

U.S. VICTIMS OF STATE SPONSORED TERRORISM FUND

FREQUENTLY ASKED QUESTIONS

(Updated February 10, 2017)

Section 1 – General Information

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

The United States Victims of State Sponsored Terrorism Fund (Fund) was created by legislation passed by Congress to provide compensation to a specific group of international terrorism victims harmed by state sponsored terrorism.

In general, the 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 their spouses and children).

1.2 Where do I get an Application Form?

- **Through the website:** You can get an Application Form at www.usvsst.com.
- **By telephone:** You can request an Application Form by calling toll free at (855) 720-6966. If you are calling from outside the United States, please call collect at +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 GCG, PO Box 10229, Dublin, OH 43017-5899.

1.3 Where do I submit my form when I am finished?

Applications should be submitted as follows:

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

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

Required documentation is listed in Part IV of the Fund’s Notice published in the Federal Register. 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, available on the Fund’s website. Please refer to this checklist and the instructions in the Application Form for more information on documents that you need to submit. The 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 will be notified by mail and/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. 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 cases and awards. Moreover, there may be more than one claim based on the same incident of harm or judgment. If the same judgment awards compensation to multiple individuals, each must submit his or her own claim. For example, an applicant may have a final judgment as a result of an act of terrorism by a state sponsor of terrorism, and that judgment may have also awarded compensatory damages to that applicant’s spouse. In that situation, the applicant and the applicant’s spouse would each have their own claims. Each must file a separate application, and identify each other as immediate family members. Similarly, if an immediate family member has a final judgment for compensatory damages issued by a U.S. district court in a separate action, but as a result of the same act of terrorism by a state sponsor of terrorism, then that family member and case must be identified in the application.

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

No. The decision of the Special Master is final and is not subject to administrative appeal or judicial review. The Fund’s process allows opportunities for you to request either a hearing or a review regarding 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?

Claimants with final judgments dated before July 14, 2016, and those filing claims related to being held hostage at the U.S. Embassy in Tehran, Iran from 1979 to 1981, or as a spouse and child thereof, must have filed their applications by October 12, 2016.

Claimants with final judgments obtained 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 the deadline upon good cause shown.

1.10 Will I be able to apply to the 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 (SORN) (<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 claimant?

The Special Master will keep confidential the names of all 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 purported 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. To assist applicants, relevant forms, such as the "Notice of Filing Claim for Deceased Individuals" and "List of Individual Notified of Claim Filing for Deceased Individuals," are available on the Fund's website under the Additional Forms tab. *See also* FAQ 3.9. If a purported Personal Representative fails to give the requisite notice, then the Special Master will notify the interested parties.

Section 2 – Eligibility

2.1 Who is an eligible claimant?

- An individual with a final judgment issued by a United States district court under state or federal law against a state sponsor of terrorism and arising from an act of international terrorism, for which the foreign state was found not immune under section 1605A, or section 1605(a)(7), 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 during November 4, 1979, who was seized from the Embassy and held hostage through January 20, 1981, or the spouse and child of that individual at that time, and 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.
- The “Personal Representative” of a deceased individual in one of the two categories described above.

Note: All applicants must submit sufficient evidence verifying their identity.

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 FSIA.

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 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.

2.7 Is my entire judgment award considered in the award calculation by the 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 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 Fund's award calculation.

2.8 What about judgments obtained under statutes other than the 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. Judgments issued against non-state actors, or against terrorists, for terrorist acts under the Anti-Terrorism Act (ATA) or other statutes, do not qualify.

2.9 What countries qualify as state sponsors of terrorism?

The Act defines a state sponsor of terrorism as a country the government of which the Secretary of State has determined, for purposes of the FSIA, or any other provision of law, is 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	March 1, 1982	May 29, 2015
Iran	January 19, 1984	Still listed
Iraq (1)	December 29, 1979	1982
Iraq (2)	September 13, 1990	September 24, 2004
Libya	December 29, 1979	May 12, 2006
North Korea	January 20, 1988	June 26, 2008
South Yemen	December 29, 1979	1990
Sudan	August 12, 1993	Still listed
Syria	December 29, 1979	Still listed

** The chart above lists the foreign states designated by the Secretary of State as state sponsors of terrorism and the relevant designation time periods.*

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 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 FSIA, then that judgment would qualify as an eligible final judgment.

2.12 How do I show I was held as a hostage at the U.S. Embassy in Tehran, Iran from 1979 to 1981?

The deadline for applications from hostages held at the U.S. Embassy in Tehran, Iran from 1979 to 1981, and their spouses and children, was October 12, 2016. You must have submitted verification that you were taken hostage from the U.S. Embassy on November 4, 1979, and held hostage through January 20, 1981, as well as verification that you qualify as a proposed class member in case number 1:00-CV-03110 (EGS) of the United States District Court for the District of Columbia. Documentation to verify being held hostage could have 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.

