludes, with respect to an individual, a medical and

1 exposure history, a physical examination, and addi-
2 tional medical testing as needed to evaluate whether
3 the individual has a WTC-related health condition
4 and is eligible for treatment under the WTC pro-
5 gram.

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

8 “(A) for eligible WTC responders, the
9 identified WTC-related health condition for eli-
10 gible WTC responders under section 3112(a)(3)
11 or 3112(a)(4); or

12 “(B) for eligible WTC survivors, the identi-
13 fied WTC-related health condition for WTC
14 survivors under section 3122(b)(1) or
15 3122(b)(2).

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

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

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

23 “(9) The term ‘New York metropolitan area’
24 means an area, specified by the WTC Program Ad-
25 ministrator, within which eligible WTC responders

1 and eligible WTC survivors who reside in such area
2 are reasonably able to access monitoring and treat-
3 ment benefits and initial health evaluation benefits
4 under this title through a Clinical Centers of Excel-
5 lence described in subparagraphs (A), (B), or (c) of
6 section 3105(b)(1).

7 “(10) The term ‘screening-eligible WTC sur-
8 vivor’ has the meaning given such term in section
9 3121(a)(2).

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

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

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

22 “(14) The term ‘WTC Program Administrator’
23 means the individual responsible under section
24 3101(f) for the administration of the WTC program.

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

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

6 **“Subtitle B—Program of Moni-
7 toring, Initial Health Evalua-
8 tions, and Treatment**

9 **“PART 1—WTC RESPONDERS**

10 **“SEC. 3111. IDENTIFICATION OF ELIGIBLE WTC RESPOND-
11 ERS AND PROVISION OF WTC-RELATED MONI-
12 TORING SERVICES.**

13 “(a) ELIGIBLE WTC RESPONDER DEFINED.—

14 “(1) IN GENERAL.—For purposes of this title,
15 the term ‘eligible WTC responder’ means any of the
16 following individuals, subject to paragraph (5):

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

23 “(I) the consortium coordinated by
24 Mt. Sinai hospital in New York City that
25 coordinates the monitoring and treatment

1 for eligible WTC responders other than
2 with respect to those covered under the ar-
3 rangement with the Fire Department of
4 New York City; or

5 “(ii) the Fire Department of New
6 York City.

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

11 “(c) RESPONDER WHO MEETS MODIFIED
12 ELIGIBILITY CRITERIA.—An individual who—

13 “(I) performed rescue, recovery, dem-
14 olition, debris cleanup, or other related
15 services in the New York City disaster area
16 in response to the September 11, 2001,
17 terrorist attacks on the World Trade Cen-
18 ter, regardless of whether such services
19 were performed by a State or Federal em-
20 ployee or member of the National Guard or
21 otherwise; and

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

1 tacks on the World Trade Center as the
2 WTC Program Administrator, after con-
3 sultation with the WTC Scientific/Tech-
4 nical Advisory Committee, determines ap-
5 propriate.

6 The WTC Program Administrator shall not
7 modify such eligibility criteria on or after the
8 date that the number of certifications for eligi-
9 ble responders has reached 80 percent of the
10 limit described in paragraph (5) or on or after
11 the date that the number of certifications for
12 certified-eligible WTC survivors under section
13 3121(a)(2)(B) has reached 80 percent of the
14 limit described in section 3121(a)(3).

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

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

21 “(I) was a member of the Fire De-
22 partment of New York City (whether fire
23 or emergency personnel, active or retired)
24 who participated at least one day in the
25 rescue and recovery effort at any of the

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

7 “(ii)(I) is a surviving immediate fam-
8 ily member of an individual who was a
9 member of the Fire Department of New
10 York City (whether fire or emergency per-
11 sonnel, active or retired) and was killed at
12 the World Trade site on September 11,
13 2001; and

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

18 “(B) LAW ENFORCEMENT OFFICERS AND
19 WTC RESCUE, RECOVERY, AND CLEAN-UP
20 WORKERS.—The individual—

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

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

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

22 “(II) participated on-site in rescue,
23 recovery, debris clean-up, or related serv-
24 ices in at Ground Zero, the Staten Island
25 Landfill or the barge loading piers, for at

1 least one day during the period beginning
2 on September 11, 2001, and ending on
3 July 31, 2002;

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

10 “(IV) participated on-site in rescue,
11 recovery, debris clean-up, or related serv-
12 ices in lower Manhattan (south of Canal
13 St.) for at least 80 hours during the period
14 beginning on September 11, 2001, and
15 ending on July 31, 2002;

16 “(iii) was an employee of the Office of
17 the Chief Medical Examiner of New York
18 City involved in the examination and han-
19 dling of human remains from the World
20 Trade Center attacks, or other morgue
21 worker who performed similar post-Sep-
22 tember 11 functions for such Office staff,
23 during the period beginning on September
24 11, 2001 and ending on July 31, 2002;

1 “(iv) was a worker in the Port Au-
2 thority Trans-Hudson Corporation tunnel
3 for at least 24 hours during the period be-
4 ginning on February 1, 2002, and ending
5 on July 1, 2002; or

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

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

21 “(A) there shall be no fee charged to the
22 applicant for making an application for such
23 determination;

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

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

3 “(c) an individual who is determined not to
4 be an eligible WTC responder shall have an op-
5 portunity to appeal such determination in a
6 manner established under such process.

