



# International Terrorism Victim Expense Reimbursement Program

REPORT TO CONGRESS · APRIL 2008

Office for Victims of Crime

**OVC**  
"Putting Victims First"

**U.S. Department of Justice**  
**Office of Justice Programs**  
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The Office for Victims of Crime is a component of the Office of Justice Programs, which also includes the Bureau of Justice Assistance, the Bureau of Justice Statistics, the National Institute of Justice, and the Office of Juvenile Justice and Delinquency Prevention.

INTERNATIONAL TERRORISM VICTIM  
EXPENSE REIMBURSEMENT PROGRAM  
REPORT TO CONGRESS

April 2008\*

\*This report presents detailed data and statistical information on program activities from October 2006 through May 2007.

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# EXECUTIVE SUMMARY

On December 21, 1988, the United States entered a new era in its history, marking a change for generations to come. That evening a bomb exploded in the forward cargo hold of Pan Am flight 103 over Lockerbie, Scotland, killing and injuring 243 passengers, 16 crew members, and 11 on the ground—4 days before Christmas. It was almost immediately evident that a bomb had caused the terrorist disaster, but it took more than 11 years to bring the perpetrators to justice. Instead of being an isolated incident, it became a precursor of international violence and destruction that precipitated a worldwide response. The federal response to this event and other terrorist acts created the foundation for newly established programs to address the needs of all terrorism victims and their families, especially U.S. citizens and employees victimized in foreign countries.

As incidents of international terrorism increased, the need to assist these victims in an equitable manner became a priority. Responding to this new area of victimization, the Congress authorized and the Office of Justice Programs established, through the Office for Victims of Crime (OVC), the International Terrorism Victim Expense Reimbursement Program (ITVERP). ITVERP reimburses victims of acts of international terrorism outside of the United States for out-of-pocket expenses directly related to the event.

ITVERP is authorized to reimburse eligible victims,<sup>1</sup> including U.S. nationals and United States Government officers and employees. The law requires that the individual victim must have “suffered direct physical or emotional injury or death as a result of international terrorism occurring on or after December 21, 1988, with respect

to which an investigation or prosecution was ongoing after April 24, 1996.”<sup>2</sup> If a victim is killed as a result of such an event, certain members of the victim’s family may receive reimbursement on his or her behalf.

The types of expenses for which program claimants may seek reimbursement include the following:

- ◆ Medical expenses (including dental and rehabilitation costs);
- ◆ Mental health care costs;
- ◆ Property loss, repair, replacement costs;
- ◆ Funeral and burial costs; and
- ◆ Miscellaneous expenses (such as temporary lodging, local transportation, telephone, and emergency travel).

Claimants may apply for reimbursement by completing and submitting an application form by mail. Applications are available electronically for downloading on the ITVERP Web page ([www.ovc.gov/itverp](http://www.ovc.gov/itverp)). Claimants who do not have access to the Internet can contact OVC via the ITVERP toll free telephone line (1-800-363-0441) to request that an application packet be mailed to them.

During its first year of operation (from October 2006 through May 2007), OVC established the ITVERP Resource Center. The Resource Center staff serve as the main points of contact for claimants requesting reimbursement and for the general public seeking information.

Ensuring that victims are made aware of the resources available to support them via ITVERP has been among OVC's most important activities. In year one, OVC promoted awareness of the program through key community outreach and educational activities, including publication of a brochure about the program and the launch of the ITVERP Web page.

During the first months of operation, the ITVERP Resource Center responded to 97 calls from victims; local, state, and federal agencies; the nonprofit community; and the general public. Since May 2007 (the end of the data collection period for this report), the program has received and is processing 21 applications from victims of terrorist events in 12 different locations.

As with any new program, OVC encountered challenges during the initial phases of implementation. In response to these challenges, OVC conducted a process review and, where appropriate, made operational adjustments to procedures. Challenges addressed during this first year of operation include the following:

- ◆ Coexistence of the OVC and Federal Bureau of Investigation (FBI) Emergency Funds and ITVERP;
- ◆ Identification of victims and improvement of the application process;
- ◆ Validation of collateral payments in order to ensure accurate reimbursement;

- ◆ The requirement for obtaining historical information about exchange rates on specific dates to make appropriate payments; and
- ◆ Preparation for potential large-scale events and multiple victims.

OVC will focus on several areas in the upcoming year: ongoing efforts to assist multiple victims in the event of a large-scale terrorist act and to coordinate victim assistance activities with organizations that offer support to these victims. The agency is expanding its outreach initiatives to include greater levels of coordination with other governmental and professional organizations that also work with victims of terrorism. In continuing to refine its program, OVC will strive to avoid duplication of efforts among agencies by developing a process for ongoing communication.

Although ITVERP is still in its early stages, the progress made to date includes the development of—

- ◆ Application materials and brochures that are mailed to victims and their families;
- ◆ Outreach efforts to governmental agencies and nonprofit organizations;
- ◆ An interim database system;
- ◆ A permanent database system for Fiscal Year 2008;
- ◆ The ITVERP Resource Center and staffing; and
- ◆ An ITVERP payment system to approve applications.

Future goals include raising awareness of the program and increasing outreach to all victims who may potentially be eligible for reimbursement under the program. Achievements will be measured by the following:

- ◆ Increased awareness of ITVERP through public awareness materials, press releases, presentations, and briefings;

*“The bombings in London and Madrid have shown that we still must be prepared in the event of another attack. Chief among our preparations must be ensuring a viable response to victims. Our International Terrorism Victim Expense Reimbursement Program will remedy that by providing uniform benefits and procedures for U.S. citizens who are victimized abroad.”*

—Cybele K. Daley  
Former Acting Assistant Attorney General  
Office of Justice Programs

- ◆ Increased outreach to victims of past terrorist events;
- ◆ Increased numbers of applications submitted to OVC for reimbursement; and
- ◆ Increased numbers of payments to eligible victims.



# INTRODUCTION

ITVERP was established to respond to and assist U.S. victims of overseas terrorist events such as the Bali nightclub bombings, the Khobar Towers bombings, and the housing compound bombing in Riyadh, Saudi Arabia. ITVERP addresses the unusual circumstances faced by U.S. victims of terrorism in other countries and their unique needs such as travel, emergency lodging, medical treatment, mental health counseling, property damage/loss, or repatriation of a loved one's remains. ITVERP's expense reimbursement structure models state compensation programs. Unlike state compensation programs, however, ITVERP ensures that victims from all 50 states, including the U.S. territories and United States employees in foreign countries, will receive fair and equitable reimbursement for comparable expenses.

This *Report to Congress* for 2007 fulfills the legislative requirement for an annual report on the activities of ITVERP. The report is intended to provide information on the following:

- ◆ An explanation of the procedures for filing and processing applications for reimbursement;
- ◆ A description of the procedures and policies instituted to promote public awareness about the program;
- ◆ A complete statistical analysis of the victims assisted under the program including—
  - ◆ The number of applications for reimbursement submitted.
  - ◆ The number of applications approved and the amount of each award.
  - ◆ The number of applications denied and the reasons for the denial.
  - ◆ The average length of time needed to process an application for reimbursement.
  - ◆ The number of applications for reimbursement pending and the estimated future liability of the program.
- ◆ An analysis of future program needs and suggested program improvements.

*“Our families were targeted because they were Americans and represented the ideas of America. Our families were killed on American soil . . . it was just half a world away.”*

*—Family member of a victim who died in the U.S. Embassy bombing in Kenya*

Following this introduction, a brief background is provided of the ITVERP program, its authorizing legislation, and funding structure. The remainder of the report is organized in the following sections:

- ◆ ITVERP Program Description;
- ◆ Year One Activities and Accomplishments;
- ◆ Program Profile—ITVERP Data;
- ◆ Challenges; and
- ◆ Future Program Goals.

# BACKGROUND

## ITVERP Legislation and Funding

The U.S. Department of Justice (DOJ), Office of Justice Programs (OJP), OVC provides funding to states for administering crime victim compensation programs. Each state determines the level of compensation and assistance for crime victims via state legislation. Prior to ITVERP, a victim's only recourse was compensation through state programs. This was problematic because survivors of the same act of terrorism outside the United States, who are residents of different states, may conceivably receive different levels of compensation for similar injuries from their state programs. In 2000, the U.S. Congress authorized OVC to establish a federal program through an amendment to the Victims of Crime Act of 1984 (VOCA) [42 U.S.C. § 10601, *see also* 42 U.S.C. § 10603(b) (1984)] (Public Law 98-473) that uniformly and equitably provides assistance to victims of terrorist acts, regardless of the victim's state of residence. That same year, ITVERP<sup>3</sup> was created under the Victims of Trafficking and Violence Protection Act of 2000, and states were no longer required to compensate victims of terrorism outside the United States. In addition to reimbursing U.S. victims of international terrorism, the statute also authorizes expense reimbursement for foreign nationals working for the U.S. Government.

