

**U.S. VICTIMS OF STATE SPONSORED TERRORISM**  
**FUND FREQUENTLY ASKED QUESTIONS**

(Updated June 16, 2021)

These frequently asked questions (FAQs) are meant to help you understand the U.S. Victims of State Sponsored Terrorism Fund; however, they do not constitute legal advice, nor alter in any way the authorities of the Special Master and the U.S. Department of Justice, including the authority to implement the Act. The FAQs are not intended to, do not, and may not be relied upon to create any rights, substantive or procedural, enforceable at law by any party in any matter, civil or criminal.

**Section 1 – General Information**

**1.1 What is the U.S. Victims of State Sponsored Terrorism Fund?**

Congress passed legislation to create the United States Victims of State Sponsored Terrorism Fund (“USVSST Fund”), later amended by the United States Victims of State Sponsored Terrorism Fund Clarification Act (“Clarification Act”) and the Consolidated Appropriations Act, 2021, to provide compensation to a specific group of international terrorism victims harmed by state-sponsored terrorism.

In general, the USVSST Fund is designed to award compensation to those victims of international state-sponsored terrorism who (1) have secured final judgments in a United States district court against a state sponsor of terrorism, or (2) were held hostage at the United States Embassy in Tehran, Iran from 1979 to 1981 (and eligible spouses and children). *See* FAQ 2.1.

**1.2 Where do I get an Application Form?**

**You may obtain the current Application Form (updated November 2019):**

- Through the website: You can register to download a fillable PDF version of the Application Form at [www.usvsst.com](http://www.usvsst.com).
- By telephone: You can request an Application Form by calling toll-free: (855) 720-6966. If you are calling from outside the United States, please call collect: +1 (614) 553-1013.
- By mail: You can also send a written request for an Application Form to the U.S. Victims of State Sponsored Terrorism Fund, c/o EPIQ, PO Box 10299, Dublin, OH 43017-5899.

### **1.3 How do I submit my form when I am finished?**

You may submit your application:

- Online: [www.usvsst.com](http://www.usvsst.com)
- By email: [info@usvsst.com](mailto:info@usvsst.com)
- By facsimile: For domestic callers toll-free to (855) 409-7130 and for international callers to +1 (614) 553-1426.
- By mail to: U.S. Victims of State Sponsored Terrorism Fund, c/o EPIQ, PO Box 10299, Dublin, OH 43017-5899.
- By overnight delivery service to: U.S. Victims of State Sponsored Terrorism Fund, c/o EPIQ, 5151 Blazer Parkway, Suite A, Dublin, OH 43017.

### **1.4 What types of documents do I need to submit with my Application Form?**

Part IV of the USVSST Fund's July 14, 2016 Notice (<http://www.usvsst.com/docs/Notice.pdf>) published in the Federal Register lists required documentation. In order to help claimants prepare their claim submission, the Special Master developed a document checklist that can be found at the end of the Application Form. Please refer to this checklist and the instructions in the Application Form for more information on documents that you need to submit. The USVSST Fund's website also has a tab that provides Additional Forms for claimants' use.

### **1.5 Does it cost anything to file a claim?**

No.

### **1.6 How will I know that my claim has been received?**

You, or your counsel if you are represented, will be notified by mail or electronically.

### **1.7 Can more than one person file a claim for the same judgment?**

Each applicant must submit his or her own claim, and may submit only one claim.

A final judgment from a United States district court may award compensation to multiple individuals who suffered harm as a result of an act of international terrorism by a state sponsor of terrorism. For example, an individual may have a final judgment and that judgment may have also awarded compensatory damages to that individual's spouse. In that situation, the individual and the individual's spouse would each have their own claims. Each individual must file a separate application, and identify each other as immediate family members.

An individual who received two separate judgments for compensatory awards (*e.g.*, as the spouse of one victim and as a parent or sibling of another victim) should file only one application, identifying both judgments and awards.

### **1.8 Can I appeal the final decision of the Special Master to a court?**

No. The decision of the Special Master is final and is not subject to administrative appeal or judicial review. The USVSST Fund's process allows opportunities for you to request either a hearing on or a review of your claim once you receive an initial decision. After either a hearing or a review before the Special Master, the Special Master will make a final determination. The final decision is not subject to administrative appeal or judicial review.

### **1.9 What is the last day to file a claim?**

In general, claimants who obtained final judgments on or after July 14, 2016 must file a claim no later than 90 days after the date of obtaining a final judgment. The Special Master retains discretion to grant a claimant a reasonable extension of this deadline upon good cause shown.

### **1.10 Will I be able to apply to the USVSST Fund confidentially?**

Yes. The Special Master will keep the names of all applicants confidential in accordance with the governing laws and regulations. Please review the Privacy Act Notice in the Application Form (<http://www.usvsst.com/poc.php>) and the System of Records Notice (<http://www.usvsst.com/records.php>) for further information.

### **1.11 How do I find out who has submitted a claim on behalf of a decedent victim?**

The Special Master will keep confidential the names of all victims and applicants, including deceased individuals on whose behalf a claim has been filed by a Personal Representative, as well as their applications. *See* FAQ 1.10. However, any Personal Representative must, prior to filing a claim, provide written notice of the claim to the immediate family of the decedent, the executor or administrator and beneficiaries of the decedent's will, the beneficiaries of the decedent's life insurance policies, and 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. Immediate family of the decedent includes the spouse, former spouse(s), children, stepchildren, other dependents, siblings, and parents. To assist applicants, relevant forms, such as the "Notice of Filing Claim for Deceased Individuals" and "List of Individuals Notified of Claim Filing for Deceased Individuals," are available on the USVSST Fund's website under the Additional Forms tab. *See also* FAQ 3.9.

