

FINAL REPORT

OF

THE SPECIAL MASTER FOR THE

SEPTEMBER 11TH

VICTIM COMPENSATION FUND OF 2001

VOLUME II



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# **VOLUME II**

## **EXHIBITS**

- Exhibit A      Air Transportation Safety and System Stabilization Act
- Exhibit B      Final Regulations, September 11th Victim Compensation Fund of 2001
- Exhibit C      Compensation Form for Deceased Victims
- Exhibit D      Compensation Form for Physical Injury Victims
- Exhibit E      Victim Compensation Fund Frequently Asked Questions
- Exhibit F      Objection/Statement of Interest Form
- Exhibit G      Distribution Plan Information
- Exhibit H      Sample Letter Notifying All Interested Parties of Final Distribution Plan Determination (Approved)
- Exhibit I      Sample Letter Notifying All Interested Parties of Final Distribution Plan Determination (Not Approved)
- Exhibit J      Application for Representative Payee
- Exhibit K      Sample Periodic Payment Agreement
- Exhibit L      Award Payment Statistics for Deceased Victims -- Substantially Complete/Presumed Award Amounts
- Exhibit M      Award Payment Statistics for Deceased Victims -- General Award Statistics and Range of Award Values
- Exhibit N      Award Payment Statistics for Physical Injury Victims



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# Exhibit A

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PUBLIC LAW 107-42—SEPT. 22, 2001

**AIR TRANSPORTATION SAFETY AND SYSTEM  
STABILIZATION ACT**

Public Law 107-42  
107th Congress

An Act

Sept. 22, 2001  
[H.R. 2926]

To preserve the continued viability of the United States air transportation system.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

Air  
Transportation  
Safety and  
System  
Stabilization Act.  
49 USC 40101  
note.

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Air Transportation Safety and System Stabilization Act".

**TITLE I—AIRLINE STABILIZATION**

49 USC 40101  
note.  
President.  
Terrorism.

**SEC. 101. AVIATION DISASTER RELIEF.**

(a) **IN GENERAL.**—Notwithstanding any other provision of law, the President shall take the following actions to compensate air carriers for losses incurred by the air carriers as a result of the terrorist attacks on the United States that occurred on September 11, 2001:

(1) Subject to such terms and conditions as the President deems necessary, issue Federal credit instruments to air carriers that do not, in the aggregate, exceed \$10,000,000,000 and provide the subsidy amounts necessary for such instruments in accordance with the provisions of the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.).

(2) Compensate air carriers in an aggregate amount equal to \$5,000,000,000 for—

(A) direct losses incurred beginning on September 11, 2001, by air carriers as a result of any Federal ground stop order issued by the Secretary of Transportation or any subsequent order which continues or renews such a stoppage; and

(B) the incremental losses incurred beginning September 11, 2001, and ending December 31, 2001, by air carriers as a direct result of such attacks.

(b) **EMERGENCY DESIGNATION.**—Congress designates the amount of new budget authority and outlays in all fiscal years resulting from this title as an emergency requirement pursuant to section 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(e)). Such amount shall be available only to the extent that a request, that includes designation of such amount as an emergency requirement as defined in such Act, is transmitted by the President to Congress.

**SEC. 102. AIR TRANSPORTATION STABILIZATION BOARD.**49 USC 40101  
note.

(a) **DEFINITIONS.**—In this section, the following definitions apply:

(1) **BOARD.**—The term “Board” means the Air Transportation Stabilization Board established under subsection (b).

(2) **FINANCIAL OBLIGATION.**—The term “financial obligation” means any note, bond, debenture, or other debt obligation issued by an obligor in connection with financing under this section and section 101(a)(1).

(3) **LENDER.**—The term “lender” means any non-Federal qualified institutional buyer (as defined by section 230.144A(a) of title 17, Code of Federal Regulations (or any successor regulation) known as Rule 144A(a) of the Securities and Exchange Commission and issued under the Security Act of 1933, including—

(A) a qualified retirement plan (as defined in section 4974(c) of the Internal Revenue Code of 1986 (26 U.S.C. 4974(c)) that is a qualified institutional buyer; and

(B) a governmental plan (as defined in section 414(d) of the Internal Revenue Code of 1986 (26 U.S.C. 414(d)) that is a qualified institutional buyer.

(4) **OBLIGOR.**—The term “obligor” means a party primarily liable for payment of the principal of or interest on a Federal credit instrument, which party may be a corporation, partnership, joint venture, trust, or governmental entity, agency, or instrumentality.

(b) **AIR TRANSPORTATION STABILIZATION BOARD.**—

(1) **ESTABLISHMENT.**—There is established a board (to be known as the “Air Transportation Stabilization Board”) to review and decide on applications for Federal credit instruments under section 101(a)(1).

(2) **COMPOSITION.**—The Board shall consist of—

(A) the Secretary of Transportation or the designee of the Secretary;

(B) the Chairman of the Board of Governors of the Federal Reserve System, or the designee of the Chairman, who shall be the Chair of the Board;

(C) the Secretary of the Treasury or the designee of the Secretary; and

(D) the Comptroller General of the United States, or the designee of the Comptroller General, as a nonvoting member of the Board.

(c) **FEDERAL CREDIT INSTRUMENTS.**—

(1) **IN GENERAL.**—The Board may enter into agreements with 1 or more obligors to issue Federal credit instruments under section 101(a)(1) if the Board determines, in its discretion, that—

(A) the obligor is an air carrier for which credit is not reasonably available at the time of the transaction;

(B) the intended obligation by the obligor is prudently incurred; and

(C) such agreement is a necessary part of maintaining a safe, efficient, and viable commercial aviation system in the United States.

(2) **TERMS AND LIMITATIONS.**—

(A) **FORMS; TERMS AND CONDITIONS.**—A Federal credit instrument shall be issued under section 101(a)(1) in such



form and on such terms and conditions and contain such covenants, representatives, warranties, and requirements (including requirements for audits) as the Board determines appropriate.

Deadline.  
Regulations.

(B) PROCEDURES.—Not later than 14 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall issue regulations setting forth procedures for application and minimum requirements, which may be supplemented by the Board in its discretion, for the issuance of Federal credit instruments under section 101(a)(1).

(d) FINANCIAL PROTECTION OF GOVERNMENT.—

(1) IN GENERAL.—To the extent feasible and practicable, the Board shall ensure that the Government is compensated for the risk assumed in making guarantees under this title.

(2) GOVERNMENT PARTICIPATION IN GAINS.—To the extent to which any participating corporation accepts financial assistance, in the form of accepting the proceeds of any loans guaranteed by the Government under this title, the Board is authorized to enter into contracts under which the Government, contingent on the financial success of the participating corporation, would participate in the gains of the participating corporation or its security holders through the use of such instruments as warrants, stock options, common or preferred stock, or other appropriate equity instruments.

(3) DEPOSIT IN TREASURY.—All amounts collected by the Secretary of the Treasury under this subsection shall be deposited in the Treasury as miscellaneous receipts.

49 USC 40101  
note.

**SEC. 103. SPECIAL RULES FOR COMPENSATION.**

(a) DOCUMENTATION.—Subject to subsection (b), the amount of compensation payable to an air carrier under section 101(a)(2) may not exceed the amount of losses described in section 101(a)(2) that the air carrier demonstrates to the satisfaction of the President, using sworn financial statements or other appropriate data, that the air carrier incurred. The Secretary of Transportation and the Comptroller General of the United States may audit such statements and may request any information that the Secretary and the Comptroller General deems necessary to conduct such audit.

(b) MAXIMUM AMOUNT OF COMPENSATION PAYABLE PER AIR CARRIER.—The maximum total amount of compensation payable to an air carrier under section 101(a)(2) may not exceed the lesser of—

(1) the amount of such air carrier's direct and incremental losses described in section 101(a)(2); or

(2) in the case of—

(A) flights involving passenger-only or combined passenger and cargo transportation, the product of—

(i) \$4,500,000,000; and

(ii) the ratio of—

(I) the available seat miles of the air carrier for the month of August 2001 as reported to the Secretary; to

(II) the total available seat miles of all such air carriers for such month as reported to the Secretary; and

(B) flights involving cargo-only transportation, the product of—

(i) \$500,000,000; and

(ii) the ratio of—

(I) the revenue ton miles or other auditable measure of the air carrier for cargo for the latest quarter for which data is available as reported to the Secretary; to

(II) the total revenue ton miles or other auditable measure of all such air carriers for cargo for such quarter as reported to the Secretary.

(c) **PAYMENTS.**—The President may provide compensation to air carriers under section 101(a)(2) in 1 or more payments up to the amount authorized by this title.

**SEC. 104. LIMITATION ON CERTAIN EMPLOYEE COMPENSATION.**

49 USC 40101  
note.

(a) **IN GENERAL.**—The President may only issue a Federal credit instrument under section 101(a)(1) to an air carrier after the air carrier enters into a legally binding agreement with the President that, during the 2-year period beginning September 11, 2001, and ending September 11, 2003, no officer or employee of the air carrier whose total compensation exceeded \$300,000 in calendar year 2000 (other than an employee whose compensation is determined through an existing collective bargaining agreement entered into prior to September 11, 2001)—

(1) will receive from the air carrier total compensation which exceeds, during any 12 consecutive months of such 2-year period, the total compensation received by the officer or employee from the air carrier in calendar year 2000; and

(2) will receive from the air carrier severance pay or other benefits upon termination of employment with the air carrier which exceeds twice the maximum total compensation received by the officer or employee from the air carrier in calendar year 2000.

(b) **TOTAL COMPENSATION DEFINED.**—In this section, the term “total compensation” includes salary, bonuses, awards of stock, and other financial benefits provided by an air carrier to an officer or employee of the air carrier.

**SEC. 105. CONTINUATION OF CERTAIN AIR SERVICE.**

49 USC 40101  
note.

(a) **ACTION OF SECRETARY.**—The Secretary of Transportation should take appropriate action to ensure that all communities that had scheduled air service before September 11, 2001, continue to receive adequate air transportation service and that essential air service to small communities continues without interruption.

(b) **ESSENTIAL AIR SERVICE.**—There is authorized to be appropriated to the Secretary to carry out the essential air service program under subchapter II of chapter 417 of title 49, United States Code, \$120,000,000 for fiscal year 2002.

Appropriation  
authorization.

(c) **SECRETARIAL OVERSIGHT.**—

(1) **IN GENERAL.**—Notwithstanding any other provision of law, the Secretary is authorized to require an air carrier receiving direct financial assistance under this Act to maintain scheduled air service to any point served by that carrier before September 11, 2001.

(2) **AGREEMENTS.**—In applying paragraph (1), the Secretary may require air carriers receiving direct financial assistance under this Act to enter into agreements which will ensure,

to the maximum extent practicable, that all communities that had scheduled air service before September 11, 2001, continue to receive adequate air transportation service.

Deadlines.  
President.  
49 USC 40101  
note.

#### SEC. 106. REPORTS.

(a) REPORT.—Not later than February 1, 2001, the President shall transmit to the Committee on Transportation and Infrastructure, the Committee on Appropriations, and the Committee on the Budget of the House of Representatives and the Committee on Commerce, Science, and Transportation, the Committee on Appropriations, and the Committee on the Budget of the Senate a report on the financial status of the air carrier industry and the amounts of assistance provided under this title to each air carrier.

(b) UPDATE.—Not later than the last day of the 7-month period following the date of enactment of this Act, the President shall update and transmit the report to the Committees.

#### SEC. 107. DEFINITIONS.

In this title, the following definitions apply:

(1) AIR CARRIER.—The term “air carrier” has the meaning such term has under section 40102 of title 49, United States Code.

(2) FEDERAL CREDIT INSTRUMENT.—The term “Federal credit instrument” means any guarantee or other pledge by the Board issued under section 101(a)(1) to pledge the full faith and credit of the United States to pay all or part of any of the principal of and interest on a loan or other debt obligation issued by an obligor and funded by a lender.

(3) INCREMENTAL LOSS.—The term “incremental loss” does not include any loss that the President determines would have been incurred if the terrorist attacks on the United States that occurred on September 11, 2001, had not occurred.

## TITLE II—AVIATION INSURANCE

#### SEC. 201. DOMESTIC INSURANCE AND REIMBURSEMENT OF INSURANCE COSTS.

(a) IN GENERAL.—Section 44302 of title 49, United States Code, is amended—

(1) in subsection (a)(1)—

(A) by striking “subsection (b)” and inserting “subsection (c)”; and

(B) by striking “foreign-flag aircraft—” and all that follows through the period at the end of subparagraph (B) and inserting “foreign-flag aircraft.”;

(2) by redesignating subsections (b), (c), and (d) as subsections (c), (d), and (e), respectively;

(3) by inserting after subsection (a) the following:

“(b) REIMBURSEMENT OF INSURANCE COST INCREASES.—

“(1) IN GENERAL.—The Secretary may reimburse an air carrier for the increase in the cost of insurance, with respect to a premium for coverage ending before October 1, 2002, against loss or damage arising out of any risk from the operation of an American aircraft over the insurance premium that was in effect for a comparable operation during the period beginning September 4, 2001, and ending September 10, 2001,

as the Secretary may determine. Such reimbursement is subject to subsections (a)(2), (c), and (d) of this section and to section 44303.

“(2) PAYMENT FROM REVOLVING FUND.—A reimbursement under this subsection shall be paid from the revolving fund established by section 44307.

“(3) FURTHER CONDITIONS.—The Secretary may impose such further conditions on insurance for which the increase in premium is subject to reimbursement under this subsection as the Secretary may deem appropriate in the interest of air commerce.

“(4) TERMINATION OF AUTHORITY.—The authority to reimburse air carriers under this subsection shall expire 180 days after the date of enactment of this paragraph.”;

(4) in subsection (c) (as so redesignated)—

(A) in the first sentence by inserting “, or reimburse an air carrier under subsection (b) of this section,” before “only with the approval”; and

(B) in the second sentence—

(i) by inserting “or the reimbursement” before “only after deciding”; and

(ii) by inserting “in the interest of air commerce or national security or” before “to carry out the foreign policy”; and

(5) in subsection (d) (as so redesignated) by inserting “or reimbursing an air carrier” before “under this chapter”.

(b) COVERAGE.—

(1) IN GENERAL.—Section 44303 of such title is amended—

(A) in the matter preceding paragraph (1) by inserting “, or reimburse insurance costs, as” after “insurance and reinsurance”; and

(B) in paragraph (1) by inserting “in the interest of air commerce or national security or” before “to carry out the foreign policy”.

(2) DISCRETION OF THE SECRETARY.—For acts of terrorism committed on or to an air carrier during the 180-day period following the date of enactment of this Act, the Secretary of Transportation may certify that the air carrier was a victim of an act of terrorism and in the Secretary’s judgment, based on the Secretary’s analysis and conclusions regarding the facts and circumstances of each case, shall not be responsible for losses suffered by third parties (as referred to in section 205.5(b)(1) of title 14, Code of Federal Regulations) that exceed \$100,000,000, in the aggregate, for all claims by such parties arising out of such act. If the Secretary so certifies, the air carrier shall not be liable for an amount that exceeds \$100,000,000, in the aggregate, for all claims by such parties arising out of such act, and the Government shall be responsible for any liability above such amount. No punitive damages may be awarded against an air carrier (or the Government taking responsibility for an air carrier under this paragraph) under a cause of action arising out of such act.

(c) REINSURANCE.—Section 44304 of such title is amended—

(1) by striking “(a) GENERAL AUTHORITY.—”, and

(2) by striking subsection (b).

(d) PREMIUMS.—Section 44306 of such title is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(2) by inserting after subsection (a) the following:

“(b) **ALLOWANCES IN SETTING PREMIUM RATES FOR REINSURANCE.**—In setting premium rates for reinsurance, the Secretary may make allowances to the insurance carrier for expenses incurred in providing services and facilities that the Secretary considers good business practices, except for payments by the air carrier for the stimulation or solicitation of insurance business.”

(e) **CONFORMING AMENDMENT.**—Section 44305(b) of such title is amended by striking “44302(b)” and inserting “44302(c)”.

49 USC 40101  
note.

**SEC. 202. EXTENSION OF PROVISIONS TO VENDORS, AGENTS, AND SUB-  
CONTRACTORS OF AIR CARRIERS.**

Notwithstanding any other provision of this title, the Secretary may extend any provision of chapter 443 of title 49, United States Code, as amended by this title, and the provisions of this title, to vendors, agents, and subcontractors of air carriers. For the 180-day period beginning on the date of enactment of this Act, the Secretary may extend or amend any such provisions so as to ensure that the entities referred to in the preceding sentence are not responsible in cases of acts of terrorism for losses suffered by third parties that exceed the amount of such entities' liability coverage, as determined by the Secretary.

### TITLE III—TAX PROVISIONS

49 USC 40101  
note.

**SEC. 301. EXTENSION OF DUE DATE FOR EXCISE TAX DEPOSITS; TREAT-  
MENT OF LOSS COMPENSATION.**

(a) **EXTENSION OF DUE DATE FOR EXCISE TAX DEPOSITS.**—

(1) **IN GENERAL.**—In the case of an eligible air carrier, any airline-related deposit required under section 6302 of the Internal Revenue Code of 1986 to be made after September 10, 2001, and before November 15, 2001, shall be treated for purposes of such Code as timely made if such deposit is made on or before November 15, 2001. If the Secretary of the Treasury so prescribes, the preceding sentence shall be applied by substituting for “November 15, 2001” each place it appears—

(A) “January 15, 2002”; or

(B) such earlier date after November 15, 2001, as such Secretary may prescribe.

(2) **ELIGIBLE AIR CARRIER.**—For purposes of this subsection, the term “eligible air carrier” means any domestic corporation engaged in the trade or business of transporting (for hire) persons by air if such transportation is available to the general public.

(3) **AIRLINE-RELATED DEPOSIT.**—For purposes of this subsection, the term “airline-related deposit” means any deposit of—

(A) taxes imposed by subchapter C of chapter 33 of such Code (relating to transportation by air); and

(B) taxes imposed by chapters 21, 22, and 24 with respect to employees engaged in a trade or business referred to in paragraph (2).

(b) **TREATMENT OF LOSS COMPENSATION.**—Nothing in any provision of law shall be construed to exclude from gross income under

the Internal Revenue Code of 1986 any compensation received under section 101(a)(2) of this Act.

## TITLE IV—VICTIM COMPENSATION

### SEC. 401. SHORT TITLE.

This title may be cited as the “September 11th Victim Compensation Fund of 2001”.

### SEC. 402. DEFINITIONS.

In this title, the following definitions apply:

(1) **AIR CARRIER.**—The term “air carrier” means a citizen of the United States undertaking by any means, directly or indirectly, to provide air transportation and includes employees and agents of such citizen.

(2) **AIR TRANSPORTATION.**—The term “air transportation” means foreign air transportation, interstate air transportation, or the transportation of mail by aircraft.

(3) **CLAIMANT.**—The term “claimant” means an individual filing a claim for compensation under section 405(a)(1).

(4) **COLLATERAL SOURCE.**—The term “collateral source” means all collateral sources, including life insurance, pension funds, death benefit programs, and payments by Federal, State, or local governments related to the terrorist-related aircraft crashes of September 11, 2001.

(5) **ECONOMIC LOSS.**—The term “economic loss” means any pecuniary loss resulting from harm (including the loss of earnings or other benefits related to employment, medical expense loss, replacement services loss, loss due to death, burial costs, and loss of business or employment opportunities) to the extent recovery for such loss is allowed under applicable State law.

(6) **ELIGIBLE INDIVIDUAL.**—The term “eligible individual” means an individual determined to be eligible for compensation under section 405(c).

(7) **NONECONOMIC LOSSES.**—The term “noneconomic losses” means losses for physical and emotional pain, suffering, inconvenience, physical impairment, mental anguish, disfigurement, loss of enjoyment of life, loss of society and companionship, loss of consortium (other than loss of domestic service), hedonic damages, injury to reputation, and all other nonpecuniary losses of any kind or nature.

(8) **SPECIAL MASTER.**—The term “Special Master” means the Special Master appointed under section 404(a).

### SEC. 403. PURPOSE.

It is the purpose of this title to provide compensation to any individual (or relatives of a deceased individual) who was physically injured or killed as a result of the terrorist-related aircraft crashes of September 11, 2001.

### SEC. 404. ADMINISTRATION.

(a) **IN GENERAL.**—The Attorney General, acting through a Special Master appointed by the Attorney General, shall—

(1) administer the compensation program established under this title;

September 11th  
Victim  
Compensation  
Fund of 2001.  
Terrorism.  
49 USC 40101  
note.

49 USC 40101  
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49 USC 40101  
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49 USC 40101  
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(2) promulgate all procedural and substantive rules for the administration of this title; and

(3) employ and supervise hearing officers and other administrative personnel to perform the duties of the Special Master under this title.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to pay the administrative and support costs for the Special Master in carrying out this title.

49 USC 40101  
note.

**SEC. 405. DETERMINATION OF ELIGIBILITY FOR COMPENSATION.**

(a) FILING OF CLAIM.—

(1) IN GENERAL.—A claimant may file a claim for compensation under this title with the Special Master. The claim shall be on the form developed under paragraph (2) and shall state the factual basis for eligibility for compensation and the amount of compensation sought.

(2) CLAIM FORM.—

(A) IN GENERAL.—The Special Master shall develop a claim form that claimants shall use when submitting claims under paragraph (1). The Special Master shall ensure that such form can be filed electronically, if determined to be practicable.

(B) CONTENTS.—The form developed under subparagraph (A) shall request—

(i) information from the claimant concerning the physical harm that the claimant suffered, or in the case of a claim filed on behalf of a decedent information confirming the decedent's death, as a result of the terrorist-related aircraft crashes of September 11, 2001;

(ii) information from the claimant concerning any possible economic and noneconomic losses that the claimant suffered as a result of such crashes; and

(iii) information regarding collateral sources of compensation the claimant has received or is entitled to receive as a result of such crashes.

(3) LIMITATION.—No claim may be filed under paragraph (1) after the date that is 2 years after the date on which regulations are promulgated under section 407.

(b) REVIEW AND DETERMINATION.—

(1) REVIEW.—The Special Master shall review a claim submitted under subsection (a) and determine—

(A) whether the claimant is an eligible individual under subsection (c);

(B) with respect to a claimant determined to be an eligible individual—

(i) the extent of the harm to the claimant, including any economic and noneconomic losses; and

(ii) the amount of compensation to which the claimant is entitled based on the harm to the claimant, the facts of the claim, and the individual circumstances of the claimant.

(2) NEGLIGENCE.—With respect to a claimant, the Special Master shall not consider negligence or any other theory of liability.

Electronic  
document.

(3) DETERMINATION.—Not later than 120 days after that date on which a claim is filed under subsection (a), the Special Master shall complete a review, make a determination, and provide written notice to the claimant, with respect to the matters that were the subject of the claim under review. Such a determination shall be final and not subject to judicial review.

Deadline.  
Notification.

(4) RIGHTS OF CLAIMANT.—A claimant in a review under paragraph (1) shall have—

- (A) the right to be represented by an attorney;
- (B) the right to present evidence, including the presentation of witnesses and documents; and
- (C) any other due process rights determined appropriate by the Special Master.

(5) NO PUNITIVE DAMAGES.—The Special Master may not include amounts for punitive damages in any compensation paid under a claim under this title.

(6) COLLATERAL COMPENSATION.—The Special Master shall reduce the amount of compensation determined under paragraph (1)(B)(ii) by the amount of the collateral source compensation the claimant has received or is entitled to receive as a result of the terrorist-related aircraft crashes of September 11, 2001.

(c) ELIGIBILITY.—

(1) IN GENERAL.—A claimant shall be determined to be an eligible individual for purposes of this subsection if the Special Master determines that such claimant—

- (A) is an individual described in paragraph (2); and
- (B) meets the requirements of paragraph (3).

(2) INDIVIDUALS.—A claimant is an individual described in this paragraph if the claimant is—

(A) an individual who—

(i) was present at the World Trade Center, (New York, New York), the Pentagon (Arlington, Virginia), or the site of the aircraft crash at Shanksville, Pennsylvania at the time, or in the immediate aftermath, of the terrorist-related aircraft crashes of September 11, 2001; and

(ii) suffered physical harm or death as a result of such an air crash;

(B) an individual who was a member of the flight crew or a passenger on American Airlines flight 11 or 77 or United Airlines flight 93 or 175, except that an individual identified by the Attorney General to have been a participant or conspirator in the terrorist-related aircraft crashes of September 11, 2001, or a representative of such individual shall not be eligible to receive compensation under this title; or

(C) in the case of a decedent who is an individual described in subparagraph (A) or (B), the personal representative of the decedent who files a claim on behalf of the decedent.

(3) REQUIREMENTS.—

(A) SINGLE CLAIM.—Not more than one claim may be submitted under this title by an individual or on behalf of a deceased individual.

(B) LIMITATION ON CIVIL ACTION.—



(i) **IN GENERAL.**—Upon the submission of a claim under this title, the claimant waives the right to file a civil action (or to be a party to an action) in any Federal or State court for damages sustained as a result of the terrorist-related aircraft crashes of September 11, 2001. The preceding sentence does not apply to a civil action to recover collateral source obligations.

(ii) **PENDING ACTIONS.**—In the case of an individual who is a party to a civil action described in clause (i), such individual may not submit a claim under this title unless such individual withdraws from such action by the date that is 90 days after the date on which regulations are promulgated under section 407.

49 USC 40101  
note.  
Deadline.

**SEC. 406. PAYMENTS TO ELIGIBLE INDIVIDUALS.**

(a) **IN GENERAL.**—Not later than 20 days after the date on which a determination is made by the Special Master regarding the amount of compensation due a claimant under this title, the Special Master shall authorize payment to such claimant of the amount determined with respect to the claimant.

(b) **PAYMENT AUTHORITY.**—This title constitutes budget authority in advance of appropriations Acts and represents the obligation of the Federal Government to provide for the payment of amounts for compensation under this title.

(c) **ADDITIONAL FUNDING.**—

(1) **IN GENERAL.**—The Attorney General is authorized to accept such amounts as may be contributed by individuals, business concerns, or other entities to carry out this title, under such terms and conditions as the Attorney General may impose.

(2) **USE OF SEPARATE ACCOUNT.**—In making payments under this section, amounts contained in any account containing funds provided under paragraph (1) shall be used prior to using appropriated amounts.

49 USC 40101  
note.  
Deadline.

**SEC. 407. REGULATIONS.**

Not later than 90 days after the date of enactment of this Act, the Attorney General, in consultation with the Special Master, shall promulgate regulations to carry out this title, including regulations with respect to—

- (1) forms to be used in submitting claims under this title;
- (2) the information to be included in such forms;
- (3) procedures for hearing and the presentation of evidence;
- (4) procedures to assist an individual in filing and pursuing claims under this title; and
- (5) other matters determined appropriate by the Attorney General.

49 USC 40101  
note.

**SEC. 408. LIMITATION ON AIR CARRIER LIABILITY.**

(a) **IN GENERAL.**—Notwithstanding any other provision of law, liability for all claims, whether for compensatory or punitive damages, arising from the terrorist-related aircraft crashes of September 11, 2001, against any air carrier shall not be in an amount greater than the limits of the liability coverage maintained by the air carrier.

(b) **FEDERAL CAUSE OF ACTION.**—

(1) **AVAILABILITY OF ACTION.**—There shall exist a Federal cause of action for damages arising out of the hijacking and

subsequent crashes of American Airlines flights 11 and 77, and United Airlines flights 93 and 175, on September 11, 2001. Notwithstanding section 40120(c) of title 49, United States Code, this cause of action shall be the exclusive remedy for damages arising out of the hijacking and subsequent crashes of such flights.

(2) **SUBSTANTIVE LAW.**—The substantive law for decision in any such suit shall be derived from the law, including choice of law principles, of the State in which the crash occurred unless such law is inconsistent with or preempted by Federal law.

(3) **JURISDICTION.**—The United States District Court for the Southern District of New York shall have original and exclusive jurisdiction over all actions brought for any claim (including any claim for loss of property, personal injury, or death) resulting from or relating to the terrorist-related aircraft crashes of September 11, 2001.

(c) **EXCLUSION.**—Nothing in this section shall in any way limit any liability of any person who is a knowing participant in any conspiracy to hijack any aircraft or commit any terrorist act.

**SEC. 409. RIGHT OF SUBROGATION.**

The United States shall have the right of subrogation with respect to any claim paid by the United States under this title.

49 USC 40101  
note.

## **TITLE V—AIR TRANSPORTATION SAFETY**

**SEC. 501. INCREASED AIR TRANSPORTATION SAFETY.**

Congress affirms the President's decision to spend \$3,000,000,000 on airline safety and security in conjunction with this Act in order to restore public confidence in the airline industry.

49 USC 40101  
note.

**SEC. 502. CONGRESSIONAL COMMITMENT.**

Congress is committed to act expeditiously, in consultation with the Secretary of Transportation, to strengthen airport security and take further measures to enhance the security of air travel.

49 USC 40101  
note.

## **TITLE VI—SEPARABILITY**

**SEC. 601. SEPARABILITY.**

If any provision of this Act (including any amendment made by this Act) or the application thereof to any person or circumstance is held invalid, the remainder of this Act (including any amendment

49 USC 40101  
note.

115 STAT. 242

PUBLIC LAW 107-42—SEPT. 22, 2001

made by this Act) and the application thereof to other persons or circumstances shall not be affected thereby.

Approved September 22, 2001.

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**LEGISLATIVE HISTORY—H.R. 2926 (S. 1450):**

**CONGRESSIONAL RECORD, Vol. 147 (2001):**

Sept. 21, considered and passed House and Senate.

**WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 37 (2001):**

Sept. 22, Presidential statement.

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# Exhibit B

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# Federal Register

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Friday,  
December 21, 2001

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Part IX

**Department of  
Justice**

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**Office of the Attorney General**

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**28 CFR Part 104  
September 11th Victim Compensation  
Fund of 2001; Interim Final Rule**

## DEPARTMENT OF JUSTICE

## Office of the Attorney General

## 28 CFR Part 104

[CIV 104P; AG Order No. 2541-2001]

RIN 1105-AA79

## September 11th Victim Compensation Fund of 2001

ACTION: Interim final rule with request for comments.

**SUMMARY:** Shortly after the September 11, 2001 terrorist attacks, the President signed the "September 11 Victim Compensation Fund of 2001" (the "Fund") into law as Title IV of Public Law 107-42 ("Air Transportation Safety and System Stabilization Act") (the "Act"). The Act authorizes compensation to any individual (or the personal representative of a deceased individual) who was physically injured or killed as a result of the terrorist-related aircraft crashes on that day. The Act provides that the Fund will be administered by a Special Master appointed by the Attorney General. On November 26, 2001, the Attorney General appointed Kenneth R. Feinberg as Special Master.

The Department of Justice, in consultation with the Special Master, is issuing certain procedural rules so the Special Master may commence operations of the program as soon as practicable. In order to allow the Special Master to begin distributing funds, the Department is issuing this rule as an "Interim Final Rule" that will have the force and effect of law immediately upon publication. This rule is designated "interim," however, because the Department is also seeking further comment for a period of 30 days as part of its further review and may expand or adjust aspects of the rule after receiving additional comments.

**DATES:** This interim rule takes effect on December 21, 2001. Comments in response to this notice are due by January 22, 2002.

**ADDRESSES:** Comments on the interim rule should be submitted by e-mail to: [victimcompensation.comments@usdoj.gov](mailto:victimcompensation.comments@usdoj.gov), or by telefax to 301-519-5956. Telefaxes should be limited to 15 pages. Comments may also be mailed to Kenneth L. Zwick, Director, Office of Management Programs, Civil Division, U.S. Department of Justice, Main Building, Room 3140, 950 Pennsylvania Avenue NW, Washington, DC 20530. However, the Department encourages commenters to submit their comments by e-mail or telefax. Comments received

are public records. The name and address of the commenter should be included with all submissions. The comments will be made available on the Victim Compensation Fund Web site, [www.usdoj.gov/victimcompensation](http://www.usdoj.gov/victimcompensation). Comments will also be available for public inspection at a reading room in Washington, DC. Arrangements to visit the reading room must be made in advance by calling 888-714-3385 (TDD: 888-560-0844).

**FOR FURTHER INFORMATION CONTACT:** Kenneth L. Zwick, Director, Office of Management Programs, Civil Division, U.S. Department of Justice, Main Building, Room 3140, 950 Pennsylvania Avenue NW, Washington, DC 20530, telephone 888-714-3385 (TDD 888-560-0844).

**SUPPLEMENTARY INFORMATION:****Statement by the Special Master**

The September 11th Victim Compensation Fund of 2001 is an unprecedented expression of compassion on the part of the American people to the victims and their families devastated by the horror and tragedy of September 11. The Act itself (specifically Title IV—Victim Compensation), and the attached regulations drafted and implemented pursuant to the Act, are designed to bring some measure of financial relief to those most devastated by the events of September 11. In one important sense, the Fund symbolizes the commitment of the American people to those most in need. It is an example of how Americans rally around the less fortunate.

The attached regulations have two objectives: (1) To provide fair, predictable and consistent compensation to the victims of September 11 and their families throughout the life of the program; and (2) to do so in an expedited, efficient manner without unnecessary bureaucracy and needless demands on the victims. The regulations highlight a fast track administrative compensation program, eliminating the red tape, time and expense of a traditional lawsuit. Quick payment to eligible claimants characterizes this program.

The Fund offers the eligible claimant an alternative to litigation. To succeed in the courtroom, a victim of the September 11 tragedy, or his or her representative, would be compelled to litigate, probably for many years at excessive cost, and with all the uncertainty of result which is part of the litigation process. Among the hazards of such a court proceeding are: Would liability be demonstrated? Against

whom? Would sufficient funds be available to pay in full any resulting tort award? Would the verdict, even if favorable, withstand appellate challenge?

Trade-offs are required in developing Fund procedures that are different than those in the more conventional lawsuit. It is possible to develop an alternative administrative scheme, providing speedy and efficient compensation, which will help bring some closure to the events of September 11. We should not require its victims to revisit the tragic events of September 11 over and over again during the pendency of a lawsuit in our courts.

In formulating the regulations, we heeded the instruction of the Attorney General to help the neediest of victims as quickly as possible. Accordingly, under these regulations, an eligible claimant can receive an *immediate* advance payment of \$50,000 in cases involving death, or \$25,000 in certain cases involving serious physical injury. These payments are downpayments only, advanced to provide immediate financial assistance to those in need.

We were required, of course, to adhere to the language which Congress set out in the statute, including the provisions requiring that awards be offset by all collateral source compensation such as benefits from life insurance and other government programs. However, we did find ambiguity in the statute as to gifts provided to victims and their families by private charities. These regulations do not require that awards be offset by such private charitable assistance.

We have concluded that the purpose of the Act is not simply to examine economic and noneconomic harm, but also to provide compensation that is just and appropriate in light of claimants' individual circumstances. We have concluded that any methodology that does nothing more than attempt to replicate a theoretically possible future income stream would lead to awards that would be insufficient relative to the needs of some victims' families, and excessive relative to the needs of others. The statute specifies that individual circumstances beyond economic and noneconomic harm should be taken into account. It is our view that, absent extraordinary circumstances, awards in excess of \$3 million, tax-free, will rarely be appropriate in light of individual needs and resources. At the same time, we want to ensure that victims' families are receiving at least a minimum level of resources to help meet their needs and rebuild their lives. Thus, we have concluded that the families of deceased victims should receive a combined total

of at least \$500,000 from this program, other state and Federal programs, life insurance policies and other sources of compensation. Similarly, the baseline for single decedents should be \$300,000. This ensures that every needy claimant's total compensation from this program and other sources will be at least equal to these threshold amounts.

In sum, the September 11th Victim Compensation Fund of 2001 is an attempt by the American people to demonstrate their solidarity with, and generosity for, those injured by the terrible September 11 attack on our country. It provides an alternative compensation scheme to the traditional tort system, a method of providing substantial and quick compensation to those who elect to participate.

Neither this Fund nor any monetary compensation can possibly provide a full measure of relief to those who have suffered as a result of September 11. But the Fund will provide appropriate compensation and some measure of comfort to those whose lives have been torn asunder by the events of September 11.

#### Background

The following discussion provides background information and explanation of the regulations promulgated herein. Section A describes the statutory backdrop for the regulations; Section B discusses the Department's rulemaking procedures to date; Section C addresses Eligibility; Section D pertains to Advance Benefits; Section E discusses Final Awards made by the Fund; Section F describes the Special Master's claims evaluation process; and Section G relates to Assistance to Claimants. The text of the regulations is set forth following these explanatory sections. A catalog of public commentary is set forth thereafter as an Appendix. More detailed information regarding the program, including a flow chart of applicable procedures and a table of estimated or "presumed" awards, will be available on the Victims Compensation Fund Web site at [www.usdoj.gov/victimcompensation](http://www.usdoj.gov/victimcompensation).

#### A. The Statute

The President signed the "September 11th Victim Compensation Fund of 2001" (the "Fund") into law on September 22, 2001, as Title IV of Public Law 107-42 ("Air Transportation Safety and System Stabilization Act") ("the Act"). The purpose of this Fund is to provide compensation to eligible individuals who were physically injured as a result of the terrorist-related aircraft crashes of September 11, 2001, and compensation through a "personal

representative" for those who died as a result of the crashes. Generally, eligibility is limited to: (1) Individuals on the planes at the time of the crashes (other than the terrorists); and (2) individuals present at the World Trade Center, the Pentagon or the site of the crash in Pennsylvania at the time of the crashes or in the immediate aftermath of the crashes.

The Fund is designed to provide a no-fault alternative to tort litigation for individuals who were physically injured or killed as a result of the aircraft hijackings and crashes on September 11, 2001. Others who may have suffered losses as a result of those events (e.g., those without identifiable physical injuries but who lost employment) are not included in this special program. Indeed, compensation will be provided only for losses caused on account of personal physical injuries or death, even though the victims may have suffered other losses, such as property loss. For this reason, the Department and the Special Master anticipate that all awards from the Fund will be free of federal taxation. See I.R.C. § 104(a)(2) (stating that damages received "on account of personal physical injuries or physical sickness" are excludable from gross income for purposes of federal income taxation).

A claimant who files for compensation waives any right to file a civil action (or to be a party to an action) in any federal or state court for damages sustained as a result of the terrorist-related aircraft crashes of September 11, 2001, except for actions to recover collateral source obligations.

Determinations on eligibility and the amount of compensation are to be made by the Special Master. After determining whether an individual is an eligible claimant under the Act, the Special Master is to determine the amount of compensation to be awarded based upon the harm to the claimant, the facts of the claim, and the individual circumstances of the claimant.

The law also provides that the Special Master is to make a final determination on any claim within 120 days from when the claim was filed and, if an award is made, to authorize payment within 20 days thereafter. The determinations of the Special Master are final and are not reviewable by any court. Claims with the Fund must be filed on or before two years after the effective date of these regulations, i.e. December 22, 2003. Payments from the Fund are made by the United States Government, which in turn obtains the right of subrogation to each award.

Pursuant to the Act, regulations addressing certain administrative

matters must be issued within 90 days of enactment. Section 407 of the Act provides that the Department, in consultation with the Special Master, promulgate regulations on four matters by December 21, 2001:

- (1) Forms to be used in submitting claims;
- (2) The information to be included in such forms;
- (3) Procedures for hearing and the presentation of evidence; and
- (4) Procedures to assist an individual in filing and pursuing claims under this title.

In addition, section 407 authorizes, but does not require, the Department to issue additional rules to implement the program. This Interim Final Rule addresses issues beyond the four specifically required by the Act in order to create a program that will be efficient, will treat similarly situated claimants alike, and will allow potential claimants to make informed decisions regarding whether to file claims with the Fund. Nonetheless, the Department recognizes that it cannot anticipate all of the issues that will arise over the course of the program and that there will inevitably be many difficult issues that the Special Master will have to resolve in the course of making determinations on individual claims.

#### B. Rulemaking History to Date

On November 5, 2001, the Department requested public input on a number of issues. 66 FR 55901. The Department noted that, at that time, the Special Master had not yet been appointed, but that it wanted as much public comment as feasible before issuing the regulations by December 21, 2001. On November 26, 2001, the Attorney General appointed Kenneth R. Feinberg as Special Master. As called for by the Act, this interim final rule is promulgated in consultation with the Special Master.

The Department received more than 800 comments in response to the Department's Notice of Inquiry. Some were very brief and only spoke to a single issue; others responded to the Department's questions on a point by point basis. Still others contained detailed analyses, recommendations and even proposed regulatory language.

The range of commenters was very broad. Some commenters identified themselves as citizens, taxpayers or law professors, and many identified themselves as individuals who had contributed to charities for those impacted by the terrorist crashes. Many other commenters identified themselves as members of victims' families, partners or close friends, including some from organizations and groups of



survivors. Several commenters identified themselves as employers who lost a significant number of employees in the crashes. A number of commenters identified themselves as residents of housing near "Ground Zero" in New York.

In addition, the Department received comments from many organizations including the American Insurance Association, the American Arbitration Association, the American Bar Association, Trial Lawyers Care, New York Trial Lawyers' Association, New York City Bar Association, Massachusetts Bar Association, National Center for Victims of Crime, National Association of Crime Victim Compensation Boards, the Oklahoma Crime Victim Compensation Board, Consumers Union, Public Citizen, the National Right To Life Committee, the Lambda Legal Defense & Education Fund, the American Civil Liberties Union, the Association of Flight Attendants, the Council on Foundations, the Nonprofit Coordinating Committee of New York, Independent Sector, the Alternative Dispute Resolution of the Federal Bar Association, the Alliance of Fiduciary Consultants, and the Foreign Claims Settlement Commission.

Individual members of Congress, groups of members, and members of the Senate leadership also provided comments. Further, joint comments were submitted on behalf of the New York City Mayor, the New York Governor, and the New York Attorney General, by members of the New York Assembly, and by the Attorney General of Connecticut.

Comments were also submitted by United Airlines and American Airlines, and from various individuals and companies who identified themselves as having expertise or experience in the administration of claims programs.

The Department has read every submission it received in response to this notice, from handwritten notes to scholarly discussions. The Department wants to express its appreciation for the time and careful thought reflected in those submissions.

While the Department has reviewed every submission it received, it will not regulate on every topic addressed in those comments. Over 70 separate topics were identified; almost two dozen full size notebooks are necessary to organize all of the comments by topic. All of the comments will be retained by the Department for subsequent consideration when it reviews comments on this interim final rule, and the comments will remain posted on the Department's web site where they may be reviewed by the public. The

Department was pleased to see that some comments responded to others placed on the web site, and hopes this facility will continue to be of interest to the public.

It is not feasible to repeat here all of the suggestions received in the comments, let alone directly respond to each. The Appendix to this interim final rulemaking highlights some of the points raised by commenters in order to indicate the range of views received on how various issues should be approached.

#### C. Eligibility

Section 405(b) of the Act requires the Special Master to determine whether a claimant is an "eligible individual" under section 405(c). "Eligibility," in turn, is defined by the Act to include: (1) individuals (other than the terrorists) aboard American Airlines flights 11 and 77 and United Airlines flights 93 and 175; (2) individuals who were "present at" the World Trade Center, the Pentagon, or the site of the aircraft crash at Shanksville, Pennsylvania at the time or in the immediate aftermath of the crashes; or (3) personal representatives of deceased individuals who would otherwise be eligible. Moreover, to be eligible for an award, an individual must have suffered physical harm or death as a result of one of the terrorist-related air crashes. This interim final rule addresses eligibility by defining the terms "present at the site," "immediate aftermath," "physical harm," and "personal representative."

"Present at the site": This rule defines the term "present at the site" (i.e. the World Trade Center, Pentagon, or Shanksville site) to mean physically present at the time of the crashes or immediate aftermath:

(1) In the buildings or portions of buildings that were destroyed as a result of the airplane crashes; or

(2) In any area contiguous to the crash sites that the Special Master determines was sufficiently close to the site that there was a demonstrable risk of physical harm resulting from the impact of the aircraft or any subsequent fire, explosions, or collapse of buildings (generally, the immediate area in which the impact occurred, fire occurred, portions of buildings fell, or debris fell upon and injured persons).

There are several reasons for this geographic limitation. First, this geographic limitation comports with the plain meaning of the statutory term "present at." Second, this geographic limitation is consistent with the further statutory requirement of physical injury or death, because the zone designated is that in which there was a demonstrable

risk of physical harm from falling debris, explosions, or fire.

"Immediate aftermath": This rule defines the term "immediate aftermath" of the crashes to mean, for purposes of all claimants other than rescue workers, the period of time from the crashes until 12 hours after the crashes. This time frame appears to cover all of those who suffered physical injury or death, with the exception of rescue workers.

With respect to rescue workers who assisted in efforts to search for and recover victims, the regulations define "the immediate aftermath" to include the period from the crashes until 96 hours after the crashes. The regulations provide for this longer time period for rescue workers in recognition of their heroic efforts and their selfless reasons for being at the sites, and responds to a request by the Mayor of New York City that the program recognize the high level of danger and difficulty during the first four days of rescue operations.

"Physical harm": This rule defines the term "physical harm" to mean an objectively verifiable physical injury that was treated by a medical professional within 24 hours of the injury having been sustained or within 24 hours of rescue and either required hospitalization as an in-patient for at least 24 hours or caused, either temporarily or permanently, partial or total physical disability, incapacity, or disfigurement.

There are several reasons for this definition. The statutory term "physical harm" indicates that Congress did not intend for this Fund to compensate those who suffered only emotional harm or property damage. The statutory term "physical harm" also indicates that Congress did not intend for this Fund to cover those who face only a risk of future injury (i.e. latent harm that does not fully manifest itself within the statutory time period for this Fund). Indeed, because participation in this Fund precludes claimants from recovering through tort litigation, those with latent injuries that later became manifest would likely be *undercompensated* if they sought compensation now from the Fund before the injuries became manifest. Conversely, those who recovered for latent injuries that did *not* later become manifest could be *overcompensated* if they recovered from the Fund. While Congress might later consider whether an administrative program for latent harm caused by the September 11, 2001 terrorist-related aircraft crashes may be appropriate, the language of the statute that created this Fund does not contemplate awards for that purpose.

**"Personal Representative":** Section 405(c)(2)(C) provides that in the case of an individual who is deceased but who otherwise meets the other criteria for eligibility, a claim can be filed by the Personal Representative of the decedent. Section 405(c)(3)(A) provides that no more than one claim may be submitted by an individual or on behalf of a deceased individual.

In many or most cases, the identity of the "Personal Representative" will not be in dispute. Where there are disputes, two issues arise: (1) What are the rules for determining who is the Personal Representative?; and (2) who should apply the rules and resolve the dispute?

As to the first issue, the regulations rely on state law. Subject to certain contingencies, this rule defines the term "Personal Representative" to mean an individual appointed by a court of competent jurisdiction as the Personal Representative of the decedent or as the executor or administrator of the decedent's will or estate. In the event that no Personal Representative or executor or administrator has been appointed by any court of competent jurisdiction, and such issue is not the subject of pending litigation or other dispute, the Special Master may, in his discretion, determine that the Personal Representative is the person named by the decedent in the decedent's will as the executor or administrator. In the event no will exists, the Special Master may, in his discretion, determine that the Personal Representative is the first person in the line of succession established by the laws of the state of the decedent's domicile governing intestacy.

Reliance on state law is necessary in part because those who file for recovery under the Fund waive their rights to recover through litigation, in which state law would determine the identity of the appropriate representatives of the decedent, or the decedent's estate, to bring suit. Thus, if the identity of Personal Representatives for purposes of this Fund were determined by federal regulation, there could be many situations in which the representative as defined by state law would choose litigation while the Personal Representative as defined by federal regulation would seek to recover from the Fund.

The second issue raises questions of program administration. Disputes between relatives, former spouses and other interested parties can be exceptionally fact-intensive and time-consuming. Indeed, state courts often spend considerable time and resources resolving such matters. The Special Master cannot accomplish his statutory

duties if bogged down with these types of complex disputes. Nor would it be advisable for the Special Master to attempt to step in and supplant state court practice or the testamentary intent of decedents. Consequently, the rule provides that the Special Master has no obligation to arbitrate, litigate or otherwise resolve disputes as to the identity of the Personal Representative. Instead, to ensure that funds are not needlessly tied up due to disputes regarding the identity of the Personal Representative, the regulations provide that the disputing parties may agree *in writing* to the identity of a Personal Representative to act on their behalf, who may seek and accept payment from the Fund while those disputing parties work to settle their dispute. In appropriate cases, the Special Master may determine an award, but place the payment in escrow until the dispute regarding the Personal Representative is finally resolved.

Finally, the determination of the Personal Representative is not the same question as the determination of who ultimately will receive the award. In that regard, this rule provides that the Personal Representative shall distribute the award in a manner consistent with the law of the decedent's domicile or any applicable rulings made by a court of competent jurisdiction. However, in order to assure that the families of needy victims receive adequate compensation, the regulations further provide that the Personal Representative shall, before payment is authorized, provide to the Special Master a plan for distribution of any award received from the Fund. Notwithstanding any other provision of these regulations or any other provision of state law, in the event that the Special Master concludes that the Personal Representative's plan for distribution does not appropriately compensate the victim's spouse, children, or other relatives, the Special Master may direct the personal representative to distribute all or part of the award be distributed to such spouse, children, or other relatives.

#### D. Advance Benefits

In order to comply with the Attorney General's November 26, 2001 instructions to the Special Master to pay benefits to eligible claimants as quickly as possible, these regulations permit claimants to seek immediate "Advance Benefits" in the fixed amount of \$50,000 in the case of deceased individuals and \$25,000 in the case of severely injured individuals who required hospitalization for one week or more.

To qualify for advance benefits, applicants must complete a short form

(the "Eligibility Form") identifying basic eligibility and indicating that advance benefits would assist them in confronting current or immediate financial hardships. Such forms will be made available at claims intake centers as they are established, in response to telephone requests (888-714-3385, 202-305-1352, TDD: 888-560-0844), and on the Victims Compensation Fund Web site at [www.usdoj.gov/victimcompensation](http://www.usdoj.gov/victimcompensation).

Eligible claimants may apply for and receive advance benefits and then file their lengthier "Personal Injury Compensation Form" or "Death Compensation Form" at any time within the two-year time frame for filing claims under the program. This will allow needy eligible claimants to obtain prompt advance payments even though they may need more time to collect full information regarding the amount of compensation they seek. The 120-day period for determination of compensation will be stayed or tolled until the claimant files the completed "Personal Injury Compensation Form" or "Death Compensation Form" needed to allow the Special Master to determine the amount of the final award. However, once a claimant applies for Advance Benefits, the claimant will be deemed to have waived the right to file a civil action in state or federal court for damages sustained as a result of the September 11 attacks.

Advance benefits will be treated as advance payments on ultimate awards from the Fund. Thus, the amount of any advance benefits received will be deducted from the claimant's subsequent award.

#### E. Final Awards Made by the Fund

Section 405(b) of the Act provides that the Special Master shall compensate eligible claimants based on the harm to the claimant (including both economic loss and noneconomic losses), the facts of the claim, and the individual circumstances of the claimant. The Act further provides that the Special Master shall determine the claimant's eligibility and the amount of compensation within 120 days.

The Special Master and the Department have studied the language of the Act, the varying public comments, evidence and data about the many victims of the September 11 attacks, and economic and demographic studies and data in fashioning the interim final rule. After this careful consideration, the Special Master and the Department have concluded that the following principal objectives should guide any determination of economic and noneconomic losses.

The first objective is that the process should be efficient, straightforward, and understandable to the claimants. This objective is based in part upon the statutory requirement that the Special Master review each claim and make an award determination within 120 days of filing. More important, however, is that claimants be able to enter the program—or choose not to enter the program—with an understanding of how their claims will be treated. This is especially important because the Act provides that, upon submission of a claim, a claimant waives the right to file a civil action for damages sustained as a result of the September 11 attacks. For claimants to make an informed decision regarding this waiver, they should have some understanding of how their award will be calculated and how much they would receive from the Fund should they decide to file a claim.

The second objective is that each claimant should, to the greatest extent possible, be treated fairly based on the claimant's own individual circumstances and relative to other claimants. While the circumstances of death for many victims will differ, those circumstances will in many cases be unknowable. In principle, similarly situated claimants should not receive dramatically differing treatment.

After careful consideration, the Special Master and the Department have concluded that, in order best to achieve these principal objectives, the Special Master should develop a methodology for calculating *presumed* economic and noneconomic losses that is based on readily identifiable individual circumstances for each claimant, such as age, prior income levels, marital status, and the number and ages of the victim's dependents. A methodology for determining presumed economic and noneconomic losses will also assist the Special Master in making fair and appropriate compensation determinations swiftly and efficiently within the time frame permitted by the Act.

In order to enable claimants to make informed decisions regarding whether to submit a claim under the Fund and, if so, whether to submit evidence of extraordinary individual circumstances that could justify departure from the presumed awards, the interim final rule directs the Special Master to publish schedules, tables, or charts of presumed determinations for economic and noneconomic losses. While these schedules, tables, or charts cannot cover every possible claimant (e.g., injured claimants), they are extensive and detailed enough to provide the majority of potential claimants with a general

dollar range into which their awards may fall.

Nonetheless, the Special Master and the Department recognize that it will be impossible to fashion a presumptive methodology that will take into account *all* of the individual facts and circumstances for every claimant. Rather, some claimants may have extraordinary individual circumstances that justify departure from the presumed awards. Thus, the interim final rule provides that claimants may request that the Special Master depart from the presumed economic and noneconomic losses based upon a demonstration of extraordinary circumstances that the presumed award methodology does not adequately address.

*Economic loss:* Determination of economic loss requires a prediction about each claimant's future. This assessment will be, by its nature, somewhat speculative. While the determination of economic loss should be based upon facts regarding the individual victim where those facts are available, some facts cannot be predicted on an individualized basis.

The regulations also provide that the Special Master's schedules, tables, or charts should identify presumed determinations of economic loss up to a salary level commensurate with the 98th percentile of individual income in the United States. The Department recognizes that projecting earnings over worklife for people with extraordinary annual incomes is a very complex exercise, often requiring a detailed evaluation of variable and often complex formulae for nonvariable income, differing work life expectations, often highly volatile industries or markets, and other factors that are not often subject to easy generalization. We have also concluded that the purpose of the Act is not simply to examine economic and noneconomic harm, but also to provide compensation that is just and appropriate in light of the financial needs and resources of claimants. Any methodology that does nothing more than attempt to replicate a theoretically possible future income stream would lead to awards that would be insufficient relative to the needs of some victims' families, and excessive relative to the needs of others. Therefore, a claimant should not assume that he or she will receive an award greater than the presumed award simply because the victim had an income that exceeded the income for the 98th percentile. Indeed, the Act's requirement that the Special Master consider "the individual circumstances of the claimant" indicates that the Special Master may consider a particular claimant's

financial needs and resources, just as the Department and the Special Master considered the needs of the claimants in concluding that no claimant bringing a claim on behalf of a deceased victim should receive less than \$500,000 or \$300,000 before collateral source offsets.

If a claimant seeks review of a presumed award, the Special Master may consider a range of information, including demographic information on retirement trends for high wage earners, the individual's historical expenses, savings, and any other factors he deems relevant, including economic trends, information available from the Bureau of Labor Statistics, the Census Bureau and other entities on *average* income and retirement age for the victim's profession or even for the victim's former employer. Claimants should not expect awards grossly in excess of the highest awards listed on the Special Master's presumed award chart, as the individual circumstances of the wealthiest and highest-income claimants will often indicate that multi-million dollar awards out of the public coffers are not necessary to provide them with a strong economic foundation from which to rebuild their lives.

The Special Master and the Department recognize that the extent of physical injury for those victims who survived the September 11 attacks may vary to a degree that does not lend itself to a schedule, table, or chart. If the claimant's injury causes only a temporary disability, the Special Master may consider evidence regarding the length of time the claimant was absent from his employment in determining the appropriate compensation for economic loss. For those victims who suffered permanent physical disability, the Special Master may rely upon his economic loss methodology, but adjust the award based upon the extent of the physical disability. In evaluating claims of disability, the Special Master will, in general, make a determination regarding whether the claimant is capable of performing his or her usual profession in light of the injuries.

With respect to claims of total permanent disability, the Special Master may accept a determination of disability made by the Social Security Administration as evidence of disability without any further medical evidence or review. The Special Master may also consider determinations of permanent total disability made by other governmental agencies or private insurers in evaluating the claim. The Special Master may require an evaluation of the claimant's disability and ability to perform his or her occupation from medical experts.

With respect to claims of partial disability, the Special Master may consider evidence of the effect of the partial disability on the claimant's ability to perform his or her usual occupation as well as the effect of the partial disability on the claimant's ability to participate in usual daily activities.

**Noneconomic losses:** Each person who was killed or injured in the September 11 attacks suffered grievous harm, and each person experienced the unspeakable events of that day in a unique way. Some victims experienced terror for many minutes, as they were held hostage by terrorists on an airplane or trapped in a burning building. Some victims had no warning of what was coming and died within seconds of a plane hitting the building in which they worked. While these circumstances may be knowable in a few extraordinary circumstances, for the vast majority of victims these circumstances are unknowable.

After extensive fact finding, public outreach, and review of public comments, the Special Master and the Department have concluded that the most rational and just way to approach the imponderable task of placing a dollar amount upon the pain, emotional suffering, loss of enjoyment of life, and mental anguish suffered by the thousands of victims of the September 11 attacks is to assess the noneconomic losses for categories of claimants. The most obvious distinction is between those who died and those who suffered physical injury but survived.

The regulations therefore set a *presumed* award for noneconomic losses sustained. For those victims who died as a result of the September 11 aircraft crashes, the presumed noneconomic losses will be \$250,000, plus an additional \$50,000 for the spouse and each dependent of the deceased victim. That \$250,000 figure is roughly equivalent to the amounts received under existing federal programs by public safety officers who are killed while on duty, or members of our military who are killed in the line of duty while serving our nation. See 38 U.S.C. 1967 (military personnel); 42 U.S.C. 3796 (Public Safety Officers Benefit Program). The latter figures—\$50,000 for the spouse and each dependent—include a noneconomic component of "replacement services loss."

For those victims who suffered physical injury but survived the September 11 attacks, the Special Master may establish a methodology for estimating their noneconomic losses. The Special Master may determine that

it is appropriate to give some percentage of the noneconomic loss award given for victims who died, based upon the extent of the injury.

The Special Master and the Department recognize, however, that no presumed award can take into account all of the unique individual circumstances of each claimant. Accordingly, as noted above, claimants may either accept the presumed award or instead attempt to demonstrate in a hearing before the Special Master extraordinary circumstances that justify departure from the presumed award.

**Collateral Sources:** Section 405(b)(6) of the Act provides that the Special Master *shall* reduce the amount of compensation by the amount of the collateral source compensation "a claimant has received or is entitled to receive" as a result of the terrorist-related aircraft crashes of September 11, 2001. The interim final rule provides that collateral sources will include life insurance, pension funds, death benefit programs, and payments by federal, state, or local governments related to the terrorist-related aircraft crashes of September 11, 2001. While many public commenters voiced strong opposition to the inclusion of some or all of these as collateral source compensation, the Act expressly includes each one within the definition of "collateral sources."

At the same time, the Act does not address whether certain other types of payments constitute collateral source compensation. The interim final rule provides that the following are *not* collateral source compensation:

- (1) The value of services or in-kind charitable gifts such as provision of emergency housing, food, or clothing; and
- (2) Charitable donations distributed to the beneficiaries of the decedent, to the injured claimant, or to the beneficiaries of the injured claimant by private charitable entities; provided, however, that the Special Master may determine that funds provided to victims or their families through a private charitable entity constitute, in substance, a collateral source as described above.

The Department has concluded that charitable contributions should not be considered collateral source compensation within the meaning of the Act because, among other reasons, such charitable contributions are different in kind from the collateral sources listed in the Act. Moreover, because the collateral offset only applies to collateral source compensation that the claimant has received or is entitled to receive, deducting charitable awards from the amount of compensation would have the perverse effect of

encouraging potential donors to withhold their giving until after claimants have received their awards from the Fund.

#### F. The Claims Evaluation Process

Section 405(b)(4) of the Act provides that a claimant, after the filing of the claim, has the right to present evidence to the Office of the Special Master. The statute specifically provides that the claimant has the right to present witness statements and documents, the right to obtain legal counsel, and such other due process rights as are determined to be appropriate by the Special Master.

The interim final regulations provide claimants with a choice of two Procedural Options—Track A or Track B. If a claimant selects *Track A*, the Claims Evaluator will determine eligibility and the claimant's presumed award and, within 45 days of the date the claim was deemed filed, notify the claimant in writing of the eligibility determination, the amount of the presumed award, and the right to request a hearing before the Special Master or his designee under § 104.33 of these regulations. After an eligible claimant has been notified of the presumed award, the claimant may either accept the presumed compensation determination as the final determination and request payment, or may instead request a review before the Special Master or his designee pursuant to § 104.33. If a claimant opts for a review, the claimant may make supplemental submissions. The Special Master may alter or modify the award if the presumed award was calculated erroneously, or if the claimant demonstrates extraordinary circumstances indicating that the presumed award does not adequately address the claimant's injury. There will be no further review or appeal from this determination.

If the claimant selects *Track B*, a Claims Evaluator will determine eligibility within 45 days of the date the claim was deemed filed, but shall not determine the claimant's presumed award. The Claims Evaluator will then notify the claimant in writing of the eligibility determination. Upon notification of eligibility, the claimant will proceed to a hearing pursuant to § 104.33. At such hearing, the Special Master or his designee will utilize the presumed award methodology, but may modify or vary the award if the claimant presents extraordinary circumstances not adequately addressed by the presumed award methodology. There shall be no review or appeal from this determination.

Hearings, when sought, will be held by the Special Master or his designee. These hearings shall be conducted in a nonadversarial manner, the objective of which will be to permit the claimant to present information or evidence that the claimant believes is necessary to a full understanding of the claim. Claimants will be permitted, but not required, to present witnesses, including expert witnesses. The hearing officer shall be permitted to examine the credentials of experts.

The hearings shall be limited in length to a time period determined by the Special Master or the relevant hearing officer, but generally not to exceed two hours. The hearings shall, to the extent practicable, be scheduled at times and in locations convenient to the claimant or his or her representative. The claimant shall be entitled to be represented by an attorney in good standing, but it is not necessary that the claimant be represented by an attorney.

#### G. Assistance to Claimants

In its November 5, 2001 Notice of Inquiry, the Department noted that section 405(a) of the Act establishes some specific requirements with respect to the claim form and the information to be included. The law requires the Special Master to develop a claim form to use in filing claims for compensation under this program. The Special Master is to ensure that the form can be filed electronically if it is determined to be practicable. Moreover, by law, the form must include a statement of the factual basis for eligibility and information regarding income in recent years. In addition, the form is to request information from the claimant as to: (1) The physical harm suffered by a victim, or information confirming the death of the victim, as a result of the terrorist-related aircraft crashes of September 11, 2001; (2) income tax returns for recent years and other records; and (3) documentation regarding collateral source compensation including life insurance policies and government or employment-related programs which have or may provide funds or benefits to the claimant.

The Department believes that it is important that this Fund be accessible to potential claimants who have limited resources and who are not trained in the law. Rather than attempt to address in detail the means by which the Special Master should provide assistance to claimants, these regulations leave the Special Master with discretion to implement steps to provide assistance to claimants and to make this Fund accessible to them.

Because the Act does not provide for payment of legal or other fees by the Fund, these regulations do not impose any limits on the types or amount of fees that claimants may pay their attorneys or others providing assistance. Although the Department's regulations do not set specific limits on attorneys fees separate from those existing in state law or attorney ethical standards, the Department believes that contingency arrangements exceeding 5% of a claimant's recovery from the Fund would not be in the best interest of the claimants.

The Department contemplates that the Special Master will have discretion to inform potential claimants of the nature of the Fund so that they may make informed decisions regarding the types or amount of fees that they pay for legal or other assistance. For example, the Special Master may notify claimants and potential claimants of the availability of free legal services. Likewise, the Special Master may inform claimants and potential claimants that the Fund is a no-fault, administrative scheme that should not involve the kind of risks and expense that would justify any significant contingency fees.

These regulations similarly do not address the manner in which claimants may use funds that they receive from the Fund, except that the Personal Representatives must agree in an acknowledgment and release form to distribute the award to the beneficiaries of the decedent in accordance with the decedent's will or applicable state law or ruling by a court of competent jurisdiction. While the Department does not believe that it is appropriate for the Special Master to place further legal restrictions on the claimants' or beneficiaries' use of payments from the Fund, the Department does contemplate that the Special Master will have discretion to provide claimants with information regarding annuities or other financial planning devices or to offer structured awards with periodic payments.

#### *Application of Various Laws and Executive Orders to This Rulemaking*

Administrative Procedure Act, 5 U.S.C. 553

This rule provides for compensation to eligible individuals who were physically injured and to the personal representatives of those who were killed as a result of the terrorist-related aircraft crashes of September 11, 2001. In order to provide compensation to eligible claimants as expeditiously as possible, Congress set a short 90-day deadline for

the issuance of these regulations. The Department did seek public input on the issues, but it was not possible for the Department to prepare and publish a proposed rule for notice and comment within that very short time period.

The APA provides that an agency need not go through proposed rulemaking and comment before issuing rules to implement benefits programs. 5 U.S.C. 553(a)(2). Moreover, the Department, in consultation with the Special Master, determined that taking the time to draft and publish a proposed rule for notice and comment before this rule took effect would have been impracticable in light of the short time between the enactment of the statute and the deadline for rulemaking, and also would have been contrary to the public interest, which strongly favors prompt disbursement of benefits. Accordingly, the Department has determined that there is "good cause" for exempting this rule from the provision of the Administrative Procedure Act that requires a notice of proposed rulemaking and the opportunity for public comment. 5 U.S.C. 553(b)(B).

For the same reasons, the Department also finds "good cause" for exempting this rule from the provision of the Administrative Procedure Act providing for a delayed effective date. 5 U.S.C. 553(d). Delaying the opportunity for eligible claimants to seek Advance Benefits or to file claims under the Act would be contrary to the public interest.

#### Congressional Review Act

The Administrator of the Office of Information and Regulatory Affairs of the Office of Management and Budget has designated this interim final rule as a "major rule" as that term is defined by the Congressional Review Act ("CRA"), 5 U.S.C. 801 *et. seq.* Pursuant to section 808(2) of the CRA, the Department finds that "good cause" exists for establishing an effective date for this rule upon publication because delay would be impracticable in light of the short time between the enactment of the statute and the deadline for rulemaking, and also would be contrary to the public interest favoring prompt disbursement of benefits.

#### Paperwork Reduction Act of 1995

The Department of Justice, Civil Division, has submitted the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the emergency review procedures of the Paperwork Reduction Act of 1995. OMB approval has been granted, and this information collection

has been assigned OMB control number 1105-0073. The proposed information collection is published to obtain comments from the public and affected agencies. The emergency approval is only valid for 180 days. Comments should be directed to OMB, Office of Information and Regulatory Affairs, Attention: Department of Justice Desk Officer, Washington, DC 20530.

During the first 60 days of this same review period, a regular review of this information collection will be undertaken. All comments and suggestions, or questions regarding additional information, including obtaining a copy of the proposed information collection instrument with instructions, should be directed to Office of the Special Master, U.S. Department of Justice, 950 Pennsylvania Avenue, NW., Washington, DC 20530. We request written comments and suggestions from the public and affected agencies concerning the proposed emergency collection of information.

Your comments should address one or more of the following four points:

- (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- (2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- (3) Enhance the quality, utility, and clarity of the information to be collected; and
- (4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

#### Overview of This Information Collection

- (1) *Type of Information Collection:* New Collection.
- (2) *Title of the Form/Collection:* Registration/Eligibility Form and Application for Emergency Benefits from the Victim Compensation Fund.
- (3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form Number: SM-001, Office of the Special Master, Department of Justice.
- (4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Individuals who were physically injured and personal

representatives of those killed as a result of the terrorist-related aircraft crashes of September 11, 2001. Abstract: The information collected from the Registration/Eligibility Form and Application for Emergency Benefits from the Victim Compensation Fund will be used to make advance payments to those claimants deemed eligible by the Special Master or his designee.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 5,000 claimants with an average of 6.0 hours per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 30,000 hours annually.

If additional information is required, contact: Robert B. Briggs, Department Clearance Officer, Information Management and Security Staff, Justice Management Division, United States Department of Justice, 601 D Street NW, Suite 1600, Washington, D.C. 20004.

#### Privacy Act of 1974

The Department of Justice, Civil Division is establishing a new Privacy Act system of records entitled "September 11th Victim Compensation Fund of 2001, JUSTICE/CIV-008." By law, regulations addressing certain administrative matters for the September 11th Victim Compensation Fund of 2001 must be issued within the 90-day period established by Congress. The Privacy Act notice will be published with no routine uses, so that it will be effective on the date published. It is likely that amendments to this notice, including routine uses, will be published at a later date, with the opportunity to comment. In the interim, disclosures necessary to process claims will be made only with the written consent of claimants or as otherwise authorized under 5 U.S.C. 552a(b).

#### Regulatory Flexibility Act

These regulations set forth procedures by which the Federal government will award compensation benefits to eligible victims of the September 11, 2001 terrorist attacks. Under 5 U.S.C. 601(6), the term "small entity" does not include the Federal government, the party charged with incurring the costs attendant to the implementation and administration of the Victims Compensation Fund. To the extent that small entities, including small government entities, will be economically affected by the promulgation of these regulations, such effects will likely be minimal. Further, the number of entities that will be affected will, in all probability, fall short

of a "substantial number" of small entities. In fact, the Department believes that the promulgation of these rules will play a considerable role in reducing the amount of complex, private litigation, wherein a substantial number of small (and large) entities would undoubtedly be significantly impacted.

Accordingly, the Department has reviewed this rule in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)) and by approving it certifies that this rule will not have a significant economic impact on a substantial number of small entities because it provides compensation to eligible individuals who were physically injured as a result of the terrorist-related aircraft crashes of September 11, 2001, and compensation through a "personal representative" for those who were killed as a result of those crashes. This rule provides compensation to individuals, not to entities.

#### Unfunded Mandates Reform Act of 1995

This rule will not result in the expenditure by State, local and tribal governments, in the aggregate, or by the private sector, of \$100,000,000 or more in any one year, and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

#### Executive Order 12866—Regulatory Planning and Review

This regulation has been drafted and reviewed in accordance with Executive Order 12866, "Regulatory Planning and Review," section 1(b), Principles of Regulation. The Department of Justice has determined that this rule is a "significant regulatory action" under Executive Order 12866, section 3(f), Regulatory Planning and Review, and accordingly this rule has been reviewed by the Office of Management and Budget.

#### Executive Order 13132—Federalism

This regulation will not have substantial direct effects on the States, on the relationship between the national government and the States, or on distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 13132, it is determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment. However, the Department of Justice has worked cooperatively with state and local officials in the affected communities in the preparation of this rule. Also, the

Department individually notified national associations representing elected officials of the initial request for comment and will be taking similar action in connection with the interim final rule.

#### List of Subjects in 28 CFR Part 104

Disaster assistance, Disability benefits, Terrorism.

Accordingly, for the reasons set forth in the preamble, Part 104 of chapter I of Title 28 of the Code of Federal Regulations is added to read as follows:

### PART 104—SEPTEMBER 11TH VICTIM COMPENSATION FUND OF 2001

#### Subpart A—General; Eligibility

- 104.1 Purpose.
- 104.2 Eligibility definitions and requirements.
- 104.3 Other definitions.
- 104.4 Personal Representative.
- 104.5 Foreign claims.
- 104.6 Amendments to this rule.

#### Subpart B—Filing for Compensation; Application for Advance Benefits

- 104.21 Filing for compensation.
- 104.22 Advance benefits.

#### Subpart C—Claim Intake, Assistance, and Review Procedures

- 104.31 Procedure for claims evaluation.
- 104.32 Eligibility review.
- 104.33 Hearing.
- 104.34 Publication of awards.
- 104.35 Claims deemed abandoned by claimants.

#### Subpart D—Amount of Compensation for Eligible Claimants

- 104.41 Amount of compensation.
- 104.42 Applicable state law.
- 104.43 Determination of presumed economic loss for decedents.
- 104.44 Determination of presumed noneconomic losses for decedents.
- 104.45 Determination of presumed economic loss for claimants who suffered physical harm.
- 104.46 Determination of presumed noneconomic losses for claimants who suffered physical harm.
- 104.47 Collateral sources.

#### Subpart E—Payment of Claims

- 104.51 Payments to eligible individuals.
- 104.52 Distribution of award to decedent's beneficiaries.

#### Subpart F—Limitations

- 104.61 Limitation on civil actions.
- 104.62 Time limit on filing claims.
- 104.63 Subrogation.

#### Subpart G—Measures to Protect the Integrity of the Compensation Program

- 104.71 Procedures to prevent and detect fraud.

**Authority:** Title IV of Pub. L. 107-42, 115 Stat. 230, 49 U.S.C. 40101 note.

#### Subpart A—General; Eligibility

##### § 104.1 Purpose.

This part implements the provisions of the September 11th Victim Compensation Fund of 2001, Title IV of Public Law 107-42, 115 Stat. 230 (Air Transportation Safety and System Stabilization Act) to provide compensation to eligible individuals who were physically injured as a result of the terrorist-related aircraft crashes of September 11, 2001, and to the "personal representatives" of those who were killed as a result of the crashes. All compensation provided through the Fund will be on account of personal physical injuries or death.

##### § 104.2 Eligibility definitions and requirements.

(a) *Eligible claimants.* The term *eligible claimants* means:

(1) Individuals present at the World Trade Center, Pentagon, or Shanksville, Pennsylvania site at the time of or in the immediate aftermath of the crashes and who suffered physical harm, as defined herein, as a direct result of the terrorist-related aircraft crashes;

(2) The Personal Representatives of deceased individuals aboard American Airlines flights 11 or 77 and United Airlines flights 93 or 175; and

(3) The Personal Representatives of individuals who were present at the World Trade Center, Pentagon, or Shanksville, Pennsylvania site at the time of or in the immediate aftermath of the crashes and who died as a direct result of the terrorist-related aircraft crash.

(4) The term *eligible claimants* does not include any individual or representative of an individual who is identified to have been a participant or conspirator in the terrorist-related crashes of September 11.

(b) *Immediate aftermath.* The term *immediate aftermath* of the crashes shall mean, for purposes of all claimants other than rescue workers, the period of time from the crashes until 12 hours after the crashes. With respect to rescue workers who assisted in efforts to search for and recover victims, the immediate aftermath shall include the period from the crashes until 96 hours after the crashes.

(c) *Physical harm.*

(1) The term *physical harm* shall mean a physical injury to the body that was treated by a medical professional within 24 hours of the injury having been sustained or within 24 hours of rescue; and

(i) Required hospitalization as an inpatient for at least 24 hours; or

(ii) Caused, either temporarily or permanently, partial or total physical disability, incapacity or disfigurement.

(2) In every case not involving death, the physical injury must be verified by contemporaneous medical records created by or at the direction of the medical professional who provided the medical care.

(d) *Personal Representative.* The term *Personal Representative* shall mean the person determined to be the Personal Representative under § 104.4 of this part.

(e) *Present at the site.* The term *present at the site* (i.e., the World Trade Center, Pentagon, or Shanksville, Pennsylvania site) shall mean physically present at the time of the crashes or in the immediate aftermath:

(1) In the buildings or portions of buildings that were destroyed as a result of the airplane crashes; or

(2) In any area contiguous to the crash sites that the Special Master determines was sufficiently close to the site that there was a demonstrable risk of physical harm resulting from the impact of the aircraft or any subsequent fire, explosions, or building collapses (generally, the immediate area in which the impact occurred, fire occurred, portions of buildings fell, or debris fell upon and injured persons).

##### § 104.3 Other definitions.

(a) *Beneficiary.* The term *beneficiary* shall mean a person entitled under the laws of the decedent's domicile to receive payments or benefits from the estate of or on behalf of the decedent on whose behalf the claim to the Fund was filed.

(b) *Dependents.* The Special Master shall identify as dependents those persons so identified by the victim on his or her federal tax return for the year 2000 unless:

(1) The claimant demonstrates that a minor child of the victim was born or adopted on or after January 1, 2001;

(2) Another person became a dependent in accordance with then-applicable law on or after January 1, 2001; or

(3) The victim was not required by law to file a federal income tax return for the year 2000.

(c) *Spouse.* The Special Master shall identify as the spouse of a victim the person reported as spouse on the victim's federal tax return for the year 2000 unless:

(1) The victim was married or divorced in accordance with applicable state law on or after January 1, 2001; or

(2) The victim was not required by law to file a federal income tax return for the year 2000.

(d) *The Act*. *The Act*, as used in this part, shall mean Public Law 107-42, 115 Stat. 230 ("Air Transportation Safety and System Stabilization Act"), 49 U.S.C. 40101 note.

(e) *Victim*. The term *victim* shall mean an eligible injured claimant or a decedent on whose behalf a claim is brought by an eligible Personal Representative.

#### § 104.4 Personal Representative.

(a) *In general*. The Personal Representative shall be:

(1) An individual appointed by a court of competent jurisdiction as the Personal Representative of the decedent or as the executor or administrator of the decedent's will or estate.

(2) In the event that no Personal Representative or executor or administrator has been appointed by any court of competent jurisdiction, and such issue is not the subject of pending litigation or other dispute, the Special Master may, in his discretion, determine that the Personal Representative for purposes of compensation by the Fund is the person named by the decedent in the decedent's will as the executor or administrator of the decedent's estate. In the event no will exists, the Special Master may, in his discretion, determine that the Personal Representative for purposes of compensation by the Fund is the first person in the line of succession established by the laws of the decedent's domicile governing intestacy.

(b) *Notice to beneficiaries*. Any purported Personal Representative must, before filing an Eligibility Form, provide written notice of the claim (including a designated portion of the Eligibility Form) to the immediate family of the decedent (including, but not limited to, the decedent's spouse, former spouses, children, other dependents, and parents), to the executor, administrator, and beneficiaries of the decedent's will, and to any other persons who may reasonably be expected to assert an interest in an award or to have a cause of action to recover damages relating to the wrongful death of the decedent. Personal delivery or transmission by certified mail, return receipt requested, shall be deemed sufficient notice under this provision. The claim forms shall require that the purported Personal Representative certify that such notice (or other notice that the Special Master deems appropriate) has been given. In addition, as provided in § 104.21(b)(5) of this part, the Special Master may publish a list of individuals who have filed Eligibility Forms and the names of the victims for whom compensation is

sought, but shall not publish the content of any such form.