In 1996, OVC was authorized to set aside \$20 million from money deposited into the Crime Victims Fund (the Fund) to create an emergency fund. With the passage of the Uniting and Strengthening America by Providing Appropriate Tools Required To Intercept and Obstruct Terrorism (USA PATRIOT) Act of 2001 (Public

Law 107-56), the Fund was renamed the Antiterrorism Emergency Reserve. Section 621 of the USA PATRIOT Act amended VOCA to authorize the Director of OVC to set aside up to \$50 million as the Antiterrorism Emergency Reserve that would be available only for victim assistance or compensation related to acts of terrorism or mass violence [42 U.S.C. § 10601(d)(5)].<sup>4</sup>

The USA PATRIOT Act authorized the OVC Director to replenish the Antiterrorism Emergency Reserve in subsequent fiscal years by using up to 5 percent of the amount remaining in the Crime Victims Fund in any fiscal year after distributing amounts otherwise available for that year. This provision in the Act enables the Federal Government to have resources available for emergency assistance in the wake of terrorist violence.

The Fund allows reimbursements to victims without using tax dollars. Fines and penalties paid by convicted federal criminal offenders, gifts, donations, and bequests from private individuals are deposited into the Fund, from which ITVERP and other OVC programs are funded. The OVC Director is authorized to set aside certain amounts from the Crime Victims Fund in reserve for the following purposes:

- ◆ To support compensation and assistance services for victims of domestic terrorism or mass violence;
- ◆ To support assistance services to victims of international terrorism; and
- ◆ To fund ITVERP directly.

Historically, requests for assistance from the Crime Victims Fund have included the evacuation of injured victims to medical facilities,

repatriation of remains, funeral and burial expenses, mental health counseling, and miscellaneous expenses (such as emergency travel and related expenses). Other requests for assistance have supported travel and lodging for participation in criminal justice proceedings, the establishment of case-specific Web sites, toll free

telephone lines, family briefings, and the establishment of remote sites for closed-circuit viewing of trial proceedings by victim families. To date, ITVERP reimburses costs that are clearly attributable to the terrorist event and that result in actual out-of-pocket losses for victims.

# ITVERP PROGRAM DESCRIPTION

## Eligibility

**I**TVERP was authorized to reimburse eligible victims of acts of international terrorism that occur outside the United States for expenses associated with that victimization. Individuals eligible for reimbursement include (a) United States nationals and (b) United States Government officers and employees. The law requires that the individual victim must have “suffered direct physical or emotional injury or death as a result of international terrorism occurring on or after December 21, 1988, with respect to which an investigation or prosecution was ongoing after April 24, 1996.”<sup>5</sup> In the case of a victim who is a minor, incompetent, incapacitated, or deceased, a family member or legally designated representative of the victim may receive expense reimbursement on behalf of the victim. In addition to the victim, claimants may include (a) the spouse of the victim, (b) parents of the victim, (c) children of the victim, (d) siblings of the victim, and (e) a legally designated victim representative.

## Allowable Expenses

The types of expenses for which program claimants may seek reimbursement include the following:

- ◆ Medical expenses (including dental and rehabilitation costs) up to \$50,000;
- ◆ Mental health care costs not to exceed \$5,000;
- ◆ Property loss, repair, or replacement costs not to exceed \$10,000;
- ◆ Funeral and burial costs not to exceed \$25,000; and

- ◆ Miscellaneous expenses (such as temporary lodging, emergency travel for two family members’ transportation to the country where the incident occurred, local transportation, and telephone costs) not to exceed \$15,000.

Costs such as attorneys’ fees and legal expenses, pain and suffering, and loss of enjoyment of life or of consortium are excluded from reimbursement.

Agencies or programs that provide victim reimbursement or cover some or all of costs that the victim is claiming under ITVERP are considered collateral sources. The statute stipulates that the amount of reimbursement to a victim must be reduced by any amount the victim receives in connection with the same act of terrorism under Title VIII of the Omnibus Diplomatic Security and Antiterrorism Act of 1986.

For example, sources of payment such as health, property, or funeral and burial insurance that may overlap with ITVERP reimbursement are considered collateral sources. Life insurance proceeds are not considered a collateral source because such funds do not compensate for specific out-of-pocket expenses. This definition of collateral sources is consistent with other provisions relating to crime victim compensation programs under VOCA.

## Application Process

Victims may apply for expense reimbursement by completing and submitting an application form by mail. Applications are available electronically on the ITVERP Web page ([www.ovc.gov/itverp](http://www.ovc.gov/itverp)) for downloading and printing only. Claimants who do not have access to the Internet can contact OVC

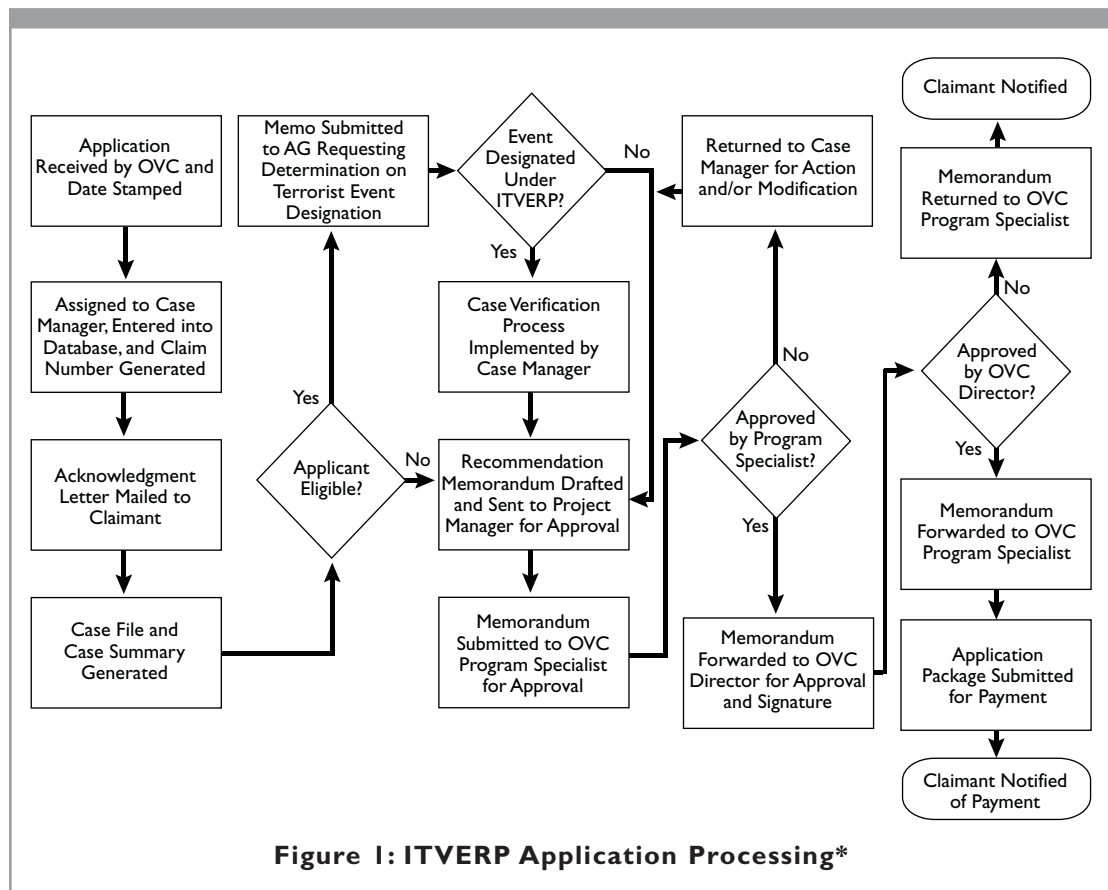
via the ITVERP toll free line to request that an application packet be mailed to them.

OVC established a standard procedure for receiving, tracking, and processing applications as demonstrated in Figure 1.

When an application for reimbursement is received, it is date stamped and forwarded to the project manager for assignment to a case manager. The case manager enters the application data into the database, thereby generating a claim number, and mails the claimant a letter acknowledging receipt of the application. The case manager then reviews the application form to (1) verify the identity of the victim and the eligibility of the claim; (2) identify any errors or omissions on the application and communicate with the

claimant regarding the missing information; and (3) identify correspondence deadlines to and from the claimant.

Next, the case manager creates a case file in which all pertinent application information is maintained. The case manager then writes a case summary to capture information about a claimant's case for review. If all information on the application is complete, the case manager verifies the collateral sources of compensation that may offset expenses submitted to ITVERP and prepares an expense reimbursement sheet. If payments being reimbursed were made to the claimant in non-U.S. dollars, the case manager converts the foreign currency to U.S. dollars using historical conversion rates provided by the U.S. Department of the Treasury, Financial Man-



\* The application process was modified in July 2007. A modified Application Processing chart is included in appendix B of this report.

agement Service (FMS). At the end of this process, the case manager drafts a written recommendation concerning reimbursement for the claimant that, once approved by the project manager, is provided to the OVC program specialist for review.