## Section 2 – Eligibility

### 2.1 Who is an eligible claimant?

- An individual with a final judgment (i) issued by a United States district court under state or federal law against a foreign state that was designated as a state sponsor of terrorism at the time the acts described in clause (ii) occurred or was so designated as a result of such acts; and (ii) arising from acts of international terrorism, for which the foreign state was determined not to be immune from the jurisdiction of the courts of the United States under section 1605A, or section 1605(a)(7) (as such section was in effect on January 27, 2008), of title 28, United States Code (Foreign Sovereign Immunities Act, “FSIA”).
  - An individual employed as diplomatic or military personnel or civilian support staff at the United States Embassy in Tehran, Iran, who was seized from the Embassy and held hostage from November 4, 1979 through January 20, 1981; or the spouse and child of that individual at that time, who is also identified as a member of the proposed class in case number 1:00-CV-03110 (EGS) of the United States District Court for the District of Columbia.
- J) A United States person who was taken and held hostage from the United States embassy in Tehran, Iran, during the period beginning November 4, 1979, and ending January 20, 1981 who did not have an eligible claim before November 21, 2019, and submitted an application for payment by February 19, 2020. The Clarification Act removed the requirement that the hostage be identified as a member of the proposed class in case no 1:00-CV-03110 (EGS) of the United States District Court for the District of Columbia. Accordingly, those hostages who were held less than the full 444 days could be found eligible if they timely applied. *See* FAQ 2.12 – 2.15.
- The “Personal Representative” of a deceased individual in one of the categories described above. *See* FAQ 3.1.

**Note:** Each applicant must submit sufficient evidence verifying his or her identity, including date of birth and Social Security Number.

**Note:** 9/11-related victims and their family members must hold a qualifying judgment to be eligible. Their eligibility does not depend on whether these claimants did or did not file claims with the September 11th Victim Compensation Fund (VCF). *See* FAQ 4.1 – 4.2.

### 2.2 What is a final judgment?

The Justice for United States Victims of State Sponsored Terrorism Act (the “Act”) defines a final judgment as an enforceable final judgment, decree, or order on liability and damages entered by a United States district court that is not subject to further appellate review. The final judgment awards the claimant compensatory damages on a claim or claims brought in a United States district court, under either federal or state law, arising from acts of international terrorism for which the court found that the foreign state was not immune from the jurisdiction of the courts of the United States under the Foreign Sovereign Immunities Act. All appeals must be completed before a judgment is final pursuant to the Act.

### **2.3 Does a default judgment qualify as a final judgment?**

Yes. In the case of a default judgment entered against a foreign state, the claimant must submit documentation showing either transmittal to the U.S. Department of State or other verified proof of service under 28 U.S.C. §§ 1608(a) and (e). If a default judgment is entered against an instrumentality of a state sponsor of terrorism, the claimant must submit verified proof of service under 28 U.S.C. §§ 1608(b) and (e). *See also* FAQ 2.11 regarding final judgments against an instrumentality of a state sponsor of terrorism. In the event service cannot be completed under 28 U.S.C. § 1608(e), the Special Master may, in special circumstances and with good cause shown, review service as a matter of discretion.

### **2.4 How do I get a final judgment?**

The Special Master cannot provide you any legal advice and recommends that you consult a licensed legal professional with any questions about seeking a judgment.

### **2.5 Will a claim be eligible for an award if it is not based on a final judgment?**

No, except for claims by qualifying Iran hostages, or their eligible spouses or children. All other claims must be based on a final judgment. *See* FAQ 2.1 regarding eligible claimants.

### **2.6 Do I have to be a U.S. citizen to be eligible?**

No. Non-U.S. citizens who otherwise qualify may be eligible. *See* FAQ 2.1 regarding eligible claimants. *See also* 34 U.S.C. § 20144(j)(8).

### **2.7 Is my entire judgment award considered in the award calculation by the USVSST Fund?**

No, only compensatory damages are eligible. The Act defines compensatory damages as excluding pre-judgment and post-judgment interest or punitive damages. Thus, if the United States district court awarded a claimant, for example, punitive damages as part of his or her final judgment, the punitive damages will not be considered in the USVSST Fund's award calculation. *See* FAQ 4.1.

### **2.8 What about judgments obtained under statutes other than the Foreign Sovereign Immunities Act (“FSIA”)?**

The Act limits eligible final judgments to those issued by a United States district court on a claim or claims under either federal or state law, arising from acts of international terrorism for which the court found that the foreign state was not immune from the jurisdiction of the courts of the United States under the FSIA. *See also* FAQ 2.11 (judgments against an instrumentality of a state sponsor of terrorism). Judgments issued against non-state actors, or against terrorists, for terrorist acts under the Anti-Terrorism Act (“ATA”) or other statutes, do not qualify. *See also* FAQ 2.10.

## 2.9 What countries qualify as state sponsors of terrorism?

The Act defines a state sponsor of terrorism as a country that the U.S. Secretary of State has determined has a government that has repeatedly provided support for acts of international terrorism.

### Periods of Designation as State Sponsors of Terrorism

<i>Foreign State</i>	<i>Designation Date</i>	<i>Removal from List</i>
Cuba (1)	March 1, 1982	May 29, 2015
Cuba (2)	January 12, 2021	Still listed
Iran	January 19, 1984	Still listed
Iraq (1)	December 29, 1979	1982
Iraq (2)	September 13, 1990	October 7, 2004
Libya	December 29, 1979	June 30, 2006
North Korea (1)	January 20, 1988	October 11, 2008
North Korea (2)	November 20, 2017	Still listed
South Yemen	December 29, 1979	1990
Sudan	August 12, 1993	December 14, 2020
Syria	December 29, 1979	Still listed

## 2.10 What if my judgment is against a terrorist group like al-Qaeda or Hamas?

If your judgment is solely against a terrorist group – like al-Qaeda or Hamas – and not against a state sponsor of terrorism, you are not eligible for compensation from the USVSST Fund.

