

son of this enumeration, the applicability in such computation of credits, deductions, and exemptions to which the former owner is or would be entitled, and the time and manner of any payment of such taxes and the extent of any compliance by the Custodian with provisions of Federal law and regulations applicable with respect to Federal taxes, shall be in accordance with regulations prescribed by the Commissioner of Internal Revenue with the approval of the Secretary of the Treasury to effectuate this section. Statutes of limitations on assessment, collection, refund, or credit of Federal taxes shall be suspended, with respect to any vested property or interest, or the earnings, increment or proceeds thereof, while vested and for six months thereafter; but no interest shall be paid upon any refund with respect to any period during which the statute of limitations is so suspended.

(d) "Tax" defined

The word "tax" as used in this section shall include, without limitation by reason of this enumeration, any property, income, excess-profits, war-profits, excise, estate and employment tax, import duty, and special assessment; and also any interest, penalty, additional amount, or addition thereto not arising from any act, omission, neglect, failure, or delay on the part of the Custodian.

(e) Exemptions

Any tax exemption accorded to the Alien Property Custodian by specific provision of existing law shall not be affected by this section.

(Oct. 6, 1917, ch. 106, §36, as added Dec. 18, 1941, ch. 593, title III, §305, as added Aug. 8, 1946, ch. 878, §1, 60 Stat. 929.)

REFERENCES IN TEXT

The Social Security Act, referred to in subsec. (a), is act Aug. 14, 1935, ch. 531, 49 Stat. 620, as amended. Title II of the Social Security Act is classified generally to subchapter II (§401 et seq.) of chapter 7 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see section 1305 of Title 42 and Tables.

CODIFICATION

Section was formerly classified to section 620 of this Appendix.

TRANSFER OF FUNCTIONS

Functions of Alien Property Custodian and Office of Alien Property Custodian, except those relating to property or interest in Philippines, vested in Attorney General. See notes set out under section 6 of this Appendix.

§ 37. Insurance of property

The Alien Property Custodian may procure insurance in such amounts, and from such insurers, as he believes will adequately protect him against loss in connection with property or interest or proceeds held by him.

(Oct. 6, 1917, ch. 106, §37, as added Dec. 18, 1941, ch. 593, title III, §305, as added Aug. 8, 1946, ch. 878, §1, 60 Stat. 930.)

CODIFICATION

Section was formerly classified to section 620 of this Appendix.

TRANSFER OF FUNCTIONS

Functions of the Alien Property Custodian and the Office of Alien Property Custodian, except those relating to property or interest in the Philippines, vested in the Attorney General. See notes set out under section 6 of this Appendix.

§ 38. Shipment of relief supplies; definitions

(a) Notwithstanding any other provision of this Act [sections 1 to 6, 7 to 39, and 41 to 44 of this Appendix], it shall be lawful, at any time after the date of cessation of hostilities with any country with which the United States is at war, for any person in the United States to donate, or otherwise dispose of to, and to transport or deliver to, any person in such country any article or articles (including food, clothing, and medicine) intended to be used solely to relieve human suffering.

(b) As used in this section—

(1) the term "person" means any individual, partnership, association, company, or other unincorporated body of individuals, or corporation or body politic;

(2) with respect to any country with which the United States was at war on January 1, 1946, the term "date of cessation of hostilities" shall mean the date of enactment of this Act [May 16, 1946];

(3) with respect to any other war the term "date of cessation of hostilities" shall mean the date specified by proclamation of the President or by a concurrent resolution of the two Houses of Congress whichever is the earlier.

(Oct. 6, 1917, ch. 106, §38, formerly §—, as added May 16, 1946, ch. 260, 60 Stat. 182, numbered Aug. 8, 1946, ch. 878, §3, 60 Stat. 930.)

REFERENCES IN TEXT

The date of enactment of this Act, referred to in subsec. (b)(2), probably means May 16, 1946, the date of approval of act May 16, 1946, which added this section.

§ 39. Retention of properties or interests of Germany and Japan and their nationals; proceeds covered into Treasury; ex gratia payment to Switzerland

(a) No property or interest therein of Germany, Japan, or any national of either such country vested in or transferred to any officer or agency of the Government at any time after December 17, 1941, pursuant to the provisions of this Act [sections 1 to 6, 7 to 39, and 41 to 44 of this Appendix], shall be returned to former owners thereof or their successors in interest, and the United States shall not pay compensation for any such property or interest therein. The net proceeds remaining upon the completion of administration, liquidation, and disposition pursuant to the provisions of this Act [said sections] of any such property or interest therein shall be covered into the Treasury at the earliest practicable date. Nothing in this section shall be construed to repeal or otherwise affect the operation of the provisions of section 32, 40, 41, 42 or 43 of this Act [section 32, 40, 41, 42 or 43 of this Appendix] or of the Philippine Property Act of 1946 [22 U.S.C. 1381 et seq.].

(b) The Attorney General shall cover into the Treasury, to the credit of miscellaneous re-

ceipts, all sums from property vested in or transferred to the Attorney General under this Act [sections 1 to 6, 7 to 39, and 41 to 44 of this Appendix]—

(1) which the Attorney General receives after the date of the enactment of the Export Enhancement Act of 1988 [August 23, 1988], or

(2) which the Attorney General received before that date and which, as of that date, the Attorney General had not covered into the Treasury for deposit in the War Claims Fund, other than any such sums which the Attorney General determines in his or her discretion are the subject matter of any judicial action or proceeding.

