

Supporting Statement A for Paperwork Reduction Act Submissions

DEPARTMENT OF JUSTICE
Justice for United States Victims of State Sponsored Terrorism Act

A. Justification

1. Necessity of Information Collection

The Justice for Victims of State Sponsored Terrorism Act, 42 USC § 10609 (hereafter “USVSST” or “the Act”), establishes a fund to compensate victims of terrorism, and directs the U.S. Attorney General to appoint a Special Master to administer that fund and review the claims of applicants. The Act includes requirements for eligibility that applicants must establish in order to qualify for compensation.

The Act also explicitly requires applicants to provide information regarding compensation from any source other than this Fund that the claimant (or, in the case of a personal representative, the victim's beneficiaries) has received or is entitled or scheduled to receive as a result of the act of international terrorism that gave rise to a claimant's final judgment, including information identifying the amount, nature, and source of such compensation.

The information collection is necessary to determine whether claims are eligible and the amount of compensation, and is explicitly required by 42 USC §10609. A copy of the relevant section of the Act is included with this ICR as supplementary material.

The Act mandates a very short timeframe to accept and process applications. All payments for claimants currently eligible must be completed by 12/18/2016; claimants are required to have 90 days to apply and 30 days to appeal a decision. In order to make this timeline, the Department of Justice has submitted an information collection request (ICR) to the Office of Management and Budget (OMB) for review and clearance in accordance with the emergency review procedures of the Paperwork Reduction Act of 1995, 5 CFR § 1320.13.

2. Purpose of Information

The information will be reviewed by the Special Master appointed by the U.S. Attorney General to administer the USVSST Fund. The information is necessary to determine whether submitted claims are eligible for compensation, as well as the amount of compensation, in accordance with 42 USC §10609.

3. Collection Technology

Applications may be submitted online at www.usvsst.com; by mail to the U.S. Victims of State Sponsored Terrorism Fund, c/o GCG, P.O. Box 10299, Dublin, OH 43017-5899; by

overnight mail to U.S. Victims of State Sponsored Terrorism Fund, c/o GCG, 5151 Blazer Parkway, Suite A, Dublin, OH 43017; by email at info@usvsst.com; or toll-free by fax for domestic callers at (855) 409-7130 and for international callers at (614) 553-1426. If an applicant is represented by counsel, his or her application may be submitted through counsel. Only one application may be submitted for each claim.

4. Efforts to Identify Duplication

The collection is narrowly targeted, only relevant for individuals with an eligible claim of compensation. The information is not already available and is required to verify eligibility.

5. Impacts on Small Businesses

The collection does not affect small businesses or entities.

6. Consequence if Collection Not Conducted or Conducted Less Frequently

The collection is explicitly required by 42 USC § 10609(b)(2)(B), and is necessary to establish the eligibility of the applicant for compensation from the fund. Each claimant may only submit one application, and once reviewed the decisions of the Special Master are final, so no individual will have to complete this collection more than once. Failure to conduct this collection will place the Department in violation of the Act, and would cause a failure in an essential mission of the Department: to compensate, expeditiously, victims of terrorism.

7. Special Circumstances Affecting Collection

There are no special circumstances associated with this collection. Instructions for respondents are included in the application form and published on the Federal Register Notice required by the Act.

8. Federal Register Publication & Consultation

The Act requires the Special Master to publish in the Federal Register and on a website maintained by the Department of Justice a notice specifying the procedures necessary for United States persons to apply and establish eligibility for payment, including procedures by which eligible United States persons may apply by and through their attorney. That notice includes a description of this collection, and a copy of the notice is included as supplementary material with this ICR.

The USVSST Fund also took extraordinary steps to ensure public input into implementing the Notice application procedures, including the information to be collected from applicants. The Special Master held two town hall conference calls open to the public; the participants included potential applicants and their attorneys. Further, the USVSST Fund website published a draft version of the notice and frequently asked questions for public input, and I received written input from potential claimants and their attorneys. A majority of potential claimants are represented by the same counsel, who has

been in contact with the Special Master since appointment. Thus, interested parties had opportunities to consider and provide input on the draft procedures, including details of the information that would be collected. The USVSST Fund considered this public input in developing the final version of the notice, which will be published in the Federal Register.

9. Payment or Gift to Respondents

No gifts or payments are guaranteed to respondents; the collection is an application for compensation from the USVSST Fund. The USVSST Special Master will review each application for eligibility for compensation from the Fund. (See part 11 of this statement for additional detail on eligibility.)