**2.11 What if my judgment is against an instrumentality of a state sponsor of terrorism, like the Ministry of Intelligence and Security (“MOIS”) of the Islamic State of Iran?**

If the judgment is against an instrumentality of a state sponsor of terrorism, your judgment will be eligible. For example, if the judgment is against Iran’s MOIS and you were awarded compensatory damages under the Foreign Sovereign Immunities Act, then that judgment could qualify as an eligible final judgment, if it meets all other requirements.

**2.12 How do I show I was held as a hostage at the United States Embassy in Tehran, Iran during the period beginning in 1979 and ending in 1981?**

The deadline for applications from hostages has now passed. Documentation to verify being held hostage included, for example, employment records, correspondence from the U.S. Department of State, an affirmation signed under penalty of perjury, or records of receipt of related benefits from the U.S. government under civil service or other laws.

**2.13 What about those individuals who were not held hostage for the entire time from November 4, 1979, through January 20, 1981?**

Under the Clarification Act, individuals who were not held hostage for the entire time could be found eligible, and must have filed claims by February 19, 2020. An eligible former Iran hostage claimant is a U.S. person who was taken and held hostage from the United States embassy in Tehran, Iran, during the period beginning November 4, 1979, and ending January 20, 1981. The Clarification Act removed the requirement that the former hostage be identified as a member of the proposed class in case number 1:00-CV-03110 (EGS) of the United States District Court for the District of Columbia (Roeder 1). Accordingly, those individuals who were not held hostage for the entire time could apply by February 19, 2020. The Clarification Act did not change eligibility for spouses and children of these individuals. *See* FAQs 2.15 and 4.3.

**2.14 What if an individual was working at the United States Embassy in Tehran, Iran, but was taken hostage outside of Embassy grounds?**

The Act requires that the United States person must have been “taken and held hostage from the United States embassy in Tehran, Iran...” Thus, those claimants who were not taken from the United States embassy are ineligible for compensation.

## **2.15 Who qualifies as a spouse or child of a hostage held in Iran?**

The deadline for applications from spouses and children of hostages held at the U.S. Embassy in Tehran, was October 12, 2016. In order to be eligible, the claimant must have shown, among other things, that he or she is a member of the proposed class in case number 1:00-CV-03110 (EGS) of the United States District Court for the District of Columbia. If claiming eligibility as a spouse or child of an Iran hostage, that (Roeder I) class definition states that the individual must be the spouse or child of the hostage “at the time” the hostage was held at the U.S. Embassy in Tehran, Iran. The Special Master looked to the law of the domicile of the hostage at that time to determine if the spouse or child qualified for compensation.

The Clarification Act did not amend provisions of the Act relating to the spouses and children of the former hostages held at the U.S. Embassy in Tehran, Iran. Thus, spouses and children who did not have an eligible claim before November 21, 2019 remain ineligible for compensation from the USVSST Fund.

## **2.16 What were the options for filing a claim with the USVSST Fund for a judgment creditor in Peterson or a Settling Judgment Creditor in *In Re 650 Fifth Avenue & Related Properties*?**

A U.S. person who is a judgment creditor in Peterson or a Settling Judgment Creditor *in In Re 650 Fifth Avenue & Related Properties* had three options with respect to filing a claim with the USVSST Fund.

- Not participating in the USVSST Fund – no action required, and no compensation from the USVSST Fund.
- Participating in the USVSST Fund – you must have provided written notice in accordance with the Act by September 12, 2016. *See* FAQ 2.17. You must also have filed an application by October 12, 2016.
- Filing an application for conditional payment – you must have filed an application by October 12, 2016, or February 19, 2020 if the Clarification Act extended your application deadline, indicating that the application is conditional. *See* FAQ 2.18.

The deadlines for electing to participate and filing applications for conditional payment have passed.



**2.17 How could a judgment creditor in Peterson or a Settling Judgment Creditor in *In Re 650 Fifth Avenue & Related Properties* elect to participate in the USVSST Fund?**

The deadline for these individuals to elect to participate in the USVSST Fund has passed. If you are a judgment creditor in Peterson or a Settling Judgment Creditor in *In Re 650 Fifth Avenue & Related Properties* who chose to participate in the USVSST Fund, you must have elected to do so by (1) providing written notice by September 12, 2016 to the Attorney General, the Special Master, and the chief judge of the United States District Court for the Southern District of New York; and (2) acknowledging in writing that, by so electing, you irrevocably assigned to the USVSST Fund all rights, title, and interest in your claims to the assets at issue in the identified proceedings.

In addition to the written notices described above, those electing to participate in the USVSST Fund must have submitted an application by October 12, 2016. *See* FAQ 1.9.

**2.18 How could a judgment creditor in Peterson or a Settling Judgment Creditor in *In Re 650 Fifth Avenue & Related Properties* submit an application for conditional payment?**

The deadline for these individuals to file an application for conditional payment with the USVSST Fund has passed. If you are a judgment creditor in Peterson or a Settling Judgment Creditor in *In Re 650 Fifth Avenue & Related Properties* who chose to submit an application for conditional payment with the USVSST Fund, you must have submitted your application and supporting documentation by the October 12, 2016 deadline, or February 19, 2020 if the Clarification Act extended your application deadline. You must have indicated in Part II, Question 10, of the Application Form that you were seeking a conditional payment, and also have made the appropriate certifications in Part IV of the Application Form.

