



Legislation Text

File #: Res 0897-2019, **Version:** A

Res. No. 897-A

Resolution calling on Congress to pass, and the President to sign, the “Never Forget the Heroes: James Zadroga, Ray Pfeifer, and Luis Alvarez Permanent Authorization of the September 11th Victim Compensation Fund Act” (H.R.1327/S.546), which would fully finance and extend authorization for the September 11th Victim Compensation Fund until fiscal year 2092

By Council Members Miller, Chin, Borelli, Richards, Treyger, Cohen, Levine, Yeger, Deutsch, Brannan, Vallone, Powers, Rosenthal, Holden, Louis, Moya, Kallos and Levin

Whereas, The September 11th Victim Compensation Fund (VCF) was created in order to provide compensation for any individual who suffered physical harm or to the family of those who have died as a result of the terrorist-related attacks of September 11, 2001 (9/11), or the recovery/cleanup efforts that took place in the aftermath of these attacks; and

Whereas, The original VCF was created in 2001 with no cap in funding and closed in 2004, paying over \$7.049 billion to surviving family members of 2,880 people who died in the attacks and to 2,680 claimants who were injured in the attacks or rescue efforts; and

Whereas, After the original VCF closed in 2004, despite evidence of the growing health impacts that 9/11 had on responders, survivors and surrounding communities throughout the nation, it took years of advocacy to compel the federal government to act; and

Whereas, In October 2011, the VCF was finally reopened when former President Obama signed into law the James Zadroga 9/11 Health and Compensation Act of 2010 (Zadroga Act), which enabled the VCF to accept claims until October 2016, expanded the VCF’s eligibility criteria to include those who participated in the debris removal efforts directly after 9/11, provided the VCF a limited appropriation of \$2.775 billion (with \$875 million available within the first five years) to cover compensation and administrative costs and created

the World Trade Center Health Program (WTCHP) to provide medical treatment and monitoring to injured and sick 9/11 survivors and responders; and

Whereas, In December 2015, the Zadroga Act was reauthorized by Congress with bi-partisan support, which allowed the VCF to take claims until December 2020, directed the VCF to pay certain past claims, allowed the VCF to implement specific changes to policies and procedures and extended the WTCHP's authorization for 75 years; and

Whereas, Notably, according to a recent message by the head of the VCF, Special Master Rupa Bhattacharyaa, since October 2011, the VCF has awarded nearly \$5 billion in original and amended determinations for more than 21,000 claims, with 2018 alone, having compensation determinations total almost \$1.5 billion; and

Whereas, This leaves only about \$2.375 billion of the \$7.375 billion appropriated funding available to compensate the almost 20,000 pending claims and the thousands of anticipated future claims filed by December 2020; and

Whereas, Thus, in order to accommodate this sheer number of claims, the VCF has indicated through its Seventh Annual Status Report and Third Annual Reassessment of Policies and Procedures (February 2019 VCF Report), that any claim or amendment filed for review on or before February 1, 2019 will be reduced by 50%, while any claim or amendment filed on or after February 2, 2019 be reduced by 70%; and

Whereas, As an additional setback, the VCF's authorization is set to expire in December 2020, which will leave thousands of people nationwide who were impacted by 9/11 with no place to seek compensation or help, including responders and survivors with developing physical and mental illnesses; and

Whereas, The lack of funding for the VCF has resulted in the reduction of awards to claimants and its set expiration date, which many have openly criticized, citing that the VCF's compensation offers integral support for thousands impacted by 9/11 and should not expire; and

Whereas, The decision to reduce awards to claimants will particularly impact New York City, as The

Mesothelioma Center estimated that 410,000 people were exposed to toxic contaminants within the area near the World Trade Center, indicating that New Yorkers have been heavily impacted by 9/11 and could have a higher propensity to file claims within the VCF; and

Whereas, For example, the February 2019 VCF Report shows that, as of December 31, 2018 (not accounting for the claims submitted to the original VCF of 2001), specific categories of New York City claimants have filed a tremendous number of VCF claims already, with the categories of: “Responder-NYC” having 16,525 of the total 17,449 eligible claims awarded with about \$3.849 billion; “Non-Responder NYC-cleaning or maintenance work” and “Non-Responder NYC-other capacity” having 3,364 of the total 3,629 eligible claims awarded with about \$715 million; and “Residents within NYC Exposure Zone” having 471 of the total 513 eligible claims awarded with about \$102 million; and

Whereas, Notably, the impact of 9/11 is widespread, as 9/11 responders and survivors hail from all 50 states in the United States and reside in all but one congressional district; and

Whereas, In efforts to ensure that all those who filed or intend to file a VCF claim, including many in New York City, receive the compensation that they need to deal with any current and/or future illnesses, the “Never Forget the Heroes: Permanent Authorization of the September 11th Victim Compensation Fund Act” (H.R.1327/S.546) was introduced at the federal level in February 2019; and

Whereas, H.R.1327, introduced by Representative Carolyn B. Maloney, and S.546, introduced by Senator Kristen E. Gillibrand, originally would have extended authorization for the VCF through fiscal year 2090, however, on July 12, 2019, H.R.1327 passed the House of Representatives, having since been renamed the “Never Forget the Heroes: James Zadroga, Ray Pfeifer, and Luis Alvarez Permanent Authorization of the September 11th Victim Compensation Fund Act” and amended to fund the VCF through fiscal year 2092; and

Whereas, S.546, under the same name and without amendment since introduction, is still awaiting a vote by the Senate; and

Whereas, The adoption of this legislation will ensure that 9/11 responders, survivors and

families receive the compensation they deserve and need for years to come; now, therefore, be it

Resolved, That the Council of the City of New York calls on Congress to pass, and the President to sign, the “Never Forget the Heroes: James Zadroga, Ray Pfeifer, and Luis Alvarez Permanent Authorization of the September 11th Victim Compensation Fund Act” (H.R.1327/S.546), which would fully finance and extend authorization for the September 11th Victim Compensation Fund until fiscal year 2092.

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