

Supporting Statement for Paperwork Reduction Act Submissions
Department of Justice, Criminal Division
United States Victims of State Sponsored Terrorism Fund
OMB Control # 1123-0013

Part A. Justification

1. Necessity of Information

The Justice for United States Victims of State Sponsored Terrorism Act (the “Act”) was enacted into law as Title IV, Division O, section 404 of the Consolidated Appropriations Act, 2016, Pub. L 114-113, codified at 42 U.S.C. § 10609 (2015). The Act establishes a program, overseen by a Special Master, to provide compensation from a special fund to certain eligible victims of state sponsored terrorism. The Criminal Division will assist the Office of the Special Master in administering the U.S. Victims of State Sponsored Terrorism Fund (the “Fund”).

The Act contains specific language authorizing the collection of information from applicants who are victims of state sponsored terrorism to assess their eligibility to receive compensation from the Fund and if so, the amount of compensation. In accordance with the Act, the information collection requests information from the applicant, either from the applicant or through counsel, confirming that the claimant is a U.S. person who holds a final judgment issued by a U.S. district court awarding the claimant compensatory damages arising from acts of international terrorism for which a foreign state sponsor of terrorism was found not immune from the jurisdiction of the courts of the United States under the Foreign Sovereign Immunities Act; was taken and held hostage from the United States Embassy in Tehran, Iran, during the period beginning November 4, 1979, and ending January 20, 1981, or are spouses and children of these hostages, if identified as 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; and information regarding compensation from sources other than the Fund that the claimant has received, is entitled to received, or is scheduled to receive as a result of a final judgment.

The original information collection request (“ICR”) for the Fund’s Application Form was approved under OMB Control # 1123-0013, pursuant to a request for emergency approval, in accordance with 44 U.S.C. § 3507(j) and 5 C.F.R. § 1320.13. A 60 Day Notice of the ICR was published in the Federal Register on August 11, 2016. No comments were received by the 60 Day Notice comment period. The initial Application Form has since been refined and supplementary forms have been drafted, all of which are necessary for the administration of the Fund.

The revised Application Form was refined and reformatted to aid applicants in completing their applications. Supplementary forms, which are necessary to the administration of the Fund, have also been added. Supplementary forms include information related to: (1) an acknowledgment and certification by applicants and their attorneys regarding the statutory limitation on attorneys’ fees; (2) an authorization for the Fund to communicate with individuals identified by an applicant regarding his or her claim; (3) a proposed distribution plan and

corresponding consent to the proposed distribution plan in claims filed by a personal representative of a deceased individual; (4) a Notice of Filing Claim for use by those applicants filing claims on behalf of deceased individuals; (5) a claimant's decision to change an attorney or representative; (6) a hearing request upon receipt of a decision denying the claim in whole or in part; and (7) electronic payment information.

2. Needs and Uses

The information collected from the Application Form for the Fund will be used to determine whether claimants will be eligible for compensation from the Fund and if so, the amount of compensation they will be awarded. The Application Form consists primarily of two main sections: eligibility and compensation.

The eligibility portion of the Application Form seeks the information required by the Act to determine whether a claimant is eligible for the Fund, including information related to: the dates the claimant alleges he or she was held hostage at the U.S. Embassy in Tehran, Iran; the relationship to an Iran hostage; and the case name and docket number of the final judgment upon which claimants rely to satisfy the eligibility requirements in the Act.

The compensation portion of the Application Form seeks the information required by the Act to determine the amount of compensation for which the claimant is eligible. Specifically, the Application Form seeks information regarding compensation from sources other than the Fund and identification of family members who also hold judgments in order to comport with the statutory limitations.

The document checklist, a part of the Application Form, is a tool designed to assist the claimant in compiling the documents needed to support his or her claim. In other words, it describes the types of documents the claimant might submit as proof of the assertions made in the eligibility and compensation portions of the Application Form.

Supplementary forms are to be used in conjunction with the Application Form as necessary for the administration of the Fund. These additional supplementary forms include information related to: (1) an acknowledgment and certification by applicants and their attorneys regarding the statutory provision on the amount of attorneys' fees; (2) an authorization for the Fund to communicate with individuals identified by an applicant regarding his or her claim; (3) a proposed distribution plan and corresponding consent to the proposed distribution plan in claims filed by a personal representative of a deceased individual; (4) a Notice of Filing Claim for use by those applicants filing claims on behalf of deceased individuals; (5) a claimant's decision to change an attorney or representative; (6) a hearing request upon receipt of a decision denying the claim in whole or in part; and (7) electronic payment information.

Only those persons with valid identification, password, and permission created and maintained by the Office of the Special Master and the Criminal Division are authorized to have access to claim file information.

3. Use of Technology

Applications may be submitted electronically, online at www.usvsst.com. Applications may also be mailed, faxed, or emailed to the claims administrator.

4. Efforts to Identify Duplication

Duplication should not be a problem. Each applicant must submit his or her own claim either individually or through counsel. Moreover, as stated on the Fund's website, applicants will not be required to resubmit an application if the Fund receives additional appropriations. In addition, the Special Master and the Criminal Division hold the exclusive authorization to collect the data from this information collection.

5. Methods to Minimize Burden on Small Businesses

This information will have no effect on small businesses, which are not affected by this collection. Only individuals may apply to the Fund.

6. Consequences of Less Frequent Collection

The Application Form will be used to collect information to determine eligibility and compensation from the Fund. The Application Form will be used only once by a claimant.

If the collection is not conducted, eligible claimants would be unable to submit an Application Form and would therefore risk not receiving compensation from the Fund. Failure to complete this collection would render the U.S. Department of Justice unable to fulfill the mandates in the Act and the Fund's Federal Register Notice, and would prevent the U.S. Department of Justice's vital mission in compensating victims of state sponsored terrorism.

