

SUPPORTING STATEMENT
July 2005

International Terrorism Victim Expense Reimbursement Program Application

A. Justification

1. The *International Terrorism Victim Expense Reimbursement Program Application* will be used to apply for monetary reimbursement by U.S. nationals and U.S. government employees (including contractors of the U.S. Government) who become victims of acts of international terrorism that occur(red) outside the United States. The application will be used to collect necessary information on expenses incurred by the victim/claimant, as associated with their victimization, as well as other pertinent information, and will be used by OVC to make an award determination. Such reimbursement is authorized by the Victims of Crime Act of 1984 (“VOCA”) (42 U.S.C. § 10603c).

Over the years, hundreds of nationals of the United States, and officers and employees of the U.S. government, have been killed or injured in heinous acts of international terrorism occurring outside the United States. Victims of acts of international terrorism occurring outside the United States face unique obstacles in securing the assistance, reimbursement, and support more readily available to victims of violent crime and domestic or international terrorism occurring within U.S. borders. Victims and family members often face immediate needs, such as the need to cover medical expenses, funeral and burial expenses, short-term lodging, and emergency transportation. Language and cultural barriers can impair victims’ abilities to secure appropriate support. Moreover, resources for victim assistance vary widely from one country to the next. Many of the countries that have established victim compensation programs reimburse only their own citizens. Thus, American citizens and employees of the U.S. government are not eligible for benefits under these programs.

While OVC provides funding to states to administer victim compensation programs, the programs administered by each state vary considerably; survivors of the same act of international terrorism occurring abroad may be residents of many different states, and thus receive different levels of reimbursement for similar injuries. Partially in recognition of this disparity of treatment, VOCA was amended so that states shall no longer be required to reimburse victims of international terrorism occurring outside the United States, and the federal government shall oversee a reimbursement program for these victims. Additionally, by providing coverage for employees of the U.S. government abroad, this Statute authorizes payment for foreign nationals working for the U.S. government who may be killed or injured in an international terrorist attack.

After careful review of the comments OVC received in response to the proposed ITVERP regulations, no substantive changes were made. Clarifying language

was added on to the definition of “victim” and additional clarifications were included in the background section of the regulations. As with the ITVERP regulations, the revisions to the application are non substantive, provide clarification, and help the applicant understand what information is being requested. For example, one change is replacing the language under Section B Victim Information that reads, “To facilitate the expeditious processing of your application..” with “To help process your application more quickly..” Other changes include additional spacing to separate the sections, clarification of general instructions, and minor editing changes.

In order to accurately process a request for reimbursement, identification information is requested on the ITVERP application. The information requested is to ensure the applicant or claimant on behalf of a victim is eligible to receive reimbursement under Section 1404B(a) of the Victims of Crime Act of 1984 [42 U.S.C. § 10603c]. The requested identification information is as follows: In **Section B. Victim information** is required for all applications. The information requested is as follows: Victim’s full name, street address (including city, state, and zip code), telephone and fax numbers, email address (optional), date of birth, social security number/EIN/Other Identification Number (if applicable), Gender, Place of Birth, Country of Citizenship, Employer (if applicable), Employer Address (including City, State, and Zip Code), Country; Contact Person, Telephone and Fax numbers (of Contact Person), Contact Person’s email address (optional), Known children, dependents, or recipients of support (Name and Date of Birth and Relationship to the victim). Additional information requested includes the identification of the Victim Status and eligibility which requires the applicant to select one of the following categories; under Victim Status - United States National, United States Government Employee, Foreign Service National/Officer, Civil Servant, Contractor, or Other. **Section C** requests Claimant information and is only applicable only when an individual is applying on behalf of the victim. The information requested under this section requires the claimant to check an appropriate category from the following; Victim, Spouse, Child(ren), Dependent(s), Victim Representative, Other Relationship (which must be identified).

The categories under **Section C Claimant Information** includes; Claimants full name and address; Telephone and fax numbers, Date of birth, Social Security/EIN/Other Identification Number, Gender, Country of Citizenship, relationship to Victim and Status of Victim (Deceased, Minor, Incapacitated, or Incompetent). **Section D Crime Information** must be completed by all applicants or claimants and requests information about the international act of terrorism for which the application is being filed. Identification information requested under this section includes Date and location of the crime, Description of the crime, and injuries suffered by the victim. If know, information about the lead investigating law enforcement agency.