The OVC program specialist reviews the recommendation and verifies whether the Attorney General or his designee has determined if there is a reasonable indication that an act is one of international terrorism. When the event is not designated an act of terrorism, a recommendation to deny the claim is submitted. If the event is designated an act of terrorism for program purposes and the information in the application is verified, approval of the request is recommended. If the OVC program specialist approves the recommendation, it is forwarded to the OVC Director for final approval. If the Director denies a claim, the claimant is notified in writing of the decision and of the appeals process should he or she wish to file an appeal.

If the Director approves a claim, it is submitted to OJP's Office of the Comptroller for payment processing. Claimants in the United States receive their payment via direct deposit, and claimants outside the United States receive their payment via an international electronic funds transfer service provided by the U.S. Department of the Treasury's FMS, International Treasury Services. International payments may be sent to an individual directly or to the U.S. embassy or the U.S. consulate in the country in which the claimant resides. Once OVC receives notification that the payment has been processed, the claimant is notified in writing of the approval and payment.

## Application Processing Time

Standardized procedures have been established for receiving, tracking, and processing applications. OVC acknowledges receipt of an application within 5 business days. The time required to process an application from receipt of the application to a claimant's receipt of payment is influenced by a variety of factors. A complete and accurate application submitted with all required

information and documentation may take from 2 to 6 weeks to process from preparation of the final recommendation to payment.<sup>6</sup>

## Application Type

Three types of applications are used by ITVERP:

- ◆ **Interim Emergency:** Eligible claimants seeking funds for an immediate need such as medical treatment, short-term lodging, or emergency transportation should use this application.
- ◆ **Itemized:** Eligible claimants who are making a first-time request for reimbursement of out-of-pocket expenses that were paid following an international terrorism event should use this application.
- ◆ **Supplemental:** Eligible claimants who find that their expenses have changed since they submitted an initial application should use this application. The supplemental application is for bills that may have been received late, or for new services that were not originally thought necessary.

The process has several phases:

*Phase 1—From application received to collateral source verification (approximately 2 to 8 weeks):* Various factors could affect the amount of time required at this phase. If a claimant submits an incomplete application, a copy of the application is returned to the claimant with a request for a new, complete application. Failure of the applicant to sign and date sections F and H of the ITVERP application, for example, is considered an incomplete application. Although the application is entered into the ITVERP system when first received, processing is suspended until the new application has been returned. The claimant may comply with OVC's request quickly or wait several weeks before responding (accounting for the variation in processing time).

Once a complete application is received, a request is initiated to determine whether there is a reasonable indication that the act is one of

international terrorism for the purposes of ITVERP.

*Phase 2—From collateral source verification to final memorandum (approximately 4 to 6 weeks):* The length of time required at this phase of the process depends on the type of collateral sources associated with the claimant application, the cooperation of collateral source contacts, and the accuracy of the information provided.

Authorization to request verification of collateral sources is addressed in section H of the ITVERP application. By signing and dating the release in section H, the claimant authorizes:

*Any hospital, physician, funeral director, municipal authority, employer or union, insurance company, social service bureau, Social Security office, or any other person, firm, agency, or organization to furnish to the Office for Victims of Crime, ITVERP, or its representatives, any information requested . . .*

OVC requests verification regarding the type of services and payments an agency made available to victims as they relate to ITVERP. The agency can request a copy of OVC's authority to receive this information for the agency's records. With this authorization, an agency may release information relevant to previous or potential reimbursement that the claimant may have received or may be obtaining from an agency.

During the first year of implementation, OVC has requested various types of collateral source verification from agencies. Examples include the following:

- ◆ Verifying claimant's funeral expenses partially paid by the FBI;
- ◆ Verifying claimant's lump sum settlement amount;
- ◆ Verifying claimant's expenses through State Department records.

*Phase 3—From preparation of the final recommendation memorandum to approval by OVC management (approximately 2 to 3 weeks):* Factors influencing this phase include the number of different monetary currencies involved, the number of receipts to be reimbursed, and the amount of detail in the application.

Victims are reimbursed at the exchange rate that existed at the time of the terrorist event. Information about historical exchange rates on specific dates is provided by FMS. FMS averages the daily exchange rates each quarter and calculates a quarterly figure, thereby providing OVC and claimants with a stable, reliable source of data.

Once all currency conversions have been completed and recorded, the case manager prepares a recommendation memorandum that is reviewed by the project manager, who submits it to the program specialist. The OVC program specialist then forwards the memorandum to OVC management for approval.

*Phase 4—Payment process:* At the time of this report, OVC is unable to process payments directly. Therefore, determining the length of time needed during this phase is difficult. It is anticipated that domestic payments will take approximately 3 to 5 business days to process. OJP will work with the Treasury Department to provide payments via direct deposit into claimants' accounts.

*Phase 5—Appeals process:* Claimants have the right to appeal all decisions within 30 days. Claimants may appeal both approved and denied applications. Once an application is approved or denied by the Director of OVC, a letter is forwarded to the claimant outlining the decision and explaining the appeals process. There have been no appeals initiated yet.

# YEAR ONE ACTIVITIES AND ACCOMPLISHMENTS

During the program's first year of implementation, OVC achieved much success in meeting its internal deadlines and program milestones. Another goal for year one was to implement the ITVERP operational procedures manual and transform the text into active and functioning program policies and procedures. OVC also dedicated its efforts to enhancing its procedures for receiving, documenting, and storing claims. As the applications moved through the initial stages of processing, OVC evaluated the process and improved procedures.

In addition to developing and implementing the program policies and procedures described above, OVC developed additional initiatives to support the program and provide outreach to victims who are seeking assistance. This chapter discusses some of the initiatives that have been implemented to further strengthen this new program.

## Promotion of Public Awareness

Central to all of the ITVERP activities has been the effort to ensure that victims of international terrorism acts are aware of the resources available to support them. OVC has used a number of methods to promote public awareness about ITVERP. The following list summarizes some of the key community outreach and awareness activities that have been launched during this first year. The Web pages and program brochure have been especially important for promoting the goals of the program.

## Web Pages

OVC designed and launched a comprehensive ITVERP Web page on the OVC Web site that provides access to information for victims of terrorism outside the United States and links to other helpful sites (see OVC's ITVERP Web Page picture below). In addition, the Web page, located at [www.ovc.gov/itverp](http://www.ovc.gov/itverp), describes the purpose and history of ITVERP and allows a victim of international terrorism to download an application for reimbursement; detailed instructions for completing the application; an application checklist; a list of categories for which reimbursement is available; and an Automated Clearing House (ACH) Form for direct deposit of payment of a claim. Visitors to the Web page will find a host of links to other pertinent Web site, covering such topics as justice for victims of international terrorism, coping after terrorist events, and guidelines for policymaking.

**Screen Capture of OVC's ITVERP Web Page**

U.S. DEPARTMENT OF JUSTICE  
OVC Office for Victims of Crime  
International Terrorism Victim Expense Reimbursement Program

**International Terrorism Victim Expense Reimbursement Program**

If you believe that you or someone you know has been a victim of international terrorism, help may be available. The International Terrorism Victim Expense Reimbursement Program (ITVERP) offers financial support for qualified persons.

Who is Eligible?	What Expenses Are Covered?	How To Apply
<p>If you have suffered a direct physical or emotional injury as a result of an act of international terrorism, as designated by the Attorney General, you may be eligible to receive reimbursement through ITVERP. If your family member has died as a direct result of an act of international terrorism, you, as a surviving family member, may be eligible to receive reimbursement through ITVERP. To receive reimbursement you, the victim, must (at the time of the terrorist event) be either:</p> <ul style="list-style-type: none"><li>• An officer or employee of the U.S. Government, or</li><li>• A national of the United States.</li></ul>	<p>Eligible claimants of international terrorism may apply to receive reimbursement for expenses related directly to recovery from the terrorism event. This expense-based reimbursement program covers out-of-pocket expenses such as—</p> <ul style="list-style-type: none"><li>• Medical expenses (including dental and rehabilitation costs);</li><li>• Mental health care costs;</li><li>• Property loss, repair, or replacement;</li><li>• Funeral and burial costs; and</li><li>• Miscellaneous expenses.</li></ul>	<p>If you believe you are an eligible victim of a designated international terrorism event, please use the following forms and information to prepare your application for reimbursement.</p> <ul style="list-style-type: none"><li>• ITVERP Application</li><li>• ITVERP Supplemental Sheet</li><li>• ITVERP Application Instructions</li><li>• ACH Form</li><li>• ITVERP Application Checklist</li><li>• Categories of Expenses and Limits</li></ul>

**Contact ITVERP**  
Office for Victims of Crime  
ITVERP Resource Center  
810 Seventh Street NW  
Washington, DC 20031  
Phone: 1-800-363-0441  
Email: [ITVERP@usdoj.gov](mailto:ITVERP@usdoj.gov)

