

**WAR CLAIMS**

ACT JULY 3, 1948, CH. 826, 62 STAT. 1240

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## TITLE I

## TITLE I OF ACT

Section 101 of Pub. L. 87-846, Oct. 22, 1962, 76 Stat. 1107, designated sections 2 to 17 of act July 3, 1948, as amended [sections 2001 to 2016 of this Appendix], as title I.

**§ 2001. Foreign Claims Settlement Commission of the United States****(a) Employment of personnel; use of other facilities and services**

The Foreign Claims Settlement Commission of the United States (hereinafter referred to as the "Commission") may, in accordance with the provisions of the civil-service laws and the Classification Act of 1949, as amended [5 U.S.C. 5101 et seq., 5331 et seq.], appoint and fix the compensation of such officers, attorneys, and employees, and may make such expenditures, as may be necessary to carry out its functions. Officers and employees of any other department or agency of the Government may, with the consent of the head of such department or agency, be assigned to assist the Commission in carrying out its functions. The Commission may, with the consent of the head of any other department

or agency of the Government, utilize the facilities and services of such department or agency in carrying out the functions of the Commission.

**(b) Rules and regulations; delegation of functions; time limit on filing of claims**

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 Commission shall give public notice of the time when, and the limit of time within which, claims may be filed, which notice shall be published in the Federal Register. The limit of time within which claims may be filed with the Commission shall in no event be later than March 31, 1952. The Commission shall take immediate action to advise all persons entitled to file claims under the provisions of this title [sections 2001 to 2016 of this Appendix] administered by the Commission of their rights under such provisions, and to assist them in the preparation and filing of their claims.

**(c) Subpenas; issuance; contempt; witness fees; administration of oaths**

(1) For the purpose of any hearing, examination, or investigation under this title [sections 2001 to 2016 of this Appendix], the Commission and those employees designated by the Commission shall have the power to issue subpoenas requiring persons to appear and testify or to appear and produce documents, or both, at any designated place where such hearing, examination, or investigation is being held. The Commission or any employee so designated shall, upon application of a claimant, issue to such claimant subpoenas requiring the attendance and testimony of witnesses or the production of documents, or both, required by such claimant in hearings upon his claim: *Provided*, That the claimant making such application pay the witness fees and mileage of any witness or witnesses subpoenaed upon his request. The production of a person's documents at any place other than his place of business shall not be required, however, in any case in which, prior to the return date specified in the subpoena with respect thereto, such person either has furnished the issuer of the subpoena with a copy of such documents (certified by such person under oath to be a true and correct copy) or has entered into a stipulation with the issuer of the subpoena as to the information contained in such documents.

(2) The Commission may, in case of a failure or refusal on the part of any person to comply with any such subpoena, invoke the aid of any United States district court within the jurisdiction of which the hearing, examination, or investigation is being conducted, or such person resides or transacts business. Such court may issue an order requiring such person to appear at the designated place of hearing, examination, or investigation, there to give or produce testimony or documentary evidence concerning the matter in question. Any failure to obey such order of the court shall be punishable by such court as a contempt thereof. All process in any such case may be served in the judicial district wherein such person resides or transacts business or wherever such person may be found.

(3) Witnesses subpoenaed under this subsection shall be paid the same fees and mileage that are allowed and paid witnesses in United States district courts.

(4) Any member of the Commission, and any employee of the Commission authorized by the Commission to do so, may administer to, or take from, any person an oath, affirmation, or affidavit when such action is necessary or appropriate in the performance of the functions or activities of the Commission.

(July 3, 1948, ch. 826, title I, §2, 62 Stat. 1240; May 27, 1949, ch. 145, §1(1), 63 Stat. 112; Oct. 28, 1949, ch. 782, title XI, §1106(a), 63 Stat. 972; Aug. 16, 1950, ch. 718, 64 Stat. 449; Apr. 5, 1951, ch. 27, 65 Stat. 28; 1954 Reorg. Plan No. 1 §§2, 4, eff. July 1, 1954, 19 F.R. 3985, 68 Stat. 1279; Aug. 21, 1954, ch. 784, §3, 68 Stat. 762; Pub. L. 87-846, title I, §§102, 104(a), Oct. 22, 1962, 76 Stat. 1107, 1113; Pub. L. 96-209, title I, §108, Mar. 14, 1980, 94 Stat. 97.)

#### REFERENCES IN TEXT

The Classification Act of 1949, as amended, referred to in subsec. (a), is act Oct. 28, 1949, ch. 782, 63 Stat. 954, as amended. The Classification Act of 1949 was repealed by Pub. L. 89-554, §8(a), Sept. 6, 1966, 80 Stat. 632, and reenacted by the first section thereof as chapter 51 (§5101 et seq.) and subchapter III (§5331 et seq.) of chapter 53 of Title 5.

#### AMENDMENTS

1980—Subsec. (d). Pub. L. 96-209 struck out subsec. (d) which provided for terms of office of Chairman and members of Foreign Claims Settlement Commission of United States. See section 1622c(c) of Title 22, Foreign Relations and Intercourse.

1962—Subsecs. (b), (c)(1). Pub. L. 87-846, §102, substituted “title” for “Act”.

Subsec. (d). Pub. L. 87-846, §104(a), added subsec. (d). 1954—Subsec. (a). Act Aug. 21, 1954, struck out subsec. (a) which related to establishment and composition of the former War Claims Commission, and which had been affected by Reorg. Plan No. 1 of 1954 (see Transfer of Functions note below), redesignated subsec. (b) as (a) and substituted “The Foreign Claims Settlement Commission of the United States (hereinafter referred to as the ‘Commission’)” for “The Commission”, meaning the former War Claims Commission.

Subsecs. (b) to (d). Act Aug. 21, 1954, §3(a), designated subsecs. (b) to (d) as (a) to (c), respectively.

Former subsec. (e). Act Aug. 21, 1954, §3(a), repealed subsec. (e) which related to termination of former War Claims Commission.

1951—Subsec. (c). Act Apr. 5, 1951, extended time limit on filing of claims from Mar. 1, 1951 to Mar. 31, 1952, and authorized Commission to advise claimants of their rights.

1950—Subsecs. (d), (e). Act Aug. 16, 1950, added subsec. (d) and redesignated former subsec. (d) as (e).

1949—Subsec. (b). Act Oct. 28, 1949, substituted “Classification Act of 1949” for “Classification Act of 1923”.

Subsec. (c). Act May 27, 1949, extended time within which persons may file claims until Mar. 1, 1951.

#### EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-209 effective Mar. 14, 1980, see title VI of Pub. L. 96-209, set out as an Effective Date note under section 1622a of Title 22, Foreign Relations and Intercourse.

#### EFFECTIVE DATE OF 1951 AMENDMENT

Act Apr. 5, 1951, provided that the amendment made by that Act is effective as of Mar. 1, 1951.

#### EFFECTIVE DATE OF 1949 AMENDMENT

The increased compensation provided for by act Oct. 15, 1949, took effect on first day of first pay period

which began after Oct. 15, 1949, see section 9 of act Oct. 15, 1949.

#### SHORT TITLE OF 1954 AMENDMENT

Act Aug. 31, 1954, ch. 1162, title I, §1, 68 Stat. 1033, provided: “That this Act [enacting sections 2014 to 2016 of this Appendix, amending sections 2004, 2005, and 2012 of this Appendix and section 801 of former Title 5, Executive Departments and Government Officers and Employees, and enacting provisions set out as notes under this section and section 2008 of this Appendix] may be cited as the ‘War Claims Act Amendments of 1954.’”

#### SHORT TITLE

Act July 3, 1948, ch. 826, title I, §1, 62 Stat. 1240, provided that: “This Act [enacting this section and sections 2002 to 2017p of this Appendix] may be cited as the ‘War Claims Act of 1948.’”

#### REPEALS

Act Oct. 28, 1949, ch. 782, cited as a credit to this section, was repealed (subject to a savings clause) by Pub. L. 89-554, Sept. 6, 1966, §8, 80 Stat. 632, 655.

#### TRANSFER OF FUNCTIONS

For provisions transferring Foreign Claims Settlement Commission of the United States to Department of Justice, as a separate agency, see section 1622a et seq. of Title 22, Foreign Relations and Intercourse.

“Foreign Claims Settlement Commission” substituted in text for “War Claims Commission” pursuant to Reorg. Plan No. 1 of 1954, §§2, 4, eff. July 1, 1954, 19 F.R. 3985, 68 Stat. 1279, set out in the Appendix to Title 5, Government Organization and Employees, which abolished War Claims Commission, including offices of its members, and transferred functions of Commission and members, officers, and employees thereof to Foreign Claims Settlement Commission of the United States.

#### GUAM WAR CLAIMS REVIEW COMMISSION

Pub. L. 107-333, Dec. 16, 2002, 116 Stat. 2873, known as the Guam War Claims Review Commission Act, established the Commission and its duties and powers, authorized appropriations, and provided that the Commission would report, not later than 9 months after its establishment, to the Secretary of the Interior and Congress and terminate 30 days thereafter.

#### TIME LIMIT FOR SETTLEMENT OF CLAIMS UNDER WAR CLAIMS ACT AMENDMENTS OF 1954

Act Aug. 31, 1954, ch. 1162, title I, §105, 68 Stat. 1037, required the Foreign Claims Settlement Commission to wind up its affairs in settling claims for benefits authorized by act Aug. 31, 1954 within two years after Aug. 31, 1954.

#### REAPPOINTMENT OF MEMBERS OF FOREIGN CLAIMS SETTLEMENT COMMISSION

Pub. L. 87-846, title I, §104(b), Oct. 22, 1962, 76 Stat. 1113, provided that: “Nothing in this section shall be construed to preclude the reappointment as a member of the Foreign Claims Settlement Commission of any person holding office as a member of such Commission on the date of enactment of this Act [Oct. 22, 1962].”

#### TENURE OF WAR CLAIMS COMMISSION

Act Apr. 9, 1952, ch. 167, §4, 66 Stat. 49, provided that nothing in that act or the amendments made by it, amending sections 2005 and 2006 of this Appendix, should extend the life of the War Claims Commission for any period of time.

### § 2002. Jurisdiction of Commission

The Commission shall have jurisdiction to receive and adjudicate according to law claims as hereinafter provided.

(July 3, 1948, ch. 826, title I, § 3, 62 Stat. 1241.)

#### TRANSFER OF FUNCTIONS

For provisions transferring Foreign Claims Settlement Commission of the United States to Department of Justice, as a separate agency, see section 1622a et seq. of Title 22, Foreign Relations and Intercourse.

War Claims Commission, including offices of its members, abolished and functions 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 in the Appendix to Title 5, Government Organization and Employees. See, also, section 2001 of this Appendix and notes thereunder.

### § 2003. Claims of employees of contractors

#### (a) Payment by Secretary of Labor of certain claims; execution of releases

The Secretary of Labor is authorized to receive, adjudicate according to law, and provide for the payment of any claim filed by any person specified in section 101(a) of the Act entitled “An Act to provide benefits for the injury, disability, death, or enemy detention of employees of contractors with the United States, and for other purposes”, approved December 2, 1942, as amended [42 U.S.C. 1701(a)], or by the legal representative of any such person who may have died, for the amount by which (1) the total sum which would have been payable to such person by his employer (not including any payments for overtime), if such person’s contract of employment had been in effect and he had been paid under it for the entire period during which he was entitled to receive benefits under section 101(b) of such Act [42 U.S.C. 1701(b)], exceeds (2) the entire amount creditable to such person’s account for such period under the provisions of such section plus any amounts paid to such person by such employer for such period or recovered by such person in any legal action against such employer based upon such person’s right against such employer for such period under the contract of employment, including payments in settlement of the liability of the employer arising under or out of such contract. No claim shall be allowed to any person under the provisions of this section unless such person executes a full release to the employer and to the United States in respect to the liability of the employer arising under or out of the contract of employment, except liability for workmen’s compensation benefits under the Act of August 16, 1941, as amended (42 U.S.C. 1651 and the following) or detention or other benefits paid under the Act of December 2, 1942, as amended (42 U.S.C. 1751 and the following) [42 U.S.C. 1701 et seq.]. Any claim allowed under the provisions of this section shall be certified by the Secretary of Labor to the Secretary of the Treasury for payment out of the War Claims Fund established by section 13 of this title [section 2012 of this Appendix].

#### (b) Cancellation of employees’ obligations; repayment to employees

(1) The Secretary of State is authorized and directed to cancel any obligation to the United States of any person specified in section 101(a) of such Act of December 2, 1942 [42 U.S.C. 1701(a)], to pay any sum which may have been advanced to or on behalf of any such person by the De-

partment of State for the purpose of paying the costs of food and medical services furnished to such person during his period of internment by the Imperial Japanese Government or for the purpose of paying transportation or other expenses of repatriation.

(2) The Secretary of Labor is authorized to receive, adjudicate according to law, and provide for the payment of any claim filed by any person specified in section 101(a) of such Act of December 2, 1942 [42 U.S.C. 1701(a)], for the repayment of any sum which may have been paid by such person to the Department of State in settlement of any obligation of the type referred to in paragraph (1) of this subsection. Any claim allowed under the provisions of this paragraph shall be certified by the Secretary of Labor to the Secretary of the Treasury for payment out of the War Claims Fund established by section 13 of this title [section 2012 of this Appendix].

#### (c) Omitted [Amendment of section 1702(a) of Title 42]

(July 3, 1948, ch. 826, title I, § 4, 62 Stat. 1241; 1950 Reorg. Plan No. 19, § 1, eff. May 24, 1950, 15 F.R. 3178, 64 Stat. 1271; Pub. L. 87-846, title I, § 102, Oct. 22, 1962, 76 Stat. 1107.)

#### REFERENCES IN TEXT

Act of August 16, 1941, as amended, referred to in subsec. (a), is act Aug. 16, 1941, ch. 357, 55 Stat. 622, as amended, known as the Defense Base Act, which is classified generally to chapter 11 (§1651 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 1651 of Title 42 and Tables.

Act of December 2, 1942, as amended, referred to in subsec. (a), is act Dec. 2, 1942, ch. 668, 56 Stat. 1028, as amended, titles I and II of which are popularly known as the War Hazards Compensation Act, and is classified principally to chapter 12 (§1701 et seq.) of Title 42. For complete classification of this Act to the Code, see Tables.

#### AMENDMENTS

1962—Pub. L. 87-846 substituted “title” for “Act”.

#### TRANSFER OF FUNCTIONS

“Secretary of Labor” substituted in subsections. (a) and (b) for “Federal Security Administrator” and “Administrator” pursuant to Reorg. Plan No. 19 of 1950, § 1, eff. May 24, 1950, 15 F.R. 3178, 64 Stat. 1271, set out in the Appendix to Title 5, Government Organization and Employees, which transferred functions of Federal Security Administrator and Federal Security Agency under this section to Secretary of Labor, with power to delegate.

