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SUBCHAPTER I—GENERAL PROVISIONS

AMENDMENTS

1955—Sections 1621 to 1627 of this title which constituted the International Claims Settlement Act of 1949 were designated title I of such Act, herein referred to as subchapter I, for purposes of codification, by act Aug. 9, 1955, ch. 645, §1, 69 Stat. 562.

§ 1621. Definitions

For the purposes of this subchapter—

(a) The term “person” shall include an individual, partnership, corporation, or the Government of the United States.

(b) The term “United States” when used in a geographical sense shall include the United States, its Territories and insular possessions, and the Canal Zone.

(c) The term “nationals of the United States” includes (1) persons who are citizens of the United States, and (2) persons who, though not citizens of the United States, owe permanent allegiance to the United States. It does not include aliens.

(d) The term “Yugoslav Claims Agreement of 1948” means the agreement between the Governments of the United States of America and of the Federal People’s Republic of Yugoslavia regarding pecuniary claims of the United States and its nationals, signed July 19, 1948.

(Mar. 10, 1950, ch. 54, title I, §2, 64 Stat. 13; Aug. 9, 1955, ch. 645, §§1, 2, 69 Stat. 562.)

REFERENCES IN TEXT

For definition of Canal Zone, referred to in subsec. (b), see section 3602(b) of this title.

REFERENCES TO THIS SUBCHAPTER DEEMED TO INCLUDE SECTION 119 OF H.R. 2076

References to this subchapter deemed to include section 119 of H.R. 2076, see section 119(b) of H.R. 2076, as enacted into law by Pub. L. 104-91, set out as an Authority of Foreign Claims Settlement Commission note under section 1644 of this title.

AMENDMENTS

1955—Act Aug. 9, 1955, §1, amended credit to section by designating act Mar. 10, 1950, as “title I”.

Act Aug. 9, 1955, §2, substituted “subchapter” for “chapter” in opening phrase.

SHORT TITLE OF 1999 AMENDMENT

Pub. L. 106-155, §1, Dec. 9, 1999, 113 Stat. 1740, provided that: “This Act [amending provisions set out as a note below] may be cited as the ‘U.S. Holocaust Assets Commission Extension Act of 1999’.”

SHORT TITLE

Section 1 of act Mar. 10, 1950, provided that: “This Act [enacting this chapter] may be cited as the ‘International Claims Settlement Act of 1949’.”

TITLES OF ACT

Sections 1 and 3 of act Aug. 9, 1955, designated sections 1621 to 1627 of this title as “Title I” of act Mar.

10, 1950, which is classified to subchapter I of this chapter and added “Title II—Vesting and Liquidation of Bulgarian, Hungarian, and Rumanian Property” and “Title III—Claims Against Bulgaria, Hungary, Rumania, Italy, and the Soviet Union”, which are classified to subchapters II and III, respectively, of this chapter. Pub. L. 85-604 added Title IV, Claims Against Czechoslovakia, which is classified to subchapter IV of this chapter. Pub. L. 88-666 added Title V, Claims Against Cuba and China, which is classified to subchapter V of this chapter. Pub. L. 94-542 added Title VI, Claims Against German Democratic Republic, which is classified to subchapter VI of this chapter. Pub. L. 96-606 added Title VII, Claims Against Vietnam, which is classified to subchapter VII of this chapter.

ABOLITION OF INTERNATIONAL CLAIMS COMMISSION AND
TRANSFER OF FUNCTIONS

International Claims Commission of the United States, including offices of its members, abolished and functions of Commission and of members, officers, and employees thereof transferred to Foreign Claims Settlement Commission of the United States by Reorg. Plan No. 1 of 1954, §§ 2, 4, eff. July 1, 1954, 19 F.R. 3985, 68 Stat. 1279, set out as a note under section 1622 of this title.

APPROPRIATIONS

Section 9 of act Mar. 10, 1950, provided that: “There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to enable the Commission to carry out its functions under this Act [enacting this chapter].”

