

# UNITED STATES VICTIMS OF STATE SPONSORED TERRORISM FUND



## SPECIAL MASTER'S REPORT REGARDING THE FOURTH DISTRIBUTION

JANUARY 2023

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### 1. INTRODUCTION

The Justice for United States Victims of State Sponsored Terrorism Act<sup>1</sup> established the United States Victims of State Sponsored Terrorism Fund (the “Fund”) in 2015. Congress enacted the United States Victims of State Sponsored Terrorism Fund Clarification Act<sup>2</sup> in November 2019, amending the original legislation in significant ways that affected the administration of the Fund. The Clarification Act expanded eligibility to receive payments from the Fund, set new statutory deadlines for applications and authorizations for third-round payments, changed the payment calculation methodology, added relevant definitions, extended the life of the Fund, and increased the potential Fund deposit amounts from certain kinds of cases. The Consolidated Appropriations Act, 2021, again amended the governing legislation.<sup>3</sup> In 2022, the Fairness for 9/11 Families Act amended the governing legislation for a third time,<sup>4</sup> but those amendments did not affect the fourth round of payments. The amended governing legislation is codified at 34 U.S.C. § 20144 (the “Act”).

As required by the Act, *id.* at (i), the Special Master provides this report to Congress after the fourth round of payments. The report includes an overview of the Fund and sources of its funding, an explanation of the procedures for filing and processing of applications for compensation, and an analysis of the payments made to eligible claimants and the amount of outstanding eligible claims.<sup>5</sup>

### 2. OVERVIEW OF THE FUND

The Fund provides compensation to eligible claimants who hold judgments against state sponsors of terrorism, were hostages held in the United States embassy in Iran from 1979 to 1981 and their spouses and children, or are the personal representative of such persons who are

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<sup>1</sup> Pub. L. No. 114-113, div. O, title IV, § 404 (Dec. 18, 2015).

<sup>2</sup> Pub. L. No. 116-69, div. B, title VII, § 1701(b)(1) (Nov. 21, 2019).

<sup>3</sup> Consolidated Appropriations Act, 2021, Pub. L. No. 116-260, div. FF, § 1705, 134 Stat. 1182, 3293 (2020).

<sup>4</sup> Consolidated Appropriations Act, 2023, Pub. L. No. 117-328, div. MM (Dec. 29, 2022).

<sup>5</sup> This report provides data accurate as of the date of its submission. The Fund and claimants occasionally update claim information, so data in this report may differ from data provided in previous reports.

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deceased.<sup>6</sup> Subject to statutory conditions, the Fund makes payments to eligible claimants on a *pro rata* basis out of available funds. As the Fund is replenished, eligible claimants may receive payments out of available funds in subsequent distribution rounds until all claims have been paid in full or the Fund terminates in 2039.

### **a. Initial Distribution**

The Act required that the Special Master authorize the initial round of payments within one year of its passage in December 2015. *Id.* at (d)(2). The Department of Justice and the Special Master rapidly established Fund procedures and operations, and accepted applications until December 2, 2016. The Fund received a total of 2,883 applications in 2016 for consideration for initial payments. The Special Master determined that 2,332 of them were eligible claims from qualifying judgment holders and Iran hostage crisis victims and their spouses and children. The Fund allocated \$1,104,450,000 for initial-round payments.<sup>7</sup> The Special Master authorized initial payments by the December 19, 2016 statutory deadline; the Fund distributed the initial round of payments in early 2017.

### **b. Second Distribution**

During the application period for second-round payments,<sup>8</sup> the Fund received 3,743 new applications. The Special Master determined that 3,172 of them were eligible claims, based on qualifying final judgments obtained during the application period. On December 13, 2018, the Fund notified eligible claimants of their second-round award payment amounts, in advance of the January 1, 2019 statutory deadline. Act at (d)(4). The Fund allocated \$1.095 billion for second-round payments. On January 2, 2019, the Fund began issuing the second-round payments on a rolling basis.

### **c. Third Distribution**

The Clarification Act, enacted in November 2019, amended the Fund's governing legislation in significant ways that affected the Fund's third-round distribution. The Clarification

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<sup>6</sup> More specifically, the Fund may compensate United States persons who (1) hold a final judgment issued by a United States district court awarding the applicant compensatory damages arising from acts of international terrorism for which a foreign state sponsor of terrorism was found not immune from the jurisdiction of the courts of the United States under the Foreign Sovereign Immunities Act ("FSIA"); (2) were taken and held hostage from the United States embassy in Tehran, Iran, during the period beginning November 4, 1979, and ending January 20, 1981, or are spouses and children of these hostages, if 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; (3) were taken and held hostage from the United States Embassy in Tehran, Iran, during the period beginning November 4, 1979, and ending January 20, 1981, and who did not have an eligible claim before November 21, 2019; or (4) are the personal representative of a deceased individual in either of those two categories. *Id.* at (c).

