

**FOREIGN CLAIMS SETTLEMENT COMMISSION  
OF THE UNITED STATES  
UNITED STATES DEPARTMENT OF JUSTICE  
WASHINGTON, D.C. 20579**

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In the Matter of the Claim of

5 U.S.C. §552(b)(6)  
5 U.S.C. §552(b)(6)

Against the Republic of Iraq  
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Claim No. IRQ-II-083

Decision No. IRQ-II-296

Counsel for Claimant:

Daniel Wolf, Esq.  
Law Offices of Daniel Wolf

PROPOSED DECISION

Claimant Estate brings this claim against the Republic of Iraq (“Iraq”) alleging that Iraq held the decedent, Razak Al-Khatib, hostage in violation of international law from August 2, 1990, to December 11, 1990. Because it has established that Iraq held Mr. Al-Khatib hostage for 132 days, it is entitled to an award of \$810,000.

BACKGROUND AND BASIS OF THE PRESENT CLAIM

Claimant Estate alleges that Mr. Al-Khatib was a United States citizen working in Baghdad when Iraq invaded Kuwait on August 2, 1990. It asserts that, beginning with the invasion and for approximately 19 weeks thereafter, Iraqi officials prevented Mr. Al-Khatib (and other U.S. nationals) from leaving Kuwait and Iraq and did so with the express purpose of compelling the United States government to acquiesce to certain Iraqi government demands. After Iraq authorized all remaining foreign nationals in Iraq and

Kuwait to leave, Mr. Al-Khatab flew out of Iraq on December 11, 1990. Mr. Al-Khatab died in 2016 at the age of 78 of causes unrelated to the alleged hostage-taking.

Although Mr. Khatab was not among them, many of the U.S. nationals in Iraq and Kuwait at the time of the 1990-91 Iraqi occupation of Kuwait sued Iraq (and others) in federal court for, among other things, hostage-taking.<sup>1</sup> Those cases were pending when, in September 2010, the United States and Iraq concluded an *en bloc* (lump-sum) settlement agreement.<sup>2</sup> The Agreement, which entered into force in May 2011, covered a number of personal injury claims of U.S. nationals arising from acts of the former Iraqi regime occurring prior to October 7, 2004, including claims of personal injury caused by hostage-taking.<sup>3</sup> Exercising its authority to distribute money from the settlement funds, the U.S. Department of State provided compensation to numerous individuals whose claims were covered by the Agreement, including some whom Iraq had allegedly taken hostage or unlawfully detained following Iraq's 1990 invasion of Kuwait.

Under the International Claims Settlement Act of 1949 ("ICSA"), the Secretary of State has statutory authority to refer "a category of claims against a foreign government" to this Commission.<sup>4</sup> The Secretary has delegated that authority to the State Department's Legal Adviser, who, by letter dated October 7, 2014, referred three categories of claims to this Commission for adjudication and certification.<sup>5</sup> This was the State Department's second referral of claims to the Commission under the Claims Settlement Agreement, the

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<sup>1</sup> See, e.g., *Hill v. Republic of Iraq*, 175 F. Supp. 2d 36 (D.D.C. 2001); *Vine v. Republic of Iraq*, 459 F. Supp. 2d 10 (D.D.C. 2006).

<sup>2</sup> See *Claims Settlement Agreement Between the Government of the United States of America and the Government of the Republic of Iraq*, Sept. 2, 2010, T.I.A.S. No. 11-522 ("Claims Settlement Agreement" or "Agreement").

<sup>3</sup> See *id.* Art. III(1)(a)(ii).

<sup>4</sup> See 22 U.S.C. § 1623(a)(1)(C) (2016).

<sup>5</sup> See *Letter dated October 7, 2014, from the Honorable Mary E. McLeod, Acting Legal Adviser, Department of State, to the Honorable Anuj C. Desai and Sylvia M. Becker, Foreign Claims Settlement Commission* ("2014 Referral" or "October 2014 Referral").

first having been by letter dated November 14, 2012 (“2012 Referral” or “November 2012 Referral”).<sup>6</sup>

One category of claims from the 2014 Referral is applicable here. That category, known as Category A, consists of

claims by U.S. nationals for hostage-taking<sup>1</sup> by Iraq<sup>2</sup> in violation of international law prior to October 7, 2004, provided that the claimant was not a plaintiff in pending litigation against Iraq for hostage taking<sup>3</sup> at the time of the entry into force of the Claims Settlement Agreement and has not received compensation under the Claims Settlement Agreement from the U.S. Department of State. . . .