(c) *Objections to Personal Representatives*. Objections to the authority of an individual to file as the Personal Representative of a decedent may be filed with the Special Master by parties who assert a financial interest in the award up to 30 days following the filing by the Personal Representative. If timely filed, such objections shall be treated as evidence of a "dispute" pursuant to paragraph (d) of this section.

(d) *Disputes as to identity*. The Special Master shall not be required to arbitrate, litigate, or otherwise resolve any dispute as to the identity of the Personal Representative. In the event of a dispute over the appropriate Personal Representative, the Special Master may suspend adjudication of the claim or, if sufficient information is provided, calculate the appropriate award and authorize payment, but place in escrow any payment until the dispute is resolved either by agreement of the disputing parties or by a court of competent jurisdiction. Alternatively, the disputing parties may agree *in writing* to the identity of a Personal Representative to act on their behalf, who may seek and accept payment from the Fund while the disputing parties work to settle their dispute.

#### § 104.5 Foreign claims.

In the case of claims brought by or on behalf of foreign citizens, the Special Master may alter the requirements for documentation set forth herein to the extent such materials are unavailable to such foreign claimants.

#### § 104.6 Amendments to this rule.

In the event that amendments are subsequently made to any section of this Part, claimants are entitled to have their claims processed in accordance with the provisions that were in effect at the time that their claims were submitted under § 104.21(d).

### Subpart B—Filing for Compensation; Application for Advance Benefits

#### § 104.21 Filing for compensation.

(a) *Compensation form; "filing."* Except for applications for Advance Benefits pursuant to § 104.22, no claim may be considered until the claimant has submitted both an "Eligibility Form" and either a "Personal Injury Compensation Form" or a "Death Compensation Form." A claim shall be deemed "filed" for purposes of section 405(b)(3) of the Act (providing that the Special Master shall issue a determination not later than 120 days

after the date on which a claim is filed), and for any time periods in this part, when a Claims Evaluator determines that both the Eligibility Form and either a Personal Injury Compensation Form or a Death Compensation Form are substantially complete. *Provided*, however, that if a claimant files an Eligibility Form requesting Advance Benefits pursuant to § 104.22 of this part without filing either a "Personal Injury Compensation Form" or a "Death Compensation Form," the claim shall be deemed "filed" when the Claims Evaluator determines that the Eligibility Form is substantially complete, but the time period for determination and any time periods in this part shall be stayed or tolled as described in § 104.22(g) of this part.

(b) *Eligibility Form*. The Special Master shall develop an Eligibility Form that will require the claimant to provide information necessary for determining the claimant's eligibility to recover from the Fund.

(1) The Eligibility Form may require that the claimant certify that he or she has dismissed any pending lawsuit seeking damages as a result of the terrorist-related airplane crashes of September 11, 2001 (except for actions seeking collateral source benefits) within 90 days of the effective date of this part pursuant to section 405(c)(3)(B)(ii) of the Act and that there is no pending lawsuit brought by a dependent, spouse, or beneficiary of the victim.

(2) The Special Master may require as part of the notice requirement pursuant to § 104.4(b) that the claimant provide copies of a designated portion of the Eligibility Form to the immediate family of the decedent (including, but not limited to, the spouse, former spouses, children, other dependents, and parents), to the executor, administrator, and beneficiaries of the decedent's will, and to any other persons who may reasonably be expected to assert an interest in an award or to have a cause of action to recover damages relating to the wrongful death of the decedent.

(3) The Eligibility Form may require claimants to provide the following proof:

- (i) Proof of death: Death certificate or similar official documentation;
- (ii) Proof of presence at site: Documentation sufficient to establish presence at one of the crash sites, which may include, without limitation, a death certificate, records of employment, contemporaneous medical records, contemporaneous records of federal, state, city or local government, an affidavit or declaration of the decedent's or injured claimant's employer, or other



sworn statement (or unsworn statement complying with 28 U.S.C. 1746)

regarding the presence of the victim;

(iii) Proof of death on board aircraft: Death certificate or records of American or United Airlines or other sufficient official documentation;

(iv) Proof of physical harm: Contemporaneous medical records of hospitals, clinics, physicians, licensed medical personnel, or registries maintained by federal, state, or local government, and records of all continuing medical treatment;

(v) Personal Representative: Copies of relevant legal documentation, including court orders; letters testamentary or similar documentation; proof of the purported Personal Representative's relationship to the decedent; copies of wills, trusts, or other testamentary documents; and information regarding other possible beneficiaries as requested by the Eligibility Form;

(vi) Any other information that the Special Master deems necessary to determine the claimant's eligibility.

(4) The Special Master may also require waivers, consents, or authorizations from claimants to obtain directly from third parties tax returns, medical information, employment information, or other information that the Special Master deems relevant in determining the claimant's eligibility or award, and may request an opportunity to review originals of documents submitted in connection with the Fund.

(5) Application for Advance Benefits: The Eligibility Form shall include a section allowing claimants to indicate that they wish to apply for Advance Benefits. Claimants who apply for such Advance Benefits must certify on that Form that they have not yet received \$450,000 in collateral source compensation if they are bringing a claim on behalf of a deceased victim with a spouse or dependent, \$250,000 in collateral source compensation if they are bringing a claim on behalf of a deceased victim who was single with no dependents, or an amount in excess of their lost wages plus out-of-pocket medical expenses if they are an injured claimant. All such claimants also must state on the Form facts establishing financial hardship that would justify a determination that they are in need of Advance Benefits.

(6) The Special Master may publish a list of individuals who have filed Eligibility Forms and the names of the victims for whom compensation is sought, but shall not publish the content of any such form.

(c) *Personal Injury Compensation Form and Death Compensation Form.* The Special Master shall develop a

Personal Injury Compensation Form that each injured claimant must submit. The Special Master shall also develop a Death Compensation Form that each Personal Representative must submit. These forms shall require the claimant to provide certain information that the Special Master deems necessary to determining the amount of any award, including information concerning income, collateral sources, benefits, and other financial information, and shall require the claimant to state the factual basis for the amount of compensation sought. It shall also allow the claimant to submit certain other information that may be relevant, but not necessary, to the determination of the amount of any award.

(1) Claimants shall, at a minimum, submit all tax returns that were filed for the years 1998, 1999, and 2000. The Special Master may, at his discretion, require that claimants submit copies of tax returns or other records for any other period of years he deems appropriate for determination of an award. The Special Master may also require waivers, consents, or authorizations from claimants to obtain directly from third parties medical information, employment information, or other information that the Special Master deems relevant to determining the amount of any award.

(2) Claimants may attach to the "Personal Injury Compensation Form" or "Death Compensation Form" any additional statements, documents or analyses by physicians, experts, advisors, or any other person or entity that the claimant believes may be relevant to a determination of compensation.

(d) *Submission of a claim.* Section 405(c)(3)(B) of the Act provides that upon the submission of a claim under the Fund, the claimant waives the right to file a civil action (or to be a party to an action) in any Federal or State court for damages sustained as a result of the terrorist-related aircraft crashes of September 11, 2001, except for civil actions to recover collateral source obligations. A claim shall be deemed submitted for purposes of section 405(c)(3)(B) of the Act when the claim is deemed filed pursuant to § 104.21, regardless of whether any time limits are stayed or tolled.

(e) *Provisions of information by third parties.* Any third party having an interest in a claim brought by a Personal Representative may provide written statements or information regarding the Personal Representative's claim. The Claims Evaluator or the Special Master or his designee may, at his or her discretion, include the written

statements or information as part of the claim.

#### § 104.22 Advance Benefits.

(a) *Advance Benefits.* Eligible Claimants may apply for immediate "Advance Benefits" in a fixed amount as follows:

(1) \$50,000 for Personal Representatives; and

(2) \$25,000 for injured claimants who meet the requirements of paragraph (d) of this section.

(b) *Credit against award.* The Advance Benefit shall be credited against any final compensation award so that the amount of the Advance Benefit is deducted from the final award under this program.

(c) *Application for Advance Benefits.* An otherwise eligible claimant may seek Advance Benefits to alleviate financial hardship faced by the claimant (or financial hardship faced by the beneficiaries of the decedent) by submitting an Eligibility Form described in § 104.21(b) and indicating thereon that he or she is applying for Advance Benefits.

(d) *Eligibility for Advance Benefits.* In the case of a Personal Representative, the claimant may be deemed eligible for Advance Benefits if a Claims Evaluator or the Special Master or his designee determines that the claimant is eligible to recover under the Fund. In the case of an injured claimant, the claimant may be deemed eligible for Advance Benefits when the Special Master or his designee determines that the claimant is eligible to recover under the Fund and that the claimant's physical injury required hospitalization for one week or more.

(e) *Authorization of payments.*

(1) Payment in the amount described in paragraph (a) of this section will be authorized immediately upon a determination that the claimant is eligible for Advance Benefits and the claimant is:

(i) An injured claimant;

(ii) A Personal Representative who was the spouse of the deceased victim on September 11, 2001; or

(iii) A Personal Representative who has obtained the consent of the spouse of the deceased victim (or, if there is no surviving spouse, all of the dependents of the deceased victim) to file for Advance Benefits.

(2)(i) With respect to other Personal Representatives, payment will be authorized within 15 days after the determination that the claimant is eligible for Advance Benefits, provided that no other individual has asserted a colorable conflicting claim as the Personal Representative with respect to the decedent and the Personal

Representative identifies and has given notice to the beneficiaries to whom such Advance Benefits will be distributed.

(ii) In the event that a colorable conflicting claim has been asserted, no Advance Benefit will be paid until a final eligibility determination has been made.

(f) *Tolling of 120-day clock and other time periods.* A claimant filing an Eligibility Form requesting Advance Benefits before filing a Personal Injury Compensation Form or Death Compensation Form will be deemed to have waived his right to commencement of the 120-day period in section 405(b)(3) of the Act (providing that the Special Master shall provide notice to the claimant of his determination within 120 days after the date on which a claim is filed). The 120-day period and all other time limitations in this part, except those applicable to Advance Benefit payments, shall be stayed or tolled until such time that a Claims Evaluator determines that the claimant's Personal Injury Compensation Form or Death Compensation Form is substantially complete.

### Subpart C—Claim Intake, Assistance, and Review Procedures

#### § 104.31 Procedure for claims evaluation.

(a) *Initial review.* Claims Evaluators shall review the forms filed by the claimant and either deem the claim "filed" (pursuant to 104.21(a)) or notify the claimant of any deficiency in the forms or any required documents.

(b) *Procedural tracks.* Each claim will be placed on a procedural track, described herein as "Track A" and "Track B," selected by the claimant on the Personal Injury Compensation Form or Death Compensation Form.

(1) *Procedure for Track A.* The Claims Evaluator shall determine eligibility and the claimant's presumed award pursuant to §§ 104.43 to 104.46 of this part and, within 45 days of the date the claim was deemed filed, notify the claimant in writing of the eligibility determination, the amount of the presumed award, and the right to request a hearing before the Special Master or his designee under § 104.33 of this part. After an eligible claimant has been notified of the presumed award, the claimant may either accept the presumed compensation determination as the final determination and request payment, or may instead request a review before the Special Master or his designee pursuant to § 104.33. Claimants found to be ineligible may appeal pursuant to § 104.32.

(2) *Procedure for Track B.* The Claims Evaluator shall determine eligibility

within 45 days of the date the claim was deemed filed, but shall not determine the claimant's presumed award; the Claims Evaluator shall notify the claimant in writing of the eligibility determination. Upon notification of eligibility, the claimant will proceed to a hearing pursuant to § 104.33. At such hearing, the Special Master or his designee shall utilize the presumptive award methodology as set forth in §§ 104.43 to 104.46 of this part, but may modify or vary the award if the claimant presents extraordinary circumstances not adequately addressed by the presumptive award methodology. There shall be no review or appeal from this determination.

(c) *Multiple claims from the same family.* The Special Master may treat claims brought by or on behalf of two or more members of the same immediate family as related or consolidated claims for purposes of determining the amount of any award.

#### § 104.32 Eligibility review.

Any claimant deemed ineligible by the Claims Evaluator may appeal that decision to the Special Master or his designee by filing an eligibility appeal on forms created by the office of the Special Master.

#### § 104.33 Hearing.

(a) *Supplemental submissions.* The claimant may prepare and file Supplemental Submissions within 21 calendar days from notification of either the presumed award (Track A) or eligibility (Track B). The Special Master shall develop forms appropriate for Supplemental Submissions.

(b) *Conduct of hearings.* Hearings shall be before the Special Master or his designee. The objective of hearings shall be to permit the claimant to present information or evidence that the claimant believes is necessary to a full understanding of the claim. The claimant may request that the Special Master or his designee review any evidence relevant to the determination of the award, including without limitation: Factors and variables used in calculating economic loss; the identity of the victim's spouse and dependents; the financial needs of the claimant; facts affecting noneconomic loss; and any factual or legal arguments that the claimant contends should affect the award. Claimants shall be entitled to submit any statements or reports in writing. The Special Master or his designee may require authentication of documents, including medical records and reports, and may request and consider information regarding the financial resources and expenses of the

victim's family or other material that the Special Master or his designee deems relevant.

(c) *Location and duration of hearings.* The hearings shall, to the extent practicable, be scheduled at times and in locations convenient to the claimant or his or her representative. The hearings shall be limited in length to a time period determined by the Special Master or his designee, but generally not to exceed two hours. The claimant may elect whether the hearing shall be public or private.

(d) *Witnesses, counsel, and experts.* Claimants shall be permitted, but not required, to present witnesses, including expert witnesses. The Special Master or his designee shall be permitted to question witnesses and examine the credentials of experts. The claimant shall be entitled to be represented by an attorney in good standing, but it is not necessary that the claimant be represented by an attorney.

(e) *Waivers.* The Special Master shall have authority and discretion to require any waivers necessary to obtain more individualized information on specific claimants.

(f) *Track A review of presumed award.* For proceedings under Track A, the Special Master or his designee shall make a determination whether:

(1) There was an error in determining the presumptive award, either because the claimant's individual criteria were misapplied or for another reason; or

(2) The claimant presents extraordinary circumstances not adequately addressed by the presumptive award.

(g) *Determination.* The Special Master shall notify the claimant in writing of the final amount of the award, but need not create or provide any written record of the deliberations that resulted in that determination. There shall be no further review or appeal of the Special Master's determination.

#### § 104.34 Publication of awards.

In order to assist potential claimants in evaluating their options of either filing a claim with the Special Master or filing a lawsuit in tort, the Special Master reserves the right to publicize the amounts of some or all of the awards, but shall not publish the name of the claimants or victims that received each award. If published, these decisions would be intended by the Special Master as general guides for potential claimants and should not be viewed as precedent binding on the Special Master or his staff.

**§ 104.35 Claims deemed abandoned by claimants.**

The Special Master and his staff will endeavor to evaluate promptly any information submitted by claimants. Nonetheless, it is the responsibility of the claimant to keep the Special Master informed of his or her current address and to respond within the duration of this two-year program to requests for additional information. Claims outstanding at the end of this program because of a claimant's failure to complete his or her filings shall be deemed abandoned.

**Subpart D—Amount of Compensation for Eligible Claimants.**

**§ 104.41 Amount of compensation.**

As provided in section 405(b)(1)(B)(ii) of the Act, in determining the amount of compensation to which a claimant is entitled, the Special Master shall take into consideration the harm to the claimant, the facts of the claim, and the individual circumstances of the claimant. The individual circumstances of the claimant may include the financial needs or financial resources of the claimant or the victim's dependents and beneficiaries. As provided in section 405(b)(6) of the Act, the Special Master shall reduce the amount of compensation by the amount of collateral source compensation the claimant (or, in the case of a Personal Representative, the victim's beneficiaries) has received or is entitled to receive as a result of the terrorist-related aircraft crashes of September 11, 2001. In no event shall an award (before collateral source compensation has been deducted) be less than \$500,000 in any case brought on behalf of a deceased victim with a spouse or dependent, or \$300,000 in any case brought on behalf of a deceased victim who was single with no dependents.

**§ 104.42 Applicable state law.**

The phrase "to the extent recovery for such loss is allowed under applicable state law," as used in the statute's definition of economic loss in section 402(5) of the Act, is interpreted to mean that the Special Master is not permitted to compensate claimants for those categories or types of economic losses that would not be compensable under the law of the state that would be applicable to any tort claims brought by or on behalf of the victim.

**§ 104.43 Determination of presumed economic loss for decedents.**

In reaching presumed determinations for economic loss for Personal Representatives bringing claims on behalf of decedents, the Special Master

shall consider sums corresponding to the following:

(a) *Loss of earnings or other benefits related to employment.* The Special Master, as part of the process of reaching a "determination" pursuant to section 405(b) of the Act, shall develop a methodology and publish schedules, tables, or charts that will permit prospective claimants to estimate determinations of loss of earnings or other benefits related to employment based upon individual circumstances of the deceased victim, including: The age of the decedent as of September 11, 2001; the number of dependents who survive the decedent; whether the decedent is survived by a spouse; and the amount and nature of the decedent's income for recent years. The decedent's salary/income in 1998–2000 shall be evaluated in a manner that the Special Master deems appropriate. The Special Master may, if he deems appropriate, take an average of income figures for each of those three years. The Special Master's methodology and schedules, tables, or charts shall yield presumed determinations of loss of earnings or other benefits related to employment for annual incomes up to but not beyond the 98th percentile of individual income in the United States for the year 2000. In cases where the victim was a minor child, the Special Master may assume an average income for the child commensurate with the average income of all wage earners in the United States.

(b) *Medical expense loss.* This loss equals the out-of-pocket medical expenses that were incurred as a result of the physical harm suffered by the victim (i.e., those medical expenses that were not paid for or reimbursed through health insurance). This loss shall be calculated on a case-by-case basis, using documentation and other information submitted by the Personal Representative.

(c) *Replacement services loss.* For decedents who did not have any prior earned income, or who worked only part time outside the home, economic loss may be determined with reference to replacement services and similar measures.

(d) *Loss due to death/burial costs.* This loss shall be calculated on a case-by-case basis, using documentation and other information submitted by the personal representative and includes the out-of-pocket burial costs that were incurred.

(e) *Loss of business or employment opportunities.* Such losses shall be addressed through the procedure outlined above in paragraph (a) of this section.

**§ 104.44 Determination of presumed noneconomic losses for decedents.**

The presumed noneconomic losses for decedents shall be \$250,000 plus an additional \$50,000 for the spouse and each dependent of the deceased victim. Such presumed losses include a noneconomic component of replacement services loss.

**§ 104.45 Determination of presumed economic loss for claimants who suffered physical harm.**

In reaching presumed determinations for economic loss for claimants who suffered physical harm (but did not die), the Special Master shall consider sums corresponding to the following:

(a) *Loss of earnings or other benefits related to employment.* The Special Master may determine the loss of earnings or other benefits related to employment on a case-by-case basis, using documentation and other information submitted by the claimant, regarding the actual amount of work that the claimant has missed or will miss without compensation. Alternatively, the Special Master may determine the loss of earnings or other benefits related to employment by relying upon the methodology created pursuant to § 104.43(a) and adjusting the loss based upon the extent of the victim's physical harm.

(1) *Disability; in general.* In evaluating claims of disability, the Special Master will, in general, make a determination regarding whether the claimant is capable of performing his or her usual profession in light of the injuries.

(2) *Total permanent disability.* With respect to claims of total permanent disability, the Special Master may accept a determination of disability made by the Social Security Administration as evidence of disability without any further medical evidence or review. The Special Master may also consider determinations of permanent total disability made by other governmental agencies or private insurers in evaluating the claim. The Special Master may require that the claimant submit an evaluation of the claimant's disability and ability to perform his or her occupation prepared by medical experts.

(3) *Partial disability.* With respect to claims of partial disability, the Special Master may consider evidence of the effect of the partial disability on the claimant's ability to perform his or her usual occupation as well as the effect of the partial disability on the claimant's ability to participate in usual daily activities.

(b) *Medical Expense Loss.* This loss equals the out-of-pocket medical

expenses that were incurred as a result of the physical harm suffered by the victim (*i.e.*, those medical expenses that were not paid for or reimbursed through health insurance). In addition, this loss equals future out-of-pocket medical expenses that will be incurred as a result of the physical harm suffered by the victim (*i.e.*, those medical expenses that will not be paid for or reimbursed through health insurance). These losses shall be calculated on a case-by-case basis, using documentation and other information submitted by the claimant.

(c) *Replacement services loss.* For injured claimants who did not have any prior earned income, or who worked only part-time outside the home, economic loss may be determined with reference to replacement services and similar measures.

(d) *Loss of business or employment opportunities.* Such losses shall be addressed through the procedure outlined above in paragraph (a) of this section.

**§ 104.46 Determination of presumed noneconomic losses for claimants who suffered physical harm.**

The Special Master may determine the presumed noneconomic losses for claimants who suffered physical harm (but did not die) by relying upon the noneconomic losses described in § 104.44 and adjusting the losses based upon the extent of the victim's physical harm. Such presumed losses include any noneconomic component of replacement services loss.

**§ 104.47 Collateral sources.**

(a) *Payments that constitute collateral source compensation.* The amount of compensation shall be reduced by all collateral source compensation, including life insurance, pension funds, death benefit programs, and payments by federal, state, or local governments related to the terrorist-related aircraft crashes of September 11, 2001.

(b) *Payments that do not constitute collateral source compensation.* The following payments received by claimants do not constitute collateral source compensation:

(1) The value of services or in-kind charitable gifts such as provision of emergency housing, food, or clothing; and

(2) Charitable donations distributed to the beneficiaries of the decedent, to the injured claimant, or to the beneficiaries of the injured claimant by private charitable entities; provided, however, that the Special Master may determine that funds provided to victims or their families through a private charitable entity constitute, in substance, a

payment described in paragraph (a) of this section.

**Subpart E—Payment of Claims**

**§ 104.51 Payments to eligible individuals.**

Not later than 20 days after the date on which a determination is made by the Special Master regarding the amount of compensation due a claimant under the Fund, the Special Master shall authorize payment to such claimant of the amount determined with respect to the claimant.

**§ 104.52 Distribution of award to decedent's beneficiaries.**

The Personal Representative shall distribute the award in a manner consistent with the law of the decedent's domicile or any applicable rulings made by a court of competent jurisdiction. The Personal Representative shall, before payment is authorized, provide to the Special Master a plan for distribution of any award received from the Fund. Notwithstanding any other provision of these regulations or any other provision of state law, in the event that the Special Master concludes that the Personal Representative's plan for distribution does not appropriately compensate the victim's spouse, children, or other relatives, the Special Master may direct the Personal Representative to distribute all or part of the award be distributed to such spouse, children, or other relatives.

**Subpart F—Limitations**

**§ 104.61 Limitation on civil actions.**

(a) *General.* Section 405(c)(3)(B) of the Act provides that upon the submission of a claim under the Fund, the claimant waives the right to file a civil action (or to be a party to an action) in any federal or state court for damages sustained as a result of the terrorist-related aircraft crashes of September 11, 2001, except that this limitation does not apply to civil actions to recover collateral source obligations. The Special Master shall take appropriate steps to inform potential claimants of section 405(c)(3)(B) of the Act.

(b) *Pending actions.* Claimants who have filed a civil action or who are a party to such an action as described in paragraph (a) of this section may not file a claim with the Special Master unless they withdraw from such action not later than March 21, 2002.

**§ 104.62 Time limit on filing claims.**

In accordance with the Act, no claim may be filed under this part after December 22, 2003.

**§ 104.63 Subrogation.**

Compensation under this Fund does not constitute the recovery of tort damages against a third party nor the settlement of a third party action, and the United States shall be subrogated to all potential claims against third party tortfeasors of any victim receiving compensation from the Fund. For that reason, no person or entity having paid other benefits or compensation to or on behalf of a victim shall have any right of recovery, whether through subrogation or otherwise, against the compensation paid by the Fund.

**Subpart G—Measures to Protect the Integrity of the Compensation Program**

**§ 104.71 Procedures to prevent and detect fraud.**

(a) *Review of claims.* For the purpose of detecting and preventing the payment of fraudulent claims and for the purpose of assuring accurate and appropriate payments to eligible claimants, the Special Master shall implement procedures to:

(1) Verify, authenticate, and audit claims;

(2) Analyze claim submissions to detect inconsistencies, irregularities, duplication, and multiple claimants; and

(3) Ensure the quality control of claims review procedures.

(b) *Quality control.* The Special Master shall institute periodic quality control audits designed to evaluate the accuracy of submissions and the accuracy of payments, subject to the oversight of the Inspector General of the Department of Justice.

(c) *False or fraudulent claims.* The Special Master shall refer all evidence of false or fraudulent claims to appropriate law enforcement authorities.

Dated: December 19, 2001.

John Ashcroft,  
Attorney General.

Note: This Appendix will not appear in the Code of Federal Regulations.

**Appendix to Preamble—Summary of Public Comments Submitted in Response to the November 5, 2001 Notice of Inquiry and Advance Notice of Rulemaking**

The following is a summary of the comments the Department of Justice ("the Department") received in response to its Notice of Inquiry published on November 5, 2001. The Notice of Inquiry sought input on numerous issues regarding potential regulations for the "September 11 Victim Compensation Fund of 2001" (the "Fund"), which was signed into law as Title IV of Public Law 107-42 ("Air Transportation

Safety and System Stabilization Act") (the "Act").

Over 800 comments were received by the November 26, 2001 deadline established by the Department. Additionally, hundreds of comments have been received since that date. Every comment was—and continues to be—reviewed, considered, and catalogued into one or more of 72 different topics. While the following summary does not address every issue raised by commenters, it provides a general synopsis of the most often raised issues. The summary is not intended to be an exhaustive illustration of every issue contemplated by the Special Master or the Department. Indeed, as mentioned above, all comments were considered in the promulgation of these interim final rules. Finally, the summarized issues below are not arranged in any particular order of importance or level of volume.

#### The Effective Date of This Interim Final Rule

While the Act specified that this rule should be issued by December 21, 2001, it did not specify when they should become effective. Accordingly, the Department sought comment on this issue. The Department noted that the Administrative Procedure Act generally provides that rules not go into effect for at least 30 days absent "good cause."

Many commenters favored an immediate effective date so that claims could be filed right away. Many indicated an immediate need for relief and expressed frustration about their experiences with obtaining short-term assistance from other sources. However, some commenters thought an immediate effective date would be difficult to implement because the Special Master would need time to hire personnel and to set up the operation of the program before beginning to process claims.

A number of commenters suggested a compromise—making available some amount of short-term relief on an immediate basis to eligible claimants, and then commencing the more detailed review process necessary to provide a final award. Some suggested using flat amounts for these immediate awards, while another commenter suggested establishing an interest-free line of credit upon which families could draw. Another suggestion was that claims for immediate assistance be prioritized by "need."

#### Eligibility

In its November 5, 2001, Notice of Inquiry, the Department noted that section 405(b) of the statute requires the Special Master to determine whether a claimant is an "eligible individual" under section 405(c). "Eligibility," in turn, is defined by the Act to include: (1) individuals (other than the terrorists) aboard American Airlines flights 11 and 77 and United Airlines flights 93 and 175; or (2) individuals who were "present at" the World Trade Center, the Pentagon, or the site of the aircraft crash at Shanksville, Pennsylvania at the time or in the immediate aftermath of the crashes; or (3) personal representatives of deceased individuals who would otherwise be eligible. Moreover, to be eligible for an award, an individual must have suffered physical harm or death as a

result of one of the terrorist-related air crashes. The Department sought comment on whether a Departmental regulation or a statement of policy by the Special Master would be appropriate to clarify these criteria, and if so, what those criteria should be.

The Department specifically invited comment on the following questions related to eligibility:

- How should "present at" be interpreted?
- Should the term "physical harm" be limited to serious injuries, as it is under some other no-fault compensation schemes, (see, e.g., N.Y. Ins. Law § 5102), or should it be construed more broadly?
- Should "physical harm" be limited to currently identifiable injuries?
- Can and should the program address latent, but not yet evident, harm?
- What duration of time is intended by the statutory phrase "immediate aftermath"?

#### (1) "Present At" And "Immediate Aftermath"

Many of the comments addressed the question of how to define the terms "present at the site" and "immediate aftermath," especially for purposes of those who were in New York at the time of the crashes. Some commenters urged a broad definition of these terms. They recommended that anybody in New York City be considered "present" because the debris and ash from the collapse of the World Trade Towers was widespread. Residents who live near the Ground Zero site in New York urged that they be eligible to recover under the Fund.

In contrast, other commenters argued for a narrower definition of the terms, asserting that the legislation intended to constrain the Fund to the locus of the buildings themselves, and to some very limited time period after the crashes. One comment recommended that "immediate aftermath" be defined as 48 hours after the crashes.

#### (2) Physical Harm

With respect to the nature of harm involved, some commenters asserted there should be no lower boundary for "nonserious" injuries. Of those who commented on the point, there were disagreements as to whether post-traumatic stress could be considered physical harm for purposes of filing a claim under the Fund. Certain commenters indicated that many people suffered substantial stress from witnessing the attacks and devastation and that they should be eligible to recover from the Fund. However, others argued that the Fund was not intended to cover psychological injury because the language of the statute specifically requires that the claimant suffer "physical harm." These commenters feared that recovery for stress-related injuries would open a Pandora's Box of less serious claims, which, in turn, may reduce the amount of compensation issued to those with the most serious physical injuries.

#### (3) Latent Harm

Some of the comments focused on the problem of latent injuries and diseases. Several commenters mentioned the coughing they have experienced as a result of exposure to the crash site in New York, and some nearby residents expressed concern about latent harm that might accrue from returning

to their homes before the conclusion of the rescue and cleanup efforts. On the other hand, other commenters expressed concern about covering any harms that do not manifest themselves within the two-year lifetime of the Fund. They argued the Fund was not designed to compensate for latent harm primarily because the Fund only exists for two years, and many injuries may not become manifest until after that time.

#### (4) Eligibility of Victims And Survivors

Some commenters addressed the meaning of the word "victim." For example, some commenters urged that any unborn child who died should be considered eligible for an award as a victim. With respect to a different group of potential claimants, some commenters argued that illegal aliens should not be eligible for awards. However, other commenters did not think that legal status should preclude an award from the Fund.

With regard to claims on behalf of decedent victims, the comments evidenced a tremendous amount of confusion about whether the statute intended to cover only the losses incurred by the victim or the losses incurred by relatives and others. Some commenters noted that section 405 of the Act provides that only claims on behalf of the victim can be filed with the Fund, presumably leaving to the courts any claims by family members or partners on their own behalf. However, some commenters noted that section 403 of the Act states that its purpose is to provide compensation to any individual "or relatives of a deceased individual" who were killed as a result of the terrorist-related aircraft crashes. The commenters further noted that various types of losses that may be compensated by the Fund pursuant to section 402 are akin to those that in civil actions are normally considered losses to survivors rather than to the victim.

Many commenters commented on the "eligibility" of particular "survivors" of the victim. Some suggested that only a spouse and children be considered "eligible." Others expressed concern as to whether parents, divorced spouses, children of a prior marriage, and others with a legal relationship would be "eligible" for an award under the Fund. In this regard, a number of comments specifically urged that non-married partners and others with a non-traditional relationship be considered "eligible" for an award. Some commenters opposed the idea of extending eligibility under the Fund to those in non-traditional relationships and argued for a narrower definition of eligibility.

Similarly, there were a number of comments about how "eligible" survivors would participate in the decision of whether to submit an application to the Fund, since in their view the application to the Fund would prohibit all of them from filing civil litigation. Some commenters explicitly suggested the law be interpreted to allow claims both on behalf of the decedent's estate and on behalf of any survivors, and suggested that such claims could be consolidated for decision before the Special Master. Others, however, specifically recommended that claims be limited to those on behalf of the estate. Many commenters, presuming that to

be the case, recommended that the state courts be responsible for designating the representative to represent the estate, and that any award be distributed in accordance with the requirements of the will or state intestacy law.

#### Assistance to Claimants

In its Notice of Inquiry of November 5, 2001, the Department noted that it would appear that these requirements—combined with the statutory time frame for the Special Master to reach a decision once a claim is filed—contemplate a detailed form and filing. Accordingly, the Department invited comments on whether there are actions the Special Master should be required to take before he can accept a claim, or deem a claim "filed." The Department noted that the statute appeared to provide a very limited time frame for the Special Master to evaluate a claim before making a decision—120 days from the date a claim is filed. Accordingly, the Department sought comment on whether the Special Master should be permitted to dismiss a claim as not properly filed for lack of adequate supporting information and, if so, whether an individual should thereafter be permitted to refile the claim. Comments were also solicited on whether it would be advisable to include in the rules a procedure where the time for making a determination could be extended by agreement.

The Department also requested comment on the design and content of the claim forms in light of the statutory requirements, as well as on making the forms and their instructions readable and readily available. The Department also sought comment on how it should implement the statutory requirement that claimants be provided with assistance.

While most of those who commented supported maintaining firm deadlines, many commenters suggested that a claimant be able to "halt the clock" at the claimant's discretion for various purposes (e.g., to provide further evidence before the claim is evaluated, to allow more time to prepare for a hearing, or to allow for an administrative review of an initial award determination). Some suggested that the Special Master also have the authority not to start the clock until the claim contained sufficient information upon which an award determination could be made, or to halt the process for a set period of time to allow for review of an initial determination (provided that the claimant concurred with that decision).

A number of commenters stressed that a claimant should not lose the right to proceed with their claim due to an incomplete file. One commenter suggested the Special Master should have 14 days to review a claim before deciding if there is enough information to proceed. Several commenters suggested that claimants not be required to waive their right to litigation until it was determined the claimant was eligible to recover from the Fund. Similarly, some commenters stated they would have difficulty deciding whether or not to opt into the fund (and thus waive their right to sue) if they did not have some idea or presumption of the range of recovery they might expect from the Fund.

Many commenters urged the Department to establish a simplified procedure for initiating

a claim with the Fund. They expressed frustration with the barrage of paperwork required to apply for assistance with other organizations. Some employers offered to provide information on behalf of their employees or survivors in an effort to reduce the paperwork burden on claimants. On the other hand, some noted that—in light of the pro bono legal assistance that has been offered to the survivors—claimants would have the option to have the assistance of an attorney to complete the forms. A number of commenters suggested a two-step claims process that would involve a simple initial submission, followed by a more asserted effort to collect additional information with the guidance of claimant assistance personnel from the Office of the Special Master.

A number of commenters had suggestions as to how the Special Master might assist claimants both in filing claims and completing the claims process. Many suggested that local offices be established in New York City, Washington DC, Pennsylvania, and other cities that served as the domicile of victims. Some urged that outreach efforts be made to locate potential claimants and make them aware of the program's operations. Some mentioned that outreach should include multi-lingual assistance and publications. One group suggested that each Hearing Office have an Applicant's Assistant. Others suggested the Special Master hire victim advocates to assist claimants throughout the process.

#### The Claims Evaluation Process

The Department solicited comment on whether every claimant should be granted an oral hearing or whether paper hearings may be sufficient, and what types of oral hearing might be practicable in light of the statutory time frames.

Further, the Department sought comment on how evidence might be established and whether it is authorized to enforce requests made by the hearing officer to third parties for evidence that is necessary to a proceeding (e.g., evidence that might bear on whether all aspects of the claim file on which the decision will be based are accurate and complete). The Department sought comment on whether such proceedings should be recorded, whether such proceedings should be held in a location convenient to the claimant, how to deal with scheduling conflicts, and whether the opportunity for a hearing can be waived by a claimant through inaction or unwarranted delay.

Many commenters had opposing views on the role hearings should play in claims evaluation. Some commenters—comparing this program to civil litigation—viewed the hearings as essential to each and every claim. These commenters recommended hearings as a sort of "mini-trial," which would include rules of evidence (albeit relaxed rules) and adversarial questioning of witnesses. Using the same analogy, however, these commenters suggested that many claims could be "settled" based on only the paper submissions. Other comments suggested the hearings be more akin to an opportunity—for those claimants who want to exercise it—to make an informal oral presentation of their

cases. They viewed the hearing as an opportunity to ensure that the decision maker was aware of their individual circumstances. Many of these commenters also suggested, for various reasons, that not all claimants would want a hearing. Some commenters suggested allowing claimants, upon filing a claim, to elect among different "tracks"—one that would involve a hearing, and one that would not.

On the question of who should be hired as hearing officers, suggestions included retired trust executives, retired judges, attorneys experienced in handling high volume caseloads, and those experienced in civil litigation. Some commenters recommended there be a panel of hearing officers rather than one hearing officer. A number of commenters also recommended that claimants have the opportunity for review of their award to ensure that the decision maker was aware of their individual circumstances.

Many commenters submitted detailed procedural suggestions for the claims process. Among other things, these suggestions dealt with how eligibility and damages could be established through the use of affidavits under penalty of perjury in the event relevant documents had been lost as a result of the crashes themselves (e.g., designations of beneficiaries maintained by employers). Additionally, a number of commenters suggested the Special Master have the right to subpoena evidence required to make a determination.

#### Awards Under the Fund

##### (1) Meeting the 120-Day Deadline

The Department invited comment on what means and mechanisms could be implemented to allow just compensation within the statutorily-mandated 120-day period for processing claims. In particular, the Department sought input on whether and how statistical methodologies should be developed and used as a starting point for decision, and whether publication of hypothetical or presumptive awards for classes of individuals would assist potential claimants in determining whether to opt into the Fund. For the most part, these comments were encapsulated in discussions regarding the calculation of damages; namely, economic and noneconomic losses.

##### (2) Calculating "Economic Losses"

The Department sought specific comment on how the Special Master should determine "economic losses." Although retaining experts is certainly not prohibited, the Special Master will not require any claimant to obtain legal counsel or other experts to assist in proving or presenting evidence of damages. The Special Master may, however, draw on available information from appropriate specialists in relevant fields to analyze economic losses. The Department invited comment regarding the necessary qualifications for such specialists, the data that should be utilized, the methodologies that should be employed, the documentation that should be required for every claimant, and how state law should bear upon such determinations. In addition, the Department invited comments on how to address the economic losses of individuals whose lost

future income streams would have been highly contingent, variable, or unpredictable.

As expected, the range of comments on how best to calculate economic losses was widely varied. One group suggested a minimum value be calculated based on median income and remaining years of work, with flexibility to adjust the award after hearing all the evidence in individual cases. Similarly, certain comments suggested the use of a grid would be appropriate in certain circumstances to identify presumed awards. Others urged that no type of grid be used.

In terms of presumptive valuation, a few commenters recommended that awards mirror the amount a party could anticipate receiving from personal injury or wrongful death actions. Others disagreed. Many recognized the limited opportunities now available to potential plaintiffs filing claims in civil courts arising out of the September 11, 2001 terrorist attacks. At least one commenter argued that the fairest approach in determining economic losses is that which insurance companies use in settling claims.

Some commenters indicated that economic awards should not be based on differences in individual income prior to the crash. Some suggested using a flat dollar figure per surviving family member (e.g., \$250,000 for each survivor). Another suggested a flat amount for death at \$100,000, injury at \$50,000, and various other losses at slated dollar figures. On the other hand, some commenters felt the purpose of the program is to act as a substitute for civil damage actions, and that efforts should be made to determine and take into consideration the amount of income likely lost by a decedent. A large number of comments were received with respect to how to establish such income (e.g., average over a certain number of prior years, plus information supplied by employers on future prospects).

### (3) Calculating "Noneconomic Losses"

The Department also sought comment as to "noneconomic losses." Most notably, the Department invited comments regarding whether, and in what manner, the Special Master can or should draw meaningful distinctions between both those victims who died in different locations and those who suffered similar injuries. The Department also invited comments on whether the Department should (as some have suggested) issue regulations determining the amount of noneconomic loss for classes of similarly situated individuals or whether, instead, the Special Master should determine all noneconomic loss on a detailed claim-by-claim basis. Further, the Department requested comment on what facts and circumstances should be considered in determining noneconomic losses for each individual, and what standards should be employed.

Comments regarding noneconomic losses were similarly varied. One commenting association suggested noneconomic losses—such as pain and suffering—should be standardized because such losses do not vary by income strata. Numerous commenters advocated a "fixed" noneconomic award, stating that the government should not attempt to draw distinctions in the amount

of pain suffered by victims or their survivors. One commenter suggested the most equitable process for determining noneconomic awards would be an elective process. Under this proposed method, a claimant could elect to have the award calculated by use of a matrix, or alternatively, could present evidence at a hearing to establish the amount to which the claimant believes he or she is entitled. A number of commenters argued that the statute necessitated an entirely individualized determination of noneconomic losses in every case. A group representing survivors of decedents suggested that noneconomic losses must be uncapped and based, in part, on the number and age of any surviving children or dependents, the current and future pain and suffering experienced by the victim's family, and the severity of pain suffered by the victim himself or herself.

### (4) Taxation

A number of commenters raised questions about the taxability of various kinds of awards issued under the Fund. Several commenters asserted that compensation from the Fund should be nontaxable under federal law, similar to various types of tort awards. Another commenter stated that state victim compensation fund awards generally are not taxable, either by the state or the federal government. On the other hand, another commenter stated he did not see the purpose of distributing taxpayers' money to victims, and urged taxing the awards so as to return some of the money to the Treasury.

### Collateral Sources

The Department sought comments on the issue of collateral sources. Although the Act requires that collateral sources be deducted from awards issued under the Fund (and explicitly outlines examples of certain types of collateral sources), the Department invited comment as to how the term "collateral source" should be defined.

### (1) General Comments

Despite the explicit language in the Act, a number of commenters took issue with deducting any collateral sources whatsoever. Although many recognized that both the Department and the Special Master are bound to follow the language in the Act, they nonetheless argued that collateral sources are—in many states—not offset in wrongful death suits. Some urged that the type of collateral source offsets should be interpreted narrowly. A number of commenters also suggested that if collateral source benefits to a victim are to be offset, a counter-offset should be made for the premiums or contributions made by the victim to purchase various benefits. Others specifically suggested that only the value of collateral benefits funded by a victim's employer should be offset.

Many commenters, however, asserted that the program should not "unjustly enrich" the victims or their survivors, and supported the use of widespread offsets. Some of these comments mentioned that—although the statute does not provide either a ceiling or floor for the amount of awards—the Fund may have only a limited pool of resources to distribute to claimants (akin to the funds

being collected and distributed by charitable organizations), and suggested the need to help those most in need. Other comments noted that unjust enrichment should not flow through tax-payer dollars. It was mentioned that many taxpayers—who ultimately will provide the funds under the program—also sent in charitable contributions not to unjustly enrich victims or their families, but, rather, solely to help them through these troubled times.

### (2) "A claimant has received or is entitled to receive"

Some commenters specifically focused on the word "claimant" in the phrase "a claimant has received or is entitled to receive," and urged that any collateral source benefits not paid or to be paid directly to the claimant not be deducted from the award. These comments were often parallel to those concerning the question of whose losses are to be compensated under the Fund: only those of the decedent (estate), or those of others as well. (See the discussion of Eligibility.)

A number of comments also focused on the words "entitled to receive." Some recommended that only those collateral benefits scheduled to be paid as a result of contractual or other clear obligations should be deducted from an award. Others recommended that only the present value of any future contingent awards be considered in making any offset.

### (3) Life Insurance

Many commenters were frustrated that the Act requires life insurance proceeds to be deducted from awards. Many asserted that deducting life insurance will penalize those who planned ahead. One suggested that life insurance should only be offset if payable to a dependent of the victim, and another group of commenters indicated that only the sums received by the eligible applicant net of all taxes that exceed the premiums—or other payments made by the applicant—be deducted. A number suggested that if life insurance is to be offset, the premiums paid should be returned to the victim by reducing the amount of the benefit offset.

### (4) Pensions

While similar concerns (as to life insurance) were raised in connection with pensions, a more common comment concerned the meaning of the term "pension." For example, some commenters noted that pensions are not normally considered to be "compensation for a loss" but are instead akin to savings.

### (5) Workers Compensation And Victim Assistance Programs

One commenter pointed out that most of the victims may be eligible for workers' compensation benefits because they were killed while on the job. Further, with respect to those receiving benefits under New York law, the compensation insurer can terminate workers' compensation payments—absent claimants obtaining consent to enter the Fund—if benefits are being paid to the injured workers or survivors. New York State legal authorities confirmed the noteworthiness of this issue, and

recommended that workers' compensation payments not be considered a collateral source to this extent.

With respect to state victim assistance funds, one commenter noted that 42 U.S.C. 10602(e)—which generally provides that state crime victim boards may refuse to pay out benefits if another Federal program is paying benefits—was explicitly amended to exclude payments made under the September 11th Victim Compensation Fund of 2001. The commenter suggested that some programs covered under that code provision—that have already made payments—may be entitled to reimbursement as a result.

#### (6) Charitable Contributions

Many victims of the terrorist-related crashes on September 11, 2001, have or may receive support from special funds set up to assist them, as well as from special programs established by some of their employers to share future profits and the like. Accordingly, whether to reduce Fund awards by the amount of such contributions was one of the issues given the most attention in the comments. Notably, this issue was discussed in a number of news articles at about the time the Notice of Inquiry was issued.

Commenters were heavily divided on this issue. Many were strongly opposed to reducing awards by the amount of charity funding received. This includes some commenters who donated to charities established for this purpose, as well as employers who established funds to help the families of the victims. Many insisted that funds collected by employers solely for the

purpose of compensating victims of the September 11 attacks should not be deemed a collateral source. Many drew a distinction between funds provided for short-term assistance and need, and those designed to compensate victims for their losses.

On the other hand, a number of comments from those who contributed money to various charities viewed the purposes of the charities and the Fund as one and the same; namely, compensating the victims. These commenters asserted they had not intended making contributions to unjustly enrich the families, and would hesitate to make such contributions in the future if their help turns out only to ensure persons maintain a certain lifestyle.

A number of commenters also pointed to the practical difficulties of trying to establish what claimants may have received from charities. Some suggested the Fund should have access to any database of charitable contributions, including one that was reported to be under consideration in New York.

After discussing these factors, some commenters suggested that the Special Master only offset charitable contributions over a certain amount. A few commenters suggested only offsetting charities set up for longer term assistance to the victims (e.g., tuition funds or scholarships for the children of all the victims).

#### Payment of Awards

Some commenters expressed the view that payments by the fund should be in the form of "structured settlements" or annuities rather than in lump sum. One commenter

suggested payments to children should go to a trustee for the benefit of the child. However, other commenters argued for lump sum payments and objected to the government placing any restrictions on the claimants' award.

#### Limitations on Fees for Assistance And Payment by the Special Master

The Department requested comments on whether the Special Master has the authority to limit the types and amounts of fees that can be charged by counsel, accountants, experts or others who are retained by claimants to assist them to file and pursue compensation claims, and whether such fees can and should be paid by the Special Master directly out of compensation awards. The Department also solicited comments on what limitations, if any, the rules should impose on non-attorney, non-claimant representatives' participation in filing claims.

A number of commenters noted that the right to be represented by counsel is provided by the statute, that not all claimants would be comfortable using pro-bono counsel to represent their interests, and that payment of attorneys' fees is necessary to ensure representation by counsel of choice. Some of these commenters suggested, however, that fees could be limited so as not to exceed 10% of the award to claimant. Paradoxically, some commenters opposed using any amount of money from the Fund to pay legal fees.

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## DEPARTMENT OF JUSTICE

Office of the Attorney General

28 CFR Part 104

[CIV 104F; AG Order No. 2564-2002]

RIN 1105-AA79

## September 11th Victim Compensation Fund of 2001

ACTION: Final rule.

**SUMMARY:** Shortly after the September 11, 2001 terrorist attacks, the President signed the "September 11th Victim Compensation Fund of 2001" (the "Fund") into law as Title IV of Public Law 107-42 ("Air Transportation Safety and System Stabilization Act") (the "Act"). The Act authorizes compensation to any individual (or the personal representative of a deceased individual) who was physically injured or killed as a result of the terrorist-related aircraft crashes on that day. This final rule is the third and final step in the Department of Justice's promulgation of regulations pursuant to § 407 of the Act, following the November 5, 2001 Notice of Inquiry and Advance Notice of Rulemaking ("Notice of Inquiry") and the December 21, 2001 interim final rule.

After reviewing the extensive public comments and meeting with numerous victims, victims' families, and other groups, the Department of Justice, in consultation with the Special Master, is issuing this final rule and associated commentary, which make certain clarifications and changes that are designed to address issues raised by victims, their families, and thousands of other Americans. Specifically, the final rule clarifies, supplements, and amends the interim final rule by, among other things: Clarifying how the Special Master will treat certain "collateral sources," including pensions, to lessen their impact in reducing victims' awards; expressing the Special Master's intention to assist claimants in understanding how certain types of collateral offsets will be treated under the Fund before they decide whether to participate; adjusting the "presumed" economic loss methodology in a manner that should increase potential awards for most claimants; increasing the "presumed" non-economic award in certain cases; clarifying the Special Master's intention that most families of victims who died should receive a minimum of \$250,000 from the Fund; and providing certain exceptions to the requirement that injured victims

received medical treatment within 24 hours of injury.

**DATES:** This final rule takes effect on March 13, 2002.

**FOR FURTHER INFORMATION CONTACT:** Kenneth L. Zwick, Director, Office of Management Programs, Civil Division, U.S. Department of Justice, Main Building, Room 3140, 950 Pennsylvania Avenue NW., Washington, DC 20530, telephone 888-714-3385 (TDD 888-560-0844).

**SUPPLEMENTARY INFORMATION:****Statement by the Special Master**

Since December 21, 2001, the date of the promulgation of the interim final rule, I have been engaged in meetings and conversations with September 11 victims, their families, public officials, representatives of private charities and interested concerned citizens of our nation and foreign nations as well. I have listened carefully to both supporters and critics of the interim final rule. I have benefitted tremendously from their input. I believe that, as a direct result of that varying input, this final rule constitutes a product worthy of support by all those interested in a just, fair and efficient compensation program.

No amount of money can right the horrific wrongs done on September 11, 2001. Nor can any of us who has not shared such immediate and irrevocable loss fully understand the depths of suffering that families and victims are enduring.

The September 11th Victim Compensation Fund is a unique federal program created by Congress in recognition of the special tragic circumstances these victims and their families confront. The Fund provides an alternative to the significant risk, expense, and delay inherent in civil litigation by offering victims and their families an opportunity to receive swift, inexpensive, and predictable resolution of claims. The Fund provides an *unprecedented* level of federal financial assistance for surviving victims and the families of deceased victims.

There has been significant public commentary regarding the Fund's proposed structure. The plan has been described as "about as fair as it could possibly be" (*Newsweek*, December 31, 2001), "a good start on the road to recovery" (*The New York Times*, December 23, 2001), "an eminently fair plan" (*The New York Daily News*, December 28, 2001), and a program that "offers speedy and rational compensation" (*The Washington Post*, January 18, 2002). I believe that—when compared to the alternative of a

protracted, uncertain lawsuit—the Fund provides a vastly preferable method of assuring fair compensation to all eligible claimants.

The comments submitted to the Department of Justice have been starkly divided regarding the methodologies for calculating awards and, in particular, the "presumed award" charts I released at the same time as the interim final rule. Many have argued that the presumed awards are too high, particularly for victims who had high incomes. Others, in contrast, have argued, for differing reasons, that the high end "presumed awards" should be even higher.

Under the "presumed award" methodology, presumed awards ranged from several hundred thousand dollars to more than \$3 million for certain eligible applicants. We have spent considerable time carefully evaluating the comments on the "presumed award" methodology and have made certain adjustments that have the effect of increasing the expected presumed awards. In addition, we have clarified the definition of "collateral source compensation" in a manner that should have an additional, upward impact on awards.

As I have repeatedly stated to the victims and their families, there are many aspects of the Fund that are mandated by Congress and cannot be changed by me or by the Department. Indeed, many of the most controversial aspects of the Fund—such as the requirement that awards be offset by life insurance and other collateral source compensation—are specifically required by Congress. I have no power to usurp or disregard congressional mandates. Rather, my goal has always been to provide the most fair and appropriate compensation within the parameters established by Congress.

Accordingly, within the discretion available, we have made the following clarifications and improvements in the final rule:

- **Definition of Collateral Sources.** As already indicated, the final rule clarifies the definition of "collateral source" compensation by expressly stating that certain government benefits, such as tax relief, contingent Social Security benefits, and contingent workers' compensation benefits (or comparable contingent benefits for government employees), need *not* be treated as collateral source compensation. Also, because we do not believe that Congress intended to treat a victim's savings accounts or similar investments as collateral source compensation, the collateral-source offsets will not include

moneys or other investments in victims' 401(k) accounts.

- *Valuation of Collateral-source offsets.* While Congress left us little choice on whether to make certain collateral source deductions, we have slightly more discretion in how to calculate the appropriate deduction. For example, we will adjust the collateral source offset for pensions and life insurance policies to ensure that we are not counting "self-contributions" or premium payments as part of the offset. In addition, for collateral source compensation that claimants will receive through future payments, we will employ present value methodologies to apply a proper discount to the amount actually deducted from a victim's award. This obviously has the effect of reducing offsets and, in turn, increasing awards. Finally, to ensure that the impact of collateral-source offsets is clear to potential claimants before they decide whether to participate in the Fund, we will also make available an advisory service to provide additional information for potential applicants as to how the Fund will treat different types of collateral source compensation.

- *Discretion Where the Recipients of Collateral Source Compensation Are Not Beneficiaries of Awards.* In cases where the recipients of collateral source compensation are not beneficiaries of the awards from the Fund, the Special Master will have discretion to exclude such compensation from the collateral source offset where necessary to prevent beneficiaries from having their awards reduced by collateral source compensation they will not receive.

- *Clarification of Definition of Charitable Donations.* The final rule clarifies that benefits from charities disbursing private donations will not be treated as collateral source compensation, even if such charities were created or managed by governmental entities.

- *Increase in Compensation for Non-economic Losses.* The amount of additional presumed non-economic loss compensation for the spouse and each dependent of a deceased victim is doubled from \$50,000 to \$100,000. This increase is in addition to the \$250,000 presumed non-economic loss that is awarded on behalf of all decedents. This means that a family of a victim who was survived by a spouse and two minor children would be entitled to a presumed non-economic award of over half a million dollars before collateral-source offsets.

- *Adjustments to the Presumed Economic Loss Methodology.* The Special Master has adjusted his

methodology for determining presumed economic losses in several respects that are described herein. As a result, no presumed awards are lower than under the original methodology, and most are higher.

- *Policy Toward Final Awards.* The Act requires that collateral source compensation be deducted from all final awards. The Act, therefore, does not permit us to create a mandatory legal rule requiring minimum payouts for all eligible claimants after collateral source deductions. Nevertheless, the Special Master is permitted to consider the individual circumstances of each claimant, including the needs of the victim's family. Having personally met with thousands of individual family members, discussing with them their various needs, I anticipate that, when the total needs of deceased victims' families are considered, it will be very rare that a claimant will receive less than \$250,000, except in unusual situations where a claimant has already received very substantial compensation from collateral sources.

- *Physical Harm Requirements.* The time period for obtaining medical treatment under the definition of "physical harm" is increased from 24 hours to 72 hours for those victims who were unable to realize immediately the extent of their injuries or for whom appropriate health care was not available on September 11. The Special Master has discretion to extend the time period even further on a case-by-case basis for rescue personnel who otherwise meet this requirement but did not seek or were not able to seek medical treatment within 72 hours.

- *Time for Hearings.* Under the interim final rule, claimants had the option of requesting a formal hearing. This option remains part of the final rule, but we have eliminated the suggested two-hour hearing limitation.

Congress offered little guidance regarding the procedural framework for resolving claims. Nevertheless, we have provided varied procedural options for applicants because we know that one size and one system will not fit all. Victims who so choose may take a simple and direct route, filing forms and accepting payment within a matter of weeks. Other victims may opt for a more detailed and lengthy process, electing for a hearing and exercising their opportunity to present their cases personally in greater detail.

Some have argued that it is essential that each claimant know how much he or she will recover from the Fund before a formal application is submitted, particularly in light of the congressional requirement that each participating

claimant waive the right to file a civil lawsuit in connection with the September 11 attacks. Others, however, have argued precisely the opposite—namely, that no formula can account for all of a claimant's individual circumstances, and that recovery should therefore be determined solely on the basis of an individualized hearing.

The Act requires that the award be determined only after the application is submitted and after a review of the requested economic and other information. It would therefore be inappropriate for me to provide any binding estimates of individual awards before we go through that process. However, to ensure that potential applicants have the ability to estimate roughly the possible ranges of their own recoveries, we have produced tables of presumed awards, and our consultants are available to provide additional guidance on the methodology for valuing different types of pension benefits and other collateral-source offsets. Accordingly, no claimant will be required to waive litigation options before receiving some indication from the Special Master as to how collateral-source offsets will be treated generally.

The efforts that I have taken to inform potential claimants of the likely range of their awards should not be mistaken for some sort of "cap" on awards. Although we still anticipate that awards in excess of \$3 or \$4 million will be rare, we emphasize again that there are no "caps" under this program. To the contrary, each claimant has the option to ask for a hearing at which he or she may assert additional individualized circumstances and argue that the presumed award methodology is inadequate to resolve his or her particular claim in a fair manner. We will consider all such individual circumstances, including, but not limited to, the financial needs of victims and victims' families.

One final concern should be addressed. I have received during the comment period, and have read in the newspapers, comments from a few American citizens expressing the opinion that the victims and their families are "greedy" in seeking additional compensation. As I have repeatedly stated, both publicly and privately, I believe that such a characterization is unfair. This Fund, and the comments of distressed family members, are not about "greed" but, rather, reflect both the horror of September 11 and the determination of family members to value the life of loved ones suddenly lost on that tragic day. I believe the American people understand this and in no way associate

the efforts of family members to secure compensation with any characterization of "greed." This Fund represents the best spirit and compassion of the American people. I believe that America is unique in creating such a Fund that expresses the compassion, concern and determination of its people in coming to the aid of the victims of September 11.

In sum, we believe the changes adopted in this final rule best ensure that claimants will receive fair and appropriate awards. I remain personally committed to ensuring that every claimant is compensated fairly.

#### Background

This preamble discusses the public comments regarding the interim final rule and the additions and amendments to that rule that have been adopted through this final rulemaking. It does not purport to provide a complete overview of the program or an explanation of all of the many aspects of the interim final rule that remain unchanged. For an explanation of those aspects that remain unchanged, the reader is directed to the Department's interim final rule, published at 66 FR 66274 (Dec. 21, 2001). In addition, more detailed information regarding the program, including a flow chart of applicable procedures, a revised table of the Special Master's estimated or "presumed" awards, claim forms, and answers to frequently asked questions are available on the Victim Compensation Fund website at [www.usdoj.gov/victimcompensation](http://www.usdoj.gov/victimcompensation).

#### I. The Statute

The President signed the "September 11th Victim Compensation Fund of 2001" (the "Fund") into law on September 22, 2001, as Title IV of Public Law 107-42 ("Air Transportation Safety and System Stabilization Act") (the "Act"). The purpose of this Fund is to provide compensation to eligible individuals who were physically injured as a result of the terrorist-related aircraft crashes of September 11, 2001, and compensation through a "personal representative" for those who died as a result of the crashes. Generally, eligibility is limited to: (1) Individuals on the planes at the time of the crashes (other than the terrorists); and (2) individuals present at the World Trade Center, the Pentagon, or the site of the crash in Pennsylvania at the time of the crashes or in the immediate aftermath of the crashes.

The Fund is designed to provide a no-fault alternative to tort litigation for eligible claimants. Congress has determined that others who may have suffered losses as a result of those

events (e.g., those without identifiable physical injuries but who lost employment) are not included in this special program. Accordingly, compensation will be provided only for losses caused on account of personal physical injuries or death, even though the victims may have suffered other losses, such as property loss. For this reason, the Department and the Special Master anticipate that all awards from the Fund will be free of federal taxation. See I.R.C. section 104(a)(2) (stating that damages received "on account of personal physical injuries or physical sickness" are excludable from gross income for purposes of federal income taxation).

A claimant who files for compensation waives any right to file a civil action (or to be a party to an action) in any federal or state court for damages sustained as a result of the terrorist-related aircraft crashes of September 11, 2001, except for actions to recover collateral source obligations or civil actions against any person who is a knowing participant in any conspiracy to hijack any aircraft or to commit any terrorist act.

Determinations of eligibility and the amount of compensation are to be made by the Special Master. After determining whether an individual is an eligible claimant under the Act, the Special Master is to determine the amount of compensation to be awarded based upon the harm to the claimant, the facts of the claim, and the individual circumstances of the claimant.

The law also provides that the Special Master make a final determination on any claim within 120 days after filing of the claim and, if an award is made, to authorize payment within 20 days thereafter. The determinations of the Special Master are final and not reviewable by any court. Claims with the Fund must be filed on or before December 21, 2003, two years after the effective date of the interim final rule. Payments from the Fund are made by the United States Government, which in turn obtains the right of subrogation to each award.

The Department is promulgating this final rule pursuant to section 407 of the Act, which provides that the Department, in consultation with the Special Master, must promulgate regulations on the following matters:

- (1) Forms to be used in submitting claims;
- (2) The information to be included in such forms;
- (3) Procedures for hearing and the presentation of evidence; and

(4) Procedures to assist an individual in filing and pursuing claims under this title.

In addition, section 407 authorizes, but does not require, the Department to issue additional rules to implement the program. This final rule addresses issues beyond the four specifically required by the Act in order to create a program that will be efficient, will treat similarly situated claimants alike, and will allow potential claimants to make informed decisions regarding whether to file claims with the Fund. Nonetheless, the Department recognizes that it cannot anticipate all of the issues that will arise over the course of the program and that there will inevitably be many difficult issues the Special Master will have to resolve in the course of making determinations on individual claims.

#### II. Rulemaking History to Date

On November 5, 2001, the Department requested public input on a number of issues. See 66 FR 55901. The Department noted that, at that time, the Special Master had not yet been appointed, but that it wanted as much public comment as feasible before issuing the regulations by December 21, 2001. On November 26, 2001, the Attorney General appointed Kenneth R. Feinberg as Special Master.

The Department reviewed the more than 800 comments submitted in response to the Department's Notice of Inquiry. On December 21, 2001, the Department promulgated an interim final rule governing the Fund: 66 FR 66274. The interim final rule had immediate force of law and allowed the Special Master to begin accepting applications and providing "Advance Benefits" to certain classes of eligible claimants. In addition, the Rule provided for a 30-day public comment period on the interim final rule.

The Department has received thousands of comments since the December 21 publication of the interim final rule. The Department and the Special Master's Office have reviewed each of these comments, and the Special Master has met personally with more than 1,000 victims, victims' advocates, public officials, and others. As was the case with the interim final rule, the Department and the Special Master have considered all comments in promulgating the final rule.

#### III. Comments on the Interim Final Rule

##### A. The Creation of the Fund

Congress created the Victim Compensation Fund to compensate those injured or killed in the September 11 terrorist attacks. A number of people

commented on whether or not Congress should have created this program in the first place.

Scores of commenters—recognizing Congress' belief that the airlines were facing imminent bankruptcy and could be effectively judgment proof—described the Fund as a testament to Congressional and taxpayer generosity. Many described the Fund as compassionate and critical to meet the needs of victims of September 11. A few noted that they wish Congress had enacted similar legislation prior to September 11 to care for the needs of those in previous tragedies, and voiced their support for similar programs in the future.

Many others, however, expressed their disapproval of Congress for creating the Fund. For example, several argued that Osama bin Laden and his al Qaeda network are the sole responsible parties and that the government should not expend taxpayer dollars to compensate those who are not in immediate financial need. Several commenters indicated that taxpayer revenue should instead be spent on the homeless and other social programs "that currently lack adequate funding."

Others expressed their regret that victims of other tragedies were not given the same benefit of compensation. These commenters raised several questions, including: Why were not the victims of the Oklahoma City bombing given the same opportunities? What about victims on the U.S.S. Cole? Victims of anthrax? Those who died in the embassy bombings in East Africa? Why are the soldiers in the United States military not included? What about those who volunteered or were drafted to fight in World War II, Vietnam, and other arenas of combat who died defending the United States? What about those who perished in floods, hurricanes, snowstorms, fires, tornados, earthquakes, and other domestic tragedies? What about those persons who were murdered on September 10 and 12?

On the other hand, a number of commenters who indicated that they are eligible to file a claim with the Fund voiced concerns that Congress had inappropriately limited their right to sue potentially liable third parties for their loss. Some of these commenters argued that several companies and agencies "contributed" to the September 11 attacks and "should be held responsible" for their alleged "negligence."

While the Department and the Special Master have reviewed the many comments both in favor and in opposition to the Fund, such comments

principally address Congress' legislation. The Department's regulations are designed to implement the Act as written; we cannot rewrite the Act or nullify Congressional intent. The goal in this final rule was simply to create the best and fairest program possible within the requirements set by Congress.

#### B. Amount of Compensation in the Special Master's Presumed Award Charts

The Act does not specify the amount of the awards for individual claimants. Instead, the Act gives the Special Master discretion to determine the amount of the award "based on the harm to the claimant, the facts of the claim, and the individual circumstances of the claimant." Section 405(b)(1)(B)(ii). The Act further provides that the Special Master's determination "shall be final and not subject to judicial review." Section 405(b)(3).

The Act thus permits the Special Master to determine the amount of awards on a case-by-case basis without giving any guidance to potential claimants regarding the awards that they would likely receive if they waived their rights to litigation and opted into the Fund. Further, such case-by-case determinations would not be subject to judicial review. As a practical matter, of course, the Special Master would need some methodology to ensure a measure of consistency among awards to similarly situated claimants, to give potential claimants some idea of their likely range of awards, and to make the Fund administratively feasible. The Department and the Special Master decided that the interests of potential claimants would be best served by providing, where reasonably possible, information concerning the Special Master's methodology for calculating awards. The Special Master has not imposed any "cap" on awards nor limited claimants from presenting evidence of their individual circumstances.

On December 20, 2001, Kenneth R. Feinberg, the Special Master of the Fund, publicly announced the completion of the interim final rule and, along with the rule, unveiled several charts illustrating in a general way presumptive, non-binding estimated awards available for those eligible claimants filing on behalf of certain deceased victims. Furthermore, in heeding the Attorney General's instruction to help the neediest victims as quickly as possible, Mr. Feinberg also introduced a means by which most eligible claimants could receive immediate, advance benefits in the

amount of \$50,000 for decedents and \$25,000 for most of those with serious physical injuries. The interim final rule permitted claimants either to accept the presumed award or to argue for a greater award either at an individual hearing or, at the claimant's option, on submitted documentation.

While the Special Master's presumed award charts are not part of the Department's rulemaking, the amount of compensation reflected on those charts received more public comments than any other subject. Both the Department and the Special Master's office have considered those comments, just as they have considered the comments regarding the interim final rule.

The comments regarding the presumptive awards varied greatly. While many described the presumptive awards as just and fair, others criticized them as either too high or too low. These disagreements were based in large part upon differing views regarding the purposes of the Fund. Some commenters began with the presumption that the Act's provision of recovery for both economic and non-economic losses, accompanied by the requirement that claimants waive their right to civil litigation, indicated that the amount of compensation under the Fund should mirror past jury awards in airline litigation. Those commenters, for the most part, concluded that the presumed awards were insufficient, particularly for victims with the highest incomes.

Many other commenters took a very different view of the program. These commenters viewed the program not as a replication of the tort system, but instead as a government program designed to assist the victims and their families. Those commenters therefore concluded that there should not be a disparity among the awards based upon the income of the victim. Some vigorously criticized the proposition that the wealthiest victims should receive more from the taxpayers than many of the public safety officers and Pentagon employees would receive. Indeed, some commenters expressed frustration that people are demanding more than the presumed awards, contending that the awards are "more than generous" and that it is inappropriate for the federal government to "make victims' families millionaires with taxpayer money."

Other commenters noted the competing goals of the Act and the complexities of placing dollar figures on a life and determining awards within the prescriptions of the Act. For example, one commenter stated that "[t]here is no way for distribution of

these funds to be totally fair in the eyes of everyone. That's just the way it is." Those commenters, by and large, praised the efforts of the Special Master.

The Department and the Special Master have thoroughly reviewed and considered the differing views regarding the amounts of compensation reflected in the Special Master's presumed award charts and have concluded that no single analogy should dictate the compensation under the Fund. Civil litigation often takes years, with awards varying greatly from one claimant to another, particularly where the incomes of the victims vary. Indeed, under the tort system, while many claimants receive extremely large awards, many others walk away empty-handed due to the requirement that plaintiffs prove fault. In contrast, the Fund is a no-fault alternative to civil litigation designed to provide fair compensation in a matter of months.

At the same time, the Department and the Special Master do not believe that any other federal government program provides a perfect analogy for determining the amount of awards. The Fund is a unique program that provides compensation for both economic and non-economic losses and requires that claimants waive their rights to civil litigation.

The final rule makes some important changes that will increase the amount of compensation in the Special Master's presumed award charts. While the Department and the Special Master believe that the original presumed award charts are entirely sound and are based upon neutral, current data and generally accepted methodologies, the public comments did suggest certain adjustments that we determined were appropriate to implement. Specifically, as described in more detail below, the final rule increases the amount of non-economic loss compensation by providing that the presumed awards will include \$100,000, rather than \$50,000, for the spouse and each dependent of a deceased victim (in addition to the \$250,000 presumed non-economic award for each deceased victim). In connection with publication of this final rule, the Special Master will also announce revised presumed award charts that modify presumed economic loss in a manner that will further increase presumed awards. In addition, as explained below, the definition of collateral source compensation is clarified in a manner that will lead to higher final awards than many in the public had assumed.

Of course, it bears repeating that the Special Master's "presumed award charts" are estimates and do not

determine the final award for claimants who request individualized hearings. Rather, the Special Master stands prepared to depart from the presumed awards for individual claims based upon the extraordinary circumstances of the claimants.

#### 1. Economic Loss

Although prescribed by the Act, many commenters expressed frustration that a victim's income is considered in calculating economic loss. One commenter stated that "rich people do not deserve more because they are rich." Others believed that the distribution of taxpayer dollars should be equal to all victims regardless of income levels. At least one commenter noted that persons with substantial incomes should not receive higher awards because they are the ones, he argued, with the "financial savvy" to protect their loved ones with life insurance.

Several commenters raised issues with respect to deriving a victim's average annual income from the years 1998-2000 in determining the foundation for calculating economic loss. One commenter noted that only the last year of annual income should be included. Many comments on this subject, however, contended that the three-year period used to obtain the average encompasses the wrong period of years. These commenters suggested the Special Master use the average income from 1999-2001 (rather than 1998-2000), arguing that 2001 is more indicative of a victim's actual earning potential. In addition, several families of victims of the Pentagon attack expressed concern that the description of income in the interim final rule did not account fully for income of employees of the military, which often uses terms of art to describe various forms of compensation.

In response to these suggestions, the interim final rule is amended to allow the Special Master discretion to consider on a prorated basis a victim's income from 2001 as well as published salary scales for government or military employees. In addition, the interim final rule is amended to clarify that military service members' and uniformed service members' compensation includes all of the various components of compensation, including, but not limited to, basic pay (BPY), basic allowance for housing (BAH), basic allowance for subsistence (BAS), federal income tax advantage (TAD), overtime bonuses, differential pay, and longevity pay.

Several comments also raised issues regarding the fact that the Special Master's schedules, tables, and charts

only identify presumed economic determinations of economic loss up to a salary level commensurate with the 98th percentile of individual income in the United States. Commenters had mixed reactions to this component of the calculations. Some complained that the program is inappropriately "making millionaires" of victims' families and that the high end presumed awards for earners at the 98th percentile were inordinately high when compared to the average or lower end awards. One commenter stated that the percentile should be lowered because, as currently implemented, it "unfairly discriminates against lower-income families." Other commenters, however, indicated that those same presumed awards that many regarded as too high were actually too low—that the amounts at the 98th percentile failed to fully redress losses for the most successful of all victims (in the top 2% of annual income). These commenters often inaccurately described the 98th percentile as a "cap" on awards.

The final rule does not change the interim final rule's provision that the presumed award charts will address incomes only up to the 98th percentile of income in the United States. Many of the criticisms of that provision were based upon the incorrect assumption that the provision constitutes a "cap" on economic loss recovery. To be absolutely clear: The fact that the "presumed awards" address incomes only up to the 98th percentile does not indicate that awards from the Fund are "capped" at that level. In extending the presumed awards only up to the 98th percentile, we merely recognized that calculation of awards for many victims with extraordinary incomes beyond the 98th percentile could be a highly speculative exercise and that, moreover, providing compensation above that level would rarely be necessary to ensure that the financial needs of a claimant are met. Calculation of an award beyond that point using the presumed award methodology without a detailed record could very well produce inappropriate results. Accordingly, we permitted applicants with extraordinary prior earnings to accept awards at the 98th percentile or seek calculation of an award based upon a more detailed record. We also note that the Special Master has express authority under the Act to consider the "individual circumstances of the claimant" in fashioning awards, including the *financial needs* of victims and surviving families in rebuilding their lives. As indicated, the Special Master will strive

to deliver a fair and equitable sum to each eligible claimant.

Many commenters argued for changes in other components of the economic calculations, the effect of which would increase awards. Some commenters stated that the wage growth rates used in the economic calculations are too low. A few commenters noted their opposition to consumption factors being used. Another stated that a person engaged to be married should not be straddled with an unmarried person's consumption rate. Some suggested that the work life estimates are outdated and gender biased. One commenter stated that the promotion and merit assumptions are inconsistent and unfair to particular age groups. Another indicated that taxes should not be deducted from future lost earnings. One commenter stated that economic loss for foreign nationals should be calculated by percentages. She suggested that the Special Master determine the percentile of the foreign national's income in his or her own country (in light of national averages), and calculate the economic loss in light of the income of the corresponding percentage in the United States. Finally, some commenters were worried that victims just out of school (but with degrees or professional licenses in industries offering top-level salaries), and without any income history, would be treated unfairly.

On the other hand, several commenters argued that the calculations were too generous and suggested changes, the effect of which would decrease awards. Some indicated that the wage growth rates are too high. One commenter suggested that personal representatives of single claimants should not be entitled to economic losses because they would not have benefitted from the decedent's economic gain absent death. Another commenter generally agreed with that proposition, but stated that economic loss should be limited to any amount a single deceased victim was obligated or ordered to pay in child support. Other commenters argued that economic awards should not assume that surviving spouses or other family members will never work again. Lastly, one commenter stated that divorce rates should be factored in to the economic loss calculations.

The new presumed award charts released by the Special Master make several changes that are designed to improve the economic loss methodology in light of the comments. While this methodology is not part of the Department's rulemaking, we believe it is helpful to offer this explanation here. These changes will have the overall

effect of increasing presumed awards for all claimants. Specifically:

(1) The Special Master's original presumed economic loss methodology relied upon expected work life data from the publication "A Markov Process Model of Work-Life Expectancies Based on Labor Market Activity in 1997-1998," by James Ciecka, Thomas Donley, and Jerry Goldman in the *Journal of Legal Economics*, Winter 1999-2000. Contrary to the assertions of some commenters, the Special Master did not use data from the 1970s; rather, the study was conducted in 1997 and 1998. Also, the Special Master's original presumed award methodology did not, as some suggested, discriminate against women. Rather, the original methodology relied upon the same assumptions for men and women—the combined average of All Active Males and All Active Females. However, in order to increase awards for all claimants by maximizing the duration of expected foregone earnings and accommodating potential increases by women in the labor force, the Special Master's revised presumed economic loss methodology uses the most generous data available. Specifically, the new methodology uses the All Active Males table for all claimants.

(2) To address concerns about wage growth assumptions and the application of wage growth assumptions to different age groups, the Special Master has adjusted the wage growth assumptions to growth rates that incorporate annual adjustments for inflation, productivity in excess of inflation and life cycle increases using data from the March 2001 Current Population Survey conducted by the Bureau of the Census for the Bureau of Labor Statistics. For life cycle increases, the Special Master is applying the higher age-specific life cycle increases (those for males) for all claimants. For inflation and productivity increases, the Special Master has applied rates of 2 percent and 1 percent, respectively. These rates are consistent with the long-term relationship between wage growth and risk-free interest rates. The net effect of this adjustment is to better represent the expected earnings pattern of the victims over their expected careers as compared to the original methodology, which based anticipated wage growth on the victim's age at death. The original assumptions reflected and indeed emphasized the fact that real increases are typically higher in the earlier stages of a career but was subject to some criticism because it did not adjust the growth continually throughout the work life and thus created differentials at specific ages (particularly, age 31 and

age 51). By adopting the revised assumptions, the Special Master adjusts wage growth throughout the duration of the work life, thus reducing the differences between age groups. In addition, although the data indicate that wages actually fall at a certain stage in the career, the Special Master has chosen to assume that peak earnings remain constant and do not decline at any stage in the career.

(3) As with the original presumed award calculations, the Special Master subtracts from the annual projected compensable income the victim's "consumption" as a percentage of after-tax income instead of before-tax income. While the consumption adjustment is standard, the application of the adjustment to after-tax income lowers the amount of the consumption offset below the amount that would typically apply in an economic loss calculation. In addition, as with the initial model, the Special Master's assumptions eliminate some of the components typically used in estimating consumption, thereby further limiting the consumption deduction.

(4) To better reflect typical life cycle earnings expectation, the Special Master has incorporated into the calculation a factor to account for risk of unemployment—again, a common factor in the calculation of future lost earnings.

(5) Finally, the Special Master has elected to use three blended after-tax discount rates to compute the present value of the award and has adjusted the discount rate to reflect current yields on mid-to long-term U.S. Treasury securities. Although this adjustment creates a more complex computational process, the Special Master believes that the effect will be to better reflect the different ages of the victims and the fact that the survivors will receive awards reflecting different assumed future years of work life.

Overall, it is important to understand that the basic factor that affects the economic loss analysis is the victim's own data: each presumed award will be calculated using the victim's data regarding actual compensation, including fringe benefits and forms of compensation and effective tax rate. It is also important to emphasize that the presumed award methodology is intended to facilitate the computation of a large number of awards without the detailed review that might typically be employed in a lengthy economic loss analysis in an individual case. To achieve this objective, the Special Master specifically adopted assumptions that are intended to be favorable to claimants and to enable prompt analysis and payment. Needless

to say, a case specific analysis that took into account the actual consumption and savings rates of a particular individual could require a substantial amount of time and could very well produce lower awards in some cases.

