



International Terrorism Victim Expense Reimbursement Program

REPORT TO CONGRESS • 2009

Office for Victims of Crime

OVC

"Putting Victims First"

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The Office of Justice Programs (OJP), headed by Assistant Attorney General Laurie O. Robinson, provides federal leadership in developing the Nation's capacity to prevent and control crime, administer justice, and assist victims. OJP has seven components: the Bureau of Justice Assistance; the Bureau of Justice Statistics; the National Institute of Justice; the Office of Juvenile Justice and Delinquency Prevention; the Office for Victims of Crime; the Community Capacity Development Office; and the Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking. More information about OJP can be found at <http://www.ojp.gov>.

International Terrorism Victim Expense Reimbursement Program Report to Congress

2009

This report presents detailed data and statistical information on program activities from June 2007 through August 2008.

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Executive Summary

In the aftermath of an international terrorism incident, victims and their families must address multiple immediate needs—including medical and mental health care, housing, and emergency travel—often while thousands of miles away from home or far from a stable support system, and often in the midst of physical and emotional trauma. In 2000, the United States Congress recognized the importance of providing support and assistance to victims and their families during such a difficult and challenging time by passing an amendment to the Victims of Crime Act of 1984, which established the International Terrorism Victim Expense Reimbursement Program (ITVERP). ITVERP is administered by the U.S. Department of Justice (DOJ), Office of Justice Programs (OJP), Office for Victims of Crime (OVC), and provides centralized financial assistance to victims of international terrorism and their families. ITVERP is funded through the Antiterrorism Emergency Reserve (the Emergency Reserve), a component of the Crime Victims Fund (the Fund). The Fund is financed by fines and penalties paid by convicted federal criminal offenders, as well as gifts, donations, and bequests from private individuals; it does not receive tax dollars.

ITVERP allows OVC to reimburse victims or eligible family members for certain expenses, including medical, mental health, property loss, funeral and burial, and other miscellaneous expenses. To be eligible for reimbursement, a claimant must be the victim (or family member or representative of the victim) of an act of international terrorism—designated as such by the Assistant Attorney General (AAG) for National Security—that occurred on or after October 23, 1983. The claims review process includes verification by the Federal Bureau of Investigation

(FBI) that the victim was involved in the incident as well as verification that the FBI is investigating the act as terrorism.

From June 2007 through August 2008, there were 40 active ITVERP applications. The claims were related to 20¹ acts of international terrorism that occurred in multiple locations, including Nairobi, Kenya; Bali, Indonesia; Cairo, Egypt; and Davao City, Philippines. During this reporting period, 13 claims were paid, 18 claims were in process, 5 claims were denied, and 4 claims became inactive due to the claimant being nonresponsive. OVC awarded an average of \$15,104.06 for each of the paid claims, for a total reimbursement of \$196,352,² including one supplemental claim.

During the reporting period, OVC also enhanced its outreach efforts toward victims and their family members, who are potentially eligible to apply for assistance through ITVERP. OVC's efforts were twofold: (1) direct outreach to potential claimants to provide them with information about the program and application process, and (2) increase collaboration with other federal agencies and potential partners that want to include ITVERP materials in their outreach efforts to victims of international terrorism.

Additionally, the ITVERP Resource Center responded to 278 calls and 33 e-mail inquiries regarding application requests, eligibility requirements, assistance with the application process, and other issues during this period. The center's staff also attended and/or sent brochures and other informational materials to six international and national conferences, including the World Congress of Criminology, the INTERVICT Terrorism Conference, and the National Center for Victims of Crime (NCVC) National Conference.

The increased outreach at these conferences helped raise awareness about ITVERP throughout the victim services community. OVC also maintains an ITVERP page (www.ovc.gov/itverp) on its Web site, where users can download applications and informational materials.

This *Report to Congress* highlights OVC's accomplishments in its management and

administration of ITVERP from June 2007 through August 2008. It also identifies how OVC, through ITVERP, can continue to ensure that all eligible victims—and their family members—who have been affected by acts of international terrorism overseas are reimbursed for the expenses they incur as a result of the terrorism act.

ITVERP Today

The International Terrorism Victim Expense Reimbursement Program (ITVERP) was established in 2000 to reimburse victims of international terrorism and their families for the expenses they incur as a direct result of a terrorism act. This *Report to Congress* covers the period of June 2007 through August 2008 (hereafter referred to as “the reporting period”) and provides the following:

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

Background and Program Description

ITVERP Legislation and Funding

OVC has long provided funding to administer state-based compensation programs for victims of crime. Prior to 2000, the only resource for victims of acts of international terrorism was to apply for this compensation like any other victim of crime—through the state victim compensation program. Thus, each state determined its own level of funding and assistance for these victims. Because of the varying criteria for reimbursement at the state level, victims of the same act of terrorism with similar needs could conceivably receive different levels of compensation. In 2000, Congress amended the Victims of Crime Act of 1984 (VOCA) [42 U.S.C. § 10601 (1984)] (Public Law 98-473) to include authorization for OVC to establish a federal program that would uniformly and equitably provide assistance to victims of designated terrorism acts, regardless of the victim's legal state of residence. Later that year, Congress established ITVERP through the Victims of Trafficking and Violence Protection Act (VTVPA) of 2000 to reimburse eligible victims of international terrorism for certain expenses. Eligible victims include both U.S. nationals and foreign nationals working for the U.S. Government at the time of the terrorism act. On October 6, 2006—after ITVERP's regulations were drafted and finalized—the program became operational.

ITVERP is funded through the Antiterrorism Emergency Reserve, a component of the Crime Victims Fund (the Fund), established by Congress in 1984. In 1996, OVC was authorized to set aside \$20 million from the Fund for the Emergency Reserve; in 2001, the set-aside amount was increased to \$50 million. The Uniting and

Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT) Act of 2001 authorized the OVC Director to replenish the Emergency Reserve in subsequent fiscal years by using up to 5 percent of the amount remaining in the Crime Victims Fund in any fiscal year after distributing amounts otherwise available for that year. The Fund, and therefore the Emergency Reserve, is financed by fines and penalties paid by convicted federal criminal offenders, as well as gifts, donations, and bequests from private individuals; it does not use tax dollars. The OVC Director is authorized to set aside certain amounts from the Fund in reserve for the following purposes:

- ◆ To support compensation and assistance services for victims of domestic terrorism or mass violence;
- ◆ To support assistance services to victims of

I really appreciate all the help and support OVC has provided.