<sup>7</sup> Additional details regarding initial, second, and third-round payments are in the Special Master's January 2017 Report, August 2017 Supplemental Report, February 2019 Report, June 2020 Report, and December 2022 Supplemental Report. The reports are publicly available on the Fund's website. *See* <http://www.usvsst.com/news.php>. The Fund's website also provides details of the fourth-round award calculation methodology for both 9/11-related and non-9/11-related victims. *See* <http://www.usvsst.com/payment.php> (last updated December 30, 2022).

<sup>8</sup> December 2, 2016 to September 14, 2018.

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Act re-opened the application period,<sup>9</sup> and specified a deadline of February 19, 2020 to accept applications, and a deadline of May 19, 2020 to authorize payments. The Clarification Act also removed a provision of the Act that precluded payments to otherwise eligible claimants who had received an award or an award determination from the September 11th Victim Compensation Fund (VCF), and altered the eligibility requirements for certain Iran hostage crisis victims.<sup>10</sup>

The Fund received 7,889 new applications for the third round of distributions. The Special Master issued decisions by the statutory deadline of May 19, 2020 to all claimants with complete applications, finding 7,465 of these new claims eligible. The Fund allocated \$1.075 billion for third-round payments. The Fund later allocated an additional approximately \$1.6 million after adjusting calculations for approximately 25 claims.

### **Fourth Distribution**

During the application period for fourth-round payments,<sup>11</sup> the Fund received 2,227 new applications. The Special Master determined that 2,130 of them were eligible claims, based on qualifying final judgments obtained during the application period. On December 30, 2022, the Fund notified eligible claimants of their fourth-round award payment amounts, in advance of the January 1, 2023 statutory deadline. Act at (d)(4). The Fund allocated \$100 million for fourth-round payments. The Fund later allocated an additional approximately \$45,500 after adjusting calculations for 12 claims. On January 4, 2023, the Fund began issuing the fourth-round payments on a rolling basis.

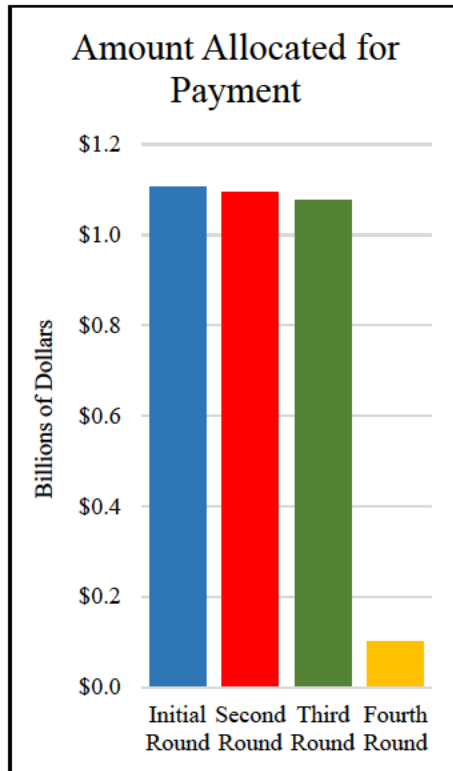
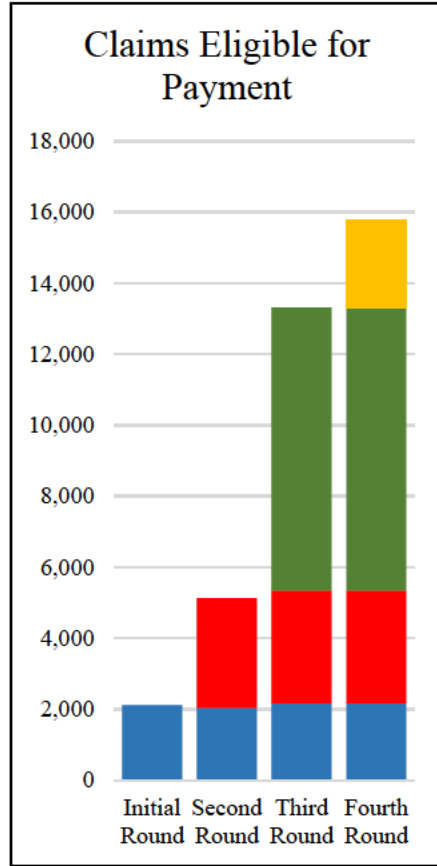
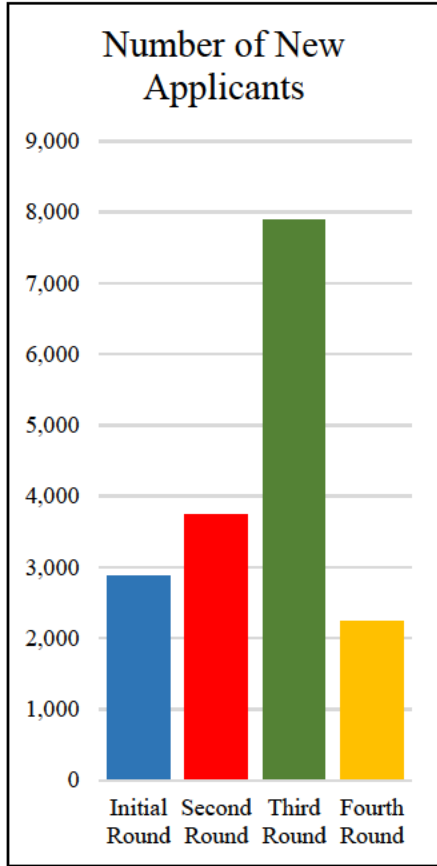
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<sup>9</sup> Under the original terms of the Act, the Special Master would have authorized third-round payments by January 1, 2020. Accordingly, the Fund set an application deadline of September 13, 2019. The Clarification Act altered these dates.