It is also relevant to note comments suggesting that the economic loss calculations fail to incorporate sufficiently replacement services loss. The Special Master recognizes that such losses are variable, and thus claimants may present at a hearing individualized data to support a departure from the presumed award.

## 2. Non-Economic Losses

After extensive fact finding, public outreach, and review of public comments, the Special Master and the Department concluded that the most rational and just way to approach the imponderable task of placing a dollar amount on the pain, emotional suffering, loss of enjoyment of life, and mental anguish suffered by the thousands of victims is to assess the non-economic losses for categories of claimants. The regulations, therefore, set forth presumed awards for non-economic losses sustained. The presumed non-economic loss awards for decedents in the interim final rule were \$250,000, plus an additional \$50,000 for the spouse and each dependent of the deceased victim. Notably, the regulations further provide the option of a hearing for those claimants who feel the presumed awards do not take into account their extraordinary circumstances.

While many lauded the decision not to distinguish (at least presumptively) between the pain and suffering of victims or loved ones, many others voiced their disapproval and urged that all presumptions be removed. Many of the comments addressing this topic focused on the pain and suffering of those left behind, while others referred to the pain and suffering experienced by the victims who lost their lives.

Those in favor of presumed equality pointed out the alleged difficulty in drawing distinctions. For instance, one commenter (speaking of the pain and suffering she has experienced) focused on another commenter's assertions that he deserved more money for pain and suffering because he spoke to his wife (who was in the World Trade Center) after one of the planes hit her building but before she lost her life. She stated that—although she did not talk to her husband prior to his death—she experienced just as much (if not more) pain and suffering because she never had the opportunity to say goodbye to him.

Other commenters, however, expressed their views on how distinctions should be made. For example, one family member (speaking of his son's pain and suffering) proposed the creation of a separate category of pain and suffering that differentiates between those victims who were trapped above the impact area of each World Trade Center building, from those who were physically located below it. He believes his son's pain and suffering was greater than those who died below the respective impact zones. Moreover, proposed distinctions were made depending on whether someone was an emergency worker or not. Some argued that emergency workers should receive more by way of non-economic losses because they sacrificed their lives to save victims. In contrast, others argued that emergency workers should receive less because "they knew [the] risks when they pursued their careers in public service."

Further, some argued the presumed awards as a whole were inadequate, while others stated they were too high. Many commenters stated that a victim's life is priceless and suggested that the non-economic presumptions be raised to acknowledge the grief suffered by family members. At least one commenter stated that non-economic losses usually are not available for wrongful death actions and, therefore, should be minimal under the Fund, if recognized at all.

One commenter urged that consequential and incidental damages be included in the non-economic calculations. Another indicated that non-economic losses should not be comparable to military benefits. Finally, at least one commenter argued that those who died without children are being "forgotten" or "penalized."

It is important once again to emphasize that the final rule specifies only the presumed non-economic losses award, and any claimant may request a hearing to present individualized evidence. However, the Special Master believes that it is important to have some measure of consistency among awards, so that he does not have to "play Solomon" by attempting to place a value on human lives on an ad hoc basis.

The selection of a dollar value for non-economic losses is inherently subjective. The Department and the Special Master concluded that an appropriate starting point is the compensation that Congress has made available under existing federal programs for public safety officers who are killed while on duty and members of our military who are killed in the line

of duty while serving our nation. See 38 U.S.C. 1967 (military personnel); 42 U.S.C. 3796 (Public Safety Officers Benefit Program). That amount (\$250,000) is not a cap.

The Department and the Special Master also decided to include an additional component for the spouse and each dependent of deceased victims. The interim final rule set that amount at \$50,000 for the spouse and each dependent. After reviewing the public comments and meeting with numerous families of victims, we have decided to double that amount to \$100,000 for the spouse and each dependent. Obviously, this will have an upward impact on the amount of the awards for many families of victims. In addition, the definition of "dependents" is modified to include those who meet the IRS' definition of "dependent" even where the victim did not include the individual as a dependent on his or her most recent federal tax return.

## C. Collateral Source

In enacting the Fund, Congress required that awards be offset by "collateral source compensation" such as life insurance benefits, employer death benefits, and benefits from other government programs. Under the law, the Special Master must make these offsets. Nevertheless, the law does give the Special Master some measure of discretion regarding charitable donations, and the interim final rule states that such donations will not be deducted from victims' awards.

Many commenters focused on issues that are beyond the Department's authority to regulate. For example, many commenters addressed the appropriateness of reducing final awards by collateral compensation at all. Many commenters suggested that it was inappropriate to reduce awards for the families of victims who planned ahead by purchasing life insurance or other means of ensuring financial compensation to their families. On the other hand, those comments in favor of maintaining collateral-source offsets shared a similar theme; namely, in their opinion, the intent of the Fund was to "make sure that nobody's loss is compounded by sudden destitution," not to enrich those who already have the financial means to make ends meet.

Despite the unequivocal language in the Act that mandates the Special Master deduct life insurance proceeds from awards, a substantial percentage of comments focused on this issue. While the majority of those comments urged that such proceeds not be deducted—a course that only Congress can prescribe—several commenters had

more limited suggestions. For instance, a few commenters suggested that premiums that were contributed by the policyholder should be subtracted from the proceeds in calculating offsets. Other commenters similarly insisted that "cash values" not be included in the deductions.

Additionally, a few commenters were worried that life insurance proceeds that are not paid to a victim's personal representative (or any member of the decedent's current family) would be deducted from the award paid to the personal representative. One commenter proposed that "[l]ife insurance proceeds should only be offset to the extent they were paid to those persons who are the beneficiaries or distributees of the estate of a deceased victim."

There also was a high volume of comments regarding workers' compensation. Several commenters stated they are uncertain whether or not workers' compensation benefits constitute a collateral source under the rule. Many argued that such benefits should not be deducted. Others argued they should. Some suggested that offsetting workers' compensation benefits would be impracticable because several "unknowns" exist. For example, survival benefits, under certain state laws, are forfeited if and when the recipient remarries, and such benefits, they contend, "cannot accurately be reduced to present value." One organization specializing in New York workers' compensation law raised important technical issues and proposed preemptive solutions.

Although the topic of private charitable awards (as a potential component of collateral source) provoked a large percentage of the comments submitted in response to the Department's Notice of Inquiry, scant mention was made of it in response to the interim final rule. At least one commenter insisted that charities be deducted. Others sought further clarification on the scope of the definition of "charity" under the rule.

An important point needs to be made here regarding the differences between the private and federal compensation efforts arising out of the attacks of September 11. Many commenters confused this Victim Compensation Fund, which was created by Congress and is financed by taxpayer revenue, with the private charities (e.g., American Red Cross). For example, some were upset with the Special Master because their private charitable donations were not being divided equally. Others were angry at the Special Master for not disseminating private charitable donations in a more

timely fashion. It should be reiterated that the Special Master administering this Fund is not in charge of, nor does he maintain any control over, the private charitable organizations or the money they have collected.

Many comments raised additional collateral source issues. These comments consisted of proposals that, if adopted, would either increase or decrease the amount of offsets. Those wanting decreased offsets argued that pension funds, 401(k) plans, and IRAs essentially are "savings plans" and, therefore, should not be offset. Others contended that collateral offsets should affect only the amount of economic loss, rather than economic and non-economic losses combined. At least one commenter urged that money paid into Social Security on behalf of a victim (over his or her lifetime) be subtracted from any offset. One commenter asked that collateral offsets not be considered over \$500,000.

Similarly, some commenters argued that pensions and other forms of retirement are, in fact, compensation (or incentives) for either accepting higher risk (in the case of emergency workers) or lower salaries (in the case of government employees). Others proposed that the regulations include a floor whereby every claimant, notwithstanding the amount of collateral-source offsets, is entitled to receive a considerable amount of compensation. These commenters expressed concern that—after collateral-source offsets—they could end up receiving nothing under the Fund.

The public's questions and comments make it clear that the determination of the appropriate collateral source offset will in many situations involve an individualized case-by-case review. It also appears from questions and from reports in the media that some individuals may be over-valuing the collateral source compensation and therefore assuming a much greater offset than would likely be applicable and that there is a great deal of uncertainty regarding the types of compensation that would be subject to the offset. Indeed, many commenters over-valued their particular collateral source compensation by failing to reduce future periodic payments or benefits to present value, a calculation that in many circumstances has a substantial effect on offset amounts. It is both necessary and appropriate therefore to provide more detailed guidance to the victims and their families so that they can make educated choices regarding participation in the program. The following clarifications regarding the interpretation and application of the

collateral source compensation provisions of the Act should allow potential claimants to make more informed choices.

The Act defines collateral sources to mean all such sources, including life insurance, pension funds, death benefit programs, and payments by federal, state, or local governments related to the terrorist-related aircraft crashes of September 11, 2001. The Act and the rule require the Special Master to reduce the total amount of compensation by the amount of the collateral source compensation the claimant (or, in the case of a Personal Representative, the victim's beneficiaries) has received or is entitled to receive as a result of the terrorist-related aircraft crashes. In administering the Fund, consistent with the purpose and terms of the Act, the Special Master will exercise discretion in valuing the appropriate deductions for collateral offsets, including by determining: (1) Whether the particular offsets fall within the definition of collateral sources; (2) whether beneficiaries of the Fund are "entitled" to receive compensation from those collateral sources; (3) whether the collateral source compensation is certain or can be computed with sufficient certainty to enable its deduction while ensuring that the beneficiaries receive the total compensation that is appropriate; and (4) the appropriate amount of the compensation that should be deducted, taking into account the time value of money and contributions made before death by the victim in the nature of investment or savings.

#### *1. Definition of Collateral Source Compensation Offset*

While it is not possible to define in advance every possible collateral source deduction, a few general illustrations should provide guidance: First, the Special Master has discretion to exclude from consideration life insurance proceeds that are distributed to persons other than the beneficiaries of this Fund; second, the Special Master has discretion to adjust the amount of offsets to exclude premiums or assets that were accumulated by the victim through self-contributions paid into a life insurance program to build up a tax-deferred cash value; third, the Special Master may reduce the amount of the offset for a pension to take account of self-contributions to that plan over the decedent's lifetime.

In addition, the final rule provides that tax benefits received from the federal government as a result of the enactment of the Victims of Terrorism Tax Relief Act of 2001 ( Pub. L. 107-



134) will *not* be treated as collateral source compensation. The Victims of Terrorism Tax Relief Act of 2001 provides income and estate tax relief to the families of victims of terrorism. The law waives the income tax liability of a victim who died in one of the attacks for both the year of the attack and the previous year, and ensures that a minimum benefit of \$10,000 is provided to the family of each victim. In addition, the law shields the first \$8.5 million of a victim's estate from the federal estate tax. For example, prior to the new law, citizens or residents of the United States who died in the September 11, 2001 terrorist attacks, were able to utilize the maximum state death tax credit allowed for federal estate tax purposes, and had made no prior taxable gifts would have had federal estate tax liabilities as follows: a decedent with a federal taxable estate valued at \$2,000,000 would have had a federal estate tax liability of approximately \$460,650; a decedent with a federal taxable estate valued at \$4,000,000 would have had a federal estate tax liability of approximately \$1,339,850; and a decedent with a federal taxable estate valued at \$8,000,000 would have had a federal estate tax liability of approximately \$3,047,050. As a result of the new law, no estate tax would be due in each case. The Victims of Terrorism Tax Relief Act of 2001 therefore provides very substantial tax relief to many victims, and that relief will *not* be treated as collateral source compensation for purposes of determining awards from the Fund. Nevertheless, substantial income tax rebates could bear on financial need, and therefore could conceivably be considered by the Special Master in the context of a hearing.

#### *2. Guidelines for Determining Offset Where Benefit Is Uncertain*

Some survivors may be eligible for benefits or payments from certain programs that provide periodic payments subject to adjustment or termination depending on potential future events that cannot be predicted. Examples include Social Security survivor benefits paid to the spouse of a victim. Such benefits are paid only under certain conditions and only for certain periods of time. Further, the benefits are paid periodically over a period of years.

Where the benefits to be paid due to death of the victim are uncertain, unpredictable, or contingent on unknown future events, the amount of the compensation to which the survivor is entitled can be impossible to compute with reasonable certainty. In those

instances, the Special Master has discretion not to require a *full* deduction where the amount of the collateral source compensation cannot be determined with reasonable certainty. Thus, for example, the Special Master has determined that workers' compensation benefits that are payable only if the spouse does not re-marry will only be offset to the extent they have already been paid. Likewise, Social Security and similar benefits payable to a surviving spouse only if the spouse does not re-marry or does not earn income above a certain threshold will be offset only to the extent they have already been paid. By contrast, survivor benefits from the Social Security Administration and from the military to children of victims—who generally are entitled by law to periodic payments until they reach the age of 17 or 18—can be reasonably computed and will be offset.

#### *3. Computation of Collateral Source Offset*

In light of numerous questions regarding the valuation of collateral source compensation, it is important to clarify that in computing the offset for any collateral source that is to be paid over a period of time, the Special Master will only offset the present value of that collateral source compensation. This has the effect of decreasing offsets and, thus, increasing the amount of awards. As an example, in the case of Social Security children's benefits, the Special Master would determine the monthly benefit to the child, multiply that benefit by the number of months remaining until the child reaches age 17 (taking into account possible limits such as maximum family benefits available), include—if consistent with Social Security guidelines—a factor for inflation, and then discount the total to present value to determine the amount of the offset.

#### *4. Clarification Regarding Charitable Contributions*

The interim final rule provides that charitable donations distributed to beneficiaries of the decedent, to the injured claimant, or to the beneficiaries of the injured claimant by "private charitable entities" are *not* collateral source compensation. § 104.47(b)(2). The interim final rule further provides that the Special Master may determine that funds provided through a private charitable entity constitute, in substance, a payment described in the definition of collateral sources, and therefore *should* be used to offset the award.

Some commenters have expressed concern that the interim final rule's definition could require that privately funded charities would be treated as collateral sources if a governmental entity created or manages the charity. In order to avoid this confusion, the provision is amended to provide that money received from "privately funded charitable entities" do *not* constitute collateral source compensation, subject to the same exception described above.

#### *5. Availability of Information Regarding Collateral-Source Offsets*

Through this preamble, the Special Master announces his intention to permit applicants to meet with the Special Master or his representative consultants in order to advise such applicants whether particular types of collateral source compensation will fall within the definition of "collateral source compensation," and how such types of collateral sources will be valued. This service is an attempt to deal with an issue raised during the comment period; namely, that potential claimants should not be required to waive their right to sue without having some indication of how particular types of collateral offsets will be treated. The final rule attempts to deal with this problem by striking a careful balance.

The Act does not permit the Special Master to provide claimants any precise estimate of their award prior to the claimant opting into the Fund. Indeed, the Special Master and his staff will carefully review the information submitted in any claim before reaching any conclusions regarding an award. Nevertheless, by permitting applicants to inquire as to how the offsets will be calculated for differing types of collateral sources, this provision of the final rule should assist applicants to make a considered election concerning whether to participate in the Fund or not. To be clear, this consultation will focus on broad categories of benefits and will *not* provide applicants with a precise estimate of their eventual award. The determination of an appropriate award requires a deliberative review of a victim's file, including the types of detailed financial records that the application requires. The Special Master cannot, and will not, give a precise computation of an award before a claim is filed. This provision helps to assure claimants a better understanding of their award without requiring the Special Master to engage in individual computation not permitted by the Act.

Finally, some commenters expressed concern that their collateral-source deductions could eliminate their awards altogether. The Act *requires* that

collateral source compensation be deducted from all final awards. The Act, therefore, does not permit us to create a mandatory legal rule requiring minimum payouts for all eligible claimants after collateral source deductions. Nevertheless, the Special Master is permitted to consider the individual circumstances of each claimant, including the needs of the victim's family. The Special Master has announced his expectation that, when the total needs of deceased victims' families are considered, it will be very rare that a claimant will receive less than \$250,000, except in unusual situations where a claimant has already received very substantial compensation from collateral sources.

#### D. Eligibility.

The Act requires the Special Master to determine whether a claimant is an "eligible individual." "Eligibility," in turn, is defined by the Act to include: (1) Individuals (other than the terrorists) aboard American Airlines flights 11 and 77 and United Airlines flights 93 and 175; (2) individuals who were "present at" the World Trade Center, the Pentagon, or the site of the aircraft crash at Shanksville, Pennsylvania at the time or in the immediate aftermath of the crashes; or (3) personal representatives of deceased individuals who would otherwise be eligible. Moreover, to be eligible for an award, an individual must have suffered physical harm or death as a result of one of the terrorist-related air crashes. The rule addresses eligibility by defining the terms "present at," "immediate aftermath," "physical harm," and "personal representative."

Many commenters submitted comments regarding eligibility issues. However, although the rule defined several terms important to eligibility requirements, the majority of comments concerning this topic discussed the scope of the terms "physical harm" and "personal representative."

##### 1. Physical Harm

To be eligible for compensation under the Fund, victims who did not lose their lives in the terrorist attacks of September 11 must demonstrate that they suffered physical harm. "Physical harm" is defined in the interim final rule as "a physical injury to the body that was treated by a medical professional within 24 hours of the injury having been sustained or within 24 hours of rescue." Additionally, such injury must have: (i) Required hospitalization as an in-patient for at least 24 hours; or (ii) caused, either temporarily or permanently, partial or

total physical disability, incapacity or disfigurement.

The Act does not extend eligibility to those who suffered emotional distress without physical injury. A few commenters therefore urged that the Act be rewritten to include such harm, or that regulations be drafted to interpret emotional distress as a physical injury. At least one commenter stated that those suffering from post-traumatic stress disorder should be eligible under the Fund. Another lauded the program for its restrictions on eligibility based on physical injury.

Several commenters stated that the rule's definition of "physical harm" strikes an appropriate balance between compensating victims and preventing fraud or abuse. A few, however, indicated they were severely injured in the immediate aftermath of the terrorist attacks, yet would not be eligible for the Fund because they were not "treated by a medical professional within 24 hours of the injury having been sustained." These commenters urged that the rule be adjusted to allow a longer period of time for treatment by a medical professional. At least one commenter indicated that—despite being seriously injured—he spent more than 24 hours trying to locate his family members and friends who worked in the World Trade Center. Another commenter described how many individuals with serious physical injuries either were reluctant to seek immediate treatment or were persuaded not to seek treatment in the 24 hours following the attacks in order to allow physicians to care for those suffering potentially life-threatening injuries.

The final rule expands the time period in which victims must have obtained medical treatment from 24 hours to 72 hours for those victims who were unable to realize immediately the extent of their injuries or for whom appropriate medical care was not available on September 11. The Special Master has discretion to extend the time period even further for rescue personnel or possibly others who otherwise meet this requirement but did not seek or were not able to seek medical treatment within 72 hours. Of course, the Special Master will continue to require evidence that victims suffered physical injury at the time of, or in the immediate aftermath of, the aircraft crashes, as defined in § 104.2 of this rule.

##### 2. Personal Representative

The Act provides that in the case of an individual who is deceased but who otherwise meets the other criteria for eligibility, a claim may be filed by the personal representative of the decedent.

In many or most cases the identity of the personal representative will not be in dispute. Where disputes exist, however, at least two issues arise: (1) What are the rules for determining who is the personal representative; and (2) who should apply the rules and resolve the dispute?

As to the first issue, the regulations rely upon state law. With respect to the second issue, the regulations provide that the Special Master is not obligated to arbitrate, litigate, or otherwise resolve disputes as to the identity of the personal representative. The regulations do provide, however, that the disputing parties may agree in writing on a personal representative to act on their behalf—who may seek and accept payment from the Fund—while those disputing parties work to settle their dispute. Further, in appropriate cases, the Special Master may determine an award, but place the payment in escrow until the dispute regarding the personal representative is ultimately resolved.

While several commenters agreed that state law should govern personal representative issues, others did not. Most commenters who were dissatisfied with the rule's reliance upon state law in this area expressed concern that state law determinations would preclude recovery by particular individuals who lost loved ones in the terrorist attacks. Others, however, expressed concerns regarding possible uncertainty and the lack of uniformity among different states' laws. Consequently, several commenters contended that the rule should provide eligibility requirements that displace state law.

One of the topics receiving the most comments was the eligibility of domestic partners. Many comments submitted on behalf of members of Amnesty International urged that there be "equal access to benefits under the Fund for all victims, regardless of sexual orientation or marital status." Members of this organization, and several other individuals, stated that eligibility should be extended to surviving partners of gays and lesbians. Others urged that partners in common law marriages be eligible. Another group of commenters suggested that eligibility should be construed more broadly to include all partners "in long standing stable relationships \* \* \*." In contrast, scores of comments were submitted by those who feel "funds should be limited to spouses and other family members \* \* \* and should not extend to domestic partners, including surviving partners of gays and lesbians."

In addition to fiancées who may be part of a domestic partnership, many other fiancées (and those commenting

on their behalf) similarly expressed frustration they are not (or may not be) eligible under the Fund. Some noted that their state of domicile does not place fiancées in the line of intestate succession. One asked, rhetorically, "Why am I eligible to recover money from certain private charities, but yet am ineligible under the Fund?" On a related note, more than one commenter indicated that ex-spouses should be eligible.

The final rule continues to rely upon state law for the determination of the personal representative. Reliance on state law is necessary in part because those who file for recovery under the Fund waive their rights to recover through litigation, in which state law would determine the identity of the appropriate representatives of the decedent, or the decedent's estate, to bring suit. Thus, if the identity of personal representatives for purposes of this Fund were determined by federal regulation, there could be many situations in which the representative as defined by state law would choose litigation while the personal representative as defined by federal regulation would seek to recover from the Fund. While many have voiced criticisms of some of the potentially applicable state laws, those criticisms are more properly directed toward state officials. It is important to note, however, that state intestacy laws are relevant only in the absence of a valid will. Thus, to the extent that some or all of the award would pass by will, the will may determine the identity of some or all of the beneficiaries.

### 3. Other Eligibility Issues

Many commenters stated they are angry that men and women in the United States armed forces who have died (or may die) fighting terrorism in Afghanistan are not eligible under the Fund. One commenter noted that "military victims bleed and die like everyone else." One commenter argued that more than one claim per family should be allowed under the Act. At least one commenter suggested that the term "dependent" be construed more broadly to include all children, including sons and daughters who have reached the age of majority. Another commenter stated that siblings who lived in the same household of the decedent should be compensated. A few commenters urged that all parents and siblings be compensated, even when state law does not provide for it. Last, one commenter noted that those who are found ineligible to recover from the Fund should not have to waive their rights to sue in a court of law.

Congress explicitly provided that only those who suffered physical harm as a result of the air crashes and the personal representatives of those who were killed as a result of the air crashes are eligible claimants. Congress did not, however, address who could ultimately receive compensation. Indeed, the 120-day statutory deadline for adjudicating claims on the Fund could in many instances preclude the Special Master from fairly determining how best to disburse awards among family members. Because state laws routinely serve that type of function, it makes the most sense that they generally provide the bases for distribution. Thus, issues regarding whether siblings and adult offspring of victims can receive part of the award will generally be determined by reference to state (or relevant foreign) law.

### E. Distribution of Awards

The interim final rule allows the Special Master to issue awards in a lump sum to eligible claimants. One commenter implied that the rule was not clear on how funds will be distributed once a lump payment is made to a personal representative. She stated her concern that certain distributees under state law may be left out. One organization stated its concern that absent a regulation creating the option of structured awards, the tax-free status of awards may be compromised. Finally, at least one commenter indicated that the option to create a trust is necessary to prevent beneficiaries from squandering lump sums.

The interim final rule provided that the Special Master has discretion to provide claimants with information regarding annuities or other financial planning devices or to offer structured awards with periodic payments. The Special Master is encouraged to provide information to claimants regarding the availability of annuities and other financial planning devices and services. The Special Master strongly recommends that personal representatives or beneficiaries consider annuities and structured settlements.

It has come to the Department's attention that the classification of awards as "pain and suffering" awards or as "wrongful death" awards will affect the distribution of the awards under the laws of some states. Some, including the judges of New York's Surrogate's Courts, have explained that it would be difficult to determine the appropriate distribution without some guidance from the Special Master regarding the nature of the awards. Therefore, the Special Master has

discretion, where appropriate, to specify the amount of the final award that is attributable to economic loss and the amount that is attributable to non-economic loss and other relevant information necessary in order to provide guidance to personal representatives and state courts in determining the proper distribution of awards or in reviewing the distribution plan.

### F. Procedural Rules

Certain commenters proposed substantive changes to the interim final rule. A few commenters, however, raised concerns with the procedural framework it envisioned. Most of these commenters criticized the use of presumed awards. Specifically, they contended that presumptive awards should be eliminated altogether, and that all awards made under Fund should be decided primarily on evidence presented at a mandatory hearing. These commenters contended there should exist no rebuttable presumption whatsoever or, in the alternative, surmised that the "extraordinary circumstances" burden was too high to have any practical effect on increasing awards. In order to effectuate these proposed changes, a few commenters proposed that hearings not be limited to two hours. Rather, in their opinion, there should exist an unlimited time period at the hearings to discuss each case and present oral testimony or other evidence. One commenter stated that the rule needs to be clear as to whether or not there is risk of receiving less than the presumed award when someone opts for a hearing under Track B.

The final rule leaves intact the "presumed award" approach, under which claimants may choose to receive the presumed award and seek review if appropriate, or instead proceed directly to an individualized hearing. With regard to the suggestion that the Special Master jettison the presumed awards altogether in favor of a purely individualized, case-by-case adjudication, we do not believe that such a "black box" approach would serve the best interests of the claimants. While the regulations are designed to provide claimants an opportunity to present their individual circumstances, claimants should not waive their rights to litigation without some indication of what they might recover under the Fund.

At the same time, it is important that the Special Master have an opportunity to consider circumstances that are not accounted for in the presumed award charts. The term "extraordinary

circumstances" is not intended to signal that there is an unsustainable burden to justify departure from the presumed award. Instead, it reflects the Special Master's sense that the presumed award methodology should be fair and appropriate for a substantial majority of claims. A number of factors could support a determination to depart from the presumed award methodology. For victims who had extremely high incomes (beyond the 98th percentile of individuals in the United States), the Special Master may consider any relevant individual circumstances, including whether the financial needs of those victims' families are being met.

In addition, the final rule explains that there will be no firm time limit for hearings.

#### **Application of Various Laws and Executive Orders to This Rulemaking**

##### *Administrative Procedure Act, 5 U.S.C. 553*

This rule provides for compensation to eligible individuals who were physically injured and to the personal representatives of those who were killed as a result of the terrorist-related aircraft crashes of September 11, 2001. On December 21, 2001, the Department published its interim final rule and provided a thirty-day period for public comments.

The Department finds "good cause" for exempting this rule from the provision of the Administrative Procedure Act providing for a delayed effective date. 5 U.S.C. 553(d). Delaying the opportunity for eligible claimants to avail themselves of the final rule's changes to the regulations would be contrary to the public interest. The interim final rule is already in effect, and it is in the public interest to minimize the amount of time during which nonfinal rules are in effect. In addition, potential claimants may prefer to have their claims resolved under the final rule, and it is in the public interest to allow them to file and, if eligible, receive awards as soon as possible.

##### *Congressional Review Act*

The Administrator of the Office of Information and Regulatory Affairs of the Office of Management and Budget has designated this final rule as a "major rule" as that term is defined by the Congressional Review Act ("CRA"), 5 U.S.C. 801 *et. seq.* Pursuant to section 808(2) of the CRA, the Department finds that "good cause" exists for making this rule effective upon publication because delay would be contrary to the public interest favoring prompt disbursement of benefits.

##### *Paperwork Reduction Act of 1995*

The Department of Justice (DOJ), Civil Division has submitted the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the emergency review procedures of the Paperwork Reduction Act of 1995. OMB approval has been requested by March 6. The proposed information collection is published to obtain comments from the public and affected agencies. Two associated information collections, the Registration/Eligibility Form and Application for Emergency Benefits from the Victim Compensation Fund (OMB 1105-0073, SM-001) and the Victim Compensation Fund Objection Form (OMB 1105-0077, SM-002) have already received OMB approval. The Death Compensation Form for the September 11 Victim Compensation Fund (SM-003) and the Personal Injury Compensation Form for the September 11 Victim Compensation Fund (SM-004) are currently under OMB review. If granted, the emergency approval is only valid for 180 days. Comments should be directed to OMB, Office of Information and Regulatory Affairs, Attention: Department of Justice Desk Officer, Washington, D.C. 20530.

During the first 60 days of this same review period, a regular review of this information collection will be undertaken. All comments and suggestions, or questions regarding additional information, including obtaining a copy of the proposed information collection instrument with instructions, should be directed to Office of the Special Master, U.S. Department of Justice, 950 Pennsylvania Avenue, NW., Washington, DC 20530. We request written comments and suggestions from the public and affected agencies concerning the proposed emergency collection of information.

Your comments should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the

use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

##### **Overview of This Information Collection**

(1) Type of Information Collection: New Collection

(2) Title of the Form/Collection: Death Compensation Form for the September 11 Victim Compensation Fund and Personal Injury Compensation Form for the September 11 Victim Compensation Fund.

(3) Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection: Form Number: SM-003 (Death Compensation Form) and SM-004 (Injury Compensation Form), Office of the Special Master, Department of Justice.

(4) Affected public who will be asked or required to respond, as well as a brief abstract: Primary: The primary affected public will be individuals who were physically injured and the Personal Representatives of those killed as a result of the terrorist-related aircraft crashes of September 11, 2001. Abstract: Physically injured victims as a result of the terrorist-related attacks of September 11, 2001 will use the Injury Compensation Form and Personal Representatives of those killed as a result of September 11 will use the Death Compensation Form. Both forms will be used to provide information needed to determine eligibility for the program and to calculate compensation awards.

(5) An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond: 5,000 claimants with an average of 15 hours per response.

(6) An estimate of the total public burden (in hours) associated with the collection: 75,000 hours.

If additional information is required contact: Robert B. Briggs, Department Clearance Officer, Information Management and Security Staff, Justice Management Division, United States Department of Justice, 601 D Street NW., Suite 1600, Washington, DC 20004.

##### *Privacy Act of 1974*

The Department of Justice, Civil Division (CIV) has established a new Privacy Act system of records entitled "September 11th Victim Compensation Fund of 2001 File System," JUSTICE/CIV-008. By law, regulations addressing certain administrative matters for the September 11th Victim Compensation Fund of 2001 were to be issued within

the 90-day period established by Congress. In compliance with that time period, the Privacy Act notice was published on December 21, 2001 at 66 FR 65991, with no routine uses, and was effective on the date published. It is likely that amendments to this notice, including routine uses, will be published at a later date, with the opportunity to comment. In the interim, disclosures necessary to process claims are being made, and will be made, only with the prior written consent of claimants or as otherwise authorized under 5 U.S.C. 552a(b).

**Regulatory Flexibility Act**

These regulations set forth procedures by which the Federal government will award compensation benefits to eligible victims of the September 11, 2001 terrorist attacks. Under 5 U.S.C. 601(6), the term "small entity" does not include the Federal government, the party charged with incurring the costs attendant to the implementation and administration of the Victims Compensation Fund. To the extent that small entities, including small government entities, will be economically affected by the promulgation of these regulations, such effects will likely be minimal. Further, the number of entities that will be affected will, in all probability, fall short of a "substantial number" of small entities. In fact, the Department believes that the promulgation of these rules will play a considerable role in reducing the amount of complex, private litigation, wherein a substantial number of small (and large) entities would undoubtedly be significantly impacted.

Accordingly, the Department has reviewed this rule in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)) and by approving it certifies that this rule will not have a significant economic impact on a substantial number of small entities because it provides compensation to eligible individuals who were physically injured as a result of the terrorist-related aircraft crashes of September 11, 2001, and compensation through a "personal representative" for those who were killed as a result of those crashes. This rule provides compensation to individuals, not to entities.

**Unfunded Mandates Reform Act of 1995**

This rule will not result in the expenditure by State, local and tribal governments, in the aggregate, or by the private sector, of \$100,000,000 or more in any one year, and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions

of the Unfunded Mandates Reform Act of 1995.

**Executive Order 12866—Regulatory Planning and Review**

This regulation has been drafted and reviewed in accordance with Executive Order 12866, "Regulatory Planning and Review," section 1(b), Principles of Regulation. The Department of Justice has determined that this rule is a "significant regulatory action" under Executive Order 12866, section 3(f), Regulatory Planning and Review, and accordingly this rule has been reviewed by the Office of Management and Budget.

**Executive Order 13132—Federalism**

This regulation will not have substantial direct effects on the States, on the relationship between the national government and the States, or on distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 13132, it is determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment. However, the Department of Justice has worked cooperatively with state and local officials in the affected communities in the preparation of this rule. Also, the Department individually notified national associations representing elected officials of the initial Notice of Inquiry and the subsequent interim final rule, and the Department will be taking similar action in connection with the final rule.

**List of Subjects in 28 CFR Part 104**

Disaster assistance, Disability benefits, Terrorism.

Accordingly, for the reasons set forth in the preamble, the interim rule amending Part 104 of chapter I of Title 28 of the Code of Federal Regulations that was published on December 21, 2001 at 66 FR 66274 is adopted as a final rule with the following changes:

**PART 104—SEPTEMBER 11TH VICTIM COMPENSATION FUND OF 2001**

1. The authority citation for part 104 continues to read as follows:

**Authority:** Title IV of Pub. L. 107-42, 115 Stat. 230, 49 U.S.C. 40101 note.

2. Section 104.2 is amended by revising paragraph (c)(1) to read as follows:

**§ 104.2 Eligibility definitions and requirements.**

(c) \* \* \*

(1) The term *physical harm* shall mean a physical injury to the body that was treated by a medical professional within 24 hours of the injury having been sustained, or within 24 hours of rescue, or within 72 hours of injury or rescue for those victims who were unable to realize immediately the extent of their injuries or for whom treatment by a medical professional was not available on September 11, or within such time period as the Special Master may determine for rescue personnel who did not or could not obtain treatment by a medical professional within 72 hours; and

\* \* \* \* \*

3. Section 104.3 is amended by revising paragraphs (a) and (b) to read as follows:

**§ 104.3 Other definitions.**

(a) *Beneficiary.* The term *beneficiary* shall mean a person to whom the Personal Representative shall distribute all or part of the award under § 104.52 of this Part.

(b) *Dependents.* The Special Master shall identify as dependents those persons so identified by the victim on his or her federal tax return for the year 2000 (or those persons who legally could have been identified by the victim on his or her federal tax return for the year 2000) unless:

(1) The claimant demonstrates that a minor child of the victim was born or adopted on or after January 1, 2001;

(2) Another person became a dependent in accordance with then-applicable law on or after January 1, 2001; or

(3) The victim was not required by law to file a federal income tax return for the year 2000.

\* \* \* \* \*

4. Section 104.6 is revised to read as follows:

**§ 104.6 Amendments to this part.**

Claimants are entitled to have their claims processed in accordance with the provisions of this Part that were in effect at the time that their claims were submitted under § 104.21(d). All claims will be processed in accordance with the current provisions of this Part, unless the claimant has notified the Special Master that he or she has elected to have the claim resolved under the regulations that were in effect at the time that the claim was submitted under § 104.21(d).

5. Section 104.21(d) is revised to read as follows:

**§ 104.21 Filing for compensation.**

\* \* \* \* \*

(d) *Submission of a claim.* Section 405(c)(3)(B) of the Act provides that upon the submission of a claim under the Fund, the claimant waives the right to file a civil action (or to be a party to an action) in any Federal or State court for damages sustained as a result of the terrorist-related aircraft crashes of September 11, 2001, except for civil actions to recover collateral source obligations and civil actions against any person who is a knowing participant in any conspiracy to hijack any aircraft or commit any terrorist act. A claim shall be deemed submitted for purposes of section 405(c)(3)(B) of the Act when the claim is deemed filed pursuant to § 104.21, regardless of whether any time limits are stayed or tolled.

6. Section 104.33 is amended by revising paragraphs (c) and (g), to read as follows:

§ 104.33 *Hearing.*

(c) *Location and duration of hearings.* The hearings shall, to the extent practicable, be scheduled at times and in locations convenient to the claimant or his or her representative. The hearings shall be limited in length to a time period determined by the Special Master or his designee.

(g) *Determination.* The Special Master shall notify the claimant in writing of the final amount of the award, but need not create or provide any written record of the deliberations that resulted in that determination. There shall be no further review or appeal of the Special Master's determination. In notifying the claimant of the final amount of the award, the Special Master may designate the portions or percentages of the final award that are attributable to economic loss and non-economic loss, respectively, and may provide such other information as appropriate to provide adequate guidance for a court of competent jurisdiction and a personal representative.

7. In Section 104.43, paragraph (a) is amended by:

- a. revising the second and third sentences; and
b. adding at the end thereof two new sentences, to read as follows:

§ 104.43 *Determination of presumed economic loss for decedents.*

(a) \* \* \* The Decedent's salary/income in 1998-2000 (or for other years the Special Master deems relevant) shall be evaluated in a manner that the Special Master deems appropriate. The

Special Master may, if he deems appropriate, take an average of income figures for 1998-2000, and may also consider income for other periods that he deems appropriate, including published pay scales for victims who were government or military employees.

\* \* \* For victims who were members of the armed services or government employees such as firefighters or police officers, the Special Master may consider all forms of compensation (or pay) to which the victim was entitled. For example, military service members' and uniformed service members' compensation includes all of the various components of compensation, including, but not limited to, basic pay (BPY), basic allowance for housing (BAH), basic allowance for subsistence (BAS), federal income tax advantage (TAD), overtime bonuses, differential pay, and longevity pay.

8. Section 104.44, is amended by revising the first sentence to read as follows:

§ 104.44 *Determination of presumed noneconomic losses for decedents.*

The presumed non-economic losses for decedents shall be \$250,000 plus an additional \$100,000 for the spouse and each dependent of the deceased victim.

9. Section 104.47 is amended by:
a. revising paragraphs (a) and (b)(2); and
b. adding paragraph (b)(3), to read as follows:

§ 104.47 *Collateral sources.*

(a) *Payments that constitute collateral source compensation.* The amount of compensation shall be reduced by all collateral source compensation, including life insurance, pension funds, death benefits programs, and payments by Federal, State, or local governments related to the terrorist-related aircraft crashes of September 11, 2001. In determining the appropriate collateral source offset for future benefit payments, the Special Master may employ an appropriate methodology for determining the present value of such future benefits. In determining the appropriate value of offsets for pension funds, life insurance and similar collateral sources, the Special Master may, as appropriate, reduce the amount of offsets to take account of self-contributions made or premiums paid by the victim during his or her lifetime. In determining the appropriate collateral source offset for future benefit payments that are contingent upon one or more future event(s), the Special Master may reduce such offsets to account for the possibility that the

future contingencies may or may not occur. In cases where the recipients of collateral source compensation are not beneficiaries of the awards from the Fund, the Special Master shall have discretion to exclude such compensation from the collateral source offset where necessary to prevent beneficiaries from having their awards reduced by collateral source compensation that they will not receive.

(b) \* \* \*

(2) Charitable donations distributed to the beneficiaries of the decedent, to the injured claimant, or to the beneficiaries of the injured claimant by privately funded charitable entities; provided however, that the Special Master may determine that funds provided to victims or their families through a privately funded charitable entity constitute, in substance, a payment described in paragraph (a) of this section.

(3) Tax benefits received from the Federal government as a result of the enactment of the Victims of Terrorism Tax Relief Act.

10. Section 104.52 is amended by revising the third sentence to read as follows:

§ 104.52 *Distribution of award to decedent's beneficiaries.*

(a) \* \* \* Notwithstanding any other provision of these regulations or any other provision of state law, in the event that the Special Master concludes that the Personal Representative's plan for distribution does not appropriately compensate the victim's spouse, children, or other relatives, the Special Master may direct the Personal Representative to distribute all or part of the award to such spouse, children, or other relatives.

11. Section 104.61(a) is amended by revising the first sentence to read as follows:

§ 104.61 *Limitation on civil actions.*

(a) *General.* Section 405(c)(3)(B) of the Act provides that upon the submission of a claim under the Fund, the claimant waives the right to file a civil action (or be a party to an action) in any Federal or State court for damages sustained as a result of the terrorist-related aircraft crashes of September 11, 2001, except that this limitation does not apply to recover collateral source obligations, or to a civil action against any person who is a knowing participant in any conspiracy to hijack any aircraft or commit any terrorist act. \* \* \*

Dated: March 7, 2002.  
**John Ashcroft,**  
*Attorney General.*  
 [FR Doc. 02-5923 Filed 3-12-02; 8:45 am]  
 BILLING CODE 4410-12-P

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 131**

[FRL-7157-1]

**Withdrawal of the Federal Designated Use for Shields Gulch in Idaho**

**AGENCY:** Environmental Protection Agency.

**ACTION:** Final rule.

**SUMMARY:** In July 1997, EPA promulgated new use designations for five water bodies in the State of Idaho, including the designation of cold water

biota for Shields Gulch. On March 14, 2000 the U.S. District Court for the District of Idaho vacated and remanded that portion of the EPA rule designating Shields Gulch for cold water biota uses to the EPA for further consideration. To conform with the U.S. District Court order, EPA is withdrawing the cold water biota designated use for Shields Gulch.

**DATES:** This rule is effective March 13, 2002.

**ADDRESSES:** The administrative record for the Federal use designations for surface waters of Idaho is available for public inspection at EPA Region 10, Office of Water, 1200 Sixth Avenue, Seattle, Washington 98101 during normal business hours of 8 a.m. to 4:30 p.m.

**FOR FURTHER INFORMATION CONTACT:** Robert Van Brunt at EPA Headquarters, Office of Water (4305), 1200

Pennsylvania Ave NW., Washington, DC 20460 (tel: 202-260-2630, fax 202-260-9630) or e-mail [vanbrunt.robert@epa.gov](mailto:vanbrunt.robert@epa.gov) or Lisa Macchio at EPA Region 10, Office of Water, 1200 Sixth Avenue, Seattle, Washington 98101 (tel: 206-553-1834, fax 206-553-0165) or e-mail [macchio.lisa@epa.gov](mailto:macchio.lisa@epa.gov).

**SUPPLEMENTARY INFORMATION:**

**Potentially Affected Entities**

Citizens concerned with water quality in Idaho may be interested in this rulemaking. Entities discharging pollutants to Shields Gulch, its tributaries, and waters they flow into could be affected by this rulemaking since water quality standards are used in determining NPDES permit limits. Currently, we are not aware of any entities discharging pollutants to Shields Gulch, however, potentially affected categories and entities could include:

Category	Examples of potentially affected entities
Industry .....	Industries discharging pollutants to Shields Gulch, its tributaries, and waters they flow into.
Federal, State, Tribal or local governments .....	Publicly-owned treatment works discharging pollutants to Shields Gulch, its tributaries, and waters they flow into.

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be potentially affected by this action. This table lists the types of entities that EPA is now aware could potentially be affected by this action. Other types of entities not listed in the table could also be affected. If you have any questions regarding the applicability of this action to a particular entity, consult Lisa Macchio, listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

**Background**

On July 31, 1997, pursuant to section 303(c) of the Clean Water Act (CWA), EPA promulgated cold water biota as a designated beneficial use for several water body segments, including Shields Gulch (PB 148S)—below mining impact. In designating beneficial uses, EPA relied on the rebuttable presumption implicit in the CWA and EPA's regulations at 40 CFR part 131, that in the absence of data to the contrary, "fishable" uses are attainable. EPA concluded that the presumption that fishable uses were attainable had not been rebutted for the water body segments in question.

On March 19, 1999, the Idaho Mining Association challenged EPA's promulgation in the U.S. District Court of Idaho. On March 14, 2000, the Court,

while upholding the legality of the rebuttable presumption approach under the CWA, found that EPA was arbitrary and capricious in determining that the presumption of a fishable use had not been rebutted for Shields Gulch. Therefore, the Court ordered that portion of the EPA rule designating Shields Gulch for cold water biota uses vacated and remanded to the EPA for further consideration. To conform with the Court's order, EPA is withdrawing the cold water biota designated use for Shields Gulch. The State has revised its water quality standards since EPA's July 31, 1997, promulgation and now applies the cold water biota use to Shields Gulch as a matter of State law. Therefore, withdrawing the Federal use designation will not result in a change in the level of environmental protection for Shields Gulch.

Section 553 of the Administrative Procedure Act, 5 U.S.C. 553(b)(B), provides that, when an agency for good cause finds that notice and public procedure are impracticable, unnecessary or contrary to the public interest, the agency may issue a rule without providing notice and an opportunity for public comment. EPA has determined that there is good cause for making today's rule final without prior proposal and opportunity for comment because this is a strictly legal

issue of the impact of the District Court decision on the July 31, 1997, Federal designated use for Shields Gulch. Thus, notice and public procedure are impracticable. EPA finds that this constitutes good cause under 5 U.S.C. 553(b)(B).

EPA has also determined that good cause exists under section 553(d) of the Administrative Procedure Act to waive the requirement for a 30-day period before the rule becomes effective because this rule relieves a restriction. Therefore, the rule will be effective March 13, 2002.

**Administrative Requirements**

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a "significant regulatory action" and is therefore not subject to review by the Office of Management and Budget. Because the agency has made a "good cause" finding that this action is not subject to notice-and-comment requirements under the Administrative Procedure Act or any other statute, it is not subject to the regulatory flexibility provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), or to sections 202 and 205 of the Unfunded Mandates Reform Act of 1995 (UMRA) (Public Law 104-4). In addition, this action does not significantly or uniquely affect small governments or impose a

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# Exhibit C

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## Instructions - Compensation Form for Deceased Victims

This claims process was established under the September 11<sup>th</sup> Victim Compensation Fund, part of legislation passed by Congress and signed into law by the President. The Fund provides compensation to individuals who were physically injured or the families and beneficiaries of individuals who were killed as a result of the terrorist-related attacks of September 11, 2001. The United States Department of Justice and the Special Master issued final regulations to implement this fund on March 7, 2002. Both the United States Department of Justice and the Special Master are committed to ensuring that this program is administered expeditiously, fairly, and in a manner that is sensitive to the needs of those who have suffered as a result of the attacks. To help accomplish these goals, assistance will be made available to all claimants to help them complete this claims process and obtain any and all benefits that will be available to eligible claimants under this fund.

These instructions are designed to help Personal Representatives complete and submit the Compensation Form for Deceased Victims. If you were physically injured as a result of the September 11<sup>th</sup> attacks, you should use the instructions for the Personal Injury Compensation Form.

Please remember to put Social Security Numbers or National Identification Numbers for you and the Victim on the top of each page and on any additional pages you submit with the Compensation Form.

### Where can I go for more information?

**Through the Internet** – The Victim Compensation Fund web site address is:  
[www.usdoj.gov/victimcompensation](http://www.usdoj.gov/victimcompensation)

**By telephone** – The toll-free Helpline number is 1-888-714-3385 (TDD 888-560-0844). If you are

calling from outside the United States, please call 202-305-1352.

**In person** – You can also go to one of several Claims Assistance Sites. Because their locations and hours of operation are subject to change, please call the Helpline or visit the website to find the nearest location, directions, and current hours of operation.

### Introduction

#### What is the September 11<sup>th</sup> Victim Compensation Fund?

The Fund was established by Congress as part of Public Law 107-42 and is designed to bring financial relief to those most devastated by the events of September 11<sup>th</sup>. Specifically, it provides compensation to:

- Individuals who suffered physical injury as a result of the terrorist attacks
- The families and beneficiaries of those killed as a result of the terrorist attacks

Your participation in the Fund is voluntary. The Fund provides a no-fault alternative to tort litigation. By participating in the Fund process, claimants waive their rights to bring such litigation.

#### What is included in the Compensation Form for Deceased Victims?

The Compensation Form has four parts:

**Part I – Eligibility and Application for Advance Benefits:** This identifies the Victim and establishes eligibility requirements. The Personal Representative is the only person who can submit a claim for Victim. This part also allows you to elect for Advance Benefits against the final award.

**Part II – Compensation:** This part of the form addresses the information and documentation the Special Master needs to calculate the award. It also includes the Personal Representative's proposed plan for distributing the award.

**Part III – Attestations and Certifications:** This part describes the required notification of filing a claim that you must complete before submitting the Compensation Form. This part also includes your authority for release of information contained in the Compensation Form and your certification that the information in the Compensation Form is true, accurate, and complete.

**Part IV – Supporting Document Checklist:** This checklist identifies the supporting documentation that you must submit with the Form.

#### Who should complete the Compensation Form for Deceased Victims?

The Personal Representative submits a claim for an eligible deceased Victim. The Personal Representative is normally the individual who is appointed by a court of competent jurisdiction – such as a State surrogate or probate court – as one of the following:

- The Victim's Personal Representative
- The Executor of the Victim's will
- The Administrator of the Victim's estate.

The process of being appointed a Personal Representative can be complicated in some jurisdictions. You may want to consult an attorney to help you with Personal Representative issues.

In limited circumstances, the Special Master has the authority to appoint a Victim's Personal Representative for the Fund where

a court has not already appointed someone as one of the above.

### Do I use this form to apply for Advance Benefits?

Yes. You can apply in Part I – Eligibility and Application for Advance Benefits.

If you already submitted the earlier version of the *Eligibility Form and Application for Advance Benefits* form and did not apply for Advance Benefits through that form, you can use this Compensation Form and do so now.

### Where should I mail my completed Compensation Form?

Completed compensation forms should be mailed to the following address:

**By regular mail:**  
Victim Compensation Fund  
P.O. Box 18698  
Washington, DC 20036-8698

**By overnight mail:**  
Victim Compensation Fund  
1900 K Street, NW  
Suite 900  
Washington, DC 20006  
202-822-4485

### General instructions

- Please read all instructions carefully before completing this form.
- Review the Supporting Document Checklist in Part IV for the documents that you will need to provide with your form.
- Include both your Social Security Number or National Identification Number and the Victim's Social Security Number or National Identification Number at the top of all pages of the form, and on all additional pages or documents you submit.

### What should I do if I already submitted the form entitled *Eligibility Form and Application for Advance Benefits*?

This Compensation Form for Deceased Victims replaces and supplements the earlier version of the *Eligibility Form and Application for Advance Benefits*. It should be used for all claims submitted after March 7, 2002. If you submitted the earlier document, you will **not** have to resubmit information you already provided. However, you will need to do the following:

- Part I – Please provide the claim number you received from the Special Master. Also, if you did not apply for Advance Benefits in your previous submission and you wish to do so now, please indicate this in Part 1.e. Otherwise, you can skip the rest of Part I.
- Part II – Please complete all questions.
- Part III – You must initial, sign, and notarize this part.
- Part IV – Please identify all supporting documentation you are submitting.
- Have a Notary Public (or equivalent for non-U.S. Personal Representatives) notarize your signatures in Part III – Attestations and Certifications.
- Mail your completed Compensation Form so that it is postmarked no later than December 21, 2003.
- Complete all sections of the Compensation Form. Otherwise, the Special Master will not be able to calculate the compensation award.
- Only the Personal Representative may submit a claim for a deceased Victim.
- Please make a copy of your completed Compensation Form before you mail it. The Special Master's office may need to contact you for clarification or

additional information based on what you submit.

- Please send a letter or call the Victim Compensation Fund Helpline if you change your address and/or telephone number between now and December 21, 2003. If the Special Master has questions and cannot locate you, your claim may be deemed abandoned at the end of the program, which is December 21, 2003.
- If you choose to participate in this program, you waive the right to litigate. This waiver of rights could apply to the rights of individuals other than the Personal Representative. This waiver does not apply to a civil action to recover collateral source obligations or to a civil action against any person who is a knowing participant in any conspiracy to hijack any aircraft or commit any terrorist act.

### Claims from non-U.S. residents/citizens

- In most cases you must be appointed by a court of law as the Personal Representative of the Victim's will or estate.
- If neither you nor the Victim have a U.S. Social Security Number, you must provide your country's equivalent identification number (such as a national tax identification number). These numbers will be used to track your claim.
- A Notary Public or equivalent for your country must notarize your signature.
- You must notify all family members and potential beneficiaries that you are filing a claim because the waiver of rights applies even if you and/or the beneficiaries are not U.S. citizens.
- Please list the amounts for income, benefits, and collateral sources of income in whatever



currency they were earned. The Special Master will calculate the presumed compensation award amount in the foreign currency and will convert the final award amount to U.S. dollars.

- Unless you have a U.S. bank account, the Advance Benefits award will be paid to you in U.S. dollars via a check from the U.S. Department of Treasury. It will be mailed to the address you provide in Part I.c.

### Section-By-Section Instructions

These instructions provide an overview of the questions in each section, provide more detail on certain questions, and identify the supporting documentation that you must include with your form.

### Part I – Eligibility

#### Part I.b – Information about Victim’s Circumstances on September 11, 2001

This section asks for information on the following:

- Was the Victim a rescue worker?
- Where the Victim was killed (please check “other” and provide information if the Victim died somewhere other than on one of the aircrafts, at the Pentagon, or the World Trade Center)

You must submit a certified copy of the Victim’s death certificate (with the embossed, raised seal).

If the Victim was at the World Trade Center, you will also need to submit additional information indicating that the Victim was present at the World Trade Center at the time of the aircraft crashes or in the immediate aftermath on September 11<sup>th</sup>. Examples include, but are not limited to the following:

- Information from the Victim’s employer showing that the Victim

- was working at the World Trade Center at the time of the attacks;
- An affidavit from the Victim’s employer stating that the Victim was visiting the World Trade Center at the time of the crash (for example, to attend a meeting);
- An affidavit that the Victim was at the site for another reason; or,
- Records of Federal, State, city or local governments.

#### Part I.c – Information about the Personal Representative

The Act and the regulations require that only one person, the Personal Representative, may submit a claim for the deceased Victim.

You must submit the original court order or other documentation that proves you are the Personal Representative. There are two ways to become a Personal Representative for the Fund:

1) In most cases, the Personal Representative will be the individual appointed by a court of competent jurisdiction as (i) the Victim’s Personal Representative, (ii) Executor of the will, or (iii) Administrator of the Victim’s estate.

2) In *limited circumstances* the Special Master may appoint you as the Personal Representative if (i) you have been unable to be appointed as the Personal Representative and (ii) you demonstrate that no other person has been appointed Administrator, Executor, or Personal Representative of the Victim’s will or estate by a court and (iii) such issue is not the subject of a pending dispute and (iv) you must also provide one the following:

- a) If the Victim had a will, you must provide written proof that *you* are listed as the Executor of the will. You will need to include a certified copy of the will and written proof of all relevant filings you have made to probate the will in court.
- b) If the Victim did not have a will, the Special Master could appoint

you as the Personal Representative if you are the first person in the line of succession according to the laws of intestacy in the decedent’s domicile. To be considered, you will need to

- 1) Submit proof of your relationship to the Victim. Proof might include birth certificates, a tax return, or other documents demonstrating your relationship to the Victim at the time of Victim’s death; and
- 2) Submit proof that you are the next in line of succession according to the laws of intestacy in the Victim’s domicile.

#### Who is a Personal Representative?

In most cases a **Personal Representative** is appointed by a court of competent jurisdiction, such as a State surrogate or probate court, to be the Victim’s Personal Representative, Executor of the Victim’s will, or Administrator of the Victim’s estate.

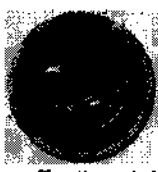
#### What does the Personal Representative do?

The Personal Representative has the following responsibilities:

- Notify all interested parties (including the immediate family) of the filing
- Collect the necessary supporting documentation
- Submit this form
- Distribute the award in a manner consistent with the rules of the state where the Victim lived (subject to final review and approval by the Special Master).

#### Part I.d – Information about the Personal Representative’s Attorney or Alternate Contact Person

You are not required to have a lawyer to file a claim. However, you have the right to be represented by an attorney and you should be aware that you will be waiving and



affecting rights to file lawsuits by your submission of a claim.

Please complete this section if you are represented by counsel and indicate if you want either your attorney or another person to deal with the Special Master's office regarding questions about your claim (instead of contacting you directly).

**Question:**

***I am the Personal Representative for a Victim that was a member of the military. Can the Casualty Assistance Claims Officer (CACO) deal with the Special Master's office for me on information requests?***

Yes. Please provide the CACO's name, address, and telephone number in Part 1.d.

**Part I.e – Advance Benefits Election**

**Advance Benefits** is a payment of \$50,000 to the Personal Representative of a deceased Victim whose family is facing financial hardship. The Special Master deducts the Advance Benefit from the final compensation award.

Please indicate if you wish to apply for Advance Benefits for the Victim's family. Then, check the box showing why you are eligible to apply for Advance Benefits:

- *If the Victim was married or had dependents* – to be eligible the spouse or dependents of the Victim may not have received more than \$450,000 from other sources, such as life insurance, government programs, or employer-provided benefits. (Money received from privately-funded charitable entities should not be included when calculating this amount.)
- *If the Victim was single and had no dependents* – to be eligible the

Victim's family may not have received more than \$250,000 from other sources, such as life insurance, government programs, or employer-provided benefits (Money received from privately-funded charitable entities should not be included when calculating this amount.)

**Certification of Consent from Spouse or Dependents (for Advance Benefits only)**

Please complete this only if you are applying for Advance Benefits and you are not the Victim's spouse. If this applies to you, the Advance Benefits could be authorized immediately after a determination of eligibility if you provide written consent from the spouse (or dependents if there is no living spouse) to apply for Advance Benefits. You will also need to attach the written consent to the Compensation Form.

You must initial that you read and understand this certification and attached the written consent.

**Acknowledgement of Waiver of Rights**

If you are applying for Advance Benefits, you must acknowledge your understanding that by submitting a substantially complete Eligibility Form (Part I of the form) requesting Advance Benefits you are waiving the right to file a civil action (or be a party to an action) in any Federal or State court relating to or arising out of damages sustained as a result of the terrorist-related aircraft crashes of September 11, 2001. This Waiver of Rights could apply to the rights of individuals other than you. This waiver does not apply to other civil actions to recover collateral source obligations or a civil action against any person who is a knowing participant in any conspiracy to hijack any aircraft or commit any terrorist act.

You must sign that you read and understand this acknowledgement.

**Method of Payment of Advance Benefits**

Please make an election for how you wish to receive the Advance Benefits payment. If you elect direct deposit, enclose the requested financial institution information.

**Part II – Compensation Information**

You must complete all sections of Part II. Otherwise, the Special Master will not be able to calculate your compensation. The compensation will be determined in accordance with the regulations. The Special Master will determine the final amount of compensation based on the individual circumstances.

You can find more detailed information on the procedures and assumptions used to calculate loss and collateral offsets in the *Presumed Loss Calculation Tables Before any Collateral Offsets* and the Frequently Asked Questions. You can find these on the Victim Compensation Fund website at [www.usdoj.gov/victimcompensation](http://www.usdoj.gov/victimcompensation), or you can call the Victim Compensation Fund Helpline at 1-888-714-3385 and have them mailed to you.

**Part II.a – Selection of Claims Processing Track**

You can choose one of two tracks to adjudicate (process) your claim. You must submit a completed Compensation Form, and all the supporting documentation, regardless of which Track you select:

**Track A** has two steps. In Step 1, the claim is reviewed and a presumed award is calculated. Step 2 is optional. In Step 2, you can request a hearing and have the presumed award reviewed. You can present additional information at the hearing.

**Track B** has one step. The claim is presented at a hearing, after which the award is calculated. You must submit all information before the hearing is held. You cannot submit additional information after the hearing, although you may offer witnesses to testify at the hearing.

Please review the regulations and Frequently Asked Questions for more information (available on the web or through the toll-free Helpline)

### **Part II.b – Victim's Employment History**

This section asks you to provide information about the Victim's employment. Please start with the most recent employment information and work backwards to 1998.

In most instances the Special Master will use data for the year 2001 as the primary basis for compensation calculation. However, he may need to analyze trends between 1998 and 2001.

Fill in as much information as you can. The Special Master recognizes that in some cases it may not be possible to provide a specific title or job description.

### **Part II.c – Victim's Education History/ Accreditation History**

This section asks you to provide information on the highest education level, accreditation, certification (including trade), or degree earned by the Victim, along with the year and name of the school/institution/certifying body.

### **Part II.d – Dependents not Listed on the 2000 United States Federal or other Nation's Tax Return**

The number of dependents directly impacts the economic loss and the non-economic loss calculation. The Special Master will be able to identify most of the Victim's dependents from the Victim's 2000

United States Federal tax return or other nation's national tax return.

You should list any of the Victim's dependents not listed on the 2000 Federal/national tax return. These would include a child born or adopted on or after January 1, 2001, children listed on the tax return of the Victim's spouse if the couple filed their taxes separately, any another person who became a dependent on or after January 1, 2001, or any other dependents who could have been, but were not claimed as a dependent on the Victim's 2000 return.

### **Part II.e – Tax Return Information**

In order to calculate the economic loss the Special Master will need to review complete copies of all tax information/returns (with attachments) the Victim submitted for tax years 2000, 1999, and 1998.

If the Victim lived and worked in the U.S., you need to attach copies of the Victim's Federal, State (if there is one), City (if there is one), and local (if there is one) returns for all three years.

For non-U.S. Victims or U.S. Victim's who lived and worked outside the U.S., you need to submit any additional tax information/returns the Victim submitted with non-U.S. taxing authorities for tax years 1998-2000. Please describe what you are submitting in Part II.k, Other Information.

If the Victim did not file a tax return/information in tax year 2000, please explain why. For example, if the Victim was a child, retired, or on sabbatical.

If the Victim did not file a tax return/information in tax year 2000, but did so in a previous year, please identify the most recent year when return(s) were filed and attach complete copies.

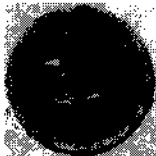
### **How can a Personal Representative get copies of the Victim's Federal tax returns?**

You can use the IRS Form 4506, *Request for Copy or Transcript of Tax Forms*. Because you are not the taxpayer, you will also need to submit another form. This will either be a *Power of Attorney and Declaration of Representative* found on Form 2848 or a *Notice Concerning Fiduciary Relationship* found on Form 56. The IRS has a toll free number, 1-800-829-1040, available for any questions. The IRS website can be accessed at [www.irs.gov](http://www.irs.gov). All of the forms discussed above are available from the IRS website.

### **Part II.f – Compensation Information**

The Victim's compensation award will be based, in part, on earned income. This includes base salary and wages, bonus, commission, overtime, or incentive pay, and certain other employer provided benefits. This does *not* include passive income such as investments or rentals.

Although the compensation information requested in this section is necessary to be able to calculate the loss for each claim as required by the Act, the Special Master understands that collecting this information may be an extremely difficult task for surviving family members in many circumstances. Claimants should feel free to contact the Helpline or the assistance centers to get assistance in this process.



**What if the Victim was a not employed? How will the economic loss be calculated?**

- If the Victim was a child, the Special Master will use the average income of all wage earners in the U.S.
- If the Victim was retired or non-working, the Special Master will calculate an award based on the economic value of replacement services using standard values as provided by relevant studies or alternative approaches.
- If the Victim did not have three full years of work experience, the Special Master will calculate the economic loss based on the individual circumstances.

You can provide relevant information for such claims in Part II k, Other Information.

Please enter the Victim's pre-tax **base salary and wages** for 1998, 1999, 2000, and 2001. Indicate how the salary was paid and attach supporting documentation. Documentation could include pay stubs, salary letters, or end of year pay statements.

Some Victims received **additional sources of compensation**, such as bonuses, commissions, overtime, tips, honoraria, or other incentive pay. The Special Master will consider these when determining total compensation. Please describe and provide information for each additional source of compensation the Victim received in 1998, 1999, 2000, and 2001.

If the Victim was self-employed or a business owner, please provide compensation details with the form at Part II.k..

The Special Master recognizes that claimants may find it too difficult to separate base salary from other

sources of additional compensation like bonuses and overtime. If you are unable to do so, you can provide the total amount that the Victim received each year. Please contact the Helpline or the claim assistance centers if you need assistance or further guidance.

**Part II.g – Employer-Provided Benefit Information**

In addition to base salary and other sources of compensation, many Victims received benefits provided by their employers. The amount of certain benefits will be considered with the compensation information to calculate the economic loss. The most common benefits include the following:

- Health benefits
- Pension
- Employer contribution to Victim's 401(k) or similar plan
- Housing allowance
- Transportation subsidy or company car
- Military benefits
- Government employee benefits
- Other- such as profit sharing plans

Please provide details on benefits the Victim received from his/her employer in 2000 and 2001. Some benefits are provided as a dollar amount (such as medical benefits), and some are provided as a percentage of income (such as 401(k) contributions). Please indicate how the employer provided these benefits.

**Please note:** If you do not provide information on employer-provided benefits, the Special Master will assume that the Victim had pension benefits equal to four percent of compensable income, plus medical benefits of \$2,400 per year. For military personnel the Special Master will look at public data.

Military housing allowances should be included under the compensation section in Part II.f.,

instead of the benefit page in Part II.g.

The Special Master will need a variety of supporting documents for this section. Please see the Document Checklist for help determining what documents to include. Employers can be contacted for additional information on benefits provided.

The Special Master recognizes that collecting this information may be a difficult task. Please contact the Helpline or the claim assistance centers if you need further assistance or guidance.

**Please note:** The Special Master will seek to work with the Victim's employer to confirm these benefits and make sure they have been calculated correctly.

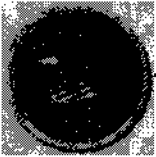
**Part II.h – Non-Reimbursed Burial, Memorial Service and Medical Costs**

The Special Master will calculate any loss due to non-reimbursed burial and memorial costs on a case-by-case basis. The Special Master will also consider the loss due to non-reimbursed costs for any medical treatment prior to death for injuries the Victim sustained as a direct result of the September 11<sup>th</sup> attacks. These will be added to the total compensation.

Please list the amount of out-of-pocket burial, memorial and medical costs that were not reimbursed and attach documentation of the costs.

**Part II.i – Collateral Sources of Income**

When Congress created the Victim Compensation Fund, it legislated that the compensation award be reduced by **collateral sources of compensation**. These include certain benefits the Victim's beneficiaries received or are entitled to receive from life insurance, pension funds, death benefit programs, and payments by Federal, State, or local



governments related to the terrorist attacks of September 11, 2001.

The Special Master recognizes that providing information about collateral offsets can present extremely complicated and difficult issues. Claimants are encouraged to contact the claims assistance centers and the Helpline to get information and assistance.

**Please note:** Contributions from **privately-funded charitable entities** to the Victim's family and beneficiaries will **not** be deducted as a collateral source.

The most common collateral source of compensation is **life insurance**. You must list all life insurance policies associated with the Victim, even if they have not yet been paid. For each policy, list the insurance carrier or provider, the policy or account number, the beneficiary(ies), and the amount per beneficiary. Also, please include a copy of the insurance policy and/or relevant policy statements.

Some life insurance policies have beneficiaries who are not part of the final award distribution plan. The Special Master has the discretion not to deduct these amounts as collateral sources of compensation, but you must still provide the information.

Additionally, the Special Master may be able to subtract out from any offset the amount of premium payments the deceased paid into the policy. Please provide this information if available and contact us if you have questions.

**Tip!** Some forms of **life insurance** are used as investment tools, including "**universal**" and "**whole**" **life policies**. For these policies, the Special Master will **reduce the collateral source deduction** by the amount of the investment in the policy.

Please contact the Victim's insurance company for more information about the Victim's life insurance policy(s).

Please identify and describe the Victim's **pension plan(s)** and provide a copy of the pension plan description and statement from 2001.

Some families received a **death benefit payment** as a result of the Victim's death. For example, the families of most rescue workers and military personnel receive a death benefit if the person died in the line of duty. Please describe any payment the Victim's beneficiaries received or are entitled to receive that would be considered a death benefit, and attach a copy of the program description.

Please describe any **Social Security benefits** the Victim's beneficiaries have received, are currently receiving, or have applied to receive from the Social Security Administration as a result of the death of the Victim. Please provide a copy of appropriate documentation from the Social Security Administration, including any determinations and any pending applications.

Please describe any **worker's compensation** payments the Victim's beneficiaries have received, are currently receiving, or have applied to receive as a result of the Victim's death. Please provide appropriate documentation from the worker compensation program including any determinations and any pending applications. This information should be available from the

Victim's employer or union (if the employer or union provided the program) or from the Victim's insurance agent (if the Victim purchased worker's compensation insurance independently).

Please describe any **other payments** the Victim's beneficiaries or estate have received, or are entitled to receive (excluding charities). Please provide a copy of appropriate documentation.

#### **Part II.j – Information Regarding Will and Proposed Distribution Plan for Award**

You must distribute the award in a manner consistent with the law of the State or country where the Victim lived, with any applicable rulings made by a court of competent jurisdiction, or as directed by the Special Master. The way in which the payment is distributed may depend on where the Victim lived.

In many cases the Special Master anticipates that awards may be distributed through a combination of the will (if one exists), rule of intestacy and the wrongful death laws of the decedent's State or country.

If the Victim had a will, please provide a certified copy and list the beneficiaries at Part II.j.

Please provide information on how you propose to distribute the award (recognizing that the final distribution plan may be different). The proposed plan must be in accordance with the law of the State or country where the Victim lived.

The final distribution plan will be determined after the Special Master calculates the compensation amount and any allocation of that award.

#### **Part II.k – Other Information (Optional)**

Please use this section to provide any additional information you



believe is relevant to the calculation of compensation. This might include clarification of information you provided elsewhere in the form or information not covered elsewhere, including information relevant to the determination of economic and non-economic loss.

Please remember to put the Victim's and your Social Security Numbers/national identification numbers at the top of each page of additional information you attach to your form.

### Part III – Attestations and Certifications

This Part contains a series of important certifications and authorizations you must make as the Personal Representative. Please take sufficient time to read and understand each of them. They cover the information you submit in and with your claim. You must also have your signature on page 17 notarized.

#### What is a Notary Public? What does "notarization" mean?

A Notary Public is a person authorized by the state to notarize certain documents. To notarize means to witness a person signing a document. In New York State, for example, Notary Publics are commissioned in their counties of residence. There is a small fee to notarize a document.

#### Part III.a – Authorization for Release of Information

You must authorize the release of information relating to your claim so that the Special Master can review, verify, and process your claim. This authorization allows the U.S. Department of Justice and the Special Master to do the following:

- Obtain information from third parties, such as the Victim's employer(s) and financial institution(s)

- Disclose information relating to your claim to other Federal, State, or local agencies, such as the U.S. Department of the Treasury; or other entities having information related to your claim, such as the Victim's employer(s) and insurer(s)
- Publish your name and the Victim's name for whom you are submitting a claim (this will be published on the Victim Compensation Fund website, at [www.usdoj.gov/victimcompensation](http://www.usdoj.gov/victimcompensation))
- Release information on you and your claim to law enforcement authorities if there is evidence of fraud
- Allow the U.S. Department of Justice to provide released information to duly accredited representatives of the Department during the review of your claim
- Contact your attorney or other individual (identified in Part I.d) for more information on your submission, if necessary
- Release information on the proposed distribution plan to any of the Victim's beneficiaries or other individuals who may have an interest in the compensation award.

In addition, you must certify that you are the person who you say you are. Finally, your authorization is valid for five years from the date of your signature, or upon your written termination, whichever is sooner.

#### Part III.c – Certification of Dismissal from Any Legal Action

Participation in the Victim Compensation Fund is voluntary. To participate, however, you must certify that you have not filed a civil action (or been a party to an action) in any Federal or State court relating to or arising out of damages sustained as a result of the terrorist-related aircraft crashes of September 11, 2001. This does not apply to other civil actions to recover collateral source obligations or a civil action against any person

who is a knowing participant in any conspiracy to hijack any aircraft or commit any terrorist act.

If you or the Victim's spouse or any of the Victim's dependents or beneficiaries already filed a civil action (or were party to an action) you must indicate if this civil litigation action was dismissed by March 21, 2002, and you must attach the order of dismissal.

You must initial that you read and understand this certification.

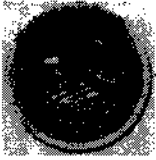
#### Part III.d – Acknowledgement of Waiver of Rights

You must acknowledge your understanding that by submitting a substantially complete Compensation Form for Deceased Victims you are waiving the right to file a civil action (or be a party to an action) in any Federal or State court relating to or arising out of damages sustained as a result of the terrorist-related aircraft crashes of September 11, 2001. This Waiver of Rights could apply to the rights of individuals other than you. This waiver does not apply to other civil actions to recover collateral source obligations or a civil action against any person who is a knowing participant in any conspiracy to hijack any aircraft or commit any terrorist act.

You must initial that you read and understand this acknowledgement.

#### Part III.e – Certification Regarding Distribution Plan

You must initial that you will distribute the compensation award in a manner consistent with the law of the State in which the Victim lived, or consistent with the applicable ruling by a court of competent jurisdiction, or as directed by the Special Master. The final distribution plan may be different from the proposed distribution plan in Part II.j.



### Part III.f – Notarized Certification of Accuracy of Information

You must certify that the information contained in and attached to the Compensation Form is true and accurate. The Special Master will apply various procedures to verify, authenticate, and audit claims. False statements may result in fines, imprisonment, and/or any other remedy available by law. The Special Master shall refer all evidence of false or fraudulent claims to the Department of Justice and other appropriate law enforcement authorities.

**TIP!** Please remember to wait and sign the Certification in front of the Notary Public. If you sign the form before you see the Notary Public, you will have to re-sign the form so that the Notary Public can witness your signature.

### Part IV – Supporting Documentation Checklist

In order to process your claim, we need certain supporting documents to substantiate information you provided. We have developed this checklist to assist you as you compile those documents. To help with processing, it is important that you submit this checklist with your claim.

#### Exhibit A – Notice of Filing a Claim

Unless you already did so if you previously filed an Eligibility Form and Application for Advance Benefit, you need to notify other potentially interested parties in writing that you intend to file a claim before you submit this form. Specifically, you must deliver a copy of **Exhibit A, Notification of Filing**, (attached at the end of the Compensation Form) to all of the following people:

- The immediate family of the Victim (including, but not limited to, the spouse, former spouse(s), children, other dependents, siblings, and parents).
- The Executor or Administrator and beneficiaries of the Victim's will and life insurance policies.
- Any other person who may reasonably be expected to assert an interest in an award or to have a cause of action to recover damages relating to the wrongful death of the Victim.

You must deliver a copy of Exhibit A to all of these individuals either in person or via certified mail, return receipt requested.

The purpose of this notification is to ensure that all potential beneficiaries of the claim know that you are submitting a claim, and to ensure that they do not object to you submitting this claim. Remember, when you submit the Compensation Form, the **Waiver of Rights** could apply to the rights of other individuals to file a civil action (or be a party to an action) in any Federal or State court for damages sustained as a result of the terrorist-related aircraft crashes of September 11, 2001.

#### Exhibit B – List of Individuals Notified of Claim Filing

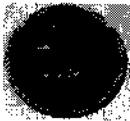
Unless you already did so if you previously filed an Eligibility Form and Application for Advance Benefit, you need to submit a completed copy of **Exhibit B, List of Individuals Notified of Claim Filing** with the Compensation Form. This exhibit lists the name, address, relationship to the victim, telephone number, and Social Security Number (if available) for each person you notified, as well as the date and method you used to notify each of them.

You must sign the certification on Exhibit B and attach it with your completed Compensation Form.

**Paperwork Reduction Act Notice.** An agency may not conduct or sponsor an information collection

and a person is not required to respond to a collection of information unless it contains a currently valid OMB approval number. We try to create forms and instructions that are accurate, can be easily understood, and which impose the least possible burden on you. The estimated average time to complete and file this application is 15 hours. If you have comments regarding the accuracy of this estimate, or suggestions for making this form simpler, you can write to the Office of the Special Master, U.S. Department of Justice, 950 Pennsylvania Ave, NW, Washington, DC 20530; OMB No. 1105-0078.

*(Do not mail your completed application to this address.)*



September 11th Victim Compensation Fund of 2001  
Compensation Form for Deceased Victims  
Part I - Eligibility and Application for Advance Benefits

Victim's SSN or Nat'l ID #

\_\_\_\_ - \_\_\_\_ - \_\_\_\_\_

Personal Representative's SSN or Nat'l ID #

\_\_\_\_ - \_\_\_\_ - \_\_\_\_\_

PLEASE COMPLETE THIS FORM BY TYPING OR PRINTING IN CAPITAL LETTERS

If you have previously submitted an *Eligibility Form and Application for Advance Benefits*, please enter your Claim Number here [ Claim # \_\_\_\_\_ ] and proceed directly to Part II.

September 11, 2001

\_\_\_\_\_  
Victim's Last Name

\_\_\_\_\_  
First Name

\_\_\_\_\_  
Middle Name

\_\_\_\_\_  
Street Address Line 1

\_\_\_\_\_  
Street Address Line 2

\_\_\_\_\_  
Apartment Number

\_\_\_\_\_  
City

\_\_\_\_\_  
State/Province

\_\_\_\_\_  
ZIP/Postal Code

\_\_\_\_\_  
Country

\_\_\_\_\_  
Passport Country (if not U.S.)

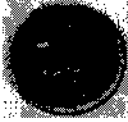
\_\_\_\_\_  
Passport Number (if not U.S.)

\_\_\_\_\_  
Country of Citizenship

\_\_\_\_\_  
Victim's Date of Birth (mm/dd/yyyy)

Status of Victim at time of death:

- Married  Separated
- Single  Widowed
- Divorced  Other - please explain: \_\_\_\_\_



# September 11th Victim Compensation Fund of 2001 Compensation Form for Deceased Victims Part I - Eligibility and Application for Advance Benefits

Victim's SSN or Nat'l ID #

\_\_\_\_ - \_\_\_\_ - \_\_\_\_\_

Personal Representative's SSN or Nat'l ID #

\_\_\_\_ - \_\_\_\_ - \_\_\_\_\_

### Part I - Location of the Victim at time of the terrorist related airplane crashes or resulting building collapses (choose one)

- Aircraft (please check one)  AA11  AA77  UA93  UA175
- Pentagon
- World Trade Center
- Public Street near WTC (Please provide address/cross-streets)

\_\_\_\_\_

Other \_\_\_\_\_

\_\_\_\_\_

Date and Time of Victim's death (you need to complete only if death occurred after the morning of September 11, 2001)

\_\_\_\_/\_\_\_\_/\_\_\_\_  
Date (mm/dd/yyyy)

Time (hour)  A.M.  P.M.

