

19 F.R. 3985, 68 Stat. 1279, which is set out as a note under section 1622 of this title.

TRANSFER OF FOREIGN CLAIMS SETTLEMENT COMMISSION OF THE UNITED STATES AS SEPARATE AGENCY WITHIN DEPARTMENT OF JUSTICE

For provisions transferring 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.

§ 1641a. Claims funds

(a) Establishment; coverage into Treasury; deduction

There are created in the Treasury of the United States five funds to be known as the Bulgarian Claims Fund, the Hungarian Claims Fund, the Rumanian Claims Fund, the Italian Claims Fund, and the Soviet Claims Fund. The Secretary of the Treasury shall cover into each of the Hungarian, Rumanian, and Bulgarian Claims Funds, the funds attributable to the respective country or its nationals covered into the Treasury pursuant to subsections (a) and (b) of section 1631a of this title. The Secretary of the Treasury shall cover into the Italian Claims Fund the sum of \$5,000,000 paid to the United States by the Government of Italy pursuant to article II of the Memorandum of Understanding. The Secretary shall cover into the Treasury the funds collected by the United States pursuant to the Litvinov Assignment (including postal funds due prior to November 16, 1933, to the Union of Soviet Socialist Republics because of money orders certified to that country for payment) and shall cover into the Soviet Claims Fund the funds so covered into the Treasury. The Secretary shall deduct from each claims fund 5 per centum thereof as reimbursement to the Government of the United States for the expenses incurred by the Commission and by the Treasury Department in the administration of this subchapter. Such deduction shall be made before any payment is made out of such fund under section 1641i of this title. All amounts so deducted shall be covered into the Treasury to the credit of miscellaneous receipts.

(b) Bulgarian and Rumanian fund

The Secretary of the Treasury shall cover into each of the Bulgarian and Rumanian Claims Funds such sums as may be paid by the Government of the respective country pursuant to the terms of any claims settlement agreement between the Government of the United States and the Government of such country.

(c) Hungarian fund

The Secretary of the Treasury shall cover into the Hungarian Claims Fund, such sums as may be paid to the United States by the Government of Hungary pursuant to the terms of the United States Hungarian Claims Agreement of March 6, 1973.

(Mar. 10, 1950, ch. 54, title III, § 302, as added Aug. 9, 1955, ch. 645, § 3, 69 Stat. 571; amended Pub. L. 90-421, § 1(8), July 24, 1968, 82 Stat. 422; Pub. L. 93-460, § 1(1), Oct. 20, 1974, 88 Stat. 1386.)

AMENDMENTS

1974—Subsec. (c). Pub. L. 93-460 added subsec. (c).
1968—Pub. L. 90-421 designated existing provisions as subsec. (a) and added subsec. (b).

§ 1641b. Claims of nationals of the United States against Bulgaria, Hungary, and Rumania

The Commission shall receive and determine in accordance with applicable substantive law, including international law, the validity and amounts of claims of nationals of the United States against the Governments of Bulgaria, Hungary, and Rumania, or any of them, arising out of the failure to—

(1) restore or pay compensation for property of nationals of the United States as required by article 23 of the treaty of peace with Bulgaria, articles 26 and 27 of the treaty of peace with Hungary, and articles 24 and 25 of the treaty of peace with Rumania. Awards under this paragraph shall be in amounts not to exceed two-thirds of the loss or damage actually sustained;

(2) pay effective compensation for the nationalization, compulsory liquidation, or other taking, prior to August 9, 1955, of property of nationals of the United States in Bulgaria, Hungary, and Rumania;

(3) meet obligations expressed in currency of the United States arising out of contractual or other rights acquired by nationals of the United States prior to April 24, 1941, in the case of Bulgaria, and prior to September 1, 1939, in the case of Hungary and Rumania, and which became payable prior to September 15, 1947;

(4) pay effective compensation for the nationalization, compulsory liquidation, or other taking of property of nationals of the United States in Bulgaria and Rumania, between August 9, 1955, and the effective date of the claims agreement between the respective country and the United States; and

(5) pay effective compensation for the nationalization, compulsory liquidation, or other taking of property of nationals of the United States in Hungary, between August 9, 1955, and the date the United States-Hungarian Claims Agreement of March 6, 1973, enters into force.

(Mar. 10, 1950, ch. 54, title III, § 303, as added Aug. 9, 1955, ch. 645, § 3, 69 Stat. 571; amended Pub. L. 90-421, § 1(9), (10), July 24, 1968, 82 Stat. 422; Pub. L. 93-460, § 1(2), (3), Oct. 20, 1974, 88 Stat. 1386.)

AMENDMENTS

1974—Par. (5). Pub. L. 93-460, § 1(3), added par. (5).
1968—Par. (4). Pub. L. 90-421, § 1(10), added par. (4).

