

cine) intended to be used solely to relieve human suffering.

(b) As used in this section—

(1) the term “person” means any individual, partnership, association, company, or other unincorporated body of individuals, or corporation or body politic;

(2) with respect to any country with which the United States was at war on January 1, 1946, the term “date of cessation of hostilities” shall mean the date of enactment of this Act;

(3) with respect to any other war the term “date of cessation of hostilities” shall mean the date specified by proclamation of the President or by a concurrent resolution of the two Houses of Congress whichever is the earlier.

(Oct. 6, 1917, ch. 106, §38, formerly §—, as added May 16, 1946, ch. 260, 60 Stat. 182, numbered Aug. 8, 1946, ch. 878, §3, 60 Stat. 930.)

#### Editorial Notes

##### REFERENCES IN TEXT

This chapter, referred to in subsec. (a), 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 section 4301 of this title and Tables.

The date of enactment of this Act, referred to in subsec. (b)(2), probably means the date of enactment of act May 16, 1946, ch. 260, which was approved May 16, 1946.

##### CODIFICATION

Section was formerly classified to section 38 of the former Appendix to this title prior to editorial reclassification and renumbering as this section.

#### § 4336. Retention of properties or interests of Germany and Japan and their nationals; proceeds covered into Treasury; ex gratia payment to Switzerland

##### (a) Retention of properties or interests of Germany and Japan and their nationals

No property or interest therein of Germany, Japan, or any national of either such country vested in or transferred to any officer or agency of the Government at any time after December 17, 1941, pursuant to the provisions of this chapter, shall be returned to former owners thereof or their successors in interest, and the United States shall not pay compensation for any such property or interest therein. The net proceeds remaining upon the completion of administration, liquidation, and disposition pursuant to the provisions of this chapter of any such property or interest therein shall be covered into the Treasury at the earliest practicable date. Nothing in this section shall be construed to repeal or otherwise affect the operation of the provisions of section 4329, 4337, 4338, 4339 or 4340 of this title or of the Philippine Property Act of 1946 [22 U.S.C. 1381 et seq.].

##### (b) Cover into Treasury of sums received by Attorney General

The Attorney General shall cover into the Treasury, to the credit of miscellaneous receipts, all sums from property vested in or

transferred to the Attorney General under this chapter—

(1) which the Attorney General receives after August 23, 1988, or

(2) which the Attorney General received before that date and which, as of that date, the Attorney General had not covered into the Treasury for deposit in the War Claims Fund, other than any such sums which the Attorney General determines in his or her discretion are the subject matter of any judicial action or proceeding.

##### (c) Ex gratia payment to Government of Switzerland

Notwithstanding any of the provisions of subsections (a) and (b) of this section, the Attorney General is authorized to pay from property vested in or transferred to the Attorney General under this chapter, the sum of \$20,000 as an ex gratia payment to the Government of Switzerland in accordance with the terms of the agreement entered into by that Government and the Government of the United States on March 12, 1980.

(Oct. 6, 1917, ch. 106, §39, as added July 3, 1948, ch. 826, §12, 62 Stat. 1246; amended Aug. 7, 1953, ch. 344, 67 Stat. 461; Pub. L. 85-884, Sept. 2, 1958, 72 Stat. 1708; Pub. L. 87-846, title II, §§202, 204(c), Oct. 22, 1962, 76 Stat. 1113, 1115; Pub. L. 87-861, §1, Oct. 23, 1962, 76 Stat. 1139; Pub. L. 89-619, Oct. 4, 1966, 80 Stat. 871; Pub. L. 99-93, title VIII, §803, Aug. 16, 1985, 99 Stat. 449; Pub. L. 100-418, title II, §2501(a), Aug. 23, 1988, 102 Stat. 1370.)

#### Editorial Notes

##### 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, which is classified principally to this chapter. For complete classification of this Act to the Code, see section 4301 of this title and Tables.

The Philippine Property Act of 1946, referred to in subsec. (a), is act July 3, 1946, ch. 536, 60 Stat. 418, which is classified generally to subchapter V (§1381 et seq.) of chapter 15 of Title 22, Foreign Relations and Intercourse. For complete classification of this Act to the Code, see Short Title note set out under section 1381 of Title 22 and Tables.

##### CODIFICATION

Section was formerly classified to section 39 of the former Appendix to this title prior to editorial reclassification and renumbering as this section.

##### AMENDMENTS

1988—Subsecs. (b) to (f). Pub. L. 100-418 added subsec. (b), redesignated subsec. (f) as (c) and substituted “and (b)” for “through (d)”, and struck out former subsecs. (b) to (e) which related to authorizations for certain transfers of funds into the Treasury by the Attorney General for deposit into the War Claims Fund and transfer of certain paintings to the Federal Republic of Germany.

1985—Subsec. (f). Pub. L. 99-93 added subsec. (f).

1966—Subsec. (e). Pub. L. 89-619 added subsec. (e).

1962—Subsec. (a). Pub. L. 87-861 provided that nothing in this section shall be construed to repeal or otherwise affect the operation of section 4337, 4338, 4339, or 4340 of this title.

Subsec. (b). Pub. L. 87-846, §204(c), required Attorney General to cover \$500,000 into Treasury for deposit into

War Claims Fund for payments to successor organizations receiving heirless property.

