

AMENDMENTS

1974—Subsec. (a)(7). Pub. L. 93-460 added par. (7).
1968—Subsec. (a)(6). Pub. L. 90-421 added par. (6).

§ 1641j. Claims by corporations or other legal entities

(a) If a corporation or other legal entity has a claim on which an award may be made under this subchapter, no award may be made to any other person under this subchapter with respect to such claim.

(b) A claim based upon an interest, direct or indirect, in a corporation or other legal entity which directly suffered the loss with respect to which the claim is asserted, but which was not a national of the United States at the time of the loss, shall be acted upon without regard to the nationality of such legal entity if at the time of the loss at least 25 per centum of the outstanding capital stock or other beneficial interest in such entity was owned, directly or indirectly, by natural persons who were nationals of the United States. This subsection shall not be construed so as to exclude from eligibility a claim based upon a direct ownership interest in a corporation, association, or other entity, or the property thereof, for loss by reason of the nationalization, compulsory liquidation, or other taking of such corporation, association, or other entity by the Governments of Bulgaria, Hungary, Italy, Rumania, or the Soviet Government. Any such claim may be allowed without regard to the per centum of ownership vested in the claimant.

(Mar. 10, 1950, ch. 54, title III, § 311, as added Aug. 9, 1955, ch. 645, § 3, 69 Stat. 573; amended Pub. L. 85-604, § 3(a), Aug. 8, 1958, 72 Stat. 531.)

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1958—Subsec. (b). Pub. L. 85-604 provided that it shall not be construed so as to exclude from eligibility a claim based upon a direct ownership interest in a corporation, association, or other entity, or the property thereof, for loss by reason of the nationalization, compulsory liquidation, or other taking, and permitted allowance of such claim without regard to the per centum of ownership vested in the claimant.

RECONSIDERATION OF CLAIMS

Pub. L. 85-604, § 3(b), Aug. 8, 1958, 72 Stat. 531, provided that: "Any claim heretofore denied under subsection (b) of section 311 of the International Claims Settlement Act of 1949, as amended [subsec. (b) of this section], prior to the date of enactment of this section [Aug. 8, 1958], shall be reconsidered by the Foreign Claims Settlement Commission solely to redetermine its validity and amount by reason of the amendments made by this section [amending subsec. (b) of this section]."

§ 1641k. Prohibition against payment of award to collaborators or disloyal persons

No award shall be made under this subchapter to or for the benefit of any person who voluntarily, knowingly, and without duress, gave aid to or collaborated with or in any manner served any government hostile to the United States during World War II, or who has been convicted of a violation of any provision of chapter 115, of title 18, or of any other crime involving disloyalty to the United States.

(Mar. 10, 1950, ch. 54, title III, § 312, as added Aug. 9, 1955, ch. 645, § 3, 69 Stat. 574.)

§ 1641l. Unpaid balance of claim; claims of United States unaffected

Payment of any award made pursuant to section 1641b or 1641d of this title shall not, unless such payment is for the full amount of the claim, as determined by the Commission to be valid, with respect to which the award is made, extinguish such claim, or be construed to have divested any claimant, or the United States on his behalf, of any rights against the appropriate foreign government or national for the unpaid balance of his claim or for restitution of his property. All awards or payments made pursuant to this subchapter shall be without prejudice to the claims of the United States against any foreign government.

(Mar. 10, 1950, ch. 54, title III, § 313, as added Aug. 9, 1955, ch. 645, § 3, 69 Stat. 574.)

§ 1641m. Finality of action of Commission

The action of the Commission in allowing or denying any claim under this subchapter shall be final and conclusive on all questions of law and fact and not subject to review by any other official of the United States or by any court by mandamus or otherwise, and the Comptroller General shall allow credit in the accounts of any certifying or disbursing officer for payments in accordance with such action.

(Mar. 10, 1950, ch. 54, title III, § 314, as added Aug. 9, 1955, ch. 645, § 3, 69 Stat. 574.)

§ 1641n. Appropriations

There are authorized to be appropriated such sums as may be necessary to enable the Commission and the Treasury Department to pay their administrative expenses incurred in carrying out their functions under this subchapter.

(Mar. 10, 1950, ch. 54, title III, § 315, as added Aug. 9, 1955, ch. 645, § 3, 69 Stat. 574.)

§ 1641o. Time limitation on completion of affairs of Commission

(a) Claims against Russian nationals

The Commission shall complete its affairs in connection with the settlement of claims pursuant to section 1641d(a)(1) of this title not later than two years, and all other claims pursuant to this subchapter not later than four years, following August 9, 1955, or following the date of enactment of legislation making appropriations to the Commission for the payment of administrative expenses incurred in carrying out its functions under this subchapter, whichever date is later.

(b) Property taken in Bulgaria and Rumania; claims against Italy

The Commission shall complete its affairs in connection with the settlement of claims pursuant to paragraph (4) of section 1641b of this title and subsections (b) and (c) of section 1641c of this title not later than two years following July 24, 1968, or following the enactment of legislation making appropriations to the Commission for payment of administrative expenses incurred in carrying out its functions under paragraph (4) of section 1641b of this title and sub-

sections (b) and (c) of section 1641c of this title, whichever is later.

(c) Property taken in Hungary

The Commission shall complete its affairs in connection with the settlement of claims pursuant to paragraph (5) of section 1641b of this title not later than two years following the deadline established under subsection (c) of section 1641e of this title.

