

## SEPARABILITY

Pub. L. 85-604, § 4, Aug. 8, 1958, 72 Stat. 531, provided that: "If any provision of this Act [enacting this subchapter and amending sections 1641c and 1641j of this title], or the application thereof to any person or circumstances, shall be held invalid, the remainder of the Act, or the application of such provision to other persons or circumstances, shall not be affected."

## 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.

**§ 1642a. Financial provisions****(a) Deposit of proceeds of certain property**

The Secretary of the Treasury is directed to hold, in an account in the Treasury of the United States, the net proceeds of the sale of certain Czechoslovakian steel mill equipment heretofore blocked and sold in the United States by order of the Secretary of the Treasury under authority of Executive Order Numbered 9193, dated July 6, 1942 (7 F.R. 5205, July 9, 1942).

**(b) Creation of Czechoslovakian Claims Fund**

There is created in the Treasury of the United States a fund to be designated the Czechoslovakian Claims Fund, for the payment of unsatisfied claims of nationals of the United States against Czechoslovakia as authorized in this subchapter.

**(c) Voluntary settlement and payment of claims of nationals of the United States**

If, within one year following August 8, 1958, the Government of Czechoslovakia voluntarily settles with and pays to the Government of the United States a sum in payment of claims of United States nationals against Czechoslovakia, all moneys held pursuant to subsection (a) of this section shall be disposed of in accordance with the terms of the settlement agreement with Czechoslovakia and applicable provisions of this subchapter and the sum paid by Czechoslovakia shall be covered into the Czechoslovakian Claims Fund.

**(d) Deposit of net proceeds into Fund**

Upon the expiration of one year after August 8, 1958 if no settlement with Czechoslovakia of the type specified in subsection (c) of this section has occurred, all moneys held pursuant to subsection (a) of this section except amounts held in reserve pursuant to section 1642b of this title, shall be covered into the Czechoslovakian Claims Fund.

**(e) Deductions for expenses**

The Secretary of the Treasury shall deduct from the Czechoslovakian 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. The amount so deducted shall be covered into the Treasury to the credit of miscellaneous receipts.

**(f) Disposition of balance of Fund**

After the deduction for administrative expenses pursuant to subsection (e) of this section,

and after payment of awards certified pursuant to section 1642i of this title, the balance remaining in the Fund, if any, shall be paid to Czechoslovakia in accordance with instructions to be provided by the Secretary of State.

(Mar. 10, 1950, ch. 54, title IV, § 402, as added Pub. L. 85-604, § 1, Aug. 8, 1958, 72 Stat. 527.)

## REFERENCES IN TEXT

Executive Order Numbered 9193, dated July 6, 1942 (7 F.R. 5205, July 9, 1942), referred to in subsec. (a), is Ex. Ord. No. 9193, July 6, 1942, 7 F.R. 5205, which amended Ex. Ord. No. 9095, formerly set out under section 6 of the former Appendix to Title 50, War and National Defense, which was revoked by Ex. Ord. No. 12553, Feb. 25, 1986, 51 F.R. 7237.

**§ 1642b. Claims against United States; jurisdiction; limitation; preference; reserve fund**

No judicial relief or remedy shall be available to any person asserting a claim against the United States or any officer or agent thereof with respect to any action taken under this subchapter, or any other claim for or on account of the property or proceeds described in section 1642a of this title, or for any other action taken with respect thereto except to the extent that the action complained of constitutes a taking of private property without just compensation, and to such extent the sole judicial relief and remedy available shall be an action brought against the United States in the United States Court of Federal Claims which action must be brought within one year of August 8, 1958, or it shall be forever barred; and any action so brought shall receive a preference over all actions which themselves are not given preference by statute. No other court shall have original jurisdiction to consider any such claim by mandamus or otherwise. If any action is brought pursuant to this section the Secretary of the Treasury shall set aside an appropriate reserve in the account containing the moneys held pursuant to subsection (a) of section 1642a of this title. Such reserve shall be retained pending a final determination of all issues raised in the action and recovery in any such action shall be limited to and paid out of the moneys so reserved. After a final determination of all issues raised in the action and payment of any judgment against the United States entered pursuant thereto, any balance no longer required to be held in reserve shall be disposed of in accordance with the provisions of subsection (d) of section 1642a of this title. Nothing in this section shall be construed to create (1) any liability against the United States for any action taken pursuant to section 1642c of this title, (2) any liability against the United States in favor of the Government of Czechoslovakia, any agency or instrumentality thereof or any person who is an assignee or successor in interest thereto, or (3) any other liability against the United States.