7 “(4) CERTIFICATION.—

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

21 “(I) based on the application sub-
22 mitted, the individual does not meet the
23 eligibility criteria; or

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

4 “(B) TIMING.—

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

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

20 “(5) NUMERICAL LIMITATION ON ELIGIBLE
21 WTC RESPONDERS.—

22 “(A) IN GENERAL.—The total number of
23 individuals not described in paragraph (1)(A)
24 who may be certified as eligible WTC respon-
25 ders under paragraph (4), shall be subject to

1 amounts made available under section 3151 and
2 shall not exceed 15,000, of which no more than
3 2,500 may be individuals certified based on
4 modified eligibility criteria established under
5 paragraph (1)(c). In applying the previous sen-
6 tence, any individual who at any time so quali-
7 fies as an eligible WTC responder shall be
8 counted against such numerical limitation.

9 “(B) PROCESS.—In implementing subpara-
10 graph (A), the WTC Program Administrator
11 shall—

12 “(I) limit the number of certifications
13 provided under paragraph (4)—

14 “(I) in accordance with such sub-
15 paragraph; and

16 “(II) to such number, as deter-
17 mined by the Administrator based on
18 the best available information and
19 subject to amounts available under
20 section 3151, that will ensure suffi-
21 cient funds will be available to provide
22 treatment and monitoring benefits
23 under this title, with respect to all in-
24 dividuals receiving such certifications

1 through the end of the period de-
2 scribed in section 3151(a)(2)(A); and
3 “(ii) provide priority in such certifi-
4 cations in the order in which individuals
5 apply for a determination under paragraph
6 (3).

7 “(b) MONITORING BENEFITS.—

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

20 “(2) PROVISION OF MONITORING BENEFITS.—

21 The monitoring benefits under paragraph (1) shall
22 be provided through the Clinical Center of Excel-
23 lence for the type of individual involved or, in the
24 case of an individual residing outside the New York

1 metropolitan area, under an arrangement under sec-
2 tion 3113.

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

6 “(a) WTC-RELATED HEALTH CONDITION DE-
7 FINED.—

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

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

23 “(B) a mental health condition for which
24 such attacks, based on an examination by a
25 medical professional with experience in treating

1 or diagnosing the medical conditions included in
2 the applicable list of identified WTC-related
3 health conditions, is substantially likely to be a
4 significant factor in aggravating, contributing
5 to, or causing the condition, as determined
6 under paragraph (2).

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

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

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

22 “(I) evaluated and characterized
23 through the use of a standardized, popu-
24 lation appropriate questionnaire approved

1 by the Director of the National Institute
2 for Occupational Safety and Health; and

3 “(ii) assessed and documented by a
4 medical professional with experience in
5 treating or diagnosing medical conditions
6 included on the list of identified WTC-re-
7 lated health conditions.

8 “(B) The type of symptoms and temporal
9 sequence of symptoms. Such symptoms shall
10 be—

11 “(I) assessed through the use of a
12 standardized, population appropriate med-
13 ical questionnaire approved by Director of
14 the National Institute for Occupational
15 Safety and Health and a medical examina-
16 tion; and

17 “(ii) diagnosed and documented by a
18 medical professional described in subpara-
19 graph (A)(ii).

20 “(3) LIST OF IDENTIFIED WTC-RELATED
21 HEALTH CONDITIONS FOR CERTIFIED ELIGIBLE WTC
22 RESPONDERS.—For purposes of this title, the term
23 ‘identified WTC-related health condition for eligible
24 WTC responders’ means any of the following health
25 conditions:

- 1 “(A) AERODIGESTIVE DISORDERS.—
- 2 “(I) Interstitial lung diseases.
- 3 “(ii) Chronic respiratory disorder-
- 4 fumes/vapors.
- 5 “(iii) Asthma.
- 6 “(iv) Reactive airways dysfunction
- 7 syndrome (RADS).
- 8 “(v) WTC-exacerbated chronic ob-
- 9 structive pulmonary disease (COPD).
- 10 “(vi) Chronic cough syndrome.
- 11 “(vii) Upper airway hyperreactivity.
- 12 “(viii) Chronic rhinosinusitis.
- 13 “(ix) Chronic nasopharyngitis.
- 14 “(x) Chronic laryngitis.
- 15 “(xi) Gastro-esophageal reflux dis-
- 16 order (GERD).
- 17 “(xii) Sleep apnea exacerbated by or
- 18 related to a condition described in a pre-
- 19 vious clause.
- 20 “(B) MENTAL HEALTH CONDITIONS.—
- 21 “(I) Post traumatic stress disorder
- 22 (PTSD).
- 23 “(ii) Major depressive disorder.
- 24 “(iii) Panic disorder.
- 25 “(iv) Generalized anxiety disorder.

1 “(v) Anxiety disorder (not otherwise
2 specified).

3 “(vi) Depression (not otherwise speci-
4 fied).

5 “(vii) Acute stress disorder.

6 “(viii) Dysthymic disorder.

7 “(ix) Adjustment disorder.

8 “(x) Substance abuse.

9 “(xi) V codes (treatments not specifi-
10 cally related to psychiatric disorders, such
11 as marital problems, parenting problems
12 etc.), secondary to another identified
13 WTC-related health condition for WTC eli-
14 gible responders.

15 “(4) MUSCULOSKELETAL DISORDERS.—

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

23 “(I) Low back pain.

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

25 “(iii) Other musculoskeletal disorders.

1 “(B) DEFINITION.—The term ‘WTC-re-
2 lated musculoskeletal disorder’ means a chronic
3 or recurrent disorder of the musculoskeletal
4 system caused by heavy lifting or repetitive
5 strain on the joints or musculoskeletal system
6 occurring during rescue or recovery efforts in
7 the New York City disaster area in the after-
8 math of the September 11, 2001, terrorist at-
9 tacks on the World Trade Center.

