

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

(Updated March 2019)

## 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 (“Fund”) 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 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 GCG, PO Box 10299, 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](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 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 (<http://www.usvsst.com/docs/Notice.pdf>) 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](#). 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.

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 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 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?**

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. 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 hostage's spouse and child, must have filed their applications by October 12, 2016. 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 (<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. 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 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 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, 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, 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:** Each applicant must submit sufficient evidence verifying his or her identity, including date of birth and Social Security Number.

### 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 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 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 Fund’s award calculation.

For more information on award calculations, including other limitations, see [FAQ 4.1](#) and 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.

## 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	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 (1)	January 20, 1988	June 26, 2008
North Korea (2)	November 20, 2017	Still listed
South Yemen	December 29, 1979	1990
Sudan	August 12, 1993	Still listed
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 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 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 United States 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 were 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 United States 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 were 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. 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.

## **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 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.

**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 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 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 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 execute the certifications and sign the Application Form, as well as the Proposed Distribution Plan once the claim is found eligible for payment.

### **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 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 a 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 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 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 will authorize payment.

## 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. The payment percentage for the initial distribution in 2017 was 13.66%. The payment percentage for the second distribution in 2019 was 4.2%. 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 U.S. person and the immediate family members of the U.S. person 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. The Fund applies the \$20 million individual cap before applying the \$35 million family cap, and then uses these adjusted amounts when calculating payments.

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, as well as the “USVSST Fund Payment Calculation Explanation” on the [Payment Information](#) tab of the Fund’s website.

### 4.2 Who is an “immediate family member”?

The Foreign Sovereign Immunities Act (“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 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.

### 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 award, do I need to re-file an application to receive additional funds if the Fund makes additional rounds of payments?**

No. Applicants will not be required to re-submit an application. The Special Master will make additional awards in accordance with the Act if 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 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 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 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)?**

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 (VCF) under section 405 of the Air Transportation Safety and System Stabilization Act (ATSSSA). This provision requires the Special Master to consider the award amount issued under section 405 of the ATSSSA as controlling, notwithstanding any compensatory damages awarded in the final judgment. Because these VCF 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.

Claimants are required to identify on the Application Form any such award or award determination as a “source other than this Fund.” See [FAQ 4.8](#).

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 and meet all other eligibility requirements.

Those claimants who received money based only on an approved distribution plan for an estate under VCF1 or VCF2 may be eligible to receive an award from the Fund. See [FAQ 4.7](#).

As explained in the February 2019 [Congressional Report](#) regarding the second distribution, as a result of the specific statutory language of both VCF and the Act:

1. Individuals who received a VCF award or a VCF award determination (even though such individuals may not have received any compensation), are ineligible for a subsequent Fund award.
2. But individuals who opted out of the VCF in order to pursue separate individual litigation against the airlines are eligible to receive a Fund award because they did not receive a VCF award, nor did they receive a VCF award determination.

3. Individuals who did receive some amount of VCF money based on a local estate distribution plan—but no direct VCF award or award determination—are eligible to receive compensation from the Fund if they hold final judgments and meet other eligibility requirements.
4. Finally, VCF family members who did not receive a VCF award or a VCF award determination, *e.g.*, victims’ siblings, grandparents, *etc.*, are eligible to receive compensation from the Fund if they hold final judgments and meet other eligibility requirements.

The Department and the Special Master have heard disagreement from varying perspectives regarding the implementation of these provisions of the two statutes. For example, some argue that those individuals who received awards or award determinations from the VCF should not be precluded from receiving compensation from the Fund (especially since those who opted out of the VCF are eligible for Fund awards.) Others argue that the Special Master should interpret the two statutes even more broadly, to preclude Fund compensation for those individuals who received local estate distributions of VCF funds, as opposed to VCF awards or award determinations, or those family members obtaining final judgments. The Department and the Special Master continue to believe that the two statutes have been implemented correctly.

#### **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 an estate 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 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 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. All applicants, including applicants who have received compensation from the Fund, have a continuing obligation to submit updated information regarding compensation from sources other than the Fund.

#### **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 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](#) and the “USVSST Fund Payment Calculation Explanation” on the [Payment Information](#) tab of the Fund’s website.

#### **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?**

The Fund authorizes payments in accordance with the Act’s deadlines. The initial round of payments was distributed to eligible claimants in 2017; the second round of payments began in early 2019. Claimants may continue to file claims within 90 days of obtaining a judgment (*see* [FAQ 1.9](#)). 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 eligible claims will be paid over the 10-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* 34 U.S.C. § 20144(e)(2)(B). The Fund will determine award payment amounts for Settling Judgment Creditors in *In Re 650 Fifth Avenue* who filed applications for conditional payment, 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 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 only inform the claimant as to his or her eligibility and the eligible claim amount to be used in calculating the award. Claimants will be notified separately of specific award amounts when the Fund makes payments, calculated in accordance with the Act. 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 System of Records Notice (<http://www.usvsst.com/records.php>) for further information. The Act required 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 Act’s statutorily required Congressional reporting does not include identification of individual claimants. The Special Master submitted a report to Congress regarding the initial distribution in January 2017 and a supplemental report in August 2017. The Special Master’s report regarding the second distribution was submitted in February 2019. Copies of these reports are available on the Fund’s website in the [News and Reports](#) tab.

#### **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). 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 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. A 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 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.

#### **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 payment will be?**

The Special Master will notify eligible claimants of their authorized payment amounts in accordance with the Act's deadlines. Eligible claimants authorized to receive initial payments were notified on February 10, 2017 of their initial payment amounts. The Special Master notified claimants authorized to receive second-round payments of their award payment amounts on December 13, 2018. If funds are available, the Special Master will authorize subsequent rounds of payment by January 1 in subsequent years until 2026.

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

The Fund began issuing award payments in January 2019 on a rolling basis to eligible claimants authorized to receive second-round payments. If funds are available, the Special Master will authorize subsequent rounds of payment by January 1 in subsequent years until 2026. The Fund generally makes payments on a rolling basis, beginning as soon as possible after the Special Master authorizes them.

#### **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 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 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. *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.

### **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 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.

### **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 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 attorneys submit documentation of their authority to represent the applicant. Attorneys may submit a copy of an existing executed retainer agreement; the 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 an updated retainer or agreement for legal services between the attorney and the Personal Representative in his or her capacity as Personal Representative. *See also* [FAQ 4.22](#) regarding disputes about which attorney represents a claimant.