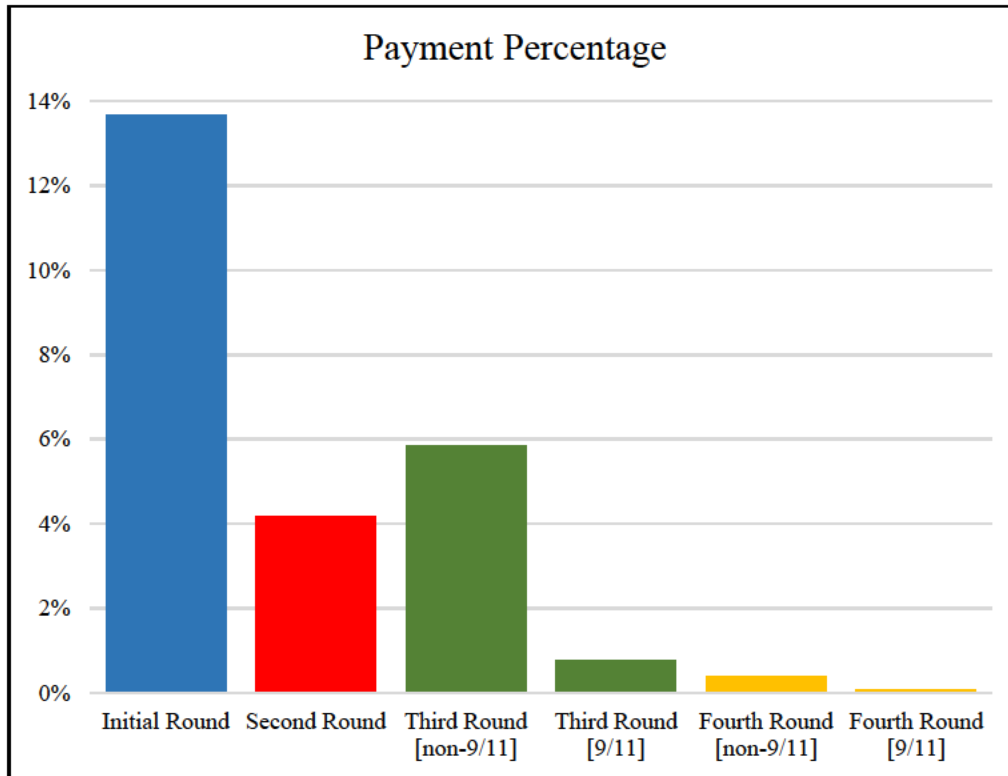
<sup>10</sup> Compare Pub. L. No. 114-113, div. O, title IV, § 404 (Dec. 18, 2015) (setting forth subsections (d)(3)(A)(ii)(III) (payment limitations) and (c)(2)(B) (Iran hostages) of the Justice for United States Victims of State Sponsored Terrorism Act) with 34 U.S.C. §§ 20144(d)(3)(A)(ii) and (c)(2)(B) (incorporating amendments from the United States Victims of State Sponsored Terrorism Fund Clarification Act, Pub. L. No. 116-69, div. B, title VII, § 1701(b)(1) (Nov. 21, 2019)).