For provisions transferring Foreign Claims Settlement Commission of the United States to Department of Justice, as a separate agency, see section 1622a et seq. of Title 22, Foreign Relations and Intercourse.

War Claims Commission, including offices of its members, abolished and functions and funds transferred to Foreign Claims Settlement Commission of the United States by Reorg. Plan No. 1 of 1954, §§ 2, 4, 6(c), eff. July 1, 1954, 19 F.R. 3985, 68 Stat. 1279, set out in the Appendix to Title 5, Government Organization and Employees. See, also, section 2001 of this Appendix and notes thereunder.

### § 2004. Internees

#### (a) “Civilian American citizen” defined

As used in subsections (b) and (f) of this section, the term “civilian American citizen” means any person who, being then a citizen of

the United States, was captured by the Imperial Japanese Government on or after December 7, 1941, at Midway, Guam, Wake Island, the Philippine Islands, or any Territory or possession of the United States attacked or invaded by such government, or while in transit to or from any such place, or who went into hiding at any such place in order to avoid capture or internment by such government; except (1) a person who at any time voluntarily gave aid to, collaborated with, or in any manner served such government, or (2) a person who at the time of his capture or entrance into hiding was a regularly appointed, enrolled, enlisted, or inducted member of any military or naval force.

**(b) Payment of detention benefits**

The Commission is authorized to receive, adjudicate according to law, and provide for the payment of any claim filed by, or on behalf of, any civilian American citizen for detention benefits for any period of time subsequent to December 6, 1941, during which he was held by the Imperial Japanese Government as a prisoner, internee, hostage, or in any other capacity, or remained in hiding to avoid being captured or interned by such Imperial Japanese Government.

**(c) Amount of detention benefits**

The detention benefit allowed to any person under the provisions of subsection (b) shall be at the rate of \$60 for each calendar month during which such person was at least eighteen years of age and at the rate of \$25 per month for each calendar month during which such person was less than eighteen years of age.

**(d) Persons entitled to detention benefits**

The detention benefits allowed under subsection (b) of this section shall be allowed to the person entitled thereto, or, in the event of his death, only to the following persons:

- (1) Widow or husband if there is no child or children of the deceased;
- (2) Widow or husband and child or children of the deceased, one-half to the widow or husband and the other half to the child or children in equal shares;
- (3) Child or children of the deceased (in equal shares) if there is no widow or husband; and
- (4) Parents (in equal shares) if there is no husband, or child.

**(e) Certification of claims**

Any claim allowed by the Commission under this section (except under subsections (g) and (i)) shall be certified to the Secretary of the Treasury for payment out of the war claims funds established by section 13 of this title [section 2012 of this Appendix], and shall be payable by the Secretary of the Treasury to the person entitled thereto; except that where the person entitled to payment is under any legal disability, any part of the amount payable may, in the discretion of the Commission, be paid, for the use of the claimant, to the natural or legal guardian, committee, conservator, or curator of the claimant, or, if there is no such guardian, committee, conservator, or curator, then the Commission may, in its discretion, make payment to any other person, including the spouse of such claimant, whom the Commission may

determine is vested with the care of the claimant or his estate for the use and benefit of such claimant or estate; and if such person is a minor, any part of the amount payable may, in the discretion of the Commission, be paid to such minor.

**(f) Application of sections 1701 to 1706 and 1711 to 1717 of Title 42; factors for determining benefits; effective date**

(1) Except as otherwise provided in this subsection, the provisions of titles I [42 U.S.C. 1701 to 1706] and II [42 U.S.C. 1711 to 1717] of the Act entitled "An Act to provide benefits for the injury, disability, death, or enemy detention of employees of contractors with the United States, and for other purposes", approved December 2, 1942, as amended, are extended and shall apply with respect to the injury, disability, or death resulting from injury of a civilian American citizen occurring while he was held by or in hiding from the Imperial Japanese Government, to the same extent as if such civilian American citizen were an employee within the purview of such Act of December 2, 1942, as amended [42 U.S.C. 1701 to 1717].

(2) For the purpose of determining the benefits extended and made applicable by paragraph (1)—

(A) the average weekly wage of any such civilian American citizen, whether employed, self-employed, or not employed, shall be deemed to have been \$37.50;

(B) the provisions of such Act [42 U.S.C. 1701 to 1717], shall be applicable whether or not any such civilian American citizen was employed;

(C) notice of injury or death shall not be required; and limitation provisions with respect to the filing of claims for injury, disability, or death shall not begin to run until the date of enactment of this section [July 3, 1948]; and

(D) the monthly compensation in cases involving partial disability shall be determined by the percentage the degree of partial disability bears to total disability and shall not be determined with respect to the extent of loss of wage earning capacity.

(3) The following provisions of such Act of December 2, 1942, as amended [42 U.S.C. 1701 to 1717], shall not apply in the case of such civilian American citizens: The last sentence of section 101(a), section 101(b), section 101(d) [42 U.S.C. 1701(a), (b), (d)], section 104 [42 U.S.C. 1704], and section 105 [42 U.S.C. 1705].

(4) Rights or benefits which, under this subsection, are to be determined with reference to other provisions of law shall be determined with reference to such provisions of law as in force on January 3, 1948.

(5) The money benefit for disability or death shall be paid only to the person entitled thereto, or to his legal or natural guardian if he has one, and shall not upon death of the person so entitled survive for the benefit of his estate or any other person.

(6) The benefit of a minor or of an incompetent person who has no natural or legal guardian may, in the discretion of the Secretary of Labor, be paid, in whole or in such part as he may determine for and on behalf of such minor or incompetent directly to the person or institution caring for, supporting, or having custody of such minor or incompetent.

(7) No person, except a widow or a child, shall be entitled to benefits for disability with respect to himself, and to death benefits on account of the death of another.

(8) If a civilian American citizen or his dependent receives or has received from the United States any payments on account of the same injury or death, or from his employer, in the form of wages, or payments in lieu of wages, or in any form of support or compensation (including workmen's compensation) in respect to the same objects, the benefits under this section shall be diminished by the amount of such payments in the following manner: (A) Benefits on account of injury or disability shall be reduced by the amount of payments to the injured person on account of the same injury or disability; and (B) benefits on account of death shall be reduced by the amount of payments to the dependents of the deceased civilian American citizen on account of the same death.

(9) This subsection shall take effect as of December 7, 1941, and the right of individuals to benefits shall be held to have begun to accrue as though this subsection had been in effect as of such date.

(10) No benefits provided by this subsection for injury, disability, or death shall accrue to any person who, without regard to this subsection, is entitled to or has received benefits for the same injury, disability, or death under such Act of December 2, 1942, as amended [42 U.S.C. 1701 to 1717].

(11) No benefits provided by this subsection shall accrue to any person to whom benefits have been paid, or are payable, under the Federal Employees' Compensation Act [5 U.S.C. 8101 et seq.], or any extension thereof, by reason of disability or death of an employee of the United States suffered after capture, detention, or other restraint by an enemy of the United States, when such disability or death is deemed, in the administration of the Federal Employees' Compensation Act to have resulted from injury occurring while in the performance of duty, under subsection (b) of section 5 of the Act entitled "An Act to amend the Act entitled 'An Act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes', as amended", approved July 28, 1945, as amended.

**(g) Benefits for civilian internees in Korea, and dependents; time**

(1) As used in this subsection, the term "civilian American citizens" means any person who, being then a citizen of the United States, was captured in Korea on or after June 25, 1950, by any hostile force with which the Armed Forces of the United States were actually engaged in armed conflict subsequent to such date and prior to August 21, 1954, or who went into hiding in Korea in order to avoid capture or internment by any such hostile force; except (A) a person who at any time voluntarily, knowingly, and without duress, gave aid to or collaborated with or in any manner served any such hostile force, or (B) a regularly appointed, enrolled, enlisted, or inducted member of the Armed Forces of the United States.

(2) The Commission is authorized to receive and to determine, according to law, the amount and validity, and provide for the payment of any claim filed by, or on behalf of, any civilian American citizen for detention benefits for any period of time subsequent to June 25, 1950, during which he was held by any such hostile force as a prisoner, internee, hostage, or in any other capacity, or remained in hiding to avoid being captured or interned by any such hostile force.

(3) The detention benefit allowed to any person under the provisions of paragraph (2) of this subsection shall be at the rate of \$60 for each calendar month during which such person was at least eighteen years of age and at the rate of \$25 per month for each calendar month during which such person was less than eighteen years of age.

(4) The detention benefits allowed under paragraph (2) of this subsection shall be allowed to the person entitled thereto, or, in the event of his death, only to the following persons:

(A) widow or husband if there is no child or children of the deceased;

(B) widow or dependent husband and child or children of the deceased, one-half to the widow or dependent husband and the other half to the child or children in equal shares;

(C) child or children of the deceased (in equal shares) if there is no widow or dependent husband.

(5) Any claim allowed by the Commission under this subsection shall be certified to the Secretary of the Treasury for payment out of funds appropriated pursuant to this subsection, and shall be paid by the Secretary of the Treasury to the person entitled thereto, except that where any person entitled to payment under this subsection is under any legal disability, payment may be made in accordance with the provisions of subsection (e) of this section.

(6) Each claim filed under this subsection must be filed not later than one year from whichever of the following dates last occurs:

(A) The date of enactment of this subsection [Aug. 21, 1954];

(B) The date the civilian American citizen by whom the claim is filed returned to the jurisdiction of the United States; or

(C) The date upon which the Commission, at the request of a potentially eligible survivor, makes a determination that the civilian American citizen has actually died or may be presumed to be dead, in the case of any civilian American citizen who has not returned to the jurisdiction of the United States.

The Commission shall complete its determinations with respect to each claim filed under this subsection at the earliest practicable date, but in no event later than one year after the date on which such claim was filed.

(7)(A) There are authorized to be appropriated such amounts as may be necessary to carry out the purposes of this subsection, including necessary administrative expenses.

(B) The Commission shall determine, from time to time, the share of its administrative expenses attributable to the performance of its functions under this subsection and make the appropriate adjustments in its accounts, and de-

terminations and adjustments made pursuant to this subparagraph shall be final and conclusive.

**(h) Benefits for Guamanians killed or captured at Wake Island on or after December 7, 1941**

In the case of any Guamanian killed or captured by the Imperial Japanese Government on or after December 7, 1941, at Wake Island, benefits shall be granted under subsections (a) through (f) of this section in the same manner and to the same extent as apply in the case of civilian American citizens so killed or captured. Claims for benefits under subsections (a) through (e) of this section must be filed within six months after the date of enactment of this subsection [Aug. 31, 1962], and the time limitation applicable to any individual by subsection (f) shall not begin to run until the date of enactment of this subsection [Aug. 31, 1962], with respect to any individual who is entitled to such benefits solely by reason of this subsection. The preceding sentence shall not be construed to affect the right of any individual to receive such benefits with respect to any period prior to the date of enactment of this subsection [Aug. 31, 1962].

**(i) Detention benefits for civilian internees in Southeast Asia; definitions; authority of Commission; claim for benefits; rate of compensation; persons entitled to payments; certification for payment; filing date; determination of claims; appropriations**

(1) As used in this subsection—

(A) the term “Vietnam conflict” relates to the period beginning on February 28, 1961, and ending on such date as shall thereafter be determined by Presidential proclamation or concurrent resolution of the Congress; and

(B) the term “civilian American citizen” means any person who, being then a citizen of the United States, was captured in Southeast Asia during the Vietnam conflict by any force hostile to the United States, or who went into hiding in Southeast Asia, in order to avoid capture or internment by any such hostile force, except (i) a person who voluntarily, knowingly, and without duress, gave aid to or collaborated with or in any manner served any such hostile force, or (ii) a regularly appointed, enrolled, enlisted, or inducted member of the Armed Forces of the United States.

(2) The Commission is authorized to receive and to determine, according to law, the amount and validity, and provide for the payment of any claim filed by, or on behalf of, any civilian American citizen for detention benefits for any period of time subsequent to February 27, 1961, during which he was held by any such hostile force as a prisoner, internee, hostage, or in any other capacity, or remained in hiding to avoid capture or internment by any such hostile force.

(3) The detention benefits allowed under paragraph (2) of this subsection shall be at the rate of \$150 for each calendar month.

(4) The detention benefits allowed under paragraph (2) of this subsection shall be allowed to the civilian American citizen entitled thereto, or, in the event of his death, only to the following persons:

(A) the widow or husband if there is no child or children of the deceased;

(B) the widow or dependent husband and child or children of the deceased, one-half to the widow or dependent husband and the other half to the child or children in equal shares;

(C) the child or children of the deceased in equal shares if there is no widow or dependent husband.

(5) Any claim allowed by the Commission under this subsection shall be certified to the Secretary of the Treasury for payment out of funds appropriated pursuant to this subsection, and shall be paid to the person entitled thereto, except that if a person entitled to payment under this section is under any legal disability, payment shall be made in accordance with the provisions of subsection (e) of this section.

(6) Each claim filed under this section must be filed not later than three years from whichever of the following dates last occurs:

(A) the date of enactment of this subsection [June 24, 1970];

(B) the date the civilian American citizen by whom the claim is filed returned to the jurisdiction of the United States; or

(C) the date upon which the Commission, at the request of a potentially eligible survivor, makes a determination that the civilian American citizen has actually died or may be presumed to be dead, in the case of any civilian American citizen who has not returned to the jurisdiction of the United States.

The Commission shall complete its determinations for each claim filed under this subsection at the earliest practicable date, but not later than one year after the date on which such claim was filed.

(7) There are authorized to be appropriated such amounts as may be necessary to carry out the purposes of this subsection, including necessary administrative expenses.

(July 3, 1948, ch. 826, title I, § 5, 62 Stat. 1242; 1950 Reorg. Plan No. 19, § 1, eff. May 24, 1950, 15 F.R. 3178, 64 Stat. 1271; Apr. 9, 1952, ch. 168, § 1, 66 Stat. 49; Aug. 21, 1954, ch. 784, § 1, 68 Stat. 759; Aug. 31, 1954, ch. 1162, title I, §§ 101 (a)-(c), 102(a), 68 Stat. 1034; Pub. L. 87-617, Aug. 31, 1962, 76 Stat. 413; Pub. L. 87-846, title I, § 102, Oct. 22, 1962, 76 Stat. 1107; Pub. L. 91-289, § 3, June 24, 1970, 84 Stat. 324; Pub. L. 94-383, Aug. 12, 1976, 90 Stat. 1122.)

