

## SUPPORTING STATEMENT

### **Part A. Justification:**

#### 1. Necessity of Information Collection

The September 11th Victim Compensation Fund of 2001 (as established by P.L. 107-42) provides compensation to any individual (or beneficiary of a deceased individual) who was physically injured or killed as a result of the terrorist-related aircraft crashes of September 11, 2001. The original Victim Compensation Fund operated from 2001 to 2004. On January 2, 2011, President Obama signed into law the James Zadroga September 11 Health and Compensation Act of 2010 (“Zadroga Act”) (P.L. 111-347). Title II of the Zadroga Act reopened the Victim Compensation Fund. The Fund is administered by the Special Master, appointed by the Attorney General. The Civil Division assists the Office of the Special Master.

On December 18, 2015 President Obama signed into law a bill reauthorizing Zadroga Act (114 P.L. 113). This includes the reauthorization of the Victim Compensation Fund for five years and includes other important changes to the VCF’s policies and procedures for evaluating claims and calculating each claimant’s loss and the documents required to submit claims, including claim forms and accompanying materials.

Public Law 111-347 (2010), the Zadroga Act, contains specific language authorizing the collection of information, stipulating the factual basis for eligibility for compensation and the amount of compensation sought. The law states that the information collection shall request information from the claimant concerning the physical harm that the claimant suffered, or in the case of a claim filed on behalf of a decedent, information confirming the decedent’s death as a result of the terrorist-related aircraft crashes of September 11, 2001; information from the claimant concerning any possible economic and noneconomic losses that the claimant suffered as a result of such crashes; and information regarding collateral sources of compensation the claimant has received or is entitled to receive as a result of such crashes. This collection was previously approved by OMB in 2012 but has since expired.

In light of the directive set forth in Public Law 114-113 (2015), and in an effort to minimize the burden to claimants and streamline the submission process, the Victim Compensation Fund seeks to reinstate the prior collection, with changes to reflect the new law. The title of this collection is the VCF Claim Form.

#### 2. Needs and Uses

The information collected from the VCF Claim Form will be used to determine whether claimants will be eligible for compensation from the Fund, and if so, the amount of compensation they will be awarded. As with the prior collection, the VCF Claim Form consists primarily of two main sections: Eligibility and Compensation.

The Eligibility section of the VCF Claim Form seeks the information required by the Zadroga Act to determine whether a claimant is eligible for the Fund, including information

related to: participation in lawsuits related to September 11, 2001; presence at a 9/11 crash site between September 11, 2001 and May 30, 2002; and physical harm suffered as a result of the air crashes and/or debris removal. The Eligibility section asks questions that are more narrowly tailored to the claimant's circumstances. In connection with questions regarding presence at the site, this section requests information based on the capacity in which the claimant was present – for example, as an employee of the Fire Department of New York (FDNY), a union member or a resident – and then directs the claimant to answer only those questions that apply, thus creating less burden to the claimant. The Eligibility section also significantly streamlines questions regarding 9/11-related lawsuits and prior VCF claims, as the VCF has other sources to verify that information.

The Compensation section of the VCF Claim Form seeks the information required by the Zadroga Act to determine the amount of compensation for which the claimant is eligible. Specifically, the VCF Claim Form seeks information regarding the out-of-pocket losses (including past medical expenses) incurred by the claimant that are attributable to the 9/11 air crashes or debris removal; the claimant's loss of earnings or replacement services that are attributable to the 9/11 air crashes or debris removal; and any collateral source payments (such as insurance payments) that the claimant received as a result of the terrorist-related aircraft crashes of September 11, 2001 or debris removal efforts. The Compensation section reflects changes based on the law reauthorizing the VCF and based on the claims experience during the first four years of operations. For example, it eliminates questions regarding claimed future medical losses, as those losses are no longer compensable under the reauthorized statute. The Compensation section also asks questions that are more narrowly tailored to the claimant's circumstances and based on the claimant's employment and the status of any disability determination. These questions are designed to elicit only that information that potentially affects the evaluation or computation of losses, and therefore minimize burden to the claimant.

Only those persons with a valid identification, password, and permission created and maintained by the Office of the Special Master and the Civil Division are authorized to have access to claim file information.

### 3. Efforts to Minimize Burden

The VCF Claim Form is designed to be easily understood and answered by all applicants, and the form will be available electronically to reduce burden. It is designed to elicit only that information that is necessary and relevant to the VCF's evaluation of the claimant's claim and that cannot be obtained or verified by other sources. Claimants will be able to fill out and submit the form online. Every effort is being made to reduce the burden to the claimant.

### 4. Efforts to Identify Duplication

There is no information already available that can be used for this collection. The Eligibility and Compensation Form previously approved was created at the inception of the re-opened program in 2011 and includes questions and information that are no longer relevant to the VCF's evaluation of claims in light of the reauthorized statute or the claims evaluation experience since those forms were approved.

## 5. Methods to Minimize Burden on Small Entities

The VCF Claim Form does not seek any information from small entities. The Form is intended to be completed by individuals.