<sup>11</sup> February 20, 2020 to August 1, 2022.

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### d. Future Distributions

To date, the Fund has paid or allocated nearly \$3.4 billion to eligible claimants. Eligible claimants from all four rounds of payments, as well as any new eligible claimants, may also receive awards in future rounds of payments. The Fund continues to accept applications for the next round of payments, the timing of which depends on the availability of sufficient funds. Under the terms of the Act, as amended, the Fund will make its last obligations no later than January 2, 2039. Act at (e)(6).

The Fairness for 9/11 Families Act (Fairness Act), enacted on December 29, 2022, amended the Fund statute to appropriate funds for and direct the Special Master to make catch-up payments to certain categories of claimants. These amendments did not affect claimant applications or calculations for the fourth round of distributions.

### 3. SOURCES OF FUNDING

Aside from certain specific and limited appropriations, all funding for this victim compensation program comes from proceeds of federal enforcement actions. Specifically, the Act directs that certain funds and property forfeited or paid to the United States as criminal or civil penalties or fines after December 18, 2015 must be transferred to the Fund. *Id.* at (e)(2). All of the proceeds of qualifying criminal cases must be deposited. The Clarification Act increased the percentage of qualifying civil matters that must be deposited into the Fund from

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50 percent to 75 percent.<sup>12</sup> The Fund provides on its website a list of cases or matters where some or all of the qualifying proceeds and penalties have been deposited into the Fund.<sup>13</sup> The Fund website also includes a chart showing deposits accumulated by the Fund by fiscal year. The Fund updates the case list and the deposits chart periodically after additional funds from qualifying cases or matters are deposited into the Fund.

### **4. PROCEDURES FOR FILING AND PROCESSING APPLICATIONS FOR COMPENSATION**

#### **a. Application Process**

The application process has remained fundamentally the same since the inception of the Fund. The claimant has the burden of establishing eligibility for payment by the Fund under the Act. Each claimant must submit his or her own application, and, if the claimant is the estate of a deceased individual, provide the requisite information for the personal representative of the decedent.

The personal representative for a deceased claimant is normally the individual appointed by a court of competent jurisdiction as the personal representative of the deceased claimant's will or estate, executor of the deceased claimant's will, or the administrator of the deceased claimant's estate. Accordingly, the personal representative provides copies of relevant legal documents, such as court orders, letters testamentary, letters of administration, or similar documentation.

A claimant may obtain an Application Form on the Fund's website,<sup>14</sup> or by calling or submitting a written request. Application Forms may be submitted online, by email, by mail, or via toll-free facsimile. If claimants are represented by counsel, counsel may submit their applications.

Claimants generally must file no later than 90 days after the date of obtaining a final judgment, except for those claimants subject to special statutory deadlines. To be considered for fourth-round payments, new claimants were required to submit complete applications by August 1, 2022. Claimants who were eligible for initial, second, or third-round payments were not required to re-submit applications to be considered for fourth-round payments.

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<sup>12</sup> Compare Pub. L. No. 114-113, div. O, title IV, § 404 (Dec. 18, 2015) (setting forth subsection (e)(2)(A) of the Justice for United States Victims of State Sponsored Terrorism Act) with 34 U.S.C. § 20144(e)(2)(A) (incorporating amendments from the United States Victims of State Sponsored Terrorism Fund Clarification Act, Pub. L. No. 116-69, div. B, title VII, § 1701(b)(1) (Nov. 21, 2019)).

<sup>13</sup> See <http://www.usvsst.com/deposits.php>.

<sup>14</sup> See <http://www.usvsst.com/forms.php>.

**b. Application Requirements**

i. Iran Hostages and Their Spouses and Children

A claimant who sought to establish eligibility for payment as a hostage from the United States embassy in Tehran, Iran, during the period beginning November 4, 1979, and ending January 20, 1981, or spouse or child thereof, must have submitted: (1) verification that he or she was taken hostage, a marriage certificate if a hostage's spouse, or a birth certificate or adoption decree if a hostage's child; and (2) if a hostage's spouse or child, verification 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.

