

Subsec. (e). Pub. L. 97-31, §12(158)(B), substituted "Secretary of Transportation" for "Secretary of Commerce".

1950—Subsec. (a). Act Sept. 28, 1950, §1, provided for conversion for operation on the Great Lakes, including the Saint Lawrence River and Gulf, and their connecting waterways.

Subsec. (e). Act Sept. 28, 1950, §2, added subsec. (e).

§ 1745a. Repealed. Pub. L. 101-225, title III, § 307(14), Dec. 12, 1989, 103 Stat. 1925

Section, Pub. L. 86-315, Sept. 21, 1959, 73 Stat. 588, accorded Great Lakes vessels operation status of documented vessels.

§ 1746. Repealed. Pub. L. 99-386, title I, § 107, Aug. 22, 1986, 100 Stat. 822; Pub. L. 101-225, title III, § 307(12), Dec. 12, 1989, 103 Stat. 1925

Section, acts Mar. 8, 1946, ch. 82, §13, 60 Stat. 50; Aug. 6, 1981, Pub. L. 97-31, §12(154), 95 Stat. 167, required submission of quarterly reports by Secretary to Congress with respect to all activities or transactions under sections 1735 to 1746 of this Appendix not covered by any previous such report.

Pub. L. 89-348, §2(1), Nov. 8, 1965, 79 Stat. 1312, modified this section to require annual instead of quarterly reports.

REHABILITATION OF PHILIPPINES

ACT APR. 30, 1946, CH. 243, 60 STAT. 128

§§ 1751 to 1763. Omitted

PAYMENT OF BALANCE OF AWARDS TO PHILIPPINES

Pub. L. 87-616, Aug. 30, 1962, 76 Stat. 411, as amended by Pub. L. 88-94, §3, Aug. 12, 1963, 77 Stat. 122, provided: "[SEC. 1. *Conditions; limitations on amount*]. That the Foreign Claims Settlement Commission (hereafter in this Act referred to as the 'Commission') shall provide, out of funds appropriated pursuant to this Act, for the payment of the unpaid balance of awards heretofore made by the Philippine War Damage Commission under title I of the Philippine Rehabilitation Act of 1946 [sections 1751 to 1763 of this Appendix]. No payment shall be made under this Act to any person, or to his successors in interest, on account of any award unless payment was made on such award under the Philippine Rehabilitation Act of 1946 [sections 1751 to 1806 of this Appendix], and the maximum amount paid under this Act, when added to amounts paid under the Philippine Rehabilitation Act of 1946 [sections 1751 to 1806 of this Appendix] and section 7 of the War Claims Act of 1948 [section 2006 of this Appendix] on account of any claim shall not exceed the aggregate amount of claims approved in favor of such claimant after reduction under the last proviso of section 102(a) of the Philippine Rehabilitation Act of 1946 [section 1752(a) of this Appendix], or \$25,000, whichever is the lesser. All payments under this Act in amounts over 25,000 pesos or equivalent value in dollars shall be subject to the provisions of section 104(c) of the Philippine Rehabilitation Act of 1946 [section 1754(c) of this Appendix].

"SEC. 2. [*Applications; commencement and duration of period; determination of Commission*]. Within sixty days after the enactment of this Act [Aug. 30, 1962], or of legislation appropriating for administration expenses incurred in carrying out this Act, whichever is later, the Commission shall prescribe and publish in the Federal Register and give appropriate publicity in the Republic of the Philippines concerning the period, not in excess of twelve additional months, within which application must be filed under this Act. The Commission shall complete its determination and take final action with respect to applications filed under this Act not later than one year after the last date on which applications may be filed.

"SEC. 3. [*Publicity to payments provisions; notice to claimants*]. The Commission shall give maximum pub-

licity in the Republic of the Philippines to the provisions of this Act, and through utilization of the records of the former Philippine War Damage Commission shall attempt to notify individual claimants of their right to file applications for payment under this Act, by mailing notice thereof to the last known address of such claimants as shown by such records.

"SEC. 4. [*Notice of approval or denial of applications; hearings; finality of determinations*]. The Commission shall notify all applicants of the approval or denial of their applications and, if approved, shall notify such applicants of the amount for which such applications are approved. Any applicant whose application is denied, or is approved for less than the amount of such application, shall be entitled, under such regulations as the Commission may prescribe, to a hearing before the Commission or its representative with respect to such application. Upon such hearing, the Commission may affirm, modify, or reverse its former action with respect to such application, including a denial or reduction in the amount of award theretofore approved. All findings of the Commission concerning the persons to whom compensation pursuant to this Act is payable, and the amounts thereof, shall be conclusive and not be reviewable by any court.