§ 1641c. Claims of nationals of the United States against Italy

(a) Claims not provided for in peace treaty

The Commission shall receive and determine, in accordance with the Memorandum of Understanding and applicable substantive law, including international law, the validity and amount of claims of nationals of the United States against the government of Italy arising out of the war in which Italy was engaged from June 10, 1940, to September 15, 1947, and with respect to which provision was not made in the treaty of peace with Italy. Upon payment of the principal amounts (without interest) of all awards from the Italian Claims Fund created pursuant to section 1641a of this title, the Commission shall determine the validity and amount of any claim

under this section by any natural person who was a citizen of the United States on August 9, 1955 and shall, in the event an award is issued pursuant to such claim, certify the same to the Secretary of the Treasury for payment out of remaining balances in the Italian Claims Fund in accordance with the provisions of section 1641i of this title, notwithstanding that the period of time prescribed in section 1641o of this title for the settlement of all claims under this section may have expired.

(b) Individuals who fail to file claims

The Commission shall receive and determine, or redetermine, as the case may be, in accordance with applicable substantive law, including international law, the validity and amounts of claims owned by person who were eligible to file claims under the first sentence of subsection (a) of this section on August 9, 1955, but failed to file such claims or, if they filed such claims, failed to file such claims within the limit of time required therefor: *Provided*, That no awards shall be made to persons who have received compensation in any amount pursuant to the treaty of peace with Italy, subsection (a) of this section, or section 4132 of title 50.

(c) Territory ceded by Italy

The Commission shall receive and determine, or redetermine as the case may be, in accordance with applicable substantive law, including international law, the validity and amounts of claims owned by persons who were nationals of the United States on September 3, 1943, and July 24, 1968, against the Government of Italy which arose out of the war in which Italy was engaged from June 10, 1940, to September 15, 1947, in territory ceded by Italy pursuant to the treaty of peace with Italy: *Provided*, That no awards shall be made to persons who have received compensation in any amount pursuant to the treaty of peace with Italy or subsection (a) of this section.

(d) Time within which to file; publication in Federal Register

Within thirty days after July 24, 1968, or within thirty days after the date of enactment of legislation making appropriations to the Commission for payment of administrative expenses incurred in carrying out its functions under subsections (b) and (c) of this section, whichever date is later, the Commission shall publish in the Federal Register the time when and the limit of time within which claims may be filed with the Commission, which limit shall not be more than six months after such publication.

(e) Certification of awards

The Commission shall certify awards on claims determined pursuant to subsections (b) and (c) of this section to the Secretary of the Treasury for payment out of remaining balances in the Italian Claims Fund in accordance with the provisions of section 1641i of this title, after payment in full of all awards certified pursuant to subsection (a) of this section.

(f) Transfers from Italian Claims Fund to War Claims Fund

After payment in full of all awards certified to the Secretary of the Treasury pursuant to sub-

sections (a) and (e) of this section, the Secretary of the Treasury is authorized and directed to transfer the unobligated balance in the Italian Claims Fund into the War Claims Fund created by section 4110 of title 50.

(Mar. 10, 1950, ch. 54, title III, §304, as added Aug. 9, 1955, ch. 645, §3, 69 Stat. 572; amended Pub. L. 85-604, §2, Aug. 8, 1958, 72 Stat. 531; Pub. L. 90-421, §1(11), July 24, 1968, 82 Stat. 422.)

AMENDMENTS

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

1958—Pub. L. 85-604 authorized the Commission to determine the validity and amount of claims by natural persons who were citizens of the United States on Aug. 9, 1955.

§ 1641d. Claims of nationals of the United States against the Soviet Union

(a) Claims prior to November 16, 1933

The Commission shall receive and determine in accordance with applicable substantive law, including international law, the validity and amounts of—

(1) claims of nationals of the United States against a Russian national originally accruing in favor of a national of the United States with respect to which a judgment was entered in, or a warrant of attachment issued from, any court of the United States or of a State of the United States in favor of a national of the United States, with which judgment or warrant of attachment a lien was obtained by a national of the United States, prior to November 16, 1933, upon any property in the United States which has been taken, collected, recovered, or liquidated by the Government of the United States pursuant to the Litvinov Assignment. Awards under this paragraph shall not exceed the proceeds of such property as may have been subject to the lien of the judgment or attachment; nor, in the event that such proceeds are less than the aggregate amount of all valid claims so related to the same property, exceed an amount equal to the proportion which each such claim bears to the total amount of such proceeds; and

(2) claims, arising prior to November 16, 1933, of nationals of the United States against the Soviet Government.

(b) Federal and State court judgments

Any judgment entered in any court of the United States or of a State of the United States shall be binding upon the Commission in its determination, under paragraph (1) of subsection (a) of this section, of any issue which was determined by the court in which the judgment was entered.

(c) Preferences

The Commission shall give preference to the disposition of the claims referred to in paragraph (1) of subsection (a) of this section, over all other claims presented to it under this subchapter.

(Mar. 10, 1950, ch. 54, title III, §305, as added Aug. 9, 1955, ch. 645, §3, 69 Stat. 572.)