

rying out its functions under paragraph (5) of section 1641b of this title, 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 under paragraph (5) of section 1641b of this title, which limit shall not be more than six months after such publication.

(d) Failure to receive notice on Hungarian claims

Notwithstanding any other provision of this section, any national of the United States who was mailed notice by any department or agency of the Government of the United States with respect to filing a claim against the Government of Hungary arising out of any of the failures referred to in paragraph (1), (2), or (3) of section 1641b of this title, and who did not receive the notice as the result of administrative error in placing a nonexistent address on the notice, may file with the Commission a claim under any such paragraph. The Commission shall publish in the Federal Register, within thirty days after October 20, 1974, when the limit of time within which any such claim may be filed with the Commission, which limit shall not be more than six months after such publication.

(Mar. 10, 1950, ch. 54, title III, §306, as added Aug. 9, 1955, ch. 645, §3, 69 Stat. 572; amended Pub. L. 90-421, §1(12), July 24, 1968, 82 Stat. 423; Pub. L. 93-460, §1(4), Oct. 20, 1974, 88 Stat. 1386.)

Editorial Notes

AMENDMENTS

1974—Subsec. (a). Pub. L. 93-460, §1(4)(A), substituted “paragraph (1), (2), or (3) of section 1641b of this title” for “this subchapter”.

Subsecs. (c), (d). Pub. L. 93-460, §1(4)(B), added subsecs. (c) and (d).

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

§ 1641f. Amount of award

The amount of any award made pursuant to this subchapter based on a claim of a national of the United States other than the national of the United States to whom the claim originally accrued shall not exceed the amount of the actual consideration last paid therefor either prior to January 1, 1953, or between that date and the filing of the claim, whichever is less.

(Mar. 10, 1950, ch. 54, title III, §307, as added Aug. 9, 1955, ch. 645, §3, 69 Stat. 573.)

§ 1641g. Certification of awards

The Commission shall as soon as possible, and in the order of the making of such awards, 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 III, §308, as added Aug. 9, 1955, ch. 645, §3, 69 Stat. 573.)

§ 1641h. Funds for payment of claims

All payments authorized under this subchapter shall be disbursed exclusively from the claims fund attributable to the country with respect to which the claims are allowed pursuant

to this subchapter. All amounts covered into the Treasury to the credit of the claims funds created by section 1641a of this title are hereby permanently appropriated for the making of the payments authorized under this subchapter.

(Mar. 10, 1950, ch. 54, title III, §309, as added Aug. 9, 1955, ch. 645, §3, 69 Stat. 573.)

§ 1641i. Payment of awards

(a) Manner of payment

The Secretary of the Treasury shall make payments on account of awards certified by the Commission pursuant to this subchapter as follows:

(1) Payment in full of the principal amount of each award made pursuant to section 1641d(a)(1) of this title and each award of \$1,000 or less made pursuant to section 1641b or 1641c of this title;

(2) Payment in full of the principal amount of each award of \$1,000 or less made pursuant to section 1641d(a)(2) of this title;

(3) Payment in the amount of \$1,000 on account of the principal of each award of more than \$1,000 in amount made pursuant to section 1641b, 1641c, or 1641d(a)(2) of this title;

(4) After completing the payments under the preceding paragraphs of this subsection from any one fund, payments from time to time, in ratable proportions, on account of the then unpaid principal of all awards in the principal amount of more than \$1,000, according to the proportions which the unpaid principal of such awards bear to the total amount in the fund available for distribution on account of such awards at the time such payments are made;

(5) After payment has been made in full of the principal amounts of all awards from any one fund, pro rata payments from the remainder of such fund then available for distribution on account of accrued interest on such awards as bear interest;

(6) Whenever the Commission is authorized to settle claims by the enactment of paragraph (4) of section 1641b of this title with respect to Rumania and Bulgaria, no further payments shall be authorized by the Secretary of the Treasury on account of awards certified by the Commission pursuant to paragraph (1), (2), or (3) of section 1641b of this title of the Bulgarian or Rumanian Claims Funds, as the case may be, until payments on account of awards certified pursuant to paragraph (4) of section 1641b of this title with respect to such fund have been authorized in equal proportion to payments previously authorized on existing awards certified pursuant to paragraphs (1), (2), and (3) of section 1641b of this title.

(7)(A) Except as otherwise provided in subparagraph (D), whenever the Commission is authorized to settle claims by enactment of paragraph (5) of section 1641b of this title with respect to Hungary, no further payments shall be authorized by the Secretary of the Treasury on account of awards certified by the Commission under paragraphs (2) and (3) of section 1641b of this title out of the Hungarian Claims Fund until payments on account of awards certified under paragraph (5) of section 1641b of this title with respect to such fund have

been authorized in equal proportions to payments previously authorized on existing awards certified under paragraphs (2) and (3) of section 1641b of this title.