—Victim injured in attack in Israel

international terrorism; and

- ◆ To fund ITVERP directly.

Eligibility

ITVERP was authorized to reimburse eligible victims for expenses associated with acts of international terrorism that occur outside the United States. Individuals eligible for reimbursement through ITVERP include U.S. nationals

and officers and employees and contractors of the U.S. Government, including foreign nationals. The original VOCA legislation states that the individual victim must have “suffered direct physical or emotional injury or death as a result of international terrorism occurring on or after December 21, 1988, with respect to which an investigation or prosecution was ongoing after April 24, 1996.”³ The National Defense Reauthorization Act of 2008 (Public Law 110-181) amended VOCA, authorizing ITVERP to cover acts of terrorism that occurred “on or after October 23, 1983.” An incident is considered an act of international terrorism if it is designated as such by the Assistant Attorney General (AAG) for National Security. This authority was delegated to the AAG for National Security by the Attorney General of the United States in 2007. If a victim is incompetent, incapacitated, deceased, or a minor, a family member (spouse, parent, child, sibling, or other representative at the discretion of the OVC Director) or legal guardian may apply for and receive expense reimbursement on behalf of the victim. A victim, family member, or legal guardian who applies for ITVERP reimbursement is referred to as “a claimant.”⁴

Reimbursable Expenses

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

- ◆ Medical (including dental and rehabilitation costs) up to \$50,000;
- ◆ Mental health care costs not to exceed \$5,000;
- ◆ Property loss, repair, or replacement costs not to exceed \$10,000;
- ◆ Funeral and burial costs not to exceed \$25,000;
- ◆ Miscellaneous expenses (such as temporary lodging, emergency travel for two family members’ transportation to the country where the incident occurred, local

transportation, and telephone costs) not to exceed \$15,000.

Costs such as attorneys’ fees and other legal expenses, lost wages, pain and suffering, and the loss of enjoyment of life or of consortium are excluded from reimbursement. The ITVERP regulations also stipulate that OVC cannot reimburse a claimant for expenses if the claimant has already received compensation or reimbursement from a collateral source, such as workers’ compensation payments and insurance benefits (such as health, property, and funeral or burial insurance). Life insurance proceeds are generally not considered a collateral source because they do not compensate claimants for specific out-of-pocket expenses. The definition of collateral sources for ITVERP’s purposes is consistent with other provisions relating to crime victim compensation programs under VOCA.

Application Types

Three types of reimbursement applications are used by ITVERP:

- ◆ **Interim Emergency:** Claimants seeking funds for an immediate need, such as medical treatment, short-term lodging, or emergency transportation should use this application. Emergency requests are processed based on the OVC Director’s determination that such payment is necessary to avoid or mitigate substantial hardship that may result from delaying reimbursement.
- ◆ **Itemized:** Claimants who are making a first-time request to be reimbursed for out-of-pocket expenses following an international terrorism incident should use this application.
- ◆ **Supplemental:** Claimants who find that their expenses have changed since they first applied for funds (such as bills that were received late and bills for new services that were not originally thought necessary) should use this application.

ITVERP Application Filing Deadlines

The following table illustrates the deadlines in effect for reimbursement applications.

Table 1: Deadlines for Filing an ITVERP Claim

Date of Terrorism Act	Deadline To Submit ITVERP Application
October 23, 1983–December 20, 1988	January 28, 2011 (3 years from the date of the January 28, 2008, legislative change)*
December 21, 1988–October 6, 2006	October 6, 2009 (3 years from the October 6, 2006, date of ITVERP implementation)**
October 7, 2006–Ongoing	3 years following the date of incident

*The National Defense Reauthorization Act for Fiscal Year 2008 modified ITVERP by extending coverage of ITVERP to designated events back to October 23, 1983.

**At the discretion of the OVC Director, the date for filing a claim may be extended to a date not more than 3 years from a determination that there is a reasonable indication that an act of international terrorism occurred.

Application Process

Claimants can apply for reimbursement by submitting an application form by mail. These forms can be downloaded and printed from the ITVERP Web site. Claimants may also request that an application packet be mailed to them by contacting OVC via the ITVERP toll free line at 1-800-363-0441.

OVC has established a procedure for receiving, tracking, and processing applications (see figure 1.) The average processing time for an itemized application is 36 weeks; however, an application submitted with all appropriate information and documentation may take less time to process. Applications that require additional information and extensive followup with claimants and benefit providers take the longest to process.

Initial Intake

Intake begins when OVC receives the application. OVC staff date stamp all incoming applications and forward them to the project manager, who assigns them to a case manager. The case manager enters the application information into

