

Program Implementation Efforts

Prior to drafting the proposed regulations, OJP/OVC consulted with individuals and working groups composed of federal and state government officials, victims of international terrorism, victim advocates, and nongovernmental victim service organizations about various concepts related to expense reimbursement for victims of international terrorism. OJP/OVC convened working group meetings in June 2001 and February 2002. In addition, many other discussions, informal meetings, and draft reviews were held by OJP/OVC throughout the development of the proposed regulations.

Federal Government agencies participating in these working groups and discussions included the U.S. Department of State, the Federal Bureau of Investigation (FBI), the U.S. Agency for International Development, the U.S. Department of Defense, the Office of Personnel Management, and the National Transportation Safety Board. State crime victim compensation program representatives from New Jersey, Virginia, Oklahoma, and Idaho also participated in working group meetings, as did a representative from the National Association of Crime Victim Compensation Boards. OJP/OVC also sought input from victims who would be eligible to apply for this program.

Wherever possible, OJP/OVC attempted to address the concerns raised during the working group sessions and in meetings with various groups. For example, in response to concerns that it would cause hardship for some victims who may be unable to produce receipts for expenses incurred, the proposed ITVERP regulations allow victims, at the discretion of the OVC Director, to certify that the receipts are unavailable and to provide an itemized list of expenses.

OJP/OVC drafted and published in the *Federal Register* a system of records for maintaining general information on individuals who are killed or injured in acts of international terrorism. OJP/OVC issued a request for quotation (RFQ) and selected a vendor for administrative support for ITVERP to include tasks such as processing of victim expense reimbursement applications/claims and case management. Informational materials such as brochures, fact sheets, and question-and-answer documents that describe the parameters of the program have been developed for eventual public dissemination. OJP/OVC expects to notify victims and receive, process, and pay claims as soon as practical after the final regulations are published.⁴

Pending Regulations

On May 2, 2005, the proposed regulations were forwarded to the Office of Management and Budget (OMB) for final review. In August 2005, the regulations were published in the *Federal Register* for a 60-day period for public comment and will be finalized, with comments incorporated as appropriate. At that time, OJP/OVC plans to do wide-scale notification to victims through the *Federal Register* and other appropriate means and will be disseminating and accepting applications for benefits.

Victim Identification and Notification

Preliminary efforts have been made by OVC to identify victims who may be eligible for reimbursement based on acts of terrorism dating back to December 21, 1988, as specified in the statute. The preliminary list of potential victims/claimants includes approximately 900 entries.

These will be verified and confirmed prior to any notification of potential eligibility. The names of many victims have come from the U.S. Department of State's List of Significant Terrorism Incidents and from the State Department's Bureau of Consular Affairs. The names also come from those victims known to OVC through its work on previous terrorism cases, including Pan Am flight 103 and the bombings at the U.S. Embassy in East Africa, and at Khobar Towers. Victims of the more recent terrorist bombings in 2002–2005 on the island of Bali, and in Russia, Yemen, Saudi Arabia, Afghanistan, Iraq, Egypt, and England, have been added to the list. OJP/OVC continues to update this database of potentially eligible victims and other relevant information to facilitate timely notification and distribution of applications for reimbursement once the regulations are finalized.

Program Materials

Informational materials, such as brochures, fact sheets, and question-and-answer documents that describe the parameters of the program are being developed for public dissemination. In addition, OJP/OVC has developed an extensive draft internal program operations manual. OJP/OVC plans to send individual letters to potential claimants, as well as to work with other federal partner agencies (e.g., the U.S. Departments of State and Defense) to update contact points for those agency-specific employees and family members who have been killed and injured in incidents of terrorism abroad. OJP/OVC's dissemination plan will also include outreach via the *Federal Register* and other appropriate means to reach as wide an audience as possible. OJP/OVC expects to notify, receive, process, and pay claims as soon as practical upon publication of the final regulations.

