

**§ 4142. Notification to claimants**

Each award or denial of a claim by the Commission, whether rendered before or after a hearing, shall include a specific statement of the facts and of the reasoning of the Commission in support of its conclusion.

(July 3, 1948, ch. 826, title II, §212, as added Pub. L. 87-846, title I, §103, Oct. 22, 1962, 76 Stat. 1111.)

**Editorial Notes****CODIFICATION**

Section was formerly classified to section 2017k of the former Appendix to this title prior to editorial reclassification and renumbering as this section.

**§ 4143. Payment of awards; priorities; limitations****(a) Order of priority of payments**

The Secretary of the Treasury shall pay out of the War Claims Fund on account of awards certified by the Commission pursuant to this subchapter as follows and in the following order of priority:

(1) Payment in full of awards made pursuant to section 4132(d)(1) and (2) of this title, and thereafter of any award made pursuant to section 4132(a) of this title to any claimant (A) certified to the Commission by the Small Business Administration as having been, on the date of loss, damage, or destruction, a small business concern within the meaning now set forth in the Small Business Act, as amended [15 U.S.C. 631 et seq.], or (B) determined by the Commission to have been, on the date of loss, damage, or destruction, a nonprofit organization operated exclusively for the promotion of social welfare, religious, charitable, or educational purposes.

(2) Thereafter, payments from time to time on account of the other awards made pursuant to section 4132 of this title in an amount which shall be the same for each award or in the amount of the award, whichever is less. The total payment made pursuant to this paragraph on account of any award shall not exceed \$10,000.

(3) Thereafter, payments from time to time on account of the other awards made to individuals and corporations pursuant to section 4132 of this title and not compensated in full under paragraph (1) or (2) of this subsection in an amount which shall be the same for each award or in the amount of the award, whichever is less. The total payment pursuant to this paragraph on account of any award shall not exceed \$35,000.

(4) Thereafter, payments from time to time on account of the unpaid balance of each remaining award made pursuant to section 4132 of this title or recertified pursuant to subsection (b) of section 4139 of this title which shall bear to such unpaid balance the same proportion as the total amount in the War Claims Fund and available for distribution at the time such payments are made bears to the aggregate unpaid balances of all such awards. No payment made pursuant to this paragraph on account of any award shall exceed the unpaid balance of such award. Payments heretofore made under section 1641i of title 22, on awards made against the Government of Hungary under section 1641b(1) of title 22, and recertified under subsection (b) of section 4139 of this title, shall be considered as pay-

ments under this paragraph and no payment shall be made on any recertified award until the percentage of distribution on awards made under section 4132 of this title exceeds the corresponding percentage of distribution on such recertified award: *Provided*, That no payment made on awards recertified under subsection (b) of section 4139 of this title shall exceed 40 per centum of the amount of the award recertified.

**(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) Aggregation of awards**

For the purpose of making any such payments, other than under subsection (a)(1), an "award" shall be deemed to mean the aggregate of all awards certified for payment in favor of the same claimant.

**(d) Death or disability of claimant**

If any person to whom any payment is to be made pursuant to this subchapter is deceased or is under a legal disability, payment shall be made to his legal representative, except that if any payment to be made is not over \$1,000 and there is no qualified executor or administrator, payment may be made to the person or persons found by the Secretary of the Treasury to be entitled thereto, without the necessity of compliance with the requirements of law with respect to the administration of estates.

**(e) Partial payment; extinguishment of rights**

Payment on account of any award pursuant to this subchapter shall not, unless such payment is for the full amount of the award, extinguish any rights against any foreign government for the unpaid balance of the award.

**(f) Losses occurring in Commonwealth of the Philippines**

Payments made under this section on account of any award for loss, damage, or destruction occurring in the Commonwealth of the Philippines shall not exceed the amount paid on account of awards in the same amount under the Philippine Rehabilitation Act of 1946.<sup>1</sup>

(July 3, 1948, ch. 826, title II, §213, as added Pub. L. 87-846, title I, §103, Oct. 22, 1962, 76 Stat. 1111; amended Pub. L. 91-571, §1(a), Dec. 24, 1970, 84 Stat. 1503; Pub. L. 104-316, title I, §128(b), Oct. 19, 1996, 110 Stat. 3841.)

**Editorial Notes****REFERENCES IN TEXT**

The Small Business Act, as amended, referred to in subsec. (a)(1), is Pub. L. 85-536, §2(1 et seq.), July 18, 1958, 72 Stat. 384, which is classified generally to chapter 14A (§631 et seq.) of Title 15, Commerce and Trade. For complete classification of this Act to the Code, see Short Title note set out under section 631 of Title 15 and Tables.

The Philippine Rehabilitation Act of 1946, as amended, referred to in subsec. (f), 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.

<sup>1</sup> See References in Text note below.

## CODIFICATION

Section was formerly classified to section 2017l of the former Appendix to this title prior to editorial reclassification and renumbering as this section.

## AMENDMENTS

1996—Subsec. (d). Pub. L. 104-316 substituted “Secretary of the Treasury” for “Comptroller General”.