The Act prescribes the eligible claim amount as the sum total of \$10,000 per day for each day that a United States person was taken and held hostage from the United States embassy in Tehran, Iran, during the period beginning November 4, 1979, and ending January 20, 1981. *Id.* at (c)(2)(B). For those held for the entire 444-day period, the eligible claim amount is \$4,440,000. For each spouse and each child of a former hostage, the Act sets the eligible claim amount as \$600,000. *Id.* at (c)(2)(C). As with final judgment amounts, these eligible claim amounts are subject to *pro rata* calculation in accordance with the terms of the Act. *Id.* at (d)(3)(A)(i).

ii. Judgment Holders

A claimant seeking to establish eligibility for payment on the basis of 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 provisions of the FSIA, must submit, among other documents, a copy of the final judgment, as well as a list identifying any immediate family member(s) of the claimant also identified in the final judgment. Claimants with a final judgment against an instrumentality of a state sponsor of terrorism are eligible for compensation from the Fund; however, claimants with a final judgment solely against a terrorist group or organization, and not against a state sponsor of terrorism, are not eligible for compensation.

**c. Review and Adjudication**

Attorneys employed by the Department of Justice ("Fund attorneys"), as well as the Fund's claims administrator, review applications to the Fund. If an application is deficient, the Fund notifies the claimant, or his or her attorney if the claimant is represented, and offers an opportunity to resolve the deficiencies. Fund attorneys make recommendations regarding eligibility to the Special Master, who has the statutory authority to determine claims eligible or deny claims.

All of the Special Master's decisions about compensation from the Fund are final and not subject to administrative or judicial review. *Id.* at (b)(3). However, no later than 30 days after receipt of a written decision by the Special Master, a claimant whose application was denied in whole or in part may request a hearing before the Special Master or his or her designee. *Id.* at (b)(4). No later than 90 days after a hearing, the Special Master must issue a written decision affirming or amending the original decision; the written decision is final and non-reviewable. *Id.*



#### **d. Payment**

The Act authorizes the Special Master to order payment from the Fund “for each eligible claim of a United States person to that person or, if that person is deceased, to the personal representative of the estate of that person.” *Id.* at (d)(1). Subject to certain conditions and limitations, eligible claims are 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 2039.

The Act requires that all claimants identify compensation from any source other than the Fund that the claimant or the claimant’s beneficiaries have received or are entitled or scheduled to receive as a result of the act of international terrorism that gave rise to the final judgment. *Id.* at (b)(2)(B). The claimant must provide all relevant information and documentation in his or her application and update the Fund about any additional amounts received after filing the application. This assists the Fund in determining the amount outstanding and unpaid on the claims.

The Act includes specific provisions which affect payments to claimants in particular circumstances. The sections below explain conditions and limitations on payments to eligible claimants.

##### **i. Dividing Available Funds between 9/11-Related Victims and Other Victims**

The Clarification Act mandates that the Fund divide in half the total amount allocated for payments in a distribution, and then allocate one-half to 9/11-related victims, and the other half to all other claimants (other judgment-holders and Iran hostages and their families). *Id.* at (d)(3)(A)(i). Within each of the two resulting pools of available funds, the Fund distributes the funds *pro rata*, subject to the other statutory limitations and conditions. For the fourth round, the Fund allocated a total of \$100 million. Accordingly, when calculating fourth-round payments, the Fund allocated \$50 million for eligible 9/11-related claimants, and \$50 million for all other eligible claimants. The Fund later allocated an additional approximately \$45,500 after adjusting calculations for 12 claims. There are 12,117 9/11-related eligible claimants, and 3,731 non-9/11-related eligible claimants.<sup>15</sup>

##### **ii. Judgment Amounts**

The Act places limits on the amount of compensatory damages included in the Fund’s payment calculations. In the event any applicant is awarded a judgment with gross compensatory damages that exceed \$20 million, the Special Master will treat that claim as if the compensatory award were \$20 million. Act at (d)(3)(A)(ii)(I). This individual cap applies to all claimants, and has been in effect since the Fund’s inception.

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<sup>15</sup> As explained below, some eligible claimants are not included in payment calculations. *See, e.g.*, sec. (4)(d)(iii); n.21, *infra*.

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The Act also applies family-based limitations on awards, in addition to the individual cap. The Act mandates different family caps for the non-9/11-related victims and their families than for 9/11-related victims and their families.

For non-9/11-related claimants, victims and their immediate family members are subject to a collective \$35 million cap. *Id.* at (d)(3)(A)(ii)(II). The same \$35 million cap applies to family groups comprised of 9/11 victims, 9/11 spouses, and 9/11 dependents. *Id.* at (d)(3)(A)(ii)(III); *see also* (j)(10)-(14) (defining terms). However, a \$20 million cap applies to family groups comprised of 9/11 family members who are not 9/11 victims, 9/11 spouses, or 9/11 dependents. *Id.* at (d)(3)(A)(ii)(IV). This lower cap applies to, for example, non-dependent parents or siblings of 9/11 victims.