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<sup>1</sup> For purposes of this referral, hostage-taking would include unlawful detention by Iraq that resulted in an inability to leave Iraq or Kuwait after Iraq invaded Kuwait on August 2, 1990.

<sup>2</sup> For purposes of this referral, “Iraq” shall mean the Republic of Iraq, the Government of the Republic of Iraq, any agency or instrumentality of the Republic of Iraq, and any official, employee or agent of the Republic of Iraq acting within the scope of his or her office, employment or agency.

<sup>3</sup> For purposes of this category, pending litigation against Iraq for hostage taking refers to the following matters: *Acree v. Iraq*, D.D.C. 02-cv-00632 and 06-cv-00723, *Hill v. Iraq*, D.D.C. 99-cv-03346, *Vine v. Iraq*, D.D.C. 01-cv-02674; *Seyam (Islamic Society of Wichita) v. Iraq*, D.D.C. 03-cv-00888; *Simon v. Iraq*, D.D.C. 03-cv-00691.

2014 Referral at ¶ 3.

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<sup>6</sup> Although the November 2012 Referral involved claims of U.S. nationals who were held hostage or unlawfully detained by Iraq, it did not involve hostage-taking claims *per se*. Rather, it consisted of certain claimants who had *already received* compensation under the Claims Settlement Agreement from the State Department for their hostage-taking claims, and it authorized the Commission to award additional compensation to those claimants, provided they could show, among other things, that they suffered a “serious personal injury” during their detention. The 2012 Referral expressly noted that the “payment already received by the claimant under the Claims Settlement Agreement compensated the claimant for his or her experience for the entire duration of the period in which the claimant was held hostage or was subject to unlawful detention and encompassed physical, mental, and emotional injuries generally associated with such captivity or detention.” *Letter dated November 14, 2012, from the Honorable Harold Hongju Koh, Legal Adviser, Department of State, to the Honorable Timothy J. Feighery, Chairman, Foreign Claims Settlement Commission*, at ¶3 n.3.

On October 23, 2014, the Commission published notice in the *Federal Register* announcing the commencement of the second Iraq Claims Program pursuant to the ICSA and the 2014 Referral.<sup>7</sup>

On September 9, 2015, the Commission received from Mr. Al-Khatib a completed Statement of Claim seeking compensation under Category A of the 2014 Referral, together with exhibits supporting the elements of his claim.

## DISCUSSION

### Standing

Claimant Estate has submitted an Order Probating Will and Appointing Executor/Executrix, issued on May 3, 2017, by the District Probate Court of Fayette County, Kentucky, appointing Rania Belmadani as executor of the decedent's estate. Accordingly, the Commission concludes that ESTATE OF RAZAK AL-KHATAB, DECEASED; RANIA BELMADANI, EXECUTOR, is the proper claimant in this claim.

### Jurisdiction

This Commission's authority to hear claims is limited to the category of claims referred to it by the United States Department of State.<sup>8</sup> The Commission's jurisdiction under the "Category A" paragraph of the 2014 Referral is limited to claims for hostage-taking of (1) "U.S. nationals," provided that the claimant (2) was not a plaintiff in any litigation against Iraq for hostage taking pending on May 22, 2011 (the "Pending Litigation"), and (3) has not received compensation under the Claims Settlement Agreement from the Department of State. 2014 Referral at ¶ 3.

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<sup>7</sup> *Program for Adjudication: Commencement of Claims Program*, 79 Fed. Reg. 63,439 (Oct. 23, 2014).

<sup>8</sup> See 22 U.S.C. § 1623(a)(1)(C)(2016).

*Nationality*

This claims program is limited to claims of “U.S. nationals.” Here, that means the claim must have been held by a national of the United States when the claim arose and continuously thereafter until May 22, 2011, the date the Agreement entered into force.<sup>9</sup> Claimant Estate satisfies the nationality requirement. It has provided Mr. Al-Khatib’s naturalization certificate and a copy of a U.S. passport issued to him in 1986, which show that he was born in Iraq but obtained U.S. nationality before the alleged hostage-taking in August 1990. It has also provided a copy of Mr. Al-Khatib’s most recent U.S. passport, which expired in 2017 and establishes that he remained a U.S. national through the effective date of the Claims Settlement Agreement.