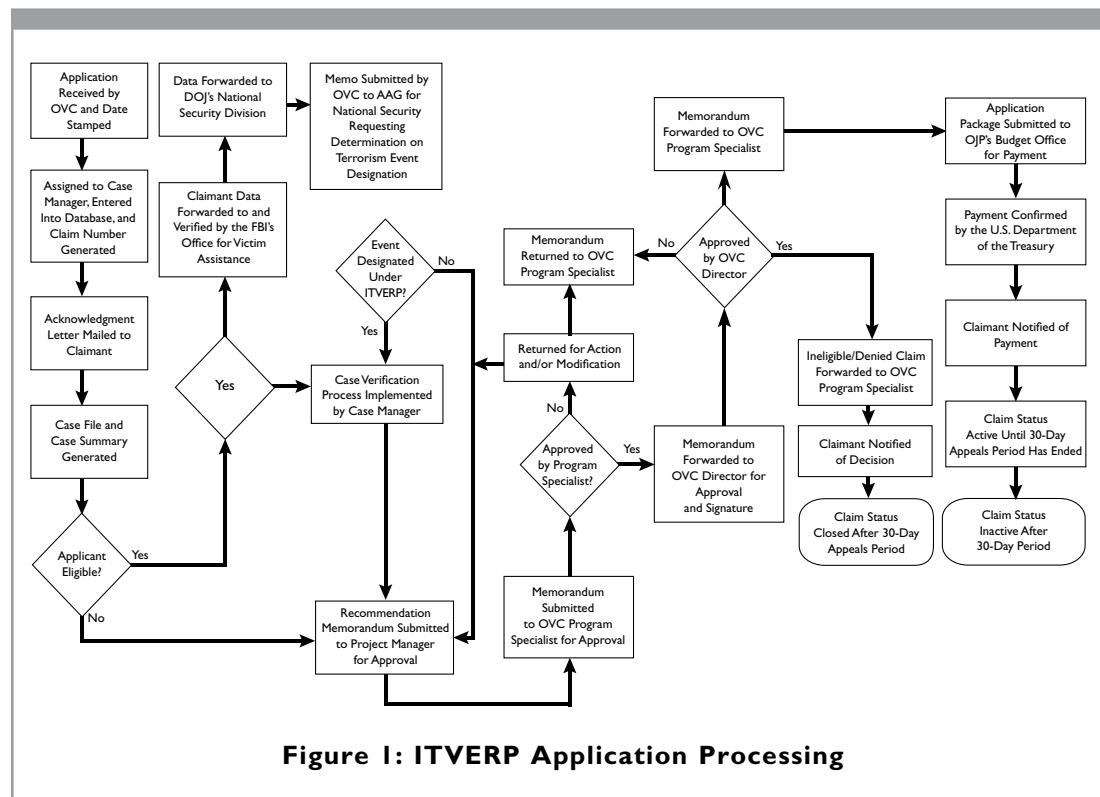


Figure 1: ITVERP Application Processing

the database and, within 5 business days of its receipt, mails the claimant a letter acknowledging receipt of the application. The case manager generates a case file and reviews the application to determine the claim's basic eligibility. The case manager also will identify any errors or omissions in the application and contact the claimant to obtain the missing or additional information needed to move the claim forward.

Various factors can affect the time required to complete initial application processing. For example, if a claimant submits an incomplete application (e.g., the application does not contain the required original signatures), OVC enters the application into the ITVERP tracking system upon initial receipt but suspends processing until the claimant submits the completed application. This suspension is required because case managers cannot collect information from third parties without the claimant's signed authorization.

The Attorney General delegated his designation authority to the Assistant Attorney General for National Security who oversees the Justice Department's National Security Division (NSD). One component of NSD, the Office of Justice for Victims of Overseas Terrorism, helps to coordinate the designation process by consulting with the National Counterterrorism Center and the Counterterrorism Section of NSD, and working with the other ITVERP partners.

*—Heather Cartwright, Director,
NSD's Office of Justice for Victims of Overseas Terrorism*

Claim Verification

The verification phase of processing focuses on verifying collateral sources of compensation and benefits that may offset the expenses submitted to OVC. The case manager prepares an expense reimbursement sheet and contacts other organizations, companies, or agencies that may be collateral sources (e.g., medical personnel, municipal authorities, employers or unions, social service bureaus, and insurance companies) and determines what, if any, reimbursements the claimant has received from these sources. Examples of collateral source verification include the following:

- ◆ Verifying that claimant's expenses were paid previously by DOJ, the FBI, or another government agency;
- ◆ Verifying claimant's lump sum settlement amount;
- ◆ Verifying claimant's insurance benefits; and
- ◆ Verifying claimant's workers' compensation benefits.

While the ITVERP case manager is processing the application, the OVC program specialist coordinates with the FBI's Office for Victim Assistance (OVA) to verify claimant and incident information. Once verified, this information is forwarded to DOJ's National Security Division (NSD) Office of Justice for Victims of Overseas Terrorism (OVT). OVT acts as a liaison between OVC and the AAG for National Security to facilitate requests for NSD designation of an incident as an act of terrorism for the purposes of ITVERP. An incident must be designated by the AAG for National Security as an act of international terrorism for a claimant to be eligible for reimbursement; if the incident is determined not to be an act of international terrorism, OVC considers the claim ineligible and denies reimbursement.

The time required to complete the claim verification phase depends on the types of collateral sources associated with the application, the cooperation of the benefit providers, the accuracy of the information provided, and the time required to obtain a designation by NSD.

Claim Recommendation and Review

At this stage, the case manager drafts a written recommendation regarding reimbursement for the claimant. This written recommendation states that the claimant's identity and relation to the incident has been verified by the FBI or other investigating agency, that the incident has been designated as an incident of international terrorism, and that collateral sources have been verified. Once the recommendation is approved by the ITVERP project manager, it goes to the OVC program specialist for additional review. If the program specialist approves the recommendation, it is forwarded to the OVC Director for final approval. If the Director approves the claim, the reimbursement request is forwarded for payment processing. If the recommendation is to deny the claim, the claimant is notified in writing of the decision and the appeals process.

Payment

If the claim is approved, OVC submits a payment request to the OJP Office of the Chief Financial Officer for processing. Claimants in the United States receive their payment via direct deposit, and claimants abroad receive payment

via an international electronic funds transfer service provided by the U.S. Department of the Treasury, Financial Management Service (FMS), International Treasury Services. International payments may be sent directly to an individual or to the U.S. Embassy or consulate in the country in which the claimant resides. If payments are being made to the claimant in a currency other than U.S. dollars, the case manager converts the foreign currency to U.S. dollars using historical conversion rates provided by FMS, which averages the daily exchange rates each quarter and calculates a quarterly figure, thereby providing OVC and the claimants with a stable, reliable source for the exchange rate. Claimants are reimbursed at the exchange rate that existed at the time of the terrorism incident. Once OVC is notified that the payment has been processed, the claimant is notified in writing of the approval, payment, and appeals process.

Appeals

The final phase of the ITVERP application protocol is the appeals process. Once the OVC Director approves or denies a claim, OVC sends a letter to the claimant outlining the decision and explaining the appeals process. Claimants have the right to appeal all decisions within 30 days of receiving the determination of their claim. These requests are sent to the Assistant Attorney General for OJP who makes a final determination.

Claimant Profile: Riyadh, Saudi Arabia

On May 12, 2003, 34 people were killed, including 8 Americans, and many more were injured when terrorists detonated 4 vehicles packed with explosives targeting 3 residential housing complexes. The complexes housed families from several countries, as well as retired U.S. military personnel who train the Saudi National Guard.

Many claimants were injured and lost loved ones in the attack. In addition, many of their possessions were destroyed when the bombs ripped through the housing complex. Through ITVERP, claimants received financial reimbursement for funeral and burial, medical, mental health, and property damage expenses.

Managing Claims on Behalf of Victims and Their Families

ITVERP case managers work closely with claimants to explain the process and provide them with up-to-date information on the status of their application throughout the process. ITVERP staff communicates directly and frequently with claimants—and in some instances their representatives—to ensure that the application process follows the ITVERP regulations in a manner that is easily understood by all parties involved. This chapter highlights the accomplishments of ITVERP during the reporting period.