## **Section 3 – Personal Representative**

### **3.1 Who is the Personal Representative of a deceased individual?**

The Personal Representative is the individual authorized to submit a claim on behalf of an eligible deceased claimant. The Personal Representative is normally the individual 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 deceased claimant’s will or estate,
- the executor of the deceased claimant’s will, or
- the administrator of the deceased claimant’s estate.

In most cases, the identity of the Personal Representative will not be in dispute. Any claim submitted by an individual who has not demonstrated his or her authority as Personal Representative is incomplete and will not be reviewed for an eligibility determination.

**Note:** The determination of the Personal Representative is not the same question as the determination of who ultimately receives the award distribution. If the claim is eligible for compensation from the USVSST Fund, the Personal Representative will receive the award payment and shall distribute the award in a manner consistent with the decedent’s will, law of the decedent’s domicile, or any applicable rulings made by a court of competent jurisdiction.

**Note:** As noted in FAQ 2.1, each applicant, including a Personal Representative, must submit sufficient evidence verifying his or her identity, including date of birth and Social Security Number.

### **3.2 How do I get appointed as the Personal Representative by a state court?**

Because 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 where the deceased claimant lived to become the Personal Representative. The process varies by state. The Special Master cannot provide you any legal advice and recommends that you consult a licensed legal professional with any questions about seeking an appointment as a Personal Representative.

### **3.3 Who should apply the rules and resolve the dispute over who should be the Personal Representative?**

Disputes among 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 disputed matters. Consequently, the Special Master does not 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 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 USVSST Fund while those disputing parties work to settle their dispute. In appropriate cases, the Special Master may determine an award, but withhold payment until the dispute regarding the Personal Representative is finally resolved, or the Special Master may pay an award to a court of competent jurisdiction that is adjudicating a dispute about the Personal Representative.

### **3.4 How do I show that I am the proper Personal Representative for filing a claim with the USVSST 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's estate or as the executor or administrator of the decedent's will or estate, you must first exercise every effort to attempt to secure such an appointment. Only if you believe you cannot secure such an appointment, and in very limited circumstances, may you ask the Special Master to designate you as the Personal Representative for purposes of filing a claim with the USVSST Fund. To do so, you will need to show why you were unable to secure a court appointment, and you will need to provide additional documents. If you were named as the executor in the claimant's will, you will need to provide the will. If there is no will, you may demonstrate that you were next in line of succession under the laws of the deceased claimant's domicile governing intestacy, although the Special Master retains discretion to designate a Personal Representative for purposes of filing a claim with the USVSST Fund who is not next in the line of succession under the laws of the deceased claimant'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 deceased claimant's tax return.
- For a parent, a copy of the decedent's birth certificate.
- For a brother or sister, a copy of the brother's or sister's birth certificate and the decedent's birth certificate.

### **3.5 If two people have been appointed as co-Personal Representatives of a deceased claimant's will or estate, do both people have to sign the application?**

Yes. 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 execute the certifications and sign the Application Form, as well as the Proposed Distribution Plan once the claim is found eligible for payment. Both co-Personal Representatives, if represented by counsel, must submit a retainer signed in their capacities as Personal Representatives.

### **3.6 What documentation does the Special Master require if the Personal Representative was appointed under foreign law?**

The applicant must submit sufficient documentation demonstrating that the person appointed as the Personal Representative was the correct individual under foreign law for the Special Master to accept the appointment. An applicant should submit additional supporting documentation detailing the reasonable steps undertaken to confirm the proper appointment of the Personal Representative under the laws of the foreign state, and confirming that any eligible claim amount will be distributed in accordance with the laws of the foreign state. *See also* FAQ 3.7 regarding submission of foreign language documents, if relevant.

In the rare instance where a foreign appointment and a domestic appointment conflict, and the parties are unable to agree upon the appropriate Personal Representative for purposes of filing a claim with the USVSST Fund, the dispute will be referred to a court of competent jurisdiction for resolution. *See* FAQ 3.3.

### **3.7 Are there any requirements for submitting foreign language documents?**

All documents submitted in languages other than English must be accompanied by a complete translation into English. In addition, you must include a certification in English from the translator that he or she is a competent translator and that the translation is complete and accurate. The certification must include the date and the translator's name, signature, and address.

### **3.8 What if there is no mechanism for obtaining a judicial appointment of a legal representative or administrator either in the U.S. or under foreign law?**

In limited circumstances, the Special Master may consider the claims of those who cannot secure an appointment. However, these cases will be rare, and detailed documentation and a description of the extenuating circumstances must be provided.

### **3.9 Who gets the payment for decedents' claims?**

Awards for eligible decedents will generally be made to the qualified Personal Representative, who must distribute the award in a manner consistent with the decedent's will, the law of the decedent's domicile, a 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 to an appointed guardian *ad litem*.

**3.10 I am the Personal Representative of an eligible estate claim. Do I need to provide any additional forms or information before receiving a payment?**

The Personal Representative must complete and provide Proposed Distribution Plan and Consent to Proposed Distribution Plan forms to all designated beneficiaries, heirs, and interested parties, in compliance with the notice requirements. *See* “Proposed Distribution Plan” and “Consent to Proposed Distribution Plan” forms, available on the USVSST Fund’s website on the Additional Forms tab. The purpose of the Proposed Distribution Plan is to demonstrate to the Special Master’s satisfaction that the award will be distributed in accordance with the terms described in FAQ 3.9. The Proposed Distribution Plan must identify all the named heirs or beneficiaries – either individuals or a trust – that will receive a distribution in accordance with the terms of the decedent’s will. If the decedent died intestate, the Proposed Distribution Plan should conform to the intestacy laws of the decedent’s domicile. The Personal Representative should identify and submit an explanation of the applicable intestacy laws.