*No Pending Litigation*

Additionally, Category A states that the claimant may not have been a plaintiff in any of the so-called Pending Litigation cases at the time of the entry into force of the Claims Settlement Agreement.<sup>10</sup> Footnote 3 of the 2014 Referral specifically lists the Pending Litigation cases for purposes of the Referral. Mr. Al-Khatib has averred, and the pleadings in the cases cited in footnote 3 confirm, that he was not a plaintiff in any of those Pending Litigation cases. The Commission thus finds that Claimant Estate has also satisfied this element of its claim.

*No Compensation under the Claims Settlement Agreement  
from the Department of State*

Claimant Estate also satisfies the final jurisdictional requirement. Mr. Al-Khatib has stated that he did not receive “any compensation under the Claims Settlement

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<sup>9</sup> See Claim No. IRQ-II-161, Decision No. IRQ-II-003, at 4-5.

<sup>10</sup> The Agreement entered into force on May 22, 2011. See Claims Settlement Agreement, art. IX.

Agreement from the Department of State.” Further, we have no evidence that the State Department has provided him or his estate any compensation under the Claims Settlement Agreement. Therefore, Claimant Estate meets this element of its claim.

In summary, this claim is within the Commission’s jurisdiction pursuant to the 2014 Referral and is entitled to adjudication on the merits.

### Merits

#### *Factual Allegations*

Claimant Estate states that Iraq held Mr. Al-Khatab hostage from August 2, 1990, until December 11, 1990, a total of 132 days. It asserts that Mr. Al-Khatab was working in Iraq on the date of the invasion (August 2, 1990) and that he traveled to Kuwait on August 4, 1990, to be with his children and grandchildren. Claimant Estate asserts that after Mr. Al-Khatab arrived in Kuwait, he hid in his son’s apartment. On September 18, 1990, Mr. Al-Khatab left Kuwait with the objective of seeking refuge in the ambassador’s residence at the U.S. Embassy in Baghdad. Iraqi soldiers apprehended Mr. Al-Khatab as he was driving towards Baghdad and took him to a hotel, where he was interrogated and detained with other foreign nationals. The following day, September 19, 1990, Iraqi authorities took Mr. Al-Khatab to an Iraqi security office and interrogated him again before transferring him to a prison in Baghdad. After the Iraqi authorities released Mr. Al-Khatab on October 11, 1990, he returned to his family’s apartment in Kuwait and remained confined until December 8, 1990, which is the date that Claimant Estate asserts that Iraq authorized all remaining foreign nationals in Kuwait and Iraq to leave. On December 9, 1990, Mr. Al-Khatab returned to Baghdad. On December 11, 1990, he left Iraq on an evacuation flight chartered by the U.S. government.

*Supporting Evidence*

Claimant Estate has supported its claim with a copy of Mr. Al-Khatab's U.S. passport, which contains an Iraqi exit stamp dated December 11, 1990; a letter dated May 6, 1992, from the U.S. State Department that states that he was detained by Iraqi officials for "covering up for someone" and that he left Iraq on a U.S. evacuation flight that departed in December 1990; and a declaration from Mr. Al-Khatab that provides further information about his alleged detention and ultimate departure from Kuwait and Iraq.

Claimant Estate has also submitted a number of documents that provide background about the broader geopolitical situation during the First Gulf War in 1990-91, including some that relate specifically to the circumstances faced by U.S. nationals in Iraq and Kuwait at the time. These documents include statements from U.S. and Iraqi officials, resolutions of the United Nations Security Council, newspaper articles, a report from Amnesty International on human rights violations committed by Iraq in 1990, affidavits submitted in a lawsuit brought by other U.S. nationals who were also in Kuwait or Iraq during the First Gulf War, and several unclassified cables from the U.S. Department of State.

Additionally, the Commission takes notice of publically available unclassified State Department documents that provide further information about Mr. Al-Khatab's alleged detention and ultimate departure from Iraq and Kuwait.