(Mar. 10, 1950, ch. 54, title III, § 316, as added Aug. 9, 1955, ch. 645, § 3, 69 Stat. 574; amended Pub. L. 90-421, § 1(14), July 24, 1968, 82 Stat. 423; Pub. L. 93-460, § 1(6), Oct. 20, 1974, 88 Stat. 1387.)

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1974—Subsec. (c). Pub. L. 93-460 added subsec. (c).

1968—Pub. L. 90-421 designated existing provisions as subsec. (a) and added subsec. (b).

§ 1641p. Fees of agents, attorneys, or representatives

(a) Maximum remuneration; penalty for violation

The total remuneration paid to all agents, attorneys-at-law or in fact, or representatives, for services rendered on behalf of any claimant in connection with any claim filed with the Commission shall not exceed 10 per centum of the total amount paid under this subchapter on account of such claim, or such greater amount as may be determined pursuant to subsection (b) of this section. Any agreement to the contrary shall be unlawful and void. Whoever, in the United States or elsewhere, demands or receives, on account of services so rendered, any remuneration which, together with all remuneration paid to other persons on account of such services and of which he has notice, is in excess of the maximum permitted by this section, shall be fined not more than \$5,000 or imprisoned not more than twelve months, or both.

(b) Petition for payment in excess of maximum; determination by Commission not subject to review

Not later than three months after the Commission has completed its affairs in connection with the settlement of all claims payable from the fund from which an award is payable, any agent, attorney-at-law or in fact, or representative who believes that the total remuneration for services rendered in connection with the claim upon which such award is made should exceed the maximum otherwise permitted by this section may, pursuant to such procedure as the Commission shall prescribe by regulation, petition the Commission for an order authorizing the payment of remuneration in excess of such maximum. The Commission shall issue such an order only upon a finding that there exist special circumstances of unusual hardship which require the payment of such excess; and such order shall state the amount of the excess which may so be paid. The determination of the Commission in ruling upon such petition shall be within the sole discretion of the Commission and shall not be subject to review by any court.

(Mar. 10, 1950, ch. 54, title III, § 317, as added Aug. 9, 1955, ch. 645, § 3, 69 Stat. 574.)

§ 1641q. Applicability of administrative provisions of subchapter I

The following provisions of subchapter I shall be applicable to this subchapter: Subsections (b), (c), (d), (e), (h), and (j) of section 1623 of this title; and subsections (c), (d), (e), and (f) of section 1626 of this title.

(Mar. 10, 1950, ch. 54, title III, § 318, as added Aug. 9, 1955, ch. 645, § 3, 69 Stat. 575.)

SUBCHAPTER IV—CLAIMS AGAINST
CZECHOSLOVAKIA

CZECHOSLOVAKIAN CLAIMS SETTLEMENT ACT OF 1981

Pub. L. 97-127, Dec. 29, 1981, 95 Stat. 1675, provided:

“SHORT TITLE

“SECTION 1. This Act may be cited as the ‘Czechoslovakian Claims Settlement Act of 1981’.

“APPROVAL OF AGREEMENT

“SEC. 2. (a) The Congress hereby approves the Agreement between the Government of the United States of America and the Government of the Czechoslovak Socialist Republic on the Settlement of Certain Outstanding Claims and Financial Issues, initiated at Prague, Czechoslovakia on November 6, 1981.

“(b) The President may, without further approval by the Congress, execute such technical revisions of the Agreement approved by subsection (a) of this section as in his judgment may from time to time be required to facilitate the implementation of that Agreement. Nothing in this subsection shall be construed to authorize any revision of that Agreement to reduce any amount to be paid by the Government of the Czechoslovak Socialist Republic to the United States Government under the Agreement, or to defer the payment of any such amount.

“DEFINITIONS

“SEC. 3. For the purposes of this Act—

“(1) ‘Agreement’ means the Agreement on the Settlement of Certain Outstanding Claims and Financial Issues approved by section 2(a) of this Act;

“(2) ‘national of the United States’ has the meaning given such term by section 401(1) of the International Claims Settlement Act of 1949 [22 U.S.C. 1642(1)];

“(3) ‘Commission’ means the Foreign Claims Settlement Commission of the United States;

“(4) ‘Fund’ means the Czechoslovakian Claims Fund established by section 402(b) of the International Claims Settlement Act of 1949 [22 U.S.C. 1642a(b)];

“(5) ‘Secretary’ means the Secretary of the Treasury; and

“(6) ‘property’ means any property, right, or interest.

“THE FUND

“SEC. 4. (a) The Secretary shall cover into the Fund the amount paid by the Government of the Czechoslovak Socialist Republic in settlement and discharge of claims of nationals of the United States pursuant to article 1(1) of the Agreement, and shall deduct from that amount \$50,000 for reimbursement to the United States Government for expenses incurred by the Department of the Treasury and the Commission in the administration of this Act and title IV of the International Claims Settlement Act of 1949 [this subchapter]. The amount so deducted shall be covered into the Treasury to the credit of miscellaneous receipts. The deduction required by this subsection shall be made in lieu of the deduction provided in section 402(e) of the International Claims Settlement Act of 1949 [22 U.S.C. 1642a(e)]; however, it is the sense of the Congress that the United States Government is entitled to a larger percentage of the total award (generally presumed to