Was the Victim a rescue worker? Yes  No

### Part I - Information for Personal Representative

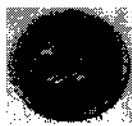
The Personal Representative is the only person who can submit a claim to the Victim Compensation Fund for a deceased Victim. To be a Personal Representative, you generally must be appointed by a court as (a) the Personal Representative, (b) the Executor of the Victim's will, or (c) the Administrator of the estate. In some limited instances, where a court has not made such an appointment and such issue is not the subject of a pending dispute, the Special Master may appoint a Personal Representative for the Fund.

- I have been appointed by a court as (a) the Personal Representative, (b) the Executor of the Victim's will, or (c) the Administrator of the Victim's estate. (Please attach original court order or Letter of Administration)
- I understand that in most cases the Personal Representative should be the individual already appointed by a court, but I have been unable to be appointed Personal Representative, Executor, or Administrator by a court and hereby request that the Special Master appoint me as Personal Representative for this fund. Please describe below why you have been unable to be appointed as Personal Representative. Also, please attach a certified copy of the Victim's will (if one exists) showing you are named executor, as well as relevant filings. If no will exists, attach (a) relevant proof of your relationship to the Victim and (b) proof that you are the first person in line of succession under the laws of intestacy in the Victim's domicile:

\_\_\_\_\_

Are you aware of anyone else who has been named Executor of the Victim's will or who has been appointed or has applied to be appointed as (a) the Personal Representative, (b) the Executor of the Victim's will, or (c) the Administrator of the Victim's estate? Yes  No

If yes, please explain \_\_\_\_\_



### September 11th Victim Compensation Fund of 2001 Compensation Form for Deceased Victims Part I - Eligibility and Application for Advance Benefits

Victim's SSN or Nat'l ID #

Personal Representative's SSN or Nat'l ID #

\_\_\_\_ - \_\_\_\_ - \_\_\_\_\_

\_\_\_\_ - \_\_\_\_ - \_\_\_\_\_

\_\_\_\_\_  
Personal Representative's Last Name

\_\_\_\_\_  
First Name

\_\_\_\_\_  
Middle Name

\_\_\_\_\_  
Street Address Line 1

\_\_\_\_\_  
Street Address Line 2

\_\_\_\_\_  
Apartment Number

\_\_\_\_\_  
City

\_\_\_\_\_  
State/Province

\_\_\_\_\_  
Zip/Postal Code

\_\_\_\_\_  
Country

\_\_\_\_\_  
Telephone Number (day)

\_\_\_\_\_  
Telephone Number (evening)

\_\_\_\_\_  
Date of Birth (mm/dd/yyyy)

\_\_\_\_\_  
Country of Citizenship

**Personal Representative's Relationship to Victim (please check one)**

- Spouse
- Parent
- Child
- Sibling
- Ex-Spouse
- Step-Parent
- Guardian
- Attorney
- Other \_\_\_\_\_

**Part II - Information**

If an attorney or other authorized individual is assisting the Personal Representative with this claim, please check the applicable box and fill out the information below:

- Attorney
- Other Individual
- If other, explain \_\_\_\_\_

\_\_\_\_\_  
Last Name

\_\_\_\_\_  
First Name

\_\_\_\_\_  
Middle Name

\_\_\_\_\_  
Firm Name (for attorneys only)

\_\_\_\_\_  
Street Address Line 1

\_\_\_\_\_  
Street Address Line 2

\_\_\_\_\_  
Suite/Apt. Number

\_\_\_\_\_  
City

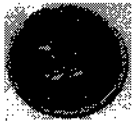
\_\_\_\_\_  
State/Province

\_\_\_\_\_  
Zip/Postal Code

\_\_\_\_\_  
Country

\_\_\_\_\_  
Telephone

May we discuss your claim with and send related correspondence to this individual? Yes  No



September 11th Victim Compensation Fund of 2001  
Compensation Form for Deceased Victims  
Part I - Eligibility and Application for Advance Benefits

Victim's SSN or Nat'l ID #

Personal Representative's SSN or Nat'l ID #

\_\_\_\_ - \_\_\_\_ - \_\_\_\_\_

\_\_\_\_ - \_\_\_\_ - \_\_\_\_\_

As the Personal Representative of a deceased Victim, do you wish to apply for Advance Benefits?

Yes  No

If Yes, please continue below. If No, please skip to Part II.

I hereby certify that I need the Advance Benefits to alleviate financial hardship faced by the claimant or the beneficiaries of the deceased victim and: (check one):

- I am a Personal Representative of a deceased Victim who had a spouse or dependent(s) and have not yet received \$450,000 from other sources, such as government programs or employer-provided benefits (excluding monies received from privately funded charities).
- I am a Personal Representative of a deceased Victim who was single and had no dependents and have not yet received \$250,000 from other sources, such as government programs or employer-provided benefits (excluding monies received from privately funded charities).

(See Frequently Asked Questions for further information on benefits that are excluded)

**Certification of Consent from Spouse or Dependents (for Advance Benefits only)**

*This section applies only if the Personal Representative is not the spouse of the victim.*

Have you obtained the consent of the spouse of the victim or, if there is no surviving spouse, of all the dependents of the victim to file for Advance Benefits?

Yes  No

If Yes, have you attached these consents to this claim form?

Yes  No

Initial here \_\_\_\_\_

**Acknowledgement of Waiver of Rights**

I hereby acknowledge that by submitting a substantially complete *Part I - Eligibility and Application for Advance Benefits* Form and requesting Advance Benefits, I am **walving** the right to file a civil action (or be a party to an action) in any Federal or State court for damages sustained as a result of the terrorist-related aircraft crashes of September 11, 2001.

Please note this Waiver of Rights could apply to the rights of individuals other than the Personal Representative. This waiver does not apply to a civil action to recover collateral source obligations or to a civil action against any person who is a knowing participant in any conspiracy to hijack any aircraft or commit any terrorist act.

\_\_\_\_\_  
Signature of Personal Representative

\_\_\_\_\_  
Date (mm/dd/yyyy)





### September 11th Victim Compensation Fund of 2001 Compensation Form for Deceased Victims Part II - Compensation

Victim's SSN or Nat'l ID #

□□□□ - □□ - □□□□□□

Personal Representative's SSN or Nat'l ID #

□□□□ - □□ - □□□□□□

The information requested in this part will help determine the compensation amount. Please answer each question in full. Use additional paper if you need more space. If you do so, please add the Victim's and your SSN or National ID # to each page as well as the applicable part number.

Please select one of the adjudication tracks described below by checking one of the boxes. (Note that you must submit a completed claim package regardless of which track you choose).

- Track A - This Track includes two steps. In step 1, the claim is reviewed and a presumed award is determined by the Special Master. In step 2, the Personal Representative may, at his/her option, accept the award or request a hearing to review the presumed award and to present additional information.
- Track B - In this Track, a hearing will be held to determine the amount of the award.

Please provide the Victim's employment history from January 1998 to September 11, 2001, to the extent it is available. Please note any changes in employer, job title, and/or job description (if known) during this period. If self-employed, write "Self-Employed" in the Employer Name and Address box.

Date Range	Employer Name and Address	Employer Phone #
/ / to 09/11/2001		
Job Title and Description		
/ / to / /		
Job Title and Description		
/ / to / /		
Job Title and Description		

Note: If you need more space to answer Part II.b, check the box and continue on another copy of this page.



September 11th Victim Compensation Fund of 2001  
Compensation Form for Deceased Victims  
Part II - Compensation

Victim's SSN or Nat'l ID #

□□□□ - □□ - □□□□

Personal Representative's SSN or Nat'l ID #

□□□□ - □□ - □□□□

Education History

Please provide information on the highest degree or accreditation earned by the Victim (or the last year of schooling completed).

[Redacted area]

Federal/National Tax Returns

Please list any qualifying dependents that were not listed on the Victim's 2000 Federal/National Tax Return (such as children born or adopted after December 31, 2000 or children listed on the spouse's separately-filed return) and explain their relationship to the Victim.

Relationship	Date of Birth (mm/dd/yyyy)	SSN	Other Information

Note: if you need more space to answer Part II.d, check the box and list dependents on another copy of this page.

Tax Information

In order for the Special Master to calculate the compensation award, you must provide complete copies of all tax returns (including all W-2 forms and other attachments) filed for the tax years 1998, 1999 and 2000, including Federal, State, city and local tax returns as applicable. For non-U.S. Victims, you should submit any tax information or returns the Victim filed with non-U.S. taxing authorities.

Did the Victim file tax return(s) in tax year 2000? Yes  No

Did the Victim file tax return(s) in tax year 1999? Yes  No

Did the Victim file tax return(s) in tax year 1998? Yes  No

If tax returns were not filed for these years please explain why:

\_\_\_\_\_

\_\_\_\_\_

If no tax returns were filed in 2000, 1999, 1998, please attach copies of tax returns for the three most recent years filed.

### September 11th Victim Compensation Fund of 2001 Compensation Form for Deceased Victims Part II - Compensation

Victim's SSN or Nat'l ID #

Personal Representative's SSN or Nat'l ID #

\_\_\_\_ - \_\_\_\_ - \_\_\_\_\_

\_\_\_\_ - \_\_\_\_ - \_\_\_\_\_

**Part II. f - Compensation**

Compensation typically includes base salary and wages as well as other sources of earned income such as commissions, bonuses, incentive pay, etc. Please provide the Victim's complete compensation history below. Please note that passive sources of income, such as income from rental properties or investments, are not considered in the calculation. For salaried victims please provide their base salary at the end of each listed year. If the victim was both employed and self-employed complete both lines. For 2001, indicate salary for period up to September 2001. If additional amounts were due please describe at part II.k.

**Compensation Amount**

(Please provide currency if other than US Dollars \_\_\_\_\_)

Was the Victim self-employed? If yes, enter total yearly compensation amount here.

2001 (to 9/2001)	2000	1999	1998
_____	_____	_____	_____

If not self-employed, enter Base Salary/Wage information here.

_____	_____	_____	_____
-------	-------	-------	-------

Indicate whether figure provided is a yearly, monthly, bi-weekly, weekly, or hourly figure.

**Additional Compensation** - Please provide information for all other compensation including, but not limited to, incentive pay, bonuses, overtime, commissions, tips, shift differentials, longevity, and honoraria. For 2001, indicate salary for period up to September 2001. If additional amounts were due please describe at part II.k.

For Victims who were in the armed forces - Please include housing, subsistence, TAD, re-enlistment, and other compensation by each category. However, if you want the Special Master to rely on published compensation and benefit scales please check the box at the end of this statement. If you do so, there is no need to complete this section, but please attach a copy of the Victim's Military Leave and Earnings Statement indicating the pay level and benefit information.

I wish to rely on published data regarding U.S. military compensation.

	2001 (to 9/2001)	2000	1999	1998
Other Compensation (Please describe) _____	_____	_____	_____	_____
Other Compensation (Please describe) _____	_____	_____	_____	_____
Other Compensation (Please describe) _____	_____	_____	_____	_____
Other Compensation (Please describe) _____	_____	_____	_____	_____
Other Compensation (Please describe) _____	_____	_____	_____	_____

September 11th Victim Compensation Fund of 2001  
Compensation Form for Deceased Victims  
Part II - Compensation

Victim's SSN or Nat'l ID #

\_\_\_\_ - \_\_\_\_ - \_\_\_\_\_

Personal Representative's SSN or Nat'l ID #

\_\_\_\_ - \_\_\_\_ - \_\_\_\_\_

Employer Provided Benefits

In addition to the compensation information provided above, the compensation award will be based on certain employment benefits provided to the Victim by his/her employer. Please provide details on employer provided benefits received during the years 2000 and 2001. See instructions for more information.

Total Benefits

(Please provide currency if other than US Dollars \_\_\_\_\_)

1. Health Benefits - Payroll deduction or cost of employer-provided health benefits to employee and any other covered persons (indicate who was covered):

- Victim only
- or
- Victim and One Dependent
- or
- Victim and Family

	2001 (to 9/2001)	2000

2. Pension Benefits - Attach (a) pension plan or pension section from employee handbook and (b) recent pension statement. Check one:

- Defined Benefit Plan (monthly pension payable at retirement)  
(Indicate victim's hire date at last employer: \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_)
- Defined Contribution Plan (employer contribution each pay period)  
(Indicate employer contribution as % of salary: \_\_\_\_\_%)

3. Employer Matching Contribution to 401(k)/403(b)

Employer matching contributions as a percent of pay: \_\_\_\_\_%

\_\_\_\_\_%

Actual dollar amount of employer matching contribution:

4. Employer-provided transportation subsidy or company car

If car was provided, please specify % of personal use

\_\_\_\_\_%

5. Employer-provided club dues, memberships

Indicate whether figure is yearly, monthly, weekly, hourly, etc.

\_\_\_\_\_

6. Non-military Housing allowance (Military allowances should be included on previous page.)

Indicate whether figure is yearly, monthly, weekly, hourly, etc.

\_\_\_\_\_

Was the allowance permanent or temporary?

- Permanent
- Temporary

If temporary, when did it end (mm/dd/yyyy)?

\_\_\_\_/\_\_\_\_/\_\_\_\_

7. Other employer-provided benefit (please describe)

Indicate whether figure is yearly, monthly, weekly, hourly, etc.

\_\_\_\_\_

8. Other employer-provided benefit (please describe)

Indicate whether figure is yearly, monthly, weekly, hourly, etc.

\_\_\_\_\_

**September 11th Victim Compensation Fund of 2001  
 Compensation Form for Deceased Victims  
 Part II - Compensation**

Victim's SSN or Nat'l ID #

Personal Representative's SSN or Nat'l ID #

□□□□ - □□ - □□□□

□□□□ - □□ - □□□□

**Part II, h. Non-Reimbursed Burial and Memorial Service and Medical Costs**

Non-reimbursed burial and memorial service costs, as well as non-reimbursed costs for medical treatment prior to death, may be factored into the award calculation. Please indicate the amount of out-of-pocket expenses incurred, if any, and provide supporting documents.

*(Please provide currency if other than US Dollars \_\_\_\_\_)*

Amount of non-reimbursed burial or memorial service costs:

□□□□□□□□

Amount of non-reimbursed medical treatment:

□□□□□□□□

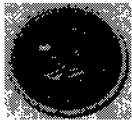
**Part II, i. Collateral Sources of Compensation**

The value of collateral sources of compensation (e.g. benefits from life insurance, pension funds, death benefit programs, etc.) will be considered in determining award amounts. **Charitable assistance will not be deducted when determining the award amount and should not be listed below.** You must provide the following information on compensation received or eligible to be received:

**Life Insurance (including Accidental Death and Mortgage Insurance) paid or to be paid as a result of the Victim's death.**

Carrier/Provider	Account/Policy Number	Relationship to Victim	Amount (by beneficiary)	Amount of Victim's Investment Portion or Premiums Paid (if applicable)
Example: Generic Insurance Co.	000-00-0000	Jane Doe (spouse)	\$75,000	
		George Doe (son)	\$25,000	

Note: if you need more space to answer Part II, i, please check the box and continue on another copy of this page.



### September 11th Victim Compensation Fund of 2001 Compensation Form for Deceased Victims Part II - Compensation

Victim's SSN or Nat'l ID #

			-			-				
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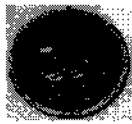
Personal Representative's SSN or Nat'l ID #

			-			-				
--	--	--	---	--	--	---	--	--	--	--

**Pension** - Please identify and describe any pension plans in which the Victim was a participant. Please specify the part of the pension that was paid or is payable because of death and the amount vested or payable to the Victim prior to death. Attach supporting documentation on the pension plans, such as a plan description and 2001 statement.

**Death Benefit Programs** - Please identify and describe any payments that the Victim's beneficiaries have received as a result of the death of the Victim (other than insurance and charitable contributions). For example, Public Safety Officer Benefit payments or Dependency and Indemnity Compensation. Attach supporting documentation on the program such as a program description.

Note: If you need more space, please check the box and continue on another copy of this page.



### September 11th Victim Compensation Fund of 2001 Compensation Form for Deceased Victims Part II - Compensation

Victim's SSN or Nat'l ID #

			-			-				
--	--	--	---	--	--	---	--	--	--	--

Personal Representative's SSN or Nat'l ID #

			-			-				
--	--	--	---	--	--	---	--	--	--	--

**Social Security and Worker's Compensation Programs** - Please identify and describe any payments that the Victim's beneficiaries have received, are receiving, or have applied to receive from the Social Security Administration or from the Victim's worker's compensation programs. Also identify and attach any pending applications for or determinations from worker's compensation or Social Security.

**Other Payments** - Please identify and describe any other payments that the Victim's beneficiaries have received as a result of the death of the Victim (excluding charitable contributions). Please attach copies of appropriate documentation.

Note: if you need more space, please check the box and continue on another copy of this page.

**September 11th Victim Compensation Fund of 2001  
 Compensation Form for Deceased Victims  
 Part II - Compensation**

Victim's SSN or Nat'l ID #

Personal Representative's SSN or Nat'l ID #

-   -

-   -

**Part II - Information Regarding Will and Proposed Distribution**

Did the Victim leave a will?    Yes     No     If Yes, has the will been probated?    Yes     No

Please list the beneficiaries of the Victim's will and their percentage if it can be determined:

	Percentage of Estate

Below, please provide information on how you **propose** to distribute the award. The distribution must be consistent with the law of the Victim's State of domicile or any applicable ruling made by a court of competent jurisdiction. In many cases the Special Master anticipates that a portion of the award may be distributed in accordance with the wrongful death laws of the decedent's State or country, although this will not be the case universally. Please refer to the instructions and FAQ's for more information on the distribution plan. Note that any proposed distribution plan may be affected by offsets and any final plan must be reviewed by the Special Master.

	Number	Date of Birth	Economic Award
Spouse			
Child			
Child			
Child			
Mother			
Father			
Sibling			
Sibling			
Other (specify)			
Other (specify)			

Note: if you need more space to answer Part II.j, check the box and continue on another copy of this page

**September 11th Victim Compensation Fund of 2001  
Compensation Form for Deceased Victims  
Part II - Compensation**

Victim's SSN or Nat'l ID #

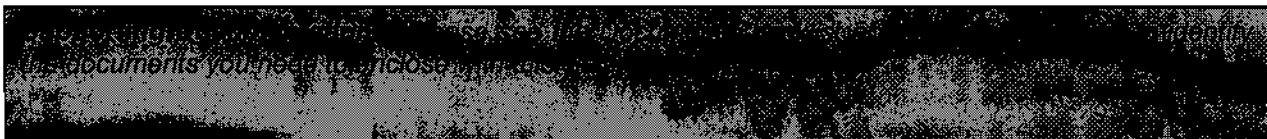
Personal Representative's SSN or Nat'l ID #

			-			-				
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			-			-				
--	--	--	---	--	--	---	--	--	--	--

Please use the area below (and any additional pages you need) to provide any other information that you believe may be relevant to the individualized circumstances of your claim, the calculation of economic and non-economic loss, and the calculation of collateral source offsets. You may also provide any additional documents not already requested that you believe might be relevant.

Note: if you need more space to answer Part II.k and are attaching additional page(s), please check the box to the left.





September 11th Victim Compensation Fund of 2001  
Compensation Form for Deceased Victims  
Part III - Attestations and Certifications

Victim's SSN or Nat'l ID #

Personal Representative's SSN or Nat'l ID #

□□□ - □□ - □□□□□

□□□ - □□ - □□□□□

**Part III, a - Authorization for Release of Information**

**I Authorize** the U.S. Department of Justice to obtain any information relating to my claim under the September 11th Victim Compensation Fund of 2001 (Compensation Fund) from individuals, employers, hospitals, medical service providers, other federal, state or local agencies including the Social Security Administration and the Internal Revenue Service, or other sources having information relating to my claim. This information may include, but is not limited to, medical, employment, and financial information about me or the deceased individual whom I represent.

**I Further Authorize** the U.S. Department of Justice to disclose any records or information relating to my Compensation Fund claim to: agency contractors assisting in the administration of the Compensation Fund; other federal, state, or local agencies, including the Department of the Treasury; and other individuals or entities having information related to the claim, such as physicians, medical service providers, insurers, and employers.

**I Further Authorize** the U.S. Department of Justice to publish my name as the Personal Representative filing a claim and the name of the Victim for whom compensation is sought.

**I Further Authorize** the release of information relating to my claim, where such information indicates a violation or potential violation of law, including submission of fraudulent claims to any civil or criminal law enforcement authority or other appropriate agency charged with responsibility of investigating or prosecuting such a violation.

**I Further Authorize** individuals having information pertinent to my claim to release such information to a duly accredited representative of the Department of Justice during the review of my claim to the Compensation Fund, regardless of any previous agreement to the contrary. Copies of this authorization that show my signature are as valid as the original release signed by me. This authorization is valid for five (5) years from the date signed or upon my written termination whichever is sooner.

**I Further Authorize** the Special Master, the United States Department of Justice or agency contractors assisting in the administration of the Compensation Fund to contact my attorney or other persons authorized to act on my behalf (if identified in Part I. d) if the Special Master needs additional information or clarification about my claim.

**I Further Authorize** the U.S. Department of Justice to release information about my proposed plan of distribution to any of the Victim's beneficiaries and to anyone deemed by the Special Master to be a party with a potential interest in any award that may be made for this claim.

**I Certify** that I am the person named below (claimant to the Compensation Fund) and I authorize the release of information listed above.

**Signature of Personal Representative - Please sign and date below**

[Signature line]

Signature of Personal Representative

□□/□□/□□□□

Date (mm/dd/yyyy)



September 11th Victim Compensation Fund of 2001  
Compensation Form for Deceased Victims  
Part III - Attestations and Certifications

Victim's SSN or Nat'l ID #

□□□□ - □□ - □□□□□□

Personal Representative's SSN or Nat'l ID #

□□□□ - □□ - □□□□□□

Part III. b Privacy Act Notice

The Department of Justice is authorized to collect this information by the September 11th Victim Compensation Fund of 2001, Title IV of Public Law 107-42, 115 Stat.230 ("Air Transportation Safety and System Stabilization Act"). The information you submit in your claim is for official use by the U.S. Department of Justice for the purposes of determining your eligibility for and the amount of compensation you may receive under your claim to the Victim Compensation Fund. Provision of this information is voluntary; however, failure to provide complete information may result in a delay in processing or a denial of your claim. Information you submit regarding your claim may be disclosed by the Government only in accordance with the provisions of the Privacy Act.

Part III. c Certification of Dismissal of any Legal Action

Have you or any dependent, spouse, or beneficiary of the Victim filed a civil action (or been a party to an action) in any Federal or State court relating to or arising out of damages sustained as a result of the terrorist-related aircraft crashes of September 11, 2001 (other than civil actions to recover collateral source obligations or a civil action against any person who is a knowing participant in any conspiracy to hijack any aircraft or commit any terrorist act)?

Yes  No  If Yes, has such action(s) been dismissed as of March 21, 2002? Yes  No

Initial here \_\_\_\_\_

(please attach proof of dismissal if applicable)

Part III. d Acknowledgment of Waiver of Rights

I hereby acknowledge that by submitting a substantially complete Compensation Form for Deceased Victims I am waiving the right to file a civil action (or be a party to an action) in any Federal or State court for damages sustained as a result of the terrorist-related aircraft crashes of September 11, 2001.

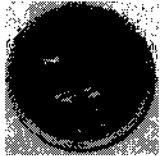
Please note this Waiver of Rights could apply to the rights of individuals other than the Personal Representative. This waiver does not apply to a civil action to recover collateral source obligations or to a civil action against any person who is a knowing participant in any conspiracy to hijack any aircraft or commit any terrorist act.

\_\_\_\_\_  
Signature of Personal Representative

\_\_\_\_\_  
Date (mm/dd/yyyy)





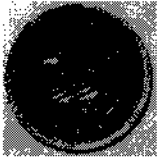


**September 11th Victim Compensation Fund of 2001  
 Compensation Form for Deceased Victims  
 Part IV – Supporting Documentation Checklist**

Victim's SSN or National ID #

Personal Representative's SSN or National ID #

<b>Supporting Documentation for Part II (Compensation Information)</b>	<b>Attached ?</b>	<b>For Internal Use Only</b>
<p><b>Part II.e – Tax Return Information</b></p> <ul style="list-style-type: none"> <li>• Tax returns filed by the Victim for tax years 2000, 1999, and 1998, including returns for non-U.S. taxing authorities</li> </ul> <ul style="list-style-type: none"> <li>• Most recent tax returns filed by the Victim (only if no returns were filed in 2000, 1999, and 1998)</li> </ul> <p>Please describe _____</p>	<p><b>Federal</b>                  '00 '99 '98  <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/></p> <p><b>State</b>                  '00 '99 '98  <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/></p> <p><b>City</b>                  '00 '99 '98  <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/></p> <p><b>Local</b>                  '00 '99 '98  <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/></p> <p><b>Other</b>                  '00 '99 '98  <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/></p> <input type="checkbox"/>	
<p><b>Part II.f – Compensation Information (base salary/wages)</b></p> <p>Please attach written proof of the Victim's base salary/wages for 2001, 2000, 1999, and 1998. Examples of the types of proof to include are listed below. <b>You do not need to attach all of these documents for each year.</b> All that is needed is a single supporting document for each year - one that you believe best substantiates the compensation information you provided in the form:</p> <p align="right">Year-end pay statement</p> <p align="right">Pay stubs</p> <p align="right">Salary letter</p> <p>Other (please describe) _____</p> <p>Other (please describe) _____</p> <p>Other (please describe) _____</p>	<p>'01 '00 '99 '98  <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/></p> <p>'01 '00 '99 '98  <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/></p> <p>'01 '00 '99 '98  <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/></p> <p>'01 '00 '99 '98  <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/></p> <p>'01 '00 '99 '98  <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/></p>	



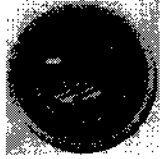
**September 11th Victim Compensation Fund of 2001  
 Compensation Form for Deceased Victims  
 Part IV – Supporting Documentation Checklist**

Victim's SSN or National ID #

Personal Representative's SSN or National ID #

**Supporting Documentation for Part II (continued)**

	<b>Attached ?</b>	<b>For Internal Use Only</b>
<p><b>Part II.f – Compensation Information (additional compensation)</b></p> <p>Please attach written proof of additional sources of compensation the Victim received in 2001, 2000, 1999, and 1998. Examples of the types of documents to include are listed below. <b>You do not need to attach all of these documents for each year.</b> All that is needed is a single supporting document for each year -one that you believe best substantiates the additional compensation information you provided in the form:</p> <p align="right">End of year pay statement</p> <p align="right">Bonus letter</p> <p align="right">Commission letter</p> <p align="right">Overtime stubs</p> <p>Other (please describe) _____</p> <p>Other (please describe) _____</p> <p>Other (please describe) _____</p>	<p>'01 '00 '99 '98  <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/></p> <p>'01 '00 '99 '98  <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/></p> <p>'01 '00 '99 '98  <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/></p> <p>'01 '00 '99 '98  <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/></p> <p>'01 '00 '99 '98  <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/></p> <p>'01 '00 '99 '98  <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/></p> <p>'01 '00 '99 '98  <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/></p>	
<p><b>Part II.g – Employer-Provided Benefit Information</b></p> <p>Please attach written proof of employer-provided benefits in 2001 and 2000. Examples of benefits are listed below. Please check the ones that apply and for which you have attached documentation:</p> <p align="right">Documentation on Health Benefits</p> <p align="right">Pension plan description(s)</p> <p align="right">Pension plan statement(s)</p> <p align="right">Employer-provided transportation</p> <p align="right">401k documentation</p> <p align="right">Employer-provided club dues</p> <p align="right">Non-military housing allowances</p> <p>Other (please describe) _____</p> <p>Other (please describe) _____</p> <p>Other (please describe) _____</p>	<p>'01 '00  <input type="checkbox"/> <input type="checkbox"/></p> <p>'01 '00  <input type="checkbox"/> <input type="checkbox"/></p> <p>'01 '00  <input type="checkbox"/> <input type="checkbox"/></p> <p>'01 '00  <input type="checkbox"/> <input type="checkbox"/></p> <p>'01 '00  <input type="checkbox"/> <input type="checkbox"/></p> <p>'01 '00  <input type="checkbox"/> <input type="checkbox"/></p> <p>'01 '00  <input type="checkbox"/> <input type="checkbox"/></p> <p>'01 '00  <input type="checkbox"/> <input type="checkbox"/></p> <p>'01 '00  <input type="checkbox"/> <input type="checkbox"/></p> <p>'01 '00  <input type="checkbox"/> <input type="checkbox"/></p> <p>'01 '00  <input type="checkbox"/> <input type="checkbox"/></p>	

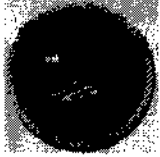


**September 11th Victim Compensation Fund of 2001  
 Compensation Form for Deceased Victims  
 Part IV -- Supporting Documentation Checklist**

Victim's SSN or National ID #

Personal Representative's SSN or National ID #

<b>Supporting Documentation for Part II (continued)</b>	<b>Attached ?</b>	<b>For Internal Use Only</b>
<p><b>Part II.h – Non-Reimbursable Burial, Memorial Service, and Medical Costs</b></p> <ul style="list-style-type: none"> <li>• Burial/Memorial cost receipts (that were not reimbursed)</li> <li>• Medical cost receipts (that were not reimbursed)</li> </ul>	<p align="center"><input type="checkbox"/> <input type="checkbox"/></p>	
<p><b>Part II.i – Collateral Sources of Compensation</b></p> <p>Please attach documentation for all collateral sources of compensation the Victim's beneficiaries or estate has or is entitled to receive. Examples of collateral sources of compensation are listed below. Please check the ones that apply and for which you have attached documentation.</p> <p align="right">Life Insurance policy(s) <input type="checkbox"/></p> <p align="right">Life Insurance policy statement(s) <input type="checkbox"/></p> <p align="right">Pension plan description(s) <input type="checkbox"/></p> <p align="right">Pension plan statement(s) <input type="checkbox"/></p> <p align="right">Death Benefits Program description <input type="checkbox"/></p> <p align="right">Social Security application or determinations <input type="checkbox"/></p> <p align="right">Worker's Compensation application or determinations <input type="checkbox"/></p> <p>Other (please describe) _____ <input type="checkbox"/></p> <p>Other (please describe) _____ <input type="checkbox"/></p> <p>Other (please describe) _____ <input type="checkbox"/></p>	<p align="center"><input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/></p>	
<p><b>Part II.j – Information Regarding Will and Proposed Distribution Plan</b></p> <p align="center">Certified copy of the Victim's will (if one exists)</p>	<p align="center"><input type="checkbox"/></p>	
<p><b>Part II.k – Other Information</b></p> <p>Please list any additional documents that you have included with the Compensation Form that you believe are relevant to your individual claim and will assist the Special Master in reviewing your claim.</p> <p>Other (please describe) _____ <input type="checkbox"/></p> <p>Other (please describe) _____ <input type="checkbox"/></p> <p>Other (please describe) _____ <input type="checkbox"/></p>	<p align="center"><input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/></p>	



**September 11th Victim Compensation Fund of 2001  
 Compensation Form for Deceased Victims  
 Part IV -- Supporting Documentation Checklist**

Victim's SSN or National ID #

Personal Representative's SSN or National ID #

<b>Supporting Documentation for Part III (Attestations and Certifications) and Exhibits</b>	<i>Attached ?</i>	<i>For Internal Use Only</i>
<p><b>Part III.c -- Certification of Dismissal of Legal Action</b></p> <p>Order of dismissal (only if applicable)</p>	<input type="checkbox"/>	
<p><b>Notification of Claim Filing (required)</b></p> <p>Exhibit B – Signed list of individuals notified of claim filing</p>	<input type="checkbox"/>	



**September 11th Victim Compensation Fund of 2001**  
**Exhibit A to Compensation Form for Deceased Victims**  
**Notice of Filing Claim**

*Instructions to Victim's Personal Representative:*

- Fill out a separate copy of this page for each person to whom you are required to provide a Notice of Filing.
- On each copy, fill out the Name and Address of the person to whom you are providing the Notice and insert the name of the Victim in the spaces provided below as indicated.
- Check the box at the bottom of this page if you are applying for an Advance Benefit.
- Deliver each Notice personally or by certified mail, return receipt requested.
- *You must deliver a copy of this document to the following people:*
  - The immediate family of the Victim (including, but not limited to, the spouse, former spouse(s), children, other dependents, siblings, and parents).
  - The Executor or Administrator and beneficiaries of the Victim's will and life insurance policies.
  - Any other person who may reasonably be expected to assert an interest in an award or to have a cause or action to recover damages relating to the wrongful death of the Victim.

---

TO:           NAME: \_\_\_\_\_

                  ADDRESS: \_\_\_\_\_

                  \_\_\_\_\_

                  \_\_\_\_\_

You are receiving this notice to inform you that a claim on behalf of \_\_\_\_\_ (insert name of Victim) is being filed with the September 11<sup>th</sup> Victim Compensation Fund of 2001. The claim is being filed by \_\_\_\_\_ (insert name of Personal Representative).

The rules that govern the Victim Compensation Fund state that only **one** claim may be filed in connection with the death of a Victim and that the claim must be filed by the Victim's Personal Representative. The rules also state that any award from the Victim Compensation Fund shall be paid to the Personal Representative and that the Personal Representative is required to distribute the award among the Victim's beneficiaries in accordance with the laws of the Victim's domicile.

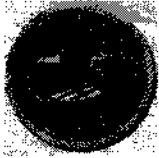
You have been notified that a claim is being filed on behalf of \_\_\_\_\_ (insert name of Victim) because the Personal Representative is required to give notice of claim filing to the Victim's immediate family, to the executor, administrator, and beneficiaries of the Victim's will and life insurance policies and to other people who might reasonably have an interest in any award that may be made from the Victim Compensation Fund.

The rules that govern the filing of claims with the Victim Compensation fund require that the Personal Representative waive any right to file a lawsuit for damages sustained as a result of the terrorist-related aircraft crashes of September 11, 2001. This waiver could affect the rights of others, including you, to file any such lawsuits.

You are not required to take any action in response to this notice. However, any objection to the filing of the claim must be made within 30 days after the claim has been filed, which could be as soon as 30 days from the date this notice was mailed or otherwise provided to you. If the box at the bottom of this page has been checked, the Personal Representative is seeking an Advance Benefit from the Victim Compensation Fund, which could be paid 15 days after the claim has been filed or in some cases sooner. Therefore, if the Personal Representative has applied for an Advance Benefit, any objection should be made as promptly as possible.

If you want to learn more about the Victim Compensation Fund, please call 1-888-714-3385 (TDD: 1-888-560-0844; outside the U.S.: 202-305-1352). Information can also be obtained over the Internet at [www.usdoj.gov/victimcompensation](http://www.usdoj.gov/victimcompensation).

**Personal Representative: check the box to the left if you are applying Advance Benefits.**



**September 11th Victim Compensation Fund of 2001  
 Compensation Form for Deceased Victims  
 Exhibit B – List of Individuals Notified of Claim Filing**

**Please submit with your Compensation Form for Deceased Victims**

Victim's SSN or Nat'l ID #  
   -   -

Personal Representative's SSN or Nat'l ID #  
   -   -

**I hereby certify** that I have provided the required Notice of Filing of Claim to all the individuals listed below by either personal delivery or certified mail, return receipt requested, and that I am not aware of anyone else to whom such notice should be provided.

Signature of Personal Representative

Date (mm/dd/yyyy)

Relationship to Victim	Name (First, Middle, Last)	Address	Date of Birth	Telephone Number	SSN or National ID # (if available)	Hand Delivered	Certified Mail, Return Receipt Requested
Mother							
Father							
Spouse							
Former Spouse							
Sibling							
Sibling							
Child							
Child							
Child							
Partner							

Check here if you need more space for Exhibit B and are attaching additional pages.



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# Exhibit D

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## Instructions – Personal Injury Compensation Form

This claims process was established under the September 11<sup>th</sup> Victim Compensation Fund, part of legislation passed by Congress and signed into law by the President. The Fund provides compensation to individuals who were physically injured or the families and beneficiaries of individuals who were killed as a result of the terrorist-related attacks of September 11, 2001. The United States Department of Justice and the Special Master issued final regulations to implement this fund on March 7, 2002. Both the United States Department of Justice and the Special Master are committed to ensuring that this program is administered expeditiously, fairly, and in a manner that is sensitive to the needs of those who have suffered as a result of the attacks. To help accomplish these goals, assistance will be made available to all claimants to help them complete this claims process and obtain any and all benefits that will be available to eligible claimants under this fund.

These instructions are designed to help you complete and submit the Personal Injury Compensation Form. If you are a Personal Representative for a Victim who was killed as a result of the September 11<sup>th</sup> attacks, you should use the instructions for the Compensation Form for Deceased Victims.

Please remember to include the Victim's Social Security or National Identification Number at the top of each page and attach any additional pages.

### Where can I go for more information?

**Through the Internet** – The Victim Compensation Fund web site address is:

[www.usdoj.gov/victimcompensation](http://www.usdoj.gov/victimcompensation)

**By telephone** – The toll-free Helpline number is 1-888-714-3385 (TDD 888-560-0844). If you are calling from outside the United States, please call 202-305-1352.

**In person** – You can go to one of several Claims Assistance Sites. Because their locations and hours of operation are subject to change, please call the Helpline or visit the website to find the nearest location, directions, and current hours of operation.

## Introduction

### What Is the September 11<sup>th</sup> Victim Compensation Fund?

The Fund was established by Congress as part of Public Law 107-42 and designed to bring financial relief to those most devastated by the events of September 11<sup>th</sup>. Specifically, it provides compensation to:

- Individuals who suffered physical harm as a result of the terrorist attacks
- The beneficiaries and families of those killed as a result of the terrorist attacks

Your participation in the Fund is voluntary. The Fund provides a no-fault alternative to tort litigation. By participating in the Fund process, claimants waive their rights to bring such litigation.

### What is included in the Personal Injury Compensation Form?

The Compensation Form has four parts:

**Part I – Eligibility and Application for Advance Benefits:** This identifies the Victim and establishes eligibility requirements. This part also allows you to elect for Advance Benefits against the final award.

**Part II – Compensation Information:** This addresses the information and documentation the Special Master needs to calculate the award.

**Part III – Attestations and Certifications:** This part includes your authority for release of information contained in the Compensation Form and your certification that the information in the Compensation Form is true, accurate, and complete.

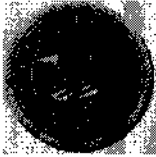
**Part IV – Supporting Documentation Checklist:** This checklist identifies the supporting documentation that you must submit with the Compensation Form.

### Who should complete the Personal Injury Compensation Form?

Victims who were physically injured as a result of the terrorist-related aircraft crashes of September 11, 2001 and wish to submit a claim to the fund.

### Do I use the Compensation Form to apply for Advance Benefits?

Yes. Injured Claimants hospitalized for one week or longer are eligible for Advance Benefits. You can apply in Part I. If you already submitted the earlier version of the *Eligibility Form and Application for Advance Benefits* and did not apply for Advance Benefits through that form, you can use this Compensation Form to apply now.



### Where should I mail my completed Compensation Form?

Completed Compensation Forms should be mailed to the following address:

#### By regular mail:

Victim Compensation Fund  
P.O. Box 18698  
Washington, DC 20036-8698

#### By overnight mail:

Victim Compensation Fund  
1900 K Street, NW  
Suite 900  
Washington, DC 20006  
202-822-4485

### General instructions

- Please read all instructions carefully before completing the form.
- Review the Checklist in Part IV for the documents that you will need to provide with your form.
- Include your Social Security Number or National Identification Number at the top of all pages of the form, and on all additional pages or documents you submit.
- Complete all sections of the Compensation Form. Otherwise, the Special Master will not be able to calculate the compensation award.
- Have a Notary Public (or equivalent if you do not live in the U.S.) notarize your signature in Part III.e -- Attestations and Certifications.
- Please make a copy of your completed Compensation Form before you mail it. The Special Master's office may need to contact you for clarification or

additional information based on what you submitted.

- Mail your completed Compensation Form so that it is postmarked no later than December 21, 2003.
- Please send a letter or call the Victim Compensation Fund Helpline if you change your address and/or telephone number between now and December 21, 2003. If the Special Master has questions and cannot locate you, your claim may be deemed abandoned at the end of the program, which is December 21, 2003.

#### What should I do if I already submitted the form entitled *Eligibility Form and Application for Advance Benefits*?

This Personal Injury Compensation Form replaces and supplements the earlier version of the *Eligibility Form and Application for Advance Benefits*. It should be used for all physical injury claims submitted after March 24, 2002. If you submitted the earlier document, you will not have to resubmit information you already provided. However, you will need to do the following:

- Part I – Please provide the claim number. Also, if you did not apply for Advance Benefits in your previous submission and you wish to do so now, please so indicate in Part I.f. Otherwise, you can skip the rest of Part I.
- Part II – Please complete all questions.
- Part III – Please initial, sign, and notarize this part.
- Part IV – Please identify all supporting documentation you are submitting.

- If you choose to participate in this program, you waive certain rights to litigate. This waiver could

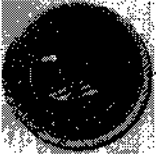
apply to the rights of individuals other than you. This waiver does not apply to a civil action to recover collateral source obligations or to a civil action against any person who is a knowing participant in any conspiracy to hijack any aircraft or commit any terrorist act.

### Claims by Non-U.S. Citizens or Residents

- If you do not have a U.S. Social Security Number, you must provide your country's equivalent identification number (such as a national tax identification number). This number will be used to track your claim.
- A Notary Public or equivalent for your country must notarize your signature.
- Please list the amounts for medical expenses, loss of earnings, and collateral source compensation in whatever currency they were or will be earned or paid.
- Unless you have a U.S. bank account, the award will be paid to you in U.S. dollars via a check from the U.S. Department of the Treasury. It will be mailed to the address you provide in Part I.a.

### Section-by-section instructions

These instructions provide an overview of the questions in each section, provide more detail on certain questions, and identify the supporting documentation that you must include with your Compensation Form.



## Part I – Eligibility and Application for Advance Benefits

### Part I.b – Information about Victim’s Circumstances on September 11, 2001

This section asks for information about you:

- Were you a rescue worker?
- Where were you injured (please check “other” and provide information if you were injured somewhere other than at the Pentagon or the World Trade Center)

The regulations require that you were present at the site at the time of the aircraft crashes or in the immediate aftermath.

**Present at the site** (the World Trade Center, Pentagon, or Shanksville) means physically present at the time of the crashes or in the immediate aftermath:

- In the buildings or portions of buildings that were destroyed as a result of the airplane crashes; or
- In any area contiguous to the crash sites that the Special Master determines was sufficiently close to the site that there was a demonstrable risk of physical harm resulting from the impact of the aircraft or any subsequent fire, explosions, or building collapses.

**Immediate aftermath** means the following:

- In general – the period of time from the crashes until 12 hours after the crashes
- For rescue workers – the period of time from the crashes until 96 hours after the crashes

### **What is the definition of physical harm?**

To document eligible physical harm you must provide proof of a *physical injury* to the body that was treated by a medical professional:

- Within 24 hours of the injury having been sustained or within 24 hours of rescue. However, Victims who were unable to realize immediately the extent of their injuries or did not have appropriate care available on September 11<sup>th</sup> are eligible if medical treatment was sought within 72 hours of the injury having been sustained or within 72 hours of rescue. The Special Master has discretion to extend the time period even further on a case-by-case basis for rescue personnel who otherwise meet this requirement, but did not seek medical treatment within 72 hours.

AND

- You must show that the injury either
  - Required hospitalization as an inpatient for at least 24 hours, or
  - Caused, either temporarily or permanently, partial or total physical disability, incapacity, or disfigurement.

The Special Master cannot compensate those who suffered only emotional harm. Also, the Fund cannot cover those who face only a risk of future injury (i.e., a latent injury that does not fully manifest itself within the two year statutory time period for the Fund).

### **Part I.c – Information about the Victim’s Physical Injury**

You need to indicate whether your injury caused temporary or permanent, partial or total, disability, disfigurement, or incapacity.

**TIP!** For certified medical records contact the medical provider directly and request certified copies.

Please describe your injury and provide **certified** medical records created by or at the direction of the medical professional who provided you the medical care. This would include medical records of hospitals, clinics, physicians, licensed medical staff, or registries maintained by Federal, State, or local governments.

### **How will disability be defined?**

**Temporary disability** – The Special Master may consider evidence regarding the length of time the Victim was absent from his or her employment. The Special Master will be guided by the definition of temporary disability employed in disability programs or by private insurers.

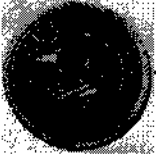
**Permanent disability** – The Special Master will make a determination regarding whether the Victim is capable of performing his or her usual profession in light of his or her injuries.

**Total permanent disability** – The Special Master may accept a determination of disability made by the Social Security Administration without further medical evidence or review. He may also consider the determination of permanent disability made by other government agencies or private insurers in evaluating the claim. The Special Master may require an evaluation of the Victim’s disability and ability to perform his or her occupation from medical experts.

### **Part I.d – Information about the Victim’s Guardian**

If the Victim is a minor or is incapacitated, information on the guardian or other authorized legal





representative should be provided here.

Please provide the person's name, address, telephone number, and name of the firm (if applicable).

#### **Part I.e – Information about the Victim's Attorney or Other Authorized Individual**

You are not required to have a lawyer to file a claim. However, you have the right to be represented by an attorney and you should be aware that you will be waiving and affecting rights to file lawsuits by your submission of a claim.

Please complete this section if you are represented by counsel and indicate if you want either your attorney or another person to deal with the Special Master's office regarding questions about your claim (instead of contacting you directly).

#### **Part I.f – Advance Benefits Election**

**Advance Benefits** is a payment of \$25,000 available to a physically injured Victim facing financial hardship who was hospitalized for one week or longer. The Special Master deducts the Advance Benefits from the final compensation award.

Please indicate if you wish to apply for Advance Benefits. There are two criteria for Advance Benefits eligibility:

- You must have been hospitalized for at least one week (answer this in Part 1.c)

#### **AND**

- You have not yet received an amount in excess of your lost wages plus out-of-pocket medical expenses from other sources (Money received from privately-funded charitable entities should

not be included when calculating this amount).

#### **Method of Payment of Advance Benefits**

Please make an election for how you wish to receive the Advance Benefits payment. If you elect direct deposit, enclose the requested financial institution information and attach a voided check.

#### **Acknowledgement of Waiver of Rights**

You must acknowledge your understanding that by submitting a substantially complete Eligibility Part I Eligibility and Application for Advance Benefits Form and requesting Advance Benefits you are waiving the right to file a civil action (or be a party to an action) in any Federal or State court relating to or arising out of damages sustained as a result of the terrorist-related aircraft crashes of September 11, 2001. This Waiver of Rights could apply to the rights of individuals other than you. This waiver does not apply to other civil actions to recover collateral source obligations or a civil action against any person who is a knowing participant in any conspiracy to hijack any aircraft or commit any terrorist act.

You must sign that you read and understand this acknowledgement.

#### **Part II – Compensation Information**

You must complete all sections of Part II. Otherwise, the Special Master will not be able to calculate your compensation. The compensation will be the sum of the economic loss and the non-economic loss minus collateral offsets.

The **economic loss** will vary depending on the following:

- Loss of earnings or other benefits related to employment because of disability
- Medical expense loss
- Replacement services loss

The Victim's **non-economic loss** will be based on the nature of the injury and non-economic harm.

**Please note:** The Special Master has not published a table, list, or chart of presumed economic or non-economic loss for injured Victims because the amount will have to be determined in part based on the duration and amount of disability, incapacity, or disfigurement. A Victim who is totally or permanently disabled may look at the presumed awards chart for some guidance as to economic loss.

The Special Master will reduce the loss by the present value of the **collateral source offsets**. These are discussed in more detail in Part II.h.

#### **Part II.a – Selection of Claims Processing Track**

You can choose one of two tracks to adjudicate (process) your claim. You must submit a completed Compensation Form and all the supporting documentation, regardless of which Track you select:

**Track A** has two steps. In Step 1, the claim is reviewed and a presumed award is calculated. Step 2 is optional. In Step 2, you can request a hearing and have the presumed award reviewed. You can present additional information at the hearing.

**Track B** has one step. The claim is presented at a hearing, after which the award is calculated. You must submit all information before the hearing is held. You cannot submit additional information after the

hearing, although you may offer witnesses to testify at the hearing.

### Part II.b – Victim's Employment History

This section asks you to provide information about the Victim's employment. Please describe your employment since September 11, 2001. For employment before September 11, 2001, please describe your employment starting with the most recent employment information and work backwards to 1999.

### Part II.c – Dependents not Listed

The number of dependents directly impacts the economic loss and the non-economic loss calculation. The Special Master will be able to identify most of the Victim's dependents from the Victim's 2000 United States Federal tax return or other nation's national tax return.

You should list any of the Victim's dependents not listed on the 2000 Federal/national tax return. These would include a child born or adopted on or after January 1, 2001, children listed on the tax return of the Victim's spouse if the couple filed their taxes separately, any another person who became a dependent on or after January 1, 2001, or any other dependents who could have been, but were not claimed as a dependent on the Victim's 2000 return.

### Part II.d – Insurance Information

Please provide information on any insurance policies under which the injured Victim is covered.

### Part II.e – Victim's Medical Loss

The Special Master will review your non-reimbursed medical expenses and loss of earnings to determine your economic loss.

You should describe and document non-reimbursed **medical expenses** (i.e., not covered by health insurance) that were incurred as a result of the physical injury. You should also describe any anticipated **future medical expenses** that are not reimbursable associated with the injury you sustained as a direct result of the September 11<sup>th</sup> aircraft crashes. If you are a military or government employee, indicate what medical program or coverage you are eligible for.

Please remember that the Special Master cannot reimburse you for latent injuries – injuries that have not manifested at the time of the claim.

### Part II.f – Victim's Loss of Earnings To Date

This section also asks you to describe and document **your loss of earnings** – the actual amount of work you missed without compensation (i.e., you were not paid for these days of missed work). You may also provide information about any claimed loss of business or employment opportunities.

All claimants who have lost earnings and who expect to have significant lost earnings in the future as a result of their injuries and disability should provide the compensation data and employer provided benefit information requested in Part II.g.

### Part II.g – Victim's Loss of Future Earnings

Complete this section only if you are suffering an ongoing disability or are seeking compensation for loss of future earnings.

This section asks you to describe and document any claimed **future loss of earnings** – the amount of work you will miss without

compensation or reduction in earnings.

### Compensation Information for Disabled Claimants

The Victim's compensation award will be based, in part, on earned income. This includes base salary and wages, bonus, commission, overtime, or incentive pay, and certain other employer provided benefits. This does **not** include passive income such as investments or rentals.

Claimants should feel free to contact the Helpline or the Claims Assistance Centers to get assistance in this process.

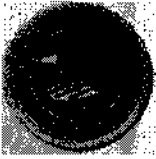
Please enter the Victim's pre-tax **base salary and wages** for 1999, 2000, 2001, and 2002. Indicate how the salary was paid and attach supporting documentation. Documentation could include pay stubs, salary letters, or end of year pay statements.

Some Victims received **additional sources of compensation**, such as bonuses, commissions, overtime, tips, honoraria, or other incentive pay. The Special Master will consider these when determining total compensation. Please describe and provide information for each additional source of compensation the Victim received in 1999, 2000, 2001, and 2002.

If the Victim was self-employed or a business owner, please provide compensation details with the form at Part II.i.

### Employer-Provided Benefit Information

Any eligible Victim who lost earnings and who expects to lose earnings in the future as a result of the injuries should provide information on their employer provided benefits. In addition to



base salary and other sources of compensation, many Victims received benefits provided by their employers. The amount of certain benefits will be considered with the compensation information to calculate the economic loss. The most common benefits include the following:

- Health benefits
- Pension
- Employer contribution to Victim's 401(k) or similar plan
- Housing allowance
- Transportation subsidy or company car
- Military benefits
- Government employee benefits
- Other- such as profit sharing plans

Please provide details on benefits the Victim received from his/her employer in 2000 and 2001. Some benefits are provided as a dollar amount (such as medical benefits), and some are provided as a percentage of income (such as 401(k) contributions). Please indicate how the employer provided these benefits.

Military housing allowances should be included under the compensation section, instead of the benefit page.

The Special Master will need a variety of supporting documents for this section. Please see the Document Checklist for help determining what documents to include. Employers can be contacted for additional information on benefits provided.

The Special Master recognizes that collecting this information may be a difficult task. Please contact the Helpline or the Claims Assistance Centers if you need further assistance or guidance.

### **Part II.h – Collateral Source Compensation**

When Congress created the Victim Compensation Fund, it legislated that the compensation award be reduced by **collateral source compensation**. These include benefits you received or are entitled to receive related to the terrorist – related aircraft crashes of September 11, 2001.

Please describe any **Social Security** benefits you have received, are currently receiving, or have applied to receive from the Social Security Administration as a result of your injury. Please provide a copy of documentation from the Social Security Administration stating your eligibility and benefits.

Please describe any **worker's compensation** payments you have received, are currently receiving, or are entitled to receive as a result of your injury. Please provide a description of your worker's compensation benefit program or coverage. This information should be available from your employer or union (if your employer or union provided the program) or from your insurance agent (if you purchased worker's compensation insurance independently).

Finally, please describe any **other payments** you received, or are entitled to receive. Please provide a copy of appropriate documentation.

**Please note:** Contributions from privately funded charitable entities to you or your family, will **not** be deducted as a collateral source component.

### **Part II.i – Other Information (optional)**

Please use this section to provide any additional information you believe is relevant to the calculation of compensation. This might include clarification of information you provided elsewhere in the

Compensation Form or information not covered elsewhere, including information relevant to the determination of economic and non-economic loss.

Please remember to put your Social Security Number/ National Identification Number at the top of each page of additional information you attach to your Compensation Form.

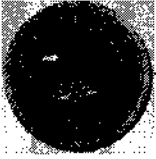
### **Part III – Attestations and Certifications**

This Part contains a series of important certifications and authorizations you must make. Please take sufficient time to read and understand each of them. They cover the information you submit in and with your claim. You must also have your signature notarized in the space provided.

#### **Part III.b – Certification of Dismissal from Any Legal Action**

Participation in the Victim Compensation Fund is voluntary. To participate, however, you must certify that you have not filed a civil action (or been a party to an action) in any Federal or State court relating to or arising out of damages sustained as a result of the terrorist-related aircraft crashes of September 11, 2001. This does not apply to other civil actions to recover collateral source obligations or a civil action against any person who is a knowing participant in any conspiracy to hijack any aircraft or commit any terrorist act.

If you or your spouse or any of your dependents have already filed a civil action (or were party to an action), you must indicate if this civil litigation action was dismissed by March 21, 2002, and you must attach proof of the dismissal.



### **Part III.c – Acknowledgement of Waiver of Rights**

You must acknowledge that, by submitting a substantially complete Personal Injury Compensation Form claim, you **are waiving the right** to file a civil action (or be a party to an action) in any Federal or State court relating to or arising out of damages sustained as a result of the terrorist-related aircraft crashes of September 11, 2001. This waiver could apply to the rights of individuals other than you. This waiver does not apply to other civil actions to recover collateral source obligations or a civil action against any person who is a knowing participant in any conspiracy to hijack any aircraft or commit any terrorist act.

### **Part III.d – Authorization for Release of Information**

You must authorize the release of information relating to your claim so that the Special Master can review, verify, and process your claim. This authorization allows the U.S. Department of Justice and the Special Master to do the following:

- Obtain information from third parties, such as professionals who provided medical treatment
- Disclose information relating to your claim to other Federal, State, or local agencies, such as the U.S. Department of the Treasury; or other entities having information related to your claim, such as your employer(s) and insurer(s)
- Publish your name as a claimant on the Victim Compensation Fund website, at [www.usdoj.gov/victimcompensation](http://www.usdoj.gov/victimcompensation)
- Release information on you and your claim to law enforcement authorities if there is evidence of fraud
- Allow the U.S. Department of Justice to provide released information to duly accredited

representatives of the Department during the review of your claim

- Contact your attorney or other individual (identified in Part I.d and I.e) for more information on your submission, if necessary.

Your authorization is valid for five years from the date of your signature, or upon your written termination, whichever is sooner.

### **Part III.e – Notarized Certification of Accuracy of Information**

You must certify that the information contained in and attached to the Compensation Form is true and accurate. The Special Master will use procedures to verify, authenticate, and audit claims. False statements may result in fines, imprisonment, and/or any other remedy available by law. The Special Master shall refer all evidence of false or fraudulent claims to the Department of Justice and other appropriate law enforcement authorities.

#### **What is a Notary Public? What does “notarization” mean?**

A Notary Public is a person authorized by the state to notarize certain documents. To notarize means to witness a person signing a document. In New York State, for example, Notary Publics are commissioned in their counties of residence. There is a small fee to notarize a document.

**TIP!** Please remember to wait and sign the Certification in front of the Notary Public. If you sign the form before you see the Notary Public, you will have to re-sign the form so that the Notary Public can witness your signature.

### **Part IV – Supporting Documentation Checklist**

As noted throughout the Compensation Form, you must submit supporting documentation.

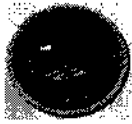
The Special Master developed this checklist to help you prepare and submit a complete Compensation Form. Please use it to collect the required documentation. Please describe all documents you submit (if they are not already listed in the checklist). Unless noted otherwise, you must submit documentation for all Parts. Finally, please submit the completed checklist with your Compensation Form.

### **Exhibit A – Authorization for Release of Medical Records**

You need to submit a completed copy of **Exhibit A, Authorization for Release of Medical Records** with the Personal Injury Compensation Form. This exhibit contains an authorization for all doctors and health care providers to release the medical records of the Victim. Please sign this authorization and attach it with your completed Compensation Form.

### **Paperwork Reduction Act Notice**

An agency may not conduct or sponsor an information collection and a person is not required to respond to a collection of information unless it contains a currently valid OMB approval number. We try to create forms and instructions that are accurate, can be easily understood, and which impose the least possible burden on you. The estimated average time to complete and file this application is 15 hours. If you have comments regarding the accuracy of this estimate, or suggestions for making this form simpler, you can write to the Office of the Special Master, U.S. Department of Justice, 950 Pennsylvania Ave, NW, Washington, DC 20530; OMB No. 1105-0078. (Do **not** mail your completed application to this address.)



September 11th Victim Compensation Fund of 2001  
Personal Injury Compensation Form  
Part I - Eligibility and Application for Advance Benefits

Victim's SSN or Nat'l ID #:

\_\_\_\_ - \_\_\_\_ - \_\_\_\_\_

PLEASE COMPLETE THIS FORM BY TYPING OR PRINTING IN CAPITAL LETTERS

If you have previously submitted an *Eligibility Form and Application for Advance Benefits*, please enter your Claim Number here [ Claim # \_\_\_\_\_ ] and proceed directly to Part II.

\_\_\_\_\_  
Victim's Last Name

\_\_\_\_\_  
First Name

\_\_\_\_\_  
Middle Name

\_\_\_\_\_  
Street Address Line 1

\_\_\_\_\_  
Street Address Line 2

\_\_\_\_\_  
Apartment Number

\_\_\_\_\_  
City

\_\_\_\_\_  
State/Province

\_\_\_\_\_  
ZIP/Postal Code

\_\_\_\_\_  
Country

\_\_\_\_\_  
Passport Country (if not U.S.)

\_\_\_\_\_  
Passport Number (if not U.S. and if available)

\_\_\_\_\_  
Country of Citizenship

\_\_\_\_\_  
Victim's Date of Birth (mm/dd/yyyy)

\_\_\_\_\_  
Telephone Number (day)

\_\_\_\_\_  
Telephone Number (evening)

Was the Victim a rescue worker? Yes  No

Location of the Victim at time of injury (choose one)

- Pentagon
- World Trade Center
- Public Street near WTC (Please provide address/cross-streets)

Other

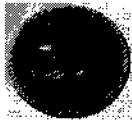
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date and Time of Injury

\_\_\_\_\_  
Date (mm/dd/yyyy)

\_\_\_\_\_  
Time (hour)

A.M.   
P.M.



September 11th Victim Compensation Fund of 2001  
Personal Injury Compensation Form  
Part I - Eligibility and Application for Advance Benefits

Victim's SSN or Nat'l ID #:

□□□□ - □□ - □□□□□□

**I.c. - Information About**

Was the Victim treated by a medical professional within 24 hours of being injured or rescued?

Yes  No

If No, was the victim treated within 72 hours?

Yes  No

Please provide an explanation for the delay in treatment if not treated within 24 hours:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Did the Victim's injury require hospitalization for at least 24 hours?

Yes  No

If Yes, how many days?

□□□□

Did the physical injury cause incapacity?

Yes  No

Did the physical injury cause disfigurement?

Yes  No

Did the physical injury cause disability?

Yes  No

If yes, is the disability partial or total?

Partial  Total

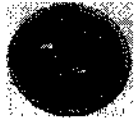
Is the disability temporary or permanent?

Temp.  Perm.

Please briefly describe the nature of the Victim's physical injuries and attach certified copies of all supporting medical records.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Note: if you need more space to answer Part I.c, check the box and continue on another copy of this page



September 11th Victim Compensation Fund of 2001  
Personal Injury Compensation Form  
Part I - Eligibility and Application for Advance Benefits

Victim's SSN or Nat'l ID #:

Form for entering the victim's Social Security or National ID number, consisting of three groups of four boxes separated by dashes.

Part I - Information About the Victim's Guardian (if Applicable)

If someone other than the injured Victim is submitting this claim as a guardian or other authorized legal representative, please complete the following (please read the detailed instructions for more information):

Representative's Social Security or National ID Number:

Form for entering the representative's Social Security or National ID number, consisting of three groups of four boxes separated by dashes.

Representative's relationship to Victim:

Form for selecting the representative's relationship to the victim, with checkboxes for 'Guardian' and 'Other explain' followed by a line for explanation.

Form for entering the representative's last name, consisting of a single long horizontal box.

Form for entering the representative's first and middle names, consisting of two horizontal boxes.

Form for entering the representative's street address line 1, consisting of a single long horizontal box.

Form for entering the representative's street address line 2, consisting of a single long horizontal box.

Form for entering the representative's apartment number, city, and state/province, consisting of three horizontal boxes.

Form for entering the representative's zip/postal code and country, consisting of two horizontal boxes.

Form for entering the representative's telephone numbers, consisting of two horizontal boxes for day and evening numbers.

Form for entering the representative's country of citizenship, consisting of a single long horizontal box.

Do you want to allow this person to discuss this claim with the Special Master and/or the Victim Compensation Fund and receive related correspondence? Yes  No

Part I - e - Information about the Victim's Attorney

If an attorney or other authorized individual is assisting the Victim with this claim, please check the applicable box and fill out the information below:

Form for selecting the attorney's role, with checkboxes for 'Attorney' and 'Other Individual' followed by a line for explanation.

Form for entering the attorney's last name, consisting of a single long horizontal box.

Form for entering the attorney's first and middle names, consisting of two horizontal boxes.

Form for entering the attorney's firm name (if applicable), consisting of a single long horizontal box.

Form for entering the attorney's street address line 1, consisting of a single long horizontal box.

Form for entering the attorney's street address line 2, consisting of a single long horizontal box.

Form for entering the attorney's suite number, city, and state/province, consisting of three horizontal boxes.

Form for entering the attorney's zip/postal code and country, consisting of two horizontal boxes.

Form for entering the attorney's telephone numbers, consisting of two horizontal boxes for day and evening numbers.

Do you want to allow this person to discuss this claim with the Special Master and/or the Victim Compensation Fund and receive related correspondence? Yes  No



September 11th Victim Compensation Fund of 2001  
Personal Injury Compensation Form  
Part I - Eligibility and Application for Advance Benefits

Victim's SSN or Nat'l ID #: [ ] [ ] [ ] - [ ] [ ] [ ] - [ ] [ ] [ ] [ ] [ ] [ ]

**Part I - Advance Benefits**

Eligible injured Victims may apply for Advance Benefits of \$25,000 if the physical injury required hospitalization for one week or more.

Do you wish to apply for Advance Benefits?

Yes  No

If Yes, please continue below. If No, please skip to Part II.

I hereby certify that I need the Advance Benefit to alleviate financial hardship, I am a physically injured Victim or Guardian of a physically injured Victim and I have not yet received an amount in excess of the Victim's lost wages plus out-of-pocket medical expenses from other sources, such as government programs or employer-provided benefits (excluding monies received from privately funded charities).

**Method of Payment of Advance Benefits**

The payment will go to the Victim. Check one of the boxes below (direct deposit is generally the quickest way to receive payment).

- Check - Note that the check will be mailed to the address listed in Part I. a
- Direct deposit/electronic fund transfer (Available for U.S. banks only) - Note that payments will be wired to the account of the Victim only. **Please attach a copy of a voided check and fill out the information below.**

	<input type="checkbox"/> Savings	
Account Number	<input type="checkbox"/> Checking	
ABA Routing Number - This number can be obtained by contacting your Financial Institution or can be located at the bottom of your checks. (Nine digit number preceding your account number.)		
Name of Financial Institution		
Street Address Line 1		
Street Address Line 2		
City	State	Zip Code
Telephone Number		



September 11th Victim Compensation Fund of 2001  
Personal Injury Compensation Form  
Part I - Eligibility and Application for Advance Benefits

Victim's SSN or Nat'l ID #:

□□□□ - □□ - □□□□

**Acknowledgement of Waiver of Rights (for Advance Benefits)**

I hereby acknowledge that by submitting a substantially complete *Part I - Eligibility and Application for Advance Benefits Form* and requesting Advance Benefits, I am waiving the right to file a civil action (or be a party to an action) in any Federal or State court for damages sustained as a result of the terrorist-related aircraft crashes of September 11, 2001.

Please note this Waiver of Rights could apply to the rights of individuals other than the injured Claimant. This waiver does not apply to a civil action to recover collateral source obligations or to a civil action against any person who is a knowing participant in any conspiracy to hijack any aircraft or commit any terrorist act.

[Signature area]

Signature of Claimant

[Date area]

Date (mm/dd/yyyy)

Documentation - Please see the instructions on the Checklist of Documents to be Submitted to the Fund for a complete list of documents to be submitted to the Fund.

**September 11th Victim Compensation Fund of 2001  
Personal Injury Compensation Form  
Part II - Compensation**

Victim's SSN or Nat'l ID #:

				-			-				
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The information requested in this part will help determine the value of the compensation award. Please answer each question in full. Use additional paper if you need more space. If you do so, please add the Victim's SSN or National ID # to each page as well as the Part number to which information is being added.

**Part II.a. Adjudication Track**

Please select one of the adjudication tracks described below by checking a box. (Note that you must submit a completed claim package regardless of which track you choose.)

- Track A - This Track includes two steps. In step 1, the claim is reviewed and a presumed award is calculated by the Special Master. In step 2, the Victim may, at his/her option, accept the award or request a hearing to review the presumed award and to present additional information.
- Track B - In this Track, a hearing will be held to determine the amount of the award.

**Part II.b. Employment History**

Please provide your employment history from January 1999 to the present. Please note any changes in employer, job title, and/or job description during this period. If self-employed, write Self-Employed in the Employer Name and Address box.

**Employment Since September 11, 2001:**

Date Range	Employer Name and Address	Employer Phone
/ / to / /		
Job Title and/or Description		

**Employment between January 1, 1999 and September 11, 2001:**

Date Range	Employer Name and Address	Employer Phone
/ / to / /		
Job Title and/or Description		
Date Range	Employer Name and Address	Employer Phone
/ / to / /		
Job Title and/or Description		
Date Range	Employer Name and Address	Employer Phone
/ / to / /		
Job Title and/or Description		

Note: If you need more space to answer Part II.b, check the box and continue on another copy of this page

**September 11th Victim Compensation Fund of 2001  
Personal Injury Compensation Form  
Part II - Compensation**

Victim's SSN or Nat'l ID #:

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**Please attach a copy of your 2000 Federal/National Tax return (if you filed one) showing dependents listed.**

Also, please list below any qualifying dependents that were not listed on your 2000 Federal/National Tax Return (such as children born or adopted after December 31, 2000 or children listed on the spouse's separately-filed return) and explain their relationship to the Victim.


Note: if you need more space to answer Part II.c, check the box and continue on another copy of this page

**Please provide information on any insurance, health care or disability benefits under which the injured Victim is covered.**

			P	ID #
Major Medical		Group <input type="checkbox"/>	Individual <input type="checkbox"/>	
Union Benefits		Group <input type="checkbox"/>	Individual <input type="checkbox"/>	
Medicare		Group <input type="checkbox"/>	Individual <input type="checkbox"/>	
Medicaid		Group <input type="checkbox"/>	Individual <input type="checkbox"/>	
Disability Income Insurance		Group <input type="checkbox"/>	Individual <input type="checkbox"/>	
Workers Compensation		Group <input type="checkbox"/>	Individual <input type="checkbox"/>	
Other (please describe)		Group <input type="checkbox"/>	Individual <input type="checkbox"/>	
Other (please describe)		Group <input type="checkbox"/>	Individual <input type="checkbox"/>	
Other (please describe)		Group <input type="checkbox"/>	Individual <input type="checkbox"/>	
Other (please describe)		Group <input type="checkbox"/>	Individual <input type="checkbox"/>	

Note: if you need more space to answer Part II.d, check the box and continue on another copy of this page

### September 11th Victim Compensation Fund of 2001 Personal Injury Compensation Form Part II - Compensation

Victim's SSN or Nat'l ID #:

				-					-				
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What amount of medical expenses directly attributable to the Victim's injury from the September 11th attacks were not paid for or reimbursed?

(Please provide currency if other than US Dollars \_\_\_\_\_)

--	--	--	--	--	--	--	--	--	--

**Medical Expenses Loss To Date** - Please describe below any medical expenses not paid for or reimbursed including rehabilitation treatment, vocational training, home modification, assisted living and other such expenses.

**Future Medical Expenses** - Please describe below any anticipated future medical expenses that will not be paid for, reimbursed, or provided by a health care program (such as VA).

Note: if you need more space to answer Part II.e, check the box and continue on another copy of this page

**September 11th Victim Compensation Fund of 2001  
Personal Injury Compensation Form  
Part II - Compensation**

Victim's SSN or Nat'l ID #:

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**Loss of Earnings** - Please describe below any loss of earnings and/or other benefits from work already missed as a result of the injury (i.e. work missed for which you were not or will not be compensated). Attach documentation regarding uncompensated absences from work as a result of injury sustained on or as a result of the September 11th air crashes.

**Replacement Services** - Please describe below any household services to date that you have not been able to perform as a result of the injury. Include information about the cost of obtaining replacement services.

Note: if you need more space to answer Part II.f, check the box and continue on another copy of this page

September 11th Victim Compensation Fund of 2001  
Personal Injury Compensation Form  
Part II - Compensation

Victim's SSN or Nat'l ID #:

□□□□ - □□ - □□□□□□

Complete Part II.g only if you are suffering an ongoing disability or are seeking compensation for loss of future earnings.

1) Medical Condition - Disability

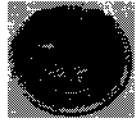
If you claim permanent disability, ongoing temporary disability or if due to an incapacity you anticipate a loss of future earnings, please: 1) describe the nature of the disability or incapacity, and 2) state whether any government agency, insurer, or physician has made a determination with respect to your disability. Please attach any determination of your capacity to work in the future.

\_\_\_\_\_  
\_\_\_\_\_  
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\_\_\_\_\_  
\_\_\_\_\_

2) If you had a decrease in compensation due to the injury, please describe below:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
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\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Note: if you need more space to answer Part II.g, check the box and continue on another copy of this page



**September 11th Victim Compensation Fund of 2001  
Personal Injury Compensation Form  
Part II - Compensation**

Victim's SSN or Nat'l ID #:

-   -

**3) Loss of Future Earnings** - If you suffer from an ongoing disability or incapacity, please describe below any anticipated loss of future earnings as a result of the injury. Please describe how this disability will affect your job in the future. Please also explain whether you were able to return to your previous employment or any other employment.

**4) Loss of Future Replacement Services** - Please describe below any future household services that you will be unable to perform as a result of the injury.

Note: if you need more space to answer Part II.g, check the box and continue on another copy of this page

September 11th Victim Compensation Fund of 2001  
Personal Injury Compensation Form  
Part II - Compensation

Victim's SSN or Nat'l ID #:

Grid for SSN or Nat'l ID #: [ ][ ][ ] - [ ][ ] - [ ][ ][ ][ ]

5) Compensation Information for Disabled Claimants

If you are disabled and anticipate a loss of future earnings from your injury, please provide your complete compensation history below. Compensation typically includes base salary and wages as well as other sources of earned income such as commissions, bonuses, incentive pay, etc. Please note that passive sources of income, such as income from rental properties or investments, are not considered in the calculation. For salaried Victims please provide base salary at the end of each year. If the Victim was both employed and self-employed complete both lines. In addition, please provide copies of all tax return information (including W-2 forms and other attachments) for the 2000 tax year.

Compensation Amount  
(Please provide currency if other than US Dollars \_\_\_\_\_)

Was the Victim self-employed? If yes, enter total yearly compensation amount here.

Grids for self-employed compensation for years 2002, 2001, 2000, and 1999.

If not self-employed, enter Base Salary/Wage information here.

Grids for base salary/wage information for years 2002, 2001, 2000, and 1999.

Indicate whether figure provided is a yearly, monthly, bi-weekly, weekly, or hourly figure.

Horizontal lines for indicating frequency of compensation figures.

Additional Compensation - Please provide information for all other compensation including, but not limited to, incentive pay, bonuses, overtime, tips, commissions, shift differentials, longevity, and honoraria.

For Victims who were in the armed forces - Please include housing, subsistence, TAD, re-enlistment, and other compensation by each category. However, if you want the Special Master to rely on published compensation and benefit scales please check the box at the end of this statement. If you do so, there is no need to complete this section, but please attach a copy of the Victim's Military Leave and Earnings Statement indicating the pay level and benefit information.

I wish to rely on published data regarding U.S. military compensation.

Other Compensation (Please describe)

Grids for other compensation for years 2002, 2001, 2000, and 1999.

Other Compensation (Please describe)

Grids for other compensation for years 2002, 2001, 2000, and 1999.

Other Compensation (Please describe)

Grids for other compensation for years 2002, 2001, 2000, and 1999.

Other Compensation (Please describe)

Grids for other compensation for years 2002, 2001, 2000, and 1999.

Other Compensation (Please describe)

Grids for other compensation for years 2002, 2001, 2000, and 1999.



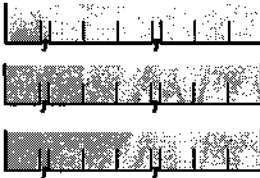
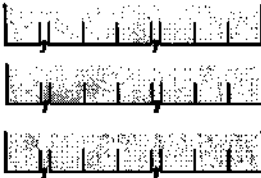




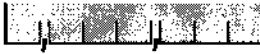



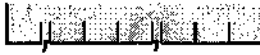


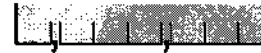
**September 11th Victim Compensation Fund of 2001  
Personal Injury Compensation Form  
Part II - Compensation**

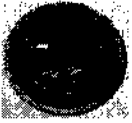
Victim's SSN or Nat'l ID #:

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**6) Employer Provided Benefit Information**

In addition to the compensation information provided above, the compensation award for loss of future earnings will be based on certain employment benefits provided to the Victim by his/her employer. Please provide details on employer provided benefits received during the years 2000 and 2001.

	Total Benefits <i>(Please provide currency if other than US Dollars _____)</i>	
	2001	2000
<p><b>1. Health Benefits</b> - Payroll deduction or cost of employer-provided health benefits to employee and any other covered persons (indicate who was covered):</p> <p><input type="checkbox"/> Victim only or <input type="checkbox"/> Victim and One Dependent or <input type="checkbox"/> Victim and Family</p>		
<p><b>2. Pension Benefits</b> - Attach (a) pension plan or pension section from employee handbook and (b) recent pension statement. Check one:</p> <p><input type="checkbox"/> Defined Benefit Plan (monthly pension payable at retirement) <i>(indicate victim's hire date at last employer: ____/____/____)</i></p> <p><input type="checkbox"/> Defined Contribution Plan (employer contribution each pay period) <i>(indicate employer contribution as % of salary: _____%)</i></p>		
<p><b>3. Employer Matching Contribution to 401(k)/403(b)</b></p> <p>Employer matching contributions as a percent of pay: _____%</p> <p>Actual dollar amount of employer matching contribution:</p>		
<p><b>4. Employer-provided transportation subsidy or company car</b></p> <p><i>If car was provided, please specify % of personal use</i></p> <p>_____%</p>		
<p><b>5. Employer-provided club dues, memberships</b></p> <p><i>Indicate whether figure is yearly, monthly, weekly, hourly, etc.</i></p> <p>_____</p>		
<p><b>6. Housing allowance (Non-military)</b> (Military allowances should be included on previous page.)</p> <p><i>Indicate whether figure is yearly, monthly, weekly, hourly, etc.</i></p> <p>_____</p> <p>Was the allowance permanent or temporary?</p> <p><input type="checkbox"/> Permanent    <input type="checkbox"/> Temporary</p> <p><i>If temporary, when did it end?</i></p> <p>_____</p>		
<p><b>7. Other employer-provided benefit (please describe)</b></p> <p>_____</p> <p><i>Indicate whether figure is yearly, monthly, weekly, hourly, etc.</i></p> <p>_____</p>		
<p><b>8. Other employer-provided benefit (please describe)</b></p> <p>_____</p> <p><i>Indicate whether figure is yearly, monthly, weekly, hourly, etc.</i></p> <p>_____</p>		



September 11th Victim Compensation Fund of 2001  
Personal Injury Compensation Form  
Part II - Compensation

Victim's SSN or Nat'l ID #:

□ □ □ □ - □ □ - □ □ □ □ □ □

**Part II.h. Collateral Source Compensation**

**Social Security and Worker's Compensation Programs** - Please identify and describe any payments that the Victim has received, is receiving or has applied to receive from the Social Security Administration or from worker's compensation programs as a result of the Victim's injury. (Include uniformed service benefits similar to Social Security or worker's compensation.) Attach any pending applications and determinations.