(c) Notwithstanding any of the provisions of subsections (a) and (b) of this section, the Attorney General is authorized to pay from property vested in or transferred to the Attorney General under this Act [sections 1 to 6, 7 to 39, and 41 to 44 of this Appendix], the sum of \$20,000 as an ex gratia payment to the Government of Switzerland in accordance with the terms of the agreement entered into by that Government and the Government of the United States on March 12, 1980.

(Oct. 6, 1917, ch. 106, §39, as added July 3, 1948, ch. 826, §12, 62 Stat. 1246; amended Aug. 7, 1953, ch. 344, 67 Stat. 461; Pub. L. 85-884, Sept. 2, 1958, 72 Stat. 1708; Pub. L. 87-846, title II, §§202, 204(c), Oct. 22, 1962, 76 Stat. 1113, 1115; Pub. L. 87-861, §1, Oct. 23, 1962, 76 Stat. 1139; Pub. L. 89-619, Oct. 4, 1966, 80 Stat. 871; Pub. L. 99-93, title VIII, §803, Aug. 16, 1985, 99 Stat. 449; Pub. L. 100-418, title II, §2501(a), Aug. 23, 1988, 102 Stat. 1370.)

REFERENCES IN TEXT

The Philippine Property Act of 1946, referred to in subsec. (a), is act July 3, 1946, ch. 536, 60 Stat. 418, as amended, which is classified generally to subchapter V (§1381 et seq.) of chapter 15 of Title 22, Foreign Relations and Intercourse. For complete classification of this Act to the Code, see Short Title note set out under section 1381 of Title 22 and Tables.

AMENDMENTS

1988—Subsecs. (b) to (f), Pub. L. 100-418 substituted subsec. (b) for former subsecs. (b) to (e), redesignated subsec. (f) as (c), and substituted “and (b)” for “through (d)”.

1985—Subsec. (f), Pub. L. 99-93 added subsec. (f).

1966—Subsec. (e), Pub. L. 89-619 added subsec. (e).

1962—Subsec. (a), Pub. L. 87-861 provided that nothing in this section shall be construed to repeal or otherwise affect the operation of section 40, 41, 42, or 43 of this Appendix.

Subsec. (b), Pub. L. 87-846, §204(c), required Attorney General to cover \$500,000 into Treasury for deposit into War Claims Fund for payments to successor organizations receiving heirless property.

Subsec. (d), Pub. L. 87-846, §202, added subsec. (d).

1958—Subsec. (c), Pub. L. 85-884 added subsec. (c).

1953—Act Aug. 7, 1953, designated existing provisions as subsec. (a) and added subsec. (b).

§ 40. Intercustodial conflicts involving enemy property; authority of President to conclude; delegation of authority

The President, or such officer or agency as he may designate, is authorized to conclude and give effect to agreements to further the amicable and expeditious settlement of intercustodial conflicts involving enemy property, subject to the following:

(1) The authority granted in this section shall extend only to agreements with governments with which the United States was not at war in World War II.

(2) Such agreements shall be in accordance with the policy of protecting and making available for utilization the American and nonenemy interests in such property and further the elimination of enemy interests in such property and the efficient administration and liquidation of enemy property in the United States.

(3) For the purposes of this section, the United States as to any intergovernmental agreements hereafter negotiated shall seek treatment equal to that accorded United States nationals for persons who, although citizens or residents of any enemy country before or during World War II, were deprived of full rights of citizenship or substantially deprived of liberty by laws, decrees, or regulations of such enemy country discriminating against racial, religious, or political groups: *Provided*, That on September 28, 1950, such persons were (1) permanent residents of the United States and (2) had declared their intention to become citizens of the United States in conformity with the provisions of the Nationality Act of 1940, as amended; and that such persons shall have acquired citizenship of the United States prior to the effective date of any intergovernmental agreement hereafter negotiated.

(4) Reimbursement to the United States by other governments pursuant to such agreements shall be administered as vested property: *Provided*, That nothing contained in this section shall hinder, restrict or limit the payment of claims from the War Claims Fund established by section 13 of the War Claims Act of 1948 (Public Law 896, 80th Congress, July 3, 1948; 62 Stat. 1240; 50 U.S.C. app. 2001-2013), as amended [section 2012 of this Appendix].

(Sept. 28, 1950, ch. 1094, 64 Stat. 1079.)

REFERENCES IN TEXT

The Nationality Act of 1940, as amended, referred to in par. (3), is act Oct. 14, 1940, ch. 876, 54 Stat. 1137, as amended, which was classified principally to chapter 11 (§501 et seq.) of Title 8, Aliens and Nationality, prior to its repeal by act June 27, 1952, ch. 477, title IV, §403(a)(42), 66 Stat. 280. See section 1101 et seq. of Title 8.

CODIFICATION

Section was not enacted as part of the Trading with the Enemy Act which comprises sections 1 to 6, 7 to 39, and 41 to 44 of this Appendix.

EX. ORD. NO. 10244. AUTHORIZATION OF SECRETARY OF STATE AND ATTORNEY GENERAL TO PERFORM CERTAIN FUNCTIONS

Ex. Ord. No. 10244, May 17, 1951, 16 F.R. 4639, provided:

1. The Secretary of State and the Attorney General are hereby jointly designated as the officers authorized to conclude and give effect to agreements relating to the settlement of intercustodial conflicts involving enemy property made pursuant to the said act of September 28, 1950 [this section], and to exercise all powers incident thereto which are conferred by such act, including, without limitation, the powers to receive, transfer, release or return property, interests therein, or proceeds thereof.

2. It is the policy of this order that the Secretary of State, with the concurrence of the Attorney General,