

JUSTIFICATION FOR EXPEDITED REVIEW

Claims of United States Nationals Against Iraq, FCSC 1-12, OMB no. 1105-NEW

Pursuant to the September 2, 2010 Claims Settlement Agreement Between the Government of the United States of America and the Government of the Republic of Iraq (Agreement), the United States received \$400 million as settlement of certain claims against Iraq that “arise from alleged personal injury (whether physical or non-physical, including emotional distress) or death caused by any act of torture, extrajudicial killing, aircraft sabotage, hostage-taking, or the provision of material support or resources for such an act” for acts that occurred prior to October 7, 2004, as well as physical injury claims that were the subject of an exchange of diplomatic notes in 1990, and agreed to terminate all legal proceedings in U.S. courts arising from claims.

In furtherance of the Agreement, the State Department, on November 14, 2012, referred to the Commission:

claims of U.S. nationals for compensation for serious personal injuries knowingly inflicted upon them by Iraq in addition to amounts already recovered under the Claims Settlement Agreement for claims of hostage-taking provided that (1) the claimant has already received compensation under the Claims Settlement Agreement from the Department of State for his or her claim of hostage-taking, and such compensation did not include economic loss based on a judgment against Iraq, and (2) the Commission determines that the severity of the serious personal injury suffered is a special circumstance warranting additional compensation. For purposes of this referral, “serious personal injury” may include instances of serious physical, mental, or emotional injury arising from sexual assault, coercive interrogation, mock execution, or aggravated physical assault.

The form for which the Commission is requesting approval is essential to the Commission’s ability to carry out its adjudication of claims in this program pursuant to 22 U.S.C. §1623. In order to review and adjudicate the claims as rapidly as possible, thereby permitting compensation to be awarded to eligible claimants by the Department of the Treasury, the Commission seeks expedited review of the form. We believe that it is imperative that this process not be delayed at this point by administrative hurdles, so that the important objective of compensating victim claimants from settlement funds received by the United States can be achieved as quickly as possible.

The Commission has therefore determined that:

1. This collection is required prior to the expiration of the time periods normally associated with a routine submission for review under the provisions of the Paperwork Reduction Act;
2. This collection is essential to the mission of the Foreign Claims Settlement Commission in meeting its obligations; and

3. The use of normal clearance procedures will delay the Commission in obtaining, reviewing and adjudicating information, and will thereby postpone the timely awarding of compensation to claimants who have suffered serious personal injuries.

Therefore, the Commission requests expedited OMB approval for this collection prior to {February 1, 2013}.