10 “(5) ADDITION OF IDENTIFIED WTC-RELATED
11 HEALTH CONDITIONS FOR ELIGIBLE WTC RESPOND-
12 ERS.—

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

23 “(B) ADMINISTRATOR’S OPTIONS AFTER
24 RECEIPT OF PETITION.—In the case that the
25 WTC Program Administrator receives a written

1 petition by an interested party to add a health
2 condition to the list of identified WTC-related
3 health conditions for eligible WTC responders
4 described in paragraph (3), not later than 60
5 days after the date of receipt of such petition
6 the Administrator shall—

7 “(I) request a recommendation of the
8 Advisory Committee;

9 “(ii) publish a proposed rule in the
10 Federal Register to add such health condi-
11 tion, in accordance with subparagraph (D);
12 or

13 “(iii) publish in the Federal Register
14 the Administrator’s determination not to
15 publish such a proposed rule and the basis
16 for such determination.

17 “(c) ACTION BY ADVISORY COMMITTEE.—

18 In the case that the Administrator requests a
19 recommendation of the Advisory Committee
20 under this paragraph, with respect to adding a
21 health condition to the list described in para-
22 graph (3), the Advisory Committee shall submit
23 to the Administrator such recommendation not
24 later than 60 days after the date of such re-
25 quest or by such date (not to exceed 180 days

1 after such date of request) as specified by the
2 Administrator. Not later than 60 days after the
3 date of receipt of such recommendation, the Ad-
4 ministrator shall, in accordance with subpara-
5 graph (D), publish in the Federal Register a
6 proposed rule with respect to such recommenda-
7 tion or a determination not to propose such a
8 proposed rule and the basis for such determina-
9 tion.

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

13 “(I) publish such proposed rule in ac-
14 cordance with section 553 of title 5,
15 United States Code; and

16 “(ii) provide interested parties a pe-
17 riod of 30 days after such publication to
18 submit written comments on the proposed
19 rule.

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

1 “(E) INTERESTED PARTY DEFINED.—For
2 purposes of this paragraph, the term ‘interested
3 party’ includes a representative of any organi-
4 zation representing the certified eligible WTC
5 responders, a nationally recognized medical as-
6 sociation, a Clinical or Data Center, a State or
7 political subdivision, or any other interested
8 person.

9 “(6) CANCER.—

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

1 “(B) PROPOSED REGULATIONS AND RULE-
2 MAKING.—Based on the periodic reviews under
3 subparagraph (A), if the WTC Program Admin-
4 istrator determines that cancer or a certain
5 type of cancer should be added to such list of
6 identified WTC-related health conditions, the
7 WTC Program Administrator shall propose reg-
8 ulations, through rulemaking, to add cancer or
9 the certain type of cancer to such list.

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

20 “(D) DETERMINATIONS NOT TO ADD CAN-
21 CER OR CERTAIN TYPES OF CANCER.—In the
22 case that the WTC Program Administrator de-
23 termines under subparagraph (B) or (c) that
24 cancer or a certain type of cancer should not be
25 added to such list of identified WTC-related

1 health conditions, the WTC Program Adminis-
2 trator shall publish an explanation for such de-
3 termination in the Federal Register. Any such
4 determination to not make such an addition
5 shall not preclude the addition of cancer or the
6 certain type of cancer to such list at a later
7 date.

8 “(b) COVERAGE OF TREATMENT FOR WTC-RELATED
9 HEALTH CONDITIONS.—

10 “(1) DETERMINATION BASED ON AN IDENTI-
11 FIED WTC-RELATED HEALTH CONDITION FOR CER-
12 TIFIED ELIGIBLE WTC RESPONDERS.—

13 “(A) IN GENERAL.—If a physician at a
14 Clinical Center of Excellence that is providing
15 monitoring benefits under section 3111 for an
16 eligible WTC responder certified under section
17 3111(a)(4) determines that the responder has
18 an identified WTC-related health condition, and
19 the physician makes a clinical determination
20 that exposure to airborne toxins, other hazards,
21 or adverse conditions resulting from the 9/11
22 terrorist attacks is substantially likely to be a
23 significant factor in aggravating, contributing
24 to, or causing the condition—

1 “(I) the physician shall promptly
2 transmit such determination to the WTC
3 Program Administrator and provide the
4 Administrator with the medical facts sup-
5 porting such determination; and

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

11 “(B) REVIEW; CERTIFICATION; AP-
12 PEALS.—

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

18 “(ii) CERTIFICATION.—The Adminis-
19 trator shall provide a certification of such
20 condition based upon reviews conducted
21 under clause (I). Such a certification shall
22 be provided unless the Administrator de-
23 termines that the responder’s condition is
24 not an identified WTC-related health con-
25 dition or that exposure to airborne toxins,

1 other hazards, or adverse conditions result-
2 ing from the 9/11 terrorist attacks is not
3 substantially likely to be a significant fac-
4 tor in significantly aggravating, contrib-
5 uting to, or causing the condition.

