

CODIFICATION

Section was formerly classified to section 1989c-6 of the former Appendix to this title prior to editorial reclassification and renumbering as this section.

§ 4238. Compliance with Budget Act

No authority under this subchapter to enter into contracts or to make payments shall be effective in any fiscal year except to such extent and in such amounts as are provided in advance in appropriations Acts. In any fiscal year, the Secretary, with respect to—

(1) the Fund established under section 4233 of this title,

(2) the trust established under section 4235(b) of this title, and

(3) the provisions of sections 4236 and 4237 of this title,

shall limit the total benefits conferred to an amount not in excess of the appropriations for such fiscal year. Any provision of this subchapter which, directly or indirectly, authorizes the enactment of new budget authority shall be effective only for fiscal year 1989 and thereafter.

(Pub. L. 100-383, title II, §208, Aug. 10, 1988, 102 Stat. 916.)

REFERENCES IN TEXT

The Budget Act, referred to in section catchline, probably means the Congressional Budget Act of 1974, titles I through IX of Pub. L. 93-344, July 12, 1974, 88 Stat. 297. For complete classification of this Act to the Code, see Short Title note set out under section 621 of Title 2, The Congress, and Tables.

CODIFICATION

Section was formerly classified to section 1989c-7 of the former Appendix to this title prior to editorial reclassification and renumbering as this section.

§ 4239. Severability

If any provision of this subchapter, or the application of such provision to any person or circumstance, is held invalid, the remainder of this subchapter and the application of such provision to other persons not similarly situated or to other circumstances shall not be affected by such invalidation.

(Pub. L. 100-383, title II, §209, Aug. 10, 1988, 102 Stat. 916.)

CODIFICATION

Section was formerly classified to section 1989c-8 of the former Appendix to this title prior to editorial reclassification and renumbering as this section.

SUBCHAPTER III—TERRITORY OR PROPERTY CLAIMS AGAINST UNITED STATES**§ 4251. Exclusion of claims**

Notwithstanding any other provision of law or of this chapter, nothing in this chapter shall be construed as recognition of any claim of Mexico or any other country or any Indian tribe (except as expressly provided in this chapter with respect to the Aleut tribe of Alaska) to any territory or other property of the United States, nor shall this chapter be construed as providing any basis for compensation in connection with any such claim.

(Pub. L. 100-383, title III, §301, Aug. 10, 1988, 102 Stat. 916.)

CODIFICATION

Section was formerly classified to section 1989d of the former Appendix to this title prior to editorial reclassification and renumbering as this section.

CHAPTER 53—TRADING WITH THE ENEMY

Sec.	
4301.	Designation of chapter.
4302.	Definitions.
4303.	Acts prohibited.
4304.	Licenses to enemy or ally of enemy insurance or reinsurance companies; change of name; doing business in United States.
4305.	Suspension of provisions relating to ally of enemy; regulation of transactions in foreign exchange of gold or silver, property transfers, vested interests, enforcement and penalties.
4306.	Alien Property Custodian; general powers and duties.
4307.	Lists of enemy or ally of enemy officers, directors or stockholders of corporations in United States; acts constituting trade with enemy prior to October 6, 1917; conveyance of property to custodian; voluntary payment to custodian by holder; acts under order, rule, or regulation.
4308.	Contracts, mortgages, or pledges against or with enemy or ally of enemy; abrogation of contracts; suspension of limitations.
4309.	Claims to property transferred to custodian; notice of claim; filing; return of property; suits to recover; sale of claimed property in time of war or during national emergency.
4310.	Acts permitted; applications for patents, or registration of trade-marks or copyrights; payment of tax in relation thereto; licenses under enemy owned patent or copyright; statements by licensees; term and cancellation; suits against licensees; restraining infringements; powers of attorney; keeping secret inventions.
4311.	Importations prohibited.
4312.	Property transferred to Alien Property Custodian.
4313.	Statements by masters of vessels and owners of cargoes before granting clearances.
4314.	False manifest; refusal of clearance; reports of gold or silver coin in cargoes for export.
4315.	Offenses; punishment; forfeitures of property.
4316.	Rules by district courts; appeals.
4317.	Fees of agents, attorneys, or representatives.
4318.	Claims of naturalized citizens as affected by expatriation.
4319.	Fugitives from justice barred from recovery.
4320.	Payment of income, etc., by Alien Property Custodian.
4321.	Payment of taxes and expenses by Alien Property Custodian.
4322.	Investments by Custodian in participating certificates issued by Secretary of the Treasury; transfers to and payments from German, Austrian or Hungarian special deposit accounts; allocation of payments.
4323.	Allocation of "unallocated interest fund".
4324.	Return by Custodian, to United States, of payments under licenses, assignments or sales of patents.
4325.	"Unallocated interest fund" defined.
4326.	Waiver by Custodian of demand for property; acceptance of less amount; approval of Attorney General.
4327.	Attachment or garnishment of funds or property held by Custodian.
4328.	"Member of the former ruling family" defined.