UNITED STATES HOLOCAUST ASSETS COMMISSION

Pub. L. 105-186, June 23, 1998, 112 Stat. 611, as amended by Pub. L. 106-155, § 2, Dec. 9, 1999, 113 Stat. 1740, provided that:

“SECTION 1. SHORT TITLE.

“This Act may be cited as the ‘U.S. Holocaust Assets Commission Act of 1998’.

“SEC. 2. ESTABLISHMENT OF COMMISSION.

“(a) ESTABLISHMENT.—There is established a Presidential Commission, to be known as the ‘Presidential Advisory Commission on Holocaust Assets in the United States’ (hereafter in this Act referred to as the ‘Commission’).

“(b) MEMBERSHIP.—

“(1) NUMBER.—The Commission shall be composed of 21 members, appointed in accordance with paragraph (2).

“(2) APPOINTMENTS.—Of the 21 members of the Commission—

“(A) eight shall be private citizens, appointed by the President;

“(B) four shall be representatives of the Department of State, the Department of Justice, the Department of the Army, and the Department of the Treasury (one representative of each such Department), appointed by the President;

“(C) two shall be Members of the House of Representatives, appointed by the Speaker of the House of Representatives;

“(D) two shall be Members of the House of Representatives, appointed by the minority leader of the House of Representatives;

“(E) two shall be Members of the Senate, appointed by the majority leader of the Senate;

“(F) two shall be Members of the Senate, appointed by the minority leader of the Senate; and

“(G) one shall be the Chairperson of the United States Holocaust Memorial Council.

“(3) CRITERIA FOR MEMBERSHIP.—Each private citizen appointed to the Commission shall be an individual who has a record of demonstrated leadership on issues relating to the Holocaust or in the fields of commerce, culture, or education that would assist

the Commission in analyzing the disposition of the assets of Holocaust victims.

“(4) ADVISORY PANELS.—The Chairperson of the Commission may, in the discretion of the Chairperson, establish advisory panels to the Commission, including State or local officials, representatives of organizations having an interest in the work of the Commission, or others having expertise that is relevant to the purposes of the Commission.

“(5) DATE.—The appointments of the members of the Commission shall be made not later than 90 days after the date of enactment of this Act [June 23, 1998].

“(c) CHAIRPERSON.—The Chairperson of the Commission shall be selected by the President from among the members of the Commission appointed under subparagraph (A) or (B) of subsection (b)(2).

“(d) PERIOD OF APPOINTMENT.—Members of the Commission shall be appointed for the life of the Commission.

“(e) VACANCIES.—Any vacancy in the membership of the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

“(f) MEETINGS.—The Commission shall meet at the call of the Chairperson at any time after the date of appointment of the Chairperson.

“(g) QUORUM.—11 members of the Commission shall constitute a quorum, but a lesser number of members may hold meetings.

“SEC. 3. DUTIES OF THE COMMISSION.

“(a) ORIGINAL RESEARCH.—

“(1) IN GENERAL.—Except as otherwise provided in paragraph (3), the Commission shall conduct a thorough study and develop a historical record of the collection and disposition of the assets described in paragraph (2), if such assets came into the possession or control of the Federal Government, including the Board of Governors of the Federal Reserve System and any Federal reserve bank, at any time after January 30, 1933—

“(A) after having been obtained from victims of the Holocaust by, on behalf of, or under authority of a government referred to in subsection (c);

“(B) because such assets were left unclaimed as the result of actions taken by, on behalf of, or under authority of a government referred to in subsection (c); or

“(C) in the case of assets consisting of gold bullion, monetary gold, or similar assets, after such assets had been obtained by the Nazi government of Germany from governmental institutions in any area occupied by the military forces of the Nazi government of Germany.

