

Congress of the United States

Washington, DC 20515

May 9, 2008

The Honorable Michael O. Leavitt
Secretary
U.S. Department of Health and Human Services
200 Independence Avenue, S.W.
Washington, D.C. 20201

Dear Secretary Leavitt,

We write to express our extreme dissatisfaction with your April 2008 report to Congress entitled "Providing Monitoring and Treatment Services for those Experiencing Injuries or Illness as a Result of the World Trade Center Exposures." As you know, this report is in response to the House Appropriations committee's request for a "long-term, comprehensive Federal plan for monitoring, screening, analysis and medical treatment for all individuals who were exposed to the toxins at the World Trade Center site," contained in the Committee's report on the FY 2008 budget for the Department on Health and Human Services.

This report is simply not acceptable. It ignores both Congress' directions and the needs of those who are sick as a result of the WTC attacks.

First, the report takes credit for a list of accomplishments that the Department undertook only at the direction of Congress, even though the Administration opposed each step along the way. None of the advances in screening, monitoring, or treating responders were the initiatives of HHS, but rather showed HHS implementing these programs only in response to Congressional actions. Despite repeated requests by Congress, HHS has never produced a long term plan to address the medical needs of the responders, community residents, and students. The current report is only a one year plan, not the long term plan that we requested and need. Testimony at the most recent Appropriations Committee Hearing on the WTC medical programs documented the need for a long term plan and stable long term funding if these programs are going to adequately serve the medical needs of the responders and other groups.

Second, HHS continues what we believe are unconscionable stall tactics regarding care for residents, area workers, students, and others who have become sick from the attacks. On page 8 of this report under the heading "WTC Screening and Treatment Costs for Non-Responders," you state "At the time of this report to Congress, ...HHS is engaged in discussions and information-gathering to determine the extent of the need. As data becomes available, HHS will consider options for providing assistance and estimating costs. Within the resources appropriated in FY 2008, funds will be expended to support data gathering and further analysis." Public Law No. 110-161 specifically says that this funding shall be for "screening and treatment."

In the Consolidated Appropriations Act of 2008, Congress, for the first time, provided funding for the monitoring and treatment of residents, area workers, students, and others who were exposed to the toxins of 9/11. Published, peer-reviewed studies have already reported adverse respiratory and mental health effects in this population, and the City of New York is currently spending millions of dollars to serve these individuals at a community program already in place at NYC Health and Hospitals Corporation's WTC Environmental Health Center. To date, no federal funding for these populations has been released, and this report appears to indicate that no funding will be released in FY 2008. This is unacceptable. We ask that you immediately release funding for non-responders, as required by Congress.

Third, this report is not a plan to move forward but rather a wait-and-see account of what HHS has done in the past. If the heroes and heroines of 9/11 had taken a similar wait-and-see approach to their rescue, recovery and clean-up work at Ground Zero, we would have been in dire straits. More than six years later, our brave responders are suffering as a result of their heroism, while HHS says they need no more funding and no legislation to care for their health and compensation needs. Sick residents, area workers, students, and others have simply been ignored.

Finally, we are disappointed that you have not been available to discuss these WTC health issues with the New York delegation. You declined an invitation to appear at a January 2008 hearing of the Oversight Subcommittee on Government Management, and did not even send a representative from HHS to appear on your behalf. You agreed to meet with the New York delegation at a February 2008 budget hearing before the Energy and Commerce Committee. The link to your statement agreeing to the meeting can be found at timemark 2:06:4 at the following link: <http://energycommerce.edgeboss.net/wmedia/energycommerce/022808.fc.hrg.hhs-fy2009-budget.wvx>. However, after multiple attempts by Congressman Engel's office to schedule the meeting, we still find ourselves left without a time and date to meet with you, as you promised. We hope this will be the last time we must follow up on scheduling this meeting. We expect to hear from you soon.

Sincerely,



CAROLYN B. MALONEY
Member of Congress



JERROLD NADLER
Member of Congress



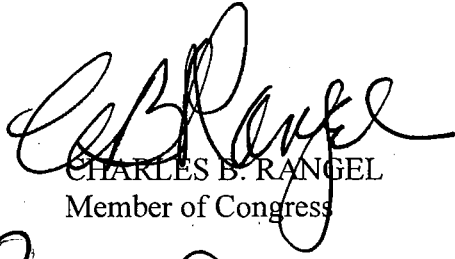
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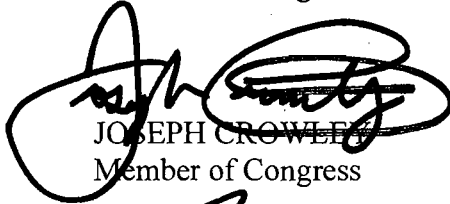
ELIOT ENGEL
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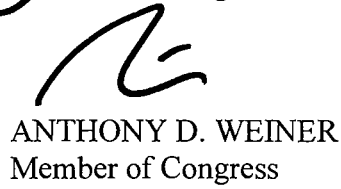
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YVETTE CLARKE
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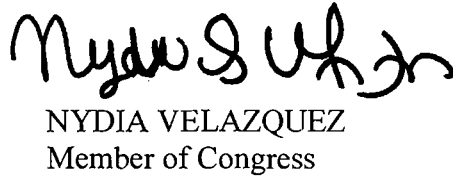
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