Claims Processing

In March 2003, OJP/OVC issued an RFQ for administrative support for ITVERP. The administrative support includes tasks such as processing victim expense reimbursement applications/claims and case management. This was a full and open competition. The contract

was awarded to a Washington, D.C., company, which is currently providing emergency assistance to victims of international terrorism under a separate contract. At present, OJP/OVC works on a daily basis with the contractor to provide expeditious emergency assistance to the victims and to prepare for possible future incidents of terrorism or mass violence. OJP/OVC has developed detailed interim internal operating requirements for its work with the contractor for making emergency payments to victims. This contractor assistance may include telephone and e-mail contact with victims, responding to questions victims may have, acting as a liaison with other federal agencies to obtain any missing information or verify next-of-kin, obtaining documentation and original receipts from victims, verifying collateral sources, and providing OJP/OVC with all the receipts and documentation it needs to review the applications. Emergency payments are made through the U.S. Department of the Treasury.

After ITVERP is operational, OJP/OVC will continue to work with the contractor to ensure accurate, timely processing of expense reimbursement claims. As previously mentioned, OJP/OVC has developed an extensive draft internal program operations manual to ensure fair and equitable support to all eligible claimants. The contractor will have to process the large backlog of cases dating from 1988 onward. After those victims' claims have been reviewed and processed, this contract will provide a baseline level of support and will promptly expand its baseline operations if a large-scale terrorism or mass violence incident occurs abroad involving U.S. nationals and U.S. Government employees.

Privacy Act

Pursuant to the provisions of the Privacy Act of 1974 [5 U.S.C. § 552a], OJP/OVC has established a system of records for maintaining general information on individuals who are killed or injured in acts of international terrorism, and for providing access to such information to other components of DOJ as necessary to assist them in fulfilling their statutory obligations to victims. The system of records addresses privacy,

confidentiality, and routine uses of records maintained in the system. This system is important for protecting identifiable victim information.

Information Technology Support

OVC is working with the OJP Office of the Chief Information Officer (OCIO) and the OJP Acquisition Management Division on a procurement process to identify a vendor that will develop software for ITVERP. This information technology support will include software development, and implementation and database maintenance, and will include the electronic processing of victim expense reimbursement claims. OVC and these other OJP offices are working with the OJP Office of the Comptroller (OC) to ensure that the accounting and payment system is sound, transparent, and able to be tracked. OJP/OVC will ensure that the new software system will support stringent financial management and auditing requirements. OJP/OVC also is working with OC and OCIO to incorporate these auditing and financial standards into its internal operating requirements for ITVERP.

Accounting and Payment System Plan

OJP/OVC has identified and outlined detailed steps to follow for processing emergency payments to victims. OVC anticipates that many of these tasks will also be required to issue payments to victims of terrorism outside the United States after ITVERP is operational. Additional tasks may be needed to address the expanded coverage of expenses and associated documentation required for identifying collateral resources, as well as to extend payments to U.S. Government employees who may not be nationals of the United States and who may live abroad and have different means of accessing services and assistance.

In addition, ITVERP may not necessarily administer a one-time payment to a victim or claimant. Therefore, steps are in place to address this eventuality as well. Payment mechanisms via the U.S. Department of the Treasury may include checks or electronic fund transfer, which is preferred as a

more secure, expeditious payment method.

Assistance for Victims' Emergency Needs

Because ITVERP is not yet operational, OJP/OVC has established two mechanisms to assist victims of international terrorism. In March 2003, OJP/OVC initiated a memorandum of understanding (MOU) between the FBI, the Department of State, and OVC. The MOU outlines the conditions and procedures to be followed by each agency in providing emergency assistance to victims of international terrorism. As set forth in the MOU, the first mechanism for emergency assistance is an FBI Crime Victim Assistance Fund. OVC provided the FBI with funding to support immediate crisis response assistance, such as emergency travel, transportation, repatriation of remains, and medevac costs to transport injured victims to appropriate medical facilities. OVC also has the capacity to provide supplemental funding to the FBI on an as-needed basis.

"There are no words to thank you for all the large and small things you did for me and my family after my husband was killed. I told my parents I wouldn't have your job for all the money in the world, but I am so grateful there are people like you to help families deal with the horror of losing someone they love to terrorists. Thank you for making this trying time easier for us to bear."

