

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section effective Mar. 14, 1980, see title VI of Pub. L. 96-209, set out as a note under section 1622a of this title.

REFERENCES IN OTHER LAWS TO GS-16, 17, OR 18 PAY RATES

References in laws to the rates of pay for GS-16, 17, or 18, or to maximum rates of pay under the General Schedule, to be considered references to rates payable under specified sections of Title 5, Government Organization and Employees, see section 529 [title I, § 101(c)(1)] of Pub. L. 101-509, set out in a note under section 5376 of Title 5.

SALARIES AND EXPENSES OF FOREIGN CLAIMS SETTLEMENT COMMISSION

Pub. L. 101-162, title II, Nov. 21, 1989, 103 Stat. 996, provided: "That for fiscal year 1990 and hereafter, funds appropriated under this heading ["SALARIES AND EXPENSES, FOREIGN CLAIMS SETTLEMENT COMMISSION"] shall be available for: allowances and benefits similar to those allowed under the Foreign Service Act of 1980 [22 U.S.C. 3901 et seq.] as determined by the [Foreign Claims Settlement] Commission; expenses of packing, shipping, and storing personal effects of personnel assigned abroad; rental or lease, for such periods as may be necessary, of office space and living quarters of personnel assigned abroad; maintenance, improvement, and repair of properties rented or leased abroad, and furnishing fuel, water, and utilities for such properties; insurance on official motor vehicles abroad; advances of funds abroad; advances or reimbursements to other Government agencies for use of their facilities and services in carrying out the functions of the Commission; hire of motor vehicles for field use only; and employment of aliens."

§ 1622e. Vesting of all non-adjudicatory functions, powers, and duties in Chairman of Foreign Claims Settlement Commission of the United States

All functions, powers, and duties not directly related to adjudicating claims are hereby vested in the Chairman, including the functions set forth in section 3 of Reorganization Plan Numbered 1 of 1954 and the authority to issue rules and regulations.

(Pub. L. 96-209, title I, § 105, Mar. 14, 1980, 94 Stat. 97.)

Editorial Notes

REFERENCES IN TEXT

Reorganization Plan Numbered 1 of 1954, referred to in text, is Reorg. Plan. No. 1 of 1954, July 1, 1954, 19 F.R. 3985, 68 Stat. 1279, which is set out as a note under section 1622 of this title.

CODIFICATION

Section was not enacted as part of the International Claims Settlement Act of 1949 which comprises this chapter.

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Section effective Mar. 14, 1980, see title VI of Pub. L. 96-209, set out as a note under section 1622a of this title.

§ 1622f. Administrative support and services to Foreign Claims Settlement Commission of the United States by Attorney General

The Attorney General shall provide necessary administrative support and services to the Com-

mission. The Chairman shall prepare the budget requests, authorization documents, and legislative proposals for the Commission within the procedures established by the Department of Justice, and the Attorney General shall submit these items to the Director of the Office of Management and Budget as proposed by the Chairman.

(Pub. L. 96-209, title I, § 106, Mar. 14, 1980, 94 Stat. 97.)

Editorial Notes

CODIFICATION

Section was not enacted as part of the International Claims Settlement Act of 1949 which comprises this chapter.

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EFFECTIVE DATE

Section effective Mar. 14, 1980, see title VI of Pub. L. 96-209, set out as a note under section 1622a of this title.

§ 1622g. Independence of Foreign Claims Settlement Commission of the United States; finality of Commission decisions

Nothing in this Act shall be construed to diminish the independence of the Commission in making its determinations on claims in programs that it is authorized to administer pursuant to the powers and responsibilities conferred upon the Commission by the War Claims Act of 1948, as amended [50 U.S.C. 4101 et seq.], the International Claims Settlement Act of 1949, as amended [22 U.S.C. 1621 et seq.], and Reorganization Plan Numbered 1 of 1954. The decisions of the Commission with respect to claims shall be final and conclusive on all questions of law and fact, and shall not be subject to review by the Attorney General or any other official of the United States or by any court by mandamus or otherwise.

(Pub. L. 96-209, title I, § 107, Mar. 14, 1980, 94 Stat. 97.)

Editorial Notes

REFERENCES IN TEXT

This Act, referred to in text, is Pub. L. 96-209, Mar. 14, 1980, 94 Stat. 96, which enacted sections 1622a to 1622g of this title, amended section 5316 of Title 5, Government Organization and Employees, and section 4101 of Title 50, War and National Defense, and enacted provisions set out as notes under section 1622a of this title, section 363 of former Title 31, Money and Finance, and section 7546 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Tables.