Sec.	
4329.	Return of property.
4330.	Notice of claim; institution of suits; computation of time.
4331.	Payment of debts.
4332.	Hearings on claims; rules and regulations; delegation of powers.
4333.	Taxes.
4334.	Insurance of property.
4335.	Shipment of relief supplies; definitions.
4336.	Retention of properties or interests of Germany and Japan and their nationals; proceeds covered into Treasury; ex gratia payment to Switzerland.
4337.	Intercustodial conflicts involving enemy property; authority of President to conclude; delegation of authority.
4338.	Divestment of estates, trusts, insurance policies, annuities, remainders, pensions, workmen's compensation and veterans' benefits; exceptions; notice of divestment.
4339.	Claims for proceeds from sale of certain certificates: jurisdiction, limitations; divestment of copyrights: "copyrights" defined, rights of licensees and assignees, reproduction rights of United States, transfer of interests, payment of royalties to Attorney General, suits for infringement.
4340.	Divestment of trademarks.
4341.	Motion picture prints, transfer of title.

CODIFICATION

Act Oct. 6, 1917, ch. 106, 40 Stat. 411, comprising this chapter, was formerly set out in the Appendix to this title, prior to the elimination of the Appendix to this title and the editorial reclassification of the Act as this chapter. For disposition of sections of the former Appendix to this title, see Table II, set out preceding section 1 of this title.

TERMINATION OF WORLD WAR AND EMERGENCY

Act Oct. 6, 1917, ch. 106, 40 Stat. 411, comprising this chapter, was expressly excepted from the operation and effect of Joint Res. Mar. 3, 1921, ch. 136, 41 Stat. 1359, declaring that certain Acts of Congress, joint resolutions, and proclamations should be construed as though the World War had ended and the then present or existing emergency expired.

§ 4301. Designation of chapter

This chapter shall be known as the "Trading with the enemy¹ Act."

(Oct. 6, 1917, ch. 106, § 1, 40 Stat. 411.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original "this Act", meaning act Oct. 6, 1917, ch. 106, 40 Stat. 411, known as the Trading with the enemy Act, also known as the Trading with the Enemy Act, which is classified principally to this chapter. For complete classification of this Act to the Code, see Tables.

CODIFICATION

Section was formerly classified to section 1 of the former Appendix to this title prior to editorial reclassification and renumbering as this section.

§ 4302. Definitions

The word "enemy," as used herein, shall be deemed to mean, for the purposes of such trading and of this chapter—

(a) Any individual, partnership, or other body of individuals, of any nationality, resident within the territory (including that occupied by the

military and naval forces) of any nation with which the United States is at war, or resident outside the United States and doing business within such territory, and any corporation incorporated within such territory of any nation with which the United States is at war or incorporated within any country other than the United States and doing business within such territory.

(b) The government of any nation with which the United States is at war, or any political or municipal subdivision thereof, or any officer, official, agent, or agency thereof.

(c) Such other individuals, or body or class of individuals, as may be natives, citizens, or subjects of any nation with which the United States is at war, other than citizens of the United States, wherever resident or wherever doing business, as the President, if he shall find the safety of the United States or the successful prosecution of the war shall so require, may, by proclamation, include within the term "enemy."

The words "ally of enemy," as used herein, shall be deemed to mean—

(a) Any individual, partnership, or other body of individuals, of any nationality, resident within the territory (including that occupied by the military and naval forces) of any nation which is an ally of a nation with which the United States is at war, or resident outside the United States and doing business within such territory, and any corporation incorporated within such territory of such ally nation, or incorporated within any country other than the United States and doing business within such territory.

(b) The government of any nation which is an ally of a nation with which the United States is at war, or any political or municipal subdivision of such ally nation, or any officer, official, agent, or agency thereof.

(c) Such other individuals, or body or class of individuals, as may be natives, citizens, or subjects of any nation which is an ally of a nation with which the United States is at war, other than citizens of the United States, wherever resident or wherever doing business, as the President, if he shall find the safety of the United States or the successful prosecution of the war shall so require, may, by proclamation, include within the term "ally of enemy."

The word "person," as used herein, shall be deemed to mean an individual, partnership, association, company, or other unincorporated body of individuals, or corporation or body politic.

The words "United States," as used herein, shall be deemed to mean all land and water, continental or insular, in any way within the jurisdiction of the United States or occupied by the military or naval forces thereof.

The words "the beginning of the war," as used herein, shall be deemed to mean midnight ending the day on which Congress has declared or shall declare war or the existence of a state of war.

The words "end of the war," as used herein, shall be deemed to mean the date of proclamation of exchange of ratifications of the treaty of peace, unless the President shall, by proclamation, declare a prior date, in which case the date so proclaimed shall be deemed to be the "end of the war" within the meaning of this chapter.

¹ So in original.