(B) Except as otherwise provided in subparagraph (D), with respect to awards previously certified under paragraph (1) of section 1641b of this title, the Secretary of the Treasury shall not authorize any further payments until payments on account of awards certified under paragraphs (2), (3), and (5) of section 1641b of this title have been authorized in equal proportions to payments previously authorized on existing awards certified under paragraph (1) of section 1641b of this title.

(C) Except as otherwise provided in subparagraph (D), the Secretary of the Treasury shall not authorize any further payments on account of awards certified under paragraph (3) of section 1641b of this title based on Kingdom of Hungary bonds expressed in United States dollars or upon awards to Standstill creditors of Hungary that were the subject matter of the agreement of December 5, 1969, between the Government of Hungary and the American Committee for Standstill creditors of Hungary.

(D) No payments shall be authorized by the Secretary of the Treasury on account of awards certified by the Commission under paragraph (5) of section 1641b of this title, and no further payments shall be so authorized under paragraphs (1), (2), or (3) of section 1641b of this title (except payments certified as the result of claims filed under subsection (d) of section 1641e of this title), until payments on account of awards certified under such paragraphs (1), (2), and (3) as the result of a claims¹ filed under subsection (d) of section 1641e of this title have been authorized in equal proportions to payments previously authorized on existing awards certified under such paragraphs and arising out of claims filed other than under such subsection (d).

(E) The Secretary of the Treasury is authorized and directed to deduct the sum of \$125,000 from the Hungarian Claims Fund and cover such amount into the Treasury to the credit of miscellaneous receipts in satisfaction of the claim of the United States referred to in article 2, paragraph 4 of the United States-Hungarian Claims Agreement of March 6, 1973. Such amount shall be deducted in annual installments over the period during which the Government of Hungary makes payments to the Government of the United States as provided in article 4 of the agreement.

(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 purposes of making any such payments, an "award" shall be deemed to mean the aggregate of all awards certified in favor of the same claimant and payable from the same fund.

¹ So in original. Probably should be "claim".

(d) Consolidated award

With respect to any claim which, at the time of the award, is vested in persons other than the person to whom the claim originally accrued, 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 provided by this section in all respects as if the award had been in favor of a single person.

(Mar. 10, 1950, ch. 54, title III, §310, as added Aug. 9, 1955, ch. 645, §3, 69 Stat. 573; amended Pub. L. 90-421, §1(13), July 24, 1968, 82 Stat. 423; Pub. L. 93-460, §1(5), Oct. 20, 1974, 88 Stat. 1386.)

Editorial Notes

AMENDMENTS

1974—Subsec. (a)(7). Pub. L. 93-460 added par. (7).

1968—Subsec. (a)(6). Pub. L. 90-421 added par. (6).

§ 1641j. Claims by corporations or other legal entities

(a) If a corporation or other legal entity has a claim on which an award may be made under this subchapter, no award may be made to any other person under this subchapter with respect to such claim.

(b) A claim based upon an interest, direct or indirect, in a corporation or other legal entity which directly suffered the loss with respect to which the claim is asserted, but which was not a national of the United States at the time of the loss, shall be acted upon without regard to the nationality of such legal entity if at the time of the loss at least 25 per centum of the outstanding capital stock or other beneficial interest in such entity was owned, directly or indirectly, by natural persons who were nationals of the United States. This subsection shall not be construed so as to exclude from eligibility a claim based upon a direct ownership interest in a corporation, association, or other entity, or the property thereof, for loss by reason of the nationalization, compulsory liquidation, or other taking of such corporation, association, or other entity by the Governments of Bulgaria, Hungary, Italy, Rumania, or the Soviet Government. Any such claim may be allowed without regard to the per centum of ownership vested in the claimant.

(Mar. 10, 1950, ch. 54, title III, §311, as added Aug. 9, 1955, ch. 645, §3, 69 Stat. 573; amended Pub. L. 85-604, §3(a), Aug. 8, 1958, 72 Stat. 531.)

Editorial Notes

AMENDMENTS

1958—Subsec. (b). Pub. L. 85-604 provided that it shall not be construed so as to exclude from eligibility a claim based upon a direct ownership interest in a corporation, association, or other entity, or the property thereof, for loss by reason of the nationalization, compulsory liquidation, or other taking, and permitted allowance of such claim without regard to the per centum of ownership vested in the claimant.