If seeking compensation as a spouse of an individual held hostage, you must have submitted a marriage certificate showing the date of marriage and an affirmation that the marriage continued through January 20, 1981. If you subsequently divorced the individual after the relevant time period, a divorce decree showing the dates of the marriage must have been submitted as well.

If seeking compensation as the child of an individual held hostage, you must have submitted a copy of your birth certificate or adoption decree showing a birth or adoption date *before* January 20, 1981.

2.13 What about those individuals who were able to escape the U.S. Embassy or were released and not held hostage for the entire time from November 4, 1979, through January 20, 1981?

The deadline for applications from hostages held at the U.S. Embassy in Tehran, Iran from 1979 to 1981, and their spouses and children, was October 12, 2016. According to the terms of the Act, the claimant must have been taken from the U.S. Embassy on November 4, 1979, and held hostage through January 20, 1981. In addition, the claimant must have also shown 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. That class (*Roeder I*) is defined as follows:

All diplomatic and military personnel and the civilian support staff who were working at the United States Embassy in Iran during November 1979 and were seized from the United States Embassy grounds, or the Iran Foreign ministry, and *held hostage from 1979 to 1981* (as well as their spouses and children at the time and their legal representatives).

Thus, individuals who were not held hostage for the entire time are ineligible, by statute, for compensation from the Fund.

2.14 What if an individual was among the diplomatic, military, or civilian personnel working at the U.S. Embassy in Tehran, Iran, but was taken hostage outside of Embassy grounds?

The deadline for applications from hostages held at the U.S. Embassy in Tehran, Iran from 1979 to 1981, and their spouses and children, 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. That class (*Roeder I*) is defined as follows:

All diplomatic and military personnel and the civilian support staff who were working at the United States Embassy in Iran during November 1979 and *were seized from the United States Embassy grounds, or the Iranian Foreign ministry, and held hostage from 1979 to 1981 (as well as their spouses and children at the time and their legal representatives).*

Thus, those claimants who were not taken from the U.S. Embassy grounds or the Iran Foreign ministry and held hostage for the entire time are ineligible, by statute, to receive compensation from the Fund.

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

The deadline for applications from hostages held at the U.S. Embassy in Tehran, Iran from 1979 to 1981, and their spouses and children, was October 12, 2016. If claiming eligibility as a spouse or child of an Iran hostage, the *Roeder I* class 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.

2.16 What were the options for filing a claim with the 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 Fund.

- Not participating in the Fund – no action required, and no compensation from the Fund.
- Participating in the 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, 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 Fund?

The deadline for these individuals to elect to participate in the 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 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 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 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 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 Fund, you must have submitted your application and supporting documentation by the October 12, 2016 deadline. You must have indicated in Part II, Question 10, of the application that you were seeking a conditional payment, and also have made the appropriate certifications in Part IV of the application.

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 many or most cases, the identity of the Personal Representative will not be in dispute.

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

3.2 How do I get appointed Personal Representative by a state court?

Since state law governs the designation of Personal Representatives, the Special Master generally advises claimants to work with the probate or surrogate court in the state where the deceased claimant lived to become the Personal Representative. The process varies by state.

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 such 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 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 this Fund?

In most cases, if you have been appointed as the Personal Representative, executor, or administrator by a court, you should provide copies of relevant legal documents, such as court orders, letters testamentary, letters of administration, or similar documentation.

If you have not been appointed by a court as the Personal Representative of the decedent'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 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 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 sign the certifications of the application.

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 Fund, the dispute will be referred to a court of competent jurisdiction for resolution.

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 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 will need to 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 law of the decedent's domicile, a ruling by a court of competent jurisdiction, or a direction from the Special Master. In some cases, the Special Master may make provision for separate distributions to comply with a court-approved distribution plan. An example would be payments to a minor that may need to be paid to an appointed guardian *ad litem*.

The Personal Representative must provide a proposed distribution plan, as well as obtain executed consents to the proposed distribution plan from the heirs or beneficiaries. *See* "Proposed Distribution Plan" and "Consent to Proposed Distribution Plan" forms available on the Fund's website on the Additional Forms tab. The Fund will not release payment to the Personal Representative for distribution until the Personal Representative obtains the consent and approval of all the heirs or beneficiaries of the required distribution plan.

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 distribution?

The Personal Representative must complete and provide the proposed distribution plan and consent to distribution forms, as well as comply with the necessary notice requirements, to all designated beneficiaries and interested parties. *See* “Proposed Distribution Plan” and “Consent to Proposed Distribution Plan” forms, available on the Fund’s website on the Additional Forms tab. Payments will not be issued until the Personal Representative obtains the consent and approval of all the heirs or beneficiaries of the required distribution plan. The Special Master will then review the plan and, if approved, authorize payment distribution.

