

United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510–6275

August 31, 2021

By Electronic Transmission

The Honorable Kristina Rose
Director of the Office for Victims of Crime
United States Department of Justice, Office of Justice Programs
810 7th Street NW
Washington, D.C. 20531

Dear Director Rose:

Congratulations on your recent appointment. I am certain that you will serve crime victims well.

I write concerning the International Terrorism Victim Expense Reimbursement Program (ITVERP), created and funded to help victims mitigate specified economic losses suffered by terrorism abroad.¹ ITVERP sets forth five major capped categories for which claimants may seek reimbursement: (1) medical expenses (\$50,000 cap); (2) mental health care (\$5,000 cap); (3) property loss (\$10,000 cap); (4) funeral and burial costs (\$25,000 cap); and (5) miscellaneous expenses (\$15,000 cap).² “Those caps may be adjusted, from time to time, by rulemaking. The cap in effect within a particular expense category, at the time that the application is received, shall apply to the award.”³

Understandably, the program is not designed to insure against all losses incurred, and reimbursement caps help to ensure that funds will be available for future victims. Further, victims are also encouraged to seek additional compensation under programs funded by the Victims of Crime Act of 1984 (VOCA).

However, the ITVERP reimbursement caps are not automatically adjusted for inflation, and the current caps have not been updated since the program’s inception in 2006. Adjustments are necessary since the current caps curtail adequate compensation, and you have rulemaking authority to adjust them as needed. In fact, the most recent ITVERP report prepared by the Office for Victims of Crime (OVC) recommends: “Raising the category maximums to reflect and accommodate claimants’ needs would be beneficial to the program.”⁴ This is especially important concerning mental health care, which has the lowest cap—\$5,000, and should also be

¹ 28 C.F.R. § 94.11 *et seq.*

² 28 C.F.R. § 94.23 (Amount of reimbursement); Appendix to Subpart A of Part 94—International Terrorism Victim Expense Reimbursement Program (ITVERP); Chart of Expense Categories and Limits.

³ 28 C.F.R. § 94.23.

⁴ OVC Report covering ITVERP from October 2018 to September 2019, at p. 13.

reevaluated to allow for reimbursement expenses incurred by family members in cases where the victim survives.⁵

In late July, my office contacted the Office of Legislative Affairs (OLA) about my concerns with the current ITVERP reimbursement caps, and I was pleased to learn that you had already directed your staff to update them. However, I currently understand that the adjustments will not be immediately forthcoming. I write to ask that you prioritize them.

The recent events in Afghanistan are extremely shocking and disturbing. Many Americans are stranded there and have been left at the mercy of terrorists. Accordingly, I am fearful that many more United States citizens will soon fall victim to terrorism in Afghanistan, and likely elsewhere in the Middle East, and that they and eligible family members should receive adequate compensation under ITVERP. I am glad to understand that we both agree that cap adjustments are necessary, and I believe that we can also agree that they should be adjusted promptly.

Please update me about the adjustments at your earliest convenience, and contact me if you have any questions or concerns.

Sincerely,

A handwritten signature in blue ink that reads "Chuck Grassley". The signature is fluid and cursive, with a long, sweeping tail on the final letter.

Charles E. Grassley
Ranking Member
U.S. Senate Committee on the Judiciary

⁵ See *id.*