

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

#### § 4113. Detention benefits to merchant seamen

##### (a) "Merchant seaman" defined

As used in this section, the term "merchant seaman" means any individual who was employed as a seaman or crew member on any vessel registered under the laws of the United States, or under the laws of any government friendly to the United States during World War II, and who was a citizen of the United States on and after December 7, 1941, to the date of his death or the date of filing claim under this section; except any such individual who is entitled to, or who has received, benefits under section 4104 of this title as a "civilian American citizen".

##### (b) Determination of claim; rate of payment

The Commission is authorized to receive and determine, according to law, the amount and validity, and provide for the payment of any claim for detention benefits filed by or on behalf of any merchant seaman who, being then a merchant seaman, was captured or interned or held by the Government of Germany or the Imperial Japanese Government, its agents or instrumentalities in World War II for any period of time subsequent to December 7, 1941, during which he was held by either such government as a prisoner, internee, hostage, or in any other capacity. Detention benefits shall be paid under this section at the rates prescribed and in the manner provided in subsections (c) and (d) of section 4104 of this title.

##### (c) Collaborationists excluded

Payment of any claim filed under this section shall not be made to any merchant seaman, or to any survivor or survivors thereof, who, voluntarily, knowingly, and without duress, gave aid to or collaborated with or in any manner served any government hostile to the United States during World War II.

##### (d) Time of filing claim

Claims for benefits under this section must be filed within one year after August 31, 1954.

##### (e) Certification of claim for payment

Any claim allowed under the provisions of this section shall be certified to the Secretary of the Treasury for payment out of the War Claims Fund established by section 4110 of this title.

(July 3, 1948, ch. 826, title I, §16, as added Aug. 31, 1954, ch. 1162, title I, §103, 68 Stat. 1034; amended Pub. L. 87-846, title I, §102, Oct. 22, 1962, 76 Stat. 1107.)

#### CODIFICATION

Section was formerly classified to section 2015 of the former Appendix to this title prior to editorial reclassification and renumbering as this section.

#### AMENDMENTS

1962—Pub. L. 87-846 made technical amendment to reference in original act which appears in text of subsecs. (a) and (b) as reference to section 4104 of this title and in subsec. (e) as reference to section 4110 of this title.

#### 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.

#### § 4114. Philippines

##### (a) Losses by individual from sequestered credits; loss by banks or other financial institutions

(1) The Commission is authorized to receive and to determine, according to law, the amount and validity, and provide for the payment of any claim filed by—

(A) any individual who—

(i) on or after December 7, 1941, was a member of the military or naval forces of the United States;

(ii) is the survivor of any deceased individual described in subparagraph (i);

(iii) was a national of the United States on December 7, 1941, and is a national of the United States on August 31, 1954; or

(iv) is the survivor of any deceased individual who was a national of the United States on December 7, 1941, and would be a national of the United States on August 31, 1954, if living; or

(B) any partnership, firm, corporation, or other legal entity, in which more than 50 per centum of the ownership was vested, directly or indirectly, both on December 7, 1941, and on August 31, 1954, in individuals referred to in subparagraph (A) of this paragraph;

for losses arising as a result of the sequestration of accounts, deposits, or other credits of such individual or legal entity in the Philippines by the Imperial Japanese Government.

(2) The Commission is authorized to receive and to determine, according to law, the amount and validity, and provide for the payment of any claim filed by any bank or other financial institution doing business in the Philippines which reestablished sequestered accounts, deposits, or other credits of—

(A) any individual referred to in subparagraph (A) of paragraph (1) of this subsection; or

(B) any partnership, firm, corporation, or other legal entity, in which more than 50 per centum of the ownership was vested, directly or indirectly, both on December 7, 1941, and on the date of reestablishment of such sequestered credits, in individuals referred to in such subparagraph (A);

for reimbursement of the amounts of such sequestered credits paid by such bank or financial institution.

##### (b) Filing date for claims

Claims must be filed under this section within one year after August 31, 1954.

##### (c) Death or legal disability as affecting payments

Where any individual entitled to payment under this section is under any legal disability, payment may be made in accordance with the provisions of subsection (e) of section 4104 of this title. In the case of the death of any individual entitled to payment of any claim under this section, payment of such claim shall be made to the individuals specified, and in the

order provided, in subsection (d) of section 4105 of this title; except that no payment shall be made under this section to any individual who voluntarily, knowingly, and without duress, gave aid to or collaborated with or in any manner served any government hostile to the United States during World War II.

**(d) Certification of claims for payment**

Each claim allowed under this section shall be certified to the Secretary of the Treasury for payment out of the War Claims Fund established under section 4110 of this title. The Secretary of the Treasury shall pay such claims as follows:

(1) In the case of each claim allowed in an amount equal to or less than \$500, such claim shall be paid in full; and

(2) In the case of each claim allowed in an amount greater than \$500, such claim shall be paid in two installments. The first installment shall be paid in an amount equal to \$500 plus 66⅔ per centum of the amount of such claim allowed in excess of \$500. The last installment shall be computed as of September 1, 1956, under the next sentence of this paragraph, and, as so computed, shall be paid from the sums remaining in the War Claims Fund on that date. If the sums remaining in the War Claims Fund on September 1, 1956, are sufficient to satisfy all claims allowed under this section and not paid in full, the unpaid portion of each such claim shall be paid in full; if the sums remaining in the War Claims Fund on September 1, 1956, are not sufficient to satisfy all claims allowed under this section and not paid in full, the last installment payable on each such claim shall be reduced ratably, and, as so reduced, shall be paid from the War Claims Fund.

(July 3, 1948, ch. 826, title I, §17, as added Aug. 31, 1954, ch. 1162, title I, §103, 68 Stat. 1035; amended Pub. L. 87-846, title I, §102, Oct. 22, 1962, 76 Stat. 1107.)

**CODIFICATION**

Section was formerly classified to section 2016 of the former Appendix to this title prior to editorial reclassification and renumbering as this section.

**AMENDMENTS**

1962—Pub. L. 87-846 made technical amendment to reference in original act which appears in text of subsec. (c) as reference to section 4104 of this title and reference to section 4105 of this title and in subsec. (d) as reference to section 4110 of this title.

**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.

**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,