

(C) the date upon which the Department of Defense makes a determination that the prisoner of war has actually died or is presumed to be dead, in the case of any prisoner of war who has not returned to the jurisdiction of the Armed Forces of the United States.

The Commission shall complete its determinations with respect to each claim filed under this subsection at the earliest practicable date, but in no event later than one year after the date on which such claim was filed.

(6) Any claim allowed under the provisions of this subsection shall be paid from funds appropriated pursuant to paragraph (7) of this subsection.

(7) There are authorized to be appropriated such amounts as may be necessary to carry out the purposes of this subsection, including necessary administrative expenses.

(g) Manner of payment

Where any person 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.

(July 3, 1948, ch. 826, title I, § 6, 62 Stat. 1244; Sept. 30, 1950, ch. 1116, 64 Stat. 1090; Apr. 9, 1952, ch. 167, § 1, 66 Stat. 47; Apr. 9, 1952, ch. 168, § 2, 66 Stat. 49; Aug. 21, 1954, ch. 784, § 2, 68 Stat. 761; Aug. 31, 1954, ch. 1162, title I, § 102(a)(1), 68 Stat. 1034; Pub. L. 87-846, title I, § 102, Oct. 22, 1962, 76 Stat. 1107; Pub. L. 91-289, §§ 1, 2, June 24, 1970, 84 Stat. 323.)

CODIFICATION

Section was formerly classified to section 2005 of the former Appendix to this title prior to editorial reclassification and renumbering as this section.

AMENDMENTS

1970—Subsec. (e)(1). Pub. L. 91-289, § 2(1), defined “prisoner of war” to include any person (military or civilian) assigned to duty in the U.S.S. Pueblo who was captured by the military forces of North Korea on January 23, 1968, and thereafter held prisoner by Government of North Korea for any period of time ending on or before December 23, 1968, and substituted “except any person” for “except any such member”.

Subsec. (e)(5)(D). Pub. L. 91-289, § 2(2), added subpar. (D).

Subsecs. (f), (g). Pub. L. 91-289, § 1, added subsec. (f) and redesignated former subsec. (f) as (g).

1962—Subsecs. (b), (d)(3). Pub. L. 87-846 made technical amendment to reference in original act which appears in text as reference to section 4110 of this title.

1954—Subsecs. (c), (d)(4). Act Aug. 31, 1954, § 102(a), struck out “dependent” wherever appearing.

Subsec. (e). Act Aug. 21, 1954, § 2(b), added subsec. (e).

Subsec. (f). Act Apr. 9, 1952, ch. 168, added subsec. as a second subsec. (d) which was redesignated “(f)” by act Aug. 21, 1954, § 2(a).

1952—Subsec. (a). Act Apr. 9, 1952, ch. 167, inserted “subsection (b) of” after “As used in”.

Subsec. (c). Act Apr. 9, 1952, ch. 168, struck out “or to his legal or natural guardian if he has one” after “person entitled thereto”.

Subsec. (d). Act Apr. 9, 1952, ch. 167, added subsec. (d). Another subsec. (d), which was added by act Apr. 9, 1952, ch. 168, was redesignated “(f)”. See 1954 Amendment note above.

1950—Subsec. (c)(4). Act Sept. 30, 1950, removed requirement of dependency upon which parents were entitled to benefits.

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.

War Claims Commission, including offices of its members, abolished and functions transferred to Foreign Claims Settlement Commission of the United States by Reorg. Plan No. 1 of 1954, §§ 2, 4, eff. July 1, 1954, 19 F.R. 3985, 68 Stat. 1279, set out in the Appendix to Title 5, Government Organization and Employees. See, also, section 4101 of this title and notes thereunder.