## 6. Consequences of Less Frequent Collection

The VCF Claim Form will be used to collect information to determine eligibility and compensation. The form will be completed only once by each claimant.

## 7. Special Circumstances Influencing Collection

The VCF Claim Form is a one-time collection.

Claimants may be required to submit supplementary information in order to accurately process their claim.

Claimants are required to submit only a small number of supporting documents as originals; all other supporting documents can be uploaded to the online claim or submitted as copies.

Claimants may be required to retain records for more than three years in order to accurately calculate their award amount and collateral offsets.

There is no information collection in connection with a statistical survey.

The VCF Claim Form does not require the use of any statistical data collection.

The VCF Claim Form does not include a pledge of confidentiality. However, all information on the form is collected in accordance with the Privacy Act. Any release of information will conform to the stipulations of the Privacy Act Authorization for Release of Information that claimants will sign as a part of the form.

The VCF Claim Form does not require the claimants to submit proprietary trade secrets. Other confidential information may be necessary in order to establish eligibility and the amount of compensation. Only those persons with a valid identification, password, and permissions created and maintained by the Office of the Special Master and the Civil Division are authorized to access confidential information.

## 8. Reasons for Inconsistencies with 5 CFR 1320.8(d)

There are no inconsistencies with this regulation. Public notices will be published in the Federal Register in accordance with the Paperwork Reduction Act requirement.

On May 19, 2015, in anticipation of the expiration of the prior collection, 60-day notice was published in the Federal Register (Vol. 80, No. 296, Page 28707). No public comments were received. Since that time, the VCF has also consulted with and received feedback from potential claimants, their legal representatives and members of the public regarding the VCF Claim Form in an effort to ensure that the collection is narrowly tailored to elicit only that information that is necessary and relevant to the VCF's evaluation of the claimant's claim and does not create an unnecessary burden to the claimant.

#### 9. Payment or Gift to Claimants

No payment or gift will be provided to claimants for filling out the form itself.

#### 10. Assurance of Confidentiality

All information on the VCF Claim Form is collected in accordance with the Privacy Act. Any release of information will conform to the stipulations of the Privacy Act Authorization for Release of Information that claimants will sign as a part of the form. Only those who are required to review and process the form will have access to the form. Once the information has been entered into the electronic database, only those persons with a valid identification, password, and permissions created and maintained by the Office of the Special Master and the Civil Division are authorized to access personal information. The physical forms will be locked in a safe location with limited access. Confidentiality is assured.

#### 11. Justification for Sensitive Questions

All information on the VCF Claim Form is necessary to determine whether a particular claimant is eligible to receive compensation from the Victim Compensation Fund and the amount of compensation he or she will be awarded. In order to minimize the burden on claimants, the VCF collects as much information as possible, with claimants' permission, from other sources. Many claimants have participated in other 9/11-related litigation, received treatment through a World Trade Center Health Program Clinical Center of Excellence, or worked for an employer who had numerous employees harmed as a result of 9/11 and may have information as to whether a particular employee was "present" at a 9/11 crash site. The VCF has therefore implemented data exchange transfer processes in order to obtain information directly from entities that maintain information that may be relevant to a claim, with the claimant's permission. In order to facilitate those transfers, the VCF typically uses a Social Security Number as that is a unique identifier commonly used across the different entities. Accordingly, the VCF believes that collecting the Social Security Number eases the burdens imposed on claimants in the claims process. Prior to the release of any information, claimants are asked to sign an authorization which explains the specific uses of the information collection for the release of information.

#### 12. Estimate of Hour Burden

An estimated 33,000 claimants will complete this one-time claim form over the lifetime of the Fund at an hour burden of 1.5 hours per respondent. Of those, the VCF has already received forms from 22,836 respondents who submitted claims using the former version of the claim form. The estimated total number of respondents for this form is therefore 10,164 over the next five (5) years, through December 18, 2020:

10,164 claimants x 1.5 hours per respondent = 15,246 total burden hours or 3,049 annual burden hours

### 13. Estimate of Cost Burden

Given the brief time needed to complete this form, there will be no annualized cost to respondents.

There are no costs associated with operation and maintenance and purchases of services for the claimants.

### 14. Estimated Annualized Cost to Federal Government

Funding for administrative costs comes directly out of the Fund. Therefore, the cost to the Federal government is minimal.

### 15. Reasons for Program Changes

The collection is a result of the directive set forth in Public Law 114-113, and is an effort to minimize the burden to claimants and streamline the submission process.

### 16. Plans for publication

Names of decedents will be published on the Victim Compensation Fund's website for a period of 90 days after filing.

### 17. Expiration date approval

We are seeking approval to not display the expiration date for OMB approval of the information collection. An expiration date on the form will result in unnecessary confusion for the claimant.

### 18. Exceptions to Certification Statement

There are no exceptions to Item 19 of OMB form 83-I.

## **Part B. Statistical Methods**

We will not be employing statistical methods in this information collection.