—A family member of a victim

If emergency expenses should fall outside the parameters of the FBI Crime Victim Assistance Fund, a second mechanism goes into effect. OVC handles requests from eligible victims and their family members for reimbursement for funeral and burial expenses, mental health counseling, and other emergency expenses. To date, OJP/OVC has assisted victims of international terrorism that occurred overseas, including the terrorist bombings in Bali, Moscow, and Yemen

Interim Emergency Payments (October 2002–March 1, 2005)

Expense Category	OVC	FBI Fund ^a	Number of Victims Served (OVC)	Number of Victims Served (FBI Fund)
Mental Health Counseling	\$2,138	\$0	3	0
Emergency Travel	\$5,569	\$19,432	9	29
Emergency Lodging	\$3,591	\$2,189	5	1
Medical	\$306	\$0	1	0
Medevac	\$0	\$8,445	0	1
Funeral/Burial	\$60,008	\$0	8	0
Repatriation of Remains	\$2,075	\$47,740	5	26
Miscellaneous (e.g., long-distance phone calls, cleaning of personal effects, documents, and courier fees)	\$6,930	\$4,672	10	12
Total	\$80,617	\$82,478	41*	69*
Combined Total		\$163,095		88
			Total Number of Individuals Served	

^aFBI Fund represents funding transferred to the FBI from OVC to provide emergency assistance to eligible victims.

*Note: The numbers in columns 3 and 4 do not equal the total number of victims served because some victims received multiple services from both OVC and the FBI. The total number of individual people who received services is 88 [FBI = 62; OVC = 26].

in 2002; terrorist bombings in Saudi Arabia and the U.N. Headquarters in Baghdad in 2003; and terrorist attacks in Saudi Arabia, Afghanistan, and Iraq in 2004. This assistance has included the medical evacuation of injured victims to medical facilities, funeral and burial expenses, mental health counseling, and emergency travel. OJP/OVC has documented assistance to these victims and will reduce any future reimbursement for expenses under ITVERP based on the emergency assistance provided to these victims. (See the Interim Emergency Payment chart above for a breakdown of emergency funding.)

Other Implementation-Related Expenditures

- ◆ OVC awarded \$208,663 in FY 2002–2003 funding to support the development of policies and procedures and other administrative support to further implement ITVERP.
- ◆ OVC awarded \$300,000 in FY 2003 for the provision of administrative support in the development of the program infrastructure and to coordinate case management activities after ITVERP is operational.
- ◆ OVC awarded \$450,000 in FY 2003–2004 to assist victims in cases of domestic and international terrorism and mass violence crimes in the United States. [Note: This contract has been used to provide direct financial emergency assistance to eligible victims of international terrorism, as detailed in the Interim Emergency Payments chart above, as well as contractor labor and other expenditures related to this victim support contract. In addition, this contract was also used for final reimbursements for mental health counseling for a number of the Pan Am 103 victim family members in the aftermath of the trial and appeal.]
- ◆ OVC is working in collaboration with OJP/OCIO on a procurement process for ITVERP software development and implementation and database maintenance. OVC anticipates \$100,000 in initial funding for this effort. Additional projected costs associated with this task are estimated not to exceed \$500,000 total. To date, no FY 2005 funding commitments have been made.

Summary

The U.S. Department of Justice (DOJ) Office for Victims of Crime (OVC) has taken a number of steps to implement the International Terrorism Victim Expense Reimbursement Program (ITVERP) to ensure that it is an effective and efficient expense reimbursement program for victims of terrorism overseas and to fully implement the provisions of its authorizing statute. In May 2005, proposed draft regulations and an application form for collecting victim (claimant) information were submitted to the Office of Management and Budget (OMB) for review. In August 2005, the draft regulations were approved by OMB, and published in the *Federal Register* for a 60-day period for public comment. The regulations will be finalized, incorporating comments received, as appropriate.

OVC has developed a preliminary list of potential victims/claimants, including approximately 900 entries, which will be verified and confirmed prior to notification of potential eligibility. OJP/OVC plans to provide wide-scale notification to victims through the *Federal Register* and other appropriate means, including individual letters to those for whom current contact information is available.

In the interim, OJP/OVC will continue to provide emergency 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.

"Thank you for bringing my daddy home. Thank you for sending me my daddy's jewelry. I didn't get to say goodbye to him on the phone but I got to say goodbye at the church.