[Empty box for Social Security and Worker's Compensation Programs]

**Other Payments** - Please identify and describe any other payments, including medical payments, that the Victim received as compensation for or in response to the injury (excluding charitable contributions).

[Empty box for Other Payments]

Note: if you need more space to answer Part II.h, check the box and continue on another copy of this page

September 11th Victim Compensation Fund of 2001  
Personal Injury Compensation Form  
Part II - Compensation

Victim's SSN or Nat'l ID #:

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**Part II. Compensation**

Please use the area below (and any additional pages) to provide any other information that you believe may be relevant to the individualized circumstances of your claim and the calculation of the economic and non-economic loss as well as collateral offsets. You may also attach any additional documents not already requested that you believe might be relevant.

Check here if you need more space to answer Part II.I and are attaching additional pages.

**Supporting Documentation:** Please use this area to provide any supporting documentation you wish to submit at the end of this form to assist in the review of your claim.

September 11th Victim Compensation Fund of 2001  
Personal Injury Compensation Form  
Part III - Attestations and Certifications

Victim's SSN or Nat'l ID #:

□□□□ - □□ - □□□□

The Department of Justice is authorized to collect this information by the September 11th Victim Compensation Fund of 2001, Title IV of Public Law 107-42, 115 Stat.230 ("Air Transportation Safety and System Stabilization Act"). The information you submit in your claim is for official use by the U.S. Department of Justice for the purposes of determining your eligibility for and the amount of compensation you may receive under your claim to the Victim Compensation Fund. Provision of this information is voluntary; however, failure to provide complete information may result in a delay in processing or a denial of your claim. Information you submit regarding your claim may be disclosed by the Government only in accordance with the provisions of the Privacy Act.

Have you or any dependent, spouse, or beneficiary of the Victim filed a civil action (or been a party to an action) in any Federal or State court relating to or arising out of damages sustained as a result of the terrorist-related aircraft crashes of September 11, 2001 (other than civil actions to recover collateral source obligations or a civil action against any person who is a knowing participant in any conspiracy to hijack any aircraft or commit any terrorist act)?

Yes  No  If Yes, has such action been dismissed as of March 21, 2002? Yes  No

Initial here \_\_\_\_\_

*(please attach proof of dismissal if applicable)*

Part III. c - Acknowledgement of Waiver of Rights

I hereby acknowledge that by submission of a substantially complete Personal Injury Compensation Form I am waiving the right to file a civil action (or be a party to an action) in any Federal or State court for damages sustained as a result of the terrorist-related aircraft crashes of September 11, 2001.

Please note this Waiver of Rights could apply to the rights of individuals other than the claimant. This waiver does not apply to a civil action to recover collateral source obligations or to a civil action against any person who is a knowing participant in any conspiracy to hijack any aircraft or commit any terrorist act.

\_\_\_\_\_  
Signature of Claimant

\_\_\_\_\_  
Date (mm/dd/yyyy)

September 11th Victim Compensation Fund of 2001  
Personal Injury Compensation Form  
Part III - Attestations and Certifications

Victim's SSN or Nat'l ID #:

□ □ □ □ - □ □ - □ □ □ □

**e**

I **Authorize** the U.S. Department of Justice to obtain any information relating to my claim under the September 11th Victim Compensation Fund of 2001 (Compensation Fund) from individuals, employers, hospitals, medical service providers, other federal, state or local agencies including the Social Security Administration and the Internal Revenue Service, or other sources having information relating to my claim. This information may include, but is not limited to, medical, employment, and financial information about me or the victim whom I represent.

I **Further Authorize** the U.S. Department of Justice to disclose any records or information relating to my Compensation Fund claim to: agency contractors assisting in the administration of the Compensation Fund; other federal, state, or local agencies, including the Department of the Treasury; and other individuals or entities having information related to the claim, such as physicians, medical service providers, insurers, and employers.

I **Further Authorize** the U.S. Department of Justice to publish my name as the claimant filing a claim and the name of the Victim for whom compensation is sought.

I **Further Authorize** the release of information relating to my claim, where such information indicates a violation or potential violation of law, including submission of fraudulent claims, to any civil or criminal law enforcement authority or other appropriate agency charged with responsibility of investigating or prosecuting such a violation.

I **Further Authorize** individuals having information pertinent to my claim to release such information to a duly accredited representative of the Department of Justice during the review of my claim to the Compensation Fund, regardless of any previous agreement to the contrary. Copies of this authorization that show my signature are as valid as the original release signed by me. This authorization is valid for five (5) years from the date signed or upon my written termination whichever is sooner.

I **Further Authorize** the Special Master, the United States Department of Justice or agency contractors assisting in the administration of the Compensation Fund to contact my attorney or other persons authorized to act on my behalf (if identified in Part I. d or I.e) if the Special Master needs additional information or clarification about my claim.

I **Certify** that I am the person named below (claimant to the Compensation Fund) and I authorize the release of information listed above.

**Signature of Claimant**

[Signature box]

Signature of Claimant

[Date line]

Date (mm/dd/yyyy)

**Part III. e - Notarized Certification of Accuracy of Information**

I **hereby certify** that the information provided in this application is true and accurate to the best of my knowledge. Further, I understand that false statements or claims made in connection with this application may result in fines, imprisonment and/or any other remedy available by law to the Federal Government.

[Signature box]

Signature of Claimant (Sign in the presence of Notary Public)

[Date line]

Date (mm/dd/yyyy)

**Official Notarization** - Please have this page certified by a Notary Public (or equivalent for non-U.S. Personal Representatives). The Notary Public should apply seal to this page.

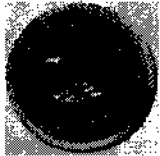
[Signature box]

Signature of Notary Public

[Date line]

Date (mm/dd/yyyy)





**September 11th Victim Compensation Fund of 2001  
Personal Injury Compensation Form  
Part IV -- Supporting Documentation Checklist**

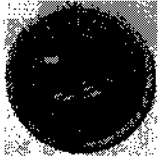
Victim's SSN or National ID #

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In order to process your claim, we need certain supporting documents to substantiate information you provided. This checklist has been developed to help you compile those documents. Please submit it with your claim.

<b>Supporting Documentation for Part I (continued)</b>	<b>Attached ?</b>	<b>For Internal Use Only</b>
<p><b>Other Documentation (optional)</b></p> <p>Other documentation you have included in support of Part I:</p> <p>Other (please describe) _____ <input type="checkbox"/></p> <p>Other (please describe) _____ <input type="checkbox"/></p> <p>Other (please describe) _____ <input type="checkbox"/></p> <p>Other (please describe) _____ <input type="checkbox"/></p>		
<p><b>Part I.f – Advance Benefits Election (only if requesting direct deposit)</b></p> <p>Copy of voided check</p>	<input type="checkbox"/>	

<b>Supporting Documentation for Part II (Compensation)</b>	<b>Attached ?</b>	<b>For Internal Use Only</b>
<p><b>Part II.c – Dependents</b></p> <p>Copy of 2000 Federal/National Tax Return</p>	<input type="checkbox"/>	



**September 11th Victim Compensation Fund of 2001  
Personal Injury Compensation Form  
Part IV -- Supporting Documentation Checklist**

Victim's SSN or National ID #

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**Supporting Documentation for Part II (Compensation)**

	<i>Attached ?</i>	<i>For Internal Use Only</i>
<p><b>Part II.e – Victim's Medical Loss (required)</b></p> <ul style="list-style-type: none"> <li>• Documentation of all claimed medical expenses not-reimbursed. <span style="float: right;"><input type="checkbox"/></span></li> <li>• Documentation of all claimed future medical expense that will not be reimbursed. <span style="float: right;"><input type="checkbox"/></span></li> <li>• Insurance information:                             <ul style="list-style-type: none"> <li>Documentation of your health insurance coverage(s) <span style="float: right;"><input type="checkbox"/></span></li> </ul> </li> </ul>		
<p><b>Part II.f – Victim's Loss of Earnings to date</b></p> <ul style="list-style-type: none"> <li>• Documentation of current loss of earnings (number of days lost that were not reimbursed and related compensation lost)      Number of Days _____                             <ul style="list-style-type: none"> <li>Affidavit from employer <span style="float: right;"><input type="checkbox"/></span></li> <li>Pay stubs <span style="float: right;"><input type="checkbox"/></span></li> <li>Salary letter <span style="float: right;"><input type="checkbox"/></span></li> <li>End of year pay statement <span style="float: right;"><input type="checkbox"/></span></li> <li>Other (please describe) _____ <span style="float: right;"><input type="checkbox"/></span></li> <li>Other (please describe) _____ <span style="float: right;"><input type="checkbox"/></span></li> </ul> </li> </ul>		





**September 11th Victim Compensation Fund of 2001  
Personal Injury Compensation Form  
Part IV -- Supporting Documentation Checklist**

Victim's SSN or National ID #

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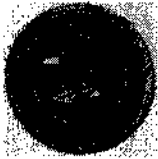
<b>Supporting Documentation for Part II (continued)</b>	<b>Attached ?</b>	<b>For Internal Use Only</b>
<p><b>Part II.g – Victim's Loss of Future Earnings</b></p> <p>• Future loss of earnings (expected duration and related compensation that will be lost) Duration _____</p> <p align="right">Bonus letter <input type="checkbox"/></p> <p align="right">End of year benefit statement <input type="checkbox"/></p> <p align="right">End of year pay statement <input type="checkbox"/></p> <p>Other (please describe) _____ <input type="checkbox"/></p> <p>Other (please describe) _____ <input type="checkbox"/></p> <p>Other (please describe) _____ <input type="checkbox"/></p> <p><b>Compensation Information for Disabled Claimants (base salary/wages)</b></p> <p>Please attach written proof of the Victim's base salary/wages for 2002, 2001, 2000, and 1999. Examples of the types of proof to include are listed below. <b>You do not need to attach all of these documents for each year.</b> All that is needed is a single supporting document for each year - one that you believe best substantiates the compensation information you provided in the form:</p> <p align="right">Year-end pay statement <input type="checkbox"/> '02 <input type="checkbox"/> '01 <input type="checkbox"/> '00 <input type="checkbox"/> '99</p> <p align="right">Pay stubs <input type="checkbox"/> '02 <input type="checkbox"/> '01 <input type="checkbox"/> '00 <input type="checkbox"/> '99</p> <p align="right">Salary letter <input type="checkbox"/> '02 <input type="checkbox"/> '01 <input type="checkbox"/> '00 <input type="checkbox"/> '99</p> <p>Other (please describe) _____ <input type="checkbox"/></p> <p>Other (please describe) _____ <input type="checkbox"/></p> <p align="right">Tax information/returns (Federal/National, State, local, other) <input type="checkbox"/></p>		



**September 11th Victim Compensation Fund of 2001  
Personal Injury Compensation Form  
Part IV -- Supporting Documentation Checklist**

Victim's SSN or National ID #

<b>Supporting Documentation for Part II (continued)</b>		<b>Attached ?</b>	<b>For Internal Use Only</b>
<b>Compensation Information for Disabled Claimants (additional compensation)</b>			
Please attach written proof of additional sources of compensation the Victim received in 2002, 2001, 2000, and 1999. Examples of the types of documents to include are listed below. <b>You do not need to attach all of these documents for each year.</b> All that is needed is a single supporting document for each year -one that you believe best substantiates the additional compensation information you provided in the form:			
	End of year pay statement	'02 '01 '00 '99 <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
	Bonus letter	'02 '01 '00 '99 <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
	Commission letter	'02 '01 '00 '99 <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
	Overtime stubs	'02 '01 '00 '99 <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
	Other (please describe) _____	'02 '01 '00 '99 <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
	Other (please describe) _____	'02 '01 '00 '99 <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
	Other (please describe) _____	'02 '01 '00 '99 <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
<b>Employer-Provided Benefits</b>			
Please attach written proof of employer-provided benefits in 2001 and 2000. Examples of benefits are listed below. Please check the ones that apply and for which you have attached documentation:			
	Documentation on Health Benefits	'01 '00 <input type="checkbox"/> <input type="checkbox"/>	
	Pension plan description(s)	'01 '00 <input type="checkbox"/> <input type="checkbox"/>	
	Pension plan statement(s)	'01 '00 <input type="checkbox"/> <input type="checkbox"/>	
	Employer-provided transportation	'01 '00 <input type="checkbox"/> <input type="checkbox"/>	
	401k documentation	'01 '00 <input type="checkbox"/> <input type="checkbox"/>	
	Employer-provided club dues	'01 '00 <input type="checkbox"/> <input type="checkbox"/>	
	Non-military housing allowances	'01 '00 <input type="checkbox"/> <input type="checkbox"/>	
	Other (please describe) _____	'01 '00 <input type="checkbox"/> <input type="checkbox"/>	
	Other (please describe) _____	'01 '00 <input type="checkbox"/> <input type="checkbox"/>	
	Other (please describe) _____	'01 '00 <input type="checkbox"/> <input type="checkbox"/>	



**September 11th Victim Compensation Fund of 2001  
Personal Injury Compensation Form  
Part IV -- Supporting Documentation Checklist**

Victim's SSN or National ID #

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**Supporting Documentation for Part II (continued)**

	<i>Attached ?</i>	<i>For Internal Use Only</i>
<p><b>Part II.h -- Collateral Source Compensation (required)</b></p> <p>Please attach documentation for all collateral sources of compensation the Victim has or is entitled to receive. Examples of collateral sources of compensation are listed below. Please check the ones that apply and for which you have attached documentation.</p> <p align="right">Short-term disability insurance <input type="checkbox"/></p> <p align="right">Long-term disability insurance <input type="checkbox"/></p> <p align="right">Worker's compensation insurance <input type="checkbox"/></p> <p align="right">Social Security <input type="checkbox"/></p> <p>Other (please describe) _____ <input type="checkbox"/></p> <p>Other (please describe) _____ <input type="checkbox"/></p>		
<p><b>Part II.i -- Other Information (optional)</b></p> <p>Please list any additional documents that you have included with the Compensation Form that you believe will assist the Special Master in reviewing your claim and considering your individual circumstances in deriving a compensation award for economic and non-economic harm.</p> <p>_____ <input type="checkbox"/></p> <p>_____ <input type="checkbox"/></p> <p>_____ <input type="checkbox"/></p>		

**Supporting Documentation for Part III (Attestations and Certification)**

	<i>Attached ?</i>	<i>For Internal Use Only</i>
<p><b>Part III.b -- Certification of Dismissal of Legal Action</b></p> <p>Proof of dismissal (<i>only if applicable</i>) <input type="checkbox"/></p>		

September 11<sup>th</sup> Victim Compensation Fund of 2001  
Exhibit A to the Personal Injury Compensation Form  
Authorization for Release of Medical Records

**Instructions for Claimant** – please list all doctors and medical care providers who were involved in diagnosing and treating your injury in Section 1. Please copy this page and complete if you need to list more than four health care providers. Then, please print your name and address and sign in the block in Section 2.

**Section 1 – Name and telephone number for doctors and health care providers**

I hereby authorize the person or carrier or other provider listed below to disclose confidential information about the claimant listed below:

Doctor/Provider \_\_\_\_\_  
Doctor/Provider \_\_\_\_\_  
Doctor/Provider \_\_\_\_\_  
Doctor/Provider \_\_\_\_\_

**Section 2 – Claimant information and signature**

Victim's Last Name \_\_\_\_\_ First Name \_\_\_\_\_ Middle Name \_\_\_\_\_

Victim's Social Security Number \_\_\_\_\_ Victim's Date of Birth \_\_\_\_\_

Address \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State/Province \_\_\_\_\_ Zip/Postal Code \_\_\_\_\_

Country \_\_\_\_\_

I understand that this authorization is voluntary, and that the information to be disclosed may be protected by law. I authorize the following entity to receive confidential information pertaining to me:

The September 11<sup>th</sup> Victim Compensation Fund of 2001  
P.O. Box 18698  
Washington, DC 20036-8698

\_\_\_\_\_

Victim's Signature

**Information to be disclosed to the Victim Compensation Fund includes application or enrollment information, eligibility information, claims records, claim status, and patient medical records.**

**Disclosure requested will include otherwise confidential information.** If the records include claims or other information pertaining to chronic diseases, behavioral health conditions, including alcohol or substance abuse, communicable diseases, including HIV/AIDS, and/or genetic marker information, these records will be included in the information made available to the Victim Compensation Fund.

**Type of coverage** to which this authorization applies (the doctor or health care provider will check all that apply)

Medical       Disability       Pharmacy       Long Term Care  
 Other (please specify) \_\_\_\_\_



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# Exhibit E

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## VICTIM COMPENSATION FUND FREQUENTLY ASKED QUESTIONS

(Updated February 9, 2004)

### Section 1 – General Information

#### 1.1 What is the September 11<sup>th</sup> Victim Compensation Fund?

The September 11<sup>th</sup> Victim Compensation Fund is part of legislation passed by Congress and signed into law by the President to provide compensation for economic and non-economic loss to individuals or relatives of deceased individuals who were killed or physically injured as a result of the terrorist-related aircraft crashes of September 11, 2001.

The Fund is designed to provide a no-fault alternative to tort litigation for individuals who were physically injured or killed as a result of the aircraft hijackings and crashes on September 11, 2001. Others, who may have suffered losses as a result of those events (e.g., those without identifiable physical injuries but who lost employment), are not included in this special program. Indeed, compensation will be provided only for losses caused on account of personal physical injuries or death, even though the Victims may have suffered other losses, such as property loss.

#### 1.2 Where do I get the *Compensation Form for Deceased Victims* or the *Personal Injury Compensation Form*?

- **By telephone:** You can get a Compensation Form by calling toll free [removed]. If you are calling from outside the United States, please call collect at [removed]. Staff are available at this number from 9:00 am to 5:00 pm Eastern Standard Time, Monday through Friday. You will be asked for your name and telephone number, and a Claims Assistance Representative will return your call within 30 minutes.
- **Through the web page:** You can also get a Compensation Form by going to the website: [www.usdoj.gov/victimcompensation](http://www.usdoj.gov/victimcompensation)

#### 1.3 Do I have to be a U.S. citizen or resident to be eligible?

No.

#### 1.4 Where do I submit my form when I am finished?

Claims should be submitted as follows:

- **By mail to:** Victim Compensation Fund, P.O. Box 18698, Washington, DC 20036-8698
- **By overnight mail to:** Victim Compensation Fund, 1900 K Street, NW, Suite 900, Washington, DC 20006, [removed].
- **Hand deliver at Claim Assistance Site:** Hours of operation are Monday through Friday from 9:00 a.m. through 5:00 p.m. and Saturday from 10:00 a.m. through 3:00 p.m. Please



call in advance if you would like to deliver your claim on Saturday. (See FAQ 1.2 for a listing of sites opened full-time.)

**1.5 Does it cost anything to file a claim?**

No.

**1.6 How will I know that my claim has been received?**

You will be notified by mail.

**1.7 Can more than one person file a claim for the same Victim?**

No. The statute and regulations provide that only one claimant is eligible to submit a claim. If the Special Master receives more than one claim form for the same Victim, the Special Master will delay processing the claim until the appropriate Personal Representative is determined. See Section 3 below for more information.

**1.8 Who is a dependent?**

A dependent is any person identified as a dependent on the Victim's 2000 Federal tax return, plus a minor child born or adopted after January 1, 2001 or another person who became a dependent on or after January 1, 2001. Other individuals may be considered dependents if they could have been claimed as dependents on the Victim's 2000 tax return but were not. If the Victim was not required to file a tax return in 2000, then the Special Master will determine dependents based on the same guidelines that would have applied had the Victim been required to file a tax return.

**1.9 Will domestic partners of deceased Victims be able to receive a payment?**

The distribution of the award will be based on applicable State law. It is possible that in some instances a part of the award will be distributed in accordance with the Victim's will. The Special Master has discretion to direct the distribution of the award if distribution under State law would not appropriately compensate the Victim's spouse, children or other relatives.

**1.10 Can I appeal the final decision of the Special Master?**

No, the decision of the Special Master is final and is not subject to appeal. The process allows opportunities for you to either request a hearing regarding your claim before your presumed award has been calculated or once your presumed award is calculated to request a review before the Special Master. After either a hearing or a review before the Special Master, the Special Master will make a final determination. This decision is not subject to appeal or judicial review.

**1.11 What is the last day to file a claim?**

You must mail your claim so it is postmarked on or before December 22, 2003.

**1.12 How do I find out who has submitted a claim on behalf of a Victim?**

The list of claimants and Victims for whom a claim has been filed is available on the web site at [www.usdoj.gov/victimcompensation](http://www.usdoj.gov/victimcompensation) . You can also call the Helpline at [removed].

**1.13 My business was impacted by the events of September 11, can I get money from this fund?**

No. The statute does not cover individuals who lost their businesses. The fund only applies to those who were physically injured or killed as result of the terrorist-related air crashes on September 11<sup>th</sup>. Those without identifiable physical injuries are not eligible for the program.

**1.14 Can I have someone else talk to the Special Master's office about my claim?**

Yes. If you submitted the document entitled Eligibility Form and Application for Advance Benefits, and you received a claim number before March 13, 2002, you must send a letter to the Special Master stating that you give your permission to have the Special Master's office discuss your claim with someone else. Also in the letter, please provide your claim number along with the person's name, address, and telephone number.

For current claims please provide this information in Part I.d of the Compensation Form for Deceased Victims, or in Part I.e of the Personal Injury Compensation Form.

**1.15 I have heard that PricewaterhouseCoopers, LLP/IBM are working for the Victim Compensation Fund. What do PricewaterhouseCoopers, LLP/IBM do?**

PricewaterhouseCoopers, LLP ("PwC")/IBM was selected by the U.S. Department of Justice and the Special Master of the Victim Compensation Fund to provide Claims Administration Services. Its selection was based on the evaluation of multiple offers in a competitive procurement. Specifically, PwC/IBM has been engaged to support the Special Master in executing his responsibilities under the Victim Compensation Fund Statute. These responsibilities include provision of claims assistance services in multiple Claims Assistance Sites, operation of a toll-free call center, operation of a claims-processing center for the intake and initial review of claims, creation of an information system to facilitate claims processing, and provision of hearing support to the Special Master.

**1.16 What is Domicile?**

A "domicile" is a permanent home. Although a person may have more than one residence, he or she may only have one domicile at any time. While residence means living in a particular locality, domicile means living in that locality with intent to make it a fixed and permanent home. Proof that someone intends to remain indefinitely in a particular location may include: voting registration, place of employment, current residence, location of real and personal property, location of the spouse and family, driver's license, automobile registration, location of bank accounts, payment of taxes and the tax return address. For example, if a victim entered the

Navy and left New York temporarily to live in a home in Ohio during the course of service, but he or she always intended to return to New York after the service, the domicile would be New York. A victim from England, who maintained a permanent address in England, but resided in New York on an extended business trip, would be a domiciliary of England.

**1.17 Once the award amount and final distribution plan are finalized, will each beneficiary receive notification from the Fund on what amount s/he will receive?**

Yes. After the Special Master approves the final distribution plan, he will notify beneficiaries of the amount of the award to be sent to them according to the plan.

**1.18 Why are Claimant and Victim names published on the DOJ website?**

As provided in Sec. 104.21(b)(6) of the regulations, the Special Master may publish a list of individuals who have filed with the September 11th Victim Compensation Fund and the names of the victims for whom compensation is sought, but shall not publish the content of any such form.

The Special Master has determined that this list should be on the Department of Justice's Victim Compensation Fund web site, [www.usdoj.gov/victimcompensation](http://www.usdoj.gov/victimcompensation). The purpose of this list of claimants and Victims is to notify all potential beneficiaries that a claim is being filed on behalf of a September 11 th Victim, and to help ensure that they do not object to the submission of a claim. It also helps to ensure that the appropriate person, the Personal Representative, submits the claim. In addition, when a claimant submits a claim, the waiver of rights she or he signs could apply to the rights of other individuals to file a civil action (or be a party to an action) in any Federal or State court for damages sustained as a result of the terrorist related aircraft crashes of September 11, 2001. This waiver does not apply to a civil action to recover collateral obligations or to a civil action against any person who is a knowing participant in any conspiracy to hijack any aircraft or commit any terrorist action.

**1.19 Can the claimant and victim names be removed from the Department of Justice's September 11<sup>th</sup> Victim Compensation Fund web site?**

The Special Master requires that the names of claimants and victims be posted on the September 11<sup>th</sup> Victim Compensation Fund web site to help ensure that all potential beneficiaries are notified that a claim is being submitted. Names will be removed from the website 90 days after the submission of the Compensation Form for Deceased Victims or the Personal Injury Compensation Form.

**1.20 Will there be a Town Hall Meeting with the Special Master in my area?**

The Special Master will be holding informational town hall meetings to assist families of victims of September 11 in New Jersey, New York, Pennsylvania, Massachusetts, Virginia, California, and Connecticut during September and October 2003. Meeting locations, dates, and times are listed below:

• **New Jersey**

- **Jersey City** – Tuesday, September 9 from 3:30 p.m. through 5:00 p.m.  
Hyatt Regency on the Hudson  
Exchange Place
- **South Iselin** – Tuesday, September 9 from 6:00 p.m. through 7:30 p.m.  
Sheraton at Woodbridge Place Hotel  
515 Route One

• **New York**

- **New York** – Friday, September 12 from 6:00 p.m. through 7:30 p.m.  
Hilton New York  
1335 Avenue of the Americas
- **Melville** – Monday, September 15 from 6:00 p.m. through 7:30 p.m.  
Hilton Huntington  
598 Broad Hollow Road
- **Staten Island** – Tuesday, September 16 from 6:00 p.m. through 7:30 p.m.  
Hilton Garden Inn  
1100 South Avenue

• **Pennsylvania**

- **Philadelphia** – Thursday, September 18 from 2:00 p.m. through 3:30 p.m.  
Sheraton at University City  
36<sup>th</sup> and Chestnut

• **Massachusetts**

- **Boston** – Monday, September 22 from 12:30 p.m. through 2:00 p.m.  
The Tremont  
275 Tremont Street

- **Virginia**

- **Arlington** – Tuesday, September 23 from 5:00 p.m. through 8:00 p.m.

Hyatt Arlington – Key Bridge  
1325 Wilson Boulevard

- **California**

- **San Francisco** – Monday, September 29 from 6:00 p.m. from 7:30 p.m.

Palace Hotel  
2 Montgomery Street

- **Los Angeles** – Tuesday, September 30 from 9:30 a.m. – 11:00 a.m.

Hyatt Regency Los Angeles  
711 South Hope Street

- **Connecticut**

- **Norwalk** – Saturday, October 4 from 1:30 p.m. through 3:00 p.m.

Norwalk City Hall  
125 East Avenue

The purpose of the meetings will be for families of victims to meet with the Special Master as he updates families on award payment statistics. This forum will also give families and victims an opportunity to ask questions regarding the September 11<sup>th</sup> Victim Compensation Fund. In addition, he will encourage the families of victims to schedule an individual appointment with a representative of the Victim Compensation Fund to answer specific questions and help make the process of filing a claim as convenient as possible.

## **VICTIM COMPENSATION FUND FREQUENTLY ASKED QUESTIONS**

(Updated September 16, 2003)

### **Section 2 – Eligibility**

#### **2.1 Who is an eligible claimant?**

- Individuals present at the World Trade Center, Pentagon, or Shanksville, Pennsylvania site at the time of or in the immediate aftermath of the crashes and who suffered physical harm as a direct result of the terrorist-related aircraft crashes.
- The "Personal Representatives" of deceased individuals aboard American Airlines flights 11 or 77 and United Airlines flights 93 or 175, except for terrorists (also see Section 3 below).
- The Personal Representatives of individuals who were present at the World Trade Center, Pentagon, or Shanksville, Pennsylvania site at the time of or in the immediate aftermath of the crashes and who died as a direct result of the terrorist-related aircraft crashes.

#### **2.2 What does present at the site mean?**

If the Victim was not on board a hijacked aircraft, he or she must have been physically present at the World Trade Center, Pentagon, or Shanksville, Pennsylvania site. This means he or she was (1) in the buildings or portions of buildings that were destroyed as a result of the airplane crashes or (2) in any area contiguous to the crash sites that the Special Master determines was sufficiently close to the site that there was a demonstrable risk of physical harm resulting from the impact of the aircraft or any subsequent fire, explosions, or collapse of buildings (generally, the immediate area in which the impact occurred, fire occurred, portions of buildings fell, or debris fell upon and injured persons).

#### **2.3 When did the Victim have to be present at the site**

The Victim had to be present at the site at the time of the crashes or in the immediate aftermath of the crashes:

- For a Victim who was not a rescue worker, this means the period of time from the crashes until 12 hours after the crashes.
- If the Victim was a rescue worker who assisted in efforts to search for and recover other Victims, this means the period from the crashes until 96 hours after the crashes.

## **2.4 How do I prove that the victim was present at the site?**

You will need to provide documents that establish the Victim's presence at the site at the time or in the immediate aftermath of the attacks. For Victims killed as a result of the attacks, you will need to provide a certified copy of the death certificate.

In addition, for Victims killed at the World Trade Center:

If the death certificate says that the Victim's body or DNA evidence was found, then no additional documentation is necessary.

If the death certificate says the Victim's body was not found, you will also need to provide additional documentation that the Victim was present at the site at the time or in the immediate aftermath of the crash. Documentation could include an affidavit from the Victim's employer.

For those injured as a result of the attacks, you will need to provide documentation showing you were injured at the site (e.g., affidavit from employer, employment records).

## **2.5 How do I establish that the Victim was aboard an aircraft?**

The Personal Representative should provide a certified copy of the Death Certificate.

## **2.6 What type of injury must a Victim have suffered to be eligible for compensation?**

The statute provides that persons who suffered physical harm or death are eligible. The regulations define physical harm to mean:

- A physical injury to the body that was treated by a medical professional within 24 hours of the injury having been sustained, or within 24 hours of rescue, or within 72 hours of injury or rescue for those Victims who were unable to realize immediately the extent of their injuries or for whom treatment by a medical professional was not available on September 11th or within such time period as the Special Master may determine for rescue personnel who did not or could not obtain treatment by a medical professional within 72 hours, **and**
- Required hospitalization as an in-patient for at least 24 hours or caused, either temporarily or permanently, partial or total physical disability, incapacity, or disfigurement.

## **2.7 What if I did not suffer bodily injury, but I inhaled smoke and dust and was covered with smoke and ash? Am I eligible?**

To be eligible, you must have suffered physical injury to the body that was treated within 24 hours of the injury having been sustained, or within 24 hours of rescue, or within 72 hours of injury or rescue for those Victims who were unable to realize immediately the

extent of their injuries or for whom treatment by a medical professional was not available on September 11th, and you must have been hospitalized for 24 hours or suffered disability, incapacity, or disfigurement. For rescue workers, the Special Master has the discretion of extending the 72 hour period for treatment on a case-by-case basis.

**2.8 How do I prove I suffered the required physical harm as a result of the terrorist-related crashes?**

You must provide certified medical records created by or at the direction of the medical professional who provided you medical care.

**2.9 How do I establish that the Victim was killed as a result of the terrorist-related activities?**

The Personal Representative must attach a certified copy of a Death Certificate or similar official documentation. For Victims at the World Trade Center, you will need to provide additional documentation showing that the Victim was present at the time of the attack (for example, an affidavit from the Victim's employer, sworn statements confirming the Victims presence on site, employment records).

**The following companies have supplied affidavits to the Victim Compensation Fund:**

**AON**

**Carr Futures**

**Fiduciary Trust Int'l.**

**Marsh & McLennan**

**Sandler O'Neil**

**Cantor Fitzgerald**

**Euro Brokers**

**Keefe, Bruyette**

**NYC Fire Dept.**



**VICTIM COMPENSATION FUND FREQUENTLY ASKED QUESTIONS**  
**(Updated January 26, 2004)**

**Section 3 – Personal Representative**

**3.1 Why is the Special Master requiring that only one claim be permitted for each Victim?**

The statute created by Congress requires this.

**3.2 Who is the personal representative of a deceased Victim?**

The Personal Representative is the individual authorized to submit a claim on behalf of an eligible deceased Victim. The Personal Representative is normally the individual who is **appointed by a court of competent jurisdiction** – such as a State surrogate or probate court – as one of the following:

- The Personal Representative of the Victim's will or estate;
- The Executor of the Victim's will; or
- The Administrator of the Victim's estate.

In many or most cases, the identity of the "Personal Representative" will not be in dispute. In very limited circumstances, the Special Master has the authority to appoint a Personal Representative for the Fund where a court has not done so. See FAQ 3.6.

**Note:** The determination of the Personal Representative is not the same question as the determination of who ultimately will receive the award. The Personal Representative shall distribute the award in a manner consistent with the law of the decedent's domicile or any applicable rulings made by a court of competent jurisdiction. However, in order to assure that the families of needy Victims receive adequate compensation, the regulations further provide that the Personal Representative shall, before payment is authorized, provide to the Special Master a plan for distribution of any award received from the Fund. Notwithstanding any other provision of these regulations or any other provision of State law, in the event that the Special Master concludes that the Personal Representative's plan for distribution does not appropriately compensate the Victim's spouse, children, or other relatives, the Special Master may direct the Personal Representative to distribute all or part of the award to such spouse, children, or other relatives.

**3.3 How do I get appointed Personal Representative by a State court?**

Since State law governs the designation of Personal Representatives, the Special Master generally advises claimants to work with the probate or surrogate court in the State or country where the Victim lived to become the Victim's Personal Representative. The process varies by State and country.

In general, to be designated as the Personal Representative when there is a will, you will be required to bring the Victim's will to court. If there was no will, you may need to provide other relevant documentation to prove your relationship to the Victim.

### **3.4 Who should apply the rules and resolve the dispute over who should be the Personal Representative?**

Disputes between relatives, former spouses and other interested parties can be exceptionally fact-intensive and time-consuming. Indeed, State courts often spend considerable time and resources resolving such matters. The Special Master cannot accomplish his statutory duties if he is engaged with these types of complex disputes. Nor would it be advisable for the Special Master to attempt to step in and supplant State court practice or the testamentary intent of decedents. Consequently, the rule provides that the Special Master has no obligation to arbitrate, litigate or otherwise resolve disputes as to the identity of the Personal Representative.

Instead, to ensure that funds are not needlessly tied up due to disputes regarding the identity of the Personal Representative, the regulations provide that the disputing parties may agree in writing to the identity of a Personal Representative to act on their behalf, who may seek and accept payment from the Fund while those disputing parties work to settle their dispute. In appropriate cases, the Special Master may determine an award, but place the payment in escrow until the dispute regarding the Personal Representative is finally resolved.

### **3.5 How can someone challenge the identity of a Personal Representative?**

You can object to the authority of an individual to file as the Personal Representative of a decedent by filing an objection with the Special Master. To file an objection, call the Helpline at [removed] and tell the Claimant Service Representative that you want to submit an objection. An Objection Form will be sent to you to complete and return.

### **3.6 How do I show that I am the proper Personal Representative of the deceased Victim for filing a claim with this Fund?**

In most cases, if you have been appointed as the Personal Representative, executor, or administrator by a court, you should provide copies of relevant legal documents, such as court orders, letters testamentary, letters of administration, or similar documentation.

If you have not been appointed by a court as the Personal Representative of the decedent or as the executor or administrator of the decedent's will or estate, and you believe you cannot get such an appointment, you may ask the Special Master to appoint you as the Personal Representative for the Fund. To do so, you will need to show why you were unable to get a court appointment, and you will need to provide additional documents showing you satisfy one of two additional requirements. If you were named as the executor in the Victim's will, you will need to provide the will. If there is no will, you

will need to demonstrate you were next in line of succession under the laws of the Victim's domicile governing intestacy. Documents demonstrating proof of your relationship to the decedent may include:

- For a **spouse**, a copy of the marriage certificate or joint tax return;
- For a **child**, a copy of the child's birth certificate or Victim's tax return;
- For a **parent**, a copy of the Victim's birth certificate;
- For a **brother or sister**, a copy of the brother's or sister's birth certificate and the Victim's birth certificate.

### **3.7 Does the Personal Representative keep the entire award?**

Awards will generally be made to the qualified Personal Representative, who **must** distribute the award in a manner consistent with the law of the decedent's domicile, a ruling by a court of competent jurisdiction, or a direction from the Special Master. In some cases, the Special Master may make provision for separate distributions to comply with a court approved distribution plan. An example would be payments to a minor that may need to be paid as an annuity.

In order to assure that the families of Victims receive adequate compensation, the Personal Representative must provide a proposed distribution plan in the Compensation Form. Notwithstanding any other provision of these regulations or any other provision of State law, in the event that the Special Master concludes that the Personal Representative's plan for distribution does not appropriately compensate the Victim's spouse, children, or other relatives, the Special Master may direct the Personal Representative to distribute all or part of the award to such spouse, children, or other relatives.

### **3.8 What if my court papers restrict the amount of money I can collect as Personal Representative or limit my ability to waive the claims of others?**

Some courts may issue what are called "limited letters of appointment" in which the dollar amounts that can be received are restricted and/or the right to waive the rights of others to sue is not given to the Personal Representative. If you have already been appointed Personal Representative and your appointment is limited in either of these ways (assuming the dollar limitation is less than the presumed award on the loss tables), you should consult with an estate lawyer about obtaining court orders which permit you to collect an award (including Advance Benefits, if applicable) and to file a claim.

### **3.9 What if I cannot get appointed as the Personal Representative in the relevant court or I cannot get relief from the restrictions placed on my appointment?**

In limited circumstances, the Special Master may consider the claims of those who cannot get appointed or who cannot get court orders overriding their limited letters of appointment. However, these cases will be rare and detailed documentation and description of the extenuating circumstances will need to be provided. Also see FAQ 3.6.

**3.10 How will the New York law signed by the Governor on May 23, 2002 affect the Letters of Administration I received from the surrogate court appointing me Personal Representative?**

The New York statute removes many of the limitations from the Letters of Administration issued by surrogate courts in the State of New York. The new law says that a Personal Representative appointed by the surrogate courts can file and prosecute a claim and compromise the claim even if there are restrictions in the letters. The new law states, " Notwithstanding any other provision of law to the contrary, or any restrictions set forth in letters relating to any decedent who dies as a result of wounds or injury incurred as a result of the terrorist attacks on September eleventh, two thousand one, a duly appointed personal representative is authorized to file and prosecute a claim with the fund, and the filing of such a claim for an award from the fund, and the resulting compromise of any cause of action pursuant to the act, shall not violate any restriction on the powers granted to the personal representative relating to prosecution or compromise any action, the collection of any settlement, or the enforcement of judgment." The Fund will process claims submitted by Personal Representatives who have letters with restrictions.

**3.11 If two people have been appointed as co-Personal Representatives of a Victim's will or estate, do both people have to sign the compensation form?**

Yes. While only one claim can be filed for each Victim, in some cases, two people may be appointed to act as "co-Personal Representatives" of the Victim's will or estate by a court of competent jurisdiction. The term "co-Personal Representatives" includes both co-Executors of a will and co-Administrators of an estate, when there is no will. If co-Personal Representatives are appointed, both co-Personal Representatives must sign the certifications of the compensation form (all sections in Part III, and Part 1.b if applying for Advance Benefits). A claim will not be deemed "filed" until the signatures of both co-Personal Representatives have been received.

**VICTIM COMPENSATION FUND FREQUENTLY ASKED QUESTIONS**  
(Updated December 9, 2002)

**Section 4 –Advance Benefits**

**4.1 Do I have to meet the requirements for the Advance Benefits in order to submit a compensation form?**

No.

**4.2 What is an Advance Benefit?**

An Advance Benefit is a payment of \$50,000 for deceased individuals and \$25,000 for physically injured individuals who were hospitalized for one week or more. You can receive an Advance Benefit while your Compensation Form is being processed.

An Advance Benefit will allow needy eligible claimants to obtain prompt advance payments while their full claim is being reviewed. The 120-day period for determination of compensation will be stayed or tolled until the claimant files the completed "Personal Injury Compensation Form" or "Compensation Form for Deceased Victims" needed to allow the Special Master to determine the amount of the final award. However, once a claimant files an application for Advance Benefits that is deemed substantially complete, the claimant will be deemed to have waived the right to file a civil action for damages sustained as a result of the September 11 attacks.

**4.3 How do I apply for an Advance Benefit?**

It depends on which Compensation Form you use:

- If you are an injured Victim, you will fill out all sections of Part I, Eligibility and Application for Advance Benefits, of the Personal Injury Compensation Form. **You also need to complete Part III, Attestations and Certifications.**
- If you are filing on behalf of a deceased Victim, you will fill out all sections of Part I, Eligibility and Application for Advance Benefits, of the Compensation Form for Deceased Victims. **You will also need to complete Part III, Attestations and Certifications, and Exhibit B, List of Individual Notified of Claim Filing.**

**Please remember that you will have to resign, redate, and resubmit Part III, Attestations and Certifications, when you submit the rest of the Compensation Form.**

**4.4 Will the Advance Benefit be my only payment?**

No, but the amount of the Advance Benefit will be deducted from any final award.

**4.5 When can I expect to receive an Advance Benefit if I am eligible?**

Payment will be authorized immediately upon a determination that the claimant meets the eligibility requirements for an Advance Benefit *and* the Claimant is:

- An injured Victim
- A Personal Representative who is the spouse of the deceased Victim
- A Personal Representative who has obtained the consent of the spouse of the deceased Victim or, if there is no surviving spouse, of all of the dependents of the deceased Victim.

With respect to other Personal Representatives, payment will be authorized within 15 days after the determination that the claimant is eligible for an Advance Benefit, provided that:

- No other individual has asserted a conflicting claim as the Personal Representative with respect to the deceased Victim **and** The Personal Representative has identified and given the required notice to the immediate family and other potential beneficiaries. In the event such additional claim has been asserted, no Advance Benefit will be paid until a final eligibility determination has been made.

**4.6 Will there be Advance Benefit payments to individuals other than to the Personal Representative?**

No. The Advance Benefit payment will go to the Personal Representative.

**4.7 If the Personal Representative notifies the immediate family about a claim and does not file for Advance Benefits, but subsequently decides to file for Advance Benefits, does the Personal Representative need to re-notify the immediate family?**

Yes. Requesting Advance Benefits “waives” rights at an earlier stage of the claims review process, so the immediate family must be made aware of the Advance Benefit request.

**VICTIM COMPENSATION FUND FREQUENTLY ASKED QUESTIONS**  
**(Updated April 13, 2004)**

**Section 5 – Compensation for Deceased Victims**

**5.1 Who gets the money?**

Awards will generally be made to the qualified Personal Representative, who **must** distribute the award in a manner consistent with the law of the decedent's domicile, ruling by a court of competent jurisdiction or at the direction of the Special Master. In some cases, the Special Master may make provision for separate distributions to comply with a court approved distribution plan. An example would be payments to a minor that may need to be paid as an annuity.

In order to assure that the families of Victims receive adequate compensation, the Personal Representative must provide a proposed distribution plan in the Compensation Form. Notwithstanding any other provision of these regulations or any other provision of State law, in the event that the Special Master concludes that the Personal Representative's plan for distribution does not appropriately compensate the Victim's spouse, children, or other relatives, the Special Master may direct the Personal Representative to distribute all or part of the award to such spouse, children, or other relatives.

**5.2 How much money can I receive from the Fund?**

If you are the Personal Representative of a deceased Victim, you can look at the Presumed Loss Tables to see an approximation of your presumed award for economic and non-economic loss (available at [www.usdoj.gov/victimcompensation](http://www.usdoj.gov/victimcompensation) or by calling the Helpline for a copy (call [removed])). The tables are intended to illustrate an average or typical award. Each individual's award will vary depending on the exact income, the benefits and other compensation that individual received from his or her employment, the Victim's effective tax rate, and the household size. The tables include both calculations of presumed economic loss and presumed non-economic loss. The non-economic loss is presumed to be equal to \$250,000 for each deceased Victim plus an additional \$100,000 for the Victim's spouse and each of the Victim's dependents. This aggregate amount is added to the presumed economic loss to determine the entire presumed award for economic and non-economic loss. Additional amounts could be added such as medical expenses or burial/memorial costs. This total amount will then be reduced by other sources of compensation, such as government programs or life insurance (but not monies from privately funded charitable entities), you have obtained or are entitled to obtain.

**5.3 How do I figure out from the charts how much I will get?**

If you are the representative of a deceased Victim, you can get an approximation of the award by looking at the compensation tables at (available at [www.usdoj.gov/victimcompensation](http://www.usdoj.gov/victimcompensation) or by calling the Helpline for a copy (call [removed])).

- First, pick the most appropriate chart (for example, if the Victim was married with 1 child, look at the chart for married Victims with 1 dependent).

- Then, look for the age and income level in the chart that is closest to the age and income level of the Victim. For income, you should include all elements of income including salary, tips, bonus, and employer contributions to pension plans and to health insurance plans.

The amount in the appropriate age and income box is the approximate amount of the economic and non-economic loss for that Victim. The actual amount will vary a bit depending on the age of the dependent child, for example. To determine the total award, you should add to this amount any other items of loss, such as burial expenses. Then you should deduct the amount you have received or are entitled to receive from any collateral source. For example, if you have received payment from a life insurance company of \$25,000 for the Victim's death, you should deduct this amount from the total. The amount after that deduction is the approximate amount of the award you should receive.

For questions about the effect of collateral source offsets on compensation awards, see below or contact the Helpline at [removed] or visit one of the Claimant Assistance Sites.

#### **5.4 Will the awards be subject to Federal estate or Federal income tax?**

No. The awards are not subject to Federal income tax and, because of the new legislation, in most cases they would not be subject to Federal estate tax. The Victims of Terrorism Tax Relief Act of 2001 (Pub. Law No. 107-134) provides income and estate tax relief to the families of Victims of terrorism. The law waives the income tax liability of a Victim who died in one of the attacks for both the year of the attack and the previous year, and ensures that a minimum benefit of \$10,000 is provided to the family of each Victim. In addition, the law shields the first \$8.5 million of a Victim's estate from the Federal estate tax. For example, prior to the new law, citizens or residents of the United States who died in the September 11, 2001 terrorist attacks, were able to utilize the maximum state death tax credit allowed for Federal estate tax purposes, and had made no prior taxable gifts would have had Federal estate tax liabilities as follows:

- A decedent with a Federal taxable estate valued at \$2,000,000 would have had a Federal estate tax liability of approximately \$460,650;
- A decedent with a Federal taxable estate valued at \$4,000,000 would have had a Federal estate tax liability of approximately \$1,339,850; or
- A decedent with a Federal taxable estate valued at \$8,000,000 would have had a Federal estate tax liability of approximately \$3,047,050.

As a result of the new law, no Federal estate tax would be due in each case.

#### **5.5 What is non-economic loss?**

Each person who was killed or injured in the September 11 attacks suffered grievous harm, and each person experienced the unspeakable events of that day in a unique way. Some Victims experienced terror for many minutes, as they were held hostage by terrorists on an airplane or trapped in a burning building. Some Victims had no warning of what was coming and died within seconds of a plane hitting the building in which they worked. While these circumstances may be knowable in a few extraordinary circumstances, for the vast majority of Victims these circumstances are unknowable.



After extensive fact finding, public outreach, and review of public comments, the Special Master and the Department have concluded that the most rational and just way to approach the imponderable task of placing a dollar amount upon the pain, emotional suffering, loss of enjoyment of life, and mental anguish suffered by the thousands of Victims of the September 11 attacks is to assess the non-economic losses for categories of claimants. The most obvious distinction is between those who died and those who suffered physical injury but survived. The regulations therefore set a presumed award for non-economic losses sustained. For those Victims who died as a result of the September 11 aircraft crashes, the presumed non-economic losses will be \$250,000, plus an additional \$100,000 for the spouse and each dependent of the deceased Victim. That \$250,000 figure is roughly equivalent to the amounts received under existing federal programs by public safety officers who are killed while on duty, or members of our military who are killed in the line of duty while serving our nation. See 38 U.S.C. §1967 (military personnel); 42 U.S.C. § 3796 (Public Safety Officers Benefit Program). The latter figures -- \$100,000 for the spouse and each dependent -- include a non-economic component of "replacement services loss."

**5.6 What amount is provided for non-economic loss?**

For those Victims who died as a result of the September 11 aircraft crashes, the presumed non-economic losses will be \$250,000, plus an additional \$100,000 for the spouse and each dependent of the deceased Victim.

**5.7 The Victim had an income that was greater than \$231,000. How do I determine the award?**

The presumed award methodology will calculate awards based on income up to \$231,000. The regulations provide that for persons who made more than the top 2 percent of persons in the United States, the Special Master will compute a presumed award that assumes that the Victim would have made the amount equal to \$231,000 (plus standard increases) for the rest of his or her working life. In extending the presumed awards only up to the 98<sup>th</sup> percentile, we merely recognized that the calculation of awards for many Victims with extraordinary incomes beyond the 98<sup>th</sup> percentile could be a highly speculative exercise and that, moreover, providing compensation above that level would rarely be necessary to ensure that that the financial needs of a claimant are met. Calculation of an award beyond that point using the presumed award methodology without a detailed record could very well produce inappropriate results. Accordingly, we permitted applicants with extraordinary prior earnings to accept awards at the 98<sup>th</sup> percentile or seek calculation of an award based upon more detailed record. We also note that the Special Master has express authority under the Act to consider the "individual circumstances of the claimant" in fashioning awards, including the **financial needs** of Victims and surviving families in rebuilding their lives. As indicated, the Special Master will strive to deliver a fair and equitable sum to each eligible claimant.

**5.8 What does it mean to have a presumed award, and what if I feel I can prove that the Victim would have earned more than \$231,000?**

Any claimant may seek review of the presumed award or may request a hearing immediately. If a claimant seeks review of a presumed award, the Special Master may consider a range of information, including demographic information on retirement trends for high wage earners, the individual's historical expenses, savings, and any other factors he deems relevant, including economic trends, information available from the Bureau of Labor Statistics, the Census Bureau and other entities on average income and retirement age for the Victim's profession or for the Victim's former employer.

**5.9 Is there a minimum award? Does this mean someone could get no payment at all?**

The regulations provide that the minimum amount of presumed economic and non-economic loss, before subtracting amounts for "other sources," will be \$300,000 for single deceased Victims and \$500,000 for any deceased Victim who has one or more dependents or is married. There is no minimum for persons suffering injury.

The Act does not permit the Special Master to create a mandatory legal rule requiring minimum payouts for all eligible after collateral source deductions. Nevertheless, the Special Master is permitted to consider the individual circumstances of each claimant, including the needs of the Victim's family. The Special Master has announced his expectation that, when the total needs of deceased Victims' families are considered, it will be very rare that a claimant will receive less than \$250,000, except in unusual situations where a claimant has already received very substantial compensation from collateral sources.

**5.10 If the award distribution is based on State law, will that mean that different distributions will occur depending on where the Victim lived?**

Yes. It is certainly possible that there will be different distribution schemes in different states.

**5.11 How are burial/memorial costs handled?**

This loss shall be calculated on a case-by-case basis, using documentation and other information submitted by the Personal Representative and includes the burial/memorial costs that were not reimbursed.

**5.12 In estimating the presumed economic and non-economic awards, how do I use the existing charts to compute an award amount if there are more than 2 dependents?**

Use the table entitled "Presumed Economic and Non-Economic Loss For a Married Decedent With 2 Dependent Children." Look up the amount of estimated award based on the compensation and age of the decedent. The actual impact of dependents greater than 2 will vary with each computation based on the compensation level of the decedent and ages of the family members. However, for estimation purposes, increasing the award amount on the table entitled "Married Decedent With 2 Dependent Children" table by 1% for each additional dependent child beyond the first 2 children will provide a reasonable estimate of the economic impact of additional dependents.

To calculate the non-economic award for additional dependents, add an additional \$100,000 for each dependent beyond the third dependent. Add this amount to the total computed above.

You should then deduct the amount you have received or are entitled to receive from any collateral sources as described above.

**5.13 Would you provide more information about the procedures for calculating the presumed economic loss?**

Please look at the detailed information provided in the Presumed Economic and Non-Economic Loss Tables. You can find these on the web site, or you can call the Helpline at [removed] to get a copy.

The calculation of presumed economic loss will use the following procedures and assumptions for death claims:

1. Establish the Victim's age and compensable income.<sup>1</sup> Income will be determined based on the claimant's submissions. Generally, the Special Master will consider the past three years of income data. For some cases the most recent year will be the primary basis of the award -- other claims may require analysis of trends adjusted to current dollars. The Special Master adopted this approach as the one likely to be more favorable to claimants because it relies on recent salaries which were relatively high during the past few years.
2. Determine after-tax compensable income by applying the average effective combined Federal, State and local income tax rate for the Victim's income bracket currently applicable in the State of the Victim's domicile for tax purposes, state and locality. The Special Master will consider the Victim's tax returns as well as effective income tax rates derived from published Internal Revenue Service (IRS) data on selected income and tax items for Individual Income Tax Returns by State.<sup>2</sup> Effective income tax rates derived from IRS data for New York are attached as Table 1.
3. Add the value of employer provided benefits. These benefits will be set at actual levels if data are provided. If the claimant does not provide data, the pension is assumed at 4% of pension-eligible compensable income and medical benefits are assumed to be \$2,400 per year in current year dollars and will be adjusted for applicable inflation. (To prepare the presumed award tables, the Special Master assumed that individuals would have benefits equal to 4% of compensable income and medical benefits of \$2,400 per year.)
4. Determine a measure of the Victim's expected remaining years of workforce participation using the tabulated work-life expectancies for the Victim's age contained in the publication

<sup>1</sup> Income up to the IRS 98<sup>th</sup> percentile of wage earners is considered. This income level was \$231,000 for the year 2000.

<sup>2</sup> Average combined effective income tax rates by earnings bracket were calculated based on an analysis of IRS data for the most recent tax years available: 1997, 1998 and 1999. In consideration of future income tax rate reductions and other tax reforms included in the Economic Growth and Tax Relief Reconciliation Act of 2001 (HR 1836) signed by President Bush on June 7, 2001, the calculated average combined effective income tax rates were reduced by an estimated 5%. It is recognized that HR 1836 actually provides for smaller graduated rate reductions beginning July 2001 through 2006 and remaining in effect only through 2010. The one-time immediate reduction of 5%, assumed to remain in effect for all future years, including years beyond 2010, was applied to facilitate projections and eliminate speculation as to future tax law modifications.

"A Markov Process Model of Work-Life Expectancies Based on Labor Market Activity in 1997-1998," by James Cieccka, Thomas Donley, and Jerry Goldman in the *Journal of Legal Economics*, Winter 1999-2000. These are the most recent and generally accepted tables of work-life expectancy regarding the general population available.

Work-life expectancies are based on actual experiences and behavior of the general population and measure the estimated remaining time in years an individual a given age will be in the labor force (either employed or actively seeking work), allowing for age-specific mortality risks and rates of workforce transitions. The Special Master will use the expected work-life for "All Active Males" to compute expected remaining years of workforce participation for both male and female Victims. These work-life expectancies are attached as Table 2. Because published estimated work-life expectancies by gender are lower for women than men, this specification increases the duration of estimated foregone earnings, and thus presumed economic losses, for female Victims and was implemented by the Special Master to accommodate for potential increases in labor force participation rates of women.

5. Project compensable income and benefits through the Victim's expected work-life using growth rates which incorporate an annual inflationary or cost-of-living component, an annual real overall productivity or scale adjustment in excess of inflation, and an annual real life-cycle or age-specific increase derived using data on average full-time year round earnings by age bracket from the March 2001 Current Population Survey (CPS), a monthly survey of households conducted by the Bureau of the Census for the Bureau of Labor Statistics. This survey is widely recognized as the primary source of data on employment status and workforce characteristics of the civilian non-institutional population ages 16 years and older. Because age-specific observed life-cycle increases for all males were higher than observed life-cycle increases for both men and women combined, the Special Master elected to incorporate the life-cycle increases for males into earnings growth for all Victims, both male and female.<sup>3</sup>

Independent of life-cycle increases, inflation and real overall productivity increases of 2% and 1%, respectively, were applied each year. These rates of increase are consistent with the long-term relationship between economy-wide wage growth and risk-free interest rates, which currently reflect lowered inflationary expectations.<sup>4</sup> A schedule containing age-specific earnings growth rates reflecting the combined inflation, overall productivity and life-cycle increases is attached as Table 3. The Special Master has determined that individual age-specific growth rates, rather than growth dependent on a particular age bracket at death, better reflects the expected pattern of earnings over one's career<sup>5</sup> and results in more

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<sup>3</sup> An examination of real life-cycle earnings growth for males by education level revealed that career real life-cycle increases computed for all males across education levels mimicked the career earnings profile of the highest educated group. For this reason, the Special Master elected to apply the growth pattern for all males for the sake of consistency and to better advantage all claimants.

<sup>4</sup> The assumed 1% annual real overall productivity increase also agrees with assumed ultimate long-term annual average covered real-wage differentials used by the Board of Trustees of the Social Security Trust Funds to project the financial condition of the trust funds.

<sup>5</sup> Real life-cycle increases are typically higher in the earlier stages of one's career, one reason being unrealized opportunities for advancement and promotion that individuals in later stages of their careers have already experienced. During the course of an individual's career, the rate of annual real life-cycle growth tends to gradually decline until a peak real earnings level is attained. Although CPS and other data used to study lifetime

equitable and consistent projections for Victims close to each other in age with otherwise similar family and employment characteristics.

6. To better reflect contingencies that the Victims would have faced, all future earnings amounts are adjusted for a factor to account for the risk of unemployment because lifetime jobs are not representative of the modern economy. This adjustment is made because work-life expectancies are based on years of expected workforce participation, which, as defined by the Bureau of Labor Statistics, include periods an individual is either working or seeking work. Historical unemployment rates were examined and a comparatively low reduction factor of 3% was applied to presumed earnings to account for this risk.<sup>6</sup>
7. Subtract from annual projected compensable income and benefits, the Victim's share of household expenditures or consumption as a percentage of income, using expenditure data by income level obtained from "Table 2. Income before taxes: Average annual expenditures and characteristics, Consumer Expenditure Survey, 1999," published by the Bureau of Labor Statistics (BLS). This subtraction is a standard adjustment in evaluating loss of earnings in wrongful death claims because some amount of the income the Victim would have contributed to the household would have been consumed personally by the deceased and not available to other household members. A Victim's expenditures were calculated as a share, based on household size, of certain expenditure categories. For married or single with dependents, these expenditure categories include Food, Apparel & Services, Transportation, Entertainment, Personal Care Products and Services, and Miscellaneous. For single without dependents, Housing, Education and Health are also included.<sup>7</sup> For lower income categories where total expenditures exceed income, expenditures were scaled to income, so as not to reduce income for expenses potentially met by other forms of support. This approach was intended to avoid a penalty to the claimant. Table 4 shows calculated consumption rates by income bracket and for various household sizes.

In determining household size, children were assumed to remain in the household through age 18. Consumption rates calculated using alternative techniques were considered but found to produce higher personal consumption rates and were not ultimately used to determine Victim's household consumption offset.<sup>8</sup> Although the consumption rates determined from BLS data actually represent household expenditures as a percent of before-tax household income, the actual consumption reduction used to determine the Victim's personal expenditures was calculated as a percent of lower after-tax income, which significantly reduces the resulting offset. In addition, the Victim's consumption is determined as a share of the Victim's own earnings only, rather than the standard share of total household earnings.

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earnings profiles indicate that peak real earnings typically decline at some point, in calculating life-cycle earnings growth in excess of inflation and overall productivity adjustments for Victims, the Special Master has assumed that peak earnings are maintained.

<sup>6</sup> Application of individualized unemployment rates by age or occupation was infeasible and determined to be unnecessary. An examination of trends in unemployment rates demonstrated that the 3% adjustment factor utilized was low by historical standards.

<sup>7</sup> Other standard expenditure categories sometimes included in litigation, namely Reading, Cash Contributions, Alcoholic Beverages, and Tobacco Products, were excluded.

<sup>8</sup> These alternative techniques included an analysis of BLS data on household expenditures reported by household size, with expenditure categories allocated equally among household members or allocated according to the methodology suggested by authors Robert Patton & David Nelson in their 1991 *Journal of Forensic Economics* article, "Estimating Personal Consumption Costs in Wrongful Death Cases."

This further lessens the resulting subtraction, compared to personal consumption offsets typically applied in litigation, if there are other earners in the household.

8. Calculate the present value of projected compensable income and benefits using discount rates based on current yields on mid- to long-term U.S. Treasury securities, adjusted for income taxes using a mid-range effective tax rate.<sup>9</sup> Because the period of presumed economic losses is either longer or shorter, depending on the Victim's age, the present value calculations are performed using yields on a blend of securities with longer or shorter times to maturity. For computational efficiency, three blended after-tax discount rates were used, depending on the Victim's age as of date of death, and assumed to apply for all years forward. These rates are shown on Table 5, attached.<sup>10</sup>
9. The computation methodology adopts a number of assumptions implemented to facilitate analysis on a large scale. When viewed in total, these assumptions are designed to benefit the claimants and are more favorable than the standard assumptions typically applied in litigation. For example, the Special Master considered that over the course of their projected careers, younger Victims could expect to cross into higher income brackets, and be subject to corresponding higher income tax rates, on account of experience-based real lifetime earnings growth in excess of economy-wide national wage increases. To calculate presumed economic losses, however, whatever income tax rate corresponded to the Victim's determined compensable income bracket as of date of death was assumed to apply for the remainder of the Victim's career, without increase. Likewise, the calculations of presumed economic losses also assume that the personal consumption percent corresponding to the Victim's determined compensable income bracket as of date of death applies for the remainder of the Victim's career, without decrease. It was determined that the net effect of these and other facilitating assumptions was to increase the potential amount of presumed economic loss to the benefit of the claimant.

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<sup>9</sup> The tax rate used to determine after-tax interest rates is the computed combined Federal, State and Local income tax rate of 18.44% for New York for the \$70,000 earnings bracket. Although it is recognized that a different after-tax interest rate could theoretically be calculated for each age, income, and state combination, such a computation was impracticable for the large-scale valuations to be undertaken here. It was determined that the benefit to the claimants of calculating the Victim's personal consumption offset as a percent of after-tax individual earnings more than outweighed the potential effect of discounting future amounts by income-specific after-tax discount rates. Moreover, computation of the after-tax discount rate using a relatively high combined New York income tax rate, compared to other states, results in a lower after-tax discount rate. The lower the after-tax discount rate, the higher the present value of presumed economic loss.

<sup>10</sup> The blended discount rates, before tax adjustment, shown on Table 5 imply real interest rates in excess of inflation of 3.1%, 2.8%, and 2.2%, depending on the average time to maturity consistent with the average duration of presumed losses.

**Table 1**

**Presumed Future Effective Combined Federal, State and Local Income Tax Rates for New York**

Income								
5.27%	8.50%	10.46%	12.25%	14.03%	14.72%	15.41%	16.10%	17.27%
18.44%	19.50%	20.55%	21.60%	25.00%	26.35%	27.70%	29.05%	30.39%

**Note**

Calculated from data reported in United States Selected Income and Tax Items for Individual Income Tax Returns: Forms 1040, 1040A & 1040EZ for Tax Years 1997, 1998 and 1999 (files 97IN33NY.XLS, 98IN33NY.XLS and 99IN33NY.XLS obtained from the IRS website [www.irs.gov](http://www.irs.gov)). Rates shown reflect a reduction of 5% from the reported data.

**Table 2**

**Expected Remaining Years of Workforce Participation**

Age	All Active Males
25	33.63
30	29.36
35	25.04
40	20.78
45	16.65
50	12.64
55	8.97
60	5.97
65	4.20

Source: "A Markov Process Model of Work-Life Expectancies Based on Labor Market Activity in 1997-98," by James Ciecka, Thomas Donley and Jerry Goldman in the Journal of Legal Economics, Winter 1999-2000.

**Table 3**  
**Presumed Age-Specific Earnings**  
**Growth Rates**  
**(Including Life-Cycle, Inflation, and Overall**  
**Productivity Increases)**

<b>Age</b>	<b>Earnings Growth Rate</b>
18	9.744%
19	9.580%
20	9.419%
21	9.263%
22	9.055%
23	8.847%
24	8.640%
25	8.434%
26	8.227%
27	8.021%
28	7.816%
29	7.611%
30	7.406%
31	7.201%
32	6.997%
33	6.794%
34	6.591%
35	6.388%
36	6.185%
37	5.983%
38	5.781%
39	5.580%
40	5.379%
41	5.179%
42	4.979%
43	4.779%
44	4.579%
45	4.380%
46	4.182%
47	3.984%
48	3.786%
49	3.588%
50	3.391%
51	3.194%
52+	3.000%

*Note: Nominal percentage changes assume annual inflation or cost of living increases of 2.0% plus overall productivity adjustments of 1.0% per year. The underlying real life-cycle percentage change is calculated using a regression analysis of log of total earnings on experience and experience squared using earnings for full-time year-round male workers from the 2001 Current Population Survey (CPS) table PINC-04*



**Table 4**

**Decedent's Personal Expenditures or Consumption as Percent of Income**

	Income								
Single	76.4%	74.6%	73.5%	71.6%	68.0%	64.4%	63.5%	62.6%	61.7%
Single, 1 dependent child	21.6%	21.6%	21.6%	21.6%	20.6%	19.7%	19.0%	18.3%	17.8%
Married, no children	30.7%	28.3%	26.7%	26.7%	24.7%	22.8%	20.5%	18.3%	17.8%
Married, 1 dependent child	19.0%	17.6%	16.9%	16.9%	15.9%	14.9%	13.6%	12.4%	12.1%
Married, 2 dependent children	13.6%	12.8%	12.5%	12.5%	11.8%	11.1%	10.2%	9.4%	9.1%
Single	60.8%	53.5%	48.0%	48.0%	48.0%	48.0%	48.0%	48.0%	48.0%
Single, 1 dependent child	17.4%	15.1%	13.7%	13.7%	13.7%	13.7%	13.7%	13.7%	13.7%
Married, no children	17.4%	14.5%	12.5%	12.5%	12.5%	12.5%	12.5%	12.5%	12.5%
Married, 1 dependent child	11.8%	9.9%	8.7%	8.7%	8.7%	8.7%	8.7%	8.7%	8.7%
Married, 2 dependent children	8.9%	7.6%	6.7%	6.7%	6.7%	6.7%	6.7%	6.7%	6.7%

**Table 5**

**Assumed Before-tax and After-tax Discount Rates**

Age of Victim	Before-Tax Discount Rate	After-Tax Discount Rate
35 & Under	5.1%	4.2%
36-54	4.8%	3.9%
55 & Over	4.2%	3.4%

**Note:**

The present value of presumed economic loss is calculated by applying the after-tax discount rate corresponding to the victim's age at death to all future periods. For example, projected earnings and benefits for a victim who was 30 years old at the time of death will be discounted to present value at 4.2% per year for all future years, and projected earnings and benefit for a 45-year-old victim will be discounted to present value at 3.9% per year for all future years.

**5.14 What do the Presumed Economic and Non-Economic Loss Tables mean?**

The economic loss tables are intended to illustrate an average or typical award before collateral sources are offset. Each individual's award will vary depending on the exact income, the benefits and other compensation that individual received from his or her employment, the Victim's effective tax rate, and the household size. The tables should be used as a guide to get a general understanding of the size of the typical award for presumed economic and non-economic loss.

**5.15 What is economic loss? How is economic loss determined?**

Economic loss is an estimate of the compensation that would have been available to the family if the tragedy had not occurred. Please look at the economic loss tables for additional information on how presumed awards for economic loss are calculated. These tables cover deceased Victims only.

**5.16 What do I do if the age of the Victim is not on the presumed economic loss table? For example, if the Victim was more than 65 years old?**

If the Victim was older than 65, or between 18 and 25, you should call the Helpline at [removed] and ask for an estimate. If the Victim was younger than 18, please refer to FAQ 5.17.

**5.17 How will the methodology calculate the economic loss for a victim that was a child?**

The regulations specify that victims who were minors will be compensated based on the average of all wage earners in the US. The average income for all wage earners in 2000 was \$32,864. The methodology assumes that the economic loss calculation begins immediately as if the minor Victim was 20 years old as of September 11, 2001. The same economic loss calculation methodology will otherwise be employed. Thus, the presumed economic and non-economic loss amount would be approximately \$803,000.

**5.18 How will the economic loss be calculated for Victims who were retired or not working?**

The Special Master will calculate an award based on the economic value of replacement services using standard values as provided by relevant studies, or similar approaches.

**5.19 Can you define replacement service as used in Section 104.43?**

Replacement service means the value of household services the decedent provided to the household. This will be used for deceased Victims who were not working at the time of the tragedy. Replacement services will also be considered on a case-by-case basis as part of the hearing process, should claimants elect that option.

**5.20 How should work history be treated if Victim had less than three years of work history (or if there was a break in work)?**

The Special Master will consider all relevant factors in determining the appropriate level of earnings for calculating economic loss. If there is less than a three-year work history, the Special Master will consider the data that are available possibly in conjunction with industry or employer-specific information.

**5.21 How will the Special Master determine the amount of my collateral source benefits?**

The Act defines collateral sources to mean all such sources, including life insurance, pension funds, death benefit programs and payments by Federal, State, or local governments related to the terrorist-related aircraft crashes of September 11, 2001. The Act and the Rule require the Special Master to reduce the total amount of compensation by the amount of the collateral source compensation the Victim's beneficiaries has received or is entitled to receive as a result of the terrorist-related aircraft crashes.

The Special Master will exercise discretion in valuing the appropriate deductions for collateral offsets including by determining:

1. Whether the particular offsets fall within the definition of collateral sources;
2. Whether beneficiaries of the Fund are "entitled" to receive compensation from those collateral sources;
3. Whether the collateral source compensation is certain or can be computed with sufficient certainty to enable its deduction while ensuring that the beneficiaries receive the total compensation that is appropriate; and
4. The appropriate amount of the compensation that should be deducted, taking into account the time value of money and contributions made before death by the Victim in the nature of investment or savings.

**5.22 What may be excluded from the definition of a "collateral source" benefit?**

While it is not possible to define in advance every possible collateral source deduction, a few general illustrations should provide guidance.

1. The Special Master has discretion to exclude from consideration life insurance proceeds that are distributed to persons other than the beneficiaries of this Fund.
2. The Special Master has the discretion to adjust the amount of offsets to exclude premiums or assets that were accumulated by the Victim through self-contributions paid into a life insurance program to build up a tax-deferred cash value.
3. The Special Master may reduce the amount of the offset for a pension to take account of self-contributions to that plan over the decedent's lifetime.
4. The collateral source offsets will not include monies or other investments in Victim's 401(k) accounts.

Moreover, the Final Rule provides that tax benefits received from the Federal government as a result of the enactment of the Victims of Terrorism Tax Relief Act of 2001 (Pub. Law No. 107-

134) will **not** be treated as collateral source compensation. (See also FAQ 5.23).

**5.23 Are tax benefits received from the Federal government as a result of the enactment of the Victims of Terrorism Tax Relief Act of 2001 treated as collateral source compensation?**

The Victims of Terrorism Tax Relief Act of 2001 provides very substantial relief to many Victims, and that relief will **not** be treated as collateral source compensation for purposes of determining awards from the Fund.

**5.24 How will the Special Master calculate the appropriate offset for “contingent” benefits?**

Some survivors may be eligible for benefits or payments from certain programs that provide periodic payments subject to adjustment or termination depending on potential future events that cannot be predicted. Examples include Social Security survivor benefits to the spouse of the Victim. Such benefits are paid only under certain conditions and only for certain periods of time. Further, the benefits are paid periodically over a period of years.

Where the benefits to be paid due to death of the Victim are uncertain, unpredictable or contingent on unknown future events, the amount of compensation to which the survivor is entitled can be impossible to compute with accuracy. In those instances, the Special Master has discretion not to require a **full** deduction where the amount of the collateral source compensation cannot be determined with reasonable certainty.

Thus, for example, the Special Master has determined that workers’ compensation benefits that are payable only if the spouse does not re-marry will only be offset to the extent they have already been paid. Likewise, Social Security and similar benefits payable to a surviving spouse only if the spouse does not re-marry or does not earn income above a certain threshold will be offset only to the extent they have already been paid. By contrast, survivor benefits from the Social Security Administration and from the military to children of Victims — who generally are entitled by law to periodic payments until they reach the age of 17 or 18 — can be reasonably computed and will be offset.

**5.25 Will collateral offsets that are paid periodically be reduced for the time value of money?**

Yes. The Special Master will only offset the present value of collateral source compensation. This has the effect of decreasing offsets and, thus, increasing the amount of awards. As an example, in the case of Social Security children's benefits, the Special Master would determine the monthly benefit to the child, multiply that benefit by the number of months remaining until the child reaches age 18 (taking into account possible limits such as maximum family benefits available), include — if consistent with Social Security guidelines — a factor for inflation, and then discount the total to present value to determine the amount of the offset. (See also FAQs 5.35 and 5.38.)

**5.26 Are charitable gifts offset? Will a benefit from a charity managed by a government agency be considered as a collateral offset?**

No. The Final Rule clarifies that benefits from charities (privately-funded charitable entities) disbursing private donations will not be treated as collateral source compensation, even if such charities were created or managed by governmental entities.

**5.27 Will my workers' compensation be treated as a collateral offset?**

The Special Master has determined that workers' compensation benefits that are contingent on future events will only be offset to the extent they have already been paid.

**5.28 Will my social security survivor benefits that I am receiving for myself as a surviving spouse and for my children be counted as a collateral offset?**

Social Security and similar benefits payable to a surviving spouse only if the spouse does not remarry or does not earn income above a certain threshold will be offset only to the extent they have already been paid. Survivor benefits from the Social Security Administration and from the military to children of Victims — who generally are entitled by law to periodic payments until they reach the age of 17 or 18 — can be reasonably computed and will be offset.

**5.29 Will the money the Victim spent on premiums for his/her life insurance plan be included in the offset?**

The Special Master has discretion to adjust the amount of offsets to exclude premiums or assets that were accumulated by the Victim through self-contributions paid into a life insurance program to build up a tax-deferred cash value.

**5.30 Will the money the Victim contributed to his/her pension be included in an offset?**

The Special Master may reduce the amount of the offset for a pension to take account of self-contributions to that plan over the decedent's lifetime.

**5.31 How can I find out more about how collateral offset rules will effect my claim?**

Potential applicants can meet with the Special Master or his representative consultants in order to advise such applicants whether particular types of benefits or payments will fall within the definition of “collateral source compensation,” and how such types of collateral sources will be valued.

To be clear, this consultation will focus on broad categories of benefits and will **not** provide applicants with a precise determination of their eventual award. The determination of an appropriate award requires a deliberative review of a Victim’s file, including the types of detailed financial records that the application requires.

**5.32 How have non-economic damage awards changed?**

The presumed non-economic losses awards for decedents in the Final Rule are \$250,000, plus an additional \$100,000 for the spouse and each dependent of the deceased Victim.

**5.33 How have the presumed economic damage awards changed?**

The Final Rule makes some important changes that will increase the amount of compensation in the Special Master’s presumed award charts. Overall, it is important to understand that the basic factor that affects the economic loss analysis is the Victim’s own data: each presumed award will be calculated using the Victim’s data regarding actual compensation, including fringe benefits and forms of compensation and effective tax rate. It is also important to emphasize that the presumed award methodology is intended to make possible the computation of a large number of awards without the review of detailed data that might typically be employed in a lengthy economic loss analysis in an individual case. To achieve this objective, the Special Master specifically adopted assumptions that are intended to be favorable to claimants and to enable prompt analysis and payment.

**5.34 Are the presumed economic awards gender and race neutral?**

Yes. The Special Master’s original presumed economic loss methodology relied upon expected work life data from the publication “A Markov Process Model of Work-Life Expectancies Based on Labor Market Activity in 1997-1998,” by James Cieccka, Thomas Donley, and Jerry Goldman in the *Journal of Legal Economics*, Winter 1999-2000. Contrary to the assertions of some commentators, the Special Master did **not** use data from the 1970s; rather, the study was conducted in 1997 and 1998. Also, the Special Master’s original presumed award methodology did **not**, as some suggested, discriminate against women. Rather, the original methodology relied upon the same assumptions for men and women – the combined average of All Active Males and All Active Females. However, in order to increase awards for all claimants by maximizing the duration of expected foregone earning and accommodating potential increases by women in the labor force, the Special Master’s revised presumed economic loss methodology uses the most general data available. Specifically, the new methodology used the All Active Males table for all claimants. The methodology is gender and race neutral.

**5.35 How do the presumed economic awards account for inflation and wage growth?**

The Special Master has adjusted the wage growth assumptions to growth rates that incorporate annual adjustments for inflation, productivity in excess of inflation and life cycle increases using data from the March 2001 Current Population Survey conducted by the Bureau of the Census for the Bureau of Labor Statistics. For life cycle increases, the Special Master is applying the higher age-specific life cycle increases (those for males) for all claimants. For inflation and productivity increases, the Special Master has applied rates of 2 percent and 1 percent, respectively. These rates are consistent with the long-term relationship between wage growth and risk-free interest rates. The net effect of this adjustment is to better represent the expected earning patterns of the Victims over their expected careers.

**5.36 How will the economic awards reflect a Victim's "personal consumption" of earnings? Will personal consumption be calculated before taxes or after taxes?**

As with the original presumed award calculations, the Special Master subtracts from the annual projected compensable income the Victim's "consumption" as a percentage of after-tax income instead of before-tax income. While the consumption adjustment is standard, the application of the adjustment to after-tax income lowers the amount of the consumption offset below the amount that would typically apply in an economic loss calculation. In addition, as with the initial model, the Special Master's assumptions eliminate some of the components typically used in estimating consumption, thereby further limiting the consumption deduction.

**5.37 Do the presumed economic awards account for the risk of future unemployment?**

Yes. To better reflect typical life cycle earnings expectation, the Special Master has incorporated into the calculation a factor to account for risk of unemployment — again, a common factor in the calculation of future lost earnings.

**5.38 How will the Special Master evaluate the "present value" or "time value of money?"**

The Special Master has elected to use three blended after-tax discount rates to compute the present value of the award and has adjusted the discount rate to reflect current yields on mid- to long-term U.S. Treasury securities. The after tax rates are:

- For Victims 35 and under, 4.2 %;
- For Victims 36-54, 3.9 %; and
- For Victims 55 and over, 3.4%.

