

SUBCHAPTER VIII—CIVIL LIABILITY

§ 4041. Enforcement by the Attorney General

(a) Civil action

The Attorney General may commence a civil action in any appropriate district court of the United States against any person who—

(1) engages in a pattern or practice of violating this chapter; or

(2) engages in a violation of this chapter that raises an issue of significant public importance.

(b) Relief

In a civil action commenced under subsection (a), the court may—

(1) grant any appropriate equitable or declaratory relief with respect to the violation of this chapter;

(2) award all other appropriate relief, including monetary damages, to any person aggrieved by the violation; and

(3) may, to vindicate the public interest, assess a civil penalty—

(A) in an amount not exceeding \$55,000 for a first violation; and

(B) in an amount not exceeding \$110,000 for any subsequent violation.

(c) Intervention

Upon timely application, a person aggrieved by a violation of this chapter with respect to which the civil action is commenced may intervene in such action, and may obtain such appropriate relief as the person could obtain in a civil action under section 4042 of this title with respect to that violation, along with costs and a reasonable attorney fee.

(Oct. 17, 1940, ch. 888, title VIII, § 801, as added Pub. L. 111-275, title III, § 303(a), Oct. 13, 2010, 124 Stat. 2877.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 597 of the former Appendix to this title prior to editorial reclassification and renumbering as this section.

§ 4042. Private right of action

(a) In general

Any person aggrieved by a violation of this chapter may in a civil action—

(1) obtain any appropriate equitable or declaratory relief with respect to the violation;

(2) recover all other appropriate relief, including monetary damages; and

(3) be a representative party on behalf of members of a class or be a member of a class, in accordance with the Federal Rules of Civil Procedure, notwithstanding any previous agreement to the contrary.

(b) Costs and attorney fees

The court may award to a person aggrieved by a violation of this chapter who prevails in an action brought under subsection (a) the costs of the action, including a reasonable attorney fee.

(Oct. 17, 1940, ch. 888, title VIII, § 802, as added Pub. L. 111-275, title III, § 303(a), Oct. 13, 2010, 124

Stat. 2877; amended Pub. L. 116-92, div. A, title V, § 547(a), Dec. 20, 2019, 133 Stat. 1378.)

Editorial Notes

REFERENCES IN TEXT

The Federal Rules of Civil Procedure, referred to in subsec. (a)(3), are set out in the Appendix to Title 28, Judiciary and Judicial Procedure.

CODIFICATION

Section was formerly classified to section 597a of the former Appendix to this title prior to editorial reclassification and renumbering as this section.

AMENDMENTS

2019—Subsec. (a)(3). Pub. L. 116-92 added par. (3).

Statutory Notes and Related Subsidiaries

CONSTRUCTION

Pub. L. 116-92, div. A, title V, § 547(b), Dec. 20, 2019, 133 Stat. 1378, provided that: “The amendments made by subsection (a) [amending this section] shall not be construed to imply that a person aggrieved by a violation of such Act [the Servicemembers Civil Relief Act (50 U.S.C. 3901 et seq.)] did not have a right to bring a civil action as a representative party on behalf of members of a class or be a member of a class in a civil action before the date of the enactment of this Act [Dec. 20, 2019].”

§ 4043. Preservation of remedies

Nothing in section 4041 or 4042 of this title shall be construed to preclude or limit any remedy otherwise available under other law, including consequential and punitive damages.

(Oct. 17, 1940, ch. 888, title VIII, § 803, as added Pub. L. 111-275, title III, § 303(a), Oct. 13, 2010, 124 Stat. 2877.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 597b of the former Appendix to this title prior to editorial reclassification and renumbering as this section.

CHAPTER 51—WAR CLAIMS

SUBCHAPTER I—TITLE I OF WAR CLAIMS ACT OF 1948

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SUBCHAPTER II—TITLE II OF WAR CLAIMS ACT OF 1948

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4147.	Administrative expenses.