Number of Applications Submitted

There were 40 active ITVERP applications during the reporting period, of which 15 were already in process and 25 were newly submitted.

Status of Applications Received

As claims are received and reviewed, they progress through the application process; as they reach certain phases in the process, OVC assigns them related statuses. The following is a description of those statuses and the number of applications within each status that were received during the reporting period. Figure 2 presents the application status for all ITVERP applications at the end of the reporting period.

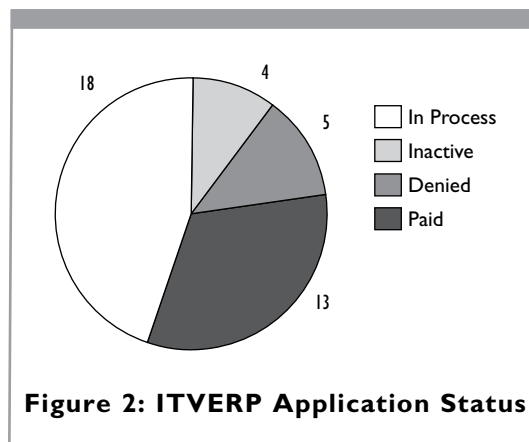
◆ **Paid/inactive:** Once a claimant receives payment, the case is considered paid/inactive. If a claimant has additional reimbursement needs, he or she can apply for additional reimbursement through a supplemental application. During the reporting period, OVC approved and paid 13 claims (12 itemized

and 1 supplemental) for 12 claimants. These reimbursements totaled \$196,352.

◆ **Inactive:** Frequently, claimants initiate the application process but do not supply complete information. Upon request, claimants have 120 days to provide information to complete their application or their application is considered inactive. These claims can be reactivated for reimbursement at any time by the claimant's submission of the requested information.

During the reporting period, four applications became inactive due to nonresponsiveness. The claimants can still apply for reimbursement by submitting the requested information.

◆ **Denied:** OVC denied five of the applications submitted during this reporting period due to program ineligibility. Three applications were denied because the incident did not occur outside the United States; one application was denied because the claimant had already received a lump sum payment that was greater than the amount available for



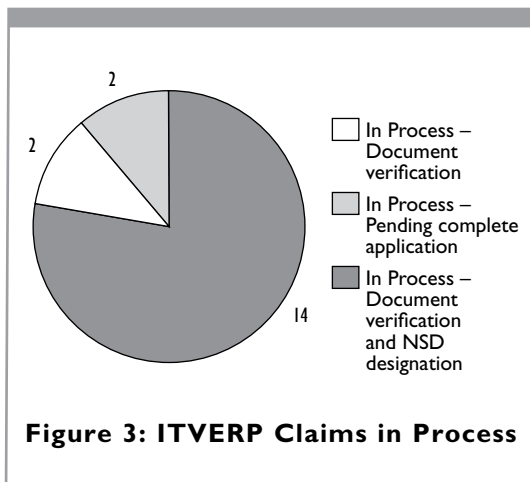


Figure 3: ITVERP Claims in Process

reimbursement through ITVERP; and one application was denied because the victim was neither a U.S. citizen nor working on behalf of the U.S. Government.

- ◆ **In process:** Cases may be in process for several reasons—case managers may be working with claimants to complete the application materials, verifying collateral sources, or verifying other documentation and receipts provided. Additionally, applications may be in process because OVC is awaiting the AAG of National Security’s designation of the incident as an act of international terrorism. Figure 3 provides details on the status of the 18 applications in process during the reporting period. These claims total \$147,887.70, which represents ITVERP’s future liability.

Table 2: Incidents for Which Claimants Had Applications in Process During the Reporting Period

Location of Incident	Date of Incident	Number of Claimants: Victim	Number of Claimants: Family Member
Kandahar, Afghanistan	12/6/2006		2
Cairo, Egypt	4/7/2005	1	
London, England	7/7/2005	2	
Baghdad, Iraq	9/2/2005	1	
Baghdad, Iraq	2/20/2006		1
Basrah, Iraq	8/3/2005		1
Basrah, Iraq	11/16/2006		1
Basrah, Iraq	1/5/2007		1
Ramadi, Iraq	5/10/2005		1
(City Unknown), Iraq	11/16/2006		1
Jerusalem, Israel	9/29/2000	1	
Ofra, Israel	6/20/2003	1	
Tel Aviv, Israel	4/17/2006	1	2
Fata, Pakistan	2/16/2008	1	

Table 3: Incidents for Which Claimants Received Financial Reimbursement During the Reporting Period

Location of Incident	Date of Incident	Number of Claimants: Victim	Number of Claimants: Family Member
Cairo, Egypt	4/7/2005	1	
Bali, Indonesia	10/12/2002	1	
Jerusalem, Israel	8/9/2001		1
Ofra, Israel	6/20/2003	1	
Nairobi, Kenya	8/7/1998		2
Davao City, Philippines	3/4/2003		1
Dhahran, Saudi Arabia	6/25/1996		1
Riyadh, Saudi Arabia	5/12/2003	3	1

Processing Time

During the reporting period, the average processing time for paid applications was 36 weeks for itemized applications and 14 weeks for supplemental applications. No emergency applications were paid during the reporting period. The average processing time for denied applications was 15 weeks. Supplemental applications usually require less time to process than itemized applications because the claimant's eligibility for ITVERP has already been confirmed. In most instances, denied applications require less time to process than paid applications because factors that make the claim ineligible (e.g., the terrorism incident occurred within the United States) are identified early in the application process.

Claimant Profile: Nairobi, Kenya

On August 7, 1998, terrorists detonated a bomb at the rear entrance of the U.S. Embassy in downtown Nairobi. The explosion killed 212 people and injured thousands more in the building and surrounding areas. Among the victims killed were 12 Americans and 32 Foreign Service Nationals. Surviving family members of the attack received reimbursement for mental health services.

It is so painful to deal with these issues when all I want to do is mourn my husband. I appreciate the government's sensitivity to this by always getting back to me so quickly.

