

Statutory Notes and Related Subsidiaries

RECONSIDERATION OF CLAIMS

Pub. L. 85-604, §3(b), Aug. 8, 1958, 72 Stat. 531, provided that any claim heretofore denied under subsec. (b) of this section, prior to Aug. 8, 1958, would be reconsidered by the Foreign Claims Settlement Commission solely to redetermine its validity and amount.

§ 1641k. Prohibition against payment of award to collaborators or disloyal persons

No award shall be made under this subchapter to or for the benefit of any person 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, or 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.

(Mar. 10, 1950, ch. 54, title III, §312, as added Aug. 9, 1955, ch. 645, §3, 69 Stat. 574.)

§ 1641l. Unpaid balance of claim; claims of United States unaffected

Payment of any award made pursuant to section 1641b or 1641d of this title shall not, unless such payment is for the full amount of the claim, as determined by the Commission to be valid, with respect to which the award is made, extinguish such claim, or be construed to have divested any claimant, or the United States on his behalf, of any rights against the appropriate foreign government or national for the unpaid balance of his claim or for restitution of his property. All awards or payments made pursuant to this subchapter shall be without prejudice to the claims of the United States against any foreign government.

(Mar. 10, 1950, ch. 54, title III, §313, as added Aug. 9, 1955, ch. 645, §3, 69 Stat. 574.)

§ 1641m. Finality of action of Commission

The action of the Commission in allowing or denying any claim under this subchapter shall be final and conclusive on all questions of law and fact and not subject to review by any other official of the United States or by any court by mandamus or otherwise, and the Comptroller General shall allow credit in the accounts of any certifying or disbursing officer for payments in accordance with such action.

(Mar. 10, 1950, ch. 54, title III, §314, as added Aug. 9, 1955, ch. 645, §3, 69 Stat. 574.)

§ 1641n. Appropriations

There are authorized to be appropriated such sums as may be necessary to enable the Commission and the Treasury Department to pay their administrative expenses incurred in carrying out their functions under this subchapter.

(Mar. 10, 1950, ch. 54, title III, §315, as added Aug. 9, 1955, ch. 645, §3, 69 Stat. 574.)

§ 1641o. Time limitation on completion of affairs of Commission**(a) Claims against Russian nationals**

The Commission shall complete its affairs in connection with the settlement of claims pursu-

ant to section 1641d(a)(1) of this title not later than two years, and all other claims pursuant to this subchapter not later than four years, following August 9, 1955, or following the date of enactment of legislation making appropriations to the Commission for the payment of administrative expenses incurred in carrying out its functions under this subchapter, whichever date is later.

(b) Property taken in Bulgaria and Rumania; claims against Italy

The Commission shall complete its affairs in connection with the settlement of claims pursuant to paragraph (4) of section 1641b of this title and subsections (b) and (c) of section 1641c of this title not later than two years following July 24, 1968, or following the enactment of legislation making appropriations to the Commission for payment of administrative expenses incurred in carrying out its functions under paragraph (4) of section 1641b of this title and subsections (b) and (c) of section 1641c of this title, whichever is later.

(c) Property taken in Hungary

The Commission shall complete its affairs in connection with the settlement of claims pursuant to paragraph (5) of section 1641b of this title not later than two years following the deadline established under subsection (c) of section 1641e of this title.

(Mar. 10, 1950, ch. 54, title III, §316, as added Aug. 9, 1955, ch. 645, §3, 69 Stat. 574; amended Pub. L. 90-421, §1(14), July 24, 1968, 82 Stat. 423; Pub. L. 93-460, §1(6), Oct. 20, 1974, 88 Stat. 1387.)

Editorial Notes

AMENDMENTS

1974—Subsec. (c). Pub. L. 93-460 added subsec. (c).

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

§ 1641p. Fees of agents, attorneys, or representatives**(a) Maximum remuneration; penalty for violation**

The total remuneration paid to all agents, attorneys-at-law or in fact, or representatives, for services rendered on behalf of any claimant in connection with any claim filed with the Commission shall not exceed 10 per centum of the total amount paid under this subchapter on account of such claim, or such greater amount as may be determined pursuant to subsection (b) of this section. Any agreement to the contrary shall be unlawful and void. Whoever, in the United States or elsewhere, demands or receives, on account of services so rendered, any remuneration which, together with all remuneration paid to other persons on account of such services and of which he has notice, is in excess of the maximum permitted by this section, shall be fined not more than \$5,000 or imprisoned not more than twelve months, or both.

(b) Petition for payment in excess of maximum; determination by Commission not subject to review

Not later than three months after the Commission has completed its affairs in connection

with the settlement of all claims payable from the fund from which an award is payable, any agent, attorney-at-law or in fact, or representative who believes that the total remuneration for services rendered in connection with the claim upon which such award is made should exceed the maximum otherwise permitted by this section may, pursuant to such procedure as the Commission shall prescribe by regulation, petition the Commission for an order authorizing the payment of remuneration in excess of such maximum. The Commission shall issue such an order only upon a finding that there exist special circumstances of unusual hardship which require the payment of such excess; and such order shall state the amount of the excess which may so be paid. The determination of the Commission in ruling upon such petition shall be within the sole discretion of the Commission and shall not be subject to review by any court. (Mar. 10, 1950, ch. 54, title III, § 317, as added Aug. 9, 1955, ch. 645, § 3, 69 Stat. 574.)

