

109TH CONGRESS
2D SESSION

H. R. 6124

To provide protections and services to certain individuals after the terrorist attack on September 11, 2001, in New York City, in the State of New York, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 20, 2006

Mrs. MALONEY (for herself and Mr. FOSSELLA) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To provide protections and services to certain individuals after the terrorist attack on September 11, 2001, in New York City, in the State of New York, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Remember 9/11 Health
5 Act”.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) Thousands of rescue workers who responded
4 to the areas devastated by the terrorist attacks of
5 September 11th and local residents continue to suf-
6 fer significant medical problems as a result of com-
7 promised air quality and other toxins at the attack
8 sites.

9 (2) To date, the Mount Sinai Center for Occu-
10 pational and Environmental Medicine in New York
11 City has examined approximately 9,000 first re-
12 sponders and Ground Zero workers. Of those exam-
13 ined, more than 50 percent show physical or mental
14 health problems that are directly related to their
15 work at the World Trade Center and Fresh Kill
16 sites.

17 (3) It appears that no Federal program exists
18 to support fully the medical treatment of those who
19 responded to the September 11th aftermath and who
20 continue to experience health problems as a result.

21 (4) A significant portion of those who re-
22 sponded to the September 11th aftermath have no
23 health insurance, lost their health insurance as a re-
24 sult of the attacks, or have inadequate health insur-
25 ance for the medical conditions they developed as a

1 result of recovery work at the World Trade Center
2 site.

3 (5) Rescue workers and volunteers seeking
4 workers compensation apparently have had their ap-
5 plications denied, delayed for months, or redirected,
6 instead of receiving assistance in a timely and sup-
7 portive manner.

8 (6) Confusion still exists within the population
9 of recovery workers and first responders about where
10 to obtain compensation for income losses and med-
11 ical costs related to their service in the September
12 11th recovery effort.

13 (7) Residents of the City of New York need to
14 be included in any health monitoring program to
15 best protect their long-term health.

16 (8) Federal aid allocated for the monitoring of
17 rescue workers' health may need to be increased to
18 ensure the long-term study of health impacts of 9/
19 11.

20 (9) Research on the health impacts of the dev-
21 astation caused by the September 11th terrorist at-
22 tacks has started, with initial findings of relation-
23 ships between the air quality from Ground Zero and
24 a host of health impacts including, lower pregnancy
25 rates, lower birth weights in babies born nine

1 months after the disaster, and higher rates of res-
2 piratory and lung disorders in workers and residents
3 near Ground Zero.

4 (10) Further research is needed to evaluate
5 more comprehensively the health impacts of Sep-
6 tember 11 and research is needed regarding possible
7 treatment for the illnesses and injuries of September
8 11.

9 (11) The Federal response to medical issues
10 arising from September 11th response efforts need
11 improvement to meet the needs of rescue workers
12 and local residents still suffering health problems
13 from the disaster.

14 (12) A Federal agency or official needs to be
15 designated to coordinate and monitor the overall
16 Federal response to the health impacts of September
17 11.

18 **SEC. 3. HEALTH CARE INSURANCE.**

19 Subtitle B of title VI of the Robert T. Stafford Dis-
20 aster Relief and Emergency Assistance Act is amended by
21 adding at the end the following:

22 **“SEC. 630. PROTECTIONS FOR CERTAIN INDIVIDUALS.**

23 “(a) WORK INJURIES.—For the purposes of sub-
24 chapter I of chapter 81 of title 5, United States Code,
25 relating to compensation to Federal employees for work

1 injuries, eligible recipients as defined in subsection (d)
2 under this Act shall be deemed civil employees of the
3 United States within the meaning of the term ‘employee’
4 as defined in section 8101 of title 5, United States Code,
5 and the provisions of that subchapter shall apply.

6 “(b) PERSONAL PROPERTY.—For the purpose of
7 claims relating to damage to, or loss of, personal property
8 of an eligible recipient incident to service, an eligible re-
9 cipient under this Act shall be considered in the same
10 manner as if such eligible recipient was a civil employee
11 of the Government of the United States, except that an
12 eligible recipient shall not be responsible for the payment
13 of any health care expenses, including mental health cov-
14 erage, prescription drugs, or copayments for all health and
15 mental health care expenses that result from exposure to
16 the adverse conditions after the terrorist attack on Sep-
17 tember 11, 2001.