—Widow of terrorism victim in Saudi Arabia

Types of Reimbursement Requests

Potential claimants often have numerous needs and can apply for reimbursement in any combination of the expense reimbursement categories available (e.g., medical and mental health, property loss only, property loss and medical). ITVERP case managers work closely with claimants and potential claimants to assess and fully define their needs, working to ensure that they can receive the maximum reimbursement allowed. During the reporting period, OVC received requests in all five categories, with many victims and their families requesting reimbursement in multiple categories. Figure 4 shows the number of reimbursements requested by category.

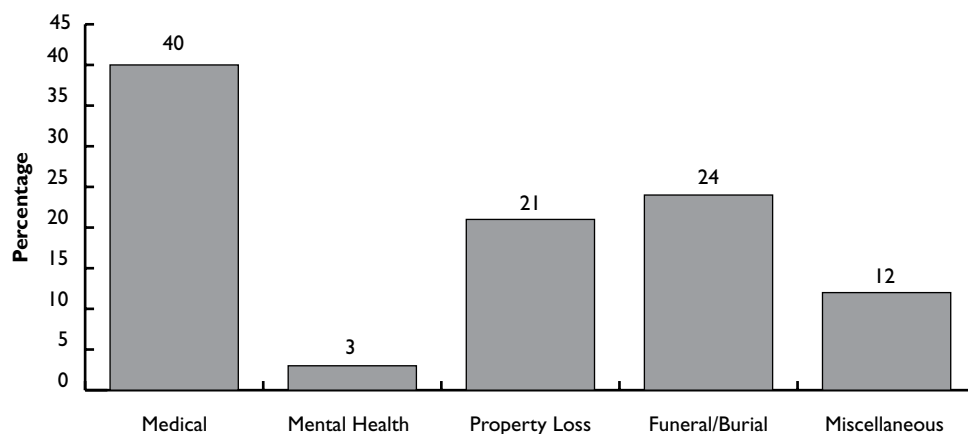


Figure 4: Types of Reimbursement Requests

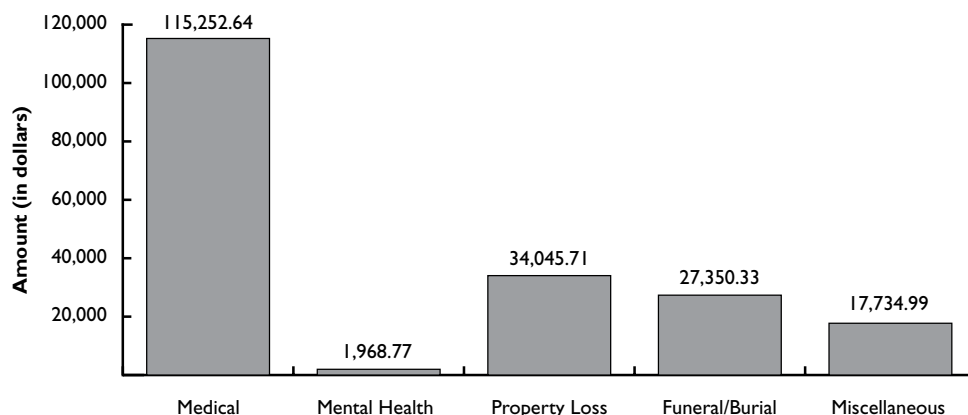


Figure 5: Types of Reimbursement Paid

Reimbursements Paid

During the reporting period, OVC paid out its first reimbursements and provided \$196,352 in expense reimbursements to 12 claimants. The applications for these reimbursements were

received both during and prior to the reporting period. The average reimbursement per claim was \$15,104. Claimants received amounts as high as \$54,912 and as low as \$180. Figure 5 illustrates the amount of paid reimbursements by expense category.

In some cases, claimants may not receive the total amount requested. Of the 12 claimants receiving reimbursement during the reporting period, 9 did not receive the amount requested. The following are the reasons for the reductions:

- ◆ The request was more than the maximum allowable reimbursement for a particular category (four requests).
- ◆ The receipt totals did not match the reimbursement request (two requests).
- ◆ The historical currency conversion rate used to convert currency yielded a different total than requested by the claimant (two requests).
- ◆ The request was more than the maximum allowable reimbursement for a particular category, and the receipt totals did not match the reimbursement requested (one request).

Appeals

Under ITVERP regulations, claimants may file an appeal within 30 days from receipt of the determination of their claim. To date, no claimant has filed an appeal.

Claimant Profile: Bali, Indonesia

On October 12, 2002, there were a series of bombings outside the U.S. Consulate and near popular nightclubs in Kuta, Indonesia. The bombings killed 202 people, 7 of whom were Americans, and injured another 209. Many of the victims were tourists visiting Bali on vacation. Claimants injured in the attack received assistance for medical expenses and property loss.

Reaching Out to Victims and Their Families

After experiencing a terrorism incident, those affected must focus on their immediate medical, housing, and other needs and those of their loved ones. Many times, victims and their families are unable to identify resources available to them. A critical component of ITVERP includes an outreach campaign to inform victims of international terrorism incidents and their families of this program. The two primary targets of the outreach campaign are potential claimants and collaborating agencies and other partners that may have contact with potential claimants. OVC conducts outreach targeted specifically to these groups. This chapter details the outreach efforts conducted by ITVERP to reach potential claimants, collaborating agencies, and potential partners, and provides information on the ITVERP Resource Center.

Targeted Outreach to Potential Claimants

The primary target of the ITVERP outreach campaign is victims of international acts of terrorism who may be eligible to make claims through the program. This pool of potential claimants is relatively small compared to the overall U.S. population, and comprises those who have been identified as victims of incidents that may be considered eligible acts of international terrorism. OVC then conducts research to determine who may be eligible. OVC also works closely with the FBI's OVA and field agents who help OVC collect the contact information of possible claimants. Once OVC receives the contact information, it sends those individuals ITVERP informational materials and application packets. During the reporting period, OVC also responded to 26 specific requests from potential claimants for application packets.

Also during this reporting period, OVC and OVA enhanced their collaborative efforts to identify and reach out to potential claimants who may be eligible for ITVERP. OVC provides OVA with materials and information to distribute to potential claimants at the site of or in the immediate aftermath of an incident. This face-to-face contact enhances OVC's outreach efforts and gives potential claimants access to resources during the immediate aftermath of the incident. Because of this collaborative effort, OVC provided outreach to 21 potential claimants during the reporting period.

Thank you for calling and caring. You are the only group that has called and said we want to help you. You guys are the light at the end of the tunnel, and I'm blessed.