"SEC. 5. [*Payments; exchange rate; medium; extra-territorial claimants; purchasers of claims; Educational Programs Fund; reversion of funds to United States Treasury*]. (a) Each award made under this Act shall be certified to the Secretary of the Treasury in terms of United States currency on the basis of the rate of exchange (that is, P/2 equals \$1) which was applied in the Philippine Rehabilitation Act of 1946 [sections 1751 to 1806 of this Appendix], for payment out of sums appropriated pursuant to section 8 of this Act. Such payments shall be made in accordance with such regulations as the Secretary of the Treasury may prescribe. Payments authorized under this Act shall be made in United States dollars or in Philippine pesos at the option of the Secretary of the Treasury; however, notwithstanding the last sentence of the first section of this Act, payment shall not be made outside of the Republic of the Philippines to any claimant residing outside the Republic of the Philippines unless he establishes to the satisfaction of the Commission that since the date of the loss or damage on account of which the original award was made he has heretofore invested in such manner as furthered the rehabilitation or economic development of the Philippines an amount not less than the claims approved in his favor after reduction under the last proviso of section 102(a) of the Philippine Rehabilitation Act of 1946 [section 1752(a) of this Appendix]. Any balance of the appropriation made pursuant to section 8 remaining after the payments authorized by the first section of this Act have been made and after any administrative expenses incurred by the Commission in connection with such payments have been paid shall be paid into a special fund in the United States Treasury to be used for the purpose of furthering educational exchange and other educational programs to the mutual advantage of the Republic of the Philippines and the United States in such manner as the Presidents of those two Republics shall from time to time determine. There shall be withheld from the payment authorized by the preceding sentence a sum equal to the difference between \$73,000,000 (less administrative expenses) and the total amount which would have been paid to the claimants under the provisions of Public Law 87-616, which sum shall revert to the general funds in the United States Treasury. The acceptance by any claimant of a payment under this Act shall be considered to be in full satisfaction and final settlement of all claims of such claimant arising out of awards for war damage compensation made by the Philippine War Damage Commission. Payment shall not be made under this Act on any claim filed under the Philippine Rehabilitation Act of 1946 [sections 1751 to 1806 of this Appendix] or under this Act which was acquired from a predecessor in interest by purchase, except where such purchase was in the ordinary course of busi-

ness in connection with the acquisition of all assets of a business firm.

“(b) Such of the records of the Philippine War Damage Commission as the Foreign Claims Settlement Commission may deem necessary for carrying out its functions under this Act shall be transferred to the Foreign Claims Settlement Commission.

“SEC. 6. [*Remuneration for services to applicants; prohibition against certain payments; penalties; forfeitures; recovery of payments*]. (a) The total remuneration on account of services rendered or to be rendered to or on behalf of any applicant in connection with any application filed under this Act shall not exceed 5 per centum of the amount paid by the Commission on account of such application. Any agreement to the contrary shall be unlawful and void. Whoever, subject to the jurisdiction of the United States, violates this subsection shall be fined not more than \$5,000 or imprisoned for not more than one year, or both. Where any payment is made in violation of this subsection, the Commission shall take such action as may be appropriate to recover the same.

“(b) Notwithstanding the provisions of subsection (a), no sum shall be paid by any claimant directly or indirectly to, or received or accepted by, any former commissioner or employee of the Philippine War Damage Commission or their assigns, or any person employed by or associated with any such former commissioner or employee in connection with the preparation, filing, allowance, or collection of any claim under this Act, as compensation on account of services rendered or as reimbursement on account of expenses incurred in connection with any application filed under this Act. Whoever, subject to the jurisdiction of the United States, makes a payment in violation of the provisions of this subsection shall be fined not more than \$5,000 or imprisoned for not more than one year or both. Whoever, subject to the jurisdiction of the United States, receives or accepts a payment in violation of this subsection, shall be fined not more than \$5,000 or imprisoned for not more than five years or both. Whoever, subject to the jurisdiction of the United States, receives or accepts a payment in violation of this subsection, shall forfeit to the Government of the United States a sum equal to three times the amount of such payment, and the Commission shall take action to recover such sum from the person receiving the payment.

“SEC. 7. [*Application of International Claims Settlement Act of 1949*]. For the purposes of carrying out this Act, the following provisions of the International Claims Settlement Act of 1949 [section 1621 et seq. of Title 22, Foreign Relations and Intercourse] shall, to the extent not inconsistent with this Act, be applicable in the administration of this Act: Subsections (c), (d), (e), and (i) of section 4 [section 1623 of Title 22]; subsections (d) and (e) of section 7 [section 1626 of Title 22]; and subsection (c) of section 7 [section 1626 of Title 22] except that with respect to applicants not subject to the jurisdiction of the United States, references in such subsection (c) to the Comptroller General of the United States shall be deemed to refer to the Secretary of the Treasury.