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

10 “(2) DETERMINATION BASED ON OTHER WTC-
11 RELATED HEALTH CONDITION.—

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

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

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

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

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

17 “(ii) not later than 60 days after the
18 date of the transmittal under subpara-
19 graph (A)(I), a determination by the WTC
20 Program Administrator on whether or not
21 the condition involved is a WTC-related
22 health condition;

23 “(iii) certification under paragraph
24 (1)(B)(ii) of coverage of such condition if

1 determined to be a WTC-related health
2 condition; and

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

5 “(3) REQUIREMENT OF MEDICAL NECESSITY.—

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

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

24 “(c) DETERMINATION OF MEDICAL NECES-
25 SITY.—

1 “(I) REVIEW OF MEDICAL NECES-
2 SITY.—As part of the reimbursement pay-
3 ment process under subsection (c), the
4 WTC Program Administrator shall provide
5 for the review of claims for reimbursement
6 for the provision of medical treatment to
7 determine if such treatment is medically
8 necessary.

9 “(ii) WITHHOLDING OF PAYMENT FOR
10 MEDICALLY UNNECESSARY TREATMENT.—
11 The Administrator shall withhold such
12 payment for treatment that the Adminis-
13 trator determines is not medically nec-
14 essary.

15 “(4) SCOPE OF TREATMENT COVERED.—

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

23 “(B) PHARMACEUTICAL COVERAGE.—With
24 respect to ensuring coverage of medically nec-
25 essary outpatient prescription drugs, such drugs

1 shall be provided, under arrangements made by
2 the WTC Program Administrator, directly
3 through participating Clinical Centers of Excel-
4 lence or through one or more outside vendors.

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

21 “(5) PROVISION OF TREATMENT PENDING CER-
22 TIFICATION.—With respect to an eligible WTC re-
23 sponder who has been determined by an examining
24 physician under paragraph (1) to have an identified
25 WTC-related health condition, but for whom the

1 WTC Program Administrator has not yet deter-
2 mined whether to certify the determination, the
3 WTC Program Administrator may establish by rule
4 a process through which the Administrator may ap-
5 prove the provision of medical treatment under this
6 subsection (and payment under subsection (c)) with
7 respect to such responder and condition (under such
8 terms and conditions as the Administrator may pro-
9 vide) until the Administrator makes a decision on
10 whether to certify the determination.

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

14 “(1) MEDICAL TREATMENT.—

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

24 “(B) PHARMACEUTICALS.—

1 “(I) IN GENERAL.—The WTC Pro-
2 gram Administrator shall establish a pro-
3 gram for paying for the medically nec-
4 essary outpatient prescription pharma-
5 ceuticals prescribed under this title for
6 WTC-related health conditions through one
7 or more contracts with outside vendors.

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

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

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

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

1 and beneficial to the program by the WTC
2 Program Administrator.

3 “(c) OTHER TREATMENT.—For treatment
4 not covered under a preceding subparagraph,
5 the WTC Program Administrator shall establish
6 by regulation a reimbursement rate for each
7 such service.

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

14 “(d) MEDICAL TREATMENT PROTOCOLS.—

15 “(1) DEVELOPMENT.—The Data Centers shall
16 develop medical treatment protocols for the treat-
17 ment of certified eligible WTC responders and cer-
18 tified-eligible WTC survivors for identified WTC-re-
19 lated health conditions.

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

22 **“SEC. 3113. NATIONAL ARRANGEMENT FOR BENEFITS FOR**
23 **ELIGIBLE INDIVIDUALS OUTSIDE NEW YORK.**

24 “(a) IN GENERAL.—In order to ensure reasonable ac-
25 cess to benefits under this subtitle for individuals who are

1 eligible WTC responders, screening-eligible WTC sur-
2 vivors, or certified-eligible WTC survivors and who reside
3 in any State, as defined in section 2(f), outside the New
4 York metropolitan area, the WTC Program Administrator
5 shall establish a nationwide network of health care pro-
6 viders to provide monitoring and treatment benefits and
7 initial health evaluations near such individuals' areas of
8 residence in such States. Nothing in this subsection shall
9 be construed as preventing such individuals from being
10 provided such monitoring and treatment benefits or initial
11 health evaluation through any Clinical Center of Excel-
12 lence.

13 “(b) NETWORK REQUIREMENTS.—Any health care
14 provider participating in the network under subsection (a)
15 shall—

16 “(1) meet criteria for credentialing established
17 by the Data Centers;

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

21 “(3) collect and report data in accordance with
22 section 3104; and

23 “(4) meet such fraud, quality assurance, and
24 other requirements as the WTC Program Adminis-
25 trator establishes, including sections 1128 through

1 1128E of the Social Security Act, as applied by sec-
2 tion 3101(d).

3 “(c) TRAINING AND TECHNICAL ASSISTANCE.—The
4 WTC Program Administer may provide, including through
5 contract, for the provision of training and technical assist-
6 ance to health care providers participating in the network
7 under subsection (a).

8 **“PART 2—WTC SURVIVORS**

9 **“SEC. 3121. IDENTIFICATION AND INITIAL HEALTH EVALUA-**
10 **TION OF SCREENING-ELIGIBLE AND CER-**
11 **TIFIED-ELIGIBLE WTC SURVIVORS.**

12 “(a) IDENTIFICATION OF SCREENING-ELIGIBLE WTC
13 SURVIVORS AND CERTIFIED-ELIGIBLE WTC SUR-
14 VIVORS.—

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

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

21 “(I) CURRENTLY IDENTIFIED SUR-
22 VIVOR.—An individual, including an eligi-
23 ble WTC responder, who has been identi-
24 fied as eligible for medical treatment and
25 monitoring by the WTC Environmental

1 Health Center as of the date of enactment
2 of this title.

3 “(ii) SURVIVOR WHO MEETS CURRENT
4 ELIGIBILITY CRITERIA.—An individual who
5 is not an eligible WTC responder, for pur-
6 poses of the initial health evaluation under
7 subsection (b) claims symptoms of a WTC-
8 relation health condition, and meets any of
9 the current eligibility criteria described in
10 a subparagraph of subparagraph (B).

