

Summary of Comments (required per 5 CFR §1320.5(F)) Received by the Foreign Claims Settlement Commission in Response to the Commission's 60 Day Comment Notification under the Paperwork Reduction Act (74 FR 8988)

Name of Commenter	Comment	Justification for Comment	Commission Action
Goodwin Procter LLP and Cozen O'Connor, P.C.	1. The information request pertaining to the percentage of stock ownership by U.S. citizens with regard to commercial claimants should be removed.	This requirement is unduly burdensome and unjustified as applied to the Commenter's client.	Partially Accepted comment; sections 12.1.2 and 12.2.2 were removed from the proposed claim form.
	2. The request for information on the tax treatment of losses associated with this claim should be deleted.	There is no provision for tax exemption of the awards, and it would be wholly arbitrary to reduce any awards by a putative tax benefit gained in the past when the award itself is subject to income tax.	Accepted comment; section 12.3.5 was removed from the proposed claim form.
	3. The estimated burden to complete the form determined by the Commission is not realistic with regard to commercial claims.	The requirements of the form are extremely burdensome.	Accepted comment; the Commission revised the burden as it relates to commercial claims
Law Offices of Paul G. Gaston	Eliminate the language requiring U.S. nationality "at the time of the incident."	In most cases the claims did not arise until 1996, when Congress passed the "Flatow Amendments" to the Foreign Sovereign Immunities Act, which for the first time permitted suits against state sponsors of terrorism.	Denied comment. The issues raised in the comment would be appropriately raised during the claims adjudication process.
Motley Rice, L.L.C.	Emotional Distress claims associated with physical injuries should be included.	These claims are included in the Settlement Agreement and compensable in litigation and should therefore be compensated by the Foreign Claims Settlement Commission.	Denied comment. The issues raised in the comment are not within the Commission's jurisdiction under the State Department Referral and therefore it would not be appropriate for the Commission to include such issues within this collection of information.
Perles Law Firm, PC	1. The request for proof of U.S. nationality at the time of the attack must be dropped and be replaced by a request for proof of nationality at the time of the enactment of the LCRA.	It was not the intent of the authors of the legislation that the Commission would examine the nationality of the claimant at the time of the incident, or from the time the claim arose until the date of the Settlement Agreement.	Denied comment. The issues raised in the comment would be appropriately raised during the claims adjudication process.
	2. U.S. citizen victims murdered in an attack are entitled to the agreed \$10 million payment for the wrongful death claims regardless of the nationality of the beneficiaries of their estate.	This requirement does not appear in the Libyan Claims Resolution Act, the Settlement Agreement or the Executive Order.	Denied comment. The issues raised in the comment would be appropriately raised during the claims adjudication process.
	3. Victims who died as a result of their injuries sustained in a terrorist attack should be able to recover the same amount as a wrongful death claimant.	Claimants in this category should automatically receive whatever amount is necessary to equalize their recovery with that of a wrongful death claimant.	Denied comment. The issues raised in the comment would be appropriately raised during the claims adjudication process.

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	4. Immediate family members of physically injured victims should be able to file claims for their severe emotional distress.	The close relatives of a physically injured victim have their own valid and cognizable individualized claim, which is separate and apart from the claim of the physically injured victim.	Denied comment. The issues raised in the comment are not within the Commission's jurisdiction under the State Department Referral and therefore it would not be appropriate for the Commission to include such issues within this collection of information.
	5. Individuals should be able to submit sworn statements to establish the medical treatment they received if medical records are no longer available.	Many of the incidents that form the basis of various litigations occurred more than 20 years ago and many of the hospitals where the plaintiffs were treated have since purged their records.	No change Required. Claimants are able to submit any documents or information they believe to be relevant to the Commission's adjudication of their claim.
	6. The administrative burden and delay would be mitigated if the State Department were to offer its pre-determined amounts to these claimants without forcing them to undergo a lengthy bureaucratic process.	This procedure would compensate claimants efficiently and cost- effectively and reduce the administrative burden on the FCSC.	Denied comment. The issues raised in the comment are not relevant to the Commission's collection of information.
Emery Celli Brinkerhoff & Abady LLP	1. Claimants should be permitted to submit evidence of comparable awards.	The level of compensation recommended in the Referral is inconsistent with awards on similar claims in Federal Court.	No change Required. Claimants are able to submit any documents or information they believe to be relevant to the Commission's adjudication of their claim.
	2. Final Decisions should be subject to judicial review in the United States District Court for the District of Columbia.	Independent review will guarantee due process to the claimants and also ensure that awards adequately compensate individuals in light of prior comparable awards.	No change Required. This issue is statutory (22 U.S.C.. 1622g).
	3. Claimants should explicitly be afforded an opportunity to submit a personal statement and/or documentary evidence to support their claim.	It is not clear whether the claims process provides claimants with an adequate opportunity to submit a statement or other evidence describing their emotional harm.	No change Required. Claimants are able to submit any documents or information they believe to be relevant to the Commission's adjudication of their claim.
	4. A reasonable time frame for resolution of claims should be established and non-commercial claims should be given priority over commercial claims.	The claimants have waited for more than two decades for closure from this tragic incident and they should be provided with a date certain for completing the claims process.	No change Required. The issues raised in the comment are not relevant to the Commission's collection of information but rather relate to the administration of the program.
	5. The proposed fee cap limiting attorneys' fees is unfair and potentially violates the Contracts Clause.	This will result in a substantial loss for the representing firms and may lead to an unwillingness by the private bar to represent victims of terrorism in the future.	No change Required. This issue is statutory (22 U.S.C. 1623(f)).