

(j) Compliance with administrative procedure law

The Commission shall comply with the provisions of subchapter II of chapter 5, and chapter 7, of title 5 except as otherwise specifically provided by this subchapter.

(k) Compliance with principles of international law, justice and equity; fair market value

In exercising authority granted after October 8, 1986, under this chapter or any other Act, the Commission, in determining the value of claims of the Government of the United States or of nationals of the United States (as defined in this chapter or such other Act) against any foreign government for losses arising from the nationalization or other taking of property, shall comply with the principles set forth in subsection (a)(2) of this section.

(Mar. 10, 1950, ch. 54, title I, § 4, 64 Stat. 13; Aug. 9, 1955, ch. 645, §§ 1, 2, 69 Stat. 562; Pub. L. 90-421, § 1(1), July 24, 1968, 82 Stat. 420; Pub. L. 99-451, § 1, Oct. 8, 1986, 100 Stat. 1138; Pub. L. 105-277, div. G, subdiv. B, title XXII, § 2211, Oct. 21, 1998, 112 Stat. 2681-812.)

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

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

CODIFICATION

In subsec. (j), “subchapter II of chapter 5, and chapter 7, of title 5” substituted for “the Administrative Procedure Act of 1946” on authority of Pub. L. 89-554, § 7(b), Sept. 6, 1966, 80 Stat. 631, the first section of which enacted Title 5, Government Organization and Employees.

AMENDMENTS

1998—Subsec. (a). Pub. L. 105-277 added par. (1), redesignated second sentence as par. (2) and former pars. (1) and (2) as subpars. (A) and (B), respectively, and struck out former first sentence which read as follows: “The Commission shall have jurisdiction to receive, examine, adjudicate, and render final decisions with respect to claims of the Government of the United States and of nationals of the United States included within the terms of the Yugoslav Claims Agreement of 1948, or included within the terms of any claims agreement on and after March 10, 1954 concluded between the Government of the United States and a foreign government (exclusive of governments against which the United States declared the existence of a state of war during World War II) similarly providing for the settlement and discharge of claims of the Government of the United States and of nationals of the United States against a foreign government, arising out of the nationalization or other taking of property, by the agreement of the Government of the United States to accept from that government a sum in en bloc settlement thereof.”

1986—Subsec. (a). Pub. L. 99-451, § 1(a), amended second sentence generally. Prior to amendment, second sentence read as follows: “In the decision of claims under this subchapter, the Commission shall apply the following in the following order: (1) The provisions of the applicable claims agreement as provided in this subsection; and (2) the applicable principles of international law, justice, and equity.”

Subsec. (k). Pub. L. 99-451, § 1(b), added subsec. (k).

1968—Subsec. (f). Pub. L. 90-421 struck out provisions which authorized the Commission to determine the

amount of attorney’s fees, such fees not to exceed 10% of the award and any written agreement between attorney and claimant as to fees to be conclusive upon the Commission, if the agreed upon fees do not exceed 10% of the award, provisions which authorized the Secretary of the Treasury to deduct the fees from the amount of the award and to pay it directly to the attorney, any agreement to the contrary to be unlawful and void, provisions which authorized the Commission to give notice by mail to each claimant of the provisions of this subsection, and provisions which authorized the Commission to recover any fees paid in contravention of this subsection, the recipient to forfeit all rights under this subchapter.

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

Subsecs. (a), (b), (e) to (h) and (j). Act Aug. 9, 1955, § 2, substituted “subchapter” for “chapter”.

EFFECTIVE DATE OF 1986 AMENDMENT

Pub. L. 99-451, § 2, Oct. 8, 1986, 100 Stat. 1139, provided that: “The amendments made by this Act [amending this section] shall apply to any claim pending on the date of the enactment of this Act [Oct. 8, 1986] and to any other claim determined after such date.”

ABOLITION OF INTERNATIONAL CLAIMS COMMISSION AND TRANSFER OF FUNCTIONS

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

For provisions transferring the Foreign Claims Settlement Commission of the United States as a separate agency within the Department of Justice, see section 1622a et seq. of this title.