COMPENSATION FOR PERSONS AWARDED PRISONER OF WAR MEDAL WHO DID NOT PREVIOUSLY RECEIVE COMPENSATION AS PRISONER OF WAR

Pub. L. 104-201, div. A, title VI, § 656, Sept. 23, 1996, 110 Stat. 2584, provided that:

“(a) **AUTHORITY TO MAKE PAYMENTS.**—The Secretary of the military department concerned shall make payments in the manner provided in section 6 of the War Claims Act of 1948 (50 U.S.C. App. 2005) [now 50 U.S.C. 4105] to (or on behalf of) any person described in subsection (b) who submits an application for such payment in accordance with subsection (d).

“(b) **ELIGIBLE PERSONS.**—This section applies with respect to a member or former member of the Armed Forces who—

“(1) has received the prisoner of war medal under section 1128 of title 10, United States Code; and

“(2) has not previously received a payment under section 6 of the War Claims Act of 1948 (50 U.S.C. App. 2005) [now 50 U.S.C. 4105] with respect to the period of internment for which the person received the prisoner of war medal.

“(c) **AMOUNT OF PAYMENT.**—The amount of the payment to any person under this section shall be determined based upon the provisions of section 6 of the War Claims Act of 1948 [50 U.S.C. 4105] that are applicable with respect to the period of time during which the internment occurred for which the person received the prisoner of war medal.

“(d) **ONE-YEAR PERIOD FOR SUBMISSION OF APPLICATIONS.**—A payment may be made by reason of this section only in the case of a person who submits an application to the Secretary concerned for such payment during the one-year period beginning on the date of the enactment of this Act [Sept. 23, 1996]. Any such application shall be submitted in such form and manner as the Secretary may require.”

§ 4106. Religious organizations

(a) Reimbursement for services furnished members of armed services and American civilians; certification of claims

The Commission is authorized to receive, adjudicate according to law, and provide for the payment of any claim filed by any religious organization functioning in the Philippine Islands and affiliated with a religious organization in the United States, or by the personnel of any such Philippine organization, for reimbursement of expenditures incurred, or for payment of the fair value of supplies used, by such organization or such personnel for the purpose of furnishing shelter, food, clothing, hospitalization, medicines and medical services, and other relief in the Philippines to members of the armed forces of the United States or to civilian American citizens (as defined in section 4104 of this title) at any time subsequent to December 6, 1941, and before August 15, 1945. 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.

(b) Compensation for loss or damage to real property used in educational, medical, or welfare work

Any such religious organization or its personnel functioning in the Philippines and affiliated with a religious organization in the United States, which furnished relief in the Philippines to members of the Armed Forces of the United States or to civilian American citizens in accordance with the provisions of subsection (a) shall be compensated from the War Claims Fund, as hereinafter provided, for the loss and damage sustained as a consequence of the war to its schools, colleges, universities, scientific observatories, hospitals, dispensaries, orphanages, and other property or facilities connected with its educational, medical, or welfare work.

(c) Compensation to replace facilities

Any such affiliated organization furnishing relief which possessed any interest in, and whose personnel of American citizens substantially composed the administrative staff of, any hospital whose prewar facilities and capacity have not been restored shall be compensated in an amount sufficient to enable such organization to replace the hospital's facilities and capacity equal to that which existed at the time of the outbreak of the war, irrespective of what disposition was made subsequently of the land, buildings, and contents.

(d) Determination of claims

Claims filed pursuant to subsection (b) shall be determined and paid upon the basis of postwar cost of replacement which shall be ascertained by the War Claims Commission. In making such determinations the Commission shall utilize but not be limited to the factual information and evidence contained in the records of the Philippine War Damage Commission; the technical advice of experts in the field; the substantiating evidence submitted by the claimants; and any other technical and legal means by which fair and equitable postwar replacement costs shall be determined.

(e) Investigation; determination of replacement costs; basis used

The Commission is authorized and directed to proceed at once with the necessary investigation, study, and establishment of procedures in order to determine the replacement costs of the claims to be filed under subsections (b) and (c), using as a basis for beginning such investigation and study the evidence contained in the claims of those religious organizations or their personnel which have already filed and are eligible to be paid under the terms of subsection (a) of this section.