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Section E Requested Assistance (Interim Emergency Payment Applicants Only), and **Section F Expenses Incurred (Itemized and Supplemental Applicants Only)** request information on the type and amounts of expenses being sought for reimbursement. The categories under these two sections include: Medical, Mental Health, Funeral and Burial, Property Loss, and Miscellaneous. Additionally, Section E requests information on other sources of assistance which may also pay reimbursements for the expenses listed in the application. **Section G Service Provider Information (Itemized and Supplemental Applicants Only)** requests information on any person or organization that provided services to the victim as related to the act of terrorism identified in the application. The information requested includes name and address of service provider, type of assistance provided, cost of services rendered, diagnosis of condition, if services are on-going, were costs paid in full, or if partial payments were made. **Section H Collateral Sources (All Applicants)** requests information on any reimbursements or payments received in relation to the crime for which the applicant is applying. The information requested includes the type of insurance, benefits, or payments received and the name and address of the source of payment, the Name and SSN of the Insured, the policy number, and the status of the application. The section also asks the status of any pending application. **Section I Authorization, Consents, and Certifications (All Applicants)** requests the applicant read and agree with the requirements of the ITVERP program and certify that the information provided is accurate to the best of their knowledge. The applicant or representative is required to provide a signature and date. **Supplemental Sheets** are included with the application for each of the sections and allows the applicant to provide multiple entries of the same information requested in each section.

2. OVC has been authorized by law (under an amendment to the Victim of Crime Act of 1984 (Public Law 98-473 [42 U.S.C. § 10603c Sec 1404]) to make victim reimbursement funds available to those victims described above in point (1). The application is necessary for the victims/claimants to request reimbursement funds, and is further necessary to assist OVC staff to objectively, fairly, and equitably determine distribution of the reimbursement funds, as well as to appropriately account for the allocation of public funds. The information requested under **Sections B and C** provide identifying information which is needed to establish a record of the request and connect the request to a specific person. All information in these sections provide verification of the status and eligibility of the individual seeking reimbursement or those applying on behalf of an individual seeking reimbursement. The information requested in **Section D** identifies the specific terrorist event for which the applicant or claimant is seeking reimbursement. This information is critical to determining eligibility. The information requested in **Sections E and F** determines which type of application the victim is filing and allows the ITVERP staff to process the request appropriately. The information requested in Section F is necessary to capture the costs that the applicant is seeking to have reimbursed. The section identifies these costs by category which

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is necessary and is needed to ensure all approved reimbursements are within the reimbursement limits for the specific category. **Section G** is needed to identify the Service Provider or organization to verify the services provided and the expenses and costs related to the act of terrorism identified under the claim for reimbursement. The information included in **Section H** is necessary to identify all possible sources of collateral payments to the applicant. The information in this section is needed to ensure applicants are being reimbursed for outstanding costs which have not been paid or are not reimbursable by other sources. The signature and date required under **Section I** is necessary to ensure that applicants understand and certify that all of the information provided must be accurate and that providing a signature and date certifies under penalty of law that the information is true to the best of their knowledge. This section is needed to reduce false claims and inaccurate information.

3. The form will be available both in hard copy and electronic format via the Internet for the claimants to print and complete. The form may be submitted electronically, via fax or mail/postal system. However, claimants are required to submit supporting documentation, i.e., original receipts and/or other documentation through the mail/postal system. For those applications submitted via the Internet, OVC will accept an electronic signature.
4. While the requirement of the law reaches back to acts of international terrorism occurring on or after December 21, 1988, there currently is no single database listing all victims of these acts of international terrorism. Thus, in an effort to identify such victims for the purpose of providing reimbursement of expenses to the victims as associated with their victimization, the collection of information, via the application, will be necessary. Currently, no such form/application exists or is available to OVC.
5. The collection of information does not have a significant impact on businesses or other small entities.
6. If the information from the victims is not collected, the government would run the risk of distributing funds without any standards, which may be viewed by the victims themselves, or the public at large, as unfair or inequitable. Further, without a standardized collection of information (i.e., the application), the program could be subject to both internal and external fraud.
7. There are no special circumstances identified at this time.
8. The public comment requirement of the Paperwork Reduction Act will be satisfied when the rule is published in the *Federal Register*. OJP consulted with working groups comprised of federal and state government officials, victim advocates, victims of international terrorism, and family members of victims of

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international terrorism, on various concepts related to reimbursement for victims of international terrorism, including their views on the information collection process, clarity of instructions, and record-keeping, among others. Ongoing consultation with the appropriate representatives will occur at least once every three years, as mandated by the PRA.