The blended discount rates, before tax adjustment, imply real interest rates in excess of inflation of 3.1%, 2.8%, and 2.2%, depending on the average time to maturity consistent with the average duration of presumed losses. Although this adjustment creates a more complex computational process, the Special Master believes that the effect will be to better reflect the different ages of the Victims and the fact that the survivors will receive awards reflecting different assumed future years of work life. Future collateral offsets that are not contingent on future events are discounted at the long-term before-tax presumed annual discount rate of 5.1%.

**5.39 Is there a "cap" on economic damages?**

No. The “presumed awards” methodology addresses incomes only up to the 98<sup>th</sup> percentile. In extending the presumed awards only up to the 98<sup>th</sup> percentile, we merely recognized that calculation of awards for many Victims with extraordinary incomes beyond the 98<sup>th</sup> percentile could be a highly speculative exercise and that, moreover, providing compensation above that level would rarely be necessary to ensure that the financial needs of a claimant are met. Calculation of an award beyond that point using the presumed award methodology without a detailed record could very well produce inappropriate results. Accordingly, we permitted applicants with extraordinary prior earnings to accept awards at the 98<sup>th</sup> percentile or seek calculation of an award based upon a more detailed record. We also note that the Special Master has express authority under the Act to consider the “individual circumstances of the claimant” in fashioning awards, including the **financial needs** of Victims and surviving families in rebuilding their lives. As indicated, the Special Master will strive to deliver a fair and equitable sum to each eligible claimant.

#### **5.40 What is included in the definition of income for military personnel?**

The Interim Final Rule has been amended to clarify the Special Master’s discretion to consider on a prorated basis a Victim’s income from 2001 as well as published salary scales for government or military employees. In addition, the Interim Final Rule is amended to clarify that military service members’ and uniformed service members’ compensation includes all of the various components of compensation, including, but not limited to, basic pay (BPY), basic allowance for housing (BAH), basic allowance for subsistence (BAS), Federal income tax advantage (TAD), overtime bonuses, differential pay, and longevity pay.

#### **5.41 What will be offset against the awards for deceased military Victims?**

1. The \$6,000 death gratuity will be offset.
2. The rent-free government housing for 180 days or the tax-free allowance for housing for 180 days will not be offset. This is not considered a survivor benefit but is instead the military’s effort to not cut off for a defined period of time the housing that was provided to the families of military as part of the deceased service person’s compensation.
3. The life insurance purchased automatically by service members (\$250,000 automatic that can be declined) will be offset.
4. Dependency and Indemnity Compensation (DIC) will not be offset as to the spouse because it is contingent on remaining unmarried. It will be offset as to the children who receive this flat rate of \$234 per month for each child until age 18 regardless and without any contingencies. This amount will change in family structures where there is no surviving spouse.
5. Uniform Services Survivor Benefit Plan (SBP) will not be offset because it is contingent on remaining unmarried until age 55. If a spouse is 55 or over, it is not contingent upon remaining unmarried; so if there are any such spouses, it will be offset because it is no longer contingent. To the extent the SBP is payable to children, the net amount payable will be



offset. (Note that SBP will only be applicable if the amount is greater than the DIC since the DIC is offset against the SBP.)

6. Unused leave will not be offset under the same theory as not cutting off free housing for 180 days.
7. Health benefits are available to un-remarried spouse and minor dependents for three years — not offset because contingent or not quantifiable.

**5.42 How can I determine if someone who is not listed on the Victim's 2000 Federal tax return could have been claimed as a dependent?**

The Special Master will use the Internal Revenue Service's definition of dependent. The IRS applies five dependency tests:

- Member of household or relationship test
- Citizen or resident test
- Joint return test
- Gross income test
- Support test

**Please note that for purposes of determining dependency under the Fund, the Special Master will not apply the "citizen or resident test." Therefore, a person who is not a citizen or national of the United States, resident alien, or a resident of Canada or Mexico may nevertheless be considered a dependent under the Fund. All four other tests must be satisfied. Please refer to IRS Publication 501, Exemptions, Standard Deductions, and Filing Information, beginning on page 9, for more information on who qualifies as a dependent. You can find this form from the IRS website at <http://www.irs.gov>.**

**5.43 Do siblings of the Victim need to be notified that a claim is being filed? (see Exhibit B of Compensation Form)**

Yes. The definition of immediate family includes brothers and sisters of the Victim. Siblings are listed on Exhibit B of the Compensation Form for Deceased Victims.

**5.44 What benefits payable to survivors of NYPD or FDNY victims will be considered collateral offsets?**

The Fund will count as collateral source compensation subject to offset the following:

- a. The present value of the survivor pension benefit to the extent it exceeds the present value of the victim's vested pension as of Sept. 11, 2001.
- b. The present value of children's social security benefits (if applicable).

- c. Life Insurance, including both privately purchased policies and policies provided by the City or Department net of premiums paid by the victim or beneficiary and net of funds invested in such vehicles by the victim or beneficiary.
- d. Mayor's office benefit (usually one year's pay).
- e. Contractual benefit (\$25,000).

**5.45 How will the Fund compute the present value of the FDNY and NYPD Line of Duty Death Benefit for purposes of computing the offset amount?**

The Fund will compute the annual benefit based on the victim's salary as of September 11 in accordance with the benefit rules. If the family has already received a benefit or estimate, the Special Master will use that figure. Then, the Fund will apply the long-term before tax discount rate specified in the tables described in the "Explanation of Economic Loss Calculations for FDNY or NYPD victims" and calculate the present value of the future benefits assuming the death benefits will be paid for the life of the surviving spouse. If there is no spouse, the Fund will determine the duration of any benefit in accordance with New York law. The Fund will assume that there is no increase in the benefit payable over time. The calculation will deduct from the Line of Duty Death Benefit offset the present value of the victim's pension that was vested before September 11. If the Death Benefit is not paid on an annual basis but is instead paid as a lump sum, then the Fund need not compute a present value and will simply deduct the lump-sum amount actually paid or to be paid.

**5.46 Will the Public Safety Officers Benefit ("PSOB") payable to families of uniformed victims be offset?**

No.

**5.47 Is the value of the pension earned by the victim taken into consideration in computing claim award amounts?**

Yes. The value of the pension that the victim would have received but for the death on September 11<sup>th</sup> is considered as an income component as part of the victim's employer provided benefits.

**5.48 Are payments made by the various State Victim of Crime Boards funded with federal funds considered collateral offsets?**

No.

**5.49 Explanation of FDNY and NYPD Calculations**

**1. Procedures for Determining Economic Loss.**

To calculate the victim's compensation for purposes of determining economic loss, the Fund will include: all forms of compensation — including overtime, shift differential, longevity premium — PLUS the pension that the firefighter or police officer would have received after 20 or 25 years on the force, PLUS the Fund will assume that the firefighter or police officer will continue to earn an income equivalent to that earned on the force even **after** the pension begins. In addition, the Fund will count any earnings from a second job that can be documented.

The Fund will apply the wage growth assumptions to the earnings of the firefighter or police officer so that **each year** the earning level will go up. At the time the pension is assumed to commence, the pension will be based on the earnings projected **at that date**.

This means that in computing economic loss for the beneficiaries of a firefighter or police officer (1) the Fund will assume that the compensation level of the firefighter or police officer will continue through the average work life, even though the firefighter or police officer might have retired after 20 or 25 years, (2) that after 20 or 25 years on the force the firefighter or police officer would have received a pension (calculated based on the salary after 20 to 25 years on the force) in addition to the compensation calculated in number (1), and (3) that any second source of income will also continue after the pension begins. Therefore, after 20 or 25 years on the force, the formula will count: (1) compensation, including earnings from a second job, as increased in accordance with the regular methodology through average work life; plus (2) firefighter or police pension through average life expectancy.

## **2. Pension/In-the-Line-of-Duty Death Benefit Offsets.**

To comply with the Act's requirement that the Fund deduct from any award collateral source compensation including pensions and death benefits, the Fund will deduct from the award the present value of the death benefit that the survivor obtains from New York. If the death benefit is paid on an annuity basis, that deduction will be computed based on the annual value of the death benefit for the expected life span of the spouse of the victim (or the relevant period of time the benefit is payable to children or parents) in accordance with current rules governing the payment of death benefits. The calculation assumes that the death benefit will **not** be increased over time, as any increases must be legislatively mandated. This means that the offset will be based on the firefighter or police officer's salary without increases as of September 11 (which is lower than the future salary with increases that will be projected in computing the economic loss). As a general rule, the offset for the in-the-line-of-duty death benefit will be less than the amount computed as economic loss because the economic loss will include presumed salary increases and promotions each year and because the economic loss will include lost pension on top of that. The methodology is set up so that the Fund will **not** include in the offset the amount of the pension that was vested as of September 11. Since this reduction in the offset is like a credit or pre-payment to the survivor of the victim's vested pension, the economic loss will make up the remaining portion of the victim's lifetime pension benefits that would have been earned for continued service after September 11.

## **3. Public Safety Officers Benefit.**

The Fund will **not** offset the \$250,000 Public Safety Officers Benefit.

## ILLUSTRATION

**September 11th Victim Compensation Fund of 2001**

*Illustration of Presumed Economic and Non-Economic Loss Calculation -- FDNY Claimant*

**Assumptions**

Victim Name:		FDNY Claimant
Date of Death:		09/11/01
Age:		30.0
Marital Status:		M
Number Children Under Age 18:		2
Children's Ages at 09/11/01:	Child #1	Age 9
	Child #2	Newborn
Primary Employer:		FDNY
Total Annual Earnings From All Employers:		\$80,000
FDNY Annual Earnings:		\$75,000
Years in FDNY as of 09/11/01:		6.0
Assumed Start Date of FDNY Pension:		10/01/20

<b>Total Economic Losses Before Collateral Offsets:</b>	
Loss of Earnings & Benefits Including Loss of Lifetime FDNY Pension Benefits From Continued FDNY Service After 09/11/01*	<b>\$2,712,391</b>
<b>Total Non-Economic Losses</b>	<b>\$550,000</b>

\* includes the excess of the victim's "vested pension" over the value of the survivor pension, if any, assuming FDNY survivor annuity is elected instead of lump sum.

**Less:**

<b>Known Offsets:</b>		
Present Value of FDNY Survivor Annuity Pension Benefit Reduced by Present Value of Victim's FDNY Vested Pension as of 09/11/01:		
FDNY Survivor Benefits	\$1,354,813	
Less: Victim's Vested Benefit	(\$89,395)	<b>\$1,265,418</b>
Present Value of Estimated Children's Social Security Benefits		<b>\$359,350</b>
FDNY Group Life Insurance		<b>\$8,500</b>
Mayor's Office Benefit (one year's pay)		<b>\$75,000</b>
Contractual Benefit		<b>\$25,000</b>
<b>Total Known Offsets</b>		<b>\$1,733,268</b>

<b>Amount of Award</b>	<b>\$1,529,128</b>
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**5.50 What part of the payment will go through the estate and what part will not?**

This may depend on the specific circumstances of the claim and the domicile of the Victim. Generally speaking, the victim's non-economic loss portion of the payment will typically be distributed to the beneficiaries of the estate, while the remainder of the award will go directly to the family or other recipients based on the wrongful death statute of the state of domicile and the approved final distribution plan.

**5.51 Where can I get copies of the deceased Victim's state tax returns, specifically from New York?**

The following web site provides a list of the tax authorities for each state. The link is <http://www.taxsites.com/agencies.html>.

The Personal Representative can request copies of the Victim's 1998, 1999, and 2000 tax returns from the NY State Tax Department. The cost is \$0.25 per page. Each return is two pages long, plus attachments. The Department suggests sending in a check for \$1.00 to cover the copying costs for each tax return requested. The address is:

New York State Tax Department  
Central Photocopying Unit  
Building #8  
State Office Campus  
Albany, New York 12227

The request must include the following information:

- Taxpayer's name (Victim's name)
- Taxpayer's social security number (Victim's SSN)
- The tax year(s) for which tax returns are being requested (1998, 1999, and 2000)
- The taxpayer's address for each year that a tax return is being requested (i.e., Victim's address in tax year 1998, 1999, and 2000)
- Notarized authorization that the person requesting the tax return(s) represents the taxpayer's estate (this can be copy of the Court Order or Letter of Administration showing the Personal Representative's appointment as (1) Personal Representative, (2) Executor of the Will, or (3) Administrator of the Estate)
- Requestor's name and telephone number (Personal Representative's name telephone number, in case the NY State Tax Department has any follow up questions)

In addition, the request should mention that the tax return(s) are being requested for a Victim of the World Trade Center September 11th attacks and are needed for the September 11th Victim Compensation Fund claims package.

The Personal Representative can call the New York State Department of Taxation and Finance's Taxpayer Assistance Call Center at 1-800-225-5829 if she or he has further questions. The caller should follow the prompts for personal income tax questions.

**5.52 Where can I find information on the Tax Advantage (TAD) that a deceased military Victim received?**

The Tax Advantage (TAD) usually does not appear on the Victim's Military Leave and Earnings Statement. To get this information, the Personal Representative should contact the Casualty Assistance Claims Officer (CACO). The Personal Representative can also calculate this by going to the Office of the Secretary of Defense Regular Military Compensation Calculator web

site and enter information on the Victim's rank (grade), years of service, location, and family size. The web address is: <http://militarypay.dtic.mil/actives/pay/calc/index.html>.

**5.53 Are FICA and Medicare payments considered fringe benefits and added to the income for award determination?**

No. FICA and Medicare are not considered as income components, and the value of future retirement benefits (to the spouse) are not considered as collateral offsets.

**5.54 FAQ has been removed and is no longer valid.**

**5.55 I have read the "Explanation of Process for Computing Presumed Economic Loss" and I am still having difficulty replicating the computations found in the "Presumed Economic and Non-Economic Loss" matrices. Is any additional guidance available?**

Several inquiries have been made about various aspects of the compensation model and duplicating it with various degrees of success. Typical errors we have seen in efforts to duplicate the model may be avoided by considering the following:

Compensation level: This should include total compensation excluding employer-provided benefits.

Benefits: The model assumes 4% of pension-eligible compensation and annual medical benefits starting at \$2,400. The medical benefits are increased yearly at the same rate as earnings. (Actual employer-provided benefits are considered when each claim is evaluated and will be used when higher than the presumed award fringe benefit assumptions. If the actual benefits are less than the assumptions, the Fund will use the assumptions.)

The "Presumed Age-Specific Earnings Growth Rates" must be applied each year, according to the age that year, through the assumed work-life expectancy. The same work-life tables are used for all victims based on the reported average for "All Active Males" the same age as the victim at death.

The 3% Unemployment Factor is subtracted from total compensation (including employer-provided benefits). This adjustment is necessary because the probability of unemployment is not included in the published work-life expectancy figures.

The "Decedent's Personal Expenditures or Consumption" deduction is subtracted from the total of after-tax compensation (including employer-provided benefits). It is applied each year, based on the before-tax compensation level as of date of death and changes over time as dependent children grow up and leave the household.

The discount period used in the matrices was assumed to extend from the end of work-life expectancy back to September 11, 2001. Actual awards will be calculated back to 2002.

In addition, there have also been suggestions regarding some of the core assumptions in the compensation model. For instance, some have stated that alternative amounts to the inflation

assumption may be more appropriate. However, any change in assumptions should be applied consistently throughout the model. As a result, adjusting both the growth and discount rates to include an alternative inflation assumption would not change the awards significantly.

**5.56 How will economic awards for Port Authority fire and police victims be determined, including treatment of accidental death benefits to survivors?**

The calculation of presumed economic loss for victims who were members of the New York State and Local Police and Fire Retirement System ("Port Authority Fire or Police") will use the same general procedures and assumptions used to calculate presumed economic losses for death claims involving NYPD or FDNY victims.<sup>11</sup>

Like the NYPD and FDNY victims, Port Authority Fire or Police victims under the Special 20-Year Retirement Plan would have been eligible to retire from Port Authority Fire or Police employment with 20 years of service<sup>12</sup> and collect an immediate pension equal to at least 50% of last pay. According to Port Authority representatives, the average length of service for Port Authority Fire or Police is 25 years. The presumed awards will therefore assume that after 25 years of creditable service<sup>13</sup>, the victim would have begun collecting a pension pursuant to the terms of the Special 20-Year Retirement Plan, and at the same time continued to receive wage or salary income elsewhere equivalent to the victim's last projected Port Authority compensation plus any supplemental outside income, if applicable, adjusted for annual increases, through the individual's expected remaining working years. The Port Authority Fire or Police pension is assumed payable through the victim's life expectancy.<sup>14</sup>

Consistent with all presumed economic loss calculations,

1. Income up to the IRS 98<sup>th</sup> percentile of wage earners of \$231,000 is considered;
2. Included are the value of fringe benefits, including medical insurance coverage, and potential pension benefits related to post-Fire or Police employment estimated at 4% of compensation;
3. Growth of income and benefits through the victim's expected work-life incorporates an annual inflationary or cost-of-living component, an annual real overall productivity or scale adjustment in excess of inflation, and an annual real life-cycle or age-specific increase;
4. An unemployment risk factor of 3% is applied to earnings and benefits other than Fire or Police pension payments;
5. All amounts are adjusted for the estimated personal consumption of the victim and reduced for estimated combined federal, state and local income tax (to the extent applicable); and
6. Future amounts are adjusted to present value using current yields on risk-free treasury

<sup>11</sup> Refer to the "Explanation of Economic Loss Calculations for FDNY or NYPD Victims."

<sup>12</sup> Based on discussions with Port Authority representatives, the Special 20-Year Retirement Plan is the plan elected by virtually all New York State and Local fire and police.

<sup>13</sup> For victims who had already attained the average years of credited service for fire or police retirees, one additional year of creditable service will be assumed. In general, this maximizes the present value of projected future pension benefits because they start earlier.

<sup>14</sup> According to provisions of the Special 20-Year Retirement Plan, a portion of the fire or police retirement benefit is increased by a cost of living adjustment after attaining age 55 and 10 years out or age 62 and 5 years out.

securities.

Refer to Tables 1-5 accompanying the general "Presumed Loss Calculation Tables Before any Collateral Offsets" explanation for additional information on Presumed Future Effective Combined Federal, State and Local Income Tax Rates for New York (Table 1), Expected Remaining Years of Workforce Participation (Table 2), Presumed Age-Specific Earnings Growth Rates (Table 3), Decedent's Personal Expenditures or Consumption as Percent of Income (Table 4), and Assumed Before-tax and After-tax Discount Rates (Table 5).

To comply with the Act's requirement that the Fund deduct from any award collateral source compensation including pensions and death benefits, the Fund will deduct from the award the present value of the death benefit that the survivor obtains under the New York State and Local Police and Fire Retirement System. Any lump sum survivor benefit is offset, or if the death benefit is paid on an annuity basis, that deduction will be computed based on the annual value of the death benefit for the expected life span of the spouse of the victim (or the relevant period of time the benefit is payable to children or parents) in accordance with current rules governing the payment of death benefits.<sup>15</sup> The calculation assumes that the death benefit will not be increased over time, as any increases must be legislatively mandated. The methodology is set up so that the Fund will not include in the offset the amount of the Fire or Police pension that was vested as of September 11. Since this reduction in the offset is like a credit or pre-payment to the survivor of the victim's vested pension, the economic loss will make up the remaining portion of the victim's lifetime pension benefits that would have been earned for continued Fire or Police service after September 11.

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<sup>15</sup> Under the Special 20-Year Retirement Plan for fire or police, the Special Accidental Death Benefit pension equal to 100% of the victim's salary is payable to a surviving widow or widower for life.



**ILLUSTRATION**

**September 11th Victim Compensation Fund of 2001**  
*Illustration of Presumed Losses for Port Authority Fire or Police*

**Assumptions**

Victim Name:	Port Authority Fire or Police		
Date of Death:	9/11/01		
Age:	30		
Marital Status:	M		
Number Children Under Age 18:	2		
Children's Ages at 09/11/2001:	Child #1	9	
	Child #2	newborn	
Occupation:	Police		
Employer:	Port Authority		
Total Annual Earnings From All Employers:	\$70,000		
Fire or Police Annual Earnings:	\$70,000		
Hire Date at Last Employer:	9/11/95		
Years of Creditable Fire or Police Service at 09/11/2001:	6.0		
Assumed Start of New York State or Local Fire or Police Pension:	10/1/20		

<b>Total Economic Losses Before Collateral Offsets</b>	
Loss of Earnings & Benefits Including Loss of Lifetime Port Authority Pension Benefits From Continued Port Authority Service After 09/11/2001*	\$2,454,281
<b>Total Non-Economic Losses</b>	<b>\$550,000</b>

<b>Total Losses Before Collateral Offsets</b>	<b>\$3,004,281</b>
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\* Includes amount of pension projected at ultimate retirement less amount of vested benefit prepaid in the form of survivor benefits.

**Less:**

<b>Known Offsets:</b>		
<b>Present Value of Survivor Lump Sum Pension Benefit Reduced by Present Value of Victim's Vested Pension as of 09/11/2001:</b>		
Past Survivor Benefits	\$68,036	
Present Value Future Survivor Benefits	\$1,263,387	
Less: Victim's Vested Benefit	(\$40,718)	\$1,290,705
<b>Social Security One-time Lump Sum Death Benefit</b>		<b>\$255</b>
Past Social Security Survivor Benefits	Spouse	\$0
	Children	\$52,356
Present Value of Children's Future Social Security Survivor Benefits		\$317,386
Basic Life Insurance (3 times pay)		\$210,000
<b>Total Known Offsets</b>		<b>\$1,870,702</b>

<b>Amount of Total Award</b>	<b>\$1,133,579</b>
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**5.57 Is the calculation of economic awards for Port Authority civilian victims the same as Port Authority fire and police victims?**

Because the two groups are covered by different pension plans, the calculation of economic awards for Port Authority civilian victims differs from the calculation for Port Authority fire and police victims. The calculation of presumed economic awards for Port Authority civilian victims, who are covered by the New York State and Local Employees' Retirement System (ERS), applies the same method as the calculation of presumed economic awards for all non-uniformed victims covered by standard defined benefit pension plans. These plans, including ERS, enable a retiree to collect upon retirement a monthly pension for life based on his or her final average pay and years of service at retirement. As is the case with ERS, unreduced retirement benefits are typically not payable before age 55, with at least 30 years of service, or later ages, with less service. (In contrast, the pension plan applicable to Port Authority police and fire, similar to plans covering other uniformed personnel in the United States military, NYPD and FDNY, provides for an immediate pension equal to 50% of final pay upon attaining 20 years of service, regardless of age).

**The presumed economic loss calculations for Port Authority civilian victims incorporate all of the assumptions and methodology set forth in the Explanation of Process of Computing Presumed Economic Loss, except instead of the default 4% of pay in the form of pension benefits, the calculations compute pension benefits according to ERS. Specifically, the calculations assume that victims covered by ERS would have remained in civilian employment with the Port Authority for the remainder of their expected working years and begin collecting for life a monthly pension at the age eligible to collect unreduced retirement benefits. The projected monthly pension at end of work-life is calculated using the applicable ERS pension formula applied to the victim's projected length of service to work-life date and projected 3-year average pay at work-life.**

**5.58 Are accidental death benefits to survivors of Port Authority civilian victims considered a collateral offset to awards?**

Yes. Any lump sum benefit already received is subtracted from the presumed award, or if the death benefit is paid on an annuity basis, that deduction will be computed based on the present value of the accidental death benefit for the relevant period of time the benefit is payable to children or parents of victims. For benefits paid to spouses of victims, unlike accidental death survivor pension benefits payable to spouses of Port Authority fire and police victims, the benefit to civilian Port Authority survivors stops if the spouse is remarried before age 55. Therefore the offset will not include any future Port Authority survivor pension benefits to spouses who are not yet age 55 when they submit a claim to the Fund. Any future calculations assume that the death benefit will not be increased over time, as any increases must be legislatively mandated. The methodology is set up so that the Fund will not include in the offset the amount of the victim's Port Authority civilian pension that was vested as of September 11. Since this reduction in the offset is like a credit or pre-payment to the survivor of the victim's vested pension, the economic loss will make up the remaining portion of the victim's lifetime pension benefits that would have been earned for continued Port Authority service after September 11.

**5.59 How will economic awards for Military victims be determined?**

**ILLUSTRATION**

**September 11th Victim Compensation Fund of 2001**

*Illustration of Presumed Economic and Non-Economic Loss Calculation -- Military Claimant*

**Assumptions**

Victim Name:	Representative Military
Date of Death:	09/11/01
Age:	33
Marital Status:	M
Children's Ages at 09/11/01:	Child #1 Age 9 Child #2 Newborn
Employer:	U.S. Military E-7
Total Annual Compensation Including BAH, BAS and Tax Advantage at 9/11/2001:	\$54,210
Military Basic Pay as of 9/11/2001:	\$31,057
Years in Military Service as of 9/11/2001:	15

<b>Total Economic Losses Before Collateral Offsets</b>	
Loss of Earnings & Benefits Including Loss of Lifetime Military Pension Benefits From Continued Military Service After 09/11/01	<b>\$1,787,580</b>
<b>Total Non-Economic Losses</b>	<b>\$550,000</b>

<b>Total Economic and Non-Economic Losses Before Known Collateral Offsets</b>	<b>\$2,337,580</b>
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**Less:**

<b>Known Offsets:</b>	
Past and Present Value Future Children's Social Security Benefits	<b>\$214,175</b>
Past Spouse's DIC Benefits	<b>\$13,024</b>
Past and Present Value Future Children's DIC Benefits	<b>\$62,394</b>
Death Gratuity	<b>\$6,000</b>
Service Members Group Life Insurance	<b>\$250,000</b>
<b>Total Known Offsets</b>	<b>\$545,593</b>

<b>Amount of Award</b>	<b>\$1,791,987</b>
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**5.60 How will the Special Master treat claims on behalf of decedents who had unusually high incomes? Is it possible that some claimants will receive awards higher than the highest numbers on the Presumed Award charts?**

Yes, it is possible that some claimants will receive awards higher than the highest numbers on the Presumed Award charts. The regulations provide that the Special Master may depart from the presumed awards and methodology based upon "extraordinary circumstances." The figures provided on the Special Master's presumed award charts do not constitute any form of "cap" on awards. To the contrary, the Special Master has the authority to exercise discretion by considering the individual circumstances of each claimant in arriving at an appropriate award.

As stated in the regulations, those claimants who have extraordinary individual circumstances may request a hearing as an alternative to, or subsequent to, participating in the presumed award process. There is no limitation on what information claimants may provide in explaining their individual circumstances. Thus, claimants are permitted to provide any evidence that they wish regarding their economic losses and individual circumstances. However, they should be aware that lost income is merely one component of the award by the Special Master. The statute requires the Special Master to consider not only "economic loss," but also the individual circumstances of the claimant. These circumstances include factors such as families' needs and resources in rebuilding their lives. Thus, while some have argued for a purely mechanical calculation of lost income that would lead to awards for "high income" claimants of 20, 30, 40 or even 50 times as much as other claimants, such an approach is not consistent with the purposes of the statute creating the Fund.

While claimants may present any evidence that they think might establish extraordinary circumstances to justify departure from a presumed award, the Special Master has made clear that the program is not designed to provide greater awards to those who obtain counsel or experts. Moreover, information regarding extraordinary earnings histories will not be viewed in isolation, but will instead be considered in light of all of the other individual circumstances. The Regulations make it clear that in evaluating economic loss for high income earners attempting to demonstrate extraordinary circumstances, the Special Master will not apply the presumed award methodology to any income level above \$231,000. Claimants therefore should not expect that the Fund will apply some or all of the presumed award assumptions to higher incomes. Instead, the Special Master must consider each such claim on an individual basis. Thus, while claimants are permitted to submit evidence of extraordinary earnings, they should be aware that if they choose to do so, the Special Master will require that they also submit individualized evidence regarding other aspects of their economic loss claim. The Special Master may and will consider a range of information in evaluating the economic loss, including, but not limited to, the following: earnings history beyond three years; the components of claimed income such as contingent bonus, commissions, or stock options or sales (each of which may be more or less risky or speculative); the certainty or uncertainty of future income (based on industry trends, industry work life); victim-specific factors such as tax rates, personal consumption, household structure, and dual incomes (consumption will likely apply to before-tax household income); industry-specific factors such as positive or negative growth rates, work life expectancies, and turnover and longevity; and individual family circumstances (including special needs). Most importantly, the Special Master will, pursuant to the statute, exercise appropriate discretion to assure awards that are just and fair in light of the individual circumstances of the claimant.

While this process might result in awards greater than the presumed awards for some claimants, the guidance given in the Preamble to the regulations makes clear that “[c]laimants should not expect awards grossly in excess of the highest awards listed on the Special Master’s presumed award chart.” The Preamble to the Final Rule creating the Fund predicted that it would be rare for claimants representing deceased victims to receive less than \$250,000 after collateral source offsets, or for claimants to receive more than \$3 million or \$4 million tax-free. While awards between \$3 and \$4 million (after collateral source deductions) have turned out to be more common than originally anticipated, there have not yet been many awards in excess of \$4 million. The regulations clearly indicate that any methodology that does nothing more than mechanically calculate a theoretically possible future income stream would lead to awards that are insufficient relative to some victims and excessive relative to others. Accordingly, the final award will reflect a discretionary evaluation of all individual factors and will not simply be the projection of an assumed net income by an assumed work life.

**5.61 I am the parent of a minor child who is a beneficiary of an award. What are the options for payment of a minor child’s award?**

There are several options available for the receipts of payments on behalf of minor children. First, the entire award, including the minor child’s award, can be paid to the personal representative. Under this option, a court will generally supervise the distribution of the award and take steps to safeguard the minor’s portion of the award.

Second, the minor child may receive benefits directly from the Fund. Under this option, a guardian must be appointed by a court of competent jurisdiction to receive an award directly on behalf of the child. Normally it is a simple and relatively quick process for a natural or adoptive parent to be appointed a guardian. However, court supervision or a bond may be involved when a guardian is appointed.

Third, if you are a natural or adoptive custodial parent of a minor, you may apply to receive benefits directly on behalf of the child as a “representative payee.” As a representative payee, you assume full responsibility for ensuring that the award to the child is spent for the child’s current needs, and, if not currently needed, saved for the child’s future needs. Court supervision or bonding is not required. However, you are still obliged - like a trustee -to ensure that funds are used in the child’s best interest. This includes a duty to prudently invest funds, maintain separate accounts, and maintain records. If you would like to apply to become a representative payee, you should request that the Fund send you the Application for Representative Payee Form to fill out in which you request to receive the funds as a representative payee on behalf of your child and in which you agree to perform the responsibilities this role requires. This form can also be downloaded from the Fund’s website.

**5.62 I am applying to be the representative payee of my minor child. If I do not know the exact amount being awarded to my child, what amount do I input on the form (#7)?**

There are two options. You can either leave the award amount blank or input the same percentage listed on the final approved distribution plan. If you choose to enter an amount and

that amount does not agree with the final approved distribution amount, you will be required to submit a new representative payee form.

**5.63 When should I submit my payment information (i.e. ACH form, Application for Representative Payee)?**

Payment information should be submitted by either the date provided to you by the Fund or May 1, 2004, whichever is earlier.

**5.64 Can payments be made through direct deposit to foreign banks?**

No. Payments to offshore recipients cannot be made through direct deposit. These payments must be in the form of checks. The U.S. Department of the Treasury will issue the checks and forward them to the Department of Justice. The Department of Justice will send them out via express mail.

**5.65 Can direct deposit payments be made to money market or brokerage accounts?**

No. The U.S. Department of the Treasury only uses ACH payments. Thus, the Fund can only make direct deposit payments to a regular checking or savings account.

**5.66 How will the Special Master compute compensation awards with foreign income or foreign collateral source offset components?**

When computing compensation awards for victims who were paid in other than United States currency, the Special Master will use the date of 9/11/01 as the conversion date for denominating foreign currencies into U.S. dollars for computing the awards. For valuation of collateral source offsets, the Special Master will use March 11, 2002 as the conversion date. This is when the Compensation forms were first available for completion.

**5.67 I am submitting a claim for a FDNY deceased victim, what information do I need to provide to the Special Master in order for him to calculate my presumed award?**

1. Line of Duty (LOD) benefit notification document.
2. FDNY appointment date.
3. Equated date (Start of uniformed city service immediately preceding date one entered the Fire Department).
4. Non-Uniformed Prior City Time (if applicable).
5. LOD benefit type received – Lump Sum Death Benefit or Annual Pension (Annuity).
6. Electronic fund transfer statement or other deposit information showing LOD pension payment.
7. If LOD received as an annuity, the relationship and birth dates of the recipient(s).
8. Social Security Administration Notice of Award.
9. 2000 or 2001 Tax Return *if dependents were claimed.*

Please note that if the deceased had compensation from other employers from

1998 – 2001, other documentation will need to be provided such as W-2s and year-end pay statements.

In addition, documentation of any life insurance or other survivor benefits from sources other than the FDNY must be provided.

**5.68 How are "collateral sources" deducted from a final award?**

Generally, collateral source payments, also known as collateral offsets, will be applied against the share of the individual who received the benefit. Any excess benefit will be applied against the remaining shares of the award. However, a departure from this general policy may be warranted in certain circumstances. For instance, if the Personal Representative believes that a hardship is created by applying collateral offsets against individual shares, he/she may send a written request to the Special Master for a reallocation of collateral offsets. The Special Master will determine whether a reallocation is appropriate under the circumstances and will advise the claimant accordingly. Likewise, where the Personal Representative submits a consensual distribution plan, signed and notarized by all adult interested parties, it is assumed that the interested parties have agreed to a distribution of the net award and, as such, the collateral offsets will be taken off the top of the award.

**5.69 Does the Special Master take into account a claimant's economic loss before evaluating need-based circumstances?**

Yes. The Special Master does and always has taken into account a claimant's economic loss at hearings before evaluating individual circumstances, including need.

**5.70 Does the economic loss figure on my final award document reflect the results of the economic loss analysis conducted prior to any need-based or replacement service determination?**

No. Final award documents, which are disseminated mainly to demonstrate how an award has been apportioned, include several categories of information, one of which is a category entitled "economic loss." This economic loss category, however, does not reflect the results of the economic loss analysis conducted prior to any need-based or replacement service determination. Rather, this figure has already been appropriately adjusted (for purposes of assisting with distribution) to include any need-based or replacement service determination.

**VICTIM COMPENSATION FUND FREQUENTLY ASKED QUESTIONS**  
(Updated September 16, 2003)

**Section 6 – Compensation for Personal Injury**

**6.1. How have the eligibility requirements for physical injuries changed in the Final Rule?**

They have changed only with respect to when an injured Victim must have been treated by a medical professional. "Physical harm" was defined in the Interim Final Rule as "a physical injury to the body that was treated by a medical professional within 24 hours of the injury having been sustained or within 24 hours of rescue." Additionally, such injury must have: (i) required hospitalization as an in-patient for at least 24 hours; or (ii) caused, either temporarily or permanently, partial or total physical disability, incapacity or disfigurement.

Under the Final Rule, the time period for obtaining medical treatment under the definition of "physical harm" is increased from 24 hours to 72 hours for those Victims who were unable to realize immediately the extent of their injuries or for whom appropriate health care was not available on September 11th.

The Special Master has discretion to extend the time period for rescue personnel only. All such decisions are made a case-by-case basis and the rescue workers must satisfy all other eligibility requirements.

Thus, to be eligible, the injured Victim must have been treated by a medical professional within:

- 24 hours of the injury having been sustained, or within 24 hours of rescue, or
- Within 72 hours of injury or rescue for those Victims who were unable to realize immediately the extent of their injuries or for whom treatment by a medical professional was not available on September 11th or within such time period as the Special Master may determine for rescue personnel who did not or could not obtain treatment by a medical professional within 72 hours.

**6.2 How much money can I receive from the Fund? How do I figure how much I will get?**

If you are a physically-injured Victim, the Special Master will consider loss of earnings or other benefits related to employment, medical expense loss, replacement services loss, and loss of business or employment opportunity to determine your economic loss. In addition, the Special Master may determine presumed non-economic losses based upon the extent of the Victim's physical harm. There is no chart of presumed awards because each Victim's injury is unique. The Special Master must then subtract any collateral offsets received or eligible to be received.



**6.3 How will the Special Master determine the amount of my collateral source offsets?**

The Act defines collateral sources to mean all such sources, including life insurance, pension funds, death benefit programs and payments by Federal, State, or local governments related to the terrorist-related aircraft crashes of September 11, 2001. The Act and the Rule require the Special Master to reduce the total amount of compensation by the amount of the collateral source compensation the physically injured Victim has received or is entitled to receive as a result of the terrorist-related aircraft crashes.

The Special Master will exercise discretion in valuing the appropriate deductions for collateral offsets by determining:

1. Whether the particular offsets fall within the definition of collateral sources;
2. Whether beneficiaries of the Fund are “entitled” to receive compensation from those collateral sources;
3. Whether the collateral source compensation is certain or can be computed with sufficient certainty; and
4. The appropriate amount of the compensation that should be deducted, taking into account the time value of money and contributions made before death by the Victim in the nature of investment or savings.

**6.4 Will my award be subject to Federal Income Taxes?**

No. The awards are not subject to Federal income taxes.

**6.5 Are charitable gifts offset? Will a benefit from a charity managed by a government agency be considered as a collateral offset?**

No. The Final Rule clarifies that benefits from charities disbursing private donations will not be treated as collateral source compensation, even if such charities were created or managed by governmental entities.

**6.6 How can I find out more about how collateral offset rules will affect my claim?**

Potential applicants can meet with the Special Master or his representative consultants in order to advise such applicants whether particular types of collateral source compensation will fall within the definition of “collateral source compensation,” and how such types of collateral sources will be valued.

To be clear, this consultation will focus on broad categories of benefits and will **not** provide applicants with a precise determination of their eventual award. The determination of an appropriate award requires a deliberative review of a Victim’s file, including the types of detailed financial records that the application requires.

**6.7 What is included in the definition of income for military personnel?**

The Interim Final Rule has been amended to clarify the Special Master's discretion to consider on a prorated basis a Victim's income from 2001 as well as published salary scales for government or military employees. In addition, the Interim Final Rule is amended to clarify that military service members' and uniformed service members' compensation includes all of the various components of compensation, including, but not limited to, basic pay (BPY), basic allowance for housing (BAH), basic allowance for subsistence (BAS), Federal income tax advantage (TAD), overtime bonuses, differential pay, and longevity pay.

**6.8 I want to submit a Personal Injury Compensation Form. What are certified medical records?**

Certified medical records are records with a certificate attached usually signed by the custodian of records for the particular office or facility affirming that the pages are true and accurate copies of records in the patient's file.

**6.9 Are payments made by the various State Victim of Crime Boards funded with federal funds considered collateral offsets?**

No.

**6.10 Can payments be made through direct deposit to foreign banks?**

No. Payments to offshore recipients cannot be made through direct deposit. These payments must be in the form of checks. The U.S. Department of the Treasury will issue the checks and forward them to the Department of Justice. The Department of Justice will send them out via express mail.

**6.11 Can direct deposit payments be made to money market or brokerage accounts?**

No. The U.S. Department of the Treasury only uses ACH payments. Thus, the Fund can only make direct deposit payments to a regular checking or savings account.

**6.12 How will the Special Master compute compensation awards with foreign income or foreign collateral source offset components?**

When computing compensation awards for victims who were paid in other than United States currency, the Special Master will use the date of 9/11/01 as the conversion date for denominating foreign currencies into U.S. dollars for computing the awards. For valuation of collateral source offsets, the Special Master will use March 11, 2002 as the conversion date. This is when the Compensation forms were first available for completion.

**6.13 I am an injured FDNY victim, what information do I need to provide to the Special Master in order for him to calculate my presumed award?**

1. 2000, 2001, and 2002 W-2s.
2. Disability retirement date and monthly benefit amount.
3. Social Security Administration Notice of Award (if applicable).
4. FDNY appointment date.
5. Equated date (Start of uniformed city service immediately preceding date one entered the Fire Department).
6. Non-Uniformed Prior City Time (if applicable).
7. Final year-to-date 2003 pay statement if FDNY disability retirement is January 1, 2003 or later.
8. Documentation of employment and earnings after FDNY disability retirement.

**VICTIM COMPENSATION FUND FREQUENTLY ASKED QUESTIONS**  
(Updated April 17, 2003)

**Section 7 – Hearing/Appeals**

**7.1 How long will hearings last?**

There is no specific time limit. However, the Special Master does not expect that hearings will last more than a few hours.

**7.2 Will I be able to have a hearing?**

Yes. Any claimant who wants to can have a hearing. It is the claimant's option. You can either follow Track A and get your presumed award and then go to a hearing if you choose, or you can follow Track B and go directly to a hearing. The Special Master or his designee will conduct the hearings. PricewaterhouseCoopers, as claims administrators assisting the Special Master, will not conduct hearings. Any preliminary meeting(s) the claimant had to ask questions or review the claim does not constitute a hearing.

**7.3 Who will conduct the hearings?**

The hearings will be conducted by the Special Master or designees of the Special Master who will be trained expressly for this procedure. Designees will be qualified, trained individuals.

**7.4 Can I present evidence or witnesses at the hearing?**

Yes. These hearings will be conducted in a non-adversarial manner. The objective of the hearing is to permit the claimant to present information or evidence that the claimant believes is necessary to a full understanding of the claim. Claimants will be permitted, but not required, to present witnesses, including expert witnesses. The hearing officer will be permitted to examine the credentials of experts.

**7.5 What is the procedure for a hearing (either before or after they receive a presumptive award)?**

Hearings shall be before the Special Master or his designee. The objective of hearings shall be to permit the claimant to present information or evidence that the claimant believes is necessary to a full understanding of the claim. The claimant may request that the Special Master or his designee review any evidence relevant to the determination of the award, including without limitation: factors and variables used in calculating economic loss; the identity of the Victim's spouse and dependents; the financial needs of the claimant; facts affecting non-economic loss; and any factual or legal arguments that the claimant contends should affect the award. Claimants shall be entitled to submit any statements or reports in writing. The Special Master or his designee may require authentication of documents, including medical records and reports, and may request and

consider information regarding the financial resources and expenses of the Victim's family or other material that the Special Master or his designee deems relevant.

In a hearing, the Special Master will determine whether:

- There was an error in determining the presumptive award, either because the claimant's individual criteria were misapplied or for another reason, or
- The claimant presents extraordinary circumstances not adequately addressed by the presumptive award.

**7.6 Who can present information or evidence at the hearing?**

The Personal Representative or the physically injured Victim, any witness the Personal Representative or the physically injured Victim wishes to have, and any interested party.

**7.7 Will decisions be made on the spot at a hearing?**

No decision will be rendered on the spot. The SM will retain control and review authority to assure equity.

**VICTIM COMPENSATION FUND FREQUENTLY ASKED QUESTIONS**  
(Updated March 11, 2004)

**Section 8 – Resources**

**8.1 How do I get help in completing my form?**

If you have any questions or encounter any difficulty, assistance is available by calling toll free in the United States [removed], [removed]. If you are calling from outside the United States, please call collect at [removed].

**8.2 Do I need to hire a lawyer to help me with my claim?**

You are not required to have a lawyer. However, you have the right to be represented by an attorney and you should be aware that you will be waiving and affecting rights to file lawsuits by your submission of a claim.

**8.3 Who can I call if I need legal assistance?**

There are several private legal organizations that have volunteered to assist claimants. Please note that these organizations are not part of the Federal government, the Special Master's Office, or the Victim Compensation Fund:

- The Trial Lawyers Care (TLC) is providing attorney assistance, free of charge, to claimants who want a lawyer to represent them. These attorneys are available to assist you with specific questions, such as objections and statements of interest, as well as help you decide whether to participate in the program and then advise you throughout the claims process. Please note that TLC attorneys do *not* provide assistance with trust and estate issues. TLC can be reached at 1-888-780-8637 (1-888-780-8682 in Spanish). Their web site address is [www.911LawHelp.org](http://www.911LawHelp.org).
- Surrogate Courts Assistance Project of the City Bar Fund September 11th Legal Relief Initiative has volunteer attorneys available who will assist you with becoming a Personal Representative and developing a distribution plan. You can reach the Relief Initiative at 1-212-382-4760 (English) or 1-212-382-4761 (Spanish).
- If you are a **Victim or family-member of a Victim killed during the attack on the Pentagon**, the September 11th Pro Bono Legal Relief Project is also providing free legal services. The Project can be reached at 1-202-663-9115.

**8.4 What types of documents do I need to submit with my Compensation Form?**

In order to help claimants prepare their claim package, the Special Master has developed a document checklist found at the end of the Compensation Form. Please refer

to this checklist and the instructions for the Compensation Form for more information on documents that you need to submit.

**VICTIM COMPENSATION FUND FREQUENTLY ASKED QUESTIONS**  
(Updated July 11, 2002)

**Section 9 – Waiver/Certification**

**9.1 What does it mean to waive rights to file a lawsuit?**

- **If you are an injured Victim**, you will, once your claim is submitted and deemed substantially complete, waive your right to file a lawsuit against any entity seeking compensation for the injury sustained by the September 11 attacks. This waiver does not apply to a civil action to recover collateral source obligations or to a civil action against any person who is a knowing participant in any conspiracy to hijack any aircraft or commit any terrorist act.
  
- **If the Victim is deceased**, the claimant will waive his or her rights to file an action seeking compensation for the Victim's death. . This waiver does not apply to a civil action to recover collateral source obligations or to a civil action against any person who is a knowing participant in any conspiracy to hijack any aircraft or commit any terrorist act. The statute may be interpreted to mean that the submission of a claim for a deceased Victim will waive the rights of other beneficiaries of that Victim to file a lawsuit.

**9.2 Whose rights are waived by filing a claim?**

The claimant's rights are waived. The statute may be interpreted to mean that the submission of a claim for a deceased Victim will waive the rights of other beneficiaries of that Victim to file a lawsuit

**9.3 If I apply for compensation for an Advance Benefit, do I give up my rights?**

Yes, once you submit the Eligibility and Application for Advance Benefits part of the new Compensation Form (or the previously published Eligibility Form and Application for Advance Benefits) and it is deemed substantially complete you will have waived your rights. The Act provides that upon the submission of a claim under the Fund, the claimant waives the right to file a civil action (or to be a party to an action) in any Federal or State court for damages sustained as a result of the terrorist-related aircraft crashes of September 11, 2001, except that this limitation does not apply to civil actions to recover collateral source obligations or to a civil action against any person who is a knowing participant in any conspiracy to hijack any aircraft or commit any terrorist act.

**9.4 When do I give up my rights to file other claims in court?**

You waive your rights once your submission of a claim is deemed substantially complete based on the determination of a Claims Evaluator. If you apply for an Advance Benefit and the Special Master determines that you have submitted a substantially complete Eligibility and Application for Advance Benefits part of the new Compensation Form (or



the previously published Eligibility Form and Application for Advance Benefits) you will have been deemed to have filed claim and will be giving up your rights to bring a lawsuit.

If you do not request Advance Benefits, you will be deemed to have filed and will be giving up your rights to bring a lawsuit if the Special Master determines you have submitted a substantially complete Personal Injury Compensation Form or Compensation Form for Deceased Victims, as well as the Eligibility and Application for Advance Benefits (form or part).

**9.5 Will submission of a claim to the Fund affect other benefits I get?**

That will depend on the particular benefit program. You should check with the administrators of the programs from which you receive benefits. If you are receiving workers compensation benefits, you should check with your carrier or union or employer to make sure you have obtained all the necessary information, agreements or waivers.

**9.6 Is a notice of claim or intent filed with the Port Authority, the City of New York, or a Workers' Compensation carrier considered a civil action that would bar a claim with the Victim Compensation Fund?**

No. A notice of claim or intent filed with the Port Authority, the City of New York, or a Workers' Compensation carrier does not constitute a civil action in federal or state court. If you have filed such notices, you may still file a claim with the Victim Compensation Fund. However, if you proceed with a lawsuit (or are made a party to a lawsuit) in state or federal court for damages as a result of the crashes, you will not be able to claim from the Victim Compensation Fund, unless it is a civil action to recover collateral source obligations or a civil action against any person who is a knowing participant in any conspiracy to hijack any aircraft or commit any terrorist act.

**9.7 I've filed a claim, and one of my family members objected because he wants to file a lawsuit. Will my claim be processed?**

The Fund will process the claim if it is filed by an eligible personal representative and that claimant is not a party to an action in state or federal court seeking damages as a result of the September 11<sup>th</sup> terrorist attacks and if there is no legitimate objection to the claim. We cannot advise on how the court will address the issue of waiver or whether the family member will be permitted to pursue a lawsuit.

**9.8 Q&As Regarding Lawsuits Against Terrorist Conspiracy Participants**

**Question A**

**Q:** If I file a claim under the Fund, may I also file or be a party to a lawsuit against someone who "is a knowing participant in any conspiracy to hijack any aircraft or commit any terrorist act?"

**A: Yes.**

### **Question B**

**Q: What happens if I file a claim with the Fund and also file a lawsuit against someone who is not a "knowing participant in any conspiracy to hijack any aircraft or commit any terrorist act?"**

**A: Section 405(c)(3)(B)(i) states that a claimant to the Fund "waives the right to file a civil action (or to be a party to an action) in any Federal or State court for damages sustained as a result of the terrorist-related aircraft crashes of September 11, 2001," and makes exceptions only for lawsuits "to recover collateral source obligations" and lawsuits against a defendant that is a "knowing participant in any conspiracy to hijack any aircraft or commit any terrorist act." If you file a claim with the Fund and also file a lawsuit against someone who is not a "knowing participant in any conspiracy to hijack any aircraft or commit any terrorist act," you are still eligible for compensation from the Fund, but your lawsuit will be dismissed. This rule applies regardless of whether you file your claim with the Fund before or after filing the lawsuit.**

### **Question C**

**Q: Who will decide whether a defendant is in fact a "knowing participant in any conspiracy to hijack any aircraft or commit any terrorist act?"**

**A: In all cases, regardless of whether you file your claim with the Fund before or after filing the lawsuit, the court will decide the issue whether a defendant is a "knowing participant in any conspiracy to hijack any aircraft or commit any terrorist act." If the court determines that the plaintiff has submitted a claim to the Fund and that a defendant is not a "knowing participant in any conspiracy to hijack any aircraft or commit any terrorist act," then it must dismiss the lawsuit against that defendant (unless the lawsuit is one to recover collateral source obligations).**

**VICTIM COMPENSATION FUND FREQUENTLY ASKED QUESTIONS**  
**(Updated January 21, 2004)**

**Section 10 –Application Process**

**10.1 How does the process work?**

The regulations provide claimants with a choice of two Procedural Options: Track A or Track B.

- If a claimant selects **Track A**, the Claims Evaluator and Special Master's office will review the claim, determine eligibility and determine if the claim is substantially complete. The Special Master will then send a letter to the claimant stating that the claim is substantially complete. Subsequently, the Special Master will notify the claimant in writing of the eligibility determination, the amount of the presumed award, and the right to request a hearing before the Special Master or his designee. After an eligible claimant has been notified of the presumed award, the claimant may either accept the presumed compensation determination as the final determination and request payment, or may instead request a hearing before the Special Master or his designee. PricewaterhouseCoopers, as claims administrators assisting the Special Master, will not conduct hearings. Any preliminary meeting(s) the claimant had to ask questions or review his or her claim does not constitute a hearing. If a claimant opts for a hearing, the claimant may make supplemental submissions. The Special Master may alter or modify the award if the presumed award was calculated erroneously, or if the claimant demonstrates extraordinary circumstances indicating that the presumed award does not adequately address the claimant's injury. There will be no further review or appeal from this determination.
  
- If the claimant selects **Track B**, a Claims Evaluator and Special Master will review the claim and determine eligibility. The Special Master will then send a letter to the claimant stating that the claim is substantially complete. Subsequently, the Special Master will notify the claimant in writing of the eligibility determination. Upon notification of eligibility, the claimant will proceed to a hearing. Hearings may be decided on the papers, telephonically, or in person. PricewaterhouseCoopers, as claims administrators assisting the Special Master, will not conduct hearings. Any preliminary meeting(s) the claimant had to ask questions or review the claim does not constitute a hearing. At the hearing, the Special Master or his designee will utilize the presumed award methodology, but may modify or vary the award if the claimant presents extraordinary circumstances not adequately addressed by the presumed award methodology. There shall be no review or appeal from this determination.

**10.2 When should I file the forms?**

You can file the forms at any time up until two years after the date of the Interim Final Rule. The Interim Final Rule was effective on December 21, 2001. This means you must file on or before December 22, 2003.

### **10.3 What is required to comply with the “notice” provision of the Compensation Form for Deceased Victims?**

The notice provision requires the claimant to complete a separate “Notice of Filing of Claim” (attached as Exhibit A, to the Compensation Form for Deceased Victims) for each person who you are required to provide notice to. If you are a Personal Representative applying for Advance Benefits, you must check the box at the bottom of Exhibit A so that those being notified know that you are applying for Advance Benefits.

The claimant must either personally deliver a copy of the completed Notice or send a copy of the Notice by certified mail, return receipt requested to each such person.

Those persons to whom notice must be provided are:

- The immediate family of the decedent including, but not limited to, the decedent’s spouse, former spouses, children, other dependents, siblings, and parents;
- The executor, administrator, and beneficiaries of the decedent’s will and life insurance policies; and
- Any other persons who may reasonably be expected to assert an interest in an award or have a cause of action to recover damages relating to the wrongful death of the decedent.

When submitting the Compensation Form to the Special Master, the Personal Representative must also attach a completed copy of Exhibit B, “List of Individuals Notified of Claim Filing.” This lists each individual provided with the Notice, their relationship to the decedent, their address and Social Security Number (if available) and the manner in which the Notice was communicated to each recipient.

### **10.4 What if I need more space to write or have more documents to send?**

You may attach additional pages if you need more space for your answers. You may also attach any additional documents you wish to provide. Please remember to put the Victim’s Social Security Number or national identification number on each page. For deceased Victims, the Personal Representative’s SSN or national identification number must also be on each additional page.

### **10.5 How will I know that my claim has been received?**

You will be notified by mail.

### **10.6 How will I know that my Compensation Form is complete?**

You will receive a letter that your claim is “substantially complete” and that the 120-day review timetable begins.

### **10.7 How can a Personal Representative get copies of federal tax returns for a decedent?**

The "Request for Copy or Transcript of Tax Forms" is found on IRS Form 4506. Requesters other than the taxpayer will also need to submit another form. This will either be a "Power of Attorney and Declaration of Representative" found on Form 2848 or a "Notice Concerning Fiduciary Relationship" found on Form 56. The IRS has a toll free number, 800-829-1040, available for any questions. The IRS website can be accessed at [www.irs.gov](http://www.irs.gov). All of the forms discussed above are available from the IRS website.

In addition, the Internal Revenue Service (IRS) is providing special help for those affected by the September 11th terrorist attacks, as well as the survivors and Personal Representatives. The IRS has set up a special toll-free number for people who may have trouble filing or paying their taxes because they were affected by the terrorist attacks, or for people who have other tax issues related to the attacks. Call 1-866-562-5227 Monday through Friday, 7:00 am to 10:00 pm local time for English, 8:00 am to 9:30 pm local time for Spanish.

### **10.8 What happens after I submit the Compensation Form?**

First, you will be notified that your Compensation Form has been received. Next, the Special Master will review your package to ensure it is complete (you will be advised of any deficiency in your form and of any required documentation that is missing). Claims assistance will be available to you by calling the Helpline at [removed] or by visiting one of the Claims Assistance Sites. Once your package is complete, we will determine the amount of your award or conduct a hearing depending on the track you select.

### **10.9 When will the Special Master make his determination on my claim?**

The Special Master will issue a determination no later than 120 days after it is determined that either the "Personal Injury Compensation Form" or the "Compensation Form for Deceased Victims" is substantially complete.

### **10.10 What is the difference between Track A and Track B?**

The regulations provide claimants with a choice of two Procedural Options: Track A or Track B. Regardless of what Track is chosen, the claimant can get an eligibility determination before his/her claim is deemed substantially complete and they receive the substantially complete letter.

- If a claimant selects **Track A**, the Claims Evaluator and Special Master's office will review the claim, determine eligibility and determine if the claim is substantially complete. The Special Master will then send a letter to the claimant stating that the claim is substantially complete. Subsequently, the Special Master will notify the claimant in writing of the eligibility determination, the amount of the presumed award, and the right to request a hearing before the Special Master or his designee. After an eligible claimant has been notified of the presumed award, the claimant may either accept the presumed compensation determination as the final determination and request payment, or may instead request a hearing before the Special Master or his designee. PricewaterhouseCoopers, as claims administrators assisting the Special Master, will not conduct hearings. Any preliminary

meeting(s) the claimant had to ask questions or review his or her claim does not constitute a hearing. If a claimant opts for a hearing, the claimant may make supplemental submissions. The Special Master may alter or modify the award if the presumed award was calculated erroneously, or if the claimant demonstrates extraordinary circumstances indicating that the presumed award does not adequately address the claimant's injury. There will be no further review or appeal from this determination.

If the claimant selects **Track B**, a Claims Evaluator and Special Master will review the claim and determine eligibility. The Special Master will then send a letter to the claimant stating that the claim is substantially complete. Subsequently, the Special Master will notify the claimant in writing of the eligibility determination. Upon notification of eligibility, the claimant will proceed to a hearing. Hearings may be decided on the papers, telephonically, or in person. PricewaterhouseCoopers, as claims administrators assisting the Special Master, will not conduct hearings. Any preliminary meeting(s) the claimant had to ask questions or review the claim does not constitute a hearing. At the hearing, the Special Master or his designee will utilize the presumed award methodology, but may modify or vary the award if the claimant presents extraordinary circumstances not adequately addressed by the presumed award methodology. There shall be no review or appeal from this determination.

#### **10.11 Can someone other than the Personal Representative submit information?**

The regulations provide that any interested party may make a submission with respect to any Victim even if that person is not the Personal Representative. Individuals other than the PR will also need to complete a Statement of Interest Form for each submission. Please call the Helpline at [removed] to request this form.

#### **10.12 Will claimants be notified if any objection is filed against their claim?**

Yes. We will inform the claimant of the objection.

#### **10.13 How do I submit supplemental information to a claim I already filed?**

- For **deceased Victims**, write Victim's Social Security Number and Personal Representative Social Security Number on all documents, and include your claim number.
- For **physically injured Victims**, write the Victim's Social Security Number and your claim number on all documents.
- Mail documents to the following:
- (Regular mail) Victim Compensation Fund P.O. Box 18698 Washington, DC 20036-8698
- (Overnight mail) Victim Compensation Fund 1900 K Street, NW, Suite 900, Washington, DC 20006, [removed]

Please note: The Fund will mail you an acknowledgement approximately four to six days after the supplemental material has been received.

**10.14 If the Victim's spouse decides not to participate in the program and decides not to sue the airlines, can another member of the family file with the fund?**

Yes, if that person can be appointed as a Personal Representative.

**10.15 When submitting a claim, is it necessary for me to provide all back up and supporting documentation?**

Yes, it is imperative that you provide sufficient back up and supporting documentation when you submit a claim. This applies to the checklist items you may or may not need to submit (this will vary from claimant to claimant) in Part IV of the Death and Personal Injury Compensation Forms and any other supporting documentation you submit to support your claim.

**For example, if you provide an economist report on projected future earnings of a decedent, we would like to see all supporting schedules that document your assumptions along with detailed calculations and analysis. Without sufficient back up and supporting documentation, the Special Master may not be able to understand your approach, conclusion(s), and recommendation(s), thus, not affording him the opportunity to properly review your claim.**

If you do not provide sufficient supporting documentation as described above, the processing of your claim could be delayed.

**10.16 Can I create an electronic Death or Personal Injury compensation form so that I can use my computer to enter the information requested right onto the electronic version the form(s)?**

Yes. However, if you create an electronic Death Compensation and Personal Injury compensation form for claim submission, they should only be used to capture information requested on the forms. You still need you to send in the signature pages from the original forms as part of your claim submission.

Please note that if you do decide to create and use your own electronic form for "on-line or computer " data entry, processing could be delayed because your form may impact our normal document scanning / intake process.

We offer an electronic form option that accommodates data entry right onto the Death and Personal Injury compensation forms that can then be downloaded, saved, and printed from your own personal computer. Please visit the relevant "Forms" section of this website to access the electronic forms.

You can obtain an original Death or Personal Injury compensation form from this website, a Claim Assistance Site, or the Help Line ([removed]).

### **10.17 What Can I Do to Expedite the Payment Process?**

There are several things claimants can do to expedite payments from the Fund:

- If you have a U.S. checking or savings account, direct deposit is faster than getting a check. Unfortunately, the Fund cannot make direct deposit payments to foreign bank accounts (see FAQ 5.62 or 6.10 for more details).
- Please provide the correct routing and account number – along with the correct bank name, address, and telephone number – for each individual who will receive payment via direct deposit. Please remember that the Fund can only pay into regular checking or savings accounts. The Fund cannot pay to money market accounts, brokerage accounts, or custodial accounts.
- Please provide the Social Security number (or national identification number) and date of birth for each individual who will receive payment from the Fund. The Fund needs this information to verify the identity of all individuals listed on the distribution plan.
- If payment is being made on behalf of a minor child, please provide the Fund information on which payment option you selected (see FAQ 5.61 for more details).

In addition, there may be a delay between when the final award amount is authorized and paid. On average, it takes the U.S. Treasury Department two-three weeks to process award payments.

### **10.18 What will happen if I submit only part of my application? Is there a deadline to complete the application?**

Yes, there is a deadline to submit the required information. This deadline is necessary to enable the prompt processing of claims.

After you submit your claim, it will be assigned to a case manager who will conduct an initial review. The case manager will send you an initial contact letter listing any missing items that will be needed to complete the processing of your claim. You will have **30 days** from the date of the letter to get the needed items back to us. Starting on September 1, 2003 claims submitted will be sent to valuation at the end of this 30-day period and will be evaluated using all the information in the file at that time. Please understand that some missing items (i.e., certain signatures and attestations, original Personal Representative papers) do not affect valuation but will prevent us from paying the claim. Other missing items, such as details regarding income or offsets may affect valuation. If additional information becomes available after the initial evaluation is complete, it can be considered either at the subsequent review stage or on appeal.

If you have already filed a claim prior to September 1, 2003 but have not submitted all the information and if you have received a letter advising you to provide the requested information within 30 days, it is most important that you provide any missing information regarding the victim's compensation first. If you have additional information to provide regarding the victim's compensation but do not think you can get it to us within the 30 days, please let us know. We



will defer the valuation until September 1, 2003 to enable you to get the information to us. You will also have the ability to supplement your file while it is in the review process and, as noted above, on appeal.

The Special Master has established this procedure to assist in the timely and orderly evaluation of claims. Although the Fund has to date attempted to give extensions to claimants, it is impossible to continue this policy in light of the upcoming program deadline. If you are having difficulty obtaining some information, please contact the Fund and we will assist in any way we can.

If you have additional questions, please feel free to contact your case manager or the Helpline ([removed]) for assistance.

**10.19 Is the January 22, 2004 a statutory deadline?**

The January 22, 2004 deadline has been established to ensure that we are able to process claims and issue payments in a timely manner.

**10.20 I cannot get everything you requested by the deadline listed in my contact letter or January 22, 2004 (whichever applies), can I get an extension?**

You do not need to request an extension. We will begin processing your claim the day after the deadline. First, you should send in any materials / documents you have or when you get them. Do not wait to gather all the materials. In many instances, we can proceed with your claim even if some documents are still missing. Second, make sure you send in a signature to authorize the Release of Information (e.g., Deceased Victim Compensation Form – Part III.a, pg. 15 or Personal Injury Victim Compensation Form - Part III.d, pg. 17) as soon as possible.

We will consider any information you submit while the claim is being processed, generally any time up until a Presumed Award letter is sent or a Track B hearing is held. You can also submit information before a hearing. Remember, send us what you have now or when you get it. For example, if you are only waiting on an economist report or some other type of specialized analysis before you submit your claim, please do not wait. The Special Master's Office does not review specialized data such as economist reports until the end of the process.

We intend to move claims forward and will consider the requested information when we receive it. The sooner you get it in the sooner we can put it with what you have already submitted for continued claim evaluation.

Given our approach to claims processing post January 22, 2004, it is imperative that you get all requested document to us as soon as possible to help us ensure efficient processing of your claim.

**10.21 I sent documents to you after January 22, 2004 will they be considered in the review of my claim?**

We will start processing claims on the day after the deadline we gave you in your letter or January 22, 2004 (whichever applies). Your claim will then be in processing mode. Once in this

mode, if you submit more information before you receive a Presumed Award letter or a Track B hearing, it will be considered. If you submit information after you receive a Presumed Award or an eligibility determination letter, we will consider it at that stage in the process. If you nearly have all of the requested information we need before the deadline in your letter or January 22, 2004 (whichever applies), but are waiting for one more piece of information before you send us all the information, do not wait. Just send us what you have at that time. For example, if you are only waiting on an economist report or some other type of specialized analysis before you submit your claim, please do not wait. The Special Master's Office does not review specialized data such as economist reports until the end of the process.

**VICTIM COMPENSATION FUND FREQUENTLY ASKED QUESTIONS**  
**(Updated March 18, 2004)**

**Section 11 – Structured Payments**

**11.1 I am interested in periodic payments. What are procedures do I have to follow? Is there a deadline to notify the Fund?**

Yes. On **October 28, 2003**, the U.S. Treasury Department and the Internal Revenue Service released **Revenue Ruling 2003-115** on this issue, which provides detailed information on the election of a periodic payment option. Please review the ruling before you decide to elect this option.

**General Rule**

Revenue Ruling 2003-115 clarifies and confirms the circumstances under which periodic payments from the Fund will be tax-free to a claimant. In part, the ruling states:

The Special Master allows a claimant to make an election to receive an award in the form of periodic payments instead of a lump sum payment. The claimant, however, must elect periodic payments before the Special Master issues the letter notifying the claimant that his or her claim is substantially complete. If a claimant who applies for advance benefits as provided by the Fund desires periodic payments, the claimant must elect periodic payments when he or she files the form applying for advance benefits. An election may not be revoked by the claimant.

**Election Deadlines**

You must indicate whether you may be interested in periodic payments by checking off “Yes” on the Periodic Payment Election Form included in your initial contact letter and sending it to the Fund. The Form is included in the Initial Contact Letter and should be mailed or faxed to the Fund within seven (7) days of the receipt of the letter. Failure to do so may waive your right to receive periodic payments.

You will have thirty (30) days from the date on the initial contact letter to submit a full periodic payment election to the Fund. Failure to do so may waive your right to receive periodic payments under the IRS Revenue Ruling because the claim will be deemed substantially complete.

**Form of Election**

You must submit your periodic payment election in writing. Your request for periodic payments must include all of the following:

1. The fact that you wish to receive periodic payments.

2. The name of each beneficiary who will get periodic payments, and the percentage of that beneficiary's award which will be used to fund the periodic payments (e.g. 75% of Jane Doe's award).
3. The claimant must choose the period of time over which the payments are to be made and the frequency of payments during that period. For example, a claimant may choose to receive his or her award in monthly payments over twenty years or in monthly payments over the claimant's lifetime. It is important to include start dates and end dates for the payments. Finally, all periodic payments must be of an equal amount unless the claimant specifies otherwise at the time he or she elects to receive periodic payments.

**Note:** Your election to receive periodic payments is **irrevocable**. However, the Fund retains the right to decline to make periodic payments. If the Fund decides not to make periodic payments for your claim, the award will be paid in a lump sum.

### **The Periodic Payment Agreement**

- If the Special Master has approved a periodic payment election submitted by a claimant, the claimant must take further steps to receive periodic payments.
- First, the claimant will receive an Award Letter and a Final Distribution Plan from the Fund indicating the present value of the total amount to be paid by the Fund.
- Second, the claimant should use the amounts included in the Final Distribution Plan to calculate the exact payment stream previously submitted to the Special Master.
- Third, the claimant should download the sample **Periodic Payment Agreement** available in the Forms section and use the exact payment stream to draft an appropriate periodic payment agreement. Please note: claimants and their representatives **SHOULD NOT ALTER** the terms, conditions, rights, obligations, liabilities, and guarantees contained paragraphs two through eleven of the sample Periodic Payment Agreement.
- Lastly, the claimant should submit the proposed periodic payment agreement to the Special Master for review and comments. The claimant should send one copy by mail to

**By regular mail:**  
Victim Compensation Fund  
P.O. Box 18698  
Washington, DC 20036-8698

**By overnight mail:**  
Victim Compensation Fund  
1900 K Street, NW  
Suite 900  
Washington, DC 20006  
[removed]

and the claimant should also send a copy by electronic mail to the following address:

[removed]

- The Special Master will issue the final periodic payment agreement to the claimant. The Special Master requires the personal representative, assignment company, and other relevant parties sign the agreement before returning the agreement to the Special Master. The claimant will have 2 weeks to return the Periodic Payment Agreement to the Special Master with all required signatures. An authorized representative of the United States government will sign the agreement last.

**11.2 How do I determine if the structured payout (“periodic payment”) option is right for my situation?**

Only you can determine whether a lump sum or a periodic payment is appropriate in your particular situation. For further information, you should review Revenue Ruling 2003-115 and consult with a tax adviser or lawyer.

**11.3 Who will administer structured payouts of my presumed award from the Fund?**

Ultimately, a life insurance company and an assignment company will administer the structured payout. They will be responsible for making periodic payments. The life insurance company must:

- be licensed to do business as an insurance company under the laws of any State;
- have a minimum of \$100,000,000 capital and surplus, exclusive of any mandatory security valuation reserve; and
- have one of the following “Financial Strength Rating” scores from two of the following rating organizations – A.M. Best Company (A+, A+g, A+p, A+r, A+s, A++, A++g, A++p, A++r, or A++s), Moody’s Investor Service (Aa3, Aa2, Aa1, or Aaa), Standard and Poor’s (AA-, AA, AA+, or AAA), Fitch (AA-, AA, AA+, or AAA).

**11.4 Does the entire award need to be paid either as a lump sum or through periodic payments?**

No. If you are interested in a structured payout for only a portion of the net award, you will need to tell the Fund how you would like each beneficiary to be paid – either as a lump sum or through periodic payments. For further information, you should review Revenue Ruling 2003-115 and consult with a tax adviser or lawyer.

**11.5 If I do not elect to receive periodic payments, how will I be paid?**

You will receive a lump sum payment from the Fund.

**11.6 I am interested in periodic payments, but do not know where to find information about assignment companies and life insurance companies. Are there resources available?**

It might be helpful to contact your life insurance company or financial planner in order to obtain more information about periodic payments.

There are also several private financial organizations that have volunteered to assist claimants. Please note that these organizations are not part of the Federal government, Special Master's Office, or the Victim Compensation Fund:

**The Financial Planning Association**

(800) 322-4237 Ext. 7138

(800) 647-6340

*Eligible Victims*

Families and businesses directly affected by the WTC, Pentagon, and Pennsylvania terrorist attacks.

*Assistance Offered*

General financial planning assistance on a pro bono basis.

**National Structured Settlements Trade Association**

(202) 466-2714

Provides names of brokers, casualty companies, and life insurance companies as well as general information about periodic payments.

**Metropolitan Life Insurance Company**

1-800-638-0051, ext. 2.

*Eligible Victims*

Claimants of the September 11th Victim Compensation Fund

*Assistance Offered*

Structured settlement payment program developed exclusively for claimants of the September 11th Victim Compensation Fund.

**9/11 United Services Group Financial Advice Referral Program**

Contact one or more of the following six members:

1-866-487-4297 American Express

1-800-403-5788 JP Morgan Chase

1-877-262-8297 Merrill Lynch

1-800-767-7359 Morgan Stanley

1-877-560-1809 Prudential Financial

1-866-248-9356 Salomon Smith Barney

*Eligible Victims*

Victims and families of the September 11th attacks.

*Assistance Offered*

Provides referrals to one of six financial institutions that will provide free financial education and planning. Includes pro bono financial plans. Investment advice, where possible, is available at preferential rates.

**11.7 I am interested in periodic payments for a minor. Do I need to demonstrate that I am the guardian of the minor in order for the minor to receive periodic payments?**

Yes. In order for a minor to receive periodic payments, an adult will have to be appointed by a court of competent jurisdiction as the guardian of the minor's property. This appointment is required for all children, even if there is a parent who is the natural guardian. You will need to submit a document demonstrating the appointment of a guardian of the minor's property before the Fund will issue the periodic payment agreement. If you fail to send in the appropriate guardian documentation or are unable to be appointed as guardian of the minor's property by a court of competent jurisdiction, you will receive your payment as a lump sum.

**11.8 When do I need to submit a distribution plan if I have elected to receive periodic payments?**

All claimants should submit a proposed distribution plan with their compensation form. If you have not done so and you have elected periodic payments, it is essential that you immediately submit a distribution plan. Failure to submit a distribution plan that can be approved by the Special Master before a final award is issued will delay funding and may even preclude a periodic payment election altogether.

**11.9 Can my periodic payment broker speak directly with the Fund concerning the details of my claim?**

Yes, however representatives of the Fund may not discuss the particulars of a claim with anyone unless the Personal Representative has given the Fund written authorization to do so. Thus, if you would like your broker to speak directly with the Fund on your behalf regarding periodic payments, you must send in a signed and notarized authorization.

**11.10 Will the Fund directly pay my broker or the assignment company in order to fund the periodic payments?**

The Fund will pay the assignment company the agreed-upon amount to fund the periodic payments.

**11.11 When will I know if payment has been made to the assignment company in order to fund the periodic payments?**

The Fund will be unable to provide any information to the broker or the claimant regarding when a payment has been made to the assignment company, because all payments are made at the discretion of the U.S. Department of the Treasury (a separate federal agency). It is the broker's responsibility to maintain contact with the assignment company in order to know when the funding of the periodic payments has occurred.

**11.12 What can I do to expedite the transfer of Funds from the U.S. Department of the Treasury to my chosen assignment company?**

There are several things claimants can do to expedite the periodic payment process from the Fund:

- Parties receive payments from the Fund via the U.S. Department of the Treasury. The U.S. Department of the Treasury can make payments only by check or ACH payment. ACH payment is much faster than receiving payment by check, but we cannot process the payment in this manner unless we have the relevant account information.
- When returning the signed agreement to the Office of the Special Master, please include the following information:
  - Name of the Assignment Company
  - Tax Identification Number of the Assignment Company
  - Name, Address and Phone Number of the Assignment Company's Bank
  - Routing Number and Account Number
- Failure to timely provide account information to the Fund will delay the periodic payment process.



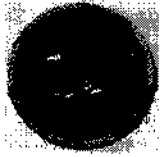


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# Exhibit F

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**U.S. Department of Justice**  
**Victim Compensation Fund**

ID. Box 18698  
 Washington, D.C. 20036-8698

Dear Objector:

In order for us to be able to evaluate your objection or statement of interest, please complete the information requested in the attached Objection/Statement of Interest Form, sign it, make a copy for your files, and mail the original signed form to the address shown above. Please send your **objection/statement of interest to us as soon as possible so it may be considered.** Please use the Objection/Statement of Interest Form below to facilitate this process. If your form is not sent to us in a timely manner, the claim you are objecting to or have an interest in may be processed before we receive your form, which at that time it will be withdrawn from consideration.

Before you complete the Objection/Statement of Interest Form, you should be aware of the following important points. Please read these carefully before you decide how you wish to proceed:

- **First**, only *one* claim is to be submitted on behalf of a deceased victim, and that claim is to be submitted by the person determined by the Special Master to be the “Personal Representative.”

The Special Master believes that, in most cases, this person should normally be the individual *appointed by a court* as the “executor” or “administrator” or the “Personal Representative” of the decedent’s will or estate. In certain instances, the Special Master does have discretion to designate the Personal Representative if the applicant is the person named in the decedent’s will as the executor or administrator, or if the applicant is the first person in the line of succession established by the laws of the state of the decedent’s domicile if the victim died without a will.

- **Second**, the Personal Representative who files a claim on behalf of a deceased victim is *not* necessarily the person who is entitled to the award. Rather, the Personal Representative is under an obligation to distribute the award in a *manner consistent with the law of the decedent’s domicile* or any applicable ruling made by a court of competent jurisdiction or as provided by the Special Master. For example, a surviving spouse appointed by a State court as Administrator of the estate may be the Personal Representative who submits a single claim under the Fund, but he or she is required to distribute any award to any other relatives or beneficiaries entitled to receive part of the award. In some cases, the Special Master may make provision for separate distributions to comply with an approved distribution plan. An example would be payments to a minor.
- **Third**, the regulations provide that the Personal Representative shall provide to the Special Master a plan for distribution of any award received from the Fund *before* final payment is authorized. Any third party may provide a suggestion regarding the distribution plan.

In the event the Special Master concludes that the Personal Representative’s plan for distribution does not appropriately compensate the victim’s spouse, children, or other relatives, the Special Master may direct the Personal Representative to distribute all or part

of the award to such spouse, children or other relatives.

- **Fourth**, if you were dependent on the victim, but not formally claimed on the victim's tax return you may be eligible for an additional award if you could have been claimed as dependent. The Special Master will use the Internal Revenue Service's definition of dependency to determine if you could have been claimed as dependent. Please refer to IRS Publication 501, Exemptions, Standard Deductions, and Filing Information, included with this letter, for more information on who qualifies as a dependent.
- **Fifth**, you should be aware that the Special Master is *not* required to arbitrate, litigate, or otherwise resolve any dispute as to the identity of the Personal Representative.

In the event of a dispute over the appropriate Personal Representative, the Special Master may suspend adjudication of the claim or, if sufficient information is provided, calculate the appropriate award and authorize payment, but hold any payment until the dispute is resolved either by agreement of the disputing parties or by a court of competent jurisdiction.

Alternatively, the disputing parties may agree in writing to the identity of a Personal Representative to act on their behalf, who may seek and accept payment from the Fund while the disputing parties work to settle their dispute.

After reviewing the above information, please complete the enclosed Objection/Statement of Interest Form indicating whether you still wish to proceed with an objection/statement of interest and, if so, the reason for your objection/statement of interest.

**Note:** If you wish to withdraw or limit an objection you should still complete and return the Objection/Statement of Interest Form indicating that you do not wish to object. You can instead complete a statement of interest to the Special Master setting forth, for example, your own particular circumstances, relation to the Victim, and/or interest in any award.