Love, _____"

—From the 7-year-old son of a victim

OJP/OVC encourages all victims of international terrorism outside the United States and their family members to carefully review the proposed regulations published in the *Federal Register*. OJP/OVC welcomes comments from all potential claimants; state, local, and federal agencies that work with victims of terrorism or mass violence; and the general public to ensure that this program provides the most equitable, fair, and expeditious expense reimbursement for victims of international terrorism or mass violence abroad.

Notes

1. Originally known as the International Terrorism Victim Compensation Program (ITVCP).

2. 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.

3. See Appendix A.

4. See Appendix B for detailed ITVERP chronology.

Appendix A. Antiterrorism Emergency Reserve

To date, with emergency assistance from Congress¹, expenditures from the Antiterrorism Emergency Reserve have been used primarily to assist victims of terrorism and mass violence, including victims of—

1. Pan Am flight 103 Lockerbie bombing over Lockerbie, Scotland (1988)
2. Alfred P. Murrah Federal Building bombing in Oklahoma City (1995)
3. Khobar Towers bombing in Dhahran, Saudi Arabia (1996)
4. U.S. Embassy bombings in East Africa (1998)
5. Oregon (1997) and Colorado (1999) school shootings
6. U.S.S. Cole bombing in the port of Aden, Yemen (2000)
7. September 11th terrorist attacks in New York, Virginia, and Pennsylvania (2001)
8. Bali, Moscow, Yemen terrorist attacks (2002)
9. Saudi Arabia, Afghanistan, and Iraq terrorist attacks (2003–2005)

¹In the September 11 attacks on the United States, and the Oklahoma City and Pan Am flight 103 bombing cases, Congress enacted special legislation that expanded OVC's authority to fund activities beyond the parameters of its previous governing statute.

Appendix B. ITVERP Program Chronology

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

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 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 ITVERP administrative support and claims processing.

April 2003—OJP/OVC convenes a meeting with Pan Am flight 103 victim family members to discuss legislation and program parameters.

May 2003—OJP/OVC again contacts three members of the original ITVERP working group, to request and gain their feedback on ITVERP’s programmatic 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 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.

August 2003—OVC holds a daylong software vendor demonstration meeting for potential program vendors to exhibit their software applications.

September 2003–December 2004—Meetings convene with the Office of the Comptroller to discuss financial management and auditing standards.

September 2003—OJP/OVC begins developing a database of potentially eligible victims and victim families for ITVERP; the database consists of nearly 900 victims and/or their family members.

November 2003—OVC holds a daylong victim sensitivity training for Courtesy Associates and staff.

December 2003—OVC schedules a 2-day site visit to the Virginia state compensation program to research and review sample procedures for administering a victim compensation program.

March 2004—OVC completes an extensive ITVERP flowchart and mockup of an ITVERP hardcopy sample case file.

March 2004—OVC completes extensive “Federal Collateral Sources”; compiles financial list, draft memorandum of agreement, and statement of work for three ITVERP external review professionals.

April 2004—OVC completes a draft memorandum to the Attorney General for approval of a reasonable indication of an act of international terrorism, once ITVERP is operational.

May 2004—Program name changes from ITVCP to ITVERP.

September 2004—OVC completes draft internal program operations manual.

December 2004—Draft regulations forwarded to OMB for review and approval. They are returned for reconsideration of program parameters and allowable expenses.

March 2005—OVC develops an extensive internal operational requirements document for emergency payments to victims of international terrorism outside the United States (in the interim while awaiting ITVERP final regulations).

May 2005—The revised ITVERP proposed regulations are forwarded to OMB for review and approval.

May 2005—OVC drafts a letter to transmit proposed regulations to potential claimants/victims and other interested parties after the public comment period begins.

August 2005—OMB clears the proposed regulations for publication in the *Federal Register*. The proposed regulations are published in the *Federal Register* on August 24, 2005, with a public comment period from August 24 to October 24, 2005.

OJP/OVC continues to update the database of potential claimants and to refine the operations procedures manual, application kit, various draft letters, fact sheets, brochures, FAQs, and other materials. All program materials and literature will be completed after the regulations have been finalized.



International Terrorism Victim Expense Reimbursement Program

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