Editorial Notes

CODIFICATION

Act July 3, 1948, ch. 826, 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.

SUBCHAPTER I—TITLE I OF WAR CLAIMS ACT OF 1948

Editorial Notes

CODIFICATION

Pub. L. 87-846, §101, Oct. 22, 1962, 76 Stat. 1107, designated sections 2 to 17 of the War Claims Act of 1948 (act July 3, 1948, ch. 826), as "title I" of the act without supplying a name for such title, which for purposes of codification has been set out as this subchapter.

§ 4101. Foreign Claims Settlement Commission of the United States

(a) Employment of personnel; use of other facilities and services

The Foreign Claims Settlement Commission of the United States (hereinafter referred to as the "Commission") may, in accordance with the provisions of the civil-service laws and chapter 51 and subchapter III of chapter 53 of title 5, appoint and fix the compensation of such officers, attorneys, and employees, and may make such expenditures, as may be necessary to carry out its functions. Officers and employees of any other department or agency of the Government may, with the consent of the head of such department or agency, be assigned to assist the Commission in carrying out its functions. The Commission may, with the consent of the head of any other department or agency of the Government, utilize the facilities and services of such department or agency in carrying out the functions of the Commission.

(b) Rules and regulations; delegation of functions; time limit on filing of claims

The Commission may prescribe such rules and regulations as may be necessary to enable it to carry out its functions, and may delegate functions to any member, officer, or employee of the Commission. 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. The limit of time within which claims may be filed

with the Commission shall in no event be later than March 31, 1952. The Commission shall take immediate action to advise all persons entitled to file claims under the provisions of this subchapter administered by the Commission of their rights under such provisions, and to assist them in the preparation and filing of their claims.

(c) Subpenas; issuance; contempt; witness fees; administration of oaths

(1) For the purpose of any hearing, examination, or investigation under this subchapter, the Commission and those employees designated by the Commission shall have the power to issue subpenas requiring persons to appear and testify or to appear and produce documents, or both, at any designated place where such hearing, examination, or investigation is being held. The Commission or any employee so designated shall, upon application of a claimant, issue to such claimant subpenas requiring the attendance and testimony of witnesses or the production of documents, or both, required by such claimant in hearings upon his claim: *Provided*, That the claimant making such application pay the witness fees and mileage of any witness or witnesses subpoenaed upon his request. The production of a person's documents at any place other than his place of business shall not be required, however, in any case in which, prior to the return date specified in the subpoena with respect thereto, such person either has furnished the issuer of the subpoena with a copy of such documents (certified by such person under oath to be a true and correct copy) or has entered into a stipulation with the issuer of the subpoena as to the information contained in such documents.

(2) The Commission may, in case of a failure or refusal on the part of any person to comply with any such subpoena, invoke the aid of any United States district court within the jurisdiction of which the hearing, examination, or investigation is being conducted, or such person resides or transacts business. Such court may issue an order requiring such person to appear at the designated place of hearing, examination, or investigation, there to give or produce testimony or documentary evidence concerning the matter in question. Any failure to obey such order of the court shall be punishable by such court as a contempt thereof. All process in any such case may be served in the judicial district wherein such person resides or transacts business or wherever such person may be found.

(3) Witnesses subpoenaed under this subsection shall be paid the same fees and mileage that are allowed and paid witnesses in United States district courts.

(4) Any member of the Commission, and any employee of the Commission authorized by the Commission to do so, may administer to, or take from, any person an oath, affirmation, or affidavit when such action is necessary or appropriate in the performance of the functions or activities of the Commission.

(July 3, 1948, ch. 826, title I, §2, 62 Stat. 1240; May 27, 1949, ch. 145, §1(1), 63 Stat. 112; Oct. 28, 1949, ch. 782, title XI, §1106(a), 63 Stat. 972; Aug. 16, 1950, ch. 718, 64 Stat. 449; Apr. 5, 1951, ch. 27, 65 Stat. 28; 1954 Reorg. Plan No. 1 §2, 4, eff. July