**Important Links**

- [Frequently Asked Questions](#)
- [ITVERP Final Regulations](#)
- [ITVERP Report to Congress](#)

**Other Resources**

- [Links to Other Resources and Organizations](#)

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The Office for Victims of Crime is a component of the Office of Justice Programs, U.S. Department of Justice.  
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In recognition of its efforts at implementing a Web-based application and information system, the U.S. Department of Justice received the GovBenefits.gov Agency of the Year Award. The award, presented to DOJ in June 2007, was accompanied by the following testimonial:

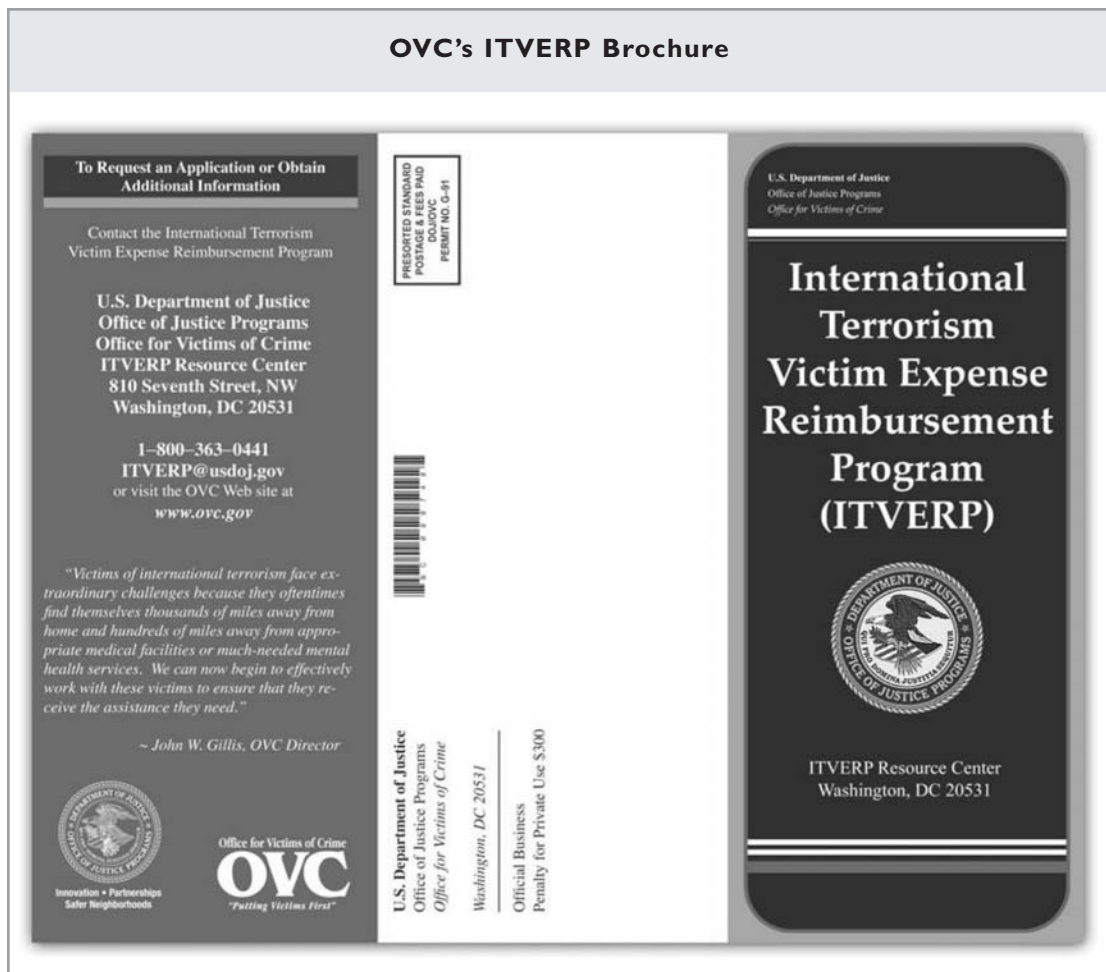
*GovBenefits.gov is pleased to present this year's Partner Appreciation Award to the U.S. Department of Justice. Over the past year, DOJ/OJP has shown its commitment to the continued development of GovBenefits.gov with several contributions that have had a lasting impact on the program. DOJ was in the forefront in having its program managers trained on using the*

*GovBenefits.gov Content Management System (CMS) to be able to maintain program information for two of the agency's programs, the International Terrorism Victim Expense Reimbursement Program (ITVERP) and the Public Safety Officers' Benefits Program (PSOB). DOJ was even able to add program information on ITVERP to the site through the use of the CMS.*

### Brochure

OVC developed a user-friendly brochure detailing program information and eligibility requirements (see OVC's ITVERP Brochure pictured below). The brochure has been in distribution

### OVC's ITVERP Brochure



since October 2006 and is also available on the ITVERP Web page at [www.ovc.gov/intdir/itverp/pdf/ITVERP\\_Brochure.pdf](http://www.ovc.gov/intdir/itverp/pdf/ITVERP_Brochure.pdf). OVC has sent brochures to potential claimants, their families, government agencies, and the public. An enhanced brochure is being prepared for printing and mass dissemination.

### Additional Promotional Activities

In year one, OVC also has accomplished the following:

- ◆ Posted a listserv announcement in September 2006 on OVC's ITVERP message system announcing the final rules and regulations;
- ◆ Made a presentation on ITVERP to the criminal justice research community at the National Association of Crime Victim Compensation Boards National Training Conference in September 2006;
- ◆ Released a press advisory in October 2006 announcing program implementation;
- ◆ Established a toll free international 800 number and e-mail address to respond to program inquiries;
- ◆ Published an announcement in the *JUSTINFO* newsletter (Volume 12, Number 20) in October 2006;
- ◆ Placed an e-mail announcement on "News-FromOVC@ncjrs.gov" in November 2006;
- ◆ Mailed ITVERP application materials to 93 U.S. Attorneys in January 2007, providing detailed information about the program to share with staff and victim advocates in their offices;
- ◆ Published an abstract in the National Criminal Justice Reference Service Library/ Abstracts database ([www.ncjrs.gov/library.html](http://www.ncjrs.gov/library.html)) (NCJ 210645, February 2006);
- ◆ Posted an ITVERP program summary on [GovBenefits.gov](http://GovBenefits.gov), a government Web site highlighting benefit and assistance programs for federal agencies;

- ◆ Prepared an announcement in the National Institute of Justice's *NIJ Journal* disseminating information on program eligibility requirements;
- ◆ Coordinated meetings with other federal agencies, including the FBI's Office of Victim Assistance; and
- ◆ Mailed informational packets to known victims of previous international terrorism events and their family members. These packets included the ITVERP brochure; an application for expense reimbursement and detailed instructions for completing the application; an application checklist; a list of expense categories and caps on reimbursement for each; supplemental sheets for victim information; collateral sources; service provider information; and an ACH Form that includes bank routing information.

### ITVERP Program Infrastructure

A number of tools were created to provide systematic support for all OVC staff who are involved with daily program management. These tools ensure program uniformity, security, and accessibility and their utilization has allowed the program to grow while maintaining consistent policies and procedures.

### Operational Manual

The *Operational Manual* for internal DOJ usage is a compilation of all policies, procedures, and forms related to ITVERP program rules and regulations, application processes, program review, and appeals processes. The manual was revised in May 2007 to reflect the current application procedures as well as to update the forms used by the ITVERP Resource Center. The current manual provides guidelines and information about each step of the application process, procedures for external review of claims, and policies about and procedures for the appeals process and includes hardcopy examples of all forms associated with the program. Additionally, the manual outlines policies and procedures concerning confidentiality, record maintenance,