**Note:** The ACH Payment form, in contrast to the Proposed Distribution Plan, identifies the account to which the USVSST Fund will direct payment, such as an attorney’s client trust account (*e.g.*, IOLTA account). Once the Special Master reviews and approves the Proposed Distribution Plan, he or she will authorize payment.

## **Section 4 – Compensation**

### **\*UPDATED\* 4.1 How much of my final judgment will I be awarded?**

In general, eligible claims will be paid on a *pro rata* basis out of available funds, based on the amounts outstanding and unpaid on eligible claims, until all those amounts have been paid in full or the USVSST Fund sunsets in 2039.

For the first two rounds of distributions, the Act required all awards to be calculated together. For the third round and any subsequent distributions, the Clarification Act requires the USVSST Fund to divide all available funds in half, and to allocate 50% of the available funds to non-9/11-related victims and the remaining 50% to 9/11-related victims.

In addition, the Clarification Act sets forth statutory limitations, or caps, on awards in certain circumstances. The Clarification Act mandates the same individual claim cap originally set forth in the Act. In the event any applicant is awarded in a judgment gross compensatory damages that exceed \$20 million, the Special Master will treat that claim as if the compensatory award was for \$20 million. This cap applies to both non-9/11-related and 9/11-related victims of state sponsored terrorism. The family cap also remains unchanged as to non-9/11 related claimants, who remain subject to a \$35 million cap with the immediate family members of the victim.

The Clarification Act requires that the 9/11-related victims be placed in a family group capped at either \$35 million or \$20 million, as illustrated in the chart below.

### Individual and Family Caps Under the Clarification Act

	Non-9/11 Related Victim	9/11-Related Victim
<b>Individual Cap</b>	\$20,000,000 individual cap (both non-9/11 Related and 9/11-Related Claimants)	
<b>Family Cap</b>	\$35,000,000 immediate family member cap	<p style="text-align: center;">\$35,000,000 cap for 9/11 victim, 9/11 spouse, and 9/11 dependent</p> <p style="text-align: center;"><i>E.g., 9/11 decedent, 9/11 decedent’s spouse, and a 9/11 decedent’s then-minor child who has not received payment from the USVSST Fund, are in one family grouping with a cap of \$35,000,000</i></p> <hr/> <p style="text-align: center;">\$20,000,000 cap for 9/11 family members who are not a 9/11 spouse or 9/11 dependent</p> <p style="text-align: center;"><i>E.g., a 9/11 decedent’s parent and sibling who were not dependents are in a family group with a cap of \$20,000,000</i></p>

The Consolidated Appropriations Act, 2021, requires the Comptroller General of the United States to conduct an audit and publish in the Federal Register a notice of proposed lump sum catch-up payments to certain 9/11 victims, 9/11 spouses, and 9/11 dependents within 90 days of the enactment. The Comptroller General is also required to provide an opportunity for public comment and to submit a report to certain Congressional committees and the Special Master. The Comptroller General, Government Accountability Office (GAO) published a notice on March 26, 2021, with a deadline for public comment of April 26, 2021. GAO published a second notice on June 11, 2021, with a deadline for public comment on July 12, 2021. The legislation requiring the audit did not authorize or appropriate any funds for these payments, and did not authorize the Special Master to make them. *See* 34 U.S.C. § 20144(d)(4)(C).

*See* FAQs 4.8 and 4.10 regarding how sources other than the USVSST Fund will be factored into calculating awards. *See also* FAQ 4.2 for definitions of non-9/11 related victim, 9/11-related victim, 9/11 victim, spouse of a 9/11 victim, 9/11 dependent, and 9/11 family member.

#### 4.2 How does the USVSST Fund define “immediate family member,” “non-9/11 related victim,” and “9/11 related victim”?

) **Immediate family member:** The Foreign Sovereign Immunities Act (“FSIA”) guides the definition of who is an immediate family member for purposes of the USVSST Fund. The Special Master has determined that immediate family members are a spouse, domestic partner, child, stepchild, parent, stepparent, brother, sister, half-brother, and half-sister of the direct victim whose injury or death was the basis of the FSIA judgment. If an immediate family member is deceased, the applicant should still identify the immediate family member, note that he or she is deceased, and provide any relevant estate information.

The Clarification Act added the definitions below. These definitions do not govern eligibility (*see* FAQ 2.1), but do affect payment calculations (*see* FAQ 4.1) and attorneys’ fees (*see* FAQ 6.2).

- ) **Non-9/11 related victim:** A United States person who has an eligible claim that is unrelated to the acts of international terrorism carried out on September 11, 2001.
- ) **9/11-related victim:** A United States person who has an eligible claim that is related to the acts of international terrorism carried out on September 11, 2001. Eligibility for the USVSST Fund is governed by the USVSST Fund statute, not whether a claimant did or did not file a claim in the 9/11 VCF1 or VCF2. *See* FAQ 2.1. *See also* FAQs 4.7 and 4.8 for information regarding VCF claims.
  - **9/11 victim:** A United States person whose injury or death stems from the acts of international terrorism carried on September 11, 2001.
  - **9/11 spouse:** In general, a United States person who was, or could have been, reported as spouse on the 9/11 victim’s federal tax return. This includes a same-sex spouse who was lawfully married to the victim under then-applicable state law.
  - **9/11 dependent:**
    - In general, a United States person who the 9/11 victim reported, or could have reported, as a dependent on the 9/11 victim’s federal tax return, such as a minor child; or
    - Child of the 9/11 victim who has not, before the date of enactment of the Clarification Act, received payment from the USVSST Fund.
  - **9/11 family member:** Immediate family member of a 9/11 victim who is not a 9/11 spouse or 9/11 dependent.