Section 4 – Compensation

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 such amounts have been paid in full or the Fund terminates in 2026. Given the number and the total amount of eligible claims received, however, the Fund anticipates that initial payments in 2017 will be less than the total eligible claim amount.

See the “USVSST Fund Payment Calculation Explanation” on the Payment Information tab of the Fund’s website for detailed information on how the Fund determines award amounts. The Act provides for certain adjustments to the pro rata calculations. The Act sets forth statutory limitations, or caps, on awards in certain circumstances. In the event an applicant is awarded gross compensatory damages that exceed \$20,000,000, the Special Master will treat that claim as if the compensatory award was for \$20,000,000. And if a claimant and the immediate family members of the claimant have claims for which their gross compensatory damages, if aggregated, would exceed \$35,000,000, based either on the same final judgment or separate final judgments, the Special Master will reduce such claims on a pro rata basis such that in the aggregate such claims do not exceed \$35,000,000. There is a separate limitation on claims from those who received an award or an award determination from the September 11th Victim Compensation Fund. *See* FAQ 4.6.

The Act also includes provisions for accounting for claimants’ receipts of payments from other sources. Claimants who have received 30% or more of their compensatory damages from sources other than the Fund may not receive payments from the Fund until other claimants have received 30% percent of their compensatory damages from the Fund. Claimants who have received some but less than 30% of their compensatory damages from sources other than the Fund will have their awards adjusted to account for the percentage other claimants will receive from the Fund. *See* FAQs 4.8 and 4.10 regarding how sources other than the Fund will be factored into calculating awards.

4.2 Who is an “immediate family member”?

The FSIA guides the definition of who is an immediate family member for purposes of the Act. 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 deceased claimant.

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.

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. Based on that 444-day period, the eligible award amount is \$4,440,000.

For each spouse and each child of a former hostage, the eligible claim amount is set by the Act as \$600,000.

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 After I receive my initial award, do I need to re-file an application if the Fund receives additional appropriations or contributions?

No. Applicants will not be required to re-submit an application. The Special Master will make additional awards in accordance with the Act after receipt and accounting of additional appropriations or contributions to the Fund. An applicant who has received compensation from the Fund will still need to submit updated information such as new compensation from sources other than the Fund or changes in beneficiaries as they arise. The Special Master will develop procedures to notify applicants of how and when to provide these submissions, and publish them on this website.

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

Yes. The Fund will only issue payments 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.

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)?

A specific statutory provision of the Act addresses claimants or the claimant's immediate family members who have an eligible final judgment and who also have received an award or an award determination from the September 11th Victim Compensation Fund under section 405 of the Air Transportation Safety and System Stabilization Act. This provision requires the Special Master to consider the award amount issued under section 405 of the Air Transportation Safety and System Stabilization Act as controlling, notwithstanding any compensatory damages awarded in the final judgment. Because these September 11th Victim Compensation Fund award amounts are paid in full, the claimant or the claimant's immediate family member will not be able to receive any additional compensation from the Fund, even if the Fund finds his or her claim eligible.

Further, as explained in FAQ 4.8, the claimant is required to identify on the Application Form any such award as a “source other than this Fund.”

Individuals with eligible final judgments who received awards or award determinations under either the September 11th Victim Compensation Fund of 2001 (VCF1) or the James Zadroga 9/11 Health and Compensation Act of 2010 (VCF2) are included in this category. Those individuals who opted out of VCF1 and VCF2 or are otherwise 9/11 victims who were never subject to VCF1 or VCF2 may apply for and receive compensation if they have an eligible final judgment.

4.7 What if I did not receive an award or an award determination from the September 11th Victim Compensation Fund but received a payment as a distributee only?

If you received money based only on an approved distribution plan for an estate claim under section 405 of the Air Transportation Safety and System Stabilization Act (VCF1 or VCF2), and did not receive an individual award or award determination, then you may receive an award from the Fund if you are otherwise eligible. Only those persons who received an award or an award determination in VCF1 or VCF2 are subject to the statutory provisions explained in FAQ 4.6.

4.8 What is a source other than this Fund?

The Act defines a source other than this Fund as any collateral source, including any life insurance, pension funds, death benefit program, payment by Federal, state, or local government (including payments from the September 11th Victim Compensation Fund (49 U.S.C. § 40101 note)), and court awarded compensation related to the act of international terrorism that gave rise to a claimant’s final judgment. The applicant must identify on the Application Form, to the best of the applicant’s knowledge, all sources other than this 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 such compensation. The applicant must keep the 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 this Fund throughout the life of the Fund.

The Special Master retains discretion in assessing any identified source other than this 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 Fund, but will not affect claimants’ awards.

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

The Act defines “entitled or scheduled to receive” as any potential recovery where that person or their 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 Fund.

