

This document was requested and posted by AltGov2

www.altgov2.org/records-destruction-requests



NATIONAL
ARCHIVES

Date: August 6, 2018
Appraiser: Laura Adams McHale, ACRS *AMR 8-9-2018*
Agency: Department of Justice
Subject: DAA-0060-2018-0001

INTRODUCTION

Schedule Overview

United States Victims of State Sponsored Terrorism Fund (USVSST Fund)

Additional Background Information

The United States Victims of State Sponsored Terrorism Fund (the Fund) awards payment to (1) victims of acts of international terrorism based on final judgments obtained in U.S. district courts against a state sponsor of terrorism, (2) hostages held at the United States Embassy in Tehran, Iran, during the period beginning November 4, 1979, and ending January 20, 1981, and their spouses and children and, (3) personal representatives of a deceased individual in either of these two categories. Former Iranian hostages eligible for payments must also be identified as a member of the proposed class in case number 1:00-CV-03110 (EGS) of the United States District Court for the District of Columbia. In certain situations, persons may submit claims to both the USVSST Fund and the September 11th Victim Compensation Fund (9/11 VCF). The Department of Justice administers the 9/11 VCF, under its Civil Division, also with its own Special Master.

The Attorney General appointed Kenneth R. Feinberg as the Special Master of the USVSST Fund on May 17, 2016. Feinberg also served as the first special master for the 9/11 VCF. As the USVSST Fund Special Master Feinberg, with the assistance of the Criminal Division of the U.S. Department of Justice, administers the Fund. The Criminal Division provides administrative support, including recordkeeping for the Special Master. The Special Master creates the records of the Fund, but the Criminal Division maintains the records for the Special Master. This schedule covers all the records of the Fund.

All applications to the Fund are reviewed by the Fund's claims administrator as well as attorneys employed by the Department of Justice. If an application is deficient, applicants are notified and offered an opportunity to resolve the deficiency through an appeals process. Department of Justice attorneys make recommendations; however, all applications are reviewed and either determined eligible or denied by the Special Master. The determinations of the Special Master are final and not reviewable by any court.

On February 12, 2018, I met with Fund program staff and technical representatives, as well as an agency records management representative, by phone to discuss the proposed schedule and agency responses to questions submitted by NARA in advance of the meeting. In addition, Fund staff provided a sample, blank Application Form and *Supplemental Report from the Special Master* for examination.

Overall Recommendation

I recommend approval of this schedule.

APPRAISAL

Item 0001: Claims Forms and Supporting Case Files

Claims forms and supporting case files that document awards payments. The United States Victims of State Sponsored Terrorism Fund application form is composed of six parts: (1) Victim and Applicant Information; (2) Eligibility for Compensation; (3) Other Information in Support of Application; (4) Signatures and Certifications; (5) Additional Information for Claim Filed for Deceased Victims; and (6) Document Checklist. Other records interfiled within the case files include email with claimants' counsel and FBI Name Check results.

Applicants submitted claims forms by mail and electronically via FTP. Hardcopies are scanned into .PDF with the electronic versions being considered the recordkeeping copy. The database will meet NARA's metadata requirements at time of transfer. While NARA does not typically appraise claims records as permanent, this collection centralizes information from different sources and contains highly visible information.

Proposed Disposition: Permanent

Appropriateness of Proposed Disposition: Appropriate.

Appraisal Justification:

*Related to other permanent records. N1-060-04-007, item 2b. Masterfiles, Victim Compensation Management System, Department of Justice, Duplex-Numeric Case Files: Class 212 -September 11th Victim Compensation Fund of 2001.

Adequacy of Proposed Transfer Instructions: Appropriate. The electronic copy is the preferred media type. The transfer date is set at 25 years after termination of the program because records are considered attorney work-product privileged under FOIA exemption (b)(5).

Media Neutrality: Approved.

Item 0002: USVSST Fund Background and Policy Files

These records document the activities around Fund creation as well as policy formulation and development, documents include research memoranda, Frequently Asked Questions, and reports summarizing payments made to claimants and amounts of outstanding claims. Records are currently maintained in electronic format (.PDF) and there is no index or associated file plan.

Proposed Disposition: Permanent

Appropriateness of Proposed Disposition: Appropriate.

Appraisal Justification:

* Documents significant actions of Federal officials.

* Similar records have been approved as permanent. N1-060-04-007, item 3. Background and Policy Files, Department of Justice, Duplex-Numeric Case Files: Class 212 - September 11th Victim Compensation Fund of 2001.

Adequacy of Proposed Transfer Instructions: Appropriate. The transfer date is set at 25 years after termination of the program because records are considered attorney work-product privileged under FOIA exemption (b)(5).

Media Neutrality: Approved.

Item 0003: USVSST Fund Administrative and Operations Files

Proposed Disposition: Temporary

Appropriateness of Proposed Disposition: Appropriate.

Appraisal Justification:

- * Routine housekeeping.
- * Has little or no research value.
- * Similar records have been approved as temporary. N1-060-04-007, item 4C. All Other Files, Department of Justice, Duplex-Numeric Case Files: Class 212 -September 11th Victim Compensation Fund of 2001.

Adequacy of Proposed Retention Period: Adequate from the standpoint of legal rights and accountability. DOJ has determined a business need to retain the operational files for 7 years after the program terminates.

Media Neutrality: Approved.



LAURA ADAMS MCHALE

Appraiser