*Legal Standard*

To make out a substantive claim under Category A of the 2014 Referral, a claimant must show that (1) Iraq was engaged in an armed conflict and (2) during that conflict, Iraq

took the claimant hostage.<sup>11</sup> The Commission has previously held that, to establish a hostage-taking claim, a claimant must show that Iraq (a) seized or detained the claimant and (b) threatened the claimant with death, injury, or continued detention (c) in order to compel a third party, such as the United States government, to do or abstain from doing any act as an explicit or implicit condition for the claimant's release.<sup>12</sup> A claimant can establish the first element of this standard by showing that the Iraqi government confined the claimant to a particular location or locations within Iraq or Kuwait, or prohibited the claimant from leaving Iraq and/or Kuwait.<sup>13</sup>

*Application of Standard to this Claim*

(1) Armed Conflict: Claimant Estate alleges that Iraq took Mr. Al-Khatab hostage in Kuwait on August 2, 1990, and held him hostage for 132 days, until December 11, 1990, when Iraqi officials allowed him to leave. In its first decision awarding compensation for hostage-taking under the 2014 Referral, the Commission held that during this entire period, Iraq was engaged in an armed conflict with Kuwait.<sup>14</sup> Thus, Claimant Estate satisfies this element of the standard.

(2) Hostage-taking: To satisfy the hostage-taking requirement of Category A of the 2014 Referral, Claimant Estate must show that Iraq (a) seized or detained Mr. Al-Khatab and (b) threatened him with death, injury, or continued detention (c) in order to compel a third party, such as the United States government, to do or abstain from doing any act as an explicit or implicit condition for his release. Claimant Estate satisfies this standard for the 132-day period from August 2, 1990, to December 11, 1990.

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<sup>11</sup> See Claim No. IRQ-II-161, Decision No. IRQ-II-003, at 16. As is the case here, an estate claimant needs to make this showing as to its decedent.

<sup>12</sup> See *id.* at 17-20.

<sup>13</sup> See *id.* at 17.

<sup>14</sup> See *id.* at 16-17.

(a) Detention/deprivation of freedom: For purposes of analyzing Claimant Estate's allegations that Iraq detained Mr. Al-Khatab, his time in Kuwait and Iraq following the Iraqi invasion of Kuwait can be divided into three periods: (i) between the invasion on August 2, 1990 and the Iraqi government's formal closing of the borders on August 9, 1990; (ii) from that August 9th formal closing of the borders until the December 6, 1990 announcement that all foreigners could leave Iraq and Kuwait;<sup>15</sup> and (iii) from that December 6th announcement until Mr. Al-Khatab's departure on December 11, 1990.<sup>16</sup>

From August 2, 1990, until Iraq formally closed its borders to foreign nationals on August 9, 1990, Iraq confined Mr. Al-Khatab in Iraq and Kuwait by threatening all U.S. nationals with immediate seizure and/or forcible detention.<sup>17</sup> Although some foreign nationals did manage to leave Kuwait and/or Iraq during this period, Mr. Al-Khatab could not reasonably be expected to have escaped.<sup>18</sup> Iraqi authorities were forcibly detaining foreign nationals (including U.S. nationals) in Kuwait and Iraq, relocating many to Baghdad against their will.<sup>19</sup> Mr. Al-Khatab would have understandably had, as the United Nations Compensation Commission has put it, a "manifestly well-founded fear" of being killed or forcibly detained if he had attempted to leave either country.<sup>20</sup> The Commission has previously recognized that for the purposes of the legal standard applicable here,

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<sup>15</sup> *See id.* at 12.

<sup>16</sup> *See id.* at 20-21.

<sup>17</sup> *See id.* at 21; Claim No. IRQ-II-281, Decision No. IRQ-II-239, at 9-10.

<sup>18</sup> *See* Claim No. IRQ-II-161, Decision No. IRQ-II-003, at 21; Claim No. IRQ-II-281, Decision No. IRQ-II-239, at 9-10.

<sup>19</sup> *See* Claim No. IRQ-II-161, Decision No. IRQ-II-003, at 21; Claim No. IRQ-II-281, Decision No. IRQ-II-239, at 9-10.

<sup>20</sup> Report and Recommendations Made by the Panel of Commissioners Concerning the First Instalment of Individual Claims for Damages up to US \$100,000 (Category "C" Claims), UN Doc. S/AC.26/1994/3 (1994), at 93.

putting Mr. Al-Khatib in this situation in effect amounts to detention.<sup>21</sup> Iraq thus detained him from August 2, 1990, to August 9, 1990.

