

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

In the Matter of the Claim of	}	
	}	
	}	
5 U.S.C. §552(b)(6)	}	Claim No. IRQ-II-327
	}	
	}	
Against the Republic of Iraq	}	Decision No. IRQ-II-098
	}	

PROPOSED DECISION

Claimant brings this claim against the Republic of Iraq (“Iraq”) alleging that Iraq held him hostage in violation of international law in August and September 1990. Because he has established that Iraq held him hostage for 44 days, he is entitled to an award of \$370,000.

BACKGROUND AND BASIS OF THE PRESENT CLAIM

Claimant alleges that he was a Kuwaiti-born United States citizen living in Kuwait with his wife and four-year-old son when Iraq invaded the country on August 2, 1990. Claimant states that he and his family were forced to hide in their home in constant fear of being captured by Iraqi authorities. Claimant states that after Iraq permitted foreign national women and minors to leave the country, his wife and son were able to leave on September 1, 1990. After the Iraqi government purportedly authorized foreign nationals of Arab origin to leave, Claimant flew from Iraq to England on September 14, 1990, and then on to the United States, where he arrived on September 15, 1990.

Although Claimant 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

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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) (2012).

<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").

Settlement Agreement, the 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 February 17, 2017, the Commission received from Claimant a completed Statement of Claim seeking compensation under Category A of the 2014 Referral, together with exhibits supporting the elements of his claim. By letter dated March 13, 2017, Claimant submitted additional evidence to further substantiate his claim.

## DISCUSSION

### 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.

### *Nationality*

This claims program is limited to claims of "U.S. nationals." Here, that means a claimant must have been 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 satisfies the nationality requirement. He has provided a copy of his United States Certificate of Naturalization, issued March 3, 1986, and his U.S. passport valid

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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) (2012).

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

from March 5, 1986 to March 4, 1996, which shows that he was born in Kuwait, but was a U.S. national at the time of the alleged hostage-taking (August and September of 1990). He has also provided a copy of his currently valid U.S. passport, which 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 must 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. Claimant has averred under oath in his Statement of Claim, 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 has also satisfied this element of his claim.

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

The Claimant also satisfies the final jurisdictional requirement. Claimant has attested that he has not received any compensation under the Claims Settlement Agreement from the Department of State. Further, we have no evidence that the State Department has provided him any compensation under the Claims Settlement Agreement. Therefore, Claimant meets this element of his claim.

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

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

Merits

*Factual Allegations*

Claimant states that Iraq held him hostage from August 2, 1990 until September 14, 1990, a total of 44 days.<sup>11</sup> Claimant states that, in the weeks after the August 2, 1990 invasion, he and his wife and son were forced to hide in their home in constant fear of being captured by Iraqi authorities.<sup>12</sup> Pursuant to Iraqi President Saddam Hussein's August 28, 1990 announcement that foreign national women and minors could leave the country, Claimant's wife and son were formally permitted to go. Between September 1, 1990 and September 23, 1990, the U.S. government organized several charter flights from Iraq and Kuwait to repatriate those released U.S. nationals wishing to return to the United States.<sup>13</sup> Claimant's wife and son were able to evacuate on September 1, 1990.<sup>14</sup> Claimant states he was subsequently able to leave on September 14, 1990, when he flew from Iraq to England, and then on to the United States, where he arrived on September 15, 1990.

*Supporting Evidence*

Claimant has supported his claim with his sworn Statement of Claim, and two of his own declarations in which he describes his alleged detention and ultimate departure from Kuwait. Claimant has also provided a copy of his former U.S. passport, which contains a September 14, 1990 Iraqi exit stamp.

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<sup>11</sup> Claimant's claim was originally for the period August 2, 1990 through the date he returned to the United States, September 15, 1990. By letter dated March 13, 2017, he amended his claim to run only through September 14, 1990, the date he left Iraq.

<sup>12</sup> See Claim No. IRQ-II-325, Decision No. IRQ-II-096; Claim No. IRQ-II-326, Decision No. IRQ-II-097.

<sup>13</sup> See Claim No. IRQ-II-161, Decision No. IRQ-II-003, at 12-13.

<sup>14</sup> See *id.* at 11.

Other claimants in this program have submitted—and the Commission thus has in its files—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, unclassified cables and a memorandum from the U.S. Department of State, and affidavits submitted in a lawsuit brought by other U.S. nationals who were also in Kuwait or Iraq during the First Gulf War.