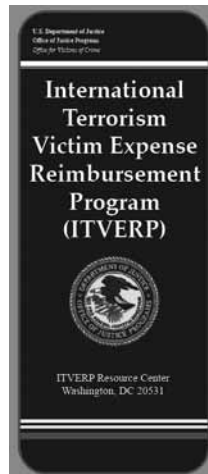
—Victim of attack in Philippines

Targeted Outreach to Collaborating Agencies and Potential Partners

Another goal of the outreach campaign is to educate the victim assistance community, including collaborating agencies and potential partners, about ITVERP. By reaching out to international organizations and individuals that have direct and indirect contact with potential claimants, OVC greatly increases the number of potential claimants that can be notified about ITVERP and the resources available to them. OVC has reached out to this audience by presenting at and sending informational materials to conferences, conducting briefings, and writing articles to be included in various types of publications.

Specifically, OVC distributed 2,050 copies of the ITVERP brochure at 6 national and international conferences during the reporting period. When OVC representatives attend these conferences, they present information on ITVERP in panel presentations, hold informal discussions, and establish connections with other conference participants. The following are examples of conferences at which OVC disseminated ITVERP information during the reporting period:

- ◆ **National Victims of Crime Conference: New Ways Forward—Pathways to Change:** OVC provided 200 ITVERP brochures to be distributed at this conference, which was sponsored by Victim Support Service Incorporated of South Australia and held September 23–24, 2008, in Adelaide, South Australia.



- ◆ **International Homicide Investigators Association 15th Annual Symposium:** OVC delivered 400 ITVERP brochures to the annual symposium, which was held in St. Louis, Missouri, on August 24–29, 2008.

- ◆ **National Institute of Justice Conference 2008:** NIJ's annual conference brings together criminal justice scholars, policy-makers, and practitioners at the local, state, and federal levels to share the most recent findings from research and technology. OVC distributed 50 ITVERP brochures at the 2008 conference, which took place July 21–23, 2008, in Arlington, Virginia.
- ◆ **Terrorism, Transnational Crime, Crime Across Borders, and International Criminal Justice Section of the 15th World Congress of Criminology:** OVC provided 1,100 ITVERP brochures for the conference, which took place July 20–25, 2008, in Barcelona, Spain.
- ◆ **National Center for Victims of Crime Conference:** NCVIC's annual conference brings together more than 800 law enforcement officers, victim service professionals, allied practitioners, policymakers, and researchers to share information and build collaboration across the victim service field. OVC provided 250 ITVERP brochures for the conference, which took place June 2–4, 2008, in Portland, Oregon.
- ◆ **Developing Standards for the Assistance to Victims of Terrorism in the EU Conference:** This conference was the culminating incident of a European project to develop standards in the field of continuing assistance, access to justice, administration of justice, and compensation to victims of terrorism. OVC distributed 50 ITVERP brochures at the conference, which took place March 10–11, 2008, at Tilburg University in the Netherlands.

Additionally, OVC responded to individual requests for more information by sending ITVERP brochures to the Commissioner for Victims' Rights in Adelaide, South Australia, and the U.S. Embassy in Santiago, Chile.

OVC actively participates as a member of NSD's Victims of Terrorism Abroad Task Force. This

The key to ensuring that victims get what they need is close collaboration. A critical link in service delivery to international terrorism victims is forged in the partnership between the FBI Office for Victim Assistance and ITVERP, as FBI Terrorism Victim Specialists routinely provide victims and families with information on ITVERP and verify victim status during the application process. Learning that there is a place to turn for financial assistance can go a long way to relieving some of the stress experienced by victims and families.

—Kathryn Turman, Director, FBI Office for Victim Assistance

task force meets quarterly and comprises representatives from DOJ, including the FBI and the U.S. Department of State (DOS). Representatives share information about victims and family members who have come to the attention of other agencies and may qualify for ITVERP assistance.

OVC staff conducts ITVERP briefings for government agencies and nongovernmental organizations (NGO), such as the Japanese Embassy, the British Embassy, the Federal Emergency Management Agency, and the Terrorism Research Center. Additionally, OVC will hold the 2009 Conference on *Mass Casualty and Violence at Home and Abroad—OVC Assisting Victims of Crime*. The conference, which will take place October 19–21, 2009, will bring together first responders, victim service professionals, policymakers, and federal, state, local, and tribal agencies, as well as experts on mass casualty and violence, and international and domestic terrorism to build on existing collaborative relationships; define respective roles and responsibilities; and share experiences and knowledge about how to respond to victims, survivors, and communities affected by incidents of mass casualty and violence.

ITVERP Resource Center

The ITVERP Resource Center, established to respond to questions and requests made through its dedicated toll free hotline and e-mail address, is operated by ITVERP staff weekdays from 8:30 a.m. to 5:30 p.m. eastern time. Individuals, organizations, and other government agencies can contact the Resource Center to obtain general information, ask questions about eligibility requirements, and request applications. Many of the calls received from individuals were in response to information packets they received through OVC's targeted outreach efforts during the past reporting period (October 2006–May 2007). During this reporting period, the Resource Center received and responded to 278 calls. On these calls, mainly from victims and family members, Resource Center staff focused on providing further information on ITVERP program rules,

the statuses of applications already submitted, and requests for assistance in filling out applications. Federal, state, and local government staff also called to obtain information about program rules and eligibility on behalf of specific victims, and to provide information about potential claimants and particular terrorism incidents that might qualify for ITVERP reimbursement. NGOs contacted the ITVERP Resource Center to obtain information about the program to include in their own outreach efforts. Additionally, ITVERP staff responded to 35 e-mail inquiries about applications, eligibility requirements, and the application process.

All congressional inquiries received by OVC are promptly directed to OJP's Office of Communication. During the reporting period, OVC received two telephone inquiries from congressional offices requesting information on specific ITVERP claims submitted by their constituents, and two written inquiries that received written responses within 2 weeks of receipt or by the OJP-appointed deadline.

Informational Materials and Web Sites

To disseminate information about ITVERP, OVC has developed materials to assist with its outreach efforts. OVC's online *Resource Guide for Serving U.S. Citizens Victimized Abroad* (www.ovc.gov/publications/infores/ServingVictimsAbroad/welcome.html, see exhibit 1) is designed to help domestic victim service providers, allied professionals, volunteers, and victim advocates who work on behalf of victims of international crimes. The guide includes a section about international terrorism that outlines the unique impact of terrorism and lists several resources available for victims, including ITVERP.