From August 9, 1990, until he departed Iraq on December 11, 1990, the Iraqi government confined Mr. Al-Khatib to Kuwait and to Iraq, preventing him from leaving those countries by the threat of force. As the Commission has previously held, starting on August 9, 1990, the Iraqi government formally closed Kuwait's and Iraq's borders, forcibly prohibiting U.S. nationals from leaving.<sup>22</sup> As of that date, Iraq formally prohibited Mr. Al-Khatib from leaving, effectively detaining him within the borders of Kuwait and/or Iraq.<sup>23</sup> For Mr. Al-Khatib, this formal policy of prohibiting U.S. nationals from leaving Iraq and Kuwait lasted until December 6, 1990, when the Iraqi government announced that all foreigners could leave Iraq and Kuwait.<sup>24</sup> Although Iraq allowed some U.S. citizens, who, like Mr. Al-Khatib, were born in an Arab country, to leave Iraq and Kuwait after September 11, 1990, it was not clear at that time whether this policy applied to all individuals in that category.<sup>25</sup> Thus, because there is no evidence that suggests that he could have reasonably left Iraq or Kuwait before the December 6, 1990 announcement, Iraq effectively detained him until that date.<sup>26</sup>

Although Mr. Al-Khatib may have been legally permitted to leave Iraq on December 6, 1990, his detention did not end on that date. As the Commission has previously recognized, a claimant's detention ends only on the date that he is released from

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<sup>21</sup> See Claim No. IRQ-II-161, Decision No. IRQ-II-003, at 21; Claim No. IRQ-II-281, Decision No. IRQ-II-239, at 9-10.

<sup>22</sup> See Claim No. IRQ-II-161, Decision No. IRQ-II-003, at 7, 21-22.

<sup>23</sup> See *id.* at 22.

<sup>24</sup> See *id.* at 12. While Mr. Al-Khatib alleges that he was physically seized and held by force by Iraq, we need not decide that issue: as explained below, his presence in Kuwait and/or Iraq during this time is alone sufficient to establish that he was detained under the standard that applies here. See Claim No. IRQ-II-109, Decision No. IRQ-II-142, at 8.

<sup>25</sup> See Claim No. IRQ-II-117, Decision No. IRQ-II-102, at 8-9, 11-12.

<sup>26</sup> See Claim No. IRQ-II-060, Decision No. IRQ-II-171, at 9.

the control of the person or entity that detained him.<sup>27</sup> Any attempt “[by the perpetrator] to restrict [the] movements” of a claimant establishes control,<sup>28</sup> whereas a claimant who has a reasonable opportunity to leave the site of his or her captivity is deemed no longer to be under the perpetrator’s control.<sup>29</sup>

Under this standard, Mr. Al-Khatib remained under Iraq’s control until December 11, 1990. The Commission has previously held that Iraq imposed conditions on air travel that limited the ability of foreign nationals, including U.S. nationals, to leave Iraq and/or Kuwait in December 1990.<sup>30</sup> Indeed, the available evidence indicates that Mr. Al-Khatib left Iraq at the first reasonable opportunity after the December 6th announcement, on the U.S. government-chartered flight that left Iraq on December 11, 1990. We thus conclude that he was under Iraq’s control and thus detained from December 6, 1990, to December 11, 1990.

In sum, Iraq thus detained Mr. Al-Khatib from August 2, 1990, until December 11, 1990.

(b) Threat: In its first decision awarding compensation for hostage-taking under the 2014 Referral, the Commission determined that the Iraqi government threatened U.S. nationals in Kuwait and Iraq numerous times with continued detention.<sup>31</sup>

This included Mr. Al-Khatib.<sup>32</sup> Both Iraqi President Saddam Hussein and the Speaker of

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<sup>27</sup> See Claim No. IRQ-II-161, Decision No. IRQ-II-003, at 22; see also Claim No. LIB-II-183, Decision No. LIB-II-178 (Proposed Decision), at 13 (2012).

<sup>28</sup> Claim No. IRQ-II-161, Decision No. IRQ-II-003, at 22 (citing Claim No. LIB-II-183, Decision No. LIB-II-178 (Proposed Decision), at 12 (2012)).

<sup>29</sup> See *id.*

<sup>30</sup> See Claim No. IRQ-II-180, Decision No. IRQ-II-140, at 10-11.

<sup>31</sup> See Claim No. IRQ-II-161, Decision No. IRQ-II-003, at 23.