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

1 Health Program Steering Committees
2 under section 3102.

3 The Administrator shall not modify such cri-
4 teria under clause (iii) on or after the date that
5 the number of certifications for certified-eligible
6 WTC survivors under paragraph (2)(B) has
7 reached 80 percent of the limit described in
8 paragraph (3) or on or after the date that the
9 number of certifications for eligible responders
10 has reached 80 percent of the limit described in
11 section 3111(a)(5).

12 “(B) CURRENT ELIGIBILITY CRITERIA.—
13 The eligibility criteria described in this subpara-
14 graph for an individual are that the individual
15 is described in any of the following clauses:

16 “(I) A person who was present in the
17 New York City disaster area in the dust or
18 dust cloud on September 11, 2001.

19 “(ii) A person who worked, resided or
20 attended school, child care or adult day
21 care in the New York City disaster area
22 for—

23 “(I) at least four days during the
24 4-month period beginning on Sep-

1 tember 11, 2001, and ending on Jan-
2 uary 10, 2002; or

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

6 “(iii) Any person who worked as a
7 clean-up worker or performed maintenance
8 work in the New York City disaster area
9 during the 4-month period described in
10 subparagraph (B)(I) and had extensive ex-
11 posure to WTC dust as a result of such
12 work.

13 “(iv) A person who was deemed eligi-
14 ble to receive a grant from the Lower
15 Manhattan Development Corporation Resi-
16 dential Grant Program, who possessed a
17 lease for a residence or purchased a resi-
18 dence in the New York City disaster area,
19 and who resided in such residence during
20 the period beginning on September 11,
21 2001, and ending on May 31, 2003.

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

24 “(I) at any time during the pe-
25 riod beginning on September 11,

1 2001, and ending on May 31, 2003,
2 was in the New York City disaster
3 area; and

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

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

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

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

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

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

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

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

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

1 a manner established under such
2 process.

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

5 “(I) IN GENERAL.—In the case
6 of an individual who is described in
7 subparagraph (A)(I) or who is deter-
8 mined under clause (I) (consistent
9 with paragraph (3)) to be a screening-
10 eligible WTC survivor, the WTC Pro-
11 gram Administrator shall provide an
12 appropriate written documentation of
13 such fact.

14 “(II) TIMING.—

15 “(aa) CURRENTLY IDENTI-
16 FIED SURVIVORS.—In the case of
17 an individual who is described in
18 subparagraph (A)(I), the WTC
19 Program Administrator shall pro-
20 vide the written documentation
21 under subclause (I) not later
22 than 60 days after the date of
23 the enactment of this title.

24 “(bb) OTHER MEMBERS.—
25 In the case of another individual

1 who is determined under clause
2 (I) and consistent with para-
3 graph (3) to be a screening-eli-
4 ble WTC survivor, the WTC Pro-
5 gram Administrator shall provide
6 the written documentation under
7 subclause (I) at the time of such
8 determination.

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

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

17 “(B) CERTIFICATION OF ELIGIBILITY FOR
18 MONITORING AND TREATMENT.—

19 “(I) IN GENERAL.—The WTC Pro-
20 gram Administrator shall establish a cer-
21 tification process under which the Adminis-
22 trator shall provide appropriate certifi-
23 cation to screening-eligible WTC survivors
24 who, pursuant to the initial health evalua-
25 tion under subsection (b), are determined

1 to be eligible for follow-up monitoring and
2 treatment under this part.

3 “(ii) TIMING.—

4 “(I) CURRENTLY IDENTIFIED
5 SURVIVORS.—In the case of an indi-
6 vidual who is described in paragraph
7 (1)(A)(I), the WTC Program Admin-
8 istrator shall provide the certification
9 under clause (I) not later than 60
10 days after the date of the enactment
11 of this title.

12 “(II) OTHER MEMBERS.—In the
13 case of another individual who is de-
14 termined under clause (I) to be eligi-
15 ble for follow-up monitoring and treat-
16 ment, the WTC Program Adminis-
17 trator shall provide the certification
18 under such clause at the time of such
19 determination.

20 “(3) NUMERICAL LIMITATION ON CERTIFIED-
21 ELIGIBLE WTC SURVIVORS.—

22 “(A) IN GENERAL.—The total number of
23 individuals not described in paragraph (1)(A)(I)
24 who may be certified as certified-eligible WTC
25 survivors under paragraph (2)(B) shall be sub-

1 ject to amounts made available under section
2 3151 and shall not exceed 15,000. In applying
3 the previous sentence, any individual who at
4 any time so qualifies as a certified-eligible WTC
5 survivor shall be counted against such numer-
6 ical limitation.

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

10 “(I) limit the number of certifications
11 provided under paragraph (2)(B)—

12 “(I) in accordance with such sub-
13 paragraph; and

14 “(II) to such number, as deter-
15 mined by the Administrator based on
16 the best available information and
17 subject to amounts made available
18 under section 3151, that will ensure
19 sufficient funds will be available to
20 provide treatment and monitoring
21 benefits under this title, with respect
22 to all individuals receiving such cer-
23 tifications through the end of the pe-
24 riod described in section
25 3151(a)(2)(A); and

1 “(ii) provide priority in such certifi-
2 cations in the order in which individuals
3 apply for a determination under paragraph
4 (2)(B).