9. No gifts or remunerations are provided to claimants/victims other than the funds being authorized under the intended purpose of the International Terrorism Victim Expense Reimbursement Program.
10. OVC has established a Privacy Act system of records entitled "Victims of International Terrorism Expense Reimbursement and Assistance Program" which was published in the *Federal Register*. Application materials and other supporting documents received from claimants will be maintained in accordance with the U.S. Department of Justice's System of Records. See *Federal Register*, September 4, 2002 (Volume 67, Number 171). In addition, records will be maintained in accordance with the Privacy Act of 1974 (5 U.S.C. § 552a).
11. There are questions on the application which could be considered by the applicant to be of a sensitive nature - specifically, information with regard to victim medical costs and/or the provision of mental health services as well as social security or other tax identification numbers. If in the course of the voluntary submission of the application, the applicant desires reimbursement for expenses associated with their medical and/or mental health costs, such information and documentation will be necessary. The collected information will be used only to determine eligibility of reimbursement for the requested medical/mental health costs, and, in accordance with Justification Ten (10) listed directly above, no identifiable information will be released. The applicant will be provided an opportunity to read, review, and sign the "Authorization, Consents and Certifications" section of the voluntary victim reimbursement application.
12. Estimated burden hours: 2,000 applicants per year in the first year, due to an existing backlog. After the first several years, that number should decrease dependant upon acts of international terrorism. The applicant will submit an application to request victim reimbursement. The average time to complete the application is projected to be 45 minutes per application, excluding time required to gather supporting documentation, e.g., death certification, proof of guardianship, copies of receipts for expenses, etc. Therefore, the total estimated burden hours are 1,500. Hence, the calculation is thus:
2,000 applications X 45 minutes per app. = 1,500 total estimated burden hours.
13. The anticipated one-time annual cost to the claimant/victim will be minimal; that being, the cost of postage to mail the original application and original receipts back to OVC. As previously noted, 2,000 applicants per year are anticipated for

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the first year. It is estimated that half of these (1,000) will be domestic, and the other half (1,000) will be international. Thus, given that domestic postage for the complete application package is estimated to be \$1.00, and given that international postage for the complete application package is estimated to be \$5.00, the anticipated one-time annual cost is calculated as follows: (1,000 domestic applicants X \$1.00 for postage) + (1,000 international applicants X \$5.00 for postage) = \$6,000. On occasion a victim may elect to express mail information to OVC to expedite the processing of a claim. OVC is unable to estimate costs associated with express mail as this is not mandatory but an elective alternative for submitting information.

14. Estimates of annualized costs to the Federal government are based on three broad items: 1) expense reimbursements to be awarded to victims of acts of international terrorism; 2) contractor costs; and, 3) administrative fees. The first category of costs is difficult to estimate, given that it is dependent upon circumstances and events taking place in the world. However, \$45,000,000 has been earmarked for the first year to cover such expense reimbursement costs. The second category for contractor costs of \$1,979,425 includes such items as personnel/labor costs (\$1,910,925), postage (\$6,000), telephone (\$22,500), travel (\$15,000), printing (\$10,000), equipment (\$5,000), office space rent (\$0), and other misc. costs (\$10,000). Finally, the third category is that of administrative fees. Such fees include the general and administrative fees of the contractor (which can vary significantly from contractor to contractor), as well as the NIH contractor vehicle fee. The estimated annual cost of this third and final category should not exceed \$21,849. These cost figures do not include future incidents of international terrorism. Total estimated costs to the Federal Government may not exceed \$50 million in any given fiscal year.
15. This new information collection is a program change resulting from agency action pursuant to the *International Terrorism Victim Expense Reimbursement Program* as authorized by the Victims of Crime Act of 1984 ("VOCA") (Pub L. 98-473) (42 U.S.C. § 10603c).
16. This information will not be published. However, the aggregate program numbers will be totaled and reported to Congress in a legislatively-mandated "Annual Report to Congress." A descriptive analysis of the victims assisted under the program will include: 1) the number of applications for reimbursement submitted; 2) the number of applications approved and the amount of each award; 3) the number of applications denied and the reasons for the denial; 4) the average length of time to process an application for reimbursement; and, 5) the number of applications for reimbursement pending and the estimated future liability of the program.
17. OJP will display the OMB Control Number and expiration date on the

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application/collection form.

18. There are no exceptions identified in Item 19, “Certification for Paperwork Reduction Act Submissions,” of OMB Form 83-I.

B. Collections of Information Employing Statistical Methods

This item does not employ statistical methods.