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

Act Mar. 10, 1950, ch. 54, title VI, § 615, as added Pub. L. 94-542, Oct. 18, 1976, 90 Stat. 2512, provided that: “Notwithstanding the provision of sections 210 and 211 of the War Claims Act of 1948 (Act of July 3, 1948), as amended by Public Law 87-846 [50 U.S.C. 4140, 4141], the Foreign Claims Settlement Commission established by Reorganization Plan No. 1 of 1954 (68 Stat. 1279) [set out under section 1622 of this title] is authorized and directed to receive and consider protests relating to awards made by the Commission during the ten calendar days immediately preceding the expiration of the Commission’s mandate to make such awards on May 17, 1967. Any such protests must be filed within ninety days after notice of the enactment of this provision is filed with and published in the Federal Register, which shall take place within thirty days of enactment [Oct. 18, 1976]. Such protests may include the submission of new evidence not previously before the Commission, and shall be acted upon within thirty days after receipt by the Commission. The Commission may modify awards made during the subject period in accordance with the procedures established by the War Claims Act of 1948 [50 U.S.C. 4101 et seq.], and any increases in awards determined to be appropriated by the Commission shall be certified to and paid by the Secretary of the Treasury out of funds which are now or may hereafter become available in the War Claims Fund in accordance with section 213 of the Act [50 U.S.C. 4143].”

§ 1624. Certification of awards; certification of claims

The Commission shall, as soon as possible, and in the order of the making of such awards, certify to the Secretary of the Treasury and to the Secretary of State copies of the awards made in

favor of the Government of the United States or of nationals of the United States under this subchapter. The Commission shall certify to the Secretary of State, upon his request, copies of the formal submissions of claims filed pursuant to subsection (b) of section 1623 of this title for transmission to the foreign government concerned.

(Mar. 10, 1950, ch. 54, title I, § 5, 64 Stat. 16; Aug. 9, 1955, ch. 645, §§ 1, 2, 69 Stat. 562.)

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§ 1625. Omitted

CODIFICATION

Section, acts Mar. 10, 1950, ch. 54, title 1, § 6, 64 Stat. 16; Aug. 8, 1953, ch. 396, § 1, 67 Stat. 506, provided that Commission complete its affairs in connection with settlement of all United States-Yugoslavian Claims arising under Yugoslav Claims Agreement of 1948, by December 31, 1954.

§ 1626. Payments

(a) Principal and interest; regulations

Subject to the limitations hereinafter provided, the Secretary of the Treasury is authorized and directed to pay, as prescribed by section 1627 of this title, an amount not exceeding the principal of each award, plus accrued interest on such awards as bear interest, certified pursuant to section 1624 of this title, in accordance with the award. Such payments, and applications for such payments, shall be made in accordance with such regulations as the Secretary of the Treasury may prescribe.

(b) Deductions; coverage into Treasury; reimbursement for expenses

(1) There shall be deducted from the amount of each payment made pursuant to subsection (c) of section 1627 of this title, as reimbursement for the expenses incurred by the United States, an amount equal to 5 per centum of such payment. All amounts so deducted shall be covered into the Treasury to the credit of miscellaneous receipts.

(2) The Secretary of the Treasury shall deduct from any amounts covered, subsequent to July 24, 1968, into any special fund, created pursuant to section 1627 of this title, 5 per centum thereof as reimbursement to the Government of the United States for expenses incurred by the Commission and by the Treasury Department in the administration of this subchapter. The amounts so deducted shall be covered into the Treasury to the credit of miscellaneous receipts.

(c) To whom made; exceptions

Payments made pursuant to this subchapter shall be made only to the person or persons on behalf of whom the award is made, except that—

(1) if any person to whom any payment is to be made pursuant to this subchapter 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;

(2) in the case of a partnership or corporation, the existence of which has been terminated and on behalf of which an award is made, payment shall be made, except as provided in paragraphs (3) and (4) of this subsection, to the person or persons found by the Secretary of the Treasury to be entitled thereto;

(3) if a receiver or trustee for any such partnership or corporation has been duly appointed by a court of competent jurisdiction in the United States and has not been discharged prior to the date of payment, payment shall be made to such receiver or trustee in accordance with the order of the court;

(4) if a receiver or trustee for any such partnership or corporation, duly appointed by a court of competent jurisdiction in the United States, makes an assignment of the claim, or any part thereof, with respect to which an award is made, or makes an assignment of such award, or any part thereof, payment shall be made to the assignee, as his interest may appear; and

(5) in the case of any assignment of an award, or any part thereof, which is made in writing and duly acknowledged and filed, after such award is certified to the Secretary of the Treasury, payment may, in the discretion of the Secretary of the Treasury, be made to the assignee, as his interest may appear.

(d) Erroneous payments as bar to further recovery

Whenever the Secretary of the Treasury shall find that any person is entitled to any such payment, after such payment shall have been received by such person, it shall be an absolute bar to recovery by any other person against the United States, its officers, agents, or employees with respect to such payment.

(e) Acquiescence in conditions of subchapter

Any person who makes application for any such payment shall be held to have consented to all the provisions of this subchapter.