18 “(c) GENERAL RULE.—Except as otherwise provided
19 in this section, an eligible recipient shall not be deemed
20 a Federal employee and shall not be subject to the provi-
21 sions of law relating to Federal employment, including
22 those relating to hours of work, rates of compensation,
23 leave, unemployment compensation, and Federal employee
24 benefits.

25 “(d) ELIGIBLE RECIPIENT DEFINED.—

1 “(1) ELIGIBLE RECIPIENT.—Except as pro-
2 vided in paragraph (2), for purposes of this section,
3 the term ‘eligible recipient’ means—

4 “(A) emergency service personnel and res-
5 cue and recovery personnel who responded to
6 the terrorist attacks that occurred on Sep-
7 tember 11, 2001, in New York City, in the
8 State of New York, any time during the period
9 of September 11, 2001, through August 31,
10 2002;

11 “(B) any other worker or volunteer who re-
12 sponded to such attacks, including—

13 “(i) a police officer;

14 “(ii) a firefighter;

15 “(iii) an emergency medical techni-
16 cian;

17 “(iv) a transit worker;

18 “(v) any participating member of an
19 urban search and rescue team;

20 “(vi) a Federal or State employee;

21 “(vii) any other relief or rescue work-
22 er or volunteer whom the Secretary deter-
23 mines to be appropriate;

24 “(viii) a person who assisted in the re-
25 covery of human remains; and

1 “(ix) a person who assisted in the
2 criminal investigation;

3 “(C) a worker who responded to such at-
4 tacks by assisting in the cleanup or restoration
5 of critical infrastructure in and around New
6 York City;

7 “(D) a person whose place of residence is
8 in the declared disaster area;

9 “(E) a person who was employed in or at-
10 tended school, child care, or adult day care in
11 a building located in the declared disaster area
12 any time during the period of September 11,
13 2001, through August 31, 2002;

14 “(F) a person who was employed at the
15 Fresh Kills recovery site on Staten Island at
16 any time during the period of September 11,
17 2001, through August 31, 2002; and

18 “(G) any other person whom the Secretary
19 determines to be appropriate.

20 “(2) Notwithstanding the determination re-
21 quirements of paragraph (1), the immediate family
22 members of an individual who is an eligible recipient
23 under paragraph (1) may receive benefits under this
24 section if the eligible recipient—

1 “(A) is or was on the date of the Sep-
 2 tember 11th attacks the policy holder for such
 3 family; and

4 “(B) received family health insurance as of
 5 September 11, 2001.”.

6 **SEC. 4. HEALTH SCREENINGS, EXAMINATIONS, AND MONI-**
 7 **TORING SERVICES.**

8 (a) IN GENERAL.—Part B of title III of the Public
 9 Health Service Act (42 U.S.C. 243 et seq.) is amended
 10 by inserting after section 317R the following section:

11 **“SEC. 317T. CERTAIN HEALTH SERVICES FOR INDIVIDUALS**
 12 **ASSISTING WITH RESPONSE TO SEPTEMBER**
 13 **11 TERRORIST ATTACKS IN NEW YORK CITY.**

14 “(a) IN GENERAL.—The Secretary, acting through
 15 the Director of the Centers for Disease Control and Pre-
 16 vention, shall make awards of grants or cooperative agree-
 17 ments for the purpose of carrying out baseline and follow-
 18 up screening and clinical examinations, and long-term
 19 health monitoring and analysis, for covered individuals
 20 who meet the eligibility criteria under subsection (d).

21 “(b) COVERED INDIVIDUALS.—For purposes of this
 22 section, the term ‘covered individuals’ means—

23 “(1) emergency service personnel and rescue
 24 and recovery personnel who responded to the ter-
 25 rorist attacks that occurred on September 11, 2001,

1 in New York City, in the State of New York, any
2 time during the period of September 11, 2001,
3 through August 31, 2002;

4 “(2) any other worker or volunteer who re-
5 sponded to such attacks, including—

6 “(A) a police officer;

7 “(B) a firefighter;

8 “(C) an emergency medical technician;

9 “(D) a transit worker;

10 “(E) any participating member of an
11 urban search and rescue team;

12 “(F) Federal and State employees;

13 “(G) a person who worked to recover
14 human remains;