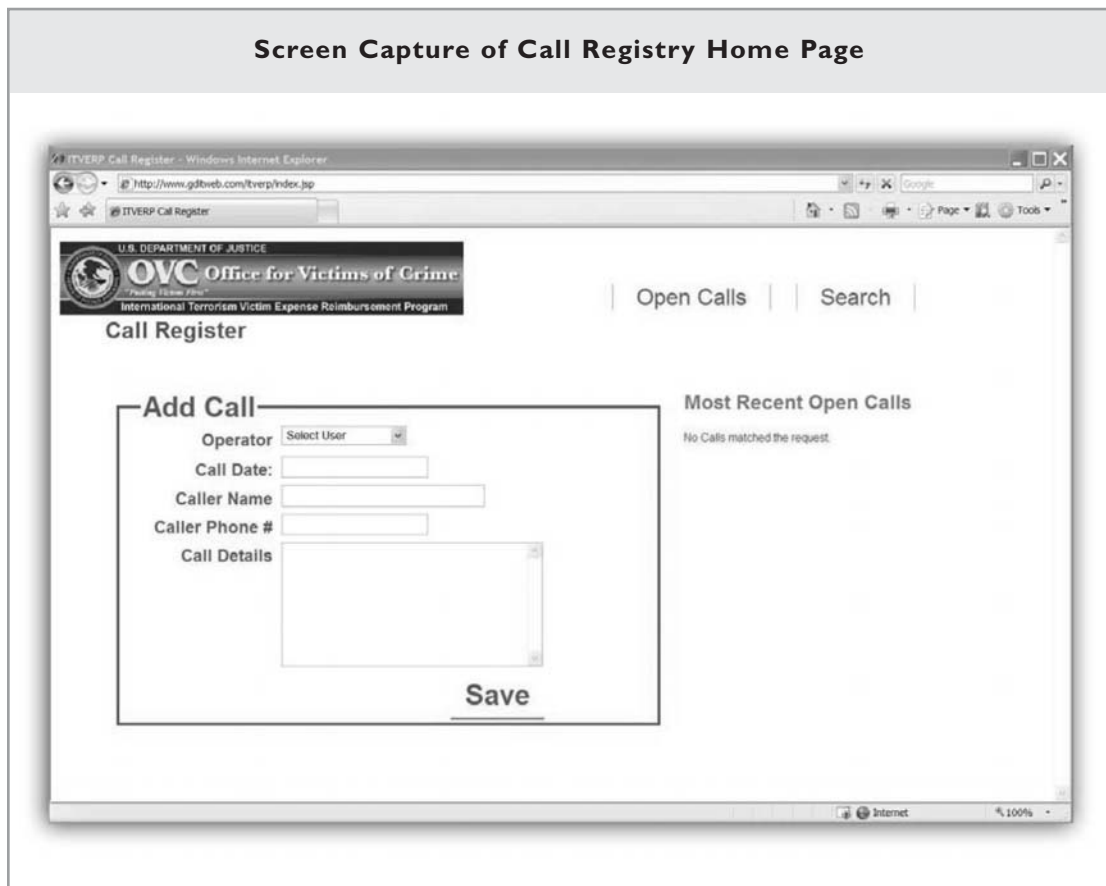
hardcopy case files, software capabilities, database terminology, and program policies about fraud, overpayment, and waivers. Finally, the manual includes a detailed accounting of the case management process.

### Call Registry

All telephone calls to OVC regarding the program are tracked through a telephone log system (see Call Registry Home Page pictured below). Callers use the ITVERP international toll free number to inquire about the program, to obtain the status of their applications, or to provide feedback about ITVERP. The case files and the phone log capture a complete history of correspondence with claimants, potential claimants, and the public. Additionally, tracking caller

comments provides valuable user feedback that then enables the program staff to identify ways to improve the program. The secure call registry was created to ensure complete caller confidentiality and requires a username and password for logon. Additionally, the call registry allows the program manager to collect and analyze data over time to find patterns in caller feedback. This feature is important for trend analysis and data reporting. If a significant number of callers have questions about the same section of the application's instructions, for example, then OVC staff will review that section to examine whether it may need to be revised in the future. In this way, the call registry provides critical input into a continuous improvement cycle for the program and its components.

Screen Capture of Call Registry Home Page



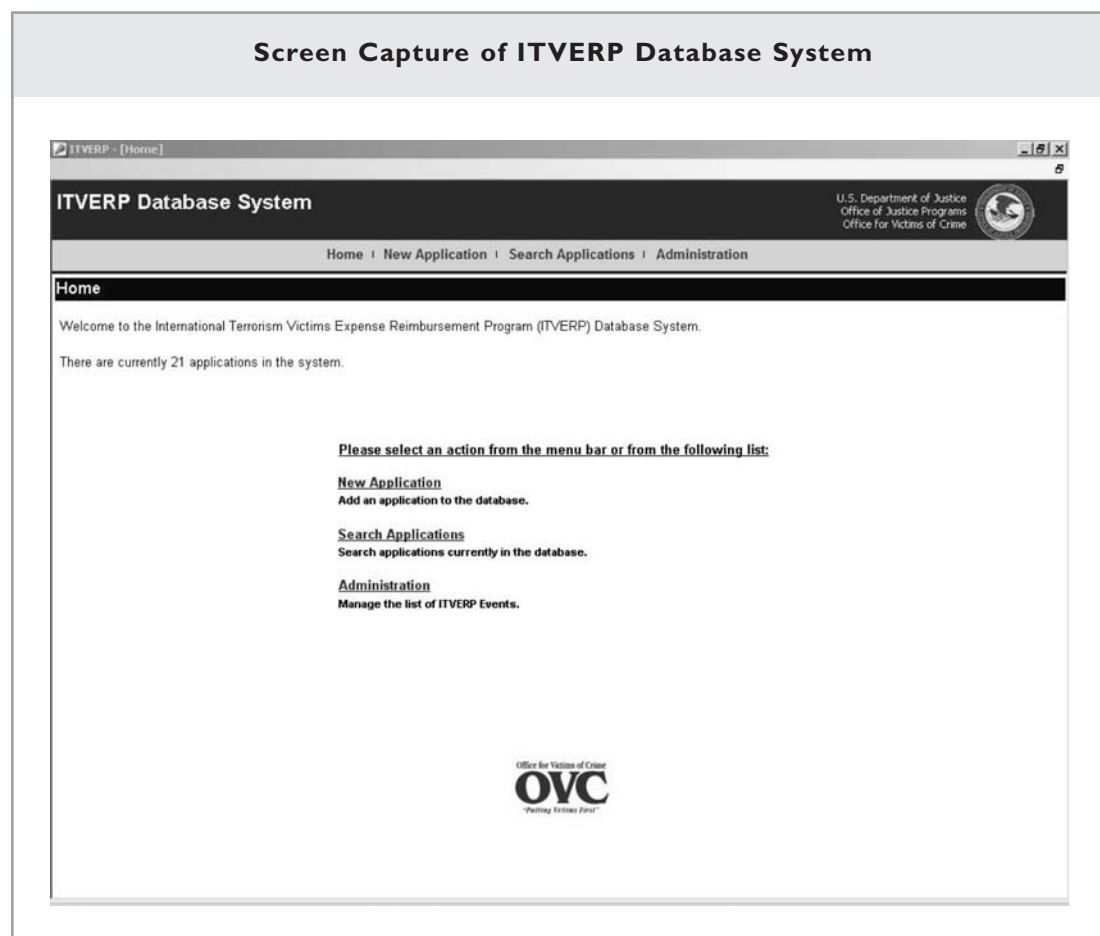
## Database

OVC maintains an internal database of claimants' files (see ITVERP Database System pictured below). Currently, this interim database developed for processing ITVERP reimbursements contains claimants' application information, case note entries, and correspondence. The database also is used to process and track ITVERP expense reimbursement requests. In coordination with OJP's Office of the Chief Information Officer, OVC staff are assisting in the development of an enhanced and more permanent database.

The permanent ITVERP database will be a Web-based program that will meet all of DOJ's security requirements for the collection and storage of

personal (claimant) information. Additionally, the database will (1) allow the integration of existing database information into the new database system; (2) contain data entry functions for inputting application information; (3) generate financial reports; (4) provide case managers with the ability to generate requests for claim payments; (5) support the Office of the Chief Financial Officer's capability to access the payment request data so that payment requests can be processed; (6) generate ITVERP correspondence; (7) track correspondence (8) send e-mail correspondence; (9) generate statistical reports; and (10) generate management reports that include functions that specify search criteria.

### Screen Capture of ITVERP Database System



# PROGRAM PROFILE — ITVERP DATA

As OVC implements the reimbursement program and works directly with victims of international terrorist events, baseline data is collected that will be used to measure the effectiveness of the services provided and the number of claimants served. Table 1 is a graphical summary of the ITVERP profile from the first months of implementation in October 2006 to May 2007.

The first ITVERP application was received November 1, 2006. All applications received during the first months of the program were itemized applications.

**Table 1. ITVERP Applications Received**

Application Type	Number Received
Emergency	0
Itemized	21
Supplemental	0

## Location of Event

Applications were received for reimbursement related to terrorism events in 12 different locations (see table 2).