**4.3 If my award is based on being held hostage in Iran from 1979 to 1981, how will my award be calculated?**

For those claimants, the eligible claim amount is set by the Act as the sum total of \$10,000 per day for each day the claimant was held hostage from the U.S. Embassy in Tehran, Iran, during the period beginning November 4, 1979, and ending January 20, 1981.

As with final judgment amounts, these eligible claim award amounts are subject to *pro rata* calculation in accordance with the terms of the Act.

**4.4 Do I need to resubmit my application to be considered for future payment rounds?**

Eligible claimants do not need to resubmit an application to receive funds if the USVSST Fund makes additional rounds of payments.

The Special Master will make additional awards if sufficient funds are available. All eligible claimants and any applicants whose claims are pending have an ongoing obligation to submit updated information as it arises, such as new compensation from sources other than the USVSST Fund, significant developments involving the final judgment, or changes in beneficiaries. *See* Notice to Update Claim Information.

**4.5 Will applicants who receive award payments be required to designate a United States domestic custodian for the deposit and distribution of the payment?**

Yes. The USVSST Fund will issue payments only to accounts held in United States domestic banks or financial institutions, and not to any foreign bank or financial institution. Prior to the distribution of any award payments, either the applicant or his or her attorney must submit documentation identifying a U.S. based account. *See also* FAQ 11 in the “Direct Deposit and Payment FAQs” on the Payment Information tab of the USVSST Fund’s website (“Can I use Direct Deposit for a bank account in a foreign country?”).

**4.6 What if I was awarded compensatory damages in an eligible final judgment and also received an award under section 405 of the Air Transportation Safety and System Stabilization Act (September 11th Victim Compensation Fund)?**

VCF claims no longer affect payments from the USVSST Fund. The Clarification Act removed the statutory condition that precluded USVSST Fund payments to eligible claimants who had received an award or award determination from the September 11th Victim Compensation Fund (VCF1 or VCF2) under section 405 of the Air Transportation Safety and System Stabilization Act. Accordingly, under the Clarification Act, if a 9/11 victim or immediate family member has a qualifying claim, he or she may receive compensation from the USVSST Fund, regardless of whether he or she did or did not apply to VCF1 or VCF2.

**4.7 What if I made a VCF1 or VCF2 claim? What if I withdrew my VCF2 claim with prejudice?**

VCF claims no longer affect payments from the USVSST Fund. *See* FAQ 4.6. Please refer to VCF for any questions about VCF at [www.vcf.gov](http://www.vcf.gov).

#### **4.8 What is a source of compensation other than the USVSST Fund?**

The Act, as amended by the Clarification Act and the Consolidated Appropriations Act, 2021, defines a “source other than” the USVSST Fund as any collateral source, including any life insurance, pension funds, death benefit program, payment by Federal, state, or local government, and court awarded compensation related to the act of international terrorism that gave rise to a claimant’s final judgment, except that the term does not include payments received in connection with an international claims agreement to which the United States is a state party or any other settlement of terrorism-related claims against Sudan.

The applicant must identify on the Application Form, to the best of the applicant’s knowledge, all sources other than the USVSST Fund that the claimant (or, in the case of a Personal Representative, any beneficiary of the claimant) has received or is entitled or scheduled to receive as a result of the act of international terrorism that gave rise to the claimant’s final judgment, including information identifying the amount, nature, and source of that compensation. The applicant must keep the USVSST Fund informed of any compensation that the claimant, or the claimant’s beneficiaries, received or are entitled or scheduled to receive from sources other than the USVSST Fund throughout the life of the USVSST Fund.

The Special Master retains discretion in assessing any identified source other than the USVSST Fund and determining how it will factor into an award calculation. As one example, if the claimant is deceased, life insurance payments paid on personally secured policies must be identified as a source other than the USVSST Fund, but will not affect claimants’ awards.

Money received from the September 11th Victim Compensation Fund (VCF1 or VCF2) whether as an award, award determination, or estate distribution will not be considered an offset for USVSST Fund award calculations. The Consolidated Appropriations Act, 2021, amended the term “source other than this Fund” to exclude payments received in connection with an international claims agreement to which the United States is a state party or any other settlement of terrorism-related claims against Sudan. As a result, claimants need not report recoveries from those sources.

#### **4.9 What does it mean to be “entitled or scheduled to receive” a payment from a source other than the USVSST Fund?**

The Act defines “entitled or scheduled to receive” as any potential recovery where that person or his or her representative is a party to any civil or administrative action pending in any court or agency of competent jurisdiction in which the party seeks to enforce the judgment giving rise to the application to the USVSST Fund.

#### **4.10 How will sources other than the USVSST Fund be factored into calculating my award?**

The Act requires that the claimant provide the Special Master with information regarding sources other than the USVSST Fund, and to update that information. *See* FAQs 4.8 and 4.9. The Special Master then reviews and determines an award calculation based on amounts outstanding and unpaid on a final judgment, as well as other statutory limitations. *See* the “USVSST Fund Payment Calculation Explanation” on the Payment Information tab of the USVSST Fund’s website for more information on treatment of sources other than the USVSST Fund in the most recent distribution. If an eligible claimant has received, or is entitled to or scheduled to receive, a payment that is equal to, or in excess of, 30% of the total compensatory damages owed to the claimant from any source other than the USVSST Fund, he or she will not receive any payment from the USVSST Fund until such time as all other eligible claimants have received from the USVSST Fund an amount equal to 30% of the compensatory damages awarded to those claimants under their final judgments.