Additionally, the Terrorism and International Victim Assistance Services Division within OVC developed a fact sheet that includes information about ITVERP (see exhibit 2). Both the guide and the fact sheet are available on the OVC Web site (www.ovc.gov).

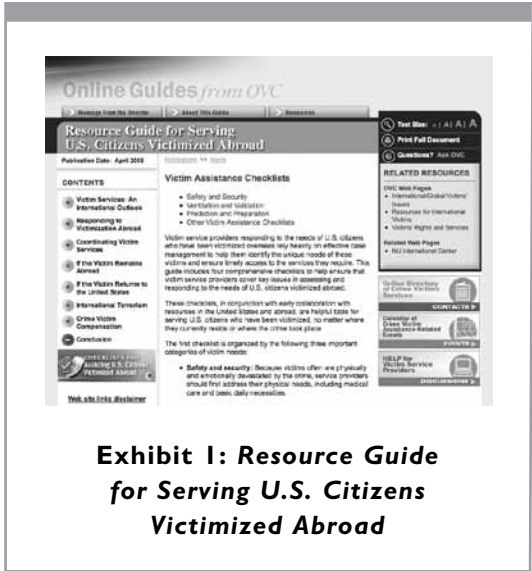


Exhibit 1: Resource Guide for Serving U.S. Citizens Victimized Abroad

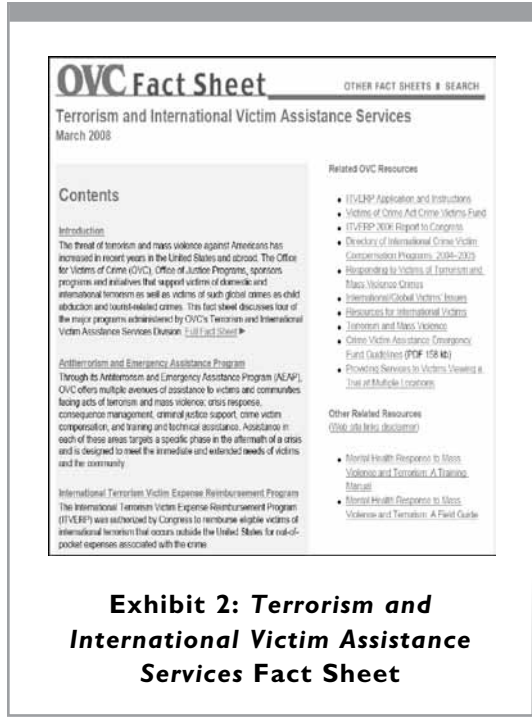


Exhibit 2: Terrorism and International Victim Assistance Services Fact Sheet

OVC also manages the ITVERP Web page, where visitors can view and download the ITVERP application and find information about eligibility, which expenses are covered, how to contact the Resource Center, answers to frequently asked questions, and links to the ITVERP regulations.

Looking Back, Moving Forward

OVC, as the leading government agency working on behalf of crime victims, works to ensure that all victims of crime—both domestic and international—receive access to resources and support in the aftermath of an act of international terrorism. By establishing ITVERP in 2006, Congress and OVC took an important step forward in responding to the needs of victims of international terrorism and their families. The creation of ITVERP broke new ground in the field of victim services and filled a critical gap in services for these victims. OVC continues to explore how the program can be enhanced to better serve those harmed through acts of terrorism committed abroad.

Achievements

Through its partnerships and collaborations with other government offices and agencies—such as OVA, NSD, and DOS—OVC has been able to provide much needed assistance and support to victims and their families.

Key accomplishments during the reporting period include the following:

- ◆ Six victims and six family members have received reimbursement to assist in their healing and recovery process;
- ◆ Claimants have received \$196,352 in reimbursements, including \$115,253 for medical expenses, \$1,969 for mental health care, \$27,350 for funeral and burial expenses, \$34,046 for personal property losses, and \$17,735 for miscellaneous expenses;
- ◆ Eight victims and ten family members are in the process of applying for reimbursement

through ITVERP. If approved by OVC at the level of reimbursement requested, these claimants will receive a total of \$147,887.70;

- ◆ Collaborative outreach partnerships have been strengthened between OVC and OVA, resulting in the identification of an additional 21 potential claimants; and
- ◆ Collaboration with NSD resulted in nine designations of incidents as acts of international terrorism.

Lessons Learned

Although important achievements have been made through the establishment of ITVERP, much remains to be done to ensure that resources are made readily and easily accessible to victims and their families. During this past year, OVC has learned valuable information that can guide future enhancements to ITVERP.

Based on internal and external feedback, OVC recognizes that its policies and procedures must be continually revised and enhanced to better serve the victim community. During the next year, OVC will thoroughly review ITVERP protocols and make changes that will streamline the process for victims and their families applying for reimbursement. Additionally, OVC recognizes the importance of collaborating with other government offices and agencies and will continue to expand its partnership network while reaching out to victims and the victim services field.

Future Program Goals

As OVC continues to assist victims and their families in the aftermath of international terrorism incidents, ITVERP needs to further refine

and enhance its outreach efforts and services. OVC will focus on several areas in the coming year, including the following:

- ◆ Developing new and enhanced outreach strategies with agencies and organizations that may have contact with potential claimants and that may provide feedback regarding the ITVERP claims process for families who may qualify for assistance;
- ◆ Expanding coordination efforts with government offices, agencies, and NGOs to enhance outreach efforts;
- ◆ Reviewing the application process, including case management and collateral source verification;
- ◆ Developing a mechanism for victims and their families to share their experiences in accessing assistance through ITVERP and to provide any suggestions they have for enhancing the program;
- ◆ Revising and updating the *ITVERP Operational Manual*; and
- ◆ Establishing a detailed emergency response protocol and manual that will outline critical steps for processing ITVERP emergency claims if a significant act of international terrorism should occur abroad that affects U.S. nationals or those working for the U.S. Government.