“(2) TYPES OF ASSETS.—Assets described in this paragraph include—

“(A) gold, including gold bullion, monetary gold, or similar assets in the possession of or under the control of the Board of Governors of the Federal Reserve System or any Federal reserve bank;

“(B) gems, jewelry, and nongold precious metals;

“(C) accounts in banks in the United States;

“(D) domestic financial instruments purchased before May 8, 1945, by individual victims of the Holocaust, whether recorded in the name of the victim or in the name of a nominee;

“(E) insurance policies and proceeds thereof;

“(F) real estate situated in the United States;

“(G) works of art; and

“(H) books, manuscripts, and religious objects.

“(3) COORDINATION OF ACTIVITIES.—In carrying out its duties under paragraph (1), the Commission shall, to the maximum extent practicable, coordinate its activities with, and not duplicate similar activities already being undertaken by, private individuals, private entities, or government entities, whether domestic or foreign.

“(4) INSURANCE POLICIES.—

“(A) IN GENERAL.—In carrying out its duties under this Act, the Commission shall take note of the work of the National Association of Insurance

Commissioners with regard to Holocaust-era insurance issues and shall encourage the National Association of Insurance Commissioners to prepare a report on the Holocaust-related claims practices of all insurance companies, both domestic and foreign, doing business in the United States at any time after January 30, 1933, that issued any individual life, health, or property-casualty insurance policy to any individual on any list of Holocaust victims, including the following lists:

“(i) The list maintained by the United States Holocaust Memorial Museum in Washington, D.C., of Jewish Holocaust survivors.

“(ii) The list maintained by the Yad Vashem Holocaust Memorial Authority in its Hall of Names of individuals who died in the Holocaust.

“(B) INFORMATION TO BE INCLUDED.—The report on insurance companies prepared pursuant to subparagraph (A) should include the following, to the degree the information is available:

“(i) The number of policies issued by each company to individuals described in such subparagraph.

“(ii) The value of each policy at the time of issue.

“(iii) The total number of policies, and the dollar amount, that have been paid out.

“(iv) The total present-day value of assets in the United States of each company.

“(C) COORDINATION.—The Commission shall coordinate its work on insurance issues with that of the international Washington Conference on Holocaust-Era Assets, to be convened by the Department of State and the United States Holocaust Memorial Council.

“(b) COMPREHENSIVE REVIEW OF OTHER RESEARCH.—Upon receiving permission from any relevant individuals or entities, the Commission shall review comprehensively any research by private individuals, private entities, and non-Federal government entities, whether domestic or foreign, into the collection and disposition of the assets described in subsection (a)(2), to the extent that such research focuses on assets that came into the possession or control of private individuals, private entities, or non-Federal government entities within the United States at any time after January 30, 1933, either—

“(1) after having been obtained from victims of the Holocaust by, on behalf of, or under authority of a government referred to in subsection (c); or

“(2) because such assets were left unclaimed as the result of actions taken by, on behalf of, or under authority of a government referred to in subsection (c).

“(c) GOVERNMENTS INCLUDED.—A government referred to in this subsection includes, as in existence during the period beginning on March 23, 1933, and ending on May 8, 1945—

“(1) the Nazi government of Germany;

“(2) any government in any area occupied by the military forces of the Nazi government of Germany;

“(3) any government established with the assistance or cooperation of the Nazi government of Germany; and

“(4) any government which was an ally of the Nazi government of Germany.

“(d) REPORTS.—

“(1) SUBMISSION TO THE PRESIDENT.—Not later than December 31, 2000, the Commission shall submit a final report to the President that shall contain any recommendations for such legislative, administrative, or other action as it deems necessary or appropriate. The Commission may submit interim reports to the President as it deems appropriate.

“(2) SUBMISSION TO THE CONGRESS.—After receipt of the final report under paragraph (1), the President shall submit to the Congress any recommendations for legislative, administrative, or other action that the President considers necessary or appropriate.

“SEC. 4. POWERS OF THE COMMISSION.

“(a) HEARINGS.—The Commission may hold such hearings, sit and act at such times and places, take

such testimony, and receive such evidence as the Commission considers advisable to carry out this Act.