The Fund applies the \$20 million individual cap before applying the relevant family cap, and then uses these adjusted amounts when calculating payments.

### iii. Payments from Other Sources

Claimants who have received 30 percent 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. *Id.* at (d)(3)(B). Claimants who have received some, but less than 30 percent, of their compensatory damages from sources other than the Fund have their awards adjusted to account for the percentage other claimants receive from the Fund.

### iv. Prohibition on Payments to Anyone Criminally Culpable for an Act of International Terrorism

The Act contains a special exclusion provision, which provides that no individual “who is criminally culpable for an act of international terrorism” may “receive any compensation . . . either directly or on behalf of a victim.” *Id.* at (h). The Special Master consults with the Federal Bureau of Investigation (“FBI”) to ensure that background checks are conducted on eligible claimants.<sup>16</sup>

### v. Conditional Payments Allocated but not Disbursed

The Act includes a special provision for Settling Judgment Creditors as identified in the order dated May 27, 2014, in the proceedings captioned *In Re 650 Fifth Avenue & Related*

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<sup>16</sup> FBI background checks are conducted on the eligible claimants, such as the victims themselves, deceased victims, and the personal representatives of deceased victims. FBI background checks are not conducted on the beneficiaries of a deceased claimant’s estate (other than personal representatives) because they do not receive any compensation directly from the Fund or on behalf of the victim. In addition, as stated in the System of Records Notice (“SORN”) (Department of Justice, Privacy Act of 1974; Systems of Records, 81 Fed. Reg. 45539, 45540 (July 14, 2016)), Fund records are disseminated to “the Department of [the] Treasury to ensure that any recipients of federal payments who also owe delinquent federal debts have their payment offset or withheld or reduced to satisfy the debt.”

*Properties*, No. 08 Civ. 10934 (S.D.N.Y.).<sup>17</sup> These individuals had the option to file conditional applications; for these claimants, the Fund determines eligibility and award amounts, but withholds the payments, pending a final judgment in the proceedings.

The Fund received 102 applications from these Settling Judgment Creditors in the initial round of distributions, all of whom had eligible claims. Of these, seventy-one (71) eligible Settling Judgment Creditors were included in the first and second-round payment calculations. In the initial and second-round distributions, the Special Master allocated, but did not distribute, \$80,875,527.59 to these 71 claimants. The other thirty-one (31) additional Settling Judgment Creditors filed applications for conditional payment in the initial round of distributions; however, they were subject to the statutory provision that precluded Fund payments to eligible claimants who had received an award or award determination from the VCF. *See supra*, section (4)(d)(iv). Accordingly, the Special Master did not include these 31 claimants in payment calculations and did not allocate any funds to those 31 claimants in the initial and second round of distributions. Because the Clarification Act removed the statutory provision precluding payments to these 31 claimants, they were included in third-round payment calculations.

In the third round, the Special Master received 47 additional conditional applications from Settling Judgment Creditors from *In Re 650 Fifth Avenue & Related Properties* and found all 47 eligible. There were no additional conditional applications for the fourth round. Accordingly, the Special Master allocated, but did not distribute a total of \$8,695,668.10 (\$8,031,093.83 from the third round and \$664,574.27 from the fourth round) to 145<sup>18</sup> eligible conditional applicants. The *In Re 650 Fifth Avenue & Related Properties* litigation remains pending and the amount allocated to conditional applicants will be withheld until a final judgment is entered.

## **5. ANALYSIS OF PAYMENTS MADE TO ELIGIBLE CLAIMANTS FROM THE FUND**

### **a. Number of Applications for Compensation Submitted**

From the inception of the Fund until the August 1, 2022 deadline for fourth-round applications, the Fund received a total of 16,724 applications for compensation. A total of 2,227 new claims were submitted for consideration for fourth-round payments.

### **b. Number of Applications Approved and Amount of Each Award**

The Special Master approved 2,454<sup>19</sup> applications submitted or completed for consideration for fourth-round payments. A total of 13,315 eligible claimants from the initial,

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<sup>17</sup> Discussion of the similar special provision for judgment creditors in *Peterson v. Islamic Republic of Iran*, No. 10 Civ. 4518 (S.D.N.Y.) can be found in the August 2017 Supplemental Report to Congress.