REFERENCES IN TEXT

The Act entitled “An Act to provide benefits for the injury, disability, death, or enemy detention of employees of contractors with the United States, and for other purposes”, approved December 2, 1942, as amended, referred to in subsec. (f)(1), means act Dec. 2, 1942, ch. 668, 56 Stat. 1028, as amended, titles I and II of which are popularly known as the War Hazards Compensation Act, and is classified principally to chapter 12 (§ 1701 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Tables.

The Federal Employees’ Compensation Act, referred to in subsec. (f)(11), is act Sept. 7, 1916, ch. 458, 39 Stat. 742, as amended, which was repealed and the provisions thereof were reenacted as subchapter 1 (§ 8101 et seq.) of chapter 81 of Title 5, Government Organization and Employees, by Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 378.

Subsection (b) of section 5 of the Act entitled “An Act to amend the Act entitled ‘An Act to provide compensation for employees of the United States suffering

injuries while in the performance of their duties, and for other purposes', as amended", approved July 28, 1945, as amended, referred to in subsec. (f)(11), means section 5 of act July 28, 1945, ch. 328, 59 Stat. 504, as amended, which enacted section 801 of former Title 5, Executive Departments and Government Officers and Employees, amended sections 760, 761, 770, and 793 of former Title 5, and enacted provisions set out as notes under section 770 of former Title 5, and which was repealed by Pub. L. 85-608, §303, Aug. 8, 1958, 72 Stat. 539. See section 8102(b) of Title 5, Government Organization and Employees.

#### AMENDMENTS

1976—Subsec. (i)(3). Pub. L. 94-383 substituted "\$150" for "\$60".

1970—Subsec. (e). Pub. L. 91-289, §3(1), included reference to subsec. (i) in parenthetical phrase.

Subsec. (i). Pub. L. 91-289, §3(2), added subsec. (i).

1962—Subsec. (e). Pub. L. 87-846 substituted "title" for "Act".

Subsec. (h). Pub. L. 87-617 added subsec. (h).

1954—Subsec. (a). Act Aug. 31, 1954, §101(a), included as eligible for detention benefits, civilian American citizens who were captured at certain Pacific islands by the Japanese, but who were formerly expressly excluded from these benefits by reason of being Federal employees or employees of contractors with the United States, and to make them eligible for disability compensation. Act Aug. 21, 1954, §1(b), limited the application of such section's definition of "civilian American citizen" to subssecs. (b) and (f) of this section.

Subsec. (d). Act Aug. 31, 1954, §102(a), (b), struck out "dependent" wherever appearing, and added cl. (4).

Subsec. (e). Act Aug. 21, 1954, §1(c), inserted "(except under subsection (g))" after "under this section".

Subsec. (f)(3). Act Aug. 31, 1954, §101(b), provided that last sentence of section 101(a) [1701(a) of this Appendix] and section 101(d) [1701(d) of this Appendix] should not operate to exclude civilian American citizens from entitlement to medical care or disability compensation.

Subsec. (f)(10), (11). Act Aug. 31, 1954, §101(c), added pars. (10) and (11).

Subsec. (g). Act Aug. 21, 1954, §1(a), added subsec. (g).

1952—Subsec. (e). Act Apr. 9, 1952, allowed the award for the benefit of claimant to be paid to the claimant's natural or legal guardian, committee, conservator, or curator, or to such other person as is charged with the care of the claimant, and permitted the payment of an award payable to a minor, directly to such minor.

#### TRANSFER OF FUNCTIONS

"Secretary of Labor" substituted for "Federal Security Administrator" in subsec. (f)(6) pursuant to Reorg. Plan No. 19 of 1950, §1, eff. May 24, 1950, 15 F.R. 3178, 64 Stat. 1271, set out in the Appendix to Title 5, Government Organization and Employees, which transferred functions of Federal Security Administrator and Federal Security Agency under this section to Secretary of Labor, with power to delegate.

For provisions transferring Foreign Claims Settlement Commission of the United States to Department of Justice, as a separate agency, see section 1622a et seq. of Title 22, Foreign Relations and Intercourse.

War Claims Commission, including offices of its members, abolished and functions 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 in the Appendix to Title 5, Government Organization and Employees. See, also, section 2001 of this Appendix and notes thereunder.

#### FILING DATES FOR CLAIMS OF NEW CLASSES OF BENEFICIARIES; TOLLING OF LIMITATIONS

Section 101(e) of act Aug. 31, 1954, required persons entitled to benefits under subsec. (b), (c), or (d) of this section solely by reason of the amendments made to this section by act Aug. 31, 1954, to file claims therefor

within one year from Aug. 31, 1954, and provided that the time limitations applicable to claims under subsec. (f) of this section were not to begin to run until Aug. 31, 1954, with regard to any person entitled to such benefits solely by reason of the amendments to this section by act Aug. 31, 1954.

Section 102(c) of act Aug. 31, 1954, required persons entitled to benefits solely by reason of amendments made to this section by section 102 of act Aug. 31, 1954 to file claims within one year from Aug. 31, 1954.

#### PRIOR BENEFITS AS AFFECTING RIGHTS

Section 102(b) of act Aug. 31, 1954, provided that the amendments to sections 2004(d) and 2005(c), (d)(4) of this Appendix by section 102 of act Aug. 31, 1954, should not apply with respect to benefits paid prior to Aug. 31, 1954.

### § 2005. Prisoners of war

#### (a) "Prisoner of war" defined

As used in subsection (b) of this section, the term "prisoner of war" means any regularly appointed, enrolled, enlisted, or inducted member of the military or naval forces of the United States who was held as a prisoner of war for any period of time subsequent to December 7, 1941, by any government of any nation with which the United States has been at war subsequent to such date.

#### (b) Payment of claims; rate allowed; certification of claims

The Commission is authorized to receive, adjudicate according to law, and provide for the payment of any claim filed by any prisoner of war for compensation for the violation by the enemy government by which he was held as a prisoner of war, or its agents, of its obligation to furnish him the quantity or quality of food to which he was entitled as a prisoner of war under the terms of the Geneva Convention of July 27, 1929. The compensation allowed to any prisoner of war under the provisions of this subsection shall be at the rate of \$1 for each day he was held as a prisoner of war on which the enemy government or its agents failed to furnish him such quantity or quality of food. Any claim allowed under the provisions of this subsection shall be certified to the Secretary of the Treasury for payment out of the War Claims Fund established by section 13 of this title [section 2012 of this Appendix].

#### (c) Persons entitled to payments

Claims pursuant to subsection (b) shall be paid to the person entitled thereto, and shall in case of death of the persons who are entitled be payable only to or for the benefit of the following persons:

- (1) Widow or husband if there is no child or children of the deceased;
- (2) Widow or husband and child or children of the deceased, one-half to the widow or husband and the other half to the child or children of the deceased in equal shares;
- (3) Child or children of the deceased (in equal shares) if there is no widow or husband; and
- (4) Parents (in equal shares) if there is no widow, husband, or child.

#### (d) Additional definition of "prisoner of war"; payment of claims; rate allowed; persons entitled to payments

(1) As used in this subsection the term "prisoner of war" means any regularly appointed, en-

rolled, enlisted, or inducted member of the military or naval forces of the United States, who was held a prisoner of war for any period of time subsequent to December 7, 1941, by any government of any nation with which the United States has been at war subsequent to such date.

(2) The Commission is authorized to receive, adjudicate according to law, and to provide for the payment of any claim filed by any prisoner of war for compensation—

(A) for the violations by the enemy government by which he was held as a prisoner of war, or its agents, of such government's obligations under title III, section III, of the Geneva Convention of July 27, 1929, relating to labor of prisoners of war; or

(B) for inhumane treatment by the enemy government by which he was held, or its agents. The term "inhumane treatment" as used herein shall include, but not be limited to, violation by such enemy government, or its agents, of one or more of the provisions of articles 2, 3, 7, 10, 12, 13, 21, 22, 54, 56, or 57, of the Geneva Convention of July 27, 1929.

(3) Compensation shall be allowed to any prisoner of war under this subsection at the rate of \$1.50 per day for each day he was held as a prisoner of war on which he alleges and proves in a manner acceptable to the Commission—

(A) the violation by such enemy government or its agents of the provisions of title III, section III, of the Geneva Convention of July 27, 1929; or

(B) any inhumane treatment as defined herein.

Any claim allowed under the provisions of this subsection shall be certified to the Secretary of the Treasury for payment out of the War Claims Fund established by section 13 of this title [section 2012 of this Appendix]. In no event shall the compensation allowed to any prisoner of war under this subsection exceed the sum of \$1.50 with respect to any one day.

(4) Claims pursuant to subsection (d)(2) shall be paid to the person entitled thereto, or to his legal or natural guardian if he has one, and shall, in case of death of the persons who are entitled be payable only to or for the benefit of the following persons:

(A) widow or husband if there is no child or children of the deceased;

(B) widow or husband and child or children of the deceased, one-half to the widow or husband and the other half to the child or children of the deceased in equal shares;

(C) child or children of the deceased (in equal shares) if there is no widow or husband; and

(D) parents (in equal shares) if there is no widow, husband, or child.

**(e) Extension to Korean War prisoners**

(1) As used in this subsection the term "prisoner of war" means any regularly appointed, enrolled, enlisted, or inducted member of the Armed Forces of the United States who was held as a prisoner of war for any period of time subsequent to June 25, 1950, by any hostile force with which the Armed Forces of the United States were actually engaged in armed conflict subse-

quent to such date and prior to the date of enactment of this subsection [Aug. 21, 1954], or any person (military or civilian) assigned to duty in the U.S.S. Pueblo who was captured by the military forces of North Korea on January 23, 1968, and thereafter held prisoner by the Government of North Korea for any period of time ending on or before December 23, 1968, except any person who, at any time, voluntarily, knowingly, and without duress, gave aid to or collaborated with or in any manner served any such hostile force.

(2) The Commission is authorized to receive and to determine, according to law, the amount and validity, and provide for the payment of any claim filed by any prisoner of war for compensation for the failure of the hostile force by which he was held as a prisoner of war, or its agents, to furnish him the quantity or quality of food prescribed for prisoners of war under the terms of the Geneva Convention of July 27, 1929. The compensation allowed to any prisoner of war under the provisions of this paragraph shall be at the rate of \$1 for each day on which he was held as a prisoner of war and on which such hostile force, or its agents, failed to furnish him such quantity or quality of food.

(3) The Commission is authorized to receive and to determine, according to law, the amount and validity and provide for the payment of any claim filed by any prisoner of war for compensation—

(A) for the failure of the hostile force by which he was held as a prisoner of war, or its agents, to meet the conditions and requirements prescribed under title III, section III, of the Geneva Convention of July 27, 1929, relating to labor of prisoners of war; or

(B) for inhumane treatment by the hostile force by which he was held, or its agents. The term "inhumane treatment" as used herein shall include, but not be limited to, failure of such hostile force, or its agents, to meet the conditions and requirements of one or more of the provisions of articles 2, 3, 7, 10, 12, 13, 21, 22, 54, 56, or 57 of the Geneva Convention of July 27, 1929.

Compensation shall be allowed to any prisoner of war under this paragraph at the rate of \$1.50 per day for each day on which he was held as a prisoner of war and with respect to which he alleges and proves in a manner acceptable to the Commission the failure to meet the conditions and requirements described in subparagraph (A) or the inhumane treatment described in subparagraph (B). In no event shall the compensation allowed to any prisoner of war under this paragraph exceed the sum of \$1.50 with respect to any one day.

(4) Any claim allowed by the Commission under this subsection shall be certified to the Secretary of the Treasury for payment out of funds appropriated pursuant to this subsection and shall be paid by the Secretary of the Treasury to the person entitled thereto, and shall, in case of death or determination of death of the persons who are entitled, be paid only to or for the benefit of the persons specified, and in the order established, by paragraph (4) of subsection (d) of this section.

(5) Each claim filed under this subsection must be filed not later than one year from whichever of the following dates last occurs:



(A) The date of enactment of this subsection [Aug. 21, 1954];

(B) The date the prisoner of war by whom the claim is filed returned to the jurisdiction of the Armed Forces of the United States; or

(C) The date upon which the Department of Defense makes a determination that the prisoner of war has actually died or is presumed to be dead, in the case of any prisoner of war who has not returned to the jurisdiction of the Armed Forces of the United States;

(D) In the case of any person assigned to duty in the U.S.S. Pueblo referred to in paragraph (1) of this subsection, one year after the date of enactment of this subparagraph [June 24, 1970].

The Commission shall complete its determinations with respect to each claim filed under this subsection at the earliest practicable date, but in no event later than one year after the date on which such claim was filed.

(6) Any claim allowed under the provisions of this subsection shall be paid from funds appropriated pursuant to paragraph (7) of this subsection.

(7)(A) There are authorized to be appropriated such amounts as may be necessary to carry out the purposes of this subsection, including necessary administrative expenses.

(B) The Commission shall determine, from time to time, the share of its administrative expenses attributable to the performance of its functions under this subsection and make the appropriate adjustments in its accounts, and determinations and adjustments made pursuant to this subparagraph shall be final and conclusive.

**(f) Vietnam conflict; definitions; authority of Commission; classes of claims; rate of compensation; certification for payment; persons entitled to payments; filing date; determination of claims; fund for payment; appropriations**

(1) As used in this subsection—

(A) the term “Vietnam conflict” relates to the period beginning February 28, 1961, and ending on such date as shall thereafter be determined by Presidential proclamation or concurrent resolution of the Congress; and

(B) the term “prisoner of war” means any regularly appointed, enrolled, enlisted, or inducted member of the Armed Forces of the United States who was held as a prisoner of war for any period of time during the Vietnam conflict by any force hostile to the United States, except any such member who, at any time, voluntarily, knowingly, and without duress, gave aid to collaborated with, or in any manner served, such hostile force.

(2) The Commission is authorized to receive and to determine, according to law, the amount and validity, and provide for the payment of any claim filed by any prisoner of war for compensation for the failure of the hostile force by which he was held as a prisoner of war, or its agents, to furnish him the quantity or quality of food prescribed for prisoners of war under the terms of the Geneva Convention of August 12, 1949. The compensation allowed to any prisoner of war under the provisions of this paragraph shall be

at the rate of \$2 for each day on which he was held as a prisoner of war and on which such hostile force, or its agents, failed to furnish him such quantity or quality of food.

(3) The Commission is authorized to receive and to determine, according to law, the amount and validity and provide for the payment of any claim filed by any prisoner of war for compensation—

(A) for the failure of the hostile force by which he was held as a prisoner of war, or its agents, to meet the conditions and requirements prescribed under chapter VIII, section III, of the Geneva Convention of August 12, 1949, relating to labor of prisoners of war; or

(B) for inhumane treatment by the hostile force by which he was held, or its agents. The term “inhumane treatment” as used in this subparagraph shall include, but not be limited to, failure of such hostile force, or its agents, to meet the conditions and requirements of one or more of the provisions of articles 3, 12, 13, 14, 17, 19, 22, 23, 24, 25, 27, 29, 43, 44, 45, 46, 47, 48, 84, 85, 86, 87, 88, 89, 90, 97, or 98 of the Geneva Convention of August 12, 1949.