The Commission also takes notice of two *Federal News Service* transcriptions of press briefings by U.S. State Department officials in August and September of 1990. In a press briefing that took place on August 31, 1990, Margaret Tutwiler, who was Assistant Secretary of State for Public Affairs at the time, stated that Iraqi officials had informed the chargé d'affaires of the U.S. Embassy in Baghdad on August 30, 1990 to “submit passports for all Arab-born American men, women and children, plus all other American women and children” for the purpose of processing exit permits that were necessary for departure.<sup>15</sup> On September 11, 1990, State Department spokesperson Richard Boucher announced an “important development” in its guidance for U.S. nationals held in Iraq and Kuwait, which was that “US citizen males born in Iraq, Kuwait, or any other Arab country should . . . contact the US Embassy in Kuwait immediately as it [was] [the State

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<sup>15</sup> *CB State Department Regular Briefing Briefer: Margaret Tutwiler*, FEDERAL NEWS SERVICE, Aug. 31, 1990, at 1.

Department's] understanding that they may be eligible for departure.”<sup>16</sup> Boucher also made clear that Iraq's release of men of Arab origin or descent did not affect other adult males holding U.S. citizenship, who “[remained] subject to detention and arrest” and were not allowed to leave Iraq and/or Kuwait.<sup>17</sup> While Boucher was not aware of Iraq's reasons for allowing only those adult male U.S. nationals who were born in Arab countries to leave at that time (September 11, 1990), he suggested that the release could have been an extension of Iraq's practice of permitting male foreign nationals who were born in Arab countries to leave Iraq and/or Kuwait.<sup>18</sup> This practice had been in effect for a few weeks prior to the specific assurances from Iraqi officials that resulted in the change of guidance broadcast to U.S. nationals on September 11, 1990.<sup>19</sup> Yet, it was not clear at that time whether male U.S. nationals were covered by Iraq's release of male foreign nationals of Arab origin.<sup>20</sup> Several days before the State Department broadcast its September 11, 1990 guidance, Iraqi officials had announced that all Arab-born U.S. citizens could leave but had apparently refused to process exit permits for men that were in that particular group of U.S. nationals.<sup>21</sup>

#### *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

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<sup>16</sup> *CB State Department Regular Briefing Briefing: Richard Boucher*, FEDERAL NEWS SERVICE, Sep. 12, 1990, at 1.

<sup>17</sup> *Id.*

<sup>18</sup> *See id.* at 2.

<sup>19</sup> *See id.*

<sup>20</sup> *See id.*

<sup>21</sup> *See id.*

conflict, Iraq took the claimant hostage.<sup>22</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>23</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>24</sup>

*Application of Standard to this Claim*

(1) Armed Conflict: Claimant alleges that Iraq took him hostage in Kuwait on August 2, 1990 and held him hostage for 44 days, until September 14, 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>25</sup> Thus, Claimant satisfies this element of the standard.

(2) Hostage-taking: To satisfy the hostage-taking requirement of Category A of the 2014 Referral, Claimant must show that Iraq (a) seized or detained him 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 satisfies this standard for the 44-day period from August 2, 1990 to September 14, 1990.

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<sup>22</sup> See Claim No. IRQ-II-161, Decision No. IRQ-II-003, at 16. An estate claimant would of course need to make this showing as to its decedent.

<sup>23</sup> See *id.* at 17-20.

<sup>24</sup> See *id.* at 17.

<sup>25</sup> See *id.* at 16-17.

(a) Detention/deprivation of freedom: For purposes of analyzing Claimant's allegations of having been detained, his time in Kuwait following the Iraqi invasion can be divided into three periods: (i) between the Iraqi 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 Iraq purportedly authorized the release of adult male Arab-born U.S. citizens (on or around September 11, 1990); and (iii) from that date until Claimant's departure on September 14, 1990.<sup>26</sup>

From August 2, 1990 until Iraq formally closed its borders to foreign nationals on August 9, 1990, Iraq confined Claimant to hiding in Kuwait by threatening all U.S. nationals with immediate seizure and forcible detention.<sup>27</sup> Although some foreign nationals did manage to leave Kuwait and/or Iraq during this period, Claimant could not reasonably be expected to have escaped.<sup>28</sup> Iraqi authorities were forcibly detaining foreign nationals (including U.S. nationals) in Kuwait, relocating many to Baghdad against their will.<sup>29</sup> Claimant 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 any attempt to leave the country at this time.<sup>30</sup> The Commission has previously recognized that for the purposes of the legal standard applicable here, putting Claimant in this situation in effect amounts to detaining him in his residence.<sup>31</sup> Iraq thus detained Claimant in his residence from August 2, 1990 to August 9, 1990.

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<sup>26</sup> See *id.* at 20-21.

<sup>27</sup> See *id.* at 21.

<sup>28</sup> See *id.*

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

<sup>30</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.

<sup>31</sup> See Claim No. IRQ-II-161, Decision No. IRQ-II-003, at 21.