## Application Status

Twenty-one applications were received by ITVERP between October 2006 and May 2007. Of those, three applicant files have been closed (due to ineligibility or by claimant request). The remaining 18 applications are pending final decision. Five applications have been processed and verified but are awaiting departmental designation of the event as a terrorist act (needed for

*“I want to express my thanks and sincere gratitude to all who assisted with the new reimbursement process.”*

*—A recipient of mental health counseling who had lost a son in a terrorist event*

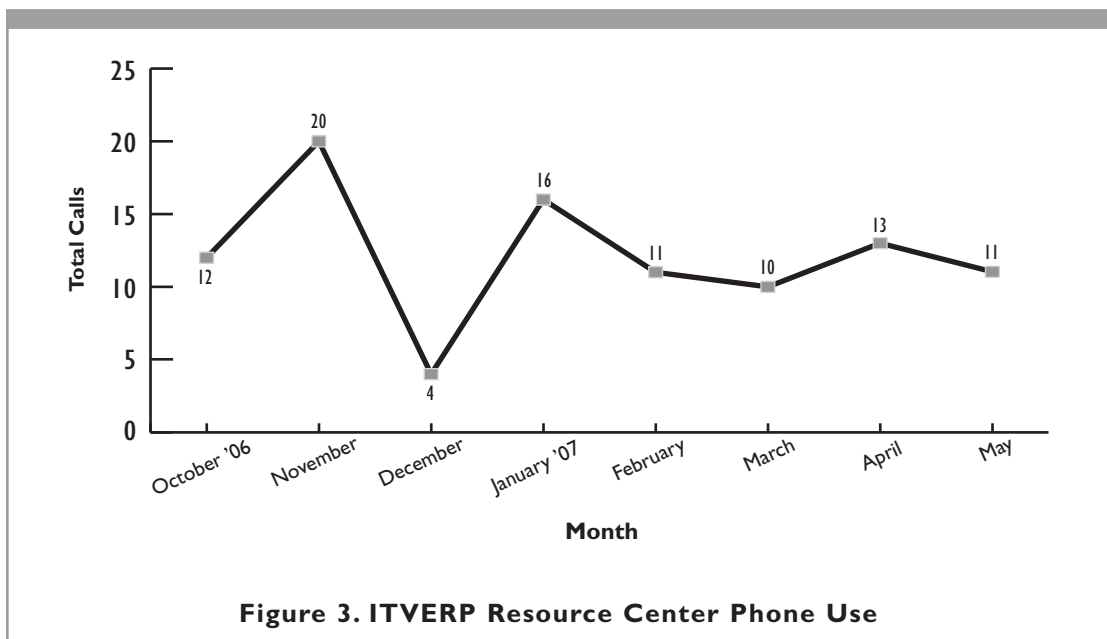
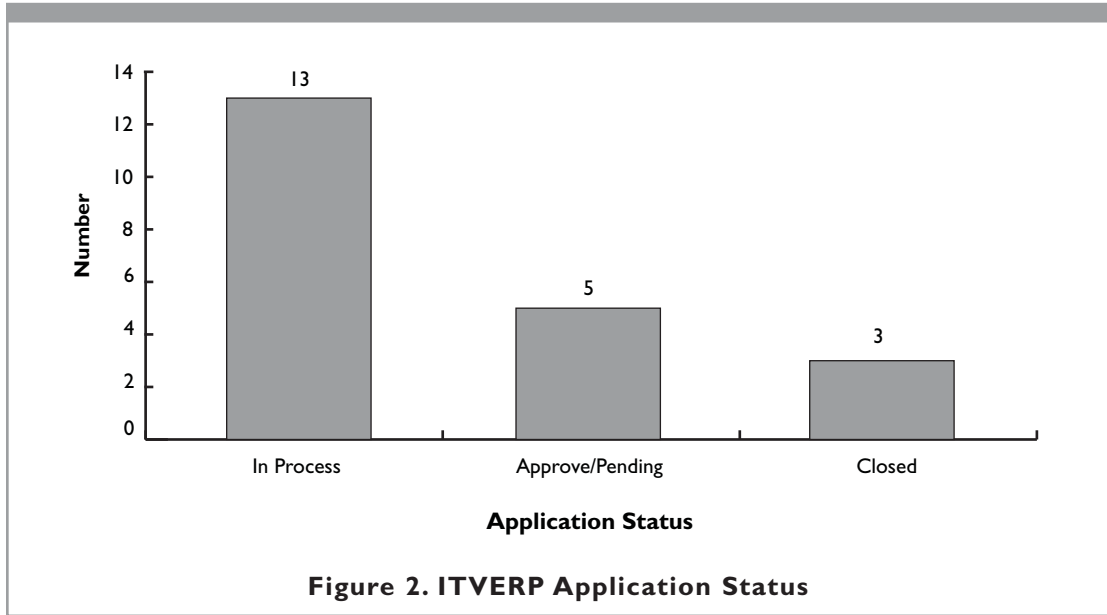
**Table 2. Location of Event for Which Reimbursement Is Sought**

Country	Applications Received
Afghanistan	2
Angola	1
Egypt	1
Indonesia	1
Iraq	2
Israel	1
Kenya	2
Philippines	1
Saudi Arabia	5
Scotland	2
Switzerland	1
United States	2

approval of award disbursement). The remaining 13 are in various stages of the review and verification process (see figure 2).

## Toll Free Phone Utilization

Between October 2006 and May 2007, ITVERP received a total of 97 calls on the toll free phone line (see figure 3). It still is too early to detect or predict a pattern of utilization rates, but it is reasonable to assume that calls will peak following either a new outreach effort or a new terrorist event.



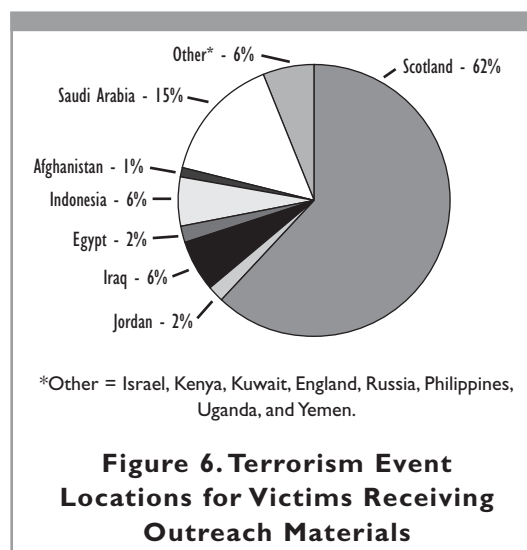
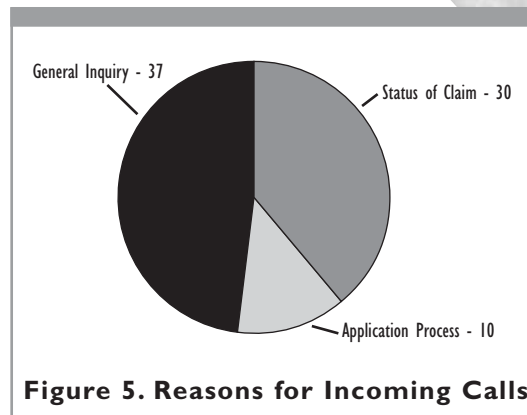
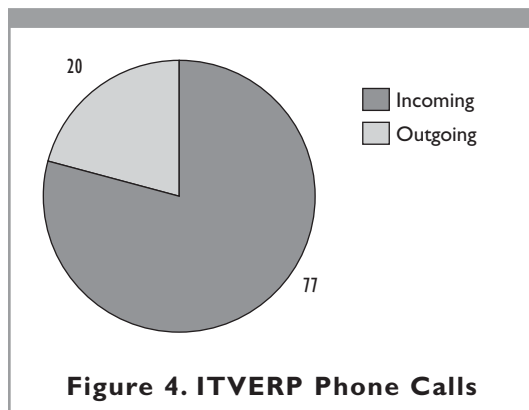
## Reasons for Phone Inquiries

Of the 97 calls directed to the program, 77 were incoming calls and 20 were followup calls placed by staff in response to a variety of caller needs (figure 4).

Incoming calls primarily addressed issues related to the status of pending applications, questions about the process, and general information about the ITVERP program (see figure 5).

## Outreach to Victims of Past Acts of International Terrorism

Outreach materials were sent to victims of past international terrorism events in a number of different locations. The greatest number were sent to victims of events in Lockerbie, Scotland, followed by Saudi Arabia, Iraq, Indonesia, Egypt, Jordan, and Afghanistan (see figure 6).



# CHALLENGES

**D**uring the first year of program implementation, OVC met the challenges of establishing an in-house financial reimbursement program. Unlike the grant programs and cooperative agreements administered through OVC, ITVERP is the only program to work directly with victims of terrorism and provide direct financial assistance at the federal level. Because ITVERP is a direct reimbursement program, interaction with victims and firsthand knowledge about the everyday challenges they face has helped OVC to identify areas for future program enhancements.

As a new program, ITVERP has encountered many challenges. In response to these challenges, OVC implemented an operational review and quality-control process to promote ongoing enhancements. As OVC receives information and feedback from victims and constituents, this valuable input assists with policy and procedural changes to ensure the best services possible. OVC continues to enhance and improve the ongoing review process.

Challenges addressed during this first year of operation include the following:

- ◆ Coexistence of the OVC and Federal Bureau of Investigation (FBI) Emergency Fund and ITVERP;
- ◆ Identification of victims and improvement of the application process;
- ◆ Validation of collateral payments to ensure equitable reimbursement;
- ◆ The requirement for obtaining historical information about exchange rates on specific dates to make appropriate payments; and

- ◆ Preparation for potential large-scale events and multiple victims.