Compensation shall be allowed to any prisoner of war under this paragraph at the rate of \$3 per day for each day on which he was held as a prisoner of war and with respect to which he alleges and proves in a manner acceptable to the Commission the failure to meet the conditions and requirements described in subparagraph (A) of this paragraph or the inhumane treatment described in subparagraph (B) of this paragraph. In no event shall the compensation allowed to any prisoner of war under this paragraph exceed the sum of \$3 with respect to any one day.

(4) Any claim allowed by the Commission under this subsection shall be certified to the Secretary of the Treasury for payment out of funds appropriated pursuant to this subsection and shall be paid by the Secretary of the Treasury to the person entitled thereto, and shall, in the case of death or determination of death of the persons who are entitled, be paid only to or for the benefit of the persons specified, and in the order established, by subsection (d)(4) of this section.

(5) Each claim filed under this subsection must be filed not later than three years from whichever of the following dates last occurs:

(A) the date of enactment of this subsection [June 24, 1970];

(B) the date the prisoner of war by whom the claim is filed returned to the jurisdiction of the Armed Forces of the United States; or

(C) the date upon which the Department of Defense makes a determination that the prisoner of war has actually died or is presumed to be dead, in the case of any prisoner of war who has not returned to the jurisdiction of the Armed Forces of the United States.

The Commission shall complete its determinations with respect to each claim filed under this subsection at the earliest practicable date, but in no event later than one year after the date on which such claim was filed.

(6) Any claim allowed under the provisions of this subsection shall be paid from funds appropriated pursuant to paragraph (7) of this subsection.

(7) There are authorized to be appropriated such amounts as may be necessary to carry out the purposes of this subsection, including necessary administrative expenses.

**(g) Manner of payment**

Where any person entitled to payment under this section is under any legal disability, payment may be made in accordance with the provisions of subsection (e) of section 5 [section 2004(e) of this Appendix].

(July 3, 1948, ch. 826, title I, § 6, 62 Stat. 1244; Sept. 30, 1950, ch. 1116, 64 Stat. 1090; Apr. 9, 1952, ch. 167, § 1, 66 Stat. 47; Apr. 9, 1952, ch. 168, § 2, 66 Stat. 49; Aug. 21, 1954, ch. 784, § 2, 68 Stat. 761; Aug. 31, 1954, ch. 1162, title I, § 102(a)(1), 68 Stat. 1034; Pub. L. 87-846, title I, § 102, Oct. 22, 1962, 76 Stat. 1107; Pub. L. 91-289, §§ 1, 2, June 24, 1970, 84 Stat. 323.)

AMENDMENTS

1970—Subsec. (e)(1). Pub. L. 91-289, § 2(1), defined “prisoner of war” to include any person (military or civilian) assigned to duty in the U.S.S. Pueblo who was captured by the military forces of North Korea on January 23, 1968, and thereafter held prisoner by Government of North Korea for any period of time ending on or before December 23, 1968, and substituted “except any person” for “except any such member”.

Subsec. (e)(5)(D). Pub. L. 91-289, § 2(2), added subpar. (D).

Subsecs. (f), (g). Pub. L. 91-289, § 1, added subsec. (f) and redesignated former subsec. (f) as (g).

1962—Pub. L. 87-846 substituted “title” for “Act”.

1954—Subsecs. (c), (d)(4). Act Aug. 31, 1954, § 102(a), struck out “dependent” wherever appearing.

Subsec. (e). Act Aug. 21, 1954, § 2(b), added subsec. (e).

Subsec. (f). Act Apr. 9, 1952, ch. 168, added subsec. as a second subsec. (d) which was redesignated “(f)” by act Aug. 21, 1954, § 2(a).

1952—Subsec. (a). Act Apr. 9, 1952, ch. 167, inserted “subsection (b) of” after “As used in”.

Subsec. (c). Act Apr. 9, 1952, ch. 168, struck out “or to his legal or natural guardian if he has one” after “person entitled thereto”.

Subsec. (d). Act Apr. 9, 1952, ch. 167, added subsec. (d). Another subsec. (d), which was added by act Apr. 9, 1952, ch. 168, was redesignated “(f)”. See 1954 Amendment note above.

1950—Subsec. (c)(4). Act Sept. 30, 1950, removed requirement of dependency upon which parents were entitled to benefits.

TRANSFER OF FUNCTIONS

For provisions transferring Foreign Claims Settlement Commission of the United States to Department of Justice, as a separate agency, see section 1622a et seq. of Title 22, Foreign Relations and Intercourse.

War Claims Commission, including offices of its members, abolished and functions 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 in the Appendix to Title 5, Government Organization and Employees. See, also, section 2001 of this Appendix and notes thereunder.

COMPENSATION FOR PERSONS AWARDED PRISONER OF WAR MEDAL WHO DID NOT PREVIOUSLY RECEIVE COMPENSATION AS PRISONER OF WAR

Pub. L. 104-201, div. A, title VI, § 656, Sept. 23, 1996, 110 Stat. 2584, provided that:

“(a) AUTHORITY TO MAKE PAYMENTS.—The Secretary of the military department concerned shall make payments in the manner provided in section 6 of the War Claims Act of 1948 (50 U.S.C. App. 2005) to (or on behalf of) any person described in subsection (b) who submits

an application for such payment in accordance with subsection (d).

“(b) ELIGIBLE PERSONS.—This section applies with respect to a member or former member of the Armed Forces who—

“(1) has received the prisoner of war medal under section 1128 of title 10, United States Code; and

“(2) has not previously received a payment under section 6 of the War Claims Act of 1948 (50 U.S.C. App. 2005) with respect to the period of internment for which the person received the prisoner of war medal.

“(c) AMOUNT OF PAYMENT.—The amount of the payment to any person under this section shall be determined based upon the provisions of section 6 of the War Claims Act of 1948 that are applicable with respect to the period of time during which the internment occurred for which the person received the prisoner of war medal.

“(d) ONE-YEAR PERIOD FOR SUBMISSION OF APPLICATIONS.—A payment may be made by reason of this section only in the case of a person who submits an application to the Secretary concerned for such payment during the one-year period beginning on the date of the enactment of this Act [Sept. 23, 1996]. Any such application shall be submitted in such form and manner as the Secretary may require.”

FILING DATE FOR CLAIMS OF NEW CLASS OF BENEFICIARIES

Persons entitled to benefits solely by reason of amendments made to this section by section 102(a) of act Aug. 31, 1954, were required to file claims within one year of Aug. 31, 1954, see section 102(c) of act Aug. 31, 1954.

PRIOR BENEFITS AS AFFECTING RIGHTS

Section 102(b) of act Aug. 31, 1954, provided that the amendments to sections 2004(d) and 2005(c), (d)(4) of this Appendix by section 102 of act Aug. 31, 1954, should not apply with respect to benefits paid prior to Aug. 31, 1954.

TIME FOR FILING CLAIMS

Section 3 of act Apr. 9, 1952, ch. 167, as amended by act May 13, 1954, ch. 202, § 1, 68 Stat. 97, provided that claims for compensation under subsec. (d) of this section were to be filed on or before Aug. 1, 1954.

Act May 13, 1954, ch. 202, §§ 2, 3, 68 Stat. 98, provided: “SEC. 2. The amendment made by this Act [amending section 3 of act Apr. 9, 1952, ch. 167, by extending the time for filing claims from one year after April 9, 1952 to August 1, 1954] shall not be construed to extend the life of the War Claims Commission for any period of time.

“SEC. 3. The amendment made by this Act shall take effect as of April 9, 1953.”

**§ 2006. Religious organizations**

**(a) Reimbursement for services furnished members of armed services and American civilians; certification of claims**

The Commission is authorized to receive, adjudicate according to law, and provide for the payment of any claim filed by any religious organization functioning in the Philippine Islands and affiliated with a religious organization in the United States, or by the personnel of any such Philippine organization, for reimbursement of expenditures incurred, or for payment of the fair value of supplies used, by such organization or such personnel for the purpose of furnishing shelter, food, clothing, hospitalization, medicines and medical services, and other relief in the Philippines to members of the armed forces of the United States or to civilian American citizens (as defined in section 5 [section 2004 of

this Appendix]) at any time subsequent to December 6, 1941, and before August 15, 1945. Any claim allowed under the provisions of this section shall be certified to the Secretary of the Treasury for payment out of the War Claims Fund established by section 13 of this title [section 2012 of this Appendix].

**(b) Compensation for loss or damage to real property used in educational, medical, or welfare work**

Any such religious organization or its personnel functioning in the Philippines and affiliated with a religious organization in the United States, which furnished relief in the Philippines to members of the Armed Forces of the United States or to civilian American citizens in accordance with the provisions of subsection (a) shall be compensated from the War Claims Fund, as hereinafter provided, for the loss and damage sustained as a consequence of the war to its schools, colleges, universities, scientific observatories, hospitals, dispensaries, orphanages, and other property or facilities connected with its educational, medical, or welfare work.

**(c) Compensation to replace facilities**

Any such affiliated organization furnishing relief which possessed any interest in, and whose personnel of American citizens substantially composed the administrative staff of, any hospital whose prewar facilities and capacity have not been restored shall be compensated in an amount sufficient to enable such organization to replace the hospital's facilities and capacity equal to that which existed at the time of the outbreak of the war, irrespective of what disposition was made subsequently of the land, buildings, and contents.

**(d) Determination of claims**

Claims filed pursuant to subsection (b) shall be determined and paid upon the basis of postwar cost of replacement which shall be ascertained by the War Claims Commission. In making such determinations the Commission shall utilize but not be limited to the factual information and evidence contained in the records of the Philippine War Damage Commission; the technical advice of experts in the field; the substantiating evidence submitted by the claimants; and any other technical and legal means by which fair and equitable postwar replacement costs shall be determined.

**(e) Investigation; determination of replacement costs; basis used**

The Commission is authorized and directed to proceed at once with the necessary investigation, study, and establishment of procedures in order to determine the replacement costs of the claims to be filed under subsections (b) and (c), using as a basis for beginning such investigation and study the evidence contained in the claims of those religious organizations or their personnel which have already filed and are eligible to be paid under the terms of subsection (a) of this section.

**(f) Filing of claims; adjudication; place and use of payments**

All claims under subsections (b) and (c) must be filed on or before October 1, 1952; and not

later than March 31, 1953, the Commission shall adjudicate according to law and provide for the payment of any claim filed pursuant to this section. In any case in which any money is payable as a result of subsections (b) and (c) to a religious organization or its personnel functioning in the Philippines, such money shall be paid upon request of such organization to its affiliate in the United States: *Provided*, That all money thus paid to such affiliated religious organization in the United States shall be used by such affiliate for the purpose of restoring the educational, medical, and welfare facilities described in subsections (b) and (c) and located in the Philippines.

**(g) Claims of internees and prisoners of war unaffected**

The Commission shall expedite the payments under this section without reducing payment of claims of American civilian internees and prisoners of war filed before March 31, 1953, pursuant to the provisions of sections 5 and 6 of this title [sections 2004 and 2005 of this Appendix].

**(h) Denominational organizations**

(1) Any religious organization functioning in the Philippines and of the same denomination as a religious organization functioning in the United States which furnished relief (as described, and during the period designated, in subsection (a) of this section) in the Philippines to members of the Armed Forces of the United States or to civilian American citizens shall be compensated from the War Claims Fund (A) for expenditures incurred, or for payment of the fair value of supplies used by such organization, for the purpose of furnishing such relief and (B) for loss and damage sustained as a consequence of the war to its schools, colleges, universities, scientific observatories, hospitals, dispensaries, orphanages, and other property or facilities connected with its educational, medical, or welfare work. No payments shall be made to any organization under this subsection if such organization has received an award under subsection (a) or (b) of this section, and no payments shall be made to any organization pursuant to clause (B) of this paragraph unless such organization has received an award for war damages from the Philippine War Damage Commission under the provisions of the Philippine Rehabilitation Act of 1946, as amended [sections 1751 to 1806 of this Appendix].

(2) The Commission is authorized to receive, determine according to law, and provide for the payment of claims filed under this subsection. Each claim allowed by the Commission under this subsection shall be certified to the Secretary of the Treasury for payment out of the War Claims Fund. All payments under this subsection shall be made to an organization or individual in the United States designated by the claimant, and, in the case of claims under clause (B) of paragraph (1) of this subsection such payments shall be used for the purpose of restoring the educational, medical, and welfare facilities described in such clause.

(3) Claims for benefits under this subsection must be filed within six months after the date of enactment of this subsection [Aug. 6, 1956]. The Commission shall complete its determination

with respect to each claim filed under this subsection at the earliest practicable date, but in no event later than one year after the date on which such claim was filed.

(4) Claims filed pursuant to clause (B) of paragraph (1) of this subsection shall be determined and paid upon the basis of postwar cost of replacement for the twelve-month period ending October 1, 1952, as ascertained by the Commission.

(July 3, 1948, ch. 826, title I, § 7, 62 Stat. 1245; Apr. 9, 1952, ch. 167, § 2, 66 Stat. 48; Aug. 6, 1956, ch. 985, 70 Stat. 1063; Pub. L. 87-846, title I, § 102, Oct. 22, 1962, 76 Stat. 1107.)

#### AMENDMENTS

1962—Pub. L. 87-846 substituted “title” for “Act”.  
1956—Subsec. (h). Act Aug. 6, 1956, added subsec. (h).  
1952—Subsec. (a). Subsec. constituted entire section prior to amendment by act Apr. 9, 1952.

Subsecs. (b) to (g). Act Apr. 9, 1952, added subsecs. (b) to (g).

#### TRANSFER OF FUNCTIONS

For provisions transferring Foreign Claims Settlement Commission of the United States to Department of Justice, as a separate agency, see section 1622a et seq. of Title 22, Foreign Relations and Intercourse.

War Claims Commission, including offices of its members, abolished and functions 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 in the Appendix to Title 5, Government Organization and Employees. See, also, section 2001 of this Appendix and notes thereunder.

#### TERMINATION OF PHILIPPINE WAR DAMAGE COMMISSION

The Philippine War Damage Commission established by section 1751 of this Appendix terminated under the provisions of subsec. (d) of section 1751 which provided for the winding up of the Commission's affairs not later than two years after expiration of time for filing claims under former sections 1751 to 1763 of this Appendix if possible but in no event later than Apr. 30, 1951.