From August 9, 1990 until Iraq purportedly authorized the release of all Arab-born U.S. citizens (on or about September 11, 1990), the Iraqi government confined Claimant to Kuwait, preventing him from leaving the country by the threat of force. Starting on August 9, 1990, the Iraqi government formally closed Kuwait's borders.<sup>32</sup> As the Commission has previously held, as of that date, Iraq prohibited all U.S. nationals from leaving the country, effectively detaining Claimant within the borders of Kuwait and Iraq.<sup>33</sup> Therefore, Iraq detained Claimant from August 9, 1990 until it purportedly authorized the release of all Arab-born U.S. citizens (on or about September 11, 1990).

Moreover, Iraq continued to detain Claimant in Kuwait (and, for a short period before his release, the Baghdad airport) from the date it purportedly authorized the release of all Arab-born U.S. citizens (on or about September 11, 1990) until Claimant left the country on September 14, 1990. As the Commission has previously recognized, a claimant's detention ends only on the date that he is released from the control of the person or entity that detained him.<sup>34</sup> Any attempt "[by the perpetrator] to restrict [the] movements" of a claimant establishes control,<sup>35</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>36</sup>

Under this standard, Claimant remained under Iraq's control until September 14, 1990, irrespective of whether it formally authorized him, as an Arab-born U.S. citizen, to

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<sup>32</sup> *See id.* at 21-22.

<sup>33</sup> *See id.* at 22.

<sup>34</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>35</sup> *See* 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>36</sup> *See id.*

leave any earlier. The Commission has recognized that Iraq imposed conditions on air travel in September 1990 that limited the ability of foreign nationals, including U.S. nationals, to leave Iraq and/or Kuwait immediately after their formal release.<sup>37</sup> Indeed, the available evidence indicates that Claimant left Kuwait and Iraq at the first reasonable opportunity, on the September 14, 1990 U.S. government-chartered flight that left Iraq. Because there is no evidence that Claimant remained voluntarily in Kuwait at any time during this period, we conclude that he was under Iraq's control and thus detained from the date Iraq purportedly released all Arab-born U.S. citizens (on or about September 11, 1990) to September 14, 1990.<sup>38</sup>

In sum, Iraq detained Claimant from August 2, 1990 until September 14, 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>39</sup> This included Claimant.<sup>40</sup> Both Iraqi President Saddam Hussein and the Speaker of 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>41</sup>

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<sup>37</sup> See Claim No. IRQ-II-161, Decision No. IRQ-II-003, at 22.

<sup>38</sup> We make no findings with respect to Arab-born U.S. citizens who departed *after* the initial period that women and children were allowed to leave (*i.e.*, after September 23, 1990).

<sup>39</sup> See Claim No. IRQ-II-161, Decision No. IRQ-II-003 at 23.

<sup>40</sup> While we determine that these statements apply to Claimant 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 Fleeing U.S. Diplomats Staff from Kuwait Reaches Baghdad, But Can't Leave*, PHILA. INQUIRER, Aug. 24, 1990, <https://perma.cc/B2YF-79AY>.

<sup>41</sup> See Claim No. IRQ-II-161, Decision No. IRQ-II-003, at 23.

In short, the Iraqi government made unequivocal threats to continue to detain U.S. nationals in Kuwait and Iraq. Claimant was a U.S. national in Kuwait at the time. Claimant 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 or 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>42</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>43</sup> Indeed, at the time, the U.S. government itself understood Iraq's actions to be hostage-taking.<sup>44</sup>

In sum, this claim meets the standard for hostage-taking within the meaning of the 2014 Referral. Iraq held Claimant hostage in violation of international law for a period of 44 days, and Claimant is thus entitled to compensation.

#### COMPENSATION

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

In its first decision awarding compensation for hostage-taking under the 2014 Referral, the Commission held that successful claimants should be awarded

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<sup>42</sup> *See id.*

<sup>43</sup> *See id.* at 23-24.

<sup>44</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.* S.C. Res. 674 (Oct. 29, 1990) ("actions by . . . Iraq authorities and occupying forces to take third-State nationals hostage" and demanded that Iraq "cease and desist" this practice).

compensation in the amount of \$150,000 plus an additional \$5,000 for each day the claimant was in captivity.<sup>45</sup> Therefore, for the 44 days Iraq held Claimant hostage, he is entitled to an award of \$370,000, which is \$150,000 plus (44 x \$5,000). This amount constitutes the entirety of the compensation to which Claimant 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>46</sup>

AWARD

Claimant is entitled to an award in the amount of \$370,000.

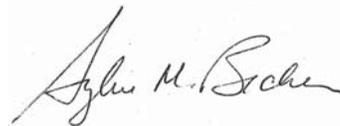
Dated at Washington, DC, April 27, 2017  
and entered as the Proposed Decision  
of the Commission.

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

**June 6, 2017**



Anuj C. Desai, Commissioner



Sylvia M. Becker, 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) (2016).

<sup>45</sup> See Claim No. IRQ-II-161, Decision No. IRQ-II-003, at 24-26.

<sup>46</sup> 22 U.S.C. §§ 1626-1627 (2012).