15 “(H) a person who worked on the criminal
16 investigation; and

17 “(I) any other relief or rescue worker or
18 volunteer whom the Secretary determines to be
19 appropriate;

20 “(3) a worker who responded to such attacks by
21 assisting in the cleanup or restoration of critical in-
22 frastructure in and around the designated disaster
23 area;

24 “(4) a person whose place of residence is in the
25 declared disaster area;

1 “(5) a person who is employed in or attends
2 school, child care, or adult day care in a building lo-
3 cated in the declared disaster area;

4 “(6) a person who was employed at the Fresh
5 Kills recovery site on Staten Island at any time dur-
6 ing the period of September 11, 2001, through Au-
7 gust 31, 2002; and

8 “(7) any other person whom the Secretary de-
9 termines to be appropriate.

10 “(c) AWARD RECIPIENT.—

11 “(1) IN GENERAL.—Subject to the submission
12 of an application satisfactory to the Secretary,
13 awards under subsection (a) shall be made only to—

14 “(A) the consortium of medical entities
15 that, pursuant to the program referred to in
16 subsection (g), provided health services de-
17 scribed in subsection (a) during fiscal year
18 2003 for the personnel described in subsection
19 (b)(1), subject to the consortium meeting the
20 criteria established in paragraph (2); and

21 “(B) the separate program carried out by
22 the New York City Fire Department.

23 “(2) CRITERIA.—For purposes of paragraph
24 (1)(A), the criteria described in this paragraph for
25 the consortium referred to in such paragraph are

1 that the consortium has appropriate experience in
2 the areas of environmental or occupational health,
3 toxicology, and safety, including experience in—

4 “(A) developing clinical protocols and con-
5 ducting clinical health examinations, including
6 mental health assessments;

7 “(B) conducting long-term health moni-
8 toring and epidemiological studies;

9 “(C) conducting long-term mental health
10 studies; and

11 “(D) establishing and maintaining medical
12 surveillance programs and environmental expo-
13 sure or disease registries.

14 “(d) ELIGIBILITY OF COVERED INDIVIDUALS.—The
15 Secretary shall determine eligibility criteria for covered in-
16 dividuals to receive health services under subsection (a).
17 Such criteria shall include the requirement that a covered
18 individual may not receive services through the program
19 under such section unless the individual enrolls in the pro-
20 gram.

21 “(e) CERTAIN PROGRAM REQUIREMENTS.—With re-
22 spect to the program under subsection (a), the Secretary
23 shall provide for the following:

1 “(1) Awards under subsection (a) shall des-
2 ignate an amount to be available only for covered in-
3 dividuals who—

4 “(A) are active or retired firefighters of
5 New York City; and

6 “(B) in responding to the terrorist attacks
7 of September 11, 2001, provided services in the
8 immediate vicinity of the World Trade Center.

9 “(2) A covered individual enrolled in the pro-
10 gram may not receive services under the program for
11 a period exceeding 20 years after the date on which
12 the individual first receive services under the pro-
13 gram, except that the Secretary may designate a
14 longer period if the Secretary determines that a
15 longer period is appropriate with respect to the
16 health of covered individuals.

17 “(3) The program may not establish a max-
18 imum enrollment number of fewer than 40,000 cov-
19 ered individuals.

20 “(f) AUTHORITY REGARDING TREATMENT.—The
21 Secretary may, to the extent determined appropriate by
22 the Secretary, authorize the program under subsection (a)
23 to provide treatment services to covered individuals who
24 have no other means of obtaining treatment.

1 “(g) RELATION TO CERTAIN PROGRAM.—Effective
2 on and after the date of the enactment of the Remember
3 9/11 Health Act, the two programs carried out pursuant
4 to the appropriation of \$90,000,000 made in Public Law
5 107–206 under the heading ‘Public Health and Social
6 Services Emergency Fund’, which programs provide
7 health services described in subsection (a) for the per-
8 sonnel described in subsection (b)(1), shall be considered
9 to be carried out under authority of this section and shall
10 be subject to the requirements of this section, except for
11 any period of transition determined appropriate by the
12 Secretary, not to exceed one year after such date of enact-
13 ment.