5 “(b) INITIAL HEALTH EVALUATION TO DETERMINE
6 ELIGIBILITY FOR FOLLOW-UP MONITORING OR TREAT-
7 MENT.—

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

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

22 “(3) LIMITATION ON INITIAL HEALTH EVALUA-
23 TION BENEFITS.—Benefits for an initial health eval-
24 uation under this part for a screening-eligible WTC
25 survivor shall consist only of a single medical initial

1 health evaluation consistent with initial health eval-
2 uation protocols described in paragraph (1). Nothing
3 in this paragraph shall be construed as preventing
4 such an individual from seeking additional medical
5 initial health evaluations at the expense of the indi-
6 vidual.

7 **“SEC. 3122. FOLLOW-UP MONITORING AND TREATMENT OF**
8 **CERTIFIED-ELIGIBLE WTC SURVIVORS FOR**
9 **WTC-RELATED HEALTH CONDITIONS.**

10 “(a) IN GENERAL.—Subject to subsection (b), the
11 provisions of sections 3111 and 3112 shall apply to follow-
12 up monitoring and treatment of WTC-related health con-
13 ditions for certified-eligible WTC survivors in the same
14 manner as such provisions apply to the monitoring and
15 treatment of identified WTC-related health conditions for
16 certified eligible WTC responders.

17 “(b) LIST OF IDENTIFIED WTC-RELATED HEALTH
18 CONDITIONS FOR CERTIFIED-ELIGIBLE WTC SUR-
19 VIVORS.—

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

- 1 “(A) AERODIGESTIVE DISORDERS.—
- 2 “(I) Interstitial lung diseases.
- 3 “(ii) Chronic respiratory disorder—
- 4 fumes/vapors.
- 5 “(iii) Asthma.
- 6 “(iv) Reactive airways dysfunction
- 7 syndrome (RADS).
- 8 “(v) WTC-exacerbated chronic ob-
- 9 structive pulmonary disease (COPD).
- 10 “(vi) Chronic cough syndrome.
- 11 “(vii) Upper airway hyperreactivity.
- 12 “(viii) Chronic rhinosinusitis.
- 13 “(ix) Chronic nasopharyngitis.
- 14 “(x) Chronic laryngitis.
- 15 “(xi) Gastro-esophageal reflux dis-
- 16 order (GERD).
- 17 “(xii) Sleep apnea exacerbated by or
- 18 related to a condition described in a pre-
- 19 vious clause.
- 20 “(B) MENTAL HEALTH CONDITIONS.—
- 21 “(I) Post traumatic stress disorder
- 22 (PTSD).
- 23 “(ii) Major depressive disorder.
- 24 “(iii) Panic disorder.
- 25 “(iv) Generalized anxiety disorder.

1 “(v) Anxiety disorder (not otherwise
2 specified).

3 “(vi) Depression (not otherwise speci-
4 fied).

5 “(vii) Acute stress disorder.

6 “(viii) Dysthymic disorder.

7 “(ix) Adjustment disorder.

8 “(x) Substance abuse.

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

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

1 **“SEC. 3123. FOLLOW-UP MONITORING AND TREATMENT OF**
2 **OTHER INDIVIDUALS WITH WTC-RELATED**
3 **HEALTH CONDITIONS.**

4 “(a) IN GENERAL.—Subject to subsection (c), the
5 provisions of section 3122 shall apply to the follow-up
6 monitoring and treatment of WTC-related health condi-
7 tions in the case of individuals described in subsection (b)
8 in the same manner as such provisions apply to the follow-
9 up monitoring and treatment of WTC-related health con-
10 ditions for certified-eligible WTC survivors.

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

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

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

19 “(c) LIMITATION.—

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

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

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

4 “(B) a succeeding fiscal year is the
5 amount specified in this paragraph for the pre-
6 vious fiscal year increased by the annual per-
7 centage increase in the medical care component
8 of the consumer price index for all urban con-
9 sumers.

10 **“PART 3—PAYOR PROVISIONS**

11 **“SEC. 3131. PAYMENT OF CLAIMS.**

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

17 “(b) WORKERS’ COMPENSATION PAYMENT.—Pay-
18 ment for treatment under parts 1 and 2 of this subtitle
19 of a WTC-related health condition of an individual that
20 is work-related shall be reduced or recouped to the extent
21 that the WTC Program Administrator determines that
22 payment has been made, or can reasonably be expected
23 to be made, under a workers’ compensation law or plan
24 of the United States, a State, or a locality (including pay-
25 ment described in subsection (d)(3)), or other work-related

1 injury or illness benefit plan of the employer of such indi-
2 vidual, for such treatment. The provisions of clauses (iii),
3 (iv), (v), and (vi) of paragraph (2)(B) of section 1862(b)
4 of the Social Security Act and paragraphs (3) and (4) of
5 such section shall apply to the recoupment under this sub-
6 section of a payment to the WTC program (with respect
7 to a workers' compensation law or plan, or other work-
8 related injury or illness plan of the employer involved, and
9 such individual) in the same manner as such provisions
10 apply to the reimbursement of a payment under section
11 1862(b)(2) of such Act to the Secretary (with respect to
12 such a law or plan and an individual entitled to benefits
13 under title XVIII of such Act) except that any reference
14 in such paragraph (4) to payment rates under title XVIII
15 of the Social Security Act shall be deemed a reference to
16 payment rates under this title.