Application deadlines, eligibility for compensation, and the amount of compensation are established by 42 USC § 10609. Claimants have 30 days to request a hearing with the Special Master to appeal his decision, through procedures established in the Federal Register notice and not involving this collection. The Special Master has 90 days to review the appeal and provide a final, non-reviewable, written decision.

10. Assurance of Confidentiality

Elsewhere in the Federal Register, the Department of Justice, Criminal Division (CRM), has published a notice of a new Privacy Act system of records entitled “U.S. Victims of State Sponsored Terrorism Fund (USVSSTF) File System”, JUSTICE/CRM–029. By law, a notice addressing certain administrative matters for the U.S. Victims of State Sponsored Terrorism Fund was to be issued within the 60-day period after the Special Master’s appointment as established by Congress. In compliance with that time period, the Privacy Act system of records notice published concurrently in the Federal Register will become effective upon publication, subject to a 30-day comment period for the routine uses claimed in the notice. In the interim, disclosures necessary to process applications are being made, and will be made, only with the prior written consent of applicants or as otherwise authorized under 5 U.S.C. 552a(b).

Confidentiality is addressed in the Frequently Asked Questions section on the website established to help notify the public of the Fund and solicit public comment, www.usvsst.com. The FAQs note that the Special Master will keep the names of all applicants and their applications confidential. Those FAQs are included as supplemental material with this ICR.

11. Additional Justification for Sensitive Questions

The Act explicitly requires applicants to provide information regarding compensation from any other source other than the USVSST Fund.

In addition, in order to demonstrate eligibility for payment, an applicant must provide information demonstrating that they are eligible. Under 42 U.S.C. § 10609(c), an eligible claimant is (1) a U.S. person, as defined in 42 U.S.C. § 10609(j)(8), with a final judgment issued by a United States district court under state or federal law against a state sponsor of terrorism and arising from an act of international terrorism, for which the foreign state

was found not immune under provisions of the Foreign Sovereign Immunity Act, codified at 28 U.S.C. § 1605A or 1605(a)(7); (2) a U.S. person, as defined in 42 U.S.C. § 10609(j)(8), who was taken and held hostage from the United States Embassy in Tehran, Iran, from November 4, 1979 through January 20, 1981, or the spouse and child of that U.S. person at that time, and who is also identified as a member of the proposed class in case 1:00-CV-03110 (EGS) of the U.S. District Court for the District of Columbia; or (3) the personal representative of a deceased individual in either of those two categories.

12. Time Burden

The current number of eligible applicants for the USVSST Fund is estimated to be no more than 1,200 individuals. Only one application per claim is permitted and rulings on claims are final, so no applicant should ever need to complete the collection more than once.

Applications must be submitted by 90 days from Federal Register publication of notice, unless a claim is based on a final judgment obtained on or after the date of said publication, in which case it must be submitted no later than 90 days after the date of obtaining the final judgment. Usage of the collection is expected to be significantly lower once the initial claims are processed. If the collection is not cancelled after the emergency approval period expires, it will be submitted under standard ICR procedures as a shortened form applicable only to future judgments.

It is estimated that the average respondent will complete the form in 2 hours.

13. Respondent Annual Cost Burden

No capital and start-up costs are associated with this collection. The estimated public cost is zero.

Respondents may already be represented by counsel who are authorized to complete and submit the collection, as eligibility for compensation from the fund requires the respondent to either

- Be a member of the proposed class in case number 1:00-CV-03110 (EGS) of the United States District Court for the District of Columbia, or
- To hold a final judgment issued by a United States district court under State or Federal law against a state sponsor of terrorism.

If an applicant is represented by counsel, no attorney shall charge, receive, or collect, and the Special Master will not approve, any payment of fees and costs that in the aggregate exceeds 25 percent of any payment made under this title on such claim.

14. Annual Federal Government Cost

The cost of the collection to the Federal Government is estimated to be \$160,300.

- The Act stipulates that the Special Master be compensated from the Fund at a rate not to exceed the annual rate of basic pay for level IV of the Executive Schedule, as prescribed by section 5315 of title 5 (\$160,300)

15. Burden Changes or Adjustments

Not applicable: since this is a new form, there are no adjustments.

16. Data Tabulation & Publication

Not applicable: the results of this collection will not be published.

17. OMB Expiration Date

Not applicable

18. Exception to Certification Statement

Not applicable: there are no exceptions to the certification statement.

B. Collections of Information Employing Statistical Methods

Not applicable: no statistical methodology employed in this collection.