§ 1641q. Applicability of administrative provisions of subchapter I

The following provisions of subchapter I shall be applicable to this subchapter: Subsections (b), (c), (d), (e), (h), and (j) of section 1623 of this title; and subsections (c), (d), (e), and (f) of section 1626 of this title.

(Mar. 10, 1950, ch. 54, title III, § 318, as added Aug. 9, 1955, ch. 645, § 3, 69 Stat. 575.)

**SUBCHAPTER IV—CLAIMS AGAINST
CZECHOSLOVAKIA**

Statutory Notes and Related Subsidiaries

CZECHOSLOVAKIAN CLAIMS SETTLEMENT ACT OF 1981
Pub. L. 97-127, Dec. 29, 1981, 95 Stat. 1675, provided:

“SHORT TITLE

“SECTION 1. This Act may be cited as the ‘Czechoslovakian Claims Settlement Act of 1981’.

“APPROVAL OF AGREEMENT

“SEC. 2. (a) The Congress hereby approves the Agreement between the Government of the United States of America and the Government of the Czechoslovak Socialist Republic on the Settlement of Certain Outstanding Claims and Financial Issues, initialed at Prague, Czechoslovakia on November 6, 1981.

“(b) The President may, without further approval by the Congress, execute such technical revisions of the Agreement approved by subsection (a) of this section as in his judgment may from time to time be required to facilitate the implementation of that Agreement. Nothing in this subsection shall be construed to authorize any revision of that Agreement to reduce any amount to be paid by the Government of the Czechoslovak Socialist Republic to the United States Government under the Agreement, or to defer the payment of any such amount.

“DEFINITIONS

“SEC. 3. For the purposes of this Act—

“(1) ‘Agreement’ means the Agreement on the Settlement of Certain Outstanding Claims and Financial Issues approved by section 2(a) of this Act;

“(2) ‘national of the United States’ has the meaning given such term by section 401(1) of the International Claims Settlement Act of 1949 [22 U.S.C. 1642(1)];

“(3) ‘Commission’ means the Foreign Claims Settlement Commission of the United States;

“(4) ‘Fund’ means the Czechoslovakian Claims Fund established by section 402(b) of the International Claims Settlement Act of 1949 [22 U.S.C. 1642a(b)];

“(5) ‘Secretary’ means the Secretary of the Treasury; and

“(6) ‘property’ means any property, right, or interest.

“THE FUND

“SEC. 4. (a) The Secretary shall cover into the Fund the amount paid by the Government of the Czechoslovak Socialist Republic in settlement and discharge of claims of nationals of the United States pursuant to article 1(1) of the Agreement, and shall deduct from that amount \$50,000 for reimbursement to the United States Government for expenses incurred by the Department of the Treasury and the Commission in the administration of this Act and title IV of the International Claims Settlement Act of 1949 [this subchapter]. The amount so deducted shall be covered into the Treasury to the credit of miscellaneous receipts. The deduction required by this subsection shall be made in lieu of the deduction provided in section 402(e) of the International Claims Settlement Act of 1949 [22 U.S.C. 1642a(e)]; however, it is the sense of the Congress that the United States Government is entitled to a larger percentage of the total award (generally presumed to be 5 percent) and that the ex gratia payment hereinafter provided to certain claimants, who were otherwise excluded from sharing in this claims settlement under generally-accepted principles of international law and United States practice, is justified only by the extraordinary circumstances of this case and does not establish any precedent for future claims negotiations or payments.

“(b) The Secretary shall establish three accounts in the Fund into which the amount covered into the Fund pursuant to subsection (a) of this section, less the deduction required by that subsection, shall be covered as follows:

“(1) An account into which \$74,550,000 shall be covered, to be available for payment in accordance with section 8 of this Act on account of awards certified pursuant to section 410 of the International Claims Settlement Act of 1949 [22 U.S.C. 1642i].

“(2) An account into which \$1,500,000 shall be covered, to be available for payment in accordance with section 8 of this Act on account of awards determined pursuant to section 5 of this Act.

“(3) An account into which the remainder of amounts in the Fund shall be covered, to be available for payment in accordance with section 8 of this Act on account of awards determined pursuant to section 6 of this Act.

“DETERMINATION OF CERTAIN CLAIMS

“SEC. 5. (a) The Commission shall receive and 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 the Czechoslovak Socialist Republic for losses resulting from the nationalization or other taking of property owned at the time by nationals of the United States, which nationalization or other taking occurred between August 8, 1958, and the date on which the Agreement enters into force. In making the determination with respect to the validity and amount of any such claim and the value of the property taken, the Commission is authorized to accept the fair or proved value of such property as of the time when the property taken was last operated, used, managed, or controlled by the national or nationals of the United States asserting the claim, regardless of whether such time is prior to the actual date of nationalization or other taking by the Government of the Czechoslovak Socialist Republic.

“(b) The Commission shall certify to the Secretary the amount of any award determined pursuant to subsection (a).