17 “(c) HEALTH INSURANCE COVERAGE.—

18 “(1) IN GENERAL.—In the case of an individual
19 who has a WTC-related health condition that is not
20 work-related and has health coverage for such condi-
21 tion through any public or private health plan, the
22 provisions of section 1862(b) of the Social Security
23 Act shall apply to such a health plan and such indi-
24 vidual in the same manner as they apply to a group
25 health plan and an individual entitled to benefits

1 under title XVIII of such Act pursuant to section
2 226(a) of such Act. Any costs for items and services
3 covered under such plan that are not reimbursed by
4 such health plan, due to the application of
5 deductibles, copayments, coinsurance, other cost-
6 sharing, or otherwise, are reimbursable under this
7 title to the extent that they are covered under the
8 WTC program.

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

15 “(d) REQUIRED CONTRIBUTION BY NEW YORK CITY
16 IN PROGRAM COSTS.—

17 “(1) IN GENERAL.—

18 “(A) AMOUNT TO BE CONTRIBUTED.—

19 With respect to fiscal year 2011 and each sub-
20 sequent fiscal year, subject to the succeeding
21 provisions of this subsection, New York City
22 shall contribute an amount equal to 10 percent
23 of the expenditures in carrying out this title for
24 such fiscal year.

1 “(B) DEPOSIT IN FUND.—Funds contrib-
2 uted under this subsection shall be deposited in
3 the World Trade Center Health Program Fund
4 under section 3151(a)(3)(B). New York City
5 shall so deposit the contribution required by
6 subparagraph (A) for a fiscal year not later
7 than the end of March of the following fiscal
8 year.

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

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

14 “(ii) the amount described in section
15 3151(a)(3)(B) for any subsequent fiscal
16 year.

17 “(2) PAYMENT OF NEW YORK CITY SHARE OF
18 MONITORING AND TREATMENT COSTS.—The WTC
19 Program Administrator shall—

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

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

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

3 “(3) CREDITS TOWARDS REQUIRED CONTRIBU-
4 TION.—The amount paid by New York City under
5 subsection (b), with respect to a workers’ compensa-
6 tion law or plan including line of duty compensation,
7 shall be counted towards and reduce the contribution
8 amount required of New York City under paragraph
9 (1).

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

22 “(5) RULE OF CONSTRUCTION.—Nothing in
23 this subsection shall be construed as authorizing the
24 WTC Administrator, with respect to a fiscal year, to
25 reduce any amount of payment under this title for

1 items and services, reduce amounts specified in sec-
2 tion 3123(c) for such fiscal year, or reduce the nu-
3 merical limitation under section 3111(a)(5) or
4 3121(a)(3) for such fiscal year if New York City
5 fails to comply with paragraph (1) for such fiscal
6 year.

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

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

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

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

20 “The WTC Program Administrator shall enter into
21 arrangements with other government agencies, insurance
22 companies, or other third-party administrators to provide
23 for timely and accurate processing of claims under sec-
24 tions 3112, 3113, 3122, and 3123.

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

3 **“SEC. 3141. RESEARCH REGARDING CERTAIN HEALTH CON-**
4 **DITIONS RELATED TO SEPTEMBER 11 TER-**
5 **RORIST ATTACKS IN NEW YORK CITY.**

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

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

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

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

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

1 section 3142), through a Clinical Center of Excellence, or
2 through a Data Center.

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

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

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

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

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

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

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

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

8 **“Subtitle D—Funding**

9 **“SEC. 3151. WORLD TRADE CENTER HEALTH PROGRAM** 10 **FUND.**

11 “(a) ESTABLISHMENT OF FUND.—

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

16 “(2) FUNDING.—Out of any money in the
17 Treasury not otherwise appropriated, subject to
18 paragraph (4), there shall be deposited into the
19 Fund—

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

22 “(B) for fiscal year 2021, \$700,000,000;

23 and

24 “(c) for each subsequent fiscal year, the
25 dollar amount specified in subparagraph (B) (or

1 this subparagraph) for the previous year in-
2 creased by the percentage increase in the con-
3 sumer price index for all urban consumers (all
4 items; United States city average) as estimated
5 by the Secretary for the 12-month period end-
6 ing with March of the previous year.

7 Any amount deposited into the Fund under section
8 3101(d) (relating to fraud prevention) shall be in
9 addition to the amounts to be deposited into the
10 Fund under subparagraphs (A), (B), and (c).

11 “(3) ALLOCATION OF CONTRIBUTIONS.—Of the
12 amount required by subparagraphs (A), (B), and (c)
13 of paragraph (2) to be deposited into the Fund for
14 the period of fiscal years 2011 through 2020, and
15 each fiscal year thereafter—

16 “(A) an amount equivalent to 90 percent
17 of such required amount shall be from general
18 revenues of the Treasury; and

19 “(B) subject to paragraph (4), an amount
20 equivalent to 10 percent of such required
21 amount shall be contributed by New York City
22 in accordance with section 3131(d).

23 “(4) PAYMENTS WITH RESPECT TO WORKERS’
24 COMPENSATION LAW OR PLAN.—The amount re-
25 quired by paragraph (3)(B) to be contributed by

1 New York City (and the dollar amount required by
2 paragraph (2) to be deposited into the Fund) shall
3 be reduced in accordance with section 3131(d)(3).

4 “(b) MANDATORY FUNDS FOR MONITORING, INITIAL
5 HEALTH EVALUATIONS, TREATMENT, AND CLAIMS PROC-
6 ESSING.—

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

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

18 “(c) AUTHORIZATION OF APPROPRIATIONS FOR CER-
19 TAIN OTHER PURPOSES.—

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

1 paragraph (2), such amounts as described in such
2 paragraph for the respective purpose.