(Mar. 10, 1950, ch. 54, title IV, § 403, as added Pub. L. 85-604, § 1, Aug. 8, 1958, 72 Stat. 528; amended Pub. L. 97-164, title I, § 161(3), Apr. 2, 1982, 96 Stat. 49; Pub. L. 102-572, title IX, § 902(b)(1), Oct. 29, 1992, 106 Stat. 4516.)

## AMENDMENTS

1992—Pub. L. 102-572 substituted “United States Court of Federal Claims” for “United States Claims Court”.

1982—Pub. L. 97-164 substituted “Claims Court” for “Court of Claims”.

## EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by Pub. L. 102-572 effective Oct. 29, 1992, see section 911 of Pub. L. 102-572, set out as a note under section 171 of Title 28, Judiciary and Judicial Procedure.

## EFFECTIVE DATE OF 1982 AMENDMENT

Amendment by Pub. L. 97-164 effective Oct. 1, 1982, see section 402 of Pub. L. 97-164, set out as a note under section 171 of Title 28, Judiciary and Judicial Procedure.

### § 1642c. Determination of validity and amount of claims

The Commission shall determine in accordance with applicable substantive law, including international law, the validity and amount of claims by nationals of the United States against the Government of Czechoslovakia for losses resulting from the nationalization or other taking on and after January 1, 1945, of property including any rights or interests therein owned at the time by nationals of the United States, subject, however, to the terms and conditions of an applicable claims agreement, if any, concluded between the Governments of Czechoslovakia and the United States within one year following August 8, 1958. In making the determination with respect to the validity and amount of claims and value of properties, rights, or interests taken, the Commission is authorized to accept the fair or proved value of the said property, right, or interest as of a time when the property or business enterprise taken, was last operated, used, managed or controlled by the national or nationals of the United States asserting the claim irrespective of whether such date is prior to the actual date of nationalization or taking by the Government of Czechoslovakia.

(Mar. 10, 1950, ch. 54, title IV, § 404, as added Pub. L. 85-604, § 1, Aug. 8, 1958, 72 Stat. 528.)

### § 1642d. Nationality requirements

A claim under section 1642c of this title shall not be allowed unless the property upon which the claim is based was owned by a national of the United States on the date of nationalization or other taking thereof and unless the claim has been held by a national of the United States continuously thereafter until the date of filing with the Commission.

(Mar. 10, 1950, ch. 54, title IV, § 405, as added Pub. L. 85-604, § 1, Aug. 8, 1958, 72 Stat. 528.)

### § 1642e. Claims based on ownership interest in corporations or other legal entities

#### (a) Nationals of United States

A claim under section 1642c of this title, based upon an ownership interest in any corporation, association, or other entity which is a national of the United States shall be denied.

#### (b) Direct ownership

A claim under section 1642c of this title, based upon a direct ownership interest in a corpora-

tion, association, or other entity for loss by reason of the nationalization or other taking of such corporation, association, or other entity, or the property thereof, shall be allowed, subject to other provisions of this subchapter, if such corporation, association, or other entity on the date of the nationalization or other taking 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) Indirect ownership

A claim under section 1642c of this title, based upon an indirect ownership interest in a corporation, association, or other entity for loss by reason of the nationalization or other taking of such corporation, association, or other entity, or the property thereof, shall be allowed, subject to other provisions of this subchapter, only if at least 25 per centum of the entire ownership interest thereof at the time of such nationalization or other taking was vested in nationals of the United States.

#### (d) Computation of award

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.

(Mar. 10, 1950, ch. 54, title IV, § 406, as added Pub. L. 85-604, § 1, Aug. 8, 1958, 72 Stat. 529.)

### § 1642f. Prevention of double benefits

In determining the amount of any award by the Commission there shall be deducted all amounts the claimant has received from any source on account of the same loss or losses with respect to which such award is made.

(Mar. 10, 1950, ch. 54, title IV, § 407, as added Pub. L. 85-604, § 1, Aug. 8, 1958, 72 Stat. 529.)

### § 1642g. Consolidated awards

With respect to any claim under section 1642c of this title 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 claimants therein, and all such claimants shall participate, in proportion to their indicated interests, in the payments authorized by this subchapter in all respects as if the award had been in favor of a single person.

(Mar. 10, 1950, ch. 54, title IV, § 408, as added Pub. L. 85-604, § 1, Aug. 8, 1958, 72 Stat. 529.)

### § 1642h. Prohibition against payment of award to certain persons

No award shall be made on any claim under section 1642c of this title to or for the benefit of (1) any person who has been convicted of a violation of any provision of chapter 115 of title 18, or of any other crime involving disloyalty to the United States, or (2) any claimant whose claim under this subchapter is within the scope of subchapter III of this chapter.