The War Claims Act of 1948, as amended, referred to in text, is act July 3, 1948, ch. 826, 62 Stat. 1240, as amended, which is classified generally to chapter 51 (§ 4101 et seq.) of Title 50, War and National Defense. For complete classification of this Act to the Code, see Tables.

The International Claims Settlement Act of 1949, as amended, referred to in text, is act Mar. 10, 1950, ch. 54, 64 Stat. 12, as amended, which is classified generally to this chapter (§ 1621 et seq.). For complete classification of this Act to the Code, see Short Title note set out under section 1621 of this title and Tables.

Reorganization Plan Numbered 1 of 1954, referred to in text, is Reorg. Plan No. 1 of 1954, July 1, 1954, 19 F.R.

3985, 68 Stat. 1279, which is set out as a note under section 1622 of this title.

CODIFICATION

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§ 1623. Claims

(a) Jurisdiction of Commission; bases for determination; fair market value

(1) The Commission shall have jurisdiction to receive, examine, adjudicate, and render a final decision with respect to any claim of the Government of the United States or of any national of the United States—

(A) included within the terms of the Yugoslav Claims Agreement of 1948;

(B) included within the terms of any claims agreement concluded on or after March 10, 1954, between the Government of the United States and a foreign government (exclusive of governments against which the United States declared the existence of a state of war during World War II) similarly providing for the settlement and discharge of claims of the Government of the United States and of nationals of the United States against a foreign government, arising out of the nationalization or other taking of property, by the agreement of the Government of the United States to accept from that government a sum in en bloc settlement thereof; or

(C) included in a category of claims against a foreign government which is referred to the Commission by the Secretary of State.

(2) In the decision of claims under this subchapter, the Commission shall apply the following in the following order:

(A) The provisions of the applicable claims agreement as provided in this subsection.

(B) The applicable principles of international law, justice, and equity. In determining the value of a claim under international law, the Commission shall award the fair market value of the property as of the time of the taking by the foreign government involved (without regard to any action or event that occurs after the taking), except that the value of the claim shall not reflect any diminution in value attributable to actions which are carried out, or threats of action which are made, by the foreign government with respect to the property before the taking. Fair market value shall be ascertained in accordance with the method most appropriate to the property taken and equitable to the claimant, including—

(i) market value of outstanding equity securities;

(ii) replacement value;

(iii) going-concern value (which includes consideration of an enterprise's profitability); and

(iv) book value.

In the case of any claim for losses in a service industry, the appropriate basis of valuation shall be presumed to be that referred to in clause (iii). For purposes of the preceding sentence, the term "service" means economic activity the output of which is other than tangible goods.

(b) Notice of filing time; publication; basis of decisions; finality of decision

The Commission shall give public notice of the time when, and the limit of time within which, claims may be filed, which notice shall be published in the Federal Register. In addition, the Commission is authorized and directed to mail a similar notice to the last known address of each person appearing in the records of the Department of State as having indicated an intention of filing a claim with respect to a matter concerning which the Commission has jurisdiction under this subchapter. All decisions shall be upon such evidence and written legal contentions as may be presented within such period as may be prescribed therefor by the Commission, and upon the results of any independent investigation of cases which the Commission may deem it advisable to make. Each decision by the Commission pursuant to this subchapter shall be by majority vote, and shall state the reason for such decision, and shall constitute a full and final disposition of the case in which the decision is rendered.

(c) Administration of oaths; examination of witnesses; subpoenas; reporting of hearings; witness fees; contempt

Any member of the Commission, or any employee of the Commission, designated in writing by the Chairman of the Commission, may administer oaths and examine witnesses. Any member of the Commission may require by subpoena the attendance and testimony of witnesses, and the production of all necessary books, papers, documents, records, correspondence, and other evidence, from any place in the United States at any designated place of inquiry or of hearing. The Commission is authorized to contract for the reporting of inquiries or of hearings. Witnesses summoned before the Commission shall be paid the same fees and mileage that are paid witnesses in the courts of the United States. In case of disobedience to a subpoena, the aid of any district court of the United States, as constituted by chapter 5 of title 28, and the United States court of any Territory or other place subject to the jurisdiction of the United States may be invoked in requiring the attendance and testimony of witnesses and the production of such books, papers, documents, records, correspondence, and other evidence. Any such court within the jurisdiction of which the inquiry or hearing is carried on may, in case of contumacy or refusal to obey a subpoena issued to any person, issue an order requiring such person to appear or to give evidence touching the matter in question; and any failure to obey such order of the court may be punished by such court as a contempt thereof.

(d) Depositions

The Commission may order testimony to be taken by deposition in any inquiry or hearing