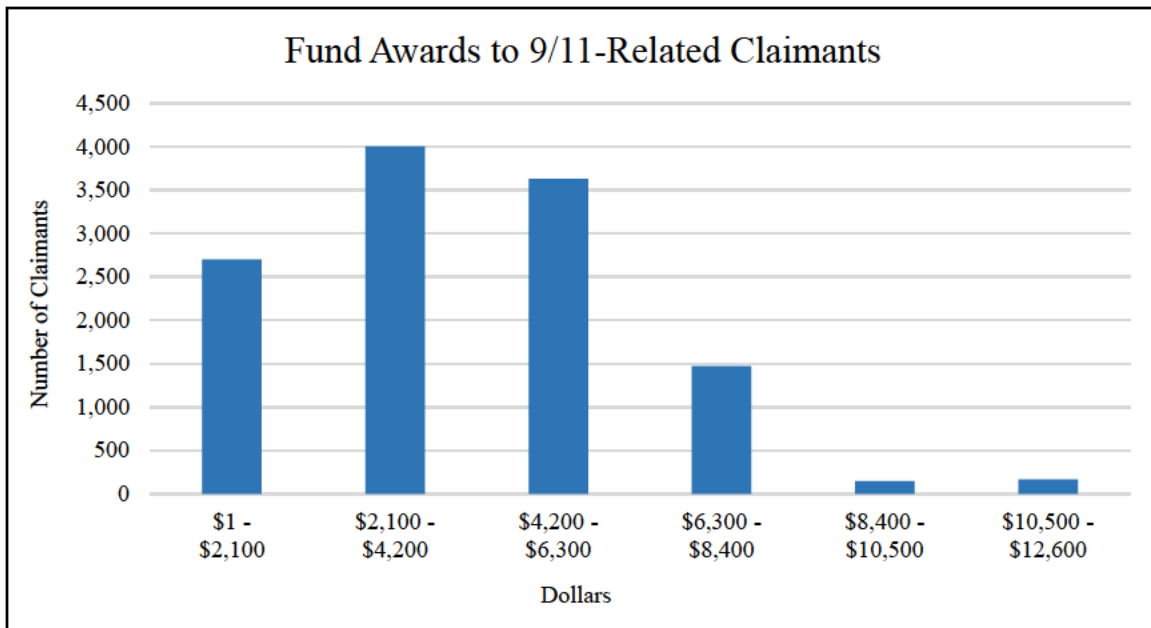
<sup>18</sup> Four previous applicants for conditional payment became eligible to receive their allocated awards in the third distribution.

<sup>19</sup> The 2,454 includes 326 claims that were deficient or unable to be approved in the initial, second, or third rounds but were complete and sufficient for review for fourth-round consideration.

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second, and third rounds of distributions remained eligible for future distributions.<sup>20</sup> The Fund calculated fourth-round awards in accordance with the Act for the 15,769 total eligible claimants whose claims were not paid in full. Of the 15,769 claimants eligible to receive payments, 12,117 are 9/11-related and 3,652 are non-9/11-related.

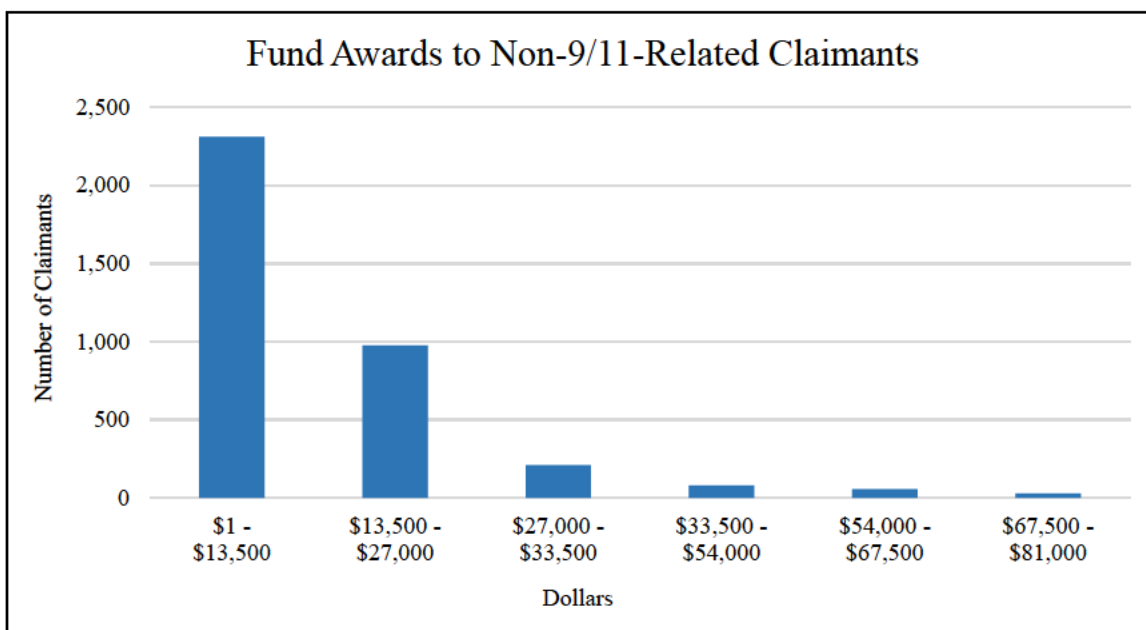
Pursuant to the Privacy Act Notice in the Fund's Application Form and the SORN, the amount of each award paid is provided in a separate addendum. Generally, the award amounts for the 12,117 eligible 9/11-related claimants ranged from approximately \$400 to \$12,500. The chart below shows that most 9/11-related claimants received award payments of less than \$6,300.