### § 2007. Commission's report on personal injury and property claims to President; findings; recommendations; public property; legislative effect

(a) The Commission shall inquire into and report to the President, for submission of such report to the Congress on or before March 31, 1950, with respect to war claims arising out of World War II, other than claims which may be received and adjudicated under the preceding sections of this Act [sections 2001 to 2006 of this Appendix], and shall present in such report its findings on—

(1) the estimated number and amount of such claims, classified by types and categories; and

(2) the extent to which such claims have been or may be satisfied under international agreements or domestic or foreign laws.

(b) The report of the Commission shall contain recommendations with respect to—

(1) categories and types of claims, if any, which should be received and considered and the legal and equitable bases therefor;

(2) the administrative method by which such claims should be considered, and any priorities or limitations which should be applicable; and

(3) any limitations which should be applied to the allowance and payment of fees in connection with such claims.

(c) The Commission shall include in such report—

(1) such other recommendations as it deems appropriate; and

(2) such proposals for legislation as it deems appropriate for carrying out the recommendations made in such report.

(d) Such report, with accompanying evidence, shall be printed as a public document when received by the Congress.

(e) Nothing in this section shall be deemed to imply that the Congress will enact legislation—

(1) adopting any recommendations made under this section with respect to the consideration or payment of any type of claim; or

(2) making any moneys, including moneys remaining in the war claims fund after the making of payments from such fund provided for by this title [sections 2001 to 2016 of this Appendix], available for the payment of such claims.

(July 3, 1948, ch. 826, title I, § 8, 62 Stat. 1245; May 27, 1949, ch. 145, § 1(2), 63 Stat. 112; Pub. L. 87-846, title I, § 102, Oct. 22, 1962, 76 Stat. 1107.)

#### AMENDMENTS

1962—Pub. L. 87-846 substituted “title” for “Act”.

1949—Subsec. (a). Act May 27, 1949, extended until March 31, 1950, time within which Commission is required to file its reports and recommendations.

#### TRANSFER OF FUNCTIONS

For provisions transferring Foreign Claims Settlement Commission of the United States to Department of Justice, as a separate agency, see section 1622a et seq. of Title 22, Foreign Relations and Intercourse.

War Claims Commission, including offices of its members, abolished and functions 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 in the Appendix to Title 5, Government Organization and Employees. See, also, section 2001 of this Appendix and notes thereunder.

### § 2008. Reports to Congress

Not later than six months after its organization, and every six months thereafter, the Commission shall make a report to the Congress concerning its operations under this title [sections 2001 to 2016 of this Appendix].

(July 3, 1948, ch. 826, title I, § 9, 62 Stat. 1246; Pub. L. 87-846, title I, § 102, Oct. 22, 1962, 76 Stat. 1107.)

#### ANNUAL SUBMISSION OF REPORTS

*Pub. L. 89-348, § 2(6), Nov. 8, 1965, 79 Stat. 1312, modified the provisions of this section, beginning Jan. 1, 1967, to require annual instead of semiannual submission to Congress by Foreign Claims Settlement Commission of report concerning its operations under War Claims Act of 1948.*

#### AMENDMENTS

1962—Pub. L. 87-846 substituted “title” for “Act”.

#### TRANSFER OF FUNCTIONS

For provisions transferring Foreign Claims Settlement Commission of the United States to Department of Justice, as a separate agency, see section 1622a et seq. of Title 22, Foreign Relations and Intercourse.

War Claims Commission, including offices of its members, abolished and functions 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 in the Appendix to Title 5, Government Organization and Employees. See, also, section 2001 of this Appendix and notes thereunder.

MALNUTRITION STUDY; DEFINITIONS; REPORT TO CONGRESS

Act Aug. 31, 1954, ch. 1162, title II, §§201-203, 68 Stat. 1037, defined terms "prisoner of war" and "civilian American citizen" and directed Secretary of Health, Education, and Welfare to conduct malnutrition study and report results thereof, not later than Aug. 31, 1955, to President for transmittal to Congress.

**§ 2009. Fee limitation for representing claimants; penalties**

No remuneration on account of services rendered or to be rendered to or on behalf of any claimant in connection with any claim filed with the administering agency under this title [sections 2001 to 2016 of this Appendix] shall exceed 10 per centum (or such lesser per centum as may be fixed by the administering agency with respect to any class of claims) of the amount allowed by the administering agency on account of such claim. Any agreement to the contrary shall be unlawful and void. Whoever, in the United States or elsewhere, pays or offers to pay, or promises, to pay, or receives, on account of services rendered or to be rendered in connection with any such claim, any remuneration in excess of the maximum permitted by this section, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not more than \$5,000 or imprisoned not more than twelve months, or both, and, if any such payment shall have been made or granted, the administering agency shall take such action as may be necessary to recover the same, and, in addition thereto any such claimant shall forfeit all rights under this title [said sections].

(July 3, 1948, ch. 826, title I, §10, 62 Stat. 1246; Pub. L. 87-846, title I, §102, Oct. 22, 1962, 76 Stat. 1107.)

AMENDMENTS

1962—Pub. L. 87-846 substituted "title" for "Act".

TRANSFER OF FUNCTIONS

For provisions transferring Foreign Claims Settlement Commission of the United States to Department of Justice, as a separate agency, see section 1622a et seq. of Title 22, Foreign Relations and Intercourse.

War Claims Commission, including offices of its members, abolished and functions 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 in the Appendix to Title 5, Government Organization and Employees. See, also, section 2001 of this Appendix and notes thereunder.

**§ 2010. Hearings on claims; finality of decision**

The Commission shall notify all claimants of the approval or denial of their claims, and, if approved, shall notify such claimants of the amount for which such claims are approved. Any claimant whose claim is denied, or is approved for less than the full allowable amount of such

claim, shall be entitled, under such regulations as the Commission may prescribe, to a hearing before the Commission or its representatives with respect to such claim. Upon such hearing, the Commission may affirm, modify, or revise its former action with respect to such claim, including a denial or reduction in the amount theretofore allowed with respect to such claim. The action of the Commission in allowing or denying any claim under this title [sections 2001 to 2016 of this Appendix] 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 is authorized and directed to allow credit in the accounts of any certifying or disbursing officer for payments in accordance with such action.

(July 3, 1948, ch. 826, title I, §11, 62 Stat. 1246; Pub. L. 87-846, title I, §102, Oct. 22, 1962, 76 Stat. 1107.)

AMENDMENTS

1962—Pub. L. 87-846 substituted "title" for "Act".

TRANSFER OF FUNCTIONS

For provisions transferring Foreign Claims Settlement Commission of the United States to Department of Justice, as a separate agency, see section 1622a et seq. of Title 22, Foreign Relations and Intercourse.

War Claims Commission, including offices of its members, abolished and functions transferred to Foreign Claims Settlement Commission of the United States by 68 Reorg. Plan No. 1 of 1954, §§2, 4, eff. July 1, 1954, 19 F.R. 3985, 68 Stat. 1279, set out in the Appendix to Title 5, Government Organization and Employees. See, also, section 2001 of this Appendix and notes thereunder.

**§ 2011. Omitted**

CODIFICATION

Section, act July 3, 1948, ch. 826, title I, §12, 62 Stat. 1246, enacted section 39 of this Appendix.

**§ 2012. War Claims Fund**

**(a) Composition; expenditure**

There is hereby created on the books of the Treasury of the United States a trust fund to be known as the War Claims Fund. The War Claims Fund shall consist of all sums covered into the Treasury pursuant to the provisions of section 39 of the Trading With the Enemy Act of October 6, 1917, as amended [section 39 of this Appendix]. The moneys in such fund shall be available for expenditure only as provided in this Act [sections 2001 to 2017p of this Appendix] or as may be provided hereafter by the Congress.

**(b) Estimation and certification to Treasury of total amount necessary under section 2004(f)**

Before August 1, 1956, the Secretary of Labor shall estimate and report to the President the total amount which will be required to pay all benefits payable by reason of section 5(f) of this title [section 2004(f) of this Appendix]. If the President approves the amount so estimated as reasonably accurate, the total amount so estimated and approved shall be certified to the Secretary of the Treasury; if the President does not so approve he shall determine such amount, and the amount so determined shall be certified

to the Secretary of the Treasury. Such certification shall be made on or before September 1, 1956. The Secretary of the Treasury shall then transfer from the War Claims Fund to the general fund of the Treasury a sum equal to the total amount certified to him under this subsection.

**(c) Estimation and certification to Treasury of total amount necessary under section 2003(c)**

Before August 1, 1956, the Secretary of Labor shall estimate and report to the President the total amount which will be required to pay all additional benefits payable as a result of the enactment of section 4(c) of this title [section 2003(c) of this Appendix]. If the President approves the amount so estimated as reasonably accurate, the total amount so estimated and approved shall be certified to the Secretary of the Treasury; if the President does not so approve, he shall determine such amount, and the amount so determined shall be certified to the Secretary of the Treasury. Such certification shall be made on or before September 1, 1956. The Secretary of the Treasury shall then transfer from the War Claims Fund to the general fund of the Treasury a sum equal to the total amount certified to him under this subsection.

**(d) Certification to Treasury of total canceled obligations under section 2003(b)(1)**

On or before August 1, 1956, the Secretary of State is authorized and directed to certify to the Secretary of the Treasury the total amount of all obligations canceled pursuant to the provisions of section 4(b)(1) of this title [section 2003(b)(1) of this Appendix]. The Secretary of the Treasury shall transfer from the war claims fund to the general fund of the Treasury an amount equal to the total amount so certified.

**(e) Authorization of appropriations for Commission's work**

There are hereby authorized to be appropriated, out of any money in the war claims fund, such sums as may be necessary to enable the Commission to carry out its functions under this title [sections 2001 to 2016 of this Appendix].

(July 3, 1948, ch. 826, title I, §13, 62 Stat. 1247; 1950 Reorg. Plan No. 19, §1, eff. May 24, 1950, 15 F.R. 3178, 64 Stat. 1271; Aug. 31, 1954, ch. 1162, title I, §104, 68 Stat. 1036; Pub. L. 87-846, title I, §102, Oct. 22, 1962, 76 Stat. 1107.)

REFERENCES IN TEXT

Section 4(c) of this title, referred to in subsec. (c), which amended section 1702 of Title 42, The Public Health and Welfare, was classified to section 2003(c) of this Appendix, and was omitted from the Code.

AMENDMENTS

1962—Subsecs. (b) to (e). Pub. L. 87-846 substituted “title” for “Act”.

1954—Subsec. (b). Act Aug. 31, 1954, §104(a), provided that President may approve or disapprove of Secretary of Labor's estimate, and if he disapproves he shall estimate total amount of claims under section 2004(f) of this Appendix, and provided that all transfers which are to be made from the War Claims Fund to the Treasury general fund shall be made before Aug. 1, 1956.

Subsec. (c). Act Aug. 31, 1954, §104(a), provided that President may approve or disapprove Secretary of Labor's estimate, and if he disapproves he shall estimate

total amount of claims under section 2003 (c) of this Appendix, and provided that all transfers which are to be made from War Claims Fund to Treasury general fund shall be made before Aug. 1, 1956.

Subsec. (d). Act Aug. 31, 1954, §104(b), inserted “on or before August 1, 1956” before “Secretary of State”.

TRANSFER OF FUNCTIONS

“Secretary of Labor” substituted for “Federal Security Administrator” in subsecs. (b) and (c) pursuant to Reorg. Plan No. 19 of 1950, §1, eff. May 24, 1950, 15 F.R. 3178, 64 Stat. 1271, set out in the Appendix to Title 5, Government Organization and Employees, which transferred functions of Federal Security Administrator and Federal Security Agency under this section to Secretary of Labor with power to delegate.

For provisions transferring Foreign Claims Settlement Commission of the United States to Department of Justice, as a separate agency, see section 1622a et seq. of Title 22, Foreign Relations and Intercourse.

War Claims Commission, including offices of its members, abolished and functions 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 in the Appendix to Title 5, Government Organization and Employees. See, also, section 2001 of this Appendix and notes thereunder.

**§ 2012a. Omitted**

CODIFICATION

Section, act June 29, 1955, ch. 226, title I, 69 Stat. 195, which placed a limitation on funds used for payment of claims, was from the General Government Matters Appropriation Act, 1956, and was not repeated in subsequent appropriation acts. Similar provisions were contained in the following prior appropriation acts:

1954—June 24, 1954, ch. 359, title I, 68 Stat. 293.

1953—July 31, 1953, ch. 302, title I, 67 Stat. 312.

1952—July 5, 1952, ch. 578, title I, 66 Stat. 410.

1951—Aug. 31, 1951, ch. 376, title I, 65 Stat. 282.

1950—Sept. 6, 1950, ch. 896, Ch. VIII, title I, 64 Stat. 720.

**§ 2013. Payments to certain members of religious orders**

In any case in which any money is payable as a result of the enactment of this title [sections 2001 to 2016 of this Appendix] to any person who is prevented from accepting such money by the rules, regulations, or customs of the church or the religious order or organization of which he is a member, such money shall be paid, upon the request of such person, to such church or to such religious order or organization.

(July 3, 1948, ch. 826, title I, §14, 62 Stat. 1247; Pub. L. 87-846, title I, §102, Oct. 22, 1962, 76 Stat. 1107.)

AMENDMENTS

1962—Pub. L. 87-846 substituted “title” for “Act”.

TRANSFER OF FUNCTIONS

For provisions transferring Foreign Claims Settlement Commission of the United States to Department of Justice, as a separate agency, see section 1622a et seq. of Title 22, Foreign Relations and Intercourse.

War Claims Commission, 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 in the Appendix to Title 5, Government Organization and Employees. See, also, section 2001 of this Appendix and notes thereunder.

**§ 2014. United States citizens serving in allied forces**

**(a) Right to compensation**

The Commission is authorized to receive and to determine, according to law, the amount and validity, and provide for the payment of any claim for compensation filed by or on behalf of any individual who, being then an American citizen, served in the military or naval forces of any government allied with the United States during World War II who was held as a prisoner of war for any period of time subsequent to December 7, 1941, by any government of any nation with which such allied government has been at war subsequent to such date. Compensation shall be payable under this section in accordance with the standards established by, and at the rates prescribed in, subsection (b) of section 6 of this title [section 2005(b) of this Appendix], and paragraphs (2) and (3) of subsection (d) of such section 6 [section 2005(d) (2), (3) of this Appendix].

**(b) Deductions**

The amount payable under this section shall be reduced by such sum as the individual entitled to compensation under this section has received or is entitled to receive from any government by reason of the same detention.

**(c) Payments on death**

In the event of death of the individual entitled to compensation under this section, payment may be made to the persons specified in paragraph (4) of subsection (d) of section 6 of this title [section 2005(d)(4) of this Appendix].

**(d) Filing date for claims**

Claims for benefits under this section must be filed within one year after the date of enactment of this section [Aug. 31, 1954].