“SEC. 8. [*Appropriations for payment of awards and administrative expenses*]. There is authorized to be appropriated not more than \$73,000,000 to make payments on awards certified pursuant to this Act, plus such additional sums as may be necessary for the administrative expenses of the Commission and of the Secretary of the Treasury in carrying out this Act.”

CODIFICATION

Sections 1751 to 1763 terminated Apr. 30, 1951, pursuant to section 1751 of this Appendix.

Section 1751, acts Apr. 30, 1946, ch. 243, title I, §101, 60 Stat. 128; Jan. 26, 1948, ch. 16, §1, 2, 62 Stat. 4; Oct. 15, 1949, ch. 695, §6(a), 63 Stat. 881, established the Philippine War Damage Commission and provided for the winding up of its affairs not later than two years after expiration of time for filing claims under sections 1751 to 1763 of this Appendix if possible but in no event later

than Apr. 30, 1951. Acts Apr. 30, 1946, ch. 243, title I, §101, 60 Stat. 128; Oct. 15, 1949, ch. 695, §6(a), 63 Stat. 881, were repealed by Pub. L. 89-554, §8(a), Sept. 6, 1966, 80 Stat. 653, 655.

Section 1752, act Apr. 30, 1946, ch. 243, title I, §102, 60 Stat. 129, related to payment for destruction and damage to property, perils and persons covered, claim limitations and definitions.

Section 1753, act Apr. 30, 1946, ch. 243, title I, §103, 60 Stat. 130, excluded from payment certain enumerated claims.

Section 1754, acts Apr. 30, 1946, ch. 243, title I, §104, 60 Stat. 130; Aug. 2, 1946, ch. 741, §1, 60 Stat. 805, related to claim payments.

Section 1755, acts Apr. 30, 1946, ch. 243, title I, §105, 60 Stat. 131; Aug. 2, 1946, ch. 741, §2, 60 Stat. 805, required Philippine War Damage Commission to make reports to Congress at intervals of six months.

Section 1756, acts Apr. 30, 1946, ch. 243, title I, §106, 60 Stat. 131; Jan. 26, 1948, ch. 16, §3, 62 Stat. 5, authorized to be appropriated the amount of \$400,000,000 for compensation payments under sections 1751 to 1763 of this Appendix, including the sum of \$12,000,000 for expenses of Philippine War Damage Commission, all appropriations under the sections remaining available until Apr. 30, 1951, and provided for disposition of Japanese reparations, including individual reparations.

Section 1757, act Apr. 30, 1946, ch. 243, title I, §107, 60 Stat. 132, provided penalties for false and fraudulent claims.

Section 1758, act Apr. 30, 1946, ch. 243, title I, §108, 60 Stat. 132, set limitation on fees for claim services and provided penalties for violations thereof.

Section 1759, act Apr. 30, 1946, ch. 243, title I, §109, 60 Stat. 132, related to the authority of the Philippine War Damage Commission and the prohibition on War Damage Corporation payments.

Section 1760, act Apr. 30, 1946, ch. 243, title I, §110, 60 Stat. 133, excluded from coverage certain enumerated classes of property.

Section 1761, act Apr. 30, 1946, ch. 243, title I, §111, 60 Stat. 133, related to transfer of surplus property, valuation of property and payment.

Section 1762, act Apr. 30, 1946, ch. 243, title I, §112, 60 Stat. 133, provided for cooperation between the Philippine War Damage Commission and the War Damage Corporation.

Section 1763, act Apr. 30, 1946, ch. 243, title I, §113, 60 Stat. 134, provided for notification of disposal and amount of claim, hearings and conclusiveness of findings.

§§ 1771 to 1776. Omitted

CODIFICATION

Section 1771, acts Apr. 30, 1946, ch. 243, title II, §201, 60 Stat. 134; Aug. 2, 1946, ch. 741, §3, 60 Stat. 805, related to transfer and disposal of surplus property, by Department of State acting through a Foreign Liquidation Commissioner, and terms and conditions thereof.

Section 1772, act Apr. 30, 1946, ch. 243, title II, §202, 60 Stat. 134, required recordation of number, condition and value of transferred items and quarterly reports thereof to the President and Congress.

Section 1773, act Apr. 30, 1946, ch. 243, title II, §203, 60 Stat. 134, related to law governing disposal.

Section 1774, act Apr. 30, 1946, ch. 243, title II, §204, 60 Stat. 134, prohibited transfer of military equipment and toxic gas.

Section 1775, act Apr. 30, 1946, ch. 243, title II, §205, 60 Stat. 134, limited gross amount transferable to Commonwealth of Philippines, provincial governments, and chartered cities or municipalities to \$100,000,000.

Section 1776, act Apr. 30, 1946, ch. 243, title II, §206, 60 Stat. 135, authorized Foreign Liquidation Commissioner to prescribe rules and regulations necessary for performance of his functions under sections 1771 to 1776 of this Appendix and to delegate any authority conferred upon him by the sections.