Subsec. (d). Pub. L. 87-846, §202, added subsec. (d).

1958—Subsec. (c). Pub. L. 85-884 added subsec. (c).

1953—Act Aug. 7, 1953, designated existing provisions as subsec. (a) and added subsec. (b).

**§ 4337. Intercustodial conflicts involving enemy property; authority of President to conclude; delegation of authority**

The President, or such officer or agency as he may designate, is authorized to conclude and give effect to agreements to further the amicable and expeditious settlement of intercustodial conflicts involving enemy property, subject to the following:

(1) The authority granted in this section shall extend only to agreements with governments with which the United States was not at war in World War II.

(2) Such agreements shall be in accordance with the policy of protecting and making available for utilization the American and nonenemy interests in such property and further the elimination of enemy interests in such property and the efficient administration and liquidation of enemy property in the United States.

(3) For the purposes of this section, the United States as to any intergovernmental agreements hereafter negotiated shall seek treatment equal to that accorded United States nationals for persons who, although citizens or residents of any enemy country before or during World War II, were deprived of full rights of citizenship or substantially deprived of liberty by laws, decrees, or regulations of such enemy country discriminating against racial, religious, or political groups: *Provided*, That on September 28, 1950, such persons were (1) permanent residents of the United States and (2) had declared their intention to become citizens of the United States in conformity with the provisions of the Nationality Act of 1940, as amended; and that such persons shall have acquired citizenship of the United States prior to the effective date of any intergovernmental agreement hereafter negotiated.

(4) Reimbursement to the United States by other governments pursuant to such agreements shall be administered as vested property: *Provided*, That nothing contained in this section shall hinder, restrict or limit the payment of claims from the War Claims Fund established by section 4110 of this title, as amended.

(Sept. 28, 1950, ch. 1094, 64 Stat. 1079.)

**Editorial Notes**

**REFERENCES IN TEXT**

The Nationality Act of 1940, referred to in par. (3), is act Oct. 14, 1940, ch. 876, 54 Stat. 1137, which was classified principally to chapter 11 (§501 et seq.) of Title 8, Aliens and Nationality, prior to repeal by act June 27, 1952, ch. 477, title IV, §403(a)(42), 66 Stat. 280. See section 1101 et seq. of Title 8.

**CODIFICATION**

Section was formerly classified to section 40 of the former Appendix to this title prior to editorial reclassification and renumbering as this section.

Section was not enacted as part of the Trading with the enemy Act which comprises this chapter.

**Executive Documents**

**EX. ORD. NO. 10244. AUTHORIZATION OF SECRETARY OF STATE AND ATTORNEY GENERAL TO PERFORM CERTAIN FUNCTIONS**

Ex. Ord. No. 10244, May 17, 1951, 16 F.R. 4639, provided:

1. The Secretary of State and the Attorney General are hereby jointly designated as the officers authorized to conclude and give effect to agreements relating to the settlement of intercustodial conflicts involving enemy property made pursuant to the said act of September 28, 1950 [50 U.S.C. 4337], and to exercise all powers incident thereto which are conferred by such act, including, without limitation, the powers to receive, transfer, release or return property, interests therein, or proceeds thereof.

2. It is the policy of this order that the Secretary of State, with the concurrence of the Attorney General, shall perform all functions necessary or appropriate to give effect to any agreement made pursuant to the said act of September 28, 1950, with relation to the protection of American interests in property outside the United States, and that the Attorney General, with the concurrence of the Secretary of State, shall perform all functions necessary or appropriate to give effect to any such agreement with relation to property subject to the jurisdiction of the United States, and that all other functions relating to the effectuation of any such agreement shall be performed as may be agreed by the Secretary of State and the Attorney General. However, no action taken hereunder by either the Secretary of State or the Attorney General shall be considered to be invalid on the ground that under the provisions of this order such action was within the jurisdiction of the Secretary of State rather than the Attorney General, or vice versa, or that concurrence was not obtained, or that such action was not joint.

3. The Secretary of State and the Attorney General may each delegate to the other or to any other officer, person, or agency within his respective department such of his functions under this order as he may deem necessary.

4. Any money, property, or interest received as reimbursement by the United States by virtue of any agreement made pursuant to the said act of September 28, 1950, shall be administered and disposed of by the Attorney General as vested property pursuant to the said Trading With the Enemy Act, as amended [50 U.S.C. 4301 et seq.]. Any other money, property, or interest received by the Secretary of State or the Attorney General pursuant to any such agreement shall be administered and disposed of pursuant to the provisions of such agreement.

HARRY S. TRUMAN.

**§ 4338. Divestment of estates, trusts, insurance policies, annuities, remainders, pensions, workmen's compensation and veterans' benefits; exceptions; notice of divestment**

**(a) In general**

Subject to the provisions of subsection (b) hereof, all rights and interests of individuals in estates, trusts, insurance policies, annuities, remainders, pensions, workmen's compensation and veterans' benefits vested under this chapter after December 17, 1941, which have not become payable or deliverable to or have not vested in possession in the Attorney General prior to December 31, 1961, are divested: *Provided*, That the provisions of this section shall not affect the right of the Attorney General to retain all such property rights and interests and to collect all income which is payable to or vested in possession in him prior to December 31, 1961.