

SUPPORTING STATEMENT
December 2009

International Terrorism Victim Expense Reimbursement Program Application

Justification

1. Necessity of Information Collection

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 outside the United States. The application will be used to collect necessary information on expenses incurred by the victim/claimant, as associated with his or her victimization, as well as other pertinent information, and will be used by OVC to make a reimbursement 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 reimbursement under some of these programs.

Although 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.

2. Needs and Uses

OVC has been mandated by law (under an amendment to the Victim of Crime Act of 1984 (Public Law 98-473 [42 U.S.C. §10603c]) 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 for their out-of-pocket expenses, 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.

3. Efforts to Minimize Burden

The application will be available both in hard copy and electronic format via the Internet for the claimants to print and complete. The application and supporting documentation (i.e., original receipts or other documentation) may be submitted via hand delivery or the postal system.

4. Efforts to Identify Duplication

Because the law reaches back to acts of international terrorism occurring on or after October 23, 1983, a single database listing all victims of these acts is currently under development. In an effort to further 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. Duplication will not be an issue since no form/application to collect this information existed or was available to OVC prior to the ITVERP application.

5. Methods to Minimize Burden on Small Businesses

The collection of information does not have a significant impact on businesses or other small entities.

6. Consequences of Less Frequent Collection

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. Special Circumstances

There are no special circumstances identified at this time.

8. Public Comments and Consultations

The public comment requirement of the Paperwork Reduction Act (PRA) was satisfied when the proposed rule was published with request for comments in the *Federal Register* on September 24, 2005 (Volume 70, Number 163). OVC consulted with working groups comprising federal and state government officials, victim advocates, victims of international terrorism, and family members of victims of 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. Provision of Payments or Gifts to Respondents

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. Assurance of Confidentiality

OVC has established a Privacy Act system of records entitled International Terrorism Victim Expense Reimbursement 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) and August 7, 2006 (Volume 71, Number 151). In addition, records will be maintained in accordance with the Privacy Act of 1974 (5 U.S.C. § 552a).

11. Justification for Sensitive Questions

There are questions on the application that could be considered by the applicant to be of a sensitive nature—specifically, information regarding victims' medical costs 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 claimant desires reimbursement for expenses associated with his or her medical 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 or 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. Estimate of Respondent's Burden

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). Therefore, the total estimated burden hours is 1,500. The calculation is: 2,000 applications X 45 minutes per app. = 1,500 total estimated burden hours.

13. Estimate of Cost Burden

The anticipated one-time annual cost to the claimant is minimal; the cost of postage to mail the original application and original receipts to OVC. As previously noted, 2,000 applicants per year are anticipated for the first year. Estimates suggest half of these (1,000) will be domestic, and the other half (1,000) will be international. Domestic postage for mailing the complete application package is estimated at \$1.00, and international postage for the complete application package is estimated at \$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. Cost to Federal Government

Estimates of annualized costs to the Federal government are based on three broad items: 1) expense reimbursements 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. Nevertheless, \$45,000,000 has been earmarked for the first year to cover reimbursement costs. The second category for contractor costs of \$1,802,234.00 includes such items as personnel and labor costs (\$1,454,593.00) and other direct costs (\$347,640.00). The third category is for administrative fees, such as the general and administrative fees of the contractor. 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. By statue, the total estimated costs to the Federal Government may not exceed \$50 million in any given fiscal year.

15. Reason for Change in Burden

This 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. Anticipated Publication Plan and Schedule

Specific information related to claimants will not be published. Only 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 reimbursement; 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. Display of Expiration Date

OVC will display the OMB Control Number and expiration date on the application form and application instructions.

18. Exception to the Certification Statement

None. There are no exceptions identified in Item 19, A 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.