**(e) Certification of claim for payment**

Any claim allowed under the provisions of this section shall be certified to the Secretary of the Treasury for payment out of the War Claims Fund established by section 13 of this title [section 2012 of this Appendix].

(July 3, 1948, ch. 826, title I, § 15, as added Aug. 31, 1954, ch. 1162, title I, § 103, 68 Stat. 1034; amended Pub. L. 87-846, title I, § 102, Oct. 22, 1962, 76 Stat. 1107.)

AMENDMENTS

1962—Pub. L. 87-846 substituted “title” for “Act”.

TRANSFER OF FUNCTIONS

For provisions transferring Foreign Claims Settlement Commission of the United States to Department of Justice, as a separate agency, see section 1622a et seq. of Title 22, Foreign Relations and Intercourse.

**§ 2015. Detention benefits to merchant seamen**

**(a) “Merchant seaman” defined**

As used in this section, the term “merchant seaman” means any individual who was employed as a seaman or crew member on any vessel registered under the laws of the United States, or under the laws of any government friendly to the United States during World War II, and who was a citizen of the United States on

and after December 7, 1941, to the date of his death or the date of filing claim under this section; except any such individual who is entitled to, or who has received, benefits under section 5 of this title [section 2004 of this Appendix] as a “civilian American citizen”.

**(b) Determination of claim; rate of payment**

The Commission is authorized to receive and determine, according to law, the amount and validity, and provide for the payment of any claim for detention benefits filed by or on behalf of any merchant seaman who, being then a merchant seaman, was captured or interned or held by the Government of Germany or the Imperial Japanese Government, its agent or instrumentalities in World War II for any period of time subsequent to December 7, 1941, during which he was held by either such government as a prisoner, internee, hostage, or in any other capacity. Detention benefits shall be paid under this section at the rates prescribed and in the manner provided in subsections (c) and (d) of section 5 of this title [section 2004(c), (d) of this Appendix].

**(c) Collaborationists excluded**

Payment of any claim filed under this section shall not be made to any merchant seaman, or to any survivor or survivors thereof, 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.

**(d) Time of filing claim**

Claims for benefits under this section must be filed within one year after the date of enactment of this section [Aug. 31, 1954].

**(e) Certification of claim for payment**

Any claim allowed under the provisions of this section shall be certified to the Secretary of the Treasury for payment out of the War Claims Fund established by section 13 of this title [section 2012 of this Appendix].

(July 3, 1948, ch. 826, title I, § 16, as added Aug. 31, 1954, ch. 1162, title I, § 103, 68 Stat. 1034; amended Pub. L. 87-846, title I, § 102, Oct. 22, 1962, 76 Stat. 1107.)

AMENDMENTS

1962—Pub. L. 87-846 substituted “title” for “Act”.

TRANSFER OF FUNCTIONS

For provisions transferring Foreign Claims Settlement Commission of the United States to Department of Justice, as a separate agency, see section 1622a et seq. of Title 22, Foreign Relations and Intercourse.

**§ 2016. Philippines**

**(a) Losses by individual from sequestered credits; loss by banks or other financial institutions**

(1) The Commission is authorized to receive and to determine, according to law, the amount and validity, and provide for the payment of any claim filed by—

(A) any individual who—

(i) on or after December 7, 1941, was a member of the military or naval forces of the United States;

(ii) is the survivor of any deceased individual described in subparagraph (i);

(iii) was a national of the United States on December 7, 1941, and is a national of the United States on the date of enactment of this section [Aug. 31, 1954]; or

(iv) is the survivor of any deceased individual who was a national of the United States on December 7, 1941, and would be a national of the United States on the date of enactment of this section [Aug. 31, 1954] if living; or

(B) any partnership, firm, corporation, or other legal entity, in which more than 50 per centum of the ownership was vested, directly or indirectly, both on December 7, 1941, and on the date of enactment of this section [Aug. 31, 1954], in individuals referred to in subparagraph (A) of this paragraph;

for losses arising as a result of the sequestration of accounts, deposits, or other credits of such individual or legal entity in the Philippines by the Imperial Japanese Government.

(2) The Commission is authorized to receive and to determine, according to law, the amount and validity, and provide for the payment of any claim filed by any bank or other financial institution doing business in the Philippines which reestablished sequestered accounts, deposits, or other credits of—

(A) any individual referred to in subparagraph (A) of paragraph (1) of this subsection; or

(B) any partnership, firm, corporation, or other legal entity, in which more than 50 per centum of the ownership was vested, directly or indirectly, both on December 7, 1941, and on the date of reestablishment of such sequestered credits, in individuals referred to in such subparagraph (A);

for reimbursement of the amounts of such sequestered credits paid by such bank or financial institution.

**(b) Filing date for claims**

Claims must be filed under this section within one year after the date of enactment of this section [Aug. 31, 1954].

**(c) Death or legal disability as affecting payments**

Where any individual entitled to payment under this section is under any legal disability, payment may be made in accordance with the provisions of subsection (e) of section 5 of this title [section 2004(e) of this Appendix]. In the case of the death of any individual entitled to payment of any claim under this section, payment of such claim shall be made to the individuals specified, and in the order provided, in subsection (d) of section 6 of this title [section 2005(d) of this Appendix]; except that no payment shall be made under this section to any individual 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.

**(d) Certification of claims for payment**

Each claim allowed under this section shall be certified to the Secretary of the Treasury for

payment out of the War Claims Fund established under section 13 of this title [section 2012 of this Appendix]. The Secretary of the Treasury shall pay such claims as follows:

(1) In the case of each claim allowed in an amount equal to or less than \$500, such claim shall be paid in full; and

(2) In the case of each claim allowed in an amount greater than \$500, such claim shall be paid in two installments. The first installment shall be paid in an amount equal to \$500 plus 66⅔ per centum of the amount of such claim allowed in excess of \$500. The last installment shall be computed as of September 1, 1956, under the next sentence of this paragraph, and, as so computed, shall be paid from the sums remaining in the War Claims Fund on that date. If the sums remaining in the War Claims Fund on September 1, 1956, are sufficient to satisfy all claims allowed under this section and not paid in full, the unpaid portion of each such claim shall be paid in full; if the sums remaining in the War Claims Fund on September 1, 1956, are not sufficient to satisfy all claims allowed under this section and not paid in full, the last installment payable on each such claim shall be reduced ratably, and, as so reduced, shall be paid from the War Claims Fund.

(July 3, 1948, ch. 826, title I, §17, as added Aug. 31, 1954, ch. 1162, title I, §103, 68 Stat. 1035; amended Pub. L. 87-846, title I, §102, Oct. 22, 1962, 76 Stat. 1107.)

AMENDMENTS

1962—Pub. L. 87-846 substituted “title” for “Act”.

TRANSFER OF FUNCTIONS

For provisions transferring Foreign Claims Settlement Commission of the United States to Department of Justice, as a separate agency, see section 1622a et seq. of Title 22, Foreign Relations and Intercourse.

TITLE II

TITLE II OF ACT

Section 103 of Pub. L. 87-846, Oct. 22, 1962, 76 Stat. 1107, added sections 201 to 217 of act July 3, 1948, as amended [sections 2017 to 2017p of this Appendix], as title II.

**§ 2017. Definitions**

As used in this title [sections 2017 to 2017p of this Appendix] the term or terms—

(a) “Albania”, “Austria”, “Czechoslovakia”, “the Free Territory of Danzig”, “Estonia”, “Germany”, “Greece”, “Latvia”, “Lithuania”, “Poland”, and “Yugoslavia”, when used in their respective geographical senses, mean the territorial limits of each such country or free territory, as the case may be, in continental Europe as such limits existed on December 1, 1937.

(b) “Commission” means the Foreign Claims Settlement Commission of the United States established pursuant to Reorganization Plan Numbered 1 of 1954 (68 Stat. 1279).

(c) “National of the United States” means (1) a natural person who is a citizen of the United States, (2) a natural person who, though not a citizen of the United States, owes permanent allegiance to the United States, and (3) a corpora-



tion, partnership, unincorporated body, or other entity, organized under the laws of the United States, or of any State, the Commonwealth of Puerto Rico, the District of Columbia, or any possession of the United States and in which more than 50 per centum of the outstanding capital stock or other proprietary or similar interest is owned, directly or indirectly, by persons referred to in clauses (1) and (2) of this subsection. It does not include aliens.

(d) “Property” means real property and such items of tangible personalty as can be identified and evaluated.

(July 3, 1948, ch. 826, title II, § 201, as added Pub. L. 87-846, title I, § 103, Oct. 22, 1962, 76 Stat. 1107.)

#### REFERENCES IN TEXT

Reorganization Plan Numbered 1 of 1954 (68 Stat. 1279), referred to in subsec. (b), is set out in the Appendix to Title 5, Government Organization and Employees.

#### SEPARABILITY

Pub. L. 87-846, title III, § 301, Oct. 22, 1962, 76 Stat. 1117, provided that: “If any provision of this Act [enacting sections 41, 42, and 2017 to 2017p of this Appendix, amending sections 9, 32, 33, 39, 2001, 2003 to 2010, 2012, and 2013 to 2016 of this Appendix, and exacting provisions set out as notes under this section and section 2001 of this Appendix], or the application thereof to any person or circumstances, shall be held invalid, the remainder of this Act, or the application of such provisions to other persons or circumstances, shall not be affected.”

#### TRANSFER OF FUNCTIONS

For provisions transferring Foreign Claims Settlement Commission of the United States to Department of Justice, as a separate agency, see section 1622a et seq. of Title 22, Foreign Relations and Intercourse.

### § 2017a. Claims authorized

The Commission is directed to receive and to determine according to the provisions of this title [sections 2017 to 2017p of this Appendix] the validity and amount of claims of nationals of the United States for—

(a) loss or destruction of, or physical damage to, property located in Albania, Austria, Czechoslovakia, the Free Territory of Danzig, Estonia, Germany, Greece, Latvia, Lithuania, Poland, or Yugoslavia, or in territory which was part of Hungary or Rumania on December 1, 1937, but which was not included in such countries on September 15, 1947, which loss, destruction, or physical damage occurred during the period beginning September 1, 1939, and ending May 8, 1945, or which occurred in the period beginning July 1, 1937, and ending September 2, 1945, to property in territory occupied or attacked by the Imperial Japanese military forces (including territory to which Japan has renounced all right, title, and claim under article 2 of the Treaty of Peace Between the Allied Powers and Japan) except the island of Guam: *Provided*, That claims for loss, destruction, or damage occurring in the Commonwealth of the Philippines shall not be allowed except on behalf of nationals of the United States who have received no payment, and certify under oath or affirmation that they have received no payment, on account of

the same loss, destruction, or damage under the Philippine Rehabilitation Act of 1946 [sections 1751 to 1806 of this Appendix], whether or not claim was filed thereunder: *Provided further*, That such loss, destruction, or damage must have occurred, as a direct consequence of (1) military operations of war or (2) special measures directed against property in such countries or territories during the respective periods specified, because of the enemy or alleged enemy character of the owner, which property was owned, directly or indirectly, by a national of the United States at the time of such loss, damage or destruction;

(b) damage to, or loss or destruction of, ships or ship cargoes directly or indirectly owned by a national of the United States at the time such damage, loss, or destruction occurred, which was a direct consequence of military action by Germany or Japan during the period beginning September 1, 1939, and ending September 2, 1945; no award shall be made under this subsection in favor of any insurer or reinsurer as assignee or otherwise as successor in interest to the right of the insured;

(c) net losses under war-risk insurance or reinsurance policies or contracts, incurred in the settlement of claims for insured losses of ships directly or indirectly owned by a national of the United States at the time of the loss, damage, or destruction of such ships and at the time of the settlement of such claims, which insured losses were a direct consequence of military action by Germany or Japan during the period beginning September 1, 1939, and ending September 2, 1945; such net losses shall be determined by deducting from the aggregate of all payments made in the settlement of such insured losses the aggregate of the net amounts received by any such insurance companies on all policies of contracts of war-risk insurance or reinsurance on ships under which the insured was a national of the United States, after deducting expenses; and

(d) loss or damage on account of—

(1) the death of any person who, being then a civilian national of the United States and a passenger on any vessel engaged in commerce on the high seas, died or was killed as a result of military action by Germany or Japan which occurred during the period beginning September 1, 1939, and ending December 11, 1941; awards under this paragraph shall be made only to or for the benefit of the following persons in the order of priority named:

(A) widow or husband if there is no child or children of the deceased;

(B) widow or husband and child or children of the deceased, one-half to the widow or husband and the other half to the child or children of the deceased in equal shares;

(C) child or children of the deceased (in equal shares) if there is no widow or husband; and

(D) parents of the deceased (in equal shares) if there is no widow, husband, or child;

(2) injury or permanent disability sustained by any person, who being then a civilian national of the United States and a pas-

senger on any vessel engaged in commerce on the high seas, was injured or permanently disabled as a result of military action by Germany or Japan which occurred during the period beginning September 1, 1939, and ending December 11, 1941; awards under this paragraph shall be payable solely to the person so injured or disabled;

(3) the loss or destruction, as a result of such action, of property on such vessel, as determined by the Commission to be reasonable, useful, necessary, or proper under the circumstances, which property was owned by any civilian national of the United States who was then a passenger on such vessel; and in the case of the death of any person suffering such loss, awards under this paragraph shall be made only to or for the benefit of the persons designated in paragraph (1) of this subsection and in the order of priority named therein.

(July 3, 1948, ch. 826, title II, §202, as added Pub. L. 87-846, title I, §103, Oct. 22, 1962, 76 Stat. 1107.)

#### § 2017b. Transfers and assignments

The transfer or assignment for value of any property forming the subject matter of a claim under subsection (a) or (b) of section 202 [section 2017a of this Appendix] subsequent to its damage, loss, or destruction shall not operate to extinguish any claim of the transferor otherwise compensable under either of such subsections. If a claim which could otherwise be allowed under subsection (a) or (b) of section 202 [section 2017a of this Appendix] has been assigned for value prior to the enactment of this title [Oct. 22, 1962], the assignee shall be the party entitled to claim thereunder.

(July 3, 1948, ch. 826, title II, §203, as added Pub. L. 87-846, title I, §103, Oct. 22, 1962, 76 Stat. 1109.)

#### § 2017c. Nationality of claimants

No claim shall be allowed under subsection (a), (b), or (c) of section 202 of this title [section 2017a of this Appendix] unless the property upon which it is based was owned by a national or nationals of the United States on the date of loss, damage, or destruction and unless the claim was owned by a national or nationals of the United States continuously thereafter until the date of filing with the Commission pursuant to this title [sections 2017 to 2017p of this Appendix]. Where any person who lost United States citizenship solely by reason of marriage to a citizen or subject of a foreign country reacquired such citizenship before the date of enactment of this title [Oct. 22, 1962], then if such individual, but for such marriage would have been a national of the United States at all times on and after the date of such loss, damage, or destruction until the filing of the claim, such individual shall be treated for all purposes of this title [sections 2017 to 2017p of this Appendix] as having been a national of the United States at all such times.