**Finally**, you will need to sign an authorization for release of information. Then, please mail or fax the completed form to the following address:

Via regular mail:

Victim Compensation Fund  
P.O. Box 18698  
Washington, DC 20036-8698

Via overnight mail:

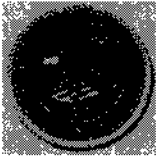
Victim Compensation Fund  
1900 K Street, NW Suite 900  
Washington, DC 20006  
202-822-4485

Fax – (703) 741-1273

Please contact the help line at 888-714-3385 if you have any questions.

**Paperwork Reduction Act Notice.**

An agency may not conduct or sponsor an information collection and a person is not required to respond to a collection of information unless it contains a currently valid OMB approval number. We try to create forms and instructions that are accurate, can be easily understood, and which impose the least possible burden on you. The estimated average time to complete and file this application is 2 hours. If you have comments regarding the accuracy of this estimate, or suggestions for making this form simpler, you can write to the Office of the Special Master, U.S. Department of Justice, 950 Pennsylvania Ave, NW, Washington, DC 20530; OMB No. 1105-0077.  
(Do not mail your completed form to this address.)



**Objection/Statement of Interest Form**

Person's Name: \_\_\_\_\_

Person's Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Person's Telephone Number(s): \_\_\_\_\_

Victim's Name: \_\_\_\_\_

Person's Relation to Victim: \_\_\_\_\_

Name of purported Personal Representative: \_\_\_\_\_

**I hereby formally withdraw any objection I have previously made to the filing of a claim by \_\_\_\_\_ on behalf of \_\_\_\_\_.**

If you do not object to the authority of the Personal Representative to file a claim, you may still submit a statement of interest to the Special Master. Check here if you are doing so.

**I object to the authority of \_\_\_\_\_ to act as the Personal Representative to file the claim with the Victim Compensation Fund on behalf of \_\_\_\_\_.**

The reason(s) for my objection are as follows: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ (Attach additional pages if necessary.)

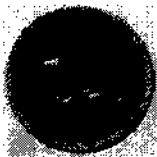
**I object to the filing of *any* claim on behalf of \_\_\_\_\_ with the Victim Compensation Fund.**

The reason(s) for my objection are as follows: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ (Attach additional pages if necessary.)

**I wish to provide a statement of interest to the Special Master with respect to my relationship to the victim, my interest in an award, any proposed distribution plan, or any other matter: \_\_\_\_\_**

\_\_\_\_\_ (Attach additional pages if necessary)

**I wish to claim that I qualify as dependent under the Internal Revenue Service's definition of dependency. I understand that I may have to submit additional documentation to support that I would have qualified as a dependent.**



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**Objection/Statement of Interest Form**

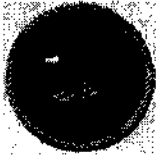
**I hereby certify that the information I provided in this form is true and accurate to the best of my knowledge. Further, I understand that false statements or claims made in connection with this form may result in fines, imprisonment, and/or any other remedy available by law to the Federal government.**

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**Signature**

**Privacy Act Notice**

The Department of Justice is authorized to collect this information by the September 11<sup>th</sup> Victim Compensation Fund of 2001, Title IV of Public Law 107-42, Stat.230 ("Air Transportation Safety and System Stabilization Act."). The information you submit in your objection/statement of interest is for official use by the U.S. Department of Justice for the purposes of determining the validity of your objection/statement of interest. Provision of this information is voluntary; however, failure to provide complete information may result in a denial of your objection/statement of interest. Information you submit regarding your objection/statement of interest may be disclosed by the Government only in accordance with the provisions of the Privacy Act.



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**Objection/Statement of Interest Form**  
**Authorization for Release of Information**

**Carefully read this authorization to release information, then sign and date it in ink.**

**I Authorize** the U.S. Department of Justice to obtain any information relating to my objection or statement of interest under the September 11<sup>th</sup> Victim Compensation Fund of 2001 (Compensation Fund) from individuals or other sources having information relating to my objection or statement of interest.

**I Further Authorize** the U.S. Department of Justice to disclose any records or information relating to my objection or statement of interest to: The Personal Representative who made the claim to which I am objecting; agency contractors assisting in the administration of the Compensation Fund; other federal, state, or local agencies; and other individuals or entities having information related to the objection or statement of interest.

**I Further Authorize** the U.S. Department of Justice to publish the name of the person who has filed this objection or statement of interest and the name of the victim to whom it relates.

**I Further Authorize** the release of information relating to my objection or statement of interest where such information indicates a violation or potential violation of law, including submission of fraudulent claims, to any civil or criminal law enforcement authority or other appropriate agency charged with responsibility of investigating or prosecuting such a violation.

**I Further Authorize** individuals having information pertinent to my objection or statement of interest to release such information to a duly accredited representative of the Department of Justice during the review of my objection or statement of interest to the Compensation Fund, regardless of any previous agreement to the contrary. Copies of this authorization that show my signature are as valid as the original release signed by me. This authorization is valid for five (5) years from the date signed or upon my written termination whichever is sooner.

**I Certify** that I am the person named below and I authorize the release of information listed above.

\_\_\_\_\_  
Name (please print first, middle and last)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date



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# Exhibit G

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# September 11th Victim Compensation Fund of 2001

Home

## Compensation for Deceased Victims

Compensation for Deceased Victims

How to Submit a Claim

Forms

Distribution Plan Information

Presumed Loss Calculation Tables

Award Payment Statistics

List of Claimants

FAQ

### Distribution Plan Information

The Personal Representative (PR) completes the Distribution Plan, found on page 13 of the Compensation Form for Deceased Victims. The PR must distribute the award according to state law. The PR will provide a proposed distribution plan to the Special Master for review prior to payment. The Special Master will then review the plan. If there is a will, then the distribution plan will usually follow the will for the estate, or non-economic, portion of the award. If there is no will, then the distribution plan will follow state intestacy law for the estate or non-economic portion of the award. The economic loss portion of the award will be distributed according to the state's wrongful death statute.

### There are three components of the VCF Compensation Award

**1. Non-Economic Award** – The \$250,000 presumed award on behalf of the victim is generally distributed in accordance with the victim's will, or in the absence of a will, state intestacy law.

- [Click here to view a Listing of State Laws](#)

[California](#)  
[Connecticut](#)  
[District of Columbia](#)  
[Maryland](#)  
[Massachusetts](#)

[New Jersey](#)  
[New York](#)  
[Pennsylvania](#)  
[Virginia](#)

**2. Non-Economic Awards for Dependents** – The \$100,000 additional non-economic award for each dependent is paid directly to the qualifying dependents. If there are dependents who are minor children, please see below for further guidance necessary to facilitate the payment of their awards.

- [Three Options for Payment to Minor Children](#)
- First, the entire award, including the minor child's award, can be paid to the personal representative. Under this option, a court will generally supervise the distribution of the award and take steps to safeguard the minor's portion of the award.

- Second, the minor child may receive benefits directly from the Fund. Under this option, a guardian must be appointed by a court of competent jurisdiction to receive an award directly on behalf of the child. Generally, it is a simple and relatively quick process for a natural or adoptive parent to be appointed a guardian. However, court supervision or a bond may be involved when a guardian is appointed.
- Third, if you are a natural or adoptive custodial parent of a minor, you may apply to receive benefits directly on behalf of the child as a "representative payee." As a representative payee, you assume full responsibility for ensuring that the award to the child is spent for the child's current needs, and, if not currently needed, saved for the child's future needs. Court supervision or bonding is not required. However, you are still obliged - like a trustee - to ensure that funds are used in the child's best interest. This includes a duty to prudently invest funds, maintain separate accounts, and maintain records. If you would like to apply to become a representative payee, please complete and submit the [Application for Representative Payee form](#). By completing the form, you agree to receive the funds in a separate account for each child and to perform the responsibilities of a representative payee.

**3. Economic Loss Award** – The wrongful death law of the state of the victim's domicile generally governs the distribution of the economic loss portion of the award.

- [Click here to view a Listing of State Laws](#)

[California](#)  
[Connecticut](#)  
[District of Columbia](#)  
[Maryland](#)  
[Massachusetts](#)

[New Jersey](#)  
[New York](#)  
[Pennsylvania](#)  
[Virginia](#)

If all parties eligible for the wrongful death portion of the award agree to an alternative distribution plan, the Personal Representative may submit to the Fund proof that the alternative plan has been consented to by the PR and all other inclusive parties. Please note that money for minor children cannot be redistributed to other parties.

- [Click here for an example of a Consensual Distribution Plan Situation](#)

Example: A married victim domiciled in New York without any children and with surviving parents.

With respect to the non-economic award for this claim, the \$250,000

presumed award is generally distributed in accordance with the victim's will, or in the absence of a will, state intestacy law. (New York intestacy law provides that the spouse is the sole beneficiary when there are no children). The \$100,000 additional non-economic award is paid directly to the victim's spouse.

Wrongful death law generally governs the distribution of the economic portion of the award. Under New York wrongful death law, when a decedent is survived by only a spouse and parent(s), the victim's parents may also be entitled to a portion of the economic award to the extent that the parents have suffered a pecuniary loss. See generally N.Y. Est. Powers & Trusts Law § 5-4.4(a)(McKinney 2002). Pecuniary loss in New York is defined broadly and may include cases where the parent is not dependent, but may reasonably expect support from the decedent in the future. The amount, if any, of an economic loss award that a parent may be entitled to under New York wrongful death law is a fact-based decision that depends on the unique family circumstances of each case.

As a result, the economic loss portion of the award will be deposited in the estate's account and overseen by the surrogate court to be distributed according to New York law. Any dispute would be settled by the surrogate court.

To expedite payment, the PR may also send the Fund proof of a plan of distribution that has been consented to by the victim's parent or parents. The Fund may approve direct payments of the entire award after receiving a written consensual plan, signed and notarized by both the PR and the decedent's parent(s).

**If any dispute should arise that cannot be resolved, the Fund would release the payment of the award to a court supervised account and the dispute would be settled by the appropriate surrogate court.**

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This page was last updated on 05/08/2003 07:14:06

## Summary of State Wrongful Death and Intestacy Statutes

State	Wrongful Death Laws Economic Portion of the Presumed Award	Priority Under Intestate Laws	Intestacy Laws When there are Children of Different Generations (ie. grandchildren)
California	<p>Damages are distributed to the class of people described below, in proportion to pecuniary loss.</p> <p>(1) The surviving spouse, domestic partner, children and issue of deceased children, or if there are no surviving issue of the victim, persons who would be entitled to recover by intestate succession, including the surviving spouse.</p> <p>(2) Whether or not qualified above, the putative spouse,* children of the putative spouse, stepchildren or parents, as long as they were dependent on the victim for necessities -- such as shelter, clothing, food and medical treatment.</p> <p>(3) A minor, whether or not qualified above, if at the time of the victim's death, the minor resided for the previous 180 days in the victim's household and was dependent on the victim for ½ or more of the minor's support.</p> <p>Pecuniary loss is defined by the California Wrongful Death statute and cases defining that statute.</p> <p>See Cal. Civ. Proc. § 377.60 (2002).</p>	<p>Spouse automatically gets 1/2 of recovery to the estate, unless legally separated. The rest is divided as follows:</p> <ol style="list-style-type: none"> <li>1. Spouse and no children, parents, brothers, sisters or their descendants of a deceased brother or sister – spouse takes all.</li> <li>2. Spouse and one child -- spouse takes 1/2 and the remainder goes to the child or the issue of a deceased child.</li> <li>3. Spouse and two or more children – spouse takes 1/3 of the intestate, when the victim leaves more than one child, when the victim leaves one child and the issue of one or more deceased children, or if the victim leaves issue of two or more deceased children. The remaining portion goes to children of the victim equally, as long as they are in the same generation</li> <li>4. Spouse and parents or brothers and sisters, but no children-- spouse takes half, the remaining portion goes to the victim's parents, and if there are no parents, to the children of the parents equally, as long as they are in the same generation.</li> <li>5. Children and parents, no spouse – All shares go to children of the victim equally, as long as they are in the same generation.</li> <li>6. Parents, no children or spouse -- victim's parents take all. If there are no parents, the children of the parents take equally, as long as they are in the same generation.</li> </ol> <p>See Ca. Prob. Code §§ 6401, et. seq.</p>	<p>The estate is divided into as many shares as there are living members of the nearest generation of children, including deceased children in the same generation who left behind children. Each surviving heir in the nearest generation to the victim receives one share and the share of each deceased person in the same generation is divided among his or her descendants in the same manner.</p> <p>See Ca. Prob. Code §§ 6401, et. seq.</p>

\* The "putative" spouse is the surviving spouse of a void marriage or voidable marriage who is found by the court to have believed in good faith that the marriage to the victim was valid.

This is a general summary. It is only meant to provide information to personal representatives regarding relevant state law in order to guide them in devising plans for distributions that are consistent with state law. It does not include distributions when none of the relatives set forth in these charts is alive. Calculation of the total award is determined by the Fund's regulations. This is not a substitute for state law, and to the extent state law varies with this chart, state law controls. For more information, an attorney familiar with state statutes and case law should be consulted.

## Summary of State Wrongful Death and Intestacy Statutes

State	Wrongful Death Laws Economic Portion of the Presumed Award	Intestacy Laws Priority Under Intestate Laws	When there are Children of Different Generations (ie. grandchildren)
Connecticut	<p>Damages are distributed to the class of people defined by the will or, if there is no will, in accordance with the intestate laws.</p> <p>See Conn. Gen. Stat. § 45a-448(b) (2002).</p>	<ol style="list-style-type: none"> <li>1. Spouse and no children or parent -- the whole estate goes to the spouse.</li> <li>2. Spouse and parent (but no children) -- first \$100,000 and 3/4 of the estate goes to the spouse. The remainder is divided equally among the parents.</li> <li>3. Spouse and children -- spouse takes 1/2 the estate. If the children are also the spouse's, the spouse also takes \$100,000. If they are not, spouse only takes 1/2. Whatever remains is divided equally among the children in the same generation.</li> <li>4. Children, no spouse --- shares are divided equally among the children in the same generation.</li> <li>5. No spouse or children -- shares are divided equally among the parents.</li> <li>5. No children, parents, or spouse-- shares go to brothers and sisters or descendants. Shares are divided equally if takers are in the same generation. If there are no brothers and sisters, then to the "next of kin in equal degree."</li> </ol> <p>See Conn. Gen. Stat. §§ 45a-437, et. seq. (2002).</p>	<p>The estate is divided into as many shares as there are living members of the nearest generation of children, including deceased children in the same generation who left behind children. Each surviving heir in the nearest generation to the victim receives one share and the share of each deceased person in the same generation is divided among his or her descendants in the same manner.</p> <p>See Conn. Gen. Stat. §§ 45a-437, et. seq. (2002).</p>

This is a general summary. It is only meant to provide information to personal representatives regarding relevant state law in order to guide them in devising plans for distributions that are consistent with state law. It does not include distributions when none of the relatives set forth in these charts is alive. Calculation of the total award is determined by the Fund's regulations. This is not a substitute for state law, and to the extent state law varies with this chart, state law controls. For more information, an attorney familiar with state statutes and case law should be consulted.

## Summary of State Wrongful Death and Intestacy Statutes

State	Wrongful Death Laws Economic Portion of the Presumed Award	Priority Under Intestate Laws	Intestacy Laws When there are Children of Different Generations (ie. grandchildren)
District of Columbia	<p>Damages are distributed to those eligible to recover under intestate law, in proportion to their pecuniary loss.</p> <p>Pecuniary loss is defined by the DC Wrongful Death statute and cases interpreting that statute.</p> <p>See D.C. Code Ann. § 16-2703 (2000)</p>	<ol style="list-style-type: none"> <li>1. Spouse and no children or parent -- entire estate goes to the spouse.</li> <li>2. Spouse and children -- spouse takes 2/3 or 1/2 of the estate. If the children are also the spouse's, the spouse 2/3. If they are not, spouse only takes 1/2. Whatever remains is divided equally among the children, as long as they are in the same generation.</li> <li>3. Spouse and no children, but a parent -- 3/4 of the estate to the spouse. Parents divide the remainder equally.</li> <li>4. No children or spouse -- shares are divided equally between the parents.</li> <li>5. No parents, children, or spouse -- the brothers and sisters (or their descendants) take the remainder.</li> </ol> <p>See D.C. Code Ann. §§ 19-301, et. seq. (2000)</p>	<p>The property is divided into as many equal shares as there are children of the victim who survive the victim and children of the victim who did not survive the victim but had children who did.</p> <p>Each child of the victim who did survive receives one share and the surviving issue of each child of the victim who did not survive divide one share.</p>

This is a general summary. It is only meant to provide information to personal representatives regarding relevant state law in order to guide them in devising plans for distributions that are consistent with state law. It does not include distributions when none of the relatives set forth in these charts is alive. Calculation of the total award is determined by the Fund's regulations. This is not a substitute for state law, and to the extent state law varies with this chart, state law controls. For more information, an attorney familiar with state statutes and case law should be consulted.

## Summary of State Wrongful Death and Intestacy Statutes

State	Wrongful Death Laws Economic Portion of the Presumed Award	Priority Under Intestate Laws	Intestacy Laws When there are Children of Different Generations (ie. grandchildren)
Maryland	<p>Damages are distributed to the class of people described below, in proportion to their pecuniary loss.</p> <p>Pecuniary loss is defined by the Maryland Wrongful Death Statute and cases defining the statute.</p> <p>The spouse, child and parent may recover lost financial support.</p> <p>If there is no spouse, child, or parent, then any person who is related by blood or marriage to the victim and who was substantially dependent upon the victim may bring the action.</p> <p>See Md. Cts. &amp; Jud. Proc. § 3-904 (2000).</p>	<ol style="list-style-type: none"> <li>1. A spouse and minor children (does not include stepchildren) -- spouse receives ½ of the estate, minor children share remaining 1/2.</li> <li>2. A spouse and all adult children (not including stepchildren) -- spouse receives \$15,000 plus 1/2 of remaining estate, adult children divide the remaining share of the estate (the interest of a predeceased child passes to issue of that child).</li> <li>3. Children only -- children (does not include stepchildren) divide estate equally among children in the same generation.</li> <li>4. A spouse and parents -- spouse receives \$15,000 plus 1/2 of remaining estate, both parents divide the balance or surviving parent receives the balance.</li> <li>5. A spouse without other heirs listed above -- entire estate passes to spouse.</li> <li>6. Parents without heirs listed above -- both parents divide entire estate or surviving parent takes all.</li> <li>7. Brothers and/or sisters without other heirs listed above -- brothers and/or sisters divide estate equally (share of a deceased sibling goes to his or her issue—nieces and nephews of the victim).</li> </ol> <p>See Md. Code Ann., Est. &amp; Trusts § 3-102, et. seq. (2002).</p>	<p>The property is divided into as many equal shares as there are children of the victim who survive the victim and children of the victim who did not survive the victim but had their own children who did.</p> <p>Each child of the victim who did survive receives one share and the surviving issue of each child of the victim who did not survive divide one share.</p> <p>See Md. Code Ann., Est. &amp; Trusts § 3-102, et. seq. (2002).</p>

This is a general summary. It is only meant to provide information to personal representatives regarding relevant state law in order to guide them in devising plans for distributions that are consistent with state law. It does not include distributions when none of the relatives set forth in these charts is alive. Calculation of the total award is determined by the Fund's regulations. This is not a substitute for state law, and to the extent state law varies with this chart, state law controls. For more information, an attorney familiar with state statutes and case law should be consulted.



## Summary of State Wrongful Death and Intestacy Statutes

State	Wrongful Death Laws Economic Portion of the Presumed Award	Intestacy Laws Priority Under Intestate Laws	Intestacy Laws When there are Children of Different Generations (ie. grandchildren)
Massachusetts	<p>Damages are distributed to the class of people described below, in proportion to their pecuniary loss.</p> <ol style="list-style-type: none"> <li>1. If the deceased was survived by a spouse and no children, then all to the surviving spouse.</li> <li>2. If the victim was survived by a spouse and by one child or by the issue of one deceased child, then 1/2 to the surviving spouse and 1/2 to the child or descendants.</li> <li>3. If the deceased was survived by a spouse and by more than one child, then 1/3 to surviving spouse and 2/3 to the surviving children or grandchildren.</li> <li>4. If there is no surviving spouse, then to the "next of kin" as defined by the laws of intestate succession.</li> </ol> <p>Pecuniary loss is defined by the Massachusetts Wrongful Death statute and cases interpreting that statute.</p> <p>See Mass. Gen. Laws Ann. ch. 229, § 1 (2000).</p>	<ol style="list-style-type: none"> <li>1. Spouse, no children, but other relatives -- the spouse takes the first \$200,000, and 1/2 of the remainder of the estate. Next of kin takes balance.</li> <li>2. Spouse and children -- spouse takes 1/2 and children take balance.</li> <li>3. Spouse with no children or relatives -- the surviving spouse takes all.</li> <li>4. Children, no spouse-- The whole to the children in equal shares divided equally among those in the same generation.</li> <li>5. No spouse or children -- the parents take equal shares of the estate.</li> <li>6. No spouse, children or parents -- shares then proceed to the brothers and sisters or descendants of deceased siblings divided equally among those in the same generation.</li> <li>7. No one listed above -- Whoever is the next closest in kinship, takes all.</li> </ol> <p>See Mass.Gen. Laws .Ann. ch. 190, §§ 1, et. seq. (2002).</p>	<p>The estate is divided into as many shares as there are living members of the nearest generation of children, including deceased children in the same generation who left behind children. Each surviving heir in the nearest generation to the victim receives one share and the share of each deceased person in the same generation is divided among his or her descendants in the same manner.</p> <p>See Mass.Gen. Laws .Ann. ch. 190, §§ 1, et. seq. (2002).</p>

This is a general summary. It is only meant to provide information to personal representatives regarding relevant state law in order to guide them in devising plans for distributions that are consistent with state law. It does not include distributions when none of the relatives set forth in these charts is alive. Calculation of the total award is determined by the Fund's regulations. This is not a substitute for state law, and to the extent state law varies with this chart, state law controls. For more information, an attorney familiar with state statutes and case law should be consulted.

## Summary of State Wrongful Death and Intestacy Statutes

State	Wrongful Death Laws Economic Portion of the Presumed Award	Priority Under Intestate Laws	Intestacy Laws When there are Children of Different Generations (ie. grandchildren)
New Jersey	<p>Damages are distributed to those eligible to recover under intestate law, in proportion to their pecuniary loss.</p> <p>Pecuniary loss is defined by the New Jersey Wrongful Death statute and cases interpreting the statute.</p> <p>See N.J. Stat. Ann. § 2A: 31-4 (2002).</p>	<ol style="list-style-type: none"> <li>1. Spouse and no parents or children-- everything to spouse.</li> <li>2. Spouse and children - spouse takes the first \$50,000 plus ½ of the balance of the estate if the children are also the spouse's. If they are not, spouse only takes ½ of the estate. Remainder is divided equally among the children in the same generation.</li> <li>3. Spouse and parents (no children) - spouse takes the first \$50,000 plus ½ of the balance of the estate. Remainder is divided equally among parents.</li> <li>4. No children but parents -- parents share equally.</li> <li>5. No parents -- the parent's children take all (i.e. brothers and sisters or their descendants). Shares are divided equally among the children in the same generation.</li> </ol> <p>See N.J. Stat. Ann. § 3B: 5-3 (2002).</p>	<p>The estate is divided into as many shares as there are living members of the nearest generation of children to the victim, including deceased children in the same generation who left behind children. Each surviving heir in the nearest generation to the victim receives one share and the share of each deceased person in the same generation is divided among his or her descendants in the same manner.</p> <p>See N.J. Stat. Ann. § 3B: 5-3 (2002).</p>

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State	Wrongful Death Economic Portion of the Presumed Award	Priority Under Intestate Laws	Intestacy When there are Children of Different Generations (i.e. grandchildren)
New York	<p>Damages are distributed to those eligible to recover under intestate law, in proportion to their pecuniary loss, <u>except</u> that when there is a surviving spouse and parents, but no children (or grandchildren), the parents will also recover in proportion to their pecuniary loss.</p> <p>Pecuniary loss is defined by the New York Wrongful Death statute and cases interpreting the statute.</p> <p>See N.Y. Est. Powers &amp; Trusts Law § 5-4.1 (McKinney 2002)</p>	<ol style="list-style-type: none"> <li>1. A spouse and no children-- the whole to the spouse.</li> <li>2. A spouse and children-- \$50,000 and 1/2 of the balance of the estate to the spouse, and the remainder divided equally among the children as long as they are in the same generation.</li> <li>3. Children and no spouse -- the whole to the children, divided equally as long as they are in the same generation.</li> <li>4. One or both parents and no spouse and no children -- the whole to the surviving parent or parents.</li> <li>5. Parent's children (brothers, sisters, or their children) and no spouse, children or parent -- the whole to the parent's children, divided equally as long as they are in the same generation.</li> </ol> <p>See N.Y. Est. Powers &amp; Trusts Law § 4-1.1 (McKinney 2002)</p>	<p>In New York, a share is set aside for each surviving child of the closest generation to the victim where there are survivors, and those survivors receive equal shares. An equal share is also set aside for each deceased member of the first generation who left behind children. Those shares are combined and distributed in equal shares to all the members of the next generation.</p> <p>The New York Practice Commentary gives the following example:</p> <p>Assume that an intestate victim with a net estate of \$450,000 is survived by a husband and four children, A, B, C, and D. Her husband gets \$50,000 plus one-half of the residue (\$200,000), and the children get the rest in equal shares (\$50,000 each). If A predeceases the victim, leaving Grandchild-1, Grandchild-2, and Grandchild-3, they share his \$50,000 equally (\$16,667 each). If B also predeceases the victim, leaving Grandchild-4 and Grandchild-5, the five grandchildren take \$20,000 each (one-fifth of the \$100,000 of A and B).</p> <p>See N.Y. Est. Powers &amp; Trusts Law § 4-1.1 (McKinney 2002) (Practice Commentary)</p>

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State	Wrongful Death Economic Portion of the Presumed Award	Priority Under Intestate Laws	Intestacy When there are Children of Different Generations (ie. grandchildren)
Pennsylvania	<p>The spouse, children, or parents of the deceased may recover in proportion to what they would take under the intestate laws. If there is no spouse, children, or parents, the personal representative can only collect damages on behalf of the deceased (hospital, nursing, medical, funeral expenses, and expenses of administration necessitated by injuries causing death).</p> <p>See 42 Pa. Stat § 8301(b) (2002).</p>	<ol style="list-style-type: none"> <li>1. Spouse and no children or parents -- everything to spouse.</li> <li>2. Spouse and parent (no children) -- everything to spouse. *</li> <li>3. Spouse and children -- spouse takes 1/2 the estate. If the children are also the spouse's, the spouse also takes \$30,000. If they are not, spouse only takes 1/2. Children divide the remainder equally as long as they are in the same generation.</li> <li>4. Children and no spouse -- the children take all. Shares are divided equally among the children in the same generation.</li> <li>5. Parents, no children or spouse -- parents share equally.</li> <li>6. No spouse, children, or parents --brothers, sisters, or their children take all. Shares are divided equally as long as those eligible are in the same generation.</li> </ol> <p>See 20 Pa. Con. Stat .Ann. §§ 2101, et. seq. (2002).</p>	<p>The estate is divided into as many shares as there are living members of the nearest generation of children to the victim, including deceased children in the same generation who left behind children. Each surviving heir in the nearest generation to the victim receives one share and the share of each deceased person in the same generation is divided among his or her descendants in the same manner.</p> <p>See 20 Pa. Con. Stat .Ann. §§ 2101, et. seq. (2002).</p>

\* Pennsylvania intestate statute was newly amended on October 3, 2003. See 2003 PA Legis. Serv. 26 (West).

This is a general summary. It is only meant to provide information to personal representatives regarding relevant state law in order to guide them in devising plans for distributions that are consistent with state law. It does not include distributions when none of the relatives set forth in these charts is alive. Calculation of the total award is determined by the Fund's regulations. This is not a substitute for state law, and to the extent state law varies with this chart, state law controls. For more information, an attorney familiar with state statutes and case law should be consulted.

## Summary of State Wrongful Death and Intestacy Statutes

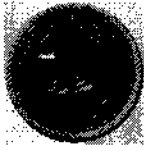
State	Wrongful Death Economic Portion of the Presumed Award	Priority Under Intestate Laws	Intestacy When there are Children of Different Generations (ie. grandchildren)
Virginia	<p>Damages are distributed to the class of people described below, in proportion to pecuniary loss.</p> <p>Pecuniary loss is defined by the Virginia Wrongful Death statute and cases interpreting the statute.</p> <p>Distributions are first made to the spouse and children (or to the descendants of children who died before the victim) based on pecuniary loss. If there is no spouse or children, the next class of beneficiaries are the parents, brothers and sisters of the victim. If the victim left behind a spouse and parents, but no children or grandchildren, the award is distributed to the parents and the spouse.</p> <p>Any other relative who was primarily dependent on the victim for support and was a member of the same household may recover.</p> <p>See Va. Code Ann. § 8.01-53 (Michie 2002).</p>	<ol style="list-style-type: none"> <li>1. A spouse and no children-- the whole to the spouse.</li> <li>2. Spouse and children – spouse takes all, unless the victim is survived by children who are not descendants of the surviving spouse. In those cases, 2/3 of the estate passes to the victim’s children and the remainder passes to the spouse. Children divide shares equally as long as they are in the same generation.</li> <li>3. Children, no spouse -- the victim’s children take all in equal shares as long as they are in the same generation.</li> <li>4. Parents, no spouse or children -- the surviving parents take all.</li> <li>5. No parents, children, or spouse – brothers and sisters and their descendants take all in equal shares if they are in the same generation.</li> </ol> <p>See Va. Code § 64.1-1 (Michie 2002).</p>	<p>The estate is divided into as many shares as there are living members of the nearest generation of children, including deceased children in the same generation who left behind children. Each surviving heir in the nearest generation to the victim receives one share and the share of each deceased person in the same generation is divided among his or her descendants in the same manner.</p>

This is a general summary. It is only meant to provide information to personal representatives regarding relevant state law in order to guide them in devising plans for distributions that are consistent with state law. It does not include distributions when none of the relatives set forth in these charts is alive. Calculation of the total award is determined by the Fund’s regulations. This is not a substitute for state law, and to the extent state law varies with this chart, state law controls. For more information, an attorney familiar with state statutes and case law should be consulted.

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# Exhibit H

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**U.S. Department of Justice**  
**September 11<sup>th</sup> Victim Compensation Fund**

P.O. Box 18698  
 Washington, DC 20036-8698

<Date>  
 <Contact Name>  
 <Contact Address>  
 <Contact Location>  
 <Contact Country>

Dear <Contact Name>

The Special Master has reviewed and approved the following distribution plan. The total award received was \$X,XXX,XXX.XX, including any paid advance benefits.<sup>1</sup> This award will be paid to the Personal Representative to be distributed to all beneficiaries. Based on the approved distribution plan, each beneficiary will receive the following amount:

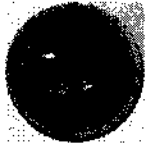
Beneficiary	Relationship to Victim	Net Amount

Under federal regulations, approval of the distribution plan by the Special Master is final and not subject to judicial review. See Air Transportation Safety and System Stabilization Act, 49 U.S.C. § 10101, Sec. 405(b)(3)(2001).

If you have any questions, please feel free to call the toll-free Help Line at 1-888-714-3385, 1-888-560-0844 for the hearing impaired (TDD); from outside the United States, please call collect at 212-625-1645.

Sincerely,

<sup>1</sup> Any paid advance benefits have been deducted from the share of the Personal Representative, unless the Fund has been notified that the benefits have been distributed to other individuals. In that event, the benefits have been deducted from those individuals shares accordingly.



**U.S. Department of Justice**  
**September 11<sup>th</sup> Victim Compensation Fund**

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P.O. Box 18698  
Washington, DC 20036-8698

Kenneth R. Feinberg

Special Master  
September 11th Victim Compensation Fund

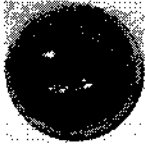
cc: <cc people>



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# Exhibit I

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**U.S. Department of Justice**  
**September 11<sup>th</sup> Victim Compensation Fund**

P.O. Box 18698  
 Washington, DC 20036-8698

<Date>

XXXXX  
 XXXXX  
 XXXXX

Dear XXXXXXXXXXX:

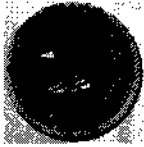
This letter serves to notify the court and all interested parties that a final award determination has been made by the September 11th Victim Compensation Fund ("Fund"). This award will be paid to the Personal Representative to be distributed to all beneficiaries. The distribution will be based on either an agreement of all beneficiaries or at the direction of a court of competent jurisdiction in accordance with the law of the decedent's domicile.

Awards from the Fund include three general components: 1) compensation for economic loss to be generally distributed according to applicable wrongful death law, 2) \$250,000 for non-economic harm distributed in accordance with the will, or if there is no will, the intestate law of the victim's domicile, and 3) a \$100,000 non-economic award for each spouse and/or dependent. The Fund must also deduct "collateral sources" from the award, which includes life insurance, pension funds, death benefit payments, and payments by Federal, State, or local governments related to the terrorist-related aircraft crashes of September 11, 2001.

Based on the information submitted, the aggregate "presumed award" has been determined to be \$XXXXXXXX.XX. [IF APPLICABLE: An advance benefit of \$50,000.00 of this award has already been paid, and will be credited against this amount.] This award was calculated as follows:

Economic Loss	Non-Economic Loss To Estate	Non-Economic Loss To Spouse	Collateral Offsets	Total Amount

Generally, collateral offsets should first be applied to the share of the individual who received the benefit. Any excess benefit should be applied to the remaining shares of the award. However, the court may determine that a reallocation of collateral offsets is appropriate under the circumstances. Collateral offsets of \$XXXXXXXX.XX were received by the following beneficiaries:



**U.S. Department of Justice**  
**September 11<sup>th</sup> Victim Compensation Fund**

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P.O. Box 18698  
Washington, DC 20036-8698

Name of Beneficiary	Relationship to Decedent	Amount
Total		

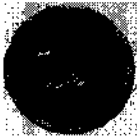
Sincerely,

The September 11<sup>th</sup> Victim Compensation Fund

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# Exhibit J

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**U.S. Department of Justice**  
**September 11<sup>th</sup> Victim Compensation Fund**

OMB NO.: 1105-0079

EXPIRATION DATE: 6/30/2004

P.O. Box 18698  
 Washington, DC 20036-8698

**Application For Representative Payee**

1. Your Name: \_\_\_\_\_
2. Victim Name: \_\_\_\_\_
3. Claim Number: \_\_\_\_\_
4. Date of Birth: \_\_\_\_\_
5. Social Security Number: \_\_\_\_\_
6. Any Other Name You Have Used: \_\_\_\_\_
7. Name of Minor(s) for Whom You Are Filing As Representative Payee:

Name	Date of Birth	Social Security Number	Amount

8. Are you the natural or adoptive parent of the minor(s)? Yes  No

9. Do you live with and/or have custody of the minor(s)? Yes  No

If no, please explain (If you need more space, attach a separate sheet):

\_\_\_\_\_

\_\_\_\_\_

10. Does a parent outside the household share custody of the minor(s)? Yes  No

11. Have you ever been convicted of a felony? Yes  No

If yes, please explain (If you need more space attach a separate sheet):

\_\_\_\_\_

\_\_\_\_\_

12. I request that the award(s) to the minor(s) listed above be paid to me as representative payee .



**U.S. Department of Justice**  
**September 11<sup>th</sup> Victim Compensation Fund**

OMB NO.: 1105-0079  
 EXPIRATION DATE: 6/30/2004

P.O. Box 18698  
 Washington, DC 20036-8698

**Please Read The Following Carefully Before Signing This Form**

**I Acknowledge** that I must use the award(s) paid to me as representative payee for the minor(s) current needs or, if not currently needed, to save them for his or her future needs. I acknowledge that I may be held liable if I do not prudently invest funds, maintain separate accounts, maintain records or if I misuse or misappropriate the award paid to me as representative payee. I acknowledge that, upon reaching 18 years of age (or age of majority in applicable state), the minor(s) is/are entitled to receive the award paid to me as representative payee and that, at such time, I must distribute the award to the minor(s) unless the minor(s) otherwise consent(s). The United States government and agents thereof are fully discharged of responsibility upon receipt of this award. I agree to defend, indemnify, and hold harmless, at my own expense, the United States of America, and all of its present and former agents, employees and agencies, from any and all claims arising from or in any way relating to any actions I may take, or any omissions I may make, in my role as representative payee.

**I Further Acknowledge** that anyone who makes or causes to be made a false statement or representation of material fact relating to a payment from the September 11<sup>th</sup> Victim Compensation Fund, or agents thereof, commits a crime punishable under federal law. I affirm that all the information I have given in this document is correct.

\_\_\_\_\_  
 Name (please print first, middle and last)

\_\_\_\_\_  
 Signature  
 (Sign in the presence of Notary Public)

\_\_\_\_\_  
 Date

**Official Notarization:** Please have this page certified by a Notary Public (or equivalent for non-U.S. applicants). The Notary Public should apply seal to this page.

\_\_\_\_\_  
 Signature

\_\_\_\_\_  
 Date



**U.S. Department of Justice**  
**September 11<sup>th</sup> Victim Compensation Fund**

OMB NO.: 1105-0079

EXPIRATION DATE: 6/30/2004

P.O. Box 18698  
Washington, DC 20036-8698

**Privacy Act Notice**

The Department of Justice is authorized to collect this information by the September 11<sup>th</sup> Victim Compensation Fund of 2001, Title IV of Public Law 107-42, Stat.230 ("Air Transportation Safety and System Stabilization Act."). The information you submit is for official use by the U.S. Department of Justice for the purposes of determining your eligibility as a Representative Payee. Provision of this information is voluntary; however, failure to provide complete information may result in a denial of your application for representative payee. Information you submit regarding your application for representative payee may be disclosed by the Government only in accordance with the provisions of the Privacy Act.

**Paperwork Reduction Act Notice**

Under the Paperwork Reduction Act, a person is not required to respond to a collection of information unless it displays a valid OMB control number. We try to create forms and instructions that are accurate, can be easily understood, and which impose the least possible burden on you to provide us with information. The estimated average time to complete the form is 30 minutes. A survey contact person will call each agency to answer questions and to facilitate getting the information in an effort to make the response reasonable, easier to complete, and less time-consuming. If you have comments regarding the accuracy of this estimate, or suggestions for making this form simpler, you can write to the Victim Compensation Fund, P.O. Box 18698, Washington, D.C. 20036-8698.

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# Exhibit K

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## **AWARD DETERMINATION PERIODIC PAYMENT AGREEMENT**

In accordance with Title IV of the Air Transportation Safety and System Stabilization Act, the Special Master of the September 11<sup>th</sup> Victim Compensation Fund (the "Fund") has determined the award for claim no. 1234 for the death of JOHN DOE pursuant to the authority vested in him. This award shall be made subject to the terms and conditions stated below.

### **Terms and Conditions**

1. The award for this claim is:
  - a. A single payment in the amount of ONE MILLION DOLLARS AND NO CENTS (\$1,000,000.00) paid to the account of JANE DOE; and
  - b. "Eight hundred periodic payments, each in the amount of ONE THOUSAND DOLLARS AND NO CENTS (\$1,000.00), paid to the account of PATRICK DOE ("payee"). The first payment shall be made on July 1, 2003. The remaining payments shall be made on a monthly basis thereafter.

If a payee dies before the payment of the last periodic payment to which that payee is entitled, all remaining payments shall be made payable in accordance with a written designation of successor payee(s) signed by that payee, provided that any such designation shall be in a form acceptable to the payor and shall be sent to the payor prior to the payee's death. If at the time of the payee's death there is no valid designation in effect, or if none of the designated successor payees survive the payee, then all remaining payments shall instead be made payable as follows: if the payee was a minor, then to the payee's parents in equal shares (or all to the survivor of them); or, if neither parent of a minor payee survives the payee, or if the payee was an adult, then to the Estate of the payee.
  - c. The sum of ONE THOUSAND DOLLARS AND NO CENTS (\$1,000.00) per month to SUSAN DOE, commencing on July 1, 2003, for life.
2. The United States of America ("United States") hereby assigns the obligation to make the periodic payments described in paragraphs 1(b) and 1(c) above ("Paras. 1(b) and 1(c)") to the ABC Assignment Company ("ABC"). ABC hereby assumes this obligation pursuant to the terms and conditions set forth in this Award Determination Periodic Payment Agreement. ABC's obligation to make the periodic payments described in Paras. 1(b) and 1(c) is equal to the obligation of the United States prior to the assignment.
3. In exchange for assuming the obligation to make the periodic payments described in

Paras. 1(b) and 1(c), ABC shall receive a payment from the United States Treasury in the amount of FOUR HUNDRED THOUSAND DOLLARS AND NO CENTS (\$400,000.00).

4. The periodic payments in Paras. 1(b) and 1(c) cannot be accelerated, deferred, increased or decreased by PATRICK DOE or SUSAN DOE or any payee or beneficiary; nor shall PATRICK DOE or SUSAN DOE or any payee or beneficiary have the right or power to transfer, by sale, gift, or otherwise, mortgage, encumber, or anticipate the periodic payments, or any part thereof, by assignment or otherwise. However, nothing in the prior sentence shall be deemed to prevent transfers in distribution of the interest in the periodic payments by reason of the death of the payee. The obligation of ABC to make the periodic payments described in Paras. 1(b) and 1(c) shall be discharged upon the mailing of valid checks in the amounts of such payments to the designated addresses of the payees named above. Each payee shall be responsible for maintaining a current mailing address with ABC.

5. ABC may fund its obligation to make the periodic payments described in Paras. 1(b) and 1(c) through the purchase of annuity contracts that comply in all respects with the requirements of 26 U.S.C. §130(d) for a “qualified funding asset,” provided that any such annuity contract is issued by a life insurance company that:

- b. is licensed to do business as an insurance company under the laws of any State;
- c. has a minimum of \$100,000,000 capital and surplus, exclusive of any mandatory security valuation reserve; and
- d. has one of the following “Financial Strength Rating” scores from two of the following rating organizations - A.M. Best Company (A+, A+g, A+p, A+r, A+s, A+++, A++g, A++p, A++r, or A++s), Moody’s Investor Service (Aa3, Aa2, Aa1, or Aaa), Standard and Poor’s (AA-, AA, AA+, or AAA), or Fitch (AA-, AA, AA+, or AAA).

6. All rights of control in any annuity contract purchased pursuant to paragraph 5 above (“Para. 5”) shall be and remain vested in ABC exclusively. The rights of PATRICK DOE, SUSAN DOE, or any payee or beneficiary, against ABC shall be no greater than the rights of a general creditor.

7. ABC may have the issuer of any annuity contract purchased pursuant to Para. 5 send any payments under that annuity contract directly to the payees designated pursuant to Paras. 1(b) and 1(c). Such direction of payments shall be solely for ABC’s convenience and shall not provide PATRICK DOE or SUSAN DOE or any other payee or beneficiary, with any rights of ownership or control over any such annuity contract or against the issuer of such a contract.

8. JANE DOE, PATRICK DOE, and SUSAN DOE understand and agree that, as a consequence of ABC's assumption of the liability to make the periodic payments in Paras. 1(b) and 1(c):

- a. the obligation to make the periodic payments described in Paras. 1(b) and 1(c) shall belong solely and exclusively to ABC;
- b. the United States does not guarantee or insure any of the periodic payments described in Paras. 1(b) and 1(c); and
- c. the United States does not guarantee or insure any payments under any annuity contract purchased to fund the periodic payments described Paras. 1(b) and 1(c).

9. JANE DOE, PATRICK DOE, and SUSAN DOE further understand and agree that, as a consequence of ABC's assumption of the liability to make the periodic payments in Paras. 1(b) and 1(c), neither they, nor their successors-in-interest, shall have any rights against the United States in the event of a default by either (1) ABC on any of its obligations under this Award Determination Periodic Payment Agreement, or (2) the issuer of any annuity contract purchased pursuant to Para. 5 on any of its obligations under such an annuity contract. JANE DOE, PATRICK DOE, and SUSAN DOE also understand and agree that upon the execution of this Award Determination Periodic Payment Agreement by all parties, the sole obligation of the United States under this Award Determination Periodic Payment Agreement shall be to make the payments described in Para. 1(a) and paragraph 3 above ("Para. 3").

10. JANE DOE, PATRICK DOE, and SUSAN DOE hereby consent to and accept ABC's assumption of all liability for the periodic payments described in Paras. 1(b) and 1(c). JANE DOE, PATRICK DOE, and SUSAN DOE hereby agree that, once the payments described in Para. 1(a) and Para. 3 have been made, the United States shall be released from all obligations associated with this claim for the death of JOHN DOE, including but not limited to the obligation to make the periodic payments described in Paras. 1(b) and 1(c). Should ABC, or its successor-in-interest, refuse to accept the payment described in Para. 3, this Award Determination Periodic Payment Agreement shall be void.

11. The terms and conditions in this Award Determination Periodic Payment Agreement must be accepted in their entirety and without reservation by JANE DOE, PATRICK DOE, SUSAN DOE and ABC (the "Parties"). An executed copy of this Award Determination Periodic Payment Agreement bearing the signatures of each of the Parties must be received by the Office of the Special Master no later than **(insert date two weeks hence)**. If an executed copy of this Award Determination Periodic Payment Agreement is not received by the above deadline, this Award Determination Periodic Payment Agreement shall be void.

The undersigned Parties hereby accept and agree to abide by the above stated terms and conditions of this Award Determination Periodic Payment Agreement. The Parties acknowledge that this document contains the entire agreement between themselves and the United States. The Parties agree that they each have had a full and fair opportunity to consult with an attorney regarding the advisability of accepting the terms and conditions of this Award Determination Periodic Payment Agreement. The Parties agree that their acceptance of the terms and conditions of this Award Determination Periodic Payment Agreement has been made without reliance upon any statements by the United States, its attorneys, agents, employees or agencies. The parties specifically understand and agree that (1) the United States makes no representations regarding the tax consequences of accepting the terms and conditions of this Award Determination Periodic Payment Agreement and (2) that the United States makes no representation regarding whether this Award Determination Periodic Payment Agreement conforms to the requirements of Revenue Ruling 2003-115.

The Parties hereby waive any claim they may now have, or may hereafter acquire, against the United States, its agencies, and its present or former agents or employees, for any tax liability the Parties may incur as a result of, in any way relating to, their acceptance of the terms and conditions of this Award Determination Periodic Payment Agreement.

JANE DOE

PATRICK DOE

SUSAN DOE

Authorized Representative of  
ABC ASSIGNMENT COMPANY

(All of the above signatures must be notarized)

For the United States of America

KENNETH R. FEINBERG  
Special Master

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# Exhibit L

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**Victim Compensation Fund**

**Substantially Complete Claims/Final Award Amounts**

Track A and Track B Claims as of 11/09/2004

<b>Income Level</b>	<b>Net Final Award Amount</b>
<b>\$0 - \$20,000</b>	\$ 2,219,390.91
	\$ 1,861,230.37
	\$ 1,532,376.63
	\$ 1,524,651.06
	\$ 1,477,035.98
	\$ 1,403,775.12
	\$ 1,352,889.15
	\$ 1,348,688.00
	\$ 1,289,998.85
	\$ 1,253,981.20
	\$ 1,238,639.70
	\$ 1,220,768.67
	\$ 1,177,938.26
	\$ 1,139,391.99
	\$ 1,099,486.84
	\$ 1,051,927.37
	\$ 1,030,028.00
	\$ 1,020,600.56
	\$ 1,007,900.12
	\$ 1,005,885.00
	\$ 1,001,040.77
	\$ 934,147.51
	\$ 925,256.58
	\$ 858,012.31
	\$ 854,292.49
	\$ 832,481.45
	\$ 818,287.36
	\$ 809,956.00
	\$ 784,400.49
	\$ 743,085.00
	\$ 742,100.67
	\$ 735,607.36
	\$ 729,657.00
	\$ 677,249.91
	\$ 671,853.08

**Victim Compensation Fund**

**Substantially Complete Claims/Final Award Amounts**

Track A and Track B Claims as of 11/09/2004

<b>Income Level</b>	<b>Net Final Award Amount</b>
<b>\$0 - \$20,000</b>	\$ 617,157.45
	\$ 595,763.00
	\$ 589,449.41
	\$ 575,414.00
	\$ 564,412.10
	\$ 560,365.85
	\$ 515,818.00
	\$ 509,188.27
	\$ 506,117.12
	\$ 501,046.00
	\$ 498,477.49
	\$ 489,624.35
	\$ 475,000.00
	\$ 457,775.43
	\$ 425,243.28
	\$ 389,860.00
	\$ 378,822.00
	\$ 315,134.00
	\$ 294,000.00
	\$ 250,000.00
	\$ 250,000.00
	\$ 250,000.00

**Victim Compensation Fund**

**Substantially Complete Claims/Final Award Amounts**

Track A and Track B Claims as of 11/09/2004

<b>Income Level</b>	<b>Net Final Award Amount</b>
<b>\$20,001 - \$40,000</b>	\$ 3,048,255.81
	\$ 2,997,652.35
	\$ 2,391,166.64
	\$ 2,379,261.00
	\$ 2,370,340.96
	\$ 2,333,054.00
	\$ 2,314,939.15
	\$ 2,307,802.00
	\$ 2,271,840.46
	\$ 2,253,610.75
	\$ 2,234,040.49
	\$ 2,225,861.25
	\$ 2,176,009.86
	\$ 2,159,525.68
	\$ 2,132,870.38
	\$ 2,109,252.86
	\$ 2,107,618.00
	\$ 2,037,589.47
	\$ 2,030,251.00
	\$ 2,024,187.51
	\$ 1,986,809.18
	\$ 1,984,525.71
	\$ 1,906,109.41
	\$ 1,882,988.45
	\$ 1,864,489.76
	\$ 1,857,776.68
	\$ 1,853,388.00
	\$ 1,841,454.39
	\$ 1,802,450.83
	\$ 1,801,051.36
	\$ 1,800,000.80
	\$ 1,797,289.41
	\$ 1,784,818.00
	\$ 1,776,304.00
	\$ 1,747,605.52
	\$ 1,718,862.08



**Victim Compensation Fund**

**Substantially Complete Claims/Final Award Amounts**

Track A and Track B Claims as of 11/09/2004

<b>Income Level</b>	<b>Net Final Award Amount</b>
<b>\$20,001 - \$40,000</b>	\$ 1,696,862.00
	\$ 1,696,222.44
	\$ 1,667,884.06
	\$ 1,665,106.99
	\$ 1,660,977.75
	\$ 1,650,635.34
	\$ 1,639,296.00
	\$ 1,628,086.73
	\$ 1,608,789.78
	\$ 1,605,391.70
	\$ 1,604,980.31
	\$ 1,603,876.00
	\$ 1,585,035.76
	\$ 1,571,674.64
	\$ 1,568,428.00
	\$ 1,556,249.00
	\$ 1,555,823.97
	\$ 1,542,162.64
	\$ 1,540,656.76
	\$ 1,538,122.09
	\$ 1,524,651.06
	\$ 1,517,171.22
	\$ 1,516,037.00
	\$ 1,509,653.40
	\$ 1,507,363.00
	\$ 1,500,092.00
	\$ 1,491,771.45
	\$ 1,490,824.00
	\$ 1,474,354.32
	\$ 1,472,478.92
	\$ 1,467,001.00
	\$ 1,464,920.00
	\$ 1,462,878.44
	\$ 1,443,240.73
	\$ 1,443,025.75
	\$ 1,440,118.00

**Victim Compensation Fund**

**Substantially Complete Claims/Final Award Amounts**

Track A and Track B Claims as of 11/09/2004

<b>Income Level</b>	<b>Net Final Award Amount</b>
<b>\$20,001 - \$40,000</b>	\$ 1,434,608.00
	\$ 1,432,329.54
	\$ 1,428,790.00
	\$ 1,425,549.52
	\$ 1,407,872.00
	\$ 1,407,701.81
	\$ 1,392,957.00
	\$ 1,377,862.00
	\$ 1,361,999.02
	\$ 1,332,470.00
	\$ 1,331,863.30
	\$ 1,308,997.77
	\$ 1,306,700.00
	\$ 1,302,417.43
	\$ 1,301,531.36
	\$ 1,300,071.00
	\$ 1,295,874.08
	\$ 1,291,612.97
	\$ 1,290,850.06
	\$ 1,283,254.00
	\$ 1,279,656.15
	\$ 1,273,217.00
	\$ 1,256,471.35
	\$ 1,254,374.77
	\$ 1,253,877.04
	\$ 1,248,057.48
	\$ 1,247,474.86
	\$ 1,243,304.46
	\$ 1,242,857.00
	\$ 1,242,159.26
	\$ 1,230,864.00
	\$ 1,215,566.62
	\$ 1,206,921.52
	\$ 1,203,984.16
	\$ 1,199,999.28
	\$ 1,190,983.14

**Victim Compensation Fund**

**Substantially Complete Claims/Final Award Amounts**

Track A and Track B Claims as of 11/09/2004

<b>Income Level</b>	<b>Net Final Award Amount</b>
<b>\$20,001 - \$40,000</b>	\$ 1,190,133.38
	\$ 1,178,651.08
	\$ 1,167,545.17
	\$ 1,159,807.43
	\$ 1,152,251.65
	\$ 1,144,164.78
	\$ 1,123,568.00
	\$ 1,120,868.00
	\$ 1,103,482.30
	\$ 1,101,780.33
	\$ 1,100,000.00
	\$ 1,070,744.00
	\$ 1,062,667.16
	\$ 1,056,842.88
	\$ 1,052,926.00
	\$ 1,049,586.53
	\$ 1,049,296.61
	\$ 1,048,171.98
	\$ 1,042,613.72
	\$ 1,037,174.37
	\$ 1,036,337.00
	\$ 1,035,837.75
	\$ 1,028,466.00
	\$ 1,027,443.39
	\$ 1,018,553.00
	\$ 1,017,198.48
	\$ 991,976.05
	\$ 984,950.00
	\$ 981,693.37
	\$ 977,583.50
	\$ 960,099.00
	\$ 959,153.00
	\$ 959,071.43
	\$ 954,440.87
	\$ 948,399.79
	\$ 945,598.00

**Victim Compensation Fund**

**Substantially Complete Claims/Final Award Amounts**

Track A and Track B Claims as of 11/09/2004

<b>Income Level</b>	<b>Net Final Award Amount</b>
<b>\$20,001 - \$40,000</b>	\$ 940,577.14
	\$ 940,165.46
	\$ 939,450.35
	\$ 938,644.96
	\$ 930,781.83
	\$ 921,815.00
	\$ 919,644.37
	\$ 917,801.00
	\$ 911,896.44
	\$ 890,488.69
	\$ 889,225.53
	\$ 887,032.00
	\$ 879,981.00
	\$ 870,260.89
	\$ 864,707.66
	\$ 852,490.03
	\$ 848,939.00
	\$ 847,154.00
	\$ 831,513.00
	\$ 825,976.63
	\$ 824,672.00
	\$ 815,429.57
	\$ 812,985.28
	\$ 802,407.29
	\$ 801,958.00
	\$ 800,190.00
	\$ 797,602.00
	\$ 787,748.28
	\$ 786,368.44
	\$ 782,037.00
	\$ 780,875.68
	\$ 780,218.00
	\$ 776,406.00
	\$ 773,472.31
	\$ 772,952.72
	\$ 770,995.06

**Victim Compensation Fund**

**Substantially Complete Claims/Final Award Amounts**

Track A and Track B Claims as of 11/09/2004

<b>Income Level</b>	<b>Net Final Award Amount</b>
<b>\$20,001 - \$40,000</b>	\$ 770,033.35
	\$ 768,945.50
	\$ 759,847.38
	\$ 758,931.00
	\$ 754,950.12
	\$ 750,241.37
	\$ 749,612.00
	\$ 744,267.30
	\$ 743,652.02
	\$ 738,002.85
	\$ 734,909.53
	\$ 727,852.13
	\$ 727,470.00
	\$ 720,000.00
	\$ 719,720.84
	\$ 716,435.55
	\$ 716,203.08
	\$ 712,540.40
	\$ 711,248.00
	\$ 703,053.65
	\$ 700,476.12
	\$ 700,211.58
	\$ 690,386.00
	\$ 688,913.91
	\$ 681,325.50
	\$ 671,786.01
	\$ 663,253.00
	\$ 652,060.91
	\$ 650,000.00
	\$ 649,821.67
	\$ 645,247.84
	\$ 632,670.00
	\$ 631,619.00
\$ 630,533.00	
\$ 627,916.49	
\$ 622,775.88	

**Victim Compensation Fund**

**Substantially Complete Claims/Final Award Amounts**

Track A and Track B Claims as of 11/09/2004

<b>Income Level</b>	<b>Net Final Award Amount</b>
<b>\$20,001 - \$40,000</b>	\$ 614,668.00
	\$ 600,269.08
	\$ 598,377.47
	\$ 593,000.00
	\$ 588,470.37
	\$ 583,788.00
	\$ 577,394.86
	\$ 576,113.75
	\$ 569,738.00
	\$ 559,833.00
	\$ 557,488.63
	\$ 557,038.32
	\$ 549,323.07
	\$ 530,839.00
	\$ 530,278.00
	\$ 528,688.53
	\$ 523,881.71
	\$ 502,642.75
	\$ 500,000.00
	\$ 500,000.00
	\$ 485,303.73
	\$ 475,000.00
	\$ 473,038.00
	\$ 453,000.00
	\$ 448,958.00
	\$ 445,732.01
	\$ 436,046.22
	\$ 434,445.14
	\$ 422,008.64
	\$ 414,789.07
	\$ 413,708.00
	\$ 406,216.00
	\$ 405,718.53
	\$ 404,771.00
	\$ 394,554.00
	\$ 391,561.00

**Victim Compensation Fund**

**Substantially Complete Claims/Final Award Amounts**

Track A and Track B Claims as of 11/09/2004

<b>Income Level</b>	<b>Net Final Award Amount</b>
<b>\$20,001 - \$40,000</b>	\$ 386,788.30
	\$ 384,056.70
	\$ 362,233.00
	\$ 359,608.00
	\$ 354,678.00
	\$ 354,586.00
	\$ 352,450.16
	\$ 328,950.48
	\$ 318,143.00
	\$ 317,077.38
	\$ 290,497.53
	\$ 289,716.00
	\$ 276,406.27
	\$ 261,538.51
	\$ 250,000.00
	\$ 250,000.00
	\$ 250,000.00
	\$ 250,000.00
	\$ 250,000.00
	\$ 250,000.00
	\$ 250,000.00
	\$ 250,000.00
	\$ 250,000.00
	\$ 250,000.00
	\$ 250,000.00
	\$ 250,000.00
	\$ 250,000.00
	\$ 250,000.00
	\$ 250,000.00
	\$ 250,000.00
	\$ 250,000.00
	\$ 250,000.00
	\$ 250,000.00
	\$ 250,000.00

**Victim Compensation Fund**

**Substantially Complete Claims/Final Award Amounts**

Track A and Track B Claims as of 11/09/2004

<b>Income Level</b>	<b>Net Final Award Amount</b>
<b>\$40,001 - \$60,000</b>	\$ 4,122,349.68
	\$ 3,807,081.33
	\$ 3,237,096.47
	\$ 3,157,892.62
	\$ 2,871,404.00
	\$ 2,684,030.30
	\$ 2,664,359.00
	\$ 2,657,407.09
	\$ 2,629,154.00
	\$ 2,595,765.17
	\$ 2,583,410.16
	\$ 2,569,321.00
	\$ 2,521,836.16
	\$ 2,470,514.00
	\$ 2,428,919.58
	\$ 2,419,048.51
	\$ 2,333,664.00
	\$ 2,315,217.18
	\$ 2,308,602.92
	\$ 2,299,098.59
	\$ 2,296,784.43
	\$ 2,262,805.67
	\$ 2,243,615.00
	\$ 2,238,521.00
	\$ 2,217,678.21
	\$ 2,210,890.73
	\$ 2,209,171.00
	\$ 2,169,728.93
	\$ 2,158,836.65
	\$ 2,137,519.95
	\$ 2,126,255.00
	\$ 2,108,264.00
	\$ 2,099,420.82
	\$ 2,097,229.00
	\$ 2,096,282.00
	\$ 2,096,042.00



**Victim Compensation Fund**

**Substantially Complete Claims/Final Award Amounts**

Track A and Track B Claims as of 11/09/2004

<b>Income Level</b>	<b>Net Final Award Amount</b>
<b>\$40,001 - \$60,000</b>	\$ 2,057,068.00
	\$ 2,047,629.85
	\$ 2,042,027.20
	\$ 2,036,528.96
	\$ 2,026,505.40
	\$ 2,024,818.89
	\$ 2,018,480.87
	\$ 2,004,979.91
	\$ 1,988,636.64
	\$ 1,976,870.94
	\$ 1,976,792.00
	\$ 1,968,442.00
	\$ 1,960,516.44
	\$ 1,948,263.93
	\$ 1,945,301.00
	\$ 1,944,841.44
	\$ 1,933,528.00
	\$ 1,930,335.00
	\$ 1,929,940.35
	\$ 1,903,804.00
	\$ 1,891,128.00
	\$ 1,881,853.00
	\$ 1,878,480.04
	\$ 1,872,693.25
	\$ 1,854,503.45
	\$ 1,853,498.49
	\$ 1,853,399.05
	\$ 1,846,080.42
	\$ 1,844,551.00
	\$ 1,844,285.21
	\$ 1,836,137.47
	\$ 1,828,155.92
	\$ 1,816,340.00
\$ 1,813,442.00	
\$ 1,805,853.70	
\$ 1,799,768.00	

**Victim Compensation Fund**

**Substantially Complete Claims/Final Award Amounts**

Track A and Track B Claims as of 11/09/2004

<b>Income Level</b>	<b>Net Final Award Amount</b>
<b>\$40,001 - \$60,000</b>	\$ 1,799,531.00
	\$ 1,789,340.63
	\$ 1,771,639.96
	\$ 1,771,120.00
	\$ 1,764,914.45
	\$ 1,757,867.00
	\$ 1,736,966.25
	\$ 1,734,691.63
	\$ 1,726,284.00
	\$ 1,725,590.00
	\$ 1,721,962.50
	\$ 1,718,804.33
	\$ 1,718,784.00
	\$ 1,700,113.16
	\$ 1,689,252.66
	\$ 1,685,373.15
	\$ 1,680,789.00
	\$ 1,676,789.10
	\$ 1,667,674.92
	\$ 1,660,091.59
	\$ 1,647,566.02
	\$ 1,640,969.29
	\$ 1,622,976.02
	\$ 1,616,474.00
	\$ 1,613,572.00
	\$ 1,599,065.98
	\$ 1,586,098.88
	\$ 1,585,329.25
	\$ 1,571,011.62
	\$ 1,569,904.69
	\$ 1,563,442.82
	\$ 1,563,194.00
	\$ 1,552,326.00
	\$ 1,548,472.27
	\$ 1,548,392.87
	\$ 1,542,611.43

**Victim Compensation Fund**

**Substantially Complete Claims/Final Award Amounts**

Track A and Track B Claims as of 11/09/2004

<b>Income Level</b>	<b>Net Final Award Amount</b>
<b>\$40,001 - \$60,000</b>	\$ 1,539,176.96
	\$ 1,536,145.34
	\$ 1,534,581.00
	\$ 1,526,227.00
	\$ 1,524,658.84
	\$ 1,524,033.28
	\$ 1,522,600.48
	\$ 1,522,420.34
	\$ 1,519,676.00
	\$ 1,515,452.72
	\$ 1,510,833.32
	\$ 1,506,799.77
	\$ 1,482,245.00
	\$ 1,480,913.16
	\$ 1,476,756.00
	\$ 1,472,460.84
	\$ 1,472,415.00
	\$ 1,467,532.04
	\$ 1,467,446.10
	\$ 1,465,165.54
	\$ 1,459,436.68
	\$ 1,458,795.00
	\$ 1,457,978.91
	\$ 1,457,590.00
	\$ 1,455,523.00
	\$ 1,454,553.77
	\$ 1,452,370.84
	\$ 1,448,083.00
	\$ 1,432,182.00
	\$ 1,426,305.17
	\$ 1,409,171.00
	\$ 1,407,374.81
	\$ 1,407,009.07
\$ 1,406,686.00	
\$ 1,404,596.33	
\$ 1,401,631.43	

**Victim Compensation Fund**

**Substantially Complete Claims/Final Award Amounts**

Track A and Track B Claims as of 11/09/2004

<b>Income Level</b>	<b>Net Final Award Amount</b>
<b>\$40,001 - \$60,000</b>	\$ 1,400,000.00
	\$ 1,399,486.37
	\$ 1,398,638.94
	\$ 1,396,904.00
	\$ 1,396,437.53
	\$ 1,387,928.00
	\$ 1,383,586.00
	\$ 1,363,575.00
	\$ 1,362,401.63
	\$ 1,360,830.24
	\$ 1,359,303.51
	\$ 1,356,488.00
	\$ 1,346,347.48
	\$ 1,344,280.45
	\$ 1,341,690.65
	\$ 1,341,152.81
	\$ 1,339,487.94
	\$ 1,331,005.12
	\$ 1,329,372.77
	\$ 1,315,046.77
	\$ 1,308,731.00
	\$ 1,303,336.66
	\$ 1,299,075.43
	\$ 1,295,364.00
	\$ 1,294,639.25
	\$ 1,289,237.49
	\$ 1,288,077.00
	\$ 1,282,877.67
	\$ 1,280,415.24
	\$ 1,278,752.00
	\$ 1,277,216.47
	\$ 1,273,287.90
	\$ 1,267,649.10
	\$ 1,265,166.95
	\$ 1,249,936.87
	\$ 1,249,754.00

**Victim Compensation Fund**

**Substantially Complete Claims/Final Award Amounts**

Track A and Track B Claims as of 11/09/2004

<b>Income Level</b>	<b>Net Final Award Amount</b>
<b>\$40,001 - \$60,000</b>	\$ 1,241,594.00
	\$ 1,240,528.67
	\$ 1,235,419.00
	\$ 1,233,056.00
	\$ 1,233,047.00
	\$ 1,231,152.47
	\$ 1,228,799.09
	\$ 1,227,769.85
	\$ 1,224,043.53
	\$ 1,220,359.00
	\$ 1,219,638.94
	\$ 1,210,034.00
	\$ 1,207,803.27
	\$ 1,207,043.66
	\$ 1,204,783.44
	\$ 1,197,054.00
	\$ 1,190,494.71
	\$ 1,160,497.00
	\$ 1,154,664.41
	\$ 1,151,770.63
	\$ 1,151,761.00
	\$ 1,149,813.17
	\$ 1,136,019.00
	\$ 1,130,211.86
	\$ 1,119,730.76
	\$ 1,117,286.32
	\$ 1,113,768.77
	\$ 1,112,766.00
	\$ 1,107,454.68
	\$ 1,100,000.00
	\$ 1,097,517.60
	\$ 1,096,890.01
	\$ 1,090,565.99
	\$ 1,089,085.74
	\$ 1,088,949.05
	\$ 1,082,537.86

**Victim Compensation Fund**

**Substantially Complete Claims/Final Award Amounts**

Track A and Track B Claims as of 11/09/2004

<b>Income Level</b>	<b>Net Final Award Amount</b>
<b>\$40,001 - \$60,000</b>	\$ 1,074,416.00
	\$ 1,073,238.00
	\$ 1,072,875.70
	\$ 1,069,104.27
	\$ 1,068,675.00
	\$ 1,062,028.01
	\$ 1,060,740.99
	\$ 1,055,709.93
	\$ 1,053,019.20
	\$ 1,043,582.91
	\$ 1,040,727.00
	\$ 1,040,551.79
	\$ 1,038,520.44
	\$ 1,037,161.90
	\$ 1,036,556.00
	\$ 1,036,495.00
	\$ 1,035,289.00
	\$ 1,032,417.41
	\$ 1,029,350.86
	\$ 1,025,797.31
	\$ 1,025,720.00
	\$ 1,024,072.00
	\$ 1,019,524.42
	\$ 1,005,238.00
	\$ 1,005,105.04
	\$ 1,002,525.26
	\$ 996,412.11
	\$ 991,397.00
	\$ 985,438.89
	\$ 983,973.86
	\$ 980,769.98
	\$ 978,657.60
	\$ 975,190.00
	\$ 969,877.78
	\$ 963,701.00
	\$ 962,989.87

**Victim Compensation Fund**

**Substantially Complete Claims/Final Award Amounts**

Track A and Track B Claims as of 11/09/2004

<b>Income Level</b>	<b>Net Final Award Amount</b>
<b>\$40,001 - \$60,000</b>	\$ 961,906.73
	\$ 958,802.79
	\$ 953,153.00
	\$ 945,037.45
	\$ 941,397.22
	\$ 941,157.00
	\$ 938,808.98
	\$ 937,664.33
	\$ 930,294.00
	\$ 924,296.91
	\$ 922,120.00
	\$ 920,038.00
	\$ 918,714.25
	\$ 915,094.00
	\$ 914,613.00
	\$ 911,393.00
	\$ 910,124.00
	\$ 908,054.46
	\$ 903,242.00
	\$ 899,248.45
	\$ 896,761.01
	\$ 895,024.00
	\$ 884,157.38
	\$ 882,444.55
	\$ 881,785.03
	\$ 870,333.00
	\$ 868,278.00
	\$ 861,823.78
	\$ 861,298.30
	\$ 859,309.00
	\$ 854,299.00
	\$ 851,498.00
\$ 850,000.00	
\$ 849,631.00	
\$ 847,703.03	
\$ 844,717.00	

**Victim Compensation Fund**

**Substantially Complete Claims/Final Award Amounts**

Track A and Track B Claims as of 11/09/2004

<b>Income Level</b>	<b>Net Final Award Amount</b>
<b>\$40,001 - \$60,000</b>	\$ 843,302.00
	\$ 834,348.63
	\$ 832,391.00
	\$ 831,947.00
	\$ 830,422.15
	\$ 817,778.05
	\$ 805,196.45
	\$ 804,806.10
	\$ 801,986.29
	\$ 792,784.28
	\$ 790,744.00
	\$ 780,758.00
	\$ 774,381.00
	\$ 773,698.40
	\$ 771,321.60
	\$ 769,971.88
	\$ 769,023.03
	\$ 766,275.94
	\$ 764,590.47
	\$ 764,543.14
	\$ 763,928.00
	\$ 763,405.00
	\$ 762,841.23
	\$ 761,252.08
	\$ 758,843.00
	\$ 755,735.94
	\$ 755,704.00
	\$ 752,603.00
	\$ 751,025.35
	\$ 750,000.00
	\$ 747,431.05
	\$ 746,112.89
	\$ 736,798.00
\$ 729,044.49	
\$ 727,137.00	
\$ 726,596.00	



**Victim Compensation Fund**

**Substantially Complete Claims/Final Award Amounts**

Track A and Track B Claims as of 11/09/2004

<b>Income Level</b>	<b>Net Final Award Amount</b>
<b>\$40,001 - \$60,000</b>	\$ 724,164.87
	\$ 723,810.00
	\$ 723,576.04
	\$ 722,847.00
	\$ 721,964.00
	\$ 711,328.00
	\$ 708,177.36
	\$ 705,945.67
	\$ 701,087.00
	\$ 697,597.15
	\$ 696,622.43
	\$ 692,849.04
	\$ 689,874.36
	\$ 687,358.94
	\$ 672,461.00
	\$ 671,281.96
	\$ 665,335.00
	\$ 659,756.00
	\$ 651,793.72
	\$ 645,220.54
	\$ 634,062.95
	\$ 630,426.39
	\$ 628,394.73
	\$ 622,525.00
	\$ 616,486.00
	\$ 613,470.00
	\$ 609,481.34
	\$ 602,868.46
	\$ 599,481.11
	\$ 592,116.25
	\$ 591,521.40
	\$ 589,216.00
\$ 588,117.42	
\$ 578,058.00	
\$ 570,633.00	
\$ 561,912.89	

**Victim Compensation Fund**

**Substantially Complete Claims/Final Award Amounts**

Track A and Track B Claims as of 11/09/2004

<b>Income Level</b>	<b>Net Final Award Amount</b>
<b>\$40,001 - \$60,000</b>	\$ 557,390.00
	\$ 557,254.00
	\$ 546,523.00
	\$ 544,203.14
	\$ 538,046.10
	\$ 531,541.42
	\$ 530,702.00
	\$ 529,964.00
	\$ 527,817.14
	\$ 526,085.28
	\$ 525,412.00
	\$ 523,226.18
	\$ 500,000.00
	\$ 497,708.00
	\$ 491,623.33
	\$ 477,386.79
	\$ 475,350.00
	\$ 472,908.48
	\$ 461,771.32
	\$ 460,739.14
	\$ 450,000.00
	\$ 450,000.00
	\$ 439,999.19
	\$ 421,126.21
	\$ 418,757.00
	\$ 415,817.63
	\$ 409,175.00
	\$ 400,464.00
	\$ 396,853.78
	\$ 391,837.00
	\$ 386,644.16
	\$ 377,454.48
\$ 359,605.00	
\$ 350,000.00	
\$ 350,000.00	
\$ 339,000.00	



**Victim Compensation Fund**

**Substantially Complete Claims/Final Award Amounts**

Track A and Track B Claims as of 11/09/2004

<b>Income Level</b>	<b>Net Final Award Amount</b>
<b>\$60,001 - \$80,000</b>	\$ 4,261,316.71
	\$ 3,713,352.67
	\$ 3,331,935.95
	\$ 3,312,483.00
	\$ 3,309,009.25
	\$ 3,279,925.71
	\$ 3,206,476.14
	\$ 3,146,632.94
	\$ 3,101,999.68
	\$ 2,862,277.06
	\$ 2,855,634.09
	\$ 2,833,218.90
	\$ 2,828,121.20
	\$ 2,819,340.00
	\$ 2,814,358.00
	\$ 2,814,059.37
	\$ 2,806,547.90
	\$ 2,804,993.13
	\$ 2,788,151.53
	\$ 2,785,493.58
	\$ 2,785,351.49
	\$ 2,781,106.00
	\$ 2,760,232.41
	\$ 2,747,233.28
	\$ 2,734,288.00
	\$ 2,727,930.11
	\$ 2,724,419.72
	\$ 2,685,045.76
	\$ 2,684,812.00
	\$ 2,677,446.03
	\$ 2,657,056.56
	\$ 2,647,321.53
	\$ 2,632,581.57
	\$ 2,629,464.00
	\$ 2,613,668.81
	\$ 2,605,515.00

**Victim Compensation Fund**

**Substantially Complete Claims/Final Award Amounts**

Track A and Track B Claims as of 11/09/2004

<b>Income Level</b>	<b>Net Final Award Amount</b>
<b>\$60,001 - \$80,000</b>	\$ 2,584,505.07
	\$ 2,552,385.00
	\$ 2,549,934.89
	\$ 2,531,586.04
	\$ 2,530,484.17
	\$ 2,525,619.63
	\$ 2,520,247.08
	\$ 2,514,046.34
	\$ 2,492,857.28
	\$ 2,482,811.69
	\$ 2,475,528.30
	\$ 2,469,795.47
	\$ 2,456,969.00
	\$ 2,446,246.00
	\$ 2,437,305.23
	\$ 2,425,321.70
	\$ 2,408,368.61
	\$ 2,379,694.09
	\$ 2,379,044.41
	\$ 2,373,657.56
	\$ 2,365,074.98
	\$ 2,364,001.50
	\$ 2,351,326.68
	\$ 2,350,225.36
	\$ 2,328,413.51
	\$ 2,326,249.83
	\$ 2,322,445.51
	\$ 2,302,063.87
	\$ 2,282,345.00
	\$ 2,256,228.24
	\$ 2,252,075.40
	\$ 2,251,993.89
	\$ 2,250,815.76
	\$ 2,247,949.00
	\$ 2,240,260.15
	\$ 2,221,702.76

**Victim Compensation Fund**

**Substantially Complete Claims/Final Award Amounts**

Track A and Track B Claims as of 11/09/2004

<b>Income Level</b>	<b>Net Final Award Amount</b>
<b>\$60,001 - \$80,000</b>	\$ 2,214,857.32
	\$ 2,213,128.00
	\$ 2,195,036.14
	\$ 2,194,551.58
	\$ 2,193,492.60
	\$ 2,181,304.47
	\$ 2,177,057.64
	\$ 2,172,923.00
	\$ 2,169,022.60
	\$ 2,167,886.57
	\$ 2,164,291.20
	\$ 2,150,737.56
	\$ 2,144,210.36
	\$ 2,139,455.11
	\$ 2,137,052.73
	\$ 2,130,628.01
	\$ 2,127,827.00
	\$ 2,115,936.37
	\$ 2,098,130.63
	\$ 2,094,085.45
	\$ 2,090,420.26
	\$ 2,089,523.83
	\$ 2,089,179.29
	\$ 2,089,151.58
	\$ 2,082,088.74
	\$ 2,075,263.29
	\$ 2,057,312.11
	\$ 2,052,422.01
	\$ 2,048,183.66
	\$ 2,044,824.52
	\$ 2,039,493.25
	\$ 2,039,050.70
\$ 2,038,946.22	
\$ 2,033,371.00	
\$ 2,031,344.91	
\$ 2,021,770.21	

**Victim Compensation Fund**

**Substantially Complete Claims/Final Award Amounts**

Track A and Track B Claims as of 11/09/2004

<b>Income Level</b>	<b>Net Final Award Amount</b>
<b>\$60,001 - \$80,000</b>	\$ 2,011,056.20
	\$ 2,007,653.92
	\$ 1,999,302.04
	\$ 1,998,611.25
	\$ 1,995,356.77
	\$ 1,993,079.56
	\$ 1,984,097.55
	\$ 1,970,313.00
	\$ 1,963,315.12
	\$ 1,945,083.00
	\$ 1,943,579.60
	\$ 1,939,035.56
	\$ 1,938,435.02
	\$ 1,931,824.62
	\$ 1,928,046.69
	\$ 1,917,130.50
	\$ 1,914,037.97
	\$ 1,913,980.35
	\$ 1,912,563.00
	\$ 1,912,041.63
	\$ 1,910,462.37
	\$ 1,910,130.00
	\$ 1,907,267.69
	\$ 1,905,000.00
	\$ 1,896,994.29
	\$ 1,896,747.00
	\$ 1,891,379.20
	\$ 1,885,456.00
	\$ 1,885,377.27
	\$ 1,871,007.70
	\$ 1,866,399.39
	\$ 1,865,879.70
\$ 1,858,966.28	
\$ 1,856,387.28	
\$ 1,854,539.74	
\$ 1,850,867.39	