ITVERP Expense Reimbursement Categories

Itemized Expenses	Subcategories & Conditions	Expense Limits
Medical Expenses (including dental and rehabilitation costs)	<p>Victim's medical care, including treatment, cure, and mitigation of disease or injury; replacement of medical devices, including, but not limited to, eyeglasses or other corrective lenses, dental appliances, and prosthetic devices; dental services; prescription medication; and other services rendered in accordance with a method of healing recognized by the jurisdiction in which the medical care is administered.</p> <p>Victim's cost for physiotherapy, occupational therapy, counseling, upgrading of job skills or training for a different career, and workplace, vehicle, and home modifications.</p>	Up to \$50,000.
Mental Health	Victim's (and, when victim is a minor, incompetent, incapacitated, or deceased, certain family members') mental health counseling costs.	Up to 12 months, up to \$5,000.
Property Loss, Repair, Replacement	Includes crime scene cleanup and replacement of personal property (not including medical devices) that is lost, destroyed, or held as evidence.	Up to \$10,000 to cover repair or replacement, whichever is less.
Funeral and Burial	Includes the cost of disposition of remains, preparation of the body and body tissue, refrigeration, transportation of remains, cremation, procurement of a final resting place, urns, markers, flowers and ornamentation, costs related to memorial services, and other reasonably associated activities.	Up to \$25,000.
Miscellaneous	Temporary lodging up to 30 days, local transportation, telephone costs, etc. Emergency travel: two family members' transportation costs to the country where the incident occurred to recover remains, care for victim, care for victim's dependents, accompany victim to receive medical care abroad, accompany victim back to the United States, and attend to victim's affairs in host country.	Up to \$15,000.

ITVERP Chronology

Fall 2000: Congress amends the Victims of Crime Act of 1984 (VOCA) to authorize the establishment of a program to reimburse victims of acts of international terrorism that occur outside the United States for expenses associated with that victimization (Public Law 106-386).

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

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

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

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

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

March 2003: A Request for Quotation is released for open and competitive bidding for administrative support and claims processing for the International Terrorism Victim Compensation Program (ITVCP).

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

May 2003: OVC re-contacts three members of the original ITVCP working group to request their feedback on ITVCP’s program developments to date, particularly with regard to its proposed policies and procedures.

May 2004: Program name changes from ITVCP to ITVERP.

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

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

September 2006: The final program regulations are published.

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

November 2006: OVC receives the first ITVERP application requesting reimbursement.

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

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

July 17, 2007: OVC submits its first request for determination of incidents for the purposes of ITVERP to the AAG for National Security.

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

August 13, 2007: ITVERP awards first payments to claimants.

January 2008: The National Defense Reauthorization Act of 2008 (Public Law 110-181) allows claimants to apply for reimbursement for international terrorism incidents that occurred after October 23, 1983 (previously was December 21, 1988).

NSD Designated Incidents June 2007–August 2008

Location of Incident	Date of Incident	Type of Incident	Date of NSD Designation
Lockerbie, Scotland	12/21/1988	Bombing of Pan Am flight 103	10/1/2007
Dhahran, Saudi Arabia	6/25/1996	Bombing of Khobar Towers	10/1/2007
Nairobi, Kenya	8/7/1998	Bombing of U.S. Embassy	7/27/2007
Jerusalem, Israel	8/9/2001	Suicide bombing of restaurant	5/28/2008
Bali, Indonesia	10/12/2002	Bombing of nightclubs	7/27/2007
Davao City, Philippines	3/5/2003	Bombing at airport	7/27/2007
Riyadh, Saudi Arabia	5/12/2003	Bombing of expatriate housing compound	7/27/2007
Ofra, Israel	6/20/2003	Attack on motor vehicle	11/26/2007
Cairo, Egypt	4/7/2005	Suicide bombing	11/26/2007

Notes

1. This number is based on claimant applications that were in process or paid during the reporting period.

2. One claimant received reimbursement in an itemized and a supplemental application.

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

4. For the purposes of ITVERP program implementation, a person may be either a “victim,” a “claimant,” or both, depending upon the context of the words as they relate to the circumstances associated with a terrorism incident and the impact of that incident on the person(s) applying for reimbursement under ITVERP. 42 U.S.C. § 10603b(a)(2) defines victims of acts of terrorism occurring outside the United States, which (A) means a person who is a national of the United States or an officer or employee of the United States Government who is injured or killed as a result of a terrorism act or mass violence occurring outside the United States; and (B) in the case of a person described in subparagraph (A) who is less than 18 years of age, incompetent, incapacitated, or deceased, includes a family member or legal guardian of that person.

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

“Victim” has the meaning given in 42 U.S.C. 10603c(a)(3)(A), it being understood that the term “person” in that section means the following:

- (1)
 - (i) An individual who was present during the act of terrorism;
 - (ii) An individual who was present during the immediate aftermath of the act of terrorism; or
 - (iii) An emergency responder who assisted in efforts to search for and recover other victims; and
- (2) The spouse, children, parents, and siblings of a victim described in paragraph (u)(1) of this section, and other persons, at the discretion of the Director, shall be considered “victims,” when the person described in such paragraph—
 - (i) Dies as a result of the act of terrorism;
 - (ii) Is younger than 18 years of age (or is incompetent or incapacitated) at the time of the act of terrorism; or
 - (iii) Is rendered incompetent or incapacitated as a result of the act of terrorism.

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

28 C.F.R. § 94.12(b). As the regulatory definitions would suggest, in some cases, the victim and the claimant may be the same person. If,

for example, a person is over age 18, is injured in an act of terrorism occurring outside of the United States, and is eligible to receive medical reimbursement, then that person is also the claimant in terms of his/her status with ITVERP. In another instance, however, if the victim was killed in an act of international terrorism, the claimant might be a surviving next of kin. If

that next of kin paid for the funeral of the victim, then that person would be the claimant for funeral reimbursement. If, however, he/she also sought reimbursement for mental health services for him/herself for issues related to the loss of the victim, then this second person is also a victim in his/her own right, as well as a claimant.



International Terrorism Victim Expense Reimbursement Program

For copies of this report and/or additional information,
please contact

OVC Resource Center
P.O. Box 6000
Rockville, MD 20849-6000
Telephone: 1-800-851-3420 or 301-519-5500
(TTY 1-877-712-9279)
www.ncjrs.gov

Or order OVC publications online at *www.ncjrs.gov/App/Publications/AlphaList.aspx*.
Submit your questions to Ask OVC at *http://ovc.ncjrs.gov/askovc*.
Send your feedback on this service via *www.ncjrs.gov/App/Feedback.aspx*.

Refer to publication number NCJ 231686.

For information on training and technical
assistance available from OVC, please contact

OVC Training and Technical Assistance Center
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Fairfax, VA 22031
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