“(b) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out this Act. Upon request of the Chairperson of the Commission, the head of any such department or agency shall furnish such information to the Commission as expeditiously as possible.

“(c) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

“(d) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

“(e) ADMINISTRATIVE SERVICES.—For the purposes of obtaining administrative services necessary to carry out the purposes of this Act, including the leasing of real property for use by the Commission as an office, the Commission shall have the power to—

“(1) enter into contracts and modify, or consent to the modification of, any contract or agreement to which the Commission is a party; and

“(2) acquire, hold, lease, maintain, or dispose of real and personal property.

“SEC. 5. COMMISSION PERSONNEL MATTERS.

“(a) COMPENSATION.—No member of the Commission who is a private citizen shall be compensated for service on the Commission. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

“(b) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

“(c) EXECUTIVE DIRECTOR, DEPUTY EXECUTIVE DIRECTOR, GENERAL COUNSEL, AND OTHER STAFF.—

“(1) IN GENERAL.—Not later than 90 days after the selection of the Chairperson of the Commission under section 2, the Chairperson shall, without regard to the civil service laws and regulations, appoint an executive director, a deputy executive director, and a general counsel of the Commission, and such other additional personnel as may be necessary to enable the Commission to perform its duties under this Act.

“(2) QUALIFICATIONS.—The executive director, deputy executive director, and general counsel of the Commission shall be appointed without regard to political affiliation, and shall possess all necessary security clearances for such positions.

“(3) DUTIES OF EXECUTIVE DIRECTOR.—The executive director of the Commission shall—

“(A) serve as principal liaison between the Commission and other Government entities;

“(B) be responsible for the administration and coordination of the review of records by the Commission; and

“(C) be responsible for coordinating all official activities of the Commission.

“(4) COMPENSATION.—The Chairperson of the Commission may fix the compensation of the executive director, deputy executive director, general counsel, and other personnel employed by the Commission, without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that—

“(A) the rate of pay for the executive director of the Commission may not exceed the rate payable for level III of the Executive Schedule under section 5314 of title 5, United States Code; and

“(B) the rate of pay for the deputy executive director, the general counsel of the Commission, and

other Commission personnel may not exceed the rate payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

“(5) EMPLOYEE BENEFITS.—

“(A) IN GENERAL.—An employee of the Commission shall be an employee for purposes of chapters 83, 84, 85, 87, and 89 of title 5, United States Code, and service as an employee of the Commission shall be service for purposes of such chapters.

“(B) NONAPPLICATION TO MEMBERS.—This paragraph shall not apply to a member of the Commission.

“(6) OFFICE OF PERSONNEL MANAGEMENT.—The Office of Personnel Management—

“(A) may promulgate regulations to apply the provisions referred to under subsection (a) to employees of the Commission; and

“(B) shall provide support services, on a reimbursable basis, relating to—

“(i) the initial employment of employees of the Commission; and

“(ii) other personnel needs of the Commission.

“(d) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Commission without reimbursement to the agency of that employee, and such detail shall be without interruption or loss of civil service status or privilege.

“(e) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

“(f) STAFF QUALIFICATIONS.—Any person appointed to the staff of or employed by the Commission shall be an individual of integrity and impartiality.

“(g) CONDITIONAL EMPLOYMENT.—

“(1) IN GENERAL.—The Commission may offer employment on a conditional basis to a prospective employee pending the completion of any necessary security clearance background investigation. During the pendency of any such investigation, the Commission shall ensure that such conditional employee is not given and does not have access to or responsibility involving classified or otherwise restricted material.

“(2) TERMINATION.—If a person hired on a conditional basis as described in paragraph (1) is denied or otherwise does not qualify for all security clearances necessary for the fulfillment of the responsibilities of that person as an employee of the Commission, the Commission shall immediately terminate the employment of that person with the Commission.