7. Special Circumstances Influencing Collection

The Application Form is a one-time collection.

Claimants may be required to submit supplementary information in order to accurately process their claim.

Claimants are not required to submit more than an original or one copy of any document.

Claimants may be required to retain records for more than three years in order to accurately calculate their eligible claim amount.

There is no information collection in connection with a statistical survey.

The collection does not require the use of any statistical data collection.

The Application Form contains a Privacy Act Notice. Any release of information will conform to the Privacy Act Notice. The language of the Privacy Act Notice is included in the Application Form. Moreover, an applicant must initial their acknowledgement in the Application Form, that he or she “authorize[s] the U.S. Department of Justice to disclose any records or information relating to my claim in accordance with the Privacy Act Notice, including the routine uses . . . This includes, but is not limited to, the disclosure of any records or information relating to my claim for the purposes of determining qualification and/or compensation of my claim specifically to: agency contractors . . . and the Department of the Treasury to ensure that any recipients of federal payments who also owe delinquent debts have their payment offset or withheld or reduced to satisfy the debt.”

The collection does not require the claimants to submit proprietary trade secrets. Other confidential information may be necessary in order to establish eligibility and the amount of compensation. Only those persons with valid identification, password, and permissions created and maintained by the Office of the Special Master and the Criminal Division are authorized to access confidential information.

8. Public Comments and Consultations

The Fund has taken extraordinary steps to insure public input. The Special Master held two town hall conferences on June 24, 2016 and June 29, 2016, which were open to the public. Participants, including potential applicants and attorneys, directly posed questions and comments which were responded to or taken into consideration. Further, the Fund published on its online website www.usvsst.com draft versions of the Notice and Frequently Asked Questions for public input. The Special Master received written input from potential claimants and their attorneys. Thus, interested parties had opportunities to consider and provide input on the draft procedures, including details of the information that would be collected. The Fund considered this public input in developing the final version of the Fund’s Federal Register Notice.

On July 14, 2016, the Fund’s aforementioned Notice was published in the Federal Register and posted on the Fund’s website. See 81 FR 45535-45539. The Notice specifies the procedures necessary for United States persons to apply to the Fund and establish eligibility for payment. The Notice included a description of this collection. *Id.*

On August 11, 2016, a 60 Day Notice of this ICR was published in the Federal Register. See 81 FR 53166-53167. No comments were submitted.

9. Payment of Gift to Claimants

No payment or gift will be provided to claimants for filling out the Application Form. The collection is part of an application for compensation from the Fund. Only those claimants who submit a complete and timely application, satisfy the eligibility criteria as provided in the Act, and are determined by the Special Master to satisfy those eligibility criteria, will receive payment. Further, any eligible claim amount is subject to the statutory limitations as set forth in the Act.

10. Assurance of Confidentiality

Information requested in this collection is collected in accordance with the Privacy Act. Any release of information will conform to the Privacy Act Notice which is included in the Application Form. Moreover, a claimant must certify, as part of the Application Form, that he or she “authorize[s] the U.S. Department of Justice to disclose any records or information relating to my claim in accordance with the Privacy Act Notice, including the routine uses . . . This includes, but is not limited to, the disclosure of any records or information relating to my claim for the purposes of determining qualification and/or compensation of my claim specifically to: agency contractors . . . and the Department of the Treasury to ensure that any recipients of federal payments who also owe delinquent debts have their payment offset or withheld or reduced to satisfy the debt.”

Only those who are required to review and process the Application Form will have access to a claimant’s Application Form. Once the information has been entered into an electronic database, only those persons with a valid identification, password, and permissions created and maintained by the Office of the Special Master and the Criminal Division are authorized to access personal information. Confidentiality is assured.

11. Justification for Sensitive Questions

All information on the Application Form is necessary to determine whether a particular claimant is eligible to receive compensation from the Fund and the amount of compensation he or she will be awarded. Claimants submitting Application Forms are required to certify and acknowledge that any release of information by the Office of the Special Master and the Criminal Division will conform to the Privacy Act Notice.

12. Estimate of Hour Burden

It is estimated that 700 claimants, on an annual basis, will complete this one-time Application Form at an hour burden of 2 hours per respondent.

700 claimants x 2 hours per respondent = 1,400 burden hours

13. Estimate of Cost Burden

Applicants will not incur any costs other than their time to complete the Application Form. Applicants will not incur any capital, start-up, or system maintenance costs associated with this information collection.

14. Estimated Annualized Costs to Federal Government

Funding for administrative costs comes directly out of the Fund. Therefore, cost to the Federal government is minimal.

15. Reasons for Change in Burden

There are no program changes or adjustments.

16. Plans for Publication

There are no plans to publish the information collected other than a report to Congress, as required by the Act. The Act provides that within 30 days after authorizing the payment of compensation of eligible claims, the Special Master shall submit to the chairman and ranking minority member of the Committee on the Judiciary of the House of Representatives and the chairman and ranking minority member of the Committee on the Judiciary of the Senate a report on the payment of eligible claims, which must include, an explanation of the procedures for filing and process of applications for compensation and an analysis of the payments made to U.S. persons from the Fund and the amount of outstanding eligible claims, including the number of applications received, approved, denied or pending as well as the total amount of compensatory damages from eligible claims that have been paid and that remain unpaid. Names of the claimants will not be included in the report to Congress.

17. Expiration Date Approval

The Fund seeks approval to not display the expiration date for OMB approval of the information collection. An expiration date on the form will result in unnecessary confusion for the claimant.

18. Exceptions to the Certification Statement

There are no exceptions to the certification statement

Part B. Statistical Methods

The Fund will not be employing statistical methods for this information collection.