<sup>32</sup> While we determine that these statements apply to Mr. Al-Khatib and other similarly situated U.S. nationals who were prevented from leaving Iraq or Kuwait after the invasion, we do not make any findings as to whether they also apply to U.S. nationals with diplomatic status: Iraqi officials made specific representations about the ability of diplomatic and consular staff members with U.S. nationality (and their relatives) to leave Iraq and Kuwait throughout the crisis. See *In Iraq: ‘We Have A Problem’ Iraq Holds*

Iraq's National Assembly Saadi Mahdi made clear that American nationals (as well as those from numerous other countries) would not be permitted to leave.<sup>33</sup>

In short, the Iraqi government made unequivocal threats to continue to detain U.S. nationals in Kuwait and Iraq. Mr. Al-Khatib was a U.S. national in Kuwait and Iraq at the time. Claimant Estate has thus established that Iraq threatened to continue to detain him.

(c) Third party coercion: The Commission has previously held that Iraq detained all U.S. nationals in Kuwait and Iraq at the time and threatened them with continued detention in order to compel the United States government to act in certain ways as an explicit and/or implicit condition for their release.<sup>34</sup> Iraq itself stated that it sought three things from the United States government before it would release the detained U.S. nationals; it wanted the United States (i) not to attack Iraq, (ii) to withdraw its troops from Saudi Arabia; and/or (iii) to end the economic embargo imposed on Iraq.<sup>35</sup> Indeed, at the time, the U.S. government itself understood Iraq's actions to be hostage-taking.<sup>36</sup>

In sum, this claim meets the standard for hostage-taking within the meaning of the 2014 Referral. Iraq held Mr. Al-Khatib hostage in violation of international law for a period of 132 days, and Claimant Estate is thus entitled to compensation.

## COMPENSATION

Having concluded that the present claim is compensable, the Commission must next determine the appropriate amount of compensation.

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*Fleeing U.S. Diplomats Staff from Kuwait Reaches Baghdad, But Can't Leave*, PHILA. INQUIRER, Aug. 24, 1990, <https://perma.cc/B2YF-79AY>.

<sup>33</sup> See Claim No. IRQ-II-161, Decision No. IRQ-II-003, at 23.

<sup>34</sup> See *id.*

<sup>35</sup> See *id.* at 23-24.

<sup>36</sup> See George H. W. Bush, "These Innocent People . . . Are, In Fact, Hostages" in U.S. Dep't of State, *American Foreign Policy Current Documents 1990* 484 (Sherrill Brown Wells ed. 1991); see also 2014 Referral at ¶ 3; cf. [United Nations] S.C. Res. 674 (Oct. 29, 1990) (noting "actions by . . . Iraq authorities and occupying forces to take third-State nationals hostage" and demanding that Iraq "cease and desist" this practice).

In its first decision awarding compensation for hostage-taking under the 2014 Referral, the Commission held that successful claimants should be awarded compensation in the amount of \$150,000 plus an additional \$5,000 for each day the claimant was in captivity.<sup>37</sup> Therefore, for the 132 days Iraq held Mr. Al-Khatib hostage, Claimant Estate is entitled to an award of \$810,000, which is \$150,000 plus (132 x \$5,000). This amount constitutes the entirety of the compensation to which Claimant Estate is entitled under the Claims Settlement Agreement.

The Commission hereby enters the following award, which will be certified to the Secretary of the Treasury for payment under sections 7 and 8 of the ICSA.<sup>38</sup>

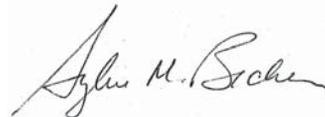
AWARD

Claimant Estate is entitled to an award in the amount of \$810,000.

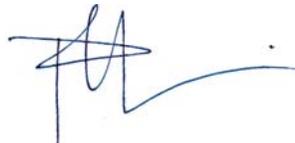
Dated at Washington, DC, August 9, 2018  
and entered as the Proposed Decision  
of the Commission.

**This decision was entered as the  
Commission's Final Decision on**

**October 15, 2018**



Sylvia M. Becker, Commissioner



Patrick Hovakimian, Commissioner

NOTICE: Pursuant to the Regulations of the Commission, any objections must be filed within 15 days of delivery of this Proposed Decision. Absent objection, this decision will be entered as the Final Decision of the Commission upon the expiration of 30 days after delivery, unless the Commission otherwise orders. FCSC Regulations, 45 C.F.R. § 509.5 (e), (g) (2017).

<sup>37</sup> See Claim No. IRQ-II-161, Decision No. IRQ-II-003, at 24-26.

<sup>38</sup> 22 U.S.C. §§ 1626-1627 (2016).