“(h) EXPEDITED SECURITY CLEARANCE PROCEDURES.—A candidate for executive director or deputy executive director of the Commission and any potential employee of the Commission shall, to the maximum extent possible, be investigated or otherwise evaluated for and granted, if applicable, any necessary security clearances on an expedited basis.

“SEC. 6. ADMINISTRATIVE SUPPORT SERVICES.

“Upon the request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services necessary for the Commission to carry out its responsibilities under this Act.

“SEC. 7. TERMINATION OF THE COMMISSION.

“The Commission shall terminate 90 days after the date on which the Commission submits its final report under section 3.

“SEC. 8. MISCELLANEOUS PROVISIONS.

“(a) INAPPLICABILITY OF FACIA.—The Federal Advisory Committee Act (5 U.S.C. App.) does not apply to the Commission.

“(b) PUBLIC ATTENDANCE.—To the maximum extent practicable, each meeting of the Commission shall be open to members of the public.

“SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated not more than \$6,000,000, in total, for the interagency funding of

activities of the Commission under this Act for fiscal years 1998, 1999, 2000, and 2001, of which, notwithstanding section 1346 of title 31, United States Code, and section 611 of the Treasury and General Government Appropriations Act, 1998 [Pub. L. 105-61, 111 Stat. 1310], \$537,000 shall be made available in equal amounts from funds made available for fiscal year 1998 to the Departments of Justice, State, and the Army that are otherwise unobligated. Funds made available to the Commission pursuant to this section shall remain available for obligation until December 31, 1999.”

§ 1622. Establishment of Commission

(a), (b) Repealed. Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 656

(c) Rules and regulations; termination date; removal of personnel; reports

The Commission may prescribe such rules and regulations as may be necessary to enable it to carry out its functions, and may delegate functions to any member, officer, or employee of the Commission. The President may fix a termination date for the authority of the Commission, and the terms of office of its members under this subchapter. Any member of the Commission may be removed by the Secretary of State, upon notice and hearing, for neglect of duty, or malfeasance in office, but for no other cause. Not later than six months after its organization, and every six months thereafter, the Commission shall make a report, through the Secretary of State, to the Congress concerning its operations under this subchapter. The Commission shall, upon completion of its work, certify in duplicate to the Secretary of State and to the Secretary of the Treasury the following: (1) A list of all claims disallowed; (2) a list of all claims allowed, in whole or in part, together with the amount of each claim and the amount awarded thereon; and (3) a copy of the decision rendered in each case.

(Mar. 10, 1950, ch. 54, title I, § 3, 64 Stat. 13; Aug. 8, 1953, ch. 396, § 3, 67 Stat. 506; 1954 Reorg. Plan No. 1, §§ 1, 2, 4, eff. July 1, 1954, 19 F.R. 3985, 68 Stat. 1279; Aug. 9, 1955, ch. 645, §§ 1, 2, 69 Stat. 562; Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 656, 657.)

ANNUAL SUBMISSION OF REPORT

Pub. L. 89-348, § 2(7), Nov. 8, 1965, 79 Stat. 1312, modified subsection (c) of this section to require annual submission instead of semi-annual submission to the Congress by the Foreign Claims Settlement Commission of its report concerning its operations under the International Claims Settlement Act of 1949.

REFERENCES TO THIS SUBCHAPTER DEEMED TO INCLUDE SECTION 119 OF H.R. 2076

References to this subchapter deemed to include section 119 of H.R. 2076, see section 119(b) of H.R. 2076, as enacted into law by Pub. L. 104-91, set out as an Authority of Foreign Claims Settlement Commission note under section 1644 of this title.

AMENDMENTS

1966—Subsec. (a). Pub. L. 89-554 repealed subsec. (a) which related to the composition, appointment, chairman, quorum, and acting members of the Commission.

Subsec. (b). Pub. L. 89-554 repealed subsec. (b) which provided for the principal office of the Commission, and for the appointment and compensation of personnel.