## **Coexistence of the Emergency Fund and ITVERP**

In the early stages of program implementation, OVC needed to differentiate how ITVERP would function compared to other victim support programs, such as the Crime Victim Assistance Emergency Fund for Victims of Terrorism and/or Mass Violence (Emergency Fund). The purpose of the Emergency Fund, managed by OVC in coordination with the FBI's Office of Victim Assistance (OVA), is to provide emergency financial support to victims in need of immediate assistance when they cannot access any other resources or support services. Through the Emergency Fund, OVC provided assistance to victims of international terrorism for such immediate crisis needs as emergency travel, repatriation of the remains of deceased victims, mental health counseling for victims and their immediate family members, and medevac costs for transporting injured victims to appropriate medical facilities. Before ITVERP's implementation, the Emergency Fund was used to fill the gap in assistance. Now it is only used for medevac and other life and death emergency situations.

In addition, the Emergency Fund assists victims with short-term emergency needs (support in a crisis situation), while ITVERP assists victims with long-term emergency needs (reimbursement for expenses incurred as a result of an act of international terrorism).



ITVERP has transitioned some claimants to its program who were, at one time, recipients of reimbursement under the Emergency Fund. The two programs work cohesively, shifting a claimant's needs from an emergency modality to a reimbursement modality as the claimant slowly begins to recover financially and, hopefully, physically and emotionally as well.

## Identifying and Locating Victims

OVC coordinated with OVA to confirm and update information about known victims who are potentially eligible for the program. Through the Emergency Fund, which provided assistance to victims of past events including Pan Am flight 103 and the embassy bombings in Kenya and Tanzania, OVC maintained a database of victim information. OVC continues to update and validate the database with victim contact information. With assistance from OVA, OVC began updating the database of victims and mailed applications to victims for whom complete contact information was available. As more addresses and victims are verified, future outreach to these victims is scheduled.

The responses received from this mailing presented a number of challenges. Some mailings were returned because the addresses were obsolete. Of those that were completed and returned to OVC, some arrived without signatures. Other applications were missing information such as contact information for insurance companies or claim numbers that would enable OVC to verify collateral sources of reimbursement. In an effort to increase claimants' understanding of the application process and reduce the need for extensive followup, OVC improved the application and the accompanying instructions. These improvements were made during the Office of Management and Budget renewal process.

## Confirming Collateral Payments

When a claimant submits an application to ITVERP for potential reimbursement, the claimant must identify all other sources of payment he or she has received in connection to the event. OVC must then take into account all such collateral payments when assessing the application for potential reimbursement. In some cases, confirmation of collateral payments presented a challenge. For example, a claimant received reimbursement for property loss from his employer (a company that no longer existed). In that case, OVC staff conducted research and were able to contact the company that had acquired the claimant's employer and verify the collateral payment.

## Obtaining Historical Currency Exchange Rates

Victims are reimbursed at the exchange rate that existed at the time of the terrorist event. This stipulation required that OVC be able to obtain historical information about exchange rates on specific dates. After considerable research, OVC determined that the most reliable source of exchange rate information is FMS. FMS averages the daily exchange rates each quarter and calculates a quarterly figure, thereby providing OVC and claimants with a stable, reliable source of data.

## Future Liability of ITVERP

The Antiterrorism Emergency Reserve authorizes the OVC Director to set aside up to \$50,000,000 annually from the amounts transferred to the Fund in response to terrorist acts. Funding for ITVERP, the Emergency Fund (discussed above), and the Antiterrorism Emergency Assistance Program (AEAP) all come from the Antiterrorism Emergency Reserve Fund. The \$50,000,000 cap is based upon historical estimates and is expected to be sufficient for reimbursing U.S. victims of international terrorist acts. The AEAP assists applicants seeking services, financial assistance, and training and technical assistance after an act of terrorism within the United States and assistance

for victims of terrorism and mass violence outside the United States. In the event of an international terrorist event on a scale such as that of the September 11, 2001, attacks in the United States, or if more than one large-scale terrorist event occurs in 1 year, the Antiterrorism Emergency Reserve Fund could be depleted at a faster rate than anticipated.

# FUTURE PROGRAM GOALS

**O**VC will focus on several areas in the upcoming year, including the following:

- ◆ Improving and maintaining our internal monitoring procedures to ensure that each phase of the reimbursement process is implemented efficiently and in a timely manner;
- ◆ Implementing the permanent database. ITVERP also is researching how the program might best assist victims of a future large-scale international terrorist event;
- ◆ Working on ITVERP outreach initiatives, including participation at national and international conferences and workshops, and developing outreach materials in addition to the ITVERP program brochure;
- ◆ Maintaining and expanding coordination efforts with governmental and professional organizations by working more closely with federal partners to coordinate victim assistance efforts. An emphasis will be placed on agency participation in a way that enables each agency to provide an aspect of assistance that best matches its particular strengths. By employing this strategy, inter-agency redundancy will be avoided;
- ◆ Updating and revising the *ITVERP Operational Manual* as program processes are updated; and
- ◆ Increasing outreach efforts to potential claimants through successful relationship-building efforts with other agencies that may have identified victims of previous acts of international terrorism for which ITVERP is a potential resource. In this way, ITVERP will start to create its niche in the victim assistance community.

# SUMMARY

In summary, OVC met with great success during ITVERP's inaugural year. The agency successfully implemented a program that provides a much-needed service to persons in crisis—victims of international terrorism and their families. Although much of the groundwork was laid prior to implementation, during its first year, program policies, procedures, materials, and tools were developed to facilitate execution of ITVERP's mission. After the comment period for the final rule lapsed, OJP reviewed and incorporated comments from the field. The final rule was posted in the *Federal Register* in September 2006. In anticipation of the October 2006 implementation date, OVC staff began crafting program processes and developing outreach materials to promote the program. Presentations and briefings were scheduled to disseminate information on the program. Although the number of initial applications was less than anticipated, OVC used this as an opportunity for application review and to make improvements in the process in anticipation of a greater volume of applications.

OVC's extensive outreach about the services available through ITVERP has empowered hundreds of victims, key players in the victim community, and the general public with valuable knowledge. Collaborative relationships have been established with numerous agencies, organizations, and individuals to ensure a smooth and nonduplicative process for terrorism victims.

Finally, OVC has successfully implemented a program that has been highly anticipated and is an important component of OVC's mission.

ITVERP has made it possible for victims of international terrorism to receive the validation, help, and support they so need and deserve, allowing OVC to continue "Putting Victims First."

*"In my situation, it is so painful to deal with these issues and the mundane realities of everyday life when all I really want to do is mourn for my husband. I appreciate the government's sensitivity to this by always getting back to me so quickly with information."*

*—Wife of a victim who died in Saudi Arabia*

# APPENDIX A: ITVERP PROGRAM CHRONOLOGY

**F all 2000:** Congress amends VOCA to authorize the establishment of a program to reimburse victims of acts of international terrorism that occur outside the United States for expenses associated with that victimization (Public Law 106-386).

**February 2001:** OVC convenes an internal working group to begin program development.

**June 2001:** OVC convenes an external working group with representatives from the U.S. Department of State, the Federal Bureau of Investigation, the U.S. Agency for International Development, the U.S. Department of Defense, the Office of Personnel Management, the National Transportation Safety Board, state VOCA administrators, and victims.

**February 2002:** OVC convenes the second external working group composed of selected state VOCA compensation administrators and federal benefit program representatives to discuss the development of the program.

**September 2002:** OVC publishes final system of records in the *Federal Register*.

**October 2002:** Determination is made that guidelines must now be written as “regulations.”

**March 2003:** RFQ is released for open and competitive bidding for International Terrorism Victim Compensation Program (ITVCP) administrative support and claims processing.

**April 2003:** OJP/OVC convenes a meeting with Pan Am flight 103 victims’ family members to discuss legislation and program parameters.

**May 2003:** OJP/OVC again contacts three members of the original ITVCP working group to request their feedback on ITVCP’s program

developments to date, especially with regard to its proposed policies and procedures.

**July 2003:** Courtesy Associates is selected as the contract organization to provide administrative and claims processing support.

**August 2003:** OVC convenes a formal kickoff meeting with Courtesy Associates to give its representatives a broad overview of ITVCP. OVC presentations include a program overview and review of program inquiries, program highlights, points of contact, victim privacy, system of records, victim sensitivity/compassion, the proposed program application/instructions, potential victims list, the importance of meeting deadlines, recordkeeping, and a report on the database/data fields.

**August 2003:** OVC holds a day-long software vendor demonstration for potential program vendors to exhibit their software applications.

**May 2004:** Program name changes from ITVCP to ITVERP.

**August 2005:** Proposed regulations are published in the *Federal Register*.

**October 2005:** Deadline for comments on the proposed program regulations.

**April 2006:** Anteon Corporation is selected as the contract organization to provide administrative and claims processing support for ITVERP.