But if the claimant has received some but less than 30% of the compensatory damages owed to that claimant under the final judgment from a source other than the Fund, the claimant may apply to the Special Master for the difference between the percentage of compensatory damages the claimant has received from sources other than the USVSST Fund and the percentage of compensatory damages to be awarded other eligible claimants from the USVSST Fund. No special application is required for these claimants; the Special Master will use the information provided on the Application Form for these calculations. All applicants, including claimants who have received compensation from the USVSST Fund, have a continuing obligation to submit updated information regarding compensation from sources other than the USVSST Fund. *See* Notice to Update Claim Information.

#### **4.11 Is the provision considering whether 30% of compensatory damages have been paid a statutory cap on my award?**

No. This statutory provision requires the USVSST Fund to account for payments from sources other than the USVSST Fund and to adjust award amounts. A separate provision of the Clarification Act establishes the statutory limitations or caps on awards in certain circumstances. *See* FAQs 4.1 and 4.3.

#### **4.12 Can I get an advance on my award?**

No. The Special Master will not authorize any emergency or other advance award payments.

#### **4.13 How long until I get my full award?**

The USVSST Fund authorizes payments in accordance with the statute's deadlines. Because there is no way to precisely predict the number of eligible claims or the total amounts to be deposited in the USVSST Fund over time, there is no way to predict what percentage of eligible claims will be paid until the USVSST Fund sunsets in 2039.

Payments to claimants who submitted applications for conditional payment as a judgment creditor in Peterson or a Settling Judgment Creditor in *In Re 650 Fifth Avenue & Related Properties* (or both) are subject to additional terms under the Act. The USVSST Fund determines award payment amounts for Settling Judgment Creditors in *In Re 650 Fifth Avenue* who filed applications for conditional payment, but withholds payment pending a final judgment in those proceedings. Claimants who filed applications for conditional payment as judgment creditors in Peterson will not receive payments because funds were distributed in those proceedings.

#### **4.14 Will the Special Master's final decision tell me the full amount I will be entitled to?**

The Special Master's final decision will inform the claimant only regarding his or her eligibility and the eligible claim amount to be used in calculating any award. Claimants will be notified separately of specific award amounts when the USVSST Fund is preparing to make a distribution. Because the USVSST Fund may find additional claimants eligible and receive additional appropriations or deposits into the USVSST Fund, as well as make further distributions, the full amount of payments cannot be determined until the USVSST Fund sunsets in 2039.

#### **4.15 Will my award be subject to federal income taxes?**

The Special Master recommends that any tax-related questions be directed to a tax professional. The USVSST Fund does not issue any IRS forms such as the IRS Form 1099.

#### **4.16 Will the Special Master publicize my award?**

The Special Master will not breach the confidentiality of any individual claimant. Please review the Privacy Act Notice in the Application Form (<http://www.usvsst.com/poc.php>) and the System of Records Notice (<http://www.usvsst.com/records.php>) for further information. The Act requires the Special Master, within 30 days after authorizing the payment for compensation of eligible claims, to submit to the chairman and ranking minority member of the Committee on the Judiciary of the House of Representatives and the chairman and ranking minority member of the Committee on the Judiciary of the Senate a report on the payment of eligible claims, including the number of applications approved and the amount of each award, the number of applications denied and the reasons for the denial, the number of applications for compensation that are pending for which compensatory damages have not been paid in full, and the total amount of compensatory damages from eligible claims that have been paid and that remain unpaid. The statutorily required Congressional reporting does not include identification of individual claimants. Copies of these Congressional reports are available on the USVSST Fund's website in the News and Reports tab.

**4.17 How will the USVSST Fund issue payments? Do I have to direct the payment to my personal bank account?**

The USVSST Fund will make payments on eligible claims into United States domestic accounts (not to foreign accounts, *see* FAQ 4.5) designated by the claimants. A claimant may designate a personal bank account or brokerage account, or the claimant’s attorney’s client trust account (*e.g.*, IOLTA account). In extremely limited circumstances at the discretion of the Special Master, claimants may designate other types of accounts, such as trusts, to receive the payments. The Special Master will not, however, enter into, approve, or ratify any related payment distribution agreements or any terms of such agreements, such as structured settlements, other than distribution plans for awards to estates. *See* FAQs 3.9 and 3.10.

**4.18 I am an eligible claimant. What do I need to do to receive my payment from the USVSST Fund?**

You or your attorney should complete the ACH Payment Form to receive by direct deposit the award payment amount. The ACH Payment Form must be completed, signed, and dated by the claimant or the individual who is authorized to receive payment on the claimant’s behalf. The ACH Payment Form, as well as the Direct Deposit and Payment FAQs, are available on the USVSST Fund’s website on the Payment Information tab. In addition, if an estate claim was filed by a Personal Representative, that Personal Representative must submit the “Proposed Distribution Plan” and “Consent(s) to Proposed Distribution Plan” forms for review and approval by the Special Master prior to receiving an award payment. *See* FAQs 3.9 and 3.10. Those forms are available on the USVSST Fund’s website on the Additional Forms tab.

**4.19 How much of my payment will go to my attorney?**

The Special Master does not determine attorneys’ fees or costs; that is to be determined between attorneys and clients. A statutory limitation on attorneys’ fees and costs applies to all claim awards. The Clarification Act established different limitations for 9/11-related claims and non-9/11 related claims. *See* FAQ 6.2.

**4.20 Will the USVSST Fund pay my attorneys’ fees?**

No. The USVSST Fund will not pay attorneys’ fees. The USVSST Fund will send payment to the account designated for payment by the claimant. While claimants may designate their attorneys’ client trust accounts (*e.g.*, IOLTA account) to receive payments on their behalf, the Special Master does not determine attorneys’ fees or costs.

