

Congress of the United States
Washington, DC 20515

October 13, 2020

The Honorable Steven T. Mnuchin
Secretary
U.S. Department of the Treasury
1500 Pennsylvania Avenue, NW
Washington, D.C. 20220

Dear Secretary Mnuchin,

We write today seeking additional information about the decision by the Department of the Treasury (Treasury) to continue withholding millions of dollars in reimbursements to the New York City Fire Department (FDNY) World Trade Center Health Program. Heroic frontline responders courageously put their lives on the line on 9/11. The Administration should do everything within its power to ensure that firefighters who still face health challenges due to the toxins they encountered at Ground Zero can get the care they deserve.

As you know, the FDNY World Trade Center Health Program helps provide comprehensive physical and mental health services to all active and retired FDNY members who responded to the 9/11 attacks. Such services are provided at no cost to the enrolled members of the program. The disbursement of payments to providers under the FDNY World Trade Center Health Program has been delegated to be managed by the Centers for Medicare & Medicaid Services (CMS).

Recent press reports and correspondence from Treasury officials indicate that nearly \$4 million in federal payments to FDNY have been offset through the Treasury Offset Program by the Bureau of the Fiscal Service because of unrelated federal debts owed by New York City, including nearly \$1.5 million this year through late August. This is unacceptable. While Treasury and CMS officials have claimed that they are working to fix this situation, there has been no resolution to date.

Treasury appears to have made the decision not to promptly release millions of dollars in reimbursements to FDNY for 9/11 responders despite possessing the statutory authority to do so. As 31 U.S.C. § 3716 specifies regarding such offsets, “The Secretary may exempt other payments from administrative offset under this subsection upon the written request of the head of a payment certifying agency.” Based on previous Treasury correspondence reviewed by our staffs, Treasury appears to have originally acknowledged such flexibility notwithstanding subsequent statements that it lacked such authority.

Secretary Mnuchin

October 13, 2020

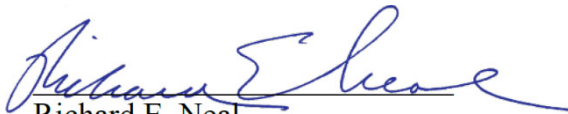
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When it comes to ensuring 9/11 frontline responders can get the medical treatment and monitoring they need, any delay that impacts such care is simply intolerable. Accordingly, we respectfully request responses to the following by no later than October 20, 2020:

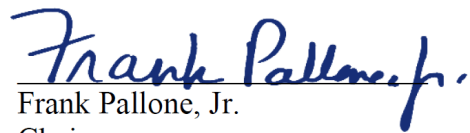
- 1) Why does Treasury believe it lacks the authority to release the millions of dollars in reimbursements owed to the FDNY World Trade Center Health Program? Please provide any internal memoranda containing legal analysis justifying this decision.
- 2) Has Treasury specifically asked CMS to submit a request to exempt the money currently being offset from FDNY? Please describe any consultations or discussions between Treasury and CMS regarding the resolution of such payments being withheld from the FDNY World Trade Center Health Program.

We hope the Administration acts swiftly to allow all reimbursements withheld to be provided to the FDNY World Trade Center Health Program immediately. Thank you for your attention to this critical matter.

Sincerely,



Richard E. Neal
Chairman
Committee on Ways and Means
U.S. House of Representatives



Frank Pallone, Jr.
Chairman
Committee on Energy and Commerce
U.S. House of Representatives