14 “(h) AUTHORIZATION OF APPROPRIATIONS.—For the
15 purpose of awards under subsection (a), there are author-
16 ized to be appropriated such sums as may be necessary
17 for each of the fiscal years 2007 through 2026, in addition
18 to any other authorizations of appropriations that are
19 available for such purpose.”.

20 (b) PROGRAMS REGARDING ATTACK AT PEN-
21 TAGON.—The Secretary of Health and Human Services
22 may, to the extent determined appropriate by the Sec-
23 retary, establish with respect to the terrorist attack at the
24 Pentagon on September 11, 2001, programs similar to the
25 programs that are established in sections 317T and 409J

1 of the Public Health Service Act with respect to the ter-
 2 rorist attacks on such date in New York City, in the State
 3 of New York.

4 **SEC. 5. RESEARCH REGARDING CERTAIN HEALTH CONDI-**
 5 **TIONS.**

6 Part B of title IV of the Public Health Service Act
 7 (42 U.S.C. 284 et seq.) is amended by inserting after sec-
 8 tion 409I the following section:

9 **“SEC. 409J. RESEARCH REGARDING CERTAIN HEALTH CON-**
 10 **DITIONS OF INDIVIDUALS ASSISTING WITH**
 11 **RESPONSE TO SEPTEMBER 11 TERRORIST AT-**
 12 **TACKS IN NEW YORK CITY.**

13 “(a) IN GENERAL.—With respect to covered individ-
 14 uals as defined in section 317T, the Director of NIH shall
 15 conduct or support—

16 “(1) diagnostic research on qualifying health
 17 conditions of such individuals, in the case of condi-
 18 tions for which there has been diagnostic uncer-
 19 tainty; and

20 “(2) research on treating qualifying health con-
 21 ditions of such individuals, in the case of conditions
 22 for which there has been treatment uncertainty.

23 “(b) QUALIFYING HEALTH CONDITIONS.—For pur-
 24 poses of this section, the term ‘qualifying health condi-
 25 tions’ means adverse health conditions that are considered

1 by the Secretary to be associated with exposure to one or
2 more of the sites of the terrorist attacks that occurred on
3 September 11, 2001, in New York City, in the State of
4 New York.

5 “(c) CONSULTATION WITH CERTAIN MEDICAL CON-
6 SORTIUM.—The Secretary shall carry out this section in
7 consultation with—

8 “(1) the consortium of medicine entities re-
9 ferred to in section 317T(c)(1); and

10 “(2) the firefighters department of New York
11 City, and the union for the firefighters of such de-
12 partment.

13 “(d) ANNUAL REPORT.—The Director of NIH shall
14 annually submit to the Congress a report describing the
15 findings of research under subsection (a).

16 “(e) AUTHORIZATION OF APPROPRIATIONS.—For the
17 purpose of carrying out this section, there are authorized
18 to be appropriated such sums as may be necessary for
19 each of the fiscal years 2007 through 2010, in addition
20 to any other authorizations of appropriations that are
21 available for such purpose.”.

22 **SEC. 6. 9/11 HEALTH EMERGENCY COORDINATING COUN-**
23 **CIL.**

24 (a) ESTABLISHMENT.—The Secretary of Health and
25 Human Services shall convene a council, to be known as

1 “9/11 Health Emergency Coordinating Council” (in this
2 section referred to as the “Council”), for the following
3 purposes:

4 (1) Discussing, examining, and formulating rec-
5 ommendations with respect to the adequacy and co-
6 ordination of the following:

7 (A) Response by the Federal Government,
8 State governments, local governments, and the
9 private sector to the terrorist attacks of Sep-
10 tember 11, 2001.

11 (B) Care and compensation for the victims
12 of such attacks.

13 (C) Federal tracking of the monitoring of,
14 and possible treatment for, individuals who are
15 directly suffering from, or may have long-term
16 health effects from, such attacks.

17 (D) Coordination among the members of
18 the Council in responding to the terrorist at-
19 tacks of September 11, 2001.

20 (2) In accordance with subsection (c), rendering
21 advisory opinions on the scope of any obligation of
22 the Federal Government resulting from the terrorist
23 attacks of September 11, 2001, relative to any obli-
24 gation of an insurance company resulting from such
25 attacks.

1 (b) MEMBERSHIP.—

2 (1) CHAIRPERSON.—The Secretary of Health
3 and Human Services (or the Secretary's designee)
4 shall serve as the chairperson of the Council.