**4.21 What if there is a dispute about attorneys’ fees and costs for my claim?**

The Special Master recommends all parties seek advice from a legal professional regarding any attorneys’ fees and costs disputes. The Special Master will not adjudicate any fee and cost disputes, nor accept any liens (such as charging liens submitted by a former counsel).

#### **4.22 What if there is a dispute about which attorney represents me?**

The Special Master will not adjudicate disputes about representation. Claimants must provide updated information regarding representation to the USVSST Fund. Instructions for changing or removing the attorney(s) listed on an Application Form are available on the USVSST Fund's website in the Additional Forms tab. If more than one application is filed on behalf of a single claimant, the Special Master may not be able to make a payment on the claim until the dispute is resolved among the parties.

#### **4.23 When will I know how much my payment will be?**

The USVSST Fund authorizes payments pursuant to statutory deadlines. Before making payments in each of three rounds of distribution so far, the Special Master informed all claimants of the specific payment amount calculated for their claims. Similarly, the Special Master will inform claimants of their payment amounts before any subsequent rounds of distribution.

#### **4.24 When will the USVSST Fund issue my award payment?**

The USVSST Fund generally makes payments on a rolling basis, beginning as soon as possible after the Special Master authorizes them. If sufficient funds are available, the Special Master will authorize subsequent rounds of payment by January 1, in 2022 and subsequent years, until the USVSST Fund sunsets in 2039.

#### **4.25 Is there any reason why I may not receive all or part of my award payment?**

Yes. If you have delinquent debts, there may be a delay in your payment. *See* Direct Deposit and Payment FAQ 13, available on the USVSST Fund's website under the Payment Information tab. Also, if you are criminally culpable for an act of international terrorism, you are statutorily precluded from receiving compensation from the USVSST Fund.

#### **4.26 When will the USVSST Fund authorize future rounds of payments?**

If sufficient funds are available, the Special Master will authorize subsequent rounds of payments by January 1, in 2022 or in subsequent years, until the USVSST Fund sunsets in 2039. The USVSST Fund's governing Act requires the appointment or reappointment of a Special Master when there is more than \$100 million in the USVSST Fund, which does not necessarily mean there are sufficient funds for a distribution. For example, USVSST Fund balances include monies that are not available for immediate distribution, such as monies the statute requires the Special Master to allocate and preserve for conditional claims (*see* FAQs 2.16, 2.18). The USVSST Fund continues to work diligently to identify matters that qualify for deposit.

## **Section 5 – Hearing/Appeals**

### **5.1 Will I be able to have a hearing?**

If your claim was denied in whole or in part, you may request a hearing. Hearings are not required and are voluntary. A claimant should not request a hearing believing that his or her advocacy can result in a different amount of compensation. *See also* FAQ 5.4 regarding award payment calculations.

### **5.2 Is there is a deadline to request a hearing?**

Yes. A claimant whose claim is denied in whole or in part has 30 days after receipt of a written decision by the Special Master to request a hearing.

### **5.3 Can I request reconsideration of my eligibility decision without formally appealing and having a hearing?**

Yes. Claimants may notify the Special Master of any suspected error or mistake in the eligibility decision and request reconsideration without waiving their right to a hearing. However, requesting reconsideration does not toll the 30-day time period within which to request a hearing after receipt of the Special Master's decision denying a claim in whole or in part.

### **5.4 Can I appeal my award payment amount?**

No. An award payment calculation does not constitute a denial, nor does an eligibility determination or award calculation for any other claimant.

### **5.5 Who will conduct the hearings?**

The Special Master or designees of the Special Master will conduct the hearing.

### **5.6 How long will hearings last?**

The statute does not set a specific time limit or format for the hearing. Based on the circumstances of the claim, the Special Master or his or her designee shall determine the time, location, duration, and procedures for the hearing.

### **5.7 How long will it take to get a decision after the hearing?**

The statute provides that not later than 90 days after a hearing the Special Master will issue a final written decision affirming or amending the original decision, and the Special Master will make every effort to issue decisions expeditiously. The written decision is final and non-reviewable.

## **Section 6 – Representation by Counsel**

### **6.1 Do I need to hire an attorney to help me with my claim?**

You are not required to have an attorney. However, you have the right to be represented by an attorney.

### **6.2 How much of my claim award will my attorney be entitled to?**

The Special Master does not determine attorneys' fees or costs; that is to be determined between attorneys and clients. Notwithstanding any retainer or other agreement for legal services you have entered, the Clarification Act states that no attorney representing a non-9/11-related victim of state sponsored terrorism shall charge, receive, or collect, and the Special Master will not approve, any payment of fees and costs that in the aggregate exceeds 25% of any award payment.

The Clarification Act further states that *after* November 21, 2019, no attorney representing a 9/11-related victim of state sponsored terrorism shall charge, receive, or collect, and the Special Master will not approve, any payment of fees and costs that in the aggregate exceeds 15% of any award payment. *See also* FAQs 4.19 – 4.21 regarding payments and attorneys' fees. Specific Acknowledgement and Certification of Compliance Forms for 9/11-related claimants are available on the USVSST Fund's website on the Additional Forms tab.

### **6.3 Do I need to submit an updated retainer agreement with my Application Form?**

The USVSST Fund requires that attorneys submit documentation of their authority to represent the applicant. Attorneys may submit a copy of an existing executed retainer agreement; the USVSST Fund does not need a newly executed agreement, only the one on file. If an applicant dies and his or her individual claim is converted to an estate claim, the Personal Representative must provide documentation of the attorney's authority to represent the Personal Representative in his or her capacity as Personal Representative. *See also* FAQ 4.22 regarding disputes about which attorney represents a claimant.