(July 3, 1948, ch. 826, title II, §204, as added Pub. L. 87-846, title I, §103, Oct. 22, 1962, 76 Stat. 1109.)

#### § 2017d. Claims of stockholders

(a) A claim under section 202 of this title [section 2017a of this Appendix] based upon an own-

ership interest in any corporation, association, or other entity which is a national of the United States shall be denied.

(b) A claim under section 202 of this title [section 2017a of this Appendix], based upon a direct ownership interest in a corporation, association, or other entity which suffered a loss within the meaning of said section, shall be allowed, subject to other provisions of this title [sections 2017 to 2017p of this Appendix], if such corporation, association, or other entity on the date of the loss was not a national of the United States, without regard to the per centum of ownership vested in the claimant in any such claim.

(c) A claim under section 202 of this title [section 2017a of this Appendix], based upon an indirect ownership interest in a corporation, association, or other entity which suffered a loss within the meaning of said section, shall be allowed, subject to other provisions of this title [sections 2017 to 2017p of this Appendix], only if at least 25 per centum of the entire ownership interest thereof at the time of such loss was vested in nationals of the United States.

(d) Any award on a claim under subsection (b) or (c) of this section shall be calculated on the basis of the total loss suffered by such corporation, association, or other entity, and shall bear the same proportion to such loss as the ownership interest of the claimant bears to the entire ownership interest thereof.

(July 3, 1948, ch. 826, title II, §205, as added Pub. L. 87-846, title I, §103, Oct. 22, 1962, 76 Stat. 1109.)

#### § 2017e. Deductions in making awards

(a) In determining the amount of any award there shall be deducted all amounts the claimant has received on account of the same loss or losses with respect to which an award is made under this title [sections 2017 to 2017p of this Appendix].

(b) Each claim in excess of \$10,000 filed under this title [sections 2017 to 2017p of this Appendix] by a corporation shall include a statement under oath disclosing the aggregate amount of Federal tax benefits derived by such corporation in any prior taxable year or years resulting from any deduction or deductions claimed for the loss or losses with respect to which such claim is filed. In determining the amount of any award where the allowable loss exceeds \$10,000 there shall be deducted an amount equal to the aggregate amount of Federal tax benefits so derived by the claimant. For the purposes of this subsection, such Federal tax benefits shall be the aggregate of the amounts by which the claimant's taxes for such year or years under chapters 1, 2A, 2B, 2D, and 2E of the Internal Revenue Code of 1939, or subtitle A of the Internal Revenue Code of 1986 [26 U.S.C. 1 et seq.] were decreased with respect to such loss or losses. Any payments made on an award reduced by reason of this subsection shall be exempt from Federal income taxes.

(July 3, 1948, ch. 826, title II, §206, as added Pub. L. 87-846, title I, §103, Oct. 22, 1962, 76 Stat. 1110; amended Pub. L. 99-514, §2, Oct. 22, 1986, 100 Stat. 2095.)

## REFERENCES IN TEXT

The Internal Revenue Code of 1939, referred to in text, was generally repealed by section 7851 of the Internal Revenue Code of 1986, Title 26. For table of comparisons of the 1939 Code to the 1986 Code, see Table I preceding section 1 of Title 26, Internal Revenue Code. See, also, section 7852(b) of Title 26 for provision that references in any other law to a provision of the 1939 Code, unless expressly incompatible with the intent thereof, shall be deemed a reference to the corresponding provision of the 1986 Code.

Chapter 1 of the Internal Revenue Code of 1939, referred to in subsec. (b), was comprised of sections 1 to 482 of former Title 26, Internal Revenue Code. Section 14 of former Title 26 was repealed by act Oct. 20, 1951, ch. 521, title I, pt. II, §121(g), 65 Stat. 469. Sections 34 and 185 of former Title 26 were repealed by act Feb. 25, 1944, ch. 63, title I, §§106(c)(2), 107(a), 58 Stat. 31. Sections 264 and 363 of former Title 26 were repealed by act Oct. 21, 1942, ch. 619, title I, §§159(e), 170(a), 56 Stat. 860, 878. Sections 430 to 474 of former Title 26 were omitted from the Code, and subsequently, along with the remaining sections of former Title 26 comprising chapter 1, except sections 143 and 144, were repealed by sections 7851(a)(1)(A) of Title 26, Internal Revenue Code. Sections 143 and 144 of former Title 26 were repealed by section 7851(a)(1)(B) of Title 26.

Chapter 2A of the Internal Revenue Code of 1939, referred to in subsec. (b), was comprised of sections 500 to 511 of former Title 26, Internal Revenue Code. Sections 500 to 511 were repealed by section 7851(a)(1)(A) of Title 26, Internal Revenue Code.

Chapter 2B of the Internal Revenue Code of 1939, referred to in subsec. (b), was comprised of sections 600 to 605 of former Title 26, Internal Revenue Code. Sections 600 to 605 were repealed by act Nov. 8, 1945, ch. 453, title II, §202, 59 Stat. 574, eff. with respect to taxable years ending June 30, 1946.

Chapter 2D of the Internal Revenue Code of 1939, referred to in subsec. (b), was comprised of sections 700 to 706 of former Title 26, Internal Revenue Code. Sections 700 to 716 were repealed by section 7851(a)(1)(A) of Title 26, Internal Revenue Code.

Chapter 2E of the Internal Revenue Code of 1939, referred to in subsec. (b), was comprised of sections 710 to 784 of former Title 26, Internal Revenue Code. Sections 710 to 736, 740, 742 to 744, 750, 751, 760, 761 and 780 to 784 were repealed by act Nov. 8, 1945, ch. 453, title I, §122(a), 59 Stat. 568. Section 741 was repealed by act Oct. 21, 1942, ch. 619, title II, §§224(b), 228(b), 56 Stat. 920, 925. Section 752 was repealed by act Oct. 21, 1942, ch. 619, title II, §229(a)(1), 56 Stat. 931, eff. as of Oct. 8, 1940.

Subtitle A of the Internal Revenue Code of 1986, referred to in subsec. (b), is subtitle A of act Aug. 16, 1954, ch. 736, 68A Stat. 4, as amended, which comprises subtitle A (§1 et seq.) of Title 26, Internal Revenue Code.

## AMENDMENTS

1986—Subsec. (b). Pub. L. 99-514 substituted “Internal Revenue Code of 1986” for “Internal Revenue Code of 1954”.

**§ 2017f. Consolidated awards**

With respect to any claim which, at the time of the award, is vested in persons other than the person by whom the loss was sustained, the Commission may issue a consolidated award in favor of all claimants then entitled thereto, which award shall indicate the respective interests of such claimant therein; and all such claimants shall participate, in proportion to their indicated interests, in the payments authorized by this title [sections 2017 to 2017p of this Appendix] in all respects as if the award had been in favor of a single person.

(July 3, 1948, ch. 826, title II, §207, as added Pub. L. 87-846, title I, §103, Oct. 22, 1962, 76 Stat. 1110.)

**§ 2017g. Certain awards prohibited**

No award shall be made under this title [sections 2017 to 2017p of this Appendix] to or for the benefit of (1) any person who has been convicted of a violation of any provision of chapter 115, title 18, United States Code, or of any other crime involving disloyalty to the United States, or (2) any claimant whose award under this title [said sections] is within the scope of title III of the International Claims Settlement Act of 1949, as amended (69 Stat. 570) [22 U.S.C. 1641 et seq.], except any claimant whose award under section 303(1) of title III of the International Claims Settlement Act of 1949, as amended [22 U.S.C. 1641b(1)], is recertified pursuant to subsection (b) of section 209 of this title [section 2017h of this Appendix].

(July 3, 1948, ch. 826, title II, §208, as added Pub. L. 87-846, title I, §103, Oct. 22, 1962, 76 Stat. 1110.)

## REFERENCES IN TEXT

The International Claims Settlement Act of 1949, as amended, referred to in text, is act Mar. 10, 1950, ch. 54, 64 Stat. 12, as amended. Title III of the International Claims Settlement Act of 1949, as amended (69 Stat. 570) is classified generally to subchapter III (§1641 et seq.) of chapter 21 of Title 22, Foreign Relations and Intercourse. For complete classification of this Act to the Code, see Short Title note set out under section 1621 of Title 22 and Tables.

**§ 2017h. Certification of awards**

(a) The Commission shall certify to the Secretary of the Treasury, in terms of United States currency, for payment out of the War Claims Fund each award made pursuant to section 202 [section 2017a of this Appendix].

(b) The Commission shall recertify to the Secretary of the Treasury, in terms of United States currency, for payment out of the War Claims Fund, awards heretofore made with respect to claims against the Government of Hungary under section 303(1) of title III of the International Claims Settlement Act of 1949, as amended [22 U.S.C. 1641b(1)]. Nothing contained in this subsection shall be construed as authorizing the filing of new claims against Hungary.

(July 3, 1948, ch. 826, title II, §209, as added Pub. L. 87-846, title I, §103, Oct. 22, 1962, 76 Stat. 1111.)

**§ 2017i. Claim filing period**

Within sixty days after the enactment of this title [Oct. 22, 1962] or of legislation making appropriations to the Commission for payment of administrative expenses incurred in carrying out its functions under this title [sections 2017 to 2017p of this Appendix], whichever date is later, the Commission shall give public notice by publication in the Federal Register of the time when, and the limit of time within which claims may be filed, which limit shall not be more than eighteen months after such publication.

(July 3, 1948, ch. 826, title II, §210, as added Pub. L. 87-846, title I, §103, Oct. 22, 1962, 76 Stat. 1111.)

PROTESTS RELATING TO AWARDS BY COMMISSION;  
NOTICE BY PUBLICATION IN FEDERAL REGISTER

Notwithstanding the provisions of this section and section 2017j of this Appendix, receipt and consider-

ation of filed and published protests relating to awards made by the Foreign Claims Settlement Commission which result in modification of such awards shall be certified and paid by the Secretary of the Treasury out of the War Claims Fund in accordance with section 2017l of this Appendix. See section 615 of act Mar. 10, 1950, ch. 54, as added by Pub. L. 94-542, Oct. 18, 1976, 90 Stat. 2512, set out as a note under section 1623 of Title 22, Foreign Relations and Intercourse.

#### § 2017j. Claims settlement period

The Commission shall complete its affairs in connection with the settlement of claims pursuant to this title [sections 2017 to 2017p of this Appendix] not later than four years following the enactment of legislation making appropriations to the Commission for payment of administrative expenses incurred in carrying out its functions under this title [said sections].

(July 3, 1948, ch. 826, title II, § 211, as added Pub. L. 87-846, title I, § 103, Oct. 22, 1962, 76 Stat. 1111.)

#### PROTESTS RELATING TO AWARDS BY COMMISSION; NOTICE BY PUBLICATION IN FEDERAL REGISTER

Notwithstanding the provisions of this section and section 2017i of this Appendix, receipt and consideration of filed and published protests relating to awards made by the Foreign Claims Settlement Commission which result in modification of such awards shall be certified and paid by the Secretary of the Treasury out of the War Claims Fund in accordance with section 2017l of this Appendix. See section 615 of act Mar. 10, 1950, ch. 54, as added by Pub. L. 94-542, Oct. 18, 1976; 90 Stat. 2512, set out as a note under section 1623 of Title 22, Foreign Relations and Intercourse.

#### § 2017k. Notification to claimants

Each award or denial of a claim by the Commission whether rendered before or after a hearing, shall include a specific statement of the facts and of the reasoning of the Commission in support of its conclusion.

(July 3, 1948, ch. 826, title II, § 212, as added Pub. L. 87-846, title I, § 103, Oct. 22, 1962, 76 Stat. 1111.)

#### § 2017l. Payment of awards; priorities; limitations

(a) The Secretary of the Treasury shall pay out of the War Claims Fund on account of award certified by the Commission pursuant to this title [sections 2017 to 2017p of this Appendix] as follows and in the following order of priority:

(1) Payment in full of awards made pursuant to section 202(d)(1) and (2) [section 2017a(d)(1) and (2) of this Appendix], and thereafter of any award made pursuant to section 202(a) [section 2017a(a) of this Appendix] to any claimant (A) certified to the Commission by the Small Business Administration as having been, on the date of loss, damage, or destruction, a small business concern within the meaning now set forth in the Small Business Act, as amended [15 U.S.C. 631 et seq.], or (B) determined by the Commission to have been, on the date of loss, damage, or destruction, a nonprofit organization operated exclusively for the promotion of social welfare, religious, charitable, or educational purposes.

(2) Thereafter, payments from time to time on account of the other awards made pursuant to section 202 [section 2017a of this Appendix] in an amount which shall be the same for each award or in the amount of the award, whichever is less.

The total payment made pursuant to this paragraph on account of any award shall not exceed \$10,000.

(3) Thereafter, payments from time to time on account of the other awards made to individuals and corporations pursuant to section 202 [section 2017a of this Appendix] and not compensated in full under paragraph (1) or (2) of this subsection in an amount which shall be the same for each award or in the amount of the award, whichever is less. The total payment pursuant to this paragraph on account of any award shall not exceed \$35,000.

(4) Thereafter, payments from time to time on account of the unpaid balance of each remaining award made pursuant to section 202 [section 2017a of this Appendix] or recertified pursuant to subsection (b) of section 209 [section 2017h of this Appendix] which shall bear to such unpaid balance the same proportion as the total amount in the War Claims Fund and available for distribution at the time such payments are made bears to the aggregate unpaid balances of all such awards. No payment made pursuant to this paragraph on account of any award shall exceed the unpaid balance of such award. Payments heretofore made under section 310 of title III of the International Claims Settlement Act of 1949, as amended [22 U.S.C. 1641i], on awards made against the Government of Hungary under section 303(1) of title III of the International Claims Settlement Act of 1949, as amended [22 U.S.C. 1641b(1)], and recertified under subsection (b) of section 209 [section 2017h(b) of this Appendix], shall be considered as payments under this paragraph and no payment shall be made on any recertified award until the percentage of distribution on awards made under section 202 [section 2017a of this Appendix] exceeds the corresponding percentage of distribution on such recertified award: *Provided*, That no payment made on awards recertified under subsection (b) of section 209 [section 2017h(b) of this Appendix] shall exceed 40 per centum of the amount of the award recertified.

(b) Such payments, and applications for such payments, shall be made in accordance with such regulations as the Secretary of the Treasury shall prescribe.

(c) For the purpose of making any such payments, other than under section 213(a)(1) [subsec. (a)(1) of this section], an "award" shall be deemed to mean the aggregate of all awards certified for payment in favor of the same claimant.