Generally, the award amounts for the 3,652 eligible non-9/11-related claimants ranged from approximately \$190 to \$80,900. The chart on the next page shows that most non-9/11-related claimants received award payments of less than \$27,000.

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<sup>20</sup> See December 2022 Supplemental Report Regarding The Third Distribution. This number reflects the 13,316 claims identified as eligible to receive future distributions, less one claim that was approved but later determined not to be eligible because it was a duplicate of a claim already approved by the Special Master.



**c. Number of Applications Denied and Reasons for Denial**

The Special Master denied 61 applications that were submitted for consideration for fourth-round payments. All of these claims were denied because the claimants did not meet the statutory eligibility requirements; *i.e.*, they did not hold a qualifying final judgment. Of the total 16,726 applications that have been submitted to the Fund to date, 681<sup>21</sup> have been denied.

**d. Number of Applications Pending for Which Compensatory Damages Have Not Been Paid in Full**

No claimants have received the full amount of their compensatory damages from the USVSST Fund. All eligible claimants were included in payment calculations for the fourth round, subject to the limitations in the Act.<sup>22</sup> The USVSST Fund continues to make fourth-round payments on a rolling basis in the amounts detailed in an addendum to this report. Those who did not receive payments to date include 145 Settling Judgment Creditors from *In Re 650 Fifth Avenue* who filed applications for conditional payment. As explained in section 4(d)(vi), *supra*, those claimants were allocated payment amounts, but the allocated amounts will be withheld until a final judgment is entered. Finally, 22 claimants had either (i) already received more than 30 percent of their total compensatory judgment amounts from other sources, or (ii) received more than the maximum potential payout amount from other sources.

<sup>21</sup> This includes the 61 denials from the fourth distribution and the 620 denials in the prior three rounds. After hearings, four claims originally denied in the third distribution were re-opened for consideration in the fourth round. An additional six claims originally denied in earlier distributions were also re-opened for consideration in the fourth round.

<sup>22</sup> These include the limitations set forth in section 4(d) above, as well as any other statutory limitations. For example, claimants who have received all of their compensatory damages from sources other than the Fund do not have any “amounts outstanding and unpaid,” Act at (d)(3)(A)(II)-(III), and will not be included in payment calculations.

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Accordingly, they were precluded from receiving fourth-round payment amounts, as explained in section 4(d)(iii), *supra*, but may receive payments in future distributions.

### **e. Total Amount of Compensatory Damages from Eligible Claims That Have Been Paid and Remain Unpaid**

To date, the Special Master has paid or allocated fourth-round awards to 15,747 claims; these are the 15,769 eligible claims that have not been paid in full, less the 22 claims that either (i) received more than 30 percent of their total compensatory damages from sources other than the Fund, or (ii) received more than the maximum potential payout amount from sources other than the Fund. Since the inception of the Fund, eligible claims have been paid or allocated a total of \$3,374,356,591.96 in compensatory damages.

A total of \$107,824,579,332.47 in compensatory damages (or statutory award amounts for Iran hostages and their spouses and children) currently remains unpaid on the 15,769 eligible claims that may receive future distributions.

## **6. FUTURE DISTRIBUTIONS**

As noted above, eligible claimants remain eligible for future rounds of distributions from the Fund. The Special Master is statutorily required to authorize additional rounds of payments annually on January 1, if sufficient funds are available. *Id.* at (d)(4)(A). If sufficient funds are available, the Special Master will authorize future rounds of payments by January 1, 2024, or in subsequent years, until the Fund terminates in 2039. *Id.* at (e)(6)(A).

The future “catch-up payments” to specific groups of claimants as mandated in the Fairness Act did not affect fourth-round payments.