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

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

11 “(I) for fiscal year 2011, such sums
12 as may be necessary, not to exceed
13 \$100,000; and

14 “(ii) for each subsequent fiscal year,
15 such sums as may be necessary, not to ex-
16 ceed the amount specified under this sub-
17 paragraph for the previous fiscal year in-
18 creased by the percentage increase in the
19 consumer price index for all urban con-
20 sumers (all items; United States city aver-
21 age) as estimated by the Secretary for the
22 12-month period ending with March of the
23 previous year.

1 “(B) For the purpose of carrying out sec-
2 tion 3103 (relating to community education and
3 outreach)—

4 “(I) for fiscal year 2011, such sums
5 as may be necessary, not to exceed
6 \$2,000,000; and

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

17 “(c) For the purpose of carrying out sec-
18 tion 3104 (relating to uniform data collection)
19 and for reimbursing Data Centers (as defined
20 under section 3105(b)(2)) for the costs incurred
21 by such Centers in carrying out activities under
22 contracts entered into under section
23 3105(a)(2)—

1 “(I) for fiscal year 2011, such sums
2 as may be necessary, not to exceed
3 \$10,000,000; 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 “(D) For the purpose of carrying out sec-
15 tion 3141 (relating to research regarding cer-
16 tain health conditions)—

17 “(I) for fiscal year 2011,
18 \$15,000,000; and

19 “(ii) for each subsequent fiscal year,
20 the amount specified under this subpara-
21 graph for the previous fiscal year increased
22 by the percentage increase in the consumer
23 price index for all urban consumers (all
24 items; United States city average) as esti-
25 mated by the Secretary for the 12-month

1 period ending with March of the previous
2 year.

3 “(E) For the purpose of carrying out sec-
4 tion 3142 (relating to the World Trade Center
5 Health Registry)—

6 “(I) for fiscal year 2011, \$7,000,000;
7 and

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

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

20 **SEC. 201. DEFINITIONS.**

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

24 (1) in paragraph (6) by inserting “, or debris
25 removal, including under the World Trade Center

1 Health Program established under section 3001 of
2 the Public Health Service Act,” after “September
3 11, 2001”;

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

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

21 “(8) DEBRIS REMOVAL.—The term ‘debris re-
22 moval’ means rescue and recovery efforts, removal of
23 debris, cleanup, remediation, and response during
24 the immediate aftermath of the terrorist-related air-

1 craft crashes of September 11, 2001, with respect to
2 a 9/11 crash site.”;

3 (3) by inserting after paragraph (10), as so re-
4 designated, the following new paragraph and redesi-
5 gnating the subsequent paragraphs accordingly:

6 “(11) IMMEDIATE AFTERMATH.—The term ‘im-
7 mediate aftermath’ means any period beginning with
8 the terrorist-related aircraft crashes of September
9 11, 2001, and ending on August 30, 2002.”; and

10 (4) by adding at the end the following new
11 paragraph:

12 “(14) 9/11 CRASH SITE.—The term ‘9/11 crash
13 site’ means—

14 “(A) the World Trade Center site, Pen-
15 tagon site, and Shanksville, Pennsylvania site;

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

19 “(C) any area contiguous to a site of such
20 crashes that the Special Master determines was
21 sufficiently close to the site that there was a de-
22 monstrable risk of physical harm resulting from
23 the impact of the aircraft or any subsequent
24 fire, explosions, or building collapses (including
25 the immediate area in which the impact oc-

1 curred, fire occurred, portions of buildings fell,
2 or debris fell upon and injured individuals); and

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

6 **SEC. 202. EXTENDED AND EXPANDED ELIGIBILITY FOR**
7 **COMPENSATION.**

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

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

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

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

22 (b) EXTENSION OF DEADLINE FOR CLAIMS UNDER
23 SEPTEMBER 11TH VICTIM COMPENSATION FUND OF
24 2001.—Section 405(a)(3) of such Act is amended to read
25 as follows:

1 “(3) LIMITATION.—

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

7 “(B) EXCEPTION.—A claim may be filed
8 under paragraph (1), in accordance with sub-
9 section (c)(3)(A)(i), by an individual (or by a
10 personal representative on behalf of a deceased
11 individual) during the period beginning on the
12 date on which the regulations are updated
13 under section 407(b) and ending on December
14 22, 2031.”.

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

18 (1) by redesignating subparagraphs (A) and
19 (B) as subparagraphs (B) and (C), respectively; and

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

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

24 “(i) TIMING REQUIREMENTS FOR FIL-
25 ING CLAIMS.—An individual (or a personal

1 representative on behalf of a deceased indi-
2 vidual) may file a claim during the period
3 described in subsection (a)(3)(B) as fol-
4 lows:

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

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

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

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

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

24 “(II) the individual’s physical
25 harm is verified by contemporaneous

1 medical records created by or at the
2 direction of the medical professional
3 who provided the medical care.

4 “(iii) DATE SPECIFIED.—The date
5 specified in this clause is the date on which
6 the regulations are updated under section
7 407(a).”.

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

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

18 (f) LIMITATIONS ON CIVIL ACTIONS.—

19 (1) APPLICATION TO DAMAGES RELATED TO
20 DEBRIS REMOVAL.—Clause (i) of section
21 405(c)(3)(C) of such Act, as redesignated by sub-
22 section (c), is amended by inserting “, or for dam-
23 ages arising from or related to debris removal” after
24 “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.”.