**May 2006:** OVC convenes a formal kickoff meeting with Anteon to give its representatives a broad overview of ITVERP. OVC presentations include a program overview and review of program inquiries, program highlights, points of contact, victim privacy, system of records, victim sensitivity/compassion, the proposed program

application/instructions, potential victims list, the importance of meeting deadlines, recordkeeping, and a report on the database/data fields.

**September 2006:** The final program regulations are published.

**October 2006:** Implementation of ITVERP begins and the application form and instructions are made available online.

**November 2006:** The first ITVERP application requesting reimbursement is received.

**December 2006–May 2007:** OVC continues to receive and process applications and to respond to program inquiries.

# APPENDIX B: ITVERP PROGRAM ADDENDUM

**T**his addendum outlines significant events that have transpired from June 1, 2007, through August 31, 2007 (after completion of the 2007 OVC *International Terrorism Victim Expense Reimbursement Program Report to Congress*).

**June 2007:** The ITVERP draft operations manual is revised to include new and updated forms and templates.

**July 10, 2007:** The Attorney General signs the delegation of authority, which gave the Assistant Attorney General for National Security the authority to determine whether there is a reasonable indication that an act of international terrorism for the purposes of ITVERP is authorized.

**July 17, 2007:** OVC submits its first request for determination of events for the purposes of ITVERP to the Assistant Attorney General for National Security.

**July 31, 2007:** OVC is notified that the Assistant Attorney General for National Security has made the first determinations under the program.

**August 3, 2007:** ITVERP awards first payments to claimants.

**August 13, 2007:** OJP disseminates a press release announcing the first payments to applicants under the ITVERP program.

**August 31, 2007:** OVC awarded \$23,516.93 in reimbursements to claimants under the program.

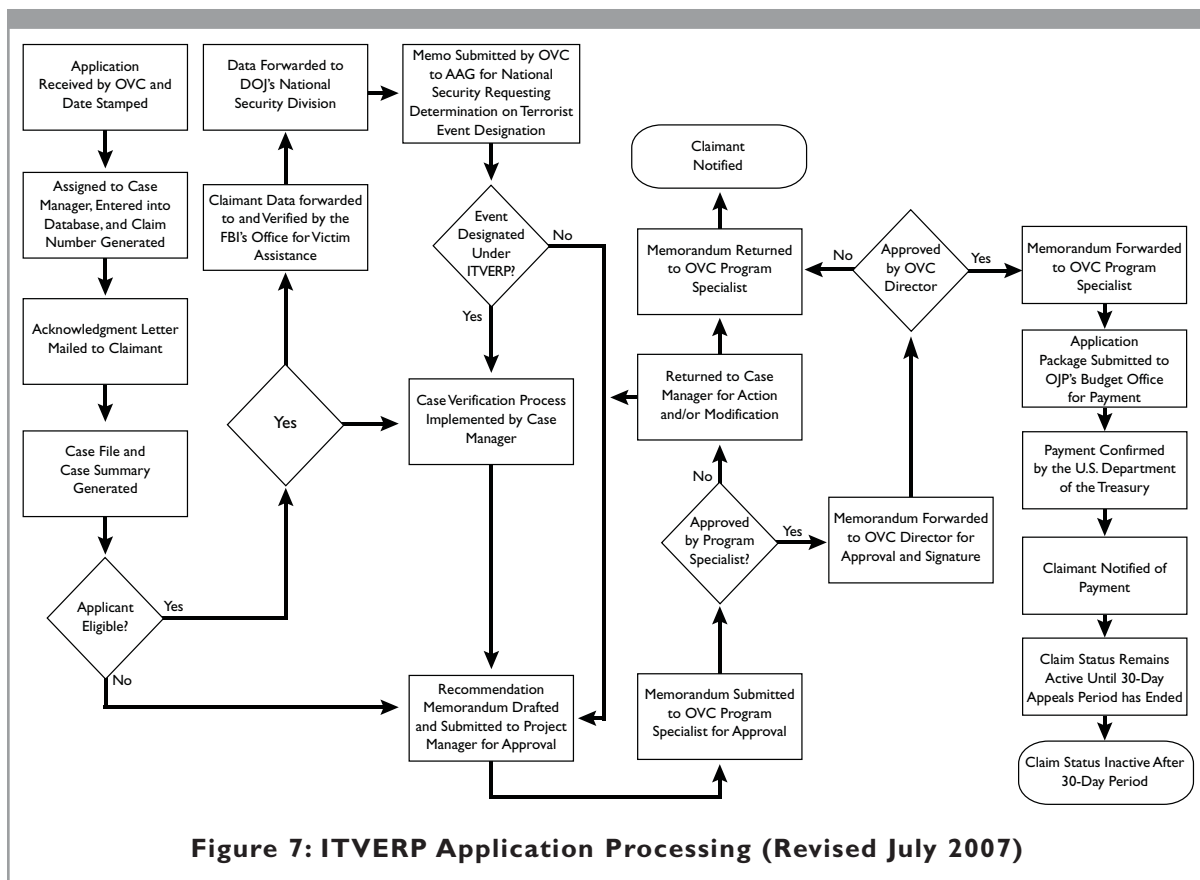


Figure 7: ITVERP Application Processing (Revised July 2007)



# NOTES

1. For the purposes of ITVERP program implementation, a person may be either a “victim,” a “claimant,” or both, depending upon the context of the words as they relate to the circumstances associated with a terrorist incident and the impact of that incident on the person(s) applying for reimbursement under ITVERP.

42 U.S.C. § 10603b(a)(2) defines victims of acts of terrorism occurring outside of the United States, which

(A) means a person who is a national of the United States or an officer or employee of the United States Government who is injured or killed as a result of a terrorist act or mass violence occurring outside the United States; and

(B) in the case of a person described in subparagraph (A) who is less than 18 years of age, incompetent, incapacitated, or deceased, includes a family member or legal guardian of that person.

The final regulations implementing ITVERP, found at 28 C.F.R. Part 94, further define the terms “victim” and “claimant” and bring them into harmony with victim service provisions elsewhere in the VOCA statute. (See 42 U.S.C. § 10607(e), which includes family members of victims who are minors, deceased, or incapacitated or incompetent persons among the class of persons who may be considered to have suffered harm for the purposes of being considered eligible to be reimbursed for claims under ITVERP.) The regulations define “victim” as follows:

“Victim” has the meaning given in 42 U.S.C. 10603c(a)(3)(A), it being

understood that the term “person” in that section means the following:

(1)(i) An individual who was present during the act of terrorism;

(ii) An individual who was present during the immediate aftermath of the act of terrorism; or

(iii) An emergency responder who assisted in efforts to search for and recover other victims; and

(2) The spouse, children, parents, and siblings of a victim described in paragraph (u)(1) of this section, and other persons, at the discretion of the Director, shall be considered “victims,” when the person described in such paragraph—

(i) Dies as a result of the act of terrorism;

(ii) Is younger than 18 years of age (or is incompetent or incapacitated) at the time of the act of terrorism, or;

(iii) Is rendered incompetent or incapacitated as a result of the act of terrorism.

28 C.F.R. § 94.12(u). The regulations define “claimant” to mean “a victim, or his representative, who is authorized to sign and submit an application, and receive payment for reimbursement, if appropriate.” 28 C.F.R. § 94.12(b).

As the regulatory definitions would suggest, in some cases, the victim and the claimant may be the same person. If, for example, a person is over age 18, is injured in an act of terrorism occurring outside of the United States, and is eligible to receive medical reimbursement, then that person is also the claimant in terms of his/her status with ITVERP. In another instance, however, if the victim was killed in an act of international terrorism, the claimant might be a surviving next of kin. If that next of kin paid for the funeral of the victim, then that person would be the claimant for funeral reimbursement. If, however, he or she also sought reimbursement for mental health services for him/herself for issues related to the loss of the victim, then this second person is also a victim in his/her own right, as well as a claimant.

2. 42 U.S.C. 10603c(a)(3)(A)(i).

3. Originally known as the International Terrorism Victim Compensation Program.

4. Prior to the enactment of the USA PATRIOT Act, OVC was authorized to administer an emergency reserve for specific purposes such as emergency grants to state formula grantees for crime victim compensation and assistance programs. Funds from that reserve were initially used to assist victims of the September 11, 2001, terrorist attacks. The USA PATRIOT Act repealed the authorization for that general reserve fund and authorized the Antiterrorism Emergency Reserve Fund specifically to assist victims of terrorism and mass violence.

5. 42 U.S.C. 10603c(a)(3)(A)(i).

6. OVC can only estimate the average processing time as some applications have required additional followup, which affects processing time. Another factor that affects processing time for reimbursement requests is the time from the approval of the claim to the time a claimant receives reimbursement because payments under ITVERP have not yet been authorized and the system is not fully operational.



# **International Terrorism Victim Expense Reimbursement Program**

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