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

The Act requires that the claimant provide the Special Master with information regarding sources other than the 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 Fund’s website for more information on treatment of sources other than the Fund.

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 this Fund, he or she will not receive any payment from the Fund until such time as all other eligible claimants have received from the 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, such 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 Fund and the percentage of compensatory damages to be awarded other eligible claimants from the Fund. No special application is required for these claimants; the Special Master will use the information provided on the application form for these calculations.

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

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

4.12 Will I be able to get a portion of my award paid prior to the Special Master’s final award calculation and payment distribution?

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

4.13 How long until I get my full award?

Eligible claimants who applied before December 1, 2016 and whom the Special Master authorized to receive initial payments were notified of the amount of their initial payment on February 10, 2017. Payments to these individuals will be issued in early 2017.

Eligible claimants who file after December 1, 2016, or claimants whose applications remained incomplete as of December 9, 2016, will not receive payments in early 2017, but may receive payments when the Fund makes future distributions. Because there is no way to precisely predict the number of eligible claims or the total amounts to be deposited in the Fund, there is no way to predict what percentage of all eligible claims will be paid over the ten-year period of the Fund's authorization, under the terms of the Act.

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. See 42 U.S.C. § 10609(e)(2)(B). The Fund will determine award payment amounts for Settling Judgment Creditors in *In Re 650 Fifth Avenue*, but withhold 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 have been 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 only inform the claimant as to his or her eligibility and the eligible claim amount to be used in calculating the final award. Claimants will be notified separately of specific award amounts when the Fund makes payments, calculated in accordance with the Act. Eligible claimants authorized to receive initial payments were notified on February 10, 2017 of their initial payment amounts. Because the Fund may find additional claimants eligible and receive additional appropriations or deposits into the Fund, as well as make further distributions, the full amount of payments cannot be determined until the close of the ten-year period of the Fund's authorization.

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.

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 SORN (<http://www.usvsst.com/records.php>) for further information. The Act required the Special Master, within 30 days after authorizing the payment of

compensation for 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 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. This required Congressional reporting did not include identification of individual claimants. The Special Master submitted the report in January 2017. A copy of the report is available on the Fund's website.

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

The Fund will make payments on eligible claims into United States domestic accounts (no 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). 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 What do I need to do to receive my payment from the 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 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 "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 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. The statutory limitation on attorneys' fees and costs applies to all claim awards. *See* FAQ 6.2.

4.20 Will the Fund pay my attorneys' fees?

No. The Fund will not pay attorneys' fees. The Fund will pay 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 legal advice regarding any attorneys' fees and costs disputes. The Special Master will not adjudicate any fee and cost disputes.

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

Claimants must provide updated information regarding representation to the Fund. The Special Master will not adjudicate disputes about representation. 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 initial payment will be?

Claimants who filed completed applications by December 1, 2016 received a decision on their eligibility for an initial payment by December 19, 2016, as required by the Act. Eligible claimants authorized to receive these initial payments were notified on February 10, 2017 of their initial payment amounts. Claimants whose applications remained incomplete on December 9, 2016, or who file after December 1, 2016, will not receive payments in early 2017, but may receive payments when the Fund makes future distributions.

4.24 When will the Fund issue my award payment?

Because of the statutory requirement that the Special Master authorize initial payments by December 19, 2016, claimants must have submitted applications on or before December 1, 2016 in order to receive an initial payment. This allowed the Fund the necessary time required to review the submitted applications, identify any deficiencies, and allow claimants time to cure the deficiencies, in time to meet the statutory deadline for authorizing initial payments. The Fund will issue award payments to eligible claimants authorized to receive initial payments in early 2017. Under the terms of the Act, further distributions depend on funds from additional appropriations or deposits. Because future funding levels are unknown, the Fund cannot provide specific dates for any further distributions of award payments.

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 FAQs, available on the Fund's website under the Payment Information tab. Also, if you have been criminally convicted for an act of international terrorism, you are statutorily precluded from receiving compensation from the Fund.

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.

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 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.

5.4 Can I appeal my award payment amount?

No. An award payment calculation does not constitute a denial in part.

5.5 Who will conduct the hearings?

The hearings will be conducted by the Special Master or designees of the Special Master.

5.6 How long will hearings last?

The statute does not set a specific time limit or format for the hearing. The Special Master will establish the procedures.

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 a lawyer to help me with my claim?

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

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 Act states that no attorney 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. *See also* FAQs 4.19 – 4.21 regarding payments and attorneys' fees.

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

The Fund requires that counsel submit documentation of counsel's authority to represent the applicant. Counsel may submit a copy of an existing executed retainer agreement; the Fund does not need a newly executed agreement, only the one on file. *See also* FAQ 4.22 regarding disputes about which attorney represents a claimant.