

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 No. 9095, formerly set out under section 6 of the former Appendix to Title 50, War and National Defense, which was revoked by Ex.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.

(Mar. 10, 1950, ch. 54, title IV, § 409, as added Pub. L. 85-604, § 1, Aug. 8, 1958, 72 Stat. 529.)

§ 1642i. Certification of awards

The Commission shall certify to the Secretary of the Treasury, in terms of United States currency, each award made pursuant to this subchapter.

(Mar. 10, 1950, ch. 54, title IV, § 410, as added Pub. L. 85-604, § 1, Aug. 8, 1958, 72 Stat. 529.)

§ 1642j. Time for filing of claims; notice

Within sixty days after August 8, 1958, or of legislation making appropriations to the Commission for payment of administrative expenses incurred in carrying out its functions under this subchapter, 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 twelve months after such publication.

(Mar. 10, 1950, ch. 54, title IV, § 411, as added Pub. L. 85-604, § 1, Aug. 8, 1958, 72 Stat. 529.)

§ 1642k. Time limitation on completion of affairs of Commission

The Commission shall complete its affairs in connection with the settlement of claims pursuant to this subchapter not later than three years following the final date for the filing of claims as provided in section 1642j of this title or following the enactment of legislation making appropriations to the Commission for payment of administrative expenses incurred in carrying out its functions under this subchapter, whichever date is later.

(Mar. 10, 1950, ch. 54, title IV, § 412, as added Pub. L. 85-604, § 1, Aug. 8, 1958, 72 Stat. 529.)

§ 1642l. Payment of awards

(a) Manner of payment

The Secretary of the Treasury is authorized and directed, out of the sums covered into the Czechoslovakian Claims Fund, to make payments on account of awards certified by the Commission pursuant to this subchapter as follows and in the following order of priority:

(1) Payment in the amount of \$1,000 or in the amount of the award, whichever is less.

(2) Thereafter, payments from time to time on account of the unpaid balance of each remaining award made pursuant to this subchapter which shall bear to such unpaid balance the same proportion as the total amount in the fund available for distribution at the time such payments are made bears to the aggregate unpaid balance of all such awards.

(b) Regulations

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

(c) "Award" defined

For the purpose of making any such payments, an "award" shall be deemed to mean the aggregate of all awards certified in favor of the same claimant.