(f) Filing of claims; adjudication; place and use of payments

All claims under subsections (b) and (c) must be filed on or before October 1, 1952; and not later than March 31, 1953, the Commission shall adjudicate according to law and provide for the payment of any claim filed pursuant to this section. In any case in which any money is payable as a result of subsections (b) and (c) to a reli-

gious organization or its personnel functioning in the Philippines, such money shall be paid upon request of such organization to its affiliate in the United States: *Provided*, That all money thus paid to such affiliated religious organization in the United States shall be used by such affiliate for the purpose of restoring the educational, medical, and welfare facilities described in subsections (b) and (c) and located in the Philippines.

(g) Claims of internees and prisoners of war unaffected

The Commission shall expedite the payments under this section without reducing payment of claims of American civilian internees and prisoners of war filed before March 31, 1953, pursuant to the provisions of sections 4104 and 4105 of this title.

(h) Denominational organizations

(1) Any religious organization functioning in the Philippines and of the same denomination as a religious organization functioning in the United States which furnished relief (as described, and during the period designated, in subsection (a) of this section) in the Philippines to members of the Armed Forces of the United States or to civilian American citizens shall be compensated from the War Claims Fund (A) for expenditures incurred, or for payment of the fair value of supplies used by such organization, for the purpose of furnishing such relief and (B) for loss and damage sustained as a consequence of the war to its schools, colleges, universities, scientific observatories, hospitals, dispensaries, orphanages, and other property or facilities connected with its educational, medical, or welfare work. No payments shall be made to any organization under this subsection if such organization has received an award under subsection (a) or (b) of this section, and no payments shall be made to any organization pursuant to clause (B) of this paragraph unless such organization has received an award for war damages from the Philippine War Damage Commission under the provisions of the Philippine Rehabilitation Act of 1946, as amended.¹

(2) The Commission is authorized to receive, determine according to law, and provide for the payment of claims filed under this subsection. Each claim allowed by the Commission under this subsection shall be certified to the Secretary of the Treasury for payment out of the War Claims Fund. All payments under this subsection shall be made to an organization or individual in the United States designated by the claimant, and, in the case of claims under clause (B) of paragraph (1) of this subsection such payments shall be used for the purpose of restoring the educational, medical, and welfare facilities described in such clause.

(3) Claims for benefits under this subsection must be filed within six months after August 6, 1956. The Commission shall complete its determination with respect to each claim filed under this subsection at the earliest practicable date, but in no event later than one year after the date on which such claim was filed.

(4) Claims filed pursuant to clause (B) of paragraph (1) of this subsection shall be determined

¹ See References in Text note below.

and paid upon the basis of postwar cost of replacement for the twelve-month period ending October 1, 1952, as ascertained by the Commission.

(July 3, 1948, ch. 826, title I, § 7, 62 Stat. 1245; Apr. 9, 1952, ch. 167, § 2, 66 Stat. 48; Aug. 6, 1956, ch. 985, 70 Stat. 1063; Pub. L. 87-846, title I, § 102, Oct. 22, 1962, 76 Stat. 1107.)

REFERENCES IN TEXT

The Philippine Rehabilitation Act of 1946, referred to in subsec. (h)(1), is act Apr. 30, 1946, ch. 243, 60 Stat. 128, which was classified to sections 1751 to 1806 of the former Appendix to this title, prior to omission from the Code as terminated. See Termination of Philippine War Damage Commission note below.

CODIFICATION

Section was formerly classified to section 2006 of the former Appendix to this title prior to editorial reclassification and renumbering as this section.

AMENDMENTS

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

Subsec. (g). Pub. L. 87-846 made technical amendment to reference in original act which appears in text as reference to sections 4104 and 4105 of this title.

1956—Subsec. (h). Act Aug. 6, 1956, added subsec. (h).