5 (2) REQUIRED MEMBERS.—The members of the
6 Council shall include the following:

7 (A) The Secretary of Defense (or the Sec-
8 retary's designee).

9 (B) The Secretary of Labor (or the Sec-
10 retary's designee).

11 (C) The Director of the Federal Emer-
12 gency Management Agency (or the Director's
13 designee).

14 (D) The Director of the National Insti-
15 tutes of Health (or the Director's designee).

16 (E) The Director of the National Institute
17 for Occupational Safety and Health (or the Di-
18 rector's designee).

19 (F) A representative of the Crime Victims
20 Fund established under section 1402 of the Vic-
21 tims of Crime Act of 1984 (42 U.S.C. 10601).

22 (3) INVITEES.—The Secretary of Health and
23 Human Services shall invite the following individuals
24 to serve as members of the Council:

1 (A) The Governor of the State of New
2 York (or the Governor's designee).

3 (B) The Mayor of New York City (or the
4 Mayor's designee).

5 (C) 1 representative of the New York City
6 Fire Department.

7 (D) 2 representatives of the unions of New
8 York City Fire Department employees.

9 (E) 1 representative of the New York City
10 Police Department.

11 (F) 2 representatives of the unions of New
12 York City Police Department employees.

13 (G) 1 representative of the police depart-
14 ment of the Port Authority of New York and
15 New Jersey.

16 (H) 2 representatives of the union of the
17 police department of the Port Authority of New
18 York and New Jersey.

19 (I) 1 representative of the New York State
20 Department of Health.

21 (J) 1 representative of the New York State
22 Workers' Compensation Board.

23 (K) 1 representative of the New York City
24 Department of Health.

1 (L) 1 representative of the New York City
2 Office of Emergency Management.

3 (M) 1 representative of the Association of
4 Occupational and Environmental Clinics.

5 (N) 1 representative of the New York
6 Committee for Occupational Safety and Health
7 (NYCOSH).

8 (O) 1 representative of charitable organiza-
9 tions that had volunteers at Ground Zero.

10 (P) 10 representatives of labor unions in
11 New York City that—

12 (i) are not otherwise listed in this
13 paragraph; and

14 (ii) reflect a cross section of labor
15 unions (including construction, municipal,
16 and other labor unions) whose members re-
17 sponded to, or assisted with the cleanup
18 resulting from, the attacks of September
19 11, 2001.

20 (Q) 5 representatives of nonprofit volun-
21 teer entities that assisted in recovery efforts fol-
22 lowing the terrorist attacks of September 11,
23 2001.

24 (R) 5 representatives of a regional occupa-
25 tional provider that—

1 (i) works with the World Trade Cen-
2 ter Worker and Volunteer Medical Screen-
3 ing Program; and

4 (ii) is under the direction of the
5 Mount Sinai Center for Occupational and
6 Environmental Medicine.

7 (c) ADVISORY OPINIONS.—

8 (1) IN GENERAL.—Subject to paragraph (2),
9 the Council may render an advisory opinion on the
10 scope of any obligation of the Federal Government
11 resulting from the terrorist attacks of September 11,
12 2001, relative to any obligation of an insurance com-
13 pany resulting from such attacks.

14 (2) LIMITATION.—The Council may issue an
15 advisory opinion described in this subsection only at
16 the request of a party to one of the obligations in-
17 volved.

18 (d) MEETINGS.—The Council shall meet not less than
19 4 times each calendar year.

20 (e) REPORTS.—Not less than once each calendar
21 year, the Council shall submit to the Congress a report
22 on the recommendations of the Council.

23 (f) AUTHORIZATION OF APPROPRIATIONS.—There
24 are authorized to be appropriated to carry out this section

1 such sums as may be necessary for each of fiscal years
2 2007 through 2016.

3 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

4 There are authorized to be appropriated
5 \$1,900,000,000 for the period of fiscal years 2007
6 through 2012 for carrying out section 317T of the Public
7 Health Service Act (as added by section 4(a) of this Act),
8 section 4(b) of this Act, section 409J of the Public Health
9 Service Act (as added by section 5 of this Act), and section
10 6 of this Act. Such authorization of appropriations is in
11 addition to any other authorizations of appropriations
12 available for carrying out any of such sections.

○