

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 claims<sup>1</sup> 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.

#### (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

<sup>1</sup> So in original. Probably should be "claim".

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.

#### 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 pursuant 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.