**Victim Compensation Fund**

**Substantially Complete Claims/Final Award Amounts**

Track A and Track B Claims as of 11/09/2004

<b>Income Level</b>	<b>Net Final Award Amount</b>
<b>\$60,001 - \$80,000</b>	\$ 1,849,004.00
	\$ 1,843,006.00
	\$ 1,841,302.00
	\$ 1,840,191.74
	\$ 1,829,723.61
	\$ 1,819,512.02
	\$ 1,808,101.00
	\$ 1,794,406.00
	\$ 1,790,017.90
	\$ 1,786,466.55
	\$ 1,784,701.12
	\$ 1,781,776.24
	\$ 1,776,817.64
	\$ 1,770,184.03
	\$ 1,768,863.47
	\$ 1,768,056.29
	\$ 1,759,912.00
	\$ 1,756,161.57
	\$ 1,755,871.00
	\$ 1,753,140.00
	\$ 1,740,443.00
	\$ 1,739,414.25
	\$ 1,728,250.00
	\$ 1,727,706.21
	\$ 1,726,083.15
	\$ 1,724,394.91
	\$ 1,721,196.13
	\$ 1,719,367.91
	\$ 1,718,443.46
	\$ 1,714,415.00
	\$ 1,705,132.71
	\$ 1,701,302.27
	\$ 1,701,109.85
	\$ 1,700,709.25
	\$ 1,694,991.19
	\$ 1,694,863.62



**Victim Compensation Fund**

**Substantially Complete Claims/Final Award Amounts**

Track A and Track B Claims as of 11/09/2004

<b>Income Level</b>	<b>Net Final Award Amount</b>
<b>\$60,001 - \$80,000</b>	\$ 1,693,985.57
	\$ 1,680,666.44
	\$ 1,678,642.62
	\$ 1,678,063.12
	\$ 1,677,872.03
	\$ 1,677,761.49
	\$ 1,674,531.00
	\$ 1,661,302.97
	\$ 1,660,988.14
	\$ 1,653,295.00
	\$ 1,650,344.90
	\$ 1,650,000.00
	\$ 1,646,274.00
	\$ 1,640,132.75
	\$ 1,640,045.45
	\$ 1,635,589.49
	\$ 1,634,657.03
	\$ 1,625,376.86
	\$ 1,613,040.64
	\$ 1,600,591.01
	\$ 1,598,259.70
	\$ 1,595,429.40
	\$ 1,578,725.87
	\$ 1,578,367.78
	\$ 1,576,478.33
	\$ 1,563,536.63
	\$ 1,560,028.00
	\$ 1,559,549.00
	\$ 1,542,497.96
	\$ 1,537,659.07
	\$ 1,533,311.64
	\$ 1,522,795.66
	\$ 1,514,123.15
	\$ 1,506,902.98
	\$ 1,502,644.00
	\$ 1,496,700.47

**Victim Compensation Fund**

**Substantially Complete Claims/Final Award Amounts**

Track A and Track B Claims as of 11/09/2004

<b>Income Level</b>	<b>Net Final Award Amount</b>
<b>\$60,001 - \$80,000</b>	\$ 1,496,597.00
	\$ 1,488,571.56
	\$ 1,485,187.72
	\$ 1,481,989.45
	\$ 1,479,187.81
	\$ 1,477,454.47
	\$ 1,470,690.35
	\$ 1,468,301.00
	\$ 1,463,906.33
	\$ 1,460,677.98
	\$ 1,458,623.70
	\$ 1,456,022.00
	\$ 1,454,964.67
	\$ 1,452,748.43
	\$ 1,446,846.02
	\$ 1,439,121.66
	\$ 1,438,313.76
	\$ 1,437,478.98
	\$ 1,436,837.00
	\$ 1,428,687.29
	\$ 1,425,658.23
	\$ 1,422,514.00
	\$ 1,415,297.06
	\$ 1,407,477.92
	\$ 1,403,142.58
	\$ 1,402,867.94
	\$ 1,402,588.00
	\$ 1,394,788.63
	\$ 1,394,471.00
	\$ 1,393,636.78
	\$ 1,388,454.34
	\$ 1,383,825.96
\$ 1,380,439.96	
\$ 1,379,985.00	
\$ 1,374,534.89	
\$ 1,371,478.22	

**Victim Compensation Fund**

**Substantially Complete Claims/Final Award Amounts**

Track A and Track B Claims as of 11/09/2004

<b>Income Level</b>	<b>Net Final Award Amount</b>
<b>\$60,001 - \$80,000</b>	\$ 1,369,522.00
	\$ 1,368,874.49
	\$ 1,368,778.03
	\$ 1,366,291.35
	\$ 1,363,543.00
	\$ 1,359,416.00
	\$ 1,356,878.43
	\$ 1,356,346.33
	\$ 1,347,429.96
	\$ 1,344,258.17
	\$ 1,342,346.00
	\$ 1,341,267.95
	\$ 1,339,368.00
	\$ 1,336,579.79
	\$ 1,335,839.00
	\$ 1,332,029.63
	\$ 1,331,278.00
	\$ 1,330,094.00
	\$ 1,328,150.20
	\$ 1,321,471.83
	\$ 1,319,715.71
	\$ 1,313,489.00
	\$ 1,307,888.26
	\$ 1,303,469.96
	\$ 1,302,455.93
	\$ 1,302,356.80
	\$ 1,289,203.83
	\$ 1,288,553.12
	\$ 1,283,018.71
	\$ 1,276,598.44
	\$ 1,273,993.28
	\$ 1,266,529.09
	\$ 1,259,467.00
	\$ 1,258,540.47
	\$ 1,258,158.37
	\$ 1,257,266.56

**Victim Compensation Fund**

**Substantially Complete Claims/Final Award Amounts**

Track A and Track B Claims as of 11/09/2004

<b>Income Level</b>	<b>Net Final Award Amount</b>
<b>\$60,001 - \$80,000</b>	\$ 1,248,964.55
	\$ 1,246,031.14
	\$ 1,245,612.40
	\$ 1,243,685.00
	\$ 1,238,257.51
	\$ 1,235,905.92
	\$ 1,235,414.71
	\$ 1,229,325.95
	\$ 1,225,699.07
	\$ 1,225,163.87
	\$ 1,223,908.75
	\$ 1,221,551.71
	\$ 1,219,995.85
	\$ 1,214,978.00
	\$ 1,213,004.03
	\$ 1,211,607.85
	\$ 1,209,994.27
	\$ 1,203,954.00
	\$ 1,202,232.13
	\$ 1,197,348.03
	\$ 1,194,944.52
	\$ 1,191,836.52
	\$ 1,190,112.24
	\$ 1,189,421.31
	\$ 1,179,019.00
	\$ 1,176,791.00
	\$ 1,176,500.82
	\$ 1,168,926.20
	\$ 1,165,984.89
	\$ 1,165,903.00
	\$ 1,160,266.00
	\$ 1,158,330.68
	\$ 1,154,363.61
	\$ 1,151,101.00
	\$ 1,150,354.76
	\$ 1,149,694.00

**Victim Compensation Fund**

**Substantially Complete Claims/Final Award Amounts**

Track A and Track B Claims as of 11/09/2004

<b>Income Level</b>	<b>Net Final Award Amount</b>
<b>\$60,001 - \$80,000</b>	\$ 1,145,847.80
	\$ 1,140,100.46
	\$ 1,133,188.51
	\$ 1,131,848.62
	\$ 1,126,739.40
	\$ 1,122,207.32
	\$ 1,121,182.52
	\$ 1,120,362.40
	\$ 1,119,922.92
	\$ 1,119,072.00
	\$ 1,118,426.00
	\$ 1,117,960.00
	\$ 1,112,085.52
	\$ 1,109,095.00
	\$ 1,103,788.92
	\$ 1,101,910.00
	\$ 1,100,472.12
	\$ 1,094,076.00
	\$ 1,086,428.57
	\$ 1,077,105.90
	\$ 1,070,387.00
	\$ 1,069,049.64
	\$ 1,068,645.34
	\$ 1,067,961.41
	\$ 1,066,880.00
	\$ 1,066,713.00
	\$ 1,065,782.88
	\$ 1,063,246.42
	\$ 1,057,607.79
	\$ 1,056,400.31
	\$ 1,051,493.52
	\$ 1,047,913.84
	\$ 1,044,386.99
	\$ 1,042,771.08
	\$ 1,033,497.00
	\$ 1,026,709.84

**Victim Compensation Fund**

**Substantially Complete Claims/Final Award Amounts**

Track A and Track B Claims as of 11/09/2004

<b>Income Level</b>	<b>Net Final Award Amount</b>
<b>\$60,001 - \$80,000</b>	\$ 1,023,266.79
	\$ 1,016,599.09
	\$ 1,016,369.09
	\$ 1,016,282.48
	\$ 1,014,912.32
	\$ 1,011,962.92
	\$ 1,010,370.75
	\$ 1,006,861.40
	\$ 1,005,485.25
	\$ 1,004,819.00
	\$ 1,000,466.51
	\$ 996,472.25
	\$ 994,499.00
	\$ 993,936.00
	\$ 988,964.41
	\$ 984,834.00
	\$ 981,377.70
	\$ 971,203.29
	\$ 968,128.83
	\$ 968,100.03
	\$ 966,357.19
	\$ 960,279.00
	\$ 958,857.00
	\$ 957,931.71
	\$ 957,103.00
	\$ 948,799.00
	\$ 946,696.89
	\$ 936,162.31
	\$ 933,317.22
	\$ 925,022.00
	\$ 924,616.62
	\$ 924,056.41
	\$ 919,450.54
\$ 907,844.54	
\$ 907,490.60	
\$ 902,993.00	

**Victim Compensation Fund**

**Substantially Complete Claims/Final Award Amounts**

Track A and Track B Claims as of 11/09/2004

<b>Income Level</b>	<b>Net Final Award Amount</b>
<b>\$60,001 - \$80,000</b>	\$ 893,696.60
	\$ 890,319.76
	\$ 885,625.00
	\$ 884,467.00
	\$ 876,718.94
	\$ 870,091.42
	\$ 869,889.65
	\$ 854,341.47
	\$ 854,197.00
	\$ 852,912.94
	\$ 852,691.01
	\$ 848,048.00
	\$ 841,781.00
	\$ 834,707.15
	\$ 834,328.25
	\$ 830,034.15
	\$ 825,393.00
	\$ 819,777.58
	\$ 819,741.29
	\$ 819,202.89
	\$ 818,960.00
	\$ 811,810.41
	\$ 808,895.37
	\$ 805,867.96
	\$ 800,875.88
	\$ 795,541.37
	\$ 792,405.98
	\$ 785,834.76
	\$ 781,696.44
	\$ 777,734.40
	\$ 776,048.00
	\$ 773,359.24
	\$ 772,963.00
	\$ 772,184.51
	\$ 769,462.35
	\$ 767,338.00

**Victim Compensation Fund**

**Substantially Complete Claims/Final Award Amounts**

Track A and Track B Claims as of 11/09/2004

<b>Income Level</b>	<b>Net Final Award Amount</b>
<b>\$60,001 - \$80,000</b>	\$ 763,463.16
	\$ 760,755.36
	\$ 759,201.00
	\$ 755,215.93
	\$ 750,000.00
	\$ 748,887.27
	\$ 725,055.65
	\$ 721,354.14
	\$ 717,819.00
	\$ 704,521.75
	\$ 698,158.00
	\$ 690,969.43
	\$ 688,264.74
	\$ 684,375.00
	\$ 682,905.59
	\$ 677,764.57
	\$ 663,029.60
	\$ 661,508.63
	\$ 649,556.03
	\$ 645,496.19
	\$ 644,549.65
	\$ 641,950.14
	\$ 630,671.67
	\$ 623,957.00
	\$ 623,512.99
	\$ 600,765.75
	\$ 597,047.85
	\$ 587,565.00
	\$ 585,643.65
	\$ 577,435.77
	\$ 563,617.06
	\$ 555,652.41
	\$ 548,304.43
\$ 547,205.00	
\$ 543,341.00	
\$ 538,225.00	





**Victim Compensation Fund**

**Substantially Complete Claims/Final Award Amounts**

Track A and Track B Claims as of 11/09/2004

<b>Income Level</b>	<b>Net Final Award Amount</b>
<b>\$80,001 - \$100,000</b>	\$ 4,361,482.77
	\$ 4,188,633.02
	\$ 4,160,141.05
	\$ 4,100,300.00
	\$ 3,899,892.78
	\$ 3,832,385.00
	\$ 3,553,963.16
	\$ 3,478,446.62
	\$ 3,444,231.00
	\$ 3,413,778.00
	\$ 3,409,357.11
	\$ 3,405,962.00
	\$ 3,296,735.00
	\$ 3,289,568.00
	\$ 3,282,723.00
	\$ 3,257,189.30
	\$ 3,216,529.44
	\$ 3,191,725.82
	\$ 3,131,720.10
	\$ 3,109,814.00
	\$ 3,040,792.40
	\$ 3,039,269.87
	\$ 2,995,749.16
	\$ 2,967,237.75
	\$ 2,959,748.09
	\$ 2,957,475.69
	\$ 2,927,403.86
	\$ 2,912,265.68
	\$ 2,907,118.00
	\$ 2,888,236.29
	\$ 2,876,806.80
	\$ 2,872,908.92
	\$ 2,872,350.00
	\$ 2,868,279.00
	\$ 2,857,389.77
	\$ 2,844,761.25

**Victim Compensation Fund**

**Substantially Complete Claims/Final Award Amounts**

Track A and Track B Claims as of 11/09/2004

<b>Income Level</b>	<b>Net Final Award Amount</b>
<b>\$80,001 - \$100,000</b>	\$ 2,841,405.56
	\$ 2,831,852.03
	\$ 2,827,890.60
	\$ 2,826,225.80
	\$ 2,797,738.49
	\$ 2,783,782.02
	\$ 2,778,970.20
	\$ 2,710,312.00
	\$ 2,660,533.00
	\$ 2,654,554.53
	\$ 2,599,226.00
	\$ 2,581,975.97
	\$ 2,581,828.40
	\$ 2,566,396.17
	\$ 2,562,183.52
	\$ 2,537,802.71
	\$ 2,536,508.09
	\$ 2,521,926.78
	\$ 2,520,907.00
	\$ 2,490,699.28
	\$ 2,489,868.04
	\$ 2,485,815.00
	\$ 2,484,628.19
	\$ 2,477,006.07
	\$ 2,476,323.57
	\$ 2,475,055.27
	\$ 2,467,125.85
	\$ 2,446,284.30
	\$ 2,445,910.24
	\$ 2,444,950.40
	\$ 2,441,976.64
	\$ 2,423,216.69
	\$ 2,419,103.00
\$ 2,412,562.74	
\$ 2,408,932.49	
\$ 2,399,812.00	

**Victim Compensation Fund**

**Substantially Complete Claims/Final Award Amounts**

Track A and Track B Claims as of 11/09/2004

<b>Income Level</b>	<b>Net Final Award Amount</b>
<b>\$80,001 - \$100,000</b>	\$ 2,361,868.92
	\$ 2,332,150.61
	\$ 2,321,122.53
	\$ 2,317,453.37
	\$ 2,313,923.00
	\$ 2,309,297.44
	\$ 2,307,890.83
	\$ 2,278,912.36
	\$ 2,274,151.00
	\$ 2,269,342.28
	\$ 2,259,383.18
	\$ 2,257,324.04
	\$ 2,254,901.00
	\$ 2,249,799.28
	\$ 2,248,427.50
	\$ 2,247,797.00
	\$ 2,232,767.17
	\$ 2,215,912.31
	\$ 2,208,430.96
	\$ 2,202,351.45
	\$ 2,199,877.00
	\$ 2,176,734.27
	\$ 2,171,891.00
	\$ 2,170,843.41
	\$ 2,165,501.79
	\$ 2,160,129.58
	\$ 2,157,451.81
	\$ 2,151,619.14
	\$ 2,141,437.00
	\$ 2,134,178.36
	\$ 2,133,084.39
	\$ 2,123,100.00
	\$ 2,109,224.60
	\$ 2,105,794.20
	\$ 2,103,704.17
	\$ 2,098,561.24

**Victim Compensation Fund**

**Substantially Complete Claims/Final Award Amounts**

Track A and Track B Claims as of 11/09/2004

<b>Income Level</b>	<b>Net Final Award Amount</b>
<b>\$80,001 - \$100,000</b>	\$ 2,093,753.15
	\$ 2,093,153.34
	\$ 2,087,564.00
	\$ 2,072,920.70
	\$ 2,065,851.91
	\$ 2,057,444.00
	\$ 2,055,313.09
	\$ 2,047,988.00
	\$ 2,039,418.93
	\$ 2,033,225.72
	\$ 2,022,044.42
	\$ 2,020,067.69
	\$ 2,019,341.89
	\$ 2,015,084.46
	\$ 2,014,036.48
	\$ 2,012,803.30
	\$ 1,998,708.00
	\$ 1,990,924.35
	\$ 1,983,086.00
	\$ 1,977,644.62
	\$ 1,945,077.23
	\$ 1,938,705.93
	\$ 1,936,039.00
	\$ 1,912,069.80
	\$ 1,900,582.96
	\$ 1,893,552.09
	\$ 1,892,280.61
	\$ 1,887,365.59
	\$ 1,880,701.00
	\$ 1,877,950.40
	\$ 1,871,700.00
	\$ 1,864,844.50
\$ 1,862,929.78	
\$ 1,855,102.50	
\$ 1,853,391.00	
\$ 1,847,523.82	

**Victim Compensation Fund**

**Substantially Complete Claims/Final Award Amounts**

Track A and Track B Claims as of 11/09/2004

<b>Income Level</b>	<b>Net Final Award Amount</b>
<b>\$80,001 - \$100,000</b>	\$ 1,846,901.00
	\$ 1,846,752.61
	\$ 1,790,910.96
	\$ 1,790,235.75
	\$ 1,788,698.46
	\$ 1,788,169.81
	\$ 1,766,478.01
	\$ 1,753,835.18
	\$ 1,745,940.63
	\$ 1,743,239.75
	\$ 1,737,014.41
	\$ 1,705,246.50
	\$ 1,702,424.00
	\$ 1,694,230.16
	\$ 1,693,311.24
	\$ 1,690,837.44
	\$ 1,690,292.91
	\$ 1,688,406.02
	\$ 1,687,040.76
	\$ 1,675,953.77
	\$ 1,664,289.84
	\$ 1,661,779.00
	\$ 1,650,725.00
	\$ 1,639,361.02
	\$ 1,630,791.39
	\$ 1,629,242.36
	\$ 1,627,901.93
	\$ 1,623,363.16
	\$ 1,619,247.92
	\$ 1,608,048.00
	\$ 1,605,280.47
	\$ 1,605,080.96
	\$ 1,603,379.70
	\$ 1,599,932.59
	\$ 1,598,154.37
	\$ 1,596,164.00

**Victim Compensation Fund**

**Substantially Complete Claims/Final Award Amounts**

Track A and Track B Claims as of 11/09/2004

<b>Income Level</b>	<b>Net Final Award Amount</b>
<b>\$80,001 - \$100,000</b>	\$ 1,595,955.31
	\$ 1,592,442.97
	\$ 1,590,936.00
	\$ 1,586,309.58
	\$ 1,586,078.33
	\$ 1,577,081.00
	\$ 1,574,666.00
	\$ 1,573,258.33
	\$ 1,572,736.97
	\$ 1,570,517.15
	\$ 1,565,593.79
	\$ 1,565,040.00
	\$ 1,561,755.88
	\$ 1,558,251.67
	\$ 1,524,999.00
	\$ 1,523,584.82
	\$ 1,517,905.00
	\$ 1,506,128.88
	\$ 1,502,763.93
	\$ 1,498,714.00
	\$ 1,496,881.12
	\$ 1,489,660.79
	\$ 1,488,287.91
	\$ 1,487,136.27
	\$ 1,485,633.00
	\$ 1,468,964.00
	\$ 1,460,455.71
	\$ 1,455,808.29
	\$ 1,454,578.00
	\$ 1,448,341.50
	\$ 1,443,200.43
	\$ 1,438,961.04
\$ 1,436,441.61	
\$ 1,435,125.95	
\$ 1,418,392.95	
\$ 1,414,981.12	

**Victim Compensation Fund**

**Substantially Complete Claims/Final Award Amounts**

Track A and Track B Claims as of 11/09/2004

<b>Income Level</b>	<b>Net Final Award Amount</b>
<b>\$80,001 - \$100,000</b>	\$ 1,411,640.33
	\$ 1,403,886.00
	\$ 1,390,150.49
	\$ 1,365,307.44
	\$ 1,356,552.00
	\$ 1,351,058.16
	\$ 1,348,548.00
	\$ 1,345,526.34
	\$ 1,342,185.31
	\$ 1,339,253.45
	\$ 1,336,719.72
	\$ 1,322,833.33
	\$ 1,318,688.00
	\$ 1,318,358.00
	\$ 1,316,774.55
	\$ 1,316,113.45
	\$ 1,314,730.72
	\$ 1,300,822.00
	\$ 1,300,580.88
	\$ 1,298,798.51
	\$ 1,296,356.93
	\$ 1,295,299.87
	\$ 1,288,111.00
	\$ 1,283,250.30
	\$ 1,276,282.89
	\$ 1,274,522.55
	\$ 1,269,716.72
	\$ 1,265,584.19
	\$ 1,262,443.97
	\$ 1,261,398.00
	\$ 1,244,302.16
	\$ 1,243,777.98
\$ 1,242,547.66	
\$ 1,242,516.00	
\$ 1,233,158.00	
\$ 1,219,537.00	



**Victim Compensation Fund**

**Substantially Complete Claims/Final Award Amounts**

Track A and Track B Claims as of 11/09/2004

<b>Income Level</b>	<b>Net Final Award Amount</b>
<b>\$80,001 - \$100,000</b>	\$ 1,217,294.91
	\$ 1,206,221.23
	\$ 1,203,194.65
	\$ 1,194,350.00
	\$ 1,192,834.70
	\$ 1,187,904.15
	\$ 1,187,065.86
	\$ 1,173,345.65
	\$ 1,164,408.00
	\$ 1,160,843.74
	\$ 1,155,508.00
	\$ 1,146,362.00
	\$ 1,140,089.74
	\$ 1,136,456.53
	\$ 1,132,850.00
	\$ 1,126,133.00
	\$ 1,125,647.62
	\$ 1,124,854.26
	\$ 1,124,160.98
	\$ 1,122,626.11
	\$ 1,110,595.47
	\$ 1,105,236.13
	\$ 1,092,443.29
	\$ 1,080,855.50
	\$ 1,079,177.74
	\$ 1,077,741.87
	\$ 1,075,480.00
	\$ 1,071,323.00
	\$ 1,069,154.78
	\$ 1,046,677.03
	\$ 1,045,729.00
	\$ 1,045,134.37
\$ 1,040,016.00	
\$ 1,037,833.06	
\$ 1,035,613.92	
\$ 1,034,112.25	

**Victim Compensation Fund**

**Substantially Complete Claims/Final Award Amounts**

Track A and Track B Claims as of 11/09/2004

<b>Income Level</b>	<b>Net Final Award Amount</b>
<b>\$80,001 - \$100,000</b>	\$ 1,031,693.19
	\$ 1,029,065.50
	\$ 1,028,135.21
	\$ 1,014,717.70
	\$ 1,004,101.49
	\$ 988,754.37
	\$ 988,706.36
	\$ 978,560.00
	\$ 971,460.98
	\$ 969,467.17
	\$ 963,422.00
	\$ 952,085.28
	\$ 944,362.00
	\$ 943,386.00
	\$ 939,213.58
	\$ 933,753.27
	\$ 928,878.66
	\$ 926,915.00
	\$ 905,426.00
	\$ 899,991.13
	\$ 889,298.10
	\$ 889,092.40
	\$ 875,054.80
	\$ 874,948.45
	\$ 871,711.20
	\$ 865,614.54
	\$ 845,031.00
	\$ 840,080.45
	\$ 833,498.39
	\$ 830,551.00
	\$ 778,438.43
	\$ 726,164.10
\$ 706,117.24	
\$ 703,420.00	
\$ 692,269.00	
\$ 670,301.00	



**Victim Compensation Fund**

**Substantially Complete Claims/Final Award Amounts**

Track A and Track B Claims as of 11/09/2004

<b>Income Level</b>	<b>Net Final Award Amount</b>
<b>\$100,001 - \$120,000</b>	\$ 4,549,012.18
	\$ 4,500,000.00
	\$ 4,411,072.86
	\$ 4,069,161.19
	\$ 4,018,215.11
	\$ 3,992,456.42
	\$ 3,891,973.00
	\$ 3,851,005.74
	\$ 3,616,642.00
	\$ 3,572,694.92
	\$ 3,513,868.87
	\$ 3,510,371.00
	\$ 3,500,019.29
	\$ 3,484,218.12
	\$ 3,410,169.61
	\$ 3,398,523.00
	\$ 3,386,787.65
	\$ 3,351,942.94
	\$ 3,318,023.00
	\$ 3,240,000.48
	\$ 3,235,153.00
	\$ 3,232,136.48
	\$ 3,181,740.00
	\$ 3,154,171.00
	\$ 3,126,039.94
	\$ 3,121,575.00
	\$ 3,105,345.37
	\$ 3,048,189.00
	\$ 3,012,619.39
	\$ 3,003,467.55
	\$ 2,991,234.03
	\$ 2,971,305.00
	\$ 2,951,127.79
	\$ 2,928,092.78
	\$ 2,914,362.00
	\$ 2,905,698.00

**Victim Compensation Fund**

**Substantially Complete Claims/Final Award Amounts**

Track A and Track B Claims as of 11/09/2004

<b>Income Level</b>	<b>Net Final Award Amount</b>
<b>\$100,001 - \$120,000</b>	\$ 2,900,377.65
	\$ 2,892,654.02
	\$ 2,891,637.34
	\$ 2,862,451.99
	\$ 2,844,009.45
	\$ 2,806,554.00
	\$ 2,801,033.42
	\$ 2,795,558.26
	\$ 2,789,635.00
	\$ 2,769,507.02
	\$ 2,753,616.19
	\$ 2,726,414.90
	\$ 2,684,543.00
	\$ 2,678,491.82
	\$ 2,666,189.00
	\$ 2,657,224.00
	\$ 2,650,000.00
	\$ 2,612,020.34
	\$ 2,597,350.74
	\$ 2,558,062.69
	\$ 2,552,154.00
	\$ 2,542,450.55
	\$ 2,540,746.18
	\$ 2,540,544.97
	\$ 2,528,262.39
	\$ 2,503,961.58
	\$ 2,489,697.01
	\$ 2,474,671.00
	\$ 2,442,382.72
	\$ 2,436,050.00
	\$ 2,419,271.00
	\$ 2,416,103.00
	\$ 2,405,422.02
	\$ 2,390,493.82
	\$ 2,382,872.47
	\$ 2,372,267.00

**Victim Compensation Fund**

**Substantially Complete Claims/Final Award Amounts**

Track A and Track B Claims as of 11/09/2004

<b>Income Level</b>	<b>Net Final Award Amount</b>
<b>\$100,001 - \$120,000</b>	\$ 2,340,227.00
	\$ 2,336,929.51
	\$ 2,332,420.83
	\$ 2,330,727.98
	\$ 2,323,412.60
	\$ 2,308,226.82
	\$ 2,289,047.68
	\$ 2,289,003.99
	\$ 2,279,130.37
	\$ 2,274,553.00
	\$ 2,270,749.08
	\$ 2,266,834.01
	\$ 2,261,584.00
	\$ 2,246,392.68
	\$ 2,237,251.00
	\$ 2,232,026.83
	\$ 2,231,341.99
	\$ 2,221,455.11
	\$ 2,207,855.90
	\$ 2,197,598.69
	\$ 2,191,773.08
	\$ 2,189,854.41
	\$ 2,181,378.31
	\$ 2,148,983.35
	\$ 2,147,774.00
	\$ 2,139,068.75
	\$ 2,137,887.26
	\$ 2,114,957.11
	\$ 2,114,523.92
	\$ 2,102,113.84
	\$ 2,101,467.10
	\$ 2,084,701.50
\$ 2,081,804.00	
\$ 2,066,441.13	
\$ 2,063,496.62	
\$ 2,062,386.48	

**Victim Compensation Fund**

**Substantially Complete Claims/Final Award Amounts**

Track A and Track B Claims as of 11/09/2004

<b>Income Level</b>	<b>Net Final Award Amount</b>
<b>\$100,001 - \$120,000</b>	\$ 2,054,772.70
	\$ 2,024,445.13
	\$ 2,005,785.75
	\$ 1,997,751.46
	\$ 1,996,975.55
	\$ 1,988,995.83
	\$ 1,984,572.98
	\$ 1,976,621.47
	\$ 1,941,482.30
	\$ 1,938,603.69
	\$ 1,934,676.20
	\$ 1,915,517.90
	\$ 1,913,317.00
	\$ 1,898,133.18
	\$ 1,886,608.00
	\$ 1,874,531.45
	\$ 1,871,807.00
	\$ 1,846,335.00
	\$ 1,842,801.00
	\$ 1,830,707.00
	\$ 1,771,343.81
	\$ 1,763,288.86
	\$ 1,757,071.77
	\$ 1,751,456.19
	\$ 1,750,000.00
	\$ 1,740,016.72
	\$ 1,738,447.92
	\$ 1,736,683.04
	\$ 1,726,935.85
	\$ 1,722,662.48
	\$ 1,713,504.65
	\$ 1,711,240.75
	\$ 1,693,689.02
\$ 1,691,631.00	
\$ 1,682,625.74	
\$ 1,677,503.59	

**Victim Compensation Fund**

**Substantially Complete Claims/Final Award Amounts**

Track A and Track B Claims as of 11/09/2004

<b>Income Level</b>	<b>Net Final Award Amount</b>
<b>\$100,001 - \$120,000</b>	\$ 1,677,123.20
	\$ 1,669,493.29
	\$ 1,668,208.34
	\$ 1,664,895.38
	\$ 1,661,206.62
	\$ 1,648,361.00
	\$ 1,644,339.00
	\$ 1,641,367.00
	\$ 1,628,319.00
	\$ 1,614,300.06
	\$ 1,606,210.00
	\$ 1,604,002.21
	\$ 1,601,191.38
	\$ 1,596,600.29
	\$ 1,596,106.39
	\$ 1,585,910.32
	\$ 1,570,666.50
	\$ 1,568,047.29
	\$ 1,552,107.53
	\$ 1,526,164.91
	\$ 1,525,853.92
	\$ 1,525,365.39
	\$ 1,520,978.00
	\$ 1,486,512.00
	\$ 1,480,460.09
	\$ 1,457,992.87
	\$ 1,456,978.55
	\$ 1,453,706.56
	\$ 1,447,635.37
	\$ 1,440,236.37
	\$ 1,436,492.00
	\$ 1,415,848.29
\$ 1,397,276.41	
\$ 1,367,542.61	
\$ 1,361,213.15	
\$ 1,360,730.26	



**Victim Compensation Fund**

**Substantially Complete Claims/Final Award Amounts**

Track A and Track B Claims as of 11/09/2004

<b>Income Level</b>	<b>Net Final Award Amount</b>
<b>\$100,001 - \$120,000</b>	\$ 1,359,474.50
	\$ 1,358,628.59
	\$ 1,354,125.00
	\$ 1,340,133.00
	\$ 1,339,592.75
	\$ 1,334,028.00
	\$ 1,332,094.59
	\$ 1,320,348.44
	\$ 1,314,822.29
	\$ 1,278,528.01
	\$ 1,250,000.00
	\$ 1,249,596.66
	\$ 1,246,907.00
	\$ 1,209,635.00
	\$ 1,167,614.00
	\$ 1,153,501.00
	\$ 1,144,939.51
	\$ 1,143,425.00
	\$ 1,142,108.00
	\$ 1,141,770.23
	\$ 1,119,859.58
	\$ 1,110,179.67
	\$ 1,106,016.06
	\$ 1,088,110.00
	\$ 1,073,468.36
	\$ 1,069,858.20
	\$ 1,068,841.89
	\$ 1,068,401.00
	\$ 1,061,004.40
	\$ 1,054,086.52
	\$ 1,051,637.89
	\$ 1,049,548.88
	\$ 1,039,319.86
	\$ 1,027,521.00
	\$ 1,019,419.36
	\$ 1,000,953.21

**Victim Compensation Fund**

**Substantially Complete Claims/Final Award Amounts**

Track A and Track B Claims as of 11/09/2004

<b>Income Level</b>	<b>Net Final Award Amount</b>
<b>\$100,001 - \$120,000</b>	\$ 1,000,000.00
	\$ 999,212.15
	\$ 974,517.89
	\$ 968,771.30
	\$ 952,954.00
	\$ 932,686.44
	\$ 929,836.65
	\$ 920,147.10
	\$ 918,775.44
	\$ 911,024.84
	\$ 895,889.77
	\$ 885,582.00
	\$ 883,222.65
	\$ 871,155.98
	\$ 867,500.69
	\$ 848,560.74
	\$ 842,216.00
	\$ 798,584.50
	\$ 782,523.23
	\$ 778,948.06
	\$ 773,111.00
	\$ 763,288.45
	\$ 714,826.36
	\$ 689,916.15
	\$ 683,339.14
	\$ 645,287.35
	\$ 627,461.00
	\$ 539,153.22
	\$ 486,427.00
	\$ 481,941.00
	\$ 459,061.10
	\$ 451,739.05
	\$ 404,163.54
	\$ 372,327.39
	\$ 347,184.00
	\$ 250,000.00

**Victim Compensation Fund**

**Substantially Complete Claims/Final Award Amounts**

Track A and Track B Claims as of 11/09/2004

<b>Income Level</b>	<b>Net Final Award Amount</b>
<b>\$100,001 - \$120,000</b>	\$ 250,000.00
	\$ 250,000.00
	\$ 250,000.00
	\$ 250,000.00

**Victim Compensation Fund**

**Substantially Complete Claims/Final Award Amounts**

Track A and Track B Claims as of 11/09/2004

<b>Income Level</b>	<b>Net Final Award Amount</b>
<b>\$120,001 - \$140,000</b>	\$ 4,987,518.06
	\$ 4,735,518.80
	\$ 4,479,480.00
	\$ 4,286,030.00
	\$ 4,104,525.00
	\$ 4,094,519.96
	\$ 3,877,634.28
	\$ 3,859,754.77
	\$ 3,825,449.26
	\$ 3,632,693.00
	\$ 3,557,224.24
	\$ 3,535,696.00
	\$ 3,446,492.98
	\$ 3,440,198.00
	\$ 3,357,237.78
	\$ 3,356,889.71
	\$ 3,335,610.21
	\$ 3,331,109.00
	\$ 3,298,318.00
	\$ 3,257,044.49
	\$ 3,245,039.34
	\$ 3,238,370.17
	\$ 3,220,554.34
	\$ 3,203,138.34
	\$ 3,167,091.00
	\$ 3,166,785.00
	\$ 3,159,900.82
	\$ 3,147,453.00
	\$ 3,126,684.00
	\$ 3,089,082.00
	\$ 3,077,686.82
	\$ 3,014,814.01
\$ 3,003,687.29	
\$ 2,966,098.02	
\$ 2,959,141.00	
\$ 2,954,382.00	

**Victim Compensation Fund**

**Substantially Complete Claims/Final Award Amounts**

Track A and Track B Claims as of 11/09/2004

<b>Income Level</b>	<b>Net Final Award Amount</b>
<b>\$120,001 - \$140,000</b>	\$ 2,914,667.95
	\$ 2,868,671.38
	\$ 2,791,750.80
	\$ 2,765,244.00
	\$ 2,760,892.76
	\$ 2,718,264.09
	\$ 2,711,753.00
	\$ 2,707,434.73
	\$ 2,696,596.89
	\$ 2,695,615.00
	\$ 2,691,021.88
	\$ 2,683,734.54
	\$ 2,669,386.00
	\$ 2,648,752.32
	\$ 2,628,248.00
	\$ 2,627,629.85
	\$ 2,616,620.00
	\$ 2,566,969.34
	\$ 2,521,313.64
	\$ 2,485,192.89
	\$ 2,450,680.32
	\$ 2,429,410.14
	\$ 2,391,285.00
	\$ 2,331,401.00
	\$ 2,319,100.94
	\$ 2,249,687.39
	\$ 2,249,063.91
	\$ 2,226,128.00
	\$ 2,200,398.92
	\$ 2,180,373.13
	\$ 2,141,354.00
	\$ 2,134,355.10
	\$ 2,091,552.91
	\$ 2,091,044.00
	\$ 2,079,322.18
	\$ 2,074,218.52

**Victim Compensation Fund**

**Substantially Complete Claims/Final Award Amounts**

Track A and Track B Claims as of 11/09/2004

<b>Income Level</b>	<b>Net Final Award Amount</b>
<b>\$120,001 - \$140,000</b>	\$ 2,051,665.61
	\$ 2,050,334.95
	\$ 2,049,723.62
	\$ 2,041,844.00
	\$ 2,040,811.00
	\$ 2,031,649.00
	\$ 2,015,117.97
	\$ 1,994,213.00
	\$ 1,987,189.35
	\$ 1,966,573.00
	\$ 1,964,542.19
	\$ 1,960,156.91
	\$ 1,918,147.32
	\$ 1,903,900.65
	\$ 1,865,137.00
	\$ 1,852,524.14
	\$ 1,851,495.00
	\$ 1,847,093.00
	\$ 1,769,214.01
	\$ 1,761,174.37
	\$ 1,722,535.18
	\$ 1,719,135.02
	\$ 1,707,303.00
	\$ 1,701,747.40
	\$ 1,699,094.00
	\$ 1,648,755.00
	\$ 1,641,825.39
	\$ 1,629,106.78
	\$ 1,613,917.82
	\$ 1,588,940.72
	\$ 1,588,580.00
	\$ 1,571,422.26
\$ 1,568,281.42	
\$ 1,561,634.38	
\$ 1,534,228.00	
\$ 1,497,052.92	

**Victim Compensation Fund**

**Substantially Complete Claims/Final Award Amounts**

Track A and Track B Claims as of 11/09/2004

<b>Income Level</b>	<b>Net Final Award Amount</b>
<b>\$120,001 - \$140,000</b>	\$ 1,491,411.31
	\$ 1,464,476.81
	\$ 1,392,196.37
	\$ 1,383,010.89
	\$ 1,379,774.00
	\$ 1,376,311.66
	\$ 1,368,608.49
	\$ 1,365,428.70
	\$ 1,361,388.00
	\$ 1,315,891.17
	\$ 1,267,274.64
	\$ 1,253,862.00
	\$ 1,252,818.18
	\$ 1,250,098.69
	\$ 1,238,154.69
	\$ 1,235,553.49
	\$ 1,208,047.00
	\$ 1,194,488.40
	\$ 1,178,554.12
	\$ 1,177,776.30
	\$ 1,126,929.00
	\$ 1,124,250.98
	\$ 1,081,492.04
	\$ 1,077,000.00
	\$ 1,062,087.00
	\$ 1,047,601.91
	\$ 1,023,533.65
	\$ 1,016,702.77
	\$ 1,012,997.30
	\$ 1,001,786.00
	\$ 994,916.55
	\$ 993,025.00
\$ 956,456.93	
\$ 954,213.98	
\$ 942,361.00	
\$ 938,616.39	

**Victim Compensation Fund**

**Substantially Complete Claims/Final Award Amounts**

Track A and Track B Claims as of 11/09/2004

<b>Income Level</b>	<b>Net Final Award Amount</b>
<b>\$120,001 - \$140,000</b>	\$ 891,506.36
	\$ 845,126.05
	\$ 825,840.28
	\$ 814,842.00
	\$ 803,901.20
	\$ 770,847.55
	\$ 765,906.00
	\$ 693,638.00
	\$ 584,374.38
	\$ 572,553.38
	\$ 570,689.90
	\$ 510,708.09
	\$ 446,897.50
	\$ 444,388.00
	\$ 350,000.00
	\$ 304,152.46
	\$ 250,000.00
	\$ 250,000.00
	\$ 250,000.00



**Victim Compensation Fund**

**Substantially Complete Claims/Final Award Amounts**

Track A and Track B Claims as of 11/09/2004

<b>Income Level</b>	<b>Net Final Award Amount</b>
<b>\$140,001 - \$160,000</b>	\$ 4,200,938.64
	\$ 4,165,100.58
	\$ 4,084,292.82
	\$ 3,936,312.88
	\$ 3,927,779.00
	\$ 3,608,801.72
	\$ 3,568,429.99
	\$ 3,565,149.61
	\$ 3,552,558.27
	\$ 3,538,996.69
	\$ 3,535,909.85
	\$ 3,486,751.65
	\$ 3,452,606.72
	\$ 3,389,415.63
	\$ 3,380,057.84
	\$ 3,318,498.78
	\$ 3,300,601.80
	\$ 3,294,811.00
	\$ 3,276,259.54
	\$ 3,216,424.93
	\$ 3,213,804.62
	\$ 3,178,798.00
	\$ 3,142,296.84
	\$ 3,107,898.93
	\$ 3,082,642.33
	\$ 3,051,921.00
	\$ 3,049,183.33
	\$ 2,872,106.23
	\$ 2,855,113.78
	\$ 2,849,991.00
	\$ 2,849,406.00
	\$ 2,826,620.18
\$ 2,818,119.00	
\$ 2,801,404.62	
\$ 2,795,363.80	
\$ 2,791,617.95	

**Victim Compensation Fund**

**Substantially Complete Claims/Final Award Amounts**

Track A and Track B Claims as of 11/09/2004

<b>Income Level</b>	<b>Net Final Award Amount</b>
<b>\$140,001 - \$160,000</b>	\$ 2,782,591.34
	\$ 2,770,205.94
	\$ 2,749,670.87
	\$ 2,747,414.00
	\$ 2,741,278.00
	\$ 2,707,992.28
	\$ 2,688,294.98
	\$ 2,656,231.83
	\$ 2,626,929.00
	\$ 2,532,383.58
	\$ 2,529,745.44
	\$ 2,468,901.00
	\$ 2,447,554.62
	\$ 2,438,291.00
	\$ 2,420,285.86
	\$ 2,372,562.00
	\$ 2,313,688.00
	\$ 2,310,743.91
	\$ 2,271,987.73
	\$ 2,166,840.23
	\$ 2,153,132.61
	\$ 2,134,723.66
	\$ 2,122,883.05
	\$ 2,082,064.28
	\$ 2,025,697.17
	\$ 2,015,845.00
	\$ 1,970,469.85
	\$ 1,930,550.28
	\$ 1,921,851.61
	\$ 1,915,325.00
	\$ 1,909,207.12
	\$ 1,890,779.77
\$ 1,875,041.00	
\$ 1,872,688.69	
\$ 1,831,236.54	
\$ 1,820,829.09	

**Victim Compensation Fund**

**Substantially Complete Claims/Final Award Amounts**

Track A and Track B Claims as of 11/09/2004

<b>Income Level</b>	<b>Net Final Award Amount</b>
<b>\$140,001 - \$160,000</b>	\$ 1,806,135.01
	\$ 1,800,976.69
	\$ 1,772,052.95
	\$ 1,757,638.61
	\$ 1,756,427.94
	\$ 1,714,582.02
	\$ 1,712,679.27
	\$ 1,633,834.79
	\$ 1,623,882.01
	\$ 1,590,174.43
	\$ 1,570,124.09
	\$ 1,509,132.61
	\$ 1,501,759.15
	\$ 1,483,746.81
	\$ 1,460,622.78
	\$ 1,448,061.78
	\$ 1,432,376.23
	\$ 1,412,327.53
	\$ 1,403,768.86
	\$ 1,392,781.00
	\$ 1,336,430.26
	\$ 1,304,979.84
	\$ 1,293,307.57
	\$ 1,253,966.55
	\$ 1,245,272.89
	\$ 1,238,633.42
	\$ 1,236,852.54
	\$ 1,226,097.26
	\$ 1,218,782.58
	\$ 1,208,391.44
	\$ 1,149,572.14
	\$ 1,107,629.77
\$ 1,000,062.00	
\$ 1,000,000.00	
\$ 947,587.46	
\$ 906,846.07	

**Victim Compensation Fund**

**Substantially Complete Claims/Final Award Amounts**

Track A and Track B Claims as of 11/09/2004

<b>Income Level</b>	<b>Net Final Award Amount</b>
<b>\$140,001 - \$160,000</b>	\$ 849,657.63
	\$ 837,609.16
	\$ 801,609.71
	\$ 752,799.83
	\$ 697,311.63
	\$ 664,736.36
	\$ 511,213.00
	\$ 379,755.00
	\$ 250,000.00
	\$ 250,000.00
	\$ 250,000.00
	\$ 250,000.00

**Victim Compensation Fund**

**Substantially Complete Claims/Final Award Amounts**

Track A and Track B Claims as of 11/09/2004

<b>Income Level</b>	<b>Net Final Award Amount</b>
<b>\$160,001 - \$180,000</b>	\$ 5,441,092.49
	\$ 5,314,332.17
	\$ 4,886,575.82
	\$ 4,686,705.69
	\$ 4,569,431.93
	\$ 4,524,132.42
	\$ 4,486,326.49
	\$ 4,463,324.94
	\$ 4,458,194.00
	\$ 4,361,402.00
	\$ 4,278,450.31
	\$ 4,259,395.00
	\$ 4,062,189.05
	\$ 3,900,000.00
	\$ 3,797,621.00
	\$ 3,794,875.00
	\$ 3,779,619.00
	\$ 3,742,716.00
	\$ 3,714,999.89
	\$ 3,690,146.39
	\$ 3,657,977.32
	\$ 3,637,675.69
	\$ 3,612,843.66
	\$ 3,608,346.64
	\$ 3,582,611.03
	\$ 3,579,431.00
	\$ 3,506,586.00
	\$ 3,469,360.80
	\$ 3,432,894.01
	\$ 3,370,575.77
	\$ 3,317,637.80
	\$ 3,233,533.63
\$ 3,219,169.00	
\$ 3,206,399.40	
\$ 3,152,818.21	
\$ 3,060,809.00	

**Victim Compensation Fund**

**Substantially Complete Claims/Final Award Amounts**

Track A and Track B Claims as of 11/09/2004

<b>Income Level</b>	<b>Net Final Award Amount</b>
<b>\$160,001 - \$180,000</b>	\$ 3,023,401.00
	\$ 2,991,391.34
	\$ 2,943,911.54
	\$ 2,901,352.14
	\$ 2,892,812.05
	\$ 2,843,237.00
	\$ 2,834,974.00
	\$ 2,653,305.00
	\$ 2,644,713.99
	\$ 2,639,015.31
	\$ 2,626,261.31
	\$ 2,612,253.00
	\$ 2,518,450.00
	\$ 2,515,137.15
	\$ 2,505,889.00
	\$ 2,503,409.00
	\$ 2,492,718.08
	\$ 2,483,518.66
	\$ 2,465,765.58
	\$ 2,463,787.00
	\$ 2,424,964.00
	\$ 2,395,481.00
	\$ 2,374,216.83
	\$ 2,358,334.78
	\$ 2,350,086.71
	\$ 2,318,884.80
	\$ 2,252,185.85
	\$ 2,227,907.25
	\$ 2,222,931.20
	\$ 2,209,543.18
	\$ 2,180,233.88
	\$ 2,141,231.11
	\$ 2,114,709.17
	\$ 2,086,280.58
	\$ 2,061,302.00
	\$ 2,028,919.53

**Victim Compensation Fund**

**Substantially Complete Claims/Final Award Amounts**

Track A and Track B Claims as of 11/09/2004

<b>Income Level</b>	<b>Net Final Award Amount</b>
<b>\$160,001 - \$180,000</b>	\$ 1,987,445.71
	\$ 1,973,572.15
	\$ 1,960,641.16
	\$ 1,960,362.79
	\$ 1,931,608.70
	\$ 1,925,901.73
	\$ 1,827,546.31
	\$ 1,812,633.27
	\$ 1,628,306.86
	\$ 1,613,316.57
	\$ 1,593,390.61
	\$ 1,484,150.72
	\$ 1,481,155.00
	\$ 1,379,194.00
	\$ 1,367,353.00
	\$ 1,359,505.12
	\$ 1,338,497.00
	\$ 1,240,723.00
	\$ 1,185,817.32
	\$ 1,184,691.00
	\$ 1,130,864.15
	\$ 944,305.60
	\$ 901,341.79
	\$ 864,891.00
	\$ 858,310.00
	\$ 742,832.00
	\$ 717,745.18
	\$ 602,329.27
	\$ 588,931.00
	\$ 461,922.41
	\$ 250,000.00

**Victim Compensation Fund**

**Substantially Complete Claims/Final Award Amounts**

Track A and Track B Claims as of 11/09/2004

<b>Income Level</b>	<b>Net Final Award Amount</b>
<b>\$180,001 - \$200,000</b>	\$ 5,512,520.65
	\$ 5,387,617.33
	\$ 4,972,738.29
	\$ 4,403,907.43
	\$ 4,376,689.83
	\$ 4,216,307.10
	\$ 4,136,908.86
	\$ 4,046,733.67
	\$ 4,034,481.33
	\$ 3,866,116.10
	\$ 3,806,817.63
	\$ 3,789,871.00
	\$ 3,692,747.95
	\$ 3,592,076.88
	\$ 3,567,147.00
	\$ 3,558,619.54
	\$ 3,512,032.98
	\$ 3,501,973.61
	\$ 3,371,504.27
	\$ 3,323,265.80
	\$ 3,281,573.78
	\$ 3,275,262.12
	\$ 3,246,370.41
	\$ 3,245,998.00
	\$ 3,223,640.95
	\$ 3,181,382.75
	\$ 3,105,847.03
	\$ 2,999,801.62
	\$ 2,991,859.00
	\$ 2,984,308.73
	\$ 2,966,933.00
	\$ 2,963,248.25
\$ 2,915,857.57	
\$ 2,865,394.00	
\$ 2,851,221.15	
\$ 2,825,886.29	



**Victim Compensation Fund**

**Substantially Complete Claims/Final Award Amounts**

Track A and Track B Claims as of 11/09/2004

<b>Income Level</b>	<b>Net Final Award Amount</b>
<b>\$180,001 - \$200,000</b>	\$ 2,711,377.98
	\$ 2,693,920.81
	\$ 2,632,476.00
	\$ 2,572,904.51
	\$ 2,538,435.38
	\$ 2,381,666.23
	\$ 2,378,259.05
	\$ 2,276,188.30
	\$ 2,270,043.15
	\$ 2,207,711.81
	\$ 2,092,640.57
	\$ 2,066,231.09
	\$ 1,959,494.00
	\$ 1,937,937.00
	\$ 1,792,522.73
	\$ 1,671,446.53
	\$ 1,577,719.40
	\$ 1,498,686.82
	\$ 1,432,850.00
	\$ 1,411,947.14
	\$ 1,333,670.38
	\$ 1,308,704.60
	\$ 1,038,877.55
	\$ 877,354.41
	\$ 852,971.39
	\$ 818,064.66
	\$ 742,154.15
	\$ 720,532.83
	\$ 576,860.35
	\$ 250,000.00
	\$ 250,000.00

**Victim Compensation Fund**

**Substantially Complete Claims/Final Award Amounts**

Track A and Track B Claims as of 11/09/2004

<b>Income Level</b>	<b>Net Final Award Amount</b>
<b>\$200,001 - \$220,000</b>	\$ 5,277,074.63
	\$ 5,170,252.15
	\$ 5,090,668.62
	\$ 4,999,999.00
	\$ 4,953,500.01
	\$ 4,736,864.87
	\$ 4,715,191.10
	\$ 4,606,410.25
	\$ 4,602,415.00
	\$ 4,278,908.07
	\$ 4,196,826.14
	\$ 4,191,162.32
	\$ 4,181,382.80
	\$ 4,076,782.64
	\$ 3,942,101.23
	\$ 3,507,105.00
	\$ 3,492,962.00
	\$ 3,361,293.37
	\$ 3,260,374.56
	\$ 3,260,103.92
	\$ 3,196,972.37
	\$ 3,171,016.33
	\$ 3,121,606.00
	\$ 3,104,701.32
	\$ 3,034,556.40
	\$ 3,021,038.00
	\$ 2,966,177.33
	\$ 2,921,722.78
	\$ 2,823,043.35
	\$ 2,707,755.84
	\$ 2,669,220.05
	\$ 2,627,894.53
	\$ 2,621,073.08
	\$ 2,498,032.20
	\$ 2,413,163.39
	\$ 2,398,144.46

**Victim Compensation Fund**

**Substantially Complete Claims/Final Award Amounts**

Track A and Track B Claims as of 11/09/2004

<b>Income Level</b>	<b>Net Final Award Amount</b>
<b>\$200,001 - \$220,000</b>	\$ 2,358,448.55
	\$ 2,288,662.64
	\$ 2,109,721.09
	\$ 2,103,051.00
	\$ 1,999,959.00
	\$ 1,984,287.40
	\$ 1,767,346.00
	\$ 1,668,337.18
	\$ 1,664,441.00
	\$ 1,560,126.40
	\$ 1,466,928.00
	\$ 1,349,405.05
	\$ 1,315,975.15
	\$ 1,301,589.73
	\$ 1,267,698.19
	\$ 1,170,978.60
	\$ 1,164,918.40
	\$ 1,163,804.34
	\$ 1,132,392.58
	\$ 1,064,082.00
	\$ 1,041,658.34
	\$ 887,622.00
	\$ 862,471.00
	\$ 767,651.62
	\$ 496,013.07
	\$ 393,110.96

**Victim Compensation Fund**

**Substantially Complete Claims/Final Award Amounts**

Track A and Track B Claims as of 11/09/2004

<b>Income Level</b>	<b>Net Final Award Amount</b>
<b>Over \$220,000</b>	\$ 7,100,000.00
	\$ 7,095,000.49
	\$ 7,087,500.00
	\$ 7,075,000.03
	\$ 7,075,000.00
	\$ 7,002,152.83
	\$ 7,000,550.59
	\$ 7,000,000.98
	\$ 6,999,989.57
	\$ 6,997,441.71
	\$ 6,977,441.27
	\$ 6,959,999.07
	\$ 6,957,590.09
	\$ 6,943,333.35
	\$ 6,934,242.92
	\$ 6,900,523.19
	\$ 6,900,000.38
	\$ 6,857,275.34
	\$ 6,822,806.37
	\$ 6,800,000.00
	\$ 6,800,000.00
	\$ 6,736,465.24
	\$ 6,708,094.20
	\$ 6,700,077.56
	\$ 6,691,771.32
	\$ 6,657,875.89
	\$ 6,656,151.40
	\$ 6,655,554.56
	\$ 6,649,995.94
	\$ 6,543,699.04
	\$ 6,541,542.97
	\$ 6,533,721.83
	\$ 6,521,591.42
	\$ 6,518,148.35
	\$ 6,493,705.15
	\$ 6,492,844.99

**Victim Compensation Fund**

**Substantially Complete Claims/Final Award Amounts**

Track A and Track B Claims as of 11/09/2004

<b>Income Level</b>	<b>Net Final Award Amount</b>
<b>Over \$220,000</b>	\$ 6,491,654.70
	\$ 6,434,775.03
	\$ 6,420,846.00
	\$ 6,413,006.00
	\$ 6,393,132.75
	\$ 6,388,510.04
	\$ 6,357,292.56
	\$ 6,316,373.85
	\$ 6,313,953.41
	\$ 6,299,972.11
	\$ 6,295,689.43
	\$ 6,285,400.77
	\$ 6,256,238.13
	\$ 6,229,654.76
	\$ 6,221,118.60
	\$ 6,209,536.40
	\$ 6,200,721.88
	\$ 6,196,265.00
	\$ 6,194,539.66
	\$ 6,190,000.05
	\$ 6,160,627.60
	\$ 6,159,967.59
	\$ 6,158,018.68
	\$ 6,156,315.79
	\$ 6,153,721.55
	\$ 6,141,902.04
	\$ 6,137,353.29
	\$ 6,131,945.54
	\$ 6,117,286.88
	\$ 6,101,695.12
	\$ 6,097,002.50
	\$ 6,080,549.99
	\$ 6,048,532.73
	\$ 6,038,921.00
	\$ 6,028,696.53
	\$ 6,025,931.99

**Victim Compensation Fund**

**Substantially Complete Claims/Final Award Amounts**

Track A and Track B Claims as of 11/09/2004

<b>Income Level</b>	<b>Net Final Award Amount</b>
<b>Over \$220,000</b>	\$ 6,022,127.84
	\$ 6,019,450.19
	\$ 6,005,541.54
	\$ 5,990,000.00
	\$ 5,983,836.24
	\$ 5,979,183.00
	\$ 5,968,129.49
	\$ 5,940,934.31
	\$ 5,909,899.75
	\$ 5,886,136.00
	\$ 5,884,327.10
	\$ 5,878,297.07
	\$ 5,871,641.20
	\$ 5,870,020.00
	\$ 5,848,201.85
	\$ 5,846,080.57
	\$ 5,841,416.33
	\$ 5,840,742.00
	\$ 5,816,740.75
	\$ 5,796,736.55
	\$ 5,793,720.09
	\$ 5,786,729.94
	\$ 5,766,078.28
	\$ 5,760,960.42
	\$ 5,754,179.71
	\$ 5,747,174.33
	\$ 5,745,627.63
	\$ 5,705,690.67
	\$ 5,704,525.88
	\$ 5,700,000.00
	\$ 5,672,757.71
	\$ 5,643,755.96
	\$ 5,641,617.21
	\$ 5,639,806.16
	\$ 5,622,507.12
	\$ 5,607,450.19

**Victim Compensation Fund**

**Substantially Complete Claims/Final Award Amounts**

Track A and Track B Claims as of 11/09/2004

<b>Income Level</b>	<b>Net Final Award Amount</b>
<b>Over \$220,000</b>	\$ 5,584,604.60
	\$ 5,564,194.74
	\$ 5,561,326.00
	\$ 5,543,246.83
	\$ 5,496,097.23
	\$ 5,482,978.41
	\$ 5,471,061.05
	\$ 5,469,904.00
	\$ 5,466,979.17
	\$ 5,449,350.34
	\$ 5,447,684.52
	\$ 5,436,924.37
	\$ 5,432,323.61
	\$ 5,431,282.96
	\$ 5,424,242.15
	\$ 5,423,414.94
	\$ 5,416,340.00
	\$ 5,403,227.85
	\$ 5,398,085.00
	\$ 5,396,055.55
	\$ 5,370,011.98
	\$ 5,367,180.07
	\$ 5,362,145.33
	\$ 5,361,745.51
	\$ 5,360,241.93
	\$ 5,357,723.09
	\$ 5,356,409.89
	\$ 5,354,241.90
	\$ 5,351,347.59
	\$ 5,343,929.05
	\$ 5,330,199.94
	\$ 5,329,288.17
	\$ 5,317,007.00
	\$ 5,300,827.96
	\$ 5,296,276.80
	\$ 5,271,483.00

**Victim Compensation Fund**

**Substantially Complete Claims/Final Award Amounts**

Track A and Track B Claims as of 11/09/2004

<b>Income Level</b>	<b>Net Final Award Amount</b>
<b>Over \$220,000</b>	\$ 5,271,201.92
	\$ 5,257,007.30
	\$ 5,248,367.24
	\$ 5,248,021.07
	\$ 5,232,230.26
	\$ 5,210,926.08
	\$ 5,208,544.15
	\$ 5,199,778.31
	\$ 5,197,314.97
	\$ 5,196,277.14
	\$ 5,188,403.00
	\$ 5,172,015.00
	\$ 5,153,425.00
	\$ 5,152,087.03
	\$ 5,151,297.80
	\$ 5,141,897.29
	\$ 5,139,843.60
	\$ 5,136,184.82
	\$ 5,133,242.08
	\$ 5,105,142.00
	\$ 5,089,418.61
	\$ 5,085,548.28
	\$ 5,071,378.25
	\$ 5,071,020.41
	\$ 5,047,839.83
	\$ 5,039,470.21
	\$ 5,025,960.99
	\$ 5,018,900.31
	\$ 5,010,130.57
	\$ 5,007,634.91
	\$ 5,006,815.72
	\$ 5,000,000.00
	\$ 4,990,523.05
	\$ 4,980,799.70
	\$ 4,969,461.67
	\$ 4,968,805.00



**Victim Compensation Fund**

**Substantially Complete Claims/Final Award Amounts**

Track A and Track B Claims as of 11/09/2004

<b>Income Level</b>	<b>Net Final Award Amount</b>
<b>Over \$220,000</b>	\$ 4,966,356.96
	\$ 4,959,160.88
	\$ 4,957,185.15
	\$ 4,956,470.04
	\$ 4,941,770.67
	\$ 4,924,886.56
	\$ 4,923,712.74
	\$ 4,917,260.78
	\$ 4,882,330.70
	\$ 4,873,893.78
	\$ 4,847,218.55
	\$ 4,845,422.29
	\$ 4,827,640.25
	\$ 4,815,768.94
	\$ 4,808,606.49
	\$ 4,798,277.30
	\$ 4,794,642.03
	\$ 4,781,942.46
	\$ 4,768,200.10
	\$ 4,760,054.79
	\$ 4,752,020.75
	\$ 4,730,474.92
	\$ 4,712,234.00
	\$ 4,701,415.57
	\$ 4,697,702.00
	\$ 4,685,239.00
	\$ 4,677,702.97
	\$ 4,644,014.78
	\$ 4,638,301.52
	\$ 4,623,079.25
	\$ 4,622,212.21
	\$ 4,602,660.69
	\$ 4,597,473.10
	\$ 4,594,912.00
	\$ 4,556,606.82
	\$ 4,528,608.00

**Victim Compensation Fund**

**Substantially Complete Claims/Final Award Amounts**

Track A and Track B Claims as of 11/09/2004

<b>Income Level</b>	<b>Net Final Award Amount</b>
<b>Over \$220,000</b>	\$ 4,521,594.00
	\$ 4,520,037.84
	\$ 4,519,883.00
	\$ 4,492,121.51
	\$ 4,445,467.81
	\$ 4,434,395.91
	\$ 4,415,408.00
	\$ 4,413,706.74
	\$ 4,393,947.89
	\$ 4,373,079.73
	\$ 4,368,871.00
	\$ 4,346,570.26
	\$ 4,334,155.07
	\$ 4,324,401.25
	\$ 4,316,650.79
	\$ 4,316,446.54
	\$ 4,313,248.52
	\$ 4,293,034.61
	\$ 4,291,590.00
	\$ 4,288,214.92
	\$ 4,277,454.05
	\$ 4,252,830.69
	\$ 4,247,810.52
	\$ 4,238,192.00
	\$ 4,219,324.00
	\$ 4,210,802.00
	\$ 4,205,654.31
	\$ 4,194,111.12
	\$ 4,193,579.02
	\$ 4,192,952.83
	\$ 4,192,058.00
	\$ 4,191,448.53
	\$ 4,184,259.57
	\$ 4,179,260.26
	\$ 4,175,058.28
	\$ 4,112,442.32

**Victim Compensation Fund**

**Substantially Complete Claims/Final Award Amounts**

Track A and Track B Claims as of 11/09/2004

<b>Income Level</b>	<b>Net Final Award Amount</b>
<b>Over \$220,000</b>	\$ 4,104,572.18
	\$ 4,095,173.13
	\$ 4,093,872.77
	\$ 4,092,720.00
	\$ 4,092,647.09
	\$ 4,082,320.06
	\$ 4,078,690.42
	\$ 4,063,704.46
	\$ 4,062,558.62
	\$ 4,049,324.00
	\$ 4,044,119.00
	\$ 4,042,653.26
	\$ 4,035,896.15
	\$ 4,035,282.26
	\$ 4,030,265.00
	\$ 4,029,279.77
	\$ 4,011,513.00
	\$ 4,000,000.00
	\$ 3,991,073.17
	\$ 3,989,591.90
	\$ 3,986,560.68
	\$ 3,986,401.00
	\$ 3,981,732.00
	\$ 3,968,878.53
	\$ 3,962,178.48
	\$ 3,946,119.00
	\$ 3,944,632.64
	\$ 3,926,009.00
	\$ 3,920,630.97
	\$ 3,907,684.82
	\$ 3,895,118.40
	\$ 3,890,708.00
	\$ 3,870,856.00
	\$ 3,870,664.00
	\$ 3,869,150.49
	\$ 3,864,332.00

**Victim Compensation Fund**

**Substantially Complete Claims/Final Award Amounts**

Track A and Track B Claims as of 11/09/2004

<b>Income Level</b>	<b>Net Final Award Amount</b>
<b>Over \$220,000</b>	\$ 3,857,142.20
	\$ 3,821,214.40
	\$ 3,804,414.83
	\$ 3,798,899.18
	\$ 3,764,369.78
	\$ 3,757,076.97
	\$ 3,752,574.21
	\$ 3,747,484.19
	\$ 3,743,083.00
	\$ 3,735,269.66
	\$ 3,719,465.41
	\$ 3,713,560.00
	\$ 3,705,539.11
	\$ 3,676,257.00
	\$ 3,669,746.25
	\$ 3,664,574.39
	\$ 3,663,270.61
	\$ 3,659,837.82
	\$ 3,649,502.52
	\$ 3,649,437.31
	\$ 3,645,166.23
	\$ 3,636,676.43
	\$ 3,629,986.00
	\$ 3,624,868.11
	\$ 3,622,146.00
	\$ 3,620,233.00
	\$ 3,609,275.05
	\$ 3,600,417.21
	\$ 3,586,069.10
	\$ 3,573,582.99
	\$ 3,570,151.86
	\$ 3,569,817.00
	\$ 3,560,143.00
	\$ 3,531,108.00
	\$ 3,529,466.04
	\$ 3,527,866.40

**Victim Compensation Fund**

**Substantially Complete Claims/Final Award Amounts**

Track A and Track B Claims as of 11/09/2004

<b>Income Level</b>	<b>Net Final Award Amount</b>
<b>Over \$220,000</b>	\$ 3,508,544.00
	\$ 3,508,039.06
	\$ 3,502,471.27
	\$ 3,502,338.00
	\$ 3,500,848.71
	\$ 3,500,455.00
	\$ 3,500,000.00
	\$ 3,491,374.00
	\$ 3,481,491.00
	\$ 3,469,552.00
	\$ 3,466,539.00
	\$ 3,448,708.22
	\$ 3,442,748.41
	\$ 3,433,694.00
	\$ 3,431,271.93
	\$ 3,429,998.57
	\$ 3,424,892.86
	\$ 3,400,827.00
	\$ 3,394,258.13
	\$ 3,390,078.60
	\$ 3,380,831.06
	\$ 3,373,684.00
	\$ 3,360,518.50
	\$ 3,351,635.64
	\$ 3,345,288.00
	\$ 3,343,304.00
	\$ 3,325,472.16
	\$ 3,303,100.11
	\$ 3,283,702.91
	\$ 3,281,435.10
	\$ 3,251,550.00
	\$ 3,248,549.15
	\$ 3,229,671.53
	\$ 3,229,636.60
	\$ 3,205,104.40
	\$ 3,201,161.66

**Victim Compensation Fund**

**Substantially Complete Claims/Final Award Amounts**

Track A and Track B Claims as of 11/09/2004

<b>Income Level</b>	<b>Net Final Award Amount</b>
<b>Over \$220,000</b>	\$ 3,188,802.28
	\$ 3,140,104.00
	\$ 3,130,912.73
	\$ 3,123,689.34
	\$ 3,107,700.12
	\$ 3,084,451.88
	\$ 3,074,082.12
	\$ 3,061,155.07
	\$ 3,057,902.78
	\$ 3,052,966.86
	\$ 3,051,985.79
	\$ 3,039,819.00
	\$ 3,038,269.35
	\$ 3,035,514.49
	\$ 3,031,842.00
	\$ 3,024,642.11
	\$ 3,011,459.44
	\$ 3,006,855.41
	\$ 2,987,668.78
	\$ 2,981,506.49
	\$ 2,968,513.89
	\$ 2,961,302.32
	\$ 2,932,553.65
	\$ 2,912,900.01
	\$ 2,905,391.26
	\$ 2,870,401.18
	\$ 2,870,213.54
	\$ 2,858,761.18
	\$ 2,850,000.00
	\$ 2,844,176.06
	\$ 2,828,989.66
	\$ 2,826,999.59
	\$ 2,826,136.23
	\$ 2,788,312.50
	\$ 2,787,734.32
	\$ 2,754,550.64

**Victim Compensation Fund**

**Substantially Complete Claims/Final Award Amounts**

Track A and Track B Claims as of 11/09/2004

<b>Income Level</b>	<b>Net Final Award Amount</b>
<b>Over \$220,000</b>	\$ 2,752,199.00
	\$ 2,748,137.43
	\$ 2,699,642.20
	\$ 2,691,303.00
	\$ 2,673,049.00
	\$ 2,669,045.62
	\$ 2,666,053.49
	\$ 2,663,015.77
	\$ 2,644,703.69
	\$ 2,636,731.30
	\$ 2,617,877.00
	\$ 2,583,952.00
	\$ 2,581,916.00
	\$ 2,543,692.39
	\$ 2,528,077.80
	\$ 2,508,516.34
	\$ 2,493,693.17
	\$ 2,487,927.21
	\$ 2,475,631.16
	\$ 2,471,936.87
	\$ 2,464,866.00
	\$ 2,433,039.36
	\$ 2,428,944.00
	\$ 2,385,232.00
	\$ 2,374,982.29
	\$ 2,324,793.68
	\$ 2,324,559.14
	\$ 2,317,498.73
	\$ 2,311,401.40
	\$ 2,301,614.05
	\$ 2,301,169.00
	\$ 2,291,953.77
	\$ 2,285,383.14
	\$ 2,248,157.66
	\$ 2,238,969.23
	\$ 2,232,761.00

**Victim Compensation Fund**

**Substantially Complete Claims/Final Award Amounts**

Track A and Track B Claims as of 11/09/2004

<b>Income Level</b>	<b>Net Final Award Amount</b>
<b>Over \$220,000</b>	\$ 2,215,300.17
	\$ 2,207,878.00
	\$ 2,197,191.29
	\$ 2,196,277.54
	\$ 2,194,856.64
	\$ 2,190,224.67
	\$ 2,172,875.01
	\$ 2,152,171.24
	\$ 2,150,646.67
	\$ 2,150,595.00
	\$ 2,128,005.29
	\$ 2,119,351.30
	\$ 2,068,672.05
	\$ 2,068,068.74
	\$ 2,019,371.05
	\$ 2,015,566.17
	\$ 2,014,014.71
	\$ 2,006,737.39
	\$ 2,002,934.62
	\$ 2,002,039.37
	\$ 1,947,262.15
	\$ 1,940,605.90
	\$ 1,931,705.63
	\$ 1,915,188.00
	\$ 1,910,716.34
	\$ 1,893,037.83
	\$ 1,884,313.20
	\$ 1,868,094.00
	\$ 1,866,872.00
	\$ 1,853,466.67
	\$ 1,846,193.50
	\$ 1,827,523.12
	\$ 1,810,368.40
	\$ 1,783,811.39
	\$ 1,774,776.31
	\$ 1,740,015.73



**Victim Compensation Fund**

**Substantially Complete Claims/Final Award Amounts**

Track A and Track B Claims as of 11/09/2004

<b>Income Level</b>	<b>Net Final Award Amount</b>
<b>Over \$220,000</b>	\$ 1,735,511.00
	\$ 1,675,231.53
	\$ 1,667,985.91
	\$ 1,588,453.09
	\$ 1,580,971.35
	\$ 1,578,258.73
	\$ 1,554,591.90
	\$ 1,527,417.00
	\$ 1,514,397.00
	\$ 1,509,607.38
	\$ 1,496,775.27
	\$ 1,485,300.16
	\$ 1,470,078.94
	\$ 1,463,445.69
	\$ 1,456,958.29
	\$ 1,402,755.32
	\$ 1,389,683.89
	\$ 1,386,757.00
	\$ 1,359,366.87
	\$ 1,332,936.88
	\$ 1,324,511.80
	\$ 1,309,741.99
	\$ 1,266,544.86
	\$ 1,233,962.26
	\$ 1,224,523.28
	\$ 1,221,093.28
	\$ 1,220,116.41
	\$ 1,159,978.71
	\$ 1,149,665.48
	\$ 1,130,035.78
	\$ 1,125,610.91
	\$ 1,113,254.05
	\$ 1,100,046.00
	\$ 1,017,481.57
	\$ 973,794.00
	\$ 966,203.00

**Victim Compensation Fund**

**Substantially Complete Claims/Final Award Amounts**

Track A and Track B Claims as of 11/09/2004

<b>Income Level</b>	<b>Net Final Award Amount</b>
<b>Over \$220,000</b>	\$ 957,703.33
	\$ 929,352.00
	\$ 916,321.94
	\$ 801,647.20
	\$ 750,000.00
	\$ 732,900.85
	\$ 654,599.68
	\$ 610,033.00
	\$ 312,549.71
	\$ 250,000.00
	\$ 250,000.00
	\$ 250,000.00
	\$ 250,000.00
	\$ 250,000.00
	\$ 250,000.00

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# Exhibit M

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# September 11th Victim Compensation Fund of 2001

[Home](#)
[Compensation for Deceased Victims](#)
[How to Submit a Claim](#)
[Forms](#)
[Distribution Plan Information](#)
[Presumed Loss Calculation Tables](#)
[Award Payment Statistics](#)
[List of Claimants](#)
[FAQ](#)

## Compensation for Deceased Victims

### Award Payment Statistics

- **Deceased Victims Substantially Complete Claims/Presumed Award Amounts** [PDF](#)  
*Updated Daily*
- **Claimant Award Summaries** [PDF](#)  
*Updated December 2002*

The Victim Compensation Fund periodically posts updates on the awards issued to claimants and beneficiaries. To maintain the privacy of individual claimants and beneficiaries, the Fund will not list names or any other identifying information that might easily lead to the identification of individuals who have received or been notified of awards.

Readers should understand that collateral source offsets vary greatly among claimants and can account for substantial differences in awards for what appear to be similarly situated claimants. Claimants with questions about their particular situations should contact the helpline at [removed]. Basic information about the award process and award distribution is set forth in the charts below.

**TABLE I**  
**General Award Statistics**  
**(last updated November 1, 2004)**

Claims Submitted	7,403
Total Claims Resolved by the Office of the Special Master	7,402
Number of Award Letters Issued	5,559*
Other Claims Resolved by the Office of Special Master	1,843**
Average Deceased Victims Awards After Offsets	\$2,082,035
Median Deceased Victims Awards After Offsets	\$1,677,633

\* Claimants have 21 days to respond to award letters.

\*\* Includes inactive, denied, denied on-appeal, and voluntarily withdrawn claims.

**TABLE II**  
**Range of Award Values**  
**for Claims Relating to Deceased Victims**

**Award Ranges Stated Are *After* Collateral Offsets**

Income Level	Age	Range
\$50,000 or less	35 or Under	\$250,000 to \$3.2 million
\$50,000 or less	Over 35	\$250,000 to \$4.1 million
\$50,000 to \$100,000	35 or Under	\$250,000 to \$4.2 million
\$50,000 to \$100,000	Over 35	\$250,000 to \$4.3 million
\$100,000 to \$200,000	All Ages	\$250,000 to \$5.5 million
Over \$200,000	All Ages	\$250,000 to \$7.1 million

*Tables I and II are updated daily.*

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# Exhibit N

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## September 11th Victim Compensation Fund of 2001

[Home](#)

### Compensation for Personal Injury Victims

[Compensation  
for Personal  
Injury Victims](#)

#### Award Payment Statistics

[How to Submit  
a Claim](#)

[Forms](#)

[Award  
Payment  
Statistics](#)

[FAQ](#)

The Victim Compensation Fund periodically posts updates on the awards issued to claimants and beneficiaries. To maintain the privacy of individual claimants and beneficiaries, the Fund will not list names or any other identifying information that might easily lead to the identification of individuals who have received or been notified of awards.

Readers should understand that collateral source offsets vary greatly among claimants and can account for substantial differences in awards for what appear to be similarly situated claimants. Claimants with questions about their particular situations should contact the helpline at [removed].

Because Personal Injury claims are so different and their award determination is based on a variety of individual circumstances, the Special Master cannot publish any standard methodology for the evaluation of such claims. However, the Special Master has provided general guiding principles:

- First, in the event that a Personal Injury claimant is totally and permanently disabled, the Fund will, in most cases, calculate economic loss due to lost income using a presumed award methodology similar to that published for deceased victims. The Special Master will not apply any deduction for consumption. Any compensation for the lost earnings will be treated as a collateral source offset.
- Second, the non-economic award to Personal Injury claimants will be based on the nature, severity, and duration of the injury. Claimants with less severe injuries that were resolved quickly should anticipate modest non-economic awards. Claimants with severe, long-term injuries should anticipate more substantial awards for non-economic loss. The Special Master anticipates that those victims who suffered severe burns will receive the largest non-economic awards. For those who suffered the most severe burns and are likely to face permanent pain or

disfigurement, non-economic losses could even exceed the non-economic award for a deceased victim.

Claimants who have long-term injuries and/or disabilities should submit all certified medical records and all disability evaluations performed by private doctors or institutions to the Special Master for review and consideration. Claimants who are eligible for workers' compensation benefits should submit all documents related to that claim as well. In addition, claimants who have injuries that could be the result of different events or causes independent of the events of 9/11 may be required to submit certified medical records from examinations prior to 9/11.

### Personal Injury Award Statistics

*(last updated October 26, 2004)*

The Fund has issued awards for **2,680\*** Personal Injury claims. The awards are quite varied, reflecting the varied nature of the injury, the recovery, the existence or lack of existence of a disability or incapacity, the long-term prognosis, and the ongoing pain and suffering or lack thereof for each victim. To date, awards have ranged from a **low of \$500\*** to a **high of over \$8.6 million\*** after offsets.

*\*These numbers will be updated periodically*

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