

**Responses of Timothy John Feighery to questions submitted by Senator
Charles E. Grassley**

Question 1: Did you perform any work related to the Libya Claims Program while you were working at the Department of State? If so, will you be required to recuse yourself from adjudicating claims under the Libya Claims Program?

Answer: I did not perform any work related to the Libya Claims Program while working at the Department of State.

Question 2: Every claim filed with the Foreign Claims Settlement Commission under the Libya Claims Program had been a cognizable claim in an Article III court under the Foreign Sovereign Immunities Act. However, the Libya Claims Resolution Act granted immunity to Libya for those claims. As a result, claims filed in Article III courts were dismissed for lack of subject matter jurisdiction. The Commission thus far has interpreted its jurisdictional rules narrower than the scope of jurisdictional rules in Article III courts. How do you plan to exercise the Commission's jurisdiction to treat victims whose claims were dismissed fairly?

- a. With respect to the claimants who had cognizable claims in an Article III court prior to the passage of the Libya Claims Resolution Act, but whose claims fail to meet the Commission's jurisdictional requirements, do you believe those claimants will have a viable Takings claim against the United States in federal court?

Answer: If I am fortunate enough to be confirmed as Chairman of the Foreign Claims Settlement Commission, I would ensure that the Commission will continue to be guided by its authorizing statutes in carrying out its work of adjudicating claims to make certain that all the claims before it receive fair treatment. With regard to the Takings question, I have no knowledge of the nature of any of the cases before Article III courts that were dismissed pursuant to the Libya Claims Resolution Act. If I am confirmed, however, I plan to review all claims carefully and, consistent with its authorizing statutes, and commit to the fair treatment of all claimants before the Foreign Claims Settlement Commission.

Question 3: In addition to the Libya Claims Program, the Commission has one other active claims program, the Albanian Claims program. This program involves property expropriation claims that are decades old. Considering that there is a backlog of claims under the Libya Claims Program and that there are outstanding claims under the Albanian Claims Program, how do you plan to prioritize your resources?

Answer: It is my understanding that while the Commission continues to accept and adjudicate any valid claims under the Albanian Claims Program, the majority of the claims received to date under this program have been adjudicated. With this in mind, if I am fortunate enough to be confirmed as Chairman, I would review the Commission's resources and allocate them as appropriate to ensure the fair treatment of all claims filed with the Commission.