1970—Subsec. (a)(1). Pub. L. 91-571, §1(a)(1), included payment to any claimant determined by Commission to have been, on date of loss, damage, or destruction, a nonprofit organization operated exclusively for promotion of social welfare, religious, charitable, or educational purposes.

Subsec. (a)(3), (4). Pub. L. 91-571, §1(a)(2), added par. (3) and redesignated former par. (3) as (4).

**Statutory Notes and Related Subsidiaries**

## PROTEST RELATING TO AWARDS BY COMMISSION; NOTICE BY PUBLICATION IN FEDERAL REGISTER

Notwithstanding the provisions of sections 4140 and 4141 of this title receipt and consideration of filed and published protests relating to awards made by the Foreign Claims Settlement Commission which result in modification of such awards shall be certified and paid by the Secretary of the Treasury out of the War Claims Fund in accordance with this section. See section 615 of Act Mar. 10, 1950, ch. 54, as added by Pub. L. 94-542, Oct. 18, 1976, 90 Stat. 2512, set out as a note under section 1623 of Title 22, Foreign Relations and Intercourse.

## RECERTIFICATION OF CERTAIN AWARDS

Pub. L. 91-571, §1(b), Dec. 24, 1970, 84 Stat. 1503, provided that: “The Foreign Claims Settlement Commission is authorized to recertify to the Secretary of the Treasury each award which has been certified before the date of enactment of this Act [Dec. 24, 1970] pursuant to title II of the War Claims Act of 1948, as added by the Act of October 22, 1962 (76 Stat. 1107) [50 U.S.C. 4131 et seq.], but which as of the date of enactment of this Act has not been paid in full, in such manner as it may determine to be required to give effect to the amendments made by this Act [amending this section] to the same extent and with the same effect as if such amendments had taken effect on October 22, 1962.”

**§ 4144. Fees of attorneys and agents**

No remuneration on account of services rendered on behalf of any claimant in connection with any claim filed with the Commission under this subchapter shall exceed 10 per centum (or such lesser per centum as may be fixed by the Commission with respect to any class of claims) of the total amount paid pursuant to any award certified under the provisions of this subchapter on account of such claim. 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 in excess of the maximum permitted by this section shall be 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.

(July 3, 1948, ch. 826, title II, §214, as added Pub. L. 87-846, title I, §103, Oct. 22, 1962, 76 Stat. 1112.)

**Editorial Notes**

## CODIFICATION

Section was formerly classified to section 2017m of the former Appendix to this title prior to editorial reclassification and renumbering as this section.

**§ 4145. Application of other laws**

To the extent they are not inconsistent with the provisions of this subchapter, the following provisions of subchapter I and title I of the International Claims Settlement Act of 1949, as amended [22 U.S.C. 1621 et seq.], shall apply to this subchapter: The first sentence of subsection (b) of section 4101 of this title, all of subsection (c) of section 4101 of this title and section 4109 of this title, and subsections (c), (d), (e), and (f) of section 7 of the International Claims Settlement Act of 1949, as amended [22 U.S.C. 1626].

(July 3, 1948, ch. 826, title II, §215, as added Pub. L. 87-846, title I, §103, Oct. 22, 1962, 76 Stat. 1112.)

**Editorial Notes**

## REFERENCES IN TEXT

Subchapter I, referred to in text, was in the original “title I of this Act”, meaning title I of act July 3, 1948, ch. 826, 62 Stat. 1240, which is classified principally to subchapter I (§4101 et seq.) of this chapter. For complete classification of title I to the Code, see Tables.

The International Claims Settlement Act of 1949, referred to in text, is act Mar. 10, 1950, ch. 54, 64 Stat. 12. Title I of the Act is classified generally to subchapter I (§1621 et seq.) of chapter 21 of Title 22, Foreign Relations and Intercourse. For complete classification of this Act to the Code, see Short Title note set out under section 1621 of Title 22 and Tables.

## CODIFICATION

Section was formerly classified to section 2017n of the former Appendix to this title prior to editorial reclassification and renumbering as this section.

**§ 4146. Transfer of records**

The Secretary of State is authorized and directed to transfer or otherwise make available to the Commission such records and documents relating to claims authorized by this subchapter as may be required by the Commission in carrying out its functions under this subchapter.

(July 3, 1948, ch. 826, title II, §216, as added Pub. L. 87-846, title I, §103, Oct. 22, 1962, 76 Stat. 1113.)

**Editorial Notes**

## CODIFICATION

Section was formerly classified to section 2017o of the former Appendix to this title prior to editorial reclassification and renumbering as this section.

**§ 4147. Administrative expenses**

There are authorized to be appropriated out of any moneys in the Treasury not otherwise appropriated such sums as may be necessary (but not to exceed the total covered into the Treasury to the credit of miscellaneous receipts under section 4336(d)<sup>1</sup> of this title) to enable the Commission and the Treasury Department to pay their administrative expenses in carrying out their respective functions under this subchapter.

(July 3, 1948, ch. 826, title II, §217, as added Pub. L. 87-846, title I, §103, Oct. 22, 1962, 76 Stat. 1113.)

**Editorial Notes**

## REFERENCES IN TEXT

Section 4336(d) of this title, referred to in text, authorized Attorney General to cover into the Treasury

<sup>1</sup> See References in Text note below.