(d) If any person to whom any payment is to be made pursuant to this title [sections 2017 to 2017p of this Appendix] is deceased or is under a legal disability, payment shall be made to his legal representative, except that if any payment to be made is not over \$1,000 and there is no qualified executor or administrator, payment may be made to the person or persons found by the Secretary of the Treasury to be entitled thereto, without the necessity of compliance with the requirements of law with respect to the administration of estates.

(e) Payment on account of any award pursuant to this title [sections 2017 to 2017p of this Appendix] shall not, unless such payment is for the full amount of the award, extinguish any rights

against any foreign government for the unpaid balance of the award.

(f) Payments made under this section on account of any award for loss, damage, or destruction occurring in the Commonwealth of the Philippines shall not exceed the amount paid on account of awards in the same amount under the Philippine Rehabilitation Act of 1946 [sections 1751 to 1806 of this Appendix].

(July 3, 1948, ch. 826, title II, §213, as added Pub. L. 87-846, title I, §103, Oct. 22, 1962, 76 Stat. 1111; amended Pub. L. 91-571, §1(a), Dec. 24, 1970, 84 Stat. 1503; Pub. L. 104-316, title I, §128(b), Oct. 19, 1996, 110 Stat. 3841.)

#### REFERENCES IN TEXT

The Small Business Act, as amended, referred to in subsec. (a)(1), is Pub. L. 85-536, §2(1 et seq.), July 18, 1958, 72 Stat. 384, which is classified generally to chapter 14A (§631 et seq.) of Title 15, Commerce and Trade. For complete classification of this Act to the Code, see Short Title note set out under section 631 of Title 15 and Tables.

#### AMENDMENTS

1996—Subsec. (d). Pub. L. 104-316 substituted “Secretary of the Treasury” for “Comptroller General”.

1970—Subsec. (a)(1). Pub. L. 91-571, §1(a)(1), included payment to any claimant determined by Commission to have been, on date of loss, damage, or destruction, a nonprofit organization operated exclusively for promotion of social welfare, religious, charitable, or educational purposes.

Subsec. (a)(3), (4). Pub. L. 91-571, §1(a)(2), added par. (3) and redesignated former par. (3) as (4).

#### PROTEST RELATING TO AWARDS BY COMMISSION; NOTICE BY PUBLICATION IN FEDERAL REGISTER

Notwithstanding the provisions of sections 2017i and 2017j of this Appendix receipt and consideration of filed and published protests relating to awards made by the Foreign Claims Settlement Commission which result in modification of such awards shall be certified and paid by the Secretary of the Treasury out of the War Claims Fund in accordance with this section. See section 615 of Act Mar. 10, 1950, ch. 54, as added by Pub. L. 94-542, Oct. 18, 1976, 90 Stat. 2512, set out as a note under section 1623 of Title 22, Foreign Relations and Intercourse.

#### RECERTIFICATION OF CERTAIN AWARDS

Pub. L. 91-571, §1(b), Dec. 24, 1970, 84 Stat. 1503, provided that: “The Foreign Claims Settlement Commission is authorized to recertify to the Secretary of the Treasury each award which has been certified before the date of enactment of this Act [Dec. 24, 1970] pursuant to title II of the War Claims Act of 1948, as added by the Act of October 22, 1962 (76 Stat. 1107) [sections 2017 to 2017p of this Appendix], but which as of the date of enactment of this Act has not been paid in full, in such manner as it may determine to be required to give effect to the amendments made by this Act [amending this section] to the same extent and with the same effect as if such amendments had taken effect on October 22, 1962.”

#### § 2017m. Fees of attorneys and agents

No remuneration on account of services rendered on behalf of any claimant in connection with any claim filed with the Commission under this title [sections 2017 to 2017p of this Appendix] shall exceed 10 per centum (or such lesser per centum as may be fixed by the Commission with respect to any class of claims) of the total amount paid pursuant to any award certified under the provisions of this title [said sections]

on account of such claim. 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 in excess of the maximum permitted by this section shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$5,000 or imprisoned not more than twelve months, or both.

(July 3, 1948, ch. 826, title II, §214, as added Pub. L. 87-846, title I, §103, Oct. 22, 1962, 76 Stat. 1112.)

#### § 2017n. Application of other laws

To the extent they are not inconsistent with the provisions of this title [sections 2017 to 2017p of this Appendix], the following provisions of title I of this Act [sections 2001 to 2016 of this Appendix] and title I of the International Claims Settlement Act of 1949, as amended [22 U.S.C. 1621 et seq.], shall apply to this title [sections 2017 to 2017p of this Appendix]: The first sentence of subsection (b) of section 2 [section 2001 of this Appendix], all of subsection (c) of section 2 [section 2001 of this Appendix] and section 11 [section 2010 of this Appendix] of title I of this Act, and subsections (c), (d), (e), and (f) of section 7 of the International Claims Settlement Act of 1949, as amended [22 U.S.C. 1626].

(July 3, 1948, ch. 826, title II, §215, as added Pub. L. 87-846, title I, §103, Oct. 22, 1962, 76 Stat. 1112.)

#### REFERENCES IN TEXT

The International Claims Settlement Act of 1949, as amended, referred to in text, is act Mar. 10, 1950, ch. 54, 64 Stat. 12, as amended. Title I of that Act is classified generally to subchapter I (§1621 et seq.) of chapter 21 of Title 22, Foreign Relations and Intercourse. For complete classification of this Act to the Code, see Short Title note set out under section 1621 of Title 22 and Tables.

#### § 2017o. Transfer of records

The Secretary of State is authorized and directed to transfer or otherwise make available to the Commission such records and documents relating to claims authorized by this title [sections 2017 to 2017p of this Appendix] as may be required by the Commission in carrying out its functions under this title [said sections].

(July 3, 1948, ch. 826, title II, §216, as added Pub. L. 87-846, title I, §103, Oct. 22, 1962, 76 Stat. 1113.)

#### § 2017p. Administrative expenses

There are authorized to be appropriated out of any moneys in the Treasury not otherwise appropriated such sums as may be necessary (but not to exceed the total covered into the Treasury to the credit of miscellaneous receipts under section 39 subsection (d)<sup>1</sup> of the Trading With the Enemy Act [section 39(d) of this Appendix]) to enable the Commission and the Treasury Department to pay their administrative expenses in carrying out their respective functions under this title [sections 2017 to 2017p of this Appendix].

(July 3, 1948, ch. 826, title II, §217, as added Pub. L. 87-846, title I, §103, Oct. 22, 1962, 76 Stat. 1113.)

<sup>1</sup> See References in Text note below.

## REFERENCES IN TEXT

Section 39 subsection (d) of the Trading With the Enemy Act, referred to in text, was repealed by Pub. L. 100-418, title II, §2501(a)(1), Aug. 23, 1988, 102 Stat. 1371.

**MICRONESIAN WAR AND POSTWAR CLAIMS**

PUB. L. 92-39, JULY 1, 1971, 85 STAT. 92

**§§ 2018 to 2020b. Omitted**

## CODIFICATION

Sections 2018 to 2020b terminated Aug. 3, 1976, pursuant to section 2019b of this Appendix.

Section 2018, Pub. L. 92-39, §1, July 1, 1971, 85 Stat. 92, provided that sections 2018 to 2020b of this Appendix were to be cited as the Micronesian Claims Act of 1971.

Section 2019, Pub. L. 92-39, title I, §101, July 1, 1971, 85 Stat. 92; Pub. L. 93-131, §1, Oct. 19, 1973, 87 Stat. 460, related to purpose of sections 2019 to 2019e of this Appendix to implement an ex gratia contribution by the United States to meritorious Micronesian war claimants inhabiting the Trust Territory of Pacific Islands.

Section 2019a, Pub. L. 92-39, title I, §102, July 1, 1971, 85 Stat. 93, authorized appropriations for purposes of sections 2018 to 2020b of this Appendix and authorized the establishment and management of a Micronesian Claims Fund.

Section 2019b, Pub. L. 92-39, title I, §103, July 1, 1971, 85 Stat. 93, established Micronesian Claims Commission, provided for compensation and allowances of its members, authorized prescription of rules and regulations by Commission, and provided that Commission was to wind up its affairs no later than three years after expiration of time for filing claims under sections 2018 to 2020b of this Appendix. The Commission terminated on Aug. 3, 1976.

Section 2019c, Pub. L. 92-39, title I, §104, July 1, 1971, 85 Stat. 94; Pub. L. 93-131, §2, Oct. 19, 1973, 87 Stat. 461, related to powers of Commission.

Section 2019d, Pub. L. 92-39, title I, §105, July 1, 1971, 85 Stat. 95, authorized appropriations necessary for operational and administrative expenses of Foreign Claims Settlement Commission and Micronesian Claims Commission in carrying out the purposes of sections 2018 to 2020b of this Appendix.

Section 2019e, Pub. L. 92-39, title I, §106, July 1, 1971, 85 Stat. 95, related to remuneration limitation for filing services and prescribed penalties for violations of sections 2018 to 2020b of this Appendix.

Section 2020, Pub. L. 92-39, title II, §201, July 1, 1971, 85 Stat. 96, authorized Commission to determine personal or property loss claims against United States by Micronesian inhabitants and provided that administrative settlements by Commission were to be final and conclusive.

Section 2020a, Pub. L. 92-39, title II, §202, July 1, 1971, 85 Stat. 96, authorized appropriations for making payments to extent authorized by sections 2020 to 2020b of this Appendix.

Section 2020b, Pub. L. 92-39, title II, §203, July 1, 1971, 85 Stat. 96, authorized transfer of any funds remaining after settlement of claims under sections 2020 to 2020b of this Appendix to Treasury of United States.

**EXPORT CONTROLS**

ACT FEB. 26, 1949, CH. 11, 63 STAT. 7

**§§ 2021 to 2032. Omitted**

## CODIFICATION

Sections 2021 to 2032 terminated pursuant to section 2032 of this Appendix. See section 2401 et seq. of this Appendix.

Section 1, in part, of act Feb. 26, 1949, ch. 11, 63 Stat. 7, as amended, provided that act Feb. 26, 1949, may be cited as the Export Control Act of 1949.

Section 2021, acts Feb. 26, 1949, ch. 11, §1(a), (b), 63 Stat. 7; July 1, 1962, Pub. L. 87-515, §2, 76 Stat. 127, set out Congressional findings.

Section 2022, acts Feb. 26, 1949, ch. 11, §2, 63 Stat. 7; July 1, 1962, Pub. L. 87-515, §3, 76 Stat. 127; June 30, 1965, Pub. L. 89-63, §3(a), 79 Stat. 209, set out Congressional declaration of policy.

Section 2023, acts Feb. 26, 1949, ch. 11, §3, 63 Stat. 7; July 1, 1962, Pub. L. 87-515, §4, 76 Stat. 127; June 30, 1965, Pub. L. 89-63, §§3(b), 4(a), (d), 79 Stat. 210, set out authority to effectuate export control policy and delegated authority to prescribe rules and regulations.

Section 2024, acts Feb. 26, 1949, ch. 11, §4, 63 Stat. 8; June 30, 1965, Pub. L. 89-63, §4(b), 79 Stat. 210, laid down criteria for establishment of standards for carrying out policies and for consultation among departments and agencies.

Section 2025, acts Feb. 26, 1949, ch. 11, §5, 63 Stat. 8; July 1, 1962, Pub. L. 87-515, §5, 76 Stat. 128; June 30, 1965, Pub. L. 89-63, §§2, 4(c), 79 Stat. 209, 210, provided for penalties for violations of export control policy.

Section 2026, act Feb. 26, 1949, ch. 11, §6, 63 Stat. 8, provided for enforcement and for keeping certain information confidential.

Subsec. (b) of section 2026, which provided that no person would be excused from complying with any requirements under this section because of his privilege against self-incrimination, but that immunity provisions of section 46 of Title 49, Transportation, would apply with respect to any individual specifically claiming such privilege, was repealed by Pub. L. 91-452, title II, §250, Oct. 15, 1970, 84 Stat. 931. See section 6001 et seq. of Title 18, Crimes and Criminal Procedure.

Section 2027, act Feb. 26, 1949, ch. 11, §7, 63 Stat. 9, exempted functions under Act from Administrative Procedure Act.

Section 2028, act Feb. 26, 1949, ch. 11, §8, 63 Stat. 9, required quarterly reports to be submitted to President and Congress.

Section 2029, act Feb. 26, 1949, ch. 11, §9, 63 Stat. 9, defined "person".

Section 2030, act Feb. 26, 1949, ch. 11, §10, 63 Stat. 9, provided for effect of Act on other legislation.

Section 2031, act Feb. 26, 1949, ch. 11, §11, 63 Stat. 9, set out effective date of sections 2021 to 2032 of this Appendix.

Section 2032, acts Feb. 26, 1949, ch. 11, §12, 63 Stat. 9; May 16, 1951, ch. 83, 65 Stat. 43; June 16, 1953, ch. 116, 67 Stat. 62; June 29, 1956, ch. 473, §1, 70 Stat. 407; June 25, 1958, Pub. L. 85-466, 72 Stat. 220; May 13, 1960, Pub. L. 86-464, 74 Stat. 130; July 1, 1962, Pub. L. 87-515, §1, 76 Stat. 127; June 30, 1965, Pub. L. 89-63, §1, 79 Stat. 209; June 30, 1969, Pub. L. 91-35, 83 Stat. 42; Aug. 18, 1969, Pub. L. 91-59, 83 Stat. 101; Oct. 31, 1969, Pub. L. 91-105, §1, 83 Stat. 169, provided for termination date of sections 2021 to 2032 of this Appendix, on Dec. 31, 1969.

**ALIEN PROPERTY DAMAGE CLAIMS**

ACT MAR. 15, 1949, CH. 19, 63 STAT. 12

**§§ 2041 to 2045. Omitted**

## CODIFICATION

Sections 2041 to 2045 were omitted pursuant to section 2042 of this Appendix.

Section 2041, act Mar. 15, 1949, ch. 19, §1, 63 Stat. 12, related to adjustment and settlement of claims.

Section 2042, act Mar. 15, 1949, ch. 19, §2, 63 Stat. 13, related to time limitation for presentation of claims under sections 2041 to 2045 of this Appendix and required presentation within one year of Mar. 15, 1949.

Section 2043, act Mar. 15, 1949, ch. 19, §3, 63 Stat. 13, related to finality and conclusiveness of Attorney General's decisions.

Section 2044, act Mar. 15, 1949, ch. 19, §4, 63 Stat. 13, related to claims in excess of one thousand dollars.

Section 2045, act Mar. 15, 1949, ch. 19, §5, 63 Stat. 13, related to authorization of appropriations for use under sections 2041 to 2045 of this Appendix.