1952—Act Apr. 9, 1952, designated existing provisions as subsec. (a) and added subsecs. (b) to (g).

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.

War Claims Commission, including offices of its members, abolished and functions transferred to Foreign Claims Settlement Commission of the United States by Reorg. Plan No. 1 of 1954, §§ 2, 4, eff. July 1, 1954, 19 F.R. 3985, 68 Stat. 1279, set out in the Appendix to Title 5, Government Organization and Employees. See, also, section 4101 of this title and notes thereunder.

TERMINATION OF PHILIPPINE WAR DAMAGE COMMISSION

The Philippine War Damage Commission established by section 101 of act Apr. 30, 1946, ch. 243, title I, 60 Stat. 128, formerly classified to section 1751 of the former Appendix to this title, terminated under the provisions of subsec. (d) of such section, which provided for the winding up of the Commission's affairs not later than two years after expiration of time for filing claims under act Apr. 30, 1946, ch. 243, if possible but in no event later than Apr. 30, 1951.

§ 4107. Reports to Congress

Not later than six months after its organization, and every six months¹ thereafter, the Commission shall make a report to the Congress concerning its operations under this subchapter.

(July 3, 1948, ch. 826, title I, § 9, 62 Stat. 1246; Pub. L. 87-846, title I, § 102, Oct. 22, 1962, 76 Stat. 1107.)

ANNUAL SUBMISSION OF REPORTS

Pub. L. 89-348, § 2(6), Nov. 8, 1965, 79 Stat. 1312, modified the provisions of this section, beginning Jan. 1, 1967, to require annual instead of semiannual submission to Congress by For-

¹ See Modification of Reporting Requirements note below.

ign Claims Settlement Commission of report concerning its operations under War Claims Act of 1948.

REFERENCES IN TEXT

This subchapter, referred to in text, was in the original "this title", meaning title I of act July 3, 1948, ch. 826, 62 Stat. 1240, which is classified principally to this subchapter. For complete classification of title I to the Code, see Tables.

CODIFICATION

Section was formerly classified to section 2008 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 as reference to this subchapter.

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.

War Claims Commission, including offices of its members, abolished and functions transferred to Foreign Claims Settlement Commission of the United States by Reorg. Plan No. 1 of 1954, §§ 2, 4, eff. July 1, 1954, 19 F.R. 3985, 68 Stat. 1279, set out in the Appendix to Title 5, Government Organization and Employees. See, also, section 4101 of this title and notes thereunder.

MODIFICATION OF REPORTING REQUIREMENTS

Pub. L. 89-348, § 2(6), Nov. 8, 1965, 79 Stat. 1312, modified the reporting requirements of this section as follows: "Beginning January 1, 1967, from semiannual to annual submission to the Congress by the Foreign Claims Settlement Commission of the United States of a report concerning its operations under the War Claims Act of 1948 (62 Stat. 1246; 50 U.S.C. App. 2008 [now 50 U.S.C. 4107])."

§ 4108. Fee limitation for representing claimants; penalties

No remuneration on account of services rendered or to be rendered to or on behalf of any claimant in connection with any claim filed with the administering agency under this subchapter shall exceed 10 per centum (or such lesser per centum as may be fixed by the administering agency with respect to any class of claims) of the amount allowed by the administering agency on account of such claim. Any agreement to the contrary shall be unlawful and void. Whoever, in the United States or elsewhere, pays or offers to pay, or promises, to pay, or receives, on account of services rendered or to be rendered in connection with any such claim, any remuneration in excess of the maximum permitted by this section, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not more than \$5,000 or imprisoned not more than twelve months, or both, and, if any such payment shall have been made or granted, the administering agency shall take such action as may be necessary to recover the same, and, in addition thereto any such claimant shall forfeit all rights under this subchapter.

(July 3, 1948, ch. 826, title I, § 10, 62 Stat. 1246; Pub. L. 87-846, title I, § 102, Oct. 22, 1962, 76 Stat. 1107.)