

of Justice, as a separate agency, see section 1622a et seq. of Title 22, Foreign Relations and Intercourse.

## SUBCHAPTER II—TITLE II OF WAR CLAIMS ACT OF 1948

### CODIFICATION

Pub. L. 87-846, §103, Oct. 22, 1962, 76 Stat. 1107, added “title II” (§§201 to 217) to the War Claims Act of 1948 (act July 3, 1948, ch. 826) without supplying a name for such title, which for purposes of codification has been set out as this subchapter.

### § 4131. Definitions

As used in this subchapter 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 corporation, 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.

### CODIFICATION

Section was formerly classified to section 2017 of the former Appendix to this title prior to editorial reclassification and renumbering as this section.

### SEPARABILITY

Pub. L. 87-846, title III, §301, Oct. 22, 1962, 76 Stat. 1117, provided that: “If any provision of this Act [see Tables for classification], 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.

### § 4132. Claims authorized

The Commission is directed to receive and to determine according to the provisions of this subchapter 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,<sup>1</sup> 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 risk 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 settle-

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